

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

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Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
Planner

DATE: March 18, 2021

RE: Application for Minor Variance **D13-A01-21**
455 Harry Walker Parkway
Made by: Elm Harry Walker Parkway (2019) Inc.

1. Recommendations:

That Minor Variance Application D13-A01-21 be approved, subject to the following conditions:

- i. That the variances pertains only to the request as submitted with the application;
and
- ii. That the development be substantially in accordance with the information and sketch submitted with the application.
- iii. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Application:

An application for a minor variance has been submitted by the above-noted owner requesting relief from Zoning By-law 2010-40 as amended, in order to develop two multi-unit buildings on the property. The property is subject to site plan control and a site plan application is currently under review. To implement the proposed site plan, the following proposed variances are being sought:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.14.1ii) Landscape Buffers for Parking Lots	Such a buffer area shall not be used for any other purpose other than vegetative landscaping but shall not prevent the provision of entrances and exits across the buffer area.	Such a buffer area shall not be used for any other purposes other than vegetative landscaping and a retaining walls but shall not prevent the provision of entrances and exits across the buffer area.

2	2010-40	4.14.2 Landscape Buffers in Employment Zones	A minimum 12.0 Metre Front Yard Landscape buffer.	To allow a minimum 6.0 metre Front Yard Landscape buffer.
3	2010-40	4.14.2 Landscape Buffers in Employment Zones	A minimum 3.0 Metre side and rear Landscape buffer	To allow a minimum 1.5 metre side and rear yard Landscape buffer.
4	2010-40	6.5.2 Zoning Standards (Employment Zones)	A minimum front yard setback of 12.0 Metres.	To allow a minimum front yard setback of 6.0 metres.

The above-described property (herein referred to as the “subject property”) is located on Harry Walker Parkway South, south east of where Maple Hill Crescent (an east/ west street) and Harry Walker Parkway South (a north/south street) intersect. The subject property is currently vacant and abutting lands are vacant as well.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit the development of two multi-unit buildings on the property. The applicant has advised that these buildings are intended to be used for office, retail and light manufacturing purposes.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the Planning Act. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

The subject lands are designated “Business Park – Mixed Employment” in the Town’s Official Plan. The designation permits a variety of uses including business, professional offices manufacturing and service commercial. The Official Plan encourages a high standard of building and site design, landscaping, and signage in this area. The applicant has stated that the intended uses are office, retail and light manufacturing. These uses are permitted and the proposal conforms to the general intent of the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject property is zoned Mixed Employment Zone (EM-107) by Zoning By-law 2010-40, as amended. The applicant has confirmed that intended uses of the site are office, retail, and light manufacturing, which are permitted in the zone.

Section 4.14.1 of the Zoning By-law sets out parking lot design for lots that accommodate 5 or more parking spaces for multiple zones including Employment Zones. The first variance requires a relief from Section 4.14.1 ii) which specifically looks at the use of the landscape buffer area. Vegetative landscaping is usually only permitted within the landscape buffer, however in this case, retaining walls will be required within the landscape buffers for grading purposes in order to support the construction of the two proposed multi-unit commercial buildings.

Section 4.14.2 of the Zoning By-law sets out minimum widths for landscape buffers specifically for employment zones. The second and third variances seek relief from the landscape buffer requirement for the front, side and rear yard setbacks. The general intent of the landscape buffers for parking areas is to ensure the site provides sufficient setbacks on the site as well as opportunity provide aesthetically pleasing areas with vegetation to compliment an area that would be generally paved. Its intent is also to ensure that parking and landscaping design is consistent and compatible with nearby properties. In this case, the reduction to the landscape buffers is requested to provide additional parking for the intended uses of retail, offices and light manufacturing on the subject property. Though there is a requested reduction to the widths of the landscape buffers, there has been landscaping incorporated in other areas of the site.

Section 6.5.2 of the Zoning By-law sets out the Zoning Standards for employment zones. The fourth variance seeks relief from the zoning standards for the front yard setback. The general intent of the setbacks in the employment zones is to ensure sufficient space has been provided for landscaping and adequate space is provided between the street and the building. In this case, the front yard setback reduction is requested to accommodate additional parking and a portion of Building A as shown on the site plan attached to the application. The requested setback is generally consistent with other proximate properties along Harry Walker Parkway.

Desirable development of the lot

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. The intended uses are desirable use of the lot. Further, it is desirable to develop the lot in conformity/general compliance with the Official Plan designation and the Zoning By-law. Therefore, this test is met.

Minor nature of the variance

The impact of the proposed variance appears to be minimal. The proposed variance allows for the two multi-unit buildings to be arranged in a way that is contextually appropriate, addresses the street and is unlikely to have negative impacts on abutting future uses. This test is met.

4. Other comments:

Cultural Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

Effect of public input

No public input was received as of the date of writing this report.

Commenting agencies and departments

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

Engineering has deferred comments to Planning Services and does not object to the application.

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

Site Plan Control

The property is subject to Site Plan Control. If Committee deems to grant the variances, the property owner will be required to enter into a Site Plan Agreement with the Town prior to an alteration of the property. Impacts of the development will be managed by staff through the site plan approval process, including storm water management, adequate landscaping and planting.

5. Conclusions:

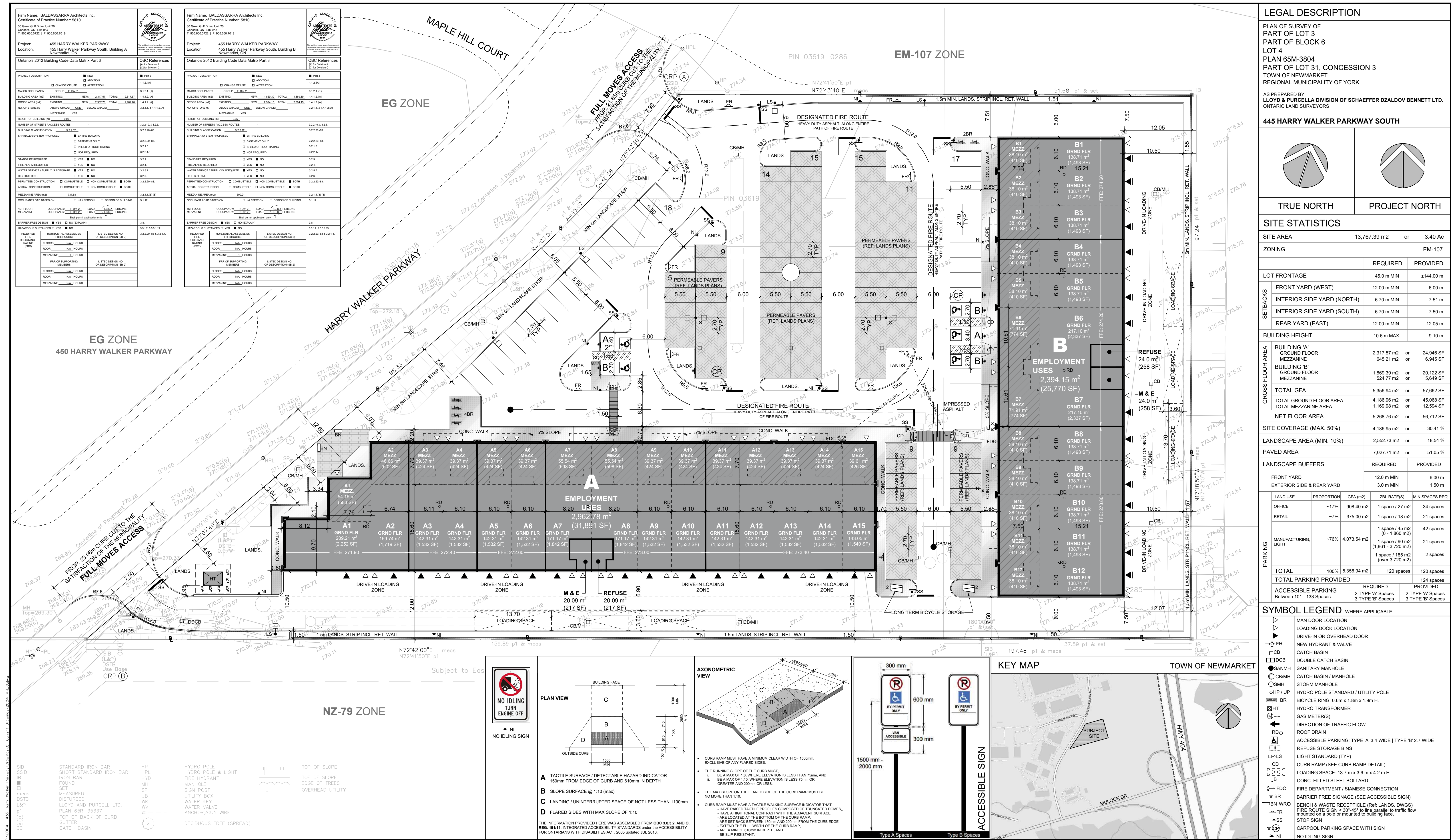
The relief as requested:

- 1) is minor in nature;
- 2) conforms to the general intent and purpose of the Official Plan and Zoning By-law;
and
- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janany'.

Janany Nagulan
Planner



No.	ISSUED	DATE
1	ISSUED FOR PRE-CONSULTATION	AUG. 12, 2019
2	ISSUED TO CONSULTANTS	FEB. 05, 2020
3	ISSUED FOR SPA	MAR. 15, 2020
4	RE-ISSUED FOR SPA	DEC. 23, 2020
5	CoFA REVIEW	MAR. 10, 2021

No.	REVISION	DATE
1	REVISED PER MUNICIPAL EDICTS	SEPT. 08, 2020
2	REVISED PER UPDATED CIVIL	DEC. 10, 2020
3	MEZZ. AREAS UPDATED PER CLIENT'S REQUEST	FEB. 08, 2021
4	REVISED TO SUIT MUNICIPAL COMMENTS	MAR. 08, 2021

BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
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OWNERS INFORMATION:

ELM HARRY WALKER PARKWAY (2019) INC.
1931 HWY 7, CONCORD ONT L4K 1V5



455 HARRY WALKER PWKY

455 HARRY WALKER PARKWAY
TOWN OF NEWMARKET, ONT.

SITE PLAN

D11-NP-20-06

DATE: AUG. 2019
DRAWN BY: SJ/DW
CHECKED: SCALE: 1:300

PROJECT No. DRAWING No.

20-04

A-1.0



March 10, 2021

20M-01182-00

Janany Nagulan
Planner, Development
Planning and Building Services
Town of Newmarket
395 Mulock Drive
Newmarket, ON L3Y 4Y9

Dear Ms. Nagulan:

**Subject: 455 Harry Walker Parkway South, Newmarket
Minor Variance Application to Committee of Adjustment
Parking Justification Study**

WSP Canada Inc. (WSP) has been retained by ELM Harry Walker Parkway (2019) Inc. to carry out a parking justification study in support of a Minor Variance application to the Town of Newmarket Committee of Adjustment (CoA) for the site located at 455 Harry Walker Parkway South (the site). This application is to attain approval for reduced landscape buffer widths surrounding the site. The objective of this study is to justify the proposed on-site parking supply of 124 spaces, which is requiring the reduced landscape buffer widths.

Site Zoning

The site is currently zoned under EM-107 within Zoning By-law 2010-40 which is classified as Mixed Employment Zone with an exception (107). The exception for the site states that “...*stand-alone retail uses are also permitted and shall not exceed 20% of the permitted ground floor area of all buildings on the lands subject to this by-law*”. For ease of reference, the permitted land uses for a Mixed Employment Zone are attached as **Appendix A**.

Development Proposal

The development proposal involves the construction of 57,662 square feet (ft²) of commercial / light industrial land uses across two buildings. The proposed parking supply is 124 spaces including five barrier-free spaces. This equates to a supply rate of 2.15 spaces per 1,000ft².

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Municipal Zoning By-Law Requirements

The prevailing Zoning By-law for the site is the Town of Newmarket Zoning By-law No. 2010-40. The likely land uses on the site and their proportions were selected when calculating the minimum parking requirements as set out in **Table 1**.

LAND USE	PROPORTION	GFA (M ²)	ZBL RATE(S)	MIN SPACES
Office	~17%	908.4	1 space / 27m ²	34
Retail	~7%	375	1 space / 18m ²	21
Manufacturing, Light	~76%	4,073.5	1 space / 45m ² (0 - 1,860m ²)	42
			1 space / 90m ² (1,861 - 3,720m ²)	21
			1 space / 185m ² (over 3,720m ²)	2
Total	100%	5,356.9	-	120

Table 1: Zoning By-law 569-2013 Minimum Parking Standards and Supply

Application of By-law 2010-40 rates would require a total minimum site parking supply of **120** spaces. The proposed supply of 124 spaces exceeds the minimum calculated requirement by four spaces.

Proposed Parking Supply Justification

The proposed site parking supply of 124 spaces is above the minimum requirements set out in **Table 1** above based on the land uses permitted on site. To further support this supply and rate of 2.15 spaces per 1,000ft², a parking study was carried out at 17817 Leslie Street in Newmarket on Wednesday March 3 and Thursday March 4, 2021 between the hours of 10:00am and 4:00pm. This proxy site was selected as it is also within a Mixed Employment Zone, has a similar GFA to the subject site and has a reasonable mix of retail, commercial and light industrial land uses that would best reflect the likely uses of the subject site.

The results of the parking surveys are set out in **Table 2**. The raw parking survey data is attached as **Appendix B**.

OBSERVATION TIME	WED MARCH 3 OCCUPANCY	PERCENTAGE	THU MARCH 4 OCCUPANCY	PERCENTAGE
10:00	60	36%	59	35%
10:30	68	40%	76	45%
11:00	73	43%	75	44%
11:30	71	42%	85	50%
12:00	75	44%	83	49%
12:30	76	45%	87	51%
13:00	81	48%	87	51%
13:30	79	47%	83	49%
14:00	71	42%	85	50%
14:30	73	43%	84	50%
15:00	73	43%	73	43%
15:30	71	42%	77	46%
16:00	70	41%	77	46%
Site Supply	169 spaces			
Site GFA	44,993 ft ²			
Peak Demand Rate	1.8 spaces / 1,000ft ²		1.9 spaces / 1,000ft ²	

Table 2: Proxy Site Parking Survey Results Summary

The results of the parking survey indicate that the peak demand rate of 1.9 spaces per 1,000ft² was observed on the Thursday March 4 at 12:30 and again at 13:00. The average of the peak demand observed on both survey days is also 1.9 spaces per 1,000ft². This observed proxy site demand rate represents 12% less than the proposed supply rate of 2.15 spaces per 1,000ft² for the subject site.

It should be noted that the surveys took place during the COVID-19 pandemic. Since the beginning of the pandemic in March 2020, travel in general has plummeted due to government stay-at-home orders and lockdowns. At the time of the surveys, York Region had been in the Red-Control zone for a period of 10 days. Within this zone, businesses are permitted to open but are subject to occupancy limits. With the rise of online shopping during the pandemic, some businesses choosing to operate under reduced opening days/hours, or staying closed altogether and operating curb-side pick-up only, and in the absence of a wide-scale vaccine program, the observed vehicle demands at the proxy site do not reflect typical weekday vehicle demands for a plaza of this nature. It is highly likely that the vehicle demand rate observed at the proxy site would be higher under normal, pre-pandemic conditions. The 12% 'shortfall' between the observed proxy site demand rate and subject site supply rate can be very much attributed to the ongoing pandemic. Therefore, the proposed supply of 124 spaces, or 2.15 spaces per 1,000ft², would be appropriate under normal conditions since the site is being proposed for future vehicle demand.

Summary and Conclusion

The following is a summary of the points set out above:

- This parking study is in support of a Minor Variance application to attain approval for reduced landscape buffer widths surrounding the site known as 455 Harry Walker Parkway South.
- The site is zoned under EM-107 within Zoning By-law 2010-40 which is classified as Mixed Employment Zone with an exception.
- The development proposal is for 57,662 ft² of commercial / light industrial land uses across two buildings and 124 vehicle parking spaces including five barrier-free spaces.
- This proposed site supply rate is 2.15 spaces per 1,000ft².
- Application of By-law 2010-40 rates using relevant land uses would require a total minimum site parking supply of 120 spaces.
- A proxy site parking study was carried out at 17817 Leslie Street on Wednesday March 3 and Thursday March 4, 2021 between the hours of 10:00am and 4:00pm.
- The average peak demand observed on both survey days was 1.9 spaces per 1,000ft². This represents 12% less than the proposed supply rate of 2.15 spaces per 1,000ft².
- The surveys were undertaken during the ongoing COVID-19 pandemic which should be taken under consideration when reviewing the results of the parking survey.

It is our opinion that the proposed parking supply of 124 spaces is not an over supply of parking but an appropriate supply for the site given its location, the minimum zoning by-law requirements, the likely future land uses/tenants and the parking demands observed at the proxy site given the current circumstances.

We trust that the above analysis satisfies the requirements for approval to the Committee of Adjustment for the minor variance application. Should you have any questions or wish to discuss any aspect of this study in more detail, please do not hesitate to contact me directly at your convenience.

Yours sincerely,



Irfan Akram, B.Sc. (Hons), DIS
Senior Transportation Planner
Transportation Planning & Science

APPENDIX A

Zoning By-law 2010-40 excerpt
Mixed Employment Zone -
Permitted Land Uses



6.5 Employment Zones

No person shall use any land or erect, alter or use any *building* or *structure* in any Employment Zone except in accordance with Sections 6.5.1 and 6.5.2 of this By-Law.

6.5.1 Permitted Uses

The following table establishes the *uses* permitted in the Employment Zones:

Permitted Uses	Mixed Employment Zone (EM)	General Employment Zone (EG)	Heavy Employment Zone (EH)
<i>Accessory Outdoor Storage</i> (*1)			•
<i>Accessory Retail Sales Outlet</i>	• (*2)	• (*3)	
<i>Adult entertainment parlour</i> (*6)		•	•
<i>Banquet facility</i>	•		
<i>Body rub parlour</i>		•	•
<i>Building Supply Outlet</i> (*4)		• (*5)	•
<i>Bulk fuel depot</i>			•
<i>Commercial Recreation Centre</i>	•		
<i>Commercial School</i>	•		
<i>Contractors Yard</i>			•
<i>Domestic Animal Care Facility</i>	•	•	
<i>Drive-Thru Facility</i>	•		
<i>Emergency Service Facility</i>	•	•	•
<i>Financial Institution</i>	•		
<i>Heavy Equipment Sales and Service</i>		•	•
<i>Hotel</i>	•		
<i>Laundromat</i>	•		
<i>Light Equipment Sales and Rental</i>		•	•
<i>Manufacturing</i>		• (*5)	•
<i>Manufacturing , Light</i>	•	•	•
<i>Medical Office</i>	•		
<i>Micro-Industrial Use</i>	•	•	•
<i>Motor Vehicle Service Shop</i>	•	•	•
<i>Motor Vehicle Body Shop</i>			•
<i>Motor Vehicle Rental Establishment</i>	•	•	•
<i>Motor Vehicle Sales Establishment</i>	•		
<i>Motor Vehicle Washing Establishment, Automated</i>			•
<i>Motor Vehicle Washing Establishment, Manual</i>			•
<i>Night Club</i> (*7)		•	•
<i>Office</i> (*8)	•	•	
<i>Personal Service Shop</i>	•		

Permitted Uses	Mixed Employment Zone (EM)	General Employment Zone (EG)	Heavy Employment Zone (EH)
<i>Private Club</i>	•		
<i>Public Storage Facility</i>		•	•
<i>Restaurant</i>	•	•	•
<i>Service or Repair Shop</i>	•	•	•
<i>Sports Arena</i>	•	•	•
<i>Studio</i>	•		
<i>Transportation Depot</i>		•	•
<i>Veterinary Clinic</i>	•		
<i>Veterinary Hospital</i>	•	•	
<i>Warehouse</i>	•	•	•
<i>Wholesale Operations</i>	•	•	

- (*1) Subject to 4.19.4 Accessory Outdoor Storage
- (*2) May not exceed 40% of the GFA of the *building* in which it is located.
- (*3) May not exceed 20% of the GFA of the *building* in which it is located.
- (*4) Limited to a maximum GFA of 7,000 m².
- (*5) Permitted only within wholly enclosed *buildings*.
- (*6) Deleted. By-law 2018-50
- (*7) A night club shall only be permitted in the General Employment (EG) and Heavy Employment (EH) Zones that are located east of Leslie Street.
- (*8) Permitted as a principal use in the EM and EG zones. Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.

APPENDIX B

Parking Survey Data



Client: WSP Canada Inc.
Survey Date: Wednesday March 3, 2021
Site: 17817 Leslie Street, Newmarket
Surveyor: Horizon Data Services Ltd.
GFA: 44,993 sq.ft.

TIME			Section A		Section B	Section C	Section D		Section E	Site Total Demand	%
			Reg	HC	Reg	Reg	Reg	HC	Reg		
10:00	-	10:30	2	0	9	9	49	0	0	60	36%
10:30	-	11:00	4	0	10	9	55	0	0	68	40%
11:00	-	11:30	2	0	10	10	60	1	0	73	43%
11:30	-	12:00	3	0	10	11	56	1	0	71	42%
12:00	-	12:30	1	0	10	12	61	1	0	75	44%
12:30	-	13:00	1	0	10	12	62	1	0	76	45%
13:00	-	13:30	3	0	7	12	65	1	0	81	48%
13:30	-	14:00	3	1	9	13	60	1	0	78	46%
14:00	-	14:30	3	0	9	13	54	1	0	71	42%
14:30	-	15:00	2	0	10	13	58	0	0	73	43%
15:00	-	15:30	3	0	9	13	57	0	0	73	43%
15:30	-	16:00	3	0	8	12	56	0	0	71	42%
16:00	-	16:30	6	0	9	11	53	0	0	70	41%
SUPPLY-CAPACITY			22	2	unmarked	25	119	1	Tesler stn	169	

1.8

Client: WSP Canada Inc.
Survey Date: Thursday, March 4, 2021
Site: 17817 Leslie Street, Newmarket
Surveyor: Horizon Data Services Ltd.
GFA: 44,993 sq.ft.

TIME			Section A		Section B	Section C	Section D		Section E	Site Total Demand	%
			Reg	HC	Reg	Reg	Reg	HC	Reg		
10:00	-	10:30	4	0	13	8	45	0	1	59	35%
10:30	-	11:00	4	0	12	10	59	1	1	76	45%
11:00	-	11:30	6	0	11	10	56	1	1	75	44%
11:30	-	12:00	6	0	12	12	64	1	1	85	50%
12:00	-	12:30	6	0	11	14	60	1	1	83	49%
12:30	-	13:00	5	0	12	14	65	1	1	87	51%
13:00	-	13:30	3	0	9	15	67	0	1	87	51%
13:30	-	14:00	6	1	8	15	58	1	1	83	49%
14:00	-	14:30	5	0	9	16	62	0	1	85	50%
14:30	-	15:00	5	0	9	16	61	0	1	84	50%
15:00	-	15:30	5	0	8	13	53	0	1	73	43%
15:30	-	16:00	5	0	10	13	56	1	1	77	46%
16:00	-	16:30	5	0	9	12	58	0	1	77	46%
SUPPLY-CAPACITY			22	2	unmarked	25	119	1	Tesler stn	169	

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