

Memorandum to the City of Markham Committee of Adjustment

February 29, 2024

File: A/007/24
Address: 140 Allstate Parkway, Markham
Applicant: 140 Allstate Parkway Holdings Ltd. c/o Davpart Inc. (Jeremy Rakowsky)
Agent: Cornacchia Planning Services Inc. (Vince Cornacchia)
Hearing Date: Wednesday March 6, 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 with Limited Commercial (M.C. (100%)) Zone” in By-law 165-80 as amended.

a) By-law 165-80 Section 6.4.1(b)

To permit an “Ontario career college”; whereas, the By-law does not permit this use within the existing industrial/commercial zone;

BACKGROUND

Property Description

The 16,189 m² (174,263 ft²) subject property is located on the west side of Allstate Parkway and north of Tiverton Court. The property is located within an employment area. The lands are currently developed with a 5-storey office building and the surrounding area consists of existing employment/office buildings.

Proposal

The applicant is proposing to operate an Ontario career college, formerly known as a private career college, within the existing 5-storey office building. No construction is proposed.

OFFICIAL PLAN AND ZONING

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

The Official Plan designates the subject property as “Business Park Employment” which provides for prestige industrial and office development, frequently in larger scale buildings located on large properties. This designation permits, among other uses, offices, hotels, trade and convention centres, industrial uses, and related ancillary uses. Commercial schools, trade schools, day cares, university and community colleges, are also permitted as discretionary uses.

Zoning By-Law 165-80

The subject property is zoned “Select Industrial with Limited Commercial (M.C. (100%)) Zone” under By-law 165-80. as amended, which permits a wide range of industrial and commercial uses located within a wholly enclosed building including banks, financial institutions, business offices and commercial schools.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 17, 2023, to confirm the variances required for the proposed development. The ZPR confirmed that a parking variance is not required for the proposed use.

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.

Ontario Career College or Private Career College Use

It is the opinion of Planning Staff that the proposed Ontario career college operates similarly to a commercial school use and is compatible with the intended function and nature of the existing building and land use designation. It is a desirable additional use for the existing office building which is currently underutilized. The use is appropriate for the site and staff do not anticipate any adverse impacts to the surrounding area. It is also staff's opinion that the requested variance maintains the general intent and purpose of the Zoning By-law and the Official Plan.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 29, 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 requested variance 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.

APPENDICES:

Appendix "A" – Conditions of Approval

PREPARED BY:



Jennifer Kim, MCIP, RPP, Senior Planner, West District

REVIEWED BY:



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

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/007/24

1. The variance applies only to the proposed development as long as it remains.

CONDITIONS PREPARED BY:



Jennifer Kim, MCIP, RPP, Senior Planner, West District