

# Memorandum to the City of Markham Committee of Adjustment

October 13, 2021

**File:** B/018/21  
**Address:** 500 Copper Creek Dr Markham  
**Applicant:** SmartCentres (Adam Hawkswell)  
**Agent:** SmartCentres (Adam Hawkswell)  
**Hearing Date:** October 22, 2021

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 (Parcel A) with an approximate lot frontage of 63.29 m (207.64 ft) and an approximate lot area of 5608 sq. m (60364 sq ft) (Parts 1,6,7,8,9,14,15,17,18,19);
- b) retain a parcel of land (Parcel B) with an approximate lot frontage of 321 m (1053 ft) and an approximate lot area of 74432 sq. m (801179 sq ft) (Parts 2,3,4,5,10,11,12,13,16);
- c) to establish a pedestrian only access easement with an approximate area of 133 sq. m (436.35 sq. ft.) over Parcel B in favour of Parcel A (Part 4);
- d) to establish an access easement with an approximate area of 4301 sq. m (46295.57 sq. ft.) over Parcel B in favour of Parcel A (Parts 5, 10,11,13);
- e) to establish a reciprocal access easement with an approximate area of 547 sq. m (5887.86 sq. ft) (Parts 16, 17, 18, 19);
- f) to establish a reciprocal servicing (water main) easement with an approximate area of 504 sq. m (5425 sq. ft) (Parts 12, 13, 14); and
- g) to establish a reciprocal servicing (storm) easement with an approximate area of 518 sq. m (5575 sq. ft) (Parts 7,11,15,18).

As it relates to the creation of a new commercial lot for a proposed 4-storey commercial self-storage warehouse building (Appendix 'A).

## Property Description

The 8 ha (19.77 acres) subject property is located south of Highway 407, east of Copper Creek Drive, and west of Donald Cousens Parkway in the Box Grove neighbourhood. The subject land is developed with a Walmart, a multi-unit commercial building and surface parking. An existing CIBC bank and an approved phased townhouse development comprised of 199 dwelling units are located south of the subject site, across the privately owned east-west. There is a watercourse to the west and south of Copper Creek Drive, lands to the south and west of the watercourse are predominately developed with single detached houses.

## Proposal

The applicant is proposing to sever and convey the southwest portion of 500 Copper Creek Drive to facilitate the development of a four-storey commercial self-storage facility. The application also includes easements between the retained and conveyed parcel for the purpose of access sharing (c, d and e), and servicing easements in favour of the severed lands (f and g).

This application is related to Official Plan Amendment (By-law 2021-78), Zoning By-law Amendment (By-law 2021-77) and Site Plan applications SPC21 138199. On October 13, 2021 Council approved the related Official Plan and Zoning By-law amendments to permit the proposed development. The Site Plan Control Application is currently under review by staff.

## **COMMENTS**

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)  
The subject site is currently designated “Commercial” in the 2014 Official Plan. The Commercial use designation recognizes existing large format retail developments, with the intention to provide for the evolution of “Commercial” lands to more intensive building forms for office, retail and services uses. Given that a commercial self-storage facility is not provided for under the Commercial land use designation, a site specific Official Plan amendment (By-law 2021-78) was required to allow commercial self-storage use. The Official Plan amendment was approved by Council on October 13, 2021 to permit the proposed development.

### Zoning By-law 177-96

The subject site is zoned “Business Corridor Special Provision 373 (BC\*373)” in By-law 177-96, as amended, which does not permit commercial self-storage use. A zoning by-law amendment was approved by Council on October 13, 2021 to permit the proposed development.

## **COMMENTS**

### Proposed severance is appropriate

This application proposes to sever the subject property into two commercial lots with the proposed commercial self-storage facility being located on the severed parcel (Parcel A). The existing Walmart and multi-unit commercial building will be located on the retained parcel which will have frontage on Donald Cousens Parkway. The resultant lot areas and frontages meet the minimum required lot area of 0.4 ha or 4,000 sq. m (4305564 sq. ft.) and minimum required lot frontage 60 m (196.85 ft) under the BC zone in by-law 177-96 (as amended). The proposed severance is located in an area with a mix of commercial and residential uses, and is compatible with surrounding development.

### Proposed easements

Three shared access easements are proposed for this development to allow pedestrian only access along the south side of the east/west private road (c), vehicular access from the east/west private road to the south (d), and from Copper Creek Drive to the west (e). There is an existing access easement over a driveway which aligns with Bermbridge Road to the south through the approved townhouse development in favor of the current parcel (Parcels A and B), as it is anticipated that this access may be used frequently as there is an existing traffic signal at this intersection. This right will be transferred to Parcel A upon severance.

Two servicing easements are proposed to accommodate water (f) and storm connections (g). Engineering requires that separate sanitary and storm service connections to the municipal sewers shall be provided or alternative servicing easement arrangements be made. This issue has not be addressed, and the applicant may be required to revise the proposed servicing easements. As such, staff recommend

deferral of the storm and sanitary easement (f) until the issue is resolved to the satisfaction of the Director of Engineering.

**Cash in lieu of parkland dedication will be required**

Cash in lieu of parkland dedication will be required as a result of the creation of the additional lot and will be collected by the City prior to finalization of the severance. Staff recommends that cash in lieu of parkland dedication be paid to the City as a condition of approval of this severance application.

**PUBLIC INPUT SUMMARY**

No written submission were received as of October 13, 2021. 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**

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act, as amended. Staff recommend that the proposed severance B/018/21 be approved subject to conditions in Appendix 'B' and that the storm and sanitary easements be deferred until the applicant has satisfied the requirements of the Director of Engineering.

Planning staff recommend that any approval of this application be subject to the conditions provided in Appendix "A" to this report.

Please see Appendix "A" for conditions to be attached to any approval of this application.

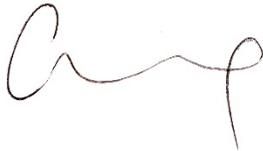
**APPENDICES**

Appendix A: Conditions of Approval

Appendix B: Plan of Survey

Appendix C: Part Summary Report

PREPARED BY:



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Carman Yeung, Senior Planner

REVIEWED BY:

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Stacia Muradali, Development Manager

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/018/21**

1. That By-law 21-77 and 21-78 be approved and enacted by DSC and appeal period pass;
2. That the Owner confirm that there are no existing easements registered on title that will be impacted by the proposed severance, subject to the satisfaction of the Department of Engineering or their designate;
3. 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;
4. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/018/21, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
5. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
6. Payment of the required Conveyance Fee for the creation of lots per City of Markham Fee By-law 211-83, as amended;
7. The Owner enter into a Site Plan 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 and, and obtain site plan approval for the proposed self-storage development.
8. 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;
9. 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:

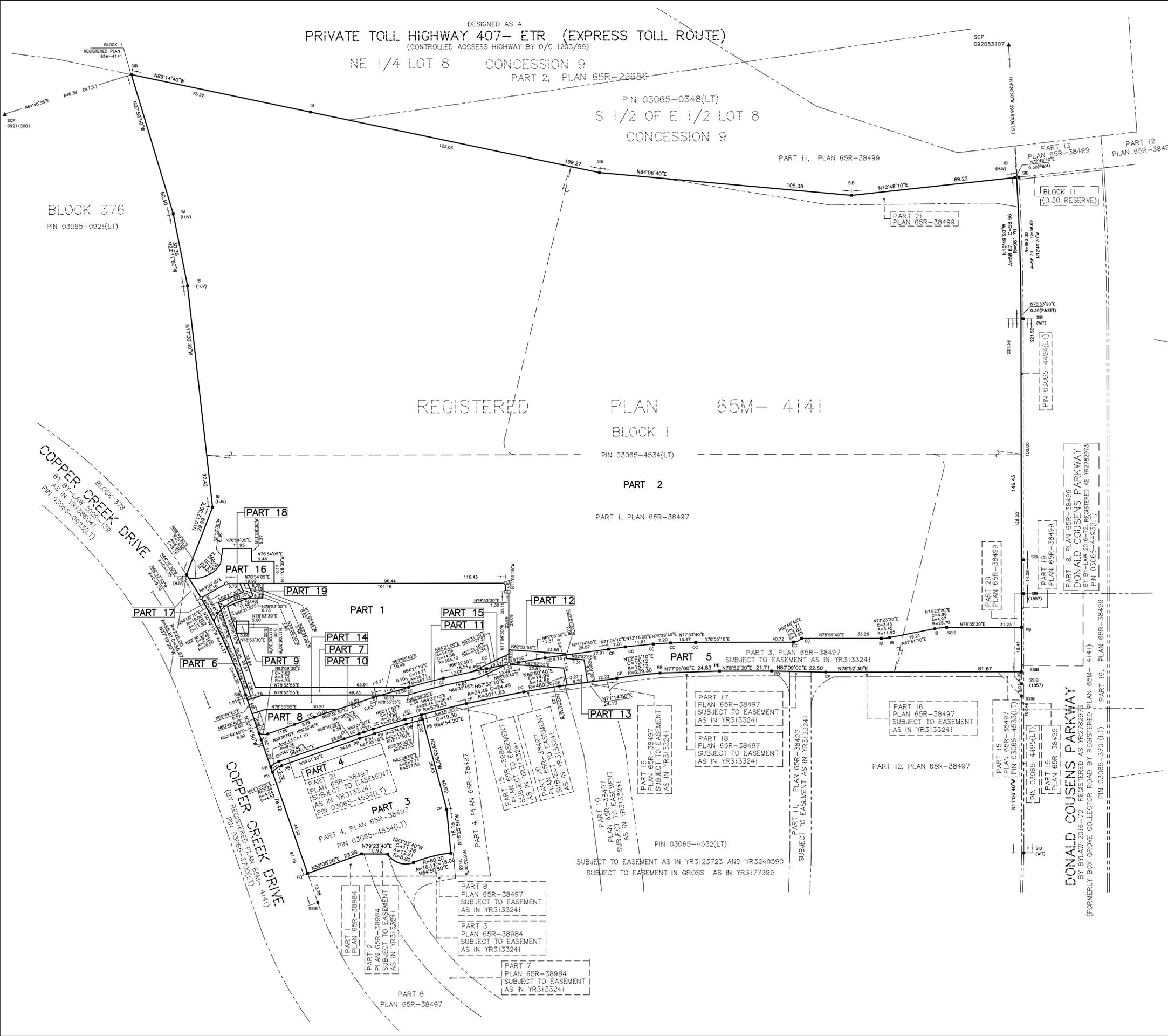
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Carman Yeung, East Development District



SCHEDULE		
PART	BLOCK	PIN
1		
2		
3		
4		
5		
6		
7	PART OF 1	ALL OF 03065-4534(LT)
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		

PARTS 4, 5, 10, 11 AND 13 - SUBJECT TO EASEMENT AS IN YR3133241



PLAN OF SURVEY OF  
 PART OF BLOCK 1  
 REGISTERED PLAN 65M-4141  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

SCALE 1: 750

David B. Searles Surveying Ltd.  
 ONTARIO LAND SURVEYORS

THE INTENDED PLOT SIZE OF THIS PLAN IS 914mm IN WIDTH BY 610mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750

METRIC  
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND**

▲	DENOTES	SPECIFIED CONTROL POINT
□	DENOTES	MONUMENT FOUND
○	DENOTES	MONUMENT SET
⊕	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
CP	DENOTES	PLASTIC BAR
IB	DENOTES	IRON BAR
IB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	DAVID B. SEARLES SURVEYING LTD., O.L.S.
HAY	DENOTES	HOLDING JONES VANDEVEEN INC. O.L.S.
1857	DENOTES	THAM SURVEYING LIMITED, O.L.S.
P1	DENOTES	PLAN 65R-38497

**INTEGRATION DATA**

SPECIFIED CONTROL POINTS (SCP): UTM ZONE 17, NAD83 (ORIGINAL).  
 COORDINATES ARE TO AN URBAN ACCURACY AS PER O. REG. 216/10, s. 14 (2).

SPECIFIED CONTROL POINT No.	NORTHING	EASTING
SCP 092053107	4859570.521	643529.947
SCP 092113001	4858946.786	642665.080

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**BEARING NOTE**  
 BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM SPECIFIED CONTROL POINTS 092053107 AND 092113001 (SEE INTEGRATION DATA TABLE FOR COORDINATES), AND ARE REFERRED TO UTM ZONE 17, NAD83 (ORIGINAL).

**DISTANCE NOTE**  
 DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999880.

**NOTE**  
 ALL FOUND MONUMENTS ARE 1225 (DAVID B. SEARLES SURVEYING LTD.) UNLESS NOTED OTHERWISE ON THE FACE OF THE PLAN.  
 PROPERTY LIMITS ARE NOT FENCED UNLESS OTHERWISE NOTED ON THE FACE OF THE PLAN.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

**PRELIMINARY**

DATE \_\_\_\_\_ ALISTER SANKEY  
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER ??????????

David B. Searles Surveying Ltd.		Calculator	Draftsperson
ONTARIO LAND SURVEYORS		AV	KP
4255 Sherwoodburne Blvd., Suite 206, Mississauga, Ontario L4Z 1Y4		Editor	Plan Index No.
Tel: (905) 273-6840 Fax: (905) 896-4410		AV	B 19
Email: info@dbsearles.ca			
Calculation File	Drawing File	File No.	
65-21 CALC.DWG	65-0-21.DWG	65-0-21	

## Appendix C

File: 21.138199.000.00.CSNT

Date: 10/15/21  
MM/DD/YY

# PART SUMMARY

Location: Property referred to as 500 Copper Creek Drive  
Part of Block 1  
Registered Plan 65M-4141  
City of Markham (Self-Storage Development)

File: 65-0-21

Client: Smartcentres Real Estate Investment Trust

Draft Plan Number:

Date: October 13, 2021

Revision Date:

David B. Searles Surveying Ltd.

**ONTARIO LAND SURVEYORS**  
Land Information Services

4255 Sherwoodtowne Blvd., Suite 206, Mississauga, Ontario, L5Z 1Y5  
Tel: (905) 273-6840 Fax: (905) 896-4410 Email: info@dbsearles.ca

Note:

<b>PART NUMBER</b>	<b>AREA (sq. m)</b>	<b>DESCRIPTION</b>
1	4482	Proposed Severed Lands
2	66346	Proposed Retained Lands
3	3218	Proposed Retained Lands
4	133	Proposed Retained Lands - Subject to easement in favour of Part of Block 1, Registered Plan 65M-4141, designated as Parts 1 and 5 to 20 (both inclusive), Plan 65R-38497 as in instrument YR3133241
5	2599	Proposed Retained Lands - Subject to easement in favour of Part of Block 1, Registered Plan 65M-4141, designated as Parts 1 and 5 to 20 (both inclusive), Plan 65R-38497 as in instrument YR3133241 (Proposed access easement in favour of the severed lands)
6	102	Proposed Severed Lands
7	312	Proposed Severed Lands (Proposed storm easement in favour of the retained lands)
8	193	Proposed Severed Lands
9	25	Proposed Severed Lands (Proposed hydro easement)
10	1418	Proposed Retained Lands - Subject to easement in favour of Part of Block 1, Registered Plan 65M-4141, designated as Parts 1 and 5 to 20 (both inclusive), Plan 65R-38497 as in instrument YR3133241 (Proposed access easement in favour of the severed lands)
11	129	Proposed Retained Lands (Proposed storm easement in favour of the severed lands) - Subject to easement in favour of Part of Block 1, Registered Plan 65M-4141, designated as Parts 1 and 5 to 20 (both inclusive), Plan 65R-38497 as in instrument YR3133241 (Proposed access easement in favour of the severed lands)
12	74	Proposed Retained Lands (Proposed servicing easement in favour of the severed lands)
13	155	Proposed Retained Lands (Proposed servicing easement in favour of the severed lands) (Proposed access easement in favour of the severed lands) Subject to easement in favour of Part of Block 1, Registered Plan 65M-4141, designated as Parts 1 and 5 to 20 (both inclusive), Plan 65R-38497 as in instrument YR3133241
14	275	Proposed Severed lands (Proposed watermain easement in favour of the retained lands)
15	32	Proposed Severed Lands (Proposed storm easement in favour of the retained lands)
16	360	Proposed retained lands (Proposed easement for access and truck movements in favour of the severed lands)
17	111	Proposed severed lands (Proposed easement for access in favour of retained lands)

Note:

18	45	Proposed Severed Lands (Proposed storm easement in favour of the retained lands) (Proposed easement for access in favour of retained lands)
19	31	Proposed severed lands (Proposed easement for access in favour of retained lands)

**AREA REPORT**

Retained Lands	<b>74432 sq. m. (7.4432 ha)</b>
Severed Lands	<b>5608 sq. m. (0.5608 ha)</b>

**FRONTAGE REPORT**

Frontage @ 8 m setback	<b>63.290 m</b>
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**TOTAL AREA: 8.004 ha**

David B. Searles Surveying Ltd.

PRELIMINARY

Alister Sankey, O.L.S.