



Report to: Development Services Committee

Report Date: February 22, 2011

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**SUBJECT:**

**RECOMMENDATION REPORT**

**Milliken Development Corporation**

Proposed Official Plan and Zoning By-law amendments to permit institutional uses consisting of a retirement home, long term care facility and an assisted living facility at 31, 67 & 73 Old Kennedy Road and 4550 & 4576 Steeles Avenue

**PREPARED BY:**

Files: OP 10 120215 and ZA 10 120216

Anna Henriques, on behalf of the Central District, ext. 7922

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**RECOMMENDATION:**

- 1) That the staff report entitled “RECOMMENDATION REPORT, Milliken Development Corporation, Proposed Official Plan and Zoning By-law amendments to permit institutional uses consisting of a retirement home, long term care facility and an assisted living facility at 31, 67 & 73 Old Kennedy Road and 4550 & 4576 Steeles Avenue”, be received;
- 2) That the record of the Public Meeting held on September 14, 2010 with respect to the proposed amendments to the Official Plan and Zoning By-law, be received;
- 3) That the application submitted by Milliken Development Corporation to amend the Official Plan, be approved, and the draft Official Plan amendment attached as Appendix ‘A’, be finalized and enacted without further notice;
- 4) That the application submitted by Milliken Development Corporation to amend the Zoning By-law, be endorsed in principle, and the proposed Zoning By-law amendment be brought forward to Council for enactment once the applicant has provided additional information, as outlined in this report, required to finalize the By-law;
- 5) That the Town owned lands at 4576 Steeles Avenue (Concession 6, Lot 1) be declared surplus to Town purposes by By-law, upon completion of Midland Avenue EA confirming the ultimate alignment and right-of-way requirements, and conveyed to the adjacent land owner at a purchase price based on fair market value as established by an independent third party appraisal to the satisfaction of the Town’s Chief Administrative Officer, at the time of site plan approval, with the said appraiser to be retained by the Town at purchaser’s sole cost and expense; and,

- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **EXECUTIVE SUMMARY:**

The subject lands are comprised of a portion of 5 properties which are located in the Milliken Mills community, near the northeast corner of Old Kennedy Road and Steeles Avenue. The properties are municipally known as 31, 67 and 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue (Figure 3 & 4).

The applicant is proposing a development intended to accommodate the needs of seniors in the community. The applicant has an agreement with the Mon Sheong Organization who will build the proposed seniors' development. The proposal consists of 2 independent living retirement homes, an assisted living facility and a long term care facility. The proposed buildings will range in height from 6 to 12 storeys.

An amendment to the Official Plan and Main Street Milliken Secondary Plan is required to redesignate the subject lands from 'Urban Residential – Medium Density' and 'Community Amenity Area – Steeles Avenue' to 'Institutional' to permit the seniors' development and accommodate an increase in height and density. The secondary plan area was pre-zoned to implement the secondary plan and therefore, a zoning by-law amendment is also required to accommodate the proposed seniors' development.

Staff recommend approval of the proposed Official Plan amendment. The proposal is consistent with Provincial policies that seek to provide a variety of housing types to a population of various ages and will serve to meet the needs of seniors within the Town of Markham.

There are a number of outstanding issues that need to be addressed in order to finalize the Zoning By-law amendment. For example, information with respect to finalizing proposed lot lines and confirming setbacks, access locations, landscaping/buffering, loading areas and amenity space remain to be finalized with the applicant. Staff recommend that the proposed Zoning By-law amendment be endorsed in principle and that the proposed amendment be brought forward to Council for adoption after resolution of outstanding items.

<a href="#">1. Purpose</a>	<a href="#">2. Background</a>	<a href="#">3. Discussion</a>	<a href="#">4. Financial</a>
<a href="#">5. Others (HR, Strategic, Affected Units)</a>		<a href="#">6. Attachment(s)</a>	

### **PURPOSE:**

The purpose of this report is to discuss issues and to recommend approval of the proposed Official Plan amendment submitted by Milliken Development Corporation and to recommend endorsement, in principle, of the proposed Zoning By-law amendment. The proposed Zoning By-law amendment will be brought forward to Council for enactment once the applicant provides additional information, as outlined in this report, required to finalize the By-law.

### **BACKGROUND:**

#### **Subject Property and Area Context**

The subject lands are comprised of a portion of 5 properties which are located in the Milliken Mills community, near the northeast corner of Old Kennedy Road and Steeles Avenue. The properties are municipally known as 31, 67 and 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue (Figure 3 & 4). The subject lands have a combined area of approximately 1.72 hectares (4.25 acres) and the entire 5 properties have an area of 3.5 hectares (8.5 acres).

Two (2) properties comprising the subject lands are vacant, 31 Old Kennedy Road, located in the western and central portion of the subject lands and 4576 Steeles Avenue (Town owned parcel) located at the eastern boundary of the subject lands. The property immediately west of 4576 Steeles Avenue, municipally known as 4550 Steeles Avenue, contains a large building known as the Milliken Flea Market. The property municipally known as 67 Old Kennedy Road contains a single storey dwelling that is vacant. Immediately north of this property is 73 Old Kennedy Road which also contains a single storey designated heritage dwelling that is vacant.

Surrounding land uses include residential townhomes (under construction) immediately to the north, existing single detached homes as well as a 7 storey apartment building and townhomes, both under construction, immediately to the east (opposite future extension of Midland Avenue proposed along eastern edge of subject lands), commercial/retail uses to the south across Steeles Avenue in the City of Toronto and a number of single detached dwellings, a gas station and an auto repair facility immediately abutting the subject lands to the west, along the east side of Old Kennedy Road. The west side of Old Kennedy Road contains mainly automobile sales establishments (Figure 3).

### Proposal

The applicant has an agreement with the Mon Sheong Organization who will build the proposed seniors development. The applicant is not the builder and has not submitted a site plan application. Details with respect to the concept plan (Figure 4) submitted by the applicant in support of the proposed Official Plan and Zoning By-law amendment applications are outlined below:

<b>Building</b>	<b>Location</b>	<b>Use</b>	<b>Units</b>	<b>Storeys</b>	<b>Total GFA</b>
2A	South of Thelma	Independent Living Retirement Home	216	12	229,899ft <sup>2</sup> (21,358 m <sup>2</sup> )
2B	South of Thelma	Independent Living Retirement Home	136	8	155,624 ft <sup>2</sup> (14,458 m <sup>2</sup> )
4A	North of Thelma	Long-Term Care Facility	37 (8-10 beds per unit)	6	102,846 ft <sup>2</sup> (9,555m <sup>2</sup> )
4B	North of Thelma	Assisted Living Facility	120	6	105,694 ft <sup>2</sup> (9,819m <sup>2</sup> )
<b>Total</b>			<b>509</b>		<b>594,063 ft<sup>2</sup> (55,190 m<sup>2</sup>)</b>

Proposed indoor amenity space will generally be located on the main floor of each building, intended for use by building residents only.

Approximately 324 resident and visitor parking spaces are proposed as part of the proposal with approximately 176 spaces north of Thelma Avenue (19 spaces above grade) and approximately 148 spaces south of Thelma Avenue (18 spaces above grade). Specific building details will be discussed as part of a future site plan application.

### **Phasing plan proposed**

The applicant is proposing to phase development on their lands. Phase 1, the subject lands, consists of the seniors' proposal as outlined above and is the subject of the proposed Official Plan and Zoning By-law Amendments currently under consideration. The balance of the subject properties located south of Phase 1, (portion of 31 Old Kennedy Road, 4550 and 4576 Steeles Avenue) and west of Phase One (1) (portion of 67 and 73 Old Kennedy Road) will be developed in the future (Figure 4). Applications for the future development lands have not been submitted at this time.

### **Official Plan and Zoning**

The northern portion of the subject lands, north of the proposed extension of Thelma Avenue, is designated 'Urban Residential' in the Official Plan and 'Urban Residential – Medium Density' in the Main Street Milliken Secondary Plan (OPA 144). This designation contemplates a range of residential housing forms such as townhouses, stacked townhouses, garden court apartments, terrace houses, duplexes, triplexes and other forms of multiple unit housing. The 'Medium Density Residential' designation also provides for a maximum density of 79.9 units per net hectare (32 units per net acre) and a maximum building height of generally 3 storeys. The Secondary Plan provides that exceptions to increase the height to 4 (four) storeys can be considered subject to appropriate integration with surrounding development and approval of a specific development proposal.

The southern portion of the subject lands, south of the proposed extension of Thelma Avenue, is designated 'Commercial – Community Amenity Area' in the Official Plan and 'Community Amenity Area – Steeles Avenue' in the Main Street Milliken Secondary Plan. The 'Community Amenity Area – Steeles Avenue' designation is intended to develop with retail and office uses along Steeles Avenue. Medium or High Density residential uses are permitted subject to a site specific development application and zoning amendment. Existing policies provide that the Floor Space Index (FSI) shall generally not exceed 1.5 and the maximum building height shall generally be five (5) storeys. Exceptions to the height may be permitted subject to appropriate integration with surrounding development and approval of a specific development proposal. It is expected that all new development within the 'Community Amenity Area – Steeles Avenue' designation would be compatible in terms of built form and character with abutting residential uses.

The secondary plan also conceptually identifies the location of the proposed extensions of Thelma Avenue (local road) and Midland Avenue (minor collector road), consistent with the proposal submitted by the applicant.

A secondary plan amendment is required to permit the proposed institutional uses and requested increase in height and density.

The portion of the subject lands located north of the proposed extension of Thelma Avenue is zoned 'Residential Two - HOLD' [R2\*276(H)]. The portion of the subject lands south of the proposed extension of Thelma Avenue is zoned 'Community Amenity Area Four - HOLD' [CA4\*285(H)] in By-law 177-96, as amended (Figure 2). The secondary plan area was pre-zoned to implement the secondary plan and therefore, a zoning by-law amendment is required to accommodate the proposed seniors' development.

### **Statutory public meeting held on September 14, 2010**

On September 14, 2010, a statutory public Meeting was held to consider the proposed Official Plan and Zoning By-law amendments. A number of concerns were raised by residents and Members of Committee with respect to the design and alignment of the future extension of Midland Avenue, the interface of the proposed buildings with the townhouses under construction to the north, building height and density relative to the Main Street Milliken Secondary Plan permissions and phasing. These matters, along with others, are discussed further in this report.

### **OPTIONS/ DISCUSSION:**

#### **Official Plan and Secondary Plan amendments required to redesignate the lands to 'Institutional'**

Consistent with similar developments in Markham, the subject lands consisting of the proposed seniors development (Phase 1) will be redesignated to 'Institutional' in the Official Plan and Main Street Milliken Secondary Plan. The policies in Section 3.6 (Institutional) of the Official Plan provide for health care institutional uses including hospitals, centres for the disabled, nursing homes, homes for the aged, or similar residential health care facilities.

#### **Secondary Plan amendment will include site specific provisions for the proposed development**

To implement the applicant's proposal, the proposed Secondary Plan amendment will include site specific provisions pertaining to permitted uses, height, maximum number of units and maximum FSI, as outlined below:

Lands north of the future extension of Thelma Avenue

<b>Permitted Uses</b>	<b>Max. Height</b>	<b>Max. Units</b>	<b>Max. FSI</b>
<u>Nursing Homes, Assisted Living Facilities and Long Term Care Facilities</u> , as defined and regulated by the Ontario Long Term Care Act, 2007 or the Ontario Retirement Homes Act, 2010	6 storeys	N/A	3.0

Lands south of the future extension of Thelma Avenue

<b>Permitted Uses</b>	<b>Max. Height</b>	<b>Max. Units</b>	<b>Max. FSI</b>
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Retirement Homes, as defined and regulated by the Ontario Retirement Homes Act, 2010	12 storeys – western half 8 storeys – eastern half	360 units	4.8
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### **Traffic study reviewed**

The traffic study submitted in conjunction with the applications has been reviewed by Town staff, the City of Toronto and the Region of York. Some key issues were identified with respect to access as discussed below. Given the nature of the proposed institutional uses, there were no issues associated with the proposed development relative to road capacity in the area.

### **Midland Avenue EA not finalized, requiring temporary access arrangement**

Completion of a Class EA is required in order to determine the ultimate design and alignment of the future extension of Midland Avenue from Steeles Avenue to Old Kennedy Road. The applicant is proposing direct access to the future extension of Midland Avenue at two locations, one south of the future extension of Thelma Avenue and the other north of the future extension of Thelma Avenue (Figure 4). The Town's legal department has advised staff that providing access (via a temporary shared private driveway with 4600 Steeles Avenue) within the future Midland Avenue right-of-way is a potential liability to the Town and inconsistent with the EA process. Accordingly, staff have advised the applicant that access to the future right-of-way for Midland Avenue (extending south to Steeles Avenue), cannot be supported until the EA process has been completed and Midland Avenue has been constructed and dedicated to the Town.

In the absence of an approved EA for the future extension of Midland Avenue and the lack of an outlet for the future extension of Thelma Avenue, temporary access and frontage from Old Kennedy Road will be required. The applicant is proposing temporary access and frontage via 67 Old Kennedy Road (Figure 4). Staff have requested a revised traffic study to review the corresponding traffic analysis for the proposed temporary access location in order to finalize the proposed zoning by-law amendment. This temporary access will protect for the Midland Avenue EA process and will be required until such time as the extension of Midland Avenue is fully constructed or the necessary lands are acquired to construct Thelma Avenue out to Old Kennedy Road.

In addition, this temporary access will also be reviewed in consultation with Town Heritage staff, at the site plan application stage, to review any potential concerns with the designated heritage dwelling located to the immediate north at 73 Old Kennedy Road (Figure 4).

### **Intersection improvements required for Steeles and Midland Avenue**

Interim intersection improvements for Steeles and Midland Avenue were secured through previous development approvals at 4600 Steeles Avenue. There is an understanding between the Town and the City of Toronto that the future development of one of the properties comprising the subject lands, 4550 Steeles Avenue, will require ultimate intersection improvements at Steeles and Midland Avenue. These improvements will be secured through a future site plan agreement.

### **Town owned lands**

The proposal includes Town owned lands, 4576 Steeles Avenue, located at the western end of the subject lands (Figure 3). A portion of this property will be required for the future extension of Midland Avenue. The applicant intends on developing the balance of the Town owned lands with the proposed seniors' development. The Town owned residual parcel from the Midland Avenue extension will need to be declared surplus to Town purposes by By-law, upon completion of Midland Avenue EA confirming the ultimate alignment and right-of-way requirements, and conveyed to the adjacent land owner at a purchase price based on fair market value. A purchase price based on fair market value will be established by an independent third party appraisal, to the satisfaction of the Town's Chief Administrative Officer, at the time of site plan approval with the said appraiser to be retained by the Town at purchaser's sole cost and expense.

### **Interface with townhouse development to the north**

The proposed buildings north of the future extension of Thelma Avenue abut a townhouse development under construction to the immediate north of the subject lands. The concept plan and elevations submitted by the applicant indicate a building height and massing step back from 6 storeys to 4 storeys adjacent to the townhouse development and a 9 metre setback to the north property line. Staff continue to work with the applicant in finalizing appropriate setbacks and landscape buffers for the Zoning By-law amendment, to address concerns with respect to amenity space privacy and shadowing for the townhouse properties to the north.

### **Proposed height and density relative to Secondary Plan permissions**

The proposed development represents a significant increase in height and density relative to current Secondary Plan permissions. However, given the nature of the proposed use, it is anticipated that the seniors' development will have minimal impact on the capacity of the nearby road network and will contribute to a transit-supportive built form.

Planning and Urban Design staff are proposing a Main Street Milliken Precinct Plan study as a 2011 Capital Budget project.

### **Designated heritage dwelling located at 73 Old Kennedy Road**

The James Rattle house, an 'Edwardian Classical' dwelling designated under Part IV of the Ontario Heritage Act, is located within the front portion (approximately one-third) of 73 Old Kennedy Road. This portion of 73 Old Kennedy Road has been identified on the concept plan as 'future development' (Figure 4). The rear two-thirds of the property forms part of the subject lands for the proposed seniors development (Phase 1). Although the heritage dwelling is located outside of the developable area for the proposed seniors' development, input from the Town's heritage department will be required at the site plan application stage to ensure the proposed development is complementary to the heritage dwelling.

### **Servicing Feasibility Report**

A Servicing Feasibility Report has been submitted that does not adequately address staff concerns with respect to downstream sanitary sewer capacity in the area. A revised report has been requested by staff and the submission of a revised study to the satisfaction of the Town, will be required as a condition of Zoning By-law Hold removal.

### **Servicing allocation not required**

The proposed long term care (building 4A), assisted living (building 4B) and independent living buildings (buildings 2A&2B) will have common kitchen and dining facilities (Figure 4). In addition, the proposed independent living buildings will also have small kitchenettes with small kitchen appliances (ovens not proposed) within the units. Given the nature of the proposed Institutional uses, the provision of communal kitchen and dining facilities, and the absence of full kitchens and/or cooking facilities within individual units, servicing allocation is not required.

### **OPA will require Region of York approval**

The proposed Official Plan amendment was not exempt from Regional approval due to the statutory Public Meeting occurring prior to the Region's review. Once the amendment is adopted by Council, it will be forwarded to the Region for their review and approval.

### **Proposed Zoning By-law amendment to be finalized at a later date**

The applicant has advised that the end user, the Mon Sheong Organization, will be submitting a site plan application for the proposed development in the future, once they take title to the subject lands.

There are a number of issues that remain to be resolved in order to finalize the proposed zoning by-law amendment. For example, information with respect to finalizing proposed lot lines, confirming setbacks, access locations, landscaping and buffering, locations of loading areas and amenity space and pick-up/drop off areas remain to be resolved with the applicant. Typically, these details would be provided as part of a site plan application and implementing zoning by-law. In the absence of a detailed site plan application, staff have requested that the applicant provide additional details to address outstanding issues. This will enable staff to prepare a draft by-law that addresses staff concerns and meets the future programming needs of Mon Sheong.

Staff intend to draft a by-law with a Hold provision with conditions relating to the finalization of required studies and plans, including a revised traffic study and servicing study, confirmation of access arrangements and site plan approval prior to the removal of the Hold provision.

Staff recommend that the proposed zoning by-law amendment, to implement the Official Plan amendment, be endorsed in principle and that the proposed amendment be brought forward to Council for adoption after the requested information has been submitted to the Town for review and approval.

## **CONCLUSION**

### **Proposed Official Plan and Secondary Plan amendments recommended for approval**

The proposed seniors' development is consistent with Provincial policies that seek to provide a range and mix of housing types to accommodate people at all stages of life and will serve to meet the needs of seniors within the Town of Markham. In addition, the proposed development will have minimal impact on the capacity of the nearby road network and will contribute to a transit-supportive built form. On this basis, staff recommend approval of the proposed Official Plan amendment and endorsement of the Zoning By-law amendment in principle.



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

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Growth Management and Municipal Services:

The proposal is consistent with policies supporting the efficient use of land and infrastructure by providing a more compact built form and serving the needs of seniors in the community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This application has been circulated to Town departments and public agencies, including the City of Toronto and Region of York, for comment. Comments have been discussed and addressed in this recommendation report.

**RECOMMENDED BY:**


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

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

**ATTACHMENTS:**

Figure 1: Property Location

Figure 2: Air Photo

Figure 3: Area Context/Zoning

Figure 4: Concept Plan

Figures 5: Conceptual Elevations

**Agent:**

David McKay  
MHBC Planning limited  
7050 Weston Road  
Vaughan, ON  
Tel: 905-761-5588  
Fax: 905-761-5589