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Official Plan and Zoning By-law Amendments – 1041, 1051 Davis Drive and 15, 23 Hamilton Drive Staff Report to Council

Report Number: 2024-65

Department(s): Planning and Building Services

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Meeting Date: November 11, 2024

Recommendations

1. That the report entitled Official Plan Amendment and Rezoning – 1041 Davis Drive, Fifth Avenue Homes (Newmarket) Inc. dated November 11, 2024 be received; and,
2. That the applications for Official Plan and Zoning By-law Amendments, be approved; and,
3. That staff be directed to bring forward the By-laws, including the necessary Holding provisions, to Council for approval; and,
4. That Rob Lavecchia of KLM Planning, be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Applications to amend Official Plan and Zoning By-law 2010-40 have been received. The applications seek permission to develop 24 townhouse units on the subject lands municipally addressed as 1041 & 1051 Davis Drive and 15 & 23 Hamilton Drive.

The Official Plan and Zoning By-law Amendments propose to change the land use designation and rezone the subject land changing the permitted uses and some site specific provisions. No parking reductions are proposed. As servicing has not been allocated to this proposal, the proposed Zoning By-law Amendment includes the Holding Provision to ensure allocation is provided prior to final site plan approval. Other holding provision conditions are also recommended.

Staff have reviewed the development proposal against the relevant Provincial, Regional, and local policy documents and have concluded that the proposal is in conformity with the policy framework as it relates to providing housing options, prioritizing intensification to make efficient use of land and infrastructure and supporting transit.

Should the Committee adopt the recommendation of this report, the Official Plan and Zoning By-law Amendment By-laws will be brought to Council for approval at a subsequent Council meeting.

Purpose

This report provides recommendations to Council on the applications for an Official Plan and a Zoning By-law Amendments for the subject land municipally addressed as 1041 & 1051 Davis Drive and 15 & 23 Hamilton Drive (collectively known as the subject land).

The recommendations of this report, if adopted, would result in amendments to the 2006 Official Plan and Zoning By-law 2010-40 to permit the proposed development, and apply the necessary holding provisions.

Background

The application was deemed complete on August 13, 2024. Prior to being deemed complete, the submission material was pre-circulated to internal departments and external agencies for their review and comments. After the pre-application submission reviews were completed, all departments and external agencies advised they had no objections to the proposal subject to the conditions of the Holding Provisions. A Statutory Public Meeting was held on September 16, 2024, as required by the Planning Act.

Subject Land

The subject land is comprised of four parcels, municipally know as 1041 & 1051 Davis Drive and 15 & 23 Hamilton Drive. The parcels are located north of Davis Drive and east of Hamilton Drive, see Figure 1. The subject land has frontages onto Davis Drive (60.17 metres) and Hamilton Drive (87.72 metres) and has a combined area of approximately 0.54 hectares.

There are currently four two-storey single detached dwellings on the subject land. The surrounding land uses are low density residential uses to the north and south (across from the subject land, south of Davis Drive). Commercial uses are east of the property, at the intersection of Leslie Street and Davis Drive. There are low density residential uses to the west.

A redevelopment proposal was approved in 2023 on the properties to the west of the subject land (directly across Hamilton Drive) comprising 28 residential units (24 townhouses and 4 semi-detached units). The rezoning was approved, but the applicant has not yet submitted for Site Plan Approval.



Figure 1 Location Map

The Proposal

The applicant is proposing to redevelop the subject land with 24 townhouses on a private condominium road.

The 24 three-storey townhouses are arranged in four blocks ranging from four to eight units in a row. Two blocks (total of nine units) front onto Davis Drive, one block of 7 units fronts onto Hamilton Drive and the other block (8 units) fronts onto the internal private

road (see Figure 2 – Proposed Site Plan; for a full sized version see Appendix 2). The proposed development will provide one point of vehicular access to Hamilton Drive which is part of a T-shape internal road system that provides access to all the units. Pedestrian circulation is proposed through the internal private sidewalk.

Six visitor parking spaces, including two barrier-free parking spaces have been proposed on the east side of the property. The visitor parking spaces have a sufficient landscape buffer around them. All the driveways and residential parking spaces are facing the internal road (See Figure 3). Two parking spaces per unit have been provided on driveways for 16 of the townhouse units. The remaining 8 units have one parking space on a driveway. Each dwelling includes private amenity space in the form of balconies and private rear yards.



Figure 2 – Proposed Site Plan

The subject land has been buffered appropriately from adjacent properties and public roads. To maintain the privacy of the low-rise residential uses to the north, a landscape buffer and a privacy fence have been incorporated to the design. The eastern blocks are also sufficiently distanced from the adjacent commercial use.



Figure 3 – View looking south from internal road

Amendments

The proposal requires the following amendments:

1. An amendment to the Official Plan to amend the land use designation of three of the four parcels from “Commercial” to “Residential Area”.
2. An amendment to the Zoning By-law 2010-40 to rezone the properties from “R1-C” to a Site Specific Zone to allow for the construction of 24 townhouses on the subject land.

Discussion

Planning Policy Context

The high-level policy documents which are applicable to this development review are:

The Provincial Planning Statement 2024 (PPS):

The proposal is consistent with the PPS by providing a mix of housing types within an existing settlement area, along a transit corridor, allowing for efficient use of existing infrastructure, and promoting supportive densities to facilitate a compact urban form.

The York Region Official Plan (as deemed part of the Town’s Official Plan by Bill 185 on July 1, 2024)

The proposal supports and is consistent with York Region Official Plan policies as the proposal is redevelopment and intensification along a Regional Corridor within a Protected Major Transit Stations Area (PMTSA).

Town of Newmarket Official Plan

One of the four parcels is designated Residential, and the remaining parcels are designated Commercial on Schedule A – Land Use of the 2006 Official Plan. The applicant is proposing redesignating the Commercial to the Residential Areas designation.

As the supply of greenfield lands becomes exhausted, residential development trends in Newmarket are shifting from suburban growth to urban intensification. This situation has led to a demand to redesignate lands to the Residential Areas designation where appropriate.

The objectives of the Residential Areas designation include providing a range of residential housing types, tenure, sizes, and locations; establishing zoning standards that respect the physical character of the surrounding residential neighbourhood; and encouraging a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the residential area will be maintained. The Official Plan also recognizes the desirability of gradual, ongoing change by allowing for contextually sensitive developments through *Planning Act* applications.

The Official Plan policies indicate that townhouses are permitted in the Residential Areas designation provided that it is demonstrated to the satisfaction of the Town, how the proposed development is compatible with the existing character of the neighbourhood through a Compatibility Analysis Study.

The majority of the subject lands (3 out of 4 properties) are designated Commercial in the 2006 Official Plan; however, they are zoned R1-C in Zoning By-law 2010-40 which does not conform to the current Official Plan designation. There is no evidence that these properties have been used commercially. The redesignation as proposed brings the Official Plan and the Zoning By-law into alignment. Additionally, removing the lands from the Commercial designation supports the Town's residential intensification goals.

As outlined in Section 12.4 (Compatibility) of the Official Plan, the applicant will be required to demonstrate how the design fits with the existing character of the surrounding area. The proposed townhouses represent a more intensive form of residential uses which reflect their location next to an arterial road, and are of a compatible scale to the surrounding residential dwellings and proposed townhouses across the street on northwest side of Davis Drive and Hamilton Drive. Any impacts would be further minimized by the landscaping buffer, sufficient setbacks and height limitation. Staff are confident that setbacks, privacy fences, and plantings would mitigate the impact of the new neighbours.

An appropriately sized landscape buffer (varies in width from 3.4 metres to 2.6 metres) is proposed on the north side of the development. This landscape buffer allows for screening and tree planting along the shared property line and within the landscape buffer. The

applicant is also proposing a 1.8 metre wood privacy fence along all shared lot lines. This is the maximum height permitted for residential fences in the Town's Fence By-law.

Should the Official Plan and Zoning By-law Amendments be approved, the detailed architectural elements (including building design, façade/roof articulation, and colours/materials), and above noted landscaping and fencing details, would continue to be reviewed through the future site plan process.

It is staff's opinion that based on the type and location of the proposed units, as well as the composition of the surrounding area, the townhouses are compatible with the existing neighbourhood; the proposal meets the intent of the Residential Areas designation.

Official Plan Policy for Zoning By-law Amendments

Section 16.1.1 of the Town's Official Plan sets out the criteria for considering Zoning By-law Amendments. In considering such amendments, Council shall be satisfied that:

a. The proposed change and rezoning are in conformity with this Plan;

The proposed and rezoning will allow for the development of townhouse units. The subject land is adjacent to low-rise residential areas and the redesignation of the Official Plan as discussed above will maintain the residential character of the existing lots and the surrounding area and is compatible with the existing residential neighbourhood. Should the OPA of the subject land be approved, the Zoning By-law Amendment will conform to the Official Plan.

b. The proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

The proposal has provided an appropriate landscape buffer around the subject land and the proposed visitor parking spaces to mitigate impacts between the adjacent residential uses and the development site. The applicant is also providing a fence to maintain the privacy of the immediate neighbour to the north. Moreover, sufficient setbacks have been provided to screen the blocks fronting onto Davis Drive and Hamilton Drive from the public roads.

c. Potential nuisance effects upon adjacent uses are mitigated;

It is acknowledged that the implication of nuisance impacts listed here are intended to relate to those between heavy industrial or noxious uses. There are no nuisance impacts between two residential uses. However, the applicant has adequately addressed any potential impacts related to the changes in the intensity of the residential use. Appropriate fencing and landscape planting will mitigate impacts between residential uses (north side of the subject land).

d. Adequate municipal services are available;

The submitted reports have demonstrated that the development can have access to adequate servicing infrastructure. A holding provision will be used, conditional upon

servicing allocation being granted by Council. Engineering Services has advised that there are no objections to the Zoning By-law Amendment.

e. The size of the lot is appropriate for the proposed use;

The proposed lot sizes are appropriate for the proposed residential development.

f. The site has adequate road access and the boundary roads can accommodate the traffic generated;

The applicant has submitted a Traffic Impact Study which have been found to be acceptable.

g. The on-site parking, loading and circulation facilities are adequate;

The proposal provides for sufficient parking for both residents and visitors. The standards required by the Zoning By-law has been met, and the applicant is providing more parking spaces than required. The applicant is not seeking a parking reduction.

h. Public notice has been given in accordance with the Planning Act.

Public notice has been provided in accordance with the *Planning Act* for the Statutory Public Meeting and the notice of complete application.

Based on the above analysis, the Official Plan criteria for considering and approving a Zoning By-law Amendment have been met.

Town of Newmarket Zoning By-law 2010-40

The subject land is currently zoned Residential Detached Dwelling 18m (R1-C) by Zoning By-law 2010-40. Townhouses are not permitted in this zone.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site specific zone that would permit townhouses on a private road, subject to site specific zone provisions. Generally, maintaining the residential nature of this area is compatible with the surrounding neighbourhood and conforms to the Official Plan policies for Residential Area designation. The proposal is consistent with the approved townhouse development across the street on Hamilton Drive. Additionally, the subject land is located along an arterial road, therefore, a higher density compared to the low-residential single detached is appropriate. Any Zoning concerns have been addressed through height limitations, sufficient landscaping and proper setbacks. The more salient site specific zone provisions are:

- Height: the applicant is proposing three-storey townhouses with a maximum height of 11 metres. The proposed maximum height is appropriate to create a proper streetscape along Davis Drive and is compatible with the newly approved townhouses across the street on northwest side of Davis Drive and Hamilton Drive.
- Setbacks from the private road: the applicant is proposing a 6-metre setback from the internal road which will create sufficient driveways facing the internal road.
- Setbacks from Davis Drive: the applicant is proposing a 3-metre setback from Davis Drive (excluding future regional road widening). The proposed setback provides an

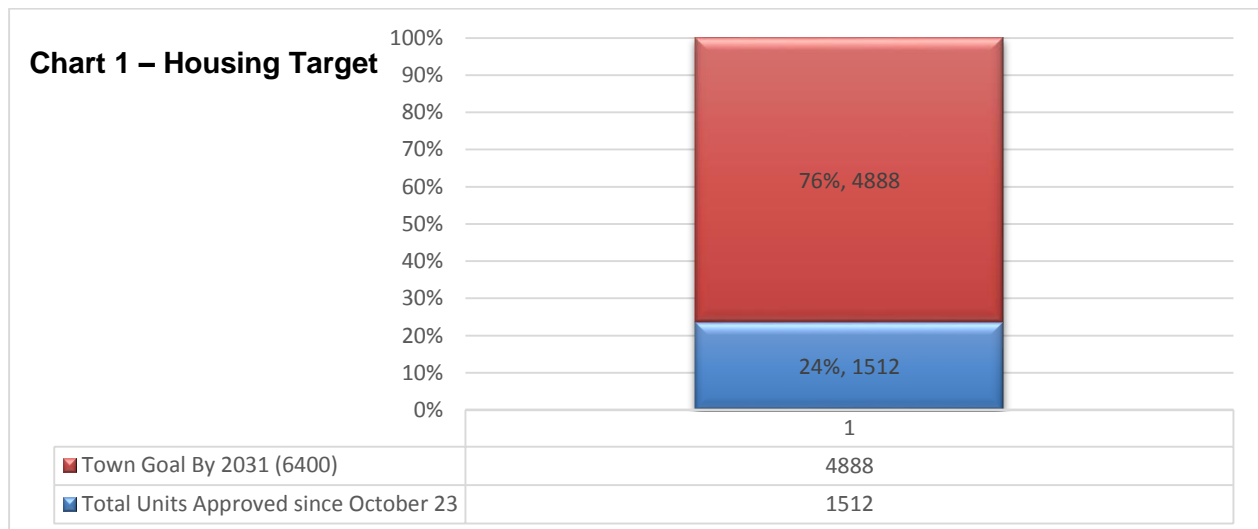
appropriate landscaped area with pedestrian access to the units fronting onto Davis Drive.

- Setback from the west property line: 5.5 metres setback has been proposed for the units fronting onto Hamilton Drive. This is an appropriate setback, providing for adequate landscaping.
- Setback from the east property line: the units that are adjacent to the existing commercial use have setbacks ranging from 10 – 12.5 metres. This will provide sufficient buffer (in the form of private amenity space) between the proposed townhouses and current commercial use.
- Landscaping Buffer: a proper landscaping buffer has been provided where the site is adjacent to the existing residential uses (3 – 3.41 metres). A small portion of the landscape buffer setbacks 2.6 metres from the property line, however, that portion is close to the existing garage on the adjacent property (33 & 35 Hamilton Drive). A fence and proper vegetation have been proposed to be installed and planted along the northern property line to maintain the privacy and screening the residential uses.

Development Considerations

Housing Pledge

In October 2023, Council approved the Town’s housing pledge of approving 6,400 housing units by 2031 (Chart 1). 1512 residential units have already been approved since October 2023.



If approved, this application would bring the total approved residential units to 1536, or 24% of our goal.

Servicing Allocation

To date, servicing has not been allocated to this development. Servicing allocation will be considered in the annual servicing allocation report, scheduled for a future Committee of the Whole Meeting. A Holding provision in the By-law is recommended to ensure servicing is in place prior to the development proceeding.

Affordable Housing

The York Region Official Plan has a key guiding planning principal of a region-wide target that a minimum 35% of all new housing units within Regional Centres and Major Transit Station Areas (MTSA) are affordable to low and middle-income households. This is comprehensive of all development applications within the MTSA's and may not necessarily be achieved by each individual application.

Staff continue to review the affordable housing requirements with the applicant. It is recommended that a holding provision be applied to the Zoning By-law until such time as staff is satisfied that the affordable housing policies are achieved.

Holding Provision

In accordance with Section 36 of the *Planning Act*, Council may impose Holding Provisions ('H') on a Zoning By-law Amendment to limit the use of land until the 'H' conditions are satisfied. In this application, the proposed Zoning By-law Amendment include Holding Provisions for:

- Execution of a Site Plan Agreement;
- Servicing Allocation;
- Addressing the Affordable Housing policy to the satisfaction of Town staff; and

Future Applications

Should the Official Plan Amendment and Zoning By-law Amendment be approved by Council, future applications will include a Site Plan Approval and Condominium Approval applications. An application to remove the Holding Provision would also be required.

Conclusion

The proposed Official Plan and Zoning By-law Amendment applications have been processed per the *Planning Act* including circulation to the Town's internal departments and external agencies. No concerns have been identified.

The proposal supports the goals of the Official Plan and conforms to or does not conflict with the Provincial Planning Statement, and the York Region Official Plan.

Staff recommend approval of the applications, subject to the application of specific holding provisions. Further review and refinement of the application will take place through detailed design as part of the Site Plan Approval process, within the parameters of the proposed zoning.

Business Plan and Strategic Plan Linkages

- Community and economic vibrancy
- Extraordinary places and spaces

Consultation

Agency and Department Comments

The application and associated technical reports were circulated to all internal departments and external agencies. Comments received indicate there is no objection to the proposed Official Plan and Zoning By-law Amendment applications, subject to the conditions of the proposed Holding Provisions. Any noted technical comments will be addressed through a future Site Plan Application.

Effect of Public Input

A Statutory Public Meeting was held on September 16, 2024. This meeting provided the public and interested persons an opportunity to comment on the application.

Comments were received from the public and members of Council at the Statutory Public Meeting. Members of the public also provided comments through email before and after the Public Meeting. The following sections outline the nature of the comments and how they have been addressed.

Landscape buffer on north side of the subject land

Comments were made about the landscape buffer on north side of the development. The subject land is adjacent to a single detached residential property to the north. The Zoning By-law requires a 3-metre landscape buffer for townhouse development abutting a residential use.

Initially a narrower landscape buffer was proposed. The applicant has since revised the proposal to increase the landscape buffer on north side of the subject land. Currently, the proposed northern landscape buffer is 3 metres, except for a small portion on northwest side of the subject land (2.6 metres). This portion of the development is close to the existing garage, not the dwelling. The rest of the north landscape buffer maintains the 3-metre required landscape buffer. Appropriate vegetation has been proposed to be planted on the landscape buffer to create a visual separation between the properties. Additionally, the applicant is proposing a 1.8 metre privacy fence along the northern property line.

Traffic

Comments were made regarding the future traffic flow at the Public Meeting. The applicant has submitted a Traffic Impact Study stating that considering future population of this area, the increased traffic will not adversely affect the neighbourhood. The study was reviewed by Engineering Services, York Region and CYFS; no concerns were raised.

Parking

Planning Services has received comments regarding the parking spaces. The applicant is providing single and double car garage units to optimize parking availability and

presenting various unit types while complying with the Zoning By-law requirements. The parking space requirement for this development is 42 spaces (including 1 type A and 1 type B Barrier-free parking spaces) and the applicant is proposing 46 parking spaces. The applicant is not seeking a reduction of parking spaces.

Amenity Spaces

A comment was made regarding an outdoor play area for the townhouses. Zoning By-law 2010-40 does not have a requirement to provide play areas for townhouses. However, as part of the development application, the applicant is required to pay cash-in-lieu of parkland dedication to the Town which is used to offset increased pressure on public amenity spaces from the new residents. In terms of private amenity space, the Zoning By-law sets standards for backyards and balconies, ensuring there is private amenity space for each unit. The applicant is proposing proper backyards and balconies to provide private amenity spaces for all the units.

Human Resource Considerations

None.

Budget Impact

The appropriate planning application fees have been received for this application. The Town will also receive revenue from development charges associated with this development.

Attachments

Appendix 1 – Location Map

Appendix 2 – Applicant's Concept Site Plan

Appendix 3 – Proposed Official Plan Amendment

Appendix 4 – Proposed Zoning By-law Amendment

Submitted by

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Approved for Submission

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