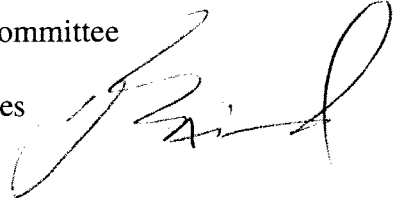




## MEMORANDUM

TO: Chair and Members of the Development Services Committee

FROM: James Baird, Commissioner of Development Services 

PREPARED BY: Michael Fry, Planner – Central District

DATE: January 24, 2012

SUBJECT: UPDATE MEMORANDUM  
Markham Free Methodist Church, 22 Esna Park Drive  
Application for zoning by-law amendment to permit a place of  
worship in an existing industrial building, File No: ZA 11 117540

On September 13, 2011, Development Services Committee held a public meeting to consider an application to amend the Town's zoning by-laws to permit Markham Free Methodist Church (the "Owner") to operate a place of worship in the existing industrial building at 22 Esna Park Drive, consistent with The Town's Official Plan policy framework.

Dufferin Aggregates, a subsidiary of Holcim (Canada) Inc., which operates a concrete batching plant at 7635-7655 Woodbine Avenue, approximately 109m north of the subject property (Figure 1), submitted a letter of objection to the Town, claiming that the presence of the proposed place of worship in the vicinity of their property would affect their ability to maintain their Certificate of Approval from the Ministry of the Environment.

Humphries Planning Group submitted letters of objection on behalf of Davencourt Investments Limited (O/A The Milestone Group), owners of 15, 25, 35 and 39 Riviera Drive, and Descor Limited Partnership, operators of a manufacturing business at 25-39 Riviera Drive, concerned that such a use had the potential to affect the status of their Certificate of Approval from the Ministry of the Environment. The Humphries letters were received by Clerks after the statutory public meeting.

On October 18, 2011, Town Council deferred approval of the zoning by-law amendment to allow the Owner an opportunity to resolve the Certificate of Approval concerns with the Ministry of the Environment.

The Owner's noise consultant has determined that sealed (inoperable) windows are an effective noise mitigation method and that the installation of such may serve to protect the status of the current and future Certificates of Approval for those business owners within the affected vicinity of the place of worship. The Owners have been advised by staff that a noise warning clause will need to be registered on title. Furthermore, the restriction of any outdoor assembly space would need to be implemented so as the use as a place of worship would be wholly contained within a building. This information was supplied to the Ministry of the Environment on January 7, 2012 for verification.

As of the writing of this memorandum, the Ministry of the Environment has not provided verification that sealed (inoperable) windows would serve to protect the status of the Certificates of Approval held by those businesses and land owners within the vicinity of 22 Esna Park.

It is staff's intention to secure the Ministry of the Environment's requirements, such as the installation of sealed windows at 22 Esna Park Drive, through appropriate wording in the zoning by-law amendment including a Hold (H) provision for a future phase, and through the site plan control agreement with the Owner.

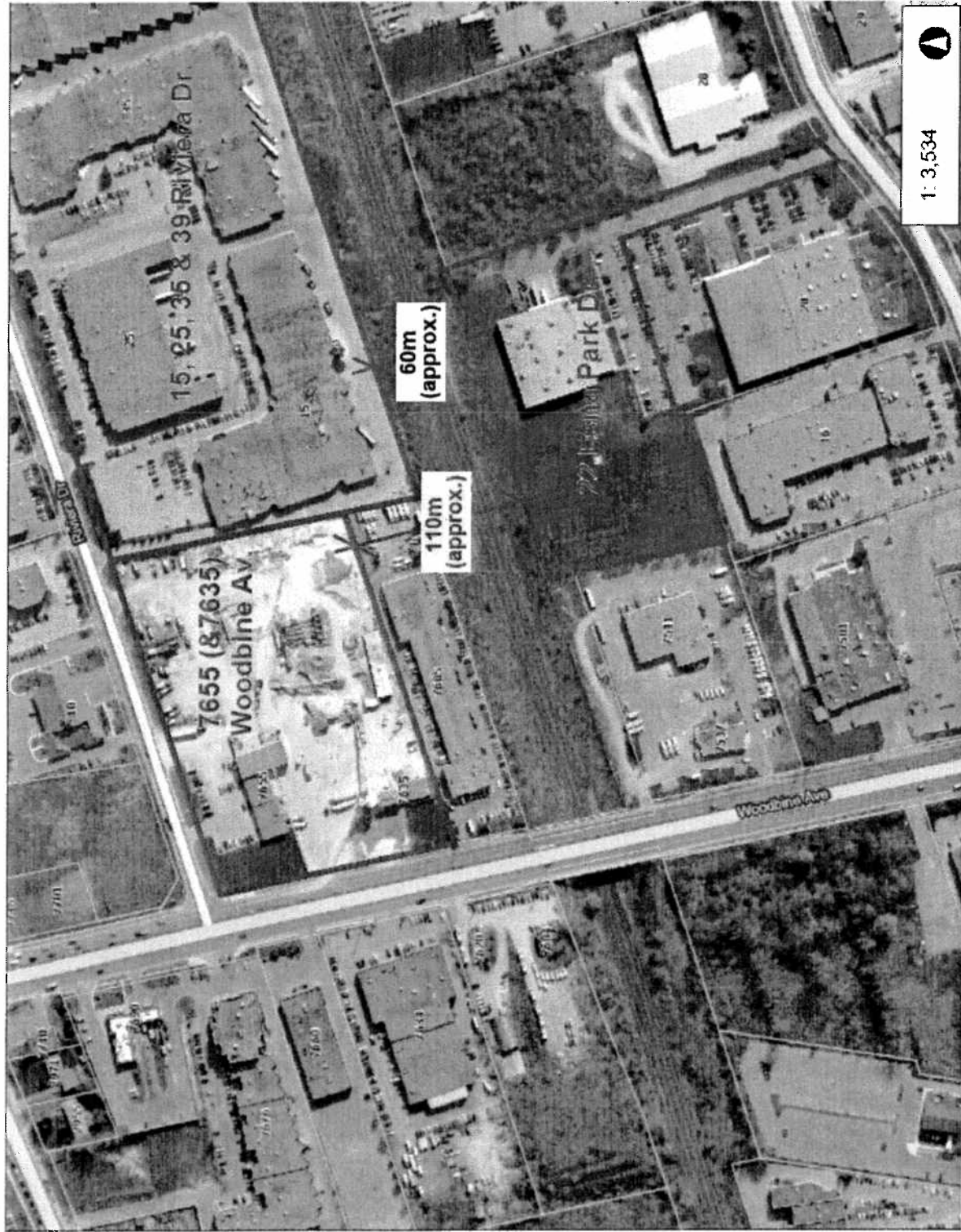
Due to the timing of the response from the Ministry of the Environment, staff recommend that Council defer their decision on the zoning by-law amendment pending receipt of the Ministry of the Environment's comments and to allow time for staff and other parties to review and verify the contents of the Ministry of the Environment's correspondence and to ensure they are addressed in the zoning by-law and in any documents to be registered on title to the subject lands.

The Legal Department has been consulted in the preparation of this memorandum.

**ATTACHMENTS:**

Figure 1 - Property Location Map

# Figure 1 - Property Location Map

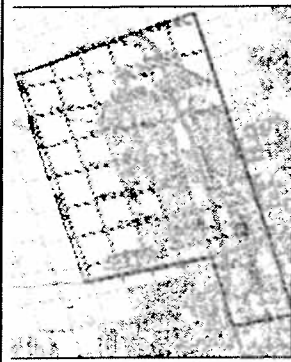


0.2 0 0.09 0.2 Kilometers

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

© Markham



- Legend**
- Parcel 2257
  - SLRN\_4000
  - SLRN\_casement\_4000
  - Aerial Photography 2007
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
  - Facilities
  - Road Attributes
  - Buildings
  - Ponds
  - Creeks
  - Rivers
  - Parks
  - Under Development
  - Parks

**Notes**