

SUBJECT: **RECOMMENDATION REPORT**
Applications for Zoning By-law Amendment and Draft Plan of Subdivision submitted by 2697415 Ontario Inc. to permit a 2-storey multi-unit industrial building at 5560 14th Avenue (Ward 7)

File No: PLAN 20 116893

PREPARED BY: Carman Yeung, M.C.I.P., R.P.P., ext. 2532
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Manger, East Development District

RECOMMENDATION:

- 1) That the report dated December 6, 2021 and titled “RECOMMENDATION REPORT, Applications for Zoning By-law Amendment and Draft Plan of Subdivision submitted by 2697415 Ontario Inc. to permit a 2-storey multi-unit industrial building at 5560 14th Avenue (Ward 7), File No. PLAN 20 116893”, be received;
- 2) That the record of the Public Meeting held on October 5, 2021 respecting the Zoning By-law Amendment and Draft Plan of Subdivision submitted by 2697415 Ontario Inc. to permit a 2-storey multi-unit industrial building at 5560 14th Avenue (Ward 7), be received;
- 3) That the Zoning By-law Amendment application (PLAN 20 116893) submitted by 2697415 Ontario Inc. to permit a 2-storey multi-unit industrial building at 5560 14th Avenue (Ward 7) be approved and enacted by Council at a later date, without further notice, once the by-law has been finalized;
- 4) That the Draft Plan of Subdivision 19TM-21008 (PLAN 20 116893) be approved, subject to Council’s approval of the Zoning Bylaw Amendment (PLAN 20 116893) and the conditions set out in Appendix ‘B’ of this report;
- 5) That the Director of Planning and Urban Design or his designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix “B” of this report as may be amended by the Director of Planning and Urban Design or his designate;

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- 6) That Draft Plan Approval for Plan of Subdivision 19TM-21008 will lapse after a period of three (3) years from the date of issuance in the event that a Subdivision Agreement is not executed within that period;
 - 7) That in accordance with the provision of subsection 45 (1.4) of the Planning Act R.S.O. 1990, c P13, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for variances from the provisions of Zoning By-law 177-96, before the second anniversary of the day on which the by-law was approved by Council; and
 - 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends that the Zoning By-law amendment application submitted by 2697415 Ontario Inc. for 5560 14th Avenue be approved subject to resolution of the parking matter, which is described later in this report, and that the Draft Plan of Subdivision application be approved subject to the conditions of approval attached as Appendix 'B'.

Process to date:

- November 16, 2020 – Zoning By-law Amendment application was deemed complete
- March 30, 2021 – Preliminary Report to Development Services Committee
- September 2, 2021 – Draft Plan of Subdivision application deemed complete
- October 5, 2021 – Statutory Public Meeting

Next Steps

- Future Recommendation report regarding intention to designation existing building under Part IV of the Ontario Heritage Act;
- Execution of a draft plan of subdivision;
- Registration of the draft plan of subdivision;
- Site plan endorsement/approval;
- Building permit issuance.

BACKGROUND:**Subject land and area context**

The 1.32 ha (3.27 ac) subject land municipally known as 5560 14th Avenue is located on the north side of 14th Avenue and east of McCowan Road (see Figure 1). The subject property contains a heritage dwelling known as the McCauley-Cooperthwaite House, circa 1870, which is listed on the City of Markham's "Register of Property of Cultural Heritage Value or Interest". The property also contains an accessory detached garage in the rear area of the subject land as well as mature vegetation throughout the site. Vehicular access is provided via an existing driveway onto 14th Avenue. The subject land is surrounded by vacant land to the east, north and west designated for industrial/employment uses and the following (see Figure 3):

- Further north of the subject land are Highway 407 and the Canadian National Railway (CNR);
- A single detached dwelling and Father McGivney Catholic Academy are located to the west (on the north side of 14th Avenue);
- A low rise residential subdivision is located across 14th Avenue on the south side; and
- Markham Fire Station 96, Aaniin Community Centre, Netherlands Reformed Congregation Markham and industrial and warehouse developments are located to the east on the north and south sides of 14th Avenue.

Proposed development

The applicant is proposing to develop a 2-storey multi-unit industrial warehouse building with a total gross floor area of approximately 6,540 square metres (70,396 square feet). The proposed development will be comprised of 23 units that range from 106 sq. m (1,141 sq. ft.) to 583 sq. m (6,275 sq. ft.) in size. Vehicular access to the development will be from the future Featherstone Avenue extension north of 14th Avenue (described later in this report), and a right-out only driveway is proposed on 14th Avenue. 72 parking spaces are proposed around the perimeter of the site (see Figure 6).

The heritage dwelling is located at the southwest portion of the site, and fronts onto 14th Avenue. The applicant is proposing to preserve the existing building in situ and to designate it under Part IV of the Ontario Heritage Act. A related site plan application has been submitted to staff for review with the existing heritage building incorporated into the industrial development. The heritage house is currently shown as connected to the principal warehouse building through a vestibule. To minimize the impact to the structure, the applicant agrees limiting the uses of the heritage building to office and retail use accessory to the warehouse use, which will be reflected in the amending zoning by-law.

A Draft Plan of Subdivision application was also submitted by the applicant to facilitate the conveyance of the future extension of Featherstone Avenue north of 14th Avenue as discussed in more detail later in the report. The proposed road conveyance will result in a remnant parcel approximately 744.33 square metres (8,334.8 square feet) in size, on the east side of the future Featherstone Avenue extension (see Figure 4).

Official Plan and Zoning

The subject land is located within the “Armada West Employment Area” in the 2014 Official Plan (*as partially approved on November 24, 2017 and further updated on April 9, 2018 (the “2014 Official Plan”)*), which designates the majority of the site (the southerly portion which fronts onto 14th Avenue) “Service Employment” and the remainder of the site (northerly portion) “General Employment”.

Both land use designations provide for a ranges of employment uses including office, industrial and warehousing uses. While accessory retail and office uses are allowed within both land use designations, size and location criteria are established so that they service and support the other business and light industrial uses in the larger employment area.

The Official Plan identifies a new minor north/south collector road connection extending from Featherstone Avenue to the north side of 14th Avenue and is identified in Map 11 – Minor Collector Road Network at this location (see Figure 7). This will assist in providing an appropriate future road network for the envisioned future employment lands development.

The proposed development conforms to the 2014 Official Plan.

Zoning

The subject land is zoned “Residential Development (RD)” in By-law 90-81, as amended, (see Figure 2) which only permits the existing heritage house and accessory structures. An application to amend the zoning by-law is required to permit the proposed development.

The Zoning By-law amendment application proposes to rezone the subject lands from “Residential Development” (RD) in By-law 90-81, as amended, to “Business Corridor (BC)” with site specific provisions which are described later in this report.

DISCUSSION:

Public Input

The Ward Councillor facilitated a Community Information Meeting on April 21st, 2021. The residents who attended expressed concerns including an increase in traffic, safety of students walking to and from Father McGiveney Catholic High School and lighting from the proposed development.

The statutory Public Meeting was held on October 5, 2021. A member of the general public expressed concerns regarding the safety and increase in traffic and possibly trucks because of the proposed industrial use.

Staff Response

It is important to note that 14th Avenue is part of the Regional road network that is intended/designed to carry trucks to allow for general goods movement, and is under the jurisdiction of Region of York. To relieve traffic on 14th Avenue, York Region has requested the following be provided:

1. road conveyance along the south property line of the proposed industrial lot as part of the draft plan of subdivision to accommodate future road widening of 14th Avenue;
2. that the driveway on 14th Avenue be limited to right-out access only, and that a median across the frontage of 14th Avenue be constructed; and
3. pedestrian facilities along the extension of Featherstone Avenue which is to connect to the sidewalks along 14th Avenue.

A Long-Term traffic Assessment report is currently being reviewed by the Region and the City to ensure the Featherstone Avenue and 14th Avenue intersection is properly

designed to accommodate the long term need of the area at built out. Any issues identified must be addressed to the satisfaction of Region of York and City of Markham prior to the approval of the zoning by-law amendment and site plan endorsement.

To ensure the new Featherstone connection is safe for pedestrian and can adequately accommodate truck and service vehicle turning movements, Transportation Planning requested the following be provided as part of the subdivision and/or site plan application:

1. design and construct the new road connection to full width in accordance with City's standards and to the satisfaction of the City;
2. construct 3.0 metres wide multi-use paths on the both sides of the new Featherstone Avenue extension;
3. a temporary cul-de-sac at the northerly terminus of the Featherstone Avenue by road conveyance and easement.

Lighting provided as part of the proposed development will be examined as part of the site plan application to ensure the development is designed to minimize impact to the residents on the south side of 14th Avenue. It is expected that existing rear yard fences of the residential development on the south side of 14th Avenue and boulevard trees will also provide the necessary screening for the existing residential uses.

Rezoning the subject site is appropriate

The proposed rezoning of the subject land to Business Corridor Zone (BC) to allow the proposed employment use is appropriate as it implements the policies of the 2014 Official Plan which envisions this area for employment and related development. The proposed rezoning (see Appendix 'A') will do the following:

- Limit the list of permitted uses for the existing heritage building to less impactful uses including accessory office and accessory retail to the principal warehouse use;
- Establish industrial/employment use as the principal use by limiting the combined area of all non-industrial uses such as office and retail uses to a maximum of 50% of the Gross Floor Area which reflects the intent of the related Official Plan policies;
- Limit each non-industrial use premise to a maximum of 300 sq. m (3,229 sq. ft.) of Gross floor Area which reflects the intent of the related Official Plan policies; and
- To implement other site-specific development standards including setbacks and landscaping.

It should be noted that at the time of drafting of this report, a total of 72 parking spaces (a deficiency of 24 spaces) are being proposed for the site while it is estimated that approximately 96 spaces are required under the current parking standards for the proposed warehouse use. The parking requirement is still being confirmed with the applicant as the use of the industrial second floor mezzanines of each unit is still being clarified. Once the applicant confirms their parking calculation through a parking justification study, staff will be in a position to determine the appropriate parking rate to

apply to the proposed development and confirm the list of permitted uses to ensure sufficient parking could be provided. The outstanding parking matter and any related matters including any required changes to the site plan must be resolved prior to finalization and approval of the zoning by-law amendment (Appendix 'A').

The proposed draft plan of subdivision is appropriate

The proposed draft plan of subdivision aligns with applicable 2014 Official Plan land use policies and Map 11 – Minor Collector Road Network which envisions Featherstone Avenue continuing north of 14th Avenue to become one of three (3) accesses from 14th Avenue to the Armadale Employment Area.

The proposed road conveyance aligns with the existing Featherstone Avenue south of the 14th Avenue to ensure a coordinated and safe intersection. The detailed design of the Featherstone Avenue is under review by staff which requires approval prior to registration of the draft plan (see Appendix 'B').

Road conveyance will result in undevelopable remnant parcel

The road conveyance will result in an undevelopable long narrow remnant parcel on the east side of the future Featherstone Avenue extension (see Figure 4). The remnant parcel on the east side of the Featherstone Avenue extension will be approximately 0.07 hectares (0.17 acres) in size, and is unlikely to be developed in this configuration. Hence, a potential land swap or land acquisition between the developer and the abutting land owner (Metrus) is being discussed. Additional time will be required for the larger ownership group (Metrus) to fully understand the implications of the potential land swap or land acquisition on any future development of their land, as well as for the applicant to revise the proposed site plan and draft plan of subdivision as a result, and for the two parties to work out the details. With these considerations in mind, the applicant has requested that his development applications move forward at this time without any further delays and discussions with Metrus.

Heritage house to be designated and preserved

As previously mentioned, a heritage house known as the McCauley-Cooperthwaite House is located on the subject land. The applicant is proposing to preserve the existing building in situ and to designate it under Part IV of the Ontario Heritage Act. Architectural details of the Heritage building and the proposed connection to the warehouse building has been requested as part of the Site Plan Control application to ensure it is properly restored, and that material used for the proposed connection complements the heritage building. It is also a recommendation of Heritage Markham that additional space be set aside around the heritage resource to accommodate alternative uses within the heritage resource as well as landscaping and urban furniture within that space. These building and site design matters will be addressed through site plan approval process. The zoning by-law amendment will also limit the uses of the heritage house to office or accessory retail uses to the principal industrial use which will minimize any impact.

It has been determined that the two remaining accessory buildings (a detached garage and a storage shed) on site has no heritage value, therefore they have not been included in the

Heritage Restoration Plan with no plans to salvage the building material of the stone shed. It should be noted that the scope of the restoration work was presented to Heritage Markham Committee on February 2, 2021, and the committee supported the recommendations by staff without changes. Preservation of the heritage house is subject to conditions of draft plan approval (see Appendix 'B').

Site plan application for the proposed development is under review

A site plan application for the proposed development has been submitted and is currently under review. The proposed site plan (see Figure 6) shows a U-shaped building with parking along the perimeter. Loading activities will occur internal to the site. The proposed landscaping along 14th Avenues is 3 metres wide and the setback of the building to 14th Avenue and the Featherstone Avenue extension are 6 metres and 3 metres respectively. The proposed two (2) - storey building will have minimal impact on the existing residential neighbourhood on the south side of 14th Avenue. Any lighting impact on the residential neighbourhood to the south will be reviewed and addressed as part of the site plan approval process.

Site plan approval will not be issued until the zoning by-law amendment is approved and the draft plan of subdivision is registered on title.

FINANCIAL CONSIDERATIONS

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development aligns with the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were circulated to internal City departments and external agencies. Requirements of the City and affected agencies have been reflected in the conditions of Draft Plan of Subdivision Approval (Appendix B), and in the Draft Zoning By-law amendment (Appendix A).

RECOMMENDED BY:

Biju Karumanchery, MCIP, RPP
Director of Planning & Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3 Area Context/Zoning

Figure 4: Draft Plan of Subdivision

Figure 5: Elevations

Figure 6: Add Site Plan

Figure 7: 2014 Official Plan Map 11 – Minor Collector Road Network

APPENDICES

Appendix A: Draft Zoning By-law amendment (to be finalized)

Appendix B:-Conditions of Draft Plan Approval

AGENT:

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