

Electronic Development Services Public Meeting Minutes

Meeting Number 4
June 11, 2020, 7:00 PM - 9:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti	Councillor Alan Ho
	Deputy Mayor Don Hamilton	Councillor Reid McAlpine
	Regional Councillor Jack Heath	Councillor Karen Rea
	Regional Councillor Joe Li	Councillor Andrew Keyes
	Regional Councillor Jim Jones	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
Regrets	Councillor Amanda Collucci	
Staff	Andy Taylor, Chief Administrative Officer	Brad Roberts, Manager, Zoning and Special
	Arvin Prasad, Commissioner Development Services	Projects
		Marty Rokos, Senior Planner
	Claudia Storto, City Solicitor and Director of Human Resources	Francesco Santaguida, Assistant City Solicitor
		Laura Gold, Council/Committee Coordinator
	Biju Karumanchery, Director, Planning & Urban Design	Scott Chapman, Election & Council/Committee Coordinator
	Ron Blake, Senior Manager, Development	Hristina Giantsopoulos, Elections & Council/Committee Coordinator
	Geoff Day, Senior Planner, Zoning & Special Projects	
	David Miller, Manager, West District	

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1. CALL TO ORDER

In consideration of the ongoing state of emergency surrounding the 2019 Novel Coronavirus (COVID-19) and the emergency public health orders issued by the Government of Ontario, this meeting was conducted electronically to maintain physical distancing among participants.

The Development Services Public Meeting convened at the hour of 7:01 PM with Councillor Keith Irish presiding as Chair.

Regional Councillor Jack Heath arrived at 7:29 PM.

The Development Services Public Meeting recessed at 9:42 PM and reconvened at 9:55 PM.

The Development Services Public Meeting recessed at 10:06 PM and reconvened at 11:05 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. DEPUTATIONS

Deputations were made for the following items:

4.1 - Temporary Use Zoning By-laws to Permit Extended Outdoor Patios and Outdoor Display and Sales Areas

4.2 - Flato Developments Inc. (2695 Elgin Mills Road)

Refer to the individual items for the deputation details.

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)

The Public Meeting this date was to consider a City initiated Temporary Use By-laws to temporarily permit the expansion of existing, and new outdoor patios associated with restaurant uses and outdoor sales and display areas associated with existing permitted retail and personal service shop uses.

The Committee Clerk advised that a city-wide notice was placed in the *Markham Economist & Sun* and the *Thornhill Liberal* on May 21 and 28, 2021. No written submissions were received regarding this proposal.

Brad Roberts, Manager, Zoning and Special Projects, delivered a presentation on the City-initiated Temporary Use Zoning By-Laws to Permit Extended Outdoor Patios and Outdoor Display and Sales areas.

The following deputation was provided on the Temporary Use Zoning By-Laws to Permit Extended Outdoor Patios and Outdoor Display and Sales areas:

Sara Sterling, Unionville Business Improvement Area provided the following feedback on the by-laws:

- Supported the Temporary By-Laws to Permit Extended Outdoor Patios and Outdoor Display and Sales Areas, as it will benefit many businesses on Main Street Unionville;
- Requested that the application be approved in a timely manner and asked why the Manager of Heritage Planning was approving the applications;
- Appreciated the flexibility of the by-laws;
- Suggested that businesses located on Main Street Unionville will be interested in submitting an application for either a patio or outdoor sales space.

Committee provided the following feedback:

- Are restaurants with only one or two parking spots limited to only using their spots for their patio?
- Is there a way of protecting the restaurant patrons sitting on the patio from reckless drivers?
- Can restaurants have a barbeque in their patio area?
- Can restaurant patrons use the washrooms inside the facility?
- When can restaurants start applying for the permit and do staff anticipate a lot of interest?

Staff responded to the Committee's and resident's inquiries. It is anticipated that some restaurants will submit an application to be permitted to have outdoor patio space. Breweries have also demonstrated an interest in being able to have outdoor patio space. The applications will be reviewed by the Manager of Heritage Planning to ensure that neither the outdoor patio space nor the outdoor sale space will damage any existing heritage resources. Staff will endeavor to process the applications in a timely manner. The City will start to accept applications as early as next week. The goal is for restaurants to be able to open their outdoor patios by July 1st, however, this will be dependent on whether the Greater Toronto Area successfully enters stage 2 of the Provincial Recovery Plan.

Staff advised the City does not have authority to permit restaurants to use other tenant's parking spots for their patios. Restaurants will need to discuss this option with their landlords, noting there is nothing in the by-law prohibiting this from occurring. Likewise, barbeques could be permitted to be used in a public space, but this would need to be evaluated on a case by case basis. Moreover, washroom usage at restaurants will be determined by Public Health. Lastly, staff will consider ways to protect restaurant patrons from careless drivers, and will discuss

with the City's Operations Staff if parking spaces between bump outs on Main Street Markham can be used for outdoor patio space.

Mayor Frank Scarpitti advised that a Special Council Meeting will be held immediately following this meeting to approve the by-laws.

Committee thanked City staff for their hard work in preparing the by-laws in such a short time-frame.

Moved by Mayor Frank Scarpitti

Seconded by Councillor Reid McAlpine

1. That the Development Services Commission report dated June 8, 2020, titled "INFORMATION REPORT, City Initiated Temporary Use Zoning By-laws to permit extended outdoor patios and outdoor display and sales areas", be received; and,
2. That the comments of the Public Meeting held on June 11, 2020, with respect to the City Initiated Temporary Use Zoning By-laws to permit extended outdoor patios and outdoor display and sales areas be received; and,
3. That the proposed Temporary Use By-law to add additional special zone standards for outdoor patios within the geographic boundaries governed by By-laws 28-97, 71-96, and 2004-196, as amended, be enacted; and,
4. That the proposed Temporary Use By-law to add additional special zone standards relating to outdoor sales and display areas accessory to permitted retail stores and personal service shops within the geographic boundaries governed by 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, be enacted; and,
5. That the proposed Temporary Use By-law to add additional special zone standards for outdoor patios within the geographic boundaries governed by By-laws 28-97, 71-96, and 2004-196, as amended, include existing permitted breweries; and,
6. That authority to act on behalf of Council to grant municipal authorizations required by the Alcohol and Gaming Commission of Ontario ("AGCO") for temporary extensions of liquor licences be delegated to the City Clerk; and,

7. That the fee for the processing of requests by the City for the temporary extension of liquor licences be waived in 2020; and,
8. That the Director of Operations or their designate, through an amendment to By-law 2013-136 as amended, be authorized to waive fees for Road Occupancy Permits and Boulevard Patio Permits to facilitate temporary patio expansions into the municipal boulevard; and,
9. 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; and,
10. That the Fire Chief or their designate, through an amendment to By-law 111-98 as amended, be authorized to waive fees for review of temporary patio expansions; and,
11. That the Director of Planning and Urban Design, through an amendment to Bylaw 211-83 as amended, be authorized to waive fees for review of temporary patio expansions; and,
12. That Staff be authorized to incorporate appropriate conditions to the permissions for temporary extensions of outdoor patios and outdoor display and sales areas, to the satisfaction of the Commissioner of Development Services, the Commissioner of Community and Fire Services, and the City Solicitor; and further,
13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

4.2 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 (10.5, 10.7)

The Public Meeting this date was to consider an application submitted by Flato Developments Inc. (Shakir Rehmatullah) for Zoning By-law Amendment to develop a 6 storey office building and 10 storey hotel with an attached convention

centre at 2695 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File No. PLAN-19-119540.

The Committee Clerk advised that 49 notices were mailed on May 22, 2020, and that a Public Meeting sign was posted on May 21, 2020. Three written submissions were received regarding this proposal.

Marty Rokos, Senior Planner, West District delivered a presentation on the development application, providing members of the Committee with an overview of the area context, proposed concept plan, applicable policy and zoning context, outstanding issues identified by staff, and next steps in the application process.

Emma West, Consultant with Bousfields, and Shakir Rehmatullah, Flato Developments Inc. delivered a presentation of the development application.

The following deputation was provided on the development proposal:

Tammy Arnes provided the following feedback on the development proposal:

- Suggested that higher wage employment uses should be considered for this site, like corporate headquarters.

Committee provided the following feedback regarding the development proposal:

- The development should be denser;
- The development needs to be better integrated with the Leporis Development;
- Asked if there will be passage ways for wildlife to go under the roads;
- Inquired if there is an opportunity to purchase the land located next to the site owned by York Region.

Staff responded to both the Committee's and resident's inquiries. Greater density could be considered for this development proposal. Staff have encouraged the applicant to think about how the York Region parcel of land to the left of the site may be developed in the future when creating its development proposal. The method for wildlife to safely cross the road is still being determined at this time.

Emma West responded to the Committee's inquiries. York Region was approached regarding its land parcel to the west of the site and it was found that most of the land is not developable due to the 14 meter set-back requirement from Highway 404. Next, an overview of the traffic flow, parking, and site entrances was provided. This included an explanation that there will be a two storey underground parking lot that will be shared by the hotel, convention centre, and

office building. Also, it was noted that the landscaping will be designed to make the site both pedestrian and vehicle friendly. In response to the feedback from tonight's meeting, the desire to further integrate the Flato and Leporis sites will be discussed with the client.

Shakir Rahmatullah requested that flexibility be allowed with respect to the height of the development proposal, and that the Zoning By-Law Amendment go directly to Council.

Staff advised that Site Plan approval is not required for the Zoning By-Law Amendment to be approved by Council, but that staff should be satisfied with the Site Plan prior to the by-law being brought forward to Council for its consideration.

Moved by Councillor Alan Ho

Seconded by Regional Councillor Jim Jones

1. That the deputation by Tammy Armes regarding the proposed Zoning By-law Amendment to develop a 6 storey office building and 10 storey hotel with an attached convention centre at 2695 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File No. PLAN-19-119540, be received; and,
2. That the written submission by Katarzyna Sliwa, Dentons Canada LLP, Gabriel DiMartino, Armland Group, and Mojgan Rasouli, Bousfield Inc., regarding the proposed Zoning By-law Amendment to develop a 6 storey office building and 10 storey hotel with an attached convention centre at 2695 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File No. PLAN-19-119540, be received.
3. That the Record of the Public Meeting held on June 11, 2020 with respect to the proposed Zoning By-law Amendment to develop a 6 storey office building and 10 storey hotel with an attached convention centre at 2695 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File No. PLAN-19-119540 be received; and,
4. That the Applicant be provided with the flexibility to increase the height of the development proposal by 20%, and further,
5. That the application by Flato Developments Inc., to amend By-law 304-87, as amended, be referred to a Council meeting when Staff are satisfied with the Site Plan.

Carried

4.3 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 (10.5, 10.7)

The Public Meeting this date was to consider an application submitted by Leporis Construction Inc. for a Draft Plan of Subdivision and Zoning By-law Amendment to develop a multi-unit industrial building, a convention centre, two multi-unit commercial buildings, a restaurant, and a 3 storey office building at 2705 and 2755 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File Nos. ZA-16-137567 and SU-16-137567.

The Committee Clerk advised that 237 notices were mailed on May 22, 2020, and a Public Meeting sign was posted on May 22, 2020. One written submission was received regarding this proposal.

Marty Rokos, Senior Planner, West District, delivered a presentation on the development application, providing members of the Committee with an overview of the area context, proposed concept plan, applicable policy and zoning context, outstanding issues identified by staff, and next steps in the application process.

Bill Tam, KLM Planning Partners, Consultant to the Applicant, delivered a presentation on the development proposal submitted by the applicant.

There were no deputation on this development proposal.

Committee provided the following feedback on the development proposal:

- Asked about the uses being proposed for the complex;
- Suggested revisions to the internal circulation system to include a direct internal connection along a private north south driveway to provide access between Elgin Mills Road and the new east-west public road extending west of Woodbine Avenue ;
- Recommended the site be better integrated with the Flato Development site so that it appears to be one theme throughout both developments;
- Inquired who owns the property to the east;

- Did not want to limit the height of the office building to five storeys.

Gabe DiMartino, Armland Group, representing the Applicant responded to the Committee's inquiries. The units have not been committed to any one client at this time. Therefore, many of the uses permitted under the City's Official Plan are being requested to ensure the units can be leased for a range of uses. The land parcel to the right is owned by the City and will become part of the wildlife corridor. The public road will be built over the wildlife corridor and the creek by building a culvert to go over the area. Enough space will be left under the culvert to permit wildlife to pass under the road, but it will not provide enough space for pedestrians to cross. The dotted lines on the map represent pedestrian walkways connecting the sites and different amenities on the sites.

The Mayor requested that the Development Services Public Meeting recess to hold a Special Council meeting to approve the Temporary Use By-Laws to permit expansion of existing and new outdoor patio uses and outdoor sales. The Development Services Public Meeting will then reconvene to discuss agenda item 4.4. on the agenda.

The Development Services Public Meeting recessed at 10:46 PM.

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

1. The written submission by Katarzyna Sliwa, Dentons Canada LLP regarding the proposed Draft Plan of Subdivision and Zoning By-law Amendment to develop a multi-unit industrial building, a convention centre, two multi-unit commercial buildings, a restaurant, and a 3 to 5 storey office building at 2705 and 2755 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File Nos. ZA-16-137567 and SU-16-137567", be received.
2. That the Record of the Public Meeting held on June 11, 2020, with respect to the proposed Draft Plan of Subdivision and Zoning By-law Amendment to develop a multi-unit industrial building, a convention centre, two multi-unit commercial buildings, a restaurant, and a 3 to 5 storey office building at 2705 and 2755 Elgin Mills Road, south side of Elgin Mills Road, west of Woodbine Avenue (Ward 2), File Nos. ZA-16-137567 and SU-16-137567", be received; and,

3. That staff be directed to consider extra height for the development proposal; and further,
4. That the applications by Leporis Construction Inc., for Draft Plan of Subdivision and to amend Zoning By-law 304-87, as amended, be referred back to staff for a report and recommendation to evaluate the proposal.

Carried

Moved by Deputy Mayor Don Hamilton
Seconded by Mayor Frank Scarpitti

That the Development Services Committee recesses at 10:46 PM for 15 minutes to convene into a Special Council meeting to approve the Temporary By-Laws to permit the expansion of existing and new outdoor patio uses and outdoor sales.

Carried

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)

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)

The Development Services Public Meeting reconvened at 11:05 PM.

The Public Meeting for this date was to consider an application submitted by Clera Holdings Inc. to rezone the subject lands on Block 81, Registered Plan 65M-4033 (West Side of Woodbine Avenue, South of Elgin Mills Road East) to facilitate the development of a retail and office development, including restaurants and a day care, with a total gross floor area of 3,697 square metres.

The Committee Clerk advised that 2,580 notices were mailed on May 22, 2020 and that a Public Meeting sign was posted on the subject property on May 14, 2020 with confirmation executed on May 19, 2020. No written submissions were received regarding this proposal.

Marty Rokos, Senior Planner, West District, delivered a presentation on the development application, providing members of the Committee with an overview

of the area context, proposed concept plan, applicable policy and zoning context, outstanding issues identified by staff, and next steps in the application process.

Sandra Wiles, consultant to the applicant, delivered a presentation on the development proposal submitted by the applicant, providing members of the Committee with an overview of the proposed revised site plan and technical issues addressed in consultation with staff. Stephen Hunt, Hunt Design Associates, consultant to the applicant, provided an overview of the proposed landscape plan and building elevations.

There were no deputations on this item.

The Committee discussed the following relative to the application:

- Potential integration between the proposed design features and those of future developments to the west;
- Minimizing fencing, where feasible, to enhance integration between the proposal and adjacent wildlife corridor;
- Outdoor amenity space for the proposed day care facility, including potential relocation of the day care to achieve a greater relationship with the existing wildlife corridor; and,
- Relationship between the proposed on-site parking and Woodbine Avenue, including consideration of the feasibility of underground parking and other layout adjustments to enhance street orientation and pedestrian realm.

Sandra Wiles and Stephen Hunt responded to the Committee's discussion on the development proposal. The suggestion of making the retail units two or three storeys, and adding underground parking will be discussed with the Applicant. Also, it was noted that moving the retail units closer to Woodbine Avenue and eliminating the parking in the front of the units may impact the traffic flow in the complex, as it would limit the complex to one entrance. Stephen Hunt advised that the applicant and the day care provider are working to incorporate outdoor play space on the roof of the proposed day care facility.

Committee requested that the Applicant work with staff on the frontage of the retail units on Woodbine Avenue and on the plaza entrances.

Moved by Councillor Alan Ho

Seconded by Mayor Frank Scarpitti

1. That the Record of the Public Meeting held on June 11, 2020, with respect to the proposed Zoning By-law Amendment to develop a retail and office

development including restaurants and a day care on Block 81, Registered Plan 65M-4033, on the west side of Woodbine Avenue, south of Elgin Mills Road (Ward 2), File No. PLAN-19-123509," be received; and,

2. That the application by Clera Holdings Inc. to amend Zoning By-law 304-87, as amended, be referred back to staff for a report and recommendation to evaluate the proposal.

Carried

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Khalid Usman

1. That the Development Services Public Meeting be permitted to continue past 12:00 AM.

Carried

5. ADJOURNMENT

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Khalid Usman

That the Development Services Public Meeting adjourn at 12:08 AM.

Carried