

**PLANNING & BUILDING SERVICES**

Town of Newmarket  
395 Mulock Drive  
P.O. Box 328, STN Main  
Newmarket, ON L3Y 4X7

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planning@newmarket.ca  
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**LEGISLATIVE SERVICES****INCOMING MAIL****REFD TO****COPY TO**

SEP 27 2016

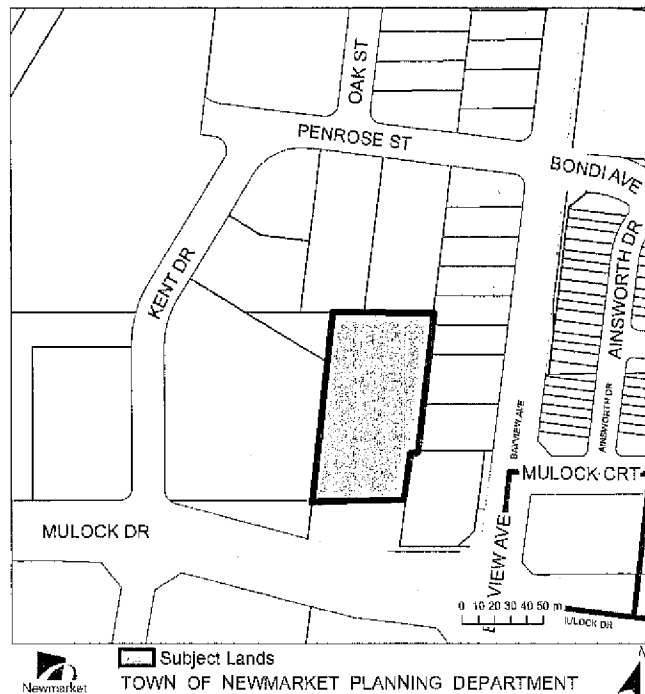
**PUBLIC MEETING CONCERNING A  
ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

**TUESDAY OCTOBER 18, 2016 AT 7:00 P.M.**

in the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to consider a proposed Zoning By-Law Amendment under Section 34 of the Planning Act, RSO 1990, c. P. 13 as amended..

An application has been submitted for a Zoning By-Law Amendment for lands located on the north side of Mulock Drive, west of Bayview Avenue, municipally known as 507 Mulock Drive. The net effect of this application is to permit a 2 storey mixed use medical office including medical offices, laboratories, medical clinic and retail uses. Specifically, the applicant proposes to amend the existing Mixed Employment zone to permit the medical clinic, laboratory and retail uses on the subject lands.



**ANY PERSON** may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Zoning By-Law Amendments. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

**IF YOU WISH TO BE NOTIFIED** of the adoption of the proposed Zoning By-Law Amendment you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-law is passed; the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-law is passed the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-Law Amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated: September 27, 2016

Direct any inquiries to the  
Planning Department 905-953-5321  
planning@newmarket.ca  
Please refer to File No. D14 NP1605

15. Development and Infrastructure Services - Planning and Building Services Report 2016-30 dated August 29, 2016 regarding Application for Zoning By-law Amendment - 507 Mulock Drive, Town of Newmarket, Gianni Kinno Developments Inc.
- a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-30 dated August 29, 2016 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:
- i) THAT the Application for Zoning By-law Amendment as submitted by Gianni Kinno Developments Inc. for lands municipally known as 507 Mulock Drive be referred to a public meeting;
- ii) 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;
- iii) AND THAT Mr. Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.



## PLANNING AND BUILDING SERVICES

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August 29, 2016

### DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-30

TO: Committee of the Whole

SUBJECT: Application for Zoning By-law Amendment  
507 Mulock Drive  
Town of Newmarket  
Gianni Kinno Developments Inc.  
File No.: D14NP1605

ORIGIN: Planning and Building Services

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#### RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-30 dated August 29, 2016 regarding Application for Zoning By-law Amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Zoning By-law Amendment as submitted Gianni Kinno Developments Inc. for lands Municipally known as 507 Mulock Drive 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 Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.

#### COMMENTS

##### Location and Surrounding Land Uses

The Subject Lands are municipally known as 507 Mulock Drive and are located on the north side of Mulock Drive, west of Bayview Avenue (See Location Map attached). The property has an area of approximately 0.7 hectares and a frontage on Mulock Drive of approximately 60 metres.

The subject property currently contains a two storey concrete block building with an approximate gross floor area of 400 sq.m. The following are the adjacent land uses:

North: Institutional uses (Inn From the Cold) and low density residential uses.

South: Commercial and Employment uses in a strip mall setting

East: Low density residential uses and service commercial uses at the northwest corner of Bayview Avenue and Mulock Drive.

West: Employment uses (bus depot and hydro yard) with the Municipal Offices west of the rail line.

### **Proposal**

The applicant is proposing a two storey mixed use Medical Office on the subject lands including the following uses and associated floor areas.

Medical Office – 1,074.76 sq.m.

Medical Laboratory - 323.00 sq.m.

Pharmacy and other retail – 1126.82 sq.m.

It is proposed that the retail and pharmacy uses would be located at grade with the medical laboratory in the basement level and medical offices on the second floor. The building is sited towards Mulock Drive with the required parking being accommodated in the rear yard and a number of accessible spaces along the east side of the proposed building.

The building has a lot coverage of approximately 18% and a floor space index of 0.91. A landscaped buffer ranging between 3 and 5 metres wide is proposed around the periphery of the site. The proposed site plan, landscape plan and elevations are appended to this report.

### **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.

While retail uses are not specifically identified as permitted within this designation, it is accepted that ancillary retail uses are appropriate in Employment Areas subject to limiting the type of retail to ancillary, limiting the overall amount of ancillary retail on any one property and limiting the size of any one retail to ensure the retail uses are truly ancillary and secondary to the main use(s) on the site.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the zoning bylaw:

- a. the proposed change is in conformity with this Plan;

Comment: The proposed zoning bylaw amendment generally conforms to the Official Plan; specifications for the proposed retail permissions require further review.

b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

Comment: The uses contained within the Mixed Employment zone are consistent with and compatible to the existing uses around the subject lands. A landscaped buffer area is proposed around the periphery of the site.

c. potential nuisance effects upon adjacent uses are mitigated;

Comment: It is not anticipated that the proposed use would have any nuisance effects on adjacent properties. Medical office uses and ancillary retail would have less impact to the adjacent residential than a more traditional employment uses such as manufacturing which is also permitted on this property.

d. adequate municipal services are available;

Comment: Municipal services are currently under review by Engineering Services. While the preliminary comments identify additional review by the developer is needed, it has not suggested any major difficulties in servicing the site.

e. the size of the lot is appropriate for the proposed uses;

Comment: The lands are of sufficient size to accommodate uses under the Mixed Employment zone as parking is being provided in accordance with the zoning bylaw and appropriate buffers are being accommodated;

f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

Comment: Mulock Drive is an Arterial road intended to accommodate large volumes of traffic. The submitted traffic study for the proposed zoning by-law amendment is currently under review.

g. the on-site parking, loading and circulation facilities are adequate; and,

Comment: The site is of sufficient size to accommodate parking and loading for new development;

h. public notice has been given in accordance with the Planning Act.

Comment: A public meeting will be held in accordance with the Planning Act if the recommendations of this report are approved.

Based on the above, amending the existing Mixed Employment zone to permit retail (including a pharmacy) and medical laboratory conforms to the general intent of the 2006 Official Plan. Further discussion on the type and amount of retail uses is warranted.

#### Zoning Bylaw Consideration

The Subject Property is currently zoned Mixed Employment under comprehensive by-law 2010-50. The Mixed Employment zone permits a broad range of Employment, Office and Service related uses. The proposed medical office is a permitted use under the existing zoning however the inclusion of retail and laboratory uses requires an amendment. The EM zone does permit accessory retail uses however they are intended to be for products that are created or processed within the primary use on the lot. As noted under the preliminary Official Plan discussion, it is important that areas intended for employment uses be limited in the amount of retail permitted to ensure their continuation as an employment area is not compromised.

The applicant has also requested some minor relief from the zoning by-law site standards in relation to setbacks and buffers which will continue to be reviewed through the process; however, they do appear to have little impact.

#### Region of York Official Plan

The York Region Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing on September 7, 2010 and was appealed to the Ontario Municipal Board (OMB). Since then, the York Region Official Plan has been partially approved by the OMB. The policies within the Region of York Official Plan that apply to the subject property are in full force and in effect.

Section 4 of the YROP discusses the Region's commitment to maintain and enhance the long term viability of employment lands, recognizing that these lands are major drivers of economic activity. Specifically, section 4.3.8 indicates that the conversion of employment lands to non-employment land uses is not permitted. For the purposes of this policy:

- a. employment lands are lands that are designated for employment uses including land designated as industrial and business park in local official plans; and,
- b. uses not permitted on employment lands include residential, major retail and other retail and commercial non ancillary uses.

As the subject lands are within an area designated for employment uses in the Town's Official Plan, any retail permission must be ancillary to employment uses.

This section of the YROP continues to indicate that a limited amount of ancillary uses are permitted on employment lands, provided that the proposed uses are intended to primarily service businesses in the employment lands and that ancillary uses collectively do not exceed 15 per cent of an employment area as defined in the local official plan. It is up to the local municipality to determine the location, amount and size of ancillary uses on employment lands that is in proportion with the planned function, size and scale of the overall employment land area.

Staff are continuing to review the appropriateness of the requested permissions for retail uses on the subject land.

### **Provincial Policy Statement**

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.3.1 indicates that Planning Authorities shall provide for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs.

Section 1.3.1 indicates that Planning Authorities shall provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Section 1.3.1 indicates that Planning Authorities shall plan for, protect and preserve *employment areas* for current and future uses

The proposed zoning amendment for the subject lands would continue to allow an appropriate mix of employment and ancillary uses that support a wide range of economic activities to meet the Town's long term needs.

The rezoning of the subject lands to provide further development opportunities appears to be consistent with the relevant provisions the Provincial Policy Statement.

### **Provincial Growth Plan (Places to Grow)**

The Provincial Growth Plan, which requires that municipalities promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. Employment areas, by definition in the Growth Plan, are "areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

Section 2.2.6 of the Growth Plan discusses Employment Lands and promoting economic development and competitiveness by

- a. *providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs*
- b. *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses*
- c. *planning for, protecting and preserving employment areas for current and future uses*
- d. *ensuring the necessary infrastructure is provided to support current and forecasted employment needs.*

The proposal on the subject lands support the policies of the growth plan as they relate to establishing an employment use (Office) and ancillary uses on the site. The site can be appropriately serviced and does not appear to limit the suitability of the surrounding employment lands to continue functioning in their current state or the potential redevelopment of the area.

The policies in the Growth Plan are designed to encourage the use of lands in areas that are well served by public transit for higher density employment uses. Mulock Drive is served by York Region Transit and Metrolinx has recently announced plans a new Mulock Station in the vicinity of the subject lands.

#### 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

The redevelopment of this parcel of land in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.  
Well-Planned & Connected: implementing the policies of the Official Plan

#### 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



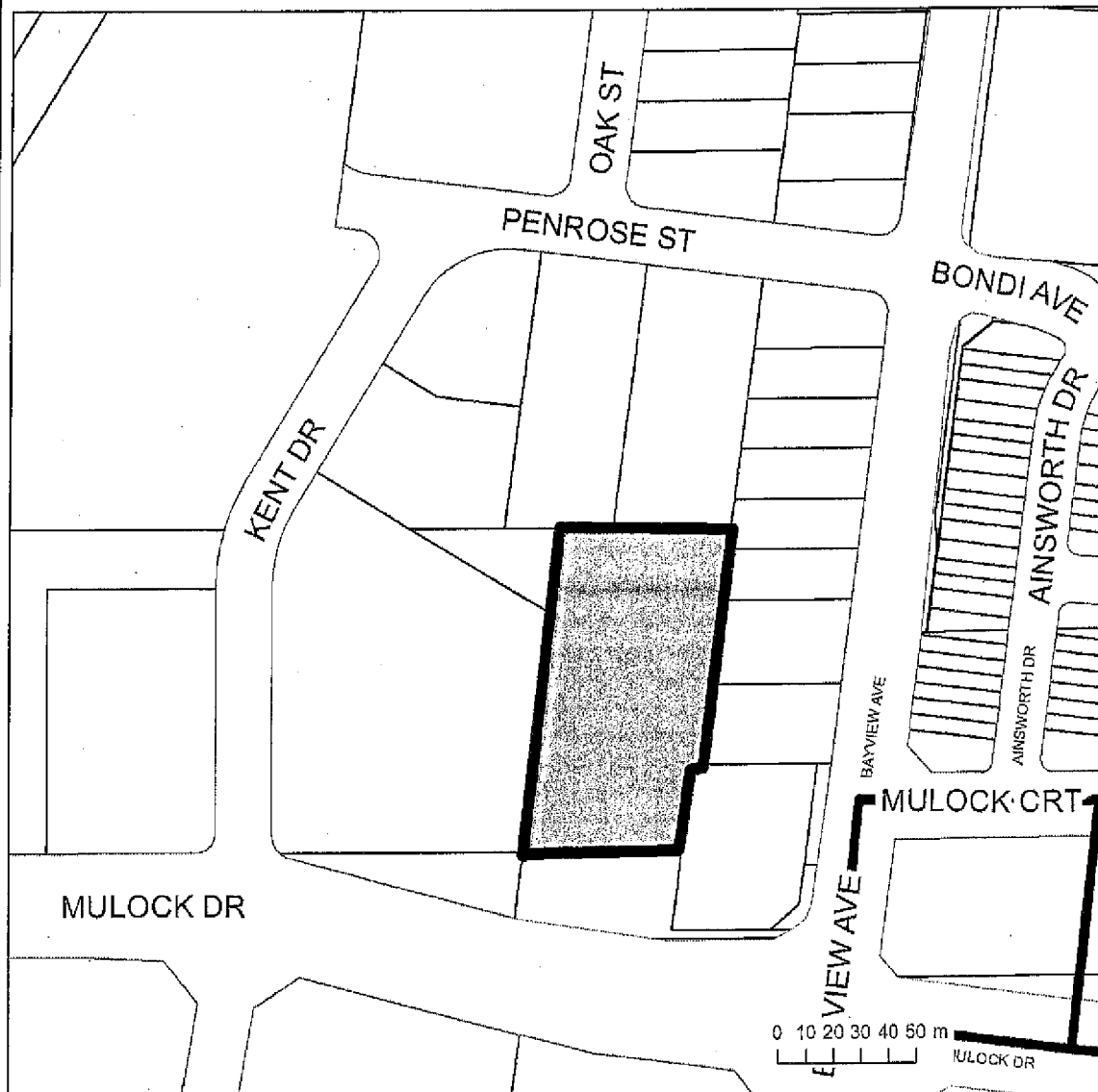
Senior Planner – Community Planning



Director of Planning and Building Services



# **LOCATION MAP** **507 Mulock Drive** **North Side of Mulock Drive,** **West of Bayview Avenue**



**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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