

# Memorandum to the City of Markham Committee of Adjustment

October 14, 2021

**File:** B/010/20  
**Address:** 30 Heritage Road, Markham  
**Applicant:** 30 Heritage Developments Limited Partnership Inc.  
**Agent:** Malone Given Parsons Ltd. (Matthew Cory)  
**Hearing Date:** Wednesday October 20, 2021

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

For provisional consent to:

- a) sever and convey a parcel of land (Parcel A) with an approximate lot frontage of 53.20 m (174.54 ft) and approximate lot area of 0.48 hectares (1.2 acres);
- b) retain a parcel of land (Parcel B) with an approximate lot frontage of 73.5 m (241.14 ft) and approximate lot area of 0.7 hectares (1.72 acres);
- c) to establish an access easement with an approximate area of 0.08 hectares (0.21 acres) in favour of Parcel B;
- d) to establish a servicing easement with an approximate area of 0.05 hectares (0.13 acres) in favour of Parcel A; and
- e) to establish an access easement over Parcel B in favour of Parcel A.

The purpose of this application is to create a new lot for a proposed 6-storey commercial self-storage warehouse building with ground floor office use.

## BACKGROUND

### Property Description

The 1.22 ha (3.01 ac) subject property is located on the northeast corner of Heritage Road and McCowan Road, north of Highway 7. The site is currently developed with a two storey industrial building occupied by *First Student Canada*, which is a contractor of school bus transportation services. The site consists of predominantly asphalt paved parking to accommodate the storage of school buses and an existing telecommunication tower. The subject property is located within an area with a mix of industrial and commercial developments. Markville Mall is located west of the subject site across McCowan Road, ; commercial uses are north of the subject site, south (across Heritage Road) is a one-storey commercial plaza, immediately abutting the subject property to the east is Wesley Christian Academy and, further east along Heritage Road are industrial and automotive service facilities.

### Proposal

The applicant is proposing to sever and convey the north portion of 30 Heritage Road to facilitate the development of a commercial self-storage warehouse with business office use on the first floor. The application also includes easements between the retained and conveyed parcels for the purposes of mutual access between the severed lands and the retained parcel (c), a servicing easement from Heritage Road in favour of the severed lands (d) and a blanket access easement across the retained parcel to the severed parcel for the purposes of access from Heritage Road.

This application is related to Zoning By-law Amendment and Site Plan applications PLAN/SPC 20 106216. The related zoning by-law to permit the proposed development was approved by Council on October 13, 2021 and Staff are currently reviewing the site plan application

## **Previous Hearing**

This application was first heard at the Committee of Adjustment on Wednesday April 7, 2021. Staff identified concerns with the location of the access from Heritage road and recommended deferral to enable the applicant to respond to staff comments. The applicant worked with staff and is now requesting a blanket easement across Parcel B in favour of Parcel A. The application was heard and deferred on September 29, 2021 as the zoning by-law amendment to permit the commercial self-storage warehouse was scheduled for a later date than anticipated.

## **Official Plan and Zoning**

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

The subject lands are designated “Mixed Use Mid Rise” in the 2014 Official Plan. This designation provides for mid-rise intensification opportunities adjacent to transit routes along arterial and major collector roads to address the needs of Markham residents. New buildings in this designation incorporate a range development typology including multi-storey to mid-rise buildings, which may include a mix of retail, office, and residential buildings. In addition to the above noted designation, the site is also within the Markville Key Development Area (Section 9.14.4 of the 2014 Official Plan), which provides for office, retail, service, entertainment and recreational uses, and a variety of higher density housing types. A commercial self-storage warehouse is not provided for under these designations. Until an updated Secondary Plan is approved for Markville, the provisions of the Official Plan (Revised 1987), as amended will continue to apply to the subject land-

### 1987 Official Plan

The subject lands are designated “Major Commercial Area” in the City’s In-Force Official Plan. This designation provides for a large-scale multi-use, multi-purpose centre or area offering a diverse range of retail, service, and community, institutional and recreational uses. Lands in this designation may be zoned to permit “commercial self-storage warehouses” subject to the provisions of the 1987 Official Plan.

### Zoning By-Law 1229

The subject property is zoned “Industrial” (M) under By-law 1229, as amended, which does not permit a commercial self storage warehouse. The applicant applied for a zoning by-law amendment (PLAN 20 106216) to permit the proposed commercial self-storage use with site-specific development standards. Council approved the Zoning By-law amendment on October 13<sup>th</sup> which permits the proposed development.

## **COMMENTS**

### Proposed severance is appropriate.

The applicant proposes to sever the lot into two lots with the proposed commercial self-storage warehouse located on the severed (northern) parcel, Parcel A. The resultant lot areas and frontages meet the minimum required lot area of 1,393.55 m<sup>2</sup> (15,000 ft<sup>2</sup>) and minimum required lot frontage 22.86 m (75 ft) in by-law 1229, as amended. The proposed severance is located in an industrial area characterized by a range of lot areas and frontages. The proposed severance, if approved, will result in the development of one (1) lot that will be generally consistent with development along Heritage and McCowan Road and can appropriately accommodate the proposed commercial self-storage development.

### Proposed easements are appropriate

The applicant is also requesting easements for the proposed development for mutual access from McCowan Road (c) and servicing (d). Staff have no concerns with the proposed these easements as these easements were determined as part of the site plan application review. A blanket

easement is also being requested from Heritage Road through Parcel B in favour of Parcel A (e).. As a condition of this report, a warning clause will be added to the development agreement to ensure that the access is re-evaluated when Parcel B is redeveloped.

**Demolition Permit (check development standards)**

There is an existing structure on the subject property, which has not been reviewed for compliance with the applicable zoning by-law, as amended. If the consent is approved, this structure may longer comply with the applicable zoning by-law standards. In order to ensure there are no conformity issues with the applicable by-law, the applicant will be required to apply for, and be issued a demolition permit for all applicable structures. This condition has been identified in condition 2 of Appendix 'B'.

**Cash in lieu of parkland dedication will be required**

Cash in lieu of parkland dedication will be required as a result of the creation of the additional lot and will be collected by the City prior to finalization of the severance. Staff recommend that payment of cash-in-lieu of parkland in accordance with the Planning Act be paid to the City as a condition of the severance if approved.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of October 6, 2021. 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**

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act., as amended. Staff recommend that the proposed severance (B/010/20) be approved subject to conditions in Appendix 'B'.

PREPARED BY:

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Aqsa Malik, Planner, East District

REVIEWED BY:

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Stacia Muradali, Development Manager, East District

File Path: Amanda\File\20 116560\Documents\District Team Comments Memo

**APPENDIX “A”  
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/010/20**

1. That the Owner confirm that there are no existing easements registered on title that will be impacted by the proposed severance, subject to the satisfaction of the Department of Engineering or their designate;
2. Should it be determined that the existing building does not comply with the applicable zoning by-law as amended, that the Owner obtain and complete the demolition permitting process for the existing dwellings on the retained parcels and, that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Chief Building Official or designate;
3. That the Owner satisfy the requirements of the Regional Municipality of York as outlined in their letter dated July 14, 2020;
4. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
5. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/010/20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
6. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
7. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;
8. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
  - i) Payment of all applicable fees in accordance with the City’s fee by-law;
  - ii) Erection and inspection by City staff of tree protection fencing, in accordance with the City’s Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
  - iii) Planting of any required replacement trees in accordance with the City’s Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
  - iv) Submission of securities respecting any works to be provided in accordance with the Development Agreement;

- v) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
  - vi) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City; and
  - vii) The owner be required to submit drawings to the City for approval for any change to the existing access from Heritage Road, to the satisfaction of the Director of Engineering.
9. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
10. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:

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Aqsa Malik, Planner, East District



survey information  
 PART 1  
 PLAN OF SURVEY OF  
**PART OF LOT 11, CONCESSION 7**  
 (GEOGRAPHIC TOWNSHIP OF MARKHAM)  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

BENCHMARK NOTE  
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO CITY OF MARKHAM BENCHMARK NO. M-33-026 HAVING PUBLISHED ELEVATION OF 182.995 METRES.

**SCHAEFFER DZALDOV BENNETT LTD.**  
 64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL: (416) 987-0101  
 JOB NO. 19-251-01-01

**setbacks**  
 MINIMUM SETBACKS | BUFFERS - INDUSTRIAL ZONE (M)  
 (Section 11.1 of ZBL 1229)

LOT (m)	REQUIRED	PROVIDED
Frontage	22.86 m	53.20 m (McCowan Road)
YARDS (m)	REQUIRED	PROVIDED
Front	15.24 m	REFER TO DRAWING
Interior Side	6.09 m	REFER TO DRAWING
Exterior Side	6.09 m	REFER TO DRAWING
Rear	6.09 m	REFER TO DRAWING
LANDSCAPE BUFFER (m)	REQUIRED	PROVIDED
Front	3.0 m	REFER TO DRAWING
Interior Side	3.0 m	REFER TO DRAWING
Exterior Side	3.0 m	REFER TO DRAWING
Rear	3.0 m	REFER TO DRAWING

**building height**

HEIGHT (m)	MAXIMUM	PROVIDED
Roof	None	23.75m
Parapet	None	25.25m
Penthouse	None	26.06m

**parking calculations - provided**

STANDARD PARKING SPACES	
New standard to be provided (2750 x 5800)	= 11 spaces
TOTAL STANDARD SPACES PROVIDED	= 11 spaces
BARRIER-FREE PARKING SPACES	
Barrier-free (2600 x 5500) to be provided	= 2 spaces
TOTAL BARRIER-FREE SPACES PROVIDED	= 2 spaces
TOTAL VEHICLE SPACES PROVIDED	= 13 spaces

**loading calculations - required / provided**

LOADING SPACES (INDUSTRIAL USE)	
Small to Medium sized trucks (3600 wide x 4200 high)	= 2 spaces (GFA > 1,860 s.m.)
TOTAL LOADING SPACES REQUIRED	= 2 spaces
TOTAL LOADING SPACES PROVIDED	= 3 spaces

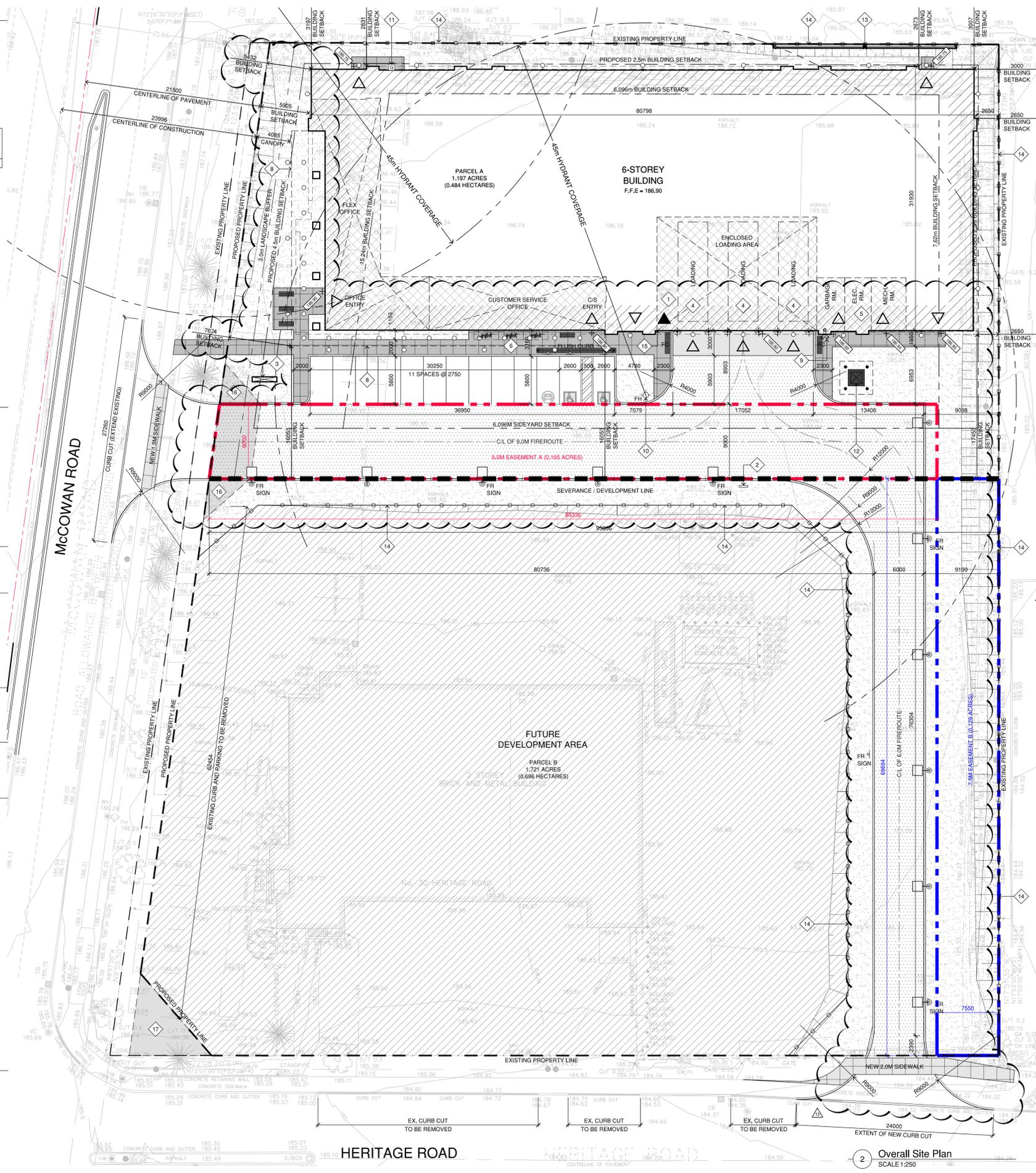
**bicycle parking**

BICYCLE PARKING REQUIREMENTS	INDUSTRIAL USE
minimum spaces required	= 0 spaces
TOTAL BICYCLE SPACES REQUIRED	= 0 spaces
TOTAL BICYCLE SPACES PROVIDED	= 4 spaces

- general notes**
- ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE REFER TO DRAWINGS AND REPORTS PREPARED BY:
    - SITE SERVICES AND GRADING BY: HUSSON ENGINEERING LTD.
    - LANDSCAPING BY: BAKER TURNER INC.
    - ELECTRICAL SERVICES BY: HAMMERSCHLAG AND JOFFE INC.
    - TRAFFIC BY: IBI GROUP INC. & BA GROUP INC.
  - ALL WASTE AND RECYCLING SHALL BE STORED EXTERNALLY USING ENVIRONMENTAL WASTE COLLECTION SYSTEM AND COLLECTED UNDER PRIVATE CONTRACT.
  - OWNER SHALL ARRANGE SNOW REMOVAL UNDER PRIVATE CONTACT.
  - THERE SHALL BE NO OUTDOOR STORAGE.
  - FIRE ROUTE SHALL BE A MINIMUM OF 9.0M CLEAR WIDTH (FRONTING STORAGE) AND 6.0M MINIMUM WIDTH ELSEWHERE WITH A 12.0M MINIMUM CENTERLINE TURNING RADIUS.
  - FIRE ROUTE SHALL BE DESIGNED TO SUPPORT FIRE FIGHTING EQUIPMENT.
  - PAVEMENT SHALL BE LIGHT DUTY ASPHALT UNLESS NOTED OTHERWISE.
  - DRIVEWAYS SHALL HAVE A MINIMUM WIDTH OF 6.0M AND A MINIMUM VERTICAL CLEARANCE OF 4.5M MAINTAINED THROUGHOUT THE SITE.
  - MAINTAIN 6.1M VERTICAL OVERHEAD CLEARANCE BELOW BUILDING PROJECTIONS, LIGHTING, TREES AND WIRES.
  - SIGNAGE & PAVEMENT MARKINGS SHALL MEET CITY OF MARKHAM STANDARDS.
  - SIGNAGE INDICATED SHALL BE USED FOR SITE PLAN PURPOSES ONLY AND IS NOT INTENDED TO INDICATE CONFORMANCE WITH THE SIGNAGE BY-LAW.
  - SIGNAGE SHALL BE PROVIDED TO IDENTIFY THE "PRINCIPAL" ENTRANCE FOR THE PURPOSE OF FIRE FIGHTING.
  - ILLUMINATION SHALL BE DIRECTED DOWNWARD AND AWAY FROM ADJACENT PROPERTIES TO MAINTAIN ZERO CUT-OFF AT PROPERTY LINE.
  - ALL BARRIER-FREE ENTRANCES AND PATHS OF TRAVEL SHALL BE DESIGN IN ACCORDANCE WITH CITY OF MARKHAM ACCESSIBILITY DESIGN GUIDELINES AND ADA ACCESSIBILITY STANDARDS.
  - EXISTING PAVEMENT, CURBS, SIDEWALKS AND BOULEVARD AREAS DISTURBED BY CONSTRUCTION SHALL BE REINSTATEMENT TO THE SATISFACTION OF THE CITY OF MARKHAM.
  - BUILDING PERMIT ISSUANCE SHALL BE SUBJECT TO THE BUILDING PERMIT DRAWINGS NOT BEING IN CONTRAVENTION WITH THESE APPROVED PLANS AND DRAWINGS INCLUDING, BUT NOT LIMITED TO THE EXTERIOR DESIGN OF THE BUILDING AND EXTERIOR BUILDING MATERIALS.

**drawing legend**

LANDSCAPE AREA	PRINCIPAL ENTRANCE
HEAVY DUTY PAVING	SECONDARY ACCESS / EXIT
CONCRETE SIDEWALK	PROPOSED GRADES
CONCRETE APRON	POLE MOUNTED FIXTURE
FLUSH CURB WITH TACTILE INDICATOR	WALL MOUNTED FIXTURE
PAINTED STRIPPING	FIRE HYDRANT



1 context plan  
 SCALE: N.T.S.

**site statistics**

ZONING	INDUSTRIAL ZONE (M)
BY-LAWS	1229 as Amended (CITY OF MARKHAM)
TOTAL SITE AREA	1.215 hectares (3.00 acres) (12,152.24 s.m.) (130,805.71 s.f.)
Conveyance	0.033 hectares (0.08 acres) ( 336.84 s.m.) ( 3,625.72 s.f.)
Parcel A	0.484 hectares (1.19 acres) ( 4,846.85 s.m.) ( 52,171.06 s.f.)
Parcel B	0.696 hectares (1.72 acres) ( 8,469.58 s.m.) ( 91,008.96 s.f.)

**building classification**  
 CLASSIFIED UNDER ONTARIO REGULATION 332/12  
 CBO 3.2.2.68(B); GROUP F, DIVISION 2, UP TO 6 STOREYS, SPRINKLERED  
 (Building Area = 2,961.14 s.m.)

**building floor area**

Six Storey Self-Storage Building		
Ground Floor (GFA)	2,498.49 s.m.	26,893.52 s.f.
Second Floor (GFA)	2,559.46 s.m.	27,549.80 s.f.
Third Floor (GFA)	2,559.46 s.m.	27,549.80 s.f.
Fourth Floor (GFA)	2,559.46 s.m.	27,549.80 s.f.
Fifth Floor (GFA)	2,561.14 s.m.	27,567.88 s.f.
Sixth Floor (GFA)	2,561.14 s.m.	27,567.88 s.f.
TOTAL GROSS FLOOR AREA (GFA)	15,299.15 s.m.	164,678.68 s.f.
*allowable Deductions	92.29 s.m.	10,465.64 s.f.
NET FLOOR AREA (NFA) - STORAGE	14,107.83 s.m.	151,852.19 s.f.
NET FLOOR AREA (NFA) - OFFICE	212.53 s.m.	2,287.65 s.f.
TOTAL NET FLOOR AREA (NFA)	14,320.36 s.m.	154,213.04 s.f.
*allowable deductions		
Stairwells	428.59 s.m.	4,613.30 s.f.
Loading Area	265.79 s.m.	2,860.94 s.f.
Elevator	158.41 s.m.	1,705.11 s.f.
Mechanical Room	27.04 s.m.	291.05 s.f.
Electrical Room	21.48 s.m.	231.21 s.f.
Garage Room	22.58 s.m.	243.05 s.f.
Washrooms	29.13 s.m.	313.55 s.f.
Luncheon / Kitchen	19.27 s.m.	207.42 s.f.
TOTAL DEDUCTIONS	972.29 s.m.	10,465.64 s.f.

\*As per bylaw definition, Net Floor Area shall mean: "the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairwells, elevator shafts, service / mechanical rooms, and penthouses, washrooms, garbage / recycling rooms, staff locker and lunch rooms, loading areas, any space with a floor to ceiling height of less than 1.2 meters and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public."

**coverage calculations - parcel a & b**

BUILDING AREA / SITE AREA	2,501.01 s.m. / 11,815.41 s.m.	21.17%
building coverage		
PAVED AREA / SITE AREA	1,598.78 s.m. / 11,815.41 s.m.	13.53%
paved coverage		
LANDSCAPED AREA / SITE AREA	2,340.47 s.m. / 11,815.41 s.m.	19.81%
landscaped coverage		
VACANT AREA / SITE AREA	5,375.15 s.m. / 11,815.41 s.m.	45.49%
vacant coverage		
TOTAL COVERAGE		100.00%

**coverage calculations - parcel a**

BUILDING AREA / SITE AREA	2,501.01 s.m. / 4,846.85 s.m.	51.60%
building coverage		
PAVED AREA / SITE AREA	1,148.52 s.m. / 4,846.85 s.m.	23.70%
paved coverage		
LANDSCAPED AREA / SITE AREA	1,197.32 s.m. / 4,846.85 s.m.	24.70%
landscaped coverage		
TOTAL COVERAGE		100.00%

**coverage calculations - parcel b**

BUILDING AREA / SITE AREA	0.000.00 s.m. / 6,968.56 s.m.	00.00%
building coverage		
PAVED AREA / SITE AREA	450.26 s.m. / 6,968.56 s.m.	06.46%
paved coverage		
LANDSCAPED AREA / SITE AREA	1,143.15 s.m. / 6,968.56 s.m.	16.40%
landscaped coverage		
VACANT AREA / SITE AREA	5,375.15 s.m. / 6,968.56 s.m.	77.14%
vacant coverage		
TOTAL COVERAGE		100.00%

**density calculations - total site**

GROSS FLOOR AREA / SITE AREA	15,299.15 s.m. / 11,815.41 s.m.	1,295%
overall building density		

- drawing notes**
- |  |   |
|--|---|
| 1 PRINCIPAL ENTRANCE                                     | 11 GAS METER                                      |
| 2 DIRECTIONAL SIGNAGE (SUBJECT TO SIGN PERMIT)           | 12 PAD MOUNTED TRANSFORMER - REFER TO ELECTRICAL  |
| 3 PYLON SIGNAGE (SUBJECT TO SIGN PERMIT)                 | 13 ARMORSTONE RETAINING WALL - REFER TO CIVIL     |
| 4 AT GRADE DRIVE-IN DOOR                                 | 14 WOODEN FENCING - 2.1m HIGH (PRESSURE TREATED)  |
| 5 SERVICE ROOMS (MECHANICAL / ELECTRICAL)                | 15 RAPID ENTRY LOCKBOX (FIRE DEPARTMENT ACCESS)   |
| 6 TANDEM BICYCLE RING x3 - 1.0m x 3.0m TYP.              | 16 5m x 5m DAYLIGHT TRIANGLE - REFER TO TRAFFIC   |
| 7 WASTE COLLECTION AREA (ENVIRONMENTAL WASTE CONTAINERS) | 17 10m x 10m DAYLIGHT TRIANGLE - REFER TO TRAFFIC |
| 8 CANOPY / OVERHANG ABOVE                                | 18 RESERVED                                       |
| 9 FIRE DEPARTMENT CONNECTION - REFER TO FIRE PROTECTION  | 19 RESERVED                                       |
| 10 FIRE HYDRANT - REFER TO CIVIL                         | 20 RESERVED                                       |

2 Overall Site Plan  
 SCALE 1:250

PEARCE MCCUSKEY ARCHITECTS  
 2203 Durwin Drive • Mississauga, Ontario • L5L 1X2  
 www.pmaarchitects.ca 1.905.607.2444

Re-issued for Site Plan Control	24 Sept 21
Re-issued for Coordination	22 Sept 21
Issued for Tender	07 Sept 21
Issued for Servicing Permit	21 Aug 31
Re-issued for Site Plan Control	21 Aug 13
Re-issued for Coordination	09 Aug 21
Re-issued for Coordination	21 Jul 21

**Heritage Storage**  
 New Self-Storage Facility  
 30 Heritage Road  
 Markham | Ontario

Overall Site Plan

Project Number:  
 19058

Drawn By: KRM/DMK  
 Checked By: RAS  
 Date: April 2020  
 Scale: 1:250  
 Sheet Number:

**A1.0**