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**Subject:** Proposed Request for Extension of Draft Approval for Draft Plan of Subdivision – 11776 Highway 48 [File No. 19T(W)-20.004]

**Staff Report No.** DS-034-24

**Commission:** Development Services Commission

**Date:** June 19, 2024

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**Recommendation:**

- 1) That Draft Plan Approval for Subdivision File 19T(W)-20.004, be extended for a period of three (3) years, with a revised lapsing date of July 20, 2027.

**1. Purpose:**

The purpose of this report is to assess the merits of extending Draft Plan Approval to the draft plan conditions of an approved draft plan of subdivision located at 11776 Highway 48, File No. 19T(W)-20.004.

**2. Executive Summary:**

In assessing the request for an extension of Draft Plan Approval, Town Staff have considered the form of development and the currency of work milestones associated with the file. In this respect, it is Staff's recommendation that a three-year extension to Draft Plan Approval be granted for Subdivision File No. 19T(W)-20.004, with a revised lapsing date of July 20, 2027.

Minor amendments to the approved draft plan conditions and draft plan are required to implement the proposed extension and to respond to requested Town department and agency requests for modifications to certain conditions. The proposed changes are deemed minor in nature and are supported by Town staff. A written notice of the amendment to the draft plan conditions is not required under Section 51(47) of the *Planning Act*.

### 3. Background:

#### 3.1 Location and Property Overview

The subject site is approximately 9.4 hectares in size and is part of a larger subject property known as 11776 Highway 48, as shown in Figure 1. The subject site abuts the Whitchurch-Stouffville / Markham joint municipal boundary and other lands owned by the applicant in the City of Markham (11621 Highway 48).

Figure 1



#### 3.2 Previous Approvals and Development Overview

##### 3.2.1 Minister's Zoning Orders

On April 24, 2020, the Minister issued Zoning Order O. Reg 172/20 for approximately 11.9 hectares of land, consisting of:

- 8.53 hectares on the lands subject to this application for draft plan approval (i.e. part of 11776 Highway 48 in Whitchurch-Stouffville), and
- 3.37 hectares on lands located directly to the south in the City of Markham (11621 Highway 48).

As it relates to the subject site in the Town of Whitchurch-Stouffville, the Zoning Order had the effect of applying the following Zones, as amended: a Residential New Five (RN5) and Commercial Residential Mixed – Western Approach (CM2) Zone to Block 1; a Residential New Four (RN4) Zone to Block 2; and an Open Space (OS) Zone to Block 3.

**3.2.2 Draft Approval**

On July 20, 2021, Council granted approval, subject to conditions, for a draft plan of subdivision consisting of various blocks for:

- a total of 548 units in 5 mid-rise apartment buildings with some commercial/office space;
- 88 townhouse units;
- private open space / underground stormwater management facility; and,
- other blocks for the purposes of sight triangles, easements and environmental buffer blocks.

A copy of the draft approved plan is provided in Attachment 2 of this report.

**3.2.3 Revisions to Conditions of Draft Approval**

On September 13, 2023, Council amended the 2021 conditions of draft approval, as outlined in the Council Report (refer to Item 2 in Section 8 Related Reports of this report). One of the modifications was the addition of Condition 1.11 to provide authorization to the Commissioner of Development Services to approve any minor revisions to the draft plan or conditions as a result of errors, omissions or required revisions based on the detailed engineering design.

On January 11, 2024, the Commissioner of Development Services approved minor revisions to the conditions of draft plan approval to:

- update references in Condition 5.8 to development charge eligible projects and to clarify that phasing of the proposed water system may be permitted to permit only one water main connection for a limited number of lots; and,
- clarify the intent of Condition 5.13 to allow for a gravity sewer to the YDSS along McCowan Road until sewer assumption.

**4. Analysis and Options:**

**4.1 Request to an Extension to Draft Approval**

Wyview Group (the Owner) has requested a three-year extension to Draft Plan Approval for the Plan of Subdivision [File No. 19T(W)-20.004) until July 20, 2027, while the Owner continues to work toward registration of the plan.

On April 18, 2024, Town staff circulated the request for a Draft Plan Approval Extension to internal departments and external agencies for comment. The following comments

were received:

- Town Policy Planning and Heritage Planning, HydroOne and Enbridge have no objections or comments regarding the proposed extension.
- Town Development Engineering has no objection to the extension subject to the following modifications to the conditions of draft approval:
  - Deletion of Condition 5.17 respecting the requirement for upsizing or twinning of the YDSS West and YDSS Main sewer main, and associated financial requirements, as it is no longer required; and,
  - Addition of subsection e) to Condition 13.1 to indicate conditions to be cleared by the Ministry of Transportation.
- York Region has no objection to the extension to draft plan approval subject to the following modifications to the conditions of draft approval:
  - Deletion of Conditions 1.6 and 5.23 since the property is not fronting a Regional Road and is not eligible for Regional development charge credits;
  - Deletion of part of Condition 5.3 to remove reference to the Region confirming adequate water supply and sewage capacity and allocation by the Town;
  - Deletion of Condition 5.21 requiring submission of engineering plans, for Environmental Compliance Approval, to the Region and Ministry of Environment, Conservation and Parks.
  - Addition of new Conditions 5.21 and 5.22 respecting reservation of areas for passenger standing/shelter pads, and that no development works shall be undertaken on Blocks 1 and 2 without site plan approval from the Region.

The Region has also requested replacement of the 2021 draft approved plan that was redlined to indicate that Blocks 2 and 3 and Street B could be amended based on recommendations in studies required by the draft conditions. The engineering design has progressed to the point that no further changes to the 2021 plan are anticipated. Attachment 3 is the draft plan referenced in modified draft condition 1.1 (i.e. draft plan of subdivision prepared by Bousfields Inc. Drawing No.: 2141-14dp, dated June 15, 2021, without any redline revisions).

See proposed revised Schedule for Conditions of Draft Plan approval as Attachment 4 to this report.

## 4.1 Options

### Option A (Recommended)

Subsection 51(33) of the *Planning Act* gives the Town the authority to grant extensions to subdivision files that are approaching their lapsing dated. In assessing the merits of the extension request, Council has to be satisfied that the subdivision is still appropriate, and that the nature of the development is consistent with the Town's expectations.

Town staff are of the opinion that the proposed extension and minor modifications to the draft conditions and draft plan are consistent with or conform with Provincial, Regional and Town policies. This will facilitate and advance the completion of the Subdivision Agreement process for the subject Approved Draft Plan of Subdivision.

On the basis of the above, Staff recommends the extension to draft plan approval for an additional three-year period with minor modifications to the conditions of draft approval and the draft plan. The new lapsing date, if approved by Council, would be July 20, 2027.

Planning staff are of the opinion that the proposed changes are technical and minor in nature. In accordance with Section 51(47) of the Planning Act, a written notice is not required.

### Option B

Council does not approve the extension of draft approval and minor modifications to conditions and the draft plan. This option is not recommended as the proposed extension and modifications represent good planning and are consistent with or conforms with Provincial, Regional and Town policies.

## 5. Financial Implications:

None

## 6. Alignment with Strategic Plan:

### 1. Service Excellence

Supporting a collaborative, timely, customer-focused approach to operations that enhances efficiency, effectiveness, and customer satisfaction.

- Create service-driven policies and procedures / streamline processes

### 2. Expanding the tax base through a growing, diversified economy

Building and maintaining a tax base that supports the highest quality program and service delivery.

- Identify expansion areas for Industrial / Commercial growth
3. Asset Planning, Maintenance and Development
- Successful stewardship of the infrastructure and facilities required to support a growing community and vibrant economy.
- Address / plan for maintenance of existing assets & infrastructure; Create new infrastructure

## 7. Attachments:

1. Location Map
2. Draft Approved Plan dated June 15, 2021 and redline revised on July 16, 2021.
3. Modified Draft Approved Plan dated June 15, 2021.
4. Conditions of Draft Plan approval dated June 19, 2024.

## 8. Related Reports:

[1. July 20, 2021 - Council Report - Application for Draft Plan of Subdivision - 11776 Highway 48 \[File No. 19T\(W\)-20.004\]](#)

[2. September 13, 2023 - Council Report - Proposed Amendments to Conditions of Approval for Draft Plan of Subdivision - 11776 Highway 48 \[File No. 19T\(W\)-20.004\]](#)

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