



Report to: Development Services Committee

Report Date: April 23, 2013

SUBJECT: RECOMMENDATION REPORT
Markham Suites Nominee Inc.
8500 Warden Avenue, Markham Centre
Application for zoning by-law amendment to permit a high
density residential development
File No. ZA 12 111347

PREPARED BY: Scott Heaslip, Senior Project Coordinator
Central District, ext. 3140

REVIEWED BY: Richard Kendall, Manager
Central District, ext. 6588

RECOMMENDATION:

1. That the report dated April 23, 2013 titled "Recommendation Report, Markham Suites Nominee Inc. 8500 Warden Avenue, Markham Centre, Application for zoning by-law amendment to permit a high density residential development," be received.
2. That the zoning amendment application (ZA 12 111347) be approved and the draft zoning by-law amendments attached as Appendices 'A' and 'B' be finalized and enacted.
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend approval of an application to amend the City's zoning by-laws to permit a high density residential development at 8500 Warden Avenue (the Hilton Suites property).

BACKGROUND:

Subject Property and Area Context (Figures 2 and 3)

The subject property has an area of 3.84 hectares (9.5 acres) and is bounded by City owned lands and Highway 7 to the north, Warden Avenue to the east, Clegg Road to the south and Courtyard Lane to the west. The property is occupied by a 496 room hotel and associated convention centre (Hilton Suites Markham/Toronto Conference Centre and Spa) comprising a 10 storey, 397 room main building and a separate 5 storey, 99 room long term stay building along the Warden Avenue frontage of the property. Parking is provided in surface parking lots and a parking structure, including surface parking areas extending beneath the long term stay building and the conference centre.

Official Plan and Zoning

The subject property is designated “Commercial” in the City’s Official Plan and “Community Area – Major Urban Place” in the Markham Centre Secondary Plan (OPA 21). Lands designated “Community Amenity Area – Major Urban Place” are intended to develop with a mix of residential, commercial employment and supporting uses, at a high density and intensity of development.

The property is zoned “Select Industrial and Limited Commercial” [M.C.(90%)] by By-law 165-80, as amended. This zoning permits the existing uses on the property, but does not permit residential uses.

The draft new Official Plan, released for public comment in September 2012, identifies the lands as being within a “Regional Centre” (Markham Centre), and designated “Mixed Use High Rise.” Lands in this designation are priority locations for development where the greatest levels of intensification are intended to take place in Markham. These areas are intended to provide retail and service functions for large populations intermixed with high density residential uses. Buildings are to be a minimum of 4 and a maximum of 25 storeys. Density is to be generally in the range of 2.5 to 3.5 FSI (Floor Space Index). The draft new Official Plan recognizes the Markham Centre Secondary Plan, to provide more detailed land use policies to guide development.

Proposed Development (Figure 4)

The owner has applied to amend the City’s zoning by-laws to permit the following:

1. The conversion of the hotel’s long term stay wing – the separate 5-storey building along the Warden Avenue frontage of the property - to either residential condominium or retirement home use. The 99 existing long term stay suites would be upgraded to incorporate full kitchens. Resident parking is proposed to be located in the existing surface parking lot beneath and surrounding the building.
2. A new condominium apartment building along the Clegg Road frontage of the site comprising two 21-storey towers and an 8-storey podium, accommodating approximately 440 apartment units. Resident parking for this building is proposed to be provided in a new two-level underground parking garage.

The owner has not applied for site plan approval for the proposed developments.

It should be noted that in 2004, the applicant applied to amend the City’s zoning by-laws to permit two 12-storey condominium apartment buildings accommodating a total of 272 dwelling units along the Clegg road frontage of the subject lands. Staff reported to Council in 2006 recommending approval of this application, however the applicant did not follow up with staff to finalize the zoning by-law amendment approved by Council at that time.

OPTIONS/ DISCUSSION:**Issues identified in preliminary report**

The preliminary staff report dated June 19, 2012 identified a number of issues, which are addressed as follows:

Modeling forecasts for Markham Centre: Modeling undertaken for Markham Centre in support of the City's growth management exercise included the 272 units previously proposed for the subject lands and will need to be updated to reflect the additional 267 residential units proposed in the subject application.

Built form: The proposed built form and height program is consistent with the City's built form vision for Markham Centre. The plans submitted in support of the zoning application are conceptual and will need to be further developed at the site plan approval stage to address the City's normal expectations and requirements, including:

- Potential upgrades to the long term stay building to ensure it will be appropriate for condominium apartment or retirement home use, in particular to address the grade relationship of the building, especially along the Warden Avenue frontage.
- Compliance with the City's urban design objectives/principles and built form criteria, including appropriate podium/tower relationships, use of materials, and building design that is bird-friendly.
- Incorporation of sustainable development practices including LEED and TDM measures, and connection to District Energy.

The proposed developments will also need to be presented to the Markham Centre Advisory for evaluation against the Performance Measures document.

Precinct Plan: Council approved a precinct plan for area bounded by Highway 7, Warden Avenue, Cedarland Drive and South Town Centre Boulevard in 2004. The proposed building placement is generally consistent with the earlier precinct plan. Staff will work with the applicant to update the precinct plan at the site plan approval stage when the project design is more advanced.

Service connections: The Building Code requires each property to have separate service connections to municipal infrastructure (storm, sanitary, water). The applicant has agreed to reconfigure the on-site services as required. This will be finalized at the site plan approval stage.

Driveway location: The applicant has agreed to relocate the easterly driveway to be further away from the intersection. This will be finalized at the site plan approval stage.

Public Meeting

The statutory Public Meeting for the subject application was held on September 24, 2012. Three area residents spoke at the meeting and expressed concerns regarding the traffic impact of the proposed developments, the impact of the proposed buildings on views

from nearby buildings, and the adequacy of parking. Staff have the following comments on these issues:

Traffic: The subject property is located in Markham Centre, which is a priority location for intensification, and is a short walk from two VIVA Rapidway stations - one at Highway 7/South Town Centre and another at Warden/Cedarland. As such the subject property is an appropriate location for a concentration of residential uses. The Owner will be required to submit a functional traffic impact study addressing any required improvements to the local road network (turning lanes, etc.) and a TDM (Travel Demand Management) plan for approval by the City and York Region prior to the removal of the holding provision from the zoning.

Views: Although new buildings blocking the views from nearby residential buildings may be a concern to some residents, unencumbered views are not a realistic expectation in dense, urban communities like Markham Centre. In any event, the proposed buildings are aligned in an east-west fashion along Clegg Road where they will have minimal impact on views from the nearest existing residential buildings to the west across Courtyard Lane.

Parking: The proposed new condominium buildings will accommodate their required parking in underground and enclosed structures. The converted 5-storey building along Warden Avenue will utilize existing surface parking beneath and surrounding the building. The remaining existing surface parking area and the parking structure will provide a greater number of parking spaces than required by the Markham Centre Zoning By-law for the hotel/conference centre. The applicant is not requesting a reduction in the parking requirement.

Members of Development Services Committee enquired regarding parkland dedication. The Parks and Open Space Development Section of the Planning and Urban Design Department has not identified a requirement for parkland at this location. The Owner will therefore be required to pay cash-in-lieu of parkland dedication as a condition of site plan approval. It should be noted that there are two park blocks on the south side of Clegg Road directly opposite the subject property.

Draft Zoning By-law Amendments

The draft zoning by-law amendments (Appendices 'A' and 'B'):

- Delete the subject property from the designated area of By-law 165-80 (the Brown's Corners District Zoning By-law).
- Incorporate the lands into the designated area of By-law 2004-196 (the Markham Centre Zoning By-law).
- Zone the lands "Hold - Markham Centre Downtown Two."
- Incorporate site specific use permissions and development standards reflecting the existing and proposed development, including the conversion of the long term stay wing of the hotel to residential or retirement home use.
- Incorporate the following items as conditions of hold removal:

- Servicing allocation (allocation has not yet been assigned by the City and the Markham Centre Landowners Group to the proposed developments).
- Approval by Council of an updated precinct plan.
- Site plan approval.
- The Owner entering into a developers' group agreement or other cost sharing arrangement acceptable to the City.
- The Owner entering into a Section 37 agreement with the City.
- Approval by the City and York Region of a traffic impact study and a TDM plan.

The height permissions in the draft zoning by-law reflect the applicant's proposal for 21 storey buildings. If the proposed buildings are constructed prior to the lifting of the Buttonville Airport Zoning Order, the buildings will be restricted by the Zoning Order to a height of 238 metres above sea level, which would accommodate 19, or perhaps 20, storeys at this location.

Summary

The subject property is an appropriate location for higher density residential uses. The proposed development retains the existing hotel and convention centre uses. The proposed use and built form program are consistent with City's objectives for Markham Centre.

Staff recommend approval of the requested zoning by-law amendments subject to the holding provisions outlined in this report to secure the City's requirements.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development supports two of the City's "Building Markham's Future Together" strategic initiatives - Transportation and Transit (transit oriented development in proximity to the VIVA line) and Growth Management (intensification).

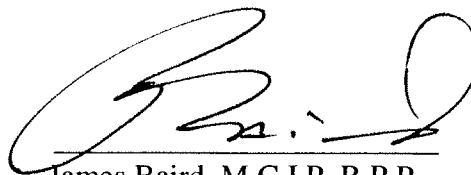
BUSINESS UNITS CONSULTED AND AFFECTED:

The proposal has been circulated to other City departments and public agencies for review and comment.

RECOMMENDED BY:



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



James Baird, M.C.I.P, R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1 - Location Map

Figure 2 - Area Context/Zoning

Figure 3 - Air Photo

Figure 4 - Conceptual Site Plan

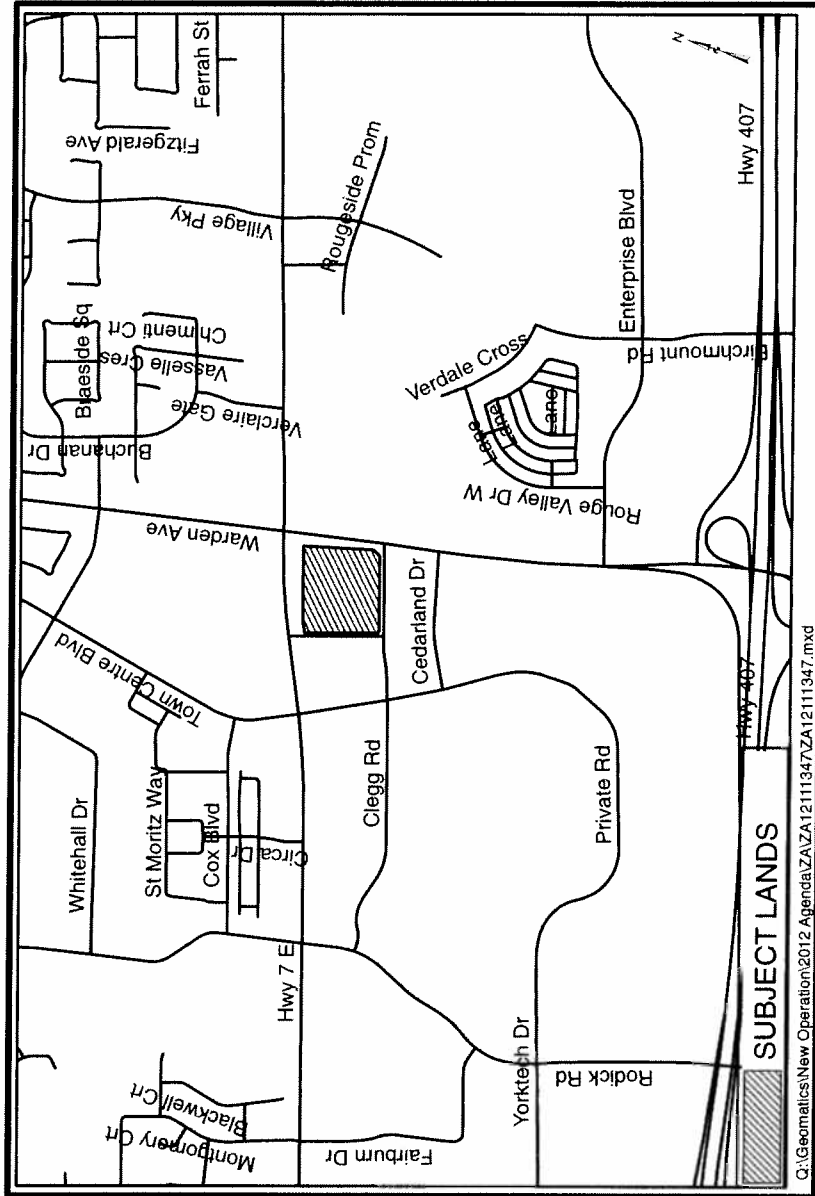
Appendix 'A' - Draft amendment to By-law 165-80

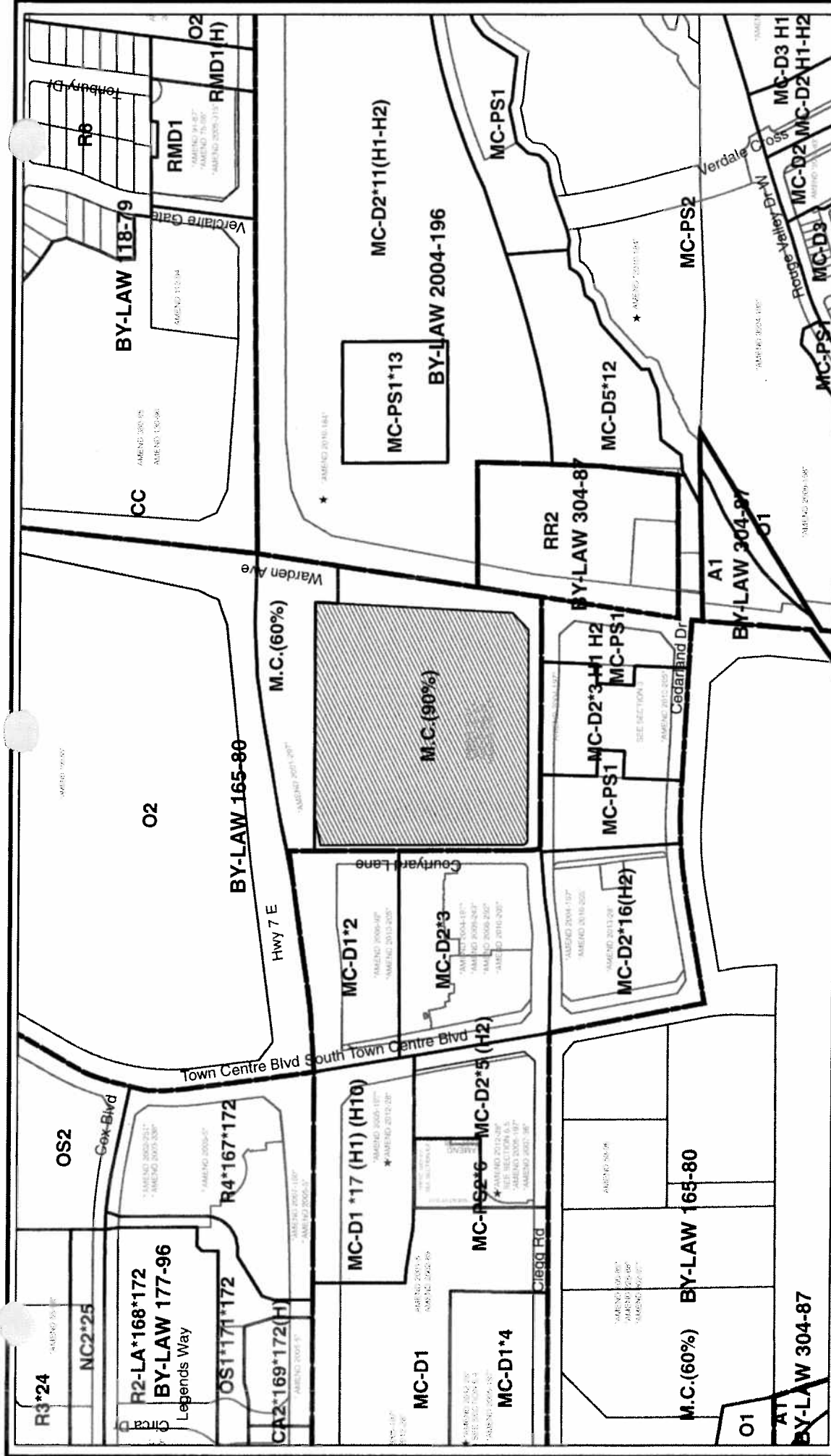
Appendix 'B' - Draft amendment to By-law 2004-196

APPLICANT/AGENT:

Allan Liebel
Goodmans LLP
333 Bay Street, Suite 3400
Toronto, Ontario
M5H 2S7
Tel: (416) 597-4131
Email: aliebel@goodmans.ca

File path: Amanda\File 12 111347\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: MARKHAM SUITES NOMINEE INC.

8500 WARDEN AVENUE

FILE No. ZA. 12111347 (SH)

SUBJECT LANDS

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 05/28/2012

FIGURE No. 2



AIR PHOTO (2011)

APPLICANT: MARKHAM SUITES NOMINEE INC.
8500 WARDEN AVENUE

FILE No. ZA. 12111347 (SH)

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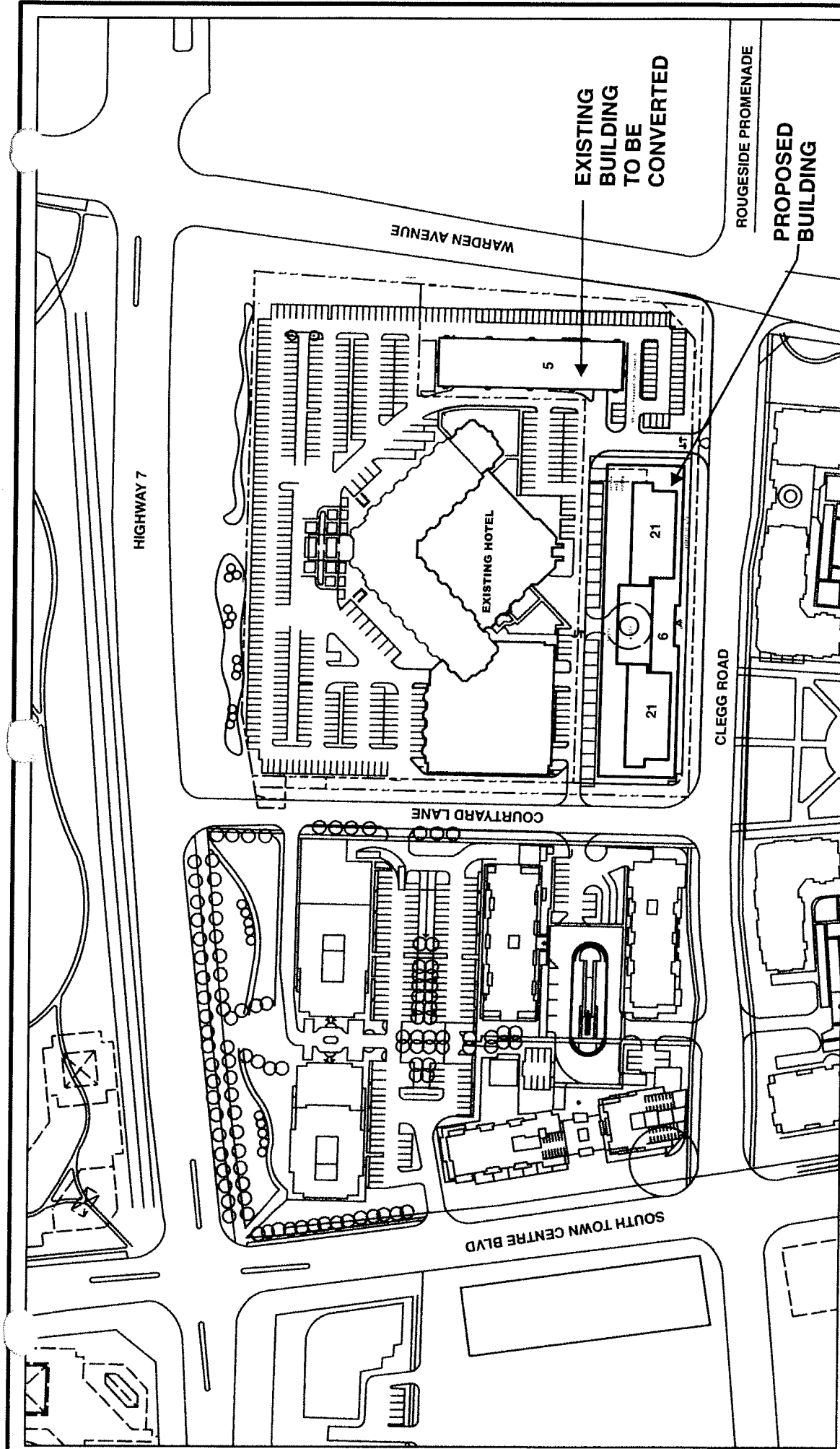
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DATE: 05/28/2012

FIGURE No. 3

 SUBJECT LANDS





SITE PLAN

APPLICANT: MARKHAM SUITES NOMINEE INC.
 8500 WARDEN AVENUE

FILE No. ZA. 12111347 (SH)

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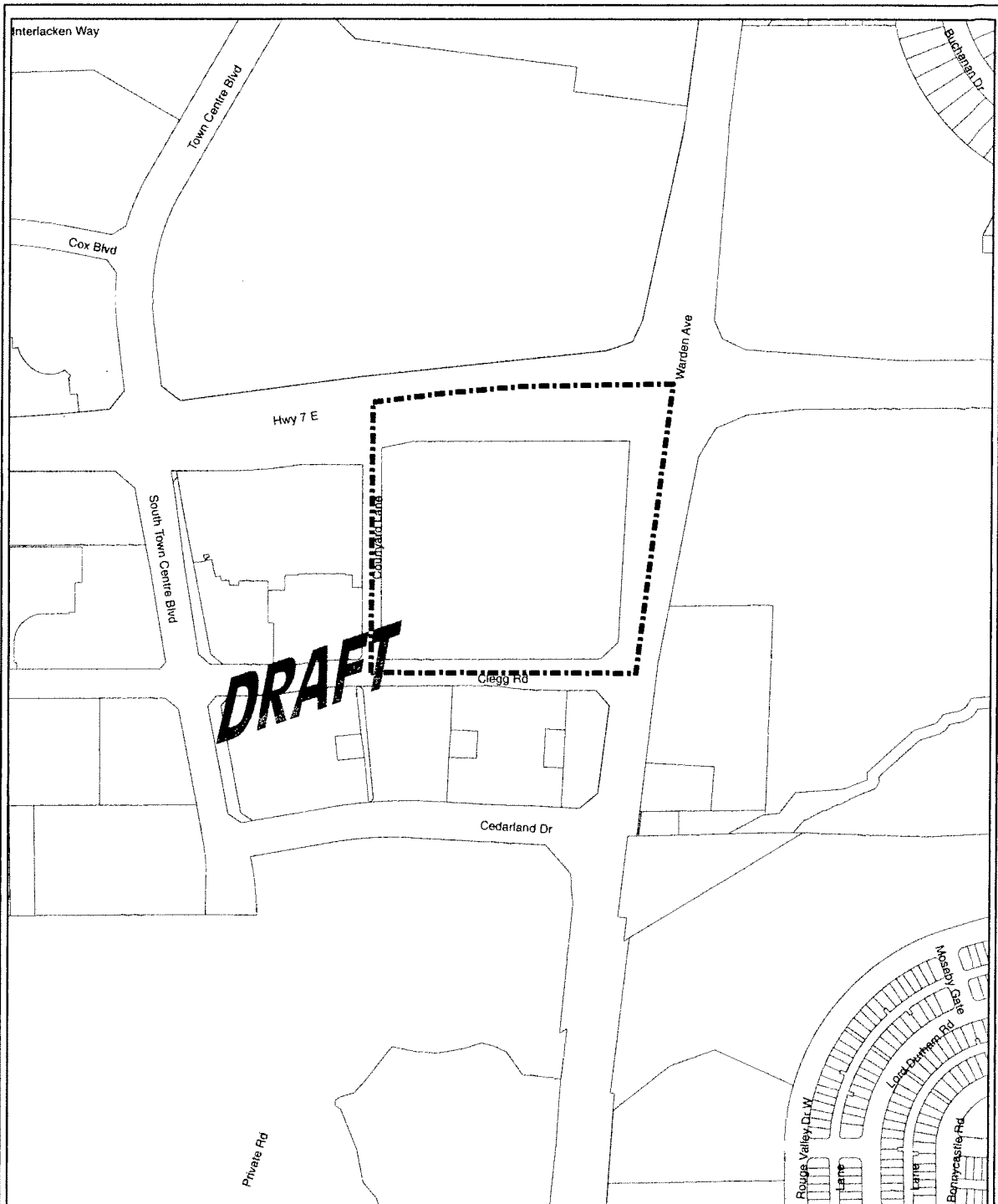
BY-LAW

A by-law to amend Zoning By-law 165-80, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 165-80, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 165-80, as amended.
2. All other provisions of By-law 165-80, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

DRAFT



SCHEDULE 'A' TO BY-LAW 2013-XX, AMENDING BY-LAW 165-80



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

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BY-LAW AMENDMENT No. PASSED

..... (MAYOR) (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 02/05/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

A by-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:

- 1.1 By expanding the designated area of By-law 2004-196, as amended, to include those lands comprising Part of Lot 10, Concession 5, as more particularly outlined on Schedule 'A' hereto.

- 1.2 By zoning the lands:

Markham Centre Downtown Two *XX (Hold)
- MC-D2*XX (H)

As shown on Schedule '_1' attached hereto;

- 1.3 By amending Section 1.2 of By-law 2004-196, as amended, by deleting the words "Schedules A1 to __, B1 to __, C1 to __, D1 to __, E1 to __, and F1 to __, ..." and replacing them with the words "Schedules A1 to __, B1 to __, C1 to __, D1 to __, E1 to __, F1 to __ and G1 to __. ..."

- 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by replacing the words "Schedules A1, B1, C1, D1, E1, F1...." and replacing them with the words "Schedules A1, B1, C1, D1, E1, F1, G1

DRAFT

By amending Sections 2.6, 2.6.1 and 2.6.2 of By-law 2004-196, as amended, by replacing all references to "Schedules X1, X2, X3, X4, X5...." with "Schedules X1, X2, X3, X4, X5, X6"

- 1.6 By adding the following new subsection 6.XX (*XX) to Section 6 – Exceptions to By-law 2004-196:

6.XX MC-D2 zoned lands at the south-west corner of Highway 7 and Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *XX (Exception XX) on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

6.XX.1 Special Use Provisions

The following special use provision shall apply:

- a) The following additional use is permitted:

- *Retirement homes and associated accessory uses.*

6.XX.2 Special Site Provisions

The following special site provisions shall apply:

- a) *Dwelling units* are permitted on any *storey*, including the first *storey*, of an *apartment building*.
- b) Special Provision (2) to Table A1 shall not apply.
- c) In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating minimum and maximum *setbacks* from *streetlines*. Notwithstanding the above, in no case shall any *building* or *structure* extend into the *public street* right of way.
- d) Awnings are permitted to extend to any *streetline* or *lot line*.

6.XX.3 Special Parking Provisions

The following ~~special~~ parking provision shall apply:

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a) *Parking space* requirement for *Apartment Dwellings* and *Multiple Dwellings* shall be as follows:

A minimum of 0.8 *parking space* per *dwelling unit* and a maximum of 1 *parking space* per *dwelling unit* plus 0.2 *parking spaces* per *dwelling unit* for visitors. The provision of additional *parking spaces* is not permitted.

- b) The *parking space* requirement for *retirement homes* shall be as follows:
A maximum of 0.4 *parking spaces* per retirement room.
- c) Where development of a *lot* is phased, the number of *parking spaces* provided in a *parking garage* on the *lot* during the earlier phase(s) may exceed the maximum number permitted under Section 6.15.2(a), provided that the total number of *parking spaces* on the *lot* shall at no time exceed the maximum number that would be permitted if all approved *dwelling units* and/or retirement rooms were constructed in a single phase.
- d) Notwithstanding the provisions of Section 4.14.1 and 4.14.2, there is no limit on the number of *parking spaces* to be established for *hotel* and *trade and convention centre* uses.
- e) There is no restriction on the location of *parking spaces*.

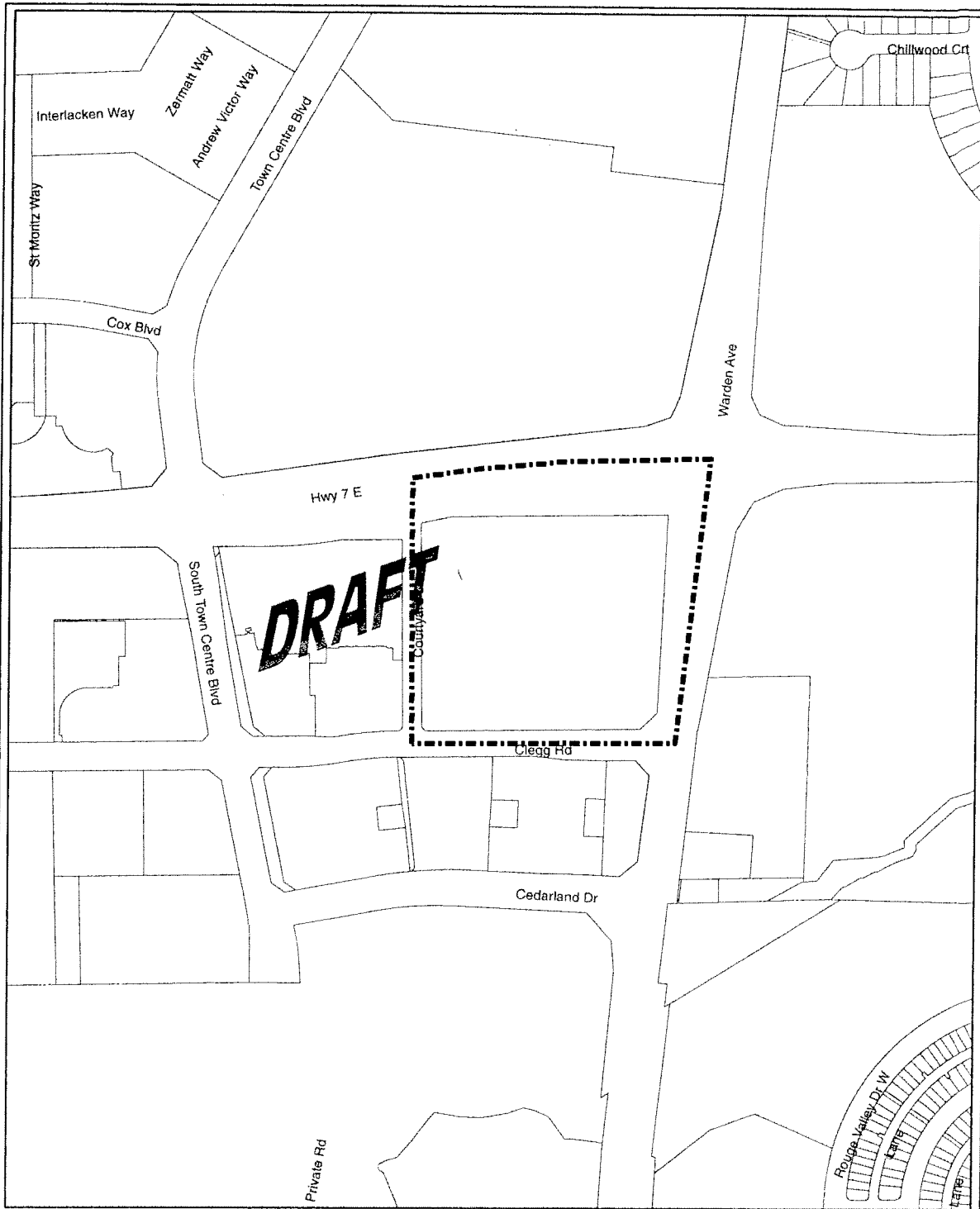
6.XX.4 Holding Provisions

The following holding provisions shall apply:

- a) Holding provision H shall only be lifted on all or part of the lands shown on Schedule 'X__' hereto when all of the following criteria have been met:
 - i. Approval by the City of an updated precinct plan for the Highway 7/Flaska Drive Precinct.
 - ii. Appropriate water supplies and sewage capacity are available, and have been allocated by Council to support the development.
 - iii. Site plan approval has been granted by the City.
 - iv. A developers' group agreement or other alternative cost sharing arrangements for required municipal infrastructure, as supported by legislation, has been entered into to the satisfaction of the City.
 - v. A Section 37 Agreement pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding Section 37 contributions, has been entered into between the City and the Owner to the satisfaction of the City.
 - vi. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the City within the prior 6 months for the lands from which the holding provision is to be removed.
- b) Driveways and underground *parking garages* are permitted to be constructed prior to the removal of Holding provision H1.

1.10 By adding the following schedules to By-law 2004-196, as amended Schedule __1, __2, __3, __4 and __6.

- 2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



SCHEDULE 'A' TO BY-LAW 2013-XX, AMENDING BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

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BY-LAW AMENDMENT No.PASSED

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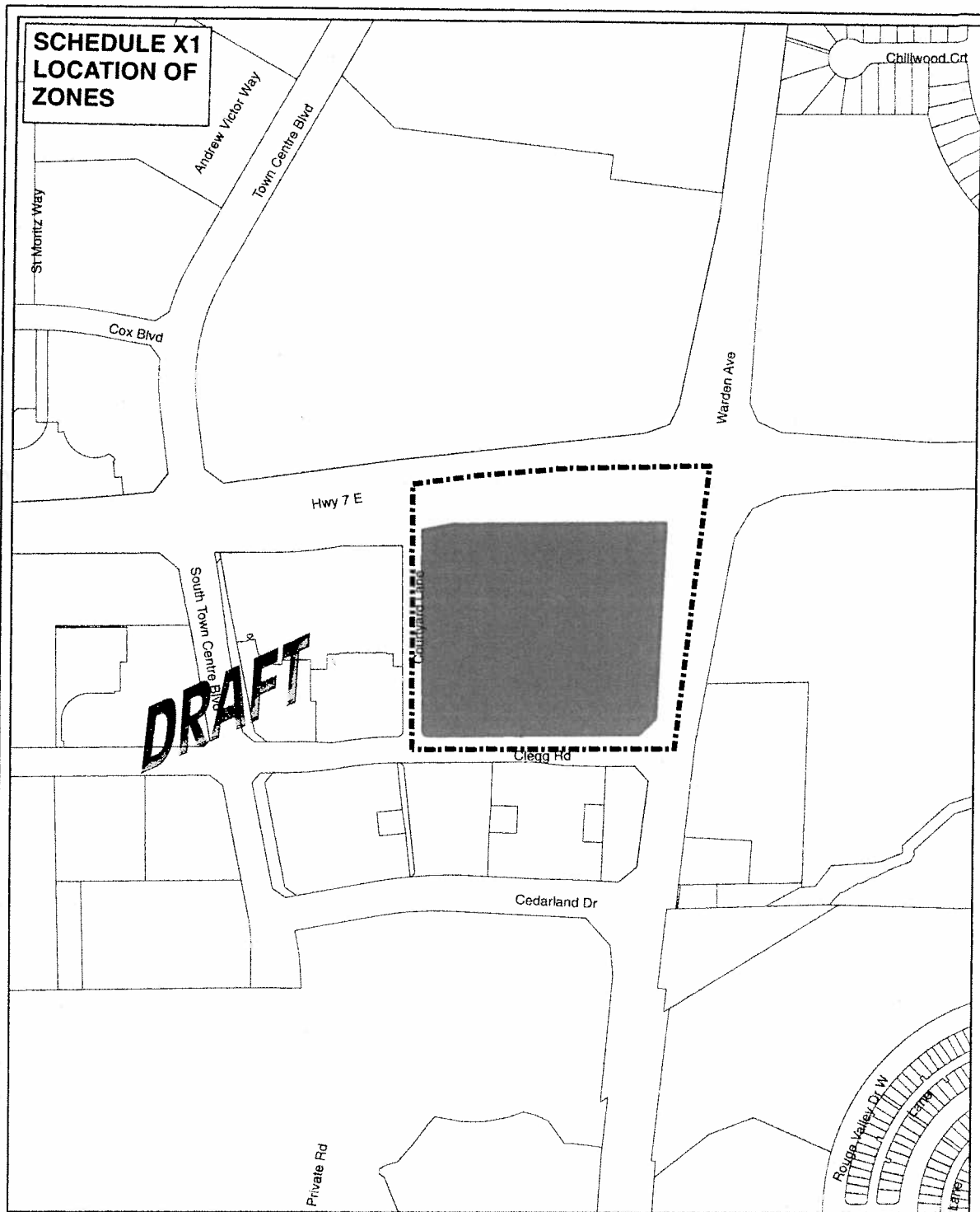
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DATE: 02/05/2013

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**SCHEDULE X1
LOCATION OF
ZONES**



SCHEDULE 'X1' TO BY-LAW 2013 - XX, AMENDING BY-LAW 2004-196



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MC-D2*XX

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..... (MAYOR)

..... (CLERK)



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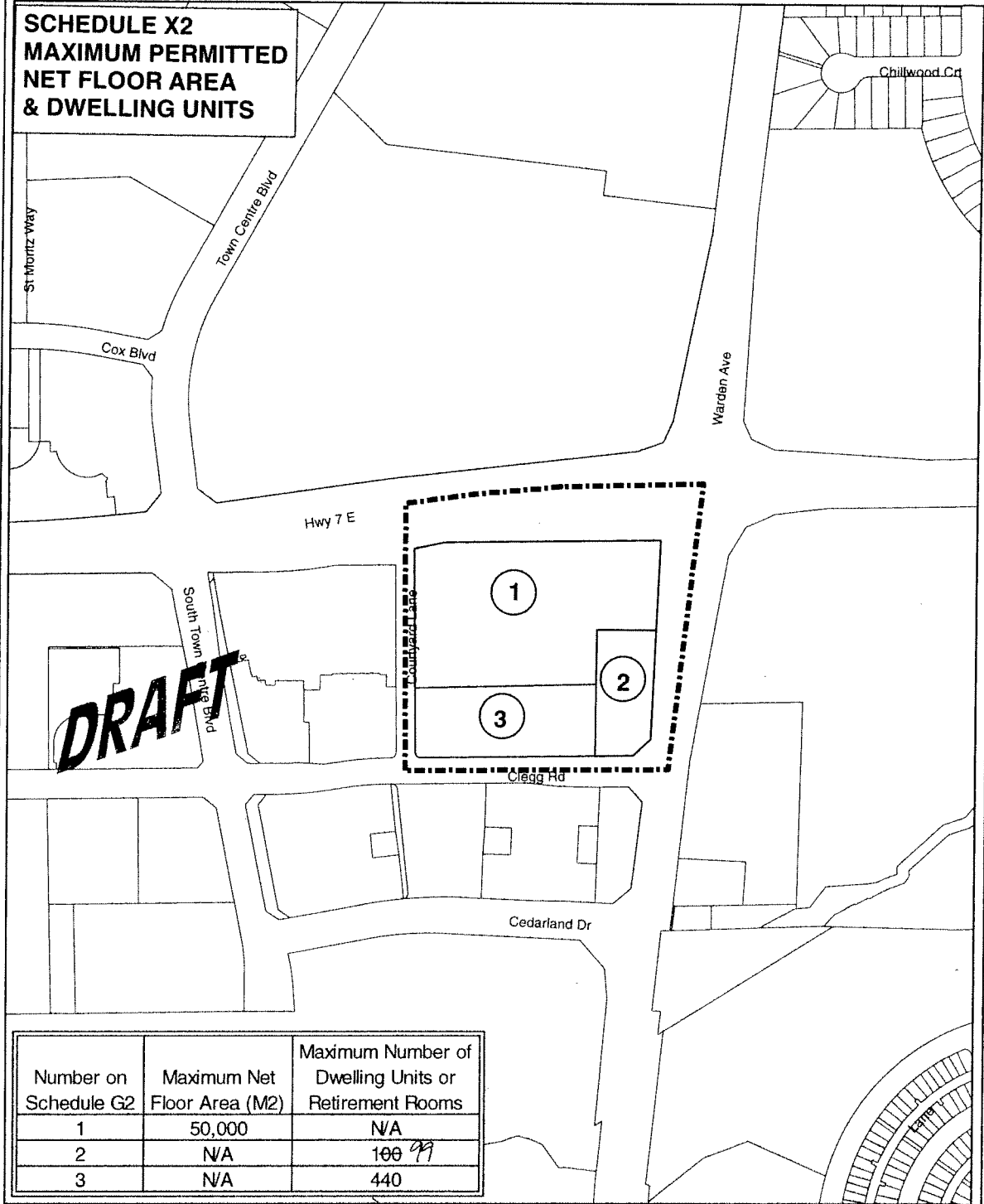
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**SCHEDULE X2
MAXIMUM PERMITTED
NET FLOOR AREA
& DWELLING UNITS**



Number on Schedule G2	Maximum Net Floor Area (M2)	Maximum Number of Dwelling Units or Retirement Rooms
1	50,000	N/A
2	N/A	100 <i>99</i>
3	N/A	440

SCHEDULE 'X2' TO BY-LAW 2013 - XX, AMENDING BY-LAW 2004-196

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



**SCHEDULE X3
MINIMUM &
MAXIMUM HEIGHTS**



The following provisions shall also apply:

- 1) For any portion of a residential building with a height greater than 30m, the maximum net floor area per storey, shall be 750sqm, not including balcony areas.
- 2) Any portion in excess of 30 metres in height of any residential building, shall not be less than 34 metres from any other residential building.

SCHEDULE 'X3' TO BY-LAW 2013 - XX, AMENDING BY-LAW 2004-196

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
-  Min 6.0m - Max 70m
-  Min 6.0m - Max 30m
-  Min 6.0m - Max 60m

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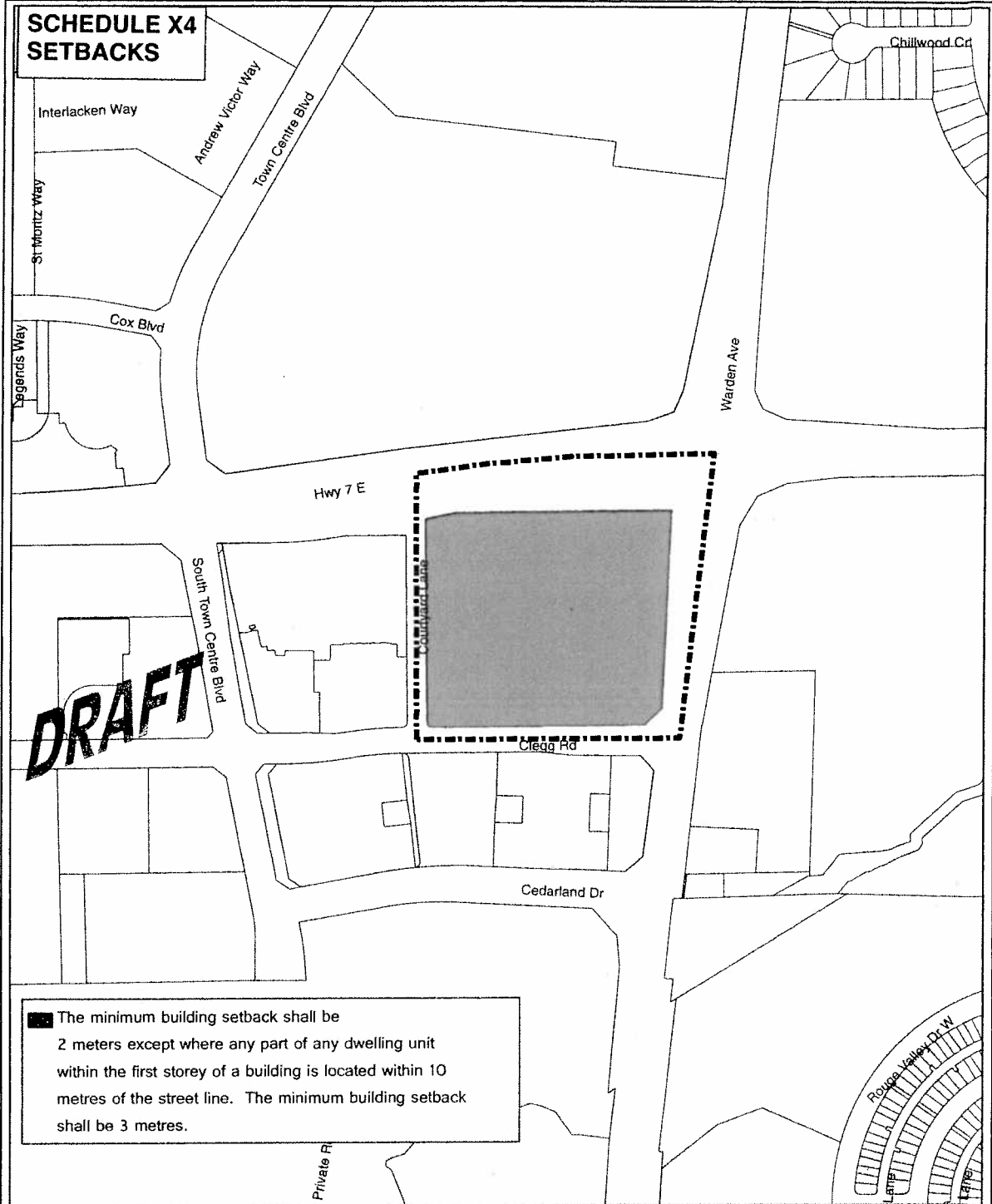
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SCHEDULE X4 SETBACKS



The minimum building setback shall be 2 meters except where any part of any dwelling unit within the first storey of a building is located within 10 metres of the street line. The minimum building setback shall be 3 metres.

SCHEDULE 'X4' TO BY-LAW 2013-XX, AMENDING BY-LAW 2004-196



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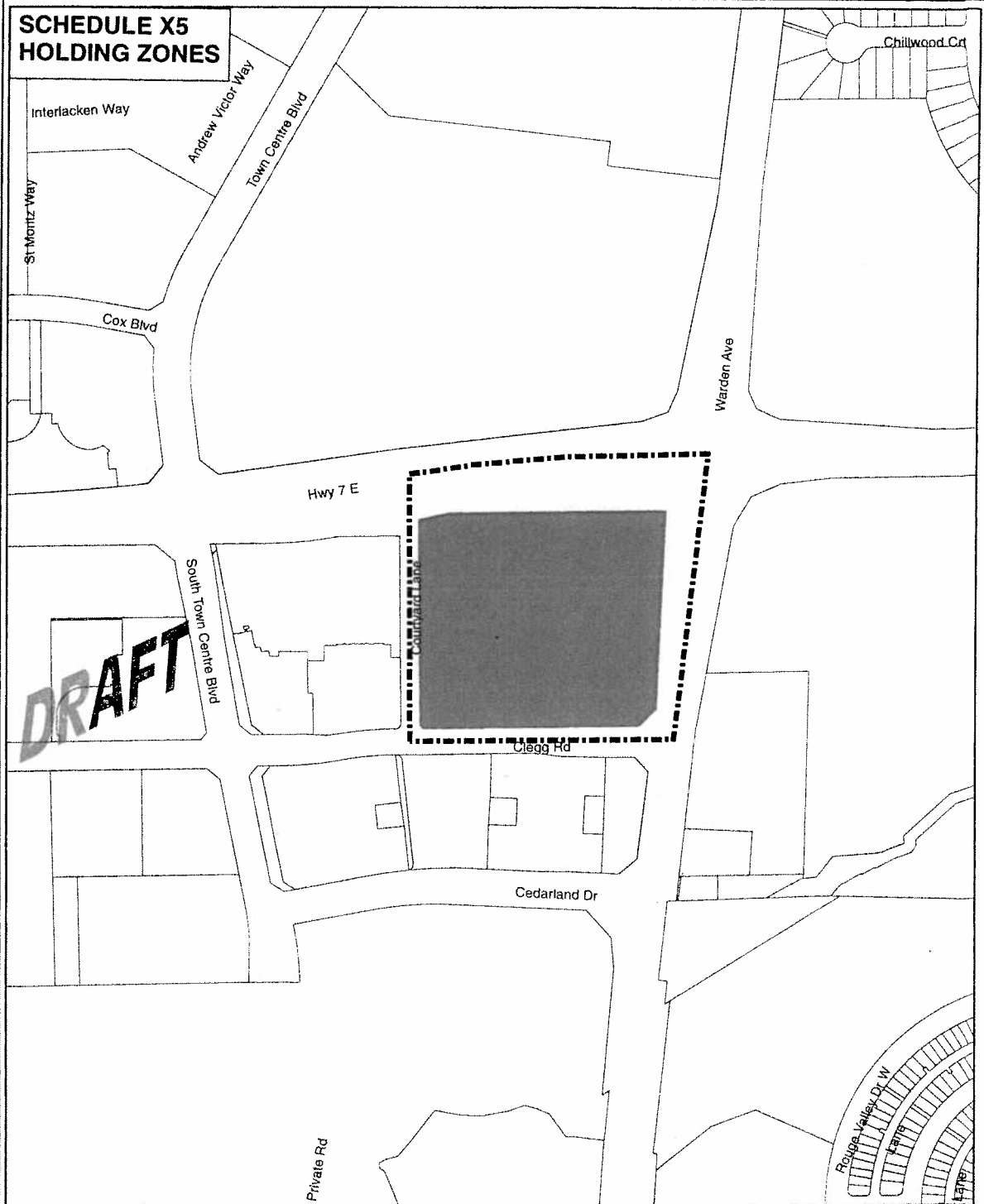
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SCHEDULE X5 HOLDING ZONES



SCHEDULE 'X5' TO BY-LAW 2013 - XX, AMENDING BY-LAW 2004-196



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