

TO:

Sheila Birrell, Town Clerk

FROM:

Jim Baird, Commissioner of Development Services

DATE:

March 22, 2007

Re:

Hold Removal By-law

Calloway REIT (Woodside II) Inc., La-Z-Boy

3075 Highway 7

On September 26, 2006 Development Services Committee endorsed site plan approval for a proposed commercial building on the south side of Highway 7, east of Woodbine Avenue, to be occupied by a La-Z-Boy store.

The zoning of the portion of the property to be occupied by the La-Z-Boy building is subject to a hold. Normal Town practice is to remove the hold following execution of the site plan agreement.

Final project plans were recently endorsed and the Legal Services Department is preparing the site plan agreement.

The applicant has applied for a conditional building permit to allow construction to commence prior the execution of the site plan agreement, and has provided an undertaking (attached) not to compel issuance of a full building permit until the required site plan agreement has been executed.

On the basis of the applicant's undertaking, staff recommend that the attached Hold removal by-law be enacted.



REAL ESTATE INVESTMENT TRUST

March 9, 2007

Town of Markham 101 Town Centre Boulevard, Markham, ON L3R 9W3

Dear Sirs:

Re: Calloway REIT (Woodside II) Inc.

3075 Highway 7

Removal of "H" - Holding Zoning

In consideration of the Council of the Town of Markham removing the "H" – Holding provision from the zoning of the lands outlined above prior to the Owner complying with all of the provisions for removing the "H" set out in the Council resolution dated September 26, 2006, the Owner hereby undertakes that it will not take any steps to compel the issuance of a full building permit unless and until the Owner has entered into a site plan agreement with the Town.

Further, the Owner 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 full permit on the grounds that a site plan agreement has not been executed, and acknowledges the Town can rely on this undertaking in the event that such an appeal is made by the Owner.

Yours truly,

Calloway REIT (Woodside II) Inc.

Robert Blacklock Director Development

EXPLANATORY NOTE

BY-LAW NO. 2007-XXX

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

Calloway REIT (Woodside II) Inc., La-Z-Boy 3075 Highway 7
Part of Lot 10, Concession 4

LANDS AFFECTED

This by-law applies to certain lands on the south side of Highway 7, east of Woodbine Avenue, as outlined in Schedule A of the attached By-law.

EXISTING ZONING

The lands are zoned (Holding) Retail Warehouse [(H)RW] under By-law 165-80, as amended.

PURPOSE OF THE BY-LAW

The purpose of the proposed amendment is to remove the Holding (H) provision from the zoning of the lands.

EFFECT OF THE BY-LAW

The effect of the proposed by-law is to permit the construction of a commercial building to be occupied by a La-Z-Boy store.



BY-LAW 2007-XXX

A by-law to amend By-law 165-80, as amended (To remove a Holding (H) zoning provision)

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

- 1. By-law 165-80, as amended, is hereby further amended as follows:
 - 1.1 By rezoning the lands outlined on Schedule 'A' hereto from:

(Holding) Retail Warehouse to Retail Warehouse

2. All other provisions of By-law 165-80, 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 27th DAY OF March, 2007.

SHEILA BIRRELL	FRANK SCARPITTI
TOWN CLERK	MAYOR