



Report to: Development Services Committee

Date: June 14, 2011

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**SUBJECT:** Request to Amend Conditions of Site Plan Approval  
58-72 Main St. North Markham  
Sierra Homes Limited  
SC 09 111099

**PREPARED BY:** Peter Wokral Heritage Conservation Planner ext. 7955

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**RECOMMENDATION:**

- 1) That the staff report entitled "Request to Amend Conditions of Site Plan Approval, 58-72 Main Street Markham North, Sierra Homes Limited", dated June 14, 2011, be received;
- 2) That the condition of site plan endorsement requiring the Owner to grant vehicular access easements in favour of the abutting property to the west also known as 56 Main St. be deleted, and that an alternate solution to providing secondary vehicular access to the subject property be achieved to the satisfaction of the Commissioner of Development Services;
- 3) That the condition of site plan endorsement requiring the Owner to satisfy all conditions of the Minor Variance application A/103/09 be revised to require the Owner to satisfy all conditions of the Minor Variance Application A/103/09 with the exception of the condition to obtain Site Plan approval prior to receiving the variances applied for in 2009.
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to amend two conditions of site plan endorsement for the proposed Sierra Homes mixed commercial residential project located at 58-72 Main St. N. as required by Council in February of 2010.

**BACKGROUND:**

**Council has endorsed in principal a proposed new development at 58-72 Main St. N.** In February of 2010, Council endorsed in principal, a proposed medium density, mixed commercial residential project located in the Markham Village Heritage Conservation District at 58-72 Main St. N. The proposed development is U-shaped in plan, with a south facing landscaped courtyard. The proposed building transitions from a six storey residential building at the rear to a four storey building with the top floor recessed from view from Main Street. This new development is to provide a total of 142 residential units as well as 10 traditional ground floor retail units fronting Main St. N.

The proposed development is intended to replace an existing one storey commercial strip mall constructed in the 1980's that is considered to be incompatible with the heritage character of the Markham Village Heritage Conservation District (MVHCD).

The proposed development was unanimously supported by Council both for its urban and heritage design features, and for its potential to revitalize the historic downtown core by adding people, and attractive retail and residential units to Main St. (See Appendix A & B).

### **Traffic and Parking are to be addressed**

The greatest concerns expressed by neighbouring property owners and the users of Main Street regarding this proposed development are the potential negative impacts on traffic flow and the availability of parking after the building is constructed, and especially during the construction phase. The Town's Engineering Department has required the owner to submit a Traffic Impact Study, A Parking Utilization Study, and a Traffic Management Plan satisfactory to the Commissioner of Development Services prior to receiving Site Plan approval.

Another concern identified from a traffic perspective was how residents of the proposed development and the apartment building in behind the subject property at 56 Main St. N. will access their respective parking lots during annual street festivals when access to Main Street along the southern property line of the subject property is traditionally blocked off. In the past, vehicles used the subject property's commercial parking lot in the rear to access Dublin Street.

To address this concern, both Council, and the Committee of Adjustment, at the recommendation of the Town's Engineering Department, approved separate conditions promoting the creation of a secondary vehicular access to the site from Dublin St. One of the conditions of Site Plan Endorsement required the Owner to provide vehicular easements in favour of the property to the west known as 56 Main St. N. to permit vehicles from 56 Main St. N. to drive over the temporary access road on the subject property during annual street festivals when the regular access to Main St. N. via the private driveway to the south of the property line is blocked off. The owner would also have had to negotiate a reciprocal vehicular easement permitting vehicles from the proposed Sierra development to drive over the parking lot of 56 Main St. during street festivals in order to access their own underground parking garage. (See Figure 1 for an illustration).

### **The developer of the Sierra property cannot meet conditions required by Council and the Committee of Adjustment**

However, the owner of 56 Main St. N. is unwilling to grant any vehicular easements over his property to the future residents of the proposed Sierra development, despite the owner of the Sierra property's attempts to achieve an agreement. The owner of 56 Main St. claims that he does not require an easement to permit vehicles to travel over the Sierra property because he can access Dublin St. by creating a vehicular connection between the

parking lots of 56 Main Street and the 10 storey apartment building located at 14 Dublin Street, which he also happens to own.

Because the owner of 56 Main St. N. is unwilling to grant any vehicular easement over his property, the owner of the proposed Sierra development is not inclined to "grant vehicular access easements in favour of the abutting property to the west known as 56 Main St." prior to Site Plan Approval as requested by Council. This also means the owner cannot meet one of the conditions of the Minor Variance application A/103/09 which requires the applicant to obtain site plan approval for the proposed development prior to the approved variance coming into effect. The owner also requires Site Plan Approval to guarantee continued financing for the development.

#### **OPTIONS/ DISCUSSION:**

##### **The owner could modify the design of the development to create a secondary access entirely within the subject property**

The owner could potentially meet the intent of the existing conditions approved by the Committee of Adjustment and Council and obtain both the variance and Site Plan Approval, by revising the design of the proposed development to provide a secondary vehicular access entirely within the subject property. One option could involve a re-designing of the building to reduce the size of the proposed internal courtyard to provide for a continuous vehicular access inside the western property line of the subject property. Another option could be the provision of a ground level drive-through at the northern component of the building that would allow access from Dublin St. into the central landscaped courtyard. However both these measures would incur substantial additional design fees, a design review by staff, loss of residential units, and delays that may affect the financial feasibility of the project.

##### **Council should revise the conditions of Site Plan endorsement for the proposed development**

Given that the developer of the Sierra project is unable to negotiate a vehicular easement with the neighbouring property owner, the condition of Site Plan Endorsement required by Council to grant vehicular access easements in favour of the abutting property to the west known as 56 Main St. is not achievable and should be deleted.

Council should also revise the site plan condition that requires the owner to satisfy all conditions of Minor Variance application A/103/09 prior to site plan approval. The revised condition would require the Owner to satisfy all conditions of Minor Variance application A/103/09 with the exception of the condition requiring the Owner to obtain Site Plan approval, which under the current conditions cannot be obtained until the owner obtains the variances applied for in 2009.

##### **Instead of requiring a secondary access on the Subject property, the Town can work with the BIA to re-configure how the street is closed during festivals**

The Town could also work with the BIA to modify road closures associated with festivals so that the private road that borders the southern property line of the subject property is not blocked, and the secondary access to Dublin St. would no longer be required by the

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owner of the Sierra development. The developer of the Sierra property feels that the requirement to provide a secondary access from Dublin Street to be used only for the few days that street festivals are in operation is unnecessarily onerous, and that a modification of how the festival is organized may provide a solution to the vehicular access issues.

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

Not Applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable.

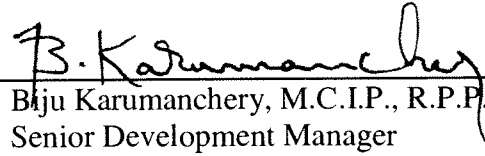
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

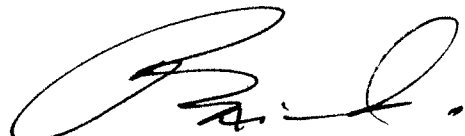
Not Applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Discussion has occurred with the Engineering Department

**RECOMMENDED BY:**

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

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

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**ATTACHMENTS:**

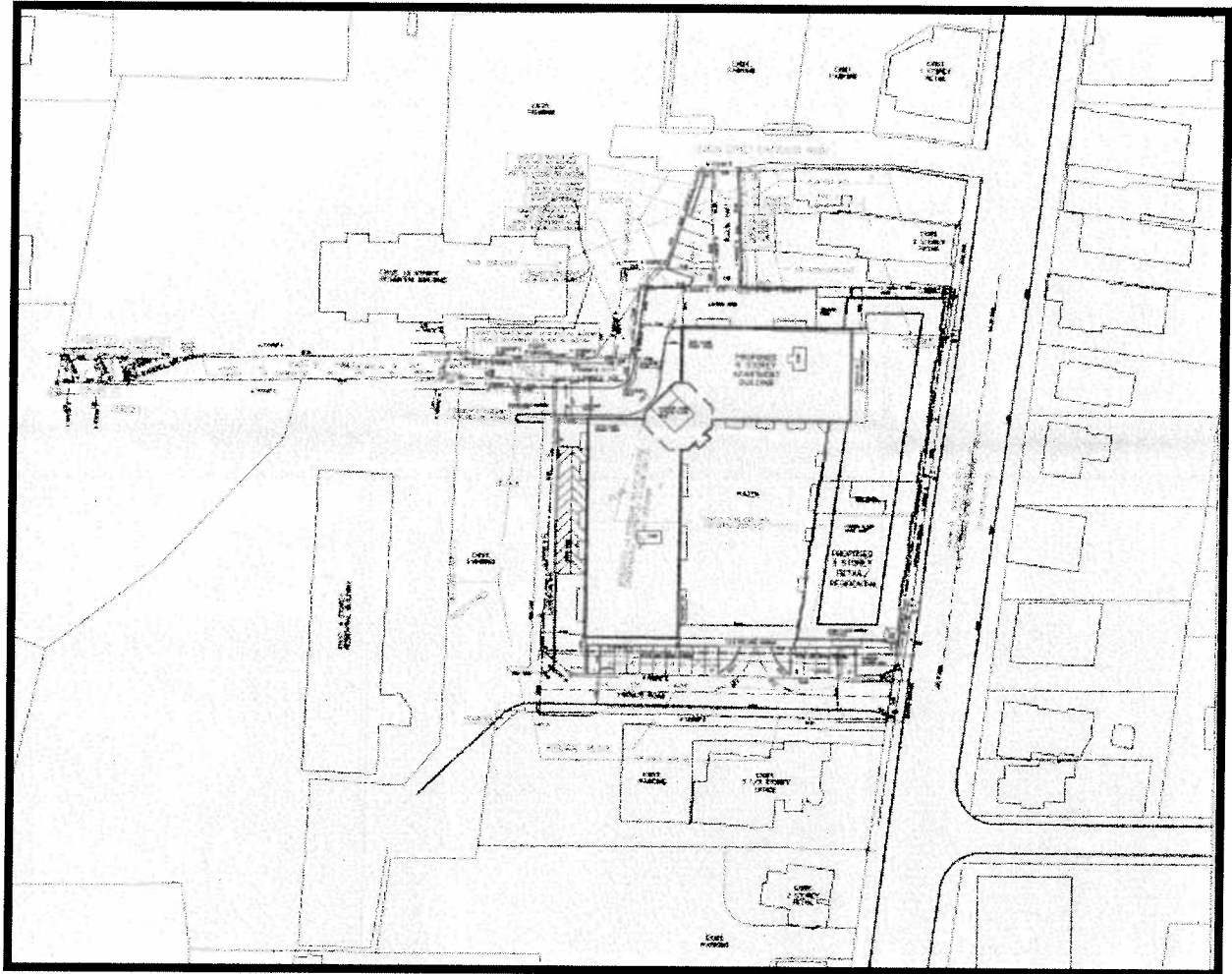
Appendix A – Site Plan

Appendix B – Concept Illustrations of the Proposed Development

Figure 1 – Original Secondary Access Easement Concept

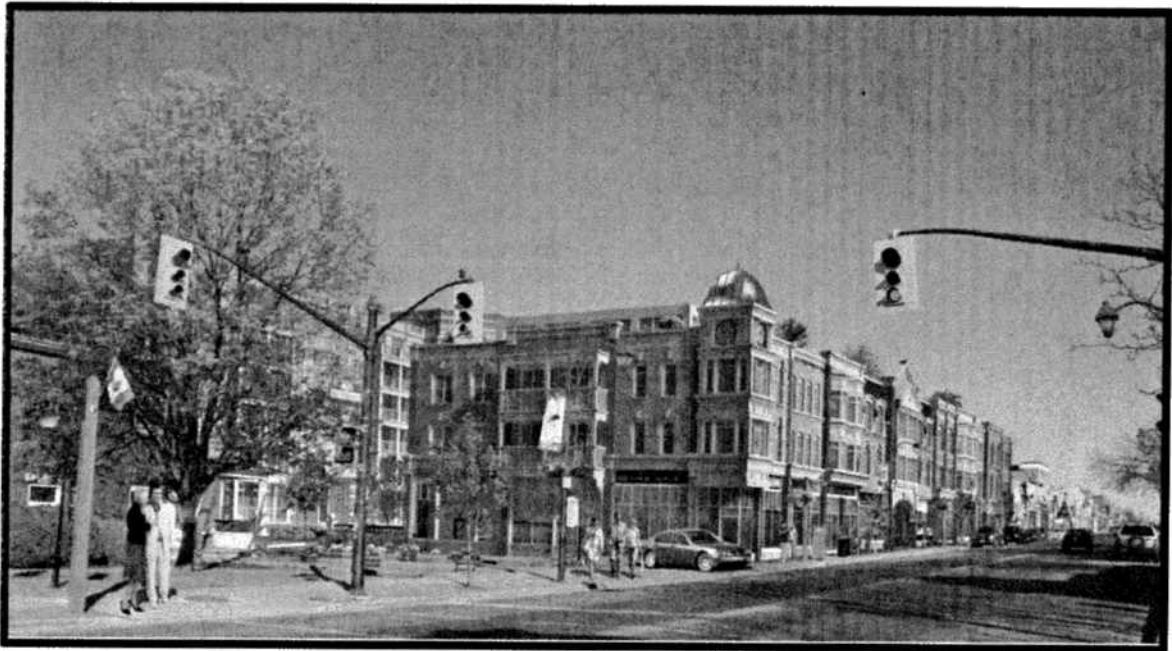
# APPENDIX A

## Site Plan

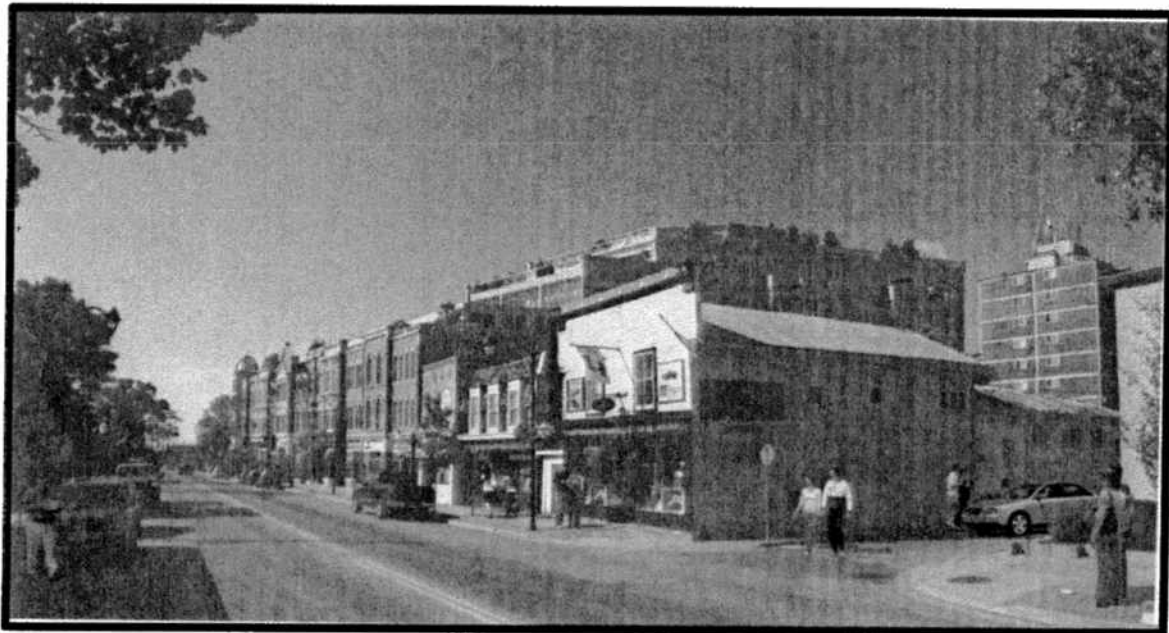


## APPENDIX B

### Conceptual Illustrations of Proposed Development



Looking north from corner of Centre Street



Looking south opposite Dublin St.

## FIGURE 1

### Original Secondary Access Concept

