



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

**From: Elizabeth Howson Township Planning Consultant and
Robin Prentice Director of Development Services**

Title / Subject: Draft Plan of Subdivision (S-B-2021-01) and Zoning By-law Amendment (16-2021-RA) Applications, Beaverton Mara Inc., Part of Lots 13 and 14, Concession 6 (Thorah), Township of Brock - Recommendation Report

Date of Report: January 8, 2024

Date of Meeting: January 15, 2024

Report No: 2024-DS-001

1.0 Issue / Origin

On October 10, 2021, applications for a draft plan of subdivision and related zoning by-law amendment were received respectively by the Region of Durham and the Township of Brock from The Biglieri Group Ltd. (the Agent) on behalf of Beaverton Mara Inc. c/o Charles Geng (the Owner).

These Planning Act applications are to facilitate the development of a residential plan of subdivision.

The Region of Durham is the approval authority for the residential Draft Plan of Subdivision (DPS) application. The Township of Brock is the approval authority for the zoning.

The purpose of this report is to review and provide recommendations regarding the Draft Plan of Subdivision (S-B-2021-01) and Zoning By-law Amendment (16-2021-RA) applications.

2.0 Background

2.1 Proposal

The Subject Lands have an area of +/- 25.2 hectares (62.3 acres) (Subject Lands) and are currently used for agriculture. There are no buildings on the property. The site is located on the west side of Mara Road at a gateway to the community of Beaverton. It has approximately 320 metres of frontage on Mara Road between White's Creek and the abutting property.

White's Creek forms the northern boundary of the Subject Lands and beyond are agricultural lands. To the immediate west is the Marydel Homes subdivision of single detached dwellings

with a park and stormwater management facility. Further west is the Canadian National (CN) rail corridor, additional low density residential development and Lake Simcoe. To the south, commercial development is found along both sides of Mara Road.

The purpose of the proposed applications is to facilitate a residential subdivision, with an environmental block along White's Creek and park block. The original plan submitted in 2021 proposed 426 dwelling units, comprised of 306 single detached dwellings and 120 townhouse units, as well as an environmental block and park block.

In response to input from the Township, Region and other agencies and the public, a revised plan was submitted and reviewed. The most recent plan (Attachment 1) includes a total of 408 lots comprised of 306 single detached lots and 102 townhouse lots, as well as an environmental block along White's Creek with a proposed trail and trailhead parking lot, and a park which is an extension of the existing park block in the Marydel subdivision. The proposed park block is 1.18 hectares (2.9 acres) in size. There is one road access proposed from Mara Road and two connections to the Marydel subdivision to the west via McCaskell Street and Foster Hewitt Street.

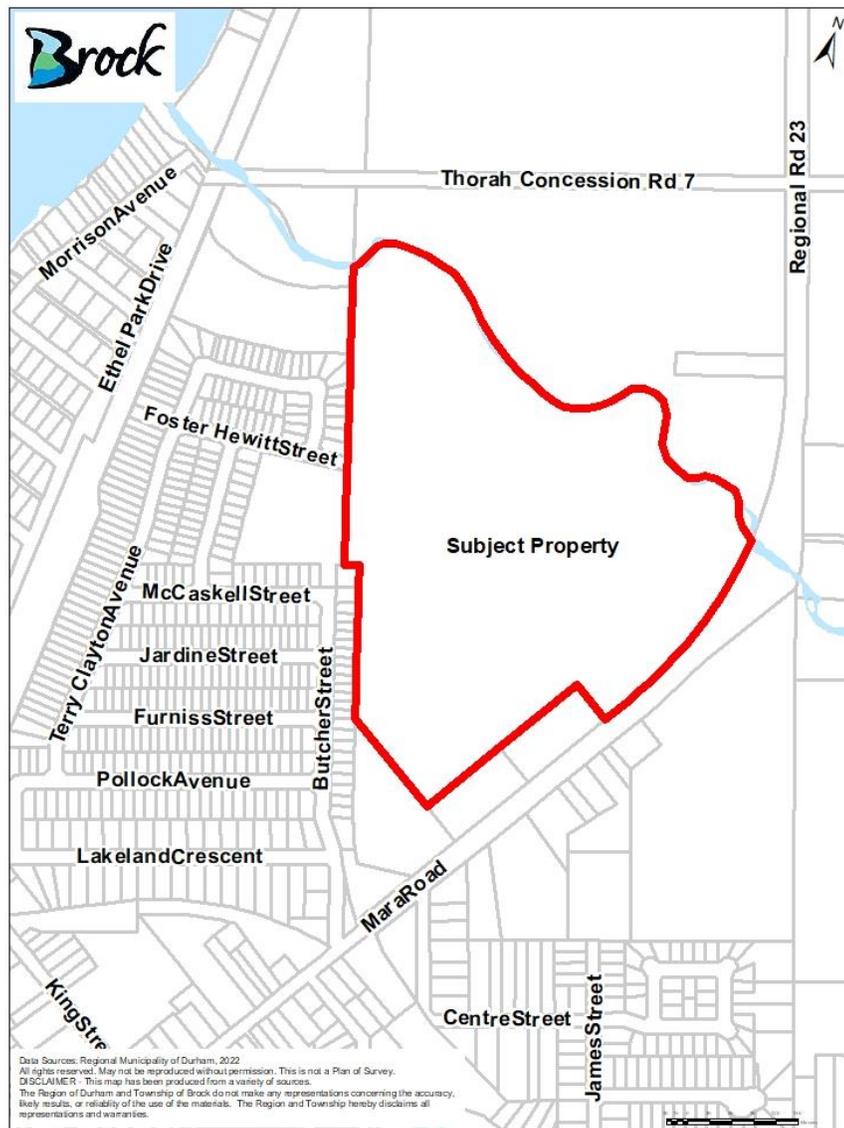
A summary of the revisions made to the plan since its initial submission include:

- A reduction in overall units, from 426 units to 408 units.
- The removal of all 9.1 metre lots. Minimum lot widths for the single detached dwellings are proposed at 10.0 metres (106 lots) and 11 metres (200 lots). Minimum lot widths for the townhouses are 6.1 metres.
- To maximize the parking for the townhouse lots, townhouses have been limited to one side of the street and no sidewalks are proposed in front of the units. This will allow additional tandem parking including parking partially in the untravelled portion of the municipal right-of-way.
- The width of the window street right-of-way along Mara Road has been increased to 16.5 metres to provide space for required landscaping along Mara Road.
- Lots have been removed along the frontage of the park block to provide additional physical and visual access to the park.
- A trail is proposed through the valley of White's Creek from Mara Road to the Marydel subdivision with a trail head related parking area at Mara Road. Two additional accesses have been added from the subdivision through to the trail.
- The number of lots and accesses to the only road access to the subdivision from Mara Road have been reduced to minimize traffic hazards.

The purpose of the proposed Zoning By-law Amendment (ZBA) is to rezone the property to implement the draft plan of subdivision. The amendment would rezone the subject lands to Residential Type 1 and 3 with exceptions to permit residential dwelling units, Environmental Protection (EP) with an exception for the environmental block and Recreation (RE) zoning for the park block. The proposed Zoning By-law Amendment is attached to this report as Attachment 2.

2.2 Location and Context

Location:	Part of Lots 13 and 14, Concession 6 (Thorah), Township of Brock
Current & 2023 Region of Durham Official Plan (DROP) Designation:	Current Plan - Living Areas 2023 Plan – Community Areas
Township Official Plan:	Residential Areas and Open Space/Floodplain Area
Zoning:	Development (D) and Environmental Protection (EP)
Present Use:	Agricultural and environmental
Adjacent Uses:	White's Creek valley, residential, commercial
Lot Area:	Total: 25.2 ha (62.3 acres)



3.0 Planning Policy Framework

3.1 Planning Act

Township Council, in carrying out its responsibilities under the Planning Act in considering a draft plan of subdivision, shall have regard “to the health, safety, convenience, accessibility of persons with disabilities and welfare of the present and future inhabitants of the municipality,” among other matters, and to a number of specific matters identified in Section 51(24) of the Act.

These matters are reviewed in Attachment 4 to this report which demonstrates that the proposed plan, as modified, has regard for matters in Section 51(24) of the Planning Act, including matters of provincial interest referred to in Section 2 of the Act.

3.2 Provincial Policy Statement (2020)/Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)

Development must be consistent with the PPS and conform with the Growth Plan.

The relevant policies of the PPS and the Growth Plan, as does the proposed new PPS, direct development to settlement areas. In addition, efficient development and land use patterns are promoted, as well as affordable and market-based housing, while avoiding development and land use patterns which may cause environmental or public health and safety concerns. The proposed development reflects those directions as more specifically established in the Region of Durham Official Plan and the Township Official Plan which, as noted in the PPS, “are the most important vehicle for implementation of the Provincial Policy Statement” (Part I Preamble).

3.3 Greenbelt Plan (2017)

The Greenbelt Plan identifies where urbanization should occur in order to provide permanent protection to the agricultural land base and the ecological features and functions that occur in the rural landscape. The Subject Lands are located within the Beaverton Urban Area, which is identified as a “Town/Village” in the Greenbelt Plan.

Towns/Villages within the Greenbelt Protected Countryside are subject to the policies of the Growth Plan, the Region of Durham’s Official Plan and the Township of Brock Official Plan.

3.4 Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) is a comprehensive plan designed to protect and restore the ecological health of Lake Simcoe and its watershed. It applies to the Lake Simcoe watershed which includes the Subject Lands.

The LSPP includes four types of policies; the Lake Simcoe Protection Act, 2008 gives legal effect to three of these. The first two types of policies are “designated policies” – coded DP and “have regard to” policies – coded HR. The Act requires that decisions under the Planning Act or Condominium Act, 1998 or decisions under a “prescribed instrument” (e.g. permission under the Conservation Authorities Act) conform to the applicable designated policies of the LSPP and have regard to the other applicable policies. As such, these policies would be applicable to the Subject Lands. If a conflict arises between a designated

policy of the LSPP and a policy of another provincial plan, the provision giving the greatest protection to the ecological health of the Lake Simcoe watershed prevails.

It should be noted that the Lake Simcoe Region Conservation Authority (LSRCA) reviewed the application in the context of the LSPP, as well as other Provincial Policies and their own regulations and indicated that they have no further comments or requirements with respect to the applications.

3.5 Current and 2023 Region of Durham Official Plan (DROP)

The current DROP was approved by the Minister of Municipal Affairs and Housing in 1993 and was subsequently amended (Amendments 114 and 128) based on a comprehensive review of the Plan. The amendments were approved in 2008 and 2013.

A proposed new DROP was adopted in May 2023 and has been submitted to the Province for approval. No significant changes have been made in the proposed Plan with respect to the Subject Lands which are located in the Beaverton Urban Area and designated “Living Areas” currently, and “Community Areas” in the 2023 DROP.

In both plans, Urban Areas are to be planned as complete communities including a full range of housing (Section 5.1.15 2023 DROP) with the objective of providing.

“...an appropriate range and mix of housing options, including special needs housing, affordable housing and additional residential units.” (Section 3.1 ii. 2023 DROP).

The proposed plan conforms with this direction.

3.6 Township of Brock Official Plan

The Subject Lands as noted are in the Beaverton Urban Area and the developable lands are designated “Residential Areas,” while the lands along White’s Creek are designated “Open Space” and “Floodplain Area” on Map 1-A. Map 1-C identifies the Subject Lands as “Greenfield Area”.

Section 5.2 of the Official Plan provides the policies for the Residential Areas designation. The general framework, established in the Goal and Objectives for the Residential designation, in conformity with the DROP, is to provide for a wide variety of housing types, densities and tenures including:

“ensuring densities proposed are an efficient use of land and resources, have a compact form and are appropriate for the efficient use of infrastructure and public service facilities and will maintain quality of life.” (Section 5.2.2.1 c))

However, the policies also identify that development should recognize:

“Due to servicing constraints, the densities of residential development requiring municipal water supply or sanitary sewers shall be governed by the area designated for residential use, the population forecasts in the Durham Regional Official Plan and the capacity of the municipal water and sewer system.” (Section 5.2.3.6)

Specific criteria identified in the Plan for the consideration of residential plans of subdivision, in addition to the criteria in the Planning Act, include:

- “a) the provision of phasing of development and connections with trails and walkways to ensure harmonious integrated of new development with existing development;
- b) the provision of street trees;
- c) a mix of housing forms throughout the proposed plan of subdivision;
- d) the provision of distinctive housing forms and innovative housing arrangements that foster neighbourhoods and communities;
- e) the need for noise and vibration attenuation measures for lands in the proximity of railway lines, major roads and highways;
- f) the need for buffers to separate residential uses from non-residential uses for the purposes of reducing or eliminating conflicts;
- g) the consideration of the Provincial Minimum Distance formulae for developments adjacent to existing agricultural operations; and,
- h) ensuring the subject lands meet Provincial standards for site contamination.” (Section 5.2.3.8)

The proposed plan addresses the criteria as follows:

- The plan is proposed to be phased. The conditions of draft plan approval require any phasing be reviewed and approved by the Township and the Region (See Attachment 3).
- Connections are provided not only to the Marydel subdivision through the extension of the park and with the construction of a trail in the valley of the White’s Creek, but also via the extension of McCaskell Street and Foster Hewitt Street to ensure harmonious integration of the new with the existing development.
- The conditions of draft plan approval require a streetscaping plan that provides street trees of native species in accordance with the Township’s Engineering Design Criteria to the satisfaction of the Township.
- The proposed development includes a mix of housing although the majority of the development (75%) will be comprised of single detached dwellings, with the remainder being comprised of townhouses.
- The conditions of draft plan approval require the submission of detailed design drawings for all residential units to the Township for approval prior to any building permit being issues. Such designs are to be consistent with Architectural Control Guidelines approved by the Township, as well as with residential development in the surrounding area. Residential design will also be subject to review by a Control Architect.
- The Region of Durham and CN have reviewed the development with respect to noise and other compatibility issues and are satisfied with the proposal.
- The development is within a settlement area and Minimum Distance Separation setbacks are not required as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

- The conditions of draft plan approval require that prior to registration an environmental clearance will be provided to the Township for all lands to be conveyed to the Township.

3.7 Township of Brock Zoning By-law 287-78-PL

The Subject Lands are currently zoned “Development (D) Zone” and “Environmental Protection (EP) Zone” in the Township’s Zoning By-law 287-78-PL (as amended). The portion of the property currently zoned “D” is proposed to be zoned to appropriate Residential Holding zones, with the park in a Recreation Zone. An EP exception zone would be applied to the remaining lands. Please refer to Attachment 2 for the proposed Zoning By-law.

4.0 Agency Circulation Comments

The draft plan of subdivision was circulated to the required agencies by the Region in accordance with the Planning Act. Through this process a detailed review of the technical background studies was carried out by the Region of Durham, as well as the Township and the Lake Simcoe Region Conservation Authority (LSRCA), among other agencies. The following provides a summary of agency comments and other draft plan conditions.

Region of Durham:

- **Durham Region Planning & Economic Development**
- With respect to their Provincial Plan Review Responsibilities, the Region advised that all matters can be addressed through conditions of draft plan approval, including:
 - Consistent with the Region’s Council-adopted Soil and Groundwater Assessment Protocol, the Region’s Reliance Letter and Certificate of Insurance are required to be provided.
 - Stage 1-3 Archaeological Assessments have been completed and state no further archaeological work is required. These reports are required to be submitted to the Province for review who will provide a letter to the Region.
 - Any required noise mitigation measures and warning clauses as outlined in the Environmental Noise Impact Study are required to be implemented through the Township’s subdivision agreement.
- **Durham Region Works**
- There are many active potential developments in Beaverton and over time capacities at the water supply plant and water pollution control plant may impact the timing for some

- **Works cont.**
 - developments to proceed....There is a risk that all or part of the lands could be held up and need to wait for infrastructure projects.
 - The Region will review the timing for the construction of a left turn lane on Mara Rd as part of the phasing discussions during detailed design.
 - The Region also provided input with respect to specific servicing and transportation requirements to be addressed through draft plan conditions.
 - Developer shall satisfy all requirements, financial and otherwise of the Region, including, but not limited to, execution of a Regional subdivision agreement.

- **Durham Region Transportation Planning**
 - All roads should have a sidewalk on at least one side of the street and ensure pedestrian access to Mara Road.
 - Ensure the trail along White's Creek connects to sidewalks at both ends.

- **Durham Region Transit**
 - No comments.

- **Durham Region Risk Management Official**
 - The site lies within the South Georgian Bay Lake Simcoe (SGBLS) Source Protection Region. Based on the policies listed in the SGBLS Source Protection Plan, approved January 26, 2015 and the site location, there are no applicable policies or significant drinking water threats associated with the project file as reviewed.

- Lake Simcoe Region Conservation Authority (LSRCA)**
 - Any outstanding technical comments can be addressed as part of detailed design.
 - Provided conditions of draft plan approval to the Region, including the need for studies and plans to be provided as part of detailed design.

- Township of Brock Engineering Consultant (AECOM)**
 - AECOM's comments will be addressed through the detailed design stage and are addressed through the draft plan conditions outlined in Attachment 3.

AECOM cont.

- The Developer should review the possibility of lowering the site (i.e. around Street F) to reduce the amount of fill required on site.
- The Developer will be responsible for obtaining approval from all utilities for the revised 16.5 m cross-section for the Street H roadway.
- The proposed outlet for the storm sewer system is to the stormwater management pond within the Marydel Subdivision. The Marydel subdivision has not been assumed by the Township at this point. Appropriate draft plan conditions have been included in Attachment 3 to ensure that there are no costs to the Township with respect to the connection of the subject lands to the stormwater management facility.

CN Rail

- The Environmental Noise Impact Study is acceptable and the appropriate warning clauses are required to be provided to future homebuyers.
- The developer is required to enter into an agreement with CN Rail under the Industrial and Mining Lands Compensation Act.

Hydro One

- No comments or concerns.

Ontario Power Generation

- No comments or concerns.

Bell Canada

- No objection.
- Provided conditions of draft plan approval to the Region regarding telecommunication infrastructure.

Durham District School Board

- No objection. Students will be accommodated at existing school(s) in the area.

Canada Post (CP)

- Mail delivery services will be provided through community mail boxes (CMBs) in the subdivision.
- Provided conditions of draft plan approval to the Region:
 - The developer will consult with CP to determine suitable locations for the CMBs.

Canada Post cont.

- CMBs will be shown on plans/maps available to potential homebuyers.
- Notice is required to be provided to homebuyers regarding mail delivery and the location of CMBs.
- Developer shall provide temporary site for CMB during construction.
- Developer shall construct site to CP specs for CMBs.

5.0 Financial / Budget Assessment

The required Subdivision and ZBA application fees have been received by the Township. Should these applications be approved, Development Charges would be paid at the building permit stage. It is unknown what potential impact there may be from this development given the provincial government's ongoing changes to the Development Charges Act.

5.1 Asset Management

A number of new assets would come under the Township's ownership once this subdivision is constructed and assumed by the Township. Such assets would include a park block, an environmental block with a trail and trailhead parking lot, walkways, stormwater management infrastructure, as well as roads and associated amenities (i.e. streetlights, sidewalks, street trees, etc).

6.0 Climate Change Impacts

Planning compact urban areas supports the development of healthy and complete, sustainable communities, while efficiently using land and resources. The proposed development will focus residential growth and development within an existing community while protecting the White's Creek environmental block. Sidewalks and trails will be included as part of the development to encourage walking. In addition, providing housing in close proximity to commercial areas helps to encourage walking and reduce automobile use.

7.0 Communications

A statutory public meeting was held virtually on January 24, 2022, in accordance with the Planning Act.

In accordance with the Planning Act, notice for the statutory public meeting was provided to property owners within a minimum 120m of the subject property and interested parties who requested notice. Signs were also placed on the property to notify the general public of the application.

Three members of the public provided verbal comments at the public meeting held by the Township and written comments were received from one member of the public who also spoke at the meeting. An excerpt from the minutes of the statutory public meeting can be found in Attachment 5 and a summary of all public comments and responses can be found in Attachment 6.

8.0 Conclusion

Provincial, Regional and Township planning policy direct development to settlement areas such as the Beaverton Urban Area. The Township Official Plan specifically designates the developable portion of the Subject Lands as “Residential Areas”.

At the same time, Provincial, Regional and Township planning policy make it clear that planning decisions must balance all of the Province’s, Region’s and Township’s competing objectives. Careful consideration must be given to the provision of affordable housing while minimizing social, economic and environmental impacts including the protection of ecological and hydrological features and functions and the conservation of cultural heritage and archaeological resources. The protection of ecological and hydrological features and functions is particularly important given the location of the Subject Lands in the Lake Simcoe Watershed.

The applicant has addressed the issues related to the proposed development through extensive technical analyses including additional work carried out in response to comments from the Township, the Region and the public.

The revised draft plan reflects the results of that review process. The plan, together with appropriate draft plan approval conditions (See Attachment 3) for recommendation to the Region and the proposed zoning by-law amendment, have been developed on behalf of the Township to address the identified issues.

The issues of particular significance which have been addressed through the review process include the following:

Protection of White’s Creek Environmental Lands/Proposed Trail

The subdivision and related implementing zoning by-law have been designed to protect the environmental lands along White’s Creek, while providing for public access. A public trail will be developed along the Creek linking Mara Road to the Marydel subdivision. This will include a parking area for visitors, which will also provide additional parking for the subdivision. Two walkways are provided from the plan of subdivision to the trail to ensure that it is easily accessible to residents.

The trail will be constructed, in accordance with the proposed draft plan conditions, by the owner no later than upon completion of 50% of the subdivision. In addition, the trail will be designed to be compatible with existing features and constructed to minimize environmental impacts. The walkway blocks and trailhead parking area will be dedicated to the Township free of charge and encumbrance by the owner.

Park

In addition to the protection of the environmental lands along White’s Creek, a park block is proposed adjacent to the existing park block in the Marydel Subdivision. This will create a neighbourhood park central to both developments. Lots have been removed along the frontage of the park block to provide additional physical and visual access to the park. The specific design of the park will be determined by the Township.

Residential Unit Mix and Parking

The Township has identified parking issues arising from the challenge of providing more affordable housing on smaller lots in a community which has limited transit service. To address these parking issues the Township zoning by-law was amended to introduce new parking requirements. This resulted in a careful review of the proposed residential unit mix and related lot layouts for this development. To meet the Township's parking requirements all 9.1 metre lots for single detached dwellings originally proposed were removed. Minimum lot widths for the single detached dwellings are proposed at 10.0 metres (106 lots) and 11 metres (200 lots). All of the single detached lots can all be designed to meet the Township's minimum parking requirements.

However, the more affordable townhouse units, which comprise 25% of the development, by their nature (significantly narrower width and greater lot coverage), cannot easily be designed to meet the Township's parking requirements. The minimum lot widths for the townhouses are 6 metres. Through considerable review, to maximize the parking for the townhouse lots, townhouses have been limited to one side of the street and no sidewalks are proposed in front of these units.

This will allow additional tandem parking in front of the townhouse units, including parking partially in the untravelled portion of the right-of-way. In addition, as part of the draft plan conditions, a Parking Plan will be required for each lot and for on-street parking. In particular, the Plan will demonstrate how two parking spaces can be provided in each driveway, which may include the portion of the driveway within the untraveled portion of the boulevard. This will allow the provision of this more affordable housing, while maximizing available parking.

In addition, through this detailed review, the coverage for these lots has been increased to 55% from 50% to provide for additional living space while retaining a two-storey height limit.

Design

The conditions of draft plan approval require the submission of detailed design drawings for all residential units to the Township for approval prior to any building permit being issued. Such designs are to be consistent with Architectural Control Guidelines approved by the Township, as well as with residential development in the surrounding area. Residential design will also be subject to review by a Control Architect.

Service/Hazard Concerns

No service or hazard concerns have been identified by the agencies with respect to this additional development. However, as noted, additional parkland will be provided, in addition to a public trail facility, and the lands along White's Creek will be protected.

Water Issues

A detailed Stormwater Management Report, as well as a Sediment and Erosion Control Plan and Grading and Drainage Plan are all required as a condition of draft plan approval. These will be reviewed and approved by the Township and LSRCA prior to any site alteration, construction or final approval of the Plan.

Based on the review of the relevant policies, regulations and other background information; information submitted and heard at the public meeting and through written public and agency comments, it is our opinion, that the draft plan of subdivision and rezoning applications are consistent with the PPS, and in conformity with the Growth Plan, Greenbelt Plan, LSPP, DROP and the Township Official Plan. However, such development shall be conditional on:

- The establishment in the Zoning By-law of special zones for the Subject Lands; and,
- The establishment in the Zoning By-law of holding zones which will only be removed when the established conditions are complied with.

9.0 Recommendations

BE IT RESOLVED THAT report 2024-DS-001 regarding Draft Plan of Subdivision (S-B-2021-01) and Zoning By-law Amendment (16-2021-RA) Applications, Beaverton Mara Inc., Part of Lots 13 and 14, Concession 6 (Thorah), Township of Brock - Recommendation Report, be received,

THAT staff be authorized to advise the Region of Durham that the Township has no objections to the granting of draft plan approval for Subdivision Application S-B-2021-01, subject to the conditions outlined in Attachment 3 to this report and any minor revisions to the satisfaction of the Director of Development Services;

THAT the application to amend Zoning By-law 287-78-PL (16-2021-RA) be approved; and,

That the Zoning By-law Amendment appended to this report as Attachment 2 be adopted by Council.

Attachments:

Attachment 1 – Proposed Plan of Subdivision

Attachment 2 – Proposed Zoning By-law

Attachment 3 – Township’s Proposed Draft Plan Conditions

Attachment 4 – Planning Act Section 51(24) Review

Attachment 5 – Excerpt from Public Meeting Minutes (January 24, 2022)

Attachment 6 – Summary of Public Comments and Responses