

SUBJECT: City of Markham Official Plan 2013: Proposed Modifications - Supplemental

PREPARED BY: Policy and Research Division, Planning & Urban Design Department

REVIEWED BY: Marg Wouters, Senior Manager, Policy and Research (x. 2909)

RECOMMENDATION:

- 1) That the report entitled "City of Markham Official Plan 2013: Proposed Modifications - Supplemental" dated May 6, 2014, be received;
- 2) That the proposed modifications to the Council adopted Official Plan 2013, as outlined in Appendix 'B' of the report entitled "City of Markham Official Plan 2013: Proposed Modifications - Supplemental" dated May 6, 2014, be adopted;
- 3) That the proposed modifications to the Council adopted Official Plan 2013, as recommended in the report entitled "City of Markham Official Plan 2013: Proposed Modifications - Supplemental" dated May 6, 2014, be forwarded to the Region of York for consideration in the approval of Markham's new Official Plan;
- 4) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide supplemental information regarding a proposed modification to policies concerning the Toronto Markham Airport, and to provide information on three additional comment letters received prior to April 8, 2014 Council, as requested by Council.

BACKGROUND:

Recommended modifications to the new Official Plan were provided in a staff report to Development Services Committee on April 1, 2014. Committee requested further information regarding the proposed modification for the Toronto Markham Airport.

In addition, Council requested additional information regarding three correspondence items received prior to Council on April 8, 2014 (see Appendix 'C'). This report responds to these requests.

OPTIONS/ DISCUSSION:Toronto Markham Airport

At the April 1, 2014 Development Services Committee meeting, Committee requested further information on options to protect the City's interests by ensuring notification of any changes to the airport, and delineation of the lands subject to federal regulation. Staff have confirmed that Transport Canada has no obligation to consult with, or notify, the City regarding expansions to the Toronto Markham Airport, although it encourages airport operators to engage in discussion with municipalities. Council is on record with Transport Canada, through a letter to the Minister dated March 3, 2003 (attached as Appendix 'A'), expressing opposition to the expansion of the Toronto Markham Airport, and requesting consultation in a review of the proposed expansion of the airport at the time.

Staff have learned from Transport Canada that Toronto Markham Airport is a 'registered' aerodrome rather than a 'certified' airport like the Toronto Buttonville Airport. Registration means that the operator has submitted the aerodrome's aeronautical information and their contact information to Transport Canada, the information has been accepted, and it has been entered into the Civil Aviation's National Aerodrome Safety Database. Subsequently the information is forwarded to NAV CANADA for publication, including a sketch of the runway layout, taxiways, aprons and buildings. The provision of a property boundary for the aerodrome is not required for registration. When a registered aerodrome expands, it does not need to submit a plan of construction to Transport Canada (as is required for certified airports) as certification standards are not applicable.

Currently the Toronto Markham Airport extends into federally owned lands, with the easterly portion (approximately one-third of the total runway length) located on lands leased from Transport Canada. Although these leased lands will not be included in the upcoming transfer of federal lands to Parks Canada for the Rouge National Urban Park, the remainder of the federal lands surrounding the leased lands will be included as part of the transfer, making it unlikely that the Toronto Markham Airport would be able to expand eastward.

Toronto Markham Airport has indicated it owns a number of parcels, totalling approximately 102 hectares (252 acres) in the vicinity of the airport (see Figure 1). Only the 16 hectare (39 acre) southerly parcel, plus the 21 hectares (52 acres) leased from the federal government, both of which contain the runway, are identified as the Toronto Markham Airport in Appendix E - Transportation, Services and Utilities in the Official Plan.

The intent of the proposed modifications in the April 1, 2014 staff report was to remove references to restrictions on the Toronto Markham Airport as the City has no authority under the Planning Act to do so. The modifications result in language which recognizes the existence of the airport in its current configuration without expressing Council support for the airport.

In response to Committee comments, the proposed modifications, attached as Appendix 'A' to this report, have been revised to:

- a) refer to the Toronto Markham Airport as being the lands within the parcels containing the runway as shown on Appendix E – Transportation, Services and Utilities, which are regulated by the federal government; and
- b) express Council's desire to be consulted in any expansion or alteration of the airport.

It is recommended that the proposed modifications identified in Appendix 'B' regarding the Toronto Markham Airport be adopted and forwarded to the Region for consideration in the approval of Markham's new Official Plan.

Correspondence received by Council from KLM Planning

At the April 8, 2014 Council meeting, staff were asked to comment on three correspondence items received from KLM Planning. The issues raised in the correspondence and staff responses are as follows:

- a) Humboldt Properties (Greensborough) – request for acknowledgement of previously agreed to development limits for their property between the Donald Cousens Parkway and 9th Line.
Staff response: KLM is to provide documentation to staff confirming the development limits; any required modifications could be discussed with the Region prior to approval of the OP.

- b) Mackenzie Builders (Wismer Commons) – request to retain the existing OP designation for the draft plan of subdivision lands south of Major Mackenzie Drive, west of Mingay Avenue

Staff response: the Residential Low Rise designation on Map 3 – Land Use in the new OP is consistent with the draft approved unit types in the draft plan of subdivision, although there is a minimum density requirement in the Wismer Commons Secondary Plan whereas there is no minimum density requirement in the new Residential Low Rise designation; this is the first submission received regarding this property; any change to the new OP would have to be pursued with the Region as a modification prior to Regional approval of the OP.

- c) Shell Canada (Woodbine Ave) – request for a site specific policy to maintain the Business Corridor Area permission on the lands

Staff response: the lands are designated Business Park Office Priority Employment within the Woodbine/404 key development area (KDA) in the new OP; this is the first submission received regarding this property; any change to the new OP would have to be pursued with the Region as a modification prior to Regional approval of the OP.

There are no recommended modifications arising from this correspondence.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The new Official Plan, and the proposed modifications identified in this report, relates to all strategic priorities of Building Markham's Future Together, and specifically addresses the Growth Management priority.

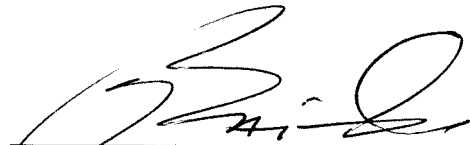
BUSINESS UNITS CONSULTED AND AFFECTED:

The recommendations of this report have been discussed with the Legal Department and their comments have been incorporated.

RECOMMENDED BY:



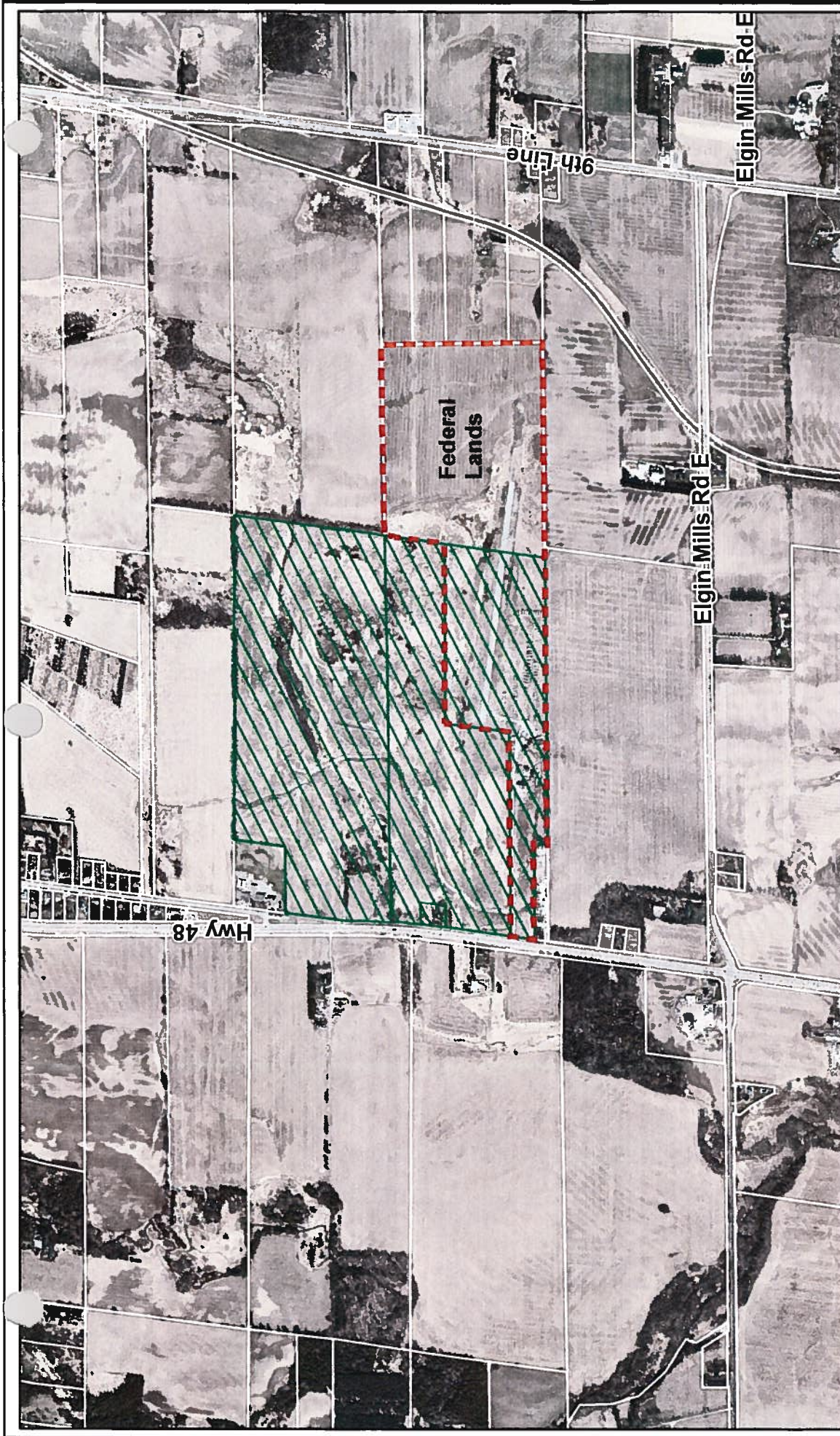
Rino Mostacci M.C.I.P., R.P.P.
Director of Planning and Urban Design



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

ATTACHMENTS:

- Appendix 'A' Letter to Minister of Transport re: Markham Airport dated March 3, 2003
Appendix 'B' Proposed Modifications to the new Markham Official Plan 2013
Appendix 'C' Official Plan Correspondence received at April 8, 2014 Council



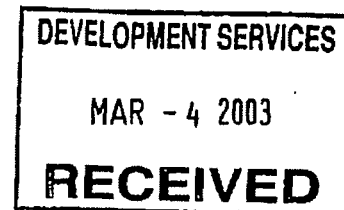
Toronto Markham Airport Lands

-  Markham Airport Boundary in New Official Plan
-  Total Markham Airport Holdings

DATE: 22/04/2014

FIGURE No. 1

March 3, 2003



The Honourable David Collenette
Minister of Transport
House of Commons
Ottawa, ON K1A 0A6

RE: **CONSTRUCTION OF A NEW RUNWAY
AT MARKHAM AIRPORT (5.15)**

Dear Mr. Collenette:

This will confirm that at the meeting of Council held on February 25, 2003, the following motion was approved:

"Whereas the Town of Markham understands that the owner of Markham Airport has initiated the placement of fill in connection with the construction of a new runway;

And whereas the potential impact of this construction on environmental features on the Markham Airport property and on adjoining lands has not been determined;

And whereas the potential impacts of aircraft using a new runway on surrounding properties and residents has not been determined;

And whereas the Town has previously expressed concern regarding, and the Town's opposition to, the expansion of Markham Airport to the Minister of Transport, and has received assurances from the Ministry of Transport that expansion of Markham Airport would be subject to prior Federal approvals;

And whereas the Town is not aware of any prior review or approvals of the current construction or expansion of Markham Airport by the Federal Government;

....2/

Now therefore be it resolved that the Chief Administrative Officer request the owner of Markham Airport to immediately halt construction at the airport pending a review by the Federal Government;

And that the Minister of Transport be requested to immediately halt construction at the Markham Airport if the owner declines to do so;

And that the Minister of Transport be requested to initiate an appropriate review of the construction and expansion of the airport, such review to be undertaken in accordance with the Canadian Environmental Assessment Act, if applicable;

And that the Minister of Transport be advised that the Town of Markham regards it as essential that a review should include consideration of the possible impacts of expansion at Markham Airport relative to the natural environment, area residents, the Federal Greenspace Initiative and a possible future airport on the Pickering Airport Site;

And that the Minister of Transport be advised that the Town of Markham would like to be consulted in the context of a review;

And that the Minister of Transport be advised that the Town of Markham confirms its opposition to the expansion of the Markham Airport;

And further that letters be forwarded to Mr. John McCallum, M.P. (Markham), The Honourable Elinor Caplan, M.P. (Thornhill), Mr. Bryon Wilfert, M.P. (Oakridges) requesting their support in discussing this matter with the Minister of Transport."

Yours sincerely,



Sheila Birrell
Town Clerk

Copy to: Mr. John McCallum, M.P., Markham
The Honourable Elinor Caplan, M.P. Thornhill
Mr. Bryon Wilfert, M.P., Oakridges
John Livey, CAO
John Mascarin, Assistant Town Solicitor
T. J. Lambe, Manager, Policy and Research Division

APPENDIX 'B'

PROPOSED MODIFICATION TO THE COUNCIL ADOPTED OFFICIAL PLAN (DECEMBER 10, 2013)

(deletions are shown as strikethrough; new text is underlined)

MODIFICATION 1: Markham Airport (10953 Highway 48)

a) That the preamble in Section 7.1.8 be modified as follows:

"7.1.8 Airports

~~There are two privately owned airports operating in Markham: the Toronto Buttonville Municipal Airport and the Markham Airport shown in Appendix E – Transportation, Services and Utilities. Aviation has long been a component of Markham's transportation infrastructure and Markham has worked cooperatively with the Federal and Provincial aviation authorities in the planning, development and operation of these two airports.~~

~~The Toronto Buttonville Municipal Airport site comprises approximately 70 hectares adjoining Highway 404 south of 16th Avenue. Buttonville Airport serves a range of aviation activities, including commercial cargo operations, air ambulance and police services, corporate flights, charters, and flight training schools. In 2010, the airport lands were sold with the expectation that the site will eventually be redeveloped for other urban uses to accommodate primarily employment-generating activities.~~

~~Markham Airport is sited on a 16-hectare property east of Highway 48 and north of Elgin Mills Road. Operations at Markham Airport are limited by its 2,000-foot runway and the fact it is surrounded by protected agricultural lands that restrict further expansion of the airport. The airport is partially located on lands owned by the federal government for the development of the proposed Pickering Airport. The establishment of the Pickering Airport would likely lead to the closure of Markham Airport. Until this happens, Markham Airport is expected to continue functioning much as it does today.~~

Aviation has long been a component of Markham's transportation infrastructure and the Toronto Buttonville Municipal Airport and the Pickering Airport Site lands have both influenced development in Markham.

The Toronto Buttonville Municipal Airport site, shown in Appendix E – Transportation, Services and Utilities, comprises approximately 70 hectares adjoining Highway 404 south of 16th Avenue. Development in the vicinity of the Buttonville Airport is subject to federal Airport Zoning Regulations. In 2010, the airport lands were sold with the expectation that the site will eventually be redeveloped for other urban uses to accommodate primarily employment-generating activities.

The Toronto Markham Airport, also shown in Appendix E – Transportation, Services and Utilities, is located on the east side of Highway 48 and north of Elgin Mills Road. Operations at the airport are currently limited by its 614 metre runway, part of which is located on federally owned lands. The Toronto Markham Airport is expected to continue to function into the foreseeable future.

The Pickering Airport Site was formally established on lands owned by the federal government in August 2001. The portion of the site within Markham includes approximately 1,800 hectares, generally located east of Highway 48 and north of 16th Avenue as shown on Appendix E – Transportation, Service and Utilities. The portion of the Pickering Airport Site in Markham is identified as Greenbelt within the

Provincial Greenbelt Plan. A portion of these lands is also subject to the Oak Ridges Moraine Conservation Plan. The federal government has announced that most of these lands in Markham will be transferred to the proposed Rouge National Urban Park.

Airport Zoning Regulations applying to the lands in the vicinity of the site were approved by the federal government in 2004. These regulations apply to a substantial area of land within Markham and Noise Exposure Forecasts have also been established for the site. In addition, an area of land in northern Markham, remains subject to a Provincial Minister's Zoning Order dating from 1972, that controls the use of land within the Order area. Policies respecting the Airport Zoning Regulations and the Minister's Zoning Order are contained in Sections ~~9.10~~ 3.4.2.8 and 10.10 of this Plan.

b) That Section 7.1.8.4 be modified as follows:

It is the policy of Council:

~~"7.1.8.4 To permit the continued operation of the Markham Airport until such time as the Federal Government is able to confirm the function of the airport relative to the operation of the proposed Pickering Airport, and to prohibit the expansion of Markham Airport onto adjacent agricultural lands.~~

To acknowledge the operation of the Toronto Markham Airport, within the lands shown on Appendix E – Transportation, Services and Utilities, which is regulated by the federal government; and to seek to be consulted in decisions regarding any proposal to expand or alter the airport."

c) That Section 9.8.3 d) be deleted from Section 9.8.3 and from Figure 9.8.3 as follows and that the subsequent subsections e) through j) be renumbered accordingly:

"9.8.3 The following site specific provisions apply to the existing land uses on the 'Countryside' lands as shown in Figure 9.8.3:

~~d) the existing Markham Airport shall also be permitted at 10953 Highway 48 provided there is no further expansion of the existing aerodrome facility;"~~

d) That Appendix E – Transportation Services and Utilities be modified to replace the reference to 'Markham Airport' with 'Toronto Markham Airport'.



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Concord, Ontario
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klmplanning.com

P-2015

April 3, 2014

City of Markham
101 Town Centre Blvd.
Markham, Ontario
L3R 9W3

**Attention: Ms. Margaret Wouters
Manager of Policy Planning**

**Re: Humboldt Greensborough Valley Development Ltd.
Rezoning and Site Plan Applications
ZA 10 132122 SC10 132123**

Dear Ms. Wouters:

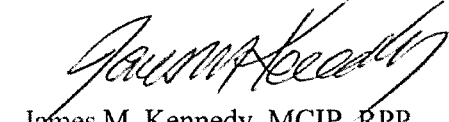
Further to the modifications proposed to the environmental buffers within the existing urban area which indicates that the buffer in the existing urban area can reflect existing development approvals, we are submitting this letter on behalf of Humboldt Greensborough Valley Development Ltd. to request that the existing development approvals that have been granted with respect to the location of an existing storm water management pond at the east limit of the subject lands and the location of a sanitary sewer along the north edge of the subject lands shall be used to determine the limit of development.

The applications submitted to the City for the subject lands have not yet been approved. However in order to permit development on lands elsewhere within the Greensborough Secondary Plan area the storm water management pond was constructed to the east. To the north a sanitary sewer was also constructed. Approvals for these services were granted following the review and approval of various plans and studies by the City and the Toronto and Region Conservation Authority which plans and studies supported the policies of the Official Plan pertaining to hazard lands and environmental buffers.

The New Official Plan refers to development approvals as approval of development applications. In the case of the subject lands we would request that the approval of the services which have been constructed which respect the hazard land and environmental buffer policies be recognized. We asked that these approvals and the limit of development that has been established through these approvals be recognized in the New Official Plan

Yours truly,

KLM PLANNING PARTNERS INC.



James M. Kennedy, MCIP, RPP
President

c. Ms. Kimberley Kitteringham, Clerk City of Markham



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P-2210

April 3, 2014

City of Markham
101 Town Centre Blvd.
Markham, Ontario
L3R 9W3

Attention: Ms. Margaret Wouters
Manager of Policy Planning

Re: MacKenzie Builders and Developers
19TM-12005, SU 12-130894, ZA 12-130894 A19113

Dear Ms. Wouters:

The above noted plan of subdivision located in the Wismer Commons Secondary Plan area has been draft approved and zoned. The plans of subdivision includes single detached (min 10.7m lots), semi detached (7.5m wide lots) and street townhouse (6m wide lots). A minor variance application to permit a reduction to the frontage of wide shallow townhouse lots to 6.0m has been submitted for a portion of the plan of subdivision which was not zoned at the time that the plan of subdivision was draft approved.

This minor variance is pending consideration by the Ontario Municipal Board.

Given the application that is before the Ontario Municipal Board we request that the current policies of the existing Official Plan which designates the lands Urban Residential and the current policies of the Secondary Plan for the Wismer Commons Secondary Plan which designates the lands Urban Residential Medium Density be maintained as they apply to the subject lands.

Yours truly,

KLM PLANNING PARTNERS INC.

A handwritten signature in black ink, appearing to read 'James M. Kennedy', is written over a horizontal line.

James M. Kennedy, MCIP, RPP
President

c. Ms. Kimberley Kitteringham, Clerk City of Markham
Karen Whitney, Director Community Planning



File: P-2455

April 7, 2014

The Corporation of the City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario, L3R 9W3

Attention: Mayor Frank Scarpitti and Members of Council

**Re: Lands west of Woodbine Avenue, North of Highway 7
Shell Canada Limited
Proposed New Official Plan**

We represent 2283288 Ontario Limited with respect to the proposed New Official Plan as it relates to the property located north of Highway 7 and west of Woodbine Avenue. Shell Canada has entered into an offer of purchase and sale with 2283288 Ontario Limited who anticipate developing these lands with single storey buildings containing retail, office, and restaurant uses.

The property has an area of about 3 acres and is located immediately north of the Shell gas bar, east of the Hyundai plant and south of Home Hardware. The lands are vacant. They are identified on the attached figure.

We are writing this letter to advise of our client's concerns with respect to the proposed policies in the New Official Plan as they relate to these lands. The lands are proposed to be designated 'Business Park Office Priority Employment' in the New Official Plan. The policies indicate that these lands should be reserved and used for major office development, and that existing industrial development on these lands will be complemented and or replaced with office development over the long term. New office development is intended to be multi-storey. Retail and commercial uses, including restaurants would be permitted in the base of these multi store buildings.

The proposed designation does not in our view properly account for the constraints of the lands particularly in terms of the limited depth of the properties making independent development for a major office development difficult if not impossible. The westerly limit of the property is also subject to limitations resulting from regulations of the TRCA and storm water management.

The policies of the current approved Official Plan designate the subject lands Business Corridor Area. The Business Corridor areas identify locations for a mix of high quality business activities primarily in corridors along major road frontages adjacent to industrial areas. These areas are intended to accommodate the business and service needs of the nearby companies and employees they serve.

The policies of the current Business Corridor designation permit the development of the site in the manner contemplated by 2283288 Ontario Limited. The policies and uses contemplated in the approved plan are appropriate to the use of the lands and consistent with the use allowances of the approve plan, in a different built form. It is for this reason and the limitation of the depth of the properties that we would request that the current permissions remain in effect.

We would therefore request that a Site Specific Provision be included in Part 9 of the New Official Plan, 'Area and Site Specific Policies' allowing the current Business Corridor designation to be maintained for the lands.

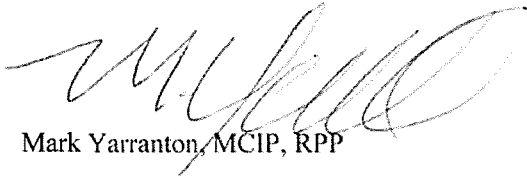
We would advise that Shell Canada Limited is in agreement with the filing of this submission and will be providing a letter to that effect.

On behalf of 2283288 Ontario Limited we request that we are provided with notice of any future meetings of Committee or Council dealing with the New Official Plan.

By separate correspondence we will ask the Region as the approving authority for the Official Plan Amendment for Notice of the Notice of Decision with respect to the City's New Official Plan.

Sincerely,

KLM PLANNING PARTNERS INC.



Mark Yarranton, MCIP, RPP

- c. Ms. Margeret Wouters Senior Project Manager Policy Division
Kimberley Kitteringham, Clerk City of Markham
Ms. Lucy Hau, City of Markham
Karen Whitney, Director Community Planning, Region of York
Shell Canada
Denis Gubert, 2283288 Ontario Limited

