




TO: Mayor and Members of Council

C. CAO

FROM: Jim Baird, Commissioner of Development Services
Biju Karumanchery, Senior Development Manager


B.K.

DATE: June 23, 2009

**Re: Applications for Official Plan and Zoning By-law Amendments
To permit a high density mixed use hotel, retail, office and
convention centre
Woodbine International Centre Corporation
9390 Woodbine Avenue
Northwest Corner of Woodbine Avenue and Markland Street
File Nos. OP 07 129406 and ZA 07 129420**

RECOMMENDATIONS:

1. That the draft amendments to the Markham Official Plan (revised 1987) and the Woodbine North Secondary Plan (OPA 43), as amended, to permit a high density mixed use hotel, retail, office and convention centre at 9390 Woodbine Avenue, and attached as Appendix 'A', be adopted and forwarded to the Region of York for approval;
2. That the Zoning By-law Amendment to By-law 165-80, as amended, to permit a high density mixed use hotel, retail, office and convention centre at 9390 Woodbine Avenue, and attached as Appendix 'B', be enacted;
3. And that the amendment to By-law 165-80, not come into effect until the Official Plan Amendment has come into effect.

BACKGROUND AND DISCUSSION:

Proposed development

The subject site comprises 4.64 ha (11.5 acres) and is located at the north west corner of Woodbine Avenue and Markland Street. The applicant is proposing an integrated high density, mixed use hotel, retail, office and conference/trade centre on the subject lands, comprising a total gross floor area of 77,875 m² (838,267 sq. ft.), consisting of

31,975 m² (344,187 sq. ft.) retail; 465 hotel rooms (including 335 long-term stay suites); 2,100 m² (22,605 sq. ft.) office; and a convention/trade centre. A public meeting for the official plan and zoning by-law amendments was held in September 2008 and staff prepared a recommendation report to Development Services Committee on December 2, 2008.

Existing and proposed Official Plan and Zoning

The eastern half of the subject lands is designated business corridor area in the Markham Official Plan and Woodbine Secondary Plan; while the western half is designated business park area. The draft Official Plan Amendment re-designates the western half of the site to business corridor area and increases the maximum density on the full site to 1.8 FSI.

The zoning by-law amendment rezones the subject lands from Select Industrial with Limited Commercial [M.C. (107%) and M.C. (60%)] to Select Industrial with limited Commercial (Hold) [M.C. (170%) (H)]. The zoning amendment incorporates holding provisions, which much be lifted before development can proceed.

Recommendation Report

In December 2009, staff prepared a report to Development Services Committee. This report recommended that the applications be approved subject to the Official Plan and Zoning By-law Amendments being presented to Council for adoption once the Traffic Impact Study had been revised to the satisfaction of the Director of Engineering and the Region's transportation and Works Department, and the Regional staff had completed a review of the retail study submitted by the applicant. Development Services Committee and Council in December 2009 approved the applications subject to the conditions recommended by staff.

Regional Staff Comments on the retail analysis

In April 2009, Regional Staff completed their review of the applicant's retail study. The retail study concluded that the proposed retail uses will primarily serve the visitors to the hotel and convention/trade centre (40% of retail customers) and the surrounding employment area (33% of customers), while the remainder of the customers (27%) would be from the general residential population. The letter confirms that Regional Planning accept that the proposed official plan amendment complies with the intent and planned function of the "Business Corridor Area" designation. A copy of the Regional Staff letter is attached as Appendix 'C'.

Transportation options

The April 14, 2009 Regional staff letter did not address the transportation impact analysis prepared by MMM. The transportation analysis concludes that the Woodbine Avenue/16th Avenue intersection would experience a decline in level of service from 'E' (70 second delay) to 'F' (100 second delay) as a result of background traffic and the proposed development.

The transportation analysis recommends that the intersection be redesigned to incorporate an eastbound double left turn at Woodbine Avenue/16th Avenue; to convert an existing northbound right turn lane on Woodbine into a shared through-right turn lane; to add a northbound pull-through lane on the north approach to the intersection; and to add an HOV lane. Neither Regional nor Town staff support the double left turn lane proposal.

The MMM report also considers two other options to address the capacity constraints at the intersection, including:

- *Option 1* – Extension of Cachet Woods Court to intersect with Markland Street. This option would require construction of a bridge over the Rouge River, and is not likely to be built over the next 5 years; and,
- *Option 2* – Constructing a new north/south link between 16th Avenue and Markland Street, west of the Woodbine/16th Avenue intersection. This link would be located over land currently owned by Metrus/Condor and could take the form of either a permanent municipal public road; permanent private road; or temporary private road until Cachet Woods Court is built to Markland Street. (This road is shown in the Woodbine North Secondary Plan and will ultimately be required in any event for build-out of the Condor lands).

Town staff have discussed an additional option (*Option 3*) with the applicant, which would involve constructing the development in two or more phases, with the first phase incorporating an increment of development (to be identified through additional transportation analysis) which could be accommodated by existing road infrastructure. Full build-out would occur once improvements to the surrounding road infrastructure, as described in Options 1 and 2 above, were completed.

Recommendation:

Development of enhanced 'North-South' access, as described in Options 1 or 2, will help alleviate congestion at the Woodbine Avenue/16th Avenue intersection. Given that the bridge across the Rouge River cannot be completed in the immediate time-frame, staff recommend Option 2 as the preferred option, either as a permanent solution or temporary solution pending extension of Cachet Woods Court over the longer term. Option 2 will require the concurrence and cooperation of Metrus/Condor, the owners of the land between Markland Street and 16th Avenue, to dedicate land for a public right of way or allow construction of a private driveway with full public access.

If agreement regarding implementation of Option 2 cannot be reached between the applicant and Metrus/Condor, staff would also support Option 3 (phased development) subject to the applicant submitting a detailed phasing plan supported by transportation analysis, identifying the amount of development that could be accommodated on the site within current road infrastructure.

Zoning by-law amendment contains detailed holding provisions

The Zoning By-law Amendment attached as Appendix 'B' contains detailed holding provisions relating to the implementation of Options 2 or 3. The subject lands are placed under a hold provision, which cannot be removed until the following conditions have been met:

- i) Approval of municipal servicing and transportation impact studies, to the satisfaction of the Director of Engineering in consultation with York Region;
- ii) Execution of a site plan agreement between the Town and the owner;
- iii) Submission of either: a) a detailed phasing plan (including detailed transportation analysis and strategy for delivering the required transportation infrastructure); or b) a strategy for delivering required transportation infrastructure if the development is to be built in a single phase, to the satisfaction of the Director of Engineering in consultation with York Region;
- iv) Execution of one or more Development Agreement(s), between the Town and the Owner, and where required the Region of York, relating to the construction, financing and implementation of off-site servicing and transportation infrastructure improvements, and including financial securities to the satisfaction of the Town.

Conclusion and next steps

Staff recommend that the official plan amendment be adopted and forwarded to the Region for approval and that the zoning by-law amendment, with the hold provisions set out above be enacted. Staff will continue working with the Region and the applicant, to finalize the outstanding transportation matters, prior to lifting the hold provisions.

APPENDIX 'A' – OFFICIAL PLAN AMENDMENT

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

To amend the Official Plan (Revised 1987), as amended,
and to incorporate Amendment No. 4 to the Woodbine North Secondary Plan (PD 26-1)
for the Woodbine North Planning District (Planning District No.26).

(Woodbine International Centre Corporation)

(June 2009)

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 Woodbine North Secondary Plan (PD 26-1) for the Woodbine North Planning District (Planning District No.26).

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 _____, 2009.

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), as amended, 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 ____ (*month*) __, 200__.

TOWN CLERK

MAYOR

CONTENTS

PART I - INTRODUCTION

1.	GENERAL	1
2.	LOCATION	6
3.	PURPOSE.....	6
4.	BASIS	7

PART II - THE OFFICIAL PLAN AMENDMENT

1.	THE OFFICIAL PLAN AMENDMENT	10
2.	IMPLEMENTATION AND INTERPRETATION	10
3.	SCHEDULE "A"	

PART III - THE SECONDARY PLAN AMENDMENT

1.	THE SECONDARY PLAN AMENDMENT	13
2.	IMPLEMENTATION AND INTERPRETATION	13
3.	SCHEDULE "B"	

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.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitute Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 4 to the Woodbine North Secondary Plan (PD 26-1) for the Woodbine North Planning District (Planning District No.26). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedule “B” attached thereto, constitute Amendment No. 4 to the Woodbine North Secondary Plan (PD 26-1) for the Woodbine North Planning District (Planning District No. 26). This Secondary Plan Amendment may be identified by the symbol PD 26-1-4. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan and to the Woodbine North Secondary Plan (PD 26-1) applies to Blocks 1 and 2 Plan 65M-3925, located at the north west corner of Woodbine Avenue and Markland Street.

3.0 PURPOSE

The purpose of this Amendment is to redesignate the western portion of the subject lands (Block 2 Plan 65M-3925) from Business Park to Business Corridor in both the Official Plan (Revised 1987), as amended, and the Woodbine North Secondary Plan (PD 26-1), as amended, so that the entire property will be designated Business Corridor Area. The amendment also incorporates text revisions to the Woodbine North Secondary Plan (PD-26-1), as amended, relating to maximum building heights and densities.

These amendments will provide for development of a mixed use centre of approximately 77,875 m² of gross floor area consisting of a 9 storey hotel building fronting onto Markland Street; a mixed use facility fronting onto Woodbine Avenue, containing a conference/trade centre, retail and service commercial uses, offices, restaurants and a spa/fitness centre; and an enclosed retail mall with a total overall density of 1.8 FSI.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The proposed development will contain a fully integrated mix of uses including a hotel, a conference/trade centre, retail and service commercial uses, restaurants, offices and a spa/fitness centre.

As proposed, the uses are consistent with the planned function of the Business Corridor Area designation. This designation is intended for industrial and office uses that require the exposure offered by locations along major road frontages in order to accommodate the business and services needs of surrounding employers and employees, and to accommodate, at appropriate locations, uses that also serve the general public. The Business Corridor Area provides for offices, hotels, trade/convention centres and retail uses, however, retail uses are not intended to serve the general public as their primary function.

More specifically, the Business Corridor Area policies provide for hotels, trade and conference centres, and mixed use retail, office and commercial centres, provided the centre is:

- generally in a multi-storey building,;
- located on a site adjoining an intersection with an arterial or collector road; and,
- the total gross floor area of retail uses does not exceed the total gross floor area of other uses.

The proposed development meets the above criteria.

In addition, the applicant has provided the Town with a retail study, which examines the extent to which the proposed retail uses are compatible with, enhance and impact the planned function of the Business Corridor Area designation. The study indicates that the proposed retail uses will typically range in size from 18.5 to 1858 square metres (200 to 2,000 square feet), with a maximum unit size of 984.5 square metres (3,230 square feet). The study further indicates that the proposed retail will primarily serve visitors to the trade/convention facilities and the hotel complex (40% of customers) and the surrounding business park (33% of customers). The remaining customers (27%) will be from the general public. The cumulative market support for the retail component from the development itself and the surrounding business park will total 73%. Therefore according to this analysis, the proposed retail component will primarily support and serve on-site hotel guests and trade/convention centre visitors, and employees of the surrounding business park.

A further objective of the official plan amendment is to address the increase in density proposed over the subject lands, from a maximum of 1.0 FSI as set out in the Business Corridor Area policies of the Woodbine North Secondary Plan, to 1.8 FSI. Finally, the Official Plan Amendment contains a revision to the height provisions of the Business Corridor policies of the Woodbine North Secondary Plan, which limit the height of buildings other than office buildings and hotels to 3 storeys in height. The proposed mixed use trade/convention centre fronting Woodbine Avenue will

exceed this height limit. The Official Plan Amendment permits the height of this building to be a maximum of 36 metres.

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 listed in the second sentence of the bullet item dealing with the Woodbine North Secondary Plan PD 26-1 for the Woodbine North Planning District (Planning District No. 26), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.9 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 prior to the words “to this Plan”.
- 1.4** Schedule ‘H’ COMMERCIAL/INDUSTRIAL CATEGORIES of the Official Plan (Revised 1987), as amended, is hereby amended by redesignating the subject lands, as shown on Schedule “A” attached hereto, from Business Park Area to Business Corridor Area.
- 1.5** 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 also being made to incorporate changes to Schedule ‘AA’ LAND USE PLAN and the text of the Woodbine North Secondary Plan (PD 26-1) for the Woodbine North Planning District (Planning District No. 26). These changes are outlined in Part III which comprises Amendment No. 4 to the Woodbine North Secondary Plan (PD26-1).

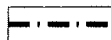
2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, 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.



AMENDMENT TO SCHEDULE 'H' – COMMERCIAL /INDUSTRIAL CATEGORIES
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

DRAWN BY:DD
CHECKED BY:RB

SCALE:
DATE:06/15/09

OP07129406.dgn 18/06/2009 9:49:36 AM

PART III - THE SECONDARY PLAN AMENDMENT (PD 26-1-4)
(This is an operative part of Official Plan Amendment No. XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD 26-1-4)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 4 to the Woodbine North Secondary Plan PD 26-1)

The Woodbine North Secondary Plan (PD 26-1) for the Woodbine North Planning District is hereby amended as follows:

1.1 Section 5.3.4 d) is hereby amended by adding the following new subsection immediately after the second bullet point:

- “Notwithstanding the other provisions of Section 5.3.4 d) to the contrary, the following provisions shall apply to Blocks 1 and 2 Plan 65M-3925 located on the north west corner of Woodbine Avenue and Markland Street:
 - The maximum floor space index of all buildings shall not exceed 1.8 FSI;
 - The mixed use trade/conference centre building fronting Woodbine Avenue and the hotel fronting Markland Street shall not exceed 36 metres in height. The remainder of the development on the site shall not exceed 3 storeys in height. Should there be a conflict between this policy and Section 5.8.5 “Buttonville Airport”, Section 5.8.5 shall prevail.”
 - Conditions for removing holding zone (H) provisions shall be as set out in the implementing Zoning By-law.”

1.2 Schedule ‘AA’ LAND USE PLAN of the Woodbine North Secondary Plan (PD 26-1) for the Woodbine North Planning District, as amended, is hereby amended by redesignating the subject lands, as shown on Schedule “B” attached hereto, from Business Park Area to Business Corridor Area.

2.0 IMPLEMENTATION AND INTERPRETATION

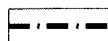
The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval, if applicable in conformity with the provisions of this Amendment.



AMENDMENT TO SCHEDULE 'AA' -LAND USE PLAN

OF THE WOODBINE NORTH SECONDARY PLAN (PD 26-1)
FOR THE WOODBINE NORTH PLANNING DISTRICT (PLANNING DISTRICT No. 26)



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



DEVELOPMENT SERVICES COMMISSION

SCHEDULE "B" TO OPA No. XXX

PD 26-1-4

DRAWN BY:DD
CHECKED BY:RB

SCALE:
DATE:06/15/09

OP07129406.dgn 18/06/2009 9:49:45 AM

APPENDIX 'B' – ZONING BY-LAW AMENDMENT

EXPLANATORY NOTE BY-LAW 2009-XXX

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

Woodbine International Centre Corporation
9390 Woodbine Avenue

LANDS AFFECTED

The By-law applies to lands located at the northwest corner of Woodbine Avenue and Markland Street, in the Woodbine North employment area, comprising Blocks 1 and 2 of Plan 65M-3925 and known municipally as 9390 Woodbine Avenue. The subject lands comprise 4.64 ha (11.5 acres).

EXISTING ZONING

The lands subject to this By-law are presently zoned Select Industrial with Limited Commercial [M.C. 107%] and [M.C. 60%] by By-law 165-80, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law amendment is to rezone the subject lands to permit a mixed use hotel, retail, office and convention/trade centre on the subject lands, subject to holding (H) provisions. The zoning by-law amendment widens the range of permitted uses on the subject lands to include health centres, personal service shops, restaurants, retail stores and trade and convention centre; increases the maximum floor area ratio on the subject lands from 107% and 60% to 170%; establishes a maximum building height of 36 metres; provides that the gross floor area of retail stores, personal service shops and restaurants shall not exceed the gross floor area of offices, trade and convention centre, and hotel uses; provides that retail stores, personal service shops and restaurants can only be part of a mixed use development; limits individual retail stores to a maximum floor area of 1,000 m²; and provides for cooking facilities in hotel suites.

The following conditions apply to the removal of the (H) provision:

- i) Approval of municipal servicing and transportation impact studies, to the satisfaction of the Director of Engineering in consultation with York Region;
- ii) Execution of a site plan agreement between the Town and the owner;
- iii) Submission of either: a) a detailed phasing plan (including detailed transportation analysis and strategy for delivering the required transportation infrastructure); or b) a strategy for delivering required transportation infrastructure if the development is to be built in a single phase, to the satisfaction of the Director of Engineering in consultation with York Region;
- iv) Execution of one or more Development Agreement(s), between the Town and the Owner and, where required York Region, relating to the construction, financing and implementation of off-site servicing and transportation infrastructure improvements, and including financial securities to the satisfaction of the Town.

BY-LAW 2009-XX

A by-law to amend Zoning By-law 165-80, as amended, to permit a mixed-use hotel, convention centre, office and retail centre at 9390 Woodbine Avenue.

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 zoning the lands identified on Schedule "A" attached hereto

from Select Industrial with Limited Commercial [M.C. 107%] and
from Select Industrial with Limited commercial [M.C. 60%]

to Select Industrial with Limited Commercial [M.C. 170%].

- 1.2 By adding to Section 7 – Exceptions the following new subsection:

- 7.111 Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to Blocks 1 and 2 Plan 65M-3925, municipally known as 9390 Woodbine Avenue, as shown on Schedule 'A' attached to By-law 2009-XX. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.111.1 Permitted Uses

The following additional uses are permitted:

- a) *Health Centres*
 - b) *Personal Service Shops*
 - c) *Business Offices*
 - d) *Restaurants*
 - e) *Restaurants, Take-out*
 - f) *Retail Stores*
 - g) *Trade and Convention Centres*

7.111.2 Zone Standards

- a) For the purposes of this exception, the following definitions shall apply:

"Trade and Convention Centre" means a *premises* where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

- b) **Setbacks**

Provisions relating to the setbacks of *buildings* from the centre line of any arterial road or Provincial Highway shall not apply

c) **Yards**

- i) *Minimum Front Yard* – 9.3 m

d) **Maximum Height**

Maximum *height* shall be 36 metres.

7.111.3 Special Site Provisions

The following special site provisions shall apply:

- a) The combined *gross floor area* of *Retail Stores, Personal Service Shops, Restaurants and Take-out Restaurants* shall not exceed the combined *gross floor area* of *Business Offices, Trade and Convention Centres* and *Hotels* on the site.
- b) *Retail Stores, Personal Service Shops, Restaurants and Take-out Restaurants* are only permitted in a mixed-use development containing *Business Offices, Trade and Convention Centres* and *Hotels*.
- c) The maximum *net floor area* of a *Retail Store* premises shall be 1,000 m².
- d) Individual private cooking facilities are permitted in *Hotels*.
- e) The general provisions that regulate *Restaurants, Retail Stores, and Personal Service Shops*, do not apply.
- f) For the purposes of applying the zone standards, Block 1 and Block 2, Plan 65M-3925 shall be considered as one *lot*.

7.111.4 Holding Provisions

The Hold (H) zone is shown on Schedule 'A' attached to this By-law.

a) Uses Permitted Prior to the Lifting of a Holding Provision

Only the uses and floor area that existed on the effective date of this By-law are permitted prior to the removal of the H provision.

b) Conditions for Removing the H Provision

The Hold (H) Provision shall not be lifted until the following conditions have been met to the satisfaction of the Town of Markham, in consultation with the Region of York:

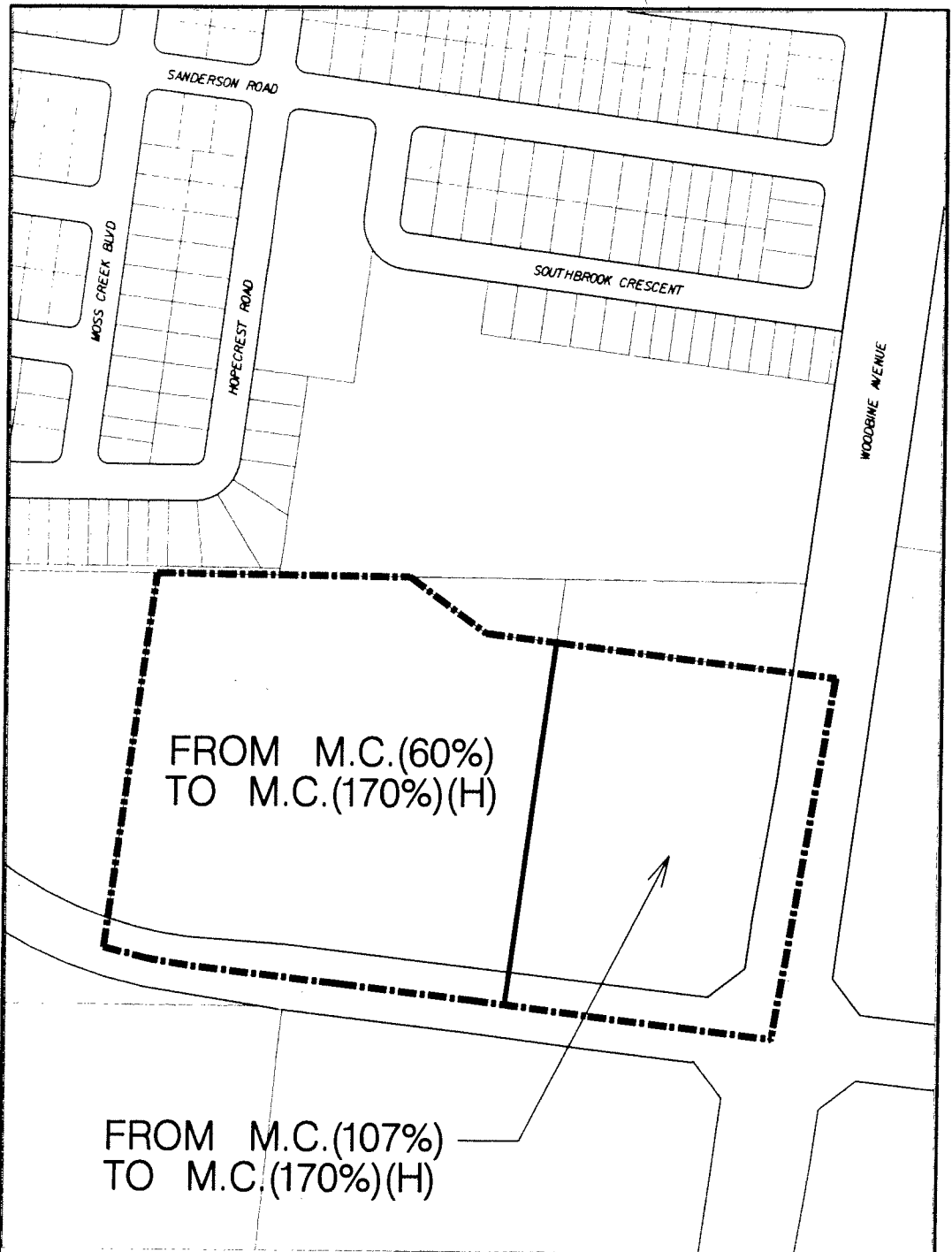
- i) Submission of municipal servicing and transportation impact studies to the satisfaction of Director of Engineering in consultation with York Region;
- ii) Execution of a site plan agreement between the Town and the owner;
- iii) Submission, to the satisfaction of the Director of Engineering in consultation with York Region, of either:

- a detailed phasing plan for the proposed development, supported by a transportation impact study, identifying the amount of development that can be supported by existing transportation infrastructure, plus a detailed strategy for delivering the additional transportation infrastructure required for full build-out of the development; or,
 - a detailed strategy for delivering the additional transportation infrastructure required to support full build-out of the development in a single phase;
 - iv) Execution of one or more Development Agreement(s) between the Town, the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation infrastructure improvements, and including financial securities to the satisfaction of the Town.
2. All other provisions of By-law XXX, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 26TH DAY OF JUNE, 2007.

SHEILA BIRREL, TOWN CLERK

FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 165-80



BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

M.C. SELECT INDUSTRIAL WITH -
LIMITED COMMERCIAL

*No. EXCEPTION SECTION NUMBER

(H) HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2009

..... 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: 2400

APPENDIX 'C' – LETTER FROM YORK REGION: RETAIL STUDY COMMENTS



Planning and Development
Services Department

April 14, 2009

Mr. Ron Blake, MCIP, RPP
Senior Development Manager
Development Services Commission
Town of Markham
101 Town Centre Boulevard,
Markham, Ont. L3R 9W3

Dear Mr. Blake:

**Re: Woodbine International Centre Corporation and
Woodbine International Hotel Corporation
9390 Woodbine Avenue
Town of Markham
Your File No: OP 06 129406**

The above captioned Official Plan Amendment application applies to lands on the northwest corner of Woodbine Avenue and Markland Street, north of Sixteenth Avenue. The subject lands are 4.64 hectares (11.46 acres) in size. The development proposal consists of a mixed use development with a total gross floor area of approximately 77,875 sq.m (838,267 sq.ft). The proposal includes a 9-storey hotel building fronting onto Markland Street that includes both short and long-term accommodations; proposed to be built in three phases; a 3-storey mixed-use facility along the Woodbine Avenue frontage containing a conference/trade centre, retail and service commercial uses, offices, restaurants, and a spa/fitness centre; and a third component which includes a winter garden/shopping centre to the north of the proposed hotel building and west of the proposed mixed-use facility.

The subject lands are designated "Urban Area" by the York Region Official Plan. This designation permits a wide range of residential, commercial, industrial and institutional uses. The Regional Official Plan also identifies Woodbine Avenue as a Local Corridor. The Markham Official Plan designates the subject lands: "Industrial". Markham's Woodbine North Secondary Plan further designates these "Industrial" lands: "Business Corridor Area" along the Woodbine frontage and "Business Park Area" to the west.

The requested Official Plan Amendment proposes to redesignate the portion of the subject lands designated "Business Park Area" to "Business Corridor Area", so that the entire property is designated "Business Corridor Area". The proposed Amendment will also increase the permitted density from 1.0 to 1.8 FSI.

The proposed Official Plan Amendment will permit a mixed use development that maintains and complies with the general intent of the primary "Industrial" designation. The goals and objectives of the "Industrial" designation (Sections 3.5.1 and 3.5.2 of the Markham Official Plan) states that such areas are intended to be developed with a range of industrial and commercial business activities; to be pedestrian and transit supportive; and, to encourage a mixing of compatible uses and a harmonious interface between industrial uses. Furthermore, Section 3.5.3.c) of the Official Plan contemplates compatible and complementary non-industrial uses within the three "Industrial" sub-categories of "General Industrial Area", "Business Park Area", and "Business Corridor Area". The proposed Amendment is generally consistent with the intent and planned function of the primary "Industrial" designation, as the proposed uses are permitted by one or more of its subcategories. The proposed Amendment also complies with the intent and planned function of the "Business Corridor Area" and the "Business Park Area" designation as these subcategories contemplate a level of "compatible and complementary non-industrial uses". As has been confirmed to us, the proposed retail uses will primarily serve the visitors to the proposed hotel and convention centre and the employees of the surrounding business park.

Regional Planning has completed the review of Tate Economic Research Inc.'s "Woodbine International Centre Retail Study", dated October 2008. This retail study examines "the extent to which the proposed retail uses are compatible with and enhance the planned function of the Business Corridor Area designation and the impact the proposed retail will have on this planned function." The study indicates that the proposed retail commercial uses will be sold as commercial condominium units typically ranging in sizes from 200 to 2,000 square feet, permitting up to a maximum unit size of 3,230 sq.ft.. The types of retail commercial uses will include high end fashion and specialized boutiques, personal and business services, convenience food services (food court), and licensed dining establishments including ethnically themed, casual and fine dining restaurants. These particular uses should be defined in the site specific zoning by-law.

The retail study indicates that the proposed type and amount of retail space, consisting of 242,300 sq.ft. of gross leasable area, will primarily serve the visitors to the 71,000 sq.ft.¹ gross leasable area (85,000 sq.ft. GFA) trade/conference centre and to the 465 room hotel complex. The breakdown of the market support for the proposed retail uses, as confirmed by the retail study, is as follows: 40% from visitors to the onsite hotel and convention centre; 33% from the employees within the immediate surrounding business park; and 27% from the general population.

¹ Context Master Plan & Stats, Sept. 27, 2007, Page + Steele Architects Planners

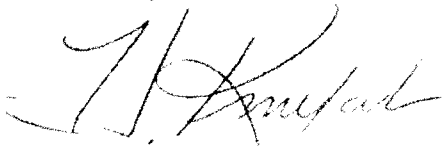
The cumulative market support, from the onsite hotel and convention centre and from the immediate business park, totals to 73%. We understand that this is the primary premise supporting the argument that the planned function of the "Business Corridor Area" designation will be maintained. According to the retail study, the amount of the proposed retail will primarily support and serve the on site visitors and the employees surrounding business park. As the retail study was authored by an economic research firm and these assumptions and conclusions will set the framework and will be confirmed through the pending Official Plan Amendment and zoning by-law, Regional Planning accepts the above noted conclusions.

A Regional retail impact study is not required. The Regional Official Plan requires a Regional retail impact study for retail facilities greater than 30,000 square metres of gross leasable space. Since the proposed development contains less than this requirement, a Regional retail impact study is not required. The Region's review of Tate's retail study was to gain a better understanding of the nature and function of the proposed retail uses and its affect on the planned function of the "Business Park Area" and "Business Corridor Area" designations. Since the proposed retail space does not require a Regional impact study, Regional Planning staff considers the proposed retail uses to have only a local impact.

The proponent has submitted a Traffic Impact Analysis which is currently being reviewed by Markham and Regional transportation engineers. It is our understanding that the Region, the Town and the applicant's traffic engineers have been meeting to discuss possible road and intersection improvements as well as phasing options tied to required transportation improvements. Detailed Regional transportation comments will be provided upon completion of the review and discussions amongst the transportation engineers.

Should you have any questions, please contact Augustine Ko, Senior Planner, at extension 1524 or by email at augustine.ko@york.ca.

Sincerely,



Heather Konefat, M.C.I.P., R.P.P.
Director, Community Planning

c.c. Curtis Ching,
Richard Hui

AK