



Report to: Development Services Committee

Meeting Date: May 11th, 2020

SUBJECT: Preliminary Report
Bur Oak (ARH) Developments Inc.
Application to amend the Official Plan to increase the
Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey
apartment building at 1709 Bur Oak Avenue (Ward 4)

File No: PLN 20 130579

PREPARED BY: Stacia Muradali, M.C.I.P., R.P.P., Ext. 2008
Acting Manager, East District

REVIEWED BY: Ron Blake, M.C.I.P., R.P.P., Ext. 2600
Senior Development Manager

RECOMMENDATION:

1. That the report titled “Preliminary Report, Bur Oak (ARH) Developments Inc., Application to amend the Official Plan to increase the Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey apartment building at 1709 Bur Oak Avenue (Ward 4), File No: PLN 19 130579”, be received.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide preliminary information on the applications by Bur Oak (ARH) Developments Inc. to amend the Official Plan (Revised 1987), as amended, to increase the Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey apartment building at 1709 Bur Oak Avenue. This report contains general information regarding applicable Official Plan and/or other policies, as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application. The Official Plan Amendment application was deemed complete on September 9th, 2019.

Next steps

1. Statutory Public Meeting
2. Staff recommendation report (after draft vision of the Markham Road/ Mount Joy Secondary Plan is approved by Council).
3. Adoption of Official Plan amendment and enactment of Zoning By-law amendment if appropriate.
4. Issuance of site plan endorsement and site plan approval.
5. Submission of Draft Plan of Condominium application.

It should be noted that this application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the review of an application and any appeal to the Local Planning Appeal Tribunal. Under the emergency legislation, municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the Planning Act can be met (e.g. sending of notices, public meetings, etc.). The application will be circulated to commenting departments and agencies. Further, staff will proceed with the normal resolution of issues, and case management will be undertaken. At the time of the writing of this report, matters respecting the holding of Public Meetings, finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

BACKGROUND:**Subject site and area context**

The subject property (1709 Bur Oak Avenue) is located at the south-west corner of Bur Oak Avenue and Markham Road and is approximately 1.74 hectares (4.3 acres). The subject site (the proposed high density portion of the subject land) is approximately 0.36 hectares (0.9 acres) and is part of a larger property which extends westward (Figure 1). A site plan application was approved in 2017 to permit the development of townhouses and two (2) mid-rise buildings and the extension of Battista Perri Drive through the remainder of the overall property west of the proposed high density portion. A Zoning By-law amendment application (discussed later in the report) to permit the proposed high density development was submitted in 2018 and the respective statutory Public Meeting was held on May 21st, 2019. A concurrent site plan application was also submitted for the proposed high density development and will be addressed in staff's final recommendation report.

There is commercial development to the north of Bur Oak Avenue, as well as commercial and industrial development on the east side of Markham Road. The Mount Joy GO Station is located across Markham Road on the east side, and the rail corridor is located further east. There are mixed use buildings fronting onto the west side of Markham Road south of the subject land to Edward Jeffreys Avenue, ranging in height from 14 to 20 storeys. There are also townhouses and a future park to the south of the subject land. The proposed high density building fronts directly on the west side of Markham Road (Figure 3). There is a 10 metre servicing easement owned by the City along the entire frontage of the subject site, which also extends along the frontages of the properties to the south.

Proposed development

A 20-storey apartment building with a total Gross Floor Area (GFA) of approximately 21,370 square metres (230,024 square feet) and an FSI of approximately 2.14 is proposed (see Figure 4). A total of 243 residential units are proposed with indoor and outdoor amenity areas along Markham Road. There will be no vehicular access on Markham Road and the proposed building will share access to the future Battista Perri Drive

extension with the previously approved mid rise buildings to the west. Two (2) levels of underground parking are proposed. There are no non-residential uses proposed.

Official Plan and Zoning

The subject land is shown as “Mixed Use High Rise” in the City’s 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018) (the “City’s 2014 Official Plan”). The “Mixed Use High Rise” designation provides for maximum height of 15 storeys and maximum FSI of 3.0. The subject land is located within the Markham Road/ Mount Joy Secondary Plan area which is currently the subject of an on-going Secondary Plan process being undertaken which is a requirement of the City’s 2014 Official Plan. The Secondary Plan will incorporate a land use planning study, transportation study and municipal servicing study which will ultimately inform opportunities and constraints facing development and growth along the Markham Road/ Mount Joy Corridor. The Markham Road/ Mount Joy Secondary Plan process will also examine how much of an increase in population and employment density is appropriate in this area as well as the services and community amenities which are needed to support the population.

Until the Markham Road/ Mount Joy Secondary Plan is approved, the policies of the City’s Official Plan (Revised 1987), as amended, including the Wismer Commons Secondary Plan, shall continue to apply in place of the City’s 2014 Official Plan. The City’s Official Plan (Revised 1987), as amended, designates the subject land “Major Commercial Area” which provides for a diverse range of uses including medium and high density residential uses subject to a rezoning process. The “Major Commercial Area” designation in the Wismer Commons Secondary Plan allows a maximum FSI of 1.75. The applicant therefore has submitted the application to amend the Wismer Commons Secondary Plan which is part of the Official Plan (Revised 1987), as amended, to increase the FSI. The proposed building has an approximate FSI of 2.14. For the purpose of the proposed Secondary Plan amendment and to allow the applicant some flexibility with construction of the building, the Secondary Plan amendment proposes to increase the permitted FSI to 2.2.

The subject land is zoned “Major Commercial *188 (MJC*188)” (Figure 2) which permits a range of commercial uses as well as medium and high density residential uses with a maximum FSI of 2.0 and maximum height of 30 metres or approximately 10 storeys. As previously mentioned, a related Zoning By-law amendment application was submitted in 2018 to request changes to some of the site-specific development standards including increasing the height and FSI, and reducing the parking requirements. The Zoning By-law amendment and site plan applications did not advance beyond the statutory Public Meeting, similar to other high density developments within the Markham Road/ Mount Joy Secondary Plan area. This is to facilitate the Markham Road/ Mount Joy Secondary Plan study. The applications could advance after the draft vision for the Markham Road/ Mount Joy Secondary Plan has been approved by Council which is anticipated towards the end of 2020.

OPTIONS/ DISCUSSION:

Matters identified through the detailed review of this application will be discussed in a future Staff recommendation report. The following is a preliminary list of matters raised for consideration to date.

1. Recent applications for high density development in the Markham Road/ Mount Joy Secondary Plan area , including the related Zoning By-law amendment application for the subject site have not been advancing beyond the statutory Public Meeting until the draft vision for the Secondary Plan has been approved by Council. This allows the City to comprehensively plan for growth in the area and to ensure that any required servicing and transportation improvements, as well as appropriate community amenities are provided to serve existing, currently proposed and future developments. Staff therefore propose that the subject Official Plan amendment application not proceed to a recommendation report until the draft vision for the Secondary Plan has been approved by Council.
2. Review of the appropriateness of the proposed increase in height and density
3. Resolution of comments from City departments and external agencies.
4. Some comments which came out of the Zoning By-law review and which need resolution include justification for the proposed parking reduction, capacity constraints of the downstream sanitary system which is being studied as part of the Secondary Plan process, potential traffic impacts, and appropriate Section 37 contributions.
5. Site plan matters such as site layout, building elevations and materials, parkland dedication and other matters will be addressed as part of a concurrent site plan application.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments and external agencies and is currently under review. Any requirements where appropriate will be incorporated into the proposed amendment.

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

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Area Context/ Zoning

Figure 3: Air Photo

Figure 4: Proposed High Density Development