



File No. ZA 06 126186

TO: Mayor and Members of Council

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

DATE: May 22, 2007

Re: **Minor change to zoning By-law Amendment**
1685904 Ontario Inc.
4600 Steeles Avenue

RECOMMENDATION

THAT Council enact the attached by-law;

AND THAT Council confirm, as per Section 34(17) of the Planning Act, that no further Public Notice is required.

BACKGROUND

On April 17, 2007, Development Services Committee recommended that a zoning by-law amendment be finalized and enacted for a proposed mixed-use development at the north-east corner of Steeles Avenue and the future Midland Avenue extension.

The applicant subsequently advised staff that the plans for the proposed development provide parking at a rate of 1.2 spaces per apartment dwelling unit, inclusive of visitor parking, whereas the Town's parking by-law requires a minimum of 1.25 parking spaces per apartment dwelling unit, plus 0.25 spaces per unit for visitors (total of 1.5 spaces per unit). The applicant requested that the by-law include an exception requiring parking for apartment units at a rate of 1.2 spaces per apartment unit, inclusive of visitor parking.

This item was not specifically addressed in the staff report or discussed at the public meeting.

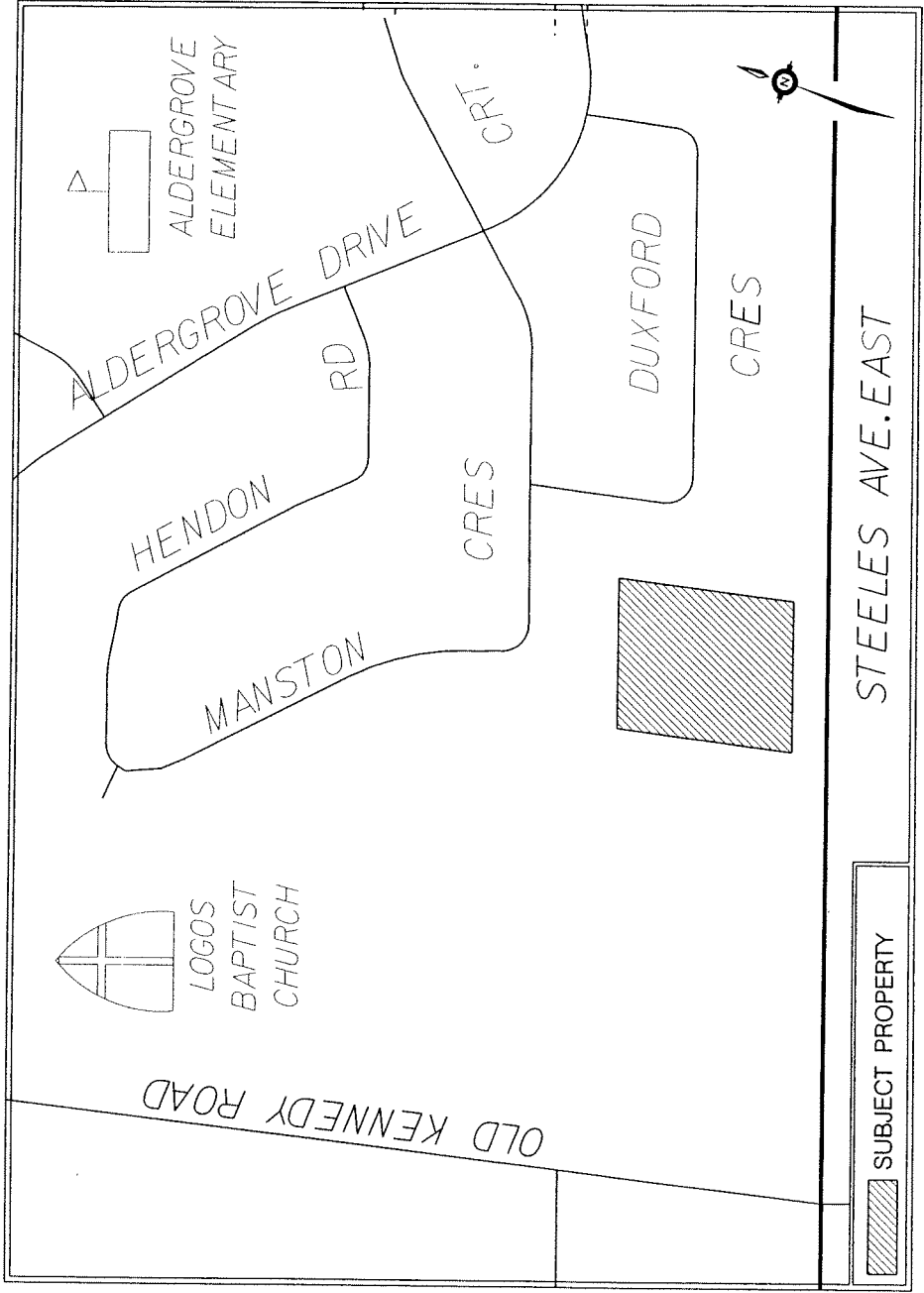
The parking standard being requested by the applicant is consistent with the requirement in the Markham Centre zoning by-law. Considering the transit accessible location (GO Transit, TTC and YRT service within a short walking distance) and pedestrian friendly design of the development, this standard is also considered appropriate for the proposed development.

Section 34(17) of the Planning Act allows Council to make minor changes to a by-law after the Public Meeting, as follows:

“(17) Further Notice. – Where a change is made to a proposed by-law after the holding of a public meeting mentioned in subclause (12)(a)(ii), the council shall determine whether any further notice is to be given in respect to the proposed by-law and the determination of the council as to the giving of the further notice is final and not subject to review in any court irrespective of the change made to the proposed by-law.”

Staff have amended the draft by-law accordingly, and recommend that Council include a provision in the resolution enacting the subject by-law amendment that no further public notice is required.

If you have any questions or require further information, please call Scott Heaslip at ext. 3140.



EXPLANATORY NOTE

BY-LAW NO. _____

A By-law to amend By-law 177-96, as amended

1685904 Ontario Inc.

4600 Steeles Avenue East

(North-east corner of Steeles Avenue East and the future Midland Avenue extension)

LANDS AFFECTED

This by-law applies to a 0.81 ha (2 acre) parcel of land located at the north-east corner of Steeles Avenue East and the future Midland Avenue extension.

EXISTING ZONING

The property is currently zoned “Holding – Community Amenity 4” [CA4*286(H)] by By-law 177-96, as amended.

PURPOSE AND EFFECT

The purpose and effect of this proposed zoning by-law amendment is to incorporate site specific development standards into By-law 177-96 to permit the property to be developed with a 7-storey mixed use building at the front of the property and two 3-storey townhouse blocks on the north portion of the property. The mixed use building will contain 117 apartment units and up to 300 m² of commercial uses. The two townhouse blocks will contain a total of 12 townhouse units.

The “Holding” provision must be removed from the zoning of the property before development can proceed. The Owner will be required to satisfy a number of conditions of the Town of Markham and the City of Toronto before the hold is removed.

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

1. THAT By-law 177-96, as amended, is hereby further amended, as follows:

- 1.1 By deleting Subsection 7.286.2 and replacing it with the following:

**“7.286 COMMERCIAL/RESIDENTIAL – 4600 STEELES
AVENUE**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *286 on the Schedules to this By-law, municipally known as 4600 Steeles Avenue East. All other provisions, unless specifically modified/amended by this Section, shall continue to apply to the lands subject to this Section.

7.286.1 Only Uses Permitted

The following uses are the only uses permitted:

Residential:

- a) *apartment dwellings*
- b) *multiple dwellings*
- c) *townhouse dwellings*

Non-residential:

- a) *art galleries*
- b) *business offices*
- c) *community centres*
- d) *commercial fitness centres*
- e) *financial institutions*
- f) *libraries*
- g) *medical offices*
- h) *non-profit fitness centres*
- i) *personal service shops*
- j) *private clubs*
- k) *repair shops*
- l) *retail stores*
- m) *schools, commercial*
- n) *schools, private*
- o) *schools, public*
- p) *supermarkets*

7.286.2 Zone Standards

The CA4 zone standards in Table B7 do not apply. The following site specific zone standards apply:

- a) minimum *lot area* – 0.7 ha
- b) minimum required *yard* from the Steeles Avenue East *street line*:
 - i) for the *main building* that existed on the site prior to the effective date of this by-law – 0 m.
 - ii) for any new *building* or any addition to the *main building* that existed on the site prior to the effective date of this by-law – 3.0 m.

- c) minimum required *yard* from the east limit:
 - i) within 60 metres of the Steeles Avenue East *street line* – 16 m
 - ii) more than 60 metres from the Steeles Avenue East *street line* – 6 m
- d) minimum required *yard* from the north limit – 7.5 m
- e) minimum required *yard* from the west limit (the *street line* of future Midland Avenue) – 0 m
- f) minimum width of *landscaped open space* abutting the east and north limits – 6.0 m
- g) minimum required *landscape open space* – 25%
- h) maximum *floor space index* – 1.6
- i) maximum permitted number of *storeys*:
 - i) within 25 metres of the north limit – 3
 - ii) more than 25 metres from the north limit and within 18 metres of the east limit – 4
 - iii) more than 25 metres from the north limit and between 18 and 24 metres from the east limit – 6
 - iv) more than 25 metres from the north limit and more than 24 metres from the east limit – 7

7.286.3 Special Site Provisions

- a) maximum number of *dwelling units* - 129
- b) maximum combined *net floor area* of non-residential uses – 300 square metres
- c) The establishment of a *drive-through service facility* is not permitted.

7.286.4 Special Parking Provisions

The following specific parking provisions shall apply:

- a) *Apartment dwellings* – 1 space per *dwelling unit* plus 0.2 spaces per *dwelling unit* for visitors.

2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.