



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: September 25, 2024

Re: **City Support for revised Municipal Zoning Order, 10982, 11120 and 11274 Highway 48 (Proposed Treasure Hill and EL-EN Realty Limited Development)**

RECOMMENDATION:

1. That the September 25, 2024 memorandum titled “City Support for revised Municipal Zoning Order 10982, 11120 and 11274 Highway 48 (Proposed Treasure Hill and EL-EN Realty Limited Development)” be received;
2. That, subject to and conditional upon the City and Treasure Hill (and any additional business partners as needed, which may include but not be limited to EL-EN Realty Limited Development) entering into certain commercial and real estate agreements, Council provide its endorsement of a revised Minister’s Zoning Order (“MZO”) that reflects the updated development proposal for the lands located at 10982, 11120 and 11274 Highway 48;
3. That, Staff be authorized to revise the previous draft MZO supported by City Council on July 16, 2024, to reflect the revised development scheme for submission to the Ministry of Municipal Affairs and Housing; and
4. 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 included 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 contemplated approximately 2087 homes at various levels of affordability and form, and a potential 6-acre school site.

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

Subsequently, Staff were advised in late September, 2024 that the concept had been revised to incorporate the lands to the south of the proposed property with an expanded park and some increased residential units. In brief, the former park lands would become housing, while the lands to the south would become the new proposed park.

The Current proposal is for a combined site comprised of 10982, 11130 and 11274 Highway 48 with a total site area of 139.7 hectares (345.1 acres), distributed as:

- 38.6 ha (95.3 ac) Greenbelt Area lands to be conveyed to City of Markham
- 2.43 ha (6.0 ac) school site
- 24.5ha (60.5 ac) of parkland to be conveyed to the city of Markham, per the Markham OP Greenway System
- 101.1 ha (249.8 ac) of developable land for residential
- 2,900 estimated number of units.

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 10982, 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.

On July 16, 2024, City Staff sent a memorandum to council showing a draft MZO that had been prepared by the applicant and Staff to protect the interests of the municipality. At that meeting City council adopted the recommendations of the report where to:

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.

Since that time, there has not been significant progress on the commercial agreement. On September 24, 2024, however, Staff were advised that a potential agreement had been reached with the property owner to the south for a revised development concept that includes a much larger park with some increased residential permissions.

DISCUSSION:

Staff have received the draft development concept and a draft MZO for review. Although conceptually similar to the previous proposal, Staff require additional time to review and refine the proposed MZO to appropriately protect the interests of the City, particularly in regard to securing the proposed parkland and protecting for the provision of servicing. Legal Staff also require clarity on the agreement structure between Treasure Hill and the owners to the south in order to enter into an appropriate agreement.

For this reason, Staff propose that, should Council wish to endorse this proposal, that, prior to submission to the Ministry, they be given authority to refine the MZO in a similar way to what was done previously, including, but not limited to: protecting for the provision of servicing, commercial uses adjacent to the park, the provision of the park and resolve any potential conflict with the TransCanada pipeline easement that runs through the proposal. Furthermore, that, prior to adoption of the MZO by the Minister, the appropriate commercial agreements be entered into.

CONCLUSION:

Staff have previously worked successfully 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, Staff will reengage with the applicant to further refine the MZO and enter into any necessary commercial agreements.