



Report to: Development Services Committee

Meeting Date: January 25, 2020

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**SUBJECT:** RECOMMENDATION REPORT  
Leporis Construction Inc.  
Applications 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 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:**

1. That the report titled “RECOMMENDATION REPORT, Leporis Construction Inc., Applications 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 development of the subject lands for employment uses (Ward 2)” be received;
2. That Zoning By-law Amendment application (ZA 16 137567) submitted by Leporis Construction Inc. be approved and the implementing by-law attached as Appendix ‘B’ be finalized and enacted without further notice;
3. That Draft Plan of Subdivision application (SU 16 137567) submitted by Leporis Construction Inc. be approved subject to the conditions outlined as Appendix ‘A’;
4. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out as Appendix ‘A’, as may be amended by the Director of Planning and Urban Design or designate;
5. That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
6. 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
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

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**EXECUTIVE SUMMARY:**

The site at 2705 and 2755 Elgin Mills Road East is located on the south side of Elgin Mills Road East, between Woodbine Avenue and Highway 404 (the “subject lands”). It has an area of approximately 7.8 ha (19.4 acres). This report recommends approval of an application for a Zoning By-law Amendment and Draft Plan of Subdivision submitted by Leporis Construction Inc., to create development blocks, an open space block, and a road block, and establish site specific development standards for a proposed employment development. The proposed development includes six buildings and a total GFA of between 21,447 m<sup>2</sup> and 24,568 m<sup>2</sup> (230,854 to 264,448 ft<sup>2</sup>). The proposed development includes offices, retail, restaurants, a convention centre, and an industrial building. The overall GFA depends on the final height of the office building, which is proposed to be between 3 and 5 storeys in height. The proposed road provides access to the subject development and also the abutting property to the west owned by Flato Developments Inc., which is subject to a zoning by-law amendment application. This application is currently under review.

The subject lands are designated “Employment Area – Service Employment”, “Employment Area – Business Park Employment” and “Greenway – Natural Heritage Network” under the 2014 Official Plan. Under the 1987 Official Plan, the subject lands are designated “Industrial – Business Corridor Area”, “Industrial – Business Park Area”, and “Valleylands”. Because of the date that the application was submitted, it is subject to the policies of the 1987 Official Plan, however the policies of the 2014 Official Plan must also be taken into account. The Official Plan policies provide for the proposed uses.

The subject lands are zoned “Rural Residential 4 (RR4) Zone” by By-law 304-87, as amended. A zoning by-law amendment is required to permit the proposed development.

Staff are satisfied with the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications, with the changes discussed in this report.

**PURPOSE:**

The purpose of this report is to provide an overview, evaluation and recommendation of the applications for zoning by-law amendment and draft plan of subdivision (the “Application”) by Leporis Construction Inc. (the “Owner”).

**BACKGROUND:****Location and Area Context**

The lands subject to the proposed zoning by-law amendment are located on the south side of Elgin Mills Road East, between Woodbine Avenue and Highway 404 (see Figure 1). The lands 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.)

The surrounding land uses are as follows (see Figure 2):

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

**Process to Date**

On July 11, 2006, the previous owners of the subject lands (Ontario N30 Investment Inc.) appealed Draft Plan of Subdivision 19T-95075 (see Figure 7) and the related by-laws to the Ontario Municipal Board (OMB) (now LPAT). Draft Plan 19T-95075 abuts the subject lands and includes the Clera Holdings site on Block 73, (OPA and ZBA approved and site plan endorsed by Development Services Committee on October 14, 2020). The primary reasons for the appeal was that multiple stream corridors were planned to be consolidated into a single Open Space corridor, which was wider than originally anticipated (approximately 40 m in width) and located mostly on the subject lands, reducing the developable area of these lands. The parties entered mediation and a settlement was reached. The Minutes of Settlement were issued by the OMB on December 18, 2006.

On April 8, 2016 the current applicant submitted applications for Zoning By-law Amendment and Draft Plan of Subdivision. The applications were deemed complete on May 4, 2016. A virtual 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**

Should the zoning and draft plan of subdivision applications be approved, staff recommend enacting the Zoning By-law Amendment at an upcoming Council meeting. Following clearance of conditions of draft plan approval, the owner will enter into a subdivision agreement with the City. An application for site plan approval will be required for each phase of development.

**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 Figures 6 and 7).

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 provides access into the subject lands and the abutting Flato Developments Inc. site to the west (2695 Elgin Mills Road East), which is subject to separate applications for Zoning By-law Amendment under File No. PLAN 19 119540 (see Figure 8). The draft plan includes part of the planned natural wildlife corridor discussed above that parallels Carleton Creek and terminates to the north at a stormwater management pond on the north side of Elgin Mills Road. This wildlife corridor in this general area is largely on the Leporis lands.

A conceptual site plan has been submitted to demonstrate how the site may develop with a future site plan application (See Figure 6). The conceptual site plan shows six buildings on the subject lands to be developed in phases, with an approximate total gross floor area (GFA) of between 21,447 m<sup>2</sup> and 24,568 m<sup>2</sup>. The plan is split into two sites: Site A (the south parcel) is on the south side of Future Street “1” and is proposed to be developed as a multi unit industrial building. Site B (the north parcel) is on the north side of Future Street “1” and includes a proposed convention centre, two multi unit commercial buildings, a stand-alone restaurant, and a 3-5 storey office building. Both surface and underground parking are proposed, with approximately 632 parking spaces in total. No trails are shown within the wildlife corridor in the concept plan, however staff recommend that the owner add a walking trail designed to municipal standards, as discussed further in the Options/Discussion section of the report.

On the north parcel, the proposed zoning by-law amendment adds a child care centre, place of amusement, place of entertainment, day kennel, and pet grooming. On the south parcel, the proposed additional uses are child care centre, place of entertainment within an office building or hotel, commercial schools, and commercial fitness centre (see Appendix ‘B’).

Staff continue to work with the applicant to refine the development concept which will be addressed in detail through future site plan applications.

### **Official Plan And Zoning By-Law:**

#### 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 5).

The “Business Park Employment” designation applies to settings offering high visibility and excellent access to 400 series highways, arterial roads and transit services and is to be planned and developed for prestige industrial and office development, frequently in larger scale buildings located on large properties. The uses that are provided for include office, manufacturing, trade and convention centre, accessory and ancillary retail, day care centre, commercial school, restaurants, and service uses.

Lands designated “Service Employment” are intended to accommodate uses that serve and support other business uses and employees in Markham, but are not provided for in other ‘Employment Lands’. Some of these uses may also serve residents. The uses provided for include service, office, manufacturing, limited retail, restaurant, commercial school, and banquet hall.

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. As a result, the policies of the 1987 Official Plan were in effect when the application was submitted and continue to apply. 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 (See Figure 4).

The area of the site located south of the proposed new road is designated “Business Park Area”. This 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. The uses provided for include office, light industrial, accessory and ancillary retail, trade and convention centre, commercial school, day care centre, and banquet hall.

The majority of the lands located north of the proposed new road are designated “Business Corridor Area” and 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 uses provided for include office, light industrial, trade and convention centre, limited retail, service, commercial school, day care centre, and restaurant.

Lands along the eastern boundary of the site are designated “Valleylands”. This designation includes lands that are intended for preservation and conservation in their

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natural state. The “Valleylands” designation applies to the proposed natural wildlife corridor and part of the southerly portion of the subject lands.

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 304-87

The subject lands are zoned “Rural Residential 4 (RR4) Zone” by By-law 304-87, as amended. The RR4 Zone does not permit employment development. The owner proposes to remove the site from By-law 304-87 and incorporate it into By-law 177-96 and rezone it to the Business Corridor (BC) and Business Park (BP) Zones with site specific provisions, as well as the Open Space (OS1) Zone, as summarized in Appendix ‘C’: Summary of Proposed Zoning Standards.

The proposed Business Corridor (BC) Zone on the north parcel would add child care centre, place of entertainment, place of amusement, day kennel, and pet grooming as permitted uses. Site specific performance standards have been developed to limit the size of retail stores and reflect the proposed development concept in accordance with the policies of the Official Plan. These include permitting buildings to be located farther to the south on the subject lands while ensuring that the buildings at the north end of the site address the street edge of Elgin Mills Road.

The proposed Business Park (BP) Zone on the south parcel would add child care centre, commercial school, and commercial fitness centre as permitted uses. Place of entertainment is also proposed as a permitted use within an office building or a building containing a hotel. Site specific performance standards affect landscaping, accessory retail, and building heights.

The draft zoning by-law amendment is attached as Appendix B. Proposed zoning standards are summarized in Appendix C. Proposed land uses are discussed further in the Options/Discussion section of the report.

### **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 and draft plan, including:

- Providing a direct internal connection along a private north-south driveway between Elgin Mills Road and the new east-west public road;
- Revisions to the plan to provide for better integration with the adjacent Flato site to the west;
- Permit the office building to be taller than five storeys.

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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 Leporis 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;
- Buildings should be no taller than three storeys and should not obfuscate the prominence of the cathedral;
- The east-west road should extend south as an extension of Markland Street; and
- Include pedestrian connections between streets.

**Proposed development concept plan is satisfactory**

Staff have considered the above comments and have discussed them with the owner. Staff responses to the comments raised are set out below.

*Consistency with 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.

The guidelines state that the business park should be designed to create a visually attractive area that balances function with aesthetics. In the business park, the guidelines encourage the siting of buildings to allow views of the Cathedral, buildings close to the street edge with parking screened from street view, and a vehicular circulation system primarily accessed from an extension of Markland Street. In staff's opinion the proposed development is consistent with the intent of the Cathedral CDP, as discussed in more detail below.

*Relationship between buildings, parking areas and street edge*

The concept plan shows two proposed buildings along the Elgin Mills Road frontage of the property: a 3-5 storey office building and a one storey restaurant. The office building has a landscaped area along the Elgin Mills Road frontage and a direct pedestrian connection to the public sidewalk. The restaurant includes a drive-through queuing lane that wraps around the building.

The Cathedral Community Design Plan (CDP) states that buildings should be located to address the street edge, particularly at corner and gateway locations. Principle entrances should be oriented to the street with walkways to the sidewalk, on-site parking, and between buildings. The visual impact of parking from the street should be minimized through a combination of site planning, landscaping, and architectural walls. Landscaping should screen parking where it abuts the street.

In addition to the CDP, the Drive-through Facilities Design Guidelines (DFDG) also apply to uses with a drive-through facility. They are intended to contribute to the development of pedestrian friendly and transit supportive streetscapes, in particular on major roads with

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public transit routes. The Guidelines encourage buildings with a drive-through facility to be located at or near the street frontage and discourage drive-through queuing lanes that wrap around a building or are located within the front and exterior side yard. Direct pedestrian access should be provided from the public road to the building entrance without crossing a queuing lane.

To foster a design that is more in keeping with the DFDG, staff recommend including zoning standards that keep the drive through facility and queuing lanes out of the front yard and require the building to be located closer to the street (see Appendix 'B'). Similar zoning standards have been implemented at other locations throughout Markham and are now part of By-law 177-96.

The proposed east-west public street bisecting the subject lands will have the hotel on the Flato site as a view terminus, the convention centre on the north side, and future employment development on the south side. Urban Design staff are generally satisfied with the proposed concept plan showing shallow parking areas and drive aisles on the south side of the convention centre and the north side of the building on the south parcel. On both the north and south parcels the balance of the parking would be at the interior of the site. The proposed layout was felt to provide a balanced approach between functionality and aesthetics. Detailed site layouts will be determined when site plan applications are submitted. The concept plans in combination with the additional provisions recommended by staff for the zoning by-law bring buildings close to the street edges of Elgin Mills Road and the new east west street. Where parking is visible from the street, it will be screened by a landscape strip with a variety of design features and plantings

*Compatibility with the architectural character of the Community Design Plan*

Staff are working with the owners of all three development sites between Woodbine Avenue and Highway 404 (Clera Holdings, Flato, and Leporis) to encourage complementary architecture between the three developments. It should be noted that the Clera Holdings proposal is currently the only one with an active site plan application. Staff will continue to work towards this goal as site plan applications are submitted for the Leporis and Flato applications.

*Heights of proposed buildings and impacts on views to the Cathedral*

Written comments on the application have expressed concerns about the proposed height of the office building, while some DSC Committee members proposed additional heights for this building at the Public Meeting. The Cathedral CDP states that building heights should be one to three storeys and that on the north parcel building heights should be a function of the lot area and allowable coverage.

The proposed buildings are generally one storey in height with the exception of the two storey convention centre and the office building located along the Elgin Mills Road edge, which is proposed to be between three and five storeys. The office building visually anchors the approach into the area from Highway 404. The additional height at this location is compatibly scaled with the surrounding highway environment. In addition, locating a significant employment use adjacent to Elgin Mills Road will support transit and pedestrian



activities. The building is at the far end of the site in relation to the Cathedral and has no impact on view corridors to the Cathedral identified by the Community Design Plan.

*Configuration of east –west street*

The new east –west street is proposed to end in a cul de sac at the edge of the Flato property, which will provide access to the Flato site but will not continue into the site. The CDP proposes that Markland Road should be extended to the south to provide additional access to the employment lands to the south. This configuration was reviewed by Transportation staff and it was determined that access to future development on the southern employment lands could instead be provided effectively from Woodbine Avenue. The proposal to end the east west road in a cul de sac at the Flato site would have the added benefit of limiting impacts on an environmental protection corridor to the south and east of the subject lands by not having the new road cross through this feature (see Figure 7).

*Internal pedestrian and vehicular circulation and integration between the Flato and Leporis sites*

An internal walkway network is proposed in the concept plan, which connects to Elgin Mills Road to the north, the proposed east-west street to the south and the proposed Flato development to the west. The walkways connect all the buildings on the site.

Vehicle access is provided by a right-in-right-out (RIRO) driveway from Elgin Mills Road and three driveways from the proposed east-west street. The main driving route goes north from the east-west road, turns west towards the convention centre, and then turns back to the east to connect with the rest of the site and Elgin Mills Road. Transportation staff have reviewed the proposed concept plan and are generally satisfied that the proposed layout provides safe and effective vehicle and pedestrian access to and within the site. York Region has requested a functional design for the RIRO access from Elgin Mills Road to ensure consistency with the Region's design standards.

In addition, City staff continue to work with both Leporis and Flato (to the west) to enhance the relationship between the proposed convention centre (on the north parcel of the Leporis site; the hotel (on the Flato site at the terminus of the new east west street) and the office building on the Flato site, which is proposed to be located mid way between the hotel on the Flato site and the Convention Centre on the Leporis site. The objective will be to provide attractive, well defined walking routes between these major site anchors to facilitate and promote pedestrian travel between the sites.

These objectives will be addressed in detail through future site plan applications on both sites. In addition, these future site plan applications will be reviewed against the Official Plan, Cathedral Community Design Plan, Drive-through Facilities Design Guidelines, and the Zoning By-law. Staff are generally satisfied with the conceptual layout and have included site specific standards in the zoning by-law to guide the design of a future site plan application.

**Draft Zoning By-law will permit an appropriate mix of uses**

As described in the Proposal section of this report, the owner is proposing to facilitate the development of six buildings with an approximate total GFA of between 21,447 m<sup>2</sup> and

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24,568 m<sup>2</sup> (230,854 to 264,448 ft<sup>2</sup>). As stated previously, the 1987 OP policies apply to this application, however the 2014 OP policies must also be taken into account.

On the north parcel, the proposed additional uses are child care centre, place of amusement, place of entertainment, pet grooming, and day kennel. Zoning By-law 177-96 defines a place of amusement as premises with games of skill and competition for the amusement of the public, while a place of entertainment is defined as a motion picture or live theatre, arena, auditorium, planetarium, concert hall, or other similar uses. Both the “Industrial – Business Corridor Area” designation in the 1987 OP and the “Employment Area – Service Employment” designation in the 2014 OP provide for these uses. Retail uses are limited to stores with GFAs between 300 and 1,000 m<sup>2</sup> with the exception that stores located within a mixed use centre, may be less than 300 m<sup>2</sup>. Computer or office supply stores may be up to 3,000 m<sup>2</sup>. The total retail GFA shall generally not exceed the total GFA of the other uses. The zoning by-law limits retail uses to a maximum of 30% of the total GFA of the site.

On the south parcel, the proposed additional uses are child care centre, place of entertainment within an office building or a building containing a hotel, and commercial schools. Both the “Industrial – Business Park Area” designation in the 1987 OP and the “Employment Area – Business Park Employment” designation in the 2014 OP provide for these uses. With respect to the proposed accessory retail, personal service, and restaurant uses within a hotel, convention centre, office building, or industrial building, the 2014 OP limits these to 15% of the total GFA of the building. These uses and floor area limits have been incorporated into the zoning by-law.

#### **Natural Wildlife Corridor to be completed as part of the development**

As stated in the Proposal section of this report, the natural wildlife corridor is largely on the Leporis lands. The owner has indicated that they are working with Clera Holdings to ensure that the corridor is constructed. Staff are also working with the owner and TRCA to implement a walking trail through the wildlife corridor, which would run from the new Street “1” to Elgin Mills Road. The trail design is subject to review and approval from TRCA. If a trail is deemed not feasible, a direct north-south connection should be provided through the development block. These items will be finalized through the process of clearing conditions of draft plan approval (see Appendix ‘A’). Furthermore, the wildlife corridor will be dedicated to the City as a condition of draft plan approval.

In addition to the natural wildlife corridor, a greenway corridor including a watercourse runs east-west along the south property line of the subject lands. This corridor connects the natural wildlife corridor to a woodland and wetland south and west of the subject lands. A portion of this corridor is located on Block 6 on the draft plan of subdivision, which will be conveyed to the City for environmental protection (see Figure 7). TRCA staff are working with the owner to ensure that the natural heritage system is protected and are generally satisfied with the greenway corridor.

#### **Parkland dedication to be provided through cash in lieu contribution**

The applicant will be required to provide a 2% cash in lieu of parkland contribution. This requirement is set out in the conditions of draft plan approval attached as Appendix A.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed applications have been 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. Technical staff comments can be resolved through the conditions of draft plan approval (see Appendix 'A').

**CONCLUSION:**

It is the opinion of staff that the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications are appropriate and are acceptable. It is therefore recommended that the proposed applications be approved subject to the draft plan approval conditions attached as Appendix 'A' and the draft zoning by-law attached as Appendix 'B'.

**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 (2020)  
Figure 4 – 1987 Official Plan Land Use  
Figure 5 – 2014 Official Plan Land Use  
Figure 6 – Conceptual Site Plan  
Figure 7 – Proposed Draft Plan  
Figure 8 – Draft Plan of Subdivision 19T-95075

**APPENDICES:**

Appendix 'A': Recommended Conditions of Draft Plan Approval

Appendix 'B': Draft Zoning By-law Amendment

Appendix 'C': Summary of Proposed Zoning Standards

**AGENT:**

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