



Report to: Council

Date of Meeting: June 27, 2006

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**SUBJECT:** Hold Removal By-law  
Neamsby Investments Inc  
7363 Kennedy Road  
Southeast corner of Kennedy Road/Denison St

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

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**RECOMMENDATION:**

That the attached zoning by-law to remove the Hold provision on the lands at the southeast corner of Kennedy Road and Denison Street, municipally known as 7363 Kennedy Road be enacted.

**PURPOSE:**

The purpose of the report is to recommend removal of the Hold provision for the zoning on lands municipally known as 7363 Kennedy Road, as proposed by Neamsby Investments Inc.

**BACKGROUND:**

An application to remove the Hold on a 1.8 ha (4.4 ac) property at the southeast corner of Kennedy Road and Denison Street municipally known as 7363 Kennedy Road has been submitted by the applicant. A site plan was endorsed by Council in September, 2005. Conditions of hold removal in the zoning by-law include execution of a site plan agreement, and other requirements related to the transportation network, environmental clearance, etc which will be satisfied through the site plan agreement.

**OPTIONS/ DISCUSSION:**

A site plan agreement is currently being prepared and is 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 agreement has been executed. Staff are satisfied that the site plan agreement will be executed shortly, and that the applicant will not be able to obtain a building permit prior to execution of the agreement. 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:**

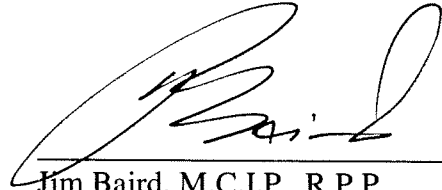
Not applicable.

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**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

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**EXPLANATORY NOTE  
TO BY-LAW \_\_\_\_\_**

**A By-law to Remove a Holding Symbol**

7363 Kennedy Road  
Milliken Main Street Secondary Plan  
Risebrough Planning District

**LANDS AFFECTED**

The 1.8 hectare (4.6 acre) property is located at the southeast corner of Kennedy Road and Denison Street.

**EXISTING ZONING**

The lands are zoned Residential Four\*301(Hold) – [R4\*301(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 a number of conditions which will be satisfied through the site plan agreement. The owner has substantially complied with the conditions to remove the Holding provisions from the zoning by-law.

**EFFECT OF THE BY-LAW**

The effect of the proposed amendment is to permit the construction of an apartment development on the subject property.

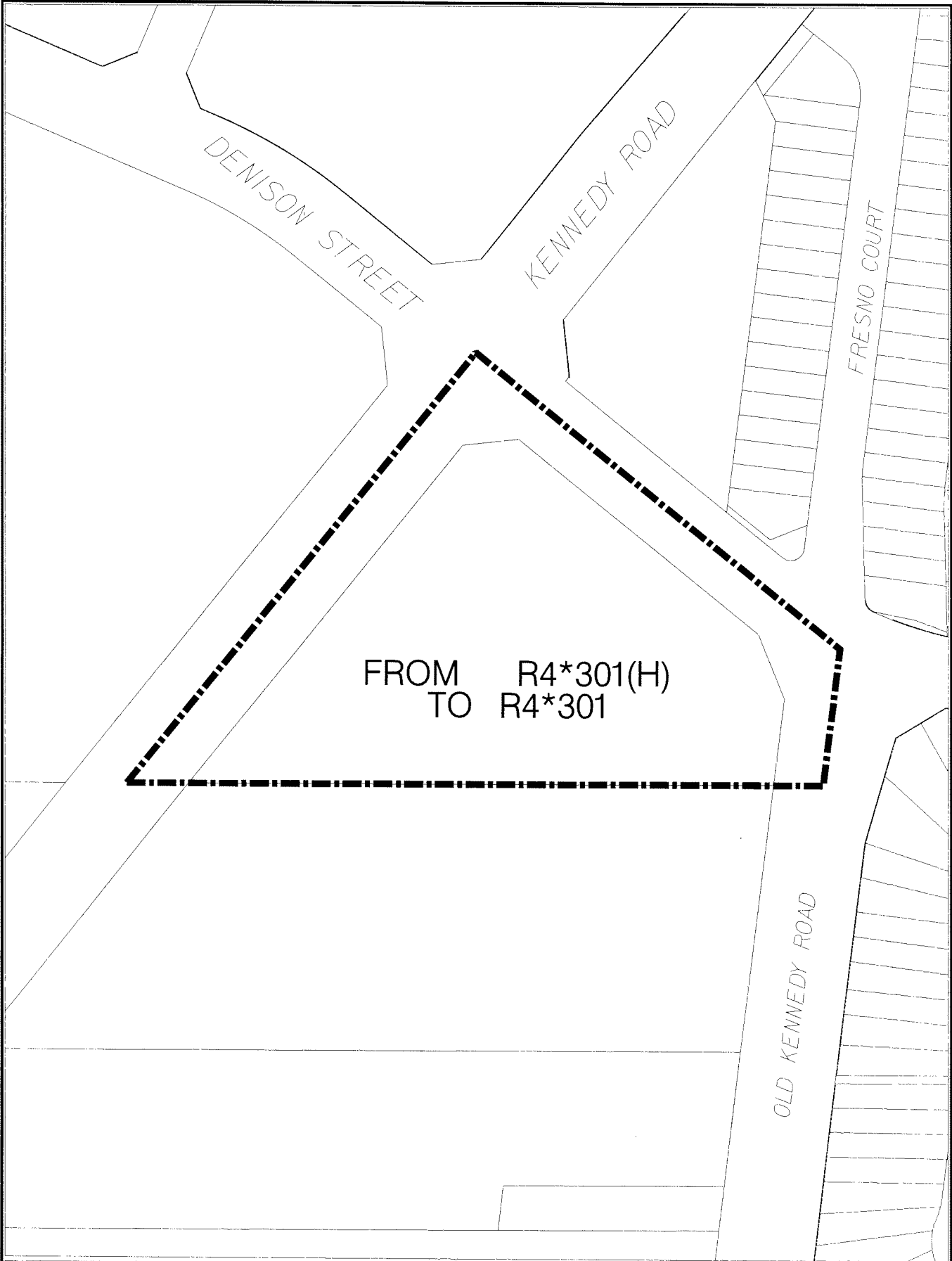
A by-law to amend By-law 177-96, as amended

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

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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 2005-359, is hereby further amended as follows:
  - 1.1. By rezoning the lands identified on Schedule 'A' attached hereto from:  
  
Residential Four\*301 (Hold) – [R4\*301(H)]  
  
to  
  
Residential Four\*301– (R4\*301)
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

☐ R4

RESIDENTIAL FOUR

☐ (H)

HOLDING PROVISION

☐ \*(No)

EXCEPTION SECTION 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: 2000