



## Planning and Building Services

TOWN OF NEWMARKET  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7

www.newmarket.ca  
planning@newmarket.ca  
905.953.5321

June 4, 2015

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-21**

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 2015-21 dated June 4, 2015 regarding application for zoning bylaw amendment be received and the following recommendation(s) be adopted:

1. THAT the application for zoning bylaw amendment, as submitted by 2398804 Ontario Inc. for lands being located at the southwest corner of Janette Street and Leslie Street, be approved and that staff be directed to prepare the necessary Zoning By-Law Amendment;
2. AND THAT the amending By-law include a Holding Provision relating to the Environmental Condition of the site to the satisfaction of the Director of Engineering Services;
3. AND THAT Mr. R. Ursini, Evans Planning Inc. 8481 Keele Street Unit 12, Vaughan, ON L4K 1Z7 be notified of this action.

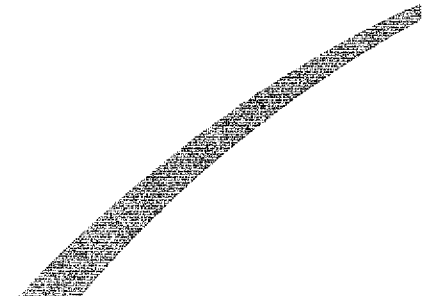
#### **COMMENTS**

##### **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.



## Community Consultation

The required statutory public meeting for this zoning by-law amendment application was held on May 4, 2015. Public comments received at the public meeting and written comments submitted focused on the following issues:

**Site Access/Traffic Infiltration** – Leslie Street is a Regional Road giving the Region of York jurisdiction over site access. The Region has provided comments indicating they have no objection to the zoning by-law application. However, the Region has provided comments on the site plan to be addressed through the site plan approval process. With regard to traffic infiltration into the neighbourhood, the applicant has indicated they are prepared to work with the town on this issue and would consider modifications to the proposed Janette Street access including limiting left hand turns onto Janette Street from the site and/or other control measures such as signage.

**Existing ground contamination** - 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. 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.

**Fumes/fuel storage** – A concern was raised regarding fuel fumes and the safety of underground fuel storage tanks. The modern technology for underground storage tanks has significantly reduced the risks associated with contamination from fuel leakage. New tanks are either fiberglass or steel lined with fiberglass with a number of protection devices that indicate if there is a failure so it can be addressed immediately. The filling of the underground tanks is a closed pressurized system that should significantly reduce air borne fumes while being filled.

**Noise** - 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.

**Lighting** – The lighting for the proposed development will be reviewed in detail at the site plan approval stage; however, the Town's Zoning By-Law requires that lighting fixtures be arranged to have a height no greater than 9 metres above the finished grade of the parking lot, and that the lighting fixtures be designed and installed to deflect the light downward and away from adjacent residential buildings, lots and streets.

**Hours of Operation** – The agent for the owner has indicated that the intent is to operate the service station from 6:00 a.m. to 11:00 p.m. At Council's direction, the hours of operation can be included in any site plan agreement for the subject lands. The owner has indicated this is a reasonable request.

**Need for the Use** – the proximity of existing service stations to this site was raised at the public meeting as an issue. Zoning does not prohibit a use at a particular location based on the demand for such a use. Usually in zoning matters, the concern is whether the use will be detrimental to surrounding land uses, not whether the proposed use will fail to succeed on the subject property. Market forces, not municipal regulation, are what prevent developers from placing uses in locations where they are will not be economically feasible.

**Snow storage** – There appears to be some areas on site for snow storage; however, during the detailed review at site plan approval stage, snow storage will be further reviewed. If there is not an appropriate location on site for snow storage, it will be required to be removed from the site.

**Land Easement** – A concern was raised regarding the legal ownership of the property suggesting a lane way may have been present at the rear of the property connecting Janette Street to Elgin Street. Staff have reviewed the original Registered Plan (Plan 378) for this subdivision dated September 18, 1951 which details the subject lands as being Lots 40 and 41 of Plan 378 consistent with the application submission. Furthermore, a land survey and title extract have been provided which confirms the legal ownership of this land to be in the name of the applicant.

### **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.

### **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.

As noted above under Community Consultation, the developer's consultant TankTek Environmental has recommended a Phase 2 Environmental Site Assessment 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. The Holding provision will be used to ensure that any environmental concerns on the site are appropriately managed to Town and Ministry of the Environment standards.

## **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.

## **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.

## **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

**CONTACT**

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

**Attachments**

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



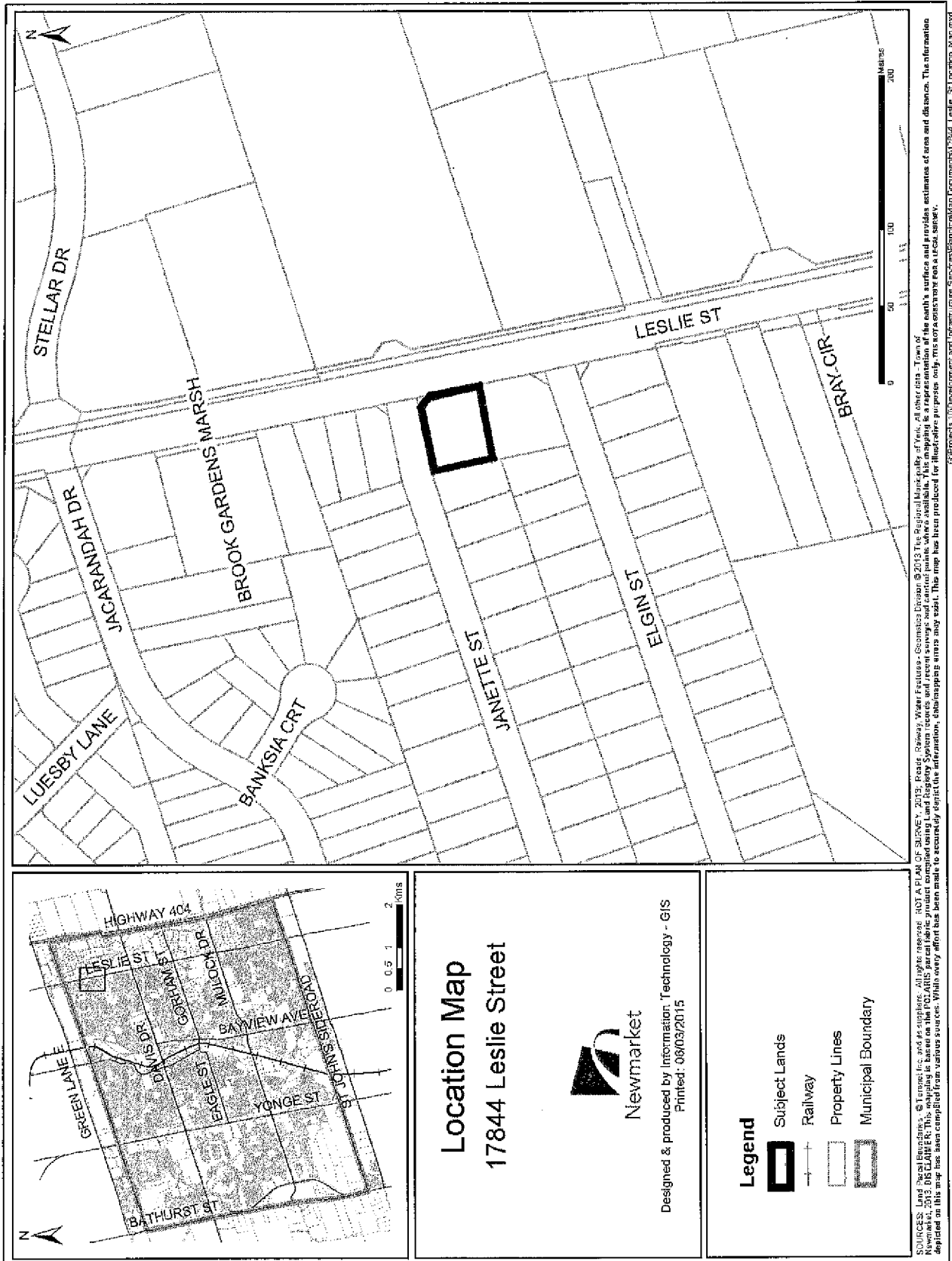
Commissioner Development and Infrastructure  
Services



Director of Planning and Building Services



Senior Planner – Community Planning



DEVELOPMENT STATISTICS	
PROPERTY AREA	2034m <sup>2</sup>
CONVENIENCE STORE	150m <sup>2</sup>
CONVENIENCE STORE HEIGHT	6.0m
COVERED	7.4%
LANDSCAPED AREA	832.80m <sup>2</sup>
CANOPY AREA	185m <sup>2</sup>
CANOPY HEIGHT	5.0m
PARKING SPACES REQUIRED	8.6
PARKING SPACES PROVIDED	8

