

SUBJECT: PRELIMINARY REPORT, P.A.R.C.E.L. Inc., Zoning By-law Amendment Application to permit a medical office and pharmacy on a temporary basis at 28 Langstaff Road East
File No. ZA 15 156923

PREPARED BY: Rick Cefaratti, MCIP, RPP, Planner II, West District
REVIEWED BY: Dave Miller, MCIP, RPP, West District Manager

RECOMMENDATION:

- 1) That the report titled "Preliminary Report, P.A.R.C.E.L. Inc., Zoning By-law Amendment Application to permit a medical office and pharmacy on a temporary basis at 28 Langstaff Road East, File No. ZA 15 156923" dated May 24, 2016, be received;
- 2) That a Public Meeting be held to consider the Zoning By-law Amendment application to permit a medical office and pharmacy on the subject lands; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report provides preliminary information on the applications and seeks authorization to hold a statutory Public Meeting. This report also contains general information in regards to applicable Official Plan or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application.

BACKGROUND:

The 870 m² (9,365 ft²) property is located on the west side of Langstaff Road East. The 407 ETR Highway is located north of the property. A Place of Worship (Ethiopian Orthodox) is located on the abutting property to the south. Located to the east, across Langstaff Road East, is a building supply retail store and outdoor storage yard (Beaver Valley Stone). Located to the west is the Highway 407 ETR on ramp (see Figure 1 – Location Map).

The property contains a one storey detached dwelling constructed circa 1959, and a parking lot. The dwelling has a gross floor area of approximately 167 m² (1797 ft²). It is currently being used as a medical office for addiction treatment. A pharmacy associated with the medical office is located in the basement. The By-law Enforcement Division issued a Zoning Notice to the owner on March 26, 2015 advising that a medical office was operating on the subject property in contravention of the Zoning By-law. Fire Services Staff and Building Inspections Staff have also visited the property and advise that the premises does not comply with the Ontario Fire Code and Ontario Building Code

requirements for buildings occupied with non-residential uses. In addition Planning, Building and Fire Services Staff met with the owner on January 26, 2016 to discuss these matters of non-compliance. It is our understanding that the proponent is continuing to work with Staff to bring the dwelling into compliance with all applicable Fire and Building Code requirements. Any approvals or permits to be obtained from these Departments are contingent upon the proponent receiving Zoning approval for the medical office and associated pharmacy uses.

PROPOSAL

The owner is requesting to permit an medical office and pharmacy, for a temporary period, within the existing dwelling on the subject property. No additional buildings or uses are proposed. Section 39 of the Planning Act allows Council to pass temporary use by-laws for a maximum 3 year period. The application was deemed complete on March 4, 2016.

OFFICIAL PLAN AND ZONING:

Markham Official Plan

The property is designated “Langstaff Gateway Regional Centre - Office” in the Langstaff Gateway Secondary Plan (OPA 183), and “Business Park Office Priority Employment” in the City’s 2014 Official Plan (partially approved on October 29, 2015).

Zoning

The subject property is zoned (H) R.INST – (Holding) Rural Institutional under Zoning By-law 2551, as amended (see Figure 3 – Area Context/Zoning). A medical office and a pharmacy are not permitted uses.

A Zoning By-law Amendment is required to bring the existing medical office and pharmacy operation in compliance with the Zoning By-law.

Based on the size of the current operation, the medical office and associated pharmacy requires a minimum of eight (8) parking spaces including 1 accessible space. Parking Standards By-law 28-97, as amended, requires parking for medical offices to be provided at a rate one (1) space for every 20m² (215 ft²) of gross floor area. The conceptual site plan submitted with the application illustrates that fifteen (15) parking spaces are provided on site, including two (2) accessible spaces. In addition, fourteen (14) surplus parking spaces are provided off site (within the municipal boulevard).

OPTIONS/ DISCUSSION:

Temporary Use By-laws for business offices and outdoor storage were approved by the Ontario Municipal Board (OMB) in 2008 for properties located within the Langstaff Gateway Planning District. Extensions to these By-laws were approved by the City in 2012 and in 2015. If and when these temporary use By-laws are extended, it is staff’s intention that they all expire on the same date, including the subject application if approved. Simultaneous expiration dates for temporary use By-laws allows for future development in the Langstaff Secondary Plan Area to occur in a coordinated manner, with

no single land owner holding up development. The temporary use By-laws noted above will all expire on June 15, 2018.

ISSUES TO BE RESOLVED:

The following is a brief summary of issues raised to date. These matters and others identified through the circulation and review of the proposal will need to be addressed through a staff recommendation report to Committee, if required:

1. The property is located within the Ministry of Transportation (MTO) Permit Control Area – an MTO Building and Land Use Permit is required;
2. Confirmation that the site sewer and water services are directly connected to the Municipal Sewer and Municipal Watermain;
3. A portion of the existing parking area was constructed within the municipal boulevard for Langstaff Road East – a lease agreement is required for the use of this boulevard;

FINANCIAL CONSIDERATIONS:

In the event that a temporary use By-law is approved to legalize the medical office and pharmacy operation, the applicant would be charged a fee to lease a portion of the municipal boulevard for parking.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management: The permission for the temporary use will allow an medical office and pharmacy within the existing building to operate until such time as a redevelopment proposal for the property is contemplated in coordination with the future redevelopment of the Langstaff Gateway Planning Area.

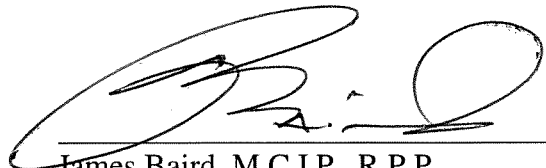
BUSINESS UNITS CONSULTED AND AFFECTED:

The Real Property Services Division was consulted regarding the encroachment of the parking area into the Langstaff Road East right-of-way. Fire Services, Building and By-law Enforcement Staff were also consulted.

RECOMMENDED BY:



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



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

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: Site Plan

OWNER:

P.A.R.C.E.L. INC.

C/O Bijan Pardis

78 Harrison Gardens Unit 1609

Toronto, Ontario, M2N 7E2

Tel: (416) 419-2900

Email: bpardis@bijanpardis.com

APPLICANT:

Geofocus Construction Group

C/O Roger Altobelli

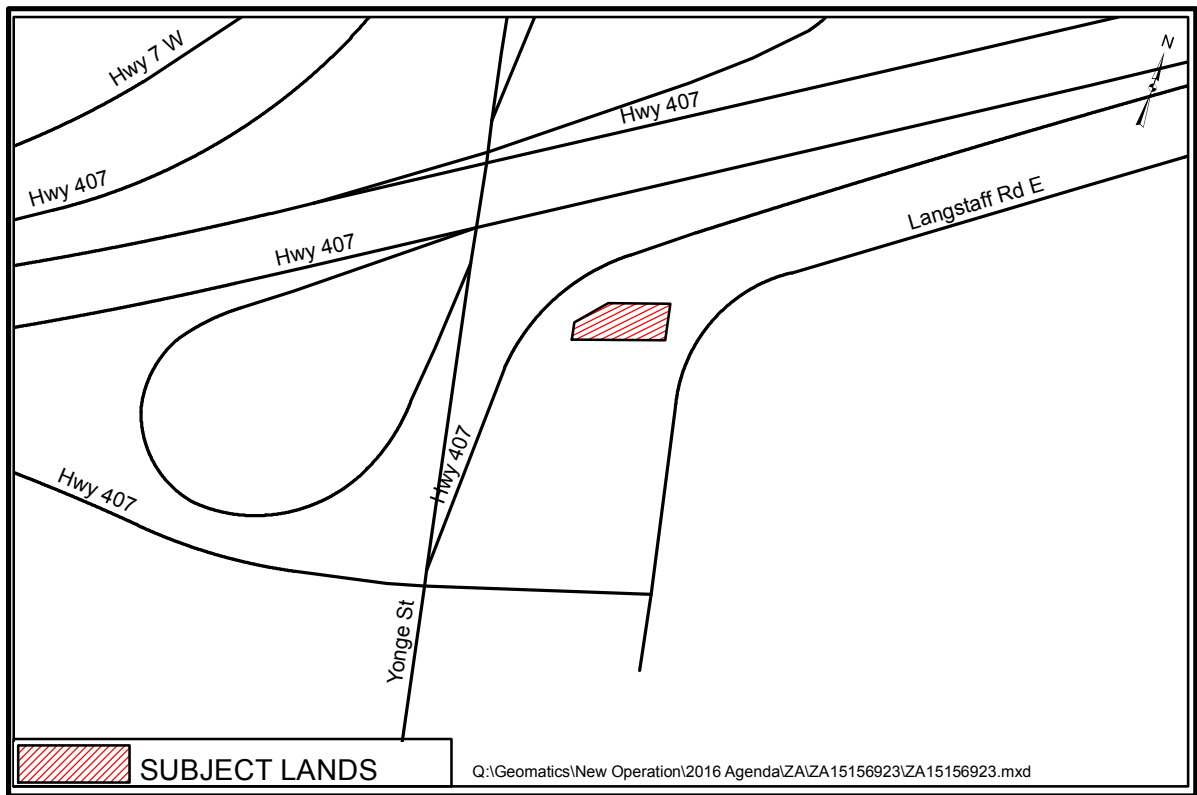
111 Zenway Boulevard Unit 29

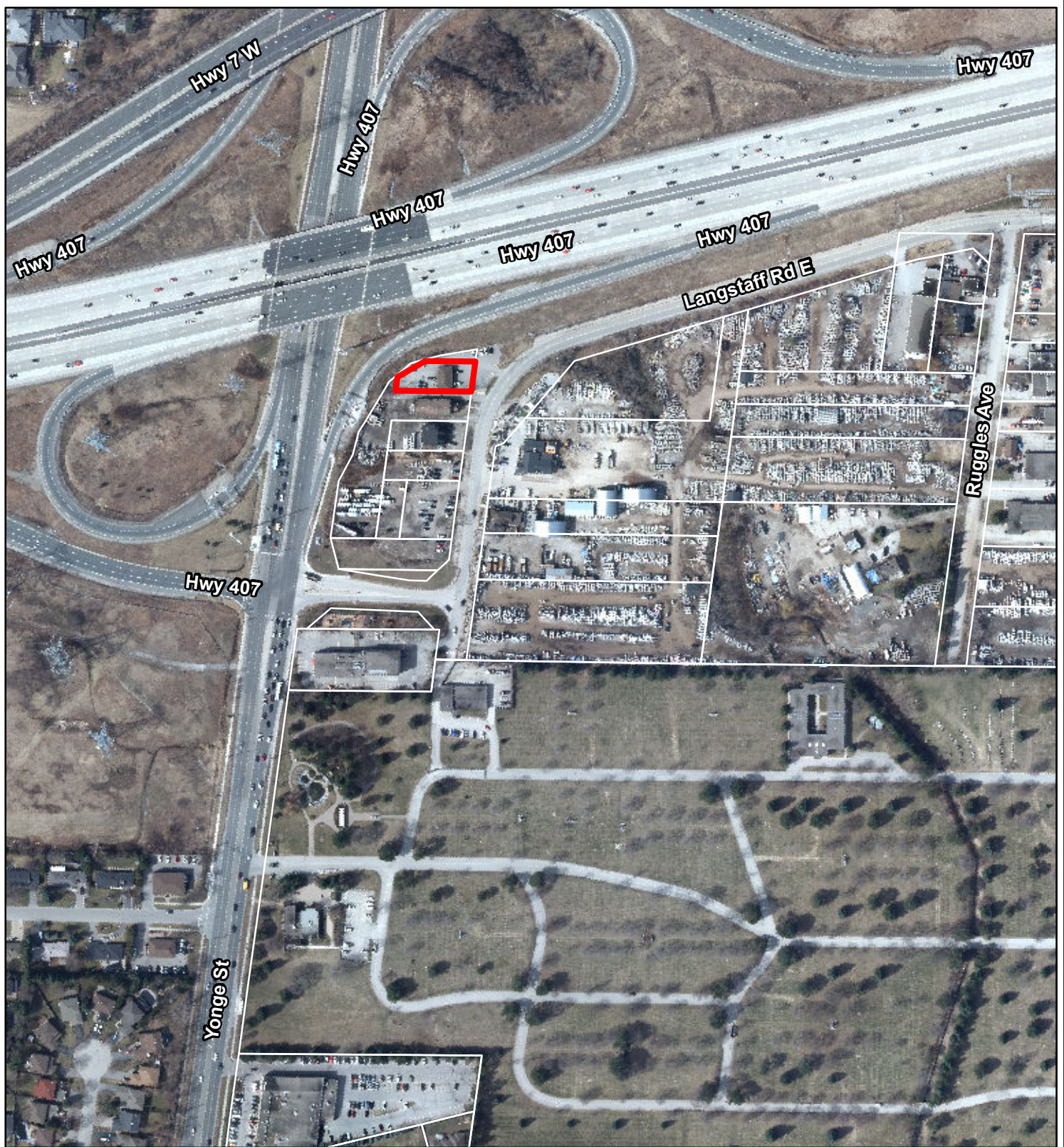
Vaughan, Ontario, L4H3H9

Tel: (416) 622-0456

Email: roger@thegeofocusgroup.com

File path: Amanda\File 15 156923\Documents\Recommendation Report





AERIAL PHOTO

APPLICANT: P.A.R.C.E.L. Inc.
28 Langstaff Road

FILE No. ZA 15156923 (RC)

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 SUBJECT LANDS

DATE: 26/04/2016

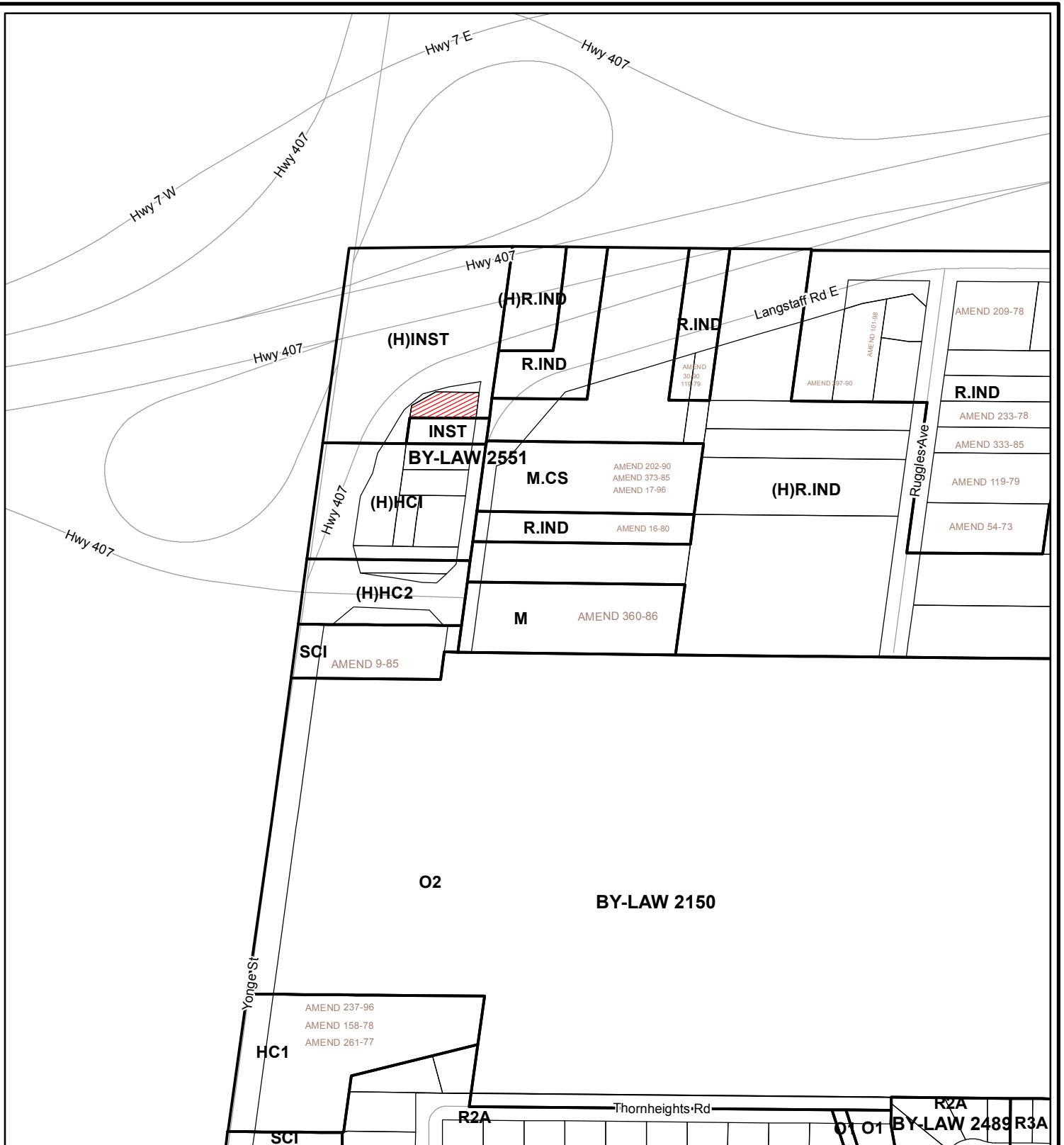


DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: RC

FIGURE No. 4



AREA CONTEXT / ZONING

APPLICANT: P.A.R.C.E.L. Inc.
28 Langstaff Road

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 SUBJECT LANDS

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DATE: 26/04/2016



DEVELOPMENT SERVICES COMMISSION

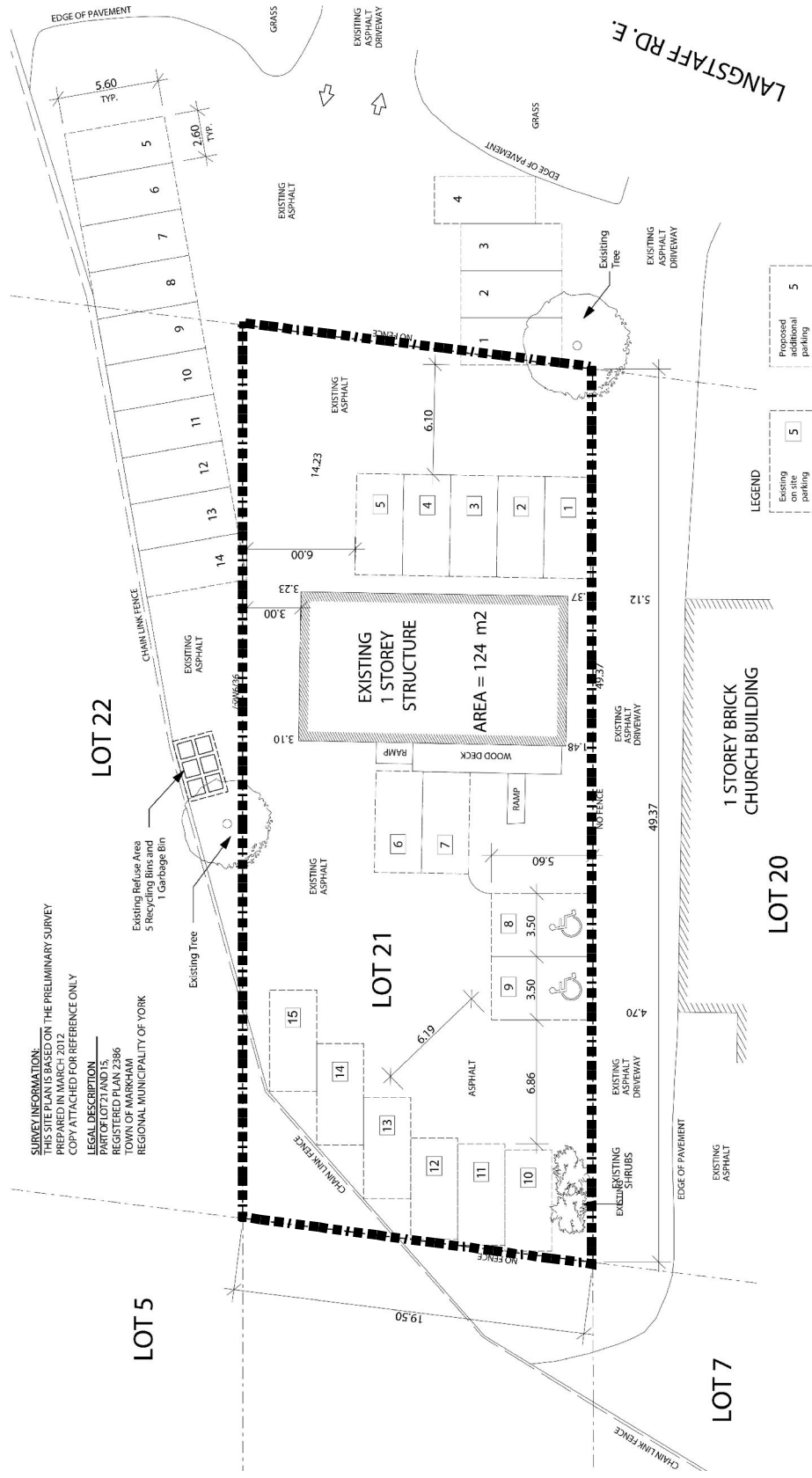
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FIGURE No. 3

SURVEY INFORMATION:
THIS SITE PLAN IS BASED ON THE PRELIMINARY SURVEY
PREPARED IN MARCH 2012
COPY ATTACHED FOR REFERENCE ONLY

LEGAL DESCRIPTION:
PART OF LOT 21 AND 15,
REGISTERED PLAN 2386
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK



SITE PLAN

APPLICANT: P.A.R.C.E.L. Inc.
28 Langstaff Road

FILE No. ZA 15156923 (RC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

SUBJECT LANDS

DATE: 28/04/2016

Checked By: RC

Drawn By: LW

FIGURE No. 3