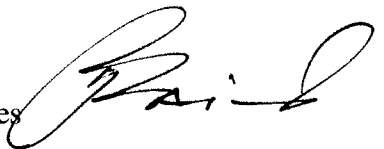




MEMORANDUM

TO: Mayor and Council

FROM: James Baird, Commissioner of Development Services 

PREPARED BY: Scott Heaslip, Senior Project Coordinator

DATE: April 5, 2011

Re: Hold Removal By-law
19TM-070003 (Times Group Inc.)
South side of Highway 7, east of Warden Avenue.

RECOMMENDATION

That the attached zoning by-law to remove the “Hold” provision from the Times Group Inc. lands on the south side of Highway 7, between future Birchmount Road and the Sheridan Nurseries garden centre, be enacted.

BACKGROUND AND STATUS:

The subject lands have an area of approximately 3.8 hectares (9.4 acres) and are located on the south side of Highway 7 between future Birchmount Road and the Sheridan Nurseries garden centre.

The lands are within Phase 1 of the Times Group’s Markham Uptown subdivision. This subdivision was draft approved by the Ontario Municipal Board in May, 2010. Staff are currently finalizing the subdivision agreement for Phase 1.

On September 21, 2010, Development Services Committee endorsed site plan approval for a commercial development on the subject lands comprising a total of 7 buildings having a combined floor area of approximately 15,000 square metres (164,000 square feet), to be anchored by a “Whole Foods” supermarket. One of the buildings is a 3-storey office building served by a partial 1-level underground parking garage. (see Figure 1) The project plans are currently being finalized for submission to the Town to initiate preparation of the site plan agreement.

The zoning of the lands is subject to a holding provision. No building permits can be issued for the lands until Council removes the holding provision from the zoning. The conditions of hold removal include registration of the plan of subdivision and execution of the site plan agreement.

COMMENT:

The applicant advises that construction needs to commence promptly to meet the timing requirements of the anchor tenants, and is requesting permission to commence construction of the underground parking garage while the site plan agreement is being processed.

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

To avoid unduly delaying commencement of construction, staff support removing the hold at this time.

EXPLANATORY NOTE

BY-LAW NO. 2011-XXX

A by-law to amend By-law 2004-196

Times Group Inc.

South side of Highway 7, east of Warden Avenue

LANDS EFFECTED

This by-law applies to approximately 3.8 hectares (9.4 acres) of land on the south side of Highway 7, east of Village Parkway (future Birchmount Road extension).

EXISTING ZONING

The lands are zoned “Markham Centre Downtown Two *11 *14 (Hold 1 Hold 2)” [(MC-D2*11*14(H1H2)] by By-law 2004-196, as amended.

PURPOSE OF THE BY-LAW

The purpose of this by-law is to remove the “Hold” (H1 H2) provisions from the zoning of the subject lands.

EFFECT OF THE BY-LAW

The effect of this by-law is to permit construction to commence on a proposed commercial development comprising a total of 7 buildings having a combined floor area of approximately 15,000 square metres (164,000 square feet).

A by-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:

- 1.1 By rezoning the lands shown on Schedule 'A' attached hereto, as follows:

From Markham Centre Downtown Two *11*14 (Hold 1 Hold 2)
[MC-D2*11*14 (H1 H2)] to Markham Centre Downtown Two *11*14
(MC-D2*11*14).

2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
5th DAY OF APRIL, 2011.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

HIGHWAY No. 7

WARDEN AVENUE

FROM MC-D2*11*14 HI H2
TO MC-D2*11*14

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

MC-D2 MARKHAM CENTRE DOWNTOWN TWO HI H2 HOLDING PROVISION * (No) EXCEPTION NUMBER

BY-LAW AMENDMENT No. PASSED (MAYOR) (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn by: DO

Checked by: SH

DATE: 03/25/11

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