

Memorandum to the City of Markham Committee of Adjustment

May 02, 2019

File: B/06/19
Address: Part of Block 1, 65M4141 (NW DCP/Copper Creek Dr),
Markham
Applicant: Tacc Developments
Agent: (none)
Hearing Date: Wednesday May 8, 2019

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 with an approximate lot frontage of 181.1 m and an approximate lot area of 4.592 ha (Part 1, 5, 6, 7, 8, 9, 10, 11, 12);
- b) retain a parcel of land with an approximate lot frontage of 205.1 m and an approximate lot area of 8.0038 ha (Part 2, 3, 4);
- c) establish easements for shared access and servicing (Part 3, 5, 7, 8, 10, 11).

The purpose of this application is to sever the residential portion of the subject property from the commercial portion and to create the requisite mutual easements for shared services and access.

BACKGROUND

Property Description and area context

The subject land is located at the north-west corner of Donald Cousens Parkway (DCP) and Copper Creek Drive extending northward to Highway 407 and is approximately 12.59 hectares (31 acres). There are currently three (3) buildings located on the larger 'retained' parcel of land, a Walmart store, a multi-unit commercial building and a CIBC bank. The southern portion of the subject land is currently vacant.

Proposal

The applicant is proposing to sever approximately 4.59 hectare parcel of land which is the subject of past and current development applications (discussed later in this report) and which is proposed to be developed with a common element condominium townhouse development. The retained 8 hectare parcel of land will consist of the existing commercial buildings.

The applicant is also requesting consent for shared access and servicing easements between the severed and retained parcels of land.

Recent and on-going development approvals and applications for the severed parcel

On June 26th, 2018, Markham Council approved amendments to the City's 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018) and zoning by-law 177-96, as amended, to redesignate and rezone the southern portion of the subject land (the proposed severed parcel and the south-west corner of the retained parcel) from a "Commercial" designation and "Business Corridor" zone category to permit residential land uses.

On September 10th, 2018, Development Services Committee endorsed a site plan application (SC 18 150349) for the proposed severed parcel to allow 199 townhouses. Staff's review of the site plan application for the proposed townhouse development is near completion with issuance of site plan endorsement by staff, execution of the respective site plan agreement, issuance of site plan approval and a future condominium application still pending. A future Phase 2 site plan application is anticipated and will be required to redevelop the existing CIBC bank site with residential development.

Official Plan and Zoning

The northern portion of the subject land is designated "Commercial" in the City's 2014 Official Plan and zoned "Business Corridor *373 (BC*373)" in zoning by-law 177-96, as amended, both of which permit commercial uses.

The southern portion of the subject land is designated "Residential Low Rise" in the City's 2014 Official Plan and zoned "Residential Two * 602 *604 (R2*602*604)" in zoning by-law 177-96, as amended, which allow residential uses and some commercial uses.

COMMENTS

Site plan approval was issued in 2010 for all of the subject property to allow a commercial shopping centre on the entire subject lands. This comprised 12 stand-alone commercial buildings including the existing Walmart. Eight (8) of the buildings which were intended to be located on the proposed severed parcel. However, the landowner advised that there has been no commercial interest in developing the proposed severed parcel. As a result, in 2017 the landowner submitted Official Plan and Zoning By-law Amendment applications (OP/ZA 17 150349) to permit residential development on the proposed severed parcel and the south-west portion of the retained parcel, which as previously indicated were both approved by Markham Council. The purpose of the proposed severance is to facilitate the proposed common element townhouse development. Staff have no objections to the proposed severance.

The proposed easements will ensure that there is appropriate vehicular and pedestrian access from Copper Creek Drive and DCP as the primary existing east-west driveway will be located on the proposed retained parcel. In addition, the primary north-south connection to Copper Creek Drive will be located on the proposed severed parcel. Servicing easements are also required as service connections from the proposed retained parcel are located on the proposed severed parcel. The proposed easements have been reviewed by staff as part of the on-going site plan application and staff have no objections to the proposed easements.

PUBLIC INPUT SUMMARY

One (1) written submission objecting to the proposed development dated April 30th, 2019 was received. 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 and recommend approval of the consent application, subject to the conditions in Appendix 'A'.

PREPARED BY:



Stacia Muradali, Senior Planner, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District

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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/06/19

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/06/19, 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 seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. The Owner provide a solicitor's certificate indicating that the reciprocating easements between the retained and conveyed lots for site access (pedestrian and vehicular) and servicing purposes have been created to the satisfaction of the Director of Engineering.
6. 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.