



DEVELOPMENT SERVICES COMMITTEE MINUTES

FEBRUARY 21, 2012, 9:00 a.m. to 12:30 p.m.

Council Chamber

Meeting No. 4

All Members of Council

Development Services

Chair: Regional Councillor Jim Jones
Vice-Chair: Councillor Don Hamilton

Economic Development

Chair: Councillor Carolina Moretti
Vice-Chair: Councillor Alex Chiu

Transportation Issues

Chair: Regional Councillor Gord Landon
Vice-Chair: Councillor Alan Ho

PART B

Report Agenda

9:00 a.m. – Council Chamber

Attendance

Mayor Frank Scarpitti
Deputy Mayor Jack Heath
Regional Councillor Jim Jones
Regional Councillor Joe Li
Councillor Howard Shore
Councillor Don Hamilton
Councillor Carolina Moretti
Councillor Alan Ho
Councillor Logan Kanapathi
Councillor Alex Chiu

Andy Taylor, Chief Administrative Officer
Brenda Librecz, Commissioner of Community & Fire
Services
Alan Brown, Director of Engineering
Stephen Chait, Director, Economic Development
Catherine Conrad, Town Solicitor
Biju Karumanchery, Senior Development Manager
Rino Mostacci, Director of Planning and Urban Design
Stacia Muradali, Planner II
Tom Villella, Senior Project Coordinator
Kitty Bavington, Council/Committee Coordinator

Regrets

Regional Councillor Gord Landon
Councillor Valerie Burke
Councillor Colin Campbell

The Development Services Committee convened at the hour of 9:05 a.m. in the Council Chamber with Regional Councillor Jim Jones in the Chair.

DISCLOSURE OF PECUNIARY INTEREST – None Declared

1. DEVELOPMENT SERVICES COMMITTEE MINUTES
- February 7, 2012, Part B (10.0)
[Minutes](#)

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

That the minutes of the Development Services Committee meeting, Part B, held February 7, 2012, be confirmed.

CARRIED

2. THORNHILL AREA REVITALIZATION
WORKING GROUP MINUTES
- October 26, 2011
- December 14, 2011 (10.0)
[Oct 26](#) [Dec 14](#)

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

That the minutes of the Thornhill Area Revitalization Working Group meeting held on October 26, 2011 and December 14, 2011, be received for information purposes.

CARRIED

3. HERITAGE MARKHAM COMMITTEE MINUTES
- FEBRUARY 8, 2012 (16.11)
[Minutes](#)

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

That the minutes of the Heritage Markham Committee meeting held February 8, 2012, be received for information purposes.

CARRIED

**4. MILNE PATHWAY WORKING GROUP MINUTES
- JANUARY 23, 2012 (16.0)**

[Minutes](#)

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

That the minutes of the Milne Pathway Working Group meeting held January 23, 2012, be received for information purposes.

CARRIED

**5. ACCEPTANCE FOR MAINTENANCE OF PLANS OF SUBDIVISION
REGISTERED PLAN NUMBERS 65M-3988, 65M-4093, 65M-3767,
65M-3884, 65M-4033, 65M-3995, 65M-4055, 65M-3184,
65R-19049 PARTS 2, 4 AND 5, 65M-4063, 65M-4001 AND 65M-4002 (10.7)**

[Report](#)

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

- 1) That the report entitled “Acceptance for Maintenance of Plans of Subdivision” Registered Plan Numbers 65M-3988, 65M-4093, 65M-3767, 65M-3884, 65M-4033, 65M-3995, 65M-4055, 65M-3184, 65R-19049 Parts 2, 4 and 5, 65M-4063, 65M-4001 and 65M-4002 be received; and,
- 2) That the municipal services in Subdivision Registered Plan numbers 65M-3988, 65M-4093, 65M-3767, 65M-3884, 65M-4033, 65M-3995, 65M-4055, 65M-3184, 65R-19049 Parts 2, 4 and 5, 65M-4063, 65M-4001 and 65M-4002 be Accepted for Maintenance; and,
- 3) That by-laws be enacted by Council to accept these subdivisions and to establish each of the roads within the residential subdivisions as a public highway of the Town of Markham; and,
- 4) That the Community Services Commission accepts the responsibility for operating and maintaining the infrastructure within the subdivisions as part of the Town’s system; and,
- 5) That the Acceptance for Maintenance Period commence November 1, 2011; and,
- 6) That acceptance of the subdivisions to be taken into consideration in future operation budgets; and,

- 7) That the by-law to amend schedule '12' of Traffic By-law #106-71, by including compulsory stops to the indicated streets, be approved; and,
- 8) That the by-law to amend Schedule 'A' of the Speed By-law #105-71, by including a maximum speed of 40 kilometers per hour for the streets indicated, be approved; and,
- 9) That the by-law to amend schedule 'F' of the speed by-law #105-71, by including a maximum speed of 50 kilometers per hour for the streets indicated, be approved; and,
- 10) That the by-law to amend Schedule 'C' of the Parking of Vehicles By-law #2005-188, by including prohibited parking on the streets indicated, be approved; and,
- 11) That the Mayor and Clerk be authorized to execute the necessary releases from the terms of the Subdivision Agreements, subject to confirmation from the Director of Engineering that the final two year guarantee periods have been completed; and further,
- 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6. GROUND SIGN VARIANCE
BANK OF CHINA
50 MINTHORN BOULEVARD
APPLICATION FOR A 2ND GROUND SIGN
ALONG HIGHWAY NO. 7 STREET FRONTAGE
SP 11 129600 001 (2.16)
[Report](#)**

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

- 1) That the report dated January 24, 2012, titled "GROUND SIGN VARIANCE, Bank of China, 50 Minthorn Boulevard, application for a 2nd ground sign along Highway No. 7 street frontage" be received; and,
- 2) That the application for the proposed ground sign variance (SP 11 129600 001) be approved.

CARRIED

**7. RECOMMENDATION REPORT
MACKENZIE BUILDING AND DEVELOPERS LTD.
APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION APPROVAL AND
ZONING BY-LAW AMENDMENT
5443, 5521, AND 5565 MAJOR MACKENZIE DRIVE EAST
FILE NOS.: SU.02-116539 AND ZA.11-113623
AND
2162246 ONTARIO LTD. (BEST HOMES CANADA INC.)
9582 HIGHWAY 48, TRANSFER OF SERVICING ALLOCATION
FROM 2162246 ONTARIO LTD. (BEST HOMES CANADA INC.)
TO MACKENZIE BUILDING AND DEVELOPERS LTD. (10.7 and 10.5)
[Report](#)**

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Joe Li

- 1) That the report dated October 25, 2011, entitled “Recommendation Report, Mackenzie Building and Developers Ltd., Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment, 5443, 5521 and 5565 Major Mackenzie Drive East, File Nos.: SU.02-116539 and ZA.11-113623”, be received; and,
- 2) That the record of the Public Meeting held on October 25, 2011, regarding the applications for approval of Draft Plan of Subdivision and implementing Zoning By-law be received; and,
- 3) That the Mayor and Clerk be authorized to enter into a No Presale Agreement with the Owner of 9582 Markham Road which agreement shall be registered on title, committing the Owner to:

Not enter into any agreements of purchase and sale with end users for the lands (residential unit purchasers), until such time as:

- a. the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;

or,

- b. i. York Region has advised in writing that it is no earlier than thirty (30) months prior to the expected completion of the Southeast Collector Trunk Sewer and,

- ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;

or,

- c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development;

AND

Not enter into any agreements of purchase and sale with non end users (i.e. builders or parties other than residential unit purchasers) for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the new Owner to the same terms as set out in items a, b and c above; and,

- 4) That the Director of Planning and Urban Design, shall be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'A' as may be amended by the Director of Planning and Urban Design, upon 2162246 Ontario Limited (Best Homes Canada Inc.) executing a no pre-sales agreement with the Town in respect of its lands described as 9582 Highway 48; and,
- 5) That the application submitted by Mackenzie Building and Developers Ltd. to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted without further notice; and,
- 6) That the Owner provide the Town with the required payment of 30% processing fees in accordance with the Town's applicable Fee By-law; and,
- 7) That conditional 2013 servicing allocation for 26 single detached units (96.2 population) be granted to plan of subdivision 19TM-02012 from the total allocation for the Wismer Commons Secondary Plan, assigned in accordance with the January 18, 2011 staff report on servicing allocation; and,
- 8) That 86.6 units of allocation (18 semi detached units, 62 townhouse units and 6.5 single detached part lots/population 253.25) be transferred to Mackenzie Building and Developers Ltd. (19TM-02012) from 2162246 Ontario Ltd. (Best Homes Canada Inc., 9582 Markham Road); and
- 9) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,

- 10) That the Region of York be advised of the servicing allocation for this development; and,
- 11) That the draft plan approval for plan of subdivision 19TM-10002 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and further,
- 12) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**8. PRELIMINARY REPORT
PROPOSED AMENDMENTS TO ZONING BY-LAW 28-97, AS AMENDED,
RESPECTING PARKING PROVISIONS IN THE TOWN OF MARKHAM
ZA 12 107844 (10.0)**

[Report](#)

Rino Mostacci, Director of Planning and Urban Design gave a brief explanation of the proposed housekeeping amendments regarding parking provisions, and advised that the new provisions would not be retroactive for existing developments.

The Committee discussed provisions for commercial vehicles, accessory dwelling units and extended driveways. The Committee directed that further Committee discussions take place before the Public Meeting is held. Staff will provide a further report on parking issues prior to the Public Meeting.

Alex Hardy, representing the Markham Residents for Responsible Community Planning (MRRCP), spoke of recent parking issues relating to Places of Worship. He referred to letters from First Capital Legal Services, representing MRRCP dated February 3, 2012; the Town's response dated February 15; and the First Capital response dated February 16. Mr. Hardy requested the site plan and Building Permit for the Mosque at 6232 16th Avenue be deferred until parking provisions have been reviewed.

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Alan Ho

- 1) **That the deputation by Alex Hardy, representing the Markham Residents for Responsible Community Planning (MRRCP) regarding the proposed amendments to parking provisions, be received; and,**
- 2) That the report dated February 21, 2012 entitled "PRELIMINARY REPORT – Proposed Amendments to Zoning By-law 28-97, as amended, Respecting Parking Provisions in the Town of Markham, ZA 12 107844", be received; and,

- 3) That Public Meeting(s) be held to receive comments from the public, internal and external agencies, and other stakeholders with respect to proposed amendments to the zoning by-laws regarding parking provisions in the Town of Markham; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

9. RECOMMENDATION REPORT
BRUTTO CONSULTING
APPLICATIONS TO AMEND THE ROUGE NORTH SECONDARY PLAN
AND ZONING BY-LAWS TO FACILITATE SEVERANCES AT
39 CAROLWOOD CRESCENT AND 65 AND 69 CHATELAINE DRIVE
FILE NOS: OP 10 123245, ZA 10 123246 & ZA 10 130075 (10.4 AND 10.5)
[Report+Tables](#) [Figs](#) [AppA](#) [AppB](#) [AppC](#)
S. Muradali, ext. 2008

Rino Mostacci, Director of Planning and Urban Design introduced this matter.

The Committee agreed to permit the residents to video-tape the meeting.

Sylvia Consoli spoke in opposition to the proposed amendments, stating that when she had purchased her property on Chatelaine Drive, the Town had advised her that lots could not be severed. Ms. Consoli discussed the recognition of the properties as Rouge River Estate Lots.

Mohammad Rahman, representing the Rouge River Residents Association, explained their objections to the proposal with respect to lot size being a prime factor of the character of the neighbourhood. Mr. Rahman discussed previous planning recommendations to deny similar applications in this area, and suggested that a more detailed review is required. Mr. Rahman advised that the majority of the residents say “no” to the proposal.

Ather Subzwari, representing the Markham South Residents Association, objected to the proposed smaller lots and requested the application be denied.

Zaheer Baig, representing several residents, objected to the proposal, suggesting the smaller lots would not be compatible and would have a serious impact on the community.

Maniza Rahman gave a presentation to the Committee, displaying several existing properties and discussing the width and size of the existing lots. Mr. Rahman requested the application be denied and that the character of the neighbourhood be preserved by maintaining the larger estate-sized lots.

James Jagtoo, adjacent property owner to 39 Carolwood Crescent, spoke in opposition to the proposal. Mr. Jagtoo suggested the staff report is not impartial, and is inconsistent with policies, the community interest, and the previous decisions of Council, the Committee of Adjustment, and the Ontario Municipal Board. The Committee requested clarification on Mr. Jagtoo's comments.

Lilawattie Jagtoo, adjacent property owner to 39 Carolwood Crescent, objected to the potential loss of privacy for her pool area, from second floor windows in the proposed dwelling. The Committee suggested that the anticipated degree of privacy caused by the proposed development would be common to most areas.

Amani Ibrahim, spoke in objection to the proposal and expressed concern for maintaining privacy.

Scott Burns of Scott Burns Planning Consultants, representing the owner of 61 Chatelaine Drive, advised that his professional opinion was attached to the staff report for the Committee's consideration. Mr. Burns questioned statements in the staff report regarding buffering and impacts to the neighbourhood.

Jeffrey Streisfield, representing the owner of 61 Chatelaine Drive, provided copies of a letter dated September 4, 2011 from Mr. Streisfield to the Town. He reviewed the Town's policy documents and by-law provisions with respect to minimum lot frontage and area, and noted that a severance application has not yet been submitted. Mr. Streisfield recommended that the Town not support the applications, and questioned if the Region of York is the approval authority for Secondary Plan amendment. Staff advised that this is a local matter, and it is anticipated the Region will delegate approval to the Town.

Stephen Emmanuel, owner of 61 Chatelaine Drive, stated that it is important to maintain the certainty provided by Secondary Plan and Zoning By-laws, and that these aspects had been investigated prior to the purchase of his property. Mr. Emmanuel noted some residents on Carolwood are in favour of installing water and sewer services, which may lead to more severances.

Mohammad Rahman spoke on behalf of Jeff Morton, in opposition to the proposal. He stated that two-thirds of the residents are in favour of water and sewer connections, which will open the floodgates for more severances.

Sameem Mohammed spoke in opposition to the proposal, as it is contrary to the neighbourhood and the decision of the OMB. Mr. Mohammed displayed a rendering of a large house to be built on his property at 34 Carolwood Crescent.

Claudio Brutto, representing the applicant, supported adoption of the staff recommendation and noted the extensive public consultation and the thorough review by staff. He suggested the current policies are outdated. Mr. Brutto displayed streetscape photographs and suggested the proposal is a minor infill on large lots and will not change the neighbourhood substantially. With respect to privacy, the applicant will provide vegetation to ensure privacy. In response to questions from the Committee, Mr. Brutto confirmed that services are available to the site.

Michael Bigioni, representing the applicant, summarized that most of the lots in the area have narrow frontages, and only two other properties could use the same proposed standards to sever lots. More lots in the area could be severed if services were connected. He advised that the previous OMB refusal had been due to the fact that there had not been Official Plan policies for the lot size at that time. He suggested that if any policy changes are going to be made, they should be made by Council, not the OMB.

The Committee discussed the prior Council and OMB decisions, as well as a recent Council decision that had rejected a staff recommendation, and the issue of setting precedents. Staff explained that the issue of precedent is based on current applicable laws and the merits of the application at the time. Planning is not burdened by past decisions, because neighbourhoods do evolve. The Town now has the benefit of utilizing site plan control to ensure development is compatible. Staff are proposing to include Holding (H) provisions in the by-law to ensure site plan approval is obtained.

The Committee considered that this proposal does not dramatically change the character of the neighbourhood and that it can be considered on the merits that: it is consistent with existing properties; it will not detract from the character of the neighbourhood; and it would meet all development standards except lot area and frontage. It was recommended that site plan control be implemented on the whole Carolwood Crescent and Chatelaine Drive area.

The Ward Councillor advised that the majority of the residents are opposed to the proposal. Concern was also expressed for the impact on the character of the neighbourhood.

Moved by: Mayor Frank Scarpitti

Seconded by: Councillor Carolina Moretti

- 1) That correspondence dated September 4, 2011 from Jeffrey E. Streisfield, representing the owner of 61 Chatelaine Drive, in objection to the proposal, be received; and,**

- 2) **That the deputations by Sylvia Consoli; Mohammad Rahman, representing the Rouge River Resident's Association and also representing Jeff Norton; Ather Subzwari, representing the Markham South Resident's Association; Zaheer Baig; Maniza Rahman; James Jagtoo; Lilawattie Jagtoo; Amani Ibrahim; Scott Burns representing the owner of 61 Chatelaine; Jeffrey E. Streisfield, representing the owner of 61 Chatelaine Drive; Stephen Emmanuel; Sameem Mohammed; and Claudio Brutto and Michael Bigioni, representing the applicant, regarding applications by Brutto Consulting for 39 Carolwood Crescent and 65 and 69 Chatelaine Drive, be received; and,**
- 3) That the report dated February 21, 2012 titled "RECOMMENDATION REPORT, Brutto Consulting, Applications to amend the Rouge North Secondary Plan and Zoning By-laws to facilitate severances at 39 Carolwood Crescent, 65 and 69 Chatelaine Drive (File Nos: OP 10 123245, ZA 10 123246 & ZA 10 130075)", be received; and,
- 4) That the record of the Public Meeting held on May 10, 2011 regarding the proposed Secondary Plan and Zoning By-laws amendments be received; and,
- 5) That the application submitted by Brutto Consulting to amend the Rouge North Secondary Plan (OP 10 123245) for 39 Carolwood Crescent, 65 and 69 Chatelaine Drive, be approved, and that the draft Secondary Plan amendment attached as Appendix 'C' be finalized and adopted without further notice; and,
- 6) That the application submitted by Brutto Consulting to amend Zoning By-law 304-87, as amended, (ZA 10 130075) for 39 Carolwood Crescent, be approved, and that the draft By-law attached as Appendix 'D' be finalized and enacted without further notice; and,
- 7) That the application submitted by Brutto Consulting to amend Zoning By-law 90-81, as amended, (ZA 10 123246) for 65 and 69 Chatelaine Drive, be approved, and that the draft By-law attached as Appendix 'E' be finalized and enacted without further notice; and,
- 8) **That the Zoning By-law amendments contain a Holding (H) provision which shall be removed in conjunction with site plan approval; and,**
- 9) **That staff be directed to bring a report regarding requiring new development within the Carolwood Crescent and Chatelaine Drive area to be subject to Site Plan Control forward to Council for consideration and adoption; and further,**
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

10. IN-CAMERA MATTER

Moved by: Councillor Carolina Moretti

Seconded by: Councillor Alex Chiu

That, in accordance with Section 239 (2) (c) of the Municipal Act, Development Services Committee resolve into an in-camera session to discuss the following confidential matter:

- 1) CONFIDENTIAL PROPERTY MATTER IN WARDS 1 AND 5

CARRIED

Moved by: Councillor Carolina Moretti

Seconded by: Councillor Alex Chiu

That the Development Services Committee rise from in-camera session (12:25 PM).

CARRIED

ADJOURNMENT

The Development Services Committee meeting adjourned at 12:25 PM.

Alternate formats for this document are available upon request.
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