



Report to: Development Services Committee

Report Date: February 4, 2014

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**SUBJECT: PRELIMINARY REPORT**

Application for Zoning By-law Amendment by JCY Development Corporation to rezone 9721 Kennedy Road to permit a 34 unit low rise residential condominium development including the restoration of a heritage dwelling

**FILE NO:** ZA 13 121844

**PREPARED BY:** Geoff Day MCIP, RPP ext. 3071 – Senior Planner, West Development District

**REVIEWED BY:** Ron Blake MCIP, RPP ext. 2600 – Manager, West Development District

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**RECOMMENDATION**

1. THAT the report dated February 4, 2014, entitled “PRELIMINARY REPORT, Application for Zoning By-law Amendment by JCY Development Corporation to rezone 9721 Kennedy Road to permit a 34 unit low rise residential condominium development including the restoration of a heritage dwelling, File No: ZA 13 121844”, be received;
2. AND THAT a Public Meeting be held to consider the application for Zoning By-law Amendment by JCY Development Corporation to rezone 9721 Kennedy Road to permit a 34 unit low rise residential condominium development including the restoration of a heritage dwelling, on the subject lands;
3. AND FURTHER THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to provide preliminary information regarding an application for Zoning By-law Amendment at 9721 Kennedy Road to permit the development of a 34 unit low rise residential condominium development including the restoration of a heritage dwelling on the subject lands. The subject lands are currently zoned Rural Residential 4 (RR4) by By-law 304-87, as amended. It is recommended that a statutory Public Meeting be held to consider this application.

This report contains general information regarding applicable Official Plan and Zoning policies as well as other issues. The report should not be taken as Staff's opinion or recommendation on the application.

**BACKGROUND**

**Subject property and area context**

The subject property is located on the east side of Kennedy Road, north of Bur Oak Avenue and south of Castlemore Avenue within the Berczy Village Secondary Plan area (Planning District 37-1) (Figure 1).

The subject property is presently occupied by the York Downs Garden Centre. An existing heritage dwelling designated under Part IV of the Ontario Heritage Act is also located on the property (Figure 3).

Surrounding uses include (Figure 2):

- To the north, a low density residential neighbourhood including single and semi-detached dwelling units;
- To the immediate south, a vacant parcel of land municipally known as (9703 Kennedy Road), currently owned by the York District School Board;
- Further to the south 9693 Kennedy Road is occupied by IPS (Industrial Property Services) and 10 Bur Oak Avenue is occupied by a multi-tenant commercial plaza;
- To the east, an unopened road allowance for the future extension of Harbord Street from Thomas Foster Street south to Bur Oak Avenue;
- East of future Harbord Street, are Pierre Elliott Trudeau High School and medium density residential townhouse dwelling units; and,
- To the west, Kennedy Road and further to the west, a low density residential neighbourhood within the Angus Glen Secondary Plan area.

### Proposal

The Zoning By-law amendment application submitted in support of this proposal contemplates the development of the site for 34 semi detached residential units. The applicant proposes to retain the heritage dwelling identified above in situ (Figure 5). The development would be accessed from Thomas Foster Street along a private common element road through the middle of the site which would terminate in a 'hammerhead' turnaround adjacent to Kennedy Road. The proposed development would also be subject to Site Plan Approval although the owners are not filing an application at this time. Ownership is proposed to be in the form of freehold semi-detached units with a common element private street. An application for Draft Plan of Condominium will be required, but has not yet been submitted.

As submitted by the Owner, the following chart provides a statistical summary of the development:

<b>Site Area:</b>	<b>0.80 hectares (1.96acres)</b>
<b>Semi Detached Units:</b>	<b>34</b>
<b>Heritage Dwelling</b>	<b>1</b>
<b>Equivalent Population @ 3.02 people per unit (ppu) - semi's: @ 3.7 people per unit (ppu) - heritage dwelling:</b>	<b>106.4</b>
<b>Net Residential Density: (expressed as units per hectare)</b>	<b>43.75</b>

The proposed development does not contemplate the extension of the two cul-de-sacs (Tannis Street and Lorne Glen Street) into the (See Figure 4). Although designed as a temporary cul-de-sac when Plan of Subdivision (19TM-05003) to the north was registered, the extension of Tannis Street into the subject site would require the relocation of the heritage building which would be within the path of the road extension. Staff are also of the

opinion that the extensions of Tannis Street and Lorne Glen Street into the site are not warranted for traffic circulation purposes, or to provide access to the lands to the south, which would be accessed from a future southern extension of Harbord Street. Harbord Street is intended to extend from Bur Oak Avenue to Thomas Foster Drive and will be built in sections as the properties to the south of the subject lands redevelop.

### **Official Plan and Zoning By-law**

The subject lands are designated Community Amenity Area in the Official Plan (Revised 1987). The application was filed on October 3, 2013 and deemed complete on November 1, 2013.

The subject lands are designated Community Amenity Area - Arterial in the Berczy Secondary Plan (Planning District 37-1). This designation provides for a variety of housing types including medium density housing in the form of semi-detached units at a net site density of 37.1 to 79.9 units per hectare (13 to 25 units per acre). The density of the proposed development is within the density range provided by the Secondary Plan.

In the recently adopted Markham Official Plan, the lands are bisected by the Mixed Use Mid Rise designation along the southerly half of the property and the Residential Low Rise designation along the northerly half of the property.

The lands are currently zoned Rural Residential 4 [RR4] by By-law 304-87, as amended (Figure 2), which currently permits agricultural and rural residential type uses on large lots. A Zoning By-law Amendment would be required to permit the proposed 34 unit semi-detached development.

### **OPTIONS/DISCUSSION:**

#### **Benefits of the proposed development**

The proposed development will implement the Community Amenity Area - Arterial designation in the Berczy Secondary Plan by providing for medium density housing on the subject property. The proposed residential development is more compatible with the existing communities to the north, east and west than the garden centre use that presently exists. The heritage dwelling identified above is to be retained in situ and restored, which is consistent with Heritage Markham's resolution of December 18, 2013.

#### **Matters to be resolved**

The matters below and any others identified through the circulation and detailed review of the proposal will be addressed in more detail in a final staff report to be presented to Committee at a later date.

#### Temporary Cul-de-sacs (Tannis and Lorne Glen Streets), easements and acquisition of lands from 3rd parties

- When the Plan of Subdivision to the immediate north of the subject site (19TM-05003) was registered, both Lorne Glen Street and Tannis Street were shown terminating as temporary cul-de-sacs (Figure 4). The applicant is not proposing to extend either street to the south onto his site as it would affect the unit count and configuration of the plan as

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proposed. It should be noted that the extension of Tannis Street to the south would also affect the continued siting of the heritage building. In addition, Staff are of the opinion that the extension of Tannis Street and Lorne Glen Street onto the site is not warranted for traffic circulation purposes. Currently, 7 properties (15, 17 and 19 Tannis Street and 4, 6, 8 and Part of Block 118 on Registered Plan 65M-3536 on Lorne Glen Street), are subject to temporary easements along their associated lot frontages, which accommodate the temporary cul-de-sacs. The lands subject to these easements are owned privately by individual owners of the residential lots. These lands subject to temporary easements will have to be conveyed to the City (free of all costs and encumbrances) so that they can be incorporated into the public road allowances for the two streets. As the retention of the cul-de-sacs on a permanent basis is at the request of the applicant, they will be responsible for negotiating terms with the affected landowners to have the temporary easement lands conveyed to the City. The City will require title satisfactory to the City Solicitor and a Record of Site condition.

- Lorne Glen Street meets the City's radius standards however; the size of the Tannis Street cul-de-sac (as identified in Section 8.18 of the associated Subdivision Agreement) does not meet the City's minimum radius standards (11.5 metre radius provided, whereas the minimum standard is 14 metres). To address this matter, the City's Fire Department would require the applicant to construct an emergency access from Tannis Street to Kennedy Road at his own expense. Approval by the Region would be required.

#### Municipal Infrastructure (relocation of City catch basins and connection to City watermain)

- As Lorne Glen Street was historically envisioned as being a through street that would connect to the subject development, the existing storm sewers were located in the centre of the road. If Lorne Glen is to become a permanent cul-de-sac, the catch basins will need to be relocated to the edge of the road, at the Owners expense. In addition, the watermain under Lorne Glen Street will need to be modified in accordance with City standards.
- The proposed development would require a connection to the existing City watermain along Kennedy Road at the Owners expense.

#### Proposed Street width

- As submitted, the proposed width of the private street is 6.0 metres. Consideration should be given to provide a wider asphalt surface to accommodate on-street visitor parking as discussed below.

#### Driveway widths, on-street visitor parking, landscaping and streetscape

- The applicant is proposing all double car garages and driveways along the private street. Due to the narrow width of the semi-detached lots (5.5 metres per unit), the double car driveways will result in an extensive amount of 'hard surfaces' along the private street and does not provide for on-street visitor parking or street trees. The maximum driveway and garage widths should be reduced to single car widths to provide space for street trees, soft landscaping and accommodate on-street parking. Alternatively, significantly wider units/lots should be considered to allow for double car garages and driveways while increasing the amount of soft landscaped areas within the front yards.

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- Additional landscaping along the Kennedy Road frontage is required to screen the proposed “hammerhead” turning area and ensure the continued prominence of the heritage building.
  - The conceptual elevations show a significant number of risers (steps) accessing the proposed dwelling units (Figure 6). Limiting external risers to 4 or 5 would improve the pedestrian experience within the streetscape, animate the street, provide a greater sense of security through ‘eyes on the street’ and provide better accessibility for all individuals.
  - A 1.5 metre sidewalk is required on one side of the private street.

#### Preservation of Heritage Dwelling

- The December 18, 2013 resolution from Heritage Markham recommends that the existing heritage dwelling be restored and remain in situ. Further, Heritage Markham and Heritage Planning Staff identified that the existing dwelling is too small to be a marketable single family dwelling unit (approximately 900-1000 ft<sup>2</sup>). Additional living space including a garage is recommended. A ‘sympathetic’ addition to the rear of the dwelling and/or combining the heritage dwelling with the semi-detached dwelling located to the immediate east, would potentially make the heritage dwelling of a size that is more marketable to future owners.
- An appropriate setback from the heritage dwelling to the hammerhead (the area where vehicles can turn around) is required to ensure that private, service and emergency vehicles will not cause damage to the replicated veranda; a major design component of the restoration plan for the dwelling.
- Heritage Staff note that the replication of the original veranda should be reflected in the proposal.

#### Kennedy Road access

- An emergency access (similar to Tannis Street identified above) is required from the private street to Kennedy Road. Approval by the Region would be required.

#### Developer’s Group membership and servicing allocation have not been resolved

- Confirmation that the applicant is a member in good standing is required from the Berczy Village Developers Group.
- Servicing allocation to be assigned for the proposed 34 semi-detached units with a total population of 107 by the Trustee for the Berczy Village Developers Group.

#### Public Art

- The owner has been advised of the City’s policies with regard to public art. Further discussion with City Staff is required with respect to this matter.

#### Hold provision required

- If the Zoning By-law Amendment is approved, Hold (H) provisions would be appended to the amending Zoning By-law. Removal of the Hold (H) shall be conditional upon the owner entering into appropriate agreements to secure for the required on and off site works to accommodate the proposed development.

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**CONCLUSION:**

Staff recommend that a statutory Public Meeting be held to consider this application and obtain public input.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

There are no financial matters to be considered in this report.

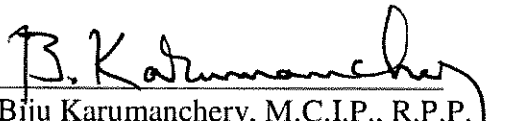
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

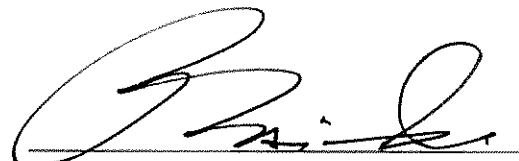
The proposal will align with the City's strategic priorities of Growth Management by implementing the proposed development in coordination with available servicing allocation.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been circulated to various City departments and external agencies and are currently under review. Requirements of the City and external agencies will be reflected in the preparation of the Zoning By-law amendment and future Site Plan and Condominium processes.

**RECOMMENDED BY:**

  
Biju Karumanchery, M.C.I.P., R.P.P.  
Senior Development Manager

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

**ATTACHMENTS:**

Figure 1: Location Map

Figure 2: Area Context  
and Zoning

Figure 3: Air Photo

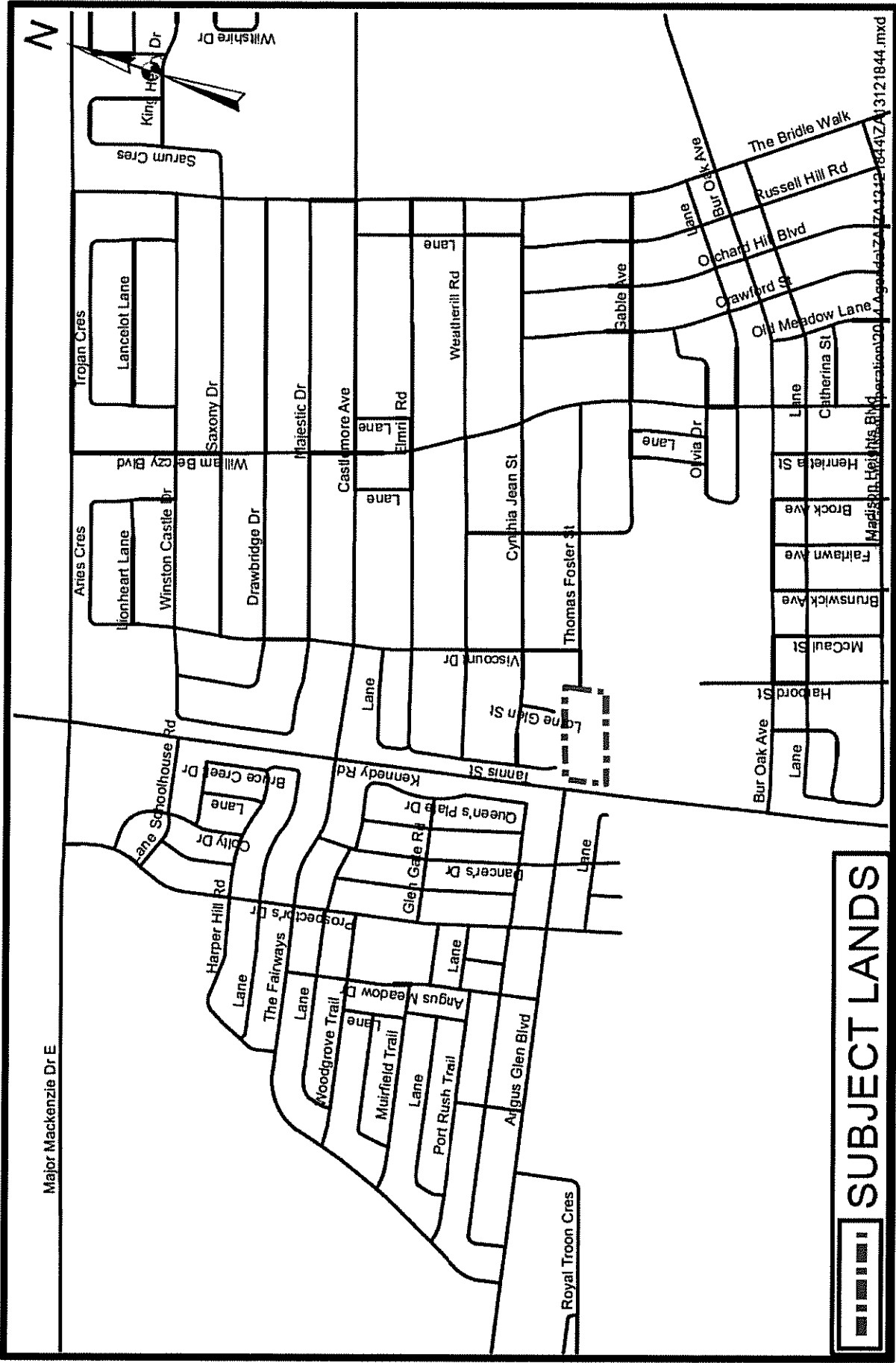
Figure 4: Temporary Cul-de-sacs and associated temporary  
easements (Tannis Street and Lorne Glen Street)

Figure 5: Conceptual Site Plan

Figure 6: Conceptual Elevations

**Owner/Agent:**

Johnny Tran  
JCY Development Company  
3928 Highway 7 East  
Markham, ON  
L3R 1L3






# AREA CONTEXT/ZONING

APPLICANT: JCY DEVELOPMENTS CORPORATION  
9721 KENNEDY ROAD

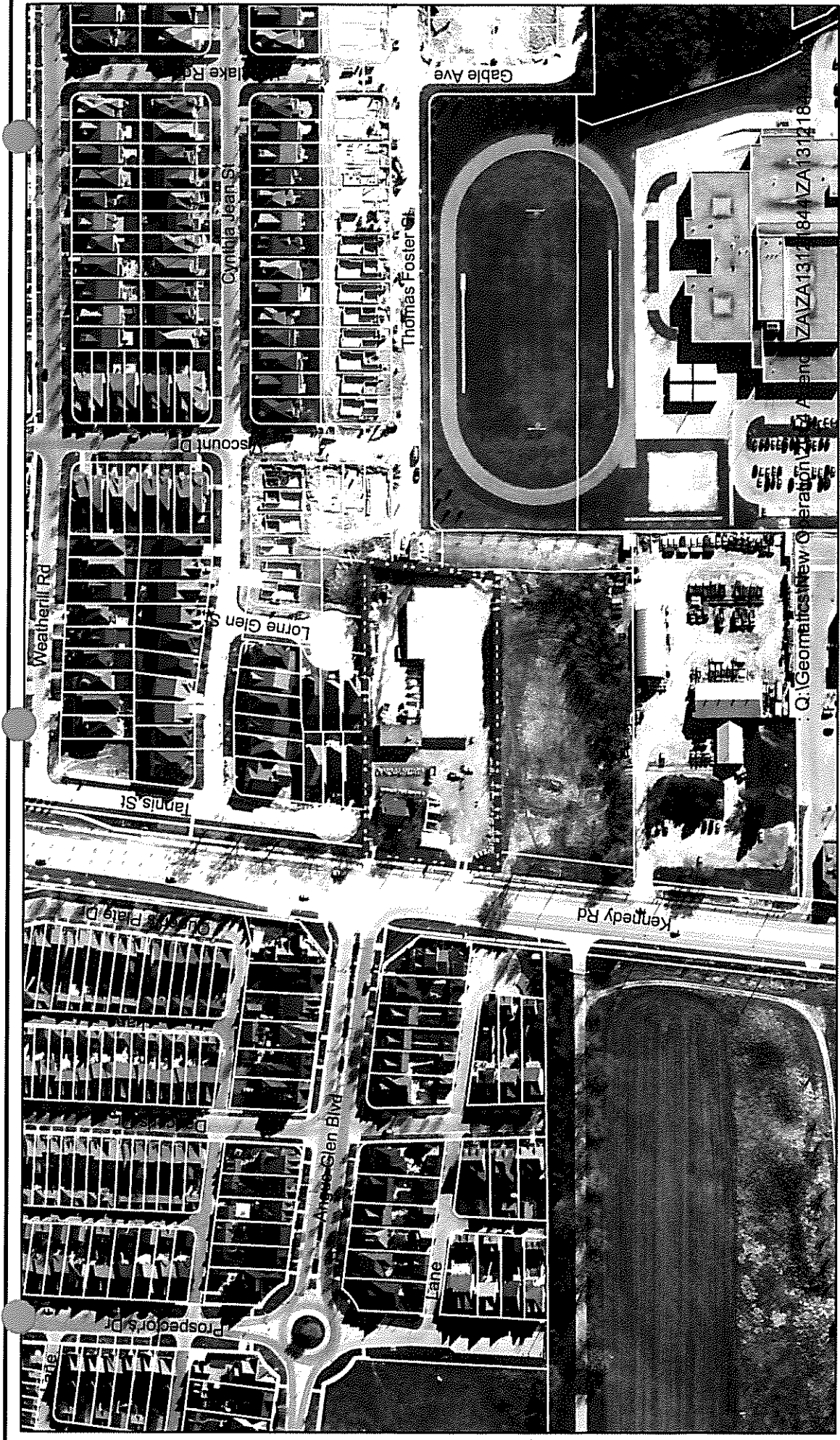
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 SUBJECT LANDS

DATE: 01/13/14

FIGURE No. 2




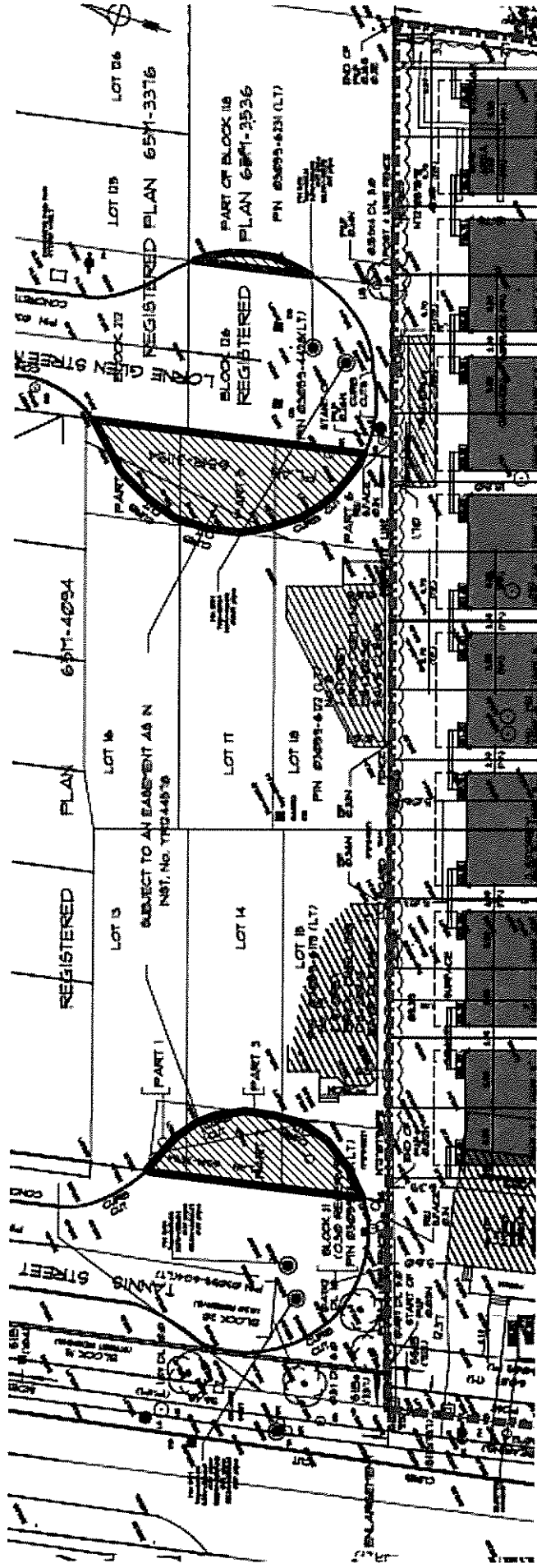


# AIR PHOTO 2012

APPLICANT: JCY DEVELOPMENTS CORPORATION  
9721 KENNEDY ROAD

FILE No: ZA13121844(GD)

 SUBJECT LANDS



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# TEMPORARY CUL-DE-SACS & ASSOCIATED TEMPORARY EASEMENTS

APPLICANT: JCY DEVELOPMENTS CORPORATION  
9721 KENNEDY ROAD

FILE No: ZA13121844(GD)

AREAS SUBJECT TO  
TEMPORARY EASEMENTS  
SUBJECT LANDS

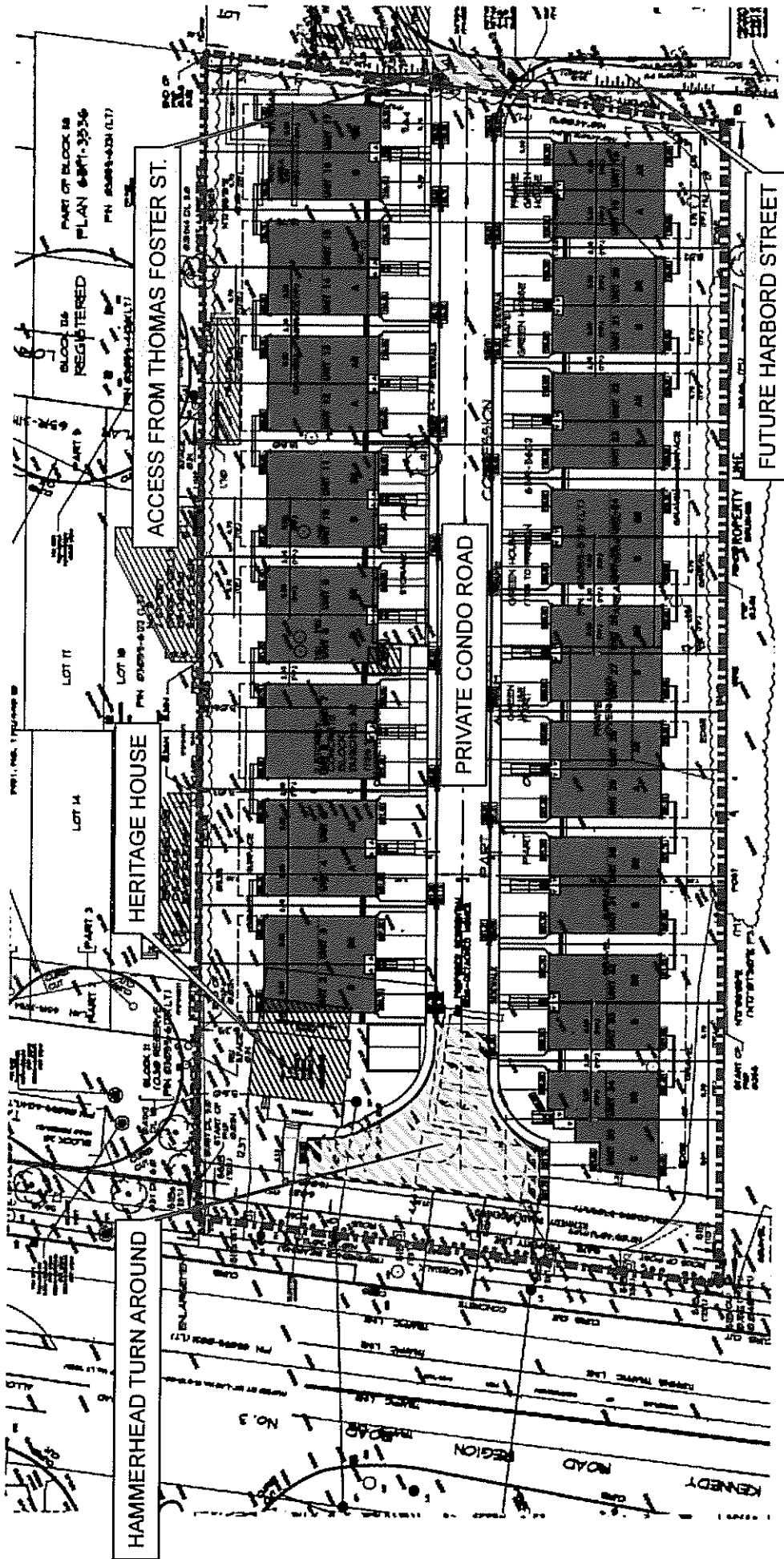
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FIGURE No. 4

MARKHAM DEVELOPMENT SERVICES COMMISSION

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Checked By: GD




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# CONCEPTUAL SITE PLAN

APPLICANT: JCY DEVELOPMENTS CORPORATION  
9721 KENNEDY ROAD

FILE No: ZA13121844(GD)

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

 SUBJECT LANDS

DATE: 01/16/14

FIGURE No. 5

Drawn By: DD

Checked By: GD





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## CONCEPTUAL ELEVATIONS

APPLICANT: JCY DEVELOPMENTS CORPORATION  
9721 KENNEDY ROAD

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