



Report to: Development Services Committee

Report Date: September 25, 2012

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**SUBJECT:** INFORMATION REPORT  
Tribute (Unionville) Limited's application to permit a mixed-use commercial residential building at 20 Fred Varley Drive

File No. ZA 11 113101

**PREPARED BY:** Richard Kendall, M.C.I.P., R.P.P.  
Manager, Central District, extension 6588

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**RECOMMENDATION:**

- 1) That the report titled "Information Report, Tribute (Unionville) Limited's application to permit a mixed-use commercial residential building at 20 Fred Varley Drive" be received;
- 2) That Council reaffirm its support of the Structuring Concept and the Alternative Development Option which form the basis of the City's position at the Ontario Municipal Board hearing;
- 3) That Council indicate its opposition to the revised proposal currently before the Ontario Municipal Board;
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution; and,
- 5) That the foregoing resolutions and report be reported out at the next public Council meeting.

**PURPOSE:**

The purpose of this report is to up-date Council on recent events related to Tribute (Unionville) Limited's application at 20 Fred Varley Drive, which is the subject of a pending Ontario Municipal Board hearing (Figure 1).

**BACKGROUND/DISCUSSION:**

Attached is the Recommendation Report dated June 26, 2012, relating to an application by Tribute (Unionville) Limited for zoning by-law amendment to accommodate the redevelopment of the Fred Varley Plaza with 113 residential units and 14,695 square meters (158,180 square feet) of total floor space within a 4 and 5 storey building at a Floor Space Index (FSI) of 1.93 (Figure 2 and Appendix A). This report was prepared to seek a Council position on the application which was appealed to the Ontario Municipal

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Board (OMB) by the applicant. An OMB Hearing is scheduled to commence October 22, 2012 for 4 weeks.

The report identified a number of concerns with respect to the height, massing, density and compatibility of the applicant's submission as configured, and presented a Structuring Concept based on a series of design principles developed in concert with a working group of ratepayer representatives. The intent through this process was to facilitate the redevelopment of this site in a manner which was more consistent with the City's policy framework, and the heritage and low density character of the adjacent Unionville community.

The key elements of this Structuring Concept appended to the June 26, 2012 recommendation report provide for an inverted "L" massing of the building and circulation and access alignment with Fonthill Boulevard, as summarized below:

- Consolidate vehicular access at intersection of Fred Varley Drive and Fonthill Boulevard;
- Increased building setback (from Fred Varley Drive) allows for preservation of street trees and improved pedestrian realm;
- Enhanced pedestrian link between Eureka Street and Fred Varley Drive;
- Provide generous soft landscape buffer between park and building edge;
- Building orientation minimizes encroachment on neighbouring residents;
- Parking access located in area least impacted by potential flooding; and
- High quality landscape provides visual benefits to both residents and surrounding neighbours.

Staff also prepared an alternate, preferred 3 to 4-storey design concept based on this Structuring Concept which provides for the redevelopment of this site but with a reduced height of 3 storeys along Fred Varley Drive, a reduced building envelope, greater setbacks, enhanced landscaping and buffers, more surface parking to accommodate the retail component and a reduction in total floor area and density – 8,690 square metres (93,541 square feet) with an FSI of 1.14 and 67 residential units (Figure 3).

While reduced floor area and density are proposed, the City's preferred option still represents a higher density development congruent with the High Density I Housing designation of the Official Plan. However staff are of the opinion that this alternate design reflects a more sensitive approach to the redevelopment of this site and is preferable based on the following:

- Better relationship to low-density residential neighbouring community;
- Less visual impacts/privacy issues with adjacent residential uses;
- Reduced overlook into adjacent properties and enhanced buffers and landscaping;
- Increased front yard setback with an improved pedestrian realm;
- Increased east side yard setback in keeping with the TRCA's requirements;
- Vehicular access consolidated at Fred Varley Dr. and Fonthill Blvd intersection;

- Additional surface parking for retail/commercial uses; and,
- Smaller building footprint.

Subsequent to the filing of the appeal, the City, applicant and other parties attempted to reach a mediated settlement in a one day mediation session held on June 13, 2012. That process was not successful. Since the scheduling of the hearing the applicant has attempted to address certain technical issues identified by the Toronto and Region Conservation Authority (TRCA) and City staff, and have modified and resubmitted their proposal accordingly. The modified, “with prejudice” submission which is now before the OMB provides for 113 units with 14,516 square metres (156,254 square feet) of total floor space, but within an adjusted building envelop integrating an internal courtyard and reduced height (3 and 4 storeys, with the fourth floor stepped back from the building face) and an FSI of 1.91 (Figure 4). These plans are similar to a revised proposal that was filed with the City on September 28, 2011 and considered at the statutory public meeting held on October 25, 2011.

In addition, the revised proposal has an increased setback from the adjacent valleylands; the proposed driveway access opposite Fonthill Boulevard has been eliminated; access, circulation and location to underground parking structure have been consolidated along the westerly edge of the site; and, proposed on-street parking along Fred Varley Drive has also been eliminated.

Notwithstanding these changes, the overall density is generally the same as the applicant’s original submission and concerns remain with respect to conformity with Official Plan and Secondary Plan policies, built form and massing, vehicular and pedestrian access/circulation, compatibility with the adjacent low density community and the historic image of Old Unionville.

As noted, the applicant has been working to address certain technical requirements identified by TRCA staff and has reached an agreement in principle with them on many of their issues.

This report seeks to up-date Council on the status of the pending hearing, outline changes to the proposal initiated by the applicant and to reiterate staff concerns with respect to the key issues of policy, built form and massing, heritage, area context and density.

Staff are of the opinion that the applicant should be encouraged to continue to engage in discussions with City staff with the intent of seeking a settlement prior to the OMB hearing. A settlement with the applicant could serve to provide greater certainty to the community as to the nature of development and control of the final built form. It would also provide opportunities to further refine the design and architectural details to address the heritage character of the adjacent community and interface with adjacent properties.

It is noted that this project would be subject to site plan approval and there will be additional opportunities through that process to also review the articulation and screening of the proposal, as well as the heritage character of the proposed built form. Staff will report further on the outcome of these discussions, if successful, prior to the OMB hearing which is scheduled to commence October 22, 2012.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

To date, the Town retained and paid for the services of a Professional Planner, Mr. John Gladki, who facilitated four Working Group sessions; a third party Transportation & Traffic Consultant, Mr. Nick Poulos, who peer-reviewed the traffic impact study submitted by the applicant and who will testify on the City's behalf; a professional Planner, Mr. David Butler who reviewed the planning documents and who will also provide profession planning testimony at the OMB, as well as a solicitor, Mr. Bruce Ketcheson, who is providing legal counsel and who attended the mediation session and will be representing the City at the OMB hearing.

**HUMAN RESOURCES CONSIDERATIONS**

Very significant staff resources have been applied to the file to date. Staff have attended a total of 4 Working Group meetings, one post Working Group meeting, several meetings with the applicant, external agencies, consultants, the Mayor and members of Council. Planning and Urban Design staff have also dedicated significant effort in reviewing the proposal and preparing for the pending OMB Hearing.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

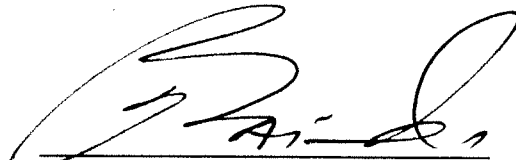
The proposed development is to be evaluated in the context of growth management, environment, transportation and strategic priorities of Council.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

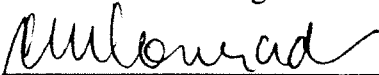
The application has been circulated to various Town departments and external agencies whose comments have been incorporated into this report.

**RECOMMENDED BY:**

Rino Mostacci, M.C.I.P., R.P.P.  
Director of Planning & Urban Design



Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services



Catherine M. Conrad  
City Solicitor

**ATTACHMENTS:**

Figure 1: Air Photo

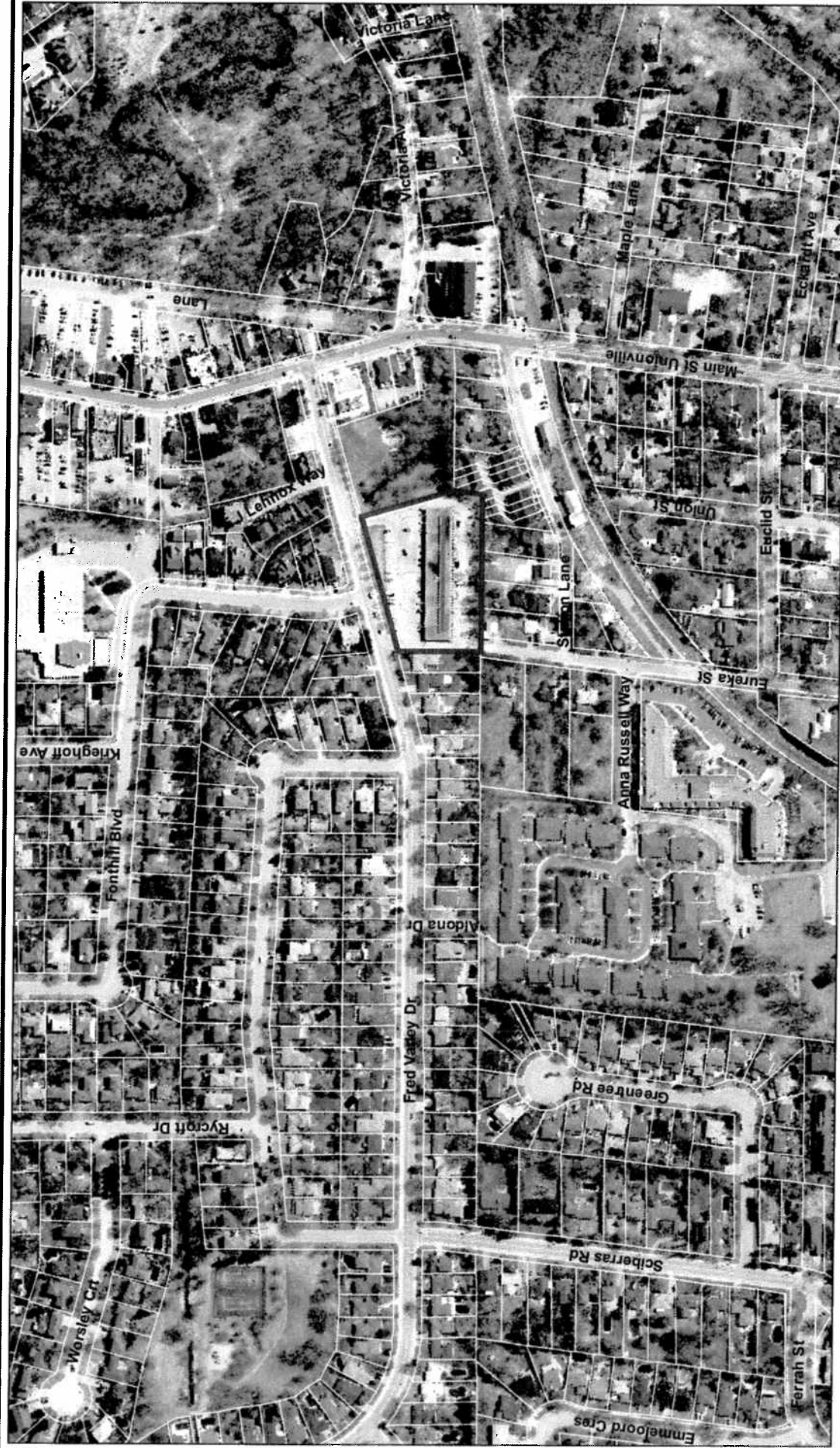
Figure 2: Original Site Plan

Figure 3: Alternate Development Option (City Preferred)

Figure 4: Site Plan (Proposal before the OMB)

Appendix A: Recommendation Report dated June 26, 2012

File path: Amanda\File 11 113101\Documents\Recommendation Report



# AIR PHOTO (2011)

APPLICANT: TRIBUTE (UNIONVILLE) LIMITED  
20 FRED VARLEY DRIVE

FILE No. ZA. 11113101 (SB)

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

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Checked By: SB

DATE: 09/20/2012

**FIGURE No.1**



APPLICANT: TRIBUTE (UNIONVILLE) LIMITED  
20 FRED VARLEY DRIVE

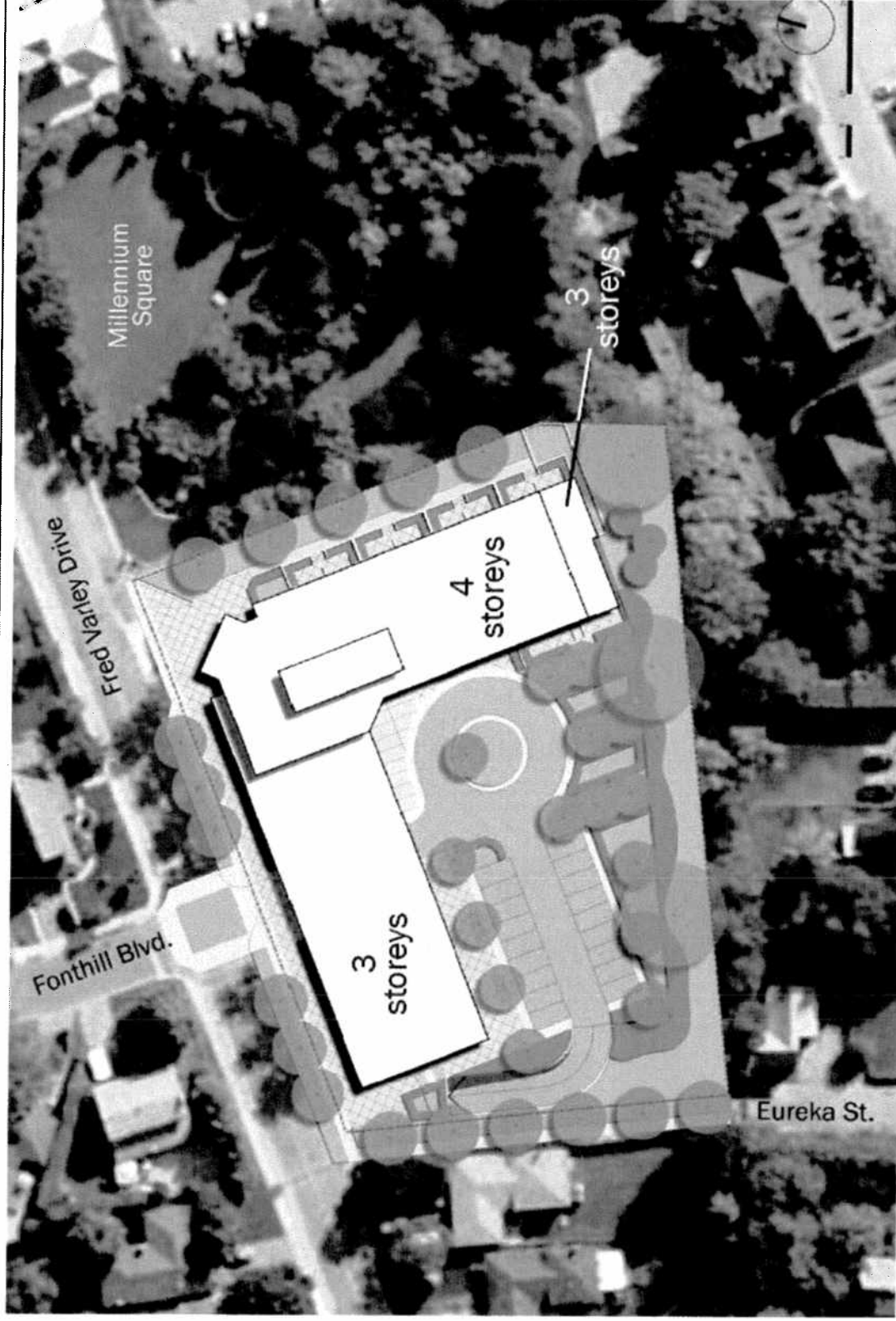
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**FIGURE No.2**



# ALTERNATIVE DEVELOPMENT OPTION (CITY PREFERRED)

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**FIGURE No.4**