

SUBJECT: RECOMMENDATION REPORT
Mahamevnawa Bhavana Asapuwa Toronto
Site Plan Control Application to permit a Place of Worship
at 11175 Kennedy Road
File No. SC 13 132040

PREPARED BY: Rick Cefaratti, MCIP, RPP, ext. 3675, Planner II, West District

REVIEWED BY: Dave Miller, MCIP, RPP, ext. 4960, Manager, West District

RECOMMENDATION:

- 1) That the report titled "RECOMMENDATION REPORT, Mahamevnawa Bhavana Asapuwa Toronto Site Plan Control Application to permit a Place of Worship at 11175 Kennedy Road, SC 13 132040" and dated January 13, 2015, be received;
- 2) That the Site Plan Control application by Mahamevnawa Bhavana Asapuwa Toronto to permit a Place of Worship at 11175 Kennedy Road be endorsed in principle, subject to the conditions set out in Appendix 'A' to this report;
- 3) That Site Plan Approval is delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement. Site Plan approval is issued only when the Director or his designate has signed the site plan;
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of the Site Plan Control application (SC 13 132040) for a proposed Place of Worship at 11175 Kennedy Road. The proposed use has been approved through amendments to the Region of York and Markham Official Plans, and a Zoning By-law Amendment. An Amendment to the Minister's Zoning Order is also required, and is in process.

BACKGROUND:**Property and Area Context**

The 0.82 ha. (2 ac.) property is located on the east side of Kennedy Road, north of Elgin Mills Road. A two storey residential dwelling exists on the property and is used as a residence by Buddhist Monks, and as a meeting place for Buddhist meditation and worship.

The surrounding context is as follows:

- To the north is a rural residential use. Further to the north is the Mandarin Golf Course
- To the south and east is the Mandarin Golf Course. Further to the south is Camp Green Acres.
- To the west, across Kennedy Road, North Toronto Chinese Baptist Church and the Melville Trustees Cemetery, and rural/agricultural uses.

Proposal

The applicant is proposing a one storey building addition to the existing 604.5 m² (6,507 ft²) dwelling which is currently used as a residence for Buddhist Monks. The proposed 852 m² (9,170 ft²) building will be used as a Place of Worship. The existing dwelling will continue to be used as a residence for Buddhist Monks (Figures 4 & 5). Vehicular access is proposed from Kennedy Road. A two-way driveway is proposed around the south side of the building to provide a connection to the parking area in the rear yard of the subject property.

Official Plan and Zoning By-lawYork Region Official Plan

The subject property is designated Agricultural Area by the Region of York Official Plan. The Region of York Official Plan designation permits normal farm practices and a full range of agricultural uses, agriculture related uses and secondary agricultural uses. In addition, York Region has recently (October 2014) adopted Official Plan Amendment 71 (ROPA 71) to permit a Place of Worship on the subject lands.

Markham Official Plan

The site is designated Agriculture One under the in force Markham Official Plan (revised 1987). Permitted uses include farming activity, land uses related to and supportive of farming activities or the farming community, and existing rural residential uses. Land uses that are compatible with farming activity are also permitted, subject to justification of such use as outlined in the Official Plan. Markham Council recently approved (April, 2014) an amendment to this plan (OPA 216) to include a Place of Worship as a permitted use on the property. OPA 216 came into effect on October 16, 2014 following the adoption of ROPA 71 noted above.

The City's new Official Plan 2014 (not yet in force) designates the property Countryside. Permitted uses within this designation include farming activity and land uses related to and supportive of farming activities or the farming community as well as existing residential uses. A Place of Worship is also permitted on the property through a site specific exception [9.8.3.j)] to the new Official Plan.

Zoning

The property is partially zoned Rural Residential (RR1) and Agriculture (A1) under parent By-law 304-87, as amended. Agricultural uses and a single-detached dwelling are permitted uses on the property. Markham Council recently approved By-law 2042-14 (April, 2014), an amendment to parent By-law 304-87, to add a Place of Worship as a permitted use on the subject property. By-law 2042-14 came into effect on October 16, 2014 following the adoption of ROPA 71 noted above.

Ministers Zoning Order

The property is also subject to a Minister's Zoning Order (MZO), Ontario Regulation 104/72. This regulation limits the permitted uses on the property to agricultural uses and accessory buildings and structures associated with agriculture, and existing single

detached dwellings and enlargements thereto. A Place of Worship is not permitted by this regulation. However, the Ministry of Municipal Affairs staff has advised Markham staff that the associated application to amend the MZO and permit a Place of Worship is anticipated to be approved in the first quarter of 2015.

OPTIONS/ DISCUSSION:

Site plan and building elevations are acceptable

The proposed site plan and building elevations for the proposed Place of Worship are considered acceptable (Figures 3 & 4). Vehicular access to the site is provided from Kennedy Road.

The applicant has worked constructively with Staff to ensure that the proposed building is of a scale and design fitting for a Place of Worship occupying a rural location. The proposed building elevations exhibit an architectural character representative of the congregation's religious heritage. The building façades will be constructed from wood and stone veneer, as well as a stone coated metal roof. The masonry treatment and extensive roofline improves the building's efficiency and reduces the need of large areas of window glazing.

Place of Worship Building is Bird Friendly

The building design generally meets the requirements of the City's bird friendly policies. The design also incorporates a roof overhang which further reduces window glare; creating a 'bird friendly' design. The applicant submitted an application for site plan approval in late 2013, prior to the approval of Markham's 'Bird Friendly Guidelines', and as such the building was designed to comply with the City of Toronto's 'Bird Friendly Development Guidelines'. Consequently, the proposed building is not expected to be hazardous for birds.

Tree Protection Measures Appropriate

Extensive work has been conducted through the development review process to ensure tree protection measures, including along the length of the proposed driveway access. A reduced minimum driveway width of 5.5 m (18.0 ft.) for two-way traffic, together with a 0.6 m (2.0 ft.) setback to the south lot line, is proposed to accommodate a row of mature vegetation and will provide a buffer to the adjacent property to the south. In addition, through the Site Plan agreement, Staff will ensure that securities and compensation are implemented to address tree protection and tree removal, respectively. Staff has no objection to the proposal. The applicant has demonstrated to staff a concerted effort to retain species of significance and the overall preservation of trees on property.

Parkland Dedication

The applicant will be required to pay cash-in-lieu of Parkland Dedication, as a condition of Site Plan approval. An Appraisal Report to address the cash-in-lieu of Parkland Dedication calculation has been submitted and is currently being reviewed by staff. Acceptance of the Appraisal Report will be required prior to the execution of the site plan agreement.

Sustainability Initiatives

The applicant is proposing to incorporate a variety of sustainability initiatives for this development. The proposed initiatives to be incorporated in the Place of Worship building include, but are not limited to, cross ventilation and large roof overhangs to reduce solar heat gains through the windows. The roof overhangs are designed to provide natural light while reducing glare and reflection. The roof overhangs will also serve to reduce the demand on the air conditioning system. Other sustainable features to be incorporated within the proposed Place of Worship include dual-pane insulated glass windows and doors, Energy Star compliant appliances, and low flow plumbing fixtures. Inclusion of these measures in the project will be secured through the site plan agreement.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

No applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The revised proposal for a Place of Worship aligns with the strategic focus of Growth Management, and Environment by providing the following:

Growth Management

- Provides an additional Place of Worship to serve the needs of the diverse demographics of the municipality

Environment

- Inclusion of sustainability initiatives noted above

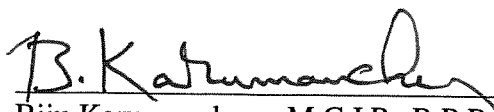
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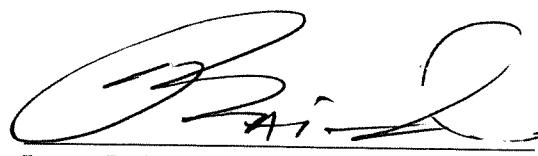
All requirements of the City and external agencies have been reflected in the preparation of this report and conditions of approval.

CONCLUSION:

Staff is satisfied with the site plan and elevations and recommends their endorsement in principle, subject to matters outlined in this report and conditions attached in Appendix 'A'.

RECOMMENDED BY:


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


James Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Air Photo

Figure 3 – Proposed Site Plan

Figure 4 – Proposed Building Elevations

Appendix 1 – Recommended Conditions of Site Plan Approval

AGENT/APPLICANT:

Randal Dickie

5694 Highway 7 East

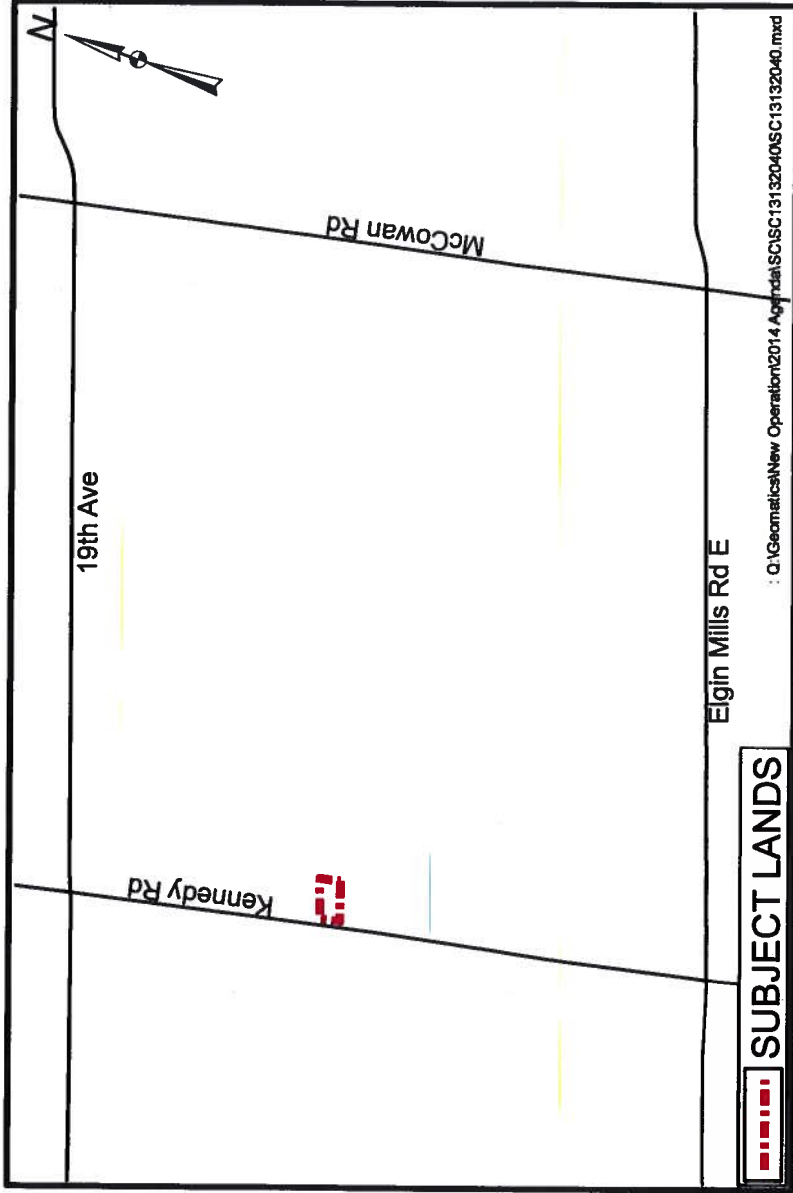
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AIR PHOTO 2013

APPLICANT: MAHAMEVNA BHAYANA ASAPUWA TORONTO
11175 KENNEDY ROAD

FILE No: SC13132040(RC)

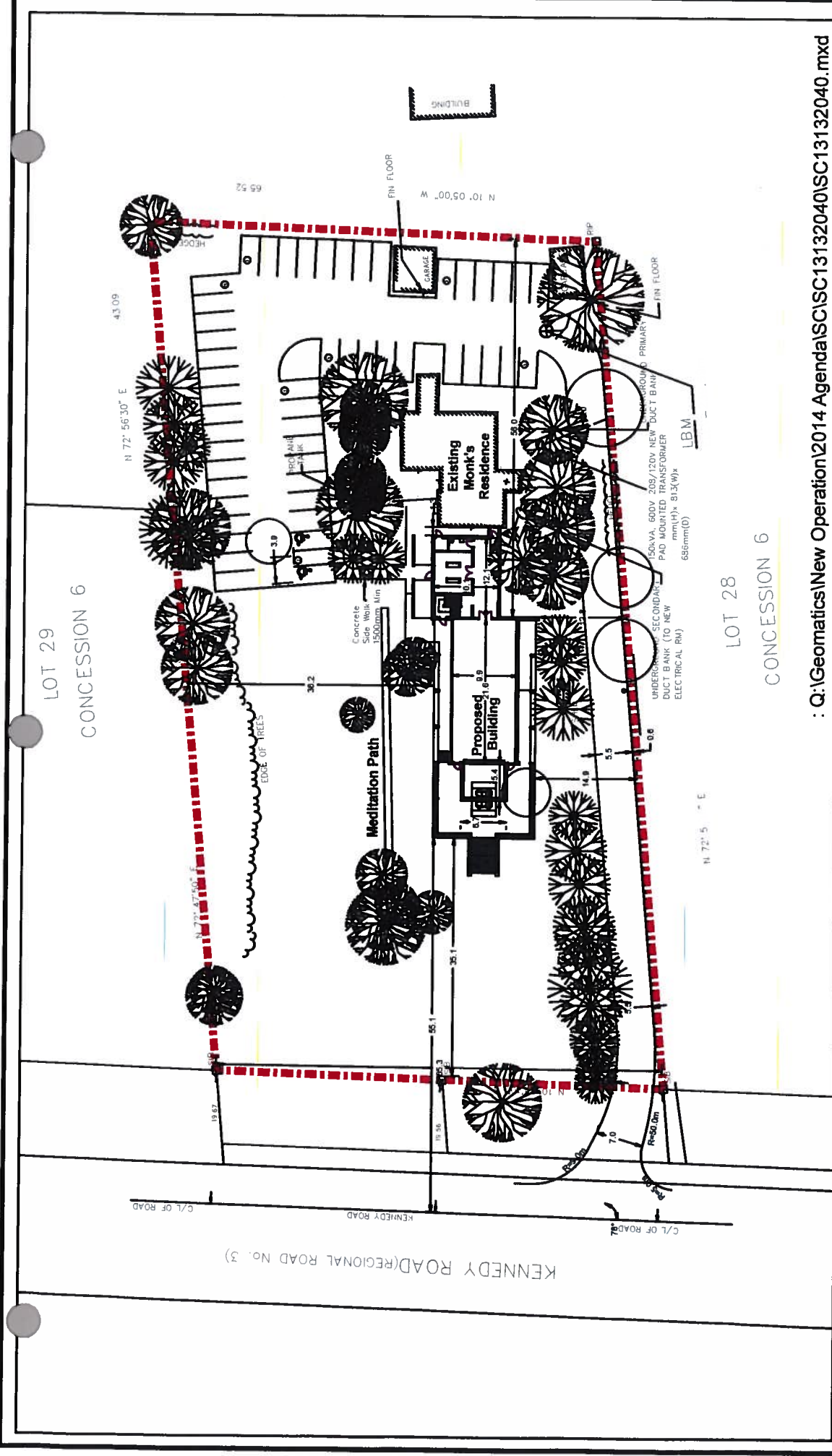
 SUBJECT LANDS

DATE: 10/08/14

FIGURE No. 2

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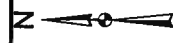


SITE PLAN

APPLICANT: MAHAMEVNA BHAVANA ASAPUWA TORONTO
11175 KENNEDY ROAD

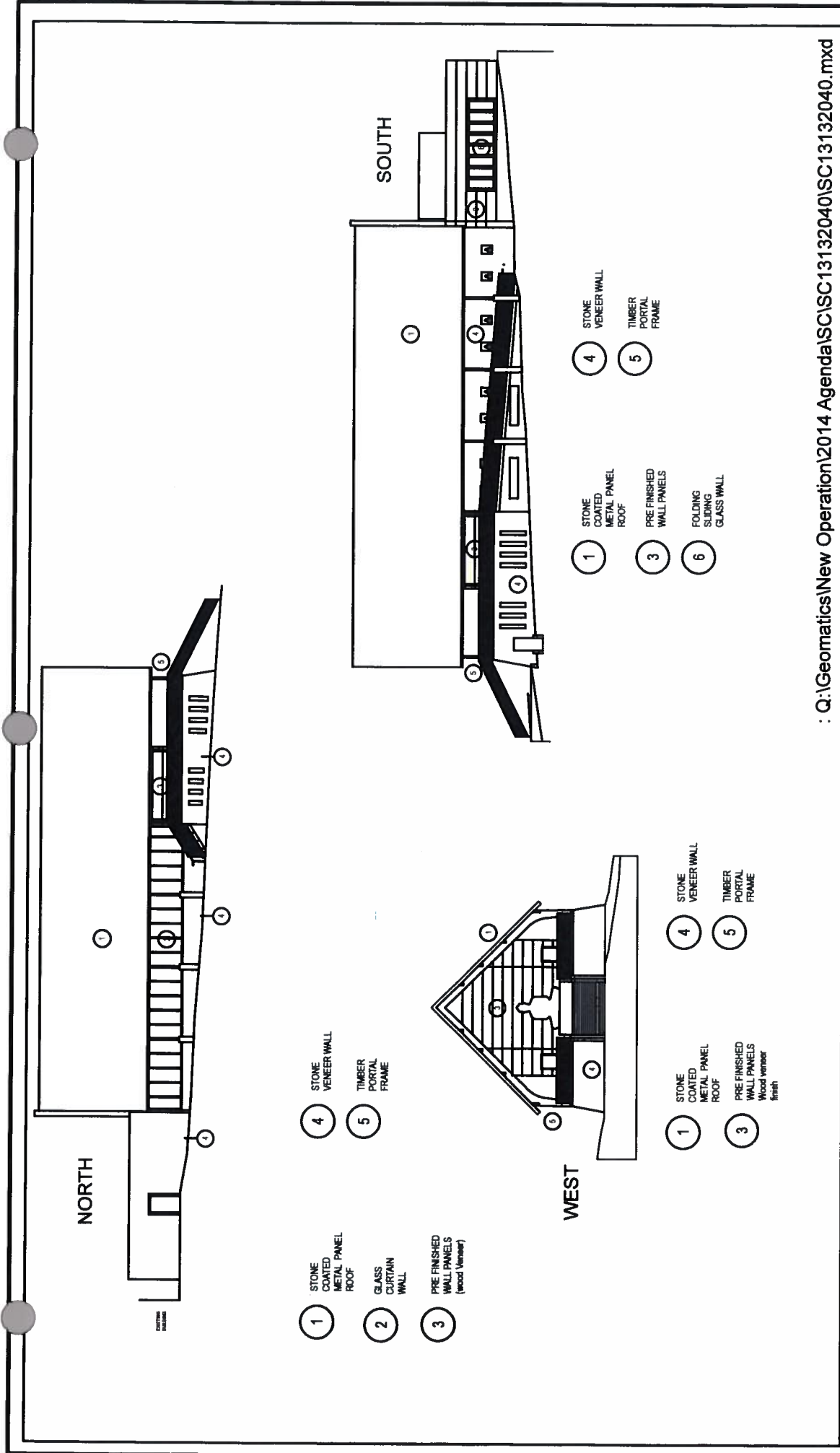
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 SUBJECT LANDS



DATE: 10/08/14

FIGURE No. 3



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ELEVATIONS

APPLICANT: MAHAMEVNA BHAVANA ASAPUWA TORONTO
11175 KENNEDY ROAD

FILE No: SC13132040(RC)

 SUBJECT LANDS

Appendix 'A'

RECOMMENDED CONDITIONS OF SITE PLAN APPROVAL

11175 KENNEDY ROAD

(Mahamevna Bhavana Asapuwa Toronto)

CITY OF MARKHAM FILE NUMBER SC 13-132040

1. That prior to the site plan and elevations being endorsed by the Director of Planning and Urban Design or his designate, the Owner shall:
 - a) Obtain approval from the Engineering Department for site servicing and grading drawings, stormwater management report prepared and stamped by a Professional Engineer with a Certificate of Authorization from the Professional Engineers of Ontario;
2. That the site plan agreement contains all standard and special provisions and requirements of the City, Region and other public agencies including:
 - a) Provision for the payment by the Owner of all applicable fees, recoveries, and development charges;
 - b) Provision for satisfying all the requirements of City Departments, York Region and external agencies;
 - c) Provisions to ensure all exterior lights on the property are appropriately shielded and do not impact the adjacent properties to the north, east or south;
 - d) Provisions to implement the Bird Friendly Design Guidelines;
 - e) Provisions to incorporate sustainable features including, but not limited to, cross ventilation and large roof overhangs to reduce demand on the air conditioning system while providing an abundance of natural light, dual-pane insulated glass windows and doors, Energy Star compliant appliances, and low flow plumbing fixtures; and,
 - f) Provision for the payment by the Owner of Cash-in-lieu of Parkland Dedication.
3. That prior to execution of the site plan agreement:
 - a) The Owner shall submit an illumination plan for review and approval to the satisfaction of the Director of Planning and Urban Design, or his designate. The illumination plan may be subject to peer review at the applicant's cost. The Owner agrees to make any revisions to the site plan and may be required to ensure adjacent properties to the north, east and south are not negatively impacted by the lighting from the proposed development; and,
 - b) The Owner shall submit a landscape plan, prepared by a landscape architect having O.A.L.A. membership, for approval to the satisfaction of the Director of Planning and Urban Design or his designate;
 - c) The Owner shall obtain an amendment to the Minister's Zoning order to permit a Place of Worship on the subject property; and,
 - d) That the Owner submits an Appraisal Report for Cash-in-Lieu of Parkland Dedication to the satisfaction of the Director of Planning & Urban Design, or his designate.
4. That the Owner shall submit final site plan and elevation drawings to the satisfaction of the Commissioner of Development Services.
5. That this endorsement shall lapse and Site Plan approval will not be issued, after a period of three (3) years commencing January 13, 2015 in the event that an amended site plan agreement is not executed within that period.