



Report to: Council

Date of Meeting: June 27, 2006

SUBJECT: Hold Removal By-law
Liberty Development Corporation (2015776 Ontario Lnc.)
East Side of South Town Centre Boulevard, South of Highway 7
Part of Lot 10, Concession 4
Markham Centre

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

RECOMMENDATION:

That the attached zoning by-law to remove the Hold (H1 and H2) provision from a portion (approximately 0.8 ha [2 acres]) (Appendix A) of the Liberty Development Corporation lands fronting on the east side of South Town Centre Boulevard, south of Highway 7, be enacted.

PURPOSE:

The purpose of the report is to recommend removal of the Hold (H1 and H2) provision from a portion of the Liberty Development Corporation lands fronting on the east side of South Town Centre Boulevard, south of Highway 7, to allow construction to proceed on two residential buildings.

BACKGROUND:

In May, 2005, Council granted site plan approval for Phase 1A of the Liberty development, which includes a 12 storey and a 5 storey office buildings, a “suites” hotel, and two residential buildings (311 units). The Owner subsequently entered into a site plan agreement with the Town for the two office buildings, which are now under construction.

On June 20, 2006, Development Services Committee approved a site plan application to convert the suites hotel to residential use, and for the last remaining residential building in the Phase 1 area.

OPTIONS/ DISCUSSION:

The applicant wishes to proceed with construction of the two residential buildings which were approved in May, 2005.

The site of these proposed buildings is subject to a Holding provision. Removal of the Hold is conditional on a number of items including the execution of a developers group agreement for Markham Centre, a subdivision agreement for the subject lands, a site plan agreement for the proposed residential buildings and an amendment to the "no pre-sale agreement" between Liberty and the Town. These agreements are all 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 required 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 (attached as Appendix B) 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 conditions set out in the by-law for removal of the Hold have been satisfied. Staff therefore recommend that the attached Hold removal by-law (Appendix A) be enacted.

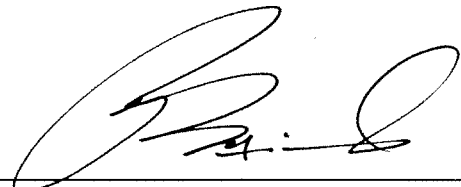
FINANCIAL TEMPLATE:

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

ATTACHMENTS:

Appendix A - Hold Removal By-law

Appendix B - Undertaking from Owner

APPENDIX A

EXPLANATORY NOTE

BY-LAW NO. 2006-XXX

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

Liberty Development Corporation (2015776 Ontario Inc.)
East side of South Town Centre Boulevard, south of Highway 7
Part of Lot 10, Concession 4
Markham Centre

LANDS AFFECTED

This by-law applies to a portion (approximately 0.8 ha [2 acres]) of the Liberty Development Corporation lands (as outlined in Schedule A of this By-law), fronting on the east side of South Town Centre Boulevard, south of Highway 7.

EXISTING ZONING

The lands are zoned Markham Centre Downtown Two (Hold) [MC-D2(H1 and H2)] under By-law 2004-196, as amended.

PURPOSE OF THE BY-LAW

The purpose of the proposed amendment is to remove the Holding (H1 and H2) provisions from a portion of the Liberty lands.

EFFECT OF THE BY-LAW

The effect of the proposed by-law is to permit the construction of two connected residential buildings (311 units) fronting on South Town Centre Boulevard, south of Highway 7.



BY-LAW 2006-XXX

*A by-law to amend By-law 2004-196, as amended
(To remove the Holding (H1 and H2) zoning provisions)*

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

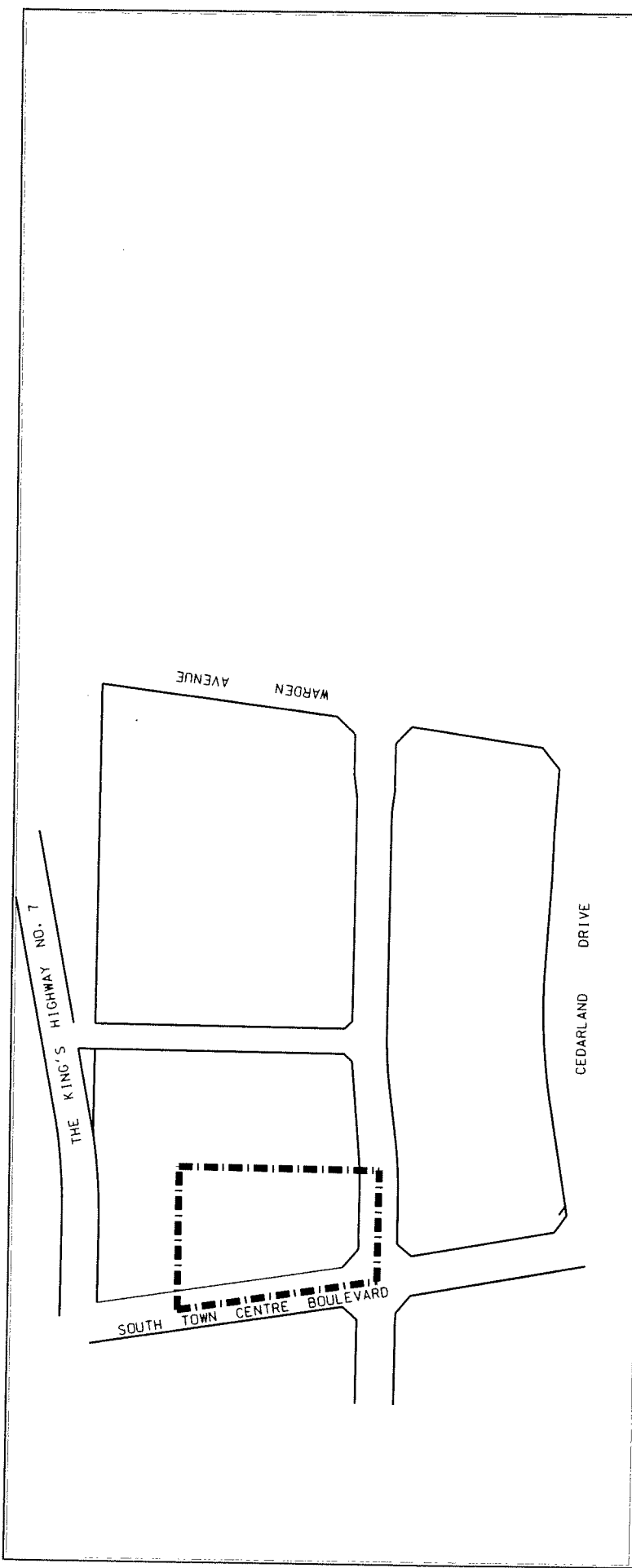
1. By-law 2004-196, as amended, is hereby further amended as follows:
 - 1.1 By rezoning the lands outlined on Schedule 'A' hereto from:

Markham Centre Downtown Two (Hold) [MC-D2 (H1 and H2)] to
Markham Centre Downtown Two (MC-D2)
2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XXTH DAY OF XXXX, 2006.

SHEILA BIRRELL
TOWN CLERK

DON COUSENS
MAYOR



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'A' TO BY-LAW
 PASSED 2004
 MAYOR
 CLERK

NOTE: REFERENCE SHOULD BE MADE TO
 THE ORIGINAL BY-LAW LODGED IN
 THE OFFICE OF THE CLERK
 SCALE 1:3000

BOUNDARY OF AREA COVERED BY THIS BY-LAW



2015776 Ontario Inc.
505 Hwy #7 East, Suite 303
Thornhill, ON L4J 3E9

June 26, 2006

To Whom It May Concern:

**Re: 2015776 Ontario Inc. Removal of "H" – Residential Development Phase I, Bldgs 1,2,3
&4**

In consideration of the Council of the Town removing the "H" as it relates to the lands zoned MC-D2 by By-law 2004-196, as amended by By-law 2004-197, prior to the owner complying with all of the provisions for lifting the H set out in By-law 2004-197 hereby undertakes that it will not take any steps to compel the issuance of a building permit for any permitted use unless and until a site plan agreement has been executed by 2015776 Ontario Inc. and the Town, a Developer's Cost Sharing Agreement has been executed and the Subdivision Agreement has been executed by 2015776 Ontario Inc. and the Town. Further, 2015776 Ontario Inc. covenants and agrees that it shall not initiate an appeal under Section 25 of the *Building Code Act* in respect of any refusal by the Chief Building Official to issue a permit on the grounds that a site plan agreement has not been executed, and acknowledges that the Town can rely on this undertaking in the event that such an appeal is made by 2015776 Ontario Inc.

Yours very truly,

2015776 Ontario Inc.



per: Fred Darvish a.s.o.