



MEMORANDUM

FROM: Jim Baird, Commissioner of Development Services

A handwritten signature in black ink, appearing to read "Jim Baird", written over the name in the "FROM:" field.

TO: Kimberley Kitteringham, Town Clerk

PREPARED

BY: Scott Heaslip, Senior Project Coordinator, Central District

DATE: March 8, 2010

RE: **Hold Removal**  
**Jade-Kennedy Development Corporation (South Unionville Square)**  
**Planning File: ZA 10 109873**

On June 3<sup>rd</sup>, 2009, Council approved By-law 2009-66 to zone the subject lands "Community Amenity One," and endorsed site plan approval for the first phase of the proposed development. The first phase consists of a T & T Supermarket, a range of other commercial uses, and 28 townhouse units. The second phase will be an attached apartment building.

The zoning by-law includes two holding provisions.

- Holding provision H1 prohibits any construction until the following conditions have been satisfied:
  1. The Owner has conveyed the lands required for South Unionville Avenue, Unity Gardens Drive (a new local street immediately east of the property), a stormwater management facility and a neighbourhood park.
  2. The Owner has entered into an agreement with the Town to secure construction of the roads and stormwater management facility.
  3. The Owner has entered into a site plan agreement with the Town.
- Holding provision H2 prohibits construction of the apartment building until servicing allocation has been granted and the site plan agreement has been executed for this component of the development.

The Owner has applied for a conditional building permit for the underground parking garage only to allow construction of this component of the development to proceed prior to the execution of the site plan agreement.

Staff recommend removal of Holding provision H1 on the following basis:

- The Owner has executed the required construction agreement for the external works. The agreement provides that the Owner will convey the rights-of-way of South Unionville Avenue and Unity Gardens Drive and the stormwater

management facility following completion of the infrastructure, and will convey the park block through the future site plan agreement.

- The Owner has provided an undertaking not to compel the Town to issue any further building permits for the development (beyond the conditional permit for the underground works) until the site plan agreement has been executed.

A draft by-law to remove holding provision 'H1' is attached.

## EXPLANATORY NOTE

### **BY-LAW NO. 2010-XXX**

A by-law to amend By-law 177-96, as amended.

Jade-Kennedy Development Corporation  
East side of Kennedy Road between Castan Avenue and South Unionville Avenue  
South Unionville Community

### LANDS AFFECTED

This by-law applies to the lands outlined on Schedule A to this By-law.

### EXISTING ZONING

The lands are zoned Community Amenity One\*374 (Hold) [(CA1\*374 (H1)(H2))] under By-law 177-196, as amended.

Holding provision (H1) prohibits any construction on the lands until the owner has conveyed lands to the Town of Markham for road, stormwater management, and park purposes, and has entered into legal agreements with the Town.

### PURPOSE OF THE BY-LAW

The owner has complied with the conditions for removal of holding provision (H1), through construction agreements and undertakings pertaining to underground works, to the satisfaction of the Town. The purpose of this by-law is to remove holding provision (H1) from the zoning.

### EFFECT OF THE BY-LAW

The effect of the removal of holding provision (H1) is to permit the construction to commence on the underground garage component of the first phase of a proposed mixed-use development. The first phase consists of a food store, a range of other commercial uses, and 28 townhouse dwellings.

Holding provision (H2) will need to be removed to permit construction of the second phase, an apartment building.



## **BY-LAW 2010-XXX**

*A by-law to amend By-law 177-96, as amended  
(To remove a Holding zoning provisions)*

---

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

1. By-law 177-196, as amended, is hereby further amended as follows:
  - 1.1 By rezoning the lands outlined on Schedule 'A' hereto from:  
  
Community Amenity One\*374 (Hold) [CA1\*374(H1)(H2)]  
  
to  
  
Community Amenity One\*374 (Hold) [CA1\*374(H2)]
2. All other provisions of By-law 177-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

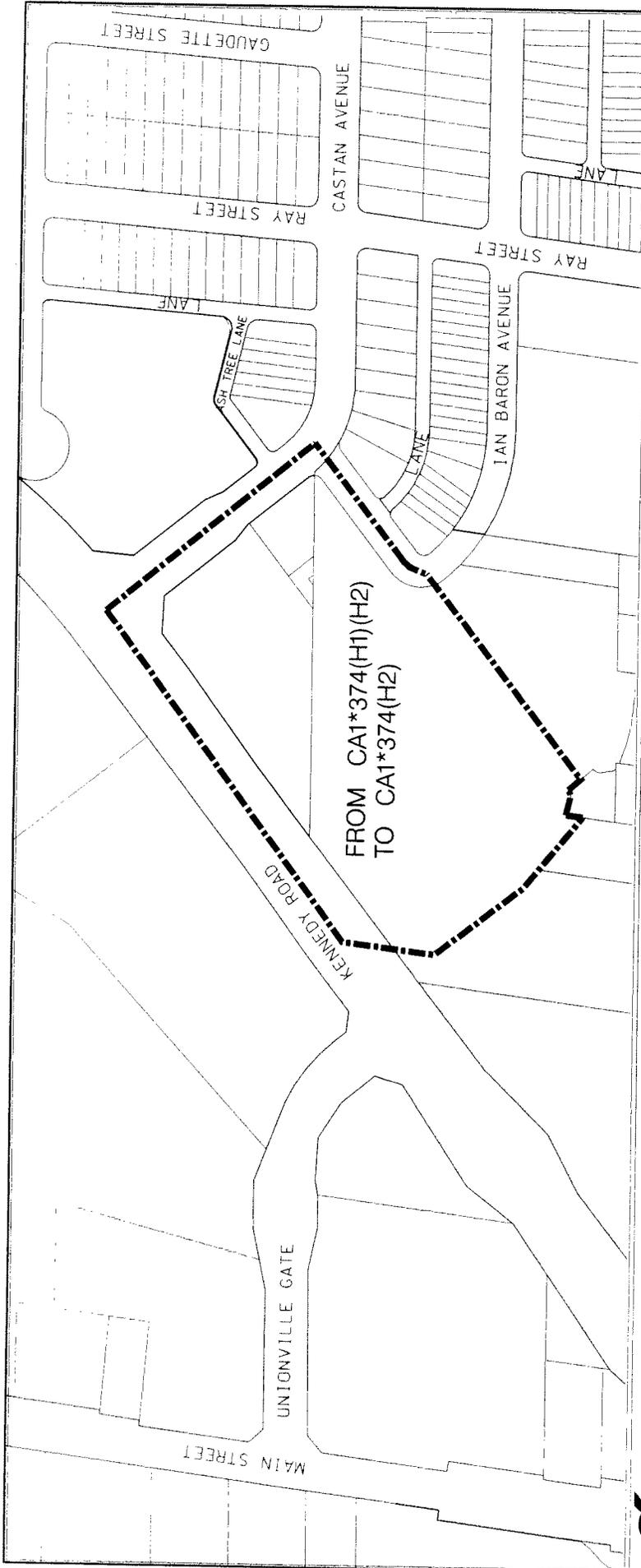
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
XX<sup>TH</sup> DAY OF MARCH, 2010.

---

KIMBERLEY KITTERINGHAM  
TOWN CLERK

---

FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

**A BY-LAW TO AMEND BY-LAW 177-96**

THIS IS SCHEDULE 'A' TO BY-LAW PASSED THIS ..... DAY .....

MAYOR  
CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

CA1  COMMUNITY AMENITY AREA ONE  \* (No)  EXCEPTION NUMBER  (H1)  HOLDING PROVISION

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK

SCALE 1: 2500