



Special Development Services Committee Minutes

November 21, 2017, 7:00 PM to 10:00 PM

Council Chamber

Meeting No. 17

All Members of Council

Development Services Issues

Chair: Regional Councillor Jim Jones
Vice-Chair: Councillor Don Hamilton

Attendance

Mayor Frank Scarpitti
Deputy Mayor Jack Heath
Regional Councillor Jim Jones
Regional Councillor Joe Li
Regional Councillor Nirmala Armstrong
Councillor Valerie Burke
Councillor Alan Ho
Councillor Don Hamilton
Councillor Karen Rea
Councillor Colin Campbell
Councillor Amanda Collucci
Councillor Logan Kanapathi
Councillor Alex Chiu (*left, 8:30*)

Andy Taylor, Chief Administrative Officer
Brian Lee, Acting Commissioner of Development
Services
Ron Blake, Senior Development Manager
Sally Campbell, Manager, East District
Stephen Corr, Senior Planner, Planning & Urban Design
Regan Hutcheson, Manager, Heritage Planning
Biju Karumanchery, Director of Planning and
Urban Design
Andrea Wilson-Peebles, Assistant City Solicitor
Kitty Bavington, Council/Committee Coordinator

The Special Development Services Committee convened at the hour of 7:07 p.m. in the Council Chamber with Regional Councillor Jim Jones in the Chair.

At 11:57 p.m., a Motion was moved by Mayor Frank Scarpitti, seconded by Councillor Amanda Collucci, and carried, to extend the hour of the meeting beyond 12:00 a.m.

1. DISCLOSURE OF PECUNIARY INTEREST

- None declared

**2. COMMUNICATIONS
(CITY PARK (TOWN CRIER) HOMES INC. (10.7, 10.3 & 10.5))**

Moved by: Councillor Alex Chiu

Seconded by: Councillor Valerie Burke

That correspondence from Margaret and Raymond Cowan, Lisa and Bruce Campbell, Dianne More, Grant and Jill McBain, and a petition with 115 signatures submitted by Jacquie Gardiner regarding the applications by City Park (Town Crier) Homes Inc., be received.

CARRIED

**3. RECOMMENDATION REPORT
CITY PARK (TOWN CRIER) HOMES INC.
PROPOSED DRAFT PLAN OF SUBDIVISION 19TM-16007
OFFICIAL PLAN AMENDMENT AND
ZONING BY-LAW AMENDMENT APPLICATIONS FOR UP TO
11 SINGLE DETACHED LOTS AND ONE RESIDUAL LOT
AT 7 TOWN CRIER LANE (NORTH OF HWY 7,
EAST OF MAIN STREET MARKHAM). WARD 4
SU 16 175583, OP 16 175583 AND ZA 16 175583 (10.7, 10.3 & 10.5)**

[Report](#)

At the November 22, 2016 Statutory Public meeting, Committee requested the above subject matter be brought forward at an evening meeting of Development Services Committee for the benefit of the residents.

Ron Blake, Senior Development Manager, provided an overview of the applications by City Park (Town Crier) Homes Inc., for 7 Town Crier Lane.

John Zipay of Weston Consulting, representing the applicant, provided details of the proposal and advised that they support the staff recommendation with the exception of clauses 9 and 10, relating to retaining the Dairy House in situ. Mr. Zipay reviewed the evolution of the development in consultation with staff and residents, resulting in the current proposal for 11 detached dwellings. Mr. Zipay advised that the access and roadway has been designed to the satisfaction of the Markham Fire Department, and that an agreement has been reached with the adjacent church for acquisition of land to achieve the required entrance width.

Owen Scott, Heritage Consultant for the applicant, provided background and his professional assessment of the Dairy House on the property, concluding that it has no significant heritage value. Discussions included the salvaged materials used in the building and the at-grade level that makes it prone to flooding. The building is sited close to the proposed roadway and in Mr. Scott's opinion, it is lacking in character and visual appeal. He indicated that some other form of recognition would be the best approach.

Regan Hutcheson, Manager, Heritage Planning for the City of Markham, displayed a photo of the Dairy House and dwellings, 1926-1944, and provided an evaluation of the Dairy House as a Class A property/building. Historical background of the buildings and of Carmen Lewis, the original owner, were also provided, as well as a review of Markham's heritage policies.

The Committee discussed design details, lot sizes, proposed dwelling sizes and comparable dwelling sizes on Elm Street and other nearby areas, the cul-de-sac configuration, the revisions to the proposal that would satisfy the concerns identified, and potential results if this matter is appealed to the OMB. It was noted that the City had previously considered an opportunity to purchase the property, and had declined.

It was suggested that Maple Street be extended to Parkway Avenue to eliminate the cul-de-sac. It was also suggested that more dwelling units could be accommodated on the property to avoid urban sprawl; however, staff explained that in the heritage district neighbourhood context, 11 detached homes are more compatible than the previous proposal for 27 units.

Planning staff confirmed that the recommendations of Heritage staff and Heritage Markham have been taken into consideration, and that Planning staff can support the application as revised.

Michael Braithwaite, representing “Raising the Roof” offered to work with the City and applicant to repurpose the heritage building for affordable housing. In response to questions, Mr. Braithwaite confirmed that he has not visited or assessed the building to determine its condition or what is required.

Paul Cicchini supported preserving heritage buildings in general, however, he noted that it is often achieved at great expense and hardship to the owners, and as a result, there are many heritage buildings left to deteriorate. Mr. Cicchini suggested that if the building is worth saving, the City should consider purchasing it. The value of the property is more from the community gardens and the spirit of the Dairy House owner, not the building, and the owner is recognized in the Museum and the nearby park.

Ruth Winterfield lives in a nearby heritage house and spoke in support of preserving the building and in opposition to the proposal in the heritage district, suggesting that development should add to the heritage character. Ms. Winterfield was concerned about the message that approval of this application would send to others in the heritage district.

Laura Galati spoke in support of heritage preservation and expressed concern for the density and added traffic congestion.

Cynthia Hiatt spoke of the historic significance of Carmen Lewis and supported preservation of the Dairy House, and suggested that the City and developer pay for restoration or relocation.

Stephan DiGiulio, spoke of his experience in the planning and architectural profession, and presented an alternate plan that would preserve the Dairy, with a total of 9 lots and larger houses, suggesting that this alternate plan would provide an affluent nature to the development that would suit the neighbourhood better. He supported adhering to the By-laws and protecting heritage to avoid setting a precedent.

Stephen Burgess, adjacent property owner to Lot 1, spoke of the impact of the development on his home, and supported preservation of the Heritage District. Mr. Burgess suggested that the new monster homes would not be compatible with the neighbourhood, would not meet the intent of the Heritage District policies, and would set a negative precedent for heritage communities.

Alexis Whalen discussed the potential outcome of an OMB hearing, and questioned why the applicant cannot comply with the By-law, and what benefits there may be for the City.

Barb Sampson, on behalf of Nancy Sampson and herself, referred to Heritage Markham's discussions regarding the future of the community gardens, and its recommendation to hire an independent heritage planner to work with the applicant. Ms. Sampson expressed concerns for tree preservation, potential flooding, and houses that are too large.

Marianne Policelli, adjacent property owner, spoke in opposition to the proposal and in support of heritage values, adhering to the Heritage Design Guidelines, and preserving the neighbourhood character.

Anthony Schultz of Grace Church, Markham, provided an update on discussions with staff and the applicant, confirming an agreement has been reached for acquisition of land to achieve the required entrance width, conditional on approval of the proposal. Mr. Schultz advised that their concerns regarding grading, paving, etc., have been resolved. Staff provided information on the Fire Department access requirements.

Jacquie Gardiner provided a petition with 115 signatures in opposition to the proposal, and spoke in support of the Heritage Markham recommendations regarding the side yard setbacks and restricting the houses to 4,000 ft².

Joanne Sales spoke in opposition to the proposal.

John Webster, former owner of the subject property, spoke of his Uncle, Carmen Lewis's attempts in recent years to sell the property to developers, and noted that he had never intended to preserve the Dairy, which had been built in 1942 and sold in 1944, and had other uses besides a dairy. There is very little heritage value in the Dairy, the value is in 'Uncle Carmen'.

Mr. Webster explained:

- his efforts and expense over the years to maintain the building, due to the cinder block construction and quality of the materials
- in his opinion, the building cannot be relocated as it is built on a slab
- the trees are at the end of life and are starting to come down naturally
- ongoing drainage issues that are being addressed
- the OMB may approve more units
- the community had not come forward to help preserve the community gardens
- none of the surrounding properties are designated heritage, only the homestead on this property
- the property is on the easterly edge of the heritage district, not in the heart of it
- a better approach to recognize the building is some form of interpretation plaque.

Mr. Webster suggested higher density townhouses would be beneficial, but that he had not wanted to see a townhouse development on the lands; further, he had been informed that they would not be acceptable, and that executive houses would be preferred.

The Committee confirmed that building heights have been reduced and that compatible heritage building materials will be used. The largest proposed house model is approximately 5600 ft² including the garage, and the Committee discussed a maximum gross floor area of 5,000 ft² per dwelling, including the garage, and a maximum of 3,000 ft² for the smallest lots – 1 and 4. With respect to impacts to the property adjacent to Lot 1, it was suggested that the previous draft lot layout be reconsidered, as well as a larger setback.

Other comments from the Committee included the need for unique house designs, and preservation of mature vegetation. A public through road instead of a cul-de-sac was suggested. It was also suggested that an independent heritage assessment of the Dairy be obtained.

The Committee considered that Carmen Lewis has been recognized in various ways and that preservation of the Dairy may not be feasible given its method of construction. It was suggested that the applicant investigate relocation and renovation of the Dairy on site for incorporation as a garage or second suite or other use within the property.

The Committee consented to separate the clauses.

A motion moved by Councillor Karen Rea and seconded by Councillor Valerie Burke to refer the Zoning By-law, Draft Approved Plan of Subdivision, servicing allocation, the Markham Dairy /Carman Lewis Home, and heritage easement (Clauses 4 to 10 on the agenda), back to staff to work with the applicant, was LOST

Moved by: Councillor Karen Rea

Seconded by: Councillor Valerie Burke

- 1) **That the deputations by Michael Braithwaite, Paul Cicchini, Ruth Winterfield, Laura Galati, Cynthia Hiatt, Stephan DiGiulio, Stephen Burgess, Alexis Whalen, Barb Sampson, Marianne Policelli, Anthony Schultz of Grace Church, Markham, Jacquie Gardiner, Joanne Sales, and John Webster regarding the applications by City Park (Town Crier) Homes Inc., be received; and,**
- 2) That the report entitled “Recommendation Report, City Park (Town Crier) Homes Inc., Proposed Draft Plan of Subdivision 19TM-16007, Official Plan Amendment and Zoning By-law Amendment applications for up to 11 single detached lots and one residual lot at 7 Town Crier Lane, (north of Hwy 7, east of Main Street Markham) Ward 4, Files SU 16 1755583, OP 16 175583 and ZA 16 175583”, be received; and
- 3) That the record of the Public Meeting held on November 22, 2016, regarding the applications for approval of Draft Plan of Subdivision 19TM-16007, and Official Plan and Zoning By-law Amendments, be received; and,

- 4) That the Official Plan Amendment application submitted by City Park (Town Crier) Homes Inc., to amend the 2014 Official Plan (partially approved by the Ontario Municipal Board in Oct 2015, May 2016, March 2017 and April 2017), be approved, and that the draft Official Plan Amendment attached as Appendix 'A' be finalized and enacted without further notice; and,

CARRIED

Moved by: Mayor Frank Scarpitti

Seconded by: Regional Councillor Nirmala Armstrong

- 5) 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 subject to the addition of a cap of 5000 ft² on the maximum gross floor area for each dwelling including garage**, the draft by-law attached as Appendix 'B' be finalized and enacted without further notice; and,
- 6) **That in accordance with the provisions of subsection 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 zoning by-law (Appendix 'B') within two years of its approval by Council; and,**
- 7) That Draft Approved Plan of Subdivision 19TM-16007 submitted by City Park (Town Crier) Homes Inc., be draft approved subject to the conditions outlined in Appendix 'C'; and,
- 8) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'C' and as may be amended by the Director of Planning and Urban Design; and,
- 9) That the draft plan approval for Plan of Subdivision 19TM- 16007 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; and,
- 10) That Council assign servicing allocation for up to 12 single detached dwellings; and,

CARRIED

Moved by: Regional Councillor Joe Li

Seconded by: Councillor Colin Campbell

- 11) That the existing Class A heritage building, formerly known as the Markham Dairy /Carman Lewis Home **be approved for demolition; and further,**
- 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

ADJOURNMENT

The Special Development Services Committee meeting adjourned at 11:59 PM.

Alternate formats for this document are available upon request.