



Report to: Development Services Committee

Report Date: March 19, 2018

SUBJECT: 4031 16th Avenue (Unionville) Inc. (Livante Developments)
4031 16th Avenue
Appeals of applications for zoning by-law amendment and
draft plan of subdivision for a residential development.
Ward 3.
File Nos. ZA/SU 16 133028

PREPARED BY: Lisa Valentini, ext. 3583
Assistant City Solicitor

Scott Heaslip, M.C.I.P., R.P.P., ext. 3140
Senior Project Coordinator, Central District

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P., ext. 6588
Manager, Central District

RECOMMENDATION:

That the report dated March 19, 2018 titled “4031 16th Avenue (Unionville) Inc. (Livante Developments), 4031 16th Avenue, Appeals of applications for zoning by-law amendment and draft plan of subdivision for a residential development, Ward 3, File Nos. ZA/SU 16 133028,” be received.

PURPOSE:

The purpose of this report is to provide information regarding appeals of applications for Zoning By-law Amendment and draft plan of subdivision for a proposed residential development located on the south side of 16th Avenue, east of Warden Avenue.

COMMENT:

Subject Property and Area Context (Figures 1 and 3):

The subject property has an area of 2.0 hectares (4.9 acres) and is located on the south side of 16th Avenue, east of Warden Avenue. The west portion of the property is valley land associated with Berczy Creek. The east portion is outside the valley. A designated heritage house known as the James McLean House is located on the east portion.

Along the east property line are five homes fronting on Normandale Road. Normandale Road is part of a subdivision dating from the early 1980's which is characterized by homes on larger lots having frontages of 18.3 metres (60 feet) and greater. Four existing houses back directly onto the subject property and one flanks onto the property.

To the south and west is publicly owned valley land (Berczy Creek).

To the north across 16th Avenue is the York Downs Golf and Country Club. These lands are subject to applications of Official Plan and zoning by-law amendment and draft plan of subdivision applications to permit them to be developed for residential purposes.

Official Plan and Zoning (Figure 2):

The western portion of the property, corresponding to the Berczy Creek valley land and associated environmental buffer, is designated 'Greenway' in the 2014 Official Plan, as partially approved by the OMB October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017, and November 24, 2017. The remainder is designated 'Residential Low Rise.'

The west portion of the property is zoned O1 – Open Space. The east portion is zoned RD – Residential Development. The RD zone permits a single detached dwelling existing on the date of passing of the by-law (March 24, 1987).

Background and Status:

In January 2016, the applicant applied for Official Plan and zoning by-law amendment to permit a residential development on the subject property. The main features of the plan submitted with the applications (Figure 4) are:

- A total of 13 single detached lots.
- The James McLean house is relocated to the lot adjacent to 16th Avenue.
- The west portion of the property (the Berczy Creek valleyland and associated environmental buffer) is conveyed to the City for open space purposes.
- The limit of development of the floodplain is reconfigured through an engineered "cut/fill balance." This arrangement had not been approved by the Toronto and Region Conservation Authority (TRCA).
- The development is to be registered as a "common element condominium," with freehold lots tied to private roadways connecting to Normandale Road. The owners of the lots will maintain the roadways and any shared open spaces through common expenses.

On March 2, 2016, the Ward Councillor hosted a community information meeting to inform area residents of the proposed development. The meeting was attended by approximately 60 area residents, a number of Councillors and City staff, and two representatives of the applicant. Area residents expressed a number of concerns regarding the proposed development. Concerns included compatibility with the Normandale Road community, number of lots, lot frontages, building setbacks, loss of trees, visitor parking, traffic impact, construction access, impact on the valley, and relocation of the heritage house.

In April, 2016, the owner applied for draft plan of subdivision.

On May 9, 2016, Development Services Committee considered a preliminary staff report regarding the subject applications. The report discussed a number of issues including the “cut/fill” reconfiguration of the floodplain, the relocation of the James McLean house, tree preservation, and community concerns. Development Services Committee directed staff to continue discussions with the applicant and the TRCA and following receipt of confirmation from the applicant of the plan they intend to present at the public meeting, to schedule a public meeting to consider the subject applications. Committee also directed staff to report back at least one week prior to the Public Meeting.

On June 1, 2017, the applicant submitted a revised plan (Figure 5). The main features of this plan are:


- The number of lots is reduced from 13 to 7.
- The James McLean house remains in its current location.
- The limit of development is refined following discussion with the TRCA, reducing the developable area of the subject property.

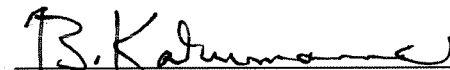
On June 7, 2017, the applicant appealed the subject applications to the Ontario Municipal Board (OMB), citing the failure of the City to make a decision on the applications, based on the plan submitted on June 1, 2017.


On February 22, 2018, the applicant submitted the current plan to the City. The main features of this plan (Figure 6) are as follows:

- A total of 7 residential lots, the same number as the previous plan.
- The James McLean house is relocated a short distance north and east, but remains in its current orientation facing 16th Avenue. Additions are proposed to the back of the house, oriented to the private road, whereas on the previous plan the additions were to the side of the house.
- A small park block has been added to the plan adjacent to 16th Avenue. The James McLean house will face 16th Avenue across this park block. On the previous plan a new house was proposed in the approximate location of this park block, with a long driveway past the James McLean house to the private road. The previous plan did not include any public parkland.
- The James McLean house and additions and the eastern-most house on the south side of the proposed private road have 3 metre side yard setbacks as the interface with the existing homes on Normandale Road. On the previous plan these setbacks were 2.07 metres and 2.29 metres respectively.

The OMB had scheduled a prehearing conference regarding the subject appeals for March 15, 2018. The OMB has adjourned the March 15 prehearing conference and scheduled a new prehearing conference for March 28, 2018. The purpose of the prehearing conference is to advise the OMB of the status of the appeals and either present a settlement or set it down for a hearing date.

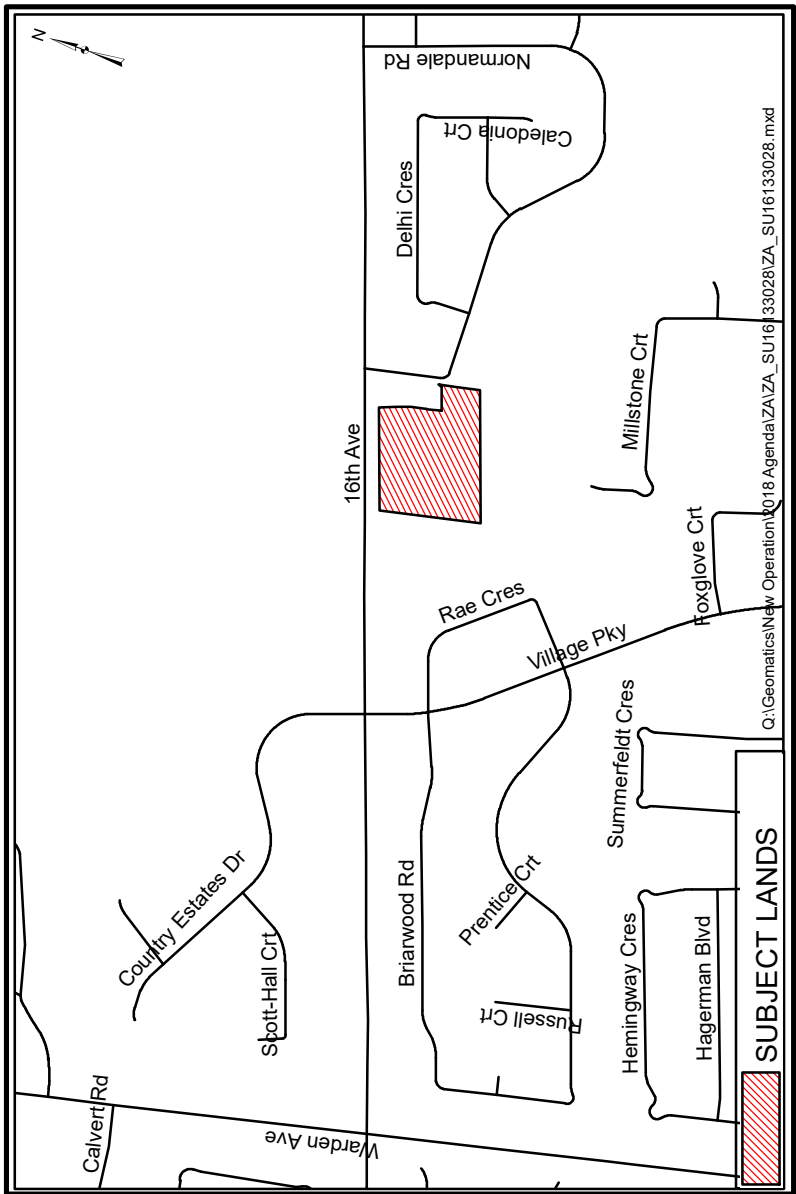
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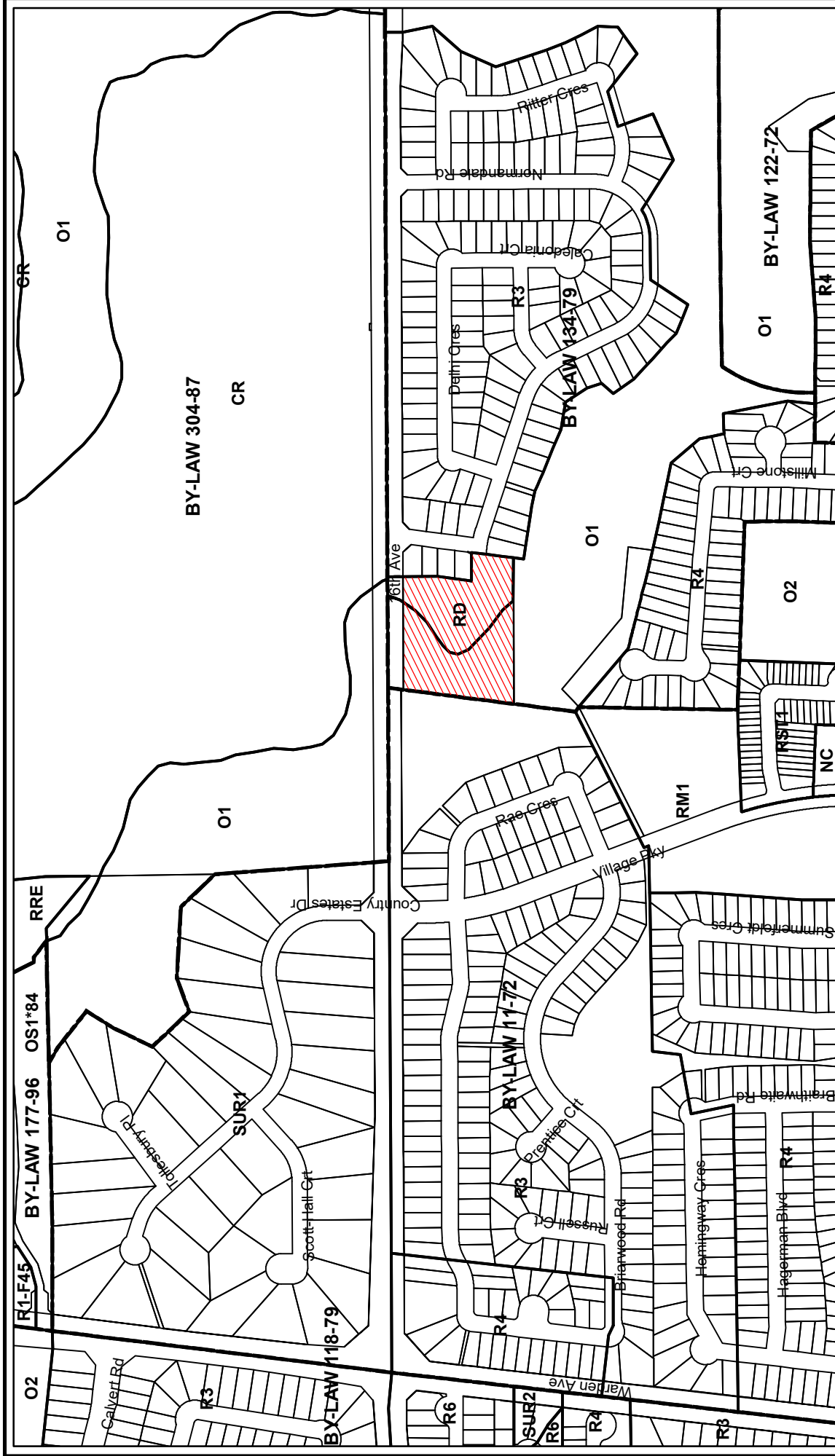
Ron Blake, M.C.I.P., R.P.P.
Director of Planning & Urban Design
(Acting)

Biju Karumanchery, M.C.I.P., R.P.P.
Commissioner of Development Services
(Acting)

Catherine M. Conrad
City Solicitor**ATTACHMENTS:**

- Figure 1: Location
- Figure 2: Area context/zoning
- Figure 3: Air Photo (2015)
- Figure 4: January 2016 plan
- Figure 5: June 2017 plan
- Figure 6: February 2018 plan





AREA CONTEXT / ZONING

APPLICANT: 4031 16TH AVENUE (UNIONVILLE INC.)
4031 16TH AVENUE

FILE No. SU_OP_ZA16133028 (SH)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

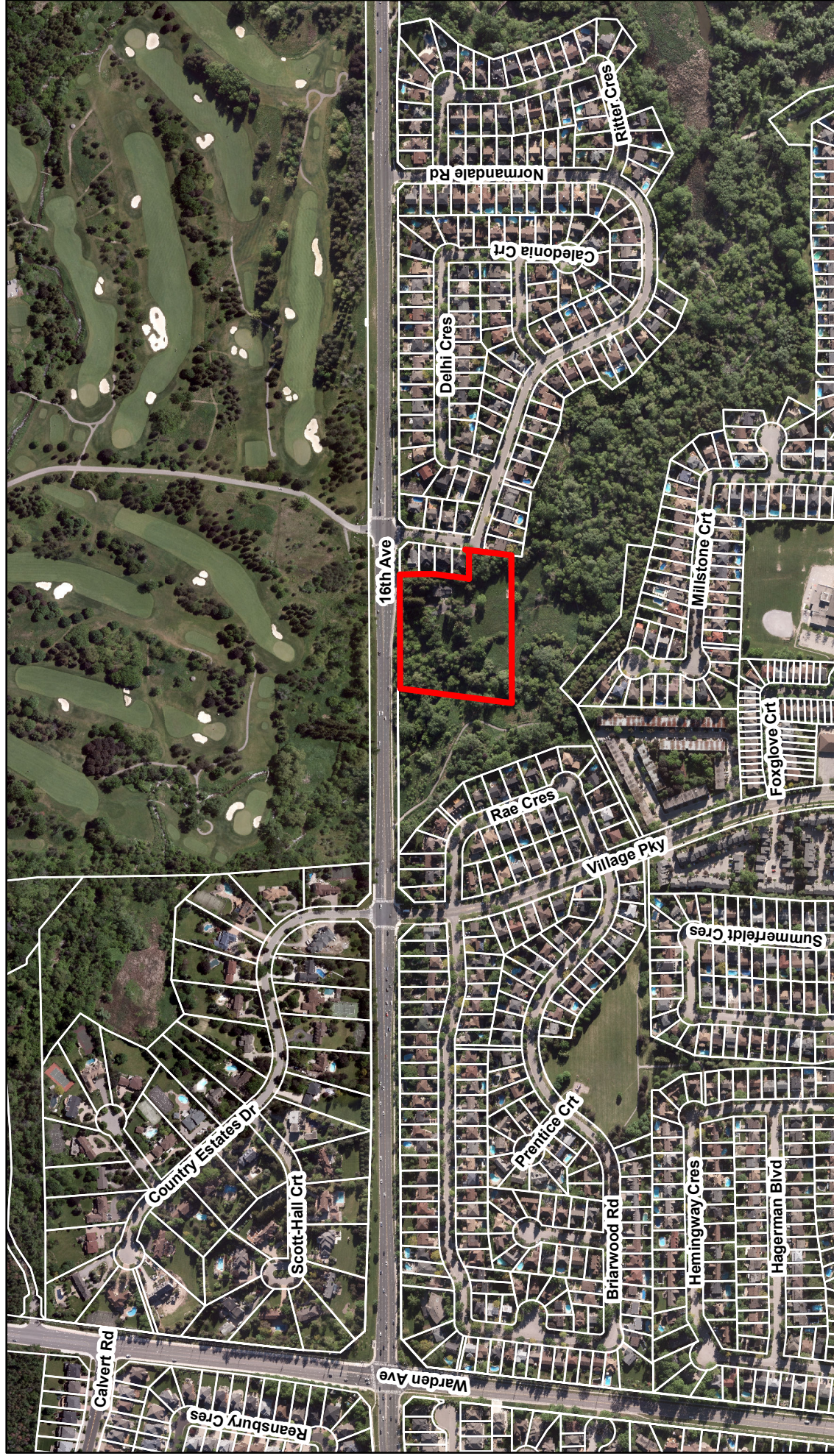
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FIGURE No. 2

 SUBJECT LANDS




AIR PHOTO (2017)

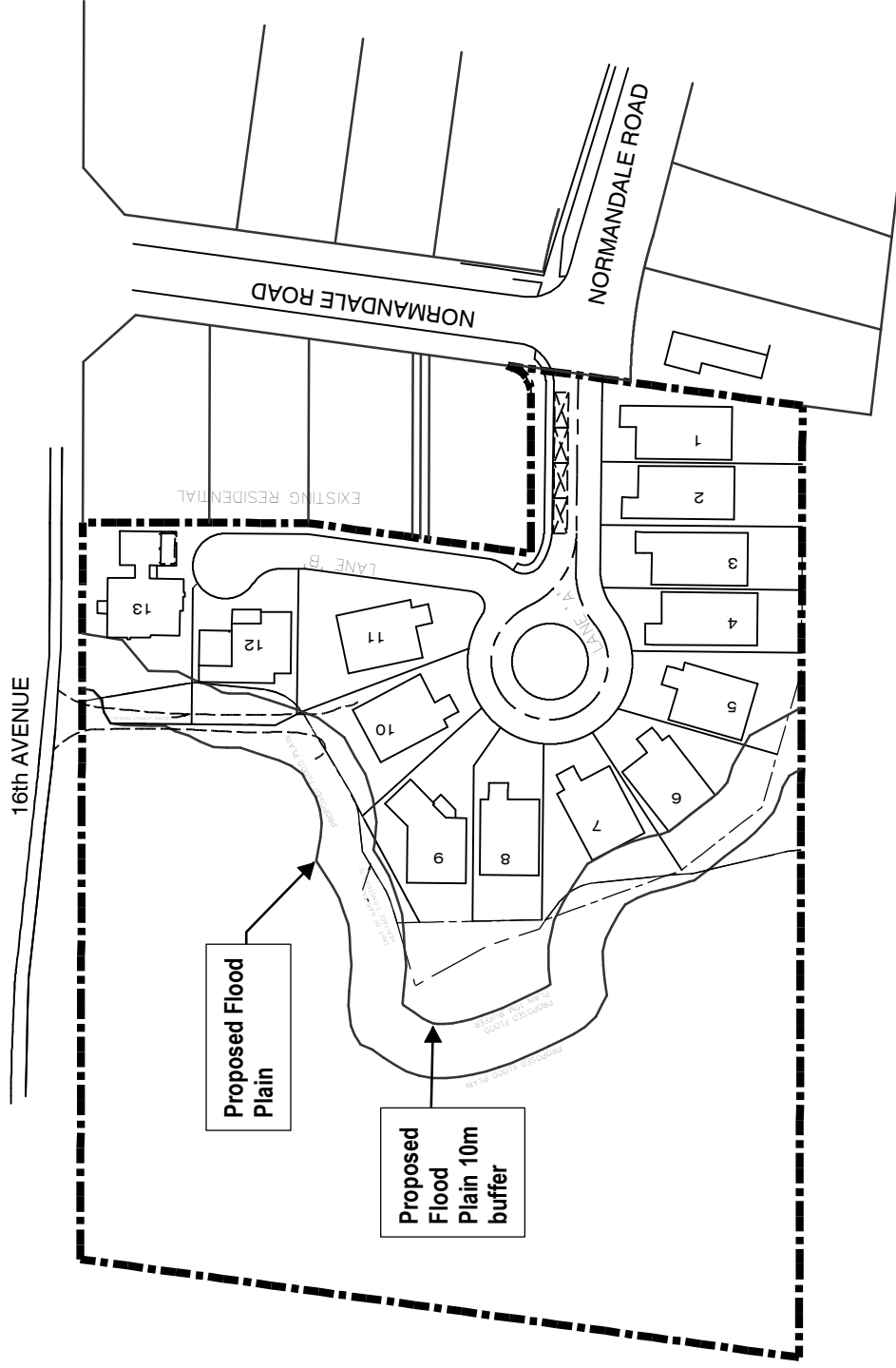
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 SUBJECT LANDS





JANUARY 2016 PLAN

APPLICANT: 4031 16TH AVENUE (UNIONVILLE INC.)
4031 16TH AVENUE

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FIGURE No. 4


 SUBJECT LANDS



FIGURE No.6