

Memorandum to the City of Markham Committee of Adjustment

November 4, 2021

File: B/019/21
Address: Block 156, Plan 65M-4693
Applicant: Metropia Minto (Sixteenth) Holdings Inc (Anderson Marques)
Agent: (none)
Hearing Date: November 10, 2021

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

The applicant is requesting provisional consent to establish a servicing easement (Part 1, Plan 65R-39501) on the property known legally as Block 156, Plan 65M-4693 in favour of the adjacent property to the east known municipally as 9400 Kennedy Road.

BACKGROUND

Property Description

Block 156, Plan 65M-4693 is generally located west of Kennedy Road, north of 16th Avenue within the area commonly referred to as the York Downs East (the "Subject Property") (See Appendix A: Location Map). York Downs East is a large residential subdivision under development comprised of approximately 1,253 units spread out over approximately 75 hectares.

Uses surrounding the Subject Property include (See Appendix B: Aerial Photo):

- North: York Downs East residential subdivision under construction;
- East: benefactor of the proposed servicing easement, St. Phillips Church and Anglican Cemetery;
- South: developing residential subdivision known as Yorkton Phase II which is comprised of townhouses; and,
- West: Yorkton Boulevard, a woodlot/wetland and a future park.

In August 2021, site plan endorsement was granted for the Subject Property to facilitate the development of 98 townhouse units (See Appendix C: Endorsed Site Plan).

Proposal

The applicant is requesting provisional consent to establish a servicing easement (Part 1, Plan 65R-39501) on the property known legally as Block 156, Plan 65M-4693 in favour of the adjacent property to the east known municipally as 9400 Kennedy Road (the "Proposal") (See Appendix D: Reference Plan). The easement is approximately 3.00 m (9-10") wide and has a approximate area of 162.72 m² (534 ft²)

The effect of the Proposal will be to allow for a private sanitary sewer connection from 9400 Kennedy Road (the "Church") through a portion of Block 152 to the public sewer on Yorkton Boulevard. The easement will exist in perpetuity.

Other Applications

- Official Plan Amendment (OP 16 179225) - Approved
- Zoning By-law Amendment (ZA 16 179225) - Approved
- Draft Plan of Subdivision (SU 16 179225) – Approved
- Site Plan Control (SPC 20 117410) - Endorsed

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Subject Property is designated "Residential Mid Rise" in the Official Plan 2014 (See Appendix E: Official Plan 2014 Map 3 – Land Use). The endorsed townhouse development on the Subject Property is provided for under this designation.

Zoning By-law 177-96

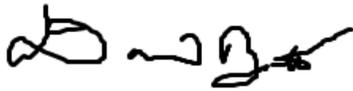
The Subject Property is zoned "Residential Four – Special* 622" under By-law 177-96, as amended (See Appendix F: Zoning By-law Excerpt). The endorsed townhouse development on the Subject Property is permitted under this designation.

COMMENTS

Through the approval process of York Downs East, the Church and Metropia Minto (Sixteenth) Holdings Inc. came to an agreement to allow the Church to connect through the Subject Property to municipal services along Yorkton Boulevard. This is necessary because a direct sanitary connection to Kennedy Road by the Church is not permitted (as only regional trunk sewers are located on Kennedy).

The Proposal is consistent with the plans reviewed as part of the endorsed site plan control application (SPC 20 117410) and building staff have issued a permit to construct the Proposal (AS 21 123429 and PP 21 127312). 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 'G' attached to this report.

PREPARED BY:



Daniel Brutto, Senior Planner, North District

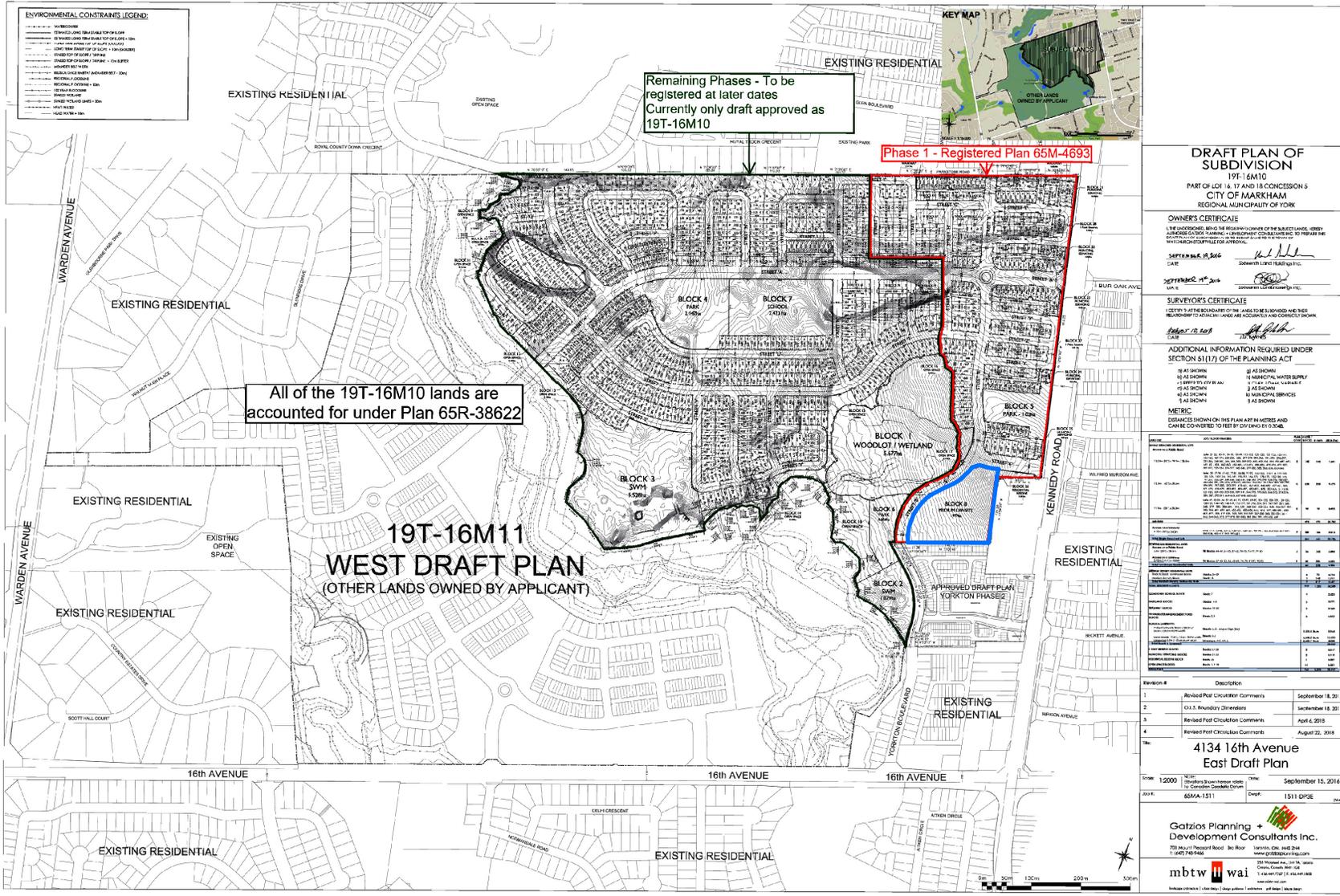
REVIEWED BY:



Mary Caputo, Development Manager, West District

APPENDICES

- Appendix A: Location Map
- Appendix B: Aerial Photo
- Appendix C: Endorsed Site Plan
- Appendix D: Reference Plan
- Appendix E: Official Plan 2014 Map 3 – Land Use
- Appendix F: Zoning By-law Excerpt
- Appendix G: Conditions of Approval



ENVIRONMENTAL CONSTRAINTS LEGEND:

- PROPOSED
- EXISTING
- ...



DRAFT PLAN OF SUBDIVISION
19T-16M10
PART OF LOT 16, 17 AND 18, CONCESSION 5
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

OWNER'S CERTIFICATE
I, THE UNDERSIGNED, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS, HEREBY CERTIFY THAT I AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND THAT I AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND THAT I AM THE REGISTERED OWNER OF THE SUBJECT LANDS.

SURVEYOR'S CERTIFICATE
I, THE UNDERSIGNED, BEING A REGISTERED SURVEYOR OF THE PROVINCE OF ONTARIO, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR OF THE PROVINCE OF ONTARIO AND THAT I AM A REGISTERED SURVEYOR OF THE PROVINCE OF ONTARIO.

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

NO.	DESCRIPTION	DATE	BY
1
2
3
4

Revision #	Description	Date
1	Revised Part Circulation Comments	September 18, 2017
2	C.I.S. Boundary Dimensions	September 18, 2017
3	Revised Part Circulation Comments	April 6, 2018
4	Revised Part Circulation Comments	August 22, 2018

4134 16th Avenue East Draft Plan

Scale: 1:2000
 Gatzios Planning + Development Consultants Inc.
 750 Hwy 7 / Humber Road, 3rd Floor, Toronto, ON, M3B 2H4
 Tel: 416-291-1111
 Fax: 416-291-1112
 www.gatzios.com

LOCATION MAP

APPLICANT: Unionville Phase 1C
Herman Gilroy Lane

FILE No. B/019/21

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SUBJECT LANDS





AERIAL PHOTO (2020)

APPLICANT: Unionvillage Phase 1C
Herman Gilroy Lane

FILE No. B/019/21

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 SUBJECT LANDS





OFFICIAL PLAN 2014 MAP 3 - LAND USE

APPLICANT: Unionvillage Phase 1C
Herman Gilroy Lane

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MARKHAM DEVELOPMENT SERVICES COMMISSION

- Residential Low Rise
- Residential Mid Rise
- Greenway
- Private Open Space

SUBJECT LANDS

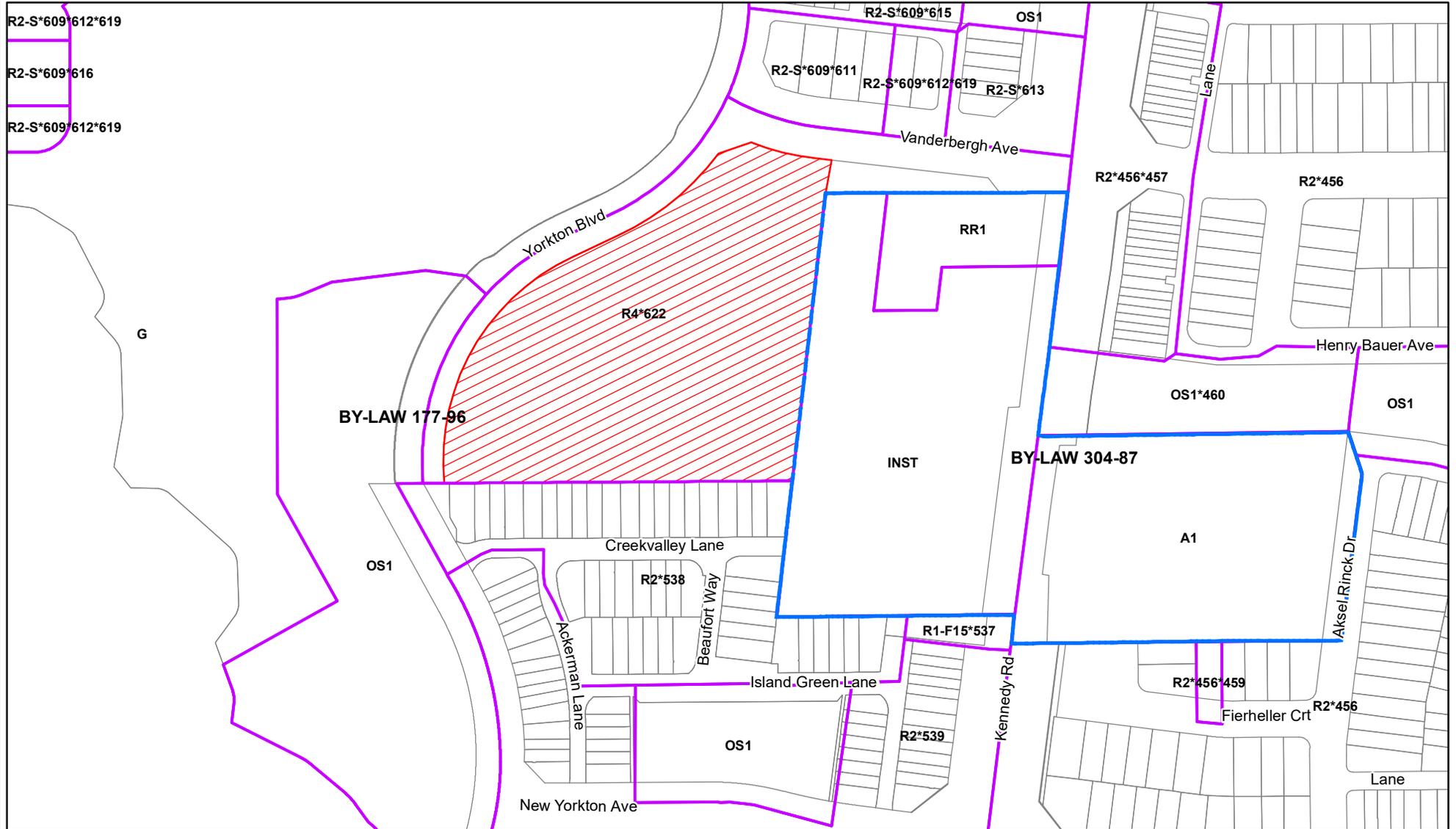


Drawn By: RT

Checked By: DB

DATE: 27/10/2021

APPENDIX 'E'



ZONING BY-LAW EXCERPT

APPLICANT: Unionville Phase 1C
Herman Gilroy Lane

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MARKHAM DEVELOPMENT SERVICES COMMISSION

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APPENDIX 'F'

 SUBJECT LANDS

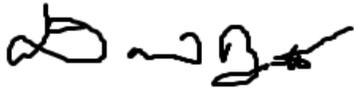


APPENDIX "G"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/019/21

1. Payment of all outstanding realty taxes and local improvements charges owing to date against the subject property
2. Submission to the Secretary-Treasurer of the required transfer to effect the consent for easement applied under File B/019/21, in duplicate, conveying the easement over the Subject Property, 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 seven white prints of a deposited reference plan showing the Subject Property, which conforms substantially to the application as submitted;
4. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Daniel Brutto', with a stylized flourish at the end.

Daniel Brutto, Senior Planner, West District