



Report to: Development Services Committee

Meeting Date: June 29, 2020

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**SUBJECT:**

**INFORMATION REPORT**

Garden Homes (Markham) Inc. 73 Main Street South,  
Markham Village Appeals of applications for Official Plan  
Amendment, Zoning By-law Amendment, Draft Plan of  
Subdivision and Site Plan Control to permit a Townhouse  
Development Ward 4 File Nos. OP/ZA 15 108135, SU/SC  
17 157341

**PREPARED BY:**

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**RECOMMENDATION:**

That the report titled “INFORMATION REPORT Garden Homes (Markham) Inc., 73 Main Street South, Markham Village, Appeals of applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control to permit a Townhouse Development, Ward 4, Files Nos. OP/ZA 15 108135, SU/SC 17 157341”, dated June 29, 2020, be received;

**EXECUTIVE SUMMARY:**

In 2015, the City received Official Plan and Zoning Amendment applications from MPlan Inc. in support of a proposed 14 unit, three storey townhouse development for 73 Main Street South. The property is an irregular shaped, 0.49 hectare (1.2 acre) property located at the south east corner of Main Street South and Mill Street. This proposal was the subject of a Community Information Meeting held in January of 2016. A majority of residents in attendance did not support the development concept due to the proposed density, the three storey height, and safety concerns regarding the intersection of Mill Street and Main Street South. MPlan Inc. paused the applications to consider the feedback provided at the Community Information Meeting, but subsequently decided to sell the property.

The property was purchased by Garden Homes (Markham) Inc. who assumed the original Official Plan and Zoning By-law Amendment applications and submitted new Draft Plan of Subdivision and Site Plan applications in support of a revised development concept in August 2017. In November 2017, the new developer appealed all four applications to the former Ontario Municipal Board (OMB, now the Local Planning Appeal Tribunal) due to

the City's lack of a decision on the applications within the timeframe set out in the *Planning Act*, and to ensure that the appeals would be heard under the old OMB rules, rather than the Local Planning Appeal Tribunal (LPAT) rules which were to come into effect on April 3, 2018. In December of 2017, the applicant requested the OMB to hold the appeals in abeyance in order to facilitate direct discussions and negotiations with the City's Planning Department.

In October of 2018, the applicant submitted consent applications to the Committee of Adjustment which approved the severance of land from the rear yards of the neighbouring residences at 14, 16, and 18 Mill Street, to be added to the subject property at 73 Main Street South. These new lands enabled the applicant to submit a revised development concept featuring an internal condominium road providing through access to Mill Street, to increase the number of townhouses to 15, and to propose a semi-detached dwelling fronting Mill Street, for a total of 17 new residential units.

This revised development concept was the subject of a Statutory Public Meeting held on May 21, 2019, and a second Community Information Meeting held on July 11, 2019. Area residents continued to express concerns regarding the density and compatibility of the proposed development with the existing neighbourhood, the lack of off-site visitor parking, the destructive impacts of the grading of the property on neighbouring trees, increased traffic congestion, and the safety of Mill Street and the intersection of Main Street South.

The application is generally supported by the Toronto Region Conservation Authority which regulates the environmentally sensitive Rouge River valley lands to the north. The applicant has also addressed some of the concerns raised by the public by complying with the guidelines and policies for new buildings contained in the Markham Village Heritage Conservation District Plan, using grading to lower the perceived height of the townhouses to 2 storeys, creating a secondary one-way access to Mill Street, providing the number of parking spaces required by the City's Parking By-law, creating tree compensation packages for the subject site and neighbouring property owners, and widening the intersection of Mill Street and Main Street South to prevent further traffic congestion and improve to improve traffic safety.

The LPAT has not yet scheduled a hearing event for this matter but it is anticipated that the LPAT will do so in the near future.

**PURPOSE:**

The purpose of this report is to provide information regarding Applications for Official Plan and Zoning By-law amendments and Draft Plan of Subdivision and Site Plan Control, for a proposed residential townhouse development located at 73 Main Street South in the Vinegar Hill neighbourhood of Markham Village.

**Application Processing:**

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22nd, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals

to LPAT, etc.) of *Planning Act* applications proceed as they did prior to the declaration of the emergency.

For Applications received during the emergency legislation, the timelines for the procedural requirements will begin on June 22, 2020. For Applications received prior to March 16th, 2020, the procedural timelines will continue where they had been left on March 16th.

### **BACKGROUND:**

The subject property is a vacant naturalized parcel of land located on the east side of Main Street South, where it intersects Mill Street, north of Highway 407, south of Highway 7 East, in the Markham Village Heritage Conservation District (See Figure 1 and Figure 2–Location Map and Aerial Map). The irregular shaped lot is 0.49 ha (1.2 acres) in area and has a frontage on Main Street South of 63.61m, a Mill Street frontage of 33.53m to the north, and a Mill Street frontage of 23.36m to the east.

### **Surrounding Land Uses**

Surrounding land uses include the wooded valley lands of the Rouge River to the north across Mill St., single detached dwellings to the south, and on the west side of Main Street South, and two semi-detached dwellings constructed in the 1960's to the east that front Mill Street. Large modern townhouse developments constructed in the last thirty years are located further south on both sides of James Scott Road (See Figure 2-Aerial Photograph).

### **Application History**

The Official Plan and Zoning By-law Amendment applications for 73 Main Street South were submitted to the City in the Fall of 2015 by MPlan Inc. under the 1987 Markham Official Plan. The original submission proposed 3 freehold townhouses fronting on Mill Street (eastern portion of the site) and 11 townhouses in the form of a rear lane condominium within the larger western portion of the site. The units fronting Main Street South and Mill Street were proposed to be three storeys high.

### **A Community Information Meeting was held on the proposed development**

This initial development proposal was the subject of a Community Information Meeting held on January 29<sup>th</sup>, 2016. The majority of residents who attended the meeting were opposed to the proposed development due to the three storey height, the density of the proposed townhouses, and traffic concerns regarding the access to Mill Street. Following the Community Information Meeting, the applicant paused the application to reconsider the proposal, and no preliminary report was prepared, or Statutory Public Meeting scheduled.

### **The original applicant sold the property to another developer**

The property was subsequently purchased by a new owner, Garden Homes (Markham) Inc., who assumed responsibility of the earlier Official Plan and Zoning By-law Amendment applications and submitted the Draft Plan of Subdivision and Site Plan Control applications on August 20, 2017 when the Residential Low Rise policies of the Official Plan 2014 had already come into effect.

**The applications have been appealed to the Ontario Municipal Board (O.M.B.) (now the Local Planning Appeal Tribunal)**

On November 8<sup>th</sup> and 24<sup>th</sup>, 2017, Garden Homes (Markham) Inc. appealed all four applications to the OMB due to the City's lack of a decision on the applications within the timeframe set out in the *Planning Act*, and to have the appeals subject to the OMB procedures in force at the time, rather than the current LPAT procedures, which came into effect on April 3, 2018.

**The applicant requested a deferral of the LPAT/O.M.B. appeal**

In December of 2017, the applicant requested the OMB to hold the appeal of the applications in abeyance, in order to facilitate direct discussions with the City's Planning and Urban Design Department.

**The applicant added additional lands to the applications**

City Staff continued to work with the applicant to address the above noted concerns. In October of 2018, the applicant submitted Consent applications to the Committee of Adjustment seeking the severance and conveyance of 24.38m (80 ft.) in depth from the rear yards of the adjacent residential properties at 14, 16, and 20 Mill Street to be added to the subject property at 73 Main Street South. The severances were granted and added a total of 783.2m<sup>2</sup> (8,419 ft<sup>2</sup>) to the subject property (See Figure 3- Additional lands). The new land area allowed the applicant to re-design the townhouse concept.

**A Statutory Public Meeting was held on May 21, 2019**

At the Statutory Public Meeting held on May 21<sup>st</sup> 2019, members of the public spoke both in favour and in opposition of the proposed development. The President of the Vinegar Hill Ratepayers Association expressed appreciation for the changes and improvements to the proposal resulting from the negotiations between Planning Staff and the applicant. However, neighbouring property owners also expressed their concerns regarding the extensive re-grading of the property and use of high retaining walls and their impact on mature vegetation both on, and bordering the subject property. Other concerns were the amount of visitor parking, the proposed density of the proposal in comparison to the surrounding community, and its likely impact on existing traffic congestion, the safety of the Mill Street and Main Street South intersection, and the height relationship of the proposed townhouses with neighbouring homes. It was recommended by Council and neighbouring residents that an additional Community Information meeting be scheduled to further explain the proposal and address the concerns of the residents raised at the Public Meeting.

**A Community Information Meeting was held on July 11, 2019**

At the Community Information Meeting, the applicants provided additional drawings and cross sections of the development proposal to address some of the concerns expressed about the grading of the property and the height of the townhouses. However, residents continued to express concerns about the impact of the proposed grading of the site on mature vegetation, ongoing maintenance of the proposed retaining walls, the amount of visitor parking onsite and on neighbouring streets, the safety of the Mill Street and Main

Street South Intersection, and the compatibility of the development proposal with the existing neighbourhood.

**PROPOSAL:**

With the recent acquisition of adjacent lands to the east resulting from the severances of approximately 80 ft. from the rear yards of the homes at 14, 16 and 20 Mill Street, the applicant is now proposing to construct a total of 15 three storey townhouses, divided into an 8 unit block fronting Main Street South, and a 7 unit block fronting an internal condominium road which also provides a one-way secondary access to Mill Street. The applicant also proposes to construct a new, freehold, semi-detached dwelling immediately south of the two existing 1960's semi-detached dwellings that front Mill Street (See Figures 4, 5 & 6 Site Plan and Elevations).

**OFFICIAL PLAN AND ZONING:****City of Markham Official Plan (Revised 1987)**

When the Official Plan Amendment was deemed complete for the subject property, the land use policies of the Official Plan (Revised 1987) were in force. The subject property was designated as Urban Residential. This designation provided for Low Density Housing consisting of single detached, semi-detached and single-attached dwellings with direct frontage on a public street such as street townhouses and link house dwellings, and generally not exceeding a gross residential density of 14.8 units per hectare (6 units per acre).

The Official Plan noted that Medium Density I Housing was to consist of multiple dwelling types such as townhouses, street townhouses, terrace houses, duplexes, triplexes, fourplexes, maisonettes, etc. at an overall site density not exceeding 31 units per hectare (12.5 dwelling units per acre). Medium Density II Housing was to consist of multiple dwelling types at a net site density of 32 to 62 units per hectare (13-25 units per acre).

**City of Markham Official Plan, 2014**

The subject property is designated "Residential Low Rise" in the Official Plan 2014, which provides for a variety of lower-scale residential buildings including detached, semi-detached, and duplex dwellings, townhouse dwellings excluding back to back townhouses, and small multiplex buildings of 3 to 6 units all with direct frontage on a public street. Zoning Bylaw amendments to permit the above building types without direct frontage on a public street may be considered at appropriate locations where a development block has frontage on an Arterial Road or Major Collector Road. The portion of Main Street South that the property fronts onto is designated as a Minor Collector Road, but transitions to an Arterial Road south of the 407 interchange.

The Official Plan also contains site specific policies in section 9.13.4.8 which apply to the subject property that only permit detached and semi-detached dwellings, and a maximum building height of 2 storeys. The Official Plan Amendment is therefore required to permit the type of dwellings (townhouses) and the height (3 storeys) as well

as townhouse dwellings without direct frontage on a public street where the development block has frontage on a Minor Collector Road.

Land use objectives of this area of Markham Village include:

- Providing a variety of residential housing forms, tenures and densities;
- Recognizing the distinct character of the heritage buildings, historic sites and landscapes of the Markham Village Heritage Conservation District;
- Ensuring that infill development is compatible with the historic character of the area in terms of building design, building materials and treatments, landscaping and tree preservation;

### **Zoning**

The subject property is zoned Residential (R1) under By-law 1229, as amended, which only permits one single detached dwelling on a lot, and is also subject to Infill By-law 99-90. Therefore, a Zoning By-law Amendment application is required to permit the proposed townhouse and semi-detached dwellings.

### **Markham Village Heritage Conservation District Plan**

The Markham Village Heritage Conservation District Plan contains policies and guidelines intended to foster new buildings that are compatible with the heritage character of the district in terms of form, massing, scale, proportions, and materials. Although the Markham Village Heritage Conservation District is primarily composed of single detached dwellings, it also contains both new and historic examples of townhouse dwellings.

### **OPTIONS/ DISCUSSION:**

The current plans address the issues identified in the preliminary staff report and at the Statutory Public, and Community Information Meetings in the following ways.

#### **Site Grading**

The proposed grading of the property will necessitate the extensive use of retaining walls, the most significant being at the southern boundary where it will be almost 16 feet high above grade, but largely unseen from the public realms of Main Street South and Mill Street. The retaining walls will be constructed entirely on the subject property and topped with safety fences, and their maintenance will be the responsibility of the condominium corporation, and not shared by neighbouring property owners. Four sets of staircases connecting the block of proposed townhouses that front Main Street South to the sidewalk are proposed to provide firefighting access acceptable to the City's Fire Department. Three of these four sets of staircases are to be constructed on lands owned by the City, and will require conditions of approval requiring the owner to provide for their maintenance, and to enter into encroachment agreements with the City.

#### **Tree Preservation**

The proposed grading of the property will require the removal of all existing vegetation on the site. In addition, the proposed retaining walls will negatively impact or necessitate the removal of some significant trees located on the adjacent properties to the south due

to the loss of a large portion of their root structure. The applicant is willing to pay full compensation for the loss of all trees on and off the site as reviewed and determined by the City, and has prepared individual tree compensation packages for each adjacent property owner (See Appendix ‘A’-Tree compensation packages for neighbouring properties). Although the tree compensation packages offered by the applicant have only been formally accepted by one of the neighbouring residents, that resident does not want their acceptance of the compensation to be interpreted as evidence of their support of the proposed development.

#### Compatibility of Townhouses with Existing Adjacent Uses and Housing Forms

The proposed townhouses are located on a portion of Main Street South that does not have a well-defined, established or consistent architectural character and is somewhat isolated from the surrounding community of single detached dwellings. The subject property is instead surrounded by a handful of non-heritage, single and semi-detached dwellings to the south, west and east, and the Rouge River Valley lands to the north. Although there are no townhouses immediately adjacent to the subject property, there are modern townhouses located nearby on James Scott Road, and there are a few examples of modern and historic townhouses within the larger Markham Village Heritage Conservation District. The applicant proposes to re-plant the site with native species of trees and shrubs and to naturalize the City-owned land between the four sets of staircases that connect the development to the sidewalk, to help blend the proposed development with the natural character of the valley lands to the north.

#### Architectural Design

Although the preference of Heritage Markham was to see the site developed with detached or semi-detached dwellings, the architectural design of the proposed townhouses and semi-detached dwellings have been revised to comply with the policies and guidelines for new buildings contained in the Markham Village Heritage Conservation District Plan, and are generally compatible with the heritage character of the immediate neighbourhood in terms of scale, massing, height, form and architectural style (See Figures 5, 6, & 7 Townhouse and Semi-detached dwelling elevations and streetscape elevation).

#### Site Access and Traffic Congestion

The fifteen proposed townhouses are accessed by an internal condominium road which connects to Mill Street in two separate locations and has been designed to accommodate the travel of both firefighting and waste management vehicles. The north portion of Mill Street that borders the subject property does not currently meet the City’s minimum 6m wide requirement to provide for two way traffic. The applicant proposes to dedicate a 4 metre strip of land from the northern access point on Mill Street to Main Street South to the City so that this intersection can be made safer for left hand turns in and out of Mill Street and to provide the turning radius’ required by the City’s Fire and Waste Management vehicles.

The City’s Transportation Planning Department has reviewed the traffic impact study provided by the applicant, and does not anticipate a significant increase in the current levels of traffic congestion on Main Street South based on the addition of 17 residential

units who are expected to access the local road network at a variety of different times throughout the day. It is expected that the Mill Street intersection will mostly be used as a right in, right out intersection during the busiest times of day when left turns in and out of Mill Street would be the most challenging. During times of heavy congestion, it is expected that residents of the proposed townhouse development will access Main Street South from the signalized intersection of James Scott Road located two blocks to the south.

#### Parking and Snow Storage

The applicant has provided the required number of resident parking spaces as well as four onsite visitor parking spaces as per the City's Parking By-law. Some residents have raised concerns that this may still not be sufficient given the constraints associated with on street parking in the immediate area, and the tendency for some home owners to use their garages for the storage of items other than cars.

Snow clearing and removal of snow from the internal condo road will be the responsibility of the condo corporation and a space for some snow storage has been provided immediately north of the four visitor parking spaces provided between the proposed Block B of townhouses and the proposed semi-detached dwelling.

#### Proposed Density

The proposed 17 additional residential units represent a density of 41.5 units per hectare whereas the surrounding neighbourhood exhibits densities that vary anywhere from 6.9 units per hectare to 20.6 units per hectare. The proposed densities are reflective of the Medium Density II policies of the Official Plan (Revised 1987). However, the Low Rise Residential policies of the City's 2014 Official Plan does permit townhouses dwellings, and does not specify maximum densities.

#### Access to Parks/Open Spaces

The subject property is located close to the Rougehaven Parkette, and provides personal amenity space in the form of individual balconies on the townhouse units and a shared outdoor landscaped amenity space adjacent to Mill Street. The subject property does have convenient access to nearby open spaces including Milne Dam Conservation Park and the valley lands and trails of the adjacent Rouge River valley.

#### Municipal servicing is available

There is sufficient allocation available from the current allocation reserve to accommodate the proposal. The City reserves the right to revoke or re-allocate servicing allocation should the development not proceed in a timely manner.

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

The TRCA is generally supportive of the proposed development subject to minor technical revisions and is willing to accept a reduced 6m buffer from the Long Term Stable Top of Slope (LTSTOS) rather than the usual 10m buffer in recognition of the unique irregular configuration of the lot. Although the TRCA has prohibited any new development to occur within the 6m buffer, they do acknowledge that Mill Street is a pre-existing condition, and therefore accept the applicant's proposal to provide the northern

access point to the development, to widen the entrance of Mill Street to improve the safety of the intersection, as well as the introduction of minor improvements and facilities such sidewalks, pathways and postal boxes.

**FINANCIAL CONSIDERATIONS**

Not Applicable

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The applications have been considered within the context of the City's growth management and strategic priorities.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been circulated to various City departments and external agencies, as well as the Heritage Markham Committee. The LPAT is the approval authority due to the appeals of the applications by the applicant.

**RECOMMENDED BY:**

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Biju Karumanchery, RPP, MCIP  
Director of Planning and Urban Design

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Arvin Prasad, MPA, RPP, MCIP  
Commissioner of Development  
Services

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Claudia Storto  
City Solicitor and Director of Human Resources

**ATTACHMENTS:**

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|----------|---------------------------|
| Figure 1 | Location Map              |
| Figure 2 | Aerial Map                |
| Figure 3 | Additional Lands          |
| Figure 4 | Proposed Site Plan        |
| Figure 5 | Coloured Block Elevations |

Figure 6

Block Elevations

Figure 7

Main Street South Streetscape Elevation

Appendix 'A'

Proposed Tree Compensation Package for Neighbouring Property  
Owners