



Electronic Development Services Public Meeting

Agenda

Meeting No. 4
June 11, 2020, 7:00 PM
Live streamed

Note: Members of Development Services Committee will be participating in the meeting remotely.

Due to COVID-19, our facilities are closed to the public.
Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public may submit written deputations by email to
clerkspublic@markham.ca

Members of the public who wish to make virtual deputations must register by completing an online [Request to Speak Form](#) or e-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak to. Alternatively, you may connect via telephone by contacting the Clerk's office at 905-477-7000 Ext. 3990 on the day of the meeting.

Development Services Public meetings are video and audio streamed on the City's website at:

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****Please Note: A Special Council Meeting will convene immediately following the DSC Public Meeting to discuss the By-law Amendment on Outdoor Patios.***



Electronic Development Services Public Meeting Agenda

Meeting Number 4

June 11, 2020, 7:00 PM - 9:00 PM

Live streamed

All Members of Council

Development Services

Chair: Regional Councillor Jim Jones

Vice Chair: Keith Irish

Development Services meetings are live video and audio streamed on the City's website.

Alternate formats for this document are available upon request.

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. DEPUTATIONS
4. REPORTS
 - 4.1 INFORMATION REPORT, CITY INITIATED TEMPORARY USE ZONING BY-LAWS TO PERMIT EXTENDED OUTDOOR PATIOS AND OUTDOOR DISPLAY AND SALES AREAS FILE NO.:PR-20-115253 (CITY WIDE) (10.5) 3

B. Roberts, ext. 2800
 - 4.2 PRELIMINARY REPORT APPLICATION FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION, SUBMITTED BY FLATO DEVELOPMENTS INC. (SHAKIR REHMATULLAH) 14

AT 2695 ELGIN MILLS RD, TO PERMIT THE DEVELOPMENT OF A 3-STOREY OFFICE BUILDING AND 5-STOREY HOTEL WITH ATTACHED CONVENTION CENTRE (WARD 2) FILE NO. PLAN 19 119540 (10.5, 10.7)

M. Rokos, ext. 2980

- 4.3 PRELIMINARY REPORT APPLICATION FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION, SUBMITTED BY LEPORIS CONSTRUCTION INC. 23

AT 2705 AND 2755 ELGIN MILLS ROAD EAST TO FACILITATE THE FUTURE DEVELOPMENT OF THE SUBJECT LANDS FOR EMPLOYMENT USES (WARD 2) FILE NOS. ZA 16 137567 AND SU 16 137567 (10.5, 10.7)

M. Rokos, ext. 2980

- 4.4 PRELIMINARY REPORT APPLICATION FOR ZONING BY-LAW AMENDMENT, SUBMITTED BY CLERA HOLDINGS INC. ON BLOCK 81, REGISTERED PLAN 65M-4033 (WEST SIDE OF WOODBINE AVENUE, SOUTH OF ELGIN MILLS ROAD EAST) 38

TO FACILITATE THE DEVELOPMENT OF THREE ONE STOREY BUILDINGS AND A TWO STOREY BUILDING WITH A GFA OF 3,697 M2 (WARD 2) FILE NO. PLAN 19 123509 (10.5)

M. Rokos, ext. 2980

5. ADJOURNMENT



Report to: Development Services Committee

Report Date: June 8th, 2020

SUBJECT: INFORMATION REPORT, City Initiated Temporary Use Zoning By-laws to permit extended outdoor patios and outdoor display and sales areas

FILE NO.: PR-20-115253

WARD: City Wide

PREPARED BY: Brad Roberts – Manager of Zoning and Special Projects

RECOMMENDATION:
That the report titled “INFORMATION REPORT, City Initiated Temporary Use Zoning By-laws to permit extended outdoor patios and outdoor display and sales areas”, be received.

EXECUTIVE SUMMARY:

As the Province begins to authorize the re-opening of businesses during the current COVID-19 emergency, it is understood that ensuring physical distancing will continue to be an important public health measure. Staff is proposing temporary measures for the remainder of 2020, to remove certain municipal barriers that will assist restaurants and bars, along with other businesses, to operate while respecting physical distancing. Staff are also proposing that under the current economic conditions municipal fees related to these measures be waived.

PURPOSE:

The purpose of this report is to provide information on proposed by-law amendments, and to advise of the statutory Public Meeting scheduled for June 11th, 2020.

It should be noted that this proposed City-initiated Zoning By-law Amendment is moving forward during a period when the Province of Ontario has suspended *Planning Act* timelines for the review of an application and appeal to the Local Planning Appeal Tribunal. Under the emergency legislation, municipalities have the discretion to continue with City-initiated zoning by-law amendments, as long as the procedural requirements of the *Planning Act* can be met (e.g. sending of notices, public meetings, etc.). This proposal will be circulated to commenting departments for input, which will involve the typical resolution of any issues identified by staff. The City Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that may arise as a result of the emergency.

Process to date and next steps

- Zoning By-law Amendment process initiated by staff
- Public Meeting scheduled for June 11, 2020
- Staff recommendation report (if required)
- If approved, a draft Zoning By-law Amendment will be finalized and brought forward to a future Council meeting for enactment.

BACKGROUND:

As the Province of Ontario considers options to allow businesses to re-open amid the current COVID-19 emergency, the City has received requests from local businesses to allow for the temporary expansion of restaurant patios. On May 11th, 2020, Development Services Committee (“DSC”) directed Staff to review options for the temporary expansion of patios to address the anticipated need of restaurants to comply with physical distancing. Permitting the expansion of outdoor patios for restaurants and bars creates an economic opportunity for these businesses, while

maintaining physical distancing, thereby providing a safer environment for their patrons and their staff.

While considering this request, Staff has also evaluated a number of other business operations, specifically retail, personal service, and other commercial or entertainment uses that, when opened, may benefit from additional temporary space to provide physical distancing for their clients and employees.

The proposed Temporary Use By-law would conform to the Official Plan and will provide additional options for businesses.

OPTIONS/ DISCUSSION:

Outdoor Patios

Markham's zoning by-laws currently restrict the location of outdoor patios and certain activities such as live music and entertainment or dancing, having regard for negative impact on existing residential areas. Current zoning also limits the size of patios based on parking availability.

The City's current zoning by-law determines the number of required restaurant parking spaces based on the size of a restaurant, and requires additional parking for outdoor patios that are over 40% (50% in Markham Centre) of the restaurant space. Outdoor patios with an area less than these prescribed percentages of the restaurant area are not required to provide additional parking spaces. Where a property does not have surplus parking available on site, this provision acts to restrict the size of an outdoor patio space.

While the zoning by-law is permissive of outdoor patio spaces, other zoning provisions make the location of patio space challenging for some existing sites. Satisfying zoning provisions such as required parking, soft landscaping, and loading spaces, leaves little land on a property to make temporary patios viable. Life safety and accessibility standards, including proper exits from buildings and required fire lanes on site, further restrict the location of potential outdoor patio space.

Proposed Temporary Use Zoning By-law

As part of the solution, staff is proposing a Temporary Use Zoning By-law, attached as Schedule "A", to temporarily remove the application of required parking for outdoor patio areas. Removing this requirement to provide additional parking would allow any portion of a property to be used as a patio that is not occupied by required works, such as ramps, steps, walkways, or required soft landscaping.

Further, staff propose the potential use of some existing required parking as a preferred option to permit the temporary expansion of outdoor patios. The proposed by-law would therefore permit the greater of 4 spaces, or 33% of the "provided" parking to be used for outdoor patio areas. Therefore, essentially, the proposed amendment would allow a minimum of 4 spaces to be temporarily used as an outdoor patio, and may permit additional spaces to be used if the "provided" parking exceeds 12 spaces. A restaurant will need to consider its operational requirements in deciding to occupy required parking spaces with an outdoor patio. In no instance will accessible parking spaces be permitted to convert into any portion of an outdoor patio.

The proposed by-law also seeks to apply a consistent standard in protecting adjacent residential uses. Staff are proposing that a temporary patio should be permitted in a yard adjacent to residential zones, as that may be the only location of parking spaces that can be used for patios. Staff are proposing a patio maintain a minimum setback of 11.8 metres from any residential zone to provide some separation between the patio and the residential use. In addition, staff are proposing a consistent prohibition of entertainment such as performances, music, and dancing be applied to outdoor restaurant patios.

The *Planning Act* authorizes municipalities to pass a Temporary Use Zoning By-law for a defined period of time that cannot exceed three years from the date of the

passing of the by-law, and allows for limited renewals of these by-laws. The proposed Temporary Use Zoning By-law is intended to meet immediate needs of businesses during the current Pandemic. Staff are proposing that the Temporary Use Zoning By-law expire on December 31st, 2020.

Site Plan Approval

Section 2 (e) of By-law 262-94, (Site Plan Control By-law) requires Site Plan Approval for the laying out and establishment of outdoor patios associated with restaurants to obtain Site Plan Approval. Delegation By-law 2002-202 currently delegates authority to the Director of Planning and Urban Design to grant Site Plan Approval for outdoor patios associated with restaurants. However, having regard for the financial difficulties being experienced by businesses, staff propose to simplify “site plan approval” and waive associated fees during the period of this temporary use by-law to allow the necessary planning review.

Heritage Properties

Under the *Ontario Heritage Act*, RSO 1990, c O.18, any alterations to a Heritage property, or within a Heritage Conservation District requires Heritage Markham review, and the approval of Council. Approval of alterations to Heritage Properties or within a Heritage District for outdoor patio expansions have been delegated to the Manager of Heritage Planning, provided all necessary policies are complied with. Following approval of a temporary outdoor patio expansion, the Manager of Heritage Planning will report back to Heritage Markham Committee and Council on any such approvals that are granted.

Road Occupancy Permits and Permissions to Enter

The City currently permits restaurants requesting to locate outdoor patios in a municipal boulevard to apply for a Road Occupancy Permit (“ROP”) or enter into a Permission to Enter (“PTE”) Agreement, where applicable, through the Operations Department. Review of ROP’s and PTEs include, amongst other things, the need for pedestrian and vehicular passage, access to existing layby parking, access for accessibility and emergency services, and any responsibilities the City may have legally through easement or other agreement. Conditions may be required as part of a ROP or PTE to address these matters. A ROP or PTE can only be issued on a municipal road allowance or municipal lands over which the City of Markham has jurisdiction. Requests to occupy boulevards on Regional or Provincial roads, or boulevards under the jurisdiction of adjacent municipalities, must be requested through those public authorities.

Alcohol Licenses

Restaurants and bars that propose to serve alcohol on their temporarily expanded outdoor patio would require an extension to their existing alcohol license. The Alcohol and Gaming Commission of Ontario (AGCO) can grant a temporary license to expand an existing licensed patio area through their Temporary 14 day Extension License. Including permitted time extensions, these licenses are capped at 56 days in a calendar year.

Each request for a liquor license within Markham, whether permanent or temporary, requires approval from Council prior to the AGCO granting the license. The Municipal Clerk must provide approval, and the Fire and Building Departments must review the application. In anticipation of multiple businesses making requests, and to provide the most responsive service possible, Staff are proposing that municipal approvals for liquor licenses be delegated to the City Clerk or their designate. This delegated authority would run concurrently with and expire with the proposed Temporary Use Zoning By-law. A recommendation to this effect will be included in a future resolution to Council to support the implementation of temporary patios and outdoor displays.

It should be noted that the Mayor recently issued a letter to the Ministry of the Attorney General and the AGCO requesting that they consider expanding the length

of time that a temporary patio can operate under these licenses to at least 4 to 5 months. At the writing of this report, a formal response has not been issued.

Additional Permissions for Other Businesses

At this time, many retail stores are conducting curbside pickup or providing other drive up options for their customers. The operation of personal service shops outdoors has also been contemplated.

In most areas of the City, zoning provisions require businesses such as retail stores, personal service shops, or other entertainment businesses, to be conducted wholly within an enclosed building. Most areas of the City expressly prohibit the outdoor display and sales of merchandise. The zoning by-law also applies a required parking ratio to the area of the business.

To provide retail, personal service, and other commercial or entertainment uses with an opportunity to operate while providing physical distancing, Staff are proposing an additional temporary use zoning by-law to permit outdoor display and sales uses to operate outside a wholly enclosed building accessory to an existing permitted use, and to permit these operations to be located in required parking spaces. Any outdoor sales and display proposals will be subject to the same or similar review process as outdoor patios. It is the intent of the proposed amendments to temporarily remove several municipal barriers, while limiting any negative impact to adjacent residential zones.

It should also be noted that businesses may be regulated by other levels of government (such as the Regional Health Department), other business licensing agreements, or deed or condominium restrictions that may apply to a specific property. Businesses that may be exploring the options proposed in this report should consider any other potential restrictions on their operations.

If approved, Staff will develop an information package to assist businesses in navigating through these processes.

Fees are proposed to be waived

As businesses are experiencing severe financial difficulties as a result of the current emergency, staff propose that municipal application fees be waived. Proposed recommendations to this effect are attached as Appendix “C”.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Waiving of the City’s fees for the temporary extension of liquor licences, Road Occupancy Permits, Building review of temporary patio expansion, Planning review of Site Plans for temporary patios expansions, and Fire review of temporary patio expansions.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management priorities as provided for in the City of Markham’s Strategic Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legislative Services and Corporate Communications, Operations, Building Standards, Fire and Emergency Services

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P
Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P. Director,
Commissioner of Development Services

ATTACHMENTS:

Schedule 'A' Draft By-law – Outdoor Patios

Schedule 'B' Draft By-law – Outdoor Display and Sales

Appendix 'C' Draft Resolutions

File path: Amanda\File 20 114819\Documents\Recommendation Report

SCHEDULE ‘A’



BY-LAW 2020-XXXX

A By-law to amend By-law 28-97, 71-96, and 2004-196, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law **28-97, 71-96, and 2004-196**, as amended, is hereby further amended as follows:

“1.1 Notwithstanding Section 4.14.1 of By-law 2004-196, Section 1.2 of By-law 71-96, and Table B of By-law 28-97, the provisions in this By-law shall apply to all lands within the City of Markham. All other provisions of By-law 2004-196, and 28-97, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

1.1 Special Zone Standards

Outdoor patios accessory to an existing permitted restaurant may be located within a parking area, parking space, or drive aisle provided:

- a) There shall be no restriction on the maximum area of an *outdoor patio*
- b) Notwithstanding a) above, an *outdoor patio* located within a *parking area* shall not occupy no more than the greater of:
 - i) 4 *parking spaces*, or
 - ii) 33% of the provided *parking spaces* for the use
- c) An *outdoor patio* area associated with a *restaurant* shall be exempt from requirements for provision of *parking spaces*
- d) The *outdoor patio* does not occupy any required fire route
- e) The *outdoor patio* does not occupy *accessible parking spaces*
- f) An *outdoor patio* shall not be used to provide entertainment such as performances, music and dancing
- g) An *outdoor patio* may be located in a yard abutting a residential zone when located in an existing *parking area*
- h) An *outdoor patio* shall be setback a minimum of 11.8 metres from a residential zone

2. This By-law shall expire on December 31st, 2020, in accordance with the provisions of Section 39 of the Planning Act RSO 1990, c P.13 as amended.

Read a first, second, and third time and passed on XXXXXX

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2020 - XXX _____

A By-law to amend By-law’s 28-97, 71-96, and 2004-196, as amended

City of Markham

Lands Affected

This by-law amendment applies to all the lands within the geographic boundaries governed by By-law’s 28-97, 71-96, and 2004-196, as amended.

Purpose and Effect

The purpose and effect of the By-law amendment is to add additional special zone standards for outdoor patios within the geographic boundaries governed by By-law’s 28-97, 71-96, and 2004-196, as amended. These additional standards will remove several municipal barriers to allow restaurants and bars, along with other businesses, to expand outdoor patio operations while respecting social distancing during the current COVID-19 emergency.

SCHEDULE ‘B’



BY-LAW 2020-XXXX

A By-law to amend By-laws 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, and 2004-196, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

- 1. That By-law 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, and 2004-196, as amended, are hereby further amended as follows:

“1.1 By-laws 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, and 2004-196, as amended, are hereby amended, and the provisions in this By-law shall apply to all lands within the City of Markham. All other provisions of these By-laws, unless specifically modified/amended by this Section, shall continue to apply.

1.2 Special Zone Standards

Notwithstanding any provision of these by-laws regarding *outdoor sales and display*, the operation of a *use* within a wholly enclosed *building*, or the provisions of *outdoor storage*, the *outdoor display and sales* of merchandise *accessory* to a *permitted retail store*, the provisions of *personal services outdoors*, accessory to an existing permitted personal service shop, and the provision of entertainment uses outdoors, accessory to an existing entertainment use are permitted subject to the following:

- i) The *outdoor display and sales*, and the provisions of outdoor *personal services* occupies no more than the greater of:
 - iii) 4 *parking space*; or,
 - iv) 33% of the *required parking spaces* for the use
- j) Any *outdoor sales and display* area or the operation of a use not wholly within an enclosed building associated with an existing *retail store* or *personal service shop* shall be exempt from requirements for provision of *parking*
- k) The *outdoor display and sales*, and the provisions of outdoor *personal services* does not occupy any required fire route
- l) The *outdoor display and sales*, and the provisions of outdoor *personal services* does not occupy accessible *parking spaces*
- m) *Outdoor sales and display* area or the operation of a use not wholly within an enclosed *building* associated with an

existing *retail store* or *personal service shop* shall not be used to provide entertainment such as performances, music and dancing, unless *accessory* to an existing entertainment use.

- n) *Outdoor sales and display* area or the operation of a use not wholly within an enclosed building associated with an existing *retail store* or *personal service shop* shall be setback a minimum of 11.8 metres from a residential zone
- o) The *outdoor display and sales*, and the provisions of outdoor *personal services* complies with all applicable waste by-laws and provincial legislation.

2. This By-law shall expire on December 31st, 2020, in accordance with the provisions of Section 39 of the Planning Act RSO 1990, as amended.

Read a first, second, and third time and passed on XXXXXX

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2020 - XXX _____

A By-law to amend By-law's 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, and 2004-196, as amended.

City of Markham

Lands Affected

This by-law amendment applies to all the lands within the geographic boundaries governed by By-law's 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, and 2004-196, as amended.

Purpose and Effect

The purpose and effect of the By-law amendment is to add additional special zone standards relating to outdoor sales and display areas accessory to permitted retail stores personal service shops and entertainment uses within the geographic boundaries governed by By-law's 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, and 2004-196, as amended.

These additional standards will remove several municipal barriers to allow retail stores personal service shops and entertainment uses to expand their outdoor sales and display area operations while respecting social distancing during the current COVID-19 emergency.

APPENDIX 'C'

In consideration of any potential approval, Staff would recommend the following resolutions to support the implementation of temporary patio expansions:

- 1) That authority to act on behalf of Council to grant municipal authorizations required by the Alcohol and Gaming Commission of Ontario ("AGCO") for temporary extension of a liquor license be delegated to the City Clerk, ; and, That the fee for the processing of requests by the City for the temporary extension of liquor licences be waived in 2020.
- 2) That the Director of Operations, through an amendment to By-law 2013-136 as amended, be authorized to waive fees for Road Occupancy Permits to facilitate temporary patio expansions into the municipal boulevard.
- 3) That the Director of Building Standards, through an amendment to By-law 2019-136 as amended, be authorized to waive fees for review of temporary patio expansions.
- 4) That the Chief Fire Prevention Officer, through an amendment to By-law 111-98 as amended, be authorized to waive fees for review of temporary patio expansions.
- 5) That the Director of Planning and Urban Design, through an amendment to By-law 211-83 as amended, be authorized to waive fees for review of temporary patio expansions.

These amendments would run concurrently with, and expire with, the proposed Temporary Use Zoning By-law's. A recommendation to this effect will be included in a future resolution to Council to support the implementation of temporary patios and outdoor displays.



Report to: Development Services Committee

Meeting Date: December 9, 2019

SUBJECT: PRELIMINARY REPORT
 Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by FLATO Developments Inc. (Shakir Rehmatullah) at 2695 Elgin Mills Rd, to permit the development of a 3-storey office building and 5-storey hotel with attached convention centre (Ward 2)
 File No. PLAN 19 119540

PREPARED BY: Marty Rokos, MCIP, RPP, ext. 2980, Senior Planner

REVIEWED BY: David Miller, MCIP, RPP, ext. 4960, Manager, West District

RECOMMENDATION:

That the report titled “PRELIMINARY REPORT, Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by FLATO Developments Inc. (Shakir Rehmatullah) at 2695 Elgin Mills Rd, to permit the development of a 3-storey office building and 5-storey hotel with attached convention centre (Ward 2)” be received.

PURPOSE:

This report provides preliminary information on applications for Zoning By-law Amendment and Draft Plan of Subdivision. This report contains general information regarding applicable Official Plan (OP) or other policies as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application.

PROCESS TO DATE:

Applications for Zoning By-law Amendment and Draft Plan of Subdivision were deemed complete by the City on October 15, 2019.

Next Steps

- Statutory Public Meeting; and
- Recommendation Report.

BACKGROUND:

On September 13, 2019 the applicant submitted complete applications for Zoning By-law Amendment and Draft Plan of Subdivision. The property subject to the applications is located on the south side of Elgin Mills Road between Highway 404 and Woodbine Avenue. It has an area of approximately 27,272 m² (6.74 acres) with a frontage of approximately 9.5 m on Elgin Mills Road East. The total developable area is 15,994 m² (3.95 acres). There are no buildings on the property. A tributary of Lower Carlton Creek and an associated natural heritage corridor run through the southerly portion of the property. An existing driveway accesses the property from Elgin Mills Road.

The surrounding land uses are as follows:

North: Elgin Mills Road East, low rise residential lands, vacant employment lands adjacent to Highway 404, and two heritage dwelling fronting the north side of Elgin Mills Road East.

East: Vacant lands designated “Business Park Employment”

South: Vacant lands designated “General Employment”

West: Highway 404 and vacant lands in the City of Richmond Hill

Proposal

The applicant is proposing an office and hotel complex with a convention centre. The approximate gross floor areas (GFA) of the proposed buildings are as follows:

- 3-storey office building, 2,600 m² (27,986 sq. ft.)
- 5-storey hotel, 5,700 m² (61,354 sq. ft.). The number of rooms in the proposed hotel has not been identified at this time.
- 1-storey convention centre attached to the hotel, 930 m² (10,010 sq. ft.).

The total proposed GFA would be approximately 9,230 m² (99,351 sq. ft.) which results in a floor space index (FSI) of approximately 0.57 across the total developable area. A total of 278 parking spaces are proposed, including 110 underground spaces. Because of the narrowness of the frontage on Elgin Mills Road and the site’s proximity to the Highway 404 interchange, the buildings are oriented to a proposed extension of an existing municipal road stub off Woodbine Avenue. The road extension is proposed as a cul-de-sac that provides vehicular access to the development and terminates at the boundary of the subject lands.

Official Plan 2014

The subject lands are designated “Business Park Employment” under the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) and is also subject to the area specific policies of the Cathedral district.

The “Business Park Employment” designation applies to lands adjoining 400 series highways and is to be planned and developed for prestige industrial and office development, frequently in larger scale buildings located on large properties. This designation is intended to provide strategic locations planned and developed for prestige, larger scale, industrial and office development in business park settings offering high visibility and excellent access to 400 series highways, arterial roads, and transit services. The Official Plan provides for the proposed uses, including offices, hotels and convention centres.

Zoning

The subject lands are zoned “Rural Residential Four (RR4)” Zone in By-law 304-87. The RR4 Zone permits a single detached dwelling, home occupation, private home daycare, agricultural uses, and public conservation. The applicant proposes to remove the subject lands from By-law 304-87 and incorporate them into By-law 177-96. The lands would be rezoned from RR4 to a site specific “Business Park (BP)” Zone and “Open Space One (OS1)” Zone.

The proposed site specific BP Zone would permit the same uses as the parent BP Zone, including business offices, hotels, motels, and trade and convention centres. The Official Plan provides for the proposed uses. It would have site specific performance standards relating to maximum depth of the front and exterior side yard parking areas, minimum height for a convention centre, and definitions for front and exterior side lot lines.

Draft Plan of Subdivision

The Draft Plan of Subdivision proposes to create the development and natural wildlife corridor blocks.

OPTIONS/ DISCUSSION:

The following is a brief summary of the issues raised to date. These matters, and others identified through the circulation and detailed review of the proposal, will be addressed, if necessary, in a final report to the Committee:

1. Revise the Block Plan and Draft Plan to show a loop road that continues in a crescent shape through the subject lands and intersects with Woodbine Avenue again at the road stub to the south opposite Betty Roman Boulevard.
2. Further details on the conceptual site plan are required, including but not limited to dimensions, setbacks, parking spaces, landscaped areas, pedestrian circulation, etc.
3. Resolve any issues resulting from the review of technical studies including the Planning Rationale, Transportation Mobility Plan, Environmental Site Assessment, Functional Servicing Report, Stormwater Management Report, and Noise Report.
4. Confirm any outstanding financial obligation, including but not limited to cash in lieu of parkland dedication, tree replacement/compensation, and public art contribution.
5. Resolve any issues relating to the natural heritage corridor on the southerly portion of the subject lands.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development is to be evaluated in the context of growth management, environmental, and strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Aerial Photo (2018)

Figure 4 – Conceptual Site Plan

AGENT:

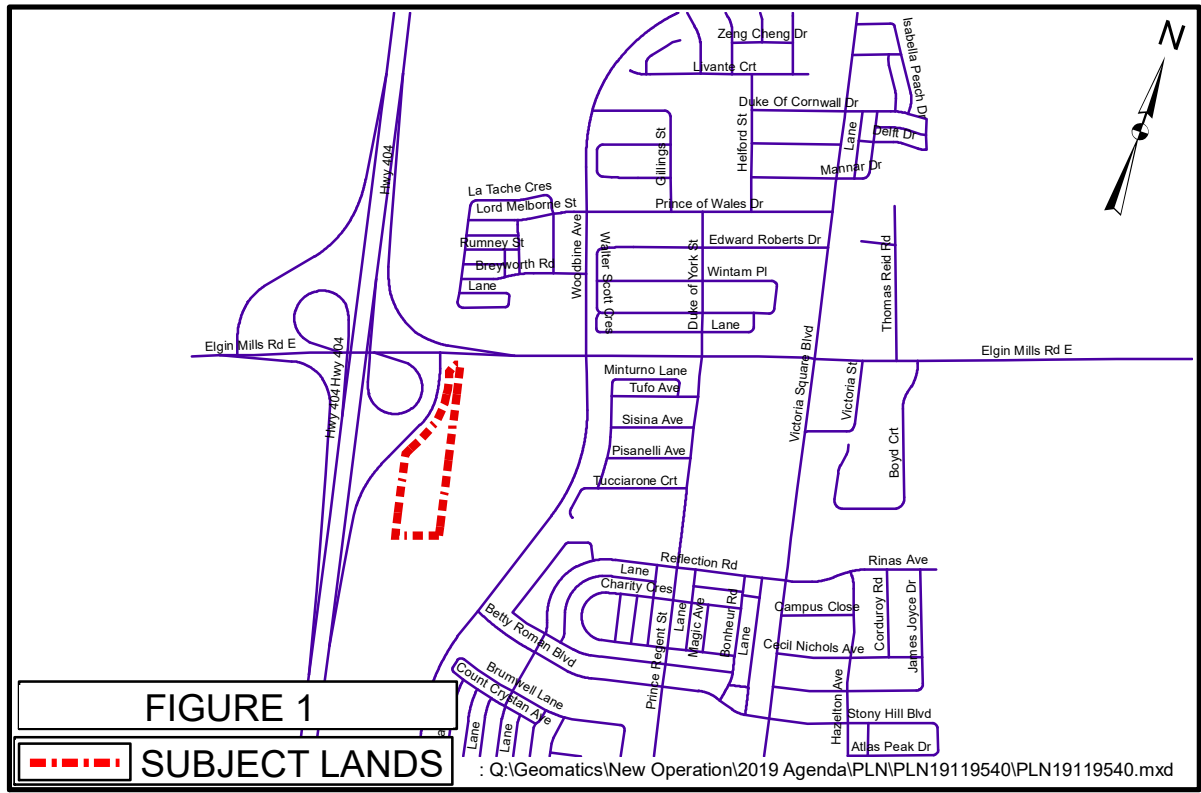
Emma West

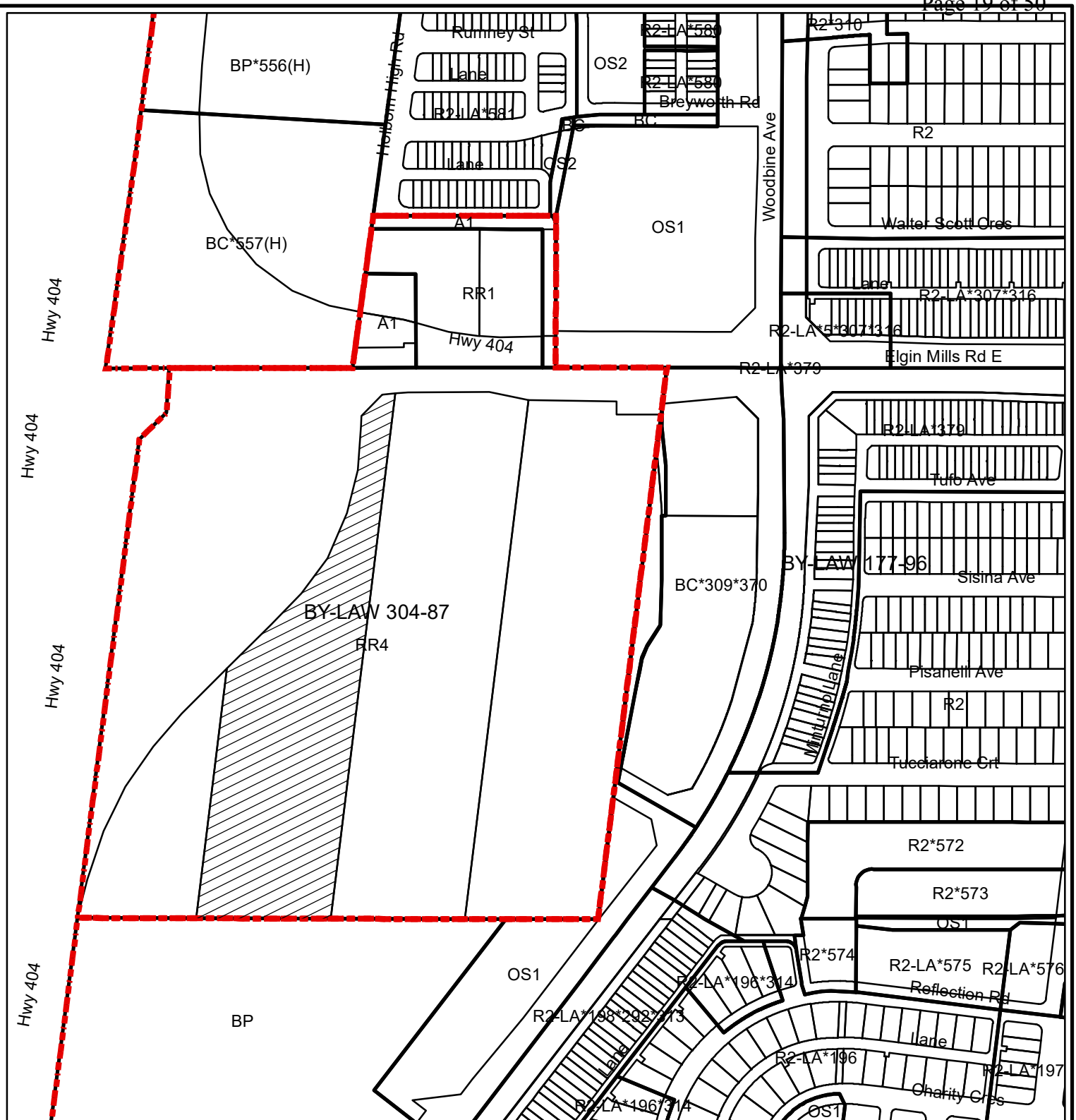
Bousfields Inc.

3 Church Street Unit 200

Toronto, Ontario M5E 1A9

Tel.: 416-947-9744 ext. 266





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AREA CONTEXT/ZONING

APPLICANT: FLATO DEVELOPMENTS INC.
2695 ELGIN MILLS ROAD E.

FILE No: PLN 19119540(MR)

 SUBJECT LANDS

DATE: 10/27/19



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AIR PHOTO 2018

APPLICANT: FLATO DEVELOPMENTS INC.
2695 ELGIN MILLS ROAD E.

FILE No: PLN 19119540(MR)

 SUBJECT LANDS

DATE: 10/27/19



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: MR

FIGURE No. 3





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CONCEPTUAL SITE PLAN

APPLICANT: FLATO DEVELOPMENTS INC.
2695 ELGIN MILLS ROAD E.

FILE No: PLN 19119540(MR)

[---] SUBJECT LANDS

DATE: 10/27/19

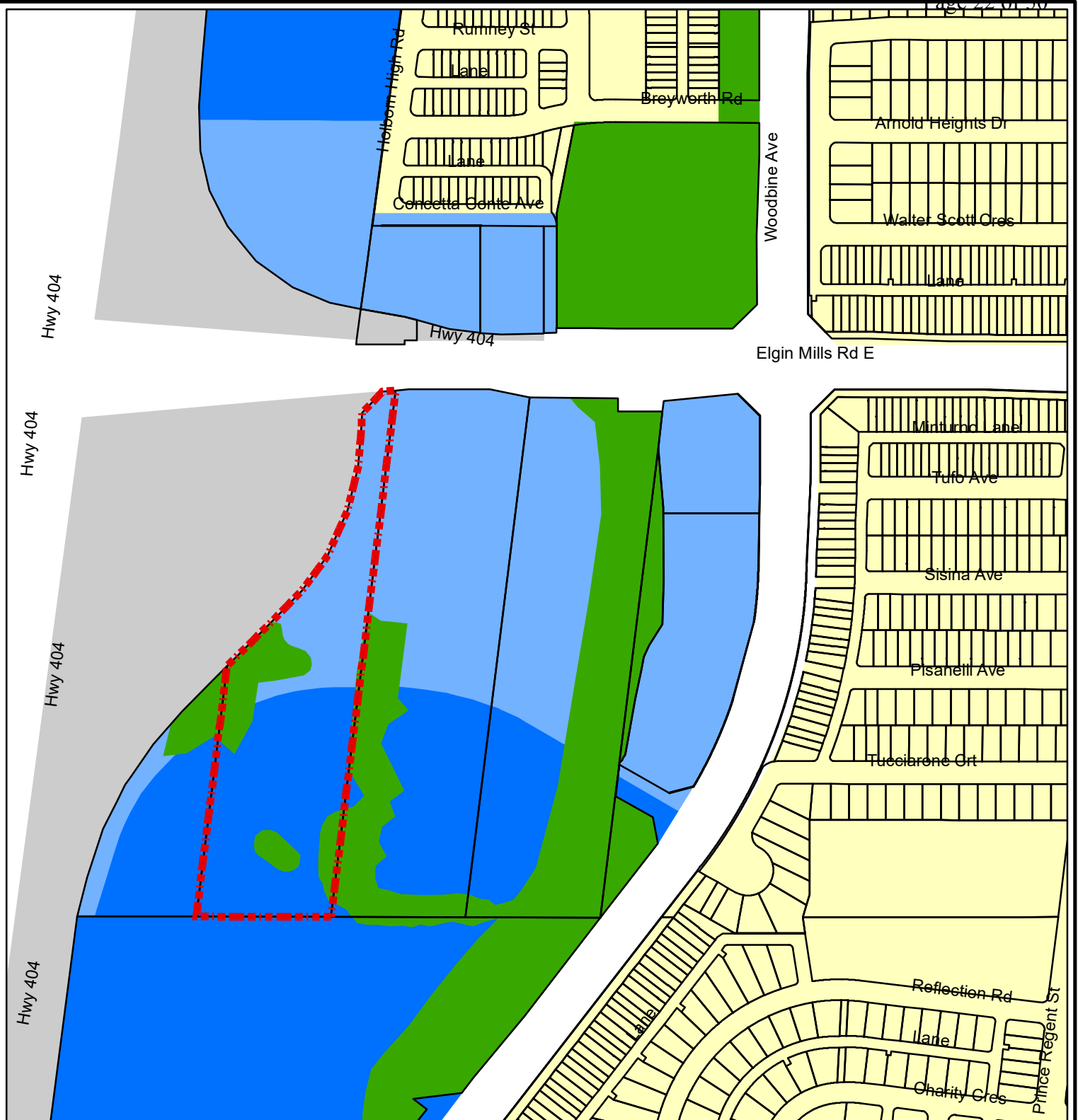


DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: MR

FIGURE No. 4



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MAP 3 OP LAND USE

APPLICANT: FLATO DEVELOPMENTS INC.
2695 ELGIN MILLS ROAD E.

FILE No: PLN 19119540(MR)

- Business Park Employment
- Greenway
- Residential Low Rise
- Service Employment
- Transportation and Utilities



SUBJECT LANDS DATE: 10/27/19



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: MR

FIGURE No. 5



Report to: Development Services Committee

Meeting Date: May 11, 2020

SUBJECT: PRELIMINARY REPORT
 Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Leporis Construction Inc. at 2705 and 2755 Elgin Mills Road East to facilitate the future development of the subject lands for employment uses (Ward 2)
 File Nos. ZA 16 137567 and SU 16 137567

PREPARED BY: Marty Rokos, MCIP, RPP, ext. 2980, Senior Planner

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 2600, Senior Manager, Development

RECOMMENDATION:

That the report titled “PRELIMINARY REPORT, Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Leporis Construction Inc. at 2705 and 2755 Elgin Mills Road East to facilitate the future development of the subject lands for employment uses (Ward 2)” be received.

PURPOSE:

This report provides preliminary information on applications for Zoning By-law Amendment and Draft Plan of Subdivision. This report contains general information regarding applicable Official Plan (OP) or other policies as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application.

PROCESS TO DATE:

The applications for Zoning By-law Amendment and Draft Plan of Subdivision were deemed complete on May 4, 2016.

Next Steps

- Statutory Public Meeting to be held when deemed appropriate;
- Recommendation Report; and
- If supported by Committee, draft plan approval and enactment of the proposed Zoning By-law Amendment.

Application Processing

It should be noted that this application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the review of an application and any appeal to the Local Planning Appeal Tribunal. Under the emergency legislation, municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the Planning Act can be met (e.g. sending of notices, public meetings, etc.). The application will be circulated to commenting departments and agencies. Further, staff will proceed with the normal resolution of issues, and case

management will be undertaken. At the time of the writing of this report, matters respecting the holding of Public Meetings, finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

BACKGROUND:

On April 8, 2016 the applicant submitted a complete application for Zoning By-law Amendment and Draft Plan of Subdivision. The lands subject to the application are made up of two separate parcels being developed as a single site and are located on the south side of Elgin Mills Road East, between Woodbine Avenue and Highway 404. They have an area of approximately 7.8 ha (19.4 acres) with a frontage of approximately 210 m (688 ft) on Elgin Mills Road East. A single detached dwelling on the subject lands is proposed to be demolished. (See Figures 1 to 3.)

On July 11, 2006, the previous owners of the subject lands appealed Draft Plan of Subdivision 19T-95075 (see Figure 7) and the related by-laws to the Ontario Municipal Board (OMB). Draft Plan 19T-95075 abuts the subject lands and includes the Clera Holdings site on Block 73, which is currently under development (file number PLAN/SPC 19 123509). The primary reason for the appeal was that multiple stream corridors were planned to be consolidated into a single stream and wildlife corridor between the subject lands and the Clera Holdings property. This resulted in a wider corridor mostly on the subject lands, reducing the developable area of these lands. The parties entered mediation, which was successful and a settlement was reached. The Minutes of Settlement were issued by the OMB on December 18, 2006.

The draft plan includes part of a planned natural wildlife corridor that will reach south along Carleton Creek and north to a stormwater management pond on the north side of Elgin Mills Road. This wildlife corridor is largely on the Leporis lands discussed in this report. Further discussion about the wildlife corridor can be found in the Options/Discussion section of the report.

The surrounding land uses are as follows:

North:	Elgin Mills Road East, stormwater management pond, residential lands designated "Service Employment"
East:	Gas station and vacant lands designated "Service Employment" which are the subject of a rezoning and site plan application
South:	Vacant lands designated "Business Park Employment" and "Greenway"
West:	Vacant lands designated "Greenway", "Business Park Employment", and "Service Employment" which are the subject of a subdivision and rezoning application

Proposal

The applicant is proposing to rezone and subdivide the subject lands and create blocks as summarized in Table 1 below to facilitate the future development of the lands for employment use (see Figure 6).

Table 1: Proposed Draft Plan of Subdivision

Block Number	Use	Size (ha)
1-2	Employment	5.635
3-4	Natural wildlife corridor	1.495
5	0.3 m reserve	0.005
6	Open space	0.220
Street “1”	22 m municipal road	0.480
Total		7.835

A site plan application has not been submitted at this time. Street “1” is proposed as a municipal road with a 22 m right of way that terminates at the westerly property line. The road would also provide access to the abutting Flato Developments Inc. site at 2695 Elgin Mills Road East, which is subject to separate applications for Zoning By-law Amendment and Draft Plan of Subdivision under File No. PLAN 19 119540 (see Figure 8).

A conceptual site plan has been submitted to demonstrate how the site may develop with a future site plan application (See Figure 5). The conceptual site plan shows six buildings on the subject lands with a total gross floor area (GFA) of approximately 21,236 m². The plan is split into two sites: Site A is on the south side of Future Street “1” and is proposed to be developed as a multi unit industrial building. Site B, on the north side of Future Street “1”, includes a proposed convention centre, two multi unit commercial buildings, a stand-alone restaurant, and a 3-storey office building. Both surface and underground parking are proposed. Staff have been working with the applicant to refine the development concept.

The proposed zoning by-law splits the property into site specific Business Corridor (BC) and Business Park (BP) Zones. The following uses are proposed, in addition to the uses already permitted in the BC and BP Zones:

- Motor vehicle body shop
- Child care centre
- Place of entertainment
- Place of amusement
- Day kennel
- Pet grooming
- Commercial school
- Commercial fitness centre

A more detailed discussion on the proposed zoning by-law can be found in the Zoning section of this report.

Official Plan 2014

The subject lands are designated “Employment Area – Service Employment”, “Employment Area – Business Park Employment” and “Greenway – Natural Heritage Network” under the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) (see Figure 4).

The “Business Park Employment” designation applies to lands adjoining 400 series highways and is to be planned and developed for prestige industrial and office development, frequently in larger scale buildings located on large properties. This designation is intended to provide strategic locations planned and developed for prestige, larger scale, industrial and office development in business park settings offering high visibility and excellent access to 400 series highways, arterial roads, and transit services.

Lands designated “Service Employment” are intended to accommodate uses that serve and support other business uses and employees in Markham, but that are not provided for in other ‘Employment Lands’. Some of these uses may also serve residents.

The “Natural Heritage Network” designation is a core element of the Greenway System and includes remaining examples of Markham’s natural ecosystem which are essential for preserving biodiversity. The “Natural Heritage Network” designation applies to the proposed natural wildlife corridor and part of the southerly portion of the subject lands.

The subject applications were submitted on April 8, 2016 and deemed complete on May 4, 2016. At that time, the 2014 Official Plan was approved by Council but several sections were under appeal, including the Employment Lands and Greenway System policies. Because the policies of the 1987 Official Plan were in effect when the application was submitted, these are the policies that apply to the subject applications. However, the policies of the 2014 Official Plan represent Council policy and must be taken into account when reviewing the application.

Official Plan 1987

The subject lands are designated “Industrial – Business Corridor Area”, “Industrial – Business Park Area”, and “Valleylands” under the 1987 Official Plan.

The “Business Park Area” designation applies to office and industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. Generally, these lands have exposure to provincial highways or major arterial roads and are served by public transit.

Lands designated “Business Corridor Area” are intended for industrial and office uses that require the exposure offered by locations in corridors along major road frontages to accommodate the business and service needs of the nearby employment areas that they serve.

The “Valleylands” designation includes lands that are intended for preservation and conservation in their natural state. The “Valleylands” designation applies to the proposed natural wildlife corridor and part of the southerly portion of the subject lands.

The “Business Park Area” designation provides for commercial schools and entertainment uses subject to the review of a specific development proposal and rezoning. Entertainment uses may only be permitted where internally integrated as a component of an office building or hotel. The “Business Corridor Area” designation provides for entertainment uses subject to the review of a specific development proposal and rezoning.

Zoning

The subject lands are zoned “Rural Residential Four (RR4) Zone” by By-law 304-87, as amended. The RR4 Zone permits rural residential uses. A rezoning is required to develop the site for employment uses. The proposed application for zoning by-law amendment would incorporate the subject lands into By-law 177-96 and rezone the subject lands to “Business Corridor*AAA (BC*AAA) Zone”, “Business Park*BBB (BP*BBB) Zone”, and “Open Space One (OS1) Zone” in accordance with the corresponding Official Plan designations. Site specific provisions are proposed for several items, including parking, landscaping, floor space index, drive through service facilities, loading spaces, and retail premises. The proposed additional uses are summarized in Table 2.

Table 2: Proposed additional uses

Zone	Proposed Additional Uses
BC*AAA	Motor vehicle body shop Child care centre Place of entertainment Place of amusement Day kennel Pet grooming
BP*BBB	Child care centre Place of entertainment within an office building or a building containing a hotel Commercial schools Commercial fitness centres Day kennel

The draft zoning by-law submitted by the applicant proposes to permit a motor vehicle body shop in the “Business Corridor Area” designation, however automobile repair uses are prohibited by the 1987 Official Plan.

OPTIONS/ DISCUSSION:

The following is a brief summary of the matters raised to date. These matters, and others identified through the circulation and detailed review of the proposal, will be addressed, if necessary, in a final report to the Committee:

-
1. The establishment of the wildlife corridor discussed in the Background section of this report is triggered by the development of Block 73, which is the abutting Clera Holdings site. The Minutes of Settlement state that if the wildlife corridor has not been constructed before the development of Block 73, Clera Holdings shall construct the wildlife corridor in its entirety prior to or as a condition of the development of a site plan. To allow the establishment of the wildlife corridor, the Minutes of Settlement require the owner of the subject lands to grant licenses and/or easements to Clera Holdings and/or the City, as required, and to enter into a cost sharing agreement. The applicant has informed staff that they are working with Clera Holdings on these matters.
 2. At the Development Services Committee meeting on December 9, 2019, Council asked representatives from Leporis and Flato Developments Inc. to further integrate the planning of the subject lands and 2695 Elgin Street East, or potentially develop both as a single site. Further integration between the two sites has not been pursued by the owners.
 3. Resolve any issues resulting from the review of technical studies including the Planning Justification Report, Environmental Site Assessment, Functional Servicing Report, and Noise Impact Assessment.
 4. Resolve comments from the Toronto and Region Conservation Authority (TRCA), including existing conditions/features, removals and compensation, the functional design of the natural wildlife corridor, floodplain modelling, and stormwater management.
 5. Confirm any outstanding financial obligation, including but not limited to cash in lieu of parkland dedication and tree replacement/compensation.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development is to be evaluated in the context of growth management, environmental, and strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P, R.P.P
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Aerial Photo (2019)

Figure 4 – Official Plan Land Use

Figure 5 – Conceptual Site Plan

Figure 6 – Proposed Draft Plan

Figure 7 – Draft Plan of Subdivision 19T-95075

Figure 8 – Conceptual Site Plan at 2695 Elgin Mills Road East

AGENT:

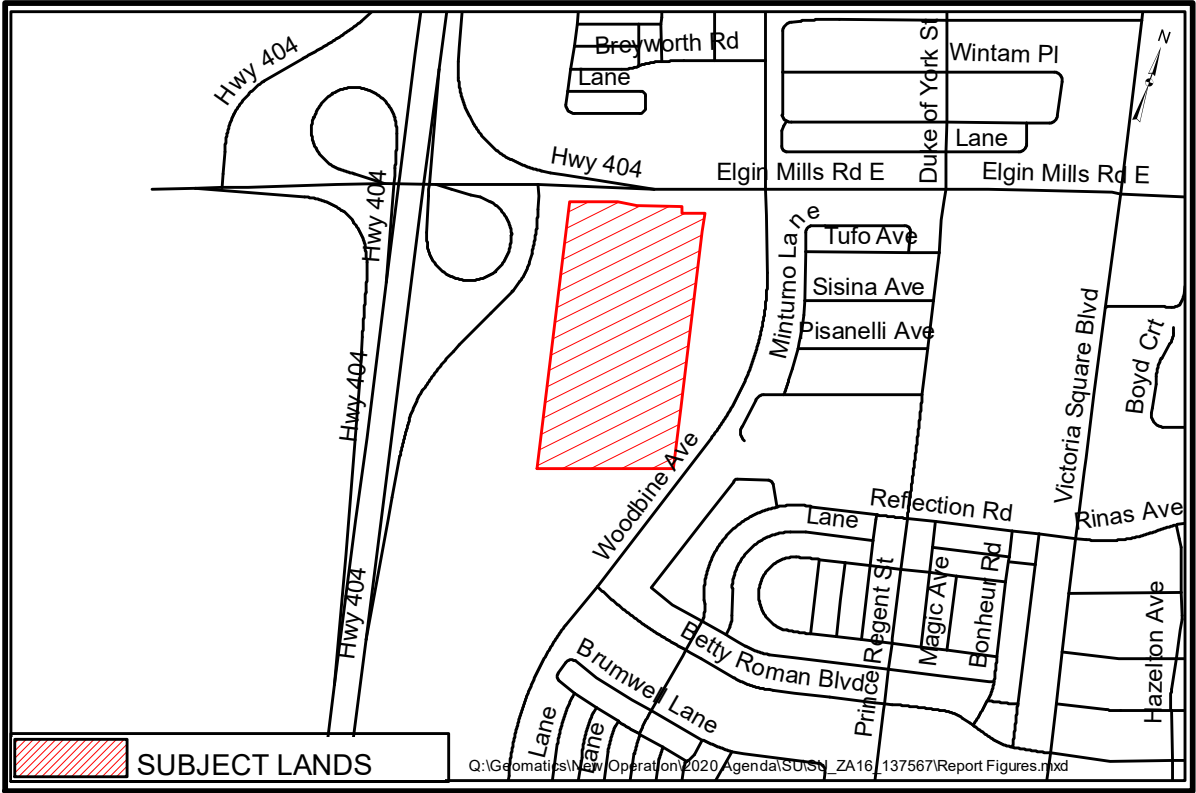
Lisa La Civita

Armland Group

8700 Dufferin Street

Concord, Ontario L4K 4S6

Tel.: 905-660-3765 ext. 535







AERIAL PHOTO (2019)

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

 SUBJECT LANDS

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DATE: 14/04/2020

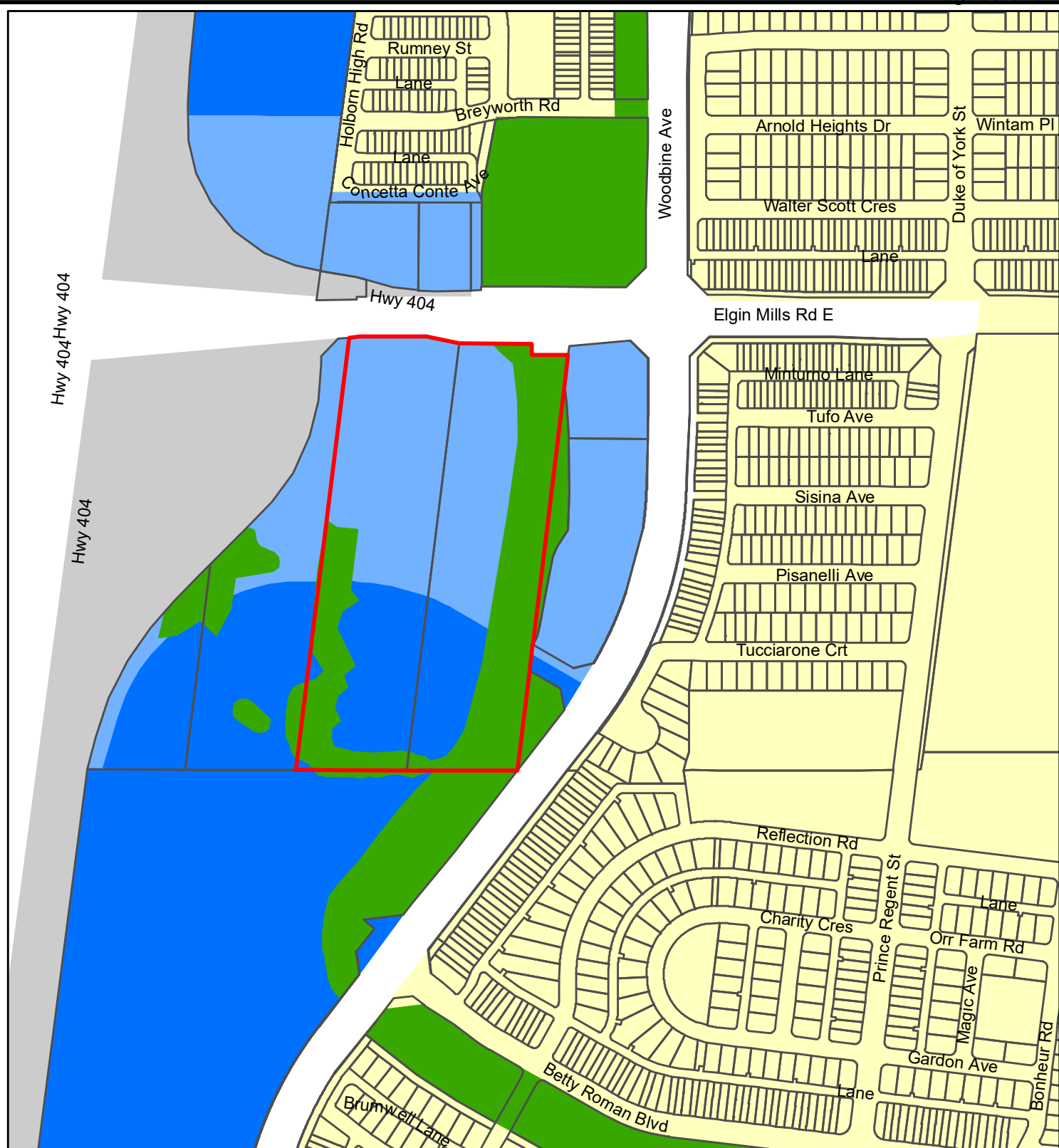


DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 3



OFFICIAL PLAN LAND USE

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

Business Park Employment
Service Employment
Residential Low Rise

Transportation and Utilities
Greenway

SUBJECT LANDS

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DATE: 14/04/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 4

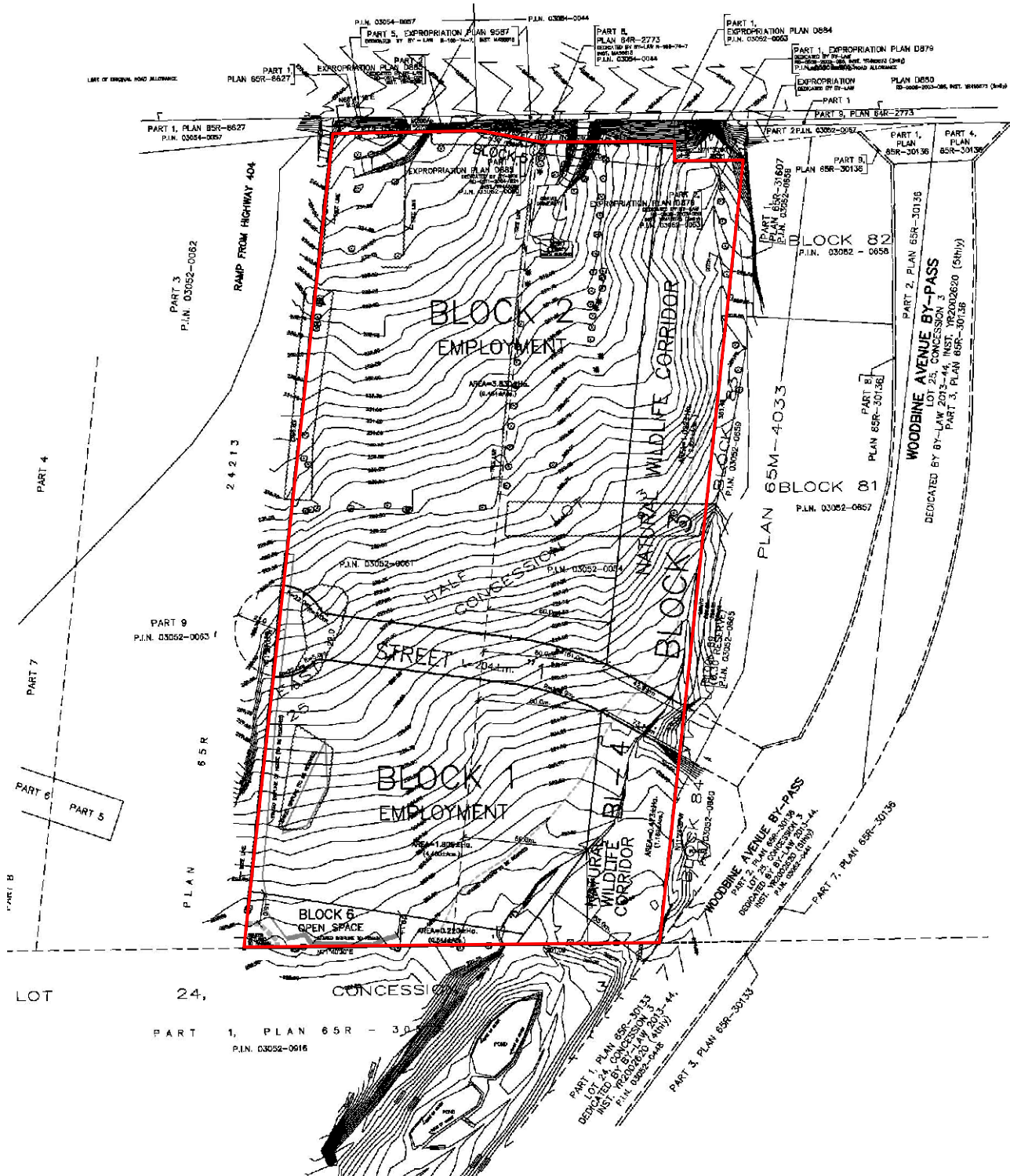
APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

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DATE: 14/04/2020

(REGIONAL ROAD 49)
 (KNOWN AS) **ELGIN MILLS ROAD EAST**
 (ROAD ALLOWANCE BETWEEN LOTS 25 AND 26, CONCESSION 3)



PROPOSED DRAFT PLAN

APPLICANT: Leporis Construction Inc.
 2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

 SUBJECT LANDS

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DATE: 14/04/2020

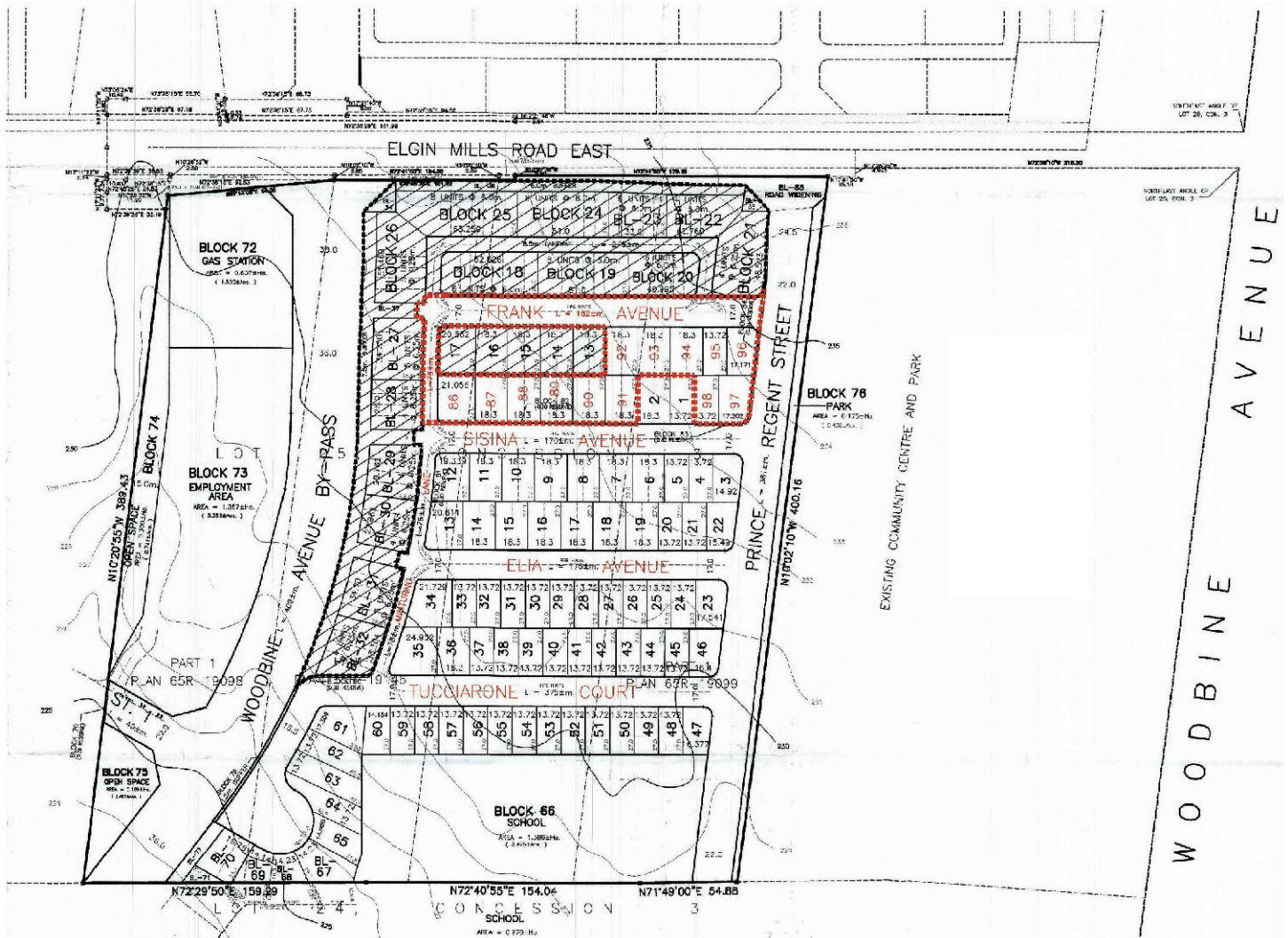


DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 6



DRAFT PLAN 19T-95075

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

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DATE: 14/04/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 7



Not to Scale

Legend

- 1 Convention Centre
- 2 Hotel
- 3 Office
- 4 Loading Area
- P Ramp to Below Grade Parking
- ▲ Building Entrance

Site Boundary

14.0 m MTO Setback

Developable Area Boundary

15.0 m Buffer

Natural Feature

ELGIN MILLS ROAD EAST

HIGHWAY 404 CFF-RAMP

LANDS BY
OTHER OWNERPROPOSED
ROAD RIGHT-OF-WAY

Statistics		
Gross Floor Area		
Convention Centre	930 sq.m. (Approx.)	
Hotel (5-Storeys)	5700 sq.m. (Approx.)	
Office (3-Storeys)	2600 sq.m. (Approx.)	
Parking		
Required Parking	Provided Parking	
Convention Centre	89	Surface 181
Hotel	106	Below-Grade 100
Office	82	
TOTAL PARKING	277	281

* STATISTICS ARE APPROXIMATE AND SUBJECT TO CHANGE

BOUSFIELDS INC.
PLANNING | DESIGN | ENGAGEMENT

Concept Plan 2695 Elgin Mills East
Markham, ON

Project Number 17104 Date May 2019

CONCEPTUAL SITE PLAN AT 2695 ELGIN MILLS ROAD EAST

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

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DATE: 14/04/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 8



Report to: Development Services Committee

Meeting Date: May 11, 2020

SUBJECT: PRELIMINARY REPORT
 Application for Zoning By-law Amendment, submitted by Clera Holdings Inc. on Block 81, Registered Plan 65M-4033 (west side of Woodbine Avenue, south of Elgin Mills Road East) to facilitate the development of three one storey buildings and a two storey building with a GFA of 3,697 m² (Ward 2)
 File No. PLAN 19 123509

PREPARED BY: Marty Rokos, MCIP, RPP, ext. 2980, Senior Planner

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 2600, Senior Manager, Development

RECOMMENDATION:

That the report titled “PRELIMINARY REPORT, Application for Zoning By-law Amendment, submitted by Clera Holdings Inc. on Block 81, Registered Plan 65M-4033 (west side of Woodbine Avenue, south of Elgin Mills Road East) to facilitate the development of three one storey buildings and a two storey building with a GFA of 3,697 m² (Ward 2)” be received.

PURPOSE:

This report provides preliminary information on applications for Zoning By-law Amendment. This report contains general information regarding applicable Official Plan (OP) or other policies as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application.

PROCESS TO DATE:

The application for Zoning By-law Amendment was deemed complete by the City on July 30, 2019.

Next Steps

- Statutory Public Meeting when deemed appropriate;
- Recommendation Report;
- If supported by committee, enactment of the proposed zoning by-law; and
- Site plan endorsement and approval;

Application Processing

It should be noted that this application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the review of an application and any appeal to the Local Planning Appeal Tribunal. Under the emergency legislation, municipalities have the discretion to continue the processing of applications, so long as the

procedural requirements of the Planning Act can be met (e.g. sending of notices, public meetings, etc.). The application will be circulated to commenting departments and agencies. Further, staff will proceed with the normal resolution of issues, and case management will be undertaken. At the time of the writing of this report, matters respecting the holding of Public Meetings, finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

BACKGROUND:

On July 9, 2019 the applicant submitted a complete application for Zoning By-law Amendment. The property subject to the application is located on the west side of Woodbine Avenue, south of Elgin Mills Road. It has an area of approximately 13,865 m² (149,239 ft²) with a frontage of approximately 215 m (705 ft) on Woodbine Avenue. There are no buildings on the property. (See Figures 1 to 3.)

On July 11, 2006, the owners of the abutting lands to the west appealed Draft Plan of Subdivision 19T-95075 (covering the subject lands and additional lands on the east side of Woodbine Avenue, see Figure 7) and the related by-laws to the Ontario Municipal Board (OMB). The subject lands are Block 73 on Draft Plan 19T-95075. The appellant's lands included 2705 and 2755 Elgin Mills Road East, which are currently owned by Leporis Construction Inc. and subject to current development applications (file numbers ZA 16 137567 and SU 16 137567). The primary reason for the appeal related to multiple stream corridors which were planned to be consolidated into a single stream and wildlife corridor between the subject lands and the Leporis properties. This resulted in a wider corridor mostly on the Leporis lands, reducing the developable area of those lands. The parties entered mediation, which was successful and a settlement was reached. The Minutes of Settlement were issued by the OMB on December 18, 2006. The Minutes of Settlement establish certain conditions requiring preservation of the natural wildlife corridor as part of the development of the subject lands and the Leporis lands to the west which are summarized in the Options/Discussion section below.

The surrounding land uses are as follows (see Figure 2):

North:	Gas station and Elgin Mills Road East.
East:	Woodbine Avenue and low rise residential lands.
South:	Vacant lands designated "Business Park Employment" and "Greenway"
West:	Vacant lands designated "Greenway", "Business Park Employment", and "Service Employment" which are the subject of subdivision and rezoning applications.

Proposal

The applicant is proposing a retail and office development, including restaurants and a day care, with a total gross floor area (GFA) of 3,697 m² (39,794 ft²) in four buildings as follows (see Figure 5):

Building 'A':	2 storeys, 1090 m ² (11,733 ft ²)
Building 'B':	2 storeys, 769 m ² (8,277 ft ²)
Building 'C':	1 storey, 1,012 m ² (10,990 ft ²)
Building 'D':	1 storey, 826 m ² (8,891 ft ²)

184 parking spaces are proposed plus 8 bicycle parking spaces. The northerly vehicle access is proposed to be the existing driveway to the abutting gas station on the north side of the proposed development. This driveway straddles the mutual property line and is intended to serve both properties. The southerly vehicle access would be from an extension of the existing municipal road stub abutting the subject lands to the south.

A site plan application has been submitted under File No. SPC 19 123509 (See Figure 5). Delegation By-law 2002-202 states that the Director of Planning and Urban Design is delegated authority to approve a site plan for new retail and commercial development with a total GFA of less than 4,700 m².

A Zoning By-law amendment application has been submitted to establish site specific development standards including the front yard setback, parking depth, and landscaping as well as and permit a day care centre and a restaurant use on the second floor.

Official Plan 2014

The subject lands are designated "Employment Area – Service Employment" under the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) (see Figure 4). Lands designated "Service Employment" are intended to accommodate uses that serve and support other business uses and employees in Markham, but that are not provided for in other 'Employment Lands'. Some of these uses may also serve residents.

The "Service Employment" designation provides for office uses as a main use and limits retail to a maximum of 50% of the total gross floor area of the building or 3,000 m², whichever is less. Restaurants and day care centres are permitted as discretionary uses subject to a site specific zoning by-law amendment. A day care centre may only be permitted as part of an office building.

The proposed uses are provided for by the Official Plan.

Zoning

The subject lands are zoned "Business Corridor (BC*309*370) Zone" by By-law 177-96, as amended. The BC*309*370 Zone permits a range of commercial and employment uses including retail stores, business offices and restaurants. Day care centres are not permitted and restaurants are permitted only in the first storey of an office building or as an accessory use to a hotel or trade and convention centre.

The proposed site specific BC Zone would permit a day care centre and a stand alone restaurant without the above restrictions.

OPTIONS/ DISCUSSION:

The following is a brief summary of the matters raised to date. These matters, and others identified through the circulation and detailed review of the proposal, will be addressed, if necessary, in a final report to the Committee:

1. The timing of the restoration of the wildlife corridor discussed in the Background section of this report is triggered by the development of the subject lands. The Minutes of Settlement state that if the wildlife corridor has not been constructed before the development of Block 73, Clera Holdings shall construct the wildlife corridor in its entirety prior to or as a condition of the development of a site plan. To allow the establishment of the wildlife corridor, the Minutes of Settlement require the abutting landowner to grant licenses and/or easements to Clera Holdings and/or the City, as required, and to enter into a cost sharing agreement. The applicant has informed staff that they are working with Leporis on these matters.
2. Mutual driveway easement required for north driveway to be a condition of site plan endorsement.
3. Resolve any issues resulting from the review of technical studies including the Planning Rationale, Environmental Site Assessment, Environmental Impact Study, Functional Servicing and Stormwater Management Report, and Noise Report.
4. Resolve any issues relating to the site layout, including traffic circulation, animation of building frontages facing Woodbine Avenue, and the day care centre outdoor play area. These matters will be addressed as part of the site plan review.
5. Resolve the design of the natural wildlife corridor in accordance with OMB Minutes of Settlement, including a detailed natural channel design, plant species, and fencing as part of the site plan review.
6. Confirm any outstanding financial obligation, including but not limited to cash in lieu of parkland dedication and, tree replacement/compensation. ,
7. Resolve any issues relating to the natural heritage corridor west of the subject lands.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed applications are being reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning and Urban Design

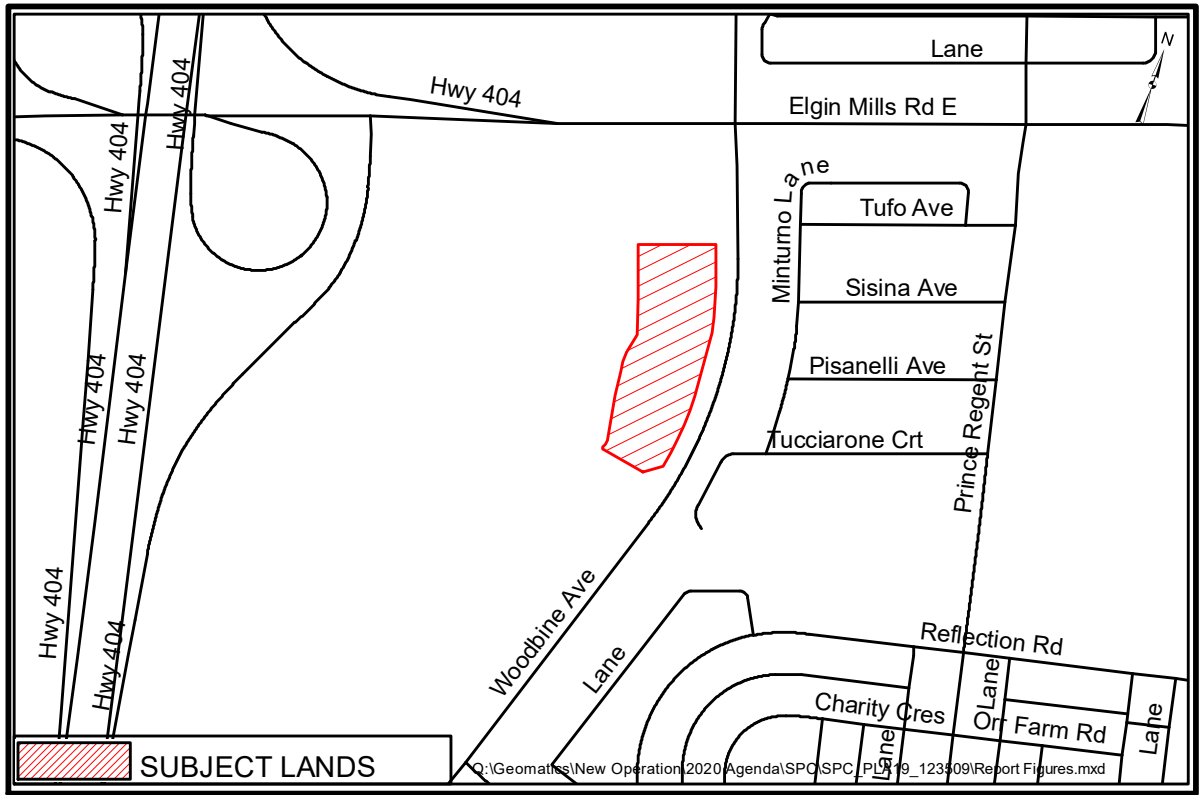
Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo 2019
Figure 4: Official Plan Land Use
Figure 5: Proposed Site Plan
Figure 6: Draft Plan of Subdivision 19T-95075

AGENT:

Sandra Wiles
28 Brookbank Court
Markham, Ontario L3P 6K8
Tel.: 416-458-2257

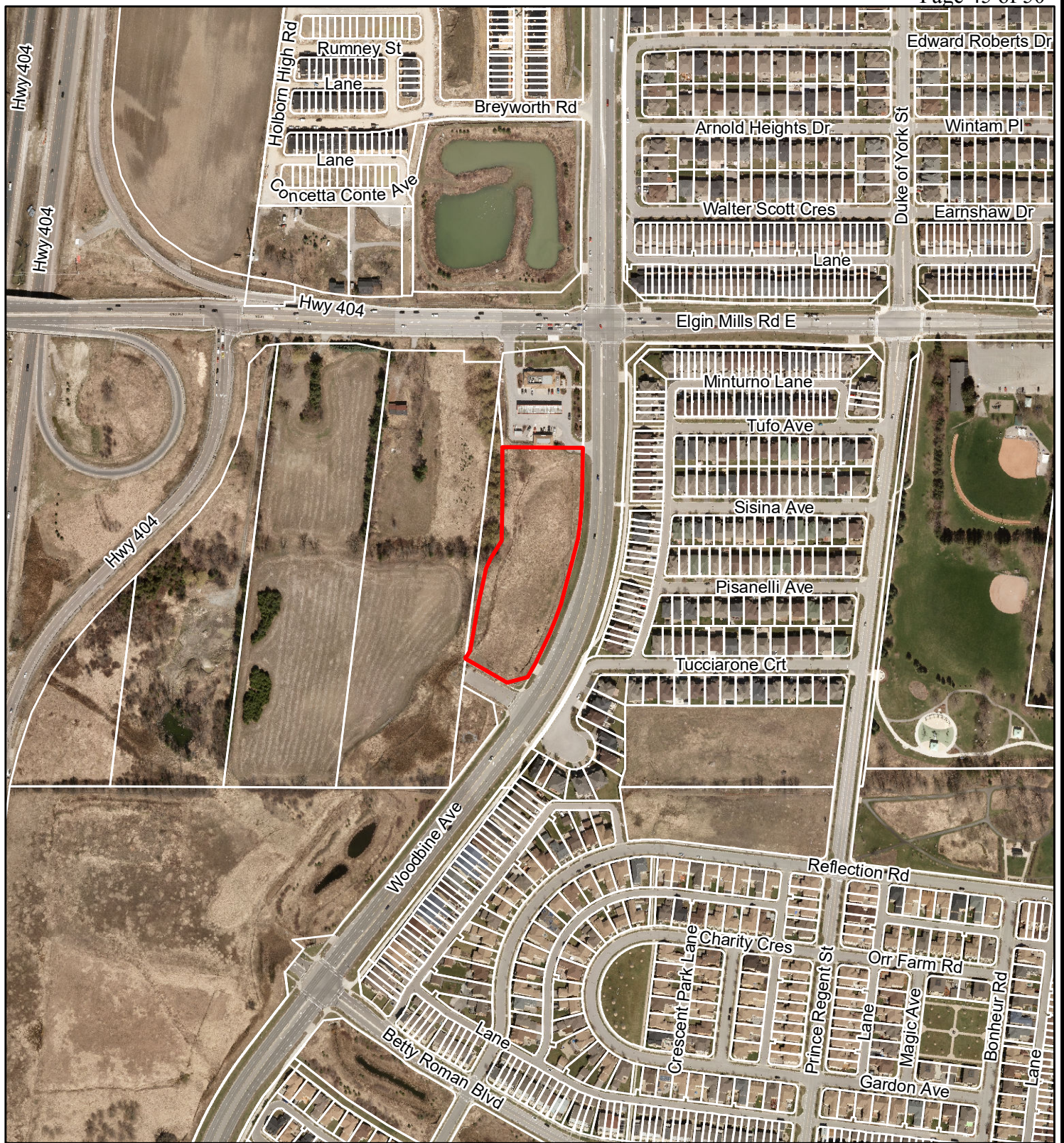


APPLICANT: Clera Holdings Inc.
Woodbine Avenue

 SUBJECT LANDS

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DATE: 14/04/2020



AERIAL PHOTO (2019)

APPLICANT: Clera Holdings Inc.
Woodbine Avenue

FILE No. SPC PLA19123509

 SUBJECT LANDS

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DATE: 14/04/2020

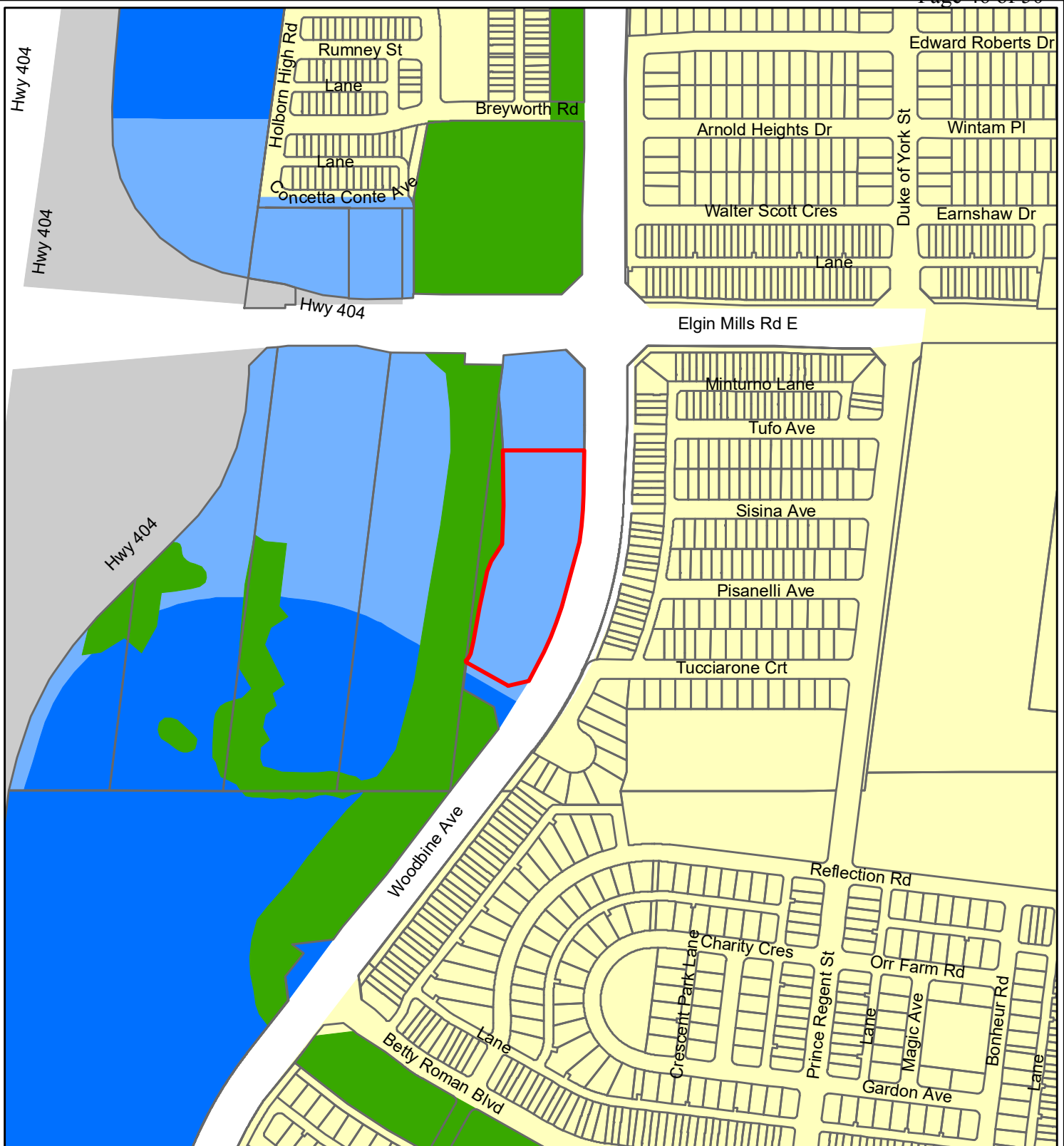


DEVELOPMENT SERVICES COMMISSION

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Checked By: MR

FIGURE No. 3



OFFICIAL PLAN LAND USE

APPLICANT: Clera Holdings Inc.
Woodbine Avenue

FILE No. SPC PLA19123509

Business Park Employment
Service Employment
Residential Low Rise

Transportation and Utilities
Greenway
SUBJECT LANDS

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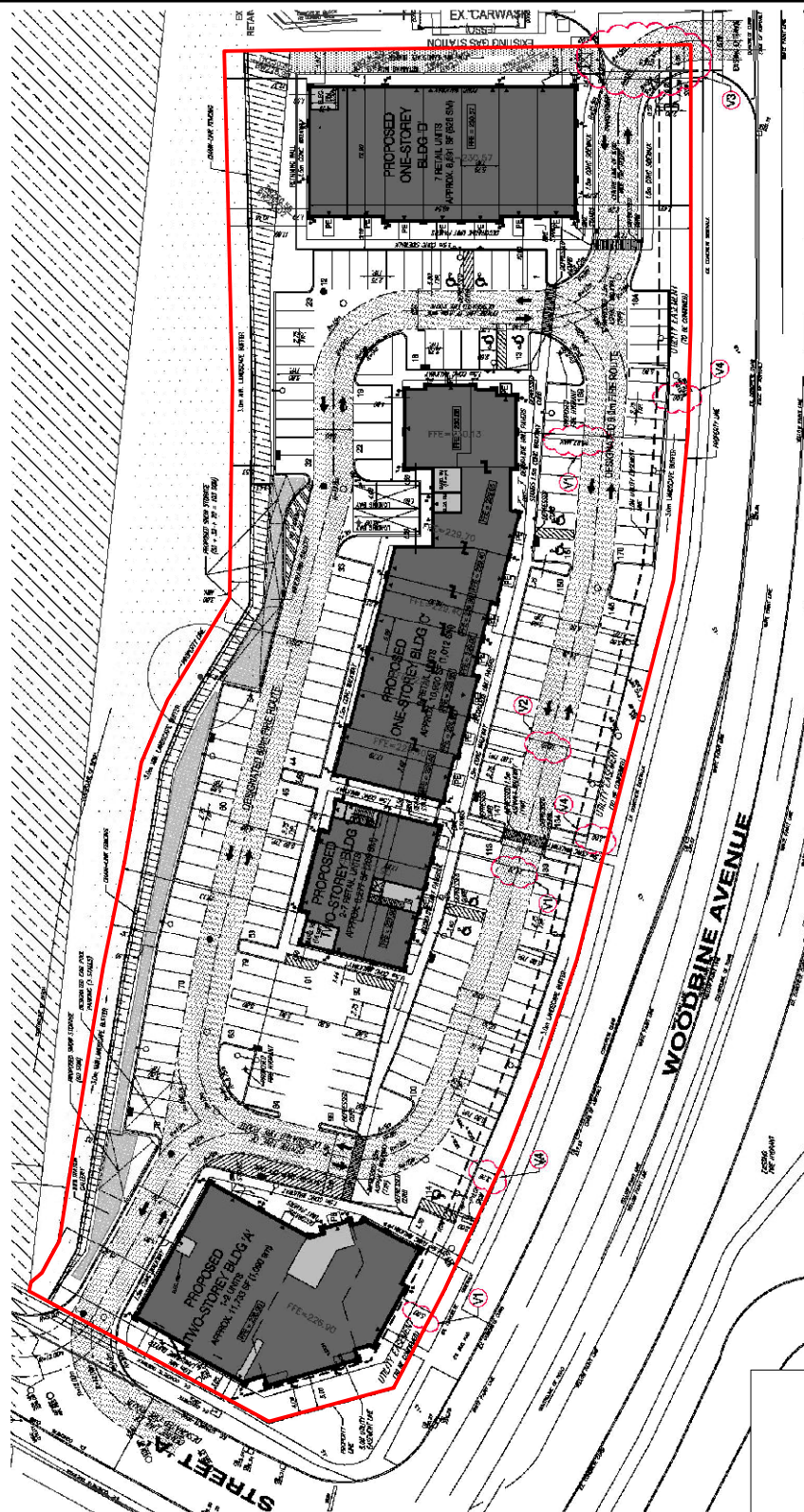


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FIGURE No. 4



PROPOSED SITE PLAN

APPLICANT: Clera Holdings Inc.
Woodbine Avenue

FILE No. SPC PLA19123509

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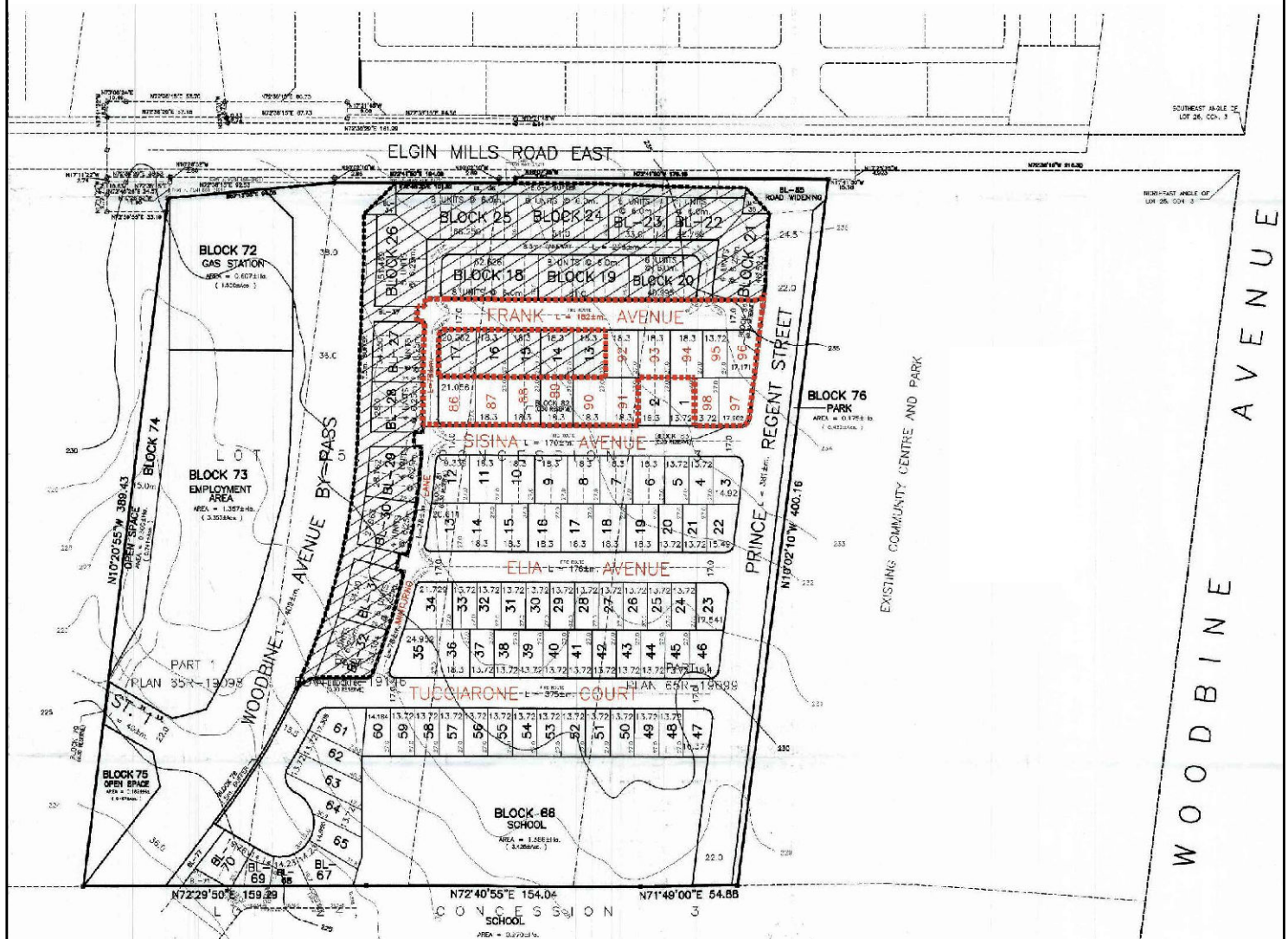


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FIGURE No. 5



DRAFT PLAN OF SUBDIVISION 19T-95075

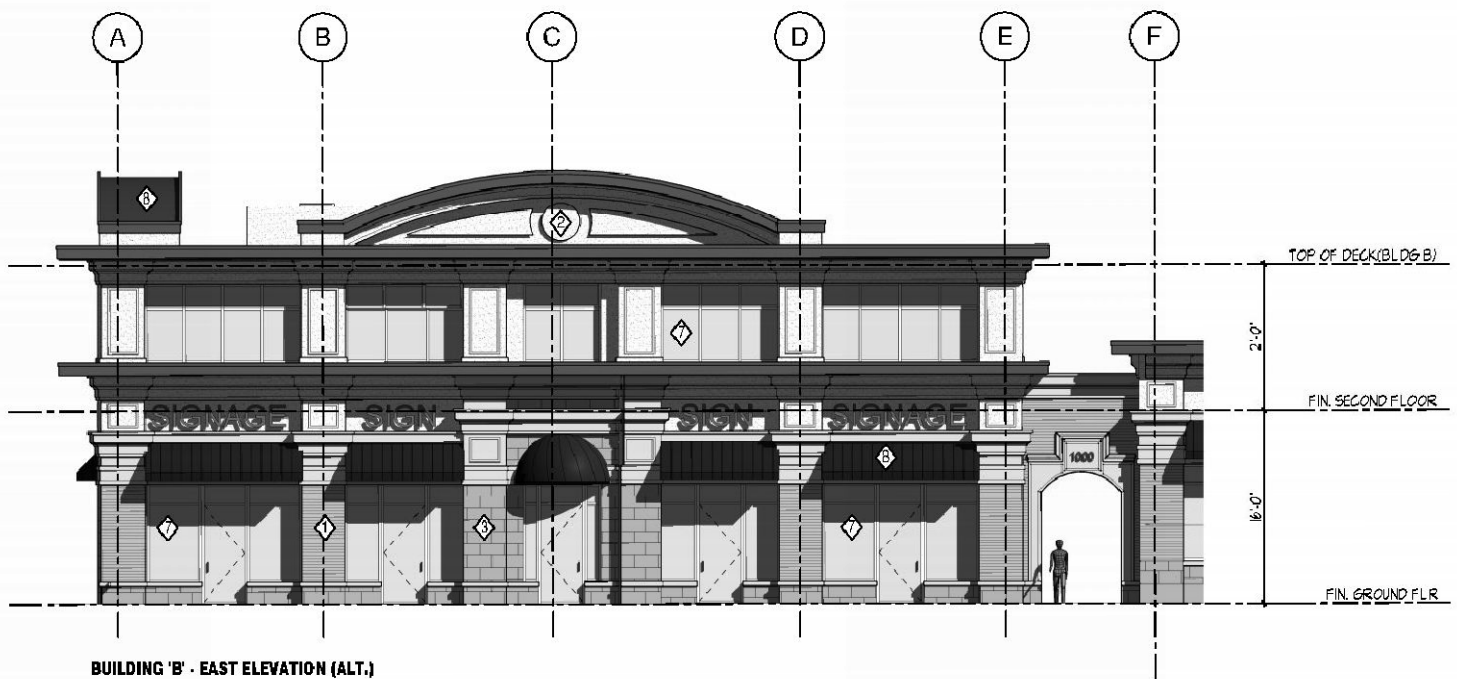
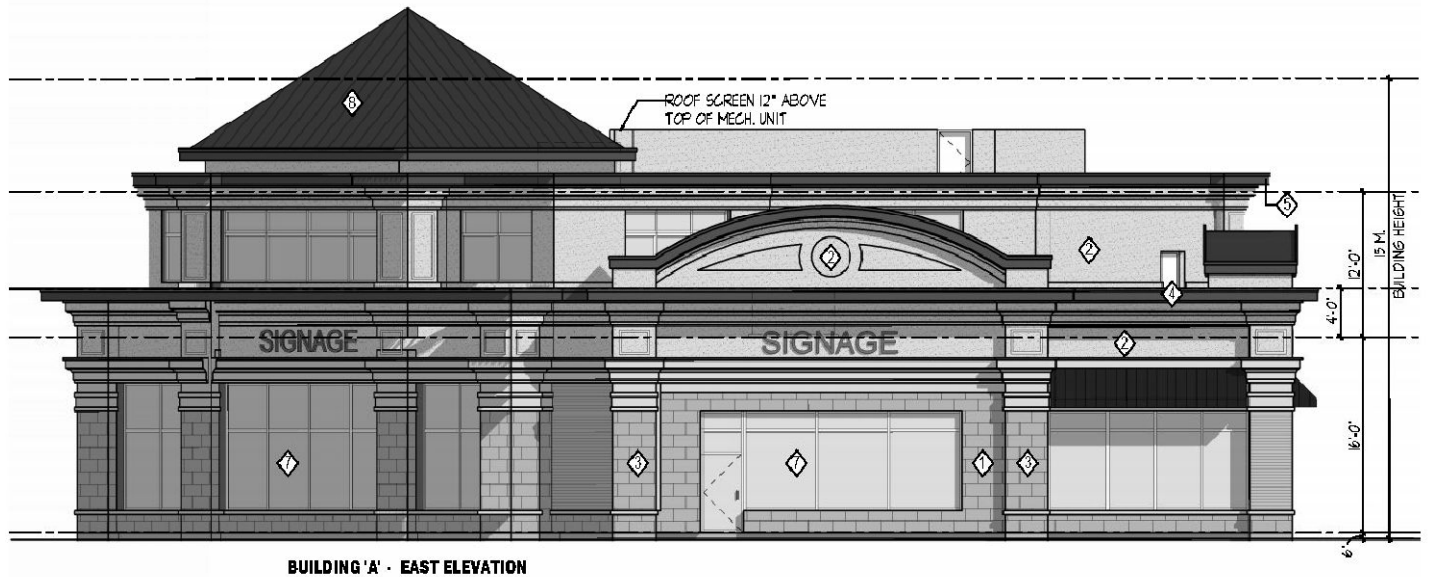
APPLICANT: Clera Holdings Inc.
Woodbine Avenue

FILE No. SPC PLA19123509

 SUBJECT LANDS

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BUILDING A: EAST ELEVATION BUILDING B: EAST ELEVATION

APPLICANT: Clera Holdings Inc.
Woodbine Avenue

FILE No. SPC PLA19123509

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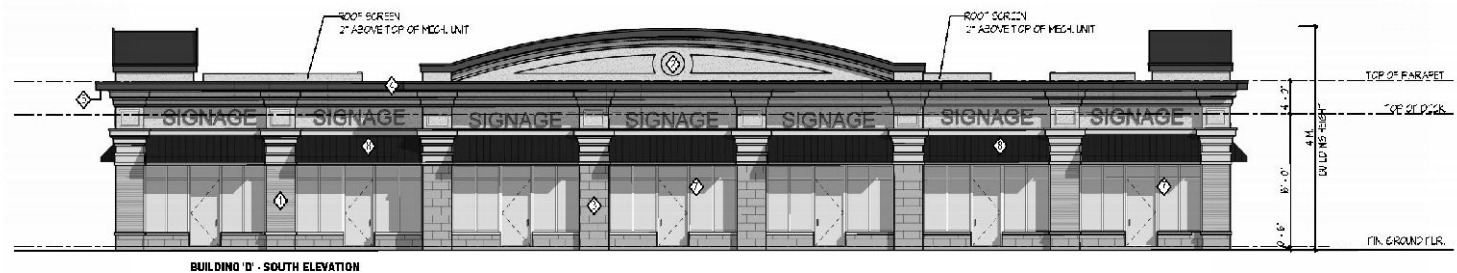
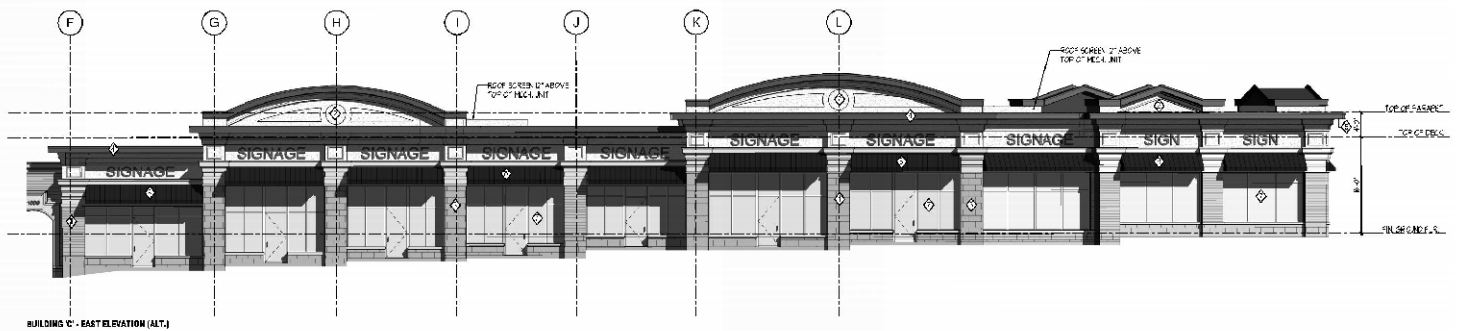
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FIGURE No. 7





BUILDING C: EAST ELEVATION BUILDING D: SOUTH ELEVATION

APPLICANT: Clera Holdings Inc.
Woodbine Avenue

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FIGURE No. 8

