



Report to: Development Services Committee

Report Date: June 18, 2013

SUBJECT: RECOMMENDATION REPORT
Logos Baptist Church
133 Old Kennedy Road
Application for Site Plan Approval to permit a two-storey youth ministry building and a four level parking garage in conjunction with the existing place of worship

File No.: SC 07 134328

PREPARED BY: Michael Fry, Planner – Central District, extension 2331

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P.
Manager – Central District, extension 6588

RECOMMENDATION:

- 1) That the report dated June 18, 2013 titled “RECOMMENDATION REPORT, Logos Baptist Church, 133 Old Kennedy Road, Application for Site Plan Approval to permit a two-storey youth ministry building and a four level parking garage in conjunction with the existing place of worship, File No.: SC 07 134328”, be received.
- 2) That site plan application file no. SC 07 134328, to permit a two-storey youth ministry building and a four level parking garage in conjunction with the existing place of worship, be endorsed in principle.
- 3) That Site Plan Approval be delegated to the Director of Planning and Urban Design, or designate, to be issued following execution of a site plan agreement (Site Plan Approval is issued only when the Director has signed the site plan “approved”), when the following condition has been met:

The Owner has entered into a site plan agreement with the City containing all standard and special provisions and requirements of the City and public agencies and the provisions outlined in Appendix “A” to the June 18, 2013 staff report.

- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to recommend that Committee endorse the site plan application to permit a two-storey youth ministry building and a four level parking garage in conjunction with the existing place of worship, subject to conditions, as outlined in this report.

BACKGROUND:**Subject property and area context**

The subject property is located on the east side of Old Kennedy Road, approximately 55m south of Aldergrove Drive (Figure 1). The property is approximately 2.2 acres (0.9 hectares) in size, with 85.4m (280 ft.) of frontage on Old Kennedy Road and a lot depth of approximately 100m (325 ft.).

The property includes an existing place of worship and gymnasium with an approximate floor area of 3221m² (34,671 sq. ft.) on the north portion of the site. A surface parking lot containing 185 spaces covers the south portion of the site (Figure 2).

Surrounding land uses include detached residential dwellings to the north and east, vacant land to the south and commercial and residential uses to the west, across Old Kennedy Road.

Logos Baptist Church also owns the property at 93 Old Kennedy Road, approximately 90m to the south, which has been used for overflow parking for the place of worship at 133 Old Kennedy Road.

Official Plan and Zoning

The subject property is designated "Commercial" on the west portion and "Urban Residential" on the east portion in Markham's Official Plan.

The Main Street Milliken Secondary Plan designates the property "Community Amenity Area – Main Street" on the west portion and "Medium Density Residential" on the east portion.

The subject property is zoned CA2 *283 (H) *277 (Community Amenity Area) on the west portion and R2*276 (H) *277 (Residential) on the east portion, by By-law 177-96, as amended (Figure 3).

The place of worship use is permitted under these land use designations and zoning categories.

The Owner applied to the Committee of Adjustment for a minor variance in 2008 to permit a reduced front yard setback for the youth ministry building (from 9.0m to 3.0m), a reduced side yard setback (from 15.0m to 3.0m), an increase in the maximum height of the parking garage (from 8.0m to 10.6m) and a decrease in the minimum height of the youth ministry building (from 10.5m to 9.5m). The variances were approved and

subsequently appealed to the Ontario Municipal Board by two adjacent land Owners. The appeals were withdrawn when a settlement was reached, including a reduction to the variances sought, subject to conditions including a landscape buffer along the south limit of the property and screening measures to limit the visual impact of the proposed parking structure (Appendix "B").

DEVELOPMENT PROPOSAL

Logos Baptist Church proposes to build a new two-storey youth ministry building and a new four-level parking structure on the site (Figure 4).

The two-storey youth ministry building is proposed on the south west corner of the site, adjacent to Old Kennedy Road. The building is proposed to contain a sanctuary/multi-purpose room to accommodate 225 people on the main floor and 6 classrooms on the second floor. The proposed floor area of the youth ministry building is 627.4m² (6753 sq. ft.).

The four-level parking structure is proposed to be located in the southeast portion of the site, behind the youth ministry building, set back 16.6m from the residential properties to the east. The parking structure is proposed to contain 164 parking spaces and will have a height of 10.6m.

The existing parking lot and drive aisles are proposed to be reconfigured to accommodate the two new building footprints. The site plan will contain 267 parking spaces, including 103 surface parking spaces. The combined uses require 263 parking spaces to be provided, according to the Parking By-law No. 28-97.

OPTIONS/ DISCUSSION:

The subject property is located in the Milliken area, between an established residential neighbourhood to the east and future development parcels to the west and to the south, in the vicinity of the planned Midland Avenue extension. As such staff have been working with the owner to develop a site plan proposal that is both respectful to the existing residents, meets the planning objectives of the Main Street Milliken Secondary Plan and which also fulfills the OMB's conditions of approval related to the variances.

In order to address the OMB's condition that the Owner install and maintain screening measures to limit the visual impact of the proposed above-grade parking structure, the applicant is proposing to install landscaping, including fencing and trees, along the south and east lot lines. To address the residential neighbourhood to the east and future development to the south, the parking garage elevations are proposed to be finished in brick with moderately sized openings which would reflect those of a residential building (Figure 5). The lighting plan will be designed such that light does not spill over onto the adjacent residential lots. In addition, the east wall of the east stairwell will be constructed without windows, in order to prevent the stairwell lighting from spilling onto the neighbouring properties.

The built form of the proposed youth ministry building is consistent with the City's Urban Design objectives with the height and building setback being at a pedestrian scale and the building façade proposed to be street oriented (Figure 5). The proposed parking structure and youth ministry building façades have been designed to be generally consistent with Markham's bird-friendly objectives. These, and other site plan elements, will be secured through a site plan agreement.

The design and location of the future Midland Avenue extension and Old Kennedy Road intersection has not been finalized. Transportation staff have determined that a second entrance from Old Kennedy Road, as originally proposed, is not appropriate due to the potential conflict depending on the ultimate location of the future Midland Avenue and Old Kennedy Road intersection. The applicant has made provisions for a potential second entrance on the south side of the site which could allow a future secondary access from the planned Midland Avenue extension, in the event a northerly alignment for the Midland Avenue extension is determined through the Environmental Assessment process.

Landscaping, including fencing and plantings, is proposed along the east and south lot lines in order to address the interface between the existing residential neighbourhood to the east and the future development parcels to the south.

The Zoning By-law variances to accommodate the proposal were granted by the Ontario Municipal Board, subject to conditions as described in Appendix "B". Those conditions refer to approved drawings and include a) a landscaped buffer along the south lot line, b) "screening measures" to limit the visual impact of the proposed parking structure, and c) site plan approval prior to commencing development. The applicant has incorporated these elements into their site plan proposal (Figure 4) and building elevations (Figure 5).

The Owner proposes to continue to use the lands at 93 Old Kennedy Road for the purpose of additional parking for the duration of construction at 133 Old Kennedy Road. Prior to the issuance of final site plan approval, the Owner will need to alternative arrangements or seek a minor variance for the parking lot use at 93 Old Kennedy Road.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

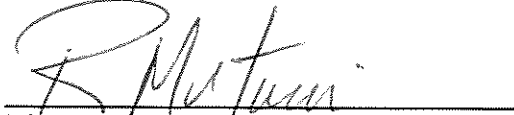
ALIGNMENT WITH STRATEGIC PRIORITIES:

The Site Plan application will align with the City's strategic priorities of Growth Management and Municipal Services by implementing the proposed development in coordination with available servicing.

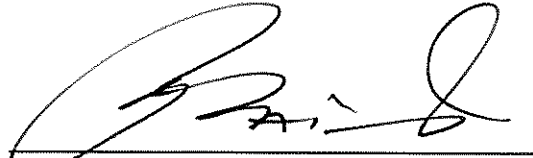
BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments and external agencies.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design



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

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Aerial Photo

Figure 3 – Area Context/Zoning By-law map

Figure 4 – Site Plan Proposal

Figure 5 – Elevations

Appendix “A” – Conditions of site plan approval

Appendix “B” – Conditions of OMB approval of Zoning By-law Variances



AIR PHOTO 2011

APPLICANT: LOGOS BAPTIST CHURCH
133 OLD KENEDY ROAD

FILE No. SC07134328(MF)

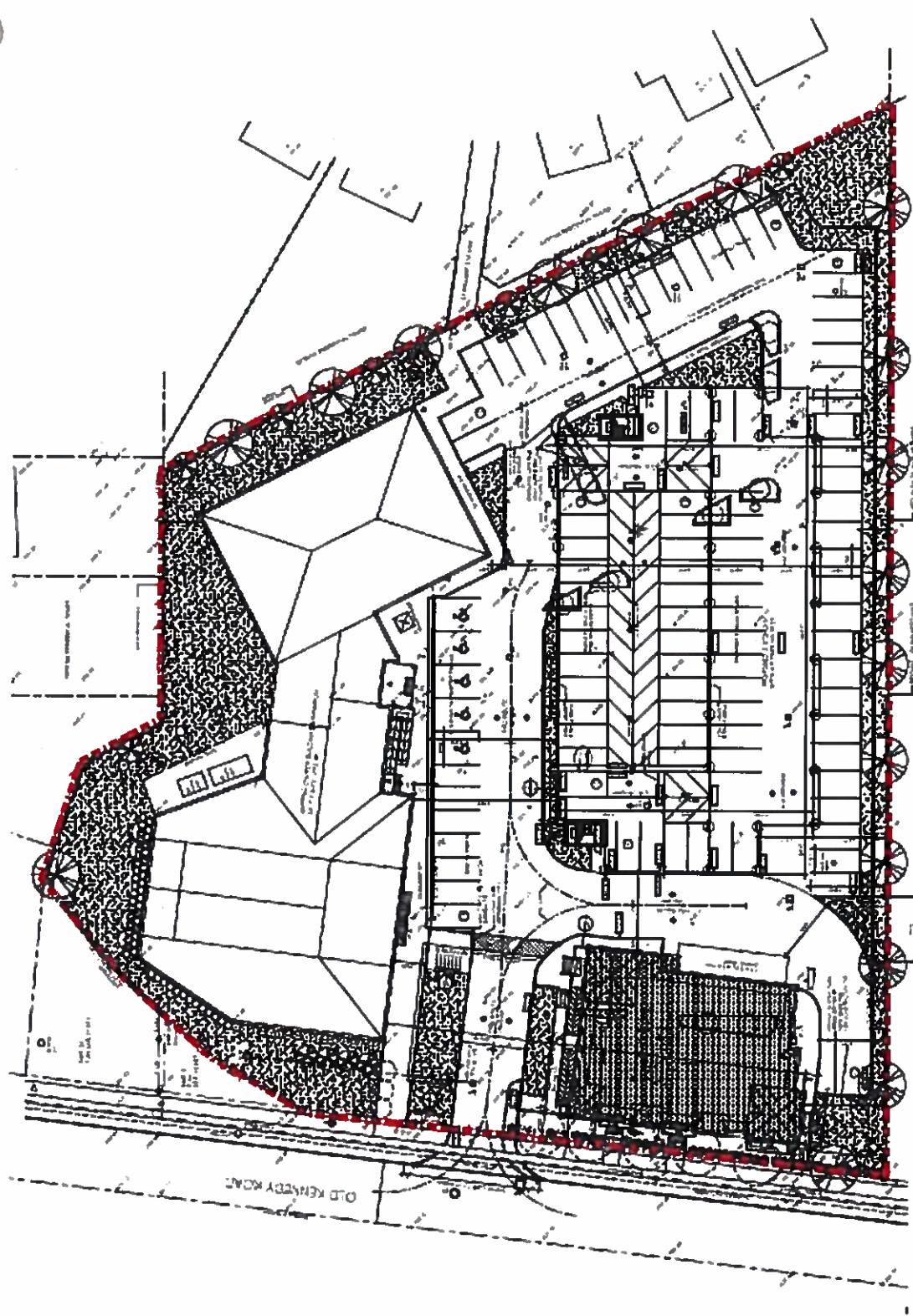
 SUBJECT LANDS

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DATE:06/10/12

FIGURE No. 2



SITE PLAN

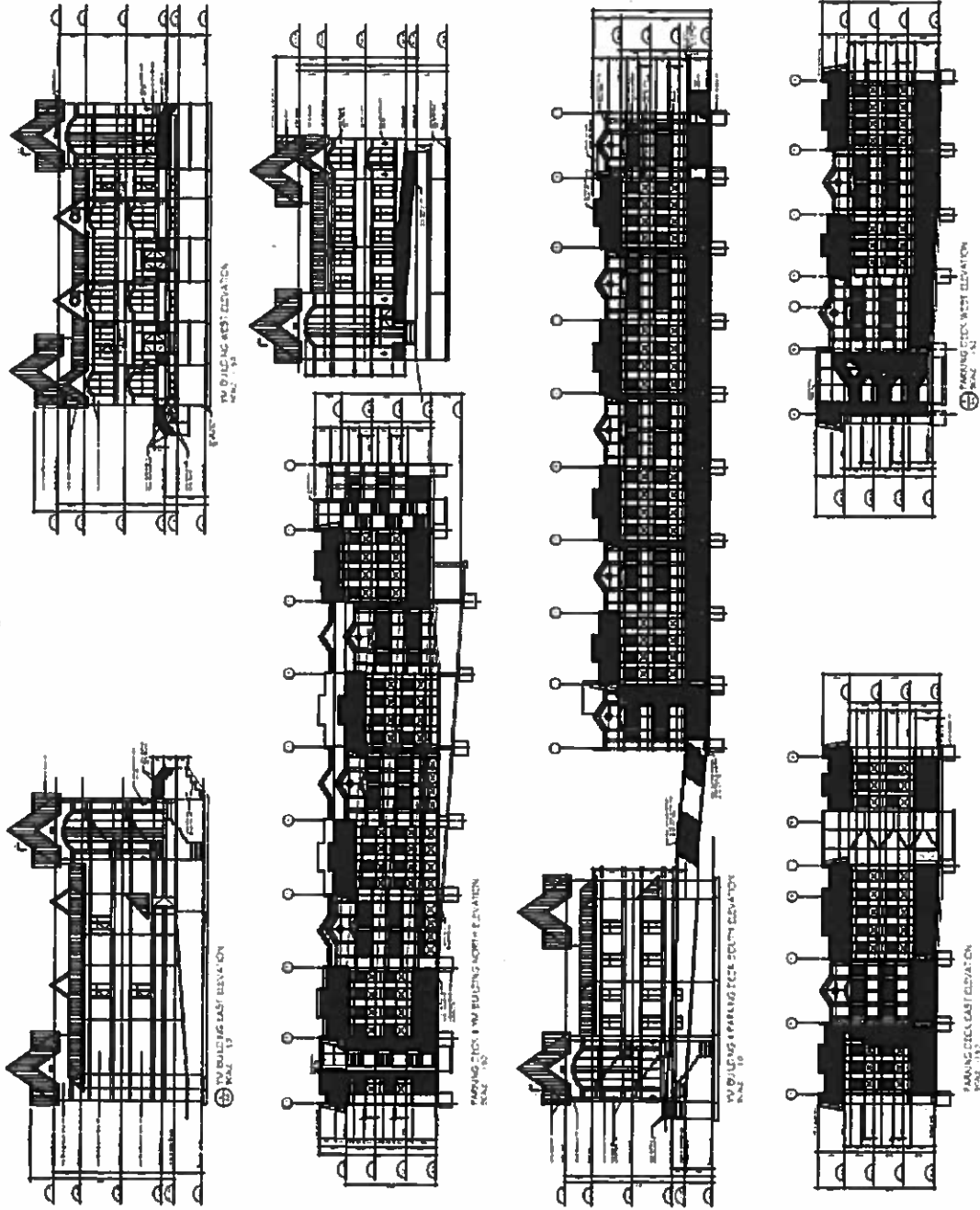
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133 OLD KENEDY ROAD

FILE No. SC07134328(MF)

 SUBJECT LANDS

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ELEVATIONS

APPLICANT: LOGOS BAPTIST CHURCH
133 OLD KENEDY ROAD

FILE No. SC07134328(MF)

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Appendix "A"
Conditions of Site Plan Approval
Logos Baptist Church
133 Old Kennedy Road

Prior to the execution of the site plan agreement, the Owner shall submit:

1. site plans, elevation drawings, grading, servicing and engineering drawings that comply with all requirements of the City and authorized public agencies, to the satisfaction of the Commissioner of Development Services. The final plans shall incorporate appropriate Fatal Light Awareness Program (FLAP) components to ensure more bird friendly buildings, to the satisfaction of the City.
2. landscape plans, including streetscape details, prepared by a Landscape Architect having membership with the Ontario Association of Landscape Architects.
3. a storm water management report and a functional servicing report.
4. a Minor Variance application to the Committee of Adjustment to allow for the use of the lands at 93 Old Kennedy Road as a temporary parking lot for the duration of construction of the parking garage at 133 Old Kennedy Road.

The above items shall be submitted for endorsement or approval by the City.

The Owner shall enter into a Site Plan Agreement with the City containing all standard and special provisions and requirements of the City and other public agencies, such Agreement to include, but not limited to, the following conditions:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, parkland dedications (including cash-in-lieu) and financial obligations related to applicable Developers Group Agreements.
2. That the refuse storage room shall be internal to the main building and shall be climate controlled and that waste pickup will be limited to the hours of 7 am to 11 pm on weekdays only, and that the location, size and construction of all refuse storage areas and recycling facilities, and arrangements for waste collection be to the satisfaction of the City of Markham, Waste Management Department.
3. Provisions for satisfying all requirements of City departments and public agencies.
4. The Owner will design a site lighting plan that will prevent light from spilling onto adjacent properties.
5. In the event that a northerly alignment is determined for the Midland Avenue extension through the Environmental Assessment process, the Owner acknowledges that a secondary access to Midland Avenue may require additional property acquisition, revisions to the site plan, and shall be subject to approval of the Commissioner of Development Services.
6. A letter of credit based on an approved cost estimate to secure the landscape works and on evaluation of the existing vegetation to secure implementation of the tree preservation plan.
7. That prior to final Site Plan Approval, the Owner make alternate arrangements of obtain appropriate by-law relief to accommodate off-site parking for the duration of construction of the parking garage, to the satisfaction of the Commissioner of Development Services.

This endorsement shall lapse and site plan approval will not be issued, after a period of three years commencing on June 18, 2013, in the event that the site plan agreement is not executed within that period.

APPENDIX

B

PL081487

ONTARIO MUNICIPAL BOARD

Applicant: Logos Baptist Church
Appellant: Dimilta Bros Investment Group Ltd.
Appellant: Nasir Safi
Subject: Minor Variance
Property Address: 133 Old Kennedy Road, Markham
OMB File No.: PL081478
OMB Case No.: PL081478
Municipal No.: A/64/08

RECOMMENDED CONDITIONS OF APPROVAL

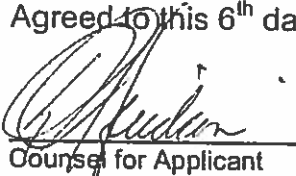
Should the Board approve the requested variances, the Town of Markham requests that the approval be subject to the following conditions:

1. That the variances apply to the lands municipally known as 133 Old Kennedy Road, Markham as shown on the following plans:
 - a) Drawing No. SK1 prepared by Henry Chui Architects, dated April 1, 2009, attached;
 - b) Drawing No. SK2 prepared by Henry Chui Architects, dated April 1, 2009, attached;
 - c) Drawing No. SK3 prepared by Henry Chui Architects, dated April 1, 2009, attached.
2. That the Owner install and maintain a landscape buffer along the south limit of the property in accordance with a landscape plan (and planting plan) to be submitted to the Town for approval pursuant to section 41 of the *Planning Act*.
3. That the Owner install and maintain "screening measures" to limit the visual impact of the proposed above grade parking structure as well as any light that may emanate or project from the proposed parking structure, to the satisfaction of the Town's, Director of Planning & Urban Design.

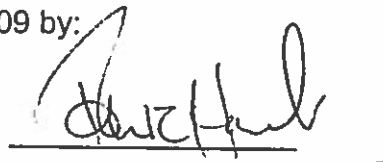
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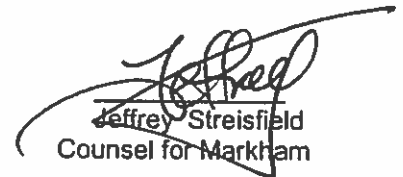
4. That the Owner re-submit plans and elevations to the Town for approval pursuant to section 41 of the Planning Act and obtain site plan approval prior to commencing development on the lands.

Agreed to this 6th day of April, 2009 by:


Counsel for Applicant

DONALD C. HAINSWORTH


JOHN R. HART
SOL FOR
DIMITRA


Jeffrey Streisfield
Counsel for Markham