



**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**  
**1199394 Ontario Limited (Longo's)**  
**Zoning By-law amendment**  
**3085 Highway 7**

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## **RECOMMENDATION**

That the proposed zoning by-law amendments be enacted, as per Council Resolution on January 31, 2006 (see attached).

## **PURPOSE**

Further to the Longo's Public Meeting on January 24, 2006, the purpose of this memo is to advise Council on the status of the cost sharing agreement between Angelico Investments, Longo's, First Pro, Burger King and others for Highway 7 improvements.

## **BACKGROUND**

A Public Meeting was held on January 24, 2006, to consider an application submitted by 1199394 Ontario Limited (Longo's) for a zoning by-law amendment at 3085 Highway 7 to permit retail stores with a Gross Floor Area (GFA) of less than 300m<sup>2</sup> (minimum GFA of 100m<sup>2</sup> per premise) and to recognize the existing food store as a retail store. The applicant is also proposing to update the zoning by-law to incorporate previously granted minor variances to permit a seasonal garden center, to reduce the minimum number of required parking and to reduce the minimum required front landscape strip.

## **HIGHWAY 7 & WOODBINE ROAD IMPROVEMENTS**

In July 2003, Angelico Investments Inc. entered into a site plan agreement with the Town and the Region in conjunction with the development of Michael-Angelos's Market Place located at the north east corner of Highway 7 and Woodbine Avenue.

As a requirement in the site plan agreement, Angelico Investments was responsible for the cost and construction associated with extending the existing center median island at Woodbine Avenue and Highway 7 to restrict vehicular movements at their proposed signalized access, north of Highway 7, to right in/right out movements only.

A cost-sharing agreement was entered into with area land owners in the vicinity of the proposed improvements. Property owners abutting Woodbine Avenue, in the area of the proposed extended median and signalized access into Michael Angelo's, and properties benefiting from the proposed improvements, were required to contribute to the costs associated with the improvements, as a condition of any development approval.

#### **LONGO'S HAS SATISFIED REQUIREMENTS OF COST SHARING AGREEMENT**

Goodmans, representing Longo's, has confirmed that all works required pursuant to the cost sharing agreement for the Highway 7 improvements have been completed. Staff have confirmed with the Region that a letter of credit submitted by Longo's with respect to the cost sharing agreement has been released by the Region.

#### **CONCLUSION**

Staff are satisfied that all works required as per the cost sharing agreement for the intersection improvements at Highway 7 and Woodbine Avenue have been completed and that Longo's has fulfilled all requirements of the agreement.

**Attached:** Council Resolution dated January 31, 2006



THE CORPORATION OF THE TOWN OF MARKHAM

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**EXCERPT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON Jan 31, 2006**

**(11) 1199394 ONTARIO LIMITED (LONGO'S FRUIT MARKET) 3085 HIGHWAY 7, EAST OF WOODBINE AVENUE ZONING BY-LAW AMENDMENT APPLICATION (ZA 05 015040) (10.5)**

That the written submissions from Aird & Berlis, representing Angelico Investments Inc., with comments regarding the proposed Zoning By-law amendment, File ZA 05 015040, submitted by 1199394 Ontario Limited (Longo's Fruit Market) for 3085 Highway 7, be received;

And that the Development Services Commission report dates August 30, 2005 entitled "preliminary Report, 1199394 Ontario Limited (Longo's Fruit Market), Rezoning Application for 3065 Highway 7, located at the southeast corner of Highway 7 and Woodbine Avenue (ZA 05 015040)" be received;

And that the record of the Public Meeting held on January 24, 2006, be received;

And that the proposed amendment to By-law 165-80 be enacted without further notice.

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Town of Markham - Clerks Department

## EXPLANATORY NOTE

### BY-LAW NO. XXXXX

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

1199394 Ontario Limited (Longo's Fruit Market)  
3085 Highway 7  
Concession 4, Part of Lot 10

### LANDS AFFECTED

The proposed by-law amendment applies to a 2.4 hectare (5.9 acre) property, located at the southeast quadrant of Highway 7 and Woodbine Avenue.

### EXISTING ZONING

The lands are zoned SC1, Special Commercial One, By-law 165-80, as amended.

### PURPOSE OF BY-LAW

The purpose of the by-law amendment is to:

- a) incorporate previously granted minor variances with respect to permitting a seasonal garden center and reducing the minimum required parking and front yard landscape strip;
- b) to recognize the existing Longo's store as a retail store;
- c) to permit retail stores with GROSS FLOOR AREAS between 100m<sup>2</sup>-300m<sup>2</sup>; subject to the GROSS FLOOR AREA of these stores not exceeding 15% of the GROSS FLOOR AREA of the BUILDINGS on the LOT.

### EFFECT OF THE BY-LAW AMENDMENT

The effect of the By-law amendment will be to incorporate previously granted minor variances into the zoning by-law, to recognize the existing food store as a retail store and to permit retail stores with a GFA of 100m<sup>2</sup>-300m<sup>2</sup> provided they do not exceed 15% of the total GROSS FLOOR AREA of all buildings on the LOT.

# BY-LAW 2006-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 adding to Section 7 – Exceptions, the following new subsection:

“7.104 Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to Concession 4, Part of Lot 10, municipally known as 3085 Highway 7, 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.

## **7.104.1 Additional Permitted Uses**

The following additional uses are permitted:

- a) RETAIL STORES

## **7.104.2 Special Site Provisions**

The following additional provisions shall apply:

- a) The minimum RETAIL STORE PREMISE GROSS FLOOR AREA is 100m<sup>2</sup>
- b) The total combined GROSS FLOOR AREA of all RETAIL STORES PREMISES with GROSS FLOOR AREAS less than 300m<sup>2</sup> shall not exceed 15% of the total GROSS FLOOR AREA of all buildings on the LOT.
- c) An uncovered outdoor display and sales area associated with a retail food store with a GROSS FLOOR AREA of at least 4000m<sup>2</sup> is permitted provided that the uncovered outdoor display and sales area does not exceed 400m<sup>2</sup>.

- d) The outdoor display and sales shall not be located within the FRONT YARD.
- e) Outdoor display and sales shall only be permitted between April 15 and August 31 of each year.

#### **7.104.3 Zone Standards**

The following specific zone standards apply:

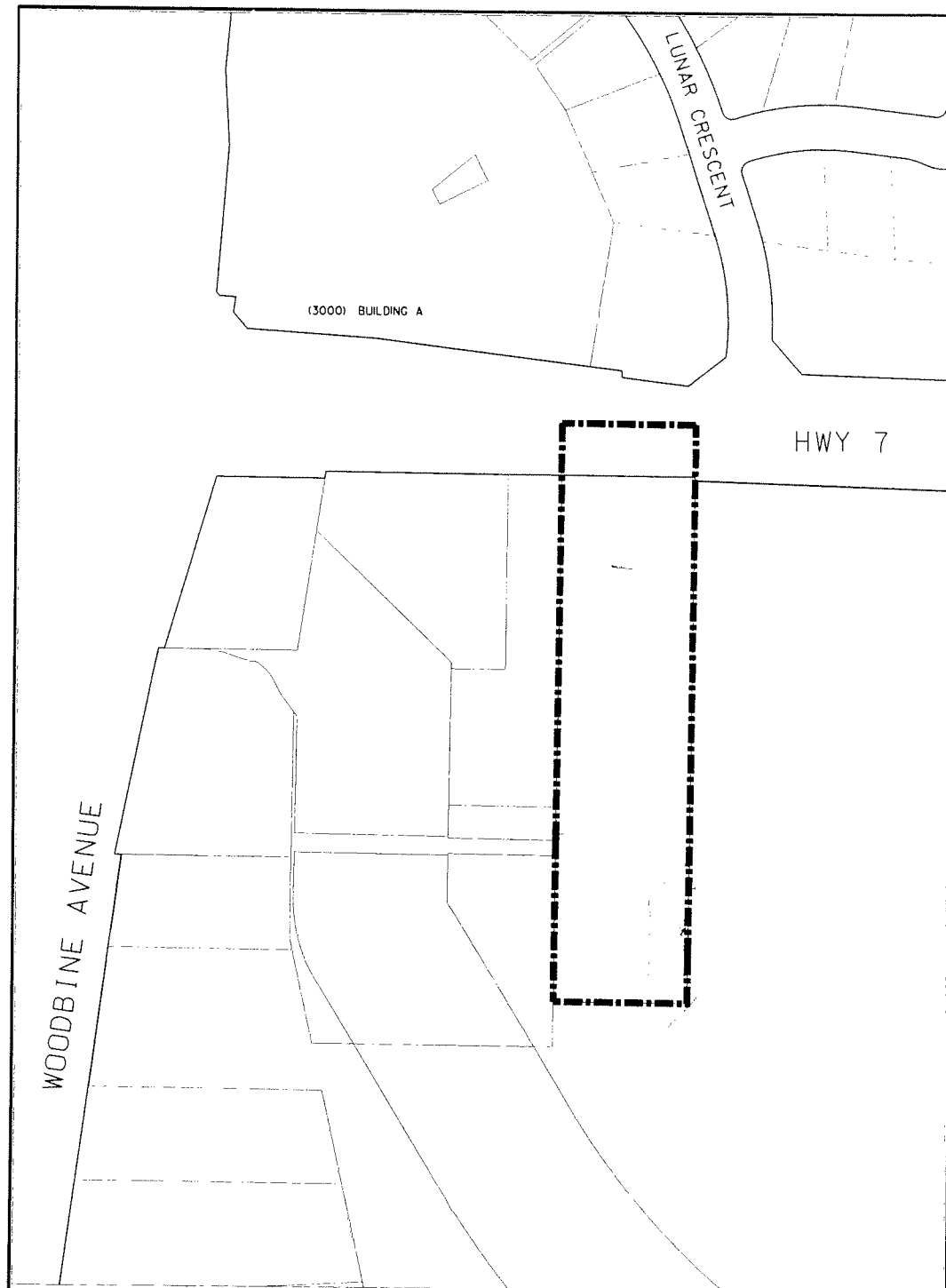
- a) Minimum LANDSCAPED OPEN SPACE:
  - i) Adjoining an arterial road or Provincial Highway, a strip of land having a minimum depth of 3.5 metres immediately abutting the STREET LINE or highway shall be used only for LANDSCAPED OPEN SPACE.

#### **7.104.4 Special Parking Provisions**

The following parking provisions apply:

- a) The minimum number of required PARKING SPACES shall be 239.
- b) When the seasonal garden center is in operation the minimum number of required parking spaces shall be 225.

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

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:

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