



## MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services

A handwritten signature in black ink, appearing to read 'Jim Baird', written over the 'FROM' line.

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

DATE: March 5, 2012

SUBJECT: **Hold Removal By-law  
H & W Development Corporation  
East side of South Town Centre Boulevard between Clegg Road and  
Cedarland Drive**

File No. ZA 11 125871

### RECOMMENDATION

1. That the attached zoning by-law to remove holding provision H1 from the phase 1 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 proposed condominium apartment development on the subject property. The applicant is proposing to phase construction of the development, with the two buildings facing onto South Town Centre Boulevard proceeding first. The applicant has excavated and shored the site in preparation for construction.

## **COMMENT**

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

Building permits cannot be issued for the proposed development 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 Section 37 agreement and has executed a site plan agreement for phase 1. The required trustee clearance for phase 1 has been submitted to the City.

On this basis, staff recommend that holding provision H1 be removed from the phase 1 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.

## **EXPLANATORY NOTE**

BY-LAW NO. 13-XXXX

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

H & W Development Corporation

East side of South Town Centre Boulevard between Clegg Road and Cedarland Drive

Part of Lot 9, Concession 4

## **LANDS EFFECTED**

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

## **EXISTING ZONING**

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 a portion of the subject property.

## **EFFECT OF THE BY-LAW**

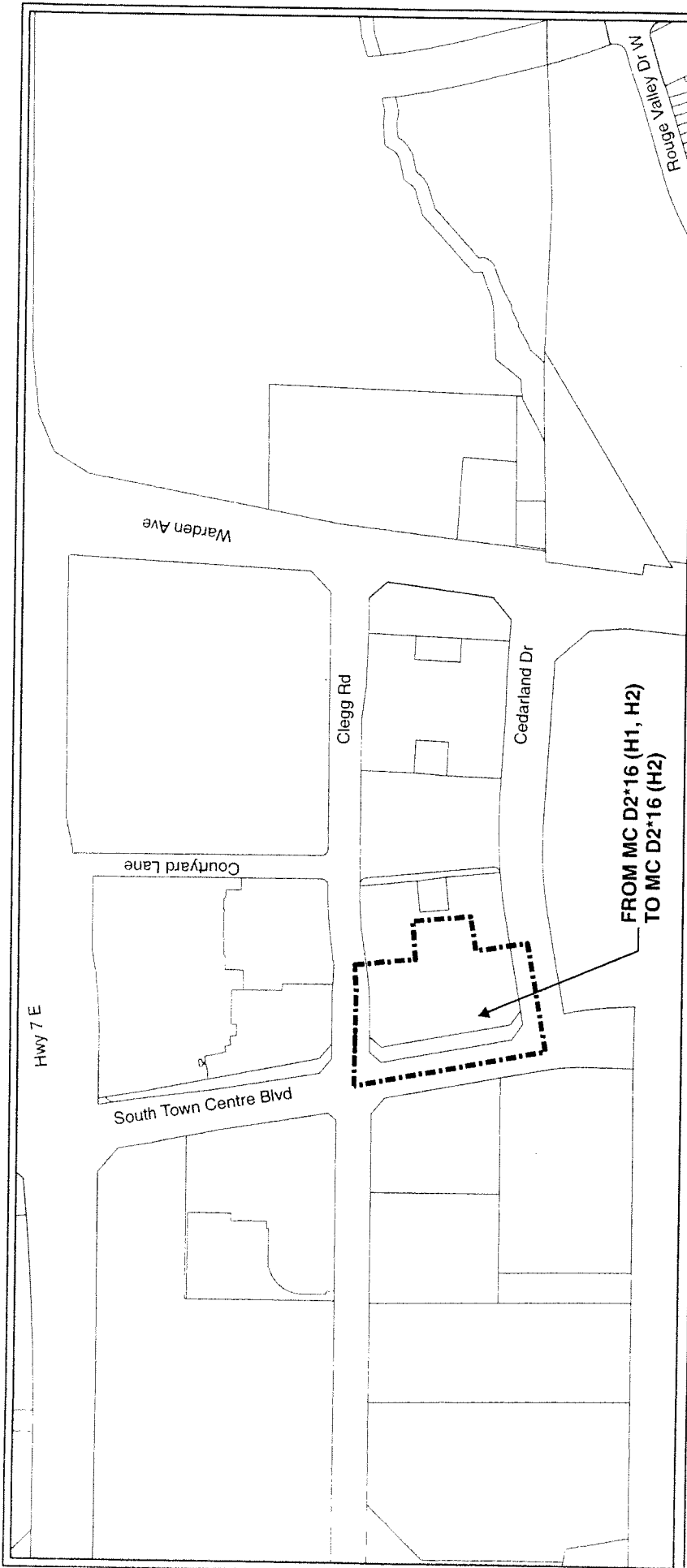
The effect of this by-law is to permit construction of the first phase of a proposed 663 unit apartment development. The first phase consists of two linked apartment buildings fronting on South Town Centre Boulevard accommodating a total of 363 apartment units.

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

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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(H1)(H2)] to  
Markham Centre- Downtown Two \*16 (Hold) [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) HOLDING PROVISION ONE

☐ (H2) HOLDING PROVISION TWO

BY-LAW AMENDMENT No. .... PASSED .....

 DEVELOPMENT SERVICES COMMISSION

..... (MAYOR)

..... (CLERK)

Drawn By: CPW

Checked By: SH

DATE: 02/27/2013

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