



Report to: Development Services Committee

Meeting Date: March 21, 2023

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**SUBJECT:** RECOMMENDATION REPORT Markland Residential Corporation, Applications for Official Plan and Zoning By-law Amendment to permit 94 townhouse units at Markland Street File No. PLAN 21 111003 (Ward 2)

**PREPARED BY:** Hailey Miller  
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**REVIEWED BY:** Clement Messere, MCIP, RPP  
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**RECOMMENDATION:**

1. That the report dated March 21, 2023, titled, “RECOMMENDATION REPORT Markland Residential Corporation, Applications for Official Plan and Zoning By-law Amendment to permit 94 townhouse units at Markland Street File No. PLAN 21 111003 (Ward 2)”, 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, and be forwarded to York Region for approval;
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, once the Official Plan Amendment is approved by York Region;
4. That Council assign servicing allocation for a maximum of 94 townhouse units;
5. That York Region be advised that servicing allocation for 94 townhouse units has been granted;
6. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

This report recommends approval of the applications for Official Plan and Zoning By-law Amendment to facilitate the development of 94 townhouse units at the northwest quadrant of Markland Street and Woodbine Avenue, immediately west of King Square Mall.

Development of the subject lands is expected in two phases. Phase 1 consists of 94 townhouse units located on the west side of the subject lands (the proposed development). Phase 2 consists of a 25-storey mixed-use building on the east side of the subject lands. This Report recommends approval of

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Phase 1. Staff will bring forward a future Recommendation Report for Phase 2 at a later date, after further review has been undertaken.

The Official Plan Amendment seeks to re-designate the subject lands to 'Residential Low Rise'. The Zoning By-law Amendment proposes to rezone the Subject Lands to "Residential Two (R2)" under Zoning By-law 177-96, as amended, with site-specific development standards.

Staff opine that the proposed Official Plan and Zoning By-law Amendment applications are appropriate and represent good planning.

### **PURPOSE:**

This report recommends approval of the applications for Official Plan and Zoning By-law Amendment (the "Applications") submitted by Markland Residential Corporation (the "Owner") to facilitate the development of 94 townhouse units (the "Proposed Development") on Markland Street.

### **Process to Date**

- Staff deemed the Application complete on August 4, 2021
- The Development Services Committee (the "DSC") received the Preliminary Report on December 6, 2021
- A Community Information Meeting was held on January 12, 2022
- The statutory Public Meeting was held on April 5, 2022

The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the "OLT") for a non-decision ended on December 2, 2021. Accordingly, the Owner is in a position to appeal the Application to the OLT.

### **Next Steps**

Should the DSC support the Applications, the planning process would include the following next steps:

- Endorsement and Approval of the delegated Site Plan Control application following additional technical review by Staff and external agencies
- Future applications for a Draft Plan of Condominium, Consent to Sever, and Part Lot Control Exemption
- Consideration of a Recommendation Report by the DSC for Phase 2 at a future date
- Future applications for Minor Variance and Site Plan Control for the existing King Square Mall to facilitate the Proposed Development

### **BACKGROUND:**

#### **Subject Lands and Area Context**

The 2.39 ha (5.9 ac) subject property is located in the northwest quadrant of Markland Street and Woodbine Avenue, as shown on Figures 1 and 3, immediately west of King Square Mall and the Woodbine Avenue Markland Street intersection (the "Subject Lands"). The Subject Lands are currently being used as surface parking in support of King Square Mall. Surrounding land uses are shown on Figure 3.

Development of the Subject Lands is expected in two phases. Phase 1 consists of 94 townhouse units located on the west side of the Subject Lands (the "Proposed Development"). Phase 2 consists of a

25-storey mixed-use building on the east side of the Subject Lands. This report recommends approval of Phase 1. Staff will bring forward a Recommendation Report for Phase 2 of the development at a later date, after further review of the proposal has been undertaken.

In addition, an application for Minor Variance for the existing King Square Mall will be required to address technical zoning deficiencies as a result of the Applications. This includes a reduction in the required parking for King Square Mall. The Minor Variance application will be submitted and considered prior to the enactment of the subject Zoning By-law. An amendment to the existing Site Plan Control agreement for King Square Mall will also be required.

### **PROPOSED DEVELOPMENT:**

The Owner proposes to amend the 2014 Official Plan and Zoning By-law 165-80, as amended. Approval of the Official Plan and Zoning By-law Amendments would permit a common element condominium townhouse development consisting of 94 units. The Proposed Development would be serviced by internal private driveways with vehicular accesses from Markland Street and Woodbine Avenue. A proposed sidewalk at the north end of the Subject Lands provides a pedestrian connection to Milton Fierheller Park. Table 1 shows the key statistics.

<b>TABLE 1: Proposed Development Key Statistics (see Figure 4)</b>	
<b>Lot Area</b>	2.39 ha (5.9 ac)
<b>Number of Units</b>	94
<b>Unit Widths</b>	5.5 m to 6.10 m (18 ft to 20 ft)
<b>Building Height</b>	3 storeys (14 m or 46 ft)
<b>Parking Spaces</b>	212 (188 residential and 24 visitor)
<b>Private Open Space</b>	703 m <sup>2</sup> (7,567 ft <sup>2</sup> )

### **PLANNING POLICY AND REGULATORY CONTEXT:**

The following describes how the Application meets the planning policy framework established by the Province, York Region, and the City under the *Planning Act*, R.S.O. 1990.

***The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and 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. The Subject Lands are designated for development in the York Region and City Official Plans.

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 2041, 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 the Growth Plan’s ‘Built-Up Area’ that specifies minimum intensification targets and the objective of achieving complete

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communities with a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm.

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

Map 1 of the 2022 ROP, as approved by the Minister of Municipal Affairs on November 4, 2022, designates the Subject Lands “Urban Area”, which permits a wide range of residential, commercial, industrial, and institutional uses.

***2014 Markham Official Plan (“2014 Official Plan”)***

The 2014 Official Plan designates the Subject Lands ‘Commercial’ and ‘Deferral Area’. The ‘Deferral Area’ indicates that the ‘Commercial’ designation is deferred, and that the provisions of the 1987 Official Plan apply. The Subject Lands were one of a number of employment land conversion applications considered by Markham Council prior to the adoption of the 2014 Official Plan. In accordance with Council direction, the deferral area is to remain in place until a decision on the Official Plan Amendment is made. The 1987 Official Plan designated the Subject Lands ‘Industrial’ as per Appendix A – Land Use, and more specifically ‘Business Corridor Area’ as per Appendix H – Commercial/Industrial Categories.

Site-specific policy 9.4.7 c) of the 2014 Official Plan requires that a designation other than ‘Commercial’ on the Subject Lands must conform to the policies of the Growth Plan for the Greater Golden Horseshoe, and all other policies of the 2014 Official Plan, including the following criteria prescribed by Council:

- Compatibility to adjacent land use;
- Achieving an increase in the number of jobs that would otherwise be provided under the ‘Employment Lands’ designation, or at a minimum, no net reduction in jobs on the site;
- Proximity to transit;
- Provision of lands for a VIVA terminal. Staff confirmed that while this was originally a requirement set out in section 9.4.7 c) of the 2014 Official Plan, there are currently no plans for a VIVA terminal at this location;
- Achieving better public amenities including, but not limited to, public art, Section 37 community benefits and publicly accessible private amenity spaces; and,
- Where the location is appropriate, provide for affordable or seniors housing.

The proposed Official Plan Amendment seeks to re-designate the Subject Lands to ‘Residential Low Rise’, as attached as Appendix ‘B.’

***The draft Zoning By-law Amendment (Appendix ‘A’) zones the Subject Lands Residential Two (R2) with site-specific development standards***

By-law 165-80, as amended, zones the Subject Lands ‘Select Industrial with Limited Commercial (M.C. 170%)(H), as shown on Figure 2. The Owner proposes to rezone the Subject Lands to “Residential Two (R2)” under Zoning By-law 177-96, as amended, with site-specific development standards including, but not limited to, minimum rear, front, and side yard setbacks, maximum number of dwelling units, minimum dwelling unit width, and maximum building height.

**DISCUSSION:**

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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 Community Information Meeting, have been resolved or considered.

**a) Official Plan Criteria – Section 9.4.7 c)**

- Compatibility with Surrounding Land Uses

The surrounding area consists of a mix of dwellings types including single-detached, semi-detached, and townhouse. The proposed height, density, massing, and location of the subject townhouses will be compatible with the existing low-rise residential in the area. The Proposed Development is a continuation of the townhouse development directly west of the Subject Lands. Pedestrian and vehicular connections are proposed between the two developments.

- Employment

The lost employment potential provided by the previous Employment Lands designation will, in part, be offset by the adjacent shopping centre to the east (King Square Mall). King Square Mall provides for approximately 31,587 m<sup>2</sup> (340,000 ft<sup>2</sup>) of retail, service, office, and restaurant uses. In addition, as part of Phase 2, the Owner proposes a 25-storey mixed-use building that includes a hotel use, contributing to the creation of jobs on-site.

- Transit Service and VIVA Terminal

The Subject Lands will have access to transit service (VIVA) along Markland Street and is also in close proximity to transit service along Woodbine Avenue. York Region has confirmed that a VIVA terminal is not required in this location.

- Public Amenities

The Proposed Development includes 703 m<sup>2</sup> (7,567 ft<sup>2</sup>) of private amenity space. In addition, Phase 2 will include 1,301 m<sup>2</sup> (14,000 ft<sup>2</sup>) of publicly accessible private open space area.

- Affordable Housing and Senior's Housing

The Owner proposes 25 affordable rental units as part of Phase 2 of the development.

Staff opine that the Proposed Development conforms to the policies outlined in section 9.4.7 c) of the 2014 Official Plan.

**b) Sidewalk Connection**

The Proposed Development includes a sidewalk pedestrian connection from the Subject Lands to the adjacent stormwater management pond located in Minton Fierheller Park. The sidewalk connection will be coordinated with the townhouse development to the west and King Square Mall to the east. The Owner will be required to provide a public easement in favour of the City. In addition, the Owner will be required to enter into an agreement with York Region as the proposed sidewalk location is situated above York Region's Sanitary Sewer System below-ground infrastructure.

**c) Parkland Dedication**

The Owner will be required to fulfill their parkland dedication requirements through the payment of cash-in-lieu of parkland. The value of the cash-in-lieu requirement will be reviewed through the associated Site Plan Control Application.

**d) Transportation Review and Parking Strategy**

Concerns were raised by members of the public that the Proposed Development would generate increased traffic in the area. The Owner submitted a Transportation Impact Study (“TIS”), prepared by WSP, that indicates the traffic generated as part of the Proposed Development will not significantly impact traffic volumes. The TMP has been reviewed by City Staff and has been determined to be satisfactory.

Concerns were raised by members of the public regarding the overall provided parking. The City’s Parking By-law 28-97, as amended, requires two parking spaces per dwelling unit plus 0.25 parking spaces per dwelling unit for visitor parking. The Owner proposes 188 residential spaces and 24 visitor spaces, which meets the Parking By-law requirements.

To facilitate the Proposed Development the majority of the surface parking for King Square Mall will be removed. Parking for King Square Mall will be provided by the existing underground parking and a temporary surface parking area (Figure 6). Additional underground parking is proposed in the Phase 2 development. The Owner advised that King Square Mall requires a total of 1067 parking spaces. 895 spaces are provided in the existing underground parking area. An additional 100 temporary surface parking spaces are proposed. As a result, to facilitate the Proposed Development the Owner proposes a deficiency of 72 parking spaces. While confirmation of the parking calculation will be completed by the City through associated applications, Transportation Staff are satisfied with the proposed parking strategy.

**e) Amenity Space**

The Proposed Development includes a 703 m<sup>2</sup> (7,567 ft<sup>2</sup>) private open space area located in the centre of the Subject Lands. In addition to the private open space, each residential unit will be required to provide a minimum of 20 m<sup>2</sup> contiguous amenity space.

***A Site Plan Application is currently under review***

The Owner is currently addressing comments provided through the site plan process. In accordance with the City’s Delegation By-law, approval of the Site Plan application (File SPC 21 138859) is delegated to the Director of Planning and Urban Design.

**CONCLUSION:**

Staff are satisfied the proposed Official Plan and Zoning By-law Amendments are appropriate and represents good planning. The proposed residential development is compatible and complementary with the surrounding area context. Staff, therefore, recommend that the Applications be approved subject to the Official Plan Amendment attached as Appendix ‘A’ and the Zoning By-law Amendment attached as Appendix ‘B’.

**FINANCIAL CONSIDERATIONS:**

Not applicable

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Applications are being evaluated in the context of the City’s strategic priorities, including Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Applications have been circulated to various City departments and external agencies and are currently under review.

**RECOMMENDED BY:**

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

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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
- Figure 4: Conceptual Site Plan
- Figure 5: Conceptual Elevations
- Figure 6: Temporary Parking Plan
- Appendix 'A': Draft Official Plan Amendment
- Appendix 'B': Draft Zoning By-law Amendment

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