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TOWN OF MARKHAM OFFICIAL PLAN AMENDMENT NO. 144 MILLIKEN MAIN STREET SECONDARY PLAN

The Planning and Economic Development Committee recommends the following:

- 1. The communication from Brendan O'Callaghan, Solicitor, City of Toronto, October 6, 2005, be received; and**
- 2. The recommendations contained in the following report, September 12, 2005, from the Commissioner of Planning and Development Services be adopted:**

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give notice to approve Amendment No. 144 (OPA 144) to the Official Plan of the Town of Markham.
2. Regional staff be authorized to appear before the Ontario Municipal Board (OMB) in support of OPA 144, if required.
3. The Regional Clerk circulate this report to the Town of Markham and City of Toronto for information.

2. PURPOSE

The purpose of this report is to recommend Regional approval of Markham OPA 144, and to seek authorization for Regional staff to appear before the OMB to support the position outlined in this report, as required, in the event the amendment is appealed.

3. BACKGROUND

Town of Markham Council adopted OPA 144 on June 29, 2005. The amendment was then forwarded to the Region for approval on July 14, 2005. The Commissioner of Planning and Development Services has the delegated authority of Regional Council to approve local Official Plan Amendments of local significance not impacting Regional infrastructure or investment. Markham OPA 144 represents such an amendment. However, a report to Committee and Council is required under the delegated authority

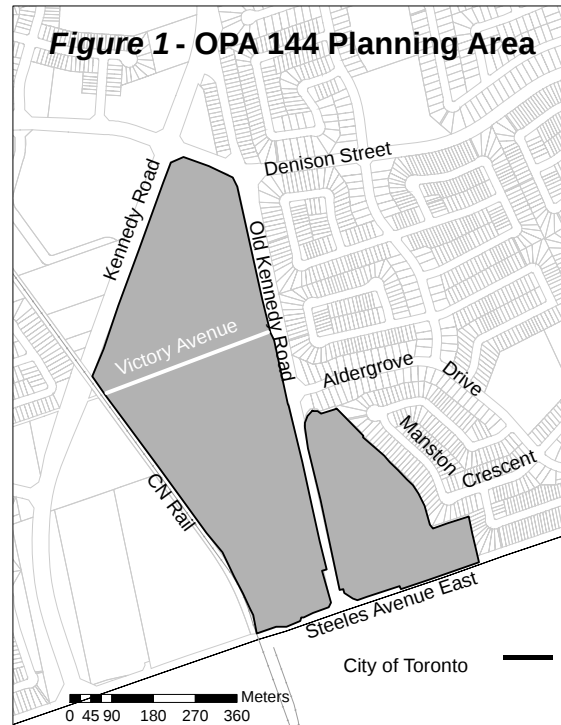
by-law where there are unresolved matters including cross-boundary impacts and potential appeals.

A summary of the purpose, planning context, planning structure and unresolved matters pertaining to OPA 144 follows. An analysis of and the planning implications related to these matters is outlined in Section 4 of this report.

3.1 Location

The land area subject to OPA 144 comprises approximately 35 hectares centred on Old Kennedy Road within the Town's Risebrough Planning District, adjacent to the City of Toronto. The limits of the OPA 144 planning area, called the "Milliken Main Street," are formed by Steeles Avenue in the south, Denison Street in the north, the CN Rail (GO Transit Stouffville Corridor) in the west, and a low-density residential area defined by Manston Crescent in the east (see *Figure 1*).

These lands are best-described as an underutilized area that is in transition. Existing land uses are primarily commercial, industrial and institutional along the southern segment (south of Victory Avenue) of Old Kennedy Road, while the northern portion is best characterized as residential and vacant land. Surrounding land uses outside of the planning area are primarily low density residential to the north and east, and commercial to the west and south.



3.2 Planning Context

The OPA 144 planning area has been subject to Town-initiated planning and urban design studies since 1989, when a task force was struck to prepare a development concept for the area. In the decade since, the area has been the focus of repeated study and subject to an evolving planning and development framework.

The 2003 Urban Design Concept Plan forms the most recent, updated planning basis for OPA 144, comprising the following key principles:

- Development of a "main street" along the southern segment of Old Kennedy Road.
- Residential uses north of Victory Avenue and mixed uses south of Victory Avenue.
- A new, centrally-located park centred around an existing woodlot.
- Urban building forms and densities throughout the area.
- On-street parking in place of front-yard parking.

- Gateway/landmark features at major intersections.

3.3 Milliken Main Street Secondary Plan

The purpose of OPA 144 is to establish a new, up-to-date planning and development framework for the Milliken Main Street area in the form of a secondary plan. The proposed secondary plan is based on the planning principles of the 2003 Urban Design Concept Plan, and will:

- Introduce a wider-range and mix of permitted land uses.
- Establish a new local road network for the area to improve connectivity.
- Promote Old Kennedy Road as “main street,” providing a focal point for the immediate and surrounding area.
- Designate the planning area as a Community Improvement Project Area to make available to the Town a wider range of planning implementation tools, including land assembly and financial incentives.

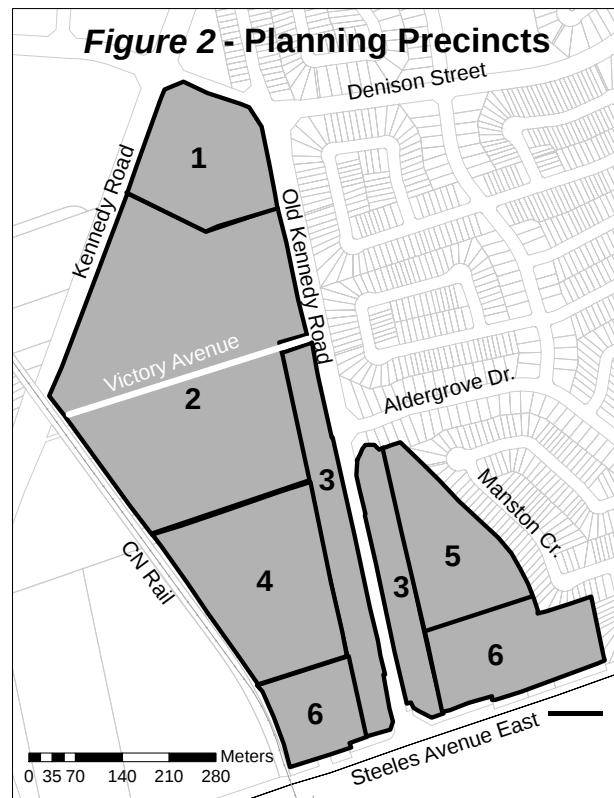
3.3.1 Land Use Concept

The secondary plan builds on the 2003 Urban Design Concept Plan and the studies preceding it, as outlined in section 3.2 of this report, to create a mixed-use, urban community that is pedestrian-friendly and “main street”-focused. Upon full build-out, the community will accommodate approximately 1,900 housing units, 4,700 residents and 51,000 sq.m. of commercial and retail uses.

The secondary plan creates six distinct land use precincts to define the land use concept and to create compatibility among different land uses within the community and the surrounding area (see *Figure 2*).

Precinct 1 – High Density Residential

This area is located at the northern edge of the planning area and is designated “Urban Residential – High Density II.” This designation will permit apartment buildings to a maximum height of 8-storeys and within a density range of 99 to 148 units per net hectare. Retail, office and recreational/community uses will be permitted in the ground floors of these buildings.



Precinct 2 – Medium and High Density Residential

Located immediately south of Precinct 1, this area is designated “Urban Residential – Medium Density” and “Urban Residential – High Density I.” Townhouses and other attached housing forms (e.g. triplexes) will be permitted up to a maximum height of four storeys and a maximum density of 79.9 units per net hectare. Apartments will be permitted up to a maximum height of six storeys and within a density range of 64 to 96 units per net hectare.

Precinct 3 – Main Street

This area comprises both sides of Old Kennedy Road south of Aldengrove Drive, and the east side only between Aldengrove Drive and Victory Avenue. These lands – forming the Milliken “main street” – are designated “Community Amenity Area – Main Street.” Permitted land uses include a range of small to medium scale retail, personal service, restaurant and business uses. Residential units are permitted, but shall not be located on the ground floor of buildings fronting Old Kennedy Road. Building densities are generally capped at 1.0 Floor Space Index (FSI). Densities up to 1.25 FSI may be permitted subject to a site-specific development proposal and related zoning amendment.

Precinct 4 – Mixed Use District

This area is located in the southern third of the planning area and is designated “Community Amenity Area – Mixed Use.” A broad range of land uses will be permitted including medium and high density residential, and small-scale office development. The maximum height and density for all buildings will generally be three-storeys and 1.0 FSI, respectively. Considerations to increase height and density will be subject to a site-specific development proposal and related zoning amendment.

Precinct 5 – Medium Density Residential

This area is located in the southeast quadrant of the planning area, and will serve as a transitional area between the Old Kennedy Road “main street” to the west and an existing low density residential neighbourhood to the east. These lands are designated “Medium Density Residential” to same standards that apply within the same of Precinct 2.

Precinct 6 – Steeles Avenue Commercial

This area comprises the entire Steeles Avenue frontage, with the exception of those properties fronting onto Old Kennedy Road. This area is designated “Community Amenity Area – Steeles Avenue” and permits larger-scale commercial retail and office buildings, compatible with the developing commercial node on the south side of Steeles Avenue within the City of Toronto. The maximum height and density of all buildings is five-storeys and 1.5 FSI, respectively. Considerations to increase height and density will be subject to a site-specific development proposal and related zoning amendment.

3.3.2 Transportation Network

The transportation plan proposed by OPA 144 includes new local roads to create a finer-grained and more connected road network, helping to shape and improve mobility

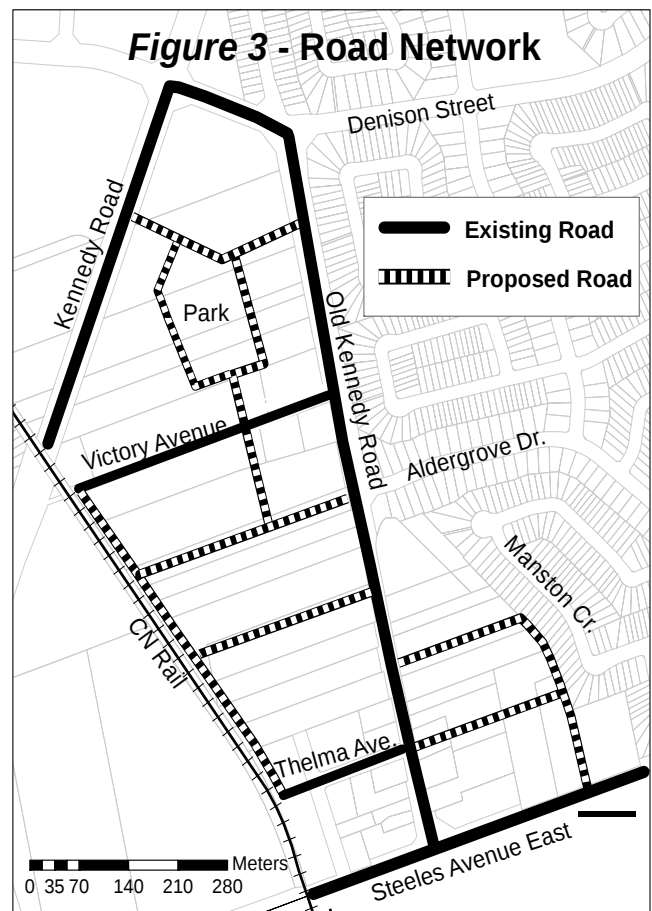
throughout and between the six land use precincts, as described in section 3.3.1 of this report (see *Figure 3*). The proposed road network improvements include:

- A new, east-west local collector road connection between Old Kennedy Road and Kennedy Road.
- The northern extension of Midland Avenue from Toronto across Steeles Avenue to connect with Old Kennedy Road.
- A new local collector road “loop” running parallel to the CN Rail line to provide a connection between Thelma Avenue and Victory Avenue. This new road will also serve to create additional development frontage, and, at the same time, create a buffer between the planning area and the CN Rail line; and
- A new, north-south local road located in the centre of the planning area to connect to a proposed park.

A study dated May 2005 was conducted by the firm of Marshall Macklin Monaghan on behalf of the Town to assess the transportation impacts associated with the land use framework proposed by OPA 144. The study determined that the “projected traffic volumes as a result of full buildout of the Secondary Plan can be satisfactorily accommodated on the boundary and internal road network of the study area.”

3.3.3 Community Improvement

The implementation of the proposed secondary plan policies will be assisted through the Town’s designation of the Milliken Main Street area as a Community Improvement Project Area, consistent with Section 9.1.7 of OPA 144, and Section 2.12 the Markham Official Plan. Under Section 28 of the *Planning Act*, a local municipality may designate all or a portion of its planning area a Community Improvement Project Area to reinvigorate underdeveloped and/or dilapidated areas. This designation, in turn, will enable the establishment of a Community Improvement Plan (CIP) to enable the application of such implementation tools as land expropriation, remediation/rehabilitation



grants to landowners and property tax relief. Provincial approval (by the Minister of Municipal Affairs and Housing) of the Town's proposed CIP is required before implementation.

3.4 Objections On-record

3.4.1 City of Toronto

On August 3, 2005 the City of Toronto submitted to the Ontario Municipal Board (OMB) a "complete appeal" of OPA 144 and the related zoning by-laws (being By-laws 2005-248, 2005-249 and 2005-250), notwithstanding that a notice of decision on OPA 144 by the Approval Authority (York Region) is yet to be issued. The reasons cited for the appeal are that:

- The increase in dwelling units and population proposed under OPA 144 will adversely affect Steeles Avenue.
- The City has not been advised by Town of Markham staff as to what road improvements are proposed and how any required improvements are to be funded, nor has the City been in receipt of a traffic study for review.

Regional staff are satisfied with the conclusions of the traffic study prepared as part of the OPA 144 planning process. Also, it is the understanding of staff that the Town has provided a copy of this study to the City for information and review.

3.4.2 Tang's Automotive Centre

The Town's decision to adopt the implementing zoning by-laws was also appealed to the OMB by Raymond Tang, the owner of Tang's Automotive Centre located at 210 Old Kennedy Road. Located within Precinct 3 of the planning area, Mr. Tang's property would be re-designated "Community Amenity Area – Main Street," which would exclude automotive service centres (see section 3.3.1 and *Figure 2* of this report).

Mr. Tang's principle objection, therefore, is that his current business operation would not be a legal use under the proposed zoning provisions. Although Mr. Tang could continue to operate his business as a legal non-conforming use since it was legally established prior to the rezoning, expansions to his business would require the approval of the Town's Committee of Adjustment, consistent with Section 45(2) of the *Planning Act*.

Town staff have consulted with Mr. Tang on these and other issues pertaining to his property and the proposed secondary plan policies. It is the Region's understanding that consultation is ongoing, which may result in resolution.

4. ANALYSIS AND OPTIONS

The Milliken Main Street Secondary Plan is an excellent body of work that could serve as a framework for redevelopment and intensification in existing built-up portions of the Region's urban area. It is a plan that makes efficient use of land, provides a wider range

of housing and employment opportunities for residents, enhances existing infrastructure, and provides a community-focus for the surrounding area. It is based on a comprehensive local planning process spanning over 15 years, is consistent with Town, Regional and Provincial policies, and represents good planning.

4.1 Provincial Policy Statement

The proposed secondary plan policies are consistent with and will serve to advance the implementation of provincial interests regarding planning and development. The Provincial Policy Statement (2005) articulates matters of provincial interest to which all municipal official plans shall be consistent with. A dominant theme of the Statement is “building strong communities,” with an emphasis on efficient development patterns, providing a range and mix of land uses, and accommodating an increasing amount of new growth through intensification.

4.2 Regional Official Plan

Regional Official Plan (ROP) policies, taken together, not only contemplate but encourage the type and approach to planning and development that is proposed by the Milliken Main Street Secondary Plan. The proposed policies are consistent with and will serve to advance the three principle objectives of the ROP – being Healthy Communities, Economic Vitality and Sustainable Natural Environment. It is for these reasons that Regional staff consider OPA 144 to be a model framework for redevelopment and intensification in existing built-up portions of the Region’s urban area.

4.3 Unresolved Matters

The objections by the City of Toronto and Tang’s Automotive Centre may result in a hearing at the Ontario Municipal Board, as described in section 3.3 of this report. The City, in particular, may appeal York Region’s decision to issue notice to approve OPA 144 on the grounds that the resulting development will adversely impact Steeles Avenue, which is under Toronto’s jurisdiction.

4.4 Relationship to Vision 2026

Regional approval of the Milliken Main Street Secondary Plan will serve to advance the goals of Vision 2026, in particular, “A Vibrant Economy,” “Housing Choices for Our Residents,” and “Managed and Balanced Growth.”

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report. In the event that OPA 144 is appealed to the Ontario Municipal Board, Regional staff resources may be required to support the Region’s position.

6. LOCAL MUNICIPAL IMPACT

The Milliken Main Street Secondary Plan is the culmination of over 15 years of Town-initiated study and recommendations on how to optimize planning and development in the heart of Markham's Milliken community. The policies of OPA 144 reflect the Town's long-term vision for the area as a vibrant, urban community with a "main street"-focus. Regional approval of the Town's adopted OPA is consistent with Regional planning policy to support and strengthen local revitalization efforts and planning goals.

7. CONCLUSION

Town of Markham Council adopted OPA 144 on June 29, 2005 to establish an up-to-date planning framework for the core of the Town's Milliken community – the Milliken Main Street Secondary Plan. The Region is the Approval Authority, and received this OPA for approval on July 14, 2005.

Town-initiated planning studies for the Milliken Main Street area began in 1989 to reinvigorate the area, which has been characterized for years as an underutilized area in transition. Arising from this initial period of study were several recommendations, including a proposed planning framework that envisaged the creation of a compact, mixed-use community with a "main street"-focus. The policies of OPA 144 reflect this vision, are consistent with Provincial and Region policies, and represent good planning.

The Milliken Main Street Secondary Plan is considered by Regional staff to be an excellent body of work that could serve as a framework for redevelopment and intensification in existing built-up portions of the Region's urban area. It is a plan that makes efficient use of land, provides a wider range of housing and employment opportunities for residents, enhances existing infrastructure, and provides a community focus for the surrounding area.

The City of Toronto may appeal York Region's decision to issue notice to approve OPA 144 on the grounds that the resulting development will adversely impact Steeles Avenue, which is under Toronto's jurisdiction. Objections are also on-file from Raymond Tang, the owner of Tang's Automotive Centre located at 210 Old Kennedy Road.

Regional planning staff recommend that the Commissioner of Planning and Development Services be authorized to give notice to approve OPA 144, and that staff be authorized to appear at the Ontario Municipal Board in support of Region's decision in the event of an appeal.

The Senior Management Group has reviewed this report.