



Report to: Development Services Committee

Report Date: September 5, 2018

SUBJECT: **PRELIMINARY REPORT**
2412371 Ontario Limited (Wyview Group)
4121 Highway 7
Application for zoning by-law amendment to permit a
temporary automobile storage lot
File: ZA 18 154593, Ward 3

PREPARED BY: Richard Kendall, M.C.I.P., R.P.P.;
Manager, Central District

RECOMMENDATION:

- 1) That the report dated September 5, 2018 titled "PRELIMINARY REPORT, 2412371 Ontario Limited (Wyview Group), 4121 Highway 7 Application for zoning by-law amendment to permit a temporary car storage lot, (Ward 3), File No. ZA 18 154593," be received.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide preliminary information on the application. This report contains general information regarding applicable Official Plan and other policies and any issues identified by staff from a preliminary review of the application and should not be taken as Staff's opinion or recommendation on the application.

BACKGROUND:

Subject property and area context (Figures 1 and 2)

The subject property is located on the south side of Highway 7, east of Birchmount Road. The property is occupied by a vacant dwelling and a garage, both of which are in poor condition. The rear portion of the property is within the floodplain of the Rouge River. The property contains a number of mature trees, primarily in the rear portion.

To the west is Sheridan Nurseries. To the east is a property occupied by an older vacant dwelling. The Audi dealership on the north side of Highway 7 is currently illegally storing cars in the north portion of this property. To the north across Highway 7 are a townhouse development, currently under construction and the Volvo/Audi dealerships.

Official Plan and Zoning (Figure 3)

The front portion of the subject property (the location of the proposed temporary automobile storage lot) is designated "Community Amenity Area General" by Amendment No. 21 to the 1987 Official Plan (the Markham Centre Secondary Plan). The rear portion (the Rouge River valleyland) is designated "Hazard Land." Lands in the

“Community Amenity Area General” designation are intended to develop with a mix of residential, commercial, employment and community uses in a pedestrian friendly manner. This designation permits a limited range of automotive uses such as automobile service stations, but does not permit “suburban style” automobile dealerships (dealership building surrounded by an extensive car storage area), which fall under the category of “retail uses involving accessory outdoor accessory storage and/or display of merchandise,” a prohibited use in this designation.

The front portion is designated “Mixed Use Mid Rise” in the 2014 Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). The policy direction for lands in the “Mixed Use Mid Rise” designation is for a mix of residential, retail, restaurant and service uses in multi-storey street related buildings ranging up to 8 storeys unless otherwise specified in a secondary plan or site specific policy. The rear portion is designated “Greenway.” The zoning does not permit automotive uses or the storage of vehicles.

The 2014 Official Plan provides that until approval of an updated secondary plan for Markham Centre pursuant to the policies of the new Official Plan, the policies of OPA 21 (the current Markham Centre secondary Plan) continue to apply.

The north portion of the subject property is zoned “Rural Residential One” (RR1) under By-law 304-87 (the City’s Rural Area Zoning By-law). This zoning permits one single detached dwelling on a lot having a minimum area of 1 acre. The south portion is zoned “Agricultural” (A1) and “Open Space” (O1).

Proposal

The applicant has applied for a temporary use by-law to permit the northerly portion of the subject property to be used for the temporary storage of automobiles for the Audi dealership on the north side of Highway 7, directly opposite the subject property. The proposed parking area would accommodate approximately 39 cars.

Application has been deemed complete

The subject application was deemed complete on May 25, 2019.

Public Meeting has been scheduled

The statutory public meeting to consider the subject application has been scheduled for November 13, 2018.

OPTIONS/ DISCUSSION:

Council can approve temporary uses for periods of up to three years. The Planning Act allows municipalities to pass temporary use by-laws to permit lands to be used for purposes not normally permitted by the Official Plan and zoning by-laws for temporary periods of time not exceeding three years. Municipalities may renew temporary use by-laws, upon application by the landowner, for periods of time not exceeding three years.

Uses authorized by temporary use by-laws do not gain legal non-conforming status upon expiry of the by-law, and therefore become illegal uses.

Audi dealership is proposing off-site car storage while dealerships are being reconstructed. On June 25, 2018, Development Services Committee endorsed site plan approval for the redevelopment of the existing Volvo and Audi dealerships. This development involves the demolition of the existing buildings and their replacement with new buildings accommodating Volvo, Audi and Jaguar/Land Rover dealerships.

Construction is proposed to be in two phases, as follows:

- In the first phase, the Volvo dealership will relocate to the former Perkins Home Hardware property on the west side of Woodbine Avenue, north of Highway 7. The Audi dealership will remain in its existing building. The existing Volvo dealership will be demolished and a new Audi dealership will be constructed in its place.
- In the second phase, once the new Audi dealership is complete and Audi has moved into the building, the existing Audi dealership will be demolished and the new Volvo and Jaguar/Land Rover dealerships will be constructed. The Volvo dealership will then move back onto the property from the temporary location, and the Jaguar/Land Rover dealership will open.

The overall project is expected to take a minimum of two years to complete.

Notwithstanding the illegal parking which is currently occurring on the adjacent property, the manager of the Audi dealership has explained to staff that they require an off-site parking area in close proximity to the dealership to support the operations of the dealership during reconstruction because there will be limited space on-site to accommodate the sales, service and employee parking requirements of the dealership. The Audi dealership is proposing to lease the subject lands from the applicant for this purpose while the dealership is being reconstructed.

Staff are concerned that approval of the proposed temporary car storage lot could establish automotive uses on the south side of Highway 7. The subject lands are within the Markham Centre community, which is not an appropriate long term location for a “suburban style” car dealership with extensive outside storage and display of merchandise. Outside storage is not consistent with the Community Amenity designation of the Markham Centre Secondary Plan. Staff note that the applicant has a large storage compound on Rodick Road close to the subject site.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The application is being reviewed in the context of the city's strategic priorities of Growth Management and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various City departments and external agencies and is currently under review.



Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager



Arvin Presaud, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1: location Map

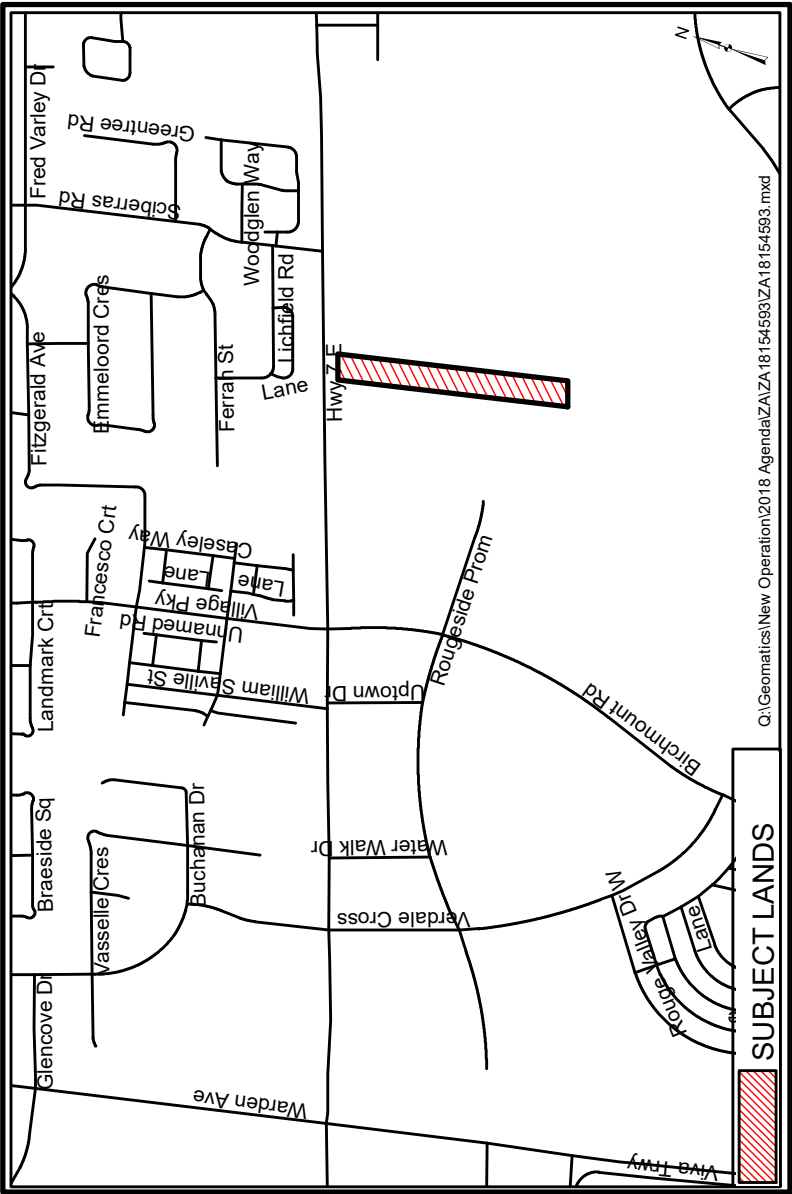
Figure 2: Aerial Photo

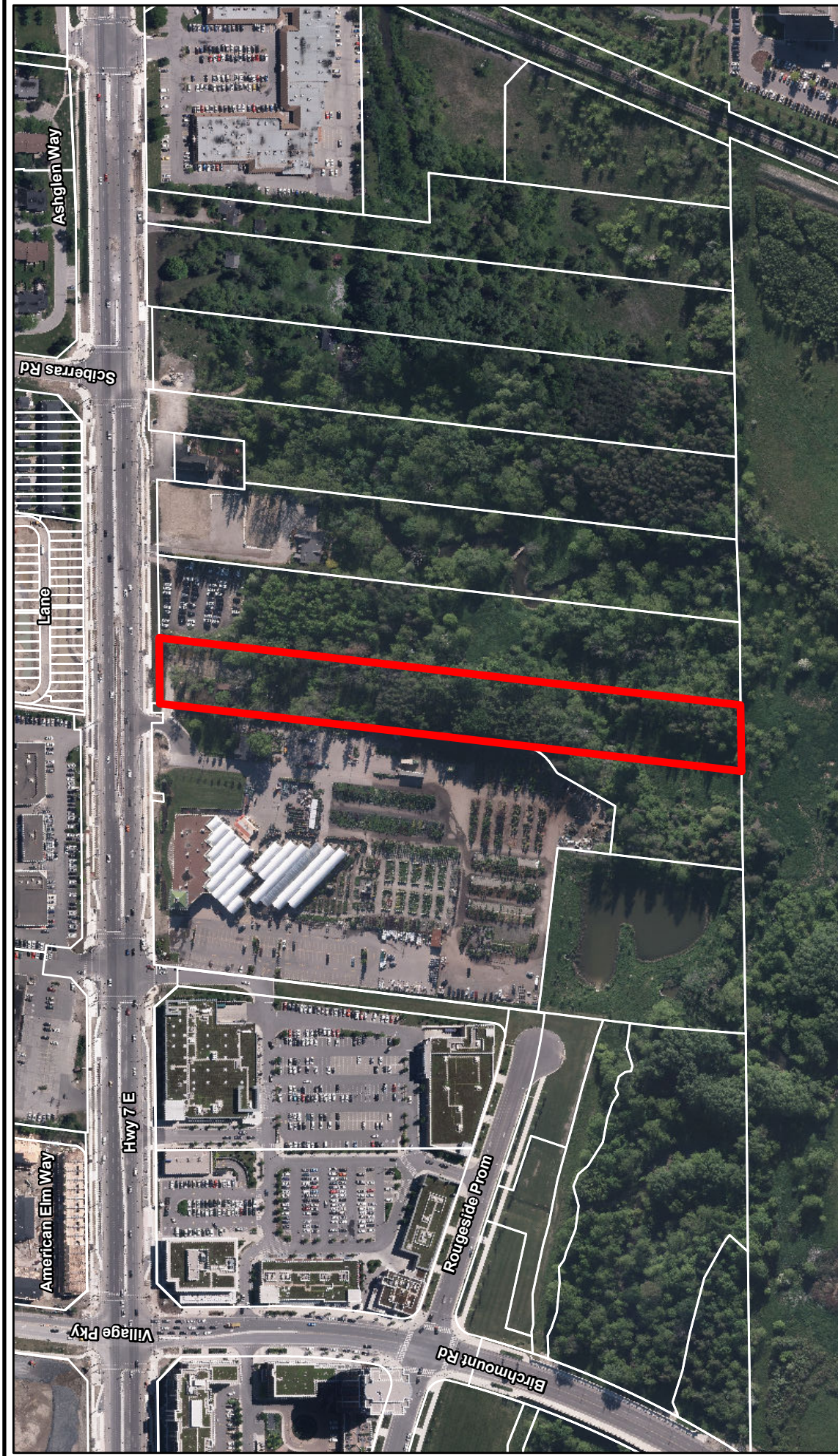
Figure 3: Area context/Zoning

Figure 4: Site plan

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File path: Amanda\File 18 154593\Documents\Recommendation Report






AIR PHOTO

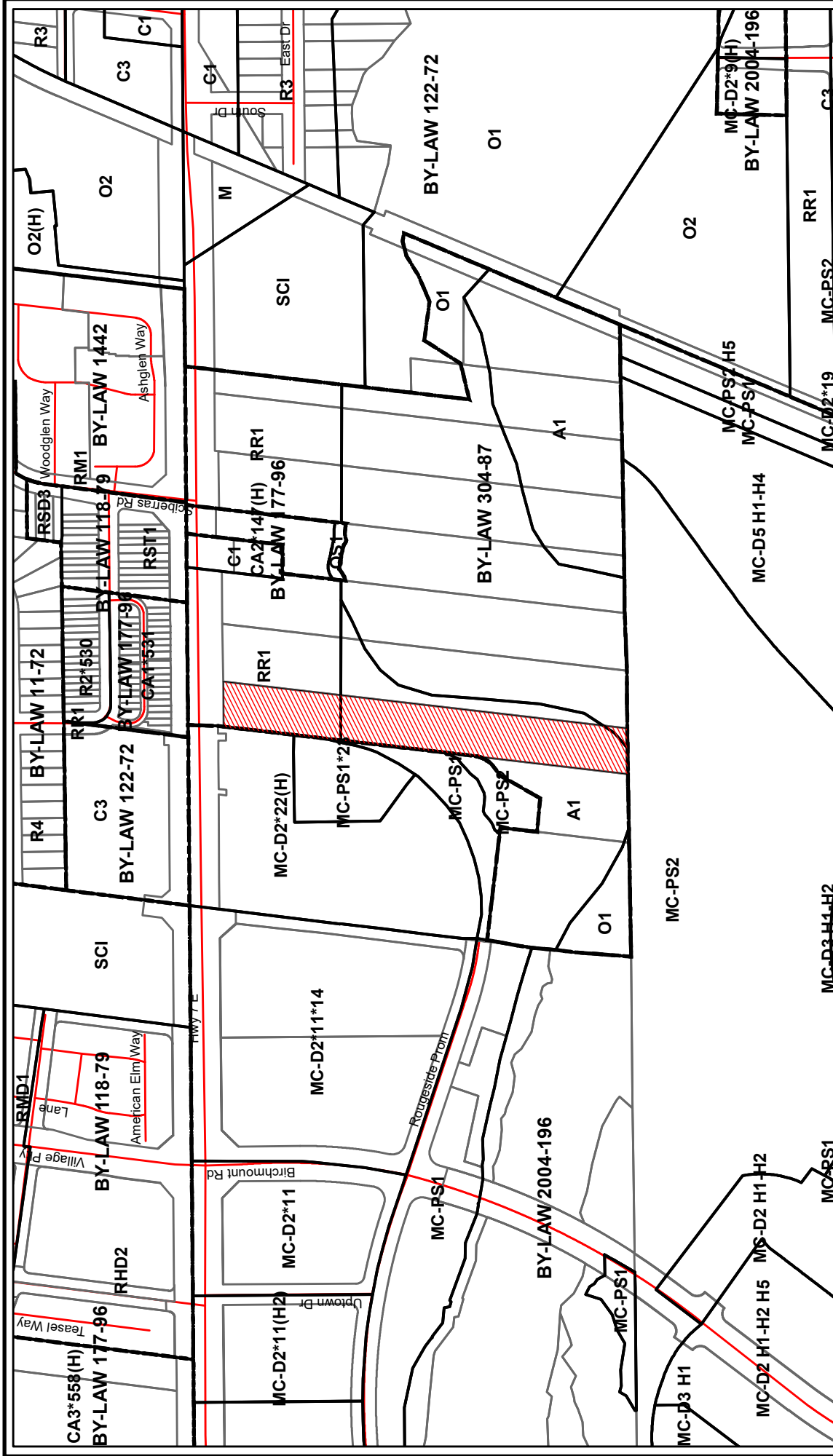
2412371 ONTARIO LIMITED (WYVIEW GROUP)
4121 HIGHWAY 7

FILE No. ZA_18154593 (SC)

 SUBJECT LANDS



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AREA CONTEXT / ZONING

2412371 ONTARIO LIMITED (WYVIEW GROUP)
4121 HIGHWAY 7

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

Date: 25/07/2018

FIGURE No. 3

