

SUBJECT: RECOMMENDATION REPORT

City Park (Town Crier) Homes Inc.

Zoning By-law Amendment application for 25 single detached lots, previously addressed 7 Town Crier Lane, north of Highway 7 and east of Markham Main Street North (Ward 4)

FILE: PLAN 23 131107**PREPARED BY:** Peter Wokral, Senior Heritage Planner II, ext. 7955**REVIEWED BY:** Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) That the report titled, “Recommendation Report, City Park (Town Crier) Homes Inc., Zoning By-law Amendment application for 25 detached lots, previously addressed 7 Town Crier Lane, north of Highway 7 and east of Main Street Markham (Ward 4), PLAN ZA 23 131107”, be received;
- 2) That the record of the Public Meeting held on September 19, 2023, regarding the application for approval of a Zoning By-law Amendment, be received;
- 3) That the following recommendation from Heritage Markham Committee on September 13, 2023, be received as information:
 - THAT Heritage Markham opposes the Zoning By-law amendment based on the proposed massing, density, and height of the conceptual development;
 - AND THAT the height of any building in the development should be limited to reflect the character and two storey built form of adjacent homes.
- 4) That the Zoning By-law Amendment application submitted by City Park (Town Crier) Homes Inc., to amend Zoning By-law 1229, as amended, be approved and that the draft By-law, attached as Appendix ‘B’, be finalized and enacted without further notice;
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The City received a Zoning By-law Amendment application for the lands previously addressed as 7 Town Crier Lane, located south of Parkway Avenue, East of Grace Anglican Church, west of Elm Street and North of Markham Street within the Markham Village Heritage Conservation District. The property was previously used as community gardens and were occupied by the Markham Dairy building. The City recently approved the demolition of the Markham Dairy, and the Official Plan and Zoning By-law Amendments, Plan of Subdivision, and Site Plan applications in support of a development consisting of 11 detached homes fronting an internal private road.

Despite completion of the construction of the internal road and servicing infrastructure for the 11 homes, the Owner now wishes to construct 25 smaller detached homes in response to changes in real estate market demand and Provincial legislation intended to spur more housing construction. The Zoning By-law Amendment application seeks to permit development standards to facilitate a denser development.

The Zoning By-law Amendment application is currently under review and was the subject of the September 19, 2023, statutory Public Meeting. Comments received by the public included concerns about the proposed increased density, the potential negative impacts on traffic, the response time of emergency vehicles, strain on existing infrastructure (water run-off and flooding), the impact to the historic character the Markham Village Heritage Conservation District, and the safety of students attending Franklin Street Public School. The Heritage Markham Committee does not support the proposed amendment based on their opinion that the conceptual development is too dense and does not reflect the surrounding built form massing and character of homes within the Markham Village Heritage Conservation District.

The City's review of the Zoning By-law Amendment application has not identified any concerns regarding the matters related to traffic, servicing, or the safety of students attending Franklin Public School. However, Staff are concerned that the proposed internal private road, having year-round and unobstructed vehicular access to Parkway Avenue and Maple Street, could potentially be used as an alternate route to Main Street North for vehicles travelling between Parkway Avenue and Highway 7. Therefore, staff recommend that the proposed development only have vehicular access to Parkway Avenue to deter the use of the internal private road by non-residents of the proposed development, discourage parents from using it for student pick-up and drop-off, improve student safety, and, as shown below, provides a rationale as to why the density of the proposed development does not reflect that of surrounding residential streets. The City's Fire Department supports a single access if the new homes are built with sprinklers, but the applicant has challenged the requirement for sprinklers based on their experience of constructing other developments in other municipalities with a single access that did not require sprinklers. The Fire Department's requirement to sprinkler the homes can either be achieved through placing a "Hold" provision on the amending By-law or by making sprinklers a condition of the future Plan of Subdivision Agreement. The Subdivision Agreement is applicable law when it comes to issuance of any future building permits.

Despite challenging the requirement for sprinklers, the applicant has not opposed limiting access to the proposed development from Parkway Avenue. Provided that vehicular access is restricted to Parkway Avenue, Staff recommend support of the proposed amendment based on the review of the application not identifying any concerns regarding servicing, significant traffic impacts, or impacts to the historic character of the Markham Village Heritage Conservation District. Staff opine that the proposed amendment reflects good planning and supports the creation of more homes along established transit routes, not having any significant negative impacts on the surrounding established neighbourhood.

PURPOSE:

This report recommends approval of an application submitted by City Park (Town Crier) Homes Inc. (the "Owner") to amend Zoning By-law 1229, as amended, to permit 25 single detached lots ("the Proposed Development").

BACKGROUND:**Subject Lands and Area Context**

The 1.27 ha (3.13 ac) subject lands are located on the south side of Parkway Avenue, east of Main Street Markham North, in the Markham Village Heritage Conservation District (the "Heritage District"), as shown in Figures 1 to 3. Being in the Heritage District, the Subject Lands are designated under Part V of the *Ontario Heritage Act* and subject to the policies and guidelines of the Markham Heritage Conservation District Plan (the "District Plan"). Surrounding land uses are predominantly existing single detached residential dwellings and one Heritage Dwelling located on the north side of "Lot 11" on the

proposed draft plan. Grace Anglican Church and Morgan Park are located west and Franklin Public Elementary School is located to the southwest of the Subject Lands.

APPLICATION PROCESS AND NEXT STEPS

- The application was submitted on July 24, 2023, and deemed complete on August 23, 2023.
- The application was reviewed by the Heritage Markham Committee on September 13, 2023.
- The statutory Public Meeting was held on September 19, 2023.
- The Owner submitted a revised draft Zoning By-law on September 26, 2023.
- If the Application is approved, the Owner must submit a revised draft plan of subdivision application.
- Major Heritage Permit applications will be required to approve the proposed new dwellings on lots created by the draft plan of subdivision.
- Issuance of draft condominium approval

A previous development proposal for 11 lots was approved on the site

The City recently approved Official Plan and Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan applications in support of an eleven detached dwelling unit development by the same Owner (see Figure 4). The Subject Lands were formerly a community garden and was occupied by the c.1942 Markham Dairy that received Council approval for demolition.

The Owner submitted a Zoning By-law Amendment application (the “Application”) to amend the development standards of the 2017 Zoning By-law to facilitate the Proposed Development

Although the construction of the internal road and service connections to the 11 detached lots approved by the City has been completed, the Owner seeks to permit the Proposed Development (see Figures 5 to 7), citing that the denser development is in response to changes in the real estate market demand and responds to Provincial legislation geared towards creating more housing. The Proposed Development is adjacent to the Class ‘A’ heritage property at 1 Town Crier Lane that fronts Parkway Avenue. The construction of a new detached dwelling is proposed on the adjacent lot to the east of the heritage dwelling and is being reviewed separately through the Major Heritage process.

The City’s 2014 Official Plan designates the Subject Lands ‘Residential Low Rise’, which permits single detached dwellings with direct frontage on a public street, or private street where development blocks are fronting arterial roads or major collector roads

In 2017, the Owner obtained an Official Plan Amendment for the Subject Lands permitting detached lots not having frontage on a public street. The proposed development, therefore, complies with the in force official plan policies on the parcel.

By-law 1229, as amended by By-law 2017-112, zones the Subject Lands Residential One (R1) under the previous amendment application approved by the City in 2017, which the Owner now proposes to further amend

Table 1 illustrates the proposed development standards in comparison to the previously approved standards through By-law 2017-112 and the City’s Parent By-law, which generally reflect the Proposed Development (see Appendix A).

Table 1: Proposed Development Standards			
Development Standards	Parent By-law 1229/99-90	By-law 2017-112 (2017)	Proposed Amendments (2023)
Min Lot Frontage	60 ft (18.3 m)	49.2 ft (15 m)	38 ft (11.6m)
Min Lot Area	6600 ft ²	n/a	3606 ft ² (335 m ²)
Min Front Yard Setback	25 ft (7.62 m)	14.9 ft (4.5 m), except to a private attached Private Garage is 19 ft (5.8 m)	14.9 ft (4.55 m), except to an attached Private Garage is 19.6 ft (6.0 m)
Min Interior Side Yard Setback	4 ft (1.21m) - 1 st storey 6 ft (1.83 m) - 2 nd storey	5.1 ft (1.55m) for both storeys	4 ft (1.2m)
Min Exterior Side Yard Setback	n/a	n/a	(4.9 ft) 1.5m
Min Rear Yard Setback	25 ft (7.62 m)	25 ft (7.62m)	24.6 ft (7.5m)
Max Building Height	9.8 m (32.15 ft)	11.2 m (36.5 ft), except where a lot abuts the north and south lot line of the lands (Parts 1 and 2 of Schedule "A") - 10.5 m	11.0 m (36.1 ft)
Max Building Depth	16.8 m (55.2 ft)	24 m (78.7 ft)	16.8m (55.2 ft)
Max Lot Coverage	35%	43%	50%
Max Gross Floor Area including Private Garage	n/a	465 m ² (5,005 ft ²)	300 m ² (3,229.2 ft ²)*
Max Net Floor Area Ratio	45%	n/a	n/a due to Max GFA
Max Front Yard Encroachment		Unenclosed porches and stairs 2 m	Unenclosed porches and stairs 2 m
Min Visitor Parking	n/a	n/a	8 spaces
Max. Front Yard Soft Landscape	n/a	n/a	25%
Landscape Buffer Width	n/a	n/a	0.09 m

*average house sizes in the immediate neighbourhood are 2,500-2,800 ft², for new homes recently constructed in the neighbourhood it is 4,100-4,200 ft².

The statutory Public Meeting was held on September 19, 2023 and public comments were received are summarized below

The Options/Discussion section of this report addresses how these the statutory Public Meeting and Heritage Markham Committee comments have been addressed or considered.

Statutory Public Meeting Comments

- traffic increase generated by 14 additional homes as it relates to the safety of students of Franklin Public School, increased traffic congestion on Parkway Avenue, the response times of emergency vehicles, increased vehicle emissions and the impact to the environment
- density increase as it relates to water run-off and drainage, strain on existing infrastructure, snow storage and removal, privacy, school enrollment, and how the proposed development does not reflect the established pattern of development in the immediate neighbourhood, or the historic character of the Heritage District

Heritage Markham Committee (“Heritage Markham”) Comments

At the September 13, 2023, Heritage Markham meeting, Committee commented that the density of the Proposed Development and the development standards did not reflect the built form of adjacent homes, or the established pattern of development in the surrounding neighbourhood, and would set an undesirable precedent for other infill development. Heritage Markham supported the following recommendation for Council consideration:

- THAT Heritage Markham opposes the Zoning By-law amendment based on the proposed massing, density, and height of the conceptual development;
- AND THAT the height of any building in the development should be limited to reflect the character and two storey built form of adjacent homes.

The following is a response to the comments made by Heritage Markham and by the public both in written submission and at the Statutory Public Meeting.

a) Increased Traffic

The City’s Transportation Department reviewed the Application and has not identified any concerns resulting from the proposed 14 additional dwellings. Therefore, the submission of a Traffic Impact Study was not required. Staff anticipate that the future residents will have minimal impact on existing traffic patterns and their vehicles will not have any significant impact to the environment as a result of vehicle emissions.

b) Impact on Existing Infrastructure

The City’s Engineering Department raised no concerns regarding the servicing of 14 additional dwellings on the Subject Lands and has requested that the Owner confirm that there is sewer capacity for the Proposed Development. Issues of grading and water runoff will be resolved through the future Draft Plan approval, Site Plan, and building permit processes.

c) Density and Proposed Built Form

Although the Proposed Development does not reflect the lot patterns of the surrounding streets, the scale of the proposed dwellings, as measured in floor area, building depth, height, and rear yard setback are similar to surrounding dwellings. The proposed space between the proposed dwellings has no impact on the historic character the Heritage District and Markham Street, and the character of Elm Street or Parkway Avenue, as the Subject Lands are located behind the backyards of dwellings that front these streets with minimal public visibility. The proposed development standards also support a garage component recessed from the front of each dwelling, and the design and architectural features of the new dwellings will be regulated through the Major Heritage Permit process to ensure general compatibility with the Heritage District.

Furthermore, the 2014 Official Plan’s ‘Residential Low Rise’ designation permits Council to consider more intense housing forms such as semi-detached, townhouse, and small multiplex apartment dwellings not having frontages on a public street through a Zoning By-law. Staff opine that these forms would be less compatible with the surrounding detached dwellings and generate higher volumes of traffic.

Safety of Franklin Street Public School Students and York Region District School Board Comments

At the time of writing this report, the York Region District School Board has not provided any comments on the Application, but did provide comments and recommended conditions for the previously approved 11 lot development. For the previous application, the School Board did not indicate any long term safety concerns for students, post-construction of the subdivision, but provided conditions to restrict construction traffic and parking on Maple Street and for the Owner to communicate with the School Board on their construction management plan. Staff expect that the new Plan of Subdivision agreement for this development will include the same conditions previously recommended by the School Board.***ff recommend that the Proposed Development only have one vehicular access from Parkway Avenue in response to concerns raised by Heritage Markham and at the statutory Public Meeting***

Staff recommend that the Proposed Development have only one vehicular access from Parkway Avenue. The City's Fire Department indicated that this is a viable alternative to two separate accesses provided that the new homes are have sprinklers in accordance with NFPA 13 (standard). Although the applicant has challenged the City's Fire Department requirement of having sprinklers in the homes if there is a single access, the applicant has not opposed restricting vehicular access to the development to Parkway Avenue.. Limiting access to the development to Parkway Avenue would eliminate the possibility of the internal private road being used as an alternative traffic connection between Parkway and Highway 7, and the negative impacts of non-residents of the development using the intersections of Parkway Avenue and Maple Street with the internal private road. This would ensure that there would be less traffic on the northern stub of Maple Street adjacent to Franklin Street Public School and the potential traffic risks to students. A single access from Parkway would also discourage parents from using the internal private road for pick-up and drop-off to Franklin Street Public School.

Furhtermore, a single vehicular access from Parkway Avenue distinguishesthe Proposed Development from the network of streets found in the Heritage District to the south. Staff opine that there is a different character within thisdevelopment from what exists on Parkway Avenue and on Markham and Elm Streets and, therefore, does not impact the character of the heritage area.

CONCLUSION

Planning Staff support the development standards proposed by the recently revised Zoning By-law Amendment, subject to limiting access from the Subject Lands to the Parkway Avenue. Approval of the development standards proposed by the By-law amendment does not commit the City to approval of the conceptual development provided by the applicant. Limiting vehicular access to Parkway Avenue can be achieved through the future Plan of Subdivision Agreement as well as any requirement to provide sprinklers inin the homes, if necessary. Alternatively, Council could also recommend a "Hold" provision on the amending By-law amendment requiring the proposed homes to have sprinklers as well as limiting the access. Elimination of the emergency fire access to Maple Street proposed in the conceptual development will also allow additional areas for snow storage and positioning of the five homes located at the south of the proposed development to be shifted west to provide an increased east side yard setback for Lot 12,without reducing the number of homes.

Furthermore, the development standards proposed by the draft amendment would result in homes more similar in scale to those of the surrounding neighbourhood than those previously approved by the City in 2017. Staff are satisfied that the relative isolation of the proposed development resulting from a single vehicular access from Parkway Avenue provides a rationale as to why the proposed density and reduced

side yard setbacks of the conceptual development are appropriate despite not being reflective of the existing built form found on neighbouring streets. Given the subject properties location in behind the rear yards of homes that are within the boundaries of the Markham Village Heritage Conservation District fronting Markham Street, there are no anticipated negative impacts to the existing historic character of the District.

FINANCIAL CONSIDERATIONS:

Not Applicable

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application has been reviewed in the context of the City's Strategic Priorities of managing growth; managing the transportation and road network; protecting and respecting the built and natural environment to ensure a safe and sustainable community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application has been circulated to various departments and external agencies. Heritage Markham has also provided comments.

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

Figure 1-Site Location
Figure 2-Area and Zoning Context
Figure 3-Aerial Photograph
Figure 4-Previously Approved 11 Home Site Plan
Figure 5-Currently Proposed Conceptual Site Plan
Figure 6-Currently Proposed Home Elevations
Figure 7-Rendering of Proposed Homes
Appendix A-Draft Zoning By-law

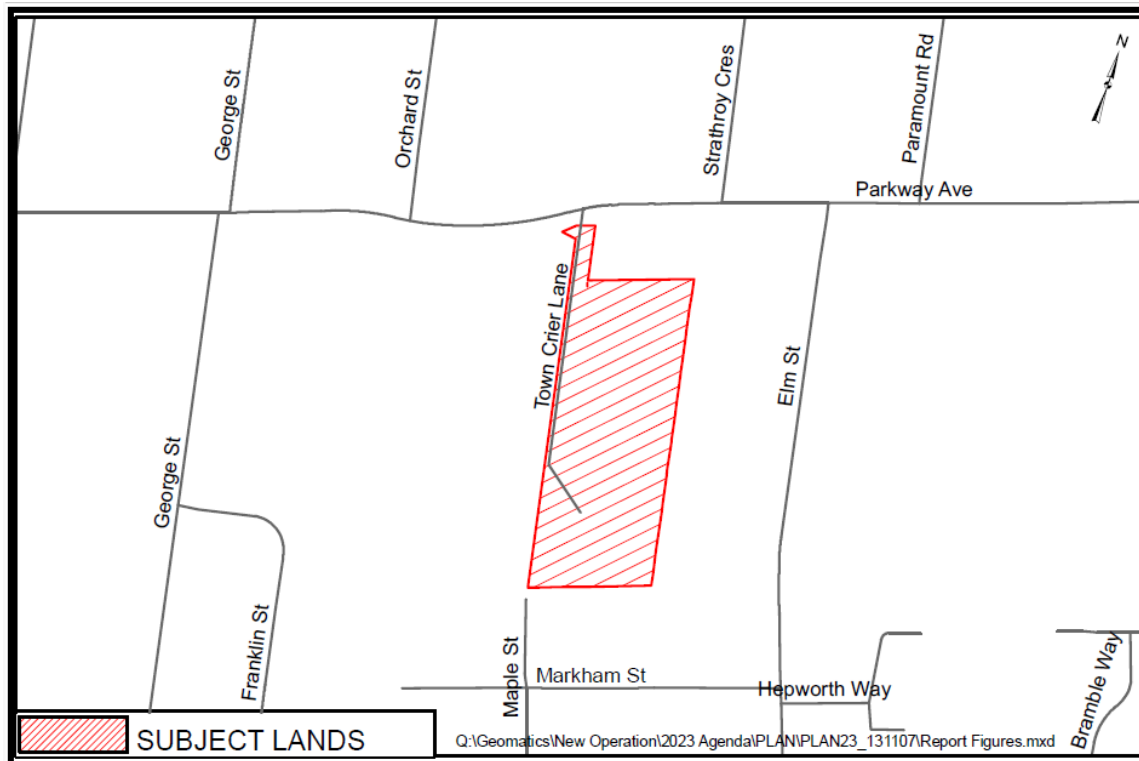
Figure 1- Site Location

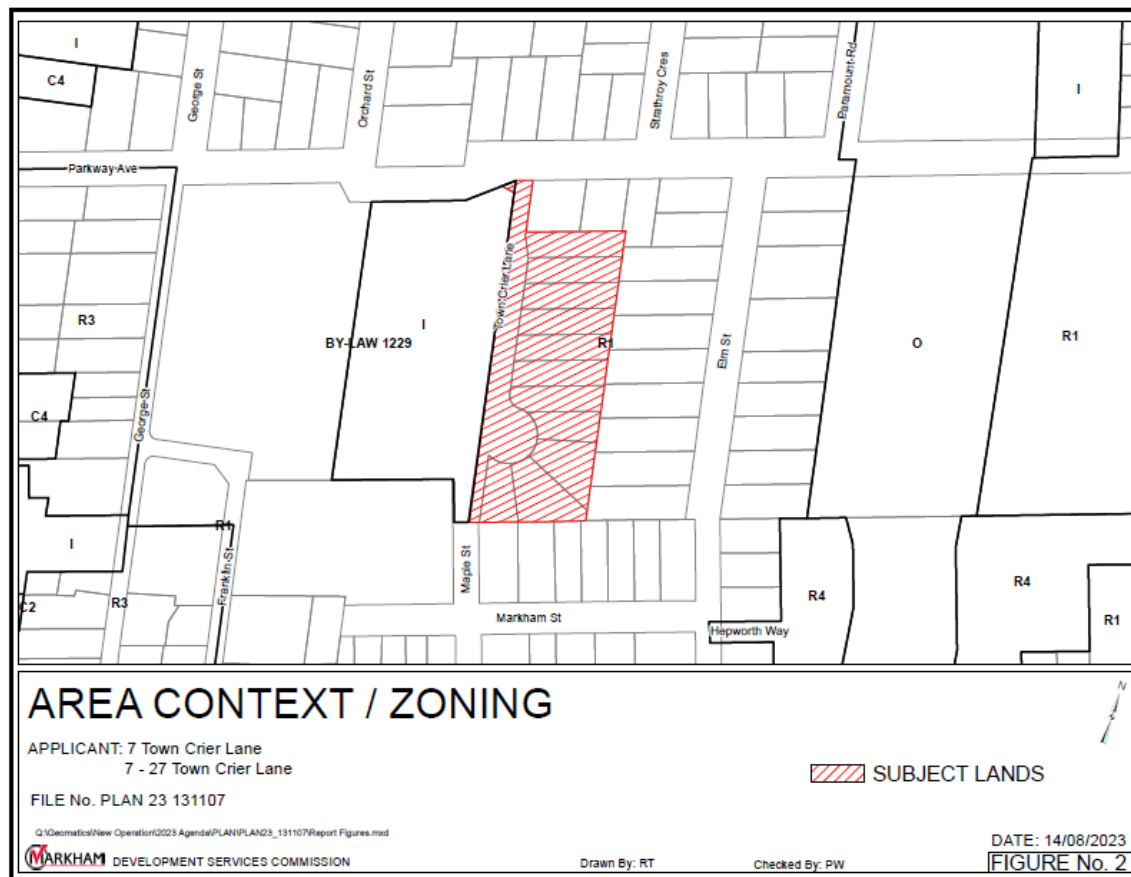
Figure 2- Area and Zoning Context

Figure 3- Aerial Photograph



Figure 4-Previously Approved 11 Home Site Plan

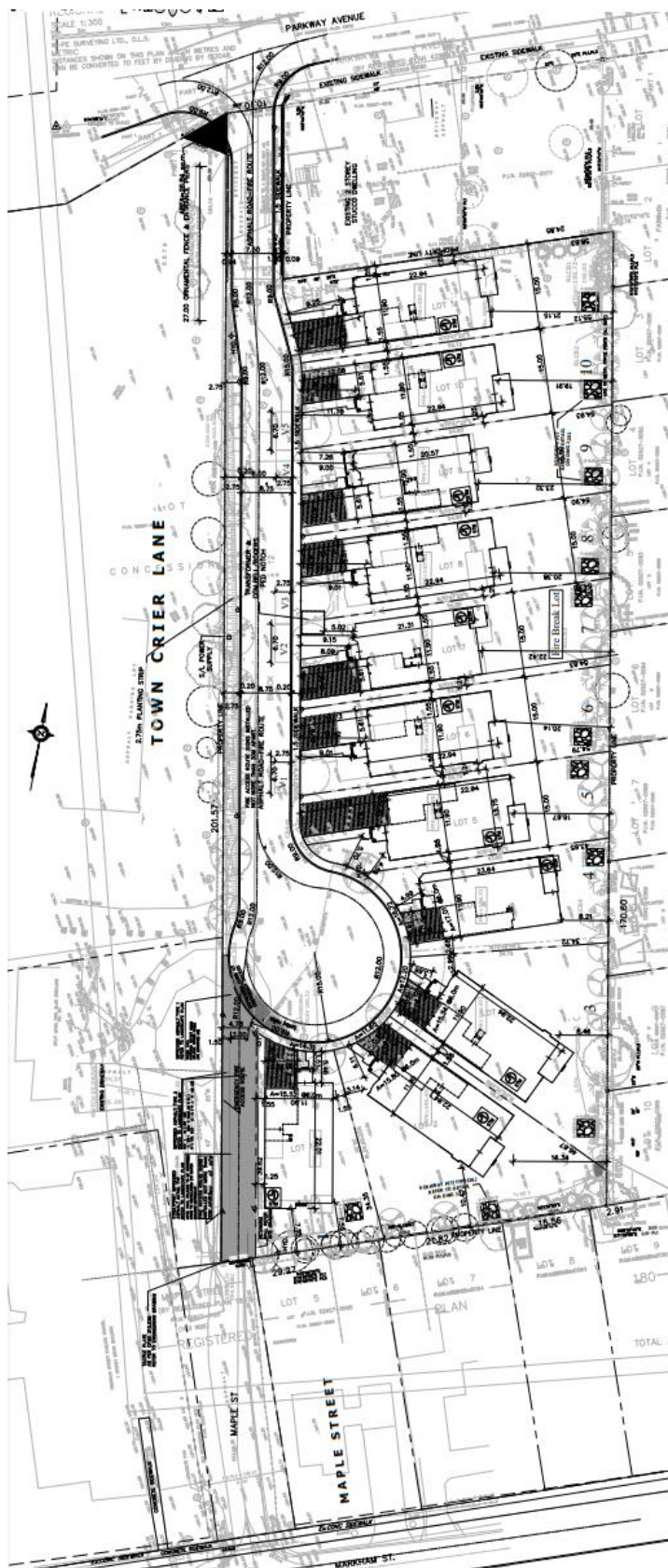


Figure 5-Currently Proposed Conceptual Site Plan



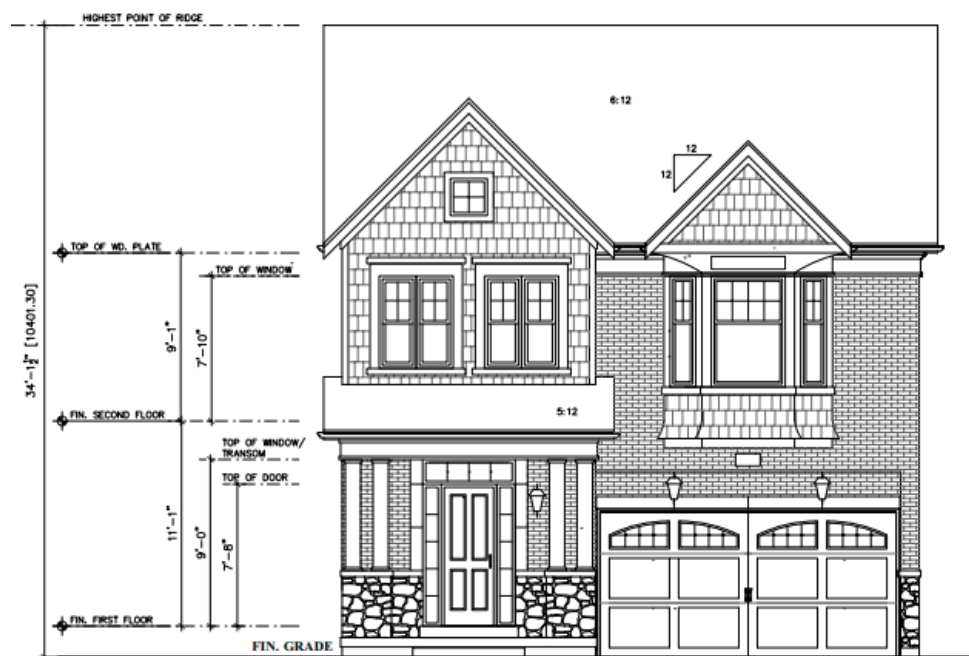
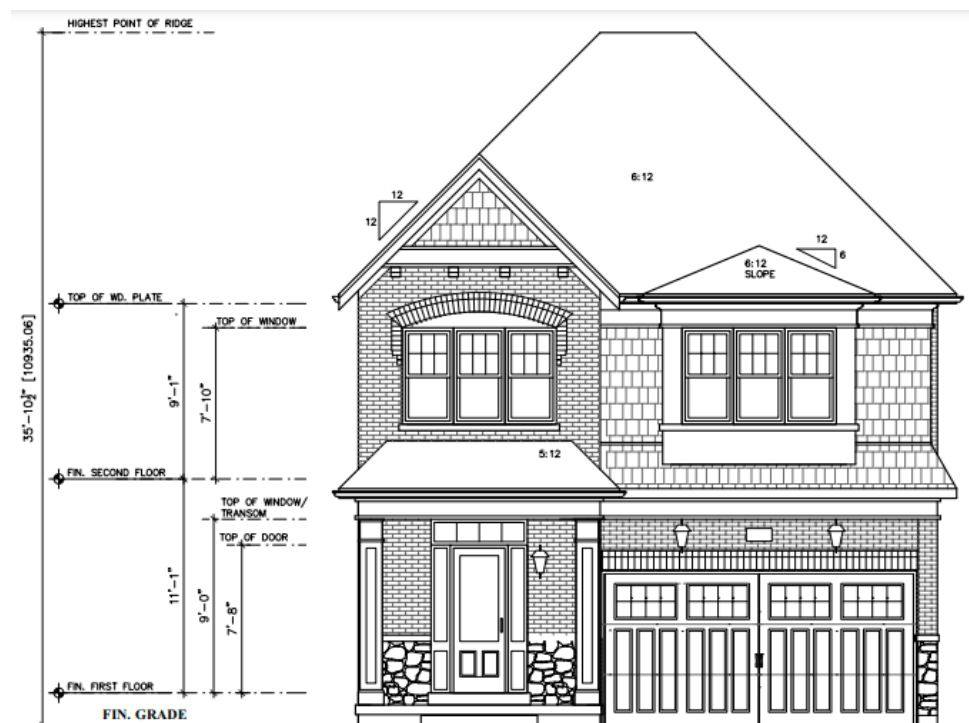
Figure 6-Currently Proposed Home Elevations**FRONT ELEVATION****FRONT ELEVATION**

Figure 7-Rendering of Proposed Homes



Appendix A- Draft Zoning By-law



EXPLANATORY NOTE

BY-LAW 2023-_____

A By-law to amend By-law 1229, as amended

City Park (Town Crier) Homes Inc.

7 Town Crier Lane

South side of Parkway Avenue, east of Main Street Markham North

PLAN 23 131107

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.19 hectares (2.94 acres), which is located on the south side of Parkway Avenue, east of Main Street Markham North in the Markham Village Heritage Conservation District.

Existing Zoning

The Subject Lands are zoned Residential One (R1) Zone under By-law 1229, as amended.

Purpose and Effect

The purpose of this by-law amendment is to permit site specific development for the Subject Lands which will remain zoned R1 under By-law 1229, as amended. The effect of this By-law is to permit the development of a common elements condominium containing up to 25 single detached dwellings on the Subject Lands. The dwellings will front upon and access a private condominium road which is an extension of Town Crier Lane.



BY-LAW 2023-_____

A By-law to amend By-law 1229, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 1229, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

- 1.1 By repealing subsection 12.42 in its entirety, and replacing it with the following subsection to Section 12- EXCEPTIONS, which shall apply to the lands shown on Schedule "A" attached hereto:

Exception 12.42	City Park (Town Crier) Homes Inc. 7 Town Crier Lane	Parent Zone R1
File PLAN 23 131107		Amending By-law 2023-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
12.42 Special Zone Standards		
The following special Zone Standards shall apply:		
a)	Town Crier Lane is deemed to be a PUBLIC STREET for the purpose of determining zone standards;	
b)	The LOT LINE abutting Town Crier Lane shall be deemed the FRONT LOT LINE for the purpose of determining zone standards;	
c)	Minimum LOT FRONTAGE – 11.6 metres;	
d)	Minimum LOT AREA – 335 square metres	
e)	Minimum FRONT YARD – 4.5 metres, except that the minimum FRONT YARD to an attached PRIVATE GARAGE is 5.8 metres	
f)	Minimum interior SIDE YARD: <ol style="list-style-type: none"> i) For lots within 35 m of the southern boundary of exception 12.42, and abutting the easterly and westerly boundary of exception 12.42 – 4.5 m ii) For all other interior SIDE YARDS - 1.2 metres 	
g)	Minimum SIDE YARD abutting a PUBLIC STREET – 2.4 metres	
h)	Minimum REAR YARD – 7.5 metres	
i)	Maximum BUILDING HEIGHT – 11 metres	

j)	Maximum GROSS FLOOR AREA including a PRIVATE GARAGE – 300 m2
k)	Maximum NET FLOOR AREA – not applicable
l)	Maximum LOT COVERAGE – 50%
m)	Maximum BUILDING DEPTH – 16.8 metres
n)	Minimum <i>visitor PARKING SPACES</i> - 8 spaces
o)	Minimum <i>soft landscaping</i> in the FRONT YARD – 25%
p)	Unenclosed PORCHES, stairs, and CELLARS under porches, may encroach into a required FRONT YARD and may project beyond the maximum BUILDING DEPTH a maximum of 2.0 metres

Read a first, second and third time and passed on _____, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor