

**COMMITTEE OF THE WHOLE MAY 5, 2008**

**ZONING BY-LAW AMENDMENT FILE Z.00.081  
GUISEPPE MORELLI  
SITE DEVELOPMENT FILE DA.07.049  
RITAJO DEVELOPMENTS LIMITED**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board be advised that Council endorses the approval of Zoning By-law Amendment File Z.00.081 (Giuseppe Morelli), subject to the following:
  - a) that By-law 1-88 be amended to rezone the subject lands shown on Attachment #1 from A Agricultural Zone to C4 Neighbourhood Commercial Zone with the following exceptions to implement the proposed site development shown on Attachment #2:
    - i) permit snow storage on 20 parking spaces and associated parking aisles between December 1<sup>st</sup> and April 1<sup>st</sup> of any year, whereas By-law 1-88 requires exclusive use of parking spaces and aisles for the parking of motor vehicles;
    - ii) establish the parking ratio for business and professional offices as 3.0 spaces/100m<sup>2</sup> GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires 3.5 spaces/100 m<sup>2</sup> GFA;
    - iii) establish the parking ratio for all retail/commercial uses as 4.25 spaces/100m<sup>2</sup> GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires specific parking ratios for various retail and commercial uses;
    - iv) establish the total minimum number of required parking spaces on the site as 319 spaces;
    - v) permit the loading area for the Food Store to be located between the building and Forest Run Boulevard, whereas By-law 1-88 does not permit loading between a building and a street;
    - vi) permit a minimum landscape strip width of 1.0m along the lot lines abutting Rutherford Road and Dufferin Street and permit the provision of access driveways, retaining walls, stairways, and walkways to be located within the landscape strip, whereas Bylaw 1-88 requires a landscape strip width of 6.0m in these locations for landscape purposes only;
    - vii) permit a minimum landscape strip width of 1.4m along the southerly boundary of the subject lands which may contain retaining walls and acoustical and guard rail fencing within the landscape strip, whereas By-law 1-88 requires a minimum 2.4m wide landscape strip in this location for landscape purposes only;
    - viii) establish building envelopes for the site which reflect the locations of the four buildings on the site plan as shown on Attachment '2';

- ix) permit canopies to be located outside of the established building envelopes for all four buildings;
- x) permit the minimum building height to be two-storeys (6m) for Buildings CRU 1A and 1B as shown on Attachment #2;
- xi) permit a maximum lot area of 26,700m<sup>2</sup>, whereas By-law 1-88 limits the maximum lot area in a C4 Neighbourhood Commercial Zone to 25,000m<sup>2</sup>;
- xii) permit a total gross floor area of all buildings on the subject lands to be 7,700m<sup>2</sup>, whereas By-law 1-88 restricts the maximum gross floor area of buildings to 7,000m<sup>2</sup>;
- xiii) restrict the maximum gross floor area of the Food Store shown on Attachment #2 to 4,000m<sup>2</sup>, to implement the requirement of OPA #651, whereas By-law 1-88 does not contain a maximum provision regarding floor areas for free standing buildings;
- xiv) permit the following site-specific C4 Neighbourhood Commercial Zone uses on the subject lands to implement the broader commercial uses permitted by the "Mixed Use - 1" policies of OPA #651:
  - Bank or Financial Institution;
  - Brewers Retail Outlet;
  - Business or Professional Office;
  - Club or Health Centre;
  - Eating Establishment;
  - Eating Establishment, Convenience;
  - Eating Establishment, Take-Out;
  - L.C.B.O. Outlet;
  - Outdoor Patio associated with an Eating Establishment, Eating Establishment, Convenience, and an Eating Establishment, Take-Out, in accordance with Section 5.1.6;
  - Personal Service Shop;
  - Pet Grooming Establishment, to be contained within a wholly enclosed building;
  - Photography Studio;
  - Retail Store;
  - Service or Repair Shop;
  - Supermarket;
  - a Seasonal Outdoor Garden Centre as an accessory use to a supermarket shall also be permitted subject to the following:
    - i) the maximum area devoted to a seasonal garden centre shall not exceed 585m<sup>2</sup>;
    - ii) a seasonal garden centre shall be defined as land or structure used for the sale of plants, shrubs, or trees and other associated products for household gardening needs and shall operate from and including April 15<sup>th</sup> to and including August 31<sup>st</sup> of any year; and,
    - iii) a seasonal garden centre may occupy a maximum of 20 parking spaces and the associated parking aisles for the

shopping centre, and shall not require additional parking spaces;

- Veterinary Clinic; and,
- Video Store.

2. THAT the Ontario Municipal Board be advised that Council endorses the approval of Site Development File DA.07.049 (Ritajo Developments Limited), to permit the development of a commercial plaza as shown on Attachment #2, subject to the following conditions:

- a) that prior to the execution of the site plan agreement or letter of undertaking, whichever is in effect:
  - i) the final site plan, elevation drawings and landscape plan shall be to the satisfaction of the Vaughan Development Planning Department;
  - ii) the final site servicing and grading plans and stormwater management report, access, and on-site circulation shall be to the satisfaction of the Vaughan Engineering Department;
  - iii) the Owner shall enter into a servicing agreement to the satisfaction of the Vaughan Engineering Department for the external storm sewer;
  - iv) the Owner shall register a maintenance easement over the future southerly residential portion of the property, to be implemented at severance prior to any subdivision and/or transfer of the lands into a different ownership other than the current landowner;
  - v) the Owner shall fulfill all hydro requirements to the satisfaction of PowerStream Inc;
  - vi) the Owner shall satisfy the requirements of the Region of York Transportation Services Department;
  - vii) the Owner shall provide the Vaughan Engineering Department with confirmation of the Ministry of Environment's Registration of the Record of Site Condition;
  - viii) an application to sever the southerly portion of the Owner's overall site for residential purposes shall be filed with the Committee of Adjustment; and,
- b) that the implementing site plan agreement or letter of undertaking, whichever is in effect, shall include the following conditions:
  - i) the Owner shall pay by way of a certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the commercial component, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment;
  - ii) garbage collection and snow removal for the commercial plaza shall be the responsibility of the Owner;

- iii) Development Charges are to be paid in accordance with the Development Charges By-law applicable at the time of Building Permit issuance;
  - iv) the Owner shall implement the recommendations of the Environmental Noise Impact Assessment for the subject lands, prepared by Valcoustics Canada Ltd., dated February 15, 2008;
  - v) the Owner shall be notified by the City of any changes regarding streetscape furnishing as the City's Carrville District Centre Master Plan Study progresses, and that the landscape plans will be amended, accordingly; funding for the enhanced streetscape elements within the rights-of-way delineated by the future streetscape materplan will be secured through the Letter of Credit for this site plan; and,
  - vi) prior to any grading, stripping of topsoil and initiation of construction on the site, all Environmental Site Assessment (ESA) reports must be reviewed and approved by the City, which means an updated Phase I ESA, and possibly Phase II and Phase III ESA's, if deemed necessary, by the City.
3. THAT Staff be directed to attend the Ontario Municipal Board Hearing in support of the applications.
4. THAT the Ontario Municipal Board withhold the issuance of the final Order approving the site plan and the draft implementing Zoning By-law until such time as the Vaughan Engineering Department has confirmed the registration of the Record of Site Condition by the Ministry of Environment.

### **Economic Impact**

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

### **Communications Plan**

N/A

### **Purpose**

The Owner has submitted a Site Development Application (File DA.07.049, Ritajo Developments Limited) on the subject lands shown on Attachment #1, to permit the development of a commercial plaza on a 1.6 ha site as shown on Attachment #2.

It will also be necessary to amend the draft zoning by-law currently before the Ontario Municipal Board, with the necessary zoning exceptions to facilitate the site development shown on Attachment #2. Accordingly, revisions to the Zoning By-law Amendment Application (File Z.00.081, Guiseppe Morelli), will also be considered.

The Owner has referred both the Zoning By-law Amendment and Site Development Applications to the Ontario Municipal Board (OMB). An OMB Telephone Conference Hearing is scheduled for May 14, 2008, to advise the Board of the status of the applications and resolution of previously identified outstanding issues.

## **Background - Analysis and Options**

The subject lands shown on Attachment #1 are located at the southwest corner of Dufferin Street and Rutherford Road, in Part of Lot 15, Concession 3, Planning Block 17, City of Vaughan. The rectangular commercial site has frontage of approximately 209m on Rutherford Road, and approximately 78m along both Dufferin Street and Forest Run Boulevard (130m if residential included). Attachment #1 shows the entire Ritajo Developments Limited landholding, including land along the southern property boundary which is not part of this site plan application and is not intended for development at this time. The applicant intends to file a severance application with the Committee of Adjustment to sever the commercial portion of the property from the future southerly residential portion (for townhouses). The surrounding land uses are shown on Attachment #1.

## **Previous Ontario Municipal Board Decision**

The applicant originally filed Official Plan and Zoning By-law Amendment Applications for the subject lands to permit the development of a 10,000m<sup>2</sup> GFA commercial plaza, with a 0.75ha townhouse development along the southerly portion of the property. These applications were referred to the Ontario Municipal Board (OMB) by the applicant and were considered at an OMB Hearing on April 13, 2004. As part of the OMB Hearing, conformity with the Oak Ridges Moraine Conservation Plan was reviewed. The Oak Ridges Moraine Conformity Report by Valdor Engineering was approved earlier by the City of Vaughan on February 25, 2004. The OMB released its Order for these applications on June 23, 2004. In the decision, the OMB approved a modified site-specific Official Plan Amendment (OPA #655) and draft Zoning By-laws for both the commercial and residential portions of the subject lands, but withheld the issuance of the final Order with respect to these applications pending receipt of a letter from the City of Vaughan indicating that site plan approval had been granted for the proposed development of these lands and pending receipt of a letter from the Trustee for the Block 17 Landowners Group confirming full payment of cost sharing in accordance with the provisions of an Agreement, dated June 16, 2004, between Ritajo Developments and the Block 17 Landowners Group.

Following the issuance of the OMB's June 23, 2004 Order concerning the subject lands, the City adopted OPA 651, the Carrville District Centre Plan on May 23, 2006. OPA 651 provides the policy framework for the overall Carrville District Centre (ie. 4 quadrants at the intersection of Dufferin Street and Rutherford Road), which includes the subject property within its boundaries. Given that the conditions of the June 23, 2004 OMB decision concerning the subject lands were not met at that time, and the Board had not released its final Order concerning the Official Plan and Zoning By-law Amendments for the subject lands, prior to the adoption of and final approval of OPA 651, the City has determined that OPA 651 is the applicable policy framework within which any applications in the Carrville District Centre are to be processed.

## **Current Ontario Municipal Board Proceedings**

The OMB's June 23, 2004 Order provided the opportunity for the Board to settle the site plan matters and reconvene the Hearing and settle the site plan and any consequential changes to the proposed zoning for the site. On May 2, 2007, Ritajo Developments Limited filed a site plan application for a commercial plaza on the northerly portion of the subject lands. On June 21, 2007, the applicant appealed the site plan application to the OMB. A pre-hearing was held on December 4, 2007, and a telephone conference hearing date was set for April 16, 2008. At that hearing, all parties agreed that additional time was required to resolve outstanding issues and a second telephone conference hearing was set for May 14, 2008, to deal with the site plan and zoning amendment applications before the Board.

### Current Site Plan Application

The commercial site plan (Attachment #2) has been reviewed in the context of the policies contained in OPA 651 (Carrville District Centre Plan). Schedule "A" of OPA 651 designates the landholding as "Mixed Use 1 Designation - Exception 5" and "Medium Density Residential". The "Medium Density Residential" designation applies to the southerly portion of the applicant's lands which is not part of this site plan application. Any future residential development application for this portion of the landholding will be subject to the "Medium Density Residential" policies of Section 3.5 of OPA 651, and other development processes under the Planning Act. It is anticipated that this portion of the site will be developed as a common elements condominium townhouse development.

### Official Plan - OPA 651 Policies

Section 3.2 of OPA 651 contains the "Mixed Use 1" policies applicable to the proposed commercial portion of the subject lands. This designation represents the primary retail development area within the Carrville District Centre. It is Council's intent that such development be characterized by high quality design standards and visual attractiveness, providing a consistent image of the prime importance of the district centre. The permitted uses are mixed uses, with commercial and residential/office uses in the same building with the primary retail uses at grade. Other uses are permitted as part of mixed use buildings.

The "Mixed Use 1" policies in Section 3.2 c):

- limit the Floor Space Index of the mixed use buildings to 2.5 FSI;
- restrict the minimum and maximum height of the buildings to 2 and 6 storeys, respectively;
- does not permit stand alone single use buildings other than the exception provided in Policy 3.2 d) (Exception 5), which permits one stand alone food store, as discussed later in this report; and
- require buildings to be sited close to the street right-of-way to create a suitable public realm.

The proposed site plan shown on Attachment #2, contemplates three mixed use commercial retail/office buildings and a 3,964.29m<sup>2</sup> stand alone food store. The buildings and site landscaping have been designed to create an attractive streetscape and desirable mixed use development at this primary corner within the Carrville District Centre.

#### a) FSI and Building Height

The Development Planning Department is satisfied that the proposed FSI of 0.46 for this site plan complies with the maximum 2.5 FSI permitted on this site by OPA 651. OPA 651 restricts the building height on the subject lands to between 2 and 6 storeys. The proposed retail commercial/office buildings at the corner of Dufferin Street and Rutherford Road are two-storeys or equivalent in height. A variation in building heights has been used given the grading of the property to create an attractive streetscape. The height of the mixed-use buildings increases towards the Dufferin Street and Rutherford Road intersection to emphasize the core of the future Carrville District Centre. The building height steps down slightly from the intersection to provide a transition to the existing residential uses abutting the site. Parapet treatment has been used on the street side of the building elevations to create an attractive street frontage and transition between building heights. The Development Planning Department is satisfied that the building heights meet the intent of the minimum height policies for the subject lands.

b) Mixed Use and Stand Alone Buildings

Although the "Mixed Use – 1" policies of OPA 651 do not permit single use stand alone buildings within the designation, OPA 651 provides an exception allowing one stand alone single use retail building with a maximum ground floor plate of 5,750m<sup>2</sup> on the subject lands. The building identified on the proposed site plan as "Food Store" with a floor plate labeled as 3,756.88m<sup>2</sup> complies with this exception.

The CRU 2 commercial retail building along the Rutherford Road frontage has an area of 417.63m<sup>2</sup> and can be used for multiple retail commercial units, however, will be used as a bank (BMO). The CRU 2 building was separated from the CRU 1 building to break up the building massing along the streetscape and to provide visual permeability into the site. The CRU 1A building located along Rutherford Road contains multiple units and has a two storey component located closer to Dufferin Street. The CRU 1C building which fronts along Dufferin Street contains a 1577.47m<sup>2</sup> unit, intended for a Shoppers Drug Mart, together with CRU 1B building that contains mixed-commercial retail units with a second floor.

The proposed buildings are located close to the Dufferin and Rutherford Road rights-of-way to create an interesting public realm and an attractive streetscape as shown on the landscape plan (Attachment #3), and highlighted by engaging building elevations as shown on Attachments #4, #5, #6, #7 and #8. The commercial retail units have entrances to both the street and the parking area to enhance the pedestrian realm. The corner buildings define a public plaza at the intersection of Dufferin Street and Rutherford Road and have entrances on the street-side elevations and onto the proposed public plaza.

c) Urban Design

The Urban Design Policies of OPA 651 provide for Council to adopt Urban Design Guidelines for the overall Carrville District Centre. Although the City has recently commenced the *Carrville District Centre Urban Streetscape Master Plan Study in early 2008*, the study is not complete and guidelines have not been adopted by Council, which is expected by the end of 2008. The subject lands are located at a prominent corner within the District Centre, and the Development Planning Department had wanted the design to be reviewed within the context of a future Master Plan. However, due to the timing of the OMB Hearing for the subject lands, the site plan application has been processed ahead of the future urban design guidelines and streetscape master plan. The applicant, the Development Planning Department and the Region of York will work together to ensure that the development proposed on this site will have an integrated and prominent built form and a consistent streetscape character that will be maintained throughout the Carrville District Centre.

The proposed site plan, landscape plan and elevation drawings were reviewed in the context of the OPA 651 Urban Design policies for the overall district.

d) Built Form

The Built Form Policies of OPA 651 require the buildings to be sited in a manner that will create a clearly defined pedestrian scaled streetscape with positive elevations to all adjacent streets. To address this policy, many of the commercial entrances have been oriented towards Rutherford Road and Dufferin Street and a significant amount of vision glazing will be provided where possible. In addition, to address the OPA 651 built form and streetscape requirements, the buildings have been located as close to the lot lines and sight triangle as possible, to provide convenient access for pedestrians and to public transit while addressing the Regional requirements for setbacks and landscaping.

The Built Form policies of OPA 651 also require a minimum built frontage on those portions of the site fronting onto Rutherford Road and Dufferin Street. The Built Form policy recognizes the

significance of corner buildings within the District Centre and requires consistent treatment of corner sites throughout the Carrville District Centre area. The policies require that the corner building designs express prominence and distinctiveness to reinforce their landmark status in the streetscape for the intersection and are therefore required to be a minimum of 2-storeys in height.

The site plan and elevations meet the required built frontage policies of OPA 651. The policies regarding Built Form and Significant Corner Buildings have also been addressed through the design of two storey corner buildings which are articulated to define and enhance the intersection by providing a presence at the southwest corner of the Dufferin and Rutherford Road intersection.

In addition, the Built Form policy envisions buildings which turn the corner with façades articulated toward both streets. Although the proposed corner buildings are physically separate, their distinctive architectural design and use of high quality building materials provides the sense that the building turns the corner. The buildings are sited to provide an attractive public realm from the intersection and into the plaza that satisfactorily addresses the Built Form policies of OPA 651 and the Region's setback requirements. The landscape and building elevations have been designed to reflect the importance of the corner properties, provide pedestrian permeability, and reduce the distance between buildings for pedestrians along Dufferin Street and Rutherford Road. The policies of OPA 651 require a build within zone of between 0.6 and 2.0 metres abutting the Regional sight triangle. The site plan meets both the City's policy requirements and the Regional standards for setbacks and landscaping adjacent to and within setbacks and rights-of-ways.

OPA 651 requires that the zoning by-law establish the build within zones. The proposed draft by-law (Attachment #9 – Mayor and Councillors Only) reflects the building envelopes shown on the site plan (Attachment #2). Should Council concur with the recommendation to approve the subject site plan, the draft by-law will be forwarded to the OMB for approval.

e) Pedestrian Realm

The Pedestrian Realm policies of OPA 651 provide policies regarding the location of loading areas relative to a street. Given the design of the site, the loading area for the food store building is located at the rear of the building, facing Forest Run Boulevard. The Development Planning Department has worked with the applicant to ensure the proposed site plan is consistent with the policies of OPA 651. The applicant has designed a screen wall to adequately screen the proposed loading area from view of the residents along Forest Run Boulevard. In addition, the applicant has obtained additional lands from the Block 17 Landowners Group behind the rear of the proposed food store and has used this in creating a wider landscaped area to help screen the loading area from view. The loading area for the Shopper's Drug Mart building has also been screened from view along Dufferin Street using a screen wall.

The pedestrian realm and streetscape for the site have been enhanced by providing street-side pedestrian entrances to the buildings where possible, to conveniently access transit and taking pedestrian comfort into consideration. A sidewalk close to the building frontages and awnings/canopies are used to provide protection over the building entrances and enhance the appearance of the streetscape. A variety of building materials enhance the appearance of the buildings and provide a more pedestrian oriented streetscape realm.

f) Official Plan Summary

The Development Planning Department is satisfied that the proposed site plan meets the intent of the policies of the "Mixed Use – 1" designation in OPA 651, which apply to the subject lands.



## Zoning

The subject lands are currently zoned A Agricultural Zone by By-law 1-88. As indicated above, the earlier OMB decision approved a zoning by-law amendment application to apply a site-specific C4 Neighbourhood Commercial Zone for the subject lands, but withheld the issuance of the final Order, until a satisfactory site plan was approved by the City.

During the processing of the subject site plan it became evident that the draft commercial zoning by-law before the OMB in the June 23, 2004 decision would require revisions to reflect the final site plan for the current proposal. The amended zoning by-law would implement the C4 Neighbourhood Commercial Zone standards with site-specific exceptions to implement the final approved site plan, as follows:

- i) permit snow storage on 20 parking spaces and associated parking aisles between December 1<sup>st</sup> and April 1<sup>st</sup> of any year, whereas By-law 1-88 requires exclusive use of parking spaces and aisles for the parking of motor vehicles;
- ii) establish the parking ratio for business and professional offices as 3.0 spaces/100m<sup>2</sup> GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires 3.5 spaces/100 m<sup>2</sup> GFA;
- iii) establish the parking ratio for all retail/commercial uses as 4.25 spaces/100m<sup>2</sup> GFA, to implement the standard required in OPA #651, whereas By-law 1-88 requires specific parking ratios for various retail and commercial uses;
- iv) establish the total minimum number of required parking spaces on the site as 319 spaces;
- v) permit the loading area for the Food Store to be located between the building and Forest Run Boulevard, whereas By-law 1-88 does not permit loading between a building and a street;
- vi) permit a minimum landscape strip width of 1.0m along the lot lines abutting Rutherford Road and Dufferin Street and permit the provision of access driveways, retaining walls, stairways, and walkways to be located within the landscape strip, whereas Bylaw 1-88 requires a landscape strip width of 6.0m in these locations for landscape purposes only;
- vii) permit a minimum landscape strip width of 1.4m along the southerly boundary of the subject lands which may contain retaining walls and acoustical and guard rail fencing within the landscape strip, whereas By-law 1-88 requires a minimum 2.4m wide landscape strip in this location for landscape purposes only;
- viii) establish building envelopes for the site which reflect the locations of the four buildings on the site plan as shown on Attachment '2';
- ix) permit canopies to be located outside of the established building envelopes for all four buildings;
- x) permit the minimum building height to be two-storeys (6m) for Buildings CRU 1A and 1B as shown on Attachment #2;
- xi) permit a maximum lot area of 26,700m<sup>2</sup>, whereas By-law 1-88 limits the maximum lot area in a C4 Neighbourhood Commercial Zone to 25,000m<sup>2</sup>;

- xii) permit a total gross floor area of all buildings on the subject lands to be 7,700m<sup>2</sup>, whereas By-law 1-88 restricts the maximum gross floor area of buildings to 7,000m<sup>2</sup>;
- xiv) restrict the maximum gross floor area of the Food Store shown on Attachment #2 to 4,000m<sup>2</sup>, to implement the requirement of OPA #651, whereas By-law 1-88 does not contain a provision regarding floor areas for free standing buildings;
- xiv) permit the following site-specific C4 Neighbourhood Commercial Zone uses on the subject lands to implement the broader commercial uses permitted by the "Mixed Use - 1" policies of OPA #651:
  - Bank or Financial Institution;
  - Brewers Retail Outlet;
  - Business or Professional Office;
  - Club or Health Centre;
  - Eating Establishment;
  - Eating Establishment, Convenience;
  - Eating Establishment, Take-Out;
  - L.C.B.O. Outlet;
  - Outdoor Patio associated with an Eating Establishment, Eating Establishment, Convenience, and an Eating Establishment, Take-Out, in accordance with Section 5.1.6;
  - Personal Service Shop;
  - Pet Grooming Establishment, to be contained within a wholly enclosed building;
  - Photography Studio;
  - Retail Store;
  - Service or Repair Shop;
  - Supermarket;
  - a Seasonal Outdoor Garden Centre as an accessory use to a supermarket shall also be permitted subject to the following:
    - i) the maximum area devoted to a seasonal garden centre shall not exceed 585m<sup>2</sup>;
    - ii) a seasonal garden centre shall be defined as land or structure used for the sale of plants, shrubs, or trees and other associated products for household gardening needs and shall operate from and including April 15<sup>th</sup> to and including August 31<sup>st</sup> of any year; and,
    - iii) a seasonal garden centre may occupy a maximum of 20 parking spaces and the associated parking aisles for the shopping centre, and shall not require additional parking spaces;
  - Veterinary Clinic; and
  - Video Store.

The above noted site-specific zoning by-law exceptions are considered appropriate, and the Development Planning Department supports these exceptions which are consistent with OPA 651 and with the proposed site plan amendment to facilitate the development of the proposed commercial plaza. Should Council approve the site plan application, the OMB will be requested to approve the draft zoning by-law shown on Attachment #9 (Mayor and Councillors Only). The remaining southerly lands, not subject of this application, will continue to be zoned A Agricultural Zone, until a site plan is submitted and approved for these lands, at which time the OMB will be

requested to approve the other draft by-law currently before them, which would rezone the southerly parcel to an appropriate residential category.

Site Design

The proposed site plan is shown on Attachment #2. The primary vehicular entrance to the site is a limited movement entrance off Rutherford Road, east of Forest Run Boulevard, with secondary accesses provided on Forest Run Boulevard and Dufferin Street. Truck access is designed to be from these secondary accesses to the Shoppers Drug Mart building and to the food store building. Trucks will also exit the site via Forest Run Boulevard and Dufferin Street. As discussed earlier, the loading areas will be screened from street view by screen walls and the use of landscaping.

The buildings are located close to the street frontages, with the parking area in the centre of the site. The buildings have been placed close to the Regional rights-of-way, while continuing to ensure adequate street landscaping to create an attractive streetscape within the District Centre Core.

The applicant has contemplated a seasonal outdoor garden centre accessory to the food store (supermarket) to be located somewhere in the parking area adjacent to the food store. An exception has been included in the draft zoning by-law to limit the size, location, and the period of operation of the garden centre. However, no garden centre has been shown on this site plan and the future location of the garden centre will require a future amendment to the site plan.

Two patio areas have been provided on the east (adjacent to the 2-storey tower) and west sides of the mixed use retail building (ie. CRU 1A) on Rutherford Road. The patio's are to be accessory to a restaurant use in the adjacent unit.

Parking

The central parking area minimizes the impact on the streetscape. The parking area contains some landscaped islands, and where possible, mulch bedding and permeable pavers will be used in the parking islands to provide for on-site infiltration as an environmentally sustainable feature.

The parking standards established by OPA 651 for uses in the District Centre are 4.25 spaces per 100m<sup>2</sup> for retail commercial uses, and 3.0 spaces per 100m<sup>2</sup> for office uses. A site-specific zoning exception is required to the parking provisions of By-law 1-88 to implement these parking standards that were established in OPA 651. Based on the above parking standards, the required parking for the proposed development is 319 spaces as outlined below, however, 346 spaces are provided. The proposed zoning makes provision for a possible future outdoor garden centre associated with the food store use. Although the garden centre does not require additional parking, it would be located within the parking lot, and would remove no more than 20 parking spaces from the parking total for the site during the summer months, and as snow storage during the winter.

Total Parking Required

Retail	6,894.28m <sup>2</sup>	@ 4.25/100m <sup>2</sup>	= 293 spaces
Office	758.93m <sup>2</sup>	@ 3.0/100m <sup>2</sup>	= 23 spaces
Patio	54m <sup>2</sup>	@ 4.25m <sup>2</sup>	= 3 spaces
Total			= 319 spaces

Total Parking Provided

Total Parking without Seasonal Garden Centre/snow storage = 346 spaces  
 Total Parking with Seasonal Garden Centre/snow storage = 326 spaces

## Building Elevations

### a) Shopper's Drug Mart Building

The main entrance to the Shopper's Drug Mart building (CRU 1C on Attachment #2) faces the parking area. The rear of the building is the easterly elevation, fronting onto Dufferin Street. This rear elevation has been enhanced with vision glazing on the rear doors, vision glazed windows, awnings, and a rhythm of alternating spandrel lifestyle panel windows, brick and a stone base. A significant grade difference on site has resulted in the need for a retaining wall along Dufferin Street as shown on Attachment #5. The retaining wall has been terraced and finished in stone to match the base of the Shopper's building. Terracing and enhanced landscaping minimize the impact of the retaining wall height, to create an attractive streetscape that complements the building elevation as shown on Attachment #4.

### b) Multi-unit Retail Commercial Buildings

Attached on the north side of the Shopper's building is a multi-unit commercial building (CRU 1B on Attachment #2), which includes entrances on the north and west sides of the building. The facades include vision glazing, awnings, brick and stone accents, as shown on Attachment #5.

The CRU 1A (on Attachment #2) mixed-use commercial building elevation along Rutherford Road utilizes considerable vision glazing, street doors, awnings, brick and stone accents to create a rhythm and a pedestrian scale streetscape, as shown on Attachment #6.

The smaller commercial retail building (CRU 2) located to the west, which will be occupied by the BMO bank as shown on Attachment #7, is finished in similar materials. Stone, brick and awnings are unifying elements tying the plaza buildings together.

As discussed earlier, the two corner building's tower features have a rounded contemporary appearance and are finished in vision glazing to articulate the southwest corner of the Rutherford Road and Dufferin Street intersection.

### c) Food Store Building (No Frills)

The main entrance to the food store (Attachment #8) is oriented towards the parking area. The entrance façade and building materials have been enhanced to include awnings, window treatments, stone base and brick accent wall treatments. To enhance the Rutherford Road elevation, which is the north side of the building, awnings and lifestyle panel windows will be used together with brick accents to articulate the façade.

The rear of the building faces Forest Run Boulevard and additional landscaping has been placed in the landscape strip to help screen this elevation.

### d) Other

All roof-top mechanical equipment for each building is screened from Rutherford Road, Forest Run Boulevard and Dufferin Street. All service doors and garbage enclosure doors, including the door-frames will be painted to match the facades. The Development Planning Department has worked with the applicant to ensure that the elevations for all the buildings are consistent with the objectives of the Carrville District Centre, and the final elevations shall be to the satisfaction of the Development Planning Department.

## Landscape Plan

The landscape plan (Attachment #3) incorporates landscaping along the perimeter of the site and within the parking areas, and site furnishings such as lamp standards, bike rings, trash receptacles, etc. The Development Planning Department notes that the subject site is within the Carrville District Centre and that the policies of OPA 651 require the development of a Streetscape Master Plan. As noted earlier, this plan is underway, and the processing of this site plan has preceded the approval of the streetscape masterplan. The owner agrees that streetscape furnishings may change as the development of the streetscape master plan progresses, and that the landscape plans will be amended, accordingly. Funding for the enhanced streetscape elements within the rights-of-way delineated by the future streetscape masterplan will be secured through the letter of credit for this site plan.

### a) Streetscape

A pedestrian streetscape has been created along Rutherford Road to facilitate continuous, uninterrupted movement through the District Centre with links to a public landscaped area between the two storey buildings, which extends into the sight triangle. The courtyard treatment between the buildings provides views into the site and safe pedestrian permeability into the plaza. Pedestrian scale lighting promotes pedestrian comfort and safety and adds a high quality ambiance within the District Centre. Pedestrian-scale lighting in the courtyard area emphasizes the built form of the corner space and emphasizes landscape elements within this corner space. A variety of landscape elements will be used, including pavers and permeable pavers, bench seating, pedestrian-scale lighting, and a variety of trees, shrubs, sod and other plantings. These landscape elements are intended to draw pedestrians from the street into the plaza.

### b) Dufferin Street Retaining Wall

The retaining wall adjacent to the Shopper's building is terraced to reduce the impact of its height and is finished in stone to tie into the base material used on the building. It is landscaped with vines and shrubs to break up the massing and create a more aesthetically pleasing streetscape along Dufferin Street.

### c) Entrance Feature

An entrance feature into the subdivision is provided at the southeast corner of Rutherford Road and Forest Run Boulevard to compliment the landscape feature on the opposite corner of Forest Run Boulevard adjacent to the residential subdivision, and to help screen the rear elevation of the food store building.

The final landscape plan and landscape cost estimate must be to the satisfaction of the Development Planning Department.

## Cash-in-Lieu of Parkland Dedication

The Owner will be required to pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands for the commercial component, prior to the issuance of a Building Permit in accordance with the Planning Act and the City's Cash-in-Lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in lieu payment.

## Engineering

The Vaughan Engineering Department provides the following comments:

a) Record of Site Condition

Given the grade of the property, fill material was placed on the site to create a flat finished grade for the plaza development.

An Environmental Assessment Report was submitted to the City for review. The City recommends that the Ontario Municipal Board withhold its Order after the Hearing, until all Environmental Site Assessment (ESA) reports, which means an updated Phase I ESA, and possibly Phase II and Phase III ESA's, if deemed necessary, have been reviewed and approved by the City; and documented proof of the satisfactory registration of the Record of Site Condition (RSC) with the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes a copy of the RSC signed by a Qualified Person and the Acknowledgement from the MOE, have been submitted to the City Engineering Department.

The Owner shall be advised that prior to any grading, stripping of topsoil and initiation of construction on the site, all Environmental Site Assessment (ESA) reports, which means an updated Phase I ESA, and possibly Phase II and Phase III ESA's, if deemed necessary, have been reviewed and approved by the City.

b) Retaining Wall

The proposed plaza will occupy the northerly portion of the site and the future southerly residential portion will be at a grade approximately 2.7m lower than the plaza site. The grade difference requires a retaining wall along the entire southerly boundary of the commercial site. To reduce the impact of the retaining wall on the future residential development, a living wall treatment is to be placed on the south side of the retaining wall. The retaining wall and acoustic fence must be designed to the satisfaction of the Vaughan Engineering Department. The site plan agreement will require a maintenance easement over the future residential property to the south. This maintenance easement must be implemented at severance, prior to any subdivision and/or transfer of the lands into a different ownership other than the current landowner. The Owner may also be required to provide for the regular maintenance of the retaining wall/ planter wall along the Dufferin Street frontage.

c) Noise Report

The Vaughan Engineering Department approved the February 15, 2008 "Environmental Noise Impact Assessment" by Valcoustics Canada Ltd. That report acknowledges the loading areas as noise sources during daytime and peak morning hour loading activities. The report indicates an acoustic sound barrier is needed along the south boundary of the commercial site to mitigate the noise impacts to meet the MOE noise guidelines. A noise fence is provided on the site plan along the southerly commercial property boundary, consistent with the recommendations of the noise report, and a clause will be added to the site plan agreement or letter of undertaking, whichever is in effect, regarding the implementation of the report recommendations. The noise fence will be located on top of the retaining wall.

d) Site Servicing, Grading and Stormwater Management

The final site servicing and grading plans and stormwater management report must be approved to the satisfaction of the Vaughan Engineering Department. The applicant shall enter into a servicing agreement to the satisfaction of the Engineering Department for the external storm sewer, and easements for this sewer may be required.

All hydro requirements must be addressed to the satisfaction of PowerStream Inc.

Snow removal and garbage pick-up for the commercial plaza will be the responsibility of the Owner.

### **Relationship to Vaughan Vision 2020**

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

### **Regional Implications**

The Region of York requirements for the Rutherford Road and Dufferin Street rights-of-way and the sight triangle will be addressed through the Region's final approval of the site plan, landscape plan and site servicing drawings, and the Region's conditions of site plan approval will be included in an implementing site plan agreement (either the City's or Region's, depending on when the City's Letter of Undertaking is in effect).

### **Conclusion**

The Development Planning Department has reviewed the proposed Site Development Application (File DA.07.049) in accordance with OPA 651 and is satisfied that the proposed development implements the policies of the Official Plan. The applicant has obtained a letter from the Block 17 Landowner's group confirming full payment of cost sharing thereby satisfying the conditions of the June 16, 2004 agreement. The Development Planning Department can support the Ontario Municipal Board's (OMB) approval of the proposed site plan to facilitate the development of the proposed commercial plaza shown on Attachment #2, and therefore recommends that Council endorse the site plan application subject to the conditions provided in the recommendation of this report. The required exceptions to the Zoning By-law are also considered to be appropriate to facilitate the commercial development, and are recommended to be endorsed by Council, for approval by the Ontario Municipal Board.

It is recommended that the OMB withhold the issuance of the final Order approving the site plan and the draft implementing Zoning By-law attached as Attachment #9 to this report, until such time as the Vaughan Engineering Department has confirmed the registration of the Record of Site Condition by the Ministry of Environment.

### **Attachments**

1. Location Map
2. Site Plan
3. Landscape Plan
4. CRU 1 Landscape Elevations
5. CRU 1C (Shopper's) and CRU 1B (Dufferin Street) Elevations
6. CRU 1A (Rutherford Road) Elevations
7. CRU 2 (BMO) Elevations
8. Food Store Elevations
9. Draft Zoning By-law (MAYOR & COUNCILLORS ONLY)

**Report prepared by:**

Laura Janotta, Planner, ext. 8634  
Arto Tikiryan, Senior Planner, ext. 8212

Respectfully submitted,

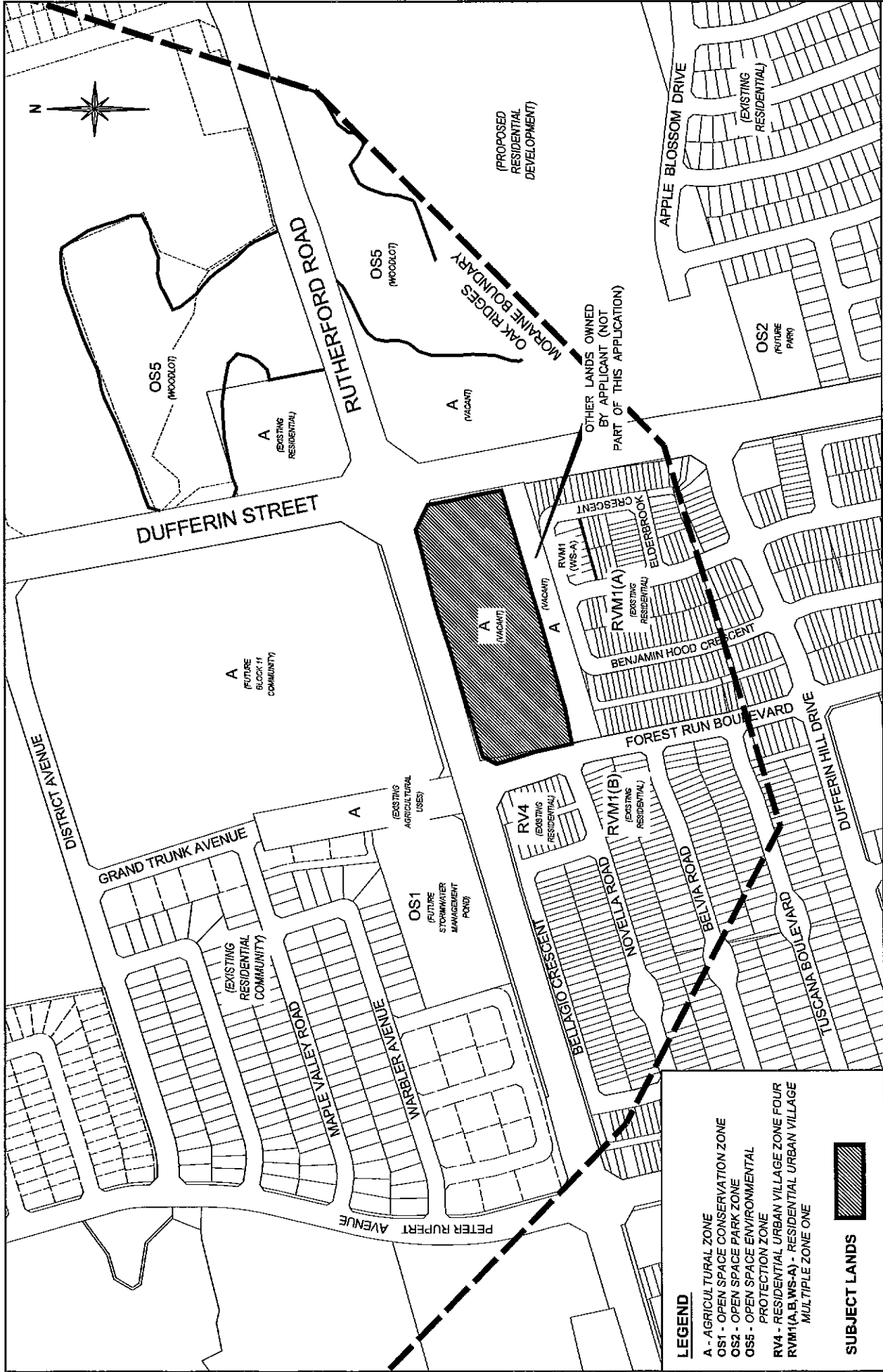
JOHN ZIPAY  
Commissioner of Planning

GRANT UYEVAMA,  
Manager of Development Planning,

/CM

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- LEGEND**
- A - AGRICULTURAL ZONE
  - OS1 - OPEN SPACE CONSERVATION ZONE
  - OS2 - OPEN SPACE PARK ZONE
  - OS5 - OPEN SPACE ENVIRONMENTAL PROTECTION ZONE
  - RV4 - RESIDENTIAL URBAN VILLAGE ZONE FOUR
  - RVM1(A,B,WS-A) - RESIDENTIAL URBAN VILLAGE MULTIPLE ZONE ONE

**SUBJECT LANDS**



# Location Map

Part of Lot 15,  
Concession 3  
APPLICANT:  
RITAJO DEVELOPMENTS LIMITED

N:\DPT\1 ATTACHMENTS\DA 06-07-049

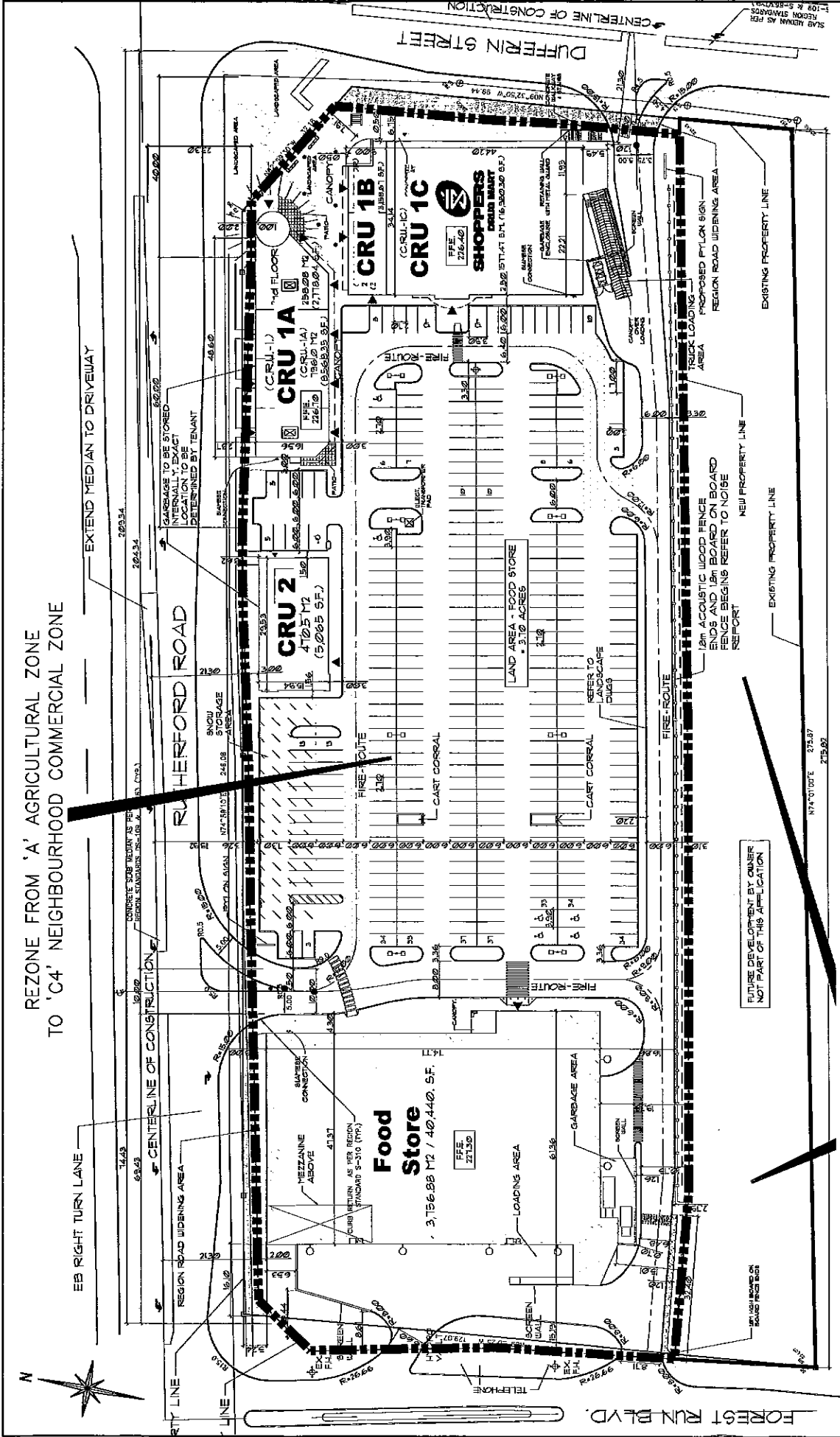


Development Planning Department

# Attachment

FILE No's:  
DA.07.049, Z.00.081  
Not to Scale  
April 21, 2008

REZONE FROM 'A' AGRICULTURAL ZONE  
TO 'C4' NEIGHBOURHOOD COMMERCIAL ZONE



OTHER LANDS OWNED BY APPLICANT  
- FUTURE TOWNHOUSE DEVELOPMENT  
(NOT PART OF THIS APPLICATION -  
MAINTAIN 'A' AGRICULTURAL ZONE)

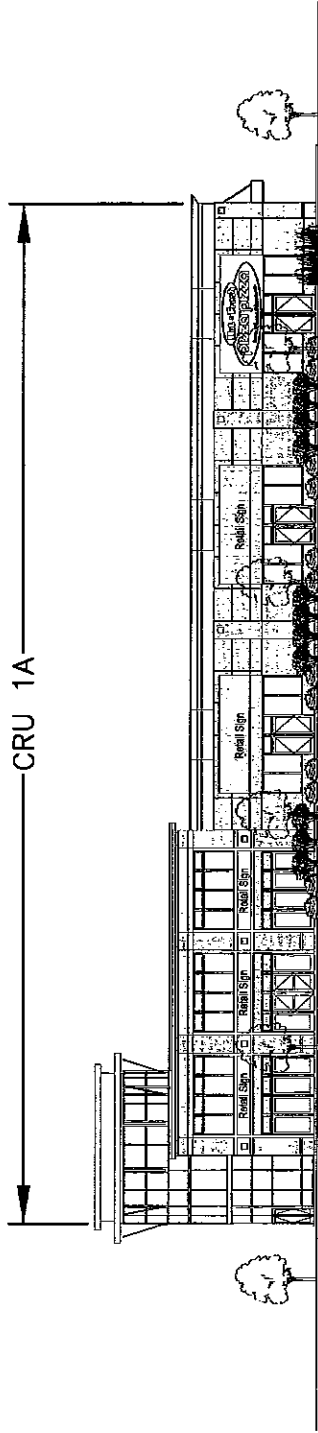
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FILE NO'S:  
DA.07.049, Z.00.081  
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April 21, 2008

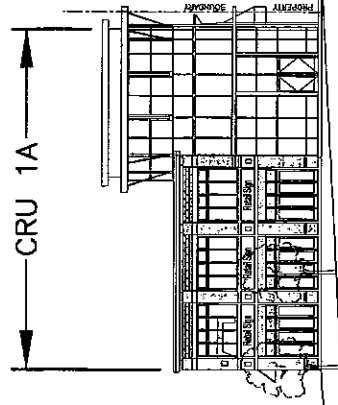
**City of Vaughan**  
*The City Above Toronto*  
Development Planning Department

**Site Plan**  
Part of Lot 15,  
Concession 3  
APPLICANT:  
RITAJO DEVELOPMENTS LIMITED  
NA.DPT: ATTACHMENTS\DA.06.07.049

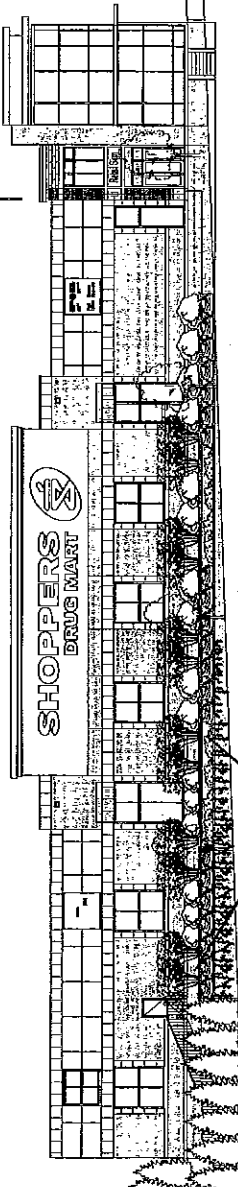




NORTH ELEVATION (RUTHERFORD ROAD)

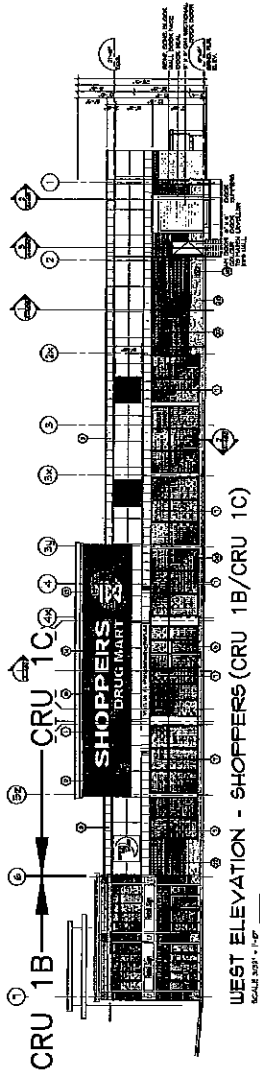


EAST ELEVATION (DUFFERIN STREET)

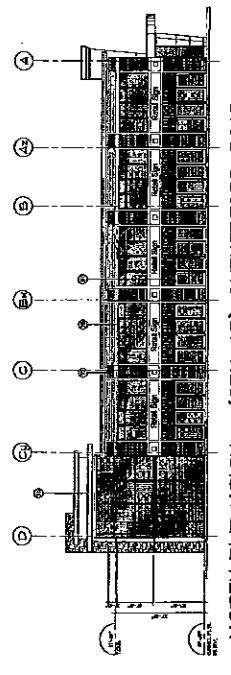


RETAINING WALL WITH PLANTERS

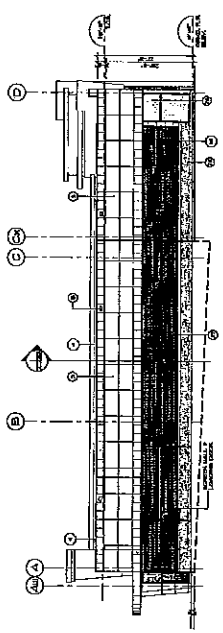
RAMP UP TO SITE



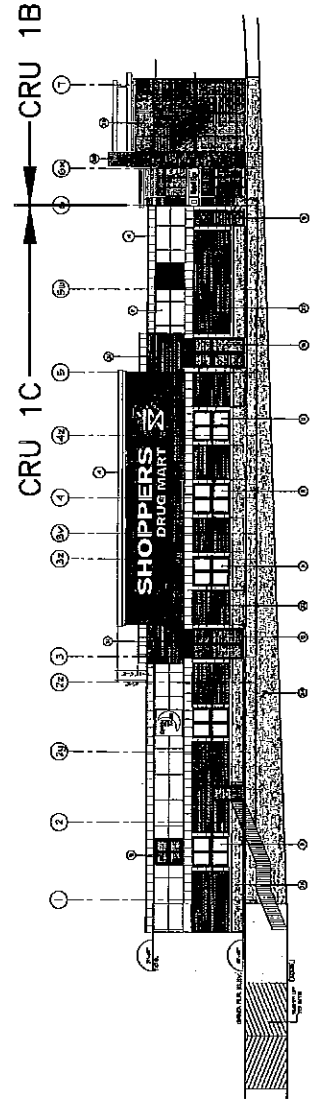
WEST ELEVATION - SHOPPERS (CRU 1B/CRU 1C)  
SCALE 3/32" = 1'-0"



NORTH ELEVATION - (CRU 1B) RUTHERFORD ROAD  
SCALE 3/32" = 1'-0"



SOUTH ELEVATION - SHOPPERS (CRU 1C)  
SCALE 3/32" = 1'-0"



EAST ELEVATION - SHOPPERS (CRU 1B/CRU 1C) DUFFERIN STREET  
SCALE 3/32" = 1'-0"

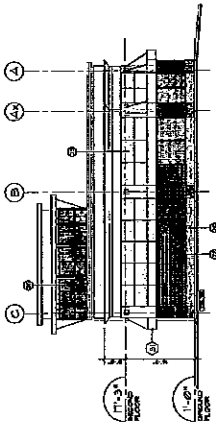
**CRU 1C (Shoppers) &  
CRU 1B Elevations**

APPLICANT: RITAJO  
DEVELOPMENTS LIMITED  
Part of Lot 15,  
Concession 3

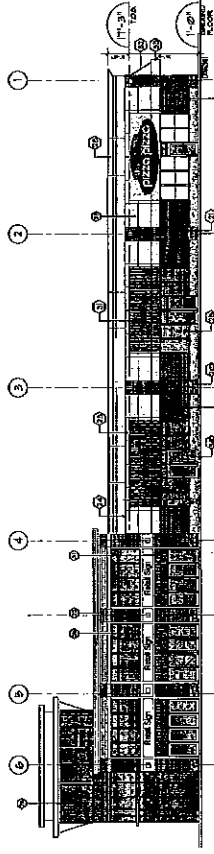
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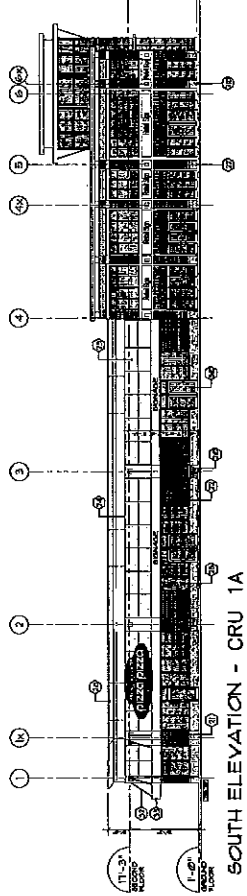
Development Planning Department



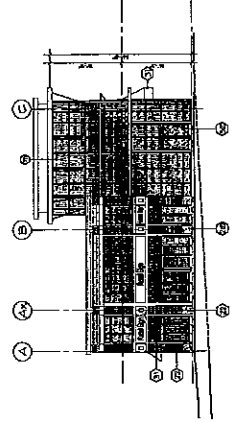
WEST ELEVATION - CRU 1A  
SCALE 3/32" = 1'-0"



NORTH ELEVATION - CRU 1A RUTHERFORD ROAD  
SCALE 3/32" = 1'-0"



SOUTH ELEVATION - CRU 1A  
SCALE 3/32" = 1'-0"



EAST ELEVATION - CRU 1A  
SCALE 3/32" = 1'-0"

# CRU 1A Elevations

Part of Lot 15,  
Concession 3

APPLICANT:  
RITAJO DEVELOPMENTS LIMITED

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Development Planning Department

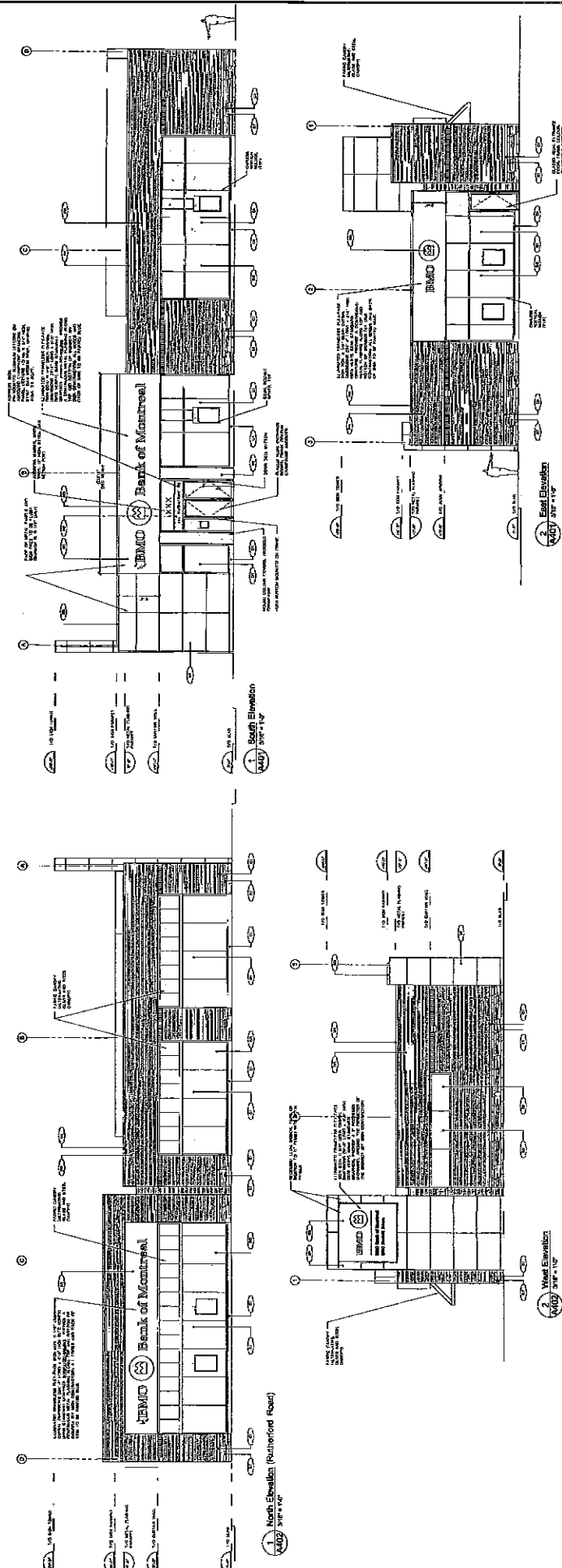
# Attachment

# 6

FILE No's.:  
DA.07.048, Z.00.081

Not to Scale

April 21, 2008



# CRU 2 (BMO) Elevations

Part of Lot 15,  
Concession 3

APPLICANT:  
RITAJO DEVELOPMENTS LIMITED

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*The City Above Toronto*

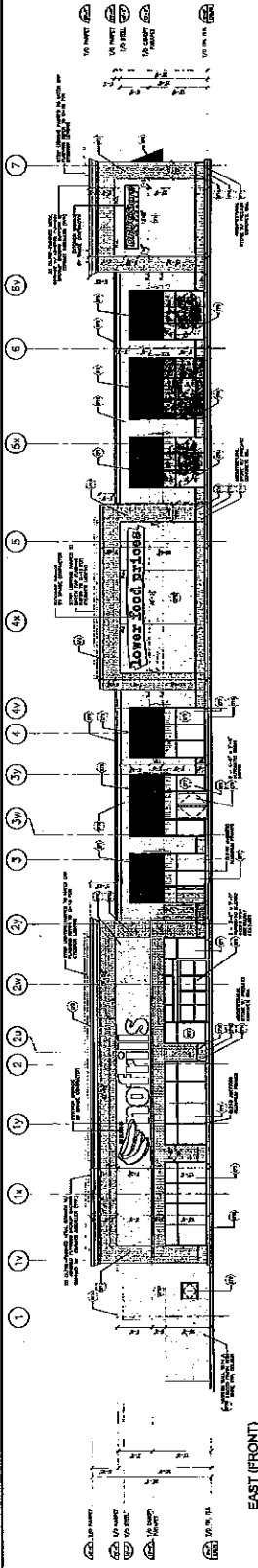
Development Planning Department

# Attachment 7

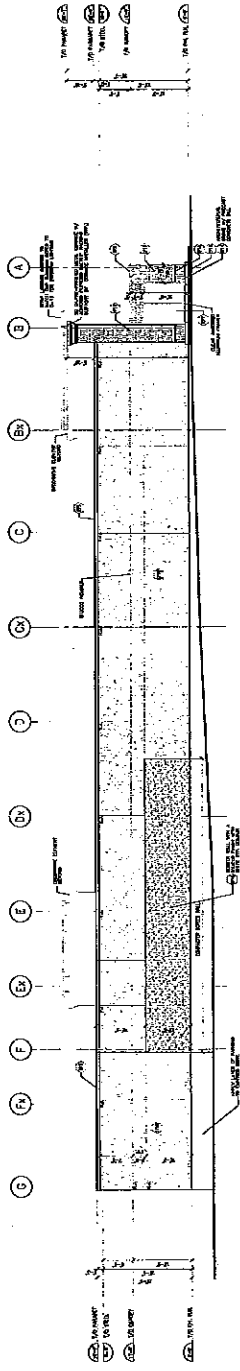
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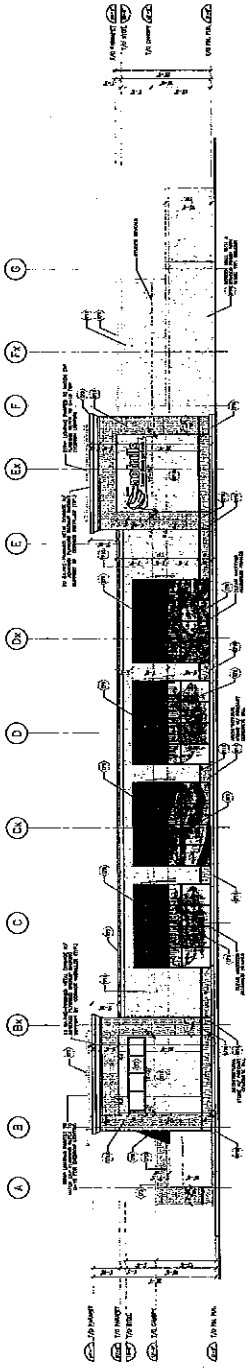
April 21, 2008



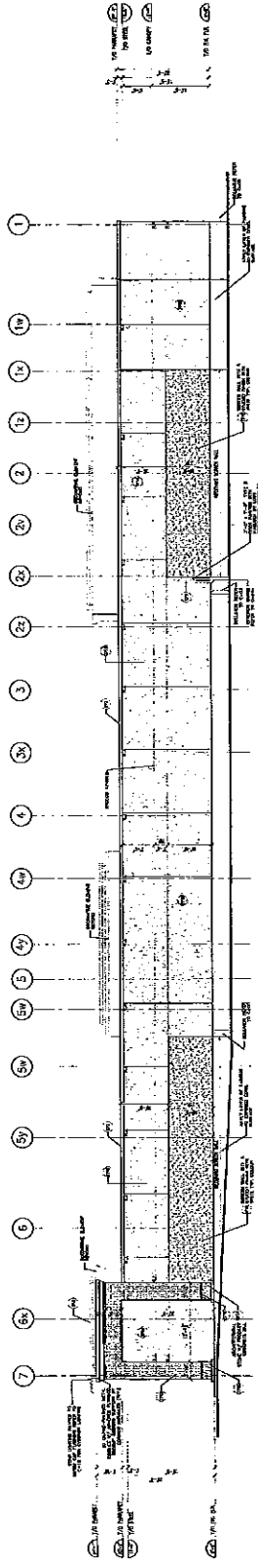
1 EAST (FRONT) EXTERIOR ELEVATION  
SCALE 1/8" = 1'-0"



2 SOUTH (SIDE) EXTERIOR ELEVATION  
SCALE 1/8" = 1'-0"



3 NORTH (SIDE) EXTERIOR ELEVATION (Rutherford Road)  
SCALE 1/8" = 1'-0"



4 WEST (REAR) EXTERIOR ELEVATION  
SCALE 1/8" = 1'-0"

# Food Store Elevations

Part of Lot 15,  
Concession 3

APPLICANT:  
RITAJO DEVELOPMENTS LIMITED

NY\DTY.1 ATTACHMENTS\DA.06.07.048



Development Planning Department



**ATTACHMENT NO. 9**  
**(MAYOR AND COUNCILLORS ONLY)**

**DRAFT ZONING BY-LAW AMENDMENT FOR SUBMISSION TO OMB**  
**RITAJO DEVELOPMENTS LIMITED**

**FILE: DA.07.049/LAURA JANOTTA (cm)**

For submission to OMB – This By-law will be considered at May 5, 2008 Committee of Whole as part of a report to be sent to the OMB

**BY-LAW NUMBER - 2008**

**A By-law to amend City of Vaughan By-law 1-88.**

**WHEREAS** the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

**AND WHEREAS** there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

**NOW THEREFORE** the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
  - a) Rezoning the lands shown as "Subject Lands" on Schedule "1" attached hereto from A Agricultural Zone to C4 Neighbourhood Commercial Zone, in the manner shown on the said Schedule "1".
  - b) Adding the following Paragraph to Section 9.0 "EXCEPTIONS":

"( ) Notwithstanding the provisions of:

    - a) Subsection 2.93 respecting the definition of a Parking Space and Subsection 3.8 (a) respecting Parking Requirements;
    - b) Subsection 3.9 (d) respecting Loading Space Requirements;
    - c) Subsection 5.1.1 (b) respecting Landscaping Areas in Commercial Zones;
    - d) Subsection 5.1.4 respecting Uses Permitted in All Commercial Zones and Section 5.5 respecting Uses Permitted in the C4 Neighbourhood Commercial Zone; and
    - e) Subsection 5.1.5 respecting Commercial Zone Requirements and Schedule "A" respecting Zone Requirements in the C4 Neighbourhood Commercial Zone;

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E- ":

- a) a "parking space" may also be used for the temporary storage of snow; and snow storage may occupy a maximum of 20 parking spaces and the associated parking aisles for the shopping centre between December 1<sup>st</sup> and April 1<sup>st</sup> of any year
- aii) the required parking for the subject lands shall be as follows:

- i) business or professional office uses shall be a minimum of 3 spaces per 100m<sup>2</sup> of Gross Floor Area; and
  - ii) all other retail commercial uses shall be a minimum of 4.25 spaces per 100m<sup>2</sup> of Gross Floor Area;
- bi) loading and unloading areas shall be permitted between a building and a street;
- ci) the minimum width of a landscape strip along a lot line which abuts Rutherford Road and Dufferin Street shall be 1.0 metre. The minimum width of a landscape strip along a lot line which abuts Forest Run Boulevard shall be 6.0 metres. This shall not prevent the provision of access driveways, retaining walls, stairways, and walkways across the said strip;
- cii) a minimum 1.4m wide landscape strip shall be provided along the southerly boundary of the subject lands and within the C4 Neighbourhood Commercial Zone. Within this 1.4m wide landscape strip, retaining walls, acoustical fencing, and walkways are permitted;
- dj) the following uses shall be permitted only if they are carried on entirely within a shopping centre and with no open storage (except as noted) on the subject lands:
- Bank or Financial Institution
  - Brewers Retail Outlet
  - Business or Professional Office
  - Club or Health Centre
  - Eating Establishment
  - Eating Establishment, Convenience
  - Eating Establishment, Take-Out
  - L.C.B.O Outlet
  - Outdoor Patio associated with an Eating Establishment, Eating Establishment, Convenience, and an Eating Establishment, Take-Out, in accordance with Section 5.1.6
  - Personal Service Shop
  - Pet Grooming Establishment, to be contained within a wholly enclosed building
  - Photography Studio
  - Retail Store
  - Service or Repair Shop
  - Supermarket

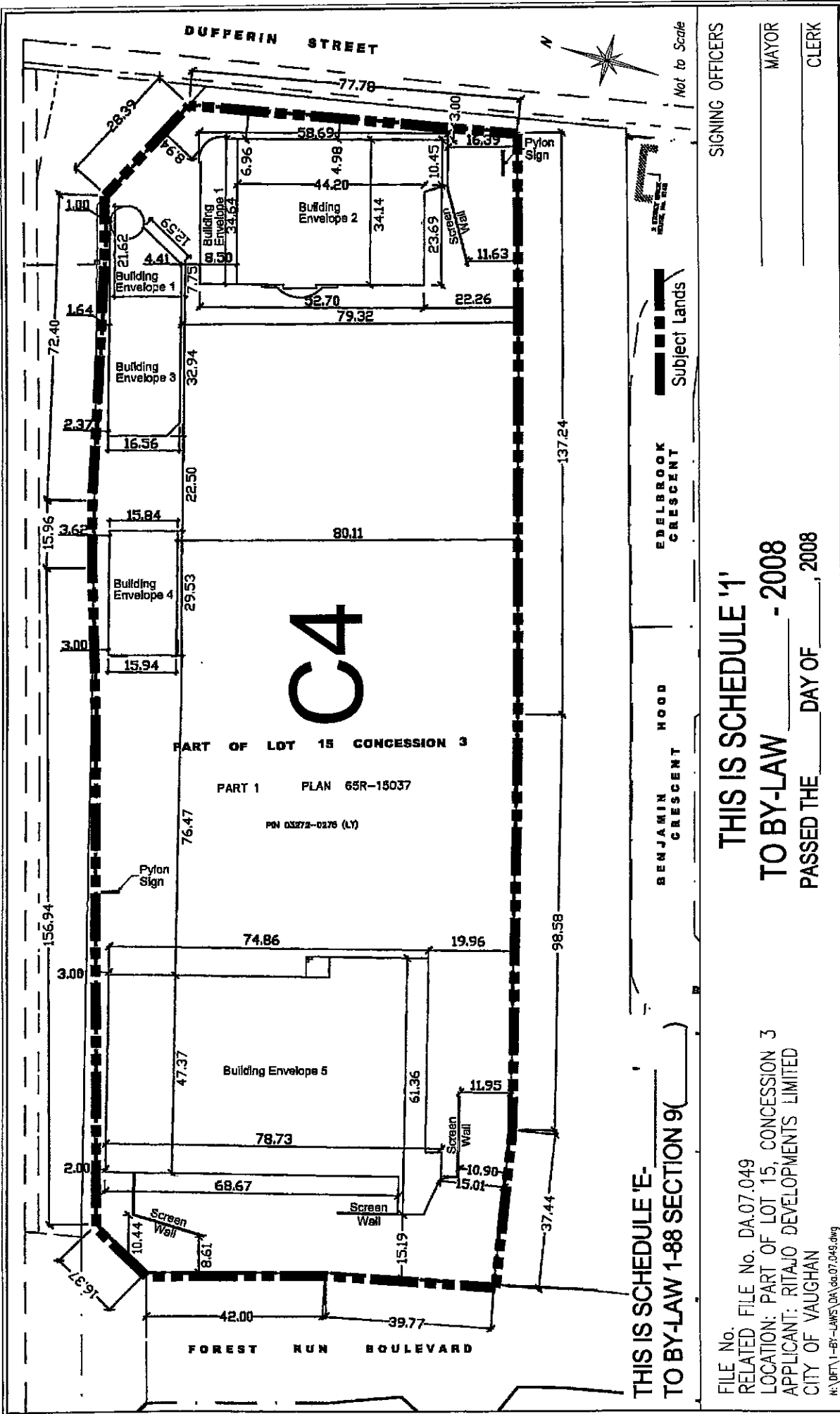
- A seasonal outdoor garden centre as an accessory use to a supermarket shall also be permitted subject to the following:
  - i) the maximum area devoted to a seasonal garden centre shall not exceed 585 m<sup>2</sup>;
  - ii) a seasonal garden centre shall be defined as land or structure used for the sale of plants, shrubs, or trees and other associated products for household gardening needs and shall operate from and including April 15<sup>th</sup> to and including August 31<sup>st</sup> of any year; and,
  - iii) a seasonal garden centre may occupy a maximum of 20 parking spaces and the associated parking aisles for the shopping centre, and shall not require additional parking spaces;

- Veterinary Clinic
- Video Store

- ei) all buildings shall be located within the building envelopes and shall meet the setback requirements shown on Schedule "E-\_\_\_";
- eii) canopies shall be permitted to be located outside of the building envelopes as shown on Schedule "E-\_\_\_";
- eiii) the buildings located within "Building Envelope 1" shall be a minimum of two-storeys and 6 metres in height;
- eiv) the maximum lot area shall be 26,700m<sup>2</sup>;
- ev) the total gross floor area of all buildings on the subject lands shall not exceed 7,700m<sup>2</sup>;
- eix) the gross floor area of the building within "Building Envelope 5" shall not exceed 4,000m<sup>2</sup>."

- c) Adding Schedule "E- " attached hereto as Schedule "1".
- d) Deleting Key Map 3C and substituting therefor the Key Map 3C attached hereto as Schedule "2".

2. Schedules "1" and "2" shall be and hereby form part of this By-law.



THIS IS SCHEDULE 'E'  
TO BY-LAW 1-88 SECTION 9( )

FILE No. \_\_\_\_\_  
RELATED FILE No. DA.07.049  
LOCATION: PART OF LOT 15, CONCESSION 3  
APPLICANT: RITAJO DEVELOPMENTS LIMITED  
CITY OF VAUGHAN  
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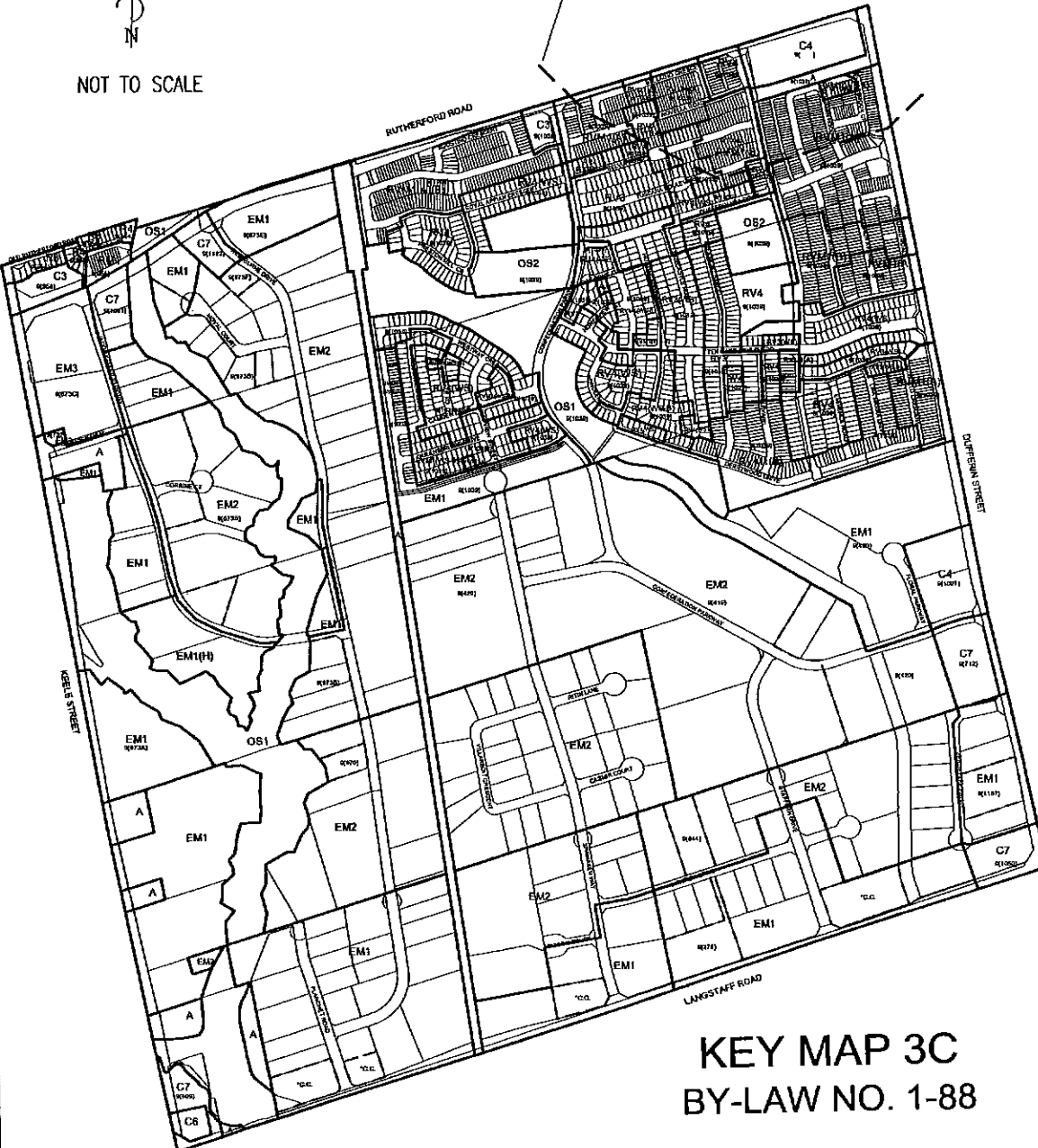
**THIS IS SCHEDULE '1'**  
**TO BY-LAW \_\_\_\_\_ - 2008**  
**PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008**

SIGNING OFFICERS  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
CLERK



NOT TO SCALE

OAK RIDGES MORaine BOUNDARY



KEY MAP 3C  
BY-LAW NO. 1-88

**THIS IS SCHEDULE '2'**  
**TO BY-LAW \_\_\_\_\_ - 2008**  
 PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

FILE No. \_\_\_\_\_  
 RELATED FILE No. DA.07.049  
 LOCATION: PART OF LOT 15, CONCESSION 3  
 APPLICANT: RITAJO DEVELOPMENTS LIMITED  
 CITY OF VAUGHAN

SIGNING OFFICERS  
 \_\_\_\_\_ MAYOR  
 \_\_\_\_\_ CLERK

## **SUMMARY TO BY-LAW - 2008**

The lands subject to this By-law are located on the southwest corner of Rutherford Road and Dufferin Street, in Lot 15, Concession 3, City of Vaughan.

The purpose of this by-law is to rezone the subject lands from A Agricultural Zone to C4 Neighbourhood Commercial Zone. The by-law includes the necessary zoning exceptions to the C4 Neighbourhood Commercial Zone to facilitate the development of a mixed use commercial plaza within the Carrville District Centre as follows:

- permit temporary snow storage within the parking area and to allow the snow storage to occupy a maximum of 20 parking spaces and the associated parking drive aisles;
- permit the required parking for business or professional office uses located on the subject lands to be 3 spaces per 100m<sup>2</sup> of Gross Floor Area, and all other uses to be 4.25 spaces per 100 m<sup>2</sup> of Gross Floor Area;
- permit loading and unloading areas between a building and a street;
- permit a landscape strip a minimum width of 1.0m along the lot lines abutting Rutherford Road and Dufferin Street; and permit a landscape strip a minimum of 6.0m in width, and allow the provision of access driveways, retaining walls, stairways, and walkways across the said strips;
- permit a landscape strip of a minimum width of 1.4m along the southerly boundary of the subject lands and to permit, retaining walls and acoustical fencing within the said strip;
- provide building envelopes and setback requirements as shown on Schedule "1";
- permit canopies to be located outside the building envelopes as shown on Schedule "1";
- permit the maximum building height of buildings within Building Envelope 1 to be a minimum of two-storeys (6.0m);
- permit a maximum lot area of 26,700 m<sup>2</sup>;
- permit the total gross floor area of all buildings on the subject lands to be up to a maximum 7,700m<sup>2</sup>;
- allow the gross floor area of the building within Building Envelope 5 to be a maximum of 4,000m<sup>2</sup>;
- to permit the following uses: Bank or Financial Institution; Brewers Retail Outlet; Business or Professional Office; Club or Health Centre; Day Nursery; Eating Establishment; Eating Establishment, Convenience; Eating Establishment, Take-Out; L.C.B.O Outlet; Outdoor Patio associated with an Eating Establishment, Eating Establishment, Convenience, and an Eating Establishment, Take-Out, in accordance with Section 5.1.6; Personal Service Shop; Pet Grooming Studio; Retail Store; Service or Repair Shop; Supermarket; Outdoor Seasonal Garden associated with a Supermarket; Veterinary Clinic, and Video Store;
- allow the area devoted to a Seasonal Garden Centre to be a maximum of 585m<sup>2</sup>;
- permit a Seasonal Garden Centre to operate from and including April 15<sup>th</sup> to and including August 31<sup>st</sup> of any year; and
- to allow a Seasonal Garden Centre to occupy a maximum of 20 parking spaces and the associated driveway aisles.



Not to Scale



Subject Lands

DUFFERIN STREET

RUTHERFORD ROAD

CRESCENT

ELDERBROOK

BENJAMIN HOOD CR.

BENJAMIN HOOD CR.

FOREST RUN BOULEVARD

NOVELLA ROAD

LOCATION MAP  
TO BY-LAW \_\_\_\_\_ - 2008

FILE No.  
RELATED FILE No. DA.07.049  
LOCATION: PART OF LOT 15, CONCESSION 3  
APPLICANT: RITAJO DEVELOPMENTS LIMITED  
CITY OF VAUGHAN

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