



Report to: Development Services Committee

Report Date: May 7, 2013

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**SUBJECT:** RECOMMENDATION REPORT  
Linvest Properties (Cornell) Limited, Application for Zoning  
By-law Amendment to permit stacked townhouse  
developments on three parcels of land and the rezoning of  
single and semi-detached residential lots  
South of Highway 7, east of Ninth Line  
Cornell Community  
File Numbers: ZA.11-115332 and SC.12-115332

**PREPARED BY:** Stephen Kitagawa, M.C.I.P. R.P.P., Senior Planner, East  
District, ext. 2531

**REVIEWED BY:** David Miller, MCIP, RPP, Manager, East District, ext. 4960

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**RECOMMENDATION:**

- 1) That the staff report dated May 7, 2013, entitled "Recommendation Report, Lindvest Properties (Cornell) Limited, Applications for Zoning By-law Amendment to permit stacked townhouse developments on three parcels of land and the rezoning of single and semi-detached lots, South side of Highway 7, east of 9<sup>th</sup> Line, Cornell Community, File Numbers: ZA.11-115332 and SC.12-115332" be received.
- 2) That the record of the Public Meeting held on June 19, 2012, with respect to the proposed amendment to the Zoning By-law, be received;
- 3) That the application submitted by Lindvest Properties (Cornell) Limited to amend the Zoning By-law be approved and the draft implementing Zoning By-law Amendment attached as Appendix 'B' be finalized and enacted;
- 4) That site plan endorsement and site plan approval be delegated to the Director of Planning and Urban Design or his designate, to be issued once the plan of subdivision 19TM-06012 has been registered and all site plan issues have been resolved to the satisfaction of the Director;
- 5) That, upon site plan approval, unrestricted servicing allocation for 250 (population 567.5) stacked townhouses and 1.5 single detached units (5.55 population ) and 1 semi-detached unit (3.02 population) be granted to Block 6, Lot 1, 2 and part lot 7 from the total allocation for the Cornell Secondary Plan, assigned in accordance with the January 11, 2011 staff report on servicing allocation;
- 6) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;

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- 7) That the Region of York be advised of the servicing allocation for this development;
  - 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The subject lands are comprised of 5 blocks and 1 part block, on Plan 19TM-06012, located on the south side of Highway 7 and east of Ninth Line. They have a total area of 3.43 ha (8.4 ac). The blocks are part of a draft approved, but not yet registered draft plan of subdivision.

The Cornell Secondary Plan was updated in 2008 to address a number of Provincial, Regional and Markham policy directions. The updated Secondary Plan provided for medium density housing such as the proposed stacked townhouses. Prior to the 2008 update, there were extensive public consultations, with a focus on maintaining the New Urbanist character of Cornell, including a mix of land use densities and a high standard of urban design.

The Secondary Plan designates the subject lands Residential Neighbourhood-Cornell Centre and Residential Neighbourhood. The Residential Neighbourhood-Cornell Centre designation applies to lands proposed for the stacked townhouses while the single and semi-detached lots proposed are designated Residential Neighbourhood. The single and semi-detached lots and part lot complies with the density and use provisions of the Residential Neighbourhood designation.

The applicant has submitted an application to rezone the lands to permit stacked townhouses on Blocks 3, 4 and 6 and single detached dwellings on lots 1 and part lot 7 and a semi-detached unit on lot 2. A site plan application has been submitted for a 250 unit stacked townhouse condominium style development on Block 6.

The townhouses propose a maximum of 3 storeys adjoining the low density residential lands to the south and adjoining 9<sup>th</sup> Line, increasing to 4 storeys to the north.

The maximum 3 storey requirement for the stacked townhouses, allows for transitioning to the low density communities to the south and east, across, 9<sup>th</sup> Line. Staff are proposing to reflect in the draft zoning by-law the maximum number of stories that is required in the Secondary Plan, as a maximum height in metres.

A statutory public meeting to consider the proposed zoning by-law amendment was held on June 19, 2012. The residents' concerns include:

- Loss of privacy from the 3 storey stacked townhouses' overview onto the existing adjacent 2 storey single detached houses and the compatibility of the proposal.
- The residents prefer low density housing (singles, semis or street townhouses).
- Traffic created by the new development and the current lack of direct road connections from the subdivision to 9<sup>th</sup> Line and Highway 7.
- Loss of visitor parking due to the removal of the temporary cul-de-sac (termination of Mary Terrance Court), at the southeast corner of Block 4.
- Impact on property values.
- Preservation of trees and the need for additional park space.
- Garbage collection
- Residents were informed by the builder, when they purchased their homes, that the subject lands will be developed as street townhouses.

Development Services Committee recommended that a working group be established by the area Councillor to further discuss and try to resolve the issues identified by the residents, at the Public Meeting. Working group meetings were held on August 28 and November 28, 2012.

In response to the comments at the Public Meeting and the working group meetings, the proponents have revised the plans as follows:

- The total number of units was reduced from 550.5 units (Block 3-80 units, Block 4-224 units, Block 6-244 units, 1.5 single detached units and 1 semi-detached unit) to 528.5 units (Block 3-78 units, Block 4-198, Block 6-250 and 1.5 single detached and 1 semi-detached unit)
- The orientation of the townhouses on Blocks 3, 4 and 6 was reviewed and revised plans prepared, to try and change the units from flanking to primarily facing onto the public street, having regard for the resident's request. However, due to site circulation constraints, the plans had to be further revised to the flanking condition shown on the attached drawings, to satisfy Transportation Engineering requirements.
- The internal driveways and the entrance/exit from the underground garages on each of the blocks have been revised to satisfy the Engineering Department requirements.
- The applicant has made space available at the termination of Maryterance Court for on-street parking.

Staff recommend that the zoning by-law be forwarded to Council once all of the issues have been resolved, and that site plan approval for Block 6 be delegated to staff.

**PURPOSE:**

The purpose of this report is to recommend approval of the zoning by-law amendment application to permit 528.5 stacked townhouses on three (3) blocks and 2.5 single detached lots on the south side of Highway 7, east of 9<sup>th</sup> Line.

**BACKGROUND:**

In 2006, applications for draft plan approval and Zoning By-law Amendment were submitted for lands that included the subject blocks. However, only a portion of the lands were zoned at that time, as there was insufficient servicing allocation. Consequently, the blocks that are part of this application were not rezoned. The subdivision application was draft approved on June 26, 2007 and extended on June 23, 2010 for one (1) year and extended on June 24, 2011 for an additional three (3) years. The draft plan of subdivision is not yet registered.

**Site location and area context**

The subject lands are comprised of 5 blocks and 1 part block (blocks 1, 2, 3, 4 and 6 and part block 7) on Plan 19TM-06012 located on the south side of Highway 7 and east of Ninth Line. (See Figure 1, 2 and 3). They have a total area of 3.43 ha (8.4 ac).

Surrounding uses are as follows:

- To the north of Block 6, on the south side of Highway No 7, are lands owned by the City of Markham and the Region of York. The Region of York lands are part of the Highway 7 Right-of-way and a portion of it may be used for public transit improvements. In April 2011, staff recommended the City owned block (former road allowance) which was declared surplus, be sold to Lindvest. In September 2011 Lindvest made a deputation to Development Services Committee showing two optional site plans (one incorporating the City owned block and one without). At Council, it was decided that the surplus lands would not be sold to the applicant. Council discussed that the lands be used as public open space.
- Further north, across Highway No. 7, are lands designated Avenue Seven Corridor – Mixed Residential in the Cornell Secondary Plan.
- Between Blocks 6 and 3 are lands, owned by Primont Homes, which are designated Residential Neighbourhood – Cornell Centre in the Cornell Secondary Plan.
- To the east of Block 4 are vacant lands which are designated as Open Space in the Cornell Secondary Plan.
- To the south is an existing residential subdivision comprising single detached and townhouse units.
- To the west are lands owned by the City of Markham, which form part of the Diamond Jubilee landscape feature adjacent to Ninth Line. To the west, across 9<sup>th</sup> Line, is an existing residential subdivision, comprising single detached dwellings.

There is no significant vegetation on Block 4 and 6. On Block 3 there are two mature trees adjacent to the south and east property lines, a bungalow which is to be demolished and a drainage swale and catch basin. A sales office is currently located within the westerly portion of Block 6. The remaining lands are currently vacant.

**Official Plan, Secondary Plan and zoning context**

The Cornell Secondary Plan was first approved in 1994 and updated in 2008 to address a number of significant new Provincial, Regional and Markham policy directions. In 2005, the Province initiated a set of provincial growth management initiatives which, together with revisions to the Planning Act and Provincial Policy Statement, provided a new provincial framework and policy context for municipalities to manage growth. The Provincial Policy Statement required sufficient land to be made available through intensification, and the Provincial Growth Plan for the Greater Golden Horseshoe emphasized intensification and redevelopment of existing urban areas to increase compact urban form and reduce the need for greenfield expansion. The Regional Official Plan addresses the Provincial policy by encouraging additional development within the existing urban areas of the Region, including the Highway 7 regional corridor. It was in this context that the change of land use from Low Density to Medium Density was provided for in the updated Cornell Secondary Plan.

Prior to the 2008 update of the Secondary Plan, the westerly portion of subject lands (Block 6) were designated Neighbourhood General, which provided for a range of lower density housing types, including singles, semis and street townhouses and the easterly portion, located west of Bur Oak Avenue was designated Community Amenity Area-Corridor which provides for medium density residential, office and institutional buildings. Some of the residents indicated that they had been told by the home builder, when they purchased their homes, that some of the subject lands would be developed for lower density street townhouses. The 1998 Cornell Secondary Plan would have allowed for these low density townhouses, but the 2008 updated Secondary Plan now provides for only medium density housing, such as the proposed stacked townhouses.

Beginning in April 2005, to inform the public of the changes/updates to the Cornell Secondary Plan, staff arranged an extensive public consultation process, with a focus on maintaining the New Urbanist character of Cornell, including a mix of land uses and densities and a high standard of urban design. The consultations included a number of open houses, workshops and statutory Public Meetings.

On March 7, 2006, the draft Secondary Plan, with the proposed density increases, was presented to Development Services Committee. The draft was also released for review and comment to the public, landowners and public agencies. Subsequent consultation events regarding the draft Secondary Plan included presentations to landowners, open houses and public meetings.

The updated Secondary Plan was adopted by Council in September 2008. The updated Cornell Secondary Plan designates the subject lands Residential Neighbourhood-Cornell Centre and Residential Neighbourhood. The Residential Neighbourhood-Cornell Centre

designation applies to lands proposed for the stacked townhouses and the single detached lots proposed are designated Residential Neighbourhood. The single detached lots and part lot complies with the density and use provisions of the Residential Neighbourhood designation.

The Residential Neighbourhood-Cornell Centre designation is intended to accommodate medium and high density residential development, supporting retail and employment uses and the planned regional transit service along Highway 7. This designation only allows apartments or multiple unit buildings, and requires a minimum Floor Space Index (FSI) of 1.0, and a maximum of 3 storeys adjoining the low density residential lands to the south and adjoining 9<sup>th</sup> Line. All other buildings must have a height ranging from 4 to 6 storeys.

The maximum 3 storey requirement for the stacked townhouses, allows for transitioning to the low density communities to the south and east, across, 9<sup>th</sup> Line. Staff are proposing to reflect in the draft zoning by-law the maximum number of stories that is required in the Secondary Plan, as a maximum height in metres.

The subject lands are currently zoned Agriculture One (A1) and Rural Residential One (RR1) by By-law 304-87, as amended. The subject lands must be rezoned to permit the proposed developments.

### **Proposed Development**

The applicant has submitted an application to rezone the lands to permit stacked townhouses on Blocks 3, 4 and 6, a single detached dwelling on lot 1, a single detached part lot on part lot 7. Lot 2 is a semi-detached lot that will be combined with the block to the south to complete the lot and allow for the construction of 2 semi-detached units. The applicant has indicated that the single detached part block 7 may be sold to the existing owner to the south or landscaped (Figures 5 and 6). A site plan application has been submitted for a 250 unit stacked townhouse condominium style development on Block 6. Preliminary concept plans have been submitted for Blocks 3 and 4 to permit similar developments on these lands. However, site plans applications have not yet been submitted for these blocks in part because they have no servicing allocation.

The proposal for Block 6 is 11 stacked townhouse buildings. These stacked townhouse buildings will have 5 to 8 modules, and each module has 4 dwelling units. The buildings are 3 to 4 stories and have 20 to 32 units (Figure 6). Each module is proposed to have two ground oriented through units (front to back) and two back to back units stacked above the ground floor units (Figure 11). All units will have direct access to the exterior.

The site plan for Block 6 cannot be approved until the plan of subdivision has been registered, to create the blocks, which are currently blocks on a draft plan of subdivision, and until all the site plan issues have been resolved. The applicant has requested that the site plan endorsement and approval be delegated to the Director of Planning and Urban Design or his designate. This request is reflected in the recommendation of this report. The zoning by-law will also include 'Holding' provisions. The conditions to remove the

holding provisions will include servicing requirements, as well as a requirement that the subdivision be registered.

The following land uses and zoning are proposed on the blocks/lots.

<b>TABLE 1</b>				
<b>Lot/Block</b>	<b>Proposed Land Use</b>	<b>Proposed Zoning</b>	<b>Area</b>	<b>Units</b>
Block 1	Single-detached	R2*241	0.028 ha (0.069 ac)	1
Block 2	Semi-detached	R2*241	0.044 ha (0.10 ac)	1
Block 3	Stacked townhouse	CA1	0.73 ha (1.8 ac)	78
Block 4	Stacked townhouse	CA1	1.16 ha (2.8 ac)	198
Block 6	Stacked townhouse	CA1	1.46 ha (3.6 ac)	250
Part Block 7	Single-detached	R2*241	0.017 ha (0.042 ac)	0.5
<b>TOTAL</b>			<b>3.43 ha/8.4 ac</b>	<b>528.5</b>

### **Design of the proposed development**

The proposed development is designed, in accordance with the policies of the Secondary Plan, to provide strong, well articulated 3 storey building edges facing Ninth Line and the existing residents to the south, and 4 storeys facing onto Highway 7 and the future open space lands.

Blocks 4 and 6 will each have a central internal east-west private driveway along which the buildings will be oriented. The buildings proposed are three and four storey stacked townhouses. The upper two storey units are proposed to have a back-to-back configuration. Consequently, both main building elevations will have the appearance and architectural styling of a front elevation. The ground oriented units will be through units (front to back) (See Figure 9).

Block 6 will have 379 below grade parking spaces (313 resident parking and 63 visitor parking). There are 3 above ground short term lay-by parking spots (i.e. pick up and drop off). This complies with the Secondary Plan, which restricts surface parking.

The proposal includes two single detached lots and one single detached part block that will complete the ends of the existing low rise streets that are perpendicular to the proposed development. (Blocks 1 and 2, and Part Block 7.)

### **OPTIONS/ DISCUSSION:**

#### **Servicing allocation**

The Cornell Developers Group has indicated that the Draft Plan of Subdivision for Lindvest Properties (Cornell) Ltd. has 250 units (567.5 population) of 2013 servicing allocation plus allocation for the 1.5 single detached units (population 5.55) and 1 semi-

detached unit (population 3.02), which is sufficient for Block 6 and the remaining single and semi-detached lots. The applicant has not submitted a site plan application for the remaining blocks (3 and 4). Conditions to remove the Holding provision for Blocks 3 and 4 will require confirmation that sufficient allocation is available.

**Public Meeting held in June 2012**

A statutory public meeting, to consider the proposed zoning by-law amendment was held on June 19, 2012. The residents at the meeting raised the following concerns:

- Loss of privacy due to the 3 storey stacked townhouses looking down onto the existing adjacent single detached 2 storey houses and the compatibility of the proposal.
- The residents prefer low density housing (singles, semis or street townhouses).
- Traffic created by the new development and the current lack of direct road connections from the subdivision to 9<sup>th</sup> Line and Highway 7.
- Loss of visitor parking due to the removal of the temporary cul-de-sac (termination of Maryterance Court), at the southeast corner of Block 4.
- Impact on property values.
- Preservation of trees and the need for additional park space.
- Garbage collection.
- Residents were informed by the builder, when they purchased their homes, that the subject lands will be developed as street townhouses.

At the Public Meeting, Development Services Committee recommended that a working group be established by the area Councillor to further discuss and try to resolve the issues identified by the residents.

**Working Group Meetings held on August 28, 2012 and November 28, 2012**

The working group meetings were arranged by the area Councillor and included area residents, representatives of the Cornell Ratepayers association, the applicant and City staff. Two working group meetings were held. The first on August 28, 2012, and the second on November 28, 2012.

Following the working group meetings, the applicant submitted a revised plan in an attempt to address the residents' concerns. The majority of the concerns raised by the residents are with regards to Block 4 (the most easterly block, north of Maryterance Court), although concerns relating to all three blocks with respect to traffic, parkland, waste management and built form were also discussed.

In response to the comments at the Public Meeting and the working group meetings, the proponents revised the plans as follows:

- The total number of units was reduced from 550.5 units (Block 3-80 units, Block 4-224 units, Block 6-244 units, 1.5 single detached units and 1



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semi-detached unit) to 528.5 units (Block 3-78 units, Block 4-198, Block 6-250, 1.5 single detached and 1 semi-detached unit).

- The orientation of the townhouses on Blocks 3, 4 and 6 was reviewed and revised plans prepared to try and change the units from flanking to primarily facing onto the public street, having regard for the resident's request. However, due to site circulation constraints, the plans had to be further revised to the flanking condition shown on the attached drawings, to satisfy Transportation Engineering requirements.
- The internal driveways and the entrance/exit from the underground garages on each of the blocks have been revised to satisfy the Engineering Department requirements.
- The applicant has made space available at the termination of Maryterance Court for on-street parking (Figure 5).

**Building layout and compatibility with the community to the south**

Following the first working group meeting, the residents indicated that they preferred the townhouse blocks on Block 4 flanking the existing community to the south, so that the proposed balconies were not overlooking the existing houses. At the second working group meeting the applicant presented a revised plan showing the building blocks flanking the dwellings to the south to address the resident's request. The residents discussed the concept and concluded that they preferred the original plan showing the townhouse blocks facing on Maryterance Court, but asked if the balconies could be eliminated. The plan was revised to reflect the facing condition request, but the applicant indicated that the balconies were necessary in order to market the units and to provide some amenity space for each unit.

Since the working group meeting, the plans have been revised again with the buildings flanking the existing houses to the south. This change was necessary to comply with comments from Transportation Engineering regarding the location of the access driveway opposite Gribilaston Lane. The applicant has agreed to provide upgraded building elevations facing the existing community.

The detached lots and the 3 storey stacked townhouses are intended to provide a transition from the existing neighbourhood to higher density along Highway 7. The applicant has agreed to work closely with Urban Design staff to ensure that their product will be compatible with the houses to the south, and the built form will resemble street townhouses.

As explained in the Secondary Plan compliance section of this report, the Secondary Plan does not permit low density residential on the lands designated Residential Neighbourhood – Cornell Centre. This provides for multiple unit and apartment building at this location along the Highway 7 regional corridor.

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**Maryterance Court connecting to Gribilaston Lane, concern regarding loss of visitor parking**

Maryterance Court presently terminates in a temporary cul-de-sac, that is partly located on private property (Block 4, Figure 4). The intent has always been to remove the cul-de-sac from the developable land (Block 4). The residents indicated that they presently use the temporary cul-de-sac for visitor parking, especially those residents whose houses front onto the Grand Cornell Park. These houses do not front onto a public street, and have no visitor parking at the front of the house. In response to this concern, the applicant revised the plan to provide an area at the end of Maryterance Court that can be used for either snow storage or three visitor parking spaces (Figure 5). The Engineering Department is also reviewing the resident's request for additional visitor parking on Stoney Stanton Road, just north of Kenilworth Gate.

The City's Operations Department has agreed to Maryterance Court terminating at Gribilaston Lane. The Operations Department does not typically agree to this condition, as there is an operational inefficiency with this street and lane configuration because different types of equipment are used to clear snow from roads and lanes. However, since there are several other similar situations of streets terminating in a lane in the Grand Cornell community (located directly south of the subject lands), Operations has indicated that the Maryterance Court/Gribilaston Lane intersection configuration is acceptable (Figure 5).

**North/south internal roadway of Block 4 to remain open**

The residents also requested that the north/south internal roadway of Block 4, onto Maryterance Court, opposite Gribilaston Lane be chained for use by emergency vehicles only. The residents have requested this so traffic is directed to Stoney Stanton Road, rather than onto Maryterance Court. However, the Transportation Division indicates that overall traffic site circulation is improved with the access to Maryterance Court remaining open. The Waste Management Department may also require that access be open to allow for proper turning movements of their vehicles opposite Gribilaston Lane. It can be extremely dangerous for garbage trucks to have to reverse, especially in residential areas. It is expected that the majority of traffic will enter and exit this site from Stoney Stanton Road, since the underground garage entrance/exit ramp is oriented towards Stoney Stanton Road. Generally, the only vehicles likely to use the Maryterance Court entrance, other than Emergency Services and Waste Management vehicles, are cars using the 3 above ground visitor parking spots on the west side of the driveway.

**Underground garage access for Block 4**

The ramp to the underground garage for Block 4 was originally oriented so that traffic would most likely exit and enter from the easterly Maryterance Court access. The residents expressed a concern with this. Consequently, the applicant revised the site plan to re-orient the ramp so that traffic is directed to the Stoney Stanton Road, thereby minimizing the amount of traffic on Maryterance Court.

The residents also raised concerns with respect to car horns honking when entering and exiting the underground garage. The applicant has indicated that at the site plan approval

stage, they will investigate designing the garage to minimize cars honking their horns prior to entering or exiting the garage.

**Signalization not warranted for Highway 7/Stoney Stanton Road intersection**

The residents expressed a concern at the lack of signalized traffic intersections from the community. There are only two roads to access the community, Kenilworth Gate at 9<sup>th</sup> Line, which is a signalized intersection, and Stoney Stanton Road at Highway 7 which is restricted to right-in/right-out moves, and is protected by a centre median on Highway 7.

The Region's Environmental Assessment for public transit improvements has identified Stoney Stanton Road and Highway 7 as a future signalized access. However, the Region of York has indicated that signalization of the Highway 7/Stoney Stanton Road is not warranted at this time. The Region will only consider signalizing intersections when they are warranted or are close to being warranted. After future developments in the area proceed, the Highway 7/Stoney Stanton Road intersection will be re-assessed to determine the type of turning movements that will be allowed or whether signalization should be implemented. The Region's VIVA-Highway 7 Transitway is proposed to be an at grade bus rapid transit facility, located in the centre median area of Highway 7. Consequently, other accesses to Highway 7, in this area, will be restricted to right-in/right-out turning movements only.

At the working group meetings, the area Councillor indicated that he intended to contact the Regional Councillors, with respect to advancing the installation of traffic lights at Stoney Stanton Road and Highway 7. Transportation Engineering staff have also contacted the Region to inquire on the possible signalization of this intersection. If signalization was not possible at this time, he would investigate with the Region, the possibility of removing a portion of the median to allow for full moves from Stoney Stanton Road onto Highway 7.

Transportation Engineering staff have reviewed and commented on the Traffic Impact Study, prepared by Poulos and Chung, and the applicant has revised the site plans based on these comments. Transportation staff have indicated that they are generally satisfied with the proposed site plans. However, the traffic study needs to be updated to deal with the Transportation Division comments, and to reflect the changes to the site plans. Planning Department staff will not forward the zoning By-law to Council until updates to the traffic study have been submitted and reviewed to the satisfaction of the Director of Engineering.

**Tot lot, parkland and tree preservation**

The applicant has agreed to reduce the number of units (approximately 4 units) on Block 6 in order to provide a centrally located tot lot that would be approximately 200 m<sup>2</sup> (2,152.8 ft<sup>2</sup>). The applicant indicated that a tot lot will not be provided on Block 3 because it is too small and a tot lot will not be provided on Block 4 because there is a park block adjacent to the east. The applicant is, however, providing a landscaped amenity area located on the southern boundary of Block 4, adjacent to Maryterance. The amenity space is 245 m<sup>2</sup> (2,637.2 ft<sup>2</sup>). The amenity space will provide significant

coniferous/deciduous trees and hedging to screen the ramp to the underground garage. The landscaped amenity space will soften the end flankage of the townhouse Block F and also provide a seating area/amenity space for residents.

Through the subdivision application process, parkland is to be dedicated in accordance with the Cornell Master Parks Agreement which included the conveyance of Block 5 (2.9 ha/7.1 ac park block adjacent to Block 4). The Secondary Plan envisioned this density and parkland requirements in the Cornell Master Parks Agreement were based on this projected density.

As noted in the background section of this report, there are a couple of mature trees located on the south and east property lines of Block 3. These trees could not be preserved because of the underground parking lot. Through the subdivision process, staff requires a tree inventory and the City would seek either replacement or compensation for any trees that cannot be preserved. There is no other significant vegetation on the remaining blocks.

#### **Waste Management collection**

The applicant and staff visited 318-326 John Street (John Street, east of Bayview Avenue) to examine a successful waste management system for a similar development (stacked townhouses) to the applicant's proposal. This system has a number of garbage shoots outside at ground level that connect to waste recycling rooms located in the underground garage. Each shoot and room will serve approximately 60 units and will be set up to accept garbage, recycling and organics. On pick up day, the bins will be moved up from the underground by the property management company to a common collection area. The applicant has agreed to implement a similar collection system and is working with Staff. At the time of site plan approval, staff will ensure that this system is implemented and shown on the site plans.

#### **Secondary Plan Compliance**

The density proposed for Block 3 is 1 FSI and 1.6 FSI for each of Blocks 4 and 6. These densities comply with the minimum FSI of 1.0 in the Secondary Plan. The zoning by-law will implement the Secondary Plan policies with regards to the maximum number of storeys by including provisions regarding maximum height, as outlined below.

<b>TABLE 2 – SECONDARY PLAN COMPLIANCE</b>				
	<b>GFA</b>	<b>Lot Area</b>	<b>FSI</b>	<b>Stories</b>
Block 3	7338.20 m <sup>2</sup> (78,990.3 ft <sup>2</sup> )	0.73 ha (1.8 ac)	1	3 to 4
Block 4	18,676 m <sup>2</sup> (201,033 ft <sup>2</sup> )	1.16 ha (2.8 ac)	1.6	3 to 4
Block 6	24,444.96 m <sup>2</sup> (263,131.96 ft <sup>2</sup> )	1.46 ha (3.6 ac)	1.6	3 to 4

#### **Snow storage**

The applicant has identified areas of 175.20 m<sup>2</sup> (1,885.8 ft<sup>2</sup>) for on-site snow storage for Block 3, 221.35 m<sup>2</sup> (2,382 ft<sup>2</sup>) on Block 4 and 140.38 m<sup>2</sup> (1,511 ft<sup>2</sup>) on Block 6. The

snow storage locations are distributed throughout each of the sites (Figures 7 and 8). The Fire Department is concerned with snow clearing, given that snow accumulation may impact the emergency access routes and response times. The applicant will be required to satisfy the Fire Department in this regard prior to site plan approval. Through the site plan approval process and in accordance with the landscape plan, the snow storage areas will be appropriately landscaped with non-winter landscaping.

**Draft zoning by-law**

York Region Transportation Department has requested that all setbacks be referenced 24.5 metres from the centerline of Highway 7, and 22.5 metres from the centerline of Ninth Line. Amongst other requirements, such as Floor Space Indexes, setbacks and minimum and maximum heights, these minimum centerline setbacks will be reflected in the zoning by-law.

**The Cornell Centre Precinct Plan**

The Cornell Centre Precinct Plan was initiated by the Town of Markham in spring 2011. The purpose of the study is to provide greater planning and design direction for the growth and evolution of Cornell Centre. The project is intended to confirm and refine the directions of the Secondary Plan and align recent development proposals. In addition, detailed design guidelines will be produced to ensure a high quality built form and public realm and the approach to building heights and densities will be confirmed.

With the completion of the Cornell Secondary Plan in 2008, many of Cornell Centre's landowners have begun to explore new development opportunities. Many of the concepts and ideas proposed by the landowners are consistent with the Secondary Plan and will be brought forward in the Precinct Plan. However, some changes may occur as the Precinct Plan is finalized in order to ensure the Secondary Plan's planning principles are upheld and the objectives for this planning process are met.

The proposed stacked townhouse units proposed by Lindvest Properties (Cornell) Ltd. do not appear to contradict the Precinct Plan, and are provided for in the Cornell Secondary Plan.

**Master Environmental Servicing Plan**

The TRCA has provided a clearance on the Master Environmental Servicing Plan to the applicant with respect to, in part, the drainage of the proposed blocks.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

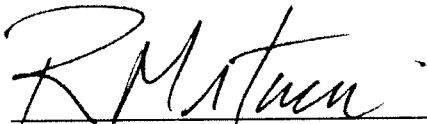
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed development has been evaluated in the context of growth management, environment, transportation and strategic priorities of Council.

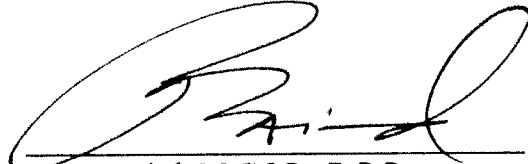
**BUSINESS UNITS CONSULTED AND AFFECTED:**

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

**RECOMMENDED BY:**



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



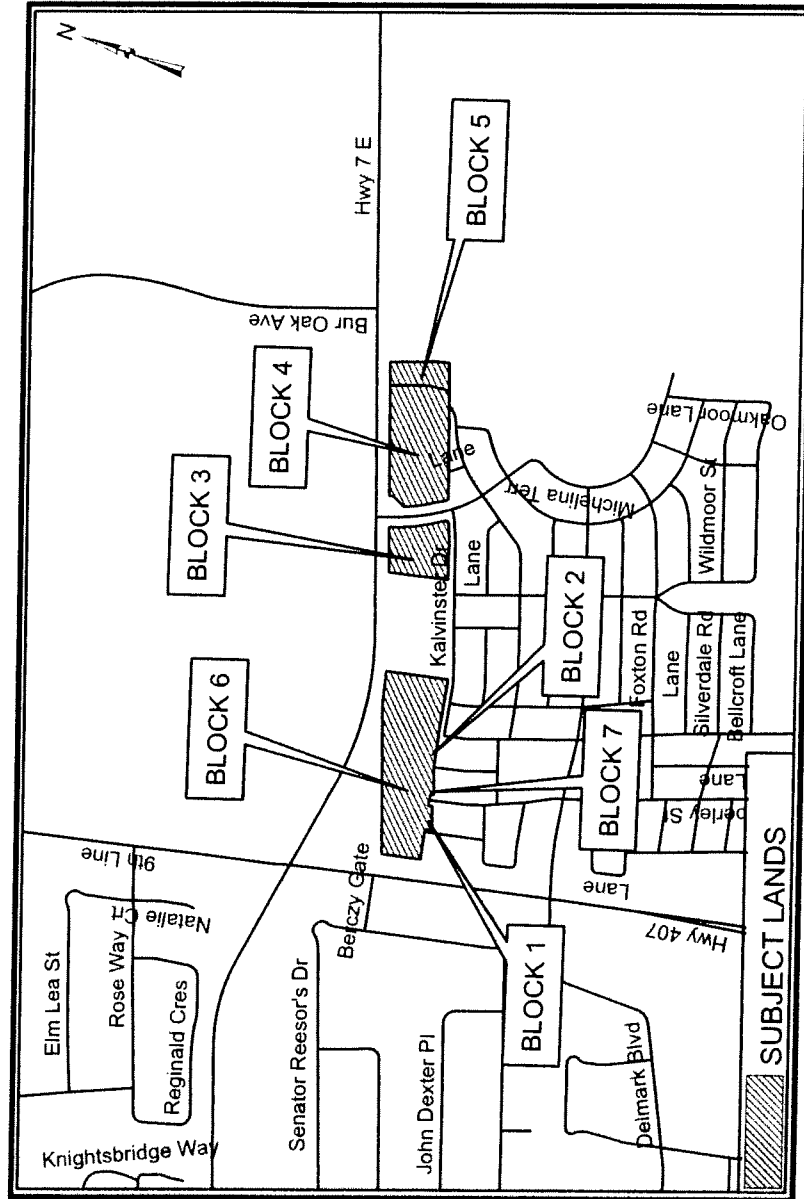
James Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Arial Photo
- Figure 4: Draft 65M-plan
- Figure 5: Concept Plan (Blocks 3 and 4)
- Figure 6: Site Plan (Block 6)
- Figure 7: Site plan – (Blocks 3 and 4 Snow Storage)
- Figure 8: Site Plan – (Block 6 Snow Storage)
- Figure 9: Typical Stacked Townhouse Building Elevations
- Figure 10: Typical Stacked Townhouse Building Elevations
- Figure 11: Cross Section

Appendix A – Draft Zoning By-law

Owner: Lindvest Properties (Cornell) Ltd.  
Attn: Richard Hahn  
3625 Dufferin Street  
Unit 500  
Downsview, ON  
M3K 1N4  
Ph: (416) 635-7520  
Email: [Rhahn@lindvest.com](mailto:Rhahn@lindvest.com)



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# AIR PHOTO MAP

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

 SUBJECT LANDS

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SK

DATE: 04/04/2013

FIGURE No. 3

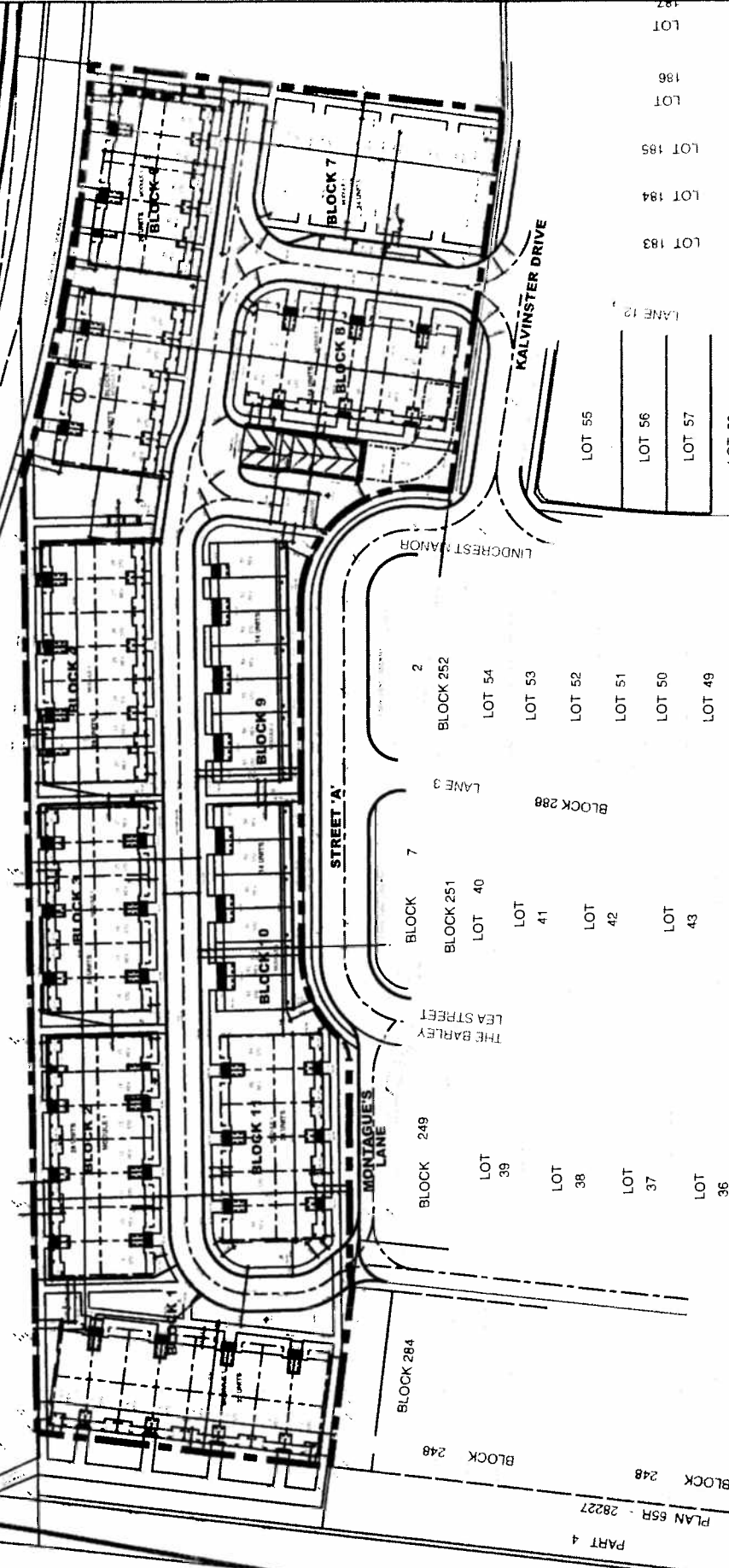




9TH LINE (REGIONAL ROAD No.69)

HWY #7

EXISTING LOT LINES AND  
STREET LINES TO BE MAINTAINED  
AND PRESERVED



# SITE PLAN (BLOCK 6)

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

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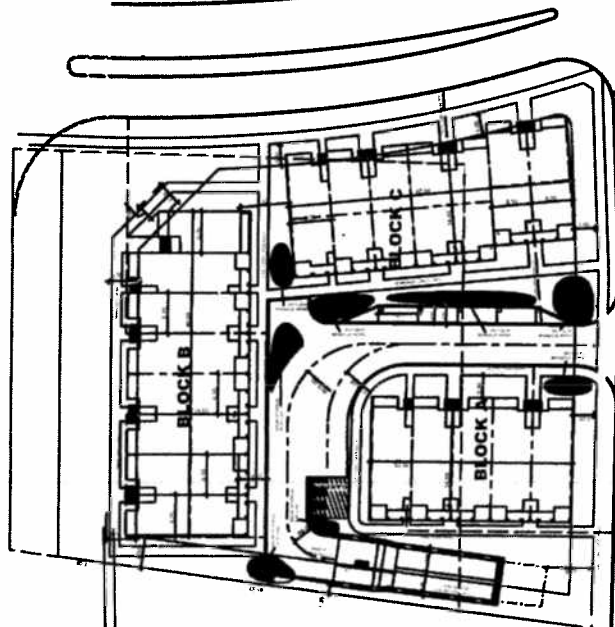
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Checked By: SK

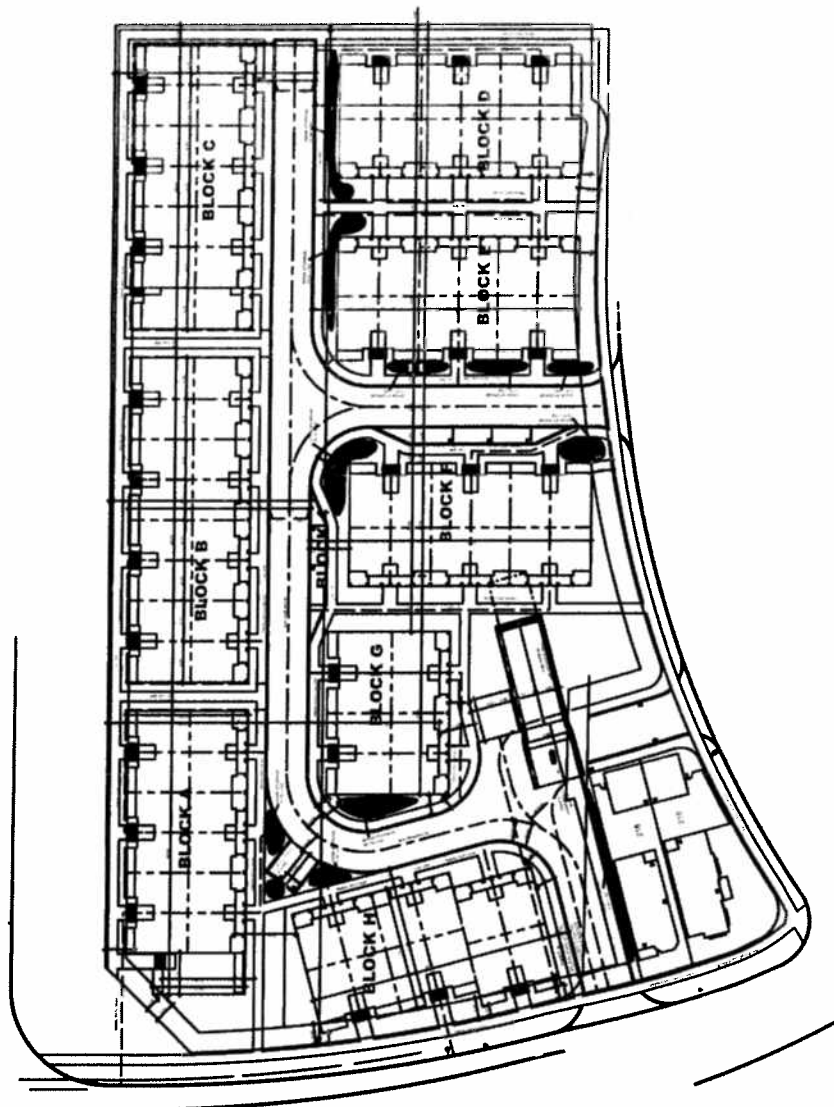
DATE: 04/04/2013

FIGURE No. 6

HIGHWAY 7



KALVINSTER DRIVE



# SITE PLAN (BLOCKS, 3&4 - SNOW STORAGE)

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

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DEVELOPMENT SERVICES COMMISSION

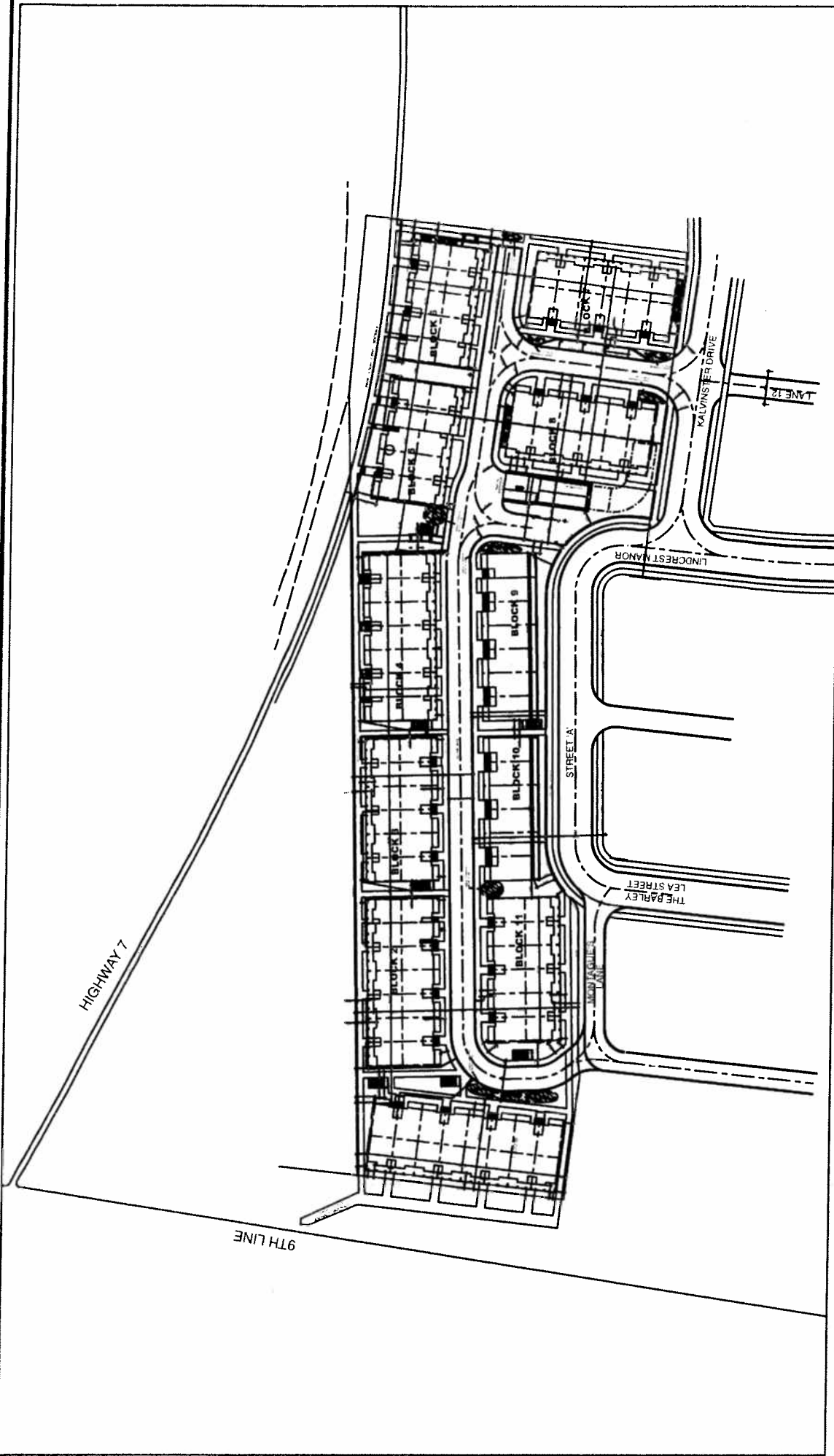
SNOW STORAGE

DATE: 04/04/2013

FIGURE No. 7

Drawn By: CPW

Checked By: SK



# SITE PLAN (BLOCK 6 SNOW STORAGE)

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

SNOW STORAGE

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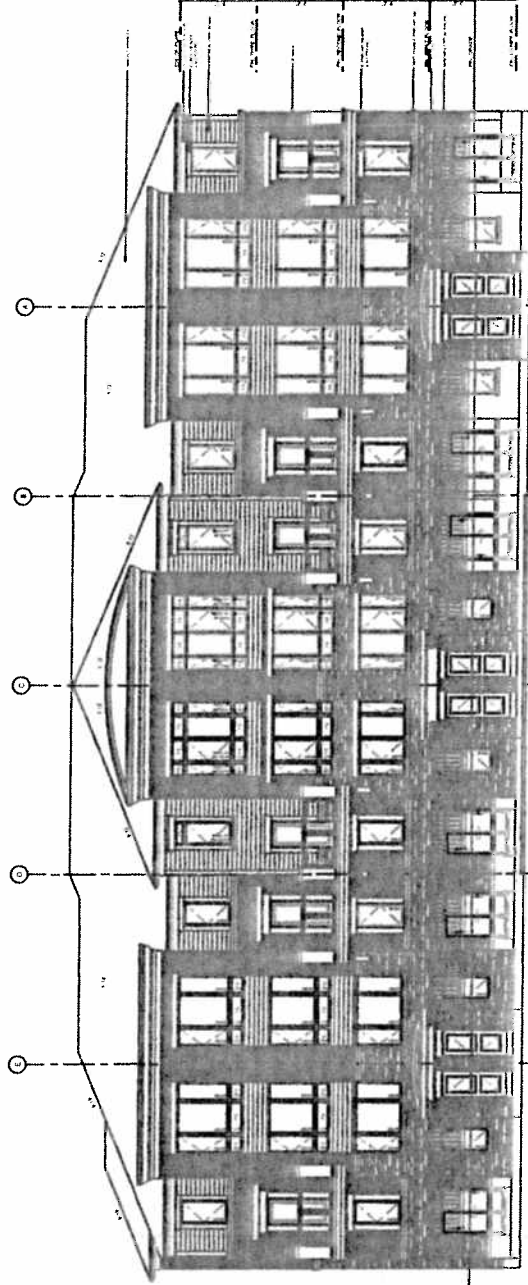
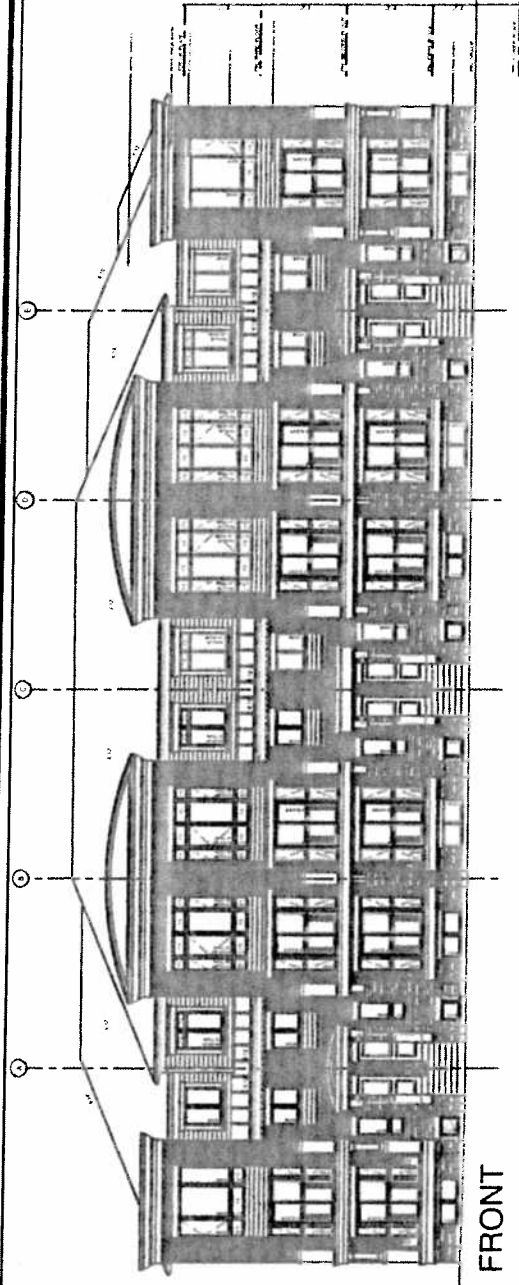
Drawn By: CPW

Checked By: SK

DATE: 04/04/2013

FIGURE No. 8





# ELEVATIONS

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

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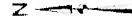
**MARKHAM** DEVELOPMENT SERVICES COMMISSION

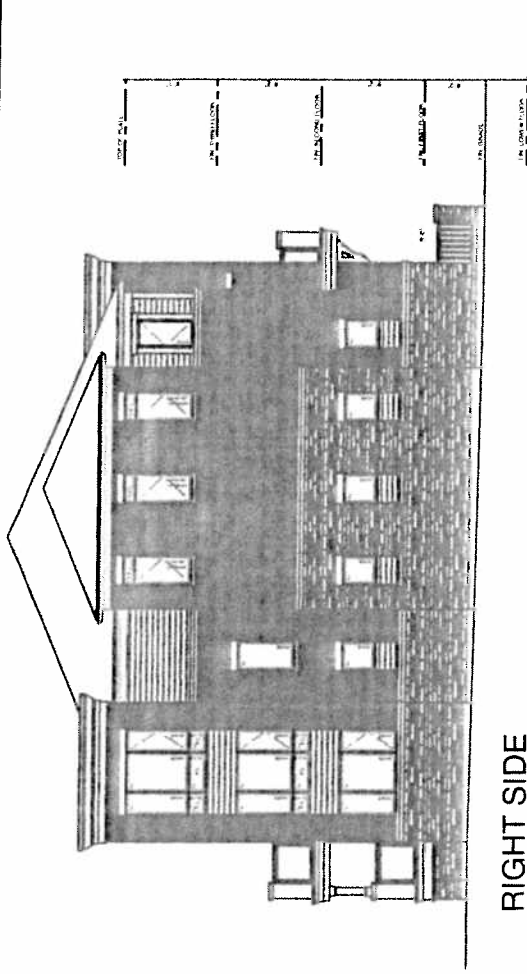
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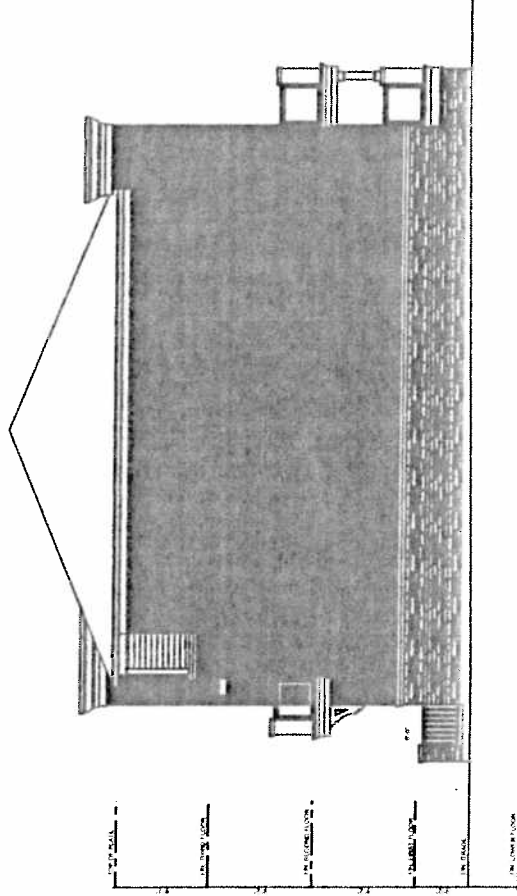
DATE: 04/04/2013

FIGURE No. 9





RIGHT SIDE



LEFT SIDE

# ELEVATIONS

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

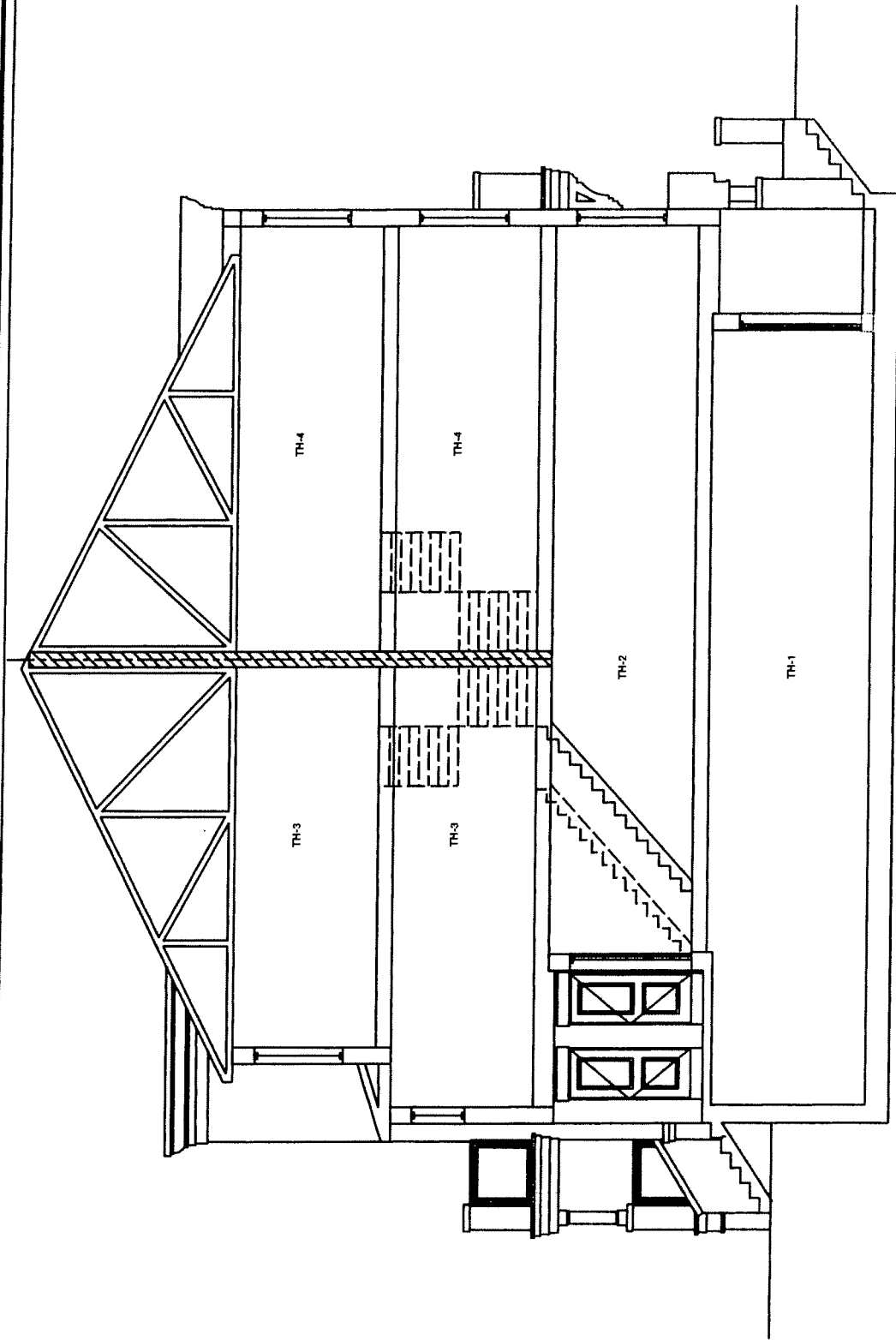
Drawn By: CPW

Checked By: SK

DATE: 04/04/2013

FIGURE No. 10





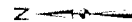
TYPICAL CROSS SECTION

# CROSS SECTION

APPLICANT: LINDVEST PROPERTIES (CORNELL) LTD.  
SOUTH EAST HIGHWAY 7 & 9th LINE

FILE No. ZA. 11115332 (SK)

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**EXPLANATORY NOTE**

**BY-LAW 2013-XXX**

**A By-law to amend By-laws 304-87, as amended**

**Lindvest Properties (Cornell) Limited**

**South side of Highway 7 East, east of 9<sup>th</sup> Line.**

**Cornell Community**

**Lands Affected**

The proposed by-law amendment applies to 3 blocks, 2 lots and 1 part lot comprising approximately 3.43 ha (8.4 ac), located on the south side of Highway 7, east of 9<sup>th</sup> Line.

**Existing Zoning**

The lands are currently zoned Agriculture One (A1) and Rural Residential One (RR1) by By-law 304-87, as amended.

**Purpose and Effect**

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so they may be incorporated into By-law 177-96, as amended, to permit 3 blocks of stacked townhouses and 2 single detached lots.



## BY-LAW 2013-XX

A By-law to amend 304-87

---

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

- 1.0 By-law 304-87, as amended, be and the same is hereby further amended as follows:
  - 1.1 By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
  - 1.2 This by-law shall not come into effect until By-law 2013-XXX, amending By-law 177-96, as amended, comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-Law 177-96, as amended.
  - 1.3 All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
\*\* DAY OF \*\*\*, 20\*\*.

\_\_\_\_\_  
KIMBERLEY KITTERINGHAM  
CITY CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



## **EXPLANATORY NOTE**

### **BY-LAW 2013-XXX**

**A By-law to amend By-law 177-96, as amended**

**Linvest Properties (Cornell) Limited**

**Linvest Properties (Cornell) Limited  
South side of Highway 7 East, east of 9<sup>th</sup> Line.  
Cornell Community**

### **Lands Affected**

The proposed by-law amendment applies to 3 blocks, 2 lots and 1 part lot comprising approximately 3.43 ha (8.4 ac), located on the south side of Highway 7, east of 9<sup>th</sup> Line.

### **Existing Zoning**

The lands are currently zoned Agriculture One (A1) and Rural Residential One (RR1) by By-law 304-87, as amended.

### **Purpose and Effect**

The purpose and effect of this by-law is to incorporate the lands into the designated area of By-law 177-96, as amended, and zone them to permit 3 blocks of stacked townhouses and 2 single detached lots. Holding provisions (H) have been included to prevent development until site plan approval is obtained and available servicing allocation is confirmed by the Region of York and the City of Markham.

The effect of the by-law amendment will be to permit the lands to be developed for residential purposes once the Holding provisions are removed.



## BY-LAW 2013-XX

A By-law to amend 177-96

---

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1.0 By-law 177-96, as amended, be and the same is hereby further amended as follows:

1.1 By expanding the designated area of By-law 177-96 to include the lands located in Concession 9, Part of Lot 10, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Community Amenity One\*493 (Holding) [CA1\*493(H)]  
Community Amenity One\*494 (Holding 1) [CA1\*494 (H1)]  
Community Amenity One\*495 (Holding 1) [CA1\*494 (H1)]  
Residential Two\*241 [R2\*241]

1.3 By adding the following new subsection to Section 7 – EXCEPTIONS to by-law 177-96:

7.493 Cornell Centre – Lands south of Highway 7 and east of Ninth Line

Notwithstanding any other provision of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*493 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.493.1 Additional Permitted Uses

The following additional use is permitted:

a) *Stacked townhouses*

7.493.2 Zone Standards

- a) North *Front Yard Setback* – 3 metres
- b) South *Rear Yard Setback* – 3 metres
- c) West *Side Yard Setback* - 3 metres
- d) East *Side Yard Setback*-3 metres
- e) *Height*
  - (i) Within 12 metres of the north and east lot line the height shall be a minimum of 14.4 metres and a maximum of 21.6 metres.
  - (ii) Within 10 metres of the south lot line, the height shall be a maximum of 11 metres.
  - (iii) Within 12 metres of the west lot line, the height shall be a maximum of 11 metres.

7.493.3 Special Provisions

The following additional provisions apply:

- a) *Floor Space Index – 1.0*

7.494 Cornell Centre – Lands south of Highway 7 and east of Ninth Line

Notwithstanding any other provision of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*494 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.494.1 Additional Permitted Uses

The following additional use is permitted:

- b) *Stacked townhouses*

7.494.2 Zone Standards

- a) *North Front Yard Setback - 3 metres*
- b) *South Rear Yard Setback - 3 metres*
- c) *West Side Yard Setback - 3 metres*
- d) *East Side Yard Setback – 3 metres*
- d) *Height*
  - i) Within 10 metres of the north and east lot line, the height shall be a minimum of 14.4 metres and a maximum of 21.6 metres.
  - (ii) Within 10 metres of the south lot line, the height shall be a maximum of 11 metres.
  - (iii) Within 23 metres of the west lot line, the height shall be a minimum of 14.4 metres and a maximum of 21.6 metres.

7.494.3 Special Provisions

The following additional provisions apply:

- b) *Floor Space Index – 1.0*

7.495 Cornell Centre – Lands south of Highway 7 and east of Ninth Line

Notwithstanding any other provision of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*495 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.495.1 Additional Permitted Uses

The following additional use is permitted:

- c) *Stacked townhouses*

7.495.2 Zone Standards

- b) *Front Yard Setback* - 3 metres
- b) *Rear Yard Setback* - 3 metres
- c) *Side Yard Setback* - 3 metres
- d) *Height*
  - i) Within 12 metres of the north and west lot line, the height shall be a minimum of 14.4 metres and a maximum of 21.6 metres.
  - (ii) Within 10 metres of the south and east lot line, the height shall be a maximum of 11 metres.

7.495.3 Special Provisions

The following additional provisions apply:

- a) *Floor Space Index* – 1.0

1.4 HOLDING PROVISIONS

For the purposes of this By-law, Holding (H) zones are hereby established and are identified on Schedule 'A' attached hereto by the zone symbol followed by the letter (H) or (H1) in parentheses.

No person shall hereafter erect or alter any building or structure on lands subject to Holding (H) provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters '(H)' or '(H1)' have come into effect pursuant to the provisions of Section 36 of the Planning Act.

- 1.4.1 The Holding (H) provision shall not be removed until the following condition has been met to the satisfaction of the City of Markham:

- a) Execution of a site plan agreement.

- 1.4.2 The Holding (H1) provision shall not be removed until the following conditions have been met to the satisfaction of the City of Markham:

- a) Execution of a site plan agreement.
- b) York Region has advised in writing that final plan registration can proceed.
- c) The Council of the City of Markham has allocated adequate available servicing capacity to the lands; and,
- d) The Trustee for the Cornell Developers Group Cost Sharing Agreement has assigned conditional servicing allocation to the Owner.

- 2.0 All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
\*\* DAY OF \*\*\*, 20\*\*.

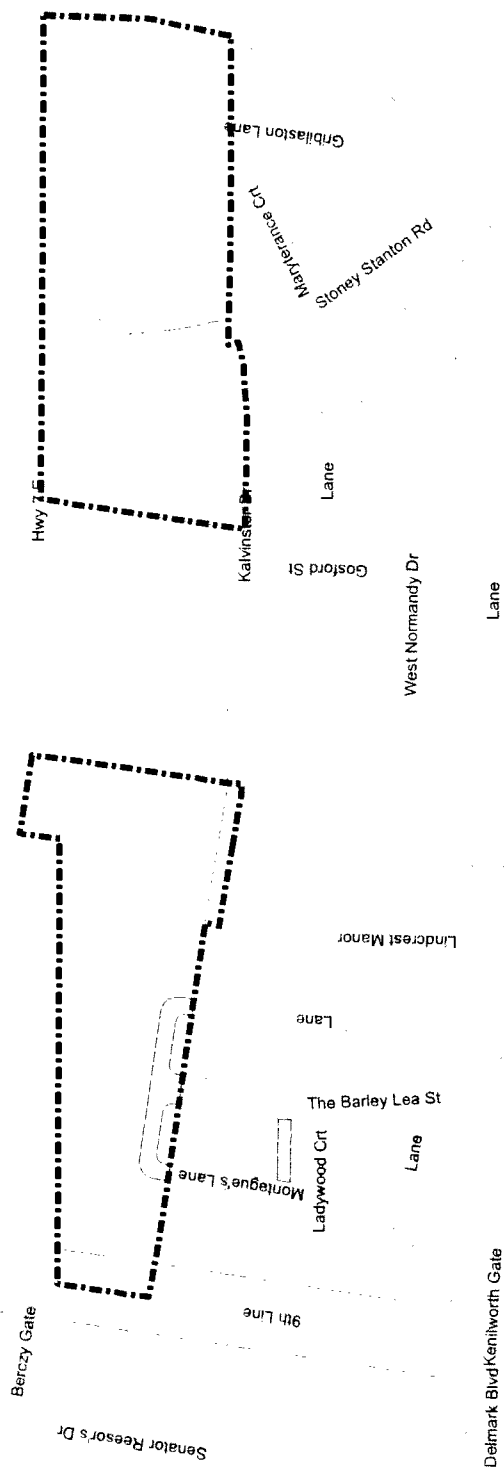
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KIMBERLEY KITTERINGHAM  
CITY CLERK

---

FRANK SCARPITTI  
MAYOR





## BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 304-87

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

BY-LAW AMENDMENT No.

PASSED.

(MAYOR).

(CLERK)

IVARKHAM

DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SK

DATE: 05/01/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

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FROM A1 (B/L 304-81)  
TO CA1\*493 (H)

FROM RR1 (B/L 304-81)  
TO CA1\*494 (H)

FROM A1 (B/L 304-81)  
TO CA1\*495 (H)

FROM A1 (B/L 304-87)  
TO R2\*241

Berczy Gate

Senator Reesor's Dr

9th Line

Montague's Lane

Ladywood Crt

St Johnathan's Lane

Underest Manor

Lane

Lane

Lane

Kalvin's Dr

Gosford St

Lane

Clonny Street

West Norwood Dr

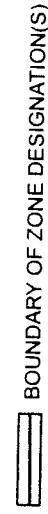
Grbliston Lane

Lane

## BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



BOUNDARY OF ZONE DESIGNATION(S)

☐ A1 AGRICULTURE ONE

☐ RR1 RURAL RESIDENTIAL ONE

☐ CA1

☐ R2

COMMUNITY AMENITY ONE

RESIDENTIAL TWO

\*No. EXCEPTION SECTION NUMBER

(H) HOLDING PROVISION

BY-LAW AMENDMENT No. PASSED

(MAYOR)

(CLERK)

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Checked By: SK

Drawn By: CPW

DATE: 05/01/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

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Meters

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