

6

CATHEDRAL COMMUNITY SECONDARY PLAN OFFICIAL PLAN AMENDMENT 123 TOWN OF MARKHAM

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report, September 6, 2005, from the Commissioner of Planning and Development Services:

1. RECOMMENDATION

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to modify and give notice to approve the Town of Markham Official Plan Amendment No. 123 for the Cathedral Community Secondary Plan Area, with modifications as requested by the Town, appended to this report as *Attachment 1*.

2. PURPOSE

The purpose of this report is to:

- Seek authority for staff to give notice to approve Official Plan Amendment No. 123.
- Outline the appeal by Loblaws Properties under Section 22(7) of Markham Council's refusal of a separate Official Plan Amendment within the Cathedral Community Plan Area for a 16.8 ha parcel fronting Major Mackenzie Drive between Highway 404 and Woodbine Avenue.
- Facilitate a consolidated hearing regarding the private Loblaws appeal and the portion of OPA 123 covering the Loblaws lands.

3. BACKGROUND

The purpose of Markham Official Plan Amendment No. 123 is to update Markham Official Plan Amendment 42 (Cathedral Community Secondary Plan Area) by including:

- The Woodbine Avenue By-pass of the hamlet of Victoria Square.
- An updated open space system.
- An updated land use plan and transportation plan associated with the designation of the new by-pass route.
- An overall refinement of the community plan.

Many of the changes proposed are a normal part of the plan implementation process and would not necessarily trigger the requirement for further Official Plan Amendments. However, given the cumulative effect of all the refinements to the Community Plan over

the past 7 years, and as a result of the work carried out the by the landowners group in consultation with the Town, Region and other approval authorities, it was considered appropriate to reconfirm the principles in the Plan and to make the necessary adjustments to the schedules and text that reflect the ongoing evolution of the Plan.

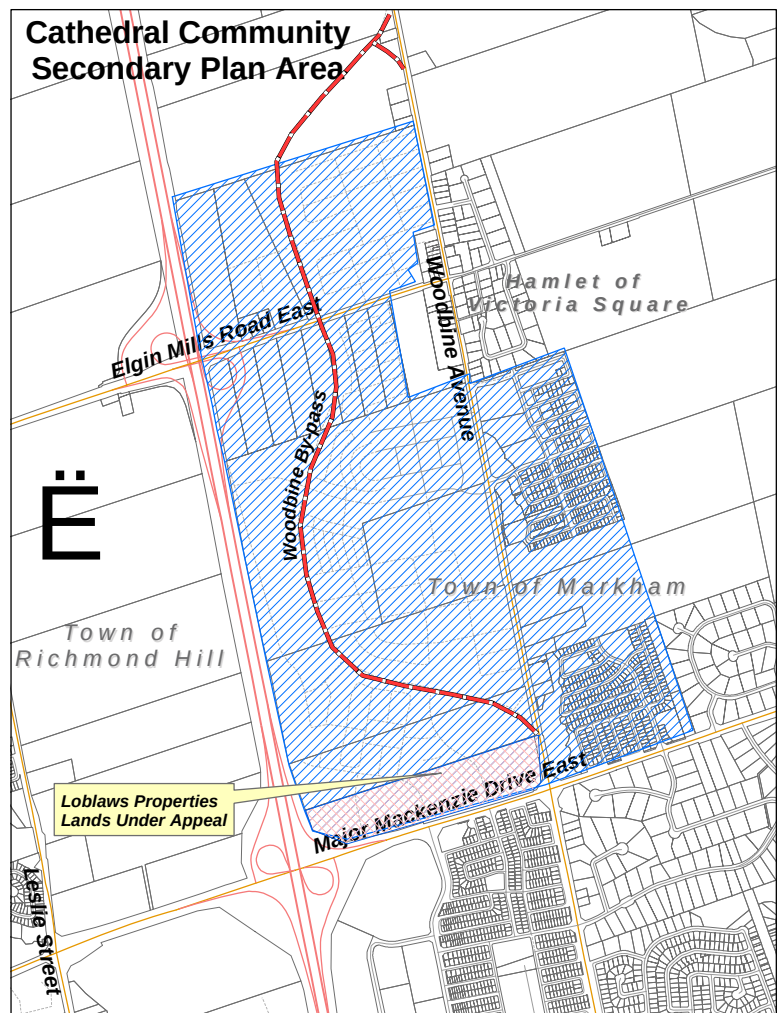
Official Plan Amendment 123 amends the Cathedral Community Secondary Plan by further refining the policies originally adopted by Markham Council on November 12, 1996 and subsequently approved by the Region on July 8, 1997 and September 8, 1997 as Official Plan Amendment 42. These refinements were based on the further studies done in order to implement the Secondary Plan. OPA 123 was adopted by Markham Council on June 30th and July 1st, 2004.

3.1 Loblaws Properties Limited Private Appeal

During the same period that Official Plan Amendment No. 123 was being brought forward for adoption, Loblaws Properties submitted a separate application to amend the Cathedral Community Plan to develop a large-format retail centre on the north side of Major Mackenzie Drive between Highway 404 and Woodbine Avenue in the West Cathedral Community. This application was appealed to the OMB by the applicant, Loblaws. This is not an appeal of OPA 123, but rather an appeal of Loblaws' private Official Plan Amendment application that was refused by Markham Council. The lands impacted by the appeal are illustrated on Figure 1.

The appealed lands cover an area of approximately 16.8 hectares (41.57 acres) and are bounded on the south by Major Mackenzie Drive, on the west by Highway 404, on the east by Woodbine Avenue, and on the north by Lot 22 Concession 3 (owned by Barrowcrest Developments Inc.)

The appealed lands are designated Industrial/Business Corridor,



Commercial/Community Amenity Area and Hazard Lands by the Markham Official Plan. These are the designations that were adopted as part of OPA 42 and remain in place as part of OPA 123. OPA 123 does not include any text changes to the Industrial/Business Corridor Area policies or the Commercial/Community Amenity/Business Area designations.

The Loblaws application included the following:

On the Business Corridor Area Loblaws proposed:

- A 13,617 m² (146,578 sq. ft.) Loblaws supermarket with accessory open storage.
- A gas bar/car wash, affiliated with the Loblaws store, at the north west corner of Markland Street and Major Mackenzie Drive.
- The applicant's site development plan, submitted in support of the application, shows a "possible office building" at the north west corner of the Business Corridor Area lands.

An Official Plan Amendment was required to permit a retail store larger than 6,000 m² (65,000 sq. ft.) with open storage on the Business Corridor Area lands.

On the Community Amenity Area lands (located east of the proposed northern extension of Markland Street and the valley lands adjacent to Woodbine Avenue) Loblaws proposed:

- A total of 17,000 m² (183,000 sq. ft.) of retail floor space in 11 free-standing buildings, with one store having a floor area of approximately 8,400 m² (90,000 sq. ft.) with accessory open storage.
- A second gas bar/car wash.
- A 1,900 m² (20,000 sq. ft.) office building.

An Official Plan Amendment was required to permit:

- A retail store larger than 6,000 m² (65,000 sq. ft.) with open storage on the Community Amenity Area lands.
- The proposed gas bar/car wash.
- Retail uses adjacent to Major Mackenzie Drive.

No development is proposed on the designated hazard lands at the north west corner of Woodbine Avenue and Major Mackenzie Drive.

Markham staff did not support the proposed development of a large format retail store in excess of 6,000 m² (65,000 sq. ft.) and a gas bar/car wash on the Business Corridor Area lands for the following reasons:

- The proposal does not comply with the planned function of the Business Corridor Area designation.
- It would represent an unacceptable loss of employment land within the Business Corridor Area designation.

- It would result in an inappropriate “gateway” into the West Cathedral Business Park Area to the north.

Markham Council refused the application on June 14, 2005 and the applicant subsequently appealed Council’s refusal under Section 22(7) to the Ontario Municipal Board. A pre-hearing was scheduled for September 29, 2005. Issuing a notice of decision for Official Plan Amendment No. 123 will facilitate the consolidation of all related policies at the Ontario Municipal Board hearing.

4. ANALYSIS AND OPTIONS

The original Cathedral Community Plan underwent a rigorous analysis and process including the resolution of an appeal regarding the site immediately surrounding the Plan’s focal point, the Cathedral. Through this process, a clear vision and plan objectives were established. The key goal of the Cathedral Plan was established “to develop excellence in community living based on the application of the following:

- Diversity of land use.
- A well defined public realm, among other things supports the Cathedral of the Transfiguration of Our Lord as a focus for the community.
- Transit supportive, pedestrian oriented development patterns
- Provision of a range of employment, recreational and community facilities.
- Provision of a mix of housing types.
- Integration of new development with existing development and existing road patterns in and adjacent to the new community.
- Preservation and protection of the natural environment.
- Parks and open space designed as organizing, structural elements serving as focal points to the community.

Regional staff agree that these planning objectives in the Cathedral Community Secondary Plan remain the same with the adoption of OPA 123 and begin to operationalize the planned objectives.

Markham staff and Council were of the opinion that the Loblaws’ application did not fit with the planned objectives in the Cathedral Community Secondary Plan and it was subsequently refused.

Regional staff agree and support Markham staff in regard to maintaining the principles of the Cathedral Community Secondary Plan. Given the scope and nature of the Loblaws’ appeal it is appropriate that local municipal staff take the lead in the resolution of the appeal and/or any subsequent Ontario Municipal Board hearing. It therefore is unnecessary for the Region to be a party at the hearing.

Since OPA 123 is now being considered for a decision by the Region and OPA 123 is intended to reconfirm the principles of the Cathedral Community Plan, it is appropriate for Regional Council to make a decision on the approval of OPA 123 which will allow the consolidation of all related policies in the OMB hearing.

4.1 Modifications to OPA 123

Since the adoption of OPA 123 by Markham Council on June 30 and July 1, 2004, Markham staff have requested some modifications to the plan to provide clarification and make some minor format and clerical changes. A modification is also proposed based on consultation between Town and Regional staff and the landowners to clarify the wording associated with the potential 404 overpass set out in policy 5.9.7. These modifications are included in Attachment 1.

5. FINANCIAL IMPLICATIONS

The approval of Official Plan Amendment 123 does not have financial implications for the Region.

6. LOCAL MUNICIPAL IMPACT

The further implementation of the Cathedral Community Secondary Plan is dependant upon the approval of OPA 123 as the draft plans of subdivisions currently being processed and awaiting draft approval within the Cathedral Community are based on the refined Plan rather than the original OPA 42. Approval of OPA 123 at this time will also permit a consolidated OMB hearing to take place which will finalize the land use policies for the lands adjacent to Major Mackenzie Drive in this Community should it be appealed.

7. CONCLUSION

Official Plan Amendment No. 123 confirms the planning objectives of the Cathedral Community Secondary Plan and begins the process of Plan implementation. The Loblaws' application does not fit into the planned objectives for the community. Approval of Official Plan Amendment 123 will facilitate the consolidation of all related matters at the Ontario Municipal Board.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is included with this report.)