



Planning and Building Services

TOWN OF NEWMARKET

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Development and Infrastructure Services Planning and Building Services - Planning Report 2016-22

To: Committee of the Whole

Subject: Official Plan Amendment Application, File No. D9NP16 03
Zoning By-law Amendment Application, File No. D14NP16 03
LOTS 4 & 5, PL 65M2677; S/T LT434248, LT543746, R451851, R451852
1166 and 1186 Nicholson Road, Newmarket

Date: May 30, 2016

Origin: Application submitted to the Planning Department

Recommendations

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-22 dated May 30, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendation(s) be adopted:

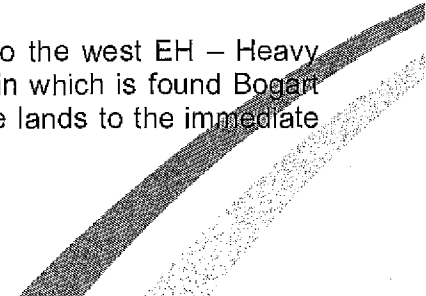
1. THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by HOOPP Realty Inc., for lands Municipally known as 1166 and 1186 Nicholson Road be referred to a public meeting.
 2. AND THAT following the public meeting, issues identified in this Report, together with comments 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.
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Background

Location and surrounding land uses

The proposed Official Plan Amendment submitted by Zelinka Priamo Ltd. on behalf of the owners, HOOPP Realty Inc., under Planning Files D9NP16 03, and D14NP16 03 concerns a 2.3 hectare property located on the south side of Nicholson Road, west of Harry Walker Parkway South. The subject property does not contain any structures, and is legally described as being PL 65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket. The subject property is designated 'Business Park – Mixed Employment' by the Town of Newmarket Official Plan and zoned General Employment 11 (EG-11) by Zoning By-law 2010-40, as amended.

The lands to the north and west are zoned EG – General Employment, and to the west EH – Heavy Employment. An OS – Open Space zone is located immediately to the south, in which is found Bogart Creek, with further EG – General Employment lots across the watercourse. The lands to the immediate



east which are zoned EH – Heavy Employment are also owned by the applicant. The surrounding land uses are principally manufacturing and motor-vehicle-related uses and their associated offices.

Proposal

The purpose of the Official Plan Amendment and Zoning By-law Amendment applications are to add site specific policies to allow for outdoor storage on the subject lands. The owner has expressed that there is no preliminary site concept plan at this time and that this proposal is to increase the marketability of the subject property.

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. Notwithstanding this, the property to the east of the subject property that is owned by the applicant is zoned EH-11, and does permit outdoor storage by right under zoning despite the Official Plan designation of Mixed Employment.

The Planning Justification report submitted with the application suggests that the proposed change meets the intent of the Business Park use as it expands the permitted uses and encourages a wide range of industrial operations. The Justification Report continues by indicating that the policies of the Official Plan are implemented through the policies of the corresponding Zoning By-law.

We agree with the analysis in the Planning Justification Report that concludes the proposed change is, notwithstanding the deviation from the prohibition on outdoor storage, consistent with the policies of the Official Plan. The original intent of prohibiting outdoor storage in the Business Park – Mixed Employment area may have been to restrict accessory uses deemed unsightly from view from corridors such as Leslie Street and Highway 404, as the area where it is permitted is interior between these corridors. If properly screened and maintained, outdoor storage in other parts of the Business Park may be no more unsightly than a fence or building, and standards for how this is to be achieved are appropriately located in a zoning by-law.

Zoning Considerations

Many areas in the area designated as the Business Park by the Official Plan have outdoor storage. These properties are not always congruent with the zones where the Official Plan states that outdoor storage should be permitted. For instance, the Heavy Employment (EH) zone immediately east of this site is part of the Business Park where outdoor storage is meant to be prohibited under the Official Plan. The zoning by-law amendment which may enact this amendment can set standards for the appropriate visual screening of the outdoor storage, which can then be enacted through appropriate Site Plan review upon development of the property.

Community consultation policy

This report recommends holding a public meeting with notice provided in accordance with the requirements of the *Planning Act*.

Budget impact

The Town will receive revenue from the increased property taxes and from development charges when this property is developed.

Business plan and strategic plan linkages

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: Ted Horton, Planner at 905-953-5321, Extension 2458 or via email at thorton@newmarket.ca.



Planner



Director of Planning and Building Services



Commissioner Development and Infrastructure Services