



## **PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

November 28, 2016

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-45**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning Bylaw Amendment  
400 Park Avenue (King George School), 405/407 Botsford Street  
Submitted by: Rose Park Avenue  
D9-NP1616 (Official Plan Amendment), D14-NP1616 (Zoning By-law Amendment)**

ORIGIN: Planning and Building Services

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#### **RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2016-45 dated November 28, 2016 regarding Application for Official Plan Amendment and Zoning By-law amendment be received and the following recommendation(s) be adopted:**

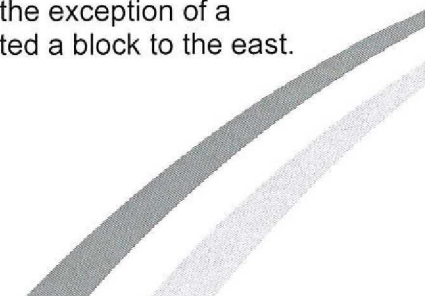
- a) **THAT the Application for Official Plan Amendment and Zoning By-law amendment as submitted by Rose Park Avenue for lands Municipally known as 400 Park Avenue, 405 and 407 Botsford Street be referred to a public meeting.**
- b) **AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- c) **AND THAT Lucila Sandoval, Groundswell Planning, 30 West Beaver Creek, Richmond Hill, ON L4B 3K1 be notified of this action.**

#### **COMMENTS**

##### **Location and Surrounding Land Uses**

The Subject Lands are bounded by Park Avenue to the north, Victoria St. to the west, Church Street to the east and Botsford Street to the south (See Location Map attached). The property has an area of approximately 0.52 hectares and includes the entire block bounded by the above noted streets with the exception of 182 Church St and 417 Botsford Street at the southeast corner of the block. The properties are municipally known as 400 Park Avenue, 405 and 407 Botsford Street.

The subject properties currently contain the former King George School and 2 semi detached dwelling units. The adjacent land uses are generally low density residential dwellings with the exception of a daycare on the east side of Church Street zoned Institutional. Main Street is located a block to the east.



## **Proposal**

Official Plan and Zoning By-law amendment applications have been submitted to permit a proposed development consisting of 11 apartment units within the former King George School building and 14 Townhomes of which 8 are proposed to front Church Street and 6 to front Botsford Street. The applicant is proposing to amend the existing Stable Residential designation to allow for the proposed townhouse dwelling type and apartment units within the former school building. The application also proposes to rezone the subject lands from the Minor Institutional (I-B) and Residential Semi Detached Dwelling (R2-K) zone to the Residential Townhouse Dwelling (R4-R) zone and the Residential Apartment (R5-T) zone to accommodate the uses.

Parking for the apartment units and the rear yard garages for the townhomes are proposed to be accessed by way of a condominium road with ingress/egress points on both Victoria Avenue and Park Avenue.

The former school building, designated under the Ontario Heritage Act, is intended to be preserved and restored and internally renovated to accommodate the 11 condominium apartment units. The proposed two storey townhome units are intended to front onto the public streets with a rear lane garage accommodating 2 vehicles per unit.

A site plan, landscape plan and elevations have been submitted in support of the applications and are appended to this report.

## **Preliminary Review**

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The first section of the PPS (Policy 1.0) relates to building strong communities. The preamble to this policy provides "Ontario's long-term prosperity, environmental and social well-being depend on wisely managing change and promoting efficient land use and development patterns".

Policy 1.1.1 sets out how "healthy, liveable and safe communities are to be sustained". This includes "promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term" and "accommodating an appropriate range and mix of residential...employment...recreation, park and open space and other uses to meet long term goals".

Policy 1.1.2 provides "sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years." And that this land shall be made available "through intensification and redevelopment, and, if necessary, designated growth areas".



Policy 1.1.3.1 provides “settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”. “Settlement areas” are defined as “urban areas...within municipalities... that are (a) built up areas where development is concentrated and which have a mix of land uses; and b) land which have been designated in an official plan for development over the long term planning horizon...”.

The proposed development is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

Policy 2.6 – titled “Cultural Heritage and Archaeology” relate to the conservation of cultural heritage and in particular the following policies relate to built heritage.

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

While the proposal continues to be reviewed, it appears to be consistent with this section of the PPS by conserving, restoring and adaptively reusing the designated school building.

#### Official Plan Considerations

The subject property is designated Stable Residential on Schedule “A” Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhouses and apartment units. The applicant is applying to amend the existing designation on the subject lands to permit the proposed residential land uses.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

The proposed development appears to be generally compatible with the surrounding uses being, for the most part, low density residential dwellings including single detached, semi detached and multiple family dwellings typically in the form of converted houses. This proposal also makes use of a structure that has existed in the community for many years. There is some concern with the internal side yard setbacks for the proposed townhouse dwellings where they abut the existing residential lots on this block. The proposed setbacks range from 1.0 to 1.2 metres which provide little space for accommodating an appropriate landscaped buffer. The overall compatibility of the proposal will be further reviewed through the process.

With regard to the physical suitability of the site to accommodate the proposed development, the lands are relatively flat with little grading challenges. A retaining wall is proposed where the site abuts the existing residential dwelling lots ranging from 1 – 1.5 metres.

The availability of hard services to accommodate the development and road access are not anticipated to cause any issues however they will continue to be reviewed by Engineering Services and reported on in a comprehensive report after the statutory public meeting is held.



### Zoning Bylaw Consideration

The Subject Property is currently zoned Minor Institutional (I-B) and Residential Semi Detached Dwelling (R2-K) zone by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to a site specific Residential Townhouse Dwelling (R4-R) zone and Residential Apartment (R5-T) to implement the proposed plan. The applicant has requested additional relief from the performance standards that will continue to be reviewed as the application is processed.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

- "3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
  - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
  - c. potential nuisance effects upon adjacent uses are mitigated;
  - d. adequate municipal services are available;
  - e. the size of the lot is appropriate for the proposed use;
  - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
  - g. the on-site parking, loading and circulation facilities are adequate; and,
  - h. public notice has been given in accordance with the *Planning Act*."

As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act may be required in the event the property is rezoned and allocation is not made available at that time.

### Heritage

The former King George School located at 400 Park Avenue is designated under the Ontario Heritage Act by By-law 1986-149. The by-law describes the reasons for the heritage designation as follows:

*The property known as King George Public School at 400 Park Avenue is worthy of designation for architectural and historical reasons. King George School, as the Town's oldest functioning public school building, is a well preserved example of early twentieth century public school architecture. It was constructed in 1912 to 1913 by Mr. McIntosh, contractor, to the plans and specifications of O.E. Trench, architect. This red brick, two storey school, which rests on a limestone block foundation, was built on the site of an earlier school, both of which were designed to serve the primary grades. Projecting two storey entrances, with exterior stairways, sided in limestone block to match the foundation, are on each of the Victoria and Park facades. The entrance bays have concrete quoins and ornamental projections above the flat roof of the building. The top of the walls of this square building incorporate decorative moulding and brick banding. The corners of the building have quoins simulated brick. Large windows, surmounted by concrete lintels, illuminate the six classrooms in this school.*

The applicant has indicated that the proposal is an adaptive reuse of the existing school and in keeping with heritage conservation principles. The general character of the building is being maintained and a restoration of the exterior fabric is intended.

The applicant has presented the proposal to the Heritage Newmarket Advisory Committee on October 11, 2016. The committee provided comments relating to the replacement of windows, opportunities for adaptive reuse of interior features and concerns with the interface between the proposed townhouses and the existing homes within the block. The committee indicated they will work with the applicant sourcing historic photographs and providing suggestions for the restoration of the former school building.



Both a stage one and stage two archaeological assessments have been carried out for the subject lands. The report recommends that, based on the findings, no further archaeological assessment for the property is required.

#### Tree Inventory and Replacement Plan

The submitted tree inventory has identified 35 trees on and within 6 metres of the subject property. Of this, 12 trees are proposed to be removed to accommodate the proposed development. There is one tree proposed to be removed on adjacent private property. The removal of this Black Walnut tree will require the homeowners consent. The report indicates protection measures in the event this tree is to be preserved.

The arborist report has been peer reviewed by the town which has identified some deficiencies with the report that will be addressed through the process. The peer review has also indicated that the above noted Black Walnut tree on private property should be preserved.

#### Traffic and Parking

The submitted traffic study has indicated that the proposed development will have no impact on the intersection operations, capacity and delay during both weekday AM and PM peak hours of the surrounding road network.

The townhouses are proposed to accommodate parking for two vehicles per unit in a laneway garage separated from the dwelling unit by a private outdoor amenity space. The proposed apartment units are supplied with 11 surface parking spaces for a total parking ratio of 1.3 spaces per unit.

The traffic operations and parking analysis is currently under review by Engineering Services.

#### Parkland

No parkland dedication is proposed for this development however a private parkette is proposed at the southwest corner of Park Avenue and Victoria Street. Lions Park is approximately 200 metres to the south and River Walk Commons is approximately 320 metres to the east. The Town will require cash in lieu of parkland in accordance with By-Law 2016-42.

#### Departmental and Agency Comments

Comments from various agencies and departments will be reviewed throughout the process and summarized in the comprehensive report to come forward after the statutory public meeting.

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This application has linkages to the Community Strategic Plan as follows:

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities

#### **COMMUNITY CONSULTATION POLICY**

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

#### **BUDGET IMPACT Operating Budget (Current and Future)**

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

Capital Budget

There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; [druggle@newmarket.ca](mailto:druggle@newmarket.ca)

Attachments

- 1 - Location Map
- 2 - Proposed Site Plan
- 3- Proposed Landscape Plan
- 4- Proposed Elevations (typical)



Commissioner Development and Infrastructure  
Services

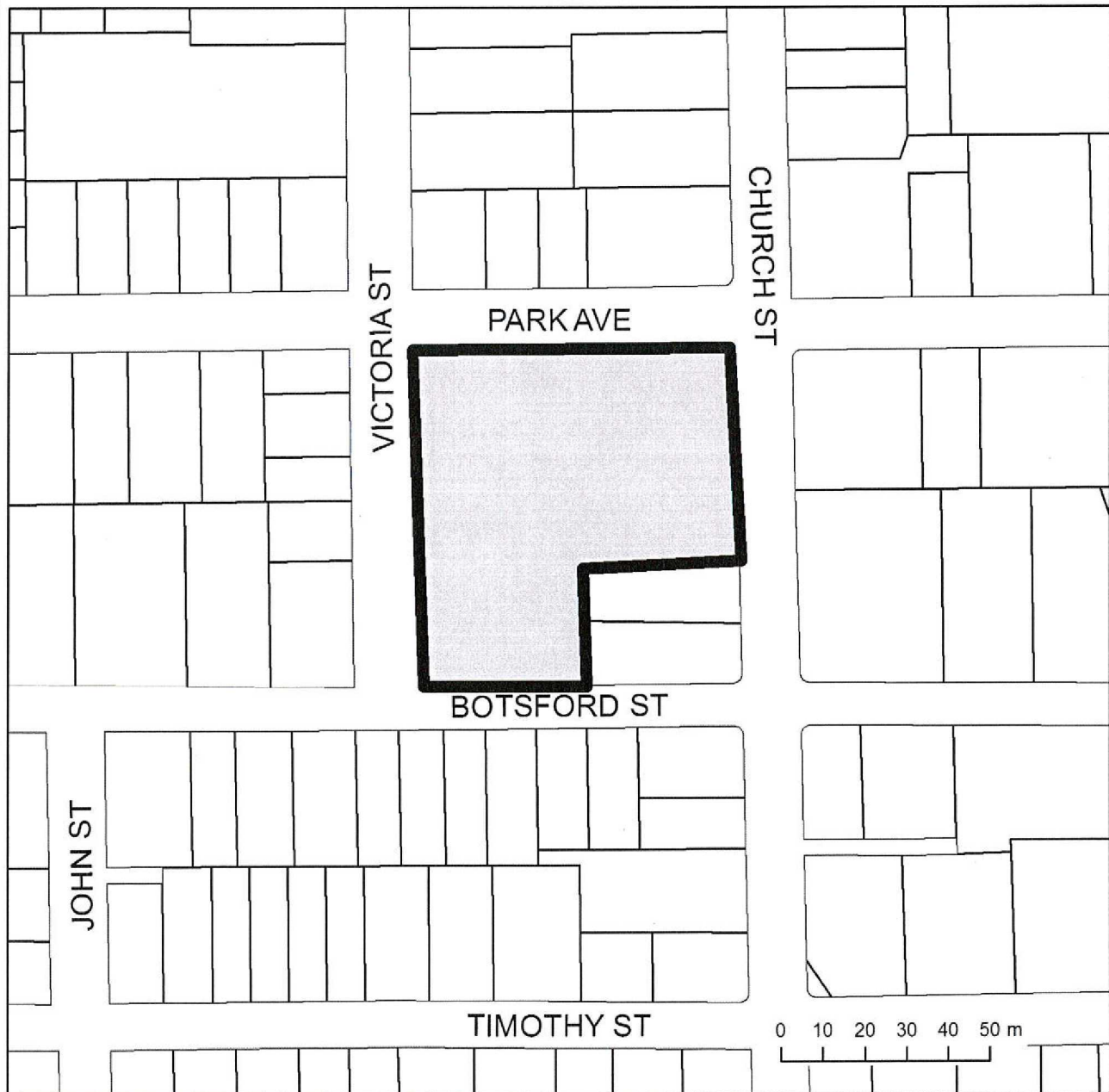


Director of Planning and Building Services



Senior Planner – Community Planning

# **LOCATION MAP** **400 park Avenue** **405 and 407 Botsford Street**



**Subject Lands**

**TOWN OF NEWMARKET PLANNING DEPARTMENT**





