



TO: Mayor and Members of Council

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

PREPARED BY: Anna Henriques, Planner – Markham Centre, extension 7922

DATE: February 28, 2006

Re: UPDATE MEMO
Roseport Investments Limited
Zoning By-law amendment
250 Yorktech Drive
ZA 05 – 014888 and SC 05 - 014894

RECOMMENDATION

That the proposed zoning by-law amendments be enacted, as per Council Resolution on November 15, 2005 (see attached).

PURPOSE

Further to the Roseport Investments Limited Public Meeting for 250 Yorktech Drive on November 8, 2005, the purpose of this memo is to advise Council on how traffic and parking related concerns have been addressed with respect to the proposed development.

BACKGROUND

A Public Meeting was held on November 8, 2005, to consider an application submitted by Roseport Investments Limited for a zoning by-law amendment at 250 Yorktech Drive to permit 30% accessory retail and 929m² (10,000 ft²) of restaurant space, in addition to the existing permitted uses. The applicant is proposing the development of four (4) multi-unit industrial condominium buildings with accessory retail and restaurant uses.

TRAFFIC

A traffic impact study was submitted to the Town for review and approval. The study outlined the end-state traffic conditions upon full build out of the site. Based on a detailed review of the study Town staff are satisfied that the traffic impacts associated with the proposed development can be accommodated on the surrounding road network. The study assumes that the following planned road improvements in the area will be in place for the full build-out:

- Rodick Road extension over Highway 407
- Signalization of Rodick/Clegg and Rodick/Yorktech intersections in the future when background traffic growth warrants the installation.

Staff's only recommendation is that a center median between Yorktech Drive and Fairburn Drive be constructed to ensure the efficient and safe operation of the right-in/right-out access on Rodick Road. This requirement for a center median will be a condition of site plan approval. The applicant has advised staff that they have no objection to this.

PARKING

The total number of required parking spaces for the site is 365, calculated as follows:

- Restaurant space – 1 parking space required for every 9m² of Net Floor Area (NFA) per premise, as per the Town's Parking By-law, 28-97.
- Industrial space with 30% accessory retail – 1 parking space for every 36 m² of NFA per premise. This is a site specific parking rate that blends the parking rates for industrial uses (1 parking space for the first 1200m² of NFA per premise-most restrictive rate) and retail uses (1 parking space for every 30m² of NFA per premise).

It should also be noted that the Town's Parking By-law does not require permitted accessory uses to be calculated separately for parking, rather, the accessory use is calculated at the same rate as the primary use. In this case, at 250 Yorktech, the primary industrial use with accessory retail would be calculated at the industrial parking rate (1 space per 40m² of NFA) which is the least restrictive rate of the two uses. In order to address concerns regarding parking and to ensure it's availability, staff have recommended that a more restrictive parking rate apply and have blended the parking rates for the two proposed uses to come up with a rate of 1 space per 36m² of NFA.

The site plan provides for the required number of parking spaces and staff are satisfied that traffic and parking related concerns with respect to the proposed development at 250 Yorktech have been adequately addressed so as to minimize negative impacts, both on and off the site.

CONCLUSION

Traffic and parking concerns relating to the proposed development have been adequately addressed to the satisfaction of staff.

Attachments:

- 1) Council Resolution dated November 15, 2005
- 2) By-law to be enacted



RESOLUTION OF COUNCIL MEETING NO. 19 DATED NOVEMBER 15, 2005

REPORT NO. 37 – DEVELOPMENT SERVICES COMMITTEE

**(5) ROSEPORT INVESTMENTS LIMITED
250 YORKTECH DRIVE, ZONING BY-LAW AMENDMENT
TO PERMIT 30% ACCESSORY RETAIL AND RESTAURANTS
(ZA 05 014888) (10.5)**

That the written submission from Gary Hudson of Darton Property Advisors and Managers Inc. representing First Markham Place, YRCC # 894, and YRCC # 902, in support of the proposed Zoning By-law amendment, File ZA 05 014888, submitted by Roseport Investments Limited, for 250 Yorktech Drive, be received;

And that the deputation by Eric Ng, representing First Markham Place, in support of the proposed Zoning By-law amendment, File ZA 05 014888, submitted by Roseport Investments Limited, for 250 Yorktech Drive, be received;

And that the Development Services Commission staff report dated August 30, 2005, entitled “Preliminary Report, Roseport Investments Limited at 250 Yorktech Drive, Zoning Amendment application to permit 30% accessory retail and restaurants, in addition to existing permitted uses and to revise parking requirements”, File Number ZA 05 014888” be received;

And that the record of the Public Meeting held on November 8, 2005 with respect to the proposed amendment to By-law 165-80 be received;

And that the application by Roseport Investments Limited to amend By-law 165-80 be approved;

And further that the proposed amendments be enacted without further notice.

A handwritten signature in cursive script that reads 'Sheila Birrell'.

Sheila Birrell
Town Clerk

Copy to: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design
Anna Henriques, Planner
Alida Tari, Notifications Officer
Kerbel Group Inc.
Eric Ng, First Markham Place
Gary Hudson, Darton Property Advisors & Managers

EXPLANATORY NOTE

BY-LAW NO. XXXXX

A by-law to amend By-law 165-80, as amended.

Roseport Investments Limited
250 Yorktech Drive
Concession 4, Part of Lot 9

LANDS AFFECTED

The proposed by-law amendment applies to a 1.8 hectare (4.45 acre) property, located at the northwest corner of Yorktech Drive and Rodick Road.

EXISTING ZONING

The lands are zoned [M (CS)], Select Industrial with Controlled Storage, By-law 165-80, as amended.

PURPOSE OF BY-LAW

The purpose of the by-law amendment is to:

- a) re-zone the lands from M(CS) (Select Industrial with Controlled Storage) to M (Select Industrial);
- b) to permit 929m² (10,000 ft²) of restaurant floor area;
- c) allow accessory retail uses up to a maximum of thirty percent (30%) of a permitted industrial use; and
- d) incorporate site specific parking provisions and landscape standards to accommodate this development.

EFFECT OF THE BY-LAW AMENDMENT

The effect of the By-law amendment will be to permit four (4) single storey industrial buildings with restaurants and accessory retail.

BY-LAW 2005-XXXX

A by-law to amend By-law 165-80, as amended.

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

1. That By-law 165-80, 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 Select Industrial with Controlled Storage [M(CS)] to Select Industrial (M).
 - 1.2 By adding to Section 7 – Exceptions the following new subsection:

“7.103 Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to Concession 4, Part of Lot 9, municipally known as 250 Yorktech Drive, 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.

7.103.1 Additional Permitted Uses

The following additional uses are permitted:

- a) RESTAURANTS;
- b) Retail sales accessory to a permitted industrial use.

7.103.2 Special Site Provisions

The following additional provisions shall apply:

- a) The maximum combined RESTAURANT GROSS FLOOR AREA is 929m²
- b) RESTAURANTS shall only be located within 70 metres of the north street line (Fairburn Drive) and within 70 metres of the east street line (Rodick Road).
- c) Retail sales accessory to a permitted industrial use shall be subject to the following provisions:
 - i) Located wholly within an industrial PREMISES

- ii) The FLOOR AREA shall not exceed thirty percent (30%) of the total GROSS FLOOR AREA of the PREMISE.
- iii) The FLOOR AREA shall be distinctly and physically separated by a wall or similar partition from the balance of the area devoted to the principal industrial use within the PREMISE.
- c) The minimum distance between any two buildings on a lot provision shall not apply.

7.103.3 Zone Standards

The following specific zone standards apply:

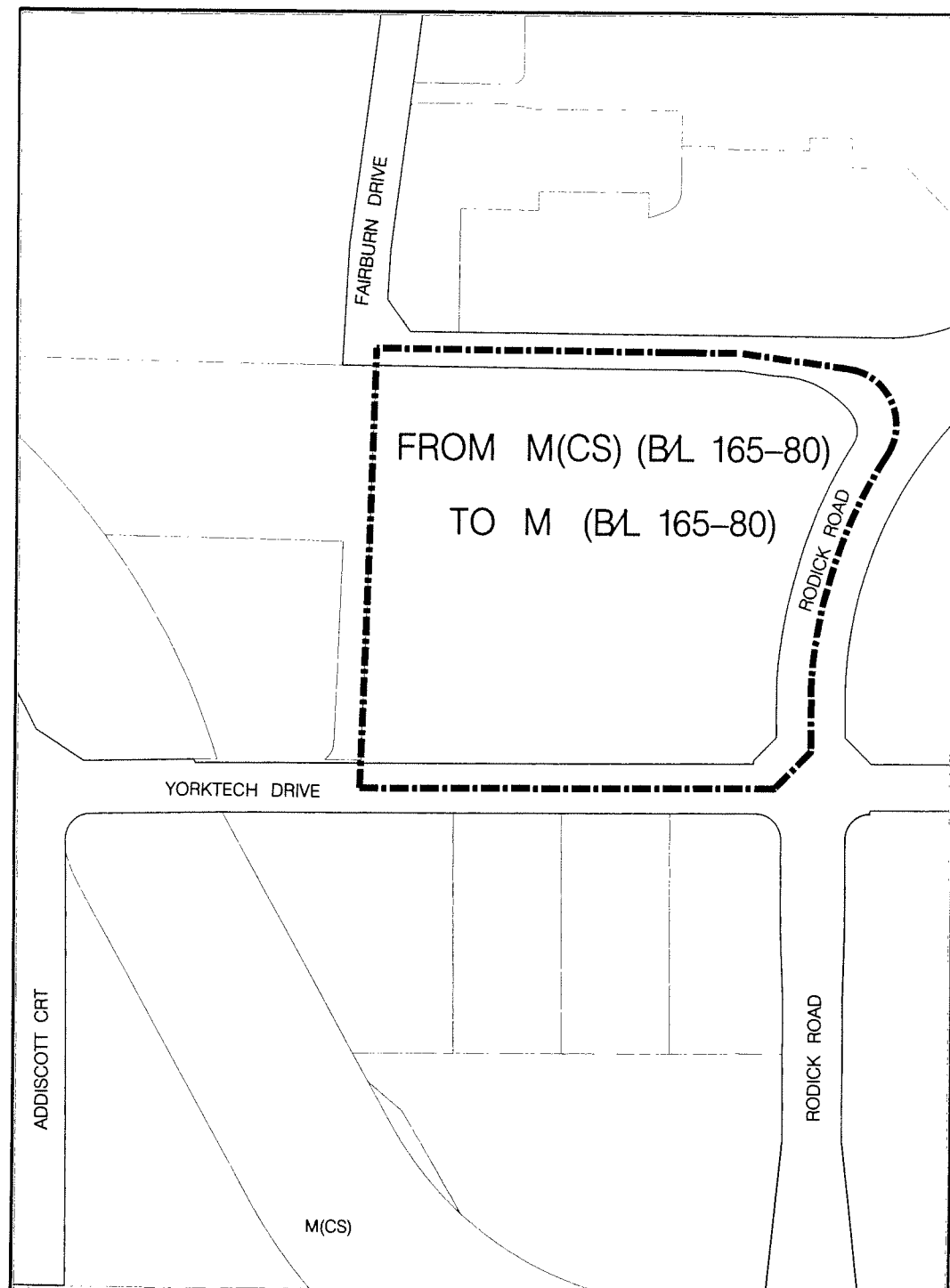
- a) Minimum required LANDSCAPED OPEN SPACE:
 - i) Adjoining the north lot line (Fairburn Street) – 3 metres
 - ii) Adjoining the south lot line (Yorktech Drive) – 6 metres
 - iii) Adjoining the east lot line (Rodick Road) – 6 metres
 - iv) Adjoining the interior west lot line – 1.5 metres

7.103.4 Special Parking Provisions

The following parking provisions apply:

- a) Industrial uses and Industrial uses with accessory retail sales – 1 parking space per 36 m² of NET FLOOR AREA.
- b) For the purposes of calculating parking, the shopping center parking standards shall not apply.”

2. All other provisions of By-law 165-80, 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 165-80



BOUNDARY OF AREA COVERED BY THIS BY-LAW



SELECT INDUSTRIAL



SELECT INDUSTRIAL WITH CONTROLLED STORAGE

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: