

Memorandum to the City of Markham Committee of Adjustment

October 22, 2024

File: B/026/24
Address: 9580 McCowan Rd, Markham
Agent: MM Nominee Inc.
Hearing Date: Wednesday, October 30, 2024

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

The Owner is requesting provisional consent to establish a lease for a period of time exceeding twenty-one (21) years on the property. The subject lands are identified as Part 2 of the Survey Plan submitted with the application.

BACKGROUND

9580 McCowan Road ("The Subject Lands") are located at the southwest corner of McCowan Road and Bur Oak Avenue, within Williamstown Plaza. The Subject Lands are currently being used as a grocery store ("FreshCo") and a commercial fitness centre ("Anytime Fitness"). Williamstown Plaza contains a total of 8 commercial buildings that include retail, personal service and restaurant uses.

Proposal

The Owner is requesting provisional consent to allow for a mortgage/charge on The Subject Lands (refer to Part 2 of the Draft R-plan attached as Appendix B). The established lease would be for a period of time exceeding 21 years on The Subject Property. Approval of an application for Consent by the municipality in which the Subject Lands are located is required under the Planning Act to establish a lease for a period exceeding 21 years.

COMMENTS

Staff note that no development is proposed at this time. The proposal allows the existing use to continue, while at the same time not restricting future planning considerations contemplated under current policy.

Planning Staff have reviewed the application with respect to 51(24) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and have no objections to the proposed consent, subject to conditions outlined in Appendix 'A' attached to this report.

PREPARED BY:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



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

File Path: Amanda\File\24 192911\Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/026/24

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 receives written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required lease document to affect the Consent applied for under Files B/026/24, in duplicate, to establish a lease on 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. 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:



Theo Ako-Manieson, Planner I, West District

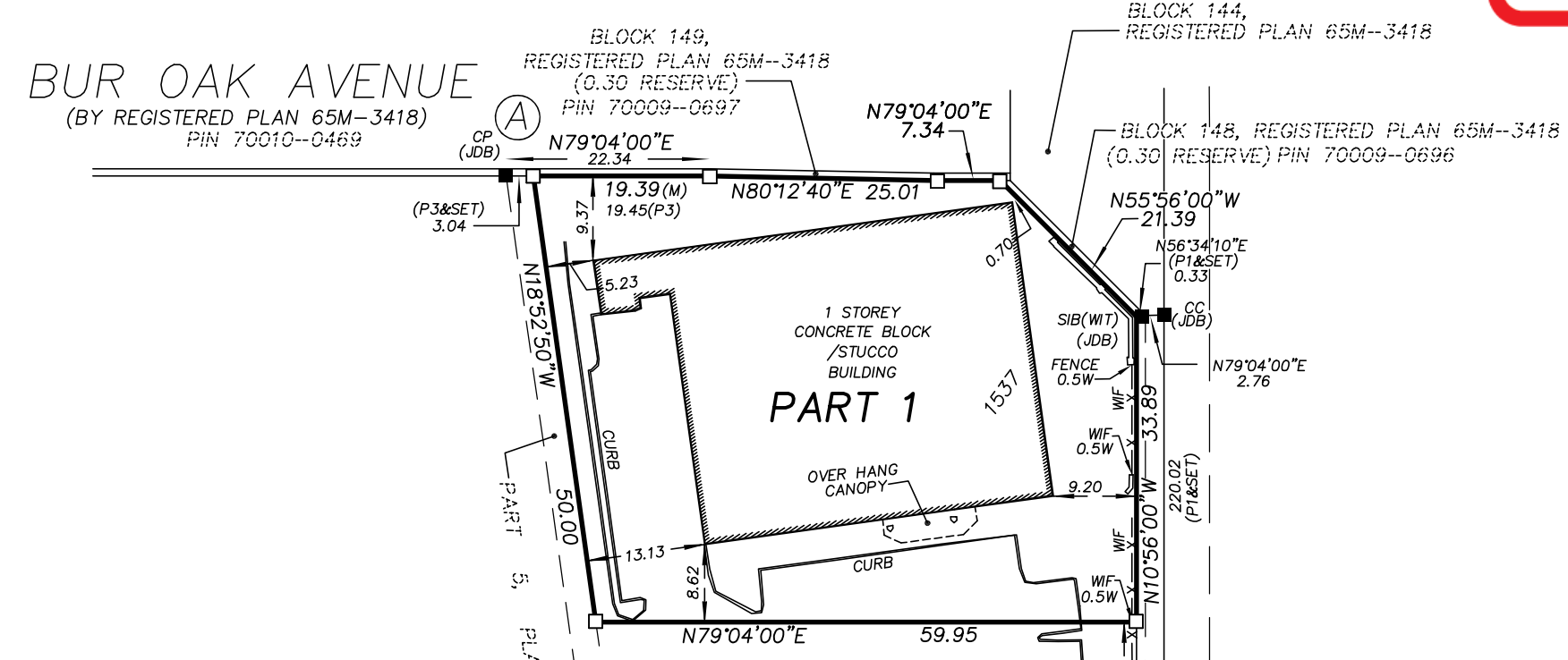
SCHEDULE		
PART	LOT	CONCESSION
1		
2	PART OF 18	6
3		

Appendix B

File: 24.192911.000.00.CSNT

Date: 10/22/2024

MM/DD/YYYY



PLAN OF SURVEY OF
PART OF LOT 18,
CONCESSION 6
GEOGRAPHIC TOWNSHIP OF MARKHAM
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK



THE INTENDED PLOT SIZE OF THIS PLAN IS 609MM IN WIDTH BY 457MM IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CC DENOTES CUT CROSS
 - CP DENOTES CONCRETE PIN
 - WT DENOTES WITNESS
 - M DENOTES MEASURED
 - P1 DENOTES PLAN 65R-26271
 - P2 DENOTES PLAN 65R-36301
 - P3 DENOTES PLAN 65R-34368
 - P4 DENOTES REGISTERED PLAN 65M-3418
 - IBW DENOTES IBW SURVEYORS LTD., O.L.S.
 - JDB DENOTES J. D. BARNES LTD., O.L.S.
 - CRW DENOTES CONCRETE RETAINING WALL
 - WIF DENOTES WROUGHT IRON FENCE

BEARING NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17 (81° WEST LONGITUDE), NAD83(CSR5)v6(2010).
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P1 - 1°01'40" COUNTER-CLOCKWISE

DISTANCE NOTES - METRIC
DISTANCES AND COORDINATES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999805.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON (FIELD NOTE DATE).

(SIGNATURE DATE) **DRAFT**
DATE ***. O.L.S.

THIS PLAN OF SURVEY RELATES TO AQLS PLAN SUBMISSION FORM NUMBER V-99999

INTEGRATION DATA		
OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83(CSR5)v6(2010).		
URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.		
POINT ID	NORTHING	EASTING
A	4861567.41	637163.15
B	4861349.90	637279.47
CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		



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