

**SUBJECT:** RECOMMENDATION REPORT, Angus Glen Village Ltd., 4071, 4073 and 4289 Major Mackenzie Drive East, south side of Major Mackenzie Drive, west of Kennedy Road, Zoning By-law Amendment Application to revise the development standards for 173 townhouses proposed on the subject lands, File No. ZA 18 154612 (Ward 6)

**PREPARED BY:** Rick Cefaratti, MCIP, RPP, Senior, West District, (ext. 3675)

**REVIEWED BY:** Ron Blake, MCIP, RPP, Senior Development Manager, (ext. 2600)

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**RECOMMENDATION:**

1. That the report dated September 14, 2020 entitled “RECOMMENDATION REPORT, Angus Glen Village Ltd., 4071, 4073 and 4289 Major Mackenzie Drive East, south side of Major Mackenzie Drive, west of Kennedy Road, Zoning By-law Amendment to revise the development standards for 173 townhouses proposed on the subject lands, File No. ZA 18 154612 (Ward 6)”, be received;
2. That the amendment to By-law 177-96, as amended, be approved and the draft implementing Zoning By-law, attached as Appendix ‘A’, be finalized and enacted, without further notice, subject to the Toronto and Region Conservation Authority confirming that their technical requirements have been addressed;
3. That Markham Council requests York Region to approve the signalization of the centrally located intersection, that serves as the principal access to Major Mackenzie Drive East, at the Owner’s expense;
4. That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix ‘A’ to this report, before the second anniversary of the day on which the by-law was approved by Council;
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The site municipally known as 4071, 4073 and 4289 Major Mackenzie Drive East has a total area of approximately 7.5 ha. (18.53 ac.). It is located on the south side of Major Mackenzie Drive East, between Prospector’s Drive and Angus Glen Boulevard (the “Subject Lands”). This report recommends the approval of an application for a Zoning By-law Amendment submitted by Angus Glen Village Ltd., to refine the development standards for a proposed 173 unit townhouse development on a 4.93 ha. (12.18 ac.)

portion of the “Subject Lands”. The remaining 2.57 ha. (6.35 ac.) portion of the “Subject Lands” includes an environmental buffer, valley lands and a woodlot. The “Subject Lands” are the final phase of the Angus Glen West Village subdivision. The environmental buffer, valley lands and woodlot portion will be conveyed to the City upon registration of this final phase of the Plan of Subdivision (see Figure 4 – Site Plan). Registration of the Plan of Subdivision is required prior to final Site Plan approval.

The “Subject Lands” are designated ‘Residential Mid-Rise’ and ‘Greenway’ in the 2014 Markham Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). The Residential designation provides for the townhouse proposal. The Greenway designation provides for the environmental buffer, valley lands and woodlot.

The “Subject Lands” are zoned R4\*387 – Residential Four\*387 Zone and OS1 – Open Space One Zone by By-law 177-96, as amended. The R4\*387 – Residential Four\*387 Zone permits the townhouse proposal. The OS1 – Open Space One Zone permits environmental buffer, valley lands and woodlot. In order to implement the proposed townhouse development, the proponent has requested a number of site –specific amendments to the development standards to be included in the Zoning By-law. The proposed amendments are described in further detail later in this report.

The Toronto and Region Conservation Authority (TRCA) has not completed their technical review of the proposal yet. They are concerned that the Regional Floodline elevation has increased after the naturalization of the Stollery Pond Channel was completed. This could affect the minimum required building setbacks for the units adjacent to the Open Space areas. Consequently, this report recommends the Zoning By-law Amendment (Appendix ‘A’) only be finalized and enacted once the TRCA’s comments and building setbacks from the OS1 Zone have been addressed to their satisfaction.

The proponent has requested the installation of traffic signals at the centrally located full moves access driveway onto Major Mackenzie Drive East. Traffic signals at this location are not warranted. As a result, York Region requires a Markham Council resolution requesting Regional Council approval of traffic signals at this location. The proponent has agreed to pay for the intersection signalization and the costs will be secured through the site plan agreement process.

**PURPOSE:**

This report recommends approval of the Zoning By-law Amendment application (File No. ZA 18 154612). The By-law revises the development standards for a townhouse development, proposed on the approximately 4.93 ha. (12.18 ac.) table land portion of the 7.5 ha. (18.53 ac.) “Subject Lands”. The requested revisions to the development standards by the proponent include a reduction to the minimum width of a townhouse unit, an increase to the maximum permitted building height, a minimum rear yard setback to the OS1 – Open Space Zone of 1.2 m (3.9 ft.), and the residential block for the proposed townhouses will be deemed as one lot for zoning purposes when determining building setbacks to the front, side and rear lot lines. All internal building setbacks will be established through the site plan approval process.

**PROCESS TO DATE AND NEXT STEPS**History of the application

These lands represent the final unregistered phase of Draft Plan of Subdivision 19TM-03004. Draft Plan approval for Phase 2 was issued by the City in December of 2009, to permit 166 townhouse units with larger lots. A revised draft plan was draft approved in October of 2011 to allow for smaller lots. However, the proposed refinements to the Open Space zone boundaries for the buffers, valley lands and woodlot will require revisions to the draft plan. The current request to amend the zoning by-law will facilitate the proposed 173 unit townhouse development with smaller lot sizes and permit an increased maximum building height. In addition, TRCA staff must confirm if the setback between the OS1 Zone and the rear yards of adjacent townhouses is acceptable.

The following milestones were completed, as part of the Zoning By-law and associated Site Plan application review process:

- The Zoning By-law Amendment application was deemed complete on January 7, 2019.
- The statutory Public Meeting was held on June 24, 2019;
- Following the Public Meeting, a motion was carried by Council at their meeting on June 25, 2019 to endorse the Site Plan application (File SPC 18 154612) in principle, and delegate Site Plan approval authority to staff;
- Staff endorsed the Site Plan application on April 16, 2020; and,
- Council passed a By-law to remove the H2 Holding provision from the current zoning and assign servicing allocation for one hundred and seventy three (173) dwelling units on April 28, 2020;

Next steps

- Enactment of the amending Zoning By-law following confirmation from TRCA comments have been addressed to their satisfaction;
- Redline revisions to the Draft Plan are required to reflect the proposed encroachments into the environmental buffers, valley lands and woodlot prior to Subdivision registration, and before these lands are conveyed to the City;
- Execution of a Subdivision Agreement for the Phase 2 lands prior to Subdivision registration;
- Registration of the final phase of the Draft Plan of Subdivision prior to the execution of the site plan agreement and site plan approval to create the residential block, valley lands and open space blocks;
- The proponent executes a site plan agreement;
- Final site plan approval is a staff delegation.
- An application for Draft Plan of Condominium will need to be approved to create the individual units and to establish ownership of the common elements, including

the amenity areas, internal road network, and visitor parking. This application has not been submitted yet.

**BACKGROUND:****Property and Area Context**

The 7.5 ha. (18.53 ac.) “Subject Lands” are located on the south side of Major Mackenzie Drive, between Prospector’s Drive and Angus Glen Boulevard, and within the Angus Glen West Village (see Figures 1, 2 and 3). Located to the north, across Major Mackenzie Drive, are golf course lands that form part of the Future Urban Area (FUA). To the south is the Angus Glen Golf Club and the York Downs Golf & Country Club. Plans to redevelop the York Downs Golf & Country Club for a new residential community were approved by the Local Planning Appeal Tribunal (LPAT) in 2019. To the east is a rural single detached dwelling with access from Major Mackenzie Drive East. Single detached dwellings are located west of the Bruce Creek Valley corridor lands.

**PROPOSAL**

The proposed 173 unit townhouse development, along with a private storm water pond to serve the development, will occupy the table land portion of the “Subject Lands”. The table land portion of the “Subject lands” is approximately 4.93 ha. (12.18 ac.) (See Figure 4). The remaining 2.57 ha. (6.35 ac.) includes an environmental buffer, valley lands, and a woodlot. The buffer, valley lands and woodlot will be conveyed to the City with the registration of this final phase of the Plan of Subdivision (see Blocks 3, 5 and 6 on Appendix ‘B’ – Draft M-Plan).

Vehicular access is proposed along two (2) private road connections from Major Mackenzie Drive East. The west entrance will be restricted to right-in/right out, and the main entrance, near the middle of the property, will be a full moves access. The proponent is requesting that this driveway be signalized, at their expense, as noted in Recommendation #3 above. The proponent is proposing signalization of the intersection to provide a direct and safe cycling and walking connection to the north side of the road (including any future transit stops along Major Mackenzie Drive). This main driveway will align with a future road that will begin on the north side of Major Mackenzie Drive East to serve the FUA. Access to the individual townhouse units will be from a network of private lanes.

The 173 townhouse proposal, as illustrated in Figures 4, 5, 6, 7, and 8 is comprised of:

- 43 units that are 4.7 m (15.4 ft.) wide,
- 57 units that are 5.8 m (19.0 ft.) wide, and
- 73 units that are 7.0 m (23.0 ft.) wide.

The proposal includes four (4) private outdoor amenity spaces, which range in size from approximately 103 m<sup>2</sup> (1108.68 ft<sup>2</sup>) to 475 m<sup>2</sup> (5,112.86 ft<sup>2</sup>). These shared spaces will ultimately be part of the condominium common elements. In addition, each back lotted townhouse unit will have exclusive use to a minimum amenity area of at least 25.0 m<sup>2</sup> (269.09 ft<sup>2</sup>). The amenity space for the proposed lane based townhouses, such as those

fronting onto Major Mackenzie Drive East, will be provided through the balconies above the garages.

There will be at least two (2) parking spaces (one on the driveway and one in the garage) for each unit, plus forty-four (44) parking spaces for visitors. (The visitor parking is being provided in accordance with the City's requirements of one (1) visitor space for ever four (4) townhouse units i.e.  $173 / 4 = 43$ ). The proposed parking spaces will comply with the Parking Standards By-law with respect to the minimum size. The applicant has confirmed that the interior garage space of each townhouse unit has the required length to accommodate a car, garbage/recycling/green bins and a bicycle.

## **OFFICIAL PLAN**

### **2014 Official Plan**

The "Subject Lands" are designated 'Residential Mid-Rise' and 'Greenway' in the 2014 Markham Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). The Residential designation provides for townhouses, including back to back townhouses, small multiplex buildings containing 3 to 6 units, stacked townhouses and mid-rise apartment buildings. The 'Greenway' designation allows environmental buffers, ecological restoration, woodlots and trails and watershed management uses. This townhouse proposal conforms to the 2014 Markham Official Plan.

## **ZONING**

These lands are currently zoned R4\*387 – Residential Four\*387 Zone and OS1 – Open Space One Zone by By-law 177-96, as amended. The R4\*387 – Residential Four\*387 Zone permits residential development, including townhouses. The OS1 – Open Space One Zone permits facilities for flood control and erosion, walkways, bridges, cycling paths and related accessory buildings and structures.

The draft Zoning By-law amendment (Appendix 'A') will rezone the developable portion of the "Subject Lands" from R4\*387 – Residential Four\*387 Zone to R2\*387 - Residential Two Zone, which permits townhouses. The draft by-law also includes a number of exceptions to the general provisions in the parent by-law.

These exceptions include:

- A minimum townhouse unit width of 4.5 m (14.76 ft.), whereas the minimum townhouse unit width is 5.5 m (18.04 ft.);
- A maximum number of 173 townhouse units;
- A maximum Building Height of 14.0 m (45.93 ft.), whereas the maximum Building Height is 12.0 m (39.37 ft.); and
- A maximum garage and driveway width of 6.0 m (19.68 ft.) for units with a double car garage, whereas the maximum garage and driveway width is 35 percent of the lot frontage;
- A minimum rear yard setback for lots abutting an Open Space One (OS1) Zone of 1.2 m (3.9 ft.) (note that this setback is still under review by the City, TRCA and the applicant); and

- To deem the 4.93 ha. (12.18 ac.) table land portion of the “Subject Lands” to be one lot for zoning purposes.

In addition, the proposed by-law includes refinements to the Open Space zone boundaries for the buffers, valley lands and woodlot. These refinements relate to the conveyance to the City of approximately 1.2 ha. (2.96 ac.) of tableland, along the western, southern and eastern boundaries of the site. The TRCA has requested this By-law amendment to not be finalized and enacted by Markham Council until matters related to these conveyances, as detailed later in the report, have been fully resolved between the TRCA, the City and the applicant.

### **OPTIONS/ DISCUSSION:**

#### **Issues identified in the Preliminary Report, at the Public Meeting**

##### Preliminary Report

A number of issues were identified in the June 10, 2019 preliminary report to Development Services Committee (DSC). The issues identified included:

- Identification of suitable snow storage areas;
- Resolution of regional traffic and transportation requirements and their associated implications to the proposed development (e.g. road widening, vehicular access restrictions);
- Confirmation whether additional parkland and / or cash-in-lieu of parkland is required for the proposed development; and
- Elimination of back-lotting - so more units face the buffers, valley lands and woodlot.

##### Public Meeting

The Statutory Public Meeting was held on June 24, 2019. Comments made at the Public Meeting included:

- That a trail be provided, through the Angus Glen Golf Club lands, from York Downs to Major Mackenzie;
- Clarification on whether the adjacent woodlot would be included in the parkland dedication;
- Requested confirmation be provided from staff that the proposed emergency vehicle and waste management routes are acceptable;

#### **These and other issues are addressed as follows:**

##### Snow Storage Identified

Snow storage areas have been identified on the site plan. During periods of significant snowfall, snow will be trucked from the site at the expense of the future condominium corporation.

##### Regional Traffic and Transportation

York Region has confirmed a full moves centrally located main driveway and a right-in/right-out secondary driveway, at the west end of the site, both to provide access to

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Major Mackenzie Drive East will be permitted, subject to the following conveyances being provided:

- a) A widening across the full frontage of the site to provide a minimum of 22.5 m (73.81 ft.) from the centreline of construction of Major Mackenzie Drive East;
- b) A 10.0 m (32.8 ft.) by 10.0 m (32.8 ft.) daylight triangle at the intersection of the proposed main driveway and Major Mackenzie Drive East; and,
- c) A 5.0 m (16.4 ft.) by 5.0 m (16.4 ft.) daylight triangle at the intersection of the proposed right-in/right-out secondary driveway and Major Mackenzie Drive East.

Regional Staff has confirmed that the above noted conveyances will be secured through the site plan agreement process.

Transportation Planning Staff Support Signalization of Principal Access to Major Mackenzie Drive East

The proponent's Transportation Impact Study (TIS) recommends the centrally located driveway to Major Mackenzie Drive East be signalized. The TIS anticipates that without traffic signals at this driveway, residents will experience delays merging onto Major Mackenzie Drive East. The signalization also provides a direct and safe cycling and walking connection to the north side of the road (including any future transit stops along Major Mackenzie Drive). This main driveway will align with a future road that will begin on the north side of Major Mackenzie Drive East to serve the FUA.

Vehicular access to Major Mackenzie Drive East falls under the jurisdiction of York Region. Therefore, signalization of the main driveway requires approval from York Region. Regional staff have indicated the intersection does not meet signal warrant thresholds, to justify a signal. Therefore, to install traffic signals in this location, the Region requires a Markham Council resolution requesting Regional approval of these signals at the owner's cost. The proponent is requesting the signalization of the intersection on the basis that it will connect to a future collector road with the purpose of servicing the Angus Glen Block in the FUA, which will be designed to align with the townhouse development proposal on the "Subject Lands".

The proponent has agreed to pay for the intersection signalization. The associated costs include the construction of eastbound and westbound turn lanes on Major Mackenzie Drive East and the installation of the signals. These costs will be secured through the site plan agreement process.

Parkland Dedication Requirements Achieved

Staff has confirmed that no additional parkland or cash-in-lieu is required for the proposed development through the re-zoning or the site plan applications. The parkland requirement for this development will be fulfilled when this phase of the Plan of Subdivision (19TM-03004) is registered. The Parks and Open Space conditions of draft Plan approval for this Plan of Subdivision include a requirement that the woodlot be conveyed to the City to meet parkland obligations. The acceptance of woodlands as

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parkland is consistent with the strategy that was used to develop a comprehensive parks and open space system for the entire Angus Glen West Village area, as well as other lands included within the urban expansion area boundary under OPA No. 5 of the 1987 Official Plan. OPA No.5 amended the 1987 Official Plan to expand urban boundary area to include additional for future residential development north of 16<sup>th</sup> Avenue.

The woodlot will be conveyed to the City with the registration of the Draft Plan of Subdivision. This final phase of the Draft Plan of Subdivision must be registered prior to the execution of the site plan agreement.

Back-lotting onto buffers, valley lands and woodlot

The development has been designed with units back-lotting onto the abutting valley lands and woodlot. The valley lands south of the “Subject Lands” are privately owned and used as a golf course (The Angus Glen South Golf Course). The woodlot west of the townhouse lots will be conveyed to the City.

Staff originally commented that the townhouse units should be oriented to front onto the valley lands, parks and open space where possible. The proposed development includes sixty-one (61) back-lotted townhouse units, which represents approximately thirty-five 35%. However, the back-lotting for the proposed townhouse units adjacent to the Angus Glen Golf Course will allow grading in the rear yards for these lots and minimizes the need for retaining walls. Therefore, staff are willing to accept the back-lotting, in this particular instance.

Proposed Trail will connect to the City’s trail network

A proposed north-south public trail, located on the adjacent woodlot, will pass by the townhouse development and connect to an existing public trail network (see Figure 9 – Public Master Trail Layout).

The golf course owner (Angus Glen) recognizes the City’s desire to promote public trail network connectivity. However, the owner of the golf course will not allow public access due to concerns with liability. They would be open to providing public trail access through the valley lands, when the Angus Glen South Golf Course is further developed.

Fire Department and Waste Management

The Fire Department has no objections to the proposed development, subject to full automatic sprinkler systems being provided in the units on Blocks 17, 18, 26, 27 and 30 of the proposed townhouse development. This will be secured through the site plan agreement process.

Waste Management staff have confirmed their vehicles can service the development via the private lane network. The technical and financial requirements will be secured through the site plan agreement process.



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**Toronto and Region Conservation Authority Comments****Toronto and Region Conservation Authority (TRCA) Clearance required**

Based on a preliminary review by the TRCA of revised engineering plans submitted to them in June 2020, it appears that the Regional Floodline elevation has increased as a result of the Stollery Pond Channel naturalization works completed through the previous phase of the Draft Plan of Subdivision for Angus Glen West Village. This increase could affect the location and minimum required building setbacks for the units adjacent to the Open Space areas set out in the draft zoning by-law amendment (see Figure 4 – Site Plan). Staff note that the proponent is working with the TRCA to achieve a 1.2 m (3.9 ft.) rear yard setback to the OS1 Zone in order to implement the endorsed site plan. The proponent continues to work with TRCA to demonstrate that the proposed grading, within the environmental buffer between the valley lands and the adjacent townhouse lots, will not negatively impact the stability of the valley slope.

The applicant is proposing refinements to the OS1 Zone boundaries to allow the proposed townhouse development to encroach into the buffers, valley lands and woodlot. In order to compensate for these encroachments, Angus Glen is proposing to convey approximately 1.2 ha. (2.96 ac.) of tableland to the City, along the western, southern and eastern boundaries of the site (see Figure 4 – Site Plan, and Schedule ‘A’ to the draft Zoning By-law in Appendix ‘A’). However, the TRCA has commented that the proposed By-law amendment should not be finalized and enacted by Markham Council until the proponent demonstrates that the proposed townhouse development and proposed encroachments into current OS1 Zone boundaries are located entirely outside of the flood plain, and that the proposed minimum 1.2 m (3.9 ft.) rear yard setback is acceptable.

Consequently, staff recommends that, prior to the Zoning By-law being finalized and enacted, the TRCA should confirm that their outstanding technical comments have been resolved to their satisfaction, and that they can support the proposed reduced rear yard setback to the OS1 Zone noted above. Any relocation of the townhouse blocks required by TRCA will be reflected in the final approved site plan.

**Committee of Adjustment**

Due to the scale and complexity of the proposal, it is recommended that Council approve a resolution which would allow the applicant to apply to the Committee of Adjustment for minor variances from the provisions of the zoning by-law (see Appendix ‘A’) before the second anniversary of the day on which the proposed by-law is approved by Council.

**CONCLUSION:**

The proposed townhouse development is appropriate. The built form will not adversely impact the surrounding properties. This townhouse development will facilitate the conveyance to the City of an environmental buffer, valley lands and a woodlot, as well as a new north-south public trail, to connect to an existing public trail network.

Consequently, Staff recommends that the draft Zoning By-law Amendment (Appendix ‘A’) be finalized and enacted after the TRCA has confirmed that their outstanding technical comments have been resolved to their satisfaction.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed development and associated changes to the development standards for townhouses on the subject lands are consistent with the City's strategic priorities of Growth Management and Municipal Services, as well as Environmental Protection. The implementation of the proposed townhouse development will be coordinated with available servicing infrastructure, and the natural heritage and buffer areas (valley lands and woodlot) will be conveyed into public ownership.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not applicable.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Site Plan

Figure 5 – Townhouse Elevation Perspective – Major Mackenzie Drive East

Figure 6 – Front Elevation Perspective – West Village Lane

Figure 7 – Front Elevation Perspective – Gardener's Lane

Figure 8 – Townhouse Elevations – Lots Backing onto the Woodlot and Valley Lands

Figure 9 – Public Master Trail Layout

**APPENDICES:**

Appendix 'A' – Draft Zoning By-law

Appendix 'B' – Draft M Plan

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