



Report to: Development Services Committee

Report Date: November 15, 2011

SUBJECT: RECOMMENDATION REPORT
1839314 Ontario Limited (formerly Great Eldin
Developments Ltd)
9560 Highway 48
Draft plan of subdivision and rezoning applications to permit
townhouses, a future mixed use development block and a
public park.

File Nos: SU 11 109000 & ZA 11 108999

PREPARED BY: Stacia Muradali, Ext. 2008
Senior Planner, East District Team

REVIEWED BY: Dave Miller, Ext. 4960
Manager, East District Team

RECOMMENDATION:

- 1) That the report dated November 15, 2011 titled "RECOMMENDATION REPORT, 1839314 Ontario Limited (formerly Great Eldin Developments Ltd.), 9560 Highway 48, Draft plan of subdivision and rezoning applications to permit townhouses, a future mixed use development block, and a public park (File Nos: SU 11 109000 & ZA 11 108999)", be received;
- 2) That the record of the Public Meeting held on June 21st, 2011, regarding the applications for approval of Draft Plan of Subdivision and implementing Zoning By-law be received;
- 3) That the Draft Plan of Subdivision (19TM-95081) submitted by 1839314 Ontario Limited be draft approved subject to the conditions attached as Appendix 'A' to this report;
- 4) That the application submitted by 1839314 Ontario Limited to amend Zoning By-laws 304-87 and 177-96, as amended, to permit townhouses and a public park be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted without further notice;
- 5) That conditional 2011 servicing allocation for 46 townhouse units be granted to draft plan of subdivision 19TM-95081, subject to written confirmation from the Trustee of the Wismer Commons Developers Group that servicing allocation is available from the total 2011/2012 sewer and water allocation previously assigned to Wismer Commons;

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- 6) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
 - 7) That the draft plan approval for plan of subdivision 19TM-95081 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
 - 8) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable

PURPOSE:

The purpose of this report is to discuss and recommend approval of Draft Plan of Subdivision and Zoning By-law amendment applications submitted by 1839314 Ontario Limited, to permit a townhouse development, public park and future mixed use development at 9560 Highway 48.

BACKGROUND:**Subject land and area context**

9560 Highway 48 (the “subject property”) is located on the west side of Highway 48, between Edward Jeffreys Avenue and Bur Oak Avenue in the Wismer Commons community (Figure 1). The subject land is comprised of approximately 2.5 hectares (6.2 acres), and is currently vacant. There is a woodlot, referred to as the Matrundola woodlot, on the westerly portion of the site. Low density residential development is located to the west across Hammersly Boulevard. High density mixed use residential development and townhouses are proposed for the properties immediately to the north and south of the subject land. To the east, across Highway 48, are industrial/commercial uses and the Mount Joy GO Station (Figure 3).

Townhouses, a public park, and a future mixed use development block are proposed

The proponent is proposing to subdivide the subject land to create a future mixed use development block fronting onto Highway 48, townhouse blocks central to the draft plan to the west of the future mixed use development block, a park/ woodlot block at the west end, and public roads (Figure 4). 46 freehold townhouses, 32 of which will be lane-based are proposed. The park/ woodlot block is approximately 0.8 ha (1.98 acres) and will front onto a future public road. The future mixed use development block is approximately 0.5 ha (1.24 acres). A site plan application will be submitted for the proposed higher density development on the future mixed use development block. A recommendation report for the site plan application and zoning for the future mixed use block will be brought to Committee for consideration at a later date. The draft plan of subdivision will create development blocks and a park block on all of the subject land. The rezoning application will implement appropriate zoning on the park and townhouse

blocks. As previously mentioned, the future mixed use development block will be zoned at a later date in conjunction with site plan approval.

Official Plan and Zoning

The subject land is designated "Major Commercial Area" in the Town's Official Plan and in the Wismer Commons Secondary Plan which provides for medium and high density mixed use development. The proposed development conforms to the Official Plan and Secondary Plan. The area containing the existing woodlot is designated "Environmental Protection Area" in the Official Plan and "Environmentally Significant Area" in the Wismer Commons Secondary Plan. The site is zoned "Agriculture One (A1)" (Figure 2). The park block and townhouse block will be zoned to reflect the proposed development. The future mixed use development block will be zoned at a later date upon receipt and review of a site plan application.

Community Information meeting and Statutory Public Meeting held

A community information meeting was held on June 8, 2011. Approximately four (4) area residents attended the community information meeting and asked questions primarily in regards to traffic in the area. The statutory Public Meeting was held on June 21, 2011. There were no comments from the public and Committee did not express any concerns at that meeting.

OPTIONS/ DISCUSSION:**The proposed development is generally consistent with the Town's emerging vision for the Highway 48 Corridor**

The subject land is included as part of the Highway 48 Urban Design Study which was endorsed by Committee in 2005, and which provides development guidelines for the lands fronting Highway 48 between 16th Avenue and Major Mackenzie Drive. The most recent staff concept plan for the lands on the west side of Highway 48, between Edward Jeffreys Avenue and Bur Oak Avenue was presented to Committee in October 2008. The concept included the introduction of a new north-south public street, community parkland, high density mixed use development fronting onto Highway 48, and centrally located townhouse development. The proposed draft plan appropriately reflects the configuration of the park block, road alignments, the townhouse blocks, and the future mixed use development block.

Future public roads will be provided as part of the subdivision

The Town's vision for the Highway 48 Corridor includes future north-south public roads. One of these roads will eventually connect to Bur Oak Avenue and Highway 48. This road will be adjacent to the future park and has been designed to have an appropriate interface with the proposed park and development (Figure 4).

Street 'A' and Lane 'A' will provide access to Highway 48 (Figure 4). Lane 'A' is intended to serve as a right-in/ right-out access. Street 'A' which terminates at Highway 48 is anticipated to be signalized in the future. Direct access from the future mixed use development block to Highway 48 will not be permitted. Municipal servicing will be

provided from the proposed streets. The Owner is required to construct their portion of the future public roads which will eventually be conveyed to the Town and complete an Internal Functional Design Study to include a review of the proposed signalized access at the Street 'A' / Highway 48 intersection and internal details including a review of the Street 'A' / Street 'A' alignment. Additional property may be required from the future mixed use development block along Street 'A'. The Owner will be required to convey any additional property from the future mixed use development block if required to the Town, to ensure the appropriate design of Street 'A'.

Park block containing the existing Matrundola woodlot will be conveyed to the Town

A 0.813 ha (2 acre) block (Block 10 on the draft plan) consisting of the Matrundola woodlot on the west portion of the site will be conveyed to the Town and will form part of a contiguous future public park which is also located on the lands to the north and south (Figure 4). Woodlot assessment reports were previously submitted by the owner and independently reviewed. The woodlot block consists of an adequate "no touch" buffer zone from the preservation areas to the proposed roads and curbs. Information regarding the treatment of the park edge and woodlot are still being finalized by the Town in consultation with the property owner.

The woodlot block will be dedicated as parkland to the Town. Should additional parkland dedication be required as part of this application, the Owner will be required to pay the remaining amount as cash-in-lieu of parkland. The future park will also provide an appropriate buffer between the proposed development and the low density development to the west, while also serving as amenity space to area residents.

Servicing allocation and participation in the Wismer Commons Landowners Group
Servicing allocation has been set aside for the townhouse component through the 2011/2012 allocation distribution. Council is being asked to assign servicing allocation for the 46 townhouse units which will allow the Owner to proceed with development of the townhouses. A clearance letter from the Trustee of the Landowners Group is required prior to registration of the plan of subdivision advising that the owner has fulfilled all of their obligations under the Landowners Agreement.

CONCLUSION

Staff are generally satisfied with the overall proposed draft plan of subdivision and can support proceeding with the zoning by-law amendment for the park and townhouse blocks. When the proponent submits a site plan application for the future mixed use development block, staff will report out on the proposed zoning and more detailed site plan, building elevations and other site plan matters for this particular block. Staff recommend that Council approve the draft plan of subdivision subject to the draft plan conditions attached as Appendix 'A' and that Council approve the attached zoning by-law amendment which establishes parameters which the Owner will comply with to ensure an appropriate built form and development which is in keeping with the vision for the Highway 48 Corridor. Staff are generally satisfied with the proposed zoning and

recommend that the draft zoning by-law attached as Appendix 'B' be finalized and enacted.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development is consistent with the growth management and parks and recreation strategic priorities.

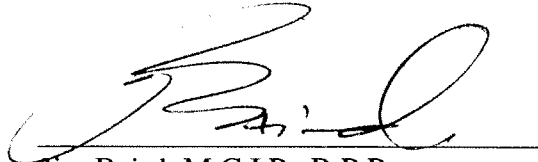
BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to Town departments

RECOMMENDED BY:



Rmo Mostacci, M.C.I.P., R.P.P.
Director of Planning & Urban Design



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

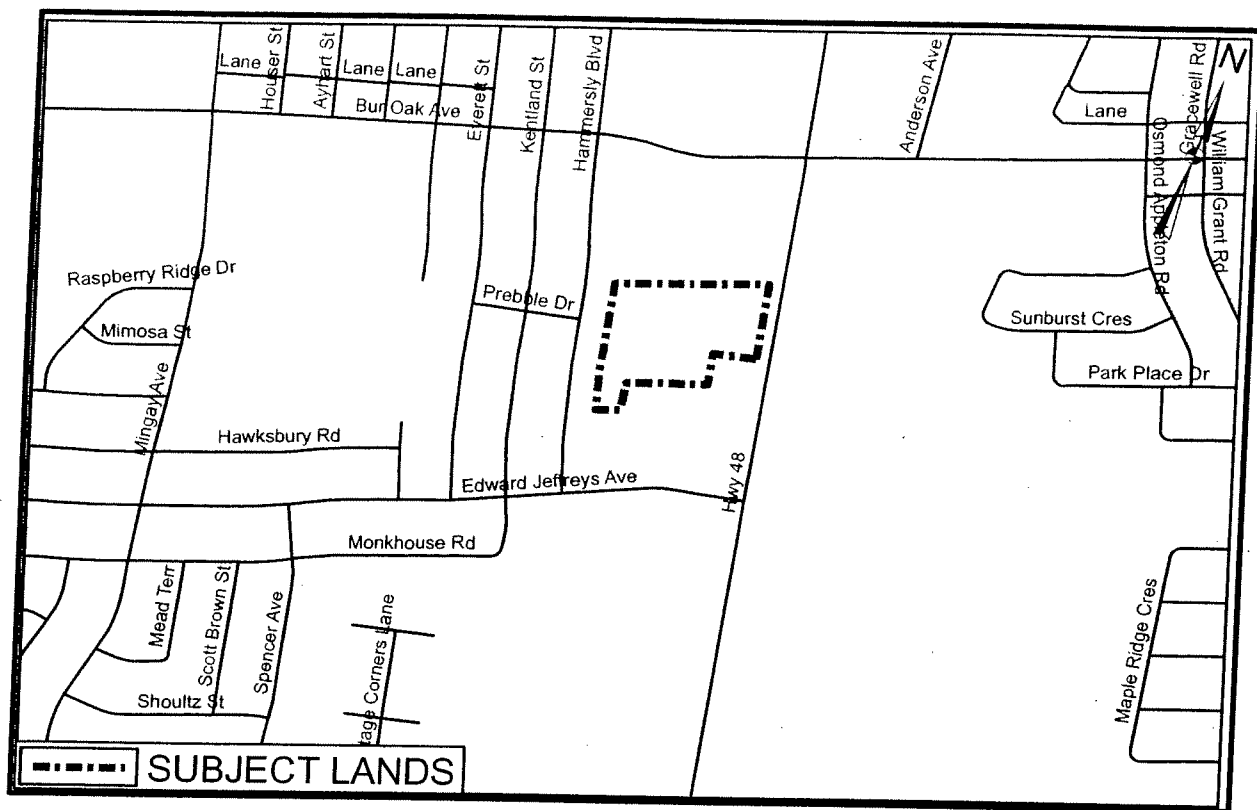
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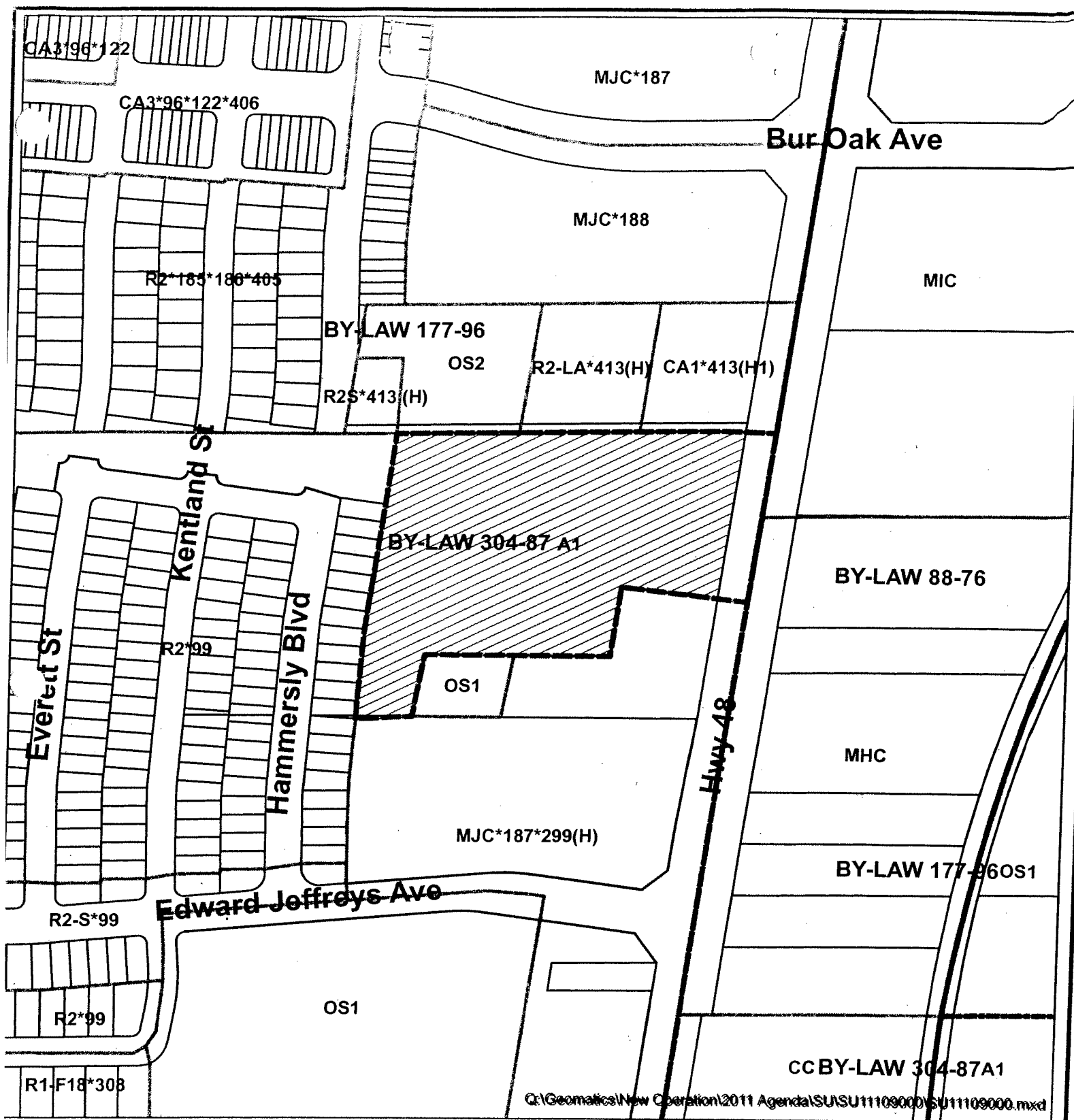
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|---------------|------------------------------------|
| Figure 1: | Location Map |
| Figure 2: | Area Context/ Zoning |
| Figure 3: | Air Photo |
| Figure 4: | Proposed Draft Plan of Subdivision |
| Appendix 'A': | Conditions of Draft Plan Approval |
| Appendix 'B': | Draft Zoning By-law amendment |

CONTACT INFORMATION:

Attn: Sal Crimi
S.C. Land Management Corporation
40 Vogell Road
Unit 14
Richmond Hill, ON, L4B 3N6
Tel: 905-787-1542
Email: scland@rogers.com

File path: Amanda\File 11 109000\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: GREAT ELDIN DEVELOPMENTS LTD.
9560 HIGHWAY 48

FILE No. SU11109000;ZA11108999(SM)

 SUBJECT LANDS

DATE:02/17/11

FIGURE No. 2





AIR PHOTO 2009

APPLICANT: GREAT ELDIN DEVELOPMENTS LTD.
9560 HIGHWAY 48

 SUBJECT LANDS

FILE No. SU11109000;ZA11108999(SM)

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DATE:02/17/11



DEVELOPMENT SERVICES COMMISSION

Drawn By:DD

Checked By:SM

FIGURE No. 3



Future Street to be created
(in Expenditure)

FUTURE COMMUNITY AMENITY

Block 10
(Park)

Block 5
(High Density)

F2

GE 1

PART 4
LAND OWNED BY GREAT ELDIN
TO BE DEDICATED TO THE
TOWN AS PUBLIC ROAD.

Block 7
(High Density)

Block 10
(Park)


MARKHAM ROAD

EXISTING RESIDENTIAL

PROPOSED DRAFT PLAN OF SUBDIVISION



APPLICANT: GREAT ELDIN DEVELOPMENTS LTD.
9560 HIGHWAY 48

 SUBJECT LANDS

FILE No. SU11109000;ZA11108999(SM)

DATE:10/05/2011



APPENDIX 'A'

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-95081, 1839314 ONTARIO LIMITED ARE AS FOLLOWS:

1. General

1.1 Approval shall relate to a draft plan of subdivision prepared by Masongsong Associates Engineering Limited, identified as Project Number 08369, Drawing Number Dft3, Rev 2, dated September 7, 2011, incorporating the following redline revisions all to the satisfaction of the Director of Engineering:

- Revise the number of high density units from 302 to 215;
- Show ROW rounding radii for all roadways intersections in accordance with Town's standards;
- Show ROW curve radius along all roadways, including cul-de-sacs;
- Eliminating the road jog and providing a perpendicular intersection at the proposed Street A/ Street A;
- Access to high density blocks are not permitted along elbow sections;
- Access to Lane A from high density Block 7 is not permitted;
- Street A and Highway 48 intersection shall be labeled "Proposed Signalized Intersection";
- Street 'A' to show full 17m ROW, with 8.5m to be provided by the adjacent land owner to the south;
- Lane 'A' to show full 8.5m ROW, with 4.25m to be provided by the adjacent land owner to the north;
- Lane 'A' shall provide a 6.0m pavement width to accommodate traffic from the high density blocks;
- Cross sections of ROW need to be adjusted to provide a 5.0m boulevard where sidewalks are located;
- Sidewalks shall be implemented within Block 7 to allow for sidewalks on both sides of Street A and the south side of Lane A; and
- Amend "elbow section" configuration for all streets that are satisfactory to the Director of Engineering.

The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to,

Transportation Study /Traffic Impact Study, Travel Demand Management Plan (TDM Plan), Stormwater Management Study (Environmental Master Drainage Plan), Internal Functioning Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the Town, and shall accordingly lapse on November 15, 2014 unless extended by the Town upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The owner shall covenant and agree in the subdivision agreement that the Holding Zoning (H) (H1) provisions shall not be removed by the Town, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which a water supply allocation has not been confirmed by the Developers Group Trustee and the Town.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval, including, but not being limited to the following:
 - Changes to road geometry, lotting pattern, service blocks, easements, etc., that are required to resolve engineering issues which may arise from review and approval of the detailed engineering submission.
- 1.7 The Owner shall enter into a No-Presales Agreement with the Town, for those units which have not been assigned servicing allocation, prior to issuance of draft plan approval.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Town and the Region of York.

- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3m reserves at the south ends of both east and west legs of Street 'A' and Lane 'B' to the Town, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles at the south ends of both east and west legs of Street 'A' and Lane 'B' at their cost and remove them and restore the streets to their normal conditions at their cost when required by the Town, to the satisfaction of the Town (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 Prior to final approval of the draft plan, the Owner shall acquire from 2162246 Ontario Inc., the additional 4.25 metres of land required to complete Lane 'A' road allowance, or make arrangements for 2162246 Ontario Inc, to convey an easement over these lands to complete the Lane 'A' road allowance, to the satisfaction of the Town (Commissioner of Development Services).
- Prior to final approval of the draft plan, the Owner shall acquire from the land owner to the south, the additional 8.5m of land required to complete the Street 'A' road allowance, or make arrangements with the land owner to the south, to convey an easement over these lands to complete the Street 'A' road allowance, to the satisfaction of the Town (Commissioner of Development Services).
- 2.7 The Owner shall covenant and agree in the subdivision agreement to own and maintain all temporary roadways until the complete street network is constructed and operational, and the temporary roadways can be abandoned.
- 2.8 Prior to the final approval of the Plan, the Owner shall provide temporary roadways and shall grant required easements upon registration of the plan of subdivision.
- 2.9 The Owner shall covenant and agree in the subdivision agreement to implement the recommendations from any traffic/transportation studies. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the Town that additional traffic calming measures are required

2.10 The Owner shall covenant and agree in the subdivision agreement that there will be no access to Lane 'A' from Block 7.

2.11 The Owner shall covenant and agree in the subdivision agreement that access to high density blocks are not permitted along elbow sections of the ROW.

3. Noise Impact Study

3.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Highway 48, and by any other identified noise sources, to the satisfaction of the Town, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.

3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services) in consultation with the Region of York.

4. Tree Inventory and Tree Preservation Plans

4.1 The Owner shall submit for approval a tree inventory and tree preservation plan, in accordance with the Town's "Streetscape Manual" dated 2009 as amended from time to time, to the satisfaction of the Director of Planning and Urban Design and shall comply with the approved Tree Preservation Plan prior to Top Soil Stripping or any other site works.

4.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.

4.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.

4.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, a tree compensation schedule detailing replacement / enhancement planting or replacement value based on the following:

- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1

- b) All trees over 40cm DBH shall have an individual valuation submitted to the Town by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
- c) Where a site does not allow for the 2:1 replacement, the Town will negotiate a credit for tree planting on alternate sites
- d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the Town.

5. Parks and Open Space

- 5.1 The Owner shall provide a minimum 200 mm depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 5.2 The Owner shall covenant and agree to maintain the park, woodlot and other vacant lands within the draft plan to the satisfaction of the Director of Planning and Urban Design until such time as the lands have been constructed and formally assumed by the Town for maintenance purposes. Other vacant blocks shall be maintained until such time as the ownership of the block has been transferred.
- 5.3 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 5.4 In order to satisfy the parkland dedication requirements for the development shown on the draft plan, the Owner shall convey for park purposes Block 10 on the draft plan to the Town, free of all costs and physical title encumbrances, and in a condition which is satisfactory to the Director of Planning and Urban Design, (including but not limited to the installation of fencing to OPSD standards and maintenance clean-up of the block), upon registration of the plan of subdivision. In the event that Block 10 does not meet the required parkland dedication, then cash-in-lieu of any under dedication will be paid to the Town. In the event that Block 10 exceeds the parkland dedication requirements of this Draft Plan, then said over dedication may be transferred by the Owner to another deficient property in the area.
- 5.5 Prior to making alterations to the site within the area of the draft plan, the Owner shall submit for review and approval a Woodlot/ Natural Features Management and Preservation Plan prepared by a qualified person to the satisfaction of the Director of Planning and Urban Design.

6.0 Community Landscaping

- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the approved Wismer Commons Open Space Master Plan and Community Design Plan and Highway

48 Wismer Commons Design Guidelines, to the satisfaction of the Director of Planning and Urban Design. The plans shall include but are not limited to:

- i. street tree planting in accordance with the Town of Markham Streetscape Manual date June 2009, as amended from time to time
 - ii. 1.5m high black vinyl chain link fence on the property line where residential lots abut parks and open space
 - iii. buffer planting for the open space blocks and single loaded road allowances
 - iv. noise attenuation fencing
 - v. fencing and planting of the walkway blocks
 - vi. fencing between low density residential and higher density residential, commercial and industrial sites
 - vii. streetscape plan including sidewalks, walkways and street trees
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the Town.
- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 6.1.
- 6.4 The Owner shall include in all agreements of purchase and sale the following clause:

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE TOWN OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- **STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 6.1a)**
- **CORNER LOT FENCING**
- **REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)**
- **TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)**
- **NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY**
- **FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS**
- **BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES**
- **SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE TOWN.**

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

- 6.5 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer, landscaping and other Urban Design requirements.
- 6.6 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape buffer, landscaping and other Urban Design requirements.

7. Stormwater Management

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the Town and the Toronto and Region Conservation Authority, if applicable. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 7.2 Prior to final approval of the draft plan, the Owner shall submit documentation that the downstream stormwater management pond has been designed and constructed to accommodate the stormwater from this side.
- 7.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town’s Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

8. Municipal Services

- 8.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the Town (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision. Any requirements resulting from this Report shall be incorporated into the draft plan and provided in the subdivision agreement.
- 8.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy),

underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the Town (Commissioner of Development Services).

- 8.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the Town (Commissioner of Development Services).
- 8.4 Detailed engineering design shall include the looping of the watermain to the satisfaction of the Town (Commissioner of Development Services).
- 8.5 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Standards has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 8.6 The Owner shall acknowledge and agree in the subdivision agreement that, notwithstanding that the Town may approve an interim servicing connection for a portion of the lands/development within the draft plan of subdivision, no building permits will be issued for any development beyond that which can be adequately serviced by the interim connection, and that prior to the issuance of further building permits a sanitary sewer on the ultimate street network to service the balance of the lands in the draft plan of subdivision must be constructed to the satisfaction of the Town (Commissioner of Development Services) and a further allocation approved by Council.

9. Community Design Plan

- 9.1 The Owner shall implement and incorporate all requirements of the approved Wismer Commons Open Space Master Plan and Community Design Plan and Highway 48 Wismer Commons Design Guidelines into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 9.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 9.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.

- 9.4 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural guidelines.
- 9.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

10. Development Phasing Plan

- 10.1 Prior to final approval of the draft plan, the Owner shall enter into a legal agreement with the Town with respect to the implementation of the approved Development Phasing Plan, to the satisfaction of the Town (Commissioner of Development Services), if required.

11. Transportation Impact Study

- 11.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Wismer Commons Secondary Plan area, a Traffic Impact Study to the satisfaction of the Town and the Region of York. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study into the draft approved plan and subdivision agreement.
- 11.2 The Traffic Impact Study shall include a review of the proposed signalized access at the Street A/ Highway 48 intersection and an internal detail of the Street A/ Street A intersection.

12. Easements

- 12.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the Town.

13. Utilities

- 13.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Town (Commissioner of Development Services) and authorized agencies.

- 13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 13.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the Town of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 13.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 13.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 13.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.
- 13.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 13.8 The Owner covenants and agrees to provide easements for utilities/telecommunications/vaults as required by the Town to the satisfaction of the Town.
- 13.9 The Owner covenants and agrees to advise all utility and telecommunications carriers that plans for medium and large sized vaults are to be submitted to the

Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, elevations, etc.

- 13.10 The Owner covenants and agrees to provide a wider right-of-way of the laneway for utility boxes as required by the Town to the satisfaction of the Town.

14. Development Charges

- 14.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

15. Phase 1 Environmental Site Assessment (ESA)

- 15.1 Prior to release for registration of the draft plan, the Owner shall:

- i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O.Reg. 153/04) describing the current conditions of the land to be conveyed to the Town and any proposed remedial action plan, for peer review and concurrence;
- ii) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the Town meets the Site Condition Standards of the intended land use;
- iii) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town; and
- iv) Pay all costs associated with the Town retaining a third-party reviewer for the peer review service.

- 15.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the Town for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

17. Well Monitoring Program and Mitigation Plan

- 17.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 metres of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring

Program and Mitigation Plan, in accordance with the Town's requirements to the satisfaction of the Director of Engineering.

18. Heritage

- 18.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 18.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Culture.
- 18.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 18.1 to 18.2, inclusive, have been satisfied.

19. Other Town Requirements

- 19.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) or make alternative arrangements with the Developers Group to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Wismer Commons Secondary Plan area, to the satisfaction of the Town (Commissioner of Development Services and Town Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.
- 19.2 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 19.3 Fire break lots shall be designated within the subdivision, to the satisfaction of the Fire Chief or his designee.

- 19.4 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 19.5 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 19.6 Lane 'B' is to be designated as a fire access route.
- 19.7 Fire Access Route must be designed and constructed to support expected load imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions.
- 19.8 Fire hydrants are to be installed at the ends of rear laneways designated as Fire Access Routes.
- 19.9 Access to blocks of townhouses should be from a street. A block of townhouses shall not exceed a distance of forty-five (45) metres without an access to the rear of the townhouse block.
- 19.10 Access to rear yards shall be provided by means of a three (3) metre break.
- 19.11 A water supply of at least 5,000 l/m for single family dwellings and 7,000 l/m for townhouse developments shall be available for fire fighting purposes.
- 19.12 Two (2) separate and remote supply connections will be required to ensure adequacy and reliability of the water supply at all times of firefighting purposes.
- 19.13 The Fire Department will require a Letter of Credit in the amount of \$2,000 to ensure completion of the installation of the fire access route signs.
- 19.14 The Owner acknowledges and agrees that final approval of the draft plan of subdivision may be issued in phases provided that:
- a) phasing is proposed in an orderly progression generally consistent with the phases identified in the approved Development Phasing Plan; and,
 - b) all concerned government agencies agree to registration by phases and provide the clearances as required in Condition 21 for each phase.
- 19.15 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:

- the Town's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
- the Town's zoning by-law restricts the width of the driveway to a maximum of 3.5 metres, this width does not allow two cars to park side by side
- overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the Town

19.16 The Owner acknowledges and agrees that final approval of the draft plan of subdivision must comply with all of the requirements for the Waste Management Department and revised accordingly.

20. Region of York

- 20.1 Prior to draft plan approval, the owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19T-95081, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.
- 20.2 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the York Region Planning and Development Services Department.
- 20.3 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 20.4 Prior to final approval of any non-high rise residential units York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 20.5 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the Town of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

- 20.6 The Owner shall agree in the subdivision agreement that site plan approval shall be obtained prior to any development of high density block.
- 20.7 Prior to final approval for any high density residential units subject to site plan control, the Holding (h) provisions of Section 36 of the Ontario Planning Act shall be in place through the enactment of a zoning by-law in conjunction with all residential zone categories in order to ensure that development of these lands does not occur until such time as the Holding (h) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (h) symbol.

Said terms shall include a minimum of the following:

- i. York Region has advised in writing that it is no earlier than thirty-six (36) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion and the YDSS Flow Control Structures; and;
 - ii. The Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional 2011 or 2012 servicing allocation pool;
- or,
- iii. York Region has advised in writing that it is no earlier than thirty-six (36) months prior to the expected completion of the Southeast Collector Sewer and that the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures are operational; and,
 - iv. The Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional post 2012 servicing allocation pool;
- or,
- v. The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- or,
- vi. The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

- 20.8 The Owner shall satisfy the Region that all wells have been decommissioned according to Ontario Regulation 903 prior to any construction works occurring on the site, and shall enter into an agreement with the Region relating to these matters if such an agreement is required by the Region.
- 20.9 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-0007-2007-040.
- 20.10 The Regional Planning and Development Services Department shall advise that Conditions 20.1 to 20.10 inclusive, have been satisfied.

21. External Clearances

- 21.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
- (a) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 20.1 and 20.10, inclusive, have been satisfied.
 - (b) The Ministry of Culture shall advise that Conditions 18.1 and 18.2 have been satisfied.