

SUBJECT: RECOMMENDATION REPORT
Applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by Kennedy MM Markham Ltd. to facilitate a residential and mixed use development at 10537 Kennedy Road (Ward 6)
File: PLAN 20 129597

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Development Manager, West District

RECOMMENDATION:

- 1) THAT the report dated September 12, 2022, titled “RECOMMENDATION REPORT, Applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by Kennedy MM Markham Ltd. to facilitate a residential and mixed use development at 10537 Kennedy Road (Ward 6) File: PLAN 20 129597”, 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 Owners 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 Zoning By-law Amendment application submitted by Kennedy MM Markham Ltd. to amend Zoning By-laws 304-87 and 177-96, both as amended, be approved and the Zoning By-law, attached hereto as Appendix ‘A’, be approved;
- 4) THAT Draft Plan of Subdivision 19TM-20007 be approved, subject to the conditions set out in Appendix ‘B’ of this report;
- 5) THAT the Director of Planning and Urban Design, or 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 designate;
- 6) THAT Draft Plan Approval for Draft Plan of Subdivision 19TM-20007 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;
- 7) THAT servicing allocation for 171 units be assigned to Draft Plan of Subdivision 19TM-20007;

- 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 Draft Plan of Subdivision and Zoning By-law Amendment applications to facilitate the development of 171 ground oriented dwelling units (comprised of detached and townhouses), future mixed-use and residential development blocks, a neighbourhood park, a school, stormwater management facilities, open space blocks and the supporting road network on the subject lands at 10537 Kennedy Road (collectively, the “Proposed Development”). The applications facilitate the retention of the Arthur Wegg House, designated under Part IV of the *Ontario Heritage Act*, within the Robinson Glen Secondary Plan Area (Figure 1).

A Public Meeting was held on March 23, 2021. Matters with respect to the original Draft Plan of Subdivision were identified through one deputation made by a member of the public and comments made by the Development Services Committee (the “DSC”). In May 2022 a revised submission was received that included minor changes to the Draft Plan of Subdivision to align its streets and blocks with adjacent Draft Plan of Subdivisions approved to the north and south (Figure 4).

Staff opine that the Draft Plan of Subdivision and Zoning By-law Amendment represent good planning and are in the public interest. As a result, Staff recommend that the Draft Plan of Subdivision be approved, subject to the draft conditions set out in Appendix ‘B’ and that the draft Zoning By-law, attached as Appendix ‘A’, be approved.

PURPOSE:

This report provides an overview, evaluation, and staff recommendations for the Draft Plan of Subdivision and Zoning By-law Amendment applications (the “Applications”) submitted by Kennedy MM Markham Ltd. (the “Owner”).

Process to Date

- November 2020 - Applications deemed complete
- February 2021 - Preliminary Report to the DSC
- March 2021 - Statutory Public Meeting
- May 2022 - Revised plans/studies submitted for review

Next Steps

If approved, the Owner must clear the conditions of Draft Plan of Subdivision (Appendix ‘B’), enter into a Subdivision Agreement with the City, and register the Draft Plan. The draft Zoning By-law (Appendix ‘A’) will be brought forward to the September 13, 2022, Council meeting.

BACKGROUND:**The Subject Lands is located within the Robinson Glen Secondary Plan Area**

The Applications apply to the property known municipally as 10537 Kennedy Road (the “Subject Lands”) that consists of approximately 26 ha (64 ac) situated in the central area

of the Robinson Glen Secondary Plan (Figure 1), and bound by Elgin Mills Road (north), Kennedy Road (west), Major Mackenzie Drive (south), and the Robinson Creek (east) (the “Secondary Plan Area”).

The Subject Lands have been primarily used for agricultural operations (Figures 2 and 3). In 2020, the City issued a Site Alteration Permit to allow earthwork operations to commence (File SALT 20 130203). Robinson Creek runs north/south through the east portion of the Subject Lands, which contains one heritage building (the Arthur Wegg House) that is designated under Part IV of the *Ontario Heritage Act* (Figure 2). Figure 3 shows the surrounding land uses.

The Proposed Draft Plan of Subdivision (the “Proposed Draft Plan”)

Figure 4 shows the overall plan to facilitate the development of approximately 301 to 401 dwelling units at full build-out. This includes the 171 low rise units comprising detached dwellings, and street and lane-based townhouse units as part of the Proposed Draft Plan. An approximate range of 140 to 240 units is estimated for a mixed-use and residential block (Blocks 2 and 3), which will be confirmed through future Site Plan applications. Table 1 summarizes the Proposed Draft Plan.

Table 1: Draft Plan of Subdivision			
Block/Lot No.	Area (ha)	Land Use	Units
Block 1	0.076	York Region Road Widening (Kennedy Rd)	
Block 2	2.190	Residential Mid Rise	87-153 (est.)
Block 3	1.083	Mixed Use Mid Rise	53-87 (est.)
Block 4	2.385	Elementary School	
Block 5	2.000	Neighbourhood Park	
Block 6	1.350	Storm Water Management	
Block 7	2.430	Open Space	
Blocks 8 – 10, 29*	0.0554	Future Development**	2 (4 part lots)
Blocks 11- 18*	1.299	6.10 m wide street townhouses	64
Blocks 9 – 26*	0.831	4.5 wide lane-based townhouses	54
Lots 1 – 12*	0.356	9.05 m wide lane-based detached	12
Lots 13 – 51*	1.397	11.6 m wide detached	39
Block 27	0.011	0.3 m wide reserve	
Block 28	0.027	Daylight Triangle	
Public Streets and Lanes	2.743		
Total Area (ha)	18.233	Total Units	311 to 411

* Blocks/Lots comprise a total of 171 low rise units (single detached and townhouses), where allocation is being assigned. (Allocation for Mid Rise Blocks 2 and 3 will be assigned at future site plan application stage with confirmed number of units).

** Future Development Blocks consist of part detached lots, to be combined with part detached lots on abutting draft approved plan to north, to create 4 detached lots.

The proposed street network and servicing configuration consistently integrates with the abutting Draft Approved Plan of Subdivisions to the north and south as envisioned in the

Robinson Glen Secondary Plan. Through the technical review process of the Application, minor revisions to the Draft Plan were made, as follows (Figure 5):

- a) Adjustment of Streets A, C, F, and G to align with the north and south draft approved plans
- b) Adjustment of the future development blocks 8, 9, 10, and 29 and Lane A to align with the north draft approved plan
- c) Block 4 (school) slightly increased in size
- d) Townhouse unit count increased by four

Other Lands Owned by the Applicant (Owner)

In addition the lands described in Table 1, there is approximately 7.8 ha (19.3 ac) of land located on the east portion of the Subject Lands, and not part of the Proposed Draft Plan, specifically along the east side of the Robinson Creek and denoted as ‘Other Lands owned by Applicant’ on the draft plan. It consists of a woodlot outside of the Secondary Plan Area. Although not part of the original Draft Plan, registration will result in the creation of a landlocked parcel within the Agricultural (A1) zone (By-law 30-87) that requires a 10 ha minimum lot area. The result is a zoning deficiency. The Official Plan policies require parcels to have street access and frontage.

To address these issues, and in recognition that this area is a protected woodlot, the Owner agreed to convey these lands to the City as a condition of Draft Subdivision Approval (Appendix ‘B’), which requires that these lands be added as a block on the Plan of Subdivision to be conveyed to the City, free of any costs and encumbrances. They will also be rezoned from A1 under By-law 304-87, as amended, to Greenway (G) under By-law 177-96 (Appendix ‘A’).

Proposed Zoning By-law Amendment (the “Proposed Zoning”)

To facilitate the Proposed Development, the Zoning By-law Amendment application proposes to re-zone the Subject Lands from ‘Agricultural One (A1)’ under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including special provisions to permit the proposed unit typologies and built form.

Formal development concepts or development applications were not submitted for the mixed-use and residential mid-rise blocks (Blocks 2 and 3) on the Proposed Draft Plan. However, the Zoning By-law amendment, if approved, would permit the standard uses and development for these blocks consistent with their land use designations in the Robinson Glen Secondary Plan. The draft Zoning By-law amendment is attached as Appendix ‘A’.

Public Consultation

The statutory Public Meeting was held on March 23, 2021. Matters with respect to the Original Draft Plan were identified through a deputation by a member of the public and comments from the DSC, summarized as follows and discussed later in this report:

- a) Suggested providing a pedestrian-friendly development where retail and other types of destinations are within walking distance and includes zoning for a variety of uses
- b) Suggested the Proposed Development include housing variety at various price points

- c) Opposed dual frontage townhouses that may lead to privacy fences placed in the streetscape
- d) Suggested the Greenway System lands be conveyed to the City

The Proposal conforms to the Markham Official Plan, 2014 (the “2014 Official Plan”)

The 2014 Official Plan designates the Subject Lands “Residential Low Rise”, “Residential Mid Rise”, “Mixed Use Mid Rise”, and “Greenway” (Figure 6) and provides direction for the development of a Conceptual Master Plan (“CMP”) for the Future Urban Area (“FUA”) as the basis for the development of Secondary Plans, including the Robinson Glen Secondary Plan (the “Secondary Plan”). Council endorsed the CMP for the FUA in November 2017.

The Proposed Development conforms to the Secondary Plan

The Secondary Plan includes detailed policies to guide future development and growth to 2031 and beyond, provides a comprehensive policy framework for Council decisions with respect to the use of land, provides municipal services and infrastructure, and the implements and phases development. The Secondary Plan designates the Subject Lands “Residential Low Rise”, “Residential Mid Rise I”, “Mixed Use Mid Rise”, and “Greenway” with locations of a stormwater management facility, a neighbourhood park, and a public elementary school (Figure 6). The Secondary Plan contains development, including minimum and maximum density targets and minimum and maximum building heights. Table 2 below identifies the density calculations for the Proposed Development.

Table 2: Proposal Density Analysis

Designation	Area (ha)	Units	Density (units/net ha)	
			Secondary Plan	Proposed Development
Residential Low Rise	3.883	171	25 to 45	44
Residential Mid Rise I	2.19	87 to 153	40 to 70	40 to 70
Mixed Use Mid Rise	1.083	53 to 87	50 to 80	49 to 77

Note: Calculation based on the requirements of Section 8.1.8 of the Secondary Plan.

Staff reviewed the Proposed Development in the context of the Secondary Plan and are satisfied it conforms to the Secondary Plan.

The Proposed Development has regard for the Robinson Glen Community Design Plan (the “Guidelines”)

The Guidelines are intended to achieve a coordinated approach to urban design throughout the community. The Guidelines provide direction related to streetscape, parks and open space, building typology and mix, lotting patterns, sustainability features, gateways, special community and landmark features, and heritage conservation. Staff opine that the Proposed Development meets the Guidelines.

As a condition of Draft Plan Approval, the Owner, in accordance with the Guidelines, must retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the Subdivision Agreement. Architectural control would ensure that the physical elements of the dwellings visible from the public

realm contribute to the development of a sense of place and address components such as the location of main entrances and porches, roof slopes, corner lot architecture, and materials. Building Permit applications would only be accepted and processed when drawings are stamped and signed by the Design Control Architect to ensure that the dwellings have been designed in accordance with the approved Architectural Control Guidelines.

DISCUSSION:

Matters raised by the public and the DSC at the March 23, 2021 Statutory Public Meeting

An area resident suggested providing a pedestrian friendly development where retail and other types of destinations are within walking distance

The Secondary Plan seeks to build a compact complete community, identifies appropriate locations for mixed-use community core areas that provide a retail and community focus within a reasonable walking distance. The Proposed Development meets this objective with the Secondary Plan “Mixed Use Mid Rise” designation (Figure 4), specifically Block 3. When combined with a similar mixed use block on the neighboring draft plan to the south, Block 3 establishes a Neighbourhood Service Node (“NSN”) as envisioned in the Secondary Plan and Guidelines with the intent to deliver a more substantive built form by only allowing apartment building/multi-storey non-residential or mixed use building types with local retail and service shops to encourage walking.

The Proposed Development includes other walkable amenities including Block 4 (School), Block 5 (Neighbourhood Park), and Blocks 6 and 7 that form part of the Greenway System where a future trail system is expected, and are subject to Site Plan approval.

The DSC suggested zoning retail units for a variety of uses

As noted, a mixed-use mid-rise block (Block 3) is proposed to accommodate local retail and service uses. The draft zoning by-law amendment rezones this block for a variety of non-residential uses in conformity with the Secondary Plan (Appendix ‘A’).

The DSC suggested the development include a variety of housing types at various price points

In addition to future development contemplated for the residential and mixed-use mid-rise blocks, the Proposed Draft Plan includes the following built forms that conform to the Secondary Plan:

- a) 11.6 m wide detached dwellings
- b) 9 m wide lane accessed detached dwellings
- c) 6.1 m wide street townhouse dwellings
- d) 4.5 m wide lane accessed townhouse dwellings

Opportunities to expand these building types with diversity in price points will be provided on the mixed-use mid-rise blocks adjacent to Kennedy Road. The Secondary Plan permits different building types for Block 2 including townhouses, back-to-back townhouses, small multiplex buildings, stacked townhouses, and apartments. Permitted

building types for Block 3 include apartment buildings and multi-storey non-residential or mixed use buildings. These blocks are subject to Site Plan approval.

The DSC suggested that the Greenway System lands be conveyed to the City

Condition 9.1 in Appendix 'B' requires that the Owner covenants and agrees to convey all Open Space/Greenway blocks to the City in a physical condition to the satisfaction of the City.

The DSC opposed dual frontage townhouses that could lead to privacy fences in the streetscape

At the statutory Public Meeting, dual frontage townhouses were conceptually shown for Block 3, adjacent to Kennedy Road though no specific development is proposed for the block at this time. The ultimate built form will be evaluated through the submission of future Site Plan applications.

Matters raised by City Staff and Public Agencies

The Cultural Heritage Resource has been appropriately addressed

Heritage Markham Committee endorsed the cultural heritage resource strategy on January 13, 2021 (Appendix C), which supported the temporarily relocated Arthur Wegg House to accommodate grading work prior to placing the building in proximity to its original location on new foundations that matches surrounding grades (Figure 9). The building will remain in Block 3 and incorporated as development of these lands through a future Site Plan application. The Heritage conditions included in Appendix 'B' requires the Heritage Easement Agreement execution, Site Plan Approval/Restoration Plan, and a Markham Remembered plaque.

Proposed parkland meets the objectives of the Community Design Plan and conforms to the Secondary Plan

The Guidelines and Secondary Plan identify the locations and sizes of parks in the Robinson Glen community, irrespective of property ownership. Together these plans ensure an integrated and comprehensive approach that considers linkages and connectivity, facility requirements, and interface conditions.

In accordance with the City's Parkland Dedication By-law 195-90 and the *Planning Act*, the parkland requirement for the Proposed Development is 1.183 ha (1 ha / 300 units) x 355 units = 1.183 ha. The 355 units includes the 171 low rise residential units and up to 184 units for the two mid-rise development blocks (Blocks 2 and 3). In total, 2 ha of parkland is included in the Proposed Development, resulting in an over-dedication of 0.817 ha, calculated on a site-specific basis. Any increase in units beyond the approved 355 units would be resolved through the future Site Plan applications for Blocks 2 and 3 in the form of land dedication or cash-in-lieu of parkland at the sole discretion of the City, as per the Draft Subdivision Conditions in Appendix 'B'.

In the context of large greenfield communities like the Secondary Plan Area, it is common for some landowners to under-dedicate parkland while others over-dedicate parkland on a property-specific basis. Typically, Staff reconcile these discrepancies through an agreement between the Owner and/or the Landowners Group and the City.

Staff have incorporated a draft plan condition to this effect, to be addressed prior to release of the lands for registration (Appendix 'B').

Senior-Friendly Housing and Purpose Built Secondary Suites

The draft zoning by-law (Appendix 'A') conforms to the requirements of the *Planning Act*, the City's Official Plan, and the Secondary Plan as it permits secondary suites in all detached and townhouse units and does not exempt the secondary suite from demonstrating compliance with the City's Parking By-law, which requires one space per accessory dwelling unit. While the Draft By-law broadly permits secondary suites, they would only be permitted where a site can accommodate the three required parking spaces on the lot. Future owners can request parking reductions through the Committee of Adjustment, where Staff would assess the appropriateness on a site-by-site basis.

In addition to the broad secondary suite permission, a condition of Draft Plan Approval requires a minimum of 5% of the low-rise product to provide a "built-in" secondary suite. This translates to seven purpose-built second suites. The Owner commits to provide 12 purpose-built secondary suites on Lots 1 to 12. These are lane based single detached lots with minimum 9 m frontages. A site-specific zoning exception has been included in the Draft By-law to permit only two parking spaces, whereas three spaces would be required (two for the main dwelling and one for the secondary suite).

To facilitate aging in place and improved accessibility, the Owner developed a list of options that they would offer purchasers, which includes main floor bedrooms, aligning closets to accommodate future elevators, and designing stairways and corridors for future chair lifts.

The Community Energy Plan (the "CEP") and sustainability initiatives

The final CEP for the FUA, which includes the Robinson Glen Secondary Plan, is a living document that would be updated over time. It identifies and advances sustainable development practices for energy use and generation within the Secondary Plan Area. Staff incorporated a draft plan condition requiring the Owner to agree to the mandatory CEP measures, including high energy efficiency building designs. The Proposed Development supports a healthy, livable, and safe community in accordance with the PPS, Growth Plan, and the applicable sustainable development Official Plan policies for York Region and the City. The Owner incorporated the following features:

- a) Low-Impact Development ("LID"), including rear yard infiltration trenches and/or permeable paver driveways
- b) High energy efficiency building design, including:
 - i) A minimum of R60 in the attic/roof insulation
 - ii) R10 underslab insulation
 - iii) Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)
 - iv) Electric Vehicle wiring in all garages
 - v) Implementation of the Solar Strategy outlined in the CEP
 - vi) Smart thermostats and in-home energy displays

Municipal servicing is available

Servicing allocation from the current City supply has been reserved to accommodate the Proposed Development. The City reserves the right to revoke or reallocate servicing allocation should development not proceed in a timely manner. Final approval of the physical servicing of the subdivision relies on the technical submissions to the Engineering Department following draft approval, including final acceptance of the Functional Servicing Report, to the satisfaction of the Director of Engineering. This requirement is reflected in the conditions attached as Appendix 'B'.

Robinson Glen Developers Group obligations (the “Developers Group”)

The Secondary Plan integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries. To ensure all property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requiring all owners in the Secondary Plan Area to enter into the Robinson Glen Developers Group Agreement has been incorporated into the conditions (Appendix B).

Future development blocks subject to Site Plan Approval

Blocks 2 and 3 are expected to be developed in the future with a mixed-use mid-rise and residential mid-rise product that are subject to Site Plan Approval including, but not limited to, a review of built form transitions to adjacent uses, landscape, massing, parking supply, vehicular and pedestrian circulation, building materials, and waste management.

The Master Environmental Servicing Plan for the Robinson Glen Secondary Plan (the “MESP”) has been prepared

The MESP assesses a range of environmental and engineering matters for development in the Secondary Plan Area and outlines existing conditions relating to surface water, groundwater, terrestrial and aquatic resources. It defines the Robinson Glen Greenway System, assesses stormwater management (“SWM”), grading, transportation, water, and wastewater servicing requirements. It also identifies potential impacts and mitigation measures, including conceptual design requirements for SWM ponds, LID measures, grading, management of headwater drainage features (HDFs), wetland water balance, road crossing designs, and restoration/enhancement recommendations. A condition is included in Appendix 'B' that requires the MESP be accepted, to the satisfaction of the Director of Engineering, prior to the registration of any phase.

CONCLUSION:

The Applications facilitate the Proposed Development. Staff opine that the Proposed Draft Plan and Zoning By-law are consistent with the PPS 2014, conform to the Provincial, Regional and Municipal plans, has regard to Section 51(24) of the *Planning Act*, represents good planning, and is in the public interest. Staff recommend that the Draft Plan of Subdivision be approved, subject to the conditions in Appendix 'B' and that the Draft Zoning By-law (Appendix 'A') be approved.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development has been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Proposed Development was circulated to internal City Departments, Heritage Markham Committee and External Agencies. Their requirements are reflected in the draft plan conditions and the draft zoning by-law amendment (Appendices 'A' and 'B').

RECOMMENDED BY:

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Acting Director, Planning and Urban Design
Services

Arvin Prasad, M.C.I.P., R.P.P.
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FIGURES:

- Figure 1: Location Map
- Figure 2: Aerial Photo
- Figure 3: Area Context/Zoning
- Figure 4: Draft Plan of Subdivision
- Figure 5: Original Draft Plan of Subdivision
- Figure 6: 2014 Official Plan Map 3 Extract - Land Use
- Figure 7: Robinson Glen Secondary Plan - Land Use Map
- Figure 8: Robinson Glen Draft Plan of Subdivision Composite Plan
- Figure 9: Proposed Location of the Arthur Wegg House

APPENDICES:

- Appendix 'A': Draft Zoning By-law Amendment
- Appendix 'B': Conditions of Draft Plan of Subdivision Approval
- Appendix 'C': Heritage Markham Committee Extract