



MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, M.C.I.P., R.P.P., Commissioner of Development Services B.K. [Signature]

PREPARED BY: [Signature] Scott Heaslip, M.C.I.P., R.P.P., Senior Project Coordinator, Central District

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P., Manager, Central District

DATE: June 11, 2014

SUBJECT: **Hold Removal By-law
H & W Development Corporation, Phase 2
33 Clegg Road and 38 Cedarland Drive
File No. ZA 14 118225**

RECOMMENDATION

1. That the attached zoning by-law to remove holding provision H1 from the Phase 2 portion of the H & W Development Corporation lands on the east side of South Town Centre Boulevard between Clegg Road and Cedarland Drive, be enacted.
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND

On November 2, 2010, Development Services Committee endorsed site plan approval for a condominium apartment development on the subject property. The applicant is phasing construction of the development, with the two buildings facing onto South Town Centre Boulevard (currently under construction) and the underground parking garage for the entire development (currently under construction) proceeding first, and the two building to the east (not yet under construction) proceeding later.

COMMENT

The zoning of the subject property is subject to two holding provisions – H1 and H2.

Building permits cannot be issued for the property until Council removes holding provision H1 from the zoning.

The conditions for removal of holding provision H1 are as follows:

- Execution of the Section 37 agreement with the City.
- Execution of the site plan agreement with the City.
- Receipt of a clearance from the trustee for the Markham Centre Landowners Group.

The applicant has executed the required Section 37 agreement for the entire development and has executed a site plan agreement and received the required trustee clearance for Phase 1. On this basis Council removed the holding provision from the Phase 1 portion of the property on March 6, 2013. Phase 1 is currently under construction.

The landowners group has issued their clearance for Phase 2. City staff are currently preparing an amendment to the site plan agreement for Phase 2. However, it is unlikely that the amendment to the site plan agreement will be executed in time to fully satisfy the conditions for hold removal for Phase 2 before Council breaks for the summer.

To avoid unduly delaying construction of Phase 2, staff support removing the Holding (H1) provision from the Phase 2 portion of the property to facilitate the issuance of a conditional permit for Phase 2. The applicant has provided a written undertaking not to compel the city to issue a full building permit for Phase 2 until the amendment to the site plan agreement has been executed.

On this basis, staff recommend that holding provision H1 be removed from the Phase 2 portion of the property. The required by-law is attached.

The purpose of holding provision H2 is to prohibit the provision of a greater number of parking spaces than permitted by the by-law. This holding provision should remain in place and will not affect the issuance of the building permit.

File path: Amanda\File 14 118225\Documents\Recommendation Report

EXPLANATORY NOTE

BY-LAW NO. 14-XXXX

A by-law to amend By-law 2004-196, as amended

H & W Development Corporation
33 Clegg Road and 38 Cedarland Drive
Part of Lot 9, Concession 4

LANDS EFFECTED

This by-law applies to the east portion of a 1.29 hectare (3.2 acre) property located on the east side of South Town Centre Boulevard between Clegg Road and Cedarland Drive.

The City of Markham has approved a 692 unit apartment development on this property.

The first phase, consisting of two apartment buildings on the west portion of the property accommodating 368 apartment units, is under construction.

EXISTING ZONING

The east portion of the subject property is zoned "Holding – Markham Centre Downtown Two" [(MC-D2*16 (H1)(H2))] by the Markham Centre Zoning By-law (#2004-196).

PURPOSE OF THE BY-LAW

The purpose of this by-law is to remove Holding provision H1 from the zoning of the east portion of the subject property.

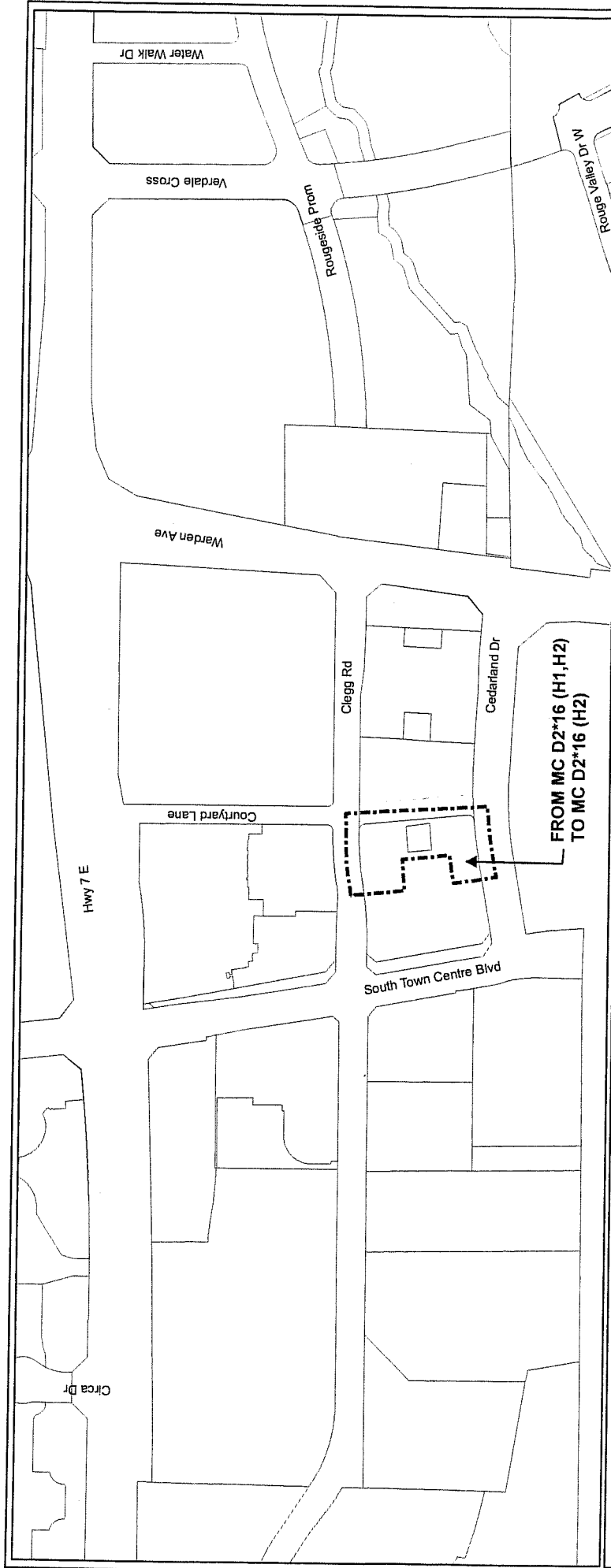
EFFECT OF THE BY-LAW

The effect of this by-law is to permit construction of the second phase of the proposed apartment development, consisting of two apartment buildings accommodating a total of 324 apartment units.

A by-law to amend Zoning By-law 2004-196, as amended
(To remove Holding provision H1)

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

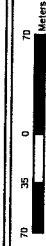
1. Zoning By-law 2004-196, as amended, is hereby further amended as follows:
 - 1.1 By rezoning the lands outlined on Schedule 'A' hereto from
Markham Centre - Downtown Two*16 (Hold) [MC-D2*16(H1)(H2)]
to Markham Centre- Downtown Two *16 (Hold) [MC-D2*16(H2)]
2. All other provisions of By-law 2004-196, as amended, not inconsistent with
the provisions of this by-law shall continue to apply.



BY-LAW SCHEDULE 'A' TO BY-LAW **AMENDING BY-LAW 2004-196 DATED THIS**

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

MC D2 ☐ MARKHAM CENTRE DOWNTOWN TWO ☐ (H1) ☐ HOLDING PROVISION ONE
 *No. ☐ EXCEPTION SECTION NUMBER ☐ (H2) ☐ HOLDING PROVISION TWO



MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 23/05/2014

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

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