

SUBJECT: PRELIMINARY REPORT
2690622 Ontario Inc. (Kingdom - Markham Centre)
Application for an Official Plan Amendment and Zoning By-law Amendment to permit a phased high-density residential development at 4077 and 4101 Highway 7, Markham Centre (Ward 3)

File No. PLAN 20 140215

PREPARED BY: Dimitri Pagratis, M.C.I.P., R.P.P. ext., 2960
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Manager, Central District

RECOMMENDATION:

1. That the report titled “PRELIMINARY REPORT, 2690622 Ontario Inc. (Kingdom - Markham Centre), Application for an Official Plan Amendment and Zoning By-law Amendment to permit a phased high-density residential development at 4077 and 4101 Highway 7, Markham Centre (Ward 3) - File No. PLA 20 140215”, be received.

PURPOSE:

The purpose of this report is to provide preliminary information on the Official Plan Amendment and Zoning By-law Amendment applications (the “Applications”). This report contains general information regarding applicable Official Plan and/or other policies, as well as related issues. The report should not be taken as Staff’s opinion or recommendation on the application.

Application deemed complete

On April 7, 2020, and December 5, 2019, respectively, Staff deemed the Official Plan Amendment and the Zoning By-law Amendment applications complete.

The next steps in the planning process include:

- Holding the statutory Public Meeting at a future date when appropriate; and,
- Consideration of a recommendation report by the Development Services Committee (“DSC”).

It should be noted that the applications are 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.). Where a decision is made on an application, the City must send out notice of the decision at any point up to fifteen (15) days after the termination of the emergency; however, anyone eligible to file an appeal under the *Planning Act* may do so prior to the City issuing a notice of decision. The City has held a public meeting in accordance with the *Planning Act*, the applications have been circulated to commenting departments and agencies, and the City has received comments as outlined in this report. Further, staff will continue to work with the Owner on any outstanding issues identified.

BACKGROUND:

Subject Lands and Area Context

The approximately 2.41 ha (5.96 ac) subject site is located on the south side of Highway 7, east of Birchmount Road and is municipally known as 4077 and 4101 Highway 7 (the “Subject Lands”), as shown on Figures 1 and 2. Sheridan Nurseries Garden Centre currently operates on the Subject Lands, as shown on Figure 3.

History of Previous Applications

A previous Draft Plan of Subdivision Application (File No. SU 12 111289) was approved on the Subject Lands on July 23, 2014. Since that time draft plan approval extensions were allowed, the latest extension being on November 25, 2019. The approved Draft Plan of Subdivision (See Figure 5) consists of four blocks of phased development (Blocks 1, 2, 3 and 5), two blocks of park and environmental buffer space (Blocks 4 and 6), and one valleyland block (Block 7, Rouge River valleylands).

A Zoning By-Law Amendment Application (File No. ZA 12 111 289) was also approved on the Subject Lands on January 28, 2014. The approved site-specific Zoning By-law permits mixed-use development consisting of 1,225 residential units and 4,900 m² (52,743 ft²) of commercial uses with maximum building heights of six to 25 storeys, two park blocks, and one valleyland block.

The Owner submitted a new Zoning By-Law Amendment application in November 2019, to increase the permitted maximum building height from 25 to 47-storeys, and increase the maximum number of residential units from 1,225 to 1,990 units for a density of 5.69 times the area of the Subject Lands (Floor Space Index - “FSI”) or 825 units per hectare. During the initial review of the Zoning By-law Amendment application, Staff identified the need for an Official Plan Amendment application to permit the Owner’s requested building height and density increases, along with other technical amendments identified during staff’s preliminary review. The submitted Official Plan Amendment application proposes to provide for 2000 residential units, 10 more than what was proposed in the Zoning By-law Amendment application. The Owner has advised that the unit increase will be reflected in an updated submission of their conceptual site plan.

The Proposed Development

The Owner proposes to demolish the existing Sheridan Nurseries facilities and construct a development consisting of a Gross Floor Area (“GFA”) of 137,192 m² (1,476,733 ft²), 1,990 residential units, and a maximum density of 825 units per hectare and Floor Space

Index (“FSI”) of 5.69 (the “Proposed Development”) as conceptually shown on Figure 4, in the following three phases:

- Phase 1: a mid-rise, 333-unit residential building along Highway 7 consisting of building heights from two to eight-storeys with a GFA of 22,152 m² (238,442 ft²)
- Phase 2: a 551-unit residential development on a shared four-storey podium consisting of an eight-storey and a 34-storey building with a GFA of 40,412 m² (434,991 ft²) along the proposed Sheridan Street
- Phase 3: a 1,106-unit residential development on a shared four-storey podium consisting of a 43-storey and a 47-storey building with a GFA of 74,629 m² (803,300ft²) that fronts along the proposed Sheridan Street and the Rouge side Promenade extension

The Owner proposes 1,696 parking spaces within two levels of underground parking on the Subject Lands with the addition of above-ground podium parking for Phases 2 and 3. The proposed public park (Block 4) will remain terra firma. Figure 4 illustrates private landscaped open spaces, amenity areas, and landscaped buffer areas. The Owner proposes to remove or relocate the existing accesses to Highway 7 with the primary access to the Subject Lands to be relocated off the proposed Sheridan Street to the west and a new public street to the east (Street “H”). The Owner proposes additional vehicular access along the future Rouge side Promenade extension to the east that would connect with the Sciberras Road extension south of Highway 7 in the future. Internal access will be from two private roadways.

Provincial Policy Conformity

In considering the Applications, Staff will assess consistency with the 2014 Provincial Policy Statement (the “PPS”) and conformity with the 2019 Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

2014 Markham Official Plan (the “2014 Official Plan”)

The Subject Lands are designated “Mixed-Use Mid Rise”, “Mixed-Use High Rise”, and “Greenway” in the 2014 Official Plan. Lands designated Mixed-Use High Rise are priority locations for development with the greatest level of intensification in Markham. The “Mixed-Use Mid Rise” and the “Mixed-Use High Rise” designations support residential intensification along with a mix of commercial and other uses as specified within the Official Plan. Unless specified in a secondary plan or site-specific policy, the “Mixed-Use Mid Rise” designation permits a maximum building height of eight-storeys and maximum density of 2 times the area of the Subject Lands (Floor Space Index - “FSI”) and the “Mixed-Use High Rise” designation permits a maximum building height of 15-storeys and a maximum density of 3.0 FSI. The “Greenway” designation protects and enhances natural heritage features.

The policies of the Official Plan indicate that until an updated secondary plan is approved for the Regional Centre-Markham Center lands, the provisions of the 1987 Town of

Markham Official Plan, as amended, and the 1997 Markham Centre Secondary Plan (“OPA 21”), as amended, shall apply to the Subject Lands.

1987 Town of Markham Official Plan (the “1987 Official Plan”)

The Subject Lands are designated “Commercial - Community Amenity Area”, and “Special Policy Area” in the 1987 Official Plan. The planned function of the “Community Amenity Area” designation is to provide for a multi-use, multi-purpose centre with a diverse range of retail, services, community, institutional and recreational uses. Office development and medium and high-density housing are provided for at appropriate locations. Provisions related to such designations are further detailed and refined in Secondary Plans, including the establishment of addition development requirements and restrictions on land use.

1997 Markham Centre Secondary Plan (“OPA 21”)

The Subject Lands are further designated “Community Amenity Area - General”, “Open Space”, and “Hazard Land” in OPA 21. Lands designated “Community Amenity Area - General” may be used predominantly for medium and high-density residential uses with a general maximum building height of six-storeys. The maximum permitted density is 148 units per hectare. The “Open Space” designation applies to the south portion of the Subject Lands.

Through the submitted Official Plan Amendment application, the Owner proposes to increase the permitted maximum building height and density of the “Community Amenity Area - General” designation of OPA 21 to allow for a maximum building height of 47-storeys and 2,000 residential units with a maximum density of 825 units per hectare and 5.69 FSI.

Precinct Plan

OPA 21 requires applicants to prepare a precinct plan, for approval by the City that establishes further parameters for detailed land use and the physical character and form of a development. A precinct plan assists the City in determining the appropriate zoning controls, and subdivision and infrastructure requirements that graphically illustrates a physical representation of a proposed community, or a portion of it, by ensuring the following matters are addressed:

- land use and density distribution
- major structural elements
- built form elements
- streetscape components

The Subject Lands are not designated within the Precinct Boundary Area of OPA 21, however, it was included as part of the Precinct Plan Study Area as an extension of the adjacent Times development to the west. The Owner’s precinct plan was approved by Council in 2014, however, the Owner submitted the Official Plan Amendment application, at staff’s request, to facilitate the proposed building height and density increases in light of the Secondary Plan update currently underway.

Zoning

The Subject Lands are zoned under the following categories by By-law 2004-196, as amended by By-law 2014-9, and shown on Figure 2:

- Markham Centre Downtown Two *22(Hold) - MC-D2*22(H)
- Markham Centre Public Space One *23 - MC-PS1*23
- Markham Centre Public Space One - MC-PS1
- Markham Centre Public Space Two - MC-PS2

The Zoning By-law Amendment application proposes to amend By-law 2014-9 and implement a new site-specific Zoning By-law with further exceptions that implement the Proposed Development.

OPTIONS/ DISCUSSION:

The following is a brief summary of the matters raised to date for consideration. These matters, and others identified through the circulation and detailed review of the Proposed Development, will be addressed, if necessary, in a final report to the Development Services Committee:

1. Review of the submitted Planning Justification Report, draft Official Plan Amendment, and draft Zoning By-law Amendment, submitted by the Owner. Revisions to the submitted draft amending Zoning By-law and draft approved plan are required to be consistent with the concept site plan provided with the Applications.
2. The Proposed Development will be reviewed in the context of proposed road alignment, park location and limits, built form, driveway access, streetscape design, amongst other matters, in accordance with Official Plan policies. Review of the Proposed Development shall also be conducted in the context of the Markham Centre Secondary Plan Update and the recommended development concept, which the City is currently undertaking.
3. The appropriateness of the Proposed Development will be reviewed in the context of the following:
 - a) compatibility with the existing and planned surrounding land uses
 - b) opportunities for the incorporation of additional land uses, including commercial, retail, and other community amenity uses (Staff note that the previously approved zoning application envisioned residential and commercial/retail uses)
 - c) the appropriateness of the proposed density and building height
 - d) affordable housing, purpose-built rental, senior-focused housing, and family friendly units
 - e) built form and massing, building orientation, transitions, and angular planes
 - f) preliminary sun and shadow and wind effects
 - g) traffic impacts, parking, and transportation demand management

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- h) municipal servicing
 - i) pedestrian connections, driveway accesses and locations and the appropriateness of the proposed park block size, orientation, and location, in the context of the any revision to the existing Draft Approved Plan of Subdivision
 - j) sustainability measures, bird-friendly guidelines, and accessibility, in the context of the future Site Plan Approval applications
4. The Review of all technical studies submitted in support of the Applications including, but not limited to, the following:
- a) Planning Justification Report
 - b) Tree Inventory/Preservation Plan
 - c) Environmental Impact Study
 - d) Transportation Study
 - e) Environmental Site Assessment
 - f) Geotechnical Report
 - g) Hydrological Report
 - h) Functional Servicing Report
 - i) Stormwater Management Report
5. The Owner shall resolve any issues relating to floodplain and development limit matters on the subject lands as well as the restoration of native vegetation as required, to the satisfaction of the City and the TRCA.
6. The City shall review appropriate access and road alignments to Highway 7 and along Rougeside Promenade, to the satisfaction of the City and York Region. This includes impacts on any woodlands, vegetation protection zones, and other natural features to the east.
7. The Owner shall submit an application to amend the draft approved Plan of Subdivision consistent with the new conceptual site plan including the proposed changes to the Rougeside Promenade and other potential road alignments and the revised limits and areas for the proposed public park and valleyland blocks.
8. York Region has jurisdiction over Highway 7. The Owner must satisfactorily address York Region's requirements.
9. Review and confirm any outstanding financial obligation including, but not limited to, cash-in-lieu of parkland dedication, tree replacement/compensation, and contributions under Section 37 of the *Planning Act*.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development is to be evaluated in the context of growth management, environmental, and strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED BY:

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

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: Aerial Photo (2019)
Figure 4: Conceptual Site Plan
Figure 5: Approved Draft Plan of Subdivision

AGENT:

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