

SUBJECT: PRELIMINARY REPORT, Belfield Investments Inc.,
Official Plan and Zoning By-law Amendments to expand the
range of permitted uses at 8050 Woodbine Avenue
File Nos. OP 13 130529 & ZA 13 130529

PREPARED BY: Rick Cefaratti, Planner II, West District ext. 3675

REVIEWED BY: Ron Blake, Manager, West District ext. 2600

RECOMMENDATION:

- 1) That the report titled "Preliminary Report, Belfield Investments Inc., Official Plan and Zoning By-law Amendments to expand the range of permitted uses at 8050 Woodbine Avenue, File Nos. OP 13 130529 and ZA 13 130529," dated April 29, 2014 be received;
- 2) That a Public Meeting be held to consider the Official Plan and Zoning By-law Amendment applications to expand the range of permitted uses 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:

The purpose of this report is to provide preliminary information on the applications and to seek authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable OP 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 3.30 ha. (8.17 ac.) property is located on the west side of Woodbine Avenue, directly south of the 407 ETR (Figure 1). A hydro corridor is located to the south across Burncrest Road. A single-storey industrial warehouse building with an approximate gross floor area of 17,651 m² (190,000 ft²) with a 464 m² (5000 ft²) two storey office component is located on the property. The site is primarily used for industrial purposes, including waste management and bus maintenance.

Staff prepared a Recommendation Report dated October 25, 2011 on an application to remove the subject lands from the Parkway Belt West Plan and Minister's Zoning Order (MZO). The report noted that the current Official Plan does not provide for any alternative land use policies in the absence of the Parkway Belt West Plan and that the existing local zoning would permit outdated and/or inappropriate uses once the Minister's Zoning Order is removed. The Report, therefore, recommended that the Parkway Belt

West Plan and Minister's Zoning Order not be removed until such time as an Official Plan Amendment is adopted and a Zoning By-law Amendment is enacted by the City which would incorporate the lands into appropriate "Employment Land" Official Plan designation and Zoning By-law category. The recommendation was adopted by way of Council Resolution at the November 8, 2011 Council Meeting. Markham's position on this matter was subsequently communicated to the Ministry of Municipal Affairs and Housing on November 17, 2011. Prior reaching its decision on the application to remove the Minister's Zoning Order from the subject lands, the Ministry will await the outcome of Official Plan Amendment and Zoning By-law Amendment applications.

Given the foregoing, the applicant has submitted the current applications. The applications were deemed complete on December 10, 2013.

The Region of York Community Planning Department provided confirmation on February 19, 2014 that Regional Planning Committee and Council has exempted the proposed Official Plan Amendment from requiring Regional approval.

PROPOSAL:

The Official Plan and Zoning Amendment applications propose to expand the range of permitted uses at 8050 Woodbine Avenue, including the establishment of limited commercial uses fronting on the Woodbine Avenue property line by re-designating a strip of land along the Woodbine Avenue frontage of the site to Business Corridor (Service Employment) and the remainder of the site to Business Park, with corresponding zoning categories. There are no current plans to redevelop the property.

PROVINCIAL PLANNING FRAMEWORK:

The property is subject to the policies of the Parkway Belt West Plan and a Minister's Zoning Order, both of which are administered by Ministry of Municipal Affairs and Housing (MMAH).

The property is designated "General Complementary Use Area" in the Ministry's Parkway Belt West Plan. The "General Complementary Use Area" policies in the Parkway Belt West Plan permit development where:

- (i) the proposed use, building or structure is low density
- (ii) major natural features such as streams, valleys and tree stands are preserved
- (iii) open space is enhanced by landscaping, tree planting and screening; and
- (iv) the location and design of buildings preserve the open space character of the area.

The purpose of the Minister's Zoning Order Ontario Regulation 473/73 is to implement the Parkway Belt West Plan. Lands within MZO are limited to agricultural uses and accessory buildings and structures that will be used for agricultural purposes.

Existing site specific amendments to Minister's Zoning Order, Ontario regulation 473/73 are as follows: Ontario Regulations 182/73, 999/75 and 159/76. These amending

regulations in brief, permit a two-storey office extension to a steel fabrication plant with specific setback, access and parking requirements.

Region of York Official Plan

The subject lands are designated "Urban Area" in the York Region Official Plan with a Parkway Belt West overlay. The "Urban Area" designation permits commercial and industrial uses.

Markham Official Plan and Zoning

The subject lands are designated "Parkway Belt West" in the Markham Official Plan (revised 1987) which defers to the policies of the Provincial Parkway Belt West Plan noted above.

The Parkway Belt West Plan designation in the current Official Plan does not provide an alternative designation or land use policies in the event the Province removes the Parkway Belt West designation from these lands. Therefore, an amendment to the City's Official Plan is required before the lands are deleted from the Parkway West Belt Plan.

The property is designated Parkway Belt West with both a Service Employment and Business Park Employment underlay in the new Council adopted Official Plan (approval by the Region of York is pending). The site specific Service Employment and Business Park Employment policies permit ancillary retail uses to a primary industrial use, motor vehicle service stations, restaurant, financial institutions, manufacturing, processing and warehousing.

The property is zoned Rural Industrial (M4) by the City's By-law 2284-68, as amended (Figure 2). The Rural Industrial zone permits a wide array of industrial uses as follows:

Commercial uses not requiring municipal water or municipal sanitary sewers which are clearly ancillary to the major industrial uses including:

- a) warehousing
- b) open storage of new materials and products
- c) enclosed storage of used materials and products
- d) processing and storage of building materials; such as concrete products, concrete batching
- e) contractors yards
- f) transport terminals
- g) the residence of a caretaker located on the same lot as the industrial building

This zoning is not in effect and is superseded by the above-noted Minister's Zoning Order. A Zoning Amendment is required which will implement a more current zoning category on the property once the MZO is removed. An updated zoning amendment would allow for a zoning category compatible and consistent with current standards in employment areas, and with the new Official Plan.

OPTIONS/ DISCUSSION:

Planning staff and the applicant have held discussions regarding site specific Official Plan and Zoning provisions for this property and are in agreement that if Development Services Committee chooses to proceed with these applications after the Public Meeting then the following would apply:

1. The uses permitted under the Business Corridor Area designation of the current Official Plan would be limited to a depth of 130 m from the Woodbine Avenue property line;
2. The uses on this portion would be limited to those uses provided for in site specific policy 9.17.4 of the new Official Plan (see Attachment 1) and appropriate uses from the list of uses within the Service Employment Area designation of the new Official Plan (see Attachment 2); and,
3. The uses on the portion of the site designated Business Park Area of the current Official Plan would be limited to those uses deemed appropriate from the list of uses in the Business Park Employment designation of the new Official Plan (see Attachment 3).

Any future policies adopted through the subject Official Plan Amendment application will be reflected in the new Official Plan as a modification.

FINANCIAL CONSIDERATIONS AND TEMPLATE

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

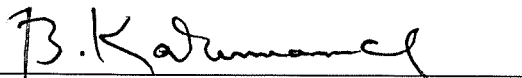
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposal will be evaluated in the context of the City's strategic priorities, including Growth Management.

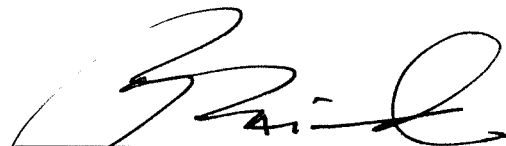
BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:



Biju Karumanchery, M.C.I.P., R.P.P.,
Senior Development Manager



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

ATTACHMENTS:

Figure 1 – Property Location

Figure 2 – Area Context/ Zoning

Figure 3 – Aerial Photo

Attachment '1' – Section 9.17.4 – permitted uses for 8050 Woodbine Avenue in the Council adopted Markham Official Plan (December 2013)

Attachment '2' – Section 8.5.4.1 to Section 8.5.4.3 – permitted uses on lands designated Services Employment in the Council adopted Markham Official Plan (December 2013)

Attachment '3' – Section 8.5.2.2 – permitted uses on lands designated Business Park Employment in the Council adopted Markham Official Plan (December 2013)

Applicant Contact Information:

Gowling Lafleur Henderson, LLP

c/o Brian Parker, M.C.I.P., R.P.P.

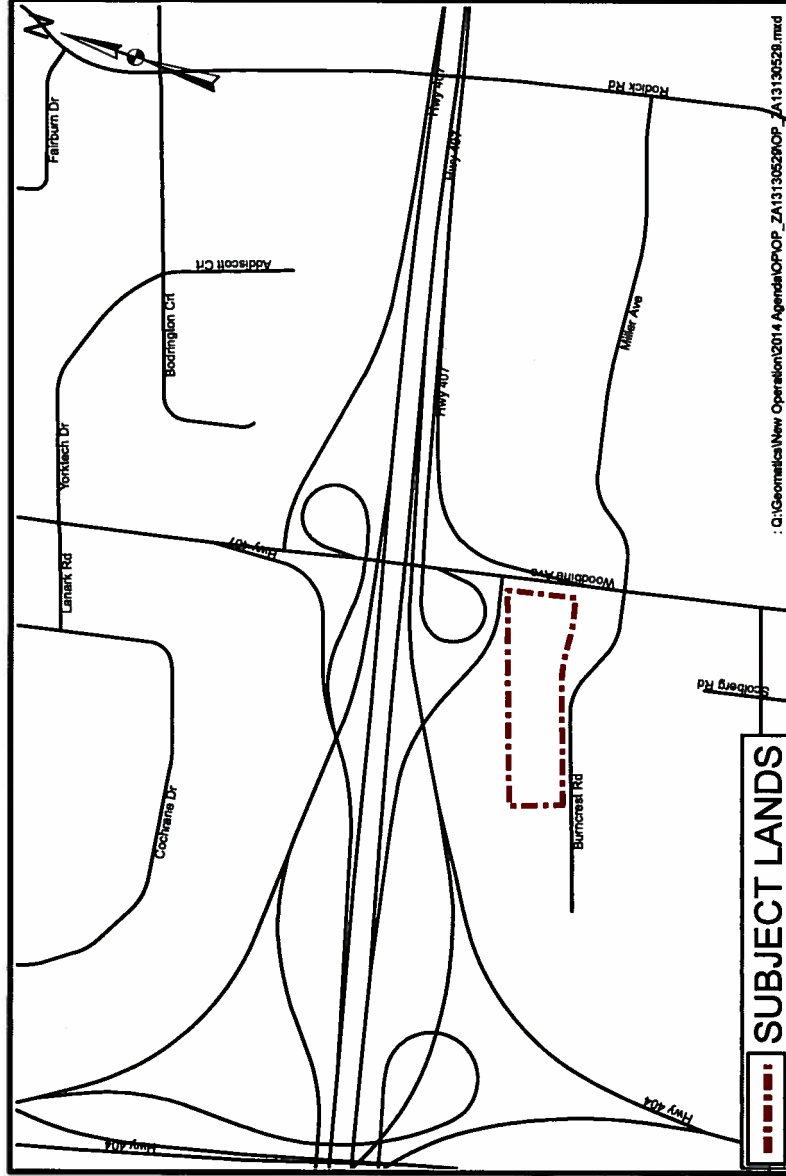
100 King Street West

1 First Canadian Place M5X 1G5

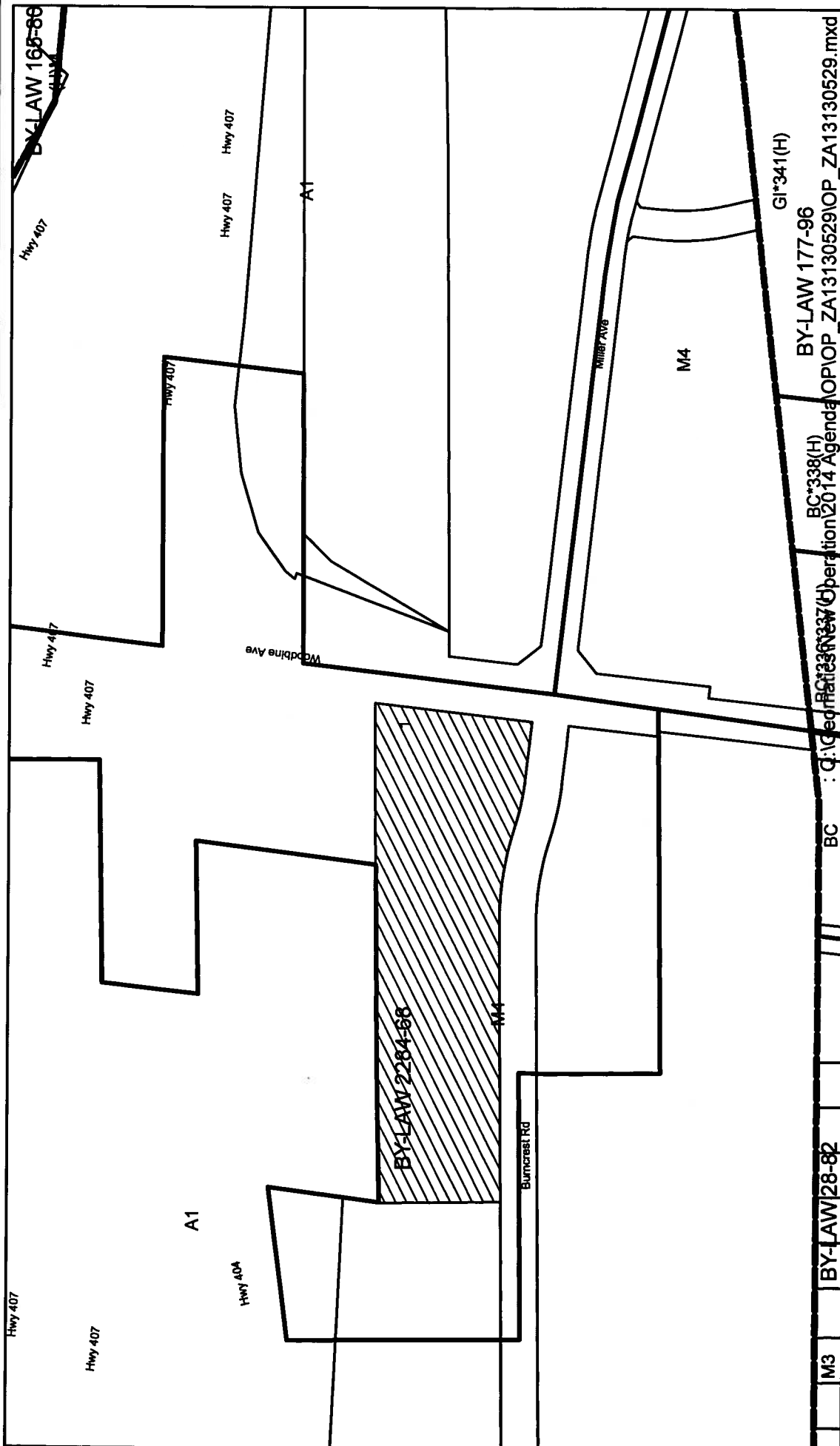
Phone: 416-369-7248

Fax: 416-362-7661

File path: Amanda\File 13 130529\Documents\Recommendation Report



: C:\Geomatics\New Operation\2014 Agenda\OPIOP_ZA13130528\OP_ZA13130528.mxd



AREA CONTEXT/ZONING

APPLICANT: BELFIELD INVESTMENTS INC. c/o GOWLINGS
8050 WOODBINE AVENUE

FILE No: OP, ZA13130529 (RC)

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: RC

FIGURE No. 2

DATE: 01/07/14

/// SUBJECT LANDS





AERIAL PHOTO 2012

APPLICANT: BELFIELD INVESTMENTS INC. c/o GOWLINGS
8050 WOODBINE AVENUE

FILE No:OP,ZA13130529 (RC)

 SUBJECT LANDS

DATE:01/07/14

- all premises does not exceed 50 percent of the gross floor area devoted to all buildings; and
- vii. commercial school.

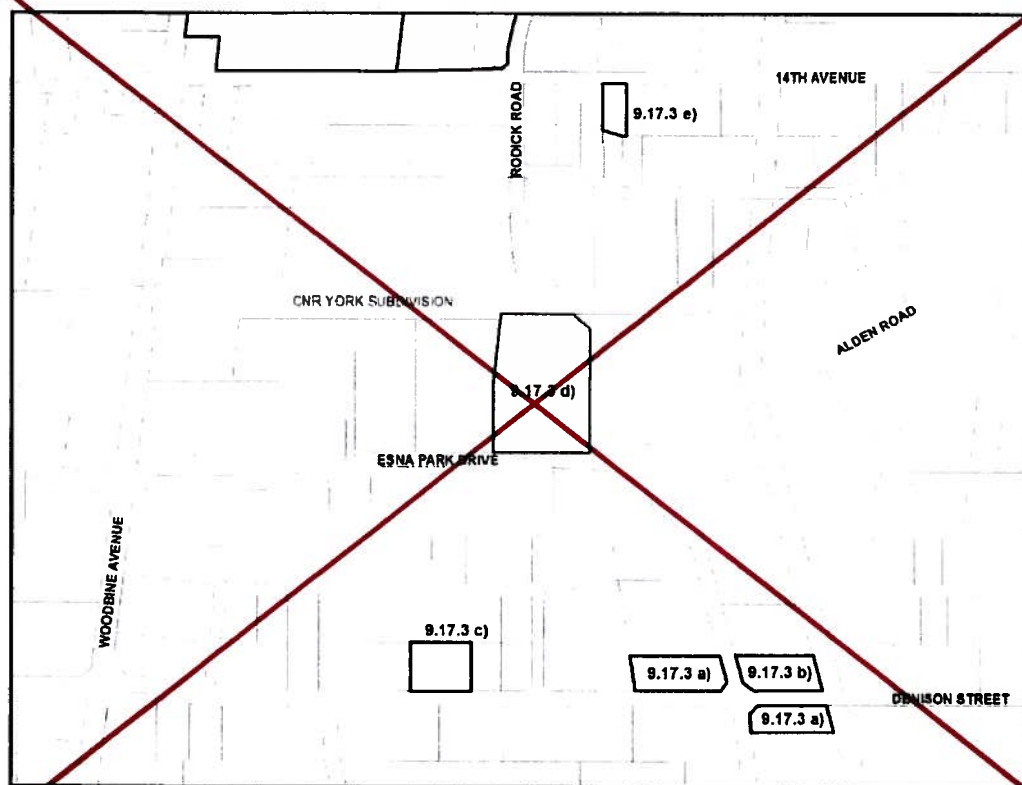


Figure 9.17.3

8050 Woodbine Avenue

- 9.17.4 On the 'Service Employment' lands at 8050 Woodbine Avenue shown in hatching in Figure 9.17.4 only the following uses shall be permitted:
- a) *ancillary use* to a primary industrial use located within an industrial building on the lands such as a showroom, office and retail sales provided:
 - i. the gross floor area of *ancillary* retail sales use does not exceed 10 percent of the total gross floor area of the building;
 - ii. the gross floor area devoted to *ancillary* retail sales use shall be physically separated from the balance of the gross floor area devoted to the primary industrial use;
 - b) motor vehicle service station;
 - c) restaurant;
 - d) financial institution; and
 - e) manufacturing, processing and warehousing.

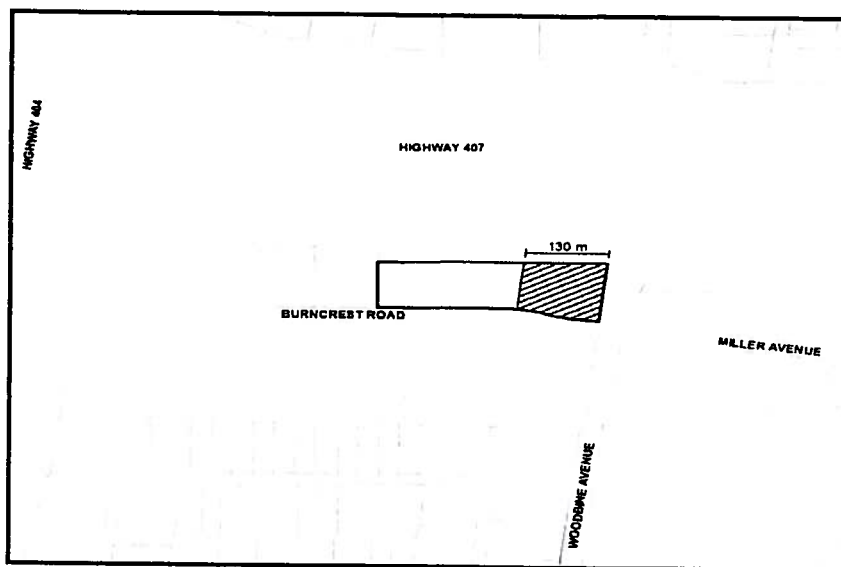


Figure 9.17.4

- 9.17.5** 100 Steelcase Road East
 The following uses shall also be permitted on the 'General Employment' lands at 100 Steelcase Road East as shown in Figure 9.17.5:
- a) office; and
 - b) financial institution.

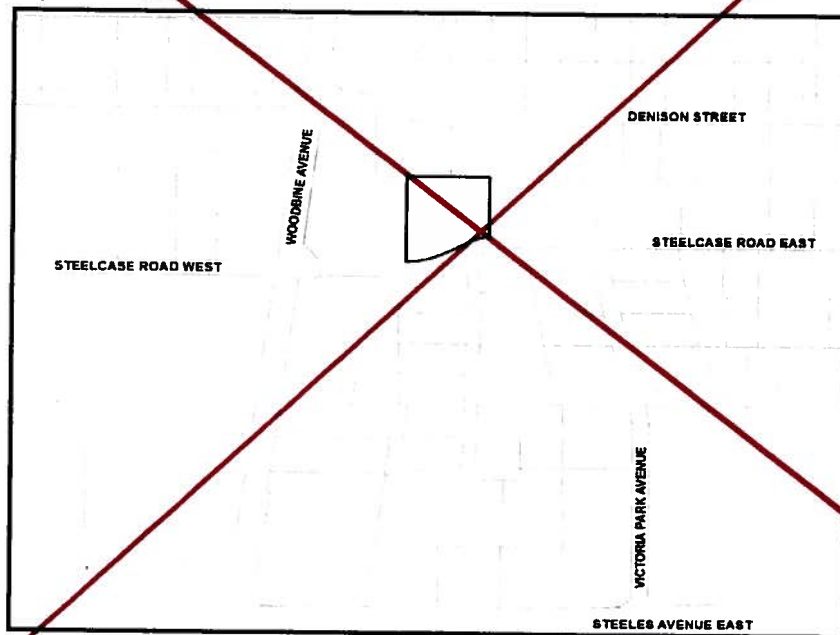


Figure 9.17.5

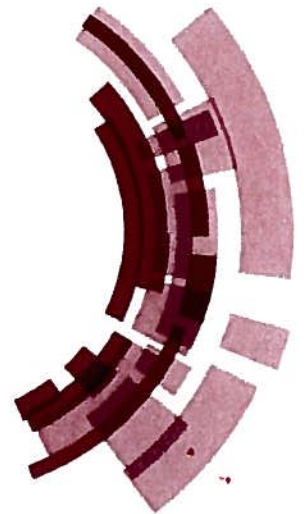
It is the policy of Council:

Planned Function

- 8.5.4.1** On lands designated 'Service Employment' to:
- a) provide locations, planned and developed for a range of employment uses, including light industrial and warehousing, office, small-scale retail and service uses serving and supportive of other business uses and employees in Markham, and that may also serve the general public;
 - b) provide for *ancillary uses* serving businesses and employees located within 'Employment Lands' designations;
 - c) incorporate lands accommodating complementary services, located on arterial and major collector road corridors adjoining and accessible from the established employment areas that they serve, or in evolving older industrial areas accessible to the business community;
 - d) accommodate a variety of modestly scaled building forms and configurations supportive of the intended range of business activity; and
 - e) restrict the introduction of new *sensitive land uses* to minimize the impacts on the viability of permitted industrial and warehouse uses located on adjacent 'Employment Lands'.

Uses

- 8.5.4.2** To provide for the following uses, in addition to the uses listed in Section 8.1.1, on lands designated 'Service Employment':
- a) service;
 - b) office;
 - c) financial institution;
 - d) manufacturing, processing and warehousing use, with no accessory outdoor display or outdoor storage;
 - e) motor vehicle body shop or repair facility with no accessory outdoor storage;
 - f) retail use provided:
 - i. - the retail use is not greater than 1000 square metres of gross floor area per premises, unless the retail use is an office supply or computer supply store which may have up to 3000 square metres of gross floor area per premises; or
 - within a multiple-unit building, the provisions of the first item of f) i. above are complied with, and the combined gross floor area devoted to all retail uses, including accessory retail uses, is limited to a maximum of either 50 percent of the total gross floor area of the building, or 3000 square metres, whichever is less; and
 - ii. the total gross floor area devoted to all retail uses on a property does not exceed 3000 square metres.
 - g) retail and/or service use that is accessory to a primary manufacturing, processing or warehousing use, and located within the same premise as the primary use provided the provisions of Section 8.5.4.2 f) are met;
 - h) *trade school*;
 - i) commercial school;



- j) commercial parking garage; and
- k) hotel that does not include dwelling units.

8.5.4.3 To provide for the following *discretionary uses*, in addition to the uses provided for above, on lands designated 'Service Employment', subject to review of a site-specific development application for zoning approval, and in accordance with Sections 8.5.1.2 and 8.5.1.3 and any conditions outlined below:

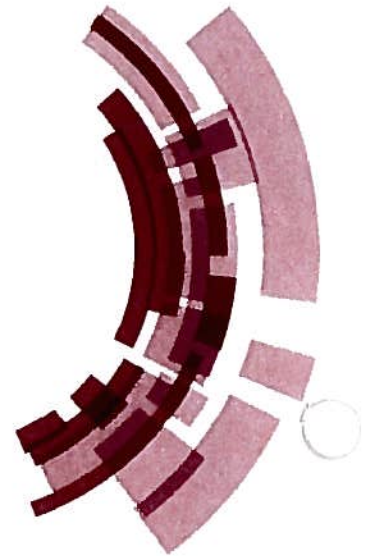
- a) manufacturing, processing and warehousing use, with accessory outdoor storage in accordance with Section 8.13.6;
- b) restaurant;
- c) night club provided it is integrated within a hotel;
- d) banquet hall;
- e) *private club*;
- f) *commercial fitness centre*;
- g) trade and convention centre;
- h) community college or university;
- i) *day care centre* in accordance with Section 8.13.2 provided it is located within an office building;
- j) *funeral home* in accordance with Section 8.13.4;
- k) crematorium accessory to a *funeral home* provided it is not located within 300 metres of a *sensitive land use* or lands within a 'Residential' and 'Mixed Use' designation;
- l) commercial storage facility;
- m) motor vehicle service station in accordance with Section 8.13.5;
- n) car wash;
- o) motor vehicle body shop and repair facility with accessory outdoor storage in accordance with Section 8.13.6;
- p) motor vehicle retail sales, having a maximum gross floor area of up to 3000 square metres per premise, with limited accessory outdoor storage or display of motor vehicles in accordance with Section 8.13.6;
- q) motor vehicle rental with limited accessory outdoor storage or display of motor vehicles in accordance with Section 8.13.6;
- r) *place of worship* only in a multiple unit buildings limited to a maximum gross floor area of 500 square metres in accordance with Section 18.3.7; and
- s) adult entertainment provided it is not located within 1,000 metres of lands within a 'Residential' or 'Mixed Use' designation.

8.5.4.4 To not permit the following uses on lands designated 'Service Employment':

- a) *private school*.

Building Types and Heights

8.5.4.5 To provide for single and multiple-unit building with one or more storeys with a maximum building height specified in the implementing zoning by-law, on lands designated 'Service Employment'.



Uses

- 8.5.2.2** To provide for the following uses, in addition to the uses listed in Section 8.1.1, on lands designated 'Business Park Employment':
- a) office;
 - b) manufacturing, processing and warehousing use with no accessory outdoor storage;
 - c) hotel that does not include dwelling units;
 - d) trade and convention centre;
 - e) commercial parking garage;
 - f) retail, and/or service use that is accessory to the primary manufacturing, processing or warehousing use, and located in the same premise as the primary use, provided the area devoted to the accessory use does not exceed 500 square metres of gross floor area, or a maximum of 15 percent of the gross floor area devoted to the primary use, whichever is less;
 - g) *ancillary use* such as retail, service, restaurant, and *commercial fitness centre* use within an industrial building, provided that:
 - i. all *ancillary uses* and accessory uses are located only on the ground floor of the building; and
 - ii. the combined gross floor area devoted to all *ancillary uses*, and to all accessory uses described in 8.5.2.2 f), is limited to a maximum of 15 percent of the total gross floor area of the building.
 - h) *ancillary use* such as retail, service, restaurant, *commercial fitness centre* or financial institution within a non-industrial building provided that:
 - i. the combined gross floor area devoted to all *ancillary uses* is limited to a maximum of 15 percent of the total gross floor area of the building, or in the case of an office building to the gross floor area of the ground floor, whichever is less; and
 - ii. access to the premises of all ancillary uses is integrated within the building.
- 8.5.2.3** To provide for the following *discretionary uses*, in addition to the uses provided for above, on lands designated 'Business Park Employment', subject to review of a site-specific development application for zoning approval, and in accordance with Sections 8.5.1.2 and 8.5.1.3 and any conditions identified below:
- a) banquet hall and/or night club provided it is integrated within a hotel or trade and convention centre and meets the provisions of Section 8.5.2.2 h);
 - b) community college or university;
 - c) *day care centre* in accordance with Section 8.13.2, provided it is located within an office building;
 - d) *trade school* and commercial school, wholly located within a building;
 - e) manufacturing, processing and warehousing with accessory outdoor storage in accordance with Section 8.13.6; and
 - f) motor vehicle service station in accordance with Section 8.13.5, and provided not more than one service station is located at an intersection.

