

**Subject:** Applications for Draft Plan of Subdivision and Zoning By-law Amendment – 12724 and 12822 Tenth Line [File Nos. 19T(W)-19.002 and ZBA19.012]

**Staff Report No.** DS-064-24

**Department/Commission:** Development Services Commission

**Date:** December 11, 2024

**Recommendation:**

- 1) That Council approve the Application for Draft Plan of Subdivision File No. 19T(W)-22.004 in principle and staff report back to Council with recommended conditions draft plan approval upon final approval of Official Plan Amendment No. 155, for the Old Elm Old Elm Major Transit Station Area; and,
- 2) That Council approve the Application for proposed draft zoning by-law amendments File No. ZBA19.012 in principle, as attached to this report; and,
- 3) That staff bring forward a By-law for passing at a future date, to amend the Town of Whitchurch-Stouffville’s Comprehensive Zoning By-law 2010-001-ZO by applying site-specific zones; and,
- 4) That Council confirm that notwithstanding that the proposed Zoning By-law amendment as attached to this report is different than the Zoning By-law amendment as proposed at the September 28, 2021, Public Meeting, the revisions are minor in nature and that no further Statutory Public meeting is required.

**Report Highlights**

- Applications have been submitted by SvN Architects and Planners (“Authorized Agent”) on behalf of 2605552 Ontario Inc., Newstone Development (“the Applicant”), that seeks draft plan approval to facilitate the development of a higher density, compact, mixed-use area to support the Old Elm Major Transit Station Area.
- The applications have been reviewed in consideration of Provincial, Regional and Town policies and Staff are of the opinion that the applications are consistent with/conforms to those policies.

## 1. Purpose:

The purpose of this Report is to assess the merits of and make a recommendation respecting the applications for a Draft Plan of Subdivision and Zoning By-law Amendment for the lands municipally known as 12724 and 12822 Tenth Line (the “Subject Lands”), which if approved would permit the construction of a mixed-use plan of subdivision.

## 2. Background:

### 2.1 Location

The abutting subject properties front onto the west side of Tenth Line in Lincolnville and are bisected by the GO rail line, as shown in Figure 1 – Location Map below. The Owner is seeking approval of a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the development of the east portions of the subject properties (east of the GO rail line) as shown in red outline on the Location Map (refer to **Attachment 1**). The combined area of the east portions of the subject properties is approximately 15.0 hectares.

### 2.2 Surrounding Land Uses

Below is a description of the adjacent land uses:

**North:** Metrolinx lands/future Lincolnville GO Station.

**East:** Tenth Line and rural/agricultural lands.

**South:** Residential plan of subdivision.

**West:** Metrolinx/GO rail line and other lands owned by proponent.

## 3. Analysis:

### 3.1 Development Proposal

A copy of the proposed plan of subdivision is shown on **Attachment 2**, and the submitted concept site plan for the subject lands is shown on **Attachment 3**. The proposed draft plan of subdivision consists of:

- Blocks A, B and C for 1,162 units on a total of 7.1 hectares
- Block A will also provide 3,206 square metres of non-residential floor area
- 1.67 hectare park block located in the southwest quadrant of the site along the rail corridor and greenlands system
- 0.17 hectare park block located in the northeast corner of the site near the Tenth Line and the Metrolinx lands

- 4.32 hectare environmental protection block along the east side of the rail corridor
- 0.66 hectare stormwater management block in the southwest part of the site

The west portions of the subject properties (west of the rail line) are subject to separate, active applications for draft plan of subdivision and zoning by-law amendment [File Nos: 19T(W)-21.001 and ZBA21.001]. These applications were deemed complete in 2021 and are under review.

The subject lands abut and surround the north, west and south sides of a 2.02 hectare property that is also contemplated for development (12762 Tenth Line). Applications for draft plan of subdivision and zoning by-law amendment File Nos: 19T(W)-20.007 and ZBA20.001] were deemed complete in 2021 and are under review.

The Concept Site Plan shows the following:

- A total of 1,162 residential units consisting of:
  - 562 apartment units
  - 548 stacked back-to-back townhouse units
  - 52 back-to-back townhouse units
- 1,796 parking spaces are shown on the concept plan consisting of:
  - 84 at-grade spaces
  - 1,302 below-grade spaces (P1)
  - 410 below-grade spaces (P2)
- The apartment buildings between the proposed east-west collector road (Street 'A') and the north property line, range in height from 6 to 12 storeys with the highest concentration in density in the northeast corner closest to the Metrolinx property (~404 apartment units).
- In addition to the proposed east-west collector road, local roads and private condominium roads for townhouse blocks are proposed.
- A proposed 0.17 hectare park in the northeast corner of the site centres around the protected White Elm heritage tree.
- Commercial uses within the proposed mid-rise will be provided at grade fronting onto Tenth Line. The proposed ground level commercial uses will also provide daily convenience to the future residences and surrounding community.
- A Provincially Significant Wetland with 30-metre-wide buffer is shown along the western part of the subject lands along the rail corridor. An evaluated wetland is shown along the north property line.

### 3.1.1 Urban Design and Landscape Design Scheme

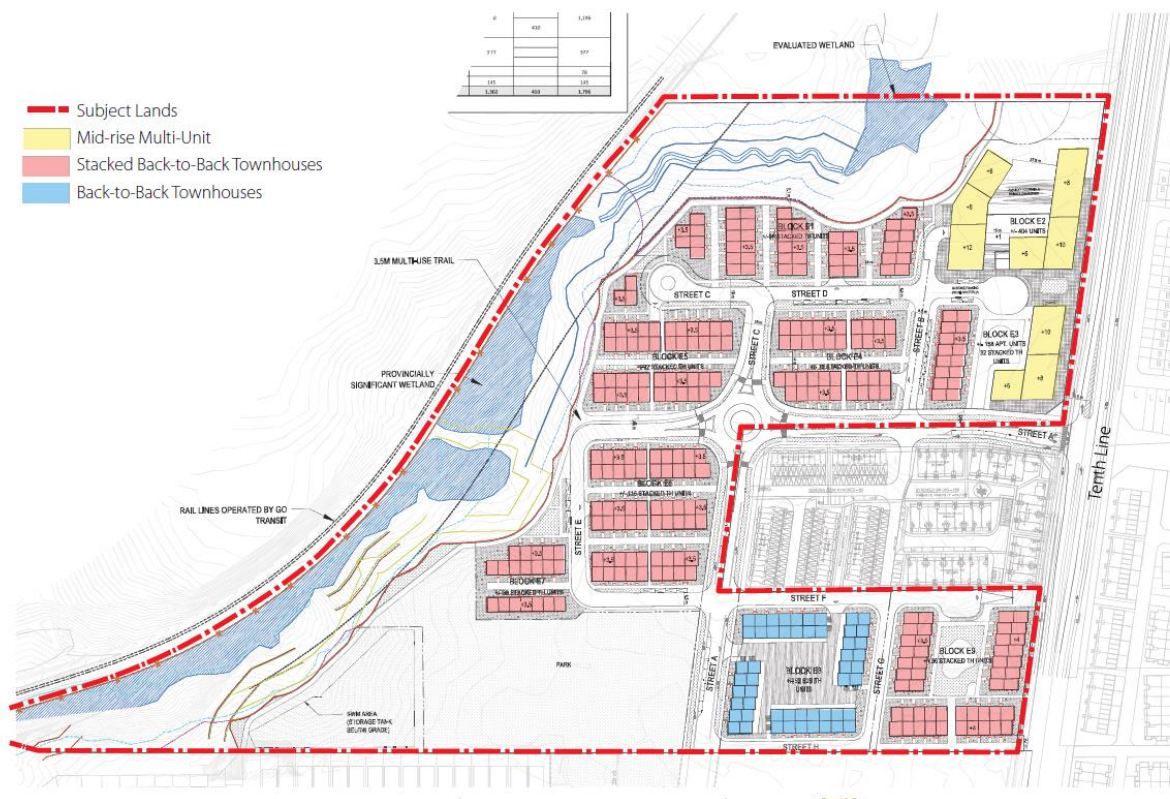
In response to Town’s staff comments and in light of the Town’s Urban Design Guidelines and Old Elm Urban Design Guidelines, the applicant has submitted a Urban Design Brief and Planning Justification report that provides direction on the urban design scheme for the overall proposed development. Some of the highlights include but not limited to the following:

#### Built Form

The proposed development includes an intermixing of housing types and a variety of visible building elements and materials within each block, including 3 storey tall back-to-back townhouse units, 3.5 storey tall back-to-back stack townhouse units, and 6 to 12 storey tall mid-rise buildings with at grade commercial fronting Tenth Line, a major collector road, creating an active street wall. The taller buildings height transition to the GO Station where the highest density taller built form will be placed adjacent to the station area. The proposal will provide underground and surface parking for residents and visitors. At grade parking opportunities are provided at strategic locations, to increase accessibility within the development.

Figure 1 below show a copy of the concept plan that shows the types of built form and heights.

**Figure1 - Proposed Building Heights and Residential Types**



## Landscape Design

- Outdoor gathering and recreational opportunities provided in the community.
- Townhouse clusters include courtyards and terraces, interconnected by pedestrian walkways and trails, leading to the Greenland System.
- Gathering spaces and activity areas oriented towards primary frontages and streets wherever appropriate, to create an active public realm.
- The mid and high-rise building cluster to the north is designed to frame a publicly accessible private space (POPS) courtyard, designed with stairs and terraces to integrate the existing grading, while providing opportunities for performances, gatherings and active transport and possible location for public art.
- Mid-rise buildings and stacked back-to-back townhouses adjacent to Tenth Line to provide a generous setback to allow for a high quality landscape frontage and pedestrian amenities, and connects with the GO Station

Figure 2 below shows a conceptual Landscape design for the proposed Plan of Subdivision.

**Figure 2 – Conceptual Landscape Plan**



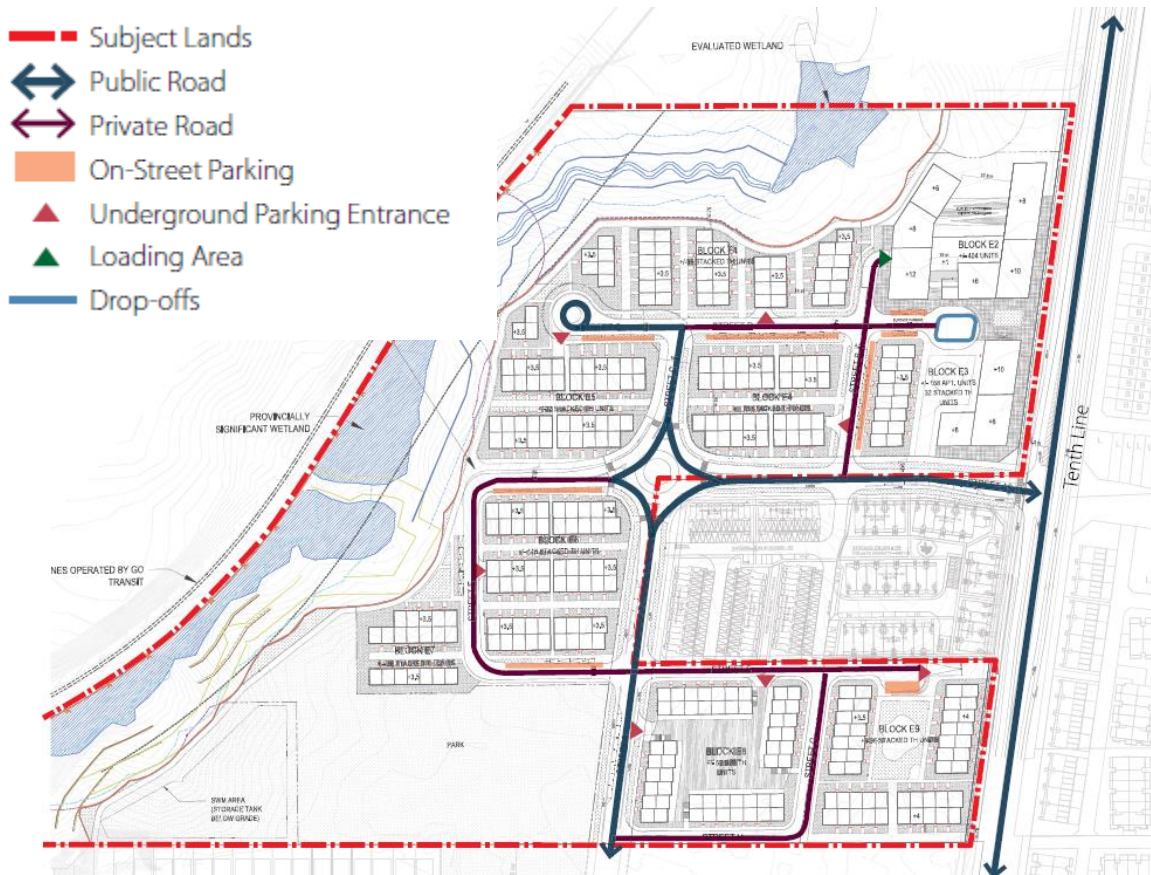
## Roads and streets

- A new public road is proposed on the Subject Lands that directly connects to the Tenth Line collector road, as envisioned in OPA 155. This will serve as the main access-way that connects to the development’s private roads.



Figure 3 below shows the proposed road network for both public and private roads for the subdivision.

**Figure 3 – Road Network**



**Pedestrian circulation**

- The proposed block, street layout, and siting of the stacked back-to-back townhouses, back-to-back townhouses, and high- and mid-rise residential buildings emphasize on creating a pedestrian oriented environment that prioritizes visibility and safe pedestrian linkages. Multi-use trails are proposed along the Greenland System and continue through the development to encourage active transportation options for residents of the proposed community and beyond.

Figure 4 below shows the pedestrian circulation concept proposed the proposed development.

**Figure 4 – Pedestrian circulation**

### 3.2 Supporting Documents

Several plans and studies have been submitted in support of the applications, including:

- Proposed Draft Plan of Subdivision
- Planning Justification Report
- Urban Design Brief
- Shadow Study
- Geotechnical Report
- Hydrogeological Study
- Functional Servicing Report
- Traffic Impact Analysis
- Parking Demand Study
- Archaeological Resource Assessment
- Environmental Impact Study
- Tree Preservation Report
- Salt Management Plan

### 3.3 Applicable Policies

This section analyzes the conformity and consistency with the current and relevant policy environment and this analysis forms a part of the review of the planning application. The

review will include Provincial Plans and policies, the York Region Official Plan, and the Town's current Official Plan and Zoning By-law.

### **3.3.1 Provincial Policy Statement 2024**

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS 2024 came into effect on October 20, 2024 and replaces the Provincial Policy Statement, 2020 and the Growth Plan 2019. The new PPS 2024, is a consolidated statement of provincial land use policies. The PPS 2024, focuses on land-use policy changes to enable municipalities to plan for and support development by increasing housing supply – encouraging intensification, better infrastructure, while fostering the long-term viability of rural area, and balancing the protection of agricultural lands, the environment, public health and safety. For this purpose, decisions and comments made by the Town are to maintain consistency with the new PPS 2024. Within the PPS 2024, the following policy sections are relevant to the proposed applications:

Section 2.2 (Housing) speaks to Planning authorities providing for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents, by promoting densities for new housing that efficiently uses land, resources, infrastructure, and public service facilities.

Section 2.3 (Settlement Areas) focuses on the growth and development of settlement areas that are to efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, support active transportation, and overall density through intensification and redevelopment to support the achievement of complete communities.

Subsection 2.4.2 (Major Transit Station Areas) identifies minimum density targets within and in proximity to major transit station areas.

Section 3.6 (Sewage, Water and Stormwater) speaks to accommodating forecasted growth in a timely manner that promotes efficient use and optimization of existing services. These services are to be sustained, feasible, financially viable, ensure the protection of human health and safety, the environment (with respect to quality and quantity of water), and align with comprehensive municipal planning. Servicing is to be considered at all stages of the planning process.

Section 3.9 (Trails and Open Space) speaks to the promotion of healthy, active and inclusive communities through the provision of publicly accessible, built and natural settings for recreation, including parklands, open space areas, trails and linkages, while minimizing negative impacts on existing natural areas.



Section 4.1 (Natural Heritage) speaks to those natural features and areas to be protected for the long term. York Region is within Ecoregion 6E & 7E, as identified in Chapter 7 of the PPS, 2024. Section 4.1.5 and 4.1.8 states that development and site alteration shall not be permitted within or adjacent to significant woodlands and natural heritage features in Ecoregions 6E and 7E, unless it's been demonstrated that there will be no negative impacts on the natural features or with their ecological functions.

Section 4.2 (Water) speaks to the protection, improvement or restoration of the quality and quantity of water by respectfully using the watershed for ecologically meaningful scale for integrated and long-term planning, and planning for efficient and sustainable use of water resources.

Chapter 6 (Implementation and Interpretation) outlines the applicability of the PPS, 2024. Section 6.1.5 states that Official Plans are to identify set out the appropriate land use designations and policies, that are clear, reasonable and attainable to reflect and protect provincial interests. Official Plans are to be in keeping with the PPS, 2024, and decisions must be made in accordance with the PPS, if municipal documents are not yet updated to conform.

Staff are of the opinion that the proposed development which is set to provide a range of unit types and sizes, commercial uses and will contribute to the Town's open space and active transportation network through the dedication of the Natural Heritage System Block, achieves the intent of the policies within the new PPS 2024.

On this basis staff is of the opinion that the proposed development represents good planning and a form of development appropriate for the subject lands.

### **3.3.2 York Region Official Plan (YROP)**

The subject lands fall within the Town's and Villages designation of the YROP, and the Regional Greenlands System also applies to part of the western part of the subject lands. The Old Elm GO Station has been identified as a Major Transit Station Area in the YROP.

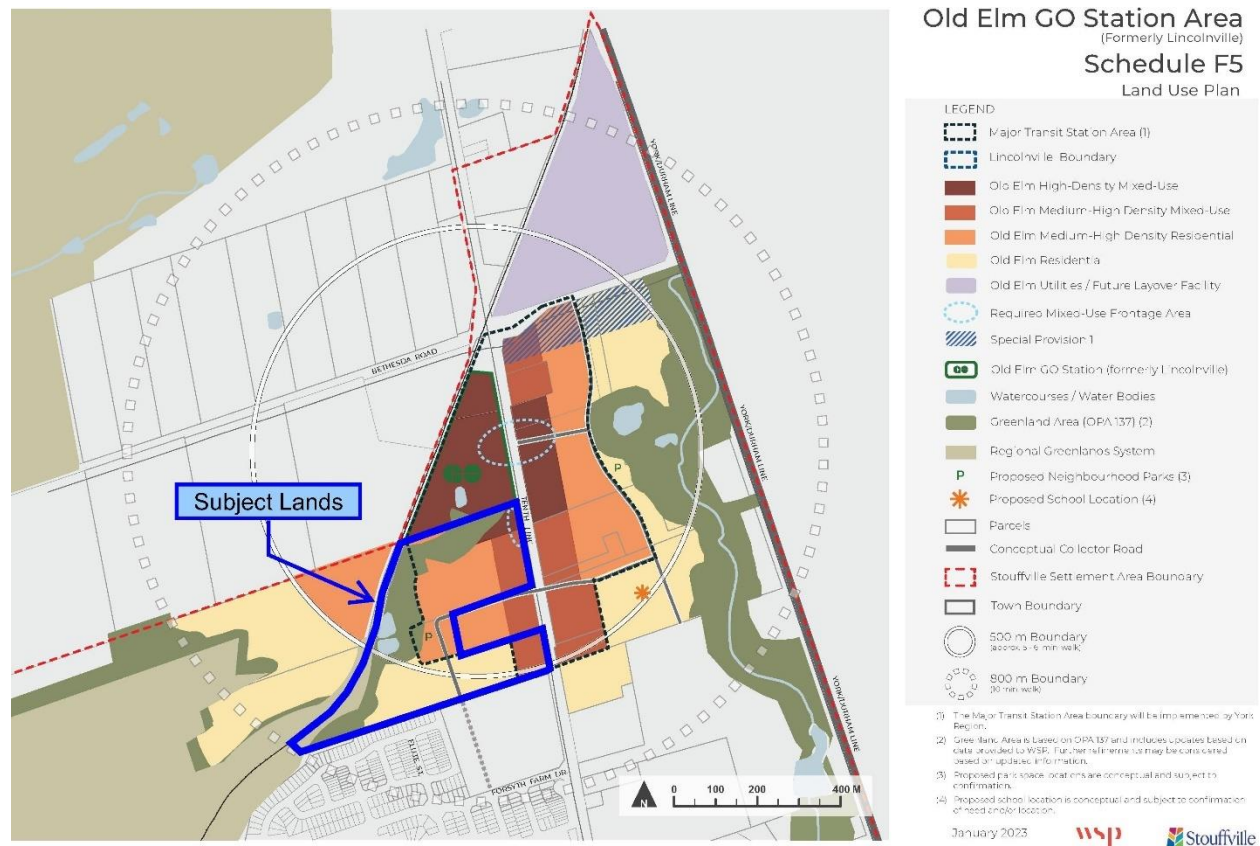
The proposed development is in conformity with the York Region Official Plan.

### **3.3.3 Official Plan Amendment No. 155 – Old Elm GO Station Area**

Official Plan Amendment No. 155 (OPA 155) was adopted by the Town on February 1, 2023 to establish a policy framework to guide development in proximity to the Old Elm (formerly Lincolnville) GO Station.

OPA 155 would redesignate the subject lands to Old Elm High-Density Mixed-Use, Old Elm Medium-High Density Mixed-Use, Old Elm Medium-High Density Residential, Old Elm Residential and Greenland Area, as shown in Figure 5 below.

**Figure 5 – Proposed Old Elm GO Station Area Land Use Plan, Schedule F5**



It is noted that a portion of the subject lands, designated Old Elm Residential and Greenland Area are located outside of the MTSA boundary but within the 500 metres of the GO station.

Table 1 below provides a summary of land uses, heights and densities for each of the proposed land use designations that would apply to the subject lands.

**Table 1 – Summary of Permitted Uses, Heights and Densities from Proposed OPA 155**

Lincolnville Land Use Designations	Permitted Uses	Height	Density
<b>Old Elm High-Density Mixed-Use</b>	<ul style="list-style-type: none"> <li>Mixed-use buildings with at-grade commercial and/or office uses and upper-storey apartments and/or offices</li> <li>Offices</li> <li>Apartments, stacked townhouses and back-to-back stacked townhouses, including live-work units</li> <li>The GO Transit Station and associated uses including accessory commercial and office uses</li> </ul>	<p>5 to 8 storeys (approx. 17 to 26 m)</p> <p>Taller buildings, not exceeding 12 storeys (approx. 38 m), are permitted, subject to criteria</p>	<p>200 to 520 units per net ha (about 175 to 450 units per gross ha)</p>

Lincolnvile Land Use Designations	Permitted Uses	Height	Density
	<ul style="list-style-type: none"> <li>- Accessory uses including home occupations</li> <li>- Restaurants, banks and similar commercial services, personal service shops, medical offices, day care uses, convenience retail and small-scale retail uses</li> </ul>		
<p><b>Old Elm Medium-High Density Mixed-Use</b></p>	<ul style="list-style-type: none"> <li>- Mixed-use buildings with at-grade commercial and office uses and upper-storey apartments and/or offices</li> <li>- Offices</li> <li>- Apartments</li> <li>- Stacked townhouses and back-to-back stacked townhouses</li> <li>- Live-work units in the form of apartments and townhouse units as permitted above</li> <li>- Accessory uses including home occupations in conjunction with townhouse units</li> <li>- Restaurants, banks and similar commercial services, personal service shops, medical offices, day care uses, convenience retail and other small-scale retail uses within the ground floor of mixed-use buildings</li> </ul>	<p>3 to 8 storeys (approx. 11 to 26 m)</p> <p>Taller buildings, not exceeding 10 storeys (approx. 32 m), are permitted, subject to criteria</p>	<p>80 to 450 units per net ha (about 70 to 400 units per gross ha)</p>
<p><b>Old Elm Medium-High Density Residential</b></p>	<ul style="list-style-type: none"> <li>- Apartments</li> <li>- A full range of townhouses, including street townhouses, back-to-back townhouses, back-to-back stacked townhouses, laneway townhouses and stacked townhouses</li> <li>- Live-work townhouses where buildings front onto collector roads or Tenth Line</li> <li>- Accessory uses including additional residential units and home occupations</li> </ul>	<p>2 to 5 storeys (approx. up to 17 m)</p> <p>Taller buildings, not exceeding 10 storeys (approx. 32 m), are permitted, subject to criteria</p>	<p>55 to 450 units per net ha (about 45 to 400 units per gross ha)</p>
<p><b>Old Elm Residential</b></p>	<ul style="list-style-type: none"> <li>- Smaller lot single and semi-detached dwellings</li> <li>- A full range of townhouses, including street townhouses, back-to-back townhouses, laneway townhouses and stacked townhouses</li> <li>- Apartments</li> <li>- Community uses including schools</li> <li>- Accessory uses including additional residential units and home occupations</li> </ul>	<p>Up to 4 storeys (minimum 3 storeys when fronting 10<sup>th</sup> Line)</p> <p>Taller buildings, not exceeding 8 storeys (approx. 26 m), are permitted, subject to criteria</p> <p>Maximum 3 storeys when abutting existing or proposed low-rise residential</p>	<p>35 to 285 units per net ha (about 30 to 250 units per gross ha)</p>

The proposed development will support the vision and purpose of the area including providing convenient access the Major Transit Station Area in a mixed-use, higher density node area with ground floor commercial uses (Section 12.4.11), and providing opportunities for affordable housing, recreation and nearby commercial and office uses (Section 12.7.23.1).

### **3.3.4 Town of Whitchurch-Stouffville Comprehensive Zoning By-law 2010-001-ZO**

The subject lands are currently zoned Agricultural (AG) and Environmental (ENV) according to the Town's Zoning By-law. The Zoning By-law Amendment Application proposes to rezone the subject lands to Residential New Four [RN4(27)], Residential New Five [RN5(5)], Residential New Five [RN5(6)], Open Space (OS) and Environmental (ENV) with exceptions to certain regulations to facilitate the proposed development. The proposed Draft Zoning By-law Amendment is provided as **Attachment 4**.

The Residential New Four [RN4(27)] Zone is intended to generally implement the lands to be designated Old Elm Medium-High Density Residential and Old Elm Residential in proposed OPA 155. And the Residential New Five [RN5(5)] and Residential New Five [RN5(6)] Zones are intended to implement the Old Elm High-Density Mixed-Use and Old Elm Medium-High Density Residential designations along 10th Line in proposed OPA 155.

On June 6, 2024, Bill 185 - Cutting Red Tape to Build More Homes Act, 2024 received Royal Assent and amended the Planning Act. Bill 185 prohibits official plans and zoning by-laws from requiring an owner or occupant of a building or structure to provide and maintain parking facilities within a Protected Major Transit Station Area. Therefore, the proposed Zoning By-law Amendment contains clauses to exempt uses from providing parking on lands located with the Major Transit Station Area identified on Schedule F5 of OPA 155. Notwithstanding the Town's inability to require parking, developers and property owners may decide to provide needed parking based on market demand or other factors.

For the area of the subject lands located outside of the MTSA and proposed to be zoned RN4(27), the applicant has requested a reduction in the parking requirement for back and stacked townhouse units from 2 spaces per unit to 1.25 plus 0.25 reserved for visitors. The Parking Study submitted by the applicant in support of proposed reductions to parking requirements:

- Included the results of parking demand surveys conducted at four similar residential apartment developments within the Town. The results indicated that 0.96 spaces per unit plus 0.1 spaces for visitors would be sufficient, also recognizing opportunities for shared parking areas, and close proximity to public transit.
- Anticipated frequent all-day GO train service in the near future.
- Recognized planned facilities for cycling and pedestrian use along Tenth Line.



- Recommended the provision of bicycle racks within the surface and underground parking areas to encourage cycling.

Burnside, on behalf of the Town, has determined that the proposed reductions to parking rates are acceptable.

Figure 6 below shows the proposed zoning amendments.

**Figure 6 – Proposed Zoning By-law Schedule**

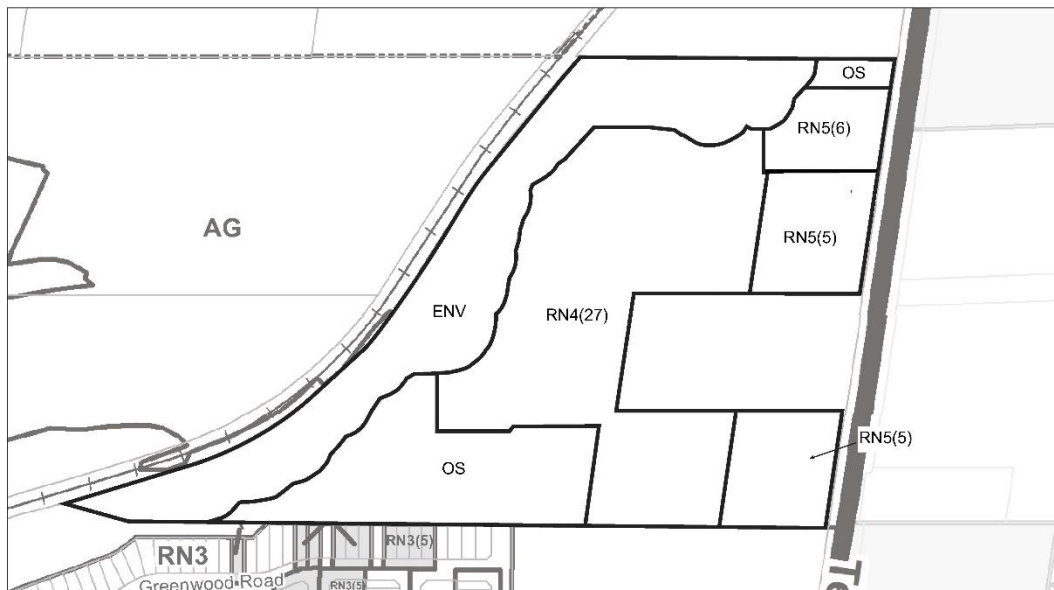


Table 2 provides a summary of requested relief from the Town’s Zoning By-law for the proposed site-specific RN4(27) Zone.

**Table 2 – Proposed Amendments to RN4 Zone**

Regulation	Required	Proposed Exception
<b>Residential New Four (RN4) – Back to Back Townhouse Dwellings (Section 5A.2)</b>		
Minimum Exterior Yard when abutting a roundabout (m)	3.0	0.4
Maximum Height (m)	10.0	12.0
<b>Residential New Four (RN4) – Stacked Townhouse Dwellings (Section 5A.2)</b>		
Minimum Lot Area (m <sup>2</sup> )	145	70
Minimum Front Yard when abutting a roundabout (m)	3.0	2.0
Minimum Exterior Yard when abutting a roundabout (m)	3.0	0.5
Minimum Yard Between Buildings (m)	3.0	2.0

Regulation	Required	Proposed Exception
Minimum Rear Yard (m)	6.0	Where a stacked townhouse is also a back-to-back townhouse, the minimum rear yard is 0
Maximum Height (m)	12.0	14.0
<b>Qualifying Notes to RN4 Regulations (Section 5A.2.1)</b>		
Minimum Setback of a Vehicular Access Door of any Garage to Front Lot Line (m)	6.0	4.5
Maximum Lot Coverage (%)	35	40
<b>Parking Standards (Section 3.23.1)</b>		
Minimum Number of Parking Spaces per Back to Back Townhouse or Stacked Townhouse Unit	2 spaces	1.25 plus 0.25 reserved for visitors

The RN5 Zone limits permitted uses to apartment buildings, parks and accessory uses, buildings, and structures. The Application for Zoning By-law Amendment proposes to permit the following additional uses on the ground floor of an apartment building, and require them at grade of apartment buildings to ensure a mixed used development:

- a) Animal Grooming Centre
- b) Convenience Store
- c) Day Care Centre
- d) Dry Cleaning Establishment
- e) Financial Institution
- f) Fitness and Recreation Facilities
- g) Library
- h) Office
- i) Personal Service Establishment
- j) Restaurant
- k) Retail Store
- l) Service Establishment
- m) Studio

The proposed Amendment would also permit stacked townhouse dwellings in the Residential New Five Zone, in accordance with the proposed site specific RN4 Zone regulations.

Table 3 provides a summary of other requested relief from the Town’s Zoning By-law for the proposed site-specific Residential New Five [RN5(5)] Zone.

**Table 3 – Proposed Amendments to RN5 Zone**

<b>Regulation</b>	<b>Required</b>	<b>Proposed Exception</b>
<b>Residential New Four (RN5) – Apartment Dwellings (Section 5A.2)</b>		
Minimum Front Yard along Tenth Line (m)	6.0	3.0
Minimum Interior Side Yard (m)	6.0	4.3
Minimum Rear Yard (m)	6.0	5.0
Maximum Height (m)	20.0	32.0 (excludes mechanical penthouses)
<b>Qualifying Notes to RN5 Regulations (Section 5A.2.1)</b>		
Maximum Density (units per hectare)	65	450
Maximum Lot Coverage (%)	35	40
Minimum Landscaped Area (%)	35	Nil
Angular Plane	All buildings with a height of 10 m or greater shall be built within the Angular Plane as defined by this By-law.	Does not apply

The proposed Residential New Five [RN5(6)] Zone has the same permitted uses and regulations as the RN5(5) Zone with the exception of a maximum apartment height of 41 metres.

Staff are of the opinion that the requested site-specific draft Zoning By-law Amendment represents good planning and will facilitate an appropriate form of development for the subject lands. Reduced requirements for yard setbacks will allow for development to 'frame' Tenth Line and collector roads in accordance with OPA 155. The proposed land uses, building heights and densities are in keeping with the policy directions in OPA 155.

Staff will forward the zoning by-law to Council for passing at a later date and should there be any additional amendments to the zoning by-law, staff will report to Council on any necessary revisions.

### **3.4 Public Agency Comments**

The following agencies and departments have indicated no objection or comments (with or without standard conditions):

- Town Heritage Planning
- Town Fire and Emergency Services
- York Region District School Board
- Bell
- Hydro One

- Rogers
- Enbridge

The following Town departments, committees, agencies and contracted consultants provided technical comments on the application. High level comments from agencies and departments are provided as follows:

### **Town Policy Planning**

It appears that the applications conform to proposed OPA 155, subject to technical review of all the required studies. Policy staff have the following comments regarding the proposed plan of subdivision, that are being addressed by the applicant:

- Street 'H' should provide for a minimum width of 8.5m, and there needs to be coordination with the abutting property to ensure the required 8.5m ROW is accommodated.
- The block of townhouses at the south-east corner of the subject lands do not front onto Tenth line, based on the concept site plan. Staff suggests that the blocks be re-oriented to align with the stacked townhouses fronting onto Tenth Line to provide continuous frontage along Tenth Line.
- The applicant is required to coordinate with adjacent property owner(s) to ensure a coordinated approach and alignment of the street pattern.

### **Town Leisure and Community Services**

- The Owner shall prepare a Landscaping and Open Space Plan, prepared by a qualified Landscape Architect in good standing with the O.A.L.A., which identifies planting enhancements and preservation practices for the lands associated with the "Environmental Protection Block". Accommodation of a trail system shall also be contained within the landscaping submission for the "Environmental Protection Block". The identified Landscaping and Open Space Plan shall be submitted by the Owner and approved by the Town and the Toronto Region Conservation Authority.
- The Owner shall complete the approved restorative plantings, and the construction of the trail system as set out in the conditions above to the satisfaction of the Town and the Toronto Region Conservation Authority.
- The Owner will ensure the detailed design, and the completion of all approved landscaping as required by the above Conditions inclusive shall be at no cost to the Town and the Toronto and Region Conservation Authority and shall be completed in accordance with the approved Landscaping and Open Space Plans and the EIS.
- The Owner will dedicate and convey the "Environmental Protection Block" to the Town, free of any cost or encumbrances, as part of the issuance of Final Approval.



**Town Arborist**

- Provided requirements for preservation of the identified Elm tree, including restrictions on other Elm trees with 1km, monitoring, and other protection measures.

**York Region**

- No objection to Zoning By-law Amendment
- Conditions of draft plan approval forthcoming

**York Catholic District School Board**

- Upon the issuance of an order from the Ontario Land Tribunal confirming the Old Elm Official Plan Amendment is in force and effect, the Board has no comments or objection to their approval.

**Metrolinx**

- As per Metrolinx's Adjacent Development Guidelines, sensitive uses (i.e., commercial and residential) must be set back 30 metres from the rail corridor (measured from the Metrolinx property line to the nearest commercial and residential unit). As noted in the derailment protection report the townhouse blocks are at a sufficient setback from the property line ranging from 48.4 metres to 90.2 metres across the 4 blocks. Therefore we do not have any concerns on the setback.
- A safety barrier to protect the development in the event of a train derailment scenario is required in accordance with Metrolinx's Adjacent Development Guidelines. Standard form is a 2.5-metre-high earthen berm. If an earthen berm is not practicable, an alternative safety barrier (e.g., crash wall) may be proposed, but must provide an equivalent level of protection.
- A 2.43M high security fence shall be provided where access to the Metrolinx rail corridor is afforded (standard form is non-cuttable/non-climbable high security fence).
- Please include a 3.5 metre vegetation setback, to be measured from the Metrolinx property line on the drawings, as this setback has been established in association with Metrolinx's GO Expansion Program.
- The property is subject to a Noise & Vibration Study, prepared by a qualified consultant. The Noise and Vibration Study dated December 2023 prepared by Jade Acoustics does not contain Metrolinx rail data. Please submit a revised report for Metrolinx review.

**Toronto and Region Conservation Authority** – Provided technical comments requiring updates to submitted studies and plans at the detailed design and/or site plan approval stage. Recommended conditions of draft approval are forthcoming.

**R.J. Burnside & Associates** - Town's Peer Review consultants, R.J. Burnside & Associates provided technical comments requiring updates to submitted studies and plans at the detailed design and/or site plan approval stage, and provided recommended conditions of draft approval.

### 3.5 Public Comments

There were limited comments from the public with respect to the application however, comments and questions received included:

- Concerns with the impact of new traffic on existing residential areas.

Staff Response: The applicant provided a Traffic Impact Study that concluded that the increased site-generated vehicular trips are projected to have an acceptable traffic impact of the study network in the future total traffic scenario. The study network is expected to adequately accommodate future total traffic without having intersection capacity deficiencies.

- Will there be new facilities such as schools, etc. built in the area?

Staff Response: Yes, the proposed secondary plan/OPA 155 identifies the location of a proposed school on the east side of Tenth Line, along with park locations throughout the Old Elm area.

- Concerns with the development not being compatible with the character of the area, privacy impacts due to taller buildings, safety issues and potential increase in crime. Concerns with the commercial component of the development increasing traffic, noise and pollution.

Staff Response: This area is planned as a higher density, mixed use node around the Old Elm GO Station. Given separation distances and transitions in densities, staff is not concerned with any potential privacy, noise or other impacts. Again, a Traffic Impact Study was reviewed and staff agrees with the findings that concluded that anticipated traffic can be accommodated in the area.

The proposed development represents an efficient use of the subject lands and would efficiently utilize municipal services. The proposed development aligns with Provincial, Regional, and Town development policies.

### 3.6 Proposed Plan of Subdivision and Zoning By-law Amendment

The proposed development will provide a range of unit types and sizes, allow for compact mixed use development in proximity to the Old Elm GO Station, and support densities for new housing that efficiently uses land, resources, infrastructure, and public service facilities.

The proposed draft plan of subdivision has been thoroughly reviewed and Town staff will be in a position to make a recommendation with respect to this application upon approval of OPA 155 and receipt of any outstanding conditions. It is recommended that Council approve the Application for Draft Plan of Subdivision, in principle, and direct staff to report back to Council with recommended conditions of draft plan approval when OPA 155 is in full force and effect.

Staff are of the opinion that the requested site-specific Zoning By-law Amendment represents good planning. The Planning Act allows for approval of Zoning By-law Amendment while approval of a required Official Plan Amendment is pending. Staff has been advised that the issuance of an order by the Ontario Land Tribunal approving OPA 155 should occur in the near future. It is recommended that Council pass the proposed Zoning By-law Amendment with a clause that does not give effect to the By-law until OPA 155 comes into full force and effect.

### **3.7 Matters to be Addressed through future Site Plan Approval Applications**

The proposed draft plan of subdivision and development will be subject to future applications for Site Plan Control for each of the proposed blocks, as each block proceeds with development. A draft plan of Condominium application will also be required. These applications are anticipated to be submitted by the Owner once a decision has been made with respect to the current Draft Plan of Subdivision and Zoning By-law amendment applications as well as registration of the Subdivision Agreement. Site Plan Control allows the Town's Planning, Engineering and Public Works Commissions and other departments to further review the technical design aspects of the development. The following is a list of important items, but not limited to, that will be further reviewed and will require approval under the Site Plan Control Process.

- The urban design and landscape design scheme for the proposed developments would be subject to the Old Elm Urban Design Guidelines, that provide detailed guidance for the design of developments in the MTSA area. The applicant has provided an Urban Design Brief with the subject applications, as discussed in previous sections above. Further detailed Urban Design and Architectural Control guidelines will be required with future site plan applications for development of the individual blocks and buildings.
- Detailed Landscaping design to refine the trails connections, walkways and pedestrian circulation, private amenity areas, private and public streetscape design, etc. for each of the proposed block as well as the public space in the courtyard behind the mixed used building on Tenth Line. Areas of most significance include urban design and streetscape quality along all public street frontages and interconnectedness of all blocks with a cohesive landscape and open space design. Opportunities to be considered for more internal courtyards and landscaped areas for stacked back to back townhouse blocks to allow for more accessible and green space for the residents, amidst the proposed high density development.

- Access and internal site design to ensure appropriate vehicle traffic circulation is in place for all residential and non-residential development in the proposed draft plan.
- Lighting and Photometric Plan for Site lighting, ensuring adequate and safe lighting is provided for the proposed uses and amenities without light trespassing onto neighbouring properties
- In accordance with the policies of the OPA 155 and the Old Elm Urban Design guidelines, the development will be held to high design standards, to be applied and enforced through the Site Plan Approval process.
- Consideration should be given to enhanced landscaping and developing a more pedestrian-oriented street edge particularly along Tenth Line.
- Coordination with the proposed development located on lands abutting the subject development with respect to road connections, alignment of streets, scale and character of the proposed development, transition, computability, cohesiveness with the subject proposed development, etc.
- Careful consideration of accessible site design criteria in the site design

#### **4. Options:**

##### **Option A (Recommended)**

Staff recommends that Council approve the Application for a Draft Plan of Subdivision and the proposed Zoning By-law Amendment for the Subject Lands in principle, subject to Conditions of Draft Approval to be presented to Council upon approval of OPA 155 and subject to a zoning by-law brought forward for Council to pass.

##### **Option B**

That Council does not approve the Application for a Draft Plan of Subdivision and not pass the proposed Zoning By-law Amendment for the Subject Lands. This option is not recommended as the proposed application represents good planning and conforms to provincial, regional, and municipal policies.

#### **5. Financial Implications:**

None.

#### **6. Broader Intergovernmental Impacts and/or Considerations:**

See section 3.1 above

#### **7. Communication:**



All statutory notices for complete applications and public meetings were distributed in accordance with the Planning Act.

## **8. Alignment with Strategic Plan:**

1. A Town that Grows  
A Town that grows in support of complete communities
2. A Healthy and Greener Town  
Increase Offerings and Opportunities for Active Living

## **9. Attachments:**

1. Location Map
2. Proposed Draft Plan
3. Proposed Concept Site Plan
4. Proposed Draft Zoning By-law Amendment

## **10. Related Reports:**

[DS-042-21 Applications for Draft Plan of Subdivision and Zoning By-law Amendment – 12724 and 12822 Tenth Line \[File Nos. 19T\(W\)- 19.002 and ZBA19.012\] dated September 21, 2021](#)

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