



REPORT # 5

RESOLUTION OF OUTSTANDING ISSUES: HIGHWAY No. 48 CORRIDOR (T08)

Report Prepared By: Director of Planning and Building Services

RECOMMENDATION

The Director of Planning and Building Services and the Director of Engineering and Capital Projects recommend:

- 1) **THAT the Mayor, on behalf of Council, petition the Minister of Transportation to work with the Town to resolve outstanding issues associated with that portion of Highway No. 48 which traverses the Municipality, and, specifically the following matters:**
 - a. **the reduction in the posted speed within the Community of Ballantrae and the Community of Stouffville as set out in Attachment Nos. 1 and 2 to this Report;**
 - b. **direct driveway access onto Highway No. 48 for the L K Aurora Inc. / 1609972 Ontario Ltd. (File Nos. ZBA06.015 and SPA06.010) development proposal;**
 - c. **relief from the 14 metre building setback requirements; and,**
 - d. **expedite the issuance of permits and approvals for public works on or adjacent to the Highway;**
- 2) **AND THAT a future Report be prepared for submission to Council on the outcome of these matters;**
- 3) **AND THAT this Report and the concerns of Town Council with respect to issues related to the Highway No. 48 corridor be forwarded to Helena Jaczek, MPP;**
- 4) **AND THAT this Report and the concerns of Town Council with respect to Recommendations Nos. 1)c. and d. be forwarded to the Region of York, and the Towns of Markham, East Gwillimbury and Georgina seeking their support.**



1. PURPOSE:

The purpose of this Report is to solicit direction from Town Council to resolve outstanding matters associated with the Highway No. 48 corridor. Several matters have been at an impasse and Town Staff are of the opinion that political intervention may be necessary to achieve a satisfactory resolution of the issues.

This Report will provide a summary of the outstanding issues for Council's review and consideration.

2. BACKGROUND:

Highway No. 48 traverses the Municipality in a north / south orientation extending from the Markham / Whitchurch-Stouffville boundary in the south through to the Whitchurch-Stouffville / East Gwillimbury boundary to the north. Highway No. 48 represents a key road in the Municipality's overall transportation system and has been recognized in the Town's Official Plan as a "major arterial road".

An arterial road is designed to serve inter-regional and local travel demands. Typically, direct access from abutting properties is restricted to facilitate the efficient movement of vehicles on the highway system.

Highway No. 48 is owned and maintained by the Province of Ontario. As such, the Ministry is the road authority. It is the Ministry who establishes posted speeds or other regulatory control signage on Highway No. 48. In addition, any development applications adjacent to Highway No. 48 or public works on or adjacent to Highway No. 48 require the approval of the Ministry of Transportation. These approvals include items where development occurs adjacent the Highway system such as:

- a. driveway access and design parameters;
- b. stormwater management principles and design parameters;
- c. building location;
- d. exterior lighting;
- e. property signs and/or advertising signs;
- f. installation of infrastructure (ie: watermains, sanitary sewers, etc.) or other road improvements (ie: streetlights, traffic lights, turning lanes, etc.) within the Road Allowance.



The Town has over the recent two to three year period met with representatives of the Ministry of Transportation to review issues associated with development applications adjacent Highway No. 48 or seeking support for the reduction in the posted speed limit within Ballantrae and Stouffville. Staff have not been successful in “moving the yardsticks”, and as such, Staff believe that intervention from Council is now warranted.

Section 3 of this Report summarizes the key issues where Staff believe that Council involvement is necessary and required.

3. ANALYSIS & OPTIONS:

3.1 Posted Speed Limit – Community of Ballantrae

At present, the posted speed in Ballantrae is comprised of two different speed zones along the Highway No. 48 corridor. From a point immediately south of Felcher Blvd to a point immediately south of Greenan Road, the posted speed limit is 60 km/hr. From generally Greenan Road to the northerly limit of the Community of Ballantrae, the posted speed limit is 80 km/hr.

Approximately 1 year ago traffic signals were installed at the intersection of Highway No. 48 / Ballantrae Rd – Ballantrae Common. There has been no reduction in the posted speed limit despite the introduction of the traffic lights and the earlier requests of Council over the past 3 to 4 year period seeking a lower speed limit for this area to 60 km/hr.

It is Staff’s opinion that a reduction in the speed limit from a point approximately 150 metres north of Ballantrae Rd / Ballantrae Common through to the existing 60 km/hr speed zone south of Greenan Road is necessary and appropriate. Attachment No. 1 to this Report conceptually illustrates Staff’s recommendation in this regard.

The Community of Ballantrae is a long standing designated settlement area. When fully developed, the Community will have a population of approximately 4,000 to 4,500 persons. The Community of Ballantrae is almost at this threshold and is expected to achieve its built out population within the next 5 year period.

The reduction in the posted speed limit to 60 km/hr in the northern portion of Ballantrae is necessary and overdue in recognition of the population of the Community; the spacing between traffic signals (second set of traffic lights exist at the Aurora Rd / Highway No. 48 intersection); the traffic volumes and the composition of vehicles utilizing Highway No. 48; and, the range of land use activities adjacent the corridor.



3.2 Reduction in Posted Speed – Community of Stouffville

At present the posted speed in Stouffville from Bethesda Road to the Markham / Whitchurch-Stouffville boundary is 80 km/hr.

Over the past two year period traffic signals have been installed at the intersection of Hoover Park Drive / Highway No. 48, Sam's Way / Highway No. 48 and, most recently at the intersection of Millard Street / Highway No. 48. There has been no reduction in the posted speed limit despite the introduction of the traffic lights and Staff's request during the design of the road improvements over the past 2 year period seeking a graduated lowering of speed limits for this area.

It is Staff's opinion that a reduction in the speed limit from a point approximately 150 metres north of Bethesda Road (northerly leg) to Norman Jones Place to 70 km/hr, and, from Norman Jones Place to a distance 200 metres south of Sam's Way to 60 km/hr is necessary and appropriate. Attachment No. 2 to this Report conceptually illustrates Staff's recommendation in this regard.

The Community of Stouffville is a long standing designated settlement area. When fully developed, the Community will have a population of approximately 35,000 to 40,000 persons. Approximately 20,500 persons currently reside within Stouffville.

The reduction in the posted speed with two new zones being created (70 km/hr in the northern portion and 60 km/hr in the central and southern district) is necessary and overdue in recognition of the population of the Community; the spacing between the four traffic signals (a fourth traffic signal is present at the intersection of Main St. – Stouffville Rd / Highway No. 48); the traffic volumes and the composition of vehicles utilizing Highway No. 48 and turning onto the adjacent side streets; and, the range of land use activities adjacent the Highway No. 48 corridor.

3.3 Direct Driveway Access – 1609972 Ontario Ltd. & LK Aurora Inc. Community of Ballantrae

On February 13th, 2007 the Town convened a Statutory Public Meeting under the authority of the *Planning Act* to hear comments from members of the Public and Government Agencies related to a proposed Zoning By-law Amendment as requested by the above referenced landowners. The development property is located adjacent the northeast corner of Aurora Rd. / Highway No. 48.



The proposed Zoning Amendment and associated Site Plan Application (File Nos. ZBA06.015 & SPA06. 010 respectively) contemplate the redevelopment of the subject lands for a retail / commercial plaza. It is the Owner's intent to develop the property with two free standing structures comprised of a 1,950 sq.metre (21,000 sq.ft.) building with the key tenant being a food store and associated retail and service related commercial uses, and, a 278 sq.metre (3,000 sq.ft.) building with a tenant potentially being a restaurant or financial institution. The Owner proposes two access points to the site, namely a full movement driveway from both the Highway No. 48 and Aurora Road frontages. Attachment No. 3 to this Report is a concept plan which illustrates the proposed layout of the development.

The Ministry of Transportation in a Fax Transmission received on November 1st, 2006 advised that no access would be provided to the site from Highway No. 48 and that all access should be limited to Aurora Road. The Owner has retained a consultant and submitted to the Town and Ministry a *Traffic Impact Study* prepared by Poulus Chung, dated June 2006. This Report concluded that restricted access to Highway No. 48 could be achieved in combination with improvements to the road corridor.

Town and Ministry Staff have met to discuss this development proposal and specifically the issue of road access. Ministry Staff have remained firm in their position that access to the development site should be exclusively from Aurora Road.

Town Staff are concerned that the success of the plaza and the ability to attract higher order tenants is dependent upon access to the site. While location is a key determinant in the success of a commercial enterprise, the ability to easily access the site is of equal importance. Routing all of the commercial traffic from Aurora Road to the site may be a sufficient deterrent to attract the higher order commercial enterprises which the Municipality wishes to attract to Ballantrae to serve the residents.

The inability of Staff to resolve the issue of access to the site has essentially placed the advancement of the Zoning By-law Amendment and the associated Site Plan Application on hold.



3.4 14 metre Building Setback

Along all Provincial Highways, the Ministry exercises through its Regulations and associated Land Use Permit the ability to prevent the construction or installation of buildings, required parking, required loading facilities, septic beds or other similar facilities within a distance of 14 metres (45 ft.) from the limits of the Road Allowance. This 14 metre (45 ft) building setback has been enshrined to protect the exposure of the Ministry if in future it requires to purchase or expropriate additional lands for road improvement / road widening purposes. By not having a building or associated infrastructure / facilities in place, it lowers the potential expense of the Ministry to acquire the lands, and, it would not be as disruptive on the continued operation of the site.

It is Staff's contention that the arbitrary 14 metre building setback imposes a significant constraint to the development or redevelopment of smaller properties, and, it undermines the Town's ability to provide the 50 persons per ha residential / non-residential population targets as set out in the Province's *Places to Grow Act*.

In the example of Stouffville and Ballantrae, where the majority of development within the Municipality will occur adjacent the Highway No. 48 corridor, the current Road Allowance right-of-way width varies as follows:

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| ▪ Stouffville | minimum of 36 m |
| ▪ Ballantrae, Felcher Blvd. southerly | 36 m |
| ▪ Ballantrae, Felcher Blvd to north of Lakeshore Rd | 20 m |
| ▪ Ballantrae, north of Lakeshore Rd to north of Greenan Rd | 26 m |
| ▪ Ballantrae, north of Greenan Rd & northerly | 36 m |

Within the Community of Stouffville, the current Road Allowance right-of-way is more than adequate for a four lane urban profile road with associated sidewalks and turning lanes. Staff would query why we need to artificially protect for additional lands for road widening based upon the present Road Allowance dedication.

Within Ballantrae there is an established ribbon like form of development that was historically oriented along the east and west limits of Highway No. 48. The majority of these properties are relatively shallow in depth, and, if in time they are redeveloped it is unlikely that there is sufficient size to accommodate both a 14 metre building setback in addition to the provision of off-street parking, the installation of a septic tile bed, etc.



In Ballantrae Staff believe that where a 20 metre (66 ft.) wide Road Allowance is present that a 26 metre (85 ft) right-of-way should be protected for, and, that where a 26 metre (85 ft) or wider Road Allowance is present that no further protection is necessary.

3.5 Permits and Approvals

The Town and private sector proponents have over the recent two year period had to secure Permits and/or Approvals from the Ministry of Transportation with respect to road improvements or the installation of underground services for “works” to be installed on Highway No. 48.

The Town understands and supports that the Ministry should be reviewing and approving all “works” within their Road Allowance. That issue is not in contention and is consistent with the Town’s practices as it relates to “works” within the Municipality’s road network when completed by others.

Town Staff’s concerns have to do with the time involved and the various layers of review at the Ministry which eventually leads to the issuance of a Permit or Approval for the completion of the “works”. In several instances Staff have witnessed where drawings are returned with comments for revisions. The revisions have been completed and a revised set of drawings have been resubmitted only to have another set of comments issued by the Ministry. This process goes through several further iterative changes and months have elapsed.

The Ministry should provide a one-window approach for the review and approval of drawings for “works” associated within their highway system where one division can provide the all-encompassing assessment. This stream-lined process would expedite projects and ensure that the time of all parties is more focused and wisely managed.

4. FINANCIAL IMPLICATIONS:

There are no financial implications on the 2009 Operating or Capital Budgets with the consideration of this Report.



5. ALIGNMENT WITH STRATEGIC PLAN:

The consideration of this Report is aligned with the Town's Strategic Plan in the following manner:

Balanced Growth & Community Sustainability

- Balanced land use planning – environment, economic and social considerations
- Orderly / phased development
- Economic development and job creation

6. CONCLUSION:

Several matters associated with Town sponsored initiatives and the review of private sector development proposals have been at an impasse with the Ministry of Transportation as it relates to the Highway No. 48 corridor in Stouffville and Ballantrae. Town Staff have met with the Ministry to resolve the matters but Staff are of the opinion that political intervention may be necessary to achieve a satisfactory resolution of the issues.

This Report provides a summary of the outstanding issues for Council's review and consideration.

For further information regarding this report, please contact Andrew McNeely, Director of Planning & Building Services at 905-640-1910 x270 or via email at andrew.mcneely@townofws.com