

Memorandum to the City of Markham Committee of Adjustment

June 4, 2024

File: B/009/24
Address: 3975 Elgin Mills Road East, Markham
Applicant: Romandale Farms Limited (Helen Roman-Barber)
Agent: RJ Forhan and Associates Inc. (Bart Ryan)
Hearing Date: June 5, 2024

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

BACKGROUND

3975 Elgin Mills Road East is located between Kennedy Road and Warden Avenue, within the area commonly referred to as the Angus Glen Secondary Plan Area (the “Subject Property”) (See Appendix A: Location Map).

The Subject Property has an area of approximately 52 hectares (129 acres), a frontage of approximately 1,105.8 metres (3,628 feet) and contains several natural heritage features (i.e. wetlands, woodlands, valleys, streams, etc.), several structures (including three residences and two barns) and agricultural lands (See Appendix B: Aerial Photo).

The surrounding area is characterized by rural land uses consisting of golf courses, farms, rural residential estates and greenway.

Proposal

The applicant is requesting provisional consent to sever a portion of the Subject Lands to create one (1) development lot for sale (See Appendix C: Draft R-Plan).

Parts 1 and 5 represent the “Severed Lands” with an area of approximately 17.8 hectares (44.2 acres) and frontage of 348.4 metres (1,143 feet). Parts 2, 3, 4 and 6 represent the “Retained Lands” with an area of approximately 33.9 hectares (83.7 acres). 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” and “Greenway” in the Official Plan 2014 (See Appendix D: Official Plan 2014 Map 3 – Land Use).

The FUA is expected to be comprised of pedestrian, cycling, and transit-friendly compact and complete communities. Section 8.12 of the Official Plan 2014 identifies a comprehensive planning process to be undertaken prior to development occurring within the FUA. A key component of the comprehensive planning process is the development of the Conceptual Master Plan (CMP) over the entirety of the FUA in order to ensure consistent, coordinated planning and development and the preparation of secondary plans to determine specific land use designation and related policies.

In October 2017, Council endorsed the CMP, which established a high level Community Structure Plan and key policy direction as the basis for the preparation and approval of

secondary plans for the FUA. In 2023, the Ontario Land Tribunal approved the Angus Glen Secondary Plan.

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

The Angus Glen Secondary Plan provides detailed policies to guide future development and growth in the new Angus Glen Community to 2031, providing a comprehensive policy framework for Council decision making with respect to the use of land, provision for municipal services and infrastructure, and the implementation and phasing of development.

The Subject Property is designated “Residential Low Rise”, “Residential Mid Rise I” and “Greenway” in the Angus Glen Secondary Plan. Symbols denoting the approximate locations of a Neighbourhood Park, Place of Worship, Stormwater Management Facility and Public Elementary School are also identified on or near the Subject Lands (See Appendix E: Angus Glen Secondary Plan Map SP1 – Detailed Land Use).

Zoning By-law 304-87

The Subject Property is zoned “Agriculture One Zone (A1)” and “Open Space One Zone (O1)” under By-law 304-87, as amended (See Appendix F: Zoning By-law Excerpt). The minimum lot frontage requirement is 120 metres and the minimum lot area requirement is 10.0 hectares under the A1 zone designation.

Comprehensive Zoning By-law 2024-19

On January 31, 2024, Markham Council enacted By-law 2024-19 which was appealed to the 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 Angus Glen Secondary Plan, it was excluded from By-law 2024-19.

COMMENTS

The intent of this application is to create a new lot (Part 1) for the purposes of sale. No development is proposed at this time.

The Severed Lands (Parts 1 and 2) are zoned A1 under By-law 304-87 and meet the minimum lot area and frontage requirements. The Angus Glen Secondary Plan provides for future residential development on the Severed Lands through a refined road network and the delivery of municipal services. Until such time the Severed Lands are developed in accordance with the Angus Glen Secondary Plan, it is expected to maintain frontage and access on Elgin Mills Road East.

The Angus Glen Secondary Plan provides for residential development on Part 3 of the Retained Lands where it is anticipated access to the existing residential dwelling will be provided. Parts 4 and 6 of the Retained Lands are designated as “Greenway” which includes the Greenbelt Plan Area in the Angus Glen Secondary Plan. Part 2 is a woodland feature that is protected in the “Greenway” designation. The applicant has provided an environmental study to confirm the limits of the woodland feature and the Greenway System. City staff have reviewed the environmental study and have no objections to the proposed boundary.

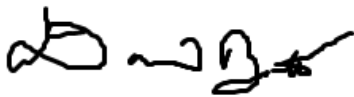
Lastly, given the Subject Property’s extensive frontage along Elgin Mills Road East, the City requests that a road widening be conveyed to the City on the Severed Lands across

the full frontage (Part 5) and a partial road widening be conveyed to the City on the Retained Lands (Part 6) given the presence of existing residences in close proximity to Elgin Mills Road East. To this end, as a condition of approval, staff are requiring that the Owner enter into a consent agreement to secure the required road widening conveyances to the City, to contribute to achieving the planned right of way width of 41 metres in accordance with the preferred alignment identified in the Elgin Mills EA.

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 G for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, Acting Development Manager, West District

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APPENDICES

Appendix A: Location Map

Appendix B: Aerial Photo

Appendix C: Draft R-Plan

Appendix D: Official Plan 2014 Map 3 – Land Use

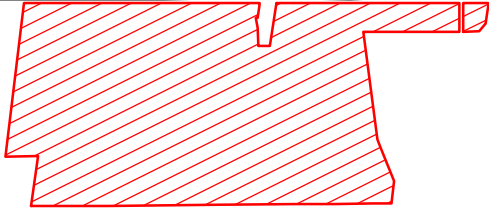
Appendix E: Angus Glen Secondary Plan Map SP1 – Detailed Land Use

Appendix F: Zoning By-law Excerpt

Appendix G: Conditions of Approval



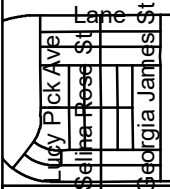
Elgin Mills Rd E




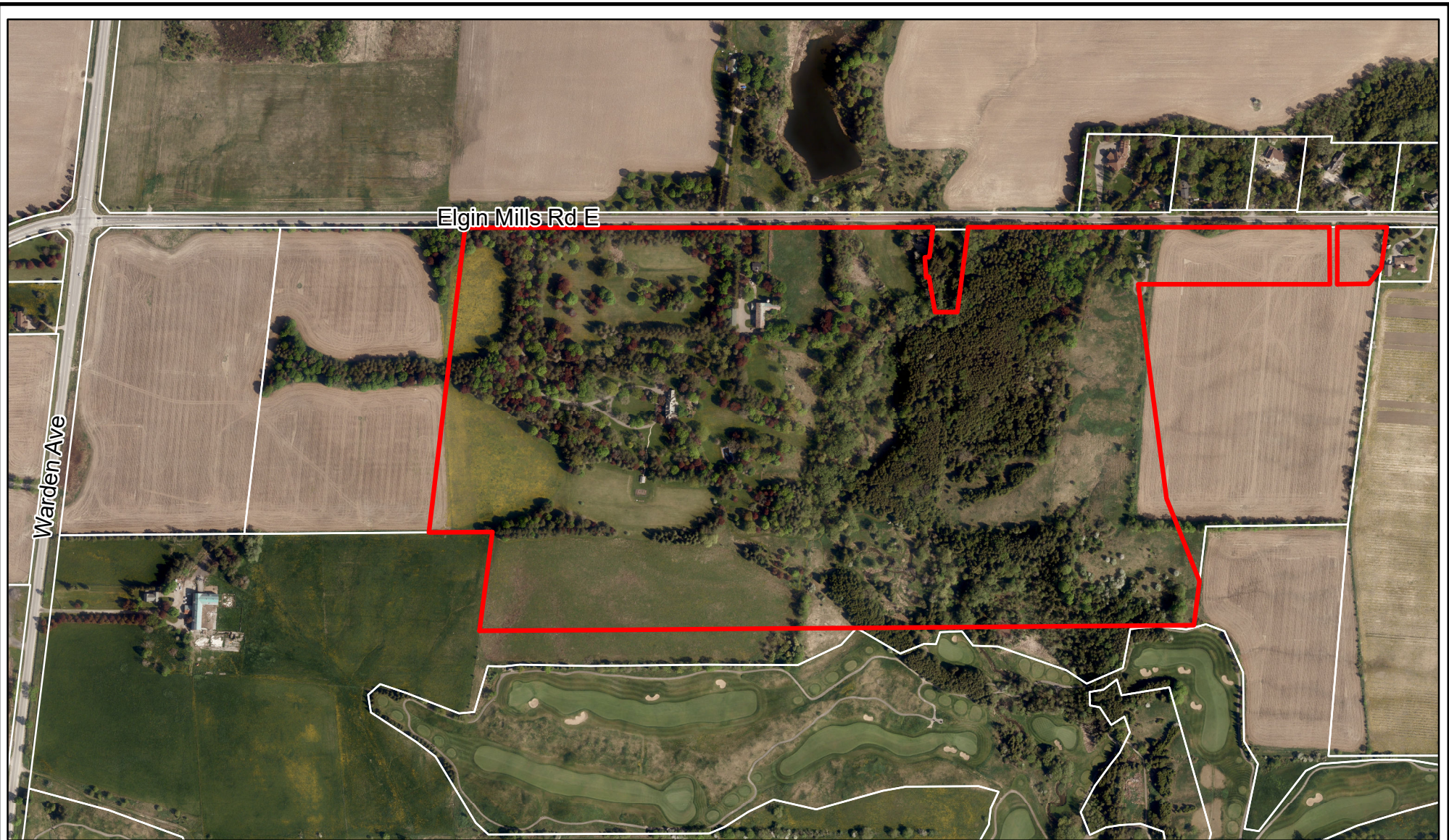
ANGUS GLEN SECONDARY PLAN BLOCK

Warden Ave

Kennedy Rd



 **SUBJECT PROPERTY**



Elgin Mills Rd E

Warden Ave

AERIAL PHOTO (2023)

APPLICANT: 3795 Elgin Mills Road East

FILE No. CSNT 24 167138

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MARKHAM DEVELOPMENT SERVICES COMMISSION

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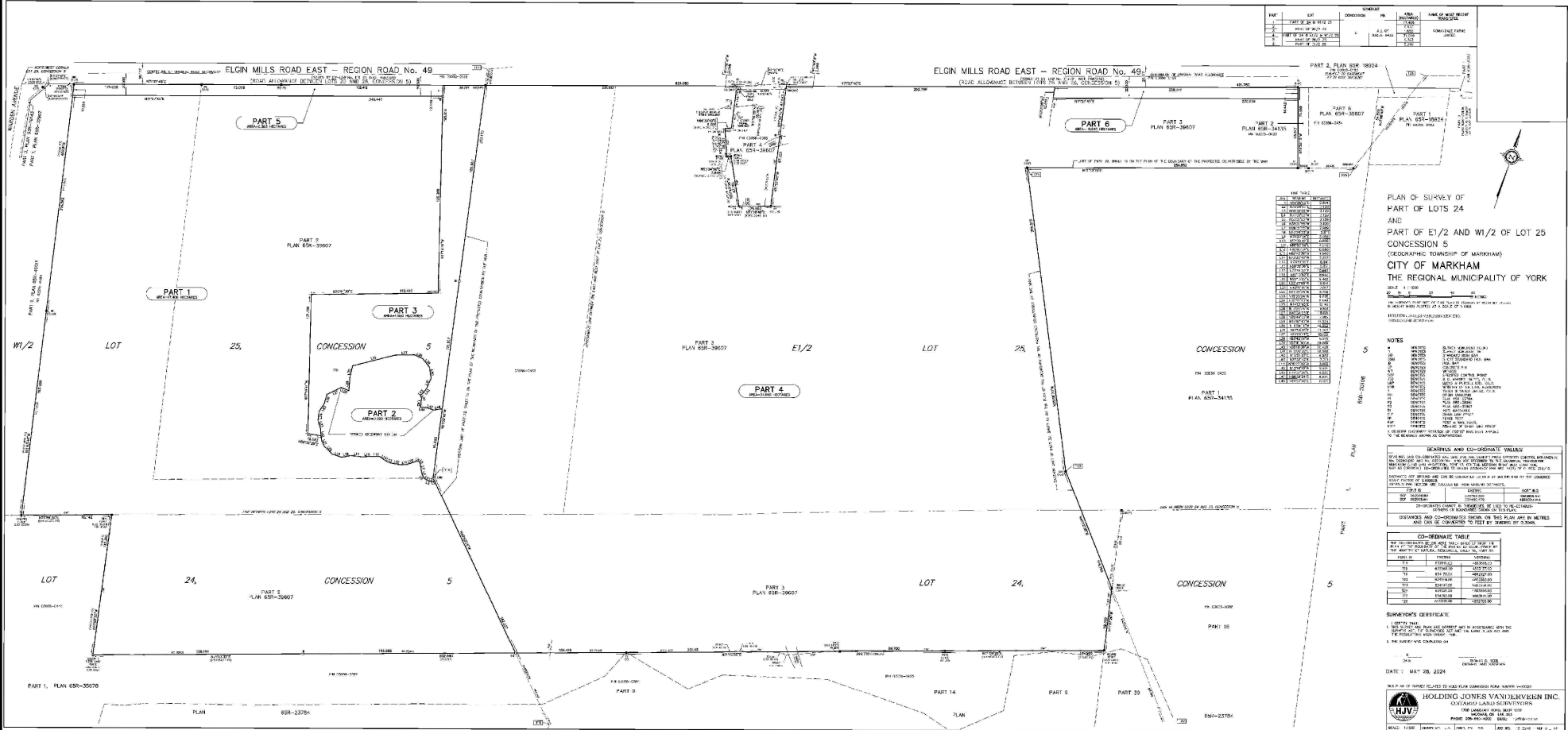
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 SUBJECT PROPERTY

DATE: 16/05/2024

APPENDIX B



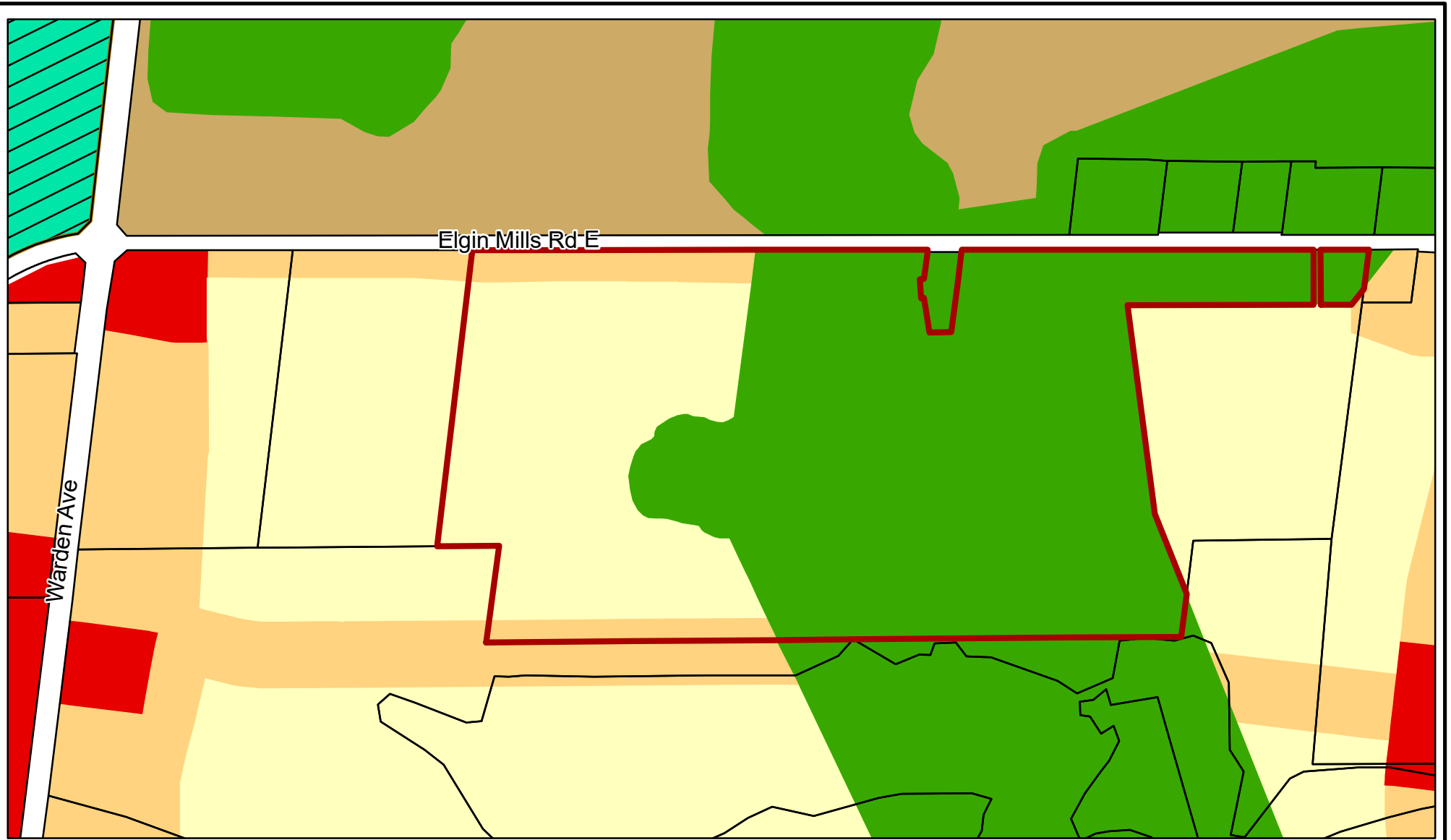


DRAFT R-PLAN

APPLICANT: 3795 Elgin Mills Road East

FILE No. CSNT 24 167138








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OFFICIAL PLAN 2014 MAP 3 - LAND USE

APPLICANT: 3795 Elgin Mills Road East

FILE No. CSNT 24 167138

- | | | | |
|---|------------------------|---|----------------------|
|  | Countryside |  | Mixed Use Mid Rise |
|  | Future Employment Area |  | Residential Low Rise |
|  | Greenway |  | Residential Mid Rise |
| | |  | SUBJECT PROPERTY |



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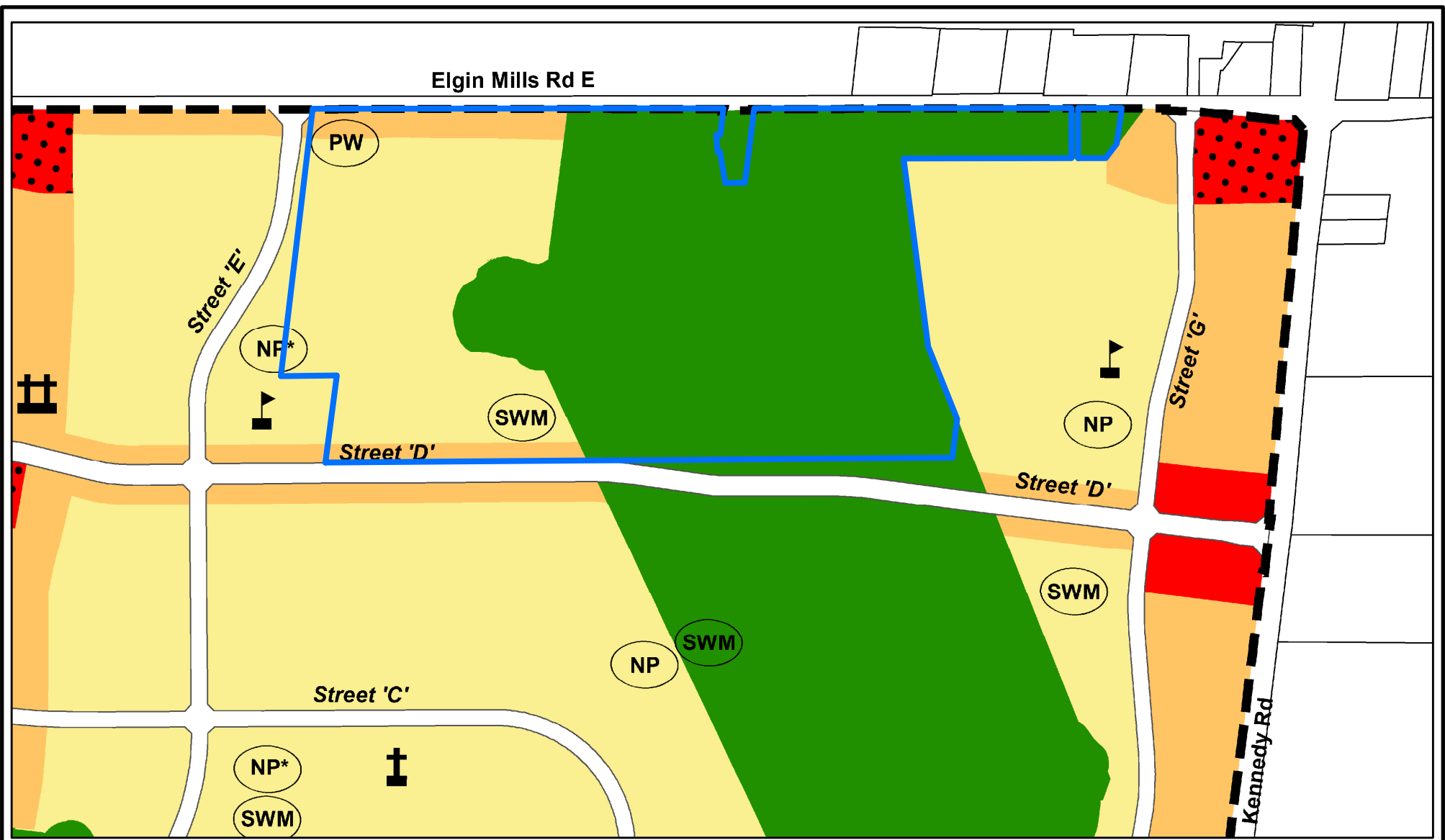
 DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: DB

DATE: 16/05/2024

APPENDIX D



ANGUS GLEN SECONDARY PLAN MAP SP1 - DETAILED LAND USE

APPLICANT: 3795 Elgin Mills Road East

 Residential Low Rise

 Mixed Use Mid Rise

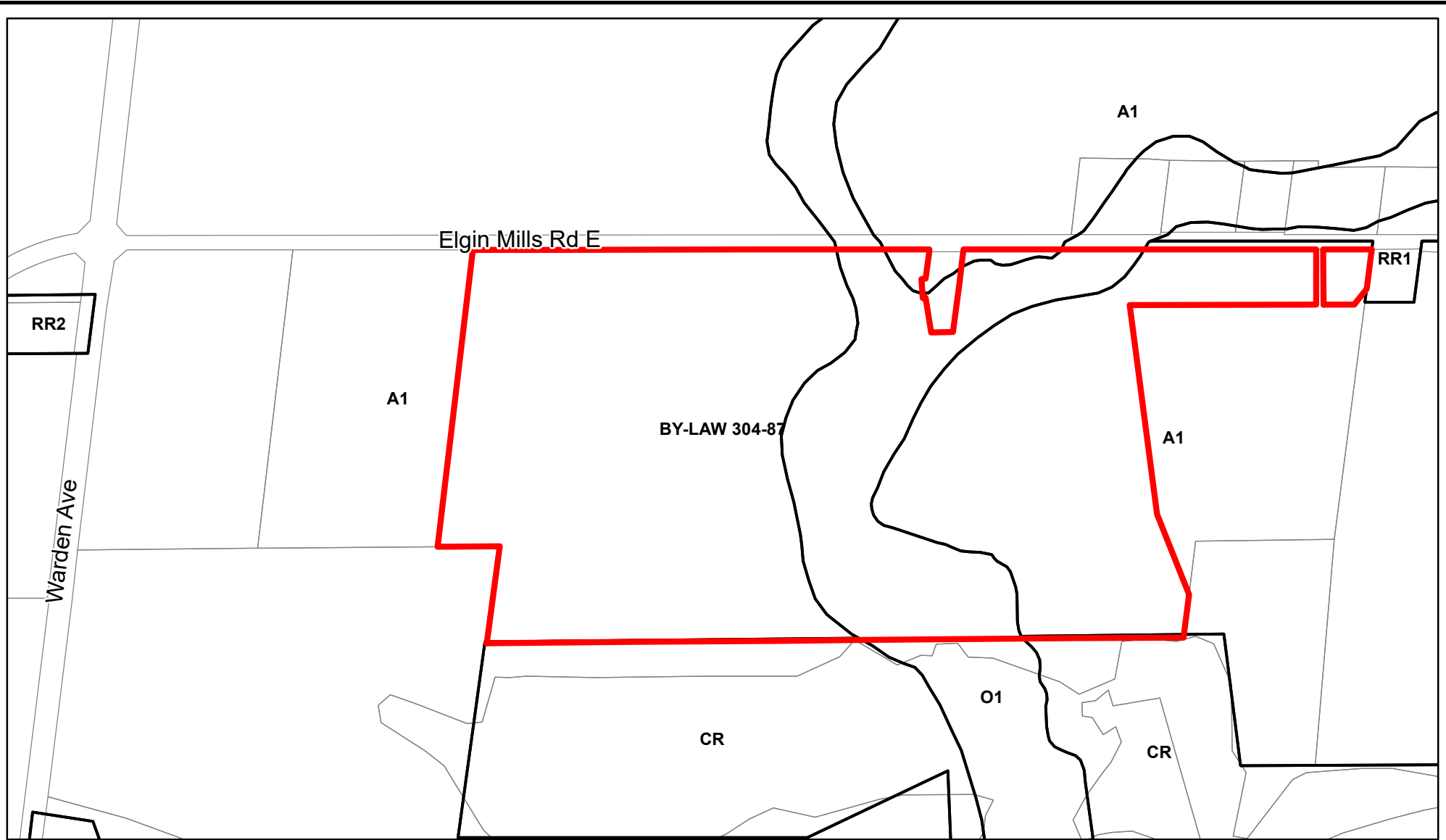
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 Residential Mid Rise I

 See Section 8.3.1.6

 SUBJECT PROPERTY

 Greenway



ZONING BY-LAW EXCERPT

APPLICANT: 3795 Elgin Mills Road East

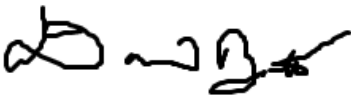
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 SUBJECT PROPERTY

APPENDIX "G"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/009/24

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/009/24, 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. 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. The Owner shall agree to convey lands on both the subject parcel and the retained parcel that are adjacent to Elgin Mills Road required for the City's future road widening of Elgin Mills Road to contribute to achieving the 41 m planned right of way width in accordance with the preferred alignment in the EA which lands shall be conveyed at no cost to the City and in accordance with the Development Agreement set out in Condition 7 below to the satisfaction of the Director of Engineering.
6. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - a) Payment of all applicable fees in accordance with the City's fee by-law;
 - b) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - c) Conveyance of the lands referred to in Condition 6, to be provided in accordance with the City's standard requirements for conveyances of land, to the satisfaction of the City Solicitor and the Director of Engineering;
7. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their e-mail to the file planner dated May 15, 2024, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.
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