



Report to: Development Services Committee

Meeting Date: December 6, 2021

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**SUBJECT:** PRELIMINARY REPORT Markland Residential Corporation Applications for Official Plan and Zoning By-law Amendments to permit 95 townhouse units and a 25 storey mixed use building at Markland Street File No. PLAN 21 111003 (Ward 2)

**PREPARED BY:** Hailey Miller  
Planner I, West District (Ext. 2945)

**REVIEWED BY:** Mary Caputo, MCIP, RPP  
Development Manager, West District (Ext. 3887)

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**RECOMMENDATION:**

That the report dated December 6<sup>th</sup>, titled “PRELIMINARY REPORT, Markland Residential Corporation, Applications for Official Plan and Zoning By-law Amendments to permit 95 townhouse units and a 25 storey mixed use building at Markland Street, File No. PLAN 21 111003 (Ward 2)”, be received.

**PURPOSE:**

This report provides preliminary information on Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by Markland Residential Corporation, to permit 95 townhouse units and a 25 storey mixed use building at Markland Street. This report contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendations on the Applications.

**Process to date:**

The Applications were deemed complete by Staff on August 4, 2021. The *Planning Act* sets out the 120 day period after which an applicant can appeal an application to the Ontario Land Tribunal (the “OLT”) for a non-decision. This period ended on December 2, 2021, and the applicant is in a position to appeal the Applications for a non-decision to the OLT.

**Next Steps:**

1. The Ward 2 Councillor has indicated that a Community Information Meeting will be arranged;
2. A Statutory Public Meeting, to be scheduled when appropriate;
3. Consideration of a Recommendation Report by the Development Services Committee (“DSC”) at a future date;
4. In the event of an approval, adoption of the site-specific Official Plan Amendment and enactment of the Zoning By-law Amendment; and,
5. Future applications for Site Plan Control and Draft Plan of Condominium are required.

**BACKGROUND:**

**Site and Area Context**

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The 2.39 ha (5.9 ac) subject property is located in the northwest quadrant of Markland Street and Woodbine Avenue (see Figures 1, 2, and 3 – Location Map, Area Context, and Air Photo), immediately west of King Square Mall and the Woodbine Avenue Markland Street intersection. The subject property is currently being used as a surface parking lot in support of the King Square Mall.

Surrounding uses include:

- Directly west of the subject property is a vacant property that will be developed with 70 townhouses;
- To the north is an existing low-density residential development, a stormwater management pond, and Milton Fierheller Park;
- To the east is the existing King Square Mall; and,
- To the south of the property is Markland Street and vacant properties.

### **Proposal**

The applicant is proposing to amend the 2014 Official Plan to redesignate the lands from ‘Commercial’ to ‘Mixed Use Mid Rise’ and ‘Residential Low Rise’. The applicant is also proposing to amend Zoning By-law 165-80, as amended, to rezone the subject property to Residential Two (R2) and Community Amenity One (CA1)(H) under By-law 177-96. This will facilitate the development of a 25 storey mixed-use building and a publicly-accessible private open space area on the eastern portion of the property, and 95 townhouse units on the western portion of the property (the “Proposed Development”) (see Figure 4 – Site Plan).

The proposed 25 storey mixed-use building would include a 124 suite hotel and 205 residential units, of which 180 are proposed to be condominium units and 25 are proposed to be affordable rental units, provided for on the 7<sup>th</sup> floor. A pedestrian bridge is proposed to connect the mixed-use building to the existing King Square Mall to the east. Parking for the mixed-use building will be provided in the form of underground parking, expanding on the four levels of underground parking currently being used for King Square Mall. A 1,300 m<sup>2</sup> publicly-accessible private open space area is proposed in a central location along the Markland Street frontage of the site, immediately west of the mixed use building.

The western portion of the property is proposed to have 14 blocks of traditional townhouse units with a total of 95 units. In addition, all townhouse units are designed to accommodate purpose built secondary suites. It should be noted that the applicant is not proposing dedicated parking spaces for these secondary suites. The townhouses are proposed to be three storeys in height (12.8 m). Parking is proposed at the rate of two spaces per unit and provided for in double car garages. An additional 23 visitor parking spaces are proposed. Private amenity space for each townhouse will be provided for in the form of a private rooftop terrace. A common outdoor amenity space is proposed in the centre of the complex.

### **Provincial and Regional Policy Framework**

#### **Provincial and Regional Policy Conformity**

In considering the Applications Staff will assess consistency with the 2020 Provincial Policy Statement, conformity with the 2019 Growth Plan for the Greater Golden

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Horseshoe, and conformity with the York Region 2010 Official Plan.

### **Markham Official Plan**

The subject property is designated 'Commercial' and 'Deferral Area' under the 2014 Official Plan (as partially approved on November 24, 2017 and further updated by the Local Planning Appeal Tribunal on April 9, 2018). The 'Deferral Area' indicates that the 'Commercial' designation for the subject property is deferred, and that the provisions of the 1987 Official Plan apply to the property. The subject property was one of a number of employment land conversion applications considered by Markham Council prior to the adoption of the 2014 Official Plan. In accordance with Council direction, the deferral area is to remain in place until a decision on the Official Plan Amendment is made. The 1987 Official Plan designated the subject property 'Industrial' as per Appendix A – Land Use, and more specifically 'Business Corridor Area' as per Appendix H – Commercial/Industrial Categories.

Site specific policy 9.4.7 c) of the 2014 Official Plan requires that a designation other than 'Commercial' on the subject property must conform to the policies of the Growth Plan for the Greater Golden Horseshoe, and all other policies of the 2014 Official Plan, including the following criteria prescribed by Council:

- Compatibility to adjacent land use;
- Achieving an increase in the number of jobs that would otherwise be provided under the 'Employment Lands' designation on the site, or at a minimum, no net reduction in jobs on the site;
- Proximity to transit;
- Provision of lands for a VIVA terminal. It should be noted that while this was originally a requirement set out in section 9.4.7 c) of the 2014 Official Plan, there are currently no plans for a VIVA terminal in this location;
- Achieving better public amenities, including but not limited to public art, Section 37 community benefits and publicly accessible private amenity spaces; and,
- Where the location is appropriate, provide for affordable or seniors housing.

The Official Plan Amendment applications seeks to redesignate the subject lands to 'Mixed Use Mid Rise' and 'Residential Low Rise'. Staff will review the application with regard for the above criteria.

### **Zoning**

A Zoning By-law Amendment application has been submitted to rezone the subject lands from 'Select Industrial and Limited Commercial (M.C. 170%)(H) under By-law 165-80, as amended, to Community Amenity One (CA1)(H) and Residential Two (R2) under By-law 177-96, as amended.

The Community Amenity One zone (CA1) permits uses including, but not limited to, apartment dwellings, business offices, personal service shops, restaurants, and retail stores. The applicant is also proposing hotels and outdoor special events as additional permitted uses. In addition, the applicant is proposing site specific development standards related to: maximum floor space index, maximum building height, maximum permitted projections, maximum floor plate size, minimum separation distance,

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maximum number of dwelling units, maximum number of hotel suites, minimum gross floor area for non-residential uses, and parking provisions (the applicant is proposing a reduction in the minimum required parking spaces as well as provisions for sharing of parking between the subject site and the existing King Square Mall.) This zone would apply to the proposed 25 storey mixed use building and the open space area.

The Residential Two (R2) zone permits uses including, but not limited to, single-detached dwellings, semi-detached dwellings, townhouse dwellings, home occupations, and home child care. The applicant is also proposing site-specific development standards related to: maximum building height, maximum number of dwelling units, minimum width of townhouse dwelling units, minimum required rear yard setback, maximum floor space index, and parking provisions. This zone would apply to the proposed 95 townhouse units.

The proposed Zoning By-law Amendment would also incorporate a Holding Provision which would limit the height of buildings to those set out in the Buttonville Airport height limits. The Holding Zone (H) could only be lifted if the Buttonville Airport Zoning Regulations were repealed or if the height restriction applicable to the subject property were no longer in effect. This would apply to the proposed 25 storey mixed use building.

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

Issues or concerns identified through the detailed review of these applications and public meetings will be discussed in a future recommendation report to DSC. Some of the preliminary matters identified for consideration include, but are not limited to, the following:

- Review of the submitted Planning Justification Report, draft Official Plan Amendment, and draft Zoning By-law Amendment, prepared by Bousfields Inc. Staff will provide further comments on these documents, if required, in a future Recommendation Report;
- The appropriateness of the proposed uses and the proposed mixed use mid-rise designation to accommodate the proposal;
- The appropriateness and compatibility of the proposed built form and massing, with the existing surrounding land uses;
- Appropriateness of purpose built secondary suites without dedicated parking spaces;
- The appropriateness of the proposed development standards, including setbacks, density, height, and parking provisions;
- Any issues resulting from the review of technical studies including, but not limited to, stormwater management and servicing reports, wind and shadow studies, tree preservation plan, and grading and drainage plans;
- That the proposal complies with the requirements prescribed by Council, and outlined in section 9.4.7 c) of the 2014 Official Plan;
- Section 37 community benefits, in accordance with City policies and Section 37 of the *Planning Act*;

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- Transportation Planning staff are reviewing the Transportation Impact Assessment, prepared by WSP Canada Inc. (WSP), submitted with the applications; and,
  - The appropriateness of the publicly-accessible private open space and the private amenity space at the center of the development.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The application is being evaluated in the context of the City's strategic priorities, including Growth Management and Municipal Services.

**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  
Director of Planning and Urban Design

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

**ATTACHMENTS:**

- Figure 1 – Location Map
- Figure 2 – Area Context
- Figure 3 – Air Photo
- Figure 4 – Site Plan
- Figure 5 – 3D Image

**OWNER:**

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