



Report to: Development Services Committee

Meeting Date: June 27, 2023

SUBJECT:**INFORMATION MEMORANDUM**

Request by Maha Ltd. to amend a Ministers Zoning Order so as to continue operating a commercial golf facility for a 10-year term (or the maximum term permitted) at 150 Burncrest Road (Ward 8)
File No.: MZO 23 119928

PREPARED BY:

Daniel Brutto, MCIP, RPP, CPT ext. 2468
Senior Planner II, West District

REVIEWED BY:

Clement Messere, MCIP, RPP ext. 2191
Development Manager, West District

RECOMMENDATIONS:

- 1) THAT the staff report dated June 27, 2023, containing the subject titled “INFORMATION MEMORANDUM, Request by Maha Ltd. to amend a Ministers Zoning Order so as to continue operating a commercial golf facility for a 10-year term (or the maximum term permitted) at 150 Burncrest Road (Ward 8) File No.: MZO 23 119928”, be received;
- 2) THAT Council endorse the request by Maha Ltd. to amend a Ministers Zoning Order so as to continue operating a commercial golf facility for a 5-year term at 150 Burncrest Road (Ward 8) File No.: MZO 23 119928;
- 3) AND THAT this endorsement be sent to the Ministry of Municipal Affairs and Housing as the City of Markham’s comments on this application;
- 4) AND FURTHER THAT Staff be authorized and directed to do all things necessary to give effect to this resolution

PURPOSE:

This memorandum provides background information on and recommends Council endorse the request by Maha Ltd. (the “Owner”) to amend a Ministers Zoning Order so as to continue operating a commercial golf facility for a 5-year term at 150 Burncrest Road (the “Application”).

BACKGROUND:**Property and Area Context**

Figures 1 and 2 show the 3.44 ha. (8.5 ac) property (the “Subject Lands”) located south east of Highway 404 and Highway 407. The Subject Lands are occupied by a commercial golf facility comprised of a 5,245 m² (56,459 ft²) “dome” structure accommodating an indoor year-round driving range, a club house and an ancillary outdoor driving range (commonly known as the “Markham Golf Dome”).

To the north and west is the Highway 404/407 interchange. To the east is an existing commercial self-storage facility. To the south is a property owned by the Province of Ontario which contains part of the ancillary outdoor driving range associated with the Subject Lands.

Parkway Belt West Plan (“PBWP”)

The PBWP is Ontario’s first provincial land use plan which took effect in 1978 to reserve land for infrastructure, separating urban areas and connecting open spaces. It stretches 120 km from the City of Hamilton to the City of Markham generally along the Highway 407 corridor (See Appendix A: 2022 Parkway Belt West Plan Map).

The PBWP was originally supported by 14 Ministers Zoning Orders (MZO). Nine of the MZOs have been repealed as of 2022 and many amendments to the remaining MZO’s, including the one in Markham, have been approved over the years. Today the PBWP primarily designates and protects land needed for large-scale infrastructure corridors such as transit, hydro and electric power facilities through two general land use designations in the plan, that being “Public Use Areas” and “Complimentary Use Areas”.

The Subject Lands are designated “General Complimentary Use Areas” in the PBWP which are mainly for private uses that help preserve open spaces and encourage agricultural, recreational and institutional land uses that do not require intense urbanization.

Markham Official Plan, 2014 (“MOP”)

The Subject Lands are designated “Business Park Employment” and “Parkway Belt West” under Map 3 – Land Use. Section 8.11 outlines that where there is a conflict between the Official Plan and the PBWP, the provisions of the PBWP shall prevail.

Zoning

The Subject Lands are zoned “Agricultural One (A1)” under By-law 304-87, as amended and are subject to a MZO under the *Planning Act* (Ontario Regulation 473/73) in support of the PBWP. Where there is a conflict between the MZO and a municipal zoning by-law, the *Planning Act* states that the MZO prevails.

PROPOSAL:

The Owner has submitted an application to the Ministry of Municipal Affairs and Housing (“MMAH”) to amend the MZO (O. Reg. 473/73) to permit the continued operation of the commercial golf facility on the Subject Lands for a 10-year term (or the maximum term permitted). The current MZO expires on July 1, 2023. As this is Provincial planning instrument, the City of Markham is only a commenting agency on this request. MMAH is the approval authority.

OPTIONS/ DISCUSSION:**A commercial golf facility has operated on the Subject Lands for over 30 years**

In 1993 an amendment to the MZO was approved to facilitate the creation of the commercial golf facility that exists today on the Subject Lands. The City issued site plan approval at that time.

Since this time the MZO, as it applies to the Subject Lands, has been amended a number of times to extend the expiration term. More recently in 2015 the MZO was amended to extend the expiration term for 3 years and in 2018 an amendment was approved to extend the expiration term for 5 years. Historically, the City has not objected to extension requests. Given the 2018 extension is set to expire on July 1, 2023, the Owner has submitted this Application.

No changes are contemplated to the commercial golf facility

The “General Complementary Use Area” policies in the PBWP permit development where:

- (i) the proposed use, building or structure is low density
- (ii) major natural features such as streams, valleys and tree stands are preserved
- (iii) open space is enhanced by landscaping, tree planting and screening: and
- (iv) the location and design of buildings preserve the open space character of the area.

When the Markham Golf Dome was given site plan approval in July of 1993, these aforementioned policies were implemented. The driving range was considered a comparatively low intensity use of the lands. The integrity of the natural features was maintained in that no significant streams or valleys were affected, and tree preservation and site landscaping were addressed. The dome structure was located at the easterly portion of the site thereby preserving the existing tree stand located at the north western portion of the site. The use was and remains consistent with the open space recreation objectives of the PBWP. No changes are contemplated as part of this Application.

No decision made on the proposed revocation of the Parkway Belt West Plan

In 2022, MMAH initiated public consultation on a proposal to revoke the PBWP. According to the Province, the proposal supports the commitment to streamline, reduce, and eliminate burdens and to potentially increase housing supply. The consultation period ended on December 30, 2022 and no decision has been made.

If the Province were to revoke the PBWP, subject to transition provisions, an amendment to the MOP would be required since the intent of the Markham Official Plan, 2014 is to identify potential land use designations under the ‘Parkway Belt West’ overlay that may be provided for by amendment should such lands be removed by the Province from the PBWP. Furthermore, the underlying “Agricultural One (A1)” zoning designation would apply and as the current use would not be permitted in this zone, the Owner would require a zoning by-law amendment to continue the commercial golf facility.

CONCLUSION

Staff do not have any concerns with the continued operation of a commercial golf facility on the Subject Lands. Given no changes are proposed as part of this Application and the use has operated on the Subject Lands for 30 years, it has a demonstrated history of compatibility with the surrounding commercial uses.

However, with the uncertainty around the proposed revocation of the PBWP and in the past the MZO has been amended to extend the expiration for generally 3 - 5 year terms, staff

feel it's more appropriate to set a shorter expiration term than the 10 years (or maximum amount of time) requested. Therefore, staff recommend that the expiration term be set at 5 years. Should the PBWP be revoked during this time, subject to transition provisions, the Owner would be required to submit Official Plan and Zoning By-law Amendment applications to establish use permissions besides those afforded by the Agricultural zoning.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application has been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Deputy Director of Planning and Urban Design

Giulio Cescato, MCIP, RPP
Director of Planning and
Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Appendix A: 2022 Parkway Belt West Plan Map

OWNER/APPLICANT:

Maha Ltd. (Norman Goldman)
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Toronto, ON M5G 1V2