



Report to: Development Services Committee

Meeting Date: April 25, 2022

SUBJECT: RECOMMENDATION REPORT
Glen Rouge Homes (Kennedy) Inc.
Application for Zoning By-law Amendment to permit 31
townhouse units accessed by a private driveway at 7647
Kennedy Road (Ward 8)

File No. PLAN 20 136196

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RECOMMENDATION:

- 1) That the report titled, “RECOMMENDATION REPORT, Glen Rouge Homes (Kennedy) Inc., Application for Zoning By-law Amendment to permit 31 townhouse units accessed by a private driveway at 7647 Kennedy Road (Ward 8), File No. PLAN 20 136196”, be received;
- 2) That the Zoning By-law Amendment application submitted by Glen Rouge Homes (Kennedy) Inc. be approved and the draft Zoning By-law Amendment, attached hereto as Appendix ‘A’, be finalized and enacted without further notice;
- 3) 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;
- 4) That Council assign servicing allocation for a maximum of 31 residential units;
- 5) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 6) That York Region be advised that servicing allocation for 31 residential units has been granted; and
- 7) 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 Zoning By-law Amendment application submitted by Glen Rouge Homes (Kennedy) Inc. to permit 31 townhouse units accessed by a private driveway on the lands municipally known as 7647 Kennedy Road.

The Owner proposes to rezone the property to “Residential Three (R3)” with site-specific development standards related to setbacks, number of units, dwelling widths, and building heights.

Since the application was first submitted and in response to comments made by City Staff and echoed by the public, the Owner revised their proposal with respect to the height and massing of the townhouse blocks located adjacent to the existing residential neighbourhood to the east. The heights of the rear townhouse blocks have been reduced from three-storeys to two-storeys with a loft that achieves a lowered roofline.

Staff opine that the proposed Zoning By-law Amendment is appropriate and represents good planning. The proposal provides for infill residential intensification adjacent to an existing transit route along an arterial road in a manner that is compatible with the emerging development pattern in the surrounding area.

PURPOSE:

This report recommends approval of a Zoning By-law Amendment application (the “Application”), submitted by Glen Rouge Homes (Kennedy) Inc. (the “Owner”), to permit 31 two and three storey townhouse units (the “Proposed Development”).

Process to Date

- Staff deemed the Application complete on February 5, 2021
- The Owner submitted a Site Plan Application (“SPA”) File No. SPC 20 136196 that is currently under review
- The Development Services Committee (“DSC”) received the Preliminary Report on March 30, 2021
- The Statutory Public Meeting was held on June 1, 2021
- Staff received the second submission on December 20, 2021

The 90-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on May 6, 2021. Accordingly, the Owner is in a position to appeal the Application to the OLT.

Next Steps

- Council Approval of the site-specific Zoning By-law Amendment
- Detailed review of the Site Plan Control Application by Staff
- Issuance of Site Plan Endorsement by Staff
- Execution of a Site Plan Agreement by the Owner
- Issuance of Site Plan Approval by Staff
- Future submission of a Draft Plan of Condominium application, followed by condominium registration

- Future submission of an application for Exemption from Part Lot Control By-law to create the parcels of tied land for each townhouse unit
- Council approval for a Part Lot Control Exemption By-law

BACKGROUND:

Location and Area Context

The approximately 5,906.7 m² (63,579.19 ft²) subject lands are located on the east side of Kennedy Road, south of Lee Avenue (the “Subject Lands”), as shown on Figure 1, and has an approximate frontage of 76.2 m (250 ft) along Kennedy Road. An existing one-storey detached dwelling with dispersed mature trees and vegetation occupies the Subject Lands. Figures 2 and 3 show the surrounding land uses.

Proposed Development

The Owner proposes to demolish the existing detached dwelling and construct a townhouse development (the “Proposed Development”) accessed from Kennedy Road, as conceptually shown on Figures 4 to 6, that comprises the following, with additional details in Table 1:

- 31 freehold units with rear access onto a private driveway (future condominium common element road, accesses, and landscaping)
- six blocks, with the number of units per block ranging from four to six.
- eight visitor parking spaces with one accessible parking space shared by all residents

TABLE 1: Proposed Development - Additional Details	
Landscape Amenity Area	93.15 m ² (1,002.66 ft ²)
Building Heights	Blocks 1 and 2: Three-storeys, 13 m (42.65 ft)
	Blocks 3 to 6: Two-storeys with loft, 12.2 m (40.0 ft)
Density - Floor Space Index (“FSI”)	Approximately 0.88 FSI
Parking Spaces	Two tandem spaces/townhouse unit (plus eight visitor spaces with one accessible space)

PUBLIC CONSULTATION:

The statutory Public Meeting was held on June 1, 2021. Matters with respect to the Application were identified through written submissions and comments made by the public and the Development Services Committee. The City received 11 written submissions and five deputations were made. The following is a summary of the key matters raised to date:

- The proposed density and unit sizes do not fit into the character of the neighbourhood, which is comprised of large single detached dwellings
- The potential traffic generated by the Proposed Development, specifically traffic heading eastbound onto Lee Avenue and southbound through other residential streets, and potential negative impacts on pedestrian, cyclist and driver safety

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- c) The potential to acquire the lands to the immediate north and south to facilitate a comprehensive mid-rise development

The Discussion section of this report outlines how these comments have been addressed or considered.

PLANNING POLICY AND REGULATORY CONTEXT:

The Application is subject to a planning policy framework established by the Province, Region of York and City of Markham under the *Planning Act, R.S.O. 1990*. The following describes how the Application meets the respective policies and regulations:

Provincial Policy Framework

Provincial Policy Statement, 2014 (the “2014 PPS”)

The 2014 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are located within a defined settlement area and designated for development in both the York Region and City of Markham Official Plans. Consistent with the policies of the 2014 PPS, the Proposed Development promotes infill intensification, which efficiently uses land, resources and infrastructure and supports alternative modes of transportation, including active transportation and transit. The Proposed Development would contribute to the mix of housing types in the area, which range from single-detached dwellings to townhouse developments. Staff are satisfied that the Proposed Development is consistent with the 2014 PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The Growth Plan 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 is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Lands are located within the ‘Built-Up Area’ in the Growth Plan. The Growth Plan specifies minimum intensification targets to be accommodated in the delineated built-up area, with the objective of achieving complete communities that feature a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm. Staff opine that the Proposed Development conforms to the Growth Plan, as it promotes and contributes to a range and mix of housing types, supports active transportation options, and optimizes the use of existing infrastructure in a compact form.

The *Planning Act*

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on

which a Zoning By-law comes into effect. It also permits Council to pass a resolution to allow an Applicant to apply for a minor variance(s) within two years of the passing of a by-law.

The Owner has requested that Council grant exemption from subsection 45(1.4) of the *Planning Act*, which will permit applications for minor variances within two years of enactment of the draft Zoning By-law Amendment, attached as Appendix 'A'. The Proposed Development may be further refined through the Site Plan Approval process, which could trigger the need for a minor variance request. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

Regional Policy Framework

York Region Official Plan (the "2010 ROP")

Map 1 of the 2010 ROP designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The 2010 ROP sets out a minimum of 40% of all residential development in York Region to occur within the built-up area, as defined by the Province's Built Boundary in the Growth Plan. The Proposed Development is infill that supports the use of existing infrastructure, including an arterial road and existing transit. Staff are satisfied that the Proposed Development conforms to the 2010 ROP.

City of Markham Policy Framework

2014 Markham Official Plan ("2014 Official Plan")

The Subject Lands are designated "Residential Low Rise," which represents residential neighbourhoods with lower-scale building forms. The designation permits townhouses, excluding back-to-back townhouses, containing three to six units, all with direct frontage on a public street. Section 8.2.3.3 of the 2014 Official Plan further specifies that a Zoning By-law Amendment to permit a townhouse development without direct frontage on a public street would be considered where a development block has frontage on an arterial road or a major collector road (i.e. Kennedy Road). Unless specified in a secondary plan or site-specific policy, the "Residential Low Rise" designation also permits a maximum building height of three storeys.

The Proposed Development includes a site-specific Zoning By-law Amendment, has frontage on an arterial road (Kennedy Road), and meets the maximum three-storey building height requirement. Therefore, the Proposed Development conforms to the 2014 Official Plan.

Existing Zoning By-law

Zoning By-law 193-81, as amended, ("By-law 193-81") zones the Subject Lands "Suburban Residential Second Density" (SUR2), as shown on Figure 2. By-law 193-81 restricts the permitted uses on the Subject Lands to a single detached dwelling and home occupation.

Proposed Zoning By-law Amendment ("ZBA")

The draft ZBA proposes to delete the Subject Lands from By-law 193-81 and incorporate the Subject Lands into Zoning By-law 177-96, as amended (“By-law 177-96”) to zone the Subject Lands “Residential Three (R3)” with site-specific development standards including, but not limited to, setbacks, number of units, dwelling widths, and building height. The draft ZBA is attached as Appendix ‘A’.

DISCUSSION:

The following section identifies how the matters raised throughout the review process, including those raised at the statutory Public Meeting, have been resolved or considered.

a) Height and Massing

In response to concerns raised by the public and the Development Services Committee, the Owner reduced the height of the easterly townhouse blocks (Blocks 3 to 6) from three-storeys (similarly to what is shown in Figure 5) to two-storeys with a loft and lowered roofline to effectively reduce the massing, as shown conceptually in Figure 6. The revised plans represent a height decrease of approximately 1.72 m (5.64 ft). Provisions have been included in the Draft ZBA (see Appendix ‘A’) to permit a maximum height of 13.5m (44.29 ft) for blocks 1 and 2, and a maximum height of 12.2 m (40.03 ft) for blocks 3 to 6. Staff opine that the proposed height difference of 1.3 m (4.26 ft) between the westerly and easterly blocks will provide a suitable height transition to adjacent properties to the east. Staff further opine that the revised height and roofline will address the height concern raised at the Public Meeting and that the proposed building massing and scale is compatible with the adjacent large single detached homes. Staff will continue to work with the Owner as part of the SPA process to refine the roof designs to ensure that appropriate massing is maintained.

b) Unit Widths

The DSC raised concerns that the narrow townhouse widths would result in smaller and undesirable livable spaces. The Proposed Development consists of townhouse units with widths ranging from 4.27 m (14.01 ft) to 5.15 m (16.90 ft). Staff note that three bedrooms are proposed for each townhouse unit with bedroom sizes that range from 10.97 m² (118.08 ft²) to 24.46 m² (263.33 ft²). These bedroom sizes comply with the minimum requirements of the Ontario Building Code and is generally consistent with the bedroom sizes of similar developments. In addition, given that Blocks 1 and 2 have lane-based garage access located at the rear, Urban Design Staff have no concerns with the proposed 5 m unit widths along Kennedy Road.

In response to concerns related to the townhouse unit widths, the Owner has advised Staff that the City has approved similar development applications in recent years for townhouses with widths ranging between 4.0 m (13.12 ft) and 5.4 m (17.72 ft) wide.

c) Compatibility with surrounding land uses

Although the surrounding area to the east of the Subject Lands predominantly consists of existing single detached dwellings, there exists a mix of non-

residential land uses within the immediate vicinity. This includes a commercial plaza abutting the Subject Lands to the north, and a community centre and high school on the west side of Kennedy Road. The Proposed Development is compatible with the variety of land uses within the vicinity and provides an appropriate built form presence along Kennedy Road.

d) Transportation Review

Concerns were expressed that the Proposed Development would generate significant traffic along Lee Avenue. With the Proposed Development limited to a right-in right-out access due to the future construction of a median within the Kennedy Road right-of-way, residents and the DSC expressed concerns that the traffic along Lee Avenue and other residential streets will be further exacerbated from commuters traveling east or southbound from the Subject Lands.

A Traffic Impact Assessment (“TIA”), prepared by LEA Consulting Ltd., was submitted in support of the Application. The TIA indicates that the traffic generated by the Proposed Development will have minimal impact on the traffic network and is not expected to significantly add to the traffic volume on Kennedy Road and Lee Avenue during the AM and PM peak periods. The findings of the TIA are acceptable to City staff, however are subject to the review and satisfaction of York Region staff prior to the issuance of Site Plan Approval.

In response to DSC and public comments, the Owner also submitted a letter dated June 16, 2021, proposing that full turns from the Subject Lands be permitted as an interim condition until Kennedy Road is improved in accordance with the Region’s Capital Budget. Although this solution will be temporary until the construction of the median, it would eliminate some of the trips onto Lee Avenue. Staff will work with the Owner and York Region to facilitate a temporary full turn access for the Proposed Development.

e) Potential to acquire the lands to the immediate north to facilitate a comprehensive mid-rise development

While the Owner was unable to acquire the lands to the immediate north and south, the Site Plan Agreement will include provisions to protect for a possible future access to the north and south, as shown on Figure 4, should those lands be developed in the future.

The Owner had initially contemplated development concepts that included a mid-rise apartment building, and back-to-back and stacked townhouses. However, through consultation with the Local Ward Councillor, the Owner proposed a development with a revised density and site configuration that would improve the Proposed Development’s relationship with existing adjacent uses.

f) Site Plan Application is Under Review

The Owner is currently addressing the Site Plan Application comments from the second submission. This includes the evaluation of matters including, but not

limited to, site design/layout, building elevations, landscape and tree planting, pedestrian connections, and vehicular circulation.

The proposed townhouse elevations will consist of a brick and stone veneer façade with pitched roofs for Blocks 1 and 2 and mansard roofs for Blocks 3 to 6. Blocks 1 and 2 will provide sufficient massing articulation to provide visual interest and support a walkable pedestrian environment along Kennedy Road, while Blocks 3 to 6 will have lowered roof lines to reduce the massing and overall impacts, if any, on adjacent properties. Staff will continue to work with the Owner to refine the elevations. Conceptual elevations of Blocks 1 and 6 are provided in Figures 5 and 6, respectively.

In accordance with the City's Delegation By-law, approval of this SPA is delegated to the Director of Planning and Urban Design.

The Proposed Development will require sprinkler systems

The City's Fire Services Department requires two access points into a development for firefighting purposes, whereas only one access point is proposed via Kennedy Road. To address this concern, the Owner has agreed to install an automatic fire suppression sprinkler system within each of the proposed townhouse units. The Fire Services Department is in agreement with this approach given the site constraints with respect to providing a secondary access.

Sustainability Initiatives

The Owner continues to work with Staff through the SPA process to incorporate various sustainability measures into the Proposed Development including, but not limited to, close proximity to numerous transit lines, proximity to general and lifestyle amenities such as schools, parks, and community centres, stormwater quality treatment, and energy efficient LED lights and dark sky compliant site lighting. The Owner will evaluate and use energy efficient building products and technologies in the design and construction of the Proposed Development, and has been in discussions with Enbridge to participate in the "Savings by Design" program.

York Region Approval

The Subject Lands front onto Kennedy Road, which is under York Region's jurisdiction. The Region has requested land conveyances for the future road improvements of Kennedy Road, which the Owner has agreed to. The Region advises that they have no objections to the approval of the Application.

Section 37 Public Art Contribution

The Proposed Development includes a greater number of residential units than originally contemplated. Therefore, a Section 37 provision is included in the proposed ZBA (see Appendix 'A'), which enables the City to collect a Section 37 contribution for public art. The Section 37 contribution will be collected at the Site Plan Agreement stage.

CONCLUSION:

Staff opine that the proposed ZBA is appropriate and represents good planning. The Proposed Development provides for infill residential intensification adjacent to an arterial road with existing transit in a manner that is compatible with the pattern of development in the surrounding area. Therefore, Staff recommend that the proposed ZBA, attached as Appendix 'A', be approved.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to various departments and external agencies. Requirements of the City and external agencies have been reflect in the implementing ZBA (see Appendix 'A').

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: Aerial Photo (2020)
Figure 4: Conceptual Site Plan
Figure 5: Conceptual Front Elevation (Block 1)
Figure 6: Conceptual Front Elevations (Block 6)

Appendices:

Appendix 'A': Draft Zoning By-law Amendment

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