

REPORT

Meeting: General Purpose and Administration Committee File # _____
Date: Monday, September 18, 2000 Res. # _____
Report #: PD-087-00 File #: COPA 99-002; ZBA 99-027; ZBA 99-030; SPA 99-021
Subject: OFFICIAL PLAN AMENDMENT, REZONING AND SITE PLAN APPLICATIONS - APPLICANT: 1319164 ONTARIO LIMITED
PART LOTS 26 & 27, CONC, 1, FORMER VILLAGE OF NEWCASTLE
FILE NO.: COPA 99-002; ZBA 99-027; ZBA 99-030; SPA 99-021

Recommendations:

It is respectfully recommended that the General Purpose and Administration Committee recommend to Council the following:

1. THAT Report PD-087-00 be received;
 2. THAT Amendment No. 20 to the Clarington Official Plan as submitted on behalf of 1319164 Ontario limited to permit retail commercial uses and contained in Attachment 3 be APPROVED;
 3. THAT the necessary by-law to adopt Amendment No. 20 be passed and that Amendment No. 20 to the Clarington Official Plan be forwarded to the Regional Municipality of Durham for approval;
 4. THAT the rezoning applications ZBA 99-027 and ZBA 99-030 to amend Zoning By-law 84-63, as submitted on behalf of 1319164 Ontario Limited, to permit retail commercial uses and a retirement/nursing home be APPROVED as contained in Attachment 4 and that the appropriate by-law be passed;
 5. THAT a By-law to remove the (H) Holding symbol be forwarded to Council at such time as the applicant has entered into a site plan agreement to the satisfaction of the Municipality of Clarington; and
 6. THAT all interested parties listed in this report and any delegations be advised of Council's decision.
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1. APPLICATION DETAILS

- 1.1 Applicant: 1319164 Ontario Limited
- 1.2 Agent: PMG Planning Consultants

1.3 Official Plan Amendment Application:

Parts 1 and 3 (COPA 99-002)

To redesignate the subject areas from "Urban Residential" to "Main Central Area" to permit the development of retail commercial uses and adjust the "Secondary Planning Area" boundary accordingly.

1.4 Newcastle Village Secondary Plan Amendment Application:

Parts 1 and 3 (COPA 99-002)

To extend the "Strip Commercial Area" designation onto the subject lands to permit the development of retail commercial uses and adjust the "Secondary Planning Area" boundary accordingly.

1.5 Rezoning Applications:

Part 1 (ZBA 99-027)

To rezone the subject lands from "General Commercial (C1) Zone" and "Special Purpose Commercial Exception (C4-2) Zone" to permit the development of a two storey retail commercial plaza containing 2,112 m² (22,733 ft²) of floorspace.

Part 2 (ZBA 99-027)

To rezone the subject lands from "Special Purpose Commercial Exception (C4-2) Zone" and "Holding – Urban Residential Exception ((H)R1-43) Zone" to permit the development of a two storey retirement/nursing home with 88 units/175 beds.

Part 3 (ZBA 99-030)

To rezone the subject lands from "Holding – Urban Residential Type One ((H)R1) Zone" and "Holding – Urban Residential Exception ((H)R1-43) Zone" to permit the development of a gas station and 329 m² (3,542 ft²) of retail commercial uses.

1.6	Site Areas:	Part 1 -	0.67 hectares (1.66 acres)
		Part 2 -	0.84 hectares (2.08 acres)
		Part 3 -	0.32 hectares (0.79 acres)

2. LOCATION

- 2.1 The subject lands are located at 337 and 361 King Street East in Newcastle Village (See Attachment 1). Parts 1 and 2 are located on the east side of future Brookhouse Drive while Part 3 is located on the west side of future Brookhouse Drive. The land holdings

subject to these applications total 1.83 hectares (4.53 acres). The property in legal terms is known as Part Lots 26 and 27, Concession 1, in the former Village of Newcastle.

3. BACKGROUND

- 3.1 On April 28, 1999, a site plan application (SPA 99-021) was submitted on behalf of 1319164 Ontario Limited to the Municipality of Clarington. The applicant proposed a $1,116\text{m}^2$ ($12,013\text{ ft}^2$) retail commercial plaza on the property on a portion of the Part 1 site that is zoned "General Commercial Zone". A review of the proposal indicated that the proposal did not comply with the zone provisions in a number of areas. These issues are discussed with the agent.
- 3.2 Subsequent to further meetings, the applicant increased both the area and scale of the proposal to $2,112\text{m}^2$ ($22,733\text{ ft}^2$) retail commercial plaza on the Part 1 lands, with $1,366\text{m}^2$ ($14,660\text{ ft}^2$) on the ground floor and 750m^2 ($8,073\text{ ft}^2$) on the second storey. The proposal was also expanded to include a 264 m^2 ($2,842\text{ ft}^2$) retail pad for a restaurant and a 65m^2 (700 ft^2) retail area in association with a gas station on the Part 3 lands. As the size and scale of the application changed from the original submission, the applicant was informed that an official plan amendment was required.
- 3.3 On August 31, 1999, an official plan amendment application (COPA 99-002) was submitted on behalf of 1319164 Ontario Limited to the Municipality of Clarington. Within the Clarington Official Plan, this application would redesignate the subject lands from Urban Residential to Main Central Area.
- 3.4 Rezoning applications to permit the retail development and nursing/retirement home on Parts 1 and 2 (ZBA 99-027) as well as the retail uses and gas station on Part 3 (ZBA 99-030) have also been submitted on behalf of the applicant.
- 3.5 The original site plan application (SPA 99-021) has been revised to include the proposal on Parts 1 and 2. No formal site plan application has been submitted for the Part 3 lands.

3.6 A Public Meeting was held on November 1, 2000 to solicit comments from neighbouring property owners:

- The Newcastle B.I.A. submitted a letter of concern about the proposal. They support the requirement of a retail market impact study and request that future development be phased in accordance with population growth in Newcastle Village.
- A letter of objection has been received from the owner of a plaza across the street at 282 King Street East stating that sufficient commercial development already exists in Newcastle Village to serve area residents. Approval of this proposal would also create hardship on existing tenants within the plaza.
- Additional traffic from the development will compromise the ability of residents fronting on King Street to access their driveways.
- There will be increased noise from traffic and rooftop equipment.
- Garbage, both in terms of loose material and odours from food waste, will cause problems.
- Lighting from the development will interfere with adjacent homes.
- Gasoline spills or leaks could cause contamination and safety concerns.
- Gas stations are located too close to each other.
- The proposed development will decrease property values of adjacent homes.
- Insurance rates for homeowners will increase due to the proximity of a gas station.
- The remaining properties on the south side of King Street between the Newcastle Village Fire Station and the development proposal should be rezoned for commercial uses.

These issues will be addressed in Section 8.5 of this report.

3.7 Staff met with the Newcastle Chamber of Commerce to provide information to its members. The concept plan and building renderings were presented at the meeting. A discussion of the commercial policies in the Clarington Official Plan provided information on the approval requirements. Chamber members wanted to ensure that additional development will not compromise existing businesses. Staff indicated that a retail market study would be prepared to examine the question of impact.

4. SITE CHARACTERISTICS AND SURROUNDING USES.

4.1 Part 1 of the subject area contains a new home sales office. Parts 2 and 3 are currently vacant, generally flat and slope southwards. Some earth has been stockpiled on Part 3 from previous activity.

4.2 Surrounding Uses: East - Urban residential
 North - Urban residential and commercial

West - Urban residential
South - Vacant lands (future urban residential)

5. **OFFICIAL PLAN POLICIES**

5.1 Although the Durham Regional Official Plan designates a Main Central Area, the precise limits are defined within local official plans. As a result, the subject lands are designated "Living Area", which only permits the nursing/retirement home. Subject to inclusion of the subject lands in the Main Central Area, the proposal appears to be permitted by the policies of the Durham Regional Official Plan.

5.2 The subject lands contain the following land use designations in the Clarington Official Plan.

Part 1: These lands are designated "Urban Residential", which precludes retail commercial development. An application has been submitted to extend the Main Central Area to permit the proposed retail commercial development.

Part 2: These lands are designated "Medium Density Residential", which permits development of a nursing/retirement home.

Part 3: This area is designated "Urban Residential". Although a gas station is permitted within this designation, the retail store of this magnitude associated with the gas station and the free-standing retail commercial pad are not permitted. An application has been submitted to extend the Main Central Area to permit these uses.

As the subject lands are currently not contained within the Newcastle Village Main Central Area Secondary Plan, the application proposes to expand the Secondary Plan boundary and designate the Part 1 and 3 lands "Strip Commercial Area" to permit retail commercial uses.

The Newcastle Village Main Central Area provides for 15,000 m² of retail and personal service floorspace. At present, there is approximately 10,525 m² of existing and approved commercial floorspace. As the overall limits on floorspace can only be

adjusted on the basis of an official plan review, the proposal requires the reallocation of the existing potential from the current limits of the Main Central Area to the proponent's lands.

6. ZONING BY-LAW CONFORMITY

Part 1: These lands are currently zoned "General Commercial (C1) Zone" and "Special Purpose Commercial Exception (C4-2) Zone". While the "C1" zone permits the proposed use, the "C4-2" zone only permits a lumber yard. A rezoning application has been submitted to permit the proposed uses on the remainder of the lands.

Part 2: This area is zoned "Special Purpose Commercial Exception (C4-2) Zone" and "Holding - Urban Residential Exception ((H)R1-43) Zone". As the zoning does not permit a nursing/retirement home, a rezoning application was submitted for consideration.

Part 3: These lands are zoned "Holding - Urban Residential Type One ((H)R1) Zone" and "Holding - Urban Residential Exception ((H)R1-43) Zone". As the zoning does not permit retail commercial development or a gas station, a rezoning application was submitted for consideration.

7. AGENCY COMMENTS

7.1 The Clarington Fire Department has no objections to the proposal.

7.2 The Clarington Public Works Department has no objections provided that the following requirements are fulfilled.

- All utilities must be installed underground.
- The development cannot proceed until Brookhouse Drive and Edward Street are constructed within the adjacent plan of subdivision. The applicant also owns these lands.
- The applicant must prepare a traffic study demonstrating that the number and location of access points proposed on King Street does not negatively impact traffic flows at the Brookhouse Drive and King Street intersection. The study must also ensure that the proposed drive-through lane is adequately sized so that the queue does not spill onto the adjacent roadway. As a condition of site plan approval, the work will be prepared by the Municipality's traffic consultant at the applicant's expense.

- A master grading and drainage plan must be prepared detailing the on-site storm water system and overland flow. The plan must demonstrate that the proposed grading is compatible with surrounding lands.
 - The applicant is responsible for the construction of all required roadways and entrances to the development at municipal standards.
 - An appropriate cash-in-lieu of parkland dedication is required.
- 7.3 The Durham Region Public Works Department has no objections to the proposal. Water supply and sanitary sewers are available along King Street or will become available once Brookhouse Drive is constructed. Other issues must be resolved as follows:
- King Street access issues must be dealt with through site plan approval.
 - A road widening is required along King Street to provide a minimum of 15.0 metres from the centreline of the original right-of-way.
 - A traffic impact study should be prepared for the King Street/Brookhouse Drive intersection to determine the intersection improvements that are necessary. The requirement should be coordinated with the municipal study requirements.
- 7.4 The Ganaraska Region Conservation Authority has no objections to the proposal provided that lot grading and drainage are addressed through a detailed storm water management plan through site plan approval.
- 7.5 Veridian Corporation has no objections provided that the applicant enter into the necessary agreements with the utility and pay for all required improvements and fees.
- 7.6 Comments have never been received from the Durham Region Police Force, Canada Post Corporation or Bell Canada.

8. STAFF COMMENTS

8.1 Retail Market Impact Study

A retail impact study was required to assess the impact of the expansion of the Main Central Area. The study, which was prepared for the Municipality at the applicant's expense, examined the following issues:

- Market opportunity for the proposed commercial development.
- Impact of the proposal on existing and proposed retail development.
- Determine whether the proposal would delay the introduction of development on lands currently designated for retail uses.
- Appropriateness of the proposed location.

Malone Given Parsons Limited was retained to prepare the retail market impact analysis which provided the following results.

Market Opportunity

The study examined expenditure potential for the proposal. The trade area included Newcastle Village and the surrounding area. The current population of 7,200 is expected to increase to 11,600 by 2006 and almost double to 14,000 by 2011.

Market support was examined within four retail categories: specialty/convenience food; non-department store merchandise; restaurants; and personal services. Based on population growth, the report estimated that the trade area could support between 21,800 ft² and 32,400 ft² of additional retail commercial floorspace by 2002, which coincides with the development's first full year of operation. The space includes:

- 3,100 to 3,500 ft² of specialty/convenience food;
- 10,700 to 12,500 ft² non-department store merchandise;
- 4,000 to 12,100 ft² of restaurant space; and
- 4,000 to 4,300 ft² of personal services.

Total retail market potential increases in 2006 to between 36,700 and 53,600 ft² and in 2011 to between 55,200 to 79,900 ft².

The consultant has recommended that a supermarket or department store not be developed within the proposal. A large supermarket already services Newcastle and a department store is not supportable by the trade area. The consultant recommended that a supermarket be prohibited in the zoning of the site. This use exclusion will be included in the zoning by-law.

Market Impact

The study indicated that sufficient market exists for this development consisting of 2,441 m² (26,275 ft²) to enter the market place by 2001. Within its first full year of operation in 2002, a further 5,800 to 20,900 ft² of additional opportunity is available to other commercial development and redevelopment sites, including the Massey factory building renovation proposed by 564069 Ontario Inc.

The proposed development will primarily serve the convenience needs of existing and future residents in the east end of Newcastle Village. It will not create an imbalance with existing businesses in the Main Central Area for the following reasons:

- Aside from the new IGA, there has been no retail growth in Newcastle Village during the past decade. The proposed development will benefit Newcastle Village by adding additional facilities required to create a critical mass of retail and personal services in this underserved area. Local residential and merchants surveyed would welcome more variety and selection in Newcastle Village.
- Additional residential development proposed in the southern and western areas of Newcastle Village will increase the demand for retail commercial floorspace.

Appropriateness of Location

The report indicated that the extension of the Newcastle Village Main Central Area to the subject site is appropriate for the following reasons.

- The proposed location provides a definitive entry point to the Main Central Area. Considering that commercial uses have developed across the street, it creates a commercial presence on the south side of King Street at Brookhouse Drive.
- Considering the site's current commercial zoning and past use as a lumberyard, commercial uses would be appropriate.

8.2 Planning Study

The Clarington Official Plan requires planning justification for any commercial expansion to an existing Main Central Area. Staff outlined a number of issues that had to be addressed. The applicant's planning consultant has prepared the following response.

Suitability of Existing Alternative Commercial Locations

The study identified a number of sites that could be considered as alternative locations for retail commercial development.

- A vacant 1.07 acre parcel adjacent to the CIBC was considered to have insufficient frontage for commercial purposes. Additional assembly would be required prior to development.
- Two parcels at 11 Baldwin Street and 36 Church Street were considered too small for commercial development.
- There are a number of properties with redevelopment potential once the existing dwellings are removed. Development potential would depend on the mix of uses proposed.
- The Massey factory building has potential for more limited retail development than is being proposed.

- Commercial redevelopment of the lands on the north side of King Street between Beaver Street and Memorial Park requires significant land assembly. Development restrictions from heritage buildings also limited redevelopment potential.

The consultant felt that no alternative sites were currently available that would permit immediate development potential of the scale being proposed.

Functional Implications on the Main Central Area

Some fear that the "retail energy" may shift from the existing downtown area to this new development. The subject lands are located across the street from the existing Main Central Area designation, where a strip plaza currently exists. If commercial uses are appropriate on the north side, then commercial uses should be appropriate on the south side.

The consultant feels that, by better serving the residents, the "retail energy" will be enhanced throughout the area. A larger critical retail mass will offer more shopping opportunities and help to retain retail expenditures within Newcastle Village.

If the development is constructed, these parcels would represent approximately 26.6% of existing floorspace. This figure would decrease to 16.3% if additional potential at other locations is realized. The majority of retail activity would still be located towards the traditional core area at King and Mill Streets.

Reinforcement of Retail Commercial Policies

The proposal reinforces the commercial policies contained in the Clarington Official Plan in the following manner.

- Central Areas represent the focus of economic, social and cultural activity. It strengthens the functional and symbolic role of the Newcastle Village Main Central Area.
- It provides specialized retail commercial needs of existing and future residents, reducing the need to obtain these goods and services elsewhere.
- The proposal assists the Municipality in reaching its retail floorspace targets for Newcastle Village.
- The Plan promotes neo-traditional development where possible. This development will provide retail commercial facilities within walking distance of significant residential areas.

8.3 Main Central Area Retail Floorspace Allocation

The Clarington Official Plan designates 15,000 m² (161,500 ft²) of retail commercial floorspace within the Newcastle Village Main Central Area. Existing commercial floorspace, approved but unbuilt floorspace (Massey factory proposal), and commercial floorspace proposed in this application totals 12,975 m² (139,700 ft²). Therefore, a total of 2,025 m² (21,800 ft²) is available for other commercial properties within the Main Central Area.

Although designating the subject property does reallocate some floorspace potential, it is supported for the following reasons:

- Although some commercially zoned properties have been marketed for development purposes, they have not developed to date. Since many of the development or redevelopment opportunities in Newcastle Village require medium or long term land assembly, the supply of land available for development at the proposed scale is limited in the short term. This limits the amount of retail choice available to the consumer in Newcastle.
- A total of 2,025 m² (21,800 ft²) potential remains available for new commercial development on commercially zoned properties within the Main Central Area.
- All numerical figures in the Official Plan are meant to be approximate. If there are valid planning grounds, a deviation of 10% may be permitted. This would permit up to 1,500 m² of additional development.
- The five year review of the Clarington Official Plan will include a review of floorspace allocations, such review to occur prior to any anticipated redevelopment opportunity.

In summary, it is staff's opinion that the inclusion of these lands will not negate the potential for redevelopment of the lands currently within the Main Central Area.

8.4 Road Realignment

The Clarington Public Works Department had requested that the main entrance from Brookhouse Drive be relocated so that it aligns with Street "E" to the west. This has been done on the revised plan and appears to be to the satisfaction of the Public Works Department.

8.5 Public Concerns

Adjacent residents and merchant groups in Newcastle Village have raised a number of concerns. These concerns are addressed in the following manner.

- The Clarington Public Works Department has not required a major traffic report to examine the traffic implications for the change in use. Traffic in the area will naturally continue to increase as the subdivision to the south develops. Since the increase in traffic levels generated by the proposal are not anticipated to be major, King Street and Brookhouse Drive can adequately accommodate additional traffic levels generated by the commercial development. The traffic study will examine residents' concerns such as entrance location and spacing as well as drive-through length and location.
- A noise study will examine noise from motor vehicle circulation, loading area and rooftop equipment sources. Required mitigation measures, which would include noise fencing and rooftop mechanical screening, will be implemented through site plan approval.
- Garbage must be located within enclosures to avoid unsightly clutter. The tidiness of the development will be the responsibility of the business owner.
- A lighting study will be required to minimize light interference with adjacent homes.
- The safety standards and containment mechanisms in place for new gas station installations are quite rigorous. The chances of a major leak are limited.
- Gas stations are required to serve the increasing population in Newcastle Village. Staff do not feel that these facilities would be too close together.
- Staff cannot provide an opinion on whether the proposed development will decrease property values of adjacent homes, nor that impact the proximity of a gas station would have on insurance rates.
- The retail market impact study demonstrated that sufficient market exists for the entry of the proposed development in its entirety. The consultant has determined that no undue impacts would occur to existing businesses in Newcastle Village. No phasing of development is required for the project. A copy of the study was sent to the Newcastle BIA and the Newcastle Chamber of Commerce on August 9, 2000 for review. No comments have been received to date.
- Both the retail and planning studies have concluded that the proposal will not detract from the existing core retail area. It will provide residents with additional choices, provide an eastern gateway into Newcastle Village and increase the critical retail mass within the area.

- The proposal should not have any undue impacts on the development across the street at 282 King Street East. It may even assist to bring new shoppers into the area.
- Although the study has identified that sufficient market support for the proposal, staff cannot guarantee that some tenants will not leave existing locations for the new development. Additional floorspace will ensure a healthy level of competition in the retail marketplace.

8.6 Revision to Draft Plan Approval

A revision to draft plan approval for subdivision 18T-88061 to the south was approved on December 22, 1999. The amendment among other things, replaces four semi-detached lots at the northeast corner of Brookhouse Drive and Bloom Avenue with Block 249. The site plan incorporates this block into the nursing/retirement home containing 88 rooms and 175 beds (see Attachment 2).

9. **CONCLUSIONS**

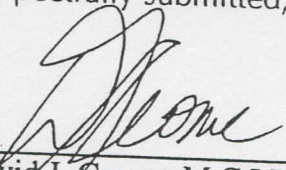
- 9.1 Staff recommend the approval of the proposed applications for a number of reasons. The retail market impact study has indicated that the proposed commercial floorspace can be introduced without any negative impacts. There is sufficient retail market available for redevelopment of the Massey factory as well as other sites to occur. If a retail development of this scale is to be constructed in the short term, other alternative locations in Newcastle Village offer too many constraints. Other locations will develop over time but only through land assembly.

The retirement/nursing home would be permitted within the medium density symbol contained at that location. It substitutes for Medium Density residential development in terms of scale, massing and general type of use. With changing demographics in the area, the demand for such a facility increases.

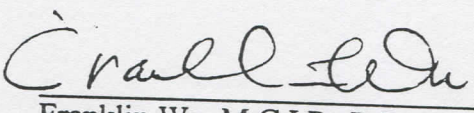
Issues such as traffic circulation and access, storm water management, noise, lighting, building design and location and landscaping will be addressed through site plan approval.

- 9.2 Based on the comments contained in this report, it is respectfully recommended that Council APPROVE Amendment No. 20 to the Clarington Official Plan as contained in Attachment 3 and APPROVE the by-law contained in Attachment 4 to permit the development of 2,441 m² (26,275 ft²) of retail commercial floorspace and a retirement/nursing home with 88 units/175 beds.
- 9.3 The applicant will be required to enter into a site plan agreement. Conditions of approval include completion of all required studies and reports and finalization of required drawings. Prior to issuance of a building permit, staff will forward a report to Council for approval of the Holding (H) Symbol.

Respectfully submitted,


David J. Crome, M.C.I.P., R.P.P.
Director of Planning & Development

Reviewed by,


Franklin Wu, M.C.I.P., R.P.P.,
Chief Administrative Officer

RH*DJC*cc

September 8, 2000

Attachment 1 -	Key Map
Attachment 2 -	Site Plan
Attachment 3 -	Proposed Amendment to the Clarington Official Plan
Attachment 4 -	Zoning By-law Amendment

Interested parties to be notified of Council and Committee's decision:

Mr. Ian Roher
1319164 Ontario Limited
1050 Finch Avenue West
Suite 201
Downsview, Ontario
M3J 2E2

Mr. Ron Hope
Newcastle BIA
24 King Street East
Newcastle, Ontario
L1B 1H6

Mr. Julius DeRuyter
PMG Planning Consultants
227 Bridgeland Avenue
Toronto, Ontario
M6A 1Y7

Mr. Hans Verkrusen
Newcastle Chamber of Commerce
3988 Highway 2 East
R. R. #8
Newcastle, Ontario
L1B 1L9

Mr. Marty Levinson
M.S.M. Construction Limited
180 Steeles Avenue West
Suite 210
Thornhill, Ontario
L4J 2L1

Mr. Joel Hirsch
Mandel, Hirsch
Barristers & Solicitors
180 Steeles Avenue West
Suite 218
Thornhill, Ontario
L4J 2L1

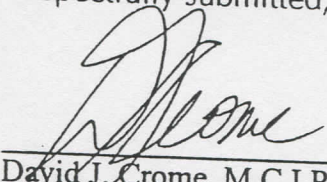
Mr. Murray Paterson
266 Church Street
Newcastle, Ontario
L1B 1C5

Mr. Mike Peel
315 King Street East
Newcastle, Ontario
L1B 1H4

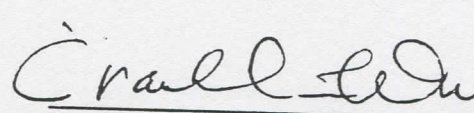
Mr. Ron Verbeek
327 King Street East
Newcastle, Ontario
L1B 1H4

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Director of Planning & Development

Reviewed by,


Franklin Wu, M.C.I.P., R.P.P.,
Chief Administrative Officer

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1050 Finch Avenue West
Suite 201
Downsview, Ontario
M3J 2E2

Mr. Ron Hope
Newcastle BIA
24 King Street East
Newcastle, Ontario
L1B 1H6

Mr. Julius DeRuyter
PMG Planning Consultants
227 Bridgeland Avenue
Toronto, Ontario
M6A 1Y7

Mr. Hans Verkrusen
Newcastle Chamber of Commerce
3988 Highway 2 East
R. R. #8
Newcastle, Ontario
L1B 1L9

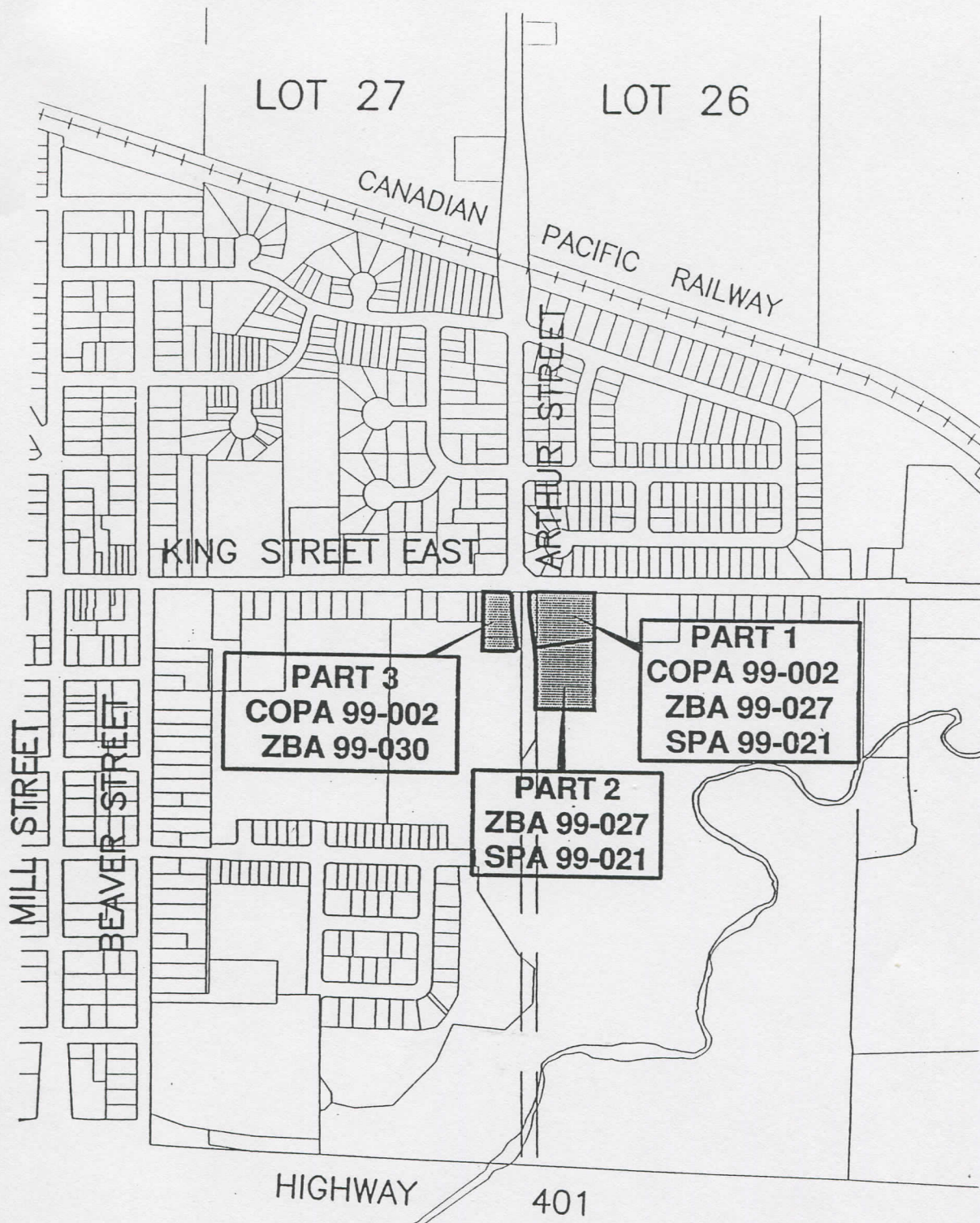
Mr. Marty Levinson
M.S.M. Construction Limited
180 Steeles Avenue West
Suite 210
Thornhill, Ontario
L4J 2L1

Mr. Joel Hirsch
Mandel, Hirsch
Barristers & Solicitors
180 Steeles Avenue West
Suite 218
Thornhill, Ontario
L4J 2L1

Mr. Murray Paterson
266 Church Street
Newcastle, Ontario
L1B 1C5

Mr. Mike Peel
315 King Street East
Newcastle, Ontario
L1B 1H4

Mr. Ron Verbeek
327 King Street East
Newcastle, Ontario
L1B 1H4

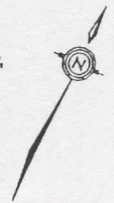


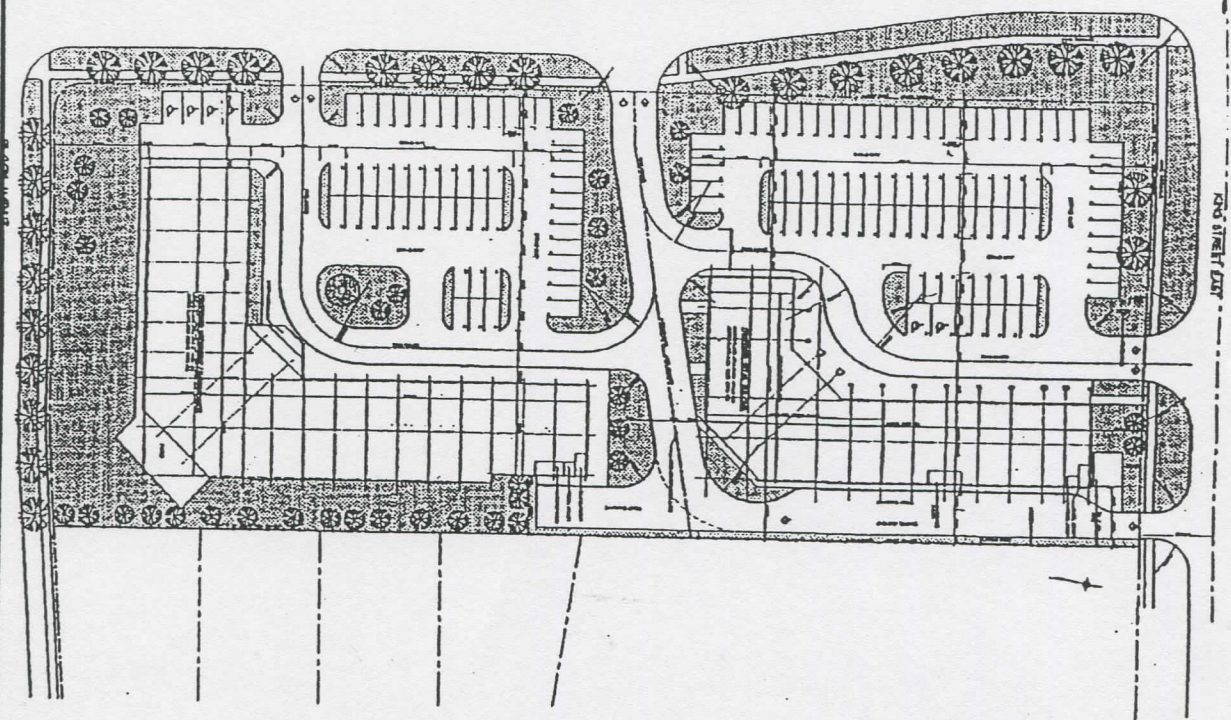
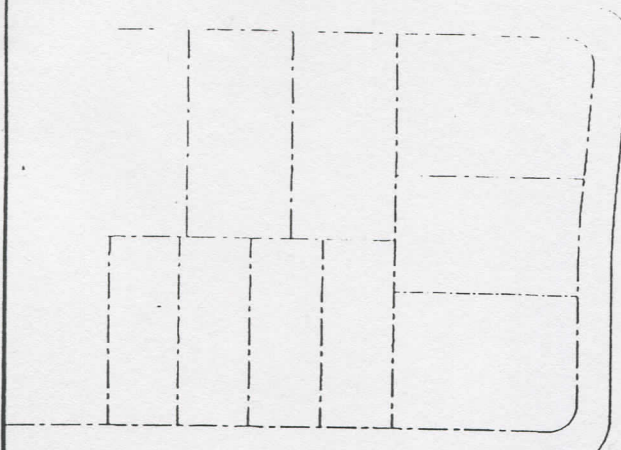
CONCESSION 2

CONCESSION 1

NEWCASTLE VILLAGE
KEY MAP

COPA 99-002
ZBA 99-027
ZBA 99-030
SPA 99-021



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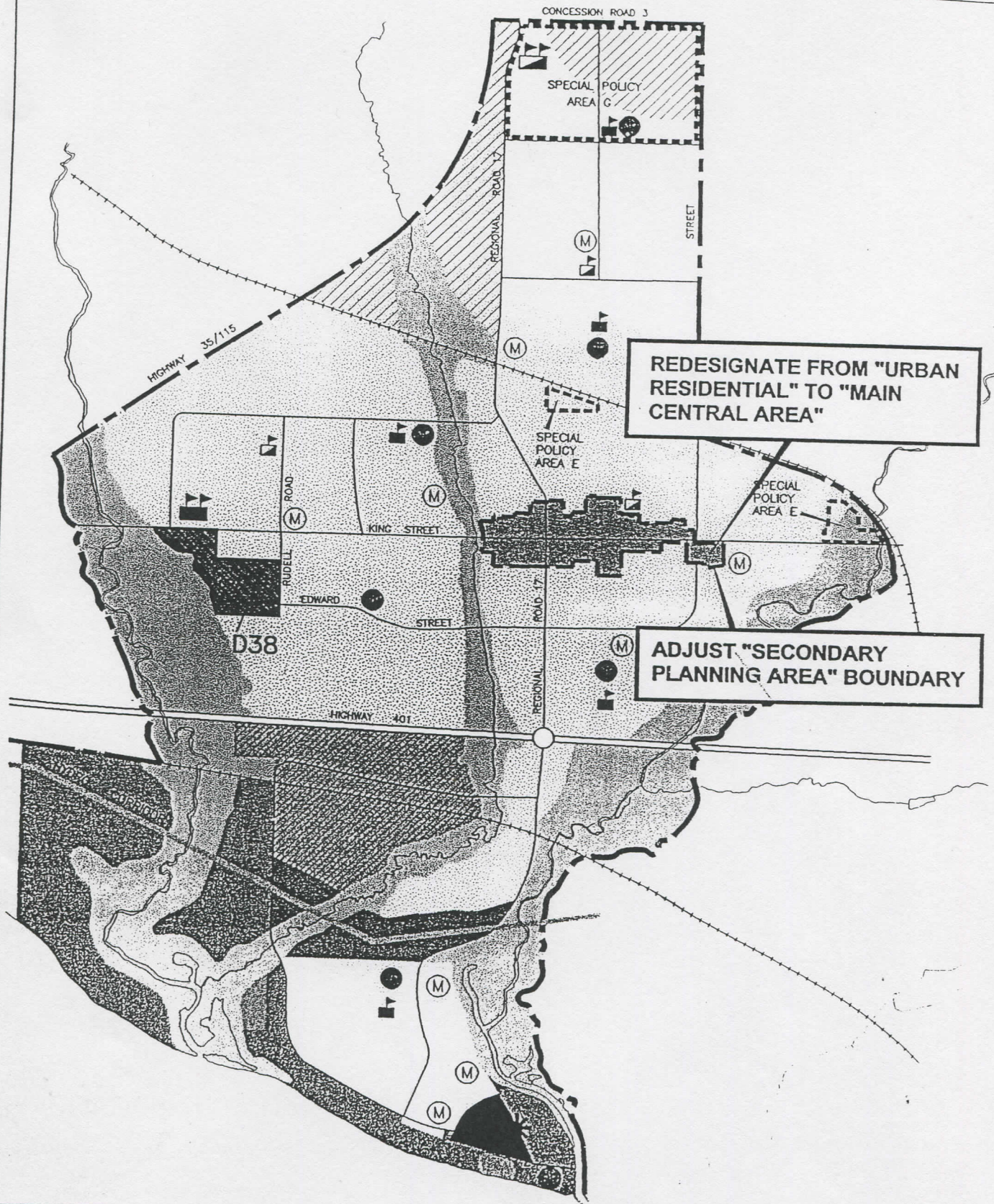
CLASSIFICATION PLAYS		CORRECTION
LINE		
9116	WADA (A2)	WADA IN (C14) (P)
	RECORD A ROOM WADA	WADA IN (WADA 91)
	RECORD A ROOM WADA	740 IN (1773) (P)
	RECORD A ROOM WADA	740 IN (1773) (P)
	TOTAL LOT CORRECTION (A2)	435004.518
	PLAYED WADA (A2)	
	CHRONIC (WADA WADA (A2))	
	PLAYED WADA	
	RECORD (WADA 91)	
	RECORDED	
	TOTAL	71
		IN 1 HC SPACES
		IN 81 SPACES

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AMENDMENT NO. 20
TO THE CLARINGTON OFFICIAL PLAN

- PURPOSE: The purpose of the Amendment is to extend the Newcastle Village Main Central Area to include additional lands in order to permit 2,441 m² of retail commercial uses on a 0.99 hectare land area.
- BASIS: The amendment is based on an application submitted by 1319164 Ontario Limited (COPA 99-002) for retail commercial uses on the subject lands. A Retail Market Impact Study by Malone Given Parsons Limited and a Planning Report by John Winter Associates Limited were prepared in support of the proposal.
- ACTUAL
AMENDMENT: The Clarington Official Plan is hereby amended as follows:
- By amending Map A4 – Land Use: Newcastle Village Urban Area as shown on Exhibit “1”.
- By amending Map A – Land Use: Newcastle Village Main Central Area Secondary Plan as shown on Exhibit “2”.
- IMPLEMENTATION: The provisions set forth in the Clarington Official Plan and the Newcastle Village Main Central Area Secondary Plan, as amended, regarding the implementation of the Plan, shall apply in regard to this Amendment.
- INTERPRETATION: The provisions set forth in the Clarington Official Plan and the Newcastle Village Main Central Area Secondary Plan, as amended, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

EXHIBIT "1"
AMENDMENT No. 20 TO THE MUNICIPALITY OF CLARINGTON OFFICIAL PLAN,
MAP A4, LAND USE, NEWCASTLE VILLAGE URBAN AREA





being a By-law to adopt Amendment No. 20 to the Clarington
Official Plan.

WHEREAS Section 17(22) of the Planning Act R.S.O. 1990, as amended, authorizes the
Municipality of Clarington to pass by-laws for the adoption or repeal of Official Plans and
Amendments thereto;

AND WHEREAS the Council of the Corporation of the Municipality of Clarington deems it
advisable to amend the Clarington Official Plan to amend the following:

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality
of Clarington enacts as follows:

1. That Amendment No. 20 to the Clarington Official Plan being the attached Explanatory
Text and Map is hereby adopted;
2. That the Clerk of the Municipality of Clarington is hereby authorized and directed to make
application to the Regional Municipality of Durham for approval of the aforementioned
Amendment No. 20 to the Clarington Official Plan; and
3. This By-law shall come into effect on the date of the passing hereof.

BY-LAW read a first time this day of 2000.

BY-LAW read a second time this day of 2000.

BY-LAW read a third time and finally passed this day of 2000.

MAYOR

CLERK

being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the former Town of Newcastle.

WHEREAS the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 84-63, as amended, of the Corporation of the former Town of Newcastle in accordance with the applications ZBA 99-027 and ZBA 99-030 to permit the development of 2,441 m² of retail commercial floorspace and a retirement/nursing home with 88 units/175 beds.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Section 16.5 "SPECIAL EXCEPTIONS – GENERAL COMMERCIAL (C1) ZONE" is hereby amended by introducing a new Subsection 16.5.26 as follows:

"16.5.26 GENERAL COMMERCIAL EXCEPTION (C1-26) ZONE

Notwithstanding Sections 2, 3.12, 3.15, 16.1 and 16.3, those lands zoned (C1-26) shall be subject to the following provisions:

- a) Definitions
 - i) Landscaping Strip
Shall mean an area of land used for any one or more of the planting of trees, shrubs, flowers, grass or other horticultural elements, such as decorative stonework, fencing or screening.
- b) Permitted Uses
 - i) Any non-residential use save and except a supermarket.
 - ii) Convenience store
- c) Regulations
 - i) Interior Side Yard (minimum) 8.0 metres to the first storey and 10.0 metres to the second storey
 - ii) Parking Space Size 5.2 metres in length by 2.75 metres in width provided that such space is perpendicular to a landscaping strip.
 - iii) Number of Loading Spaces 3"

Section 16.5 "SPECIAL EXCEPTIONS – GENERAL COMMERCIAL (C1) ZONE" is hereby amended by introducing a new Subsection 16.5.27 as follows:

"16.5.27 GENERAL COMMERCIAL EXCEPTION (C1-27) ZONE

Notwithstanding Sections 2, 3.12, 3.15, 16.1 and 16.3, those lands zoned (C1-27) shall be subject to the following provisions:

- a) Definitions
 - i) Landscaping Strip
Shall mean an area of land used for any one or more of the planting of trees, shrubs, flowers, grass or other horticultural elements, such as decorative stonework, fencing or screening.
- b) Permitted Uses
 - i) Any non-residential use save and except a supermarket.
 - ii) Convenience store
 - iii) Motor Vehicle Fuel Bar
- c) Regulations
 - i) Exterior Side Yard (minimum) 3.0 metres to a building or canopy
 - ii) Parking Space Size 5.2 metres in length by 2.75 metres in width provided that such space is perpendicular to a landscaping strip.
 - iii) Number of Loading Spaces 1"

Section 15.4 "SPECIAL EXCEPTIONS - URBAN RESIDENTIAL TYPE FOUR (R4) ZONE" is hereby amended by introducing a new Subsection 15.4.21 as follows:

"15.4.21 URBAN RESIDENTIAL EXCEPTION (R4-21) ZONE

Notwithstanding Sections 2, 3.15 and 15.2, those lands zoned (R4-21) shall be subject to the following provisions:

a) Definitions

i) Landscaping Strip

Shall mean an area of land used for any one or more of the planting of trees, shrubs, flowers, grass or other horticultural elements, such as decorative stonework, fencing or screening.

ii) Dwelling

Shall mean one (1) or more habitable rooms, designed or intended for use by one or more persons, in which sanitary facilities are provided for the exclusive or shared use of the persons, in which a heating system is provided, and which has a private entrance from a common hallway or stairway inside the building. For the purpose of this definition, dwelling shall also mean dwelling unit.

b) Regulations

i) Density (maximum)

105 units per ha

ii) Dwelling Units (maximum)

88

iii) Interior Side Yard (minimum)

8.7 metres

iv) Parking Space Size

5.2 metres in length by 2.75 metres in width provided that such space is perpendicular to a landscaping strip."

2. Schedule "5" to By-law 84-63 as amended, is hereby further amended by changing the zone designation from:

"General Commercial (C1) Zone" and "Special Purpose Commercial Exception (C4-2) Zone" to "Holding - General Commercial Exception ((H)C1-26) Zone"

"Holding - Urban Residential Type One ((H)R1) Zone" and "Holding - Urban Residential Exception ((H)R1-43) Zone" to "Holding - General Commercial Exception ((H)C1-27) Zone".

"Special Purpose Commercial Exception (C4-2) Zone" and "Holding - Urban Residential Exception ((H)R1-43) Zone" to "Holding - Urban Residential Exception ((H)R4-21) Zone"

as shown on the attached Schedule "A" hereto.

3. Schedule "A" attached hereto shall form part of this By-law.

4. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 34 of the Planning Act.

BY-LAW read a first time this day of 2000.

BY-LAW read a second time this day of 2000.

BY-LAW read a third time and finally passed this day of 2000.

MAYOR

CLERK

This Is Schedule "A" to By-law 2000-_____,
 passed this _____ day of _____, 2000 A.D.

