



Report to: Development Services Committee

Report Date: February 25, 2014

SUBJECT: RECOMMENDATION REPORT
Angus Glen Village Ltd.
4071 Major Mackenzie Drive
Applications for Revisions to Draft Approved Plan of
Subdivision 19TM - 03004 (Phase 2D) and an implementing
zoning by-law amendment
Southeast corner of Major Mackenzie Drive and Angus Glen
Boulevard
File No.: SU/ZA 12 130341

PREPARED BY: Gary Sellars, M.C.I.P., R.P.P., ext. 2960
Senior Planner, West District

REVIEWED BY: Ron Blake, M.C.I.P., R.P.P., ext. 2600
Manager, West District

RECOMMENDATION:

- 1) That the report dated February 25, 2014 and entitled "RECOMMENDATION REPORT, Angus Glen Village Ltd., 4071 Major Mackenzie Drive, Applications for Revisions to Draft Approved Plan of Subdivision 19TM – 03004 (Phase 2D) and an implementing zoning by-law amendment, Southeast corner of Major Mackenzie Drive and Angus Glen Boulevard, File No.: SU/ZA 12 130341", be received;
- 2) That revised draft plan of subdivision 19TM- 03004 (Phase 2D) submitted by Angus Glen Village Ltd., be draft approved subject to the conditions outlined in Appendix 'A';
- 3) That the application submitted by Angus Glen Village Ltd. to amend Zoning By-177-96, as amended, be approved and the draft Zoning By-law amendment attached as Appendix "B", be finalized and enacted without further notice;
- 4) That servicing allocation for a population of 99.9 persons (27 single detached units) be granted to plan of subdivision 19TM-03004 (Phase 2D) from the City of Markham 2011/2012 Servicing Allocation distribution;
- 5) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 6) That the Region of York be advised of the servicing allocation for this development;
- 7) 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 recommend draft approval of a proposed revised plan of subdivision within the Angus Glen West Village and approval of an implementing zoning by-law amendment for the plan.

BACKGROUND:**Property and Area Context**

The subject lands consist of 4.3 ha. (10.6 acres) at the southeast corner of Major Mackenzie Drive and Angus Glen Boulevard, within the Angus Glen West Village (Figures 1, 2 and 3). Two heritage buildings are located on the lands (Francis Stiver Farm House and Stiver Tenant Farmer's Cottage). A portion of the Bruce Creek valley is located on the northeast corner and eastern portion of the lands.

The lands are Phase 2D of the Angus Glen West Village draft approved plan of subdivision 19TM – 03004 (Figure 4). The majority of the plan has been registered, with the exception being the subject lands and the lands to the east fronting on Major Mackenzie Drive.

The surrounding context is as follows:

- To the north, across Major Mackenzie Drive, is the Angus Glen community centre and Angus Glen Golf Club
- To the south is a stormwater management pond and lands on which single detached residential dwellings are being constructed by the applicant
- To the west are single detached residential dwellings
- To the east are lands which will comprise the final phase of the Angus Glen West Village

Official Plan and Zoning

The Official Plan designates the subject lands Urban Residential and Hazard Lands (valleylands). The Angus Glen Secondary Plan designates the lands Urban Residential - Low Density and Hazard Lands (valleylands). The residential designation permits detached, semi-detached, linked, duplex and street townhouse units, and medium density housing types subject to certain conditions. The net site density of all units in this designation is required to be within the range of 17 to 37 units per hectare (6.9 to 14.9 units per acre). The net site density for the Angus Glen West Village draft approved plan of subdivision is 17 units per hectare.

The subject lands are currently zoned Residential Two *384, 385, 386, and 389 (Hold 1) and *383 (Hold 3), and Open Space (01) by By-law 177-96, as amended (Figure 2).

Proposal

The applicant has applied for a revision to the portion of draft approved plan of subdivision 19TM - 03004 that applies to the subject lands (Phase 2D) and an implementing zoning by-law which amends By-law 177-96, as amended. The original draft approved plan included 7 single detached lots fronting on Angus Glen Boulevard, 13 single detached lots fronting on a cul-de-sac road, a heritage lot, valleyland and buffer

blocks, and a park block on the subject lands (Figure 4). The revised plan includes 10 single detached lane based lots fronting on Angus Glen Boulevard, 16 single detached lots fronting on an internal road, a heritage lot, valleyland and buffer blocks and two park blocks (Table 1 and Figure 5). The proposed lots will have frontages of 10.7, 13.1 and 15.2 metres (35, 43 and 50 feet).

The Stiver Farmhouse is to be retained in its current location on Lot 27. The Stiver Cottage is to be relocated from its current location fronting Major Mackenzie Drive onto Lot 27. A third heritage dwelling, the Casely house, currently located farther south outside of the subject lands, is to be relocated to Lot 26 (Figure 5).

Table 1

Land Use	Units	Hectares	Acres
Single Detached Residential	26	1.30	3.21
Stiver Farm House	1	0.48	1.19
Parks (2 blocks)		0.15	0.37
Valleyland (3 Blocks)		1.8	4.5
Open Space Buffers (2 Blocks)		0.1	0.2
Streets		0.44	1.1
Total Area of Subdivision		4.3	10.6
Net Area of Subdivision		1.3	4.4
Net Density (per hectare)	20		
Net Density (per acre)	8		

Net Site Density

The net site density for the Angus Glen West Village draft approved plan of subdivision, including the proposed revisions on the subject lands (Phase 2D), is 17 units per hectare. The subdivision complies with the 17 to 37 units per hectare (6.9 to 14.9 units per acre) net site density provisions of the Secondary Plan.

Statutory Public Meeting

A Statutory Public Meeting was held on February 5, 2013. No comments were made by the public at the meeting and no written submissions were received with respect to the applications. The Committee directed staff to further review and evaluate the proposal and report back to Committee.

DISCUSSION:

The proposed revisions to the draft approved plan include improvements to the street and lotting pattern

The proposed revised plan of subdivision replaces single detached units with driveways and garages on Angus Glen Boulevard with lane based units fronting on Angus Glen Boulevard; this will improve the streetscape appearance at the entrance into the West Village and eliminate potential road and driveway traffic conflicts. The cul-de-sac road is replaced with a road connecting to the lane, including a window portion and associated

buffer parallel to Major Mackenzie Drive; this will eliminate rear lotting adjacent to Major Mackenzie Drive.

The proposed heritage dwelling locations are acceptable

The relocation of the Casely House to Lot 26 within the revised plan has previously received approval from Development Services Committee, and securities have been received for its relocation. A site plan application has also been submitted for the Casely House at its new location. The proposed relocation of the Stiver Cottage to Lot 27 is acceptable to Heritage Markham. Any outstanding requirements with respect to the three heritage buildings, including heritage easements, designations under the Heritage Act, site plan approval, securities, restoration, etc will continue to be secured through conditions of draft plan approval.

The proposed revised draft plan is acceptable to the TRCA

The proposed revised draft plan of subdivision includes a revision to the previously approved limit of development adjacent to valleyland Blocks 33 and 34. TRCA staff have worked with the applicant to establish the revised limit of development in order to provide for a more consistent rear lot line for Lots 20 to 25 abutting valleyland Blocks 33 and 34. TRCA are in support of the revised limit of development as shown on the proposed revised plan of subdivision (Figure 5) as it will provide an overall net benefit to the natural heritage system by including a greater land base into the system.

Valleylands and open space buffers will be conveyed to the City

The valleyland Blocks 33, 34 and 35, and open space buffer Blocks will be conveyed to the City. The revised plan provides for better views and access into the valleyland at the northerly portion of the plan from the internal road system.

Servicing Allocation is available for the proposed revised plan of subdivision

Servicing allocation is available for the 27 units in the proposed revised plan of subdivision from the City of Markham 2011/2012 Servicing Allocation distribution.

The Angus Glen Boulevard Bridge has been approved

The Angus Glen Boulevard Bridge connecting the East and West Villages has recently been approved by the Ministry of Natural Resources. Construction of the bridge can only be undertaken between July 1 and September 15 of any given year, in accordance with MNR regulations relating to red side dace, an endangered fish species. The applicant has advised that two of these periods will be required to complete the bridge construction. Construction of the bridge was initiated in 2013. The applicant anticipates that occupancy of the proposed development will not occur until after completion of the bridge.

Parkland dedication requirements have been satisfied

The proposed parkland (Blocks 28 and 29) in the revised plan of subdivision is acceptable to staff and parkland dedication requirements have been satisfied.

Draft Plan approval is recommended

The revised draft plan of subdivision (Phase 2D) is acceptable and draft plan approved is recommended, subject to the conditions outlined in Appendix 'A'.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Angus Glen West Village is being built out in an orderly fashion based on the availability of servicing allocation and in accordance with the Angus Glen Secondary Plan and Community Design Plan. This aligns with the strategic priority of growth management.

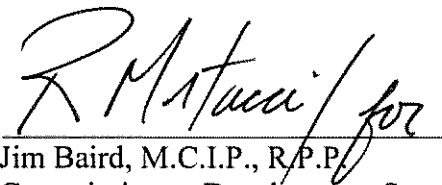
BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were circulated to various City departments and external agencies. Requirements of the City and external agencies are reflected in the conditions of draft plan of subdivision approval and the implementing Zoning By-law amendment.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design



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

ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Draft Approved Plan of Subdivision – 19TM-03004
- Figure 5 – Proposed Revised Draft Plan of Subdivision – Phase 2D

APPENDICIES:

- Appendix "A" – Conditions of Draft Approval
- Appendix "B" – Draft Zoning By-law Amendment

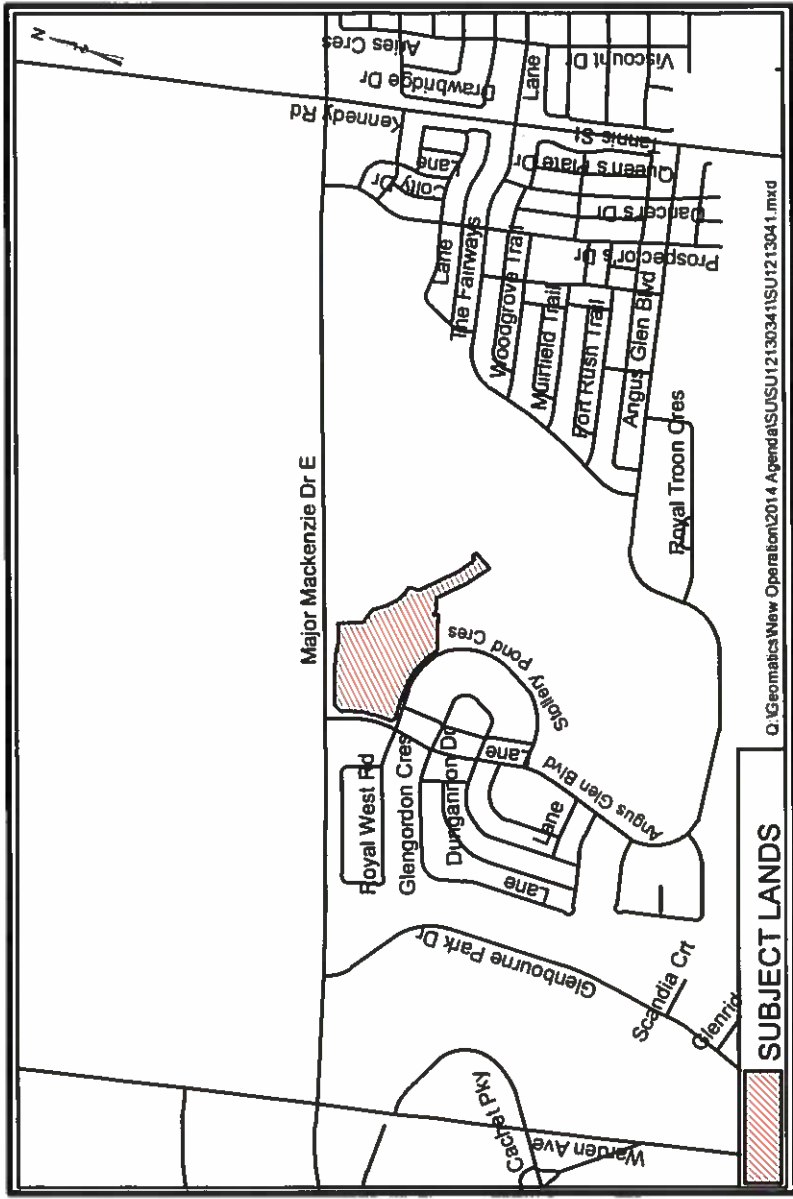
APPLICANT / AGENT:

Mike Montgomery
Kylemore Communities (West Village) Ltd.
10080 Kennedy Rd.
Markham, ON
L6C 1N9
Phone: (905) 887- 0090, ext. 409

Fax: (905) 887-5197

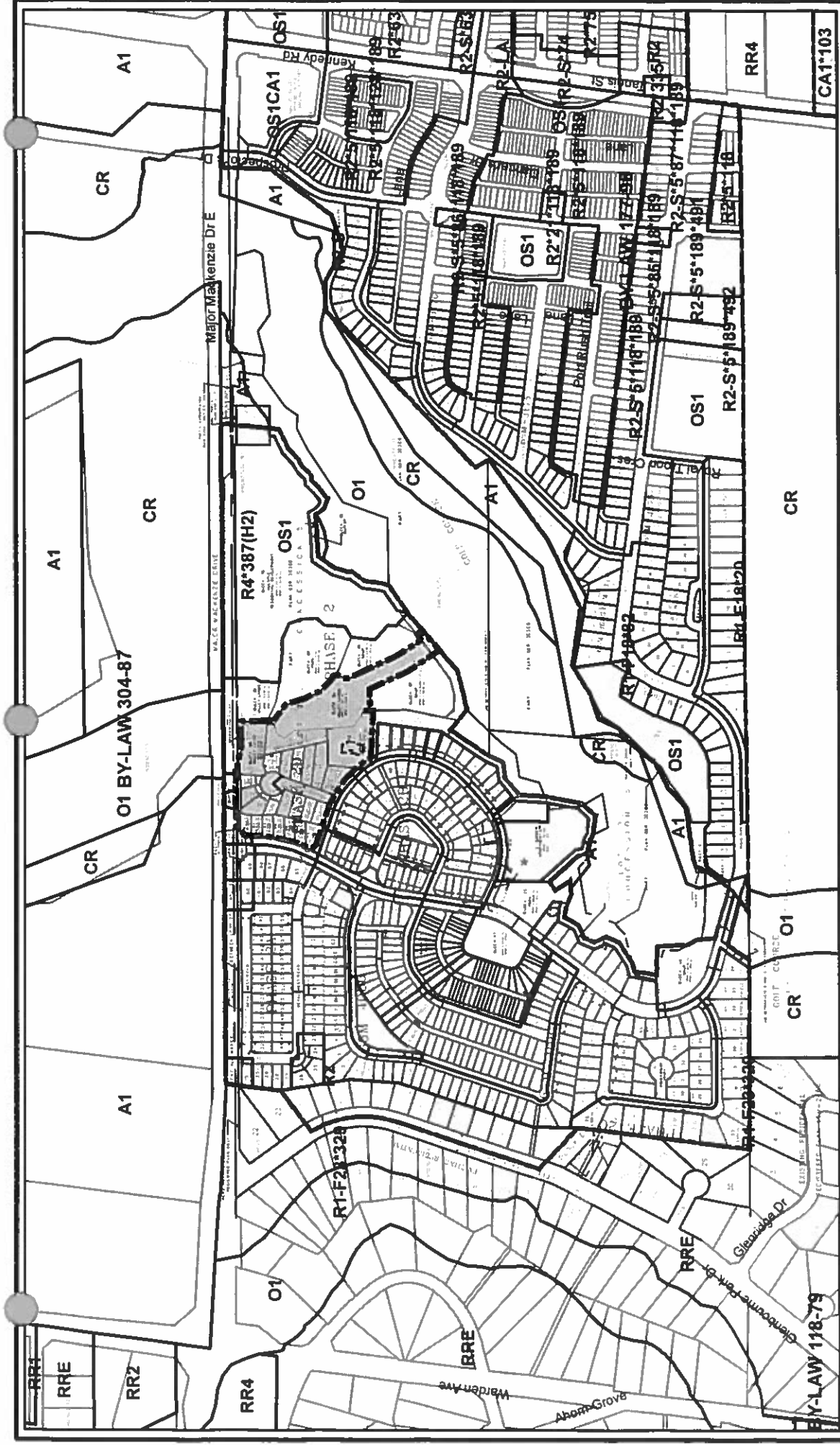
mmontgomery@angusglen.com

File path: Amanda\File 12 130341\Documents\Recommendation Report



O:\Geomatics\Wew Operation\2014 Agenda\SUSU12130341\SUSU1213041.mxd

SUBJECT LANDS



AREA CONTEXT / ZONING

APPLICANT: ANGUS GLEN VILLAGE LTD.
 4071 MAJOR MACKENZIE DRIVE EAST
 FILE No. SU, ZA 12130341 (GS)

 SUBJECT LANDS





AIR PHOTO

APPLICANT: ANGUS GLEN VILLAGE LTD.
4071 MAJOR MacKENZIE DRIVE EAST

FILE No. SU, ZA 12130341 (GS)

Q:\Geomatics\New Operations\2014 Agenda\SUSU\12130341\SU1213041.mxd



 SUBJECT LANDS

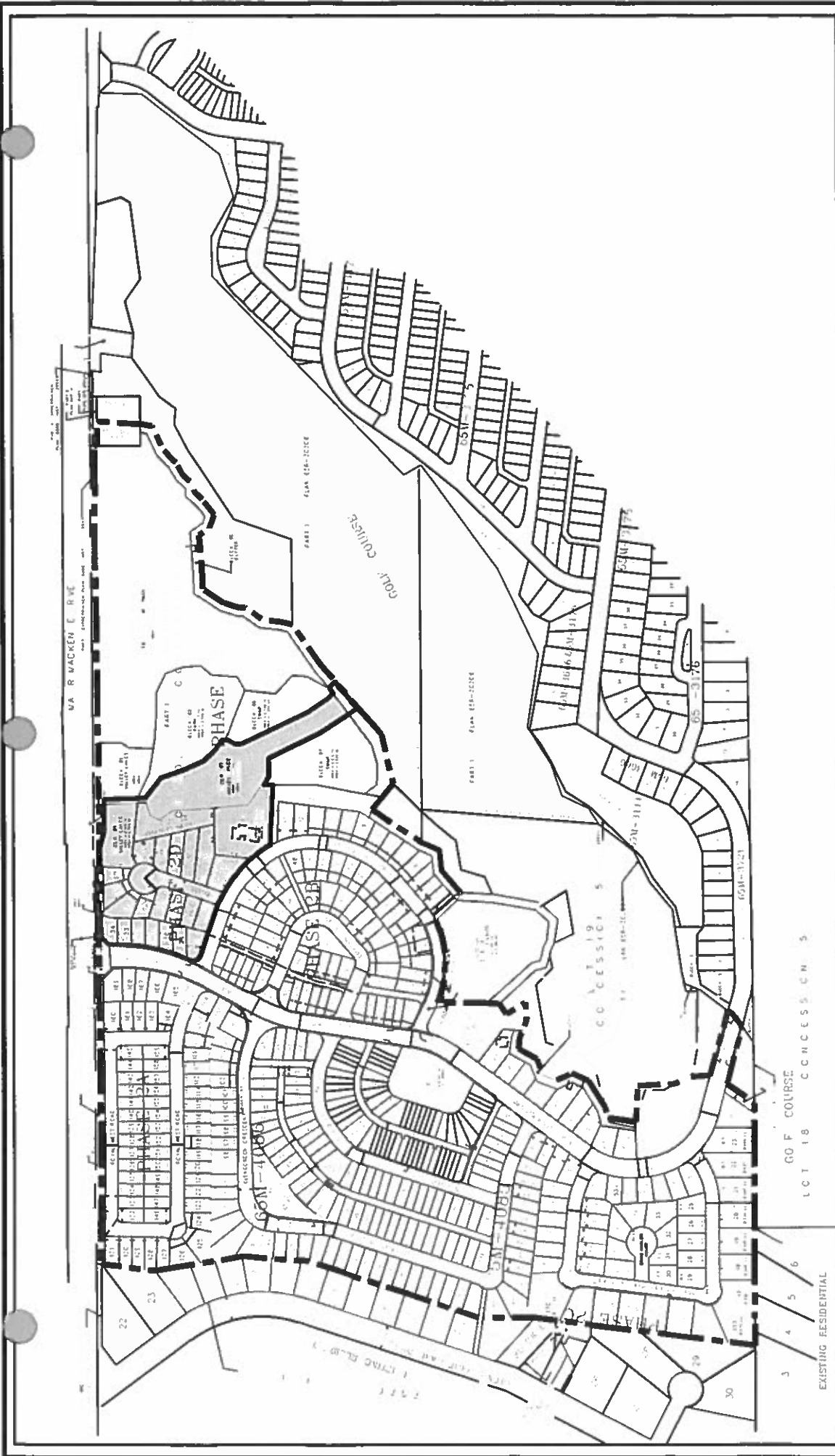
Drawn By: CPW

Checked By: GS

DATE: 02/06/2014

FIGURE No. 3





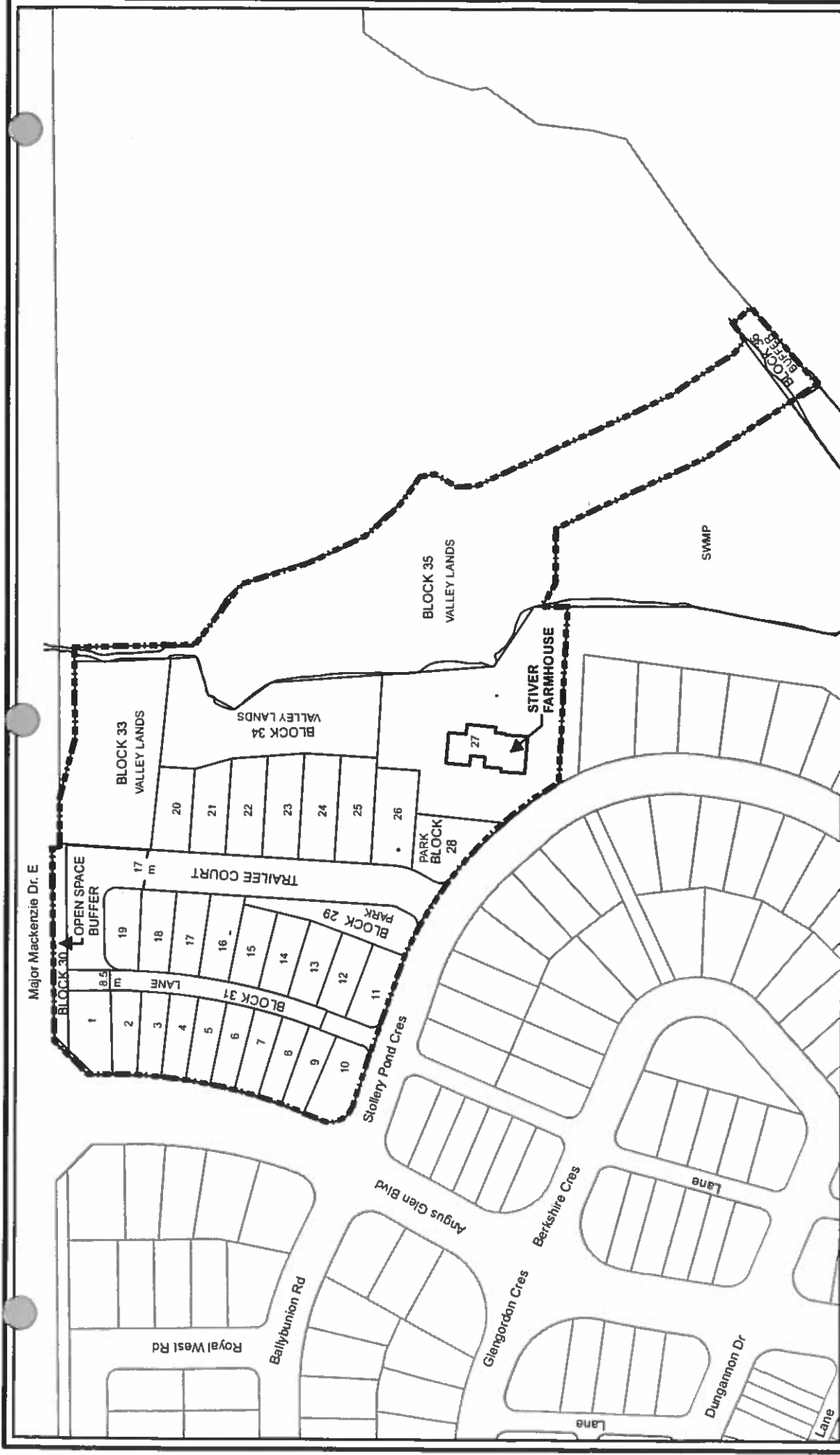
DRAFT APPROVED PLAN OF SUBDIVISION 19TM-03004

APPLICANT: ANGUS GLEN VILLAGE LTD.
 4071 MAJOR MACKENZIE DRIVE EAST

FILE No. SU.12130341 & ZA.12130341 (GS)

- DRAFT APPROVED PLAN
- SUBJECT LANDS

DATE: 11/05/2012



PROPOSED REVISED DRAFT PLAN OF SUBDIVISION - 19TM03004 (PHASE 2D)

APPLICANT: ANGUS GLEN VILLAGE LTD.
 4071 MAJOR MACKENZIE DRIVE EAST

FILE No. SU, ZA 12130341 (GS)

SUBJECT LANDS

Q:\Geomatics\New Operation\2014 Agendat\SU\SU12130341\SU1213041.mxd



Drawn By: CPW

Checked By: GS

DATE: 02/06/2014

FIGURE No. 5

Appendix A

THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF REVISED PLAN OF SUBDIVISION 19TM-03004 (PHASE 2D) (Angus Glen Village Ltd.) ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by J.D. Barnes Ltd, identified as Reference Number 98-21-079-00-2D-DRAFT, dated December 16, 2013 incorporating the following redline revisions:
 - Show ROW rounding radius for all roadways intersections
 - Show ROW curve radius along all roadways
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on ----- unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, an amendment to Zoning By-law 177-96, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval, including, but not limited to, Stormwater Management Study (Environmental Master Drainage Plan), Internal Servicing Study, Noise Impact Study and confirmation of alignment of roads with the locations shown in the draft approved plans.

2. Roads

- 2.1 The road allowance within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The road allowance and lane within the draft plan shall be dedicated as public highways, free of all costs and encumbrances to the satisfaction of the City.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed, secured and constructed in accordance with

established municipal standards to the satisfaction of the City (Commissioner of Development Services).

- 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the City or other agencies, free of all costs and encumbrances, to the satisfaction of the City.
- 2.5 The Owner acknowledges and agrees that the road allowances within the draft plan shall have right-of-way widths satisfactory to the City (Commissioner of Development Services).
- 2.6 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius of all road intersections, as redlined on the draft plan, to the satisfaction of the City (Commissioner of Development Services).

3. Community Design

- 3.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Villages of Angus Glen Design Guidelines into all municipal works; site plan and building permit applications within the plan of subdivision.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement the requirements and criteria of the Angus Glen West Village Architectural Design Guidelines dated April 2006.
- 3.3 Prior to execution of the subdivision agreement, the Owner shall submit a Priority Lot Plan to the satisfaction of the City.
- 3.4 The Owner shall ensure that plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines. No permits shall be issued for model homes prior to the approval of the City of the architectural control guidelines.
- 3.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

4. Parks and Open Space

- 4.1 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

- 4.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans in all sales offices for dwelling units within the draft plan of subdivision.
- 4.3 The Owner shall convey Blocks 28 and 29 to the City for parks purposes free of all costs and encumbrances, upon registration of the plan of subdivision. The Blocks shall be conveyed in a physical condition which is satisfactory to the City. The City reserves the right to require, as an alternative, payment of cash-in-lieu for any part of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.
- 4.4 Upon registration of Phase 2D, the Owner agrees to convey to the City, free of all costs and encumbrances, the buffer Blocks 30 and 36 for open space purposes, and the valleyland Blocks 33, 34 and 35. The Owner acknowledges and understands that these conveyances shall not comprise part of the required dedication for park purposes. These Blocks shall be conveyed in a physical condition which is satisfactory to the City.
- 4.5 The Owner shall covenant and agree to rough grade, topsoil, seed, and maintain (free of stock piles and debris) all park blocks and vacant lands within the subdivision to the satisfaction of the City. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the City for maintenance. Other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred. No stockpiling of materials, including topsoil and fill, shall occur on any lands to be conveyed to the City. Topsoil stockpiling shall be limited to areas in a second or subsequent phase of subdivision build-out.
- 4.6 The Owner acknowledges that should these works not be completed and maintained to the satisfaction of the Commissioner of Development Services, the City will do the work as required and draw on the letters of credit for all costs so incurred plus 10% for contract administration.
- 4.7 Prior to execution of the subdivision agreement, the Owner shall prepare and submit to the satisfaction of the Director of Planning and Urban Design a strategy for parkland dedication in the Angus Glen West Village. The strategy should consider future parkland requirements associated with all future developments in addition to the carryover of parkland credits from the East Village. The City will not provide credit for any over-dedication of parkland which may result when parkland is reconciled at full build-out of the Angus Glen Village Community. The Owner shall enter into a "Letter of Understanding" which acknowledges this.

5. Landscape Works

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans for all landscape works in accordance with the Village of Angus Glen Design Guidelines, as amended from time to time, to the satisfaction of the Director of Planning and Urban Design:
- a) street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time.
 - b) on lot front yard tree planting at minimum 1 tree per lot.
 - c) replacement trees to compensate tree removal from Phase 2 site alteration.
 - d) detailed landscape plans for open space Blocks 30 and 36.
 - e) 1.5 metre high black vinyl chain link fencing where residential lots abut park, buffer, valley land and other open space blocks.
 - f) 1.8m high wood privacy fencing for rear and side yards on all corner lots abutting roads and laneways.
 - g) noise attenuation fencing in accordance with the approved noise study.
 - h) landscape plans and landscape works for the storm water management ponds, including naturalized planting and pathways.
 - i) a Trail Master Plan identifying trail locations through valleyland and open space blocks in this Phase and in adjoining lands (Phase 2).
 - j) review of any parks and open space plans to be used for promotional purposes.
 - k) an enhanced pedestrian connection from Tralee Court to Major Mackenzie Drive.
 - l) any other landscaping as determined by the Director of Planning and Urban Design.
- 5.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 5.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 5.1.

- 5.4 The Owner shall covenant and agree that provision shall be made in the subdivision agreement for a letter of credit, in an amount to be determined by the City, to ensure compliance with applicable tree preservation, fencing, streetscape, buffers, walkways and other landscaping requirements.
- 5.5 The Owner shall include in all agreements of purchase and sale the following clause:

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 5.1a)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

6. Not Applicable

Noise Impact Study

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Major Mackenzie Drive and by any other identified noise sources, to the satisfaction of the City, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.

7.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City, in consultation with the Region of York. The Owner will be responsible for including all noise warning clauses in the Offers of Purchase and Sale, for affected lots including any Offers of Purchase and Sale entered into prior to execution of the subdivision agreement.

7.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the City as buffer blocks, free of all costs and encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the City.

8. Stormwater Management

8.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, water balance analysis, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.

8.2 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping

9. Municipal Services

9.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City, a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.

9.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of roads, lanes, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).

- 9.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 9.4 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the City's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 9.5 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

10. Easements

- 10.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

11. Utilities

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the City and authorized agencies.
- 11.2 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 11.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Power Stream, Enbridge, telecommunications companies, etc. in order to service the development.

- 11.4 The Owners shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 11.5 The Owners shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 11.6 The Owners shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 11.7 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 11.8 The Owner shall covenant and agree in the subdivision agreement that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 11.9 The Owner covenants and agrees to provide easements for utilities/telecommunications/vaults as required by the City to the satisfaction of the City.
- 11.10 The Owner covenants and agrees to advise all utility and telecommunications carriers that plans for medium and large sized vaults are to be submitted to the City for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, and elevations of structures, etc.

12. Development Charges

12.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

12.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

13. Phase 1 Environmental Site Assessment (ESA)

13.1 Prior to release for registration of the draft plan, the Owner shall:

- i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O.Reg. 153/04) describing the current conditions of the land to be conveyed to the City and any proposed remedial action plan, for peer review and concurrence;
- ii) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the City meets the Site Condition Standards of the intended land use;
- iii) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City; and
- iv) Pay all costs associated with the City retaining a third-party reviewer for the peer review service.

13.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the City for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

14. Well Monitoring Program and Mitigation Plan

14.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 metres of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.

15. Heritage

- 15.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 15.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.
- 15.3 The Owner covenants and agrees to retain the Heritage Buildings, including the Francis Stiver House, originally known municipally as 4075 Major Mackenzie Drive East, on its original location on Lot 27 within the current phase of the subdivision; the Stiver Tenant Cottage, originally known municipally as 4073 Major Mackenzie Drive East, to be relocated to Lot 27 within the current phase of the subdivision, and the Eleanor Lynn Casely House, originally known municipally as 4077 Major Mackenzie Drive East, to be relocated to Lot 26 within the current phase of the subdivision.
- 15.4 The Owner covenants and agrees to protect and conserve the Heritage Building(s) through the following means:
- a) To keep the Heritage Building(s) occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
 - b) To maintain the Heritage Building(s) in good and sound conditions at all times prior to and during the development of the property;
 - c) Once the Heritage Building(s) is unoccupied, to undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the City of Markham Guidelines for Boarding Heritage Structures;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building(s) is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install an 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the

vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.

- 15.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building (s):
- a) The Owner is to provide at its expense a legal survey of the Heritage Building(s) to facilitate the registration of the designation and easement agreements on the created/proposed lot(s);
 - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building(s) with the City;
 - c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act;
 - d) The Owner is to provide a Letter of Credit for each Heritage Building(s) to ensure the preservation of the existing buildings. The Letter of Credit shall be retained for use by the City and shall not be released until the following has been addressed:
 - e) the Eleanor Lynn Casely House and the Stiver Tenant Cottage have been relocated to their respective lots and attached to a new foundation;
 - construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City (Commissioner of Development Services),
 - the building has been connected to municipal services,
 - the exterior restoration of the Heritage Building is complete,
 - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
 - all other heritage requirements of the Subdivision Agreement have been completed;
 - Letter of Credit Amounts;
Francis Stiver House: \$113,000;
Stiver Tenant Cottage: \$125,000, to be reduced to \$36,000 after successful relocation and attachment to new foundation;
Eleanor Lynn Casely House: \$125,000, to be reduced to \$80,000 after successful relocation and attachment to new foundation (note that financial securities in the amount of \$125,000 have already been submitted to the City for the Casely House in association with previous agreements)
 - f) The Owner is to enter into a site plan agreement with the City for each Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.

15.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Buildings through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Buildings, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in a site plan agreement for each of the property;
- b) to complete the exterior restoration of the Heritage Building(s), connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
- c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
- d) to ensure that the final proposed grading on the lots adjacent to Heritage Building(s) is consistent with the existing historic grading of the Heritage Building(s);
- e) To ensure that the historic front of the Heritage Building(s) retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;

15.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building(s) will be marketed to prospective purchasers;

15.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building(s) through the following means:

- a) to provide and install at its cost, an interpretative baked enamel plaque for each Heritage Building(s), in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);
- b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building(s):

“Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City.”

- 15.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 15.1 to 15.8, inclusive, have been satisfied.

16. Other City Requirements

- 16.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.

- 16.2 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:

- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
- the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side
- overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

- 16.3 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

Parks by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

17. Region of York

Conditions as outlined in the letter dated July 2, 2013 from the Manager of Development Review, Transportation and Community Planning, The Regional Municipality of York.

18. TRCA

Conditions as outlined in the letter dated February 7, 2014 from the Senior Planner, Planning and Development, Toronto and Region Conservation Authority.

19. MNR

The Owner shall agree in the subdivision agreement to satisfy all requirements of the Ministry of Natural Resources with respect to a Redside Dace (endangered species) potential impact on the draft plan of subdivision.

20. External Clearances

20.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 7.1, 7.2, and 17 have been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that Conditions 8.1 and 18 have been satisfied.
- c) The Ministry of Culture shall advise that Conditions 15.1 and 15.2 have been satisfied.



BY-LAW 2014- _____

A By-law to amend By-law 177-96, as amended
(Angus Glen West Village – 19TM-03004 [Phase 2D])

2014

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

1.0 By-law 177-96, as amended, is hereby further amended as follows:

1.1 By rezoning the lands comprising Part of Lot 20, Concession 5, as outlined on Schedule 'A' attached hereto:

From:

Residential Two (Hold 1)	(R2 (H1))
Residential Two*384 (Hold 1)	(R2*384(H1))
Residential Two*385 (Hold 1)	(R2*385(H1))
Residential Two*384*385*386 (Hold 1)	(R2*384,*385*386(H1))
Residential Two*386 (Hold 1)	(R2*386(H1))
Residential Two*389 (Hold 1)	(R2*389(H1))
Residential Two*383 (Hold 3)	(R2*383(H3))
Open Space One	(OS1)

To:

Residential Two-Lane Access*118	(R2-LA*118)
Residential Two*383 (Hold 3)	(R2*383 (H3))
Residential Two*384	(R2*384)
Residential Two*384*385	(R2*384*385)
Open Space One	(OS1)

as shown on Schedule "A" attached hereto.

1.2 By amending the provisions of EXCEPTION Section 7.383.3 by deleting subsection b) and replacing it with the following:

“b) No *buildings, structures*, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private infrastructure is permitted within 3.0 metres of the western Open Space One (OS1) zone boundary.”

2.0 All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
** DAY OF ***, 2014.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



EXPLANATORY NOTE

BY-LAW 2014 - _____

DRAFT

A By-law to amend By-law 177-96, as amended.

Angus Glen Village Ltd.
Revised Plan 19TM-03004 (Phase 2D)
Part of Lot 20, Concession 5

Lands Affected

The proposed by-law amendment applies to 4.29 hectares (10.61 acres) at the southeast corner of Major Mackenzie Drive East and Angus Glen Boulevard. The lands comprise Phase 2D of plan of subdivision 19TM-03004.

Existing Zoning

The lands are presently zoned Residential Two (Hold 1) (R2 (H1)), Residential Two*384 (Hold 1) (R2*384(H1)), Residential Two*385 (Hold 1) (R2*385(H1)), Residential Two*384*385*386 (Hold 1) (R2*384, *385*386(H1)), Residential Two*386 (Hold 1) (R2*386(H1)), Residential Two*389 (R2*389(H1)), Residential Two*383 (Hold 3) (R2*383(H1)) and Open Space One (OS1).

Purpose and Effect

The purpose and effect of this by-law amendment is to incorporate the lands into the appropriate residential and open space zone categories within By-law 177-96, as amended, to permit the construction of 26 single detached dwellings and two park blocks. This amendment will also provide for the preservation and adaptive reuse of a heritage house and the protection of valleylands [Revised Plan 19TM-03004 (Phase 2D)].

Exceptions were previously approved to:

- Establish minimum setback requirement for lots abutting an Open Space Zone;
- Permit a *personal service shop* or a *single detached dwelling* within the Francis Stiver Farm House; and
- Permit 3 car garages on lots with a frontage of 15 m (50 ft.) or greater.

The Holding provision (H1) that has been applied to the subject lands is no longer required since the subject revised draft plan of subdivision has received servicing allocation and construction of the Angus Glen Boulevard Bridge has commenced.

Major Mackenzie

FROM R2*389(H1)
TO R2-LA*118

Royal West

FROM R2(H1) & R2*384(H1)
TO R2-LA*118

Ballyunion

Angus Glen

Glengordon

Berkshire

FROM OS1
TO R2*384*385

FROM R2*384*385*386(H1)
TO R2*384*385

FROM R2*384*385*386(H1)
& R2*385(H1)
TO R2*384*385

FROM R2*385 (H1) &
R2*384*385*386 (H1)
TO OS1

FROM R2*385 (H1)
TO R2*383 (H3)

FROM R2*383 (H3)
TO R2*384

FROM OS1
TO R2*384

FROM R2*384 (H1) &
R2*385* (H1)
TO OS1

BY-LAW SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 177-96 DATED THIS

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- RESIDENTIAL TWO
- OPEN SPACE ONE
- OS1
- EXCEPTION SECTION NUMBER
- RESIDENTIAL TWO WITH LANE ACCESS
- HOLDING PROVISIONS
- H1, H3



MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: GS

DATE: 02/20/2014

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

Q:\Geomatics\New Operation\By-Laws\SU12130341\SU12130341.mxd