



Report to: Development Services Committee

Report Date: January 17, 2012

SUBJECT: PRELIMINARY REPORT
Jade-Kennedy Development Corporation
Application for zoning by-law amendment to rezone portions of 102, 132 and 138 Helen Avenue to consolidate the zoning across the northern portions of the properties to address the future delivery of a proposed laneway and to facilitate a future townhouse development

FILE NO.: ZA 11 123127

PREPARED BY: Michael Fry, Planner, ext. 2331

REVIEWED BY: Richard Kendall, Manager – Central Team, ext. 6588

RECOMMENDATION:

- 1) That the report titled; “PRELIMINARY REPORT, Jade-Kennedy Development Corporation, Application for zoning by-law amendment to rezone portions of 102, 132 and 138 Helen Avenue to consolidate the zoning across the northern portions of the properties to address the future delivery of a proposed laneway and to facilitate a future townhouse development, FILE NO.: ZA 11 123127” dated January 17, 2012, be received;
- 2) That a Public Meeting be held to consider the Zoning Amendment application submitted by Jade-Kennedy Development Corporation to rezone portions of 102, 132 and 138 Helen Avenue to consolidate the zoning across the northern portions of the properties to address the future delivery of a proposed laneway and to facilitate a future townhouse development;
- 3) And 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 on the application and to seek authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable OP or other policies as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application.

EXECUTIVE SUMMARY:

Not applicable.

BACKGROUND:**The zoning by-law amendment application has been deemed complete**

The zoning by-law amendment application submitted by Jade-Kennedy Development Corporation was deemed complete on November 8, 2011.

Properties and neighbourhood

The subject properties front onto the north side of Helen Avenue (Figure 1). The properties abut Unity Garden Drive South to the west and back onto South Unionville Avenue to the north. The affected lands are made up of the rear portions of the three properties and have a total area of approximately 2800m² (Figure 3).

The properties at 102 and 132 Helen Avenue include a single-storey new home sales centre and associated parking lot. The property at 138 Helen Avenue includes a two-storey detached dwelling on the front portion of the site.

The area to the south, on the south side of Helen Avenue is a newer subdivision of detached dwellings. The area to the north, on the north side of South Unionville Avenue is a proposed public park. On the west side of Unity Garden Drive South are the Nissan and BMW automobile sales centres. To the east of the subject properties is an L-shaped lot owned by Jade-Kennedy Development Corporation, and beyond that are two detached dwellings each of which is situated on a lot of approximately 2850 m² (0.70 acres). Much of the areas to the east and to the south have been recently developed with detached dwellings, and townhouse dwellings (Figure 2).

Proposal

The applicant is consolidating land ownership over the northern portions of the properties (those lands severed from the properties fronting onto Helen Avenue and identified in Figure 3 as “affected lands”) to allow for a future townhouse development. The proposed townhouses would front onto South Unionville Avenue and include detached garages accessed by a new public lane (Figure 5). This proposal would be subject to a future site plan application and site plan agreement, as well as a development agreement to secure the construction and conveyance of the proposed public lane.

In March and July of 2011 severances were granted by the Committee of Adjustment along the northern portions of the properties to permit conveyance of a rear lane and residential development blocks to Jade-Kennedy Development Corporation, in order to facilitate the assembly of land for a future townhouse development.

In order that the zoning across the site is consistent to facilitate the future townhouse proposal, the applicant has requested a zoning by-law amendment that will apply harmonized zoning to all of the affected lands, and reflect the new limits of the proposed public lane (Figure 4). A technical amendment is also required with respect to the Hold (H) provision, as discussed below.

Official Plan and Zoning

The subject lands are designated Urban Residential in the Official Plan. The South Unionville Secondary Plan designates the areas on the south side of South Unionville Avenue as Medium Density 1 Housing. The proposed townhouse use is consistent with the permissions of the Official Plan and the Secondary Plan.

In 2001 a zoning by-law amendment brought 102 and 132 Helen Avenue into by-law no. 177-96. The by-law re-zoned the rear of these two properties to R2-LA*52(H), which permits townhouses with rear lane access. The by-law also rezoned the frontage of these properties to R2*31(H) and R2-LA(H). The zone boundary between the front and rear zoning categories followed a proposed public lane which was never built. The proposed location of the lane has changed and this change requires that the zone boundary be adjusted (Figure 4).

The lands at 138 Helen Avenue did not form part of the zoning by-law amendment as described above. The whole of the property at 138 Helen Avenue is zoned RR1 under zoning by-law no. 304-87.

In order to develop the property, Jade-Kennedy will need to consolidate the zoning across their current and future land holdings. This consolidated zoning will provide consistency in use permissions and zone requirements which will help facilitate development for residential townhouses. Contemplated changes to zoning are shown in Figure 4.

The Hold (H) provision within the current zoning by-law requires that the owner enter into a subdivision agreement prior to the removal of the Hold. As the proposed townhouse parcels were created through a consent process, the applicant has requested that the Hold (H) provision applying to all of the lands subject to the rezoning application, be amended to allow the removal of the Hold subject to a development agreement, or other such arrangements satisfactory to the Commissioner of Development Services to ensure delivery of the lane and other infrastructure.

Site Plan Control

The proposed townhouse development, which this zoning by-law amendment would facilitate, is subject to site plan control. A conceptual site plan sketch (Figure 5) has been submitted with this zoning by-law amendment application in order that staff can have an understanding of the general layout of the proposal. Site plan control is delegated to the Director, Planning and Urban Design. As of the date of the writing of this report a site plan application has not been submitted to the Town.

Through the site plan application process, the lands to be dedicated to the Town as a public lane will need to be demonstrated to meet the Town's environmental standards. The lands to be dedicated, and construction of the future public lane to Town standards, will be secured through a site plan agreement and/or a development agreement.

OPTIONS/ DISCUSSION:

The amendments requested serve to consolidate the zoning provisions across the combined site to facilitate a future development proposal consistent with the South Unionville Secondary Plan and the South Unionville Community Design Plan. The proposed townhouse development is conceptual at this time and as such will need to demonstrate compliance with the zoning by-law at the site plan stage. Specific lotting and design details of townhouses will also be addressed at the site plan application stage.

Staff also note that similar zoning conditions apply to the lands to the east which are not subject of this application, but could ultimately make up part of the townhouse development proposal. Any rezoning of these lands to permit an extension of the proposed townhouse development would be subject to a future zoning by-law amendment.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

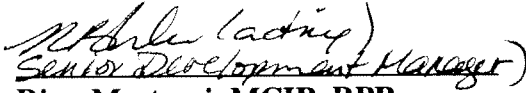
ALIGNMENT WITH STRATEGIC PRIORITIES:

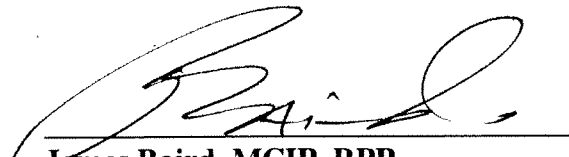
The application should be considered within the context of the Town's growth management and strategic policies.

BUSINESS UNITS CONSULTED AND AFFECTED:

This application has been circulated to various departments within the Town and applicable agencies for comment.

RECOMMENDED BY:

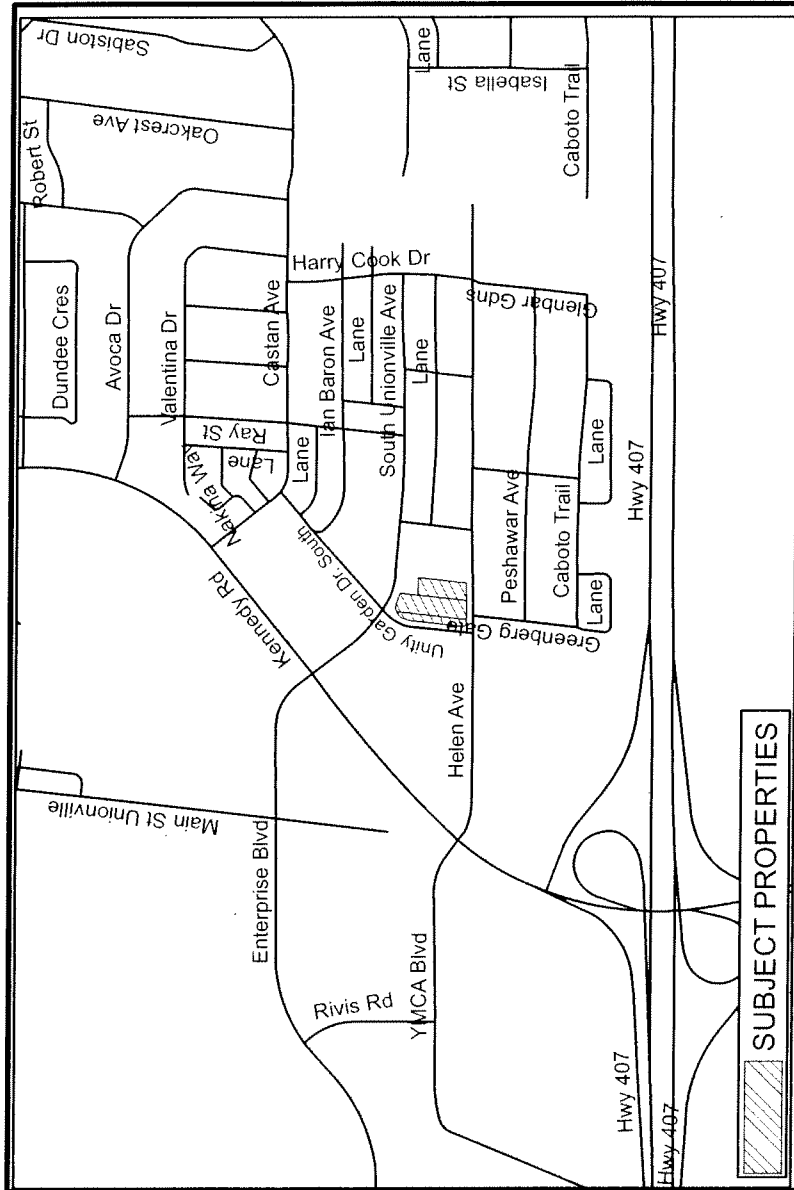

Rino Mostacci, MCIP, RPP
Director of Planning & Urban Design


James Baird, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

- Figure 1 – Property Location
- Figure 2 – Air Photo
- Figure 3 – Affected Lands
- Figure 4 – Area Context/Zoning
- Figure 5 – Conceptual Site Plan

File path: Amanda\File 11 123127\Documents\Recommendation Report





AIR PHOTO (2011)


APPLICANT: JADE-KENNEDY DEVELOPMENT CORPOATION

102, 132 & 138 HELEN AVENUE

FILE No. ZA. 11123127 (MF)

Q:\Geomatics\New Operation\2011 Agenda\ZA\11123127\ZA11123127.mxd

MARKHAM DEVELOPMENT SERVICES COMMISSION

 SUBJECT PROPERTIES

Drawn By: CPW

Checked By: MF

DATE: 11/21/2011

FIGURE No. 2



Figure 3 – Affected Lands



Figure 4 – Area Context/Zoning

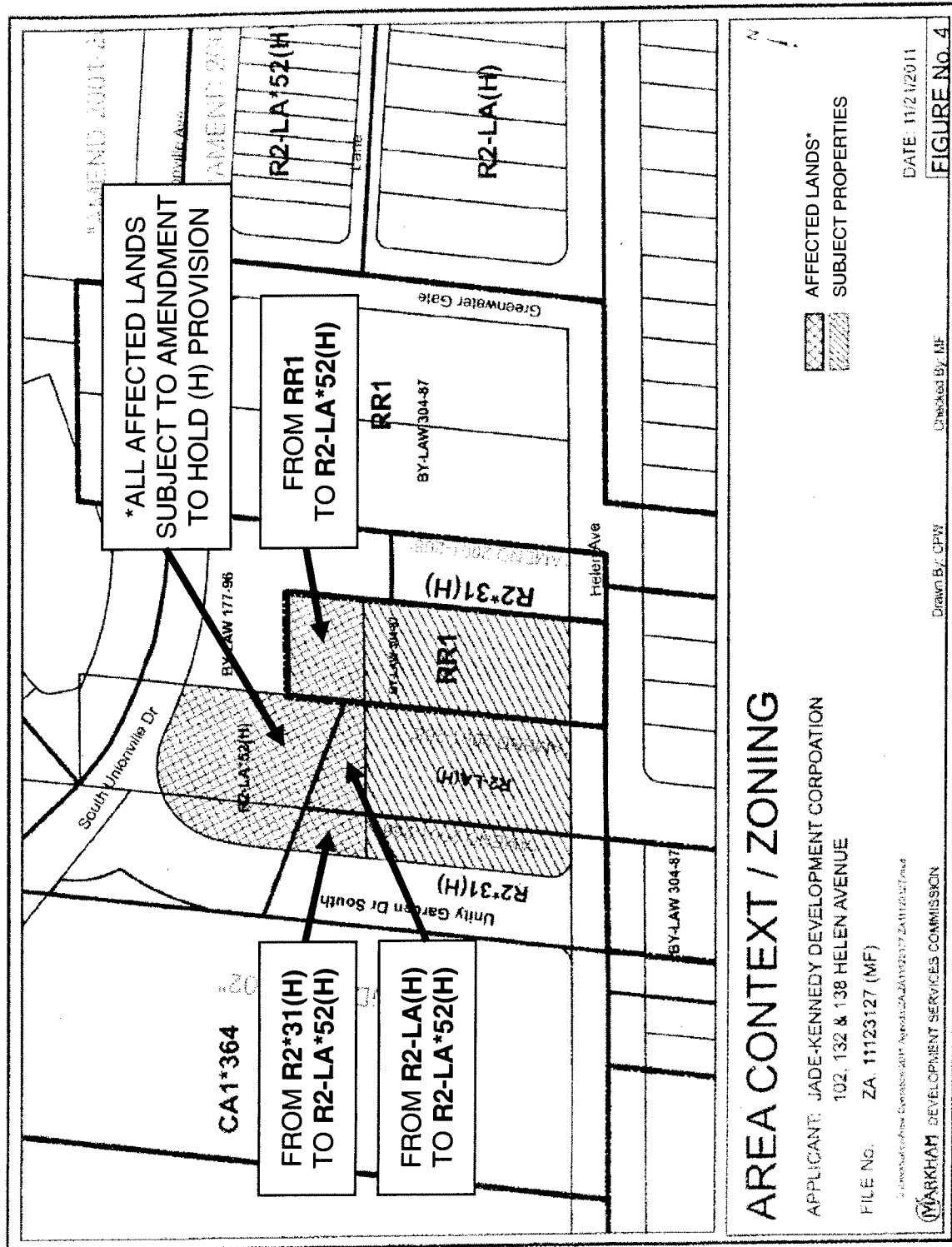


Figure 5 – Conceptual Site Plan

