

COMMITTEE OF THE WHOLE SEPTEMBER 18, 2006

**OFFICIAL PLAN AMENDMENT FILE OP.06.017
ZONING BY-LAW AMENDMENT FILE Z.06.038
HONEYVALE GLADE ESTATES INC.
REPORT #P.2006.41**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.06.017 (Honeyvale Glade Estates Inc.) BE APPROVED, to amend OPA #600, to permit an automobile gas bar and car wash as additional uses in the "Medium Density Residential/Commercial" designation, on the subject lands shown on Attachment #1.
2. THAT Zoning By-law Amendment File Z.06.038 (Honeyvale Glade Estates Inc.) BE APPROVED, to amend By-law 1-88, to permit an automobile gas bar and car wash as additional uses in the C3 Local Commercial Zone, on the subject lands shown on Attachment #1.
3. THAT the implementing Zoning By-law:
 - a) not be enacted until a Site Development Application is approved by Council; and,
 - b) prohibit the following uses:
 - i) generation and storage of hazardous waste or liquid industrial waste;
 - ii) underground and above ground storage tanks that are not equipped with an approved secondary contaminant device; and,
 - iii) storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

Economic Impact

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

Purpose

The Owner has submitted the following applications to amend the Official Plan and Zoning By-law on the subject lands shown on Attachment #1, specifically to:

1. Amend OPA #600 to permit an automobile gas bar and car wash as additional uses in the "Medium Density Residential/Commercial" designation; and,
2. Amend Zoning By-law 1-88 to permit an automobile gas bar and car wash as additional uses in the C3 Local Commercial Zone.

The Owner has submitted a preliminary site plan showing the proposed development of the subject lands, as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the south side of Major Mackenzie Drive, west of Dufferin Street, more specifically at the southwest corner of Major Mackenzie Drive

and future Peter Rupert Avenue, within Planning Block 18 (approved Draft Plan of Subdivision 19T-03V15), in Part of Lot 20, Concession 3, City of Vaughan.

The rectangular-shaped 0.5ha site has road frontage of 60.2m on the south side of Major Mackenzie Drive, 82.1m on the east side of future Black Maple Crescent, and 79.1m on west side of future Peter Rupert Avenue, as shown on Attachment #1.

The subject lands were historically used for farming purposes and are flat, contain no significant vegetation, and are vacant. The surrounding land uses are as follows:

- North - Major Mackenzie Drive; vacant (M1(H) Restricted Industrial Zone with the Holding Symbol "H")
- South- future residential (RS1 Residential Semi-Detached Zone and RD4 Residential Detached Zone Four)
- East - Peter Rupert Avenue; future residential (RD3 Residential Detached Zone Three)
- West - Black Maple Crescent; future residential (RS1(H) and RS1 Residential Semi-Detached Zones)

History

The lands subject to this application, being Block 38 on approved Draft Plan of Subdivision 19T-03V15 are part of a larger 5.66ha landholding owned by the applicant as shown on Attachment #3. Applications for draft plan of subdivision and rezoning (Files 19T-03V15 and Z.03.078) were approved by Vaughan Council on June 28, 2004, to permit low and medium density residential uses, a commercial block, elementary school and neighbourhood park uses. The implementing zoning by-law was subsequently enacted thereby rezoning the subject lands from A Agricultural Zone to C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1235).

Public Hearing

On May 5, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Maple Village Ratepayers Association, and those individuals requesting notification. Comments and petitions were received from future area residents and people in attendance at the Public Hearing meeting, primarily stating their concerns that the proposed development is not consistent with the future character of the area and will create noise, traffic and unwanted fumes from the proposed gas bar use.

The recommendation of the Committee of the Whole on May 29, 2006, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on June 12, 2006.

Land Use Status

Official Plan

a) Region of York

The subject lands are identified as "Urban Area" in the Region of York Official Plan, which permits a range of residential, commercial, employment and recreational uses. The proposed commercial use of the property conforms to the Regional Official Plan.

The Owner has submitted a request for exemption from Regional approval respecting the amendment to the Official Plan. In a letter dated May 19, 2006, the Region of York exempted the application from Regional approval, stating that the proposal is considered to be a routine matter of local significance, and can be approved by the City.

b) City - OPA #600

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600, and further designated "Settlement Area" by OPA #604 (Oak Ridges Moraine Conformity Plan). The subject lands are further defined as "Local Commercial" within the approved Block 18 Plan, and are subject to the "Local Convenience Commercial" policies in OPA #600.

Local convenience commercial sites are permitted on arterial and primary streets, and preferably at corner locations, and are limited to 1,200m² gross floor area. The policies require the design, appearance and scale of local convenience commercial sites to be in harmony with the character of the surrounding residential uses.

Local convenience commercial sites provide convenience level shopping and personal services and include retail stores, personal service shops, offices and similar uses. Eating establishments, service stations, gas bars and mechanical car washes are not permitted. An amendment to the Official Plan is required to permit the additional uses of an automobile gas bar and car wash.

OPA #600 sets out policies and criteria for evaluating development applications for automobile gas bars and car washes, including:

- Convenience retail uses may be permitted on the same site as an automobile gas bar, provided that such uses can be sensitively designed and integrated on the site, and in particular, be compatible with surrounding development;
- A noise study may be required for car washes on sites abutting residential areas;
- Outside storage shall be limited in the implementing zoning by-law;
- Lots intended to accommodate an automobile gas bar and other related uses shall be of appropriate shape as well as size. On-site landscaping suitable to mitigate undue impact upon adjacent lands, particularly residential neighbourhoods shall be provided;
- Gas bar sites shall be developed pursuant to an approved site plan which demonstrates proper site access, internal traffic circulation, adequate parking, substantial landscaped areas and appropriate urban design characteristics that will ensure compatibility with adjacent lands;
- The design, appearance and scale of gas bar sites shall be consistent with the existing and intended character of the surrounding community, with utmost consideration given to aesthetic design; and,
- Gas bar uses shall be encouraged to be designed and incorporated as part of larger building developments that can minimize possible negative visual impacts to surrounding lands (types of materials, colours, lighting and signage shall relate to the main buildings).

The appropriateness and compatibility of adding the proposed gas bar and car wash uses as permitted uses on the property will be reviewed in light of the above-noted policies and criteria in OPA #600, and addressed later in this report.

c) Oak Ridges Moraine Conservation Plan

The subject lands are located within the "Settlement Area" designation in OPA #604 (Oak Ridges Moraine Conservation Plan), and with the submission of the development applications after

November 16, 2001, the applications are required to conform to the "Settlement Area" provisions of OPA #604. A conformity report was submitted to the Development Planning Department and indicated that a portion of the subject lands as shown on Attachment #4 are within "Areas of High Aquifer Vulnerability". The Official Plan policies for "Areas of High Aquifer Vulnerability" prohibit the following uses:

- i) Generation and storage of hazardous waste or liquid industrial waste;
- ii) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- iii) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

An automobile gas bar and car wash uses are proposed for the subject lands that are within "Areas of High Aquifer Vulnerability" as shown on Attachment #4. The Owner has provided a letter certified by a Professional Engineer which demonstrates that a typical retail gas bar does not generate the storage of hazardous or liquid industrial wastes or stores contaminants listed in O.Reg 347 as prohibited by the Oak Ridges Moraine Conservation Plan. The Owner has also confirmed that the gas station can be constructed with a secondary containment device for the underground storage tanks. This satisfies the Development Planning Department for the Official Plan Amendment and Zoning By-law Amendment, however in order to carry forward these requirements into implementation, the amending by-law will also include the prohibited uses listed above.

Zoning

The subject lands are zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1235). The subject lands are part of a larger draft plan of subdivision and zoning amendment (Files 19T-03V15 and Z.03.078), which were approved by Council on June 28, 2004, permitting the additional uses of a bakery, eating establishment (including convenience or take-out), outdoor patio provided it is not located between a building and Residential Zone, and a veterinary clinic provided that all boarding of animals is within a wholly enclosed building. An amendment to the Zoning By-law is required to permit the additional uses of an automobile gas bar and car wash.

Zoning exceptions will likely be required to implement the proposal development. However, at this point in time, the site plan shown on Attachment #2 is preliminary in nature. In addition, the Development Planning Department recommends that the site plan design be reorganized as discussed later in this report. Accordingly, it is recommended that the Owner submit a Site Development Application for review by City Departments and external public agencies and approval by Council, prior to the implementing zoning by-law being enacted. The necessary zoning exceptions will be identified in the site plan report and included the implementing zoning by-law.

The Development Planning Department supports the proposed uses of a gas bar and car wash, subject to complying with the requirements of the Oak Ridges Moraine Conservation Plan.

Land Use

a) Block 18 Plan

The Block 18 Plan as shown on Attachment #5 was approved by Council on April 14, 2003, which identifies the subject lands as a local commercial site.

The Block 18 Plan provides for primarily low density residential development over most of the Block, with medium density development focused mainly along Major Mackenzie Drive, Dufferin Street and Rutherford Road. The Block contains one Neighbourhood Commercial site and three

local convenience commercial sites. The Block Plan accommodates a total of 3826 dwelling units (2400 low density units, 870 medium density units and 556 high density residential units.

b) Automobile Gas Bar and Car Wash

Upon review of the Block 18 Plan and the surrounding area, there are few locations where an automobile gas bar and car wash uses currently exist or are designated or zoned within the Official Plan and Zoning By-law. Within OPA #600, these uses are permitted in "Neighbourhood Commercial" designations, subject to a site-specific amendment to the C4 Neighbourhood Commercial Zone in By-law 1-88. The southwest corner of Major Mackenzie Drive and Dufferin Street is currently designated "Neighbourhood Commercial", however, the zoning by-law does not permit an automobile gas bar or car wash uses.

It should be noted that on the north side of Major Mackenzie Drive, just west of the subject lands, Council has approved a zoning application on the York Major lands for a similar mid-block proposal for an automobile gas bar and car wash, as shown on Attachment #1. A site plan has also been approved to permit a gas bar/car wash proposal on the northwest corner of Dufferin Street and Major Mackenzie Drive.

c) Preliminary Site Plan

While a formal site plan submission has not been filed, a conceptual site plan, as shown on Attachment #2, has been submitted to illustrate how the site could function with an automobile gas bar and car wash.

Based on the conceptual site plan, the current proposed location of the convenience store will be located adjacent to Major Mackenzie Drive with the drive-through starting at the northerly Peter Rupert Avenue access and heading north and then west in between the landscape strip and the convenience store abutting Major Mackenzie Drive. The parking for the convenience store as currently shown, would be located internal to the site.

The gas pump canopy would cover 12 gas pumps with the underground storage tanks to be located south of the canopy. The proposed car wash is shown on the west side of the site abutting Black Maple Crescent with the stacking lane abutting the south property line. One of the access points to the site is proposed on Major Mackenzie Drive, subject to the Region of York Transportation and Works Department's approval, with two accesses proposed from Peter Rupert Drive.

The preliminary site plan submitted by the Owner is only intended to illustrate how the site could be developed, as it is intended that one of the major oil companies will be formally submitting the site plan application with a different site design. It is recommended that the final site plan be redesigned to relocate the kiosk to the southerly portion of the site, facing Major Mackenzie Drive, with the car wash and gas pumps to be located in the northerly portion of the site. In addition, given the adjacent residential uses, it is expected that substantial landscaping and buffering will be provided along the west, east and south property lines. In addition, the building and canopy elevations must be designed to be compatible with the surrounding land uses with particular attention to architecture, building materials, signage and lighting. Accordingly, it is recommended that an implementing zoning by-law not be enacted until a Site Development Application is approved for the subject lands. A condition of approval has been included in this respect.

Compatibility

As noted earlier in this report, OPA #600 sets out policies and criteria for evaluating development applications for automobile gas bars, which do provide a useful framework to review the subject applications, as follows:

a) Proposed Land Use

OPA #600 permits convenience retail uses on the same site as an automobile gas bar, provided that such uses can be sensitively designed and integrated on the site, and in particular, be compatible with surrounding development. The current "Neighbourhood Commercial" designation would permit certain commercial uses on the subject lands, which in this case, would be in the form of a convenience retail store/gas bar kiosk. A Site Development Application must be submitted to facilitate the proposed development and will be reviewed in the context of this policy. As noted previously, it is recommended that the implementing Zoning By-law not be enacted until a Site Development Application is approved in order to address this policy.

OPA #600 states that lots intended to accommodate an automobile gas bar and other related uses shall be of appropriate shape and size. The subject lands are rectangular in shape, and similar to other approved gas bar sites. The concept plan demonstrates that the site is of sufficient size to potentially accommodate the proposed uses.

b) Transportation Issues

Gas bar and service station sites shall be developed pursuant to an approved site plan which demonstrates proper site access, internal traffic circulation, adequate parking, substantial landscaped areas and appropriate urban design characteristics that will ensure compatibility with adjacent lands. The site plan will be reviewed by the Region of York Transportation and Works Department and the City's Engineering and Building Department's to ensure that all these requirements are met. In addition, a condition of approval has been included requiring approval of a Site Development Application, prior to the enactment of the implementing zoning by-law. This will ensure that these issues are satisfactorily addressed prior to final approval.

c) Building Design

OPA #600 requires that the design, appearance and scale of gas bar sites be consistent with the existing and intended character of the surrounding community, with utmost consideration given to the aesthetic design. The convenience store building and canopy elevations must meet the requirements of the Official Plan. These issues will be reviewed in greater detail through the Site Development process to ensure a compatible development.

d) Compatibility with Existing Development

Gas bar/service station uses are encouraged to be designed and incorporated as part of larger building developments that can minimize possible negative visual impacts to surrounding lands (types of materials, colours, lighting and signage shall relate to the main buildings). Although not part of a larger development, detailed design issues will be reviewed at the Site Development stage to ensure consistency with this policy.

In addition, on-site buffering and landscaping suitable to mitigate undue impact upon adjacent lands, is to be incorporated into the final design. A landscape plan is required to be submitted with the Site Development Application, and will be reviewed to ensure that appropriate landscaping is provided adjacent to the residential lots that abut the site.

A noise study will be required for the car wash and any recommendation to mitigate any noise will be incorporated into the final site plan. This requirement will be addressed at the site plan stage.

In the context of the planning policy regime established by the Official Plan, the proposed land use is considered to be appropriate for the subject lands and consistent with the policies therein, subject to the comments in this report respecting site design, landscaping/buffering, and building/canopy elevations.

Planning Consideration

The subject lands are currently vacant, and designated "Medium Density Residential/Commercial" and zoned C3 Local Commercial Zone, subject to Exception 9(1235), which does not permit the proposed automobile gas bar and car wash uses.

If approved, the existing Official Plan designation and zoning would remain, however, an exception would be provided to permit an automobile gas bar and car wash. The subject lands are located mid-block between Dufferin Street and the GO Rail Line, and flanks and abuts future residential uses. There are many examples in the City of Vaughan where a similar land use context exists, or where automobile gas bars and car washes are developed or planned in proximity to residential uses including:

- Southeast corner of Thornhill Woods Drive and Rutherford Road - a mid-block collector, abutting residential to the south and to the east. In addition, the existing automobile gas bar and car wash site is zoned C3 Local Commercial Zone with an exception;
- Pianora Holdings Corp., c/o Solmar Development Corporation – South of Teston Road, west of Jane Street; and Official Plan Amendment has been approved to permit an automobile gas bar in a "Medium Density Residential/Commercial" designation; the approved future automobile gas bar would abut future residential and will be zoned C3(H) Local Commercial Zone with the addition of the Holding Symbol "H";
- Southwest corner of Islington Avenue and Gamble Street - the site abuts residential uses to the north, west, south and east, and is zoned C3 Local Commercial Zone; and,
- Northwest corner of Rutherford Road and Keele Street - an automobile gas bar site that is zoned C3 Local Commercial Zone, abutting residential to the west.

The development of automobile gas bars and car washes abutting residential uses can be accommodated, as demonstrated by the examples above, provided that appropriate attention is paid to site planning details including building location and design, landscaping and buffering, lighting, signage and site access. Accordingly, a condition of approval has been included requiring the submission and approval of a Site Development Application, prior to the area implementing zoning by-law being enacted. This will ensure that these issues are addressed.

Department/Agency Comments

Urban Design/Landscaping

The proposal is subject to the Architectural Control Guidelines and the Landscape Master Plan for Block 18. The Control Architect for Block 18, must review the formal site plan application.

Region of York

The Region of York Transportation and Works Department must review and approve the proposed access location and design on Major Mackenzie Drive, upon submission of the site plan application.

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 Official Plan and Zoning By-law Amendment applications to permit an Automobile Gas Bar and Car Wash on the subject lands. The applications are consistent with the Regional and City policy context. The Development Planning Department can support the proposed uses, provided these uses are developed in accordance with the site design and land use compatibility policies contained in OPA #600. In this respect, it is recommended that the implementing zoning by-law not be enacted until a Site Development Application has been submitted and approved by Council. In addition, the implementing zoning by-law will prohibit those uses not permitted in an "Area of High Aquifer Vulnerability" as discussed in this report.

The site layout and building design, landscaping, fencing, noise and other site plan matters, will be reviewed at the site plan stage, and will ensure that the development of the site is compatible with the surrounding development and consistent with the intent of the commercial policies in OPA #600.

In light of the above, the Development Planning Department can support the approval of the Official Plan and Zoning By-law Amendment Applications, subject to the comments and recommendations in this report.

Attachments

1. Location Map
2. Preliminary Site Plan
3. Draft Plan of Subdivision 19T-03V15
4. Oak Ridges Moraine -- Area of High Aquifer Vulnerability
5. Block 18 Plan

Report prepared by:

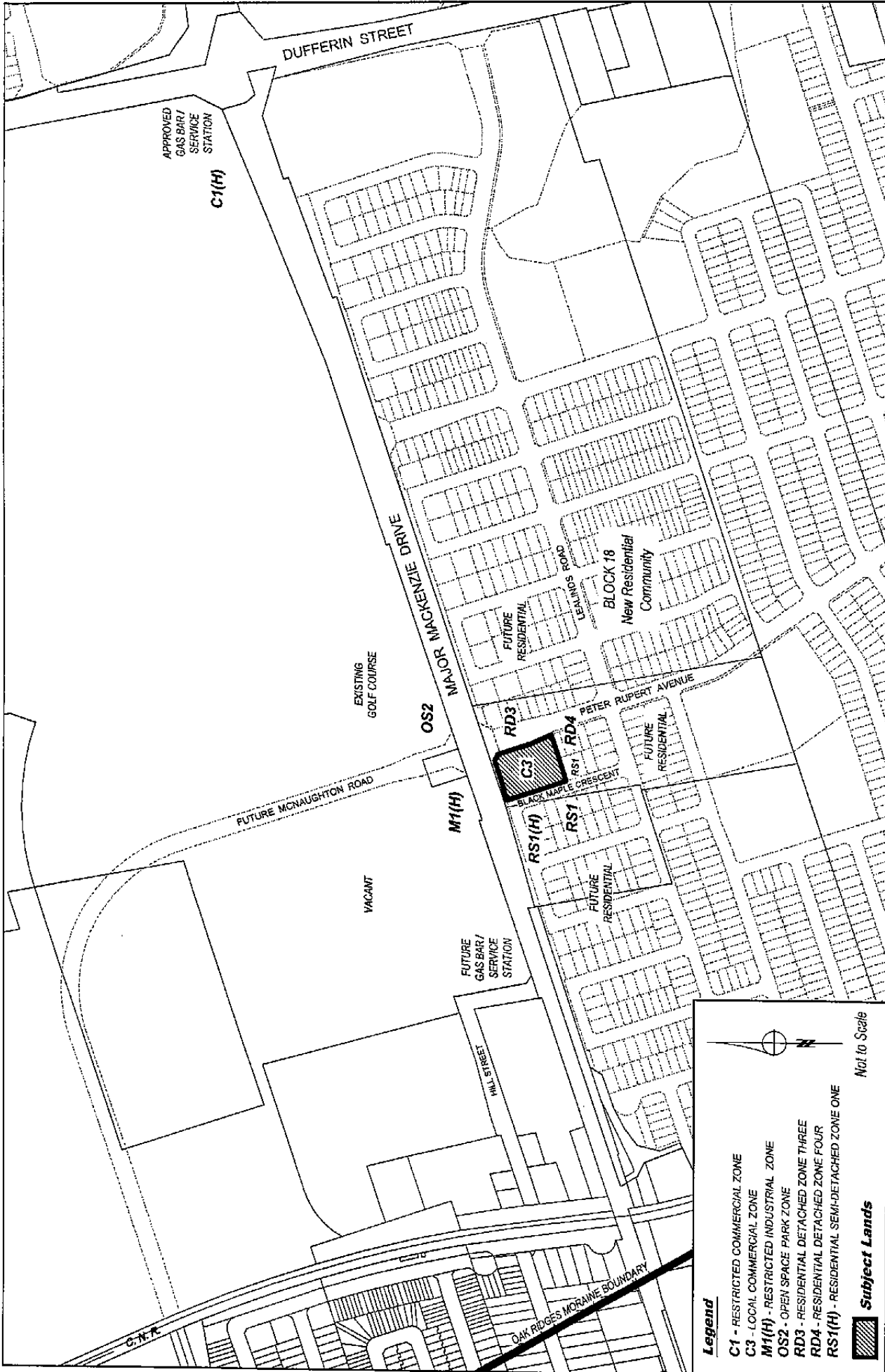
Margaret Holyday, Planner, ext. 8216
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM



Legend

- C1 - RESTRICTED COMMERCIAL ZONE
- C3 - LOCAL COMMERCIAL ZONE
- M1(H) - RESTRICTED INDUSTRIAL ZONE
- OS2 - OPEN SPACE PARK ZONE
- RD3 - RESIDENTIAL DETACHED ZONE THREE
- RD4 - RESIDENTIAL DETACHED ZONE FOUR
- RS1(H) - RESIDENTIAL SEMI-DETACHED ZONE ONE

Subject Lands

Not to Scale

Location Map

Part of Lot 20,
Concession 3
APPLICANT:
HONEYVALE GLADE ESTATES INC.

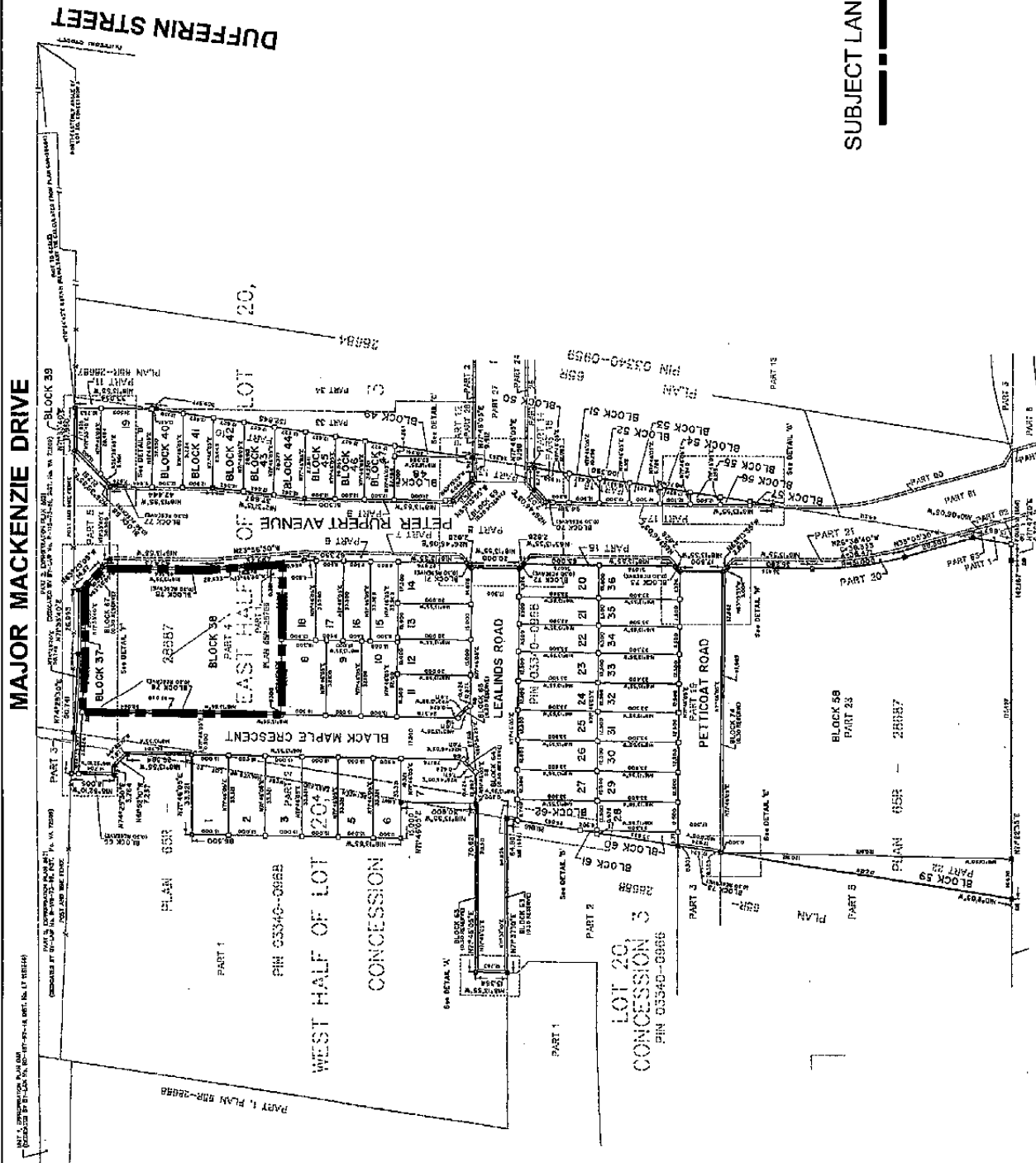


Development Planning Department

Attachment 1

FILE No.'s:
OP.06.017 & Z.06.038
RELATED FILE'S:
19T-03V15
September 1, 2006

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MAJOR MACKENZIE DRIVE

DUFFERIN STREET

SUBJECT LANDS

**Draft Plan of Subdivision
19T - 03V15**

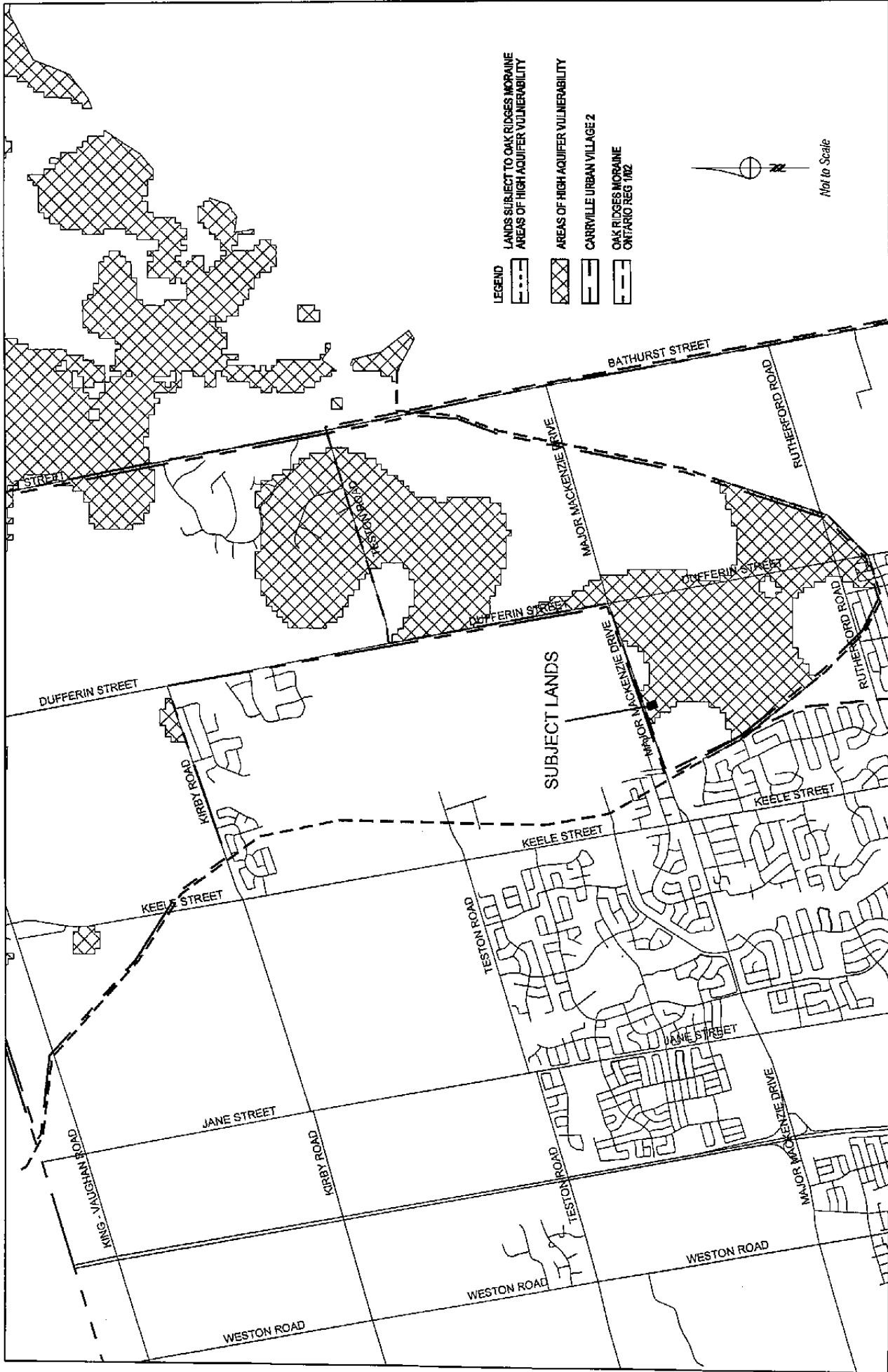
APPLICANT:
HONEYVALE GLADE ESTATES INC.

Part of Lot 20,
Concession 3



Development Planning Department

Attachment 3
FILE No.'s:
OP.06.017 & Z.06.038
RELATED FILE'S:
19T-03V15
August 30, 2006



Attachment 4

FILE No.'s:
 OP.06.017 & Z.06.038
 RELATED FILE'S:
 19T-03V15
 August 30, 2006



Development Planning Department

Oak Ridges Moraine Area of High Aquifer Vulnerability

Part of Lot 20,
 Concession 3

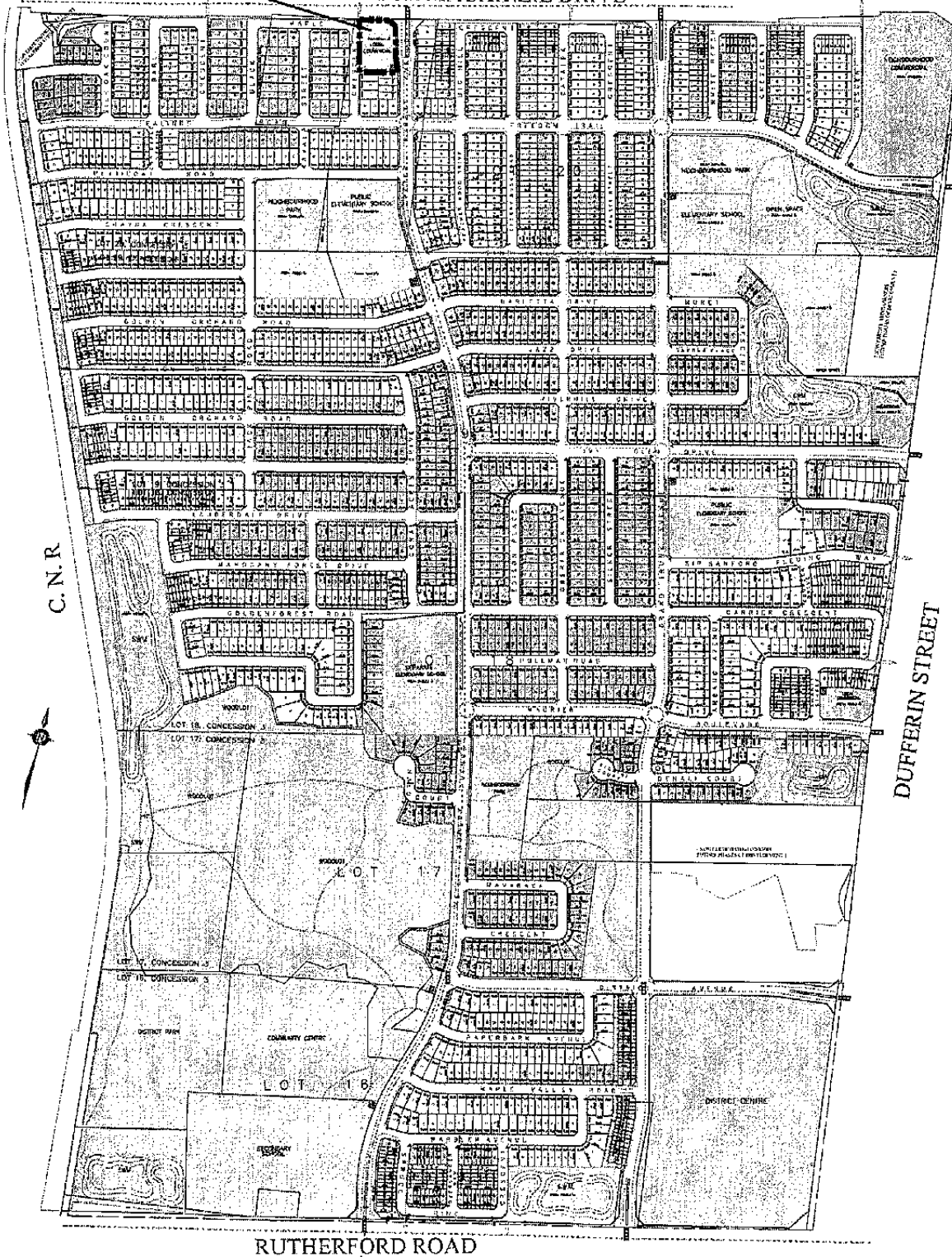
APPLICANT:
 HONEYVALE GLADE ESTATES INC.

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BLOCK 18 - COMMUNITY DESIGN PLAN

SUBJECT LANDS

MAJOR MACKINZIE DRIVE



LEGEND

- (SPACES AVAILABLE)
- PHASE 2 (SPACES AVAILABLE)
- 15.2m SEMI DETACHED
- 15.0m SEMI DETACHED
- 13.7m SINGLE DETACHED
- 13.5m SINGLE DETACHED
- 12.5m SINGLE DETACHED
- 12.2m SINGLE DETACHED
- 12.0m SINGLE DETACHED
- 11.5m SINGLE DETACHED
- 11.0m SINGLE DETACHED
- 10.7m SINGLE DETACHED
- 9.0m SINGLE DETACHED
- 10.3m SINGLE DETACHED
- 6.0m TOWNHOUSES
- RAISED INTERSECTION
- RAISED MIDIAN
- RAISED CROSSWALK
- LAWBY LANE
- ACOUSTICAL FENCE
- PRIVACY FENCE
- CHAIN LINK FENCE
- DECORATIVE METAL FENCE WITH MASONRY PIERS
- PROPOSED TRAILS
- SCHEMATIC PUBLIC TRAILS
- SIDEWALK
- PROPOSED TRAFFIC SIGNALS
- PROPOSED SWITCHGEAR LOCATION
- PEDESTRIAN CONNECTION
- STOP SIGN
- NO STANDING ZONE
- NO PARKING ZONE
- PROPOSED TRANSIT ROUTE
- EXISTING TRANSIT ROUTE
- TRANSIT STOP (FEATURE)
- THE FOLLOWING INFORMATION IS NOT YET AVAILABLE
- PROPOSED POINT OF PLACEMENT FOR LOCATION OF TELEPHONE BOX

PUBLIC USE LANDS
 THIS WILL BE THE LAND, NOTING THAT PUBLIC USE LAND IS NOT YET AVAILABLE FOR THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT WILL BE SUBJECT TO THE REQUIREMENTS OF THE MUNICIPAL ACT AND THE MUNICIPAL CLASSES AND REGULATIONS. THE PROPOSED DEVELOPMENT WILL BE SUBJECT TO THE REQUIREMENTS OF THE MUNICIPAL ACT AND THE MUNICIPAL CLASSES AND REGULATIONS.

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Block 18 Plan



Attachment

Part of Lot 20,
 Concession 3
 APPLICANT:
 HONEYVALE GLADE ESTATES INC.

Development Planning Department

FILE No.'s:
 OP.06.017 & Z.06.038
 RELATED FILE'S:
 19T-03V15

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August 30, 2006