

Memorandum to the City of Markham Committee of Adjustment

February 26, 2020

File: A/016/20
Address: 3155 7 Hwy E Markham
Applicant: SmartCentres REIT (Matthew Howard)
Agent: SmartCentres REIT (Matthew Howard)
Hearing Date: Wednesday, March 04, 2020

Central Team provides the following comments. The Applicant requests relief from the following requirements of Parking By-law 28-97, to permit:

a) Parking By-law 28-97, Section 3.0, Table B:

A minimum of 1282 parking spaces, whereas a minimum of 1333 parking spaces is required; as it relates to a proposed new commercial building consisting of three restaurant units. This application is related to an active Site Plan Control Application (SPC 19 115859).

BACKGROUND

Property Description

The 10.12 ha subject property is located east of Woodbine Avenue, on the southwest corner of Highway 7 E and Fairburn Drive (see Appendix "B"), and is municipally addressed as 3155 Highway 7 E. The property is occupied by a commercial development known as Woodside Centre. Surrounding uses include commercial plazas located to the east and north of the subject property, Beaver Creek to the west, and employment lands to the south.

Proposal

The Applicant proposes to construct a new commercial building with a total of three restaurant units and a gross floor area ("GFA") of 574 m² (the "proposed development"), within the existing commercial complex as shown on Appendix "C". The Applicant submitted a Site Plan Control application in May 2019, to facilitate the proposed development. The Site Plan Control application is under review and on track to receive endorsement subject to the approval of a parking variance.

Official Plan and Zoning

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

The subject property is designated "Mixed Use Mid Rise" in the 2014 City of Markham Official Plan, which provides for mid to large scale retail development providing goods and services to address the needs of Markham residents. The proposed commercial retail building conforms with the Mixed Use Mid Rise criteria in the City of Markham's 2014 Official Plan.

Zoning By-Law 28-82

The subject property is zoned RW “Retail Warehouse” under By-law 165-80, which permits a variety of commercial uses. The proposed development conforms to the zoning by-law.

Parking Standards By-law 28-97

The proposed development does not comply with the City’s parking by-law standards (By-law 28-97) with respect to the minimum required number of parking spaces, as discussed further in the Comments section of this report.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *“The site has no potential areas for creation of more parking spaces”*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken. Notwithstanding, the applicant has received comments from the Building Department through the Site Plan Control process 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;
- d) the general intent and purpose of the Official Plan must be maintained.

Parking Reduction

The number of parking spaces being provided within the total commercial development is 1282 spaces, whereas 1333 spaces are required with the addition of the new commercial building as per the City’s Parking By-law 28-97. This will result in a deficiency of 51 parking spaces, which is a reduction of approximately 3.8 percent. Transportation Engineering staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply of the property. Further, the reduction in parking allows the proposed development to incorporate pedestrian walkways and waste storage areas to service the proposed restaurants. Staff have no objections to the approval of the proposed parking reduction.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 26, 2020. 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 to the requested variances. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Luis Juarez, Planner, Central District

REVIEWED BY:



Stephen Lue, Development Manager, Central District

APPENDIX "A"

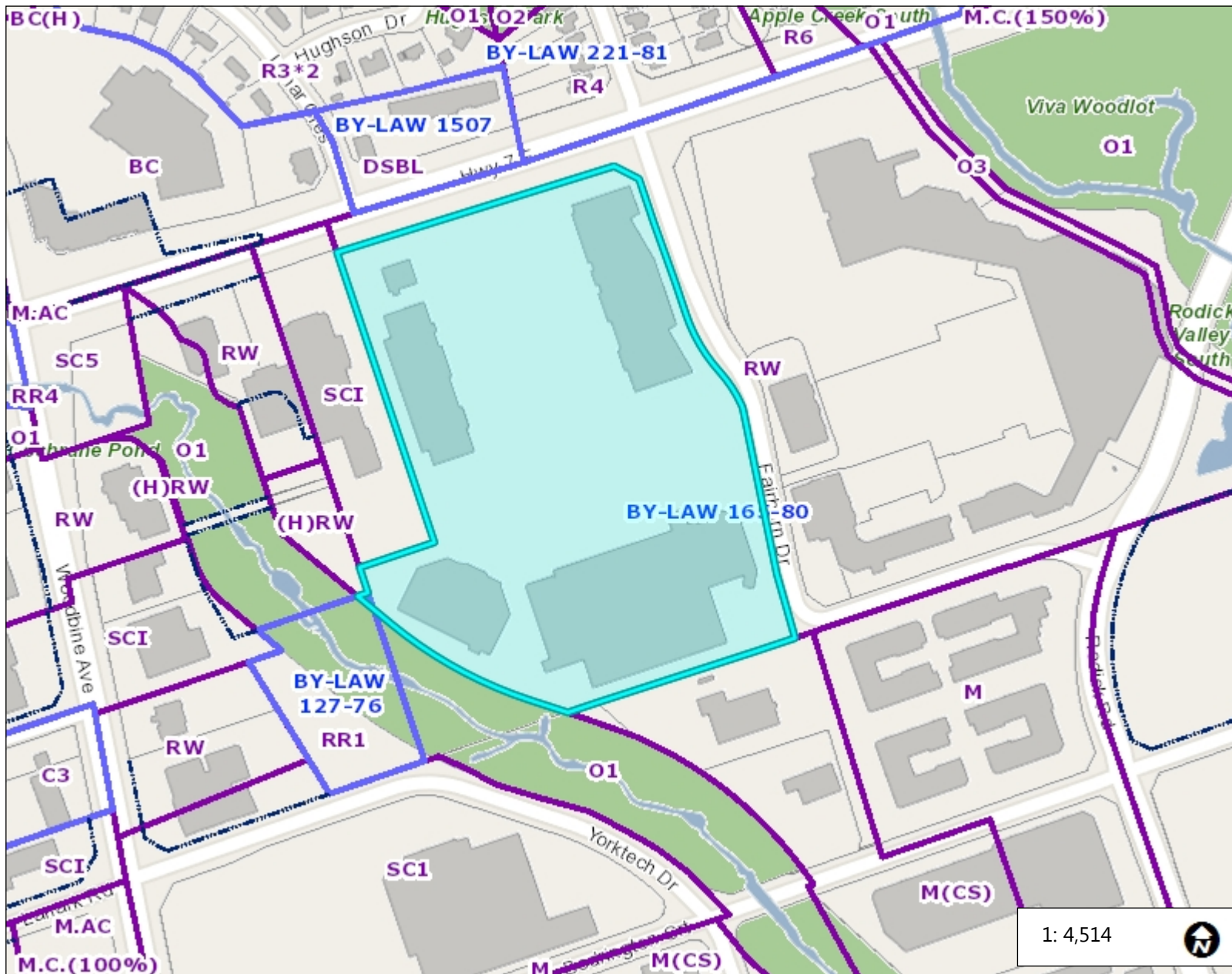
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/016/20

1. The variances apply only to the proposed development as long as it remains.
2. That restaurant uses be capped at 25 percent of the Gross Leasable Floor Area for the entire site.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Juarez", written over a horizontal line.

Luis Juarez, Planner, Central District



Legend

- Site SP Boundary
- Parent By-laws
- Zoning Designations
- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Parks
 - <all other values>
 - Under Development

1: 4,514



229.3 0 114.66 229.3 Meters

Notes

Appendix "C" - Proposed Site Plan

