

Memorandum to the City of Markham Committee of Adjustment

September 29, 2023

File: A/169/23
Address: McDowell Gate, Markham
Applicant: Condor Properties (Davide Pellegrini)
Agent: Condor Properties (Davide Pellegrini)
Hearing Date: Wednesday, October 18, 2023

The following comments are provided on behalf of the Central Team:

The applicant is requesting relief from the following requirements of By-law 108-81, as amended, [M.C.(60%)] as amended to permit:

- a) **Section 4.5.1(a)(ii):**
a minimum of one loading space (Building 'A'), whereas a minimum of two loading spaces are required;
- b) **Section 4.5.1(b):**
a building (Building 'A') to be constructed within 25.08 m of the centerline of 14th Avenue, whereas a minimum of 36 m is required;
- c) **Section 4.7.1(a):**
a minimum landscaped open space depth of 4.58 m immediately abutting 14th Avenue, whereas a minimum landscaped open space depth of 9 m is required;
- d) **Section 4.7.1(b):**
a minimum landscaped open space depth of 3.35 m immediately abutting McDowell Gate, whereas a minimum landscaped open space depth of 6 m is required;
- e) **Section 6.1(d)(i):**
a minimum Front Yard Setback of 6.28 m, whereas a minimum of 12 m is required;
- f) **Section 6.1(d)(iv):**
a minimum flankage yard of 4.58 m, whereas a minimum of 6 m is required;

as it relates to a proposed 3 storey office building and a 1 storey industrial building. The application is related to SPC 23 130595 which is currently under review.

BACKGROUND

Property Description

The 10,641 m² (114,538 ft²) subject lands (the "Subject Lands") are located on the north side of 14th Avenue, west of Kennedy Road and generally south of Highway 407 (refer to Appendix "A" – Aerial Photo). The property is located within an area comprised of a variety of uses such as a Banquet hall to the north, and industrial and community uses to the south, including a cultural centre.

Proposal

The Applicant is proposing to construct a 3,562.9 m² (38,351 ft²), 3–storey office building (“Building A”) at the corner of 14th Avenue and McDowell Gate, and a 1-storey 1,506 m² (16,216 ft²) warehouse building (“Building B”) towards the rear of the property. Two vehicular accesses are proposed, one on 14th Avenue and one on McDowell Gate. A total of 142 parking spaces are proposed, 15 of which are located in the lower level of Building A.

A Site Plan Application (File: SPC 23 130595), associated with this Proposed Development is currently under review by the City of Markham. Staff do not anticipate changes to the proposed building footprint with further submissions.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the Subject Lands “Service Employment”, which are areas intended to accommodate uses that serve and support other business uses and employees. This designation is intended to provide for a range of employment uses, including light industrial and warehousing, office, small-scale retail and service uses serving and supportive of other business uses and employed in Markham.

The Proposed Development conforms to the Service Employment designation of the City’s Official Plan.

Zoning By-Law 108-81, as amended

The Subject Lands are zoned M.C.(60%) under By-law 108-81, as amended, which permits the proposed office and warehouse uses. The current proposal does not comply with the standards of the By-law with respect to:

- a) Minimum number of loading spaces for Building A;
- b) Minimum setback from the centerline on 14th Avenue
- c) Minimum landscaped open space depth abutting 14th Avenue
- d) Minimum landscaped open space depth abutting McDowell Gate
- e) Minimum front yard setback
- f) Minimum flankage yard setback

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on September 15, 2023 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained; and
- d) The general intent and purpose of the Official Plan must be maintained.

Reduction of required Loading Spaces

The Applicant is requesting 1 loading space for Building A, whereas 2 loading spaces are required. The proposed office requires two loading spaces under the By-law because the Gross Floor Area (GFA) is greater than 1,860 m², whereas the GFA of Building B is less. The intent is to ensure commercial or industrial uses have appropriate loading facilities for deliveries and the day-to-day operations of the business.

The Applicant has provided a second loading space for the industrial warehouse (Building B) in the event that the warehouse may require this in the future. Staff are of the opinion that the proposed reduction of required loading spaces for Building A would not negatively impact the function of the property or surrounding uses.

Reduction of required setback to Centreline on 14th Avenue

The Applicant is requesting relief of the By-law to permit building (Building 'A') to be constructed within 25.08 metres of the centerline of 14th Avenue; whereas a minimum of 36 metres is required.

14th Avenue is a regional arterial road that is owned and operated by York Region. York Region has reviewed the application and has confirmed that they have no comments on the variance application. Given the comments received, Staff have no objections to the requested variance.

Reduction of minimum landscaped open space adjacent to 14th Avenue and adjacent to McDowell Gate

The Applicant is requesting a minimum landscaped open space depth of 4.58 metres abutting 14th Avenue, whereas a minimum landscaped open space depth of 9 metres is required.

The Applicant is also requesting a minimum landscaped open space depth of 3.35 metres immediately abutting McDowell Gate, whereas a minimum landscaped open space of 6 metres is required.

The proposed reduced landscape open space along 14th Avenue will facilitate a road widening along the regional road, as part of the ongoing Site Plan Application. The proposed reduced landscape open space along McDowell Gate reflects the most narrow portion of the landscape area. Staff do not anticipate any adverse impacts as a result of the proposed variance requests.

Reduction of minimum front yard setback and flankage yard setback

The Applicant is requesting a minimum front yard setback of 6.28 metres, whereas a minimum setback of 12 metres is required.

The Applicant is also requesting a minimum flankage yard of 4.58 metres whereas a minimum of 6 metres is required. The frontage along 14th Avenue is considered the flankage yard because it is the shorter of the two frontages.

Part of the reason for the reduced setbacks is due to the required road widening and daylight triangle to be conveyed to York Region. Additionally, staff further note that it is encouraged and preferable that new buildings are located closer to the street frontage so as to provide a comfortable pedestrian environment and active street edge. Staff have no concerns with the requested variances.

EXTERNAL AGENCIES

Metrolinx Comments

- The subject property is located within 300m of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.
- The Proponent is advised the following:
 - Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application including the Site Plan Application and has been in engagement with the developer regarding this proposal. Any requirements set out in prior comments are still applicable.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 11, 2023. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The *Planning Act*, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District

REVIEWED BY:



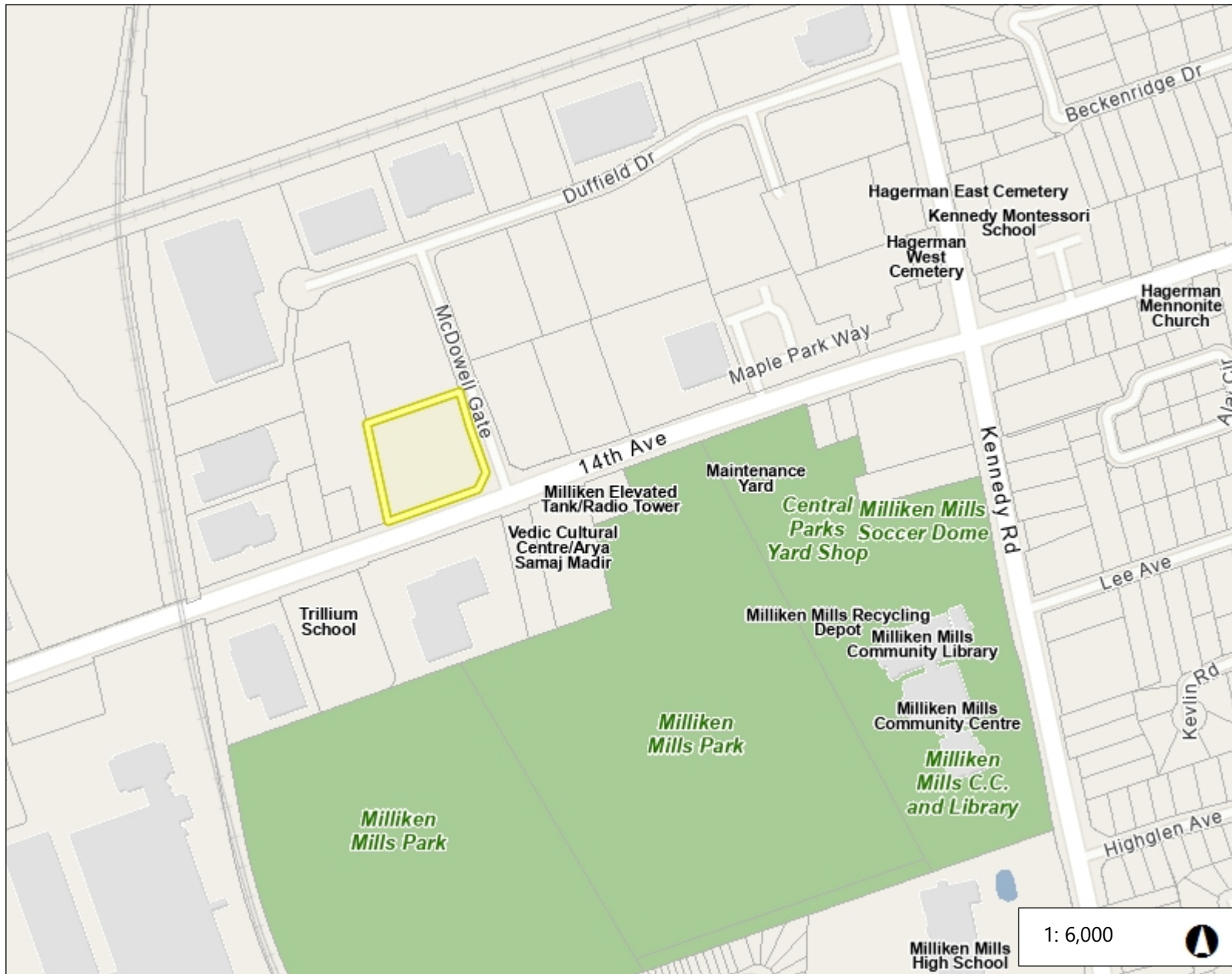
Deanna Schlosser, RPP MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Location Map

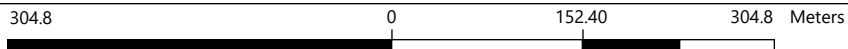
Appendix "B" – Plans

Appendix "C" – A/169/23 Conditions of Approval

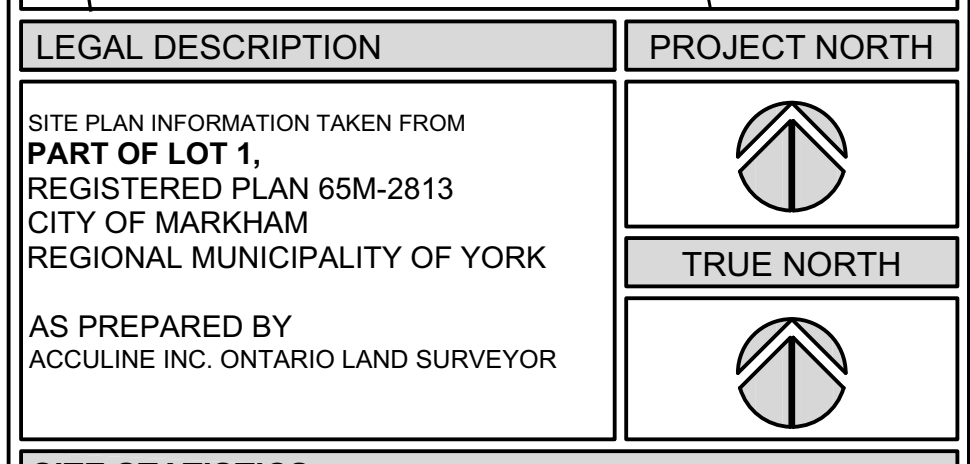
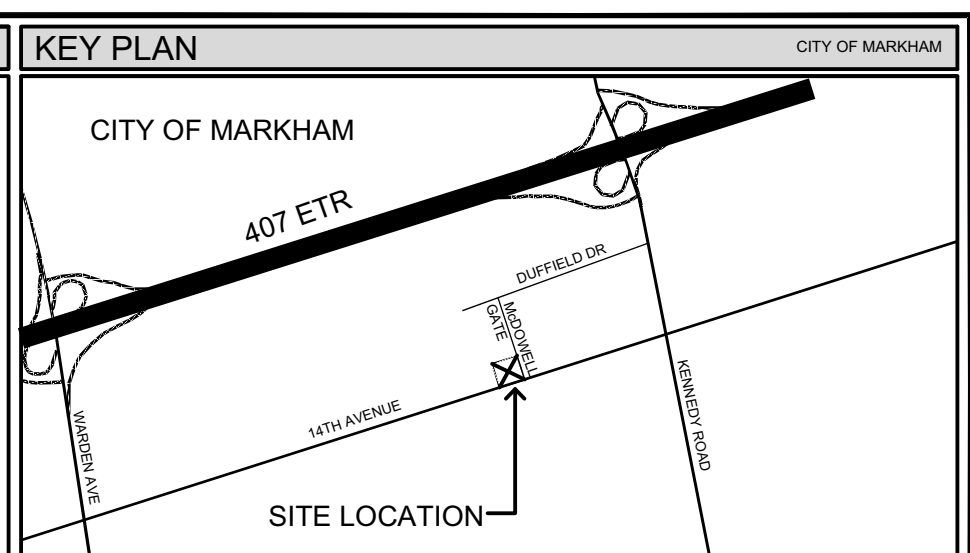
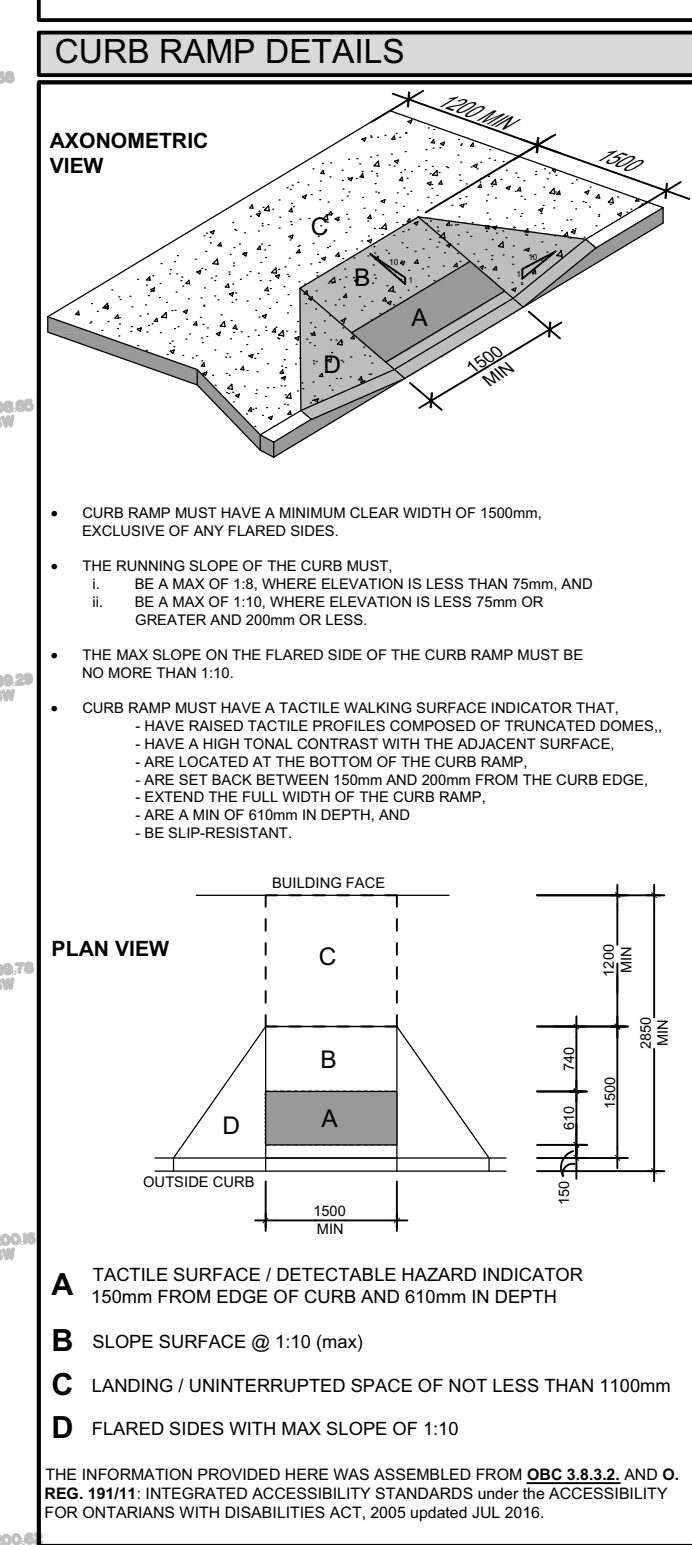
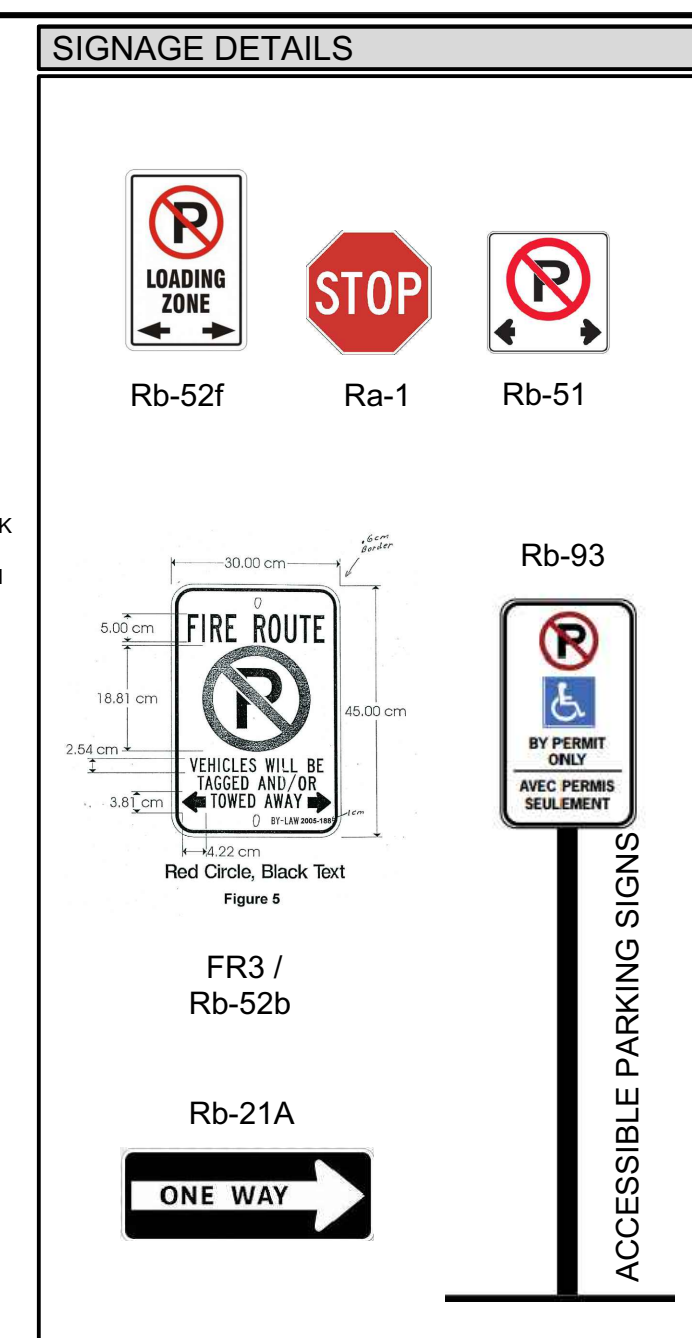
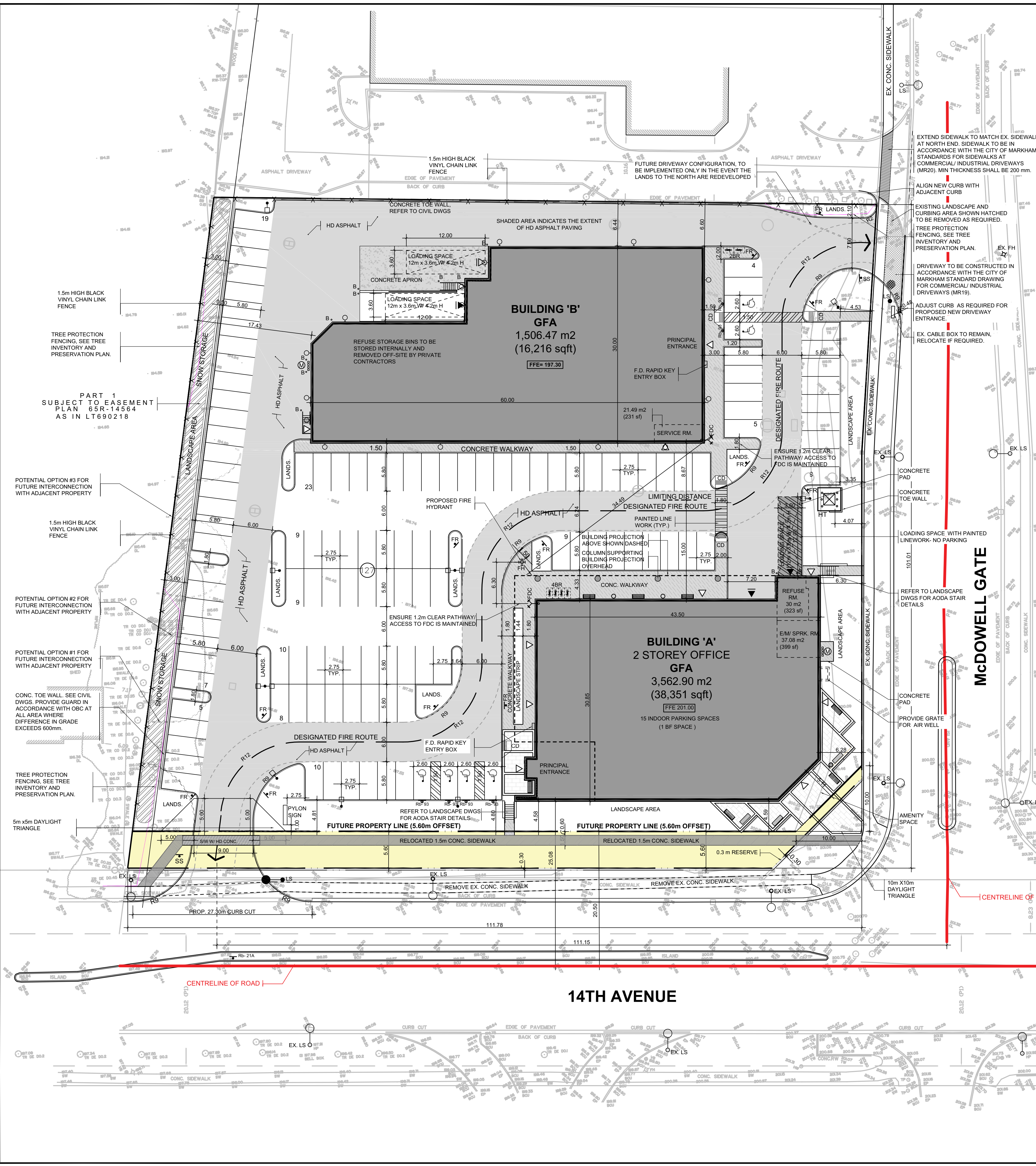


Subject Lands
 ● McDowell Gate and 14th Avenue

1: 6,000



Notes



SITE STATISTICS

ZONING CLASSIFICATION	MC (60%) GENERAL EMPLOYMENT
SITE AREA	10,641.23 m ² or 2.63 acres
ROAD WIDENING AREA	643.98 m ² or 0.16 acres
SITE DEVELOPMENT AREA	9,990.39 m ² or 2.47 acres
LOT FRONTAGE	30.00 m MIN +/-101.10 m
FRONT YARD (EAST)	12.00 m MIN 6.28 m
REAR YARD (WEST)	12.00 m MIN 17.39 m
EXTERIOR SIDE YARD (SOUTH)	6.00 m MIN 4.58 m
EXTERIOR SIDE YARD (NORTH)	6.00 m MIN 6.60 m
EXTERIOR SIDE YARD (SOUTH) ABUTTING AN ARTERIAL ROAD	9.00 m MIN 4.58 m
FRONT YARD (EAST) ABUTTING A STREET / HIGHWAY GATE	6.00 m MIN 3.35 m
BUILDING 'A' - PARKING LEVEL (VEHICLE PARKING EXCLUDED)	542.66 m ² or 5,841 sqft
BUILDING 'A' - GROUND LEVEL	1,466.57 m ² or 15,786 sqft
BUILDING 'A' - UPPER LEVEL	1,553.67 m ² or 16,724 sqft
TOTAL BUILDING 'A'	3,562.90 m ² or 38,351 sqft
TOTAL BUILDING 'B'	1,506.47 m ² or 16,216 sqft
TOTAL GFA	5,069.37 m ² or 54,567 sqft
SITE COVERAGE (DEV. SITE AREA)	2,861.80 m ² or 28.65 %
LANDSCAPED AREA	2,070.73 m ² or 20.73 %
PAVED AREA	5,057.86 m ² or 50.62 %
FLOOR SPACE INDEX (FSI) FLOOR AREA RATIO (FSA)	(MAX 60%) 0.50 / 50%
BUILDING A - OFFICE TOTAL FLOOR AREA NET = 3,155.30 m ² (Deductions (ME, Stairs, WR, Parking Area) Service RM = 1,220.32 m ² 1 space / 30 m ² GFA 3,155.30 m ² / 30 m ² = 105 Spaces	105 spaces
BUILDING B - INDUSTRIAL TOTAL FLOOR AREA NET = 1,484.98 m ² (Deductions (ME) = 21,049 m ² 1 space / 45 m ² NET FA = 1,200 m ² to 6000 m ² 1 space / 100 m ² NET FA, 1200 m ² to 6000 m ² 284.98 m ² / 100 m ² = 2.84 Spaces)	33 spaces
TOTAL	138 Spaces 142 Spaces
ACCESSIBLE SPACES	
H/C PARKING SPACES	6 Spaces 7 Spaces
5% OF REQUIRED PARKING	
SHORT TERM (2 spaces / ring)	6 Spaces 6 Rings/12 Spaces
BUILDING HEIGHT (MAX)	14.0 m Bldg A- 12.74 m Bldg B- 9.50 m
LOADING SPACES	3 Spaces 3 Spaces

SYMBOL LEGEND

▶	MAN DOOR LOCATIONS
▶	LOADING DOCK LOCATIONS
▶	DRIVE-IN OVERHEAD DOORS
▶	HYDRANT & VALVE
▶	FIRE DEPARTMENT CONNECTION
▶	CATCH BASIN
▶	DOUBLE CATCH BASIN
▶	STORM SEWER MANHOLE
▶	SANITARY SEWER MANHOLE
▶	TOP OF CURB
▶	TOP OF WALL
▶	DIRECTION OF TRAFFIC FLOW
▶	EXISTING ELEVATION
▶	PROPOSED ELEVATION
▶	DIRECTION OF DRAINAGE FLOW
▶	REFUSE STORAGE BINS
▶	BIKE RING (TWO BIKES PER RING)
▶	LOADING SPACE (3.0m x12.0m)
▶	GAS METERS
▶	LIGHT POLE, REFER TO ELECTRICAL DRAWINGS
▶	WALL PAC, REFER TO ELECTRICAL DRAWINGS
▶	STOP SIGN (Ra-1)
▶	FIRE ROUTE SIGN
▶	CONC. FILLED STEEL BOLLARD
▶	HYDRO POLE STANDARD / UTILITY POLE
▶	LIGHT STANDARD
▶	HYDRO TRANSFORMER
▶	ACCESSIBLE PARKING SPACE
▶	ACCESSIBLE PARKING SPACE SIGNAGE

SITE PLAN NOTES

- FIRE ACCESS ROUTES SHALL BE DESIGNED AND CONSTRUCTED WITH CONCRETE OR ASPHALT.
- FIRE ACCESS ROUTE SIGNS SHALL BE INSTALLED AT AN ANGLE NOT LESS THAN 30° AND NOTE MORE THAN 45° TO A LINE PARALLEL TO THE FLOW OF TRAFFIC.
- ALL NON-REGULATED TREES TO BE REMOVED PRIOR TO CONSTRUCTION.

No.	ISSUED	DATE
1	ISSUED FOR SPA	JUN 30, 2023
2	RE-ISSUED FOR PZR NOTICE	AUG 4, 2023
3	ISSUED FOR COA NOTICE	SEPT. 11, 2023

No.	REVISION	DATE
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OWNERS INFORMATION:
CONDOR PROPERTIES LTD.

14TH & MCDOWELL

14TH AVENUE & MCDOWELL GATE
 MARKHAM, ON

SITE PLAN

CITY OF MARKHAM: SPC.23.130595
 REGION OF YORK: SP.23.M.0148

DATE:	DRAWN BY:	CHECKED:	SCALE:
MAY 2023	HP		1:300

M 2326 **A-1.0**

APPENDIX “C” – A/169/23 Conditions of Approval

1. The variances apply only to the proposed development as long as it remains;
and
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report; or further revised by any site plan ‘endorsed’ or ‘approved’ drawings under File SPC 23 130595, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District