



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

TO: Committee of Adjustment

FROM: Joyce Tsui
Planner, Development

DATE: September 26, 2022

RE: Application for Consent – **CON-2022-013**
1155 & 1255 Stackhouse Road
Made by: Birock Investments Inc.

1. Recommendations:

That Consent Applications CON-2022-013 be granted, subject to the following:

Clearing conditions:

1. To the satisfaction of the Secretary-Treasurer:
 - a. an electronic copy of the deposited reference plan;
 - b. proof of payment of all outstanding taxes and local improvement charges owing to date;
 - c. any required transfers to effect the severance and conveyance of the land; and
 - d. a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
2. A letter shall be received from the Town of Newmarket, Development and Infrastructure Services – Engineering Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (September 26, 2022);

Advisory comments:

1. That the consent pertains only to the request as submitted with the application;
2. That the consent be substantially in accordance with the information and sketch submitted with the application;
3. That the applicant be advised that compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy;
4. Any variances are approved by the appropriate authorities and that such approval is final and binding; and,
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Subject Land

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

BLOCK 5, PLAN 65M3871, NEWMARKET. S/T EASE IN GROSS OVER PT 4 65R28658 AS IN YR754862.

3. Application:

An application has been submitted to sever a parcel of land for the creation of a new lot and easement.

The subject lands are approximately 4.48 hectares and are currently vacant. The proposed consent will create two lots of 21,000m² (retained lot) and 24,000m² (severed lot) respectively (see Attachment 1). The new lot is contemplated for future industrial warehouse uses. As a related matter, a separate application for Site Plan Approval has been received and is under review for the subject lands.

There are two existing easements located along the northern property line: a 14 metre long drainage easement currently in favour of the Town is to be abandoned, while a 6 metre long easement for Bell and Newmarket Hydro in favour of 1210 Twinney Drive is to remain. In addition, three new easements are proposed to allow mutual access to both lots, and overland flow of water to and from each other.

4. Planning Considerations

Conformity with the Official Plan

Section 16.1.5 of the Official Plan sets out the circumstances in which an application for consent will be granted. The section reads that consents shall only be granted where:

- a. the severance is for the purpose of infilling within existing development;
- b. a plan of subdivision is not necessary;
- c. the number of lots created is three or less;
- d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e. no extension, improvement or assumption of municipal services is required;
- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g. the lot will not restrict the ultimate development of adjacent lands;
- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i. the consent complies with all relevant provisions of this Plan.

The proposed consent meets clauses (a) to (i). The proposed application meets the intent of the Official Plan. The proposed application would not conflict with the purpose and intent of the Official Plan.

Conformity with the Zoning By-law

The subject lands are zoned Heavy Employment Zone (EH) by By-law 2010-40. This zone contains requirements for minimum lot area, lot frontages, yard setbacks and maximum lot coverage. The severed parcel and retained parcel would meet all of the zone's lot requirements.

5. Other Comments

Site Plan Approval

A Site Plan Application has been received and is currently under review to ensure there are no drainage or grading issues, and to ensure that this infill development is as sensitive as possible to the surrounding neighbourhood.

Water Management

The subject properties are within the WHPA-Q (Recharge Management Area), thus the SGBLS Source Protection Plan water quantity recharge maintenance policy will apply. The applicant will be required to maintain recharge as demonstrated through a hydrogeological study that shows the water balance can be maintained in the future. Assessment and comments on this matter will be addressed in the Site Plan Application.

Tree protection

The Town's Tree Preservation, Protection, Replacement and Enhancement Policy requires properties that are subject to specified planning applications to submit an arborist report, protect trees during construction, and compensate for any removed trees by replanting or paying an amount to the Town commensurate with the removed trees.

As required, the applicant has provided an arborist report as part of the Site Plan Application. Tree protection will be reviewed in the site plan process to ensure compliance with the Town's Policy.

Heritage

The subject properties are not designated under the Ontario Heritage Act or the municipal list of non-designated properties.

Effect of public input

As of the writing of this report, no concerns or opinions have been presented to Planning Services from the public.

Commenting agencies and departments

Engineering Services has no objections to the proposed severance application.

The Region of York has reviewed the application and has no objection regarding the consent.

Urban Forestry Innovations has reviewed the application and has no comments.

6. Conclusion

In staff's opinion, the consent meets the relevant requirements of the Zoning By-law, Official Plan and is recommended to be granted subject to the clearing conditions and advisory comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joyce Tsui', is written over a light yellow rectangular background.

Joyce Tsui
Planner – Development

Attachment(s):








1. Severed/retained Plan

SEVERANCE SKETCH

Stackhouse Block 5

1155 & 1255 Stackhouse Rd,
Newmarket, Ontario

LEGEND

-  Retained Land "A"
-  Severed Land "B"
-  14m Drainage Easement (to be Abandoned)
-  6m Utility Easement
-  Mutual Access Easement
-  Water Easement for Retained Lands
-  Water Easement for Severed Lands

RETAINED LAND - "A"		
Zone Standard (EH)	Requirement	Proposed
Minimum Lot Area	0.4 ha	2.1 ha
Minimum Lot Frontage	45.0 m	109.2 m
Minimum Front Yard	12.0 m	17.0 m
Minimum Rear Yard	12.0 m	21.9 m
Minimum Interior Side Yard	6.0 m	16.2 m
Minimum Exterior Side Yard	6.0 m	29.0 m
Maximum Lot Coverage	50 %	46%
Parking (Standard)	98	133 (+1)
Parking (Barrier Free)	4	6
Bicycle Parking	41	46
Snow Storage (Parking Space)	5	6
Loading Space	7	30

SEVERED LAND - "B"		
Zone Standard (EH)	Requirement	Proposed
Minimum Lot Area	0.4 ha	2.4 ha
Minimum Lot Frontage	45.0 m	158.36 m
Minimum Front Yard	12.0 m	16.7 m
Minimum Rear Yard	12.0 m	16.5 m
Minimum Interior Side Yard	6.0 m	16.7 m
Minimum Exterior Side Yard	6.0 m	29.0 m
Maximum Lot Coverage	50 %	44 %
Parking (Standard)	104	158
Parking (Barrier Free)	5	6
Bicycle Parking	46	46
Snow Storage (Parking Space)	6	6
Loading Space	7	30

Date: August 12, 2022

Scale: 1:1500



N:\WORKSPACE - BLOCK 5, STACKHOUSE ROAD\ - MHBC DOCUMENTS\123046 SEVERANCE SKETCH 2022-08-10.DWG

Data Source: Ware Malcomb

MHBC PLANNING
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& LANDSCAPE
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