

SUBJECT: PRELIMINARY REPORT
Cornell Rouge Development Corporation & Auriga
Developments Inc.
Official Plan Amendment application to permit residential
uses, in addition to office employment and retail uses, within
a proposed mixed-use building at the northwest corner of
Highway 7 East and Donald Cousens Parkway
Files OP 13 128934 & OP 13 137282

PREPARED BY: Stephen Corr, Planner, East District
Ext. 2624

REVIEWED BY: Sally Campbell, MCIP, RPP, Acting East District Manager
Ext. 2645

- 1) That the report titled, "PRELIMINARY REPORT, Cornell Rouge Development Corporation & Auriga Developments Inc., Official Plan Amendment application to permit residential uses, in addition to office employment and retail uses, within a proposed mixed-use building at the northwest corner of Highway 7 East and Donald Cousens Parkway, Files OP 13 128934 & OP 13 137282", be received;
- 2) That staff be authorized to schedule a statutory Public Meeting to consider the applications to amend the Official Plan;
- 3) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report provides preliminary information on Official Plan Amendment applications submitted by Cornell Rouge Development Corporation and Auriga Developments Inc., to permit residential uses, in addition to already permitted office, employment and retail uses, within a proposed mixed use building at the northwest corner of Donald Cousens Parkway. This report also seeks authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable Official Plan or other policies, and should not be taken as Staff's opinion or recommendation on the application.

Applications deemed complete

The Official Plan Amendment applications (Files OP 13 128934 & OP 13 137282) were deemed complete on March 6, 2015.

BACKGROUND:

The 9,527 m² (102,550 ft²) 'subject lands' are located at the northwest corner of Highway 7 East and Donald Cousens Parkway within the Cornell Secondary Plan area, as shown in Figures 1, 2 and 3. Cornell Rouge Development Corporation owns the west portion of the subject lands, while Auriga Developments Inc. owns the east portion of the subject lands (see Figures 1, 2 and 3). The subject lands are vacant. The Block owned by Cornell Rouge Development Corporation is part of Draft Approved Plan of Subdivision 19TM-08002. The Block owned by Auriga Developments Inc. is proposed as part of Draft Plan of Subdivision 19TM-14003 (Files SU ZA and OP 14 109647). It is anticipated that a Recommendation Report regarding the Auriga Developments Inc. Draft Plan of Subdivision will be presented to Development Services Committee in the Fall of 2015.

Surrounding land uses include existing low density residential dwellings and vacant lands. The surrounding vacant lands are anticipated to be developed with a mix of residential, commercial and employment uses in accordance with the policies of the Cornell Secondary Plan (2008). A vacant parcel of land to the east, abutting Donald Cousens Parkway, is owned by the Region of York. The Region has deemed this parcel as surplus land. The applicant is in discussion with the Region to acquire this parcel to be incorporated as part of the subject lands. The adjacent Donald Cousens Parkway right of way will include a 3.0 m wide multi-use pathway along the east side of the subject lands.

OFFICIAL PLAN AND ZONINGIn Force Official Plan (revised 1987) and Cornell Secondary Plan (2008)

- Designated "Industrial" and "Business Park Area – Avenue 7 Corridor".
- The Business Park Area – Avenue 7 Corridor" designation intends to accommodate high density office development incorporating compatible retail, service and office uses on the ground floor of multi-storey buildings.

2014 Official Plan (not yet in-force)

- Designated "Business Park Office Priority Employment"
- The "Business Park Office Priority Employment" intends to accommodate major office developments and higher order educational institutions such as a community colleges or university. This designation also provides for ancillary uses within an office building, including retail, service and restaurant uses subject to gross floor area caps and being integrated within the building.

Current Zoning

- Zoned "Rural Residential Four (RR4)" under By-law 304-87, as amended, which permits single detached dwellings on large rural lots.
- A future Zoning By-law Amendment application will be required to rezone the lands to permit the proposed land uses.

PROPOSAL

The Cornell Secondary Plan (2008) and 2014 Official Plan (not yet in force) provide exclusively for office employment uses and accessory retail and services uses on the

subject lands. Therefore an Official Plan Amendment application is required to permit residential uses, in addition to the permitted uses, to facilitate a proposed mixed use building. The proposed mixed use development will comprise a multi-storey, mid-rise building with approximately 190 residential units, 3,700 m² (39,825 ft²) of retail space on the ground floor and 8,192 m² (88,180 ft²) of office space over two storeys. The total gross floor area of the proposed building is approximately 30,000 m² (322,920 ft²).

COMMENTS

Proposed Official Plan Amendment is an Employment Land Use Conversion

The proposed Official Plan amendment, to permit residential uses within the “Business Park Area – Avenue 7 Corridor” designation of the Cornell Secondary Plan (2008) and “Business Park Office Priority Employment” designation of the 2014 Official Plan (not yet in force) is considered an employment conversion because notwithstanding the provision of office and commercial floor space provided, the inclusion of residential uses is not currently permitted in the Official Plan.

Prior to the City’s adoption of the 2014 Official Plan (not yet in force), the applicants representing both Cornell Rouge Development Corporation and Auriga Developments Inc. requested that the Employment designation in the new Official Plan be deferred as it applies to the subject lands. This request was authorized by Development Services Committee, as per the resolutions dated on November 5, 2013 (Flato Developments Inc, now submitted as Auriga Developments Inc) and November 19, 2013 (Cornell Rouge Development Corporation), which are attached as Appendix ‘A’.

The deferral of the employment designation as it applies to the subject lands were included as part of the Region of York’s comprehensive review of a number of employment conversion proposals across Markham. At the Region of York’s Committee of the Whole meeting on April 9, 2015, Regional Council endorsed the proposed employment conversions on all applicable properties, except for the subject lands, which was further deferred at the request of the applicant. Consequently, the Region of York will be required to determine the appropriateness of this Official Plan Amendment application at a later date, pending adoption by the City of Markham.

Provincial Policy Considerations

The Provincial Growth Plan provides direction to municipalities to permit the conversion of employment lands only through a municipal comprehensive review where it has been demonstrated that the following six (6) tests have been met:

1. there is a need for the conversion;
2. the municipality will meet the employment forecasts allocated to it by the Growth Plan;
3. the conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density target and other policies of the Plan;
4. there is existing or planned infrastructure to accommodate the proposed conversion;

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5. the lands are not required over the long term for the employment purposes for which they are designated; and
 6. cross-jurisdictional issues have been considered.

Further, as a number of employment conversion applications throughout Markham were considered as part of the City's comprehensive review, Council established a Development Services Subcommittee to review these conversion requests. The subcommittee recommended criteria to be applied by Development Services Committee and Council in reviewing applications for employment conversion. These criteria were adopted by Development Services Committee on October 22, 2013, as follows:

1. Compatibility to adjacent land use;
2. Achieving an increase in the number of jobs that would otherwise be provided under the "Employment Lands" designation on the subject land, or at minimum, no net reduction in jobs on the site;
3. Proximity to transit;
4. Provision of lands for a VIVA terminal;
5. Achieving better public amenities, including but not limited to public art, Section 37 community benefits and publicly accessible private amenity spaces; and
6. Where the location is appropriate, provide for affordable or seniors housing.

As per the Development Services Committee Resolutions dated October 29, 2013 and November 19, 2013 (See Appendix 'A'), these criteria are to be considered as part of the review of the employment conversion on the subject lands.

A Planning Justification Report has been submitted

The proponents submitted a planning justification report prepared by KLM Planning Partners Inc., dated December 2014 (the "planning justification report"), in support of the Official Plan Amendment applications to redesignate the subject lands to include residential uses. The planning justification report concludes that the proposed development is consistent with the Provincial Policy Statement and also conforms with the Places to Grow Plan and the Region of York Official Plan. The report concludes that the development meets the intent of the City of Markham Official Plan. The applicants are of the opinion that the proposed development is an appropriate and compatible form of development in the context of the surrounding community and represents good planning. Staff are currently reviewing the justification report and will assess the proposed official plan amendment within the context of the above noted criteria, as it relates to land use compatibility, employment projections, proximity to transit, community benefits and affordable housing.

CONCLUSION

As noted, the purpose of this report is to provide preliminary information and seek authorization to schedule a statutory Public Meeting regarding a proposed Official Plan Amendment. Currently staff and external agencies are completing the technical review of the application, including assessing the appropriateness of the proposed employment conversion within the context of Provincial, Regional and City policy, which is to be

completed prior to staff providing a recommendation. The Region of York is the approval authority for this Official Plan amendment application. At the time this report was prepared, comments from the Region of York have not been received by City staff.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications are being evaluated to determine conformity with the City's strategic priorities including growth management.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies for their review and comment.

RECOMMENDED BY:



Ron Blake, M.C.I.P., R.P.P.
Acting Senior Development Manager



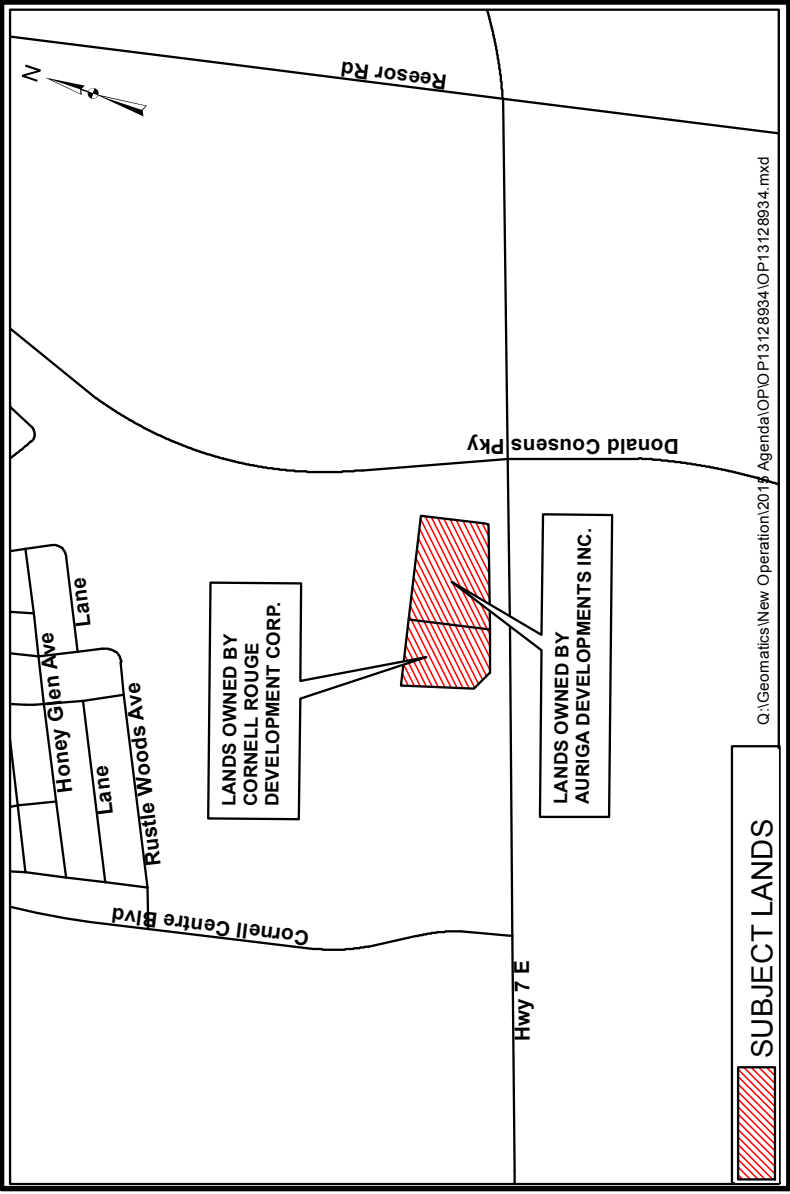
Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Air Photo
- Figure 4: Concept Site Plan
- Figure 5: Concept Elevations
- Appendix 'A': DSC resolutions dated Oct 29, 2013 and Nov 19, 2013.

APPLICANT CONTACT INFORMATION:


Attention:
Mr. Jim Kennedy
KLM Planning Partners Inc.
64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3





AREA CONTEXT / ZONING

APPLICANT: CORNELL ROUGE DEVELOPMENT CORP. & AURIGA DEVELOPMENTS INC.
N/W CORNER OF HIGHWAY 7 & DONALD COUSENS PARKWAY

 SUBJECT LANDS

FILE No. OP. 13128934 OP. 1313762 (SC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

DATE: 10/07/2015

FIGURE No. 2



AIR PHOTO

APPLICANT: CORNELL ROUGE DEVELOPMENT CORP. & AURIGA DEVELOPMENTS INC.
NW CORNER OF HIGHWAY 7 & DONALD COUSENS PARKWAY

 SUBJECT LANDS

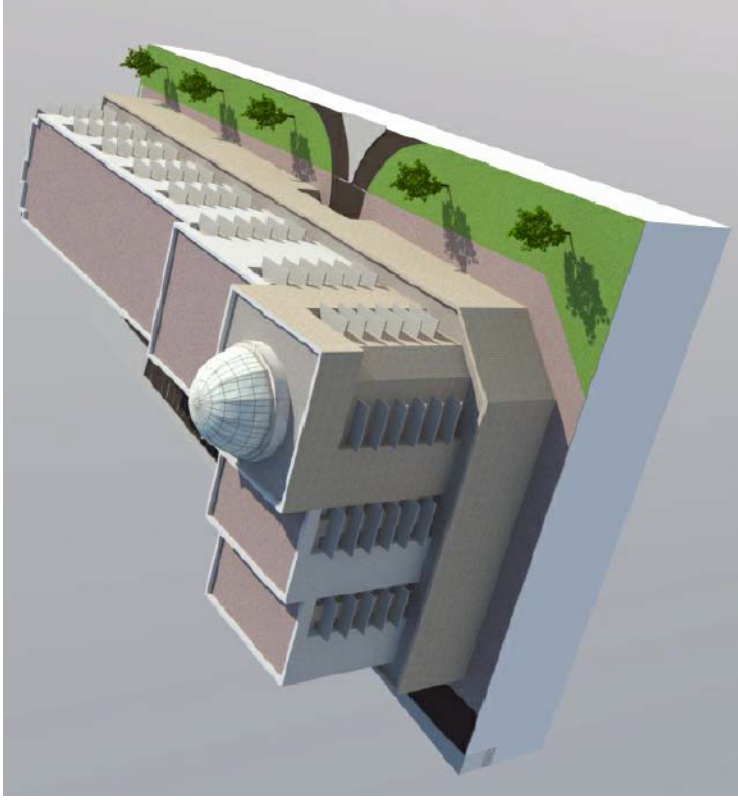
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SUBJECT LANDS

FIGURE No. 4



CONCEPT ELEVATIONS

APPLICANT: CORNELL ROUGE DEVELOPMENT CORP. & AURIGA DEVELOPMENTS INC.
N/W CORNER OF HIGHWAY 7 & DONALD COUSENS PARKWAY

FILE No. OP. 13128934_OP. 1313762 (SC)

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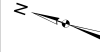


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DATE: 10/07/2015

FIGURE No. 5





THE CORPORATION OF THE CITY OF MARKHAM

**EXTRACT CONTAINING ITEM #0015 OF THE DEVELOPMENT SERVICES COMMITTEE OF
(Nov 05, 2013)****15. FLATO DEVELOPMENTS INC. - EMPLOYMENT LAND CONVERSION, NORTHWEST
CORNER OF DONALD COUSENS PARKWAY AND HIGHWAY 7 IN CORNELL (10.0)****Correspondence Presentation Concept Plan**

On October 29, 2013, Council referred consideration of this matter to the Committee meeting this date, time permitting.

Michael Gagnon and Andrew Walker of Gagnon Law, and Shakir Rehmatullah representing Flato Developments Inc., gave a presentation of the proposed employment land conversion at the northwest corner of Donald Cousens Parkway and Highway 7 in Cornell. The land ownership was outlined, and the preliminary concept plan was displayed with residential, retail, office, and park/open space components.

The Committee discussed the employment jobs to be created, compatibility with adjacent developments, and Markham District Energy. Clarification was requested regarding the land ownership along Donald Cousens Parkway. Staff indicated they have not yet undertaken the conversion analysis on this site to determine impact on jobs as an Official Plan amendment application with a supporting justification report has not yet been submitted. Staff also provided comments regarding the proposed building heights.

Moved by: Councillor Colin Campbell

Seconded by: Councillor Logan Kanapathi

- 1) That the presentation by Michael Gagnon and Andrew Walker of Gagnon Law, and Shakir Rehmatullah representing Flato Developments Inc. regarding the proposed official plan amendment application for employment land conversion at the northwest corner of Donald Cousens Parkway and Highway 7, be received; and,
- 2) That upon receipt of an official plan amendment application, staff be directed to process the employment land conversion application by Flato Developments Inc. and that the employment land designation be deferred in the new Official Plan; and,
- 3) That the employment conversion criteria established by Development Services Committee on October 22, 2013 be applied in the review of this application.

**THE CORPORATION OF THE CITY OF MARKHAM****EXTRACT CONTAINING ITEM #0008 OF THE DEVELOPMENT SERVICES COMMITTEE OF
(Nov 19, 2013)****8. COMPREHENSIVE OFFICIAL PLAN REVIEW EMPLOYMENT CONVERSION REQUEST
BLOCK 792 APPROVED DRAFT PLAN 19TM-08002 CORNELL ROUGE DEVELOPMENT
CORP. (10.0)****Correspondence**

Niomie Massey, representing the Cornell Rouge Development Corp. made a deputation and referred to correspondence submitted. Ms. Massey identified the ownership of three blocks owned by Flato Development Inc., the Region of York, and Cornell Rouge Development Corp., at the northwest corner of Donald Cousens Parkway and Highway 7 in Cornell and requested the same deferral granted to the Flato lands be extended to the Cornell Rouge lands, to allow for comprehensive development. Staff and the Committee indicted support pending receipt of applications.

Moved by: Councillor Colin Campbell

Seconded by: Mayor Frank Scarpitti

- 1) That the deputation, and correspondence dated November 11, 2013, by Niomie Massey, Project Manager, Cornell Rouge Development Corp. regarding a request for the conversion of employment lands, be received; and,
- 2) That upon receipt of an official plan amendment application, staff be directed to process the employment land conversion application by Cornell Rouge Development Corp. and that the employment land designation be deferred in the new Official Plan; and further,
- 3) That the employment conversion criteria established by Development Services Committee on October 22, 2013 be applied in the review of this application.

CARRIED

ADJOURNMENT

The Development Services Committee meeting adjourned at 11:25 AM.

Alternate formats for this document are available upon request.