

Date:	Tuesday, September 19, 2023		
Application Type(s):	Official Plan and Zoning By-law Amendment (the “Applications”)		
Owner:	8350 Kennedy Ltd (the "Owner")		
Agent:	Todd Trudelle c/o Goldberg Group		
Proposal:	Applications to permit two mixed use buildings consisting of 27 and 23 storeys, 769 residential units, and 1,105 m ² (11,894 ft ²) of retail (the “Proposed Development”).		
Location:	8350 Kennedy Road (the “Subject Lands”)		
File Number:	PLAN 23 118558	Ward:	3
Prepared By:	Deanna Schlosser, RPP MCIP, Senior Planner, Central Planning District		
Reviewed By:	Melissa Leung, RPP MCIP Senior Planner, Central Planning District	Stephen Lue, RPP MCIP Senior Manager, Development	

PURPOSE

This preliminary information pertains to the Applications submitted by the Owner and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation.

PROCESS TO DATE

Staff received the Applications (along with the required fees) on May 3, 2023, and deemed the Applications complete on May 31, 2023. The 120-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal for a non-decision ends on September 28, 2023.

NEXT STEPS

- The Statutory Public Meeting is tentatively scheduled for September 19, 2023
- Recommendation Report for consideration by the Development Services Committee (“DSC”)
- In the event of an approval, adoption of the site-specific Official Plan Amendment and the enactment of the site-specific Zoning By-law Amendment
- Submission of future Draft Plan of Subdivision and Site Plan Control applications

BACKGROUND

Subject Lands and Area Context

The 2.7 ha (6.7 ac) Subject Lands are currently developed with an automotive dealership (Mercedes-Benz Markham) with associated surface parking (see Figures 1 to 3).

The Owner proposes two mixed use buildings consisting of eight-storey podiums with heights of 27-storeys (Building A) and 23-storeys (Building B) (the “Proposed Development”)

Table 1: the Proposed Development (See Figures 4, 5a to 5d, and 6)	
Residential Gross Floor Area:	12,252 m ²
Dwelling Units:	769 units ^{NOTE 1}
Retail Space:	1,105m ² (Building A: 570 m ² and Building B: 535 m ²)
Building Heights:	27-storeys (Building A); 23-storeys (Building B)
Density:	4.99 times of the Subject Lands area (Floor Space Index - “FSI”)
Parking Spaces:	652
Parking Rate:	Residential: 0.7 spaces/unit and 0.1 spaces/unit (visitor) Retail: 1 space/30 m ²
Park Block:	0.113 ha
Privately-Owned Publicly-Accessible Space “POPS”:	0.185 ha

NOTE 1: The Owner requested a maximum of 775 residential units in their Zoning By-law Amendment to provide flexibility in implementing their development concept.

The Owner proposes to amend the 1987 Official Plan and the Markham Centre Secondary Plan to permit the Proposed Development, as summarized in Table 2

The Subject Lands are located within the Markham Centre Secondary Plan (OPA 21). The policies of the 2014 Official Plan state that until an approval of an update to OPA 21, the provisions of the 1987 Official Plan, as amended by OPA 21, shall apply to the Subject Lands.

Table 2: Official Plan Information		
	Markham Centre Secondary Plan (OPA 21)	Markham Centre Secondary Plan Update Recommended Concept (July 2023)
Designation:	Community Amenity Area – General (Schedule AA)	Mixed Use High Rise (Recommended Land Use Plan)

Permitted Uses:	<ul style="list-style-type: none"> • Mix of residential, commercial, employment and community uses in a pedestrian friendly manner • Medium and high density residential use, subject to a specific development proposal and rezoning 	<ul style="list-style-type: none"> • Mixed Use High Rise uses: specific uses to be determined
Permitted Height and Density:	<ul style="list-style-type: none"> • Heights generally not exceeding 6 storeys 	<ul style="list-style-type: none"> • Maximum height of 6 to 25 storeys • 4 FSI
Proposal:	<p>The Owner proposes to amend the Secondary Plan to:</p> <ul style="list-style-type: none"> • increase the density to 4.99 FSI • increase the maximum building heights to 23 and 27 storeys, for an average height of 25 storeys for the Subject Lands 	

A Zoning By-law Amendment application is required to permit the Proposed Development

The Proposed Development is subject to By-law 122-72, as amended, as shown in Figure 3. Site Specific By-law 265-97, further amended the Subject Lands.

Table 3: Zoning By-law Amendment Information	
Current Zone:	Community Amenity (CA) Zone
Permitted Uses:	<ul style="list-style-type: none"> • automobile dealership, banks and financial institutions, business and professional offices, personal service shops, retail stores, and service shops
Permitted Height:	<ul style="list-style-type: none"> • 10 m maximum
Proposal:	<p>The Owner proposes to amend the Zoning By-law to permit apartment dwellings and non-residential uses, and incorporate site-specific development standards including, but not limited to, maximum apartment dwelling units, maximum gross floor area, maximum height, and minimum parking requirements.</p> <p>Proposed non-residential uses include retail stores, personal service shops, places of entertainment, business park, medical offices, restaurants, take-out restaurants, financial institutions, day nurseries, private clubs, commercial fitness centre, shopping centre, commercial schools and place of worship.</p>

Staff identified the following preliminary list of matters that will be assessed through the review of the Applications, including other matters and issues, and addressed in a future Recommendation Report to the DSC

- a) Conformity and Consistency with Provincial, and York Region and City Official Plan**
 - i) The appropriateness of the proposed Official Plan amendment to increase the maximum number of dwelling units, heights and to designate a portion of the lands for a public park.
 - ii) Review of the Proposed Development in the context of the existing policy framework, with regard to the emerging Markham Centre Secondary Plan Update.
- b) Community Benefits Charges (“CBC”) By-law**
 - i) The Applications will be subject to and reviewed in consideration of the City’s CBC By-law and contributions will be identified as part of any future amending Zoning By-law.
- c) Parkland Dedication and Other Financial Contributions**
 - i) The Applications will be reviewed in consideration of the appropriate amount of parkland dedication and/or cash-in-lieu of parkland, public art contribution, and other financial contributions.
- d) Affordable Housing**
 - i) The Applications will be reviewed in consideration of Provincial, Regional, and City policies to ensure that the Proposed Development provides an appropriate level, range, and mix of unit sizes and types to meet the City’s affordable housing goals.
 - ii) Incorporating appropriate affordable housing, purpose-built rental, secondary suites, seniors housing, and family friendly units.
- e) Allocation and Servicing**
 - i) The availability of water and sanitary servicing capacity for the Proposed Development must be identified and allocated by Council, if the Applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol, which will be removed once Council allocates servicing capacity to the Subject Lands.
- f) Review of the Proposed Development will include, but not limited to, the following:**
 - i) Examination of whether the height, density, built form, and mix of land uses proposed are appropriate.
 - ii) Evaluation of the compatible with existing and planned development within the surrounding area.
 - iii) Sun shadow analysis and angular plane study and the impacts to the immediate surrounding areas.

- iv) Traffic impact and ensuring the adequate supply of parking spaces for the commercial and residential uses.
- v) The submission of a future Site Plan Application will examine appropriate landscape, site layout, snow storage areas, building elevations, and amenity areas.

g) Sustainable Development

- i) The Applications will be reviewed in consideration of the City's Policies and Sustainability Metrics Program.

h) External Agency Review

- i) The Applications must be reviewed by the York Region, and the Toronto and Region Conservation Authority, and any applicable requirements must be incorporated into the Proposed Development.

i) Required Future Applications

- i) The Owners must submit applications for Draft Plan of Subdivision, Site Plan Control, and Draft Plan of Condominium should the Applications be approved, to permit the Proposed Development.

Accompanying Figures:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context and Zoning

Figure 4: Conceptual Site Plan

Figure 5a: Conceptual Building North Elevation

Figure 5b: Conceptual Building East Elevation

Figure 5c: Conceptual Building South Elevation

Figure 5d: Conceptual Building West Elevation

Figure 6: Conceptual Landscape Rendering

Figure 1

Location Map

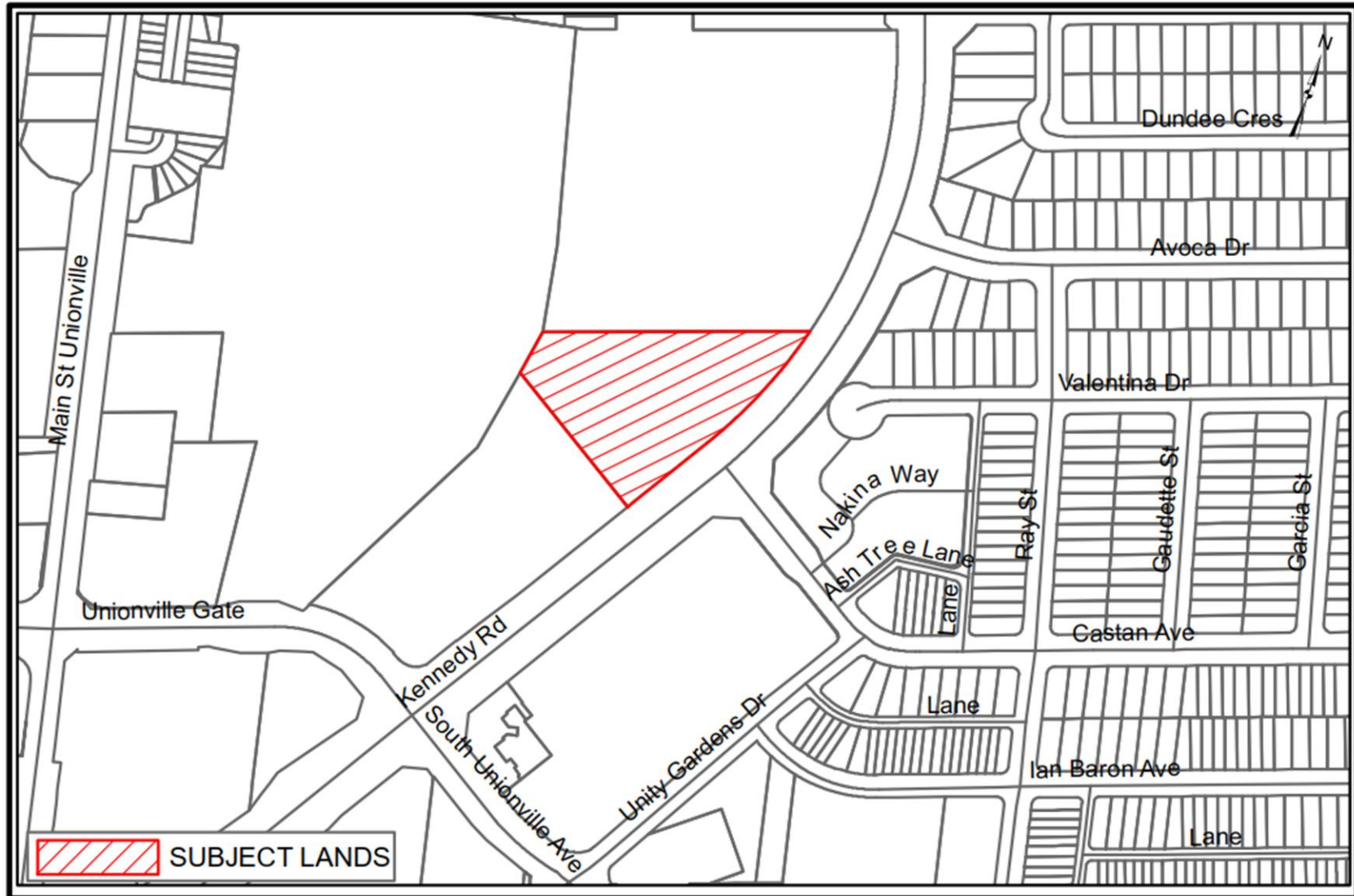
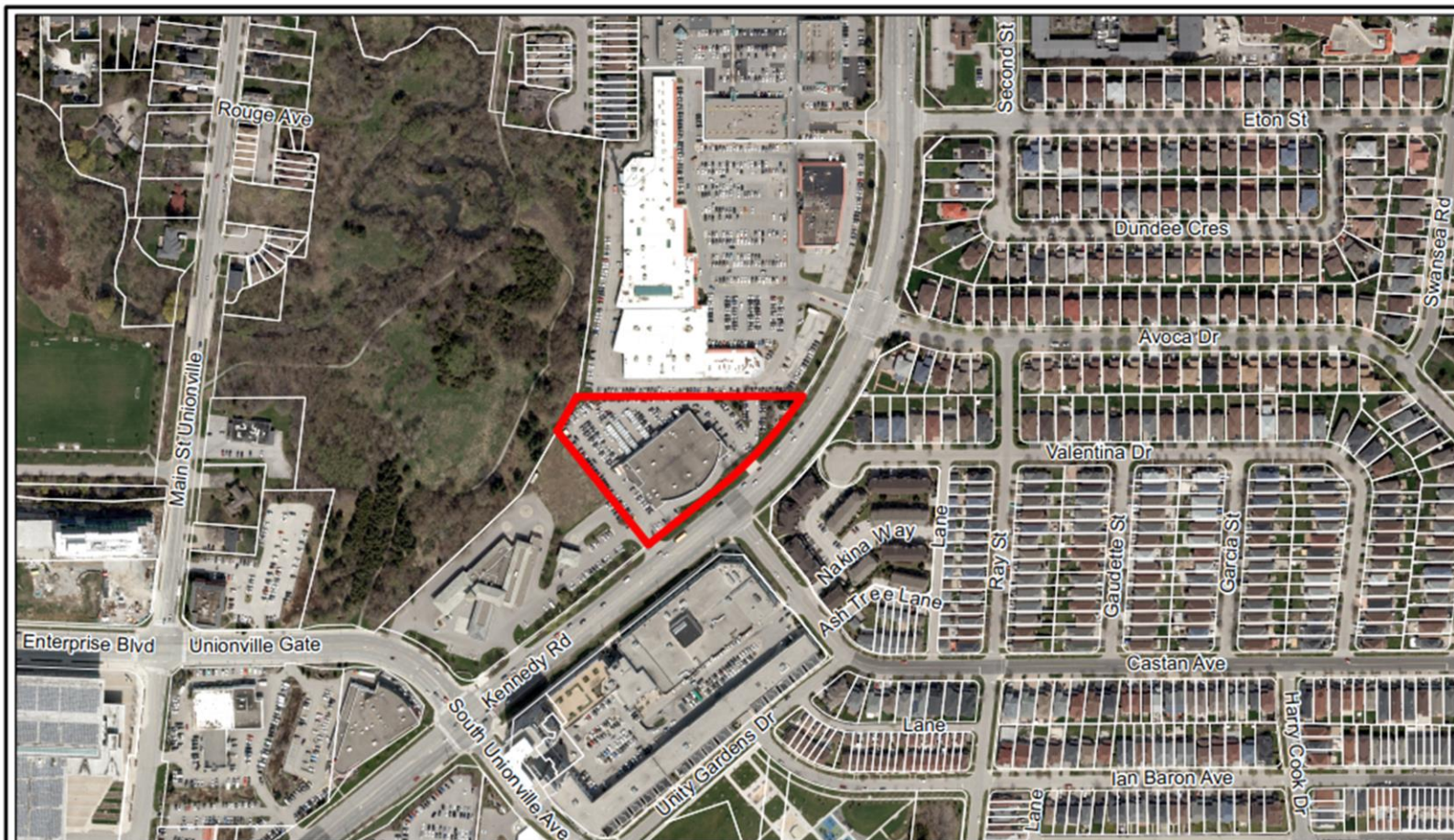


Figure 2


Aerial Photo




AERIAL PHOTO (2022)

8350 Kennedy Ltd.

FILE No. PLAN 23 118558

 Subject Lands

Z:\2023 Agend\PLAN\PLAN 23 118558\Report Figures .mxd

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: SR

Checked By: DS

DATE: 18/05/2023

FIGURE No. 2

Figure 4

Conceptual Site Plan

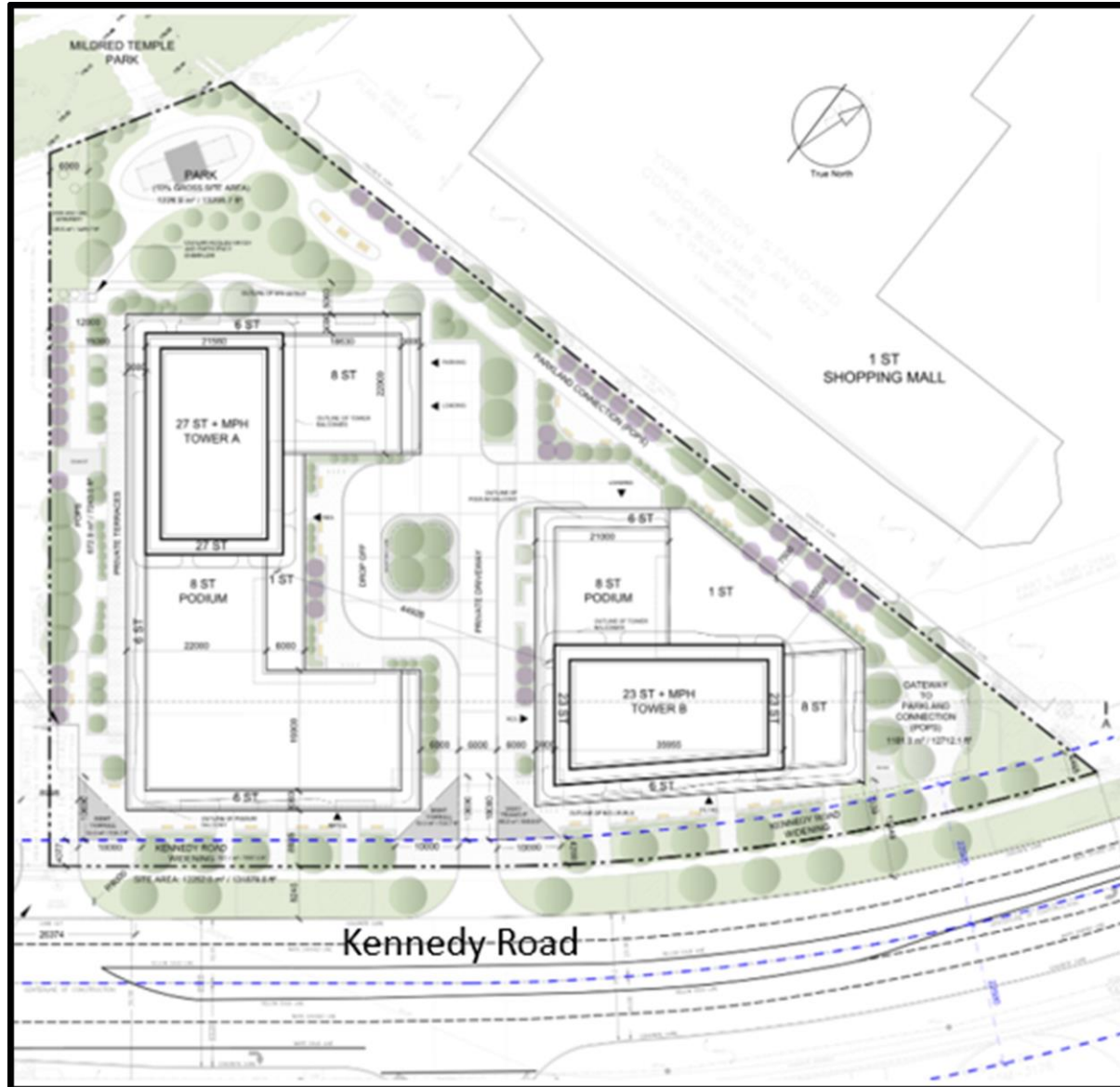


Figure 5b

Conceptual Building East Elevation

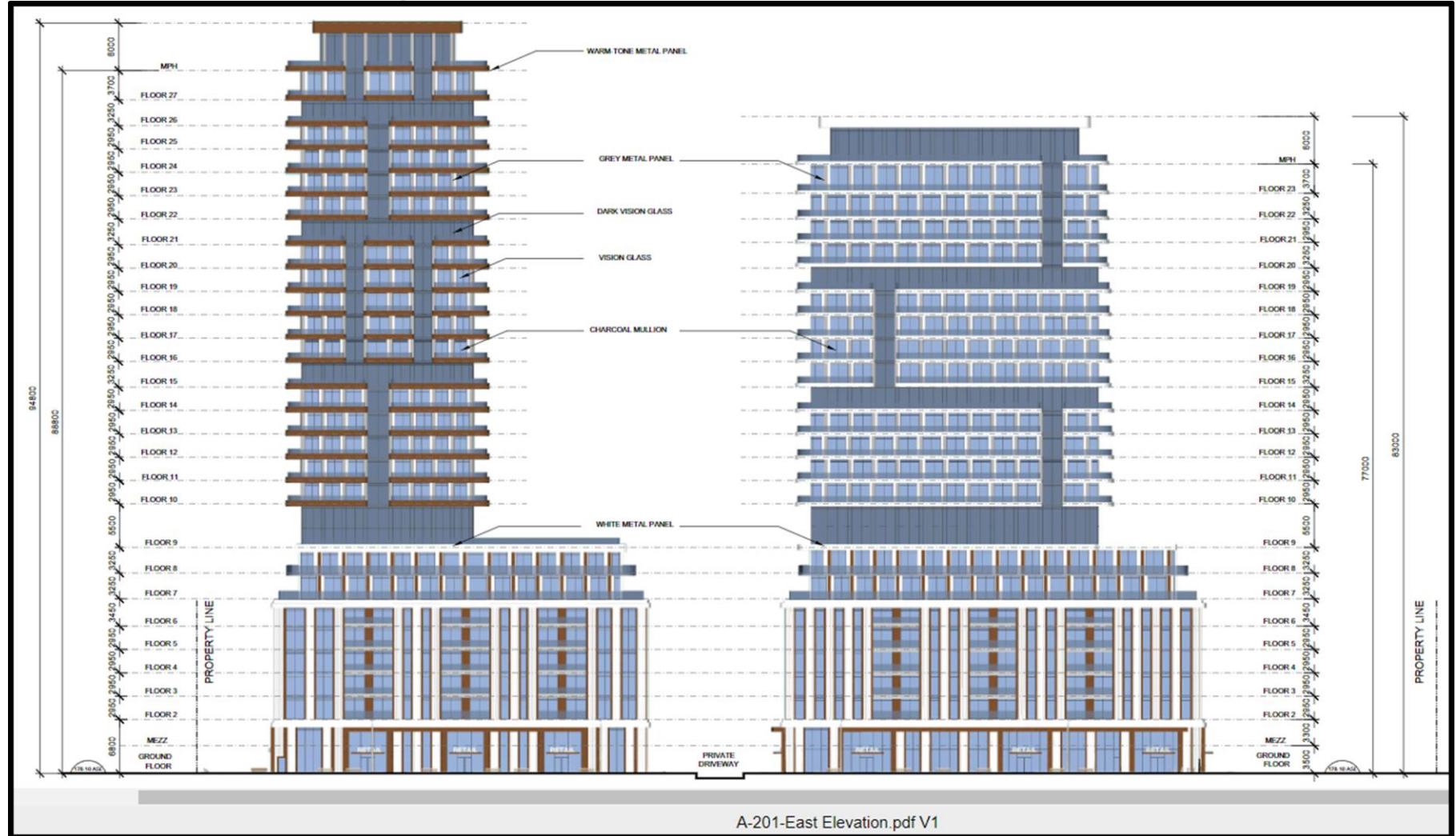


Figure 5c

Conceptual Building South Elevation

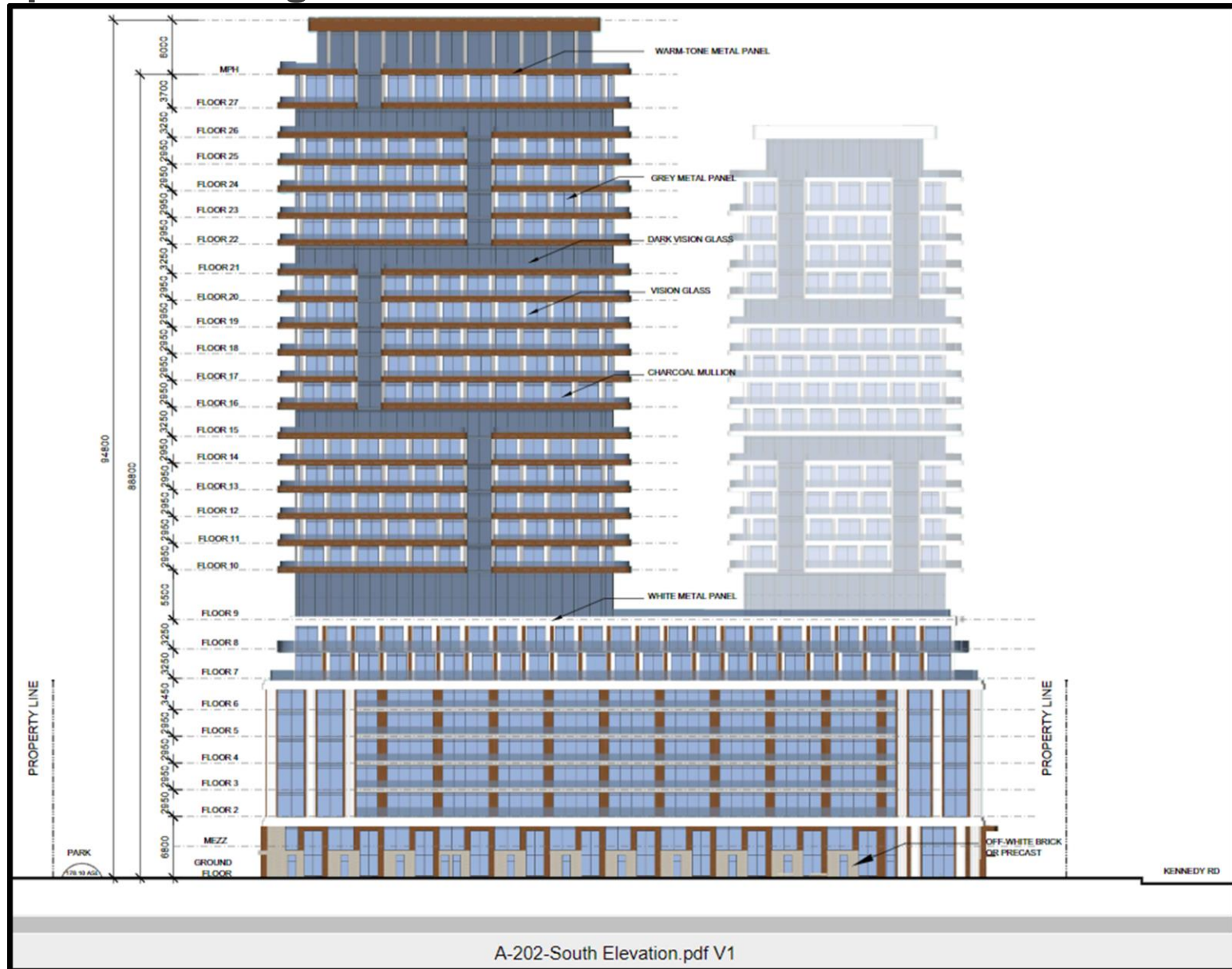


Figure 5d

Conceptual Building West Elevation

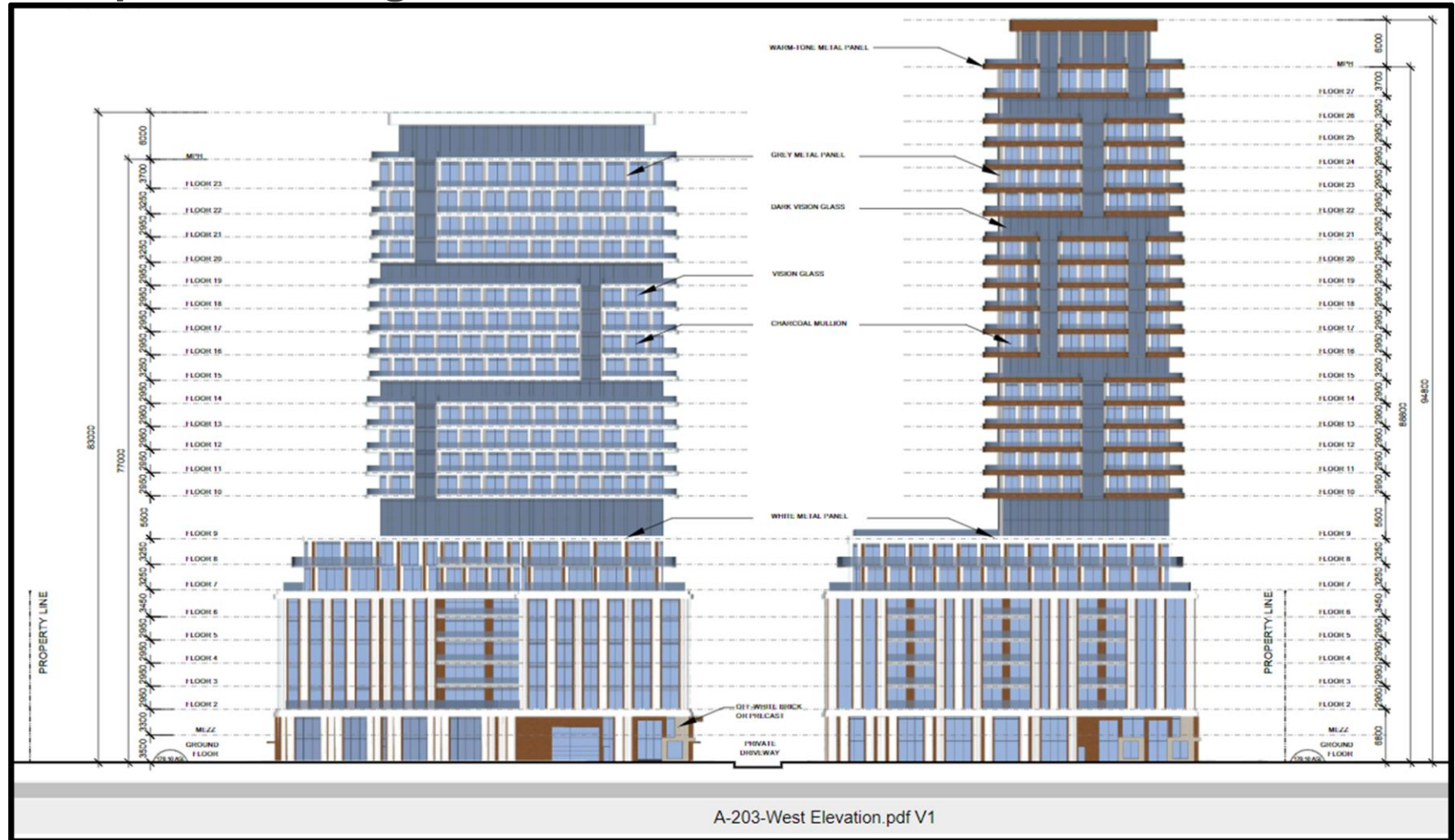


Figure 6

Conceptual Landscape Rendering

