



Report to: Development Services Committee

Meeting Date: March 28, 2022

SUBJECT: PRELIMINARY REPORT
Application for Zoning By-law Amendment submitted by 9781 Markham Road Limited Partnership to permit a mixed-use development (Phase 2) comprised of two buildings with heights of 32 and 27-storeys located at 9781 Markham Road (Ward 5)

File No: PLAN 21 140476

PREPARED BY: Carman Yeung, M.C.I.P., R.P.P., ext. 2532
Senior Planner, East Development District

REVIEWED BY: Stacia Muradali, M.C.I.P., R.P.P., ext. 2008
Manager, East Development District

RECOMMENDATION:

That the report titled “PRELIMINARY REPORT, Application for Zoning By-law Amendment submitted by 9781 Markham Road Limited Partnership to permit a mixed-use development (Phase 2) comprised of two buildings with heights of 32 and 27-storeys located at 9781 Markham Road (Ward 5), File No. PLAN 21 140476”, be received.

PURPOSE:

This report provides preliminary information on an application for Zoning By-law Amendment (the “Application”) submitted by 9781 Markham Road Limited Partnership (the “Owner”) and contains general information on the applicable Official Plan policies and the identified issues. This report should not be taken as Staff’s opinion or recommendation on the Application.

Process to date

- The Development Services Committee (“DSC”) endorsed the Phase 1 development (File: SPC 20 110692) on January 25, 2021.
- Staff deemed the Application for this Phase II development complete on November 17, 2021. The 90 day period set out in the *Planning Act* before the Owner can appeal the Zoning By-law Amendment application to Ontario Land Tribunal (the “OLT) for a non-decision ended on February 15, 2022. Accordingly, the Owner is currently in a position to appeal the Application to the OLT.

Next Steps:

- Statutory Public Meeting is tentatively scheduled for April 19, 2022
- Recommendation Report intended to be brought forward following endorsement of the land use concept plan for the Markham Road/ Mount Joy Secondary Plan by the DSC.

It is noted that all applications to amend the Official Plan and /or Zoning By-law which are currently under review within the proposed Secondary Plan area have or are advancing to statutory Public Meetings. However, Recommendation Reports for all of these applications will only advance after a land use concept plan for the Secondary Plan is endorsed by the DSC. Staff have been consistent with this approach for all development applications within the Secondary Plan study area.

- Submission of a Site Plan Application

BACKGROUND:

Subject Lands and Area Context

The overall 2.07 ha (5.11 ac) subject property municipally known as 9781 Markham Road, is located at the southeast corner of Markham Road and Castlemore Avenue (the “Subject Property”), as shown on Figures 1 to 3. The Subject Property is currently vacant and contain no significant vegetation. Figure 2 shows the surrounding land uses. A small easterly portion of the Subject Property is located within a regulated Toronto and Region Conservation Authority (“TRCA”) flood plain.

Phase 1 (“Liberty Phase 1 Lands”) of this project is approximately 1.38 ha (3.4 ac) in size and is located within the southerly portion of the Subject Property, as shown in Figure 4. The DSC endorsed, on January 25, 2021, Site Plan file SPC 20 110692 for Phase 1 to facilitate two 22-storey mixed-use buildings, 12 townhouses, and a centrally located private open space, which will be shared with Phase 2 (“Liberty Phase 2 Lands”).

Proposed development

The Zoning By-law Amendment application covered in this Preliminary Report is for the approximately 0.69 ha (1.68 ac) Liberty Phase 2 Lands within the remaining portion of the Subject Property. As shown in Figure 4, the Owner proposes a mixed-use development comprised of two buildings with heights of 32 and 27-storeys on a shared six-storey podium and the following, collectively referred to as the “Proposed Development”:

- i) A 0.17 ha (0.42 ac.) privately-owned and publicly-accessible (“POP”) strata park at the southwest corner of Castlemore Avenue and Anderson Avenue, however, parkland credit will not be given for the proposed strata park and the Owner has the option to convert this space to other uses. It should also be noted that the Secondary Plan has identified appropriate locations for public parks that does not include the proposed strata park shown in the Proposed Development;
- ii) Approximately 56,000 m² (602,000 ft²) of residential Gross Floor Area (“GFA”);
- iii) Approximately 517 m² (5,571 ft²) of retail space proposed at grade along the Markham Road frontage;
- iv) 722 dwelling units;
- v) 298 parking spaces within two levels of underground parking, and five surface parking spaces at grade to serve the commercial uses; and

-
- vi) Vehicular Accesses will be shared with Phase 1 which include a right-in/right-out access on Markham Road and a full movement access on Anderson Avenue.

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

The Subject Lands are located within the Markham Road Corridor – Mount Joy area in the 2014 Official Plan, as partially approved on November 24, 2017 and further updated on April 9, 2018, and is designated “Mixed Use High Rise”. The “Mixed-Use High Rise” designation permits office employment, high density residential uses, and retail and service functions that address the needs of the local population and the broader regional area at locations where the greatest level of intensification are intended. Unless specified in a secondary plan or site-specific policy, the “Mixed Use High Rise” designation allows for a maximum building height of 15-storeys and a maximum density of 3 times the area of the Subject Lands (Floor Space Index - “FSI”).

The preparation of the Markham Road Corridor – Mount Joy Secondary Plan (the “Secondary Plan”) is currently underway, and until that Secondary Plan is in effect, the “Major Commercial Area” policies from the City’s Official Plan (Revised 1987), as amended, continue to apply. The “Major Commercial Area” designation permits medium and high density development, a range of retail, service, community, recreation, and other uses that serves the broader regional area.

Zoning

The Subject Land are zoned “Major Commercial *425 (MJC*425) and “Open Space One * 427 (OS1*427)” in By-law 177-96, as amended, (see Figure 3). The Owner submitted a Zoning Bylaw Amendment application to permit additional building height and density (units), reduced parking, and other site-specific development standards.

DISCUSSION:

Matters identified through the detailed review of the Application will be addressed in a future staff Recommendation Report. The following is a preliminary list of matters raised for consideration to date:

- a) Review of the proposed development in the context of the appropriate policy framework, with particular regard to the emerging policies of the new Markham Road Corridor – Mount Joy Secondary Plan that is underway.
- b) Review of the Proposed Development including, but not limited to the following:
- i) Appropriateness of the height, density, built form and mix of land uses proposed;
 - ii) Compatibility of the Proposed Development with existing and planned development within the surrounding area;
 - iii) Sun shadow analysis, wind impact and angular plane study and the impacts to the immediate surrounding areas;
 - iv) Potential traffic impact of the development and ensuring there is adequate supply of parking spaces for the commercial and residential uses;

-
- v) Provision of the appropriate amount of parkland dedication and/or cash-in-lieu of parkland, Section 37, public art contribution, and other financial contributions;
 - vi) Incorporation of appropriate affordable housing, purpose built rental, secondary suites, senior focused housing and/ or family friendly units;
 - vii) Evaluation of whether the Proposed Development has addressed comments from TRCA and that applicable requirements have been incorporated into the Proposed Development.

Through the submission of a future Site Plan Application staff will examine appropriate landscaping, site layout, snow storage areas, building elevations and amenity areas, e

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development will be reviewed in the context of the City’s Strategic Priorities including safe, sustainable and complete communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to internal City departments and external agencies and is currently under review.

RECOMMENDED BY:

Biju Karumanchery, MCIP, RPP
Director of Planning & Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Aerial Photo (2020)
- Figure 3: Area Context/Zoning
- Figure 4: Site Plan
- Figure 5: 3D Rendering

AGENT:

Marshall Smith

KLM Planning Partners Inc.

64 Jardin Dr. Unit 1B

Concord, Ontario L4K 3P3

Tel: (905) 669-4055 ext. 222

Email: msmith@klmplanning.com