



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Application for Consent CON-2025-001 Staff Report to Committee of Adjustment

Report Number: CON-2025-001
Property Address: 17725 Yonge Street
Made By: Yonge-Kingston Centre Inc.
Department(s): Building and Planning Services
Author(s): Peterson Rissis, Junior Planner
Meeting Date: January 29, 2025

Recommendations:

That Consent Application **CON-2025-001** be approved subject to conditions of provisional consent.

Consent Application

Conditions of Provisional Consent:

1. To be provided to the satisfaction of the Secretary-Treasurer
 - I. Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands; and,
 - II. A copy of the fully executed lease regarding the subject lands; and,
 - III. A deposited reference plan showing the subject land, which conforms substantially to the application as submitted.

Advisory Comments:

1. The consent pertains only to the request as submitted with the application;
2. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.

Application Information:

The applicant is proposing to permit the lease agreement registered on title to be extended for a period of greater than 21 years between the Landlord and Tim Horton's and Wendy's restaurant (the Tenant) on the subject lands, which requires permission from the Committee. Section 50(3) of the

Planning Act requires leases exceeding 21 years or greater to receive consent from the local municipality.

Area Context

The application pertains to the lands municipally known as 17725 Yonge Street and is described by the legal description as 1STLY) BLK A & LOTS 7-12, PL M71, S/T RT LT15764; 2NDLY) PT LT 97 CON 1, EYS (NEG), PTS 1 - 7, 65R3359, SAVE & EXCEPT PT 1, 65R25861; 3RDLY) PT LT 97 CON 1 EYS (NEG), PT 4, 66R8068; EXCEPT PARTS 1,2 & 3, YR2547033 AND PART 1 PLAN 65R37773; S/T R144769 R249507E; TOWN OF NEWMARKET

The above-described property (herein referred to as the “subject land”) is located within the Urban Centres, on the east side of Yonge Street and on the south side of Kingston Road. The lands to be leased (shown in Attachment 1) are located on the northwest corner and are occupied by an existing Tim Horton’s and Wendy’s restaurant. The lands to be retained constitute the balance of the property and are occupied by various commercial buildings, retail stores, and restaurants.

Current Official Plan Designation and Zoning

Official Plan Designation: Urban Centre
Urban Centres Secondary Plan: Yonge and Davis Character Area (Schedule 2)
Mixed-Use (Schedule 3)
High Density (Schedule 4)
Zoning By-law: By-law 2019-06, as amended
Zoning Classification: Mixed-Use 1 Site Specific Exception 4 (MU-1(4) and Mixed-Use 3 Site Specific Exception 3 (MU-3(3))

Planning considerations:

The applicant is proposing a lease of greater than 21 years for the existing Tim Horton’s and Wendy’s restaurants on the subject lands, which requires permission from the Committee. Section 50(3) of the Planning Act requires leases exceeding 21 years or greater to receive consent from the local municipality.

In this regard, staff offer the following comments:

Discussion - Consent

| Test | Discussion |
|--|---|
| 1. Meets the General Intent of the Official Plan | <ul style="list-style-type: none">• Subject lands are designated as Urban Centres under the Official Plan, Mixed-Use under the Urban Centres Secondary Plan, part of the Yonge and Davis Character Area under the Urban Centres Secondary Plan, are identified as part of a Priority Commercial Area.• The intent of the Urban Centres Secondary Plan is to provide a variety of at-grade mixed-uses, including commercial uses such as retail stores, service shops, restaurants, and office uses (Section 6.3.3i).• The use is permitted and the proposed consent would permit an extension to a long-term lease for an existing restaurant and would not |

| | |
|--|---|
| | <p>conflict with the purpose and intent of the Official Plan and Secondary Plan.</p> <ul style="list-style-type: none"> • This test is met. |
| 2. Meets the General Intent of the Zoning By-law | <ul style="list-style-type: none"> • The existing restaurant is permitted under Section 6.2.2.1 of Zoning By-law 2019-06 and no physical changes are proposed through this application. • As the use is permitted, the proposed consent maintains the general intent of the zoning by-law. • This test is met. |

Other comments:

- i. **Tree Preservation:** No physical changes are proposed for the subject lands.
- i. **Heritage:** The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.
- ii. **Effect of Public Input:** No public input was received as of the date of writing this report.
- iii. **Commenting Agencies and Departments**

| Commenting Agency/Department | Comment |
|---|----------------------------------|
| York Region | No comments on the application |
| Engineering Services | No objections to the application |
| Building Services | No comments received |
| Lake Simcoe Region Conservation Authority (LSRCA) | Not applicable |
| Metrolinx | Not applicable |

Staff Recommendation(s):

Consent Application

That the consent application **be granted**, as it meets the general intent of the Official Plan and Zoning By-law, subject to the conditions of provisional consent and advisory comments.

Attachments

Attachment 1 – Consent Sketch

Submitted By:

P. Rissis

Peterson Rissis, Junior Planner, Planning & Building Services

Report Contact

Peterson Rissis (prissis@newmarket.ca), 905-953-5300 Ext. 2464

Attachment 1 – Consent Sketch

