



Report to: Development Services Committee

Report Date: May 6th, 2014

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**SUBJECT:** PRELIMINARY REPORT  
Box Grove Hill Developments Inc.  
North side of Copper Creek Drive, between Ninth Line and  
Donald Cousens Parkway  
Application to amend the Official Plan to redesignate  
employment land to allow townhouses, live-work units, a  
seniors residence, and restaurant uses within a convention  
centre and banquet hall facility and applications to amend the  
Zoning By-law and for Draft Plan of Subdivision to permit  
the proposed townhouses.

File Nos: OP 13 108173, ZA/SU 14 109086

**PREPARED BY:** Stacia Muradali, Ext. 2008  
Senior Planner, East District

**REVIEWED BY:** Dave Miller, Ext. 4960  
Manager, East District

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**RECOMMENDATION:**

- 1) That the report titled, "PRELIMINARY REPORT, Box Grove Hill Developments Inc., North side of Copper Creek Drive, between Ninth Line and Donald Cousens Parkway, Application to amend the Official Plan to redesignate employment land to allow townhouses, live-work units, a seniors residence, and restaurant uses within a convention centre and banquet hall facility and applications to amend the Zoning By-law and for Draft Plan of Subdivision to permit the proposed townhouses, File Nos: OP 13 108173, ZA/SU 14 109086", be received;
- 2) That staff be authorized to schedule a statutory Public Meeting to consider the applications to amend the Official Plan and Zoning By-law and Draft Plan of Subdivision;
- 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 the Official Plan amendment, Zoning By-law amendment and Draft Plan of Subdivision applications submitted by Box Grove Hill Developments Inc. to amend the Official Plan to redesignate employment lands to allow townhouses, live-work units, a seniors residence and restaurant uses within a

convention centre and banquet hall facility, and applications to amend the Zoning By-law and for Draft Plan of Subdivision to permit the proposed uses. 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 as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application.

**Applications deemed complete**

The Official Plan amendment application was deemed complete on September 13<sup>th</sup>, 2013 and the applications to amend the Zoning By-law and for Draft Plan of Subdivision were deemed complete on February 28<sup>th</sup>, 2014.

**BACKGROUND:****Subject land and area context**

Box Grove Hill Development Inc. owns approximately 10.6 hectares (26 acres) of land within the Box Grove community (the "subject lands") located on the north side of Copper Creek Drive, between Ninth Line and Donald Cousens Parkway, south of Highway 407 (see Figure 3). A minor tributary of the Little Rouge Creek running north-south traverses the subject lands. Retail and commercial development currently exists to the east and retail/commercial and medical office uses are located to the west of the subject land. There is residential development located to the south of the subject land across Copper Creek Drive (see Figure 3).

**Proposed development is comprised of residential uses, mixed uses, a convention centre and banquet hall facility with restaurants**

Box Grove Hill Developments Inc. is proposing to develop the subject land with 127 townhouses, 77 live-work units, a seniors residence and a convention centre and banquet hall facility with restaurants (see Figure 5). The proposed townhouses and live-work units (in a townhouse built form) will be located to the east of the watercourse. The live-work units will be oriented along and face Copper Creek Drive and Street 'A' which extends northwards opposite Rizal Avenue ( see Figure 4). The proposed seniors residence will be located on the west side of the watercourse, and the proposed convention centre, banquet hall and restaurant uses will be located within one (1) building to the west of the proposed seniors residence (see Figure 5). Preliminary concepts estimate that the convention centre will be approximately 2,810 square metres (30,247 square feet) and the seniors residence will be approximately 6 storeys in height but these, however, are subject to change.

**Proposed Official Plan amendment is to allow the conversion of employment lands**

The subject lands are designated "Industrial – Business Park Area" in the City's Official Plan (Revised 1987) and "Business Park Area" in the Secondary Plan for the Box Grove Planning District (OPA 92). The "Industrial – Business Park Area" and "Business Park Area" designations envision office/industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. The "Industrial – Business Park Area" designation is geared towards providing specific types of employment land uses including offices, light industrial uses,

hotel, ancillary retail and service uses and restaurants where internally integrated as a component of an office building and clearly intended for the convenience use of local businesses and employees or where internally integrated as a component of a hotel as customarily provided to cater to the needs of hotel patrons. Trade and convention centres are contemplated in the “Industrial – Business Park Area” designation. Banquet halls may be approved within the “Industrial – Business Park Area” designation subject to the review of a specific development proposal and rezoning. Restaurants are only allowed if they are internally integrated within an office building or hotel. An amendment to the Official Plan is required to allow restaurants within a convention centre and banquet hall.

The City’s new Official Plan, adopted by Markham Council in December 2013, but which remains to be approved by the Region of York, designates the subject land “Business Park Employment”. The “Business Park Employment” designation policies are generally consistent with the aforementioned “Industrial – Business Park Area” policies. Site-specific policies also apply to the subject land and these are described in detail later in this report.

**Staff previously recommended denial of a number of Official Plan amendment applications for the conversion of employment lands**

On May 21, 2013, in a report titled “Draft Official Plan 2012 – Employment Conversion and Redesignation Applications”, the Development Services Commission recommended denial of a number of applications to amend the Official Plan to redesignate employment lands to a non-employment land-use, including the Official Plan Amendment application submitted by Box Grove Hill Developments Inc. The reasons for recommending denial of the employment conversion applications sited in the May 21, 2013 report include, among others, the following:

1. The need for the removal of employment lands has not been adequately justified.
2. Staff are not satisfied that the employment targets will be met by the proposed developments.
3. Staff are not satisfied that the employment conversions will not affect the viability of the employment areas.
4. Staff are of the opinion that all of the employment lands are required over the long term to maintain and grow a strong and vibrant economy. It is also staff’s opinion that all of the employment lands are needed to achieve Markham’s employment targets.

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;

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4. there is existing or planned infrastructure to accommodate the proposed conversion;
  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.

**Landowner's planning justification for proposing to convert employment lands**

The proponent submitted a planning justification report prepared by Malone Given Parsons Ltd. dated February 2013 ( the "planning justification report" ), in support of the Official Plan amendment application to redesignate the employment land. The proponent's planning justification report concludes that the Provincial Growth Plan criteria for the conversion of employment land has been met and represents good planning in the public interest because of the following:

1. The employment conversion would contribute to Markham achieving its residential intensification targets.
2. The proponent estimates that the subject land will still maintain an employment function by generating approximately 225 (42%) of the 530 jobs which the employment uses on the subject land would have otherwise generated at a job density assumption of 50 jobs/ net ha.
3. The planning justification report relies on other forms of development and redevelopment of other lands in Markham ( eg. the Buttonville Airport redevelopment) to compensate for the loss of employment uses on the subject land.
4. The planning justification report sites several locational difficulties with attracting the type of employment uses envisioned for the subject land including; " its scale and location relative to that of employment land nodes along Highway 404 and 404/407 nexus; its presence on Highway 407; and it's isolation from committed higher order (BRT, GO Rail) transit routes/services".
5. The proposed development will assist in creating a complete, mixed-use community that provides opportunities for residential and employment uses to be in close proximity to each other and reduces the dependence on motor vehicle commutes.
6. The proponent contends that the proposed development represents a more "logical build-out" of the community given the surrounding land uses and development which have occurred, and "is not expected to affect the viability of the remaining employment lands in the Box Grove Employment Area."
7. There is sufficient existing and planned infrastructure including roads, road improvements, community facilities and servicing capacity to accommodate the proposed development.
8. The planning justification report does not anticipate any cross-jurisdictional issues which may arise from the employment conversion.

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**Staff's response to the landowner's planning justification**

In 2013, Staff provided the following comments to Development Services Committee specific to this Official Plan Amendment application submitted by Box Grove Hill Developments Inc.:

1. The proposal would result in the loss of almost all of the vacant employment lands in Box Grove west of the Donald Cousens Parkway;
2. Markham has a limited supply of vacant employment lands with Highway 407 frontage and the future demand potential for these lands is considered to be positive.
3. The need for the proposed employment conversion has not been adequately demonstrated.
4. Markham does not need the subject lands to achieve its residential intensification target.
5. The proposed live-work units generate population-related jobs while the current designated employment uses are planned for MOE (Major Office Employment) and ELE (Employment Land Employment- typically related to manufacturing, processing, warehousing and distribution activities) types of jobs.

Development Services Committee referred all of the Official Plan Amendment applications for employment conversion to a Subcommittee of Development Services Committee for further consideration and a report and recommendation.

**Recommendations from Development Services Subcommittee on applications for the conversion or redesignation of employment lands**

The applications identified in the May 2013 staff report were referred to a Development Services Subcommittee for further consideration and recommendation regarding the appropriateness of allowing the lands to be considered for conversion, and for continuing to process the applications. The Development Services Sub-Committee held a number of meetings between July and October 2013 to consider the applications for employment land conversions.

On October 22, 2013, staff reported on the "Recommendations from Development Services Subcommittee on Applications for Conversion or Redesignation of Employment Lands." The Subcommittee's recommendations on the Official Plan Amendment application submitted by Box Grove Hill Developments Inc. are as follows:

1. That staff be directed to continue to process the employment land conversion application and that the employment land designation for site B which is comprised of the townhouses and live-work townhouses be deferred in the new Official Plan.
2. That staff be directed to work with the applicant to increase the employment numbers on the subject land.
3. That staff be directed to work with the applicant to provide affordable or seniors housing within site B.

The Subcommittee also recommended the following criteria to be considered by

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Development Services Committee and Council in reviewing all applications for employment conversion identified for deferral in the new Official Plan:

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.

Development Services Subcommittee also recommended including the criteria in any special deferral policy applicable to the said sites in the new Official Plan. The deferral policy relating to the Box Grove Hill Developments Inc. application provides for Council consideration of a land use designation other than an “Employment Lands” designation if the proposed amendment conforms to the policies of the Provincial Growth Plan and all other policies of the new Official Plan, and having regard for amongst other things, the criteria prescribed by Council as applicable. Development Services Committee adopted the Subcommittee’s recommendations.

**Landowner’s response to the new Official Plan site-specific criteria**

Malone Given Parsons in a letter dated April 8<sup>th</sup>, 2014 (attached as Appendix ‘A’) describes that in their opinion the proposed redesignation of the subject employment lands meet the aforementioned criteria established by Markham Council in the City’s new Official Plan. The letter by Malone Given Parsons is briefly summarized below:

1. *Compatibility with adjacent land use*
  - The proposed convention centre/banquet hall is compatible with the adjacent medical building and shopping centre to the west, and this arrangement provides opportunities for shared parking between the proposed and adjacent development.
  - The proposed residential uses are compatible with the existing residential development on the south side of Copper Creek Drive.
  - The proposed live-work units has the potential to serve the needs of the local residents.
  - It is beneficial to locate the proposed seniors residence in close proximity to the adjacent medical and shopping centre development.
2. *Achieving an increase in the number of jobs that would otherwise be provided under the “Employment Lands” designation on the site, or at a minimum, no net reduction in jobs on the site*
  - The Malone Given Parsons letter estimates that the proposed seniors residence has the potential to generate approximately 85 jobs given that it may offer a range of independent to assisted living service levels. The

designated warehousing and light industrial uses has the potential to generate a minimum of 10 jobs.

- The Malone Given Parsons letter estimates that the proposed live-work units will generate approximately 2 jobs per unit in the range of approximately 150 jobs compared to approximately 80 jobs which the designated warehousing and light industrial uses has the potential to yield over all of Site B.
- Malone Given Parsons previously submitted a Planning Justification Study dated February 2013 which estimated that the proposed convention centre/ banquet hall could yield 75 jobs.

3. *Proximity to transit*

- The subject lands are served by existing public transit.

4. *Provision of lands for a VIVA terminal*

- The subject lands are not in a viable location 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*

- The landowner intends on providing some form of public art at the proposed convention centre/ banquet hall.
- The landowner also intends to provide the required parkland for the proposed development which may include a portion of a former school site on Rizal Avenue, the details of which are being worked on with staff.

6. *Where the location is appropriate provide for affordable or seniors housing*

- A seniors residence is proposed to form a component of the overall development.

## **Zoning**

The majority of the subject land is zoned “Business Park \*229 (BP\*229)” and the most easterly portion of the site is zoned “Business Park (BP)” (see Figure 2). The proposed convention centre is permitted in the “Business Park (BP)” zone. A banquet hall is permitted within a hotel or a building containing a trade and convention facility.

Restaurants are permitted as an accessory use only in the first storey of an office building or within a building containing a hotel and/or a trade convention facility provided the use is accessory to the hotel or the trade and convention centre use. Residential uses such as the proposed seniors residence, townhouses and live-work unit townhouses are not permitted in the “Business Park (BP)” zone. The site-specific exception (\*229) permits a public school in addition to the other permitted uses. A zoning by-law amendment is required to permit the proposed residential uses (townhouses, live-work units and seniors residence) and for restaurants to be permitted which are not accessory to the convention centre use.

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**Draft plan of subdivision and zoning by-law amendment applications submitted for a portion of the proposed development**

Box Grove Hill Developments Inc. submitted draft plan of subdivision and rezoning applications to permit the proposed seniors residence, townhouses and live-work townhouses. The draft plan is comprised of a total of 204 townhouses, 77 of which are live-work units, blocks for public rights-of-way, a storm drainage block and an open space block (see Figure 4). A future application to amend the Zoning By-law is required to permit the proposed seniors residence and any restaurants which are not accessory to the convention centre.

**OPTIONS/ DISCUSSION:**

The following is a brief summary of concerns/issues raised to date. Other matters may be identified through the detailed review of the proposal.

1. The Region of York is the approval authority for the Official Plan Amendment application.
2. Staff continue to have concerns with the redesignation of the employment lands for non-employment uses.
3. The proposed seniors residence and townhouses are proposed in locations adjacent to the watercourse. The landowner is working with the Toronto and Region Conservation Authority (TRCA) to minimize any impacts of the proposed development on the watercourse.
4. The applicant submitted a traffic management study in support of the proposed development and change in land use. The traffic management study generally concluded that there is sufficient network capacity to accommodate the proposed land uses and there will be a need for signal timing improvements at the Box Grove By-Pass-Ninth Line/ Copper Creek Drive intersection to accommodate the full build out. City staff reviewed the traffic management study and have requested clarification and revisions to the study with respect to certain matters. The transportation matters will be dealt with as part of the rezoning application.
5. The traffic management study identifies parking shortfalls for the proposed live-work units and seniors residence. Staff are still working with the applicant on determining the overall parking shortfall, and the shortfall for each component (including the convention centre and banquet hall and seniors residence) and more analysis on the proposed Transportation Demand Management (TDM) measures and any shared parking arrangements and other matters which still remain to be addressed. This work is also being done as part of the rezoning application.
6. The applicant is showing a linear park to the north of the proposed townhouses. The linear park should more appropriately be shown as an open space area as it does not contribute to the required parkland for the proposed development.
7. The building elevations and reduced lot widths for some of the proposed townhouses need further examination by staff.
8. A Community Design Plan related to the major Official Plan Amendment application will be required prior to any development approvals.



9. Staff will review the appropriateness of the applicant's response to the site-specific criteria in the new Official Plan.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

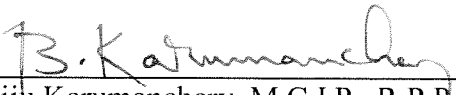
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

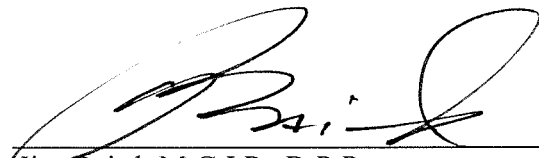
The applications are being evaluated to determine conformity with the City's strategic priorities including growth management.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

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

**RECOMMENDED BY:**

  
Biju Karumanchery, M.C.I.P., R.P.P.  
Senior Development Manager

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

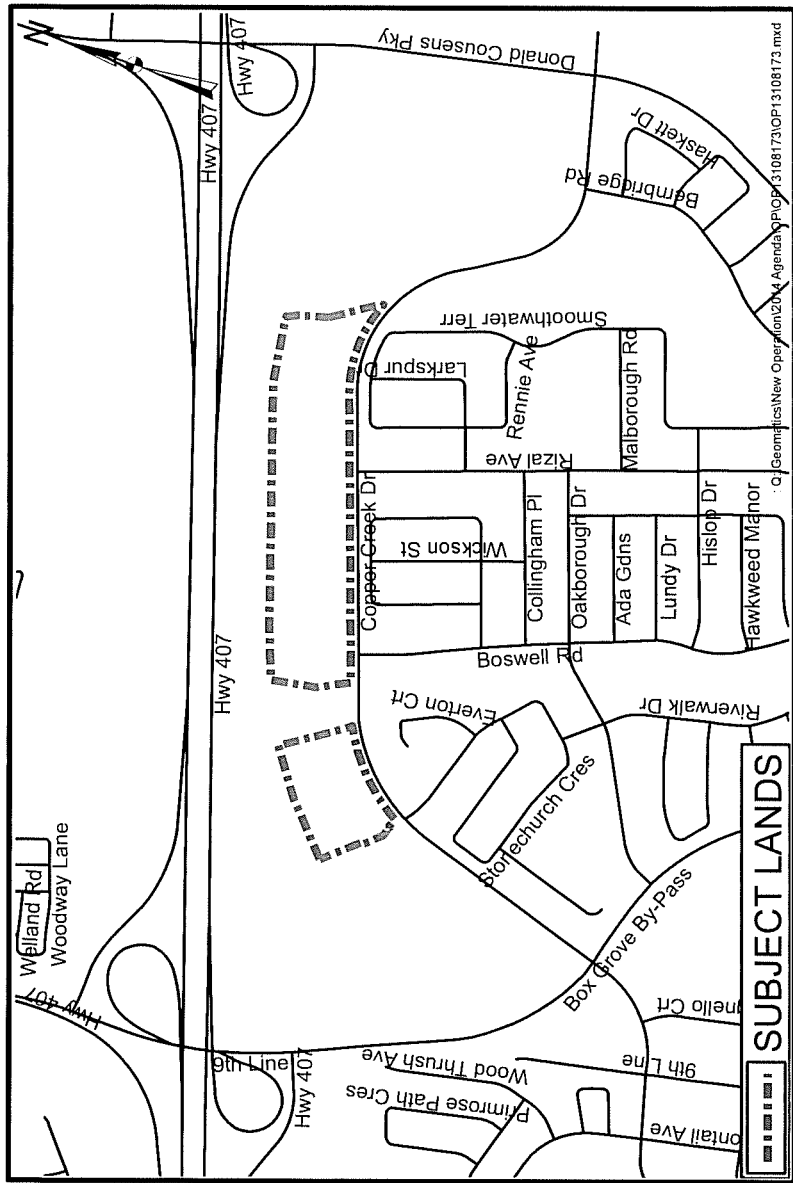
**ATTACHMENTS:**

- Figure 1: Location Map  
Figure 2: Area Context/Zoning  
Figure 3: Air Photo  
Figure 4: Proposed Draft Plan of Subdivision  
Figure 5: Proposed Overall Development  
Appendix 'A': Letter from Malone Given Parsons Dated April 8<sup>th</sup>, 2014

**APPLICANT CONTACT INFORMATION:**

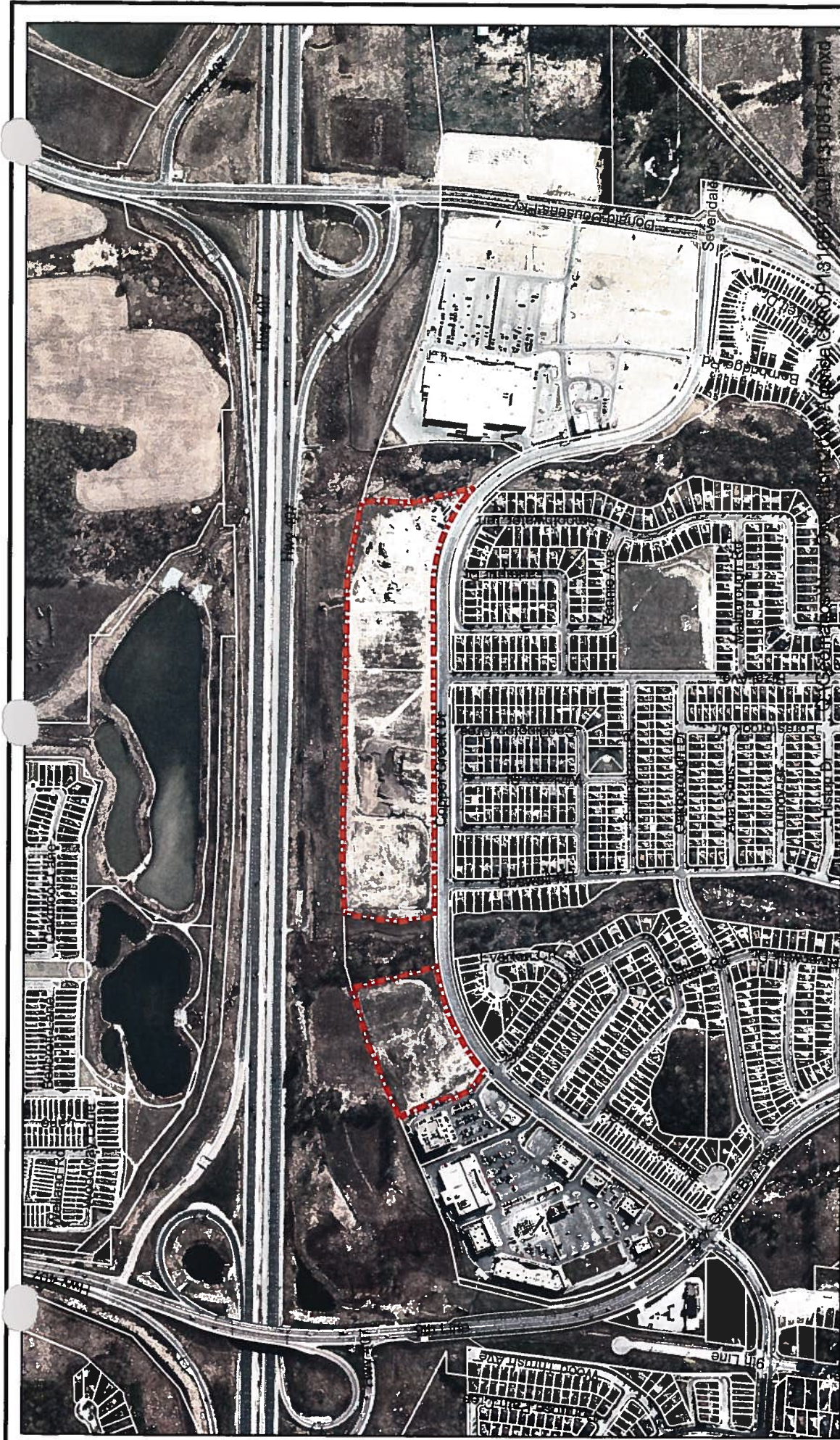
John Genest, M.C.I.P., R.P.P., P.L.E  
Principal  
Malone Given Parsons Ltd.  
140 Renfrew Dr  
Suite 201  
Markham, ON, L3R 6B3  
Tel: (905)513-0170  
Email: [jgenest@mgp.ca](mailto:jgenest@mgp.ca)

File path: Amanda\File 13 108173\Documents\Preliminary Report









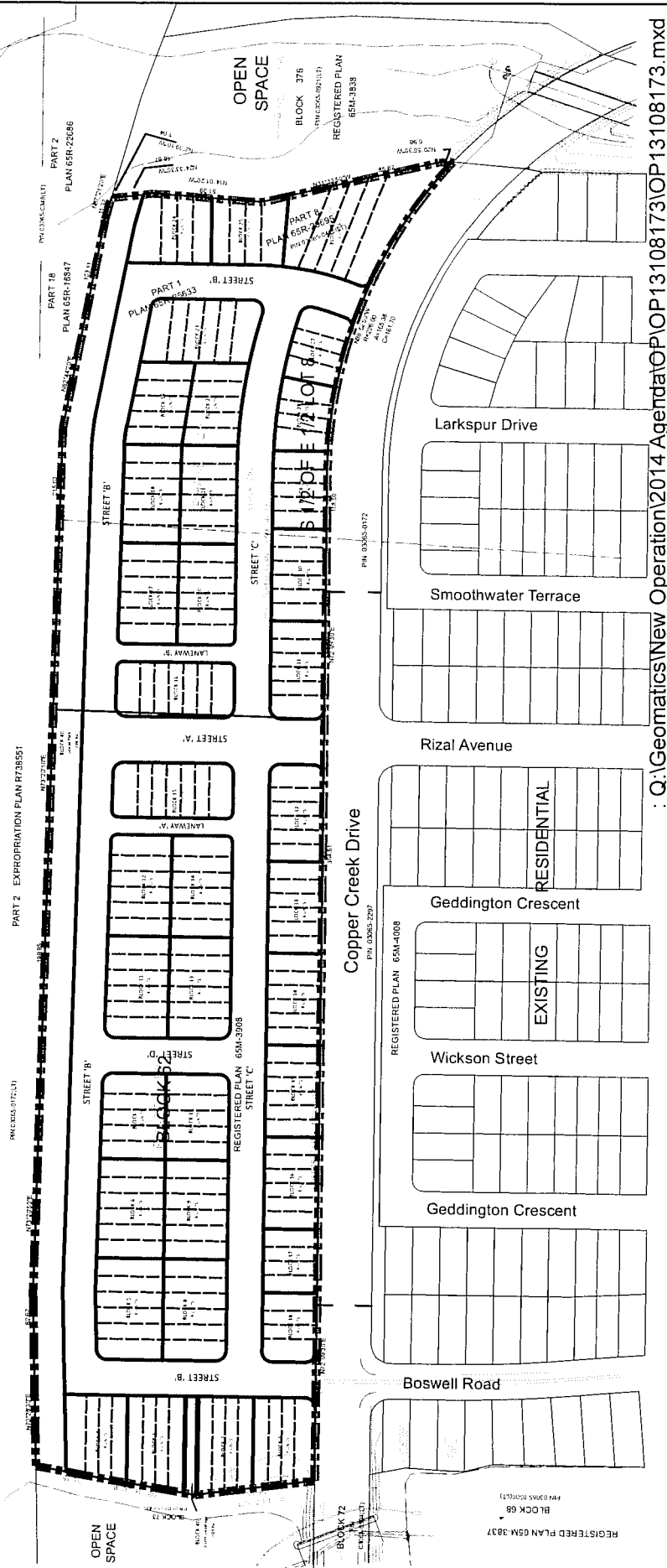
 SUBJECT LANDS

# AIR PHOTO 2012

APPLICANT: BOX GROVE HILL DEVELOPMENTS INC.  
COPPER CREEK DRIVE

FILE No:OP13108173(SM)





APPLICANT: BOX GROVE HILL DEVELOPMENTS INC.  
COPPER CREEK DRIVE

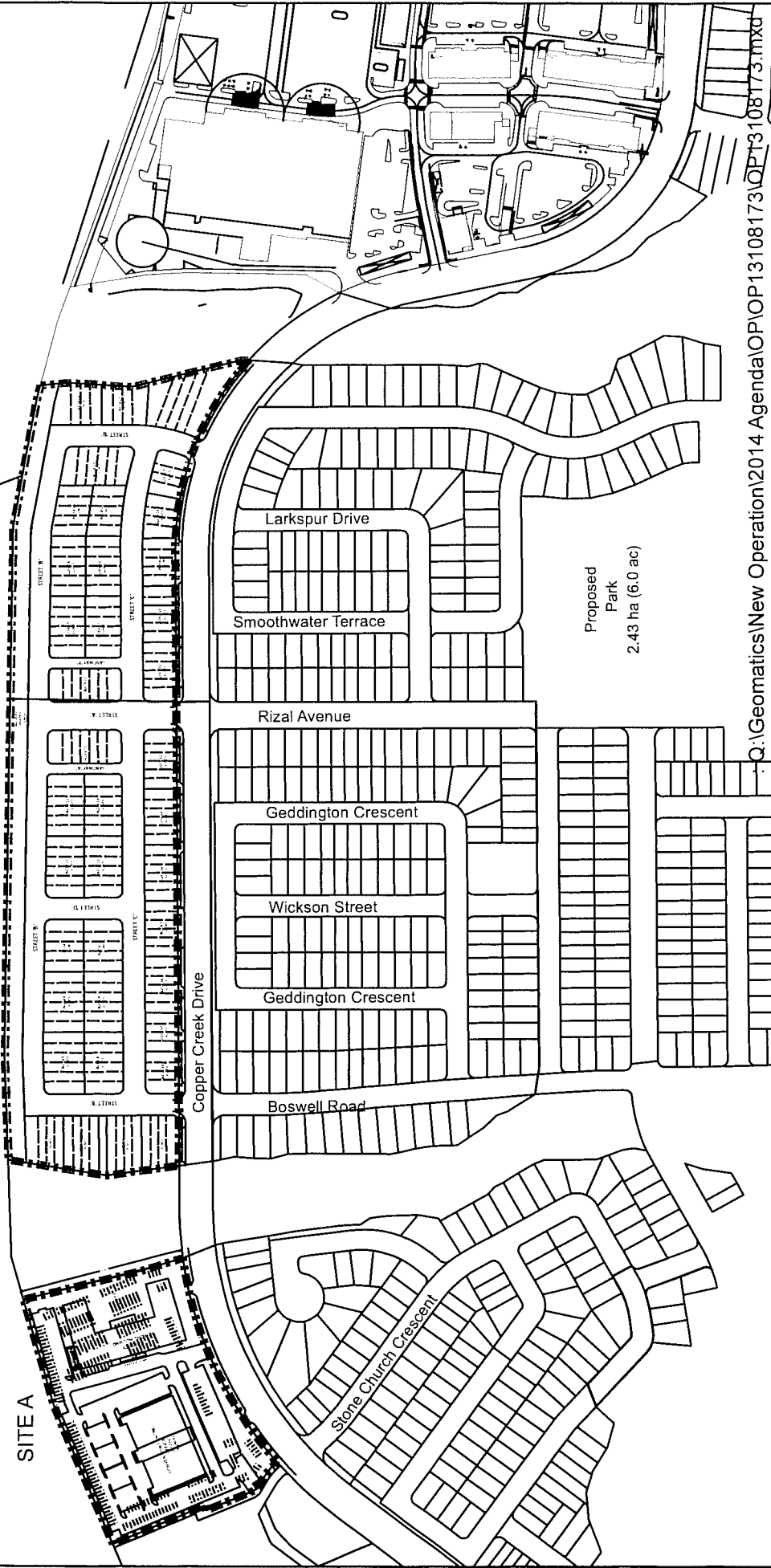
**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Checked By:SM

**FIGURE No 4**

SITE B

SITE A



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# PROPOSED OVERALL DEVELOPMENT

APPLICANT: BOX GROVE HILL DEVELOPMENTS INC.  
COPPER CREEK DRIVE

 SUBJECT LANDS

FILE No: OP13108173(SM)

DATE: 03/10/20

April 8, 2014

*Via Email*

140 Renfrew Drive, Suite 201, Markham, Ontario,  
Canada L3R 6B3

Tel: (905) 513-0170; Fax: (905) 513-0177

E-mail: [jgenest@mgp.ca](mailto:jgenest@mgp.ca)

[www.mgp.ca](http://www.mgp.ca)

City of Markham  
Markham Civic Centre,  
101 Town Centre Boulevard,  
Markham, ON  
L3R 9W3

Attention: Ms. Stacia Muradali, MCIP, RPP  
Senior Planner, East District

12-1257

Dear Madam:

**Re: Applications for Official Plan Amendment, Draft Plan of Subdivision and Zoning  
Bylaw Amendment  
Box Grove Hill Developments Inc.  
Copper Creek Drive, Box Grove, City of Markham  
File No. OP 13 108173; SU/ZA 14 109086**

Thank you for your email of April 4, 2014 requesting a response to the criteria expressed in Section 9.16.14 of the City's adopted new Official Plan. The response below restates the criteria and describes how the subject applications fulfill them, as applicable.

**Compatibility to adjacent land use**

Site A

The land uses adjacent to site A include:

North: Hwy 407

West: Medical building and the Box Grove Centre shopping centre

South: Existing residential

East: Open space and proposed residential.

The uses proposed for Site A are compatible with and complementary to adjacent uses. Specifically, the use of the westerly portion of the lands for a banquet hall / convention centre will have minimal impact on the medical building and shopping centre and may be able to share parking with the adjacent use. The use of the easterly portion of the lands for a seniors building is enhanced by its location near the medical building and shopping centre. The seniors building also benefits from the amenity of the adjacent open space and will be designed and landscaped to optimize relationships to that feature. Interactions with Highway 407 are considered to be neutral.

Site B

The uses adjacent to site B include:

North: Hwy 407

West: Open space and portion of Site A that will house future seniors building

East: Open space and the Copper Creek Centre shopping centre

South: Existing residential across Copper Creek Drive



The uses proposed for Site B are compatible with and complementary to the adjacent uses as they are residential in nature and the adjacent uses are either residential or uses serving the residential population, or open space corridors. Commercial activity in the proposed live-work units will serve the local and larger communities, complement the range of use provided in the shopping centres, and bring animation and pedestrian scale to a street frontage that would otherwise introduce an industrial face and truck traffic to the existing residential community. The plan of subdivision is designed to minimize visibility to and noise from Hwy 407 from outdoor living areas.

**Achieving an increase in the number of jobs that would otherwise be provided under the 'Employment Lands' designation on the site, or at a minimum, no net reduction in jobs on the site**

Site A

Only the portion of the lands that will house the seniors building (approximately 1 ha) is considered a conversion subject to these criteria. These lands are designated and zoned to allow warehousing and other light industrial uses which might generate as few as 10 jobs vs. the expected 60 jobs/ha. While specifics have yet to be concluded, the seniors housing is expected to offer a range of independent to assisted living service levels and in the order of 85 jobs.

Site B

Site B is 8.1 ha in extent, and is proposed to include 77 live-work units. At an average of 2.0 jobs per unit, these can provide in the range of 150 jobs. The *Planning and Needs Justification* report submitted in February 2013 in support of the conversions application described the strengths and weaknesses of the site for employment uses. The strongest market interest in the site was from a trucking user which eventually purchased lands elsewhere. At a warehouse level of employment intensity, the site would be expected to yield in the order of 80 jobs.

**Proximity to transit**

The subject lands are well served by existing transit, with three bus routes currently providing service along Copper Creek Drive.

**Provision of lands for a VIVA terminal**

These lands are considerably removed from any VIVA route and are not a viable location for a VIVA terminal.

**Achieving better public amenities, including but not limited to public art, Section 37 community benefits and publicly accessible private amenity spaces;**

Site A

Public art will be provided at the Convention Centre / Banquet Hall site. The form and scale will be determined during detailed design and in consultation with the City.

Site B

Residential development of the site requires more parkland than required and provided for under the industrial designation. The additional parkland will be provided to the City by the developer at the 2.43 ha former school site on Rizal Avenue, delivering better public amenities to the benefit of the entire community.

Ms. S. Muradali  
April 8, 2014  
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**Where the location is appropriate, provide for affordable or seniors housing**

Site A

Site A provides lands for seniors housing.

Site B

Site B will be developed as townhouses. This built form provides a less expensive housing alternative and an option for people looking to downsize and remain in the community.

I trust this response is satisfactory, and look forward to bringing the applications forward to a Public Meeting. Please contact me in the interim if you would like to discuss the application further.

Yours very truly,

**MALONE GIVEN PARSONS LTD.**

A handwritten signature in black ink, appearing to read 'John P. Genest', written over a horizontal line.

John P Genest, MCIP, RPP, PLE  
Principal

cc Aaron Hershoff, Box Grove Hill Developments Inc.  
Ira Kagan, Kagan Shastri