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AMENDMENT NO. 149, TOWN OF MARKHAM HIGHWAY 404 NORTH SECONDARY PLAN

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report August 29, 2006, from the Commissioner of Planning and Development Services:

1. RECOMMENDATION

It is recommended that the Commissioner of Planning and Development Services be authorized to give Notice to approve Amendment No. 149 (OPA 149) to the Official Plan of the Town of Markham, subject to the modifications set out in *Attachment No. 1* to this report.

2. PURPOSE

The purpose of this report is to make a recommendation for the disposition of Amendment No. 149 to the Official Plan of the Town of Markham.

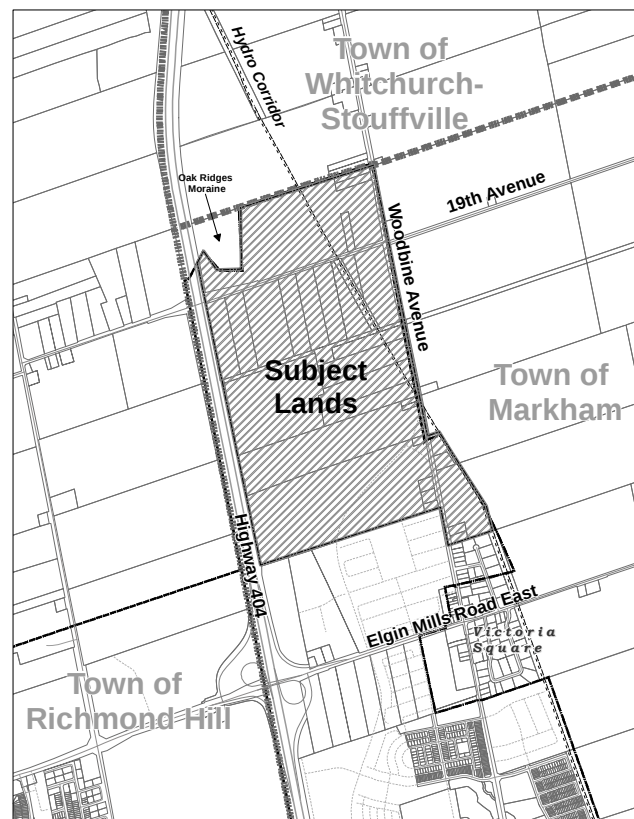
3. BACKGROUND

3.1 Site Location

This Official Plan Amendment applies to lands in the northwest portion of the Town of Markham, (see key map). The total gross area covered by this amendment is approximately 181 hectares (447 acres).

3.2 Current Official Plan Designation

The subject lands are currently designated “Urban Area” in the York Region Official Plan, and designated “Industrial”, “Urban Residential”, “Commercial”, “Hazard Lands”, and “Transportation and Utilities” in the Markham Official Plan.



3.3 Region's Vacant Land Employment Review

On September 22, 2005, York Region Council adopted the recommendations of the York Region Vacant Employment Land Inventory. One of key findings of the report is that the supply of vacant employment land in York Region, excluding encumbered lands and lands on private services, represents only an 11.8 year supply. In addition, the report states that there are long term supply issues in some municipalities and notes that Markham has only 256 hectares (633 acres) of employment land.

3.4 The Secondary Plan

This secondary plan has two primary functions:

- To designate the majority of the lands for prestige employment uses and provide detailed development policies.
- Round off the residential communities of Victoria Square and Cathedral Town.

The secondary plan sets out a number of detailed studies required before development can occur, dealing with servicing, the environment, transportation, phasing, heritage and culture, and urban design.

Table 1, shown in *Attachment No. 2*, contains the primary land use designation in the Town's Official Plan, proposed land use designations by OPA 149, and permitted uses. *Attachment No. 3* to this report shows the land use schedule to the amendment.

3.5 Comments from Other Agencies

Comments from the York Region Public School Board, York Region Separate School Board, Transport Canada and Town of Richmond Hill were received by the Town of Markham prior to adoption, and indicated support for, or no objection to the approval of the amendment. Comments from other agencies are listed in Part A of *Attachment No. 4*.

The Infrastructure Planning Branch has identified the transportation, water and sanitary sewer infrastructure necessary to service the secondary plan area. This infrastructure is listed in Part B of *Attachment No. 4*.

4. ANALYSIS

The Highway 404 North Secondary Plan (OPA 149) is consistent with Provincial initiatives, the York Regional Official Plan, and Amendment No. 113 to the Markham Official Plan. The Secondary Plan facilitates development of employment lands along a 400 series highway, protects the natural environment, and addresses the interface with the community of Victoria Square and the future Cathedral community located to the south.

4.1 Provincial Initiatives

4.1.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) prescribes policies to encourage the efficient use of land and requires sufficient land be designated for employment uses to meet projected needs for up to 20 years. The PPS also directs municipalities to plan for employment lands with the goal of improving the mix of employment and housing and achieving a jobs/housing balance to shorten commutes and decrease traffic congestion. Amendment No. 149 is consistent with these policies.

4.1.2 Provincial Greenbelt Plan

Amendments adopted prior to December 16, 2004 are not subject to the provisions of the Greenbelt Plan and further approvals, required to implement the original amendment, are not required to conform to the Plan. As OPA 149 is a further approval of OPA 113, which was adopted by the Town of Markham in June 2003, OPA 149 is not subject to the provisions of the Greenbelt Plan.

4.1.3 Growth Plan for the Greater Golden Horseshoe

Official Plan Amendment No. 149 is also not subject to the recently enacted Growth Plan for the Greater Golden Horseshoe as it is not adding any land to a settlement area.

4.2 Regional Official Plan

The York Region Official Plan encourages balanced and orderly development of residential and employment uses, protection of the natural environment, and the requirement that adequate services are available to new residents and employees of the Region. Secondary Plans, such as OPA 149 are evaluated against the policies set out in Section 5.2.7 which includes, among other things, the following criteria:

- b) *the area encompasses one or more communities;*

Lands subject to OPA 149 round out the community of Victoria Square and extend the Cathedral industrial area located to the south.

- c) *the development provides for a broad range of housing types in the community at overall transit supportive densities;*

OPA 149 provides for low, medium and high density housing, mixed use, and prestige employment. Low density housing consists of single, semi detached and row housing that utilizes a gradient of densities which take into consideration the existing densities of Victoria Square. Average employment density is anticipated to be 74 jobs per ha (30/acre) and may range up to 100 per ha. Densities in this range are considered transit supportive.

- d) *the development includes continuous mid-concession block collector roads that run both north-south and east-west where possible and/or a grid system of roads;*

The transportation schedule for OPA 149 includes both north-south and east-west collector roads; however, they are limited in their continuity. Regional staff have consulted with Markham staff and both agree that the final road pattern will be refined once all applicable EA's and the comprehensive Traffic Impact Study are complete, in accordance with the policies of the secondary plan. The modifications described in Section 4.4 of this report also address this issue.

- h) a mix of uses in order to improve the possibilities for working and living in close proximity;*

The proposed employment uses are located in close proximity to the residential areas of the Cathedral community and hamlet of Victoria Square.

- i) the incorporation of the Regional Greenlands System into the community plan and the inclusion of pedestrian-accessible green space and local parks;*

OPA 149 requires completion of an Environmental Management Study that addresses all environmental impacts and mitigating measures, and takes into consideration the Rouge Park North and the Rouge Watershed Plan, prior to any development taking place. Prior to development, park locations, connectivity with adjacent lands, and pedestrian accessibility shall be identified and confirmed through the Community Design Plan.

- o) population and employment targets for the area municipality;*

OPA 149 provides for approximately 123 ha (303 acres) of employment land that is anticipated to accommodate approximately 9,090 jobs based on an average of 30 jobs per acre. The employment lands within OPA 149 are required in order for Markham to reach its expected employment forecast as currently set out in the Regional Official Plan. Both Regional and local employment studies have justified the need for these additional employment lands.

- p) the completion of a transit plan, working with York Region Transit, for the planning area which includes how the area can and will be serviced by public transit and how transit service can and will be integrated with the Regional rapid transit system.*

The secondary plan requires completion of a Master Servicing Study, Traffic Impact Assessment, Internal Functional Traffic Design Study, and Community Design Plan, prior to development occurring. These studies will address, among other things, sidewalks, lighting, street furniture, pedestrian and bicycle network including the relationship to transit services, transit stop locations and pedestrian connections between buildings.

4.3 Landowner Issue

One landowner, whose property is located at the southeast corner of Highway 404 and 19th Avenue, has expressed an issue with the Secondary Plan designating the majority of his property “Transportation and Utility”. This designation allows for the protection of lands for the future construction of the Highway 404/19th Avenue interchange. The lawyer for the landowner is of the opinion that the “Transportation and Utility” designation results in expropriation of land use rights without compensation, and will render the property almost valueless for anyone except a public agency.

Policies and schedules of OPA 149 identify and describe the interchange of 19th Avenue and Highway 404 as conceptual and indicate that it will be the subject of an Environmental Assessment carried out by the Town. The policies also indicate that sufficient land will be reserved to accommodate the interchange through the development approval process.

The Province has indicated that the cost for the design and construction of the project is the responsibility of the owner/developer. The cost of the interchange is not in the Town’s DC By-law and Town staff have indicated the Town is likely to request this section of 19th Avenue become a Regional road.

The interchange at Nineteenth Avenue is integral to the development of the secondary plan area. Nineteenth Avenue is not a Regional Road; however, if it were to become a Regional Road the cost to widen 19th Avenue from 2 to 4 lanes and construct the interchange is estimated to be \$32 million.

Further discussions between the landowner, Town and Region on the need, cost, location and timing of the interchange are required. These factors will assist in determining the value of the property, which may ultimately be the fundamental issue on any appeal received on the secondary plan from this landowner.

4.4 Modifications

Attachment No. 1 to this report includes modifications that deal with transit requirements, a refinement to the transportation schedule, and minor clarifications to the transportation policies. Markham staff concur with the textual modifications and acknowledge that the final road pattern will be determined once the Environmental Assessment for the Highway 404 overpass is complete. *Attachment No. 5* to this report shows a potential road configuration that is supported by Regional staff; however it does not form part of the modifications and is for information purposes only. Regional staff acknowledge that the final road pattern will only be determined once the EA for the overpass is complete and a comprehensive traffic study is completed in accordance with the policies of the secondary plan.

4.5 Relationship to Vision 2026

The Highway 404 North Secondary Plan provides land use designations and policies that promote the goals of Vision 2026, in particular, “*A Vibrant Economy*”, “*Housing Choices for Our Residents*”, and “*Managed and Balanced Growth*”.

5. FINANCIAL IMPLICATIONS

Attachment No. 6 to this report provides the evaluation of the Fiscal Impact Analysis prepared by the Regional Finance Department in conjunction with the other Regional departments. A summary fiscal impact review of the Highway 404 North Secondary Plan area indicates that the proposed development within the plan will not adversely impact the Regional tax rate (tax levy). The infrastructure required within the Secondary Plan is part of the broader system of Regional service improvements that have been identified in long term servicing master plans. The cost of these Regional works are scheduled to be recovered through the uniform Region wide development charge, based on the growth anticipated to occur within the Region.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the decision of the Town of Markham to adopt Amendment No. 149.

7. CONCLUSION

The approval of the Highway 404 North Secondary Plan (OPA 149) will enhance both the Region’s and Markham’s efforts in promoting the development of additional employment lands. The Secondary Plan also provides additional employment opportunities that promote shorter live-work trips.

It is recommended that the Commissioner of Planning and Development Services issue the Notice to approve OPA 149, subject to the modifications set out in *Attachment No. 1*.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)