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Barristers and Solicitors

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February 4, 2013

Our File No. 110524

BY EMAIL: kbavington@markham.ca

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Kitty Bavington, Council/Committee Coordinator

Dear Sirs and Mesdames:

**Re: Development Services Committee Meeting scheduled for February 5, 2013
Item No. 8 – Cornell Centre Precinct Plan
Our Client: Lindvest Properties (Cornell) Limited**

We are the solicitors for Lindvest Properties (Cornell) Limited. As you are aware, our client is a landowner in the Cornell Secondary Plan area and the largest single landowner in Cornell Centre.

We have reviewed the reports regarding the draft Cornell Centre Precinct Plan Update and on behalf of our client, have a number of concerns and issues that we would ask that the Development Services Committee address prior to referring the draft Precinct Plan to Council. As a major landowner in Cornell Centre, our client has a fundamental interest in the progress of the Cornell Centre Precinct Plan and wishes to ensure that the Plan anticipates and accommodates Lindvest's future development plans.

Request for Revised Recommendation:

We would ask that the staff recommendation before you be revised to read as follows:

Recommended Next Steps

In order to finalize the Cornell Centre Precinct Plan the following next steps are recommended:

1. Council to receive the **draft** Cornell Centre Precinct Plan and authorize its release for public comment;
2. A comprehensive Transportation Study be undertaken, in consultation with York Region **and area landowners** to address transportation capacity requirements, **connectivity**, and density provisions of the Precinct Plan and future Secondary Plan update;

3. *That staff continue to work with individual applicants to review applications under the **current** Cornell Secondary Plan provisions and having regard to the City's Growth Management Study, Draft New Official Plan and the draft Cornell Centre Precinct Plan;*
4. *The draft Precinct Plan be revised to reflect and incorporate a Phasing Plan to permit development of interim uses in Cornell Centre;*
- 4.5. *A peer review of the Altus Retail Market Study on the viability of the commercial components of the Precinct Plan be undertaken by the City in consultation with area landowners and any findings reflected in the final Precinct Plan;*
- 5.6. *That further public consultation be undertaken upon completion of any further studies;*
- 6.7. *The decision by Viva's Board of Directors be incorporated into the final precinct plan;*
8. *That a review of the Lindvest Official Plan amendment application, including the supporting reports from Bousfields Inc., Poulos and Chung and urbanMetrics Inc., be undertaken by staff and considered in a staff report to Council to inform the draft Precinct Plan; and*
9. *That the draft precinct plan be amended to reflect any determination regarding Lindvest's Official Plan amendment application.*

Background to Request:

Following upon discussions with staff and other agency representatives, our client filed an application for Official Plan Amendment on December 31, 2012. Enclosed please find a copy of the Updated Concept Plan which was included with the application.

The purpose of the application is to redesignate certain lands within the block bounded by Bur Oak Avenue, Donald Cousens Parkway, Avenue Seven (Highway 7) and Highway 407 in order to facilitate the implementation of the Updated Concept Plan for our client's Cornell Centre lands.

The Updated Concept Plan provides a higher density and mix of residential and employment uses within Cornell Centre. It continues to focus employment uses on Donald Cousens Parkway, Reesor Road, Avenue Seven (Highway 7) and Highway 407. The Plan also proposes higher density employment uses to take advantage of the Donald Cousens Parkway/Avenue Seven (Highway 7) frontage as well as future transit opportunities.

Certain lands east of the woodlot are already contemplated within the Secondary Plan to be utilized for residential purposes. The Updated Concept Plan reflects this intent and also proposes to redesignate certain other interior parcels between the woodlot and the employment lands for residential purposes.

In addition, and reflecting discussions with staff, TRCA, and the school board, the Official Plan amendment application reconfigures the open space and school uses within the block. In respect of school uses, the Updated Concept Plan ensures that this community resource is centrally available to the community it should serve. The proposed additional residential lands will support the school use and build upon the community elements, including the woodlot.

Finally, the Updated Concept Plan ensures a better transition between the existing residential community and the proposed higher density residential uses. We note that is an area of concern identified in the staff report before you.

We would request that staff reflect this Updated Concept Plan in the Cornell Centre Precinct Plan. The draft Precinct Plan before you contemplates changes to the Cornell Secondary Plan; consequently our client would also like to ensure that the final Precinct Plan is reflective of the additional changes to the Secondary Plan that it is seeking.

Additional Comments Regarding the Cornell Centre Precinct Plan:

Despite having made a request for changes to the Precinct Plan, our client is also concerned that with respect to the commercial block at Bur Oak Avenue and Avenue Seven (Highway 7), permission for stand-alone retail along the Avenue Seven (Highway 7) frontage is neither acknowledged nor accommodated. Lindvest's representatives met with staff and other agency representatives at a pre-consultation meeting last fall to discuss the use permissions and form of development on the commercial block. Our client has no difficulty with continuing the permissions for mixed use along the Avenue Seven (Highway 7) frontage to reflect the long-term development of this block; however, as demonstrated through the Altus report, the short-to-medium term development of this block requires that stand-alone retail permissions be accommodated. To that end, our client is preparing an application for amendment to the Secondary Plan to address this issue. This, along with other development details discussed with staff, should be reflected in the final Precinct Plan.

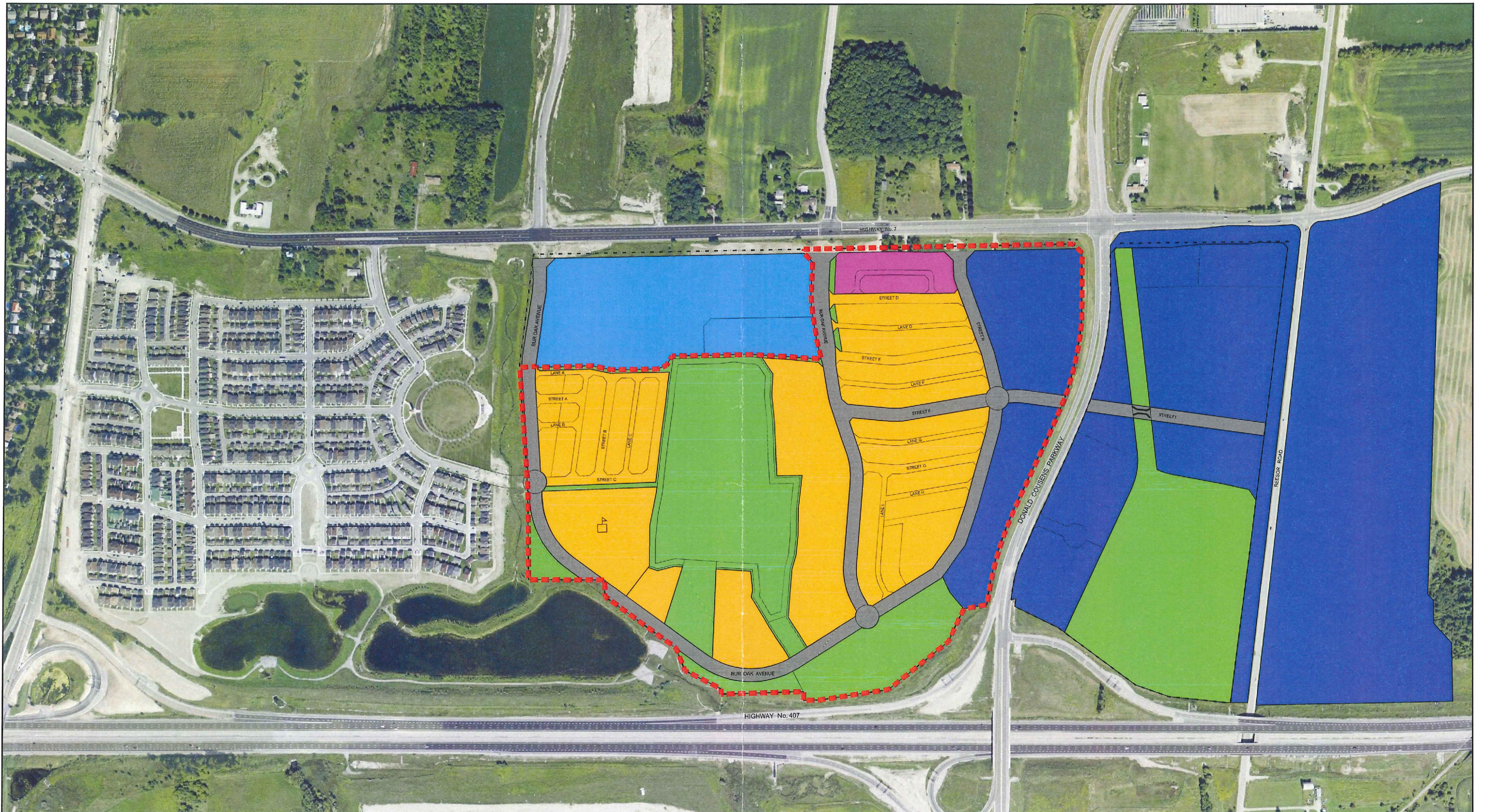
Our client looks forward to discussing these and other comments with staff before the finalization of a Cornell Centre Precinct Plan.

Yours truly,

AIRD & BERLIS LLP

Patricia A. Foran
PAF/jad
Encl.

c. Tannis Weatherill, Assistant to Council/Committee, City of Markham
Lindvest Properties (Cornell) Limited
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GRAND CORNELL COMMUNITY

LINVEST PROPERTIES (CORNELL) LIMITED

LEGEND

- | | |
|--|--|
|  Residential Neighbourhood - Cornell Centre |  Employment |
|  Avenue Seven Corridor - Mixed Residential |  Parks, Open Space, SWMP, Woodlot |
|  School Site | |

 PROPOSED DEVELOPMENT