

Memorandum to the City of Markham Committee of Adjustment

December 10, 2024

File: B/030/24 & B/031/24
Address: Part of Lot 21, Concession 3
& Block 83, Registered plan 65M-4031
North side of Major Mackenzie Drive East
West side of Markland Street
Applicant: Macaulay Shiomi Howson (Nick Pileggi)
Hearing Date: Wednesday, December 18, 2024

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

B/030/24

The applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 12.24 metres and an approximate lot area of 0.68 ha (Part 4);
- b) **retain** a parcel of land with an approximate lot frontage of 115.7 metres and an approximate lot area of 5.5 ha (Parts 1, 2, 3, and 5);
- c) **establish an easement** over Part 4 for the purposes of access in favour of the retained lands (Parts 1, 2, 3, and 5).

B/031/24

The applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 46.95 metres and an approximate lot area of 0.93 ha (Parts 8 and 9);
- b) **retain** a parcel of land with an approximate lot frontage of 85.99 metres and an approximate lot area of 2.64 ha (Parts 6 and 7).

BACKGROUND

Property Description

The currently undeveloped Subject Lands have frontage on Markland Street and Major Mackenzie Drive East (refer to Appendix "A" – Draft Reference Plan/Consent Sketch). Lands north of the Subject Lands are vacant, undeveloped and designated for Employment uses. Located to the south, across Major Mackenzie Drive East, are improved with a large format industrial building. Located to the east include two free standing commercial buildings on a separate property on the northwest corner of Major Mackenzie Drive East and Markland Street (700 Markland Street). Located further east, across Markland Street is a multi-tenanted commercial plaza. Located to the west is the Highway 404.

Proposal

B/030/24

The Owner is proposing to sever this parcel (Part 4) to be merged with the adjacent lands to the north (Part 10) and to facilitate the creation of a mutual access easement.

Staff note that an application for Site Plan Approval under file No. SPC 24 159325 is currently under review to facilitate the development of a motor vehicle sales and service establishment on these lands (Part 3).

B/031/24

The Owner is proposing to sever these parcels (Parts 8 & 9) to be merged with the adjacent lands to the east (Part 10).

Official Plan:

Parts 6, 7 and 8 – “Service Employment” under the 2014 Official Plan which provides for commercial developments comprised of office, retail and service uses, and industrial uses including warehouses.

Parts 1, 2, 3, 4, 5, 9, and 10 – “Commercial” under the 2014 Official Plan which provides for large format commercial developments comprised of office, retail and service uses, and restaurants. This designation also permits motor vehicle sales and service establishments

Zoning:

Parts 6, 7, 8, 9 and 10 – “EMP-SE” Employment – Service Employment under By-law 2024-19, as amended which permits office, retail and service uses as well as industrial uses.

Parts 1, 2, 3, 4, and 5 – Major Commercial Zone (MJC*294), which permits retail and service and restaurants, and Business Corridor Zone (BC*293) under By-law 177-96 as amended which permits limited retail and industrial uses including manufacturing and warehousing.

COMMENTS

It is the opinion of Planning Staff that the proposed conveyances and requested mutual access easements noted above are appropriate. The proposed easements will allow for coordination between the future development parcels.

Highway 404 Ramp Extension

The City is undertaking the detailed design work for the Highway 404 Ramp Extension at Major Mackenzie Drive East. The Ramp Extension will facilitate a public road connection through the Subject Lands (Parts 2, 7 and 8) that will terminate at Markland Steet. Staff recommend that as conditions of approval, Parts 2, 7 and 8 as illustrated on the draft reference plan/consent sketch in Appendix ‘A’, be conveyed to the City.

Transportation Planning Comments

Prior to any conveyances to the City, the alignment of the future road extension (Parts 2, 7 and 8) should be confirmed that it is inline with the preliminary design of the Environmental Assessment (EA) for the Highway 404 Off-Ramp extension to capture any required refinements.

Toronto and Region (“TRCA”)

TRCA staff has no objections to the consent application as the proposed severed lot is sufficiently setback from the Natural System and located outside of the TRCA’s Regulated Area. However, TRCA staff recommends payment of their application review fees as a condition of approval, as noted in their letters dated December 4, 2024 (B/030/24) and December 10, 2024 (B/031/24), attached as Appendix “D”.

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 have reviewed the consent application with regard for Section 53 of the *Planning Act* and recommend its approval.

Please refer to Appendix "B" for conditions to be attached to any approval of application B/030/24.

Please refer to Appendix "C" for conditions to be attached to any approval of application B/031/24.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner and Acting-Manager, West District

File Path: Amanda\File\24 198111\Documents\District Team Comments Memo

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/030/24

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 severances applied for under Files B/030/24, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under File B/030/24, title to Part 4 on the Draft Reference Plan submitted with File B/030/24 will merge with title to the lands to the north (Part 10), legally described as Part of Lot 21, Concession 3, all to the satisfaction of the Director of Planning and Urban Design or designate.
6. That the Owner provides confirmation that there are no existing easements registered on title that will be impacted by the proposed severance.
7. That Part 2 on the Draft Reference Plan be conveyed to the City free of any encumbrances to facilitate the future Highway 404 Off-Ramp Extension, to the satisfaction of the Director of Engineering or designate.
8. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to their satisfaction.
9. 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:



Rick Cefaratti, MCIP, RPP, Senior Planner and Acting-Manager, West District

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/031/24

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 severances applied for under Files B/031/04, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) *the Planning Act, R.S.O. 1990, c.P. 13, as amended*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/031/04, title to Parts 4 and 9 on the Draft Reference Plan submitted with File B/031/24 will merge with title to the lands to the east Part 10, and legally described as Part of Lot 21, Concession 3, all to the satisfaction of the Director of Planning and Urban Design or designate.
6. That Parts 7 and 8 on the Draft Reference Plan be conveyed to the City free of any encumbrances to facilitate the future Highway 404 Off-Ramp Extension, to the satisfaction of the Director of Engineering or designate.
7. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letters to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to their satisfaction
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:



Rick Cefaratti, MCIP, RPP, Senior Planner and Acting-Manager, West District



December 4, 2024

File No. PAR-DPP-2024-00428
Ex Ref: 68470.01, 70425.03, and PER-DPP-2024-00127

E-Plan <rcefaratti@markham.ca>

Dear Rick Cefaratti,

**Re: Consent Application B/030/24
2938 Major Macenzie Drive East
Part Lot 21, Concession 3, City of Markham
Major Intersection Hwy 404 and Major Mackenzie Drive
Applicant: MSH Ltd. c/o Nick Pileggi
Owner: 404 Major Mackenzie West Developments Limited**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on November 30, 2024. We provide these comments 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 Ontario Regulation 686/21.

Purpose of the Application

TRCA staff understands that the purpose of this application is to sever the subject lands to be merged with the adjacent lands to the north and to facilitate the creation of a mutual access easement through:

- a) Severing and conveying a parcel of land with an approximate lot frontage of 12.24 meters and an approximate lot area of 0.68 hectares (Part 4);
- b) Retaining a parcel of land with an approximate lot frontage of 115.7 meters and an approximate lot area of 5.5 hectares (Parts 1, 2, 3, and 5).

Background

TRCA has been involved in reviewing the associated Zoning By-Law Amendment (CFN 68470.01) and is currently reviewing the associated Site Plan Application (CFN 70425.03) and TRCA Site Alteration Permit (PER-DPP-2024-00127) for the subject lands.

TRCA Permit Requirements

The subject lands contain a regulated wetland and its Area of Interference. Due to the presence of the wetland, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Consent Application is subject to a fee of \$1,590.00 (Consent – Minor). The applicant is responsible for fee payment within 60 days of the committee hearing date.

Recommendations

Based on the review of materials circulated with this application, the proposed severance is outside of TRCA's Regulated Area. As such, TRCA has no objection to the approval of Consent Application B/030/24 subject to the following condition:

1. The applicant submits the TRCA plan review fee of \$1,590.00 within 60 days of the committee hearing date.

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

Regards,



Hamedeh Razavi, MURP RPP

Senior Planner,
Development Planning and Permits
Development and Engineering Services
437-880-1940
hamedeh.razavi@trca.ca

December 10, 2024

File No. PAR-DPP-2024-00437
Ex Ref: 68470.01, 70425.03
PER-DPP-2024-00127
PAR-DPP-2024-00428

E-Plan <rcefaratti@markham.ca>

Dear Rick Cefaratti,

**Re: Consent Application B/031/24
Markland Street North
Part Lot 21, Concession 3, City of Markham
Major Intersection Hwy 404 and Major Mackenzie Drive
Applicant: MSH Ltd. c/o Nick Pileggi
Owner: Majorwood Development Inc.**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on December 4, 2024. We provide these comments 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 Ontario Regulation 686/21.

Purpose of the Application

TRCA staff understands that the purpose of this application is to sever the Subject Lands to be merged with the adjacent lands to the east (Part 10). This application is related to Consent Application B/030/24 (TRCA file # PAR-DPP-2024-00428) and request provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 46.95 metres and an approximate lot area of 0.93 ha (Parts 8 and 9);
- b) retain** a parcel of land with an approximate lot frontage of 85.99 metres and an approximate lot area of 2.64 ha (Parts 6 and 7).

Background

TRCA has been involved in reviewing the associated Zoning By-Law Amendment (CFN 68470.01) and is currently reviewing the associated Site Plan Application (CFN 70425.03) and TRCA Site Alteration Permit (PER-DPP-2024-00127) for the adjacent lands at 2938 Major Mackenzie Drive East (aka 710 Markland and 404 Major Mackenzie).

TRCA Permit Requirements

The subject lands are partially within TRCA's regulated area due to the Area of Interference (AIO) of a regulated wetland. As such, a TRCA permit pursuant to the Conservation Authorities

Act is required prior to any development or site alteration within the regulated portion of the property.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Consent Application is subject to a fee of \$1,590.00 (Consent – Minor). The applicant is responsible for fee payment within 60 days of the committee hearing date.

Recommendations

Based on the review of materials circulated with this application, the proposed severance is outside of TRCA's Regulated Area. As such, TRCA has no objection to the approval of Consent Application B/031/24 subject to the following condition:

1. The applicant submits the TRCA plan review fee of \$1,590.00 within 60 days of the committee hearing date.

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

Regards,



Hamedeh Razavi, MURP RPP

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