



SUBJECT: **PRELIMINARY REPORT**
2585231 Ontario Inc.
Applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit medium-rise residential and mixed use development at 9999 Markham Road, (Ward 5).

File Nos: ZA/SU 18 180621

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Senior Planner, East District

REVIEWED BY: Sally Campbell, MCIP., RPP., MRTPI. Ext. 2645
Manager, East District

Francesco Santaguida, Ext. 3583
Assistant City Solicitor

RECOMMENDATION:

- 1) That the report titled “PRELIMINARY REPORT, 2585231 Ontario Inc., Applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit medium-rise residential and mixed use development at 9999 Markham Road, (Ward 5), File Nos: ZA/SU 18 180621”, be received; and

PURPOSE:

The purpose of this report is to provide preliminary information on the applications submitted by 2585231 Ontario Inc. for rezoning and draft plan of subdivision for 9999 Markham Road. This report contains general information in regards to applicable Official Plan or other policies as well as other issues and the report should not be taken as Staff’s opinion or recommendation on the application.

Applications deemed complete

The Zoning By-law Amendment and Draft Plan of Subdivision applications were deemed complete on October 26th, 2018. The materials have been circulated to all City Staff and external agencies for review. The Zoning By-law Amendment application would be eligible for an appeal under the Planning Act on March 25th, 2019, and the Draft Plan of Subdivision application on April 24th, 2019.

Next Steps:

1. Statutory Public Meeting (tentatively scheduled for March 26th, 2019);
2. Recommendation Report respecting the Zoning By-law Amendment and Draft Plan of Subdivision applications;
3. Resolution of the on-going Ontario Municipal Board (OMB) appeals (discussed later in this report);

4. Submission of future Site Plan and Condominium applications;
5. Recommendation Reports on the Site Plan applications and phased site plan approvals.

BACKGROUND:**Subject land and area context**

The subject land (9999 Markham Road) is located at the south-east corner of Major Mackenzie Drive and Markham Road and is approximately 12.84 hectares (31.7 acres) (Figure 1). The subject land was formerly used for industrial warehousing and manufacturing by Emerson Electric. There is an existing open water channel which runs across the south-west corner of the site.

The CN rail corridor and Neighbourhoods of Greensborough community are to the east. There is an existing Esso Gas Station, a Tim Hortons/Wendy's and proposed townhouse and mixed use high density development across the street on the west side of Markham Road. There is residential development further west, and commercial development further south on the west side of Markham Road. There is a garden nursery and rural properties to the north, and a mix of commercial and light industrial development and places of worship to the south of the subject land. The Mount Joy GO Station is located further south, at the south-east corner of Bur Oak Avenue and Markham Road (Figure 3).

A mixed use high density development consisting of two (2) - 18 storey apartment buildings and 56 townhouses proposed by National Homes at the south-east corner of Castlemore Avenue and Markham Road was endorsed by DSC on June 25th, 2018 and November 19th, 2018.

Previous proposal for commercial development with future residential uses

The previous landowner, Villarmark Inc. submitted an application to amend the zoning in 2007 to facilitate the construction of a mixed use centre including commercial, retail, office and residential uses. A Preliminary Report went to Development Services Committee (DSC) on March 18th, 2008, however the application never advanced to a statutory Public Meeting before the application was revised in 2012. In 2012, Villarmark Inc. submitted a revised zoning by-law amendment application, and new draft plan of subdivision and site plan applications (ZA/SU/SC 12 134590) to permit mainly large format commercial and retail uses, a movie theatre, office uses and a future 10-storey residential apartment building. Anderson Avenue, which is located east of Markham Road, between Bur Oak Avenue and Castlemore Avenue, was proposed to be extended to Major Mackenzie Drive, through the subject land and was to be conveyed to the City as part of the plan of subdivision application.

OMB appeals

A staff Memorandum dated May 22nd, 2012 provided an update to DSC on the revised and new development applications and the statutory Public Meeting was held on June 19th, 2012. In October 2012, Villarmark Inc. appealed the zoning by-law amendment, draft plan of subdivision and site plan applications to the OMB for non-decision.

No further progress was made on those applications following the OMB appeals. Villarmark Inc. has since sold the subject land to 2585231 Ontario Inc, the current landowner. In processing these applications, staff have taken the position that given the difference between the current proposal which is the subject of this report, and the applications filed by Villarmark Inc., the current applications constitute a new application, and have treated the current proposal as such.

Proposed development

2585231 Ontario Inc., the current landowner, is proposing a phased development as follows:

Phase 1

The proposed first phase incorporates Blocks 2, 3, 8 and 9 (Figure 4 & 5) and will be comprised of the following:

1. Block 2 - 4.81 hectares (11.9 acres), located on the east side of the proposed Anderson Avenue extension, adjacent to the rail corridor. A common element condominium with 178 townhouses and a standard condominium consisting of two (2) 8-storey mid-rise residential buildings oriented along Major Mackenzie Drive and containing 258 apartment units, are proposed;
2. Block 3 - includes the water channel to be conveyed to the City. The previous landowner had an outstanding Toronto and Region Conservation Authority (TRCA) violation dating back to 2011 for the unauthorized removal and placement of fill material within the TRCA regulated area. The current landowner has obtained a permit from the TRCA and has applied for a site alteration permit from the City to remediate the channel, resolving that TRCA violation;
3. Block 8 - 0.22 hectare (0.54 acre) public park at the south-east corner of the site , which will become a larger public park after Phase 2 is completed; and,
4. Block 9 - a portion of the proposed Anderson Avenue extension to connect to Major Mackenzie Drive and an east-west public street to connect to Markham Road.

Phase 2

The proposed second phase incorporates Blocks 1, 4, 5, 6 and 7 (Figure 4 & 5) and will be comprised of the following:

1. Block 1 - 4.5 hectares (11 acres) with direct frontage on Markham Road, Major Mackenzie Drive and the proposed Anderson Avenue extension. Preliminary concepts for Block 1 include townhouses, as well as mid-rise residential and mixed use mid-rise buildings ranging from six (6) storeys to a maximum of eight (8) storeys;
2. Block 4 - 0.36 hectare (0.9 acre) open space block adjacent to the water channel, to be conveyed to the City in the future;

3. Block 5 - the remaining portion of the proposed Anderson Avenue extension;
4. Block 6 - 0.56 hectare (1.38 acres) future development block; and,
5. Block 7 – 0.19 hectare (0.47 acre) the remaining portion of the proposed future public park.
6. There is contamination as a result of the previous industrial use located within the general vicinity of Blocks 4,5,6 & 7 and the landowner is currently undertaking work to determine the location, nature and remediation of this contamination.

Policy Framework, Official Plan and Zoning**Provincial Policy Statement, 2014 (PPS, 2014)**

The proposed zoning by-law amendment and draft plan of subdivision will be evaluated against the PPS, 2014 especially in terms of managing and directing land use to achieve efficient and resilient development and land use patterns. Specifically, the following will be evaluated:

- Promoting efficient development and land use patterns;
- Accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs;
- Improving accessibility for persons with disabilities and older persons; and
- Integrating servicing, transportation and land use considerations.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan, 2017) - a framework for implementing the Province's vision

The proposed zoning by-law amendment and draft plan of subdivision will be evaluated against the Growth Plan, 2017 especially in terms of supporting the achievement of complete communities that:

- Feature a diverse mix of land uses;
- Provide a diverse range and mix of housing options;
- Expand convenient access to a range of transportation options, public service facilities, and an appropriate supply of safe, publicly-accessible open spaces, parks, trails and recreational facilities; and
- Integrate green infrastructure and low impact development.

Staff are working with the applicant to ensure that the objectives of the PPS, 2014 and the Growth Plan, 2017 described above are achieved and implemented in the amending zoning by-law by zoning for an appropriate mix of land uses and in future site plans which incorporate, among other things, appropriate Transportation Demand Management (TDM) measures, sustainability initiatives and low impact development (LID), and accessible public parks and private amenity spaces. The applicant still has to demonstrate how the objectives of supporting complete communities and efficient and resilient land use patterns have been achieved.

Official Plan and need for a Secondary Plan

The subject land is located within the Markham Road Corridor-Mount Joy Corridor (“Mount Joy Corridor”) in the City’s 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018) (the “2014 Official Plan”). The 2014 Official Plan requires a new Secondary Plan for the Mount Joy Corridor. The Mount Joy Secondary Plan (the “Secondary Plan”) will incorporate a land use planning study, transportation study and municipal servicing study which ultimately will inform opportunities and constraints facing development along the Mount Joy Corridor. One of the main components of the Secondary Plan’s land use planning study is to determine if, and how much to increase population and employment density, and the services and amenities which are needed to support that density.

A component of the Mount Joy Secondary Plan may involve consideration of a future GO Station at Major Mackenzie Drive and the Stouffville Rail Corridor, to support anticipated increases in population and employment density along the corridor, if warranted from a transportation perspective. A GO Station at Major Mackenzie Drive and the Stouffville Rail Corridor was one of 120-plus station locations under consideration for the 2041 proposed transit network. However, in 2015 Metrolinx eliminated this station during the second stage of analysis, leaving some 50 potential stations still under consideration. Notwithstanding the elimination of the Major Mackenzie Drive station, there have been recent resolutions from Markham’s Development Services Committee (DSC) dated February 11th, 2019 titled “Metrolinx Pursuing Market-Driven Approach to New Go Stations”, which was adopted in response to an amended resolution from York Region Council dated January 31, 2019, to request Metrolinx to consider the Denison/14th Avenue and the Major Mackenzie Drive on the Stouffville Corridor stations as part of its development-driven approach to GO station expansion.

The applicant proposes to advance the Phase 1 development before the Mount Joy Corridor Secondary Plan is established. The applicant consents that Phase 2 of their development will not advance until, at a minimum, the draft vision for the Secondary Plan has been received by Council and Staff are of the opinion that it is appropriate to progress Phase 2.

The subject land is shown as “Mixed Use Mid Rise” and “Greenway” in the 2014 Official Plan, which shall be used to guide the preparation of the Secondary Plan for the Mount Joy Corridor (the “Secondary Plan”). Until the Secondary Plan is approved, the policies of Official Plan (Revised 1987), as amended, shall apply.

The Official Plan (Revised 1987), as amended, designates the subject land “Major Commercial Area”, which contemplates a diverse range of retail, service, commercial, community, institutional and recreational uses. The “Major Commercial Area” designation also provides for medium and high density residential subject to a rezoning application and site-specific development approval. The applicant is proposing medium density, residential and mixed use development which will conform to the Official Plan (Revised 1987), as amended.

Zoning

The subject land is zoned "Select Industrial and Warehousing (M.I.)" in Zoning By-law 88-76, as amended, which permits a range of industrial uses. The subject land must be rezoned to permit the proposed residential and commercial uses. Holding (H) provisions will be implemented as part of the zoning by-law amendment application to ensure that appropriate conditions of development have been satisfied (discussed later in this report).

OPTIONS/ DISCUSSION:

The following is a preliminary summary of concerns/ issues raised to date. Other matters that are identified through the detailed review of these applications will be discussed in a future recommendation report. Some of the issues identified include but are not limited to:

- 1) A range of uses and built form, including purpose built secondary suites is encouraged and will be implemented as part of the amending zoning by-law. A variety of housing and unit types is also encouraged to offer a range of purchase prices to appeal to a broader range of demographic groups. The Owner still has to demonstrate how this will be achieved.
- 2) The on-going OMB appeals must be resolved before approval of the amending zoning by-law and issuance of draft plan approval, should Council support the current applications, and submission of any future site plan applications.
- 3) The appropriate amount of parkland dedication (amount of physical parkland vs cash-in-lieu of parkland) remains to be determined. In addition to the amount of parkland dedication, the location, size, shape and function of the proposed public park are being examined. The Phase 1 (Block 8) park block does not have public frontage which currently is not acceptable to the City, which therefore will need to be revised.
- 4) The appropriateness of conveying the Phase 2 open space block (Block 4) into public ownership and if it will be subject to parkland credit will be considered as part of the Phase 2 development.
- 5) Traffic signal design for the intersection of the proposed east/west public road and Markham Road must be prepared to determine the property requirements. A cost sharing agreement will be required between the landowners of the subject land and 9900 Markham Road across Markham Road on the west side. The traffic signal must be implemented before the development of Phase 1 of the subject land and development of Phase 2 of 9900 Markham Road.
- 6) Environmental Site Assessments (ESAs) along with an Environmental Clearance and Reliance Letter and Record of Site Condition (RSC) are required for all lands to be conveyed to the City (including sub-surface easements) to the City.

- 7) Appropriate Section 37 contributions, including public art contributions, will be implemented in the amending zoning by-law and site plan approvals.
- 8) External agencies including the Region of York, TRCA, Metrolinx, and Ministry of Transportation (MTO) will be providing comments and draft conditions on these applications which the applicant is required to address before zoning approval or registration of the draft plan of subdivision should Council support the applications.
- 9) The City's Environmental Services Department (Waterworks) has advised that the down-stream sanitary system can accommodate the proposed Phase 1 development, however, the sanitary servicing for future phases of the proposed development will be evaluated as part of the Mount Joy Secondary Plan.
- 10) Draft plan and 'conditions of approval', holding (H) provisions in the zoning by-law and appropriate controls will be imposed to ensure the timely delivery, including but not limited to the following matters:
 - a. Construction of the portion of the Anderson Avenue extension (Block 5, Figure 4) which is located on the Phase 2 land;
 - b. Remediation of any contamination resulting from the previous industrial use;
 - c. Class EA (Environmental Assessment) for the Anderson Avenue extension alignment from the Phase 2 land south to Castlemore Avenue;
 - d. Completion and registration of the EA must occur before development of any Phase 2 lands, including Block 1; and
 - e. Draft vision of the Mount Joy Secondary Plan being accepted by Council at minimum, before the proposed development, or certain phases of the development advancing.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications are being considered within the context of the City's safe and sustainable community strategic priority.

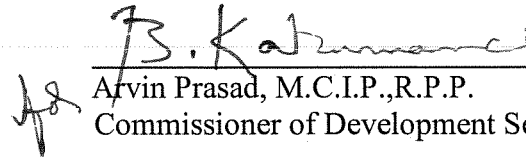
BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various departments and external agencies and are currently under review. All conditions and requirements received will be reviewed and if appropriate, will be incorporated into the proposed amendment and/or draft plan conditions.

RECOMMENDED BY:



Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager



Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

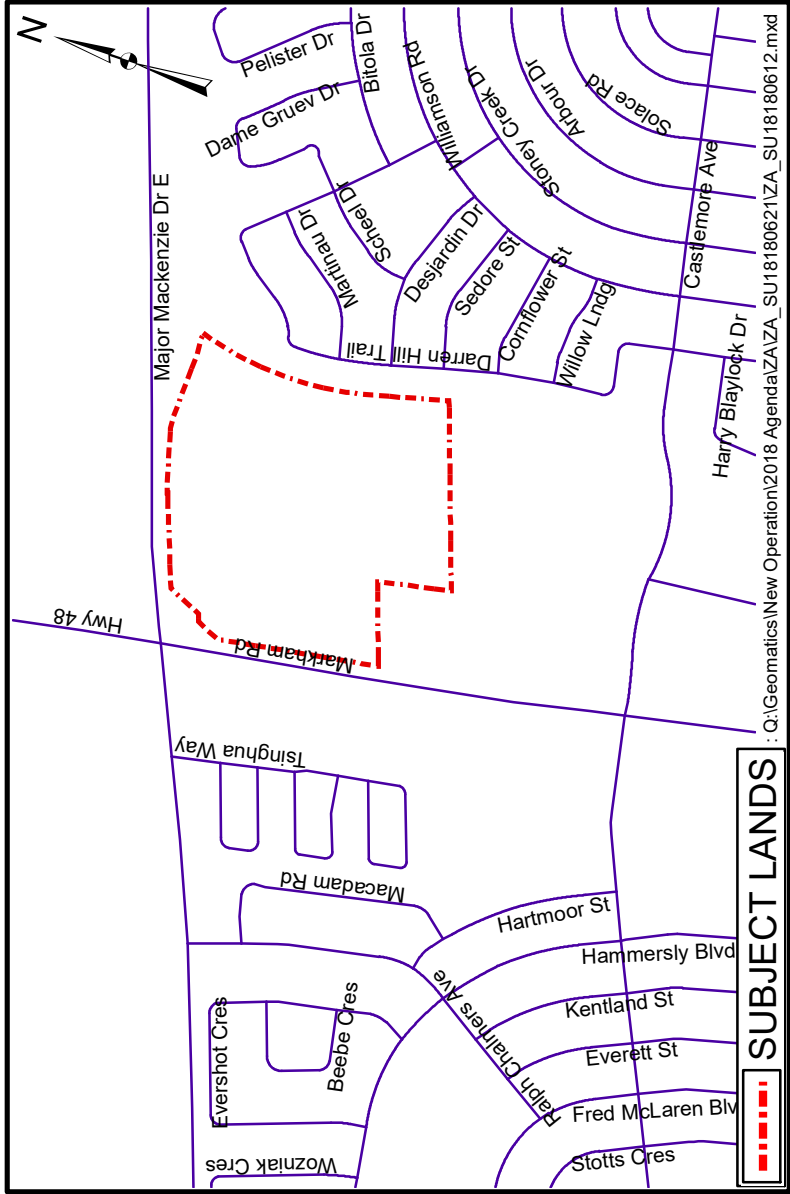
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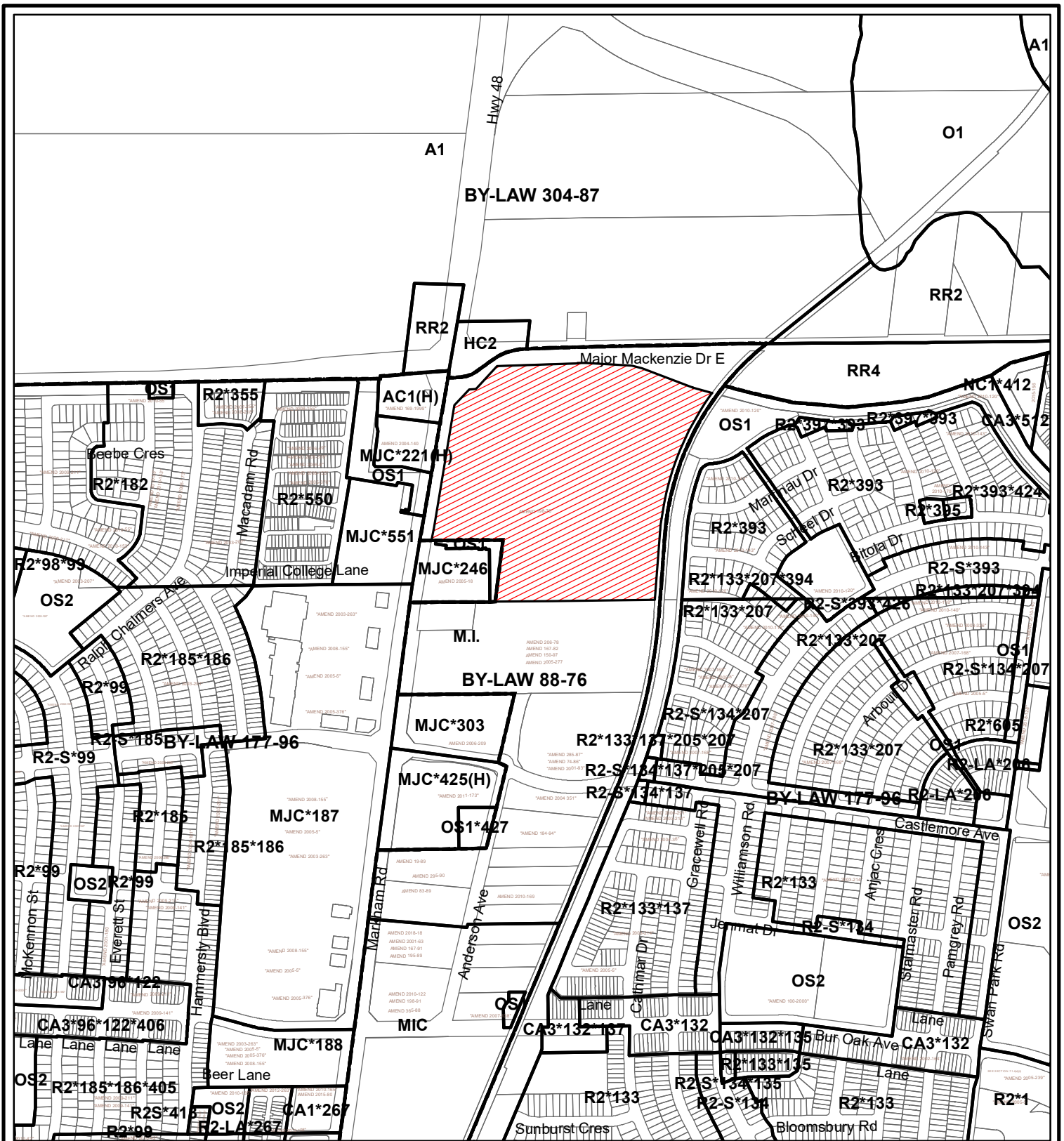
- Figure 1: Location Map
- Figure 2: Area Context/ Zoning
- Figure 3: Air Photo
- Figure 4: Proposed Draft Plan of Subdivision
- Figure 5: Proposed Phasing Plan

AGENT CONTACT INFORMATION:

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AREA CONTEXT / ZONING

APPLICANT: 2585231 Ontario Inc.
9999 Markham Road

FILE No. SU_ZA 18180621 (SM)

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 Subject Lands

Date: 31/01/2019




AERIAL PHOTO (2018)

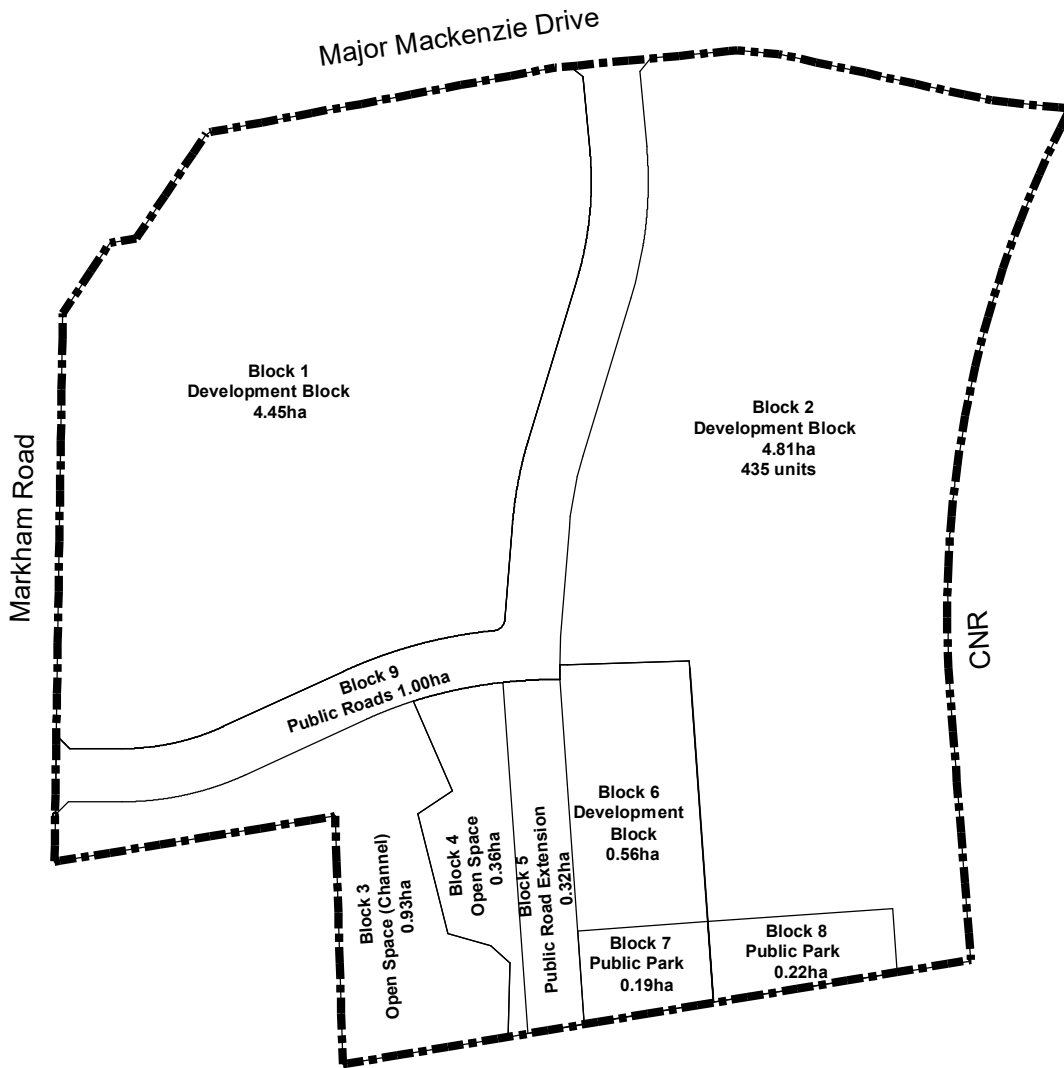
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 Subject Lands

Date: 31/01/2019




DRAFT PLAN OF SUBDIVISION

APPLICANT: 2585231 Ontario Inc.
9999 Markham Road

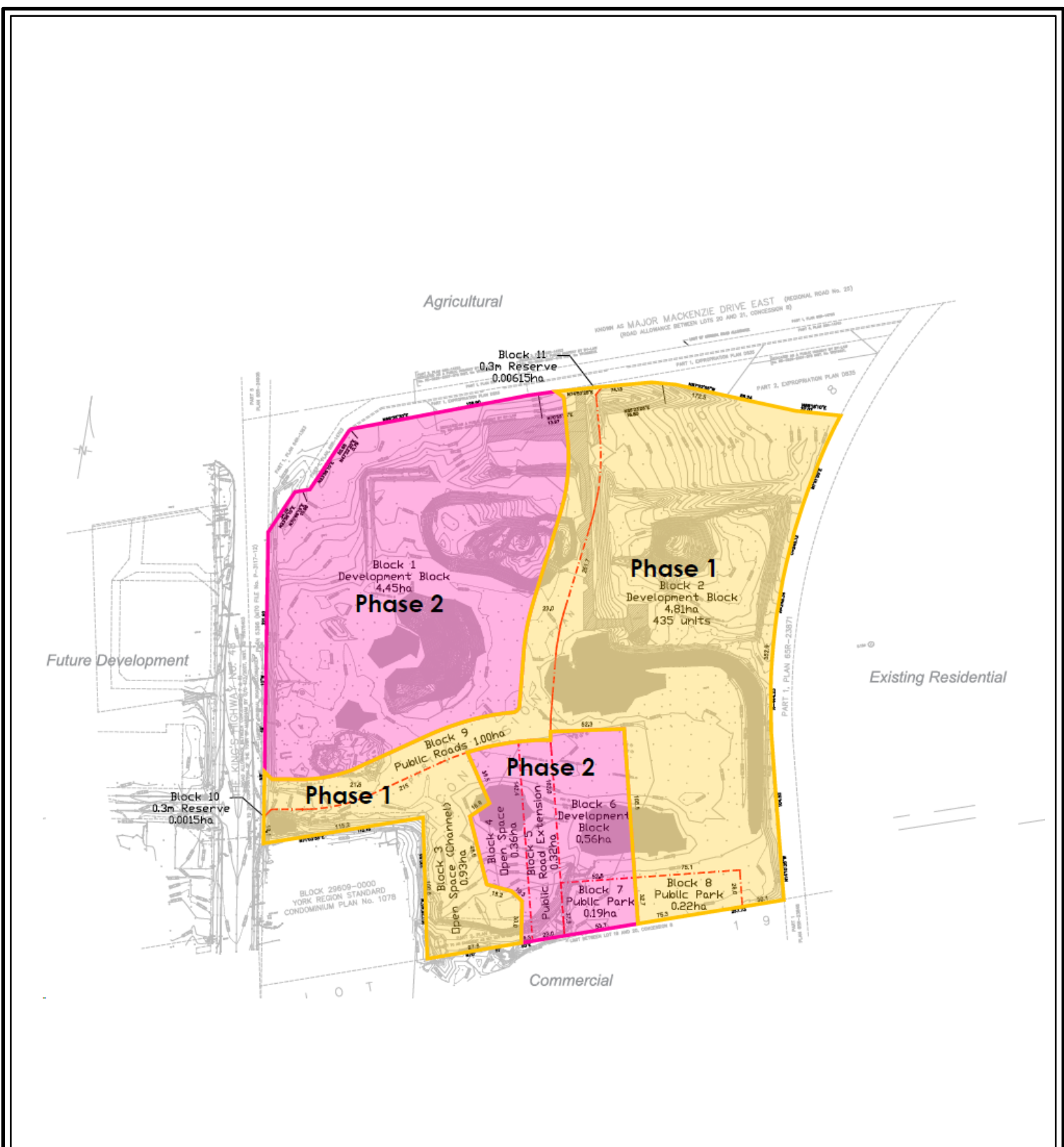
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 Subject Lands

Date: 31/01/2019





PROPOSED PHASING PLAN

APPLICANT: 2585231 Ontario Inc.
9999 Markham Road

FILE No. SU_ZA 18180621 (SM)

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Date: 31/01/2019