

SUBJECT: RECOMMENDATION REPORT
Kylemore Communities (West Village) Ltd.
9 and 15 Stollery Pond Crescent
Angus Glen West Village
Applications for Zoning By-law Amendment and Site Plan
Approval to permit Phase 2 of a residential apartment
condominium development
File No.: ZA/SC 12 109301

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 November 5, 2013, entitled "RECOMMENDATION REPORT, Kylemore Communities (West Village) Ltd., 9 and 15 Stollery Pond Crescent, Angus Glen West Village, Applications for Zoning By-law Amendment and Site Plan Approval to permit Phase 2 of a residential apartment condominium development, File No.: ZA/SC 12 109301", be received;
2. That the application submitted by Kylemore Communities (West Village) Ltd. to amend Zoning By-law 177-96, as amended, be approved and the draft Zoning By-law amendment attached as Appendix "A", be finalized and enacted without further notice;
3. That the application submitted by Kylemore Communities (West Village) Ltd. for site plan approval be endorsed in principle for Phase 2, subject to the conditions outlined in Appendix "B";
4. That site plan approval for Phase 2 be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or designate has signed the plans;
5. That the site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period;
6. That servicing allocation for a population of 127.12 persons (56 apartment units) be granted to Kylemore Communities for Phase 2 from the City of Markham 2013 Servicing Allocation distribution;

7. That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
8. That the Region of York be advised of the servicing allocation for this development;
9. 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 provide background information and recommend approval of applications for a zoning by-law amendment and site plan approval for Phase 2 of a residential apartment condominium development.

BACKGROUND:

Property and Area Context

The subject lands consist of 1.3 hectares (3.2 acres) south of Major Mackenzie Drive, east of Angus Glen Boulevard within the Angus Glen West Village (Figure 1). A temporary stormwater management pond is located on the lands.

The surrounding context is as follows:

- To the south and east is the Angus Glen Golf Club within the Bruce Creek valley
- To the west are vacant lands on which a public park will be constructed
- To the north, across Stollery Pond Crescent are lands on which single detached residential dwellings are being constructed by the applicant

Official Plan and Zoning

The Official Plan designates the subject lands Urban Residential. The Angus Glen Secondary Plan designates the lands Urban Residential - High Density. This designation has been in place since adoption of the Secondary Plan in 1997. This designation permits row houses, stacked townhouses and apartments. The average net site density of all units in this designation is required to be within the range of 80 to 148 units per hectare (33 to 60 units per acre). A maximum of 192 units are permitted on the subject lands.

The subject lands are currently zoned Residential Four*331 [R4*331] (Phase 1), Residential Four*331(Hold 1) [R4*331(H1)] (Phase 2) and Open Space One (OS1) (10m environmental buffer) by By-law 177-96, as amended (Figure 2). The residential zoning permits apartment dwellings, with a maximum height of 4 storeys. The zoning for the subject lands was included in the Angus Glen West Village implementing Zoning By-law 2006- 218 adopted in June 2006.

The applicant was granted minor variance approval by the Committee of Adjustment in September 2010 to increase the maximum number of storeys to 6. The (H1) Holding provision may be removed once servicing allocation has been granted for development of the lands and site plan approval has been issued.

Proposal

The applicant is proposing a residential condominium development comprised of two apartment buildings linked by underground parking. The proposal is comprised of two phases. Building A (Phase 1) is six storeys with 89 units and Building B (Phase 2) is eight storeys with 86 units (Figures 4, 5 and 6). The two buildings are comprised of a total of 175 units having a net site density of 133.6 units per hectare. The proposed built form and density is in conformity with the approved Secondary Plan.

On June 11, 2013, Development Services Committee endorsed in principle the site plan for Building A (Phase 1) which complies with the development standards of the zoning by-law, including height pursuant to the minor variance approval in 2010. In addition to the six storey Building A, Phase 1 also includes all of the underground parking structure, lobby and one storey amenity centre for the entire proposed residential apartment condominium development on the subject lands.

The applicant also received Council approval on June 26, 2013 for the removal of the (H1) Holding provision of the Zoning By-law as it applies to the Phase 1 portion of the subject lands on the basis of having received site plan endorsement in principle and the granting of servicing allocation. The (H1) Holding provision as it applies to Phase 2 remains in place.

The applicant has also applied for an amendment to Zoning By-law 177-96, as amended, to permit an increase to the maximum permitted height for Building B (Phase 2) from six storeys to eight storeys. Site plan approval for Phase 2 is also still required.

Public Meetings

A statutory Public Meeting was held on February 5, 2013 regarding the proposed amendment to Zoning By-law 177-96, as amended, to permit an increase to the maximum permitted height for Building B (Phase 2) from six storeys to eight storeys.

Notwithstanding that proper notice was given in accordance with the Planning Act, area residents subsequently expressed concern that they were not aware of the Public Meeting due to obstruction of and inadequate access to the Public Meeting sign and that most of the properties within the 120 metre circulation area for mailed notices are not yet developed. As a result, two additional Public Information meetings were held on April 18 and May 16 to facilitate further participation by area residents from a wider area of the community. The following concerns have been expressed by the residents:

- based on previous Kylemore Communities marketing programs for the subject lands, their expectations were that low rise executive type homes referred to as "Golf Villas" would be built on the subject lands, not apartment buildings
- the applicant has been seeking incremental increases to the maximum permitted height for buildings (from the original four to 6 storeys through the Committee of Adjustment in 2010 to the current 8 storeys being proposed for Phase 2)
- the increase in height of the proposed easterly building (Phase 2) to 8 storeys will block views to and across the valley/golf course

-
- safety concerns with respect to access/egress to and from the West Village being limited to one point at the Angus Glen Boulevard and Major Mackenzie Drive intersection until the Angus Glen Boulevard bridge is built
 - potential for increased on street visitor parking

It should be noted that in addition to the above noted statutory Public Meeting and the subsequent public information meetings, the applicant has consulted with the Angus Glen Ratepayers Association.

DISCUSSION:

Temporary stormwater management pond to be decommissioned

The temporary stormwater management pond located on the subject lands will have to be decommissioned to the satisfaction of the Director of Engineering prior to any development proceeding.

A 10m environmental buffer adjacent to the valley has been provided

A 10m environmental buffer adjacent to the Bruce Creek valley has been provided. The buffer was previously zoned Open Space One (OS1) and is currently in private ownership as the Angus Glen golf course encroaches onto it.

The TRCA can support the application subject to some minor revisions

A portion of the subject lands is located within the TRCA's Regulated Area of the Rouge River Watershed. The TRCA will require that the proposed grading be minimized to the greatest extent possible (particularly in the buffer on the eastern property line) and that proposed retaining walls or armourstone within the TRCA Regulated Area be replaced with a gradual slope. They will also require some of the proposed plant species to be replaced with non-invasive species. The applicant will be required to obtain a permit approval from the TRCA as a condition of site plan approval.

The proposed site plan layout and building elevations are acceptable

The applicant consulted with staff several times prior to submitting their application for the current proposal consisting of two apartment buildings. The current proposal replaces the applicant's original proposal for one "U" shaped apartment building that was considered by staff to be inappropriate for the site in that it created a wall between the community and the valley/golf course. The project has been designed to satisfy LEED Silver, or equivalent requirements and will incorporate bird friendly designs in accordance with FLAP guidelines. The proposed site plan layout and building elevations are acceptable to staff. Appropriate buffer landscaping will be required for this development. Sustainability requirements and a landscape plan will be required as conditions of site plan approval.

Traffic Study

The traffic study submitted in support of the Angus Glen West Village concluded that development on the subject land, based on the maximum density permitted by the Secondary Plan (192 apartment units), can be adequately accommodated by the West

Village transportation network. The total 175 units being proposed is less than that permitted by the Secondary Plan.

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 (2013 and 2014). The applicant anticipates that occupancy of the proposed development will not occur until after completion of the bridge.

Parking will be provided in accordance with the City's Parking Standards By-law

The City's Parking Standards By-law requires 1.5 parking spaces per apartment unit; this includes 0.25 spaces to be allocated towards visitor parking. The applicant is therefore required to provide 263 parking spaces for the proposed Phases 1 and 2 combined. A total of 309 parking spaces are proposed (a rate of 1.77 parking spaces per unit).

Servicing Allocation is available for the proposed development

Servicing allocation from the City of Markham 2013 Servicing Allocation distribution is available for the proposed Phase 2 development. Staff recommend that Council grant servicing allocation for a population of 127.12 persons (56 apartment units) for Phase 2. The applicant will be required to obtain a Regional credit for the remaining population of 68.1 persons (30 apartment units) through participation in the Region of York's "Sustainable Development Through LEED" program for Phase 2.

Removal of the Holding Provision as it applies to Phase 2 will not be permitted until certain conditions are met

The applicant is seeking the removal of the (H1) Holding provision in the Zoning By-law as it applies to the Phase 2 portion of the subject lands. The (H1) Holding provision may be removed once servicing allocation has been granted for development of the lands, site plan approval has been obtained and the applicant has executed the LEED program agreement with the Region of York.

Staff have no concerns with respect to the proposed two storey height increase for Building B (Phase 2)

The applicant's architect has submitted a "view line" of Building B from a location directly to the west of that building, as shown on Figure 7. This drawing demonstrates that the 8 storey Building B will be no more visually prominent than the 6 storey Building A due to changes in grade towards the valley and the distance between the residential units to the west and the proposed development. Thus, the proposed 8 storey Building B will not block resident views from the area to the west to the valley and golf course any more than the permitted 6 storey Building A does. Residents to the northwest of Angus Glen Boulevard and Stollery Pond Crescent will maintain views to the valley and golf course through the park on the west side of Angus Glen Boulevard and the park at the southeast corner of Angus Glen Boulevard and Stollery Pond Crescent, as shown

on Figure 8. Future residents farther to the south, on the east side of Angus Glen Boulevard, and to the northeast on Stollery Pond Crescent, will have unobstructed views into the valley and golf course.

A Shadow Study has also been submitted by the applicant (Figure 9). This study demonstrates that shadows created by the project will have no impact on the adjacent low density residential area of the West Village.

Staff have no concerns with respect to the proposed zoning by-law amendment to permit an increase to the maximum permitted height for Building B (Phase 2) from 6 storeys to 8 storeys.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Angus Glen West Village is currently 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 for review and comments. Requirements of the City and external agencies will be reflected in the site plan and site plan agreement.

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 – Proposed Site Plan

Figure 5 – Proposed Building 'A' Elevations

Figure 6 – Proposed Building 'B' Elevations

Figure 7 – Building 'B' – "View Line"

Figure 8 – View Lines to valley/golf course

Figure 9 – Shadow Study

APPENDICIES:

Appendix "A" – Draft Zoning By-law Amendment – Phase 2

Appendix "B" – Conditions of Site Plan Approval – Phases 1 and 2

APPLICANT / AGENT:

Mike Montgomery

Kylemore Communities (West Village) Ltd.

10080 Kennedy Rd.

Markham, ON

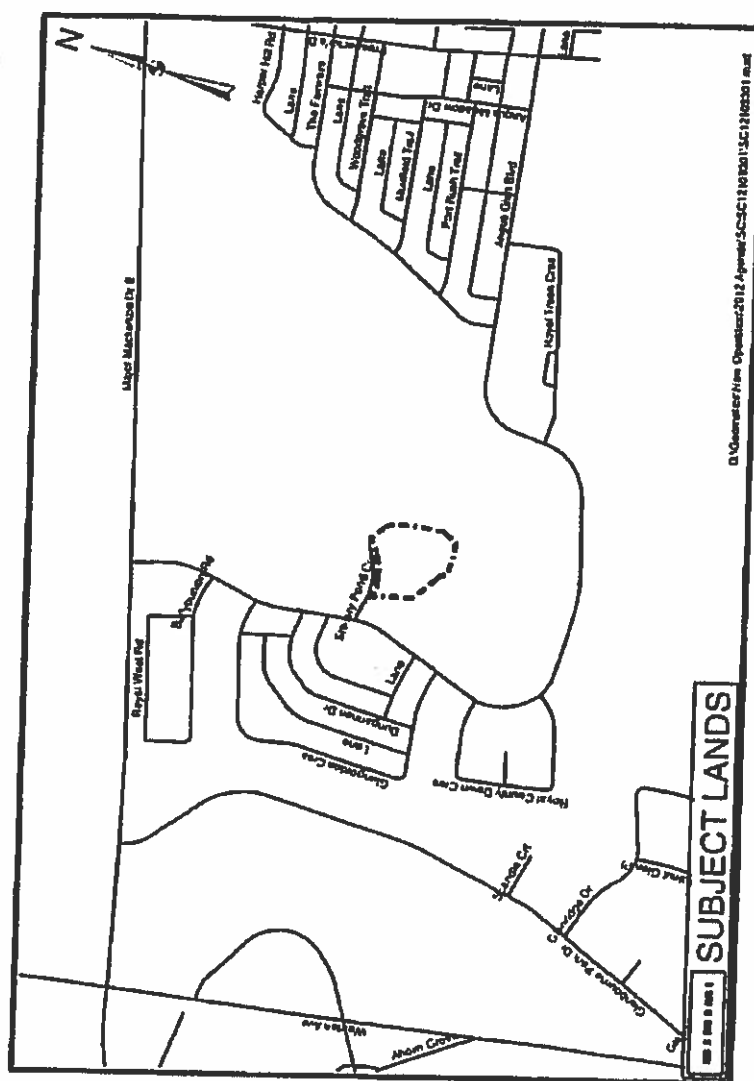
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Phone: (905) 887- 0090, ext. 409

Fax: (905) 887-5197

mmontgomery@angusglen.com

File path: Amanda\File 12 109301\Documents\Recommendation Report



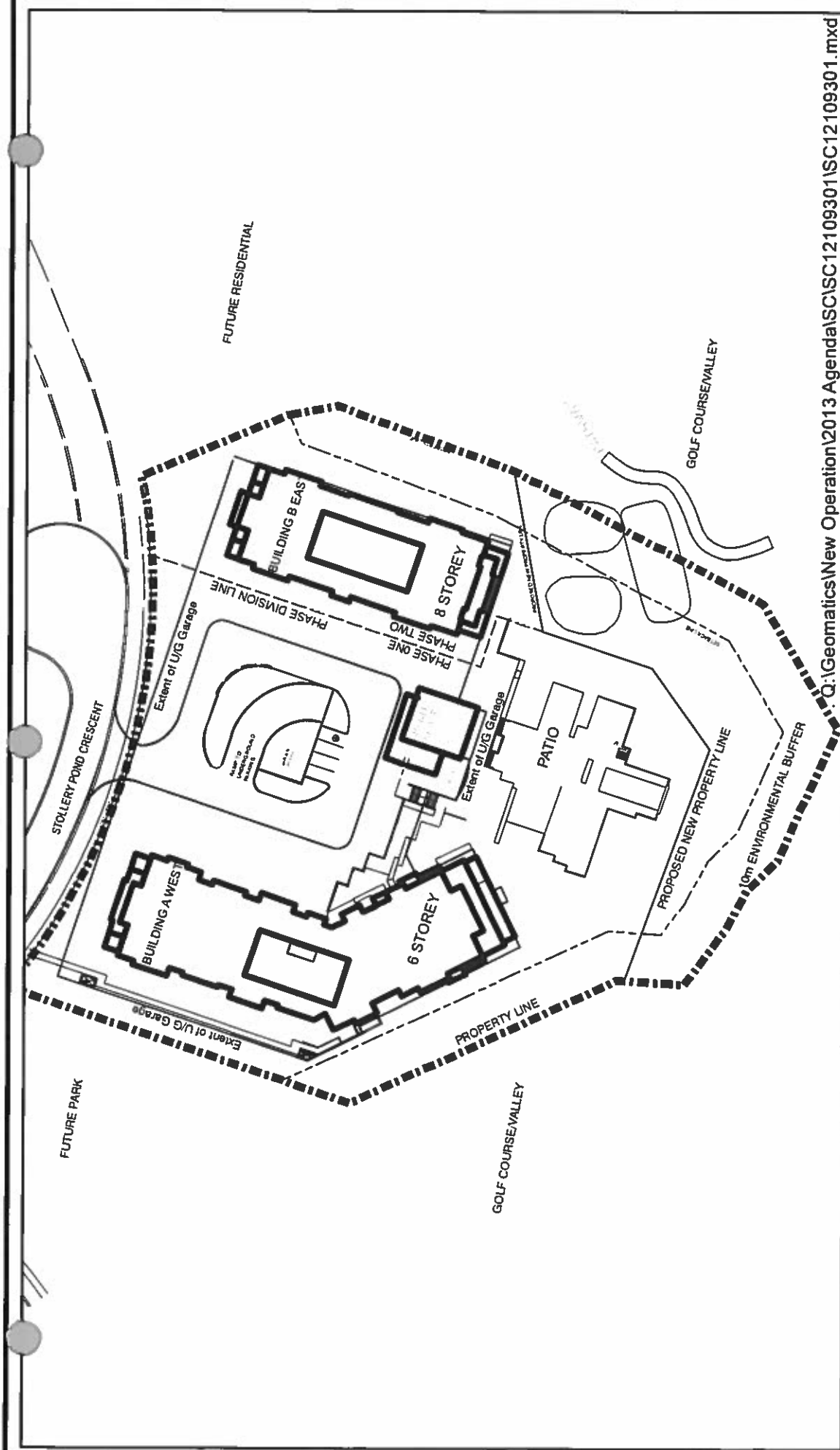


AIR PHOTO 2011

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
9 AND 15 STOLLERY POND CRESCENT

FILE No.SC/ZA12109301(GS)

 SUBJECT LANDS



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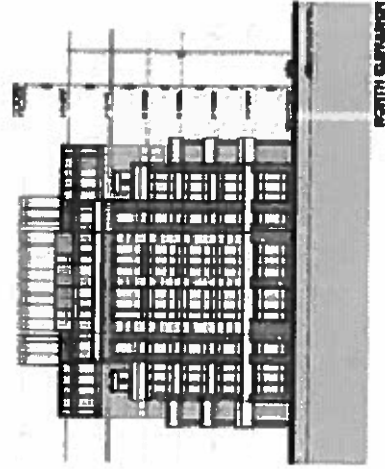
SITE PLAN

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
 9 AND 15 STOLLERY POND CRESCENT

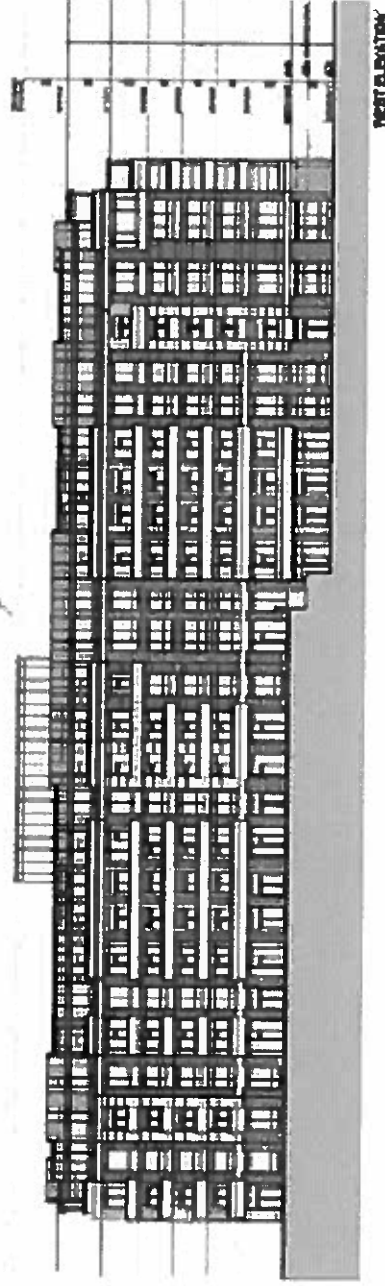
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 SUBJECT LANDS

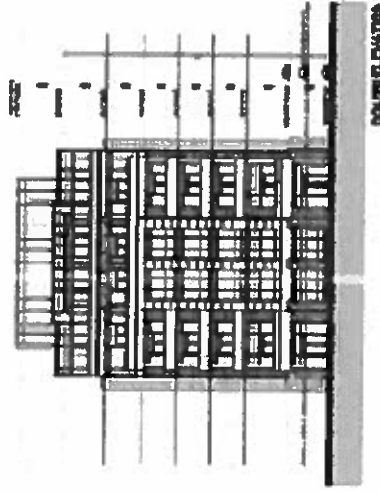
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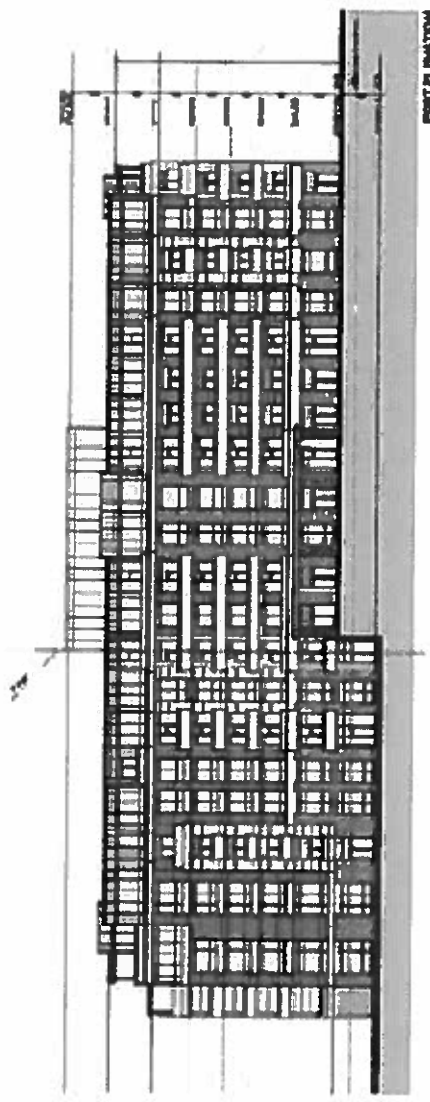
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

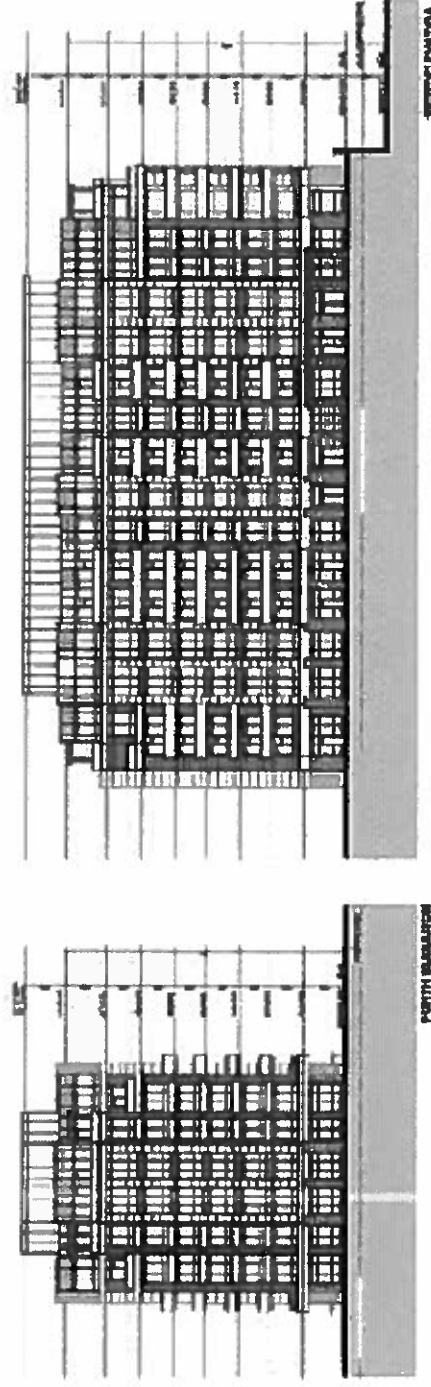
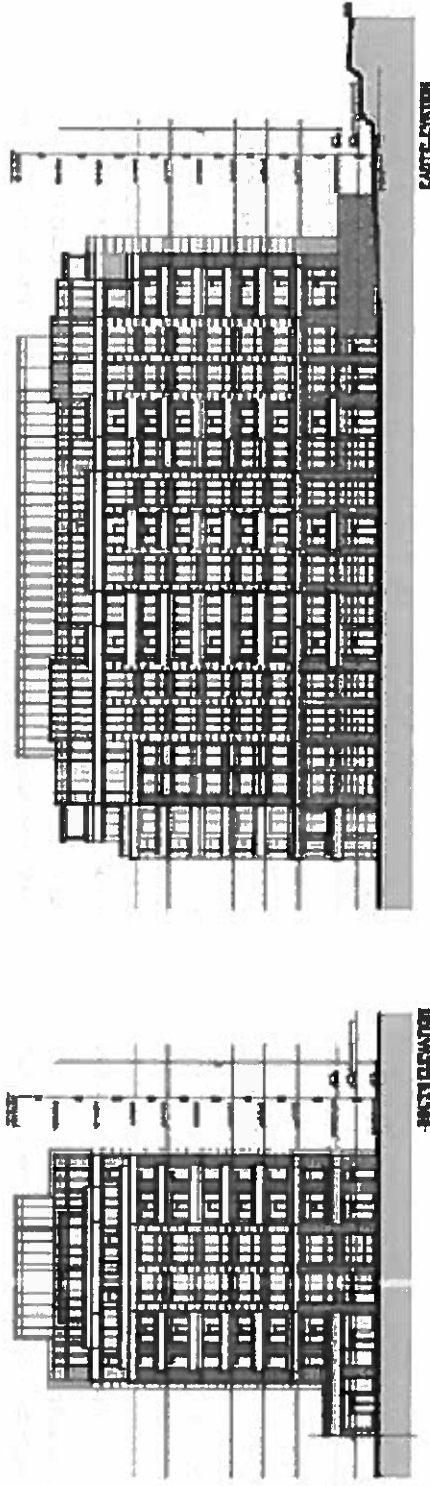
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BUILDING 'A' ELEVATIONS

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.

9 AND 15 STOLLERY POND CRESCENT

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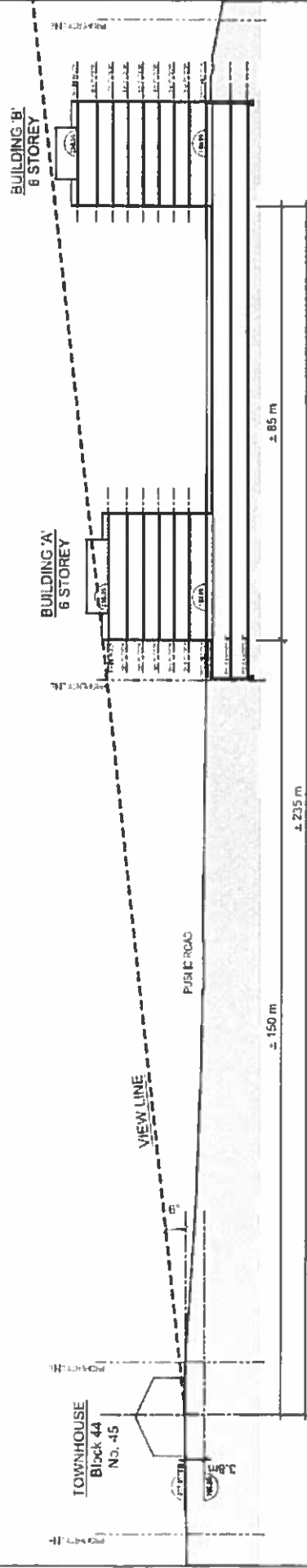


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BUILDING 'B' ELEVATIONS

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
9 AND 15 STOLLERY POND CRESCENT

FILE No.SC/ZA12109301(GS)



BUILDING 'B' - VIEW LINE

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
9 AND 15 STOLLERY POND CRESCENT

FILE No.SC/ZA12109301(GS)

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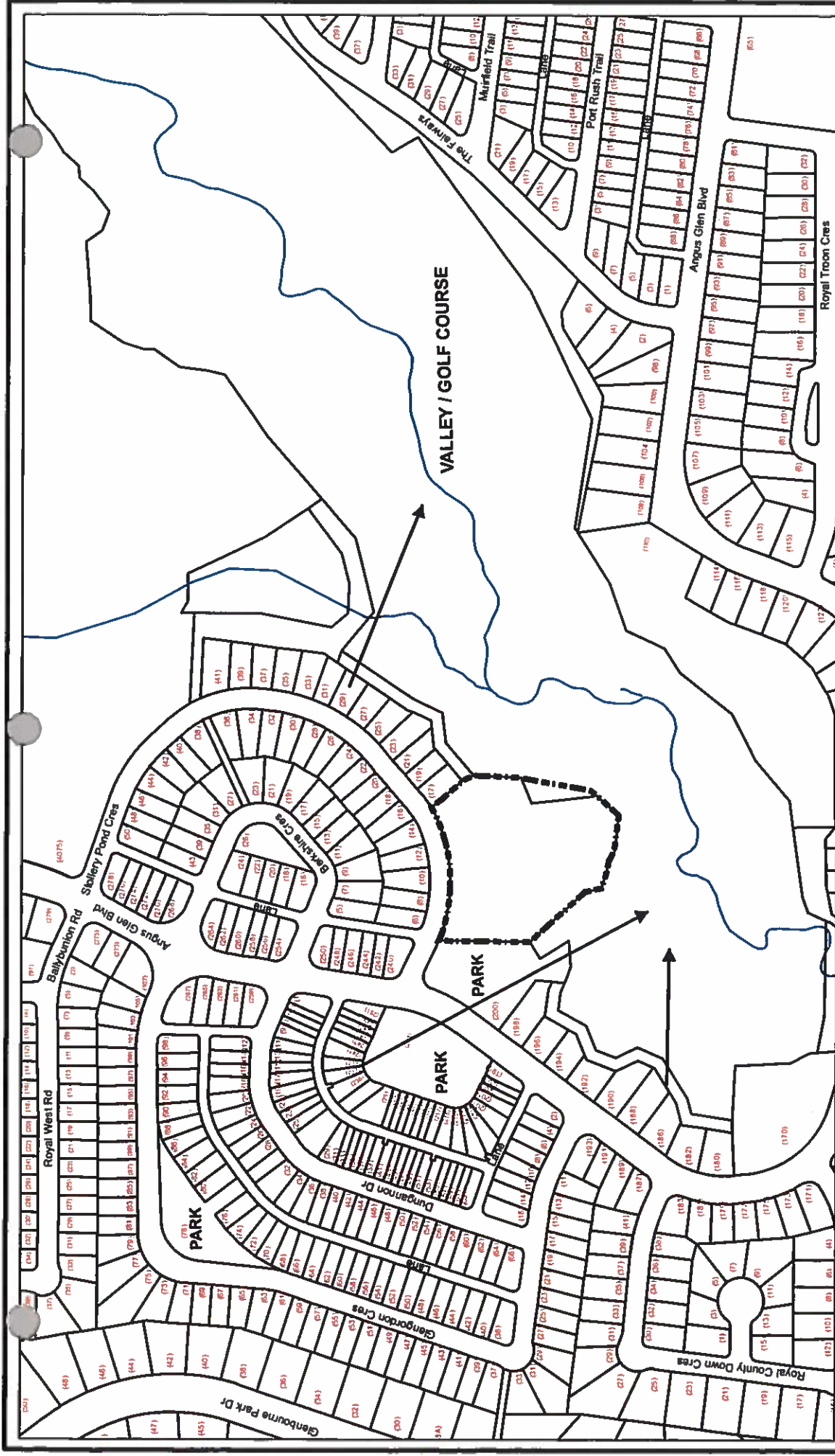
MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By:DD

Checked By:GS

DATE:10/15/12

FIGURE No.7-2



VIEW LINES TO VALLEY / GOLF COURSE

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
9 AND 15 STOLLERY POND CRESCENT

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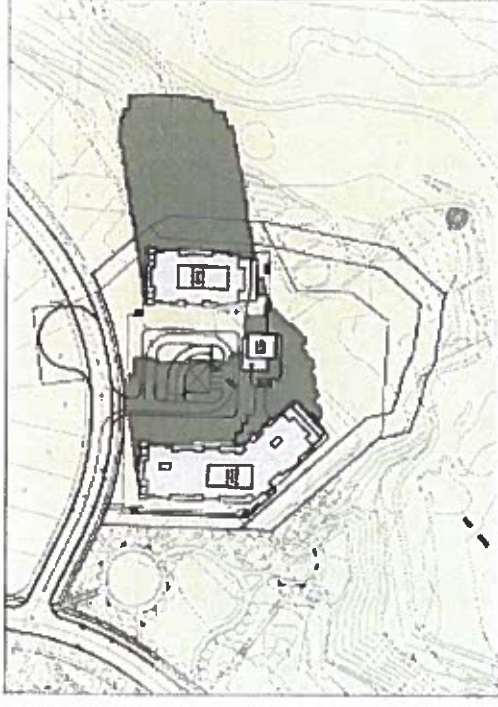
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MARCH / SEPTEMBER 21 12:00 AM EST



MARCH / SEPTEMBER 21 2:00 PM EST



MARCH / SEPTEMBER 21 4:00 PM EST

SHADOW STUDY

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
9 AND 15 STOLLERY POND CRESCENT

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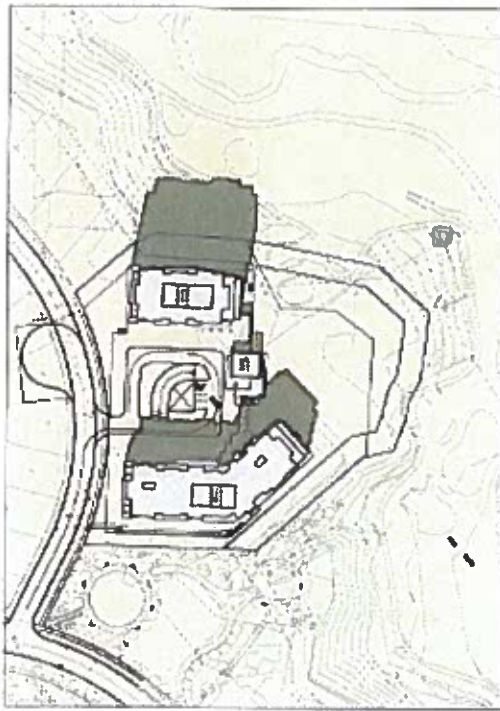
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SHADOW STUDY

APPLICANT: KYLEMORE COMMUNITIES (WEST VILLAGE)LTD.
9 AND 15 STOLLERY POND CRESCENT

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Appendix A

EXPLANATORY NOTE

BY-LAW 2013 - _____

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

Kylemore Communities (West Village) Ltd.

9 and 15 Stollery Pond Crescent

Angus Glen West Village

Lands Affected

The By-law amendment applies to --- ha. (---acres), south of Stollery Pond Crescent, west of Angus Glen Boulevard.

Existing Zoning

The lands are presently zoned Residential Four*331 (Holding One) [R4*331 (H1)] by By-law 177-96, as amended.

Purpose and Effect

The purpose of this by-law amendment is to amend the maximum number of storeys permitted from 4 storeys to 8 storeys, with the effect of permitting the development of the second phase of a residential apartment condominium development comprised of 86 units, once the Holding One (H1) provision is removed.

The Holding One (H1) provision may be removed once servicing allocation has been granted for development of the lands, site plan approval has been obtained and the applicant has executed the LEED program agreement with the Region of York.



BY-LAW 2013-_____

A by-law to amend the New Urban Area By-law 177-96, as amended

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

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

1.1 By adding the following subsection to Section 7 – EXCEPTIONS:

“7. — Kylemore Communities (West Village) Ltd.

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *--- on Schedule ‘A’ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7. ---.1 Zone Standards

The following specific *zone* standard applies:

- a) maximum number of *storeys* – 8

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 ***, 2013.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

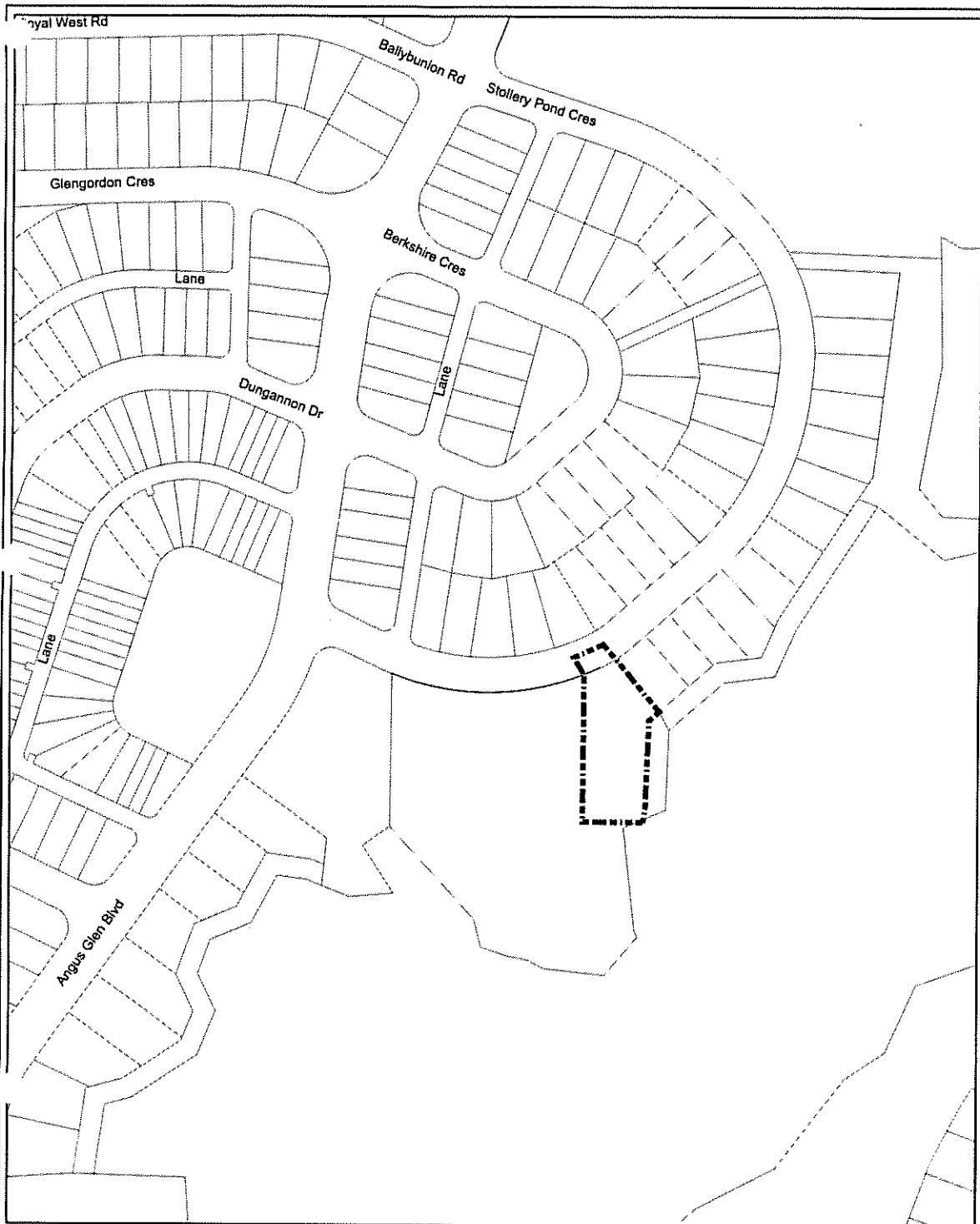
APPENDIX "B"

Conditions of Site Plan Approval – Phases 1 and 2

1. That the Owner enter into a site plan agreement with the City containing all the standard and special provisions and requirements of the City and public agencies.

NOTE: Site Plan Approval is issued only when the Director of Planning & Urban Design or designate has signed the plans "approved" following the execution of a site plan agreement;

2. That a Landscape Plan, prepared by a Landscape Architect having O.A.L.A. membership, be submitted to the satisfaction of the Director of Planning and Urban Design;
3. That the project be designed to satisfy minimum LEED Silver, or equivalent requirements and incorporate bird friendly designs in accordance with FLAP guidelines, to the satisfaction of the Director of Planning and Urban Design;
4. That the temporary stormwater management pond be decommissioned to the satisfaction of the Director of Engineering;
5. That prior to the execution of the Site Plan Agreement, the Owner shall:
 - a) submit final drawings, and comply with all requirements of the City and public agencies, to the satisfaction of the Director of Planning and Urban Design;
6. That the Site Plan Agreement shall:
 - a) provide for payment by the Owner of all applicable fees, recoveries and development charges;
 - b) contain provisions for satisfying City Departments including all requirements of the Director of Engineering, the Fire Department, Waste Management and Operations;
7. That the Owner participate in the Region of York's "Sustainable Development Through LEED" program; to the satisfaction of the Region of York;
8. That the Owner obtain a permit from the TRCA in accordance with Ontario Regulation 166/06.



BY-LAW SCHEDULE "A" TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

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BY-LAW AMENDMENT No. PASSED

..... (MAYOR) (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: GS

DATE: 06/11/2013

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