



Report to: Development Services Committee

Report Date: November 29, 2011

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**SUBJECT:** RECOMMENDATION REPORT  
Construction of public sanitary sewer and overland flow route  
at 9201 and 9211 Woodbine Avenue

File Nos. SP. 97-007 (SH 97 000007) and SC 10 127196

**PREPARED BY:** John Ferrara, Engineering Technologist, ext. 2550  
Michael Fry, Planner, ext. 2331

**REVIEWED BY:** Brian Lee, Senior Manager, Development Engineering and  
Transportation, ext. 4838  
Richard Kendall, Manager Central District, ext. 6588  
Jacqueline Chan, Assistant Town Solicitor, ext. 4745

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**RECOMMENDATION:**

- 1) That the report dated November 29, 2011 titled "RECOMMENDATION REPORT, Construction of public sanitary sewer and overland flow route at 9201 and 9211 Woodbine Avenue, File Nos. SP. 97-007 (SH 97 000007) and SC 10 127196" be received;
- 2) That Council grant approval to amend the Site Plan Agreement at 9211 Woodbine Avenue:
  - a) to remove the requirement for a storm sewer easement at the front of the property;
  - b) to remove the requirement for a private sanitary sewer easement at the rear of the property; and
  - c) to add a requirement to provide a municipal sanitary sewer easement and overland flow route easement at the rear of the property.
- 3) That Council grant staff approval to obtain
  - a) an easement to be conveyed to the Town for a municipal sanitary sewer and overland stormwater flow at the rear of 9211 Woodbine Avenue, shown as Part 1 on the draft reference plan;
  - b) an easement to be conveyed to the Town for a municipal sanitary sewer and overland stormwater flow at the rear of 9201 Woodbine Avenue, shown as Part 2 on the draft reference plan;
  - c) an easement to be conveyed to the Town at the south lot line of 9201 Woodbine Avenue, shown as Part 3 on the draft reference plan for access required to maintain the municipal sanitary sewer; and

- d) future easements to be conveyed to the Town for municipal sanitary sewers and overland stormwater flow at the rear of 9181 and 9191 Woodbine Avenue when these properties are redeveloped.
- 4) That Council grant authority for the Mayor and Clerk to enter into a construction agreement with FARIDEH PARSA for the construction of a municipal sanitary sewer to the satisfaction of the Director of Engineering at the rear of 9201 and 9211 Woodbine Avenue;
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to provide background information and to authorize the construction of a new municipal sanitary sewer and obtain the necessary easements from the affected property owners. The new municipal sanitary sewer and easements are required to accommodate a new Montessori daycare/nursery at 9201 Woodbine Avenue and the future redevelopment of 9181 and 9191 Woodbine Avenue

**BACKGROUND:**

9201 Woodbine Avenue and 9211 Woodbine Avenue are under separate ownership. The two properties are located on the east side of Woodbine Avenue south of 16<sup>th</sup> Avenue (Figure 1). Each parcel has approximately 31.7m of frontage on Woodbine Avenue and each are approximately 2060m<sup>2</sup> (0.5 acres) in area.

To the east of the properties is a subdivision of two-storey detached dwellings. To the west, on the opposite side of Woodbine Avenue, is a newer development of three-storey townhouses. On the north side are several commercial buildings. To the south are two detached bungalow dwellings, the Buttonville Cemetery, and a place of worship (Figure 2).

**Development of 9201 Woodbine**

In 1997 Council granted site plan approval to convert the existing detached dwelling at 9211 Woodbine Avenue to a private school. The Site Plan Agreement, executed in 1998, had provisions which required the owner to convey a private sanitary sewer easement at the rear of the property and also to convey a private storm sewer easement at the front of the property, to the benefit of the properties to the south at the time of redevelopment of those properties.

In 2010 Farideh Parsa, the owner of 9201 Woodbine Avenue, submitted a site plan application to the Town to construct a new Montessori daycare/nursery (Figure 4). As part of the site plan application review process, Town staff advised Ms. Parsa that a

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sanitary sewer connection will be required from the new building to the municipal sewer located at the rear of 9211 Woodbine Avenue.

The delegated site plan application has been circulated to various Town departments and external agencies and is ready to be endorsed by staff.

In order that the two properties to the south of 9201 Woodbine Avenue (being 9181 and 9191 Woodbine Avenue), will have the opportunity to redevelop in the future, Town staff have requested the owners of 9201 Woodbine Avenue to size their sanitary sewer to accommodate the future redevelopment. Given the multiple ownerships involved, the easement to access the existing sanitary sewer should be public and not private. Accordingly, staff have requested the owners of both 9201 and 9211 to provide a public sanitary sewer and storm drainage overland flow easement at the rear of each property (shown as PART 1 at the rear of 9211 Woodbine Avenue and PART 2 at the rear of 9201 Woodbine Avenue on Figure 5). An access easement is also required for maintenance purposes from Woodbine Avenue to the public easement (shown as PART 3 on Figure 5).

The sanitary sewer and overland flow swale would be constructed by the owner of 9201 Woodbine Avenue at their cost and to Town standards and would be assumed by the Town two (2) years after construction is completed to the satisfaction of the Director of Engineering.

The owner of 9201 Woodbine Avenue has also agreed to provide an easement for sanitary sewer and storm water overland flow over PART 2 on the draft reference plan and a sewer maintenance access easement over PART 3 on the draft reference plan (Figure 5).

We recommend that the obligation on the owner of 9201 Woodbine Avenue to construct the municipal sewer be documented in a construction agreement and the conveyance of easements be secured in a site plan agreement and conveyed through a Transfer of Easement to the Town. A component of the construction agreement would provide for site restoration, after construction of the sewer and overland flow swale.

#### 9211 Woodbine Avenue – Amendment to Site Plan Agreement

In 1998 the Town entered into a Site Plan Agreement for the development of 9211 Woodbine Avenue. The Site Plan Agreement required the owner to convey a private sanitary sewer easement at the rear of the property and also to convey a private storm sewer easement at the front of the property, to the benefit of the properties to the south at the time of redevelopment of those properties.

In consultation with the local councillor and staff, the owners of 9211 Woodbine Avenue have agreed to provide a municipal sanitary sewer and storm drainage overland flow easement instead of the two private easements, as described in the Site Plan Agreement.

It has been demonstrated that the originally proposed storm sewer easement is not workable or practical in the front of the property due to the general grading of the property and surrounding area. Because the grading is more favourable at the rear of the property, this easement will be created at the rear instead of the front. We recommend that this new municipal easement be documented through an amendment to the 1998 Site Plan Agreement and be conveyed through a Transfer of Easement to the Town.

Easements from 9181 and 9191 Woodbine Avenue

The properties to the south of 9201, being 9181 and 9191 Woodbine Avenue will require a public sewer for sanitary and stormwater overland flow when they are redeveloped or when their existing septic systems fail. We recommend that the owners of 9181 and 9181 Woodbine Avenue convey to the Town easements for such sewers when they redevelop their properties, which will then be secured through future site plan approvals.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

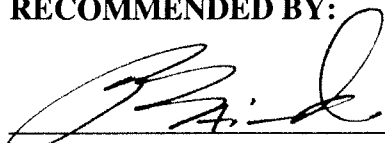
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

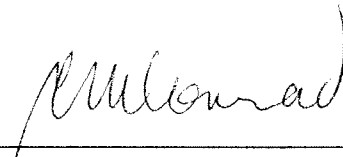
The creation of the public easements and the construction of the sanitary sewer will help to meet the Town's priorities of managing growth.

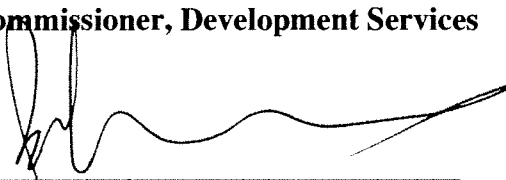
**BUSINESS UNITS CONSULTED AND AFFECTED:**

The site plan application has been circulated to various Town departments and external agencies and their comments have been considered.

**RECOMMENDED BY:**

  
James Baird, M.C.I.P., R.P.P.  
Commissioner, Development Services

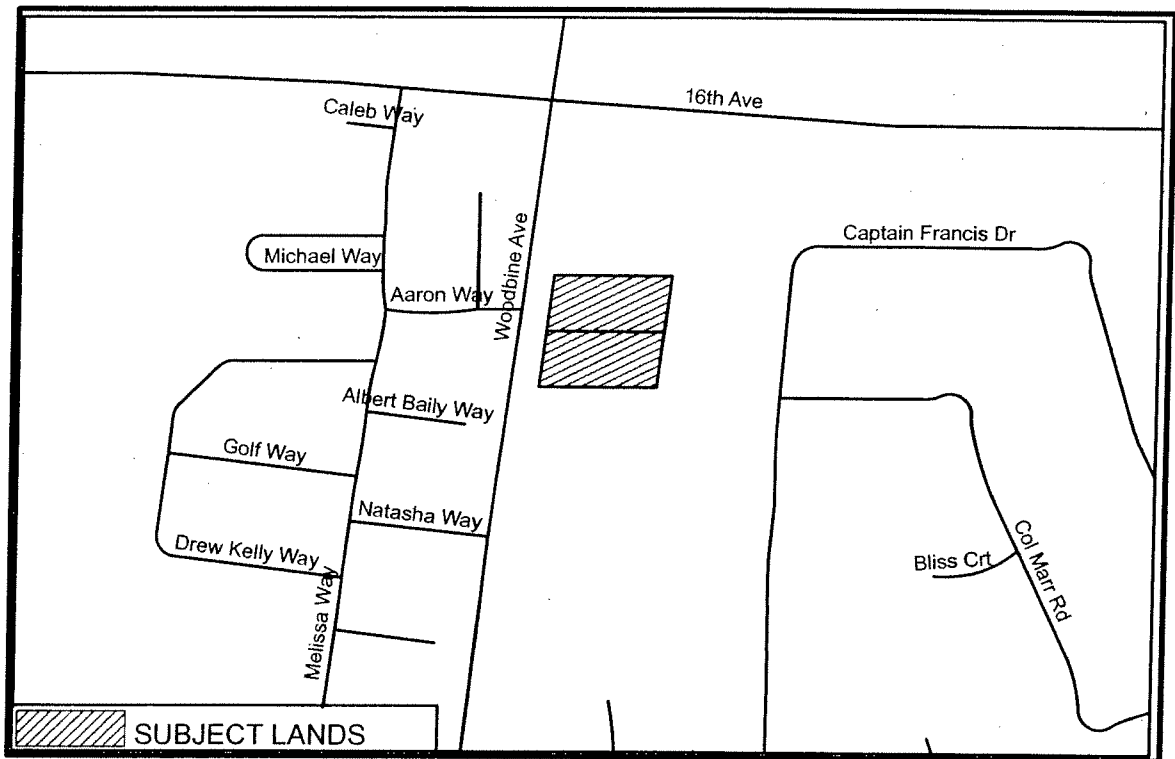
  
Catherine Conrad  
Town Solicitor

  
for Alan Brown, C.E.T.  
Director, Engineering

**ATTACHMENTS:**

- |           |                    |
|-----------|--------------------|
| Figure 1- | Location Map       |
| Figure 2- | Area Context       |
| Figure 3- | Air Photo          |
| Figure 4- | Proposed Site Plan |
| Figure 5- | Proposed Easements |

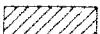
Figure 1 – Location Map





# AREA CONTEXT/ ZONING

9201 & 9211 WOODBINE AVE.

 SUBJECT LANDS

FILE No. SC. 10127196 & SP. 97007 (MF)

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DATE: 11/02/2011



# AIR PHOTO (2009)

APPLICANT: M. BEHAR PLANNING & DESIGN INC.  
9201 WOODBINE AVE.

FILE No. SC. 10127196 (MF)

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 SUBJECT LANDS



DATE: 11/02/2011

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW Checked By: MF

FIGURE No. 3





