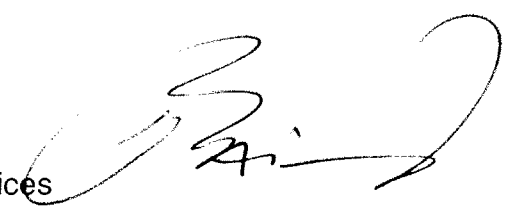




MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services 

PREPARED BY: Scott Heaslip, Senior Project Coordinator, Central District

DATE: April 30, 2013

SUBJECT: **Hold Removal By-law
Times Group Inc.
Block 5, Draft Plan of Subdivision 19TM-070003
(South side of Highway 7, one block west of Birchmount Road)
File No. ZA 13 112084**

RECOMMENDATION

1. That the attached zoning by-law to remove holding provision H1 from Block 5, Draft Plan of Subdivision 19TM-070003 (Times Group – Markham Uptown), be enacted.
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND

The subject property is located on the south side of Highway 7, one block west of Birchmount Road.

The property is within Phase 2 of the Times Group's Markham Uptown subdivision. The Times Group has entered into a subdivision agreement with the City for Phase 2 and is currently working with City staff and public agencies to clear Phase 2 for registration.

On September 11, 2012, Development Services Committee endorsed site plan approval for a proposed 505 unit condominium apartment development on the subject property. Final project plans have been endorsed and the site plan agreement is being processed. The applicant has excavated and shored the site in preparation for construction.

COMMENT

The Times Group has applied for a conditional building to permit construction of the underground parking garage of the proposed development.

The zoning of the property is subject to two holding provisions – H1 and H2. Building permits cannot be issued for the proposed development, including the underground garage, until Council removes holding provision H1 from the zoning. The conditions for removal of holding provision H1 include registration of the plan of subdivision and execution of the site plan agreement.

The Times Group has provided a letter of undertaking not to compel the City to issue a full building permit for the proposed development or extend the conditional building permit beyond the underground parking garage until the subdivision has been registered and the site plan agreement has been executed.

To avoid unduly delaying commencement of construction, staff support removing holding provision H1 at this time. 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.

EXPLANATORY NOTE

BY-LAW NO. 13-XXXX

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

Times Group Inc.

South side of Highway 7, one block west of Birchmount Road

Part of Lot 9, Concession 4

LANDS EFFECTED

This by-law applies to an approximately 1.04 hectare (2.58 acre) property on the south side of Highway 7, one block west of Birchmount Road.

EXISTING ZONING

The subject property is zoned “ Markham Centre Downtown Two *11 (Hold 1 Hold 2) [(MC-D2*11(H1H2))] 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 subject property.

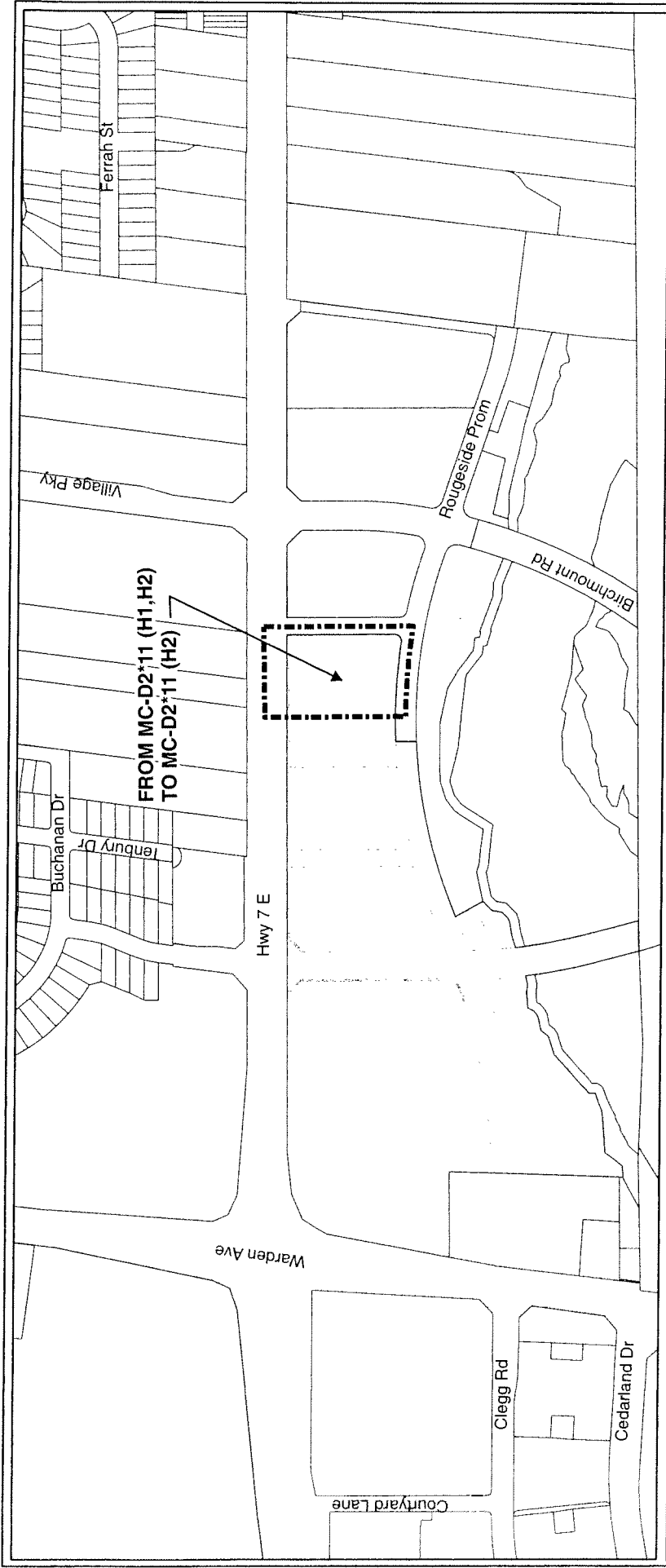
EFFECT OF THE BY-LAW

The effect of this by-law is to permit construction of a proposed 505 unit apartment development.

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:

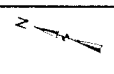
1. Zoning By-law 2004-196, as amended, is hereby further amended as follows:
 - 1.1 By rezoning the lands outlined on Schedule 'A' hereto from Markham Centre - Downtown Two *11 (Hold 1 Hold 2) [MC-D2*11(H1H2)] to Markham Centre- Downtown Two *11 (Hold 2) [MC-D2(H2)]
2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 2004-196

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

☒ MC-D2 MARKHAM CENTRE DOWNTOWN TWO ☐ *No. EXCEPTION SECTION NUMBER
☒ (H1,H2) HOLDING PROVISIONS



BY-LAW AMENDMENT No.	PASSED	(MAYOR)	(CLERK)
MARKHAM DEVELOPMENT SERVICES COMMISSION		Drawn By: CPW	Checked By: SH
NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office			
		DATE: 04/24/2013	
<small>C:\Geomatics\New Operation\By-Laws\2004-196\ZA13112084\ZA13112084.mxd</small>			