



Report to: Development Services Committee

Meeting Date: December 12, 2022

SUBJECT: RECOMMENDATION REPORT
The Regional Municipality of York
Application for Zoning By-law Amendment to permit
temporary outdoor storage for new vehicles at 350 Yorktech
Drive (Ward 8)
File No. PLAN 21 147736

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REVIEWED BY: Sabrina Bordone, M.C.I.P., R.P.P., extension 8230
Development Manager, Central District

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Senior Development Manager

RECOMMENDATION:

- 1) That the report titled, “RECOMMENDATION REPORT, The Regional Municipality of York, Application for Zoning By-law Amendment to permit temporary outdoor storage for new vehicles at 350 Yorktech Drive (Ward 8), File No. PLAN 21 147736”, be received;
- 2) That the Zoning By-law Amendment application submitted by The Regional Municipality of York be approved and the draft Zoning By-law Amendment, attached hereto as Appendix ‘A’, be finalized and enacted without further notice; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of the Zoning By-law Amendment application submitted by The Regional Municipality of York to permit the temporary outdoor storage for new vehicles for three years on the lands municipally known as 350 Yorktech Drive. Staff opine that the proposed temporary use is appropriate and represents good planning as it optimizes the use on the existing vacant lands, is compatible with surrounding land uses, and does not jeopardize the long-term plans for the area.

PURPOSE:

This report recommends approval of a Zoning By-law Amendment application (the “Application”), submitted by The Regional Municipality of York (the “Owner”), to permit the temporary outdoor storage for new vehicles for three years (the “Proposed Temporary Use”).

Process to Date

- Staff deemed the Application complete on March 25, 2022
- The Statutory Public Meeting was held on September 6, 2022

The 90-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on June 23, 2022. Accordingly, the Owner is in a position to appeal the Application to the OLT.

Next Steps

- Council Approval of the site-specific Zoning By-law Amendment and subsequent enactment of the associated Temporary Use By-law

BACKGROUND:**Location and Area Context**

The approximately 4.42 ha (10.92 ac) vacant lands are located on the north side of Yorktech Road, east of Rodick Road (the “Subject Lands”), as shown on Figure 1, and have an approximate frontage of 227 m (744.75 ft) along Yorktech Road and an approximate frontage of 153 m (501.97 ft) along Rodick Road. Figures 2 and 3 show the surrounding land uses, which includes an existing outdoor storage use for vehicles immediately south of the Subject Lands.

The Subject Land’s history includes a previous aggregate recycling facility use

In 2002, the City approved the previous aggregate recycling facility use on a temporary basis, not to exceed six years. In 2008, Gemross Developments (the “Previous Owner”) applied to extend the temporary use for an additional three years. The previously approved temporary use by-law subsequently expired, and the facility continued in unlawful operation pending the City’s review of the request to extend the temporary use.

In 2009, [Staff recommended denial](#) of the application for the extension of the temporary use. However, the Development Services Committee (“DSC”) deferred discussions on the matter pending additional information from the applicant. In 2011, Staff prepared [an update report](#) recommending denial of the application. The application was subsequently denied and the business ceased operations.

In 2014, the Owner acquired the Subject Lands, which has remained vacant.

The Owner proposes the temporary (three years) storage of approximately 1,229 new vehicles on the Subject Lands

The Owner proposes no new development or changes to grading or site conditions on the Subject Lands, as shown in Figure 4.

PUBLIC CONSULTATION:

The statutory Public Meeting was held on September 6, 2022. The City has not received any written submissions or oral deputations from the public. As such, matters with respect to the Application were identified through comments made by the DSC. The following summarizes the key matters raised to date:

a) Re-designation to parkland and protecting a portion of the Subject Lands for a future trail system

That the City begin negotiations to acquire the Subject Lands to allow for re-designation as park space, and that a portion of the lands adjacent to the Rouge Valley to the north-east, be protected for a future trail system.

b) Extent of contamination

That the Owner provide information regarding the extent of soil contamination.

c) Length of use

That the length of use does not exceed the period of three years as there are concerns that the proposed use will remain beyond the permitted timeframe.

The Discussion section of this report outlines how these comments have been addressed or considered.

PLANNING POLICY AND REGULATORY CONTEXT:

The Application is subject to the planning policy framework established by the Province, York Region and City of Markham under the *Planning Act, R.S.O. 1990*. The following describes how the Application meets the respective policies and legislation:

Provincial Policy Framework

Staff are satisfied that the Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”)

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development including 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 and Settlement Area. The Proposed Temporary Use ensures the optimization and efficient use of vacant land, does not require the introduction of new infrastructure and services, preserves the land for a future use, and supports the economic development of York Region.

Staff opine that the Proposed Temporary Use conforms to the Growth Plan for the Greater Golden Horseshoe, 2020 (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 long-term planning for job creation and economic development. The Proposed

Development utilizes existing infrastructure, optimizes the use of the existing vacant lands, and preserves the Subject Lands until a longer-term use is determined.

Regional Policy Framework

Staff opine that the Proposed Temporary Use conforms to the York Region Official Plan 2022 (“2022 ROP”), as approved by the Minister on November 4, 2022

The 2022 ROP designates the Subject Lands as “Employment Area” within the “Urban Area” which permits uses that promotes business and economic activities including manufacturing, warehousing, industrial, offices, and associated retail and ancillary facilities. The Proposed Temporary Use is consistent with the 2022 ROP.

City of Markham Policy Framework

Staff opine that the Proposed Temporary Use conforms to the 2014 Markham Official Plan (“2014 Official Plan”) temporary use policies

The 2014 Official Plan designates the Subject Lands “General Employment”, which permits a range of employment uses including manufacturing, processing and warehousing uses, along with retail service and office uses that are accessory to a manufacturing, processing and warehousing use. Notwithstanding the permitted uses, Section 10.2.6 permits temporary uses if it is compatible with adjacent land uses and does not jeopardize the long-term development intentions for the lands or area.

The Proposed Temporary Use is compatible with the existing outdoor storage area for vehicles immediately south of the Subject Lands. Furthermore, the Proposed Temporary Use will not jeopardize the long-term development intentions for the lands, as no new development is proposed.

The emerging Markham Centre Secondary Plan (“MCSP”) Update identifies the Subject Lands as an “Active Recreation Park” and Staff opine that the Proposed Temporary Use is appropriate until the new Secondary Plan is adopted

The Subject Lands were included within the expanded MCSP Update boundary in January 2020 (refer to Figure 5). The latest Development Concept, which the DSC received on July 5, 2022, identifies the Subject Lands as a future “Active Recreation Park” with the intention to provide for a city-wide park that offers a variety of programs and facilities, and host multiple active recreation facilities, such as sports fields and supporting amenities and infrastructure. As the MCSP Update is still underway, the 2014 OP provides the operative land use planning framework for the Subject Lands.

City of Markham Zoning

The existing site-specific Zoning By-law restricts the Subject Lands to a parking lot
Zoning By-law 165-80, as amended, (“By-law 165-80”) zones the Subject Lands “M(CS) – Select Industrial with Controlled Storage”. Site-specific Zoning By-law Amendment 2002-268 (“By-law 2002-268”), which further amends By-law 165-80, restricts the uses on the Subject Lands to a parking lot.

The proposed draft Temporary Use By-law is attached as Appendix 'A'

The proposed draft Temporary Use By-law permits outdoor storage for motor vehicles for three years and includes site-specific standards for minimum required setbacks and landscape buffers.

DISCUSSION:

The following section identifies how the comments from the statutory Public Meeting and review process have been resolved or considered:

a) "Active Recreation Park" designation not yet in effect

The DSC expressed interest in acquiring the Subject Lands to establish an "Active Recreation Park", as set out in the emerging MCSP Update, and to protect a portion of the property to be used as part of the MCSP trail system. As previously noted, the updated MCSP is not yet in effect. Until Council adopts the updated MCSP, and while potential negotiations for purchasing the Subject Lands from York Region are underway, Staff concludes that the Proposed Temporary Use for the period of three years is appropriate in the interim.

b) Soil Contamination to be confirmed as part of future development application (if applicable)

The DSC expressed concerns regarding existing soil contamination of the Subject Lands. The Owner provided written confirmation that the Proposed Temporary Use will not require any grading, earthworks, or line painting. Given that the Proposed Temporary Use does not include any new development or changes to the site, Staff do not require the submission of any Environmental Site Assessment ("ESA") Reports to assess soil conditions. However, submission of ESA reports will be required as part of any future development application.

c) Extension of Temporary Use will require a new Zoning By-law Amendment Application

The DSC expressed concerns that the length of the Proposed Temporary Use will exceed beyond the permitted three-year period as set out in the Temporary Use By-law (refer to Appendix 'A'). Staff notes that a new Zoning By-law Amendment application for Staff's review and Council's consideration will be required to extend the temporary use. By-law enforcement and legal action will be required should the Proposed Temporary Use continue after the expiration of the Temporary Use By-law.

d) The Toronto and Region Conservation Authority ("TRCA") has no objections to the approval of the Application

The northeast corner of the Subject Lands are partially located within the TRCA's Regulated Area, as it is adjacent to a floodplain and valley corridor associated with the Rouge River Watershed. The TRCA has indicated "no comments on or objections to this application" in their letter dated July 5, 2022, provided that there will be no changes to existing surface conditions (the site will remain unpaved), no grading, no new structures or buildings, and that vehicles will be parked a minimum 10 m (32.81 ft) away from nearby natural features. In response to TRCA's comments, the draft Temporary Use By-law (Schedule 'A' of Appendix 'A') excludes the northeast

corner of the Subject Lands to ensure an adequate buffer from the valley lands.
Therefore, TRCA's conditions have been satisfied.

CONCLUSION:

Staff opine that the proposed Application is appropriate and represents good planning. The Proposed Temporary Use optimizes use of the existing vacant lands, is compatible with surrounding land uses, and does not jeopardize the long-term plans for the area. Therefore, Staff recommend that the proposed draft Temporary Use By-law, attached as Appendix 'A', be approved.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities in the context of environment.

BUSINESS UNITS CONSULTED AND AFFECTED:

This Application was circulated to various departments and external agencies. City and external agencies requirements are reflected in Appendix 'A'.

RECOMMENDED BY:

Darryl Lyons, M.C.I.P., R.P.P.
Acting Director of Planning & Urban Design

Stephanie DiPerna
Acting Commissioner of Development
Services

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo (2020)
Figure 4: Conceptual Site Plan
Figure 5: MCSP Expanded Boundary

APPENDICES:

Appendix 'A': Draft Temporary Use By-law

AGENT:

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