




MEMORANDUM

FROM: Jim Baird, Commissioner of Development Services 

TO: Kimberley Kitteringham, City Clerk

PREPARED BY: Stephen Corr, Planner II

DATE: May 31, 2016

RE: **Hold Removal By-law
Lindvest (Cornell) Properties Limited
Proposed 192 Unit Stacked Townhouse Development
South side of Highway 7 East and east side of Stoney Stanton Road
Planning File: ZA 16 129363**

The applicant has submitted a Zoning By-law amendment to remove the Holding provision applicable to subject lands, to permit the development of 192 stacked townhouse units on a 1.53 ha (3.78 ac) parcel of land located south of Highway 7 East and east side of Stoney Stanton Road (see Figure 1). The proposed development is being reviewed through related draft plan of subdivision and site plan control applications. The subdivision has been draft plan approved. The applicant is in the process of clearing the draft subdivision conditions prior to registration, and the Legal Department is currently preparing the Subdivision agreement. The site plan application has been endorsed and the site plan agreement is also being prepared by the Legal Department.

The subject lands are zoned Community Amenity Three*494 – Holding (CA3*494(H)) under By-law 177-96, as amended. The Holding provision was put in place to ensure the following matters are addressed prior to construction commencing on the site:

- a) York Region has advised in writing that final plan registration can proceed;
- b) The Council of the City of Markham has allocated adequate available servicing capacity to the lands;
- c) The Trustee for the Cornell Developers Group Cost Sharing Agreement has assigned conditional servicing allocation to the owner;
- d) Registration of the plan of subdivision;
- e) An updated Traffic Study has been submitted and approved to the Satisfaction of the Director of Engineering; and
- f) Execution of a site plan agreement.

While the Region of York has not yet provided clearance on their Draft Plan of Subdivision conditions, the Region has provided an email dated May 11, 2016 indicating there is no objection to the Removal of the Holding provision on the subject lands. Servicing allocation is available for the proposed development in accordance with the Servicing Update Report, dated June 10, 2014, which has also been confirmed by the trustee of the Cornell Developers Group in a letter dated April 21, 2016. A transportation report respecting the proposed development has been submitted to the satisfaction of the Engineering Department.

The remaining matters to be resolved are the registration of the plan of subdivision and execution of the site plan agreement. As noted, both these applications are close to being finalized, which will likely occur during Councils summer recess. In order to meet the end-user's tight timelines and deadlines the applicant is seeking a conditional permit to facilitate the start of construction at the earliest opportunity. To avoid delaying commencement of construction until the site plan and subdivision agreements have been finalized, Planning staff do not object to removing the Holding (H) provision at this time. A full building permit will not be issued by the City until the site plan agreement has been executed and site plan approval has been issued by the Director of Planning and Urban Design. Additionally, the applicant has provided a written Letter of Undertaking not to compel the City to issue a full building permit until the site plan agreement has been executed.



EXPLANATORY NOTE

BY-LAW 2016-__

A By-law to amend By-law 177-96, as amended by By-law 2013-124

6937 Highway 7 East

Lindvest Properties (Cornell) Limited

Lands Affected

The proposed by-law amendment applies to lands located at the southeast corner of Highway 7 East and Stoney Stanton Drive

Existing Zoning

The subject lands are zoned “Community Amenity Three *494 (Holding) [CA3*494(H)]” under By-law 177-96, as amended.

Purpose and Effect

The purpose of this By-law is to remove the Holding (H) provision from the zoning of subject lands. The Holding (H) provision was implemented to ensure that conditions related Region of York approval, servicing allocation, acceptance of a transportation study, and registration of plan of subdivision and site plan agreement occurs prior to development on the subject lands.

The effect of the By-law is to permit the construction of 192 stacked townhouse dwellings on the subject lands within eight stacked townhouse buildings.



BY-LAW 2016-____

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

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 has been completed to the satisfaction of the City;

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

- 1.0 THAT By-law 177-96 is hereby further amended as follows:
 - 1.1 By removing the Holding (H) provision from the **Community Amenity Three*494 Zone (CA3*494) Zone** for the lands outlined on Schedule 'A' attached hereto.
- 2.0 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.
- 3.0 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.


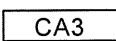
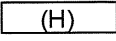
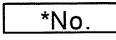
Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



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



-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
-  COMMUNITY AMENITY THREE
-  HOLDING PROVISION
-  EXCEPTION SECTION NUMBER

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