



Report to: Development Services Committee

Meeting Date: October 12, 2021

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**SUBJECT:** PRELIMINARY REPORT W Garden Corporation  
Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit the Phase 1 development consisting of 95 townhouse units at 186 Old Kennedy Road and 31 and 51 Victory Avenue (Ward 8)  
File Nos. SU/ZA 18 149630

**PREPARED BY:** Sabrina Bordone, M.C.I.P., R.P.P., extension 8230  
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**REVIEWED BY:** Stephen Lue, M.C.I.P., R.P.P., extension 2520  
Development Manager, Central District

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**RECOMMENDATION:**

1. That the report titled “PRELIMINARY REPORT, W Garden Corporation, Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit the Phase 1 development consisting of 95 townhouse units at 186 Old Kennedy Road and 31 and 51 Victory Avenue (Ward 8), File Nos. SU/ZA 187 149630”, be received.

**PURPOSE:**

The purpose of this report is to provide preliminary information on applications for Draft Plan of Subdivision and Zoning By-law Amendment (the “Applications”) submitted by W Garden Corporation. This report contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation on the Applications.

**Process to date**

Staff deemed the Applications complete on May 3, 2018, when the Applications were originally filed by 186 Old Kennedy Development Inc. and 31 Victory Development Inc. (the “Previous Owner”). The current owner, W Garden Corporation (the “Owner”), proposes revisions to the Applications. Given that the Applications constitute a resubmission, the 120 day period set out in the *Planning Act* before the Owner can appeal the Applications to Ontario Land Tribunal (“OLT”) for a lack of decision ended on August 31, 2018. Accordingly, the Owner is now in a position to appeal for a non-decision to the OLT. However, the Owner has been working with Staff on the various matters related to the Proposed Development and in the context of the emerging Milliken Secondary Plan Updated, as discussed below.

**Next Steps**

- Holding the statutory Public Meeting at a future date, when appropriate
- Consideration of a Recommendation Report by the Development Services Committee (“DSC”)

- In the event of an approval, issuance of Draft Plan Approval and enactment of the site-specific Zoning By-law Amendment

## **BACKGROUND:**

### **Location and Area Context**

The 3.9 ha (9.6 ac) subject lands comprises three contiguous properties municipally known as 186 Old Kennedy Road, 31 Victory Avenue, and 51 Victory Avenue (the “Subject Lands”) with frontages along Old Kennedy Road (61 m), Aldergrove Drive (329 m), and Victory Avenue (38 m), as shown on Figure 1.

186 Old Kennedy Road contains a large one-storey commercial/industrial building with two long, narrow storage structures located to the west. 31 Victory Avenue contains a single-detached dwelling that has been designated under Part IV of the *Ontario Heritage Act* (the “Alexander McPherson House”). 51 Victory Avenue is vacant and used for parking and outdoor storage. Figure 3 shows the surrounding uses.

### **The Original Proposal (the “Original Proposal”)**

In April 2018, the Previous Owner proposed a 222-unit residential townhouse development over the entire Subject Lands that consisted of the following:

<b>Land Use</b>	<b>Block No.</b>	<b>Area (ha)</b>	<b>Units</b>
Condominium Townhouses	1, 2	3.097	222 *
Open Space/Multi-use Pedestrian Block	3	0.224	
Street ‘A’ (realigned Victory Avenue): 17 m right-of-way Street ‘B’ (new north-south public road): 18.5 m right-of-way		0.564	
<b>TOTAL:</b>		<b>3.885</b>	<b>222 *</b>

**\*Note:** Figures 4 and 5 show the Original Proposal that included an Interim Condition (207 units) and the Ultimate Condition (222 units). In 2018, the Milliken Centre Secondary Plan Update land use concepts (discussed below) envisioned the realignment of Victory Avenue south of its current location to accommodate a future park and school block to the north and the termination of Victory Avenue at Street ‘B’. The Ultimate Condition included a portion of the existing Victory Avenue right-of-way, west of Street ‘B’, as part of the Subject Lands, providing for additional units to be incorporated into the design.

On September 10, 2018, the DSC received the Preliminary Report for the original proposal. The Statutory Public Meeting was held on December 11, 2018.

### **The Proposed Development (the “Proposed Development”):**

Since the Public Meeting, the Owner acquired the Subject Lands and now proposes to redevelop a portion of it (Phase 1), specifically Blocks 1 and 2, as shown on Figure 6, to accommodate 95 townhouse units, as shown on Figure 7. The April 2021 revisions to the Applications reflect the current Proposed Development, as summarized in Table 2 below:

<b>TABLE 2: The Proposed Development (Draft Plan of Subdivision Statistics)</b>			
<b>Land Use</b>	<b>Block No.</b>	<b>Area (ha)</b>	<b>Units</b>
Condominium Townhouses (Phase 1)	1, 2	1.721	95
Future Development	3, 4	0.971	
School Part Block	5	0.852	
Street 'B' (new north-south public road): 19 m right-of-way Aldergrove Drive road widening: 3.75 m		0.341	
<b>TOTAL</b>		<b>3.885</b>	<b>95</b>

#### Phase 1: Condominium Townhouses on Blocks 1 and 2

The Proposed Development consists of 6.2 m (Type A) and 4.9 m (Type B) unit widths. The Owner proposes a new north-south public road (Street 'B') to connect to the Gorvette Drive extension to the north (see Figures 7 & 8), consistent with the 2017 Draft Development Concept for the emerging Milliken Centre Secondary Plan Update, as discussed below. The proposed internal 6 m private laneways would service the Subject Lands.

The Owner proposes on-site parking, specifically two spaces in the internal garage for the Type A units and one space in the internal garage for the Type B units. Most units would have a corresponding number of parking spaces on the driveway, with the exception of three Type A units and one Type B unit. The Owner also proposes 10 on-site visitor parking spaces, as identified on Figure 7. The Owner has submitted a Parking Assessment that is currently under review by Transportation Planning Staff.

The Proposed Development consists of approximately 960 m<sup>2</sup> (10,333 ft<sup>2</sup>) of shared outdoor landscaped amenity space. Each unit would also include a balcony and roof top amenity space.

The Subject Lands are located in proximity to four neighbourhood parks, which include John Ferrara Park, Aldergrove Park, Harvest Gate Park and Highgate Park. John Ferrara Park (0.1 ha) is located immediately south of the Subject Lands on the south side of Aldergrove Drive (see Figure 3). As part of the Milliken Centre Secondary Plan Update, a 2.8 ha (6.9 ac) park will be located to the north of the Subject Lands (see Figure 8).

#### Future Phases

The Owner proposes Blocks 3 and 4 as future development phases through separate applications. At this time the development concepts for the Blocks 3 and 4 are preliminary and subject to change. The Owner advises that Block 3 could be developed with a high-rise built form and Block 4 could be developed with a mid-rise built form.

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### School Part Block

The Owner proposes to deliver a portion of a school block (Block 5) that forms part of a larger 4.6 ha (11.4 ac) school and park campus, as a central community element envisioned in the Milliken Centre Secondary Plan Update (see Figure 8).

The Alexander McPherson house is situated within the proposed limits of Block 5. The Proposed Development seeks to retain the existing heritage house in-situ and defer its future redevelopment to the future school site. Heritage Markham reviewed the Applications and indicated the importance of the Alexander McPherson House and its integration within the Proposed Development.

### **Provincial and Regional Policies**

In considering the Application, Staff will assess consistency with the 2020 Provincial Policy Statement, conformity with the 2019 Growth Plan for the Greater Golden Horseshoe, and conformity with the York Region 2010 Official Plan.

### **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 Subject Lands as “Mixed Use Mid Rise” (front portion adjacent to Old Kennedy Road) and “Residential Mid Rise” (the remainder of the Subject Lands). Blocks 1 and 2 are in the “Residential Mid Rise” designation, which permits townhouses. The City’s Official Plan indicates that until an updated secondary plan is approved for the Milliken Centre lands, the provisions of the 1987 Town of Markham Official Plan (the “1987 Official Plan”), as amended by the Milliken Centre Secondary Plan (“OPA 144”), shall apply to the Subject Lands.

### **The 1987 Official Plan, as Amended by OPA 144**

The 1987 Official Plan designates the Subject Lands “Commercial – Community Amenity Area” (front portion of the site adjacent to Old Kennedy Road) and “Urban Residential” (remainder of the site). Blocks 1 and 2 remain in the “Urban Residential” designation, which permits housing and related uses, with secondary plans establishing more detailed residential uses and densities.

OPA 144 designates the Subject Lands “Community Amenity Area – Main Street” (front portion adjacent to Old Kennedy Road) and “Urban Residential Medium Density” (remainder of the Subject Lands). Blocks 1 and 2 remain in the “Urban Residential Medium Density” designation, which permits a variety of housing types including, but not limited to, townhouses and street townhouses. Sections 5.2.2 (b) and (c) permit a maximum density of 79.9 units per hectare (“UPH”) and a general maximum building height of three storeys. The Owner proposes 95, three-storey townhouse units on Blocks 1 and 2 with a net residential density of 55.2 UPH.

### **Zoning**

By-law 177-96, as amended (see Figure 2), zones the Subject lands as follows:

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- a) “Community Amenity Two \*284 (Hold) \*274 (Hold 2)” [CA2\*284(H)\*274(H2)];  
“Residential Three \*273 (Hold) \*274 (Hold 2)” [R3\*273(H)\*274(H2)];
  - b) “Residential Three \*272 (Hold) \*274 (Hold 2)” [R3\*272(H)\*274(H2)];
  - c) “Residential Three \*273 (Hold)” [R3\*273(H)]; and
  - d) “Residential Three \*272 (Hold)” [R3\*272(H)].

The Owner’s draft Zoning By-law Amendment proposes to rezone Blocks 1 and 2 only to the “Residential Three (R3) Zone” and incorporate site-specific development standards to facilitate the Proposed Development.

### **Milliken Centre Secondary Plan Update (the “Update”)**

An update to OPA 144 is currently underway in cooperation with the Landowner’s Group and their Planning and Engineering Consultants, in accordance with Section 9.15 of the City’s Official Plan and includes an expanded secondary plan boundary.

#### 2017 Draft Development Concept (the “2017 Draft Development Concept”)

In 2017, Council received the 2017 Draft Development Concept for the Update that included the Victory Avenue extension, which created a natural right-of-way division between the Subject Lands and the proposed school and park campus to the north (see Figure 8).

Since 2017, Staff, the Landowner’s Group and their Consultants, and the applicable external agencies have had ongoing discussions to modify the 2017 Draft Development Concept. Some of the discussions have included matters associated with road patterns, whether the Victory Avenue extension should be removed, and the location and configuration of the school and park campus. Until these matters are finalized through the Secondary Plan Update, Staff cannot confirm the correct and final property limits between Blocks 2 and 5, as shown on Figure 6.

As the Update is in progress, the processing of the Applications must have regard for the ongoing studies and emerging matters, including but not limited to, road patterns, capacity constraints, pedestrian linkages, and open space requirements, which could impact the Subject Lands and the Proposed Development.

#### Block 5 (Partial School Block)

York Region District School Board (the “Board”) advised that between 2017 and 2019 they worked collaboratively with the City and the Landowner’s Group and their Consultants to ensure the overall school block met the Board’s standards. In response to the circulation of the Applications, the Board advised their acceptance of the school and park block campus configuration was based on an east-west road that serves the school’s southern frontage, which the Owner no longer proposes (see Figure 7). Therefore, the Board has advised that the Owner’s Proposed Development is unacceptable. The Board commented that if a southern road frontage is not available to serve the school site, the Board will require the extension of the school’s western frontage along Street B to meet their 140 m minimum standard to accommodate access and pick up/drop off.

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### Multi-Use Path (“MUP”)

The 2017 Draft Development Concept identified a 3 m wide MUP adjacent to the Metrolinx-GO Stouffville rail corridor within Block 3 that would provide pedestrian connectivity within and around the Subject Lands and convenient access to the GO Station. As a result, Staff require that the proposed draft plan of subdivision be revised to show the MUP as a separate block (see Figure 6).

### **OPTIONS/ DISCUSSION:**

The following summarizes the issues raised to date. These matters, among others, will be addressed in a final Recommendation Report to DSC:

- 1) Review of the submitted Planning Justification Report and draft Zoning By-law Amendment prepared by Weston Consulting.
- 2) Review of the Proposed Development in the context of the existing policy framework, and the emerging Milliken Centre Secondary Plan Update.
- 3) Review of the appropriateness of the Proposed Development having regard to the following:
  - a) Affordable housing, purpose-built rental, secondary suites, senior-focused housing, and family-friendly units
  - b) Block layout/orientation, elevation design, and setbacks
  - c) Landscape, sustainability measures, tree preservation/new tree planting opportunities, private and shared amenity areas, and pedestrian linkages/connectivity
  - d) Traffic impacts, road widening requirements, access, parking, active transportation facilities, and transportation demand management
  - e) Snow storage/removal, service connections, municipal servicing, and the location of utilities
- 4) The Owner seeks to retain the heritage house on the Subject Lands in-situ and defer its future redevelopment to the future school site. This could result in further deterioration of the heritage dwelling. Heritage Markham reviewed the Applications and indicated the importance of the Alexander McPherson House and its integration within the Proposed Development. The Original Proposal contemplated the relocation of the heritage house.
- 5) The Owner proposes no dedication of public parkland as part of the Proposed Development, which would result in cash-in-lieu of parkland as a condition of draft approval, should the Proposed Development be approved.
- 6) Staff is of the opinion that the proposed partial school block (Block 5), or any future configuration, should be included in the draft Zoning By-law Amendment and rezoned to an appropriate zone category to permit the proposed school and allow the Board to develop without further Zoning By-law Amendment applications.

- 7) In accordance with the City's Parking By-law 28-97, as amended, two parking spaces per townhouse dwelling is required, plus 0.25 parking spaces per visitor parking. This would result in 24 required visitor parking spaces. The Owner proposes 10 visitor parking spaces, which represents a 14-visitor parking space deficiency. Transportation Planning Staff continues to review the Owner's Transportation Mobility Plan Study, which includes a Parking Assessment.
- 8) The 2017 Draft Development Concept identified a 3 m wide MUP adjacent to the Metrolinx-GO Stouffville rail corridor. This MUP would be contained within Block 3. Staff require that the MUP be shown as a separate block on the proposed draft plan of subdivision.
- 9) The Subject Lands are located partially within the Toronto and Region Conservation Authority's ("TRCA") Regulated Area under Ontario Regulation 166/06. Accordingly, the City circulated the Applications to the TRCA for review and comment.
- 10) Review of all the technical studies submitted in support of the Proposed Development including, but not limited to, the following:
  - a) Urban Design Brief
  - b) Functional Servicing and Stormwater Management Report
  - c) Noise and Vibration Study
  - d) Transportation Mobility Plan Study and Parking Assessment
  - e) Arborist Report
  - f) Environmental Site Assessment, Phase 1 and Phase 2
  - g) Geotechnical Investigation
  - h) Hydrogeological Assessment
- 11) Review of financial obligations including, but not limited to, cash-in-lieu of parkland and Public Art (Section 37).
- 12) The City circulated the Applications to the applicable external agencies, including the TRCA, York Region District School Board and York Region. The Owner must satisfy the requirements of the applicable external agencies.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Proposed Development will be reviewed in the context of City's strategic priorities, including safe, sustainable and complete communities.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Applications have been circulated to various departments and external agencies and their requirements will be addressed as part of a future recommendation report.

**RECOMMENDED BY:**

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Biju Karumanchery, M.C.I.P., R.P.P.  
Director of 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: Aerial Photo
- Figure 4: Original Proposal – Interim Condition
- Figure 5: Original Proposal – Ultimate Condition
- Figure 6: Proposed Draft Plan of Subdivision
- Figure 7: Conceptual Site Plan
- Figure 8: 2017 Draft Development Concept

**AGENT:**

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