

SUBJECT: PRELIMINARY REPORT
JDL Realty Inc., C/O Joanne Barnett RPP Consulting,
Official Plan and Zoning By-law Amendments to permit a
private school at 2832 16th Avenue,
File Nos. OP 18 151031 and ZA 18 151031 (Ward 2)

PREPARED BY: Rick Cefaratti M.C.I.P., R.P.P., ext. 3675
Planner II, West District

REVIEWED BY: Dave Miller M.C.I.P., R.P.P., ext. 4960
Manager, West District

RECOMMENDATION:

- 1) That the report titled “PRELIMINARY REPORT, JDL Realty Inc., C/O Joanne Barnett RPP Consulting, Official Plan and Zoning By-law Amendment to permit a private school at 2832 16th Avenue, File Nos. OP 18 151031 and ZA 18 151031 (Ward 2)” be received.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report provides preliminary information on Official Plan and Zoning Amendment applications to permit a private school associated with a commercial school within a portion of the existing building on the property. This report contains general information in regards to applicable OP or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application. A Statutory Public Meeting has been scheduled for May 8th, 2018.

BACKGROUND:

The 0.425 ha. (1.05 ac.) subject property is located on the north side of 16th Avenue, approximately 90 m (295 ft.) east of Cachet Woods Court (see Figures 1 and 3 – Location Map and Air Photo). A two (2) storey commercial building with an approximate Gross Floor Area of 793 m² (8,536 ft²) currently exists on the property. It is presently occupied by a commercial school (JDL Education Consulting). To the north and east of the property is undeveloped land. To the south, across 16th Avenue is Buttonville Airport. To the west is a Petro Canada gas station and Highland Funeral Home, across Cachet Woods Court. The property is approximately 300 m (984 ft.) from the 404 ramps and 535 m (1,755 ft.) to the 404.

Process to date:

- Zoning By-law Amendment application deemed complete by staff on March 13, 2018.
- Official Plan Amendment deemed application complete by staff on April 18, 2018.
- Preliminary Report to be considered by Development Services Committee (DSC) on the current date (April 30, 2018)

Next Steps

A Statutory Public Meeting, required to provide an opportunity for formal public participation regarding the proposed Official Plan and Zoning By-law Amendments, has been scheduled for May 8, 2018.

Proposal

The owner is seeking to amend the Official Plan and Zoning By-law to permit a private school to occupy a maximum of 49 percent or 242 m² (2,611 ft²) of the existing building on the property. The remaining 51 percent or 252 m² (2,717 ft²) of the subject building includes a multi-purpose room, an international English language testing system room, offices, a library and a meeting room and classrooms associated with the existing commercial school. The private school will operate during evening hours on weekdays and Saturdays. The private school will provide ESL (English as a Second Language)/ELTS (English Language Training Solutions) tutoring services. Teaching materials are guided by the Ontario Curriculum and are targeted to benefit students who require an improvement in their English proficiency to be able to attend an Ontario college or University in the future. A full day curriculum under the Ministry of Education does not form part of the current proposal. No changes to the exterior of the building are currently proposed.

Official Plan and Zoning2014 Markham Official Plan

The subject property is designated 'Service Employment' in the 2014 Official Plan (as partially approved on November 24, 2017, and as updated by the Local Planning Appeal Tribunal on April 9, 2018).

The Planned function of lands designated 'Service Employment' is to provide for a range of employment uses. Specific Land Uses provided for within this designation include, but are not limited to, light industrial and warehousing, office, limited retail, service, financial institutions, restaurants and a community college or university and commercial schools. This designation specifically does not permit a private school. An Official Plan Amendment is required to permit the establishment of a private school use on the property. The designation that does provide for "private schools" is all Mixed Use designations (provided they are located on an arterial or major collector road).

Zoning

The lands are presently zoned Select Industrial with Automotive Commercial (M.AC) by By-law 165-80, as amended (see Figure 2 – Area Context/Zoning). Permitted uses within this zone include, but are not limited to, industrial uses such as warehousing of goods and materials, an automotive service centre, and commercial uses such as financial institutions, offices and commercial schools. Zoning staff has determined that, since a part of the building is proposed to be used as an academic school that follows the Ministry of Education's curriculum for elementary and or elementary schools which secures the major part of its funding from private sources, it would be considered a private

school which is not permitted on the property. A Zoning By-law Amendment is required to establish a private school as a permitted use on the subject property.

OPTIONS/ DISCUSSION:

The following is a brief summary of issues raised to date. These matters, and others identified through the circulation and detailed review of the proposal, will be addressed, if necessary, in a final report to Committee:

1. Staff are concerned with the encroachment of incompatible uses, such as “Private Schools”, into Markham’s employment areas.
2. Staff are concerned with the percentage of the building proposed to be used as a “Private School” which could facilitate the providing of full day curriculum recognized under the Ministry of Education, or dormitories.
3. The Owner is required to submit a Sensitive Land Use Study to evaluate the implications of permitting potentially sensitive land uses on the ability of nearby existing and planned industrial uses to carry out normal business activities within 1000 m (3,281 ft.) of the proposed sensitive land use (Private School).
4. Transportation Engineering staff has completed their review of a traffic brief submitted with applications and advise that since site access from 16th Avenue is under the jurisdiction of York Region, further consultation is required with York Region staff to determine the need to undertake intersection analysis for the PM peak hour to assess impacts of the late afternoon/evening trips generated at the site driveways.
5. Zoning staff has identified that:
 - the proposed “Private School” use requires 48 parking spaces, whereas 33 spaces are provided; 11 of which don’t meet the minimum parking stall size requirement (2.75 m by 5.8 m);
 - two (2) accessible parking spaces must be provided with a stall size of 2.6 m by 5.8 m with a 1.5 m access aisle;
 - the front and east driveways do not meet the minimum two-way driveway width of 6 m;
 - A loading space is not shown on the site plan, whereas a minimum of one (1) loading space (3.6 m by 12 m) is required.

Additional matters identified through the circulation and detailed review of the proposal, will be addressed, as necessary, in a final report to Committee if required.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

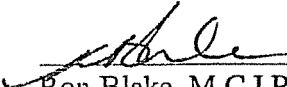
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development is to be evaluated in the context of growth management, environmental and strategic priorities of Council.

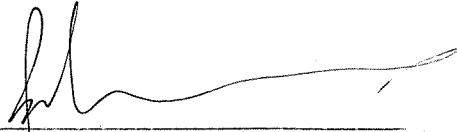
A BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED BY:



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



Brian Lee, P. Eng.
Acting-Commissioner of Development
Services

ATTACHMENTS:

Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Air Photo
Figure 4 – Site Plan
Figure 5 – Building Elevations

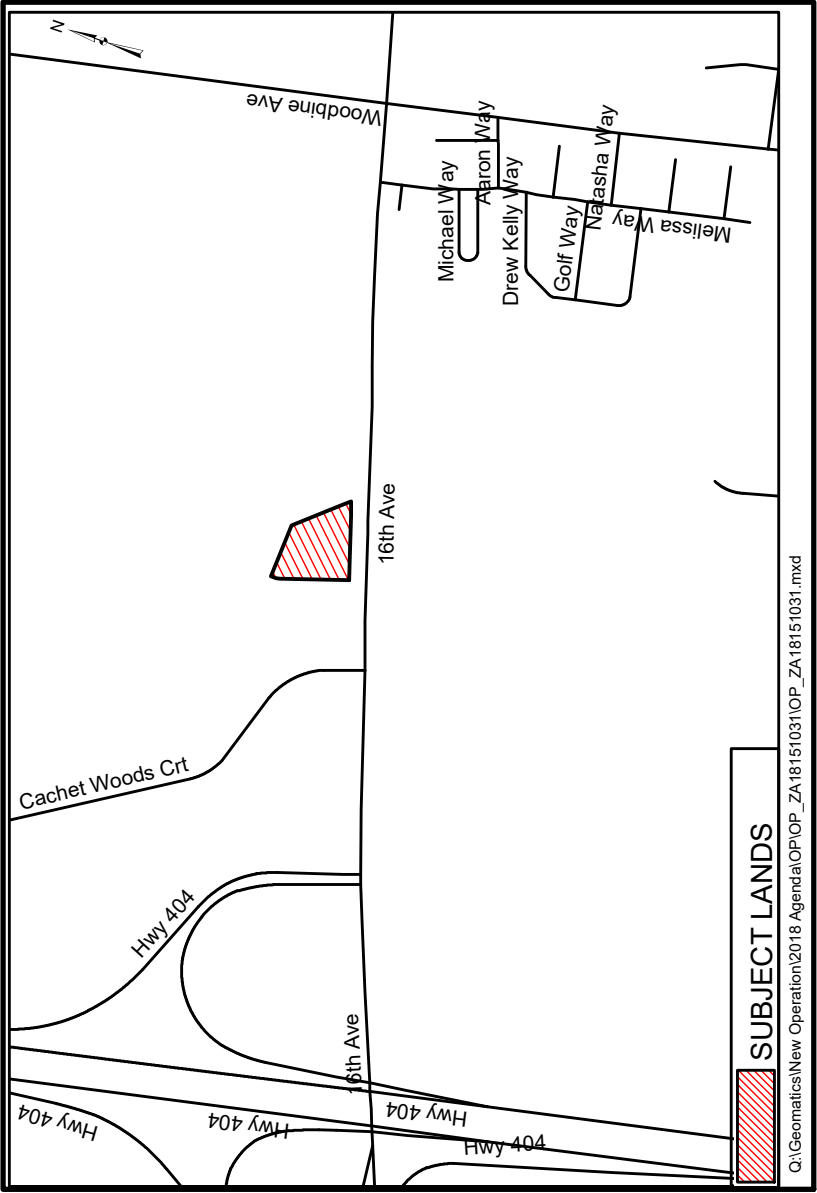
APPLICANT/AGENT:

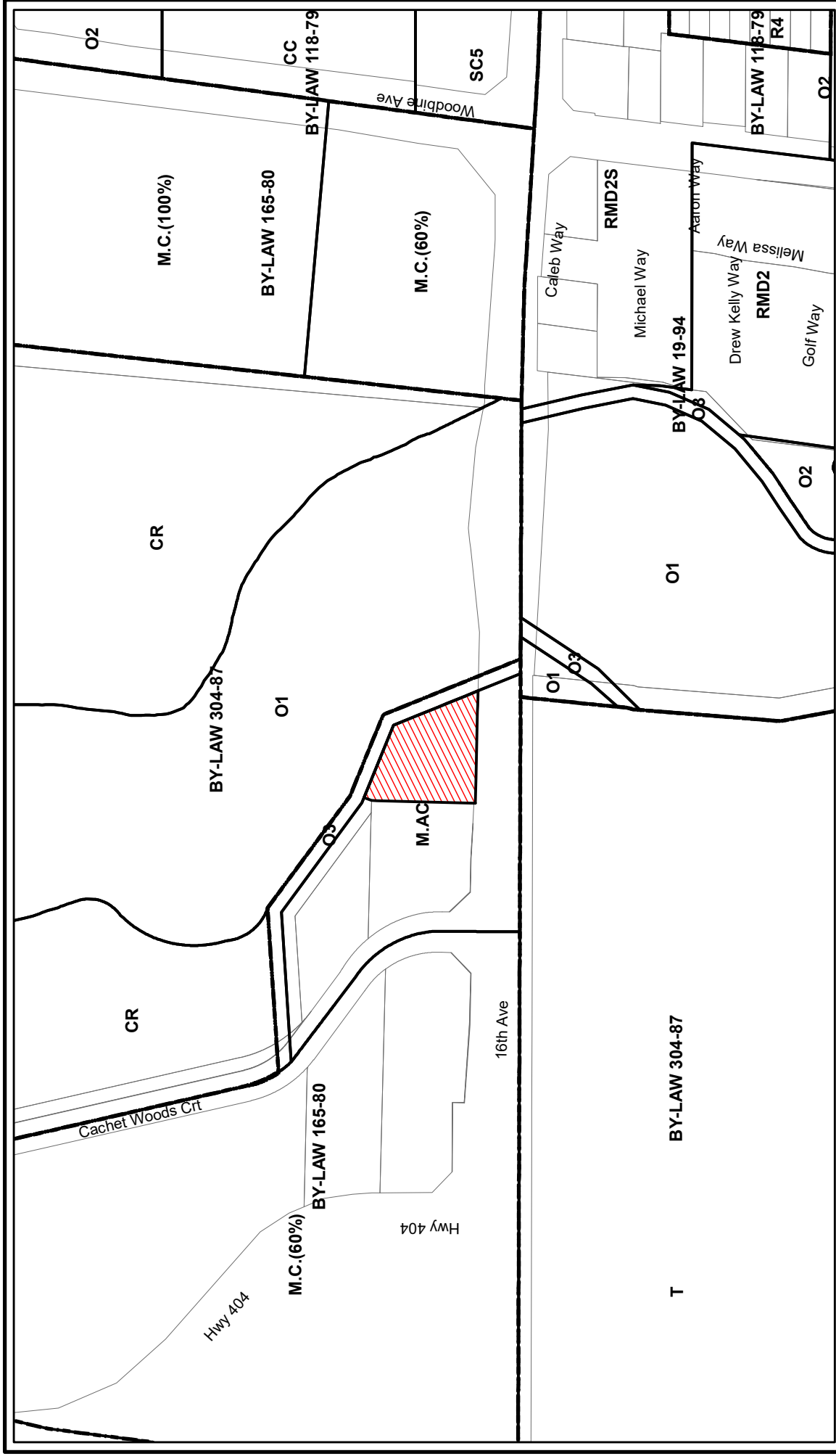
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AREA CONTEXT / ZONING

APPLICANT: JDL REALTY INC.
2832 16th AVENUE

FILE No. OP_ZA18151031 (RC)

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 SUBJECT LANDS



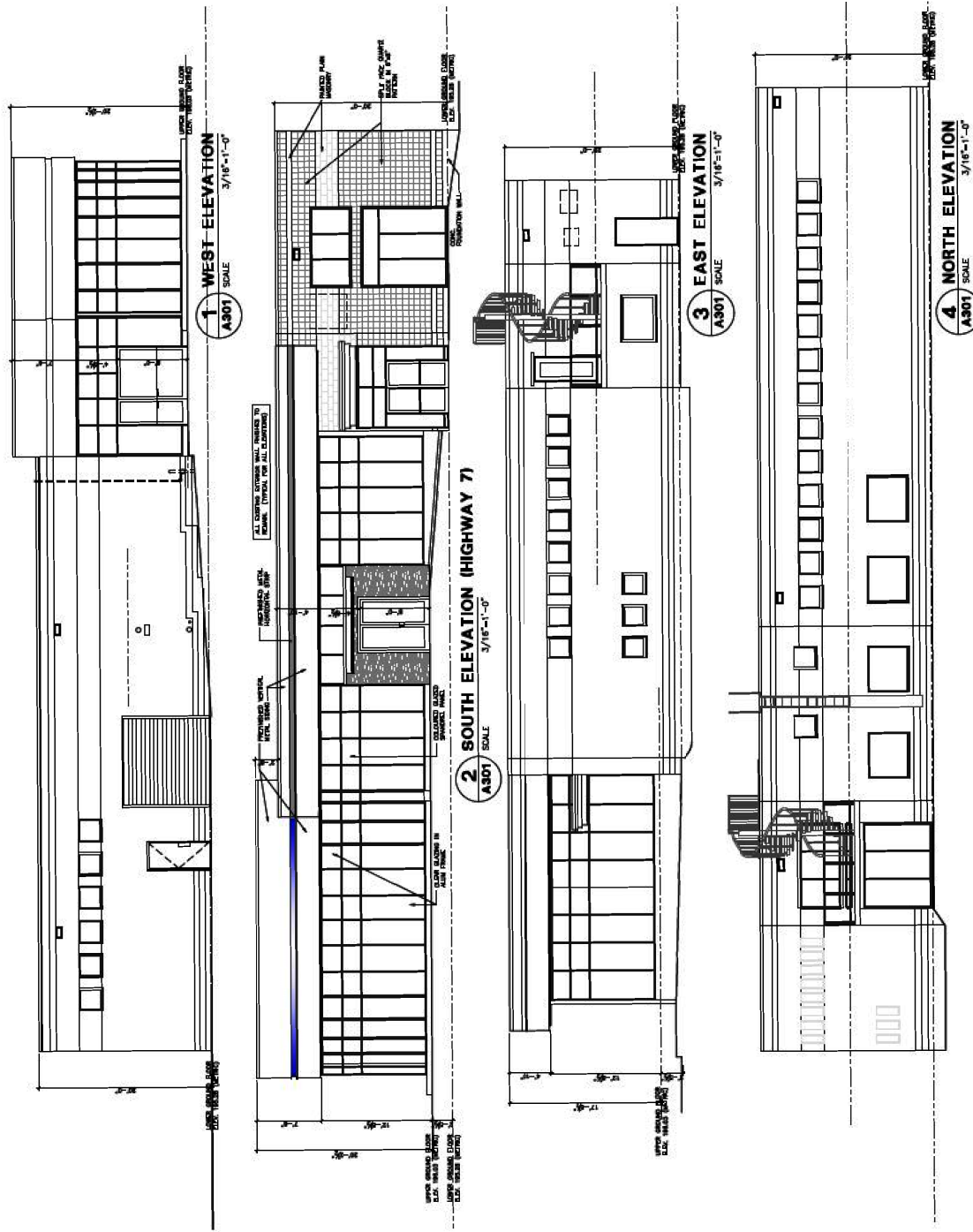
AERIAL PHOTO (2017)

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 SUBJECT LANDS



ELEVATIONS

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