

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0012

**FOR THE CONSIDERATION OF
COUNCIL**

March 27, 2024

**SUBJECT: APPLICATION TO AMEND ZONING BY-LAW NO. 500
GREENGATE VILLAGE LIMITED
DOVEDALE DRIVE, KESWICK
PART OF LOT 6, CONCESSION 3 (NG), Parts 5&6, Plan 65R-35183 File
No. 03.1182**

1. RECOMMENDATIONS:

- 1. That Council receive Report DS-2024-0012 prepared by the Development Planning Division, Development Services Department dated March 27, 2024 respecting an application to amend Zoning By-law No. 500 submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of Greengate Village Limited for lands on the south side of Dovedale Drive, Keswick;**
- 2. That Council approve the application submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of Greengate Village Limited to amend Zoning By-law No. 500 to rezone the subject lands from Rural (RU) to site-specific Medium Density Urban Residential (R3-71) and Open Space (OS-131);**
- 3. That the amending Zoning By-law contain the site-specific provisions as outlined in Attachment 5 to Report DS-2024-0012;**
- 4. That Council acknowledges that there have been revisions to the proposed Zoning By-law since the February 14, 2023 public meeting and that in accordance with Section 34(17) of the *Planning Act* has determined these revisions to be minor and not requiring an additional public meeting;**
- 5. That the future Site Plan Agreement contain provisions restricting the tenure of the development to purpose-built rental for a minimum of 20 years from the permitted date of occupancy under the Ontario Building Code, and further that a restriction (restrictive covenant) be registered on title restricting the tenure to rental for a minimum period of 20 years from the permitted date of occupancy under the Ontario Building Code;**
- 6. That Council reserve 54.8 persons equivalent of Sanitary Sewer and Water Allocation for the proposed development from Category 7- Purpose Built Rental for a period of up to 2 years, and that the reserved servicing allocation**

be formally committed and assigned by the Director of Development Services upon the issuance of Site Plan approval and building permits;

- 7. That the reserved servicing allocation be automatically rescinded in the event that a complete Site Plan application has not been submitted to the Town by March 24, 2025 and/or that a building permit application(s) has not been submitted to the Town by March 24, 2026; and,**
- 8. That Council authorize the conveyance and acceptance of the Open Space/Environmental lands on the site to the Town at no charge and for no parkland credit at the Site Plan Approval stage.**

2. PURPOSE:

The purpose of this report is to provide Staff's review and recommendations on an application for Zoning By-law Amendment (ZBA) submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of Greengate Village Limited to permit the development of a proposed 20-unit rental townhouse development on the south side of Dovedale Drive in Keswick.

3. BACKGROUND:

3.1 SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is located on the south side of Dovedale Drive, to the east of Tim Jacobs Drive. The property is currently vacant, and has a significant woodlot and wetland located on the eastern portion of the property. Surrounding land uses include:

North: A watercourse and low density residential uses

South: A significant woodlot, low density residential uses and an elementary school

East: A significant woodlot and low density residential uses

West: A watercourse, stormwater management pond and low density residential uses

3.2 PROPOSAL

The application proposes to facilitate the construction of a 20-unit rental townhouse development on the property. A Zoning By-law Amendment (ZBA) application has been submitted to permit the proposed development. The property is currently zoned Rural (RU), and the applicant is proposing to rezone the property to site-specific Medium Density Urban Residential (R3-71) and Open Space (OS-131) to permit townhouses and to protect the existing environmental features present on the site.

Refer to Attachment 6 for a summary of all submission documents. Submitted documents are available from the Development Planning Division or via the link below:

[Submission Documents](#)

3.3 FEBRUARY 14, 2024 PUBLIC MEETING

On February 14th, 2024, Council received Report No. [DS-2024-0007](#) respecting the subject Zoning By-law Amendment Application. Concerns raised by neighbouring residents and Council regarding the proposal were identified, including concerns about potential negative impacts on the natural heritage features and stormwater, construction noise, protection of tenure, and tree compensation. A full list of concerns and a response has been included in Section 5 of this report.

4. **PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

4.1 PUBLIC CONSULTATION

The subject rezoning application was received by the Town on December 30, 2023 and was deemed complete via letter on January 18, 2024.

A Notice of Complete Application and Public Meeting was mailed to all assessed property owners within 120 metres of the subject property on January 25, 2024. For additional notification, the notice was also posted to the Town website on January 29, 2024.

As per the *Planning Act*, one (1) public notice sign was posted on the property on January 22, 2024.

One written comment from member(s) of the public was received prior to the original public meeting. Two additional members of the public made comments at the February 14, 2024 public meeting. Staff have also received further correspondence from one of the members of the public who spoke at the meeting.

General themes from the public included concerns regarding potential flooding or drainage issues, negative impacts on and loss of natural heritage features and wildlife, including the blue herons, and loss of amenity space for residents.

Staff have followed up with members of the public who had concerns and provided a response to these concerns in Section 5.

As per the previous public meeting recommendations, written notice of the next Council meeting was provided at least 2 weeks in advance.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

Town department and external agency comments received are provided in Attachment 4 and are summarized below.

Development Engineering Division

Detailed design comments related to erosion control, stormwater, municipal addressing, utility coordination, traffic control, construction management, photometric, noise and general grading / servicing have been provided. Town Staff have confirmed that should the application be approved the conditions listed will be addressed at the Site Plan Approval stage.

Planning Policy Division

The Planning Policy Division has provided comments related to the submitted Environmental Impact Study (EIS), Urban Architectural Design Guidelines report (UADG) and proposed ZBA. As noted in Report No. [DS-2024-0007](#), the existing natural heritage features will need to be protected from the development through a Vegetation Protection Zone Buffer (VPZ). Comments provided included ensuring that the EIS recommendations are upheld and that the stockpile of soil and debris located within the proposed buffer area is removed, as well as showing pedestrian linkages, clarifying whether garbage receptacles will be provided, and ensuring high quality cladding is used. Should the application be approved, the conditions listed and comments provided will be addressed at the Site Plan Approval stage.

Community Services Department

The Community Services Department has indicated that no specific parkland dedication is required from the subject site and that a cash in lieu of parkland payment would be required in accordance with the provisions of the *Planning Act*. The Community Services Department has also identified the need to establish a possible trail connection to Bayview Park. Staff note that a trail connection already exists to the west of the site, and propose alternatively that the applicant provide pedestrian access to the existing trail network from the subject site. If the subject application is approved, a trail/pedestrian connection from the site to Bayview Park can be required.

Canada Post

Canada Post has requested that the owner/developer comply with several comments related to the placement of Community Mailboxes.

Rogers Communications

Rogers has requested that the owner/developer comply with several conditions related to ensuring that telecommunication services can be provided to future residents. Staff note that Rogers has requested that several conditions be included as part of the Subdivision Agreement. As the proposal consists of rental townhouses, a Subdivision Agreement will not be required. The recommended conditions provided by Rogers can be addressed as part of the required Site Plan Agreement.

Georgina Fire Department

The Fire Department has provided detailed design comments relating to sprinklers, the load-bearing capacity of fire routes, ensuring a turning apparatus is included, and have requested that all construction be in conformance with the Ontario Building Code.

Lake Simcoe Region Conservation Authority (LSRCA)

LSRCA staff have provided updated comments stating that they have no objection to the approval of the application, and that an LSRCA permit will be required prior to any development taking place within the regulated portion of the property. The comments further state that there is no floodplain located where the development is proposed. A more detailed overview of this matter is located in Section 5.3. Staff note that payment has now been received for the LSRCA fee mentioned in the comments.

York Region

York Region has indicated no objections to the proposal, and has provided comments related to servicing allocation. The Region has deferred to the Town and the LSRCA on natural heritage matters.

Chippewas of Georgina Island

The Chippewas of Georgina Island have indicated that they were not informed of the initiation of the submitted Archaeological Assessment. Town Staff have forwarded these comments onto the applicant, and received the following response from the consulting licensed archaeologist:

“Under the terms of our licence and under the Standards and Guidelines for Consultant Archaeologists, there is only a requirement to undertake Aboriginal Engagement in cases where a significant site is found and determined to require mitigation in advance of development (i.e. after Stage 3 Site-specific Assessment)”.

Stage 1 and 2 Archaeological Assessments were undertaken by the applicant. As a result of the Stage 2 Assessment of the study area, no archaeological resources were encountered. Consequently, it was determined that no further archaeological assessment of the study area was required, and that the proposal was clear of any archaeological concern.

The below departments / agencies have no comment:

- Ministry of Transportation
- Enbridge Gas Distribution
- Tax and Revenue Division
- Municipal Law Enforcement Division
- York Catholic District School Board

- York Region District School Board
- Economic Development and Tourism Division

The applicant has provided a [chart](#) outlining their responses to the comments provided by members of the public, staff, external agencies and Council.

5. **ANALYSIS:**

A thorough review and analysis of the proposal against Town, Region and Provincial policy was undertaken and provided through the February 14, 2024 [Staff Report](#). In this regard, the current analysis will focus on how outstanding issues have been or will be addressed.

5.1 Open Space Zone Ownership

In order to best ensure the protection of the natural heritage features present on the site, the Town has been in discussion with the applicant regarding the ownership of the portion of the property that is proposed to be zoned Open Space. The Town already owns the lands containing natural heritage features directly to the east, as these were conveyed to the Town during the registration of Plan 65M-4700 by Ballymore Homes in 2021. Consequently, consolidating the Open Space lands together under Town ownership will prevent ownership fragmentation of natural heritage features and ensure that their stewardship is undertaken in a consistent manner in the long term. The applicant has indicated willingness to dedicate the Environmental Protection Area and associated buffer proposed to be zoned OS-131 zone to the east and south of the proposed R3-71 zone (Townhouses) to the Town. This matter will be further addressed during the Site Plan Approval stage.

5.2 Site Specific R3-71 Zoning

As the proposed development consists of a block townhouse development that will be under singular ownership, the subject site is treated as a single parcel of land for the purposes of applying zoning standards. For example, the front lot line is adjacent to Dovedale Drive since there will not be a new lot line established between each townhouse dwelling unit and the private internal driveway. As such, given that the OS zone lands will be conveyed to the Town, the remaining parcel within the R3 zone will not fully comply with the minimum interior side yard requirement of 2.5 metres (plus 0.5 metres for each additional storey above the second) on the north side (adjacent to Unit 1) and the south side (adjacent to Unit 20 and the OS-131 zone) of the site.

The same implementation issue will occur with the minimum rear yard setback of 8 metres at the southern lot line. Consequently, the amending by-law has been updated to reflect the proposed form, tenure and layout of the development, including relief from some setbacks resulting from the natural heritage features and associated vegetation protection zone lands being conveyed to the Town. The site specific zoning will also increase the minimum interior side yard setback to 6 metres along the eastern

lot line in order to ensure that adequate private amenity space is provided for each townhouse dwelling unit.

5.3 Measures to Ensure Rental Tenure

The development proposal has been put forward to take advantage of the servicing allocation made available by Council to support the construction of purpose-built rental housing. Staff have reviewed the matter with the Town Solicitor and determined that the best means of ensuring rental tenure of the project is to require the registration of a title restriction (restrictive covenant) that would protect the rental tenure of the units for a period of time. The applicant has indicated that they will support a title restriction for a period of 15 years. Given the intent of the purpose-built rental housing servicing category, and in order to be consistent with the duration imposed by York Region as part of their Development Charge Deferral program for affordable, purpose-built rental developments, Town staff are recommending a rental period of 20 years from the permitted date of occupancy under the Ontario Building Code. At the end of the 20-year period, the owner would be able to apply for conversion of the property tenure from rental to another form (e.g. freehold, condominium etc.) in accordance with applicable law and a *Planning Act* process. If the subject application is approved by Council, the applicable Site Plan Agreement would contain similar provisions related to the tenure of the development.

5.4 Adequacy of On-site Amenity Space and Access to Trails and Bayview Park

Town Staff have reviewed the adequacy of the on-site outdoor amenity space and adjacent areas. In addition to the proposed rear yard for each townhouse, Staff have identified several nearby suitable amenity spaces that are easy for pedestrians to access, including a public park on the north side of Dovedale Drive and a walking trail directly to the west of the proposed development. The applicant has also provided a chart and two maps that further outline [pedestrian circulation](#) and nearby amenities.

5.5 Adequacy of Proposed Compensation for Loss of Natural Features/Buffers

If the subject application is approved the development of the site will be governed by a Site Plan Agreement (SPA). The SPA will require the preparation and approval of a Landscape/Restoration Plan, a Site Servicing Plan and a Grading Plan. These plans will assist in determining the exact number of trees that are proposed to be removed to accommodate the development. Once the number of removals has been determined, compensation values will be calculated as required by the Town's Tree Preservation and Compensation Policy. At present, the only woodlands that are understood to be removed are those adjacent to the proposed driveway at the north end of the property.

Concerns were also raised at the public meeting regarding ensuring that the trees being planted and/or provided as compensation remain in good health. In this regard, Staff note that there is currently a difference in the Town's practices for securities/warranty periods related to landscaping and tree planting.

With respect to trees being replanted on-site as compensation for other tree removals, the Town holds a 100% security for a 2-year warranty period (i.e. three growing seasons) pursuant to the Tree Preservation and Compensation Policy. On the other hand, with respect to general tree planting and landscaping within private developments as part of the Site Plan approval process, the Town does not hold any securities to ensure that those trees/landscaping are being properly planted, maintained and/or replaced. The latter has been the Town's historical practice to minimize the burden on property owners, and was re-affirmed by Council in 2020 as part of a review and update to the Site Plan Control By-law and Application Process. Staff will require separate direction from Council should there be a desire to impose securities for all on-site landscaping and tree planting as part of the subject development proposal.

5.6 Suitability of Proposed Zoning Provisions, Including Holding (H)

2004 KSP

Staff note that the density proposed (11.11 units per net developable hectare) is only slightly higher than the density permitted (11 units per net developable hectare) in the current in-force Secondary Plan (2004 KSP) for the Neighbourhood Residential designation. The 2004 KSP permits alternative ground related building forms, such as street townhouses, in the Neighbourhood Residential designation. While this form of development is typically restricted to no more than 4 dwelling units, given the complex nature of the site and the direction of the new 2023 KSP, staff consider it appropriate to permit the proposal. The Town has previously permitted limited at grade block townhouses under the current 2004 KSP in certain situations within the Neighbourhood Residential designation. Considering the size of the property, restricting natural heritage features and neighbouring low density uses, staff have no concerns that the proposal will represent an issue, and are satisfied that the applicant meets the intent of the 2004 KSP. Staff further note that Section 13.1.8.2 of the 2004 KSP outlines that the figures and quantities listed are approximate only and not exact, and that an amendment will not be required to permit a minor deviation.

2023 KSP

Section 13.1.5.3.1 c) of the 2023 KSP requires a net density of between 25 to 40 units per net residential hectare for the New Neighbourhood designation. The policy does provide Council the ability to permit low-rise residential development that does not meet the minimum density requirement, without the need for an Amendment to the Plan. This is permitted where the development is determined to be appropriate and desirable, and subject to the policies for compatible development. In this case, there are significant site constraints on the property including the narrow developable area configuration, significant natural heritage features and a watercourse to the west of the property, all of which collectively create constraints in supporting higher densities. Furthermore, the proposed development introduces a density and built-form that is not prevalent in the surrounding neighbourhood of predominantly single detached

dwellings. Given the above, Town Staff are satisfied that the proposed density is adequate and conforms to the intent of the 2023 KSP.

Dovedale Drive Access

Staff originally identified the potential need to address access to the subject property with a Holding (H) provision, as this portion of Dovedale Drive is currently unopened and is not up to an assumable standard. The road is tentatively anticipated to be opened in 2025. However, as the Zoning By-law prohibits development without frontage on an assumed road or a road constructed to an assumable standard, Staff note that this matter can be dealt with at the Site Plan approval stage.

Sanitary Sewer and Water Servicing Allocation

Town Staff have confirmed that there is available servicing allocation assignment through the Town's purpose-built rental allocation, and that adequate measures will be taken to ensure that the property remains rental in tenure for the foreseeable future. Provisions are included in the recommendations specifically addressing this matter.

Keswick Sewage Pumping Station

York Region has requested that occupancy not occur until the Keswick Sewage Pumping Station upgrades have been completed. As mentioned above, this portion of Dovedale Drive is currently not open or up to an assumable standard, and building permits cannot be issued until this occurs. Consequently, Town Staff are satisfied that 'H' holding provisions are not required in the proposed Zoning By-law as the pumping station upgrades are on track to be completed by Q4 2024.

5.7 Flooding and Drainage Concerns

Concerns were raised about potential flooding and drainage issues, both for the subject lands and for the existing subdivision to the west. Staff note that this issue was raised by LSRCA staff in their original comments as reported at the public meeting. The applicant has provided detailed topographical and survey information to verify elevations. Upon review of this information, the LSRCA no longer has any concerns related to the proposal, as it was determined that the subject site is not impacted by flooding associated with the tributary of Glenville Creek located to the west of the subject property. The proposed townhouses will not be located in a floodplain. Furthermore, as noted in the Hydrogeological Study provided by the applicant, the level of infiltration on the site after construction will be the same as prior to construction. Consequently, no appreciable change in the groundwater table elevation is anticipated to occur. Given the above information, Town Staff do not see the need to request that the applicant provide sump pumps or flood mitigation/content insurance for the future townhouse residents. The grading and drainage will further be addressed during the Site Plan approval stage.

5.8 Construction Noise

Concerns about construction noise will be handled during the Site Plan approval process through the preparation and approval of a Construction Management Plan. The Town also has a [Noise By-Law](#), which restricts the time and days that noise is permitted to be created by the operation of any equipment in connection with construction.

5.9 Property Maintenance and Future Resident Education

During the previous public meeting, concerns were expressed about ensuring that the property is well kept and that the rain garden is managed properly, and that residents are educated about the importance of the natural heritage features. Provisions will be included in the Site Plan Agreement that ensure that the future management company will take responsibility for educating residents about the natural heritage features. Additionally, they will prepare a manual/management plan so that that the company/ individuals in charge of the property will be able to adequately manage the site's features and understand their operation.

5.10 Blue Heron Protection

Concerns were raised during the previous meeting regarding how the development could impact the Blue Herons located on the property. Staff note that Figure 4 of the provided EIS shows the dimensions of the heronry, as of 2022. As per that figure the heronry is located 170 metres away, which is greater than the required 120 metre minimum setback that was determined during the development of the subdivision to the east. Data was also collected in 2023 and 2024 by the consultant, GEI. While mapping associated with the data is not yet available, GEI note that as of February 2024, while the extent of the heron colony has expanded slightly, it remains over 120 metres away. Town Staff are satisfied that the heronry will not be negatively impacted by the development.

6. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following Town of Georgina Corporate strategic goal: Ensuring Balanced Growth.

7. FINANCIAL AND BUDGETARY IMPACT:

There are no financial concerns or budgetary impacts on the Town as a result of this application. The owners/applicants will be required to apply for and obtain all necessary approvals associated with building permits, site alteration permits and entrance permits, and to pay the applicable associated costs for same, including the payment of development charges and park levy.

8. CONCLUSION:

Staff are satisfied that all of the concerns previously raised by Staff, Council, agencies and members of the public have been adequately addressed or will be dealt with through recommended conditions of Site Plan approval. Staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for the orderly development of the land, represents good planning, and conforms with applicable Town, Regional and Provincial Plans.

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Reviewed By: Alan Drozd, MCIP, RPP
Manager of Planning Policy

Recommended By: Denis Beaulieu, MCIP, RPP
Director of Development Services

Approved By: Ryan Cronsberry
Chief Administrative Officer

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Photographs

Attachment 3 – Conceptual Site Plan

Attachment 4 – Consolidated Comments

Attachment 5 – Draft Amending By-law

Attachment 6 – Summary of Submission Documents