



Report to: Development Services Committee

Meeting Date: October 14, 2020

SUBJECT: RECOMMENDATION REPORT
Applications for Zoning By-law Amendment and Site Plan Approval 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 a commercial development (Ward 2)
File No. PLAN 19 123509 and SPC 19 123509

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

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

RECOMMENDATION:

1. That the report titled “Applications for Zoning By-law Amendment and Site Plan Approval 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 a commercial development(Ward 2)” be received; and
2. That Zoning By-law Amendment application (PLAN 19 123509) submitted by Clera Holdings Inc. be approved and the implementing by-law attached as Appendix ‘B’ be finalized and enacted without further notice; and
3. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and
4. That the Site Plan application (SPC 19 123509) submitted by Clera Holdings Inc., to facilitate the development of two one-storey buildings and two two-storey commercial buildings with a GFA of 3,697 m² (Ward 2) be endorsed in principle, subject to the conditions in Appendix ‘A’; and
5. That this endorsement shall lapse and site plan approval will not be issued, after a period of three (3) years commencing on October 14, 2020 in the event that the site plan agreement is not executed within that time period; and
6. That Site Plan Approval be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. The Site Plan is only approved when the Director or designate has signed the site plan; and

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

EXECUTIVE SUMMARY:

The site has an area of approximately 1.39 ha. (3.4 ac.). It is located on the west side of Woodbine Avenue south of Elgin Mills Road (the “subject lands”). This report recommends the approval of an application for a Zoning By-law Amendment, to refine the permitted uses and development standards for a proposed commercial development with four buildings and a total GFA of 3,697 m² (42,700 ft²). The proposed development includes offices, retail, restaurants, and a child care centre. The report also recommends endorsement in principle of the site plan approval application. While this site plan application meets the criteria for staff delegation of site plan approval, members of Development Services Committee proposed a number of revisions at the June 11, 2020 Public Meeting, which have not been incorporated into the site plan. Staff have therefore included a specific recommendation for endorsement in principle of the site plan.

The owner will be required to construct a natural wildlife corridor abutting the subject lands to the west, as required by OMB Minutes of Settlement dated December 18, 2006.

PURPOSE:

The purpose of this report is to provide an overview, evaluation and recommendation of the applications for zoning by-law amendment (the “Application”) and Site Plan Approval submitted by Clera Holdings Inc. (the “Owner”). The report details the applicable policies and requirements in the Official Plan.

LOCATION AND AREA CONTEXT:

The lands subject to the proposed zoning by-law amendment are located on the west side of Woodbine Avenue, south of Elgin Mills Road (see Figure 1). The lands have an area of approximately 13,865 m² (149,239 ft²) with a frontage of approximately 215 m (705 ft) on Woodbine Avenue. The site was previously used for agricultural purposes and is currently vacant (see Figure 3).

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.

BACKGROUND:

In 2006, the previous owners of the abutting lands to the west [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) 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 primary reason for the appeal related to a wildlife and stream corridor designated in the 2004 amendments to the Cathedral Town Secondary Plan, covering a small part of the subject lands but located mostly on the abutting property to the west. 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.

Process to Date

The Zoning By-law amendment application was submitted on July 9, 2019 to establish site specific development standards including the front yard setback, parking depth, and landscaping as well as to permit a child care centre and a restaurant use on the second floor. The ZBA application was deemed complete on July 30, 2019.

The site plan application was submitted on September 6, 2019 as 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. However, because Development Services Committee proposed several revisions to the site plan at the June 11, 2020 Public Meeting, which have not been incorporated, staff have included a specific recommendation regarding endorsement in principle of the site plan application by Development Services Committee.

Electronic Public Meeting

An electronic statutory Public Meeting was held on June 11, 2020. The comments made at the public meeting are summarized in the Options/ Discussion section below.

Next Steps

If the zoning application is approved staff recommend enacting the Zoning By-law Amendment at an upcoming Council meeting. If the site plan application is endorsed in principle, the owner will enter into a site plan agreement with the City and site plan approval will follow.

PROPOSAL:

The applicant is proposing a retail and office development, including restaurants and a child care centre, 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.

PROVINCIAL POLICY CONFORMITY

The proposed development conforms to the applicable provincial policy framework, including the Growth Plan for the Greater Golden Horseshoe and the Provincial Planning Statement as well as the land use designation and policies of the Regional Official Plan.

OFFICIAL PLAN AND ZONING BY-LAW:

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, but which 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 each building or 3,000 m², whichever is less. It also restricts retail uses to a maximum of 3,000 m² of GFA per premises for office supply and computer supply stores and 1,000 m² of GFA for all other retail uses. Restaurants and child care centres are permitted as discretionary uses subject to a site specific zoning by-law amendment. A child care centre may only be permitted as part of an office building.

The proposed uses are provided for by the Official Plan with limits that will be discussed further in the Options/Discussion section of this report.

Zoning By-law 177-96

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. Child 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 Owner proposes to rezone the site from BC*309*370 Zone to a site specific BC*309*370*A Zone, as summarized in Table 1.

TABLE 1

Zone Standard	Existing	Proposed
Restaurants	Permitted as an accessory use only in an office building, hotel, trade and convention centre, or a building with recreational establishments	Permitted, maximum 20% of the total gross floor area, other restrictions in the "Existing" column removed
Child care centres	Not permitted	Permitted in a building with offices
Retail	Permitted, maximum net floor area is 6,000 m ²	In order to comply with 2014 OP provisions, the proposed zoning by-law would permit a maximum 1,000 m ² per premises, maximum 50% of each multi-tenant building or 3,000 m ² , whichever is less Maximum 3,000 m ² per property
Retail, office or computer supply		In accordance with 2014 OP, uses permitted to a maximum 3,000 m ² per premises, maximum 50% of each multi-tenant building or 3,000 m ² , whichever is less and a maximum 3,000 m ² per property
Supermarket	Not permitted	Permitted, maximum 1,000 m ² per premises, maximum 50% of each multi-tenant building or 3,000 m ² , whichever is less Maximum 3,000 m ² per property
Front yard (minimum)	6.0 m	5.0 m
Front yard (maximum)	19 m	26 m
Front yard parking area depth (maximum)	12.0 m	18.5 m
Landscaping adjacent to front lot line (minimum)	6.0 m	3.0 m
Landscaping adjacent to north lot line	3.0 m	Driveways can cross landscaping strip

OPTIONS/ DISCUSSION:**Statutory Public Meeting**

An electronic statutory public meeting was held on June 11, 2020. One written submission has been received regarding the proposal, which is summarized below. There were no comments from the public at the public meeting. Committee members made several comments about the proposed zoning by-law amendment, including:

- A request for a grocery store on the site;
- A request to relocate the buildings up to the street with parking behind to create a pedestrian oriented site, similar to the commercial development at 8570-8630 Woodbine Avenue;
- The owner was requested to prepare drawings showing how the site would look with buildings being brought up to the street;
- Alternatively, some members proposed that the building be located in the middle of the property;
- Include a second storey on all buildings;
- Architectural style should complement that of the Leporis and Flato development sites to the west; and
- Minimize fencing between the subject lands and the wildlife corridor.

A letter was received from RJ Forhan and Associates on behalf of Romandale and King David Inc. A number of points were raised including the following that are relevant to the Clera Holdings site:

- The proposed plan is not consistent with the Cathedral Community Design Plan;
- Parking should be concealed and buildings should be at the street edge;
- The built form does not meet the architectural character of the Community Design Plan; and
- Include pedestrian connections between streets.

Urban Design Comments

Staff have considered the above comments and have discussed them with the owner. Urban Design staff are satisfied with the building locations and heights proposed by the owner. Building 'A' addresses the corner of Woodbine Avenue and the proposed east-west municipal road and provides parking in the rear (see Figure 5). While Buildings 'B', 'C', and 'D' have a driveway and parking in the front, this site is not anticipated to generate large amounts of pedestrian traffic. Setting these buildings back from the street frontage to provide for some parking in the front was felt to provide a balanced approach, which would encourage the main commercial frontages to face Woodbine Avenue. If there is no parking in the front then the retailers may focus their interior activities to the west side which could detract from the Woodbine Avenue frontage. The applicant has stated that the commercial units will rely on visibility from Woodbine Avenue to attract customers.

As described in the Statutory Public Meeting section, the owner was asked to prepare drawings showing buildings being brought up to the street. The owner did not support moving buildings B, C and D to the street because they are of the opinion that having parking in front of the buildings would contribute to street animation and provide better access to the site. The applicant has not submitted drawings illustrating a concept with buildings B, C and D located at the street.

Staff are working with the owners of all three development sites (Clera Holdings, Flato, and Leporis) to encourage complementary architecture between the three developments. However, the owners of the Flato and Leporis sites have not yet submitted site plan applications, while the Clera proposal is significantly more advanced. Staff are satisfied with the architectural style of the Clera proposal and will continue to work with the applicants to the west to provide for complimentary architectural styles.

Regarding the proposal to incorporate a grocery store (called a supermarket by the zoning by-law), a supermarket is considered a retail use by the Official Plan and as such is permitted subject to the same size restrictions as other retail uses. The proposed site plan could accommodate a small supermarket. A supermarket has been included as a permitted use in the draft zoning by-law, subject to the same size restrictions as other retail uses.

There are constraints associated with the request to minimize fencing between the site and the wildlife corridor. Because of a grade change between the subject lands and the wildlife corridor of as much as two metres, a retaining wall has been proposed in the grading design in the vicinity of Building 'D', which would need to be topped with a chain link fence for safety reasons. This would continue the existing retaining wall and chain link fence along the west property line of the Esso property. A chain link fence is also located at the bottom of the slope between the parking lot and the wildlife corridor. The owner has indicated that this fence is intended to discourage people from climbing the slope and that they are agreeable to removing it. As part of the site plan process, Engineering staff have asked the owner to consult with a geotechnical engineer to confirm if an alternative to a retaining wall could be implemented. This matter must be resolved to the Director of Planning and Urban Design's satisfaction, as a condition of site plan endorsement.

Cathedral Community Design Plan

The Cathedral Community Design Plan was prepared to guide urban design in the Cathedral community. It contains urban design guidelines intended to create a distinct, vibrant, and urbanized community with the Cathedral of the Transfiguration at its core. The subject lands are part of the Cathedral community. In staff's opinion the proposed development is consistent with the intent of the Cathedral CDP.

The guidelines state that buildings should be designed to minimize the impact of parking and servicing/loading on the street. As stated in the Statutory Public Meeting section of this report, Building 'A' is sited to directly address the street edge at the corner of Woodbine Avenue and the proposed east-west road. The impact of the parking in front of the other buildings is softened through the use of a landscape buffer including two rows of trees and a variety of shrubs providing visual screening. Walkways are proposed between the buildings on the site and connecting the buildings to the municipal sidewalk. Further discussion on the relationship between the buildings and the street can be found in the Urban Design Comments section above.

In accordance with the Community Design Plan, the proposed buildings are designed to have a creative use of materials, colour and texture on their facades. The variety of materials include stone, brick, and stucco with storefront windows and doors. The façades

are visually broken up by columns and the rooflines feature cornices above the signage and decorative pediments. Rooftop mechanical units are screened from view.

Planning Comments

As described in the Proposal section of this report, the owner is proposing a commercial development including retail, office, and restaurant space and a child care centre with 3,697 m² (39,794 ft²) of GFA in four buildings.

As discussed previously, the “Service Employment” designation of the 2014 Official Plan provides for restaurants and child care centres as discretionary uses subject to a site specific zoning by-law amendment. The policies of the “Service Employment” designation restrict retail uses to a maximum of either 50% of the total GFA of a building or 3,000 m², whichever is less. The maximum amount of retail floor area per premises is 1,000 m² unless it is an office or computer supply store, in which case the maximum is 3,000 m². The maximum GFA of retail on a property is 3,000 m².

To implement these policies, the proposed zoning limits retail to a maximum of 1,000 m² or up to 3,000 m² for office or computer supply stores, up to a maximum of 50% of the Gross Floor Area of each multiple-unit building. The child care centre is proposed in Building ‘A’, which includes 189.5 m² of office space on the second floor. The owner proposes to locate a restaurant on the second floor of Building B, which also contains commercial units on the first floor. The second floor has a GFA of 298.6 m² (3213.6 ft²). To limit the parking impact that restaurants have on shopping centres, Markham’s Parking By-law 28-97 restricts restaurants to 20% of the total gross floor area of the subject site. It is the opinion of staff that incorporating the same restriction into the zoning would ensure that the site will serve the surrounding employment uses as intended while leaving sufficient floor space for a mix of other uses.

Staff support the proposed zoning by-law amendment application with the above restrictions incorporated into the zoning by-law.

Site Plan Endorsement

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 81, Registered Plan 65M-4033 (the subject lands), Clera Holdings shall construct the wildlife corridor in its entirety prior to or as a condition of site plan approval. To allow the construction 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 (the landowners to the west of the wildlife corridor) on the construction of the wildlife corridor. The owner must design the corridor in accordance with the OMB Minutes of Settlement, including a detailed natural channel design, plant species, and fencing. It must be constructed before the Site Plan securities are released back to the owner and this requirement is included in the conditions of site plan endorsement.

Other site plan issues to be resolved as part of the ongoing site plan process include:

1. Mutual driveway easement required for north driveway to be a condition of site plan endorsement.
2. Resolve any issues resulting from the review of technical studies including the Environmental Site Assessment, Environmental Impact Study, Functional Servicing and Stormwater Management Report, and Noise Report.
3. Resolve any issues relating to the site layout, including traffic circulation, animation of building frontages facing Woodbine Avenue, and the child care centre outdoor play area.
4. Confirm any outstanding financial obligations, including but not limited to cash in lieu of parkland dedication and tree replacement/compensation.

Resolution of these matters to the satisfaction of the Director of Planning and Urban Design are required as conditions of site plan endorsement.

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 application has been circulated to various City departments and external agencies and no concerns were identified.

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

Figure 7: Building A and B East Elevation

Figure 8: Building C East Elevation and Building D South Elevation

APPENDICES:

Appendix 'A': Site Plan Conditions

AGENT:

Sandra Wiles

28 Brookbank Court

Markham, Ontario L3P 6K8

Tel.: 416-458-2257

APPENDIX 'A'
SITE PLAN CONDITIONS
CLERA HOLDINGS INC.
BLOCK 81, REGISTERED PLAN 65M-4033
SPC 19 123509

That prior to site plan endorsement:

1. The Owner satisfy all City departments and Region of York technical requirements to the satisfaction of the Director of Planning and Urban Design.
2. The Owner 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 to the satisfaction of the Director of Planning and Urban Design.
3. The Owner resolve any issues relating to the site layout, including traffic circulation, animation of building frontages facing Woodbine Avenue, and the child care centre outdoor play area to the satisfaction of the Director of Planning and Urban Design.

That the Owner enter into a Site Plan Agreement with the City, containing all standard and special provisions and requirements of the City and external agencies, including but not limited to:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, cash in lieu of parkland, tree replacement/ compensation, and any other financial obligations and securities.
2. Provisions to ensure all Region of York requirements are satisfied.

That prior to execution of the Site Plan Agreement:

1. That the Owner consult with a geotechnical engineer to confirm if an alternative to a retaining wall along the west property can be implemented, to the satisfaction of the Director of Planning and Urban Design.
2. That the Owner enter into a mutual driveway easement with the owners of the abutting lands to the north for the north driveway, to the satisfaction of the Director of Planning and Urban Design.

That prior to the release of financial securities in the Site Plan Agreement:

1. That the Owner agrees to construct the natural wildlife corridor in its entirety as required by the Minutes of Settlement of Ontario Municipal Board Case No. PL060690, dated December 18, 2006, to the satisfaction of the Director of Planning and Urban Design.