



Report to: Development Services Committee

Report Date: May 28, 2018

SUBJECT: INFORMATION MEMORANDUM
Markham Golf Dome
150 Burncrest Road
Application to extend a Minister's Zoning Order
MMAH File #: 19-MZOA-187256

WARD: Ward 8

FROM: Arvin Prasad MCIP, RPP ext. 4875 – Commissioner of Development Services

PREPARED BY: Geoff Day MCIP, RPP ext. 3071 – Senior Planner, West Development District

REVIEWED BY: David Miller MCIP, RPP ext. 2600 – Manager, West Development District

RECOMMENDATION:

THAT Council endorse the application to extend a Minister's Zoning Order to permit the continued siting of an indoor and outdoor golf driving range at 150 Burncrest Road to July 1, 2021.

AND THAT this endorsement be sent to The Ministry of Municipal Affairs (MMA) as the City of Markham's comments on this application;

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 regarding an application to extend a Minister's Zoning Order to permit the continued use of an indoor and outdoor golf driving range at 150 Burncrest Road.

PREAMBLE:

What is a Minister's Zoning Order?

The Planning Act gives the Minister of Municipal Affairs the authority to zone any property in the province. Amongst other matters, Minister's Zoning Orders (MZO) can be used to protect lands deemed to have a "provincial interest."

The Parkway Belt West Plan (PBWP) was implemented by the province in 1978 to create a multi-purpose utility corridor and linked open space system. The Parkway Belt Planning and Development Act, 1973 was the implementing legislation for the PBWP. The area covered by the PBWP is divided into 2 general land use categories:

1. **Public Use Areas** are defined as areas currently used, or to be mainly used in the future, for infrastructure and open space. This category is made up of the following designations: public open space and buffer area, utility, electric power facility, road, and inter-urban transit.
2. **Complementary Use Areas** are to be mainly used for private uses that aid in preserving the open space character of the area encouraging agricultural, recreational and institutional land uses that do not require intense urbanization.

In Markham, a Minister's zoning order has been placed on the majority of lands over, and on the periphery of the Highway 407 as they have been identified as areas of provincial interest.

Sheltering Major Planning Decisions from Appeal

Ontario passed the Building Better Communities and Conserving Watersheds Act 2017 (Bill 139), which significantly modifies the province's land use planning appeals system. The Act includes measures to exempt a broader range of major municipal land use planning decisions from appeal, which will provide municipalities with greater certainty and timely implementation of major decisions. Under the Building Better Communities and Conserving Watersheds Act 2017, appeals to Minister's Zoning Orders are longer appealable.

BACKGROUND:

Property and Area Context

The subject lands are located between the western end of Burncrest Road and Highway 404. The northern portion of the site is owned by MAHA Limited, has an area of 3.44 hectares (8.5 acres) and is occupied by a 5245 m² (56,459 ft²) "dome" structure. The southern portion of the site is owned by the Ministry of Government Services, has an area of 2.0 hectares (4.9 acres) and contains a 45 tee outdoor driving range.

To the north and west is the Highway 404/407 interchange. To the east is an existing commercial self-storage facility. To the south are existing multi-tenant industrial buildings.

Official Plan and Zoning By-law

The subject lands are designated "General Complementary Use Area" in the PBWP. The applicable zoning is the Provincial Zoning Order pursuant to the Parkway Belt West Plan.

The 2014 Markham Official Plan designates the lands Business Park Employment and Transportation and Utilities. The Official Plan states that if/once the lands are deemed surplus to the Province, an amendment to the Official Plan is required to redesignate the lands to an appropriate designation. Until such time, where there is a conflict between the Official Plan and the Parkway Belt West Plan, the provisions of the Parkway Belt West Plan shall prevail.

The underlying zoning is A1 Agricultural by By-law 304-87, as amended.

Proposal

The proponent of the driving range has submitted an application to the Ministry of Municipal Affairs and Housing (MMAH) to extend a Minister's Zoning Order (MZO) to permit the continued siting of an indoor and outdoor golf driving range at 150 Burncrest Road to July 1, 2021. As this is provincial lands, the City of Markham remains a commenting agency to this application. Only MMAH can extend a Minister's Zoning Order and as identified above, the decision is not subject to appeal.

Site Plan Approval

The original amendment to the MZO was approved by MMAH in 1993 for the above noted golf dome and driving range. The City issued site plan approval at that time. Since then, there have been two requests and approvals to extend the existing permissions; once in 2006 and the second in 2015. The most recent extension expires on July 1, 2018.

Ministry of Transportation

The Ministry of Transportation (MTO) has advised that as a portion of the lands may be required for the future 407 Inter-Urban Transitway, station and parking, any extension of the MZO should be limited to no more than a three year period.

POTENTIAL BENEFITS OF APPROVAL OF THE PROPOSAL:**Conformity with the Parkway Belt West Plan**

The "General Complementary Use Area" policies in the Parkway Belt West Plan 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 Approved 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 is consistent with the open space recreation objectives of the Parkway Belt West Plan.

Future re-zoning and Official Plan Amendments required

If/when the Province deems these lands as surplus, the underlying A1 – Agricultural zoning designation would apply. As the current use is not permitted in the A1 zone and permissions for the use did not involve a full public process under the Planning Act, the

proprietor of the indoor and outdoor golf driving range would need to make Zoning and Official Plan Amendment applications to the City for consideration.

FINANCIAL CONSIDERATIONS:

No financial implications are to be considered in this report.

ENVIRONMENTAL CONSIDERATIONS:

There are no environmental considerations associated with this proposal.

Figure 1 - Applicant/Agent

Figure 2 - Air Photo

Figure 1

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Figure 2

