

**3351 Markham Road – Removal of Holding Symbol (H)  
Application – Final Report**

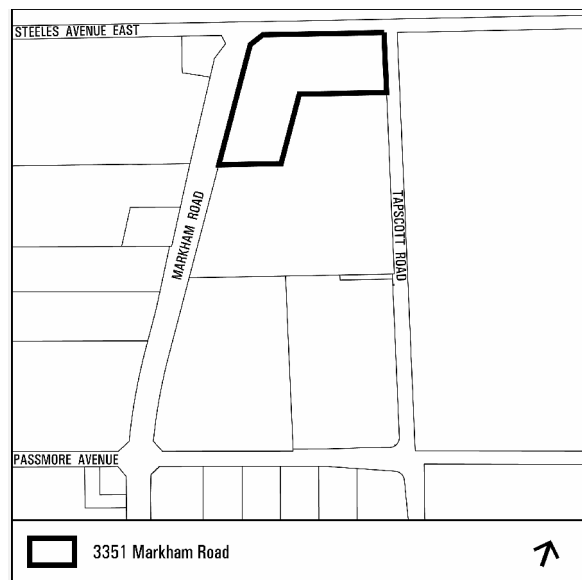
<b>Date:</b>	March 11, 2008
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 42 – Scarborough-Rouge River
<b>Reference Number:</b>	08 106091 ESC 42 OZ

**SUMMARY**

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report reviews and recommends approval of an application to amend the zoning by-law to remove the holding designation for the property at 3351 Markham Road, located at the southeast corner of Steeles Avenue East and Markham Road.

A zoning amendment application has been filed to lift the holding symbol (H) from the subject lands in order to permit a commercial/retail development consisting of five separate buildings on the site with multiple units within each building, and associated parking. City of Toronto By-law No. 408-2006 includes a Holding Symbol (H) which can be lifted when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, all transportation improvements under the Core Servicing Agreement have been secured, and a comprehensive site plan control application has been submitted to the satisfaction of the City of Toronto. The specific terms of the Holding Symbol (H) have now been met.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended, by By-law No. 408-2006, with respect to lands municipally known as 3351 Markham Road, to lift the holding symbol (H) from the subject lands substantially in accordance with the draft zoning by-law amendment attached as Attachment 3.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A zoning amendment application was made in May 2003 to amend the Employment Districts Zoning By-law No. 24982 (Tapscott) to rezone the lands from Agricultural (AG) Zone to Special District Commercial (SDC), and to also add Vehicle Service Stations and Mechanical and Automatic Car Washes to the permitted uses for this site. A site plan control application was not filed in support of the zoning by-law amendment, however a concept plan was submitted in order to assist in the review.

In May 2006, City Council approved an amended zoning application and enacted By-law No. 408-2006. This zoning by-law included a holding symbol (H) which can be lifted when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, all transportation improvements under the Core Servicing Agreement have been secured, and a comprehensive site plan control application has been submitted to the satisfaction of the City of Toronto.

A site plan control application was submitted in February 2007 which differed from the concept plan submitted in August 2005 in support of the applicant's rezoning application. The corner of Steeles Avenue East and Markham Road now contained a single building, a reduced landscaping feature at the corner of Steeles Avenue East and Markham Road, and the most easterly development block was labelled "future development" (as opposed to a vehicle service station). The site plan was subsequently revised by the applicant in March 2007 to show a new three-storey medical office building at the corner of Steeles Avenue East and Tapscott Road.

Over the next two months, staff negotiated with the applicant with respect to site plan issues for more prominence at the corner of Steeles Avenue East and Markham Road, additional landscaping to buffer the parking areas fronting both arterials, and a more prominent gate-way feature.

In May 2007 the site plan control application was appealed to the Ontario Municipal Board by the applicant citing a failure of the City to make a decision within 30 days. The Ontario Municipal Board scheduled a hearing for November 2007 and set aside three days to consider the appeal. In accordance with a directions report approved by Council on September 26-27, 2007, the City and the applicant continued to negotiate site plan issues and a settlement was reached before the OMB hearing date. The Final Order of the Board was withheld and will be given upon being advised that all site plan details have been addressed.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes to amend the zoning by-law to remove the holding symbol (H) to allow for the development to proceed.

Lifting of the holding symbol (H) will allow the applicant to proceed with the development of a commercial/retail development consisting of five separate buildings on the site with multiple units within each building, and associated parking. The site is approximately 2.8 ha (6.9 acres) with a proposed total gross floor area of approximately 6,000 square metres (65,583 square feet) (Attachment 1: Site Plan).

### **Site and Surrounding Area**

The site is located at the southeast corner of Steeles Avenue East and Markham Road. It is irregular in shape, and measures approximately 2.8 ha (6.9 acres).

**North:** To the north of Steeles Avenue East is the Town of Markham. A supermarket is located at the northeast corner. Further east along Steeles Avenue East on the north side of the road are grade-related residential dwellings.

**South:** Immediately south of the property was, until recently, a golf driving range and is now vacant. The adjacent lands to the southeast have been identified for a storm water management pond.

**East:** The lands are currently vacant although two applications have been filed (in mid-2002) for industrial plans of subdivision for lands located immediately east of Tapscott Road to the western limit of Morningside Creek.

**West:** The lands on the west side of Markham Road, south of Steeles Avenue East, are currently being graded and serviced for development. Two large development proposals, primarily for retail and commercial uses, have had their site plans reviewed by staff and their Notice of Approval Conditions issued by the City. The development by Markham Steeles Realty Incorporated (Baif Development) at the southwest corner of Steeles Avenue East and Markham Road, consists of approximately 34,000 m<sup>2</sup> (366,000 ft<sup>2</sup>) gross floor area of commercial and retail uses on approximately 14 ha (35 acres). Located immediately to the west of the

Baif development, 2811 Development Corporation (Landmark) is proposing another development which consists of approximately 49,000 m<sup>2</sup> (529,000 ft<sup>2</sup>) of commercial and retail uses on approximately 17 ha (41 acres).

### **Official Plan**

The lands are designated Employment Areas (Map 22 – Land Use), providing for business and economic activity, and Employment Districts (Map 2 – Urban Structure) in the Official Plan. Steeles Avenue East is a major street.

Employment Areas are places of business and economic activity and development will contribute to the creation of competitive, attractive, and highly functional Employment Areas. Large scale, stand-alone retail stores and power centres are only permitted in Employment Areas fronting on major streets and located at the edge of Employment Areas, subject to certain criteria.

### **Zoning**

The lands are zoned Special District Commercial with a holding Symbol SDC (H) in Employment Districts Zoning By-law No. 24982 (Tapscott Employment Districts). Permitted uses prior to the removal of the holding symbol (H) from the zoning for the lands shall be restricted to those uses currently permitted in the Agricultural (AG) Zone and the existing uses on the property.

The holding symbol (H) used in conjunction with the Special District Commercial zone (SDC) could be removed in whole or in part by amending by-law when Council is satisfied as to:

- i. submission of a comprehensive site plan control application to the satisfaction of the City which illustrates and provides for, among other matters, an appropriate gateway feature at the southeast corner of Steeles Avenue East and Markham Road, site plan organization, building locations, site circulation, massing and building articulation, pedestrian safety, pedestrian amenities and pedestrian circulation;
- ii. submission to the City of appropriate financial securities to the satisfaction of the Toronto Transit Commission for transit signal priorities and transit related improvements as deemed necessary by the Toronto Transit Commission; and
- iii. the owner entering into a financially secured servicing agreement with the City of Toronto to secure, among others matters, servicing related to the delivery of core services to the property and to ensure the orderly development of the site.

### **Site Plan Control**

As part of the requirements for Council to lift the holding symbol (H), a comprehensive site plan control application has to be submitted to the satisfaction of the City of Toronto which illustrates and provides for, among other matters, an appropriate gateway feature at the southeast corner of Steeles Avenue East and Markham Road, site plan organization,

building locations, site circulation, massing and building articulation, pedestrian safety, pedestrian amenities and pedestrian circulation.

### **Reasons for Application**

This applicant proposes to amend the zoning by-law to remove the holding symbol (H) which applies to the entire site to allow for the development to proceed.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application with respect to lifting of the holding symbol (H).

### **COMMENTS**

City of Toronto By-law No. 408-2006 includes a Holding Symbol (H) which can be lifted when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, all transportation improvements under the Core Servicing Agreement have been secured, and a comprehensive site plan control application has been submitted to the satisfaction of the City of Toronto. The specific terms of the Holding Symbol (H) have now been met.

### **Site Plan Control**

A site plan control application was submitted in February 2007 which differed from the concept plan submitted in support of the initial rezoning application for the lands. Although the site plan was subsequently appealed to the Ontario Municipal Board, staff continued to negotiate with the applicant to resolve a number of site plan issues. A settlement was reached between the City and the applicant before the commencement of the OMB hearing. Subject to the details of the Board settlement, staff are satisfied that site plan conditions related to the removal of the holding symbol (H) have been fulfilled.

### **Technical Services**

Technical Services has indicated that the construction of the municipal sewer and water infrastructure in the Tapscott Industrial Area is substantially complete and proceeding as planned. In addition, satisfactory arrangements have been made, or will be secured during the site plan approval process, with respect to transportation improvements, infrastructure, financial guarantees, and servicing necessary to accommodate the proposed development. As such, Technical Services has no objection to removing the holding symbol (H) from the current zoning to allow the development to proceed.

### **Toronto Transit Commission**

The Toronto Transit Commission (TTC) has indicated that the proponent coordinate the related TTC requirements, including the necessary funding, with Technical Services for matters related to the implementation of transit priority measures. These matters have been fulfilled to the satisfaction of Technical Services.

## **Conclusion**

It is timely for Council to lift the holding symbol (H) now that the City is satisfied that the applicant has satisfied the site plan, transportation and servicing conditions related to this proposal in accordance with the zoning by-law. Removal of the holding symbol (H) will allow for the orderly development of this site in accordance with the approved official plan and zoning amendment.

## **CONTACT**

Sai-Man Lam, Planner  
Tel. No. 416-396-4203  
Fax No. 416-396-4265  
E-mail: slam@toronto.ca

## **SIGNATURE**

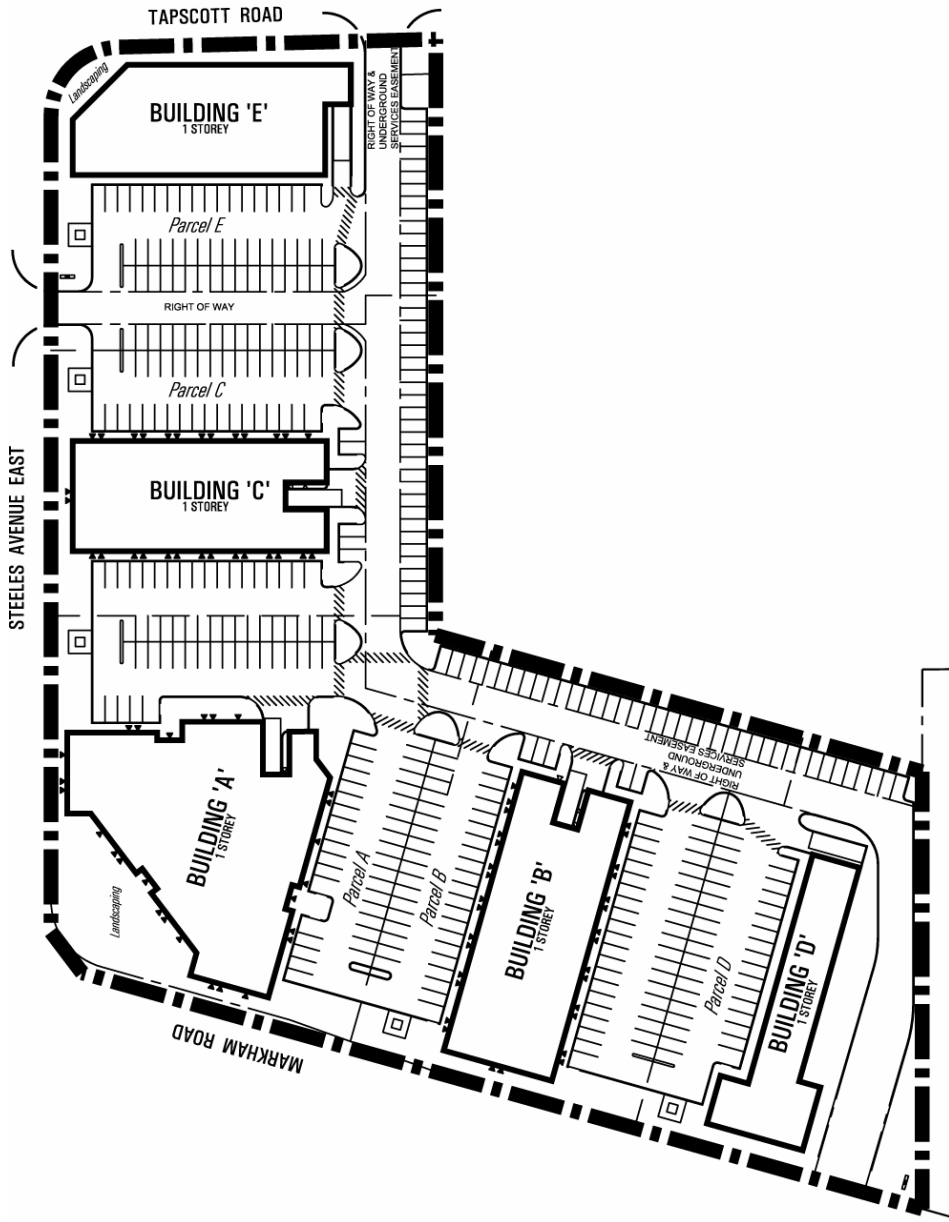
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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Existing Zoning  
Attachment 3: Draft Zoning By-law Amendment  
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



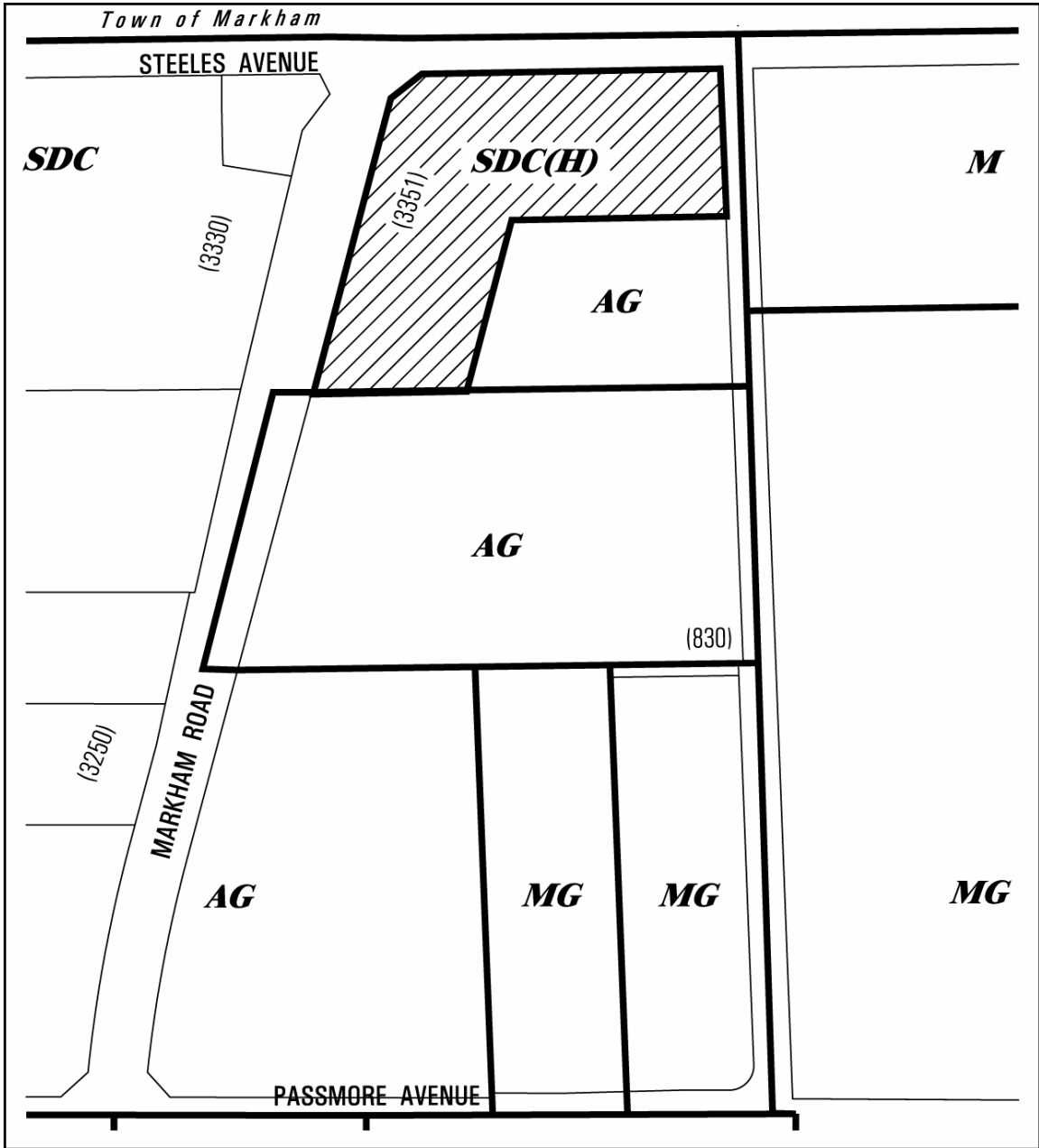
3351 Markham Road

File # 08-106091 0Z

Site Plan  
Applicant's Submitted Drawing

Not to Scale  
02/27/08

Attachment 2: Existing Zoning Map



**TORONTO** City Planning Division  
**Zoning**

3351 Markham Road  
 File # 08-106091 OZ

**M** Industrial Zone  
**MG** General Industrial Zone  
**SDC** Special District Commercial Zone

**AG** Agricultural Zone  
**(H)** Holding

Tapscott Employment Bylaw  
 Not to Scale  
 02/27/08





**Attachment 3: Draft Zoning By-law Amendment**

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2008**

**To amend Employment Districts Zoning By-law No. 24982, as amended, by lifting the Holding Symbol (H) with respect to the lands municipally known as, 3351 Markham Rd**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto is satisfied that the conditions relating to the lifting of the Holding Symbol (H) from the subject lands have now been satisfied and Council has given notice of its intention to lift the Holding Symbol (H) in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **SCHEDULE “A”** of the Employment Districts Zoning By-law No. 24982 (Tapscott Employment District) is amended by deleting the Holding Symbol (H) from the Special District Commercial Zone so that the amended zoning shall read as follows as shown on Schedule ‘1’:

SDC – 410(a) – 913 – 2029 – 2215

202  
464

2. **SCHEDULE “C” – EXCEPTIONS LIST** is amended by deleting Exception Number 832 from the lands as shown on Schedule ‘1’.
3. Within the lands shown on Schedule ‘1’ attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,  
Mayor

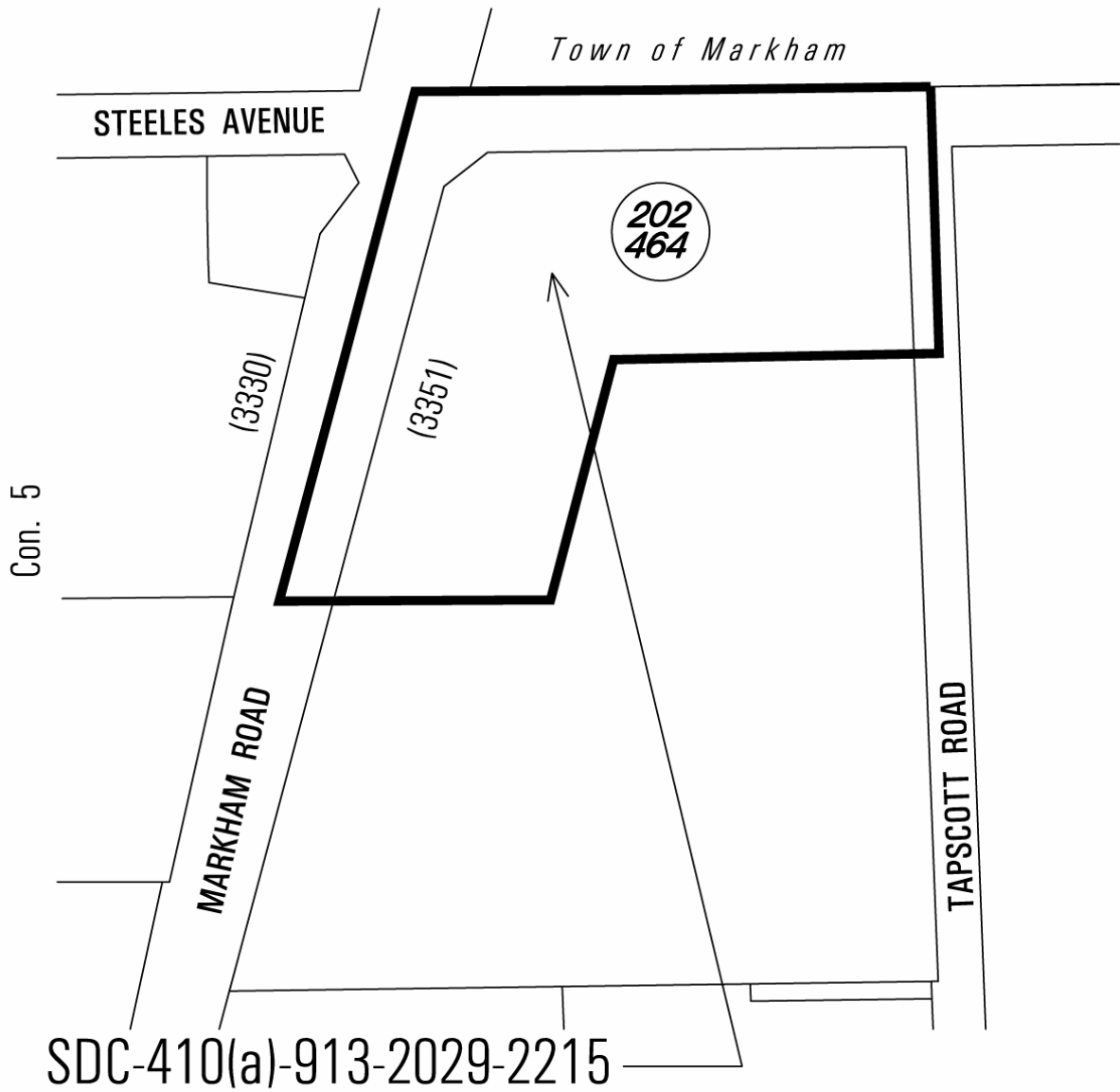
ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

Schedule '1'

Lot 17

Town of Markham



**Toronto** City Planning Division  
**Zoning By-Law Amendment**

3351 Markham Road  
 File # 08-106091 OZ

 Area Affected By This By-Law

Tapscott Employment Bylaw  
 Not to Scale  
 02/27/08  


## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	08 106091 ESC 42 OZ
Details	Rezoning, Lifting the Hold	Application Date:	January 24, 2008
Municipal Address:	3351 MARKHAM RD		
Location Description:	CON 5 PT LT17 RP64R12420 PT 1 **GRID E4201		
Project Description:	The applicant proposes to amend the Zoning By-law to remove the Holding Symbol (H) which applies to the entire site to allow for the development to proceed. City of Toronto By-law No. 408-2006 includes a Holding Symbol (H) which shall be removed when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, and that all necessary transportation improvements have been secured to the satisfaction of the City of Toronto.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MARTIN RENDL			STEELES MARKHAM DEVELOPMENTS LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Numbered Policy 9
Zoning:	SDC(H) – Special District Commercial	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	27455.03	Height:	Storeys:	1
Frontage (m):	0		Metres:	7.5
Depth (m):	0			
Total Ground Floor Area (sq. m):	6693.74			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	407
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	6693.74			
Lot Coverage Ratio (%):	25.79			
Floor Space Index:	0.24			

### DWELLING UNITS

Tenure Type:

Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	5927.27	0
Office GFA (sq. m):	356.63	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	409.84	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Sai-Man Lam, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-4203</b>