



Report to: Development Services Committee

Report Date: December 11, 2018

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**SUBJECT:** PRELIMINARY REPORT  
Kingsberg Warden Development Inc.  
3882 Highway 7 (north side, east of Verclaire Gate)  
Applications for Official Plan and Zoning By-law  
Amendment to permit a 10 storey, 80 unit apartment building  
(Ward 3)  
File No. OP/ZA 18 233310

**PREPARED BY:** Scott Heaslip, M.C.I.P., R.P.P., ext. 3140  
Senior Development Coordinator, Central District

**REVIEWED BY:** Richard Kendall, M.C.I.P., R.P.P., ext. 6588  
Manager, Central District

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**RECOMMENDATION:**

That the report titled "PRELIMINARY REPORT, Kingsberg Warden Development Inc., 3882 Highway 7 (north side, east of Warden Avenue), Applications for Official Plan and Zoning By-law Amendment to permit a 10 storey, 80 unit apartment building, (Ward 3), File No. OP/ZA 18 233310;" be received.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

This report provides preliminary information on the subject applications. It contains general information regarding applicable Official Plan or other policies and issues/concerns identified by staff from our preliminary review of the proposed development, and should not be taken as staff's opinion or recommendation on the applications. A Statutory Public Meeting has not been scheduled.

**BACKGROUND:**

The subject property is located on the north side of Highway 7, east of Verclaire Gate. (see Figures 1 and 3).

The property statistics are as follows:

- Area - 0.28 ha (0.7 acre).
- Frontage - 38.4 metres (126 feet) on Highway 7.
- Depth of approximately 147 metres (482 feet).
- Approximately 5.5 metres (18 feet) of frontage on Tenbury Drive.

The property contains a bungalow occupied by the Markville Montessori Private School.

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**Surrounding uses (see Figure 3):**

- To the west, the 4-storey “Ellington Park” condominium apartment development.
- To the east, the St Justin Martyr Catholic Church.
- To the north, single detached dwellings fronting on Tenbury Drive and flanking onto the subject property.
- To the south across Highway 7, a proposed apartment development by the Times Group consisting of 8 and 16 storey components along highway 7 and 38 and 42 storey components to the south.

**Process to date:**

- The subject applications were deemed complete by staff on September 24, 2018.
- The preliminary report is to be considered by Development Services Committee on the current date (December 11, 2018)

**Next Steps:**

- A Statutory Public Meeting is required to provide an opportunity for formal public participation regarding the proposed zoning change.

**Proposal**

The applicant is seeking amendments to the City’s Official Plan and Zoning By-laws to permit the subject property to be developed with a 10 storey, 80 unit apartment building as shown on Figures 4 (Conceptual Site Plan) and 5 (Perspective). The applicant has not applied for site plan approval for the proposed development.

**Provincial Policy Conformity**

When considering a development application staff assesses whether proposals are consistent with the Provincial Policy Statement (2014) and in conformity with relevant Provincial Plans, which in this case is the Growth Plan for the Greater Golden Horseshoe (2017). Matters still being assessed as part of the review of the zoning by-law amendment application include:

- Evaluating how the proposed development conforms with building strong healthy communities and managing growth;
  - a) by supporting the achievement of complete communities;
  - b) ensuring that there are adequate and accessible public and open spaces, parks and trails;
  - c) planning for sewage, water services and stormwater management;
  - d) providing transportation systems which are safe and energy efficient and facilitate the movement of people and goods and are appropriate to address projected needs; and
  - e) assessing the proposal with respect to the range (eg. type, sizes, affordability and accessibility) of housing proposed.

**Official Plan**

The applicable Official Plan policies include:

- The subject property is designated ‘Residential Mid Rise’ in the 2014 Official Plan ( as partially approved on November 24, 2017 and further updated on April 9, 2018).
- The “Residential Mid Rise” policies permit a broad range of residential uses in building ranging in height from 3 to 6 storeys, with a maximum overall density of 2.0 FSI (Floor Space Index is the ratio of the gross floor area of all buildings on a lot to the lot area), unless otherwise specified in a secondary plan or site-specific policy.
- The property is subject to site-specific policy 9.19.9 e), which restricts building heights to a minimum of 2 storeys and the maximum of 3.5 storeys.
- The Residential Mid Rise policies of the Official Plan include development criteria directing height and density away from low rise designations to frontages along arterial and major collector roads, and requiring buildings that are adjacent to areas designated for low rise development to respect an angular plane measured from the boundary of the designation in which the low rise building is located.

The property is zoned “Medium Density Residential One – Hold” [RMD1(H)] by By-law 118-79, as amended by By-law 75-98, By-law 75-98, which was approved in 1998, is a site specific amendment applying to the subject property and the lands to the west which are now occupied by the Ellington Park condominium. The highlights of this by-law are:

- It permits apartments and a broad range of commercial uses.
- It requires:
  - A minimum front yard of 12 metres (39 feet).
  - A minimum lot area of 0.75 hectares (1.8 acres).
  - A minimum rear yard of 17 metres (56 feet).
  - A minimum side yard of 12 metres (39 feet).
  - A maximum building height of 7.5 metres (25 feet) within 15 metres (49 feet) of the west lot line.
  - A maximum building height of 15 metres for the remainder of the lot.
  - A maximum density of 60 units per hectare (24 units per acre).

Staff understand that at the time By-law 75-98 was approved, the subject property was proposed to be included in what is now the Ellington Park condominium development.

The proposed development would require amendments to the City’s Official Plan to increase the maximum permitted building height from 3.5 to 10 storeys and the maximum permitted FSI from 2 to 4.24. It would also require a corresponding amendment to the City’s zoning by-laws to rezone the property to an appropriate high density residential zone incorporating site-specific development standards reflecting the proposed development.

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

The following is a brief summary of issues raised to date. These matters, and others identified through the circulation and detailed review of the proposal will be addressed in a final report to Committee:

In 2009, the City established development objectives for the section of Highway 7 east of Warden Avenue through the City-led Highway 7 Precinct Plan Study, as follows:

- To transform Highway 7 from an “inter-regional highway” to a “mid-rise urban boulevard.”
- To ensure an appropriate interface with the established residential community to the north.

All subsequent development approvals along this section of Highway 7 implemented this direction, as follows:

- The Times Uptown Markham and Sheridan Nurseries developments on the south side of Highway 7 include 8 storey buildings fronting on Highway 7, with the taller buildings located to the south along the Rouge River corridor.
- The Times, Lee (now Wyview), Peak Gardens, and Hildebrand Gardens (now Mon Sheong) developments on the north side of Highway 7 included 8 storey buildings fronting on Highway 7, transitioning down to 3 storey townhouses, single detached dwellings, school and park blocks providing an appropriate transition of building height down the established residential community to the north. Council subsequently approved the “downzoning” of the Highway 7 frontages of the Times and Peak Gardens properties to townhouses.
- The designations and site specific policies incorporated into the 2014 Official Plan also implement the development objectives outlined above.

The subject property has a modest area [0.28 hectare (0.7 acre)] and width [38.4 metres (126 feet)] and is bordered on three sides by sensitive uses including single detached dwellings, a 4-storey apartment building and a place of worship. This creates a number of compatibility issues, including:

- The proposed apartment building backs directly onto the adjoining single detached dwellings on Tenbury Drive. Unlike the developments to the east, the subject property is not deep enough to accommodate lower building types (such as townhouses) to act as an interface between the taller buildings along Highway 7 and the established residential community to the north.
- The small size of the property makes it difficult to mitigate the privacy, overlook and shadow impacts on the single detached dwellings to the north, Ellington Park condominium to the west, and place of worship to the east.
- The driveway onto Highway 7 would be restricted to right-turn-in and right-turn-out movements by a centre median on Highway 7. York Region has provided written comments requiring the proposed development to include a driveway onto Tenbury Drive. Staff feel it would be inappropriate for a driveway serving an 80 unit apartment building to be introduced onto an existing local residential street. Staff also note that the subject property does not have sufficient frontage on Tenbury Drive to accommodate a driveway.
- Staff note that the proposed height, at 10 storeys, is taller than the 8 storey height approved by Council for the other developments to the east; the majority of which have developed, most at lower heights.

The applicant is proposing to satisfy their parkland requirement through the payment of “cash-in-lieu” of land dedication.

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A number of area residents have submitted written comments in response to the notification of complete application. Identified concerns include building height, shadow impact, noise, traffic impact, construction impact, etc.

**Next Steps**

A Statutory Public Meeting is required to provide an opportunity for formal public participation regarding the proposed zoning change.


**ALIGNMENT WITH STRATEGIC PRIORITIES:**


The proposed development is to be evaluated in the context of growth management, environmental and strategic priorities of Council.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been circulated to various internal departments and external agencies and are currently under review.

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Ron Blake, M.C.I.P., R.P.P.  
Senior Development Manager  
Planning and Urban Design

  
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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 - Air Photo  
Figure 4 - Site plan  
Figure 5 - Perspective

**AGENT:**

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**OWNER:**

Patrick Chan

Kingsberg Warden Development Inc.

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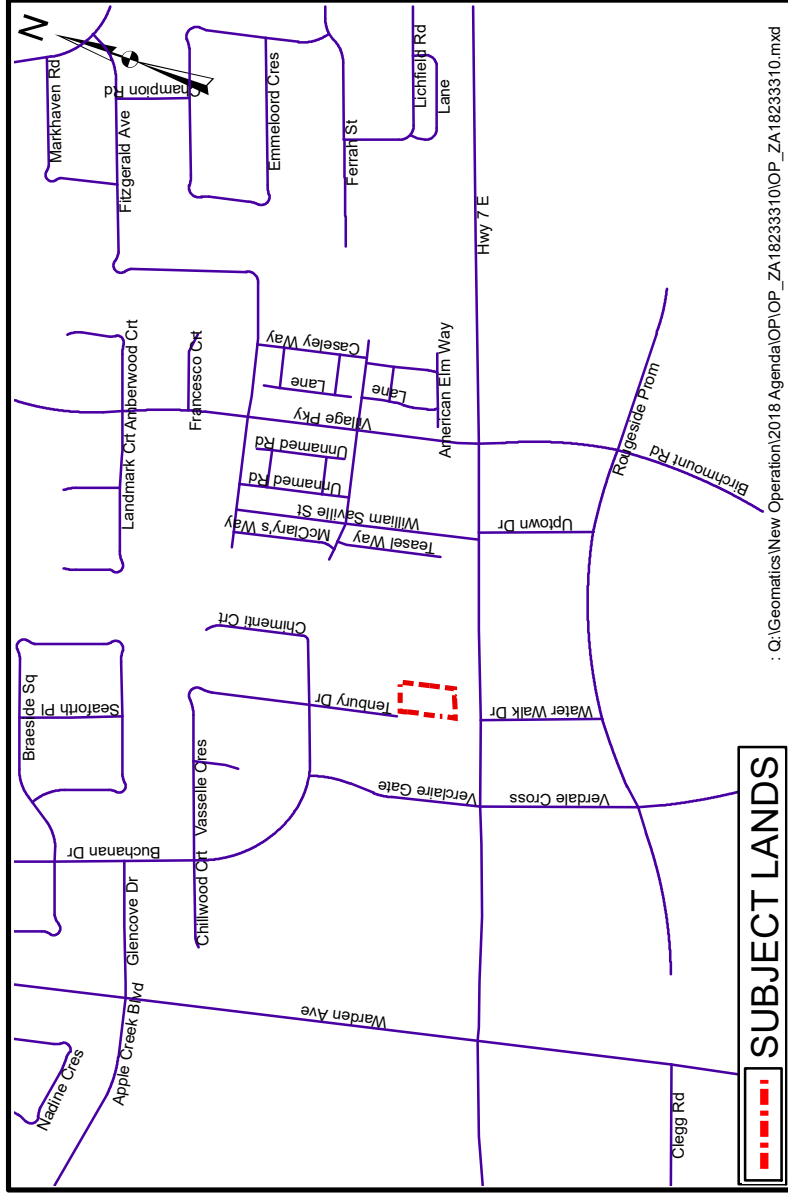
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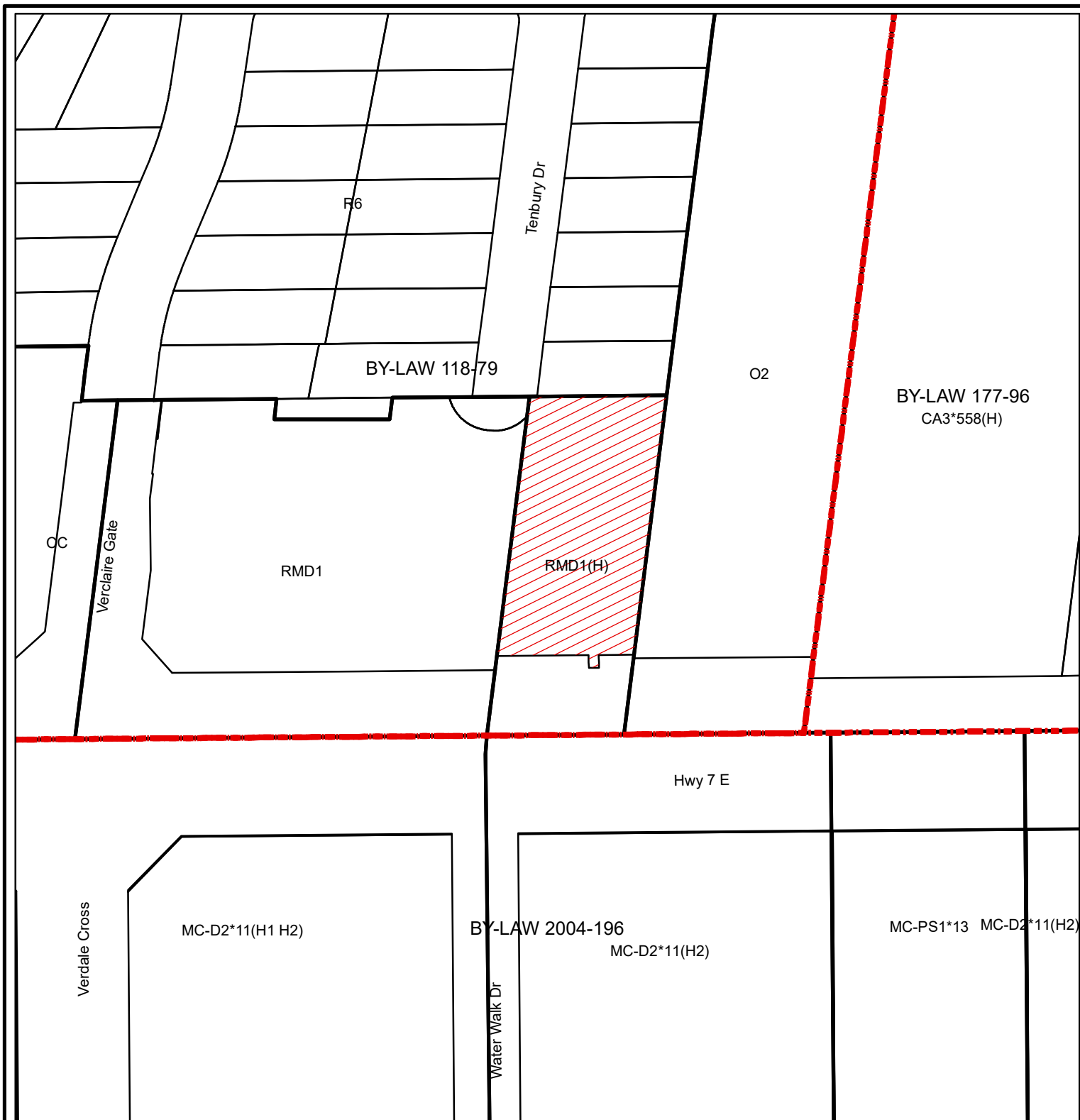
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File path: Amanda\File 18 233310\Documents\Recommendation Report



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# AREA CONTEXT/ZONING

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(SH)

 SUBJECT LANDS

DATE: 11/14/18



DEVELOPMENT SERVICES COMMISSION

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FIGURE No. 2







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# AIR PHOTO 2017

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

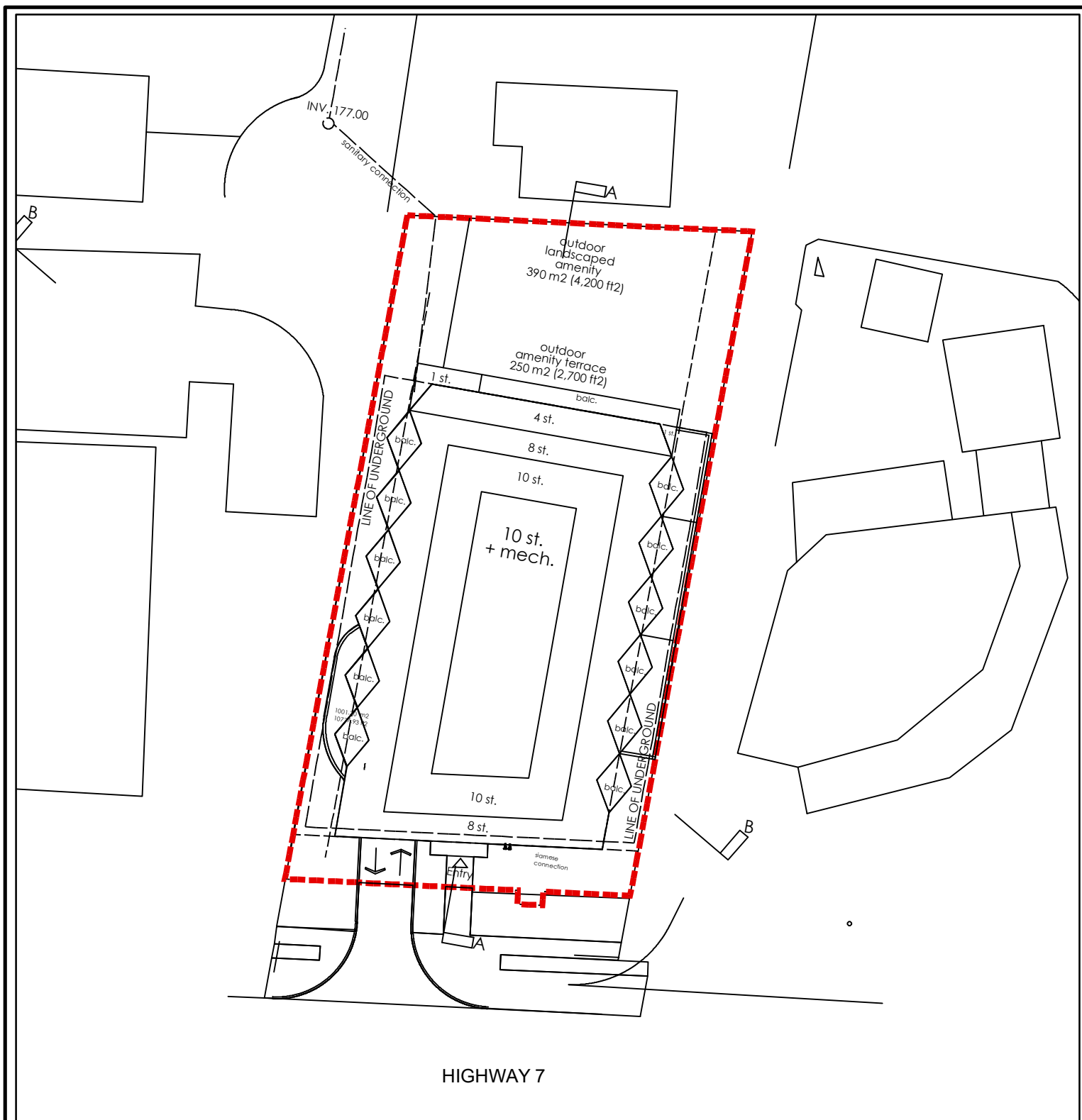
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  SUBJECT LANDS

DATE: 11/14/18







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# SITE PLAN

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(SH)

  SUBJECT LANDS

DATE: 11/14/18



DEVELOPMENT SERVICES COMMISSION

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FIGURE No. 4



VIEW ALONG HIGHWAY 7



VIEW ALONG REAR



VIEW LOOKING WEST ON HIGHWAY 7



VIEW LOOKING EAST ON HIGHWAY 7



VIEW LOOKING SOUTH ON TENBURY DRIVE

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# PERSPECTIVE

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(SH)

DATE: 11/14/18



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FIGURE No. 5