



Report to: Development Services Committee

Report Date: November 29, 2011

SUBJECT: RECOMMENDATION REPORT
Section 37 Contribution
H and W Development Corporation
East side of South Town Centre Boulevard between Clegg
Road and Cedarland Drive

Files: ZA 08 106754 and SC 05 027409

PREPARED BY: Scott Heaslip, Senior Project Coordinator
Central District, ext. 3140

REVIEWED BY: Richard Kendall, Manager
Central District, ext. 6588

RECOMMENDATION:

1. That the staff report dated December 6, 2011 titled "Section 37 Contribution, H and W Development Corporation, East side of South Town Centre Boulevard between Clegg Road and Cedarland Drive;" be received.
2. That Council authorize the Mayor and Clerk to enter into a Section 37 Agreement with H & W Development Corporation to secure a Section 37 contribution in the amount of \$250,000 for zoning application ZA 08 106754.
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

Development Services Committee approved zoning by-law amendment and endorsed site plan approval in November, 2010

The proposed development consists of four inter-connected apartment buildings accommodating a total of 663 apartment units as shown on Figure 2, attached. Final project plans have been endorsed by staff and the required site plan agreement is being prepared.

Section 37 contribution required

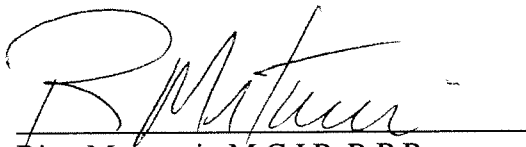
The proposed development represents a 40 unit increase over the previous zoning permissions. The Committee resolution approving the zoning amendment permitting the increased unit count and endorsing site plan approval for the development includes a provision authorizing staff to enter into negotiations with the applicant regarding a Section 37 contribution for the additional 40 units, to form the basis of a draft Section 37 Agreement to be brought back to Council for consideration. The zoning by-law amendment requires the execution of the Section 37 Agreement between the owner and the Town prior to the lifting of a holding provision from the zoning.

Applicant has offered to contribute towards improvements to the adjacent park block

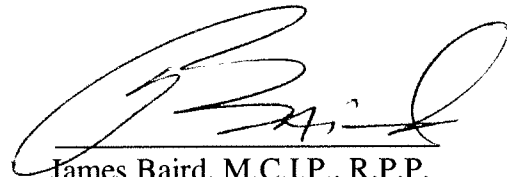
The applicant has submitted a letter (Appendix 'A') offering to contribute \$250,000 to assist in the delivery of various improvements to the adjoining park block. Based on discussions with staff, the applicant's submission also acknowledges that Council has the ultimate authority as to how the funds are to be applied, including other possible community benefits. This represents a contribution equivalent to \$6,250 for each of the 40 additional units. This is a significantly greater per-unit contribution than recent Section 37 contributions for apartment developments across the Town.

Staff recommend that Council accept this offer.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P. R.P.P.
Director of Planning and Urban Design



James Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1 - Location Map

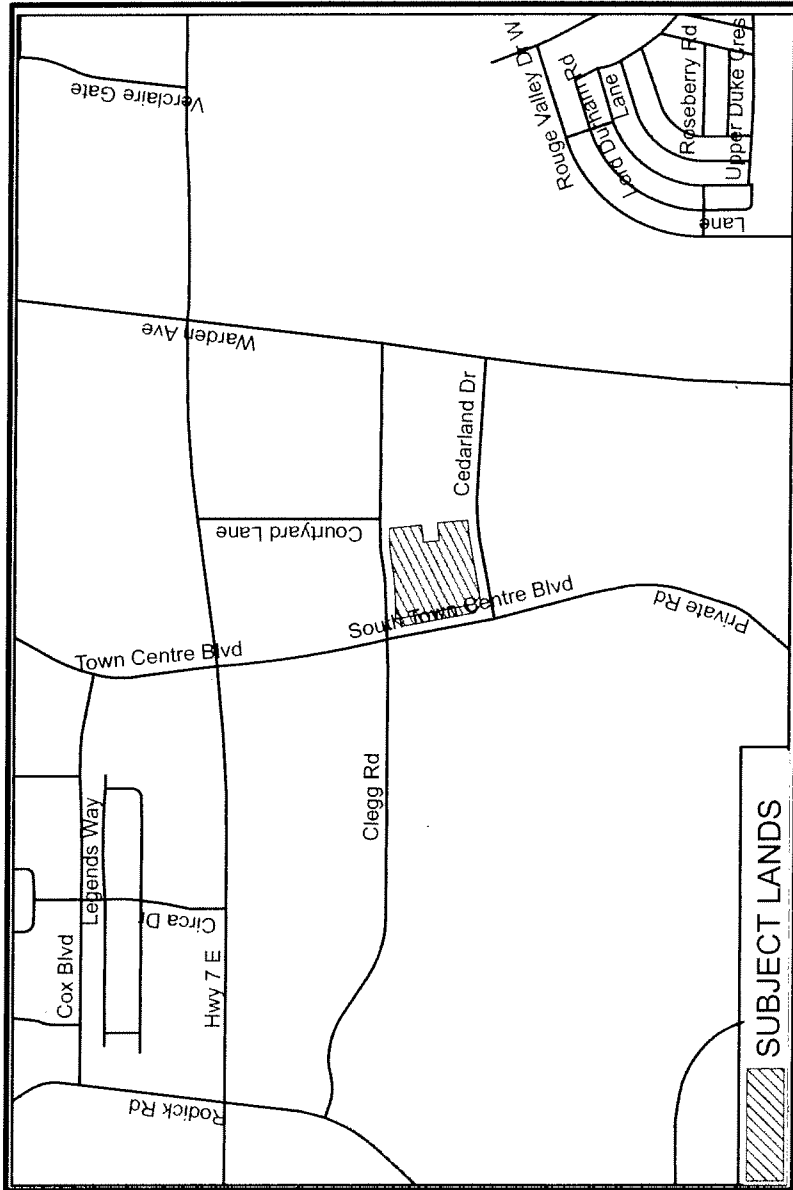
Figure 2 - Site plan

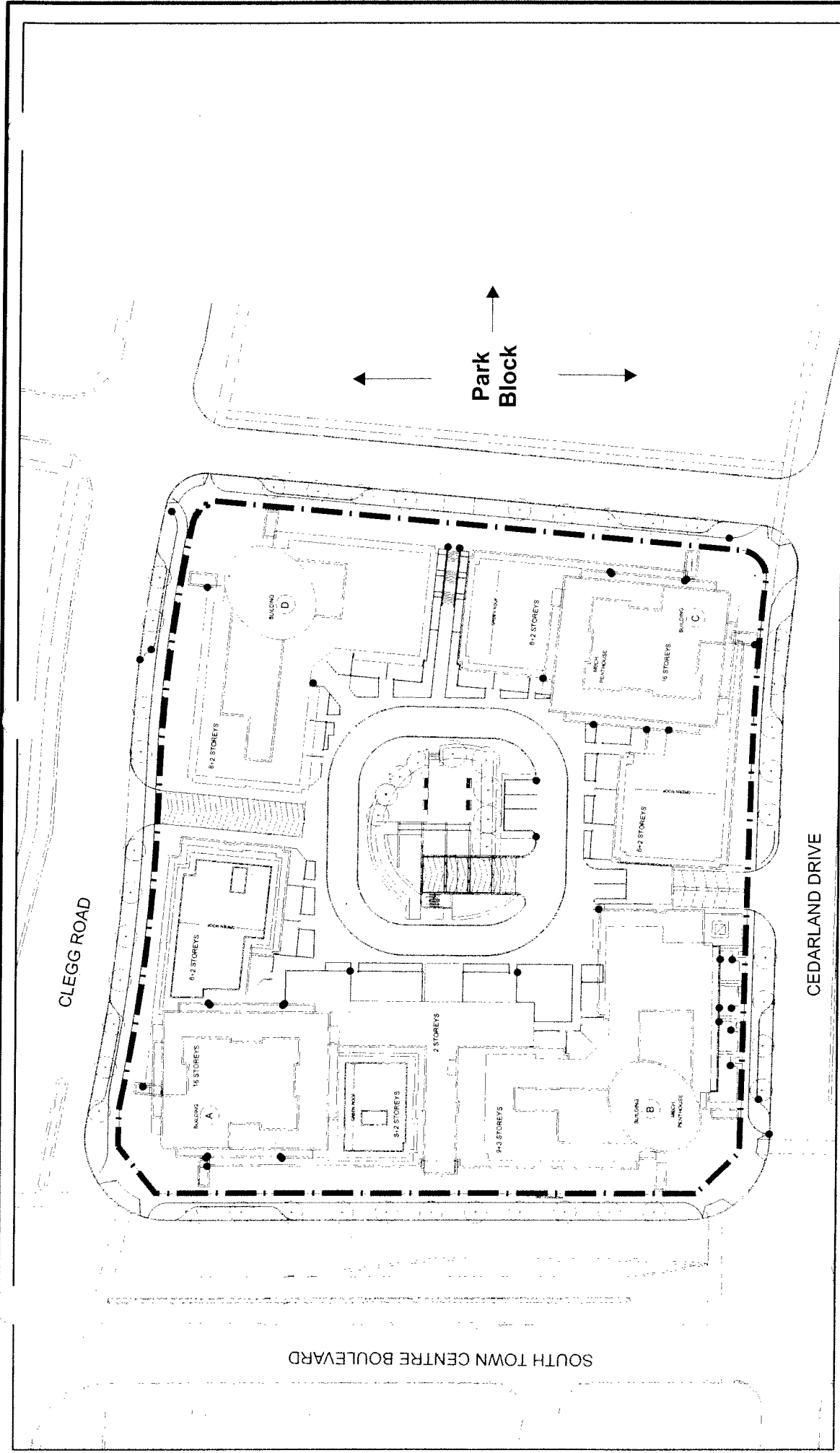
Appendix 'A' – letter from applicant

Applicant/Agent: Sal Crimi
S.C. Land Management Corporation
40 Vogell Road, Unit 14
Richmond Hill, Ontario
L4B 3N6

Tel: 905-787-1542
Email: scland@rogers.com

File path: Amanda\File 05 027409\Documents\Section 37 Report





SITE PLAN

APPLICANT: H & W DEVELOPMENTS CORPORATION
 EAST SIDE OF SOUTH TOWN CENTRE BLVD.
 NORTH OF CEDARLAND DRIVE

FILE No. SC. 05027409 (SH)

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S. C. LAND MANAGEMENT CORPORATION

DEVELOPMENT CONSULTANTS

Via e-mail and regular mail

November 14, 2011

Town of Markham
 Development Services
 101 Town Centre Boulevard
 Markham, Ontario L3R 9W3

Attention: Mr. James Baird, MCIP,RPP
 Commissioner, Development Services

Dear Mr. Baird.

Re: H and W Development Corporation
 East Side of Town Centre Boulevard between Clegg Road and
 Cedarland Drive
 Section 37 Contribution
 Town Files ZA 08 106754 and SC 05 027409

As a result of our meetings with you and your staff we are setting out our understanding of the matters related to the Section 37 contribution related to the above referenced applications by H and W Development Corporation ("H and W").

In late 2010 Council adopted the Town staff report to Development Services Committee (dated November 2, 2010) with a number of recommendations related to the applications for zoning amendment and site plan approval. The zoning by-law as approved by Council requires that H and W enter into an appropriate agreement with the Town pursuant to Section 37 of the Planning Act and specifically directed staff to enter into negotiations with the applicant and bring forward a draft Section 37 agreement to Council for consideration (Recommendation 6 of the staff report). The proposed development by H and W represents a 40 unit increase over the then in-force zoning provisions and the staff recommendation in their report indicates that it would be appropriate for a Section 37 contribution to relate to the increase in the number of dwelling units permitted on the H and W lands. The zoning bylaw amendment requires execution of a Section 37 Agreement between the owner and the Town prior to the lifting of the holding provision from the zoning.

In fulfillment of the requirement for the Section 37 agreement, H and W will contribute towards park improvements on Block 3, 65M-3998 which are beyond the improvement levels for a municipal parkland set out under the Town's Development Charges By-law. The contribution from H and W will assist in the delivery of various park improvement items including but not limited to grading, sodding, specialty park equipment, and , the construction of a new public

roadway to extend between Cedarland Drive and Clegg Road, through the Town's park land block. The contribution to the improvements within the park will assist in the implementation of the vision for this Town centre amenity.

H and W propose to contribute \$250,000 as their Section 37 contribution to the improvements within the Town's park Block 3, 65M-3998. However, we acknowledge that Council has the ultimate authority as to how the funds may be applied and may relate to other community benefits.

In our view the completion of the parkland improvements on Block 3, 65M-3998 advance municipal interests not previously contemplated or included in any development charge or capital forecast. This contribution represents approximately \$6,250.00 per unit of the additional 40 units approved in the zoning bylaw amendment now in force and effect on the H and W lands.

We would therefore respectfully request that staff reporting be brought forward to Council as directed with the draft Section 37 agreement to reference the above amount and the purposes for the payment in satisfaction of the condition prior to lifting the Holding provision.

We trust this properly reflects our discussions and should be taken as our client's position in addressing the Section 37 requirement related to the lifting of the holding provisions on the zoning of their lands.

Should you have any questions or wish to discuss this further please contact me.

Sincerely yours,



Sal Crimi, P.Eng.

cc Fred Wang, H and W
R. Dragicevic, Walker Nott Dragicevic Associates Limited