

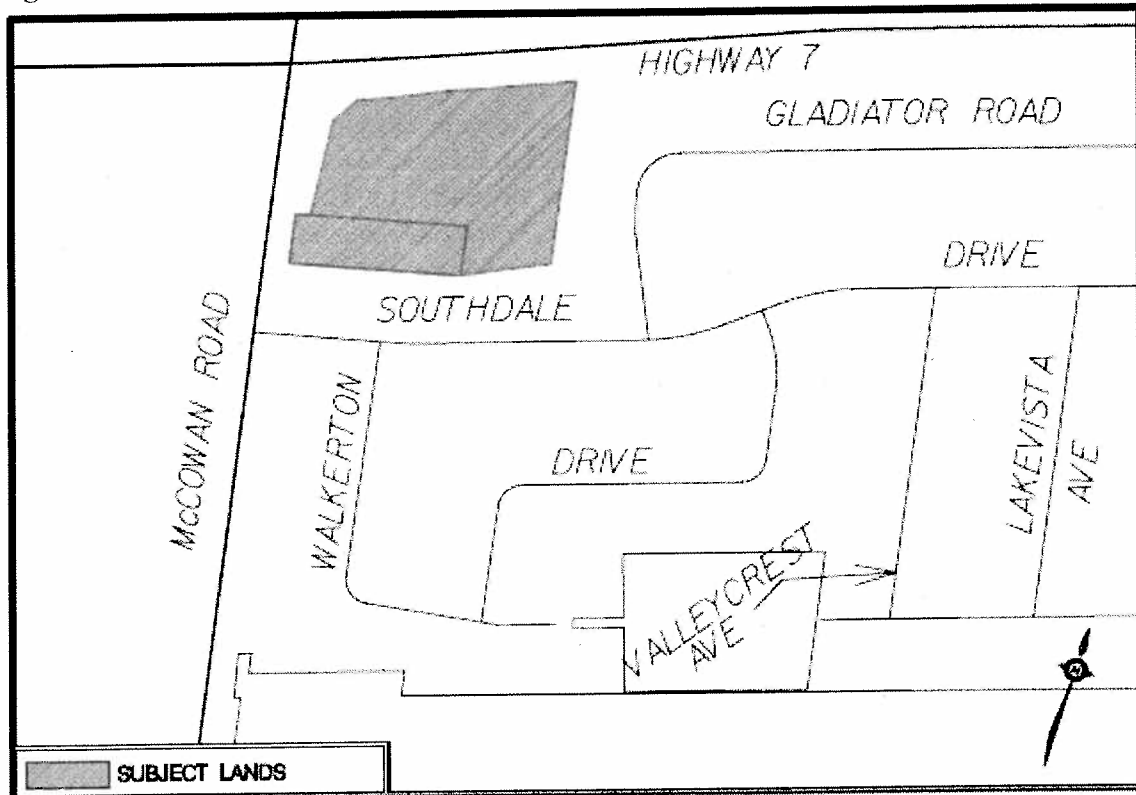
Appendix 'A' – Draft Official Plan Amendment
Appendix 'B' – Draft Zoning By-law Amendment
Appendix 'C' – Conditions of Site Plan Approval

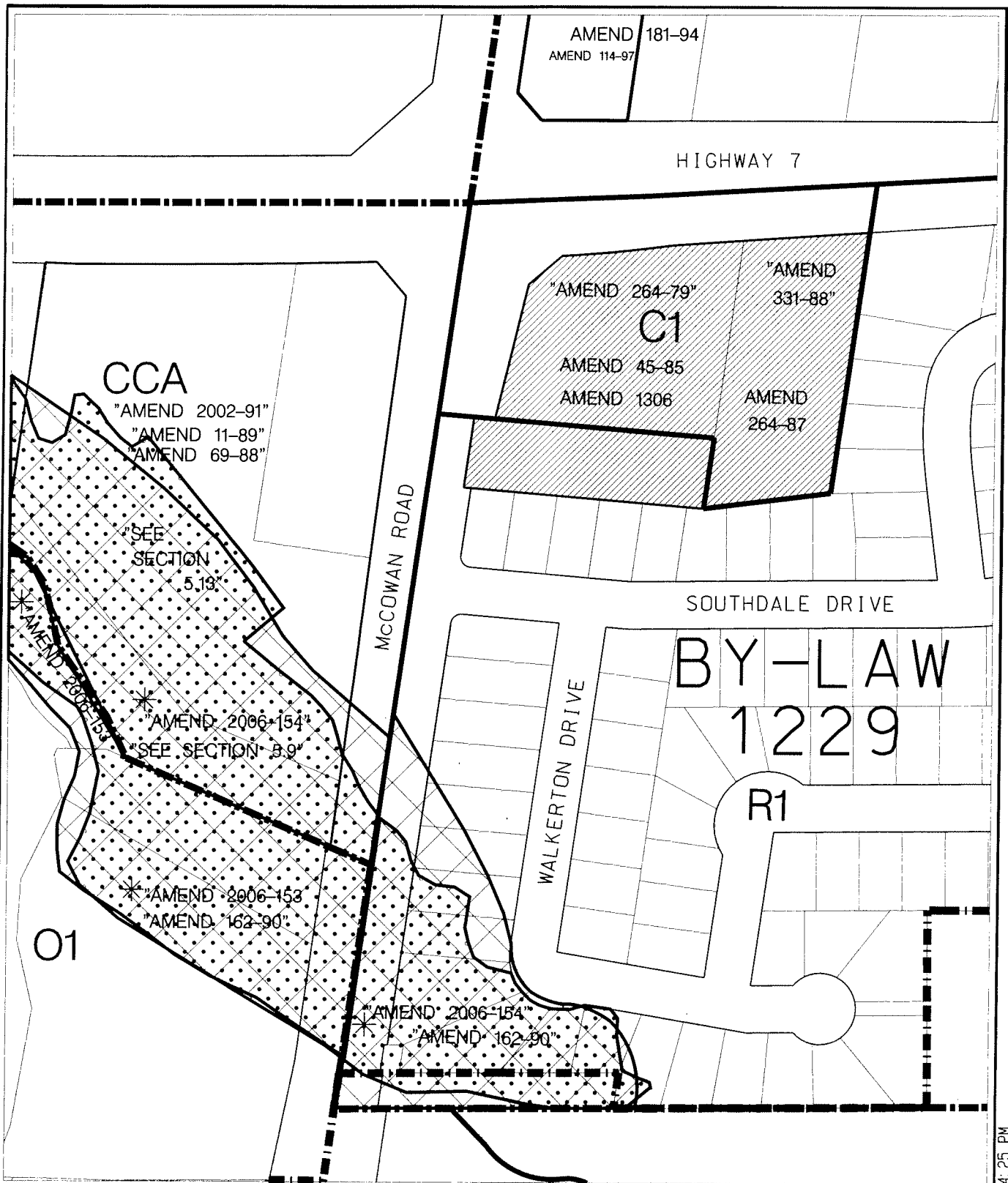
APPLICANT/AGENT:

Mark Eplett
Otis Group of Companies
20 Eglinton Avenue West, Suite 1402
P.O. Box 2040 Toronto, Ontario M4R 1K8
Telephone: 416-489-2833 Fax: 416-486-6017
Email: markeplett@rogers.com

FILE PATH: Amanda\File OP 08 120413\Documents\Recommendation Report

Figure 1 - Location Map





AREA CONTEXT /ZONING

APPLICANT: SEVEN STAR PLAZA INC.

5261 ; 5293 HIGHWAY 7 &

8495 MCCOWAN ROAD

FILE No: ZA. 08120455 & OP. 08120413 (DC)



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: DC

SCALE 1:

DATE: 260510

FIGURE No.2

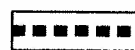
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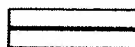
AIR PHOTO (2009)

APPLICANT: SEVEN STAR PLAZA INC.
5261 ; 5293 HIGHWAY 7 &
8495 McCOWAN ROAD

FILE No: ZA. 08120455 & OP. 08120413 (DC)



PROPERTY SUBJECT TO ZONING AMENDMENT
SITE PLAN CONTROL



PROPERTY SUBJECT TO
OFFICIAL PLAN AMENDMENT



DATE: 260510



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: DC

SCALE 1:

FIGURE No.3

ELEVATIONS - BUILDING 'B'

APPLICANT: SEVEN STAR PLAZA INC.
5261 ; 5293 HIGHWAY 7 &
8495 McCOWAN ROAD

FILE No: ZA. 08120455 & OP. 08120413 (DC)

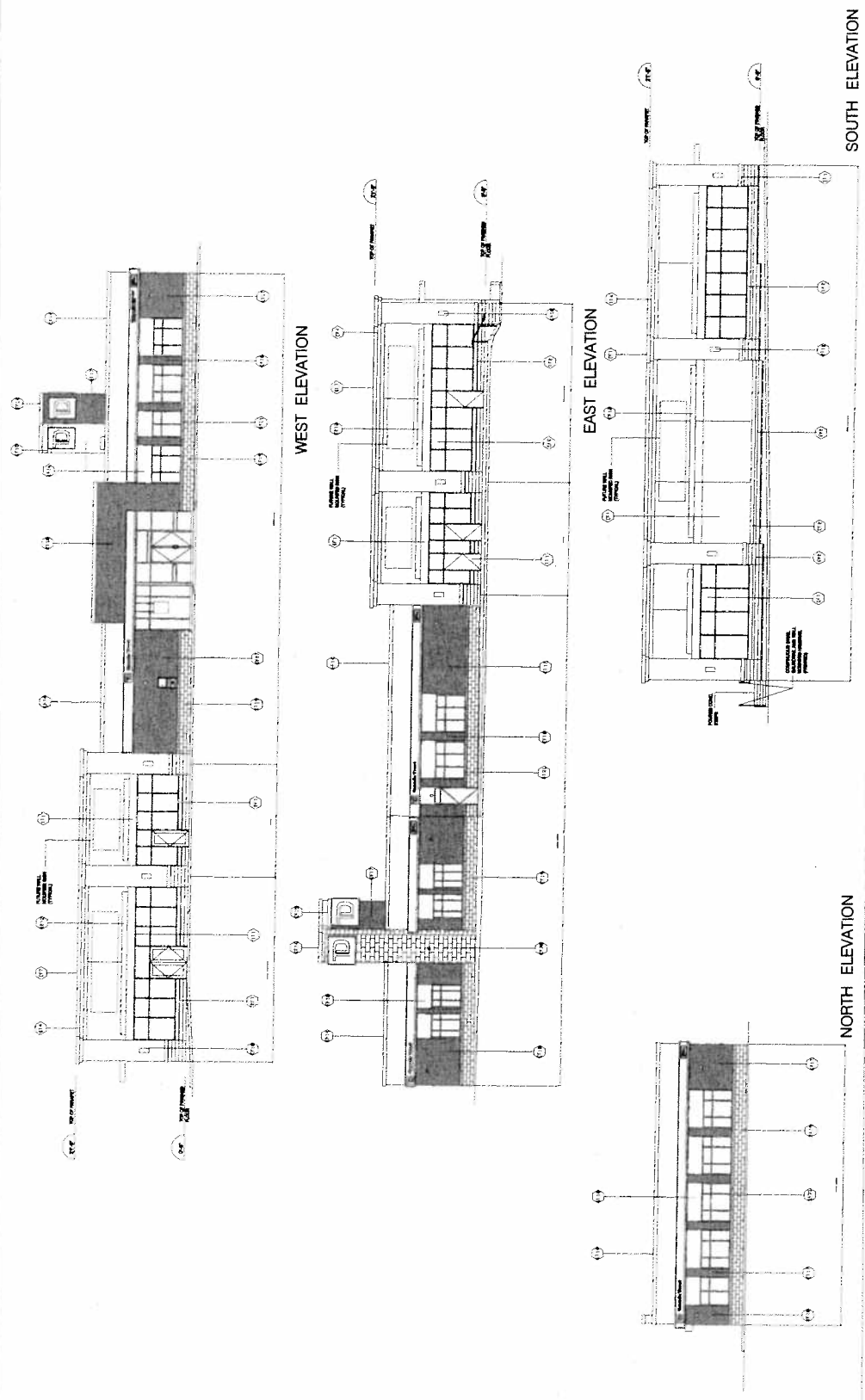


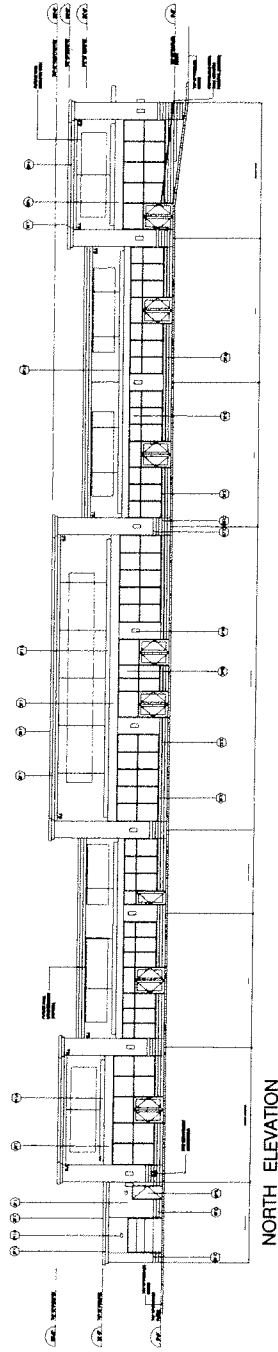
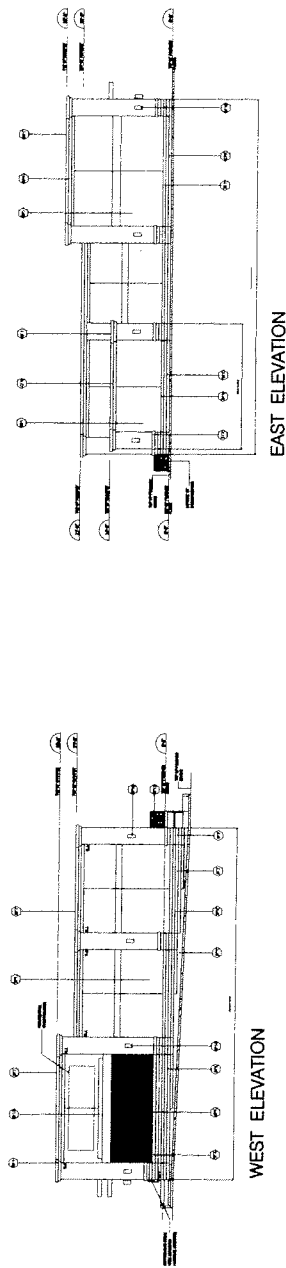
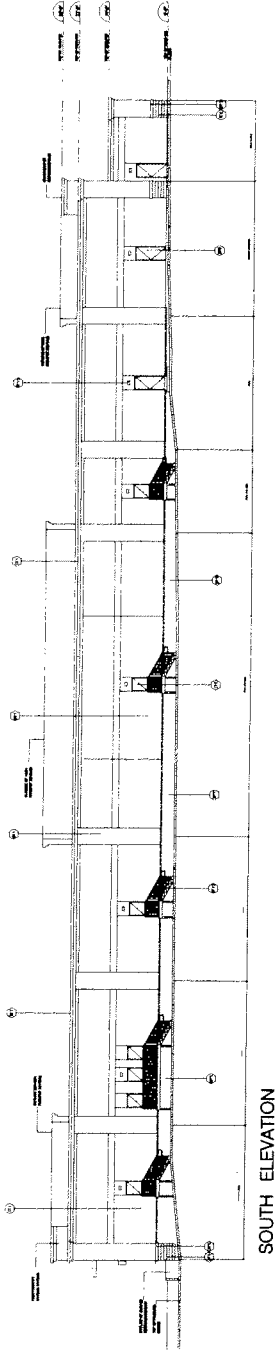
DEVELOPMENT SERVICES COMMISSION

DATE: 27/05/10

FIGURE No.5

DRAWN BY: CPW CHECKED BY: DC SCALE: 1:





ELEVATIONS – BUILDING 'C'

APPLICANT: SEVEN STAR PLAZA INC.
5261 ; 5293 HIGHWAY 7 &
8495 MCOWAN ROAD

FILE No: ZA. 08120455 & OP. 08120413 (DC)



DEVELOPMENT SERVICES COMMISSION

DATE: 27/05/10

FIGURE No.6

DRAWN BY: CPW CHECKED BY: DC SCALE 1:

APPENDIX

A

OFFICIAL PLAN

of the

TOWN OF MARKHAM PLANNING AREA

AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended.

(SEVEN STAR PLAZA INC.)

(8495 McCowan Road, Part of Lot 10, Concession 7)

(JUNE 2010)

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended.

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2010- ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 22th day of June, 2010.

Mayor

Town Clerk

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. 2010-XXX

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 22th DAY OF JUNE, 2010.

TOWN CLERK

MAYOR

CONTENTS

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PART II - THE OFFICIAL PLAN AMENDMENT

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2.	IMPLEMENTATION AND INTERPRETATION	<i>I</i>
3.	<i>SCHEDULE "A" and SCHEDULE "B"</i>	

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 Schedules “A” and “B” attached thereto, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment applies to a 0.30 hectare (0.74 acre) parcel of land, municipally known as 8495 McCowan Road (part of Lot 10, Concession 7). The lands are located on the east side of McCowan Road, between Highway 7 and Southdale Drive.

3.0 PURPOSE

The purpose of this Amendment is to redesignate the lands from ‘URBAN RESIDENTIAL’ to ‘COMMERCIAL-COMMERCIAL CORRIDOR AREA’.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands consist of a residential property located between an existing commercial plaza fronting Highway 7 (5261 Highway 7), and lots within a residential subdivision fronting Southdale Road. The property currently contains a single-detached dwelling with access from McCowan Road.

The proposed Official Plan Amendment would redesignate the lands from ‘URBAN RESIDENTIAL’ to ‘COMMERCIAL – Commercial Corridor Area’, consistent with the designation of the commercial property abutting to the north (5261 Highway 7). The redesignation to a COMMERCIAL designation will allow for a proposed comprehensive redevelopment of the existing plaza over both properties.

The redesignation of the subject lands to a COMMERCIAL designation is appropriate. The property is currently isolated from the residential subdivision to the south which fronts on Southdale Road. There is no opportunity to integrate residential development on this property with the neighbouring community. In addition, the redevelopment of the property for higher order residential purposes on its own, would be problematic given the restricted access on McCowan Road. The spacing of the access between Southdale Road and the existing plaza driveway would limit access to higher order redevelopment of the site to right-in/right-out only. Inclusion of the property as part of a larger

commercial property to the north provides a preferable access solution by removing one access from McCowan Road, and improving the access to the existing commercial site from McCowan Road. Development impacts on adjoining residential land uses to the south can be minimized through site design, including appropriate setbacks and landscaping.

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** Schedule “A” – LAND USE of the Official Plan (Revised 1987), as amended, is hereby amended by redesignating the subject lands, as shown on Schedule ‘A’ attached hereto, from URBAN RESIDENTIAL to COMMERCIAL.
- 1.3** 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 ‘B’ attached hereto, to COMMERCIAL – COMMERCIAL 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, in conformity with the provisions of this Amendment.

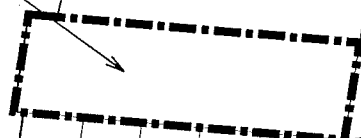
This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.

(June 2010)
(Amanda\File OP 08-120413\Documents\Draft OP)
(Attach Schedules and Figures to Part II)

HIGHWAY 7

FROM URBAN RESIDENTIAL
TO COMMERCIAL

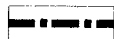


SOUTHDALE DRIVE

MCCOWAN ROAD

WALKERTON DRIVE

AMENDMENT TO SCHEDULE 'A' – LAND USE TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



DEVELOPMENT SERVICES COMMISSION

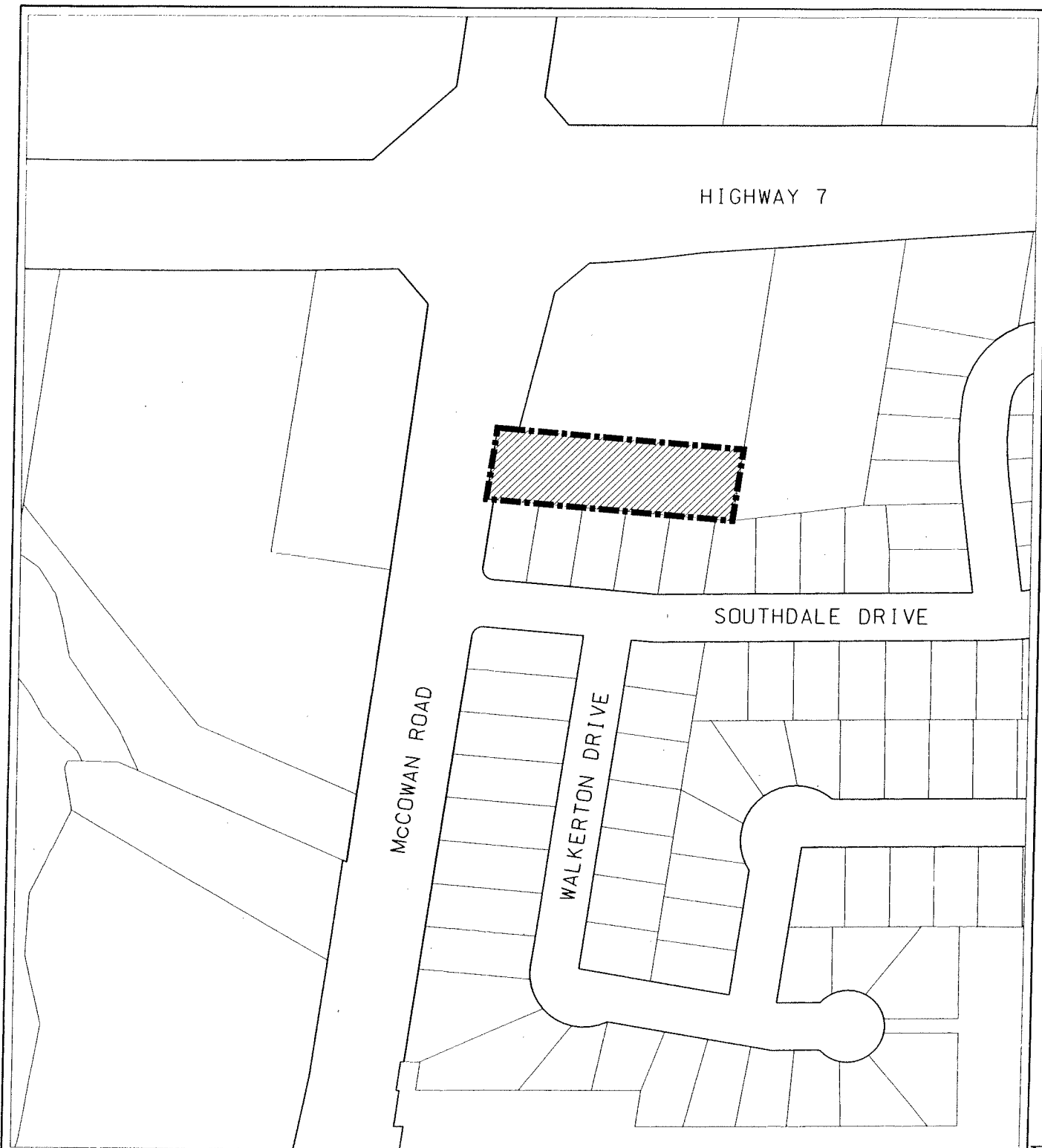
SCHEDULE 'A'

TO OPA. No. XXX


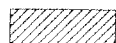
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CHECKED BY: DC

SCALE:
DATE: 27/05/10

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AMENDMENT TO SCHEDULE 'H' – COMMERCIAL /INDUSTRIAL CATEGORIES
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
 COMMERCIAL CORRIDOR AREA

APPENDIX

B



By-law 2010-XXX

A by-law to amend Zoning By-law 1229, as amended

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

1. THAT By-law 1229, as amended, is hereby further amended as follows:

1.1 By rezoning the lands within the designated area of this by-law as outlined on Schedule 'A' hereto from Residential One (R1) to Commercial One (C1) Zone.

1.2 By adding the following to Section 12 – EXCEPTIONS, the following:

“12.31 Notwithstanding any other provisions of By-law 1229, the provisions in this Section shall apply to those lands subject to By-law 2010 – XXX as shown on Schedule 'A' attached hereto. All other provisions of By-law 1229, as amended, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

12.31.1 ONLY USES PERMITTED

The following uses are the only uses permitted:

- a) *Bake shops*
- b) *Bakery*
- c) *Banks and financial institutions*
- d) *Business and professional offices*
- e) *Medical offices*
- f) *Medical laboratories*
- g) *Personal service shops*
- h) *Restaurants*
- i) *Restaurants – take-out*
- j) *Retail stores*
- k) *Service shops*

12.31.2 ZONE STANDARDS

The following additional specific zone standards apply:

- a) Maximum *height* – 9.0 metres
- b) Minimum landscape strip – 3.0 metres
- c) Minimum *rear yard* – 6.0 metres
- d) Minimum *interior side yard* – 10.5 metres
- e) Minimum *exterior side yard* – 3.0 metres
- f) Minimum *front yard* – 3.0 metres
- g)

12.31.3 SPECIAL PARKING PROVISIONS

The following parking provisions apply:

- a) Mixed use commercial/office space shall be calculated at a ratio of 1 parking space for every ____ of net floor area.
- b) Minimum number of required parking spaces –
- c)

12.31.4 SPECIAL SITE PROVISIONS

The following additional provisions apply:

- a) Notwithstanding any further division or partition on lands subject to this Section, all lands zoned Commercial One (C1) shall be deemed to be one lot for the purposes of this By-law.
- b) The north property line, abutting Highway 7 is deemed to be the front lot line.
- c) Maximum loading spaces – 1
- d)

2. All other provisions of By-law 1229, 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 ____ DAY OF ____ 2010.

KIMBERLY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



EXPLANATORY NOTE

BY-LAW 2010-XXX

A By-law to amend By-law 1229, as amended

Seven Star Plaza Inc.

8495 McCowan Road, 5261 and 5293 Highway 7

LANDS AFFECTED

The proposed by-law amendment applies to a 0.30 hectares (0.74 acres) site, located property at 8495 McCowan Road. The property is located on the east side of McCowan Road, south of Highway 7 and north of Southdale Road.

The amendment also applies to the lands at 5261 Highway 7. It is a 0.41 ha (1.72 acres) is located at the southeast corner of Highway 7 and McCowan Road. The property shares access and parking with the 5293 Highway 7 to the east, which contains a mixed use/commercial retail building with grade related retail and second story business offices, including medical uses.

EXISTING ZONING

The lands at 8495 McCowan Road are presently zoned Residential (R1) by By-law 1229, as amended.

The lands at 5261 Highway 7 and 5293 Highway 7 are presently zoned Commercial One (C1) by By-law 1229, as amended.

PURPOSE AND EFFECT

The purpose and effect of the by-law amendment is to rezone the lands at 8495 McCowan Road from Residential One (R1) to Commercial One (C1) within the designated area of By-law 1229, as amended, consistent with the zoning on the lands at 5261 Highway 7 and 5293 Highway 7.

Because the current the zoning by-law for the lands at 5261 and 5293 Highway 7 provides for shared parking and access arrangements, the proposed zoning amendment applies to all three subject properties.



APPENDIX 'C'

CONDITIONS OF SITE PLAN APPROVAL SEVEN STAR PLAZA INC. SC 03-108706-001

1. Endorsement shall relate to a site plan and elevations prepared by Alex Rebanks Architects Inc. identified as Project Number 2009-15, dated November 11, 2009 and with a last revision date of November 20, 2009, to be further revised to reflect the requirements of the conditions of site plan approval.
2. The Owner acknowledges and understands that site plan approval is issued only when the Director of Planning and Urban Design or designate has signed the plans "approved" following the execution of a site plan agreement;
3. The Owner acknowledges and understands that prior to final approval of this site plan, the official plan and zoning by-law amendments to implement the plan shall have come into effect in accordance with the provisions of the Planning Act;
4. That prior to execution of the site plan agreement, the Owner shall submit final drawings and studies, and comply with all requirements of the Town and authorized public agencies, to the satisfaction of the Commissioner of Development Services;
5. That the owner shall comply with all requirements of the Region of York as identified in their letter dated February 12, 2010;
6. That the Owner enter into a site plan agreement with the Town of Markham, containing all standard and special provisions and requirements of the Town and other public agencies including:
 - a. Provision for the payment by the Owner of all applicable fees, recoveries, development charges, and cash in-lieu of parkland dedication;
 - b. Provisions for satisfying all requirements of the Town Departments and external agencies;
 - c. Provision to ensure all exterior lights on the property are appropriately shielded and do not impact the residential properties immediately to the south and east.
 - d. Provision to ensure that all garbage is stored internally within the main building;
7. That prior to execution of the site plan agreement, the Owner shall submit:

- a. final site plan and elevation drawings, and comply with all red lined requirements of the Town and authorized public agencies, to the satisfaction of the Commissioner of Development Services, including but not limited to providing the location of rooftop mechanical HVAC systems and ensuring that they are appropriately screened from view with materials that match the main structure of the main building.
 - b. a sign uniformity plan for review and approval to the satisfaction of the Director of Planning and Urban Design or designate;
8. That prior to the Director of Planning and Urban Design or designate signing the site plan and elevations “endorsed in principle”, the Owner shall submit:
 - a. site serving and grading drawings, municipal service connections details, and a storm water management report. The final recommendations of the drawings or reports may require further revisions of the site plan. Drawings are to be prepared and stamped by a Professional Engineer with a Certificate of Authorization from Professional Engineers of Ontario, to the satisfaction of the Town;
 - b. a revised parking utilization study and a traffic impact study, prepared by a qualified transportation engineering consultant, to evaluate the potential traffic impacts from the proposed development and to determine access location(s) to the property, traffic controls, roadway improvements, shared opportunities and other mitigation measures. The Owner agrees to make any revisions to the site plan that may be required to achieve the recommendations of the traffic analysis;
 - c. an illumination plan for review and approval to the satisfaction of the Director of Planning and Urban Design or designate. The illumination plan may be subject to peer review at the applicant’s cost. The Owner agrees to make any revisions to the site plan and elevations that may be required to ensure that the residential properties located to the south and east are not negatively impacted by the lighting from the proposed development;
 - d. A noise study for review and approval to the satisfaction of the Director of Planning and Urban Design or designate. The noise study may be subject to peer review at the applicant’s cost. The Owner agrees to make any revisions to the site plan and elevations that may be required to ensure that the residential properties to the south are not negatively impacted by the noise generated from the proposed development; and
 - e. That the Owner agrees to continue to work with the Town to explore additional opportunities to implement additional landscape islands within the parking lot and other modifications to the site plan as may be appropriate, to the satisfaction of the Director of Planning and Urban Design or designate.
9. That a landscape plan, prepared by a landscape architect having O.A.L.A. membership, be submitted to the satisfaction of the Director of Planning and Urban Design or designate;

10. That the Owner shall have regard for design initiatives which include provisions for the Fatal Light Awareness Program (FLAP) in consultation with the Town with consideration for the following:
 - Glazing is divided into smaller components and is not reflective. Where there is glazing, it is subdivided with vertical and horizontal mullions.
 - Articulation of the façade including solid and glazed areas with no large expanses of glass.
 - Retail uses will incorporate products behind the glazing which will project as a visual marker for birds, to be perceived as a solid object.
 - Lighting is designed and oriented towards the building facades and downwards, to minimize light spill and encourage dark skies.
11. That the Owner shall meet with the Fire Department to finalize the location of the Fire Department connection, private hydrant, fire access route signage and rapid entry key box, to the satisfaction of the Fire Chief, prior to the Director Planning and Urban Design or designate signing the site plan “approved”;
12. That the location, size and construction of all internal refuse storage areas be approved to the satisfaction of the Town of Markham Waste Management Department;
13. That prior to endorsement, the Owner shall provide one permanent taxi stand, to be shown on the site plan, in a location to the satisfaction of the Town;
14. That prior to endorsement, the Owner shall provide opportunities for bicycle racks in locations to the satisfaction of the Town;
15. That this endorsement shall lapse and site plan approval will not be issued, after a period of three years commencing June 22, 2010 in the event a site plan agreement is not executed within that period.