



## **PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

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February 11, 2016

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-08**

**TO:** Committee of the Whole

**SUBJECT:** Application for Official Plan and Zoning By-law Amendment  
429/445 Harry Walker Parkway South  
East Side of Harry Walker Parkway South, North of Mulock Drive  
Town of Newmarket  
Regional Municipality of York  
File No.: D9NP16 01 (OPA); D14NP16 01 (ZBA)

**ORIGIN:** Planning and Building Services

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#### **RECOMMENDATIONS**

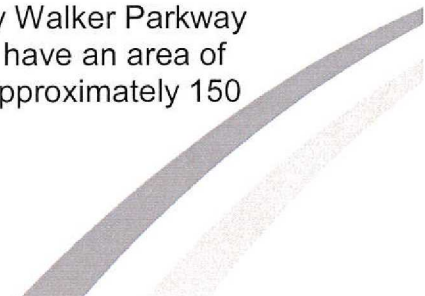
**THAT Development and Infrastructure Services/Planning and Building Services Report 2016-08 dated February 11, 2016 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- a) **THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by the Regional Municipality of York for lands Municipally known as 429 and 445 Harry Walker Parkway South be referred to a public meeting.**
- b) **AND THAT following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- c) **AND THAT Lauren Capilongo, Malone Given Parsons Ltd. 140 Renfrew Drive, Suite 201, Markham, ON, L3R 6B3 be notified of this action.**

#### **COMMENTS**

##### **Location and Surrounding Land Uses**

The Subject Lands are the combination of three properties municipally known as 415, 429 and 445 Harry Walker Parkway South and are located on the east side of Harry Walker Parkway South, north of Mulock Drive (See Location Map attached). The properties have an area of approximately 3.47 hectares and a frontage on Harry Walker Parkway of approximately 150 metres.



The subject property is currently vacant. The following are the adjacent land uses:

North: Former Halton Recycling composting facility

South: Vacant Employment lands and a gas station at the corner of Harry Walker Parkway South and Mulock Drive

East: Highway 404 and rural lands in Whitchurch-Stouffville

West: Various Employment uses and the Town of Newmarket's Operation Centre on Maple Hill Court

### **Proposal**

The Region of York is proposing to develop the subject lands for three public service facilities; a snow disposal/management facility, a York Regional Police (YRP) station and an Emergency Medical Services facility (EMS). The Region has applied for site plan approval for the EMS station which has received approval in principle and referred to staff for processing.

The proposed snow disposal/management facility and shared stormwater management area is located at the south end of the property and is approximately 1.95 hectares in size. It is intended to share access with the proposed YRP station. The facility will include a 346 sq.m. building for office use and vehicle storage bay. Outdoor storage is proposed to account for 30% (0.57ha) of the snow disposal/management facility. The proposed amendments are to allow for the outdoor storage portion of the facility. The Region anticipates commencing operations of this facility in 2016.

Operation of the YRP station is intended to commence in 2017/2018. It is located north of the proposed snow management facility with a land area of approximately 1.18 hectares to accommodate the station and associated parking areas. Access from Harry Walker Parkway South is proposed to be shared with the snow storage facility and a controlled access point to the staff and police vehicle parking located east of the proposed building. The YRP station is intended to have a gross floor area of 5,575 sq. m. for offices, a holding cell and vehicle servicing facilities.

The purpose of the applications for Official Plan Amendment and Zoning By-law Amendment are twofold. The first is to permit outdoor storage for the snow management facility; the second to provide relief in the parking standards for the YRP station. The proposed amendments are further described below.

The Town has had and is continuing to have positive discussions on partnership opportunities with the Region for use of this facility. Possible partnerships include town use for snow storage as well as possible recreation opportunities. These opportunities will continue to be explored.



## **Preliminary Review**

### **Official Plan Considerations**

The subject property is designated Business Park – Mixed Employment in the Town's Official Plan. Areas of Newmarket designated Business Park are intended to provide for the Employment needs of the community. The Mixed Employment designation permits business and professional offices, research and development facilities along with manufacturing uses. Service Commercial, motor vehicle uses, commercial schools and accommodation facilities are also among the permitted uses in this designation. The Mixed Employment designation also prohibits open storage of goods, materials and equipment. The Planning Justification report submitted with the application suggest that the proposed development meets the intent of the Business Park use as it contributes to the provision of employment within the Town and sufficiently provides for employment needs of a sustainable community. The Justification Report continues by indicating that the policies of the Official Plan are implemented through the policies of the corresponding Zoning By-law. In the case of the Town of Newmarket, Section 4.1.3 of the Zoning By-law 2010-40 allows for public use permissions in all zones.

We agree with the analysis in the Planning Justification report that concludes the proposed snow storage management facility and YRP station are consistent with the Business Park policies of the Official Plan and the implementing zoning Bylaw allows public uses in all zones.

The amendment required to allow for the outdoor storage has been justified by indicating the adverse impacts that may affect surrounding uses have been mitigated as well as the visual impacts of having outdoor storage in this location. The snow storage and associated machinery have been sited away from Harry Walker Parkway South and landscaped berms will be used to assist in screening the visual impacts. For much of the year, the primary storage material (snow) will not be located on site.

### **Zoning Bylaw Consideration**

The Subject Property is currently zoned Mixed Employment with a site specific exception (EM-107). The Mixed Employment zone permits a broad range of employment, Office and Service related uses. The site specific exception on this property permits accessory retail uses as well as limited stand-alone retail and prohibits a source separated organics composting facility. Specifically, the YRP station is permitted as an *emergency service facility*; however, the snow storage facility is not listed as a permitted use. Outdoor storage is not a permitted use within the Mixed Employment zone.

Section 4.1.3 – Public Uses, states that the “provisions of the by-law shall not apply to prevent the use of land by a Public Authority” (this includes York Region) provided that the following criteria are met:

#### **1. Such use, building or structure complies with the parking and loading requirements of this By-law.**

As a snow storage facility is not a use that has a parking ratio in the Town's zoning by-law the rate of 1 space per 20 m<sup>2</sup> of gross floor area can be used to determine the required spaces. This rate is for uses that are permitted by the by-law that are otherwise not



specifically identified within the parking rate table. This would require 5 spaces for the snow maintenance facility.

The Region is requesting relief from the parking requirements of the by-law. The Justification Report indicates that while the proposed parking for the YRP station is deficient in by-law terms, the amount of spaces proposed is based on the requirements as stated by YRP to meet the needs of their facility and operations. Two hundred parking spaces are being proposed on site for the YRP station while the zoning by-law would require 279 spaces. As a specialized use with specific operational requirements, the provision of the necessary parking spaces for the YRP should have more weight than a standard overarching category.

**2. No outdoor storage is permitted unless such outdoor storage is specifically permitted in the zone in which the use is located.**

As noted above, outdoor storage is not a permitted use in the Mixed Employment zone hence the need for these amendments. The appropriateness of outdoor storage is further reviewed below to ensure the appropriateness of the use.

**3. Such use, building or structure is buffered from an adjacent residential use in accordance with the requirements of Section 4.14.3 of this By-law.**

There are no residential uses adjacent to this development proposal. The nearest residential dwellings are located on the west side of Leslie Street as well as south of Mulock Drive.

**4. Such use, building, or structure within the Flood Plain Zone shall not conflict with those uses that are prohibited under Section 7.1.1.**

The subject lands are not impacted by the Flood Plain.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

*"3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:*

- a. the proposed change is in conformity with this Plan;*
- b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;*
- c. potential nuisance effects upon adjacent uses are mitigated;*
- d. adequate municipal services are available;*
- e. the size of the lot is appropriate for the proposed use;*
- f. the site has adequate road access and the boundary roads can accommodate the traffic generated;*
- g. the on-site parking, loading and circulation facilities are adequate; and,*
- h. public notice has been given in accordance with the Planning Act."*

With regard to the above:

- a) The Official Plan contemplates outdoor storage of goods and materials provided it is appropriately located and screened and does not create any negative impacts on adjacent properties.

- b) The subject lands are within an employment area where uses utilizing heavy machinery and vehicles are expected. Furthermore, the outdoor storage area is intended to be screened by way of a landscape berm.
- c) There are not any anticipated nuisance effects as a result of this development going forward.
- d) Adequate municipal services are available along Harry Walker Parkway South. A Stormwater Management Facility is being proposed to accommodate storm water and melt water impacts on site.
- e) The size of the subject lands appear to be appropriate and can accommodate the proposed uses.
- f) The subject lands have adequate road access on Harry Walker Parkway South. A traffic impact assessment has been completed which indicates that the site entrance is expected to operate within capacity and no critical issues for turning movements into and out from the site were identified.
- g) The on-site parking, loading and circulation facilities are adequate to support the proposed uses. A reduction in parking is required for the York Regional Police station which appears to be appropriate.
- h) The recommendations of this report refer the Official Plan and Zoning By-law Amendment applications to the necessary public meeting under the Planning Act.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) 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 PPS 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. Planning decisions shall be consistent with the Provincial Policy Statement. 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 supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, which includes the provision of the necessary infrastructure and public service facilities for current and future needs.

The PPS defines Public Services facilities as "lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure." Infrastructure is defined as "the physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes...transit and transportation corridors and facilities..." The proposed snow disposal/management facility and shared stormwater management area and a future YRP Station would fall into the categories of infrastructure and public services facilities.



The Planning justification report, prepared by Malone Givens Parsons Ltd., indicates that the proposed development of the Subject Property provides the integration of public service facilities to maximize the efficiency, cost effectiveness, and service integration of public services. With the continuous and projected growth in the Town of Newmarket and York Region, it has been determined by the various agencies that there is a need for a new YRP Station and snow storage/management facility to maintain the high level of service that is currently provided to residents. YRP and Transportation Services have conducted various exercises to assess future growth vs. level of service to determine that existing facilities have been optimized and that new facilities are required.

The proposal is consistent with the policies of the Provincial Policy Statement.

#### Departmental and Agency Comments

The Town has received and will continue to receive comments from department and agencies that will be addressed throughout the planning process.

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

#### **COMMUNITY CONSULTATION POLICY**

The recommendations of this report refer the applications to the statutory public meeting.

#### **BUDGET IMPACT**

##### Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment.

##### Capital Budget

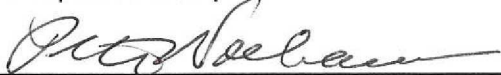
There is no direct capital budget impact as a result of this report.

#### **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



Commissioner Development and Infrastructure  
Services

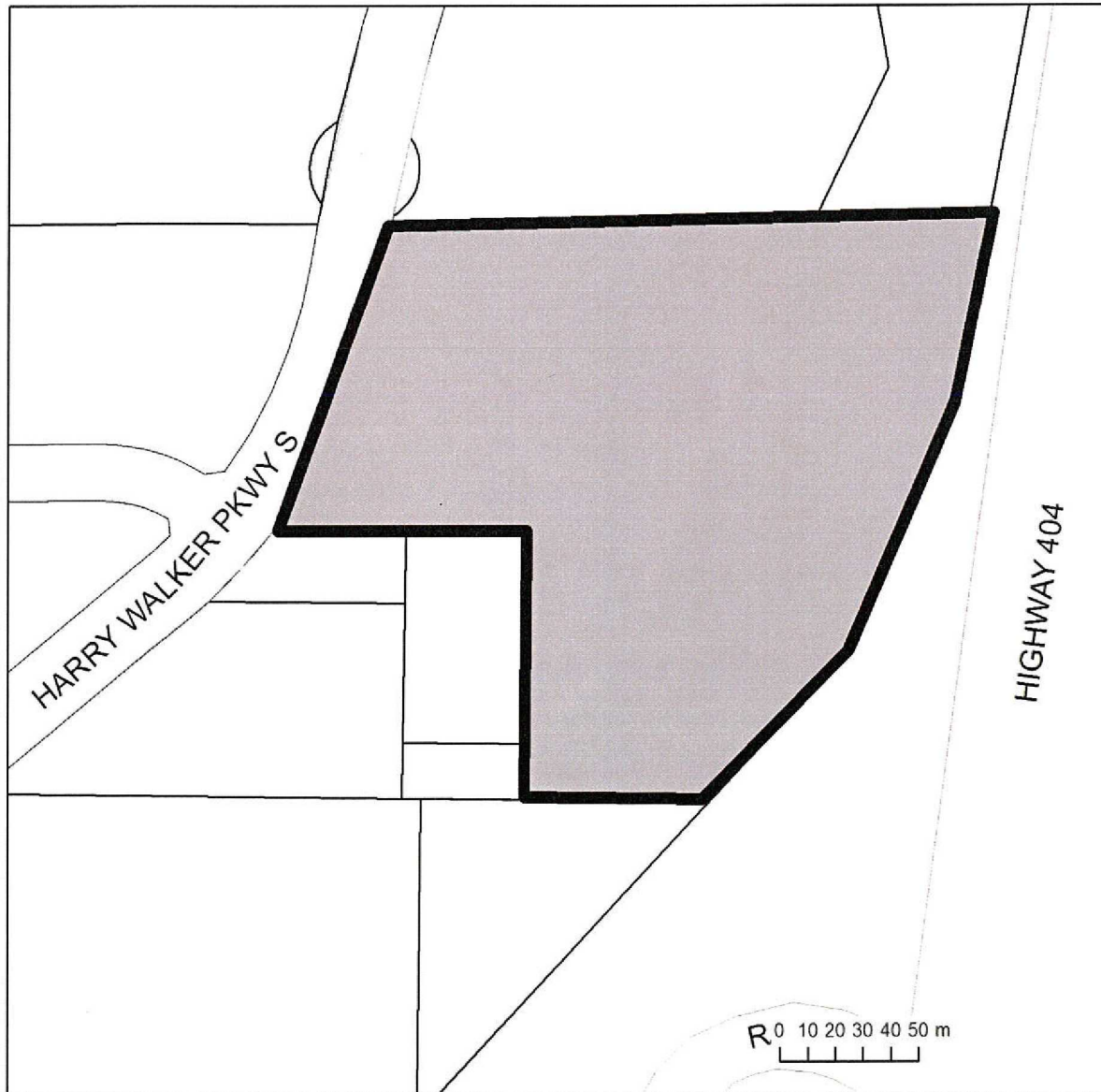


Director of Planning and Building Services



Senior Planner – Community Planning

**LOCATION MAP**  
**429 and 445 Harry Walker Parkway South**  
**East Side of Harry Walker Parkway South,**  
**North of Mulock Drive**



**Subject Lands**

**TOWN OF NEWMARKET PLANNING DEPARTMENT**

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DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

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