

SUBJECT: RECOMMENDATION REPORT
189 Bullock Limited Partnership
Zoning By-law Amendment to permit retail stores, restaurants
and a commercial self storage warehouse facility at 189
Bullock Drive

File ZA 14-135226

PREPARED BY: Stephen Corr, ext 2624
Planner II, East District

REVIEWED BY: Sally Campbell, MCIP, RPP, ext 2645
Development Manager, East District

RECOMMENDATION:

- 1) That the report titled "Recommendation Report, 189 Bullock Limited Partnership, Zoning By-law Amendment to permit retail stores, restaurants and a commercial self storage warehouse facility at 189 Bullock Drive, File ZA 14-135226; dated May 9, 2016, be received;
- 2) That the record of the Public Meeting held on April 21, 2015, regarding the application for approval of the Zoning By-law Amendment to permit retail stores, restaurants and a commercial self storage warehouse facility at 189 Bullock Drive, be received;
- 3) That the Zoning By-law Amendment application submitted by 189 Bullock Limited Partnership, to permit retail stores, restaurants and a commercial self storage warehouse facility at 189 Bullock Drive, be approved and that the draft by-law attached as Appendix 'A' be finalized and enacted without further notice; and,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution

PURPOSE:

This report recommends approval of a Zoning By-law Amendment application submitted by 189 Bullock Limited Partnership, to permit retail stores, restaurants and a commercial self storage warehouse facility at 189 Bullock Drive.

BACKGROUND:

The 2.91 ha (7.19 ac) subject property is located on the south side of Bullock Drive, east of McCowan Road and north of Highway 7 East (See Figures 1, 2 and 3). Surrounding land uses include industrial and commercial/retail businesses to the north, south, east and west.

The site is developed with a 14,102 m² (151,792 ft²) two-storey industrial building. The building is currently vacant, and was previously occupied by *Thomas Lighting Inc.* The remainder of the site is predominantly a paved parking and loading area, with 129 parking spaces. A 6.28 metre (20.6 feet) wide landscaped strip is located across the property frontage.

PROPOSAL

Initially, the applicant submitted a Zoning By-law Amendment application to permit restaurants, including take-out restaurants, and a commercial self storage warehouse facility on the subject property. The restaurants were proposed to be located at the front of the building, and consisted of seventeen units with a combined Gross Floor Area (GFA) of 2,396 m² (25,790 ft²). The rear of the building was to be used as the commercial self storage facility, with a total GFA of 11,245 m² (121,400 ft²).

At the Public Meeting held on April 21, 2015, concern was raised by Development Services Committee and adjacent property owners over the availability of parking with respect to the proposed amount of restaurant space. The applicant was requested to revisit the proposal and consider alternative uses on the site as part of the proposal. (See Public Meeting Resolution, Appendix 'B')

The Applicant has since revised the application to incorporate retail stores, in addition to the restaurant uses and commercial self storage warehouse facility initially proposed. The revised application contemplates a total of 18 commercial units at the front of the building, as opposed to the first submission which proposed 17 restaurant units. The commercial units will have a total GFA of approximately 2,506 m² (26,984 ft²). This includes 9 units that will be used as retail stores and 9 units that will be used as restaurants. Each of the proposed units is approximately 107.6 m² (1,158 ft²). The rear of the building is still proposed to comprise the commercial self storage facility, with a total GFA of approximately 11,135.58 m² (119,862.4 ft²).

Site Plan Approval is Required

In addition to the Zoning By-law Amendment application, the applicant has submitted a Site Plan Approval application to facilitate redevelopment of the site (File SC 14 135226). The site plan application proposes internal and external renovations to the existing building; including a partial demolition and addition to the front of the building facing Bullock Drive. The renovations will result in a building with a total Gross Floor Area (GFA) of 13,642 m² (146,841 ft²). The applicant proposes to add 58 more surface parking spaces to the site to provide a total of 190 spaces, including ten accessible spaces and four loading spaces. Landscaping improvements are proposed across the site, adjacent to the front, rear and side yard property lines. A site plan of the proposed development is shown on Figure 4 and the proposed building elevations are shown on Figure 5.

While the site plan application is being reviewed concurrently with the Zoning By-law Amendment application by staff and external agencies, approval authority for the Site Plan application is delegated to the Director of Planning & Urban Design, in accordance

with the criteria established by Delegation By-law 2002-202, as it proposes an addition and alteration to an existing industrial building.

OFFICIAL PLAN AND ZONING

The subject lands are designated “Major Commercial Area” in the in-force Official Plan (1987 Revised), as amended. This designation provides for retail uses, restaurants and commercial self storage warehouses.

The subject lands are designated “Service Employment” in the 2014 Official Plan (partially approved October 2015). This designation provides for retail uses, restaurants, and commercial self storage warehouses. The allowance for retail within this designation is subject to a maximum GFA requirement where the combined GFA of all retail premises shall not exceed 3,000 m² (32,291.7 ft²). Accordingly the draft Zoning By-law (Schedule ‘A’) includes a combined maximum GFA provision for retail uses to comply with this Official Plan policy.

The subject lands are zoned “Industrial (M)” under By-law 1229, as amended. The Zoning By-law permits industrial uses such as manufacturing and warehousing, including a limited amount of retail sales that are accessory to an industrial use. The By-law also permits commercial uses, including banks, offices, car washing establishments and health clubs. The Zoning By-law amendment, if approved, will allow retail stores, not accessory to an industrial use, restaurants and a commercial self storage warehouse on the site. The Zoning By-law will also include a site specific provision to reduce the minimum amount of parking required for proposed development, which is discussed in more detail below.

OPTIONS / DISCUSSION

Onsite Parking Requirements are Acceptable

As noted, at the Statutory Public Meeting on April 21, 2015, the applicant had been requested to consider alternate uses onsite to address concerns with the availability of parking in relation to the amount of restaurant space initially proposed. The applicant revised the proposal to introduce retail stores as part of the Zoning By-law Amendment and in so doing reduced the parking demand.

City of Markham Parking Standards By-law 28-97, as amended, regulates the minimum required number of parking spaces on a property, based on the use and size of an individual premise. For the purpose of calculating parking requirements, the portion of the building containing a mix of retail stores and restaurants is considered a ‘shopping centre’. Shopping centres are required to provide a minimum of one space per 23.0 m² (248 ft²) of leasable floor area, which permits up to 20% of the total leasable floor area to be restaurant space within that parking requirement. For the purpose of the parking calculation leasable floor area is the area of a building leased to tenants for their exclusive use. Restaurant space within the shopping centre, exceeding 20% of the total leasable floor area, requires parking at a minimum rate of one space per 9.0 m² (29.5 ft²). Based on the proposed mix of restaurant and retail uses, which have a combined leasable floor area of 2096 m² (11,280.5 ft²), a total of 134 parking spaces are required for the

shopping centre portion of the building (See Table 1). Required parking for the shopping centre portion of the building is provided at the front of the building, within proximity to the proposed restaurant and retail stores (See Figure 4).

Table 1 - Shopping Centre Parking Requirements

Land Use	Total Leasable Floor Area (LFA)	Parking Requirement	Total Parking Required
Retail Stores	1048 sq m	1 space per 23 sq m	46 spaces
Restaurants within 20% of total LFA	419.2 sq m	1 space per 23 sq m	18 spaces
Restaurants exceeding 20% of total LFA	628.8 sq m	1 space per 9 sq m	70 spaces
Totals	2096 sq m		134 spaces

The remainder of the building, to be used as commercial self-storage warehouse, has a total GFA of 11,135.58 m² (119,862.4 ft²). The Zoning Department has confirmed that the Industrial parking rate applies to commercial self-storage facilities and as a result the proposed commercial self storage facility requires 104 parking spaces. A total of 238 parking spaces are therefore required for the commercial self storage facility and the shopping centre portion of the building.

The applicant proposes a total of 190 parking spaces to accommodate the proposed uses onsite. As noted above, 134 parking spaces have been allocated as the required parking for the shopping centre portion of the building within proximity to the proposed retail stores and restaurant units. Consequently the Zoning By-law, if approved, will include a site specific provision reducing the required parking for the commercial self storage facility to 56 spaces (See Schedule 'A'). The applicant proposes a parking rate of 1 space per 200 m² for the self storage facility and submitted a Traffic Impact Study (TIS) which included a parking analysis to substantiate this parking reduction. The TIS indicates that this proposed parking rate is comparable to the required parking for other self storage facilities located elsewhere in Markham through site specific zoning by-law amendments, which is reflected further in Table 2 below. The TIS and parking analysis has been reviewed and is deemed to be acceptable to the Transportation Engineering Department. Staff note that self storage facilities typically have relatively low parking demands, and are satisfied that the proposed reduction is sufficient for this use.

Table 2

Location	Required Parking Space Rate	Total Building GFA (m ²)	Total Spaces Required
800 Rodick Road	42 for facilities less than 11,000 m ²	8,618.9	42
605 Alden Road	One per 300 m ²	9,657.5	32
337 John Street	One per 264 m ²	10,552.8	40
189 Bullock Drive	One per 200m ²	11,135.58	56

Based on this analysis, staff are satisfied that the proposed amount of parking for the shopping centre portion of the building is provided in accordance with the requirements of Parking Standards By-law 28-97, as amended. Staff are also satisfied with the proposed reduction to the commercial self storage parking requirements and consider that this will result in an appropriate amount of parking for this particular land use that typically generates minimal parking demands. Staff are of the opinion the availability of parking will adequately serve all uses on the subject lands and is unlikely to result in parking problems in the neighbouring area.

Proposed Land Uses are Appropriate

The proposed retail, restaurant and commercial self storage facility, are land uses that are all contemplated in both the in-force Official Plan and 2014 Official Plan (partially approved in October 2015). Approval of a Zoning By-law amendment to permit these uses will facilitate the redevelopment of the site by retrofitting and repurposing an unoccupied industrial building. Given that the availability of onsite parking is considered to be sufficient, staff are in support of approval of the proposed Zoning By-law Amendment to permit these additional land uses. To further mitigate potential parking concerns for the surrounding area, the draft Zoning By-law (Schedule 'A') includes provisions that cap the maximum GFA of both retail and restaurant uses, to ensure that these uses do not expand beyond what has been contemplated by this application.

The Proposed Site Plan Application is Appropriate

As noted approval of the site plan application is delegated to the Director of Planning and Urban Design in accordance with Site Plan Delegation By-law 2002-202. Staff are generally satisfied with the proposed site plan and elevation plan, as shown in Figures 4 and 5, respectively, and are completing the technical review of the site plan application. Staff will be in a position to endorse the site plan application, should Development Services Committee consider the proposed Zoning By-law Amendment to be appropriate.

CONCLUSION

Based on the discussion above, staff recommend approval of the Zoning By-law Amendment, attached as Appendix 'A', to permit restaurants, retail stores and a commercial self storage facility as additional land uses at 189 Bullock Drive. As noted, the draft By-law includes provisions to cap the GFA of both retail and restaurant uses to prevent further expansion and thus mitigate the potential for any related parking issues in the future. Approval of the Zoning By-law will allow staff to endorse the site plan application, which is being reviewed concurrently. Site Plan approval to facilitate this development will be required prior to the issuance of a building permit.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

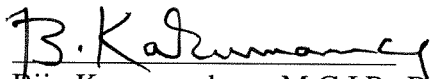
ALIGNMENT WITH STRATEGIC PRIORITIES:

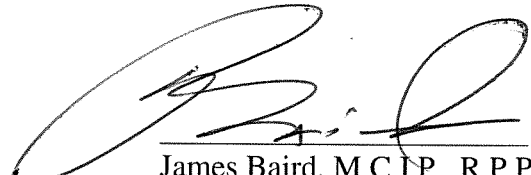
The application has been considered in the context of the City's growth management and strategic priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

This application was circulated to various departments within the City and applicable agencies and their comments have been taken into consideration in this report.

RECOMMENDED BY:


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


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

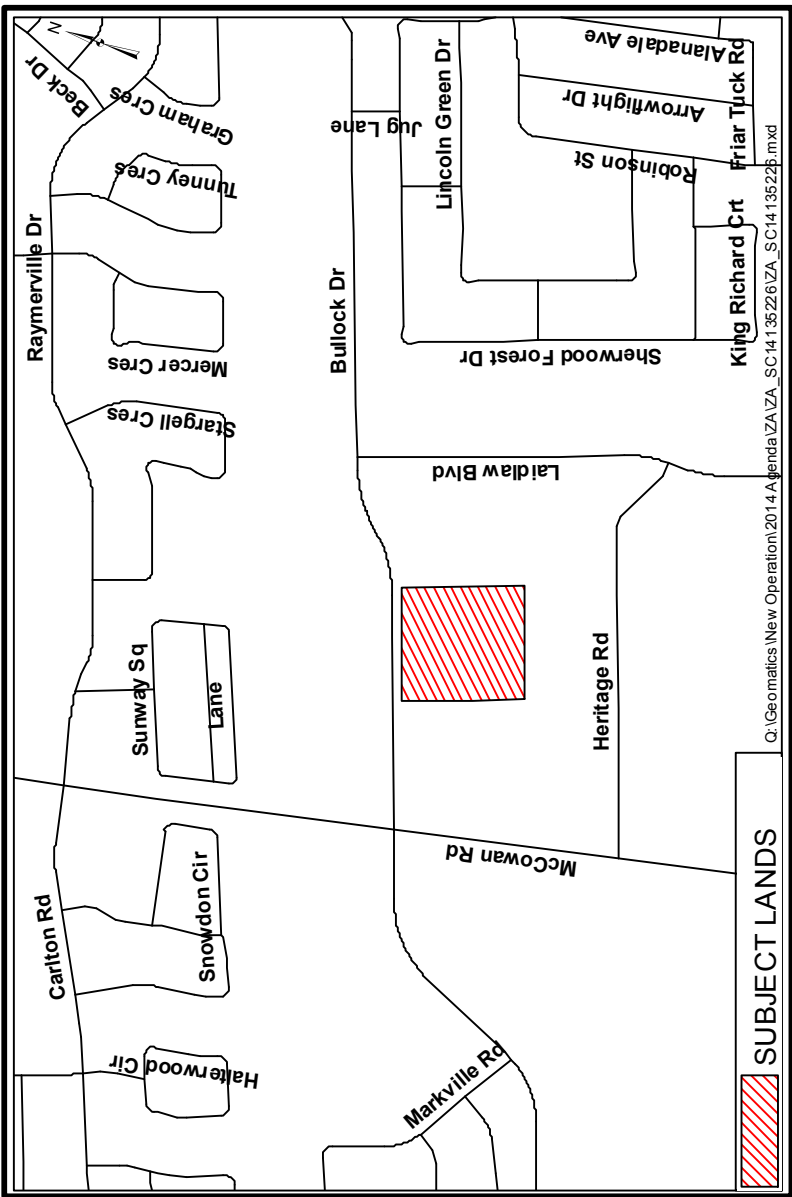
ATTACHMENTS:

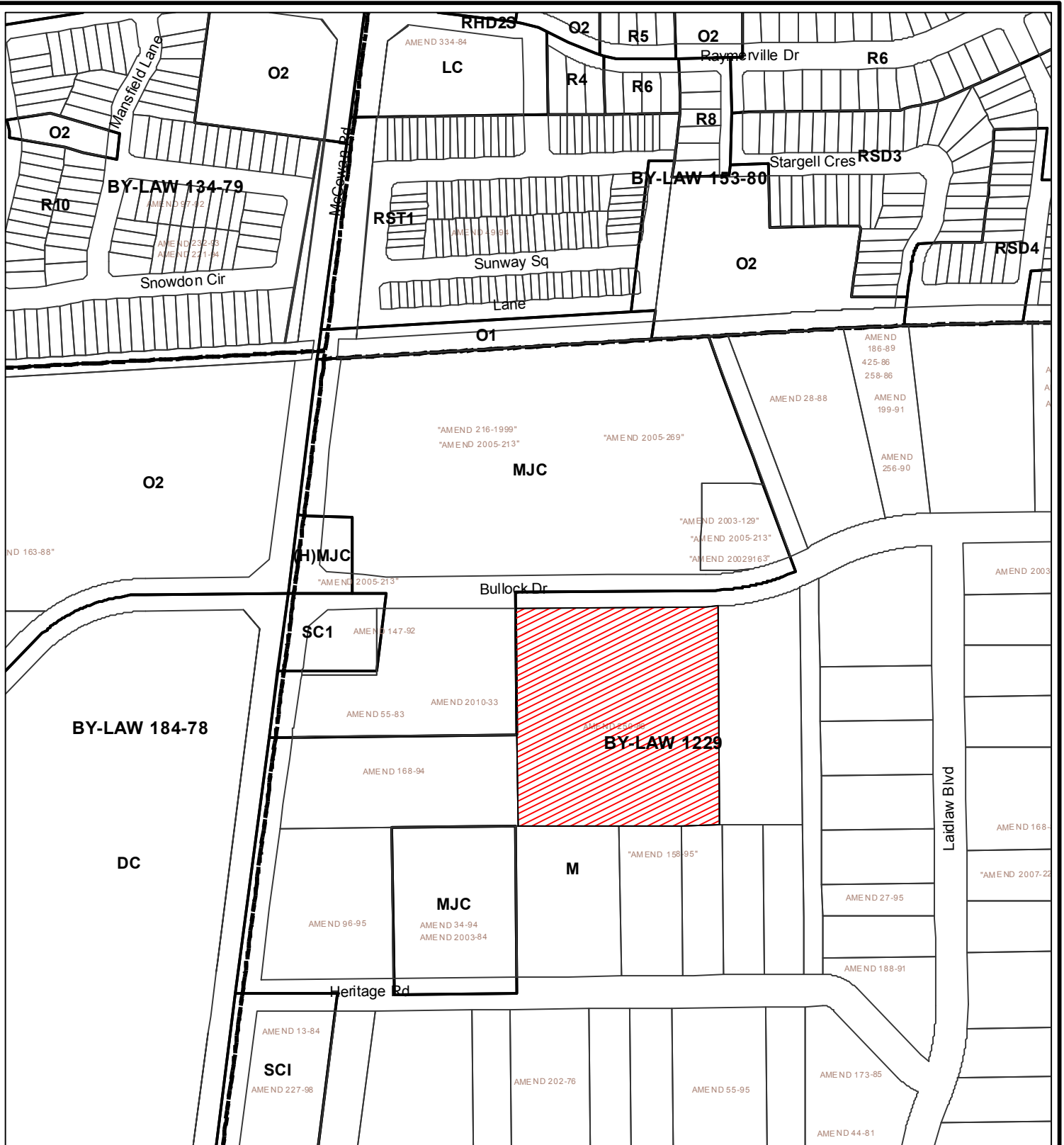
Figure 1 – Site Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Aerial Photo, 2012
Figure 4 – Proposed Site Plan
Figure 5 – Proposed Elevations
Appendix 'A' – Draft Zoning By-law Amendment

OWNER/AGENT:

189 Bullock Partnership
Attn: Joanne Barnett
26 Lesmill Road, Unit 3
Toronto, ON M3B 2T5
416 733-2202 x 1199
jbarnett@kerbel.ca

File path: Amanda\File 14 135226\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: 189 BULLOCK LIMITED PARTNERSHIP
189 BULLOCK DR.

FILE No. ZA_SC14135226 (SC)

 SUBJECT LANDS

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DATE: 17/11/2014



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

FIGURE No. 2





AIR PHOTO

APPLICANT: 189 BULLOCK LIMITED PARTNERSHIP
189 BULLOCK DR.

FILE No. ZA_SC14135226 (SC)

 SUBJECT LANDS

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DATE: 17/11/2014



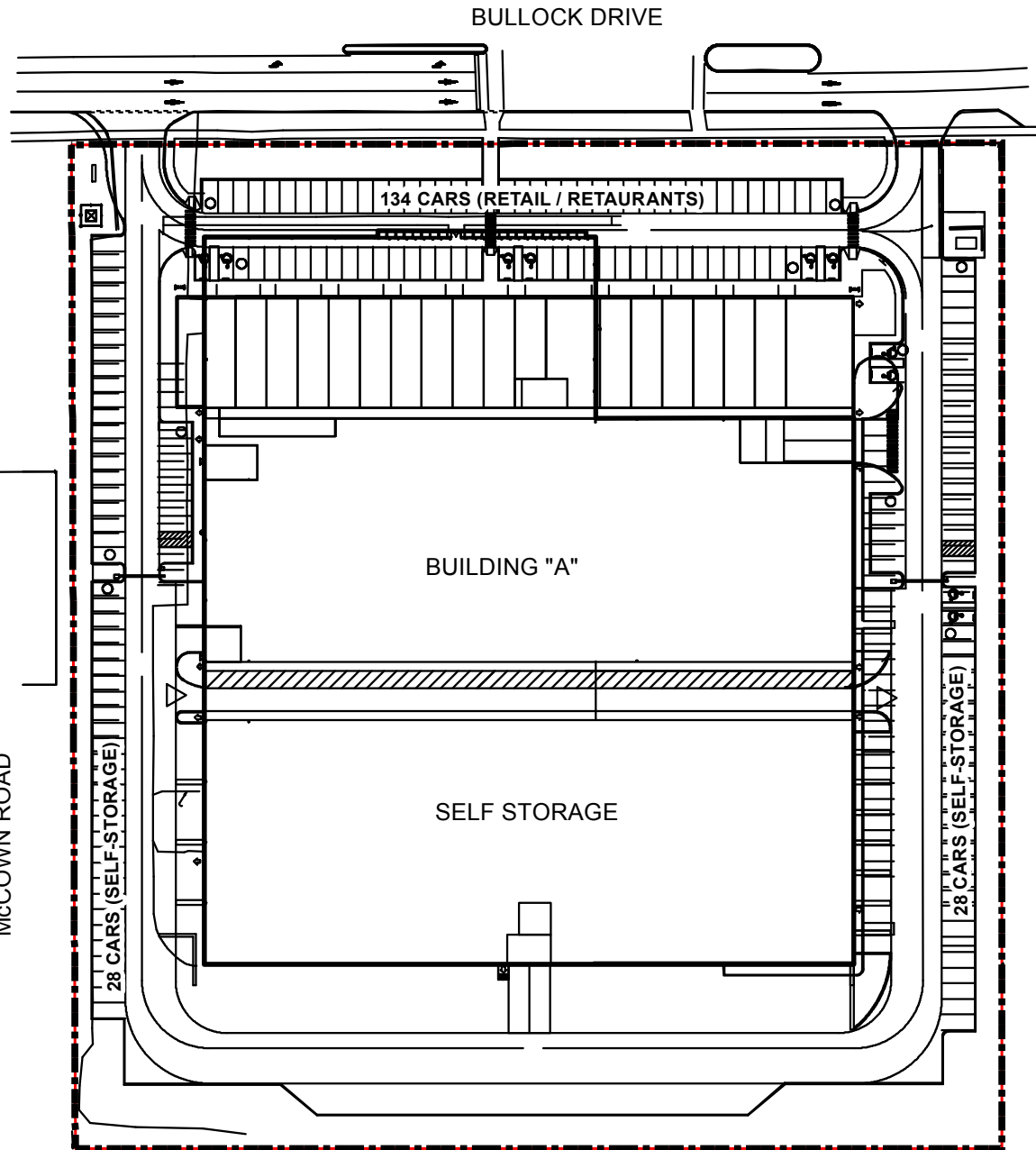
DEVELOPMENT SERVICES COMMISSION

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Checked By: SC

FIGURE No. 3





SITE PLAN

APPLICANT: 189 BULLOCK LIMITED PARTNERSHIP
189 BULLOCK DR.

FILE No. ZA_SC14135226 (SC)

 SUBJECT LANDS

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DATE: 21/04/2016

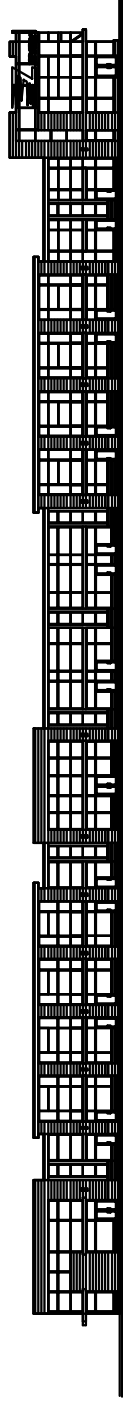


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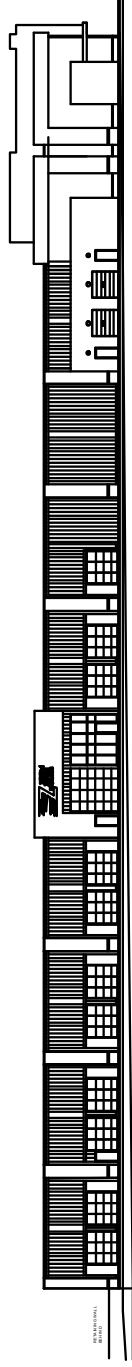
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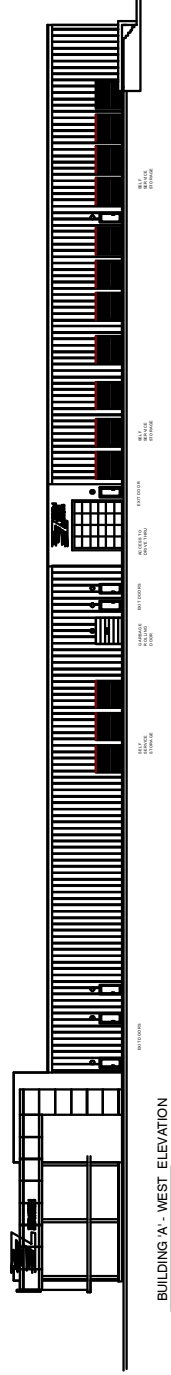
FIGURE No. 4



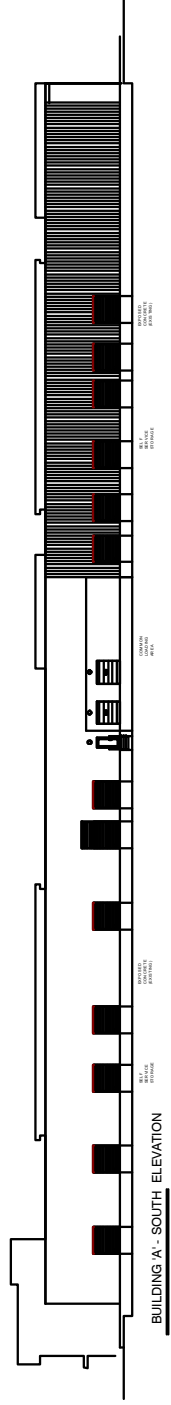
BUILDING 'A' - NORTH ELEVATION



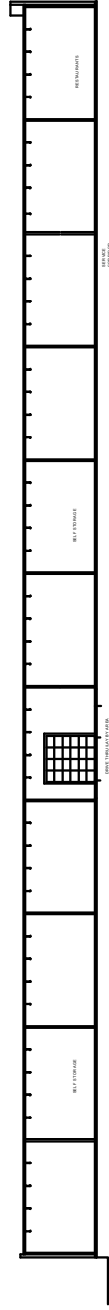
BUILDING 'A' - EAST ELEVATION



BUILDING 'A' - WEST ELEVATION



BUILDING 'A' - SOUTH ELEVATION



BUILDING 'A' - CROSS SECTION

ELEVATIONS

APPLICANT: 189 BULLOCK LIMITED PARTNERSHIP
189 BULLOCK DR.

FILE No. ZA_SC14135226 (SC)

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BY-LAW 2016-____

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

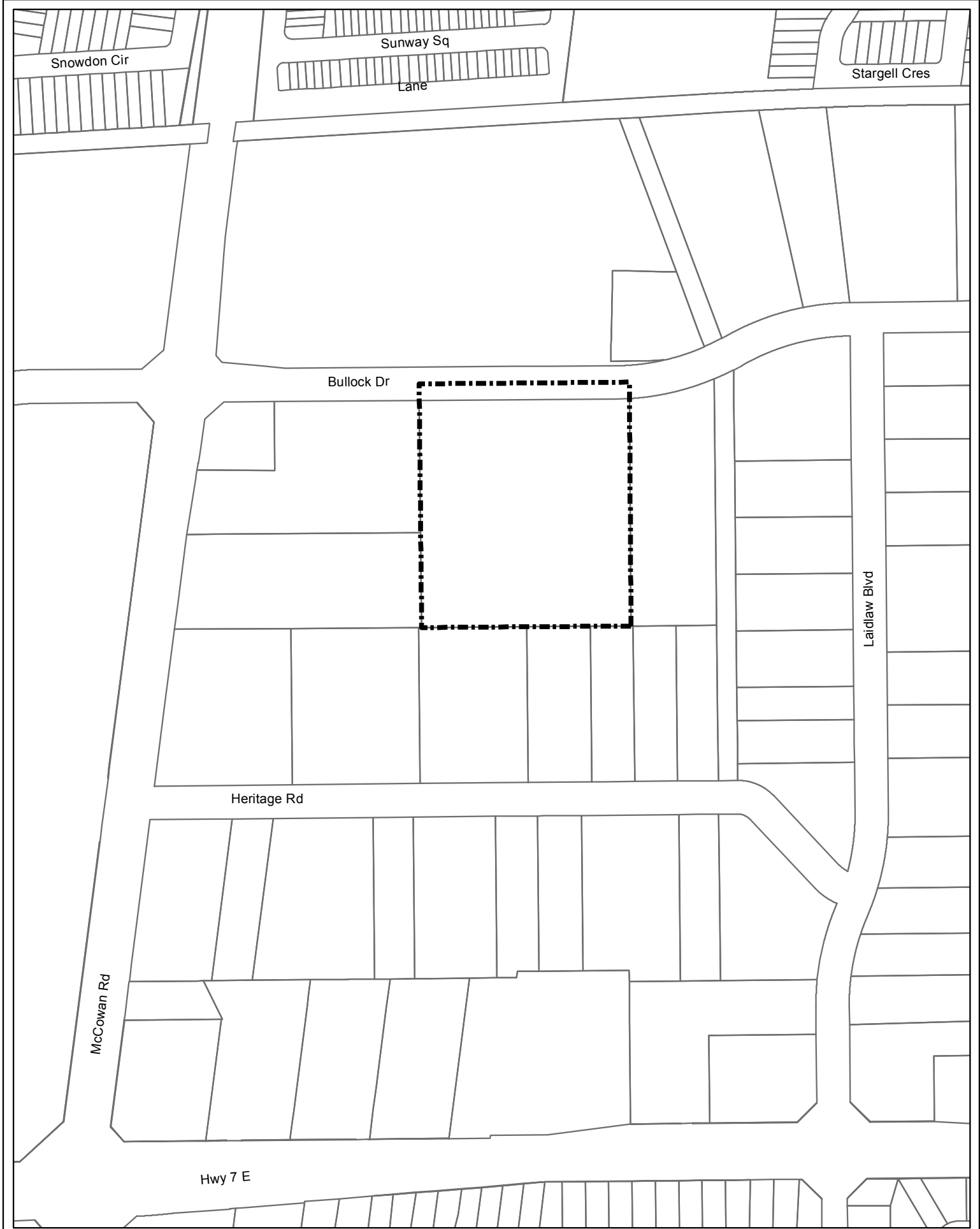
The Council of the Corporation of the City of Markham hereby enacts as follows:

- 1.0 By-law 1229, as amended, is hereby further amended as follows:
- 1.1 By adding to Section 12 – EXCEPTIONS, the following:
 - “12.39 Notwithstanding any other provisions of By-law 1229, the provisions in this Section shall apply to those lands subject to By-law 2016-____, as shown on Schedule ‘A’ of this By-law.
 - 12.39.1 **Additional Uses Permitted**
The following additional uses are permitted:
 - a) *Retail Store*;
 - b) *Restaurant, Full Service*;
 - c) *Restaurant, Self Service*;
 - d) *Restaurant, Take-out*; and
 - e) One (1) Commercial Self Storage Warehouse Facility.
 - 12.39.2 **Special Zone Provisions**
The following additional provisions apply:
 - a) Maximum combined *Gross Floor Area* of all *Retail Stores* – 2600 m²;
 - b) Maximum *Gross Floor Area* of an individual *Retail Store* – 1000 m²;
 - c) Maximum combined *Gross Floor Area* of all *Restaurants* – 1300 m²; and
 - d) Minimum required parking for a Commercial Self Storage Warehouse Facility – one *parking space* per 200 m² of *Net Floor Area*.”

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

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



SCHEDULE "A " TO BY-LAW

AMENDING BY-LAW 1229 DATED

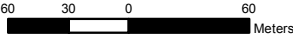


 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

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DEVELOPMENT SERVICES COMMISSION



Drawn By: CPW

Checked By: SC

DATE:26/04/2015

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



EXPLANATORY NOTE

BY-LAW 2016-____

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

**189 Bullock Partnership Limited
189 Bullock Drive, east of McCowan Road**

Lands Affected

The proposed by-law amendment applies to 1.17 ha (2.89 ac) of land that is located on the south side of Bullock Drive, which is east of McCowan Road and north of Highway 7 East.

Existing Zoning

The subject lands are zoned Industrial (M) under By-law 1229, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 1229, as amended, to rezone the subject lands in order to permit restaurants, retail stores and one commercial self storage facility as additional uses within the existing building on the subject property.