

Memorandum to the City of Markham Committee of Adjustment

October 11, 2023

File: B/026/23
Address: 8250 Warden Avenue, Markham
Applicant: Malone Given Parsons Ltd. (Rohan Sovig)
Agent: Malone Given Parsons Ltd. (Rohan Sovig)
Hearing Date: Wednesday, October 18, 2023

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

Consent Application B/020/23

Pursuant to the provisions of Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 54.0 metres (177.17 feet) and an approximate lot area of 12,213.2 square metres (1.22 ha);
- b) maintain an easement for the purpose of storm and sewer maintenance over the severed land in favour of City of Markham;
- c) retain a parcel of land with an approximate lot frontage of 52.00 metres (170.60 feet) and an approximate lot area of 301,505.00 square metres (30.15 ha).

The purpose of this application is to sever the subject lands to facilitate the creation of one (1) new lot for a future public park.

BACKGROUND

Property Description

The approximately 77.5 acres (31.3 hectares) subject lands (the “Subject Lands”) are located on the west side of Warden Avenue, generally south of the private IBM road (refer to Appendix “A” – Area Photo) and are owned by IBM Canada Limited. Surrounding land uses include natural heritage to the south and predominantly employment / office uses and high density mixed-use to the north. The Subject Lands are currently occupied by the IBM Software Lands, surface parking, private roads and the former Bright Horizons Child Care Centre.

Proposal

The Applicant has indicated that:

- Retained Parcel: the 30.15 ha retained parcel of land will continue to function as the IBM Software Labs with associated private roads and surface parking.
- Severed Parcel: The 1.22 ha severed parcel, which contains the former Bright Horizons Child Care Centre and a small surface parking lot, is intended to be a future public park.

Staff note that the proposed future public park is associated with an off-site parkland contribution associated with the Lifetime Panda MRKM LP (Lifetime Developments), located directly north of the Subject Lands (the southwest corner of Cedarland Drive and Warden Avenue).

Official Plan and Zoning

Official Plan

2014 Markham Official Plan (partially approved on November 24, 2017, and updated on April 9/18) designates the Subject Lands, “Mixed Use High Rise”, “Mixed Use Office Priority”, and “Greenway.” The 2014 Official Plan states that until an approval of an updated secondary plan for the Regional Centre-Markham Centre lands, the provisions of the 1987 Town of Markham Official Plan, as amended by the Markham Centre Secondary Plan (“OPA 21”), shall apply to the Subject Lands. OPA 21, as amended, designates the Subject Lands “Community Amenity Area Major Urban Place” and “Hazard Lands.” Section 2.7.1 of the 1987 Town of Markham Official Plan outlines a set of criteria (in addition to Section 51(24) of the Planning Act) for provisional consents to be granted, which also include having regard to adjacent uses, access and services.

Additionally, staff further note that the Markham Centre Secondary Plan (“MCSP”) July 5, 2023, Recommended Development Concept identifies the proposed severed parcel to be parks / open space.

Planning Staff have had regard to the criteria and the emerging MCSP in the preparation of the comments provided below.

Zoning By-law 165-80, as amended and 304-87, as amended

The majority of the Subject Lands are located within Zoning By-law 165-80, as amended, are zoned “Select Industrial and Limited Commercial [M.C.(60%)], which permits a range of industrial and offices uses, and also includes public uses.

The portion of land generally containing natural heritage lands are located within zoning by-law 304-87, as amended, and is zoned Open Space (O1) and Agricultural One Zone (A1), which permits open space, and permits a range of uses including public and private parks, and public conservation projects.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has confirmed submission of a Zoning Preliminary Review (ZPR). Staff note that the ZPR has not been finalized at the time of the writing of this report. Consequently, Staff advise that it is the Applicant’s responsibility to ensure that if there is a need for any variances, a future variance application may be required to address any issues of non-compliance.

COMMENTS

The Applicant is proposing one new lot to be created through provisional consent, and also proposing to maintain easements for the purpose of storm and sewer maintenance over the severed land.

As noted previously, the intent of the severed parcel is simply to create one lot for a proposed future public park and maintain easements. Planning staff note that any future site alteration or development of any part of the land (severed or retained) would be subject to the applicable reviews (permits, applications, agreements, conditions etc.), associated with that work.

Engineering and Planning Staff recognize that although the severed parcel has a frontage on Warden, there is no vehicular access to the public road and the frontage along Warden is natural heritage. As such staff recommend that as a condition, conveyance and dedication of portions of the IBM private roads located immediately abutting the north side of the severed parcel and South Town Centre Boulevard extension (IBM private roads), subject to the approval of the Director of Engineering or their designate. Engineering and Planning Staff note that there are currently ongoing discussions with the Owner regarding the extent of this road conveyance and dedication.

Planning Staff are of the opinion that the proposed severance is appropriate and further note that it is generally consistent with the Markham Centre Secondary Plan ("MCSP") July 5, 2023, Recommended Development Concept that identifies the proposed severed parcel to be parks / open space. In addition, Planning Staff have no objections to the request to maintain easements as noted above.

External Agencies

Toronto Region Conservation Authority (TRCA)

TRCA have reviewed the application and note that the Subject Lands are partially within a regional storm flood hazard and erosion hazards associated with the Rouge River valley system traversing the property, and contains unevaluated wetlands and their adjacent regulated allowances. While the TRCA generally requires that new lots avoid flooding and erosion hazards, associated vegetation and buffers areas, they recognize that since the lands will ultimately go to the City and it is common practice for the City to accept hazard lands for conservation purposes, their concerns on this matter are generally resolved.

As previously noted, any future site alteration or development of any part of the land would be subject to the applicable reviews associated with that work, and further note that technical studies/plans will likely be required to determine the usable space for the future park and any areas that may need to be restored, when the park proceeds due to the natural hazard constraints.

TRCA staff have indicated no objection to the approval of the Consent Application, subject to the condition regarding payment of the TRCA consent review fee included in Appendix "C".

Metrolinx and Ministry of Transportation (MTO)

Metrolinx and the MTO have indicated that they have no comments or concerns with the proposed application.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 13, 2023. 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 severance proposal within the context of the criteria in Section 51(24) of the *Planning Act*, and have no objection to the approval of the application. Staff recommend that the Committee consider public input in reaching a decision should any be provided.

The onus is ultimately on the Applicant to demonstrate how they satisfy the requirements for the granting of severances.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Deanna Schlosser, RPP MCIP, Senior Planner, Central District

REVIEWED BY:



Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District

Appendix 'A' – Aerial Photo

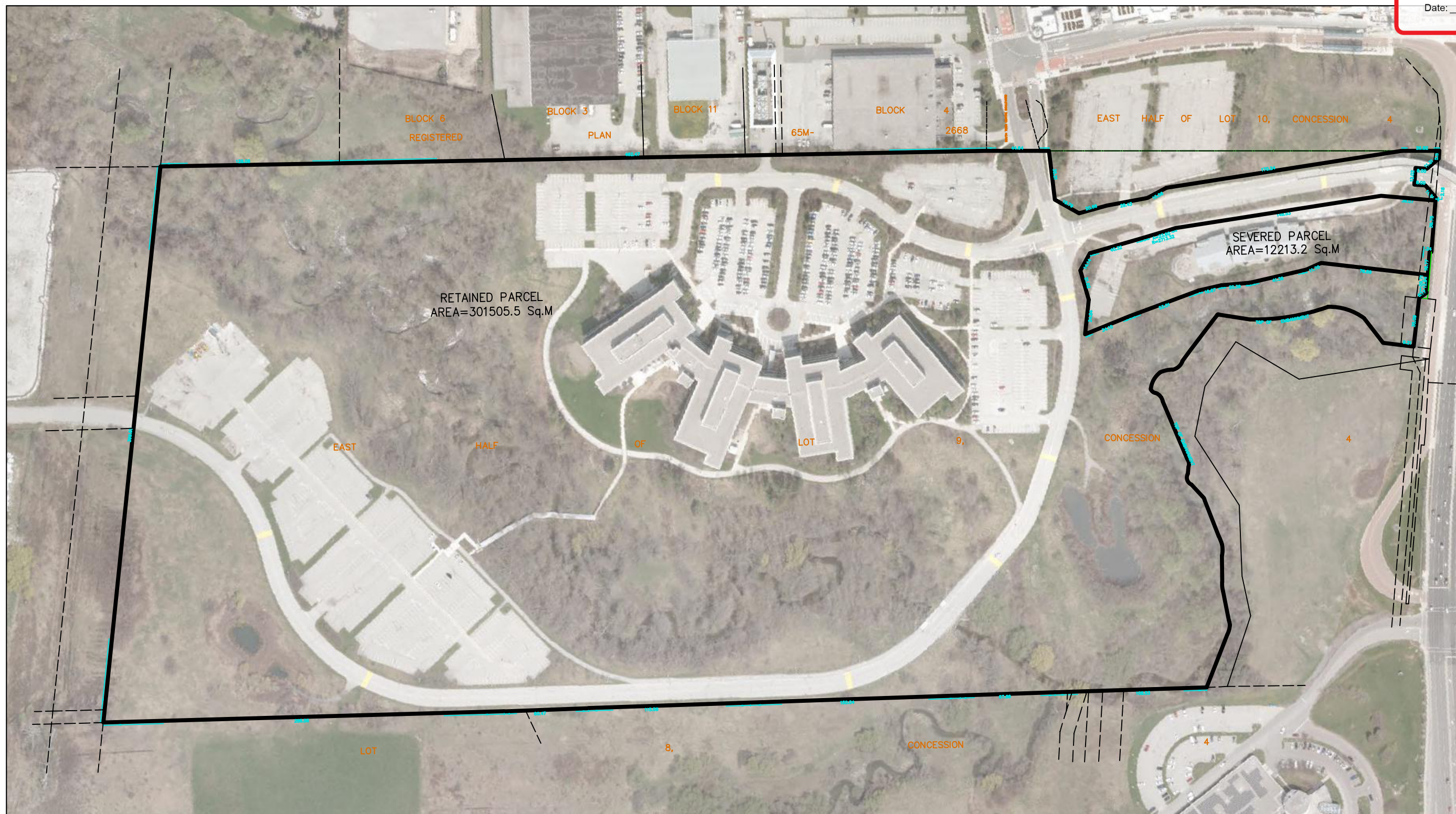
Appendix 'B' – Draft Reference Plan

Appendix 'C' – Conditions of Any Approval – B/026/23

Appendix A

File: 23.125910.000.00.CSNT

Date: 10/16/23
MM/DD/YY



SKETCH SHOWING PARCELS SEVERANCE AT
8200 WARDEN AVENUE
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE 1 : 1000
0 20 40 60 metres

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NOTES
POINTS COORDINATE SYSTEM IS UTM ZONE 17, NAD83 (CSRS)(2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999871.

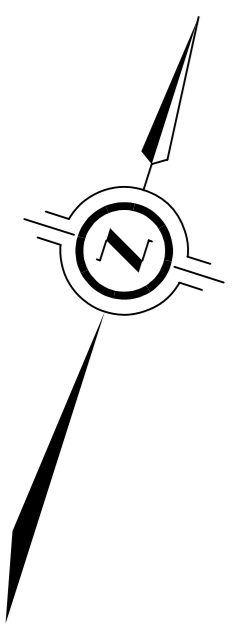
CAUTION
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BOUNDARY INFORMATION HAS BEEN COMPILED BY AVAILABLE RECORDS AND HAS NOT BEEN VERIFIED BY FIELD SURVEY.



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DRAWN BY: YN	CHECKED BY: YH	REFERENCE NO.: 23-21-905-02
FILE: 23125910	DATE: MAY 25, 2023	PLOTTED: 8:45



SKETCH SHOWING PARCELS SEVERANCE AT
8200 WARDEN AVENUE
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 1000
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FILE: G:\23-21-905\00\Drawing\23-21-905-00-A.dwg	DATE: MAY 25, 2023	PLOTTED: 6/23/2023

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/026/23

1. Conveyance and dedication of privately-owned portions of the right-of-way (approximately 29.50m in width) immediately abutting the north side of the severed parcel and South Town Centre Boulevard and any lands required to facilitate the necessary intersections IBM (the “IBM private roads”) for future public roads, subject to the approval of the Director of Engineering or their designate, 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 and easements applied for under Files B/026/23, 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, easements and future public roads, which conforms substantially to the application as submitted;
4. 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;
5. Payment of the required Conveyance Fee for the creation of a lot per City of Markham Fee By-law 211-83, as amended;
6. Payment of the Toronto and Region Conservation Authority (TRCA) review fee (TRCA Planning Services Fee Schedule – Consent – Standard) for the Consent Application, and that the Secretary Treasurer receive written confirmation from the TRCA that this condition has been fulfilled;
7. 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;

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:



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