

**SUBJECT:****RECOMMENDATION REPORT**

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by 1212763 Ontario Ltd. to facilitate approximately 371 ground-related dwelling units on Part of Lots 22 and 23, Concession 4, Berczy Glen Community (Ward 2) File No.: PLAN 19 142694

**PREPARED BY:**

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Senior Planner, North District

**REVIEWED BY:**

Stephen Kitagawa, MCIP, RPP ext. 2531  
Acting Development Manager, North District

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**RECOMMENDATION:**

1) THAT the staff report dated June 21, 2021 titled “RECOMMENDATION REPORT, Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by 1212763 Ontario Ltd. to facilitate approximately 371 ground-related dwelling units on Part of Lots 22 and 23, Concession 4, Berczy Glen Community (Ward 2),” be received;

2) THAT in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council;

3) THAT the application submitted by 1212763 Ontario Ltd. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix ‘A’ be finalized and brought forward to a future Council meeting to be enacted without further notice;

4) THAT Draft Plan of Subdivision 19TM-19005 be approved, subject to the conditions set out in Appendix ‘B’ of this report;

5) THAT the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix ‘B’, as may be amended by the Director of Planning and Urban Design or his designate;

6) THAT draft plan approval for Draft Plan of Subdivision 19TM-19005 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;

7) THAT servicing allocation for 378.5 units be assigned to Draft Plan of Subdivision 19TM-19005;

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8) THAT the Mayor and Clerk be authorized to execute a Construction Agreement with the Trustee of Berczy Glen Landowners Group Inc. or its successors in title for the construction of the bridge over Street 'A' (the "South Bridge") and new external sanitary sewers and, upgrades to the existing downstream sanitary sewer system that eventually connects to the York-Durham Sanitary Sewer on 16th Avenue (the "East Sanitary Upgrades") upon terms to the satisfaction of the Director of Engineering and the City Solicitor, or their respective designates;

9) THAT Council authorize a City-Wide Hard Development Charge Credit and/or Reimbursement not exceeding \$8,000,000.00 to the Trustee of Berczy Glen Landowners Group Inc. for the design, contract administration, and construction costs associated with the construction of the South Bridge for the southerly east-west collector road (Street 'A') in the Berczy Glen Community;

10) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

1212763 Ontario Ltd. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 371 ground related dwelling units, parkland, a stormwater management pond and the supporting road network on the 37.15 hectares (92 acres) subject property located within the Berczy Glen Secondary Plan Area (See Figure 1: Location Map)

In response to the matters raised at the Public Meeting, those outlined in Staff's preliminary report dated April 21, 2020, as well as further comments raised by City staff and external agencies the applicant revised their original proposal (See Figure 5: Revised Draft Plan of Subdivision).

Staff are of the opinion that the Draft Plan of Subdivision and Zoning By-law Amendment represent good planning; and are in the public interest.

Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix 'B' and that the draft zoning by-law, attached as Appendix 'A', be brought forward to a future Council meeting once the by-law has been finalized.

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**PURPOSE:**

The purpose of this report is to provide an overview, evaluation and staff recommendations with regard to the applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by 1212763 Ontario Ltd. (the “Owner”).

**Process to Date**

- January 2020 - Applications deemed complete
- April 2020 - Preliminary Report to Development Services Committee
- June 2020 - Statutory Public Meeting
- May 2021 - Revised plans submitted

**Next Steps**

If approved the Owner will be required to clear the Conditions of Draft Plan of Subdivision approval attached in Appendix ‘B’, before they can register the draft plan.

**BACKGROUND:****The Subject Property is located within the Berczy Glen Secondary Plan Area**

Part of Lots 22 and 23, Concession 4 (the “Subject Lands”) consists of approximately 37.15 hectares (92 acres), situated in the south west quadrant of the Berczy Glen Secondary Plan, which is bounded by Elgin Mills Road East to the north, Warden Avenue to the east, an existing estate residential subdivision to the south and the hydro corridor to the west (the “Secondary Plan Area”) (See Figure 1: Location Map).

The Subject Lands are used for agricultural operations and are bisected by the Berczy Creek from north to south (See Figure 2: Aerial Photo). Surrounding land uses include (See Figure 3: Area Context/Zoning):

- North: Agricultural lands subject to approved Draft Plan of Subdivision 19TM-18004 for 747 residential units (known as Mattamy Rinas);
- East: Agricultural lands subject to approved Draft Plan of Subdivision 19TM-18009 for 898 residential units (known as Berczy Warden);
- South: Low-rise residential estate subdivision (known as Jennings Gate Estates); and,
- West: Hydro corridor and further west is a low-rise residential community (known as the East Cathedral Community).

**PROPOSAL:**

The Owner has submitted a revised proposal to facilitate the creation of approximately 371 ground related dwelling units and related facilities (the “Proposal”) (See Figure 5 – Revised Draft Plan of Subdivision). The supporting road network includes the extension of Stoney Hill Boulevard and Vine Cliff Boulevard through the Hydro corridor and across Berczy Creek.

Key changes made to the Proposal during the review process include:

- Unit count reduced from 417 to 371 (-46 units)
- Snow storage notches/walkways and mid-block connector lanes introduced

- Jennings Gate interface lot frontages increased from an average of 45 feet to 70 feet. Lot depths also increased from an average of 115 feet to 148 feet.
- Parkland has been redistributed
- Area of the community park increased from 2.27 hectares to 2.58 hectares
- Backlotting onto the greenway reduced

Table 1 below summarizes the proposed built form. Table 2 below provides a complete statistical summary of the Proposal.

**Table 1: Proposed Built Form**

Lot/Block	Dwelling Types	Units
Lots 1-302	Single Detached – min. frontage of 21.3m	21
	Single Detached – min. frontage of 13.7m	32
	Single Detached – min. frontage of 11.6m	146
	Lane Single Detached – min. frontage of 9.45m	45
	Lane Single Detached – min. frontage of 8.10m	58
303-310	Single Detached Part Lots	(6)
311	Townhouse – min. frontage of 6.1m	5
312-322	Lane Townhouse – min. frontage of 6.1m	64
323-325	Townhouse Part Lots	(9)
<b>Total</b>		<b>371 (386 including part lots)</b>

**Table 2: Draft Plan of Subdivision Schedule of Land Use**

Lot/Block	Land Use	Units	Area (ha.)
1-302	Single Detached min. 21.3m	21	11.32
	Single Detached min. 13.7m	32	
	Single Detached min. 11.6m	146	
	Lane Single Detached min. 9.45m	45	
	Lane Single Detached min. 8.10m	58	
303-310	Single Detached Part Lots	6	0.17
311	Townhouses 6.1m	5	0.17
312-322	Lane Townhouses 6.1m	64	0.86
323-325	Townhouse Part Lots	9	0.20
326	Community Park		2.58
327	Parkette		0.38
328-329	SWM Ponds		2.83
330-334	Open Space		9.73
335-338	Servicing Block		0.13
339-341	Walkways		0.03
Roads	Streets 'A-B' @ 24.5m ROW	780m	8.75
	Street 'C' @ 21.8m ROW	335m	
	Streets 'D-O' @ 18.5m ROW	2,500m	
	@ 17.0m ROW	320m	
	@ 16.0 & 15.5m ROW	168m	
	Laneways 'A-G' @ 8.5m ROW	695m	
	Laneways 'H-J' @ 10.0m ROW	77m	
<b>Total</b>		<b>371</b>	<b>37.15</b>

		(386 includ ing part lots)	
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To facilitate implementation of the Proposal, the Zoning By-law Amendment application proposes to re-zone the subject lands from ‘Agricultural One (A1)’ and ‘Open Space One (O1)’ under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including special provisions. The draft zoning by-law amendment is attached as Appendix ‘A’.

### **Public Consultation**

A Public Meeting was held on June 2, 2020. Matters with respect to the original Draft Plan of Subdivision were identified through written submissions and comments made by members of the Committee and the public. The following is a summary of the matters raised. The discussion section of this report (beginning on page 7) outlines how these matters have been considered.

- mitigating impacts on the Jennings Gate neighbourhood;
- future plans for the Hydro Corridor;
- future plans for Community Centres in the area;
- the impact the Proposal would have on water pressure in the area;
- the location of parkland within the plan; and,
- providing trail connections.

### **PLANNING POLICY AND REGULATORY CONTEXT:**

The Proposal is subject to a planning policy framework established by the Province, York Region and the City of Markham under the *Planning Act, R.S.O. 1990*.

#### **The Proposal conforms to the Markham Official Plan, 2014 (the “City’s Official Plan”)**

The City’s Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) is a statutory document under the *Planning Act* that sets out land use policy to guide future development and manage growth.

Map 3 - Land Use designates the Subject Property ‘Residential Low Rise’ and ‘Greenway’ (See Figure 6: 2014 Official Plan Map 3 Extract - Land Use). It provides direction for the development of a Conceptual Master Plan for the FUA as the basis for the development of Secondary Plans, including the Berczy Glen Secondary Plan. The Conceptual Master Plan for the FUA was completed and endorsed by Council in November 2017.

#### **The Proposal conforms to the Berczy Glen Secondary Plan (the “Secondary Plan”)**

The Secondary Plan includes detailed policies to guide future development and growth in the Berczy Glen community to 2031 and beyond, providing a comprehensive policy framework for Council decisions with respect to the use of land, provision for municipal services and infrastructure, and the implementation and phasing of development.

Map SP1 - Detailed Land Use designates the Subject Property 'Residential Low Rise' and 'Greenway' and identifies two symbols denoting stormwater management facilities and a portion of a community park (See Figure 7: Berczy Glen Secondary Plan Extract - Detailed Land Use). In addition, the south portion of the property are subject to a site-specific policy, the intent of which is to provide an appropriate transition between the Proposal and Jennings Gate Estates to the south. The Secondary Plan also contains minimum and maximum density targets, minimum and maximum building heights and specific development criteria associated with each land use. Table 2 below identifies the density calculations for the Proposal.

**Table 2: Proposal Density Analysis**

<b>Designation</b>	<b>Area (Hectares)</b>	<b>Units</b>	<b>Secondary Plan Density Range (units per net hectare)*</b>	<b>Proposed Density (units per net hectare)</b>
Residential Low Rise	12.35	371	25-45	30.0

\*Calculated based on the requirements of Section 8.1.8 of the Secondary Plan

Staff have reviewed the Proposal in the context of the Secondary Plan and are satisfied the Proposal conforms to the Berczy Glen Secondary Plan.

### **The proposal has regard for the Berczy Glen Community Design Plan (the "Guidelines")**

The Guidelines are intended to achieve a coordinated approach to urban design throughout the community. Among other things, the Guidelines provide direction related to streetscape, parks and open space, building typology and mix, lotting pattern, sustainability features, gateways, special community and landmark features, etc. Staff are of the opinion the Proposal meets the objectives of the Guidelines.

As a condition of draft plan approval, the Guidelines require the Owner to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. Architectural control guidelines will ensure that the physical elements of the dwellings visible from the public realm contribute to the development of a sense of place and address components such as the location of main entrances and porches, roof slopes, corner lot architecture and materials. Building permit applications will only be accepted and processed when drawings are stamped and signed by the Design Control Architect to ensure that the dwellings have been designed in accordance with the approved Architectural Control Guidelines.

### **Zoning**

The Subject Property is zoned 'Agriculture One Zone (A1)' by By-law 304-87, as amended (See Figure 4: Area Context/Zoning). To facilitate implementation of the Draft Plan of Subdivision, the Zoning By-law Amendment application proposes to re-zone the Subject Property from 'Agricultural One (A1)' under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including any special provisions. The draft Zoning By-law Amendment can be found in Appendix 'A', and once finalized will be brought forward to a future Council meeting.

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**DISCUSSION:****Matters raised by the public****Concern raised by the Jennings Gate community regarding the interface has been thoughtfully addressed**

The existing Jennings Gate Estate lots are located south of the Subject Lands. The Secondary Plan contains site-specific policies that are intended to provide an appropriate transition between the Proposal and the Jennings Gate Estates to the south. The Original Draft Plan of Subdivision (See Figure 4: Original Draft Plan of Subdivision) proposed lots on average that were 13.7 metres (45 feet) wide and 35 metres (115 feet) deep. The Proposal now contemplates lots that are on average 21.3 metres (70 feet) wide and 45 metres (148 feet) deep (See Figure 5: Revised Draft Plan of Subdivision).

With these larger lots, a rear yard setback of approximately 21 metres (69 ft.), a 1.8 metre privacy fence and additional tree plantings along the southern limit (in addition to those being preserved) are proposed, staff are satisfied the intent of transition policies in the Secondary Plan are being met.

**Proposed parkland meets the objectives of the Community Design Plan and conforms to the Secondary Plan**

The Community Design Plan and Secondary Plan identify the locations and sizes of parks in the Berczy Glen community, irrespective of property ownership. Together these plans ensure an integrated and comprehensive approach that considers linkages and connectivity, facility requirements, and interface conditions.

On the Subject Lands, the Secondary Plan identifies the requirement for a portion of the Community Park, which the Proposal provides in the form of Block 326 (2.58 ha.). When combined with the adjacent portions of the Community Park on the two neighbouring properties a 6.0 hectare Community Park is provided which meets the requirements of the Secondary Plan in terms of both location and size.

In addition to the Community Park, the Guidelines recognize the need for parkettes to help supplement the larger Community Parks and Neighbourhood Parks. The Proposal provides a 0.40 hectare (0.99 ac.) parkette in the southern section of the plan which allows residents living nearby to be within a 5 minute walk of parkland.

In accordance with the City's Parkland Dedication By-law 195-90 and the *Planning Act, R.S.O. 1990, c.P.13*, as amended, the parkland requirement for the Proposal is 1.858 ha (based on 5% of the developable area), resulting in an over-dedication of 1.123 ha., calculated on a site-specific basis. In the context of large greenfield communities like Berczy Glen it is common for some landowners to under dedicate parkland while others over dedicate parkland on a property-specific basis provided that the City's overall parkland dedication requirements are met on a Community-wide basis. Staff require these discrepancies to be resolved through the Landowners Group and a Master Parks Agreement. Staff have incorporated a draft plan condition reserving the right to require a Master Parks Agreement, prior to release of the lands for registration.

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**The City's Integrated Leisure Master Plan outlines the major multi-use community centres**

In 2019, Council approved the City of Markham's Integrated Leisure Master Plan (ILMP). The ILMP (2019-2031) is a long term planning study to outline Markham's requirements related to parks, recreation, arts & culture and library facilities and services. It includes a specific facility provision target of one major multi-use community centre for every 40,000 to 60,000 population. To meet the City's long-term needs and subject to the pace of growth to 2031, up to two (2) additional major community centres were identified for Markham.

The ILMP prioritized the need for an additional major community centre serving the northern portion of West Markham (also known as the FUA), which is intended to accommodate approximately 45,000 residents and 16,000 to 18,000 jobs. The ILMP recommends the City seek opportunities on lands shared with future schools and/or leverage sites that are already City-owned. An example of an opportunity within the area is the Victoria Square Community Centre, which is an older facility on Elgin Mills Road East. This small satellite community centre is currently run by a community centre board. With the anticipated community growth, the existing centre will not be able to meet the community's needs. However, Victoria Square has the potential to accommodate greater usage if it were to be rebuilt as a major community centre with additional components, multi-use spaces and partners (e.g. York Region). The ILMP further comments that an "additional study should be undertaken to confirm the viability of Victoria Square or alternate sites to serve the northern part of West Markham." (p.71, ILMP, 2019)

**Concern raised at the Public Meeting regarding increasing the heights of the Hydro towers**

A 42.67 metre wide Hydro One transmission corridor runs in a north-south direction at the west limit of the Subject Lands. The corridor is part of a high voltage transmission network extending from the City of Toronto to northern York Region. The transmission system is Ontario's "electricity highway" through which electricity from hydroelectric, wind, solar, nuclear, and natural gas generators are sent over long distances to the Local Distribution Companies (LDCs) that power Ontario homes and businesses.

Hydro One is protecting for a 230 kiloVolt (kV) line. The corridor currently operates at a lower voltage. Most additions to the transmission system require public consultation and the approval of the Ontario Energy Board, which is Ontario's energy sector regulator. This may include replacing the existing towers and/or increasing their height, however, Hydro One is not in a position to confirm these details at this time.

In addition to future considerations from an electricity transmission perspective, Staff at the City and Hydro One are working with the Owner to secure the extension of Stoney Hill Boulevard and Vine Cliff Boulevard through the corridor in the form of Streets 'A' and 'B' on the Proposal. To this effect, a recommendation has been included in this report and the appropriate draft plan conditions have been included in Appendix 'B'.

**Area Water Pressure will not be impacted by the Proposal**

A Functional Servicing and Stormwater Management Report (FSSR) has been submitted by the Applicant for the Proposal and is currently under review by the City. As a part of



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the City's review process, the City ensures that the proposed new development does not negatively impact existing customers.

**Future Trail Network**

The Secondary Plan and Guidelines express the intent to have a comprehensive, integrated trail and cycling network within the Secondary Plan Area.

The Subject Lands will accommodate the trail network system by providing a trail on both sides of the Berczy creek which bisects the property, through a combination of greenway trails (including connections with SWM access roads) and on-road segments. The network will extend from the south end of the Secondary Plan Area up to Elgin Mills Road East. The requirement to implement the trail system is captured in Section 12 of the Conditions of Draft Plan of Subdivision Approval attached as Appendix `B`.

In addition to the trail network within the Greenway System, a trail network is anticipated within the Hydro corridor that abut the Subject Lands to the west. The Proposal accommodates this future trail network by providing access points at the collector roads, specifically Streets 'A' and 'B', which are expected to continue west through the Hydro corridor.

**Matters raised by City Staff and Public Agencies****Lane lengths are considered appropriate**

The Original Draft Plan of Subdivision included laneways which were longer than the City standards would allow for Operational reasons such as snow storage and fire department access. The revised Proposal addresses these concerns by providing reduced laneway lengths and snow storage/walkway blocks where appropriate. Fire and Operations staff have reviewed the Proposal and are satisfied with the changes.

**Senior Friendly Housing and Purpose Built Secondary Suites**

The *Planning Act*, as amended by The Strong Communities Through Affordable Housing Act (Bill 140), requires municipalities to pass zoning by-laws permitting secondary suites in detached, semi-detached and townhouses, as well as in ancillary structures. The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with secondary suites playing a key role in the provision of affordable housing. Secondary suites provide more affordable housing choices and secondary incomes through private rental units for residents. In accordance with provincial legislation, as-of-right secondary suites are permitted in the draft zoning by-law for all units. In addition, as a condition of draft plan approval, 5% of the ground related product will be required to provide a "built in" secondary suite in the basement.

The Owner has developed a list of options that they will be offering to their purchasers at the time of sale that aim to facilitate aging in place and improved accessibility. The following features will be available as design options:

- Optional ramps where suitable
- Optional master bedroom on the main floor on select models
- Optional elevators on select models
- Optional secondary entrances to facilitate secondary suites

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Additionally, the following custom design options will be available:

- Double front entry doors for detached designs
- Open floor plans where possible, with minimum hallway widths of 36 inches or greater
- All door handles in the home will be pull down lever style design
- Electrical outlets may be placed 18- 24 inches from the floor level throughout the home, except over kitchen and bathroom counters, at the purchaser's request
- The main bathroom will have wood reinforcing built into the walls of the bath tub and over the toilet for future installation of grab bars
- A walk- in shower will be provided in all master bathrooms
- Generous Master Ensuite shower sizes that can accommodate shower seats
- Generous main floor stair widths and appropriate railings to accommodate future chair lifts

### **Open Space Block 334**

Block 334 is located west of the Berczy Creek in the north section of the Subject Lands. The Secondary Plan designates this block 'Greenway', more specifically "Other Greenway System Lands including certain naturalized stormwater management facilities."

These lands do not form a part of the natural heritage network as they do not contain any natural heritage features, however they are protected from urban development under the Greenbelt Plan (2017), the City's Official Plan and the Secondary Plan. These lands are identified in the Secondary Plan and the Design Plan for natural open space uses, including potential ecological restoration and passive recreational uses including a trail. The applicant proposes to meet the objectives of the trail network through a single-loaded road and sidewalks along the edge of this open space block. While City staff encourage applicants to convey greenway system land into public ownership for the long term protection of the natural heritage system, the Official Plan and the Planning Act do not allow the City to require the conveyance of these lands as a condition of development approval.

Through the review process, Staff were asked by the Owner to explore the opportunity to provide parkland credit for Block 334. Following a review of the applicable policies staff concluded Block 334 is not eligible for parkland credit for the following reasons: publically owned parkland within the Greenway System is not permitted in the City's Official Plan and the Secondary Plan; the Secondary Plan and Design Plan does not identify the need for parkland within Block 334; and the steep topography associated with Block 334 creates challenges from a programming perspective.

The Owner has opted at this time to retain Block 334 in private ownership. To this effect, staff have included in Section 9.1 of Conditions of Draft Plan of Subdivision Approval (See Appendix 'B'), that the block shall be zoned into an open space or greenway zone and a 0.3m reserve shall be required to be conveyed to the City along the frontage of the abutting roads through a red-line revision of the Draft plan of subdivision to the satisfaction of the Director of Planning and Urban Design.

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**The Community Energy Plan (the “CEP”) and sustainability initiatives**

The CEP for the Future Urban Area is finalized, but is a living document and will be updated as needed over time. The CEP will identify and advance sustainable development practices as they relate to energy use and generation within the Secondary Plan Area. Staff have incorporated a draft plan condition requiring the Owner to agree to the mandatory measures of the CEP, such as high energy efficiency building design.

The Proposal will feature efficient and resilient development to support a healthy, livable and safe community in accordance with directions of the PPS, Growth Plan and the applicable sustainable development policies of the Regional Official Plan and the City’s Official Plan. The applicant has incorporated the following sustainability initiatives:

- Low-Impact Development (LIDs) features, such as rear yard infiltration trenches and/or permeable paver driveways
- Infiltration facilities in park blocks to help reduce the likelihood of flooding and meet water balance objectives
- High energy efficiency building design, including:
  - A minimum of R60 in the attic/roof insulation
  - R10 underslab insulation
  - Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)
  - Electric Vehicle wiring in all garages
  - Implementation of the Solar Strategy outline in the CEP
  - Smart thermostats and in-home energy displays

**Section 37 contributions to address Public Art**

As part of the approval of the Zoning By-law Amendment, which seeks to intensify the subject lands with residential development, the Owner will be asked to provide financial contributions towards public art, pursuant to Section 37 of the *Planning Act*. This requirement is included in the draft Zoning By-law Amendment, attached as Appendix ‘A’.

**Protection and Enhancement of the Greenway System**

The Owner has submitted an Environmental Impact Study (EIS) to provide recommendations on the protection and enhancement of the Greenway System. The EIS identified potential environmental impacts around residential backlotting and the removal of non-native vegetation. Staff have reviewed the EIS and are satisfied that these impacts either are temporary construction-related impacts or can be mitigated through appropriate ecological restoration and tree planting. Based on discussions with City and TRCA staff, the Owner proposes to implement a comprehensive replanting and restoration program as a condition of approval. Staff will be working with the applicant on the details of the restoration program to achieve an overall net environmental benefit to the Greenway System. The Greenway System lands (i.e. Blocks 330 – 333) will be conveyed into public ownership for their long-term protection and stewardship.

**Resolution to permit minor variances within two years of by-law enactment are recommended**

The Owner requests that Council grant exemption from subsection 45 (1.3) of the *Planning Act*, which will permit applications for minor variances within two years of the enactment

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of the amending by-law attached as Appendix A. Staff have no objection to this request as the Zoning By-law Amendment is associated with the Draft Plan of Subdivision and is required to implement the Proposal. Minor variances that continue to uphold the intent of the zoning by-law should not be prohibited. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

**Municipal servicing is available**

There is sufficient servicing allocation available from the current allocation reserve to accommodate the Proposal. The City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner.

Final approval of the physical servicing of the subdivision relies on the technical submissions to the Engineering Department following draft approval, including final acceptance of the Functional Servicing Report to the satisfaction of the Director of Engineering. This requirement is reflected in the conditions of draft plan approval, attached as Appendix 'B'.

**Berczy Glen Developers Group obligations (the "Developers Group")**

The Secondary Plan integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries.

To ensure all affected property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requiring all Owners in the Secondary Plan Area to enter into the Berczy Glen Developers Group Agreement has been incorporated into the conditions. (See Appendix B: Conditions of Draft Plan of Subdivision Approval).

**CONCLUSION:**

1212763 Ontario Ltd. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 371 ground-related dwelling units, parkland, stormwater management ponds and the supporting road/lane network on the Subject Property.

Based on the discussion above, staff are of the opinion that the proposed Draft Plan of Subdivision and Zoning By-law Amendment are consistent with the Provincial Policy Statement, 2014, conform to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the Planning Act, represents good planning and is in the public interest.

Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix 'B'. Staff are finalizing the content of the Zoning By-law Amendment with the applicant, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the zoning by-law, attached as Appendix 'A', be brought forward to a future Council meeting for enactment once the by-law has been finalized.

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**FINANCIAL CONSIDERATIONS**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Proposal has been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Proposal was circulated to internal City department and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing zoning by-law amendment (See Appendix A: Draft Zoning By-law Amendment and Appendix B: Conditions of Draft Plan of Subdivision Approval).

**RECOMMENDED BY:**

Ron Blake, M.C.I.P., R.P.P.  
Senior Development Manager,  
Planning and Urban Design

Biju Karumanchery, M.C.I.P., R.P.P.  
Acting Commissioner,  
Development Services

**APPLICANT/AGENT:**

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**ATTACHMENTS:****TABLES:**

Table 1: Proposed Built Form

Table 2: Draft Plan of Subdivision Schedule of Land Use

**FIGURES:**

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: Original Draft Plan of Subdivision

Figure 5: Revised Draft Plan of Subdivision

Figure 6: 2014 Official Plan Map 3 Extract - Land Use

Figure 7: Berczy Glen Secondary Plan - Land Use Map

**APPENDICES:**

Appendix A: Draft Zoning By-law Amendment

Appendix B: Conditions of Draft Plan of Subdivision Approval