



Report to: Development Services Committee

Report Date: October 24, 2016

SUBJECT: RECOMMENDATION REPORT
723187 Ontario Inc.
Application for Zoning By-law Amendment to permit
Residential, Business Office and Restaurant Uses
180 Main Street North, Markham Village

File No. ZA and SC 15 109007

PREPARED BY: Peter Wokral, Heritage Planner, ext. 7955

REVIEWED BY: Regan Hutcheson, Manager, Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) That the report dated October 24, 2016 titled "RECOMMENDATION REPORT, 723187 Ontario Inc., Application for Zoning By-law Amendment to permit Residential, Business Office and Restaurant Uses, 180 Main Street North Markham Village, File No. ZA 15 109007", be received;
- 2) That the record of the Public Meeting held on April 26, 2016 regarding the application submitted by 723187 Ontario Inc. to amend Zoning By-law 1229, as amended, be received;
- 3) That the application (ZA 15 109007) submitted by 723187 Ontario Inc. to amend Zoning By-law 1229, as amended, be approved to permit residential, business office and restaurant uses at 180 Main Street North and the draft By-law attached as Appendix 'C' be finalized and enacted without further notice;
- 4) That final review and approval of the Site Plan Application (SC 15 109007) submitted by 723187 Ontario Inc. to permit the proposed rear addition to the existing heritage dwelling and the parking lot at 180 Main Street North, be delegated to the Director of Planning and Urban Design or designate, to be approved following execution of a site plan agreement. Site Plan Approval is issued only when the Director, or designate, has signed the site plan;
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The owner of 180 Main St. N. has submitted Zoning By-law Amendment and Site Plan Control applications to the City to permit business office, retail, health/fitness facility, residential and restaurant uses for 180 Main St. N. and to permit a proposed two storey addition and parking lot. A Statutory Public Meeting was held to consider the applications on April 26, 2016. Two members of the public addressed the Committee, one expressing support for the proposal, and the other stating concerns regarding the proposed uses and their potential negative impacts on neighbouring residential properties. The Development Services Committee recommended that the application be referred to staff for a Recommendation Report.

Staff supports residential intensification opportunities, business office, and limited restaurant use in accordance with the policies of the 2014 Official Plan and the Main Street Markham Area Secondary Plan (OPA 108), but does not support the proposed retail and health/fitness facility uses, as these would require an official plan amendment, for which the applicant has not applied.

The applicant is seeking permission for the business office and restaurant uses in order to make the property more marketable, without necessarily building the proposed addition to the heritage dwelling and parking lot at this time. Therefore, the site plan is being treated as a concept plan to demonstrate that the proposed commercial uses can be appropriately accommodated on-site.

Planning Staff is recommending that a by-law permitting residential, business office and restaurant uses be approved, and that approval of the site plan application be referred to the Director of Planning and Urban Design on the understanding that the site plan issues identified in the report be resolved in the future, and a Site Plan Agreement be executed either by the current property owner, or a new owner of the property.

PURPOSE:

The purpose of this report is to discuss and recommend approval of the zoning by-law amendment application submitted by 723187 Ontario Inc. to permit residential, business office and limited restaurant use at 180 Main Street North in Markham Village.

BACKGROUND:

The subject property is located on the south west corner of Markham Main St. N. and Bullock Dr., within the Markham Village Heritage Conservation District (See Figure 1- Location Map, Figure 3-Air Photo 2015). The lot has an area of 1, 535 m² (16,523 ft²) and is occupied by a 2 ½ storey, single-detached heritage dwelling. The existing house is identified as a Class 'A' heritage building in the Markham Village Heritage Conservation District Plan that helps define the historic character of the neighbourhood. (See Figure 6- Photograph of the existing heritage house).

Surrounding uses include:

- Street townhouse units to the west, fronting on Bullock Dr;
- A dental office on the north west corner of Bullock Dr. and Main St. N.;
- Single detached residences on the north east and south-east corners of Bullock Dr. and Main St. N.;
- The Dixon Garland Funeral Home, and two single detached residences to the south;
- Real estate offices across the street at 161 and 165 Main St. N.

Proposal

The applicant is proposing to re-zone the property to permit residential, business office, restaurant, retail, and health/fitness facility uses in an effort to make the property more marketable. The residential use permission would include the opportunity for a second storey residential unit(s). The applicant has also submitted a site plan application

illustrating a proposed addition to the existing house, and a parking lot. (See Figures 4 and 5 Site Plan and Building Elevations).

Official Plan and Zoning

2014 Official Plan (partially approved by the Ontario Municipal Board on October 30, 2015 and May 26, 2016)

The subject lands are designated “Residential Low Rise” in the City’s 2014 Official Plan. The Official Plan also includes “Area and Site Specific Policies” (Section 9.13) that effect the subject property. Section 9.13.4.4 sets out similar permitted uses and requirements as contained in the Main Street Markham Area Secondary Plan (OPA 108). Permitted uses of this land use designation (Medium Density 1 Housing/Office in the Secondary Plan) include residential intensification opportunities and office uses.

It should be noted that this application was submitted after the new Official Plan was adopted by Markham Council, and approved by the Region (but recognizing the Plan is under appeal, the City relies on the policies in the Main Street Markham Area Secondary Plan).

Section 9.13.4.4 of the 2014 Official Plan and Section 6.7.2 of the Main Street Markham Area Secondary Plan permits office use subject to:

- The maximum gross floor area of the office not exceeding 45 percent of the total gross floor area; and
- The provision of at least one dwelling unit where an office is proposed within an existing residential building, with the exception of a building, which by virtue of its size or configuration is not suitable for mixed use, where Council may permit one use only provided it is within the existing building. In the event of subsequent significant expansion or renovation of the building, the general provisions of this land use designation are to apply.

Section 9.13.4.5 g) of the 2014 Official Plan and Section 6.7.7 of the Main Street Markham Area Secondary Plan also permits a restaurant use in the existing heritage building at 180 Main Street North (subject to a site specific by-law amendment on the basis of a specific proposal with detailed plans and subject to compliance with the protection/ preservation of the heritage building; adequate off-street parking; and protection/ preservation of existing mature trees).

The following criteria for new development are contained in both the Markham Main Street Area Secondary Plan (OPA 108) and the 2014 Official Plan:

- Recognition of the distinct character of heritage buildings, historic sites and landscapes of the Markham Village Heritage Conservation District and to ensure that compatible infill development and redevelopment shall have regard for the protection and preservation of heritage buildings, building design, building materials and treatments, signage and lighting, landscaping and tree preservation,

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- to enhance the District's heritage character and complement the area's village-like, human scale of development;
- The protection and preservation of any heritage buildings existing on-site;
 - The impact of development on the historic character of the area shall be minimized by addressing the:
 - Compatibility of the proposed use;
 - Capacity of the site for additional uses, parking and supporting infrastructure;
 - Location of parking areas, loading and access; and
 - Opportunities for landscaping and screening.
 - The provision of adequate on-site parking facilities for commercial development generally to be located in the rear yard and appropriately screened from any adjacent residential area;
 - That buildings used for mixed residential office development reflect the area's residential buildings in terms of appearance and size and not have any indications of the nature of the office use other than one small scale non-illuminated identification sign;

Existing Zoning

The subject lands are currently zoned "Residential" (R1) (See Figure 2-Area Context Zoning) which permits:

- A single detached dwelling;

The applicant is requesting that the subject property be rezoned from (R1) to (C4) under By-law 1229, as amended, to implement the Medium Density 1 Housing / Office designation of the Main Street Markham Area Secondary Plan (OPA 108).

Certain uses not permitted by the City's Official Plan and the Markham Main Street Area Secondary Plan (OPA 108) are being proposed.

In addition to residential, business office, and restaurant use, the applicant is seeking permission to use the property for retail, and health/fitness uses. These uses are not supported by the Official Plan 2014 (partially in force) or the Markham Main Street Area Secondary Plan (OPA 108) beyond the boundaries of the Main Street Commercial Core, located further south of the subject property. Therefore, these proposed uses would require an Official Plan Amendment, for which the applicant has not applied.

Public Consultation

The Zoning By-law Amendment application was reviewed by the Heritage Markham Committee on February 10, 2016 and there were no oral or written submissions from the public. A statutory Public Meeting to consider the amendment to the Zoning By-law was held on April 26, 2016. Two oral submissions were made by members of the public at the Public Meeting.

- A resident addressed the committee in support of the proposed restaurant use.

- Residents of an adjacent property expressed concerns about noise, garbage, traffic, parking, loss of privacy and loss of value of their property related to business office and restaurant uses.

These concerns will be mitigated through zoning provisions, and future site plan approval prior to any redevelopment of the property.

OPTIONS/ DISCUSSION:

Residential intensification, business office and limited restaurant uses are supported

The property is zoned R1 under By-law 1229, as amended. The proposed by-law amendment will rezone the property to Medium Density 1 Housing/Office (C4) to permit residential, office and restaurant use. The proposed uses at this location are compatible with, and will not adversely affect the historic character of the village. The property has the capacity for additional uses, associated parking, and infrastructure related to these uses.

The restaurant use for a portion of the building would be limited by the City's Parking By-law (one parking space per 15 m² of net floor area), and the number of on-site parking spaces that can be sensitively accommodated on the property. Based on the concept plan providing a parking lot layout and the necessary revisions to the parking layout to preserve mature vegetation, it appears that 15 spaces can be provided which would result in a maximum restaurant size of 225 sq m (2,422 sq ft) net floor area if no other uses are introduced.

It is noted that the concerns of the residents in the adjacent townhouse unit can be addressed through the zoning by-law by limiting the type of restaurant to one full service restaurant, and through the site plan control process by implementing measures such as privacy fencing, new plantings, the sensitive location of garbage storage, and the retention of significant mature vegetation, which will help buffer neighbouring property owners from the use of the subject property. The proposed by-law only permits a Full-Service Restaurant, which means an establishment for the preparation and sale of meals served by a restaurant employee to a patron seated at a table or counter, and as an accessory use, may offer take-out service, but does not permit a take-out restaurant establishment, or a tavern/bar. Detailed review and approval of the site plan application will be required before any restaurant development can proceed:

Development standards reflecting the site plan have not been included in the by-law

The applicant has submitted a site plan application (SC 15 109007) illustrating a proposed addition and parking lot. The site plan is conceptual only, and is not being approved by the City's Planning Department nor proceeding at this time. Once the property is rezoned to Medium Density 1 Housing/Office (C4), the development standards prescribed by the parent by-law for the C4 zone category would apply. The proposed zoning by-law does not include any site specific development standards reflecting the proposed addition and parking lot.

Based on a review of the proposed parking layout and building addition, it appears that the proposal would comply with the C4 development standards. If there are further minor modifications to the proposed site plan/ elevations in the future which do not comply with the C4 development standards, a variance application to the Committee of Adjustment would be required (however, this application could not be submitted for 2 years after the approval of the zoning by-law amendment unless specifically authorized by Council as per the recent changes to the Planning Act through Bill 73). The applicant has indicated that he is primarily interested in obtaining City approval for the business office and restaurant uses in order to make the property more marketable, and that the site plan issues can be resolved in the future by himself, or a future owner of the property, prior to any redevelopment of the property.

The proposed redevelopment of the property is generally supportable

The proposal for new additional floor space and a parking lot addresses many of the criteria for new development outlined in the Secondary Plan (see Figures 4 and 5). The original heritage building can be preserved and remains the prominent feature on the property. The proposed addition would be of an appropriate scale and massing, and located to the rear of the heritage building. The new building's design/style, exterior materials, and decorative treatment would be complementary to the architectural style and features of the heritage building, and supportive of the District's heritage character. Overall, as per the policies of the Secondary Plan, the proposed development must reflect the area's residential buildings in terms of appearance and size. The property also has the capacity to introduce parking facilities for commercial development in conjunction with the preservation of significant trees, and appropriate landscaping and screening from adjacent residential areas.

Issues identified with the site plan application submission

With respect to the site plan, a number of design-related issues were raised with the plans as initially submitted. Through modifications to the plans, these issues can be addressed as follows prior to site plan approval:

- a. Number of On-Site Parking Spaces- The City's Planning Department has recommended the elimination of five of the proposed outdoor parking spaces in order to preserve significant mature trees, and to reduce the amount of parking in the front yard. This would reduce the amount of parking spaces from 18 to 15, including the two parking spaces provided by the existing garage attached to the heritage dwelling.
- b. On Site Parking-The amount of parking spaces recommended by the City would be adequate if both floors of the existing heritage building and proposed addition were used for business office use, but would not be sufficient if both floors were used for a restaurant. The floor area that could be allocated to these higher intensity uses is limited through the City's Parking Bylaw requirements, which is implemented through a Change of Use permit issued by the City's Building Department.

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- c. Traffic – A traffic impact study was not required due to the small scale nature of the development. The site supports one-way traffic only, and vehicles are intended to access the site through a right turn off of Main St. N., and leave the site through a right turn onto Bullock Drive.
 - d. Screening of Parking- The proposed parking lot must be screened from the adjacent townhouse owners through a privacy fence, retention of existing mature trees, and proposed new plantings along the west property line.
 - e. Tree Preservation- There are several significant specimen trees located on the property which are to be retained. One significant Black Walnut tree is proposed to be removed, as it will be injured by the proposed driveway access to Bullock Drive. The City has asked for an appraisal of all trees greater than 40 cm dbh to determine the appropriate value for compensation, and letters of credit intended to ensure that significant mature vegetation is preserved.
 - f. Retention of Existing Driveway- Although the City's Engineering Department initially recommended the removal of the existing driveway leading to the attached garage due to its close proximity to the intersection of Bullock Drive and Main Street North, staff has agreed to its retention in order to eliminate the proposed paving in front of the house in an effort to retain the residential appearance of the property, as per Secondary Plan policies.
 - g. Garbage Storage- The City's Waste Management Department will require an internal waste storage room, to protect neighbouring property owners from litter and noxious smells.
 - h. Heritage Markham- The heritage advisory committee has recommended that parking be totally eliminated from the front yard in an effort to preserve the residential appearance of the property. This would be difficult to achieve and would reduce the parking by another four spaces. Preservation of the residential appearance will be achieved through enhanced landscaping and the elimination of the paving in front of the house.
 - i. Grading and Servicing-the City's Engineering Department is requiring the existing services to be upgraded to commercial standards and has provided comments and recommendations based on the Functional Servicing Report and Grading Plan submitted by the applicant.

CONCLUSION

Staff supports a zoning by-law amendment to permit residential, business office and limited restaurant uses as per the policies of the 2014 Official Plan (partially in force) and the Main Street Markham Area Secondary Plan (OPA 108). The amount of floor space available for more intense business office uses such as a medical clinic, or a restaurant, will be limited by the number of on-site parking spaces available, other uses present on

the property, and the City's Parking By-law requirements for specific uses, which is implemented through a Change of Use permit issued by the City's Building Department. Staff is of the opinion that the type of permitted restaurant use should also be limited to one traditional, full service restaurant, to reduce potential negative impacts to neighbouring residential properties.

The zoning by-law attached to this report reflects the uses supported by staff, but does not include any site specific development standards reflective of the proposed site plan, which has not yet been finalized and approved by the Planning Department. Any required site specific development standards that do not comply with C4 standards would need to be addressed through a variance application to the Committee of Adjustment.

Staff recommends that final review and approval of the accompanying site plan application be delegated to the Director of Planning and Urban Design to resolve the issues identified in the report, once the current or future owner is prepared to proceed with redevelopment of the property.

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

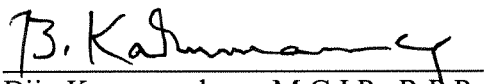
Not applicable.

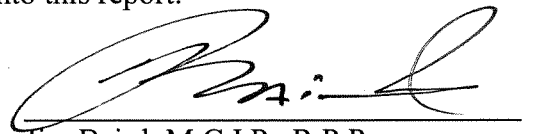
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development aligns with the City's strategic priorities for responsible growth management, which includes the preservation and integration of the City's Heritage Resources within re-development sites.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were circulated to various City departments and external agencies and their requirements have been incorporated into this report.


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


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

ATTACHMENTS:

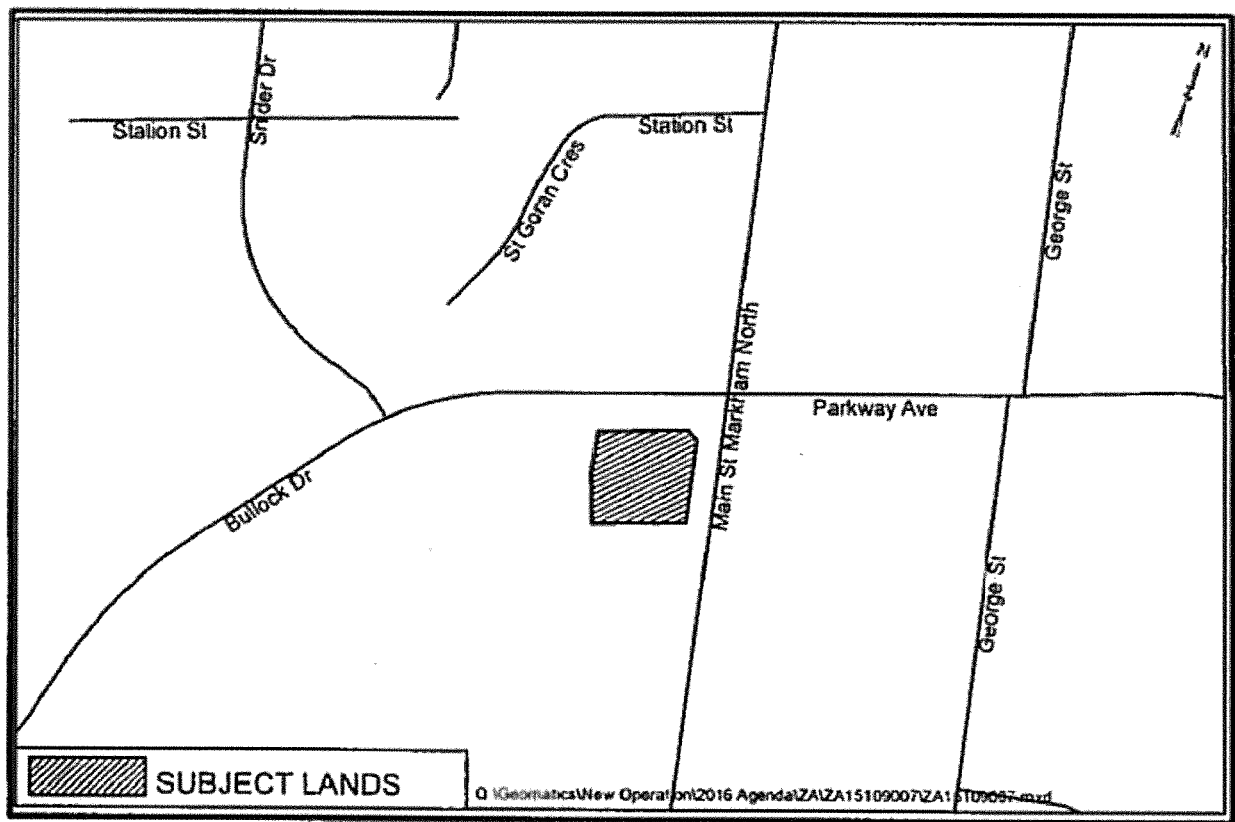
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| Figure 1: | Location Map |
| Figure 2: | Area Context/Zoning |
| Figure 3: | Aerial Photo |
| Figure 4: | Proposed Site Plan |
| Figure 6: | Photograph of the Existing Heritage Dwelling |
| Appendix 'A' | Draft Zoning By-law |

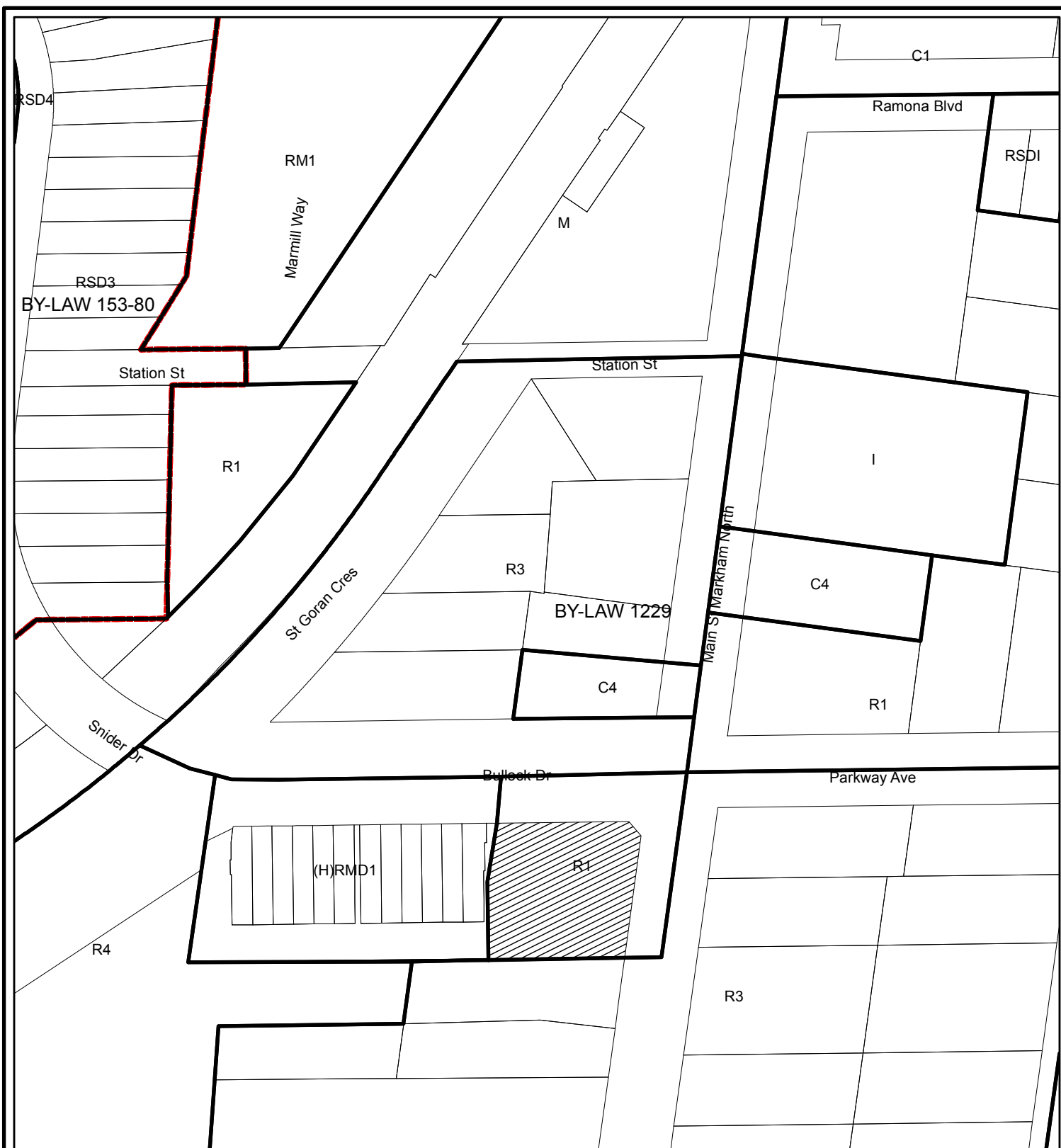
FIGURE 1

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Recommendation Report October 24 2016.doc

APPLICANT: 723187 Ontario Inc.

LOCATION MAP





AREA CONTEXT/ZONING

APPLICANT: 723187 ONTARIO INC.
180 MAIN ST. N. MARKHAM VILLAGE

FILE No. ZA15109007(PW)

 SUBJECT LANDS

DATE: 02/29/16



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AIR PHOTO 2015

APPLICANT: 723187 ONTARIO INC.
180 MAIN ST. N. MARKHAM VILLAGE

FILE No. ZA15109007(PW)

--- SUBJECT LANDS

DATE: 02/29/16

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 SUBJECT LANDS

FIGURE No. 4



FRONT



REAR



NORTH



SOUTH

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ELEVATIONS

APPLICANT: 723187 ONTARIO INC.
180 MAIN ST. N. MARKHAM VILLAGE
FILE No. ZA15109007(PW)

--- SUBJECT LANDS

DATE: 02/29/16



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PHOTOGRAPH OF EXESTING HERITAGE HOUSE

APPLICANT: 723187 ONTARIO INC.
180 MAIN ST. N. MARKHAM VILLAGE

FILE No. ZA15109007(PW)

 SUBJECT LANDS

DATE: 02/29/16



BY-LAW 2016-_____

A By-law to amend By-law 1229, as amended

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

- 1. By-law 1229, as amended, is hereby further amended as follows:
 - 1.1 By rezoning the lands outlined on Schedule ‘A’ attached hereto from Residential (R1) to Office/Residential (C4) Zone.
 - 1.2 By adding the following subsection to Section 12 – EXCEPTIONS:

“12.41 180 Main Street Markham North

Notwithstanding any other provisions of By-law 1229, as amended, the provisions in this Section shall apply to those lands subject to By-law 2016-_____ as shown on Schedule ‘A’ attached thereto. All other provisions of By-law 1229, as amended, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

12.41.1 Only Permitted Uses

The following uses are the only uses permitted:

- a) BUSINESS OFFICE;
- b) One (1) RESTAURANT, FULL SERVICE;
- c) DWELLING UNIT over a business premises;
- d) DETACHED DWELLING;
- e) SEMI-DETACHED DWELLING;
- f) DUPLEX DWELLING;
- g) TRIPLEX DWELLING; and
- h) FOURPLEX DWELLING.

Read a first, second and third time and passed on _____, 2016.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2016-____

A By-law to amend By-law 1229, as amended

723187 ONTARIO LTD.

180 MAIN STREET MARKHAM NORTH

Lands Affected

The by-law applies to 1,535 m² of land located on the southwest corner of Main Street Markham North and Bullock Drive, in the community of Markham Village.

Existing Zoning

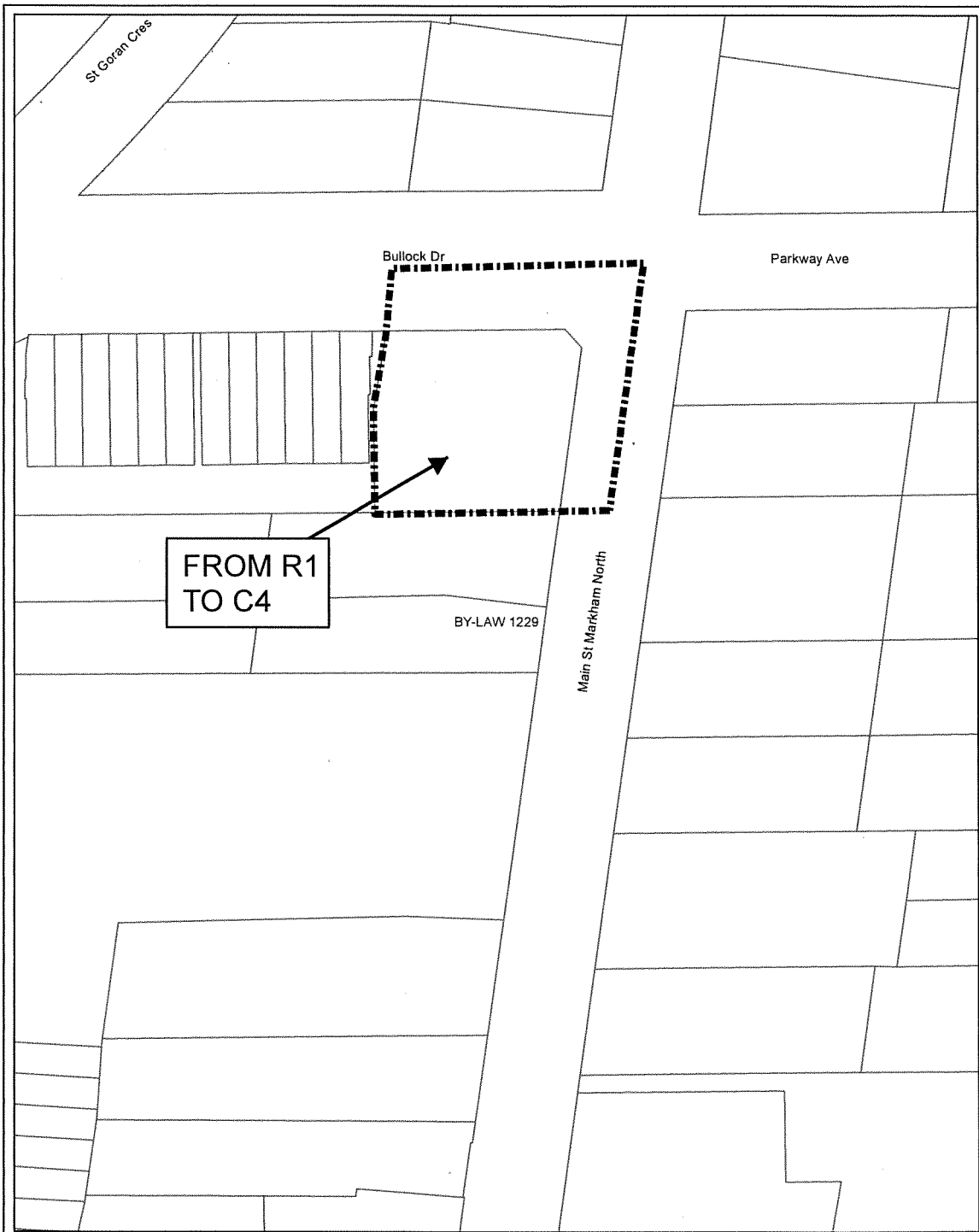
The lands are currently zoned Residential (R1) by By-law 1229, as amended.

Purpose and Effect

The purpose and effect of the proposed By-law amendment is to rezone the lands to Office/Residential (C4) in order to permit restaurant use, business office use and a range of residential uses.

Note Regarding Further Planning Applications on this Property

In accordance with Section 45(1.3) and 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended on July 1, 2016 through the enactment of Bill 73, no person shall apply for a minor variance from the provisions of the by-law in respect of land, building or structure before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted.



SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 1229 DATED



BOUNDARY OF AREA COVERED BY THIS SCHEDULE



SINGLE DETACHED DWELLING



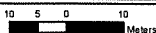
COMMERCIAL



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DEVELOPMENT SERVICES COMMISSION



Drawn By: LW Checked By: PW

Date: 26/09/2016

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