



Report to: Development Services Committee

Meeting Date: May 11, 2020

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**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

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**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

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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)
<b>1-2</b>	Employment	5.635
<b>3-4</b>	Natural wildlife corridor	1.495
<b>5</b>	0.3 m reserve	0.005
<b>6</b>	Open space	0.220
<b>Street "1"</b>	22 m municipal road	0.480
<b>Total</b>		<b>7.835</b>

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 m<sup>2</sup>. 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
<b>BC*AAA</b>	Motor vehicle body shop Child care centre Place of entertainment Place of amusement Day kennel Pet grooming
<b>BP*BBB</b>	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:**

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