



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, MCIP, RPP, Commissioner of Development Services

Prepared by: Giulio Cescato, MCIP, RPP, Director of Planning and Urban Design

Date: July 16, 2024

Re: **City Support for Municipal Zoning Order, 11120 and 11274 Highway 48 (Proposed Treasure Hill Development)**

RECOMMENDATION:

1. That the July 16, 2024 memorandum titled “City Support for Municipal Zoning Order 11120 and 11274 Highway 48 (Proposed Treasure Hill Development)” be received;
2. That, subject to and conditional upon the City and Treasure Hill entering into certain commercial and real estate agreements, Council provide its endorsement to the proposed Minister's Zoning Order shown in Attachment "A" of this report; and
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

At the Development Services Committee meeting on May 7, 2024, Treasure Hill made a deputation on a proposal for a community concept for lands at 11120 and 11274 Highway 48 which includes conveyances of 16.33 hectares (40.35 acres) of parkland for a City-wide Community Sports Park, approximately 29 hectares (69 acres) of Greenbelt lands, and 2.6 hectares (6.5 acres) of additional lands to the City. The proposal also contemplates approximately 2087 homes at various levels of affordability and form, and a potential 6-acre school site.

Markham City Council directed Staff to work with the applicant to finalize a draft Municipal Zoning Order (“MZO”).

Location and Area Context

The subject lands are in the southwest quadrant of 19th Avenue and Highway 48, less than 3km from the intersection of Major Mackenzie Drive and Highway 48, with 1221 m of frontage on Highway 48. The lands are municipally known as 11120 and 11274 Highway 48. Major Mackenzie Drive is one of two critical east west “Rapid Transit Corridors” in Markham identified in York Region’s Official Plan.

A potential GO rail station is being considered for a site northeast of the intersection of Highway 48 and Major Mackenzie Drive. The subject lands are outside of the City’s current urban boundary and immediately south of an approved residential MZO and Stouffville’s commercial gateway. The portion of the subject lands that fall within the Greenbelt are proposed to be conveyed to the City. The balance of the subject lands are proposed to be zoned for residential uses, parkland and a school site.

Planning Process to Date

Treasure Hill approached the City in Fall of 2023 seeking to further this development proposal through the Community Infrastructure and Housing Accelerator (CIHA) tool from the Planning Act. This tool, which was introduced in the More Homes for Everyone Act, 2022 (Bill 109) and was similar to a MZO, was used by municipalities to expedite zoning requests while securing important pieces of community infrastructure.

In Spring, 2024, the Cutting Red Tape to Build More Homes Act, 2023 (Bill 185) repealed the CIHA provisions in the Planning Act and released a [Zoning Order Framework](#) that sets out a process and criteria for how MZO requests will be considered. The framework outlines that the Minister will consider requests for MZOs that meet one of the following intake thresholds:

- requests that deliver on a provincial priority that is supported by a minister (for example, long-term care, hospitals, transit-oriented communities, educational facilities, housing priorities, economic development, manufacturing, etc.)
- requests that are supported by a single-tier or lower-tier municipality (for example, through a municipal council resolution or a letter from a mayor where the municipality has been designated with strong mayor powers)

Due to the removal of the CIHA tool, Treasure Hill has come forward seeking municipal support for a MZO that proposes to expedite housing, convey parkland and Greenbelt lands into municipal ownership, and develop a potential school site.

Treasure Hill made a presentation to the Development Services Committee on May 7, 2024, detailing the community plan. At that meeting, Council directed Staff to:

1. Report back to Development Services Committee for finalization of the MZO; and
2. Prepare a commercial agreement with respect to the conveyance of the 40.35 acres for the parkland and the 69 acres of the Greenbelt into public ownership next year.

DISCUSSION:

At the Development Services Committee Meeting of May 7, 2024 Treasure Hill also submitted a draft MZO for review. City Staff, with direction from Council, reviewed the Draft MZO and revised it in a number of ways, including:

1. Bringing the language and permissions of the MZO into the new Comprehensive Zoning By-law;
2. Adding a provision for the protection of servicing within the MZO;
3. Removing the request for an enhanced MZO which would have removed site plan authority from the City;
4. Extending the mixed-use permissions along the southern boundary of the residential zone to protect for more service retail and commercial adjacent to the park;
5. Adding the provision for a minimum 16 ha park; and
6. Removing the exemptions for applicability of provincial policy statements and plans

Staff are satisfied that the attached MZO protects the city's interests to the extent possible to implement Council direction in this regard.

CONCLUSION:

Staff have worked with the applicant to produce a draft MZO that protects the City's interests and implements Council direction regarding the lands known municipally as 11120 and 11274 Highway 48. Should Markham City Council endorse the recommendations in this memorandum, the draft MZO would be included in a zoning order request to the Minister of Municipal Affairs and Housing by Treasure Hill, along with the other required information in the zoning framework.

ATTACHMENTS:

Appendix A - Draft Minister's Zoning Order