



Report to: Development Services Committee

Meeting Date: September 11, 2023

SUBJECT: RECOMMENDATION REPORT
Yue Gong, 1000038852 Ontario Inc., Application for Zoning By-law Amendment to permit the storage and sales of firearms and ammunition, accessory retail uses, and associated office uses at 44 Riviera Drive
File No. PLAN 22 266738 (Ward 8)

PREPARED BY: Brashanthe Manoharan, BES
Planner II, East District, Ext. 2190

REVIEWED BY: Stacia Muradali, MCIP, RPP
Development Manager, East District, Ext. 2008

Stephen Lue, MCIP, RPP
Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report, dated September 11, 2023 titled, “RECOMMENDATION REPORT, Yue Gong, 1000038852 Ontario Inc., Application for Zoning By-law Amendment to permit the storage and sales of firearms and ammunition, accessory retail uses, and associated office uses at 44 Riviera Drive, File No. PLAN 22 266738 (Ward 8)”, be received;
2. That the Record of the Public Meeting held on May 23, 2023, with respect to the proposed application for Zoning By-law Amendment submitted by Evans Planning for File No. PLAN 22 266738, be received;
3. THAT the amendment to Zoning By-law 28-82, as amended, be approved and the draft site-specific implementing Zoning By-law, attached hereto as Appendix “A”, be finalized and enacted without further notice;
4. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of the Zoning By-law Amendment application (the “Application”) submitted by Yue Gong, 1000038852 Ontario Inc. (the “Owner”), to permit the storage and sales of firearms and ammunition, accessory retail uses, and associated office uses within the existing industrial building (the “Proposed Development”) at 44 Riviera Drive.

Process to Date:

- Staff deemed the Application complete on February 28, 2023
- The Development Services Committee (the “DSC”) received the Public Meeting Information Report on May 16, 2023
- The statutory Public Meeting was held on May 23, 2023

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 May 9, 2023. Accordingly, the Owner is in a position to appeal the Application to the OLT.

Next Steps

- Issuance of a Building Permit Should Council approve the site-specific Zoning By-law Amendment.

BACKGROUND:

Location and Area Context

The 0.308 ha (0.76 acre) subject property is located on the north side of Riviera Road, east of Rodick Road (the “Subject Lands”), as shown on Figure 1, and has an approximate lot frontage of 42.3 m (138.77 ft) accessed by two driveways along Riviera Drive. The Subject Lands are currently developed with a one-storey industrial building with an approximate gross floor area of 1,133.30 m² (12,198.73 ft²). Figure 3 shows the surrounding land uses as primarily industrial warehouse and commercial.

The Owners proposes to add uses within the existing building for the storage and sales of firearms and ammunition, accessory retail, and associated office uses (the “Proposed Development”)

The Owner operates “Solely Outdoors Inc.”, a sporting goods and camping store that is currently located in a leased premise at 8365 Woodbine Avenue. The Owner proposes to relocate the business to the Subject Lands. Table 1 shows the key statistics.

Existing Floor Area:	1,133.30 m ² (12,198.73 ft ²)
Proposed Retail Space:	160.3 m ² (1,725.45 ft ²)
Proposed Warehouse Space:	781 m ² (8,406.61 ft ²)
Proposed Office Space:	134.5 m ² (1,447.74 ft ²)
Parking Spaces:	1 space per 46 m ² of Net Floor Area (“NFA”) = 28 spaces

PLANNING POLICY AND REGULATORY CONTEXT:

The Application is 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 Application meets the respective policies and legislation.

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and conforms to the Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”)

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 is designated for development in both the York Region and City Official Plans. The Proposed Development seeks to maintain the

industrial nature of the subject lands, utilizes existing infrastructure and services, and contributes to a mix and range of employment uses.

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. 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 in a defined Employment Area (within the 'Built-Up Area') and Provincially Significant Employment Zone, an area identified for the purpose of long-term planning for job creation and economic development. The Proposed Development utilizes existing infrastructure and contributes to providing a variety of jobs to accommodate forecasted employment growth.

The Proposed Development conforms to the 2022 York Region Official Plan ("ROP")

The ROP designates the Subject Lands "Employment Area" within the "Urban Area", and is located within the "Highway 404 and Highway 407 Employment Area Zone", which permits uses that promotes business and economic activities including manufacturing, warehousing, industrial, offices, and associated retail and ancillary facilities.

The Proposed Development conforms to the 2014 Markham Official Plan ("2014 Official Plan")

The 2014 Official Plan designates the Subject Lands "General Employment" and permits the following uses:

- manufacturing, processing and warehousing with accessory outdoor storage in rear or side of the building, per Section 8.13.6 (the "Primary Use")
- retail and/or service use that is accessory to the Primary Use (maximum 500 m² of GFA or a maximum of 15% of the total GFA devoted to the Primary Use, whichever is less)
- office, accessory to the Primary Use
- trade school

Staff consider the proposed additional uses compatible with the industrial nature of the Subject Lands and area context. Furthermore, no new development or alterations are proposed that would impact the long-term stability of the area.

The proposed Zoning By-law Amendment (Appendix 'A') provides site-specific provision to permit the Proposed Development

Zoning By-law 28-82, as amended, zones the Subject Lands "Select Industrial with Controlled Storage – 0.3 ha" (MCS3) (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 of goods. This zone category prohibits ammunition manufacture and/or storage, except where specifically permitted, retail sales, whether or not accessory or incidental to a permitted use, and does not permit office use. Appendix 'A' would permit the storage and sales of firearms and ammunition, accessory retail uses, associated office uses, and a reduced parking rate of 1 space per 46 m² of NFA from 1 space per 40 m² of NFA for the primary Industrial Use, for a difference of two (2) spaces. The Parking Study prepared by TraffMobility Engineering Inc. was accepted by City's Transportation Staff.

DISCUSSION:

The following section identifies how the matters raised through the review process for the Proposed Development, including those raised at the statutory Public Meeting, and how they are addressed:

- a) Compliance with senior levels of government for storage and selling of firearms and ammunition
The Government of Canada has jurisdiction over firearms and ammunitions, which is implemented through the *Firearms Act* and the *Criminal Code*. The *Firearms Act* requires a business license to possess, manufacture, and sell ammunition and firearms. This is a comprehensive licensing system that consists of inspections of the storage site by the Chief Firearms Officer, written confirmation from the municipality that the business premises are zoned accordingly, notification to the Ontario Provincial Police, information of owners and partners, and valid Possession and Acquisition License. Other requirements for storage of firearms include requirements for display and transportation.

On June 9, 2023, the Owner provided the Business Firearms License issued by the Royal Canadian Mounted Police to Staff. The license has been issued to “Solely Outdoors Inc.” for 44 Riviera Drive.

- b) The proposed Zoning By-law Amendment represents good planning
Staff opine that the proposed uses are appropriate and compatible with the surrounding context. The proposed uses are being requested to complete the function of the “Solely Outdoors” operation, thereby allowing the business to operate at their full capacity, similar to their previous premises at 8365 Woodbine Avenue. Further, the proposed additional uses on the Subject Lands is consistent with the industrial nature of the Subject Lands and is in keeping with the surrounding area.

CONCLUSION:

Staff have reviewed the proposed Zoning By-law Amendment in accordance with the provisions of the Provincial, Regional, City’s Official Plans, Zoning By-law, and City development standards and are satisfied that the Application is appropriate and represents good planning. The Proposed Development efficiently utilizes existing infrastructure, diversifies the range of employment uses, and promotes economic development. Therefore, Staff recommend that the proposed amendment to Zoning By-law 28-82, as amended, 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.

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:

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDIX:

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo (2020)

Figure 4: Site Plan

Figure 5: Floor Plan

Appendix 'A': Draft Zoning By-law Amendment

APPLICANT:

Evans Planning (c/o Marcelle Gifford)

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