



Report to: Development Services

Meeting Date: June 7, 2021

SUBJECT: RECOMMENDATION REPORT Garden Homes
(Markham) Inc. 73 Main St. S. Proposed Draft Plan
of Subdivision 19TM-17005 to permit 13 townhouse
dwellings and a detached dwelling.
Ward 4 File SU 17 157341

PREPARED BY: Regan Hutcheson, MCIP., RPP. ext. 2080, Manager of
Heritage Planning
Peter Wokral, ext. 7955, Senior Heritage Planner

REVIEWED BY: Ron Blake, Senior Development Manager, ext. 2600

RECOMMENDATION:

- 1) That the report dated June 7, 2021, titled “RECOMMENDATION REPORT, Garden Homes (Markham) Inc., 73 Main St. S., Proposed Draft Plan of Subdivision 19TM-17005 to permit 13 townhouse dwellings and a detached dwelling, (Ward 4), File SU 17 157341”, be received;
- 2) That Council direct the Director of Planning and Urban Design, or his designate, to issue draft plan of subdivision approval for 19TM-17005, subject to the conditions set out in Appendix ‘B’ to this report, as may be amended by the Director of Planning and Urban Design, and further subject to confirmation that the Local Planning Appeal Tribunal has approved the Official Plan and Zoning By-law amendments and approved in principle the Site Plan Control application;
- 3) That the draft plan of subdivision approval for Plan of Subdivision 19TM-17005 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;
- 4) That Council assign servicing allocation for up to 14 dwellings; and,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of an application submitted by Garden Homes (Markham) Inc. for a draft plan of subdivision (19TM-17005) for the subject lands located on the east side Main St. South and south of the Rouge River, at 73 Main St S.. (Figures 1 – 3). This application is being considered concurrently with applications for Official Plan and Zoning By-law Amendments and Site Plan Control for the same proposal. These latter three applications were appealed to the Local Planning Appeal Tribunal (“LPAT”) by the owner (the “LPAT Appeals”), however the owner did not include the subject application for draft plan of subdivision approval in the LPAT Appeals. Therefore, the City remains the approval authority for the subdivision application. Subject to the approval by the LPAT

of the LPAT Appeals, the approval of this application will facilitate a residential development comprised of 13 townhouse dwellings and a single detached dwelling. The draft plan also includes a block to be conveyed to the City to widen the Mill Street boulevard at the intersection of Main Street South.

Staff are satisfied with the proposal, and are of the opinion that the Draft Plan of Subdivision is appropriate.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision 19TM-17005 submitted by Garden Homes (Markham) Inc. to permit 13 townhouses and a single detached lot on the subject lands. This report also provides information on Official Plan, Zoning By-law and Site Plan Control Applications which are concurrently before the Local Planning Appeal Tribunal (LPAT).

Process to Date

- 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 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.
- The property was subsequently purchased by the current owner, Garden Homes (Markham) Inc. in 2017. Garden Homes (Markham) Inc. submitted Draft Plan of Subdivision and Site Plan Control applications in support of the proposed development in August 2017
- In November 2017, the Official Plan and Zoning By-law Amendment applications and the Site Plan Control application were appealed to the Ontario Municipal Board (OMB) now the LPAT due to the City's lack of decision on the applications. The LPAT Appeals were consolidated by the OMB.
- The Draft Plan of Subdivision application was not appealed and remains pending before the City.
- 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 & Urban Design Department.
- City Staff continued to work with the applicant to address concerns noted by staff and by residents at the first Community Information Meeting held in 2016.
- In October 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 (see Figure 7). The severances were granted, and added a total of 783.2m² (8,419 ft²) to the subject property. The new land area allowed the applicant to re-design the townhouse concept.
- The land acquisition resulted in a new concept featuring an internal condominium road providing through access to Mill Street, an increase in the number of

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- townhouses to 15, and a proposal for a semi-detached dwelling fronting Mill Street for a total of 17 residential units.
- Based on the new design, a statutory Public Meeting was held on May 21, 2019 followed by a Community Information Meeting on July 11, 2019.
 - The revised development proposal was considered by Development Services Committee on June 29, 2020 with both a public information report and a confidential report being submitted. The matter was further considered during an in-camera session of Council on July 14, 2020.
 - City staff, the owner and their consultants/ representatives continued discussions towards a potential resolution of the appeals and the issues of concerns through the latter half of 2020. A confidential memo from staff was prepared and considered by Development Services on November 23, 2020 and Council on November 24, 2020. The memo updated Council on how a number of the issues of concern had been addressed.
 - The direction provided by Council on November 24, 2020 which lead to the settlement of the LPAT Appeals and to the corresponding execution of Minutes of Settlement is attached as Appendix “A”. Council indicated that the Council Resolution of November 24, 2020 be reported publicly after the execution of the Minutes of Settlement.
 - The Minutes of Settlement include draft Official Plan and Zoning By-law Amendments, and a draft Site Plan and draft Conditions of Site Plan Approval supported by both parties. The City has consented to the LPAT’s approval of the above applications substantially in accordance with the documents attached to the Minutes. The settlement is now before the LPAT and the City awaits the LPAT’s Order.

Next Steps:

- LPAT to approve the Official Plan and Zoning By-law Amendments and the Site Plan Control Application.
- The proponent to enter into a Site Plan agreement with the City.
- If the Draft Plan of Subdivision application is approved, the proponent will be required to enter into a subdivision agreement with the City and clear conditions of draft approval (Appendix ‘B’) prior to registration of the plan.
- An application for a part-lot control exemption coupled with a condominium application to create a common element condominium.

BACKGROUND:

Site and area context

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 include low rise residential to the east, south and west with open space and the Rouge River to the north.

Proposal

The current Draft Plan of Subdivision application is submitted in support of a revised proposal featuring 13 townhouses with seven units fronting on Main Street South and six units fronting on an internal condominium road. Parking and garage access for all units is provided off of the internal road. In addition, one single detached dwelling is proposed on a lot fronting on Mill Street. Four visitor parking spaces are to be provided. The Draft Plan of Subdivision is shown in Figure 4 and the Site Plan is shown in Figure 5.

The purpose of the attached draft plan of subdivision is to create:

- A lot for a single detached building fronting Mill Street (Block 1),
- A development block for the common element townhouse condominium (Block 2), and
- A Mill Street Road Widening requested by the City (Block 3)

As noted, the applications for Official Plan Amendment, Zoning By-law Amendment and Site Plan Control are currently before LPAT for approval.

City of Markham Official Plan, 2014 as partially approved on November 24, 2017 and further updated on April 9, 2018 (the “2014 Official Plan”)

The subject property is designated “Residential Low Rise” in the 2014 Official Plan, 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 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.

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.

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 linkhouse dwellings, generally not to exceed 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).

The Official Plan Amendment (OPA) is therefore required to provide for 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. Part of the subject land is also being re-designated from “Residential Low Rise” to “Greenway”. Approval of the OPA is currently before LPAT.

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 site specific Zoning By-law Amendment application (ZBA) is required to permit the proposed townhouse dwellings. These lands will become part of zoning by-law 177-96, as amended. Approval of the ZBA is currently before LPAT.

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. Matters of appropriate design are addressed through a Site Plan Control Application (SPCA). The SPCA for this proposal is currently before LPAT.

DISCUSSION:

Current proposal responds to and implements the agreed upon development of this parcel

The current proposal responds to the issues identified in the preliminary staff report, at the Statutory Public and Community Information Meetings, and by Council. Key issues which have been addressed include”

- A reduction in the height of the south retaining wall (from a maximum height of 4.79m (15.7ft.) to 2.38m (7.8 ft.) and construction entirely on the subject property creating a landscaped buffer between the retaining wall and the properties to the south;
- Preservation of trees along shared property boundaries;
- Reduction in the number of dwelling units from 17 to 14;
- Appropriate architectural designs;

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- Requirement for appropriate maintenance and encroachment agreements to allow landscaping and stairwells on City property along the Main Street South frontage;
 - Improvements to the Mill St/Main St S intersection;

Further, the proposed plan of subdivision implements the agreed upon development put forward as a part of the resolution of the LPAT appeal. In particular, the application implements the following:

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. The Engineering Department has provided draft conditions, which are incorporated into Appendix 'B', to ensure all outstanding technical Engineering matters are satisfied prior to registration of the plan of subdivision.

Toronto and Region Conservation Authority (TRCA)

The TRCA is 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 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, and to introduce a variety of improvements and facilities such sidewalks, pathways and postal boxes within this buffer.

The TRCA has advised that outstanding technical comments will be addressed at the detailed design stage following draft subdivision approval, and have recommended draft conditions which are included in Appendix 'B'.

York Region has no objection

York Region indicated there is no objection to the proposed draft plan of subdivision, subject to the Region's conditions, included in Appendix 'B'.

CONCLUSION

Staff are of the opinion that the Draft Plan of Subdivision is consistent with Official Plan and Zoning By-law amendments, and the Site Plan application once they are approved in the settlement before LPAT. Staff recommend approval of the Draft Plan of Subdivision, subject to the conditions outlined in Appendix 'B' and subject to approval by LPAT of the Official Plan and Zoning By-law Amendments, and the Site Plan Control application.

FINANCIAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed subdivision has been reviewed in the context of the City’s Strategic Priorities of Growth Management, Transportation and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

This application was circulated to various departments, Heritage Markham and external agencies and their comments have been addressed. Where necessary the requirements of the City and external agencies have been incorporated into draft plan conditions

RECOMMENDED BY:

Ron Blake M.C.I.P., R.P.P.
Senior Development Manager
Planning & Urban Design

Biju Karumanchery M.C.I.P., R.P.P.
Acting Commissioner of Development
Services

ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Air Photo
- Figure 3 – Proposed Draft Plan of Subdivision
- Figure 4 – Site Plan
- Figure 5a – Elevations Block 3
- Figure 5b – Elevations Block 1 and 2
- Figure 6 - Illustration
- Figure 7 – Additional Lands

Appendix ‘A’ – Council Resolution from November 24, 2020

Appendix ‘B’ – Draft Plan of Subdivision Conditions

OWNER/AGENT:

AGENT: KLM Planning Partners Inc.
Mark Yarranton, President
64 Jardin Drive, Concord, ON L4R 3P3
myarranton@KLMplanning.com

OWNER: Garden Homes (Markham) Inc.

APPENDIX “A”- Council Resolution from November 24, 2020

1. That the memo titled “Confidential – Update on Discussions, Garden Homes (Markham) Inc., 73 Main Street South, Markham Village, Appeals of applications for Official Plan Amendment, Zoning Amendment, Draft Plan of Subdivision, and Site Plan Control to permit a Townhouse Development, Ward 4, be received; and,
2. That staff be directed to settle the Local Planning Appeal Tribunal appeals related to 73 Main Street South, Markham Village substantially on the basis of the of the revised concept plans; and,
3. That staff be directed to continue to negotiate with the applicant, and resolve any minor outstanding issues to the satisfaction of the Commissioner of Development Services, or designate; and,
4. That the following conditions be included in the minutes of settlement:
 - a. That the applicant incorporate the Heritage Landscaping Guidelines for the landscaping of the proposal (primarily along the Main Street South frontage); and,
 - b. That for the proposed Single Detached Dwelling on Mill Street (next to the private drive), that the house be compatible in scale with adjacent existing buildings; and,
 - c. That the wood fence sections visible from Main Street South be removed and replaced with a wrought iron fence with appropriate landscaping; and,
 - d. That a six foot high wooden privacy fence be constructed between the Townhouses and the adjacent residents at the south limit of the property; and,
 - e. That a maintenance agreement be established for the landscaping to be introduced on the City’s right-of-way along Main Street South, and further,
 - f. That no storage or BBQs be permitted on the front porch of townhouse units fronting Main Street South, and that be included in the draft Condominium Declaration provided as a part of the disclosure; and,
5. That Council authorize the Mayor and the Clerk to execute minutes of settlement terms satisfactory to the Commissioner of Development Services, or designate, and in a form satisfactory to the City Solicitor, or designate; and,
6. That staff do all things necessary to give effect to these resolutions; and further,
7. That the foregoing resolutions be reported publicly after the execution of the minutes of settlement.