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## **Zoning By-Law Amendment – 1250 Gorham Street Staff Report to Council**

Report Number: 2020-73

Department(s): Planning and Building Services

Author(s): Patricia Cho

Meeting Date: October 26, 2020

### **Recommendations**

1. That the report entitled Zoning By-law Amendment - 1250 Gorham Street dated October 26, 2020 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by 2011378 Ontario Limited (Cummins Hydraulics Ltd.), for lands known municipally as 1250 Gorham Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Attachment 1; and,
3. That Howard Freidman, of HBR Planning Centre, 30 Waymount Avenue, Richmond Hill, ON, L4S 2G5, be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

Staff have reviewed the application to amend Zoning By-law 2010-40 to permit the development of a rear addition to the existing one-storey industrial building and an outdoor storage area on the subject lands known municipally as 1250 Gorham Street.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy frameworks.

This report provides (1) the context of the site, (2) the details of the proposal, (3) a discussion of the relevant planning policies and how the application addresses them, and (4) an outline of feedback received.

## Purpose

This report serves to provide information and recommendations on the application for Zoning By-law Amendment for subject property 1250 Gorham Street.

This report discusses the application as it has been received and reviewed by staff from the Town and its development review partners, along with members of Council and the public. The recommendations of the report, if adopted, would result in amendments to Zoning By-law 2010-40 to permit the proposed development.

## Background

### Subject Lands

The subject lands are located along Gorham Street, east of Leslie Street and west of Harry Walker Parkway South. The subject lands currently contain a one-storey industrial building. The lands have an area of approximately 6,184 square metres and a lot frontage of approximately 90.57 square metres along Gorham Street. The surrounding land uses are as follows:



North: General Employment

East: General Employment – currently York Region District School Board (YRDSB) – Facilities Management Centre/Plant Services

South: General Employment – currently YRDSB – Centre for Leadership and Learning

West: General Employment

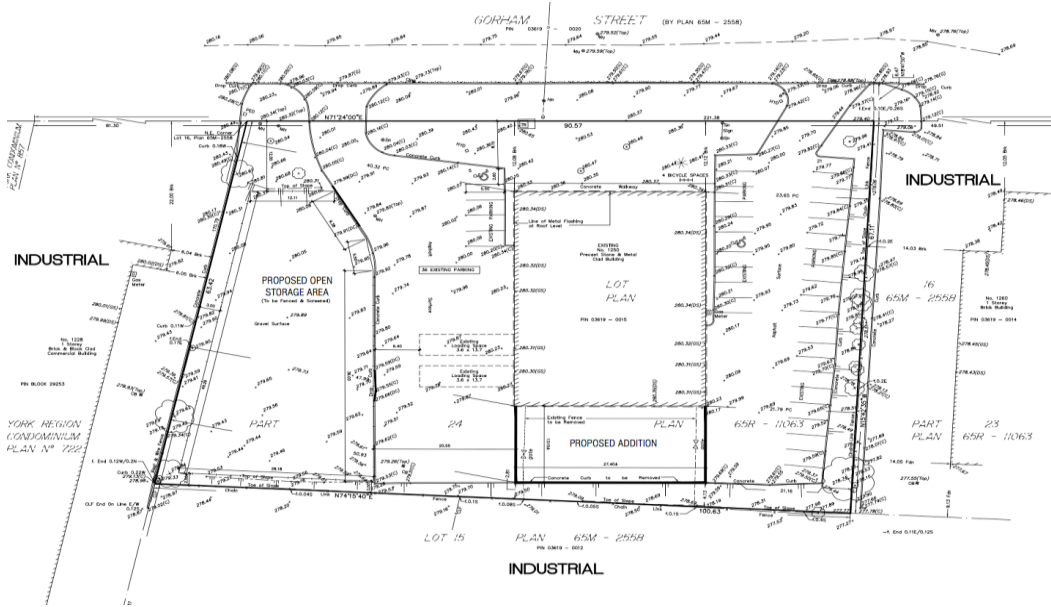
The subject lands are currently zoned General Employment Exception 12 (EG-12) Zone under Zoning By-law 2010-40, and are designated Business Park – General Employment under the Town’s Official Plan.

## Proposal

The applicant is proposing to amend the zoning from the General Employment Exception 12 (EG-12) Zone to facilitate the expansion of the existing industrial building and an outdoor storage area. The proposed rear addition is approximately 359 square metres and will have a rear yard setback of 2.0 metres, whereas the By-law requires a rear yard setback of 12.0 metres. Additionally, the existing EG-12 Zone does not allow outdoor storage and the applicant is proposing to add Open Storage as a permitted use.

The proposed open storage area would be approximately 1,094 square metres (approximately 17.7% of the site area), and would be fenced and screened.

A future application for site plan approval will be required, should the application for rezoning be approved.



## Discussion

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

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land.

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 promotes efficient development and the accommodation of an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The Town of Newmarket is considered a “Settlement Area” within the PPS, which is a focus area for growth and development. The PPS indicates that land use patterns within settlement areas shall be based on densities and a mix of land uses which include efficiently use of land and resources.

The proposed development is consistent with the PPS as it supports the efficient use of land and resources through the use of existing infrastructure and services, and supports the mix of land use by strengthening employment base and helping to achieve a complete community.

## **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 managing growth throughout the Greater Golden Horseshoe. 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.

Within the Growth Plan, one of the guiding principles is to provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries. Also, the Growth Plan indicates that applying the policies of this Plan will support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities.

The proposed development is consistent with the Growth Plan as it supports the growth of the existing business and retaining the business within the local community.

## **York Region Official Plan**

The York Region Official Plan (YROP) designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth and diverse mix of land uses. The mix of land uses includes providing for employment lands. The proposed

development is consistent with the YROP by supporting the growth of the existing local business.

## **Newmarket Official Plan**

The subject property is designated Business Park – General Employment on Schedule A – Land Use Plan of the Town’s Official Plan. The main objectives of the Business Park designation is to encourage the provision of an adequate and appropriate supply of employment lands to accommodate opportunities for economic development, contribute to the Town’s population to employment ratio target of 2:1, and support and encourage a wide range of industrial operations.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the Zoning By-law:

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

The General Employment designation permits manufacturing, processing, assembling, storage, warehousing, fabricating and wholesaling (except to the general public) of goods and materials. Also, outdoor storage of goods, materials and equipment may be permitted in accordance with the following policies:

- i. all storage areas shall be located away from adjacent designated residential areas, or have adequate buffering;
- ii. all buffering, fencing and screening shall visually enhance the site and be of a permanent nature; and,
- iii. where natural landscaping is utilized as part of the buffering, it shall be adequate in size and nature to screen the outdoor storage.

The proposed use of the subject lands conforms to the Official Plan. The outdoor storage area is not located near any residential areas and will be fenced around its perimeter with visual screening. Due to the height of the fence, landscaping is not proposed as a screen for the open storage area and instead, a fence screen will be constructed. The proposal of a rear addition to the existing industrial building and the outdoor storage area is in-keeping within the General Employment designation.

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

The existing industrial use is similar to the surrounding land uses. The proposed outdoor storage area will be fenced with visual screening to ensure compatibility between uses.

**c. potential nuisance effects upon adjacent uses are mitigated;**



The adjacent uses (general employment/industrial) are similar to those currently on the subject lands and thus nuisance effects are expected to be minimal.

**d. adequate municipal services are available;**

The applicant has provided a functional servicing report that has been reviewed by Engineering Services, and this report concluded that there are no issues from a servicing standpoint.

**e. the size of the lot is appropriate for the proposed uses;**

The subject lot is approximately 6,184 square metres and will be sufficient to accommodate the proposed rear addition to the existing building and outdoor storage area without affecting the functionality of the existing business or surrounding land uses. The maximum lot coverage of 50% will not be exceeded.

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

The site has two existing driveway access points onto Gorham Street that have adequately served the use to date, no additional access onto the street is required.

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

The existing on-site parking will sufficiently meet the zoning requirements, no additional parking spaces are required for the proposed addition. In addition, there are two (2) existing loading space and four (4) proposed bicycle parking spaces to service the site, which meets the requirements of the zoning by-law. The proposed addition will have an entrance from the east side which vehicles will be able to flow through to the west side of the proposed addition to exit.

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

Notice has been provided in accordance with the Planning Act.

The proposed development would meet the relevant provisions of the official Plan, including Section 16.1.1 as analyzed above.

## **Zoning By-law Considerations**

The subject property is currently zoned General Employment Exception 12 (EG-12) Zone. The General Employment zone permits the Manufacturing and Light Manufacturing uses, and the Exception 12 permits a maximum building height of fifteen (15) metres. The applicant is proposing a 9.5 metres high rear addition to the existing building and an outdoor storage area. Site-specific zoning is required for 1) the reduced rear yard setback, and b) the outdoor storage component.

Below is a summary of the required and proposed zoning standards applicable to the site:

Zone Standard	General Employment Zone (EG)	Proposed	Complies?
Min. Lot Area	2787 m <sup>2</sup>	6,184.23 m <sup>2</sup>	Yes
Min. Lot Frontage	45.0 m	90.57m	Yes
Min. Front Yard	12.0 m	12.08 m	Yes
Min. Rear Yard	<b>12.0 m</b>	<b>2.81 m (addition) 2.0 m (outdoor storage area)</b>	<b>No</b>
Min. Side Yard			
One Side	3.0 m	21.16 m	Yes
Other Side	6.0 m	34.12 m	Yes
Max. Lot Coverage	50%	22.2%	Yes
Max. Building Height	15m By-law 1986-117 and By-law 1986-118	9.50 m	Yes

## Agency and Public Comments

The development proposal has been circulated to the public and the Town's internal and external review partners.

### York Region

Staff from the Regional Municipality of York note that they have no objections on the proposed Zoning By-law Amendment.

### Central York Fire Services

Central York Fire Services have reviewed the application and stated they have no objection to the proposed application.

### Engineering Services

The Town's Greenspace Coordinator has reviewed the application and stated that they have no comments to the proposed application.

## **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, and have provided the following comments:

- 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 any development taking place.
- 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 the application.

## **Other Review Partners**

- Canada Post has advised that no changes are required for mail delivery for this application.
- Rogers Communications has advised that they do not have any comments or concerns on this application.
- The Southlake Regional Health Centre has advised that they do not have any comments on this application.

## **Effect of Public Input**

A virtual/electronic statutory public meeting was held in September of 2020. Comments were received at the statutory public meeting and the comments centered on the following themes:

- Reduced Rear Yard Setback
  - A review has been completed by staff relative to reduced rear yard setbacks for other industrial buildings in the general area of the subject site. There are numerous examples of properties in the employment lands that have reduced rear yard setbacks in order to maximize efficiency of such development and serve specific business needs. In addition, many existing properties do not have drive aisles all the way around the building, similar to what is being proposed. On the proposed addition, there will be an entrance on the east side which vehicles will be able to flow through to the west side of the addition to exit.
  - The proposed reduced rear yard setback does not appear to have any significant impacts on the property to the south, as it is currently a parking lot and the adjacent building is located approximately sixty (60) metres away from the property line. Any future use of the south adjacent lands, would need to meet the zone standard for the interior side yard of the zone, which is currently 3.0 metres. These collective setbacks would



provide sufficient building separation distance and allow access for maintenance, and airflow.

- Landscaping
  - The applicant has provided a Tree Preservation, Protection, Replacement Plan and Landscape Plan that has been reviewed by the Engineering Department. The report identified a total of eighteen (18) existing trees on and within six (6) metres of the subject property. The removal of trees will not be required to accommodate the proposed development and tree protection measures will be implemented prior to construction.
  - The outdoor storage area is not located near any residential areas and will be fenced around its perimeter with visual screening. New coniferous and deciduous trees will be planted along the front of the subject property to screen the outdoor storage area from the street.
  
- Outdoor Storage Area – Size and Environmental Concerns
  - A review of the general area of the subject site has been completed by staff relative to the size of the outdoor storage area. The size is relatively smaller than those that already exist in the surrounding area.
  - The applicant has provided a Phase 1 Environmental Site Assessment (ESA) that has been reviewed by the Engineering Department. This report concluded that actual or potential contamination is not present on the subject property and that a Phase 2 ESA is not required.
  - Given appropriate screening and limits on the nature of outdoor storage to limit it to materials related to the principal use on the lot, outdoor storage is compatible with the area, and is currently a permitted use on many properties in the nearby area.
  - Screening, fencing, landscaping and material permitted to be stored within the outdoor storage area will be addressed through the Site Plan Approval Process.

## **Conclusion**

The zoning by-law amendment application meets the intent of, and is consistent with, the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, York Region Official Plan and Town's Official Plan.

Staff recommend approval of the application. Further refinement of the application will take place as part of the site plan approval application.

## **Business Plan and Strategic Plan Linkages**

- Economic Leadership and Job Creation

## **Consultation**

As detailed in this report, public and agency notice was completed as per the requirements of the Planning Act.

Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held in September of 2020.

## **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 increased assessment revenue with the development of this proposal in the event the application is approved.

## **Attachments**

- Zoning By-law Amendment
- Location Map
- Proposed Site Plan

## **Submitted by**

Patricia Cho, BHA, MSc (Pln.)  
Planner, Planning Services

## **Approved for Submission**

Adrian Cammaert, MCIP, RPP, CNU-A  
Acting Manager, Planning Services

Jason Unger, MCIP, RPP  
Acting Director, Planning & Building Services

Peter Noehammer, P. Eng.  
Commissioner, Development & Infrastructure Services

## **Contact**

For more information, please contact Patricia Cho, Planner, Planning Services, at [pcho@newmarket.ca](mailto:pcho@newmarket.ca).