

Memorandum to the City of Markham Committee of Adjustment

May 1st, 2018

File: A/46/18
Address: Hillmount Road, Markham
Applicant: Metrus Construction Ltd. (Steven Ballan)
Agent: Baldassarra Architects (Hannah Penman)
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting relief from By-law 165-80 - M.C. (45%) (50%) (85%) & M.SC, as amended:

a) Section 4.5.3 a):

loading spaces/overhead vehicular doors in a yard or wall which adjoins or faces a street; whereas the By-law does not permit a loading space or platform or overhead door to be located in any yard or wall of any building or structure which adjoins or faces a street;

b) Section 4.5.3 b):

to be exempt from providing suitably screened loading spaces, platform or overhead door; whereas any loading space, platform or overhead door when abutting two or more streets must be suitably screened so as not to be visible from the street it faces;

c) Amending By-law 16-90; Exception 7.5.2 a):

a minimum setback of 47 metres from the street line of Major Mackenzie Dr., and further exempt an industrial use from being part of a complex on the same lot or block; whereas industrial uses are not permitted within 60 metres of the street line of Major Mackenzie Dr. and such industrial use having to be part of a complex on the same lot or block;

d) Amending By-law 175-93; Section 1.2.2:

a maximum gross floor area of all building or structures of 30,016 m²; whereas the By-law permits a maximum total gross floor of 19,050 m² of all buildings or structures;

e) Amending By-law 16-90; Exception 7.5.2 b):

a building height of 15 m; whereas the By-law requires any building or structure located within 120 m of the centreline of Major Mackenzie Drive not to exceed 14 m in height, as they relate to a proposed industrial building.

Background Information

Property Description

The subject lands include three properties (Part 1-5 on Appendix C) on Hillmount Road and Markland Street, which are located at the south east corner of Major Mackenzie Drive and Highway 404 (See Figure 1). The lands are currently undeveloped and do not contain any significant vegetation or natural features. The surrounding area includes:

- An office and warehouse facility immediately to the east;
- Single detached residential dwellings to the east across Markland Street;
- Vacant lands zoned for "Major Commercial " uses to the north across Major Mackenzie Drive;
- Highway 404 to the west; and,
- Prestige Industrial plan of subdivision to the south.

Merging of Lands

In January 2017, a consent was granted by the Committee of Adjustment to sever Part 1 from the property to the south (Part 6) for it to be merged with Part 2-5 to form a single lot with a total area of 9.76 ha (24.11 ac) (See Appendix D). However given the subject lands were created by way of a consent, they are subject to Section 50 (12) of the Planning Act (once a consent always a consent) and do not merge as a result of being under identical ownership.

To facilitate the merger, a small part of the subject lands are proposed to be conveyed to the City. With this conveyance, the lands will become less than the whole of a lot and would be exempted from the 'once a consent always a consent' provision. The lands will then merged if they are under same ownership. The applicant will work with the City's Real Property department through a separate process to execute the land conveyance.

Proposal

The applicant is proposing to construct a 24,404.69 m² (262,689.89 ft²) industrial building on the subject lands (Appendix B). The proposal includes a total of 445 surface parking spaces at grade. The areas of the proposed development are as follows:

- A 3,716.2 m² (40,000 ft²) two (2) storey ancillary office component at the south side of the building;
- A 15,023.65 m² (161,713.22 ft²) one (1) storey production component at the center of the building; and,
- A 5,665.04 m² (60,977.98 ft²) one (1) storey warehouse component at the north side of the building.

The site plan and elevation plans provided (Appendix B) do not reflect the final details of the development proposal and are subject to changes during the site plan review process. A future second phase development may take place at the south east portion of the subject lands near the intersection of Markland Street and Hillmount Road.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)
The subject property is designated "Business Park Employment", which is intended to accommodate prestige industrial and office development in larger scale building located on larger properties. It provides for uses including offices, manufacturing, processing and warehousing use with no accessory storage, hotel that does not include dwelling units, trade and convention centre, commercial parking garage. The uses being proposed are all contemplated in the "Business Park Employment" designation.

Zoning By-law 165-80

The portion of the subject lands where the proposed building will be located falls within the M.C (85%) - Select Industrial and Limited Commercial zone under zoning by-law 175-93, which permits all the uses being proposed. The remaining lands (potential location for phase two development) are zoned M.C. (45%) - Select Industrial and Limited Commercial zone and M.SC – Industrial Commercial Service Centre (see Figure 2). The proposed development does not comply with the loading space requirements under Section 4.5.3 a & b of the by-law.

Amending By-law 175-93

The subject lands are also subject to Amending By-law 175-93 which was passed in 1993 to facilitate the construction of a retail warehouse with a maximum Gross Floor Area of 19,050 m² (205,052.49 ft²). The development standards in By-law 175-93 (Appendix E) were specific to the application submitted at the time. However, the project was later abandoned by the applicant. Since then the subject lands have remained vacant and Amending By-law 175-93 continues to be in effect. The proposed industrial building exceeds the maximum gross floor area allowed by the by-law amendment.

Amending By-law 16-90

The subject lands are also subject to Amending By-law 16-90 which was passed in 1990 to facilitate the original subdivisions. The proposed building does not comply with the requirements respecting building height and setback from Major Mackenzie Drive.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided on the application form, *"the design and operation requires additional space and height to be functional and visible on all areas of the site."*

Zoning Preliminary Review Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed addition.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Loading Space (Variance a & b)

The preliminary site plan submitted with the application identifies a total of sixteen loading spaces. Ten of which are located on the north side of the building facing Major Mackenzie Drive. They are approximately 120 m (393.7 ft) from the center line of the street. The six other loading spaces are located on the east side of the building facing Markland Street. They are approximately 193.42 m (634.58 ft) from the street.

The proposed loading spaces are to be appropriately setback from the streets. The visibility of the loading spaces facing Markland Street will likely be reduced when the phase 2 development are developed. Staff will work with the applicant during the site plan process to explore appropriate mitigation measures to lessen the visual impact of the loading spaces on the streets. Staff have no objection to the variance provided the owner obtains site plan endorsement ensuring the final design of the proposed development is satisfactory to the city.

Setback from Major Mackenzie Drive

The applicant is requesting relief to permit a minimum setback of 47 m (154.19 ft) from the street line of Major Mackenzie Drive, and further exempt an industrial use from being part of a complex on the same lot or block, whereas industrial uses are not permitted within 60 m (196.85 ft) of the street line of Major Mackenzie Drive and such industrial use having to be part of a complex on the same lot or block.

The setback reduction only relates to north-west corner of the one-storey warehouse component which represents a minor portion of the overall building (See Appendix B). Given the main building will be appropriately setback from Major Mackenzie Drive and the Regional Municipality of York has no concern with the application (See Appendix F), staff have no objection to the variances relating to setback from Major Mackenzie Drive and exemption from being part of a complex on the same lot or block.

Increase in Maximum Gross Floor Area.

The applicant is requesting relief from the by-law to permit an industrial building with a total gross floor area of 24,404.69 m² (262,689.89 ft²), whereas the by-law permits a maximum gross floor area of 19,050 m² (205,052.49 ft²). This represents an increase of 5,354.69 m² (57,637.4 ft²) or 28.1 percent from the by-law requirement.

By-law 175-93 was passed in 1993 to permit a retail warehouse. The maximum gross floor area provision in the amending By-law was to limit the maximum size of the retail warehouse. The uses currently being proposed (office, warehouse and manufacturing) are all permitted by the by-law and are not subject to any floor area restriction under the original zoning provision. Consequently staff do not anticipate the variance, if approved, will result in any adverse impact on surrounding lands notwithstanding the significant increase from the by-law requirement. The floor area provision will continue to be in effect to regulate the maximum size of retail warehouse uses on the property.

The proposed gross floor area is similar in scale to several existing industrial buildings within the immediate vicinity (See Table 1). The proposed building will have a floor area ratio of 24.9%, which is the lowest amongst all the similar sized buildings in the area. Staff are of the opinion that the proposed gross floor area reflects the existing development pattern and will have minimal impact on the industrial character of the subdivision.

Table 1

Municipal Address	Lot Area	Gross Floor Area	Floor Area Ratio
Subject Lands	9.76 ha (21.11 ac)	24,404.69 m ² (262,689.89 ft ²)	24.9%
281 Hillmount Road	5.83 ha (14.4 ac)	26,354.64 m ² (283,678.98 ft ²)	45%
175 Hillmount Road	4.88 ha (12.05 ac)	22,944 m ² (246,967.16 ft ²)	46.9%
650 Markland Street	3.5 ha (8.64 ac)	17,705 m ² (190,575 ft ²)	50%

Building Height Increase

The applicant is requesting relief to permit a building height of 15 m (49.21 ft), whereas the By-law requires any building or structure located within 120 m (393.7 ft) of the centreline of Major Mackenzie Drive not to exceed 14 m (45.93 ft) in height.

The existing four-storey office building on the property immediately to the east (650 Markland Street) obtained minor variance approval in April 2011 for a building height increase to 22 m (72.17 ft), which is approximately 7 m (22.96 ft) taller than what is being proposed. Additionally, it is approximately 17.34 m (56.88 ft) closer to Major Mackenzie Drive than the proposed building. Staff are of the opinion that the proposed increase in height will be unlikely to have any significant impact on Major Mackenzie Drive. Staff will work with the applicant during the site plan process to explore various architectural

treatments to break down the vertical massing of the building from the streets and improve the overall architectural animation of the elevations. Staff will also ensure screening of roof top mechanical equipment is provided to alleviate the visual impact on the street.

MTO Comments

The subject property is located within the Ministry of Transportation (MTO) Permit Control Area. Therefore an MTO Building and Land Use Permit will be required prior to the commencement of any on-site construction. The applicant will be required to demonstrate a minimum setback of 14 m (45.93 ft) from the limit of the Controlled-Access Highway designation (Appendix G). The City will coordinate with MTO again during the site plan process to ensure their comments will be fully incorporated into the final plan and any requirements will be secured through the site plan agreement.

York Region Comments

The Regional Municipality of York provided comments on April 27, 2018 indicating they have no objection to the approval of the application. The site plan application will be circulated to the Region again for comments.

Toronto and Region Conservation Authority (TRCA) Comments

While the property is not situated within TRCA's screening zone, given the size of the property, the site plan application will be circulated to the Toronto and Region Conservation Authority (TRCA) for comments. Staff recommend as condition of approval that the applicant obtains all the necessary permit and/or approval from TRCA prior to the issuance of a building permit.

PUBLIC INPUT SUMMARY

As of May 1st, 2017, no written submissions were received since the application was re-circulated. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance requests meet the four tests of the Planning Act and have no objection.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner II, West District

REVIEWED BY:



David Miller, Development Manager, West District


File Path: Amanda\File\ 18 229002 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/46/18

1. The variances apply only to the proposed development as long as it remains;
2. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
2. That the applicant obtains all the necessary permits and/or approval from the Ministry of Transportation (MTO) for the proposed development, and that the Secretary-Treasurer receive written confirmation from the Ministry of Transportation (MTO) that this condition has been fulfilled to their satisfaction;
3. That the applicant demonstrates the parcels shown as Part 1 to 5 (less the reserves being conveyed to the City) on Reference Plan 65R-37441 have been merged in title, and that the Secretary-Treasurer receives written confirmation from the City's Solicitor or designate that this condition has been fulfilled to their satisfaction.
4. That the variance to increase the maximum Gross Floor Area only apply to an office, warehouse and manufacturing building, and that the maximum gross floor area continues to apply to all other permitted uses including retail warehouse uses;
5. That the applicant obtains all the necessary permits and/or approval from Toronto and Region Conservation Authority for the proposed development, and that the Secretary-Treasurer receive written confirmation from Toronto and Region Conservation Authority that this condition has been fulfilled to their satisfaction;

PREPARED BY:



Carlson Tsang, Planner II, West District

Figure 1 – Location Map

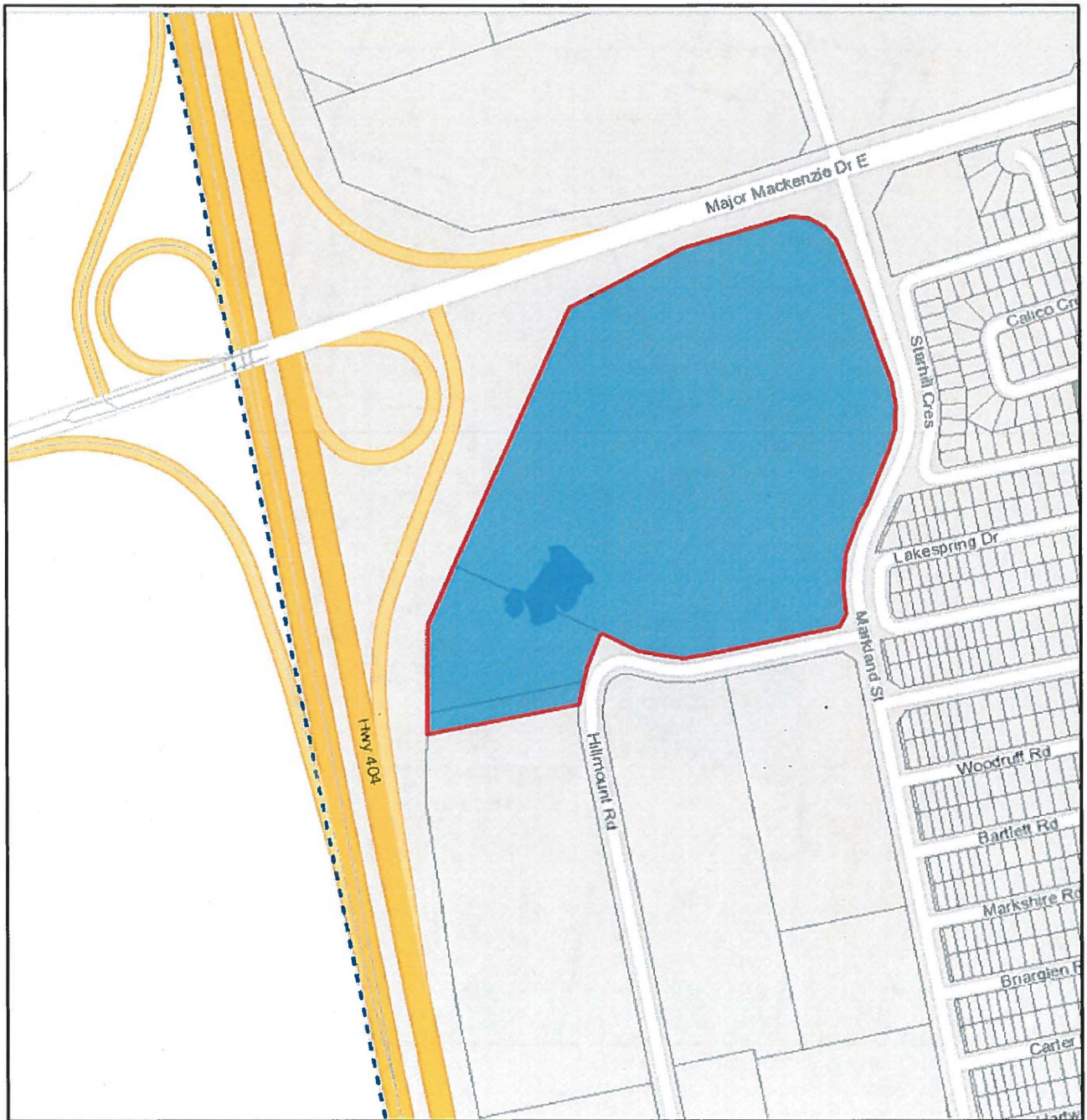
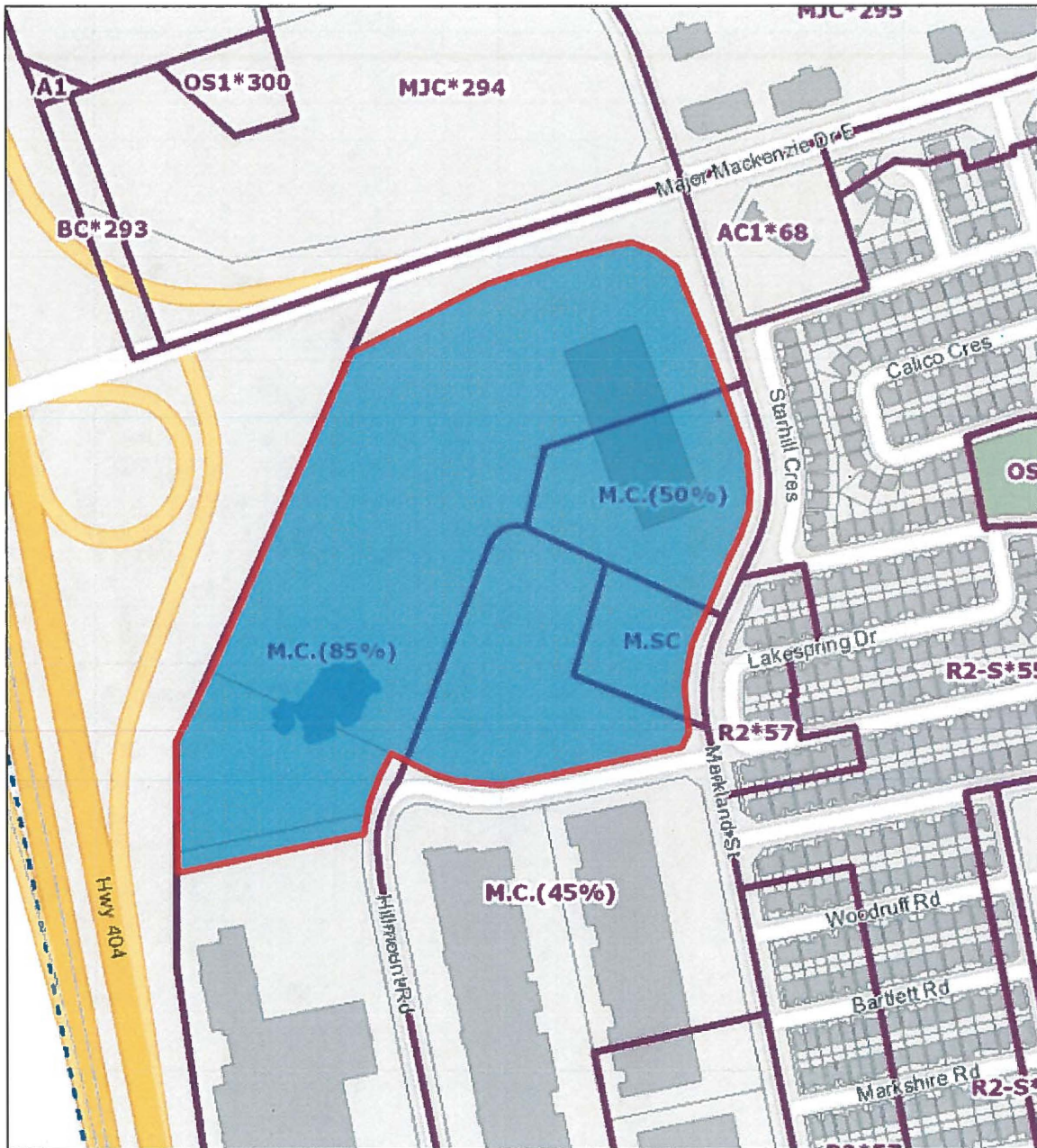
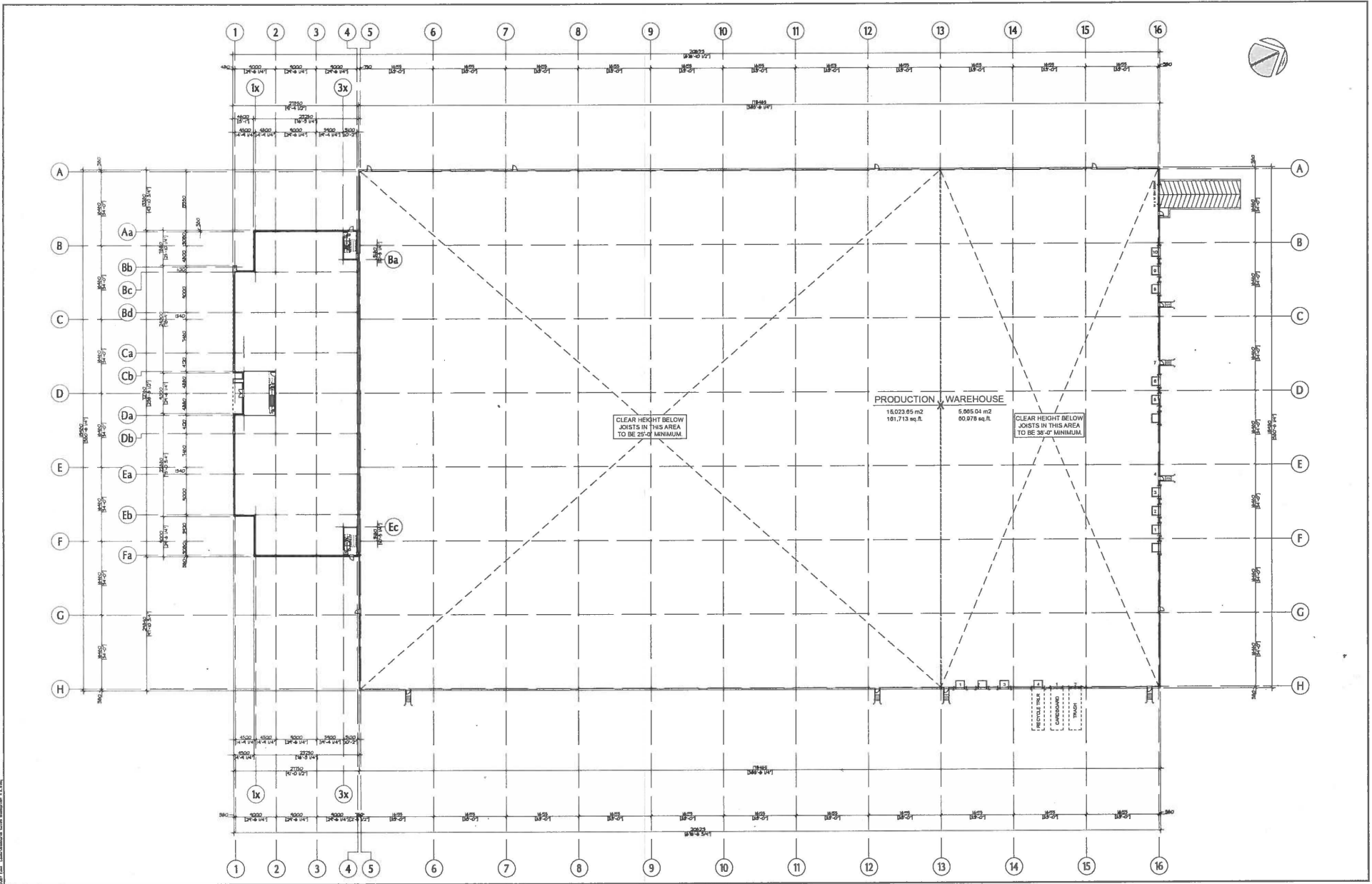


Figure 2 – Zoning Map





No.	ISSUED	DATE
1	ISSUED FOR MINOR VARIANCE @ COV	APRIL 13, 2018

No.	REVISION	DATE

BALDASSARRA
Architects Inc.

230-1900 Jones St | Vaughan, ON | L4K 4W5
1-905-880-0722 | www.baldassarra.ca
CONSULTANT OF RECORD
Milestone Properties Inc.



Hwy 404 & Major Mackenzie Drive

Markham, Ontario

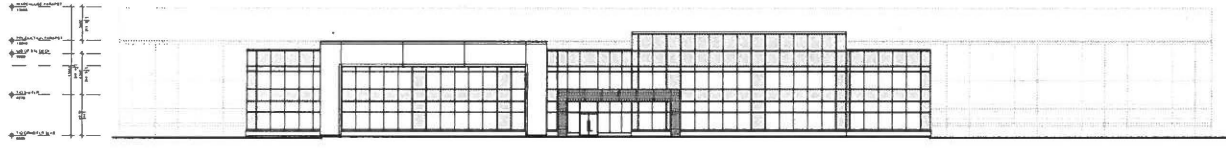
FLOOR PLAN

DATE	DESIGNED BY	CHECKED	SCALE
APRIL 2018	J.d.h.		1:300

PROJECT No. 18-17 DRAWING No. A-2.0

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No.	ISSUED	DATE
1	ISSUED FOR ZONING REVIEW	APRIL 04, 2018
2	ISSUED FOR HONOR VARIANCE @ C.O.A.	APRIL 03, 2018



1 SOUTH ELEVATION
1/20



2 WEST ELEVATION
1/20

3 RESERVED

4 RESERVED

No.	REVISION	DATE
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BALDASSARRA
Architects Inc.

200-7800 Jane St | Vaughan ON | L4K 4R8
T 905.590.0723 | www.baldassarra.ca



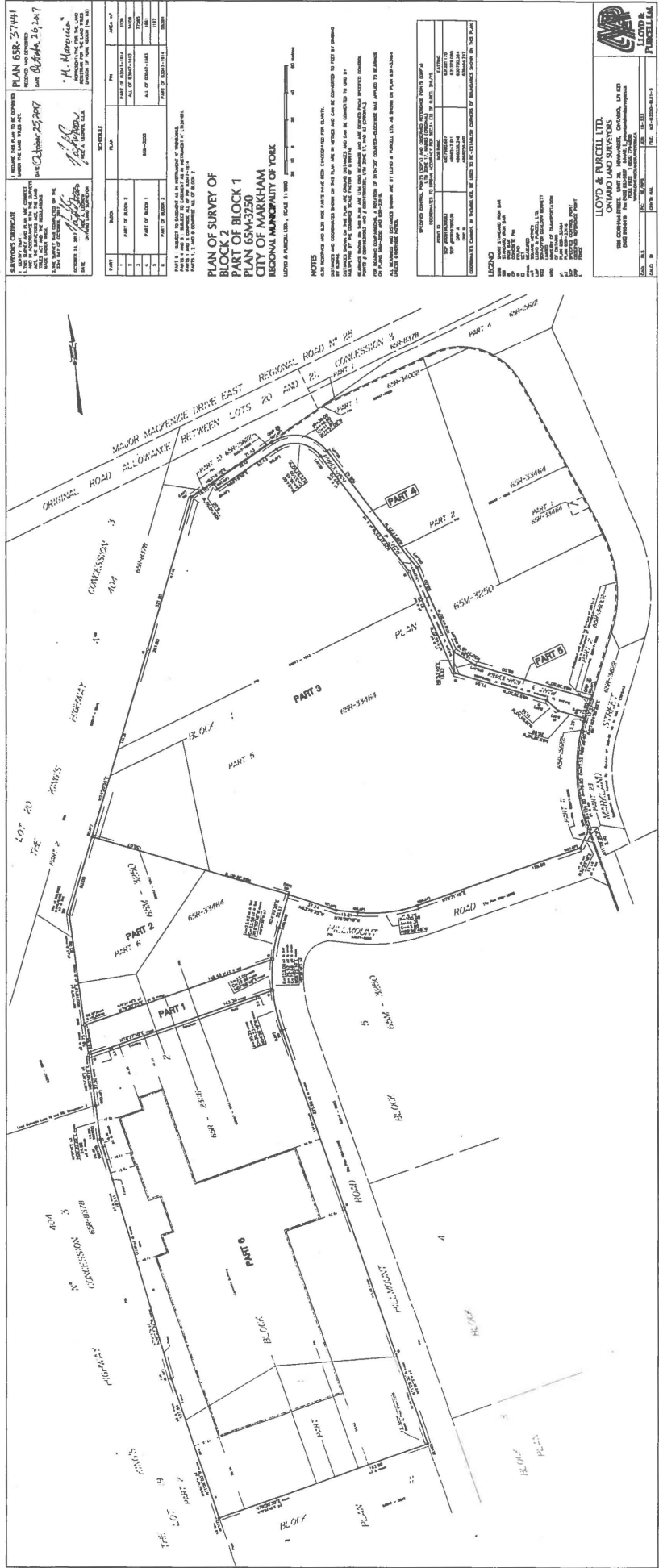
Client/Architect
Metrex Properties Inc.

Hwy 404 & Major
Mackenzie Drive
Markham, Ontario

ELEVATIONS

DATE	DESIGNED BY	CHECKED BY	SCALE
JUNE 2017	J.d.h.		AS NOTED
PROJECT No.	18-17		
	A-3.0		

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PLANNING OFFICER
 APPROVED FOR THE CITY OF MARKHAM
 ON October 25, 2007
 BY [Signature]
 TITLE PLANNING OFFICER

APPROVED FOR THE REGIONAL MUNICIPALITY OF YORK
 ON October 25, 2007
 BY [Signature]
 TITLE PLANNING OFFICER

APPROVED FOR THE COUNTY OF YORK
 ON October 25, 2007
 BY [Signature]
 TITLE PLANNING OFFICER

APPROVED FOR THE PROVINCE OF ONTARIO
 ON October 25, 2007
 BY [Signature]
 TITLE PLANNING OFFICER

PART	AREA (sq. ft.)	AREA (sq. m.)
PART 1	1,234,567	114,000
PART 2	2,345,678	218,000
PART 3	3,456,789	320,000
PART 4	4,567,890	423,000
PART 5	5,678,901	525,000
PART 6	6,789,012	628,000
TOTAL	23,962,727	2,228,000

PLAN 65M43250
DATE 11/20/2000
SCALE 1:1000

**PLAN OF SURVEY OF
 BLOCK 2
 PART OF BLOCK 1
 PLAN 65M43250
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK**

UNITS: METRIC SYSTEM, SCALE 1:1000

NOTES

- THIS PLAN IS A SURVEY OF THE LAND SHOWN AND DOES NOT CONSTITUTE A GUARANTEE OF TITLE.
- ALL DIMENSIONS ARE IN METERS AND DECIMALS THEREOF.
- ALL CORNERS ARE TO BE MARKED WITH CONCRETE OR METAL PIPES.
- ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.
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NO.	DESCRIPTION	DATE
1	ORIGINAL PLAN	11/20/2000
2	AMENDMENT	11/20/2000
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100	AMENDMENT	11/20/2000

LYOYD & PURCELL LTD.
 ONTARIO LAND SURVEYORS
 100 COLLEGE STREET, SUITE 1000
 TORONTO, ONTARIO M5G 1C7
 TEL: (416) 593-1111
 FAX: (416) 593-1112
 E-MAIL: info@lloydandpurcell.com



Committee of Adjustment Resolution

File Number: B/21/16
Hearing Date: Wednesday June 21, 2017
Owner(s): Wahta Developments Inc. c/o Metrus Properties (Ennio Zuccon)
Agent: A. Baldassarra Architect Inc. (Matthew Baldassarra)
Property Address: 281 Hillmount Rd
Legal Description: PLAN 65M3250 PT BLK 2 65R24264 PTS 1 TO 4
Official Plan: Industrial
Ward: 2

Last Date of Appeal: Thursday July 13, 2017

Moved by Gary [Signature]

Seconded by Michael [Signature]

Concurrence:

- Arund Prasad [Signature]
Michael Visconti [Signature]
Gary Muller [Signature]
Jeannie Reingold [Signature]
Tom Gutfreund [Signature]
Gregory Knight not Present

THAT Application No. B/21/16, submitted by Wahta Developments Inc. c/o Metrus Properties (Ennio Zuccon) owner(s) of 281 Hillmount Rd, PLAN 65M3250 PT BLK 2 65R24264 PTS 1 TO 4, requesting provisional consent to:

sever and convey a parcel of land with an area of 3136.3m2 and lot frontage of approximately 22.8m (Part 1), while retaining a parcel of land with an approximate area of 55,216m2 and lot frontage of 352m (Part 6).

The applicant is proposing to:

- a) merge Part 1 with Parts 2,3.
b) Transfer titles of Parts 1,2,3 to Wahta Developments Inc.
c) Partial discharge of mortgage from Part 1.

The consent request be approved subject to the following conditions:
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/21/16

- 1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary- Treasurer receive written confirmation that this condition has been fulfilled.

Application B/21/16 – 281 Hillmount Road

2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/21/16, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/21/16, title to Part(s) 2 on the Draft Reference Plan submitted with File B/21/16 will merge with title to the lands to the north, and legally described as Lot(s) 3, 4, 5 on Plan65R- 24264 and Part of Block 1 & 2, Plan 65M-3250, all to the satisfaction of the Director of Planning and Urban Design or designate.
6. The applicant must submit certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) within the severed property and confirm whether these existing service lateral pipes will be reused or abandoned and that all abandoned service lateral pipes must be removed or capped to the City's satisfaction, and that the Secretary- Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
7. The applicant must submit certification from the Owner's solicitor indicating whether there are any easements or restrictive covenants affecting the severed land, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
8. That the Secretary Treasurer receives written confirmation from Bell Canada that the requirements indicated in the letter dated June 2, 2017, pertaining to a transfer of easement for a utility line as defined in the Ontario Energy Board Act. 1998, has been fulfilled to the satisfaction of Bell Canada;
9. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. There were no persons in attendance at the meeting who spoke on the matter. The Committee was satisfied with the consent request.

Resolution Carried

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled.

APPENDIX

E 1

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. 175-93

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, be and the same is hereby further amended as follows:

1.1 For the purposes of this By-law, the following definitions shall apply:

"RETAIL WAREHOUSE" means a BUILDING or STRUCTURE or part of a BUILDING or STRUCTURE with a minimum GROSS FLOOR AREA of 6000 square metres, where the entire floor area of the use is occupied by a single-user with integrated storage and sale to the general public of a wide range of goods and products or predominately one type of product in a warehouse format, and may also include a WAREHOUSE MEMBERSHIP CLUB."

"WAREHOUSE MEMBERSHIP CLUB" means a BUILDING or STRUCTURE or part of a BUILDING or STRUCTURE with a minimum GROSS FLOOR AREA of 6000 square metres, where the entire floor area of the use is occupied by a single user with integrated storage and sale of a wide range of goods and products in a warehouse format, and where patronage is restricted to businesses and members of the general public having paid a membership fee. Such use may also include minor maintenance of automobiles, including installation of automotive parts sold within the premises."

All other definitions of By-law 165-80, as amended, not inconsistent with the above definitions, shall apply.

1.2 The following provisions shall apply to those lands identified as Part 1 on Schedule 'A' hereto:

1.2.1 In addition to the uses permitted under Section 6.4, as modified by Section 7.52, RETAIL WAREHOUSES shall also be permitted.

1.2.2 Maximum Permitted total GROSS FLOOR AREA of all BUILDINGS or STRUCTURES: 19,050 m².

1.2.3 Parking shall be provided for RETAIL WAREHOUSES as follows:

- (a) A minimum of one PARKING SPACE shall be provided for each 16 square metres of GROSS FLOOR AREA.
- (b) PARKING SPACES shall not be required for any floor area devoted to the following:
 - garbage and recycling rooms
 - electrical rooms and transformer vaults.

1.2.4 Notwithstanding the provisions of Subsection 4.7.1 (a), the width of the LANDSCAPED OPEN SPACE strip adjoining Highway 404 may be reduced to not less than 6 metres adjoining the southerly 26 metres of the west LOT LINE.

1.3 The following provisions shall apply to those lands identified as Parts 2 and 3 on Schedule 'A' hereto.

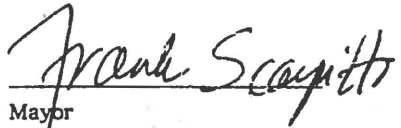
- 1.3.1 Notwithstanding the provisions of Subsection 7.64, the minimum LOT AREA shall be 0.8 hectares.
- 1.3.2 The minimum number of STOREYS for any main BUILDING or STRUCTURE shall be two (2).

1.4 **EXEMPTIONS**
The provisions of Sections 4.4.2.3 (c), 4.4.2.3 (d), 4.4.2.3 (e) and 7.65 shall not apply.

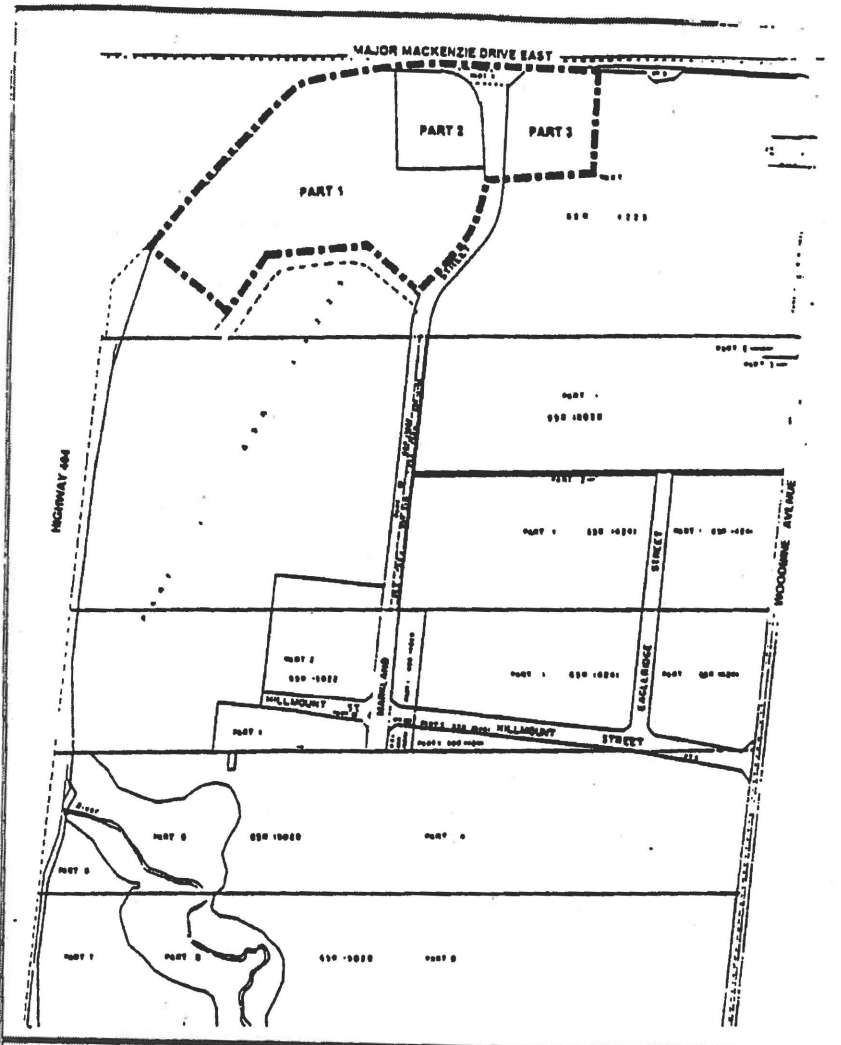
2. All other provisions of By-law 165-80, as amended, not inconsistent with the provisions of this by-law, shall continue to apply.

READ a first and second time this 28th day of September, 1993
READ a third time and passed this 28th day of September, 1993


"DEPUTY" Town Clerk


Mayor

O 920059 R 910547
O 930120 O 930319
R 940008 R 940009
O 930266



TOWN OF MARKHAM

A BY-LAW TO AMEND BY-LAW No. 165-80

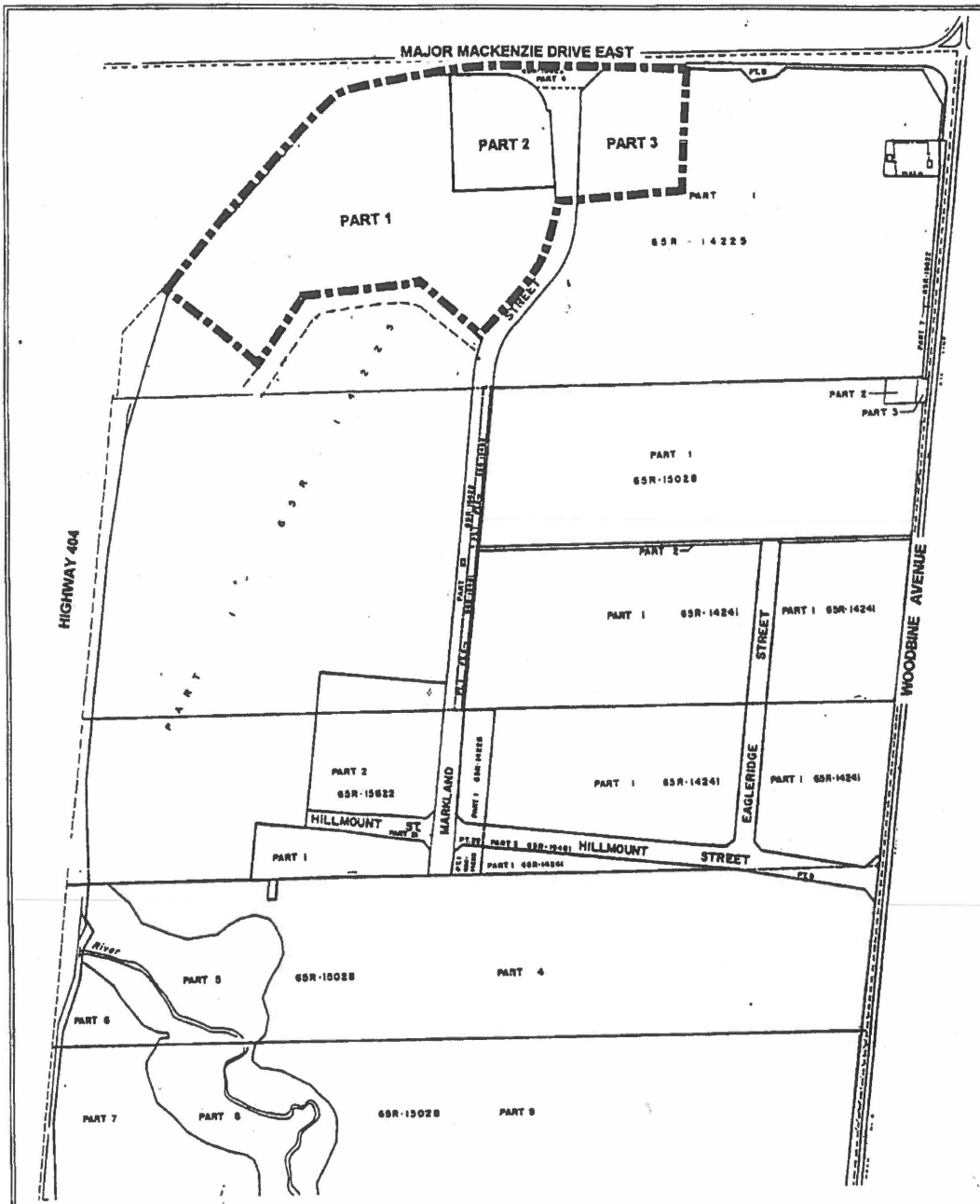
--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW 175-93
PASSED THE 28th DAY OF September 1991

Frank Scarpitta MAYOR
Ontario CLERK

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

NOT TO SCALE



TOWN OF MARKHAM

A BY-LAW TO AMEND BY-LAW No. 165-80

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW 175-93
 PASSED THE 28th DAY OF September 1983

Frank Scarpitti MAYOR
Christine Palmer CLERK

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

NOT TO SCALE

Tsang, Carlson

From: Hayes, Greg
Sent: Friday, April 27, 2018 4:46 PM
To: Wong, Tiffany
Cc: Leung, Justin; Malik, Aqsa; Tsang, Carlson
Subject: RE: A/46/18 - Metrus Construction Limited - Hillmount Road

Thanks for your email Tiffany. Your comments will be provided to the Committee members and the applicant.

Best,
Greg

Greg Hayes, BES
Committee of Adjustment Technician
Development Services Commission
City of Markham

101 Town Centre Blvd., Markham, ON L3R 9W3
905-477-7000 ext. 2392 | GHayes@markham.ca

From: Wong, Tiffany [<mailto:Tiffany.Wong@york.ca>]
Sent: Friday, April 27, 2018 3:18 PM
To: Hayes, Greg <GHayes@markham.ca>
Subject: FW: A/46/18 - Metrus Construction Limited - Hillmount Road

Hello Greg,

The Regional Municipality of York has completed its review of the above Minor Variance Application-A/46/18 (650 Markland Street) and has no objection. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,

Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Please consider the environment before printing this email.

From: Hayes, Greg [<mailto:GHayes@markham.ca>]
Sent: Tuesday, April 17, 2018 5:38 PM

APPENDIX

To: Engineering Admin; 'rowcentre@bell.ca'; Della Mora, Dan (MTO); Nunes, Paul (MTO); Smith, Carlton; Development Services; Hurst, Gabrielle; Bilkhu, Vick
Cc: Hayes, Greg; Leung, Justin; Malik, Aqsa; Roberts, Bradley
Subject: A/46/18 - Metrus Construction Limited - Hillmount Road

Hello,

Please review the attached plans and supporting documentation for the above-noted minor variance application.

Thanks,
Greg

Greg Hayes, BES
Committee of Adjustment Technician
Development Services Commission
City of Markham

101 Town Centre Blvd., Markham, ON L3R 9W3
905-477-7000 ext. 2392 | GHayes@markham.ca



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Tsang, Carlson

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: Thursday, April 26, 2018 1:41 PM
To: Tsang, Carlson
Cc: Hayes, Greg; Della Mora, Dan (MTO)
Subject: RE: A/46/18 - Metrus Construction Limited - Hillmount Road

Hi Carlson,

Re: Minor Variance Application – Request for Comments
Metrus Construction Limited
Hillmount Road, Markham
City File: A/46/18

MTO Highway Corridor Management Section has reviewed the above described variance application and offer the following comments:

- The subject land is located within MTO Permit Control Area. As a result, an MTO Building and Land Use Permit is required from this office prior to the commencement of any on-site construction/works (in addition to all other required approvals).
- A 14 m. setback is required from the limit of the Controlled-Access Highway designation. No features which are essential to the overall viability/operations of the site (above and/or below ground) can be located within the 14 m. setback area. Essential features include, but is not limited to, buildings/structures, required parking, fire routes, utilities, stormwater management features, snow storage, loading spaces, waste facilities, etc.
- While the concept plan shows a 14 m. setback along the western lot line, please be advised that a portion of Major Mackenzie Dr. is designated as Controlled-Access Highway and as a result, a 14 m. setback must also be taken from the limit of the Controlled-Access Highway designation along Major Mackenzie Dr. Please consult a survey which shows the Controlled-Access Highway designation and accurately show this on any and all future plans.
- If there is any proposed landscaping proposed within the MTO 14 m. setback, it must be deemed as non-essential. Please note that any non-essential landscaping must be set back a minimum of 0.3 m. from the limit of the Controlled-Access Highway designation. A note shall be provided on the landscape plan which states that all landscaping located within the MTO 14 m. setback is non-essential and should MTO required the non-essential landscaping to be removed, it shall be removed by the owner at the owner's sole cost, at no cost or liability to MTO.
- A highway security fence is required for where the subject property abuts the lands owned by MTO (in this instance, the lands designated as Controlled-Access Highway). The highway security fence is to be installed 1 foot (0.3 m.) into the MTO right-of-way. An MTO Encroachment Permit will be required for this work. The applicant is required to secure all locates including MTO Electrical/Fibre/Compass prior to any installation. The fence is to be installed with top-wire only. Top-post is not acceptable. MTO will require a \$5,000.00 Letter of Credit or certified cheque for the installation of the fence, which will be returned upon the

installation and inspection of the fence. Attached is the OPSD which is to be used for the highway security fence. The fence is to be referenced and/or shown on the Site Plan and must be shown on the Landscape Plan.

Should this proposal proceed to the City for an Application for Site Plan Control, MTO will require that the City circulate the following materials (revised per the comments above) to this office:

- 1 hard copy and 1 digital copy of the Site Plan;
- 1 hard copy and 1 digital copy of the civil engineering plans, stamped and signed by a Professional Engineer of Ontario;
- 1 hard copy and 1 digital copy of the Traffic Impact Study, prepared by a RAQS qualified consultant, stamped and signed by a Professional Engineer of Ontario;
- 1 hard copy and 1 digital copy of the Landscape Plan;
- One (1) hard copy and one (1) digital copy of an Illumination Plan. The Illumination Plan is to include:
 - To-scale site plan showing the site location and the highway
 - Lighting layout showing pole/luminaire locations and orientation
 - Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
 - Luminaire material info including catalog info and photometric data file
 - Lighting calculation plan showing horizontal illuminance levels up to and beyond the ROW in metric units of lux to 1 decimal place minimum
 - MTO is in the process of implementing a new Light Trespass Policy using Threshold Increment (TI). TI is a measure of the loss of visibility caused by the Disability Glare from obtrusive light installations peripheral to the driver's line of sight. According to the draft policy, the TI shall not exceed 15 percent.

Please note that these are preliminary comments and MTO will have additional comments and may request additional materials. If you have any questions, please feel free to contact me.

Regards,

Paul Nunes | Corridor Management Officer
 Ministry of Transportation | Corridor Management Section | York Region
 159 Sir William Hearst Avenue, 7th floor Building D, Downsview, ON M3M 0B7
 (416) 235-5559 | paul.nunes@ontario.ca



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