



Report to: Development Services Committee

Report Date: March 6, 2011

SUBJECT: STATUS UPDATE REPORT
Tribute (Unionville) Limited
Zoning By-law Amendment application to permit a mixed-use commercial-residential building at 20 Fred Varley Drive

File No.: ZA 11 113101

PREPARED BY: Sabrina Bordone, M.C.I.P., R.P.P.
Planner, Central Development District

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P.
Manager, Central Development District

RECOMMENDATION:

- 1) That the report titled "Status Update Report, Tribute (Unionville) Limited, Zoning By-law Amendment application to permit a mixed-use commercial-residential building at 20 Fred Varley Drive, File No. ZA 11 113101" be received;
- 2) That Council direct the Town Solicitor and Staff to request mediation at the Ontario Municipal Board (OMB);
- 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 update Development Services Committee on the status of the application submitted by Tribute (Unionville) Limited for a Zoning By-law Amendment to permit a mixed-use commercial-residential building at 20 Fred Varley Drive, and to obtain Council's authorization for the Town Solicitor and Staff to request mediation at the Ontario Municipal Board (OMB).

BACKGROUND:

Subject property and area context

The subject property is situated on the south side of Fred Varley Drive, west of Main Street Unionville (Figure 1). The subject property has an area of 0.76 ha (1.87 ac) and contains a 3,000 m² (32,300 ft²) linear commercial plaza with seventeen (17) residential apartments on the second floor with at-grade parking located in the front and rear yards. The site is served by two driveways that provide access to Fred Varley Drive, located on the east and west sides of the site. A landscape strip is located in the front yard, along with street trees located within the municipal boulevard (Figure 3).

Surrounding uses include:

- To the north and west are single-detached dwellings;

- To the east, Millennium Square, containing the Unionville Millennium Bandstand, and the retail core along Main Street Unionville is further east of this; and,
- To the south, single-detached dwellings and the Station Lane townhome project.

The Unionville Heritage Conservation District, a protected heritage property, is adjacent to the development site on the south and east boundaries.

Proposed Zoning By-law amendment to facilitate mixed-use commercial residential development

At the time the application was submitted, in April 2011, a conceptual site plan accompanied the request for Zoning By-law amendment. The proposal consists of 113 units in a 5 storey building with ground floor commercial along Fred Varley Drive. The building continues along the western edge of the site and along the rear (south side) of the site where its height is reduced to 4 storeys for that portion. The 5th floor of the proposed building, along with a large mechanical penthouse located above a portion of the 5th floor, are stepped back on the north portion of the site (see Figure 4).

The proposed redevelopment consists of approximately 13,510 m² (145,425 ft²) of residential Gross Floor Area (GFA) and 1,185 m² (12,755 ft²) of commercial GFA for a total GFA of approximately 14,695 m² (158,180 ft²). The total GFA translates into a Floor Space Index (FSI) of approximately 1.93 for all combined uses.

In this proposal, the building is continuous along the Fred Varley Drive frontage, with the exception of the primary access to the site (for residential pick-up/drop off and underground parking), which would align opposite Fonthill Boulevard. The existing western entrance would be retained and used as a service lane, as well as access for twelve (12) surface commercial parking spaces. Six (6) lay-by parking spaces are also shown along Fred Varley Drive. All parking for residential owners and visitors, along with the balance of the retail parking, is proposed to be accommodated within two levels of underground parking.

Revised Conceptual Site Plan submitted following Preliminary Report to Development Services Committee

At the time the Preliminary Report went forward in June 2011, Development Services Committee recommended that the applicant work with staff to address feedback from the community and consider making revisions prior to the scheduling of the public meeting.

The applicant subsequently filed a revised application in September 2011, accompanied with a revised conceptual site plan, consisting of 113 residential units in a 4 storey building with ground floor commercial uses oriented towards Fred Varley Drive (see Figure 5). The courtyard style building is continuous along the perimeter of the site. The 4th floor of the proposed building is stepped back, presenting a three-storey façade to the street and adjacent properties. The proposed redevelopment consists of approximately 13,209 m² (142,185 ft²) of residential GFA and 1,320 m² (14,209 ft²) of commercial GFA

for a total GFA of approximately 14,529 m² (156,394 ft²). The combined GFA translates into an FSI of approximately 1.90 for all uses.

In this revised proposal, the eastern driveway is maintained as the primary driveway, used to access the underground parking garage. The secondary western driveway is also maintained and used for residential pick-up/drop-off and service access. All surface parking has been eliminated. Eight (8) on-street parking spaces, along Fred Varley Drive, are also shown on the plan. All required parking is proposed to be accommodated within two levels of underground parking.

Official Plan and Zoning

The subject property is designated “Special Policy Area” in the Official Plan (OPA No. 153). A “Special Policy Area” is an area of land, located within the floodplain, on which there is an existing development that forms an integral part of an existing flood prone community. The subject property is located within the Regional Storm Floodplain of the Fonthill Creek and within the limits of the Unionville Special Policy Area (SPA). Within SPAs, development and redevelopment, rehabilitation of and extension of existing structures may be permitted conditionally upon flood proofing measures satisfactory to the Toronto and Region Conservation Authority (TRCA). In 2005, the Province updated the definition of Special Policy Area to clarify the intent of redevelopment and intensification in Special Policy Areas. The TRCA’s comments are discussed further in this report.

The subject property is also designated “Neighbourhood Commercial” in the Unionville Core Secondary Plan (PD 1-12) for part of the Markham and Unionville Planning District (OPA No. 107). Commercial uses, including retail, offices, and banks and financial institutions are permitted in the “Neighbourhood Commercial” designation. Residential uses are also permitted in the “Neighbourhood Commercial” designation, subject to a location above the ground floor, or as otherwise specified in the Secondary Plan. Section 3.4.6.3. d) i) Development Requirements stipulates that “scale, massing, and siting of development shall be compatible and consistent with development on adjoining lands”.

The Secondary Plan also contains a site specific policy (5.7.2. “Fred Varley Drive Shopping Plaza”) for the subject property, which states that:

“Council shall encourage initiatives for improvements to or redevelopment of the existing shopping plaza on Fred Varley Drive, which is herein, designated NEIGHBOURHOOD COMMERCIAL CENTRE. In particular, Council shall encourage redevelopment that is more compatible with the historic image of Old Unionville and that provides for appropriate linkages with Station Lane to the south”.

The subject property is zoned “General Commercial” (C1) by By-law 122-72, as amended and is within the boundaries of the Special Policy Area. The applicant has submitted a Zoning By-law Amendment application to rezone the property to “Community Amenity” (CA1), which permits both commercial and residential uses.

Various site specific zoning provisions will also be required to facilitate the proposed development.

Provincial Policy Statement – Adjacent Lands Policy

The Provincial Policy Statement (PPS 2005) policy 2.6.3 addresses the issue of development and site alteration on adjacent lands to a protected heritage property. The Unionville Heritage Conservation District is a protected heritage property as defined by the PPS. The policy provides that mitigative measures or alternative development approaches may be required to conserve the heritage attributes of the protected heritage property. The PPS defines heritage attributes as “the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property”. The term ‘conserve’ is defined as the identification, protection, use and /or management of cultural heritage resources in such a way that their heritage values, attributes and integrity are retained. To conserve heritage attributes, a municipality can require a heritage impact assessment to evaluate the proposal and to demonstrate how the attributes will be conserved.

OPTIONS/ DISCUSSION:**Statutory Public Meeting held on October 25, 2011**

On October 25, 2011, Development Services Committee held a statutory Public Meeting to consider the revised application. A number of area residents attended the Public Meeting and expressed concerns relating to: height, density, scale/massing, traffic, design, the safety of children attending Parkview Public School, and other matters. The resolution at the Public Meeting was that the application be referred back to staff for further review and a final recommendation.

Application appealed to the Ontario Municipal Board by Applicant

Shortly following the Public Meeting, on November 16, 2011, Tribute (Unionville) Limited appealed the original application to the OMB on the basis that the Town has failed to make a decision on the application within one hundred and twenty (120) days after it was received. A prehearing conference before the OMB has been scheduled for March 22, 2012.

Formation of Working Group

On November 25, 2011, a meeting was held with the Mayor, Local Councillor, Town staff and a representative from each of the following: the Unionville Ratepayers Association (URA), Unionville Villagers Association (URA) and Unionville Business Improvement Area (UBIA), Tribute (Unionville) Limited and their planning consultant, Gatzios Planning + Development Consultants Inc. At the conclusion of the meeting, it was suggested that a Working Group be formed to discuss development concepts for the site that would address concerns of the community and the requirements of the applicant, prior to the OMB hearing. On December 13, 2011, Council authorized the establishment of the 20 Fred Varley Working Group.

Facilitator Retained and Working Group Meetings held throughout February

John Gladki of Gladki Planning Associates was retained to facilitate the Working Group sessions. At the time this report was written, a total of three working group meeting have been held. To date, the Working Group has discussed several topics as they relate to the proposed development, including, but not limited to: the OMB hearing process, built form, massing, height, elevations/façade treatments, the historic image of Old Unionville, traffic, pedestrian/student safety and access to the site. A fourth meeting is scheduled for the end of February to discuss environmental considerations and the Planning policy framework as it relates to the site. A report from the facilitator, detailing the finding of the Working Group, is anticipated to be produced in early March 2012. Staff will report back to Development Services Committee on the facilitator's findings as part of a recommendation report prior to the OMB hearing.

Poulos and Chung Limited have been retained for Peer Review of Traffic Study

Based on feedback from the community at the Public Meeting, the Town retained Nick Poulos, of Poulos and Chung Limited, to peer review the Transportation Considerations report prepared by BA Group, dated February 2011, which was submitted with the application. The report prepared by BA Group finds that the proposed development will have a modest impact on daily traffic volumes and have a minor impact on area intersections. Preliminary comments on the Traffic Study were provided to the applicant by the Town's Traffic section, requesting clarification and supplementary information. These comments have not been addressed by the applicant to date.

In addition to peer reviewing the Transportation Considerations report, Poulos and Chung have been asked to comment on safety concerns relative to pedestrian activity and students who walk to Parkview Public school. Staff will report back to Development Services Committee once the peer review comments from Poulos and Chung have been received as part of a recommendation report. Poulos and Chung also participated in the Working Group process.

Comments from the Toronto and Region Conservation Authority

In January 2012, staff received comments from the Toronto and Region Conservation Authority (TRCA) on the subject application. In their letter, the TRCA advises that they believe a decision on the application is premature, as it is unclear whether the proposed development constitutes "intensification" within a Special Policy Area (SPA) and whether Provincial approval would be required for this application. The TRCA recommends that the application be circulated to the Ministry of Municipal Affairs and Housing (MMAH) in this regard. Staff have yet to make a determination on conformity with the Official Plan and as such, the matter of necessity of circulating the application to MMAH is still under consideration.

Based on the conceptual site plan submitted with the zoning application, TRCA staff have identified concerns related to access, parking, setbacks and flood proofing to the Regional flood elevation. TRCA have however reviewed the Flood Hazard Assessment prepared by the applicant and generally concur with the assessment and conclusions.

TRCA staff are of the opinion that the proposed development could be technically flood proofed to a level consistent with TRCA policies.

The TRCA states that redevelopment of the site should provide opportunities to improve current flooding conditions, including providing an increase in flood storage capacity and improvements, conveyance, and enhancement of the existing valley corridor. TRCA staff recommend the implementation of a minimum 10 m environmental buffer adjacent to the natural feature (no structures above or below ground would be permitted) and a restoration and enhancement plan. The TRCA also advises that once the issue regarding residential intensification has been satisfactorily resolved, that additional technical studies and reports will be required for review and approval.

Comments from York District School Board

Staff are in receipt of comments from the Planning and Property Services Department of the York District School Board (YDSB), who have advised that Parkview Public School is projected to decline in enrolment in the next few years and that the proposed development is expected to yield 10 pupils at the elementary level and 5 pupils at the secondary level. The YDSB also advised they could redirect students from the proposed development to another school, should the need arise, and that they will continue to review the timing of this application to ensure adequate accommodation is provided.

Comments from the Town's Engineering Department

The Town's Engineering Department have advised that they have conducted a site investigation and have determined the existing storm sewer/drainage ditch at the rear of the subject site, which is in poor condition, is taking drainage from the rear lots of surrounding properties located on Station Lane and Fred Varley Drive. The applicant has been asked to submit a drainage report showing the drainage area boundaries of the storm sewer/ditch, so that the drainage system can be rehabilitated to the Town's satisfaction. It was also requested that the drainage report address a 4.57 m wide piece of land adjacent to the west property limit (running from Fred Varley Drive to Eureka Street) that contains a sanitary manhole that takes flow from the existing building and adjacent lots to the west and redirects the storm drainage to the Fred Varley Drive Street manhole.

Heritage Markham

The Heritage Markham Committee reviewed the original five storey submission on April 13, 2011 and did not support the application. The committee indicated that upon review of the PPS- Cultural Heritage and Archaeology, Heritage Markham "is of the opinion that the proposed development will negatively impact the unique heritage attributes of the Unionville Heritage Conservation District, and that an alternative development approach should be pursued". On November 9, 2011, Heritage Markham reviewed the revised proposal and did not support the zoning amendment application, but did provide comments and suggestions to improve the application.

Site Plan Application to be formally submitted by Tribute (Unionville) Limited

A pre-consultation meeting was held on February 27, 2012 with Staff, external agencies and the applicant to discuss the submission of a formal site plan application. A site plan application, based on the applicant's original proposal, will be filed in the near future.

Conclusion

At this time, Staff are not in position to make a final recommendation to Council on the subject application, as the following issues remain outstanding:

- The report from the facilitator on the findings of the 20 Fred Varley Working Group is pending;
- The findings from Poulos and Chung's peer review of the Transportation Considerations report prepared by BA Group are pending;
- The TRCA have advised that it is unclear whether the development proposed for the subject property would constitute "intensification" within an SPA to the extent that Provincial approval would be required for this application. Further discussions with MMAH may be required in this regard;
- The submission of additional reports requested by the Town's Engineering Department are pending. Once these are received, Staff will review and provide comments accordingly;
- Potential Section 37 contributions for community benefits require further review;
- Submission of a site plan application, which can be reviewed concurrently with the request for Zoning By-law amendment; and,
- The manner in which parkland requirements are to be addressed remains to be determined.

Given the ongoing work with the facilitator and the community, and the outstanding technical analysis, it is recommended that the Town Solicitor and staff be directed to attend the OMB pre-hearing conference scheduled for March 22, 2012 to request OMB mediation. Staff recommend that this option be explored, as mediation could provide for opportunities to not only explore alternative development concepts, but also possibilities for contributions to the community and enhancements to the natural feature to the east. Prior to the OMB hearing, staff will report back to Development Services Committee with a final recommendation report.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development is to be evaluated in the context of the growth management, environment, transportation and strategic priorities of Council.

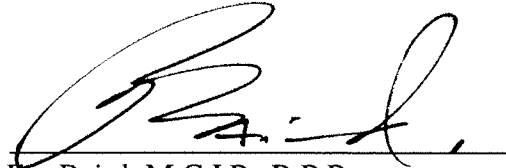
BUSINESS UNITS CONSULTED AND AFFECTED:

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

RECOMMENDED BY:

A handwritten signature in black ink, appearing to read "R Mostacci", written over a horizontal line.

Rmo Mostacci, M.C.I.P., R.P.P.
Director of Planning & Urban Design

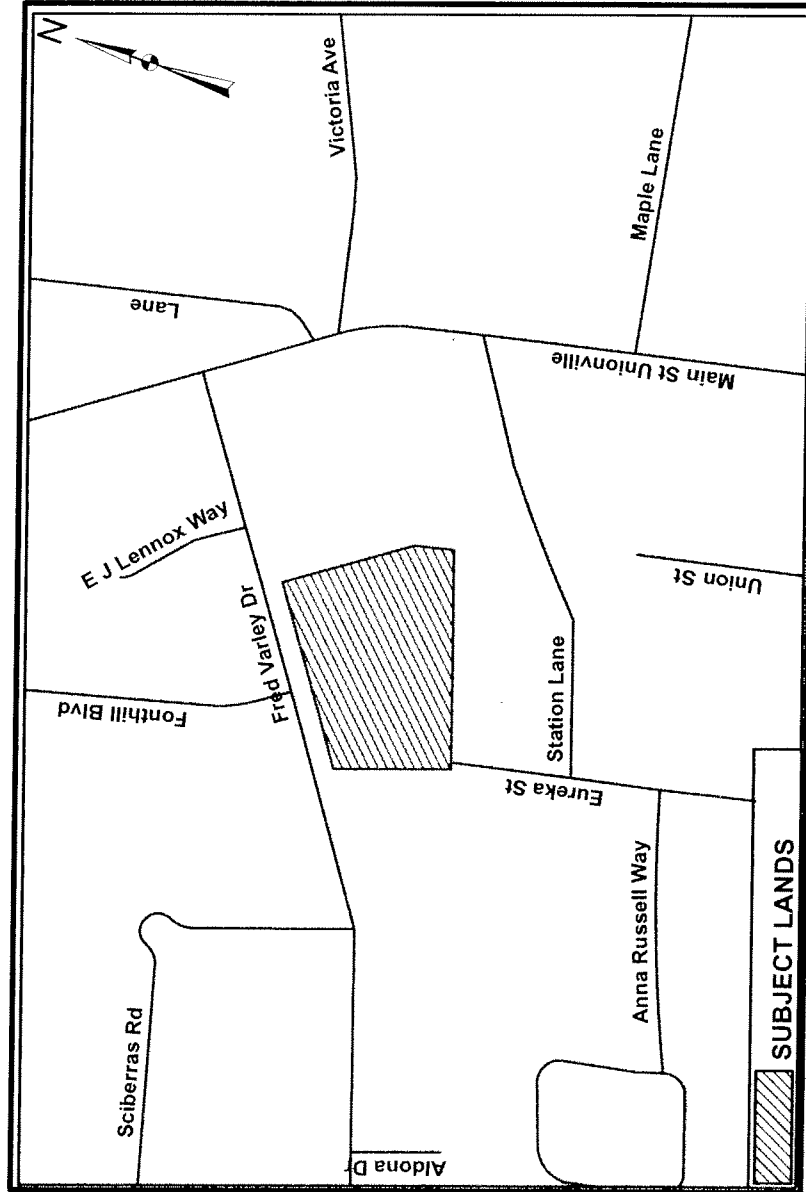
A handwritten signature in black ink, appearing to read "Jim Baird", written over a horizontal line.

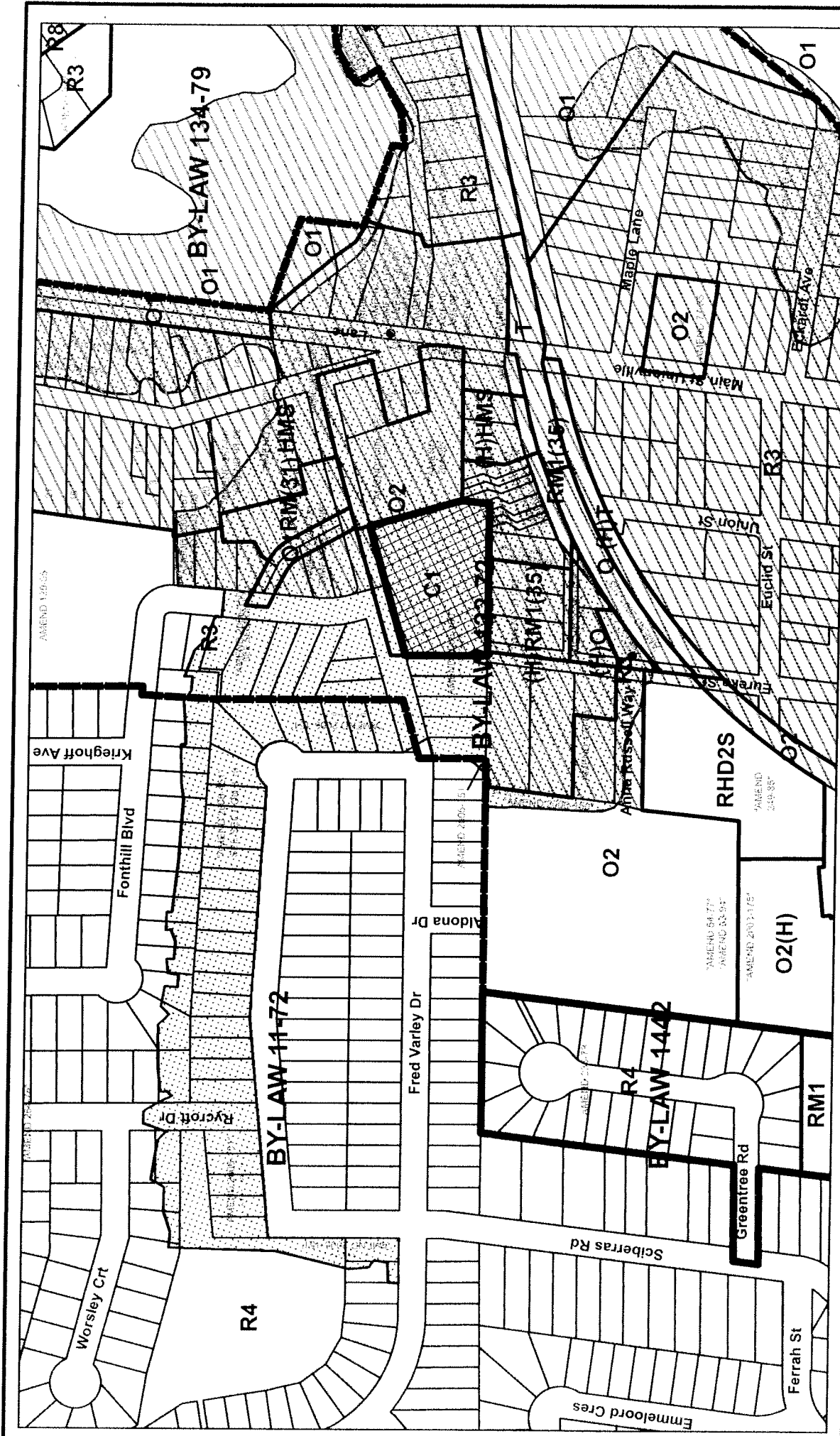
Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Aerial Photo
- Figure 4: Site Plan (Original)
- Figure 5: Site Plan (Revised)

File path: Amanda\File 11 113101\Documents\Status Update Report






AREA CONTEXT / ZONING

APPLICANT: TRIBUTE (UNIONVILLE) LIMITED
20 FRED VARLEY DRIVE

FILE No. ZA. 11113101 (SB)

 SUBJECT LANDS


Q:\Geomatics\New Operation\2011 Agenda\ZA\za11113101\za11113101.mxd



AIR PHOTO (2009)

APPLICANT: TRIBUTE (UNIONVILLE) LIMITED
20 FRED VARLEY DRIVE

FILE No. ZA. 11113101 (SB)

 SUBJECT LANDS

Q:\Geomatics\New Operation\2011 Agenda\ZA\za11113101\za11113101.mxd

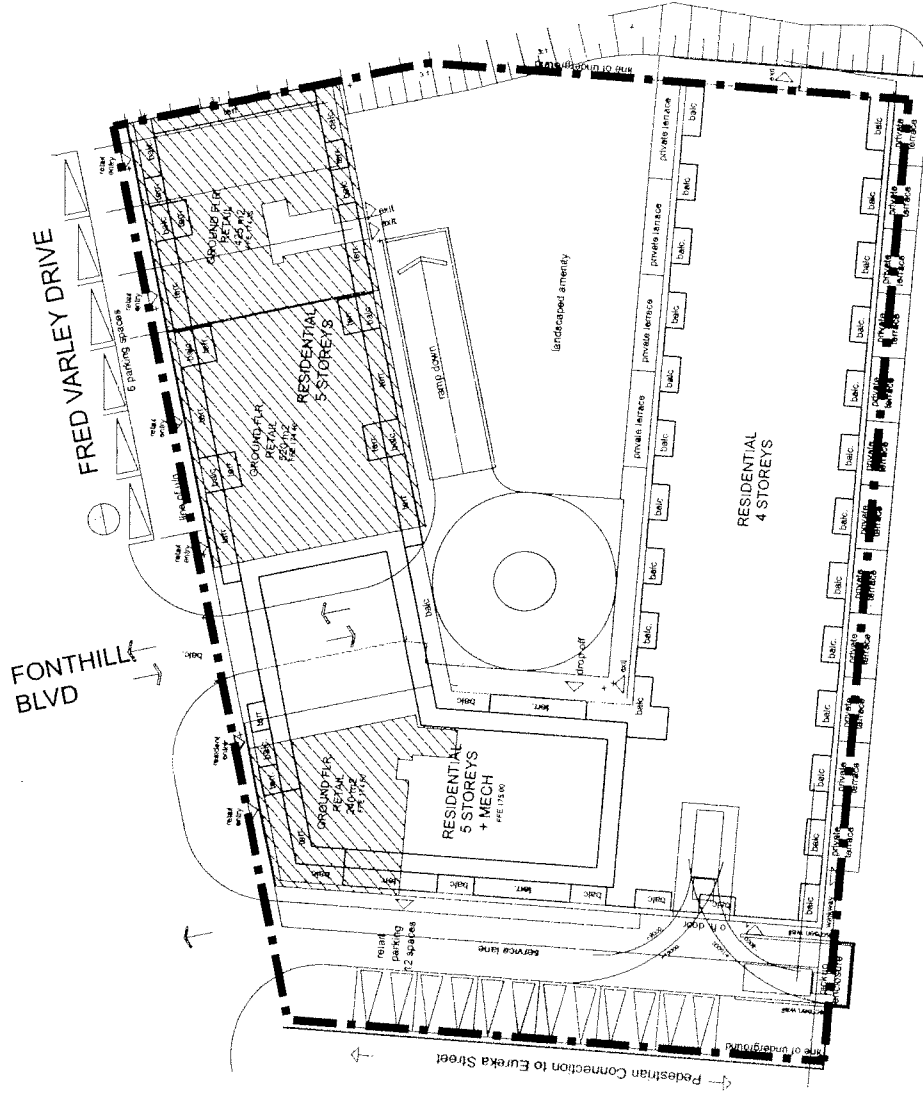
 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SB

DATE: 10/05/2011

FIGURE No.3

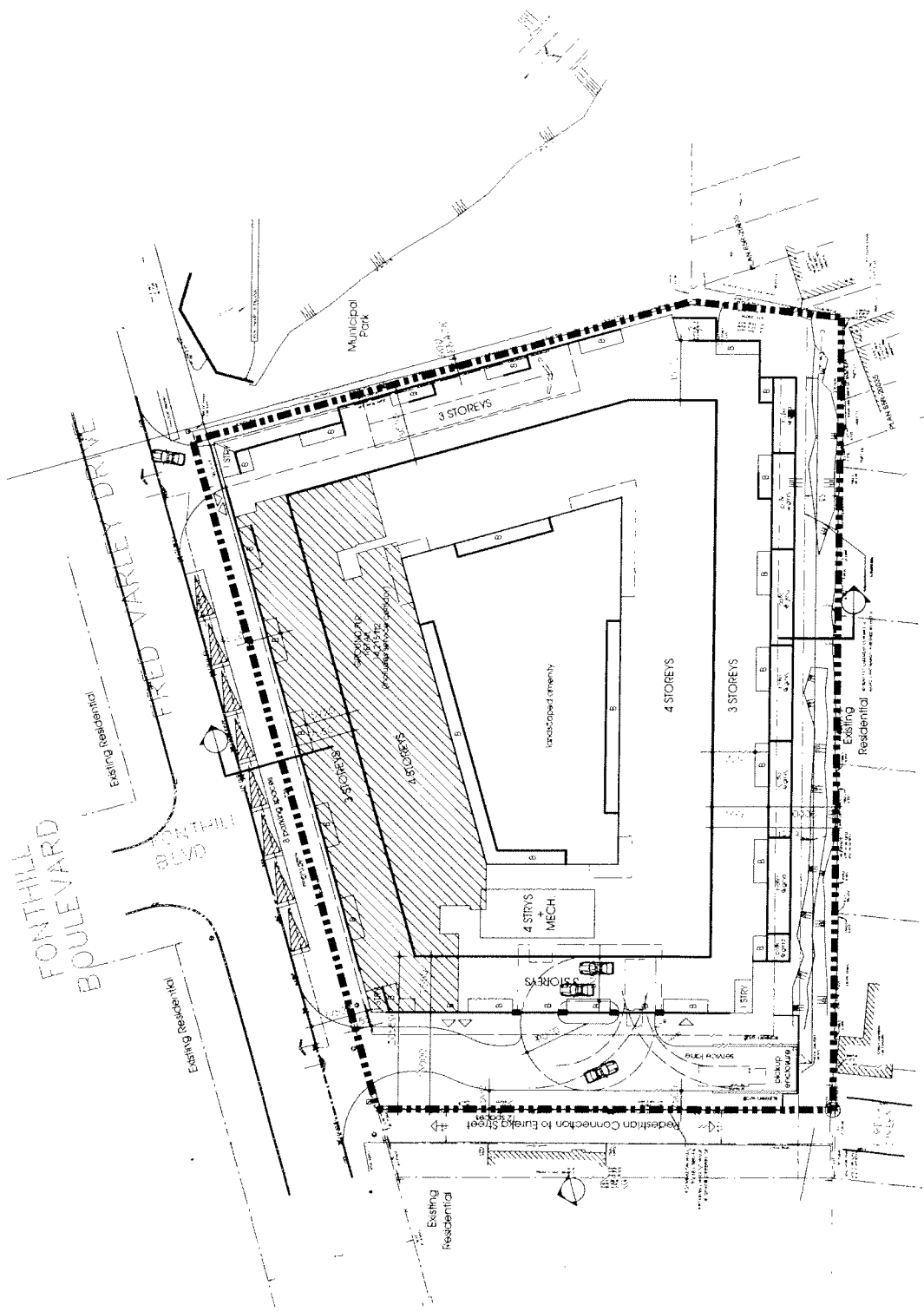


SITE PLAN (ORIGINAL)

APPLICANT: TRIBUTE (UNIONVILLE) LIMITED
20 FRED VARLEY DRIVE

FILE No. ZA. 11113101 (SB)

DATE: 10/05/2011



SITE PLAN (REVISED)

APPLICANT: TRIBUTE (UNIONVILLE) LIMITED
20 FRED VARLEY DRIVE

FILE No. ZA. 11113101 (SB)

Q:\Geomatics\New Operation\2011 Agenda\ZA\za11113101\za11113101.mxd