



Report to: Development Services Committee

Meeting Date: September 17, 2024

SUBJECT: RECOMMENDATION REPORT, Draft Plan of Subdivision application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2)

File PLAN 23 150156

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

REVIEWED BY: Daniel Brutto, MCIP, RPP, Acting Manager, West District, Ext. 2468

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

RECOMMENDATION:

1. THAT the report titled, “RECOMMENDATION REPORT, Draft Plan of Subdivision application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2), File PLAN 23 150156”, be received;
2. THAT the Draft Plan of Subdivision 19TM-23009 be approved in principle, subject to the draft conditions set out in Appendix ‘A’ of this report and be brought forward to a future Council meeting once all outstanding matters have been resolved to the satisfaction of the Director, Planning and Urban Design;
3. 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 ‘A’, as may be amended by the Director of Planning and Urban Design, or designate;
4. THAT Draft Plan Approval for Draft Plan of Subdivision 19TM-23009 will lapse after a period of three years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period;
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 Draft Plan of Subdivision application (the “Application”) submitted by 1628740 and 1628741 Ontario Inc. (the “Owner”) to facilitate the development of a 32-unit residential subdivision accessed by a public road (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 26, 2024
- The statutory Public Meeting was held on February 27, 2024
- Heritage Markham Committee reviewed the Application on March 13, 2024

- Council approved the related Official Plan and Zoning By-law Amendment applications on May 1, 2024. The 120-day period, set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal (“OLT”) for a non-decision, ended on May 25, 2024. Accordingly, the Owner is able to appeal the Application to the OLT.

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

- The Owner would be required to clear the finalized conditions of Draft Plan of Subdivision, enter into a Subdivision Agreement with the City, and register the Draft Plan of Subdivision

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 the Application to facilitate the Proposed Development, which includes the retention and relocation of two heritage dwellings as described in Table 1 below and shown in Figure 5

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)

PLANNING POLICY AND REGULATORY CONTEXT:

The Application is 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 Application meets the respective policies and legislation.

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

The 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 Application conforms 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 provided for under the ‘Community Area’ designation and are considered compatible with the surrounding area.

On May 1, 2024, Council approved the associated Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications

The OPA redesignated the Subject Lands from ‘Service Employment’ to ‘Residential Low Rise’ to permit the 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 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 ZBA zoned the Subject Lands to ‘Residential Two (R2)’ and ‘Open Space One (OS1)’ under By-law 177-96, as amended, with site-specific development standards including, but not limited to, lot frontage, building setbacks, and building height. The proposed Draft Plan of Subdivision conforms to the Markham OPA and ZBA.

DISCUSSION:

All the matters raised by the Public and the DSC members have been addressed through Staff’s Recommendation Report to the April 23, 2024, DSC meeting for the Official Plan and Zoning By-law Amendment applications (see Appendix B). The following matters discussed are those directly related to the Draft Plan of Subdivision.

a) Cathedral West Community Developers Group (the “Developers Group”) obligations must be met

As a condition of Draft Plan of Subdivision approval, the Owner will be required to enter into and be a participant in good standing of the Cathedral West Community Cost Sharing Agreement (See Appendix A). The condition requires that a clearance letter from the Trustee of the Cathedral West Community Group be provided to the City to advise that any outstanding obligations, financial or otherwise, have been addressed prior to final plan registration

b) Cost Sharing Obligations with Subdivision to the North

A member of the public, representing the developer of the residential subdivision immediately north of the Subject Lands, provided comments on the application. They indicated that the Proposed Development would benefit from infrastructure that was constructed as part of the development to the north. Following Council’s approval of the OPA and ZBA, this member of the public appealed the ZBA based on a concern that the ZBA did not contain any provisions or mechanism to ensure appropriate cost recovery. However, following the approval of the Bill 185 amendments to the *Planning Act* that restricted third party planning appeals, the appeal was dismissed by the OLT. Notwithstanding the dismissed appeal, Staff may reconsider the cost sharing obligations as a condition of Draft Plan of

Subdivision approval, provided the Abbey Lane Neighbourhood Cost Sharing Agreement has been executed by all parties.

c) *City Ownership of Block 9*

The Subject Lands are located adjacent to Highway 404 where the Ministry of Transportation requires a 14 m setback from the right-of-way, which is reflected in the Proposed Development. Through review of the Application, the Owner agrees to convey the 14 m setback area (Block 9) (see Figure 5) to the City free of all costs and encumbrances. The City's Operations Staff are aware of the proposed conveyance.

CONCLUSION:

Staff opine that the Application is consistent and conforms to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the *Planning Act*, represents good planning, and is in the public interest. 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 proposed Draft Plan of Subdivision be approved subject to the recommendations of this report and conditions in Appendix 'A'.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application has been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of Draft Plan of Subdivision approval (Appendix A).

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: Draft Plan of Subdivision

Appendix A: Draft Conditions of Draft Plan of Subdivision Approval

Appendix B: Recommendation Report for Official Plan and Zoning By-law Amendment

OWNER:

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

APPLICANT/AGENT:

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