



Report to: Development Services Committee

Report Date: June 21, 2011

SUBJECT: RECOMMENDATION REPORT
Scardred 7 Company Limited
4038 Highway 7 East
Applications for Official Plan and zoning by-law amendments and site plan approval to permit additional commercial uses in two existing commercial buildings and the renovation and expansion of the buildings (former White Rose Nurseries garden centre and head office)

File Nos.: OP 09 116642, ZA 09 116689 and SC 10 125396

PREPARED BY: Scott Heaslip, Senior Project Coordinator,
Central District, extension 3140
Michael Fry, Planner
Central District, extension 2331

RECOMMENDATION:

- 1) That the report dated June 21, 2011 titled "RECOMMENDATION REPORT, Scardred 7 Company Limited, 4038 Highway 7, Applications for Official Plan and zoning by-law amendments and site plan approval to permit additional commercial uses in two existing commercial buildings and the renovation and expansion of the buildings (former White Rose Nurseries garden centre and head office), File Nos.: OP 09 116642, ZA 09 116689 and SC 10 125396", be received.
- 2) That the Official Plan amendment and zoning by-law amendment applications be approved, incorporating the modifications, as outlined in the staff report.
- 3) That Site Plan Approval be delegated to the Director of Planning, or designate, to be issued following execution of a site plan agreement (Site Plan Approval is issued only when the Director has signed the site plan "approved"), when the following conditions have been met:
 - The Owner has entered into a site plan agreement with the Town and the Region of York containing all standard and special provisions and requirements of the Town and public agencies and the provisions outlined in Appendix "D" to the June 21, 2011 staff report.
 - Official Plan and Zoning By-law Amendment have been approved and have come into force and effect.
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide information regarding applications for Official Plan and zoning by-law amendment and Site Plan Control to permit additional commercial uses and the renovation of and small addition to the existing buildings located at 4038 Highway 7 East, and to recommend that the applications be approved, subject to modifications, as outlined in this report.

BACKGROUND:**Subject property and area context**

The subject property has an area of 2.36 hectares (5.84 acres) and is located on the north side of Highway 7, east of Village Parkway (Figure 1). The front portion of the site includes a one-storey, 2182 m² (23,486 sq. ft.) building, formerly a White Rose Nurseries garden centre. The rear portion includes a one-storey 2,408 m² (25,920 sq. ft.) building which was formerly the White Rose Nurseries head office. Both buildings are vacant. Adjacent to the two buildings on the west side is an open storage area and a metal frame structure that was formerly used as a greenhouse. The open storage and greenhouse areas are surfaced with concrete. Much of the remaining ground cover is asphalt. There are landscaped areas along the west, north and east property lines. (Figure 3)

To the east are Volvo and Audi automobile dealerships. To the north and north-east is a single family residential neighbourhood. To the south across Highway 7 is the Sheridan Nurseries garden centre and vacant lands owned by the Times Group Inc. which are proposed to be developed for commercial and high density residential uses. To the west are vacant lands, designated and zoned for medium and high density residential uses. (Figure 2)

Official Plan and Zoning

The subject property is designated "Urban Residential" in the Official Plan with a site-specific policy permitting "nurseries and garden centres" and "business offices".

The north portion is designated "Urban Residential-Low Density 1" in Secondary Plan PD1-15 (OPA 15) (the "Secondary Plan"). The south portion is designated "Urban Residential- Medium Density II" in the Secondary Plan.

The property is zoned "Special Commercial One (SC1)" by Zoning By-law 118-79, as amended. A site-specific amendment restricts permitted uses to the nursery and office uses provided for in the Official Plan.

DEVELOPMENT PROPOSAL:

Scardred 7 Company Limited has applied to amend the Official Plan and zoning by-law and for Site Plan control to permit additional commercial uses, including retail stores, personal service shops, private schools and day care centres, medical offices, places of worship, veterinary clinics, restaurants, libraries and art galleries and financial institutions.

The south building, adjacent to Highway 7, is proposed to be retained and partitioned into two units; one facing south (approximately 547 m², 5,889 sq. ft.) and one facing south and west (approximately 1504 m², 16,183 sq. ft.). 131 m² of additional floor area is attributed to common space which includes an internal refuse storage room and loading area. (Figure 4)

The north building is proposed to be retained and partitioned into smaller units facing the parking area on the west side of the building. These units will have rear service entrances along the east façade of the building.

A one-storey 576 m² (6,195 sq. ft.) addition is proposed connecting the existing buildings. The retained buildings and addition will have an overall gross floor area of approximately 5166 m² (55,601 sq. ft.).

All of the existing facades will be upgraded to provide a unified architectural treatment to the two existing buildings and the addition. The proposed exterior materials include masonry units at the base with stucco paneling and storefront glazing with aluminum frame above. Awnings and coordinated commercial signage would complement the exterior detailing. Continuous pedestrian walkways are proposed around the buildings to provide access to the business establishments.

The greenhouse and open storage areas are proposed to be removed and those areas integrated into the parking lot. The existing hard surfaces will be retained and/or resurfaced and re-stripped to provide 282 parking spaces.

The tree preservation plan indicates that the majority of the trees and other vegetation will be retained on site and protected during construction in accordance to the Town's tree preservation guidelines. In order to provide the best protection to the existing trees, the applicant is proposing to maintain the existing grades on the site and also to maintain the current extent of paved area.

The landscape plan shows enhanced landscaping with trees along Highway 7 and addition of soft planted islands throughout the existing hard surface.

Conceptually, the tree preservation plan and the landscape plan are acceptable to staff. Staff will continue to work with the applicant to refine the plans to ensure tree preservation, as proposed on the existing plan, and to increase and redistribute the proposed additional landscape on site to minimize heat island effect throughout the parking area and also to mitigate impacts on the amenity spaces if abutting residential properties which are adjacent to the loading areas and the vehicular circulation routes.

The site generally slopes south toward Highway 7 and ultimately the site is to drain to a new stormwater management pond on the south side of Highway 7. The Owner is proposing to maintain the existing grades and sheet drainage pattern. As there is no increase in hard surface area, maintaining the existing drainage pattern is acceptable to the Town.

Currently the downstream sanitary sewer system is running at surcharge capacity. The Owner is proposing to add uses that will put additional load on the existing sanitary sewer system. In order to mitigate this, the Owner is proposing to provide underground sanitary sewer storage tanks. These tanks are intended to discharge into the sanitary sewer system at off peak hours. The use of the storage tanks would operate on a temporary basis, until the completion of the Highway 7 sanitary sewer, which is currently under construction. The Town of Markham will take securities from the Owner to ensure that the owner connects the site to the Highway 7 sanitary sewer once completed and operational.

The owner is working with the other benefitting owners to obtain Region of York approval of a signalized intersection at the southeast corner of the site on Highway 7. The new intersection will serve the subject property and the adjoining Volvo/Audi dealership on the north side of Highway

7 and the Times Group's retail development and Sheridan Nurseries on the south side of Highway 7. The required road widening and intersection daylight triangles are provided on the site plan.

OPTIONS/ DISCUSSION:

Long term vision for this property is for residential use

The Official Plan and Secondary Plan contemplate residential uses transitioning from medium density mid-rise form along Highway 7 to lower density form adjacent to the existing residential community.

A limited broadening of the commercial use permissions will ensure that existing buildings do not remain vacant pending redevelopment

Staff recognize that the limited use permissions (nursery and office uses) could make it difficult for the owner to secure new tenants for the buildings. This could leave the buildings vacant, potentially for a number of years, in a high profile location along one of the Town's primary roads. In recognition of this unique circumstance, a broadening of the use permissions for this property could be considered as an interim use until the site is ultimately redeveloped.

Staff have suggested the additional permissions for the rear building be limited to medical offices, private and commercial schools and day nurseries. These uses are acceptable as they are not in the form of "shopping centre" type uses. Retail, restaurant, financial institution and personal service shop uses will be permitted in the front building where they would benefit from the high visibility on Highway 7. A drive through associated with a restaurant use is not included as a proposed use.

Council has endorsed the requested use permissions

Council endorsed the Official Plan and Zoning By-law Amendments in principle at the June 22, 2010 Council meeting and directed staff to report to Development Services Committee on site plan approval and bring implementing Official Plan and zoning by-law amendments forward for enactment when the project plans have been refined to the satisfaction of staff. (Appendix "A")

Proposed renovations and addition are acceptable:

Staff are satisfied with the site plan proposal. The effects of the renovations and site improvements on the adjacent uses will be minimal, given that the building addition will be contained within the existing building setbacks, the paved areas will generally remain the same and that the existing trees on and adjacent to the property lines will be protected throughout the redevelopment. Staff will ensure that appropriate Fatal Light Awareness Program (FLAP) measures are incorporated into the final project plans.

Staff are continuing to work with the applicant to increase the landscaping within the parking lot.

The subject property adjoins existing homes to the east and north, including two homes on Ferrah Street that flank onto the property. In order to minimize the potential impact of the proposed expanded commercial use on the adjacent homes the following measures are recommended;

- 1) a 2.44m (8ft.) high acoustical fence between the subject property and the residential lots to the north and to the east;
- 2) where loading facilities are located on the east side of the building, a 2.75m (9ft.) high screen wall adjacent to the entire 12m length of the loading space;
- 3) the garbage room will be internal to the building and will be climate controlled;

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- 4) storefronts will be located on the south and west sides of the building;
 - 5) illuminated commercial signage will only be permitted on the west and south sides of the building;
 - 6) no pedestrian access will be permitted from the subject property to Ferrah Street;
 - 7) the existing landscaped buffers will be maintained and enhanced adjacent to residential properties on the east and west sides;
 - 8) parking located on the east side of the subject property, adjacent to homes on Ferrah Street, will be restricted to employees only and will be identified as such by parking restriction signage;
 - 9) odour control units will be required for all restaurant uses;
 - 10) waste pickup will be limited to the hours of 7 am to 11 pm on weekdays only;
 - 11) snow will be stored only in the north-west corner of the parking lot, but not in the landscaped areas.

These measures will be secured in the zoning by-law and/or site plan agreement.

Official Plan and Zoning By-law Amendments

The proposed Official Plan Amendment (Appendix "B") permits the property to be used for commercial uses, provided the uses are located within the existing buildings, and addition, on the property having a maximum floor area of 5200m². The existing residential use permissions remain.

It is Town procedure to implement a site specific policy in a secondary plan, as opposed to the Official Plan, where a secondary plan is in place. For this reason, the site specific permissions are being removed from the Official Plan and being inserted into the Secondary Plan, OPA 15.

The proposed Zoning By-law Amendment (Appendix "C") adds professional, business and medical office uses and commercial school and daycare uses to the entire site and restricts retail and restaurant uses to the front portion. The by-law amendment generally limits the building envelope to within the current main walls of the two existing buildings and restricts the floor area of the commercial building to 5200m².

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed applications are for an expanded range of commercial use permissions in the existing buildings, pending future comprehensive redevelopment of the lands for higher density residential use in keeping with the Official Plan and the Town's long term vision for Highway 7.

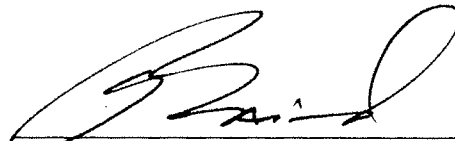
BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various Town departments and external agencies and their comments have been incorporated in this report.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design



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

ATTACHMENTS:

Appendix "A"	Council Resolution, dated June 22, 2010
Appendix "B"	Draft Official Plan Amendment No. _____
Appendix "C"	Draft Zoning By-law Amendment No. _____
Appendix "D"	Conditions of Site Plan Approval
Figure 1-	Location Map
Figure 2-	Area Context and Zoning
Figure 3-	Air Photo
Figure 4-	Proposed Site Plan

Agent: Moiz Behar
MBPD Inc.
40 Vogell Road, Unit 46
Richmond Hill, ON, L4B 3N6
Tel: 905-292-1064
Fax: 905-292-7633
Email: moiz@mbpd.ca

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