



**INFORMATION REPORT**  
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September 23, 2015

**JOINT DEVELOPMENT & INFRASTRUCTURE SERVICES AND CORPORATE SERVICES  
INFORMATION REPORT – 2015 - 23**

TO: Mayor & Members of Council  
SLT/OLT

SUBJECT: Official Plan Amendment #10 Newmarket Urban Centres Secondary Plan  
Notice of Appeals and OMB Pre-Hearing

ORIGIN: Planning and Building Services & Legal Services

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**PURPOSE OF THIS REPORT**

The purpose of this Information Report is to advise Council of the appeals that have been filed with the Ontario Municipal Board with respect to the Newmarket Urban Centres Secondary Plan (Official Plan Amendment # 10), and to advise of the upcoming (October 14, 2015) OMB pre-hearing related to these appeals.

**In accordance with the Procedure By-law, any Member of Council may make a request to the Town Clerk that this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.**

**COMMENTS**

**Appeals**

On June 23, 2014 Town Council adopted Official Plan Amendment # 10 (Urban Centres Secondary Plan), and the plan was subsequently forwarded to the Region of York for approval. On March 26, 2015, the Regional Municipality of York approved Official Plan Amendment # 10, with modifications. The Region's Notice of Decision was circulated on April 9, 2015, which commenced the 20 day appeal period.

Eight appeals were received as summarized below:

1. Four (4) appeals by the **drive-through industry**<sup>1</sup> regarding the drive-through provisions on Yonge Street and Davis Drive and within designated Priority Commercial Areas; and the provisions of Existing Lawful Uses policies (Policies 6.4.2 and 14.2.3).

(Represented by WeirFoulds, LLP.)

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<sup>1</sup> Ontario Restaurant, Hotel and Motel Association, McDonald's Restaurants of Canada Limited, A&W Food Services of Canada Inc., The TDLK Group Corp.,

2. **Tavco Realty Holdings** - 16655 Yonge Street has appealed the symbolic location of the two school site symbols of S3 and S4 as they relate to the subject property on Schedule 3.

(Represented by Aird and Berlis, LLP.)

3. **Criterion Development Corporation:**

a) Request for a site specific exemption from Policy 9.3.2 of the parent Official Plan to permit access through the Natural Heritage designation on its property located on the west side of Yonge Street, south of the Hydro Corridor, subject to the proviso that there has been an Environmental Impact Study (EIS) demonstrating no negative impact.

b) A site specific objection to the Parks and Open Space designation on a woodlot located on the property at the southwest corner of Yonge Street and Mulock Drive. (Schedules 3, 4, 5 and 6).

c) A request for site specific relief with respect to its vacant property located on the south-west corner of Yonge Street and Mulock Drive from: the minimum height and density provisions of Schedule 4; permission for interim uses to be allowed; and to permit surface parking on the frontage of Yonge Street, on an interim basis. (Policies 6.4.8 and 7.3.12 (i)).

(Represented by Goodmans, LLP.)

4. **The Yonge-Kingston Centre Inc.** – 17725 Yonge Street has appealed numerous policies of the Secondary Plan as they relate to interim development policies.

(Represented by Stikeman Elloit, LLP.)

5. **The Estate of Thomas Mulock** (north-west corner of Yonge Street and Mulock Drive) has appealed: the Parks and Open Space designation on Schedules 3-6 and request a medium and high density mixed use development; numerous policies of the Secondary Plan as they relate to density and height; the Secondary Plan policies related to the deferral of the designation on their lands; and the failure of the Region to make a decision within 180 days.

Represented by Davies Howe Partners, LLP.

### **External Counsel**

The Town has retained external counsel, Leo Longo, a Certified Specialist in Land Use Planning and Development, to represent the Town in connection with the appeals. Mr. Longo provided review and advice on various aspects of Official Plan Amendment #10 as it was being developed and after consultation with various stakeholders. Mr. Longo is currently reviewing and scoping the appeals with Town staff to determine which portions of OPA #10 are not subject to appeal and which could be included in an OMB Order declaring those portions of the Plan in full force and effect. Mr. Longo will be

representing the Town at the pre-hearing on October 14, 2015, and will be working with Town staff and the appellants toward the settlement of the appeals. Council will be provided with regular updates.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The development of the Secondary Plan supports the following strategic directions:

### *Well-planned and Connected*

- ensuring long term strategy matched with short-term action plan
- furthering the provisions of the Official Plan
- improved inter-connectivity and interaction amongst neighbours and neighbourhoods

### *Well-respected*

- being a champion for co-operation and collaboration
- promoting engagement in civic affairs

### *Well-equipped & Managed*

- clear vision of the future and aligned corporate/business plans
- ideal mix of residential, commercial, industrial and institutional land use
- appropriate mix of jobs to population and people to industry
- varied housing types, affordability and densities

### *Living well by:*

- implementing traffic and growth management strategies

## **CONSULTATION**

Extensive public and agency consultation occurred throughout the development of the Secondary Plan.

## **HUMAN RESOURCE CONSIDERATIONS**

Planning staff will attend the OMB pre-hearing, any potential mediation meetings and, if required, the full OMB hearing in support of Council's adoption and the Region's approval of the Secondary Plan. External legal support has been retained and professional evidence from the consulting team that prepared the Secondary Plan may be required if the appeals cannot be settled.

## **BUDGET IMPACT**

The budget impact is dependent on the length of the OMB process, including the pre-hearing, mediation meetings, full hearing if required, as well as the extent of legal support and professional evidence required to represent the Town.

**CONTACT**

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