

Memorandum to the City of Markham Committee of Adjustment

August 7, 2024

File: B/004/23
Address: 4638 Major Mackenzie Drive East, Markham
Agent: Malone Given Parson Ltd.
Hearing Date: Wednesday, August 14, 2024

The following comments are provided on behalf of the West Team.

Consent Application B/004/23

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O 1990, c.P.13, as amended, and Ontario Regulation 197/96, the Applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 23.69 metres and an approximate lot area of 5578.30 square metres (Part 11); and
- b) **retain** a parcel of land with an approximate lot frontage of 1,251 metres and an approximate lot area of 59.70 hectares (Part 1 of Plan 65R-14120).

The purpose of this application is to sever the Subject Lands to facilitate the creation of one (1) new development lot to accommodate a land exchange between neighbours to regularize property boundaries.

This application is related to PLAN application 20 113780 which was approved in 2022.

BACKGROUND

4638 Major Mackenzie Drive East (the "Subject Property") is located between Kennedy Road and McCowan Road within the area commonly referred to as the Robinson Glen Secondary Plan Area (Refer to Appendix A: Location Map). It is anticipated that the Secondary Plan Area will accommodate approximately 4,800 dwelling units and approximately 14,000 residents when development is complete. Approximately 1,200 jobs are anticipated to be provided in mixed use areas along Major Mackenzie Drive and Kennedy Road.

The Subject Property has an area of approximately 60 hectares (129 acres), a frontage of approximately 1,275 metres (3,628 feet) and is currently undergoing site alteration works as it forms a part of Draft Plan of Subdivision 19TM-20002 (the "Draft Plan of Subdivision") which was draft approved on March 8, 2022 (Refer to Appendices B: Aerial Photo and C: Draft Plan of Subdivision 19TM-20002).

Proposal

The applicant is requesting provisional consent to sever and convey a portion of the Subject Lands (Refer to Appendix D: Draft Reference-Plan). Part 11 (the "Conveyed Land") is proposed to be conveyed and ultimately combined with the adjacent properties to the west identified as Parts 7 and 10. The remainder of the Subject Property is to be retained and developed in accordance with the Draft Plan of Subdivision. No development is proposed as part of this application.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Subject Property is located within the City's Future Urban Area (FUA) and is designated "Residential Low Rise", "Residential Mid Rise", "Residential High Rise" and "Greenway" in the Official Plan 2014 (Refer to Appendix E: Official Plan 2014 Map 3 – Land Use).

Robinson Glen Secondary Plan (OLT approved on July 26, 2023)

The Subject Property is designated "Residential Low Rise", "Residential Mid Rise I", "Residential High Rise", "Mixed Use High Rise", "Mixed Use High Rise – Retail Focus" and "Greenway" in the Robinson Glen Secondary Plan (Refer to Appendix F: Angus Glen Secondary Plan Map SP1 – Detailed Land Use). The lands proposed to be conveyed (Part 11) are designated "Mixed Use High Rise – Retail Focus". The intent is to ultimately deliver high density development to support the Regional Rapid Transit Corridor identified along Major Mackenzie Drive East. However, it is recognized that initially some or all of the lands will be developed for retail development as an interim use.

Zoning By-law 177-96

The Subject Property was rezoned in 2022 to facilitate the development of Draft Plan of Subdivision (Refer to Appendix G: Zoning By-law Excerpt). The Conveyed Land is zoned "CA4*710 (H1)" under By-law 177-96, as amended. The minimum lot frontage requirement is 30 metres and the minimum lot area requirement is 0.40 hectares. The H1 is a holding provision which restricts development on the Conveyed Land until a comprehensive block plan is approved in accordance with Section 9.9.3 and 10.14 of the Official Plan.

Comprehensive Zoning By-law 2024-19

On January 31, 2024, Markham Council enacted By-law 2024-19 which was appealed to the Ontario Land Tribunal (OLT). Until such time as when the By-law has been approved, all existing zoning by-laws that were in force prior to Council enactment, remain in force. Given the Subject Property is located within the Robinson Glen Secondary Plan, it was excluded from By-law 2024-19.

COMMENTS

The intent of this application is to create a new lot, the Conveyed Land (Part 11), for the purposes of sale. No development is proposed at this time.

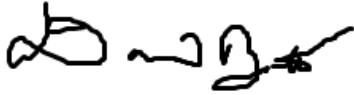
The Conveyed Land meets the minimum lot area requirement and would have frontage on a public road through the road widening/daylight triangle requested by York Region for Major Mackenzie Drive East. Matters such as access, servicing, the ultimate development of adjacent lands, the size and shape and public road frontage have all been contemplated for the Conveyed Land as part of the Draft Plan of Subdivision which envisions a larger mixed-use development.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act. Planning staff recommend approval of this application.

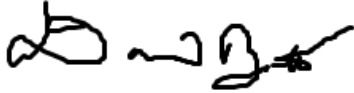
Refer to Appendix H for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, Senior Planner, West District

REVIEWED BY:



Daniel Brutto, Acting Development Manager, West District

APPENDICES

Appendix A: Location Map

Appendix B: Aerial Photo

Appendix C: Draft Plan of Subdivision 19TM-20002

Appendix D: Draft Reference-Plan

Appendix E: Official Plan 2014 Map 3 – Land Use

Appendix F: Robinson Glen Secondary Plan Map SP1 – Detailed Land Use

Appendix G: Zoning By-law Excerpt

Appendix H: Conditions of Approval

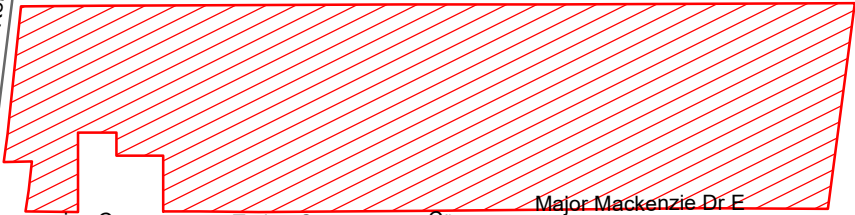
Appendix I: York Region Conditions/Comments

Appendix J: TRCA Conditions/Comments

File Path: Amanda\File\23 115263\Documents\District Team Comments Memo



Kennedy Rd

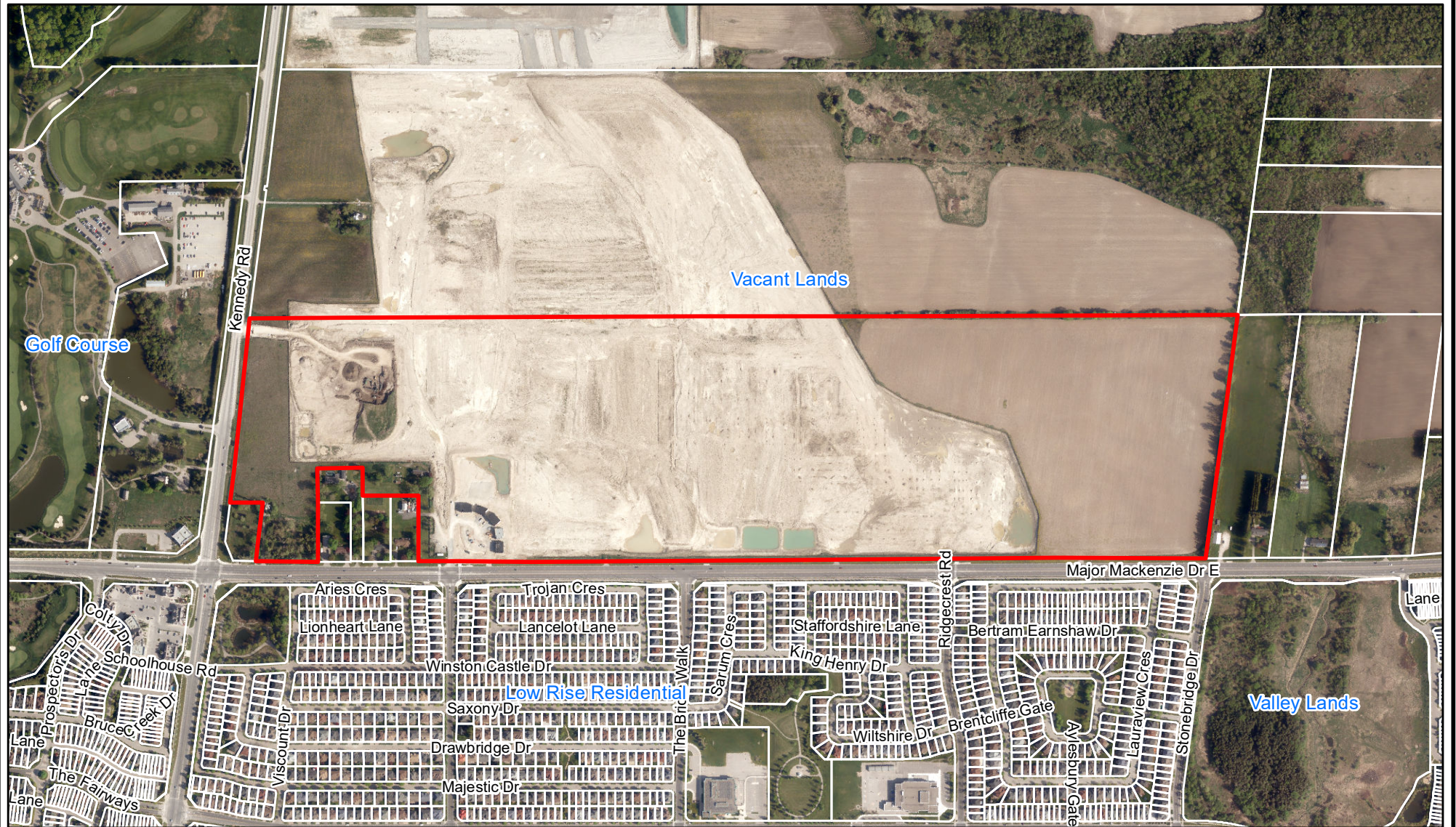


Major Mackenzie Dr E

Schoolhouse Rd
Arlies Cres
Trojan Cres
Lancelot Lane
Winston Castle Dr
Saxony Dr
Drawbridge Dr
Majestic Dr
The Bridle Walk
Sarum Cres
King Henry Dr
Bertram Earnshaw Dr
Ridgecrest Rd
Stonebridge Dr
Castlemore Ave
Glenhaven St



SUBJECT PROPERTY



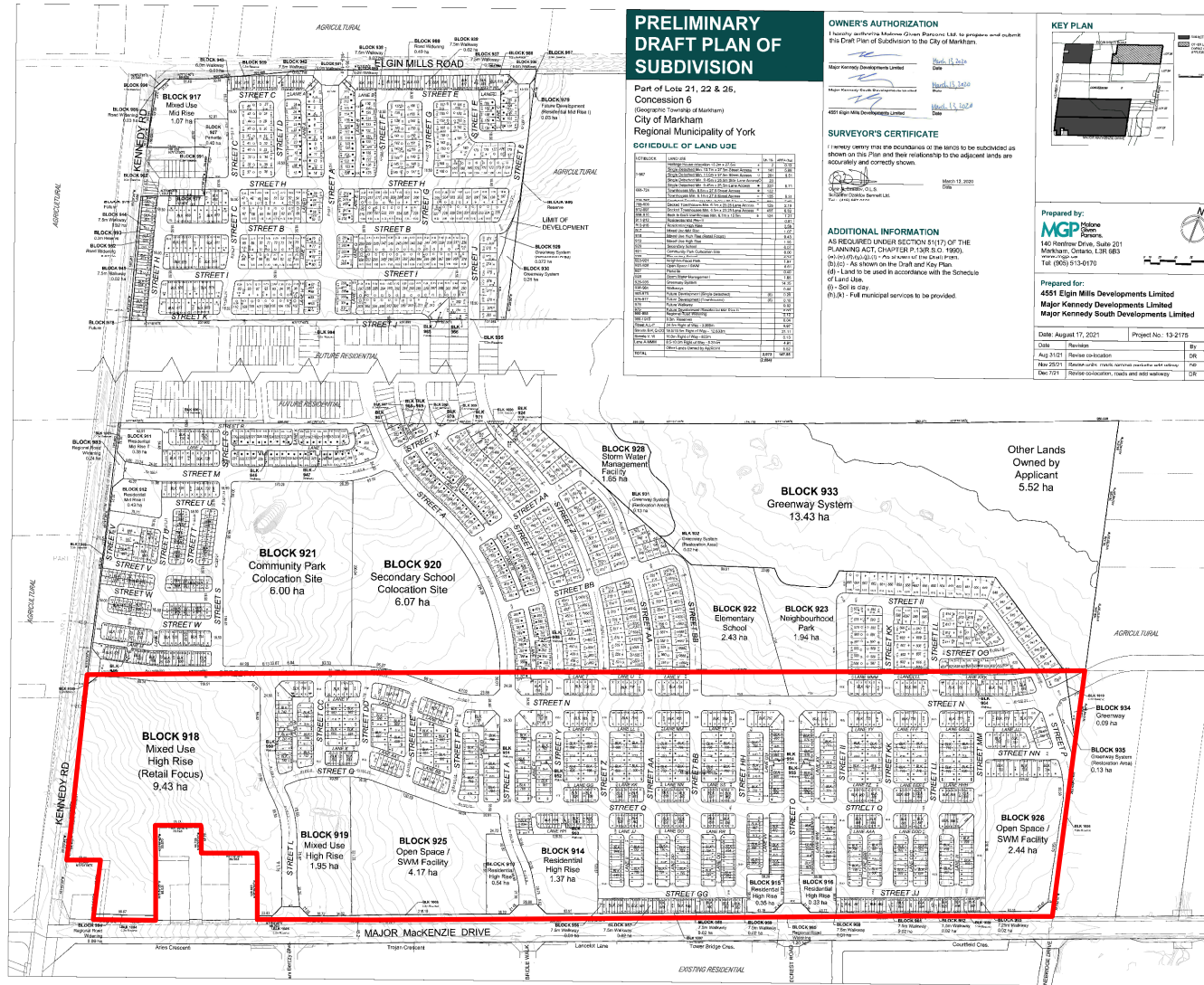
AERIAL PHOTO (2023)

APPLICANT: Major Kennedy South Developments Ltd.
4638 Major Mackenzie Drive

FILE No. B/004/23

 SUBJECT PROPERTY





PRELIMINARY DRAFT PLAN OF SUBDIVISION

Part of Lots 21, 22 & 25, Concession 6
 (Geographic Township of Markham)
 Regional Municipality of York

SCHEDULE OF LAND USE

STREETCH	LAND USE	AREA (ha)	PERCENT
180	Residential, Single Detached	1,234.56	12.34
181	Residential, Semi-Detached	1,234.56	12.34
182	Residential, Townhouse	1,234.56	12.34
183	Residential, High Rise	1,234.56	12.34
184	Residential, Medium Density	1,234.56	12.34
185	Residential, Low Density	1,234.56	12.34
186	Residential, Single Detached	1,234.56	12.34
187	Residential, Semi-Detached	1,234.56	12.34
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189	Residential, High Rise	1,234.56	12.34
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200	Residential, Townhouse	1,234.56	12.34
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299	Residential, Low Density	1,234.56	12.34
300	Residential, Single Detached	1,234.56	12.34

OWNER'S AUTHORIZATION
 I hereby authorize Melissa Green-Rose Ltd. to prepare and publish this Draft Plan of Subdivision to the City of Markham.

Major Kennedy Developments Limited
 Date: _____
 Major Kennedy South Developments Limited
 Date: _____
 4551 Elgin Mills Developments Limited
 Date: _____

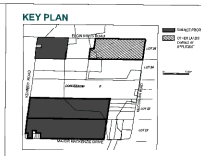
SURVEYOR'S CERTIFICATE
 I hereby certify that the dimensions of the lands to be subdivided as shown on this Plan and their relationship to the adjacent lands are accurately and correctly shown.

_____ March 13, 2021
 Date

 Signature of Surveyor

 Professional Designation

ADDITIONAL INFORMATION
 AS REQUIRED UNDER SECTION 31(17) OF THE PLANNING ACT, CHAPTER P.138 R.S.O. 1990,
 (a) (i) As a condition of this Draft Plan,
 (b) (i) As shown on the Draft and Key Plan,
 (b) (ii) Land to be used in accordance with the Schedule of Land Use,
 (c) (i) Soil to stay,
 (c) (ii) Full municipal services to be provided.



Prepared by:
MGP Major Kennedy Developments Limited
 140 Renfrew Drive, Suite 201
 Markham, Ontario, L3R 9B3
 www.mgp.ca
 Tel: (905) 913-9170

Prepared for:
 4551 Elgin Mills Developments Limited
 Major Kennedy Developments Limited
 Major Kennedy South Developments Limited

Date	Revision	By
Aug 13, 2021	Issue for Review	DR
Nov 23, 2021	Revised utility, roads, water and sewer	DR
Dec 7, 2021	Revised coloration, roads and water	DR

DRAFT PLAN OF SUBDIVISION 19TM-20002

APPLICANT: Major Kennedy South Developments Ltd.
 4638 Major Mackenzie Drive

FILE No. B/004/23

SUBJECT PROPERTY

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METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET (BY DIVIDING BY 0.3048).

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BEARINGS AND DISTANCES DERIVED FROM ADJACENT CONTROL POINTS 99990085 AND 09990081, UTM ZONE 17, NAD83 (CONGRU).

DISTANCES ARE SHOWN AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY A CONVERSION FACTOR OF 0.3048.

POINT NO.	NORTHING	EASTING
SCP 09990085	4862075.084	634789.793
SCP 09990081	4862080.893	634783.874

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

PLAN OF SURVEY OF PART OF LOT 21 CONCESSION 6 (GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK SCALE 1:400 SCHAEFFER DZALDOV BENNETT LTD.

1. REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 65R-

RECEIVED AND DEPOSITED

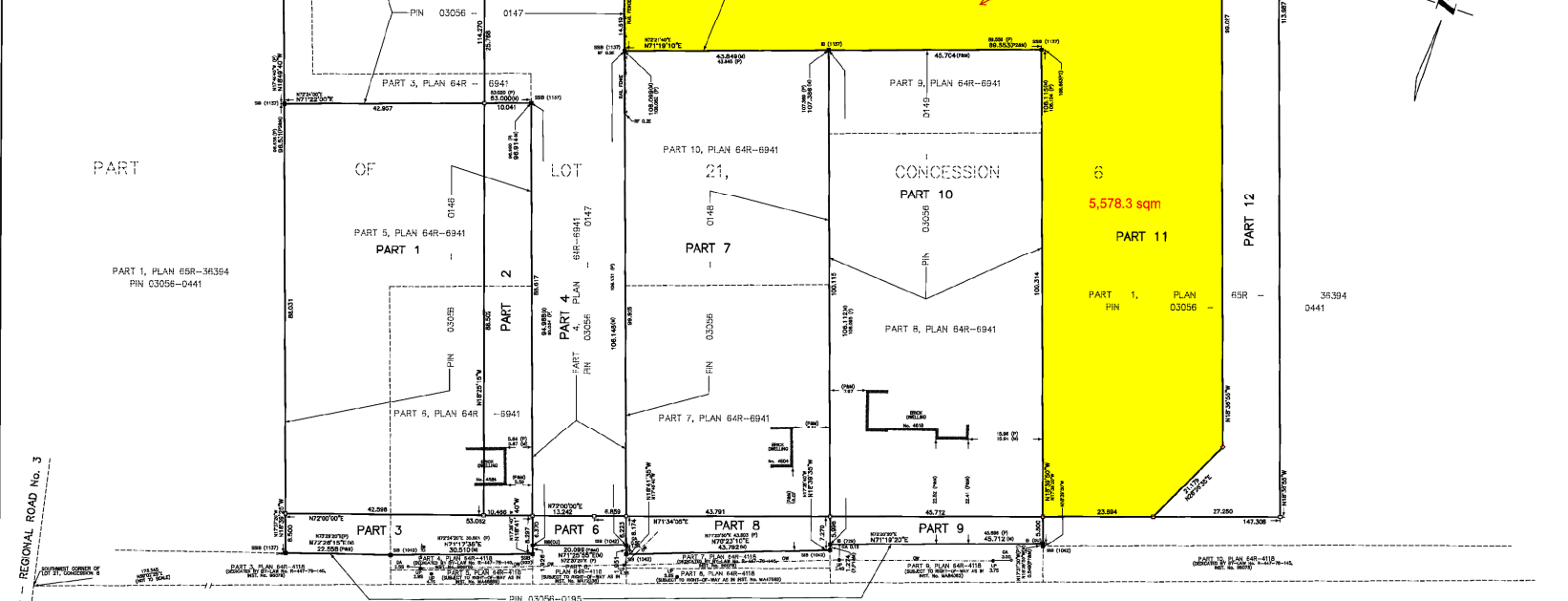
DATE: 02/08/2024

DATE: _____

OFFICE OF THE REGISTRAR OF LAND TITLES DIVISION OF YORK REGION No. 62

REPRESENTATIVE FOR LAND SURVEYORS FOR THE LAND TITLES DIVISION OF YORK REGION No. 62

PART	LOT	CONCESSION	FIN	AREA (m ²)
1			ALL OF 03056-0146	374.8
2				927.9
3				1317.0
4			ALL OF 03056-0147	2558.8
5				3172.0
6			ALL OF 03056-0148	128.3
7			ALL OF 03056-0149	4382.0
8			ALL OF 03056-0145	331.1
9			ALL OF 03056-0146	2558.8
10			ALL OF 03056-0147	927.9
11			ALL OF 03056-0148	128.3
12			ALL OF 03056-0149	4382.0



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2021.

DATE: _____

OFFICE OF THE REGISTRAR OF LAND TITLES DIVISION OF YORK REGION No. 62

SCHAEFFER DZALDOV BENNETT LTD. ONTARIO LAND SURVEYORS

64 JARON DRIVE, CONCORD, ONTARIO L4K 3P3 TEL: (416) 291-0101

DIAL: 51 | DRAWN: ADZ/M | CHECKED: _____ | SCALE: 1:400 | JOB NO: 14-700-080

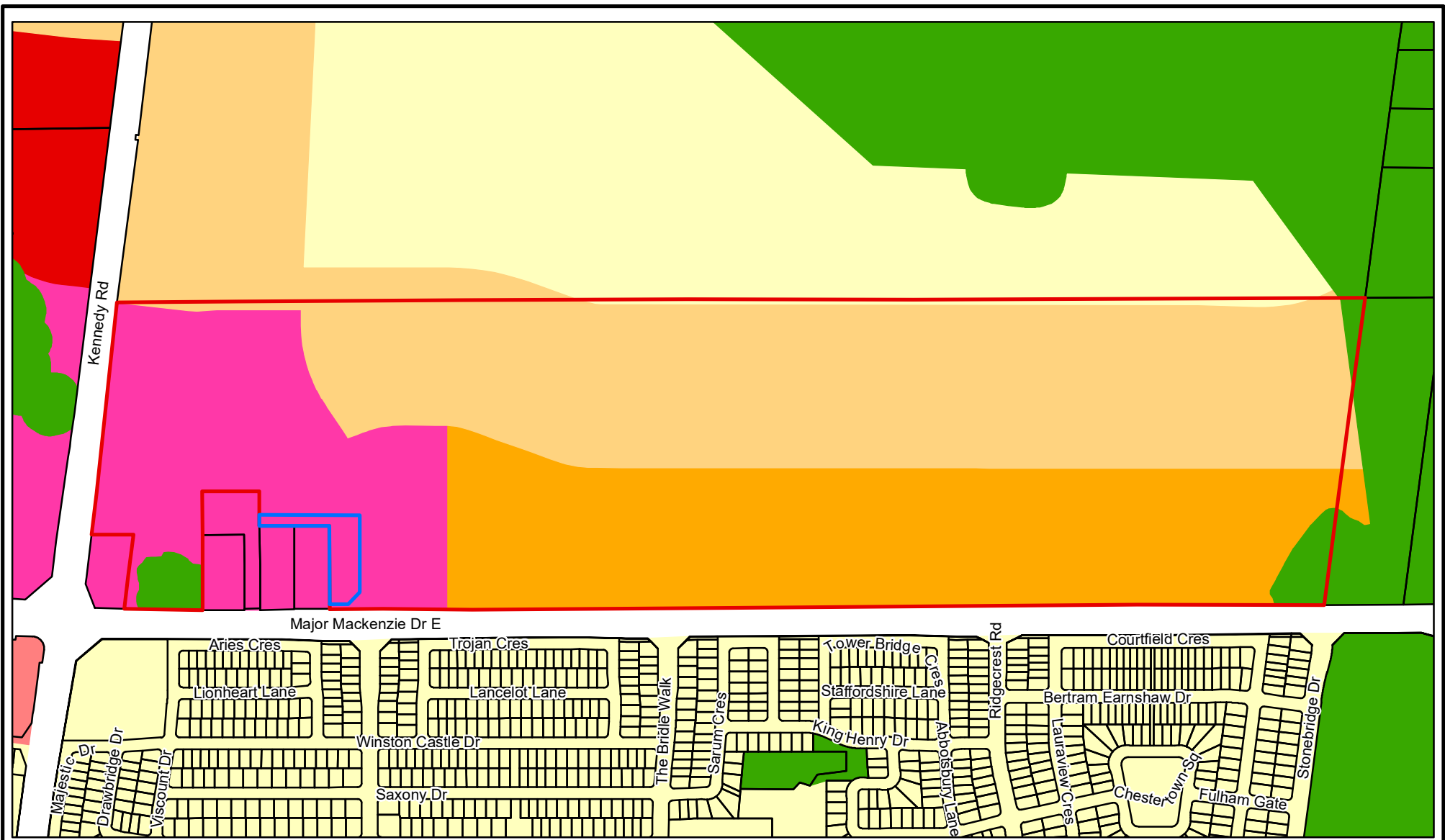
DRAFT REFERENCE PLAN

APPLICANT: Major Kennedy South Developments Ltd.
4638 Major Mackenzie Drive

FILE No. B/004/23

CONVEYED LAND

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OFFICIAL PLAN 2014 MAP 3 – LAND USE

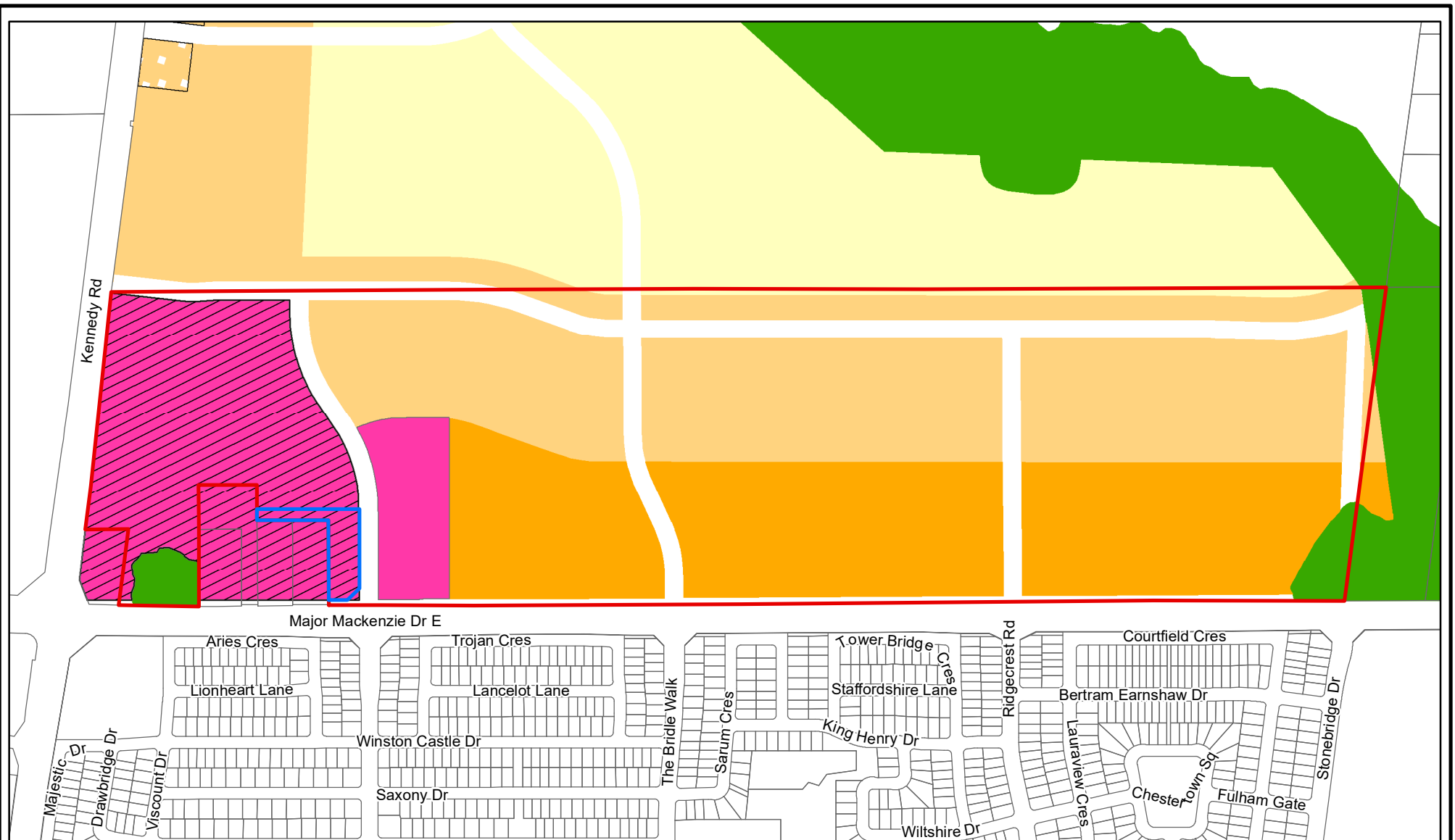
APPLICANT: Major Kennedy South Developments Ltd.
4638 Major Mackenzie Drive

FILE No. B/004/23

- Mixed Use High Rise
- Residential Low Rise
- Greenway
- Residential High Rise
- Residential Mid Rise
- SUBJECT PROPERTY
- CONVEYED LAND



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ROBINSON GLEN SECONDARY PLAN MAP SP1 – DETAILED LAND USE

APPLICANT: Major Kennedy South Developments Ltd.
 4638 Major Mackenzie Drive

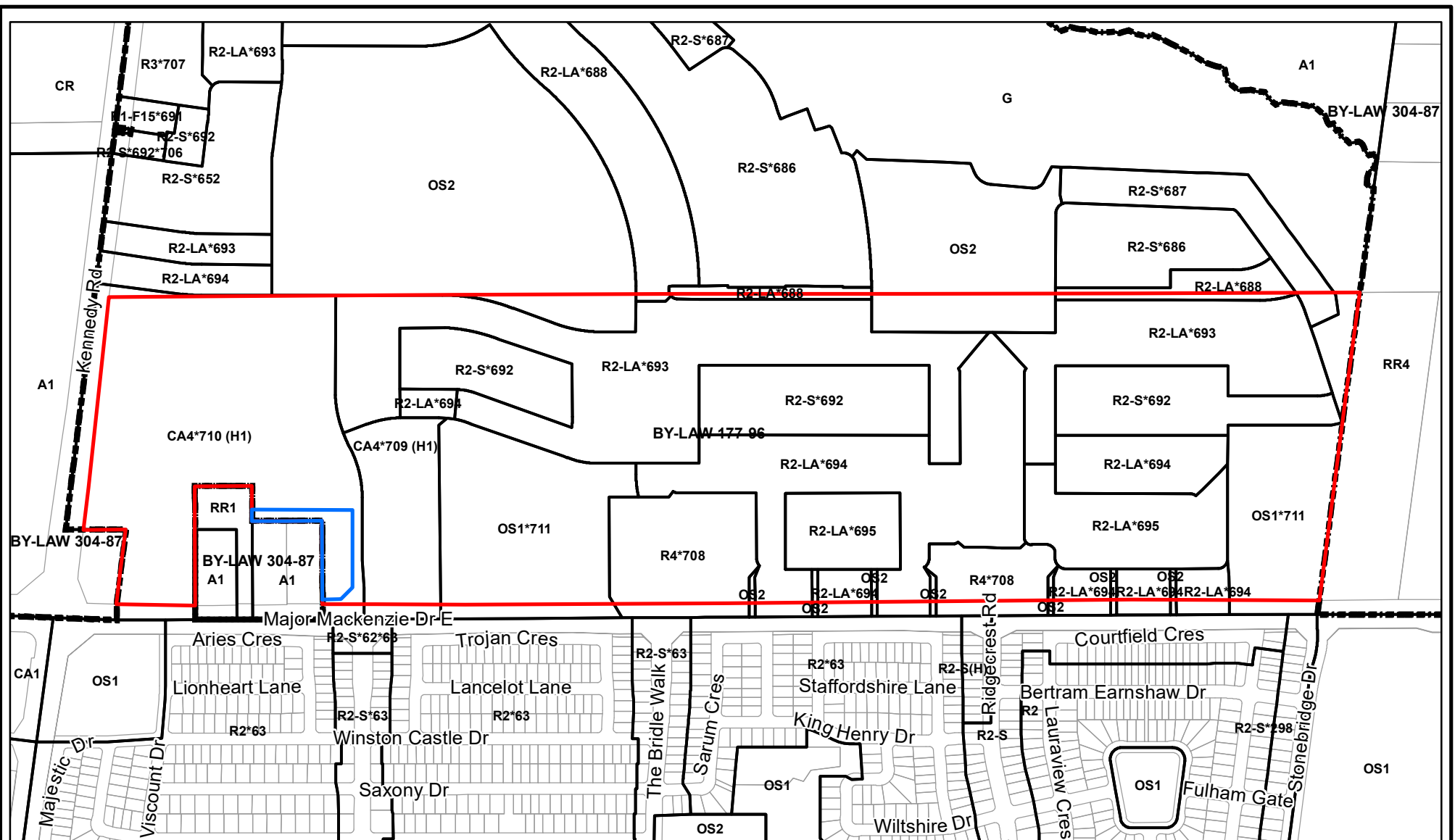
FILE No. B/004/23

- Residential Mid Rise I
- Residential High Rise
- Mixed Use High Rise
- Mixed Use High Rise - Retail Focus
- Greenway

- SUBJECT PROPERTY
- CONVEYED LAND



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ZONING BY-LAW EXCERPT

APPLICANT: Major Kennedy South Developments Ltd.
4638 Major Mackenzie Drive

FILE No. B/004/23

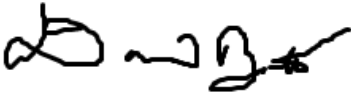
 SUBJECT PROPERTY
 CONVEYED LAND



APPENDIX "H"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/004/23

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.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/004/23, 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. Payment of the required Conveyance Fee for the creation of a development lot per City of Markham Fee By-law 211-83, as amended.
4. Submission to the Secretary-Treasurer of a deposited reference plan showing the Subject Land, which conforms substantially to the application as submitted.
5. That the applicant satisfies the requirements of York Region, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix I to this Staff Report, to the satisfaction of York Region, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of York Region.
6. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix J to this Staff Report, to the satisfaction of TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.
7. Confirm that there are no existing easements registered on title that will be impacted by the proposed severance to the satisfaction of the Director of Engineering, or their designate.
8. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*.

CONDITONS PREPARED BY:



Daniel Brutto, Senior Planner, West District



File No.: CONS.24.M.0057

July 17th, 2024

Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

**RE: Consent Application Local file # (23.115263.000.00CSNT)
Major Kennedy South Developments Ltd.
(Rick Mangotich)
4638 Major Mackenzie Drive East, Markham**

The Regional Municipality of York ("Region") has completed its review of the above noted consent application to create one new residential lot. The property is municipally known as 4638 Major Mackenzie Drive East and has frontage on both Major Mackenzie Drive and Kennedy Road. The lot is approximately 60.237 hectares and is located at the north east corner of Kennedy Road and Major Mackenzie Drive.

York Region Remains a Commenting Agency

Upon York Region becoming an upper-tier municipality without planning responsibilities, please note that the technical comments and conditions will continue to remain relevant. All technical matters must be addressed to the satisfaction of York Region.

Moving forward please continue to circulate all applications that we currently receive by addressing the circulation to developmentservices@york.ca. The Region will continue to provide technical review and comments and conditions on matters of Regional interest, such as transportation, wellhead protection and water/wastewater.

The consent proposes to remove the severed parcel from the draft plan of subdivision (SUBP.20.M.0017 / 113780.PLAN). The Region has no objections to this subject to the following conditions:

1. The Owner conveys to the Region, free of cost and encumbrances, to the satisfaction of the Regional solicitor, the road widening and 0.5 reserves as illustrated in the attached mark-up of the draft Reference Plan, OR
2. The Owner submits a revised draft plan of Subdivision, to the Region's satisfaction, that removes the severed lot from the draft plan and demonstrates that ALL of the road widenings and reserves requested by the Region as a condition of draft plan approval under SUBP.20.M.0017 will still be conveyed to the Region upon registration of the draft plan.
3. If conveyance is required (Condition 1), the Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to the Region.
4. If conveyance is required (Condition 1), the Owner shall arrange for the preparation, review and deposit on title of a reference plan describing the lands to be conveyed to the Region, as described above, to the satisfaction of the Economic and Development Services Branch.
5. If conveyance is required (Condition 1), the Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the

Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

6. If conveyance is required (Condition 1), The Owner shall be responsible for all costs associated with the preparation and delivery of the following: a draft and deposited 65Rplan, Phase One ESA, any subsequent environmental work, reports or other documentation, reliance, and the Owner's certified written statement.
7. If conveyance is required (Condition 1), this application is subject to York Region's development applications processing fees as identified in By-law No. 2020-04. The review fee for Consent to Sever is \$1,200. The Review and approval of the Environmental Site Assessment Report fee is \$2,000. All payments shall be in the form of a cheque and made payable to "The Regional Municipality of York" and forwarded to Development Planning. Development application fees are subject to annual adjustments and increases. Any unpaid fees, regardless of the year the application is submitted, will be subject to current fee requirements.
8. Prior to final approval, the Economic and Development Services Branch shall certify that Conditions 1-7 have been met to its satisfaction.

With respect to the conditions above, we request a copy of the Notice of Decision when it becomes available.

Should you have any questions regarding the above, please contact Gabrielle Hurst at gabrielle.hurst@york.ca

Regards,

Gabrielle Hurst (she/her) – MCIP, RPP

Associate Planner, Development Planning, Economic and Development Services Branch
Corporate Services Department

Attachment: Reference Plan

July 26, 2024

CFN PAR-DPP-2024-00156
Ex Ref: 63335, 67648

VIA E-PLAN

Shawna Houser, Secretary Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON L3R9W9

Dear Shawna,

**Re: Consent Application – (B/004/23)
4638 Major Mackenzie
Part Lot 21, Concession 6, City of Markham
(Major Mackenzie Drive East & Kennedy Road
Applicant: Emily Grant c/o Malone Given Parsons Ltd
Owner: Rick Mangotich c/o Major Kennedy South Developments Ltd.**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced circulated application, received by TRCA on July 9th 2024. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to sever and convey approximately 5578.3 square meters from the subject property to create a single residential lot located on the southwest portion of the property.

TRCA Permit Requirement

Based on a review of the available mappings at this time, the proposed lot creation is entirely outside TRCA's Regulation limit. As such, **a permit is not required** from the TRCA pursuant to the Conservation Authorities Act to facilitate the severance application for a single residential lot.

Recommendation

Based on our review, the proposal does not affect TRCA's regulation or policy interests. As such, TRCA staff have **no concerns** with respect to the severance application subject to the condition provided in Appendix A of this letter.

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira

Planner I

Development Planning and Permits

Development and Engineering Services

Email: Matthew.Pereira@trca.ca

(437)-880-2416

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$120 within 60 days of the committee hearing date.