



Report to: Development Services Committee

Meeting Date: April 29, 2019

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**SUBJECT:** **RECOMMENDATION REPORT**  
**2522584 Ontario Inc.**  
**Proposed Zoning By-law Amendment to permit eight (8)**  
**townhouse dwellings on the east side of Marydale Avenue,**  
**west of Markham R**

**PREPARED BY:** Luis Juarez, ext. 2910  
Planner I, Central District

**REVIEWED BY:** Sally Campbell, MCIP, RPP, ext. 2645  
Manager, East District

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**RECOMMENDATION:**

- 1) That the report titled “RECOMMENDATION REPORT, 2522584 Ontario Inc., Proposed Zoning By-law Amendment to permit eight (8) townhouse dwellings on the east side of Marydale Avenue, west of Markham Road and south of Denison Street (Ward 7) File No. ZA 18 229047”, be received;
- 2) That the Zoning By-law Amendment application submitted by 2522584 Ontario Inc., to amend Zoning By-law 177-96, as amended, be approved and that the draft By-law attached as Appendix ‘A’ be finalized and enacted without further notice;
- 3) That Council assign servicing allocation for up to 8 townhouse dwellings; and,
- 4) 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 recommend approval of a zoning by-law amendment submitted by 2522584 Ontario Inc., to permit 8 three storey freehold townhouse dwellings fronting onto existing Marydale Avenue.

**BACKGROUND:**

**Subject Property and Area Context**

The 0.17 ha (0.425 ac) vacant subject property is located on the east side of Marydale Avenue, and is west of Markham Road and south of Denison Street (See Figures 1 – 2, 4). The property shown on the siting plan (See Figure 3) has a frontage of approximately 53.7 m (176.2 ft) and depth of approximately 32.4 m (106.2 ft).

**Surrounding Uses:**

- An existing commercial shopping centre to the north at 7190-7200 Markham Road is currently the subject of zoning by-law amendment and site plan control applications to permit 258 stacked townhouses and 11 dual purpose units. These applications are before the LPAT (File No. ZA/SC 17 109850).
- An existing one-storey medical office building within a retrofitted dwelling abuts the subject lands to the east at 7160 Markham Road. A site plan application was endorsed in October 2018 (File SC 10 126959) to permit a 3-storey medical office building on this property.
- Existing single detached two storey dwellings exist to the south and west of the subject lands along Marydale Avenue and Erla Court.

## **PROPOSAL**

The applicant proposes to rezone the subject property to Community Amenity One (CA1) under By-law 177-96, as amended to permit a residential development comprised of 8 freehold townhouse dwellings with unit widths of 6.2 m (20 ft). The proposed conceptual site plan is shown in Figure 3. The eight proposed lots front onto and are accessed via Marydale Avenue. Each dwelling will have a private garage to accommodate 2 vehicles parked in tandem, as well as a private driveway for one vehicle, for a total of 3 parking spaces per dwelling.

The elevations feature brick and stone veneer, some stucco detailing and horizontal siding (see Figure 6). Each townhouse unit, except units 7 and 8, will be three storeys in height and complies with the maximum height requirement of 12 m (39 ft) within the CA1 zone category of By-law 177-96, as amended. While units 7 and 8 will have three storeys, the draft zoning by-law (Appendix 'A') caps the maximum building height for these units at 11 m (36 ft). This was included in the draft by-law to address comments made at the January 22, 2019 Statutory Public Meeting by residents and members of Development Services Committee to consider an appropriate transition to existing homes to the south. This is further addressed in the Options/Discussion section of this report.

## **Application Process and Next Steps:**

- The applications were submitted on September 24, 2018 and deemed complete by Staff on October 01, 2018;
- Following the Preliminary Report to DSC on December 11, 2018, the Statutory Public Meeting was held on January 22, 2019;
- Four deputations were made by residents at the Public Meeting citing concerns over a lack of proper notice regarding the application, building height, and building setback compatibility. Comments made through the Public Consultation process are detailed further in the Options/Discussion subsection of this report;
- If the zoning by-law amendment application is approved, a holding provision will be applied requiring the proponent to enter into a Development Agreement with the City prior to the removal of the holding provision. This is discussed in more detail at the end of the report.

## **POLICY FRAMEWORK, OFFICIAL PLAN AND ZONING**

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**Provincial Policy Statement, 2014 (PPS, 2014) and Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan, 2017) provide overall direction**

The PPS, 2014 provides direction on matters of Provincial interest including land use planning and development. The PPS, 2014 provides the direction for the efficient use of land and development patterns, which supports sustainability by promoting strong, livable, healthy and resilient communities; protecting the environment and public health and encouraging safety and economic growth.

The Growth Plan, 2017 provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan, 2017 is building compact, vibrant and complete communities, developing a strong competitive economy, protecting natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form. Given the infill nature of the proposed development, staff are of the opinion the proposed zoning by-law amendment application conforms to the Provincial Growth Plan policies.

While policies within both Provincial Plans include direction to support a range of housing typologies, (unit sizes, shared housing, secondary suites and rental housing), one of the key concerns raised through Public Consultation was ensuring that the proposed development has a built form consistent with surrounding existing housing. Staff have regard for the potential for this project to provide secondary dwelling units in the basement, however as the proposed townhouse units have not been specifically designed to accommodate secondary suites, this provision will not be provided as of right in the zoning by-law amendment. This will not prevent homeowners from applying to the Committee of Adjustment at a future date to apply for an accessory unit, subject to the review of plans to demonstrate that the secondary suite is appropriate for the unit. The proposed development generally meets the intent of the Provincial Policy Statement (2014) and Growth Plan for the Greater Golden Horseshoe (2017).

**Region of York Official Plan, 2010 (the "ROP")**

The subject property is designated 'Urban Area' in the ROP, which permits residential, commercial, industrial and institutional uses. The proposed land use conforms to the Regional Official Plan.

**2014 Official Plan as partially approved on November 24, 2017 and further updated on April 9, 2018 (the "2014 Official Plan")**

The subject property is designated 'Mixed Use Mid Rise' in the 2014 Official Plan which provides for townhouses including back to back and stacked units, small multiplex buildings containing 3-6 units, and apartment buildings with a minimum building height of 3 storeys and a maximum building height of 6 storeys. Lands designated 'Mixed Use Mid Rise' are to also comply with the Mixed Use Development Criteria policies of the 2014 Official Plan, to ensure that new development is compatible to existing development. These policies include, but are not limited to the following:

- Ensuring an appropriate and consistent building scale and mass to provide for continuity in built form on the same street;
- directing height and density away from low rise designations;

- Providing landscape buffers for sites adjacent to residential uses.

‘Local Corridor – Markham Road Armadale’ site specific policies in the 2014 Official Plan provide for transit-supportive densities that are also applicable to the subject site. The proposed townhomes comply with the ‘Mixed Use Mid Rise’ designation in the 2014 Official Plan.

### **Current and Proposed Zoning**

The subject property is zoned Special Commercial One (SC1) by By-law 90-81, as amended by By-law 87-87. The current zoning for this site has been in place since March 10, 1987 and permits a range of commercial uses, including retail, service uses, businesses and professional offices and restaurants. The submitted zoning by-law amendment application is required to permit the proposed townhouse development by rezoning the property and placing it in a Community Amenity One (CA1) zone category in By-law 177-96, as amended. The widths of the proposed townhouse units (6.2 m) complies with the requirements for townhouse units in the CA1 zone of By-law 177-96. Approval of the zoning amendment by-law will implement site specific exceptions to the CA1 zone standards to:

- permit a maximum floor space index (FSI) of 1.5;
- restrict permitted uses to only townhouse dwellings, home occupations, home child cares and accessory dwelling units; and restrict building height and side yard setbacks adjacent to existing single detached dwellings to the south; and to
- restrict the maximum permitted building height for Units 7 and 8 to 11 m and increase the minimum interior side yard setback from 1.2 m to 2.0 m for Unit 8, to address resident and DSC comments made at the January 22, 2019 Statutory Public meeting regarding the relationship of the proposed townhouses to existing homes to the south.

### **OPTIONS/ DISCUSSION:**

#### **Concerns expressed at the Statutory Public Meeting**

Development Services Committee suggested that the north end unit be designed to improve the interface with the adjacent proposed pedestrian walkway, and that the south end unit be modified to consider privacy concerns. Committee also suggested that snow storage and landscape buffers be considered in the design of the proposed development.

Some residents and members of Committee expressed concern about the 3-storey design of the southerly end unit from a compatibility perspective, requesting that a 2-storey design be considered.

#### **End unit design, landscape buffers, and snow storage is accommodated**

The applicant has upgraded the north end unit elevation to include a two-storey stone veneer façade feature fronting the walkway, and by reducing the length of the side yard privacy fence allowing good visual surveillance from living room windows. Further, the windows in the south end unit elevation have been reduced in number and size to reduce overlook to the south, including a frosted window treatment and high-level windows on the third storey (See Figure 5).

The applicant is proposing two new boulevard trees in addition to protecting the two existing boulevard trees along the frontage. Three evergreen trees are proposed along the south property line to provide all-season screening between the proposed rear yards and one of the existing adjacent residential dwellings to the south. Existing mature deciduous trees on the other adjacent property to the south does not allow for further tree plantings along the south lot line. Each unit contains an approximate 13.4 m<sup>2</sup> front yard which can be used for snow storage. A 1.8 m (6 ft) high privacy fence is proposed along the rear property line to screen the proposed development from the proposed medical office to the east (See Figure 4).

**Proposed development is compatible**

The proposed development is compatible with the existing residential dwellings in the vicinity and provides an appropriate built form presence along Marydale Avenue. There is approximately 10.5 m between the most southerly proposed townhouse unit and the existing residential units to the south, which is comparable to the relationship between other end units to corner units in the vicinity.

The proposed development has a height that is permitted in a residential low-rise designation and meets the 2014 Official Plan criteria for Mixed Use Mid Rise development. It has been determined that reducing the height to 2 storeys would require an official plan amendment because the 'Mixed Use Mid Rise' designation requires a minimum of 3 storeys. However, restricting the actual building height of units 7 and 8 means that 3 storeys can still be designed, but within 11 metres, thereby providing an appropriate transition in building height adjacent to the neighbouring detached homes to the south which are approximately 8 m in height. The applicant has indicated they do not want to submit an Official Plan amendment to permit lower building heights than what is permitted in the 2014 Official Plan. Staff are of the opinion the proposed building heights are compatible with surrounding existing homes.

**Region of York**

In a letter dated October 11, 2018 the Region of York indicated no objection to the proposed zoning by-law amendment application.

**Municipal Servicing is available**

There is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed development. It should be noted however that the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner.

The proponent is working with the Engineering and Water Works departments to finalize the servicing configuration for the subject lands. Final approval of the servicing configuration is an aspect of the technical submission to the Engineering Department that will proceed following zoning by-law approval, including final acceptance of the Functional Servicing Report.

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**A Development Agreement is Required**

As mentioned earlier in the report, a holding provision will be placed on the subject property through the implementing zoning by-law. The holding provision shall only be lifted when the applicant has entered into a development agreement with the City. The development agreement will commit the developer to construct in accordance with City Standards and Specifications, including civil engineering works, service connections and landscape details, as well as the payment of fees and levies, including cash in lieu of parkland, public art contribution and other development securities. Individual townhouse lots will be created through Part Lot Control Exemption once the holding provision is removed.

**FINANCIAL CONSIDERATIONS**

Not Applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed applications have been reviewed in the context of the City's Strategic Priorities of Growth Management, Transportation and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

These applications have been circulated to various departments and external agencies and their comments have been addressed.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director of Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Site Plan

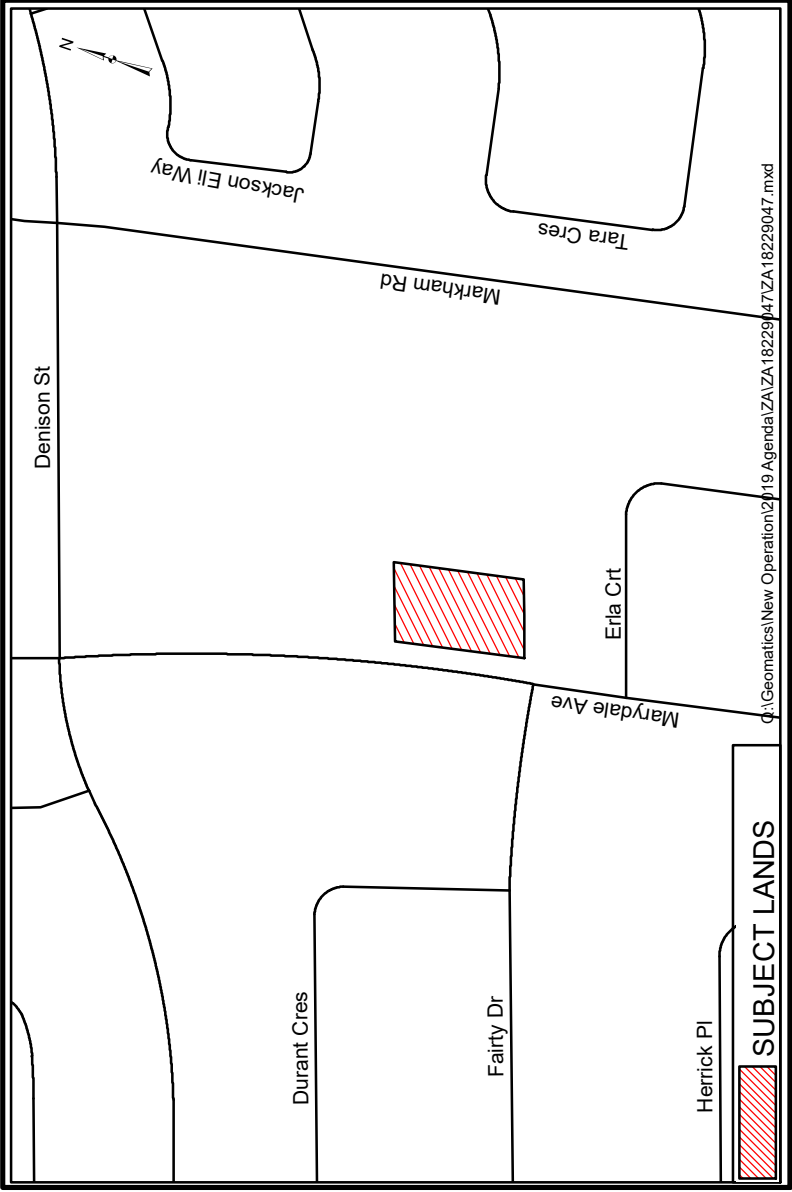
Figure 4 – Aerial Photo

Figure 5 – Conceptual Elevations

Figure 6 – Conceptual Renderings

Appendix 'A' – Zoning By-law Amendment

File path: Amanda\File 18 229047\Documents\Recommendation Report





# AREA CONTEXT / ZONING

APPLICANT: 2522584 Ontario Inc.  
Reg. Plan 65M-2599, Blk. 93 (Marydale Ave)

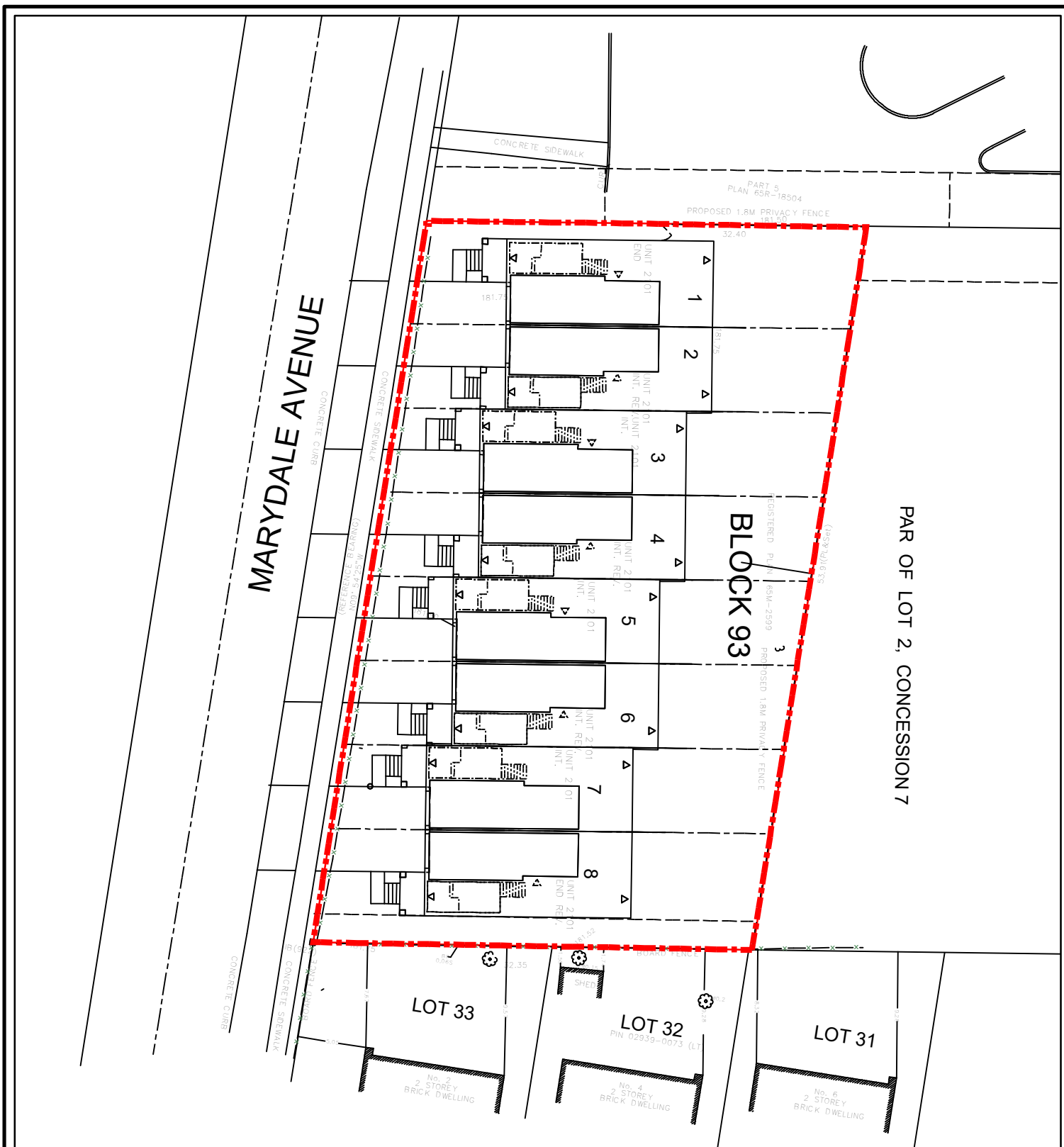
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 SUBJECT LANDS

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Date: 20/03/2019





# REVISED SITE PLAN

APPLICANT: 2522584 Ontario Inc.  
Reg. Plan 65M-2599, Blk. 93 (Marydale Ave)

FILE No. ZA 18229047 (LJ)

  Subject Lands

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Date: 20/03/2019



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: LJ

**FIGURE No. 3**





# AERIAL PHOTO (2018)

APPLICANT: 2522584 Ontario Inc.  
Reg. Plan 65M-2599, Blk. 93 (Marydale Ave)

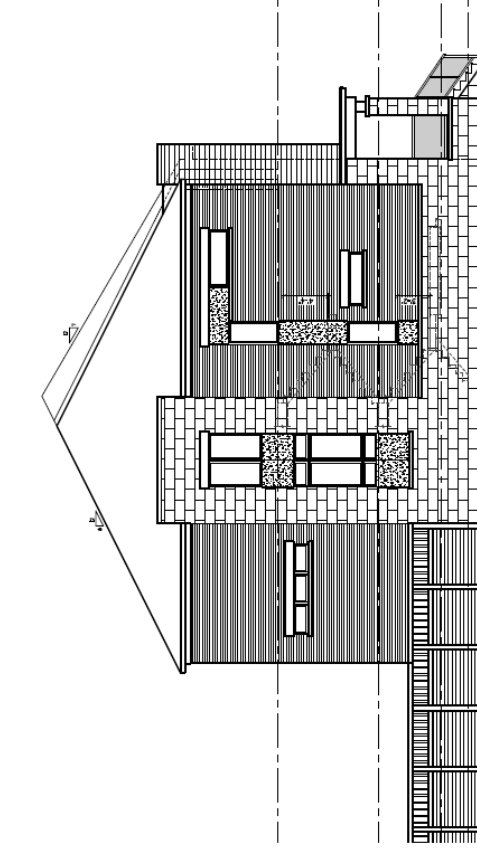
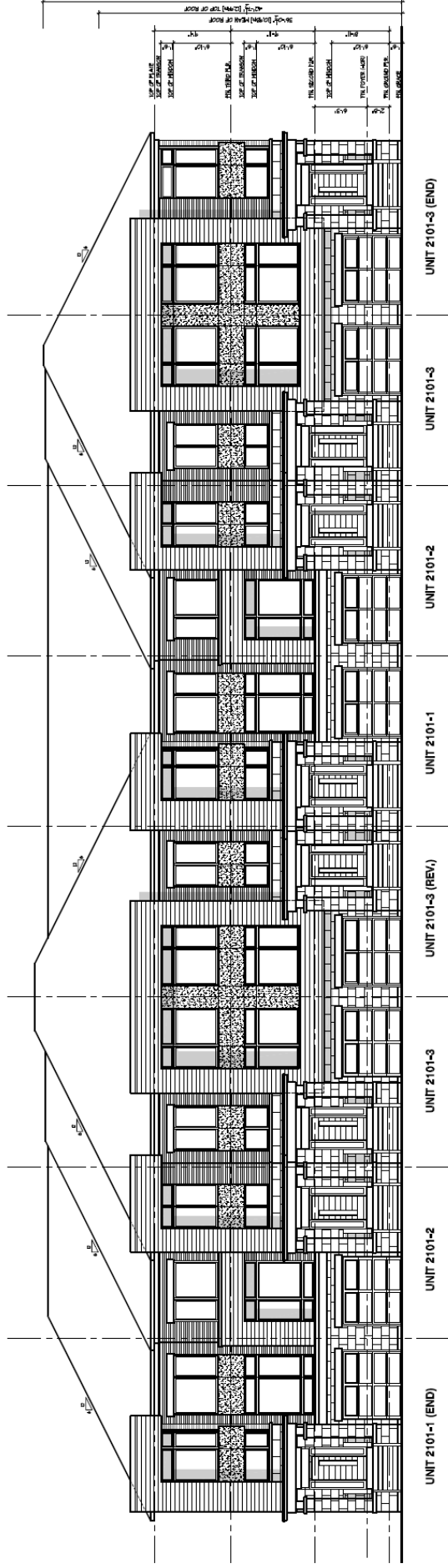
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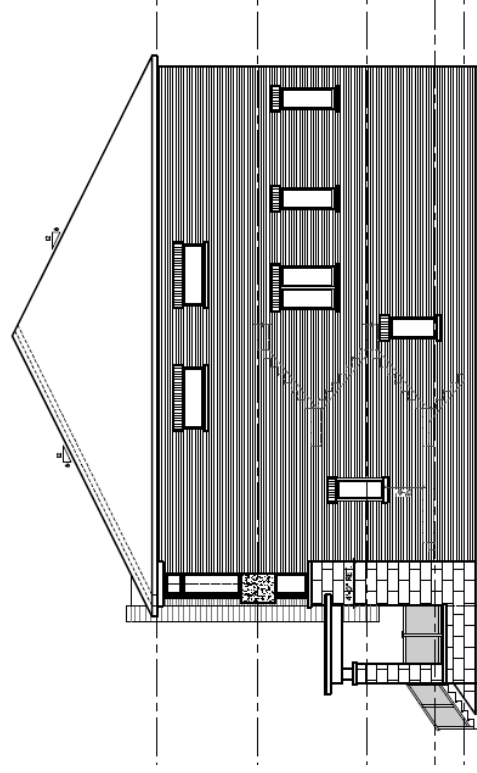
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Date: 20/03/2019





UPGRADED LEFT SIDE ELEVATION - LOT 1



RIGHT SIDE ELEVATION - LOT 8

# REVISED ELEVATIONS

APPLICANT: 2522584 Ontario Inc.  
Reg. Plan 65M-2599, Blk. 93 (Marydale Ave)

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UPGRADED LEFT SIDE ELEVATION - LOT 1



RIGHT SIDE ELEVATION - LOT 8

# CONCEPTUAL RENDERINGS

APPLICANT: 2522584 Ontario Inc.  
 Reg. Plan 65M-2599, Blk. 93 (Marydale Ave)

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