



## MEMORANDUM

To: Mayor and Members of Council

From: Director of Planning and Urban Design, Biju Karumanchery

Prepared by: Stacia Muradali, Acting Manager, East District

Date: September 14<sup>th</sup>, 2020

**Re: 9999 Markham Road, Hold (H) Provision, 2585231 Ontario Inc., ZA 18 180621**

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### RECOMMENDATION:

THAT the Hold (H) provision related to the GO Station feasibility study continue to apply to Phases 1B and 1C of the subject lands at 9999 Markham Road until the viability of a GO Station at Major Mackenzie Drive has been confirmed through further analysis in consultation with Metrolinx;

AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**In the event Council decides to remove the Hold (H) provision from Phase 1C lands, the following resolution can be passed:**

THAT Staff be directed to bring forward a by-law for Hold (H) removal from the Phase 1C lands after staff and the applicants have reviewed the development concepts for Phases 1B and 1C and have reached agreement on the appropriate land area requirements for each Phase;

AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

### BACKGROUND:

2585231 Ontario Inc. submitted applications to amend the Zoning By-law and for Site Plan approval for Phase 1 of the proposed development at 9999 Markham Road located at the south-

east corner of Major Mackenzie Drive and Markham Road (Figure 1). An application for Draft Plan of Subdivision was also submitted for the entire property. The subject land is located within the Markham Road- Mount Joy Secondary Plan ( the “Secondary Plan”) area. The Secondary Plan is currently being undertaken with a draft land use concept anticipated in December 2020.

On December 9<sup>th</sup>, 2019, Staff brought forward a Recommendation Report to Development Services Committee recommending approval of the Zoning By-law Amendment application for Phase 1 of development and approval of the Draft Plan of Subdivision for the entire property. The built form and density, and hence the appropriate zoning, for Phase 2 of the development will be dependent on the outcome of the Secondary Plan Study. The proposed Phase 1 of development was comprised of Phase 1A which included 154 townhouses, a public park, public roads and an open space channel block. Phase 1B fronts onto Major Mackenzie Drive and is proposed to be comprised of 8-storey mid-rise buildings containing 260 apartment units. A Hold (H) provision was placed on Phase 1B as a York Region requirement to protect for grade separation land requirements.

In anticipation of a potential GO Station at Major Mackenzie Drive, Council on December 10<sup>th</sup>, 2019 created Phase 1C which was the north portion of Phase 1A containing 37 townhouses and implemented a Hold (H) provision on Phases 1B and 1C which was intended to be removed subject to the availability of further details with respect to the potential GO Station (Figure 2). Staff was directed to report back on the matter in May 2020. Information was presented to Markham Sub-Committee on May 7<sup>th</sup>, July 29<sup>th</sup> and August 5<sup>th</sup>, 2020 regarding the Hold (H) provision matter and the progress of the feasibility study for the potential GO Station at Major Mackenzie Drive. During the July 29<sup>th</sup> and August 5<sup>th</sup>, 2020 Sub-Committee meetings the City’s Secondary Plan Consultants advised that a GO Station was potentially feasible at this location subject to further analysis in consultation with Metrolinx. Further, at the August 5<sup>th</sup> Sub-Committee meeting staff recommended that the Hold (H) provision related to the GO Station feasibility study continue to apply to Phases 1B and 1C, until the draft land use concept for the Markham Road – Mount Joy Secondary Plan is endorsed by Development Services Committee.

At the Markham Sub-Committee meeting on July 29<sup>th</sup>, 2020, the landowner of 9999 Markham Road requested that the Hold (H) provision be removed from Phase 1C and proposed a mid-rise development of 6-8 storeys instead of the 37 townhouses which were previously proposed. The landowner did not suggest that the Hold (H) provision should be removed from Phase 1B at this time. Although Staff had not previously reviewed a specific mid-rise development proposal from the landowner, and notwithstanding staff’s recommendation to continue the Hold (H) provision on Phases 1B and 1C as noted above, at the meeting staff did acknowledge that a mid-rise development proposal may provide appropriate transition between the Phase 1A townhouses and the future Phase 1B which may be mid to high rise development:-

On August 5<sup>th</sup>, 2020, Markham Sub-Committee referred a decision on whether to remove the Hold (H) provision from Phase 1C to an upcoming meeting of Council.

## **DISCUSSION:**

### Option for Hold (H) provision to remain on Phase 1C

As noted previously, the City's consultants have confirmed that a GO Station is potentially feasible in the Markham Road/ Major Mackenzie Drive East area. Staff anticipate that a draft land use concept for the Secondary Plan, or an option thereof, would reflect this finding and will be presented to Development Services Committee in December 2020. However, at this time it is felt that a land use concept in itself will not provide sufficient guidance with respect to the appropriate development of Phases 1B and 1C. Such guidance with respect to the appropriate built form and density within Phases 1B and 1C would have to wait until the viability of the potential GO Station is confirmed through further analysis to be carried out in consultation with Metrolinx.

Staff and the Secondary Plan consultants have concerns with removing the Hold (H) provision at this time, as suggested by the applicants, to allow mid-rise development to proceed in advance of the GO Station feasibility being determined. The Secondary Plan consultants have indicated that proceeding with mid-rise development within Phase 1C in the absence of broader comprehensive planning to best position the City for a business case to Metrolinx could potentially jeopardize the viability of a new GO Station in this area. Staff recommend that the Hold (H) provision remain in place for Phases 1B and 1C until the viability of the GO Station is confirmed through further analysis and consultation with Metrolinx.

### Alternative Option: Removal of the Hold (H) Provision on Phase 1C

Markham Sub-Committee requested that Staff present an alternative option which was discussed on August 5<sup>th</sup>, 2020, involving the removal of the Hold (H) provision on the Phase 1C lands. Phase 1C is zoned "Residential Four \*632 (H2) [R4\*632 (H2)]" in Zoning By-law 177-96, as amended (attached as Appendix 'A'). The R4 zone permits apartment dwellings which can include mid-rise apartment dwellings, however, the site-specific development standards implemented in December 2019 permit a maximum building height of 14 metres and sets out development standards that are more appropriate for townhouses rather than mid-rise apartment buildings.

If the Hold (H) provision is removed from Phase 1C, the landowner will still be required to submit a Zoning By-law Amendment application, to increase the height, as well as to implement site-specific development standards for the proposed 6-8 storey mid-rise development. Staff have not reviewed a specific mid-rise development proposal from the landowner, however, recognize that a mid-rise development proposal within Phase 1C may provide appropriate built form transition from the Phase 1A townhouses as well as an acceptable transition to the Phase 1B

lands which may be developed with mid rise or high rise buildings depending on the viability of the GO Station in the area. In addition, a mid rise development within Phase 1C, similar to what has been proposed on the 1B lands, would generate significantly more units in support of a future GO station in the area than the 37 townhouses originally proposed for these lands.

However, with respect to the future development of the lands, staff still require confirmation that the 1B lands have sufficient depth to accommodate future mid-rise or high-rise developments as well as potential elements of a future GO station in the vicinity such as a component of the GO station parking. Conversely, the Phase 1C lands, originally intended to accommodate 37 townhouses, would appear to have excess lands after accommodating two mid-rise buildings as proposed by the applicant. Staff have had discussions with the applicant about potentially transferring some lands from Phase 1C to Phase 1B to address the staff concern about the current depth of the 1B lands.

In the event Council decides to remove the Hold (H) provision from Phase 1C lands prior to confirmation of the viability of a GO Station at Major Mackenzie Drive, through further analysis in consultation with Metrolinx, it would be appropriate for Committee to direct staff to bring forward a by-law for Hold (H) removal from the Phase 1C lands after staff and the applicants have reviewed the development concepts for Phases 1B and 1C and have reached agreement on the appropriate land area requirements. Any draft hold removal by-law that is brought forward for Council's consideration in due course would then reflect the appropriate land areas required for the development of the two phases.