

SUBJECT: RECOMMENDATION REPORT
1377402 Ontario Inc.
Application for Zoning By-law Amendment to permit
Business Office and Additional Residential Uses
162 Main Street North, Markham Village

File No. ZA 15 147635

PREPARED BY: Peter Wokral, Heritage Planner, ext. 7955

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) That the report dated March 29, 2016 titled "RECOMMENDATION REPORT, 1377402 Ontario Inc., Application for Zoning By-law Amendment to permit Business Office and Additional Residential Uses, 162 Main Street North Markham Village, File No. ZA 15 147635", be received;
- 2) That the record of the Public Meeting held on June 16, 2015 regarding the application submitted by 1377402 Ontario Inc. to amend Zoning By-law 1229, as amended, be received;
- 3) That the application (ZA 15 147635) submitted by 1377402 Ontario Inc. to amend Zoning By-law 1229, as amended, to permit business office uses, and additional residential uses at 162 Main Street North and to amend the development standards to permit the proposed parking lot be approved, and the draft By-law attached as Appendix 'C' be finalized and enacted without further notice;
- 4) That the Site Plan application (SC 15 147635) submitted by 1377402 Ontario Inc. to permit the proposed parking lot at 162 Main Street North, be endorsed in principle, subject to the conditions attached as Appendix 'A';
- 5) That Site Plan Approval (SC 15 147635) be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director, or designate, has signed the site plan;
- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The owner of 162 Main St. N. has submitted Zoning Amendment and Site Plan applications to the City seeking to permit a variety of residential, business office, retail, personal service shop, and restaurant uses for 162 Main St. N. and to permit a parking lot. A Statutory Public Meeting was held to consider the applications on June 16, 2015. The Development Services Committee recommended that a Zoning By-law be enacted only permitting the proposed business office and residential uses that conform with the uses supported by the Markham Main Street Area Secondary Plan (OPA 108), and which

limits the use of medical offices, as recommended by staff, to one medical practitioner at any one given time. This limitation was intended to prevent the property from being used as a Medical Clinic.

The owner did not support the Zoning By-law drafted by the City because of this limitation on the number of medical practitioners, and the By-law was not returned to the Development Service Committee for approval. The owner then installed the proposed parking lot without re-zoning the property from residential to commercial use and without obtaining approvals from the City. The owner now wants to obtain approval for the parking lot and the Development Services Committee to approve a By-law that does not place any limitation on the number of medical practitioners permitted to practice medicine at any one given time. After further consideration, Planning Staff is satisfied that the By-law does not need this restriction because the scale of any future medical use permitted on the property would be limited through the City's Parking By-law, and the ability to accommodate the required parking spaces on site. Therefore Staff recommends that the Development Services Committee reconsider the limitation of only permitting one medical practitioner at any one given time recommended on June 16, 2015.

PURPOSE:

The purpose of this report is to discuss and recommend approval of the Zoning Amendment and Site Plan application submitted by 1377402 Ontario Inc. to permit business office and additional residential uses, and a parking lot, on the property at 162 Main Street North in Markham Village.

BACKGROUND:

The subject property is located on the west side of Markham Main St. N. between Bullock Drive to the north and Wilson St. to the south, within the Markham Village Heritage Conservation District (See Figure 1-Location Map). The lot has an area of 2,067 m² (22,249 ft²) and is occupied by a two-storey, single-detached heritage dwelling constructed in 1885. The heritage dwelling is identified as a Class 'A' Heritage building in the Markham Village Heritage Conservation District Plan (See Figure 5- Photograph of the Existing Heritage House). Surrounding uses include:

- The Dixon Garland Funeral Home to the north and west;
- The W.A.C. Hair Salon to the south;
- The Sutton Group and Century 21 Real Estate Offices across the street at 161 and 165 Main Street North.

These neighbouring businesses are conducted in former residential buildings that have been converted into commercial or professional office use. (See Figure 3-Aerial Photograph)

Proposal

The applicant is proposing to convert the existing heritage dwelling into an insurance office, but does not plan to add on to, or alter the existing structure at this time. In addition to office use, the applicant also requested that Personal Service Shops also be permitted. The application was deemed complete on May 20, 2015. The applicant also submitted a Site Plan application proposing three additional client parking spaces in the side yard (See Figure 4-Proposed Site Plan). Subsequent to the application being deemed complete, and the Notice of a Public Meeting being posted on the property, the applicant provided a draft By-law requesting additional uses including Medical Clinics as well as conditional permission for Retail, Service Shop, Personal Service Shop and Restaurant use. The additional requested uses (beyond an insurance office) are for flexibility as and when the existing building may be expanded in the future.

Official Plan and Zoning*Current Official Plan*

The subject property is designated "Urban Residential" in the in-force Official Plan (1987) as amended, which permits a wide range of residential housing forms.

Markham Main Street Area Secondary Plan (OPA 108)

The subject lands are also within the Markham Main Street Area Secondary Plan (OPA 108) which amends and provides more detailed guidance on land use policies in this area. The property is designated as "Medium Density 1 Housing / Office" under the "Urban Residential" category of the Secondary Plan. Lands designated "Medium Density 1 Housing / Office" permit:

- Detached;
- Semi-detached;
- Duplex;
- Triplex, and;
- Fourplex dwellings.

Business and Professional Offices are also permitted under this designation up to a maximum of 45% of the total gross floor area of the building unless a building by virtue of its size or configuration, is not suitable for mixed residential/office, where Council may permit a single use only, provided it is located within the existing building.

Due to its size, the existing building would not be suitable for mixed residential/office development. Therefore, re-using the existing building for business offices only, would comply with the policies of the Secondary Plan. In the event of subsequent significant expansion or renovation of the building, or redevelopment of the lot, the general provisions of this designation would apply.

As noted, the applicant also proposed a much wider range of commercial uses including Medical Clinics, Retail, Personal Service Shops, Service Shops and Restaurants, which are not contemplated by the Secondary Plan.

In order to minimize impacts on adjacent residential use, and to preserve and improve the historic residential appearance of the areas designated as Medium Density 1 Housing / Office, redevelopment is required to have regard for the following matters:

- The protection and preservation of any heritage buildings existing on-site;
- The capacity of the site for additional uses, parking and supporting infrastructure;
- The effect of landscaping, setbacks and other amenities in terms of both site development and separation and buffering from adjacent lands;
- The effect of the height and form of development so that there are no adverse effects in terms of overshadowing or loss of amenity;
- The effect of increased traffic so that there are no undue adverse impacts;
- The external design of additions, alterations or new construction so that it shall be in keeping with the area's residential buildings, in terms of size and appearance;
- Buildings to be used for business and professional office use shall not have any exterior indications of the nature of the business carried on, other than one modestly sized, non-illuminated identification sign;
- Provision of adequate off-street parking facilities, located in a sensitive manner relative to site characteristics and appropriately screened from any residential lots and from the street.

In addition, the property is located outside the commercial core of Main Street North. The permitted use policies, Section 5.5 of the Secondary Plan clearly indicate that "***The Main Street Commercial Core should not be extended beyond its existing boundaries, as represented by the current commercial zoning***, but rather its retail function should increase through improvements and intensification. Outside of the Commercial Core, the Secondary Plan Area remains predominantly residential, and the Area is felt to be suited for residential intensification in the form of converted heritage dwellings and limited new medium density residential infilling. ***Office uses in the Area should expand incrementally from the Commercial Core...*** Mixed residential-office uses should be directed to the area immediately north of the Commercial Core up to the CNR."

New Official Plan 2014 (not yet in force)

The subject lands are designated "Residential Low Rise" in the City's New Official Plan 2014 (*not yet in force*). The Official Plan also includes "Area and Site Specific Policies" (Section 9.13) that affect the subject property. Section 9.13.4.4 sets out similar permitted uses as contained in the Secondary Plan. It should be noted that this application was submitted after the new Official Plan, which is currently under appeal was adopted by Markham Council, and approved by the Region.

Existing Zoning

The subject lands are currently zoned "Residential" (R3) (See Figure 2-Area Context Zoning) which permits:

- Detached;
- Semi-detached;
- Duplex;

- Triplex, and;
- Fourplex dwellings.

The applicant is requesting that the subject property be rezoned from (R3) to (C4) under By-law 1229, as amended, to implement the Medium Density 1 Housing / Office designation of the Markham Main Street Area Secondary Plan (OPA 108) and incorporate certain site specific development standards for both the existing building and a future addition.

The Applicant wishes to introduce uses not permitted by the City's Official Plan and the Markham Main Street Area Secondary Plan (OPA 108)

In addition to business office uses, the applicant is seeking permission to use the property for Retail, Service Shop, Personal Service Shop and Restaurant uses. These proposed uses would require an Official Plan Amendment for which the owner has not applied.

Public Meeting was held

The statutory Public Meeting to consider the amendment to the Zoning By-law was held on June 16, 2015. The Committee recommended that staff finalize and enact a By-law which recognized the existing site conditions of the property, and permitted the business office and residential uses supported by the Secondary Plan, but also limited medical office use, as recommended by staff, to an office used by a single practitioner at any one time, in order to prevent the operation of a medical clinic on the property. This By-law was to be brought back to the Development Services Committee in the fall of 2015.

The Applicant does not support the By-law recommended by the Development Services Committee

The applicant did not support the draft By-law limiting medical office use to a single medical practitioner at any one given time, and therefore staff did not bring the By-law back to the Development Services Committee in the Fall of 2015. The applicant was invited by staff to further discuss the proposed By-law and has requested staff to prepare a report requesting the Development Services Committee to reconsider its recommendation of June 16, 2015 limiting medical office use to a single medical practitioner at any given time.

The parking lot identified in the Site Plan Application was installed without obtaining the approval of the City

In October of 2015, a new parking lot was installed without the approval of the City, or having the necessary commercial zoning in place. The City's By-law enforcement department issued an Order to Comply requiring the owner to either remove the parking spaces or to obtain site plan approval. The applicant would like to complete the re-zoning of the property and site plan application in order to legalize the new parking lot.

OPTIONS/ DISCUSSION:

Business Office and Residential Uses are supported

The property is zoned R3 under By-law 1229, as amended. The proposed by-law amendment will rezone the property to Medium Density 1 Housing/Office (C4) with site specific development standards related to the existing driveway, heritage building and parking lot. Staff support business office use and the following residential uses: Single Detached, Semi-detached, Duplex, Triplex, Fourplex and apartments. Staff does not support retail, personal service shops, or restaurant uses as these would be contrary to the vision of the Secondary Plan and not envisioned for this part of Main Street Markham. The draft by-law is attached as Appendix 'C'.

The limitation on medical office use is no longer recommended by staff

The applicant has requested that the limitation on medical office uses (i.e. one medical office used by a single practitioner at any one time) recommended at the Public Meeting, be reconsidered.

Originally, when the Secondary Plan was approved for this area, business and professional office use did not envision medical office use for this part of Main Street. However, in 2014, Council passed a by-law to ensure that all zoning by-laws in the City contain the same definition of 'Medical Office' and indicated that wherever a 'Business and Professional Office' is a permitted use, a 'Medical Office' is also permitted. By-law 2014-62 also deleted the term 'business and professional office' in all existing City by-laws and replaced it with the term 'Business Office'. The By-law also amended the definition of 'Business Office' to include a 'Medical Office'. The definition of a 'Medical Office' in the amending by-law was also revised to indicate that this type of premise includes "clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital". Therefore, now throughout the City, where business offices are permitted, medical offices and clinics are also permitted, subject to the availability of parking.

The applicant currently only plans to use the property for business office use with one residential unit on the second floor. The Zoning By-law only requires one parking space per 30 m² of net floor area of office use. Even if the applicant were to eventually use both floors of the existing building as office space, the By-law would only require the five parking spaces indicated on the accompanying site plan drawing (See Figure 4). However, if in the future there was a proposal to convert the entire existing building to a medical clinic, the By-law would require one parking space per 20 m² of net floor area, and eight on-site parking spaces. A 'Change of Use' permit application would be required by the City's Building Department before converting the building to a medical clinic use. Through the application review process, the number of parking spaces required for the medical use would be identified, and the necessary parking spaces would need to be provided through an amendment to the Site Plan Agreement.

Based on the above policy and the existing size of the property which would appear to allow for future parking expansion, the requested limitation on medical office use is no longer recommended by staff.

Site Plan submission

A number of design-related issues were raised with respect to the proposal as initially submitted. Through modifications to the plans, these issues have been addressed as follows:

- a. On Site Parking-the City's Zoning examiner will confirm if the number and location of parking spaces shown on the submitted plans is satisfactory for the proposed business office use. If additional spaces are required, as noted above, the site appear to have the capacity to accommodate additional spaces;
- b. Screening of Parking- screening the new parking spaces with medium height shrubs is recommended. The Secondary Plan recommends appropriate screening of parking areas from residential lots and from the street to help maintain the area's residential character;
- c. Relocation of Historic Garden Trellis- Heritage Markham had recommended that the historic garden trellis in the side yard be move forward of the proposed parking lot in order to screen it. The applicant does not want to move this structure, indicating that it will look out of place in the front yard, and it is too fragile to be moved. Heritage Staff is satisfied that the parking lot can be screened by plantings alone without relocating this structure.
- d. Access Driveway – the City's Engineering Department does not require the existing 2.9 m driveway to be widened to accommodate 2-way traffic while the applicant is only using the existing building for an insurance office. This will also allow for preservation of existing trees on the property;
- e. Grading and Servicing-the City's Engineering Department is requiring the existing services to be upgraded to commercial standards and will be reviewing and providing comments on a Functional Servicing Report and Grading Plan;

In addition, the amending By-law will need to address existing site conditions of the lot which include a minimum lot frontage of 18.3 m, a minimum lot area of 2,067 m², a minimum front yard setback of 7.2 m, a minimum north side yard setback of 0 m, a minimum required driveway width for a *driveway* providing two way access to a parking area of 2.9 m, and allow access ramps, driveways and parking areas to be constructed without being defined by a curb, rolled asphalt, or a fence.

CONCLUSION

Staff continue to support the zoning amendment to add Offices as a permitted use. The applicant is proposing to initially convert the former residence to an insurance office use, and is requesting broader use provisions for future possible expansion. The applicant's

request to permit medical offices without limiting them to one medical practitioner at any one given time is supportable as the scale of any future medical clinic use can be limited by the City based on the number of available on-site parking spaces.

Staff recommends that the zoning by-law attached to this report and which reflects the current recommendation as detailed in the report, be approved and that the site plan be endorsed in principle, subject to the conditions identified in Appendix 'A'.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable

HUMAN RESOURCES CONSIDERATIONS

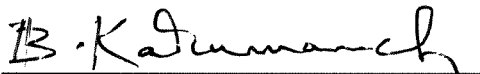
Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development aligns with the City's strategic priorities for responsible growth management.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were circulated to various City departments and external agencies and their requirements have been incorporated into this report.


Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning & Urban Design


Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo
Figure 4: Proposed Site Plan
Figure 6: Photograph of the Existing Heritage Dwelling

Appendix 'A' Site Plan Conditions
Appendix 'B' Draft Zoning By-law

APPLICANT: Andrea Blair

APPENDIX 'A'
SITE PLAN CONDITIONS
1377402 ONTARIO INC.
162 MAIN STREET NORTH, MARKHAM

That the Owner shall enter into a Site Plan Agreement with the City, containing all standards and special provisions and requirements of the City and other external agencies, including but not limited to:

1. Provision for the payment by the Owner of all applicable fees, recoveries, and development charges.
2. Provision for the payment by the Owner of any other identified financial obligation including a letter of credit to ensure construction as per approved plans.

Prior to the execution of a Site Plan Agreement:

1. The Owner shall submit a final site plan, and additional details including but not limited to information on paving materials and other design details required by Heritage Section staff to the satisfaction of the Director of Planning and Urban Design or designate.
2. The Owner shall submit and revise as necessary all required engineering drawings along with any studies and reports which are required to comply with the requirements of the City and external agencies to the satisfaction of the Director of Engineering or designate.
3. The Owner shall submit and revise as necessary landscape plans and a tree inventory and preservation plan along with any other studies and reports which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Director of Planning and Urban Design or designate.

That the site plan approval shall lapse after a period of three (3) years commencing March 29, 2016 in the event that the Owner does not enter into a site plan agreement with the City during that period.



BY-LAW 2016-_____

A By-law to amend By-law 1229, as amended
and to amend By-law 28-97, as amended

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

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

- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto from One Family Residential (R3) to Office/Residential (C4) Zone.
- 1.2 By adding the following subsection to Section 12 – EXCEPTIONS:

“12.38 162 Main Street Markham North

Notwithstanding any other provisions of By-law 1229, as amended and By-law 28-97, as amended, the provisions in this Section shall apply to those lands subject to By-law 2016-_____ as shown on Schedule 'A' attached thereto. All other provisions of By-law 1229, as amended, and By-law 28-97, as amended, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

12.38.1 Only Permitted Uses

The following uses are the only uses permitted:

- a) BUSINESS OFFICE;
- b) DWELLING UNITS OVER BUSINESS PREMISES;
- c) DETACHED DWELLING;
- d) SEMI-DETACHED DWELLING;
- e) DUPLEX DWELLING;
- f) TRIPLEX DWELLING; and
- g) FOURPLEX DWELLING.

12.38.2 Specific Zone Standards

The following specific zone standards apply:

- a) Minimum LOT FRONTAGE – 18.3 metres;
- b) Minimum LOT AREA – 2,067 square metres;
- c) Minimum FRONT YARD setback – 7.2 metres;
- d) Minimum North SIDE YARD setback for the existing heritage dwelling – 0 metres;
- e) Minimum required width for a *driveway* providing two way access to a *parking area* – 2.9 metres; and
- f) *Access ramps, driveways, and parking areas* are not required to be defined by a curb, rolled asphalt, or a fence; and

Read a first, second and third time and passed on _____, 2016.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



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LOCATION MAP

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

 SUBJECT LANDS

FILE No: ZA_SC15147635


DATE:05/28/15



AREA CONTEXT/ZONING

APPLICANT: 1377402 ONTARIO LTD.
162 MAIN STREET MARKHAM NORTH

FILE No: ZA_SC15147635

 SUBJECT LANDS



AIR PHOTO 2014

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

FILE No: ZA_SC15147635

 SUBJECT LANDS

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DATE:05/28/15

FIGURE No. 3



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PHOTOGRAPH OF THE EXISTING HERITAGE DWELLING

APPLICANT: 1377402 ONTARIO LTD.

162 MAIN STREET MARKHAM NORTH

FILE No: ZA_SC15147635