



TO: Sheila Birrell, Town Clerk

FROM: Jim Baird, Commissioner of Development Services

DATE: June 26, 2007

Re: **Times Markham Centre (Majestic Court Condominium)**
North-west corner of South Town Centre Boulevard and Clegg Road
Planning File: ZA 07 111517

A handwritten signature in black ink, appearing to read 'Jim Baird', located to the right of the 'FROM:' line.

Times Markham Centre is currently undertaking shoring and foundation works for the 10/12 storey, 400 unit Majestic Court Condominium at the northwest corner of South Town Centre Boulevard and Clegg Road.

On May 29, 2007, Development Services Committee held a Public Meeting to consider an application by Times to amend the zoning to increase the height of the building to 14/16 storeys and the number of dwelling units to 532, and to rezone the north-west portion of the property to open space to facilitate conveyance to the Town as a public park.

Committee recommended approval of the application and directed that the proposed by-law amendment be enacted upon resolution of "identified park issues", in particular arrangements with the owner of the adjoining lands to ensure that the park would have adequate public exposure and access and fit into the overall context.

On Friday June 22, 2007, the CAO and Planning staff met with the applicant and representatives of Stringbridge Investments, owner of the adjoining lands to the north and west. There was general consensus that the proposed public park could, if appropriately designed, complement Stringbridge's proposed business park development as well as Times' residential development. However, the design and implementation strategy need to be worked out in more detail between the parties. It was indicated by staff that the zoning for the proposed park can proceed subject to a "hold" provision, to be removed when the conceptual design of the park has been confirmed and the implementation arrangements between the Town and the two landowners have been finalized.

On this basis, staff recommend that the attached by-law be enacted. Staff will continue to work with Times and Stringbridge to finalize the implementation arrangements for the park and will bring forward an updated precinct plan incorporating the proposed park and the related road network. The hold removal by-law will be brought forward to Council, upon application by Times, once the implementation arrangements have been finalized.

EXPLANATORY NOTE

BY-LAW NO. _____

A By-law to amend By-law 2004-196, as amended

Times Markham Centre

North-west corner of South Town Centre Boulevard and Clegg Road

LANDS AFFECTED

This by-law applies to a 1.46 ha (3.6 acre) parcel of land located at the north-west corner of South Town Centre Boulevard and Clegg Road.

EXISTING ZONING

The property is currently zoned “Markham Centre Downtown Two” (MC-D2) by the Markham Centre Zoning By-law (#2004-196).

PURPOSE AND EFFECT

The purpose of this proposed zoning by-law amendment is to:

- Increase the maximum permitted building height from 10 storeys to 14 storeys for the portion of the building facing Clegg Road, and from 12 storeys to 16 storeys for the portion of the building facing South Town Centre Boulevard.
- Increase the maximum permitted number of dwelling units from 400 to 532.
- Rezone the north-west portion of the property, approximately 0.45 ha (1.1 acres), to “Markham Centre Public Space Two” (MC-PS2) to facilitate the potential conveyance of these lands to the Town of Markham for a public park.

The effect of this proposed zoning by-law amendment is to permit an increase in the height and the number of residential units of the apartment building currently under construction on the subject lands, and the potential conveyance of a portion of the lands to the Town of Markham for use as a public park.

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

1. THAT By-law 2004-196, as amended, is hereby further amended, as it applies to the lands outlined on Schedule 'A', attached hereto, as follows:

- 1.1 By rezoning a portion of the lands from Markham Centre Downtown Two (Hold) [MC-D2(H2)] to Markham Centre Public Space Two (Hold) [MC-PS2 (H7)] as shown on Schedule 'A'.

- 1.2 By adding the following new subsection 6.6 (*6) to **Section 6 – Exceptions:**

“6.6 MC-PS2 and MC-PS2 (H7) zoned lands west of South Town Centre Boulevard and north of Clegg Road

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *6 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

6.6.1 Special Site Provisions

The following additional use is permitted:

- a) *Underground parking garages.”*

- 1.3 By amending **Section 2.6 HOLDING PROVISIONS** of By-law 2004-196, as amended, by adding a new subsection as follows:

“2.6.7 Holding Provision (H7)

Lands that are subject to this Holding provision are denoted by the symbol (H7) on **Schedule X3** to this By-law. This Holding provision shall only be lifted when Council is satisfied that all of the criteria below have been met:

- a) An amended precinct plan incorporating a public park has been approved by Council.
 - b) The owner of the subject lands containing the park has entered into a development agreement with the Town to secure the following:
 - The arrangements for providing public access and exposure to the park in the context of the amended precinct plan.
 - The arrangements for the design and development of the park, including special features and upgrades, to the satisfaction of the Town.

Once this Holding provision (H7) is lifted, the subject lands can be used in accordance with the provisions of this By-law provided all other applicable Holding provisions have also been lifted.”

- 1.3 By deleting Schedules C1, C2, C3, C4 and X3 and replacing them with Schedules C1, C2, C3, C4 and X3 attached hereto.

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

HIGHWAY 7

SOUTH TOWN CENTRE BOULEVARD

CLEGG ROAD

FROM MC-D2 H2

TO MC-PS2 H7



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED
.....MAYOR
.....CLERK

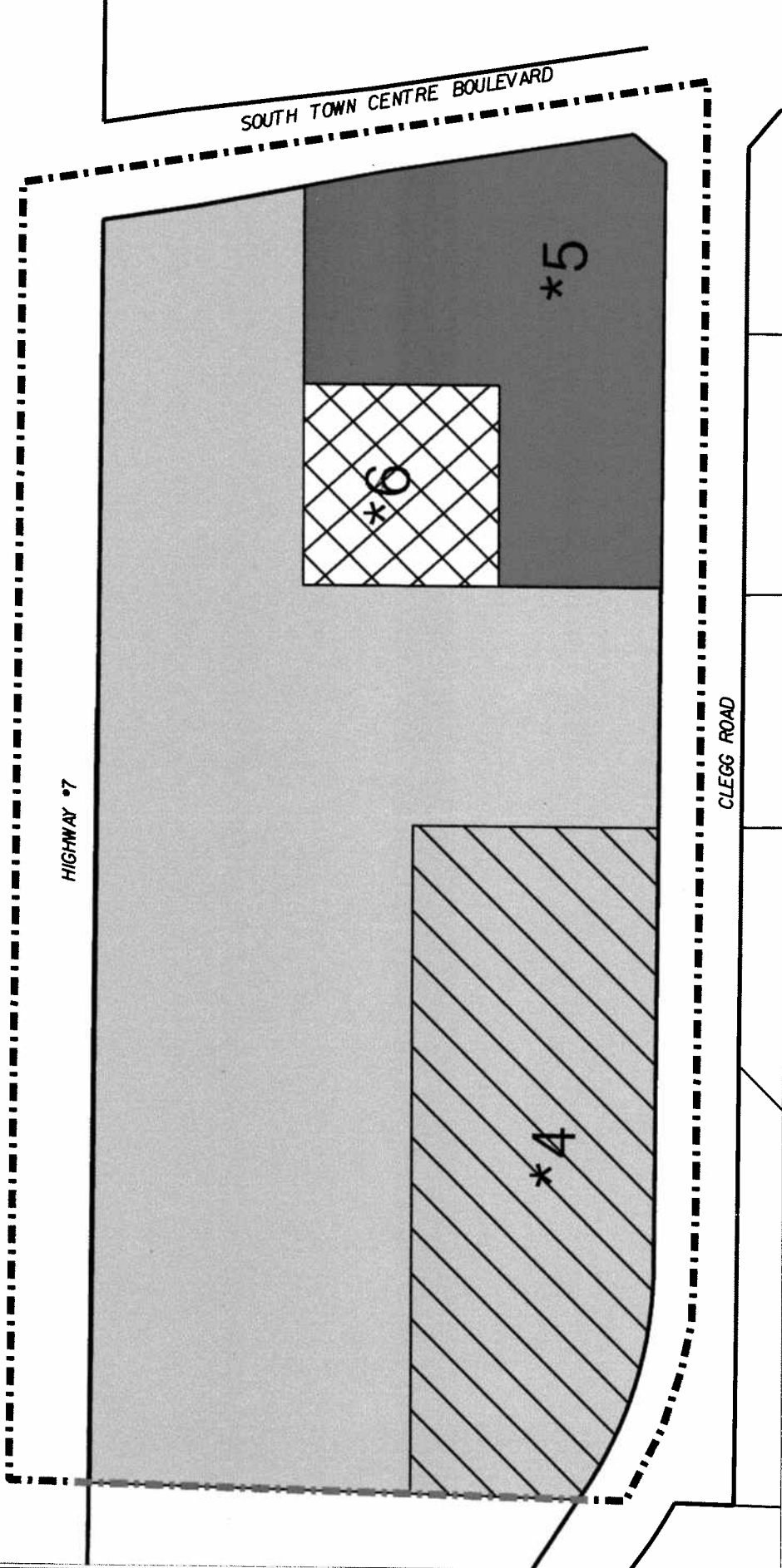
 BOUNDARY OF AREA COVERED BY THIS BY-LAW

 MC-D2 MARKHAM CENTRE DOWNTOWN TWO
 MC-PS2 MARKHAM CENTRE PUBLIC SPACE TWO
 H HOLDING PROVISION

NOTE: REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK



Schedule C1
Location of Zones



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'C1' TO BY-LAW
PASSED
.....MAYOR
.....CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

MC-D1 ZONE

MC-D2 ZONE

MC-PS2 ZONE

*4

*5

*6

REFER TO SECTION 6.4 OF THE BY-LAW

REFER TO SECTION 6.5 OF THE BY-LAW

REFER TO SECTION 6.6 OF THE BY-LAW

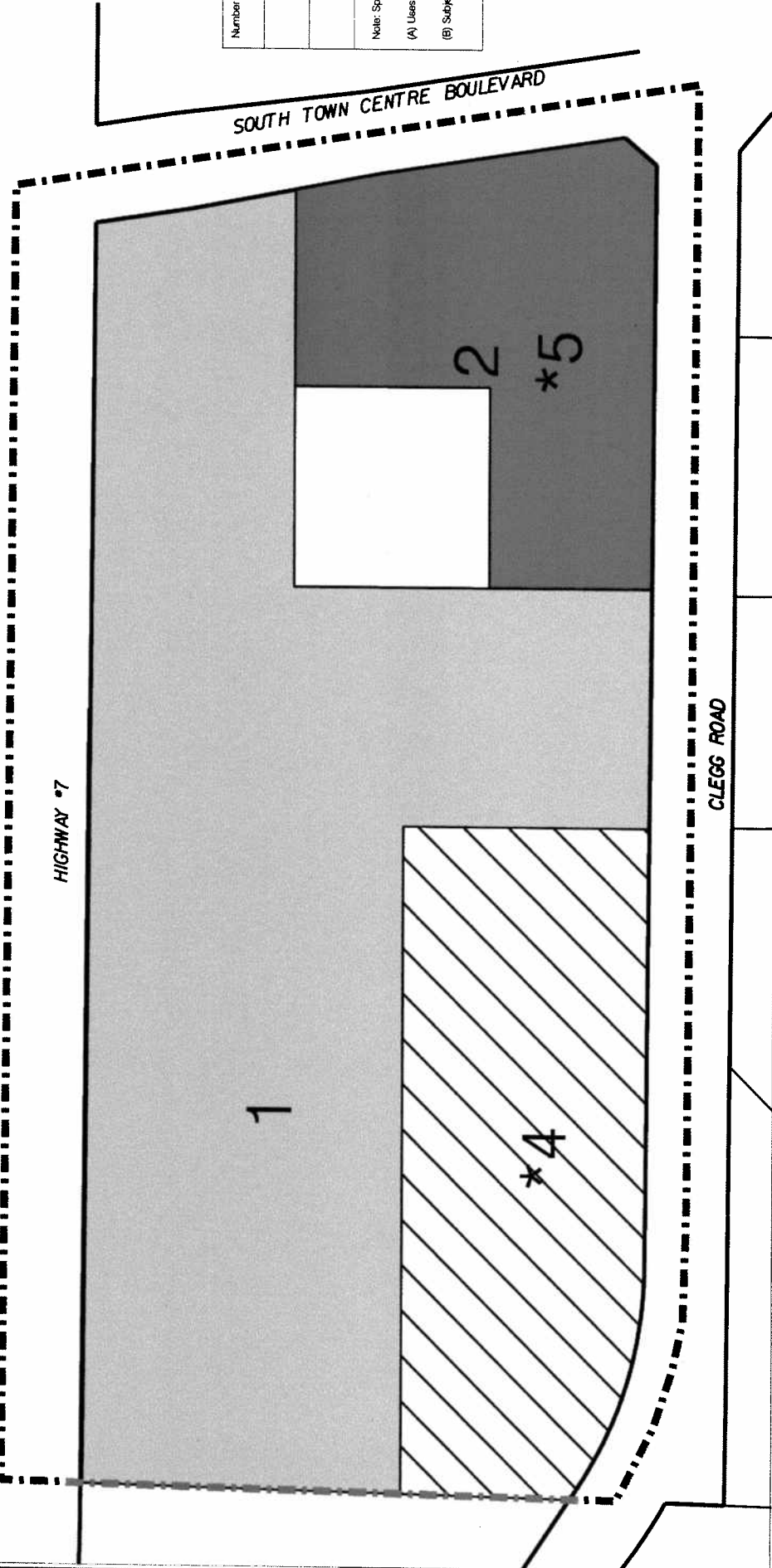
NOTE: REFERENCE SHOULD BE MADE TO
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Schedule C2
Maximum Permitted
Net Floor Area and
Dwelling Units

Number on Schedule C2	Maximum Combined Net Floor Area	Maximum Number of Dwelling Unit
1	Non-Residential (05,000(A) (B)	0
2	Residential and/or Non-Residential - 48,000m ² -including a maximum 880m ² of Retail Stores	532 units

Note: Special Provisions on the table above, are denoted by a letter in parentheses and are described below:
(A) Uses subject to Special Provisions 1 on Table A1 - Use Permissions shall have a maximum combined Net floor Area of 5,000m²
(B) Subject to the Holding Provision.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO BY-LAW 2004-196

THIS IS SCHEDULE 'C2' TO BY-LAW
PASSED
.....MAYOR
.....CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

*4

REFER TO SECTION 6.4 OF THE BY-LAW

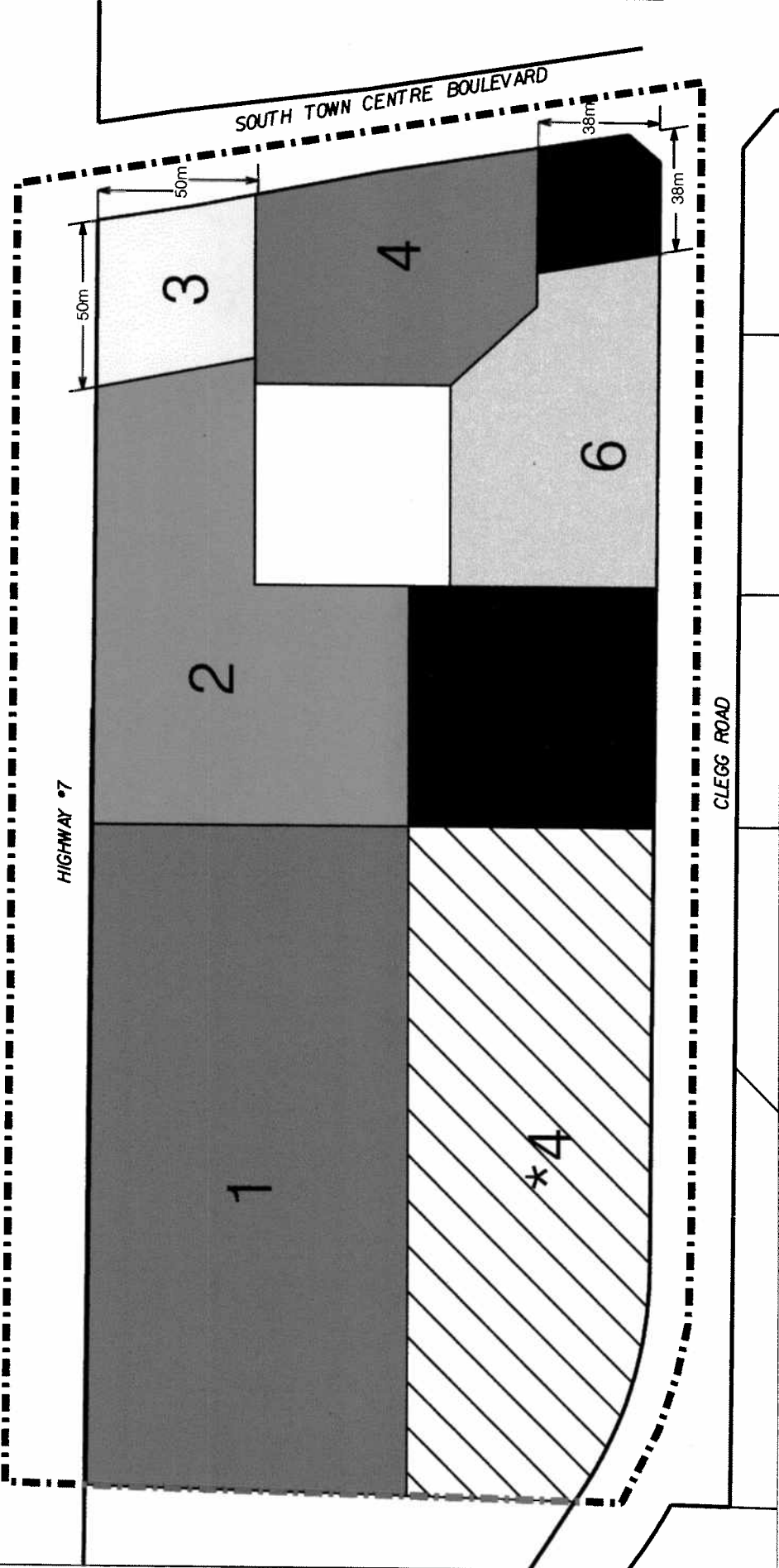
*5

REFER TO SECTION 6.5 OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO
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THE OFFICE OF THE CLERK



Schedule C3
Minimum and
Maximum Heights



Number on Schedule C3	a) 80% of the building footprint within 30 metres of Highway 7 streetline shall comply with the minimum height provision; and b) Maximum height applies to entire area subject to this provision.
1	a) 80% of the building footprint within 30 metres of Highway 7 streetline shall comply with the minimum height provision; and b) Maximum height of applies to entire area subject to this provision.
2	a) 90% of the building footprint within 50 metres of the South Town Centre Boulevard and Highway 7 streetlines shall comply with the minimum height provision; and b) Maximum height applies to entire area subject to this provision.
3	a) 90% of the building footprint within 23 metres of the South Town Centre Boulevard streetline shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.
4	a) 90% of the building footprint within 38 metres of the South Town Centre Boulevard and/or Clegg Road streetlines shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.
5	a) 90% of the building footprint within 23 metres of the Clegg Road streetline shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.
6	a) 90% of the building footprint within 23 metres of the Clegg Road streetline shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.

Note: Notwithstanding any of the height permissions shown on this schedule, no part of any building or structure shall have a height greater than 233.00 G.S.C. (Geological Survey of Canada).



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'C3' TO BY-LAW
PASSED
.....MAYOR
.....CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

1	MINIMUM 15m - MAXIMUM 30m	4	MINIMUM 29m - MAXIMUM 48m
2	MINIMUM 15m - MAXIMUM 40m	5	MINIMUM 9m - MAXIMUM 25.2m
3	MINIMUM 35m - MAXIMUM 49m	6	MINIMUM 24m - MAXIMUM 43m

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Schedule C4 Setbacks

All buildings in the MC-D1, and MC-D2 Zones as shown on Schedule C1 to this By-law shall be located in accordance with the following conditions:

Condition 1: On those lands shown as being subject to Condition 1, on this schedule, 80% of any *muna* wall facing the *streeline* shall be located no further than 6.0 metres from the *streeline*.

On those lands shown as being subject to Condition 1, on this schedule, the length of the *main wall* facing the Highway 7 streetline shall be equal to at least 80% of the length of the Highway 7 *lot line*.

On those lands shown as being subject to Condition 1, on this schedule, surface parking is permitted to within 6 metres of the Clegg Road *streetline*.

Condition 2: On those lands shown as being subject to Condition 2, on this schedule, 70% of any main wall facing the streetline shall be located no further than 6.0 metres from the streetline.

On those lands shown as being subject to Condition 2, on this schedule, the length of the *main wall* facing the Highway 7 *streetline* shall be equal to at least 70% of the length of the Highway 7 *lot line*.

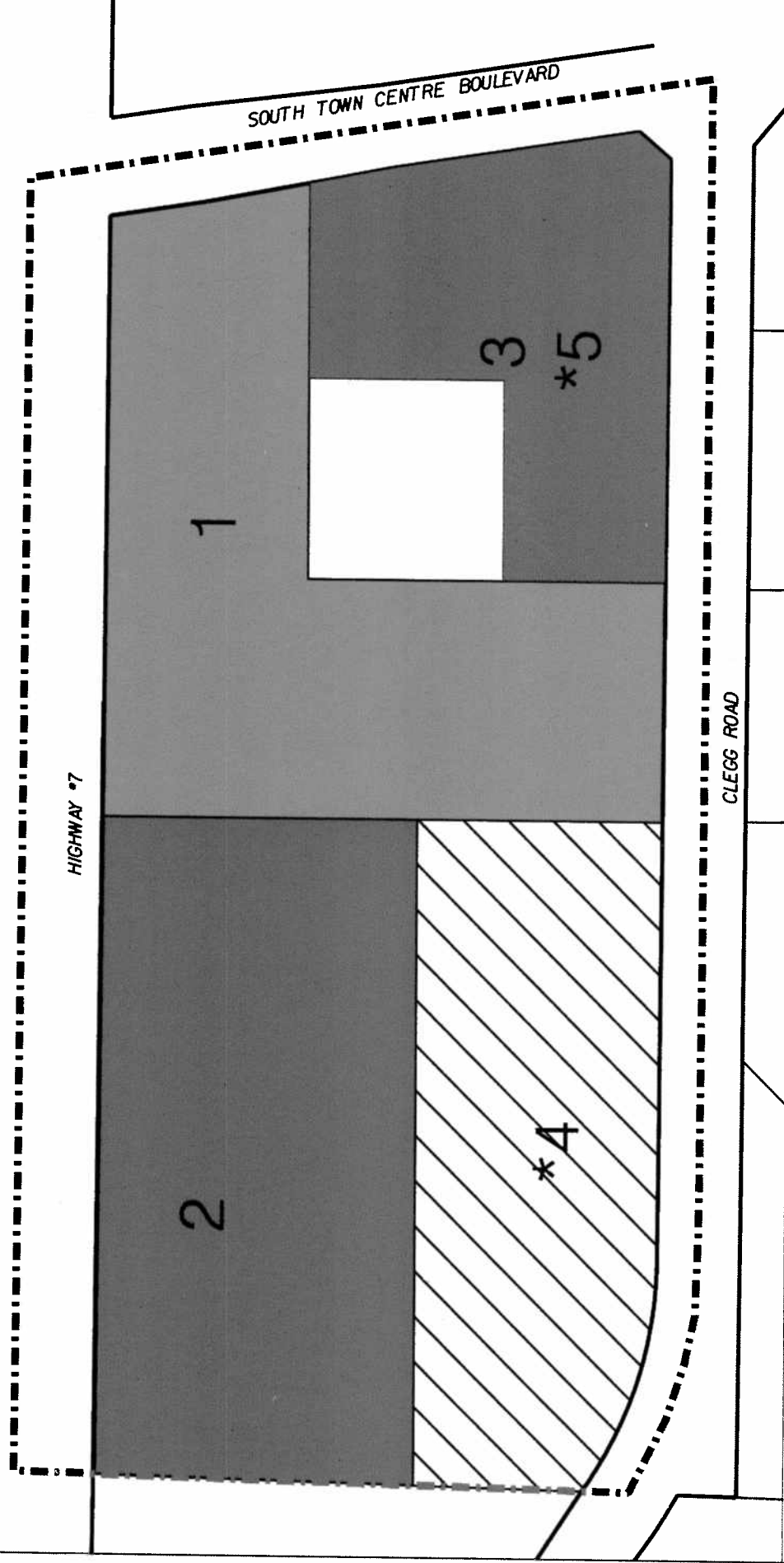
Condition 3: On those lands shown as being subject to Condition 3 on this schedule 80% of any wall facing South Town Centre Boulevard shall be located no further than 9.0 metres from the South Town Centre Boulevard *streetline*.

On those lands shown as being subject to Condition 3 on this schedule 80% of any wall facing Clegg Road shall be located no further than 7.0 metres from the Clegg Road *streetline*.

On those lands shown as being subject to Condition 3, on this schedule, the length of the *main wall* facing the South Town Centre Boulevard *streetline* shall be equal to at least 70% of the length of the South Town Centre Boulevard *lot line*.

On those lands shown as being subject to Condition 3, on this schedule, the length of the *main wall* facing the Clegg Road *streetline* shall be equal to at least 70% of the length of the Clegg Road *lot line*.

Notwithstanding Conditions 1, 2 and 3 above the maximum building setback does not apply to the portion of the building above the minimum building height as noted on Schedule C3.



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

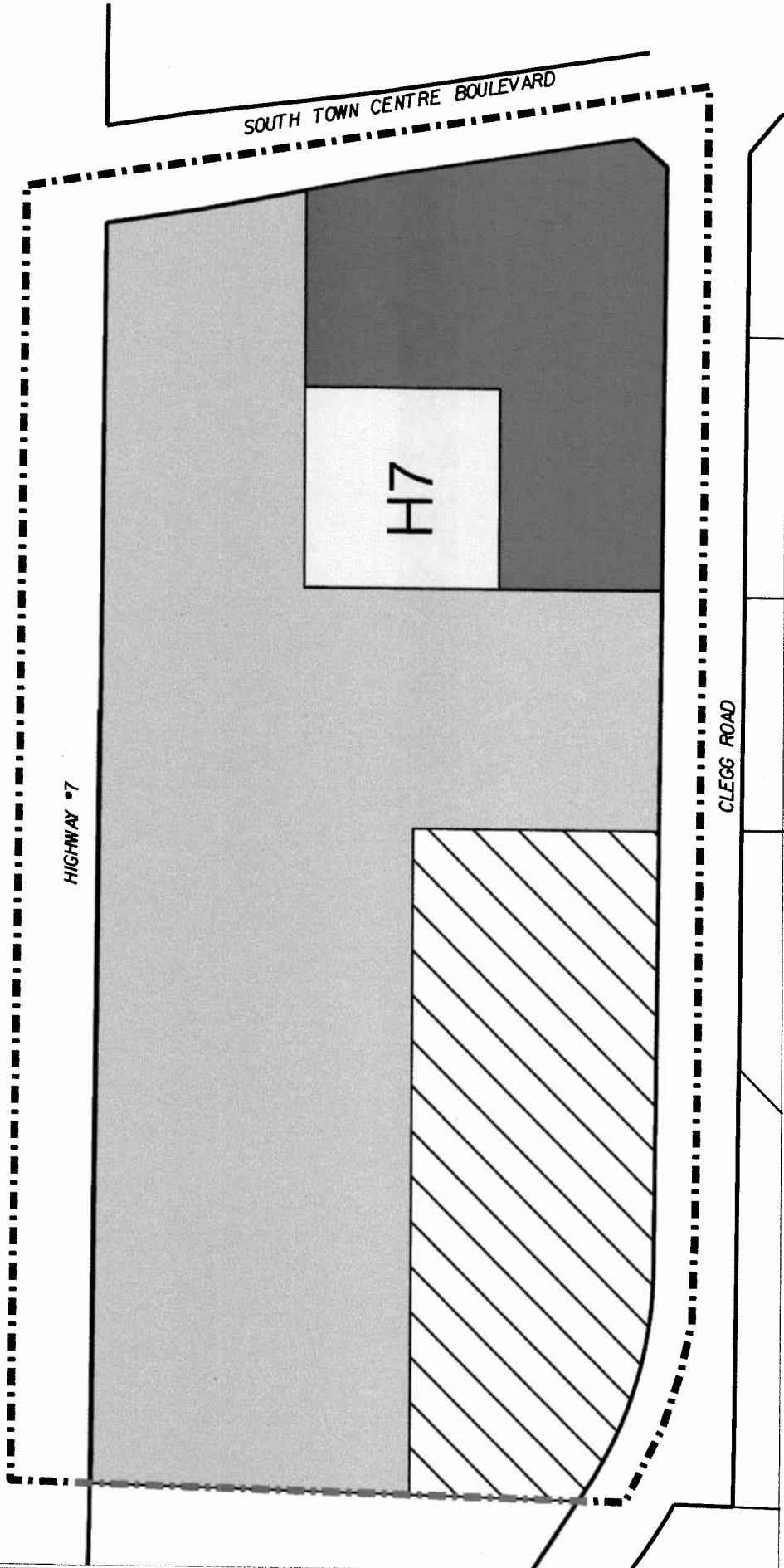
THIS IS SCHEDULE 'C4' TO BY-LAW
 PASSED
MAYOR
CLERK

	BOUNDARY OF AREA COVERED BY THIS BY-LAW	
	CONDITION 1	*4 REFER TO SECTION 6.4 OF THE BY-LAW
	CONDITION 2	*5 REFER TO SECTION 6.5 OF THE BY-LAW
	CONDITION 3	

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK



Schedule X3
Holding Zones



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'X3' TO BY-LAW
PASSED
.....MAYOR
..... CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

 H1, H2, & H6

 H2

 H7

NOTE: REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

