

SUBJECT: **Recommendation Report**
2412371 Ontario Limited (Wyview Group)
4121 Highway 7
Application for zoning by-law amendment to permit a
temporary automobile storage lot (Ward 3)
File No.: ZA 18 154593

PREPARED BY: Scott Heaslip, MCIP, RPP,
Senior Development Coordinator, Central District
ext. 3140

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

RECOMMENDATION:

That the report dated March 18, 2019 titled "Recommendation Report, 2412371 Ontario Limited (Wyview Group), 4121 Highway 7 Application for zoning by-law amendment to permit a temporary car storage lot, (Ward 3), File No. ZA 18 154593," be received;

That the record of the Public Meeting held on November 13, 2018 regarding the Zoning By-law Amendment application submitted by 2412371 Ontario Limited (Wyview Group), be received;

That the Zoning By-law Amendment application submitted by 2412371 Ontario Limited (Wyview Group) to amend Zoning By-law 304-87, as amended, be approved, and that staff finalize the implementing zoning by-law amendment for enactment by Council;

That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report recommends that Council approve a zoning by-law amendment to permit a temporary automobile storage lot at 4121 Highway 7. The temporary storage lot will be used by the Audi dealership on the north side of Highway 7, directly opposite the subject property, while the dealership is being reconstructed.

BACKGROUND:

Subject property and area context (Figures 1 and 2)

The subject property is located on the south side of Highway 7, east of Birchmount Road. The property is occupied by a vacant dwelling and a garage, both of which are in poor condition. The rear portion of the property is within the floodplain of the Rouge River. The property contains a number of mature trees, primarily in the rear portion. To the west is Sheridan Nurseries. To the east is a property occupied by an older vacant dwelling. The Audi dealership on the north side of Highway 7 is currently illegally storing cars in the north portion of this property. To the north across Highway 7 are a townhouse development, currently under construction and the Volvo/Audi dealerships.

Official Plan and Zoning (Figure 3)

The front portion of the subject property (the location of the proposed temporary automobile storage lot) is designated "Community Amenity Area General" by Amendment No. 21 to the 1987 Official Plan (the Markham Centre Secondary Plan). The rear portion (the Rouge River valleyland) is designated "Hazard Land." Lands in the "Community Amenity Area General" designation are intended to develop with a mix of residential, commercial, employment and community uses in a pedestrian friendly manner. This designation permits a limited range of automotive uses such as automobile service stations, but does not permit "suburban style" automobile dealerships (dealership building surrounded by an extensive car storage area), which fall under the category of "retail uses involving accessory outdoor accessory storage and/or display of merchandise," a prohibited use in this designation.

The front portion is designated "Mixed Use Mid Rise" in the 2014 Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). The policy direction for lands in the "Mixed Use Mid Rise" designation is for a mix of residential, retail, restaurant and service uses in multi-storey street related buildings ranging up to 8 storeys unless otherwise specified in a secondary plan or site specific policy. The rear portion is designated "Greenway." The zoning does not permit automotive uses or the storage of vehicles.

The 2014 Official Plan provides that until approval of an updated secondary plan for Markham Centre pursuant to the policies of the new Official Plan, the policies of OPA 21 (the current Markham Centre secondary Plan) continue to apply.

The north portion of the subject property is zoned "Rural Residential One" (RR1) under By-law 304-87 (the City's Rural Area Zoning By-law). This zoning permits one single detached dwelling on a lot having a minimum area of 1 acre. The south portion is zoned "Agricultural" (A1) and "Open Space" (O1).

Proposal

The applicant has applied for a temporary use by-law to permit the northerly portion of the subject property to be used for the temporary storage of automobiles for the Audi dealership on the north side of Highway 7, directly opposite the subject property. The proposed parking area would accommodate approximately 39 cars.

OPTIONS/ DISCUSSION:

Council can approve temporary uses for periods of up to three years.

The Planning Act allows municipalities to pass temporary use by-laws to permit lands to be used for purposes not normally permitted by the Official Plan and zoning by-laws for temporary periods of time not exceeding three years. Municipalities may renew temporary use by-laws, upon application by the landowner, for periods of time not exceeding three years. Uses authorized by temporary use by-laws do not gain legal non-conforming status upon expiry of the by-law, and therefore become illegal uses.

Audi dealership is proposing off-site car storage while dealerships are being reconstructed.

On June 25, 2018, Development Services Committee endorsed site plan approval for the redevelopment of the existing Volvo and Audi dealerships. This development involves the demolition of the existing buildings and their replacement with new buildings accommodating Volvo, Audi and Jaguar/Land Rover dealerships. The new dealerships will provide a total of 588 parking spaces underground, within the buildings, on the rooftops and at grade around the buildings. The existing Volvo and Audi dealerships provide a total of approximately 165 parking spaces.

Construction is proposed to be in two stages, as follows:

- In the first stage the Volvo dealership is relocating to the former Perkins Home Hardware property on the west side of Woodbine Avenue, north of Highway 7. The Audi dealership will remain in its existing building. The existing Volvo dealership will be demolished and a new Audi dealership will be constructed in its place.
- In the second stage, once the new Audi dealership is complete and Audi has moved into the building, the existing Audi dealership will be demolished and the new Volvo and Jaguar/Land Rover dealerships will be constructed. The Volvo dealership will then move back onto the property from the temporary location, and the Jaguar/Land Rover dealership will open.

The overall project is expected to take a minimum of two years to complete.

The manager of the Audi dealership has explained to staff that they require an off-site parking area in close proximity to the dealership to support the operations of the dealership during reconstruction because there will be limited space on-site to accommodate the sales, service and employee parking requirements of the dealership. The Audi dealership is proposing to lease the subject lands from the applicant for this purpose while the dealership is being reconstructed.

Applicant has responded to concerns expressed by City Councilors at the Public Meeting

A statutory public meeting was held on November 13, 2018 to consider the requested zoning by-law amendment. No written submissions were received and no members of the general public spoke at the public meeting. Members of Development Services Committee discussed the following concerns:

- That the automobile storage lot would not be temporary.
- That staff investigate a lease agreement involving the City to ensure that the use will cease.
- That there would be a loss of trees.
- That the cars could be stored at another location, with specific reference to the existing car storage facilities on the east side of Rodick Road, south of Highway 7.

The owner of the property (The Wyview Group) has submitted a letter (attached as Appendix 'A') responding to the concerns discussed at the public meeting. The letter advises as follows:

- The applicant is requesting a three year term to accommodate the anticipated construction period of the reconstruction of the Audi dealership (any extension beyond 3 years would be subject to further review and Council approval of a new temporary use By-Law).
- The parking will be used for both employee parking and for the storage of new vehicles in close proximity to the dealership so they can have product in proximity for customers to view and test drive.
- The Audi dealership only rents space on Rodick Road.
- Wyview is a residential developer/builder.
- Wyview is more interested in developing this land for residential purposes as opposed to the storage of automobiles.
- Wyview has no interest in seeing this use extend beyond the temporary use period.
- The subject lands will be developed for residential purposes in the near future and any vegetation that is not being protected will ultimately be removed. As part of this application care will be taken to reduce the number of trees that need to be removed to accommodate the temporary parking of automobiles.

If Committee is satisfied that the letter submitted by the applicant's planning consultant addresses the concerns discussed at the public meeting, staff recommend that Committee approve the application and direct staff to finalize the implementing zoning by-law amendment for enactment by Council.

The proposed temporary automobile storage lot is subject to site plan approval. Staff will work with the applicant to maximize tree preservation and to ensure that the temporary automobile storage lot has an appropriate appearance when viewed from Highway 7.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

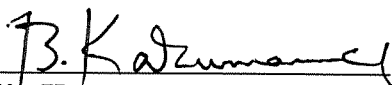
Not applicable.

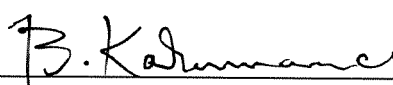
ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various City departments and external agencies for review. The requirements of City departments and external agencies will be secured in the site plan agreement.


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

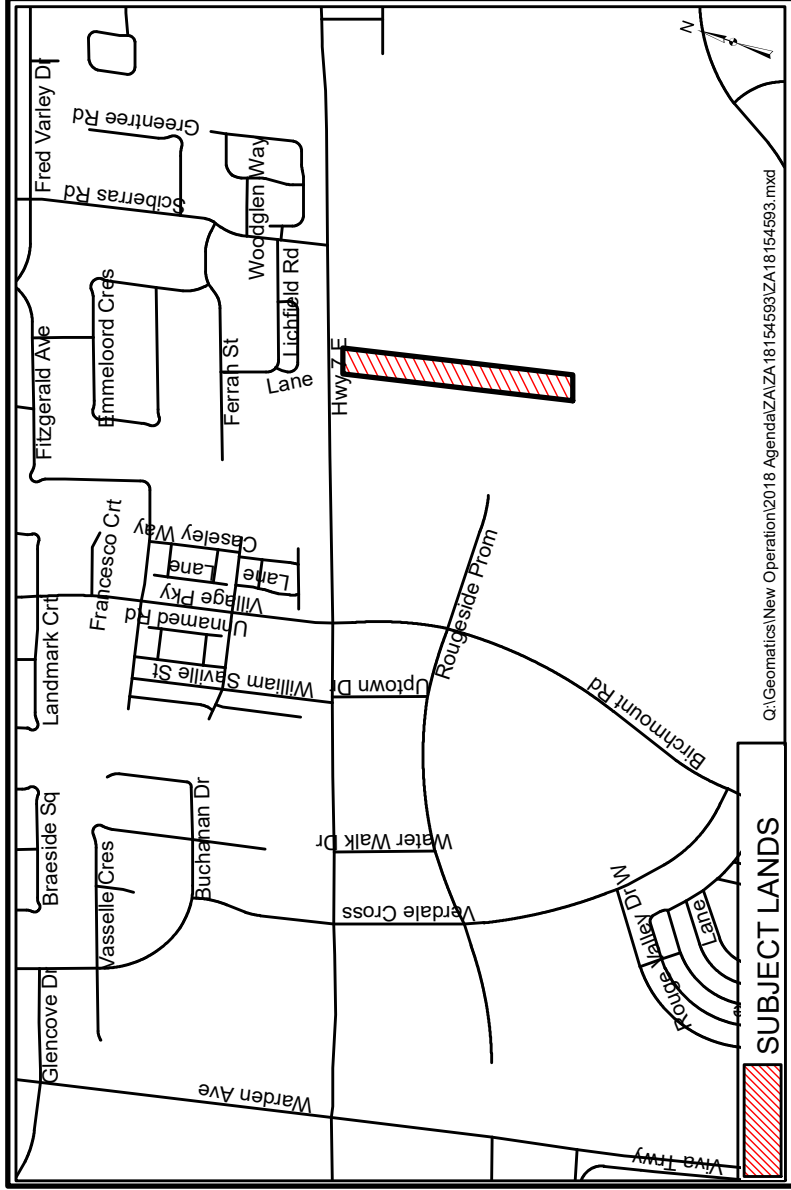

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

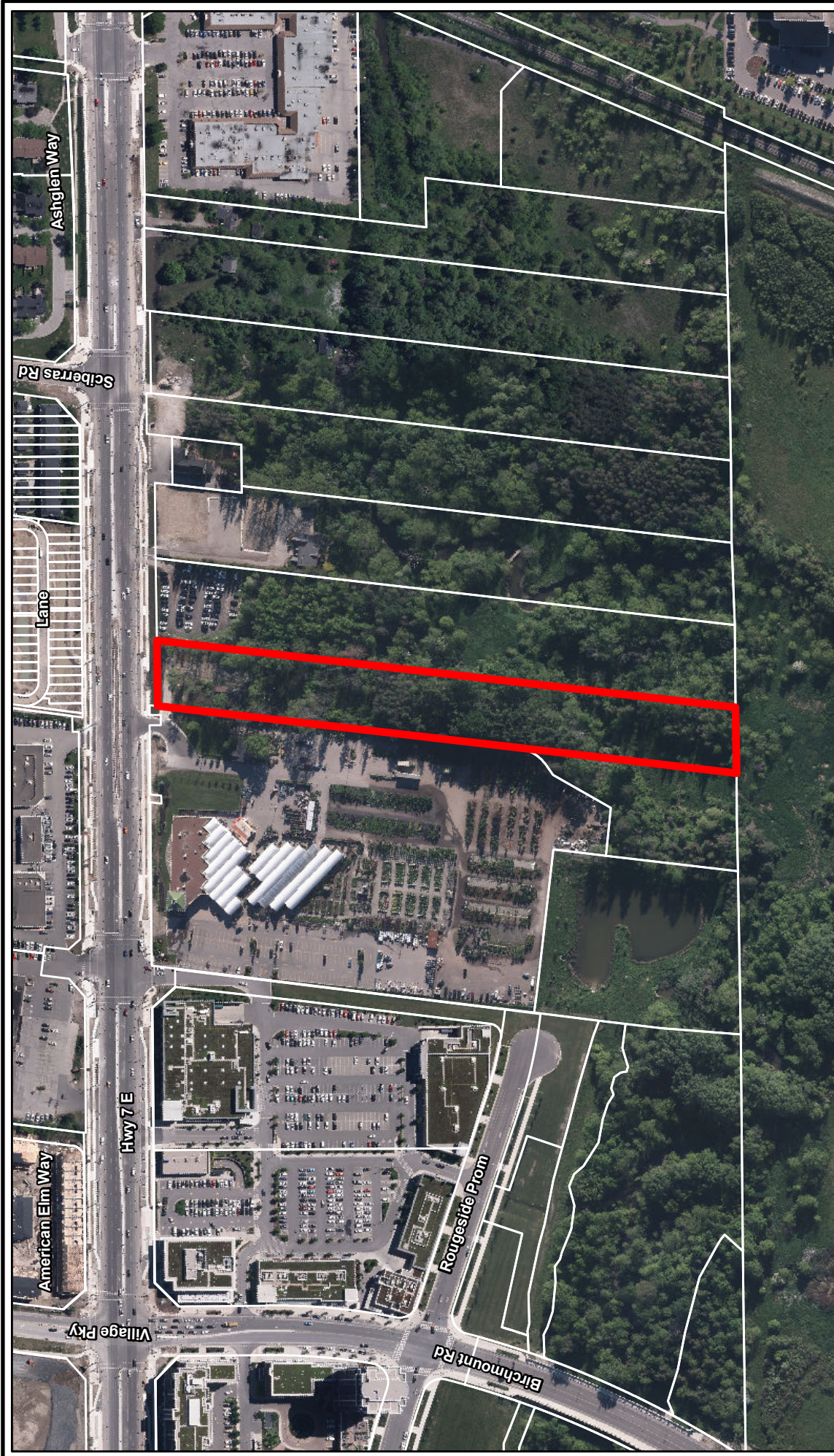
Figure 1: location Map
Figure 2: Aerial Photo
Figure 3: Area context/Zoning
Figure 4: Site plan

Appendix 'A' – Letter dated January 22, 2019 from KLM Planning Partners Inc.

Applicant: Eric Zou
Wyview Group Inc.
4151 Highway 7
Markham, Ontario
L3R 1L5
905-604-8077
eric@wyviewgroup.com;



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AIR PHOTO

2412371 ONTARIO LIMITED (WYVIEW GROUP)
4121 HIGHWAY 7

FILE No. ZA_18154593 (SC)


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Drawn By: LW

Checked By: SH

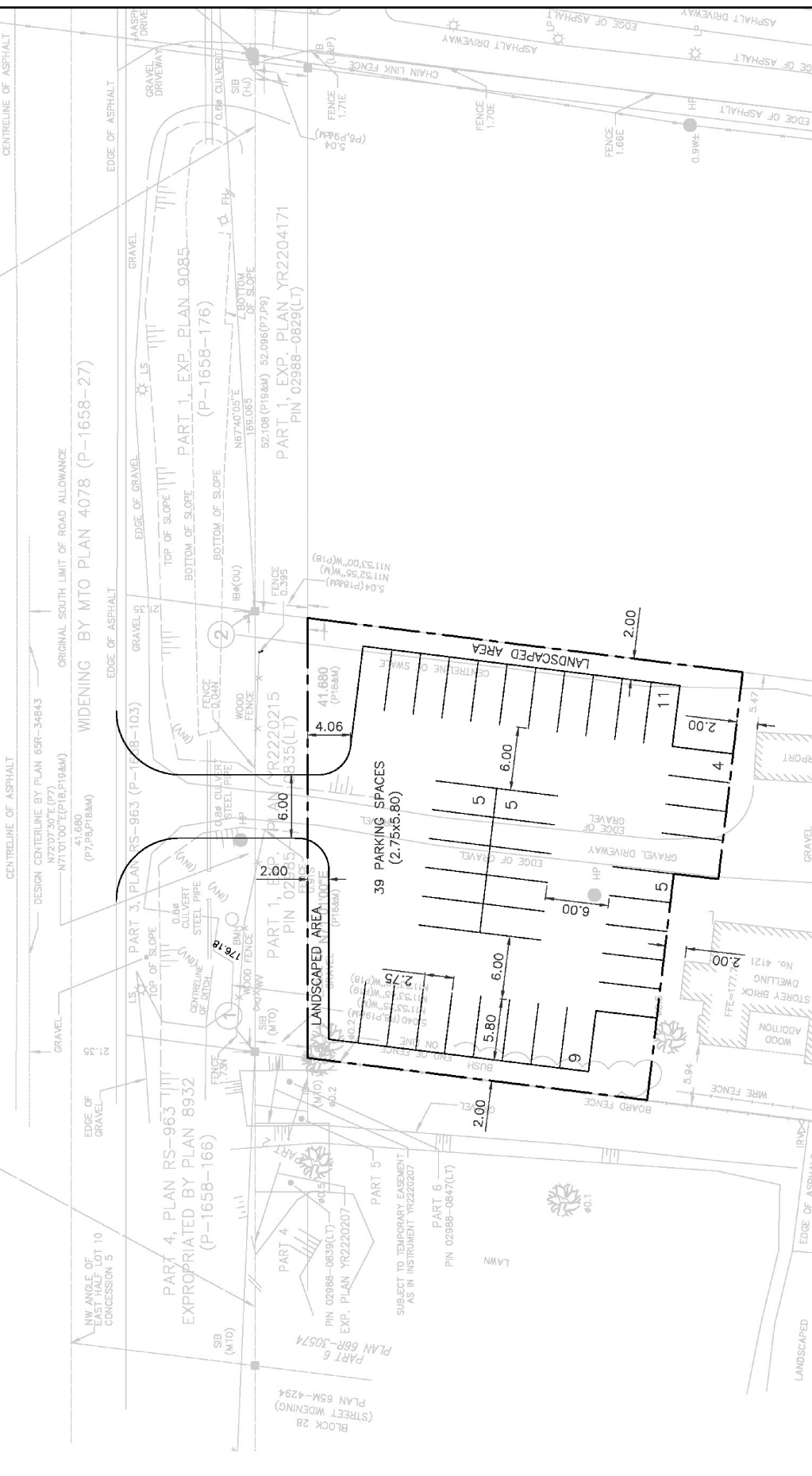
Date: 25/07/2018
FIGURE No. 2

 SUBJECT LANDS



THE KING'S HIGHWAY No. 7 EAST

ROAD ALLOWANCE BETWEEN LOTS 10 AND 11, CONCESSION 5
PIN 02985-0493 (LT)



CONCEPTUAL SITE PLAN

2412371 ONTARIO LIMITED (WYVIEW GROUP)
4121 HIGHWAY 7

FILE No. ZA_18154593 (SC)

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Date: 25/07/2018

FIGURE No. 4

Checked By: SH

Drawn By: LW



APPENDIX 'A'

64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
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klmplanning.com

P-2918

January 22, 2019

City of Markham
Planning and Development Services
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Attention: Mayor Scarpitti and Members of Council

**Re: City of Markham File ZA 18 154593
Applications for Temporary Use Zoning By-law Amendment
Proposed Temporary Automobile Storage
2412371 Ontario Limited
Part of Lot 10, Concession 5
4121 Highway 7
City of Markham**

Dear Mayor Scarpitti and Members of Council,

On behalf of our client, 2412371 Ontario Limited, owner of the above noted lands and further to our public meeting held on November 13, 2018, we are pleased to provide this letter to respond to some of the comments and questions that were raised at the public meeting.

As noted at the public meeting, the Temporary Use Zoning By-law Amendment Application was filed in order to permit the temporary parking of 39 vehicles in association with the Audi Dealership across the road, which is undergoing a significant renovation/construction project. The parking of the vehicles will be used for both employee parking and for the storage of new vehicles in close proximity to the dealership so they can have product in proximity for customers to view and test drive. The staff report provided a concise description of the magnitude of works that are being undertaken at the dealership.

3. Concern with removal of existing vegetation

The subject lands will be developed for residential purposes in the near future and therefore any vegetation that is not being protected will ultimately be removed. However, as part of this application, care will be taken to reduce the number of trees that need to be removed in order to accommodate the temporary parking of automobiles.

In closing, my client is more interested in developing this land for residential purposes as opposed to the storage of automobiles and it is their intent this use will not continue past the three-year window permitted by the Planning Act. We hope the above appropriately addresses the concerns raised at our public meeting to allow this temporary use to proceed in order to assist a good corporate citizen for the City of Markham.

Yours truly,

KLM PLANNING PARTNERS INC.



Keith MacKinnon, BA, MCIP, RPP
Partner

- cc. Eric Zou, 2412371 Ontario Limited
- cc. Scott Heaslip – City of Markham