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## **Zoning By-law Amendment – 1095 Stellar Drive Staff Report to Council**

Report Number: 2023-01

Department(s): Planning & Building Services

Author(s): Casey Blakely

Meeting Date: January 16, 2023

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 1095 Stellar Drive, dated January 16, 2023 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by Larkin Land Use Planners Inc., for 1095 Stellar Avenue, be approved in its general form; and,
3. That Larkin Land Use Planners Inc., be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

This report provides recommendations to Council on the subject application for a Zoning By-law Amendment for 1095 Stellar Avenue under Section 34 of the *Planning Act*.

The recommendations, if adopted, would result in an amendment to Zoning By-law 2010-40, to facilitate the approval of a place of worship, day nursery and ancillary uses on the subject property and apply a 'Holding' provision to ensure the orderly development of the site.

A future site plan application will be submitted to ensure technical items are addressed.

The Zoning By-law Amendment proposes to rezone the lands from Mixed Employment (EM) Zone to Service Commercial Exception 163 with Holding provisions (H-CS-163) Zone.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in conformity with the policy framework.

A statutory public meeting was held on October 15, 2019 as required by the *Planning Act*.

## **Background**

The subject land is municipally known as 1095 Stellar Avenue. The parcel has an area of approximately 0.63 hectares (1.57 acres) and is located on a corner lot with frontage on Leslie Street and Stellar Drive (Appendix 1 – Subject Lands).

There is currently a two-storey building and associated parking on the site and the applicant is proposing to redevelop this property for a place of worship, a day nursery and ancillary uses.

The application was deemed complete on July 8, 2019. The submission material was circulated to internal departments and external agencies for their review and comment.

Following the Public Meeting revised submissions were received to address remaining engineering and planning comments related to storm water management and parking.

## **Discussion**

The applicant is proposing to rezone the subject lands to site specific Service Commercial Exception ((H)-CS-163) Zone with a 'Holding' provision. The proposal is for a place of worship, daycare and associated parking. The applicant is also looking to amend various zoning standards relating to landscaping, garbage enclosure, setbacks and parking, through the site specific by-law.

The total number of parking spaces proposed are 76 spaces. The Town's Zoning By-law requires 73 spaces for the church and 16 spaces for the daycare for a total of 97 spaces. The daycare facility will be leased out by the church to an outside tenant and will operate independently and at different times than the church functions. The daycare facility will operate during the day Monday through Friday and does not overlap with the church operations.

The church facility will also contain a gym. If the gym was proposed as part of a community center it would require 31 parking spaces. However, this will be used by the Zoning By-law Amendment – 1095 Stellar Drive

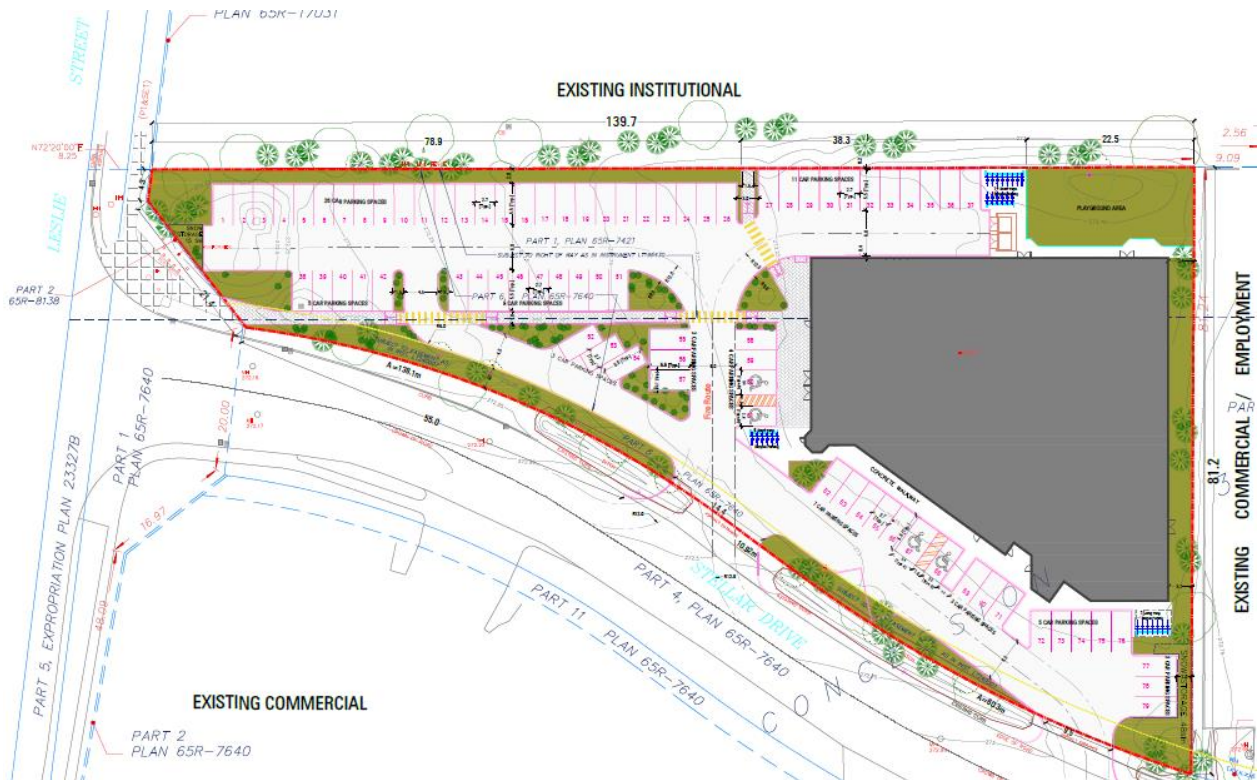
church only as part of the Sunday School activities and will not be available for outside rental and will not be used when the daycare is in operation. A parking study was provided in support of the application and the number of parking spaces.

The Church has also secured offsite parking agreements with several of the surrounding properties to assist if additional parking is required. Although these agreements do not count towards their parking requirements, they may assist in meeting the church's needs for larger events from time to time.

Staff are satisfied with the proposed parking given the different operating times between the church and the daycare facility.

A conceptual site plan is shown below in Figure 1.

Figure 1: Conceptual Site Plan



### Provincial Policy Statement (PPS)

The *Planning Act* requires planning decisions to be consistent with the policy statements issued under subsection (1) of the Act, and shall conform to the provincial plans in effect on that date, or shall not conflict with them. The current policy statement is the Provincial Policy Statement 2020 (the “PPS”).

This application supports and is consistent with the Provincial Policy Statement's (PPS) direction of efficient development and accommodating an appropriate range of uses on serviced lands, including places of worship.

### **Growth Plan for the Greater Golden Horseshoe 2020**

The Growth Plan provides policies which direct growth to delineated built-up areas. The subject property is located in a delineated built-up area and is serviced by existing water and wastewater. The Growth Plan also promotes intensification and re-development particularly within urban growth centres, and supports the achievement of complete communities that feature a diverse mix of land uses. The proposed application supports the policies of the Growth Plan.

### **York Region Official Plan**

The subject property is designated Urban Area in the 2010 Region of York Official Plan and within the Urban System and Community Area of York Region's newly adopted 2022 Official Plan.

The Urban System is to create a high quality of life for residents through complete communities. Uses should enhance existing communities and provide activities in close proximity to one another. A variety of uses including a place of worship and a day nursery are permitted within the Urban Area.

This application supports and is consistent with these policies.

### **Town of Newmarket Official Plan**

The subject property is designated Commercial on Schedule A of the Town's Official Plan. A place of worship and a day nursery are permitted uses within the Commercial Area. As per the policies in Section 5.2 of the Official Plan, the future site plan application will review parking, signage, lighting, access and building design.

It is the opinion of staff that this application supports and is consistent with the policies of the Official Plan.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose Holding provisions ('H') on a Zoning By-law Amendment to limit the use of land until the 'H' provisions are removed. In this application, the proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement
- Clean Record of Site Condition

## **Conclusion**

The proposed Zoning By-law Amendment has been circulated to the Town's internal departments and external agencies and they have provided comments indicating there are no concerns with the approval of the subject application.

Notice has been provided to persons and public bodies under the *Planning Act* and a statutory public meeting was held on October 15, 2019.

The application supports the goals of the Official Plan, conforms to or does not conflict with Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and the York Region Official Plan.

Further refinement may take place through detailed design as part of a future Site Plan Application, within the parameters of the proposed zoning.

## **Business Plan and Strategic Plan Linkages**

- Extraordinary Places and Spaces

## **Consultation**

The application and associated technical reports were circulated to all internal departments and external review agencies. Comments provided back indicate there is no objection to the proposed Zoning By-law Amendment, with the inclusion of a 'Holding' provision.

Technical comments will be addressed through the future Site Plan Application.

## **Human Resource Considerations**

None.

## **Budget Impact**

The appropriate planning application fees have been received for a zoning by-law amendment application.

## **Attachments**

Appendix 1 – Location Map

Appendix 2 - Proposed By-law

## **Submitted by**

Casey Blakely, Senior Planner, Planning Services

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

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