



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

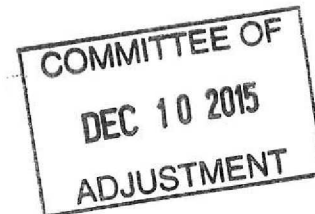
REPORT

TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: December 4, 2015

RE: Application for Minor Variance **D13-A26/2015**
Part Lot 2, Concession 3
Being Parts 5 & 6, Plan 65R-12998
Unit 2
210 Pony Drive
Town of Newmarket
Made by: HOPKINSON, Sydney John



1. RECOMMENDATIONS:

That Minor Variance Application D13-A26/2015 be approved, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application; and
2. That the development be substantially in accordance with the sketch submitted with the application; and
3. That no additional commercial athletic centre or additional gross floor area devoted to a commercial athletic centre beyond that of the current applicant is permitted on the subject lands.

2. APPLICATION:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, in order to permit a parking provision that is less than the required number of spaces. This variance is required by the applicant in order to be in compliance with the zoning by-law to receive a building permit and open a crossfit box (the term used to describe a crossfit facility).

The above-described property (herein referred to as the "subject lands") is located in the Town's employment lands, specifically on the west side of Pony Drive east of Leslie Street. There is one multi-unit single storey building on the site surrounded by a parking lot, and it is surrounded by similar buildings.

3. BACKGROUND:

The applicant is requesting relief from the By-law in order to reduce the number of required parking spaces. The specific request is to reduce the number of spaces from 48 to 20 spaces. The Town's

Comprehensive Zoning By-Law 2010-40 classifies a crossfit box as a Commercial Athletic Centre, and assigns it a minimum number of off-street parking spaces at the same rate as a Community Centre, Outdoor Recreation Facility, or Sports Arena, at 1 space per 14 square metres of gross floor area.

The 210 Pony Drive complex was built similar in design to many industrial properties in Newmarket's employment lands. It was designed to an industrial standard, with high ceilings and a number of parking spaces in conformity with the originally-intended industrial use. With the departure of many manufacturing jobs from Ontario, there have been rising vacancy rates in industrial properties, with Newmarket having an industrial vacancy rate of 12.5% in 2014. This has led to new types of tenants expressing interest in locating in sites such as 210 Pony Drive due to amenable physical configurations and comparably low rents. In cases such as this, a new potential tenant may have a land use which is permitted on the site, but a parking demand higher than the initial industrial use's design.

The 210 Pony Drive complex contains five units which contain primarily industrial uses, including a dairy quality assurance firm and a custom painting company. The site has 64 parking spaces, including one barrier-free parking space. The parking requirement for the established tenants has a lower rate than the applicant, and their land use parking demand tends to reach its peak during weekday work hours.

The applicant intends to open a crossfit box in one of the five units on the subject lands. Information has been submitted by the applicant that their parking demand will be substantially lower than the rate required by the Town's zoning by-law. They have explained that crossfit's programming is based on small classes in the early morning and late evening, which is not reflective of the parking needs identified in the zoning by-law. The applicant has advised that the parking demand will not exceed 20 spaces, substantially fewer than the 48 spaces the zoning by-law requires.

4. PLANNING CONSIDERATIONS:

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated "Mixed Employment" in the Town's Official Plan. This designation permits commercial athletics centres, as set out in section 6.3.2 of the Official Plan. Properties are expected to provide sufficient parking, as set out in section 6.2. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Mixed Employment (EM) Zone by By-law Number 2010-40, as amended. A commercial athletic centre is permitted in this zone.

The general intent of off-street parking requirements is to ensure that each property is able to provide space for the vehicles of its visitors without needing to spill over and park on adjacent properties and nearby streets. The intent is met by this application by providing sufficient parking by recognizing that the parking demand of this use is less than the established zoning requirement, and that it occurs at a different time of day than the other uses on the site.

It is desirable to permit this use and to have a mix of uses on the subject lands. This is in keeping with both the Official Plan and the Zoning By-law. The principle of parking spaces that are shared between different land uses is recognized elsewhere in the zoning by-law for mixed office and residential uses,

and allows for a more efficient use of parking by having complementary land uses share the same space and reduce the amount of time that parking spaces stand empty.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the proposed variance appears to be minimal as there is sufficient parking for the established tenants and the applicant, and the peak parking demand for the applicant will occur outside of the peak demand time for the established tenants.

In addition, Town staff have prepared included conditions to the variance to ensure that parking demand is managed appropriately on-site. These include that the subject lands not be permitted to have any additional units or area devoted to a commercial athletic facility. Such conditions have been previously implemented in similar cases.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

4. OTHER COMMENTS:

Engineering Services has reviewed the application and advised that they can support the requested variance. If Committee approves the variance, Engineering Services recommends restrictions on the approval to limit the proposed use to prohibit further expansion. Comments from Engineering Services are attached to this application.

Building Services has reviewed the application and advised that they have no objections. Comments from Building Services are attached to this application.

5. CONCLUSIONS:

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties appears to be minimal due to ability to manage the parking demand on-site; and
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit commercial athletic centre uses on the property; and
- (3) does not adversely affect the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,



Ted Horton
Planner

copy: R. Prudhomme, M.Sc., P. Eng. – Director, Engineering Services



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
Town of Newmarket www.newmarket.ca
395 Mulock Drive engineering@newmarket.ca
P.O. Box 328, STN Main T: 905 895.5193
Newmarket, ON L3Y 4X7 F: 905 953 5138

COMMITTEE OF
DEC - 9 2015
ADJUSTMENT

MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning and Building Services

FROM: M. Kryzanowski., Senior Transportation Coordinator

DATE: December 9, 2015

RE: Committee of Adjustment
Application for Minor Variance, File No. D13-A26-15
210 Pony Drive
Town of Newmarket, Ward 3
ES File No.: D21 D.22.26.75

Further to the December 7, 2015 memorandum, Engineering Services has received a parking justification report prepared by NexTrans Engineering, dated December 7, 2015 in support of the requested variance.

To reiterate, the application is to request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 5.3.2 Minimum Off-Street Parking Requirements to permit 20 parking spaces for a commercial athletic centre, notwithstanding the bylaw requirement of the 49 parking spaces.

The parking justification report outlines the operations of the use, undertakes site surveys on two separate days, examines the parking demand on first principles assessment, and compares the use to an existing proxy site at 125 Harry Walker Drive.

Based on the information provided, Engineering Services can support the requested variance.

However, it is still suggested that the Committee should limit the proposed use to a specific number of units requested to prohibit further expansion and potentially creating parking issues for the site.

Sincerely,

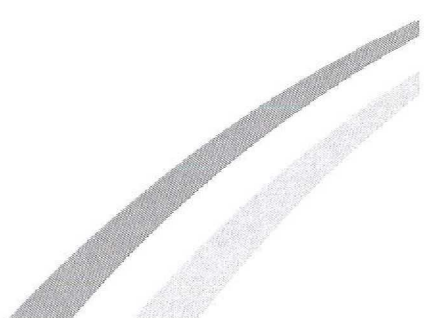
ENGINEERING SERVICES



M. Kryzanowski, BES, MCIP, RPP
Senior Transportation Coordinator

MK016M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services
K. Pelham, Committee Secretary



MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning and Building Services
FROM: M. Kryzanowski, Senior Transportation Coordinator
DATE: December 7, 2015
RE: Committee of Adjustment
Application for Minor Variance, File No. D13-A26-15
210 Pony Drive
Town of Newmarket, Ward 3
ES File No.: D21 D.22.26.75



We herein acknowledge receipt of the minor variance application as follows:

To request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 5.3.2 Minimum Off-Street Parking Requirements to permit 20 parking spaces for a commercial athletic centre, notwithstanding the bylaw requirement of the 49 parking spaces.

The application has submitted no supporting document on the justification of a parking variance at the time of the report.

Based on the information provided, Engineering Services cannot support the requested variance. Engineering Services is concerned that the level of parking variance may be excessive with no available on-street parking or municipal parking lots in the area.

However, if the Committee does approve the variance, then there should be restrictions on the approval to limit the proposed use to a specific number of units requested for prohibit further expansion.

Sincerely,

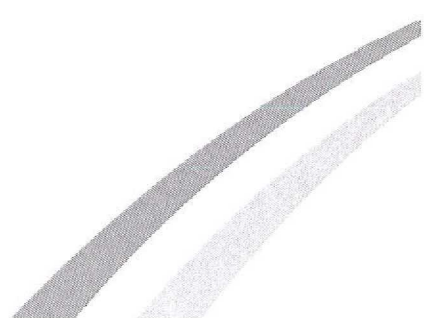
ENGINEERING SERVICES



M. Kryzanowski, BES, MCIP, RPP
Senior Transportation Coordinator

MK015M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services
K. Pelham, Committee Secretary



Pelham, Kym



From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: December-08-15 10:37 AM
To: Pelham, Kym
Subject: FW: D13-A26-15 - 210 Pony Drive
Attachments: 2015 - D13-A26 (Hopkinson) Application.pdf; 2015 - D13-A26 (Hopkinson) Notice.pdf

Good Morning Kym,

The Region of York has completed its review of the above Minor Variance application and has no objection.

Regards,
Gabrielle

Gabrielle Hurst, MCIP. RPP. C.Tech | Programs and Process Improvement Section of the Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence

From: Bilkhu, Vick
Sent: Wednesday, December 02, 2015 8:46 AM
To: Hurst, Gabrielle
Subject: FW: D13-A26-15 - 210 Pony Drive

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Wednesday, December 02, 2015 8:40 AM
To: Bilkhu, Vick
Subject: D13-A26-15 - 210 Pony Drive

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A26-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 2015.

Thanks
Kym



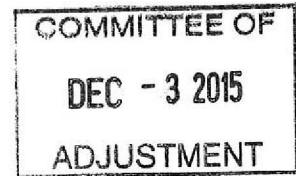
Kym Pelham, ACST
Committee Secretary
Planning and Building Services
905-953-5300, press 2, ext. 2456
905-953-5140 (fax)
kpelham@newmarket.ca
www.newmarket.ca

Follow us on [Twitter](#) @townofnewmarket
Newmarket: A Community *Well* Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you."



Planning & Building Services
Office of the Building Inspector
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
buildings@newmarket.ca
905.953-5300 ext. 2400



MEMORANDUM

TO: Committee of Adjustment

FROM: David Potter, CBCO, B. Tech., MAATO
Chief Building Official

DATE: December 3, 2015

RE: Application for Minor Variance

File no: D13-A26-15

I have reviewed the above and have no objection based on declared occupancy of 20 persons.

David
for David