

**SUBJECT:** RECOMMENDATION REPORT  
St. Mary & St. Samuel The Confessor Coptic Orthodox Church.  
Rezoning and Site Plan applications to permit a place of worship and day care at 9377, 9389 & 9401 McCowan Rd.

File Nos. ZA 10 131982 & SC 10 131983

**PREPARED BY:** Stacia Muradali, Ext. 2008  
Senior Planner, East District

**REVIEWED BY:** Dave Miller, Ext. 4960  
Manager, East District

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**RECOMMENDATION:**

- 1) That the report titled "RECOMMENDATION REPORT, St. Mary & St. Samuel The Confessor Coptic Orthodox Church, Rezoning and Site Plan applications to permit a place of worship and day care at 9377, 9389 and 9401 McCowan Rd, File Nos. ZA 10 131982 & SC 10 131983," dated December 11<sup>th</sup>, 2012 be received;
- 2) That the record of the Public Meeting held on May 24<sup>th</sup>, 2011, regarding the application for Zoning By-law Amendment (ZA 10 131982) be received;
- 3) That the application (ZA 10 131982) submitted by St. Mary and St. Samuel The Confessor Coptic Orthodox Church to amend Zoning By-laws 304-87, as amended, and 177-96, as amended, to permit a place of worship and day care be approved with a Hold (H) provision;
- 4) That Council confirm that in accordance with Section 34 (17) of the Planning Act, no further Public Notice is required to rezone 9401 McCowan Road to permit the proposed development.
- 5) That the Site Plan application (File No. SC 10 131983) submitted by St. Mary and St. Samuel The Confessor Coptic Orthodox Church, to allow a new place of worship and day care, be endorsed in principle, subject to the conditions attached as Appendix 'A';
- 6) That Site Plan approval be 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 plan;

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- 7) That Site Plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period.
  - 8) And 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 approval of the Zoning By-law Amendment and Site Plan applications, submitted by St. Mary and St. Samuel The Confessor Coptic Orthodox Church, to allow a new place of worship and day care at 9377, 9389 and 9401 McCowan Road.

**BACKGROUND:****Subject lands and Area Context**

9377, 9389 and 9401 McCowan Road (the “subject lands”) are located on the east side of McCowan Road, north of 16<sup>th</sup> Avenue (Figure 1). The subject lands are approximately 1.19 hectares (2.94 acres). It is comprised of three properties, and contain three (3) single family dwellings, trees and hedge rows especially along the perimeter of the site. The subject lands are also adjacent to a woodlot located to the north. A single family home and the Salvation Army Community Church are located to the south of the subject lands. Applications to amend the Official Plan and Zoning By-law were submitted in 2010 for the property to the south of the subject lands (9365 McCowan Road) but the applications are currently inactive. Residential development is adjacent to the subject lands to the east, and to the west, on the west side of McCowan Road (figure 3).

**Proposed place of worship and day care**

A 4,582 square metre (49,320 square feet) place of worship with accessory uses was initially proposed at 9377 and 9389 McCowan Rd (the 2 southerly properties of the subject lands) (Figure 7). The proposal on two (2) lots had a number of issues including a parking shortfall of more than 20%. The day care component was initially proposed internal to the proposed place of worship. The applicant has since acquired a third property adjacent to the north (9401 McCowan Rd) and this acquisition occurred after the May 24<sup>th</sup>, 2011 statutory Public Meeting. The revised three lot proposal reduced the size of the proposed place of worship to 2,950.4 square metres (31,757.8 square feet). It has a seating capacity for 460 persons in the main worship area (Figure 4). There is also a small chapel located on the lower basement level, which has an area of approximately 87.2 square metres (938.6 square feet). Sunday school classrooms, a multi-purpose hall and a kitchen will also be located within the main building.

The main floor of the proposed place of worship is elevated approximately 1.8 metres (5.9 feet) above grade and the main entrance will be accessed by stairs. The height of the main building to the top of the parapet will be approximately 15.3 metres (50 feet). The

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height to the top of the highest dome is approximately 24.7 metres (81 feet) and the height of the bell towers is approximately 34 metres (111.5 feet).

The proposed place of worship is setback approximately 17 metres (55 feet) from McCowan Road and 48 metres (157 feet) from the rear property line adjacent to the residential development to the east. The existing house which is to be used as a daycare, is setback approximately 3.5 metres (11.5 feet) from the south property line, approximately 58 metres (190 feet) from McCowan Road and 50 metres (164 feet) from the rear property line adjacent to the residential development to the east. There is a 1.5 metre (4.9 feet) landscape strip to the south, 6 metre (19.7 feet) landscape strips to the west and east, and a 3 metre (9.8 feet) strip to the north. The 3 metre landscape strip to the north will be conveyed to the City as discussed later in this report.

The existing single family home at 9377 McCowan Road (the most southerly property) will be renovated and used as a day care. The day care will be comprised of four (4) classrooms and will accommodate a total of 35 children. A combined total of 246 parking spaces will be provided for the proposed place of worship and the proposed day care in accordance with the City's parking requirements.

### **Official Plan and Zoning**

The subject lands are designated "Urban Residential" in the Official Plan and "Low Density Residential" in the Wismer Commons Secondary Plan. Places of worship are provided for in both the Official Plan and Secondary Plan. The subject lands are zoned "Rural Residential One (RR1)" which permits single family detached dwellings (Figure 2). The applicant is requesting that the subject lands be rezoned to permit the proposed place of worship and day care. A site plan application has also been submitted.

### **Public Meeting held on May 24<sup>th</sup>, 2011**

The statutory Public Meeting for the proposed development was held on May 24<sup>th</sup>, 2011. Residents expressed concerns with respect to parking and massing. Committee expressed concern with traffic, parking and massing. Representatives of adjacent landowners also attended and voiced support for the proposed development, but requested that issues such as servicing be resolved. The comments have been addressed in the Options/Discussion section of this report.

The proposal presented at the Public Meeting was for the development on the two (2) original properties (Figure 7) and as noted previously, a third property was acquired and added to the proposal after the meeting. Therefore, to ensure that all property owners who would have been notified of the proposal under the Planning Act are in fact notified, notification packages were mailed to property owners within a 120 metre radius of the third property added to the proposal, who would not have received notification of the original proposal.

Section 34 (17) of the Planning Act allows Council to determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to giving of further notice is final and not subject to review in any court

irrespective of the extent of the change, where a change is made in the proposed by-law after the public meeting is held. Therefore, Council should confirm that no further notice is required prior to enactment of the by-law amendment to permit the proposed development.

### **OPTIONS/ DISCUSSION:**

#### **The applicant has addressed parking concerns**

The original proposal by the applicant was for a 4,582 square metres (49,320 square feet) building with a parking deficit in excess of 20%, on two (2) properties (9377 and 9389 McCowan). Given the concerns expressed by Staff with respect to the size of the proposed place of worship and parking shortfall, the applicant acquired a third property (9401 McCowan Road) and reduced the size of the place of worship to meet the parking requirements. As a condition of issuance of site plan approval, the applicant must demonstrate that all three (3) properties have merged on title (Appendix 'A').

#### **Building Elevations**

The proposed building elevations have been reviewed by the Urban Design Group and are considered acceptable (Figure 5). The applicant has responded to staff comments by reducing the height of the bell towers from 41 metres (134.5 feet) to approximately 34 metres (111.5 feet), and by reducing the overall height of the building. The building mass has been toned down and the roof line softened through the articulation and terracing of the roof line. The roof is also punctuated by domes of various scales and other religious building elements, which have been subtly incorporated into the architecture. Large arched windows along the north and south elevations are fitting for a place of worship and ensure good natural light. Staff will continue to work with the applicant to ensure that these windows are appropriately treated to be non-reflective in the interest of meeting the Fatal Light Awareness Programme guidelines.

Precast concrete panels are proposed as the main building material with a stone veneer around the base of the building. The domes will be finished with a pre-cast metal cladding. The design of the building and treatment of the elevations are appropriate for a building used as a place of worship and its prominence in the community.

#### **Tree Inventory and Protection**

The subject lands currently have a number of small to medium sized trees, a mature cedar hedge and a mature spruce hedge, which delineates the lot lines of the existing residential properties on the subject lands. In order to accommodate the proposed development these existing (88 in total) trees and hedgerows, are proposed to be removed. In accordance with the City's Streetscape Manual, tree replacements or equivalent compensation will be sought based on the size of the trees being removed. In this case, the Owner is required to provide 110 replacement trees. The landscape plan submitted in support of the application provides a total of 80 replacement trees to be planted on the subject lands, in addition to other shrubs and perennials. Consequently, the tree replacement is deficient by 30 trees and additional compensation is required. These additional trees will be planted by the City in the vicinity of the subject lands to support the aims of the Trees for Tomorrow Program.

North of the subject lands is a woodlot and to the east is a spruce hedgerow each of which is under separate ownership. The Owner is proposing a 6 metre (19.7 feet) landscaped open space between the spruce hedgerow and the proposed parking lot area. This area will be planted with larger tree species such as Maples and Lindens. Staff are satisfied that this treatment will ensure the preservation and enhancement of the property edge.

The woodlot to the north of the subject lands is currently owned by the Wismer Developers Group. It will be conveyed to the City as part of the overall open space network as part of a separate process. There are currently sheds and other accessory buildings and a gravel driveway encroaching into the woodlot (from the previous owner) which has resulted in the general degradation, and undermined the health of some of the mature trees along the woodlot edge abutting the subject lands. These sheds and the driveway will be removed.

An arborist report was prepared to assess the trees along the edge of the woodlot nearest to the subject lands and to determine an appropriate setback. The arborist report acknowledges that a 3-metre setback between the woodlot and the proposed parking lot area is adequate to protect the trees recommended for preservation and that this 3-metre setback could accommodate new shrub planting to reinforce the woodlot edge as well. To provide additional pedestrian connectivity in support of the open space network a walkway to connect McCowan Road to Barnstone Drive will be provided within the 3 metre setback.

The approximately 3 metre wide setback is to be conveyed to the City. Staff are also working with the applicant on the appropriate location and type of fencing to delineate private property from public. In addition to the landscaped open space the line of parking spaces adjacent to the landscaping will be designed to be water permeable (see sustainability measures below).

### **Proposed sustainability measures**

The following sustainability measures are proposed to be incorporated within the development (Appendix 'B'):

1. Utilizing permeable surfaces for parking areas along the north and east parking areas.
2. Preservation of some of the existing trees and vegetation.
3. Incorporating high reflectivity and emissivity through the use of light-coloured exterior cladding materials.
4. The inclusion of low- e glazing components in the buildings fenestration.
5. The conservation of energy and materials by renovating an existing building on the site for the daycare facility.
6. Utilizing native and drought tolerant species which reduces the need for fertilizers and eliminates the need for irrigation once plants are established.
7. Ensuring that the proposed building is bird-friendly and adheres to FLAP (Fatal Light Awareness Program) guidelines.

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Implementation of the sustainability measures is a condition which will be included in the site plan agreement (Appendix 'A').

**Region of York**

McCowan Road is under the jurisdiction of the Region of York. A road widening of 21.5 metres (70.5 feet) from the centerline of McCowan Road is required. The Region of York provided comments on the original proposal and did not indicate any significant concerns with the proposed development. However, comments have not been received on the revised proposal. Therefore a Hold (H) provision will be included in the amending by-law until comments from the Region of York are received and their comments addressed to the satisfaction of the Director of Engineering. As a condition of site plan endorsement, the applicant is required to satisfy any pre-endorsement conditions from the Region, and clearance from the Region of York is required prior to issuance of site plan approval (Appendix 'A').

The proposed site plan shows a Regional road widening across the McCowan Road frontage. These lands, which provide the additional width required by the Region to achieve a 43 metre wide right-of-way, are to be conveyed to the Region as a condition of site plan approval. The proposal provides approximately 6 metres (19.68 feet) of landscaped open space across the McCowan Road frontage, which is within the future Regional right-of-way. When the Region constructs the road widening in the future this 6 metre wide landscaped area would be removed, resulting in an inconsistent width of landscape strip across the front private property line of the proposed place of worship. Therefore, the site plan will have to be revised prior to staff endorsement of the site plan, to provide an approximately a 2 metre wide landscape strip across the private property frontage in the areas where feasible. Staff will work with the applicant to achieve low dense hedge planting and any additional landscaping features, to the satisfaction of the Director of Planning and Urban Design (Appendix 'A').

**Engineering requirements**

The applicant has made engineering submissions for these applications to both the City and the Region of York on various matters, including but not limited to, servicing and grading plans, stormwater management report, transportation and parking studies. The subject lands and the property to the south (9365 McCowan Road) are intended to be serviced by new municipal servicing to be extended on Barnstone Drive.

The conditions of approval include conditions to ensure that the property to the south (9365 McCowan Road) can connect to the municipal services on Barnstone Drive. It is required that the applicant, through private negotiations with the property owner of 9365 McCowan Road, provide a private easement in favour of the owner of 9365 McCowan Road to allow them to access servicing on Barnstone Drive through the subject lands. The applicant is required to provide documentation confirming that the private easement was registered on title within two (2) years of issuance of site plan approval by the Director of Planning and Urban Design (Appendix 'A').

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The applicant is also required to provide two (2) easements in favour of the City:

- a) A 10-metre public/municipal easement along the north-east portion of the subject lands adjacent to Barnstone Drive to allow the extension of municipal services into the subject lands, and
- b) A 6-metre access easement to the City from McCowan Road over the driveway to the north to access the municipal easement described in (a) to operate and maintain the extension of municipal services.

The Owner is required to prepare a reference plan to the satisfaction of the City and transfer the municipal easement to the City upon execution of the Site Plan Agreement (Appendix 'A').

### **CONCLUSION**

It is recommended that the Zoning By-law amendment be approved with a Hold provision and that the Site Plan application be endorsed in principle subject to the conditions in Appendix 'A'.

### **FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

### **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

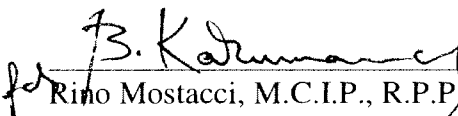
### **ALIGNMENT WITH STRATEGIC PRIORITIES:**


The proposed applications support the City's strategic priorities of Growth Management and Diversity.

### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The rezoning and site plan applications have been circulated to various City departments and external agencies, and their requirements have been addressed in this report.

### **RECOMMENDED BY:**

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

  
Jim Baird, 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: Proposed Site Plan
- Figure 5: Elevations (Place of Worship)
- Figure 6: Elevations (Day Care)
- Figure 7: Previous Site Plan

Appendices

- Appendix 'A': Site Plan Conditions
- Appendix 'B': Sustainability Measures
- Coloured Renderings

**CONTACT INFORMATION:**

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(Email) [jbarnett@kerbel.ca](mailto:jbarnett@kerbel.ca)

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**APPENDIX 'A'**  
**SITE PLAN CONDITIONS**  
**ST MARY AND ST SAMUEL THE CONFESSOR COPTIC**  
**ORTHODOX CHURCH**  
**9377, 9389 AND 9401 MC COWAN RD**  
**ZA 10 131982 & SC 10 131983**

That prior to site plan endorsement:

1. That the Owner satisfies any applicable Region of York pre-endorsement conditions.
2. That prior to staff endorsement, the plan shall be revised to provide approximately a 2 metre landscape buffer along the McCowan Road frontage, to the satisfaction of the Director of Planning and Urban Design.

That the Owner shall enter into a Site Plan Agreement with the City, containing all standards and special provisions and requirements of the City and external agencies, including but not limited to:

1. Provisions for the payment by the Owner of all applicable fees and recoveries, development charges, provision of parkland dedication and/or cash-in-lieu of parkland, and any other financial obligations.
2. That the Owner agrees to implement the sustainable initiatives outlined in this report, including those listed in Appendix 'B' and the additional sustainable initiatives outlined in the report.
3. That the Owner agrees to satisfy all Region of York requirements.
4. That the Owner provides documentation, within two (2) years of issuance of site plan approval by the Director of Planning and Urban Design, demonstrating that a private servicing easement has been registered in favour of 9365 McCowan Road, to the satisfaction of the Director of Engineering, in order for the owner of 9365 McCowan Road to access municipal services on Barnstone Drive.

Prior to execution of a Site Plan Agreement:

1. That the Owner shall submit final site plan and elevation drawings, and comply with all requirements of the City (including FLAP) and authorized public agencies, to the satisfaction of the Commissioner of Development Services, prior to execution of the site plan agreement.
2. That the Owner provides documentation demonstrating that all of the subject lands have merged on title, to the satisfaction of the City Solicitor, prior to execution of the site plan agreement.
3. That the Owner provides a 10 metre municipal easement to the City for servicing and other related purposes, to the satisfaction of the City Solicitor and Director of Engineering, prior to execution of the site plan agreement.

4. That the Owner provides a 6 metre access easement to the City over the driveway to the north to the satisfaction of the City Solicitor and Director of Engineering, prior to execution of the site plan agreement.
5. That the Owner conveys the approximately 3 metre (9.8 feet) wide lands along the north property line free of all costs and encumbrances, to the satisfaction of the City Solicitor and Director of Planning and Urban Design, prior to execution of the site plan agreement.
6. That the Owner provides fencing details to the satisfaction of the Director of Planning and Urban Design.

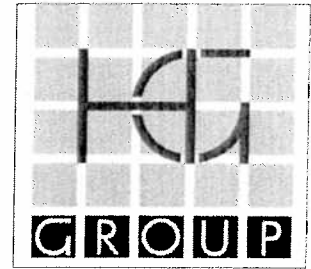
Prior to issuance of Site Plan Approval by the City:

1. That the Owner satisfies any applicable Region of York requirements, including but not limited to the conveyance of the road-widening, to the satisfaction of the Commissioner of Development Services, prior to issuance of site plan approval.
2. That the Owner provides a clearance letter from the Trustee of the Wismer Commons Developers Group.

# HANNA, GHOBRIAL AND ASSOCIATES LTD

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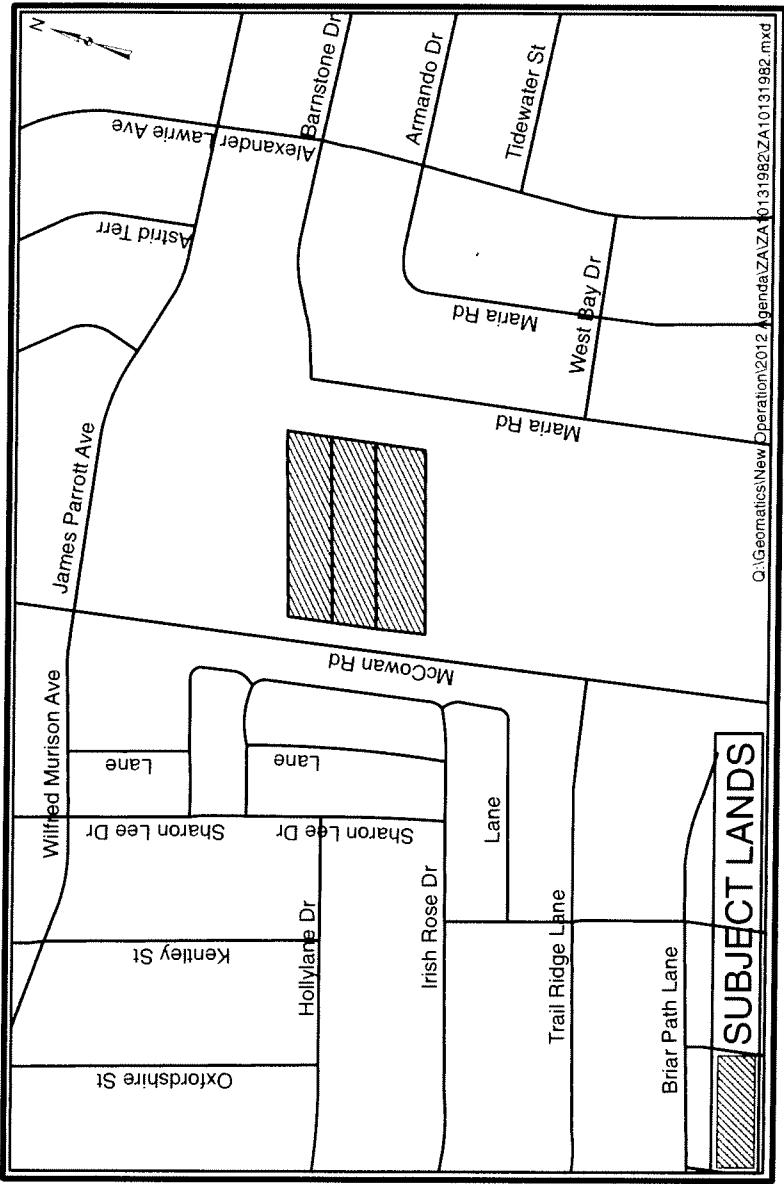


Sustainable Development Features		
Project:	St. Mary and St.Samuel Coptic Orthodox Church, Markham Ont.	
Project No:	12-0208	
Date:	Nov 08, 2012	
Subject:	List of Project's Sustainable Features	
Distribution:	Joanne Barnett	
cc:	Fr.John Sarkis	St.Mary & St.Samuel
	George Iskander	St.Mary & St.Samuel
	Mark Hanna	HGA
Prepared by:	YS / TB	HGA

The design intent of the above project is to consider inclusion of the following sustainability related features --

Item No.	Description
1.	Reduction of the heat island impact of the surface parking by incorporating covered open-air underground parking.
2.	Utilizing permeable surfaces for parking areas along the north & east sides of the site.
3.	Protecting existing native vegetation in the landscape design. For specific landscaping features refer to report by Aboud & Associates - Landscape Architects.

Item No.	Description
4.	Incorporating high reflectivity & emissivity through the use of light-coloured exterior cladding materials.
5.	The inclusion of low-e glazing components in the building's fenestration.
6.	The conservation of energy & materials by renovating an existing building on the site for a Daycare Facility.



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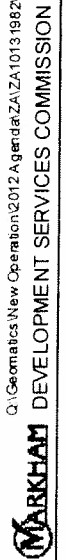



# AIR PHOTO

APPLICANT: ST. MARY & ST. SAMUEL THE CONFESSOR -  
COPTIC ORTHODOX CHURCH  
9377, 9389 & 9401 MCCOWAN ROAD

FILE No. ZA.10131982 & SC.10131983 (SM)

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 SUBJECT LANDS

DATE: 10/31/2012

FIGURE No. 3

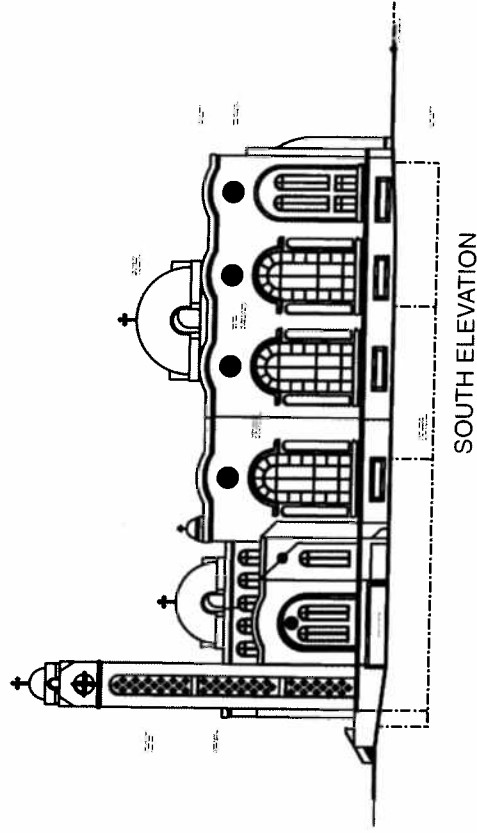
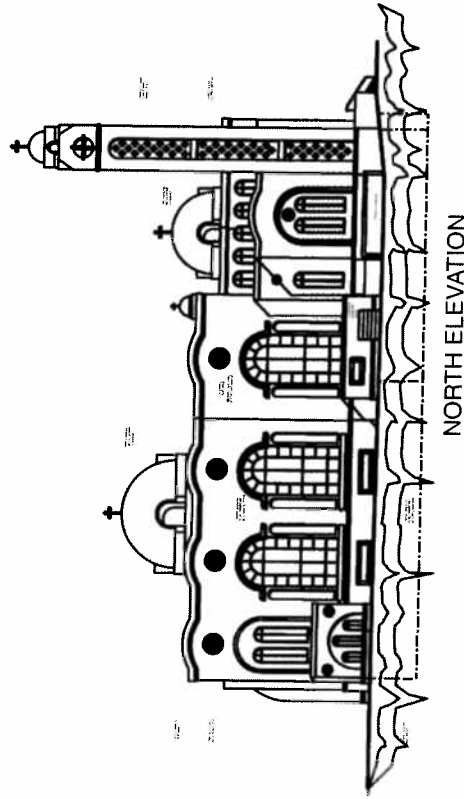
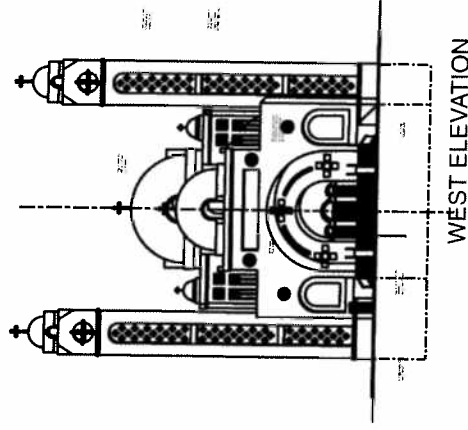
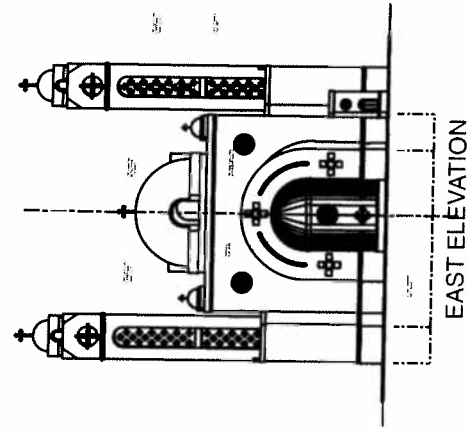
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# ELEVATIONS

APPLICANT: ST. MARY & ST. SAMUEL THE CONFESSOR -  
 COPTIC ORTHODOX CHURCH  
 9377, 9389 & 9401 McCOWAN ROAD

FILE No. ZA.10131982 & SC.10131983 (SM)

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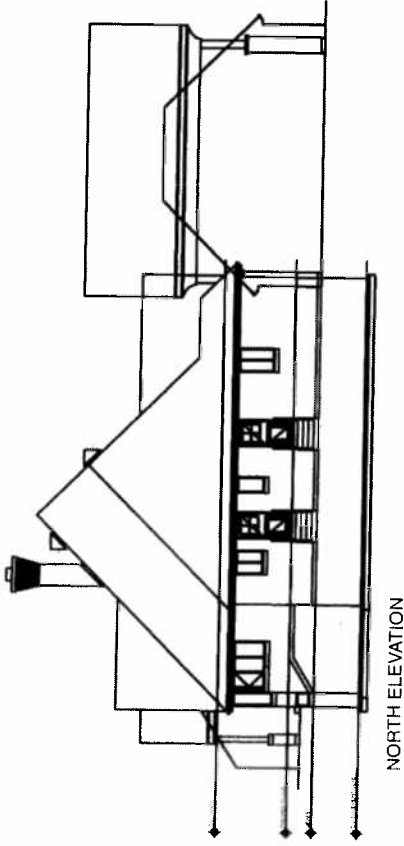
**MARKHAM** DEVELOPMENT SERVICES COMMISSION

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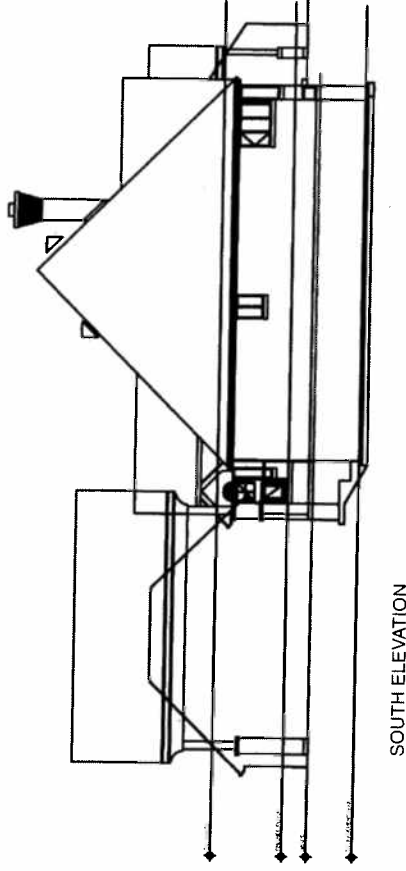
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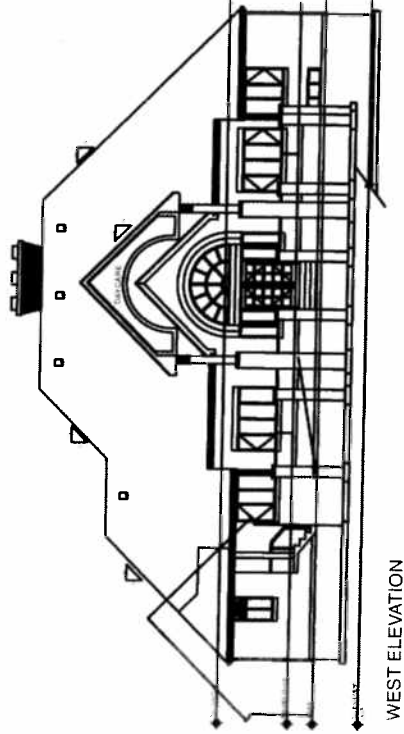
**FIGURE No.5**



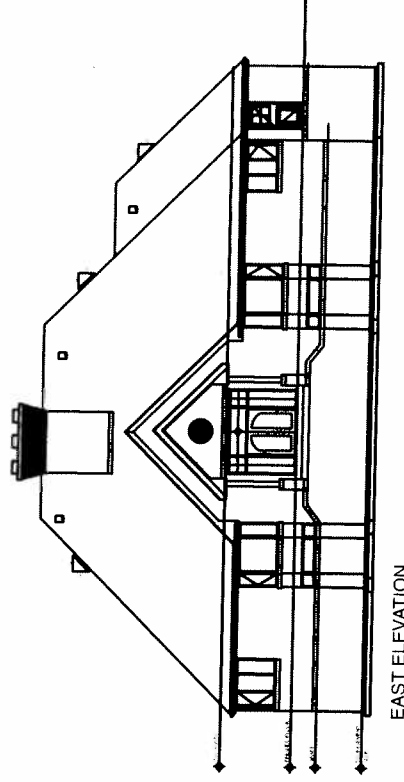
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

# ELEVATIONS (DAY CARE)

APPLICANT: ST. MARY & ST. SAMUEL THE CONFESSOR -  
COPTIC ORTHODOX CHURCH  
9377, 9389 & 9401 McCOWAN ROAD

FILE No. ZA.10131982 & SC.10131983 (SM)

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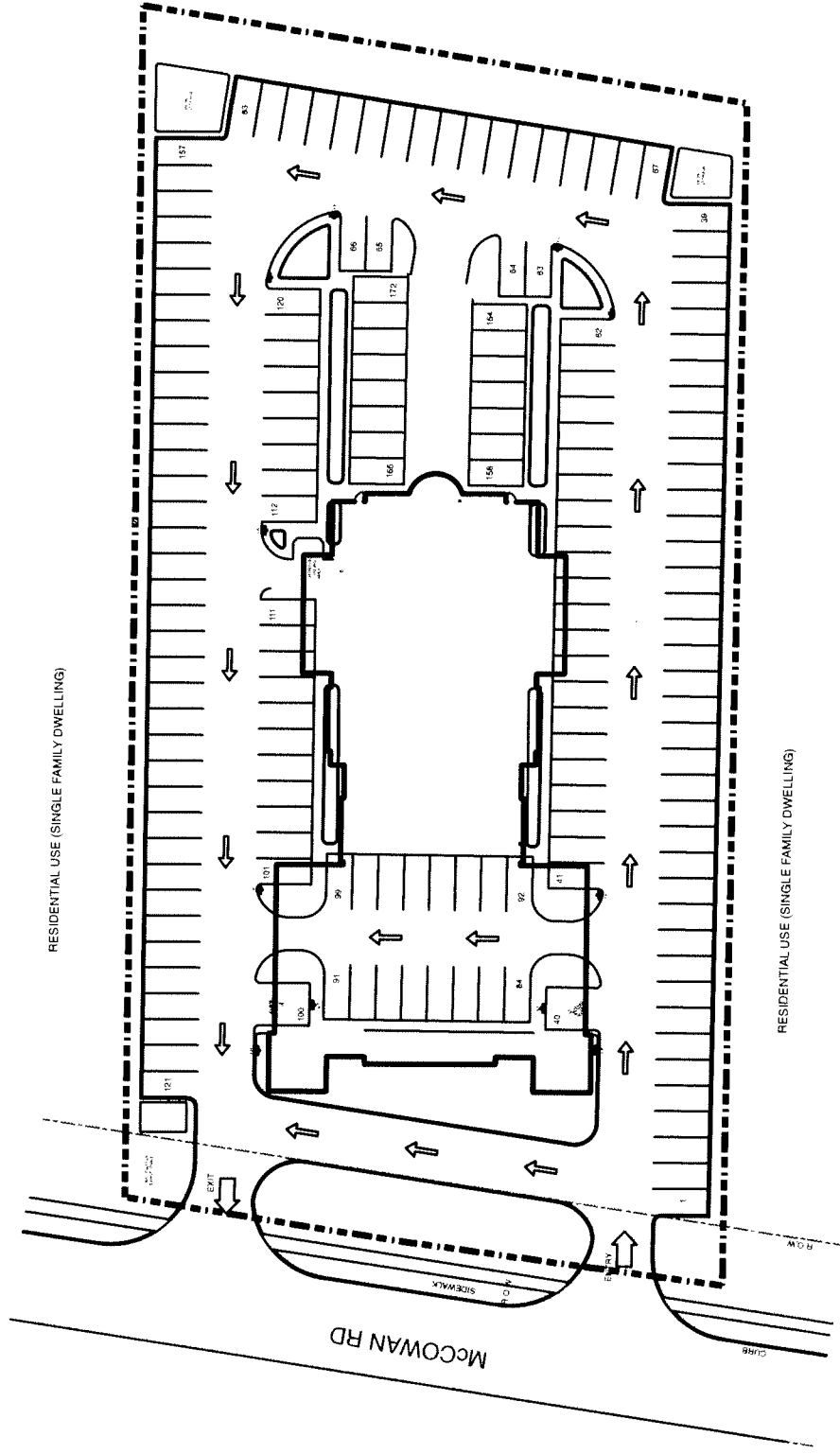
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DATE: 10/31/2012

**FIGURE No.6**



# PREVIOUS SITE PLAN

APPLICANT: ST. MARY & ST. SAMUEL THE CONFESSOR -  
COPTIC ORTHODOX CHURCH  
9377, 9389 & 9401 McCOWAN ROAD

FILE No. ZA.10131982 & SC.10131983 (SM)

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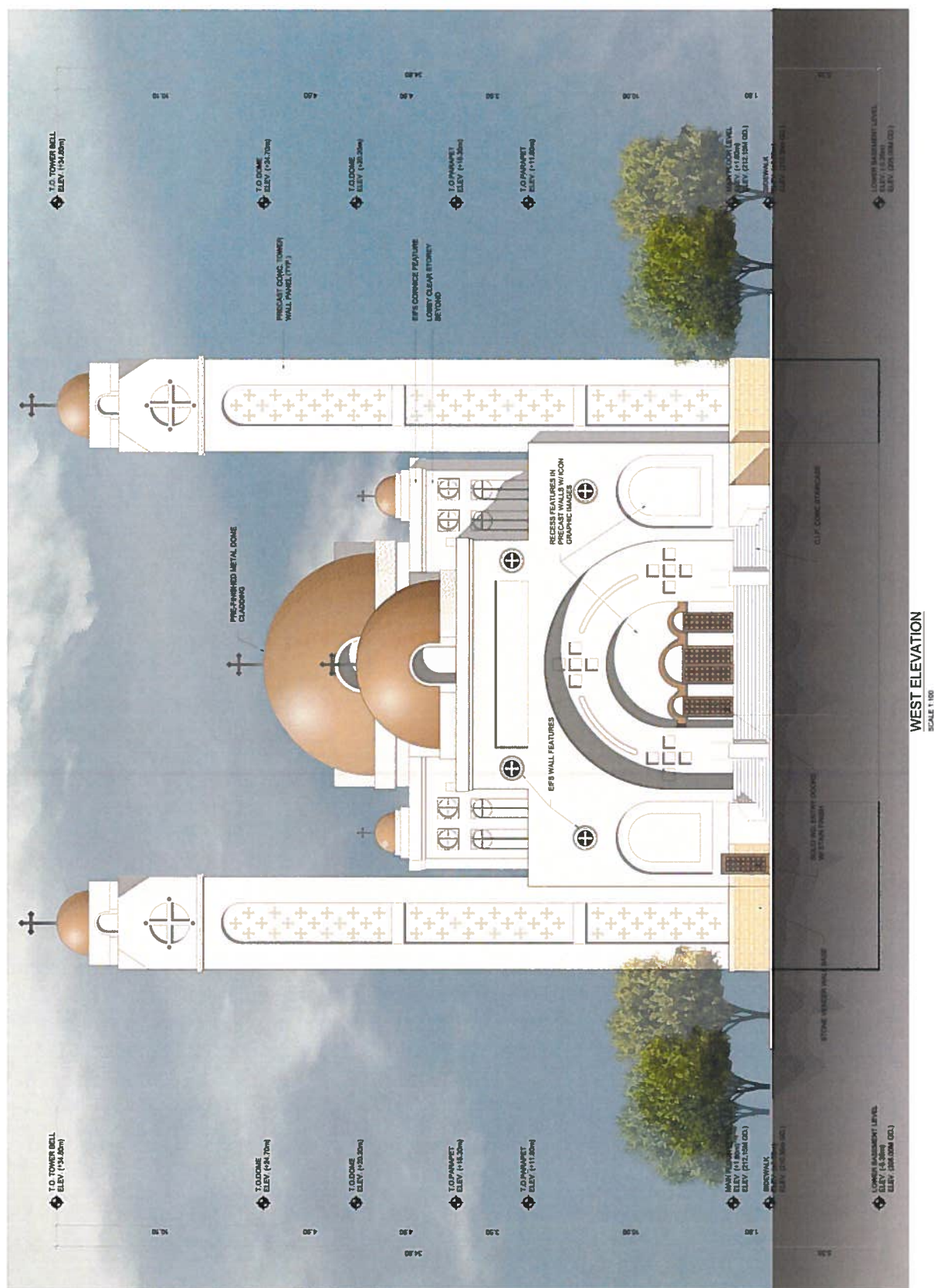
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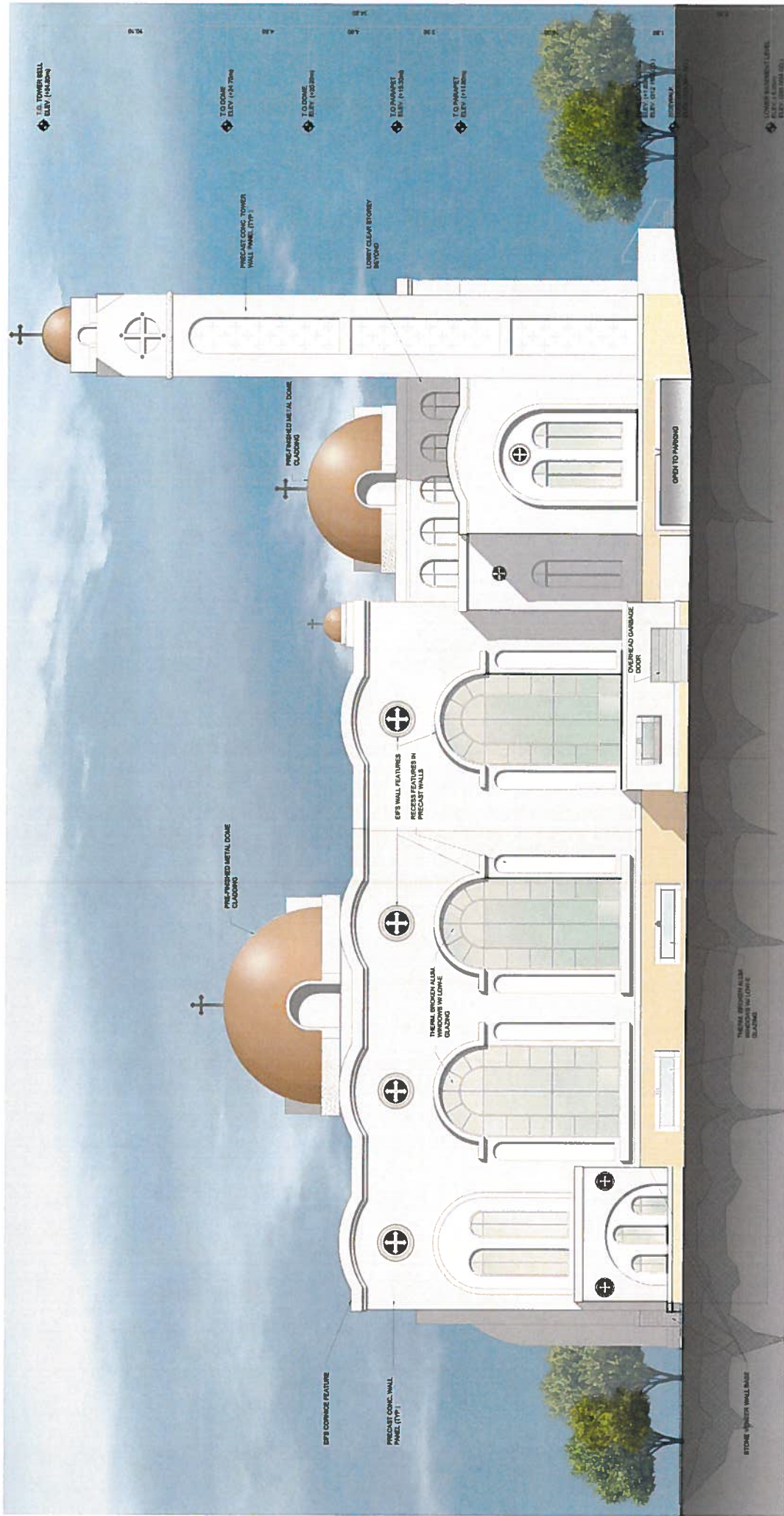
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**FIGURE No. 7**









NORTH ELEVATION  
SCALE 1:100



