



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Zoning By-Law Amendment 1095 Stellar Drive Staff Report to Council

Report Number: 2019-81

Department(s): Planning and Building Services

Author(s): A. Slattery

Meeting Date: September 23, 2019

Recommendations

1. That the report entitled Zoning By-law Amendment 1095 Stellar Drive dated September 23, 2019 be received; and,
2. That the application for Zoning By-Law amendment, as submitted by St. Philopateer and St. Demiana Coptic Orthodox Church for subject property 1095 Stellar Drive, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That the applicant be notified of this action.

Executive Summary

Staff have received an application to amend Zoning By-law 2010-40 to permit the development of a Place of Worship and Day Nursery on the subject lands known municipally as 1095 Stellar Drive. Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is sufficiently advanced to warrant referral to the required statutory public meeting.

Purpose

The purpose of this report is to provide Council with the details of the application, the comments to date, and to recommend referral of the Zoning By-law Amendment application to the required statutory public meeting.

Background

Subject Lands

The subject lands are located northeast of the Leslie Street and Stellar Drive intersection. The subject lands have an area of approximately 6,333 square metres, with approximately 141 metres of frontage along Stellar Drive and 25 metres of frontage along Leslie Street. The subject lands currently contain a vacant two-storey commercial building, previously occupied by a gym and martial arts training facility. The surrounding land uses are as follows:

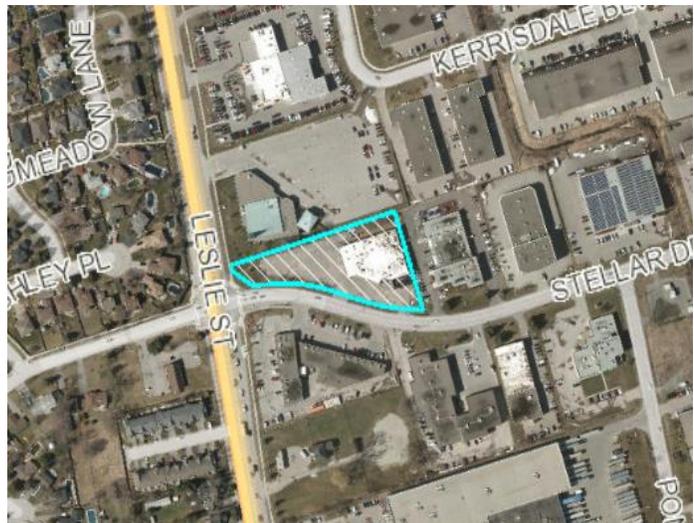
North: Institutional lands, place of worship

East: Mixed Employment lands, multi-unit building, including day nursery use

South: Service Commercial lands, multi-unit commercial building

West: Residential and Institutional lands, including place of worship use

The subject lands are currently zoned Mixed Employment (EM) Zone and designated Commercial within the Town's Official Plan.



Proposal

The applicant is proposing to rezone the subject property from Mixed Employment (EM) Zone to Service Commercial (CS) Zone, to permit Place of Worship and Day Nursery uses. Staff note that the proposed rezoning is not an employment land conversion, as the subject lands are currently designated Commercial within the Town's Official Plan. The application is also looking to recognize site-specific parking requirements discussed further in this report. The applicant is proposing to add a third storey on to the existing two-storey building, as well as a dome feature on the eastern portion of the roof and a minaret to the west side of the building. The footprint of the building and existing setbacks will remain unchanged. The applicant will be required to apply for Site Plan

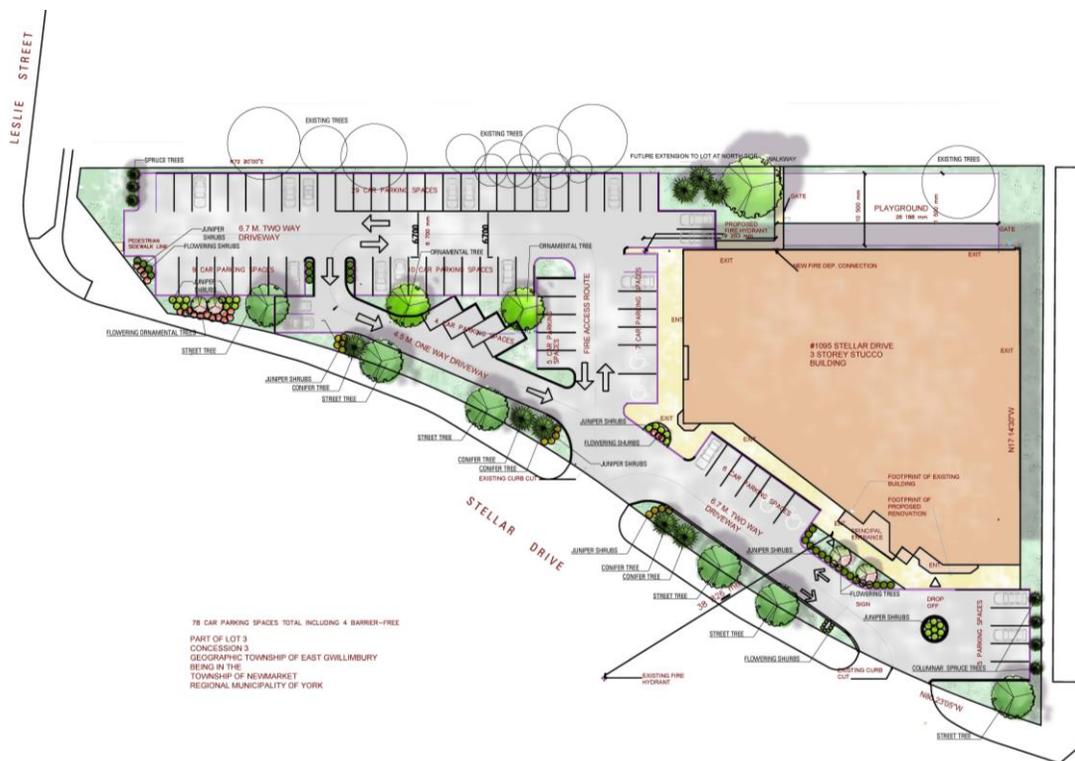
Approval following the decision of Council on the rezoning application, to further address exterior changes and development of the property.

Place of Worship

The Place of Worship is proposed to include the following spaces: Chapel, Sunday School Classrooms, Priest/staff rooms, sanctuary, cafeteria/kitchen and a gymnasium/play area. The Place of Worship services will be provided on the first and second floors of the building.

Day Nursery

The Day Nursery is proposed to include six daycare classrooms/playrooms, and a multi-use space on the third floor of the building.



Operations

The Place of Worship and Daycare uses will not operate concurrently. The majority of Place of Worship operations will occur on weekends, while the Day Nursery will operate primarily during weekdays. The applicant has provided the following information on times of operation for both the Place of Worship and Day Nursery.

USE: PLACE OF WORSHIP	
Day	Time
Sundays	9:00am – 1:30pm
Fridays	7:30pm – 10:30pm
Saturdays	6:00pm – 10:00pm
USE: DAY NURSERY	
Monday – Friday	8:00am – 4:00pm

The anticipated attendance for standard weekly church services is estimated at approximately 250 people, with anticipated increases during special events. The maximum occupancy load for all three levels of the building is approximately 1,080 persons.

Parking and Transportation

The applicant is proposing 78 parking spaces for the conceptual site plan, which is below the minimum parking requirements of Zoning By-law 2010-40. Site-specific parking requirements for the site are discussed further in this report. An informal agreement has been reached between the applicant and St. Elizabeth Seton Parish to the north, wherein St. Elizabeth Parish has agreed to provide 30 parking spaces for use by the church during peak periods. The applicant has noted that other adjacent properties are being approached for informal agreements to provide additional parking when required.

The applicant has noted ride sharing options, including the possibility of a shuttle service coordinated by the church, to pick up attendees at centralized locations such as Aurora, East Gwillimbury and Newmarket GO stations. The proposal includes a “Kiss & Ride” drop-off location located on site to address parking demand. The applicant has also noted that bicycle racks are to be incorporated into the Site Plan.

Access to the site is gained through two entrances off Stellar Drive. The proposed development does not propose any changes to ingress or egress to the site. The applicant is proposing a sidewalk link to Leslie Street for pedestrian connectivity.

The subject lands are located along multiple York Region Transit routes on Leslie Street, including a public transit stop at the intersection of Leslie Street and Stellar Drive.

Discussion

The following section will review the development proposal against applicable planning policy.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for

regulating the development and use of land. It also supports the provincial goal of enhancing the quality of life for Ontario citizens.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The policies set out in the PPS outline how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term, and accommodating an appropriate range and mix of residential, employment, recreation, institutional, park and open space and other uses to meet long term goals.

Section 1.1.3.2 of the PPS promotes the efficient use of the infrastructure and public service facilities which are available. Section 1.1.3.2 also promotes land use patterns which are transit-supportive.

Section 1.2.6 of the PPS states that sensitive land uses (including Day Nursery uses) should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects.

The proposal is consistent with the PPS by redeveloping a currently vacant building that is on municipal services, promoting the efficient use of existing infrastructure and services. The subject lands are located along numerous York Region transit routes, providing for transit-supportive development. The proposed sensitive use (Day Nursery) will be located wholly on the third floor of the building, will not operate during church service hours, and is compatible with surrounding land uses (Day Nursery immediately to the east, and Place of Worship to the north and west).

Staff is satisfied that the proposal conforms to the PPS by providing efficient use of existing infrastructure and services, providing a mix of commercial and institutional uses, supporting public transit options and is compatible with surrounding land uses.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Regional and municipal plans are required to conform to the Growth Plan, as well as decisions on individual planning.

The Growth Plan contains policies directing municipalities to create complete communities, reduce the dependence on private automobile through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

Policies within the Growth Plan also look at optimizing the use of the existing urban land supply, by focusing on making better use of our existing infrastructure and public service facilities.

The proposed development is located within an existing built-up area, and makes use of existing lands and infrastructure for service commercial redevelopment in a manner similar to nearby land uses. The proposed development supports transportation demand management through various methods, including ride-sharing and active-transportation strategies. The subject lands proximity to a predominant arterial road with York Region Transit routes further support transit-supportive development.

Staff is satisfied that the proposal conforms to the Growth Plan.

York Region Official Plan

Development applications in the Town of Newmarket are required to conform to the York Region Official Plan (YROP). The YROP designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth and permits a broad range of residential, institutional, commercial, and industrial uses. The YROP contains policies that retail, commercial, office, and institutional structures be carefully designed in a compact form and be pedestrian-oriented, transit-supportive, and multi-storey where appropriate.

Staff have circulated the application to the Regional Municipality of York, who have noted that they have no objections to the Zoning By-law Amendment, and will require circulation at the time of formal Site Plan submission.

Staff is satisfied that the proposed development is in conformity with the YROP.

Official Plan Considerations

The subject lands are designated Commercial on Schedule “A” Land Use of the Newmarket Official Plan. Section 5.0, Commercial Areas, of the Town’s Official Plan outlines the objectives of the Commercial designation which look to accommodate retail and service commercial uses which would not be appropriate for the Urban Centre designations, and to ensure that a broad range of commercial opportunities are provided for residents. Permitted uses include retail warehouses, vehicle sales and service

centres, business and professional offices, accommodation facilities and places of assembly and worship.

Policies within the Official Plan require that applications for new development indicate how development on an individual property may be coordinated and integrated with other properties within the surrounding Commercial designation.

The applicant is proposing to rezone the subject property to Service Commercial, to permit a Place of Worship and Day Nursery use, both of which are permitted uses within the Commercial designation.

The Official Plan would encourage this type of development within the Commercial designation, which looks to provide for a range of service commercial uses, including places of assembly and worship.

Compatibility and Site Suitability

The existing site currently consists of a vacant two-storey building, previously occupied by a gym and martial arts training facility. To the north of the subject lands are Major Institutional lands, consisting of a place of worship. To the east are Mixed Employment lands, containing a multi-unit building which includes a variety of uses, including a Day Nursery use. The Day Nursery use was permitted under Zoning By-law 1979-50, as amended by Bylaw Number 1985-128, and has continued as a legal non-conforming use. To the south are Service Commercial lands, consisting of multi-unit buildings containing a variety of uses, including retail and restaurant uses. To the west are Institutional and Residential lands, including a place of worship with Sunday school services.

The proposed service commercial uses are similar to the permitted uses to the north, east and west of the subject lands. As such, nuisance effects are expected to be minimal and shared in nature.

The existing building on the site is set back approximately 75 metres from Leslie Street, as such, visual impacts to the Leslie Street and Stellar Drive intersection are not anticipated.

With regard to the physical suitability of the site to accommodate the proposed development, Engineering Services will be reviewing grading, water distribution, sanitary service and stormwater, to ensure the proposed use can be graded and serviced in an acceptable manner.

Zoning By-law Considerations

The subject property is currently zoned Mixed Employment (EM) Zone, under Zoning By-law 2010-40, and the applicant is proposing to rezone the subject lands to Service Commercial (CS) Zone, with site-specific land use permissions for parking, further discussed below. The proposed development will not result in any changes to yard

setbacks, and will meet all other zoning provisions for the Service Commercial Zone. The proposed building design includes a minaret, which as per Zoning By-law 2010-40, is exempt from height requirements.

As per Zoning Bylaw 2010-40, the following parking standards are required:

Place of Worship: 1 parking space per 9 m2 of the aggregate gross floor area of the nave, public hall, banquet hall or other community/multi-use hall used as a place of assembly

Day Nursery: 2 parking spaces per classroom plus 1 space for every 4 children licensed capacity

The applicant has provided the following parking calculations for the site:

PLACE OF WORSHIP – APPLICABLE PARKING RATIOS						
FIRST/SECOND FLOOR	Main Church (Area)	Chapel (Area)	Gymnasium (Area)	Cafeteria (Area)	Total (Area)	Total Parking 1space/9m ² GFA
	390m ²	229m ²	236 m ²	143m ²	998m ²	111 (Parking Spaces)
DAY NURSERY – APPLICABLE PARKING RATIOS						
THIRD FLOOR	6 Daycare Classrooms (Area)				GRAND TOTAL (Area)	Total Parking 2PS/Classroom + 1PS for 4 Licensed Children
	117m ²				117m ²	12 (Min) (Parking Spaces)

The parking calculations for the site result in a requirement of 123 parking spaces. The site can currently accommodate 78 parking spaces. As such, the applicant is requesting exemption from Section 5.3 of the Zoning Bylaw to permit a reduced number of parking spaces. The applicant has provided the following justification for reduced parking on the site:

- the Day Nursery and Place of Worship uses will generally not operate simultaneously
- proximity of the subject lands to transit options
- an informal agreement has been reached with St. Elizabeth Parish to the north, agreeing to provide 30 parking spaces for use by the church during peak periods
- other adjacent properties are being approached for informal agreements for additional parking during peak hours
- possibility of a shuttle service coordinated by the church, with pick-up at centralized locations such as Aurora, East Gwillimbury and Newmarket GO stations
- “Kiss & Ride” drop-off location located on site
- pedestrian access points and bike racks on site for active transportation options

Within the Town's Urban Centres Zoning By-law, parking space calculations may be reduced by proximity of lands to transit, carpool parking spaces or shared parking. Although the subject lands are not located within the boundaries of the Urban Centres Zoning By-law, similar reductions may be considered for the subject lands due to the location and nature of the proposed development. Parking requirements will be further reviewed by staff.

The applicant has provided reports and studies in support of this application including a site plan, concept landscape and grading plan, and initial reports on functional servicing and stormwater management, which will be reviewed by Engineering Services.

The Town's Official Plan requires that in considering an amendment to the Zoning By-Law, Council shall be satisfied that:

a. the proposed change is in conformity with this Plan;

The proposal would rezone the subject from the current Mixed Employment Zone to a Service Commercial Zone, bringing the property further into alignment with the Official Plan.

b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

The proposed service commercial use, including a place of worship and day nursery, is similar to the uses permitted to the north, east, south and west. Current buffers as shown on the concept landscape plan are under review by Engineering Services.

c. potential nuisance effects upon adjacent uses are mitigated;

The adjacent uses are similar to those proposed for the subject lands and thus nuisance effects are expected to be minimal and shared in nature.

d. adequate municipal services are available;

The subject lands are located within a built-up area currently on municipal servicing. As per standard process, servicing will be considered and allocated through the Town's Servicing Allocation Policy.

e. the size of the lot is appropriate for the proposed use;

The size and frontage of the subject lands satisfies the minimum lot frontage and area requirements for the Service Commercial Zone.

f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

The site has two existing driveway access points directly onto Stellar Drive, with an all-turn signalized intersection onto Leslie Street, a major arterial road.

g. the on-site parking, loading and circulation facilities are adequate;

The applicant has requested a reduced number of parking spaces for the site, and proposes a range of transportation demand management techniques. The request is currently under review by staff.

h. public notice has been given in accordance with the *Planning Act*.

Notice has been provided in accordance with the *Planning Act*.

Site Plan Control

A further application for Site Plan Approval will be required, should Council decide to approve the zoning by-law amendment application.

This application will be required to address matters including:

- Building elevations
- Landscaping
- Construction management
- Stormwater management
- Parking
- Servicing

Department and Agency Comments

The development proposal has been circulated internally and externally to the public and the Town's review partners. Many of the comments provided are outlined in the discussion section above. Additional comments from several review partners are provided below for greater context.

York Region

Staff from the Regional Municipality of York have provided comments on the application. They note that they have no objections to the Zoning By-law Amendment, and that they will require circulation at the time of formal Site Plan submission.

Engineering Services

To be provided.

Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the Conservation Authorities Act.

The LSRCA notes that the subject property is currently outside of an area that is regulated by the LSRCA under Ontario Regulation 179/06. Accordingly, a permit from the LSRCA under Ontario Regulation 179/06 will not be required prior to development or site alteration occurring on the regulated portion of the property.

Based on their review of the submitted information in support of the application, the LSRCA noted that the proposal is generally consistent and in conformity with the applicable Provincial Plans. As such, they have no further requirements related to the approval of this application for Zoning By-law Amendment.

Other Review Partners

- Enbridge Gas Inc. have been advised of the application and they have noted that they have no objections to the approval of the proposed ZBA.
- Canada Post has been advised of the application and have provided comments on the mail delivery service.
- The Southlake Regional Health Centre has been advised of the application and they have noted that they have no objections to the approval of the proposed ZBA.

Conclusion

The subject application for Zoning By-Law Amendment for 1095 Stellar Drive is sufficiently advanced to warrant its referral to a statutory public meeting.

Business Plan and Strategic Plan Linkages

This development proposal relates to the vision, mission and strategic priorities of the Town of Newmarket by providing opportunities for a mix of commercial and institutional uses, utilizing ongoing community engagement, managing traffic and growth, and promoting safe and active transportation.

Consultation

The Zoning by-law Amendment application has been provided to the Town's review partners per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

Human Resource Considerations

N/A

Budget Impact

The appropriate planning application fees have been received for the Zoning By-law Amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

Attachments

- Location Map
- Proposed Site Plan
- Proposed Conceptual Landscape Plan
- Perspective Elevations
- Parking Agreement

Approval

Alannah Slattery, BES, MCC

Planner and Secretary-Treasurer, Planning and Building Services

Jason Unger, MCIP RPP

Acting Director, Planning and Building Services

Peter Noehammer, P.Eng

Commissioner, Development & Infrastructure Services

Contact

Alannah Slattery, Planner and Secretary-Treasurer, aslattery@newmarket.ca