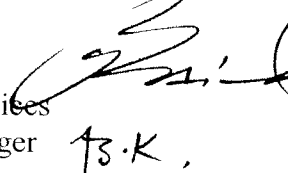




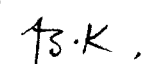
MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Biju Karumanchery, Senior Development Manager 

PREPARED BY: Stacia Muradali, Senior Planner, East District Team

DATE: May 22nd, 2012

RE: **Request to schedule a Public Meeting
Villarboit Development Corporation
Draft Plan of Subdivision, Rezoning and Site Plan applications to
permit a mixed use development at the south-east corner of Major
Mackenzie Drive and Highway 48 (9999 Highway 48)
File Nos. SU, ZA & SC 12 134590** 

Purpose

The purpose of this memorandum is to request authorization to schedule a statutory Public Meeting in consideration of the above applications.

Background

9999 Highway 48 (the "subject property") is approximately 12.8 hectares (31.7 acres) and is located at the south east corner of Highway 48 and Major Mackenzie Drive. The subject property previously contained an industrial building and was used for industrial warehousing and manufacturing by Emerson Electronics. There is also an existing stormwater management pond and small water channel located on the site.

In 2007, Villarboit Development Corporation ("Villarboit") submitted a rezoning application (ZA 07 134590) to facilitate the construction of a mixed use centre including commercial, office and residential uses. Four (4) residential towers, 18 storeys in height, 17 commercial buildings and 4 office buildings were proposed at that time. A Preliminary Report respecting this application was considered by Development Services Committee on March 18, 2008 (attached). Staff was authorized to schedule a statutory Public Meeting for the rezoning application after the applicant submitted an acceptable precinct plan for the subject property. Given the large size of the subject property and the scale of the proposed development, staff had requested a Precinct Plan to provide details with regard to such matters as street and block pattern, land use mix, built form, pedestrian connections, landscaping, views and corridors and phasing of the proposed

development. A Precinct Plan is no longer necessary as detailed plans and information have been submitted as part of recent applications for draft plan of subdivision and site plan approval.

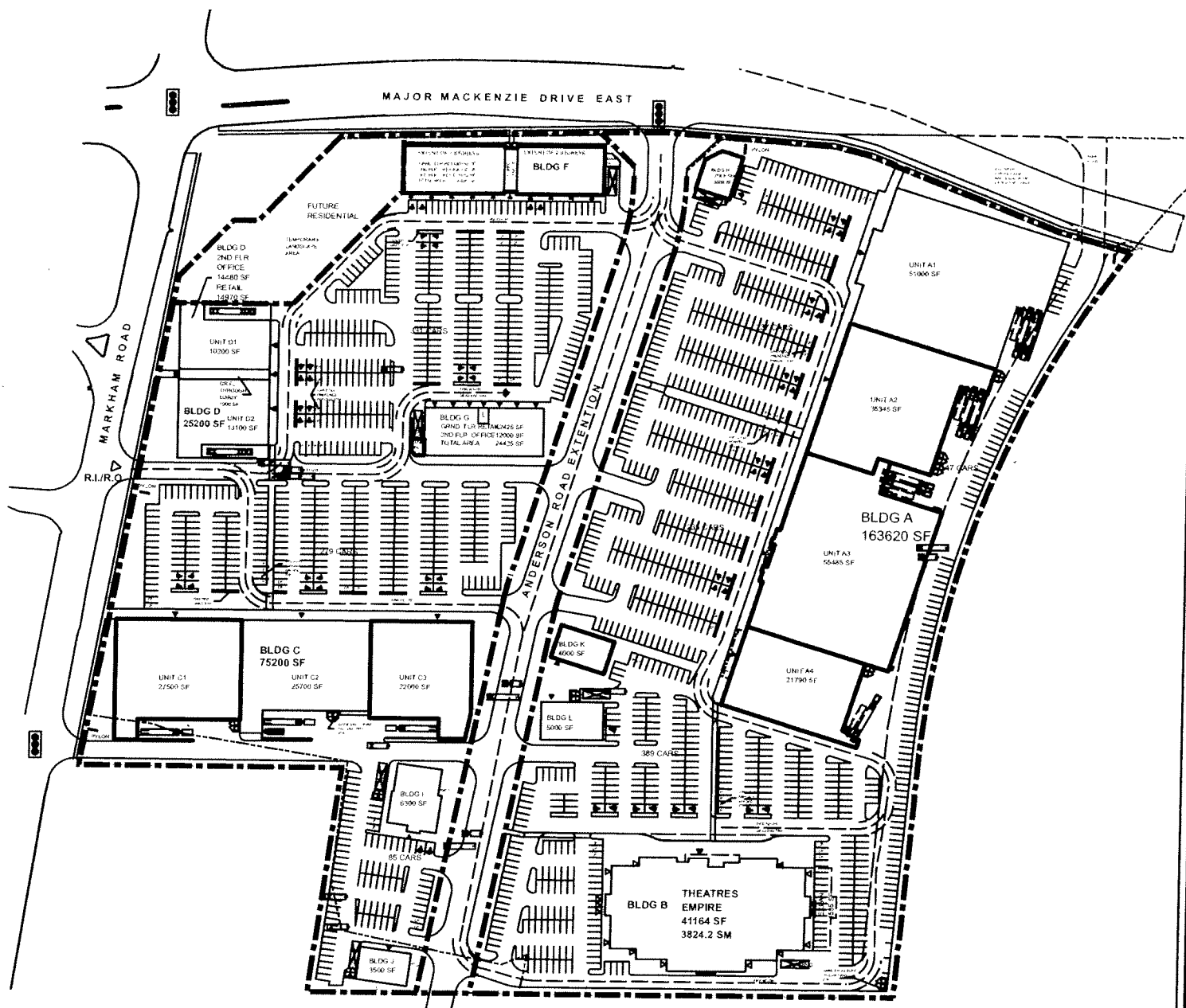
The proposed development has evolved since 2007, and Villarboit has submitted additional applications for draft plan of subdivision and site plan approval, as noted above, as well as a revised rezoning application to reflect the revised development concept. The proposed development presently consists of approximately 30,970 square metres (333,350 square feet) of retail uses, 5,277 square metres (56,800 square feet) of office space which will mostly be located on the second floor of some of the retail buildings, a 3,824 square metre (41,160 square feet) movie theatre, and a future 10-storey residential apartment building oriented towards the north-west corner of the site (see attached revised site plan). Anderson Avenue, which is currently located east of Highway 48, between Bur Oak Avenue and Castlemore Avenue, will eventually be extended north through the subject site to Major Mackenzie Drive. As part of the draft plan of subdivision, Villarboit will construct their portion of Anderson Avenue and convey the road to the Town.

Official Plan and Zoning

The Official Plan designates the subject property "Major Commercial Area". The intention of this designation is to provide for large scale multi-purpose centres with a diverse range of retail, service, community, institutional and recreational uses. This designation also provides for offices and high and medium density residential uses. The site is zoned "Select Industrial and Warehousing (M.I.)" which permits a variety of industrial uses.

Recommendation

That Staff be authorized to schedule a statutory Public Meeting to consider the Draft Plan of Subdivision and Rezoning applications (SU & ZA 12 134590) submitted by Villarboit Development Corporation to permit mixed use development at the south-east corner of Major Mackenzie Drive and Highway 48 (9999 Highway 48).



SITE PLAN

APPLICANT: VILLARBOIT DEVELOPMENT CORPORATION
9999 HIGHWAY 48

FILE No. SU. 12134590 (SM)

Q:\Geomatics\New Operation\2012 Agenda\SU\SU12134590\SU12134590.mxd

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW Checked By: SM

DATE: 04/25/2012

FIGURE No. 4



Report to: Development Services Committee

Report Date: March 18, 2008

SUBJECT: PRELIMINARY REPORT
Villarboit Development Corporation
Application for Zoning By-law Amendment to permit a mixed
use centre located at 9999 Highway No. 48
Southeast corner of Highway No. 48 and Major Mackenzie
Drive.
File No. ZA 07 134590

PREPARED BY: Nilesh Surti, Planner, ext. 4190

RECOMMENDATION:

That the report dated March 18, 2008 entitled "PRELIMINARY REPORT, Villarboit Development Corporation, Application for Zoning By-law Amendment to permit a mixed use centre at 9999 Highway No. 48, Southeast corner of Highway No. 48 and Major Mackenzie Drive" be received.

AND THAT Staff be authorized to schedule a statutory Public Meeting to consider the Zoning By-law amendment application after the applicant has submitted a precinct plan for the subject lands to the satisfaction of the Director of Planning and Urban Design.

PURPOSE:

The purpose of this report is to provide preliminary information regarding this application and to recommend that a statutory public meeting be held with respect to the Zoning By-law Amendment application after the applicant has submitted an acceptable precinct plan for the subject lands.

BACKGROUND:

Property and Area Context

The 12.8 hectare (31.7 acre) site is located at the southeast corner of Highway No. 48 and Major Mackenzie Drive with frontage and access on both Highway No. 48 and Major Mackenzie Drive (See Figure 1). The property presently supports a 31,028 m² (334,000 ft²) industrial building, which is currently occupied by Emerson Electronics. An existing stormwater management pond is situated at the southeast corner of the property and a portion of the Mount Joy Creek is presently piped beneath the existing driveway from Highway No. 48. There are no other significant natural feature on the property. In December 2007, the applicant purchased the subject lands from Emerson Electronics.

To the north, across Major Mackenzie Drive, are agricultural lands and the east boundary of the subject property abuts the CN Railway tracks. Across the railway tracks, is a proposed residential draft plan of subdivision submitted by Greensborough North Group (19TM-06009), which forms part of the Greensborough Community. Abutting the subject lands to the southwest is a recently constructed commercial development (Hipa Investments) and to the south are two existing industrial buildings. Krashnik Investments Inc., the landowner for the abutting property to the south, has submitted an application for Zoning By-law Amendment requesting that the lands be rezoned from Select

Industrial and Warehousing to Major Commercial, as well as an application for site plan approval to permit the construction of a new 4,800 m² (51,668.5 ft²) multi-tenant industrial building. To the west, across Highway No. 48, are two large vacant properties owned by Wismer Commons Commercial Limited and CRET 9900 Markham Limited, which are presently zoned for retail/commercial uses. Site plan applications have been submitted for these lands to permit a comprehensive commercial development (See Figures 2 & 3).

A mixed-use centre consisting of commercial, office and residential uses is proposed Villarboit Development Corporation has submitted a Zoning By-law Amendment application to rezone the lands from Select Industrial and Warehousing to Major Commercial to facilitate the construction of a mixed use centre including commercial, office and residential uses. The proposal is to demolish the existing industrial building and redevelop the site as follows:

Proposal	Total GFA	Units	Height
4 residential towers at the northeast portion of the property	64,800 m ²		18 storeys
17 commercial buildings fronting onto both Highway No. 48 and Major Mackenzie Drive as well as in the interior of the site.	25,435.6 m ²	approx. 768 units	1 storey
4 office buildings at the southeast portion of the property	33,396.7 m ²		4 storeys
Total	123,632.3 m²		
Floor Space Index – approximately 1.0			

The conceptual site plan (See Figure 4) shows east-west and north-south roads/driveways which connect to Highway No. 48 and Major Mackenzie Drive. The conceptual site plan also shows a total of 3,533 parking spaces located on the surface as well as in underground garages and above ground parking structures. A site plan application has not yet been submitted.

OPTIONS/ DISCUSSION:

Official Plan and Zoning

The Official Plan designates the subject property "Major Commercial Area". The intention of this designation is to provide for large scale multi-purpose centres offering a diverse range of retail, service, community, institutional and recreational uses serving a major portion of the municipality and/or broader regional market. This designation will also accommodate office and medium and high density housing at appropriate locations. The Major Commercial Area policies provide for the proposed land uses, subject to the following development requirements:

- Siting, massing and scale of development, and landscaping, contributing to and reinforcing the importance of these lands as a major multi-purpose focus in the Town;
- The development contributing to an attractive, pedestrian-friendly streetscape that is not dominated by large surface parking area; and

-
- Provision of attractive, safe, convenient and easily accessible pedestrian connections being provided to all adjoining streets and transit facilities and, where appropriate, between on-site facilities and uses.

The subject property is currently zoned Select Industrial and Warehousing (M.I) under By-law 88-76, as amended. The present Zoning By-law permits a variety of industrial uses. A Zoning By-law Amendment is required to permit the proposed development.

Highway 48 Urban Design Study

The Highway 48 Urban Design Study, endorsed by Council in October 2005, provides urban design and development guidelines to be used in the evaluation of development applications within the Highway 48 corridor between 16th Avenue and Major Mackenzie Drive. The vision for Highway 48 is to encourage a mixed-use, pedestrian-oriented district that incorporates new forms and trends in development that better support mixed retail and residential uses as well as provide a community focus. These guidelines are intended to be implemented progressively over many years as development and re-development proceeds. Hence, the purpose of the guidelines is to steer development towards the vision of a high quality, mixed use and pedestrian friendly district and to prevent undesirable built form and developments that may preclude the long-term fulfillment of the Town's vision for the Highway 48 corridor.

The subject lands fall within the identified Commercial and Industrial district. Most of the properties within this district are currently occupied by low-rise commercial and light industrial buildings. The study envisions that the existing uses within this district would eventually be converted or redeveloped to resemble the type of uses and built form anticipated on the west side of Highway No. 48, with a mix of retail, residential and office uses. Guidelines for this district call for:

- Residential buildings to be located facing onto Highway No. 48;
- New buildings and major additions to have a setback of 3 to 5 metres from the front property line;
- Parking to be located at the rear of buildings and well screened from the street by landscaping; and
- At least 70% of the useable street frontage on Highway 48 to be occupied by buildings.

The rezoning application submitted to accommodate the proposed development of a mixed-use centre will be reviewed in the context of the Highway 48 Urban Design Study and the standards set out in the Guidelines for this area.

Town Initiated Official Plan/Secondary Plan and Zoning By-law Amendments to implement the Highway 48 Urban Design Study

On October 17, 2006, Development Services Committee authorized staff to prepare Official Plan, Secondary Plan and Zoning By-law amendments to implement the approved land use and urban design vision for the Highway 48 corridor between 16th Avenue and Major Mackenzie Drive, as established in the Highway 48 Urban Design

Study. On February 19, 2008, a meeting was held with landowners in the Highway 48 corridor to discuss the implications of the proposed amendments on their properties and to receive their input. A statutory public meeting is scheduled for early April 2008.

A Precinct Plan should be prepared for the subject lands

Considering the large size of the subject lands and the scale of the proposed development a Precinct Plan, which can be reviewed in the context of the Highway 48 Urban Design Study, is required. The applicant has agreed to this approach which will assist the Town in determining appropriate zoning. The Precinct Plan will provide details with regard to such matters as street and block pattern; land use mix and density distribution, built form and architecture; massing and height of buildings; pedestrian connections, landscaping and open space connections; preservation of natural features; views and corridors and phasing of the proposed development. Staff recommend that a statutory public meeting be held after the applicant has submitted a Precinct Plan for the subject lands, to the satisfaction of the Director of Planning and Urban Design.

Potential Benefits of Approval of the Proposal:

The proposal would provide the following benefits:

- Subject to appropriate siting and layout of proposed uses/buildings, the proposal provides an opportunity to develop a mixed-use street oriented development along the Highway 48 corridor generally in accordance with the Highway 48 Urban Design Study;
- Redevelopment of an underused site along the Highway 48 Corridor and potentially achieve a higher density, transit supportive development; and
- Provide additional commercial services for the growing communities of Greensborough to the east and Wismer Commons to the west.
- Opportunity for sustainable building practice (i.e. LEED and Energy Star and green infrastructure)

Concerns/Issues to be addressed:

A number of concerns /issues have been identified. These matters, and any others identified through the circulation and detailed review of the proposal, can be addressed in a final staff report to be presented to Committee at a later date. The issues identified to-date are noted below:

- Submission of a precinct plan for the subject property is necessary to properly evaluate the proposal and phasing of construction.
- The overall mixing and interrelationship of land uses, placement of buildings, height and densities, and urban design principles are to be addressed
- Conformity of the proposed development with the guidelines identified in the Highway 48 Urban Design Study. The key urban design guidelines for the area include the following:
 - Residential buildings with commercial uses on the ground floor should be located along Highway No. 48

-
- Building heights need to be considered in an area context, and issues of gradation, design and articulation need to be addressed.
 - A consistent, animated street edge along Highway No. 48 is to be created with primary access to proposed buildings from this street.
 - Buildings should occupy a minimum of 70% frontage along Highway No. 48.
 - Buildings exceeding 30 meters in height should be stepped back at least 2 metres above the second floor.
 - Sidewalks of at least 4 metres in width should be provided along all public streets and along all facades with public entrances.
 - Large expanses of surface parking and pedestrian movements through the site need to be addressed.
 - Explore the opportunity to extend Anderson Avenue north connecting with the proposed north/south road;
 - Comments from Toronto and Region Conservation Authority regarding the protection and enhancement of the Mount Joy Creek;
 - Submission of the following studies/plans, and any other studies deemed necessary through the review process, to be completed to the satisfaction of the Town prior to the enactment of the Zoning By-law amendment:
 - Traffic Study
 - Master Servicing Study
 - Development Phasing Plan
 - Noise study
 - Phase I and Phase II environmental site assessment reports
 - Tree Inventory and Preservation Plan

Conclusion

Staff recommend that a statutory public meeting be held after the applicant has submitted an acceptable precinct plan for the subject lands.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

None at this time.

ENVIRONMENTAL CONSIDERATIONS:

The application has been circulated to the Toronto and Region Conservation Authority for comments to ensure that appropriate measures are taken with regard to the portion of the Mount Joy Creek located on the subject lands.

ACCESSIBILITY CONSIDERATIONS:

Accessibility considerations will be reviewed as part of the site plan approval process.

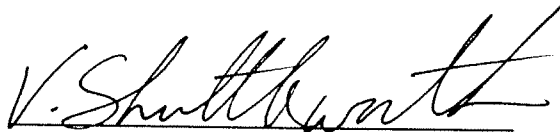
ENGAGE 21ST CONSIDERATIONS:

The proposed development will assist with the implementation of the following key Town of Markham Corporate Goals: Managed Growth, Quality Community and Infrastructure Management.

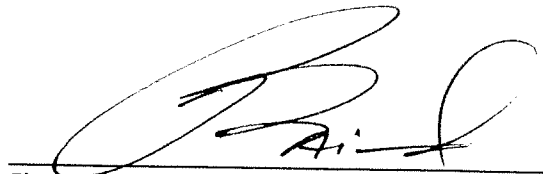
BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various Town Departments and external agencies including the Toronto and Region Conservation Authority, and is currently under review. Requirements of the Town and external agencies will be reflected in the final report, if one is required, and in the preparation of the Zoning By-law amendment.

RECOMMENDED BY:



Valerie Shuttleworth, 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

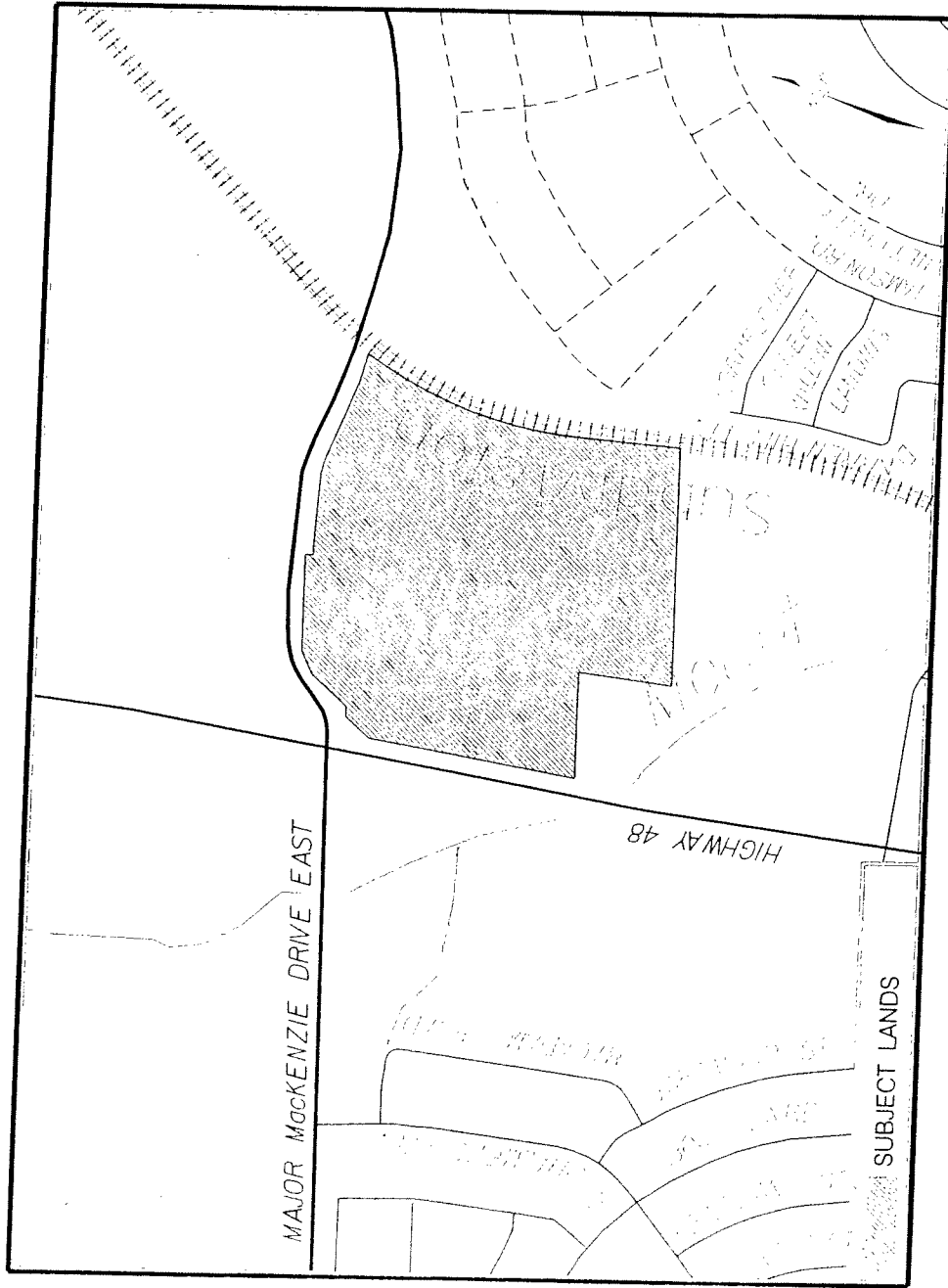
ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo 2005
- Figure 4 – Conceptual Site Plan

AGENT:

Mr. David McKay, MCIP, RPP
MacNaughton Hermesen Britton Clarkson Planning Limited
7050 Weston Road
Vaughan ON L4L 8G7
Tel: 905-761-5522; Fax: 905-761-5589

File Path: Q:\Development\Planning\APPL\Zoning\ZONING\07 134590 (Villarboit
Development Corporation\Villarboit Development - preliminary report.doc



BY-LAW 304-87

A1

RR2

HC2

MAJOR MCKENZIE DRIVE EAST

AMEND 2004-140

PROPOSED CL. OF BY-LAW

RR4

AC1(H)

*AMEND 169-1999

MJC*221(H)

AMEND 2004-140

*AMEND 2005-376

*AMEND 2005-5

*AMEND 2005-376

BY-LAW 88-76

AMEND 198-78

M.I.

BY-LAW 177-96

AMEND 60-98

AMEND 2005-18

MJC*246

MJC*187

*AMEND 2003-263

*AMEND 2005-5

*AMEND 2005-376

BY-LAW

R2*133*137*205*207

R2*133*207(H)

R2*133*207

*AMEND 2007-168

*AMEND 2005-5

*AMEND 2003-326

AREA CONTEXT /ZONING

APPLICANT: VILLARBOIT DEVELOPMENT CORPORATION
9999 HIGHWAY 48

FILE No: ZA. 07134590 (NS)



DEVELOPMENT SERVICES COMMISSION

D/WN BY CFW CHK BY NG

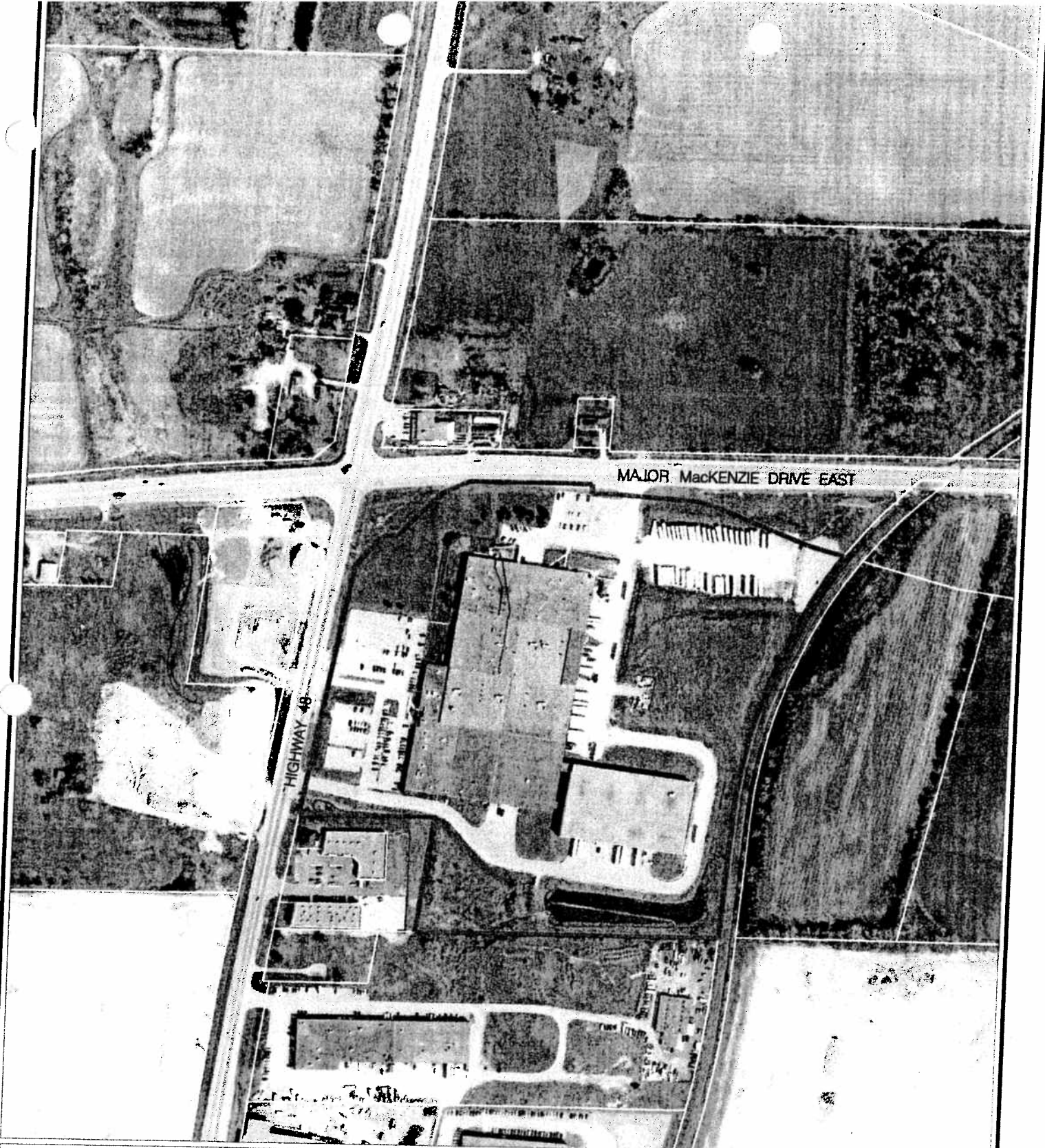
SCALE 1:

SUBJECT LANDS

DATE: 23/01/08

FIGURE No.2

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AIR PHOTO (2007)

APPLICANT: VILLARBOIT DEVELOPMENT CORPORATION
9999 HIGHWAY 48

FILE No: ZA. 07134590 (NS)

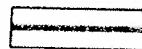


DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: NS

SCALE 1:



SUBJECT LANDS

DATE: 23/01/08

FIGURE No.3



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