



Report to: Development Services Committee

Report Date: May 2, 2023

SUBJECT: RECOMMENDATION REPORT
2814712 Ontario Ltd. (Victor Huang) c/o Malone Given Parsons Ltd.
(Rohan Sovig), Applications for Official Plan and Zoning By-law
Amendments to permit 14 townhouse dwellings at 347 Main Street North,
Markham Village (Ward 4)

File Nos. OP/ZA 19 123553

PREPARED BY: Peter Wokral., Senior Planner II, Heritage Planning, ext.7955

REVIEWED BY: Regan Hutcheson, Manager, Heritage Planning ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) That the staff report, dated May 2, 2023, titled “RECOMMENDATION REPORT, 2814712 Ontario Ltd. (Victor Huang) c/o Malone Given Parsons Ltd. (Rohan Sovig), Applications for Official Plan and Zoning By-law Amendments to permit 14 townhouse dwellings at 347 Main Street North, Markham Village (Ward 4), File Nos. OP/ZA 19 123553”, be received;
- 2) That the Heritage Markham Committee recommendation to deny the Official Plan and Zoning By-law applications to permit 14 townhouses dwellings at 347 Main Street North, be received as information;
- 3) That the Official Plan application submitted by 2814712 Ontario Ltd. (Victor Huang) c/o Malone Given Parsons Ltd. (Rohan Sovig) to amend the City’s Official Plan be approved and the draft Official Plan Amendment, attached hereto as Appendix A be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) That the Zoning By-law amendment application submitted by 2814712 Ontario Ltd. (Victor Huang) c/o Malone Given Parsons Ltd. (Rohan Sovig) to amend the City’s Zoning By-law 1229, as amended, attached hereto as Appendix B, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 5) That there is no objection to the demolition of the existing building on the property;
- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of the applications for Official Plan and Zoning By-law (the “Applications”), submitted by 2814712 Ontario Ltd. (Victor Huang) c/o Malone Given Parsons

Ltd. (Rohan Sovig) (the “Owner”), to permit 14 townhouse dwellings (the “Proposed Development”) at 347 Main Street North, Markham Village.

Process to Date

- December 18, 2019: Staff deemed the Official Plan and Zoning By-law amendment applications complete
- January 27, 2020: Development Services Committee (“DSC”) received the Preliminary Report
- February 10, 2022: A Community Information Meeting (“CIM”) was held
- March 9, 2022: Heritage Markham Reviews 15 unit townhouse proposal
- April 5, 2022: A Statutory Public Meeting was held
- November 24, 2022: Heritage Markham Reviews 14 unit townhouse proposal
- The Applications have been reviewed by internal departments and external agencies

Next Steps

- If approved, the Owner can enter into Site Plan Control and Subdivision Agreements with the City, and submit a Draft Plan of Condominium application.

BACKGROUND:

The 0.26 ha (0.65 ac) subject lands are located at the south east corner of Markham Main Street North and Deer Park Lane, in the Mount Joy community of the Markham Village Heritage Conservation District (the “Subject Lands”), as shown in Figures 1 and 2, with frontages of 58.1 m (190.6 ft) along Main Street North and 45.53 m (149.4 ft) along Deer Park Lane. A one storey commercial building constructed in the 1960s operating as a used car dealership currently occupies the Subject Lands.

Original Proposed Development

In 2019, the City received applications from the previous owner, Kaniak Home Development Inc. (the “Previous Owner”), in support of 19, three-storey, townhouses divided into a 10-unit block along Main Street North and a nine-unit block at the rear of the Subject Lands, both accessed by an internal private driveway.

Current Proposed Development

The (current) Owner, 2814712 Ontario Ltd. (Victor Huang) subsequently purchased Subject Lands and assumed the Applications originally submitted by the Previous Owner. A Draft Plan of Subdivision application was submitted by the Owner in October of 2021. Following feedback provided at the CIM, Statutory Public Meeting and by Heritage Markham, the Owner reduced the number of proposed townhouses from 19 to 15 and most recently to 14, with a seven-unit block along Main Street North and a seven-unit block at the rear of the property (Figures 3 and 4).

Public Consultation

The written submissions and comments by the public received at the CIM and statutory Public Meeting identified the following concerns with the Proposed Development:

- a) Compatibility of townhouses with the existing built forms of the surrounding neighbourhood;
- b) The proposed density and the impacts of increased traffic.

Heritage Markham Committee (“Heritage Markham”)

Heritage Markham reviewed the Applications in 2019, 2021, and in March and November of 2022. Despite having no objection to the proposed amendments to the Official Plan and Zoning By-law to permit three-storey townhouses, Heritage Markham has consistently not supported the proposed density/number of townhouses, and more specifically the amendments seeking to permit townhouses not fronting a public road (the proposed rear block of seven townhouses). In March 2022, Heritage Markham recommended a 50% reduction of number of townhouses, that units should only front Main Street North and Deer Park Lane, and that the rear of the Subject Lands be used to provide on-site parking, more shared amenity areas, and snow storage.

The Owner responded to this recommendation by reducing the number of townhouses from 15 to 14, but continued to propose a rear block of seven townhouse units, not having frontage on a public road, which the City’s Official Plan policies permit through a site-specific Zoning By-law Amendment application (discussed later). When the Proposed Development was reviewed in November 2022, Heritage Markham did not support the Applications and recommended that Heritage Staff work with the Owner on a new proposal.

Heritage Markham has no objection from a heritage perspective to the proposed demolition of the existing car dealership. See Appendix C for Heritage Markham’s recommendations from March and November 2022. The Discussion section of this report provides commentary on how the proposed amendments to the City’s Official Plan and Zoning By-law impact these concerns.

Provincial Policy Framework

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”) given the location of the Subject Lands near a transit facility

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong healthy communities with an emphasis on efficient development and land use patterns, promoting intensification, redevelopment and compact built forms, particularly in areas well served by public transit.

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051, through building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth. The Subject Lands are located within the Growth Plan’s ‘Built-Up Area’ that specifies minimum intensification targets and the objective of achieving complete communities with a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm.

The Subject Lands are located approximately 730m from the Markham Village GO train station, and the proposed development conforms to Growth Plan policies encouraging growth and intensification throughout existing built up areas along transit routes.

Regional Policy Framework

The Proposed Development conforms to the York Region Official Plan 2022 (“ROP”)

The ROP designates the Subject Lands ‘Urban Area’, which permits a wide range of residential, commercial, industrial, and institutional uses.

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

The proposed development conforms to the Markham’s Official Plan, which provides for the infilling of a wide range of housing forms compatible with established neighbourhoods

The Official Plan designates the Subject Lands “Residential Low Rise”, which permits a variety of lower-scale residential buildings, including single and semi-detached dwellings, duplexes, small multiplex buildings of three to six units, and townhouse dwellings, excluding back-to-back townhouses, all with direct frontage on a public street. The Official Plan permits the consideration of zoning by-law amendments to permit townhouses not having direct frontage to a public street within the Residential Low Rise designation, at appropriate locations, and where a development block has frontage on arterial or major collector roads. While Highway 48 and Markham Road are designated as major collector and arterial roads, the portion of Main Street North between Highway 7 East and 16th Avenue is designated a minor collector to reflect the historic character of old Markham Village.

Other area specific Official Plan policies include a maximum building height of 2 ½ storeys and to only permit townhouses through a zoning by-law amendment subject to the following criteria:

- a) The protection of any heritage buildings existing on-site;
- b) Restricted vehicular access points to public streets;
- c) Adequate off-street parking; and
- d) The number of linked townhouse units not exceeding eight, except where permitted by Council in consideration of special or significant design features.

The proposed Official Plan Amendment is therefore required to address the following:

- To permit an increase to the maximum building height from 2 ½ to 3 storeys;
- To permit townhouses not having direct frontage on a public street, located on a lot that not abutting an Arterial Road or Major Collector Roads.

Markham Village Heritage Conservation District (the “Heritage District”)

The Heritage District contains area specific land use objectives that include the desire to provide a variety of residential housing forms, tenures and densities, while recognizing and protecting its distinct character. The intent of these policies is to ensure compatible infill development having regard for building design, building materials and treatments, signage and lighting, landscaping and tree preservation to enhance the Heritage District’s character and complement the area’s village-like human scale development.

Of particular note is the objective of preserving the predominantly residential area north of the Mixed Use Heritage Main Street lands by providing infill development only in a new house form building typology that is compatible with surrounding historic features and character. Existing 3 storey semi-detached buildings and townhouses currently occupy the lands adjacent to the Subject Lands. Therefore, Staff support the Proposed Development as it is compatible with the immediate and surrounding area.

Zoning By-Law

By-law 1229 zones the Subject Lands C3 Commercial, which permits a wide variety of commercial uses, including the existing used car dealership (Figure 5). The proposed Zoning By-law amendment is required to permit townhouses and related site-specific development standards.

Draft Plan of Subdivision

A Draft Plan of Subdivision application was submitted by the Owner in October of 2021. This application is required as the Subject Lands are not on a registered plan of subdivision. To apply part lot control to create the POTLS (Parcels of Tied Lands) for the future Draft Plan of Condominium application, a development block as part of a Plan of Subdivision must be registered. Staff will advance a recommendation report for the Draft Plan of Subdivision to a future DSC meeting.

OPTIONS/ DISCUSSION:

Staff provides the following responses on the matters raised at both the CIM and statutory Public Meeting and by Heritage Markham

a) Compatibility of townhouse building form

Though not a building form found in the Mount Joy portion of the Heritage District, there are examples of both historic and modern townhouses located further south in Markham Village. Given this, staff opine that townhouses can be a compatible built form with single detached dwellings, provided that their architectural design closely conforms to the policies and guidelines for new buildings contained in the Heritage District. Furthermore, the proposed townhouse block without frontage on a public street would not be highly visible due to its siting and the Subject Lands, which partially borders an existing townhouse development that front Wales Avenue (constructed in 1973).

b) Density and Traffic

The Official Plan policies do not prescribe any density limits for townhouse dwellings in Markham Village, unlike the former Markham Main Street Area Secondary Plan (OPA 108), which it supersedes and is no longer in-effect. Under the former policies of OPA 108, which did not support a density exceeding 31 townhouse units per hectare (12.5 units per acre), the Subject Lands would be limited to a maximum of eight townhouses. The Proposed Development represents a density of 53.8 units per hectare (21.5 units per acre). The Official

Plan policies support higher densities than those previously noted in OPA 108 provided that the developments address other criteria such as providing for compatible new uses and design, that considers servicing requirements, appropriate parking areas, opportunities for landscaping and screening that respects the adjacent character of development, functions properly, and represents good planning. Staff's review also indicated no significant traffic impacts resulting from the Proposed Development.

c) Design Issues

The issue of an appropriate design for the townhouses will be addressed during the future site plan control approval process. The Owner has committed to continue to work with the City to advance an appropriate design for the Subject Lands and the surrounding context.

City Review of the Applications

The Applications have been reviewed by the City's Urban Design Section, Engineering, Operations, Zoning, Waste Management, and Fire departments. Based upon Staff's review, the Proposed Development provides sufficient amenity area, landscape and snow storage, the required number of resident and visitor parking spaces, and functions satisfactorily from a waste management and fire-fighting perspective. As noted above, the introduction of 14 new dwelling units on the Subject Lands is also not expected to have a significant impact on local traffic.

However, the City's Engineering Department has identified the need to increase the diameter of downstream sanitary pipes connecting the proposed development to the larger 200 mm diameter sewers beneath Main Street, as they are not adequately sized or have the capacity to handle the projected volume generated by the proposed number of townhouse units. This issue will be addressed as conditions contained in both the future Site Plan, and Draft Plan of Subdivision Agreements.

CONCLUSION:

Staff opine that the Applications represent good planning that meets the objectives of Provincial policies, and Regional and City Official Plan policies supporting compatible intensification that takes advantage of existing services, located on well serviced transit routes (Appendices A and B). Staff and Heritage Markham have no objection to the demolition of the existing non-heritage building on the Subject Lands. Therefore, Staff recommend that Council support the Applications.

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development aligns with the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to internal City department and external agencies and Heritage Markham Committee. Requirements of the City and external agencies have been reflected in the conditions of Draft Plan of Subdivision Approval (Appendix B).

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

FIGURES AND APPENDICES

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Conceptual Site Plan

Figure 4: Rendering of Conceptual Townhouse Development

Figure 5: Area Context/Zoning

Appendix A: Draft Official Plan Amendment

Appendix B: Draft Zoning By-law Amendment

Appendix C: Heritage Markham Committee Extracts (March and November 2022)

AGENT

Rohan Sovig c/o Malone, Given, Parsons Ltd.
140 Renfrew Drive, Suite 201, Markham, ON L3R 6B3
Tel: (647) 381-3424; Email: rsovig@mgp.ca

Figure 1: Location Map

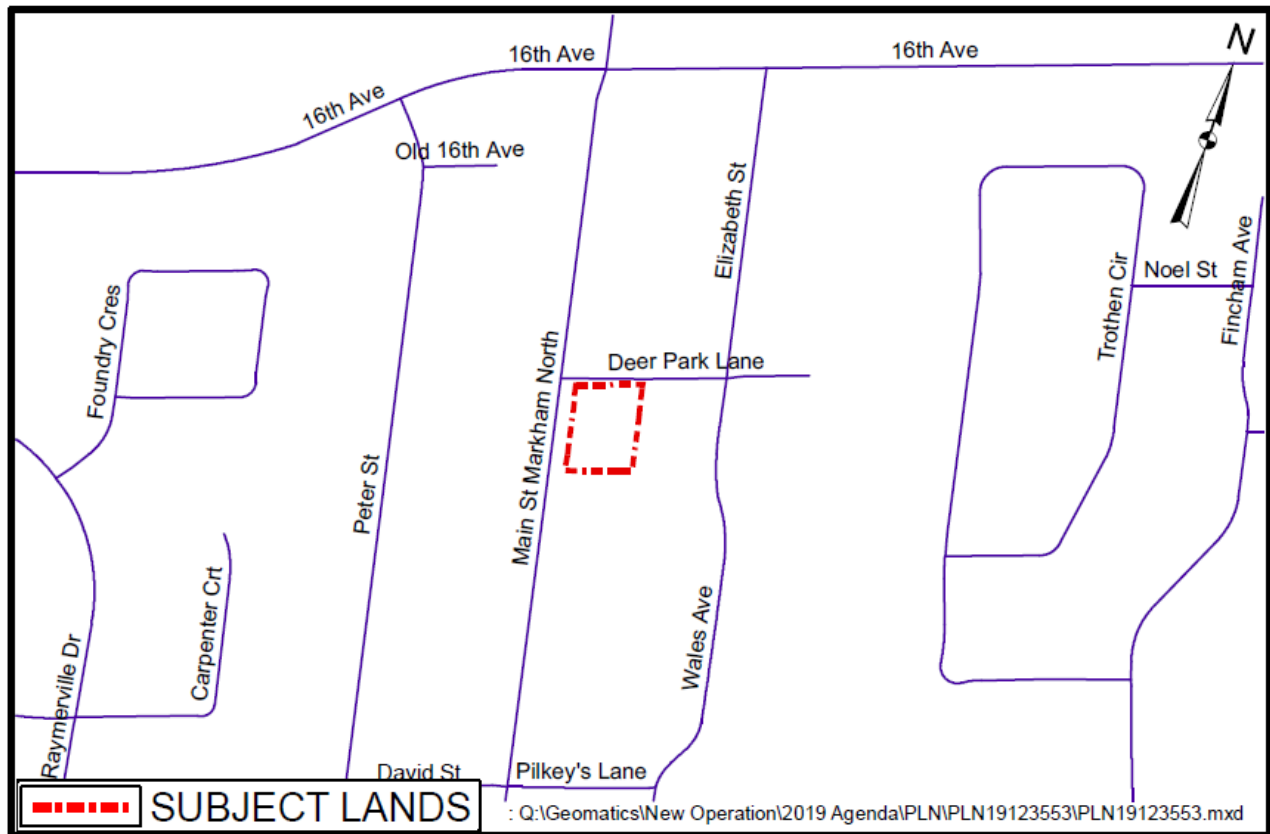


Figure 2: Aerial Photo

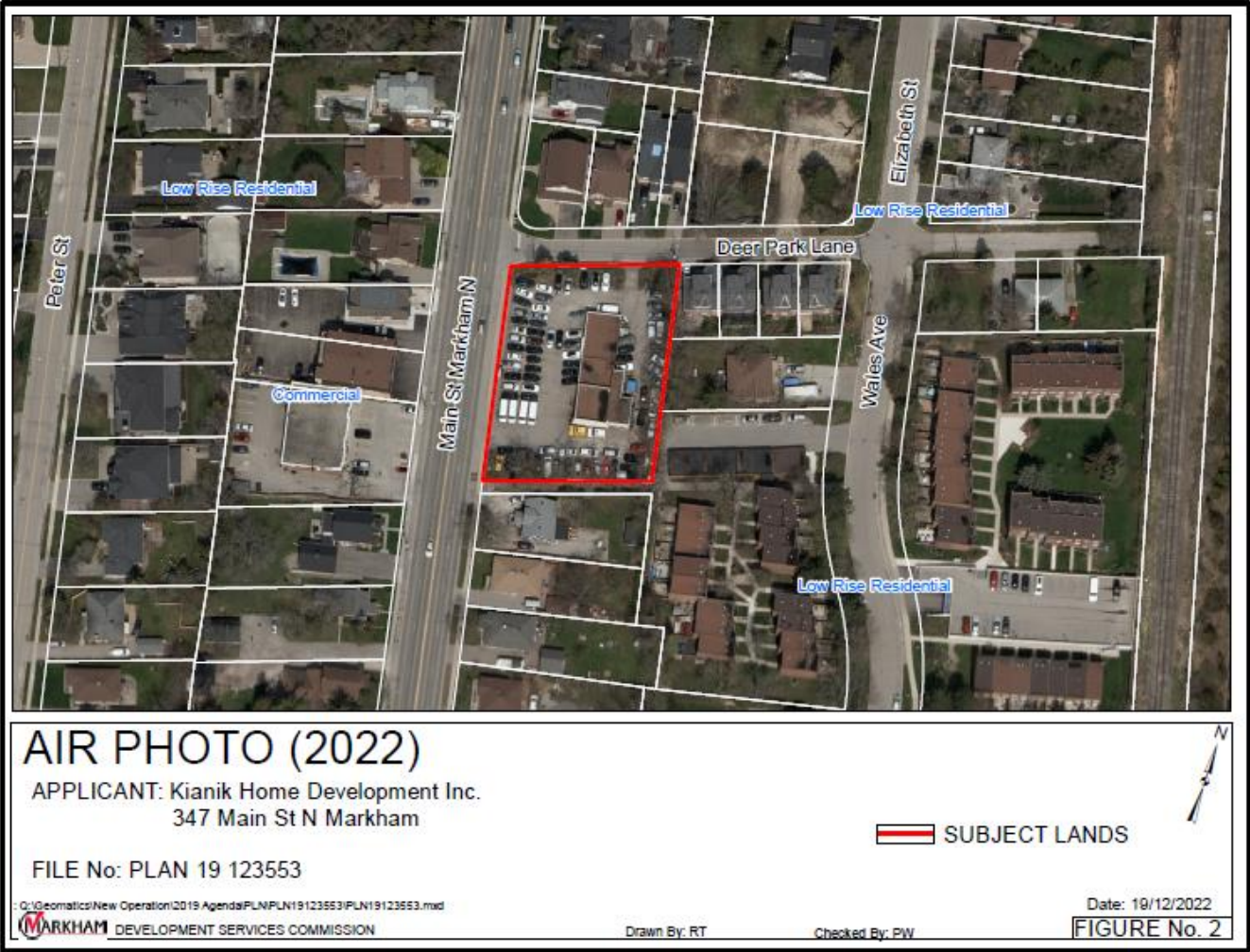


Figure 3: Conceptual Site Plan

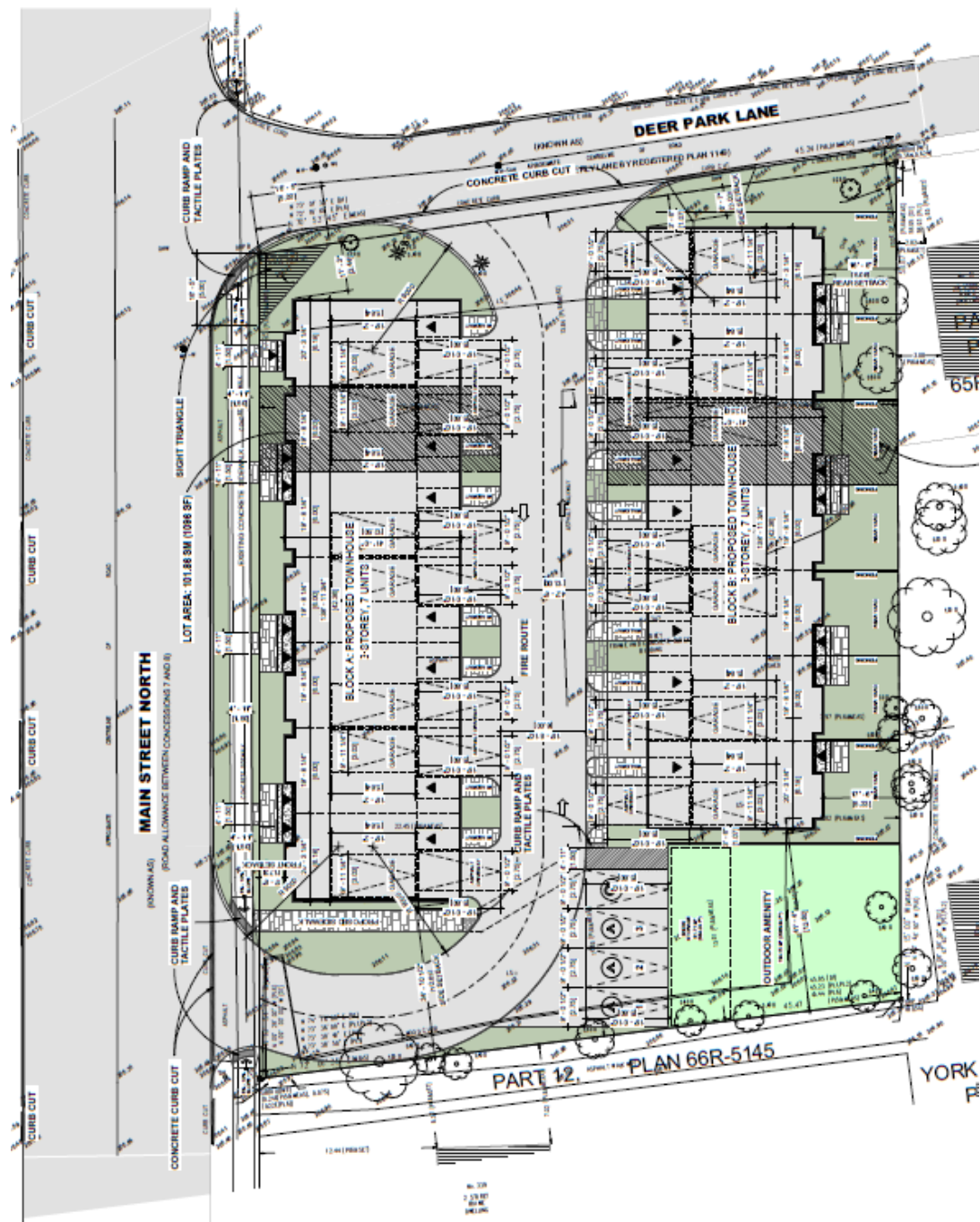
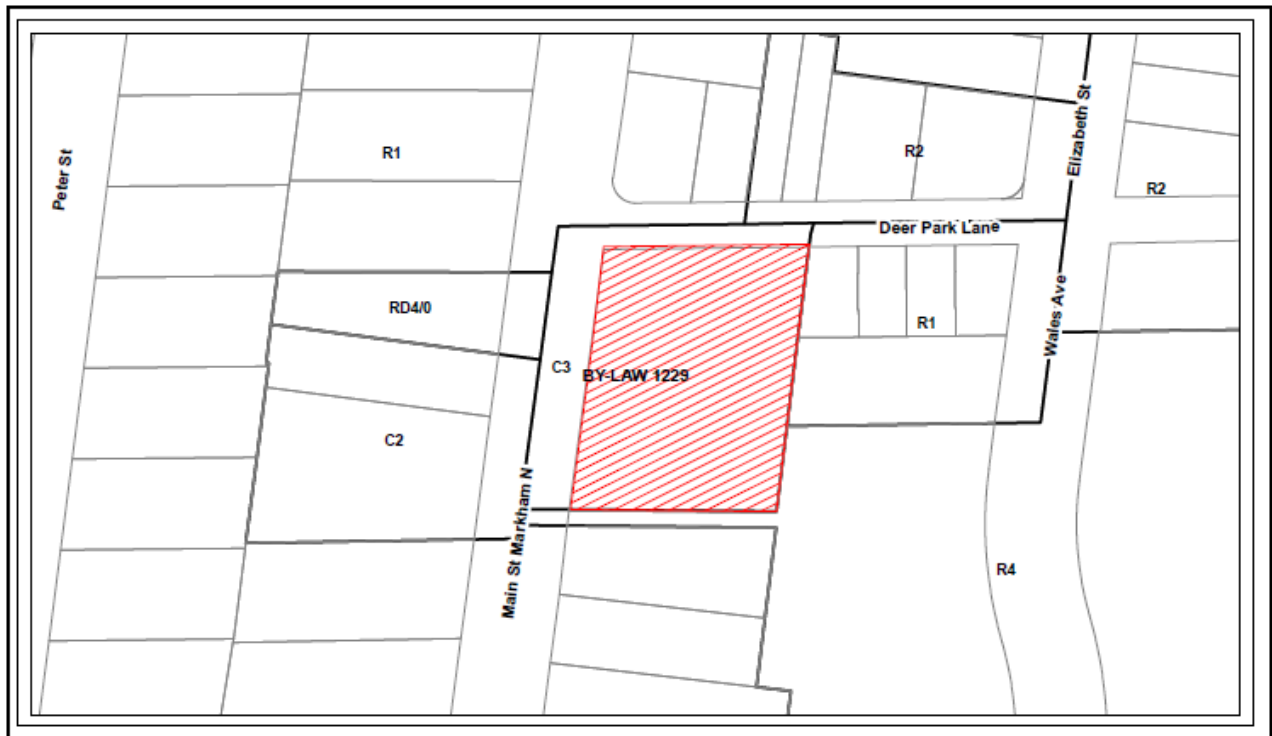


Figure 4: Rendering Of Conceptual Townhouse Development



Figure 5: Area Context/Zoning Map



Appendix 'A' - Draft Official Plan Amendment

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

(Plenus Development Group Ltd., 347 Main Street North)

(March 2023)

CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. ----20xx-xx---- in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the XX day of March, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2023-----

Being a by-law to adopt Amendment No. XXX
to the City of Markham Official Plan 2014, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM,
IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT,
R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS xx
DAY OF March, 2023.

Kimberley Kitteringham
City Clerk
(Signed)

Frank Scarpitti
Mayor

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX to the City of Markham Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to approximately 0.26 hectares (0.65 acres) of land municipally known as 347 Main Street North and legally known as Part Lot 15, Concession 8. The subject property is located on the southeast corner of the intersection of Main Street North and Deer Park Lane.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend Section 9.13.4 to add a new site specific policy to facilitate a development consisting of a maximum of fourteen (14) townhouses, with a maximum building height of three (3) storeys, and to permit townhouses on the subject property without frontage on a public street.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject property is designated 'Residential Low Rise' in the City of Markham Official Plan 2014, as amended. The proposal represents good planning as it facilitates the redevelopment of the subject lands with a residential in-fill development that is sensitive to the unique historic character of the Markham Village Heritage Conservation District, while increasing the diversity of housing types in the community and supporting existing transit services.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 Section 9.13.4 of the Official Plan 2014, as amended, is hereby amended by:

1.1.1 Amending Section 9.13.4.4 to add a reference in Figure 9.13.4.4 to a new subsection 9.13.4.5 k) as follows:

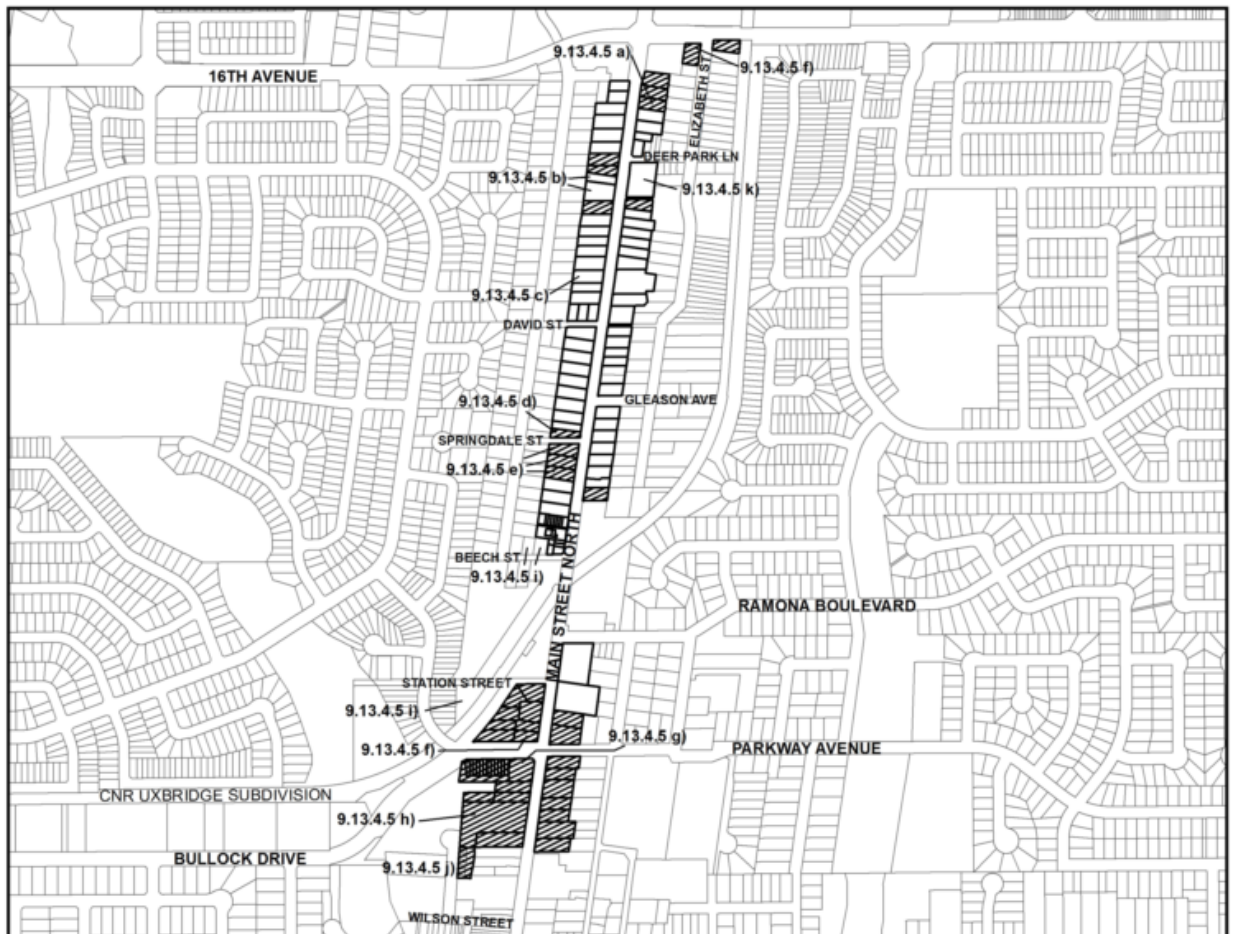


Figure 9.13.4.4

1.1.2 Amending Section 9.13.4.5 to add a new subsection k) as follows:

k) the following building type and height provisions shall apply to the lands at 347 Main Street:

- i. in addition to building types permitted, a maximum of 14 townhouses without direct frontage on a public street where the development block has frontage on a Minor

- ii. Collector Road shall also be permitted; and the maximum building height of a townhouse shall be three (3) storeys.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law 1229 and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.

This Amendment to the City of Markham Official Plan 2014, as amended, is exempt from approval by the Region of York. Following adoption of the Amendment, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and associated figure(s) and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. The notice provisions of Section 10.7.5 of the 2014 Markham Official Plan, as amended, shall apply.