




To: Mayor & Members of Council

From: Jim Baird, Commissioner of Development Services 

Reviewed by: Richard Kendall, Manager – Central District

Prepared by: Sabrina Bordone, Senior Planner – Central District

Date: September 26, 2017

RE: **The Cadillac Fairview Corporation Ltd.**
Application for Zoning By-law Amendment to permit a motor vehicle sales establishment, accessory motor vehicle service station and accessory motor vehicle repair garage, and incorporate previously approved minor variances at Markville Mall Shopping Centre 5000 Highway 7 (Ward 3)

File: ZA 17 156158

RECOMMENDATION:

- 1) That the memorandum dated September 26, 2017 titled “The Cadillac Fairview Corporation Ltd., Application for Zoning By-law Amendment to permit a motor vehicle sales establishment accessory motor vehicle service station and accessory motor vehicle repair garage, and incorporate previously approved minor variances at Markville Mall Shopping Centre, 5000 Highway 7 (Ward 3), File No. ZA 17 156158”, be received;
- 2) That the attached Zoning By-law Amendment be enacted;
- 3) And that in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this resolution, be permitted to apply to the the Committee of Adjustment for a variance from the provisions of the Zoning By-law within two years of its approval by Council.

BACKGROUND:

On June 20, 2017, a statutory Public Meeting was held to consider a site specific Zoning By-law Amendment application submitted by the Cadillac Fairview Corporation Ltd., for a new, 4,712 m² (50,721 ft²), two-storey, motor vehicle sales establishment and accessory motor vehicle service station and motor vehicle repair garage within the northeasterly portion of the property. In addition to the use permissions being requested, the owner also requested that previously granted minor variances (A/132/16) be incorporated into the amendment. The resolution at the Public Meeting was that the Zoning By-law Amendment be sent directly to Council for approval.

Following the statutory Public Meeting for the proposed motor vehicle sales establishment at the northeast corner of the property, the Cadillac Fairview Corporation Ltd. advised staff that they would like to retain their flexibility in allowing additional motor vehicles sales establishment(s) on the larger property, potentially including inside the shopping centre. These additional use permissions could be accommodated through the Committee of Adjustment and therefore, the Cadillac Fairview Corporation Ltd. has requested, through this resolution that they be permitted to apply to the Committee of Adjustment for a variance from the provisions of the Zoning By-law within two years of its approval by Council. It should be noted that any minor variances associated with the property would be subject to review and comment by staff and any applicable external agencies, taking into consideration any public input.

CONCLUSION:

Staff recommend that the attached Zoning By-law Amendment be enacted, and the Owner be permitted to apply to the Committee of Adjustment for a variance from the provisions of the Zoning By-law within two years of its approval by Council.



BY-LAW 2017-_____

A By-law to amend By-law 184-78, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 184-78, as amended, is hereby further amended as it applies to the lands outlined on Schedule “A” as follows:

- 1.1 By adding the following new subsection to SECTION 15 – EXCEPTIONS:

Exception 100	The Cadillac Fairview Corporation Ltd.	Parent Zone DC
File ZA 17 156158	5000 Highway 7	Amending By-law 2017-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands shown on Schedule “A” attached to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
100.1 Additional Definitions		
The following additional definitions shall apply to lands zoned District Commercial (DC) Zone:		
a)	MOTOR VEHICLES SALES ESTABLISHMENT means a PREMISES used for the sale or rental of motor vehicles	
b)	MOTOR VEHICLE REPAIR GARAGE means a PREMISES where the services performed or executed on motor vehicles for compensation may include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use	
c)	MOTOR VEHICLE SERVICE STATION means a PREMISES used for the sales of motor vehicle fuels and which may include one or more of the following accessory uses: the sale of motor vehicle parts and accessories, motor vehicle rental, the servicing and repairing of motor vehicles and car washes	
100.2 Additional Permitted Uses		
The following additional uses are permitted:		
a)	One (1) MOTOR VEHICLE SALES ESTABLISHMENT	
b)	One (1) MOTOR VEHICLE REPAIR GARAGE, accessory to a MOTOR VEHICLE SALES ESTABLISHMENT	
c)	One (1) MOTOR VEHICLE SERVICE STATION, accessory to a MOTOR VEHICLE SALES ESTABLISHMENT	
100.3 Special Zone Standards		
The following special zone standards apply:		
a)	Maximum GROSS FLOOR AREA devoted to BUSINESS OFFICES contained within the PLANNED SHOPPING CENTRE – 12,575 m ²	
b)	For a BUILDING located within 200 metres of the intersection of the hypothetical projections of the LOT LINES of McCowan Road and Bullock Drive, minimum SETBACK from Bullock Drive - 1.1 m	
c)	For an OUTDOOR PATIO located within 200 metres of the intersection of the hypothetical projection of the LOT LINES of McCowan Road and Bullock Drive, minimum SETBACK from Bullock Drive - 1.1 m	
d)	For a BUILDING located within 150 metres of the intersection of the hypothetical projection of the LOT LINES of McCowan Road and Bullock Drive, minimum SETBACK from McCowan Road – 7.05 m	
e)	For a BUILDING located within 200 metres of the intersection of the hypothetical projections of the LOT LINES of McCowan Road and Bullock Drive, minimum SETBACK from the CENTRE LINE of an arterial road – not applicable	
f)	Minimum Parking Requirements: a. <i>Shopping Centre</i> – 1 parking space per 20 square metres of <i>gross leasable floor area</i>	
h)	Outdoor display and sales areas, associated with a MOTOR VEHICLES SALES ESTABLISHMENT, shall be prohibited.	

Read a first, second and third time and passed on _____,
2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2017-_____

A By-law to amend By-law 184-78, as amended

The Cadillac Fairview Corporation Ltd.

5000 Highway 7

Northwest corner of Highway 7 and McCowan Road

ZA 17 156158

Lands Affected

The proposed by-law amendment applies to a 28.5 ha (70.4 ac) parcel of land located at the northwest corner of Highway 7 and McCowan Road, which contains the Markville Mall shopping centre and two restaurant pads along the Highway 7 frontage.

Existing Zoning

The subject lands are zoned “District Commercial” (DC) by By-law 184-78, as amended.

Purpose and Effect

The purpose and effect of this by-law amendment is to add one (1) motor vehicle sales establishment and one (1) motor vehicle repair garage and one (1) motor vehicle service station, accessory to the motor vehicle sale establishment. Special zone standards, previously granted as part of a minor variance application (A/132/16), have also been incorporated.


Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.

Notwithstanding the above, Council passed a resolution on September 26, 2017, concurrently with the passing of this by-law, allowing a person to apply for a minor variance within two years of its approval.



SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 184-78 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE
SUBJECT TO SECTION 15.100 OF BY-LAW 184-78



THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office