

Memorandum to the City of Markham Committee of Adjustment

February 09, 2023

File: B/026/22
Address: 5474 19th Ave, Markham
Applicant: Bousfields Inc. (Ashley Paton)
Agent: Bousfields Inc. (Ashley Paton)
Hearing Date: Wednesday, February 15, 2023

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

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land having a lot area of 6.48 ha (Part 2);
- b) sever and convey a parcel of land having a lot area of 25.35 ha (Part 3);
- c) sever and convey a parcel of land having a lot area of 5.25 ha (Part 4); and
- d) retain a parcel of land having a lot area of 4.144 ha (Part 1).

The purpose of this application is to sever the subject lands to facilitate separate ownership amongst various landowners to facilitate residential development permitted by a Ministers Zoning Order (MZO) (refer to Appendix "B" and "C" - Plans). This application is related to a Plan of Subdivision (PLAN 22 114368).

BACKGROUND

Property Description

The Subject Lands, which are currently occupied with an existing heritage dwelling, agricultural activities and a telecommunication tower, abut the south limits of the Town of Whitchurch-Stouffville (the "Town of W/S") and are approximately 42 hectares (103 acres) and located outside of the City's Urban Area. Willowgrove Outdoor Day Camp and rural residential properties in the Town of W/S abut the Subject Lands. Greenbelt land bisects the proposed subdivision while a watercourse traverses north-south of the Greenbelt lands.

Related draft plan of subdivision

On September 13th, 2022, Council approved a draft plan of subdivision (PLAN 22 114368) (refer to Appendix "D" – approved draft plan of subdivision) which includes the lands subject to this consent application.

Proposal

The proposed consent application severs the subject lands into four (4) parts with Part 1 on the severance sketch being the retained parcel (refer to Appendix "B" and "C" - Plans). Parts 2, 3 and 4 will be severed and each part will be owned by a different landowner.

COMMENTS

Official Plan and Zoning

The City's 2014 Official Plan (the "Official Plan") designates the Subject Lands "Countryside" and "Greenway", which does not permit the Proposed Development. However, the March 5, 2021, approved MZO permits residential and other uses that are not permitted in the Official Plan. Furthermore, it zoned the Subject Lands to "Residential Two (R2)", "Residential Four (R4)", and "Open Space (OS1)" and permitted retirement homes, business and medical offices, personal service shops, retail uses, supermarkets

and restaurants within apartment buildings in the R4 zone. Single and semi-detached dwellings, townhouses, and accessory dwelling units are permitted in the R2 zone. Therefore, an amendment to the Official Plan or Zoning By-law are not required to permit the Proposed Development.

COMMENTS/ DISCUSSION

Staff are of the opinion that the proposed consent will not adversely impact the related draft plan of subdivision nor the City's ability to ensure that the draft plan of subdivision advances appropriately if the applicant is required to enter into a development agreement to address such matters as servicing constraints, parkland dedication, new public roads, environmental areas and natural features, and an approved phasing plan (refer to Appendix "E" – Phasing Plan) by the City for some of the reasons listed below:

- a) A temporary sewage pumping station (SPS) and forcemain is proposed by the applicant on Part 2 to provide sanitary servicing for the Proposed Development. The proposed SPS and forcemain is an interim solution until a permanent gravity trunk sewer has been constructed on McCowan Road by York Region in the future (2032-2041) and the Proposed Development's internal sanitary sewer system is connected to it, at which time, the SPS and forcemain can be decommissioned. It is imperative therefore that Part 2 develops ahead of any of the other severed parcels of land to provide servicing. The applicant has provided a phasing plan which demonstrates that Parts 1 and 2 will advance ahead of Parts 3 and 4 which is satisfactory to Staff (refer to Appendix "E" – Phasing Plan). The respective draft plan of subdivision will also be required to be registered in phases as indicated above.
- b) The Owner is required to confirm if traffic control signal and additional turn lanes are required or warranted at the 19th Avenue/Street K intersection. The applicant is advised that depending on the outcome of the assessment, the ROW of Street K as it approaches 19th Avenue may need to be widened to the east, impacting Part 1 lands. Under this scenario, construction of Street K will need to be properly coordinated between Part 1 and Part 2 owners.
- c) The development of any part of the land (severed and retained) is subject to the draft plan conditions of the subdivision (PLAN 22 114368 (19TM-22003)) and that:
 - The development of any part of the land (severed and retained) is subject to the draft plan conditions of the subdivision (PLAN 22 114368 (19TM-22003)).
 - Part 1 and Part 2 to be registered concurrently and the same for Part 3 and Part 4.
 - Any part development to upfront the construction (including acquiring and conveyance of the lands, if necessary) of any infrastructure required (inside/outside), as identified in the MESP, for servicing of that particular part development.
- d) Ensure that public parkland is appropriately distributed and provided for each phase of development.

- e) Confirmation of the limits of natural hazards, natural features, buffer/setback areas and limits of development in accordance with all applicable policies in the final Master Environmental Servicing Plan (MESP) for the Block 48 Study Area.
- f) Ensure appropriate revisions to the retained and severed parcels of land if required for servicing, parkland, to reflect the final MESP, natural features and natural hazards and limits of development, and other necessary changes.

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 that the consent application be approved subject to the conditions in Appendix "A".

PREPARED BY:



Stacia Muradali, Development Manager, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

APPENDIX “A”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/026/22

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 severances applied for under Files B/026/22, 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 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 the new lots per the City of Markham Fee By-law 211-83, as amended;
5. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, 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:
 - i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iii) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iv) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - v) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - vi) The development of any part of the land (severed and retained) is subject to the draft plan conditions of the subdivision (PLAN 22 114368 (19TM-22003)).
 - vii) Part 1 and Part 2 to be registered concurrently and the same for Part 3 and Part 4 and subject to an approved phasing plan by the City.
 - viii) Any part development to upfront the construction (including acquiring and conveyance of the lands, if necessary) of any infrastructure required (inside/outside), as identified in the MESP, for servicing of that particular part development.
 - ix) Ensure appropriate distribution and provision of parkland by each landowner for the proposed phases of development.
 - x) Confirmation of limits of environmental areas, natural hazards, natural features, buffer/setback areas and other areas such as the Greenbelt to the

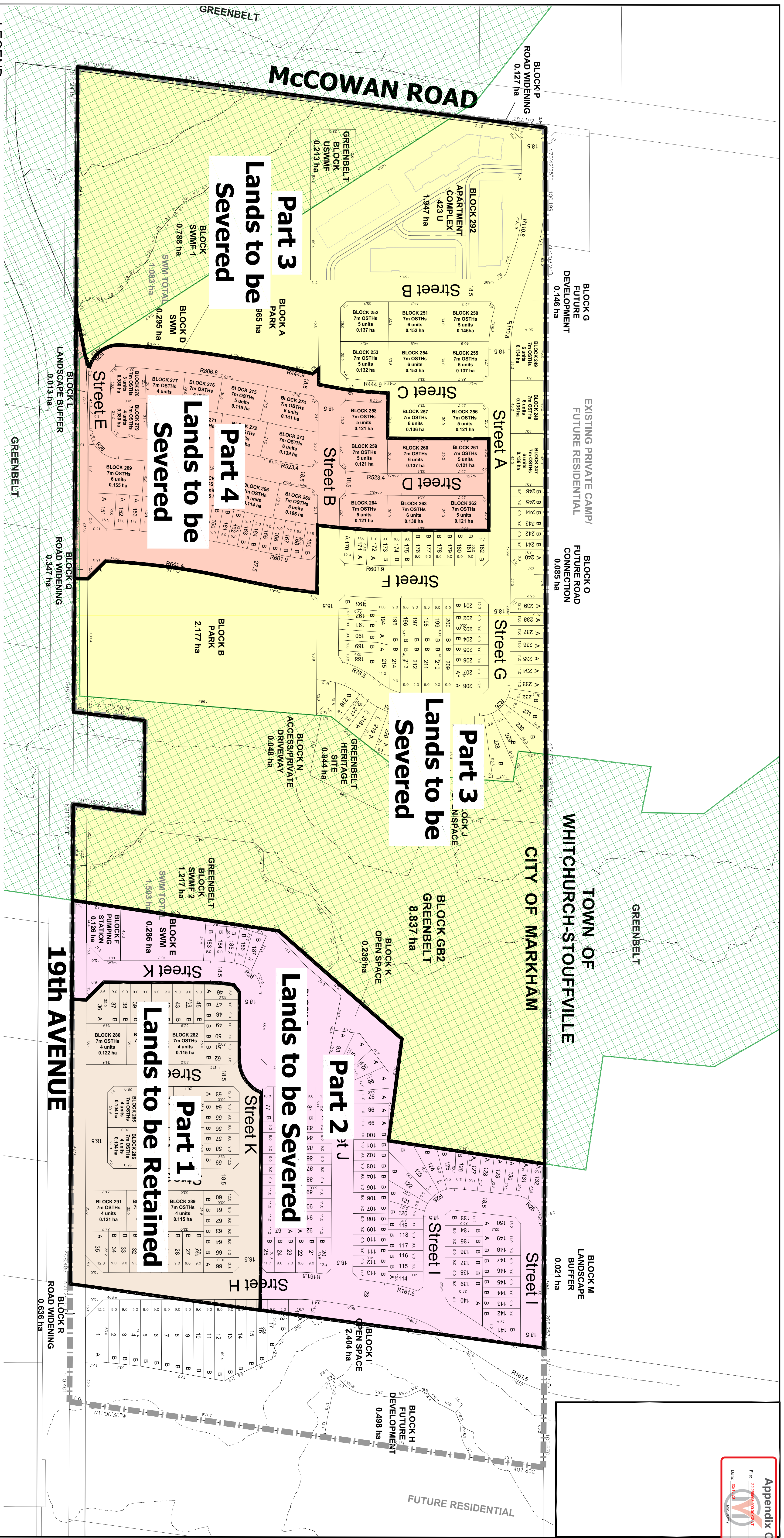
satisfaction of the City, TRCA and gratuitously convey the environmental areas into public ownership.

- xi) Any revisions to the proposed parcels of land as a result of servicing, parkland, right-of-way widths and/or road design, TRCA requirements the final MESP or any other necessary changes which may arise.
6. That the applicant remits the TRCA review fee of \$2500 for the subject application.
 7. That the Owner understands and agrees that should the consent be granted that the Region's conditions for the related draft plan of subdivision (PLAN 22 114368)/ SUBP.22M.0015) shall continue to be applicable to all parts (both retained and severed) of the subject lands contained within the plan of subdivision, of which these conditions must be met to the satisfaction of the Region prior to final approval.
 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.*







PREPARED BY:



Stacia Muradali, Development Manager, East District

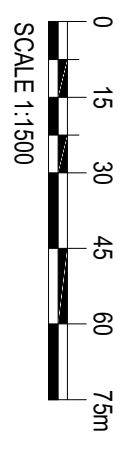
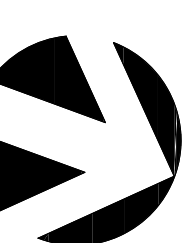


LEGEND

-  Subject Property
-  Greenbelt (2017)
-  Part 1 - Lands to be Retained (4.14 ha)
-  Part 2 - Lands to be Severed (6.48 ha)
-  Part 3 - Lands to be Severed (25.35 ha)
-  Part 4 - Lands to be Severed (5.25 ha)

NOTES

All dimensions are in metres.
 All area measurements are computer generated.
 UTM Coordinate System, NAD83-17

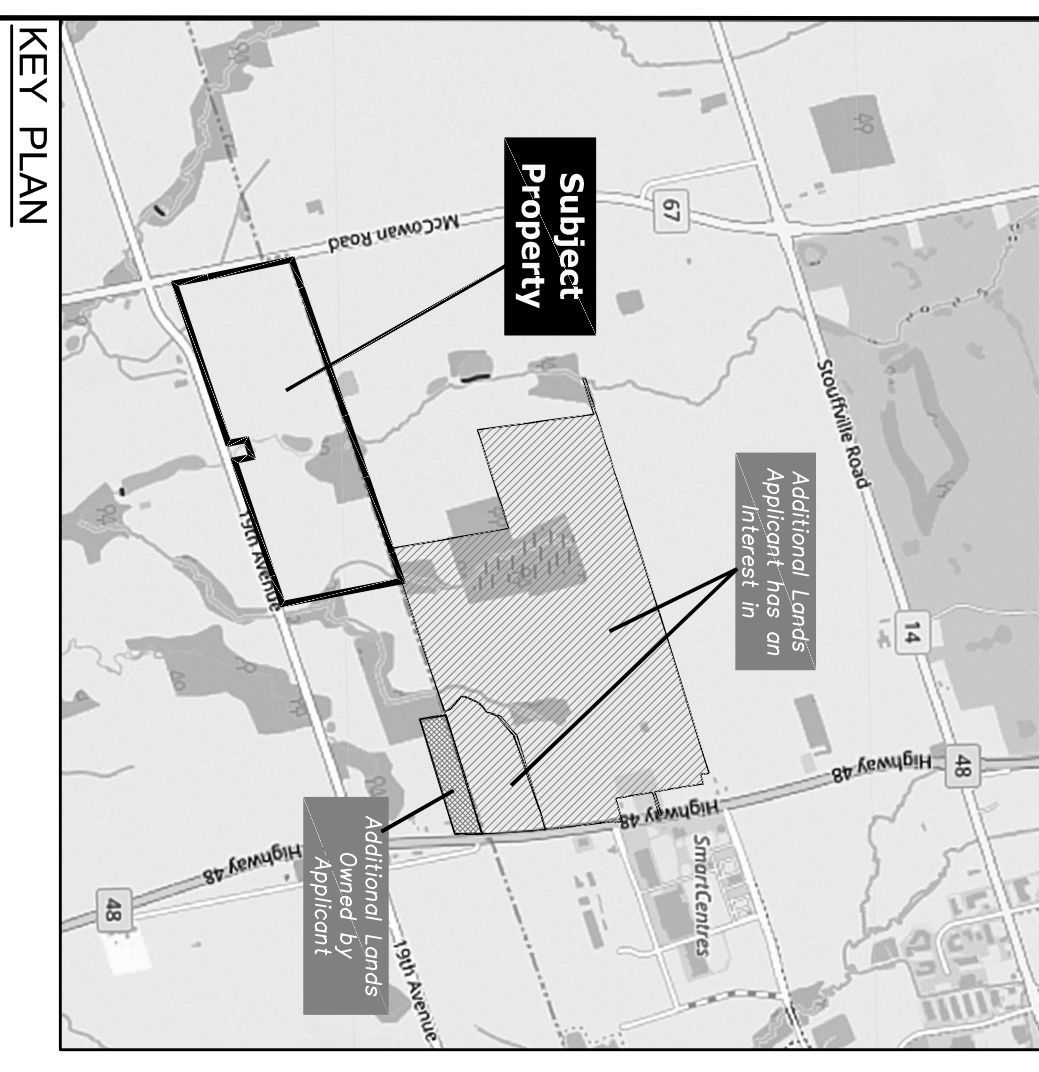
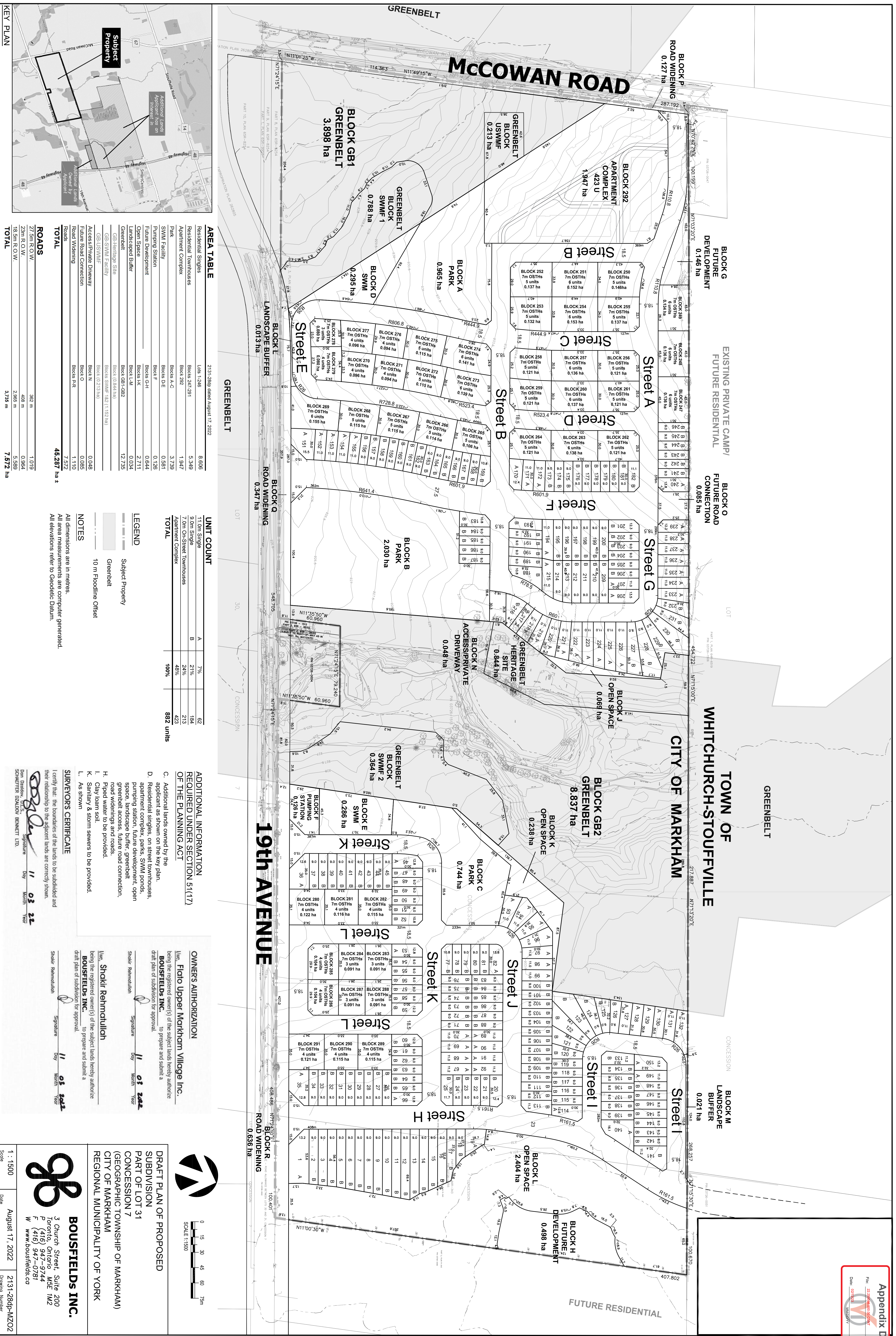


Address

 **BOUSFIELDS inc.**

2131 - 41st January 25, 2023

Severance Figure



AREA TABLE

2131-288P dated August 17, 2022

Residential Singles	Lots 1,246	8,606
Residential Townhouses	Blocks 24-231	5,349
Apartment Complex	Block 292	1,947
Park	Blocks A-C	3,739
SWM Facility	Blocks D-E	0,581
Pumping Station	Block F	0,126
Future Development	Blocks G-H	0,644
Open Space	Blocks I-K	2,711
Landscaped Buffer	Block L-M	0,034
Greenbelt	Block G&I-G&J2	12,735
Greenbelt Site	Block O&A&B	
GB-SW&M Facility	Block SW&M 1&2 (1,162 ha)	
Access/Private Driveway	Block O (2,13 ha)	0,048
Future Road Connection	Block N	0,085
Road Widening	Blocks P-R	1,110
TOTAL		45,287 ha ±

ROADS

27.5m R.O.W.	362 m	1,019
23m R.O.W.	408 m	0,964
18.5m C.O.W.	2,965 m	5,589
TOTAL	3,735 m	7,572 ha

UNIT COUNT

11.0m Single	A	7%
9.0m Single	B	21%
7.0m On-Street Townhouses		24%
Apartment Complex		48%
TOTAL	882	units

LEGEND

- Subject Property
- Greenbelt
- 10 m Flooding Offset

NOTES

All dimensions are in metres.
 All area measurements are computer generated.
 All elevations refer to Geodetic Datum.

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

C. Additional lands owned by the applicant as shown on the key plan.
 D. Residential singles, on street townhouses, apartment complex, parks, SWM ponds, pumping station, future development, open space, landscape buffer, greenbelt, greenbelt access, future road connection, road widenings and roads.
 H. Piped water to be provided.
 I. Clay loam soil.
 K. Sanitary & storm sewers to be provided.
 L. As shown.

OWNERS AUTHORIZATION

I/we, **Folio Upper Markham Village Inc.**, being the registered owner(s) of the subject lands hereby authorize **BOUSFIELDS INC.** to prepare and submit a draft plan of subdivision for approval.

Shakir Rehmatullah Signature Day Month Year **11 03 2022**

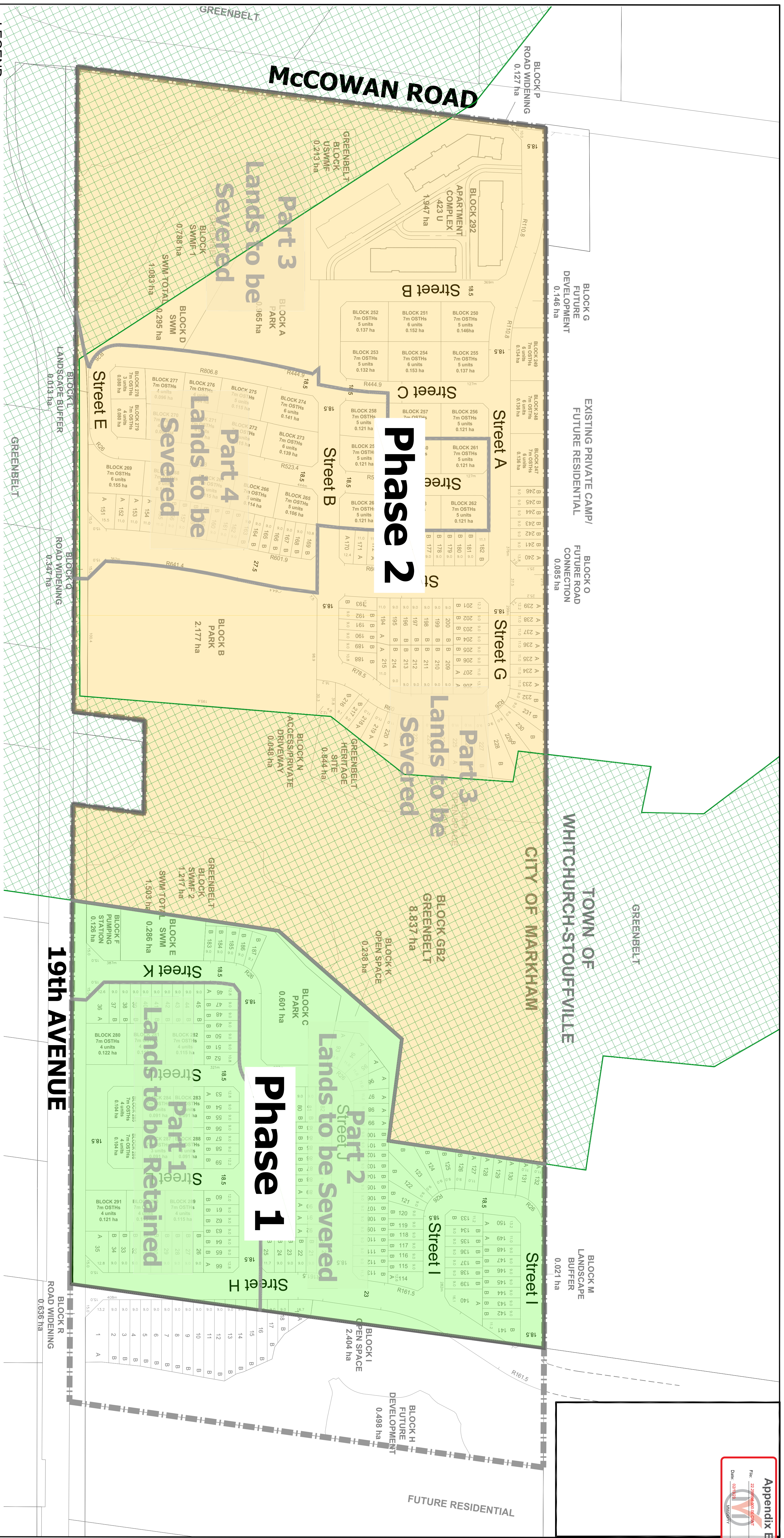
I/we, **Shakir Rehmatullah**, being the registered owner(s) of the subject lands hereby authorize **BOUSFIELDS INC.** to prepare and submit a draft plan of subdivision for approval.

Shakir Rehmatullah Signature Day Month Year **11 03 2022**

DRAFT PLAN OF PROPOSED SUBDIVISION PART OF LOT 31 CONCESSION 7 (GEOGRAPHIC TOWNSHIP OF MARKHAM) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

BOUSFIELDS INC.
 3 Church Street, Suite 200
 Toronto, Ontario M5E 1M2
 T (416) 947-0744
 F (416) 947-0781
 W www.bousfields.ca

Scale 1 : 1500 Date August 17, 2022 Drawing Number 2131-288P-MZ02

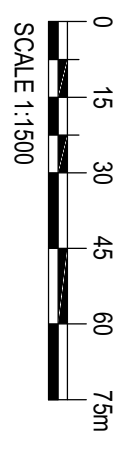
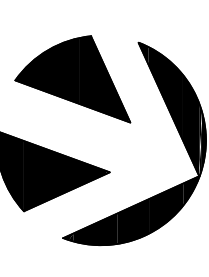


LEGEND

- Subject Property
- Greenbelt (2017)
- Severance Lines
- Phase 1 - 180 units (10.61 ha)
- Phase 2 - 683 units (30.60 ha)

NOTES

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 UTM Coordinate System, NAD83-17



Address

BOUSFIELDS inc.

2131 - 42nd January 25, 2023

Phasing Plan