

SUBJECT: RECOMMENDATION REPORT
Weins Canada Inc.
Applications for Official Plan Amendment and Zoning By-law Amendment to permit an automotive service building at 205 Torbay Road (Ward 8)
File No. PLAN 20 119485

PREPARED BY: Dimitri Pagratis, M.C.I.P., R.P.P. ext., 2960
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REVIEWED BY: Sabrina Bordone, M.C.I.P., R.P.P. ext., 8230
Manager, Central District

RECOMMENDATION:

- 1) THAT the report titled, “RECOMMENDATION REPORT, Weins Canada Inc., Applications for Official Plan and Zoning By-law Amendment to permit an automotive service building at 205 Torbay Road (Ward 8), File No. PLAN 20 119485”, be received.
- 2) THAT the Official Plan Amendment application submitted by Weins Canada Inc., be approved and that the draft Official Plan Amendment, attached hereto as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be adopted without further notice;
- 3) THAT the Zoning By-law Amendment application submitted by Weins Canada Inc., be approved and that the draft Zoning By-law Amendment, attached hereto as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) THAT the Site Plan Application (SPC 20 119485) submitted by Weins Canada Inc. be delegated to the Director of Planning and Urban Design, or a designate, and that Site Plan Approval not be issued prior to the execution of a Site Plan Agreement;
- 5) 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 Owner 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;
- 6) AND that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of Official Plan and Zoning By-law Amendment applications to permit an automotive service building located west of the intersection of Torbay Road and Victoria Park Avenue, municipally known as 205 Torbay Road.

The proposed Official Plan Amendment seeks to permit the automotive service use on the subject lands, with development restrictions applied to the “Greenway” designation. The proposed Zoning By-law Amendment provides an exception to permit the automotive service use along with other site-specific exceptions to permit the proposed development. The proposed development provides for an employment opportunity within an existing urban area, utilizes existing infrastructure, and diversifies the range of employment uses in the area by offering support to existing businesses. For these reasons, Staff opine that the proposed Official Plan and Zoning By-law Amendments are appropriate and represent good planning.

PURPOSE:

This report recommends approval of the Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by Weins Canada Inc. (the “Owner”) to permit a 4,713.3 m² (50,733 ft²) automotive service building (the “Proposed Development”).

PROCESS TO DATE:

- February 12, 2021 – Staff deemed the Applications Complete
- May 25, 2021 – Development Services Committee (“DSC”) received the Preliminary Report
- June 15, 2021 – the statutory Public Meeting was held

The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on June 12, 2021.

If the DSC chooses to support the Applications, then the planning process will include the following next steps:

- site-specific Official Plan Amendment adoption
- site-specific Zoning By-law Amendment enactment
- delegated approval of the Site Plan Application (SPC 20 119485) to the Director of Planning and Urban Design, or a designate

BACKGROUND**Subject Lands and Area Context**

The 2.09 ha (5.14 ac) subject lands, known municipally as 205 Torbay Road (the “Subject Lands”), have 87 m (185 ft) frontage on the south side of Torbay Road, and are located west of the intersection of Torbay Road and Victoria Park Avenue (See Figure 3). The Subject Lands contain an existing one-storey, multi-unit industrial, mixed-use office/warehouse building with a gross floor area (“GFA”) of 8,782 m² (94,534 ft²) and associated surface parking spaces. The Don Mills Channel and the associated floodplain

run along the western and southern boundaries of the Subject Lands (see Figures 1 to 3). Figure 3 shows the surrounding lands uses.

PROPOSAL

The Owner proposes to demolish half of the west portion of the existing building on the Subject Lands to construct a two-storey automotive service building with associated surface parking (the “Proposed Development”). The automotive service building includes 36 vehicular servicing stalls for automotive repair and servicing, vehicle preparation stations, work areas, parts department warehousing, carwash (with wash and detail bay areas), minor office use, general storage, and various employee amenities, as shown in Figures 4 to 6, with further details in Table 1. The Owner has informed Staff that the Proposed Development will no longer include a motor vehicle body shop and repair facility use as originally proposed.

Table 1: The Proposed Development	
GFA to be demolished	4,677m ² (50,346 ft ²)
GFA of new building	4,713.3 m ² (50,733 ft ²)
Total GFA (after demo + new build)	8,818.48m ² (94,921 ft ²)
Total Lot Coverage (+ new building)	37.5%
Total Parking Spaces	205 (includes parking for: employees, visitors, 11 barrier free, electric vehicles, and vehicle storage parking)
Loading Spaces	2

The Owner proposes vehicular access on the Subject Lands from 205 Torbay Road and from the lands to the south, the Don Valley North Lexus dealership, municipally known as 3120 Steeles Avenue East. The Owner indicated that the Proposed Development would provide an additional level of service to the other Weins automotive sales and service facilities within the immediate vicinity, which includes Don Valley North Lexus dealership and Don Valley North Toyota dealership at 3300 Steeles Avenue East.

PLANNING POLICY AND REGULATORY CONTEXT:

The Applications are subject to a planning policy framework established by the Province, York Region, and City under the *Planning Act, R.S.O. 1990*. The following sections describe how the Applications meet the respective policies and regulations:

Provincial Policy Framework

Provincial Policy Statement, 2020 (the “2020 PPS”)

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong healthy communities with an

emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are located within a defined Employment Area (within a defined Settlement Area) and designated for development in both the York Region and City Official Plans. The Proposed Development utilizes existing infrastructure and services, contributes to a mix and range of employment uses and provides additional utility to meet future demand for auto services in the area. Staff are satisfied the Proposed Development is consistent with the 2020 PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are located within a defined Employment Area (within the ‘Built-Up Area’) and Provincially Significant Employment Zone, which is an area identified for the purpose of long-term planning for job creation and economic development. Staff opine that the Proposed Development is consistent with the objectives of the Growth Plan, as it utilizes existing infrastructure and contributes to providing a variety of employment to accommodate forecasted employment growth.

Regional Policy Framework

York Region Official Plan 2010 (“ROP”)

The ROP designates the Subject Lands ‘Urban Area’ on Map 1, which permits a wide range of residential, commercial, industrial, and institutional uses. The Proposed Development conforms to the employment lands policies of the ROP, as it proposes development on fully serviced employment lands that provides for further enhancement and intensification of employment uses.

City of Markham Policy Framework

2014 Markham Official Plan (“2014 Official Plan”)

The 2014 Official Plan designates the Subject Lands “General Employment” and “Greenway”. The “General Employment” designation permits manufacturing, processing and warehousing uses with accessory outdoor storage, accessory retail and/or service uses, accessory office uses, and trade schools. Discretionary uses are also permitted, subject to review of a site-specific zoning application, which includes: restaurant service, commercial school, and office uses (ancillary uses within an industrial building), motor vehicle body shop and repair facility with accessory outdoor storage and crematorium uses. Motor vehicle service station and motor vehicle sales or rental uses are not permitted in this designation.

The “Greenway” designation (the Don Mills Channel and associated floodplain) is located at the west and south periphery of the Subject Lands. Within this designation, any

new development would require an appropriate setback from the natural features. The Applications have been reviewed in this context with respect to the protection of key natural heritage and key hydrological features by protecting and enhancing the existing features within this designation. Staff will continue to analyze and mitigate any potential impacts to the “Greenway” designation through the ongoing review of the Site Plan Application (“SPA”).

The proposed Official Plan Amendment seeks to permit the automotive service use on the Subject Lands, with development restrictions within the “Greenway” designation (see Appendix ‘A’).

Zoning

Zoning By-law 108-81, as amended, zones the Subject Lands ‘M’ - Select Industrial (see Figure 2), which permits a range of industrial uses including, but not limited to, warehousing of goods and materials, assembly of manufactured goods, repair and servicing. This zone category does not permit the Proposed Development and prohibits the “repair and servicing of internal combustions engines, motor vehicles and similar uses.”

The proposed Zoning By-law Amendment (see Appendix ‘B’) provides an exception to the ‘M’ - Select Industrial zone category that allows for the “repair and servicing of internal combustions engines, motor vehicles and similar uses,” along with other site-specific exceptions to permit the Proposed Development. The proposed Zoning By-law Amendment also delineates the development limits on the Subject lands.

DISCUSSION:

The following section identifies how matters raised through the review process, including those raised at the statutory Public Meeting, have been resolved or considered.

- a) The Proposed Development is not considered an Employment Land Conversion
The Proposed Development has been examined in the context of the employment land conversion policies within the 2014 Official Plan to determine whether the proposed use would be considered an introduction of a non-employment use. The Proposed Development provides an expansion of automotive service uses to existing and adjacent lands designated “Service Employment”, including the Don Valley North Lexus and Don Valley North Toyota dealerships. Furthermore, York Region was circulated the Applications and exempted the proposed Official Plan Amendment (“OPA”) from their approval with no issues brought forward regarding employment land conversion. Therefore, Staff opine that the Proposed Development is not considered an employment land conversion.
- b) Confirmation of Site Contamination to be confirmed at SPA Review
The Owner must provide confirmation as to whether there will be any disposal, manufacturing, treatment or storage of hazardous substances associated with the Proposed Development, as it relates to impacts on the associated floodplain. The Toronto and Region Conservation Authority (“TRCA”) is satisfied that the Applications can be approved, with further review of these matters as part of the

ongoing SPA review. York Region is also satisfied that Applications can proceed and that potential contamination matters related to the source water protection policies (within high vulnerable aquifer areas) can also be dealt with as part of the SPA review, if required, and that the Owner provide a Contamination Management Plan to deal with such matters.

c) TRCA has no objections to the approval of the Applications

A portion of the Subject Lands are located in the TRCA Screening Zone and the TRCA indicated “no objections, in principle” in their letter dated August 19, 2022, to the Proposed Development. TRCA has outstanding technical matters including, but not limited to, flood and erosion hazard and stormwater management, which will be addressed through the SPA review.

d) SPA is Under Review

The Owner submitted a SPA to facilitate the Proposed Development and is currently addressing comments received from internal departments and external agencies. Matters, including but not limited to, building siting, sustainability measures, driveway accesses and loading, and parking, remain under review. In order to expedite the approval process, Staff recommend that the DSC delegate approval of the SPA to the Director of Planning and Urban Design, or a designate. The Owner and Staff will continue to work closely on the conceptual site plan and elevations, as shown in Figures 4 and 6.

Exemption from Regional Approval

York Region, in their March 31, 2021, letter, delegated approval authority for the OPA to the City.

CONCLUSION:

Staff opine that the Applications are appropriate and represent good planning. The Proposed Development efficiently utilizes existing infrastructure, diversifies the range of employment uses and supports local businesses and customers. Therefore, Staff recommend that the proposed amendment to the City’s 2014 Official Plan, attached as Appendix ‘A’, and the proposed amendment to Zoning By-law 108-81, as amended, attached as Appendix ‘B’, be approved.

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 were circulated to various departments and external agencies. Requirements of the City and external agencies have been reflected in the implementing Official Plan Amendment and Zoning By-law Amendments (see Appendices ‘A’ and ‘B’).

RECOMMENDED BY:

Stephen Lue, M.C.I.P., R.P.P.
Acting Director of Planning and Urban Design
Services

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo
Figure 4: Conceptual Site Plan
Figure 5: Conceptual Floor Plan
Figure 6: Conceptual Elevations

APPENDICES:

Appendix ‘A’: Draft Official Plan Amendment
Appendix ‘B’: Draft Zoning By-law Amendment

AGENT:

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