



Report to: Development Services Committee

Report Date: May 3, 2011

SUBJECT: RECOMMENDATION REPORT
Upper Unionville Inc.
Northeast corner of 16th Avenue and Kennedy Road within
the Berczy Village Secondary Plan area
Applications for Draft Plan of Subdivision Approval and
implementing Zoning By-law Amendments
File No.'s: SU 10 118874 (19TM-10003) and ZA 10 118878

PREPARED BY: Gary Sellars, Senior Planner, West District (ext. 2960)

RECOMMENDATION:

- 1) That the report entitled "Upper Unionville Inc., Northeast corner of 16th Avenue and Kennedy Road within the Berczy Village Secondary Plan area, Applications for Draft Plan of Subdivision Approval and implementing Zoning By-law Amendments, File No.'s: SU 10 118874 (19TM-10003) and ZA 10 118878", dated April 12, 2011, be received;
- 2) That draft plan of subdivision 19TM-10003 submitted by Upper Unionville Inc., be draft approved subject to the conditions outlined in Appendix 'A';
- 3) That the application submitted by Upper Unionville Inc. to amend Zoning By-laws 304-87 and 177-76, as amended, be approved and the draft by-laws attached as Appendices 'B' and 'C', be finalized and enacted without further notice;
- 4) That conditional 2013 servicing allocation for 300 single detached units (1,110 pop.) be granted to plan of subdivision 19TM-10003 from the total allocation for the Berczy Village Secondary Plan area, assigned in accordance with the January 18, 2011 staff report on servicing allocation;
- 5) That the Mayor and Clerk be authorized to enter into a No Presale Agreement with the Owner of Plan 19TM-10003 which agreement shall be registered on title, committing the Owner to:

Not enter into any agreements of purchase and sale with end users for the lands, until such time as:

- a. the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;

or,

- b. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer and,

- ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;

or,

- c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

AND

Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the new Owner to the same terms as set out in items a, b and c above.

- 6) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 7) That the Region of York be advised of the servicing allocation for this development;
- 8) That the applicant provide to the Town the 30% payment of the required subdivision processing fees in accordance with the Town's Fee By-law (By-law 211-83, as amended by By-law 2011-61);
- 9) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

1. Purpose	2. Background	3. Discussion	4. Financial
5. Others (HR, Strategic, Affected Units)		6. Attachment(s)	
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PURPOSE:

The purpose of this report is to recommend draft approval of a proposed plan of subdivision in the Berczy Village Secondary Plan area and approval of implementing zoning by-law amendments for the plan.

BACKGROUND:

Property and Area Context

The subject lands consist of 83 ha. (205 acres) at the northeast corner of 16th Avenue and Kennedy Road, within the Berczy Village Secondary Plan area (Figure 1). The subject

lands are currently being used for agricultural purposes (Beckett Farm) and contain several structures including the following:

- Philip Eckardt Log House (1820)
- Beckett Farm House (1926)
- Mid 20th century house
- Barns and associated buildings

The surrounding context is as follows (see Figure 3):

- To the north, are single detached, semi-detached and townhouse dwellings within the Berczy Village community
- To the west, across Kennedy Road, is the York Downs Golf Course, a place of worship, private school and single detached dwellings
- To the south, across 16th Ave., are single detached dwellings and a medical building and pharmacy at the corner of 16th Avenue and Kennedy Road
- To the east is the Unionville Alliance Church and single detached and semi-detached dwellings within the Berczy Village community
- The Bethesda Lutheran Cemetery is located on the east side of Kennedy Road, adjacent to the subject lands

Official Plan and Zoning

The Official Plan designates the subject lands Urban Residential. The Berczy Village Secondary Plan designates the majority of the lands Urban Residential - Low Density. This designation permits detached, semi-detached, linked, duplex and street townhouse units, and medium density housing types subject to certain conditions. The net site density of all units in this designation is required to be within the range of 17 to 37 units per hectare (6.9 to 14.9 units per acre). The net site density of the proposed development is approximately 34 units per hectare (13.9 units per acre). The Secondary Plan designates other portions of the lands Neighbourhood Park and Schools. A portion of the lands adjacent to 16th Avenue is designated High School (Catholic). The York Catholic District School Board has advised the Town that these lands are surplus to their needs and are therefore not required. The Secondary Plan permits alternate uses on surplus school sites, including low density residential.

The subject lands are currently zoned Agricultural One (A1) by By-law 304-87, as amended (Figure 2).

Provincial Growth Plan and Regional Official Plan

The subject lands are considered 'greenfield' under the *Provincial Places to Grow Act* and the newly adopted Regional Official Plan. A minimum gross density of 50 residents/jobs per hectare is required. The gross density of the proposed development is approximately 64 residents per hectare.

Proposal

The applicant has applied for draft plan of subdivision approval and implementing amendments to Zoning By-laws 304-87 and 177-96, as amended. The proposed plan of

subdivision consists of 748 single detached, 276 semi-detached and 432 townhouse units (total units – 1456), two elementary schools, parkland and two stormwater management ponds (see Figure 4). The two heritage dwellings located on the subject lands are being retained on their original sites and incorporated into the proposed plan on their own lots. A future development block has been identified on the proposed plan at the corner of 16th Avenue and Kennedy Road. A land use study will be undertaken by the applicant to investigate the possible provision of mixed commercial and residential uses, and higher densities in the future development block that are currently not permitted by the Secondary Plan designation for these lands.

Land Use		
	Hectares	Acres
Residential (Net Site Density)	42.5 (34 units/ha.)	104.9 (13.9 units/acre)
Elementary Schools (2)	4.7	11.6
Stormwater Management Pond (1)	1.5	3.7
Cemetery	0.4	1.0
Neighbourhood Park and Parkettes (4)	2.3	5.7
Future Development (Study Area)	6.7	16.7
Roads/Lanes	22.7	56.1
Road Widenings	1.6	4.0
Bio-swale	0.3	0.8
Total Area of Subdivision	83 ha.	205 acres

DISCUSSION:

The proposed plan of subdivision is generally in conformity with the Community Design Plan for the subject lands

The proposed plan of subdivision is generally in conformity with the Community Design Plan for the subject lands which was endorsed by Development Services Committee on November 2, 2010 and approved by staff on March 1, 2011.

Two heritage dwellings to be retained

The two heritage dwellings located on the subject lands will be retained on their original sites and incorporated into the proposed plan of subdivision on their own lots. Heritage Markham has reviewed the proposal and is supportive of the proposed plan. The Philip Eckardt Log House is designated under the *Ontario Heritage Act*; designation of the Beckett Farm House will be required. Heritage easement agreements, restoration plans, site plans, marketing plans, interpretive plaques and letters of credit will also be required for both houses, as conditions of draft approval.

Applicant conveying land to abutting cemetery

The applicant will be conveying one acre of land to the Bethesda Lutheran Cemetery owners. The expanded cemetery will be linked to the Philip Eckardt Log House lot by adjacent parkland and will have frontage on two local roads. The conveyance of the lands will be required as a condition of draft approval.

The proposed development will be linked to the existing urban fabric by four collector roads

Two north/south and two east/west collector roads (Harbord Street, William Berczy Boulevard, Wilfred Murison Avenue and Beckett Avenue) will link the proposed development to the existing urban fabric to the north and east within the Berczy Village community and to the south, across 16th Avenue. Roundabouts are proposed at the intersections of the collector roads. Lane based townhouse units and parkettes are proposed at these intersections to minimize driveways and access points adjacent to the roundabouts.

A high level of community connectivity is provided for by the proposed grid road pattern

A high level of community connectivity is provided for by the proposed grid road pattern. A 2.4m wide pedestrian walkway and associated greenway system in the north and east boulevards of the collector roads will link schools and parks; regular sidewalks will be provided on the opposite side of these roads. Sidewalks will be provided on both sides of Brock Avenue, a north/south road running through the middle of the plan and on Streets R and E in the eastern portion of the plan; all other local roads will have sidewalks on one side. Bike routes are proposed on the collector roads. York Region has advised that transit service is planned for William Berczy Boulevard and Wilfred Murison Avenue.

The extensive use of an east-west grid road pattern will promote energy efficiency through passive and active solar energy use. Single loaded window roads and lane based townhouse units are proposed adjacent to the arterial roads.

Two stormwater management ponds are required

Two stormwater management ponds are required for the proposed development. One pond is located at the corner of 16th Avenue and Kennedy Road and the other is located adjacent to 16th Avenue at the southeast corner of the plan of subdivision. The pond at 16th Avenue and Kennedy Road is not required until the second phase of development (the westerly portion of the lands). A bio-swale/open space block is also proposed adjacent to 16th Avenue and infiltration trenches are proposed in the rear yards of residential lots to facilitate stormwater infiltration.

Two elementary school sites are provided in the plan.

Public and Catholic elementary school sites are provided in the plan in accordance with the Berczy Village Secondary Plan. The school sites are located on the collector roads and are linked to the parks by the proposed greenway system in the north and east boulevards of the collector roads.

The York Catholic District School Board has advised the Town that the portion of the lands adjacent to 16th Avenue designated High School by the Berczy Village Secondary Plan are surplus to their needs and are therefore not required.

The required parkland for this development is distributed throughout the plan.

The neighbourhood park is located adjacent to the public elementary school site. Four smaller parkettes are located throughout the plan. The parkland distribution is satisfactory to Town staff. The 2.3 ha. of parkland provided within the plan complies with the Parkland Agreement dated June 23, 1997, as amended, between the Town and the Berczy Village Landowners Group. The parkland requirements for the future development block will be determined through the required land use study for this block.

TRCA has identified a wetland that requires further study

The TRCA has advised that there is a swamp located on the subject lands east of the existing driveway access from 16th Avenue that meets the definition of a wetland under the Conservation Authorities Act, and as such is regulated by the TRCA. Depending on the final results of a study that is currently being undertaken by the applicant, the feature may be removed, subject to a compensation package. As a condition of draft plan approval the applicant will be required to finalize this study and implement its recommendations to the satisfaction of the TRCA.

An OPA will be required for the Future Development Block (Study Area)

An Official Plan Amendment application will be required for the Future Development Block (Study Area) located at the northeast corner of 16th Avenue and Kennedy Road. The owner intends to apply to permit mixed use development and higher densities, which are currently not permitted by the Secondary Plan designation for these lands. Any application received will be subject to a Public Meeting and consideration by Development Services Committee and Council.

As reflected in the Community Design Plan, the applicant is proposing a live/work precinct (ground level retail/commercial units with upper level residential units) with a streetscape that reflects that of a small village main street for the southwest portion of the future development block. A piazza (public gathering place) and promenade adjacent to the stormwater management pond would also be a component of the precinct.

The historic Bur Oak tree located on the southwest portion of the lands near Kennedy Road will be retained and incorporated into a park within the future development block. A temporary "Trees for Tomorrow" nursery has been established in this location to supply trees for the proposed plan of subdivision. The size and configuration of the park and adjoining road pattern will be determined through the required land use study for the future development block.

A condition of draft approval will require the applicant to undertake a land use study of the future development block prior to the Town granting any development approval for it.

Conditional 2013 servicing allocation is available for a portion of the plan

On January 25, 2011 Council approved the distribution of conditional 2013 servicing allocation. The Berczy Village Secondary Plan area received 300 single detached units [pop. 1,110] of the allocation for use by Upper Unionville Inc. The applicant has agreed to participate in an inflow and infiltration pilot program for existing servicing infrastructure in the Town to determine if there are opportunities for increasing capacity. This program may result in additional allocation being made available for this proposed

development at a later date.

The following are the requirements for approval of draft plans of subdivisions with conditional servicing allocation and/or no servicing allocation:

- the owner must enter into an agreement with the Town of Markham not to pre-sell units within the draft plan until a specified date (one year prior to the required Regional servicing infrastructure being available);
- the owner must enter into an indemnity agreement with the Region. The intent of the indemnity agreement is to protect the Region from possible lawsuits if the servicing infrastructure is not delivered in the anticipated timeframe;
- both of the above-noted agreements must be executed prior to the issuance of draft plan approval by the Director of Planning and Urban Design; and
- the draft plan must be subject to hold provisions in the zoning by-law which are not to be removed until servicing allocation is confirmed by the Region.

Issues identified at the December 13, 2010 Public Meeting

Traffic congestion and infiltration

Concerns with respect to the following were expressed by numerous area residents:

- existing traffic congestion on 16th Avenue and Kennedy Road
- existing traffic infiltration from 16th Avenue into the community south of 16th Avenue on Longwater Chase and Waterbridge Lane

and the potential for increases to such congestion and infiltration from the proposed development.

A transportation impact study has been prepared by the applicant in support of the proposed development. The study is under review by Town staff. As a condition of draft plan approval the applicant will be required to finalize this study and implement its recommendations to the satisfaction of the Town.

The issue of existing traffic infiltration has been reviewed by the Traffic Operations Department in consultation with the Ward Councillor. A resident survey has been completed and the residents are strongly in support of implementing a westbound left-turn restriction from 16th Avenue to both Longwater Chase intersections during the 7am - 9am weekday period. Traffic Operations has forwarded the survey results and staff's recommendation to implement the restriction to the Region of York. Regional staff will be reporting to Regional Council in September, requesting approval to proceed with the restrictions. The applicant has advised the Ward Councillor that they would have no objection to similar restrictions being implemented for straight through traffic to both Longwater Chase intersections with 16th Avenue from the proposed development

Sustainability measures

Through discussions with the Region, the applicant has identified 19 lots for which it will implement certain features of the Region's voluntary Sustainable Home Incentive Program (SHIP) that will include water and energy conservation, indoor air quality, renewable energy, resource management and homeowner education (see Appendix 'D'). The Region requires the applicant to agree to this in the subdivision agreement as a condition of draft approval. Through further discussions with the Town, the applicant has agreed to extend almost all aspects of the SHIP program agreed to with the Region to the entire plan of subdivision (see Appendix 'E'); a subdivision agreement provision will also be required for this as a condition of draft approval.

Parkland

There was some concern expressed at the Public Meeting with respect to the amount of parkland being provided in the proposed plan. Parkland is being provided in the Berczy Village community in accordance with the Parkland agreement dated June 23, 1997, as amended, between the Town and the Berczy Village Landowners Group. The 2.3 ha. of parkland provided within the proposed plan complies with the Parkland Agreement.

Ownership of Philip Eckardt Log House

The proposed ownership of the Philip Eckardt Log House was discussed at the Public Meeting. The applicant has created a lot on the plan of subdivision for the house and intends to offer the house for sale, as is the case for the Beckett Farm house. Heritage Markham has not recommended that either of the heritage houses be taken into public ownership.

Street names related to the Berczy Settlers

There was a request made by a member of Heritage Markham that Berczy settler names be used for the streets and parks in the proposed plan. Some of the streets are extensions of existing streets and will thus assume the names of those streets (including William Berczy Boulevard). The Beckett family name is also proposed for use. Staff will review possible settler names and other names associated with the Berczy settlers that can be used for streets and parks within the subdivision. The applicant has no objection to this.

Bus shuttle to Unionville GO Transit Station

Committee enquired about the possibility of establishing a bus shuttle to the Unionville GO Transit station. The applicant advised that they would not want to participate in such a venture. Staff raised the possibility of establishing such a bus shuttle system with the Regional Planning staff who in turn indicated they would review this further with YRT staff.

Staff have consulted with the Unionville Alliance Church

Committee inquired if the Unionville Alliance Church had been consulted with respect to the proposal. Staff have consulted with Church representatives and no concerns have been expressed. Staff will continue this consultation with respect to technical items such as grading and drainage.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management

The proposed plan of subdivision will:

- be built out in an orderly fashion based on the availability of servicing allocation and in accordance with the Berczy Village Secondary Plan and Community Design Plan, as amended.
- the urban fabric of the Berczy Village community will be completed at its southern boundary, including the provision of schools and parkland.
- two heritage dwellings will be retained on their original sites and incorporated into the plan of subdivision on their own lots.
- the Bethesda Lutheran cemetery owners will obtain additional lands and the cemetery will be integrated into the Berczy Village community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The requirements of other Town Departments and external agencies have been incorporated into the draft plan and recommended conditions of draft approval.

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/Zoning

Figure 3 – Air Photo

Figure 4 – Proposed Plan of Subdivision

Appendix ‘A’ – Conditions of Draft Approval

Appendix ‘B’ and ‘C’ – Draft Zoning By-law Amendments

Appendix ‘D’ and ‘E’ – Letters from TACC Developments

APPLICANT:

TACC Developments

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