

COMMITTEE OF THE WHOLE DECEMBER 3, 2007

**OFFICIAL PLAN AMENDMENT FILE OP.05.004
ZONING BY-LAW AMENDMENT FILE Z.05.011
THORNHILL VILLAGE PLAZA INC. AND M4 DEVELOPMENTS INC.
REPORT #P.2005.35**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.05.004 (Thornhill Village Plaza Inc. and M4 Developments Inc.) to amend OPA #210 (Thornhill-Vaughan Community Plan) as amended by OPA #669 to redesignate the subject lands shown on Attachment #1 from "Low Density Residential Area" to "Mixed Residential/Commercial" with respect to 14 Arnold Avenue and from "Mid-Rise/Mixed Use" to "Mixed Residential/Commercial" for 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602 and 7604 Yonge Street and from "Heritage Main Street" to "Mixed Residential/Commercial" for 7610 and 7616 Yonge Street BE REFUSED.
2. THAT Zoning By-law Amendment File Z.05.011 (Thornhill Village Plaza Inc. and M4 Developments Inc.) to rezone the subject lands shown on Attachment #1 from R1V Old Village Residential Zone to RM2 Multiple Residential Zone respecting 14 Arnold Avenue, and from C1 Restricted Commercial Zone to RA2 Apartment Residential Zone for 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602 and 7604 Yonge Street and 7610 and 7616 Yonge Street, BE REFUSED
3. THAT City Staff be authorized to appear before the Ontario Municipal Board if required, to support the position outlined in this report.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Owner has submitted the following applications to facilitate the development of the subject lands on Attachment #1 with a 12-storey, 26,925m² seniors residential apartment, having a total of 225 units and at grade commercial retail, five 1½ storey townhouse units, and four 1½-storey semi-detached dwellings and the relocation of a heritage structure with an addition for commercial uses and the potential of live/work units, as shown on Attachment #2:

1. An Official Plan Amendment Application (File OP.05.004) to amend OPA #210 (Thornhill-Vaughan Community Plan) as amended OPA #669 to redesignate the subject lands shown on Attachment #1 from "Low Density Residential Area", "Mid-Rise Mixed Use" and "Heritage Main Street" to "Mixed Residential/Commercial".
2. A Zoning By-law Amendment Application (File Z.05.011) to amend By-law 1-88 to rezone the subject lands shown on Attachment #1 from R1V Old Village Residential Zone, subject to site specific Exception 9(662) to RM2 Multiple Residential Zone for 14 Arnold Avenue and from C1 Restricted Commercial Zone subject to site-specific Exception

9(1150) to RA2 Apartment Residential Zone for 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602, 7604, 7610 and 7616 Yonge Street.

Background - Analysis and Options

The 1.002 ha site is comprised of a number of parcels which combined form an irregular parcel located on the north side of Arnold Avenue and on the west side of Yonge Street, municipally known as 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602, 7604, 7616 and 7610 Yonge Street and 14 Arnold Avenue, in Part of Lot 30, Concession 1, City of Vaughan, as shown on Attachment #2.

The Arnold Avenue lot has a 30.48m frontage and a depth of 155m and is currently developed with a single detached residential dwelling and are developed with existing commercial/retail office uses.

The site at Arnold Avenue is designated "Low Density Residential Area" by OPA #210 (Thornhill-Vaughan Community Plan) and zoned R1V Old Village Residential Zone subject to site-specific Exception 9(662) permitting the use of a single detached dwelling. The subject lands on Yonge Street are designated "Mid-Rise/Mixed Use" and zoned C1 Restricted Commercial Zone, subject to site-specific Exception 9(1150) with 7616 and 7610 Yonge Street being designated "Heritage Main Street" and zoned C1 Restricted Commercial Zone by By-law 1-88. The surrounding land uses are as follows:

- North - residential (R1V Old Village Residential Zone/C1 Restricted Commercial Zone) commercial (C1 Restricted Commercial Zone)
- South - commercial (C1 Restricted Commercial Zone and C6 Highway Commercial Zone), Arnold Avenue; school (R1V Old Village Residential Zone)
- East - Yonge Street; Town of Markham; Commercial and Residential
- West - residential (R1V Old Village Residential Zone)

The original proposal was to permit the use and future development of the subject lands with 9 block townhouse units at 14 Arnold Avenue, and a 15-storey, 309 unit residential apartment building (specifically for use as s seniors retirement residence) with a ground floor retail component on the Yonge Street properties)

Public Hearing

On May 13, 2005, a notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Crestwood Springfarm Yorkhill Residents Association as well as the Town of Markham. The notice outlined the original proposal for a 15-storey building with 9 townhouses.

The recommendation of the Committee of the Whole to receive the Public Hearing report dated June 8, 2005 and that the applicant be requested to attend a community meeting to address concerns raised was ratified by Council on June 15, 2005.

On October 30, 2005 the applicant held an Open House for the community to discuss the proposal. In addition, a community meeting arranged by the Ward 4 Councillor was held on November 16, 2005.

The following is a summary of the comments received at the Public Hearing and Community Meeting on the applications:

- the magnitude of the development overwhelms the existing buildings in the neighbourhood
- the mass and height disrupts the view of Old Thornhill

- out of character with Arnold Avenue and this section of Yonge Street
- townhouses along Arnold Avenue are out of character with existing R1V Old Village Residential on Arnold Avenue
- congestion along Arnold Avenue already exists because of Thornhill School
- a 15-storey building is not in keeping with existing surroundings
- plan should provide more of a streetscape and there isn't sufficient setbacks provided along Yonge Street
- concerns about noise, privacy and parking were also raised, as was the loss of heritage preservation and obstruction of natural light for the existing residences
- compatibility with the heritage area
- the need to finalize the Yonge Street Study prior to proceeding with the application

Land Use Status/Planning Considerations

i) Region of York Official Plan

The subject lands are identified as being within the "Urban Area" of the Region of York Official Plan. The joint Thornhill Yonge Street Study between the Town of Markham and the City of Vaughan and the implementing OPA's are consistent with policies set forth in the Regional Official Plan (ROP) in respect to growth management, transit supportive development and heritage preservation. Although both the City of Vaughan OPA #669 and Town of Markham OPA #154 are consistent with Regional Policies, the Region of York Planning and Development Services Department in their August 25, 2006 report titled Thornhill Yonge Street Study Implementation – City of Vaughan OPA #669 and Town of Markham OPA #154 recommended deferral of the subject lands as shown on Attachment #1 in light of the existing application. The subject lands were deferred and the balance of OPA #669 and OPA #154 were approved and are now in effect. The deferral was intended to provide an opportunity for City and Regional staff to work with the Applicant with respect to proposed Official Plan and Zoning By-law Amendment application files OP.05.004 and Z.05.011.

On September 27, 2007, Regional Council lifted the deferral allowing the further approval of OPA #669 to occur for the subject lands as was intended by City of Vaughan Council. The Region has also advised that on October 22, 2007 the Applicant for the subject lands appealed the approval of OPA #669.

ii) The Thornhill Yonge Street Study – 2005

The Thornhill Yonge Street Study- 2005 was jointly undertaken by the Town of Markham and the City of Vaughan. The study was initiated in 2002 and led by the consulting firm of Urban Strategies Inc. The consultation process included a number of workshops with key stakeholders, including both the Town of Markham and the City of Vaughan, the Region of York, the Region of York Rapid Transit Consortium, the property owners and local residents. The land use recommendations arising from the study provided the policy framework for Official Plan Amendment #669, which amended the existing OPA #210 (Thornhill Vaughan Community Plan). The recommendations were based on the vision, key planning principles, goals, analysis and conclusions outlined in the report prepared by Urban Strategies Inc.

OPA #669 incorporates land use and urban design policy components of the Thornhill Yonge Street Study (2005). The land use designations established in OPA #669 reflect the Land Use Plan from the Study. The principle changes introduced by OPA #669 are the creation of two new land use designations, "Mid-Rise/Mixed Use" and "Heritage Main Street".

iii) Official Plan OPA #210 (as amended by OPA #669)

The proposed development encompasses 3 parcels of land and are designated by 2 official plan amendments.

The portion of the subject lands located at 14 Arnold Avenue is designated "Low Density Residential Area" by OPA #210 (Thornhill Vaughan Community Plan) which permits single detached dwellings at a maximum net density of 22 units per hectare. The proposed 5 townhouse units and 4 semi detached units exceed the permitted net density, by having a net density of 32.25 units per ha which does not conform to the "Low Density Residential Area" designation.

The remainder of the lands being 7584, 7586, 7588, 7592, 7596, 7598, 7600 7602 and 7604 Yonge Street are designated "Mid-Rise/Mixed Use" and 7610 and 7616 Yonge Street are designated "Heritage Main Street" as shown on Attachment #1.

The "Mid-Rise/Mixed Use" designation permits buildings at a maximum height of 5-storeys, with a maximum net density of 2.0 FSI. Within the "Mid-Rise/Mixed Use" designation mixed use retail/residential or retail office development is encouraged. New development on lands with frontage on Yonge Street and/or along any plaza/public open space frontage is required to include ground floor, grade related commercial uses. Residential uses at grade are not permitted along these street frontages. The designation also permits a maximum 5-storeys or 17m abutting Yonge Street only. The development proposes a total of 12-storeys, exceeding the permitted 5-storey maximum outlined by OPA #669. Furthermore, the proposed development has an FSI of 2.9. The proposed 12-storey development does not conform with the official plan.

The "Heritage Main Street" designation applies to lands where designated or listed heritage buildings are located. This designation also applies to sites in close proximity to heritage building(s). The primary intent of the "Heritage Main Street" designation is the protection and adaptive re-use of the existing heritage buildings. The maximum height of any building within the "Heritage Main Street" designation shall be 3-storeys or 9.0m subject to compatibility with existing heritage structures. A minimum height of 2.5-storeys or 8 metres is required for all new development within the "Heritage Main Street" designation. The maximum site density shall be 0.75 F.S.I. Elevations reflecting the conceptual plan shown on Attachment #2 have not been provided, so to determine compatibility of the proposed development with the existing Cox House heritage structure is premature.

Zoning

A portion of the subject lands are presently zoned R1V Old Village Residential Zone subject to site-specific Exception 9(662) for the 14 Arnold Avenue lot. The R1V Zone permits single detached residential dwellings. Currently, the City of Vaughan has implemented an interim control on all R1V Old Village Residential Zones in order to conduct a Land Use Study. No building permits are to be issued for properties zoned R1V if the proposed building exceeds 500m².

The remainder of the subject lands as shown on Attachment #1 are zoned C1 Restricted Commercial Zone and except for 7610 and 7616 Yonge Street the lands are also subject to site-specific Exception 9(1150). The proposed development would not be permitted with the subject lands existing zoning. The Applicant has proposed rezoning the subject lands to RM2 Multiple Residential Zone for 14 Arnold Avenue and RA2 Apartment Residential Zone for the Yonge Street portion of the subject lands.

Cultural Services/Heritage Vaughan

The subject lands are located within the Thornhill Heritage Conservation District and therefore governed by Design Guidelines outlined in Section 3.0 of the Thornhill Heritage Conservation District. Furthermore, the Cox House located at 7616 Yonge Street is listed on the City of Vaughan's Inventory of Heritage properties and therefore defined as a building having cultural heritage value.

The proposed development is not consistent with the Thornhill Heritage Conservation District guidelines which include the following:

"3.4.1 Design Guidelines for Commercial Properties

Goals

The intent of the design guidelines in commercial areas of Yonge Street is to:

1. Preserve 19th and early 20th century buildings and assist in their preservation so that they can be maintained and form a viable part of the commercial area.
2. Ensure that renovations and additions within the district are consistent with the architectural style of the existing structure that changes are compatible with the character of the village."

To date, the Applicant has been to Heritage Vaughan seeking approval for the relocation and reorientation of the Cox House.

The proposed relocation and reorientation of the Cox House was reviewed by Heritage Vaughan August 24, 2005. Heritage Vaughan recommended the following:

"That Heritage Vaughan recommend 7616 Yonge Street (known as the Robert Cox House) be preserved as an integral segment of the Thornhill Heritage Conservation District and as a significant example of cultural heritage property.

That 7616 Yonge Street (Robert Cox House) be integrated into the proposed development for the site to the satisfaction of Cultural Service Staff.

That the applicant be requested to work with Cultural Services Staff to ensure that the new development be sympathetic to the existing streetscape context in terms of scale, massing materials and the general character of the Thornhill Heritage Conservation District."

To date Heritage Vaughan has not approved any aspect of the new construction.

Land Use Compatibility

The proposed development contemplates a 12-storey apartment building, 5 townhouse units and 4 semi-detached units. The Development Planning Department cannot support the proposed development based on the following reasons:

- The proposal is contrary to policies respecting building height and FSI contained in OPA #669, as well as the Thornhill Heritage Conservation District Plan, which was recently approved by Council on November 12, 2007, and endorses the maximum 5-storey building height policies of OPA #669.

- The subject lands are located within the Thornhill Heritage District where the maximum permitted height is 5-storeys for the "Mid-Rise/Mixed Use" designation. The residential building proposed is 7-storeys higher than the maximum permitted height and not in keeping with the intent of the Heritage District, nor is it deemed to be compatible with the existing surrounding built form being, low density residential single-detached development to the west and development on the east side of Yonge Street in the Town of Markham, which consists of townhouses and a 6-storey apartment building.
- The present Interim Control By-law 193-2007 as amended by By-law 264-2007 restricts development within the R1V Old Village Residential Zones throughout the City of Vaughan, providing City Staff the opportunity to conduct a land use study. In light of the ongoing study it would be premature to move forward with a rezoning and official plan amendment for one parcel of the subject lands, being 14 Arnold Avenue presently zoned R1V, until and the study is completed.
- The Town of Markham OPA #154 (Markham's Thornhill Planning District Area Plan) was adopted by Markham Council on June 13, 2007. Markham Council subsequently directed an amendment to OPA #154 removing any reference to 5-storey development from the heritage district and replacing it with a maximum 12m height (approximately 3-storeys) requirement. OPA #167 the amendment to OPA #154 has been appealed by 2 land owners to the Ontario Municipal Board.
- The City of Vaughan does encourage higher density residential development where appropriate. However, staff cannot support the proposed increased density of this form within the Thornhill Heritage District.
- While the Development Planning Department can support intensification within the Heritage District to encourage vitality, it can only do so to a maximum height ranging between 3 to 5 storeys in accordance with OPA #669 and the Thornhill Heritage District Plan. The proposal contemplates development significantly exceeding that which was determined through the Thornhill Yonge Street Study to be appropriate.

Land Use Context

The subject lands are comprised of 3 land parcels, 14 Arnold Avenue, 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602, 7604 Yonge Street and 7610 and 7616 Yonge Street. The parcel at 14 Arnold Avenue is presently developed with a single detached residential lot fronting on Arnold Avenue as shown on Attachment #1. The two Yonge Street parcels share an existing driveway access with one parcel containing a multi-unit commercial building and the second containing 2 buildings one of which is the Cox House and listed on the City's inventory of heritage structures. The multi-unit commercial plaza is to be demolished. The existing built form in the area consists of single-detached residential dwellings to the west. To the north is existing commercial with parking located at the rear of the lot behind the building. To the east is Yonge Street and an existing residential complex. Directly south of Arnold Avenue is an existing public school.

The subject lands immediately abut residential lots developed with single detached dwellings which is the predominant residential built form in the area. The proposed development would introduce a highrise, high density built form immediately abutting an established low density residential area.

The conceptual plan shown on Attachment #2 illustrates that the subject lands are to be developed with a stepped back 12-storey building, 4 semi-detached dwellings and 5 townhouses. The proposal also maintains the existing Cox house and relocates it to the Yonge Street streetline while constructing an addition double the size of the Cox house at its rear. A driveway with access from Yonge Street and Arnold Avenue forms a round-about at the rear of the 12-storey building.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Regional Implications

The Region of York has further approved the deferral area of the subject lands allowing OPA #669 to be approved in its entirety.

Conclusion

The Development Planning Department has reviewed the applications to amend the Official Plan and Zoning By-law in accordance with recently approved OPA #669, the Thornhill Conservation District Plan and the surrounding area context. The proposal involves significant intensification of the existing subject lands that does not appropriately integrate into the surrounding area context. Accordingly, the Development Planning Department cannot support the proposal and recommends that the applications BE REFUSED.

Attachments

1. Location Map
2. Conceptual Site Plan
3. OPA #669 Amendment Area

Report prepared by:

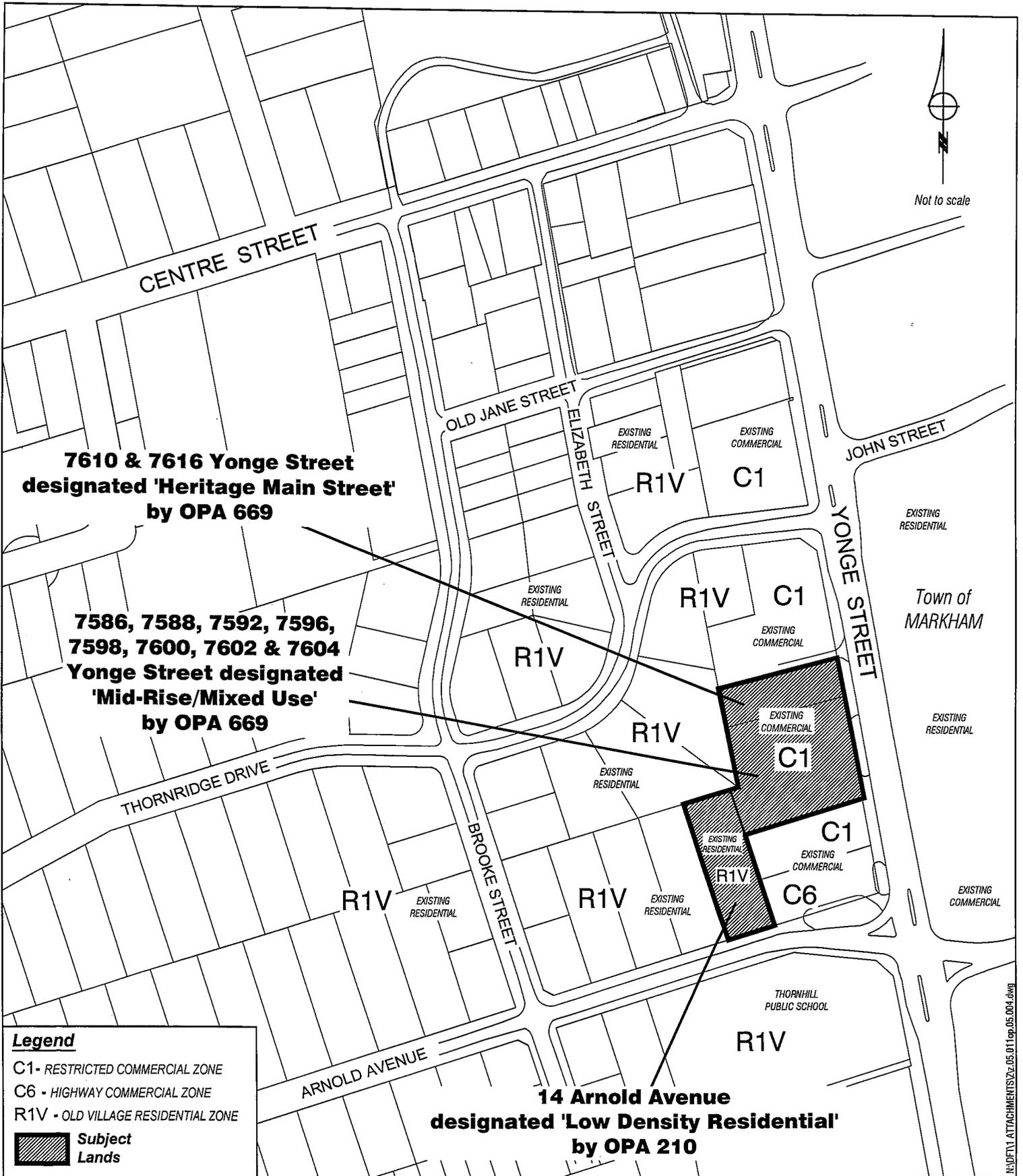
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM



Location Map

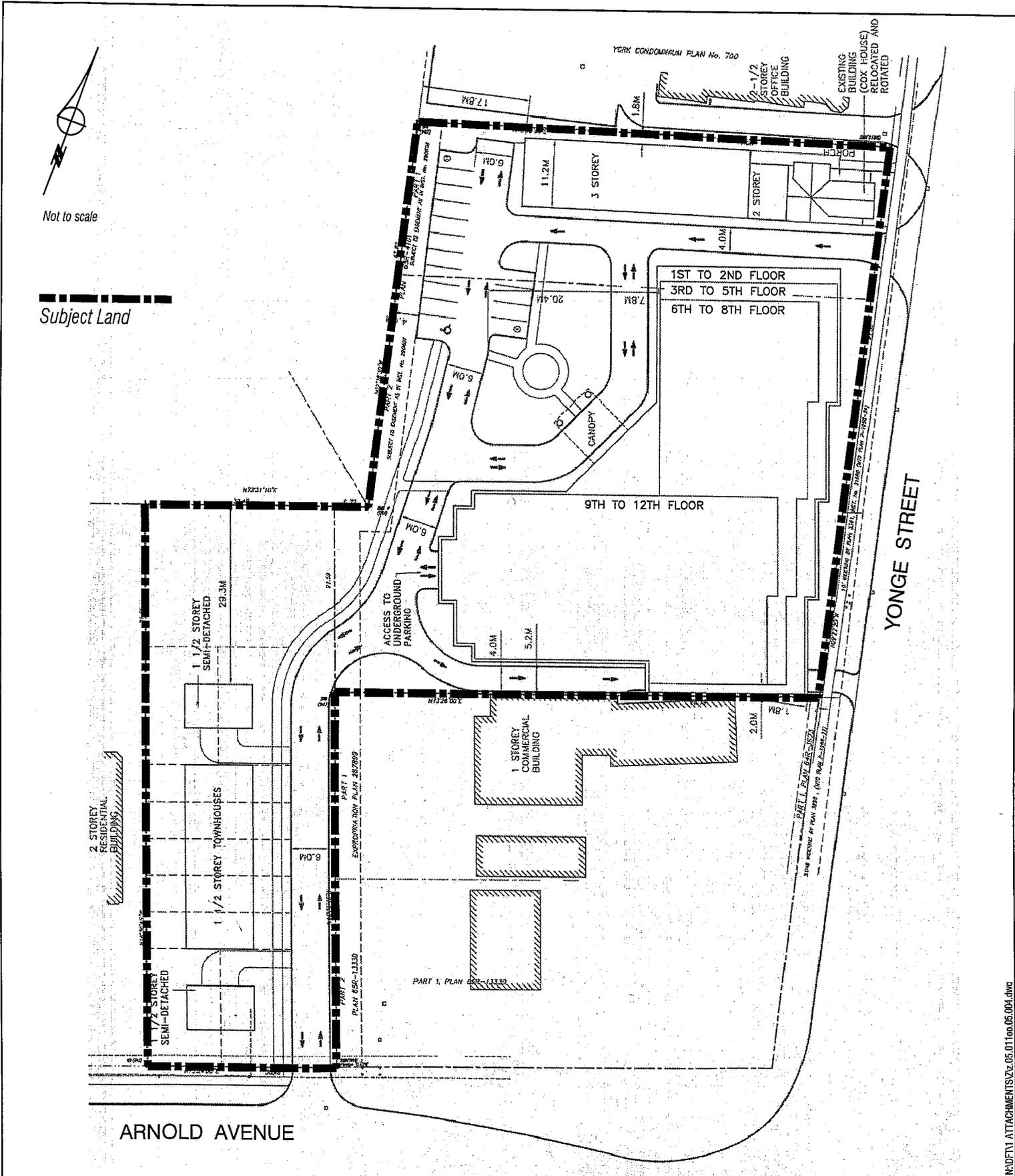
Location:
 Part Lot 29, Concession 1
 Applicant:
 THORNHILL VILLAGE PLAZA INC. & M4 DEVELOPMENT INC.



Attachment

File:
 Z.05.011 / OP.05.004
 Date:
 November 16, 2007

1



Conceptual Site Plan

Location:
Part Lot 29, Concession 1

Applicant:
THORNHILL VILLAGE PLAZA INC. & M4 DEVELOPMENT INC.



The City Above Toronto

Development Planning Department

Attachment

File:
Z.05.011 / OP.05.004

Date:
November 16, 2007

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