

Subject: Proposed Official Plan Amendment (File No. OPA22.009) and Zoning By-law Amendment (File No. ZBA22.018) at 5964 Main Street and 28 Fairview Avenue.

Staff Report No. DS-039-24

Commission: Development Services Commission

Date: June 26, 2024

Recommendation:

- 1) THAT Council confirms that notwithstanding that the proposed Official Plan Amendment and Zoning By-law Amendment as attached to this report are different from those proposed at the January 31, 2024, Statutory Public Meeting, the revisions are minor in nature and that no further Statutory Public Meeting is required; and
- 2) THAT Council enact By-law 2024-083-OP being a By-law to adopt Official Plan Amendment 166 and direct Staff to issue a Notice of Adoption; and
- 3) THAT Council enact By-law 2024-084-ZO being a by-law to amend the Town of Whitchurch-Stouffville's Comprehensive Zoning By-law 2010-001-ZO by applying a site-specific zone to the subject property and direct staff to issue a Notice of Passing.

1. Purpose:

The purpose of this report is to make a recommendation to Council regarding the applications for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) which if passed would permit the use of the subject property as a mixed-use building containing 210 dwelling units and 3 commercial/retail units on the ground floor.

2. Executive Summary:

The applications for Official Plan Amendment (OPA22.009), and Zoning By-law Amendment (ZBA22.018) were submitted by M. Behar Planning and Design Ltd. (Authorized Agent/Applicant) on behalf of Hyson Properties inc. (Owner) in December 2022. The applications seek to permit the use of the subject property as a mixed-use building with commercial uses on the ground floor and residential uses above.

On January 19, 2023, the applications for OPA and ZBA were deemed complete by Town.

On February 15, 2023, an Information Report was presented at the Council Meeting, which introduced the applications to members of the public and Town Council. The

application comprised of an 18-storey building with 200 apartment/dwelling units and 295 square metres of retail space on the ground floor.

In November 2023 a second revised submission was received by Town Staff. The applicant revised the proposal which had reduced the height from 18 to 12 storeys but the overall unit count increased from 200 to 210 dwelling units with approximately 366 square metres of retail space. The development as proposed at this time also included 225 parking spaces, provided both on a surface level parking area and in two (2) levels of underground parking.

On January 31, 2024, Town Staff brought the applications to a Statutory Public Meeting to receive comments from the Public, members of Council and Public agencies. As part of Staff's review and assessment of the development proposal, all comments that were received through the Public Meeting process have been assessed and included in this report.

On April 23, 2024, a third submission was received by Town Staff. The third submission maintained the proposed numeric height of the building and unit count, however the interior configuration had been slightly altered. The proposed parking spaces increased from previous 225 spaces to 248 spaces with the introduction of tandem spaces in the underground parking levels and a reduced parking stall width on the surface level parking.

This report will:

- Provide an overview of the subject property and its location in relation to existing development and other adjacent land uses;
- Provide an overview of the development proposal, background information, and the proposed Official Plan Amendment and proposed Zoning By-law Amendment;
- Identify and discuss the Provincial, Regional and Town Policies and Official Plan that apply to the subject property and further analyze the applications; and
- Provide a recommendation to Council on the proposed Official Plan and Zoning By-law Amendments.

Comments from the Public, Members of Council and Public Agencies have been reviewed and considered in the writing of this report and the making of the recommendations to Council.

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 and conform to those policies and represent good planning.

This Report recommends that Council grant approval to the proposed Official Plan and Zoning By-law Amendment applications, in accordance with the recommendations made in this Report.

3. Background:

3.1 Property Location

The Subject property is comprised of 2 parcels – 28 Fairview Avenue and 5964 Main Street. The subject properties are located on the northwest corner of Main Street and Ninth Line and contain a vacant automotive dealership, repair garage and associated parking lot. The site has frontage of 25.5 metres along Main Street and lot area of approximately 0.4 Hectares (4,053 square metres).

The property is identified as being within the Western Approach Mixed Use Area (5964 Main Street) and Existing Residential Area (28 Fairview Avenue) of the Community of Stouffville Secondary Plan and is zoned Commercial Residential Mixed– Western Approach (CM2) under the Towns Comprehensive Zoning By-law.

Attachment 1 and Figure 1 below provide the location map for the subject properties.

Figure 1



3.2 Surrounding Land Uses

Below is a description of the adjacent land uses:

North: An existing residential neighbourhood with single detached dwellings in the form of bungalow and split-level houses.

South: The properties on the south side of main street have active development applications. The southwest corner of Main and Ninth has been proposed as a mixed-use, apartment building, the property to the west is proposed to contain a residential apartment building and have independent commercial structures fronting onto Main Street.

East: East of Ninth Line is Town’s Heritage area consisting of a varied built form of single detached dwelling units.

West: West of the subject property are commercial developments in the form of a retail plaza and gas bar.

Figure 2 below highlights the subject property in the context of surrounding land uses both existing and proposed. Yellow represents proposed residential developments and blue represents proposed/planned mixed-use developments within immediate context. The property at 5317 Main Street at the south-east corner of Main Street and Weldon Road has been built. The properties at 5945 Main Street and 5947 Main Street is currently under construction.

Figure 2 – Aerial Context Map



3.3 Existing Condition

The existing building was originally constructed in 1947 as a John Deere Implements Sales centre and showroom. By 1960 it was the home of a Car Dealership and Automotive Service Centre. According to records, there were also gas pumps located within the now realigned Ninth Line Right of Way. Figure 3 below shows a historic photo of the site.

Figure 3



In 2013, the Region of York expropriated a portion of the property at 5964 Main Street for the Ninth Line re-alignment project. This realignment resulted in the property configuration as it exists today. 28 Fairview Avenue was added to the former Automotive Sales and Service use to reconfigure the site and account for area removed through the Ninth line re-alignment.

4. Analysis and Options:

4.1 Development Proposal

The sections below provide an overview of the development as proposed for the subject property. The overview includes site statistics and comments/opinions from previous submissions and the required relief from the Town’s Official Plan and Zoning By-law.

4.1.1 Previous Applications Submissions

The following tables outline the development details included in the previous two submissions to compare the differences between each submission.

Table 1 First Submission -December 2022

Regulation	Proposed
Height – Metres	63.40 metres
Height – Storeys	18 Storeys + Mechanical and Roof Access

Floor Space Index	4.75
Unit Count	200 Units
Residential Density	~ 500 units per hectare
Retail/Commercial Space	295.7 square metres
Total Parking	216
Residential Rate	0.78 spaces/ dwelling unit (total 157)
Visitor Rate	0.25 spaces/ dwelling unit (total 50)
Commercial/Retail Rate	3/100 square metres (total 9)
Indoor Amenity Area	456 square metres (2.28 sq.m. per unit)

Table 2 Second Submission – November 2023

Regulation	Proposed
Height – Metres	46.25 metres
Height – Storeys	13 Storeys + Mechanical Penthouse
Unit Count	210
Density	~525 units per hectare
Floor Space Index	4.37
Retail/Commercial Space	366 square metres
Total Parking	225 spaces
Residential Rate	1 space/ unit (total of 210)
Visitor Rate	0.05 spaces/unit (total of 10)
Commercial/Retail Rate	0.73 spaces/ 100 sw. m. (total of 5)
Indoor Amenity Area	816 square metres (48 sq.m. per floor)

4.1.2 Current Proposal (April 2024 Submission)

The current proposal forms part of what is being presented to Council today and staff recommendation. The development proposal is for a mixed-use condominium building with commercial and live work uses on the ground floor. The building is proposed to include a total of 210 residential units and 281 square metres of retail space within three units as well as four (4) live-work units on the ground floor. The 13th storey is comprised of mechanical equipment and resident access area to the roof top amenity areas. The outdoor amenity areas on the 13th storey will include shade structures, outdoor dining area and lounging furniture. There are no residential dwelling units proposed on the 13th storey of the proposed building.

Table 3 outlines the final site statistics from the latest submission.

Table 3 – Site Statistics

Zoning Regulation	Final Submission
Total Unit Count	210 Residential Units
Residential Density (Units/Hectare)	525 units per hectare
Retail/Commercial Space	281 square metres
Floor Space Index (FSI)	4.37
Maximum Height (storeys)	13 Storeys (inclusive of the mechanical storey)

Maximum Height (metres)	46.81 metres (measured from the average grade of the building and the top of the mechanical storey)
Minimum landscaped Yard abutting Residential or New Residential Zones	2.0 metres
Min. landscaping between parking areas and public highways	Ranges between 0.2 metres and 0.47 metres to 1.5 metres
Minimum Indoor Amenity Area	215 square metres (1.02 sq.m per dwelling unit)
Total Parking Spaces: Residential Spaces: Visitor Spaces: Retail Spaces:	248 Parking Spaces in Total <ul style="list-style-type: none"> • 210 Parking Spaces (1 space per unit) • 29 Parking Spaces (0.13 space per dwelling unit) • 9 Parking Spaces (3 spaces per 100 square metres)
Minimum width of a standard Surface Parking Space	2.6 metres in width
Maximum Front Yard (Main Street)	3.1 metres
Maximum Exterior Side Yard (Ninth Line)	3.0 metres
Minimum Interior Side Yard (west)	3.51 metres
Minimum Rear Yard (north)	14.05 metres

*red text indicates site regulations that do not conform or comply with the Town’s Planning Documents.

Attachment 3 of this report includes the proposed ground floor plan for the subject property which highlights the commercial and live/work units proposed in addition to the indoor amenity spaces for residents, loading spaces, mail rooms etc.

The revised submission includes a total of 248 parking spaces with 38 spaces located at grade and 210 spaces located in two levels of underground parking. Access to the site is proposed from Ninth Line with right-in and right-out restrictions as well as a secondary access from of the cul-de-sac (bulb) at the south end of Fairview Avenue.

Figure 4 below shows the latest submission of the site plan. Figure 5 provides the proposed elevation rendering for the revised 13 storey structure.

Figure 4

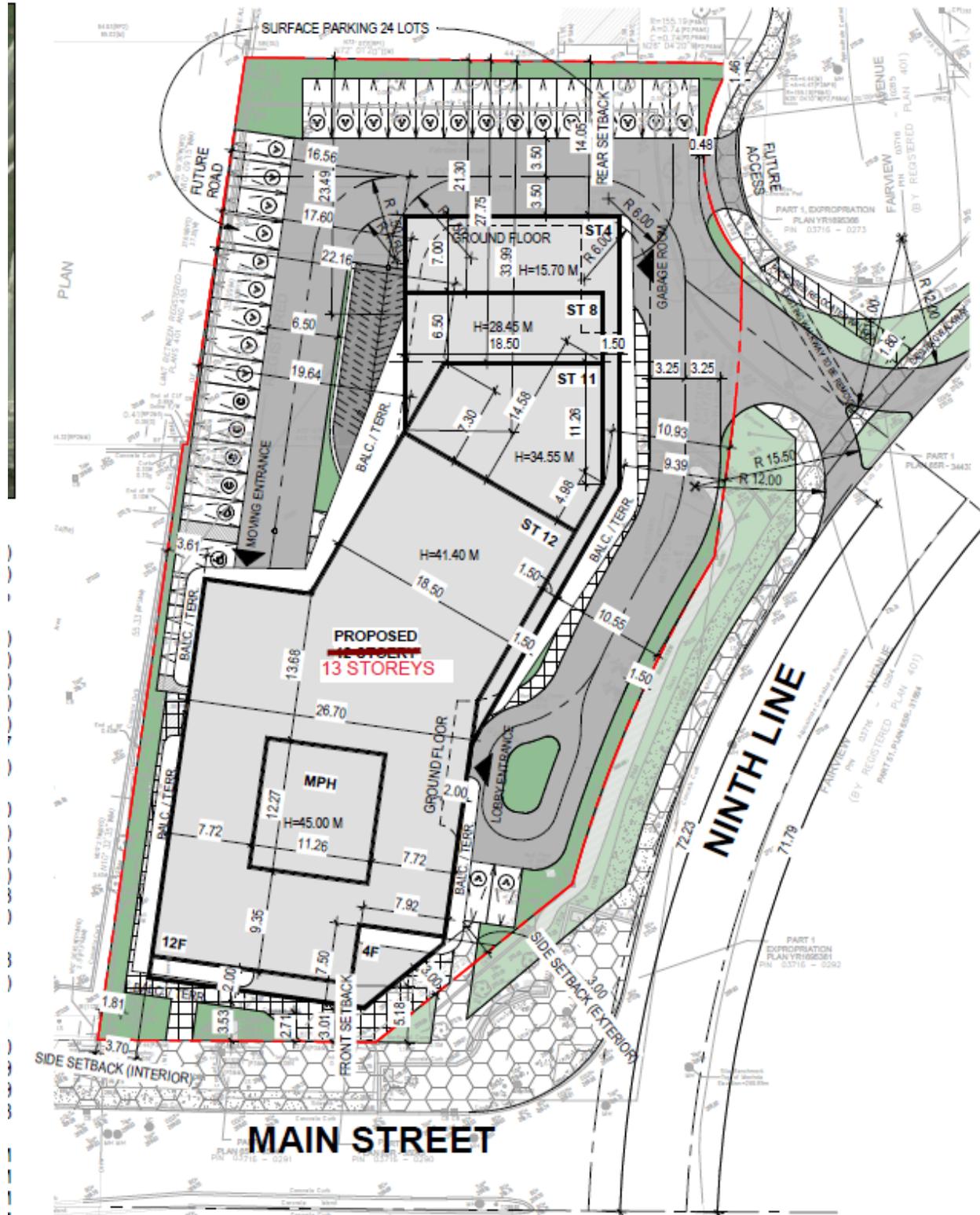


Figure 5



Table 4 below, provides the existing and proposed zoning and official plan designations on the subject properties.

Table 4 – Existing vs. Proposed

Item	Existing	Proposed
Official Plan Designation	Western Approach Area – Mixed Use Area & Existing Residential Area	Site Specific Designation within the Western Approach Mixed Use Area
Zoning By-law	CM2 (Commercial residential mixed- Western Approach)	Site Specific Exception to the CM2 Zone
Land Use	Vacant automotive sales centre, service garage and parking lot	Mixed use building with 210 residential units and approximately 281 square metres of retail space

4.1.2 Changes to the proposed development since the Public Meeting

A revised submission was received in April 2024 which has been further revised and refined based on the on-going discussions between the Town, the Property Owner, and their agent.

Staff note that the applicant has addressed some concerns raised at the Public Meeting. As a result of the feedback provided, the following revisions have been incorporated:

Access

The applicant has made changes to address comments related to access for the property which were provided through the review of submissions by the Region of York and RJ Burnside (the Town's Engineering Peer Review Consultants). The proposed access has been relocated to the northerly limit of the property on Ninth Line, in line with the existing driveway to maintain the existing separation between the driveway and the signalized intersection at Ninth Line and Main Street. A secondary access has been proposed to Fairview Avenue. Finalization of the access points and details will be addressed through the future Site Plan Control application which will be reviewed for all technical and engineering matters related to the development. Consideration will be given to not only traffic movement and patterns from the site but also to the potential impacts on the established neighbourhood to the north of the site. Mitigation measures will need to be implemented to reduce the impact on Fairview Avenue as a result of access.

Parking

With the most recent submission the applicant has increased the total number of parking spaces to 248 spaces total which represents the following breakdown:

- 210 Parking Spaces (1 space per unit)
- 29 Parking Spaces (0.13 space per dwelling unit)
- 9 Parking Spaces (3 spaces per 100 square metres)

The applicant also requested a reduction to the required number of barrier free spaces for the site. Staff have advised the applicant that reduction in barrier free parking spaces will not be supported by staff. The applicant has agreed to providing Barrier Free spaces as required by the Town's Zoning By-law.

In order to create additional parking spaces at grade, the applicant has requested a reduction in the minimum width of a parking space for the surface parking spaces only. The zoning by-law requires a minimum width of 2.75 metres for standard parking spaces. The proposed 2.6 metre width for standard parking space will allow for additional parking spaces and ensure that the required barrier free spaces are provided.

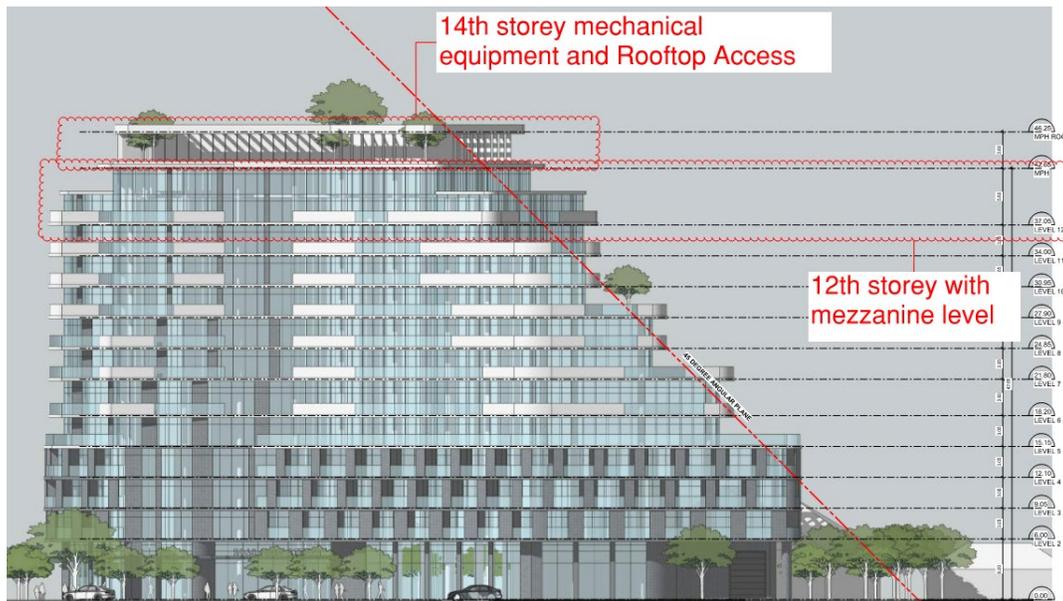
The Applicant Traffic consultant has demonstrated that the requested reduction in width for surface parking spaces will not impact the functionality of the site. Staff note that the industry standard for parking stall width is generally 2.6 metres therefore the requested reduction in width is a reasonable request.

Height

At the statutory public meeting, the height of the building was presented as 12 Storeys with a total height of 42.7 metres. Through the further review of the drawings and additional details received from the applicant, staff has determined that the storey count was calculated differently based on the information provided at that time. Due to a difference in interpretation of the zoning by-law for definition for storey and exemption for height, the applicant had excluded the 13th mezzanine level (accessed from the 12th storey) and the rooftop access and mechanical room in their declaration of storeys.

As such, at the statutory public meeting the building should have been described as 14 storeys at 46.81 metres in numerical height to the roof of the mechanical and access rooms. **Figure 6** below shows elevation of the building as presented at the public meeting and highlights the discrepancies between the declared number of storeys.

Figure 6



*Drawing as presented at January 2024 Public Meeting

Staff raised the concerns with the discrepancy in interpretation of the number of storeys, since what was presented at the Public meeting. The applicant has agreed to remove the mezzanine level accessed from the 12th storey which would represent the 13th storey. This establishes the final number of storeys to be 13 storeys inclusive of the mechanical penthouse area which serves as access to the rooftop outdoor amenity areas and houses mechanical equipment for the building's services.

Numerical Height of the building: The applicant had originally not increased or decreased the numerical value of the height of the building and continued to present 46.81 metres which is what was presented at the public meeting. The height is measured from the average grade of the building to the top of the mechanical penthouse area. Following the removal of the mezzanine level from the 12th storey, the applicant indicated that they would like to maintain the requested numeric value of

46.81 metres (to allow room for any construction and technicalities). The applicant indicated that the extra height removed from the mezzanine level would be redistributed amongst the remaining floors. Staff have worked with the applicant to reduce the numerical height of the building to 45 metres and is included in the draft zoning by-law.

Although the difference in interpretation of number of storeys has led to a revision from what was presented at the Public meeting (12 Storeys) to the final plans (13 storeys). In staff’s opinion, the numerical value of the height of the building (46.81 metres) has been reduced to 45 metres, since the Public Meeting and the mechanical penthouse is considered a technical storey. The built form and design of the building has not changed from what was presented at the public meeting.

Based on the above comments, staff is of the opinion that another public meeting is not warranted.

Re-Distribution of Unit Typology

In the first two submissions the applicant had proposed that the majority of the apartment dwelling units were to be of the one-bedroom typology. The changes to unit types over the various submissions can be seen in **Table 5** below.

Table 5

Unit Typology	Submission 1	Submission 2	Submission 3
One Bedroom/Bachelor	166	147	58
Two Bedroom	17	42	123
Three or More Rooms	17	21	29

This shift from primarily one-bedroom units to two-bedroom units is in response to comments received from Council, Staff and members of the Public and to provide for more family sized units within Stouffville. Staff are supportive of the revised unit breakdown and appreciate the applicant adjusting the plans accordingly.

4.2 Applicable Provincial and Regional Policies

This section will review the current, relevant, policy environment that forms part of the review and recommendations relation to the planning applications. The overview will include Provincial Plans and policies, York Region Official Plan, and the Town’s in-effect Official Plan and Secondary Plan as well as the Town of Whitchurch-Stouffville’s New Official Plan.

4.2.1 Provincial Policy Statement (PPS)(2020)

The Provincial Policy Statement (PPS, 2020) establishes policies that set out how municipalities should manage, and direct land uses to achieve efficient development and land use patterns. In April 2023, the Province of Ontario announced proposed changes to the Provincial Policy Statement (PPS) that would consolidate the PPS with the “A Place

to Grow” policy plan, into a new policy document to guide housing and complete communities. Currently, the PPS (2020) is still in effect.

Section 1.1.1 of the PPS includes policy direction for achieving strong and healthy communities. The policy directions include, promoting efficient development and land use patterns; accommodating a range of affordable and market-based mix of residential types and units as well as employment and commercial uses; and optimizing transit supportive development.

Section 1.1.3 of the PPS indicates that existing settlement areas should be the focus for growth with a range of uses and densities. Development should be transit supportive and located on existing or planned transit corridors.

Section 1.4 importantly includes policies regarding the importance of providing an appropriate range of housing options and densities to meet both current and future needs of the community.

The proximity of the subject property to the “Downtown Stouffville MTSA”, the Go Bus availability along Main Street as well as the availability of Local (York Region) Transit along Ninth Line, mean that this property is uniquely situated to take advantage of the limited public transportation options available in Stouffville.

For the reasons set out above, Town Staff are of the opinion that the proposed development is consistent with the Provincial Policy Statement and represents appropriate planning.

4.2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020

As mentioned above, the Province is currently in the review stages of consolidating the PPS with the “A Place to Grow” policy plan. Until then, the current “A Place to Grow” plan (known as the “Growth Plan”) is still in effect. The Growth Plan (2020) directs the vast majority of growth to be directed to settlement areas and establishes policies that would support the achievement of complete communities with access to transit, protection of employment zones, while increasing the amount and variety of housing available.

Section 2.2.1 of the Growth Plan directs the majority of growth to be established in settlement areas and prioritizes establishing growth through intensification of areas with existing or planned transportation networks. It also requires that Municipalities provide for a diverse range and mix of housing options to accommodate people at all stages of life, as well as varying household sizes and incomes.

Section 2.2.2 of the Growth Plan reinforces the need to focus on more efficient use of land and resources, with at least 50% of growth occurring through intensification of the delineated built boundary.

Section 4.2 of the Growth Plan provides policies to protect the existing Natural Heritage Systems and Agricultural Network within the Greater Toronto and Hamilton Area (GTHA). This highlights the importance of utilizing lands within established settlement areas

effectively to accommodate the required population and employment growth as established by the Province and the Region of York.

The proposed development is located within a Settlement Area and provides for efficient use of the lands for a compact mixed-use development, within a recognized growth area, while providing a range of different housing options. The development represents continued progress and investment into the Main Street in the Community of Stouffville, which further enhances it as a settlement area, and a place for the community to shop, live, dine and gather. Continual evolution along the Main Street represents good planning desirable for the community, which in turn allows for sustained growth and advancement for a strong and healthy community.

For the reasons set out above, Town Staff are of the opinion that the proposed development conforms with the Growth Plan and represents good planning.

4.2.3 The Greenbelt Plan and Oak Ridges Moraine Conservation Plan (2017)

Both the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan (2017) provide direction for protecting the natural heritage and agricultural systems in Ontario. On September 6, 2023, the Minister of Municipal Affairs announced that the Ministry will commence the review process for the Greenbelt Plan, however the overall protection of lands outside of settlement areas within the Greenbelt Boundary continues to be prioritised by the Province.

Section 3.4.1 of the Greenbelt Plan establish policies and direction for existing Settlement Areas within the plan boundaries. The policy speaks to the achievement of complete communities through the development of community hubs that co-locate private and public uses on both vehicular and active transportation corridors.

Section 18 of the Oak Ridges Moraine Conservation Plan (ORMCP) provides objectives for settlement areas within the Plan. These objectives include;

- the development of communities that provide residents with convenient access to a mix of employment and transportation options as well as a full range of housing and public services.
- Minimizing the impact of development on the ecological and hydrological functions of the plan area
- Promoting efficient use of land with transit-supportive densities through the intensification and redevelopment within existing built-up areas.

The subject property is located within the Oak Ridges Moraine Conservation Plan (ORMCP) within the Settlement Area designation, subject to policies of the Plan. The Settlement Area designation allows for development of lands for all urban uses as permitted within the applicable Official Plan. No environmental designation applies to the subject site. The Toronto Region Conservation Authority have reviewed the applications and have no concerns.

Town Staff are of the opinion that the proposed development conforms with the ORMCP and represents good planning.

4.2.4 York Region Official Plan (2022)

The York Regional Official Plan (2022) replaces the previous 2010 York Region Official Plan and provides new guidance on planning and development to support complete communities within the region. The Regional Official Plan (ROP) places the subject properties within the Towns and Villages designation and identified them as being in the existing built-up area of the community of Stouffville.

Section 2.1 of the ROP identifies that Towns and Villages as one of the areas for future growth and development within the Region. The Community areas are further identified as an area for residential, population-related employment and community services are to be located.

Section 2.2.1 of the ROP outlines the population and employment forecasts for the Town of Whitchurch-Stouffville from 2021 to 2051. The ROP, as updated following provincial approval, indicates that the Town is to reach a population of 103,500 people by the year 2051.

The Region of York engineering division will continue to provide comments on the future applications for Site Plan Control and Draft Plan of Condominium. The technical matters related to servicing and access will be addressed through these subsequent applications and the eventual Site Plan Agreement.

A request for exemption from regional approval of the proposed Official Plan Amendment was submitted to the Region and was granted an exemption as the proposed Official Plan Amendment is a routine matter of local significance and does not adversely affect regional planning policies or interests. This exemption allows the amendment to come into effect following its adoption by the Town and the expiration of the required appeal period.

For the reasons set out above, Town Staff are of the opinion that the proposed development conforms to the YROP-2022 and represents good planning.

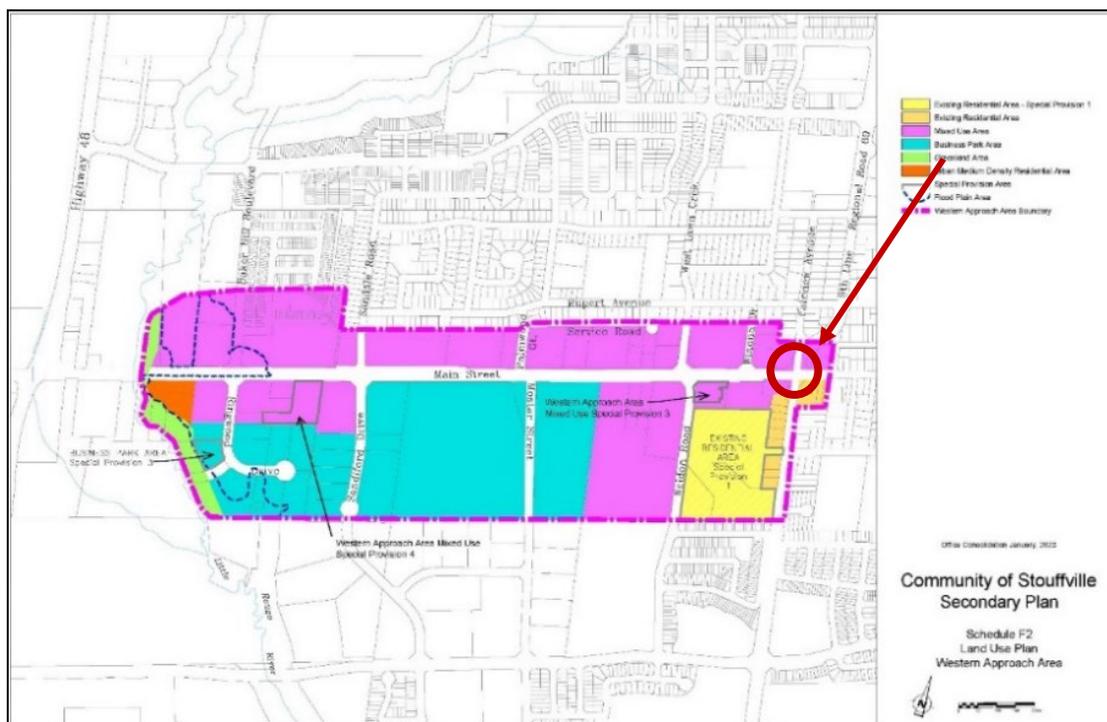
4.3 Town Official Plan and Proposed Official Plan Amendment

Section 1.2 of the Town of Whitchurch-Stouffville Official Plan establishes that the policies identified within the various Secondary Plans prevail over the provisions of the overall Official Plan in the case of a conflict. The Community of Stouffville Secondary Plan is included within Section 12 of the Town of Whitchurch-Stouffville's Official Plan.

4.3.1 Community of Stouffville Secondary Plan

The property is designated Mixed Use Area – Western Approach and Existing Residential Area within the Community of Stouffville Secondary Plan as shown on **Figure 7** below.

Figure 7 (Western Approach, Mixed Use Area– Schedule F2)



In addition to site-specific exceptions, the proposed Official Plan Amendment proposes to re-designate the northern portion of the property from “Existing Residential Area” to Western Approach Mixed Use Area”.

Section 12.3 of the Community of Stouffville Secondary Plan (Secondary Plan) outlines the intended community structure for the Community. The Western Approach – Mixed Use Area is envisioned to function as a mixed-use corridor which is to serve as a secondary focal point of the community after the Community Core Area which is comprised of the historic downtown and Main Street.

Section 12.4 of the Secondary Plan lays out the Community Character Strategy for the area. This strategy includes preserving the unique character of the community as well as outlining principles for the development of a healthy active community. The Western Approach Area specifically is to contain a high quality of design that reflects the character of our community, contribute to the Town’s intensification targets, strengthen a mix of land uses, and encourage at-grade public/commercial uses.

Section 12.7.18 highlights the objective to create a diverse, thriving commercial district in the Western Approach that includes employment, commercial, institutional, cultural, entertainment and residential uses. The Town is to ensure that the built form is of varying architectural styles and massing and that new structures maintain a strong orientation to the public realm.

4.3.2 New Official Plan (Adopted by Council in May 2024)

At the May 15, 2024, Council meeting, Council passed a by-law which adopts the Town’s New Official Plan (2024-057-OP). Although this document has been adopted by Council, prior to coming into full force and effect, it must be approved by the Region of York and the Province,

Currently, the policies that are applicable to the subject property and against which the proposed Official Plan Amendment is weighed, are the policies of the Town’s existing Official Plan.

4.3.3 Proposed Official Plan Amendment (File No. OPA22.009)

The applicant has prepared a draft Official Plan Amendment that would add a new section 12.7.18.4.6 to the Community of Stouffville Secondary Plan. In addition to site specific provisions for the property at 5964 Main Street, they are also proposing to amend Schedule “D-3 – Western Approach Area” to include the property at 28 Fairview Avenue which is currently part of the adjacent “Existing Residential Area” designation.

Table 6 below outlines the requested changes compared to the policies for the Western Approach Mixed Use Area:

Table 6

Western Approach – Mixed Use	Proposed Amendment - Special Provision
Medium density residential uses and mixed-use development	High-density residential uses and mixed-use development shall be permitted on the subject lands
Maximum height of 10 storeys	Maximum height of 13 storeys
Minimum FSI of 0.5 Maximum FSI of 2.0	Maximum FSI of 4.37
Residential Development between minimum 30 and maximum 120 units per net hectare	525 residential units per net hectare (Total of 210 Units proposed)
Section 12.7.18.3 xiii) requires a ratio of commercial to residential uses where an existing commercial development is present on the subject lands.	That Section 12.7.18.3 xiii) not apply to the subject lands

Number of storeys: Town staff are of the opinion that the increase in height from a permitted 10 storeys to the requested 13 storeys (inclusive of mechanical penthouse) represents an acceptable deviation from policies of the Western Approach – Mixed use designation. The proposed building is terraced and stepped back from the northern property line, and overall built form is well articulated. This achieves a desired separation between the neighbourhood to the north and the potential impact from the private balconies of the proposed building. The articulation of the built form reduces the impact of the building on the immediate context. Staff are proposing to solidify the step back

requirements through the regulations of the proposed zoning by-law amendment which is further discussed in the sections below.

Density: The Official Plan Western Approach – Mixed Use designation permits medium density residential uses and mixed-use development. The proposed development is mixed use. The applicant has requested a total residential density of 525 units per hectares whereas the Western Approach Mixed Use Area permits a maximum density of 120 units per hectare. Regardless of any densities approved through the subject applications, the applicant will be required to demonstrate that the property can accommodate the requested unit counts through additional future submissions and review associated with the future Site Plan Control application. This includes review and approval of traffic studies, servicing plans, parking studies, storm water management strategies amongst other technical requirements.

The proposed density is greater than densities previously approved for Main Street in the Western Approach – Mixed Use Area. However, the policies within the Town's recently adopted 2023 Official Plan, move away from consideration of overall densities expressed as units per hectare and instead calls for minimum Floor Space Index's and seeks heights with appropriate transitions to adjacent established residential neighbourhoods. Provided the applicant can demonstrate through the Site Plan, Technical Review Stage, that the proposed densities can be accommodated with respect to traffic, parking and servicing, Staff believe that the proposed unit count (density) is appropriate. The applicant would be required to demonstrate through the technical review through the site plan control application that the required parking, traffic and servicing requirements for the development can appropriately function.

Staff are of the opinion that the proposed Official Plan amendment is appropriate for the area and represents good planning. The densities proposed, are in keeping with the policies of the Region of York Official Plan, the Provincial Policy Statement, and "Places to Grow - A Growth Plan for the Greater Golden Horseshoe."

4.4 Comprehensive Zoning By-law 2010-001-ZO and Proposed Zoning By-law Amendment (File No. ZBA22.018)

The subject properties are currently zoned Commercial Residential Mixed – Western Approach Area (CM2) within the Town of Whitchurch-Stouffville's Comprehensive Zoning By-law 2010-001-ZO (the By-law). The CM2 zone permits a wide range of commercial uses as well as apartments above commercial uses at grade and stand-alone residential apartment buildings.

4.4.1 Proposed Amendment to By-law 2010-001-ZO

The zoning by-law amendment applications seeks to amend the CM2 zone to introduce a new site-specific zone for the two properties [CM2(15)] which would permit the development of the properties as proposed.

Table 7 below summarizes the site-specific regulations required to facilitate the development as it has been proposed.

Table 7

Zoning Regulation	Required CM2 Zone	Current Submission
Required Front Yard (Min)	3 metres	2.7 metres
Required Front Yard (Max)	3 metres	3.1 metres
Exterior Side Yard (Ninth Line)	Min – 0 m Max – 3 m	Maximum 3 metres (no amendment required)
Maximum Residential Density	65 Units Per Hectare	Maximum 525 units per hectare
Maximum and Minimum Floor Space Index (FSI)	0.5 – 1.0	Maximum 4.37
Height (metres)	20 metres	Maximum 46.81metres – now revised to 45 metres and included in the draft ZBL
Minimum Landscaped Yard abutting Residential or Residential New Zones	Min. 4.5 metres – required to be landscaped as per qualifying note 1	Minimum Landscaped Yard 2.0 metres (north lot line)
Min. Landscaped Area between street and parking areas or driveways	4.5 metres	0.23 metres (Ninth Line) 0.475 metres (Fairview Ave.)
Minimum Indoor Amenity Area	420 square metres (2 square metres per dwelling unit)	215 square metres (1.02 sq.m per dwelling unit)
Minimum width of a two-way drive aisle	6.5 metres	6 metres
Minimum width of standard parking space	2.75 metres	2.6 metres (surface parking only)
Minimum number of loading spaces	3	1
Minimum distance between Residential Zones and a Loading Space	20 metres	14 metres
Parking Spaces	Total required 326 spaces	248 Parking Spaces
	Residential - 262.5 spaces (1.25 space per dwelling unit)	210 Parking Spaces (1 space per unit)
	Visitor - 53 spaces (0.25 space per dwelling unit)	29 Parking Spaces (0.13 space per dwelling unit)
	Retail - 9 spaces (3 spaces per 100 sq.m.)	9 Parking Spaces (no amendment required)

Zoning Regulation	Required CM2 Zone	Current Submission
Barrier Free Spaces	7 spaces	7 Spaces (no amendment required)

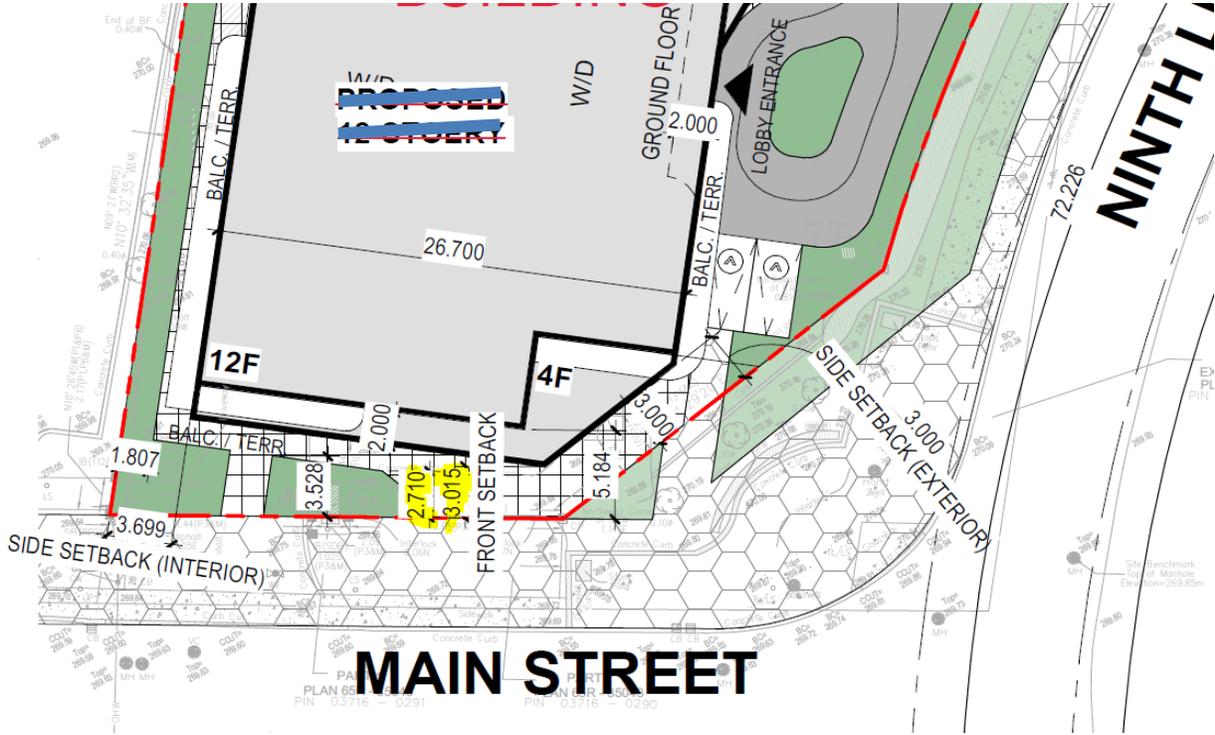
The final zoning by-law amendment seeks relief in the areas as shown in the table above. Staff are generally supportive of the requested amendments provided that the technical review through the site plan control application demonstrates that the proposed built form and densities can be accommodated by the subject property.

4.4.2 Building Setback, Landscaped Yard and Landscaped Areas

Building Setbacks: Amendments have been requested to the required front yard requirements. Generally the setback amendments are related to the unique shape of the property. Due to the configuration of Ninth Line, there are numerous “pinch points” or “flares” in the property fabric that result in a few points where either the minimum or maximum setback of the building do not comply. Overall, the proposed setback requirements comply with the requirements of the Town’s Zoning By-law.

See figure 8 below that shows the front yard setback of 2.7 metre setback at the narrowest point.

Figure 8



Landscaped Yard Requirement: The zoning by-law requires a Minimum Yard of 4.5 metres abutting Residential and Residential New zones and requires that the required Yard be landscaped. The proposed building setback on the north side (between the building and the north lot line) is approximately 14 metre however and exceeds the

minimum Yard requirement of 4.5 metres. However, only a 2 metre wide landscaped area is proposed within the northerly Yard whereas the By-law requires a minimum 4.5 metre Landscaped Area. Given the currently proposed configuration, if the applicant were to provide the 4.5 metres Landscaped Area, it would significantly impact the ability to provide surface parking in that area. Approximately 16 spaces would be removed if a 4.5m Landscaped Area be proposed in the subject Yard on the north side.

The final approval of this setback is dependent on the functionality of the site, the proposed storm water management plan as well as approval of the landscaping plan, all of which will be done through the future site plan control application. This minimum setback could always be increased through the detailed design phase, where additional opportunities may arise for additional landscaping.

Landscaped Area between the Street and Driveways/Parking: Amendments are also requested for Minimum Landscaped Area between street and parking areas or driveways. A minimum of 4.5 metre wide Landscaped Area is required between street and parking areas or driveways as per the Town's Zoning By-law. The proposed parking areas and driveways between Fairview Avenue and Ninth Line, due to the irregular configuration of the lot, is unable to meet the required 4.5 metre wide Landscaped Area throughout the entirety of the Landscape strip. There are a few pinch points where the landscaped strip is reduced to 0.20 metre and 0.47 metres whereas the remainder of the landscape strip is approximately 1.5 metres in width.

4.4.3 Amenity Areas

The Town's Zoning By-law requires that a minimum of 2 square metres of indoor amenity space be provided per residential dwelling unit in an apartment building. In previous submissions the applicant had provided small spaces on each floor in addition to the outdoor amenity area provided on the rooftop.

In the most recent submission, the applicant has revised the floor plans and included one larger area on the ground floor, smaller spaces on each residential floor (2nd to 12th storey) and an outdoor amenity area on the roof top patio. The total amount of indoor amenity space provided is 215 square metres whereas the Town's Zoning By-law requires a minimum of 410 square metres.

Given that the proposed development includes roof top outdoor amenity areas in addition to the spaces provided indoors, Staff are of the opinion that sufficient amenity area will be provided for future residents of the building. Further revisions may be made through the site plan review process, there may be opportunities to further revise the interior layout of the building to provide for additional amenity area once the technical review is underway.

4.4.4 Parking

As mentioned above, the applicant has increased the number of parking spaces provided with this most recent submission. **Table 8** below shows the required and proposed number of parking spaces for the proposed development:

Table 8

Use	Required Ratio	Required Number of Spaces	Proposed Ratio	Proposed Number of Spaces
Retail/ Commercial	3 spaces/ 100 metres squared	9	3 spaces /100 metres squared	9
Residents	1.25 spaces/ dwelling unit	262.5	1 space/ dwelling unit	210 – does not meet the requirement
Visitor	0.25 spaces/ dwelling unit	52.5	0.13 spaces / dwelling Unit	29 – does not meet the requirement
Total	324		248 – does not meet the requirement	

The applicant has proposed a total of 248 parking spaces, which is a reduction of 23.45% of the required number of parking spaces.

The Traffic Impact Study submitted by the applicant, which includes a review of the provided parking has been deemed to be satisfactory by the Town's Traffic Peer Review consultant, for the purpose of recommending approval of the Official Plan and Zoning By-law Amendments. Although there are specifics that will be refined further through the detailed design phase, but there have been no significant concerns raised with the proposed parking rate.

The applicant has also proposed a reduced minimum width for the surface level parking spaces as reviewed in section 4.1.2 of this report. The reduction in the width of parking space does not appear to negatively impact the functionality of the site. This will be further reviewed through the site plan control application and if it can not be demonstrated that the reduced width will function then the applicant would be required to revise their plan at a later date to meet the parking space width that is more appropriate and functional.

4.5 Staff proposed modifications to the proposed zoning by-law amendments

The proposed draft by-law before Council, differs from the zoning amendments requested by the property owner and the applicant. Staff have advised the applicant of the staff proposed changes to the by-law to the applicant and have attempted to reconcile the minor differences prior to recommendation to Council, in particular related to the proposed height.

Height

The built form and the numerical height of the building (45 metres) has changed since the statutory public meeting. The draft zoning by-law before Council, reflects the reduced numerical height of 45 metres as proposed by staff in discussion with the Applicant.

As discussed above, the increase in number of storeys (from 12 to 13 storeys) is a result of discussion between staff and the applicant on the interpretation of “Storey” and which components of the structure will be included in the calculation of total height of the building.

As mentioned above, the developer had previously proposed a mezzanine level (constituting a 13th storey as per the Town’s zoning by-law) which would be accessed from the 12th storey of the building. Following discussions between Staff and the Applicant, the applicant has agreed to remove the mezzanine level to bring the overall number of storeys to 13, including the rooftop mechanical penthouse and access to outdoor amenity spaces.

The proposed step backs and articulation of the building as shown on the submitted plans is as follows:

- Between the 4th and 8th storey – a step back of approximately 7 metres on the north side of the building
- Between the 8th and 11th storey – a step back of approximately 6.5 metres
- Between the 11th and the 12th storey – step back of 7.3 metres on the western facade and step back of approximately 16 metres on the east side of the facade
- 13th storey – an approximately 115.3 square metre mechanical room, rooftop access and elevator hall, and the outdoor amenity spaces are located on the 13th storey. The subject storey has a step back of greater than 15 metres from the 12th storey on the north side.

A detailed Schedule to implement the proposed step backs is included as Attachment 5 to this report and also forms part of the proposed draft Zoning By-law Schedule. Staff is of the opinion that it is important to implement a schedule of height and step backs in the zoning by-law to ensure that that the built form and the proposed step backs, as shown to Council and public are implemented through the future site plan and building permit applications.

See Attachment 4 to this report for a copy of the proposed Building Elevations.

In Staff’s opinion, staff suggested changes are reasonable and allow the property owner to achieve the desired built form, while reducing the overall impact in a way that in staff’s opinion, will not alter the viability of the project.

4.6 Holding Symbol (h-44)

Town Staff are recommending the application of a holding symbol for two items which have not yet been finalized for the properties. The application of a holding symbol adds an additional layer of review and approval prior to the issuance of a building permit. As per the Town’s Zoning By-law, until such time a holding symbol is lifted, the only uses permitted on a subject property are those that were permitted prior to the passage of the site-specific zoning. This would mean that even a conditional building permit could not be issued until the holding symbol is lifted. The proposed conditions of lifting the holding provision are as follows:

- i) Satisfactory arrangements for Sanitary Sewer and Water Servicing Allocation with the Town of Whitchurch-Stouffville; and
- ii) Appropriate access and traffic mitigation requirements to be provided in accordance with required plans and studies to the satisfaction of the Town of Whitchurch-Stouffville and the Region of York

Site Servicing

As the proposed densities are in excess of what has been previously contemplated for this area, there are a number of aspects of the functional servicing report that require further updates, review and confirmation prior to servicing allocation granted by the Town.

The Town engages GM Blue Plan for monitoring of water and wastewater capacity and Town staff are still waiting for the report from GM Blue Plan which will confirm that there is sufficient capacity in the existing system to accommodate the proposed 210 residential units.

Once the Town has received confirmation from GM Blue Plan that there is sufficient capacity in the water and wastewater system, Town Staff and the Region of York are required to confirm that there is adequate allocation remaining in the allocated volumes for the 2019- 2025 period which was provided by the Region of York. Once the Region and the Town have confirmed and assigned allocation for water and wastewater servicing than the applicant could proceed to submit an application to lift the related condition of the holding symbol (h-44).

Site Access

Access to site and the associated technical details are typically addressed through the site plan review (detailed design). Since the proposed secondary access to the site from Fairview Avenue was only proposed with the most recent submission, there has been limited opportunity to fully evaluate all potential impacts of this connection. To date, the Town's Peer Review Traffic consultant has not raised any concerns with the proposed access off Fairview Avenue. The Town Engineering and Peer Review consultant will be further reviewing the proposed access off Fairview Avenue and the technical details, to ensure that any negative impacts to the surrounding properties and land uses will be properly addressed.

Once the proposed access locations have been fully reviewed through the detailed design review, and the locations of the driveways have been approved by both the Town of Whitchurch-Stouffville and the Region of York respectively, the applicant could proceed to submit an application to lift the related condition of the holding symbol (h-44).

4.7 Matters to be Addressed through future Site Plan Application

The proposed development will be subject to a future application for Site Plan Control as well as a draft plan of Condominium. These applications are anticipated to be submitted once a decision has been made with respect to the current Official Plan and Zoning By-

law amendment applications. 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 items that will be further reviewed and will require approval under the Site Plan Control Process (subject to change based on review);

- Site Access
- Parking area design
- Storm water management
- Site Grading and drainage
- Site servicing
- Landscaped Areas, fencing, buffers, etc.
- Further improvements to proposed building design and architectural details
- Site Lighting
- Access to retail/commercial units
- Streetscape Design and Public realm, in particular fronting Main Street

Site Design and Land Use considerations

Some of the site design and land use specific matters that Town Staff will be considering through the continued review of the development include matters related to site configuration and access points to ensure that the site is able to be easily accessed by both vehicular and pedestrian traffic.

The Main Street Frontage will be required to be designed to create a pedestrian friendly environment with potential for the provision of outdoor patio areas to accompany the proposed retail uses at grade. Staff will be seeking a high quality and attractive design that defines the street edge, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms. Given that this prominent corner acts as a gateway entrance between the mixed-use areas to the west and the town's historic Main Street, Staff intend to continue to discuss the urban design and street scape as well as opportunities for public art etc. on the site.

Town staff look will continue to have further discussions regarding the proposed ownership or rental options for the building.

4.8 Basis for Recommendation

The subject property is situated within the Western Approach Mixed Use area of the Community of Stouffville Secondary Plan, this area is identified as a strategic growth area under the Town's New 2023 Official Plan. This area generally offers opportunities for medium to high rise development and encourages mixed use developments to continue to support both the Town's growth and local economy.

The Development Planning Division has no objection to the proposed Official Plan Amendment and Zoning By-law Amendment Applications as discussed in the sections above for the following reasons;

- i. The proposed development would offer an attractive building and entrance to the Western Approach – mixed use area;
- ii. The proposed development will provide an improved pedestrian friendly street frontage with active commercial/retail/ office uses at grade fronting Main Street;
- iii. The proposed development will continue to offer small scale commercial opportunities to replace the previous commercial use on the property;
- iv. The proposed development will contribute to the Town's goal of creating a range of housing types for future and existing residents of the Town.
- v. The proposed development contributes to the overall intensification targets of the Town, projected for the 2051 planning horizon.

4.9 Options

Further to the analysis undertaken in Section 4 of this Report, Town Staff is satisfied that:

- i. The proposed development is generally consistent with the Provincial Policy Statement;
- ii. The proposed development generally conforms to the Growth Plan;
- iii. The proposed development generally conforms to the Oak Ridges Moraine Conservation Plan;
- iv. The proposed development generally conforms to the York Region Official Plan; and,
- v. The proposed development generally conforms to the Town's Official Plan.

Town Staff is satisfied that the proposed OPA and ZBA, represent appropriate planning for the utilization of the lands provided the detailed design continues to demonstrate the functionality of the site as proposed.

The subject Applications have fulfilled the requirements for Statutory Public Notice of Complete Application and Public Meeting in accordance with the Planning Act, R.S.O. 1990, c. P. 13.

Option A (Recommended)

That Council adopt the Official Plan Amendment and pass the site-specific Zoning By-law Amendment for the subject property. It is noted that a Site Plan Approval Application for the proposed development and a Site Plan Agreement will be required to be signed and executed before a full building permit can be issued.

Option B

That Council does not approve the Official Plan Amendment and pass the site-specific Zoning By-law Amendment for the subject properties. This option is not recommended as the proposed Applications represent good planning and are supportable under Provincial Policy and the Regional policy framework.

5. Financial Implications:

None

6. Alignment with Strategic Plan:

1. A Town that Grows
A Town that grows in support of complete communities

7. Attachments:

1. Location Map
2. Proposed Site Plan – 5064 Main Street and 28 Fairview Avenue
3. Proposed Ground Floor Plan
4. Proposed Architectural Elevations
5. Draft Zoning By-law Schedule of Height and number of storeys

8. Related Reports:

[Report DS-04-24 dated January 31, 2024 -- Proposed Official Plan Amendment and Zoning By-law Amendment for 5964 Main Street and 28 Fairview Avenue, File Numbers OPA22.009 and ZBA22.018 – Public Meeting Report](#)

[Report DS-08-23 dated February 15, 2023 — Information Report – Applications for Official Plan Amendment and Zoning By-law Amendment for 5964 Main Street and 28 Fairview Avenue.](#)

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