



SUBJECT: RECOMMENDATION REPORT
W Garden Corporation
Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit 94 townhouse units, a school block, and a public road (Street 'B') at 186 Old Kennedy Road and 31 and 51 Victory Avenue (Ward 8)
File PLAN 18 149630

PREPARED BY: Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District, Ext. 2193

REVIEWED BY: Sabrina Bordone, RPP MCIP, Development Manager, Ext. 8230
Stephen Lue, RPP MCIP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report, dated March 18, 2025, titled, "RECOMMENDATION REPORT, W Garden Corporation, Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit 94 townhouse units, a school block, and a public road (Street 'B'), at 186 Old Kennedy Road and 31 and 51 Victory Avenue (Ward 8), File PLAN 18 149630", be received;
2. THAT the Zoning By-law Amendment application submitted by W Garden Corporation be approved and the draft Zoning By-law, attached hereto as Appendix 'A', be finalized and brought to a future Council meeting for enactment without further notice;
3. THAT Draft Plan of Subdivision 19TM-18003 be approved, subject to the conditions set out in Appendix 'B', of this report;
4. THAT the Director of Planning and Urban Design or their designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix 'B', as may be amended by the Director of Planning and Urban Design or their designate;
5. THAT Draft Plan Approval for Plan of Subdivision 19TM-18003 will lapse after a period of three (3) years from the date of issuance in the event that a Subdivision Agreement is not executed within that period;
6. THAT servicing allocation for 94 residential units be assigned to the proposed development;
7. THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation;

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8. AND 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 Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by W Garden Corporation to permit 94 townhouse units, relocation of a heritage dwelling (the “Alexander McPherson House”), creation of a school block and a new public road (Street ‘B’) at 186 Old Kennedy Road and 31 and 51 Victory Avenue, as shown in Figures 1 and 3. Staff are of the opinion that the Proposed Development makes efficient use of an underutilized parcel of land and is compatible with the existing residential neighbourhood to the east. The Proposed Development conforms to the City’s Official Plan and the implementing Zoning By-law, attached hereto as Appendix ‘A’, is consistent with the City’s policies.

PURPOSE:

This report recommends approval of the Draft Plan of Subdivision and Zoning By-law Amendment (“ZBA”) applications (the “Applications”), submitted by W Garden Corporation (the “Owner”) to permit 94 townhouse units, future development blocks, a school block, a road widening along Aldergrove Drive, a new public Street (Street ‘B’), and a multi-use path (“MUP”) adjacent to the GO rail corridor (the “Proposed Development”), on lands municipally known as 186 Old Kennedy Road, 31 and 51 Victory Avenue (the “Subject Lands”).

Process to Date:

- May 3, 2018: Staff deemed the Applications complete
- September 10, 2018: [Preliminary Report to Development Services Committee \(“DSC”\)](#)
- December 11, 2018: [Statutory Public Meeting](#)
- April 20, 2021: Revised plans submitted by new Owner (W Garden Corporation)
- October 12, 2021: [Preliminary Report to DSC on revised plans](#)
- January 31, 2022: [Statutory Public Meeting on the revised plans](#)

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 August 31, 2018.

If the DSC supports the Applications, the planning process will include the following steps:

- The Owner can clear the conditions of Draft Plan of Subdivision, attached in Appendix ‘B’, enter into a Subdivision Agreement with the City, and register the Draft Plan
- Approval of the site-specific ZBA at a future Council meeting
- Issuance of heritage permits for the relocation of the heritage dwelling internal to the Subject Lands
- Staff delegated approval of the ongoing Site Plan Application (File SPC 22 247729) and submission of future Draft Plan of Condominium application(s)

BACKGROUND:

Location and Area Context

Figures 1 to 3 show the 3.88 ha (9.58 ac) Subject Lands currently developed with a one-storey commercial/industrial building with two long, narrow storage structures at 186 Old Kennedy Road. 31 Victory Avenue contains a single detached dwelling that has been designated under Part IV of the *Ontario Heritage Act* (the “Alexander McPherson House”). 51 Victory Avenue is vacant and used for parking and outdoor storage.

The Owner has collaborated with Staff to address comments and revise the proposal

The Owner revised their Proposed Development following the review of the Applications and feedback received at the statutory Public Meetings, which includes, but are not limited to, the following:

- Revision of the Draft Plan of Subdivision to delineate the Multi-Use Path (“MUP”) adjacent to the GO rail corridor;
- Relocation of the Alexander McPherson House to Block 1 (see Figures 4 and 5), as requested by Heritage Markham, to improve access, siting, and integration into the overall development scheme;
- Additional visitor parking has been provided (10 to 22 spaces);
- All townhouse units have at least two parking spaces;
- A road widening for Aldergrove Drive (Block 6) has been provided;
- Inclusion of secondary units in the lower level for five of the Type ‘A’ townhouse units to provide a range and mix of housing choice and intergenerational living; and,
- A continuous row of townhouse units was added to the frontage of Aldergrove Drive to frame the street and create a pedestrianized streetscape.

Table 1 summarizes the Proposed Development that includes a new north-south public road (Street ‘B’) that connects to the Gorvette Drive extension to the north and vehicular access to each unit via 6 metre internal private laneways (see Figures 4 and 5).

Table 1: Proposed Development (Draft Plan of Subdivision Statistics)			
Development Blocks:	Block Number	Land Use	Area (ha)
	1	Laneway Townhouses	0.939
	2	Laneway Townhouses	0.753
	3 and 4	Future Development	0.873
	5	Future Elementary School	0.852
	6	Road Widening (Aldergrove Drive)	0.130
	7	MUP	0.121
	8	Street ‘B’	0.217
	Total		3.88
Units:	94 Laneway Townhouses; 1 Single Detached Dwelling (Alexander McPherson House, Block 1)		

Unit Sizes:	<u>Type ‘A’</u> Width: 6.2 m (20 ft) GFA (excluding garage): 213 m ² (2,300 ft ²)	<u>Type ‘B’:</u> Width: 4.9 m (16 ft) GFA (excluding garage): 168 m ² (1,817 ft ²)
Building Height:	3 storeys	
Net Density:	55.56 units per hectare	
Access:	Vehicular access from Aldergrove Drive and Street ‘B’	
Private Open Space:	Block 1: 34 m ² (339 ft ²) per unit; Block 2: 21.5 m ² (231 ft ²) per unit	

Future Development Phases

The Owner proposes Blocks 3 and 4 as future development phases through separate applications. The Owner advises that Block 3 could be developed with a high-rise built form and Block 4 could be developed with a mid-rise built form.

The Proposed Development is consistent with the Provincial Planning Statement, 2024 (the “2024 PPS”)

The 2024 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, the wise use and management of resources, and protecting public health and safety. The Subject Lands are located within a defined Settlement Area and a Major Transit Station Area. The Proposed Development promotes the efficient use of land, resources, and infrastructure and supports alternative modes of transportation including active transportation and transit.

The Proposed Development conforms to the 2022 York Region Official Plan (“ROP”) as it is compact and transit supportive

The ROP designates the Subject Lands “Urban Area” (Map 1), “Community Area” (Map 1A), and “Built-Up Area” (Map 1B), which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the Milliken GO Station Protected Major Transit Station Area (“Milliken GO PMTSA”), which requires a minimum of 250 jobs and people per hectare. The Proposed Development would assist in achieving a complete community and ensure that a minimum of 40% of all residential development in York Region occurs within the built-up areas.

The 2014 Official Plan does not apply to the Subject Lands

The policies of the 2014 Official Plan state that until an approval of an updated secondary plan for the Milliken Centre lands, the provisions of the 1987 Town of Markham Official Plan, as amended, and the Milliken Centre Secondary Plan (“OPA 144”) shall apply.

The 1987 Official Plan, as amended by OPA 144, permits the Proposed Development

The 1987 Official Plan designates the Subject Lands “Commercial – Community Amenity Area” (front portion of the site adjacent to Old Kennedy Road) and “Urban Residential” (remainder of the site). Blocks 1 and 2 remain in the “Urban Residential” designation, which permits housing

and related uses, with secondary plans establishing more detailed residential uses and densities.

OPA 144 designates the Subject Lands “Community Amenity Area – Main Street” (front portion adjacent to Old Kennedy Road) and “Urban Residential Medium Density” (remainder of the Subject Lands). Blocks 1 and 2 remain in the “Urban Residential Medium Density” designation, which permits a variety of housing types including, but not limited to, townhouses and street townhouses. Sections 5.2.2 (b) and (c) permit a maximum density of 79.9 units per hectare (“UPH”) and a general maximum building height of three storeys. The Owner proposes 94, three-storey townhouse units and one single detached dwelling on Blocks 1 and 2 with a net residential density of 55.56 UPH.

Council adoption of the updated Milliken Centre Secondary Plan (“OPA 56”)

On July 17, 2024, Council adopted OPA 56 to incorporate the Milliken Centre Secondary Plan into the City of Markham Official Plan, 2014. The Secondary Plan is under review by the Ministry of Municipal Affairs and Housing (MMAH) for approval. OPA 56 designates the easterly portion of the Subject Lands as “Residential Mid-Rise”, which permits townhouse dwellings including back-to-back townhouses, small multiplex buildings containing 3 to 6 units, stacked townhouses, apartment buildings, and buildings associated with daycares, places of worship and public schools. The westerly portion of the subject lands is designated “Residential High-Rise”, which permits heights of 6-25 storeys, and townhouse dwellings, back-to-back townhouses and stacked townhouses, provided that this building type is part of a development that integrates one or more apartment buildings. Block 3, adjacent to the rail corridor, is intended to be developed with high rise apartment buildings in future. The Owner has decided to proceed with the ZBA for only Blocks 1 and 2 (townhouse dwellings) at this time in response to market conditions and as part of their broader phasing strategy for the site.

Staff opine that the Applications propose an appropriate development that meets the policies of OPA 56.

The proposed ZBA rezones the Subject Lands to permit the Proposed Development

Zoning By-law 177-96, as amended (see Figure 2), zones the Subject Lands as follows:

- a) “Community Amenity Two *284 (Hold) *274 (Hold 2)” [CA2*284(H)*274(H2)];
- b) “Residential Three *273 (Hold) *274 (Hold 2)” [R3*273(H)*274(H2)];
- c) “Residential Three *272 (Hold) *274 (Hold 2)” [R3*272(H)*274(H2)];
- d) “Residential Three *273 (Hold)” [R3*273(H)]; and
- e) “Residential Three *272 (Hold)” [R3*272(H)].

The Owner’s draft ZBA proposes to rezone Blocks 1 and 2 only to the “Residential – Established Neighbourhood Low-Rise” (RES-ENLR) zone of By-law 2024-19, as amended, and incorporate site-specific development standards to facilitate the Proposed Development. The draft ZBA also proposed to rezone Block 5 to the “Residential-Public Education” (RES-PE) zone to facilitate the future school block. The proposed ZBA (attached as Appendix ‘A’) remains in draft form and the Owner and Staff will continue to work towards finalizing the same.

DISCUSSION:

This section identifies how the matters raised through the review process for the Proposed Development, including those raised at the statutory Public Meeting, have been resolved and considered.

The City received two written submissions at the December 11, 2018, statutory Public Meeting, and one written submission at the January 31, 2022, statutory Public Meeting

The following is a summary of the key comments and concerns raised followed by Staff's responses:

a) Concerns regarding the introduction of sensitive land uses near the existing automotive repair garage located at 210 Old Kennedy Road

Comments were received from Mi-Ko Urban Consulting Inc., the Planning Consultant representing 2 Tang's Automotive Centre Ltd., the Owner of 210 Old Kennedy Road, which is currently occupied by an automotive repair garage and represents a stationary noise source in NPC-300. A Noise and Vibration Impact Study was prepared by J.E. Coulter Associates Limited (August 15, 2023) on behalf of the Owner, and notes the following:

- The Proposed Development currently includes the Alexander McPherson House at 31 Victory Avenue, a sensitive land use, adjacent to the automotive repair garage.
- The Proposed Development is currently zoned by By-law 2005-250, permitting townhouse dwellings.
- The main noise comes from transportation sources (Old Kennedy Road and the GO rail), and mitigation measures are recommended such as ventilation upgrades and façade improvements.
- The automotive repair garage meets sound level criteria and does not negatively impact the Proposed Development.
- An Acoustic Assessment Report (January 5, 2009) reviewed by J.E. Coulter Associates confirmed the garage's noise levels are within acceptable limits.
- Warning clauses about potential noise will be included in future home purchase agreements.
- Further noise mitigation, like acoustic fencing, can be considered during the ongoing Site Plan Application (SPC 22 247729) review.

In accordance with the City's Engineering Design Criteria, Staff rely on the expert opinion of the Owner's Acoustic Consulting Engineer to ensure that all applicable sound level criteria, as per MECP guidelines, and all applicable legislation and guidelines are met.

b) The proposed School Block (refer to Figure 5, Block 5) will be accessed by Street 'B', ultimately connecting north to the future Gorvette Drive

York Region District School Board requires a public elementary school site within the Proposed Development and has accepted the location based on the vision of a shared use arrangement with a future park. A new north-south public road (Street 'B') will provide access to the school on the west side of the school block. A temporary turning circle will be constructed at the north end of Street 'B' within the school site. The School Board has

approved this configuration and future school location and has provided conditions of Draft Plan approval (refer to Appendix 'B').

c) *The Toronto and Region Conservation Authority ("TRCA") has no objections to the Proposed Development adjacent to the wetland (refer to Figure 3)*

A portion of the Subject Lands drains towards the wetland feature, which contributes to the amount of water in the wetland. The TRCA has accepted studies from the Owner, including a wetland water balance risk assessment, to evaluate the potential impact of grading changes associated with the Proposed Development on the wetland feature. The TRCA has no objection to the approval of the ZBA and has provided conditions of Draft Plan Approval and technical comments to be addressed at detailed design (see Appendix 'B').

d) *The Alexander McPherson House will be relocated and restored within the Proposed Development*

Heritage Markham supports the relocation of the Alexander McPherson House to the northwest corner of Street 'B' and Aldergrove Drive (within Block 1), in its original orientation facing east, as shown on Figure 5. Heritage Planning Staff have provided conditions of Draft Plan Approval, which include the requirement of a future Major Heritage Permit Application to address the relocation and restoration of the Heritage building (Appendix 'B').

CONCLUSION:

Staff opine that the Proposed Development is appropriate and represents good planning. The Subject Lands are in a Major Transit Station Area, an area planned to accommodate more intense forms of redevelopment that are transit supportive. The Proposed Development concept contemplates an efficient land use pattern for an underutilized parcel with existing and planned infrastructure improvements, encouraging the use of public transportation and the building of complete communities. Therefore, Staff recommend that the proposed Draft Plan of Subdivision be approved and the draft ZBA be brought forward to a future Council meeting, once finalized, for enactment (see Appendices 'A' and 'B').

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications align with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies and their requirements are reflected in the implementing Draft Plan Conditions and draft ZBA (see Appendices 'A' and 'B').

RECOMMENDED BY:

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map
Figure 2: Area Context and Zoning
Figure 3: Aerial Photo
Figure 4: Draft Plan of Subdivision
Figure 5: Site Plan
Appendix 'A': Draft Zoning By-law Amendment
Appendix 'B': Draft Plan Conditions

APPLICANT:

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