



Report to: Development Services Committee

Meeting Date: June 18, 2024

SUBJECT:	RECOMMENDATION REPORT 1000503212 Ontario Inc., Application for Zoning By-law Amendment to permit an industrial development comprised of multiple buildings and the retention of an existing heritage dwelling at 7960 Reesor Road, File PLAN 24 163734 (Ward 7)
PREPARED BY:	Aaron Chau, BES, Planner I, East District, Ext. 3279
REVIEWED BY:	Stacia Muradali, MCIP, RPP, Development Manager, East District, Ext. 2008 Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report, dated June 18, 2024, titled, “RECOMMENDATION REPORT 1000503212 Ontario Inc., Application for Zoning By-law Amendment to permit an industrial development comprised of multiple buildings and the retention of an existing heritage dwelling at 7960 Reesor Road, File PLAN 24 163734 (Ward 7)”, be received;
2. THAT the application (PLAN 24 163734) to amend Zoning By-laws 304-87, 177-96, and 2024-19, as amended, be approved and the attached site-specific implementing Zoning By-laws, attached hereto as Appendices “A” and “B”, be finalized and brought to a future Council meeting for enactment;
3. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of a Zoning By-law Amendment application (the “Application”) submitted by 1000503212 Ontario Inc. (the “Owner”) to permit the development of five standalone industrial buildings with a Gross Floor Area (“GFA”) of approximately 14,200 m² and the retention of an existing heritage dwelling (the “Proposed Development”) at 7960 Reesor Road (the “Subject Lands”).

Process to Date:

- Staff deemed the Application complete on April 3, 2024
- The statutory Public Meeting was held on May 14, 2024

The 90-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the “OLT”) for a non-decision will end on July 2, 2024.

Next Steps:

- The Owner must withdraw their appeal of the new Comprehensive Zoning By-law 2024-19
- Approval of the Zoning By-law Amendment (“ZBA”) at the June 26, 2024 Council meeting
- Major Heritage Permit Application submission
- Submission of a Site Plan Application
- Hold Removal Application
- A Draft Plan of Condominium Application may be required, should the proposed tenure of the industrial units be a condominium

BACKGROUND:**Location and Area Context**

The 3.47 ha (8.59 ac) Subject Lands are located on the east side of Donald Cousens Parkway, north side of Sevendale Drive, west of Reesor Road, south of Highway 407, and abuts the Canadian Pacific Railway (“CPR”) right-of-way (See Figures 1 to 3). An existing single detached heritage dwelling designated under Part IV of the *Ontario Heritage Act*, the David Reesor House (Silver Spring Farm), and a wetland feature, buffer areas, and a swale are centrally located on the Subject Lands. Figure 2 shows the surrounding land uses. The City’s 2014 Official Plan designates part of the subject lands and many surrounding properties as “Greenway”, while the lands along Donald Cousens Parkway, including the Subject Lands, are planned for future Business Park Employment. A future high frequency train station is also anticipated further north of the Subject Lands, adjacent to Highway 407. However, it has not received any approvals to date.

The Proposed Development will be oriented along Donald Cousens Parkway and includes 53 units and the adaptive reuse of the David Reesor House (Silver Spring Farm) (the “Heritage Dwelling”)

The David Reesor House (Silver Spring Farm), a two-storey brick dwelling with a GFA of 678.53 m², is associated with the Reesors, a prominent Pennsylvania German family in Markham who had owned the property from 1805 to 1962. The Owner proposes the adaptive reuse of the dwelling as a restaurant in the future, which will be evaluated at that time.

The Proposed Development includes 274 parking spaces located primarily along the CP railway and distributed throughout the property. The proposed accesses will be on the existing Sevendale cul-de-sac and on a new road to the north of the development which will access Donald Cousens Parkway.

The preservation of natural heritage features on the Subject Lands is a priority, with ongoing work to finalize their boundaries. A headwater drainage feature flows in a north-south direction from the wetland, spanning 65 m through a swale of 34 m, then passing through a culvert, and continuing 57 m through a defined channel within a portion of the southwest cultural woodland, ultimately draining in the Little Rouge River. The Wetland and Headwater Drainage Feature will be protected and enhanced with proposed 15m and 7.5m buffers. Being in a regulatory flood plain spill area, the Toronto and Region Conservation Authority (“TRCA”) requested a revised Flood Plain Spill Analysis to aid

in refining the natural heritage feature, which the Owner will provide as a condition of the Hold Provision removal.

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, including building strong healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety. The Subject Lands are located within a defined Employment Area and is designated for development in both the York Region and City Official Plans. The Proposed Development seeks to maintain the industrial nature of the Subject Lands, utilizes existing infrastructure and services, and contributes to a mix and range of employment uses.

The Growth Plan provides a framework for implementing the province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. The Subject Lands are located in a defined Employment Area (within the ‘Built-Up Area’). The Proposed Development utilizes existing infrastructure and contributes to providing a variety of jobs to accommodate forecasted employment growth.

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

The ROP designates the Subject Lands “Employment Area” within the “Urban Area” and is located within the “East Markham Employment Area Zone”, which permits uses that promote business and economic activities including manufacturing, warehousing, industrial, offices, and associated retail and ancillary facilities. The ROP targets 50 jobs per ha within this Employment Area.

The Proposed Development conforms to the 2014 Markham Official Plan (“2014 Official Plan”)

The 2014 Official Plan designates the Subject Lands “Business Park Employment” and “Greenway”, which permits the following uses:

- a) Business Park Employment: Intent to attract new business and support the retention of existing businesses in Markham; supports larger scale developments that benefits from access to both major roads and transit routes; and permits a range of industrial and office uses with accessory and ancillary uses limited to those that support the primary office and industrial uses.
- b) Greenway: Intent to protect valleylands, stream corridors, and sensitive groundwater features, woodlands amongst other natural features, while supporting natural heritage enhancement and the protection of wildlife habitat. The Owner proposes to retain the natural heritage features.

The Owner proposes to Amend Zoning By-laws 304-87, 177-96 and 2024-19, all as amended, to permit the Proposed Development

The new Comprehensive Zoning By-law 2024-19 (“By-law 2024-19”), which Council passed on January 31, 2024, zones the Subject Lands “Employment - Business Park” (EMP-BP) and “Greenway One” (GWY1). The Proposed Development complies with By-Law 2024-19, which is under appeal and not in force. As a result, the Application is required to amend the in force Zoning By-law 304-87, which zones the Subject Lands “Agriculture One Zone” (A1) (see Figure 2), which permits agricultural and related agricultural uses, an accessory detached dwelling ancillary to an agricultural use, and a private home day care.

The Owner appealed By-law 2024-19, which must be resolved and withdrawn prior to enacting the proposed new amending Zoning By-laws (see Appendices ‘A’ and ‘B’).

Heritage Markham Committee (“Heritage Markham”) does not object to the Application as it applies to the use and development standards related to the Proposed Development

Heritage Markham has reviewed the proposed Zoning By-law application and has no concerns regarding the proposed Zoning By-law Amendment Application. Heritage Markham also supports the proposed restaurant use of the David Reesor House (Silver Spring Farm) conditional upon a future heritage permit that addresses the alterations made in the 1990s restoration of the Heritage Dwelling and the proposed restaurant use. Such concerns will be addressed through a Holding Provision, with conditions specifying the need to obtain a Major Heritage Permit that includes a conservation plan and the removal of the verandas and the addition in the front of the building.

DISCUSSION:

The following section identifies how the matters raised through the review process for the Proposed Development, including those raised at the statutory Public Meeting, and how they are addressed:

1. The proposed Zoning By-law amendment is appropriate

The proposed Zoning By-law amendment is appropriate and conforms with the objectives of the 2014 Official Plan, which designates the Subject Lands as ‘Business Park Employment’ and ‘Greenway’. According to Policy 8.5.2.1 of the 2014 Official Plan, Business Park Employment supports larger scale developments that benefits from access to both major roads and transit routes, and permits a range of industrial and office uses. Section 8.6.1.1 of the 2014 Official Plan ensures that land use decisions in support of urban development and infrastructure contribute to the protection and enhancement of the Greenway System while having a minimum impact on the natural environment. The preservation and enhancement of the existing Wetland and Head Water Drainage Feature further supports the conformity to the Greenway Designation of the 2014 Official Plan.

The retained heritage dwelling, designated under Part IV of the Ontario Heritage Act and known as the David Reesor House (Silver Spring Farm), is proposed by the applicant to be adaptively reused as a restaurant. Heritage Markham does not

object to the proposed Zoning By-Law amendment as it applies to the use and development standards related to the proposed industrial buildings. Heritage Markham also supports the proposed restaurant use of the Heritage Dwelling, conditional upon addressing the architecturally detrimental alterations made in the 1990s, which include added balconies, dormers and a front projecting bay. Staff recommend a Holding Provision be included as part of the Zoning By-Law amendment, requiring the submission of a Major Heritage Permit. The permit must include a comprehensive plan addressing the 1990s alterations, conserving heritage attributes such as the original front entrance feature and exterior wall, and a landscape plan.

The Application aligns with preserving and enhancing natural heritage features outlined by Policy 8.6.1.1 of the 2014 Official Plan. The existing Wetland and Headwater Drainage Feature, flowing through various channels and swales into the Little Rouge River, will be protected and enhanced with proposed buffers of 15 m and 7.5 m respectively. As the Subject Lands may be within the regulatory flood plain spill area, the TRCA has requested a Flood Plain Spill Analysis, which the applicant must provide to meet the conditions of lifting the Holding Provision on the Subject Lands.

2. The proposed development takes into consideration the potential for a future public road to serve a future train station and potential future development of surrounding lands

A new minor collector public road intended to extend Sevendale Drive at Copper Creek Drive from Donald Cousens Parkway to Reesor Road was identified conceptually in the 2014 Official Plan Map 11. However, this alignment will negatively impact the wetlands and the existing heritage dwelling as it will run directly through these features. Map 11 states that “the proposed alignment and location of the specific projects remain conceptual at this time. These concepts remain subject to review and confirmation through the applicable environmental assessment process established under the Environmental Assessment Act”. Additionally, the 2014 Official Plan Policy 7.1.3.2 further states that “Where approved by Council, minor collector roads may be added or deleted to Map 11 without further amendment to this Plan”.

In December 2016, the Ministry of Transportation Ontario (MTO) completed the Environmental Project Report for the Highway 407 Transitway – Kennedy Road to Brock Road, which included a planned Transitway station (Donald Cousens Parkway Station) south of Highway 407, between Donald Cousens Parkway and Reesor Road. The MTO report recommended a new road connecting Reesor Road to DCP at about 200 metres north of Copper Creek Drive (aligning with the existing Smart Centre driveway to the west. This recommendation, endorsed by Council in May 2016 with revisions and conditions, is considered in the subject development proposal.

Staff are exploring multiple options with the applicant and the abutting landowner to the north to ensure that an appropriate road configuration is provided for on the

subject and adjacent lands to ensure that appropriate access is provided from Sevendale Drive to the future transitway. There is a Holding(H) condition which will ensure that the technical work is undertaken comprehensively which will result in an appropriate public road configuration for the surrounding lands to the satisfaction of the City.

3. Servicing

The applicant submitted engineering studies which have been reviewed by the City. The resolution of stormwater management matters to ensure it accounts for surrounding lands or satisfactory arrangements are proposed to the satisfaction of the Director of Engineering is a condition of the Holding provision.

4. Transportation

A Transportation Impact Study was submitted as part of the Zoning By-Law Amendment Application. After review, Transportation Staff provided comments that need to be addressed by the applicant. Despite this, the proposed development meets and exceeds parking requirements by providing 181 parking spaces where 174 are required, 11 barrier-free spaces where 7 are required, and 26 EV spaces where 24 are needed.

Staff recommends including a holding provision as part of the zoning by-law amendment to address outstanding Transportation related concerns including the analysis of the proposed new public road alignment on the subject and adjacent lands to ensure that appropriate access is provided from Sevendale Drive to the future transitway. Sevendale Drive was constructed by the Box Grove Landowners Group to facilitate public road access for the adjacent lands and to the future transitway. The holding provision would require the Owner to submit a revised Transportation Impact Study to address staff comments to the City's satisfaction and explore multiple site access options for the adjacent property through a functional design study, recommend any appropriate transportation improvements, if required, and implement the recommendations and the necessary works to mitigate any impacts identified in the Transportation Impact Study, at no cost to the City, to the satisfaction of the City.

5. A Holding (H) Provision will be required to address outstanding matters

A Holding (H) provision will be implemented in the site-specific amending by-law to address outstanding matters described above, including the existing heritage dwelling, natural heritage features, stormwater management and transportation matters including the public road alignment. The attached amending site-specific by-laws can be approved and the Holding (H) provision will need to be lifted prior to deeming a future site plan application.

6. Future subdivision and site plan applications

A future subdivision application may be required to facilitate the alignment and conveyance of the new public road if deemed necessary. There is an existing Box Grove Landowners Group and if a future subdivision application is required, the

applicant will be required to provide a Trustee Clearance prior to registration of the subdivision.

A future site plan application will be required to review any technical matters in more detail including the site plan layout, building elevations, landscaping and alignment with the sustainability matrix. Staff would also encourage the applicant to work with the Boxgrove Landowners Group as they work to fulfill the conditions to lift the Hold, which may allow staff to take a more flexible approach on the requirement for a Plan of Subdivision.

CONCLUSION:

Staff have reviewed the proposed Zoning By-law Amendment against provincial, regional and City policy and regulatory direction, and are satisfied that the Application is appropriate and represents good planning. The Proposed Development conforms to the City's Official Plan, preserves cultural heritage resources and natural heritage features located on the subject lands and effectively utilizes existing infrastructure and promotes economic development. Therefore, Staff recommend that the proposed amendment to Zoning By-laws 304-87, 177-96 and 2024-19, as amended, attached as Appendix 'A', be approved, and the implementation of a Holding Provision to address outstanding concerns.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

This Application was circulated to various departments and external agencies. City and external agencies requirements are reflected in Appendix 'A'.

RECOMMENDED BY:

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

Darryl Lyons, MCIP, RPP
Deputy Director, Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDIX:

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo (2020)

Figure 4: Conceptual Site Plan

Appendix 'A': Draft Zoning By-law Amendment 177-96

Appendix 'B': Draft Zoning By-law Amendment 2024-19

Appendix 'C': Extracted MTO Report for Highway 407 Transitway

APPLICANT:

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