



TO: Mayor and Committee Members

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design

PREPARED BY: Nilesht Surti, Planner
East District Team

DATE: June 26, 2006

Re: **1617834 Ontario Limited**
Application for Zoning By-law Amendment
to permit a restaurant use at 156 Bullock Drive
File No. ZA 05 026995

RECOMMENDATION

That Zoning By-law Amendment application (ZA 05 026995) to amend By-law 1229, as amended, submitted by 1617834 Ontario Limited to permit a restaurant use at 156 Bullock Drive, be approved and the draft Zoning By-law Amendment attached, be finalized and enacted.

BACKGROUND

On December 12, 2006 Development Services Committee deferred the subject Zoning By-law Amendment application to permit a restaurant use within an existing industrial building at 156 Bullock Drive until a further update is received from staff with respect to concerns regarding hours of operation, illumination and noise.

The owner has executed an amending site plan agreement to include a clause restricting the hours of operation for the proposed restaurant use (Coffee Shop) from 7 a.m. to 7 p.m. The Ward Councillor, staff, the two residents who raised concerns at the December 12th Development Services meeting and the owner met on-site to discuss lighting complaints. The owner has installed light shields to direct lighting away from the existing residential properties to the south, across Bullock Drive. Staff have spoken to the concerned residents and were advised that lighting from the industrial building is no longer a concern. With respect to noise disturbances from the vehicle repair operations at the site, the condominium corporation has notified the individual unit owners of the complaints received from area residents and requesting that they address this issue. In addition, the condominium corporation has installed speed bumps within the parking area to deter racing or testing of vehicles on the property. By-law Enforcement Department will continue to monitor this situation for compliance with the Town's Noise By-law.

Staff are satisfied that the owner has addressed concerns raised at the Development Services Committee meeting to the extent possible. Staff recommend that the attached Zoning By-law Amendment to permit a restaurant use at 156 Bullock Drive be approved and enacted by Council.

EXPLANATORY NOTE

BY-LAW NO. _____

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

1617834 Ontario Limited
156 Bullock Drive

LANDS AFFECTED

This By-law amendment applies to the 0.87 ha (2.15 acre) parcel of land located on the north side of Bullock Drive, east of Laidlaw Boulevard and west of Jug Lane, municipally known as 156 Bullock Drive.

EXISTING ZONING

The subject land is presently zoned Industrial (M) under By-law 1229, as amended.

PURPOSE AND EFFECT

The purpose of this by-law amendment is to expand the list of permitted uses on the subject property to include a self-serve restaurant use (coffee shop) with a maximum floor area of 100 m².

The effect of this by-law amendment is to permit the establishment of a self-service restaurant use (coffee shop) within a multi-tenant industrial building at 156 Bullock Drive.



BY-LAW 2007 - XXX

A By-law to permit a self-service restaurant use

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 1229, as amended, be and the same is hereby further amended as follows:

- 1.1 By adding to SECTION 12 – EXCEPTIONS the following:

“12.12 Notwithstanding any other provision of this By-law, the provisions of this section shall apply to those lands zoned Industrial (M) located on the north side of Bullock Drive east of Laidlaw Boulevard and west of Jug Lane, municipally known as 156 Bullock Drive, as shown on Schedule ‘A’ attached to By-law 2007 - XXX. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

12.12.1 Additional Permitted Uses

The following additional uses are permitted:

- a) RESTAURANT, SELF-SERVICE

12.12.2 Special Site Provisions

The following additional provisions apply:

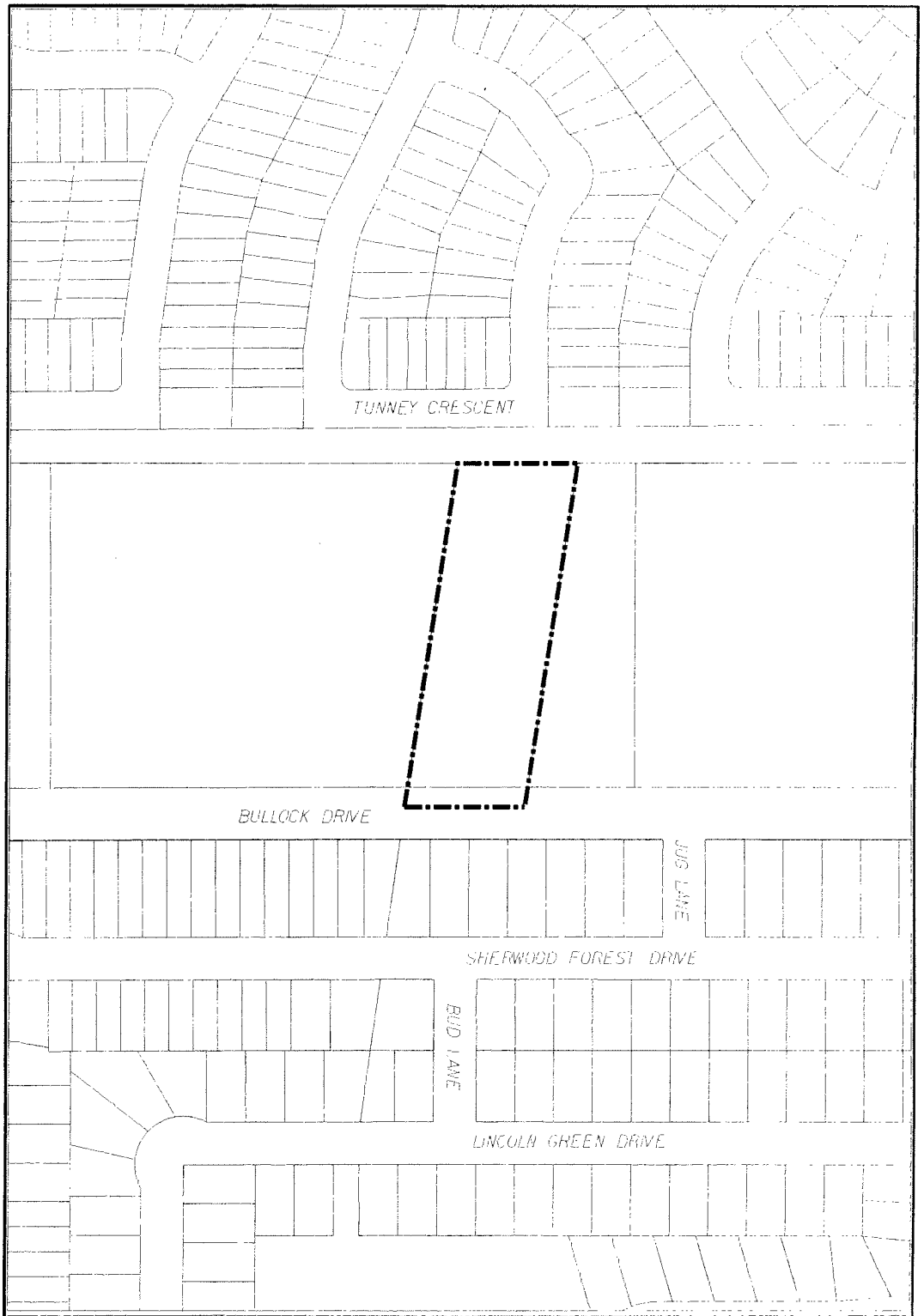
- a) The maximum GROSS FLOOR AREA devoted to a SELF-SERVE RESTAURANT shall not exceed 100 m².
- b) Maximum number of SELF-SERVICE RESTAURANTS – one (1).
- c) Drive-through service facilities and queuing lanes are not permitted.

2. All other provisions of By-law 1229, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF , 2007.

SHEILA BIRRELL, TOWN CLERK

FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 1229



BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY

.....MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: 2000

