



PLANNING AND BUILDING SERVICES

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Planning Report

To: Committee of Adjustment

From: Janany Nagulan
Planner

Date: February 18, 2021

Re: Application for Consent - **D10-B01-21**
855 Mulock Drive
Made by: College Manor Shops Inc. (Mark Johnson)

1. Recommendations

That Consent Application D10-B01-21 be granted, subject to the following conditions:

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
 - ii. a copy of the fully executed lease regarding the subject lands; and
 - iii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
- iv. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Subject Lands

This application pertains to the property described by the legal description below:

PCL 37-3, SEC 65M2836 ; PT BLK 37, PL 65M2836,
PTS 1, 2 & 3 65R18363 EXCEPT PT 1 D744 ; S/T LT793962, LT841410 NEWMARKET
S/T EASE OVER PT 1, 65R26057 IN FAVOUR OF BELL CANADA AS IN YR387973.

3. Application

The lands are located on the north side of Mulock Drive, east of College Manor Drive. The proposed consent seeks the approval of Committee of a lease with a period of 21 years or greater, as the Planning Act requires a consent for the creation of any interest in land with a period of 21 years or greater. If granted, the proposed consent would allow the extension of the existing lease for a period of 21 years or greater.

The lands to be leased are known as 855 Mulock Drive (outlined in red on the sketch attached to the application) and is approximately 130 m² in area. These lands are occupied by the building at the northwest corner of the lot currently occupied by a Tim Hortons restaurant. The lands to be retained constitute the balance of the property and are addressed: 869 and 883 Mulock Drive, where there are currently two permitted multi-unit commercial buildings. The lands retained are approximately 420 m² in area.

4. Planning considerations – Consent

Conformity with the Official Plan

The subject lands are designated “Commercial” in the Town’s Official Plan. This designation permits a range of retail and service commercial uses, including restaurants. No division of land or physical change to the site is proposed through this application. The proposed application for consent would not conflict with the purpose and intent of the Official Plan.

Conformity with the Zoning By-law

The subject lands are zoned Retail Commercial 2 Zone (CR-2) by By-law Number 2010-40. This zone permits restaurants and drive through facilities such that currently existing on the proposed lands to be leased. The lands to be retained include two multi-unit commercial buildings that contain other commercial uses.

5. Other comments

Tree protection

The subject lands are subject to an existing site plan agreement. No physical changes are proposed for the subject lands.

Heritage

The subject lands are not listed or designated under the *Ontario Heritage Act*.

Commenting agencies and departments

Comments from Chief Building Official were not available as of the date of this report.

Engineering Services has no objections to this application.

The Regional Municipality of York has no comment on the application.

Effect of public input

Planning Services received no submissions from the public related to this application.

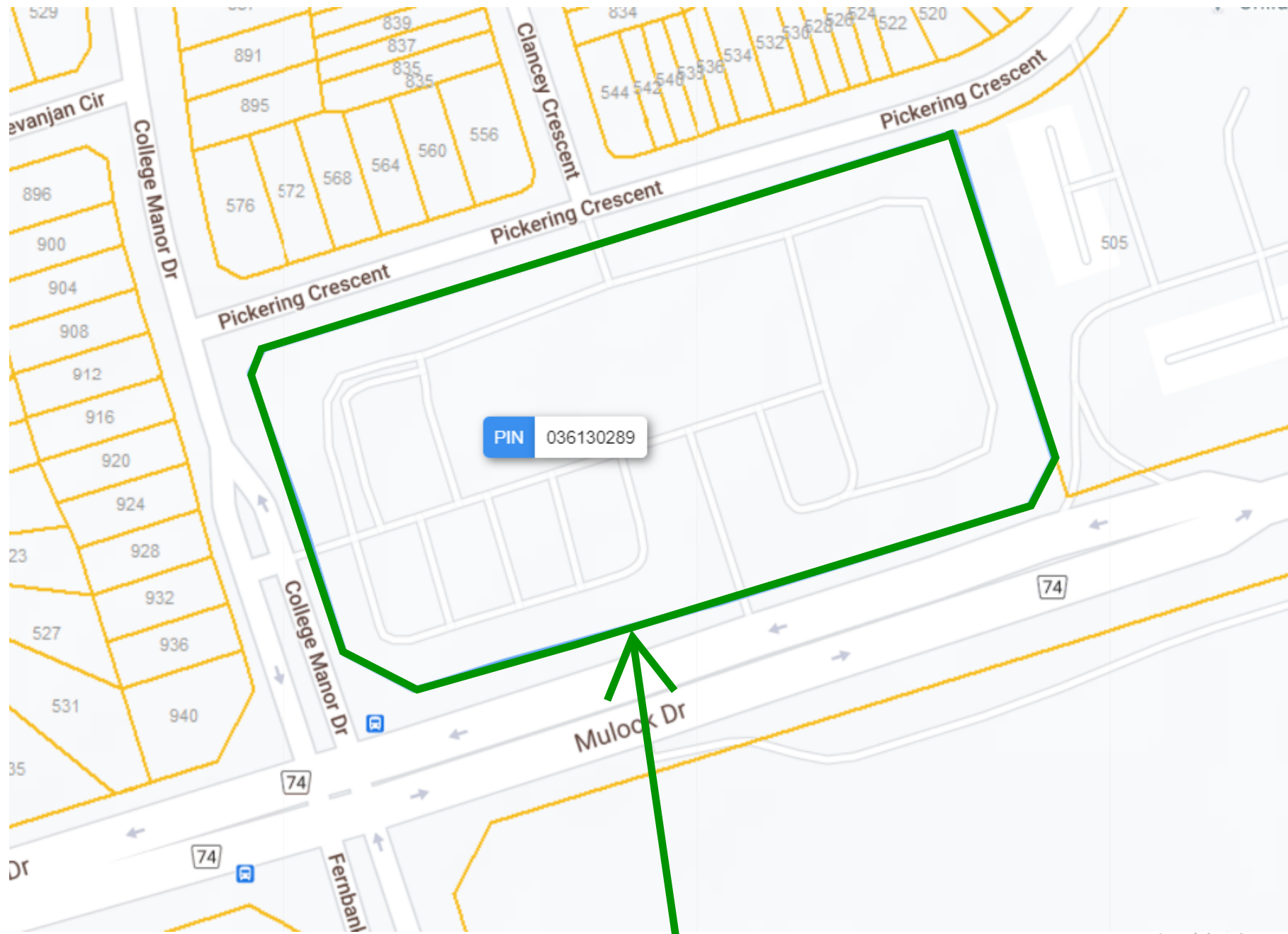
6. Conclusions

The consent meets the relevant requirements of the Zoning By-law, Official Plan and is recommended to be granted subject to conditions.

Respectfully,



Janany Nagulan
Planner

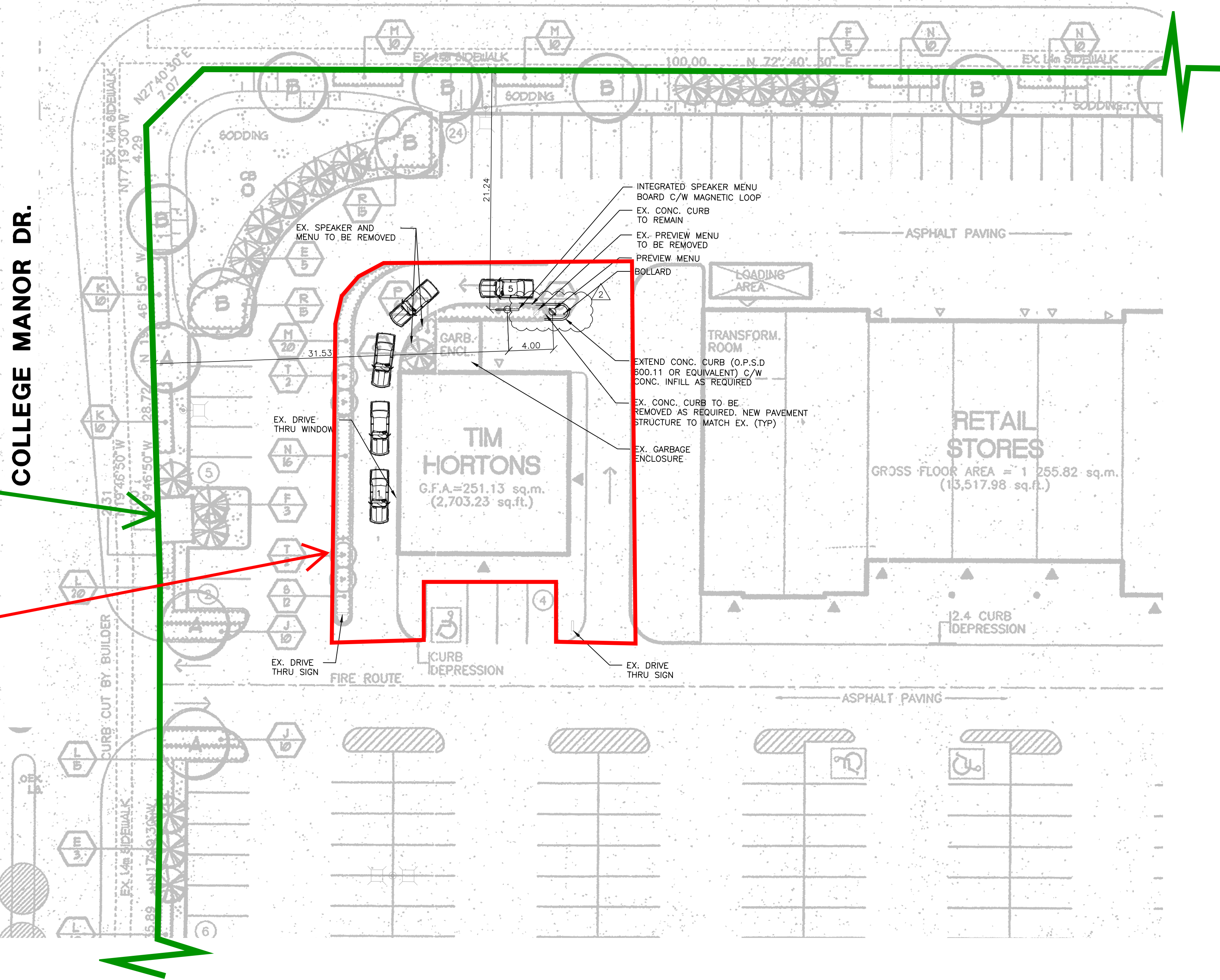


Property Boundary

Leased Premise

COLLEGE MANOR DR.

PICKERING CRESCENT



THE TDL GROUP CORPORATION

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Fax (614) 791-4234

NOT FOR CONSTRUCTION. NO SITE WORKS PROPOSED.
FOR ILLUSTRATION PURPOSES ONLY REGARDING AN APPLICATION
FOR CONSENT

1	5TH CAR MENU BOARD	SEP 14/12	8		
2	CURB EXTENSION	DEC 17/12	9		
3			10		
4			11		
5			12		
6			13		
7			14		

PROJECT
NEWMARKET, ON
855 MULOCK DRIVE
RESTAURANT No 1629

DRAWING TITLE:
SITE PLAN
DRAWN BY: K.B.D.K.D.
SCALE: 1:250

DRAWING NO.
SP