

Memorandum to the City of Markham Committee of Adjustment

October 24, 2024

File: A/115/24
Address: Plan 65M-2665, Block 1 (Commerce Valley Drive East)
Applicant: Weston Consulting (Raj Lamichhane)
Hearing Date: Wednesday, October 30, 2024

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

The applicant is requesting relief from the following requirements of the Select Industrial Limited Commercial (M.C. (90%)) Zone in By-law 165-80, as amended, to permit:

a) By-law 165-80, Amending By-law 108-92, Section 1.2(b)(i):

an industrial building height of 3 storeys with a maximum height of 29.0 metres, whereas the by-law permits a maximum industrial building height of 2 storeys, provided the maximum height does not exceed 8.0 metres;

as it relates to the development of a three-storey data processing centre building.

This application is associated with a Site Plan Control application (File No.: SPC 23 116627) which is currently under review. This application is also related to Minor Variance application A/064/24 which was approved on August 14, 2024, and was Final and Binding on September 6, 2024.

BACKGROUND

Property Description

The 11.58 ha (28.6 ac) subject property is located at the southeast corner of Highway 7 and Commerce Valley Drive East. The subject property is currently vacant with an existing stormwater management pond located at the southeast corner of the property. Surrounding land uses predominantly include hotels, office buildings, and commercial uses.

Proposal

The applicant is proposing to construct a three-storey data centre building with a total GFA of 33,372 m² (359,213 ft²) on the subject property.

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.

Application History

On August 14, 2024, the Committee of Adjustment approved variances for the subject property, including a variance related to the maximum building height (refer to Appendix

'D' – Previous Staff Report). Through review of the related Site Plan Control application, it was identified that the approved maximum building height variance did not include required wording related to the maximum number of storeys. For this reason, the applicant has made a further application to the Committee of Adjustment to revise the height variance to include the maximum number of storeys. The proposed height variance is technical in nature and intended to correct a previous wording error. There are no changes to the plans as a result of the variance. Staff have no objection to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 24, 2024. 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting Development Manager, West District

File Path: Amanda\File\ 24 193498 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/115/24

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 B’ to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator;
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator;
6. That the applicant satisfies the requirements of the *TRCA*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the *TRCA*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *TRCA*.

CONDITIONS PREPARED BY:



Hailey Miller, Senior Planner, West District

Appendix B

File: 24_193498.000.00.MNV

Date: 10/24/2024



YTO 14

ISSUED FOR SITE PLAN CONTROL APPLICATION - 2.R1

July 12, 2024

WZMH

PH
HOBBSFIELD

DRAWING LIST - SPA	
FIGURE NUMBER	SHEET NAME
001	COVER SHEET
002	GENERAL NOTES
003	EXISTING SITE PLAN
004	PROPOSED SITE PLAN
005	PROPOSED SITE PLAN - ALTERNATIVE 1
006	PROPOSED SITE PLAN - ALTERNATIVE 2
007	PROPOSED SITE PLAN - ALTERNATIVE 3
008	PROPOSED SITE PLAN - ALTERNATIVE 4
009	PROPOSED SITE PLAN - ALTERNATIVE 5
010	PROPOSED SITE PLAN - ALTERNATIVE 6
011	PROPOSED SITE PLAN - ALTERNATIVE 7
012	PROPOSED SITE PLAN - ALTERNATIVE 8
013	PROPOSED SITE PLAN - ALTERNATIVE 9
014	PROPOSED SITE PLAN - ALTERNATIVE 10
015	PROPOSED SITE PLAN - ALTERNATIVE 11
016	PROPOSED SITE PLAN - ALTERNATIVE 12
017	PROPOSED SITE PLAN - ALTERNATIVE 13
018	PROPOSED SITE PLAN - ALTERNATIVE 14
019	PROPOSED SITE PLAN - ALTERNATIVE 15
020	PROPOSED SITE PLAN - ALTERNATIVE 16
021	PROPOSED SITE PLAN - ALTERNATIVE 17
022	PROPOSED SITE PLAN - ALTERNATIVE 18
023	PROPOSED SITE PLAN - ALTERNATIVE 19
024	PROPOSED SITE PLAN - ALTERNATIVE 20
025	PROPOSED SITE PLAN - ALTERNATIVE 21
026	PROPOSED SITE PLAN - ALTERNATIVE 22
027	PROPOSED SITE PLAN - ALTERNATIVE 23
028	PROPOSED SITE PLAN - ALTERNATIVE 24
029	PROPOSED SITE PLAN - ALTERNATIVE 25
030	PROPOSED SITE PLAN - ALTERNATIVE 26
031	PROPOSED SITE PLAN - ALTERNATIVE 27
032	PROPOSED SITE PLAN - ALTERNATIVE 28
033	PROPOSED SITE PLAN - ALTERNATIVE 29
034	PROPOSED SITE PLAN - ALTERNATIVE 30
035	PROPOSED SITE PLAN - ALTERNATIVE 31
036	PROPOSED SITE PLAN - ALTERNATIVE 32
037	PROPOSED SITE PLAN - ALTERNATIVE 33
038	PROPOSED SITE PLAN - ALTERNATIVE 34
039	PROPOSED SITE PLAN - ALTERNATIVE 35
040	PROPOSED SITE PLAN - ALTERNATIVE 36
041	PROPOSED SITE PLAN - ALTERNATIVE 37
042	PROPOSED SITE PLAN - ALTERNATIVE 38
043	PROPOSED SITE PLAN - ALTERNATIVE 39
044	PROPOSED SITE PLAN - ALTERNATIVE 40
045	PROPOSED SITE PLAN - ALTERNATIVE 41
046	PROPOSED SITE PLAN - ALTERNATIVE 42
047	PROPOSED SITE PLAN - ALTERNATIVE 43
048	PROPOSED SITE PLAN - ALTERNATIVE 44
049	PROPOSED SITE PLAN - ALTERNATIVE 45
050	PROPOSED SITE PLAN - ALTERNATIVE 46
051	PROPOSED SITE PLAN - ALTERNATIVE 47
052	PROPOSED SITE PLAN - ALTERNATIVE 48
053	PROPOSED SITE PLAN - ALTERNATIVE 49
054	PROPOSED SITE PLAN - ALTERNATIVE 50
055	PROPOSED SITE PLAN - ALTERNATIVE 51
056	PROPOSED SITE PLAN - ALTERNATIVE 52
057	PROPOSED SITE PLAN - ALTERNATIVE 53
058	PROPOSED SITE PLAN - ALTERNATIVE 54
059	PROPOSED SITE PLAN - ALTERNATIVE 55
060	PROPOSED SITE PLAN - ALTERNATIVE 56
061	PROPOSED SITE PLAN - ALTERNATIVE 57
062	PROPOSED SITE PLAN - ALTERNATIVE 58
063	PROPOSED SITE PLAN - ALTERNATIVE 59
064	PROPOSED SITE PLAN - ALTERNATIVE 60
065	PROPOSED SITE PLAN - ALTERNATIVE 61
066	PROPOSED SITE PLAN - ALTERNATIVE 62
067	PROPOSED SITE PLAN - ALTERNATIVE 63
068	PROPOSED SITE PLAN - ALTERNATIVE 64
069	PROPOSED SITE PLAN - ALTERNATIVE 65
070	PROPOSED SITE PLAN - ALTERNATIVE 66
071	PROPOSED SITE PLAN - ALTERNATIVE 67
072	PROPOSED SITE PLAN - ALTERNATIVE 68
073	PROPOSED SITE PLAN - ALTERNATIVE 69
074	PROPOSED SITE PLAN - ALTERNATIVE 70
075	PROPOSED SITE PLAN - ALTERNATIVE 71
076	PROPOSED SITE PLAN - ALTERNATIVE 72
077	PROPOSED SITE PLAN - ALTERNATIVE 73
078	PROPOSED SITE PLAN - ALTERNATIVE 74
079	PROPOSED SITE PLAN - ALTERNATIVE 75
080	PROPOSED SITE PLAN - ALTERNATIVE 76
081	PROPOSED SITE PLAN - ALTERNATIVE 77
082	PROPOSED SITE PLAN - ALTERNATIVE 78
083	PROPOSED SITE PLAN - ALTERNATIVE 79
084	PROPOSED SITE PLAN - ALTERNATIVE 80
085	PROPOSED SITE PLAN - ALTERNATIVE 81
086	PROPOSED SITE PLAN - ALTERNATIVE 82
087	PROPOSED SITE PLAN - ALTERNATIVE 83
088	PROPOSED SITE PLAN - ALTERNATIVE 84
089	PROPOSED SITE PLAN - ALTERNATIVE 85
090	PROPOSED SITE PLAN - ALTERNATIVE 86
091	PROPOSED SITE PLAN - ALTERNATIVE 87
092	PROPOSED SITE PLAN - ALTERNATIVE 88
093	PROPOSED SITE PLAN - ALTERNATIVE 89
094	PROPOSED SITE PLAN - ALTERNATIVE 90
095	PROPOSED SITE PLAN - ALTERNATIVE 91
096	PROPOSED SITE PLAN - ALTERNATIVE 92
097	PROPOSED SITE PLAN - ALTERNATIVE 93
098	PROPOSED SITE PLAN - ALTERNATIVE 94
099	PROPOSED SITE PLAN - ALTERNATIVE 95
100	PROPOSED SITE PLAN - ALTERNATIVE 96
101	PROPOSED SITE PLAN - ALTERNATIVE 97
102	PROPOSED SITE PLAN - ALTERNATIVE 98
103	PROPOSED SITE PLAN - ALTERNATIVE 99
104	PROPOSED SITE PLAN - ALTERNATIVE 100

Appendix B

File: 24_193498_000_00.MNV

Date: 10/24/2024

XXXXXXXXXX

ITH
Infrastructure Technology Hub
1000 Lakeshore Blvd W
Toronto, Ontario M5H 1A5
Canada
Tel: 416-593-8800

Stantec
100 King Street West
Toronto, Ontario M5X 1C5
Canada
Tel: 416-593-8800

WZMH
Architectural & Landscape Architects
5500 Sheppard Ave E #205
Markham, Ontario L3R 9V7
Canada
Tel: 905-479-8811

WSP
Civil & Mechanical Engineer
1000 Lakeshore Blvd W
Toronto, Ontario M5H 1A5
Canada
Tel: 416-593-8800

TECO
1000 Lakeshore Blvd W
Toronto, Ontario M5H 1A5
Canada
Tel: 416-593-8800

Introba
Survey Engineer
1000 Lakeshore Blvd W
Toronto, Ontario M5H 1A5
Canada
Tel: 416-593-8800

YTO14 DATA CENTER

171 Commerce Valley Drive E, L3T 7V3
Markham, Ontario

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
2	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
3	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
4	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
5	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
6	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
7	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
8	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
9	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
10	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
11	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
12	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
13	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
14	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
15	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
16	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
17	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
18	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
19	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
20	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
21	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
22	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
23	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
24	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
25	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
26	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
27	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
28	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
29	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
30	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
31	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
32	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
33	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
34	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
35	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
36	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
37	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
38	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
39	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
40	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
41	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
42	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
43	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
44	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
45	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
46	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
47	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
48	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
49	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
50	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
51	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
52	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
53	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
54	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
55	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
56	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
57	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
58	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
59	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
60	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
61	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
62	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
63	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
64	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
65	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
66	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
67	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
68	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
69	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
70	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
71	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
72	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
73	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
74	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
75	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
76	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
77	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
78	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
79	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
80	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
81	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
82	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
83	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
84	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
85	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
86	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
87	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
88	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
89	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
90	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
91	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
92	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
93	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
94	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
95	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
96	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
97	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
98	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
99	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN
100	ISSUED FOR PERMIT	10/24/2024	J. CHEN	J. CHEN



CONTEXT PLAN

SPRINT TECHNOLOGIES

CONFIDENTIAL - CONTACT ENGINEER ONLY

NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER OF RECORD.