



Report to: Council

Date of Meeting: June 27, 2006

SUBJECT: Hold Removal By-law
Old Kennedy Co-operative Development Corporation
90 & 108 Old Kennedy Road

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 90 & 108 Old 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 90&108 Old Kennedy Road, as proposed by Old Kennedy Co-operative Development Corporation.

BACKGROUND:

An application to remove the Hold on a 1.56 ha (3.85 ac) property at 90 & 108 Old Kennedy Road has been submitted by the applicant. A site plan was approved by Council in June, 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. Council also, in March 2005, approved the deferral of Town-wide development charges and cash-in-lieu of parkland for this affordable housing project subject to execution of a separate agreement regarding the deferred charges (deferral agreement).

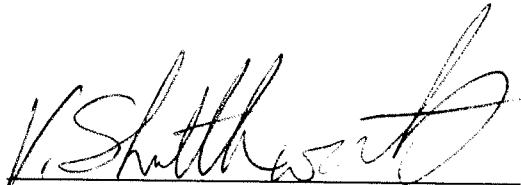
OPTIONS/ DISCUSSION:

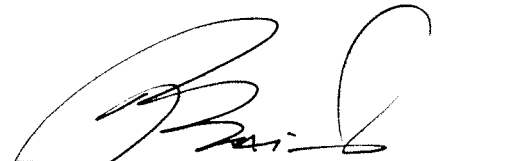
A site plan agreement is currently being prepared and is expected to be executed during the summer recess. The applicant is requesting the Hold removal by-law be enacted at this time, so that the issuance of a building permit is not delayed once the required agreement has been executed. Staff are satisfied 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 and all fees and letters of credit provided. In addition, the Town will delay execution of the deferral agreement until the site plan agreement has been executed and all requirements for execution of the site plan agreement have been satisfied. Staff therefore recommend that the attached Hold removal by-law be enacted.

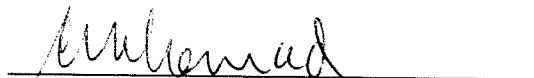
FINANCIAL TEMPLATE:

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


Catherine Conrad, Town Solicitor

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ATTACHMENTS:
Hold Removal By-law

**EXPLANATORY NOTE
TO BY-LAW _____**

A By-law to Remove a Holding Symbol

Lots 1 and 2, Plan 3580 (formerly 90 & 108 Old Kennedy Road)
Risebrough Planning District

LANDS AFFECTED

The 1.21 hectare (2.99 acre) subject lands are located on the east side of Old Kennedy Road, north of Steeles Avenue, and are legally described as Lots 1 and 2, Plan 3580.

EXISTING ZONING

The lands are zoned Community Amenity One*281 (Hold) – [CA1*281(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 townhouse, stacked townhouse and mixed-use development 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

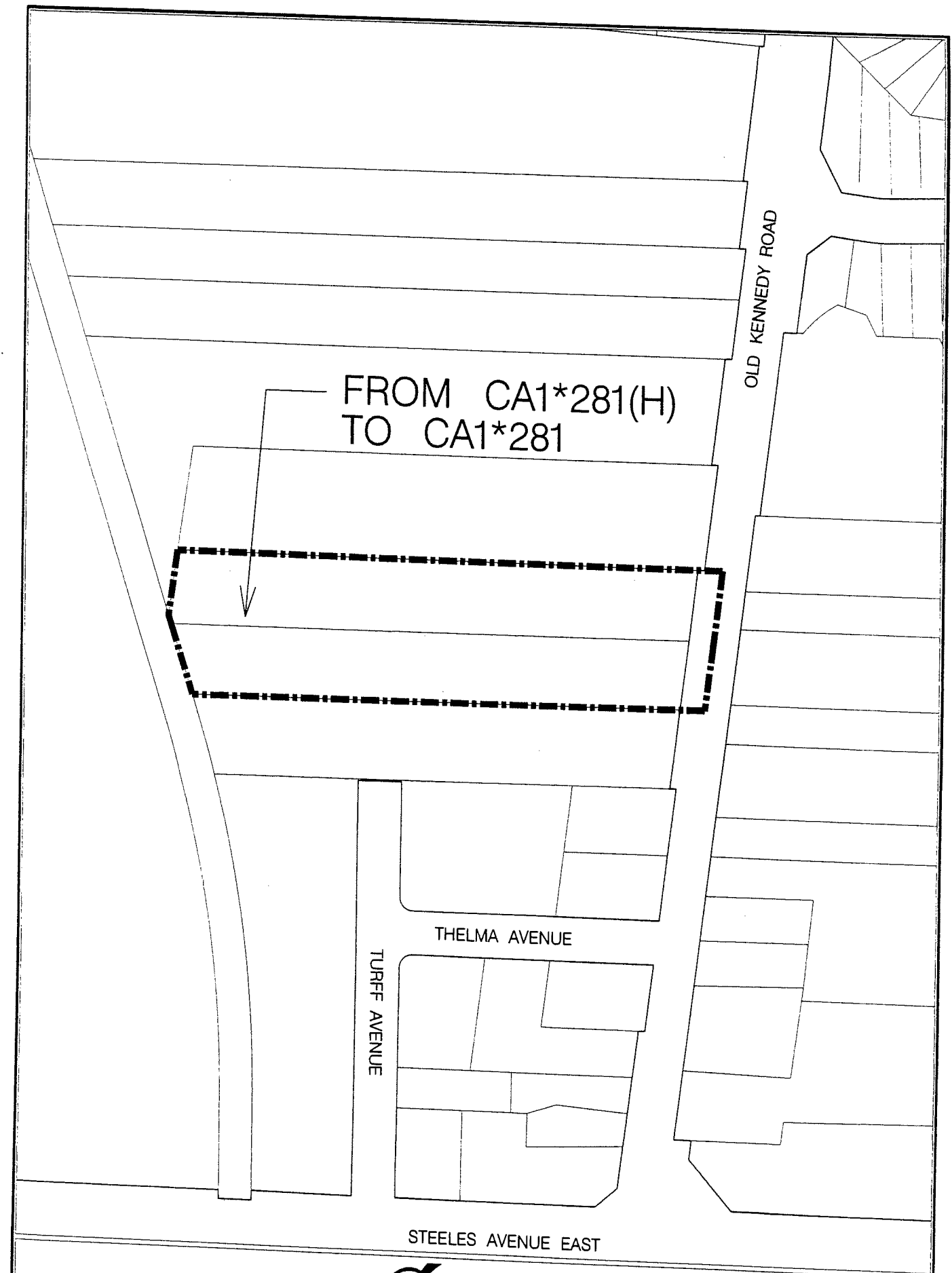
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 177-96, as amended by By-law 2005-205, is hereby further amended as follows:
 - 1.1. By rezoning the lands identified on Schedule 'A' attached hereto from:

Community Amenity One*281 (Hold) – [CA1*281(H)]




to

Community Amenity One*281 – (CA1*281)
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



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

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

-  COMMUNITY AMENITY ONE
-  EXCEPTION SECTION NUMBER
-  HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY, 2005

..... 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: NA