

## MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services  
Valerie Shuttleworth, Director of Planning & Urban Design

PREPARED BY: Teema Kanji, Senior Planner, ext. 4480  
Central Team

DATE: June 26, 2007

RE: **2097358 Ontario Inc.**  
**7781 Kennedy Road**  
**Files: OP.06-132013 and ZA.06-131954**

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### RECOMMENDATION:

That the attached Official Plan and Zoning By-law amendments be enacted;

### BACKGROUND:

A public meeting was held on February 20, 2007 to consider Official Plan and Zoning By-law amendments to permit a retirement home with 62 units, office and business uses within an existing historical dwelling, and to recognize an existing Montessori school at 7781 Kennedy Road. At the public meeting, Council directed that the implementing Official Plan and Zoning By-law amendments to be forwarded directly to Council for enactment.

The applicant in working with planning and design staff has developed a conceptual site plan that provides a better interface with the surrounding residential community by including landscaping and terracing of the building to work with the existing grade of the site. The draft zoning by-law amendment is based on this conceptual site plan. The elevations, building and landscaping materials remain to be finalized through the Site Plan Approval process.

Attached are the implementing Official Plan and Zoning By-law amendments to permit the retirement home and to recognize the existing uses on the subject property.

## **EXPLANATORY NOTE BY-LAW 2007-XX**

### **LANDS AFFECTED**

This by-law applies to 1.0 ha (2.47 acre) parcel of land located on the east side of Kennedy Road, north of 14<sup>th</sup> Avenue, municipally known as 7779, 7781, and 7787 Kennedy Road.

### **EXISTING ZONING**

The property is currently zoned Institutional and Open Space (02) under By-law 193-81, as amended.

### **PURPOSE AND EFFECT OF BY-LAW**

The purpose and effect of this By-law is to permit only the following uses on the subject lands:

- a private school
- business offices and/or one dwelling unit
- a retirement home

This will facilitate the development of the property with a 3-storey retirement home with 62 units, recognize an existing private Montessori school, and allow office uses and/or one dwelling unit in the heritage building (John Morley house), which is being restored on-site.

The zoning by-law also includes a Hold (H) provision to ensure that:

- A Traffic Study is submitted/approved for the subject lands
- A site plan agreement is executed with the Town of Markham

## **BY-LAW 2007- XX**

A by-law to amend By-law 193-81, as amended  
being a by-law to rezone the lands to permit a retirement home, private school and office uses

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

1. By-law 193-81, as amended, is hereby further amended as follows:

1.1 By zoning the lands from

Institutional and Open Space (O2) to

Institutional and Open Space – Hold [O2 (H)]

as shown on Schedule 'A' attached hereto.

1.2 That Sections 1(c) and (d) of amending By-law 278-84 be deleted in its entirety and replaced with the following:

“(c) Notwithstanding any other provision of this By-law, the provisions of this section shall apply to those lands identified on Schedules 'A' and 'B' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

1. Uses Permitted

The following are the only uses permitted:

- (i) *one private school*
- (ii) *one retirement home*
- (iii) *business and professional offices and/or a dwelling unit*

2. Zone Standards

The following specific zone standards apply:

(i) *Minimum lot frontage – 55 metres*

(ii) *Landscaping Requirements:*

- (a) *A strip of land not less than 16.0 metres in width and immediately adjacent to the north lot line shall be landscaped.*

- (b) Within 30 metres of Kennedy Road, a strip of land not less than 2.0 metres in width and immediately adjacent to the north lot line shall be landscaped.
  - (c) A strip of land not less than 3.8 metres in width and immediately adjacent to the south *lot line* shall be landscaped.
  - (d) Within 30 metres of Kennedy Road, a driveway and parking shall be allowed to encroach into the required *landscaping* strip abutting the south *lot line*.
  - (e) A strip of land not less than 5.0 metres in width and immediately adjacent to the east *lot line* shall be landscaped.
  - (f) A strip of land not less than 8.0 metres in width and immediately adjacent to the west *lot line* shall be landscaped.
  - (g) One *loading space* shall be allowed to encroach into the required *landscaping* strip abutting the west *lot line*.
  - (h) A *landscaping* strip shall not be required between the *main wall* of Building 'A' (7779 Kennedy Road) and the *front lot line*.
- (iii) Loading Space Requirements:
- (a) One loading space shall be provided.
  - (b) The loading space shall be setback a minimum of 3.0 metres from the west *lot line*.
  - (c) The loading space shall be a minimum of 12.0 metres long, 3.5 metres wide and have a vertical clearance of at least 4.2 metres.
- (iv) Building 'A' (municipally known as 7779 Kennedy Road) as shown on Schedule 'B' attached hereto.

Minimum *front yard* – 0.5 metres

Minimum *north side yard* – 28 metres

Minimum *south side yard* – 16 metres

Minimum *east side yard* – 43 metres

Minimum *rear yard* – 100 metres

Maximum *height* – 6.5 metres

Minimum setback of a building from the centerline of Kennedy Road – 17 metres

- (v) Building 'B' (municipally known as 7781 Kennedy Road) as shown on Schedule 'B' attached hereto.

Minimum *front yard* – 6 metre  
Minimum *north side yard* – 11 metres  
Minimum *south side yard* - 25 metres  
Minimum *rear yard* – 75 metres  
Maximum *height* – 7.0 metres

- (vi) Building 'C' (municipally known as 7787 Kennedy Road) as shown on Schedule 'B' attached hereto.

Minimum *north side yard* – 16 metres  
Minimum *south side yard* - 43 metres  
Minimum *rear yard* setback:

- For a 1 storey portion of a building – 7.5 metres
- For a 2 or 3 storey portion of a building – 20 metres

Maximum *height* – 14 metres  
Maximum height of a one storey portion of a building within 20 metres of the rear *lot line* shall be 6.6 metres

### 3. Special Site Provisions

The following additional provisions apply:

- (i) The *retirement home* shall have a maximum of 62 units.
- (ii) Maximum number of dwelling units permitted within the heritage building (John Morley house) – one (1) dwelling unit
- (iii) All garbage shall be enclosed within a fully enclosed storage area within a main BUILDING(s) on the site. There shall be no outdoor storage of garbage at any time.
- (vi) For the purposes of this by-law, the following definitions shall apply:

**RETIREMENT HOME** means a *premises* that provides accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

All other definitions of SECTION 2 – DEFINITIONS of By-law 193-81, as amended, not inconsistent with the above, shall continue to apply.

4. Notwithstanding any further division or partition of lands, the development standards in By-law 193-81, as amended shall continue to apply to the property and buildings shown on Schedules 'A' and 'B' attached hereto, as they existed on the date of the passing of this By-law.

## 2. HOLDING PROVISIONS

For the purpose of this By-law, a Holding (H) zone is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis preceding the zoning symbol.

Notwithstanding any other provision in this By-law, where a zone symbol preceded by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan, the provisions of this Zoning By-law and any amendment to this By-law, as amended, and the Planning Act as amended.

Prior to removing the '(H)' Holding provision, the following conditions must be met, to the satisfaction of the Town of Markham:

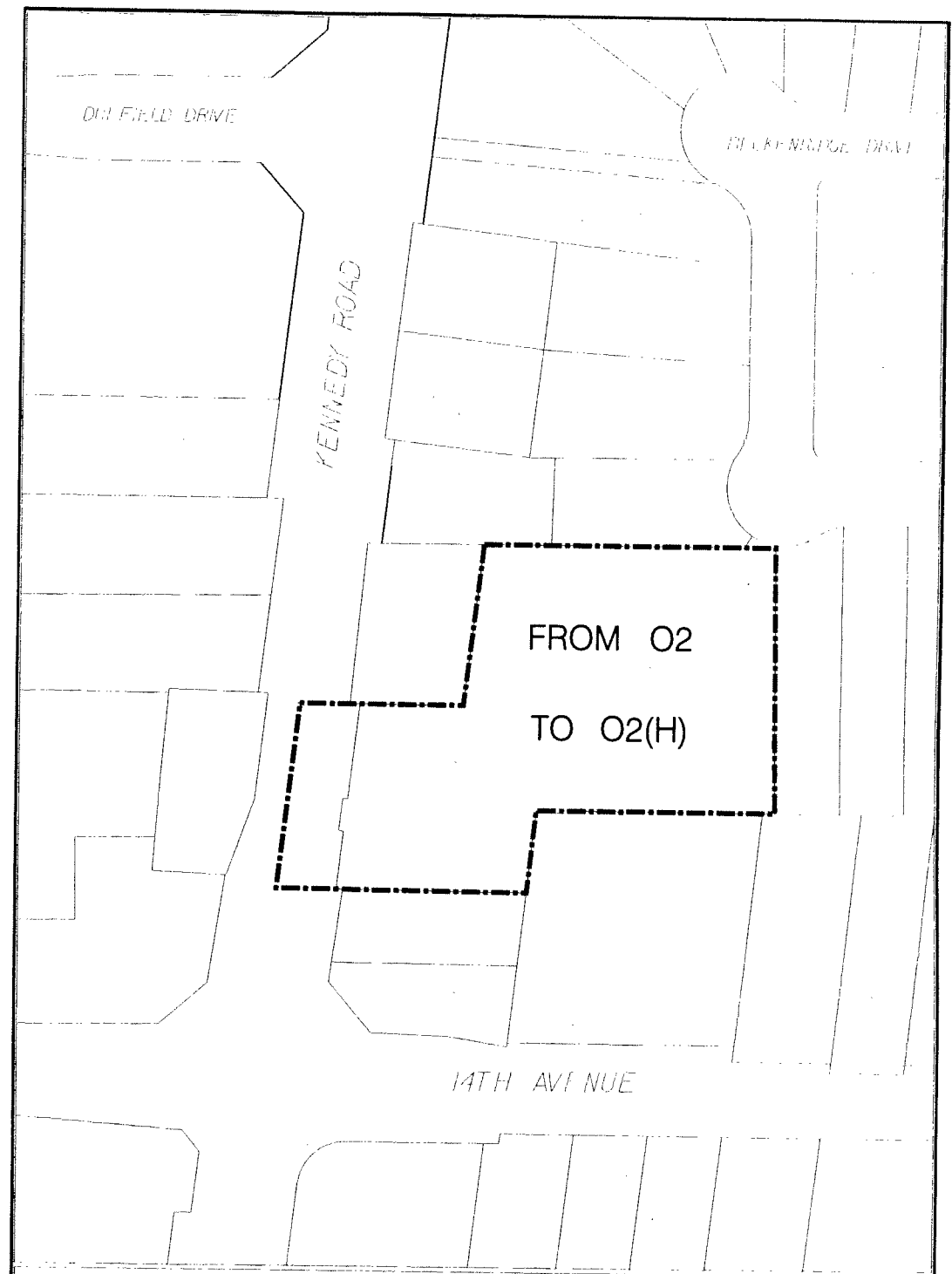
- (a) A site plan agreement is executed with the Town of Markham; and
- (b) A Traffic Study is approved, to the satisfaction of the Commissioner of Development Services.

3. All other provisions of By-law 193-81, 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 JUNE, 2007.

\_\_\_\_\_  
SHIELLA BIRRELL, TOWN CLERK

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



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 193- 81



BOUNDARY OF AREA COVERED BY THIS BY-LAW

☐ O2

INSIRUTIONAL & OPEN SPACE

☐ (H)

HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY .....

.....MAYOR

.....CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: 1500

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DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW

193-81

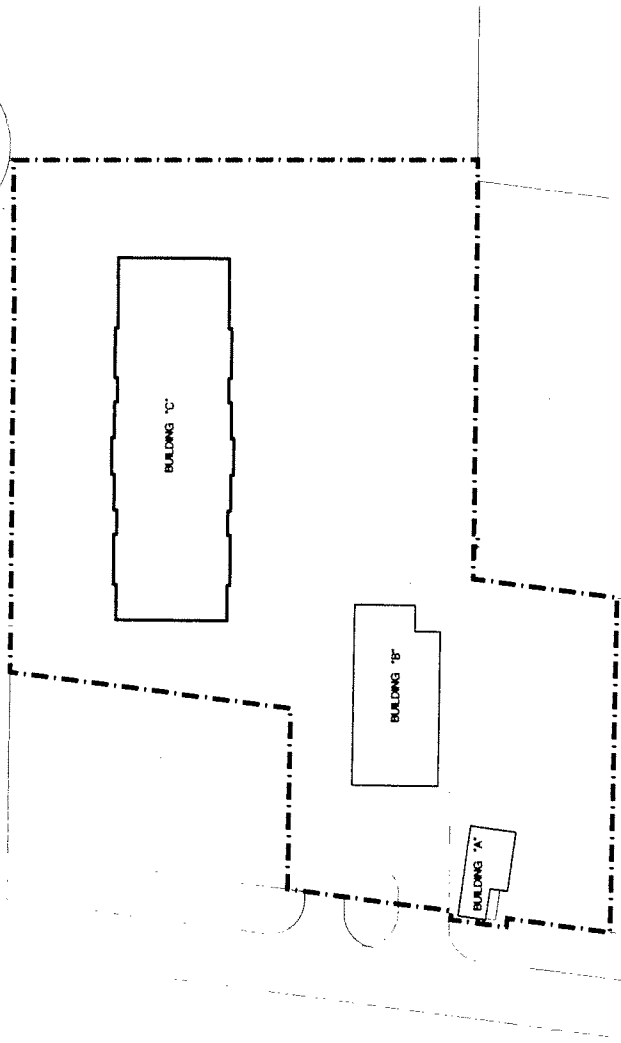


THIS IS SCHEDULE 'B' TO BY-LAW .....  
PASSED THIS ..... DAY ..... MAYOR  
..... CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1:





OFFICIAL PLAN  
of the  
TOWN OF MARKHAM PLANNING AREA  
AMENDMENT NO.XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Risebrough Planning District (Planning District No. 2).

2097358 Ontario Inc.

(East side of Kennedy Road, north of 14<sup>th</sup> Avenue – Part of Lot 6, Concession 6,  
Town of Markham, Regional Municipality of York)

*(June 2007)*

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended to incorporate an amendment to the policies for the Risebrough Planning District (Planning District No. 2).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, by By-law No. \_\_\_\_-2007 in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Town Clerk**

**THE CORPORATION OF THE TOWN OF MARKHAM**

**BY-LAW NO. \_\_\_\_\_**

Being a by-law to adopt Amendment No. XXX  
to the Town of Markham Official Plan (Revised 1987), as amended.

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM IN  
ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O. 1990  
HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (Revised 1987) as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2007.

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## **PART I – INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. XXX)

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

#### **1.1** PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

PART II – THE OFFICIAL PLAN AMENDMENT constitutes Amendment No. XXX to the Official Plan (Revised 1987) as amended, including Figure 2.10 attached hereto. Part II is the operative part of this Official Plan Amendment.

### **2.0 LOCATION**

The lands subject to this Amendment are approximately 1.0 hectares (2.5 acres) located on the east side of Kennedy Road, north of 14<sup>th</sup> Avenue, municipally known as 7779, 7781 and 7787 Kennedy Road.

### **3.0 PURPOSE**

The purpose of this Official Plan Amendment is to:

- permit a retirement home;
- recognize an existing private Montessori school located on the property; and
- permit office uses in the heritage building on the property.

### **4.0 BASIS**

The property is designated URBAN RESIDENTIAL in the Official Plan. There is an existing building on the property that is being used as a private Montessori school. The property also contains a heritage building, which is being restored to accommodate future office uses.

The remainder of the site is proposed to be developed with a 62 unit retirement home with a gross floor area of 5,749 m<sup>2</sup> (61,881 ft<sup>2</sup>). The retirement home will consist of bachelor units, 1 bedroom and 2 bedroom units. The average age of the residents will be 55 years and up.

The proposed development will contribute to the availability of seniors housing in Markham, as well as provide for the restoration of a heritage house through adaptive re-use.

The site layout and built form of the retirement home is compatible with the height and architectural style of the surrounding residential community. The proposed development is considered to be appropriate.

## **PART II – THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. XXX)

## **PART II – THE OFFICIAL PLAN AMENDMENT**

### **1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 4.3.2.2. of the Official Plan (Revised 1987) as amended, is hereby amended by adding the following new Subsection j), and accompanying Figure 2.10 (attached):

“ j) 7779, 7781 and 7877 Kennedy Road  
(Official Plan Amendment No. XXX)

Notwithstanding any other provisions of this Plan to the contrary, where certain lands are designated URBAN RESIDENTIAL, and are described as Part of Lot 6, Concession 6, municipally known as 7779, 7781 and 7877 Kennedy Road, as shown on Figure 2.10, the following provisions shall apply:

Notwithstanding the provisions of Section 3.3 of this Plan, the following policies shall apply to lands designated URBAN RESIDENTIAL on the east side of Kennedy Road, north of 14<sup>th</sup> Avenue, municipally known as 7779, 7781 and 7877 Kennedy Road as shown on Figure 2.10, as follows:

- i) The lands may only be used for:
  - a private school
  - a retirement home
  - residential uses and/or business offices within the existing Heritage house (John Morley house)
- ii) The existing Heritage house (John Morley house) shall be retained on-site.
- iii) The permitted retirement home may contain a maximum of 62 units, and shall not exceed 4 storeys.
- iv) Through the site plan approval process, the final site plan, landscape plans, and building elevations shall demonstrate a commitment to good urban design, to the satisfaction of the Town.
- v) The final grading and landscaping plan shall be designed to protect as many existing trees along the westerly property line as possible.
- vi) A Traffic Study shall be completed, to the satisfaction of the Town for the development of these lands at the time of site plan approval.
- vii) The provisions of Section 4.3.2.2 j) shall supersede provisions of the non-statutory Secondary Plan (PD 2-2) as they relate to these lands.



- viii) If required, the provisions of Section 4.3.2.2 j) will be incorporated into a Secondary Plan at such time as a statutory Secondary Plan incorporating the subject lands is prepared.”

## **2.0 INTERPRETATION AND IMPLEMENTATION**

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment to the Official Plan (Revised, 1987) is exempt from the approval by the Region of York. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised, 1987) shall not apply.

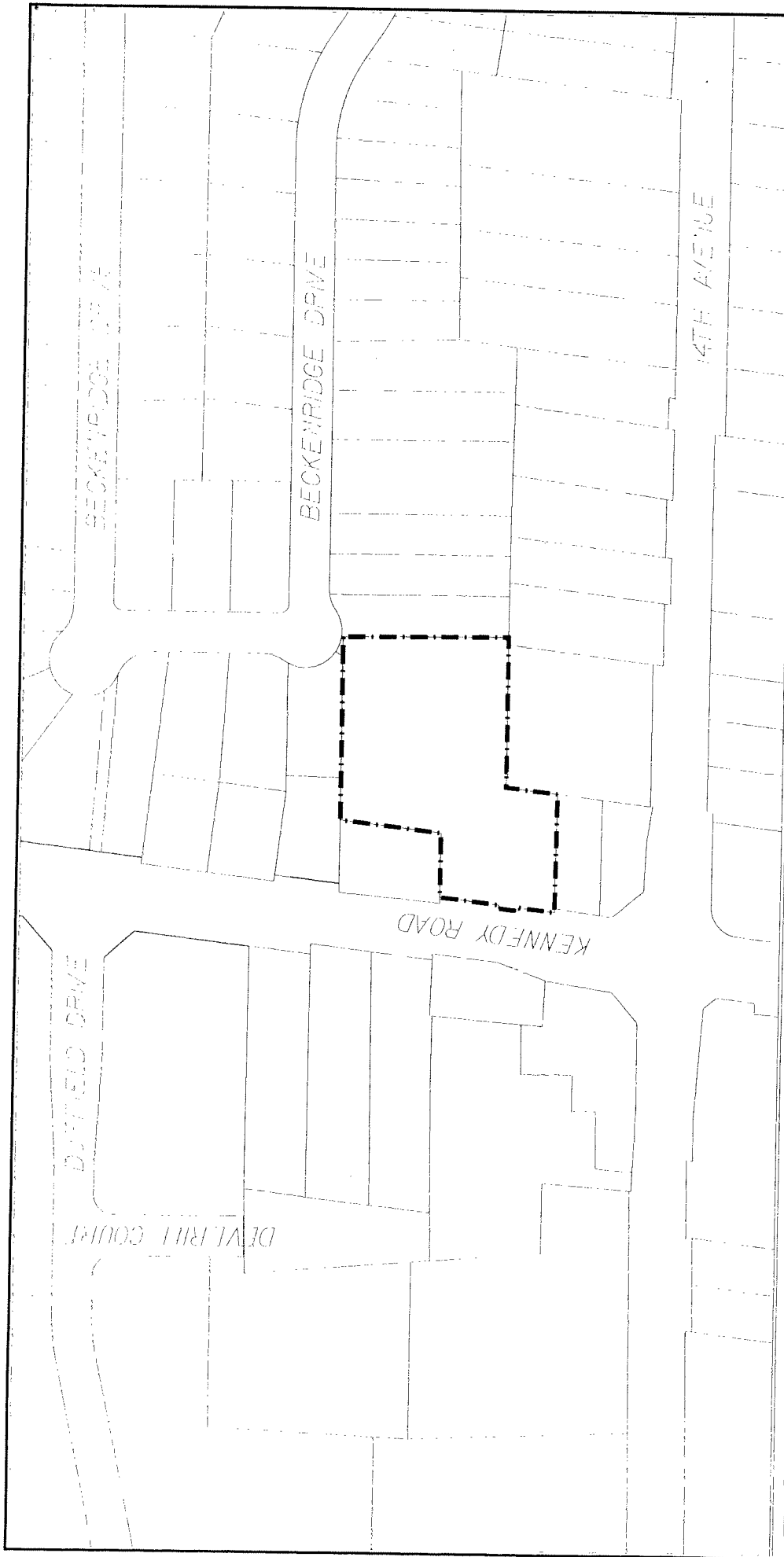


FIGURE No. 2.10

SPECIFIC SITE AND AREA POLICIES  
TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

--- Boundary of area subject to the policies in Section 4.3.2.2 (j)  
--- Land use designation: URBAN RESIDENTIAL