



Report to: Development Services Committee

Report Date: February 16, 2010

SUBJECT: PRELIMINARY RECOMMENDATION REPORT
Ontario Municipal Board Appeals
1771107 Ontario Limited ("Times Group")
South side of Highway 7, east of Warden Avenue
Zoning and draft plan of subdivision applications
Planning File Numbers: ZA 07 133350 and SU 07 133313

PREPARED BY: Scott Heaslip, Senior Project Coordinator,
Central District, Ext. 3140

RECOMMENDATION:

1. That the report entitled "PRELIMINARY RECOMMENDATION REPORT, Ontario Municipal Board Appeals, 1771107 Ontario Limited ("Times Group"), South side of Highway 7, east of Warden Avenue, Zoning and draft plan of subdivision applications, Planning File Numbers: and ZA 07 133350 and SU 07 133313" be received.
2. That Council endorse applications ZA 07 133350 and SU 07 133313, in principle, as outlined in this report.
3. That Council endorse in principle the precinct plan drawing prepared by Kirkor Architects and Planners, dated January 12, 2010, for the Centre North District-Precinct 5, but only in relation to the Times Group lands (as shown on Figure 2) together with the densities (residential, retail and employment) and building heights per development block as outlined in this report.
4. That staff report to Council separately on the status of the precinct plan as it pertains to the Aryeh Construction Ltd. lands on the east side of Warden Avenue, south of Highway 7, and on the status of the Aryeh OMB appeals, prior to commencement of any hearing in connection with those appeals.
5. That staff prepare a zoning by-law and conditions of draft plan approval for the Times Group lands based on the recommendations of this report and Council's endorsement of same, and provide a status report to Council prior to commencement of the May 4, 2010 OMB hearing for the Times Group appeals.
6. That in the event of an appeal by Times Group in connection with Planning File OP 09 128896, staff work with the applicant on the wording of an Official Plan Amendment based on the recommendations of this report.
7. That staff be authorized to enter into negotiations with the Times Group regarding a Section 37 contribution, to form the basis of a draft Section 37 Agreement to be brought back to Council for consideration.

8. That staff continue settlement discussions with Times Group and all other parties having an interest in the Times Group appeals with a view to resolving any outstanding issues, and if necessary, seek mediation before the OMB.
9. That the Town Solicitor and staff attend the OMB hearing concerning the Times Group appeals scheduled to commence on May 4, 2010.
10. That staff be authorized to do all things necessary to give effect to these resolutions.

EXECUTIVE SUMMARY:

The Times Group owns a 35.76 ha (88.4 acre) property on the south side of Highway 7 between Warden Avenue and Sheridan Nurseries.

In 2007 the previous owner Lonsmount Construction applied to the Town for a draft plan of subdivision and implementing zoning to permit the lands to be developed with a mix of residential apartment, retail and office buildings. Lonsmount subsequently sold the lands to the Times Group.

In 2009, the Times Group appealed the applications to the Ontario Municipal Board.

Staff have been working with the Times Group to refine their plans in accordance with the direction of the Town's Growth Management Strategy, Highway 7 Precinct Plan Study and the Markham Built Form Massing and Height Study.

Staff are satisfied with Times' current precinct plan drawing and draft plan of subdivision submissions, and recommend that Council endorse them, in principle, subject to the resolution of the outstanding issues outlined in this report.

Staff are continuing to work with the Times Group and with the other parties to resolve the outstanding issues and the concerns of the other parties.

Prior to the commencement of the Ontario Municipal Board hearing staff will report to Council on the status of the outstanding issues and bring the final precinct plan, zoning by-law amendments, and conditions of draft plan approval forward for consideration.

Times has also recently filed an application to amend the Official Plan, to give the OMB authority to deal with Official Plan matters in the event that the Board determines an OPA to be required to permit the proposal.

PURPOSE:

Times Group has appealed applications for draft plan of subdivision and implementing zoning to permit their lands on the south side of Highway 7, east of Warden Avenue to be

developed with a mix of residential apartment, retail and office buildings, parkland, open space and institutional uses.

The purpose of this report is to update Council on the progress of the discussions between Town staff and the Times Group towards resolving the appeals and to request Council endorsement in principle of the precinct plan drawing for the Times Group lands, the subdivision layout (ie. road and block patterns, and distribution of land uses), together with the proposed densities (residential, retail and employment), heights of buildings, number and spacing of buildings per development block, and other matters to be dealt with through zoning.

BACKGROUND:

Proposed Development

The Times Group lands are located on the south side of Highway 7 between Warden Avenue and Sheridan Nurseries. The lands have a total area of 35.76 ha (88.4 acres), of which 8.11 hectares (20 acres) is Rouge River valleyland, and the remaining 27.65 hectares (68.3 acres) is tableland.

The Times Group has applied for draft plan approval and implementing zoning to permit a mixed-use development (figures 2 and 3).

Times Group's current draft plan includes:

- park, buffer and greenland blocks totalling 7.48 ha (18.5 acres) (27 % of total site)
- valleyland blocks totalling 8.11ha (20 acres) (29% of total site)
- a 1.42 ha (3.5 acre) school block
- roads totalling 5.3 ha (10.9 acres)
- development blocks totalling 12.74 ha (31.5 acres) (36% of total site), to be developed as follows:

Block	Lot Area (hectares)	GFA (sq.ft.)			Total GFA		F.S.I	Dwelling Units
		Residential	Retail	Office	sq.ft	sq.m		
1	1.73 ha	544,400	81,168	440,488	1,066,056 sq.ft	99,040 sq.m	5.72	573
2	1.70 ha	890,104	48,380		938,484 sq.ft	87,188 sq.m	5.13	937
3	1.33 ha	713,407	16,513		729,920 sq.ft	67,812 sq.m	5.10	751
4	1.09 ha	402,572	5,813		408,385 sq.ft	37,940 sq.m	3.48	424
5	1.04 ha	394,774	5,813		400,587 sq.ft	37,216 sq.m	3.58	416
6	1.29 ha	568,795	14,525		583,320 sq.ft	54,192 sq.m	4.20	599
7	1.80 ha	340,677	52,534		393,211 sq.ft	36,531 sq.m	2.03	359
8	1.98 ha	134,386	68,058		202,444 sq.ft	18,808 sq.m	0.95	141
13	0.78 ha	286,270	-		286,270 sq.ft	26,595 sq.m	3.41	301
12.74 ha		4,275,385 sq.ft	292,804 sq.ft	440,488 sq.ft	5,008,677 sq.ft	465,321 sq.m	3.65	4500
Net Developable Area					Total GFA		Net Developable Area F.S.I	Total Units

Chronology

On August 4, 2009, Times Group appealed their applications for draft plan of subdivision and implementing zoning to the Ontario Municipal Board (OMB), citing the failure of the Town to make a decision on the applications within 120 days of submission.

On October 20, 2009, staff reported to Development Services Committee to obtain preliminary direction from Council on the appeals. The report outlined the proposed development, the appeals, progress to date, and outstanding issues. Council adopted the recommendations of the report and endorsed the preliminary issues list for submission to the OMB.

On October 21, 2009 the OMB held a pre-hearing conference ("PHC #1") on the appeals to identify the parties, participants and observers, identify the issues, explore the possibility of settlement of some or all of the issues, and schedule next steps. The OMB was alerted to the fact that one of the appellants, Aryeh Construction, would seek to have its planning appeals to the Board, once perfected, consolidated with or heard by the same Board member following the hearing of the Times Group appeals. [The Aryeh lands front on Warden Avenue and abut the south and west limit of the Times Group lands as shown on Figure 2.]

The parties, participants and observers to the Times Group appeals were confirmed as follows:

1. Parties (persons having the right to present evidence, question witnesses, and make final arguments) - Times Group Inc., Town of Markham, York Region, Aryeh Construction Ltd., Sheridan Nurseries Limited, Ruland Properties Inc., Markham Suites Nominee Inc., Unionville Square Shopping Centres Limited, H & W Development Corporation, York District School Board, Toronto and Region Conservation Authority and Unionville Ratepayers Association
2. Participants (persons that may make statements to the Board) - Joe Gallo (5226 Highway 7), Mrs. Christian Berger-Free (145 Kreighoff Ave), Unionville BIA, and Paul Young (4137 Highway 7 East)
3. Observers - Shirley Family Trust (80 Acadia Avenue), St. Justin Martyr Church (3898 Highway 7), Ms. Carolyn Chan (8 Glencove Drive), and Mr. John Cabrelli (4 Prentice Court)

The Board instructed the Parties to exchange their issues and witness lists, and scheduled a second pre-hearing conference for February 1, 2010 and a hearing for 8 weeks, commencing on May 4, 2010.

On December 15, 2010, the Times Group applied to amend the Town's Official Plan. The application letter from the applicant's planner outlines the requested amendment as follows:

"While we (and our client) continue to be of the opinion that the proposed development complies with OPA 21 we are filing this Official Plan Amendment application out of an abundance of caution and on a without prejudice basis. It is being filed to give the OMB the authority to

approve our development if the OMB finds that changes to OPA 21 are required to accommodate the proposed development. Since we do not believe that any specific amendments are required to allow the proposed development, none are being sought in the amendment. Instead we are seeking any text or mapping changes to OPA 21 which may be required to allow for the proposed development as per Zoning By-law Amendment Application file number ZA 07 133350 and Draft Plan of Subdivision application number SU 07 133313.”

This item is discussed in more detail later in this report.

On February 1, 2010 the OMB held a second pre-hearing conference (“PHC # 2) on the Times Group appeals and now perfected Aryeh Construction appeals. The OMB confirmed the parties to these appeals and ordered that the hearing of the Aryeh appeals would follow the hearing of the Times Group appeals. The Markham Centre Landowners Group (the developers group) was added as a party with respect to cost sharing issues on both appeals. The Board will issue a formal order in regards to the matters dealt with at PHC #2.

DISCUSSION

The proposed development by Times Group is consistent with overall Town policy direction.

The overall direction of the Town’s ongoing growth management exercise is to focus growth on regional centres, key development areas and transit corridors. The current working target for Markham Centre is for a total of 20,000 residential units, up from the target of 10,000 units established by the Markham Centre Secondary Plan (OPA 21) approved by the OMB in 1997. Transportation modelling and analysis is underway Town wide and for the Markham Centre Secondary Plan area. This modelling currently projects 4500 residential units for the Times Group lands.

The proposed development implements the Town’s vision for Markham Centre as a vibrant, mixed-use Town Centre.

The Town’s Guiding Principles for Markham Centre are reflected in the proposed development as follows:

1. Protect and Enhance the Rouge River

The north and south sides of the valley corridor are bordered by significant areas of public parkland and other public uses (elementary school). Extensive valleylands are to be conveyed to the Town.

2. Support Public transit

The street pattern, mix of uses, density of development, and street related built form make this a highly transit supportive community.

3. Transform Highway 7 into an Urban Boulevard

The Highway 7 corridor has a mid-rise (6-8 storey) character, in keeping with the Markham Centre Secondary Plan vision. Once this street is urbanized by York Region, it will take on the character of an urban, mid-rise boulevard.

4. Develop an Effective Street Network

The street pattern is fine grained and highly interconnected, both internally and externally.

5. Provide a Sense of Place

The buildings are street-related and incorporate mid-rise (3-8 storey) podium components along the majority of street frontages, ensuring a comfortable human scale, enhanced by a high quality public realm, including generous sidewalks. The majority of on-site parking is provided in underground or above grade structures and any limited surface parking is to the rear of buildings. The main east-west road is single loaded along the majority of the valley frontage and all of the north-south streets either lead to or terminate at the valley corridor, maximizing public access to and views into the valley.

6. Enhance Pedestrian Activity

All streets have generous (2-2.5 metre wide) sidewalks on both sides. The valley corridor is intended by the Town to include an extensive network of multi-use trails (Markham Centre Greenlands Plan).

7. Ensure Ecological Sustainability

The development is a compact, transit-supportive mix of residential, retail, office and recreation uses incorporating an extensive network of dedicated bicycle lanes and multi use trails. All buildings will be LEED Gold certified, incorporate extensive areas of green roof and be connected to District Energy. The stormwater management system incorporates state of the art on-site controls.

8. Provide Cultural and Social Focus

The development includes extensive valleylands and valley edge parks, two urban parks, an elementary school, and a place of worship and will provide road, cycling and pedestrian links from the Unionville community to the Rouge Valley and Markham Centre amenities.

9. Manage Traffic and Parking Issues

To effectively manage traffic, the Markham Centre community needs to achieve a modal split that favours pedestrians, cyclists and public transit. This development supports this need through the provision of transit supportive densities, a highly connected and pedestrian friendly street pattern, and the provision of dedicated bicycle lanes on most streets. Staff are also exploring potential pedestrian and cycling pathway connections through the valley to the Unionville GO Station, revised transit routing to better serve this development, and potentially further reducing the amount of parking that can be provided for residential uses in the future when the public transit system is more fully developed.

10 Deliver a Financial Framework

This development will “front end” key infrastructure, including the Birchmount bridge across the Rouge River and a sanitary sewer along Highway 7. The Times Group is a member of the Avenue 7 Developers Group which is front ending a sanitary sewer along highway 7 (as noted below). In addition, Times Group has

made a proposal to the Markham Centre Landowners Group in order to join that group, subject to matters under discussion.

11. Respect the Quality of Life in Markham

The highest concentration of development and the tallest buildings are focussed on the intersection of Highway 7 and Warden Avenue and along the valley corridor. Density and built form transition down towards the Highway 7 corridor and the existing residential community to the north. The development will provide convenient road, cycling and pedestrian linkages from the Unionville community to Markham Centre.

The proposed development will deliver a number of significant infrastructure improvements

In addition to the public benefits noted above, the development will:

- expedite construction of the Birchmount Road bridge, and ultimately the Verdale Crossing bridge, across the Rouge River, thus improving access from the Unionville community to the Unionville GO Station and area road network. Times has committed to upfront construction of the Birchmount bridge prior to their first residential occupancies.
- expedite the installation of a sanitary sewer along Highway 7 east from Birchmount Road (Village Parkway) to Main Street, Unionville. Installation of this sewer in 2010, as proposed by the applicant, will allow York Region to proceed with the reconstruction of this section of Highway 7 (tentatively in 2013), including full urbanisation, landscaping including treed medians, and sidewalks. Completion of this sewer will also facilitate development on the north side of Highway 7 and any future development on the civic centre lands.
- dedicate to the Town a significant section of Rouge River valleyland, extensive parkland and pedestrian and cycling linkages, and a local and collector road network (including “Riverside Drive”).

The precinct plan drawing and draft plan of subdivision have been refined to the satisfaction of staff

The Times Group has worked constructively with Town planning and design staff and with the Town’s external consultant (&Co) to refine the draft plan of subdivision and precinct plan in accordance with the direction of the Town’s Highway 7 Precinct Plan Study and the Markham Built Form Massing and Height Study. These studies confirm the overall vision for this development of a highly connected, fine grained street grid, a mid rise character along Highway 7, and taller building elements consisting of point towers on podiums, in proximity to the Warden Avenue and Highway 7 intersection and along the valley corridor.

The precinct plan submitted by Times in June 2009 has evolved through discussion with Town staff and the Town's consultant &Co, as follows:

ITEM	JUNE 2009	JANUARY 2010
Unit Count	4,777	4,500
Residential Square Footage	430,791 sq. m.	397,196 sq. m.
Number of Office/Comm. Buildings	1 x 14-storey tower	2 x 14-storey towers [total of approx. 440,000ft ²]
Office Square Footage	23,226 sq. m.	40,923 sq. m.
Number of Residential Towers	21	16
Tower Height at Verclaire and Highway 7	20 storeys	18 and 16 storeys
Tower at Birchmount and Highway 7	Yes, 20 storeys	Removed
Church Site/MDE Site south of Street C	Yes	Removed and replaced with parkland
School Site size	0.87 ha	1.42 ha

The applicant's latest precinct plan drawing and draft plan of subdivision submitted to the Town (Figures 2 and 3) are consistent with the overall direction of the Town's precinct plan study, and are acceptable subject to detailed technical review and the refinements discussed below. It will form the basis of the zoning bylaw amendment and draft plan of subdivision conditions for the Times Group lands.

The Markham Centre Advisory has reviewed the development

The proposed development has been before the Markham Centre Advisory several times, most recently on January 28, 2010. The Advisory complemented Times on the positive evolution of the project, and was generally supportive of the precinct plan as currently configured.

The development incorporates a number of significant environmental initiatives

The proposed environmental initiatives include:

- a compact, transit-supportive mix of residential, retail, office and recreation uses.
- an extensive network of dedicated bicycle lanes and multi use trails.
- all buildings to be LEED Gold certified.
- all buildings to be connected to District Energy.
- all buildings to incorporate extensive areas of green roof, wherever possible.
- a commitment from the applicant to implement traffic demand management initiatives, including participation in a car share program.
- a stormwater management system incorporating state of the art on-site controls that will enhance water balance while achieving quality objectives through the use of permeable pavement, underground infiltration, galleries and other techniques.
- a commitment from the applicant to habitat restoration and reforestation within the Rouge River corridor.

These initiatives will be addressed in the conditions of draft approval and secured in the subdivision agreement and zoning by-law.

Zoning regulations have been resolved

The permitted use and built form provisions to be included in the zoning by-law are recommended by staff as follows:

- Residential uses - a maximum of 4500 residential units, distributed across the site.
- Employment uses - a minimum of 40,800 square metres (approx. 440,000 square feet) of employment - primarily office - uses, focussed on the Warden Avenue/ Highway 7 intersection.
- Commercial uses - non-residential uses to be permitted on the ground floor level of buildings throughout development, and mandated in certain key locations including Birchmount Road and Verdale Crossing frontages.
- Building heights and distribution - see Figure 4
- Built form regulations - maximum tower floorplate, minimum distance between towers, minimum podium height, minimum and maximum building setbacks, etc., in accordance with the principles of the precinct plan and Built Form Massing and Height Study.

Draft Plan of Subdivision is acceptable

The overall layout of streets, development blocks, park blocks, and open spaces, and the distribution of uses, have been finalized to the satisfaction of staff.

The following conditions have been resolved, in principle, with the Times Group:

- Overall phasing - The first phase of residential development of approximately 600 units (Block 6) will be on the west side of Birchmount Road. Future phases will extend west to Warden Avenue. The final phase (Blocks 7 and 8) is proposed to be the redevelopment of the “interim commercial development” on the east side of Birchmount Road, for residential use. A detailed phasing plan will be required for approval by Council. The phasing plan will address the timing of development in relation to transit improvements and the achievement of modal split targets. It will also address the timing of completion of the primary roads, and of the conveyance of greenlands, with the objective of achieving early delivery of these items.
- Stormwater management - The proposed stormwater management system includes enhanced on-site detention and treatment, including extensive green roofs.

Site Plan Application for first residential phase

Staff encouraged the applicant to apply for site plan approval for their first residential phase, being Block 6 on the west side of future Birchmount Road, to allow staff to further explore the proposed built form, parking and design solutions with the applicant prior to finalizing the by-law, and to provide Council and the community with a better understanding of the applicant’s intent and design program for this significant project. The site plan application was recently submitted. Preliminary project plans provided to

staff (Figures 4 and 5) are consistent with the overall design direction of the Town's Highway 7 Precinct Plan Study.

Staff continue to work with the applicant to resolve the remaining outstanding issues

Staff continue to meet with Times Group, its consultants and other interested parties to resolve outstanding issues. The status of these discussions, as of the date this report was finalized, was as follows:

- **Interim commercial development** - The Times Group is proposing to develop Blocks 7 and 8 on the east side of future Birchmount Road with an "interim" low rise commercial development with surface parking; a format which is not consistent with the vision for Markham Centre. The Times Group advises that they will ultimately incorporate the commercial uses into future phases further west, and redevelop the interim commercial site in accordance with the long term vision. Staff are continuing to work with the consultants for the Times Group to refine the land use and design of any interim development to be more consistent with the Town's vision for Markham Centre. Any specific proposal by Times for interim commercial uses will be subject to detailed plans to be considered by Council.
- **Triggers for hold removal** - The Town's transportation consultant, the IBI Group, advises that the number of single occupant car trips in Markham Centre needs to be minimized for the transportation system to accommodate the proposed residential and employment densities. To achieve this, high quality walking, cycling and public transit infrastructure needs to be provided along with Travel Demand Management initiatives and restrictions on parking supply. The zoning of the development blocks will be subject to (H) holding provisions to ensure that development is phased with the necessary improvements to transportation infrastructure. The triggers for the removal of these holding provisions are being developed by staff with the assistance of the IBI Group. The implementing zoning by-law will also include (H) holding provisions to ensure that development cannot proceed without the required servicing allocation.
- **Parking regulations** - The current residential parking standard for Markham Centre is 1 space/unit plus 0.2 spaces/unit for visitors. Times is proposing a parking standard of 1.1 spaces/unit plus 0.1 spaces/unit for visitors. Staff support the application of the current Markham Centre parking standard to the first phase. However, given the need to ultimately reduce the number of single occupant car trips, staff and the IBI Group are exploring means to reduce the number of parking spaces permitted to be provided in future phases when the public transit infrastructure is more fully developed.
- **"Voluntary Contribution"** - The Times Group has volunteered to make a Section 37 contribution of \$4,500,000 for community benefits. Times is expecting the contribution to be used to improve the valleylands Times is dedicating to the Town in accordance with the Markham Centre Greenlands Master Plan, and for upgrades to the parks within the plan (such as a water feature in the linear park at Highway 7). The Community Services Commission has identified a potential requirement for meeting rooms or other community space within Times

development, which could be a component of a Section 37 contribution. The potential for additional Section 37 funding for other possible community benefits has also been discussed with the applicant. It is recommended that staff be authorized to enter into negotiations with the Times group regarding a Section 37 contribution.

- Place of Worship - Council policy requires one place of worship site to be provided within the Times lands. Normal Town practice is to require developers to reserve a block, of sufficient area to accommodate the building and an extensive parking area, for purchase by a faith group. Given the urban nature of this development, this format would not be appropriate. Staff are proposing to allow places of worship as a general zoning permission within the mixed-use components of the project and are exploring potential arrangements with the applicant to protect and secure floor space and shared parking for a place of worship.

Staff are continuing to work with the Times Group to resolve the remaining outstanding issues and will report back to Council on the outcome of the discussions, and detailed conditions of approval, prior to commencement of the OMB hearing.

Official Plan Amendment

The Markham Centre Secondary Plan (OPA 21) outlines general policies with respect to building height and density, and provides that specific provisions with respect to height and density are to be addressed through detailed precinct plans, zoning and development approvals, to the satisfaction of Council. While there may be policy flexibility in OPA 21 that could be interpreted to allow the subject applications to proceed without formal amendment to the Secondary Plan (subject to approval of the precinct plan and zoning), it would be prudent to formally amend the Official Plan to clarify this interpretation. Given that the building heights and density proposed by the applicant are consistent with the Town's evolving policy framework (Growth Management Strategy, Height and Density Study, Markham Centre Secondary Plan Update), staff would support an amendment to the Official Plan to clarify permission for the building heights and density proposed by the applicant.

The Times Group has taken the precaution of applying to amend OPA 21 (Planning File No. OP 09 128896) and intend to appeal their Official Plan amendment application to the OMB to be heard at the same hearing as the subdivision and zoning applications. Should Council endorse the recommendations in this report, an amendment to OPA 21, if ultimately required for the Times Group lands, would be a friendly amendment that could be dealt with by the OMB as part of the Times Group appeals. Staff are content to allow Times Group to appeal their proposed amendment to OPA 21 to the OMB following which, if required, staff would work with the Times Group on the appropriate wording for the amendment.

It is acknowledged by staff that a general update and amendment to the Markham Centre Secondary Plan is required, and has been discussed with Council and Committee in staff reports and presentations dealing with the ongoing studies for Markham Centre. Following completion of the required supporting studies (Highway 7 Precinct Plan, East

Precinct Plan, Mobility Hub, transportation update, built form studies, etc.) staff will prepare an updated Markham Centre Secondary Plan for consideration by Council in 2011.

Issues of Other Parties

The **public agencies** (York Region, Public School Board, TRCA) requested party status to ensure that their conditions of approval are addressed.

Ruland Properties, Markham Suites Nominee Inc., H & W Development Corporation and the Markham Centre Landowners Group Inc. are primarily concerned with cost sharing and servicing allocation issues. Staff have encouraged the Times Group to join the Markham Centre Landowners Group (“MCLG”) and understand that Times has been meeting with the MCLG to that end. Staff are cautiously optimistic that Times will either join the MCLG or make some alternate arrangements in regards to satisfying Markham Centre cost sharing arrangements.

Sheridan Nurseries is seeking assurances that the approval of the Times development will not compromise the development potential for their property. As noted above, the current working target for Markham Centre is for a total of 20,000 residential units, up from 10,000 in the current Secondary Plan. Updated unit count targets by district and precinct will be incorporated into the updated Secondary Plan. The distribution of units is being modelled for the transportation analysis and the future Secondary Plan update. The Sheridan site does form part of the Town’s Highway 7 Precinct Plan study. Staff are currently working with the effected landowners to refine the Highway 7 Precinct Plan before bringing it forward for endorsement by Council.

Unionville Square Shopping Centres Limited is concerned that the approval of the Times development in advance of completion of the Town’s Highway 7 Precinct Plan Study could prejudice the future development of their property. As required by OPA 21 the Times Group submitted a precinct plan for the south side of Highway 7, and that is what is before Council and the OMB. Staff are continuing to work with the effected landowners to complete the Town’s Highway 7 Precinct Plan study.

Aryeh Construction Ltd. The “Centre North” precinct consists of the Times lands and a 1.8 ha (4.6 acre) property on the east side of Warden Avenue directly opposite Clegg Road, owned by Aryeh Construction Ltd. Aryeh applied to the Town to develop this site with 945 apartment units, and has appealed their applications to the Ontario Municipal Board (OMB), citing the failure of the Town to make a decision on the applications within 120 days of submission.

Notwithstanding that the Secondary Plan requires the landowners within each precinct to work together to prepare the precinct plan, Aryeh did not actively participate in the preparation of the plan. Times has shown Aryeh’s proposed development on the precinct plan for illustration purposes. However, Aryeh’s proposed development includes significantly more residential units than is currently being modelled by Town staff for

their site and does not reflect all of the built form principles of the precinct plan. Aryeh has also recently expressed concern regarding the traffic impact of the adjoining elementary school and office uses on their proposed development.

At this time, the Aryeh lands should be excluded from any Council endorsement of the precinct plan unless Aryeh agrees to revise their proposal to reduce the residential unit count in accordance with the Town's modeling and to be consistent with the built form principles of the precinct plan submitted by Times.

On February 2, 2010 the Ontario Municipal Board held a pre-hearing conference on Aryeh's appeals and tentatively agreed to consider hearing them in June during days scheduled for the Times hearing in the event the Times hearing does not require them.

Staff will report to Council, tentatively in March or April, to seek instructions on Aryeh's appeals.

NEXT STEPS:

Staff are satisfied with Times' current precinct plan drawing and draft plan of subdivision submissions, and recommend that Council endorse them, in principle, subject to the resolution of the outstanding issues discussed above.

Staff are continuing to work with the Times Group and with the other parties to resolve the outstanding issues and the concerns of the other parties.

Prior to the commencement of the Ontario Municipal Board hearing staff will report to Council on the status of the outstanding issues and to bring the final precinct plan, zoning by-law amendments, and conditions of draft plan approval forward for consideration.

The approvals currently before the OMB are the first of many approvals the Owner will be required to obtain from the Town and from other public agencies before the first phase can proceed. Full build out of the development is expected to occur in a number of phases, which could potentially occur over decades. The zoning of each phase will be subject to holding provisions to ensure that all of the required approvals have been obtained and all of the conditions of approval have been satisfied before development can proceed. Detailed building design review will occur through Development Services Committee and the Markham Centre Advisory's consideration of individual site plan applications.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable at this time.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable at this time.

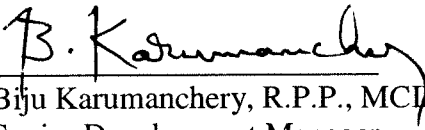
ALIGNMENT WITH STRATEGIC PRIORITIES:

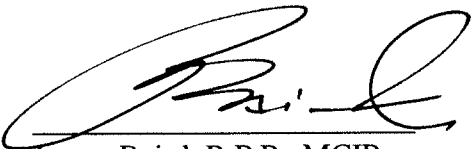
The proposed development supports a number of the Town's "Building Markham's Future Together" strategic initiatives, including Environment (valleyland and parkland dedication, LEED certification, storm water management); Transportation and Transit (transit oriented development, road and cycling network, travel demand management) and Growth Management (intensification, mixed-use, infrastructure, and phasing requirements).

BUSINESS UNITS CONSULTED AND AFFECTED:

The Planning and Urban Design Department consulted with other Town Departments in preparing this report, and in particular with the Legal Services Department pertaining to OMB related matters.

RECOMMENDED BY:


Biju Karumanchery, R.P.P., MCIP
Senior Development Manager


James Baird, R.P.P., MCIP
Commissioner of Development Services

ATTACHMENTS:

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|-----------|-----------------------------------|
| Figure 1: | Property location map |
| Figure 2: | Current precinct plan |
| Figure 3: | Current draft plan of subdivision |
| Figure 4: | Building Heights |
| Figure 5: | Proposed site plan for Block 6 |
| Figure 6: | Perspectives, Block 6 |