




TO: Mayor and Member of Council

FROM: Biju Karumanchery, Senior Development Manager 

DATE: September 21, 2010

Re: **Zoning by-law amendment for St. Maurice and St. Verena Coptic Orthodox Church**
1050 Rodick Road (northwest corner of Highway 7 and Rodick Road)
Planing File No. ZA 09 126639

Development Services Committee held a Public Meeting on June 15, 2010 to consider the zoning amendment application for the proposed church. Committee directed that the by-law go directly to Council when the issues raised at the public meeting have been resolved. These items have now been resolved to the satisfaction of staff as outlined below and the by-law has been finalized for adoption.

Parking shortfall: The site plan presented at the public meeting provided 200 parking spaces for both the first phase and the full build out, whereas the Town's zoning by-laws require 337 spaces for the first phase and 582 spaces for the full build out. The applicant submitted a parking study, which was sent out to a qualified transportation consultant for peer review. The peer review consultant has confirmed that the appropriate parking supply for the proposed place of worship is 300 spaces for both the first phase and for the ultimate build out. The parking requirement is the same for both phases because the sanctuary, which is the largest generator of parking demand, will be constructed to it's ultimate capacity in the first phase. The uses in the second phase (community meeting rooms, classrooms and a gymnasium) normally operate at different times than the sanctuary and therefore do not require additional parking to be provided. The applicant accepts the peer review consultant's recommendations, and advises that they will be incorporating a parking deck to the rear of the building to accommodate the additional parking. The attached by-law includes the parking requirement recommended by the peer review consultant.

Concerns of owner of adjacent industrial building: The applicant has resolved the concerns of the owner of the adjacent industrial building as follows:

- The applicant has agreed to shift the driveway onto Rodick Road south to be entirely on the church property, with a driveway connection to the Emery industrial building.
- The Region of York has approved the proposed driveway onto Highway 7.

The applicant has committed to pay all of the costs of reconstructing the driveway and reconfiguring the access easements between the properties.

Enhanced Landscaping along Highway 7: The attached by-law includes a requirement for a minimum 9 metre wide landscape strip adjacent to Highway 7. This is sufficient to accommodate intensive plantings to screen the parking area from Highway 7.

Staff will report to Development Services Committee on the site plan when the applicant formally applies.

EXPLANATORY NOTE

BY-LAW NO. _____

A By-law to amend By-law 165-80, as amended

St. Maurice and St. Verena Coptic Orthodox Church

1050 Rodick Road (northwest corner of Highway 7 and Rodick Road)

LANDS AFFECTED

This by-law applies to a vacant 1.2 hectare (3 acre) property located at the northwest corner of Highway 7 and Rodick Road.

EXISTING ZONING

The subject property is zoned “Select Industrial and Limited Commercial” [M.C.(150%)] by By-law 165-80, as amended. This zoning permits industrial and office uses.

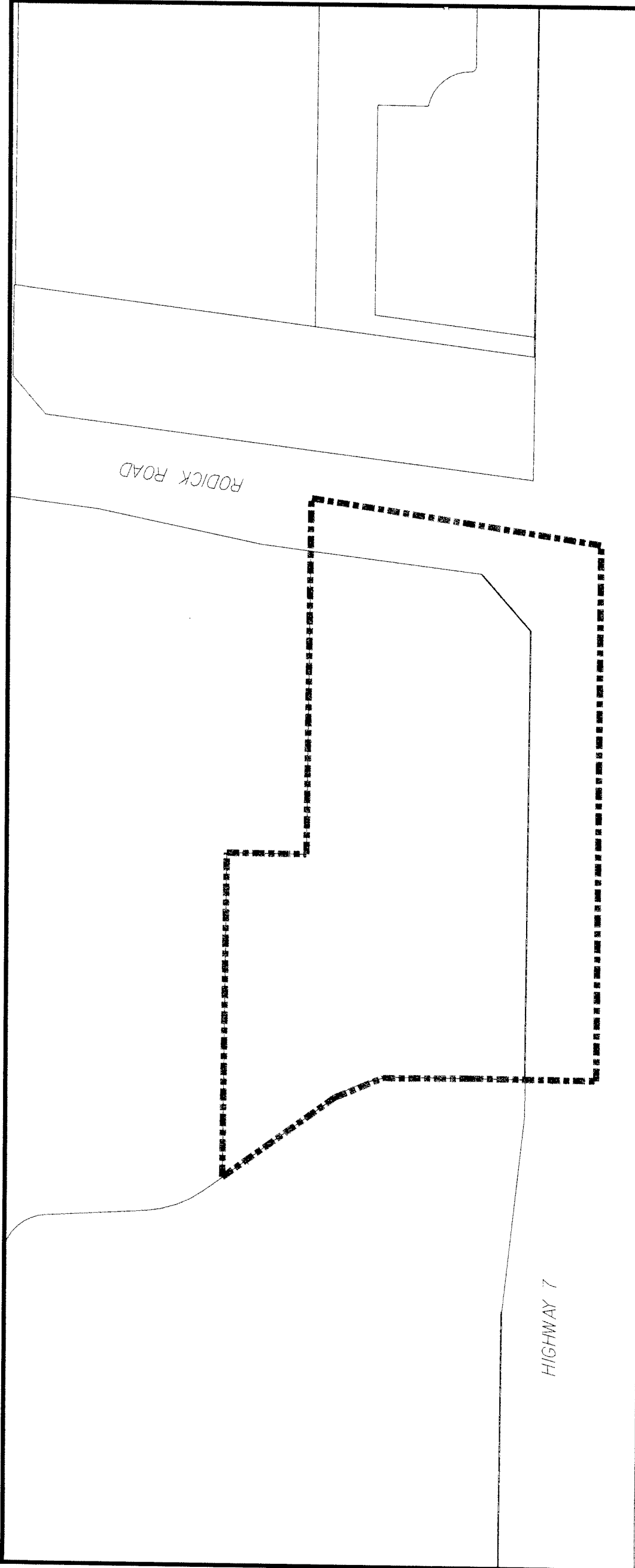
PURPOSE AND EFFECT

The purpose and effect of this by-law is to delete the subject property from the designated area of By-law 165-80, as amended. The property will be incorporated by a subsequent by-law into the designated area of By-law 2004-196 and zoned “Markham Centre – Downtown Two” (MC-D2) in order to permit the property to be developed with a place of worship.

A By-law to amend By-law 165-80, as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 165-80, as amended, is hereby further amended by deleting the lands identified as Part of Lot 11, Concession 4 as shown on Schedule 'A' attached hereto from the designated area of By-law 165-80, as amended.
 2. This By-law shall not come into effect until By-law 2010-XXXX amending By-law 2004-196, as amended, comes into effect, and the lands as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 2004-196, as amended.
 3. All other provisions of By-law 165-80, as amended, not inconsistent with the provisions of this By-law shall continue to apply.
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DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 165-80

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY

.....MAYOR

..... CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1:

EXPLANATORY NOTE

BY-LAW NO. _____

A By-law to amend By-law 2004-196, as amended

St. Maurice and St. Verena Coptic Orthodox Church

1050 Rodick Road (northwest corner of Highway 7 and Rodick Road)

LANDS AFFECTED

This by-law applies to a vacant 1.2 hectare (3 acre) property located at the northwest corner of Highway 7 and Rodick Road.

EXISTING ZONING

The subject property is zoned “Select Industrial and Limited Commercial” [M.C.(150%)] by By-law 165-80, as amended. This zoning permits industrial and office uses.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the subject property into the designated area of By-law 2004-196, zone it “Markham Centre – Downtown Two” (MC-D2) and incorporate site specific development standards in order to permit the property to be developed with a place of worship.

A by-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 2004-196, as amended, to include those lands comprising Part of Lot 11, Concession 4, as more particularly outlined on Schedule 'A' hereto.
 - 1.2 By zoning the lands:

Markham Centre Downtown Two *15
- MC-D2*15
as shown on Schedule 'G1' attached hereto.
 - 1.3 By amending Section 1.2 of By-law 2004-196, as amended, by deleting the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4 and F1 to F4" and replacing them with the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4, F1 to F4 and G1 to G4."
 - 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by deleting the words "Schedules A1, B1, C1, D1, E1 and F1" and replacing them with the words "Schedules A1, B1, C1, D1, E1, F1 and G1."
 - 1.5 By adding the following new subsection to **Section 6 – Exceptions** to By-law 2004-196:

6.15 Special Provisions – Place of Worship at north-west corner of Highway 7 and Rodick Road.

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *15 (Exception 15) on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

6.15.1 Special Use Provisions

The following uses are the only uses permitted:

- One (1) place of worship, including the following accessory uses:
 - one (1) *accessory dwelling unit*
 - banquet halls
 - day nurseries
 - community centres
 - private schools

6.15.2 Special Site Provisions

The following additional provisions apply:

- a) Special Provisions (2) and (7) to Table A1 shall not apply.

- b) Minimum width of *landscaping* area adjacent to *public streets*:
 - adjacent to Highway 7 – 9 metres
 - adjacent to Rodick Road - 6 metres
 Access ramps shall be permitted to cross the *landscaping* provided the access ramps are more or less perpendicular to the *streetline*. Buildings may encroach into the *landscaping* provided they meet the setback requirements of this by-law. Any portions of buildings which contain a *private garage* may not encroach into the *landscaping*.
- c) Minimum width of *landscaping* area adjacent to the north *lot line* – 3 metres.

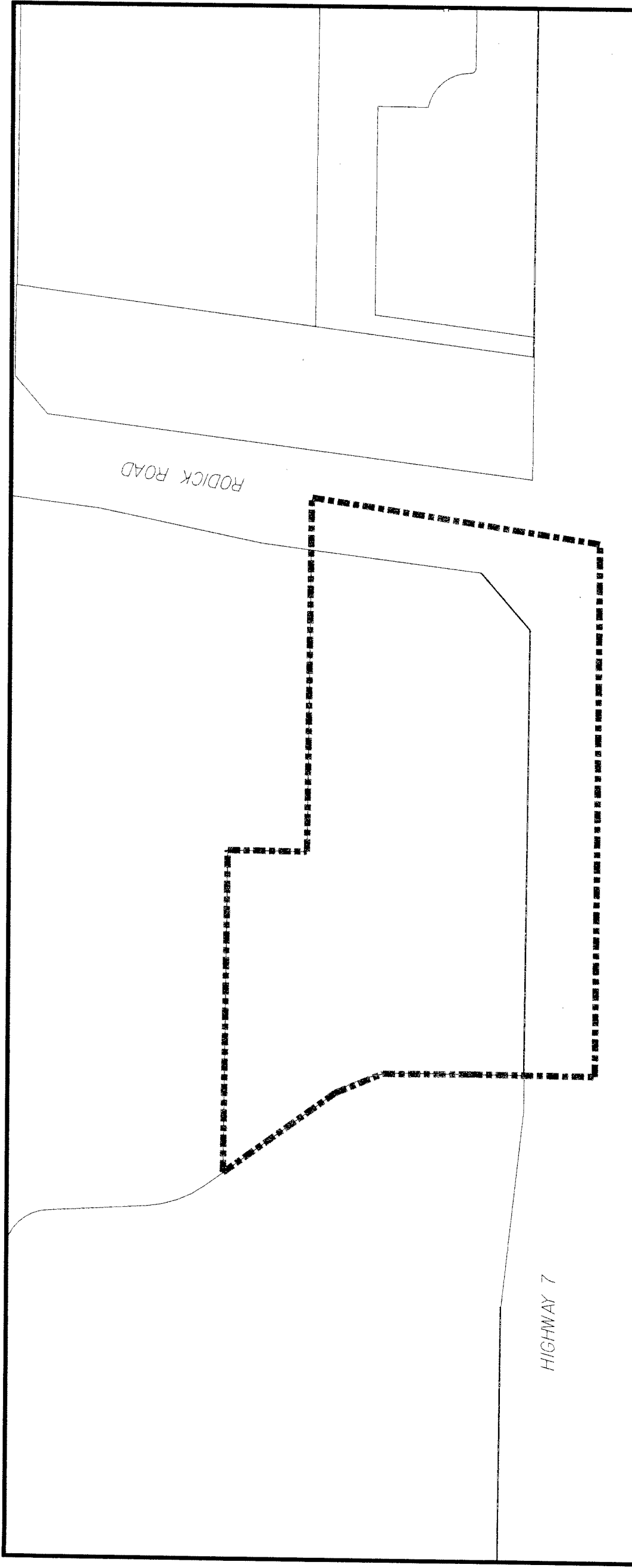
6.15.3 Special Parking Provisions

The following special parking provisions shall apply:

- a) Notwithstanding the provisions of Section 4.14.1, 300 *parking spaces* shall be required for a *place of worship*, provided that:
 - i) The *worship area capacity* is less than 801 persons; and
 - ii) The *net floor area* of the *place of worship*, including any accessory uses, is less than 5500 square metres.
- b) Section 4.14.8 shall not apply.
- c) Required *parking spaces* may be located on another *lot* provided the *parking spaces* are not more than 200 metres from the lands.

1.6 By adding the following schedules to By-law 2004-196, as amended Schedule G1, G2, G3 and G4.

2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2004-196

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY

.....MAYOR

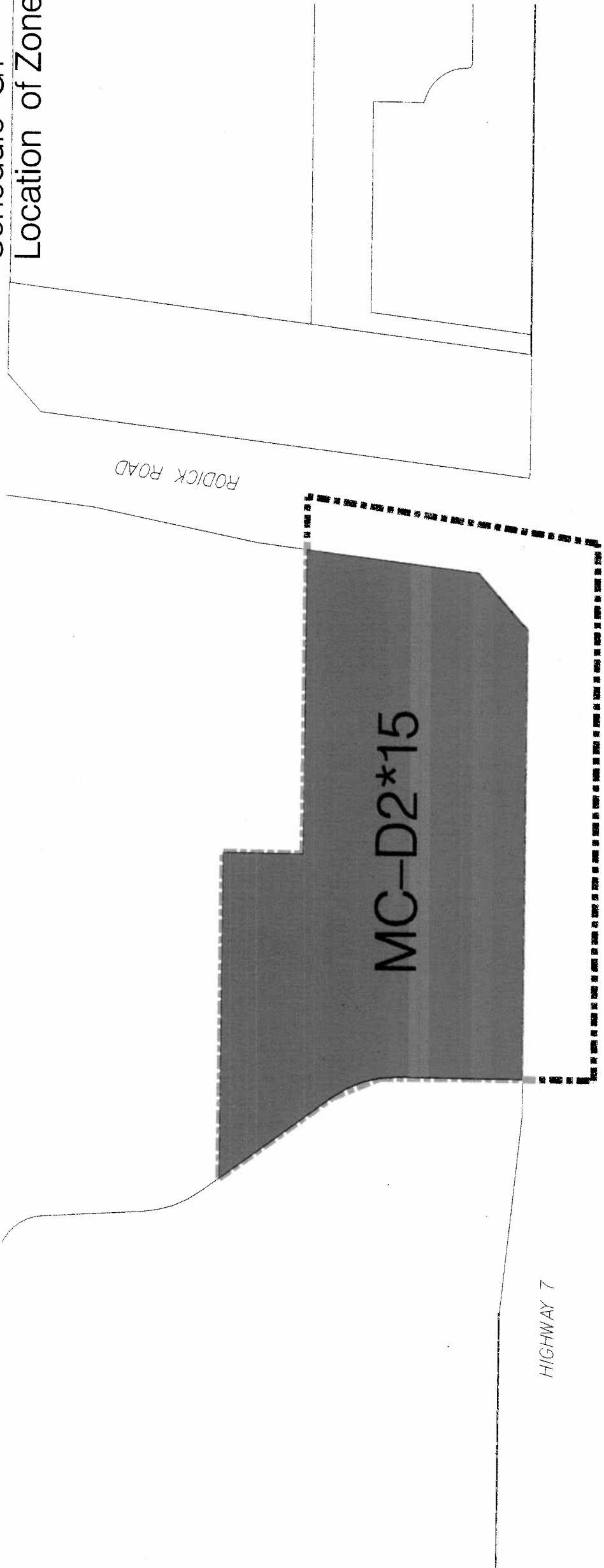
..... CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: 1) DIMENSIONS ARE IN METRES
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SCALE 1:

Schedule G1
Location of Zones




DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2004-196



THIS IS SCHEDULE 'G1' TO BY-LAW
PASSED
.....MAYOR
..... CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

 MC-D2 ZONE

 REFER TO SECTION 6 OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO
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THE OFFICE OF THE CLERK



Schedule G2
Permitted net floor
area & dwelling
units.

Number on Schedule G2	Maximum Net Floor Area (M2) non-residential	Maximum Number of Dwelling Units
1	5500	1

RODICK ROAD

1

HIGHWAY 7



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2004-196



THIS IS SCHEDULE 'G2' TO BY-LAW
PASSED
.....MAYOR
.....CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO
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Schedule G3
Minimum
& Maximum
Building Heights

RODICK ROAD

HIGHWAY 7



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2004-196



THIS IS SCHEDULE 'G3' TO BY-LAW

PASSED

.....MAYOR

..... CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW

MAX. 35.0 m



NOTE: REFERENCE SHOULD BE MADE TO
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THE OFFICE OF THE CLERK



Schedule G4
Setbacks



Minimum building setback 0.0 metres.



Minimum building setback 3.0 metres.

RODICK ROAD

HIGHWAY 7



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2004-196

THIS IS SCHEDULE 'G4' TO BY-LAW
PASSED
.....MAYOR
.....CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

