

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