

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 8, 2006

Item 1, Report No. 27, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 8, 2006.

1 **ZONING BY-LAW AMENDMENT FILE Z.06.0282**
MARBON HOLDINGS INC. AND 606578 ONTARIO LIMITED

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 1, 2006, be approved; and**
- 2) That the written submission of Mr. Gary Templeton, Templeton Planning Ltd., 71 Tyler Street, Aurora, L4G 2N1, on behalf of Bonnydon Limited, dated April 26, 2006, be received.**

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for File Z.06.028 (Marbon Holdings Inc. and 606578 Ontario Limited) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Purpose

The Owner has submitted an application to amend the Zoning By-law, to permit the following, on the subject lands zoned C7 Service Commercial shown on Attachment #1:

- i) an increase in the maximum size of the permitted eating establishment use from 300m² to 1,347m² (Building "B" – Mandarin), as shown on Attachment #2; and,
- ii) a reduction in the rear yard setback from Westcreek Drive of 20.4m to Building "A" and 21m to Building "B", whereas 22m is currently required.

The Owner has also submitted a related Site Development Application (File DA.06.012) to permit the development of the 1.5ha site with a 1,690.2m² Service Commercial building (Building "A"), together with the proposed 1,347m² eating establishment (Building "B"). A total of 310 parking spaces are to be permitted on site. The building elevations for Buildings "A" and "B", are shown on Attachments #3 and #4, respectively.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the east side of Weston Road, north of Langstaff Road, being Part of Block 1 within Registered Plan 65M-3769 (210 Westcreek Drive), in Part of Lot 12, Concession 5, City of Vaughan. The property is currently vacant. The site plan submitted includes access from both Weston Road and Westcreek Drive.

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan) and are also subject to the "Service Node" policies, as the subject lands will become a corner lot upon the construction of a road on the north side of the property. The site is zoned C7 Service Commercial Zone, by By-law 1-88, subject to Exception 9(1110). The surrounding land uses are:

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North - house with greenhouse structure to the rear (A Agricultural Zone)
South - employment uses (EM1 Prestige Employment Area Zone)
East - Westcreek Drive; employment uses (EM2 General Employment Area Zone)
West - Weston Road; residential (R2 Residential Zone)

On April 7, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Weston Downs Ratepayers' Association. To date, no comments have been received. Any comments received will be addressed within the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Preliminary Review

Following a preliminary review of the proposed application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) the application will be reviewed in the context of the "Service Node" policies in the Official Plan;
- ii) review will be given to the appropriateness and impact of increasing the size of the permitted eating establishment use on the subject lands, and the proposed reductions to the rear yard setback; and,
- iii) the proposed exceptions will be reviewed together with the related site plan application, to determine the appropriate site layout and compatibility with the surrounding area and adjacent uses, in particular, the residential uses on the west side of Weston Road.

Relationship to Vaughan Vision 2007

The applicability of the application to the Vaughan Vision will be determined when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the application will be reviewed in the context of the existing Official Plan policies and Zoning By-law regulations, and with respect to compatibility and appropriateness with the surrounding area and adjacent uses, particularly the residential uses on the west side of Weston Road.

Attachments

1. Location Map
2. Site Plan
3. Elevations – Building "A"
4. Elevations – Building "B"

Report prepared by:

Clement Messere, Planner, ext. 8409
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

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(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.)

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On May 29, 2002, the applicant appealed Council's decision to the Ontario Municipal Board (OMB) and a hearing was conducted on September 16, 2002. On December 4, 2002, the OMB issued a Decision and Order (No. 1653) to approve (OMB File Z020060) a three-year temporary by-law (By-law 16-2003) to permit a Public Garage use on the subject lands with no outdoor storage of vehicles.

The "Prestige Area" designation permits a wide range of industrial, office, business and civic uses, with no outside storage. The proposed public garage use conforms to the Official Plan. The EM1 Zone permits a public garage use for the care, repair or equipping of motor vehicles, excluding autobody repair shop, provided it was legally existing as of the date of the enactment of By-law 80-95; the existing public garage was not in existence prior to April 10, 1995. However, site-specific By-law 16-2003, which was approved by the OMB as a three year temporary by-law, lapsed December 4, 2005, and therefore requires an amendment to the Zoning By-law to permit the use on the property, however, on a permanent basis.

On April 7, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Concord West Ratepayers' Association. To date, no comments have been received. Any responses received will be addressed in the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Preliminary Review

Following a preliminary review of the proposed application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) review will be given to the appropriateness of the proposed continued operation of the public garage (does not include outdoor storage of vehicles) as a permanent use, and compatibility of the proposal with the other permitted uses on the property and in the surrounding area; and,
- ii) review will be given to the history of the use over the last 3 years to verify if any complaints have been received by the By-law Enforcement Department, and with respect to compliance with all by-law requirements.

Relationship to Vaughan Vision 2007

The applicability of the application to the Vaughan Vision will be determined when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the appropriateness of the continued operation of the public garage use on a permanent basis within Units #1 and #2, in the EM1 Prestige Employment Area Zone, will be reviewed.

Attachments

1. Location Map
2. Existing Site Plan Context

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Report prepared by:

Christina Napoli, Planner, ext. 8483

Arto Tikiryan, Senior Planner, ext. 8212

Grant Uyeyama, Manager of Development Planning, ext. 8635

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Item 3, Report No. 27, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 8, 2006.

**3 ZONING BY-LAW AMENDMENT FILE Z.04.049
DRAFT PLAN OF SUBDIVISION FILE 19T-04V12
EVELYN CHARTERS**

The Committee of the Whole (Public Hearing) recommends:

- 1) **That the recommendation contained in the following report of the Commissioner of Planning, dated May 1, 2006, be approved; and**
- 2) **That the deputation of Ms. Heidi Kreiner-Ley, Property Manager, Kreiner Real Estate Ltd., 10737 Bathurst Street, Richmond Hill, L4C 7V3, on behalf of the applicant, be received.**

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files Z.04.049 and 19T-04V12 (Evelyn Charters) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Purpose

The Owner has submitted the following applications:

- 1. An application to amend Zoning By-law 1-88 to rezone the subject lands shown on Attachment #2 from A Agricultural Zone and OS5 Open Space Environmental Protection Zone to RD2(H) Residential Detached Zone Two, RD3(H) Residential Detached Zone Three and RR(H) Rural Residential Zone, all with the Holding "H" Provision, and OS1 Open Space Conservation Zone, and OS5 Open Space Environmental Protection Zone, as shown on Attachment #3; and,
- 2. An application for Draft Plan of Subdivision approval for the subject lands shown on Attachment #2 to facilitate a residential plan of subdivision consisting of 2 estate residential units, 47 single detached dwelling units with frontages ranging from 12.8m to 15.24m and lot areas ranging from 409.6m² to 1000m², open space, storm water management pond and a parkette. The development details are as follows:

2 Estate Residential Units (Lots 48-49)	0.70ha
Open Space (Remainder of Lot 49)	2.16ha
47 Single Detached Units (Lots 1-47)	2.73ha
Open Space (Block 50)	1.67ha
5.0m Wide Open Space Buffer (Block 51)	0.13ha
Storm Water Management Pond(Block 52)	0.23ha
Parkette (Block 53)	0.14ha
3.0m Wide Landscape Buffer (Block 54)	0.02ha
Future Development (Blocks 55-75)	0.47ha
<u>Roads & 0.3m Reserves (Blocks 76-91)</u>	<u>1.42ha</u>
Total Site Area	9.67ha

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Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the south side of Teston Road, west of Bathurst Street, in Planning Block 12, in Part of Lot 25, Concession 2, City of Vaughan. The subject lands have an area of 9.67ha, and 514m of frontage on Major Mackenzie Drive.

The subject lands are designated “Low Density Residential”, “Valleylands” and “Stormwater Management” by OPA #600, and are further designated “Settlement Area” by OPA #604 (Oak Ridges Moraine Conformity Plan). The lands are zoned A Agricultural Zone and OS5 Open Space Environmental Protection Zone by By-law 1-88. The surrounding land uses are:

- North - Teston Road; estate residential (RR Rural Residential Zone), Open Space (OS5 Open Space Environmental Protection Zone)
- South - approved future residential plan of subdivision (File 19T-99V08 - RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, RD4 Residential Detached Zone Four Zone), Open Space (OS5 Open Space Environmental Protection Zone)
- East - approved future residential plan of subdivision (File 19T-03V23 - RD2(H) and RD3(H) Residential Detached Zone Two and Residential Detached Zone Three each with a Holding “H”), planned residential (A Agricultural Zone)
- West - approved future residential plan of subdivision (File 19T-99V08 - RD2(H) and RD3(H) Residential Detached Zone Two and Three each with the Holding Symbol “H”), Open Space (OS2 Open Space Park Zone)

On April 7, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Gates of Maple Ratepayers Association, Maple Landing Ratepayers Association and Maple Village Ratepayers Association. To date, no comments have been received. Any comments received will be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Preliminary Review

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) the Owner is a non-participating landowner within Block 12; the applications will be reviewed in the context of the approved Block 12 Plan, Master Environmental Servicing Plan, the Oak Ridges Moraine Conservation Plan, the approved architectural and urban design guidelines for Block 12, and whether additional reports/studies are required;
- ii) the “Low Density Residential” designation of the Official Plan permits detached dwelling units at an overall density of 14 units per hectare; review will be given to ensure the proposed densities within the proposed draft plan of subdivision conform to the Official Plan;
- iii) the proposed draft plan of subdivision will be reviewed for consistency with the approved Block 12 Plan, including coordination of lotting and road patterns and compatibility with the adjacent plans of subdivision;
- iv) the applications will be reviewed to ensure the appropriateness of the proposed zone standards and consistency with approved development in the Block 12 Plan;

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- v) in order to comply with the Oak Ridges Moraine Conformity Plan, Lots 49 and 50 (proposed RR Rural Residential Zone) must be connected to full municipal services;
- vi) the delineation and dedication of the open space valley lands and buffer areas, and the appropriateness of the proposed parkette, will be reviewed in the context of the applicable policies of the Official Plan and the requirements of the Toronto and Region Conservation Authority and the Parks Development Department; and,
- vii) the availability of servicing capacity for the proposed draft plan of subdivision must be identified and allocated by Council, if approved.

Relationship to Vaughan Vision 2007

The applicability of these applications to the Vaughan Vision will be determined when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the applications will be reviewed in the context of the policies of the Official Plan, the approved Block 12 Plan, conformity with the Oak Ridges Moraine Conservation Plan, compatibility with the adjacent land uses, and the availability of the required servicing infrastructure to support the proposed development.

Attachments

1. Location Map
2. Proposed Draft Plan of Subdivision
3. Draft Plan of Subdivision with Proposed Zoning

Report prepared by:

Margaret Holyday, Planner, ext. 8216
Mauro Peverini, Senior Planner, ext. 8407
Grant Uyeyama, Manager of Development Planning, ext. 8635

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On April 7, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Concord West Ratepayers' Association. To date, the Owner of 280 Bowes Road and 582 Rivermede Road have verbally expressed concerns with the respect to the proposed use and location of the proposed outdoor patio. Any comments received will be addressed within the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Preliminary Review

Following a preliminary review of the proposed application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) the application will be reviewed in the context of OPA #450, which includes specific policies for Adult Entertainment Parlours;
- ii) the application will be reviewed in the context of the Zoning By-law, which permits outdoor patios in association with Eating Establishments, but not Adult Entertainment Parlours;
- iii) the appropriateness of the proposed outdoor patio use, in conjunction with the existing Adult Entertainment Parlour, will be assessed in the context of compatibility with adjacent land uses and the appropriate functioning of the outdoor patio use on the site; and,
- iv) review will be given to the appropriateness of the proposed location of the outdoor patio use at the intersection of two primary feeder roads, and the proposed reductions in the width of the landscape strips from 3m to 1m adjacent to both Bowes Road and Rivermede Road.

Relationship to Vaughan Vision 2007

The applicability of the application to the Vaughan Vision will be determined when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the application will be reviewed in accordance with OPA #450, which includes specific policies for Adult Entertainment Parlours, as well as, the Zoning By-law which permits outdoor patios in association with Eating Establishments but not Adult Entertainment Parlours. Furthermore, the appropriateness of the outdoor patio use will be assessed in the context of compatibility with adjacent land uses and the appropriate functioning of the outdoor patio use on the site.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Clement Messere, Planner, ext. 8409
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

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