

**SUBJECT:** RECOMMENDATION REPORT - Nascent/Sher (9704 McCowan) Inc., Official Plan and Zoning By-law Amendments to permit an eight (8) storey mixed use apartment building, and three five (5) storey apartment buildings at 9704 McCowan Road, File Nos. OP 17 174837, ZA

**PREPARED BY:** Rick Cefaratti M.C.I.P., R.P.P.,  
Planner II, West District ext. 3675

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**RECOMMENDATION:**

- 1) That the report titled “RECOMMENDATION REPORT, Nascent/Sher (9704 McCowan) Inc., Official Plan and Zoning By-law Amendments to permit an eight (8) storey mixed use apartment building, and three five (5) storey apartment buildings at 9704 McCowan Road, File Nos. OP 17 174837, ZA 17 174837 and SC 18 174837 (Ward 6)” be received.
- 2) That the proposed amendment to the 2014 Markham Official Plan, attached as Appendix ‘A’, be approved;
- 3) That the amendments to Zoning By-laws 304-87 and 177-96, as amended be approved and the draft implementing Zoning By-law, attached as Appendix ‘B’, be finalized and enacted without further notice;
- 4) That the Site Plan application by Nascent/Sher (9704 McCowan) Inc. be endorsed in principle, subject to the Conditions attached as Appendix ‘C’ and that Site Plan approval be delegated to the Director of Planning and Urban Design or their designate;
- 5) That conditions of site plan approval require that, prior to the issuance of any building permits, the owner enter into and be a participant in good standing of the Berczy Village Developers’ Group Cost Sharing Agreement, or alternatively, that the owner provides the City with documentation from the Trustee confirming they have satisfied all its obligations to the Group;
- 6) That site plan endorsement shall lapse after a period of three (3) years from the date of Staff endorsement in the event that the site plan agreement is not executed within that period;
- 7) That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix ‘B’ to this report, before the second anniversary of the day on which the by-law was approved by Council;

- 8) That servicing allocation for one hundred and twelve (112) dwelling units be assigned to the subject development;
- 9) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

This report recommends approval of the Official Plan Amendment and Zoning By-law Amendment applications, and endorsement in principle of the associated Site Plan application to permit an eight (8) storey mixed use apartment building, and three five (5) storey apartment buildings on the subject lands. Staff is working with internal departments to work out site plan details prior to Site Plan endorsement.

**BACKGROUND:**

9704 McCowan Road (subject property) which has an approximate area of 0.43 ha. (1.06 ac.), is located on the west side of McCowan Road within Berczy Village (see Figure 1 – Location Map and Figure 3 – Air Photo). An existing dwelling on the property has historically been used as a chiropractic office. To the north of the subject property is a private school (Radiant Montessori School), and to the south is a gas station, that contains a retail store and a car wash facility (Esso and Circle K). Located to the east across McCowan Road is a townhouse development, and to the west is a six (6) storey residential building (Emery the Essential).

**PROCESS**

Applications submitted in support of the proposal include an Official Plan Amendment and a Zoning By-law Amendment (to rezone the property from Agricultural (A1) under By-law 304-87, as amended, to a site specific Community Amenity Two (CA2) exception zone under By-law 177-96, as amended). These applications were deemed complete on January 22, 2018. The Site Plan application was submitted on September 24, 2019.

**PROPOSAL**

The Official Plan application requests an increase in the maximum permitted density, on the subject property, from 2.0 FSI (Floor Space Index) to 3.0 FSI (FSI means the total proposed gross floor area divided by the total area of the subject lot).

The Zoning By-law application is seeking to rezone the subject property from the Agricultural (A1) zone under By-law 304-87, as amended, to the Community Amenity Two (CA2) zone under By-law 177-96, as amended, with a number of site specific exceptions.

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The mixed-use proposed development (See Figure 4 – Site Plan, and Figures 5 to 10 – Elevations) consists of the following:

- An eight (8) storey mixed use apartment building that fronts onto McCowan Road with an approximate Gross Floor Area (GFA) of 5,150 m<sup>2</sup> (55,477 ft<sup>2</sup>) for residential uses, and an approximate GFA for commercial uses of approximately 195 m<sup>2</sup> (2,098 ft<sup>2</sup>);
- three five (5) storey residential apartment buildings, each with an approximate total GFA of 2,456 m<sup>2</sup> (26,436 ft<sup>2</sup>) at the rear of the subject property;
- a total Gross Floor Area (GFA) for both commercial and residential uses of approximately 11,922 m<sup>2</sup> (128,327 ft<sup>2</sup>);
- a site density of 3.0 FSI;
- a total of 112 residential units;
- a total of 195 parking spaces;
- all parking spaces will be provided underground;
- the number of parking spaces will meet the minimum parking requirements of the zoning by-law;
- all of the units within the five (5) storey apartment buildings will be a minimum of two (2) storeys in height to provide for larger family sized units;

### **Official Plan and Zoning**

#### **2014 Markham Official Plan**

The property is designated 'Mixed Use Mid Rise' in the 2014 Official Plan (as partially approved on November 24, 2017 and further updated April 9, 2018). Uses provided for within Mixed Use designations include offices, financial institutions, retail and service uses. The designation also provides for townhouses, apartment buildings as well as mixed-use buildings, permits a maximum building height of eight (8) storeys and a maximum site density of 2.0 FSI.

The property is also subject to the Area and Site Specific Policies for the Berczy Village/Wismer Commons/Greensborough/Swan Lake District provided under Section 9.3 of the Official Plan. The land use objective for this district is to create a balanced community of pedestrian oriented neighbourhoods containing a mix of uses, including residential, commercial, open space and recreational.

#### **Site Specific Official Plan Policy for Maximum Floor Space Index (FSI)**

The amendment to the Official Plan (Appendix 'A') proposes a maximum site density of 3.0 FSI. York Region has delegated approval of the Official Plan Amendment to the City.

#### **Zoning**

The property is zoned Agricultural (A1) under By-law 304-87, as amended. The proposal requires a Zoning By-law Amendment.

The Zoning By-law amendment (Appendix 'B') proposes to delete the subject lands from the designated area of By-law 304-87 to a Community Amenity Two (CA2) zone category under By-law 177-96, as amended. The proposed zoning change will facilitate the development of an eight (8) storey mixed use apartment building and three five (5)

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storey residential apartment buildings on the property including site specific development standards.

The site specific development standards for the proposed zoning by-law to implement the proposed development, include:

- a maximum permitted building height of 32.0 m for the eight (8) storey mixed use apartment building fronting onto McCowan Road;
- the subject lands to be deemed one lot for the purposes of the By-law
- a minimum front yard setback of 0.5 m
- a minimum rear yard setback of 3.0 m
- a maximum site density of 3.0 FSI

#### **OPTIONS/ DISCUSSION:**

#### **Issues identified in the Preliminary Report, at the Community Meeting, and Public Meeting**

##### Preliminary Report

Several matters for consideration relating to the proposal were identified in the June 11, 2018 preliminary report including:

- proposed number of units, building height and setbacks;
- the Region's traffic/transportation requirements (i.e. road widening, vehicular access restrictions etc.)
- lack of public parkland dedication being proposed for this development;

##### Community Meeting

A non-statutory Community information meeting was held on April 23, 2018. This meeting was hosted by the Ward Councillor in conjunction with the Owner and was attended by Staff. Comments made at this meeting included:

- concerns regarding right-in/right-out access restriction;
- concerns about the ability of the current road networks to accommodate the additional cars into the area that will be generated from this site;
- proximity of the gas station and the impact of sounds generated by the car wash to the proposed development;

##### Public Meeting

The Statutory Public Meeting was held on June 19, 2018. Comments made by the residents who attended the Public Meeting included:

- objections by residents of the adjacent apartment building to the west to the heights of the proposed apartment buildings and overall site density;
- concerns about additional traffic that may be generated by this development and the associated traffic infiltration to the existing neighbourhood to the west;



- privacy concerns raised by residents of the adjacent apartment building to the west as a result of the proposed loss of vegetation;
- a request from the property owner to the north (9718 McCowan Road) was made to have access to municipal services through the subject lands;

The City has also received written submissions from the public that reiterated the comments and objections noted above.

**These and other issues are addressed as follows:**

Site Layout, Building Design and Density Are Appropriate

The eight (8) storey apartment building is adjacent to the McCowan Road frontage, and three (3) five (5) storey apartment blocks are located to the west of it. The architectural style, scale and orientation of the proposal is compatible with existing developments on adjacent properties. The five (5) storey portion of the development will have a similar relationship to the existing three (3) storey townhouses, to the north across Warrington Way, as the six (6) storey (Emery the Essential) apartment building already has. The transition, from a five (5) storey apartment to three (3) storey townhouses, is appropriate. The six (6) storey residential building (Emery the Essential) and the proposed five (5) storey apartment building, will be approximately 10.5 m (35 ft.) apart. The Emery the Essential development has a density (FSI) of approximately 2.5. The FSI of the proposed development is approximately 3.0. This FSI includes floor area devoted to at grade commercial uses. These commercial uses will extend across approximately 65% of the McCowan Road street frontage. The proposed commercial space will enhance the public realm and provide a friendlier pedestrian environment along McCowan Road. Staff consider the proposed FSI to be appropriate for this infill site, given its location and context. The proposed building(s) will be compatible with the townhouses on Warrington Way and the six (6) storey Emery the Essential apartment.

Transportation Impacts Minimal

Transportation Engineering Staff has reviewed the Traffic Study, which was submitted in support of the proposal. Staff concurs with the Study's findings that the anticipated traffic volumes for the proposed development can be accommodated on the external road network. McCowan Road is considered a Regional Arterial Road in this location and vehicular access falls under the jurisdiction of York Region. Staff further notes that the Region has agreed in principle to permit a full moves access from this development onto McCowan Road. The proposed full moves access will mitigate the concerns raised regarding traffic infiltration from this development into to the adjacent neighbourhood to the west.

York Region to allow full-moves access from McCowan Road

York Region Transportation staff has agreed in principle to permit full-moves access location onto McCowan Road at the north end of the property, subject to the following:

- That the owner agree to provide and protect for a future vehicular, pedestrian and cycling interconnection with the land immediately to the north (9718 McCowan Road) should this land redevelops in the future (Staff note that there is an opportunity for a future interconnection on the north side of the property between the eight (8) storey mixed use building and the north block five (5) storey residential apartment building as shown on the Site Plan in Figure 4);

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- A road widening along the entire frontage of the site adjacent to McCowan Road sufficient in width to provide 21.5 m (70.5 ft.) from the centreline of construction of McCowan Road;
  - A 5.0 m (16.4 ft.) by 5.0 m (16.4 ft.) daylight easement at the south corner of the access location;
  - York Region is undertaking a Class Environmental Assessment (EA) Study along McCowan Road, from Steeles Avenue to Major Mackenzie Drive in relation to the current and future transportation needs and is proposing a Transitway along this corridor. The proposed full-moves access may be restricted to right-in/right out movements in the future;

#### Noise Impacts from carwash will be mitigated

The Owner is working closely with the adjacent property owner of the adjacent gas station and car wash facility to mitigate the sound impacts from the car wash facility on future occupants of this development. Staff further note that the adjacent six (6) storey apartment building (Emery the Essential) to the west was constructed after the gas station was in place. Staff are not aware of any noise complaints that have been raised by residents of the adjacent apartment building regarding the car wash facility and note that the City has no record of property violations or complaints for the gas station.

#### Sustainable measures proposed

The proposed development will incorporate a number of sustainable development measures, including:

- Bird friendly and dark sky compliance (Staff will work with the applicant to finalize details of the exterior facades to ensure the City's requirements are complied with);
- Green roofs to reduce the heat island effect, reducing utility costs and improving stormwater management and drainage;
- Water efficient landscaping through the planting of native and drought tolerant vegetation; and,
- Bicycle parking at a 1:1 ratio for residential units to support the use of active transportation;

These matters will be secured in the site plan agreement. Staff will work with the applicant to determine whether any additional sustainability features can be identified and incorporated into the proposed development.

#### Private Servicing Easement to be provided in favour of 9718 McCowan Road

The Owner has agreed in principle to provide a private servicing easement in favour of the abutting property to the north (9718 McCowan Road) for the extension of water service, and appropriate storm and sanitary services. Details of this arrangement will be determined through the site plan approval process.

The Owner will be required to submit an application for consent to the Committee of Adjustment to permit an easement for servicing purposes, in favour of the 9718 McCowan Road, to ensure this arrangement is established in perpetuity.

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#### Developer's Group Agreement

The owner will be required to enter into a Cost Sharing Agreement with the Berczy Village Developers' Group to ensure the equitable distribution of costs of community and infrastructure facilities such as schools, parks, open space, enhancement and restoration of natural features, road improvements, internal and external services, and stormwater management facilities for the area. Staff recommend that, prior to issuance of any building permits, the owner provides the City with documentation from the Trustee confirming they have satisfied all of their obligations to the Group.

#### Parkland Dedication

The site plan shows a private open space area identified as a 'central courtyard' (Figure 4). Due to its size, and the fact that it is not publicly accessible, this open space area is not eligible for parkland credit. As no land will be conveyed to the City for parkland, the applicant will be required to fulfill their parkland dedication requirements through a cash-in-lieu of parkland contribution.

#### Compensation for Tree Removal Required

As a result of the proposed development, there are a number of mature trees that are proposed to be removed. Compensation for tree removal will be determined and provided at the development agreement stage. The Owner has agreed in principle to provide compensation for tree removal on these lands by including tree planting in the adjacent valley lands. Compensation for tree removal will be determined prior to final site plan approval.

#### Section 37

The applicant will be required to provide Section 37 benefits, including a Public Art contribution, in accordance with the City policies and Section 37 of the Planning Act. The requirement for a contribution will be identified in the Zoning By-law Amendment and provided with the execution of the site plan agreement.

#### Draft Plan of Condominium Comments

The owner will be required to submit a Draft Plan of Condominium application to establish the individual apartment dwelling units and commercial units. The authority to approve the Draft Plan of Condominium is delegated to the Director of Planning and Urban Design.

#### **CONCLUSION:**

The proposed mixed use mid-rise apartment development is appropriate and Staff recommends adoption of the Official Plan Amendment (Appendix 'A'), approval of the Zoning By-law Amendment application (Appendix 'B'), and endorsement in principle of the associated Site Plan application, subject to the conditions outlined in Appendix 'C'.

#### **FINANCIAL CONSIDERATIONS:**

Not applicable.

#### **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

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**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The applications were reviewed in the context of the City's strategic priorities of Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

These applications have been circulated to various City departments and external agencies and no objections to the proposal have been raised.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director, Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Conceptual Site Plan

Figure 5 – North and South Elevations  
Mid-Rise

Figure 6 – East and West Elevations  
Mid-Rise

Figure 7 – North and South Elevations,  
North and West  
Apartment Blocks

Figure 8 – North and South Elevations,  
South and West  
Apartment Blocks

Figure 9 – East and West Elevations,  
North and South  
Apartment Blocks

Figure 10 – East and West Elevations,  
West  
Apartment Block

**APPENDICES:**

Appendix 'A' – Draft OPA

Appendix 'B' – Draft ZBA

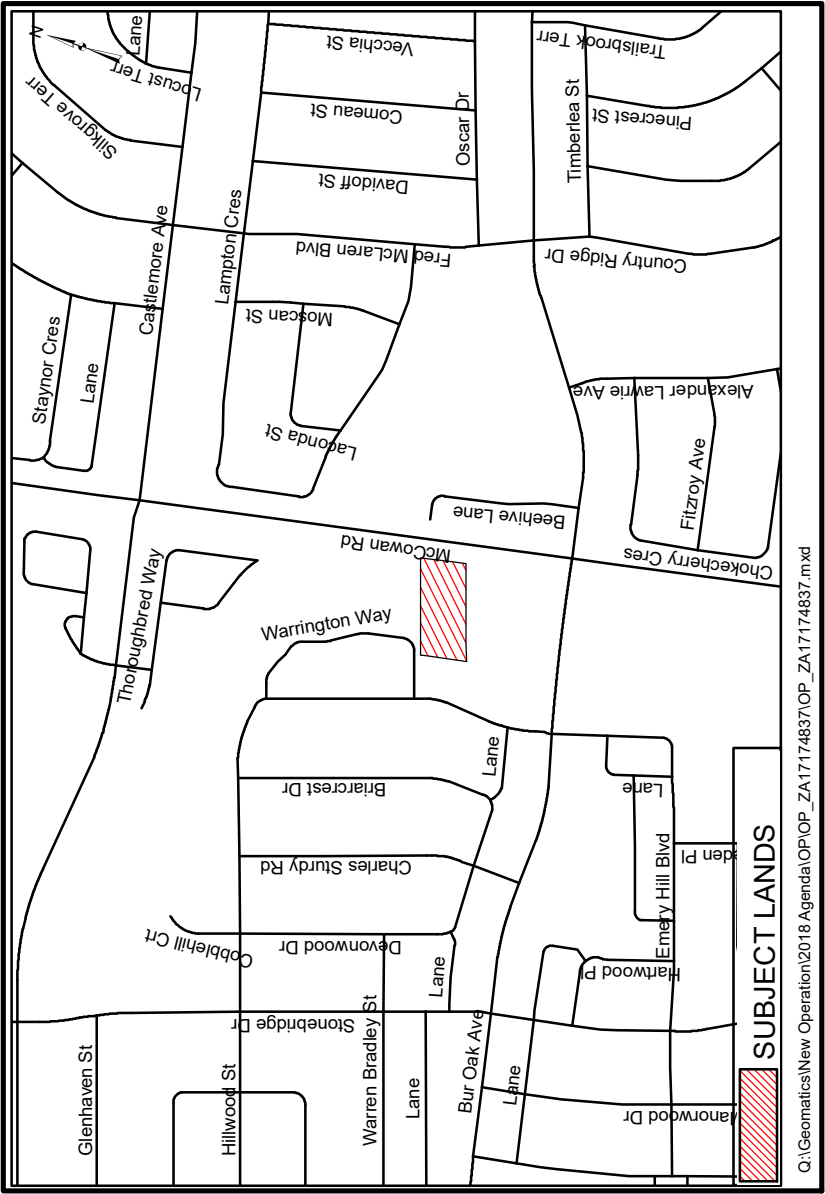
Appendix 'C' – Site Plan Conditions

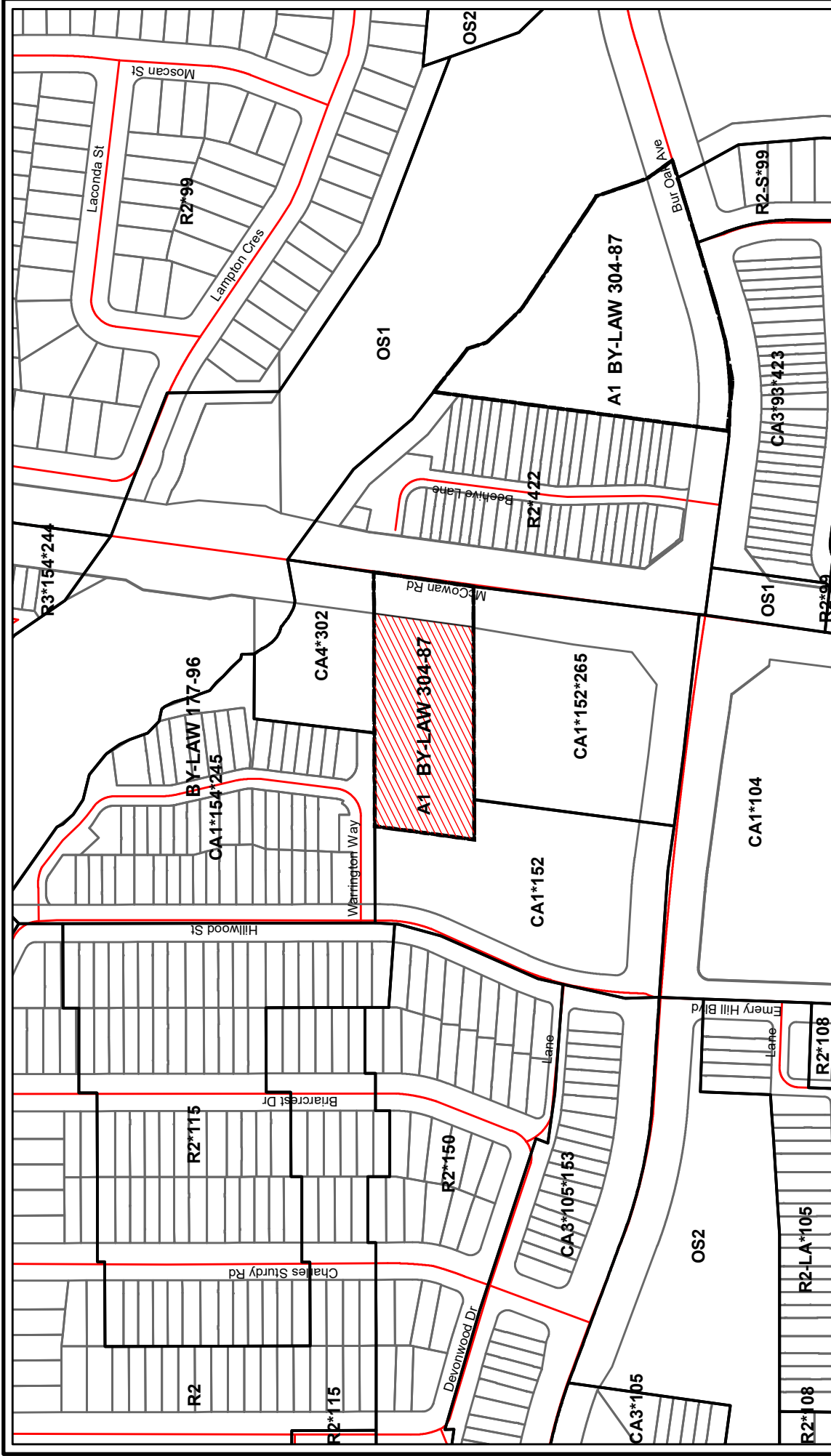
**APPLICANT:**

The Planning Partnership  
C/O Bruce Hall  
1255 Bay Street Unit 500  
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Tel: (416) 975-1556  
Email: [bhall@planpart.ca](mailto:bhall@planpart.ca)

**OWNER:**

Nascent/Sher (9704) McCowan Inc.  
C/O Shakeel Walji  
60 Renfrew Drive  
Markham, ON L3R 0E1  
Tel: (416) 865-0862  
Email: [shakeel@shercorp.ca](mailto:shakeel@shercorp.ca)






# AREA CONTEXT / ZONING

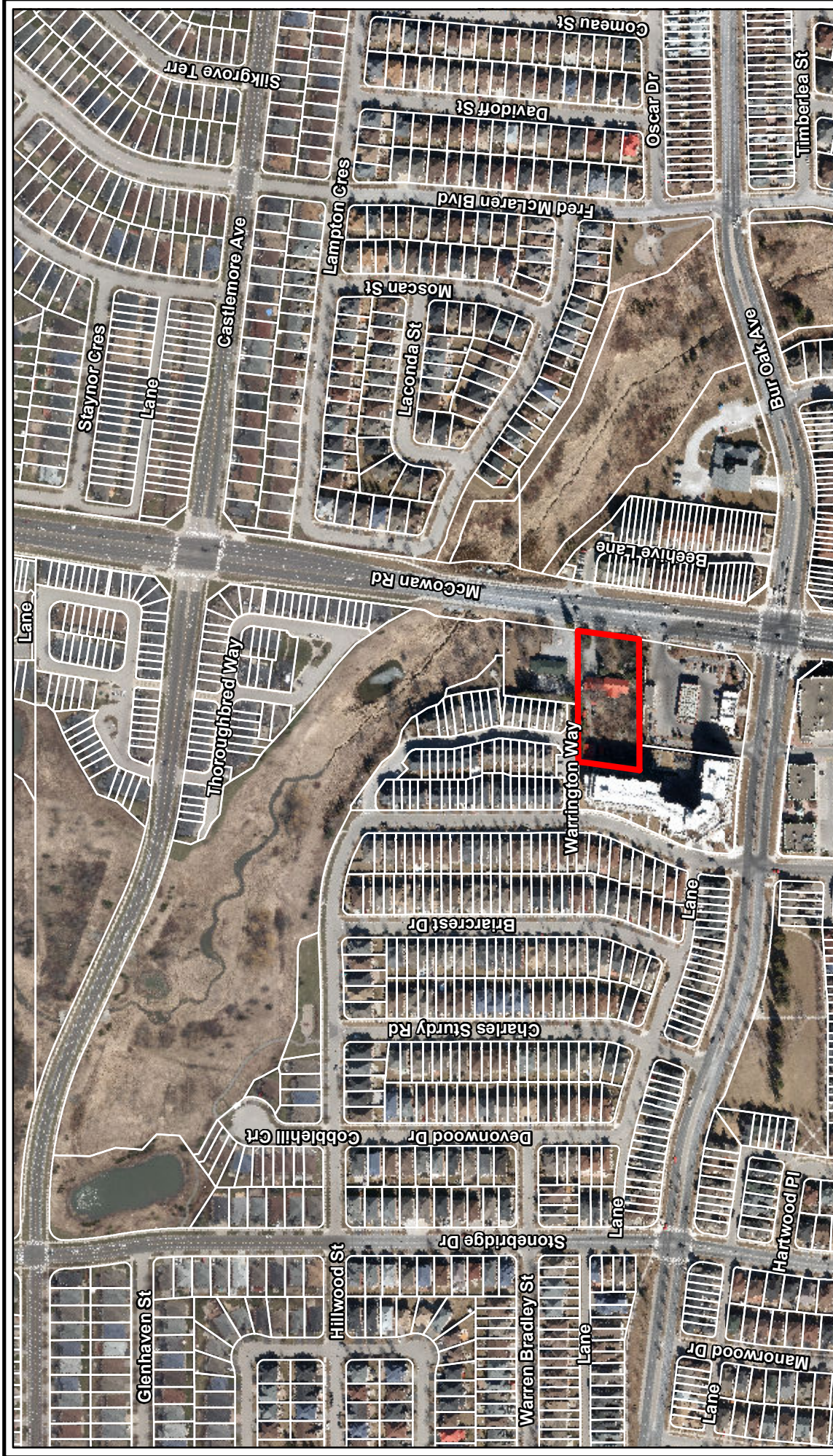
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9704 MCCOWAN RD

FILE No. OP/ZA 17174837 (RC)

 SUBJECT LANDS

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# AIR PHOTO (2018)

APPLICANT: NASCENT/SHER INC.  
9704 MCCOWAN RD

FILE No. OP/ZA 17174837 (RC)

 SUBJECT LANDS

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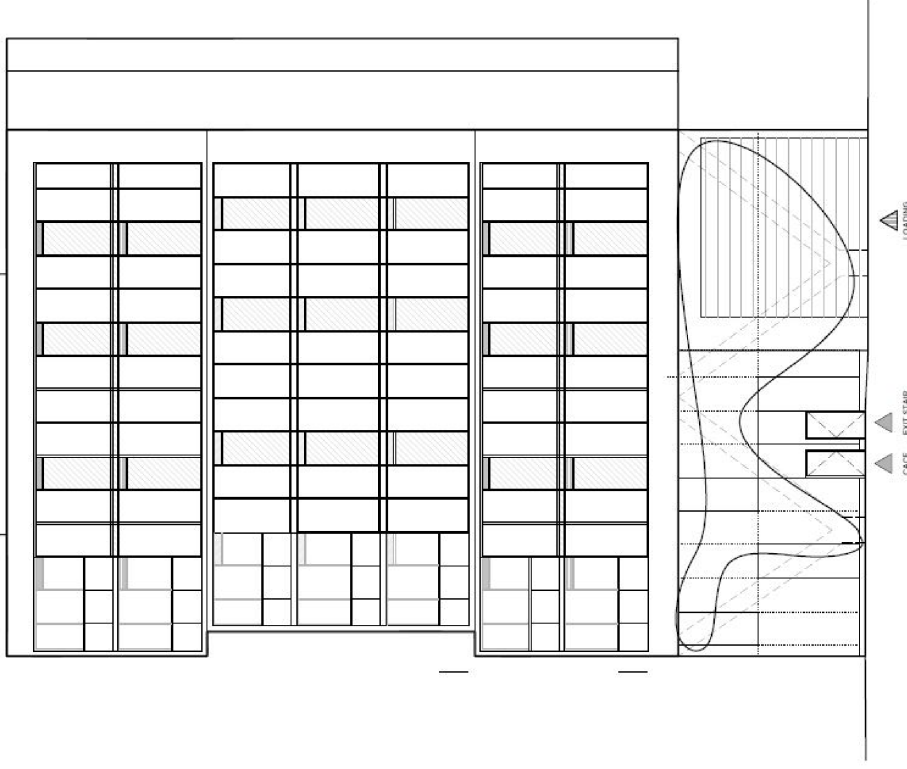
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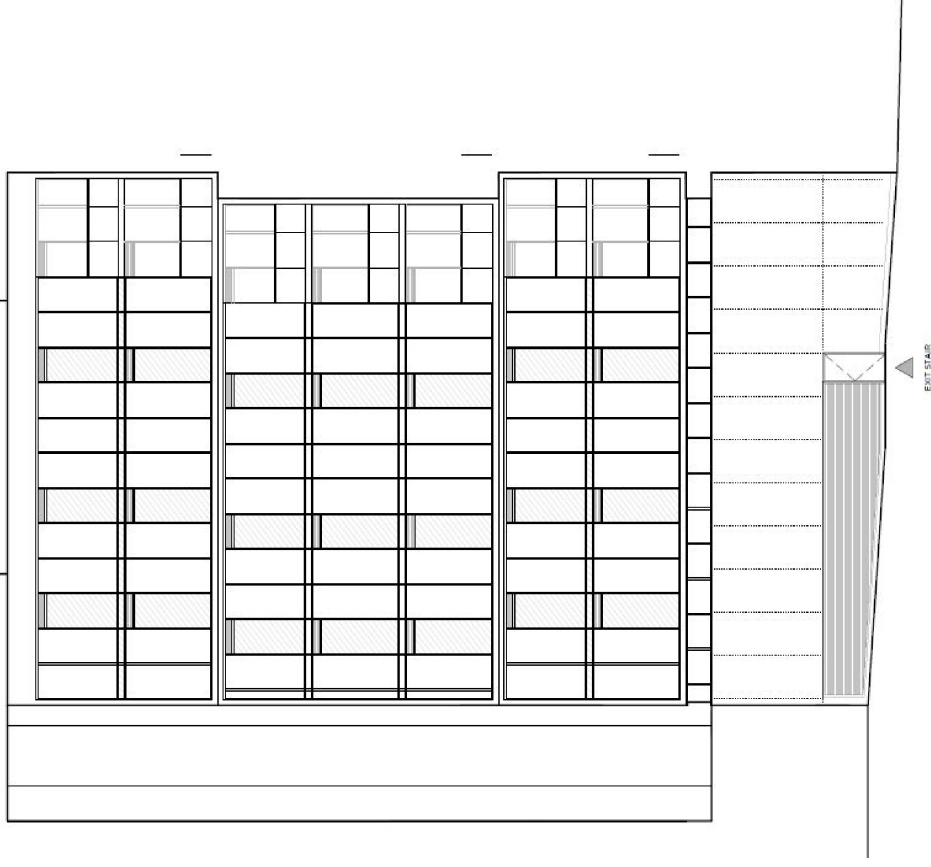




NORTH



SOUTH



# ELEVATIONS - MIDRISE

APPLICANT: NASCENT/SHER INC.  
9704 MCCOWAN RD

FILE No. OP/ZA 17174837 (RC)

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PROPERTY LINE



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**IVARKHAM** DEVELOPMENT SERVICES COMMISSION

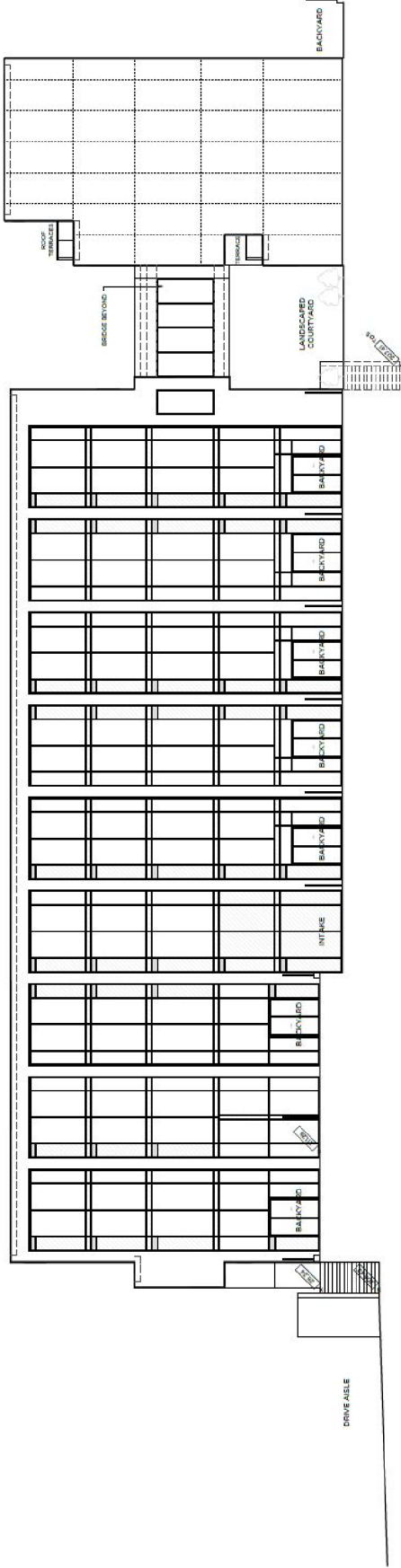
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**FIGURE No. 6**

# NORTH & WEST BLOCKS - NORTH ELEVATION

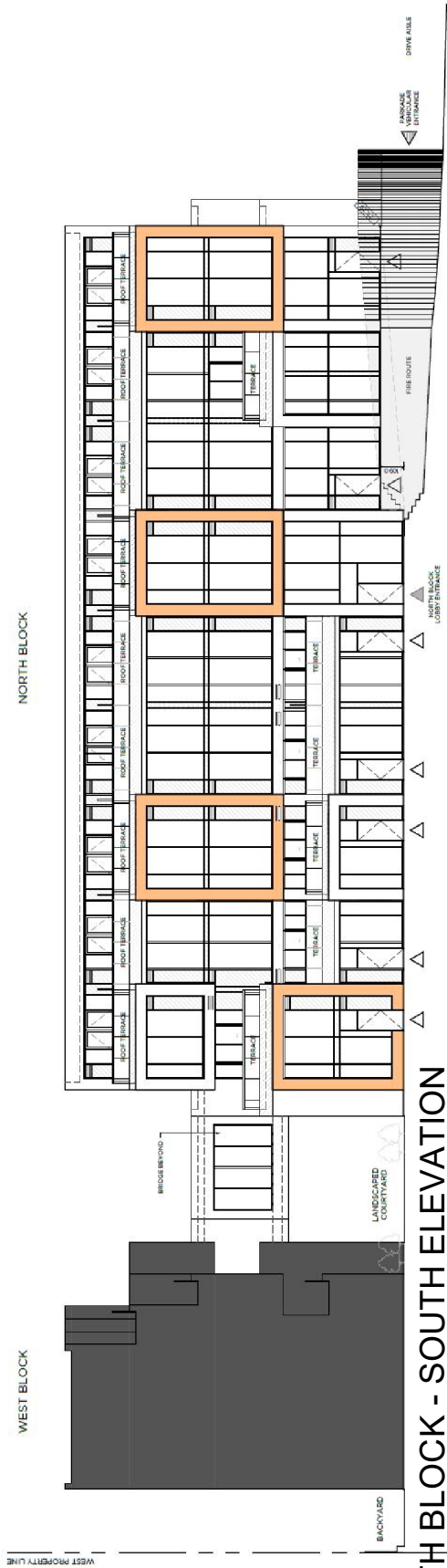
WEST BLOCK

NORTH BLOCK



WEST BLOCK

NORTH BLOCK



## NORTH BLOCK - SOUTH ELEVATION

# ELEVATIONS - FIVE STOREY APARTMENT

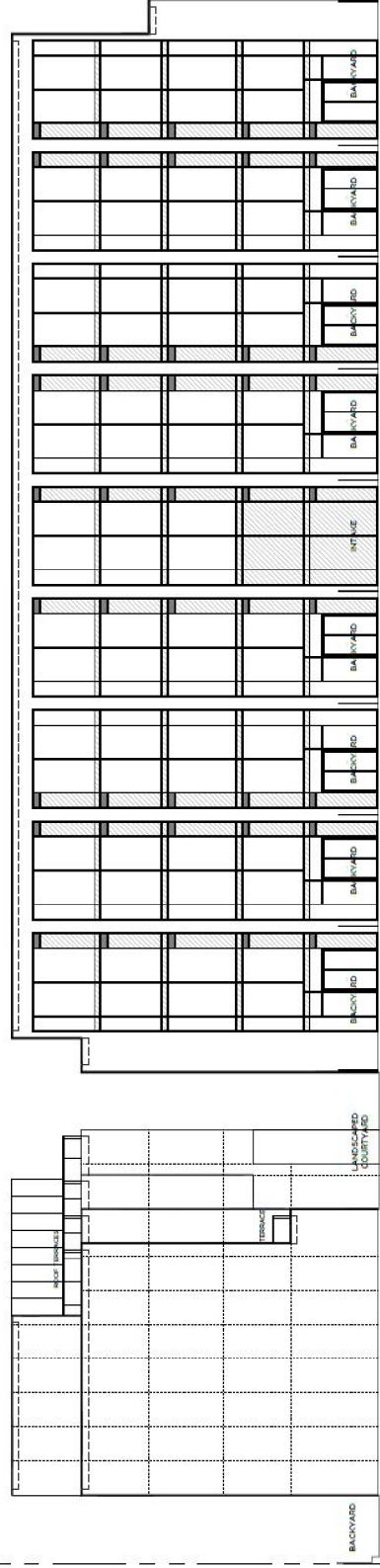
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9704 MCCOWAN RD

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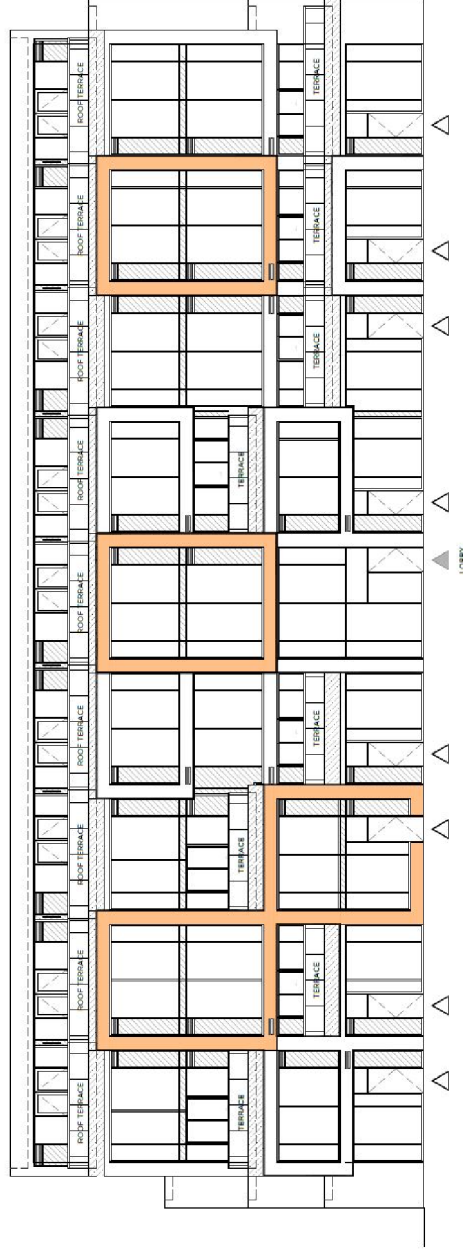
# SOUTH & WEST BLOCKS - SOUTH ELEVATION

SOUTH BLOCK



SOUTH BLOCK

WEST BLOCK



SOUTH BLOCK - NORTH ELEVATION

## ELEVATIONS - FIVE STOREY APARTMENT

APPLICANT: NASCENT/SHER INC.  
9704 MCCOWAN RD

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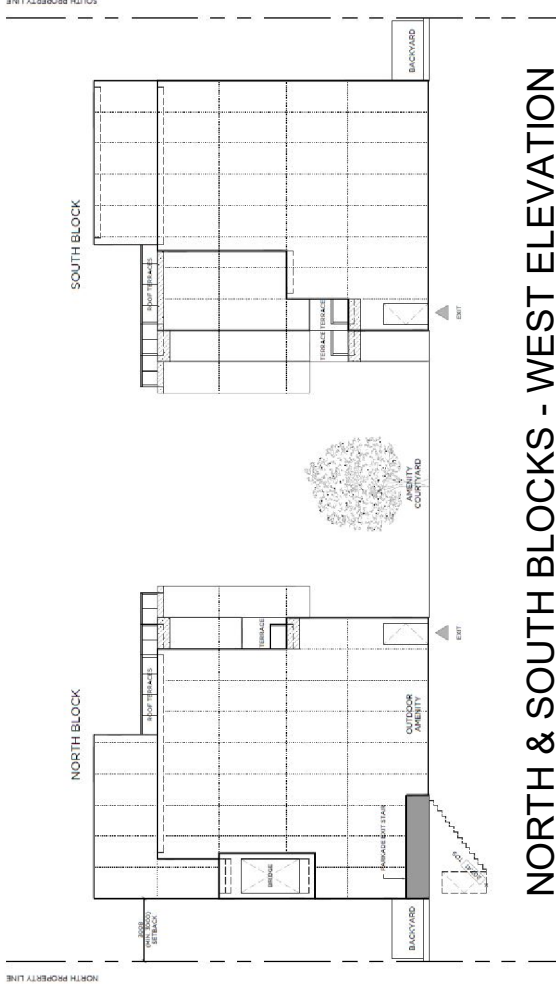
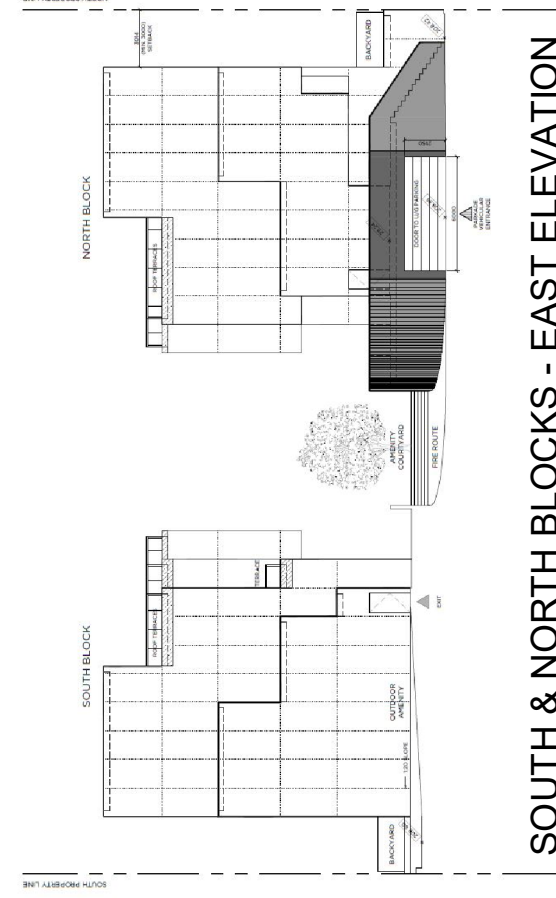
**MARKHAM** DEVELOPMENT SERVICES COMMISSION

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Checked By: RC

Date: 11/04/2019

**FIGURE No. 8**



# ELEVATIONS - FIVE STOREY APARTMENT

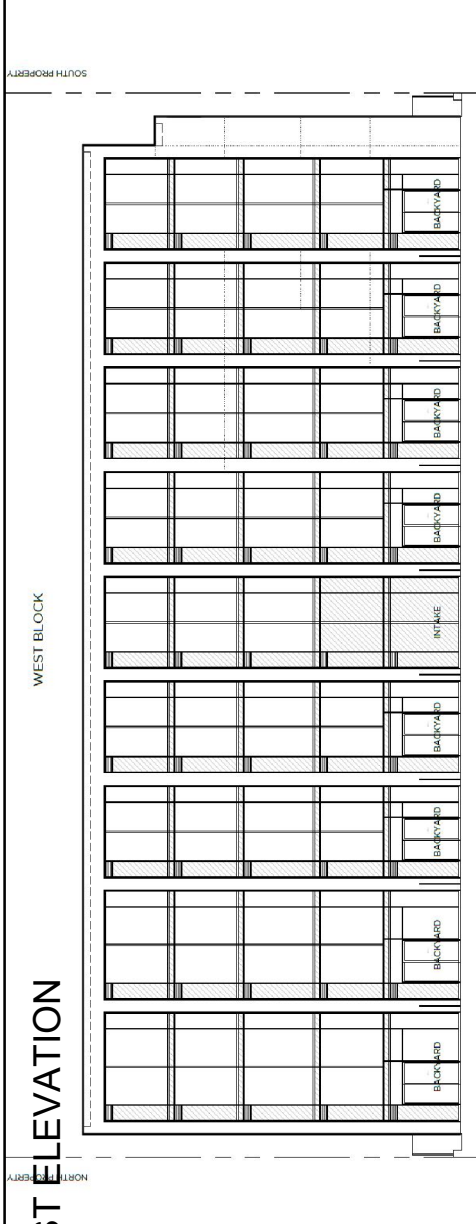
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9704 MCCOWAN RD

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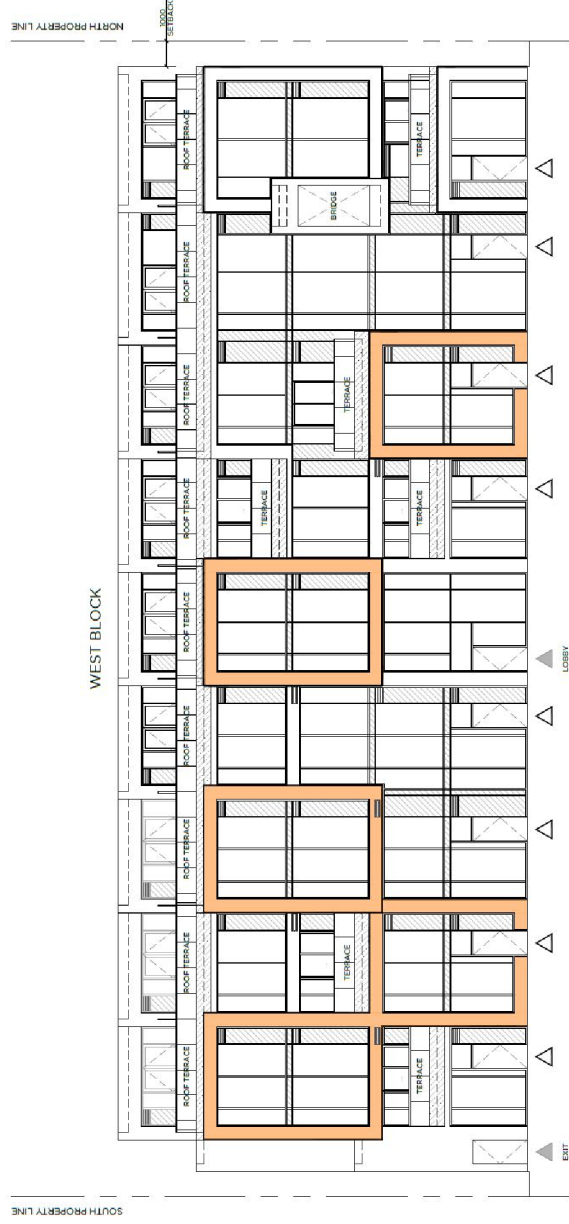
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# WEST BLOCK - WEST ELEVATION



## WEST BLOCK



## WEST BLOCK - EAST ELEVATION

# ELEVATIONS - FIVE STOREY APARTMENT

APPLICANT: NASCENT/SHER INC.  
9704 MCCOWAN RD

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FIGURE No.10