

## **REVISED MEMORANDUM**

### **To the City of Markham Committee of Adjustment**

June 13, 2018

**File:** A/59/18  
**Address:** 1 Mintleaf Gate, Markham  
**Applicant:** Armland Group (Daniel Belli)  
**Owner:** Winterberry Developments Ltd.  
**Hearing Date:** Wednesday June 13, 2018

The purpose of this revised memorandum is provide additional information and corrections to the staff report submitted with the agenda for the June 13, 2018 meeting of the Committee of Adjustment. The body of the first staff report is accurate, as it pertains to the property description, the proposal, background information and policy context.

However, the recommendation is revised to support approval of the minor variance request to add child care centre as a permitted use at the above noted property.

During the course of the application the Development Manager for the East District, the Senior Development Manager and Director of Planning and Urban Design discussed the appropriateness of the proposed change of use in the context of the 2014 Official Plan policy. Senior staff also considered the intent of the current zoning by-law, based on the range of uses currently permitted and the appropriateness of the type of development application. In other words is it fitting to consider the use request through a minor variance or is a zoning by-law amendment application more appropriate.

The 2014 Official Plan provides clear direction in the Special Use Policies section regarding the criteria for assessing an application for *development approval* to permit the establishment of a child care centre, where the use is provided for in the Official Plan. *Development approval*, as defined in the 2014 Official Plan, includes a plan of subdivision, zoning by-law amendment, minor variance, site plan application or severance. There is nothing in the policy to suggest that an application for a child care centre shall be assessed through a zoning by-law amendment application.

The subject property is zoned under By-law 163-78, which provides for an expansive range of uses in the Community Commercial zone category, including banks, personal service shops, professional offices, retail stores, restaurants, places of entertainment and recreation, commercial clubs, commercial schools, studios and taxi stands. A site-specific zoning by-law amendment, by-law 351-81, rezoned the subject property to the Local Commercial zone category and refined the range of uses to banks, personal service shops, business and professional offices, retail stores and taxi stands.

The intent of the zoning by-law is to provide a mix of service uses that contribute to the creation of complete communities whereby goods and services are located along arterial or major collector roads in proximity to adjacent neighbourhoods to ensure convenient access to residents.

Senior planning staff submit that the proposed child care centre use meets the general intent and purpose of the 2014 Official Plan; and meets the general intent and purpose of By-law 163-78, as amended.

Further, senior planning staff recommend that child care centre be added as an additional permitted use at 1 Mintleaf Gate and that adding the use through the minor variance process is appropriate in this case.

If a proposal to add a child care centre in a location where the use is not provided for in the official plan designation or in a location where compatibility is likely to be a concern, for example in an employment area, then it may be more appropriately dealt with through a zoning by-law amendment application. However, there are no concerns regarding compatibility in this case.

There is considerable demand for child care spaces throughout the GTHA and Ontario, as evidenced by the Province's work under the *Renewed Early Years and Child Care Policy Framework (2017)* wherein the Province is looking to municipal partners to assist in the creation of new spaces in the community to provide additional options for people to access child care. Therefore, when there is an opportunity to add a child care centre in an appropriate location that meets the City's official plan policy criteria then it is appropriate to support the proposed use.

The components that distinguish a child care centre from other commercial / service uses are primarily the outdoor play area and the drop-off / pick-up function. It is appropriate to address these matters through the review and approval of a site plan amendment application, which the applicant will be required to submit prior to implementing the child care centre use. Based on the conceptual site plan submitted staff are confident that the detailed site plan matters can be addressed.

Senior Planning staff recommends that the minor variance application to add child care centre as an additional permitted use at 1 Mintleaf Gate be approved subject to the attached conditions.

### **Minor Variance Conditions: MV A/59/18**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and dated June 06, 2018, as revised by the memorandum dated June 13, 2018, 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;
3. Submission of a site plan indicating details including, but not limited to treatment of outdoor play area, fencing, areas for drop-off and pick-up, bicycle racks and landscaping to the satisfaction of the Director of Planning and Urban Design; and
4. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate.