



DATE: April 11, 2006

TO: Committee of the Whole

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning & Urban Design

SUBJECT: Re: Highway 404 North Official Plan Amendment and Secondary Plan




A Public Meeting of the Development Services Committee to consider the Highway 404 North OPA and Secondary Plan was held on March 7, 2006. Committee recommended that the OPA and Secondary Plan be finalized and forwarded to Council for adoption and also requested that a memorandum be submitted with the final document addressing certain items on which the Committee commented (extract attached). These items included provision within the Secondary Plan for sustainable practices, to be addressed in the further approval of development, the provision for future connection of roads within the Planning District to the lands to the east, and requests for revision to the Secondary Plan on behalf of Vetmar Ltd. This memorandum is provided in response to that request.

Recommendation

It is recommended that the Official Plan Amendment and Secondary Plan for the Highway 404 North Planning District, revised as described in this memorandum and attached, be adopted by Council.

1. Environmental Policy and Sustainable Development

The Secondary Plan incorporates a range of policies addressing environmental features and systems and sustainable development. Specific sections of the Plan include:

- 5.6.3 Rouge Park North Policies
- 5.6.4 Environmental Protection Area – Hazard Lands
- 5.6.5 Environmental Protection Area – Valleylands
- 7.1 Environmental Management Study
- 7.2 Potential Contamination
- 7.3 Pollution Prevention and Reduction
- 7.5 Natural Features
 - 7.5.1 Hedgerows and Trees
 - 7.5.2 Woodlot at Southern Boundary of Planning District
 - 7.5.3 Lands adjacent to the Rouge Park North
 - 7.5.4 Small Streams

7.6 Sustainable Design and Energy Conservation

The Secondary Plan provides for the completion of a number of studies that address environmental and community design requirements to the satisfaction of the Town, in consultation with interested agencies, prior to development approval. Foremost among these is the Environmental Management Study, which the Plan requires be completed before other studies so that its recommendations may guide and inform subsequent work. This approach is new and intended to place environmental considerations first in further planning and design for the Planning District. The Environmental Management Study provides the opportunity to address, early in the process, the incorporation of a wide range of environmental planning considerations into the overall planning for the District.

The transportation system serving the District has been designed to accommodate transit, bicycle and pedestrian requirements and the required Community Design Plan will address the relationship of built form and streetscaping to transit routes and stops and the requirements of transit riders. Provision for transit transfer point is also included.

With regard to stormwater management the Secondary Plan requires that the Environmental Management Study and implementing studies ensure that facilities are designed to serve as a community resource and to maintain environmental and ecological integrity. Town best management practices and policies of the MOE and TRCA are to be applied as well as recommendations of the background Ecoplans Study, prepared for the Town, and the Small Steams Study.

2. Proposed East-West Major Collector Road Connecting to 404 Flyover

Consistent with the Town's Official Plan, the draft Secondary Plan identifies a schematic location for a flyover of Highway 404 providing a mid-block connection between north-south arterial roads in Markham and Richmond Hill. Protection for mid-block flyovers of 400 series Highways, has been identified as a priority in the York Region Transportation Master Plan and the Markham Transportation Planning Study. The schematic location shown is midway between Elgin Mills Road and 19th Avenue.

Development Services Committee received a submission dated March 2, 2006, from Jim Kirk of Malone Given Parsons Ltd. on behalf of Vetmar Ltd. suggesting that the schematic alignment of the east-west Major Collector Road extending from the proposed Highway 404 flyover is not in an appropriate location. The submission referred to the differences between the schematic alignment of the road identified in OPA No.113 and the Secondary Plan and implied that the east-west Major Collector Road only connected to 19th Avenue, rather than providing, in its primary alignment, for a connection to Woodbine Avenue and for possible future extension to the east.

First, for clarification we provide the following comments. The alignment of the east-west Major Collector road shown OPA No.113 was based on an assumption of the ultimate alignment of the Woodbine Bypass and where it might be possible to intersect with Woodbine Avenue. The final alignment for the Woodbine Bypass confirmed through the EA differs from that assumed in OPA No. 113. Consequently, the intersection at Woodbine Avenue assumed in OPA No. 113 is not

viable given the requirement to also accommodate an intersection of Old Woodbine Avenue with the Woodbine Bypass and accommodate appropriate intersection spacing. The policies of OPA No. 113 clearly establish that revision to the road pattern could be addressed in the Secondary Plan.

With regard to the route of the east-west Major Collector Road shown in the Secondary Plan, the road connects, in its primary alignment, from the flyover to Woodbine Avenue. Two secondary connections, one to 19th Avenue and one to the Woodbine Bypass are also provided for. The Vetmar Ltd. assertion that the road only connects to 19th Avenue is not correct. The three identified connections of the road to the surrounding arterial road system reflect its function as a collector road channelling primarily shorter trips to the larger roads. Most of the trips crossing the flyover will become either northbound or southbound trips dispersing to the major north-south arterial roads.

2.1 Future Road Pattern East of Woodbine Avenue

The point at which the east-west Major Collector road intersects with Woodbine Avenue was selected based on the anticipated future road pattern that will need to be planned east of Woodbine Avenue.

First, the primary purpose of an extension of this road east of Woodbine Avenue will be to connect to a new road extending west from the current terminus of the Markham Bypass at Markham Road, north of Major MacKenzie Drive, to connect to Highway 404 at 19th Avenue. This new road is contemplated in the Region's Transportation Management Plan and will need to be addressed by the Town in any future planning for lands in northern Markham. The function of the new road across northern Markham could reduce the need for continuous east-west mid-block roads.

Continuous east-west mid-block roads may not be preferred in any case, given the requirement to cross a number of major river valleys and the higher costs associated with bridges to accommodate larger roads. Consequently, the subject road in the Secondary Plan under consideration may not need to become a continuous mid-block road east of Woodbine Avenue. Concurrently, a more southerly intersection of the road with Woodbine Avenue could increase crossings of watercourses and wooded features east of Woodbine Avenue to connect to the Markham Bypass extension.

Second, the intersection of the east-west Major Collector Road with Woodbine Avenue north of the Woodbine Avenue Bypass, identified in the Secondary Plan, is at the point where the tributary to the Berczy Creek adjoins Woodbine Avenue. A crossing at this point could reduce potential impact to the watercourse through a combined crossing structure. This option may also mean a less costly single structure than to the south, where the tributary is located further to the east of Woodbine Avenue.

2.2 The Proposed Road System Has Been Evaluated

The road system and the alignment of the east-west Major Collector road incorporated into the Secondary Plan was incorporated into the Development Concept presented to the Development Services Committee on June 15, 2004. At that time the Committee discussed the road system and

requested that an additional southern connection from the east-west Major Collector road to Woodbine Avenue be provided. Other elements of the road system, including the primary alignment of the east-west Major Collector road, were not identified by the Committee as needing revision. Staff were authorized by the Development Services Committee to prepare the Secondary Plan based on that Development Concept, incorporating the requested additional road connection.

On the basis of consultation with, and direction from, the Development Services Committee, the Town's transportation consultant was requested to model and evaluate the road system to identify and recommend any revisions. That work has been completed and paid for by the Town and the evaluated road system has been incorporated into the Secondary Plan. The system has also been reviewed and accepted by concerned agencies, including the Region of York. Any significant revision to the road system at this point will require authorization from Council for further technical evaluation, supported by budget approval, and further agency, landowner and public consultation. Alternatively, evaluation of road system alternatives will comprise part of future required Environmental Assessments, as discussed below.

2.3 Environmental Assessments Will Determine Final Road Pattern

At the Public Meeting staff confirmed for the Development Services Committee that most of the roads identified on the schedules to the Secondary Plan will be subject to Environmental Assessments. This includes:

- 19th Avenue, east of Highway 404;
- the Major Collector Road connecting the Highway 404 flyover to Woodbine Avenue;
- Old Woodbine Avenue; and,
- All roads, other than local roads, including collector roads, as established in the Environmental Assessment Act.

Policies addressing the requirement for Environmental Assessments have been incorporated into the Secondary Plan. Anyone, including landowners, may participate in these Assessments and provide input to them. Such Assessments are intended to consider alternatives and may result in changes to the alignment or design requirements of roads identified in the Secondary Plan. The Secondary Plan has been drafted to specifically recognize the requirement for Environmental Assessments and provides that the road system, identified schematically in the Plan, may be revised as the result of an Environmental Assessment, without further amendment to the Secondary Plan. Examples of policies from the Secondary Plan, incorporated to identify this circumstance, are shown in the extracts in Appendix 'A', attached.

Staff does not recommend any further revision to the road pattern identified in the Secondary Plan.

3. Request to Permit Block Townhousing Throughout Low Density Designation

Based on specific direction from the Development Services Committee to ensure that permitted residential development would be consistent in character with that in adjoining residential areas to the south and east, a Low Density housing designation permitting single, semi detached and street townhouses was established in the Secondary Plan. The Low Density designation

established in the Official Plan does not include block townhousing, which is considered a medium density housing form permitted only in a medium density designation.

Based on a request from Vetmar Ltd., staff agreed to propose an exception to the Official Plan policies to permit block townhousing on a limited basis, and subject to specific conditions, adjoining the Woodbine Avenue Bypass. Policies in this regard were incorporated into the second draft of the Secondary Plan received by the DSC on January 10, 2006, and discussed in the report to the Committee on that date. The Committee did not comment on this approach and it was not identified as a concern by the community.

Vetmar Ltd. now requests that permission for block townhousing be further extended throughout the Urban Residential - Low Density designation. Such permission would not be consistent with the original direction from the Committee, and could prejudice the preferred diversification of the housing stock. Staff do not support such permission, however if the Committee wishes to pursue a change in land use designation additional public consultation is warranted and recommended.

Staff does not recommend any further revision to the provisions of the Secondary Plan relating to block townhousing.

4. Request to Extend Community Amenity Area

Certain lands on the east side of Old Woodbine Avenue south of the Woodbine Avenue Bypass, were directed to be given a Commercial designation in OPA No 113, by Council in October 2003. These lands have been assigned a Community Amenity Area designation in the Secondary Plan. Vetmar Ltd. has requested extension of the Community Amenity Area designation, on to their lands on the west side of Old Woodbine Avenue. Vetmar Ltd. also requests that permission for residential uses and a “residential (boutique) hotel” be included on these lands (Section 6, below).

Staff are not opposed to a modest extension of the CAA designation to the west side of Old Woodbine Avenue at the intersection with the Woodbine Avenue Bypass, provided the extension is equivalent in distance south of the intersection, to that approved by Council on the east side of Old Woodbine Avenue and that the additional lands are subject to all other applicable provisions of Section 5.3.2. of the Secondary Plan (See also Section 6 below). Schedules ‘A’ and ‘H’ to the proposed Official Plan Amendment and Schedule ‘AA’ to the Secondary Plan have been revised accordingly.

5. Further Request to Extend the Community Amenity Area Designation

Following the direction of the Development Services Committee on March 7th, Staff received another letter from Jim Kirk of Malone Given Parsons Ltd. on behalf of three owners of homes on Old Woodbine Avenue requesting extension of the Community Amenity Area designation to their lands (Appendix B). Staff does not consider such a change in designation, to replace the current Urban Residential-Low Density designation, to be appropriate, or in keeping with the direction from the Development Services Committee to ensure that permitted residential development would be consistent in character with that in adjoining, existing and approved, residential areas.

Staff met with one of the owners, Professor Michael Kusner on March 28 2006 to review the owners' request. At the meeting, Professor Kusner identified that he represented the other two owners and reaffirmed their proposal that the three properties be approved for mixed use development of up to six storeys and be incorporated into the planning for development of the adjoining lands to the west.

Professor Kusner was advised that the Urban Residential - Low Density designation of the three properties is appropriate and that extension of the Community Amenity Area designation is not required to ensure that the three properties would be addressed when development approval of the adjoining lands is considered by the Town. Staff also explained that it is the Town's common practice to ensure an appropriate pattern of development across all property ownerships. However, to further address these owners' concern relating to comprehensive planning, Staff has incorporated an additional provision into Section 5.4.2 h) of the Secondary Plan addressing planning for the adjoining lands as follows:

"In addition, approval of development on these lands shall be conditional on demonstrating how the existing properties located on the west side of Old Woodbine Avenue will be integrated into the comprehensive planning for these lands, and how these properties may be concurrently or independently developed consistent with the provisions of this Secondary Plan.

6. Request to Permit Hotel in the Community Amenity Area Designation

Vetmar Ltd. has requested that a "residential (boutique) hotel" be included as a permitted use in an extension of the Community Amenity Area (CAA) designation on their lands west of Old woodbine Avenue. Hotels have not been identified as a permitted use in the CAA designation in the Secondary Plan, because hotels are permitted in the Business Park Area and Business Corridor Area designations. Hotels and motels, together with several other uses were also not included in the CAA designation, in this context, because of possible land use conflicts relating to the scale and activities associated with these uses in close proximity to low density residential development. Residential uses are also not permitted in the CAA designation where it adjoins the hydro corridor.

Following a meeting with Staff on March 22, 2006, the attached letter (Appendix C) dated March 28, 2006 was provided by Malone Given Parsons. In it, a "boutique hotel" is identified as one:

"... where the number of rooms is fewer than a conventional hotel and the built form is complementary to the low-rise, mixed-use and pedestrian oriented character of the surrounding residential area. Further a boutique hotel will be more than one storey and will be sited at or near the streetline with no parking lot in the front yard."

The letter indicates that the hotel would not be greater than 1000^m² gross floor area, however no limitation on maximum building height is specified.

Staff does not find that the wording offered by Malone Given Parsons Ltd. effectively distinguishes the requested hotel from any other type of hotel, except in regard to the limitation on gross floor area which would mean a smaller facility. A facility of 1000^m², or less, would be more likely to be physically compatible with adjacent low density residential development.

Staff suggests that a hotel of this scale may be appropriate on the west side of Old Woodbine Avenue at the intersection with the Woodbine Avenue Bypass, within a modest extension of the Community Amenity Area designation. The Secondary Plan has been revised by the addition of the following Section:

“5.2.3 b) iii) Notwithstanding the provisions of Section 5.3.2 b) i) one boutique hotel may be permitted on lands designated Community Amenity Area located west of Old Woodbine Avenue subject to the following:

- review and approval of a site specific development proposal acceptable to the Town, including zoning and site plan approval;
- orientation of the hotel to the intersection of Old Woodbine Avenue with the Woodbine Avenue Bypass;
- a site and building design that ensures a development that is compatible with low density housing on adjoining lands;
- the gross floor area of the boutique hotel, including any permitted accessory uses, shall not exceed 1000^m²; and,
- the height of the boutique hotel shall not exceed four (4) storeys.”

The Secondary Plan attached to this memorandum incorporates this revision.

Attachment

Q:\Development\Planning\MISC\MI459 404 North Land Use Study\Reports to DSC\Memorandum to Cttewhole April 06.doc

Appendix 'A' Extracts from the Draft Secondary Plan

- “6.1.1 g) In the event that an Environmental Assessment necessitates revisions to the alignment or right-of-way of a road within the Planning District as depicted on Schedule ‘BB’ – Transportation, and consequently to the pattern or design of other roads within the Planning District, the road pattern and design requirements may be revised, pursuant to the Environmental Assessment, without further amendment to this Secondary Plan. The Town may require revisions to completed transportation studies, or a further traffic study, in support of such revisions.”
- “6.1.5 c) In the event that the Environmental Assessment for the proposed overpass necessitates revisions to the alignment of the east-west Major Collector Road, and consequently, to the pattern of other roads within the Planning District as depicted on Schedule ‘BB’ – Transportation, the road pattern may be revised, as required, without further amendment to this Secondary Plan. The Town may require revisions to completed transportation studies, or a further study, in support of such revisions.”



RESOLUTION OF COUNCIL MEETING NO. 6 DATED MARCH 21, 2006

REPORT NO. 12 – DEVELOPMENT SERVICES COMMITTEE

**(8) DRAFT SECONDARY PLAN FOR THE
404 NORTH PLANNING DISTRICT (MI 459) (10.3)**

That the written submissions from Aaron Platt of Strikeman Elliott, representing the property owners of 2705 19th Avenue, and from Jim Kirk of Malone Given Parsons Ltd., representing Vetmar Limited with concerns regarding the proposed Draft Secondary Plan for the 404 North Planning District, File MI 459, be received;

And that the deputation by Jim Kirk of Malone Given Parsons Ltd., representing Vetmar Limited with concerns regarding the proposed Draft Secondary Plan for the 404 North Planning District, File MI 459, be received;

And that the record of the Public Meeting held on March 7 2006 with respect to the proposed Official Plan Amendment incorporating the Highway 404 North Secondary Plan be received;
And that staff finalize the proposed Official Plan Amendment incorporating the Highway 404 North Secondary Plan and submit it to Council for adoption;

And that the adopted Official Plan Amendment be submitted to the Region of York and that the Region be requested to approve the Amendment.

A handwritten signature in cursive script that reads 'Sheila Birrell'.

Sheila Birrell
Town Clerk

Copy to: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design
T. J. Lambe, Manager, Policy & Research Division
Alida Tari, Notifications Officer
Aaron Platt, Strikeman Elliott
Jim Kirk, Malone Given Parsons Ltd.

**APPENDIX B
MALONE GIVEN
PARSONS LTD.**

March 22, 2006

140 Renfrew Drive, Suite 201, Markham
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Ms. Val Shuttleworth, MCIP, RPP,
Director of Planning and Design
Town of Markham
101 Town Centre Blvd.
Markham, Ontario
L3R 9W3

Dear Ms Shuttleworth:

Re: Draft 404 North Secondary Plan


We write to you on behalf of three landowners on the west side of Woodbine Ave - Kusner (11030 Woodbine), Young (10988) and Rumney (10978). Their lands are near the south end of the District and are proposed to be designated Low Density Residential in the draft Secondary Plan. They wish to express their support for a mixed use residential-commercial designation for their lands.

We had commented previously on behalf of Vetmar Limited, whose lands adjoin these properties on the north and west and who also support mixed use. We repeat our request that the Community Amenity Area (CAA) designation be extended along the west side of Woodbine Avenue and residential uses be reinstated in that category. The potential additional retail space would be minor in scale and would support residential growth in the area. The residential element could be several stories over the at-grade retail. The prospect for mixed use and thereby more intense development would serve to support public transit and intensification objectives of the provincial, regional and local governments.

Development for these lands could be designed comprehensively and this could be an appropriate policy in the secondary plan. Architectural design and site plan matters including shared access and internal driveways could be subject to municipal control.

We would be pleased to discuss this further with you.

Yours truly,
Malone Given Parsons



Jim Kirk, MCIP, RPP,
Partner

cc: M. Kusner, J. Young, P. Rumney

March 28, 2006

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Mr. T. J. Lambe
Manager, Policy and Research Division
Development Services Commission
Town of Markham
101 Town Centre Blvd.
Markham, Ontario
L3R 9W3

Dear Sir:

**Re: Expansion of Community Amenity Designation and Permission of Boutique Hotel
Highway 404 North Draft Secondary Plan
Town of Markham**

This is to follow-up on your discussions with Jim Kirk of our office earlier this week. We have further reviewed the Highway 404 North Draft Secondary Plan and compiled additional research on boutique hotels, which has improved our understanding of their defining characteristics, and has better informed the requests we have outlined below.

Our client wishes to construct a boutique-format hotel that will be situated in a strategic location within the secondary plan area to complement the prestige knowledge-based industries anticipated in the adjacent employment lands, and benefiting from the visibility, convenience amenities, and low-density residential character that the Woodbine Avenue area will provide.

Unlike conventional hotels/motels that have developed around GTA business parks for decades, boutique hotels differentiate themselves from these larger chain/branded counterparts by providing a more personalized level accommodation, often translating into small, low-rise hotels primarily ranging from 30-80 guest rooms, and typically offering a unique stylistic décor and upscale restaurant/cafe services. Location is also an important factor, as many boutique hotels either benefit from highly-frequented urban locales, or the natural amenities of a wilderness setting, however, there appears to be an emerging market for suburban boutique hotels in the U.S. These latter products require good visibility and access, however, they distinguish themselves from the typical suburban highway hotel by providing a more intimate hotel experience, combining themed and/or trendy furnishings with specialized amenities, such as wireless internet, high-end in-room bars, pay TV, and dry-cleaning service.

Currently, “hotels” are not permitted within the CAA designation, however we request that provisions to permit this unique type of accommodation be added to the relevant section of the secondary plan. Section 5.3.2 (b) states that *the following uses shall not be permitted on lands designated as “Community Amenity Area”*:

- *entertainment uses;*
- *hotel and motels;*
- *night clubs*
- *public or private elementary and secondary school;*
- *banquet halls, except when a banquet hall is accessory and subsidiary to a permitted restaurant use; and,*
- *funeral homes.*

We propose to amend the above-listed prohibited uses with the following exception:

- *hotel and motels, except for a boutique hotel, where the number of rooms is fewer than a conventional hotel and the built form is complementary to the low-rise, mixed-use and pedestrian-oriented character of the surrounding residential area. Further, a boutique hotel will be more than one story and will be sited at or near the streetline with no parking lot in the front yard.*

Furthermore, Section 5.3.2 (c) of the proposed secondary plan states that *retail and service uses permitted on lands designated “Community Amenity Area” shall be limited to individual premises having not more than 1,000 square metres of Gross Floor Area (GFA).* We propose that any boutique hotel will be within the 1,000 square metre GFA.

While the secondary plan currently does not permit hotel/motel uses within the CAA designation, Section 5.3.2 (a) states that: *the Town shall give priority to the convenience and service needs of residents and workers within the Planning District, and to the compatibility and scale of uses relative to adjacent low density residential development.* Given that an overwhelming proportion of the secondary plan lands will be developed as Business Park Area, with a small pocket of low-density residential to the south, we feel that permitting a boutique hotel in the proposed extension of the CAA designation would fulfill a *service need* for the discerning business traveler. Furthermore, while providing an obvious amenity to the future Business Park function, locating a boutique hotel here provides an aesthetic benefit without compromising the “scale” and character of the adjacent low-density residential uses.

We have proposed to modify the wording of the CAA designation of the secondary plan to ensure that the boutique hotel is in keeping with the character of the neighbourhood while meeting the needs of business traveler.

We hope this letter has provided you with more insight on the nature our client's intentions and we would be pleased to continue discussions in future meetings.

Yours truly,

MALONE GIVEN PARSONS LTD.

A handwritten signature in black ink, appearing to read 'J. Bottoni', with a stylized flourish at the end.

Jason Bottoni, M.Sc.Pl.

Project Manager

cc. M. Vettese, Vetmar Limited
A. Vettese
S. Vettese