



TO: Mayor and Members of Council

C. John Livey

FROM: Jim Baird

DATE: May 23, 2006

**Re: Greenbelt Volkswagen Ltd.
7997 Kennedy Road and 31 Helen Avenue
File Nos. OP 03 108961, ZA 03 108969 and SC 03 108973**

Background

On Tuesday, May 16, 2006, Development Services Committee considered the above applications to permit the expansion of the existing Volkswagen dealership, including restoration of the heritage building at 31 Helen Avenue. At the Committee meeting the applicant's agent identified a number of issues with respect to the recommendations in the staff report pertaining to the timing and restoration of the heritage house and wording within the draft by-law which limited the expansion to a single, integrated automobile dealership on the combined site. Staff were directed to review these matters with the applicant, prior to bringing the implementing by-law forward for adoption.

Staff met with the agent on Thursday, May, 18, 2006 and reached agreement to resolve the issues as follows:

- The heritage restoration work will include removal of the front summer porch and replacing it with a period-compatible verandah. New shutters and a new front door will also be added. This work will be linked in the site plan agreement to the second phase dealership addition. The heritage easement agreement will continue to be required as part of the phase one addition.
- The by-law has been revised to delete the reference to only one 'Automobile Sales Establishment' to be replaced with lot frontage and area requirements which match the combined parcel dimensions to mitigate against future severance applications. This will ensure that the expanded operation functions as a single integrated development site, while clarifying the potential for more than one make of automobile to be sold

The applicant's agent verbally advised of his concurrence with these changes.

Recommendation

It is recommended that the draft amending by-law attached to this memorandum be adopted and that site plan approval condition no. 7 contained in Appendix 'A' of the May 16, 2006, staff report be replaced with the following revised condition:

7. That the Owner covenant and agree to complete the works contemplated for the restoration of the heritage house as part of Phase 2. Prior to final site plan approval for Phase 2, the Owner shall submit revised plans which provide for the restoration of the heritage building consisting of removal of the front summer porch and replacing it with a period-compatible verandah and, the installation of new shutters and a new front door;

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO.

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 4 to the
South Unionville Secondary Plan (PD 34-1) for the South Unionville Planning District (Planning
District No. 34).

(GREENBELT VOLKSWAGEN LTD.)

May, 2006.

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX_

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No.4 to the South Unionville Secondary Plan (PD 34-1) for the South Unionville Planning District (Planning District No. 34).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the _____ day of May 2006.

Mayor

Town Clerk

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No.XXX to the Town of Markham Official Plan (Revised 1987) as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (Revised 1987) attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ DAY OF MAY, 2006.

TOWN CLERK

MAYOR

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PART I - INTRODUCTION

(This is not an operative part of
Official Plan Amendment No.XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

PART II – THE OFFICIAL PLAN AMENDMENT, including Schedules “A” and “B”, attached thereto, constitutes Official Plan Amendment No.XXX to the Official Plan (Revised 1987), as amended. Official Plan Amendment No.XXX is required to enact Amendment No.4 to the South Unionville Secondary Plan (PD 34-1) for the South Unionville Planning District (Planning District No.34). Part II is an operative part of this Official Plan Amendment.

PART III- THE SECONDARY PLAN AMENDMENT including Schedule “C”, attached thereto, constitutes Amendment No.4 to the South Unionville Secondary Plan (PD 34-1) for the South Unionville Planning District (Planning District No.34). This Secondary Plan Amendment may be identified by the symbol 34-1-4. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to the lands municipally known as 7997 Kennedy Road and 31 Helen Avenue which are legally described as Part of Lot 8, Concession 5 and Part of Lot 12, Registered Plan 2196, Town of Markham. The subject lands have an area of approximately 1.72 ha (4.3 acres) and are located east of Kennedy Road and north of Highway 407, within the South Unionville Planning District. The property municipally known as 7997 Kennedy Road contains the Greenbelt Volkswagen Dealership and the property immediately to the east, 31 Helen Avenue, contains a designated heritage house, the James Brander House. A drainage ditch traverses the subject lands generally in the area of the mutual property line that separates both properties. The drainage ditch conveys drainage from the stormwater management pond serving Highway 407 and the lands immediately south of the highway, and drains northward to Tributary 5 of the Rouge River, across Kennedy Road.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to enact Amendment No.4 to the South Unionville Secondary Plan (PD 34-1). This Official Plan Amendment will also modify Schedule ‘A’ –LAND USE and Schedule ‘H’ - COMMERCIAL/INDUSTRIAL CATEGORIES of the Official Plan by re-designating the lands to COMMERCIAL (Community Amenity Area), respectively.

The purpose of the Secondary Plan Amendment is to:

- 1) amend Schedule ‘AA’ by re-designating the lands as Community

Amenity Area.

- 2) add a site specific permission permitting retail uses involving accessory outdoor storage and/or display of merchandise associated with an automobile sales establishment.

These Official Plan and Secondary Plan Amendments will facilitate the expansion of the existing Greenbelt Volkswagen Automobile Dealership at 7997 Kennedy Road in South Unionville.

The expansion will include the construction of a 1060m² addition to the existing dealership building and the construction of a 1168m² new building intended for the sale and service of prestige Volkswagen models. The existing heritage dwelling will be incorporated into the site and used as an office to serve the dealership.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The rationale for this Amendment is to facilitate the expansion of an established automobile dealership use which includes an addition to the existing building and the construction of a new building. The amendment will also permit retail uses with accessory outdoor storage and/or display of merchandise within the Community Amenity Area to serve the dealership. The expansion will establish a new boundary between commercial and residential land uses while maintaining and enhancing existing heritage and environmental features on the lands.

**PART II - THE OFFICIAL PLAN
AMENDMENT**

(This is an operative part of
Official Plan Amendment No.XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 1.1.3 (c) of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, including any required grammatical and punctuation changes in the bullet item dealing with the South Unionville Planning District Secondary Plan (PD 34-1).
- 1.3 Section 9.2.17 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, including any required grammatical and punctuation changes.
- 1.4 Schedule 'A' - LAND USE to the Official Plan (Revised 1987) as amended, is hereby amended by re-designating the subject lands from "URBAN RESIDENTIAL" to "COMMERCIAL" as shown on Schedule 'A' attached hereto.
- 1.5 Schedule 'H' - COMMERCIAL / INDUSTRIAL CATEGORIES is hereby amended by designating the subject lands COMMERCIAL (Community Amenity Area) as shown on Schedule 'B' attached hereto.
- 1.6 No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to incorporate changes on Schedule 'AA' – DETAILED LAND USE and text of the South Unionville Secondary Plan (PD 34-1) for the South Unionville Planning District. These changes are outlined in Part III which comprises Amendment No.4 to the South Unionville Secondary Plan (PD 34-1).

2.0 IMPLEMENTATION AND INTERPRETATION

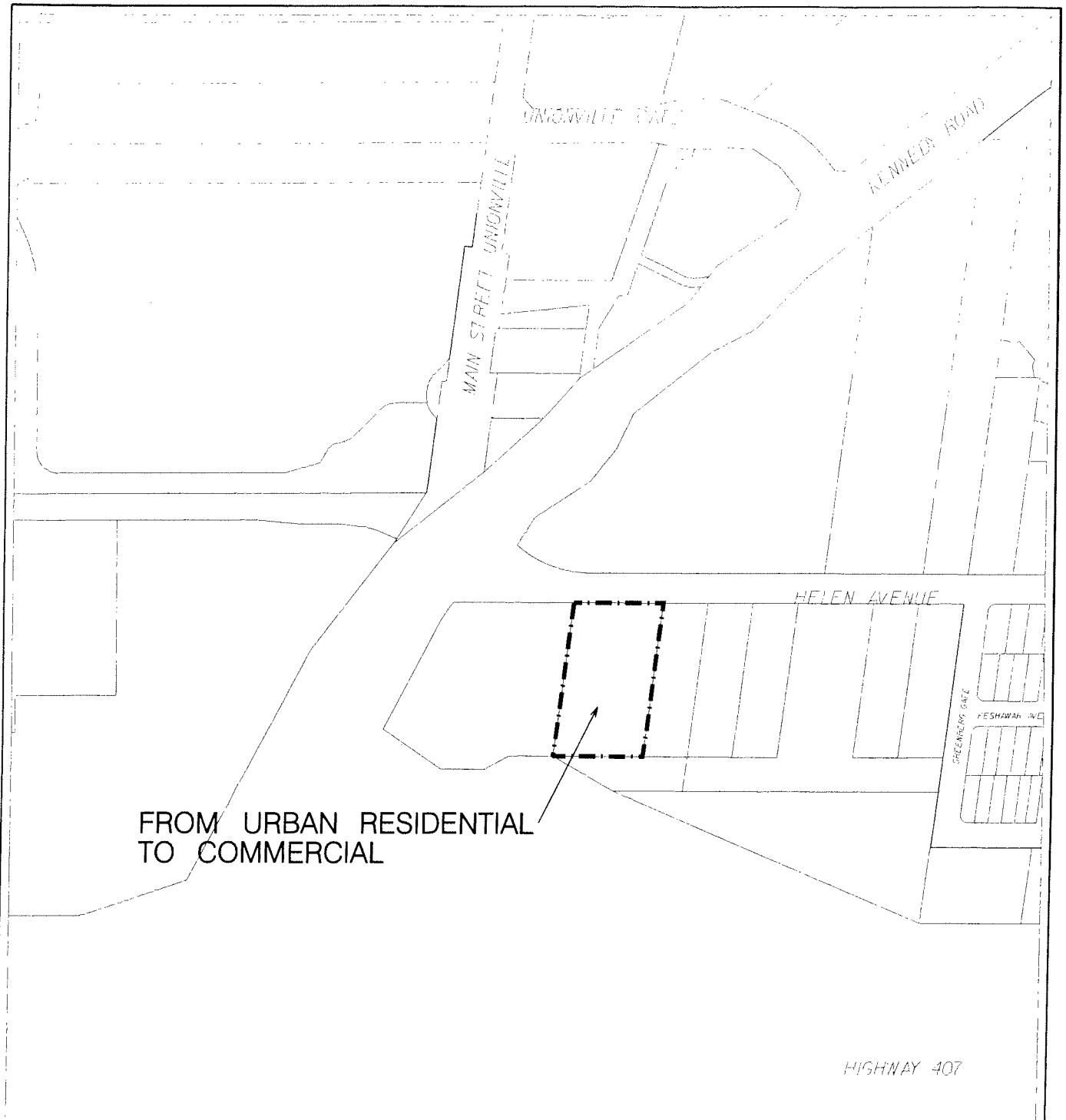
The provisions of the Official Plan (Revised 1987), regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.


This Amendment to the Official Plan (Revised, 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's

decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised, 1987), as amended, shall not apply.



AMENDMENT TO SCHEDULE 'A' – LAND USE
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



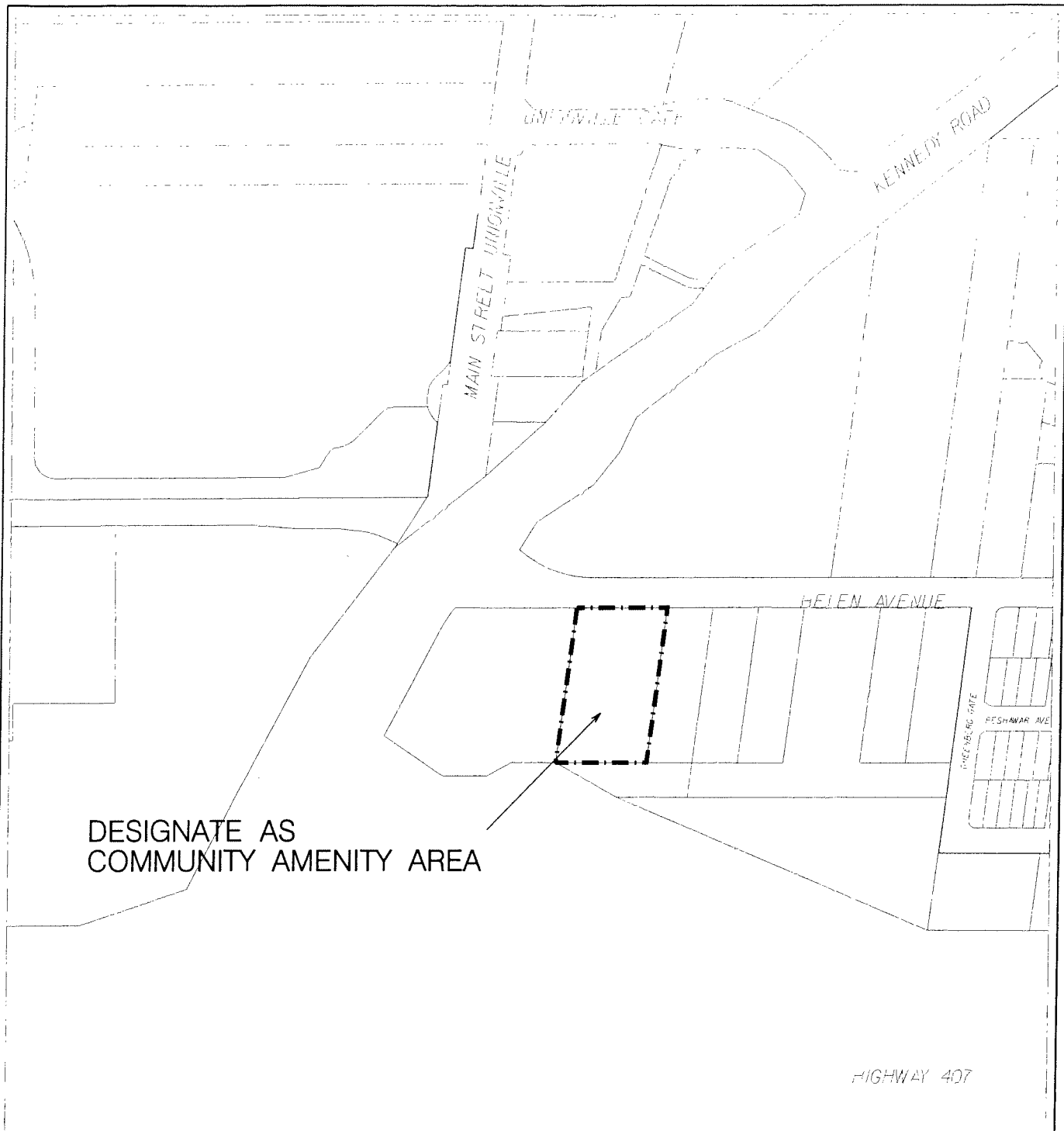
DEVELOPMENT SERVICES COMMISSION

SCHEDULE 'A' TO OPA No. XXX

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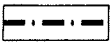
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DESIGNATE AS
COMMUNITY AMENITY AREA

AMENDMENT TO SCHEDULE 'H' – COMMERCIAL /INDUSTRIAL CATEGORIES
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

PART III - THE SECONDARY PLAN AMENDMENT (PD 34-1-4)
(This is an operative part of Official Plan Amendment No.XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD 34-1-4)

1.0 THE SECONDARY PLAN AMENDMENT (Amendment No.4 to the South Unionville Secondary Plan PD 34-1)

The South Unionville Planning District Secondary Plan is hereby amended as follows:

1.1 SCHEDULE 'AA' – DETAILED LAND USE is amended by re-designating the subject lands from Low Density Housing to Community Amenity Area as shown on Schedule 'C' attached hereto.

1.2 Section 6.3.2 Community Amenity Area of this Secondary Plan is hereby amended by the addition of the following text:

“ix) Notwithstanding the provision of Section 3.4.6.2 (c) (iv) of the Official Plan (Revised 1987), as amended, permitted uses at 7997 Kennedy Road and 31 Helen Avenue shall include retail uses involving accessory outdoor storage and/or display of vehicles associated with an automobile sales establishment only.”

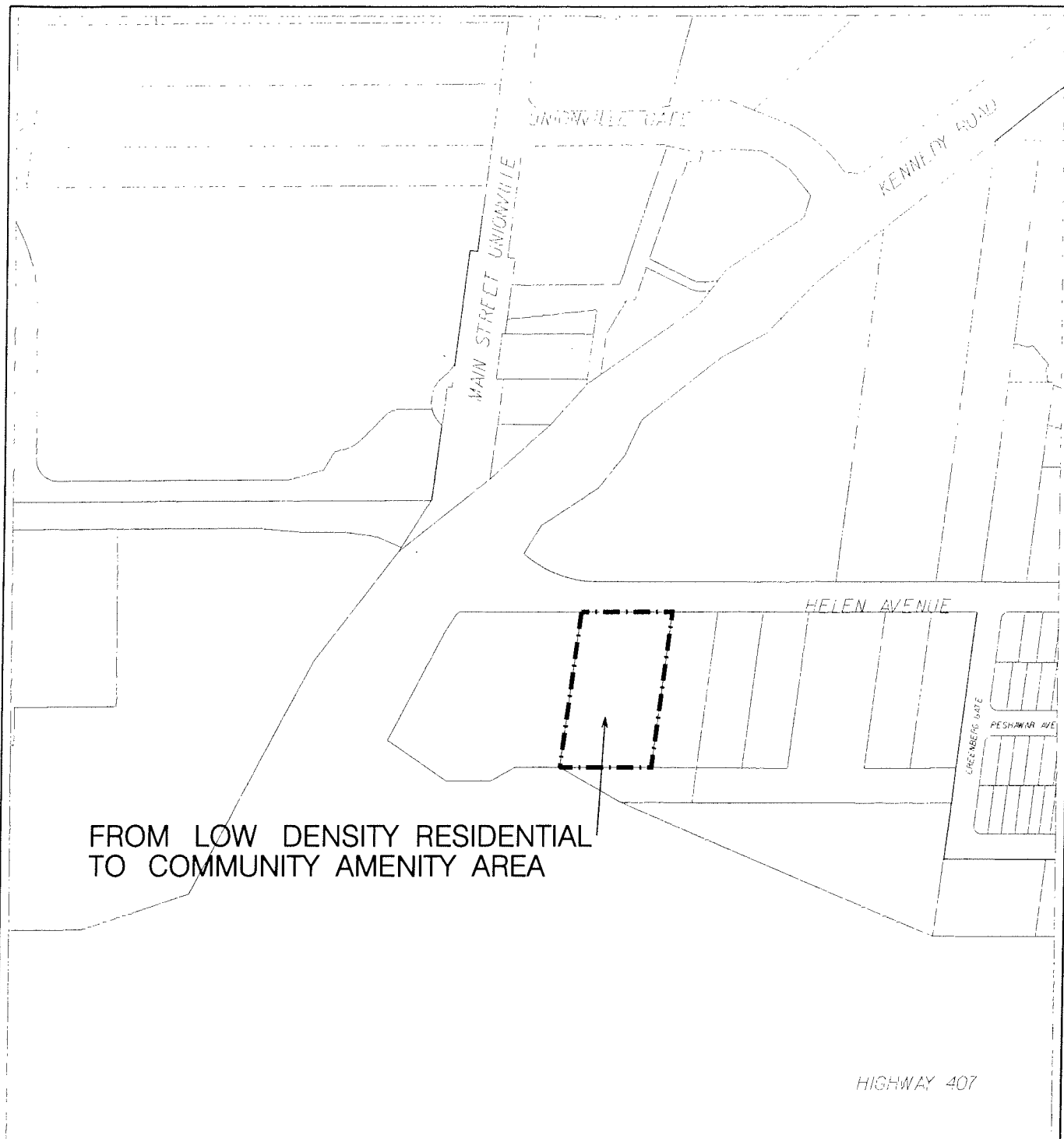
2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.

(May 16, 2006)

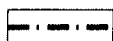
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FROM LOW DENSITY RESIDENTIAL
TO COMMUNITY AMENITY AREA

AMENDMENT TO SCHEDULE "AA"—DETAILED LAND USE

OF THE SOUTH UNIONVILLE SECONDARY PLAN PD34-1
FOR THE SOUTH UNIONVILLE PLANNING DISTRICT No.34



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



DEVELOPMENT SERVICES COMMISSION

SCHEDULE 'C' TO OPA No. XXX PD 34-1-4

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EXPLANATORY NOTE

BY-LAW NO. XXXXX

A by-law to amend By-law 304-87, as amended.

Greenbelt Volkswagen Limited
31 Helen Avenue and 7997 Kennedy Road
Part of Lot 12, Plan 2196 and Concession 5, Part of Lot 8

LANDS AFFECTED

The proposed by-law amendment applies to a 0.63 ha (1.6 acres) property, municipally known as 31 Helen Avenue, and a portion of the lands municipally known as 7997 Kennedy Road, located east of Kennedy Road and north of Highway 407.

EXISTING ZONING

The lands are zoned RR1, Rural Residential, By-law 304-87, as amended.

PURPOSE OF BY-LAW

The purpose of the By-law amendment is to delete the subject lands from By-law 304-87, as amended, so that they can be incorporated into By-law 122-72, as amended.

EFFECT OF THE BY-LAW AMENDMENT

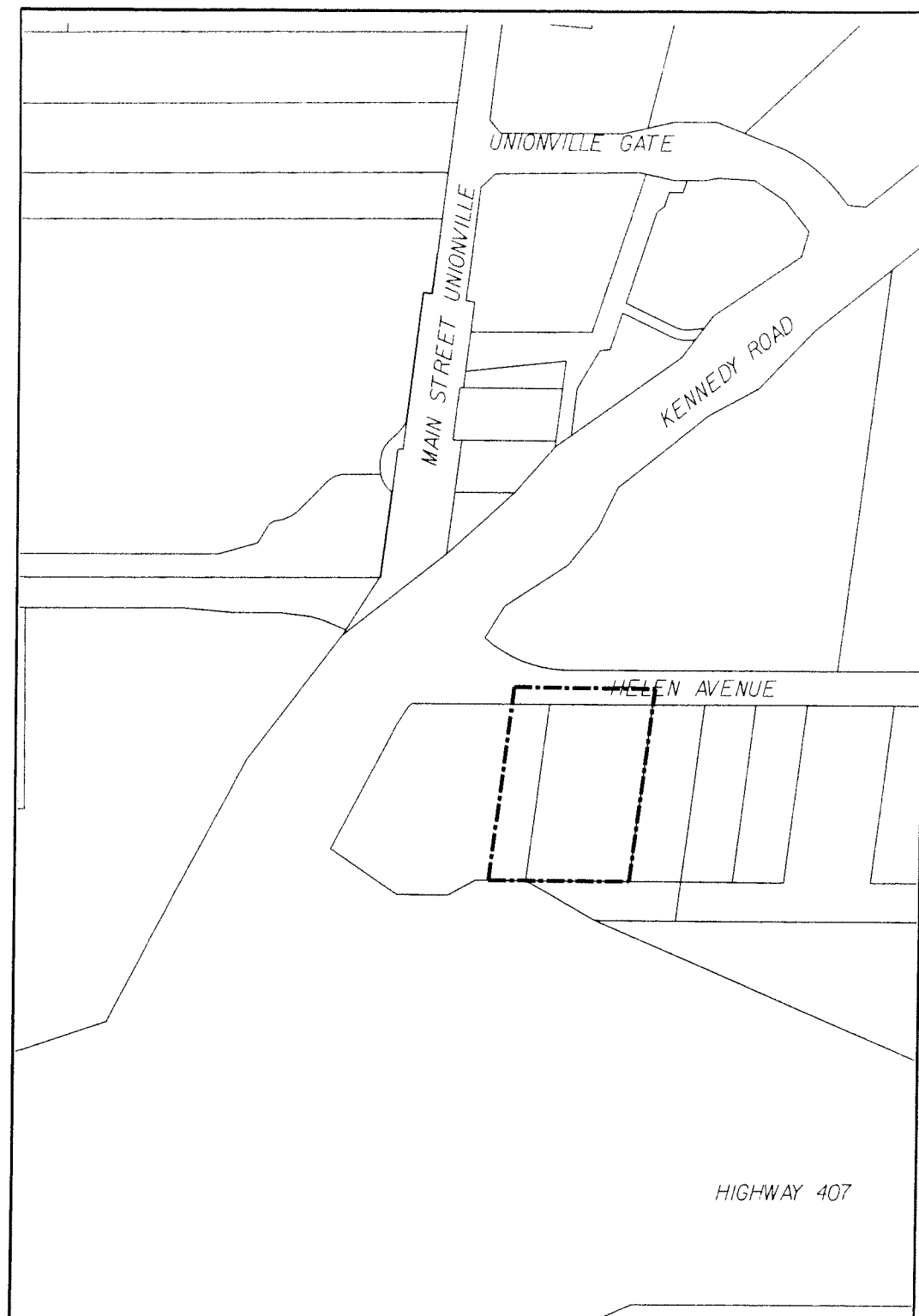
The effect of the By-law amendment will be to remove the subject lands from the designated area of By-law 304-87, as amended.

BY-LAW 2006-XXXX

A by-law to amend By-law 304-87, as amended.

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

1. That By-law 304-87, as amended, be and the same is hereby further amended as follows:
 - 1.1 By deleting the lands municipally known as 31 Helen Avenue, Part of Lot 12, Plan 2196, and a portion of the lands municipally known as 7997 Kennedy Road, Concession 5, part of Lot 8, as shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.
 - 1.2 This By-law shall not come into force until a By-law amending By-law 122-72, as amended, comes into force and the subject lands of this By-law become incorporated into the designated area of By-law 122-72, as amended.
2. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 304-87

--- 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: 3000

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EXPLANATORY NOTE

BY-LAW NO. XXXXX

A by-law to amend By-law 122-72, as amended.

Greenbelt Volkswagen Limited
7997 Kennedy Road and 31 Helen Avenue
Concession 5, Part of Lot 8 and Part of Lot 12, Plan 2196,

LANDS AFFECTED

The lands subject to the proposed by-law amendment comprise 1.72 ha (4.25 acre) and is located east of Kennedy Road and north of Highway 407.

EXISTING ZONING

The lands are zoned RR1 (Rural Residential) pursuant to by-laws 304-87 and 122-72, as amended and C3 (Highway Commercial) pursuant to by-law 122-72, as amended.

PURPOSE OF BY-LAW

The purpose of the By-law amendment is to re-zone the subject lands to permit the expansion of an established automobile sales establishment and to apply a comprehensive zone category to the entire site. The amendment will permit an Automobile Sales Establishment at 7997 Kennedy Road and 31 Helen Avenue.

EFFECT OF THE BY-LAW AMENDMENT

The effect of the By-law amendment will be to re-zone the subject lands to C3 (Highway Commercial) under By-law 122-72, as amended and to permit an Automobile Sales Establishment subject to site specific development standards.

BY-LAW 2006-XXXX

A by-law to amend By-law 122-72, as amended.

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

1. That By-law 122-72, as amended, be and the same is hereby further amended as follows:
 - 1.1 By re-zoning the lands shown on Schedule 'A' attached hereto, from Rural Residential (RR1) to Highway Commercial (C3).
 - 1.2 By zoning the lands as shown on Schedule 'A', attached hereto, Highway Commercial (C3).
 - 1.3 By adding to Section 19 – Exceptions the following new subsection:

“19.13 Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to Concession 5, Part of Lot 8 and Part of Lot 12, Plan 2196, as shown on Schedule 'A' attached to By-law XXXX. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

19.13.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) Automobile sales establishments;
- b) Outdoor storage and display of merchandise ACCESSORY to a permitted Automobile Sales Establishment;

19.13.2 Special Site Provisions

The following additional provisions shall apply:

- a) The LOADING SPACE requirements shall not apply.
- b) The display, parking and/or storage of motor vehicles is prohibited within the required LANDSCAPING and LANDSCAPED OPEN SPACES.

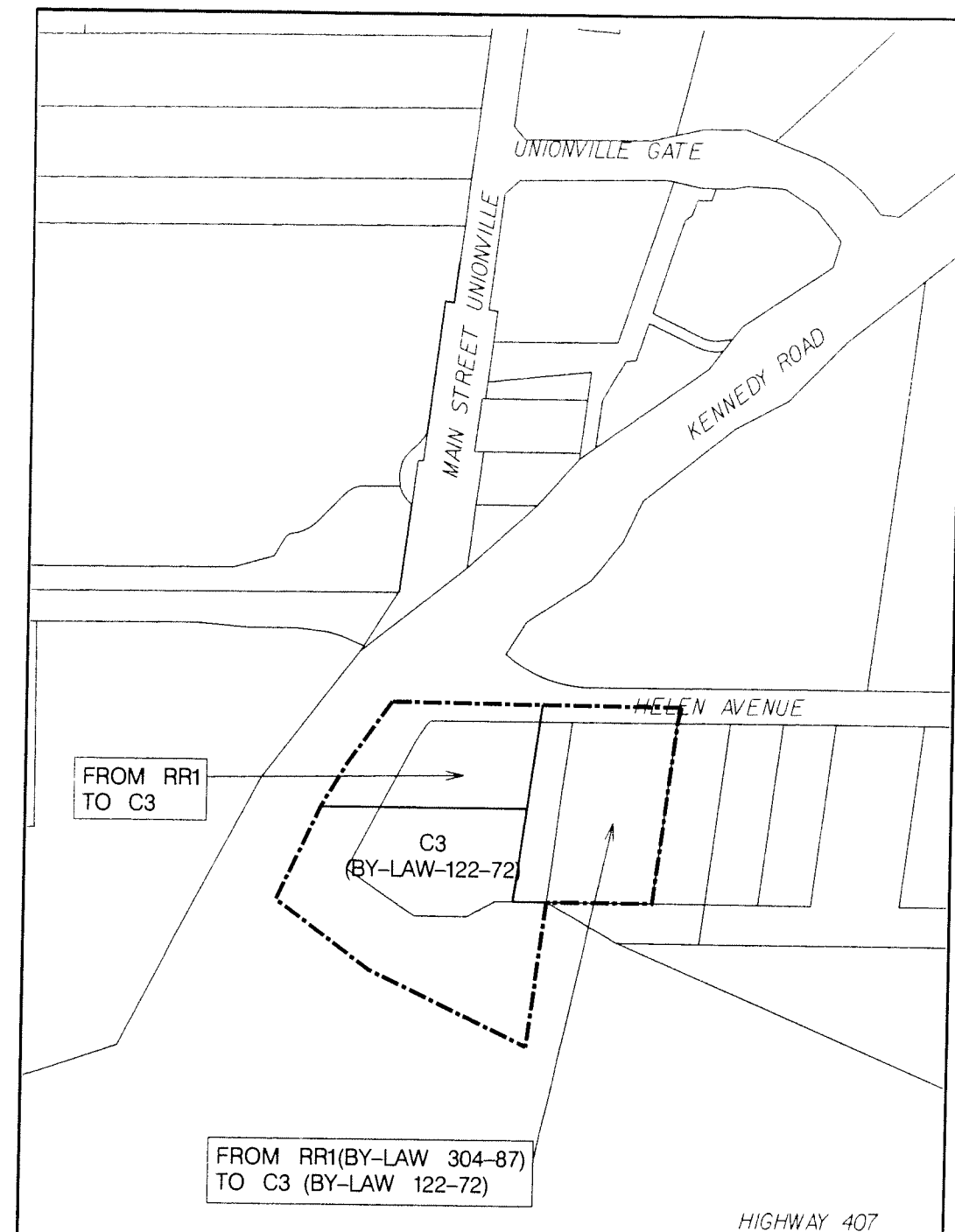
(c) Provision 13.3 (a) shall not apply.

19.13.3 Zone Standards

The following specific zone standards apply:

- a) Minimum LOT AREA – 1.6 ha
- b) Minimum LOT FRONTAGE – 80 metres
- c) Minimum setback from easterly property line – 25 metres
- d) Maximum HEIGHT – 6.5 metres
- e) Only the following LANDSCAPED OPEN SPACE provisions shall apply:
 - i) Adjoining the north LOT LINE (Helen Avenue) – 6 metres
 - ii) Adjoining the east LOT LINE – 10 metres

2. All other provisions of By-law 122-72, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 122-72

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

RR1 RURAL RESIDENTIAL

C3 HIGHWAY COMMERCIAL

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: 3000

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