

**SUBJECT:** RECOMMENDATION REPORT  
2585231 Ontario Inc.  
Applications for Zoning By-law Amendment to permit mid-rise residential and townhouse development (Phase 1 only) and for Draft Plan of Subdivision to create development, road, park and open space blocks at 9999 Markham Road (Ward 5).

File Nos: ZA/SU 18 180621

**PREPARED BY:** Stacia Muradali, MCIP, RPP, Ext. 2008  
Senior Planner, East District

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**RECOMMENDATION:**

- 1) That the staff report titled “RECOMMENDATION REPORT, Applications for Zoning By-law Amendment to permit mid-rise residential and townhouse development (Phase 1 only) and for Draft Plan of Subdivision to create development, road, park and open space blocks at 9999 Markham Road (Ward 5), File No: ZA/SU 18 180621”, be received; and,
- 2) That the record of the Public meeting held on March 26<sup>th</sup>, 2019 regarding the applications for Zoning By-law Amendment and Draft Plan of Subdivision 19TM-18007, be received; and,
- 3) That Council approval of the Zoning By-law Amendment application (ZA 18 180621) for Phase 1 of the development, submitted by 2585231 Ontario Inc. and attached in Appendix ‘A’ be finalized and enacted without further notice; and,
- 4) That Council approve the Draft Plan of Subdivision 19TM-18007 (SU 18 180621) submitted by 2585231 Ontario Inc. subject to the conditions attached as Appendix ‘B’; and,
- 5) That Council assign servicing allocation for a maximum of 151 townhouses (including stacked townhouses) and 260 apartment units; and,
- 6) That Council permit application for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix ‘A’, in accordance with Section 45(1.4) of the Planning Act; and further,

- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

This report seeks approval of the proposed Zoning By-law Amendment for Phase 1 of the proposed development to permit mid-rise residential and townhouse development, and approval of the Draft Plan of Subdivision application which will create development, road, park and open space blocks to permit residential and future development at 9999 Markham Road.

**BACKGROUND:****Subject land and area context**

9999 Markham Road (the “subject land”) is located at the south-east corner of Markham Road and Major Mackenzie Drive and is approximately 12.83 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 Rail Corridor (GO/Metrolinx) abuts the subject land to the east. There is an existing Esso Gas Station, a Tim Hortons/ Wendy’s, approved townhouse development and proposed mixed use high density development across the street on the west side of Markham Road. There is a garden nursery and rural properties on the north side of Major Mackenzie Drive. A mix of light industrial, commercial and place of worship uses is located to the south (Figure 3). The Mount Joy GO Station is located further south at the south-east corner of Bur Oak Avenue and Markham Road.

**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 on the subject land. A Preliminary Report went to Development Services Committee (DSC) on March 18<sup>th</sup>, 2008, however the application never advanced to a statutory Public Meeting before the application was revised in 2012. In 2012, Villarmark Inc. submitted revised zoning by-law amendment and new draft plan of subdivision and site plan applications (ZA/SU/SC 12134590) 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. The current landowner is now proposing phased residential development.

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***Ontario Municipal Board (OMB) appeals***

A staff Memorandum dated May 22<sup>nd</sup>, 2012 provided an update to DSC on the revised and new development applications. The statutory Public Meeting was held on June 19<sup>th</sup>, 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 current applications, staff have taken the position that given the difference between the current proposal which is the subject of this report, and the applications previously filed by Villarmark Inc., the current applications constitute new applications, and have been treated as such.

**Official Plan and need for a Secondary Plan**

The subject land is located within the Markham Road-Mount Joy Corridor (“Markham Road Corridor”) in the City’s 2014 Official Plan (as partially approved on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018) (the “2014 Official Plan”). The 2014 Official Plan requires a new Secondary Plan for the Markham Road Corridor. The Markham Road 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 Markham Road Corridor. One of the main components of the Secondary Plan’s land use planning study is to determine if, and by how much to increase the population and employment density, as well as to evaluate if, and which additional services and amenities are needed to support that density. A further component of the Markham Road Corridor Secondary Plan will involve examining whether the area warrants from a transportation planning perspective a future GO Station at Major Mackenzie Drive and the Stouffville Rail Corridor to support anticipated increases in population and employment along the Markham Road Corridor. The applicant proposes advancing Phase 1 of development before the Markham Road Corridor Secondary Plan is established. The applicant agrees that any development beyond Phase 1 will not advance until, at a minimum, the draft vision for the Secondary Plan has been endorsed by Council and Staff are of the opinion that it is appropriate to advance any future phases.

The subject land is shown as “Mixed Use Mid Rise” and “Greenway” in the 2014 Official Plan, which shall be used as a general guide for proposed development on the subject land. Until a new Secondary Plan is approved, the policies of the 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 uses subject to a rezoning application and site-specific development application. The applicant is proposing medium density residential development for Phase 1 of development which will conform to the Official Plan (Revised 1987), as amended.

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**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 (Figure 2). Phase 1 of the proposed development will be zoned to permit the proposed residential uses and implement site-specific development standards. The Phase 2 lands will not be zoned until the applicant and staff are in a position to proceed with that phase of development.

**Proposed phased development****Phase 1**

Phase 1 of development is proposed to be comprised of residential development, a public park, an east/west public road which will connect to Markham Road and serve as a primary access for the proposed development, and a portion of the Anderson Avenue extension which will run north/south and connect to Major Mackenzie Drive. Multi-use pathways and on-street parking are proposed along the Anderson Avenue extension and a multi-use pathway is proposed along the north side of the east/west road connection to Markham Road. The existing water channel at the south-west corner of the subject land will also be conveyed to the City as part of Phase 1 (Figure 5).

The residential development (Blocks 1 and 2) is proposed to be comprised of townhouses and stacked townhouses as well as mid-rise buildings up to a maximum of eight (8) storeys. There will be approximately 154 townhouses including stacked townhouses. The total number of apartment units and townhouses will be finalized as part of the site plan application. The applicant will also be developing the townhouse portion of the development first (Phase 1A) and will develop the mid-rise buildings which will have frontage on Major Mackenzie Drive (Phase 1B) at a later date. There will be private amenity space along the length of the rail corridor on the subject land located within the required 30 metre setback to the rail corridor (Figure 6).

**Phase 2**

Phase 2 of development is proposed to be comprised of future residential development (Blocks 3 and 4), an open space block (Block 5) and another portion of the Anderson Avenue extension (Block 8). Phase 2 development will be dependent on the outcome of the Markham Road Corridor Secondary Plan, which will direct the density, changes or additions to the local road network, as well as analyze the public park and community amenity space required. As a result, the applicant will only register the Phase 1 blocks while Phase 2 of the draft plan of subdivision will be registered at a later date (Figure 5).

**Public Input**

The statutory Public Meeting respecting the current Zoning By-law Amendment and Draft Plan of Subdivision applications was held on March 26<sup>th</sup>, 2019, and there were no residents who spoke to the item at the statutory Public Meeting. One (1) written submission was received from a resident who lives on the east side of the rail corridor. It is Staff’s opinion that the traffic generated from the proposed development will unlikely infiltrate the resident’s neighbourhood as the existing rail corridor acts as a barrier for vehicular traffic.

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**OPTIONS/ DISCUSSION:****Proposal to rezone Phase 1 of the subject land**

The proposed amendment to the zoning by-law will rezone only the Phase 1 land from “Select Industrial and Warehousing” in Zoning By-law 88-76, as amended to “Residential Two (R2)” and “Residential Four (R4)” zone categories. This zoning amendment will include site-specific development standards to permit the proposed townhouses and stacked townhouses with a maximum height of three (3) storeys, and the proposed mid-rise buildings with a maximum height of eight (8) storeys (Appendix ‘A’).

The proposed public park (Block 7) and water channel open space block (Block 6) will be zoned in the appropriate “Open Space Two (OS2)” zone category. The Regional Municipality of York (the “Region”) has identified that additional lands may be required for the embankments to provide for the road over rail grade separation to accommodate the additional height for the electrification of the rail corridor. As a result, in the absence of a detailed design for an overpass over the existing rail corridor, the Region is requesting that a Hold (H)) provision be placed on Block 2 until a detailed design demonstrates that these lands do not preclude the overpass of the rail corridor (Appendix ‘A’).

**Proposed draft plan of subdivision***Development blocks*

Blocks 1 and 2 will be approximately 4.42 hectares (10.9 acres) and will be developed as part of Phase 1 (Figure 4). Townhouses and stacked townhouses are proposed for Block 1 (Phase 1A) and eight (8) storey mid-rise buildings are proposed for Block 2 (Phase 1B). Development for Blocks 3 and 4 (Phase 2) which are a total of 5.4 hectares (13.3 acres) will be proposed following at a minimum, Development Services Committee (DSC) endorsement of a draft vision for the Secondary Plan. It should be noted that development of Block 3 will not proceed until the existing contamination located in the general area of Blocks 4, 5 and 8 is remediated to the satisfaction of the City Solicitor and Director of Engineering and Block 8, the portion of Anderson Avenue located in Phase 2 is built (Appendix ‘B’). A 0.3 metre reserve will also be placed along the perimeter of Block 3 (Figure 4).

*Park block*

A 0.41 hectare (1 acre) park (Block 7) is proposed (Figure 4). The applicant initially proposed the park block at the south end of the subject land, however, further to consultation with City staff the park block has been relocated and reconfigured to a more appropriate central location. An approximate 0.5 hectare (1.2 acre) park will be required for the 154 townhouses and stacked townhouses proposed for Block 1 (still to be finalized at the site plan application stage). Additional parkland will be required for the remainder of the Phase 1 development, namely the proposed mid-rise buildings and the remaining townhouses. A combination of physical parkland and cash-in-lieu of parkland will be provided for Phase 1. Parkland for Phase 2 will be determined at a future date when this phase proceeds.

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### Public road blocks

Street 'A' and Block 8 comprise the extension of Anderson Avenue to Major Mackenzie Drive on the subject land (Figure 4). Street 'A' will be constructed as part of Phase 1 and Block 8 will be constructed as part of Phase 2. It should be noted that Phase 2 development (Blocks 3 and 4) will not be allowed until Block 8 is constructed and the existing contamination is remediated. Street 'B' will be connect to Markham Road and will be constructed as part of Phase 1. The Owner is required to provide a functional design of Streets 'A' and 'B' to the satisfaction of the Director of Engineering, prior to registration of the subdivision. The intersection alignment and traffic signal design of Street 'B' and Markham Road still needs to be reviewed and finalized (Appendix 'B').

### Open space blocks

There are two (2) open space blocks proposed (Blocks 5 and 6) which in total are approximately 1.27 hectares (3.13 acres) (Figure 4). The existing water channel is located within Block 6 which will be conveyed to the City. The landowner obtained approval from both the TRCA and the City to restore the valleylands around the channel as there was a previous TRCA violation against the previous landowner. Those restoration works have been completed. The City will determine as part of the future Phase 2 development if it is appropriate to take Block 5 as parkland dedication. The applicant has demonstrated to the satisfaction of the TRCA and the City that the natural feature (the water channel), hazard and associated buffer lands have been appropriately located in Block 6.

### **York Region**

The Region requested a Hold (H) provision be placed on Block 2 until they have completed the design and/or are satisfied about the potential alignments and land requirements for the Major Mackenzie Drive overpass of the Stouffville Rail Corridor. The Region also requires a road widening along the subject land frontage on Major Mackenzie Drive to provide minimum 22.5 metre from the centerline of Major Mackenzie Drive and any lands required for additional turn lanes at the intersections. A 10 metre by 10 metre daylight triangle at the intersection of Major Mackenzie Drive and Street 'A' is also required. A 0.3 metre reserve will also be placed along the Major Mackenzie Drive frontage. The Owner is required to provide a clearance letter from the Region advising that all of their conditions have been satisfied, prior to registration of the draft plan of subdivision (Appendix 'B').

### **Toronto and Region Conservation Authority (TRCA)**

The Owner still has to address outstanding TRCA comments and provide a clearance letter from the TRCA prior to registration of the draft plan of subdivision. The TRCA has requested that the applicant explore the opportunity to expand the stream corridor within Block 6 because Street 'B' curves slightly northwards. In addition, encroachment into the channel block is proposed for infrastructure works (eg. Street 'B' sidewalk, stormwater management outfalls and associated channels). As a result, the applicant should explore compensation opportunities within the open space block (Block 5). Compensation could take the form of a planting plan which builds upon vegetation already approved/ established within the channel block (Block 6). The applicant is still required to provide detailed engineering reports, a water balance assessment, erosion and

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sediment control plan, detailed planting and restoration plans for both Blocks 5 and 6 (Appendix 'B').

**Transportation comments**

The applicant is initiating a Municipal Class Environmental Assessment (EA) for the extension and improvement of Anderson Avenue. The Class EA Study will inform the alignment of Anderson Avenue through the south Phase 2 land (and continuing to Castlemore Avenue). The applicant is required to complete the Class EA Study and make any necessary revisions to the draft plan prior to development approvals for the Phase 2 lands. A Functional Design Study is required for both Streets 'A' and 'B' to the satisfaction of the Director of Engineering prior to registration of the Phase 1 lands. The Functional Design Study should amongst other things demonstrate lane transitions between mid-block and intersections, storage and taper requirements at the intersections, traffic controls at the intersections, turning radii, sidewalks and multi-use pathways, active transportation links and parking bay locations. The alignment of Street 'B' with the private driveway for the proposed residential and mixed use development on the west side of Markham Road also needs to be finalized. The applicant is required to address all transportation comments to the satisfaction of the Director of Engineering (Appendix 'B').

**Parking**

The applicant is requesting a parking reduction for visitors parking. The applicant is proposing a visitors parking rate of 0.2 spaces per unit, whereas, 0.25 spaces per unit is required. The applicant is also proposing 1 resident parking space per stacked townhouse instead of the required 1.25 spaces per dwelling unit. The applicant will be providing the required 2 residents parking spaces per townhouse dwelling. Staff have reviewed the proposed parking reduction and are generally satisfied with the parking justification as the proposed parking rates will help encourage the use of public transit. The reduced parking rates have been reflected in the attached zoning by-law amendment (Appendix 'A').

**Site plan application**

The applicant has submitted a site plan application for Phase 1A. The site plan application is still under review and a future comprehensive revised submission is required. Some of the site plan matters staff asked the applicant to consider include lot and unit configuration, building elevations, provision of sufficient space for tree planting, design of the private amenity space within the Metrolinx setback along the rail corridor, landscaping, provision and distribution of visitors parking spaces, interface with the proposed park and Phase 1B, and incorporating age friendly components in the design of the townhouses. Notwithstanding that the applicant has provided a conceptual site plan, detailed site plan comments will be provided when Staff have the opportunity to review and comment on the revised site plan submission. Site Plan approval is required prior to any construction of Phase 1A and 1B.

**Public art and Section 37 contribution**

The applicant is required to provide a Public Art contribution in accordance with the City's public art policies and Section 37 of the Planning Act. The public art contribution has been identified in the Zoning By-law Amendment (Appendix 'A') and is collected prior to execution of a site plan agreement. Any applicable Section 37 for the proposed mid-rise buildings will be determined at that site plan application stage.

**Permission to apply for minor variances within two (2) years of by-law enactment**

The applicant has requested that Council grant exemption from subsection 45(1.4) of the Planning Act, which will permit applications for minor variances within two (2) years of the enactment of the amending by-law attached as Appendix 'A'. Staff have no objection to this request as Staff are still working with the applicant on improving the conceptual site plan which has not yet been finalized. Staff will have the opportunity to review the appropriateness of any requested minor variances should any such applications be made in the future. The provision will be included in the Resolution of Council.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The applications align with the City's strategic priority of providing a safe and sustainable community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been circulated to various departments and external agencies and their conditions and comments have been incorporated into the Zoning By-law Amendment as well as Draft Plan Conditions.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director, Planning & Urban Design

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



**ATTACHMENTS:**

Figure 1:	Location Map
Figure 2:	Area Context/ Zoning
Figure 3:	Air Photo
Figure 4:	Proposed Draft of Subdivision
Figure 5:	Proposed Phasing Plan
Figure 6:	Proposed Conceptual Site Plan
Appendix 'A':	Proposed Zoning By-law Amendment
Appendix 'B':	Draft Plan Conditions

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