

# Memorandum to the City of Markham Committee of Adjustment

June 22, 2023

**File:** A/057/23  
**Address:** Allstate Parkway, Markham  
**Applicant:** Beedie ON (Allstate Parkway) Limited Partnership (Kristina Preece)  
**Agent:** MHBC Planning Limited (David McKay)  
**Hearing Date:** Wednesday June 28, 2023

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, and the Parking Standards By-law 28-97 as it relates to a proposed industrial development (SPC 22 259790):

**a) By-law 165-80, Section 4.7.1(b):**

a minimum landscape strip of 4.0 m (13.1 ft.) along the front of the property, whereas the By-law requires a minimum of 6.0 m (19.7 ft.).

**b) By-law 28-97, Section 3, Table B - Industrial Uses:**

78 parking spaces for the east Building “A”, whereas the By-law requires 159 parking spaces; and  
86 parking spaces for the west Building “B”, whereas the By-law requires 175 parking spaces.

## BACKGROUND

### Property Description

The 29,454.81 m<sup>2</sup> (317,049 ft<sup>2</sup>) subject property is located on the west side of Allstate Parkway, east of Highway 404 and north of Triverton Court. The property is located within an employment area. The surrounding area consists of existing industrial development and the subject lands are within proximity of the Buttonville Airport.

The subject property is partially located within the Toronto Region and Conservation Authority (TRCA)’s Regulated Area as the westerly limits of the site is within a regulatory flood plain associated with a tributary (Beaver Creek) of the Rouge River Watershed.

### Proposal

The applicant is proposing to construct two industrial buildings, each with a building height of 2 storeys including office components, and an approximate total gross floor area of 14,693.7 m<sup>2</sup> (158,162 ft<sup>2</sup>).

## 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. The proposed development conforms to the Official Plan.

### 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. The proposed development does not comply with the minimum landscape strip requirements along the front of the property.

### Parking Standards By-law 28-97

The proposed development also does not comply with the standards of the Parking By-law 28-97 with respect to the minimum required parking spaces. Further details of the parking requirement are provided in the comment section below.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the Building Standards Department through the associated Site Plan Control Application (SPC 22 259790) to confirm the variances required for the proposed development.

### **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.

### Reduction in Minimum Landscape Strip Variance

The requested variance to permit a reduced minimum landscape strip of 4.0 m is due to a required road widening along Allstate Parkway. The applicant has made efforts to reduce some of the proposed building footprint and provide some amenity areas to accommodate the widening and maintain an acceptable landscape strip. Based on the Landscape Plans submitted with the associated Site Plan Control Application, the applicant has demonstrated they will be providing enhanced tree and shrub planting along the reduced landscape strip. Staff note that surrounding properties will also have reduced landscape strips once the road widening along Allstate Parkway is completed.

Staff are of the opinion that the requested variance to reduce the minimum landscape strip is minor in nature, will not negatively impact the surrounding area, and is generally consistent with the existing condition of the surrounding properties.

### Reduction in Required Parking Variance

Staff note that a total of 164 surface parking spaces are currently provided on the subject property. The proposed use will increase the parking requirement to 334 parking spaces (159 spaces for Building A, 175 spaces for Building B). This will result in a deficiency of 170 parking spaces, which is a reduction of approximately 51 percent in the total number of required parking spaces.

Transportation Engineering staff have reviewed the parking study submitted for the associated Site Plan Control Application. The surveyed parking data demonstrated a peak parking demand rate of 1 space per 95 m<sup>2</sup> GFA for industrial uses. Based on the observed parking demand rate, the expected parking demand for the proposed development is 155 spaces. Transportation Engineering staff has commented that the proposed parking supply of 164 spaces is sufficient and the requested variance is unlikely to result in any adverse impact on the parking supply of the property.

Staff is of the opinion that the requested variance to permit a reduction in required parking is minor in nature.

## **EXTERNAL AGENCIES**

### Toronto Region and Conservation Authority (TRCA) Comments

The westerly limits of the subject property are located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. TRCA provided comments indicating that the proposed development is partially within a Regulatory flood plain associated with a tributary (Beaver Creek) of the Rouge River Watershed.

TRCA provided comments on May 10, 2023 (Appendix 'C'), indicating that they have no concerns subject to conditions outlined in their letter.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of July 22, 2023. 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 s meet 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

Appendix "B" – Plans

Appendix "C" – TRCA Comment Letter

PREPARED BY:



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Jennifer Kim, Senior Planner, West District

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/057/23**

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 plans attached as 'Appendix B' to this Staff Report 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. That the owner submits to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
4. 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 the TRCA prior to the issuance of a Building Permit.

CONDITIONS PREPARED BY:



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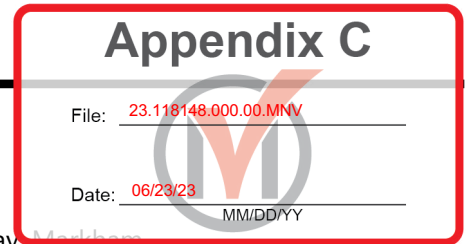
Jennifer Kim, Senior Planner, West District







**Kim, Jennifer**



**From:** Joshua Lacaria <Joshua.Lacaria@trca.ca>  
**Sent:** Friday, June 23, 2023 2:55 PM  
**To:** Kim, Jennifer  
**Subject:** (Revised MV Sign-Off) A/057/23 - Allstate Parkway, Markham  
**Attachments:** A1.0-Site Plan (1).pdf

Hi Jennifer,

Thank you for your email. It is our understanding that the applicant is requesting the following variances from the City of Markham's Zoning By-law to permit:

- i. To permit a minimum landscape strip of 4.0m along the front of the property, whereas the By-law requires a minimum of 6.0m; and
- ii. To permit 164 parking spaces, whereas the By-law requires 334 parking spaces.

Based on my review of the revised variances, the attached site plan, and the site plan reviewed with the first submission of Minor Variance Application A/057/23, the proposed development within TRCA's Regulated Area remains consistent with the first submission of the Minor Variance Application. TRCA staff recognize that the minimum landscape strip of 4.0m will allow for the proposed development to be situated outside of the natural hazards and their required setbacks. Therefore, TRCA staff have **no objection** to the requested variances. TRCA staff thank the applicant for remitting our planning review fee of \$1,250 on May 10, 2023.

### **Recommendation**

In light of the above, TRCA staff have **no objection** to the approval of the revised Minor Variance Application A/057/23 subject to the following condition:

1. That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works within TRCA's Regulated Area.

TRCA's conditional approval does not include any clearance and/or approvals related to the Site Plan Application SPC 22.25979 or the future permit application.

I trust these comments are of assistance. Should you have further questions do not hesitate to contact me.

Regards,

**Joshua Lacaria, MES (PI)**

Planner I - York East Review Area  
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