



Planning and Building Services

TOWN OF NEWMARKET

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March 12, 2015

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-07

TO: Committee of the Whole

SUBJECT: Application for Zoning By-Law Amendment
17844 Leslie Street
Southwest Corner of Janette Street and Leslie Street
2398804 Ontario Inc.
File: D14-14-10

ORIGIN: Application Submitted to Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report - Planning 2015-07 dated March 12, 2015 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:

- 1. THAT the application for Zoning By-law Amendment, as submitted by 2398804 Ontario Inc. for lands being located at the southwest corner of Janette Street and Leslie Street be referred to a public meeting;**
- 2. AND 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;**
- 3. AND THAT Mr. R. Ursini, Evans Planning Inc. 8481 Keele Street Unit 12, Vaughan, ON L4K 1Z7 be notified of this action.**

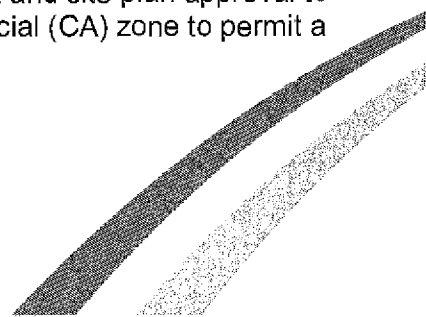
COMMENTS

Location

The subject lands are located on the southwest corner of Janette Street and Leslie Street, municipally known as 17844 Leslie Street. (See Location Map attached)

Proposal

2398804 Ontario Inc. have submitted an application for zoning bylaw amendment and site plan approval to replace the existing Service Commercial (CS) zone with the Automotive Commercial (CA) zone to permit a gas station with four pumps and associated convenience/food store.



Site Description

- the Subject lands currently contain a one story automobile sales and repair shop consisting of a sales office and two repair bays. The site currently has a number of vehicles stored on site either for sale or awaiting repairs. We understand the site is also the former location of a gas station, Jim's Shell Service Limited, from approximately 1959 to 1992.
- total lot area is approximately 0.203 hectares with a frontage on Janette Street of \pm 50 metres and a frontage on Leslie Street of \pm 43 metres.
- the surrounding land uses are:
 - North: Existing single family residential
 - South: Existing Service Commercial (restaurants and convenience store)
 - West: Existing single family residential
 - East: Existing Mixed Employment uses

Preliminary Review

Site Plan

The proposed site plan details access from both Leslie Street and Janette Street. The pumps are in a central location on site with the convenience and food store facing Leslie Street. A 6 metre landscape strip is proposed along the west side of the site and a 3 metre strip along the south side. All the existing trees located along the westerly boundary are intended to be preserved with a few trees central to the site being proposed to be removed. Eight visitor parking spaces are proposed on site including one accessible space. The applicant has applied for site plan approval which will be advanced at such time as the proposed land use has been established.

Official Plan Considerations

The Subject Property is designated Commercial on Schedule A - Land Use Plan to the Town's Official Plan. The main objectives of the Commercial designation is 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. Gas stations are not a permitted use within the Town's Urban Centre designations.

The proposal supports the objectives of the Urban Design and compatibility sections of the Official Plan by taking into consideration the size, scale and orientation of the building and providing areas dedicated for landscaping, open space and buffering. Buffering is discussed further below in this report.

With regard to vehicular and pedestrian connectivity, two driveway accesses are proposed for the site. Each is located as far as possible from the intersection of Leslie Street and Janette Street. It is not anticipated that the proposed accesses will conflict with any other traffic operations off site, nor encourage neighbourhood infiltration. The proposed development will create an attractive space for pedestrians to use, enhanced by landscaping along the street frontages. Although the primary use of the site will be oriented towards travelling automobiles, the site should be well connected to the local sidewalk network along Leslie Street. The redevelopment will promote a safe environment with proper lighting, and increased visibility for patrons.

It appears that based on the above, this proposal conforms to the intent of the 2006 Official Plan.

Zoning Bylaw Considerations

The subject land is currently zoned Service Commercial (CS) by By-law 2010-40. The applicant is proposing to rezone the property to the Automotive Commercial (CA) Zone to permit a Motor Vehicle Service Station, convenience store and take-out food store.

For the purposes of the zoning by-law, Leslie Street would be considered the front lot line as it is the shortest lot line abutting a street. Some relief from the zoning by-law will be required to implement the plan as proposed. Specifically the applicant is requesting relief from the rear yard setback of 10.6 metres to 6 metres and a reduction in parking spaces from the required 9 spaces to 8 spaces. It would appear that the impacts of the requested relief from the zoning by-law are minor and will not impact the functioning of the site or compatibility with surrounding land uses as it will still allow for a significant buffer to the residential properties to the west. It should be noted that if Janette were to be deemed the frontage, the setbacks would comply with the zoning by-law.

Staff have utilised Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:

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

A service station is a permitted use in the Commercial designation of 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;

It appears that the proposal is compatible with adjacent lands uses through the use of buffers with existing and augmented landscaping.

c. potential nuisance effects upon adjacent uses are mitigated;

Traffic impact appears to be negligible for this proposal. The submitted noise study has indicated that the proposal meets the MOE requirements for noise levels.

d. adequate municipal services are available;

Public Works and Engineering Services have provided comments relating to servicing indicating the site can be appropriately serviced.

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

It appears the proposed use can be appropriately accommodated on site while implementing buffer areas and providing visitor parking.

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

Access to the proposed service station will be provided in the form of one full-movement driveway onto Janette Street, and a secondary driveway which is proposed to be a right-in-right-out access. It is not expected that the redevelopment of the Subject Land as proposed, will be of such significance that there will be impacts upon traffic operation of the street system or be the cause of extensive infiltration through the internal residential community. The westerly traffic movement along Janette Street is unlikely to be the primary direction of travel for future

visitors to the site, and as such, traffic infiltration directly relating to this project will be of minimal concern.

- g. the on-site parking, loading and circulation facilities are adequate; and,
On site, the service station has been designed to function safely and optimize the opportunity for vehicular and patron movement. The site, as designed, can accommodate the fuel and other deliveries to the property. The requested reduction of one parking space is not deemed to be significant as the type of parking demand has a high turnover and a significant amount of patrons that use the store will park at the gas pumps.
- h. public notice has been given in accordance with the *Planning Act*.
This report recommends that the proposal proceed to the required statutory public meeting in accordance with the Planning Act.

Provincial Policy Statement

The Provincial Policy Statement 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 to enhance the quality of life for the citizens of Ontario.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The redevelopment of an existing automobile sales and repair shop will efficiently utilize urban land with an appropriate use, thereby reducing the consumption of resources on undeveloped lands. The proposed service station will take advantage of existing municipal servicing connections and will utilize the existing road structure. Furthermore, Section 2.1.1 of the PPS identifies that natural features shall be protected for the long term. No significant features, species or habitat are located on or near the subject land.

The proposed development appears to be consistent with the provisions the Provincial Policy Statement.

Region of York Official Plan

The Region of York Official Plan designates this area as "Urban Area" on Map 1 which permits commercial development. The Regional Official Plan contains policies that encourage and accommodate economic activities and provide a balance of residential and employment uses. The Regional OP requires a high standard of urban design complementing the area and providing pedestrian scale and connectivity through the use of landscaping, streetscaping and attractive buildings that are compatible with the surrounding land uses.

Departmental and Agency Comments

Public Works Services have provided information relating to the location of water, sanitary and stormwater services for the site.

The Town has received comment from **Engineering Services** with regard to the following:

Traffic and Parking

As Leslie Street is a regional road York Region Transportation comments will be required regarding the proposed entrance onto Leslie Street. To date the Region have not provided their comments. Engineering Services have no objection to the reduction of the required parking from 9 to 8 spaces.

Site Servicing

Engineering Services acknowledge the site will be serviced using the existing water service from Janette Street.

The proposed development will be serviced by connecting to the existing 150mm service. We require that a manhole be provided at property line and all cleanouts replaced with manholes. The condition of the existing sanitary service to the main shall also be reviewed by the consultant. The slope and inverts of the sanitary service to the main shall be provided on the plan.

The stormwater quantity control for the development will be provided by means of an infiltration trench, storage within the structures and sewer and surface ponding. Discharge from the site to the proposed Leslie Street connection will be controlled using an orifice plate within a manhole. Stormwater quality control shall be provided by an oil grit separator designed to remove a minimum of 80% TSS. York Region must also comment on the storm connection as the sewer is in the regional right of way.

Site Grading

The current grading plan indicates that the building roof and the western portion of the site will drain onto adjacent properties. It is anticipated that this condition can be corrected during the site plan approval process to maintain stormwater on site.

The overland flow route for the rear portion of the site should be directed away from adjacent properties.

Retaining wall details including outlet and subdrain locations will be required during the site plan approval process.

Environmental Review

As per the Town's Official Plan, environmental site assessments shall be completed in accordance with O.Reg 153/04, as amended.

A Phase 1 Environmental Site Assessment (ESA) was completed by TankTek Environmental Services Limited in April 2014 in accordance with the procedures set out in CSA Standard Z768-01. As noted in the Phase 1 ESA the previous site use was a retail fuel facility with the current use being an auto garage facility. It was also noted that an oil/water interceptor is present on site. Based on the above, TankTek Environmental has recommended a Phase 2 ESA be completed. It is recommended that approvals be contingent upon addressing the results of the ESA's to the satisfaction of the Director of Engineering Services. If deemed desirable, the Holding provision can be used to ensure that any environmental concerns on the site are appropriately managed to Town and Ministry of the Environment standards.

Noise Review

The submitted noise study has undergone a peer review. The peer review has indicated that the Noise Impact Study is acceptable however a further report will be required at the site plan approval stage to assess the development details once they become final.

The Town has received general comments from various utilities that will be addressed throughout the planning process as necessary.

COMMUNITY CONSULTATION POLICY

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the zoning bylaw.

BUDGET IMPACT (CURRENT AND FUTURE)

Application fees have been received, and the Town will receive revenue from assessment fees from any land use decisions made on the subject properties. Should the application be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The redevelopment of this parcel of land in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

Conclusion

The subject application zoning bylaw amendment is sufficiently advanced to warrant its referral to a statutory public meeting.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

- 1 - Location Map
- 2 - Proposed Site Plan
- 3 – Proposed Landscape Plan
- 4 - Elevations



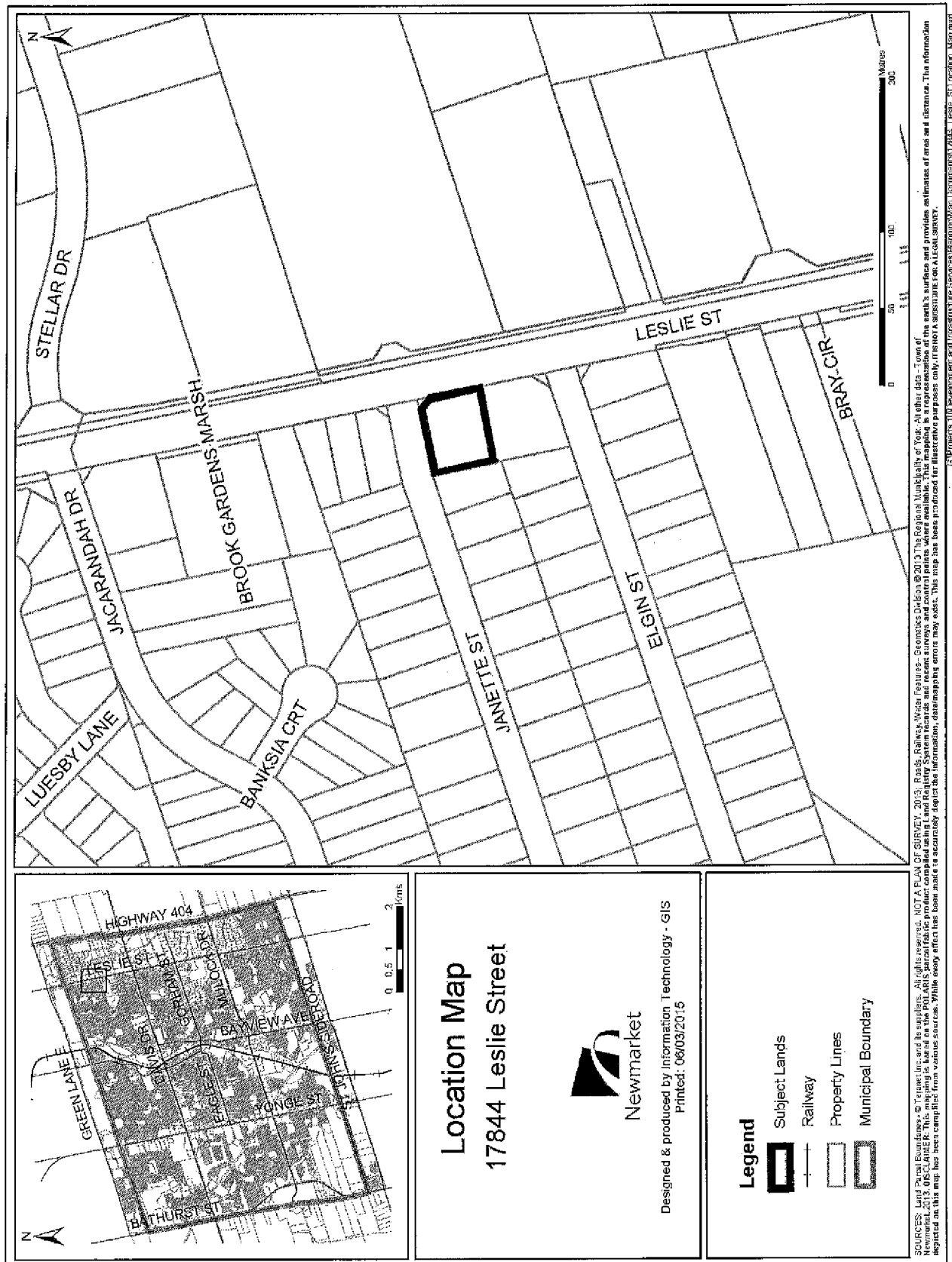
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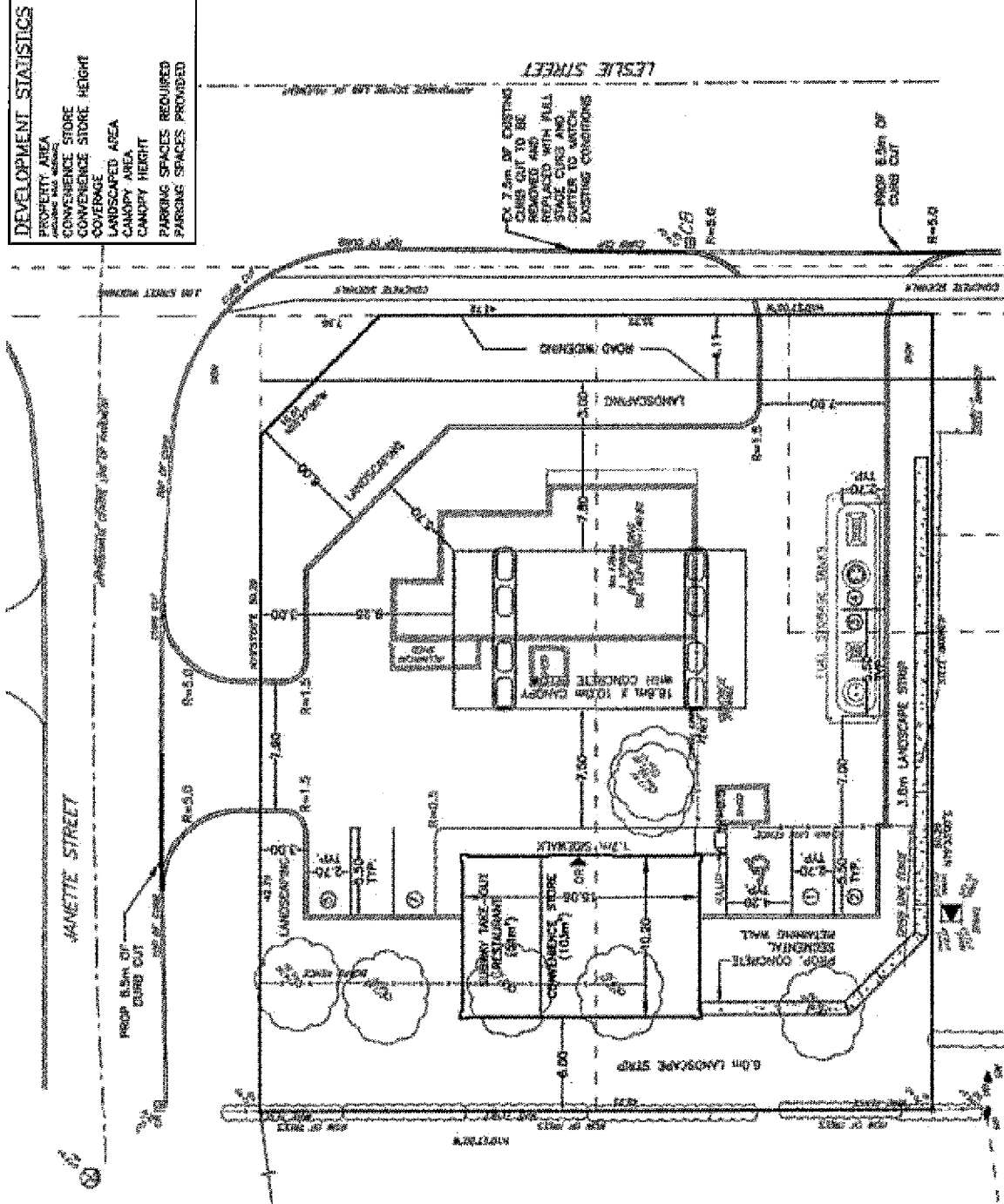


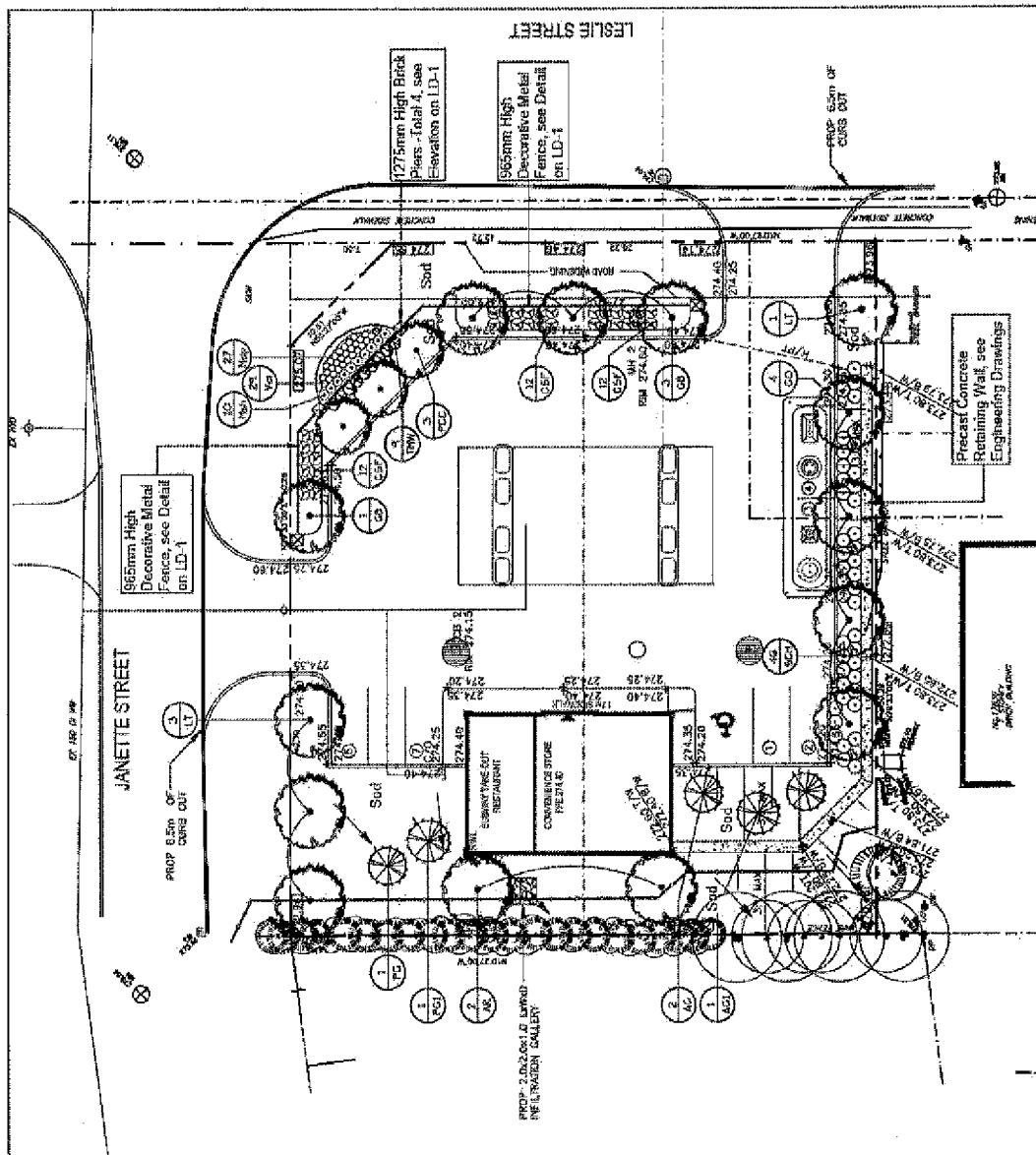
Director of Planning and Building Services



Senior Planner – Community Planning







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NO. OF PAGES: 3

2 WTS. ELEVATION
440: SCALE: 1:100

1 NORTH ELEVATION
SCALE: 1/2"=1'-0"

1 EAST ELEVATION
ACCI SCALE 1:100

5 FLOOR PLAN BUILDING A
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