



Report to: Development Services Committee

Meeting Date: April 23, 2024

SUBJECT: RECOMMENDATION REPORT Official Plan and Zoning By-law Amendment applications submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716-2730 Elgin Mills Road East (Ward 2)
File PLAN 23 150145

PREPARED BY: Hailey Miller, Planner II, West District, Ext. 2945

REVIEWED BY: Rick Cefaratti, MCIP, RPP, Senior Planner, West District, Ext. 3675
Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report titled, “RECOMMENDATION REPORT Official Plan and Zoning By-law Amendment applications submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716-2730 Elgin Mills Road East (Ward 2), File PLAN 23 150145”, be received;
2. THAT the Official Plan Amendment application be approved and that the draft Official Plan Amendment, attached as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
3. THAT the Zoning By-law Amendment application be approved and that the draft site-specific Zoning By-law, attached as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
4. THAT servicing allocation for 32 units be assigned to the development and that the servicing allocation will be revoked or reallocated after a period of three (3) years from the date of Council approval should the development not proceed in a timely manner;
5. 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 Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by 1628740 and 1628741 Ontario Inc. (the “Owner”) to facilitate the development of a 32-unit residential subdivision (the “Proposed Development”) on the lands municipally known as 2716 and 2730 Elgin Mills Road East (the “Subject Lands”).

Process to Date

- Staff deemed the Application complete on January 4, 2024
- The statutory Public Meeting was held on February 27, 2024

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 May 3, 2024.

If the Development Services Committee (“DSC”) supports the Applications, then the planning process will include the following next steps

- The draft Official Plan and Zoning By-law Amendments will be finalized and brought forward to a future Council meeting
- The Draft Plan of Subdivision recommendation report and conditions will be finalized and brought forward to future DSC and Council meetings
- The Owner would be required to clear the conditions of Draft Plan of Subdivision, enter into a Subdivision Agreement with the City, and register the Draft Plan of Subdivision
- Review and approval of the delegated Site Plan application

BACKGROUND:

Location and Area Context

The 1.074 ha (2.65 ac) Subject Lands are located north of Elgin Mills Road East and west of Woodbine Avenue (see Figures 1 to 3). Figure 2 shows the surrounding land uses. The Subject Lands contain two existing single detached dwellings, which are both designated under Part IV of the *Ontario Heritage Act*.

The Owner submitted Applications to permit the Proposed Development, which includes the retention and relocation of two heritage dwellings (see Table 1)

Table 1: The Proposed Development	
Total Units:	32 (28 townhouse, two semi-detached, and two single detached heritage dwellings)
Unit Width:	5.5 m townhouse and 7.6 m semi-detached units
Building Height:	13 m (three-storey) townhouse units, 11 m (two-storey) semi-detached units
Parking:	64 spaces (two spaces per unit)
Access:	Two access points are proposed onto Concetta Conte Avenue

PLANNING POLICY AND REGULATORY CONTEXT:

The Applications are subject to a planning policy framework established by the Province, York Region, and City under the Planning Act, R.S.O. 1990. The following sections describe how the Applications meet the respective policies and legislation.

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, 2019 (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 and land use patterns, and wise use and management of resources. Among other reasons, the Proposed Development is located within a settlement area where development is focused to meet the current and projected needs of the City and it is compatible with the existing uses and planned function of the surrounding area.

The Growth Plan provides, in-part, a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051, with building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth. The Subject Lands are located within a Designated Greenfield Area (“DGA”) of the Growth Plan. DGA lands

are planned for development and are required to accommodate forecasted growth to the horizon of the Growth Plan. Staff are of the opinion that the Applications conform to the Growth Plan, as it is located within a DGA, provides a range and mix of housing types, and supports the achievement of a compact complete community.

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

The 2022 ROP designates the Subject Lands ‘Urban Area’ on Map 1 - Regional Structure, which permits a wide range of land uses including residential, commercial, employment, and institutional uses. Map 1A – Land Use Designations designates the Subject Lands ‘Community Area’, which are areas where the majority of residents, personal services, retail, arts, culture, recreational facilities and human-services needs would be located. The Owner proposes uses that are contemplated under the ‘Community Area’ designation and are considered compatible with the surrounding area.

The proposed amendment to the 2014 Markham Official Plan (the “2014 OP”) would place it into conformity with the 2022 ROP

The 2014 OP designates the Subject Lands ‘Service Employment’, which is intended to accommodate uses that serve and support other business uses and employees, and may also serve the general public. The designation permits service, office, financial institution, and manufacturing, processing, and warehousing, accessory retail, commercial school, and other related uses.

This Amendment seeks to redesignate the Subject Lands from ‘Service Employment’ to ‘Residential Low Rise’ to facilitate the proposed residential subdivision. The lands were subject to a site-specific employment area conversion request to York Region under the 2041 Regional Municipal Comprehensive Review in 2020. In October of 2020, York Region Council deferred the site-specific employment conversion request for later consideration by Local Municipal Council. In 2021, Markham Council, supported the request to convert the Subject Lands from employment to non-employment area uses, which was subsequently approved by the Minister in the 2022 ROP.

The Zoning By-law Amendment seeks to rezone the Subject Lands with site-specific standards

By-law 304-87, as amended, zones the Subject Lands ‘Agriculture One Zone (A1)’ and ‘Rural Residential One Zone (RR1)’, as shown on Figure 2. The Owner proposes to rezone the Subject Lands to ‘Residential Two (R2)’ Zone under By-law 177-96, as amended, with site-specific development standards including, but not limited to, lot frontage, building setbacks, and building height.

Comprehensive Zoning By-law 2024-19 (“By-law 2024-19”) was passed by Council on January 31, 2024. The Proposed Development was received and deemed complete prior to the passing of By-law 2024-19. As the proposal was designed to be consistent with other developments under By-law 177-96, Staff are proposing the Subject Lands be removed from 2024-19, and zoned within By-law 177-96.

Heritage Markham Committee (“Heritage Markham”) reviewed the Applications at their meeting on March 13, 2024, with recommended changes, as agreed to by the Owner

Heritage Markham indicated ‘no objection’ to the Proposed Development and recommended the Site Plan is revised, as follows:

- Illustrating the retention of the verandas of both the Levi Heise and Christian Heise Houses as part of the relocation, and the re-opening of the rear veranda of the Levi Heise House
- Moving the Levi Heise House approximately 1 metre north on Lot 1 to provide additional separation from the public right-of-way

- Reducing the proposed building on Block 7 to a two-storey, semi-detached building form.

DISCUSSION:

The following identifies how the matters raised, including those raised at the statutory Public Meeting by the public and the DSC members, have been resolved or considered

Concerns were raised by members of the DSC with respect to the proposed location, siting, and amenity space of the heritage dwellings. In response to concerns raised by both DSC and City Staff, the Owner revised the location of the proposed heritage dwellings to be further back from the existing Highway 404 ramp and maintain their original orientation and relationship to each other. In addition, the lots now provide sufficient amenity space. Heritage Staff reviewed the revised location of the heritage dwellings and are satisfied with the changes.

The following identifies how the matters raised by City Staff and the public agencies have been resolved or considered

a) Compatibility with the surrounding area

The surrounding area consists of vacant employment land to the west and an existing townhouse subdivision to the north. The Proposed Development includes a variety of dwelling types including single-detached, semi-detached, and townhouse units. The proposed height, density, massing, and location of the subject townhouses will be compatible with the existing townhouses to the north. Appropriate buffers have been provided between the proposed residential units and the vacant employment land to the west. This is consistent with what is provided for the existing townhouse subdivision. Staff opine the Proposed Development represents good planning and is appropriate.

b) The Official Plan Amendment Application was exempted from York Region approval

In York Region's correspondence, dated February 14, 2024, the exemption allows the Official Plan Amendment to come into effect following adoption by the City and the expiration of the required appeal period.

c) A Draft Plan of Subdivision was submitted by the Owner in January of 2024

The Draft Plan of Subdivision is currently under review and a recommendation report will be brought forward to a future DSC meeting.

d) A Site Plan application will be required, in which approval is delegated to staff

The Proposed Development is subject to site plan approval, which is delegated to Staff, per Delegation By-law 2023-19, as amended.

CONCLUSION:

Staff opine that the Applications are appropriate and represent good planning. The Proposed Development is compatible with the surrounding area and context, provides for increased housing supply, and preserves the significant cultural heritage resources located on the Subject lands. Therefore, Staff recommend that the Applications be approved.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications have been reviewed in the context of the City’s Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to internal City departments and external agencies. Any requirements have been reflected in the draft Official Plan amendment and draft Zoning By-law amendment.

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 and Zoning
- Figure 3: Aerial Photo (2023)
- Figure 4: Conceptual Site Plan
- Figure 5: Conceptual Elevations – Front and Rear
- Figure 6: Conceptual Elevations – End and Corner
- Appendix A: Draft Official Plan Amendment
- Appendix B: Draft Zoning By-law Amendment

OWNER:

1628740 and 1628741 Ontario Inc. C/O Bruno Tucciarone
55 Doncaster Avenue, Markham, Ontario, L3T 1L7

APPLICANT/AGENT:

KLM Planning Partners Inc. C/O Billy Tung
64 Jardin Drive, Unit 1B, Concord, Ontario, L4K 3P3
Email: btung@klmplanning.com