

SUBJECT: **RECOMMENDATION REPORT**
Wemat One Ltd.
Block 1, Plan 65M-2665
South side of Highway 7, between Highway 404 and Commerce
Valley Drive East, Application for Official Plan Amendment to
expand the range of employment uses permitted, Ward 8
File No.: OP 13 113480

PREPARED BY: Carlson Tsang, Ext 2945
Planner I, Zoning and Special Projects

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

RECOMMENDATION:

- 1) That the report dated February 12, 2018 entitled “RECOMMENDATION REPORT, Wemat One Ltd., Block 1, Plan 65M-2665, South side of Highway 7, between Highway 404 and Commerce Valley Drive East, Application for Official Plan Amendment to expand the range of employment uses permitted”, be received.
- 2) That the Official Plan Amendment application submitted by Wemat One Ltd. to amend the 2014 Official Plan as partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17 and Nov 24/17 be approved, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and enacted without further notice;
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

The 11.7 ha (29 ac) subject property is located on the south side of Highway 7, between Highway 404 and Commerce Valley Drive East (see Figure 1). It has a frontage of approximately 80 m (262 ft) on Highway 7 and a frontage of approximately 118 m (387 ft) on Commerce Valley Drive East. An engineered channel runs along the northeast corner and exits the property near the mid-point of the eastern boundary. There is an area of vegetation located in the central portion of the property.

To the north, across Highway 7 in the Town of Richmond Hill is a mix of uses including offices, retail and restaurants. To the west, across Commerce Valley Drive East is a hotel and a number of restaurants. To the south are offices and low-rise business park buildings and a stormwater management pond. To the east are Highway 404 and the interchange with Highway 7.

PROPOSAL:

The applicant is proposing to amend the 2014 Official Plan as partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17 and Nov 24/17 (the “2014 Official Plan”) to allow the following additional uses on the subject lands:

- research and training facilities, data processing and related facilities and restaurants within an office building
- trade and convention centre
- hotel including restaurants and ancillary entertainment uses within the same building
- financial institution
- ancillary use such as retail and service within an office building or hotel

The applicant has only applied to amend the 2014 Official Plan at this time. A site plan and possibly a zoning by-law amendment application will be submitted at a later date to facilitate the future development on the property. The applicant has provided a preliminary conceptual plan (see Appendix ‘B’) that illustrates how the subject site may be developed with the range of employment uses being requested, including a hotel, a convention centre and three office buildings. However, the preliminary conceptual plan does not represent the final development proposal and may be subject to changes in the future.

Official Plan and Zoning By-lawOfficial Plan (Revised 1987)

The subject property was designated ‘Industrial’ and ‘Business Park area’ under the 1987 Official Plan, which applies to office/industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. It provided for offices, light industrial uses, hotels, ancillary retail and services uses and restaurants, research and training facilities, data processing and related facilities, institutional uses, banks and financial institutions and trade and convention centres.

2014 Official Plan

The 2014 Official Plan designates the subject lands ‘Business Park Office Priority Employment’ and identifies the subject lands as being located within the Commerce Valley/ Leitchcroft Key Development Area and Intensification Area along the Highway 7 Regional Rapid Transit Corridor.

The ‘Business Park Office Priority Employment’ designation is intended primarily for major office development. Additional uses provided for include community colleges and universities, as well as ancillary retail and service uses within office buildings.

The ‘Business Park Office Priority Employment’ designation and associated policies were under appeal as part of the city wide appeal of the 2014 Official Plan. On November 24, 2017 at a Pre-hearing Conference, the Ontario Municipal Board (OMB) approved the designation in principle through a partial approval order. This designation and all the associated policies will be in force once the final order is issued.

This Official Plan Amendment was originally submitted as an employment land conversion application which included residential uses. In considering the application, along with a number of other employment land conversion applications prior to adoption of the new Official Plan in 2013, Markham Council approved consideration of additional non-employment uses, but excluded residential uses. As a result, Area and Site Specific Policy 9.6.6 was introduced in the 2014 Official Plan that sets out criteria and requirements for considering a designation other than an 'Employment Lands' designation on the subject site, but excludes residential use permissions. The employment conversion aspect of the application was approved by Regional Council in April 2015.

The applicant has since revised the application to remove the request for residential uses. The application is therefore no longer considered an employment land conversion. The applicant is now only seeking to expand the range of permitted employment uses in the 2014 Official Plan to be consistent with previous permissions in the 1987 Official Plan. The following uses being requested are currently not allowed under the 2014 Official Plan (see Appendix C):

- research and training facilities, data processing facilities within an office building
- trade and convention centre
- hotels, including ancillary entertainment uses
- financial institution

This amendment is also requesting to include retail, service and restaurant as ancillary uses to hotel and office building. It should be noted such ancillary uses are currently allowed in the 2014 Official Plan provided they are located on the ground floor of the building and do not exceed 15 percent of the gross floor area of the building. The applicant is requesting to include these uses in the site specific policy without the above restriction to allow greater flexibility for the future development.

Zoning By-law 165-80

The property is zoned 'Select Industrial and Limited Commercial – M.C. (90%)' under By-law 165-80, as amended, which permits uses including warehousing, manufacturing, data processing, research laboratories, banks and financial institutions, professional and business offices, commercial schools, hotels and motels, restaurants in hotels and motels and limited retail uses that are accessory to business and professional offices, and hotels and motels. Trade and convention centre and ancillary entertainment use are not permitted under zoning by-law 165-80.

OPTIONS/ DISCUSSION:

Statutory Public Meeting

A Statutory Public Meeting was held on November 22, 2016. No written submissions were received regarding this proposal. There were no comments from the audience with respect to this application.

Exemption from Regional Approval

The Region of York has indicated that as the revised application no longer constitutes an employment conversion, it no longer affects Regional interest as outlined in Policy 8.3.8 of the Regional Official Plan and is therefore exempted from approval by Regional

Council. The Region of York has no objection to the proposed Official Plan Amendment application.

Zoning By-law Amendment & Site Plan Applications have not been submitted

Future developments on the subject lands will require site plan approval from the City. Should the proposal not conform to any applicable zoning provisions, a zoning by-law amendment or minor variances will also be required. The applicant has not submitted a Zoning By-law Amendment or Site Plan Control application to the City for review. The preliminary conceptual plan (see Appendix 'B') provided does not reflect the details of the final proposal for the subject lands. Therefore it is premature for the City Departments and Public Agencies to provide any technical comments until the associated Zoning By-law Amendment and Site Plan Control application are submitted with a finalized proposal along with technical studies and reports.

Planning Comments

The additional uses being sought through this application are consistent with the previous land use permissions under the 'Business Park area' designation of the 1987 Official Plan. In the 2014 Official Plan, a more restrictive 'Business Park Office Priority Employment' designation was applied to certain employment lands along Highway 7 Regional Rapid Transit Corridor as a means of ensuring that the primary use would be major office employment rather than service-related employment.

Many of the proposed uses including research and training facilities, data processing facilities, ancillary retail and service uses, and restaurants will be contained inside an office building and therefore will not undermine the intended function of the property to accommodate office developments along the Regional Rapid Transit Corridor. The remaining standalone uses such as trade and convention centre, hotel, and financial institution are consistent with surrounding developments as similar uses already exist within the immediate vicinity (including the area north of Highway 7 in the Town of Richmond Hill).

The current zoning ('Select Industrial and Limited Commercial – M.C. 90%' under By-law 165-80, as amended) of the subject lands permits more uses than those provided for in the 'Business Park Office Priority Employment' designation of the 2014 Official Plan (see Appendix C). The majority of the proposed uses are currently permitted under the zoning by-law. The proposed amendment would re-instate permissions for these uses and align the Official Plan policies with the standards of the zoning by-law. Staff support including the addition of uses in the current zoning being added to the 2014 Official Plan by this Amendment.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed Official Plan Amendment has been reviewed in the context of the City's strategic priority of Growth Management.

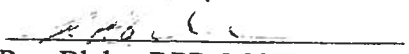
BUSINESS UNITS CONSULTED AND AFFECTED:

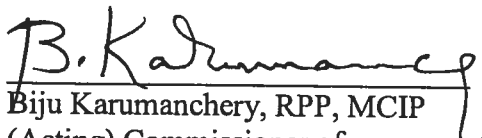
The applications have been circulated to various departments and external agencies, and no concerns were identified on the proposed Official Plan Amendment. The requirements of the City and external agencies for any future developments on the subject lands will be addressed through the subsequent Zoning By-law Amendment and/or Site Plan Development approval process.

CONCLUSION:

It is the opinion of Staff that the proposed Official Plan Amendment is appropriate and represents good planning. It is therefore recommended that the proposed amendment to the City's 2014 Official Plan, attached as Appendix 'A', be approved.

RECOMMENDED BY:


Ron Blake, RPP, MCIP
(Acting) Director of Planning &
Urban Design


Biju Karumanchery, RPP, MCIP
(Acting) Commissioner of
Development Services

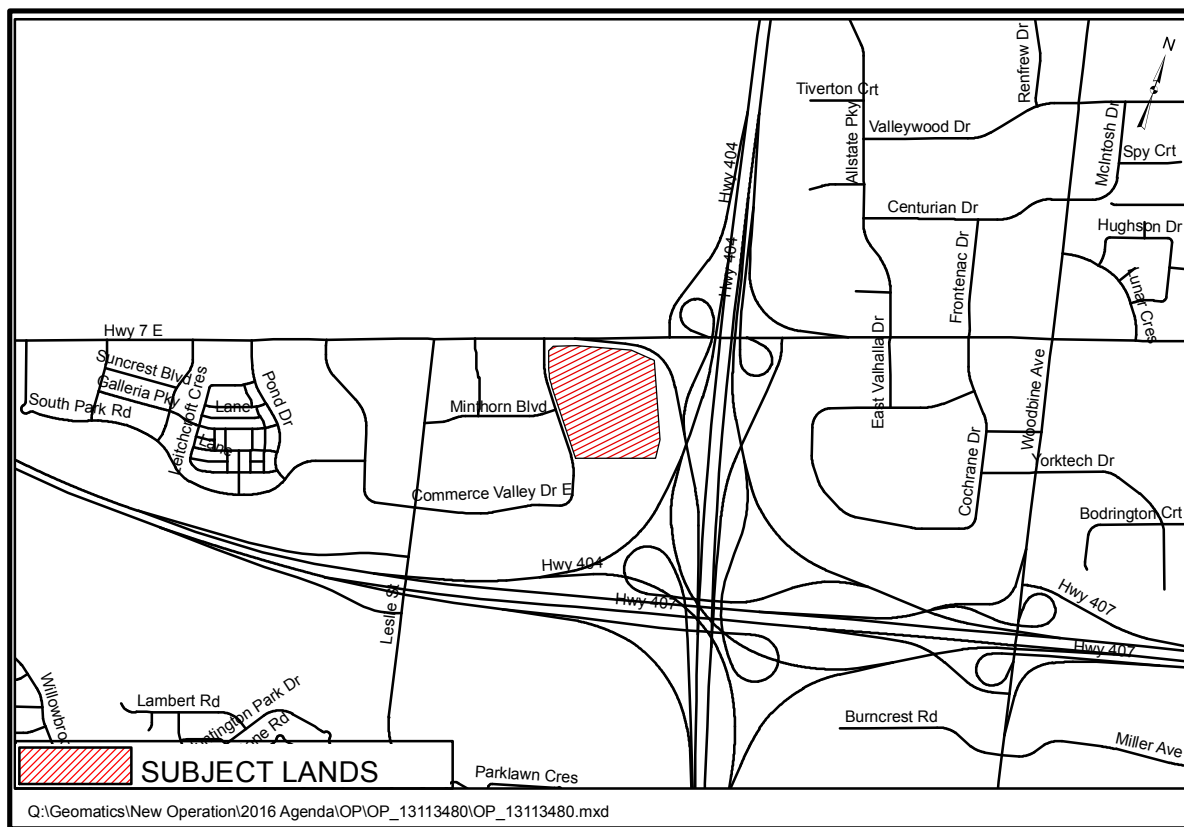
ATTACHMENTS:

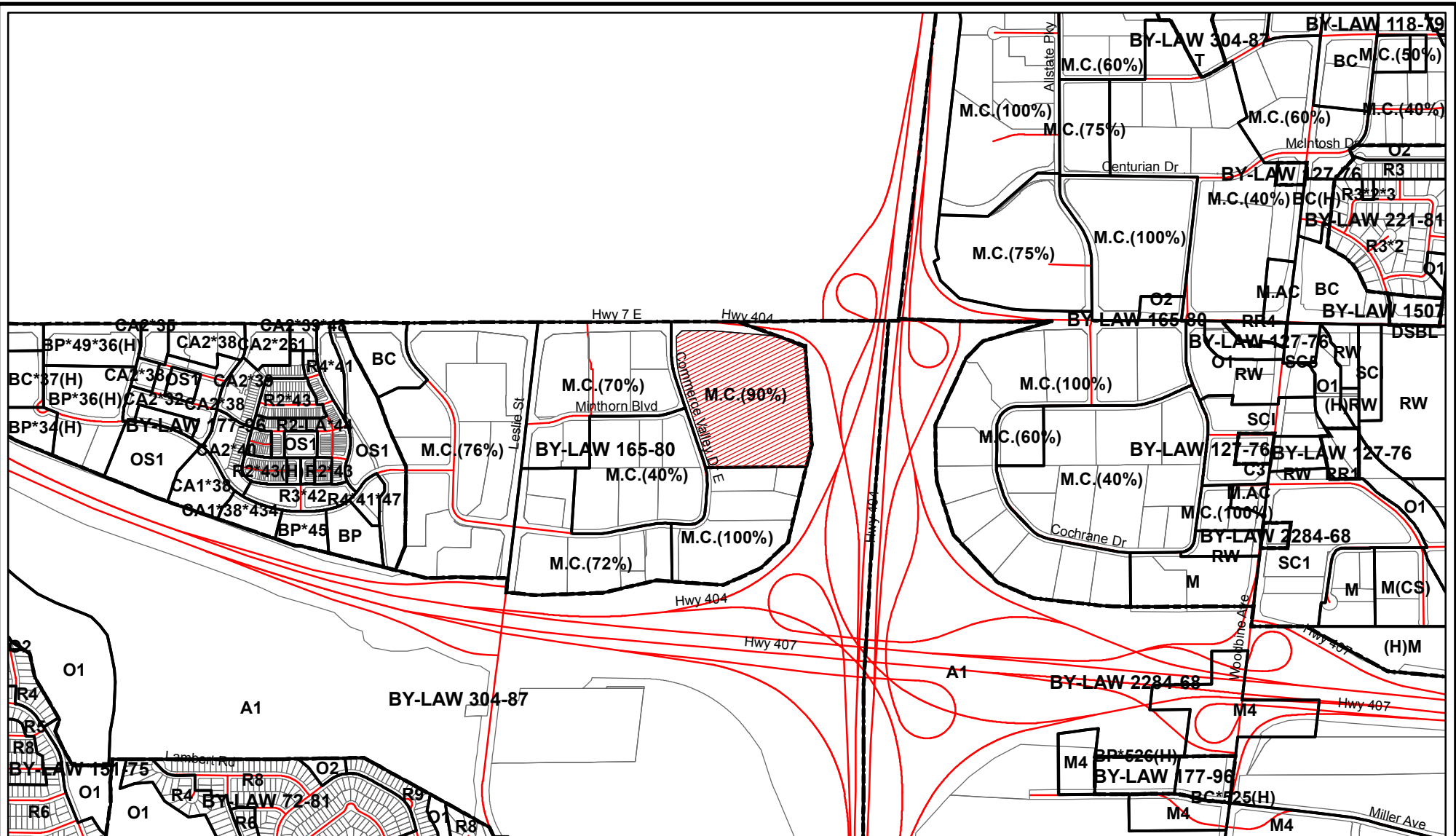
Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Air Photo

APPENDICES:

Appendix 'A' – Draft Official Plan Amendment Markham Official Plan 2014
Appendix 'B' – Preliminary Conceptual Plan
Appendix 'C' – Comparison of the Uses between Official Plan and Zoning By-law

File path: Amanda\File 14 109571\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: WEMAT ONE LTD.
BLOCK 1, PLAN65M-2665

FILE No. OP_13113480

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: GS

DATE: 08/08/2016

FIGURE No. 2

 SUBJECT LANDS



AIR PHOTO

APPLICANT: WEMAT ONE LTD.
BLOCK 1, PLAN65M-2665

FILE No. OP_13113480

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 SUBJECT LANDS

DATE: 08/08/2016

FIGURE No. 3



CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO.XXX

To amend the City of Markham Official Plan 2014, as amended.

(WeMat One Limited)

(February 2018)

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO.XXX

To amend the City of Markham Official Plan 2014, as amended

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2018
- ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on ____, 2018.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2018-____

Being a by-law to adopt Amendment No.____

To the City of Markham Official Plan 2014, as amended

THAT COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS

1. THAT Amendment No.____ to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

Read a first, second and third time and passed on _____, 2018.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

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DRAFT

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule "A" attached thereto constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to a site that is approximately 11.72 hectares (28.96 acres) in area, legally known as Block 1, Registered Plan 65M-2665 (the "subject lands"). The subject lands are located on the south side of Highway 7 and west of Highway 404. The subject lands are bounded by Highway 7 to the north and Commerce Valley Drive East to the west, as shown on Schedule "A".

3.0 PURPOSE

The purpose of this Amendment is to provide for additional employment uses on the subject lands under its current "Business Park Office Priority Employment" land use designation. The additional employment uses being proposed include hotels, trade and convention centre, research training facilities, financial institutions, ancillary retail, restaurant, entertainment, service and commercial uses.

This Amendment will also remove the 'Deferral Area' overlay for the subject lands on Map 3 of Official Plan 2014 and delete the current provision of Section 9.6.6 Area and Site Specific Policies which was originally introduced to set out criteria and requirements for considering employment conversion (excluding residential use permissions) on the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This amendment provides for additional employment uses to be permitted on the subject lands, which are not provided for in the "Business Park Office Priority Employment" designation of the 2014 Official Plan. Such uses were previously provided for on the subject lands under the 1987 Official Plan where the subject lands were designated "Business Park Area."

DRAFT

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 9.6.6 of the City of Markham Official Plan 2014, as amended, is hereby deleted and replaced by a new subsection 9.6.6 as follows:

“Section 9.6.6

The following additional use provisions shall apply to the ‘Business Park Office Priority Employment’ lands as shown in Figure 9.6.6:

- a) research and training facilities, data processing and related facilities and restaurants within an office building;
- b) hotel that does not include dwelling units, including restaurants and ancillary entertainment uses within the same building;
- c) trade and convention centre;
- d) ancillary retail and service commercial uses within an office building or hotel; and
- e) financial institution.”

- 1.2 Map 3 – Land Use of the Official Plan (2014), as amended, is hereby amended by removing the ‘Deferral Area’ overlay and reference to ‘See Section 9.6.6’ on the lands shown in Schedule “A” attached hereto.

2.0 IMPLEMENTATION AND INTERPRETATION

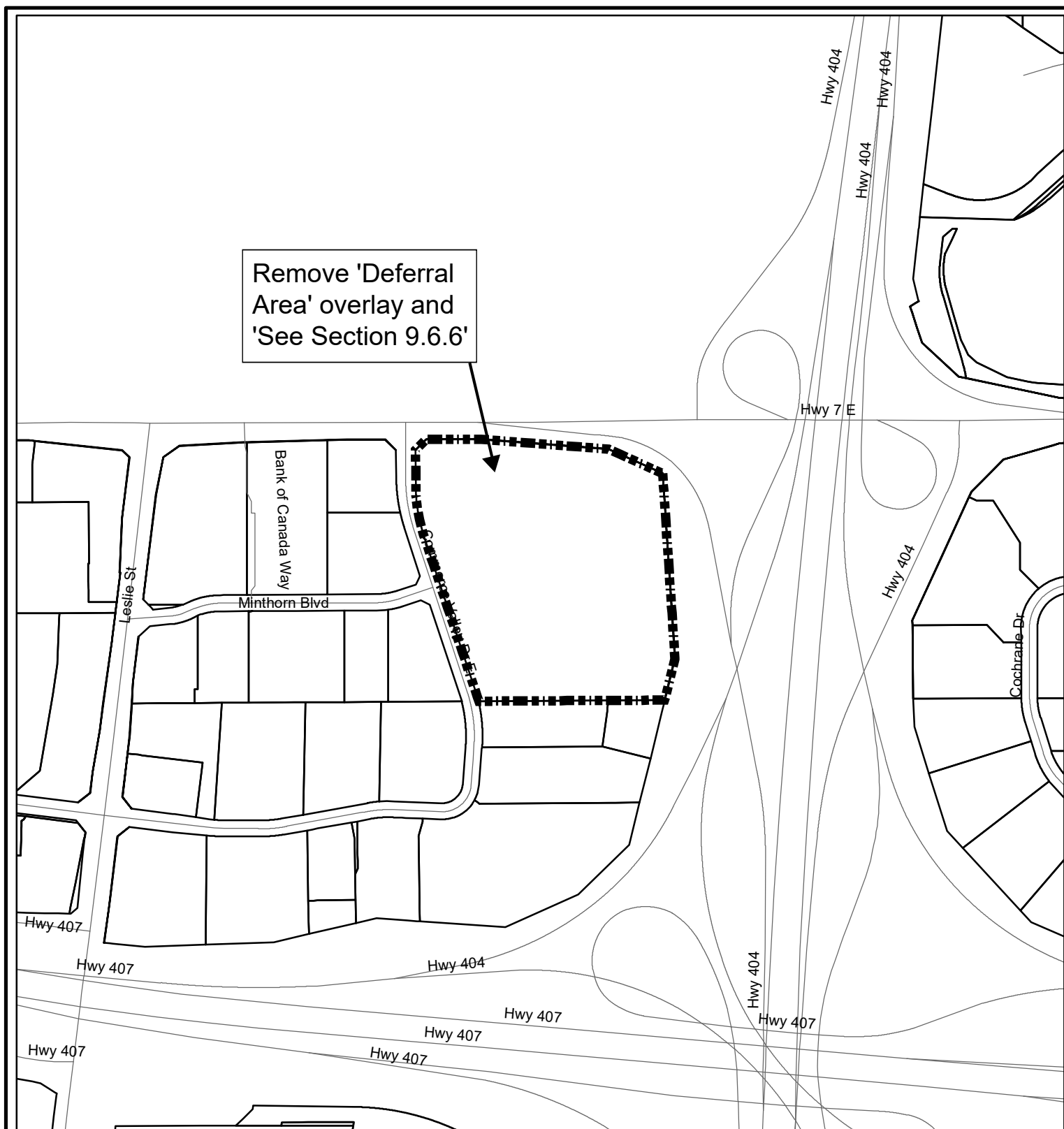
The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented through an amendment to the Zoning By-law and Site Plan Control in conformity with the provisions of this Amendment.

This Amendment to the City of Markham Official Plan 2014, as amended, is exempt from approval by the Region of York. Following adoption of the Amendment, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 10.7.5 of the City of Markham Official Plan 2014, as amended, shall not apply.

(February 2018)



AMENDMENT TO MAP 3 - LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, AS AMENDED



Boundary of Area Covered by this Amendment



: Q:\Geomatics\New Operation\Official Plan\Site Specific OPA\FIGURE 9_6_6\FIGURE 9_6_6.mxd



DEVELOPMENT SERVICES COMMISSION

SCHEDULE "A" TO OPA No. XXX

Drawn By: LW
Checked By: CT

SCALE: NTS
DATE: 15/11/2017



MAIN LEVEL PLAN
WEMAT ONE LIMITED -BLOCK-I, MARKHAM - MASTER PLAN
SEPTEMBER 21, 2015

PERMITTED USE	MORNING	AFTERNOON	EVENING
OFFICE	100% 1,486	95% 1,412	10% 149
CONVENTION CENTER	10% 85	25% 213	100% 851
HOTEL	80% 396	75% 371	100% 495
TOTAL	1,967	1,996	1,495

SITE AREA - 117,215 m² (28.96 ACRES)
GFA
OFFICE - 53,493 sq. m. (575,813 sq. ft.)
CONVENTION CENTER - 16,000 sq. m. (172,228 sq. ft.)
HOTEL - 36,000 sq. m. (387,514 sq. ft.)
TOTAL GFA - 105,493 sq. m. (1,135,554 sq. ft.)
FSI PERMITTED - 90%
FSI PROVIDED - 90%
PARKING (SHARED PARKING)
OFFICE PARKING - 1/36 m² - 1,486 SPACES
CONVENTION CENTER PARKING - 1/20 m² - 851 SPACES
HOTEL PARKING - 1/73 m² - 495 SPACES
TOTAL PARKING REQUIRED (SHARED PARKING) - 1.9% SPACES
TOTAL PARKING PROVIDED (ON GRADE AND DECK) - 2,366 SPACES

Appendix C – Comparison of Uses between Official Plan and Zoning By-law

Uses Provided for in 1987 Official Plan	Uses Provided for in 2014 Official Plan	Uses Permitted by Zoning By-law 165-80	Proposed Uses
<ul style="list-style-type: none"> • Office • Light industrial uses • Hotels • Ancillary retail, service uses and restaurant (inside office or hotel buildings) • Research and training facilities • Data processing and related facilities • Institutional Uses (excluding places of worship) • Day care centres • Banks and financial institutions • Trade and convention centres • Private and commercial schools • Community facilities • Motels • Sport, health and fitness recreational uses • Banquet halls • Entertainment uses and night clubs (inside office or hotel buildings) 	<ul style="list-style-type: none"> • Office • Commercial parking garage • Retail, and/or service use that is accessory to the primary manufacturing, processing or warehousing use • Ancillary use such as retail, service, restaurant, and commercial fitness centre use within an industrial building • Ancillary uses such as retail, service, restaurant, commercial fitness centre or financial institution within a non-industrial building • Community College or University • Day care centre and trade school (discretionary uses) 	<ul style="list-style-type: none"> • Banks and financial institutions • Professional Business Offices • Commercial Schools • Hotels and Motels • Restaurants and Taverns (inside Hotels and Motels) • Retail Stores (convenience goods such as newspapers, magazines, tobacco produces and candy) and Personal Service Shops to service occupants of an office buildings or patrons of a hotel or motel • Warehousing of goods and materials • Assembly of manufactured goods • Manufacture within enclosed buildings of goods • Repair and servicing of goods • Data processing centre and computer related function • Research laboratories • Printing establishments 	<ul style="list-style-type: none"> • offices, including research and training facilities and data processing and related facilities within an office building • trade and convention centre • hotels, including restaurants and ancillary entertainment uses within a hotel building • financial institutions • ancillary retail, service and restaurant uses within an office or hotel building