



Report to: Development Services Committee

Meeting Date: September 12, 2022

SUBJECT: RECOMMENDATION REPORT
Flato Upper Markham Village Inc.
Draft Plan of Subdivision application to create development,
road, park, and servicing blocks to permit a residential
development at 5474 and 5662 19th Avenue (Ward 6)

File No. PLN 22 114368

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

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RECOMMENDATION:

- 1) That the report dated September 12, 2022 and titled, “RECOMMENDATION REPORT, Flato Upper Markham Village Inc., Draft Plan of Subdivision application to create development, road, park, and servicing blocks to permit a residential development at 5474 and 5662 19th Avenue (Ward 6) File No. PLN 22 114368”, be received;
- 2) That the record of the Public Meeting held on June 27, 2022, for Draft Plan of Subdivision 19TM-22003, submitted by Flato Upper Markham Village Inc., be received;
- 3) That Council approve the Draft Plan of Subdivision 19TM-22003, submitted by Flato Upper Markham Village Inc., be subject to the conditions attached as Appendix ‘A’;
- 4) That registration of the Draft Plan does not occur until the availability of municipal services, and/or an appropriate interim servicing design or servicing arrangements have been confirmed to the satisfaction of the Director of Engineering;
- 5) That Council assign servicing allocation for 246 single detached dwellings, 213 townhouses and 423 apartment units either from the existing allocation from York Region or request additional allocation from York Region as the proposed development was zoned through a Minister’s Zoning Order and it’s sanitary capacity allocation was not accounted for in the existing allocation;
- 6) That the Mayor and Clerk be authorized to execute agreements with the Town of Whitchurch-Stouffville, The Regional Municipality of York and/or the applicant as needed, relating to servicing and inter-jurisdictional matters associated with the proposed subdivision, provided that such agreements are satisfactory to the Commissioner of Development Services and the City Solicitor;
- 7) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

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EXECUTIVE SUMMARY:

Not applicable

PURPOSE:

This report recommends approval of the Draft Plan of Subdivision application (the “Application”) submitted by Flato Upper Markham Village Inc. (the “Owner”) for the lands municipally known as 5474 and 5662 19th Avenue (the “Subject Lands”), subject to the conditions attached as Appendix ‘A’.

BACKGROUND:**Subject Lands and Area Context**

The Subject Lands, which are currently occupied with an existing heritage dwelling, agricultural activities and a telecommunication tower, abut the south limits of the Town of Whitchurch-Stouffville (the “Town of W/S”) and are approximately 45 ha (111 ac) and located outside of the City’s Urban Area. Willowgrove Outdoor Day Camp and rural residential properties in the Town of W/S abut the Subject Lands. Greenbelt land bisects the proposed subdivision while a watercourse traverses north-south of the Greenbelt lands. The southwest portion of the Subject Lands are within the Greenbelt, but are not included in the Draft Plan of Subdivision with some of the lands subject to a Minister’s Zoning Order (“MZO”) and active applications. Figures 2 and 3 show that the Subject Lands are surrounded mainly by rural residential properties and agricultural lands.

Proposed Draft Plan of Subdivision (the “Draft Plan”)

The Owner made significant changes to the previous draft plan (Figure 4) to address some of Staff’s main concerns, including the following:

- a) Removal of the underground stormwater management facilities (the “USWMF”) and public parks above the USWMF. Where the previous plan proposed a 1.36 ha public park over the USWMF, the revised plan still proposes one USWMF located in the Greenbelt
- b) A total of 3.7 ha of parkland that satisfies the parkland dedication including an additional 1.62 ha above the *Planning Act* requirement, as requested by Council
- c) Provision of stormwater management ponds instead of USWMF
- d) Reduction of back-lotting onto the Greenway System and public Parks
- e) Removal of public parkland from the Greenbelt
- f) Consolidation of smaller parkettes into larger public parks
- g) Removal of back-to-back townhouses
- h) Reduction from 900 to 882 residential units

The revised Draft Plan (Figure 5) proposes the following, as summarized in Table 1:

Table 1: Revised Draft Plan (the “Proposed Development”)		
LOTS/BLOCKS	AREA (ha)	LAND USE
1 to 246	8.6	Single detached dwellings
247 to 291	5.3	Townhouses (213 total)
292	1.9	Apartment building
A to C	3.7	Public parks

D and E	0.58	Stormwater management facilities
F	0.13	Pumping station
G and H	0.64	Future development
I to K	2.7	Open space blocks
L and M	0.034	Landscaped buffers
Greenbelt	a) 0.84 b) 1.15 c) 0.2	a) Heritage site b) SWM facility c) USWMF
Other	7.6	Roads

Official Plan and Zoning

The City's 2014 Official Plan (the "Official Plan") designates the Subject Lands "Countryside" and "Greenway", which does not permit the Proposed Development. However, the March 5, 2021, approved MZO permits residential and other uses that are not permitted in the Official Plan. Furthermore, it zoned the Subject Lands to "Residential Two (R2)", "Residential Four (R4)", and "Open Space (OS1)" and permitted retirement homes, business and medical offices, personal service shops, retail uses, supermarkets and restaurants within apartment buildings in the R4 zone. Single and semi-detached dwellings, townhouses, and accessory dwelling units are permitted in the R2 zone. Therefore, an amendment to the Official Plan or Zoning are not required to permit the Proposed Development.

Statutory Public Meeting

At the June 27, 2022, statutory Public Meeting, two members of the public made deputations. Willowgrove Inc. requested a landscape buffer or fence be provided along the entire north property line of the Proposed Development. The provision of a landscape buffer and/or fence is being explored as part of the Application review and is included as a condition in Appendix 'A', which also includes another condition requiring the Owner to revise the Draft Plan to reflect the existing Willowgrove farm use with the removal of the "future residential use" reference. Willowgrove Inc. has also requested the inclusion of a warning clause (see Appendix 'A') requiring all Purchase and Sale Agreements to acknowledge its active agricultural use, which involves the seasonal spraying of crops and spreading of manure. Lastly, the Owner revised the Draft Plan to reflect a previous land severance with the abutting property as indicated by the abutting property landowner at the meeting.

OPTIONS/ DISCUSSION:

Servicing

The comments in this Report are based on the review of an interim Master Environmental Servicing Plan ("MESP"). An updated MESP was submitted after the drafting of this report is still under review. Section 51(24) of the *Planning Act* establishes criteria when considering a draft plan of subdivision and section 51(24)(i) identifies the adequacy of utilities and municipal services as one criteria. There are currently no existing City municipal services (sanitary, storm, and water) along the boundaries of the Proposed Development.

Municipal Water

Municipal water for the Proposed Development is proposed to come from the Town of W/S' water distribution system. Staff have reviewed the proposed water servicing and require additional work and analyses be undertaken by the applicant and his consultant, and submitted to the City to satisfactorily demonstrate that the proposed water servicing will satisfy the City's requirements as they relate to flow and pressure for domestic and fire protection purposes, water quality for drinking, system redundancy, and phasing. The applicant and his consultant will also be required to demonstrate that the proposed design of the water system can be disconnected from the Town of W/S' system and connected to the permanent water infrastructure that will be constructed by York Region as part of the expansion of pressure district 7 (PD7) in the future (2032-2041) at no cost to the City. In addition, the applicant will also be required to make arrangements with York Region to ensure that water being supplied to the Proposed Development will be delivered by York Region. Draft plan conditions have been included to secure the applicant's obligations respecting water servicing for the Proposed Development.

Pumping Station and Interim Servicing Design

A sewage pumping station (SPS) and forcemain is proposed by the applicant to provide sanitary servicing for the Proposed Development. The proposed SPS and forcemain is an interim solution until a permanent gravity trunk sewer has been constructed on McCowan Road by York Region in the future (2032-2041) and the Proposed Development's internal sanitary sewer system is connected to it, at which time, the SPS and forcemain can be decommissioned.

Draft plan conditions have been included to require the applicant to make satisfactory arrangements to design, operate and maintain the interim SPS and forcemain until such time the Proposed Development's sanitary sewer system has been connected to York Region's permanent gravity trunk sewer.

Stormwater Management

The applicant has agreed that all stormwater management facilities required to manage stormwater for the Proposed Development will be open stormwater ponds. The Draft Plan may need to be revised to ensure that the identified stormwater management blocks are of sufficient size to accommodate open ponds, prior to the registration.

York Region Comments on Servicing

York Region's infrastructure planning for the ultimate servicing of the Subject Lands is primarily through the North Markham Water and Wastewater Servicing projects, as identified in York Region's Water and Wastewater Master Plan (construction anticipated 2032-2041). Both water and wastewater servicing for ultimate build out of the Subject Lands must be consistent with the York Region's servicing strategy for the area. York Region is currently in discussions with City and Town of W/S staff to explore suitable servicing strategies to accommodate near-term growth needs in the area through the MESP process. Residential development in the City requires servicing capacity allocation prior to final approval. If the City does not grant this development allocation from the existing capacity assignments, then the Proposed Development may require additional regional infrastructure based on the conditions of future capacity assignment.

Parks and Open Space**Revisions to the draft plan**

- a) Relocate five units (lots 183 to 187) from the northwest corner of the Block B Park to south of the Block C Park (immediately north of Block E SWM), to the satisfaction of the Director of Planning and Urban Design
- b) Reduce lots 1 to 16 to a maximum lot depth of 52.6 m for the purpose of increasing the buffer to the adjacent Natural Heritage System to mitigate disturbance with a straight fence line

Trail System

A trail system should be designed within the Open Space blocks, to the satisfaction of the Director of Planning and Urban Design and the Director of Engineering. The Trail System may be implemented in phases that correspond to the time of the conveyance of the Open Space blocks containing sections of Greenway system associated with restoration works, and/or the time of construction of restoration works in the Open Space blocks, to the satisfaction of the Director of Planning and Urban Design. The Owner must demonstrate which mitigation measures will be implemented to minimize any impact on the Natural Heritage System, to the satisfaction of the Director of Planning and Urban Design and the Toronto and Region Conservation Authority (the “TRCA”).

Parkland Dedication

Parkland dedication within the Draft Plan is required at a rate specified in Section 51.1 of the *Planning Act*. In accordance with the February 8, 2021, Council Resolution (item 8.3.2), additional parkland dedication requirement of 4.0 ac above the *Planning Act* requirement must be provided by the Owner for a serviced park. The Owner agrees to provide up to 50 percent or \$1 million, whichever is greater, of the capital cost for the park construction. The parkland dedication for the Proposed Development, including 100 affordable units, consists of 3.73 ha based on the interim Parkland Dedication By-law and discounted rate for affordable units, which is reflected in the revised Draft Plan (Figure 5), as follows:

- Affordable Apartment Units (100) = 0.10 ha
- Apartment Units (323) = 0.48 ha
- Low-rise Units (459) = 1.53 ha
- Additional 4.0 ac = 1.62 ha
- Total Required Parkland for the proposed units = 3.73 ha

Transportation Comments

In response to Transportation Staff comments, the Owner must revise the Draft Plan, as follows:

- a) Realignment of Streets A and I so that the associated curb returns and rounding radius/daylight triangle requirements do not encroach onto the adjacent properties
- b) Redesign Street G in accordance with the City’s Engineering Design Standards for minimum centreline curve radii
- c) Redesign Street I to ensure the intersection angles with Street H are within 70 and 110 degrees

- d) The Street F right-of-way (“ROW”) and cross-section must be revised to include two general purpose lanes, on-street parking bay, and in-boulevard cycling facility (multiuse pathway) on both sides
- e) The Street H design must include an in-boulevard cycling facility (multiuse pathway) on both sides

York Region Transportation Comments

The City and the Town of W/S will work with the Owner to protect for a continuous east-west mid-block collector road. York Region expressed concerns with the proximity of Street ‘T’ and Lane ‘BB’ and the frequency of vehicles backing onto 19th Avenue. The Owner will, therefore, be required to provide a median that restricts movements to right-in/right-out. The intersection to McCowan Road shall be designed and constructed with both dedicated left-turn and dedicated right-turn lanes. The City will work with the Owner to provide sidewalk facilities connecting the internal and Regional road networks. Appendix ‘A’ includes additional York Region transportation comments.

Currently, 19th Avenue is a City’s ROW that would be “uploaded” to York Region in the future, so the City must ensure the following land conveyances are secured for 19th Avenue:

- a) a widening across the full frontage of the Subject Lands (McCowan Road) of sufficient width to provide a minimum of 20.5 m from the centreline of construction and any lands required for additional turn lanes at the intersections
- b) a 0.3 m reserve across the full frontage of the Subject Lands, except at the approved access location adjacent to the above noted widening abutting 19th Avenue
- c) 15 m by 15 m daylight triangles at the intersections of 19th Avenue and Streets A, O, and T

Heritage Comments

In response to Heritage Staff comments, the Owner must revise the Draft Plan, specifically as follows:

- a) The boundary of the Greenbelt-Heritage site block should be reduced in size to accommodate only the existing heritage dwelling and any proposed addition or garage, and associated servicing, amenity space and landscape. Additional lands not necessary for the conservation of the heritage dwelling shall be added the adjacent Greenbelt (GB2) block
- b) The Owner must provide a concept plan to show the main heritage building and any additional buildings that are being incorporated on the proposed Greenbelt lot (driveway, amenity space, relationship to proposed new lots/future houses to the west). This is required as a condition of approval (Appendix ‘A’)
- c) The heritage site will be designated under Part IV of the *Ontario Heritage Act* and the City will secure a Heritage Easement with the Owner. A future Site Plan, including an exterior restoration plan (if necessary), will be required

The TRCA Comments

The TRCA continues to have several outstanding concerns with the Proposed Development that should be addressed prior to approval of the Draft Plan, which includes the following high level matters, and reflected in Appendix ‘A’:

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- a) finalizing the MESP, to the satisfaction of the TRCA, City, Town of W/S, and other agencies, to bring the Proposed Development into conformity with the MESP
 - b) Defining the limits of the Natural System, development limits, and trail system
 - c) Establishing the appropriate crossings of the Natural System
 - d) Defining the existing hydrogeological conditions
 - e) Assessing the drainage diversions between subwatersheds and associated impacts
 - f) Undertaking an Erosion Threshold Analysis to determine the appropriate erosion control criteria
 - g) Assessing whether the Regional controls are required
 - h) Adhering to the TRCA's stormwater management criteria and requirements
 - i) Developing appropriate water balance strategies and mitigation measures (for stormwater management, feature-based water balance, source water protection)

York Region District School Board (the "School Board") Comments

The School Board continues to participate in the Highway 48 Corridor Vision exercise that includes the Subject Lands and surrounding area (the "Study Area"), which was initiated by the Town of W/S. The School Board identified there is no available capacity to serve the Proposed Development and other lands located within the study area. School Board staff are working to secure an appropriate number of school sites in the Highway 48 Corridor Vision study area to serve the area's anticipated growth, including the Subject Lands. Until such time that adequate school sites are secured, students from the Proposed Development will need to be accommodated outside the community in multiple schools based on available capacity.

Section 51(24)(j) of the *Planning Act* identifies adequacy of school sites as a consideration for draft plans of subdivision. Staff recommends that the Owner provide written confirmation from the School Board that adequate spaces are available and/or alternative arrangements have been made with the School Board to appropriately accommodate students from the Proposed Development, if the proposed development proceeds prior to the School Board securing school sites and constructing schools in the Highway 48 Study Area, prior to registration of the Draft Plan.

Natural Heritage

The Owner indicated that the required minimum 30 m Vegetation Protection Zone ("VPZ") is reflected in the revised Draft Plan (Figure 5). Staff expressed concerns that the expansion of Block H from the previous Draft Plan could encroach into the Open Space (OS1) zones in the MZO. The Owner must demonstrate that Block H does not encroach into the OS1 zone or revise the Draft Plan to remove any encroachments. The Draft Plan continues to identify the creation of blocks partially within the Natural Heritage System ("NHS") and the VPZ, including the lots on either side of the central Greenbelt Plan corridor appear to encroach into the 30m VPZ associated with the significant woodland features.

Staff do not support the creation of new development within the NHS as the cumulative impacts of all these encroachments result in an overall net loss to the Greenway System area. Staff also note that Greenbelt Block SWMF2 appears to be within the 30 m minimum VPZ of a significant woodland, which is not permitted in the Greenbelt Plan.

Staff identified opportunities to add tableland area to the NHS to offset these impacts without affecting unit counts or yields, e.g. by shortening the lot lengths of units 1 to 16. Other opportunities likely exist to add land to the NHS. Staff recommend the following additional revisions to the Draft Plan:

- a) Remove residential lots and blocks from the NHS
- b) Add an equivalent area of tableland to achieve no net loss of the natural heritage lands or a combination of a) and b)
- c) Reduce the GB – Heritage site block

The block size and configuration of the GB-Heritage site remains of concern to Natural Heritage staff. Portions of this Block are within the minimum VPZ of natural heritage features and should be naturalized for the protection of the environment, in accordance with the policies of the Official Plan and Greenbelt Plan. This block should be minimized in size and any surplus lands not critical to the function of the heritage dwelling should be added to the abutting natural heritage block (Block GB2- Greenbelt) for the purposes of open space and reforestation. The proposed GB-Heritage site block revision has been agreed to with Heritage staff and Staff will work the Owner on an appropriate size for the block.

The Owner must provide, as a condition of approval, an updated Environmental Impact Study to document all proposed encroachments and development in the NHS and provide satisfactory mitigation or compensation for these impacts, to the satisfaction of the Director of Planning and Urban Design. The Owner must prepare and implement a Natural Heritage Restoration Plan for all Open Space and Greenbelt lands. The Natural Heritage Restoration Plan shall include detailed landscape plans prepared to the satisfaction of the Director of Planning and Urban Design is a condition of approval (Appendix 'A').

Future Site Plan Applications

The February 9, 2021, Council resolution required Site Plan applications for all blocks within the Proposed Development. As part of any future Site Plan application, the following matters including, but not limited to, will be considered:

- a) Provision of minimum 100 affordable housing units and seniors housing
- b) Incorporating commercial and other uses into apartment buildings to provide appropriate amenities
- c) The City anticipates launching the Sustainability Metrics in early 2023, as a requirement of a complete application. The City's LEED Silver requirement for medium and high density residential and mixed use developments remains in place until the Sustainability Metrics is formally launched and will be reviewed through future Site Plan application(s)
- d) Building elevations, landscape, and amenity areas that are respectful of the surroundings, including the NHS and Greenbelt lands
- e) Provision for adequate parking, pedestrian, and trail connections
- f) Appropriate public art contributions

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application generally aligns with the City's strategic priorities of ensuring safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to all City departments and external agencies and their conditions are attached in Appendix 'A'.

RECOMMENDED BY:

Stephen Lue, M.C.I.P, R.P.P
Acting Director of 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: Air Photo
- Figure 4: Previous Draft Plan of Subdivision
- Figure 5: Revised Draft Plan of Subdivision

Appendix 'A': Draft Plan Conditions

AGENT:

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