

Supplementary Memorandum to the City of Markham Committee of Adjustment

October 3, 2018

File: A/115/11
Address: 4350 Steeles Avenue East
Applicant: The Remington Group Inc.
Agent: Kohn Partnership Architects
Hearing Date: October 10, 2018

Property

The subject property has an area of 9.4 hectares (23.3 acres) and is located on the north side of Steeles Avenue, east of Kennedy Road. The property has frontage on both Steeles Avenue and Kennedy Road, and is currently occupied by a vacant commercial development known as "Market Village Markham."

Requested Variances

The applicant is requesting relief from the following requirements of By-law 47-85, as amended to permit:

- a maximum height of 26.0 metres, whereas the By-law permits a maximum height of 12.0 metres.
- a minimum landscaped open space strip of land abutting Kennedy Rd. of 1.5 metres, whereas the By-law requires a minimum landscaped open space abutting any arterial road (Kennedy Rd.) of 9.0 metres.

Status

In 2007 the Remington Group and adjoining Pacific Mall applied for site plan approval. The Remington Group was proposing to demolish "Market Village Markham" and replace it with a new shopping centre to be known as the "Remington Centre." Pacific Mall was proposing two additions to the existing shopping centre.

On June 21, 2011, the Planning Department reported to Development Services Committee on the two applications. Committee endorsed the applications, in principle, and directed staff to report back with conditions of site plan approval once the issues outlined in the staff report have been addressed. The staff report noted that "the Remington Group may require a minor variance for portions of their proposed development, which may exceed current height restrictions."

Pacific Mall subsequently withdrew their site plan application.

The subject minor variance application was submitted on October 14, 2011. At the request of the applicant, the Committee deferred the application on November 4, 2011, October 10, 2012, and again on February 19, 2014. Staff understand that these deferrals were requested to allow the applicant to continue

negotiations with the owner of the neighbouring commercial development (Pacific Mall). The Planning staff comments provided to the Committee of Adjustment on this application are attached as Appendix 'A'.

Staff have been updating Development Services Committee on the proposed Remington Centre development, most recently on December 5, 2016. At that meeting Development Services Committee reaffirmed its endorsement, in principle, of site plan approval for the development. The staff memorandum to Development Services Committee and the corresponding Committee resolution are attached as Appendix 'B'.

On September 4, 2018, the applicant requested staff to bring the subject minor variance application back before the Committee of Adjustment.

COMMENT

Other than refinements to the plans to address public agency requirements and technical matters, the plans of the Remington Centre have not substantively changed from the plans submitted in 2007 and endorsed by Development Services Committee most recently on December 5, 2016.

The Planning staff comments previously provided to the Committee of Adjustment (Appendix 'A') continue to apply. Staff support the requested variances and are of the opinion that they meet the four tests of the Planning Act.

PREPARED BY:



Scott Heaslip, Senior Project Coordinator, Central District

REVIEWED BY:




Richard Kendall, Development Manager, Central District

MEMORANDUM

DATE: November 04, 2011

TO: Chairman and Members, Committee of Adjustment

FROM: Tom Villella, MCIP, RPP, Senior Project Coordinator 

PREPARED BY: Scott Heaslip, for the Central Team

COPY TO: Andrew Hordylan

FILE: **A/115/11**

ADDRESS: 4350 Steeles Avenue East (REMINGTON GROUP)

HEARING DATE: November 09, 2011 - Tentative

The following comments are provided on behalf of the Central Team:

The applicant is requesting relief from the following requirements of By-law 47-85, as amended to permit:

- a maximum height of 26.0 metres, whereas the By-law permits a maximum height of 12.0 metres; and
- a minimum landscaped open space strip of land abutting Kennedy Rd. of 1.5 metres, whereas the By-law requires a minimum landscaped open space abutting any arterial road (Kennedy Rd.) of 9.0 metres

BACKGROUND**Property**

The subject property has an area of 9.4 hectares (23.3 acres) and is located on the north side of Steeles Avenue, east of Kennedy Road. The property has frontage on both Steeles Avenue and Kennedy Road, and is currently occupied by a partially enclosed on-level commercial development known as "Market Village Markham."

Status of Development Approvals

The Remington Group and adjoining Pacific Mall have both applied to the Town for site plan approval. The Remington Group is proposing to demolish "Market Village Markham" and replace it with a new shopping centre to be known as the "Remington Centre." Pacific Mall is proposing two additions to the existing shopping centre.

On June 21, 2011, the Planning Department reported to Development Services Committee on the two applications (report attached). Committee adopted the recommendation of the report that the applications be endorsed in principle, and that staff report back with conditions of site plan approval once the issues outlined in the staff report have been addressed. The staff report noted that "the Remington Group may require a minor variance for portions of their proposed development, which may exceed current height restrictions."

Staff are currently working with the applicants and other public agencies to address the issues and refine the project plans.

COMMENT


Height: The proposed development exceeds the maximum height regulations of the by-law primarily at the mechanical penthouses, the "entry tower" features, and along portions of the clerestory structures over the interior mall areas. As noted above Development Services Committee has reviewed and endorsed the proposed development.

Landscape strip along Kennedy Road: A GO Transit rail line crosses Kennedy Road immediately north of the subject property. York Region has plans to grade separate this crossing, with Kennedy Road passing over the railway line on a bridge. Kennedy Road will begin to be graded up to the bridge immediately north of the existing driveway onto Kennedy Road, and as a result the majority of the Kennedy Road frontage of the property will end up being well below the level of the road, obscuring the required landscape strip from view.

CONCLUSION

Staff support the requested variances and are of the opinion that they meet the four tests of the Planning Act.

MEMORANDUM

DATE: September 19, 2012
TO: Chairman and Members, Committee of Adjustment
FROM: Tom Vilella, MCIP, RPP, Senior Project Coordinator 
PREPARED BY: Scott Heaslip, MCIP, RPP, for the Central Team
COPY TO: Andrew Hordylan
FILE: A/115/11
ADDRESS: 4350 Steeles Avenue East (REMINGTON GROUP)
HEARING DATE: September 26, 2012 - tentative


COMMENT

The Central District Team provided comments on the subject application on November 4, 2011. These comments (attached) still apply.

One minor update to the comments – since the previous comments were prepared, the Region of York has advised that the Kennedy Road-GO Rail line grade separation now will likely be an underpass rather than an overpass. This does not affect staff's position on the requested variance for the landscape strip along Kennedy Road.



TO: Chair and Members of Development Services Committee
FROM: Jim Baird, Commissioner of Development Services
PREPARED BY: Scott Heaslip, Central District Team
DATE: December 5, 2016
RE: Remington Group Inc. (Market Village Markham)
4390 Steeles Avenue East
Application for site plan approval for a commercial development
File No: SC 07 128831



RECOMMENDATION:

- 1) That the staff memorandum dated December 5, 2016, titled "Remington Group Inc. (Market Village Markham); 4390 Steeles Avenue East, Application for site plan approval for a commercial development; File No: SC 07 128831," be received;
- 2) That the presentation by representatives of the Remington Group, be received;
- 3) That Development Services Committee affirm its endorsement, in principle, of the subject application, subject to the conditions endorsed by Committee on January 25, 2016 (Appendix 'A');
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

The applicant, the Remington Group, is proposing to demolish the existing commercial development known as "Market Village Markham" and construct in its place a new commercial development to be known as "The Remington Centre." (see attached site plan)

On January 25, 2016, Development Services Committee received a staff memorandum and applicant presentation regarding the proposed development. Committee passed the following resolution:

- 1) *That the staff memorandum dated January 25, 2016 titled "APPLICANT PRESENTATION, Remington Group (Market Village Markham), 4390 Steeles Avenue East, Application for site plan approval for a commercial development, File No. SC 07 128831," be received; and,*
- 2) *That the presentation by representatives of the Remington Group, be received; and,*
- 3) *That Development Services Committee affirm its endorsement, in principle, of the subject application and that site plan agreement be prepared simultaneously as work is completed towards final site plan endorsement; and,*
- 4) *That final site plan approval be delegated to the Director of Planning and Urban Design, to be issued (Site Plan Approval is issued only when the Director of Planning and Urban Design or his designate has signed the site plan "approved") when the following conditions have been met:*
 - *The Owner has entered into a site plan agreement with the City and the Region of York containing all standard and special provisions and requirements of the City and public agencies and the provisions outlined in Appendix "A" as amended by Development Services Committee at its meeting on January 25, 2016, and including reference to cross easements for access circulation; integrated pedestrian access including protection for interior connection with Pacific Mall; bus and shuttle bus access with pick up and drop off on site; and a future urban square adjacent to Steeles Avenue; and*
 - *The Owner has obtained approval from the Committee of Adjustment for the minor variances required to permit the proposed development; and,*
- 5) *That staff be directed to continue negotiations with Metrolinx and GO on the future platform design to ensure it serves both the north and south side of Steeles Avenue; and,*
- 6) ***That staff be directed to report back to Development Services Committee in approximately six (6) months; and,***
- 7) *That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that the site plan agreement is not executed within that period; and further,*
- 8) *That staff be authorized and directed to do all things necessary to give effect to this resolution.*

COMMENT:

The Remington Group has been continuing to work with the City of Toronto, York Region, TTC, Metrolinx and other public agencies and with the neighbouring

landowners to resolve the outstanding issues. They advise that they are making progress towards resolving the outstanding issues.

Randy Pettigrew of the Remington Group has requested to update Committee (as per the resolution above) and answer any questions members may have.

APPENDIX 'A'

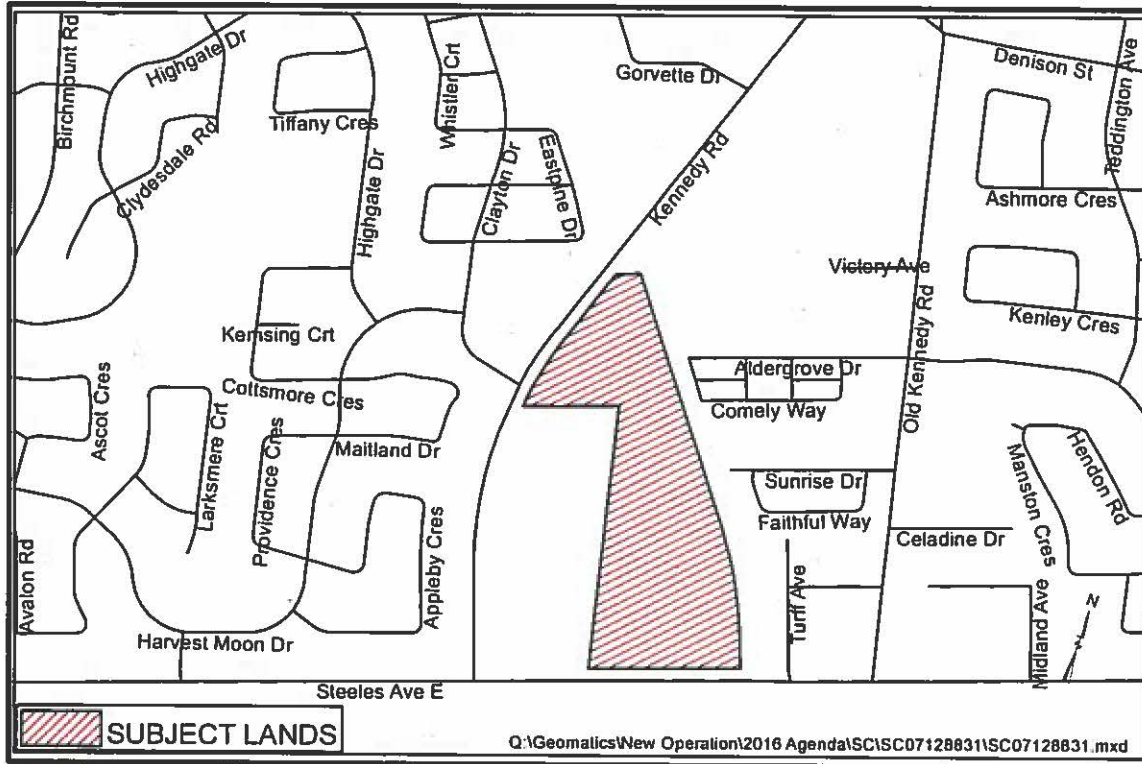
Conditions of Site Plan Approval Remington Group (Market Village Markham) (4390 Steeles Avenue East) File No. SC 07 128831

Prior to the execution of the site plan agreement, the Owner shall submit:

1. site plans, parking garage layout plans, elevation drawings (including building materials, colours and details), grading, servicing and engineering drawings that comply with all requirements of the City and authorized public agencies, including any necessary easements, to the satisfaction of the Director of Planning and Urban Design and Director of Engineering. The final plans shall incorporate appropriate bird-friendly design features.
2. landscape plans, including interim and ultimate conditions and streetscape details, prepared by a Landscape Architect having membership with the Ontario Association of Landscape Architects, to the satisfaction of the Director of Planning and Urban Design.
3. A stormwater management report, a functional servicing report, grading/servicing/site alteration/excavation plans, construction management plans and shoring/excavation drawings, to the satisfaction of the Director of Engineering.
4. Geotechnical and hydrogeological reports, if required by the Director of Engineering.
5. A comprehensive green infrastructure plan, to the satisfaction of the Director of Planning and Urban Design. The plan shall commit to exceed LEED standards, including the installation of a geothermal heating system. for endorsement or approval by the City.

The Owner shall enter into a Site Plan Agreement with the City and the Region of York, containing all standard and special provisions and requirements of the City, the Region and other public agencies including, but not limited to, the following:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, parkland dedications (including cash-in-lieu), public art contribution, development charges and financial obligations related to applicable Developers Group Agreements.
2. That the location, size and construction of all refuse storage areas and recycling facilities, and arrangements for waste collection be to the satisfaction of the City of Markham Waste Management Department.
3. Provisions to ensure implementation of the recommendations of the approved plans/reports.
4. Provisions for satisfying all requirements of City departments and public agencies, including the Region of York, the City of Toronto, Metrolinx and the Toronto and Region Conservation Authority.
5. That the Owner comply with all requirements of the City and authorized public agencies to the satisfaction of the Commissioner of Development Services.





AIR PHOTO

APPLICANT: THE REMINGTON GROUP (MARKET VILLAGE MARKHAM)
4390 STEELES AVE. EAST



FILE No. SC. 07128831 (SH)

 SUBJECT LANDS

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DATE: 29/11/2016

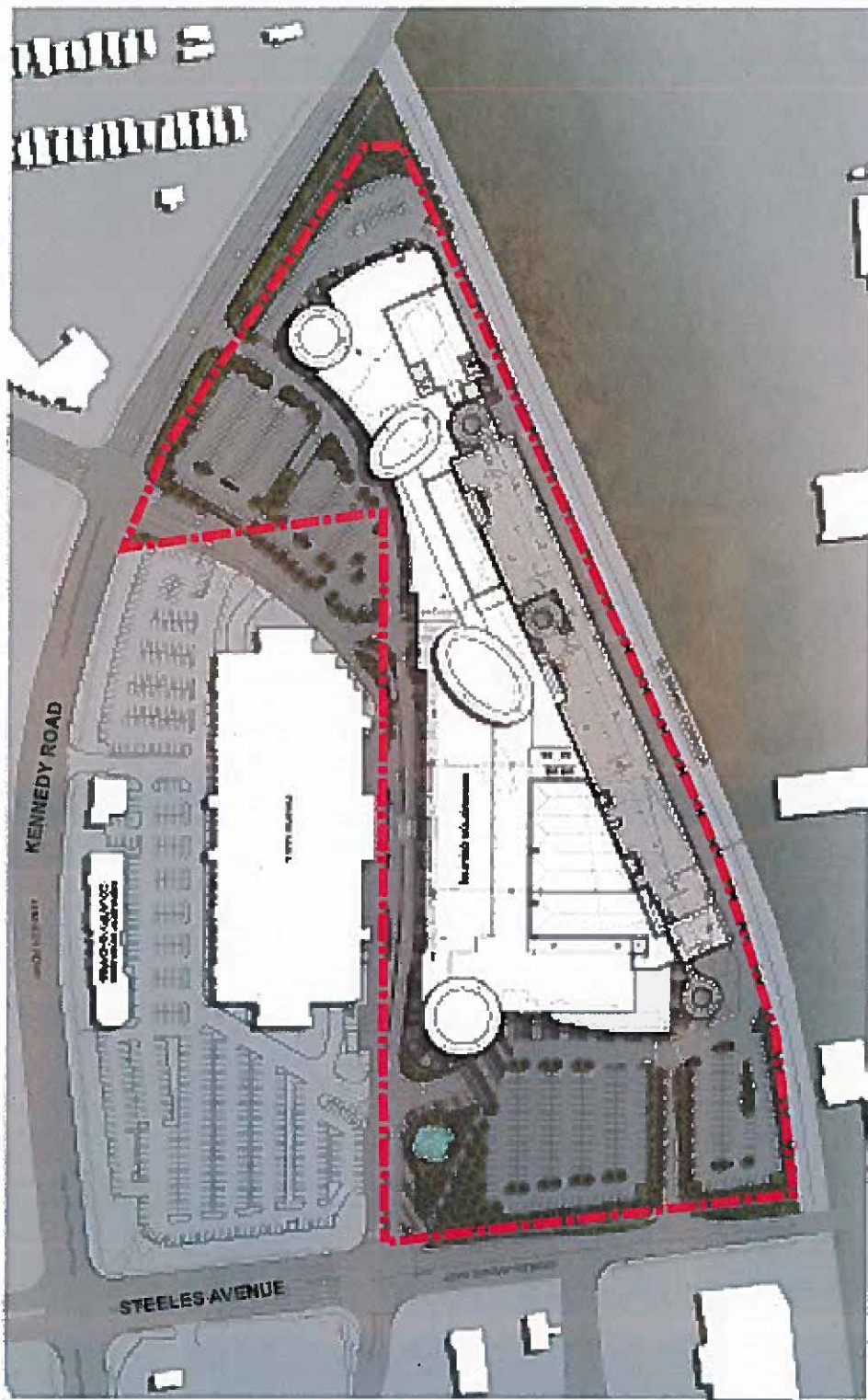


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

FIGURE No. 3



SITE PLAN

APPLICANT: THE REMINGTON GROUP (MARKET VILLAGE MARKHAM)
 4390 STEELES AVE. EAST



FILE No. SC. 07128831 (SH)

 SUBJECT LANDS

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DATE: 29/11/2016



THE CORPORATION OF THE CITY OF MARKHAM

**EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON Dec 13, 2016
REPORT NO. 49 - DEVELOPMENT SERVICES COMMITTEE (December 5, 2016)**

(5) REMINGTON GROUP INC. (MARKET VILLAGE MARKHAM) 4390 STEELES AVENUE EAST APPLICATION FOR SITE PLAN APPROVAL FOR A COMMERCIAL DEVELOPMENT FILE NO: SC 07 128831 (10.6)

Memo

- 1) That the staff memorandum dated December 5, 2016, titled "Remington Group Inc. (Market Village Markham); 4390 Steeles Avenue East, Application for site plan approval for a commercial development; File No: SC 07 128831," be received; and,
- 2) That the presentation by representatives of the Remington Group, be received; and,
- 3) That Development Services Committee affirm its endorsement, in principle, of the subject application, subject to the conditions endorsed by Committee on January 25, 2016 (Appendix 'A'); and,
- 4) That Whereas the City's new 2014 Official Plan designates as Mixed Use Midrise the three properties comprised of Market Village, Pacific Mall and Kennedy Corners, and further identifies them as being included within the Milliken Centre Secondary Plan Area; and,

Whereas the Official Plan also identifies this area as a potential Secondary Hub, to reflect its relationship to potential higher order transit facilities;

Therefore, in this context, Council supports, in principle, the potential mixed-use intensification of these properties consistent with in this policy framework and subject to the appropriate Secondary Plan review, development applications, necessary technical studies and reports, and required infrastructure improvements; and further,

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

Carried