

SUBJECT: RECOMMENDATION REPORT
Scardred 7 Company Limited
Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit 20 single detached dwellings on the northern portion of 4038 Highway 7 (Ward 3)
File Nos. SU/ZA 18 180309

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RECOMMENDATION:

1. That the staff report dated June 21, 2021, titled “Recommendation Report, Scardred 7 Company Limited, Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit 20 single detached dwellings on the northern portion of 4038 Highway 7 (Ward 3), File Nos. SU/ZA 18 180309”, be received;
2. That in accordance with the provisions of subsections 45 (1.4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council;
3. That the applications submitted by Scardred 7 Company Limited to amend Zoning By-law 118-79, as amended, be approved and the draft Zoning By-law, attached hereto as Appendix A, be finalized and brought forward to a future Council meeting to be enacted without further notice;
4. That Draft Plan of Subdivision 19TM-18011 be approved, subject to the conditions set out in Appendix B of this report;
5. That the Director of Planning and Urban Design or his designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix B, as may be amended by the Director of Planning and Urban Design or his designate;
6. That Draft Plan Approval for Plan of Subdivision 19TM-18011 will lapse after a period of three (3) years from the date of issuance in the event that a Subdivision Agreement is not executed within that period;

7. That servicing allocation for 20 units be assigned to Draft Plan of Subdivision 19TM-18011; and,
8. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by Scardred 7 Company Limited to permit 20 single detached dwellings on the northern portion of the lands known municipally as 4038 Highway 7, as shown on Figures 1 and 2. Staff are of the opinion that the introduction of single detached dwellings is compatible with the surrounding existing neighbourhood context. The Proposed Development conforms to the City's Official Plan and the implementing Zoning By-law, attached hereto as Appendix A, is consistent with the City's policies.

Therefore, Staff recommend approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment applications (the "Applications"), submitted by Scardred 7 Company Limited (the "Owner"), to permit 20 single detached dwellings on the northern portion of the lands known municipally as 4038 Highway 7 (the "Subject Lands").

PROCESS TO DATE:

- December 19, 2018 – Staff deemed the Applications complete
- February 25, 2019 – Development Services Committee ("DSC") received the Preliminary Report
- May 7, 2019 – The Statutory Public Meeting was held

Next Steps

- If approved, the Owner can clear the conditions of Draft Plan of Subdivision, attached in Appendix B, enter into a Subdivision Agreement with the City, and register the Draft Plan.

BACKGROUND:

The generally rectangular and approximately 2.4 ha (5.8 ac) Subject Lands are located on the north side of Highway 7, east of Village Parkway, as shown on Figure 1, with approximately 110 m (361 ft) of frontage along Highway 7 and an average lot depth of 220 m (722 ft).

The southern portion of the Subject Lands contains a vacant one-storey commercial building (former Canada Computers store). The northern portion contains a vacant two-storey building (former head office of White Rose Nurseries). Existing vehicular storage presently occupies the paved area at the rear while a new temporary sales centre occupies

the western edge of the Subject Lands, as shown on Figure 2. Figure 2 shows the surrounding uses.

The Original Proposal

In November 2018, the Owner submitted the Applications to facilitate a residential development consisting of the following (the “Original Proposal”):

TABLE 1: Original Proposal (see Figures 4 and 5)	
Land Use	Description
New 18.5 m public road (Alfredo Street)	Extends east from Village Parkway to effectively bisect the Subject Lands into a northern portion and southern portion
1.2 ha (3 ac) block	Located in the southern portion to accommodate a 50-unit condominium townhouse development with seven blocks
1.1 ha (2.7 ac) block	Located in the northern portion to accommodate 20 single-detached dwellings
A new 18.5 m “J-shaped” road (William Meleta Drive)	Located along the eastern edge of the Subject Lands that extends north from an existing signalized full-moves driveway that intersects with Highway 7 and provides frontage to the proposed 20 single-detached dwellings in the northern portion while facilitating a new connection to Ferrah Street to the east
Conveyance of 9.25 m to complete a new 18.5 m north-south public road (Tomor Drive)	Located along the western edge of the Subject Lands (to be combined with a similar road dedication by the Owner to the west) that provides right-in/right-out access off Highway 7

THE PROPOSED DEVELOPMENT:

The Owner recently revised the Original Proposal to remove the proposed 50-unit condominium townhouse development on the 1.2 ha southern portion, shown as Block 21 on Figure 6. While it remains part of the Draft Plan of Subdivision, Block 21 now represents the Owner’s second development phase that would be subject to future development planning applications. Table 2 summarizes the development statistics for the Proposed Development:

TABLE 2: The Proposed Development (Draft Plan of Subdivision Statistics)		
Land Use	Lot/Block No.	Area (ha)
Single-detached dwellings	Lots 1 to 20	0.773
Future development block (Phase 2)	Block 21	0.826

TABLE 2: The Proposed Development (Draft Plan of Subdivision Statistics)		
Land Use	Lot/Block No.	Area (ha)
1.2 m widening along Highway 7	Blocks 22, 23	0.016
0.3 m reserve	Block 24	0.002
18.5 m right-of-way (Alfredo Street, William Meleta Drive and Block 25)		0.665
9.25 m right-of-way (Tomor Drive)		0.094
TOTAL:		2.376

Public Consultation

The City held the Statutory Public Meeting on May 7, 2019. The written submissions and comments by members of the DSC and the public identified the following matters with respect to the Original Proposal:

- a) Concerns pertaining to the Ferrah Street Connection including, but not limited to the following:
 - i) increased traffic
 - ii) children safety
 - iii) decreased property values
- b) Potential flooding and drainage issues due to differences in grading; and,
- c) Privacy fencing along the northeast side of the Proposed Development.

The Discussion section of this report outlines how the Owner addressed or considered the comments. Moreover, members of DSC and the public also provided comments on the previously proposed 50-unit condominium townhouse development in Block 21. This report does not address those comments, as the Owner has now abandoned their previous plans for Block 21. The development of this block will be subject to future development applications including Zoning By-law Amendment and Site Plan Control.

Markham Official Plan, 2014 (the “City’s Official Plan”)

The City’s Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018) designates the northern portion of the site as ‘Residential Low Rise’, which permits lower scale buildings such as detached, semi-detached, and townhouse dwellings with a maximum building height of three-storeys. Area Specific Policy 9.19.9 a) permits only single-detached dwellings in this area. Staff are satisfied the Proposed Development conforms to the City’s Official Plan.

Zoning By-Law

By-law 118-79, as amended, zones the Subject Lands “Special Commercial 1 (SC1) Zone”, which permits a range of commercial uses. To facilitate implementation of the

Draft Plan of Subdivision, the draft Zoning By-law Amendment proposes to re-zone the northern portion, as follows:

- a) From “Special Commercial 1 (SC1) Zone” under By-law 118-79, as amended, to “Residential Two Special Provision*682 (R2*682) Zone” under By-law 177-96, as amended.

The Owner proposes site-specific revisions to the development standards, such as maximum height, minimum rear yard and minimum exterior side yard, as shown in Appendix A. The draft Zoning By-law Amendment also proposes amendments to the minimum lot area and minimum lot frontage for the southern portion, which remains under the “Special Commercial 1 (SC1) Zone”, by By-law 118-79, as amended.

OPTIONS/ DISCUSSION:

Staff provide the following responses on the matters raised from the May 7, 2019, Statutory Public Meeting

a) Ferrah Street Connection

The Proposed Development facilitates a new connection from William Meleta Drive to Ferrah Street to the east. This connection responds to the City’s requirements to facilitate municipal operations in a safe manner. Currently, Ferrah Street terminates in a dead end, which forces garbage, fire, and snow removal vehicles to travel down Ferrah Street and then reverse back 130 m to Lichfield Road, as shown in Figure 2. The new connection to Ferrah Street would alleviate the risk of large city-operated vehicles backing out along Ferrah Street over a long distance; a risk currently assumed by the City. The City’s internal departments strongly supports the Ferrah Street connection.

The Owner submitted a Transportation Impact Study that examined the Ferrah Street connection. The Study concluded that it is unlikely that any traffic from beyond the immediate area will utilize this new connection due to the circuitous design of the surrounding roadways. All of the surrounding communities have alternative direct accesses to the broader existing street network that includes Village Parkway, Sciberras Road, Fitzgerald Avenue, and Fred Varley Drive.

The Transportation Impact Study does not preclude the option of placing signage to restrict movements at the Ferrah Street and William Meleta Drive intersection in the future, if a significant portion of the traffic utilizing this connection is determined to be through traffic based on future traffic monitoring. The City’s Transportation Planning staff concur with the conclusions and recommendations of the Transportation Impact Study.

From a Planning perspective, the Ferrah Street connection provides for increased connectivity and permeability. The existing design of Ferrah Street suggests that the intent was for it connect in the future, as it would otherwise have been designed as a cul-de-sac. Therefore, City Staff strongly recommend the Ferrah Street connection.

b) Drainage and Flooding

The public raised the potential of flooding and drainage impacts to the neighboring lots/roadways. During the detailed design stage, the Owner is required to submit a detailed Stormwater Management Report, as well as detailed design engineering drawings, to ensure there are no negative impacts to the surrounding neighbourhood. These requirements have been captured as conditions of Draft Plan Approval (see Appendix B).

c) Privacy fencing along the northeast side of the Proposed Development

For all rear yards abutting existing residential lots, new privacy fencing will be installed, if required, as a condition of Draft Plan Approval (see Appendix B). Staff will review the detailed design drawings of the existing and planned fencing along the east property line. The Owner will be asked to replace the existing fence if it is in poor condition.

Development Access and Timing

To complete the right of way allowance for the portion of William Meleta Drive south of Alfredo Street, identified as Block 25 (the “William Meleta extension”), and shown on Figure 6, additional lands are required from the neighbouring landowner to the east, the Audi Uptown car dealership (“Audi”). Currently, the Owner would convey Block 25 to the City as a condition of the draft plan of subdivision, but the William Meleta extension would not be constructed until Audi conveys the remaining portion of the required right-of-way, as depicted in red on Figure 6. Audi has agreed to convey the right-of-way lands through their current Site Plan Application (File SPC 21 110940). The William Meleta extension to Highway 7 will be completed as part of a future Site Plan Application for Block 21.

In the interim, the William Meleta Drive extension will be barricaded north of Audi’s access driveway at Highway 7 in order to enable the continued use of this driveway access. Until the completion of William Meleta Drive extension, access to the Proposed Development would be along Tomor Drive (full right of way width to be conveyed through the registration of this subdivision) and Alfredo Street (via Village Parkway).

The proposed built form is appropriate and compatible with surrounding area context

The Owner organized the Proposed Development to ensure compatibility with the existing single-detached dwellings to the north and east and the townhouses to the west. This results in appropriate interfaces with the surrounding area. The proposed lot frontages range from 11.28 m (37 ft) to 15.84 m (52 ft) with lot areas from 296.91 m² (3,196.02 ft²) to 760.96 m² (8,191.17 ft²), which are compatible in size with the neighbouring lots on Fitzgerald Avenue and Ferrah Street.

The Proposed Development consists of three-storey building heights, which will be comparable with the building heights of the existing surrounding three-storey townhouses (to the west) and the single-detached dwellings (on the south side of Fitzgerald Avenue). The Owner proposes recessed garages integrated into the massing of the main dwellings and designed to be visually subordinate to the main façade of the home. The Owner must

retain a design consultant to prepare Architectural Control Guidelines for approval by the City, as a condition of Draft Plan Approval (Appendix B). The proposed elevations will be reviewed and stamped by a Control Architect, prior to Building Permit issuance. All dwellings must comply with the approved guidelines. Figure 7 shows a conceptual rendering of the preliminary elevations for proposed single-detached dwellings.

The Owner proposes to satisfy parkland obligations through Cash-in-Lieu of Parkland

The Owner proposes to fulfill their parkland obligations for the Proposed Development through Cash-in-Lieu of Parkland, as opposed to parkland dedication. Staff support this as the surrounding community contains a wide variety of public open space amenities within close proximity to the Subject Lands, including Ferrah Park (approximately 110 m or 361 ft to the east), Village Park (approximately 600 m or 1,969 ft to the north), and Sablewood Park (approximately 650 m or 2,133 ft to the northwest).

Mature trees would be preserved and/or replaced to facilitate the Proposed Development

The Owner proposes to preserve a number of mature trees through the Proposed Development. In particular, several silver maple trees rated in good condition along the north perimeter of the Subject Lands would provide privacy to existing residential lots along Fitzgerald Avenue. The Owner must conduct further tree assessments as part of the conditions of draft plan approval for several neighbouring trees along the east perimeter, including a large Bur Oak tree (Appendix B). Staff continue to work with the Owner to preserve existing trees on the Subject Lands and plant new trees to increase tree canopy.

The Owner proposes to implement several sustainability and age-friendly measures in the Proposed Development

The Owner proposes the following sustainability measures in the Proposed Development:

- a) On-site, high-branching broad-trees, wherever space allows
- b) The inclusion of native tree species throughout, including drought tolerant and non-irrigation dependent plants
- c) Incorporation of high efficiency furnaces, appliances and windows
- d) Incorporation of energy efficient gas lines for stoves and backyard BBQs
- e) Age-friendly design options, including a modified floor plan that includes a primary bedroom on the ground floor, will be made available to purchasers
- f) Provisions for elevator rough-ins at the purchaser's request

Staff continue to work with the Owner to finalize the sustainable measures undertaken as part of the Proposed Development.

CONCLUSION:

Based on the discussion above, Staff opine that the proposed single-detached dwellings would be compatible with the surrounding existing neighbourhood context and represent good planning. Staff recommend that the draft Zoning By-law, attached as Appendix A,

be finalized and enacted and that Council approve the Draft Plan of Subdivision, subject to the conditions attached as Appendix B.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development aligns with the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to internal City department and external agencies. Requirements of the City and external agencies have been reflected in the conditions of Draft Plan of Subdivision Approval (see Appendix B).

RECOMMENDED BY:

Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager

Biju Karumanchery, M.C.I.P., R.P.P.
Acting Commissioner of Development Services

ATTACHMENTS:

FIGURES

- Figure 1: Location Map
- Figure 2: Aerial Photo
- Figure 3: Area Context/Zoning
- Figure 4: Original Draft Plan of Subdivision
- Figure 5: Original Preliminary Site Plan
- Figure 6: Revised Draft Plan of Subdivision
- Figure 7: Conceptual Elevations

APPENDICES

- Appendix A: Draft Zoning By-law Amendment
- Appendix B: Conditions of Draft Plan of Subdivision Approval

AGENT:

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