

ISSUE DATE:

August 20, 2013



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL130413

PL100685

Marianneville Developments Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the Town of Newmarket to redesignate the easterly 36.3 hectare (89.7 acres) portion of the former Glenway Country Club within the area located south of Davis Drive West, between Bathurst Street and Yonge Street, from "Parks and Open Space" to "Stable Residential", "Emerging Residential", "Urban Centre" and "Commercial", as well as to retain the existing "Parks and Open Space" designation for the proposed park site, to permit a residential infill development along with associated commercial and parkland uses
Town of Newmarket File No. D9NP1210

OMB Case No.: PL130413

OMB File No.: PL130413

Marianneville Developments Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 2010-40, as amended, of the Town of Newmarket to rezone the easterly 36.3 hectare (89.7 acres) portion of the former Glenway Country Club within the area located south of Davis Drive West, between Bathurst Street and Yonge Street, from "Open Space Two (OS-2-2, OS-2-32)" to "Residential One (R1-D)", "Residential One (R1-CP)", "Residential Four (R4-CP)", "Residential Five (R5-)" and "Retail Commercial 2 (CR-2-)" to permit a residential infill development along with associated commercial and parkland uses
Town of Newmarket File No. D14NP1210

OMB Case No.: PL130413

OMB File No.: PL130414

Marianneville Developments Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the failure of the Town of Newmarket to make a decision respecting a proposed plan of subdivision on the easterly 36.3 hectare (89.7 acres) portion of the former Glenway Country Club within the area located south of Davis Drive West, between Bathurst Street and Yonge Street, legally described as Part of Lots 60, 61, 64, 65, 66, 67, Block 92, RP 65M-2212 and all of Block 91, RP 65M-22-12; Block 155, RP 65M-2205; Blocks 144, RP 65M-2261; Block 89, RP 65M-2263; and Block 73, RP 65M-2284 and the proposed plan of subdivision specifically consisting of a high-density residential block (Block 171) having an area of 2.34 hectares (5.78 acres) in the northeast corner of the subject lands to accommodate approximately 292 dwelling units, three Multi-Family Medium Density Residential Blocks (Blocks 166, 167 and 168) to accommodate approximately 219 dwelling units, two blocks (Blocks 169 and 170) for Low-Density Residential dwellings to accommodate 54 one-storey bungalows in "vacant land"

condominiums, a total of 165 lots for single-detached dwellings in four groupings, one block (Block 172) for commercial use, one block (Block 173) to be dedicated as parkland, and the creation of four new public roads

Town of Newmarket File No. D12NP1210

OMB Case No.: PL130413

OMB File No.: PL130415

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Marianneville Developments Limited
Subject:	Comprehensive Zoning By-law No. 2010-40
Municipality:	Town of Newmarket
OMB Case No.:	PL100685
OMB File No.:	PL100685

APPEARANCES:

Parties

Counsel

Marianneville Developments Limited

I. Kagan
A. DeGasperis (student-at-law)

Town of Newmarket

E. Armchuk-Ball

Region of York

G. Szobel

MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON AUGUST 7, 2013 AND ORDER OF THE BOARD

[1] This is the first pre-hearing conference (“PHC”) event into these appeals. By way of background, Marianneville Developments Limited (“Applicant/Appellant” and “Proponent”) filed a number of appeals relating to the same land holdings located south of Davis Drive West, between Bathurst Street and Yonge Street, in the Town of Newmarket (“Town”). The lands are more commonly known as the Glenway Golf Course. The proponent appealed the Town’s comprehensive Zoning By-law No. 2010-40 and launched appeals on its privately initiated Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”). Also, before the Board is the proposed draft plan of subdivision.

[2] The proponent's proposal contemplates a residential development consisting of approximately 292 apartment units, 219 townhouse units, and 219 detached units for a total of 730 residential units. Commercial uses and parkland are also being sought.

[3] The Board granted the proponent's request to consolidate all the appeals on the same lands holdings into one hearing.

[4] The Glenway Preservation Association ("GPA") was granted party status at these proceedings. The GPA is an incorporated entity which draws its membership from the residents of the Glenway residential neighbourhood. The GPA is opposed to the proponent's proposal.

[5] The Board granted participant status for the following entities:

1. Glenway Community Group ("GCP")
2. York Region District School Board ("YRDSB")
3. Mosaic Glenway Homes Inc. ("Mosaic")

[6] It should be noted that the GCP initially requested party status. The GCP is not incorporated. The Board determined that the reasons given by this group did not meet the tests for party status. The GCP is opposed to the proponent's proposal. It is seeking monetary compensation from the proponent for its member homeowners in the event that any proposal is approved for these lands. The Board does not have the jurisdiction to award compensation to neighbouring homeowners on a land use planning matter heard before this Board.

[7] The next PHC is set for **Tuesday, December 10, 2013 commencing at 10 a.m.**
at:

**Council Chambers
Town of Newmarket Municipal Offices
395 Mulock Drive
Newmarket, ON
L3Y 4X7**

Ira Kagan, solicitor for the proponent, stated for the record that his client is engaged in ongoing discussions with the Town and will be submitting shortly, a “without prejudice” settlement offer to the Town. He submitted that there will be enough time for the Town to have public discussions on the settlement offer before the next PHC.

[8] The Board set a hearing date of **Monday, March 3, 2014** for approximately eight weeks in the event that the settlement discussions do not prove fruitful. The venue will be:

**Town of Newmarket Municipal Offices
395 Mulock Drive
Newmarket, ON
L3Y 4X7**

[9] No further notice of the next PHC or the main hearing is required. This panel of the Board will continue with the case management of these matters but is not seized of the main hearing.

“Jason Chee-Hing”

JASON CHEE-HING
MEMBER