

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

Staff Report No. DS-025-25

**Department/
Commission:** Development Services Commission

Date: June 18, 2025

Recommendation:

- 1) That Council direct staff to bring forward the By-law No. 2025-052-ZO to amend the Town of Whitchurch-Stouffville Comprehensive Zoning By-law 2010-001-ZO to rezone the lands from Agricultural (AG) and Environmental (ENV) zones to Residential New Four Exception Twenty Seven holding symbol forty eight [RN4(27)(h-48)], Residential New Four Exception Twenty Eight [RN4(28)], Residential New Five Exception Five [RN5(5)], Residential New Five Exception Six holding symbol forty eight [RN5(6)(h-48)], Residential New Five Exception Seven holding symbol forty eight [RN5(7)(h-48)], Open Space (OS) and Environmental (ENV) zones;
- 2) That Council approve the Conditions of Draft Plan Approval of Subdivision and the Phasing Plan, attached as Attachment 3 to this report, for File No. 19T(W)19.002;
- 3) That Council direct staff to issue Notice of Decision for the Draft Plan of Subdivision and Notice of Passing for the Zoning By-law No. 2025-052-ZO, for the aforementioned applications as required by the *Planning Act*; 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 29, 2021 Statutory Public Meeting and December 11, 2024 Council 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 (MTSA).
- On December 11, 2024 Council approved the Application for Draft Plan of Subdivision File No. 19T(W)- 22.004 in principle and directed staff report back to Council with recommended conditions draft plan approval upon final approval of Official Plan Amendment No. 155 (OPA 155), for the Old Elm Old Elm Major Transit Station Area (MTSA).
- On February 5, 2025, Ontario Land Tribunal (“OLT”) issued the Order on the Appeals on OPA 155 (OLT-23-000758) to partially approve OPA 155. The subject lands are located in the portion of the lands subject to OPA 155, that has received approval from the OLT. OPA 155 is in effect for the subject lands and applications have been reviewed and assessed under the applicable policies of the OPA 155.
- On December 11, 2024 Council approved the Application for Zoning By-law Amendment File No. ZBA 19.012 in principle and directed staff to 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.

1. Purpose:

The purpose of this report is to bring forward the finalized draft Zoning by-law Amendment and Conditions of Draft Approval for File Nos. 19T(W)19.002 and ZBA19.012, for lands located at 12724 and 12844 Tenth Line (Newstone Development).

This report will:

- Provide an update on the status of the applications following endorsement by Council on December 11, 2024;
- Provide an overview of changes made to the draft zoning by-law since the Public Meeting and staff recommendation report at Council Meeting on December 11, 2024; and

- Provide an overview of the recommended Conditions of Draft Approval as attached to this report.

2. Background:

At the meeting on December 11, 2024, Council approved in principle, applications for Draft Plan of Subdivision and Zoning By-law Amendment for the properties at 12724 and 12822 Tenth Line, File No(s). 19T(W)19.002 and ZBA19.012. Council directed staff to report back with a finalized zoning by-law for review as well as updated conditions of draft approval related to the subdivision file.

Of note, at the time the development proposal was brought for endorsement, Town staff were waiting for the final approval of the Old Elm Major Transit Station Area policies through OPA155 by the Ontario Land Tribunal (OLT).

In February of 2025, the OLT issued their decision on lands on the east side of Tenth Line for OPA 155. As such staff were able to finalize the proposed zoning by-law which is in conformity with the Policies of the Old Elm MTSA.

This report serves to bring the proposed draft plan conditions and proposed zoning by-law to Council for consideration, following extensive discussions between Town staff and the applicant since December 2024.

3. Analysis:

3.1. Conditions of Draft Approval [19T(W)19.002]

Over the last number of months, Town staff have been co-ordinating with the property owner, their agents and the relevant Town and Regional departments to formalise the required Conditions of Draft Approval. **Attachment 2** of this report provides the final recommended Conditions of Draft Approval of Subdivision from all relevant parties.

The attached conditions of draft approval have been coordinated with the applicant and their agents for review and consideration. All parties are satisfied with the recommended Conditions of Draft Approval of Subdivision.

There are no changes proposed to the Draft Plan since Council approval in December 2024, attached as Attachment 4 to this report.

3.2. Zoning By-Law Amendment [Town File No. ZBA19.012]

3.2.1. Changes since the Statutory Public Meeting (September 28, 2021) and Council Endorsement (December 11, 2024)

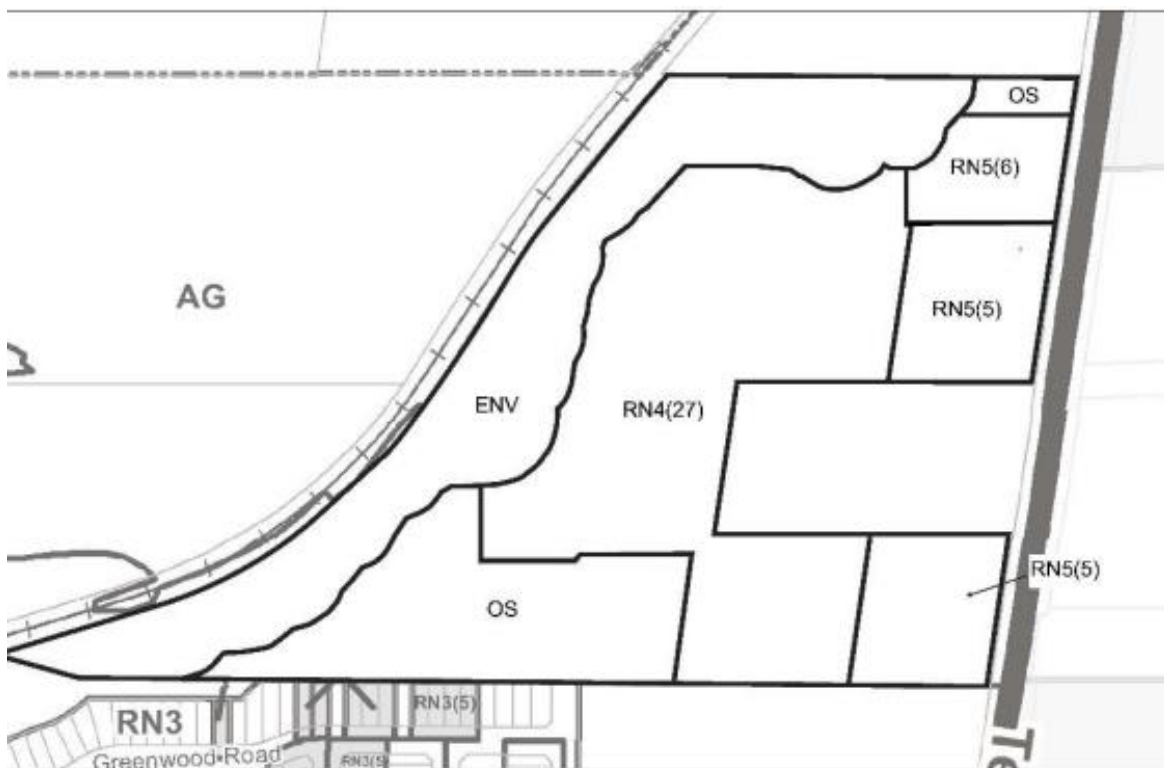
At the meeting of December 11, 2024, Town Council endorsed, in principle, the proposed zoning by-law amendment for the subject property. The applicant and staff required additional time to finalize the amendment, in addition to the fact that the Official Plan

Amendment for the Old Elm MTSA Area (OPA 155) was not yet in effect and awaited final Order from the Ontario Land Tribunal.

On February 5, 2025 the OLT issued their decision on the lands on the east side of Tenth Line for OPA 155, that include the subject lands. The proposed Zoning By-law No. 2025-052-ZO is in conformity with the policies of the OPA 155 for the Old Elm MTSA.

When Council provided their endorsement on December 11, 2024, the proposed zoning for the property had three site specific zone categories. **Figure 1** below shows the zoning schedule proposed at the December 2024 Council meeting, for the subject property.

Figure 1 (Previously Proposed)



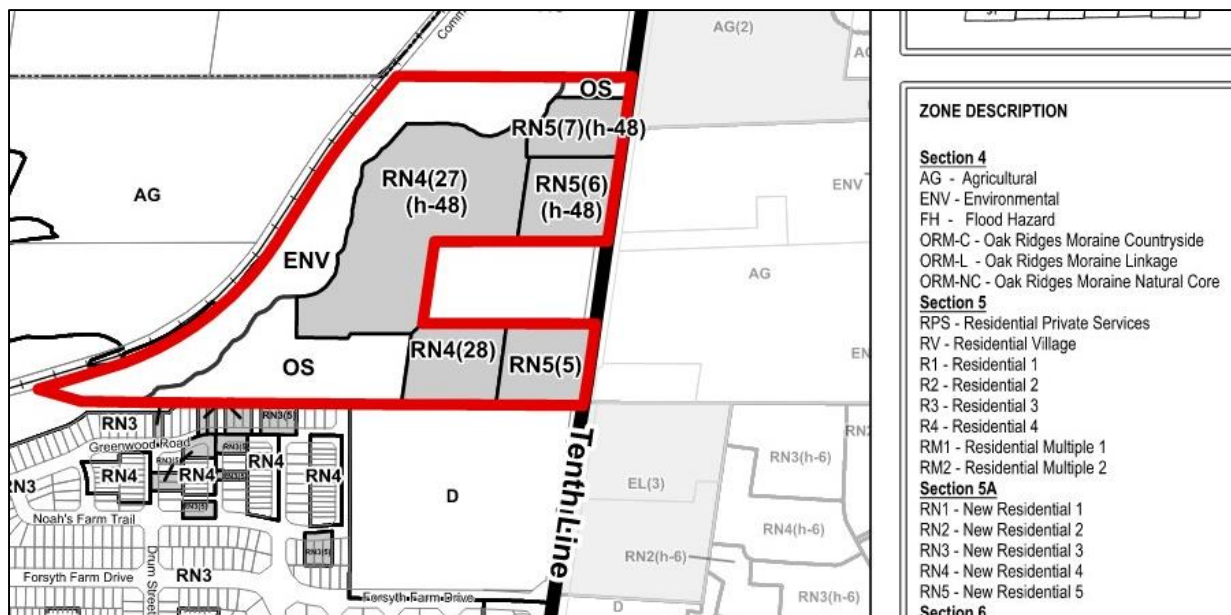
Due to the various designations on the subject lands, under the Old Elm MTSA policies (OPA 155 policies), additional site-specific zones have been included to further refine the requirements/permissions related to required densities, built form and setbacks for the proposed development. The refinements also ensure that the desired development is achieved as envisioned by the Old Elm MTSA area policies for the subject lands, by including the required criteria vs. encouraged wherever the OP provides the flexibility to do so.

The proposed development as presented to Council in December 2024, remains generally the same with regards to the proposed densities, built form and uses. The site-specific regulations that have changed since the December meeting are largely to accommodate the policy requirements as discussed above as well as, formatting and

consistency with the Town's By-law to capture the requirements of the proposed development.

Figure 2 below shows the proposed zoning schedule for the subject property.

Figure 2 (recommended zoning schedule)



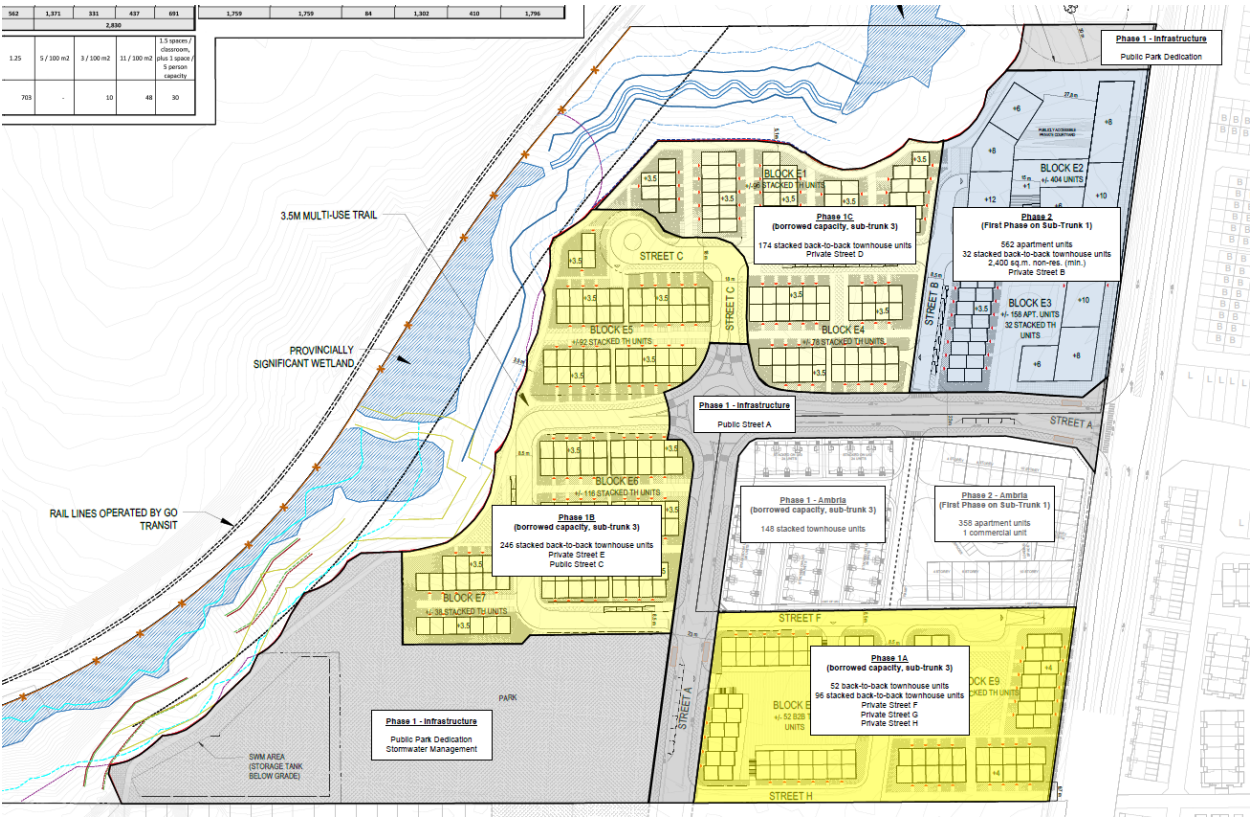
3.2.2. Proposed (h-48) and Phasing Plan

In addition to ensuring that the proposed zoning amendment appropriately protects the priorities of the Town as it relates to development in the Old Elm MTSA, staff recommend the implementation of holding symbols (h-48) on the proposed zoning for the lands the site for the phased approach for the development. See section X below for purpose and conditions of Holding Symbol.

Phasing Plan and Servicing Allocation:

The applicant has proposed several phases of development and associated proposed servicing. **Figure 3** below shows the proposed phasing plan.

Figure 3



It is important to note here, as shown in **Figure 3** above, that the servicing allocation for the initial phases of the development is proposed to be borrowed from the current capacity in the existing Sub Trunk #3 until such time Sub Trunk #1 is constructed (Sub Trunk #1 is to be constructed on the east side of Tenth Line, along York Durham Line abutting Conservatory Group Lands). Once the Sub Trunk #1 is constructed, the proposed development will be required to disconnect from Sub Trunk #3 and connect to the ultimate servicing from Sub Trunk #1 that is intended to serve the entirety of Old Elm MTSA area.

Table 1 below, shows the break down as provided by the applicant to represent their preferred phasing plan and the proposed servicing capacity allocations (also reflected in Figure 3 above).

Table 1

Phase	Breakdown of phases
Phase 1 – Infrastructure	<ul style="list-style-type: none">Public Park Dedication for two park blocks and Storm Water ManagementConstruction of future Municipal Roadway
Phase 1A – 143 Townhouse Dwelling Units (Servicing allocation borrowed from Sub Trunk #3)	<ul style="list-style-type: none">52 back-to-back townhouse units96 stacked townhouse unitsPrivate Streets F, G and H

Phase 1B – 246 Townhouse Dwelling Units (Servicing allocation borrowed from Sub Trunk #3)	<ul style="list-style-type: none"> • 246 back-to-back Townhouse Units • Private Streets E and C
Phase 1C – 174 Townhouse Dwelling Units (Servicing allocation borrowed from Sub Trunk #3)	<ul style="list-style-type: none"> • 174 Stacked, back-to-back townhouse units • Private Street D
Phase 2 – Mixed Use Building (to be connected to future Sub Trunk #1 when constructed)	<ul style="list-style-type: none"> • 562 apartment dwelling units • 2400 sq.m. non residential GFA • 32 stacked, back-to-back townhouse units • Private Street B

Staff have disagreed with the proposed phasing with the Applicant where the Mixed use block (apartments, townhouses and commercial uses) is proposed to be developed in the last phase of development, as well as for the purpose of servicing allocation, as discussed below. Staff have requested that the Phase 2 be revised and moved to Phase 1 of the development to qualify for servicing allocation. See Attachment 3 to this report, which includes the Newsone Phasing Plan as redlined by staff (redlined on June 18, 2025).

Establishing mixed uses, primarily the commercial uses in early phases of development, is a key objective of development in the Old Elm MTSA areas, that would serve the new as well as the existing communities in the neighborhood. Staff is of the opinion that the commercial uses be established in the earlier phases of development when sufficient critical mass is established through the Townhouses and apartments in respective phases.

Town Staff have requested a revised phasing plan for the proposed development based on above, to appropriately capture and secure the priorities as presented by Council and echoed by staff through the process thus far, as shown on Attachment 3 to this report. To date staff have not received an updated phasing plan from the applicant therefore staff recommend that the phasing plan as proposed by staff be approved by Council.

Table 2 shows the staff recommended phasing plan (see Attachment 3 to this report) to be approved by Council, as follows:

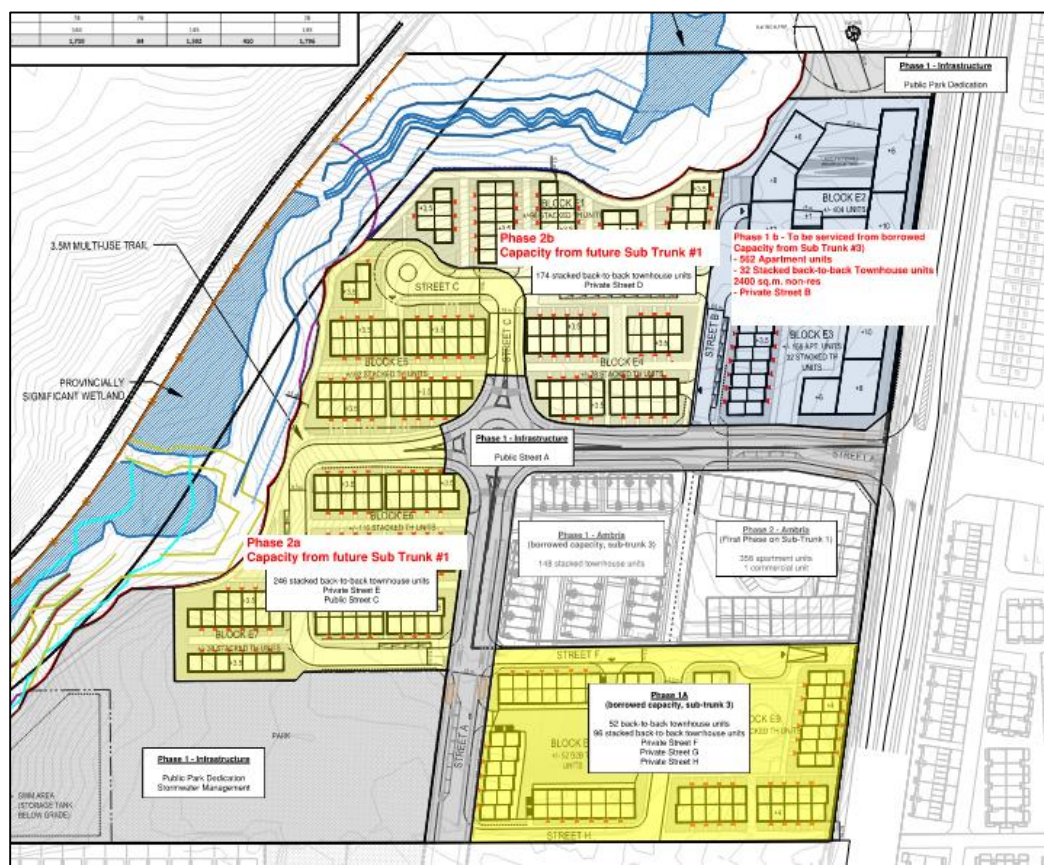
Table 2

Phase	Breakdown of phases
Phase 1 – Infrastructure	<ul style="list-style-type: none"> • Public Park Dedication for two park blocks and Storm Water Management • Construction of future Municipal Roadway
Phase 1A – 143 Townhouse Dwelling Units (Servicing allocation borrowed from Sub Trunk #3)	<ul style="list-style-type: none"> • 52 back-to-back townhouse units • 96 stacked townhouse units • Private Streets F, G and H

Phase 1B Mixed Use Building 562 apartments and 32 townhouse dwellings (Servicing allocation borrowed from Sub Trunk #3)	<ul style="list-style-type: none"> • 562 apartment dwelling units • 2400 sq.m. non residential GFA • 32 stacked, back-to-back townhouse units • Private Street B
Phase 2A 246 Townhouse Dwelling units (to be connected to future Sub Trunk #1 when constructed)	<ul style="list-style-type: none"> • 246 back-to-back Townhouse Units • Private Streets E and C
Phase 2B 174 Townhouse Dwelling units (to be connected to future Sub Trunk #1 when constructed)	<ul style="list-style-type: none"> • 174 Stacked, back-to-back townhouse units • Private Street D

In accordance with the above, staff recommended phasing plan has been captured in **Figure 4** below. Also see Attachment 3 to this report.

Figure 4



Purpose of Holding Symbol (h-48):

The holding symbols are proposed to be implemented as shown in Figure 2 above.

At this time staff propose implementing holding symbol on all phases of development except Phase 1 and Phase 1A for the proposed development (see Table 2 above). This will help facilitate development of the proposed Townhouses in the Phase 1A and with no holding provision in place.

The recommendation from staff to impose a holding symbol (h) as noted above, is to ensure that sufficient sanitary capacity and water allocation is available at the time when construction is ready to proceed as well as allow the applicant and staff to work together to determine how the various phases of development will proceed.

Conditions for Removing Holding Symbol (h-48) are as follows:

- i. Satisfactory arrangements for Sanitary Sewer Capacity and Water Servicing Allocation with the Town of Whitchurch-Stouffville.
- ii. Authority to execute a Site Plan Agreement with the Town of Whitchurch-Stouffville.

Provision of holding symbol is also to ensure the availability of servicing for all proposed and forthcoming developments in the Town, including the subject development, that are currently relying on Sub Trunk #3 capacity. It would be challenging for the Town to allocate and commit to majority of available servicing from Sub Trunk #3 capacity to a particular project, when the timing of construction of the project for all phases is unknown. Staff is of the opinion that generally servicing allocation is to be made available when projects are shovel ready and ready to construct, given the limited servicing resources available at this time until larger infrastructure projects are constructed. Servicing allocation is delegated to Commissioner of Development Services and will be allocated following Council approval of the Draft Plan as through the clearance of conditions process.

The Applicant would be required to submit applications to lift the Holding Symbol (h) upon satisfactory arrangements of sanitary sewer capacity and water servicing allocation, when the development the subject phases are ready to proceed.

In addition to the proposed holding symbol (h-48) there is also an associated condition of draft approval related to the requirement to obtain formal allocation for water services for each phase from the Town. This condition was requested by both Town Staff and staff at the Region of York.

4. Options:**4.1. Option A (Recommended)**

That Council approve the proposed Conditions of Draft Plan of Subdivision, pass the Zoning By-law 2025-052-ZO and approve the Newstone Phasing Plan dated May 30,

2025, as redlined by Staff dated June 18, 2025, attached as Attachment 3 to this report. This option is recommended as the proposed applications represent appropriate planning that is supportable under Provincial Policy, Region Policy and the Town's current policy framework. The recommendation from staff also aligns with Council's strategic plan priorities.

5. Financial Implications:

None

6. Broader Intergovernmental Impacts and/or Considerations:

All regional, provincial, and/or federal impacts and/or considerations have been evaluated through previous staff recommendation report.

7. Communication:

All statutory requirements for Public notification have been completed through previous Statutory requirements for Complete Application, Public Meetings and staff reports to Council.

Notices of Decision and Passing of Zoning By-law will be issued in accordance with the requirements of the Planning Act.

8. Alignment with Strategic Plan:

1. A Town that Grows
A Town that grows in support of complete communities
2. A Town that Moves
Improve the condition and efficiency of the local road network while addressing connectivity and advancing active transportation facilities
3. An Engaging Town
Increase Community Engagement & Outreach
4. Good Governance
Provide Good Governance

9. Attachments:

Attachment No. 1 – Location Map

Attachment No. 2 – Conditions of Draft Plan Approval of Subdivision, dated June 18, 2025

Attachment No. 3 – Newstone Phasing Plan, dated May 30, 2025, redlined by Town of Whitchurch-Stouffville dated June 18, 2025

Attachment No. 4 – Draft Plan of Subdivision dated May 20, 2021 revised September 18, 2024 prepared by SvN Architects and Planners

10. Related Reports:

[December 11, 2024 – DS-064-24 Applications for Draft Plan of Subdivision and Zoning By-law Amendment – 12724 and 12882 Tenth Line \[File Nos. 19T\(W\)-19.002 and ZBA19.012\]](#)

[September 28, 2021 – DS-42-21 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\]](#)

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