



Town of Newmarket
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Zoning By-law Amendment Application 18095 & 18099 Leslie Street Staff Report

Report Number: 2018-50

Department(s): Planning and Building Services

Author(s): Ted Horton

Meeting Date: August 27, 2018

Recommendations

1. That the report entitled Zoning By-law Amendment Application – 18095 & 18099 Leslie Street, dated August 27, 2018 be received;
2. That the application for Zoning By-law Amendment submitted by Jason Hyatt for lands municipally known as 18095 & 18099 Leslie Street be referred to a public meeting;
3. 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;
4. That Michael Smith of Michael Smith Planning Consultants, 19027 Leslie Street, Suite 200, Sharon, L0G 1V0, be notified of this action;
5. That Jason Hyatt, 180 Wellington Street East, Aurora, L4G 1J5, be notified of this action; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Town has received an application to amend Zoning By-law 2010-40 to permit the redevelopment of the lands known municipally as 18095 & 18099 Leslie Street from the current residential buildings to a motor vehicle repair facility. This report summarizes initial feedback on the application and recommends that the application be referred to a public meeting as required under the Planning Act

Purpose

This report provides an overview of the application for zoning by-law amendment for 18095 & 18099 Leslie Street to rezone the existing Single Detached Dwelling 30 metre zone (R1-B) to Service Commercial Exception Zone (CS-X). The report recommends that the application be referred to a public meeting in accordance with the requirements of the *Planning Act*.

Background

Location and surrounding uses

The proposed zoning by-law amendment submitted by Michael Smith Planning Consultants on behalf of the owners, Jason Hyatt for 18099 Leslie Street and numbered company 2468820 Ontario Inc. for 18095 Leslie Street, under Planning Files D14NP1807, concerns a 0.3 hectare property located on the east side of Leslie Street, north of Ringwell Drive and on the northern boundary between Newmarket and East Gwillimbury. The subject lands are irregularly-shaped, with the northern half of the property extending significantly further east than the southern half. There is currently a single detached structure on each lot.

The subject property is legally described as Part 1 (18099 Leslie Street) and Part 2 (18095 Leslie Street) on Registered Plan 65R-21988. The subject property is comprised of two legal parcels of land that will be required to be merged into one parcel as part of a subsequent site plan approval application if Council should approve this application. The subject property is designated 'Commercial' by the Town of Newmarket Official Plan and zoned Single Detached Dwelling 30 metre zone (R1-B) by Zoning By-law 2010-40, as amended.

Surrounding land uses include:

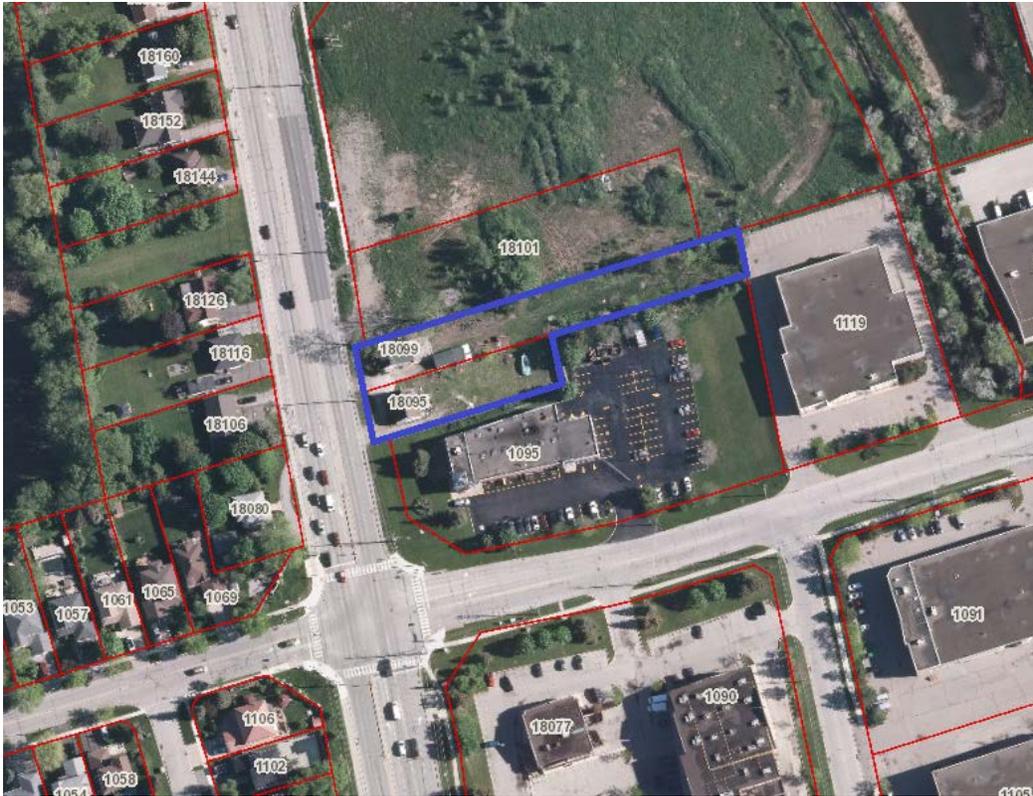
The lands to the north are part of the Town of East Gwillimbury, are currently vacant, and are zoned RU (Rural) and General Employment (M2-102).

The lands to the east are occupied by an industrial use "Creative Global Services" and zoned Mixed Employment (EM).

The lands to the south are occupied by a Midas and Jiffy Lube operation and zoned Service Commercial (CS).

The lands to the west across Leslie Street are occupied by single detached residential dwellings and zoned Single Detached Dwelling 30 metre zone (R1-B) in Newmarket and Residential Private Services (RP3) in East Gwillimbury.

An aerial photograph indicating the subject lands is provided below.



Proposal

The applicant is proposing to amend the zoning by-law amendment for 18095 & 18099 Leslie Street to rezone the existing Single Detached Dwelling 30 metre zone (R1-B) to Service Commercial Exception Zone (CS-X). The current intent of the applicant is to demolish the northerly structure, convert the southerly structure into an accessory office, and construct a motor vehicle service shop as a westerly addition to the office.

The applicant has proposed that the easterly half of the lot be permitted to be used for motor vehicle and recreational vehicle storage. The applicant has proposed site-specific land use permissions that vary from a standard CS zone. Namely, to also include as permitted uses a Retail Warehouse, Business and Professional Offices, Accommodation Facilities, and Places of Assembly and Worship.

The applicant has also proposed site-specific development standards to permit a reduced front yard setback (2.5m) to recognize the existing setback of the southerly structure once a required road widening is conveyed to the Regional Municipality of York, and to recognize the existing reduced southerly side yard setback (2.5m). Permitting tandem parking for required parking spaces has also been proposed. A copy of the proposed site plan is included in the attachments to this report.

Discussion

Decisions on planning matters are required to conform to or be consistent with the policies of superior planning instruments. In the case of an application for a zoning by-law amendment such as this, the decision is required to conform to or be consistent with the Provincial Policy Statement (2014), provincial plans including the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”), the York Region Official Plan (YROP), and the Town of Newmarket Official Plan.

Provincial Policy Statement and Provincial Plans

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 the PPS.

Section 1.3 of the PPS encourages planning authorities to promote economic development and competitiveness by 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. The proposed application would provide for service commercial uses on a prominent arterial street.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: direction on how and where to grow, the provision of infrastructure to support growth, and protecting valuable heritage systems. The proposed development is located within an existing built-up area, and makes use of lands for service commercial redevelopment in a manner akin to nearby land uses.

The Growth Plan also directs that municipalities ensure development is of a high quality and a compact built form, provides an attractive and vibrant public realm through site design and urban design standards. If Council deems to approve this application, this will be ensured through the use of a holding provision requiring the applicant to enter into a site plan agreement which will address matters such as landscaping, urban design, and visual and operational compatibility with adjacent lands.

Through the analysis provided above, staff is of the opinion that the proposed development is generally consistent with the PPS and generally conforms to the Growth Plan.

York Region Official Plan

The subject lands is designated as “Urban Area” as shown on Map 1 of the YROP, which permits a broad range of residential, institutional, commercial, and industrial uses. The YROP provides objectives to encourage and accommodate economic activity that diversifies and strengthens the Region’s economic base, employment opportunities for residents and competitive advantages for its businesses.

Planning Staff have circulated the application to the Regional Municipality of York. Comments from the Region are generally as follows:

- The Region has no significant concerns with the application.
- The Region has noted that the subject lands are within 120m of a watercourse, and that the Lake Simcoe Region Conservation Authority (LSRCA) is responsible for commenting on natural heritage and hydrologic features on the Region's behalf.
- The Region has noted the requirement to convey a road widening from the front of the property to the Region and to construct a sidewalk across the frontage of the property.

Additional policies of the YROP related to water recharge and low impact development will also be required to be satisfied. These will be addressed through a future site plan approval application, should Council deem to approve the application.

Staff is satisfied that the proposed development is in conformity with the YROP.

Town of Newmarket Official Plan

The subject lands are designated 'Commercial' on Schedule A – Land Use in the Town of Newmarket Official Plan. The goals and strategic directions of the Official Plan include supporting employment and economic well-being by achieving opportunities for employment growth.

The Commercial designation of the Official Plan provides for a range of retail and service commercial uses including vehicle sales and service centres. The Official Plan provides that storage occur only where it is visually acceptable and does not detract from the character of an area. The Plan further directs the comprehensive development of lands including internal circulation systems, coordinated access points, and compatible urban design features.

Staff have provided comments to the applicant to assist in bringing the application into greater conformity with the Official Plan. These include requiring appropriate screening to the proposed easterly vehicle storage area and ensuring that it is graded, paved, and curbed to Town standards rather than the proposed gravel area. As part of a future site plan application staff will review the building elevations and landscaping to ensure a compatible site design.

Staff is satisfied that the proposed development is generally in conformity with the Official Plan.

Town of Newmarket Zoning By-law 2010-40

The subject lands are currently zoned Single Detached Dwelling 30 metre zone (R1-B) and the applicant has proposed to amend the by-law to re-zone the subject lands to Service Commercial Exception Zone (CS-X) with site-specific land use permissions and development standards as discussed above.

The Official Plan requires that in considering an amendment to the Zoning By-Law, Council shall be satisfied that:

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

The proposal would rezone the subject from their current residential zoning to a service commercial zoning. This would bring the properties into conformity with the Official Plan.

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

The proposed service commercial use is similar to the uses permitted to the south and north. Staff recommend that fencing and landscape buffering be required surrounding the easterly proposed vehicle storage area to ensure visual separation and compatibility.

- c. potential nuisance effects upon adjacent uses are mitigated;

The adjacent uses, or those permitted on vacant lands, are similar to those proposed for the subject lands and thus nuisance effects are expected to be minimal and shared in nature. Nearby residential properties are located across Leslie Street and will be separated from the proposed use by the principal repair operations occurring within the proposed building to the rear of the existing structure.

- d. adequate municipal services are available;

The applicant has provided a functional servicing report that has been reviewed by Engineering Services. Staff are satisfied that adequate servicing is available.

- e. the size of the lot is appropriate for the proposed use;

The size and frontage of the subject lands exceeds the minimum lot frontage and area for a Service Commercial (CS) lot.

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

The site has driveway access directly onto Leslie Street, which is under the jurisdiction of the Regional Municipality of

York. The Region has expressed no concern with the traffic that may be generated by this site.

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

The proposed site plan provides a number of parking spaces that would conform to the requirements of the zoning by-law. However, eight of the spaces would be tandem spaces, meaning that four spaces would be accessible only through another parking space. The configuration of these spaces would also necessitate the movement of vehicles to access the proposed easterly vehicle storage area. Staff have provided comments to the applicant that site plan revisions would be desirable to avoid the need for tandem spaces.

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

Notice has been provided in accordance with the *Planning Act*.

The applicant has provided reports and studies in support of this application including a site plan, concept landscape plan, arborist report, and initial reports on servicing, grading, and stormwater management. These matters have been reviewed by staff and staff are generally satisfied that these can be appropriately addressed through the site plan approval process to resolve matters discussed above.

Site Plan Application

The proposal is subject to Site Plan Approval. Following the statutory public meeting recommended by this report, and a final recommendation report that will follow, if Council determines to approve the zoning by-law amendment application, a further application for Site Plan Approval will be required.

This application will be required to address matters including:

- Building elevations
- Landscaping
- Construction management
- Stormwater management
- Servicing

Staff from Planning Services, Engineering Services, the Regional Municipality of York, the Lake Simcoe Region Conservation Authority, and the Town of East Gwillimbury have provided comments to the applicant. These will be addressed as appropriate through the use of holding provisions in an eventual amending zoning by-law, if Council should deem to approve the application, and through any subsequent application for site plan approval. In particular, staff may recommend holding provisions related to the

eastern half of the site in order to address the need for further review of grading and stormwater management due to the existing grading challenges of the property.

Conclusion

It is recommended that Council refer the proposed Zoning By-law Amendment application to a public meeting, as required by the *Planning Act*.

Business Plan and Strategic Plan Linkages

Well-equipped & managed

- Ideal mix of residential, commercial, industrial, and institutional land use
- Appropriate mix of jobs to population and people to industry

Consultation

Community Consultation

Notice was provided to surrounding property owners and signs placed on the property in accordance with the Planning Act. This report recommends that this application be referred to a public meeting.

Agency Circulation

Notice was provided to development review partners and public bodies per the Town's usual practice. These comments will be considered and integrated into the final recommendation to Council.

Human Resource Considerations

Not applicable to this report.

Budget Impact

Required application fees were received with the submission of this application. If Council deems to approve the application, a further site plan approval application will be required. The conclusion of this development will lead to the receipt of development charges and any increase in property value for the newly-redeveloped property would bring additional property tax revenue.

Attachments

Attachment 1 – Location Map

Attachment 2- Conceptual Site Plan

Approval

Ted Horton, Planner

Rick Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

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