



Report to: Council

Date of Meeting: June 27, 2006

SUBJECT: Hold Removal By-law
Costco Wholesale (Canada) Ltd
65 Kirkham Drive

PREPARED BY: Marg Wouters, Senior Planner, East District, ext. 2758

RECOMMENDATION:

That the attached zoning by-law to remove the Hold provision on the lands municipally known as 65 Kirkham Drive be enacted.

PURPOSE:

The purpose of the report is to recommend removal of the Hold provision for the zoning on lands municipally known as 65 Kirkham Drive, as proposed by Costco Wholesale Canada Ltd.

BACKGROUND:

An application to remove the Hold on a 5.2 ha property municipally known as 65 Kirkham Drive has been submitted by the applicant. Draft approval for a plan of subdivision was granted in February, 2006 and a site plan was endorsed by Council at the same time. The lands were zoned with a Hold prior to plan of subdivision and site plan application. Conditions of hold removal in the zoning by-law include execution of a site plan agreement and subdivision agreement, and other requirements related to the transportation network, environmental clearance, etc., which will be satisfied through the subdivision agreement and site plan agreement processes.

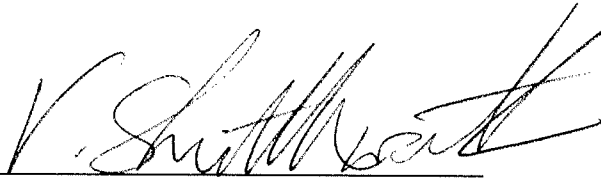
OPTIONS/ DISCUSSION:

A subdivision agreement and site plan agreement are currently being prepared and are expected to be executed during the summer recess. The applicant is requesting the Hold removal by-law be enacted at this time, so that the issuance of a building permit is not delayed once the required agreements have been executed. Staff are satisfied that the appropriate agreements will be executed shortly, and that the applicant will not be able to obtain a building permit prior to execution of the appropriate agreements. The applicant has provided an undertaking which stipulates that in consideration of the Town removing the Hold provision, the applicant will not compel issuance of a building permit unless and until the site plan agreement has been executed. Staff therefore recommend that the attached Hold removal by-law be enacted.

FINANCIAL TEMPLATE:

Not applicable.

RECOMMENDED BY:



Valerie Shuttleworth, M.C.I.P., R.P.P.
Director, Planning & Urban Design



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

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ATTACHMENTS:

Hold Removal By-law

**EXPLANATORY NOTE
TO BY-LAW _____**

A By-law to Remove a Holding Symbol

65 Kirkham Drive
Armadale Planning District

LANDS AFFECTED

The 5.2 hectare (12.8 acre) property is located on the south side of Kirkham Drive, east of Markham Road.

EXISTING ZONING

The lands are zoned Major Commercial*252(Hold) – [MJC*252(H)].

PURPOSE OF THE BY-LAW

The purpose of the proposed amendment is to remove a Holding (H) provision. The Hold removal was subject to the execution of a site plan agreement and/or subdivision agreement and a number of conditions which will be satisfied through the site plan or subdivision agreement. The owner has substantially complied with the conditions to remove the Holding provisions from the by-law.

EFFECT OF THE BY-LAW

The effect of the proposed amendment is to permit the construction of a retail store on the subject lands.

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

Being a by-law to regulate the use of land and the erection or use of buildings or structures and to regulate the type of construction, height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures in a defined area of the Town of Markham

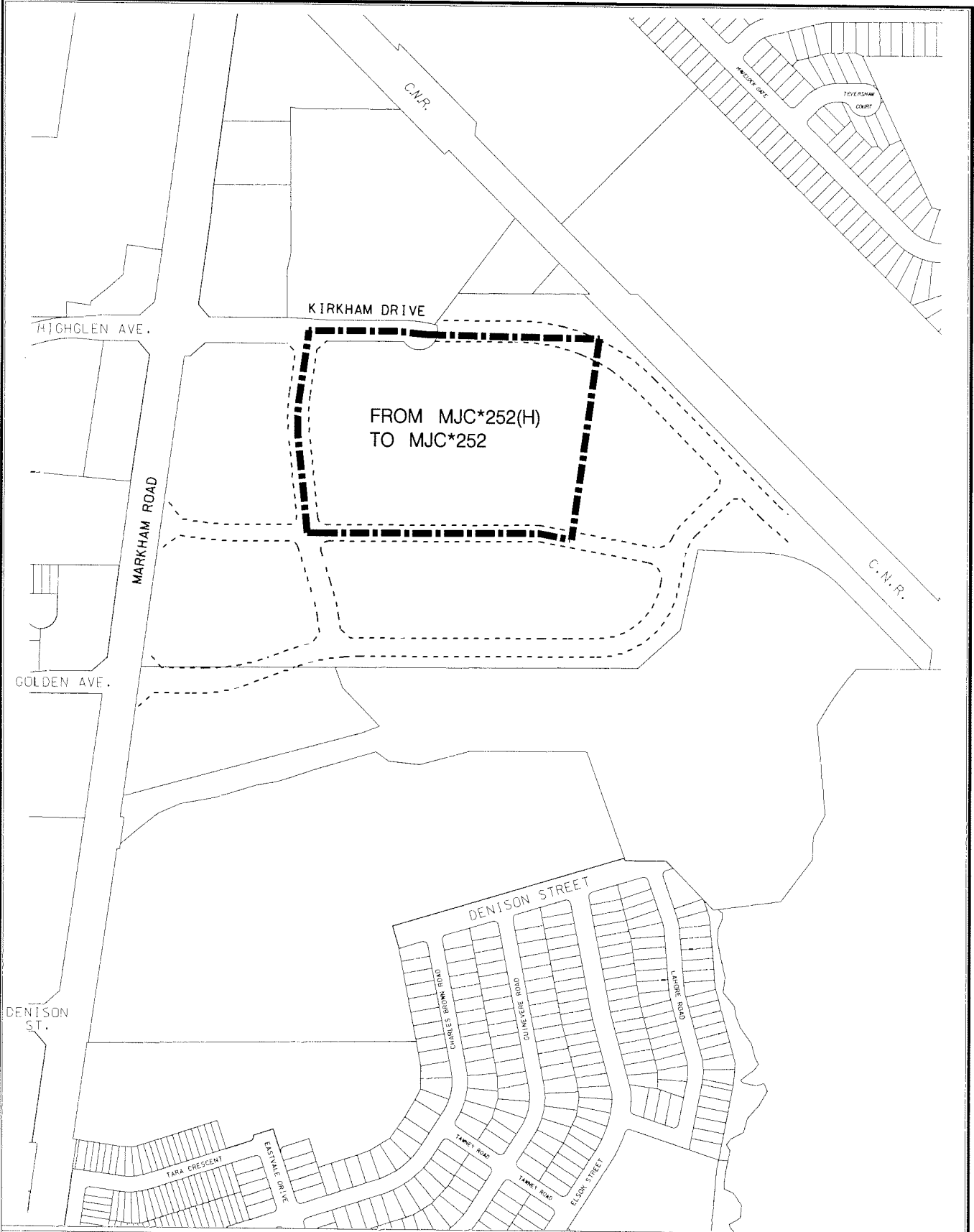
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 177-96, as amended by By-law 2004-281, is hereby further amended as follows:
 - 1.1. By rezoning the lands identified on Schedule 'A' attached hereto from:

Major Commercial*252 (Hold) – [MJC*252(H)]





to

Major Commercial*252 – [MJC*252]
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

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

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW
-  MAJOR COMMERCIAL
-  HOLDING PROVISION
-  EXCEPTION NUMBER



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

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: 6000