



SUBJECT: RECOMMENDATION REPORT
JD Elm Cornell Lands Ltd.
Applications for Official Plan Amendment and Zoning By-law Amendment, and Draft Plan of Subdivision to permit a mixed-use development at the northwest corner of Highway 7 and Bur Oak Avenue within Cornell Centre (Ward 5)
File PLAN 22 118754

PREPARED BY: Carlson Tsang, Senior Planner, East District, ext. 2624

REVIEWED BY: Stacia Muradali, MCIP, RPP, Manager, East District, ext. 2008

Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

RECOMMENDATION:

1. THAT the June 18, 2024, report titled, “RECOMMENDATION REPORT, JD Elm Cornell Lands Ltd., Applications for Official Plan Amendment and Zoning By-law Amendment, and Draft Plan of Subdivision to permit a mixed-use development at the northwest corner of Highway 7 and Bur Oak Avenue within Cornell Centre (Ward 5), File PLAN 22 118754”, be received;
2. THAT the Official Plan Amendment application submitted by JD Elm Cornell Lands Ltd., be approved and that the draft Official Plan Amendment, attached hereto as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
3. That the City Clerk advise the Region of York that the City has no objection to the Region of York removing the subject lands from Deferral 2 Area in the 2008 Cornell Secondary Plan (OPA 168);
4. THAT the Zoning By-law Amendment application submitted by JD Elm Cornell Lands Ltd., be approved and that the draft Zoning By-law Amendment, attached hereto as Appendix ‘C’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
5. THAT Draft Plan of Subdivision 19TM-22008, be approved, subject to the conditions set out in Appendix ‘D’ of this report;
6. THAT the Director of Planning and Urban Design or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix ‘D’, as may be amended by the Director of Planning and Urban Design or designate;
7. THAT Draft Plan Approval for Plan of Subdivision 19TM-22008 will lapse after three (3) years from the date of issuance in the event that a Subdivision Agreement is not executed within that period;
8. THAT servicing allocation for 1,785 units be assigned to Draft Plan of Subdivision 19TM-22008;
9. THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation;
10. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of the Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications submitted by JD Elm Cornell Lands Ltd. (the “Owner”) for the lands located at the northwest corner of Highway 7 and Bur Oak Avenue (the “Subject Lands”), within Cornell Centre. The Owner proposes 1,785 units (including 18 affordable housing units), 2,443 m² (26,296 ft²) of non-residential spaces, three new public streets, and a 0.96 ha (2.37 ac) elementary school site (the “Proposed Development”).

The Subject Lands are a desirable location for intensification given it is within a Key Development Area and Major Transit Station Area. The Proposed Development generally aligns with the objectives of the 2015 draft Cornell Centre Secondary Plan. None of the commenting departments or external agencies have identified any objections to the Applications. Staff recommend approval of the draft Official Plan and Zoning By-law Amendments, attached as Appendices ‘B’ and ‘C’, and the Draft Plan of Subdivision subject to the conditions, attached as Appendix ‘D’.

PURPOSE:

This report recommends approval of the Applications submitted by the Owner to permit the Proposed Development (see Figures 4 to 6).

PROCESS TO DATE:

- July 26, 2022: Staff deemed the Applications complete
- March 7, 2023: The local Ward Councilor held a Community Information Meeting
- March 21, 2023: The Development Services Committee (“DSC”) held the [Statutory Public Meeting](#)

The 120-day period set out in the *Planning Act* before the Owner can appeal the Official Plan Amendment and Draft Plan of Subdivision to the Ontario Land Tribunal (“OLT”) for a non-decision ended on November 23, 2022. The 90-day period set out in the *Planning Act* before the Owner can appeal the Zoning By-law Amendment application to the OLT for a non-decision ended on October 24, 2022. Staff note that the Applications are not subject to the Bill 109 review timeframe.

If the DSC supports the Applications, the planning process would include the next steps:

- Approval of the Official Plan and Zoning By-law Amendments
- Subdivision Agreement and registration of the draft plan of subdivision
- Submission of Site Plan and Draft Plan of Condominium Applications

BACKGROUND:

Subject Lands and Area Context

The 4.49 ha (11.09 ac) Subject Lands includes a 1.04 ha (2.56 ac) woodland located in the southwest quadrant that extends into the property to the west with a small portion along Highway 7 located within the Toronto and Region Conservation Authority (“TRCA”)’s regulated area as it contains a remnant tributary of the Rouge River and a potential wetland. Figure 2 shows the surrounding land uses.

The Proposed Development includes three development blocks and a school site as described in Table 1

	Blocks 1	Block 2	Block 3	Block 5	Total
Area	1.13 ha (2.79 ac)	0.68 ha (1.68 ac)	0.82 ha (2.02 ac)	0.96 ha (2.37 ac)	3.59 ha (8.87 ac)
Use	Mixed Use Residential	Mixed Use Residential	Residential	Public School	--
Height (storeys)	4-16	6-22	6-28	--	--
Total Units	524	493	768	--	1785
Non-Residential GFA	2,443 m ² (26,296 ft ²)	0	0	--	2,443 m ² (26,296 ft ²)

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and conforms to the Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”)

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters, in-part, include building strong healthy communities with an emphasis on efficient development, providing for all housing options, and wise use and management of resources. The Proposed Development facilitates a compact urban form through the intensification of underutilized lands in the City’s Settlement Area where full municipal services exist.

The Growth Plan provides a framework for implementing the Province’s vision for supporting a diverse range of housing options and transit-oriented communities within the Greater Golden Horseshoe to 2051. The Subject Lands are within a delineated built-up area and Major Transit Station Area (“MTSA”). The Proposed Development includes an appropriate mix of uses and provides access to active transportation options, consistent with the Growth Plan.

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

The 2022 ROP designates the Subject Lands ‘Urban Area’ and permits a wide range of residential, commercial, and industrial uses. The Subject Lands are also located within an MTSA, surrounding the Cornell Bus Rapid Transit (“BRT”) Station with a density target of 200 people and jobs per hectare. York Region supports the proposed development recognizing that it is within a planned intensification area and will contribute to the density target for the MTSA.

The policies in the 2014 Markham Official Plan (the “2014 OP”) are deferred until a new Secondary Plan is approved for Cornell Centre

The 2014 OP designates the Subject Lands ‘Mixed Use Health Care Campus’ and ‘Mixed Use Mid Rise’, within the Cornell Centre Key Development Area. The details of the policies are provided in Appendix ‘A’. Section 9.7.8.2 of the 2014 OP indicates that until an updated secondary plan is approved for Cornell Centre, the City’s 1987 Official Plan, as amended by the 2008 Cornell Secondary Plan, shall continue to apply to the Subject Lands.

The Subject Lands are within the ‘Deferral 2’ area in the 2008 Cornell Secondary Plan (“OPA 168”)

The ‘Deferral 2’ applies to the lands bounded by Markham Stouffville Hospital to the north, Highway 7 to the south, 9th Line to the west and Bur Oak Avenue to the east. The intent is to defer the OPA 168 policies pending completion of a comprehensive development concept for the area. Consequently, the 1995 Cornell Secondary Plan (“OPA 20”) continues to apply. The proposed Official Plan Amendment seeks to remove the Subject Lands from the “Deferral 2” area in OPA 168. If the proposed Official Plan Amendment is approved, the underlying designations (‘Institutional’, ‘Residential Neighborhood – Cornell Center’, and ‘Avenue Seven Corridor – Mixed Residential’) that are currently deferred (see Appendix ‘C’) would become in effect, with site specific policies to permit the Proposed Development on the Subject Lands (see Appendix ‘B’).

The policies of the 1995 Cornell Secondary Plan (“OPA 20”) remain in effect on the Subject Lands

The Lands located on the north side of Rustle Woods Avenue are designated ‘Community Amenity Area – Central Core North’, and the balance of the lands are designated ‘Core Residential’. The detailed policies of the designations are provided in Appendix ‘A’.

The 2015 Draft Cornell Centre Secondary Plan Update (“2015 draft Secondary Plan update”) designates the Subject Lands “Community Amenity Area – Mixed Use Bur Oak Corridor”

The draft Secondary Plan update was released to DSC in 2015. ‘Deferral 2’ area was refined with modified land uses, height, street network, and block configuration. While the 2015 draft Secondary Plan update has not been

adopted, Staff have been using its policies as guidelines for evaluating planning applications within Cornell Centre. The Subject Lands were proposed to be designated ‘Community Amenity Area – Mixed Use Bur Oak Corridor’. Detailed policies of this designation are provided in Appendix ‘A’.

By-law 304-87, as amended, zones the Subject Lands “Rural Residential – RR4”

The Zoning By-law only permits one single detached dwelling, home occupation, and private home day care. The Owner proposes to rezone the Subject Lands to “Community Amenity Two – CA2”, under By-law 177-96, as amended, with site-specific development standards to permit the Proposed Development (See Appendix “B”). Staff recommend a holding provision to secure an elementary public school site on Block 5, which will be discussed later in this report.

DISCUSSION:

The following section identifies how the matters raised throughout the review process, including those raised at the Community Information Meeting, have been resolved or considered. The local Ward Councillor held a Community Information Meeting on March 7, 2023, and the DSC held the statutory Public Meeting on March 21, 2023. The City received one written submission and heard four deputations at the statutory Public Meeting. The following summarizes the comments received, which are discussed in whole or in part in this section:

- The community requires more affordable housing
- Inadequate transit services to support the Proposed Development
- Concerns with shadowing on the mid-rise building across Bur Oak Avenue
- Increased traffic congestion and insufficient parking to support the proposed retail uses

a. Planning staff are satisfied with the proposed street and block pattern

The proposed subdivision implements a fine grid street network with increased connectivity that makes walking and cycling more viable options for residents. This is consistent with the vision of the 2015 draft Secondary Plan of creating a walkable community that supports public transit and active transportation options. The overall size and shape of each block is generally consistent with the land use concept plan in the 2015 draft Secondary Plan update and compatible with the surrounding developments in Cornell Centre. Staff consider the proposed street and block pattern appropriate and represent good planning.

The Proposed Development also includes a mews as part of an interconnected open space system that intends to provide pedestrian connection between Bur Oak Avenue and the Cornell BRT station to the west. Staff support the proposed mews as it will improve the local active transportation network and contribute to creating a pedestrian friendly environment for the community. The mews will function as a Privately-Owned Publicly Accessible Space (“POPS”). The detailed design and arrangement for the POPS will be dealt with during the future Site Plan application.

b. The Proposed Development includes an appropriate mix of uses

The proposed mixed use high-rise buildings are permitted in the ‘Community Amenity Area – Mixed Use Bur Oak Corridor’ designation. The Owner also proposes a variety of non-residential uses on the ground floors, which implement the 2015 draft Secondary Plan update’s goal of creating a commercial main street on Rustle Woods Avenue and Bur Oak Avenue. Staff opine that the Proposed Development satisfies the intended function of the Subject Lands to accommodate intensification in a Key Development Area with an appropriate range of uses and would create a complete community that supports transit supportive densities.

c. *The proposed building height generally conforms to the 2015 draft Secondary Plan update*

The Subject Lands are intended to support the greatest heights in Cornell Centre. The proposed building heights represent an increase of four to eight storeys beyond the maximum allowance in the 2015 draft Secondary Plan update, which staff consider appropriate given its location within a Key Development Area and MTSA. It should be noted that the increased heights only apply to the point towers that would be limited to a maximum floor plate of 850 m² to control the overall scale and massing of the building. The built form is broken up into point towers instead of slab buildings to improve sight views and thereby reduce impacts on the residents on the east side of Bur Oak Avenue. Further, Staff find the shadowing impact, as shown in the submitted shadowing study, to be acceptable.

d. *The Proposed Development includes a 1.2 ha (3 ac) public elementary school site*

The York Region District School Board (“YRDSB”) identified the requirement of a 1.21 ha (3 ac) elementary school site in this general area to support the anticipated growth in Cornell Centre. YRDSB recognized there are limited lands remaining in the community and would accept a school site with a reduced area provided it is adjacent to a public park. After discussions with YRDSB, it was determined that Block 5 on the proposed subdivision (originally planned for a six to 18 storey mixed use building) is a desirable location for the new school site given its adjacency to a planned public park proposed on the neighbouring lands (“Juniper”). After extensive negotiations, the Owner agreed to convey Block 5 as a school site subject to the following conditions:

- YRDSB must make a decision whether to acquire Block 5 within two years after registration of the subdivision (this process typically takes about 10 years)
- The site-specific Zoning By-law must allow the uses originally proposed on Block 5 if YRDSB does not require a school at this location in the future.

YRDSB and City Staff have agreed to the above conditions. Staff recommend a holding provision, which cannot be lifted until the requirement for the elementary school has been satisfied or is confirmed to be no longer needed by YRDSB, to the satisfaction of the City.

e. *The parkland obligation will be satisfied through credits from the over-dedicated parkland on the adjacent development to the west (Juniper)*

The Owner is required to provide 0.112 ha (0.27 ac) of parkland. The Proposed Development originally included 0.19 ha (0.46 ac) of parkland on Block 5 that was planned to be merged with Juniper’s parkland (see separate report on this agenda) to form a 0.59 ha (1.45 ac) public park. The parkland was later removed from the proposal to accommodate the school site as noted above. Since then, Juniper revised their proposal to have the park provided entirely on their lands with an increased size of 0.80 ha (1.97 ac).

The park currently proposed on Juniper’s site represents over-dedication as they are only obligated to provide 0.192 ha (0.474 ac) of parkland for their development. Juniper proposes to have their over-dedicated parkland contribution of approximately 0.608 ha (1.502 ac) be distributed as credits towards the other developments within the Highway 7 corridor (including the Proposed Development). Staff support the off-site parkland dedication strategy as it would result in a consolidated park with greater programming opportunities to better serve the community. The transfer of credits will be administered by the Cornell Developers Group. Prior to the registration of each subdivision, the city will require clearance from the Trustee of the Develops Group to ensure all the owners involved in this exercise have satisfied their obligations.

f. *Staff have no concerns with the anticipated traffic generated by the Proposed Development*

The Owner submitted a Transportation Impact Study that examines the traffic counts in the study area, estimated trip generation, and undertook intersection capacity analysis for existing and future traffic condition. The study findings showed that the development traffic can be accommodated by the transportation infrastructure with improvements in place. The Highway 7/ Bur Oak Avenue intersection is planned to be signalized in the near-term future. York Region and the City's Transportation staff have no concern with the findings of the study, subject to the draft plan conditions being satisfied, including the need for a transportation phasing analysis, recommendations of a phasing plan, and the need for signalization of the Highway 7/Stoney Stanton Road intersection to provide relief to the Highway 7/Bur Oak Avenue intersection.

g. *The Owner proposes 18 affordable housing units as part of the Proposed Development*

The Owner provided a letter committing to delivering 18 affordable housing units within the Proposed Development (see Appendix 'E'). The Owner will be required to enter into an agreement with the City to secure the affordable housing units in a form and tenure acceptable to the City, which will be addressed as part of the draft plan conditions (see Appendix 'D').

h. *Staff support the proposed parking reduction subject to the provision of enhanced Transportation Demand Management ("TDM") measures*

The Owner requests to reduce the minimum parking requirement as follows:

- Residential Parking (Apartment) from 1.25 spaces/unit to 0.9 spaces/unit
- Visitor Parking from 0.25 spaces/unit to 0.15 spaces per unit
- Retail parking from 1 space/30m² to 0.82 spaces per 30m².

Staff generally support the requested reduction to the residential parking considering that the Subject Lands are located within a MTSA in close proximity to the BRT station, and the anticipated improvements to active transportation facilities as the community and transportation network is fully built out.

The requested reduction to the non-residential parking is also considered acceptable. As a mitigation measure, Staff will include a provision in the Zoning By-law that requires restaurants, which typically generate more parking, in excess of 20% of the gross floor area of all non-residential uses, to be subject to stricter parking rate of 1 space/9 m². The parking spaces for the non-residential uses are all proposed to be in the underground garage. Staff will work with the Owner during the Site Plan process to explore opportunities in providing some of these parking spaces at grade in the interior of the development to improve overall site accessibility. The Owner will still be required to provide enhanced TDM measures to encourage more sustainable travel options, which will be secured as draft plan conditions (see Appendix 'D').

i. *Engineering provided the following comments regarding servicing capacity*

There may be water supply and downstream sanitary capacity issues because the proposed density on the Subject Lands is greater than what was contemplated in the Cornell Master Environmental Servicing Plan. The Owner is required to submit further servicing analysis to the City for review as part of the draft plan conditions (see 'Appendix D'). The Owner may be required to enter into an agreement with the City to secure the provision of any infrastructure improvements necessary to service the Proposed Development.

j. *The existing woodlot and potential wetland on the subject lands are not considered as significant natural heritage features*

The Owner proposes to remove the existing woodland on the Subject Lands, which was not designated an Environmental Protection Area in the Official Plan nor identified for preservation in the City's 1993 Natural

Features Study. The woodland does not meet the criteria for Significant Woodland under the 2022 ROP. Staff have no concern with the removal of the woodland. However, the City will require appropriate mitigation and compensation to ensure that all ecological impacts are appropriately addressed. The compensation will be determined in consultation with TRCA, secured by draft plan conditions (see Appendix 'D'), and used by the City to undertake forest planting at an off-site location. The City will also require confirmation from the Ministry of Environment, Conservation and Parks that the woodland is not considered a protected habit under the *Endangered Species Act* or as Significant Habit for Endangered and Threatened Species under the PPS.

The Owner also proposes to remove the wetland on the Subject Lands. The TRCA indicates that the wetland was recently developed and its formation has been influenced by site disturbance, grading, and stormwater management practices on adjacent lands. It lacks ecological function and is highly isolated from the adjacent natural heritage features and areas. Therefore, the TRCA has no concern with the removal of the wetland, subject to appropriate compensation which will be addressed as draft plan conditions (see Appendix 'D').

k. Connection to Markham District Energy will be considered during the detailed design stage

Staff will work with the Owner to explore the possibility of connecting the Proposed Development to Markham District Energy. Further technical review will be required during the detailed design process prior to registration of the subdivision.

l. Site Plan approval will be required to finalize the design of the development on each block

Each development block will be subject to future site plan control applications and will require further consideration, staff recommendation reports and the approval of DSC. The site plan applications will initiate the technical review of proposed development on each block, to assess:

- Site access and configuration for internal traffic circulation
- Configuration of fire access routes and municipal waste collection operations
- Provision for snow storage and removal

m. Transit Services: York Region Transit ("YRT") would closely monitor applications in Cornell Centre to adjust transit schedules as development intensifies

YRT's ultimate vision is for buses to operate at 15-minute frequencies, or better, six days a week from 6 am to 10 pm. Therefore, transit service is expected to improve as redevelopment in the area occurs to better serve the community.

CONCLUSION:

Staff opine that the Proposed Development is appropriate and represents good planning. The Subject Lands have been identified provincially, regionally, and locally for intensification with a mix of uses. The Proposed Development provides for desired intensification adjacent to existing transit routes and existing and future community amenities in a manner that is generally consistent with the pattern of development in the surrounding area. The proposed building heights and density are generally consistent with 2015 draft Cornell Secondary Plan update. Therefore, staff recommend approval of the draft Official Plan and Zoning By-law Amendments attached as Appendix 'B' and 'C', and the Draft Plan of Subdivision subject to the conditions as Appendix 'D'.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

This report has no impact to the Operating Budget or Life Cycle Reserve.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications align with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies and the City and external agency requirements are reflected in the implementing OPA and ZBA (refer to Appendices 'B' and 'C').

RECOMMENDED BY:

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Aerial Photo (2020)
- Figure 4: Draft Plan of Subdivision
- Figure 5: Conceptual Site Plan
- Figure 6: Conceptual Rendering
- Appendix 'A': Existing Land Use Designations
- Appendix 'B': Draft Official Plan Amendment
- Appendix 'C': Draft Zoning By-law Amendment
- Appendix 'D': Draft Plan Conditions
- Appendix 'E': Affordable Housing Letter