

# Memorandum to the City of Markham Committee of Adjustment

November 23, 2020

**File:** A/023/20 & A/024/20  
**Address:** 11050 Woodbine Avenue (Mobis Drive) Markham  
**Applicant:** Gagnon Walker Domes Ltd. (Marc De Nardis)  
**Hearing Date:** Wednesday, December 2, 2020

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

The applicant is requesting relief from the following requirements of the Business Park (BP) zone in By-law 177-96, as amended:

## A/023/20 – West Lot (See Variance Plan A/23/20, Appendix ‘B’)

**a) Parking Standards By-law 28-97. Sec. 3.0 Table B, Industrial Uses:**

A parking rate of 1 parking space per 120 m<sup>2</sup> of Gross Floor Area (GFA) for industrial uses, whereas the By-law requires a parking rate of 1 parking space per 40 m<sup>2</sup> of net floor area of each premises up to 1200 m<sup>2</sup>, 1 parking space for each 100 m<sup>2</sup> of net floor area of each premises between 1,200 m<sup>2</sup> and 6,000 m<sup>2</sup>, and 1 parking space for each 200 m<sup>2</sup> of net floor area of each premises in excess of 6,000 m<sup>2</sup>.

**b) Table B8 (E):**

A maximum parking area depth of 18.0 metres in the front yard, whereas the By-law permits a maximum parking area depth of 12.0 metres;

**c) Table B8 (J):**

A minimum 3.75 metre landscape strip along the front lot line, whereas the By-law requires a minimum landscape strip width of 6.0 metres;

**d) Table B8 (K):**

A minimum 0.0 metre landscape strip along a cul-de-sac, whereas the By-law requires a minimum landscape strip width of 6.0 metres;

**e) Table B8 (K):**

A minimum 0.0 metre landscape strip along any other lot line other than the front lot line, whereas the By-law requires a minimum landscape strip width of 3.0 metres;

**f) Section 3.65:**

To permit a retaining wall within a landscape strip, whereas the By-law definition of landscaping does not include retaining walls.

## A/024/20 – East Lot (See Variance Plan A/24/20, Appendix ‘B’)

**a) Parking Standards By-law 28-97. Sec. 3.0 Table B, Industrial Uses:**

A parking rate of 1 parking space per 60 m<sup>2</sup> of Gross Floor Area (GFA) for industrial uses, whereas the By-law requires a parking rate of 1 parking space per 40 m<sup>2</sup> of net floor area of each premises up to 1200 m<sup>2</sup>, 1 parking space for each 100 m<sup>2</sup> of net floor area of each premises between 1,200 m<sup>2</sup> and 6,000 m<sup>2</sup>, and 1 parking space for each 200 m<sup>2</sup> of net floor area of each premises in excess of 6,000 m<sup>2</sup>.

**b) Table B8 (E):**

A maximum parking area depth of 40.0 metres in the front yard, whereas the By-law permits a maximum parking area depth of 12.0 metres;

**c) Table B8 (E):**

A maximum parking area depth of 18.0 metres in the exterior side yard, whereas the By-law permits a maximum parking areas depth of 12.0 metres;

**d) Table B8 (J):**

A minimum 3.75 metre landscape strip along the front lot line, whereas the By-law requires a minimum landscape strip width of 6.0 metres;

**e) Table B8 (K):**

A minimum 0.0 metre landscape strip along any other lot line other than the front lot line, whereas the By-law requires a minimum landscape strip width of 3.0 metres;

**f) Section 3.65:**

To permit a retaining wall within a landscape strip, whereas the By-law definition of landscaping does not include retaining walls.

As it relates to a proposed industrial development. These applications are related to consent application B/004/20, which was approved by Committee on July 21, 2020.

## **BACKGROUND**

### **Property Description**

The subject lands are approximately 11.18 ha (west lot) and 2.56 ha (east lot) in size and are located on the west side of Woodbine Avenue, south of Mobis Drive and west of Honda Boulevard, in the Highway 404 North Secondary Plan. Both properties are currently vacant.

Surrounding uses include:

- Directly north of the subject property is Mobis Drive and an existing industrial warehouse building;
- Immediately south of the property is a City owned woodlot approximately 7 ha (17.30 ac) in size. The woodland is designated an “Environmental Protection Area” under the Highway 404 North Secondary Plan;
- To the west is Highway 404 and to the west of that, the City of Richmond Hill;
- To the northeast is an undeveloped site within the Highway 404 North Secondary Plan area; and,
- To the east, Woodbine Avenue, and an existing residential subdivision.

### **Proposal**

The proposed development consists of a total of four industrial buildings to be built in two phases. At present, Phase 1 will include two industrial warehouse buildings with an anticipated combined GFA of approximately 59,000 m<sup>2</sup> (635,000 ft<sup>2</sup>) on the west lot (see Variance Plan A/23/20, Appendix ‘B’). Phase 2 will include two industrial condominium buildings with an anticipated combined GFA of approximately 9,000 m<sup>2</sup> (96,000 ft<sup>2</sup>) on the east lot (see Variance Plan A/24/20, Appendix ‘B’).

### **Other applications**

- A Site Plan Control application for Phase 1 (SPC 20 110953) was originally circulated on April 29, 2020 and is currently being reviewed by the City.

- A Site Plan Control application for Phase 2 (SPC 20 119174) was originally circulated on July 08, 2020, and is currently being reviewed by the City.
- An application for Consent was approved by Committee on July 21, 2020.

### **Official Plan and Zoning**

#### 1987 Official Plan and Highway 404 North Secondary Plan

The subject property is subject to the policies of the Highway 404 North Secondary Plan, and is also subject to the 1987 Official Plan until such time as an updated Secondary Plan is approved.

The 1987 Official Plan designates the property Industrial – “Business Park Area”. The intended function of this designation is the development of office/industrial business parks characterized by high design standards including corporate head offices and research facilities. The visual attractiveness is of prime importance. Retail and service uses are strictly controlled.

The objective of the Highway 404 North Secondary Plan is to develop a significant employment area while accommodating a minor extension of the planned residential development. The subject property is designated Business Park Area. This designation provides for uses such as office, light industrial, accessory retail uses, hotels, institution uses, banks, and trade and conventions centres. The proposed warehouse use would be considered light industrial under the Business Park Area designation.

#### Zoning By-Law 177-96

The subject property is zoned Business Park (BP) under By-law 177-96, as amended, which permits uses such as banquet halls, business offices, financial institutions, hotels, industrial uses, medical offices, and trade and convention centres. Warehouses are permitted under industrial uses. The proposed development does not comply with By-law 177-96 with respect to minimum size of landscape strips, maximum parking area depths, and retaining walls located within a landscape strip.

#### Parking Standards By-law 28-97

The proposed development also does not comply with the standards of Parking By-law 28-97 with respect to minimum parking space requirements. Further discussion relating to the proposed parking variance is provided in the comments below.

### **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.

### **Midblock Crossing**

There are future plans for a mid-block flyover to cross Highway 404 into Richmond Hill, which will be built as an extension and realignment of Mobis Drive. The project will also include the reconstruction of the Mobis Drive and Honda Boulevard intersection. A Class Environmental Assessment Study was completed in September of 2015 which delineates the mid-block flyover road alignment.

## **Woodlot**

A City owned woodlot approximately 7 ha (17.20 ac) in size is located directly south of the property. A portion of the woodland extends onto the subject property and a vegetation protection zone is required to be conveyed into public ownership for long term protection. The size of the vegetation protection zone will be confirmed through the related Site Plan Control application.

## **A/023/20 – West Lot**

### **Parking Reduction**

The applicant initially requested relief from Parking By-law 28-87 to permit a minimum of 470 parking spaces, whereas the By-law requires a minimum of 712 parking spaces. Through discussions with Staff the applicant has now requested that the variance be changed to:

### **Parking Standards By-law 28-97. Sec. 3.0 Table B, Industrial Uses:**

A parking rate of 1 parking space per 120 m<sup>2</sup> of Gross Floor Area (GFA) for industrial uses, whereas the By-law requires a parking rate of 1 parking space per 40 m<sup>2</sup> of net floor area of each premises up to 1200 m<sup>2</sup>, 1 parking space for each 100 m<sup>2</sup> of net floor area of each premises between 1,200 m<sup>2</sup> and 6,000 m<sup>2</sup>, and 1 parking space for each 200 m<sup>2</sup> of net floor area of each premises in excess of 6,000 m<sup>2</sup>.

The subject site provides for a variety of uses in addition to the industrial use being proposed on site. The changes to the proposed parking variance allow for Staff to ensure the parking reduction is specific to industrial uses only.

Transportation Staff have reviewed the parking justification study submitted in support of the proposed parking reduction and are of the opinion that the reduction can be supported if it applies to industrial uses only, and to lessen the impact of the proposed parking reduction a condition be added specifying that the total number of units in the buildings on the west lot be limited to 12 (See Appendix 'A' for list of conditions). Transportation Staff are of the opinion that the parking standard for industrial uses set out in Parking By-law 28-97 can be reduced to the rates set out in the proposed variances applying to the west and east lots, based on their review of the applicant's parking justification study, which includes a review of applicable proxy site surveys, ITE parking rates, and a comparison of zoning By-law parking rates for industrial uses from other municipalities.

It should be emphasized that the proposed reduction in parking requirements will apply only to industrial uses on the property. The current parking standards set out in Parking By-law 28-97 as they apply to all other permitted uses on the site will continue to apply.

Staff have no concerns with the proposed parking reduction.

### **Parking Area Depth**

The applicant is requesting relief to permit a maximum parking area depth of 18 m (59.06 ft), whereas the By-law permits a maximum parking area depth of 12 m (39.37 ft). This represents an increase of approximately 6 m (19.69 ft).

Given the scale of the proposed industrial development and the orientation of the buildings it is not feasible to limit the parking area depth to 12 metres. The additional parking area depth will facilitate two rows of parking stalls as well as the drive aisle for the site. The applicant has proposed landscaping along the north property line which will help to screen the parking area.

It should be noted a Minor Variance application to permit a maximum parking area depth of 59 m in the exterior side yard, whereas the By-law permits a maximum parking area depth of 12 m was approved in 2014 for the industrial development directly to the north of the subject property at 10 Mobis Drive.

Staff have no concerns with the proposed variances and are of the opinion it is comparable to development in the surrounding area.

### **Landscape Strip Reductions**

The applicant is proposing the following landscape strip reductions:

- c) A minimum 3.75 m (12.30 ft) landscape strip along the front lot line (Mobis Drive), whereas the By-law requires a minimum landscape strip width of 6.0 m (19.69 ft). This represents a reduction of approximately 2.25 m (7.38 ft).

The proposed variance is in part due to the requirement for the Owner to convey land for the future Midblock Crossing along the Mobis Drive frontage. Staff are of the opinion the proposed variance is minor in nature and do not anticipate any adverse impacts.

- d) A minimum 0.0 m landscape strip along a cul-de-sac, whereas the By-law requires a minimum landscape strip width of 6.0 m (19.69 ft).

This variance request is related to the cul-de-sac located at the north property line. It should be noted that the Owner is currently in the process of potentially acquiring a portion of the cul-de-sac to accommodate additional parking spaces and a drive aisle. Given that the 0 m landscape strip only applies to a portion of the front yard, Staff have no concerns and do not anticipate any adverse impacts.

- e) A minimum 0.0 m landscape strip along any other lot line other than the front lot line, whereas the By-law requires a minimum landscape strip width of 3.0 m (9.84 ft).

The applicant has proposed a shared access driveway for the West and east lots. Given that the driveway to the site is located on the lot line, it is not possible to provide the required landscape strip.

In addition, the subject property proposes a 0 m setback on the south property line abutting the City owned woodlot. Given that the south property line abuts the woodlot, and that the Owner will be required to convey land to the City for the long term protection of the woodlot, Staff have no concerns with the proposed variance.

### **Retaining Wall Within Landscape Strip**

The development currently proposes a retaining wall within a landscape strip, whereas the By-law definition of landscaping does not include retaining walls. Staff have no objections to the variance request to permit a retaining wall within the landscape strip.

### **A/024/20 – East Lot Parking Reduction**

The applicant initially requested relief from Parking By-law 28-87 to permit a minimum of 140 parking spaces, whereas the By-law requires a minimum of 227 parking spaces. Through discussions with Staff the applicant has now requested that the variance be changed to:

**Parking Standards By-law 28-97. Sec. 3.0 Table B, Industrial Uses:**

A parking rate of 1 parking space per 60 m<sup>2</sup> of Gross Floor Area (GFA) for industrial uses, whereas the By-law requires a parking rate of 1 parking space per 40 m<sup>2</sup> of net floor area of each premises up to 1200 m<sup>2</sup>, 1 parking space for each 100 m<sup>2</sup> of net floor area of each premises between 1,200 m<sup>2</sup> and 6,000 m<sup>2</sup>, and 1 parking space for each 200 m<sup>2</sup> of net floor area of each premises in excess of 6,000 m<sup>2</sup>.

As discussed above, the subject site provides for a variety of uses in addition to the industrial use being proposed on site. The changes to the proposed parking variance will ensure the parking reduction is specific to industrial uses only. Existing parking standards for other permitted uses will remain in effect.

Staff have no concerns with the proposed parking reduction.

**Parking Area Depth**

The applicant is proposing the following parking area depth variances:

- b) A maximum parking area depth of 40.0 m (131.23 ft) in the front yard, whereas the By-law permits a maximum parking area depth of 12.0 m (39.37 ft). This represents an increase of 28 m (91.86 ft).
- c) A maximum parking area depth of 18.0 metres in the exterior side yard, whereas the By-law permits a maximum parking areas depth of 12.0 m (39.37 ft). This represent an increase of 6 m (19.68 ft).

Staff have no concerns with the proposed variances.

**Landscape Strip Reductions**

The applicant is proposing the following landscape strip reductions:

- d) A minimum 3.75 m (12.30 ft) landscape strip along the front lot line, whereas the By-law requires a minimum landscape strip width of 6.0 m (19.68 ft). This represents a reduction of 2.25 m (7.38 ft).
- e) A minimum 0.0 metre landscape strip along any other lot line other than the front lot line, whereas the By-law requires a minimum landscape strip width of 3.0 (9.84 ft).

Staff have no concerns with the proposed variances.

**Retaining Wall Within Landscape Strip**

The development currently proposes a retaining wall within a landscape strip, whereas the By-law definition of landscaping does not include retaining walls. Staff have no objections to the variance request to permit a retaining wall within the landscape strip.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of November 23, 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.

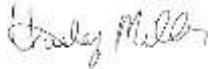
### **CONCLUSION**

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. 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:



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Hailey Miller, Planner I, West District

REVIEWED BY:



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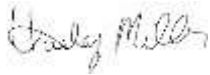
Ron Blake, Senior Development Manager, Planning and Urban Design

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**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/023/20**

1. The variances apply only to the proposed development as long as it remains;
2. That the maximum number of units located on PART LOTS 27 & 28 CONCESSION 3 DESIGNATED AS PARTS 1, 4, 5, 7, 8 AND 9 PLAN 65R39040 be limited to 12 units.

CONDITIONS PREPARED BY:



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Hailey Miller, Planner I, West District