

Memorandum to the City of Markham Committee of Adjustment

December 05, 2018

File: B/21/18 & B/22/18
Address: 9390 Woodbine Ave, Markham
Applicant: King Square Ltd & Markland Residential Corporation
Agent: KLM Planning Partners Inc.
Hearing Date: Wednesday December 12, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting provisional consent from the Committee of Adjustment to establish:

- a) an easement for pedestrian and vehicular access over part of Block 2, Plan 65M-3925 (Part 4) in favour of the adjacent property to the east.
- b) an easement for pedestrian and vehicular access over Block 1 and part of Block 2, Plan 65M-3925 (Part 1, 2, 3 & 5) in favour of the adjacent property to the west.

Property Description

The 4.64 ha (11.46 ac) subject property is located at the northwest corner of Woodbine Avenue and Markland Street, north of 16th Avenue. To the north of the subject site is a storm water management pond, with residential units to the north west. To the east across Woodbine Avenue is Ashton Meadows Park. To the south and west are vacant lands designated as 'Commercial' and 'Business Park Employment' in Markham's Official Plan.

The subject property has been planned for an integrated mixed use development (known as 'King Square') consisting of retail, office, hotel and convention centre. Phase 1 has recently been completed, which includes a 57,334.73 m² (617,166 ft²) mixed use building with 2 levels of underground parking (See attachment 1). Phase 2 is undergoing the Official Plan and Zoning process. It is anticipated to accommodate three mixed use buildings with a total gross floor area of approximately 34,986 m² (376,586 ft²) (see attachment 2).

Consent Request

The applicant is requesting provisional consent to establish an access easement that runs from the north side of Block 1 and Block 2 to west side of Block 2 (Part 1 to 5) (See attachment 3). The proposed easement is approximately 6.3 m (20.66 ft) wide and is generally configured based on the as-built driveway on the subject site.

Previous Consent Approvals

Similar consent applications were approved by the Committee of Adjustment on December 19, 2012 under file #: B/42/12 & B/43/12 (See attachment 4). However, the consent approval lapsed on December 19, 2013 because the conditions were not fulfilled within the prescribed one year time frame as required under the Planning Act. On November 26, 2018, the applicant submitted two new consent applications for the same proposal.

Official Plan and Zoning

2014 Official Plan (as partially approved on Nov 24/17 and further updated on April 9/18)
The new Official Plan 2014 designates the subject property 'Commercial', which provides for uses including commercial schools, retail, office, commercial fitness centre, hotels, light manufacturing, private club, restaurant, trade and convention centre.

Zoning By-law

The property is zoned Select Industrial and Limited Commercial (170%) [M.C. 170%] by By-law 165-80 as amended. Uses permitted on the subject lands include health centres, personal service shops, business offices, restaurants (including take-out), retail stores and trade and convention centres.

Zoning Preliminary Review Not Undertaken

A Zoning Preliminary Review has not been formally conducted for the proposed development. It is the owner's responsibility to ensure that the proposal, including the future homes, complies with all zoning requirements. If any variances are identified during the Building Permit review process, the applicant will be required to reapply to the Committee of Adjustment to address any non-compliance.

Comments

The proposed access easement is consistent with the as-built driveway and the approved site plan drawing for Phase 1 development. Based on the existing condition, Staff have no objection to the easement proposed for this application.

However, the portion of the driveway within the Phase 2 area is not consistent with the location of the driveway shown on the concept plan submitted with the Official Plan and Zoning By-law Amendment applications for the Phase 2 development (see attachment 2). The applicant is aware of this conflict and realizes that they may need to make a future application to revise the easement to reflect the ultimate driveway configuration. Consequently, staff suggested to the applicant that they defer this application until there is a certainty regarding the development of Phase 2.

PUBLIC INPUT SUMMARY

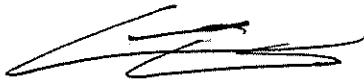
No written submissions were received as of December 7th, 2018. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff have reviewed the proposal within the context of the criteria in Sections 51 (24). As noted above, the applicant will be required to reapply to the Committee of Adjustment for a new easement should there be any changes to the driveway configuration.

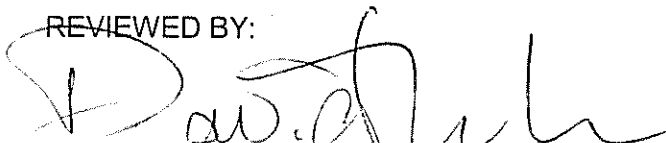
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner II, West District

REVIEWED BY:



David Miller, Development Manager, West District

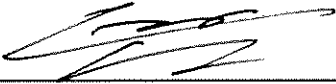
File Path: Amanda\File\18 256806\Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/22/18

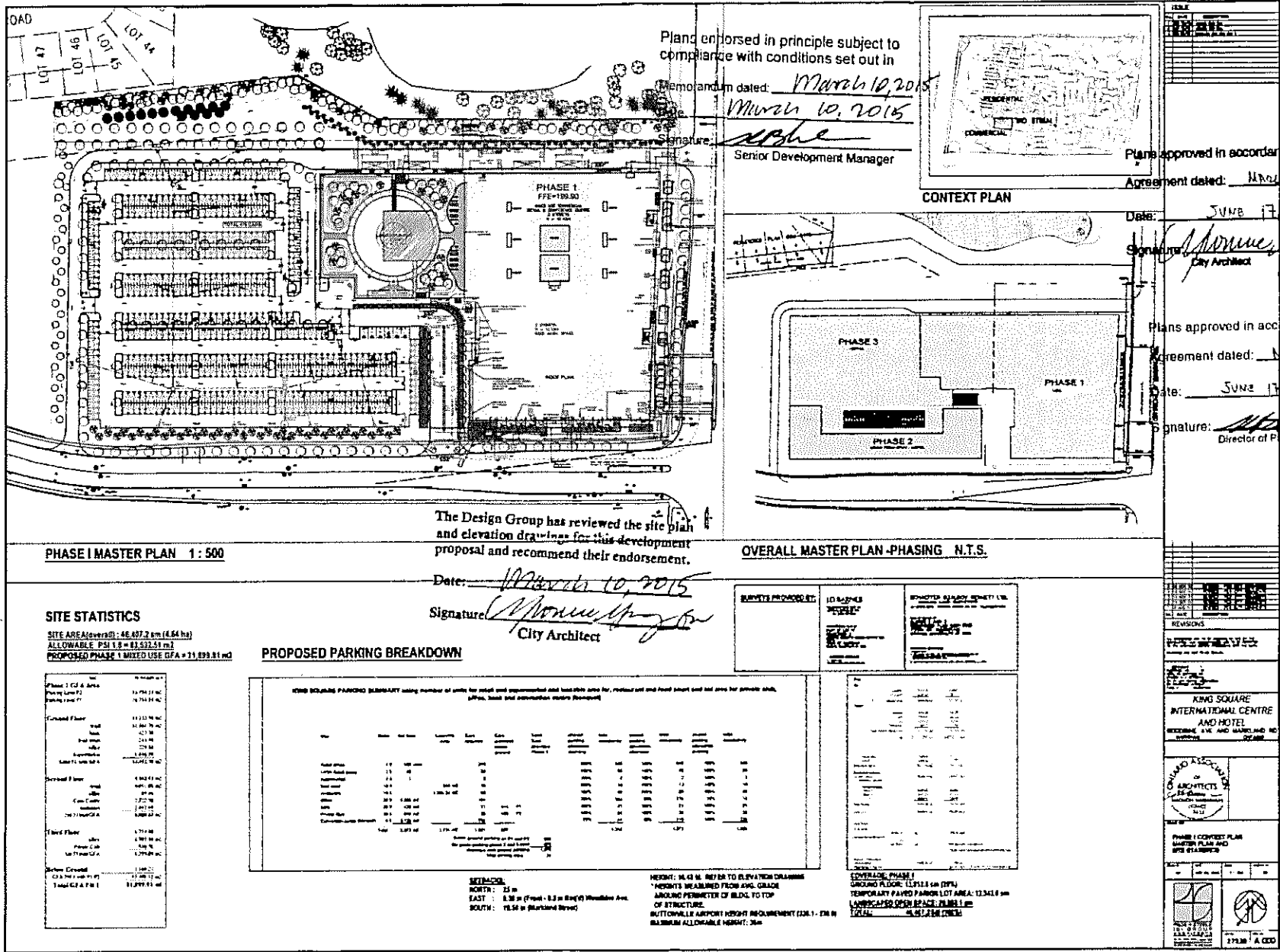
1. Payment of all outstanding realty taxes and local improvements charges owing to date against the subject property
2. Submission to the Secretary-Treasurer of the required transfer to effect the consent for easement applied under Files B/21/18 & B/22/18, in duplicate, conveying the easements over the 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. 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.

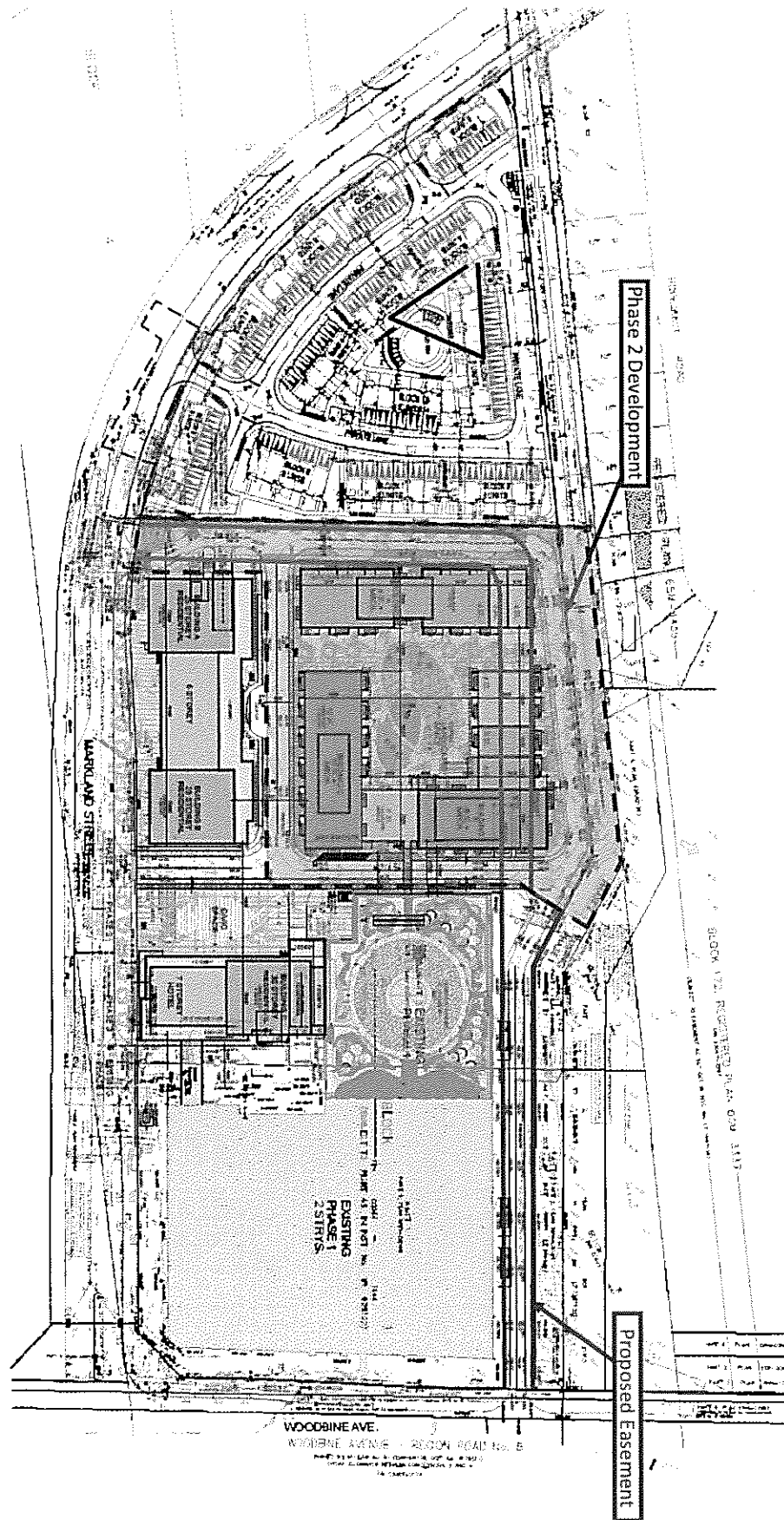
CONDITONS PREPARED BY:



Carlson Tsang, Planner II, West District

Attachment 1



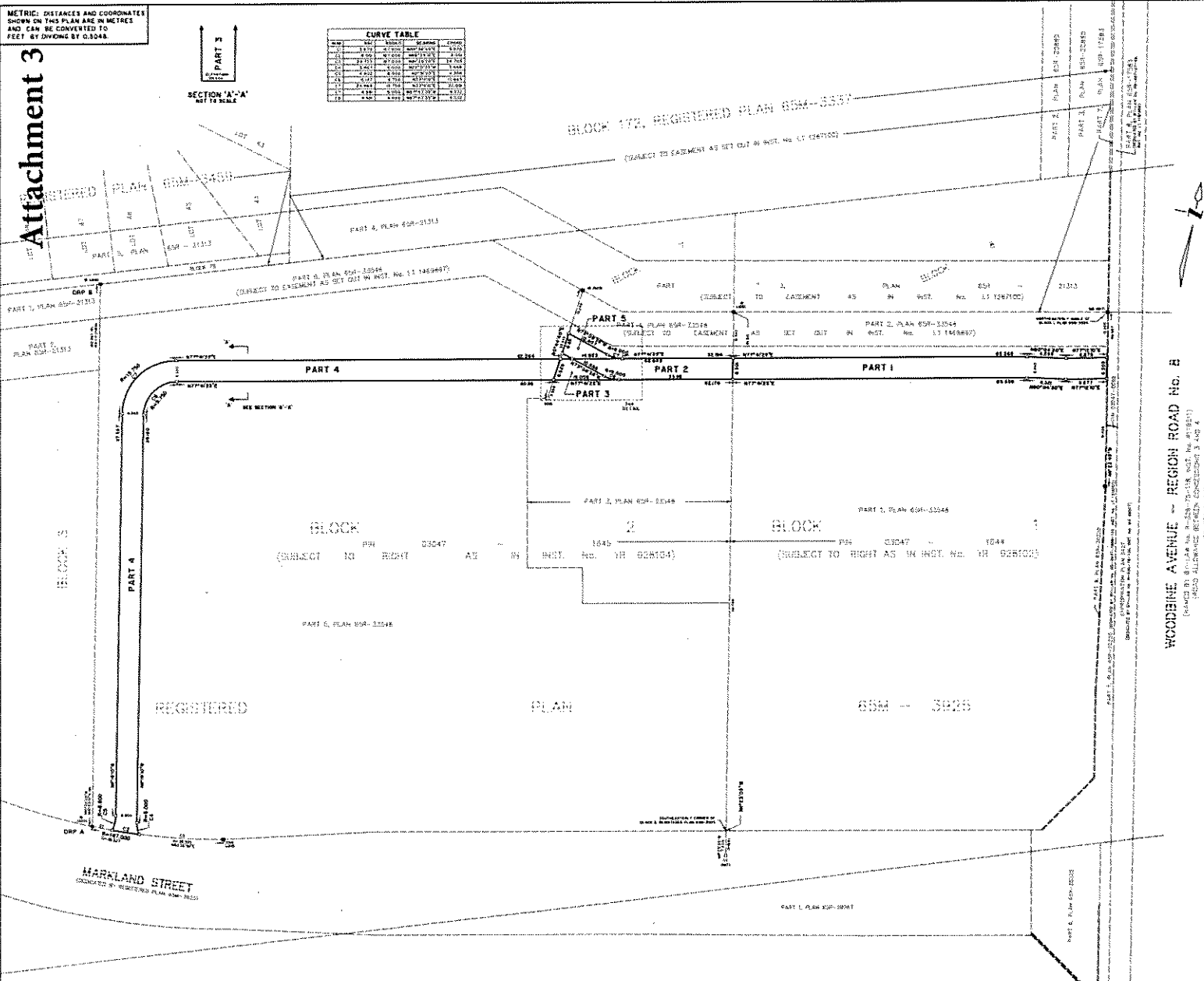


Attachment 3

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



CHORD	ARC	ANGLE	CHORD	ANGLE
1.00	1.00	1.00	1.00	1.00
1.01	1.01	1.01	1.01	1.01
1.02	1.02	1.02	1.02	1.02
1.03	1.03	1.03	1.03	1.03
1.04	1.04	1.04	1.04	1.04
1.05	1.05	1.05	1.05	1.05
1.06	1.06	1.06	1.06	1.06
1.07	1.07	1.07	1.07	1.07
1.08	1.08	1.08	1.08	1.08
1.09	1.09	1.09	1.09	1.09
1.10	1.10	1.10	1.10	1.10
1.11	1.11	1.11	1.11	1.11
1.12	1.12	1.12	1.12	1.12
1.13	1.13	1.13	1.13	1.13
1.14	1.14	1.14	1.14	1.14
1.15	1.15	1.15	1.15	1.15
1.16	1.16	1.16	1.16	1.16
1.17	1.17	1.17	1.17	1.17
1.18	1.18	1.18	1.18	1.18
1.19	1.19	1.19	1.19	1.19
1.20	1.20	1.20	1.20	1.20



PLAN 65R-

RECEIVED AND DEPOSITED

DATE: _____ 2008

DATE: _____

BY: _____

FOR THE LAND TITLES DIVISION OF YORK REGIONAL GOVT

SCHEDULE

PART	PART OF BLOCK	REGISTERED PLAN	PART OF PLAN
1		65M-3357	65M-3357
2		65M-3357	65M-3357
3		65M-3357	65M-3357
4		65M-3357	65M-3357
5		65M-3357	65M-3357

PLAN OF SURVEY OF
PART OF BLOCKS 1 AND 2
REGISTERED PLAN 65M-3925
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE 1:500

DATE: _____ 2008

BY: _____

FOR THE LAND TITLES DIVISION OF YORK REGIONAL GOVT

NOTES

1. ALL DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED.

2. ALL FOUND MONUMENTS ARE 80+ NUMBERED UNLESS NOTED OTHERWISE.

3. BENCHMARK NOTE: ELEVATIONS SHOWN HEREON ARE, ACCORDING TO THE CITY OF MARKHAM BENCHMARK NO. 80+000, HAVING A PUBLISHED ELEVATION OF 104.41 METRES.

4. SURVEYOR'S CERTIFICATE: I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM. 2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____ 2008.

DATE: _____ 2008

BY: _____

FOR THE LAND TITLES DIVISION OF YORK REGIONAL GOVT

DETAIL

NOT TO SCALE

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE, ACCORDING TO THE CITY OF MARKHAM BENCHMARK NO. 80+000, HAVING A PUBLISHED ELEVATION OF 104.41 METRES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____ 2008.

DATE: _____ 2008

BY: _____

FOR THE LAND TITLES DIVISION OF YORK REGIONAL GOVT

SCHAEFFER DZALDOV BENNETT LTD.

ON-TARI LAND SURVEYORS

44 JARVIS DRIVE, CONCORD, ONTARIO L4C 9P5

PHONE: (416) 461-1111 FAX: (416) 461-1112

EMAIL: info@schaefferdzaldov.com

WEBSITE: www.schaefferdzaldov.com



COMMITTEE OF ADJUSTMENT RESOLUTION

Application: B/42/12
Hearing Date: December 19, 2012
Name: King Square Limited
Location: 9390 Woodbine Ave Markham
PLAN 65M3925 BLK 1

Last day for appeal: Thursday January 10, 2013

Moved by G. [Signature]

Seconded by B. [Signature]

THAT Application No.B/42/12, submitted by King Square Limited, requesting provisional consent to establish an easement with an approximate area 1,519.1 square metres for pedestrian and vehicular access over part of Block 2 in favour of the adjacent property to the east, be **approved** subject to the following conditions:

- 1) Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels;
- 2) Submission to the Secretary-Treasurer of the required transfer, 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**
- 4) Fulfillment of conditions 1-3 prior to December 19, 2013. **TO THE APPLICATION SUBMITTED.**

Resolution carried.

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled. **Further notice of the last date to meet conditions will not be given.**



COMMITTEE OF ADJUSTMENT RESOLUTION

Application: B/43/12
Hearing Date: December 19, 2012
Name: King Square Limited
Location: 9390 Woodbine Ave Markham
PLAN 65M3925 BLK 1
Last day for appeal: Thursday January 10, 2013

Moved by

Seconded by

THAT Application No.B/43/12, submitted by King Square Limited, requesting provisional consent to establish easements with an approximate area of 955.93 square metres for pedestrian and vehicular access over Block 1 and part of Block 2 in favour of the adjacent property to the west be **approved** subject to the following conditions:

- 1) Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels;
- 2) Submission to the Secretary-Treasurer of the required transfer, 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 with the application as submitted.
- 4) Fulfillment of conditions 1-3 prior to December 19, 2012

Resolution carried.

<p>NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until ALL conditions have been fulfilled. Further notice of the last date to meet conditions will not be given.</p>
