

COMMITTEE OF THE WHOLE JUNE 3, 2002

**SITE DEVELOPMENT FILE DA.98.099
802282 ONTARIO LTD.
ONTARIO MUNICIPAL BOARD HEARING**

Recommendation

The Commissioner of Planning recommends:

THAT the amendment to the site plan agreement for File DA.98.099 (802282 Ontario Ltd.) BE APPROVED, in accordance with the decision of the Ontario Municipal Board.

Purpose

On May 13, 2002, Council directed that a progress report regarding an amendment to the site plan agreement (DA.98.099) be brought back to the next available Committee of the Whole upon receipt of the written order by the Ontario Municipal Board.

Background - Analysis and Options

On December 6, 2001, the Committee of Adjustment refused Application A342/01 (802282 Ontario Ltd.) requesting a number of variances to the zoning standards to permit the continued construction of a 2-storey mixed-use commercial/residential building at 10472 Islington Avenue. The Owner appealed the decision to the Ontario Municipal Board and a hearing was held on March 12, 2002. The OMB approved the variances in an oral decision issued April 8, 2002.

Council approved the site plan for the development of the subject property on November 15, 1999 and the corresponding Site Plan Agreement was registered on September 18, 2001.

To satisfy the requirement of the OMB approval that the site plan be amended, the Owner submitted a revised site plan (Attachment #2), which includes the following variances, as approved by the Board:

- i) minimum landscaping as shown
- ii) minimum front yard of 3.5m
- iii) minimum rear yard of 11.45m
- iv) minimum interior side yard of 1.88m
- v) minimum of 81 parking spaces

The revised site plan was considered by Committee of the Whole and on May 13, 2002, Council resolved, in part:

“That upon receipt of the written order by the Ontario Municipal Board, staff be requested to bring back a progress report to the next available Committee of the Whole addressing the following:

That the support structures for fire escapes be cut back to reflect the final smaller landings;

That additional landscaping, including measures to address the potential phone booth relocation, be addressed;

That the air conditioning units along the north side of the applicant's building be located near the ground and within the specifications as outlined by the Ontario Municipal Board;

That a surveyors certified as built drawings be provided to the City indicating the actual building height and other pertinent measures as determined by staff;

That the applicant, staff, adjacent owner and other affected parties, including Kleinburg and Area Ratepayers Association, meet to attempt to resolve these outstanding issues, and these findings be referred back to Council for its final decision; and

That the site plan come back to Council for final approval prior to the summer break, if possible.”

Revisions to the Site Plan

The Ontario Municipal Board issued their written order on May 15, 2002. A site meeting was held on May 23, 2002 with the Kleinburg and Area Ratepayers Association, representatives of the adjacent landowner, and Planning and Building Department Staff. At that meeting, the Owner agreed to reduce the support structures for the fire escapes, and to use a more decorative railing (wrought iron style) for the fire escape closest to the front of the building.

The phone booth has been removed and in its place, the Owner has agreed to construct a planter box with two Junipers to screen the fire escapes from Islington Avenue. The planter box is to match the wall of the existing planter, subject to the removal of 2 panels of the fence, which belongs to the adjacent landowner. Should the fencing not be removed, the planter box can be constructed at a slightly lower height than the existing planter and the landscaping screen will be provided.

The Owner also agreed to install air conditioning units in accordance with Section 3.14(a) of By-law 1-88, which allows the units to project into a side yard by no more than 0.5 m.

The Owner has had a surveyor certify that the building height 9.49 m, whereas the maximum building height permitted in By-law 1-88 for this zone is 11 m.

Conclusion

The Owner has addressed Council's concerns identified in the May 13, 2002 resolution, and the site plan has been revised to reflect the changes.

Attachments

1. Location Map
2. Revised Site Plan
3. Council Extract – May 13, 2002, Item 19, Report No.34

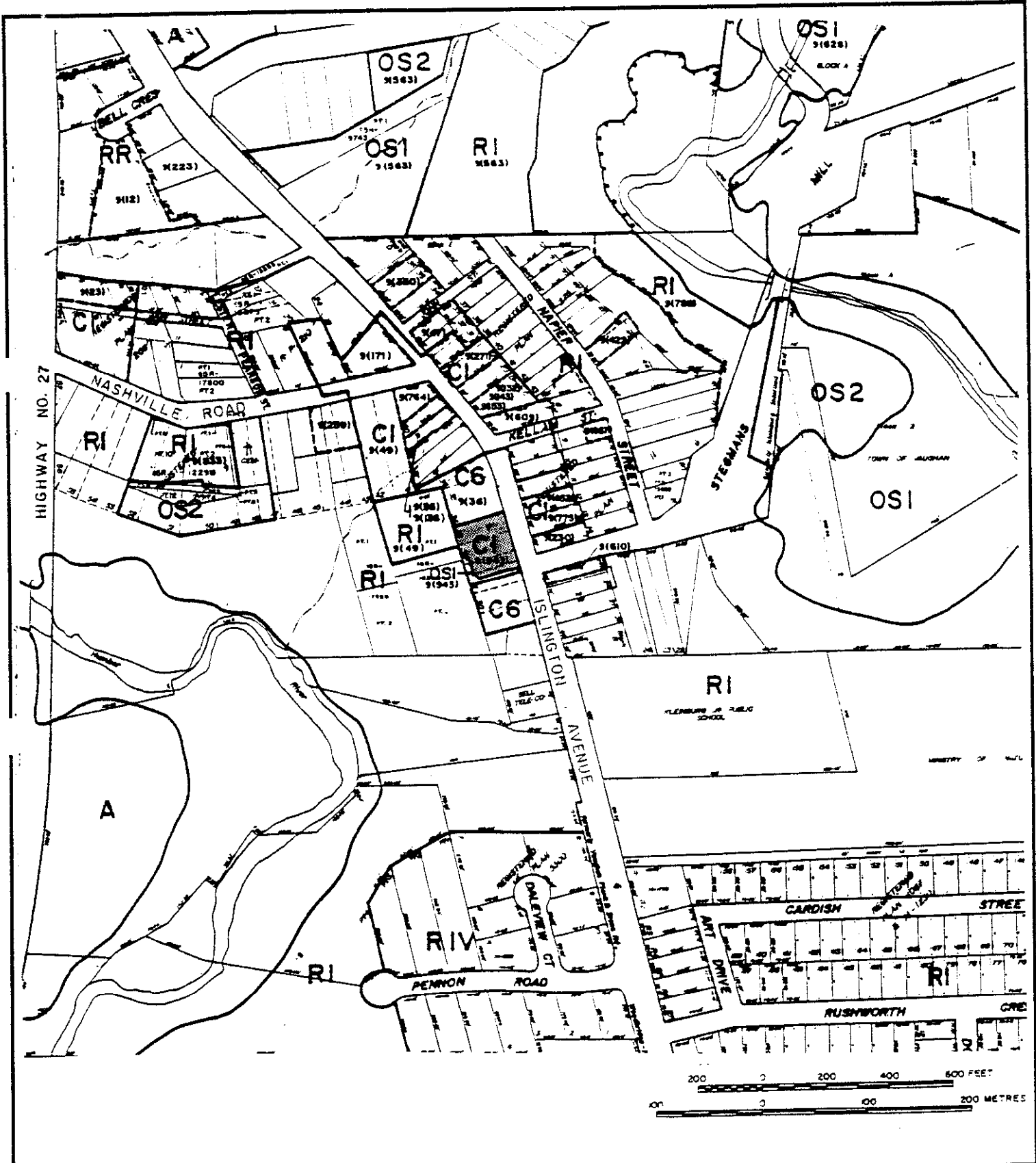
Report prepared by:

Todd Coles, Planner, ext. 8634
Art Tikiryán, Senior Planner, ext. 8212
Marco Ramunno, Manager, Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning



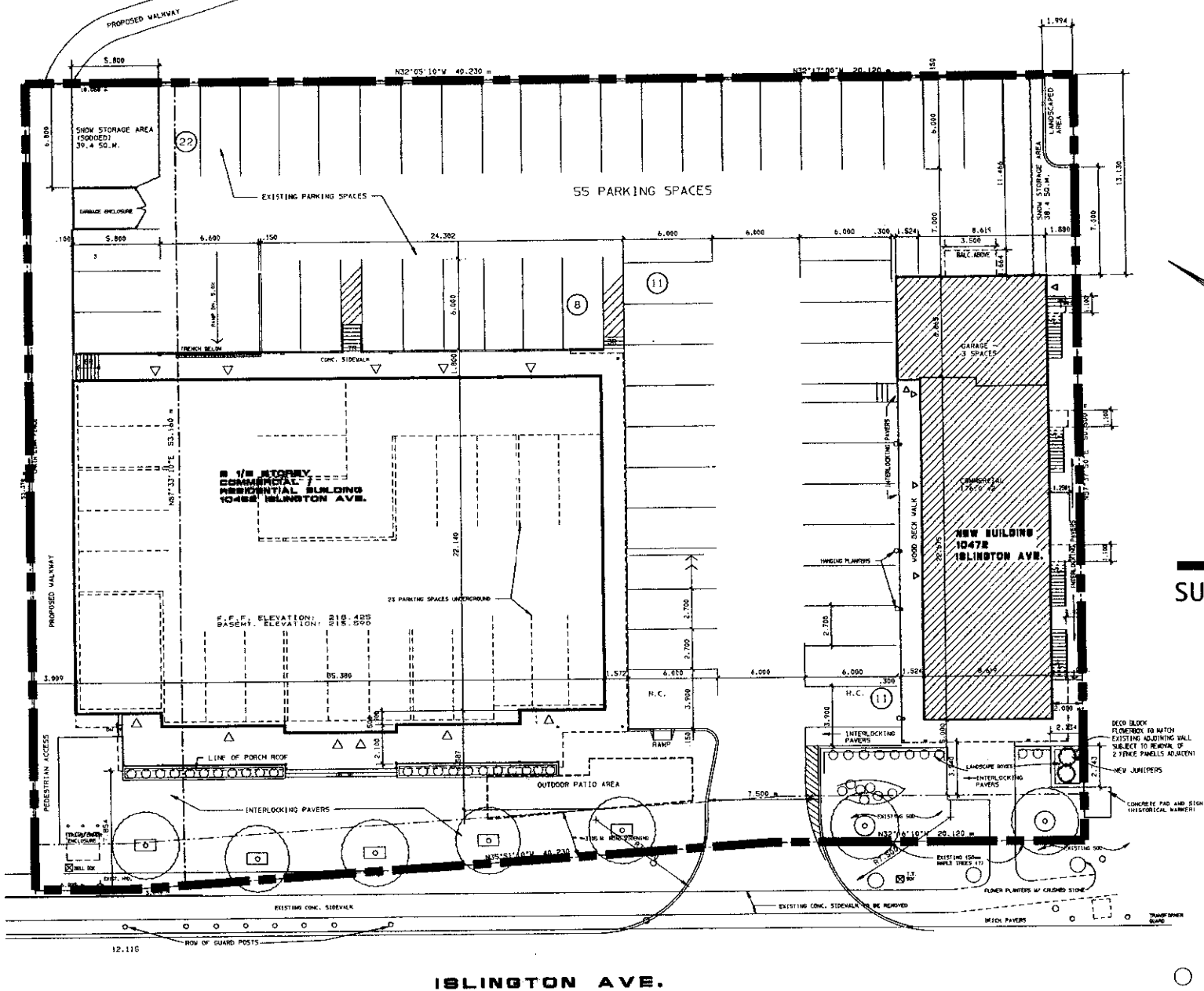
SUBJECT LANDS

ATTACHMENT '1' LOCATION MAP

FILE #: Z.98.115 DA.98.099	REPORT #:
LOCATION: PT. LT.24, CONC.8	
DATE: 99/10/19	

APPLICATION:
802282 ONTARIO LTD.

CITY OF VAUGHAN PLANNING DEPARTMENT



SUBJECT LANDS

ISLINGTON AVE.

**ATTACHMENT '2'
REVISED SITE PLAN**

FILE #:	REPORT #:
DA.98.099	
LOCATION:	
PART OF LOT 24, CONCESSION B	

**CITY OF VAUGHAN
PLANNING DEPARTMENT**

APPLICANT:
802282 ONTARIO LTD.

DATE:	05/03/2002
SCALE:	NOT TO SCALE

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 13, 2002

Item 19, Report No. 34, of the Committee of the Whole, which was adopted as amended, by the Council of the City of Vaughan on May 13, 2002, as follows:

By approving:

That upon receipt of the written order by the Ontario Municipal Board, staff be requested to bring back a progress report to the next available Committee of the Whole addressing the following:

That the support structures for fire escapes be cut back to reflect the final smaller landings;

That additional landscaping, including measures to address the potential phone booth relocation, be addressed;

That the air conditioning units along the north side of the applicant's building be located near the ground and within the specifications as outlined by the Ontario Municipal Board;

That a surveyors certified as built drawings be provided to the City indicating the actual building height and other pertinent measures as determined by staff;

That the applicant, staff, adjacent owner and other affected parties, including Kleinburg and Area Ratepayers' Association, meet to attempt to resolve these outstanding issues, and these findings be referred back to Council for its final decision; and

That the site plan come back to Council for final approval prior to the summer break, if possible;

By receiving the confidential memorandum from the Solicitor/Litigation, dated May 8, 2002;

By receiving the memorandum from the Commissioner of Planning, dated May 10, 2002; and

By receiving the following written submissions:

- a) Mr. John McMahon, Kleinburg and Area Ratepayers' Association, P.O. Box 202, Kleinburg, L0J 1C0, dated May 6, 2002; and***
- b) Mr. John Stevens, Planning & Development Consultants, 29 Linden Crescent, Brampton, L6S 4A1, dated May 13, 2002.***

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**SITE DEVELOPMENT FILE DA.98.099
802282 ONTARIO LTD.
ONTARIO MUNICIPAL BOARD HEARING**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 6, 2002, be approved;**
- 2) That staff provide a report to the Council meeting of May 13, 2002, with respect to the issues identified; and**

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 13, 2002

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3) That the following deputations, be received:

- a) Mr. Robert Klein, KARA, 8 Daleview Court, Kleinburg, L0J 1C0;
- b) Mr. John Stevens; and
- c) Mr. Frank Greco, applicant.

Recommendation

The Commissioner of Planning recommends:

- 1. THAT this report be received for information purposes.

Purpose

On April 17, 2002, the Owner submitted a site plan in accordance with an Ontario Municipal Board Hearing decision.

Background - Analysis and Options

On December 6, 2001, the Committee of Adjustment refused Application A342/01 (802282 Ontario Ltd.) a number of variances to the zoning standards to permit the continued construction of a 2-storey mixed-use commercial/residential building at 10472 Islington Avenue. The Owner appealed the decision to the Ontario Municipal Board and a hearing was held on March 12, 2002. The OMB approved the variances in an oral decision issued April 8th.

Council approved the site plan for the development of the subject property on November 15, 1999 and the corresponding Site Plan Agreement was registered on September 18, 2001 as YR-50453.

A condition of the OMB approval is that this approved site plan be amended. To satisfy this condition, the Owner submitted a revised site plan (Attachment #2) which includes the following variances, as approved by the Board:

- i) minimum landscaping as shown
- ii) minimum front yard of 3.5m
- iii) minimum rear yard of 11.45m
- iv) minimum interior side yard of 1.88m
- v) minimum of 81 parking spaces

Conclusion

The Ontario Municipal Board approved the minor variances requested by the Owner. In accordance with that decision a revised site plan has been submitted to replace the previously approved site plan.

Attachments

- 1. Location Map
- 2. Site Plan

Report prepared by:

Todd Coles, Planner, ext. 8634
Art Tikiryany, Senior Planner, ext. 8212
Marco Ramunno, Manager, Development Planning, ext. 8485

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 13, 2002

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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

TO: MAYOR & MEMBERS OF COUNCIL

FROM: MICHAEL DeANGELIS, Commissioner of Planning

DATE: May 10, 2002

RE: **ADDITIONAL INFORMATION
COUNCIL AGENDA MAY 13, 2002, ITEM 19
SITE DEVELOPMENT FILE DA.98.099
802282 ONTARIO LTD.
ONTARIO MUNICIPAL BOARD HEARING**

Background

On April 8, 2002, the OMB provided an oral decision approving Committee of Adjustment Application A342/01, allowing variances to permit the continued construction of a 2-storey mixed use building at 10472 Islington Avenue.

In accordance with the OMB requirement that the approved site plan be amended, the revised site plan was provided to the Committee of the Whole on May 6, 2002. The matter was forwarded to the Council meeting of May 13, 2002, and Staff was directed to address a number of issues raised at the meeting.

Site Plan

The first matter was the addition of fire escapes to the building. Upon review of the building drawings, the City advised the Owner that the dwelling units require a second means of egress to comply with the Ontario Building Code. The Owner satisfied this requirement by providing exterior exits (fire escapes), which in turn required a variance to permit encroachment of the stairs into the interior side yard. The Ontario Municipal Board consented to this variance, thereby allowing the addition of the exterior stairs to the site plan originally approved by the OMB.

One area of concern for Staff is the support structures for the fire escapes. The supports extend well beyond the landing at the top of the stairs. This creates a greater visual impact than if the supports were sized for the final smaller landings than what was originally proposed. The possibility of revising the support structures will be reviewed prior to approval of the final building drawings.

The second issue is the possibility of additional landscaping to screen the exterior exits. The interior sideyard is currently paved with interlocking bricks and there is a solid wood fence along the property line erected by the adjacent owner. As the fire escapes lead to the second floor, landscape screening would be ineffective due to the height. The northern exposure and the restricted space between the building limits the ability to support any significant landscaping.

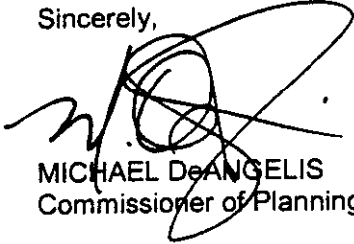
The existing fencing could be changed slightly to provide some screening of the side yard. A right-angle extension projecting in front of the side yard would screen the view of the side yard from the street. Landscaping could also be placed in front of the fence extension.

The final issue was the height of the building. The lands are zoned C1 Restricted Commercial Zone by By-law 1-88, which permits a maximum building height of 11 m. Although the approved site plan indicated a height of 8.1 m, the building was constructed to 9.5 m, which is permitted by the zoning by-law. The revised site plan will indicate the as-built height.

Conclusion

The revised site plan is required in accordance with the Ontario Municipal Board approval of the variance. In the finalization of the site plan and building plan, reduction of the support structures and a fencing/landscaping treatment at the front of the interior side yard will be reviewed and incorporated.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. DeAngelis', is written over a circular stamp or seal.

MICHAEL DeANGELIS
Commissioner of Planning

TC/cm

cc- Scott Somerville, City Manager
Terri Caron, Deputy City Manager and City Solicitor
John Leach, City Clerk