

**SUBJECT:** Flato Developments Inc. RECOMMENDATION REPORT  
Application for Draft Plan of Subdivision to allow residential development at the south-west corner of Highway 48 and the City of Markham/ Town of Whitchurch-Stouffville municipal boundary (Part of Lot 31, Concession 7) (File No: PLN 20 134853), Ward 6. .

**PREPARED BY:** Stacia Muradali, M.C.I.P., R.P.P.  
Manager, East Development District

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

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**RECOMMENDATION:**

- 1) That the staff report dated November 22<sup>nd</sup>, titled “RECOMMENDATION REPORT, Flato Developments Inc., Application for Draft Plan of Subdivision to allow residential development at the south-west corner of Highway 48 and the City of Markham/ Town of Whitchurch-Stouffville municipal boundary (Part of Lot 31, Concession 7) (File No. PLN 20 134853), Ward 6”, be received;
- 2) That the record of the Public meeting held on June 1<sup>st</sup>, 2021 regarding the application for Draft Plan of Subdivision (19TM-200011) submitted by Flato Developments Inc., be received;
- 3) That Council approve the Draft Plan of Subdivision 19TM-200011) submitted by Flato Developments Inc, subject to the conditions attached as Appendix ‘A’;
- 4) That Council assign servicing allocation for a maximum of 26 townhouses and 249 apartment units;
- 5) That the Mayor and Clerk be authorized to execute agreements with the Town of Whitchurch-Stouffville, The Regional Municipality of York , the applicant and/or future Condominium Corporation as needed, relating to shared sanitary, storm and water servicing for the proposed subdivision, the East-West road along the north end of the subdivision, and any other shared municipal services as needed, provided that such agreements are satisfactory to the Commissioner of Development Services, the Commissioner of Community Services and the City Solicitor;

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- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

This report seeks approval of the proposed Draft Plan of Subdivision application submitted by Flato Developments Inc., for lands located at the south-west corner of Highway 48 and the City of Markham/ Town of Whitchurch-Stouffville municipal boundary.

**Process to date:**

- Minister's Zoning Order approved April 24<sup>th</sup>, 2020
- Application for draft plan of subdivision deemed complete February 5, 2021
- Community Information Meeting held on April 22, 2021
- Preliminary Report dated May 3, 2021
- Statutory Public Meeting held on June 1, 2021.

**Next Steps:**

- Issuance of Draft Plan Approval
- Execution of a subdivision agreement
- Registration of the draft plan of subdivision
- Submission and review of a site plan application for the proposed development.

**BACKGROUND:****Subject land and area context**

The subject land is approximately 3.6 hectares (9 acres) and is located at the south-west corner of Highway 48 and the City of Markham/Town of Whitchurch-Stouffville ("Town of W/S") municipal boundary (Figure 1). The subject land is surrounded by agricultural and rural land uses to the south and west. The Hamlet of Dickson Hill is located east of Highway 48. There is a wide range of uses north of the subject site in the Town of W/S, including auto repair, rural and agricultural uses, a shopping centre (Smart Centre) and applications for residential development. There are natural features comprised of a hedgerow and woodlands to the south and a woodland and two (2) tributaries of the Little Rouge Creek to the west which are all part of the City's Greenway System (Figure 3).

The Town of W/S initiated a Highway 48 Visioning Exercise in 2019 for lands generally bounded by Stouffville Road to the north, McCowan Road to the west, 19<sup>th</sup> Avenue to the south and Rougeview Avenue to the east. The study area also includes the Hamlet of Dickson Hill and the subject land. The Town of W/S revised the scope of the Highway 48 Visioning Exercise in early 2021 to comprehensively examine the layout and design of development applications within the study area which is still on-going.

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**Proposed development**

The proposed draft plan of subdivision (Figure 4) will result in the creation of residential, road, park and environmental buffer blocks.

*Residential blocks*

There are two (2) residential blocks proposed (Figure 4). Block 1 which is 1.18 hectares (2.9 acres) will be developed with 26 townhouses. Block 2 which is 1.394 hectares (3.45 acres) will be comprised of two (2)- 8 storey purpose built rental buildings consisting of a total of 249 apartment units. Flato Developments Inc. describes the proposed development as an “age-friendly community” because the units in the purpose built rental buildings will be marketed and leased to adults over the age of 55, however, it should be noted that legally there is no way to guarantee this under the planning process.

*Public park block*

Block 4 which is approximately 0.358 hectares (0.88 acres) will be a centrally located public park within the proposed development.

*Public road blocks*

Street ‘A’ is proposed as the only public road access for the proposed development which will connect to Highway 48. There is a proposed development abutting Street ‘A’ to the north in the Town of W/S (described later in the report) which will have public access off Street ‘A’. Street ‘A’ is therefore critical for both developments. Street ‘A’ will have a right-of-way of 27 metres including a multi-use pathway on one side. The majority of Street ‘A’ will be located in the Town of W/S, however the most easterly portion (approximately 0.321 hectares) will be located in the City of Markham (the “City”) and connect to Highway 48. A future traffic signal will be provided at the intersection of Highway 48 and Street “A” when it is warranted by an increase in traffic volumes.

The City is also protecting for a future north/south road allowance shown as Block 7 (approximately 0.151 hectares) abutting the east side of the proposed park on the draft plan. This is to provide access to Street ‘A’ in the future if the land to the south redevelops as access on Highway 48 may not be permitted for the redevelopment to the south.

*Environmental buffer blocks*

Blocks 5 and 6, which are located along the west property line and a portion of the south property line, are environmental blocks of approximately 0.226 hectares (0.59 acres) combined and both blocks will be conveyed to the City as part of this subdivision application. These environmental blocks provide a 10 metre woodland dripline buffer from the TRCA staked woodland dripline.

**Official Plan and Minister’s Zoning Order***Official Plan*

The subject lands are designated “Countryside” in the City’s 2014 Official Plan (as partially approved on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018) which protects for agricultural uses and supports farming activities. As noted below, these

lands are subject to a Minister's Zoning Order. The provisions of the Minister's Zoning Order take precedence over the City's 2014 Official Plan, therefore an Official Plan Amendment is not required to allow the proposed development.

#### *Zoning- Minister's Zoning Order*

A Minister's Zoning Order (MZO) was approved on April 24<sup>th</sup>, 2020 for the subject lands and land to the north in Whitchurch-Stouffville. The MZO permits townhouses and apartment buildings as well as accessory dwellings in each townhouse on the subject lands. The MZO permits a maximum of 500 apartment units and 34 townhouses.

#### **Stouffville draft plan of subdivision**

The aforementioned MZO also implements land use and other zoning permissions for approximately 9.4 hectares (23 acres) of land in Stouffville, directly north of the subject land. In Stouffville, five (5) - 6 storey apartment buildings with a total of 548 units and 88 townhouses are proposed. There is also approximately 2,040 square metres (22,000 square feet) of commercial uses proposed at grade level fronting onto Street 'A' (Figure 5). A draft plan of subdivision application was submitted to accommodate the proposed development in the Town of W/S and it was approved on July 20<sup>th</sup>, 2021. The draft plan of subdivision has not yet been registered.

#### **Public Input**

A Community Information Meeting was held on April 22<sup>nd</sup>, 2021 and approximately five (5) residents attended. Concerns were expressed regarding the potential environmental impact of the proposed development, impact on existing wells and groundwater, increase in traffic, construction traffic and visual impact of the proposed development.

A statutory Public Meeting was held on June 1<sup>st</sup>, 2021 and there was one (1) deputant who represented Arbor Memorial who own approximately 40 hectares (100 acres) of land on the east side of Dickson Hill Road, north of 19<sup>th</sup> Avenue. Arbor Memorial currently has LPAT appeals on their lands to permit a cemetery, funeral home and associated uses. There were no written submissions.

#### **OPTIONS/ DISCUSSION:**

##### **Revised draft plan responds to staff comments**

There are two (2) significant revisions to the previous draft plan of subdivision which respond to staff's previous comments. The applicant previously proposed a 0.199 hectare ( 0.5 acre) public park for the proposed development. Given the lack of public park space in the area, as well as the absence of a public park in the proposed development in the Town of W/S immediately to the north, staff requested that the applicant provide more public park space. Approximately 0.668 hectares (1.65 acres) of parkland will be required to serve the townhouses and two (2) 8-storey buildings in Markham. The applicant has increased the size of the public park to approximately 0.358 hectares (0.88 acres) which is a more appropriately size public park. The remainder of parkland requirement will be provided as cash-in-lieu of parkland.

The revised draft plan of subdivision adds Block 7, which is a new north/south public road allowance requested by the City to protect for future development to the south. It is anticipated that an access to Highway 48 will not be permitted from the lands to the south because of the limited separation distance from the Highway 48 access on the subject site and protecting for this road allowance to connect the lands to the south to Street 'A' is crucial for any future development to the south.

**Proposed public road and Highway 48 access**

Street 'A' which is located mostly in the Town of W/S but turns south into the City of Markham to access Highway 48 is the only public street access for the proposed developments both in the City of Markham and the Town of W/S. Highway 48 is regulated by the Ministry of Transportation (MTO). MTO has advised that the intersection of Street 'A' with Highway 48 will only be permitted in the proposed location (See Figure 5) if the north end of Dickson Hill Road is closed on the east side of Highway 48 to create a 'T' intersection where the proposed Street 'A' meets Highway 48. This is due to potential safety concerns with the current intersection configuration and increased traffic resulting from proposed and future development. The closure of the north end of Dickson Hill Road will result in access into the Hamlet of Dickson Hill being restricted to 19<sup>th</sup> Avenue as the south end of Dickson Hill Road was recently closed. The closure of the north end of Dickson Hill Road will have to be carefully designed to ensure that firefighting and emergency vehicles can access Dickson Hill Road in a timely manner as the Fire Department requires more than one (1) access into the Hamlet of Dickson Hill. Flato Developments Inc. will be responsible for the costs of any associated off site works to ensure that MTO and the City's requirements are met. The Highway 48 intersection with Street A will require approval from MTO prior to registration of both proposed subdivisions in the City and Town of W/S (see Appendix 'A').

**Inter-municipal agreements and other shared agreements required**

The development is located beyond the City's municipal servicing boundary. As a result, a combination of municipal and private servicing is being proposed for the development and are inter-connected with the servicing proposed for the adjacent development located in the Town of W/S. The Town of W/S will supply the development with municipal water from its distribution system and the Region will need to consent to such an agreement for drinking water. Storm and sanitary servicing for the development will be private and maintained by the applicant and subsequent owners (i.e., condominium corporations). The City will require assurances that the Town of W/S has secured financial security from the future Condominium Corporation for operation and maintenance of this system. Flato Developments Inc. is also having discussions with the City about the potential to extend water services to Dickson Hill Road to serve the existing residents as part of their proposed servicing.

The City, the Town of W/S, and the applicant will be required to enter into inter-municipal agreement(s) and other agreements as deemed necessary by the City Solicitor to secure the obligations and responsibilities for the servicing of the development.

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The development will also front on to a east-west road ("Street "A"), the majority of which is located within the Town of W/S with a section that dips into the City. The City and the Town of W/S will have to enter into an agreement confirming jurisdiction of Street 'A' and allocating maintenance responsibilities and associated costs.

The City is also in discussions with the Town of W/S respecting possible cost sharing for the proposed public park located in the proposed development in Markham. Given that a public park is not proposed in the development to the north in the Town of W/S, it is anticipated that the residents from that development may use the public park in the proposed development in the City.

All of these agreements need to be executed to the satisfaction of the City of Markham and the Town of Whitchurch-Stouffville prior to registration of the draft plan of subdivision (see Appendix 'A').

### **External agencies**

#### *Region of York*

The Region of York has indicated they have no objection to the proposed draft plan of subdivision subject to their conditions of approval (see Appendix 'A'). Some conditions of note include requiring site plan approval for the proposed development and a requirement that the respective servicing agreements be entered into, to the satisfaction of the Region of York.

#### *Toronto and Region Conservation Authority*

The applicant is required to obtain a permit from the Toronto and Region Conservation Authority (TRCA) for the proposed development. The TRCA, City and Town of W/S requested a Master Environmental Servicing Plan (MESP) for the proposed development as well as the adjacent development in the Town of W/S. The applicant has agreed to undertake the MESP which will also include additional lands owned by the applicant to the west which are also subject to a separate approved Minister's Zoning Order. Development applications have not been submitted for those additional lands at this time. Approval of the MESP will be required prior to registration of the draft plan of subdivision (see Appendix 'A').

#### *Ministry of Transportation*

The Ministry of Transportation (MTO), as previously noted, is the approval authority for the proposed intersection of Highway 48 and Street 'A'. This intersection must meet MTO requirements which will involve closing of the existing portion of the intersection on the east side of Highway 48 and the northern portion of Dickson Hill Blvd. MTO approval of the new intersection design will be required prior to registration of the draft plan of subdivision (see Appendix 'A')

#### *York Region District School Board*

The York Region District School Board (YRDSB) has advised that there will be challenges to ensure adequate student placement for the proposed development while recognizing that the proposed development is being marketed as an age-friendly community. A new school site will be located in the Town of W/S (no anticipated timing of the new school to date) which will serve the proposed developments in both the City

and the Town of W/S, and any future development in this general area. The applicant is required to provide written clearance from the YRDSB prior to registration of the draft plan of subdivision (see Appendix 'A').

**Site plan applications required**

The applicant is required to submit a future site plan application for the proposed development at which time staff will review the proposed site configuration, building elevations, landscaping, treatment of the buffer blocks and appropriate sustainability measures.

**CONCLUSION:**

Staff recommend approval of the Draft Plan of Subdivision subject to the conditions of draft plan approval listed in Appendix 'A'.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The applications align with the City's strategic priority of providing a safe and sustainable community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications were circulated to various departments and external agencies and their conditions and comments have been incorporated into the Draft Plan Conditions as appropriate.

**RECOMMENDED BY:**

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

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Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner, Development Services

**ATTACHMENTS:**

Figure 1: Location Map

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Figure 2:	Area Context/ Zoning
Figure 3:	Air Photo
Figure 4:	Proposed Draft of Subdivision
Figure 5:	Overall Development Plan
Figure 6:	Conceptual Site Plan
Appendix 'A':	Draft Plan Conditions

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