

Memorandum to the City of Markham Committee of Adjustment

October 24, 2024

File: B/025/24
Address: 4584, 4590, 4604 and 4618 Major Mackenzie Drive East,
Markham
Owner: 2752979 Ontario Inc.
Agent: Goldberg Group (Adam Layton)
Hearing Date: Wednesday, October 30, 2024

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

Consent Application B/025/24

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 Owner is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 42.85 metres and an approximate lot area of 0.71 hectares (Parts 1 and 5); and
- b) **retain** a parcel of land with an approximate lot frontage of 120.03 metres and an approximate lot area of 1.24 hectares (Parts 2, 4, 7 and 10).

The purpose of this application is to sever the Subject Lands to facilitate a property exchange with the adjacent property owner.

Minor Variance Application A/104/24 (Retained Lot – Parts 2, 4, 7 and 10)

The applicant is requesting relief from the following requirements of By-law 304-87, as amended, to permit:

- a) By-law 304-87, Section 6.3(a):
a minimum lot frontage of 110.0 metres, whereas the by-law requires a minimum lot frontage of 120 metres; and
- b) By-law 304-87, Section 6.3(b):
a minimum lot area of 1.20 hectares, whereas the by-law requires a minimum lot area of 10 hectares.

BACKGROUND

4584, 4590, 4604 and 4618 Major Mackenzie Drive East (the “Subject Lands”) are 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).

The Subject Lands have an area of approximately 1.96 hectares (4.84 acres), a frontage of approximately 162.7 metres (534 feet) and each lot is currently occupied by a detached dwelling with accessory structure(s). Mature vegetation is scattered throughout the Subject Lands (Refer to Appendix B: Aerial Photo).

Proposal

The Owner is requesting provisional consent to sever and convey a parcel of land with an approximate lot frontage of 42.85 metres and an approximate lot area of 0.71 hectares

(Parts 1 and 5) and retain a parcel of land with an approximate lot frontage of 120.03 metres and an approximate lot area of 1.24 hectares (Parts 2, 4, 7 and 10) (Refer to Appendices C: Draft Reference-Plan and D: Severance Sketch). The proposed severance would bisect the existing dwelling at 4584 Major Mackenzie Drive East.

The purpose of this application is to facilitate a property exchange with the adjacent landowner, Major Kennedy South Developments Ltd. ("Fieldgate") (Refer to Appendix E: Land Exchange Graphic). Fieldgate filed a similar application which was approved by the Committee of Adjustment at its meeting on August 14, 2024 (File No. B/004/23).

Official Plan and Zoning

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

The Subject Lands are located within the City's Future Urban Area (FUA) and are designated "Mixed Use High Rise" in the 2014 Official Plan (Refer to Appendix F: Official Plan 2014 Map 3 – Land Use). The intent is to provide retail and service functions for large populations intermixed with high density residential and office uses.

Robinson Glen Secondary Plan (OPA 26)

The Robinson Glen Secondary Plan (RGSP) was approved in 2019 and is planned to accommodate approximately 4,800 dwelling units, 14,000 residents and 1,200 jobs when development is complete. The Subject Lands are designated "Mixed Use High Rise – Retail Focus" in the RGSP (Refer to Appendix G: Robinson Glen Secondary Plan Map SP1 – Detailed Land Use). 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 the lands will be developed for retail development as an interim use.

Zoning By-law 304-87

The Subject Lands are zoned "Agriculture One Zone (A1)" and "Rural Residential One Zone (R1)" under By-law 304-87, as amended (Refer to Appendix H: Zoning By-law Excerpt). The A1 zone requires a minimum lot frontage of 120 metres and minimum lot area of 10.0 hectares. The RR1 zone requires a minimum lot frontage of 45 metres and minimum lot area of 0.4 hectares.

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). Given the Subject Property is located within the Robinson Glen Secondary Plan, it was excluded from By-law 2024-19.

Zoning Preliminary Review (ZPR) Undertaken

The Owner completed Zoning Preliminary Reviews (File No's. ZPR 24 166510 and ZPR 24 168080) which confirmed the required variances.

COMMENTS

The intent of this application is to facilitate a land exchange with the adjacent landowner. No development is proposed as part of this application. Although variances are required to facilitate the consent, the ultimate build out of the Subject Lands is guided by the recently approved RGSP. Matters such as access, tree assessment and preservation, servicing and parkland will be reviewed and secured through future development

approvals (i.e. zoning by-law amendment, site plan control, draft plan of subdivision), based on the requirements of the RGSP.

To address the proposed severance bisecting the existing dwelling at 4584 Major Mackenzie Road East, two conditions have been included. One requires the Owner to obtain a demolition permit and the other requires confirmation that the severed and retained lands meet all requirements of the applicable Zoning By-law. Like all other conditions recommended, the Owner would be required to fulfill these conditions within 2 years of the date that notice of decision is granted.

PUBLIC INPUT SUMMARY

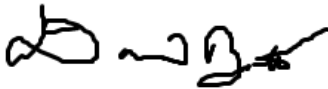
No comments have been received as of October 24, 2024. It is noted that additional information may be received after the writing of the report and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning staff have reviewed the consent to sever application with regard for Section 51 (24 and 53) of the Planning Act and the minor variance application with respect to Section 45(1) of the Planning Act and recommend approval.

Staff recommend that the Committee consider public input when reaching a decision. 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 requirements for granting of a severance and minor variance. Refer to Appendix I for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, MCIP, RPP, Senior Planner, West District

REVIEWED BY:

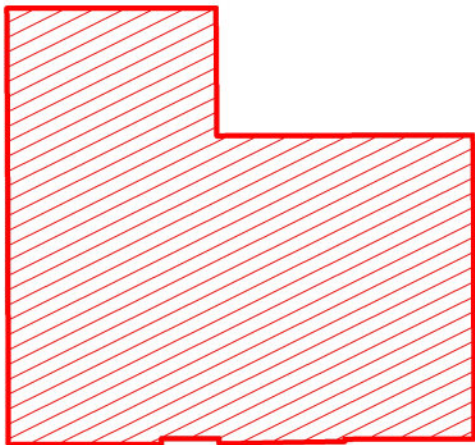


Rick Cefaratti, MCIP, RPP, Acting Development Manager, West District

APPENDICES

- Appendix A: Location Map
- Appendix B: Aerial Photo
- Appendix C: Draft Reference-Plan
- Appendix D: Severance Sketch
- Appendix E: Land Exchange Graphic
- Appendix F: Official Plan 2014 Map 3 – Land Use
- Appendix G: Robinson Glen Secondary Plan Map SP1 – Detailed Land Use
- Appendix H: Zoning By-law Excerpt
- Appendix I: Conditions of Approval
- Appendix J: York Region Conditions/Comments

Kennedy Rd



Major Mackenzie Dr E

Aries Cres



SUBJECT LANDS



AERIAL PHOTO (2023)

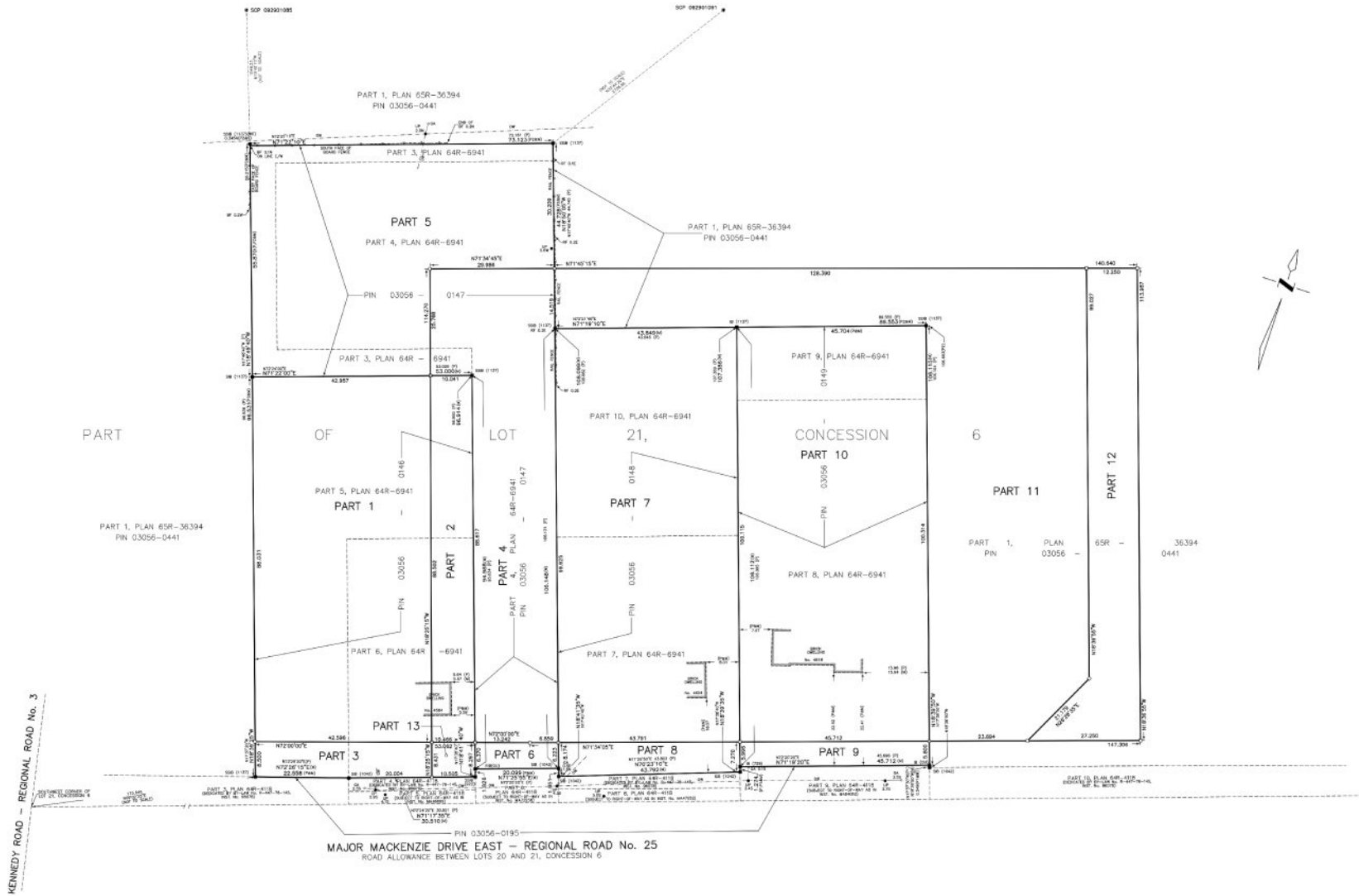
APPLICANT: 2752979 Ontario Inc.
4584, 4590, 4604 and 4618 Major Mackenzie Drive East

File No. B/025/24

 SUBJECT LANDS

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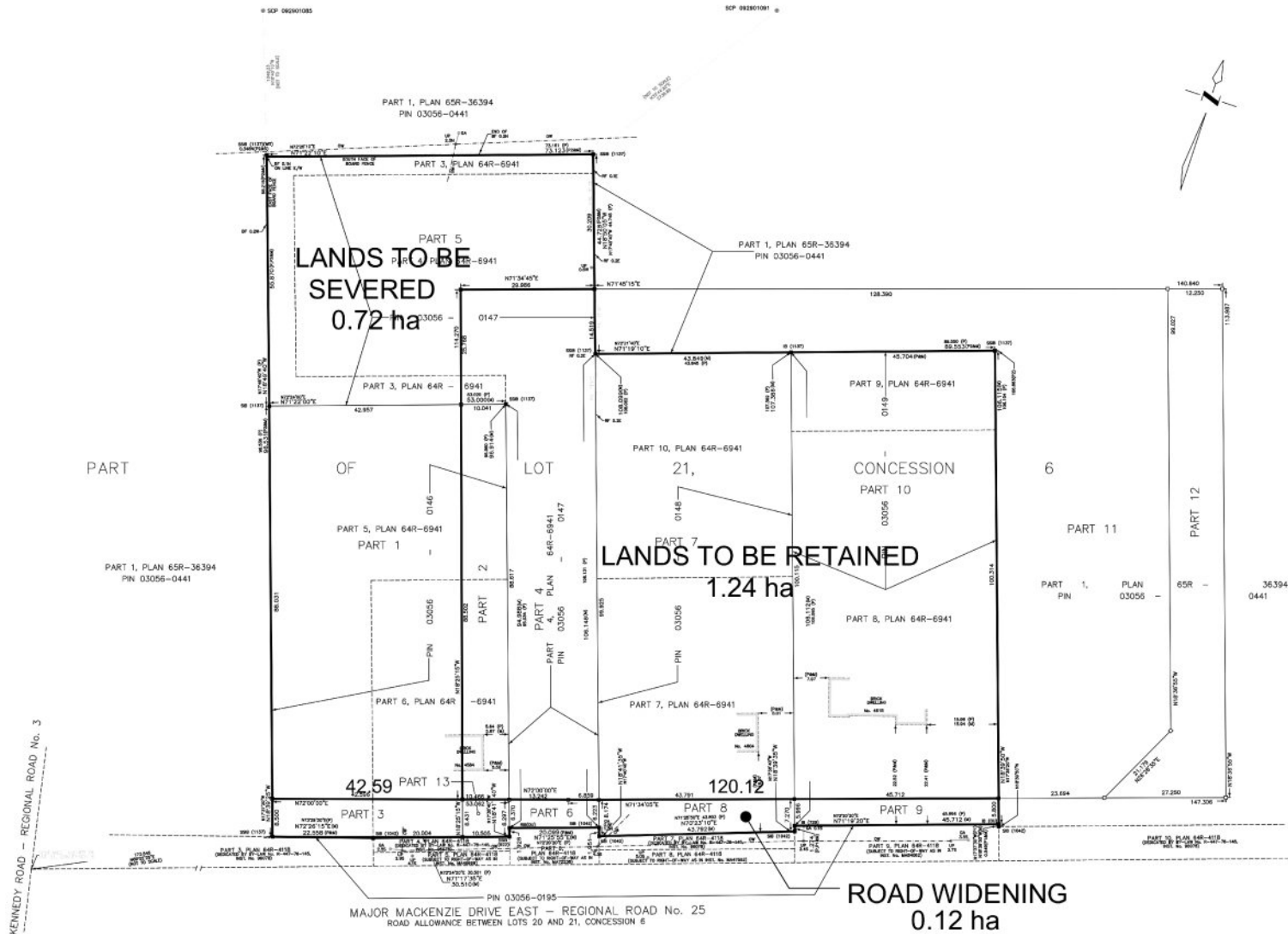


DRAFT REFERENCE PLAN

APPLICANT: 2752979 Ontario Inc.
4584, 4590, 4604 and 4618 Major Mackenzie Drive East

File No. B/025/24

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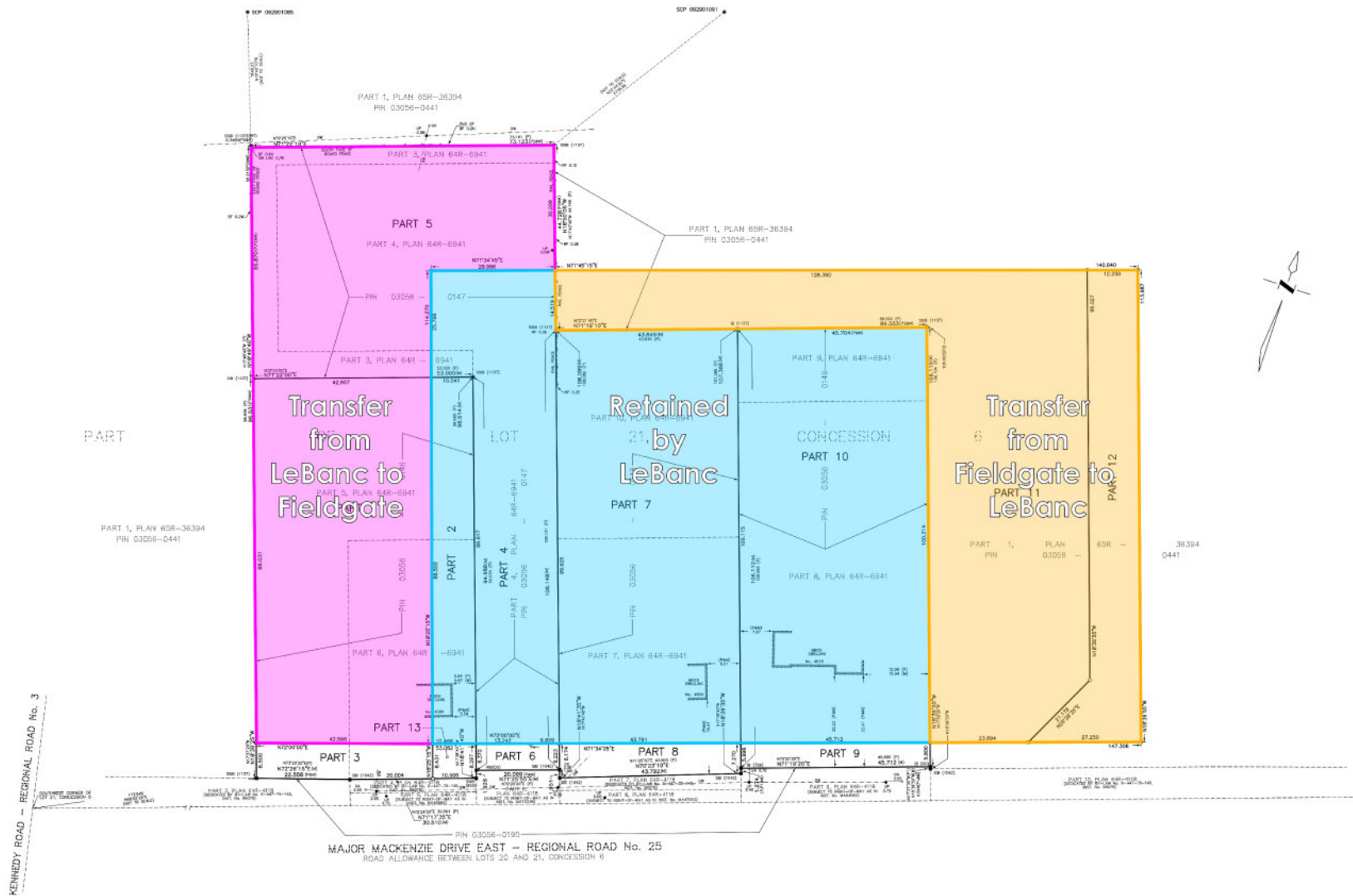


SEVERANCE SKETCH

APPLICANT: 2752979 Ontario Inc.
4584, 4590, 4604 and 4618 Major Mackenzie Drive East

File No. B/025/24

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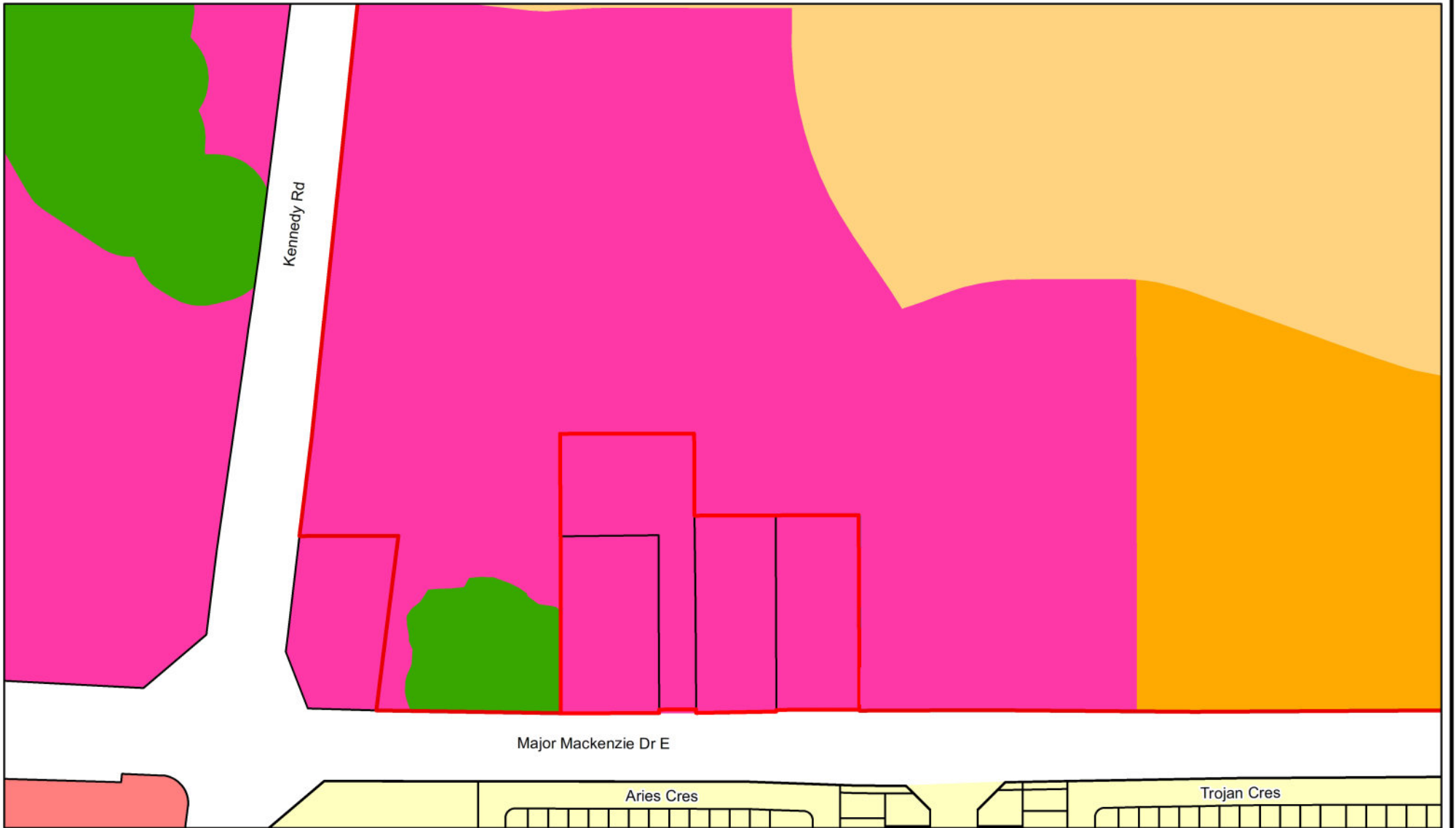


LAND EXCHANGE GRAPHIC

APPLICANT: 2752979 Ontario Inc.
 4584, 4590, 4604 and 4618 Major Mackenzie Drive East

File No. B/025/24

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OFFICIAL PLAN 2014 MAP 3 – LAND USE

APPLICANT: 2752979 Ontario Inc.
 4584, 4590, 4604 and 4618 Major Mackenzie Drive East

 SUBJECT PROPERTY

File No. B/025/24

-  Mixed Use High Rise
-  Residential Low Rise
-  Greenway
-  Residential High Rise
-  Residential Mid Rise

DATE: 10/15/2024



**MAP SP1
DETAILED LAND USE
ROBINSON GLEN SECONDARY PLAN
(Official Plan Amendment XXX)**

Boundary of Secondary Plan Area
 Boundary of Secondary Plan Urban Area

RESIDENTIAL

- Residential Low Rise
- Residential Mid Rise I
- Residential Mid Rise II
- Residential High Rise

MIXED USE

- Mixed Use Mid Rise
See Section 8.3.1.6
- Mixed Use High Rise
- Mixed Use High Rise - Retail Focus

GREENWAY SYSTEM

- Greenway

PARKS AND OPEN SPACE

- Community Park / Neighbourhood Park
- Stormwater Management Facility

COMMUNITY INFRASTRUCTURE, SERVICE FACILITIES

- Public Elementary School
- Public Secondary School

OTHER

- Place of Worship

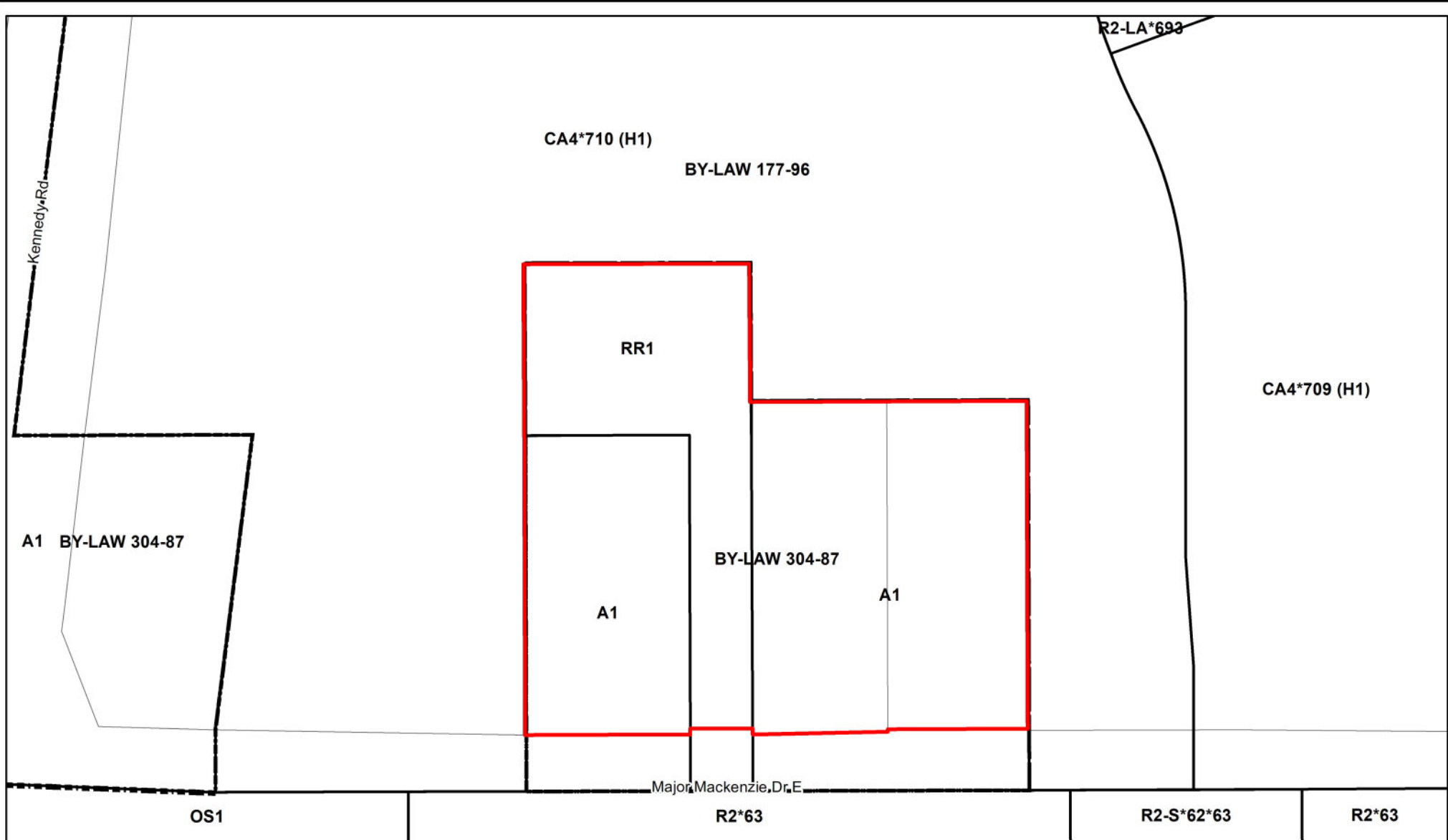
SCALE: 1:9,500 Date: 11/27/2018

ROBINSON GLEN SECONDARY PLAN MAP SP1 - DETAILED LAND USE

APPLICANT: 2752979 Ontario Inc.
4584, 4590, 4604 and 4618 Major Mackenzie Drive East


File No. B/025/24

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ZONING BY-LAW EXCERPT

APPLICANT: 2752979 Ontario Inc.
 4584, 4590, 4604 and 4618 Major Mackenzie Drive East
 File No. B/025/24

 SUBJECT LANDS

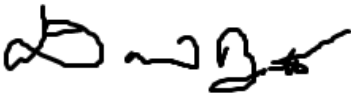


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APPENDIX "I"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/025/24

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/025/24, 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 a deposited reference plan showing the Subject Lands, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of a development lot per City of Markham Fee By-law 211-83, as amended.
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 J 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. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/025/24, title to Parts 1 and 5 on the Draft Reference Plan submitted with File B/025/24 will merge with title to the lands municipally known as 4638 Major Mackenzie Drive East, and legally described Part of Lot 21, Concession 6, Markham Part 1, Plan 65R-36394 all to the satisfaction of the Director of Planning and Urban Design or designate.
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. That the Owner obtain and complete the demolition permitting process for the existing dwelling located at 4584 Major Mackenzie Drive East and any accessory buildings directly impacted on the severed parcel and, that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Chief Building Official or designate.
9. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
10. 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.0079

Friday, October 11, 2024

Shawna Houser
Committee of Adjustment
City of Markham
101 Town Center Blvd
Markham, ON L3R 9W3

**RE: Consent Application Local file #24.190696.000.00.CSNT
(CONS.24.M.0079)
Adam Layton, MCIP, RPP - Goldberg Group
4584, 4590, 4604, and 4618 Major Mackenzie Drive East
City of Markham**

The Regional Municipality of York ("Region") has completed its review of the above noted consent application for the purposes of facilitating a property exchange with the adjacent property owner. The property is municipally known as 4584, 4590, 4604, and 4618 Major Mackenzie Drive East and has frontage on 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 developmentsservices@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 Region has no objection to the consent application subject to the following conditions being satisfied:

1. The Owner shall convey the following lands, along the entire frontage of the site adjacent to Major Mackenzie Drive, to The Regional Municipality of York, free of costs and encumbrances:

Sufficient property to provide for a right-of-way of 22.5m measured from the existing centerline of construction of Major Mackenzie Drive. It should be noted that Parts 3, 13, 6, 8 and 9 on the draft R-plan are based on 45m from the southern property limit and not 22.5m from the centerline of construction. The Owner is advised to contact: calvin.mollett@york.ca to confirm the location of the centerline of construction.

2. The Owner shall arrange for the preparation, review and deposit on title of a **65R reference plan**, describing the lands identified below, to the satisfaction of the Region. The reference plan shall identify all lands to be conveyed to the Region of York and all reserves or portions of reserves that need to be lifted to facilitate legal access to the property.
3. 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, as amended. 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, as amended. 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.
4. 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, as amended, 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 MECP 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.

5. 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 Community Planning + Development Services. 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.
6. Should a subsequent application (i.e. site plan) not be required, then the requirements below will be required prior to Consent Application approval:

Highly Vulnerable Aquifer (HVA)

Should the proposed development include bulk fuel ($\geq 2500L$) (e.g., backup generator, heating fuel, etc.) or bulk chemicals ($\geq 500L$) within the HVA, a Contaminant Management Plan (CMP) will be required prior to future development application approval, for the Source Water Protection team's review and approval. If a CMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring.

7. Prior to final approval, the Economic and Development Services Branch shall certify that Conditions 1-6 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 MCIP, RPP | Associate Planner, Development Planning, Economic and Development Services Branch | The Regional Municipality of York | 1-877 464 9675 ext 71538