



Report to: Development Services Committee

Report Date: September 25, 2017

SUBJECT: RECOMMENDATION REPORT, 14th Avenue Investments Inc.
C/O Barron Planning Consulting
Zoning By-law Amendment to permit a 1 storey industrial building at 2875 14th Avenue, south side of 14th Avenue between Woodbine Avenue and Highway 404 (Ward 8)
File No. ZA 17 149540

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 "RECOMMENDATION REPORT, 14th Avenue Investments Inc., C/O Barron Planning Consulting, Zoning By-law Amendment to permit a 1 storey industrial building at 2875 14th Avenue, south side of 14th Avenue between Woodbine Avenue and Highway 404 (Ward 8), File No. ZA 17 149540", be received;
- 2) That the application by 14th Avenue Investments Inc., to amend Zoning By-laws 28-82 and 2284-68, as amended, attached as Appendix 'A', be forwarded to Council for approval and enacted without further notice; and,
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report discusses a Zoning By-law Amendment application to permit a 1 storey industrial building adjacent to the CN Rail corridor at the rear of the property for Motor Vehicle Repair and Service uses.

BACKGROUND:

The 2.02 ha (5 ac.) property is located on the south side of 14th Avenue, approximately 200 m (656 ft.) west of Woodbine Avenue (see Figures 1 and 3 – Location Map and Air Photo). The lands are presently undeveloped. To the north across 14th Avenue is a mixed commercial and industrial building. To the south is the CN Rail line. To the east is a granite and marble supplier (Markham Granite and Marble). To the west is a trucking company (Transforce).

Proposal

The applicant is seeking a Zoning By-law Amendment to rezone the rear portion of the property from Agricultural (A1) to Select Industrial with Limited Commercial M.C.(60%) to permit a 1 storey multi-unit industrial building. The proposed Zoning By-law Amendment will facilitate a development that includes a multi-unit 3 storey multi-unit office building with a Gross Floor Area of 3412 m² (36,726 ft²) at the front of the property (already permitted by the current zoning), and a 1 storey industrial building for with a Gross Floor Area of 5040 m² (54,250 ft²) at the rear of the property. Motor Vehicle Repair and Service uses are proposed within the 1 storey industrial building (see Figures 4, 5 and 6 – Conceptual Site Plan and Building Elevations).

Official Plan**In-Force Official Plan**

The lands are designated Business Corridor (front portion) and General Industrial (rear portion) under the in-force Official Plan (Revised 1987). The Business Corridor designation permits office uses and the General Industrial designation permits motor vehicle repair and service uses. The General Industrial designation only permits office uses accessory to permitted industrial uses.

2014 Markham Official Plan

The land in its entirety is designated General Employment in the 2014 Official Plan (partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 27, 2017). This designation permits motor vehicle repair uses but only permits office uses accessory to permitted industrial uses.

Zoning

The front portion of the lands are presently zoned Select Industrial with Limited Commercial (M.C.) 60% by By-law 28-82 and the rear portion is zoned Agricultural – A1 by By-law 2284-68, as amended (see Figure 2 – Area Context/Zoning). The (M.C.) 60% zoned portion of the property permits stand- alone business and professional office uses. The A1 zoned portion of the property does not permit industrial uses or motor vehicle repair and service uses. A Zoning By-law Amendment is required to permit motor vehicle repair and service uses within the rear portion of the subject property.

Process to date:

- Application for Zoning By-law Amendment deemed complete by staff on March 31, 2017.
- Preliminary Report considered by Development Services Committee (DSC) on June 12, 2017.
- The applicant has also submitted an application for Site Plan approval (SC 17 149540) to permit a 3 storey office building and a 1 storey industrial building that is currently under review by internal staff and external agencies.
- Site Plan approval authority is delegated to Staff in this instance.
- Statutory Public Meeting Held on June 26, 2017.
- Recommendation Report prepared for Development Services Committee (DSC) on September 25, 2017.

Next Steps:

- Enactment of the Zoning By-law Amendments
- Staff to endorse the associated application for Site Plan following Council's approval of the proposed Zoning By-law Amendments

Public Consultation

On June 26, 2017 a Public Meeting was held to obtain input on the rezoning application from the public. No written submissions were received by the Clerk's Department prior to the Public Meeting. One oral submission was made by a representative of the property municipally known as 7604 and 7620 Woodbine Avenue and east of the subject property, to discuss servicing issues and requested a comprehensive approach to sanitary servicing. There have been ongoing discussions between the property owners of the two abutting properties to extend sanitary servicing from 14th Avenue to 7604/7620 Woodbine Avenue through the subject property by way of a servicing easement (a sanitary servicing route could be provided from 14th Avenue by extending servicing in a southerly direction along the east side of the subject property to 7604/7620 Woodbine Avenue). Staff has discussed the matter with the Legal Department who advise that this servicing arrangement cannot be imposed by staff as a requirement of development approval. However staff will encourage the two property owners to continue their dialogue on this matter.

OPTIONS/ DISCUSSION:**Implementing Zoning By-law**

The proposed Zoning By-law Amendments will delete the (A1) zoned portion of the property from By-law 2284-68, and incorporate these lands into a M.C. (60%) zone category under By-law 28-82, to allow for the development of a 1 storey industrial building for Motor Vehicle Repair and Service uses (see Attachment 1).

Site-Specific Use Provision for By-law 28-82

The following list summarizes the proposed site specific zone provisions for the rear portion of the property:

- Permits Motor Vehicle Repair and Service at the rear of the property, whereas the M.C. (60 %) Zone prohibits such uses
- Only permit business and professional offices within the rear portion of the property as an accessory use to a permitted industrial use, in accordance with the General Industrial policies of the in-force Official Plan and the General Employment policies of the 2014 Official Plan

Key Issues identified in Preliminary Report and Public Meeting**Motor Vehicle Repair and Service Uses appropriate**

Staff are of the opinion that the proposal to permit motor vehicle repair and service uses can be supported at the rear of the property. The applicant is proposing to provide a physical separation distance of 45 metres between the proposed office building and the industrial building. In addition the front of the office building will be oriented to address 14th Avenue and with loading area at the rear of building will face south towards the

proposed industrial building. Consequently, staff is of the opinion that the interface between the proposed office building at the front of the property and the proposed industrial building adjacent to the CN Rail corridor will be compatible.

Compatibility of proposed Office Building with existing Industrial uses

Staff noted in the Preliminary Report that The City has been working on addressing complaints by the owners and occupants of offices on the north side of 14th Avenue regarding dust and dirt on 14th Avenue, created by the industrial uses on the south side of 14th Avenue. The proposed establishment of an additional office building and industrial uses may result in compatibility issues with the other existing industrial uses that generate heavy truck traffic and dust. These concerns can be appropriately addressed through warning clauses in the Site Plan agreement for the associated Site Plan application advising future occupants of the proposed office industrial buildings on the property of the potential presence of dust and dirt associated with adjacent industrial uses on the south side of 14th Avenue.

Site Plan matters addressed through the Site Plan approval process

The applicant has revised the Site Plan drawings to address staff comments on the original submission including the addition of a fire route, private fire hydrants and route signage and the relocation of barrier free parking spaces to the front of the proposed office building. In addition, the revised Building Elevations demonstrate that the proposed office building will comply with Markham's Bird Friendly Guidelines. The applicant will be required to enter into a Site Plan agreement with the City to address all Site Plan matters relating to access, parking, loading, landscaping, bird friendly measures, exterior lighting and sustainability measures.

Conclusion

Staff will continue to work with the applicant to finalize the Site Plan approval process and recommends that the draft Zoning By-law as shown in Attachment 1 be approved.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

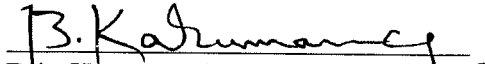
ALIGNMENT WITH STRATEGIC PRIORITIES:


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

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been reviewed by various City departments and external agencies. Requirements of the City and external agencies have been reflected in this report and the implementing zoning by-law.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning and Urban Design


James Baird, M.C.I.P., R.P.P.
Commissioner of Development
Services

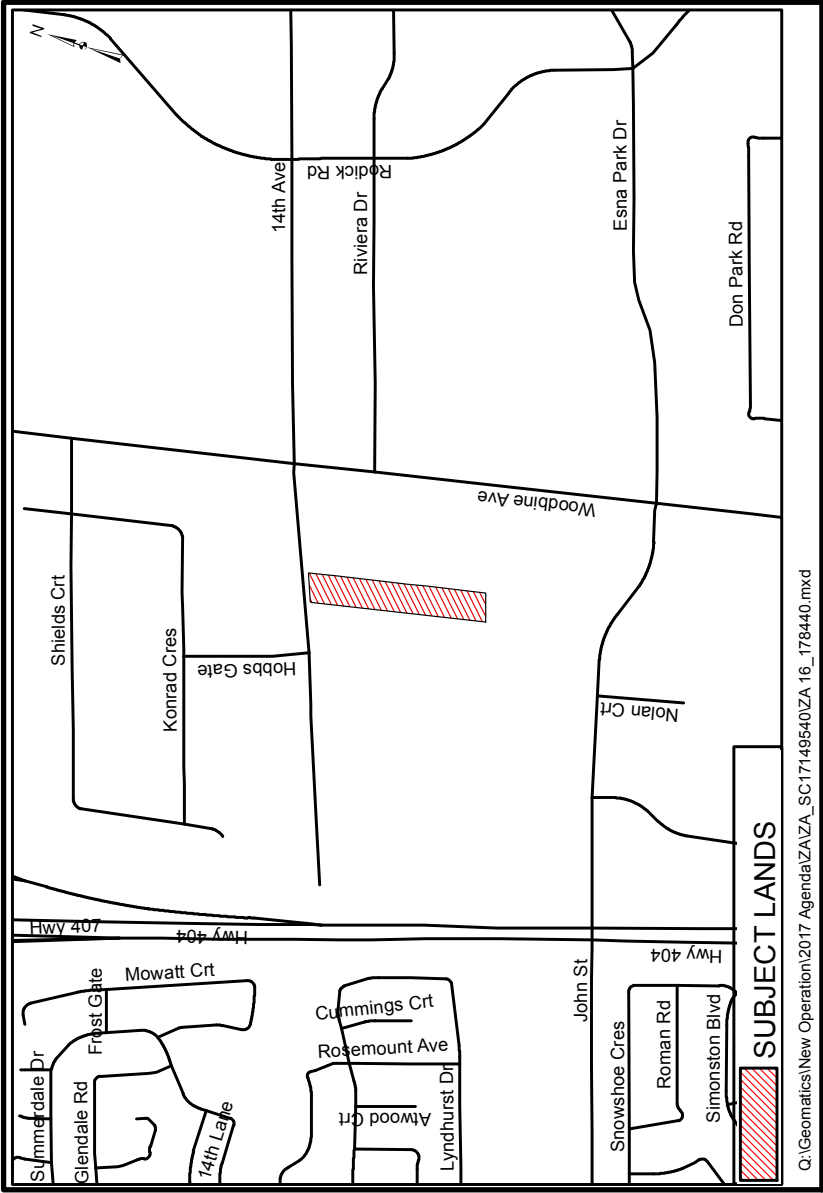
ATTACHMENTS:

Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Air Photo
Figure 4 – Revised Site Plan
Figure 5 – Revised Building 'A' Elevations
Figure 6 – Revised Building 'B' Elevations
Attachment 1 – Draft Zoning By-law

AGENT:

Paul Barron, M.C.I.P., R.P.P.
Barron Planning Consulting
628 Lakeview Drive
Woodstock, Ontario
N4T 0A5
Tel: (416) 557-5561
Email: pbarron@sympatico.ca

File path: Amanda\File 17 149540\Documents\Recommendation Report




Q:\Geomatics\New Operation\2017 Agenda\ZA\ZA_SC17149540ZA_16_178440.mxd



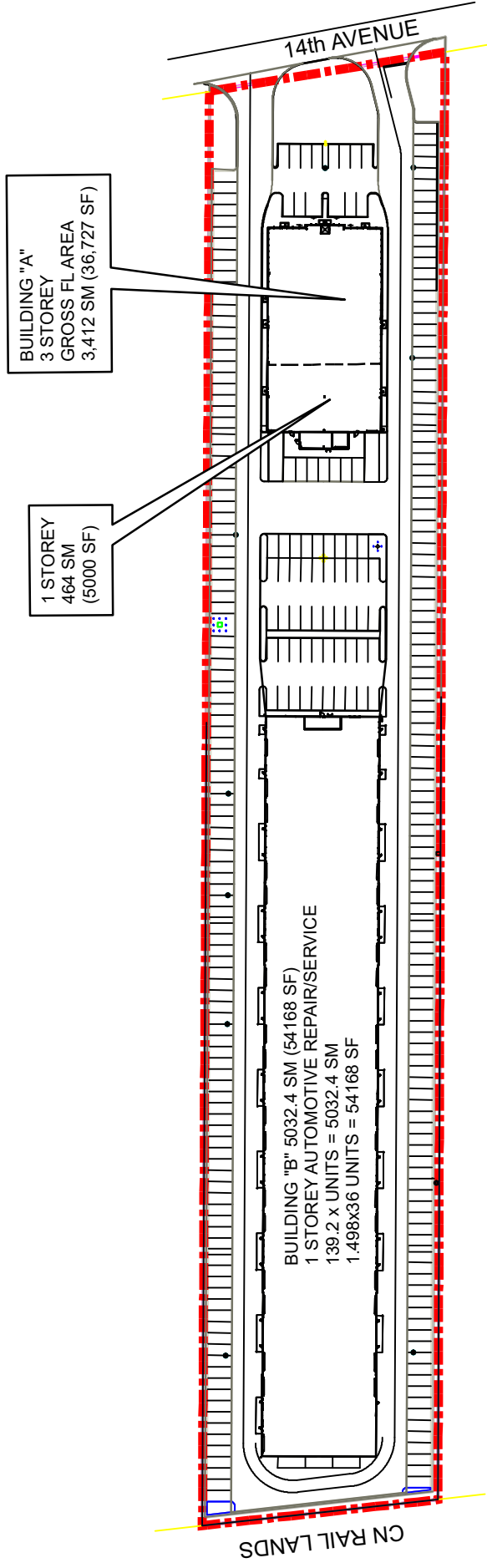
AIR PHOTO

APPLICANT: 14th AVENUE INVESTMENTS
2875 14th Ave
FILE No. ZA/SC17149540

 SUBJECT LANDS

Q:\Geomatics\New Operation\2017 Agenda\ZA\ZA_SC17149540\ZA 16_178440.mxd






REVISED SITE PLAN

APPLICANT: 14th AVENUE INVESTMENTS INC.
2875 14th AVENUE

FILE No. ZA_SC 17149540 (RC)

 SUBJECT LANDS

Q:\Geomatics\New Operation\2017 Agenda\ZA_ZA_SC17149540\Revised Maps\ZA_SC17149540.mxd



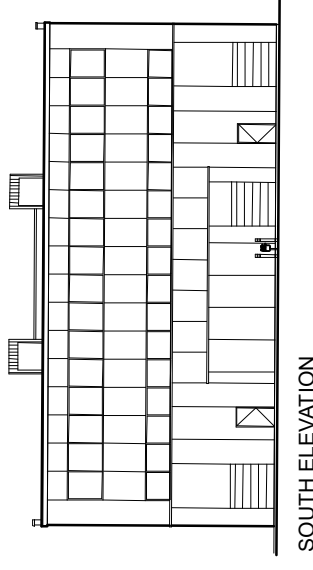
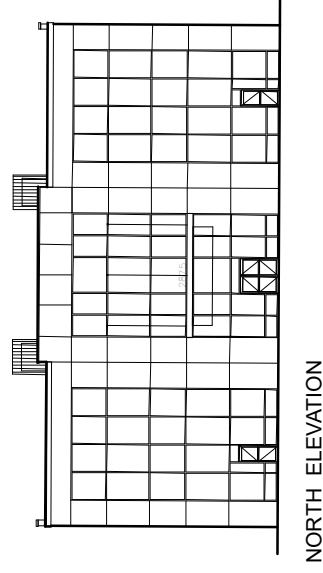
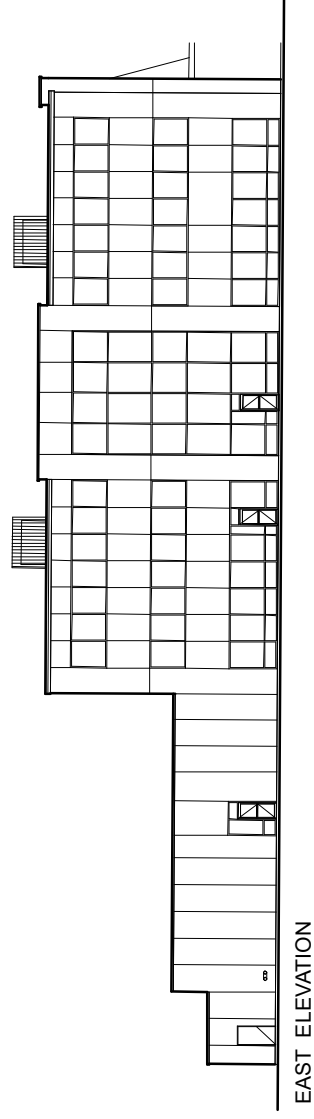
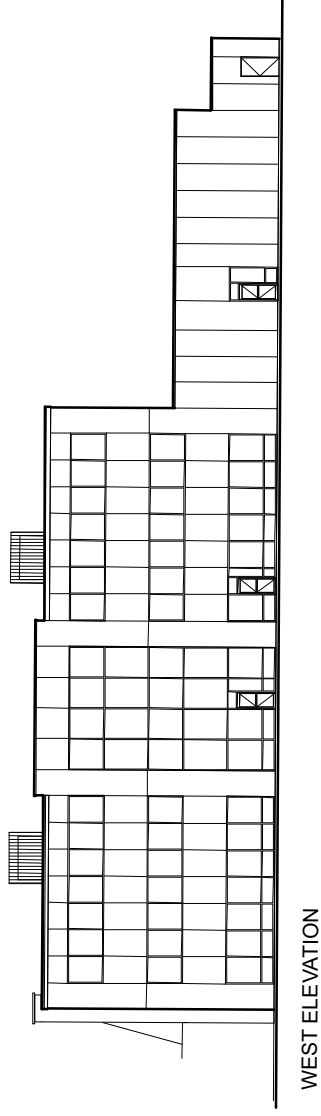
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

DATE: 01/09/2017

FIGURE No.4

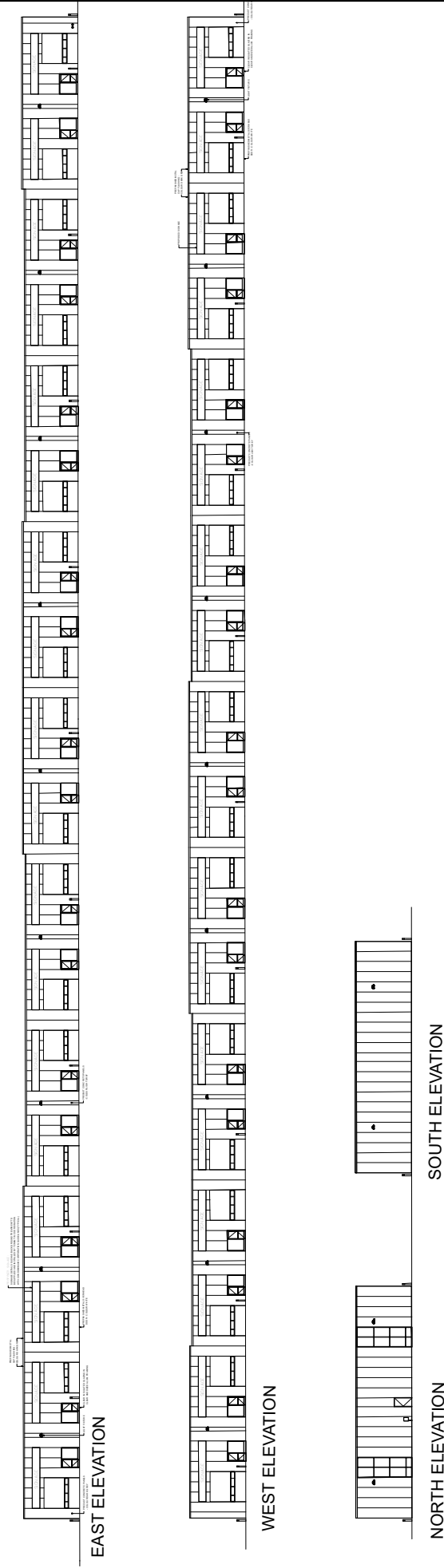


REVISED BUILDING 'A' ELEVATIONS

APPLICANT: 14th AVENUE INVESTMENTS INC.
2875 14th AVENUE

FILE No. ZA_SC 17149540 (RC)

Q:\Geomatics\New Operation\2017 Agenda\ZA\ZA_SC17149540\Revised Maps\ZA_SC17149540.mxd



REVISED BUILDING 'B' ELEVATIONS

APPLICANT: 14th AVENUE INVESTMENTS INC.
2875 14th AVENUE

FILE No. ZA_SC 17149540 (RC)

Q:\Geomatics\New Operation\2017 Agenda\ZA_ZA_SC17149540\Revised Maps\ZA_SC17149540.mxd



BY-LAW 2017-_____

A By-law to amend By-laws 2284-68, as amended
(to delete lands from the designated area of By-law 2284-68)
and to amend By-law 28-82, as amended
(to incorporate lands into the designated area of By-law 28-82)

The Council of the Corporation of the City of Markham hereby enacts as follows:

- 1. That By-law 28-82, as amended, is hereby further amended by deleting the lands shown on Schedule “A” attached hereto from the designated area of By-law 2284-68, as amended.
- 2. By-law 28-82, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 28-82, as amended, to include the lands as shown on Schedule “A” attached hereto.
 - 2.2 By rezoning the lands outlined on Schedule “A” attached hereto from:
Agriculture One Zone (A1) under By-law 2284-68
to:
Select Industrial with Limited Commercial M.C.(60%) Zone under By-law 28-82;
 - 2.3 By adding the following subsection to Section 7- EXCEPTIONS:

Exception 7.27	14 th Avenue Investments Inc. South side of 14 th Avenue and west of Woodbine Avenue 2875 14 th Avenue	Parent Zone M.C.(60%)
File ZA 17 149540		Amending By-law 0000-000
Notwithstanding any other provisions of By-law 28-82, the following provisions shall apply to the land shown on Schedule “A” attached to this By-law _____. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.27.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Motor Vehicle Repair and Service	
b)	All of the uses permitted in Section 6.1.1 (Select Industrial ZONES)	

Read a first, second and third time and passed on _____,
2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2017-_____

A By-law to amend By-laws 2884-68 and 28-82, as amended

**2875 14th Ave
PLAN 3820 LOT 3
(Proposed Industrial Building)**

Lands Affected

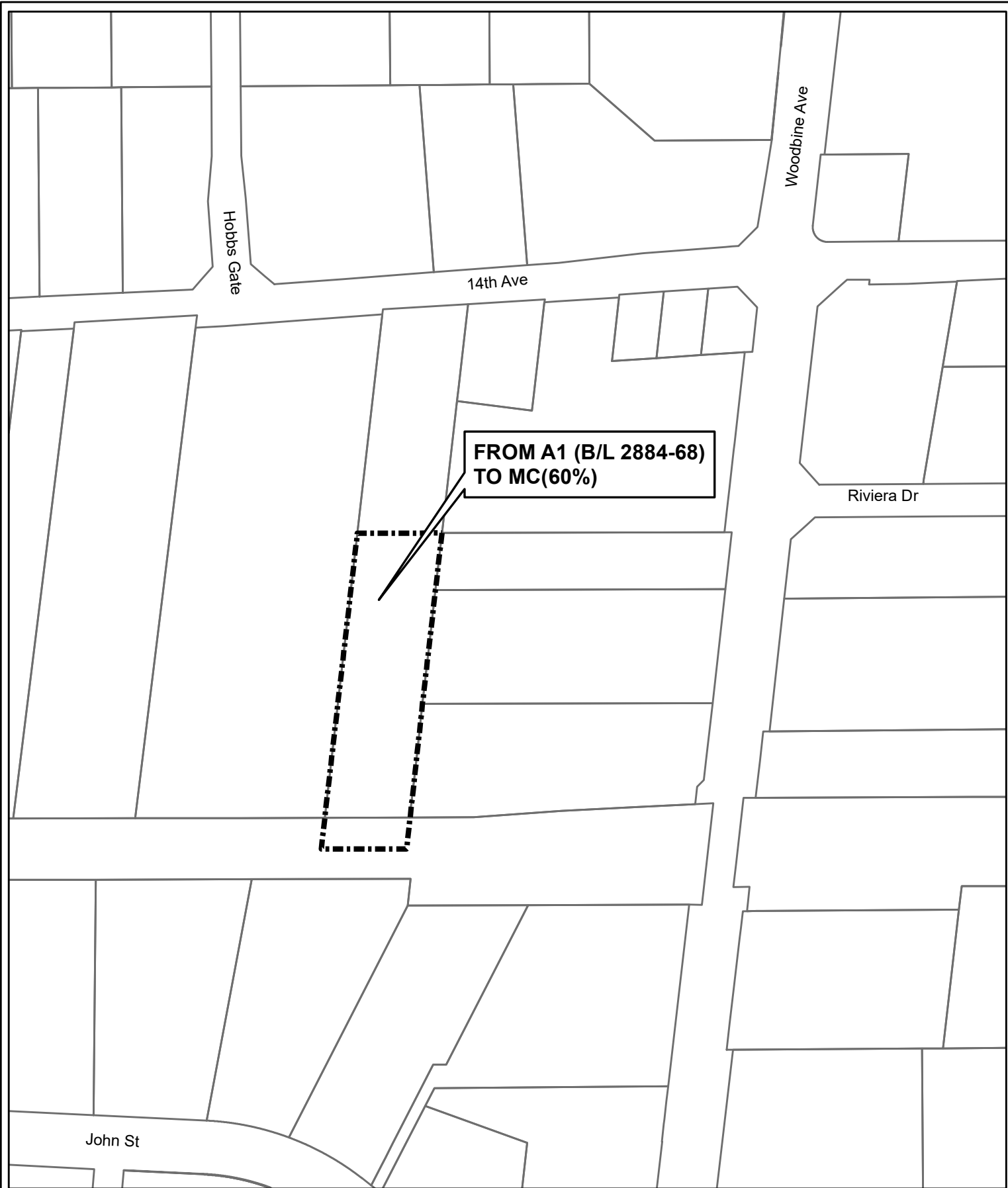
The proposed by-law amendment applies to 2.02 hectares (5 acres) of land located on the south side of 14 Avenue, west of Woodbine Avenue and municipally known as 2875 14th Avenue.

Existing Zoning

By-law 2284-68, as amended, currently zones the subject lands as Agricultural (A1) Zone.

Purpose and Effect



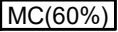
The purpose and effect of this By-law is to delete the property from the designated area of By-law 2284-68, amend By-law 28-82 to incorporate lands into the designated area of By-law 28-82, and to rezone the subject property to from Agricultural (A1) to M.C. (60%). The proposed zoning change will facilitate the development of a one storey industrial building for industrial uses, including a motor vehicle repair and service uses, and the introduction of site-specific site provisions.



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAWS 2884-68 AND 28-82 DATED



-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE TO BE DELETED FROM 2884-68 AND ADDED TO 28-82
-  A1 AGRICULTURE ONE
-  MC(60%) SELECT INDUSTRIAL AND LIMITED COMMERCIAL

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

Q:\Geomatics\New Operation\By-Laws\ZA\ZA17149540\ZA17149540.mxd

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office