



## MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services

PREPARED BY: Rick Cefaratti, Planner II, West District

DATE: July 20, 2016

SUBJECT: **Hold Removal By-law  
Shining Hill Homes (John) Inc.  
360 John Street, Thornhill  
(North- side of John Street between Bayview Avenue and Aileen Road)  
File No. ZA 15 108797**

## RECOMMENDATION

1. That the attached zoning by-law to remove the holding provision from zoning of the Shining Hill Homes (John) Inc. property at 360 John Street (PLAN 2382 PT LOT 6 & LOT 13), be enacted;
2. That Council approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## COMMENT

On June 29, 2016, the Senior Development Manager of Planning & Urban Design Department endorsed site plan approval for a 101 unit street townhouse development on the subject property. The applicant is currently finalizing the project plans for submission to the City to initiate preparation of the site plan agreement.

The zoning of the property is subject to a holding provision. Building permits cannot be issued for the proposed development until Council removes the holding provision from the zoning of the property. The conditions of hold removal include Council's transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure, the execution of

a site plan agreement, the conveyance of blocks to adjoining lots to the east which front onto McKelvey Drive and the conveyance of lands to the City at the terminus of Congress Court.

The applicant is requesting that the City remove the hold provision at this time to avoid having to wait until after the first Council meeting in September to commence construction. The majority of the conditions of hold removal, including the conveyance of blocks to adjoining owners, have been satisfied. Remaining conditions for the removal of the hold provision relating to the conveyance of lands to the City will be addressed through the Site Plan approval process.

The applicant has provided a written undertaking (see Attachment 1) not to compel the City to issue a full building permit for the proposed development until the site plan control agreement has been fully executed.

To avoid unduly delaying commencement of construction, staff support removing the holding provision at this time (see Attachment 2).

## LETTER OF UNDERTAKING

**To: Whom it May Concern  
Corporation of the City of Markham  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3**

**July 20, 2016**

**Re: 360 John Street  
(North side of John Street)  
Owner - Shining Hill Homes (John) Inc.**

**WHEREAS** Shining Hill Homes (John) Inc., is the owner and applicant with respect to development approvals for the property described as 360 John Street, City of Markham, hereinafter referred to as the Subject Lands;

**AND WHEREAS** the applicant has formally applied to the City for removal of the holding symbol attached to the zoning category of the Subject Lands;

**AND WHEREAS** the City has endorsed the site plan for the applicant's development on the Subject Lands;

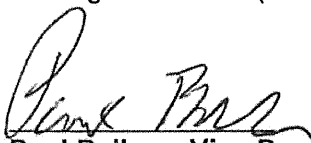
**AND WHEREAS** the applicant will be applying to the City for a conditional building permits to commence construction on the Subject Lands;

**THEREFORE THE APPLICANT UNDERTAKES AND AGREES** as follows:

1. to seriously commence the Subject Construction within twenty (20) business days of the issuance of the Conditional Permit, and
2. not to compel the City of Markham to issue a full building permit for the Subject Lands until the site plan control agreement has been fully executed.

**IN WITNESS WHEREOF** the applicant has executed this undertaking by the hands of their duly authorized signing officers in that regard.

Shining Hill Homes (John) Inc.



**Paul Bailey – Vice President**

Date: July 20, 2016



## **EXPLANATORY NOTE**

**BY-LAW 2016-\_\_\_\_**

**A By-law to amend By-law 177-96, as amended**

**Shining Hill Homes (John) Inc.  
360 John Street**

### **Lands Affected**

The proposed by-law amendment applies to approximately 3.13 hectares (7.70 acres) of land on the north side of John Street between the CN Rail Line and Aileen Road in the Thornhill District.

### **Existing Zoning**

The subject lands are zoned Residential Two (Holding) [R2\*513(H)] under By-law 177-96 and Community Amenity Three (Holding) [CA3\*523(H)] under By-law 177-96”, as amended.

### **Purpose and Effect**

The purpose and effect of this by-law is to remove the Holding (H) symbol provision from the zoning of the subject property in order to allow a 101 unit street townhouse development on these lands including at grade commercial uses within buildings facing John Street.



## BY-LAW 2016-\_\_\_\_\_

### A By-law to amend By-law 177-96 (Removal of Hold Provision)

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WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 177-96 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 177-96; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Holding (H) Symbol from the subject lands have been completed to the satisfaction of the City;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. THAT By-law 177-96 is hereby further amended as follows:
  - 1.1 By removing the Holding (H) provision from the **R2\*513 (H) Zone** and **the CA3\*523 (H) Zone** for the lands outlined on Schedule 'A' attached hereto.
2. THAT Zoning By-law No. 177-96 is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the Planning Act, 1990.

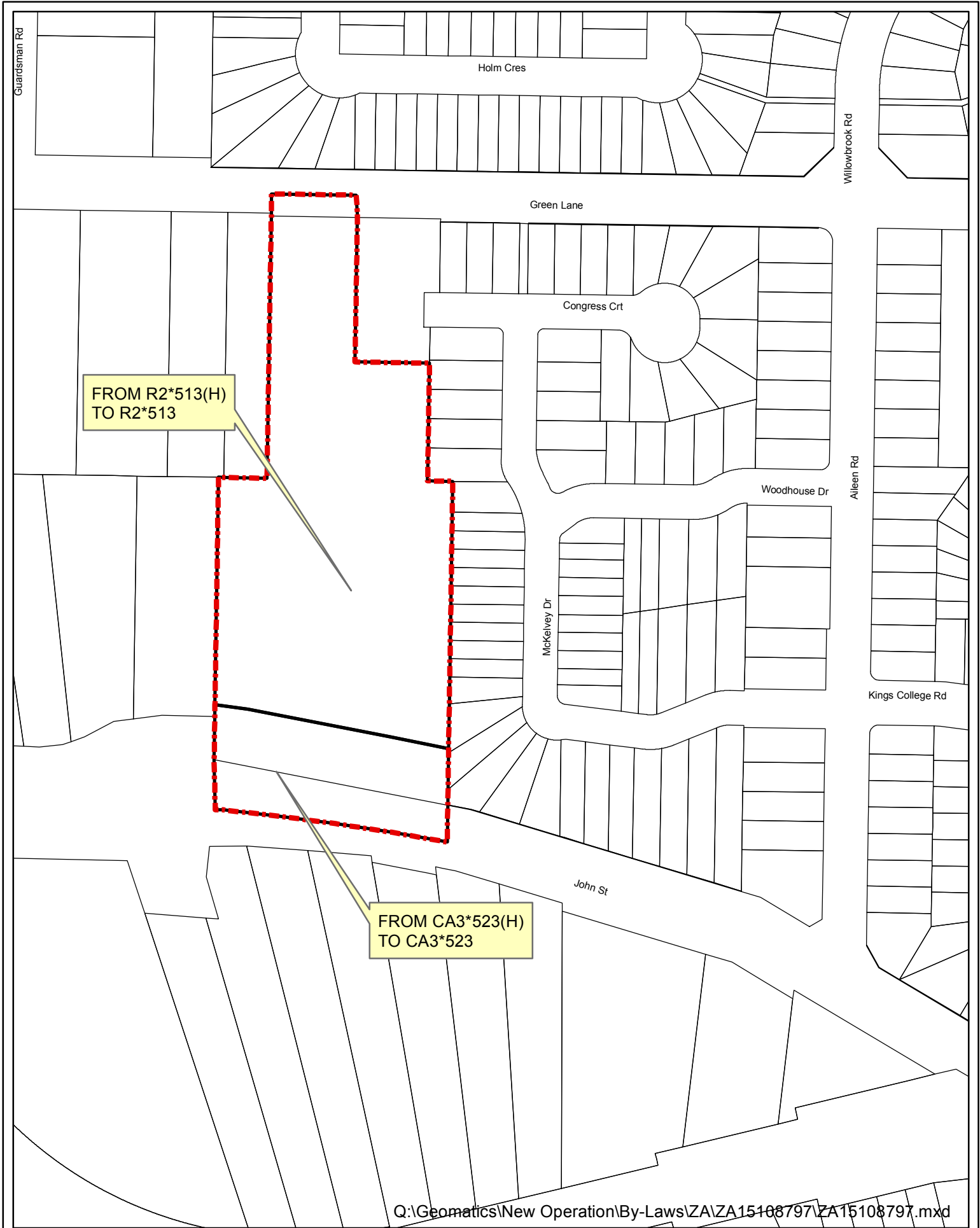
Read a first, second and third time and passed on \_\_\_\_\_, 2016.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



# BY-LAW SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 177-96 DATED



- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)

- CA3

COMMUNITY AMENITY THREE
- R2

RESIDENTIAL TWO

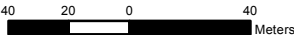
- (H)

HOLDING PROVISION
- \*(No)

EXCEPTION NUMBER



DEVELOPMENT SERVICES COMMISSION



Drawn By: DD    Checked By: RC

DATE:07/20/16

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