COMMITTEE OF THE WHOLE APRIL 3, 2006

OFFICIAL PLAN AMENDMENT FILE OP.05.015 ZONING BY-LAW AMENDMENT FILE Z.05.028 2055065 ONTARIO INC. REPORT #P.2005.42

Recommendation

The Commissioner of Planning recommends:

- 1. THAT Official Plan Amendment File OP.05.015 (2055065 Ontario Inc.) BE APPROVED, to amend the "Low Density Residential" policies in OPA #240 (Woodbridge Community Plan), as amended by OPA #356 (Kipling Avenue Corridor Plan), specifically:
 - a) to increase the maximum permitted density on the subject lands shown on Attachment #1 from 8.6 units/ha to 20 units/ha, to facilitate the development of two single-detached and six semi-detached dwellings, as shown on Attachment #2; and,
 - b) to exempt the subject lands from Section 3.4(n) to permit semi-detached dwellings to front onto Kipling Avenue, whereas the Official Plan permits only single-detached dwellings to front onto this road.
- 2. THAT Zoning By-law Amendment File Z.05.028 (2055065 Ontario Inc.) BE APPROVED, to amend By-law 1-88, specifically, to rezone the subject lands from R1 Residential Zone to R3 Residential Zone (single-detached) and R5(H) Residential Zone (semi-detached) with the Holding Symbol (H), as shown on Attachment #2, subject to the following exceptions:
 - a) for the lands to be zoned R3 Residential Zone:
 - i. require a minimum front yard of 10m for Lot 1, whereas 4.5m is required; and,
 - ii. require a minimum front yard of 12m for Lot 2, whereas 4.5m is required; and,
 - b) for the lands to be zoned R5(H) Residential Zone with the Holding Symbol (H):
 - i. require a minimum lot frontage of 7m, whereas 7.5m is required;
 - ii. require a minimum interior side yard of 1.2m, whereas 1.5m is required; and,
 - c) that the Holding Symbol "(H)" shall be removed on the subject lands zoned R5(H) Residential Zone upon servicing capacity being allocated by Council.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted the following applications to:

- 1. Amend the Official Plan, specifically OPA #240 (Woodbridge Community Plan), as amended by OPA #356 (Kipling Avenue Corridor Plan), to redesignate the entire subject lands shown on Attachment #2 from "Low Density Residential" (maximum 8.6 units/ha) to "Medium Density Residential" (maximum 35 units/ha) to permit two single-detached dwellings with frontage on Chavender Place and six semi-detached dwellings with frontage on Kipling Avenue, at an overall maximum permitted density of 20 units/ha.
- 2. Amend Zoning By-law 1-88, to rezone the subject lands shown on Attachment #1 from R1 Residential Zone to R3 Residential Zone, to permit the development of two single detached dwellings with frontage onto Chavender Place, and to RVM1(B) Residential Urban Village Multiple Dwelling Zone One to permit the development of six semi-detached dwellings with frontage onto Kipling Avenue, as shown on Attachment #2.

The proposed redesignation and rezoning would facilitate future severances of the subject lands by way of Consent applications through the Committee of Adjustment.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the northeast corner of Kipling Avenue and Chavender Place, in Part of Lot 9, Concession 7, City of Vaughan. The 0.29 ha parcel represents a consolidation of 2 separate properties (8281 and 8291 Kipling Avenue) into one development parcel. The lands currently contain 2 detached residential dwellings that will be demolished.

The subject lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), as amended by OPA #356 (Kipling Avenue Corridor Plan), and zoned R1 Residential Zone by By-law 1-88. The surrounding land uses are as follows:

North - existing detached residential (R1 Residential Zone)

South - Chavender Place; existing detached residential (R2 Residential Zone and R3 Residential Zones)

West - Kipling Avenue; existing townhouse residential (RM1 Multiple Residential Zone)

East - existing detached residential (R1 Residential Zone)

On May 9, 2005, the Owner submitted applications to amend the Official Plan and Zoning By-law to redesignate the entire property from "Low Density Residential" to "Medium Density Residential" and rezone the subject lands from R1 Residential Zone to RVM1(A) Residential Urban Village Multiple Zone One (street townhouse) and RVM1(B) Residential Urban Village Multiple Dwelling Zone One (semi-detached), respectively. The applications would facilitate a development concept consisting of 8 street townhouse dwellings and 4 semi-detached dwellings, fronting onto Kipling Avenue and Chavender Place, respectively, and with a rear laneway with access from Chavender Place for the townhouse dwellings as shown Attachment #3. This concept has been replaced with the proposal shown on Attachment #2.

Public Hearing

On May 27, 2005, a Notice of Public Hearing was mailed to all property owners within 120m of the subject lands, the Kipling Ratepayers' Association and the West Woodbridge Homeowners' Association, to consider the original proposal shown on Attachment #3. Written comments were received from the Owners of 8251 Kipling Avenue and 28 Hurricane Avenue. These Owners opposed the proposal since single-detached dwellings characterize most of the surrounding area and the lack of yard space available would result in children playing on Hurricane Avenue.

A Public Hearing was held on June 20, 2005, and a number of residents from Kipling Avenue and Hurricane Avenue spoke in opposition to the proposal, including the President of the Kipling Ratepayers' Association. A petition opposing the proposal on behalf of the majority of the residents of Chavender Place was submitted to Council identifying the following issues:

- the proposal is not consistent with the character of the area and does not maintain the low-density requirements of the Official Plan;
- the proposal would result in the loss of mature trees and privacy;
- the increase in traffic would be hazardous;
- the handling of garbage is a major concern;
- not supportive of allowing direct access onto Kipling Avenue; and,
- the proposed lot sizes do not meet the minimum size criteria for lots that are adjacent to the Board of Trade Golf Course.

The recommendation of the Committee of the Whole to receive the Public Hearing report of June 20, 2005, and for the applicant to meet with the Local Councillor, the Ratepayers Associations and residents who have expressed concern, to address any outstanding issues, prior to the matter being brought forward to a future Committee of the Whole meeting, was ratified by Council on June 27, 2005.

Community Meetings

On August 9, 2005, a community meeting was held at the Woodbridge Library. The applicant presented two development options at the meeting including the original development proposal (Attachment #3) and a second concept consisting of six semi-detached units and four semi-detached units fronting onto Kipling Avenue and Chavender Place, respectively.

On August 16, 2005, a third development concept consisting of six-semi-detached dwellings fronting onto Kipling Avenue and two detached dwellings onto Chavender Place was presented at another community meeting. Although various participants have stated that concessions have been made, the Owner and the residents did not reach a consensus regarding a mutually acceptable development proposal. The Owner is not prepared to proceed with a development concept consisting entirely of single-detached dwellings as suggested by area residents.

On September 16, 2005, the Owner submitted the current proposal (Attachment #2) to the City, and the following comments have been received from the local residents:

- the style and community-feel of Chavender Place and north Kipling should be maintained, and since there are no semi-detached dwellings in the area, it is desirable to construct single-detached dwellings. The residents recognize that the existing townhouses on the west side of Kipling have set a precedent, but feel that with time, they will be demolished and the area updated;
- the residents recognize that there is a tendency towards higher densities, and would rather see five detached homes where two currently exist in order to meet this criteria, which would double the current density;
- semi-detached or townhouse dwellings represent a four to five-fold increase in density, which is extreme; and.
- the residents strongly oppose building any laneways from Chavender Place for a variety of reasons, including garbage, snow removal, cleanliness, traffic, noise, etc.

The easterly neighbour directly abutting the subject lands at 21 Chavender Place, also provided the following comments:

- the easterly building setback should be 2.4m, rather than the proposed 1.2m;
- the developer should erect a fence at the maximum height allowable between the properties, and that the style and materials be agreed upon by both parties;
- the size of the existing yards and the trees provide a level of privacy, which will be lost if a higher density development occurs;
- any new property adjacent to 21 Chavender Place should be appropriately setback from the street in keeping with its neighbours, while not so far back that both properties suffer from the loss of backyard privacy; and,
- the style and construction of any new development be limited to that of the existing houses (i.e., brick or stone, and no stucco, aluminum or vinyl siding).

Land-Use Status/Planning Considerations

i) Provincial Policy Statement

The subject applications were initiated after March 1, 2005 and is therefore subject to the 2005 Provincial Policy Statement (PPS). Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" the policies under the Act.

The PPS sets out overall directions on matters of provincial interest related to land use planning and development, and includes policies that encourage the focus of new growth to urban areas. The PPS promotes efficient, cost effective development, and land use patterns that are based on densities which:

- efficiently use land, resources, infrastructure, and public service facilities; and,
- avoid the need for unnecessary and/or uneconomical expansion of infrastructure.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents by ensuring all forms of residential intensification in parts of built-up areas that have sufficient infrastructure to create a potential supply of new housing units. Development and land use patterns which may cause environmental or public health and safety concerns shall be avoided. The proposal meets the intent of the PPS with respect to the efficient use of land and infrastructure and providing a range of housing types.

ii) Region of York Official Plan

The Region of York Official Plan identifies the subject lands as "Urban Area". The subject applications are consistent with the Regional Official Plan policies that direct development to existing built-up portions of urban areas (Section 5.2.4), provide a wider range of housing options for residents (Section 4.3.10), and provide accessibility to existing and planned transit service (Section 6.2.3). The Region of York considers the subject applications to be a matter of local significance, and as such, has exempted the applications from approval of the Regional Planning Committee and Council. The proposed development is consistent with the Regional Official Plan policies.

iii) City of Vaughan Official Plan

The subject lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), as amended by OPA #356 (Kipling Avenue Corridor).

a) OPA #240 (Woodbridge Community Plan)

The "Low Density Residential" designation of OPA #240 permits single-detached and semidetached dwelling units at a maximum permitted density of 8.6 units/ha, which would permit a maximum of two dwelling units on the overall 0.29 ha property. The applicant's proposal for a total of 8 dwelling units as shown on Attachment #2, would provide for an overall density of 20 units/ha, and therefore, an amendment to the Official Plan is required.

In response to a comment made at the Public Hearing with respect to lot sizes, OPA #240 contains a policy that lands designated "Low Density Residential" adjacent to the Board of Trade Golf and Country Club shall be developed for single family dwellings and shall be a minimum of 930m² (10,000 sq.ft.) in area. However, there are three lots to the east of the subject lands, and two lots to the north of the subject lands, and an open space system between the subject lands and the golf course, and therefore, this policy is not applicable.

The proposed built form (i.e. single-detached and semi-detached dwellings) is permitted by the policies of OPA #240, however, a site-specific policy is required to accommodate the proposed increase in density. It is noted that the "Medium Density" designation permits townhouse uses at a maximum density of 35 units/ha, and the proposed 20 units/ha would fall in between the maximum permitted densities for the "Low" (ie. 8.6 units/ha) and "Medium" designations. As there are townhouse dwelling forms on the west side of Kipling Avenue, the Development Planning Department has no objection to the proposed density increased on the subject lands.

b) OPA #356 (Kipling Avenue Corridor Plan)

Council in 1988, directed the Planning Department to conduct a land-use study for the Kipling Avenue Corridor since the area had been under re-development pressure. The study area extended from Regional Road #7 in the south; to the realignment of Kipling Avenue, south of the Humber River in the north; Rainbow Creek to the west; and on the east by the Woodbridge Fairgrounds. In part, the study would also provide development guidelines to become the basis for evaluating and regulating development along Kipling Avenue. Council in 1991, adopted OPA #356 to implement the recommendations of the study and guide development within the Kipling Avenue Corridor. Generally, OPA #356 contemplated higher densities throughout the study area by introducing "Medium Density Residential" into the area.

The subject lands are located within "Zone 3" of OPA #356, which extends from Meeting House Road to the realignment of Kipling Avenue to the north. Zone 3 is described as predominantly low density residential with street townhouses on the west side of Kipling Avenue, north of Gordon Drive. At the time of the land-use study, it was noted that there was little evidence of redevelopment pressure in Zone 3 and it continued to function as a low-density residential area. As such, the most relevant policy within OPA #356 as it relates to the subject lands is Section 3.4(n) as follows:

"In order to preserve the historic low density appearance of the area, lands with frontage onto Kipling Avenue shall be developed in a manner that will enhance the low density character of the area. Accordingly, the Kipling Avenue frontage shall be developed with single family detached units consistent with other dwellings in the area."

The subject applications, which propose semi-detached dwellings to directly front onto Kipling Avenue, are supportable in the context of OPA #356, since OPA #356 contemplates higher densities for lands within the Kipling Avenue Corridor, including existing townhouse dwellings on the west side of Kipling Avenue, and the provision of "Medium Density Residential" designations also on the west side, but further south of the subject lands. In recent years, Council has approved development applications within this area with higher densities along Kipling Avenue and in the surrounding area. The built form being proposed is in keeping with the low-density character, although at a higher density. The proposal is also consistent with recent Provincial initiatives to accommodate higher densities in established urban areas.

The Owner had originally applied to redesignate the entire subject lands from "Low Density Residential" to "Medium Density Residential", to facilitate the previous proposal on Attachment #3. However, with the current proposal, both the proposed detached and semi-detached dwelling units are permitted uses under the "Low Density Residential" policies of OPA #240, as amended by OPA #356, and the proposed redesignation is no longer appropriate, notwithstanding the proposal yields a density of 20 units/ha, thereby exceeding the maximum permitted density of 8.6 units/ha for the "Low Density Residential" designation. Maintaining two single-detached lots on the north side of Chavender Place would provide for a transition between the existing dwellings on Chavender Place and the proposed semi-detached units on Kipling Avenue. Accordingly, the Development Planning Department recommends that the "Low Density Residential" designation continue to apply to the entire lands with a site-specific policy permitting a maximum density of 20 units/ha, and that Section 3.4(n) not apply in order to permit semi-detached dwellings to front onto Kipling Avenue.

Zoning

The subject lands are zoned R1 Residential Zone by By-law 1-88. Two separate zones are required to accommodate the built forms proposed.

The two single detached dwellings fronting onto Chavender Place are proposed to be rezoned to R3 Residential Zone. The R3 Residential Zone provisions of By-law 1-88 establish the following development standards:

- Minimum Lot Frontage 12.0m
- Minimum Lot Area 360m²
- Minimum Front Yard Setback 4.5m
- Minimum Rear Yard Setback 7.5m
- Minimum Interior Yard Setback 1.2m
- Maximum Lot Coverage 40%
- Maximum Building Height 9.5m

Based on the concept plan submitted in support of the applications, exceptions are required to increase the front yard for Lot 1 to 10m and the front yard for Lot 2 to 12m. This will allow for a gradual transition in the front yard setbacks for Lots 1 and 2 with the single-detached dwelling located on the property to the east at 21 Chavender Place, as shown on Attachment #2.

The Owner had originally requested that the lands proposed to be developed with the semi-detached units be zoned RVM1(B) Residential Urban Village Multiple Dwelling Zone One. However, this Zone is typically utilized in the City's new growth areas and not in infill situations in established communities. The R5 Residential Zone permits semi-detached dwellings within the built-up area of the City, and together with the noted zoning exceptions can accommodate the proposed development concept.

The six semi-detached dwelling units fronting onto Kipling Avenue are proposed to be zoned to R5 Residential Zone. The R5 Residential Zone provisions of By-law 1-88 establish the following development standards:

- Minimum Lot Frontage 7.5m
- Minimum Lot Area 225m²
- Minimum Front Yard Setback 4.5m
- Minimum Rear Yard Setback 7.5m
- Minimum Interior Side Yard Setback 1.5m
- Minimum Exterior Side Yard Setback 4.5m
- Maximum Lot Coverage 50%
- Maximum Building Height 11.0m

Based on the concept plan submitted in support of the applications, the following zoning exceptions would be required to implement the proposed semi-detached dwellings:

- require a minimum lot frontage of 7.0m, whereas 7.5m is required; and,
- require a minimum interior side yard of 1.2m, whereas 1.5m is required.

The Engineering Department has advised that the allocation of servicing for the proposed additional lots is not available at this time. Accordingly, the Development Planning Department recommends that the lands with the six semi-detached units be zoned R5(H) Residential Zone with the Holding Symbol "(H)", which will prevent development until servicing becomes available, and upon which, the Holding Symbol "(H)" can be removed. The subject lands currently have two single-detached dwellings fronting onto Kipling Avenue that will be demolished to develop the proposal. As such, servicing is currently available for the two proposed single-detached dwellings that will front onto Chavender Place, and therefore, no holding provision will be placed on Lots 1 and 2, which will be zoned R3 Residential Zone.

Servicing Capacity

Council on November 7, 2005 considered a report respecting a Strategy for Reservation/Allocation of Servicing Capacity from the Commissioner of Engineering and Public Works and the Commissioner of Planning, in consultation with the City Manager. The purpose of this report was to provide Council with an update on the status of available servicing capacity and to establish a protocol for the distribution of this capacity to developments throughout the City. Council adopted the recommendation in the report on November 14, 2005.

The report includes a Servicing Capacity Distribution Protocol and establishes three priority categories for allocation including: Priority 1, which includes all Draft Plans of Subdivision or Site Plan applications previously approved by Council and are expected to proceed to registration or approved within the next 12 months. Projects classified as Priority 1 have received allocation unconditionally. Priority 2 accounts for active applications representing infill development or completion of a partially built community and is expected to proceed to registration or approved within the next 12 months. Priority 2 projects are reserved servicing capacity for a period of one year from the time of reservation by Council. Priority 3 allows for development applications that are expected to proceed to registration or approved within the next 12 to 24 months. Priority 3 development is being assigned for future allocation anticipated to be released by the Region of York in 2007.

The subject application is not identified on any of these Priority Schedules as a project for which servicing capacity is being allocated, reserved or assigned. Accordingly, servicing allocation capacity for the proposal would need to be assigned by Council resolution. The City's Engineering Department has advised that servicing allocation capacity for the proposed development is currently not available.

As noted earlier, the proposed semi-detached dwellings that are proposed to front onto Kipling Avenue will be zoned with the Holding Symbol "(H)", to be removed at such time that servicing is allocated. The Engineering Department intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol. The availability of servicing capacity may be revisited at that time, in consideration of the status of other development applications.

Vaughan Engineering

The applicant has submitted a Phase 1 Environmental Assessment Report prepared by Barenco Inc. that has been reviewed and approved by the Vaughan Engineering Department.

The applicant also submitted the "Kipling Avenue and Chavender Place Development Driveway Review" prepared by Paradigm Transportation Solutions Limited that has been reviewed and approved by the Vaughan Engineering Department. The report concludes that the proposed driveway connections to Kipling Avenue will operate within acceptable limits of traffic safety, however, that consideration be given to posting a "No Stopping" restriction along the Kipling Avenue frontage and that visual obstruction within 5m of the curb be restricted along the property frontage.

In order to post a "No Stopping" sign along the property frontage, Council must pass a resolution based on the recommendation of the Engineering Department. However, in light of the limited space between the six driveways onto Kipling Avenue, there will likely be little opportunity for onstreet parking in this location, and therefore, a "no stopping" sign is not recommended. There are also existing dwellings on Kipling Avenue without "no stopping" signs.

The Owner intends to create the proposed lots through the Consent process through the Committee of Adjustment. Should the Consent applications be approved, the Engineering Department has advised that the Owner of the lands will be required to:

- submit a storm water management report indicating that there is an acceptable outlet for storm water runoff from the subject site and justifying that the allowable release rate will not be exceeded to the satisfaction of the Engineering Department;
- submit site-servicing and grading plans to the satisfaction of the Engineering Department;
- submit a noise report to the satisfaction of the Engineering Department;
- convey sufficient property (3m approximately) to provide 13m from the centreline of the Kipling Avenue municipal road allowance to the City of Vaughan at no cost and free of charge and encumbrance;
- convey an 8m by 8m daylight triangle at the corner of Kipling Avenue and Chavender Place municipal road allowances to the City of Vaughan at no cost and free of charge and encumbrance to the City;
- convey a 0.3m reserve behind the hypotenuse of the daylight triangle and three metres beyond the corners of the daylight triangle to the City of Vaughan at no cost and free of charge and encumbrance;
- arrange to prepare and pay for registration of a Reference Plan for the conveyance of the required road widening to the satisfaction of the City of Vaughan; and,
- pay the costs of the registration of the road dedication by-law that will dedicate the road widening as public highway.

Additionally, cash-in-lieu of parkland dedication for the additional residential units will be required through the Consent process. Prior to any consent being finalized, servicing capacity must be allocated by Council, and the Holding provision must be removed by Council.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the proposed application to amend the Official Plan to redesignate the subject lands from "Low Density Residential" to "Medium Density Residential", and the proposed application to amend the Zoning By-law to rezone the subject lands from R1 Residential Zone to R3 Residential Zone and R5 Residential Zone, as amended. The applications have been reviewed in the context of the Provincial Policy Statement, the Region of York Official Plan, OPA #240 and OPA #356, By-law 1-88, and the surrounding area context. This proposal involves the consolidation of two existing residential lots and the intensification of the built form in a manner that is consistent with the "Low Density Residential" built form policies of the Official Plan, which permits single and semi-detached dwellings.

The Development Planning Department has reviewed the issues raised by the area residents. The application as amended by the Owner, provides for a transition along Chavender Place by providing two single-detached dwellings adjacent to the existing detached dwellings and six semi-detached dwellings fronting onto Kipling Avenue, compatible with the land use context of the existing surrounding neighbourhood, which includes townhouses on the west side of Kipling Avenue, and with development proposals along Kipling Avenue, which promote higher densities.

The Owner has requested that the entire lands be designated "Medium Density Residential". The Development Planning Department recommends that the lands maintain the existing "Low Density Residential" designation with a site-specific policy to permit a maximum density of 20 units/ha, whereas 8.6 units/ha is currently permitted. The exception to permit semi-detached dwellings to front onto Kipling Avenue, whereas the Official Plan permits only single-detached dwellings to front onto this road is also supported. The lands fronting onto Kipling Avenue to be developed with six semi-detached dwellings will be zoned R5(H) Residential Zone with exceptions, and the single-detached dwellings fronting onto Chavender Place will be zoned R3 Residential Zone to permit two single-detached dwellings that will provide for a gradual transition in the front yard setbacks between the existing development on Chavender Place and the proposed single-detached and semi-detached dwellings. As noted in this report, the semi-detached dwellings will be zoned with the Holding Symbol "(H)", which will be removed upon servicing capacity being allocated for the additional six lots by Council in the future. The servicing allocation for the two existing single-detached dwellings to be demolished, will be assumed by the two proposed single-detached dwellings.

Accordingly, the Development Planning Department can support the approval of the Official Plan and the Zoning By-law Amendment applications, subject to the recommendation in this report.

Attachments

- 1. Location Map
- 2. Proposed Development Concept
- 3. Proposed Development Concept Considered at Public Hearing

Report prepared by:

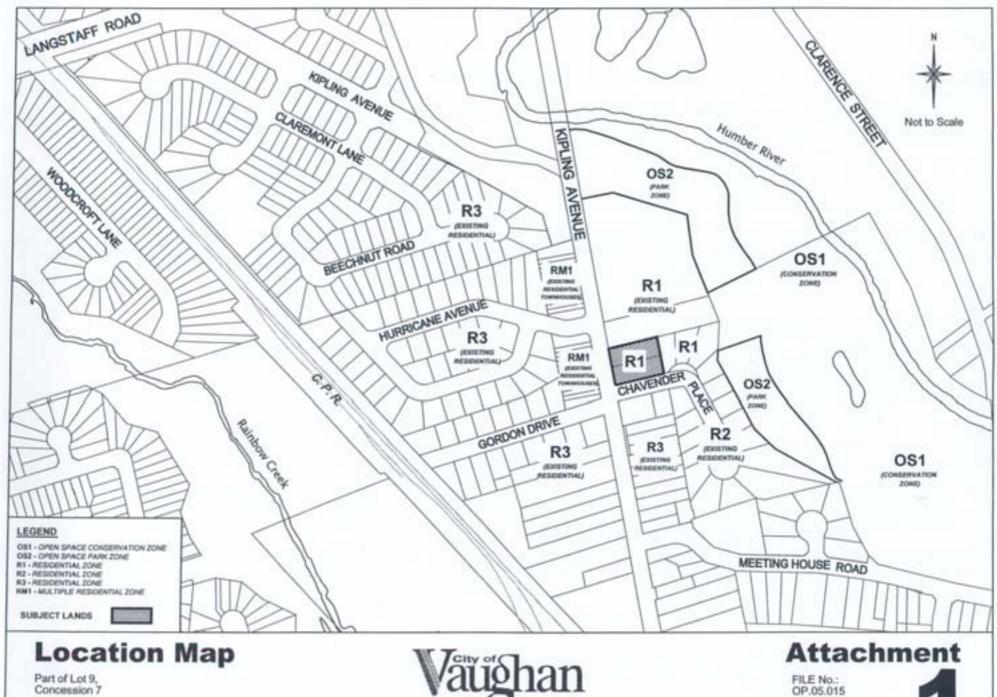
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Respectfully submitted,

JOHN ZIPAY Commissioner of Planning MARCO RAMUNNO Director of Development Planning

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APPLICANT: 2055065 ONTARIO INC.

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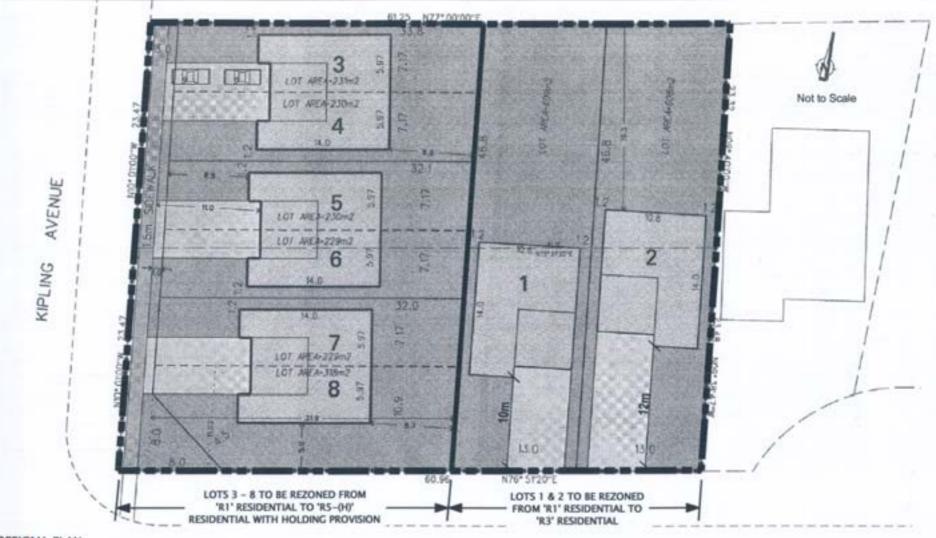


Development Planning Department

& Z.05.028

February 22, 2006





OFFICIAL PLAN

LANDS TO REMAIN DESIGNATED "LOW DENISTY RESIDENTIAL" WITH A SITE-SPECIFIC POLICY TO INCREASE THE MAXIMUM PERMITTED DENSITY FROM 8.6 UNITS/HA TO 20 UNITS/HA

CHAVENDER PLACE



Proposed Development Concept

APPLICANT: 2055065 ONTARIO INC. Part of Lot 9, Concession 7



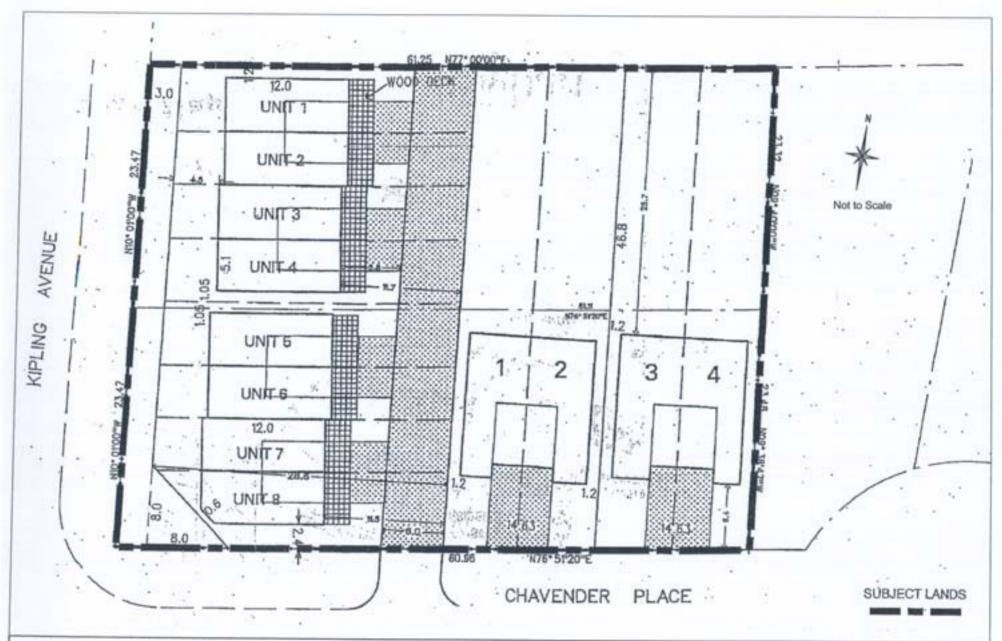
Attachment

FILE No.: OP.05.015 & Z.05.028

March 17, 2006

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AVURTAL ATTACHMENTS OF UNDOSCIOLOGICAL



Proposed Development Concept Considered at Public Hearing

APPLICANT: 2055065 ONTARIO INC. W\DPI\1 ATROHERS\0P\4+IS-015-015-015

Part of Lot 9, Concession 7



Development Planning Department

Attachment

FILE No.: OP.05.015 & Z.05.028

February 22, 2006

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