

COMMITTEE OF THE WHOLE JUNE 14, 2011

**ZONING BY-LAW AMENDMENT FILE Z.10.028
SITE DEVELOPMENT FILE DA.10.081
THERESA FRAME GARIBALDI
WARD 2**

Recommendation

The Director of Development Planning recommends:

1. THAT Zoning By-law Amendment File Z.10.028 (Theresa Frame Garibaldi) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone to EM1 Prestige Employment Area Zone and OS1 Open Space Conservation Zone in the manner shown on Attachment #3, and subject to the following conditions:
 - a) that the implementing Zoning By-law:
 - i) include the site-specific zoning exceptions identified in Table 1 of this report; and,
 - ii) restrict the basement area for storage purposes only.
2. THAT Site Development File DA.10.081 (Theresa Frame Garibaldi) BE APPROVED, to permit the development of the subject lands with 2 office condominium campuses that are bisected by the West Rainbow Creek and will comprise a total of 11,980 m² within 11 buildings including 8 proposed to the south of the creek and 2 proposed to the north plus the retention of the James Somerville House as shown on Attachment #3, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, landscape plan, and building elevations shall be approved to the satisfaction of the Vaughan Development Planning Department;
 - ii) the final site grading and servicing plans, storm water management report, functional servicing report, access, parking and on-site circulation shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - iii) the Owner shall enter into an engineering Development Agreement and any other agreement as required, with the City of Vaughan, to provide for the necessary municipal services for the proposed development; and,
 - iv) the Owner shall satisfy all requirements of the TRCA (Toronto and Region Conservation Authority).
3. THAT the Owner shall 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 in accordance with Section 51 of the Planning Act and City of Vaughan policy. The Owner shall submit an appraisal of the subject lands 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. The cash-in-lieu payment, in accordance with Section 42 of the Planning Act, will not be required as long as the

Council Policy waiving such payment remains in effect for industrial land. A condition of approval is included in this report.

4. THAT the Owner shall secure and provide to the City a letter from the Trustee for Block 64 confirming that the Owner has fulfilled all cost sharing and other obligations of Block 64, and are in good standing with respect to same.

Contribution to Sustainability

The applicant has advised that the following sustainable features will be provided within the site and building design:

- i) qualifying construction waste will be diverted and recycled to reduce landfill loads;
- ii) the buildings will utilize some recyclable construction materials;
- iii) the buildings will have double-glazed Low-E windows with argon gas and heat recovery ventilators;
- iv) the buildings will have energy efficient HVAC systems;
- v) water efficient landscaping is proposed, including the trees, shrubs, and perennials that are drought tolerant and hardy species appropriate for commercial and streetscape applications;
- vi) 100% of all tree plantings for the Rainbow Creek restoration are native;
- vii) overland flow sheet run-off from the urban area is intercepted by the TRCA naturalized buffer to promote water infiltration and reduce erosion; and,
- viii) perforated pipes after the outfall structures help to recharge the groundwater and promote water balance.

Economic Impact

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

Communications Plan

On January 7, 2011, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. The recommendation of the Committee of the Whole to receive the Public Hearing report of February 1, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on February 15, 2011. On February 3, 2011, the Development Planning Department received a letter from Metrus Developments Inc. requesting that the Owner require a letter from the Block 64 Trustee confirming that they are in good standing with respect to cost sharing for the Block.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.10.028 to amend By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone to EM1 Prestige Employment Area Zone and OS1 Open Space Conservation Zone in the manner shown on Attachment #3 and with the site-specific zoning exceptions identified in Table 1 of this report.
2. Site Development File DA.10.081 to permit the development of the subject lands with 2 office condominium campuses that are bisected by the West Rainbow Creek and will comprise a total of 11,980 m² within 11 buildings including 8 proposed to the south of the creek and 2 proposed to the north plus the retention of the James Somerville House as shown on Attachments #3 to #14, inclusive.

Background - Analysis and Options

Location

The subject lands are located on the west side of Huntington Road, municipally known as 8934 Huntington Road, in Part of Lots 13 and 14, Concession 10, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Prestige Area" and "Valley Lands" by OPA #450 (Employment Area Plan) as amended by OPA #631, which permits retail, institutional, office, business and civic uses on the subject lands. The proposed rezoning conforms to the Official Plan.

The subject lands are designated "Prestige Employment" and "Natural Areas" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010, and is pending approval from the Region of York. VOP 2010 limits the maximum gross floor area devoted to office uses in a Prestige Employment designation to 7500 m². A total of 7,609.17 m² of office space is located on the lot on the south side of West Rainbow Creek. However, VOP 2010 allows for minor variations from numerical standards to respond "to unique conditions or context of a site", in this case, the preservation of the James Somerville historical house and the restoration and enhancement of the open space valleylands that will bisect the two office campuses. The proposed rezoning conforms to the new Official Plan.

Zoning

The property is zoned A Agricultural Zone by Zoning By-law 1-88, which does not permit the proposed office use. An amendment to Zoning By-law 1-88 is required to rezone the site from A Agricultural Zone to EM1 Prestige Employment Area Zone (tableland) and OS1 Open Space Conservation Zone (valleylands) in the manner shown on Attachment #3. The following site-specific zoning exceptions are required to facilitate the development of the subject lands with 2 office condominium campuses as shown on Attachments #3 to #14:

Table 1

	By-law Standard	By-law 1-88, EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to EM1 Prestige Employment Area Zone
a.	<p>Minimum Required Parking For Office Use</p> <p>(Buildings A1 – A8)</p> <p>(Buildings B, C and D)</p>	<p>3.5 parking spaces per 100 m² of GFA devoted to office use.</p> <p>267 spaces</p> <p>153 spaces</p>	<p>3.33 parking spaces per 100 m² of GFA devoted to office use.</p> <p>260 spaces</p> <p>149 spaces</p>
b.	<p>Minimum Landscaping Requirements</p>	<p>Where an Employment Area Zone abuts the boundary of lands zoned Open Space, a strip of land not less than 7.5 metres in width and</p>	<p>The minimum landscape strip requirement between an Employment Area Zone and an Open Space Zone shall not apply (ie. 0m)</p>

	By-law Standard	By-law 1-88, EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to EM1 Prestige Employment Area Zone
		inside the Employment Area Zone and abutting its boundary, shall be used for no purpose other than landscaping.	
c.	Minimum Rear Yard Setback (West property line)	12.0 m	Building A4 – 10.37 m Building A5 – 4.5 m
d.	Minimum Interior Side Yard (Abutting an OS1 Zone)	6.0 m	Buildings A6, A7 & A8 -1.2 m Buildings A1, A2, A3 & A4 – 3.5m
e.	Minimum Interior Side Yard (Abutting an OS1 Zone)	6.0 m	Building D - 0 m (reflects existing condition)

The proposed exceptions to the minimum rear yard, interior side yard, minimum landscape strip and minimum number of parking spaces are minor in nature, and can be supported by the Vaughan Development Planning Department. The Development Planning Department has no objection to the proposed exceptions to the Zoning By-law which facilitates a development of the subject lands with 2 multi-unit office campuses in a manner that incorporates the preservation of the James Somerville house and assists in both the restoration and enhancement of the West Rainbow Creek.

By-law 1-88 calculates the minimum parking requirement for the proposed multi-unit employment building as follows:

Buildings A1-A8

Total Parking Required: $7609.17 \text{ m}^2 \times 3.5 \text{ spaces}/100 \text{ m}^2 \text{ GFA} = 267$
Total Parking Provided: 260 spaces

The proposed southerly campus development is deficient 7 parking spaces (2.6%). The reduction in parking is minor in nature, and the Development Planning Department is of the opinion that the proposed 260 parking spaces are sufficient to serve the proposed development of the subject lands. The proposal also incorporates 160 underground parking spaces.

Buildings B, C and D

Total Parking Required: $4370.83 \text{ m}^2 \times 3.5 \text{ spaces}/100 \text{ m}^2 \text{ GFA} = 153$
Total Parking Provided: 149 spaces

The proposed northerly campus development is deficient 4 parking spaces (2.6%). The reduction in parking is minor in nature, and the Development Planning Department is of the opinion that the proposed 149 parking spaces are sufficient to serve the proposed development of the subject lands.

The applicant has advised staff that the basement levels of all the proposed buildings are not intended to be used for commercial purposes. As such, the parking requirements are reflective of gross floor area for the first and second floors only. A provision will be included in the implementing zoning by-law restricting the basement area for storage purposes only.

Site Plan Review

The proposed site plan is shown on Attachment #3. The vacant 3.968 ha site will be developed with 2 office condominium campuses that are bisected by the West Rainbow Creek and will comprise a total of 11,980 m² within 11 buildings including 8 proposed to the south of the creek and 2 proposed to the north plus the retention of the James Somerville House. Each office campus will be served by an access from Huntington Road.

The landscape plan shown on Attachment #4 consists of coniferous and deciduous trees and shrubs along the perimeter of each of the 2 proposed campuses as well as within each of the campuses. The applicant has worked together with the Toronto and Region Conservation Authority (TRCA) to incorporate substantial planting and to restore the area that will be zoned Open Space and conveyed to the TRCA.

The proposed building elevations are shown on Attachments #5 to #14. Each of the 11 buildings has a unique design. The development proposes a variety of architectural building types and includes features such as steeples, gable roofs, chimneys and copulas. Materials such as brick and stone veneers, clear glass, pre-cast sills and stucco. The proposal also includes the retention of the existing James Somerville house.

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, building elevations and landscape plan, as shown on Attachments #3 to #14 inclusive. Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations and landscape plan shall be approved to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is included in the recommendation of this report.

Services

The Owner has submitted a functional servicing plan, a storm water management report, as well as site servicing and grading plans which must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department, together with an access analysis that must be submitted to the City, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report. A condition is also included requiring the Owner to enter into an engineering Development Agreement and any other agreement required by the City to provide for the necessary municipal services for the proposed development and facilitate the site plan prior to the execution of the Site Plan Letter of Undertaking.

The Phase 1 and Phase 2 ESA's (Environmental Site Assessments) submitted in support of the applications have been reviewed to the satisfaction of the Vaughan Development/Transportation Engineering Department. However, a Designated Substance Survey must be submitted to the City for review and approval prior to the execution of the Site Plan Letter of Undertaking.

Road Widening

The Vaughan Development/Transportation Engineering Department has advised that the City is protecting for a 30 metre right-of-way for Huntington Road. The site plan shown on Attachment #3 provides for only a 26 metre right-of-way. This will result in an additional 2 metre wide dedication along the full frontage of Huntington Road being required. Accordingly, the plans must be revised to accommodate the required road widening to the satisfaction of Development/Transportation Engineering Department, prior to final approval. The road widening

will also result in minor modifications to the parking and landscape areas on the front portion of the site adjacent to Huntington Road. The final plans must be approved to the satisfaction of the Development Planning Department.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the proposed zoning application and related site plan application. The TRCA is satisfied with the proposed restoration works and the use of the Regional Storm Flood Plain as the limit of the natural feature/hazard and have no objection to the approval of the Zoning By-law Amendment and Site Plan applications, subject to the following:

That the stream corridor, which includes the buffers, be zoned into an OS1 Open Space Conservation Zone, which has the effect of prohibiting development to the satisfaction of the TRCA. TRCA staff recommends that the OS1 Open Space Conservation Zone include all lands between the 1.5 metre chain link fence on either side of the stream corridor, as shown on Attachments # 3 and #4.

The TRCA has advised that revisions are required to the site grading and servicing plans and storm water management report submitted in support of the proposal. Additionally, a Permit will be required from the TRCA for all development, including grading, within 15 metres of the Regional Storm Floodline pursuant to Ontario Regulation 166/06. The outlets will also require approval from the TRCA.

Block 64 Land Use Plan

The approved Block 64 Land Use Plan is shown on Attachment #15 and designates the subject lands "Prestige Area" and "Valley Land". The Block Plan was approved by Vaughan Council on June 26, 2006.

The proposed zoning for the subject lands as shown on Attachment #3, together with the noted zoning exceptions included in Table 1, will implement the land use designations in the approved Block Plan. The proposed EM1 Prestige Employment Area Zone and OS1 Open Space Conservation Zone will implement the 2 office condominium campuses in conformity with OPA #450, OPA #631 and the approved Block 64 Land Use Plan.

A condition is also included in this report that the Owner shall secure and provide to the City a letter from the Trustee for Block 64 confirming that the Owner has fulfilled all cost sharing and other obligations of Block 64, and are in good standing with respect to same.

Cultural Services Division

The Cultural Services Division supports the retention and incorporation of the James Somerville House (included in the Listing of Buildings of Architectural and Historical Value) into the proposed development.

Cash-In-Lieu of Parkland

The Owner shall 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 in accordance with Section 51 of the Planning Act and City of Vaughan policy. The Owner shall submit an appraisal of the subject lands 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. The cash-in-lieu payment, in accordance with Section 42 of the Planning Act, will not be required as long as the Council Policy waiving such payment remains in effect for industrial land. A condition of approval is included in this report.

Other Applications

The Owner will be required to submit (and concurs) 2 Draft Plan of Condominium Applications in order to create the proposed condominium for each office development on either side of the West Rainbow Creek, for review and consideration by City of Vaughan Departments and Vaughan Council. Two (2) separate Site Plan Letters of Undertaking (one for each of the office campuses on either side of the West Rainbow Creek) will be prepared to implement the proposal. The applicant has also submitted a Consent Application (File B003/11) to facilitate the conveyance of the valleylands (i.e. proposed OS1 Open Space Conservation Zone) to the TRCA .

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The applications were circulated to the Regional Transportation Services Department and they have indicated that they have no objections to the proposed development. The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department, in accordance with Regional correspondence dated November 5, 2010 and May 30, 2011.

Conclusion

The Zoning By-law Amendment and Site Development Applications have been reviewed in accordance with the policies of OPA #450, as amended by OPA #631, the approved Block 64 Block Plan, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Vaughan Development Planning Department is satisfied that the proposal to rezone the subject lands from A Agricultural Zone to EM1 Prestige Employment Area Zone and OS1 Open Space Conservation Zone with the site-specific zoning exceptions to facilitate the development of the 2 office condominium campuses that are bisected by the West Rainbow Creek, is appropriate and compatible with the surrounding employment uses. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning and Site Plan
4. Landscape Plan
5. Elevations – Building 'A1'
6. Elevations – Building 'A2'
7. Elevations – Building 'A3'
8. Elevations – Building 'A4'
9. Elevations – Building 'A5'
10. Elevations – Building 'A6'
11. Elevations – Building 'A7'
12. Elevations – Building 'A8'
13. Elevations – Building 'B'
14. Elevations – Building 'C'
15. Approved Block 64 Land Use Plan

Report prepared by:

Carmela Marrelli, Senior Planner, ext. 8791

Clement Messere, Planner, ext. 8409

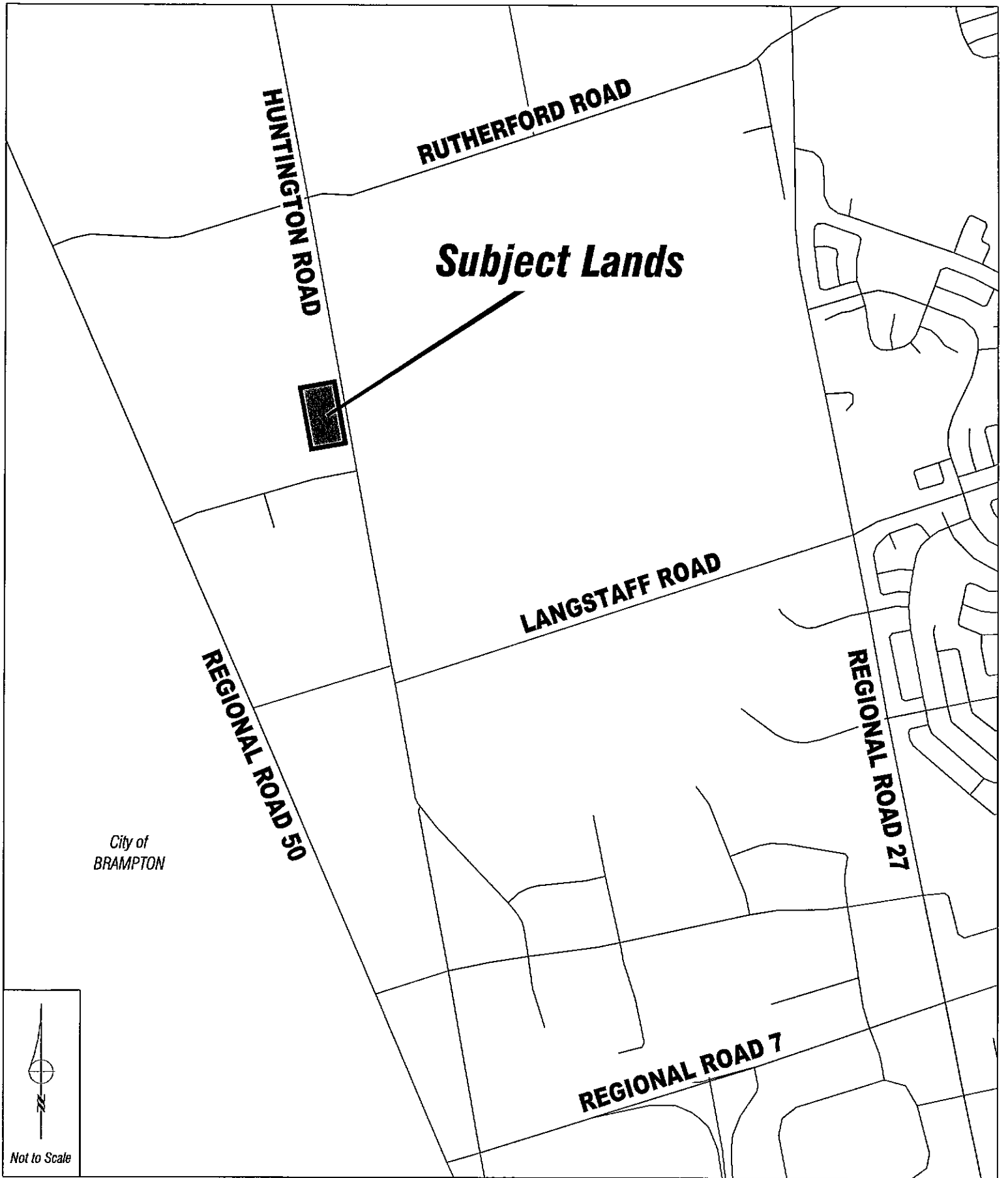
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

GRANT UYEHAMA

Director of Development Planning

/CM



Context Location Map

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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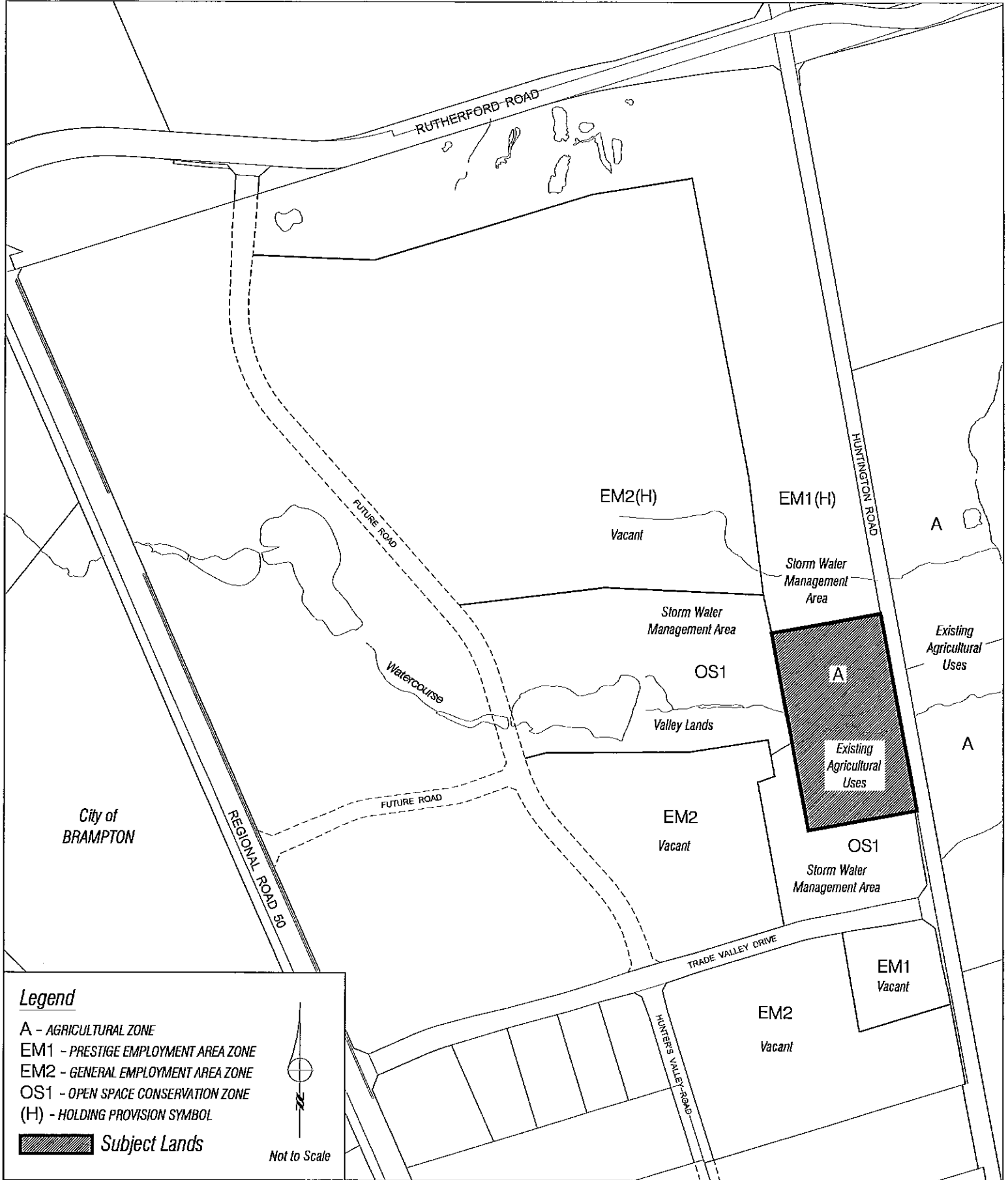


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DATE:
May 20, 2011





Location Map

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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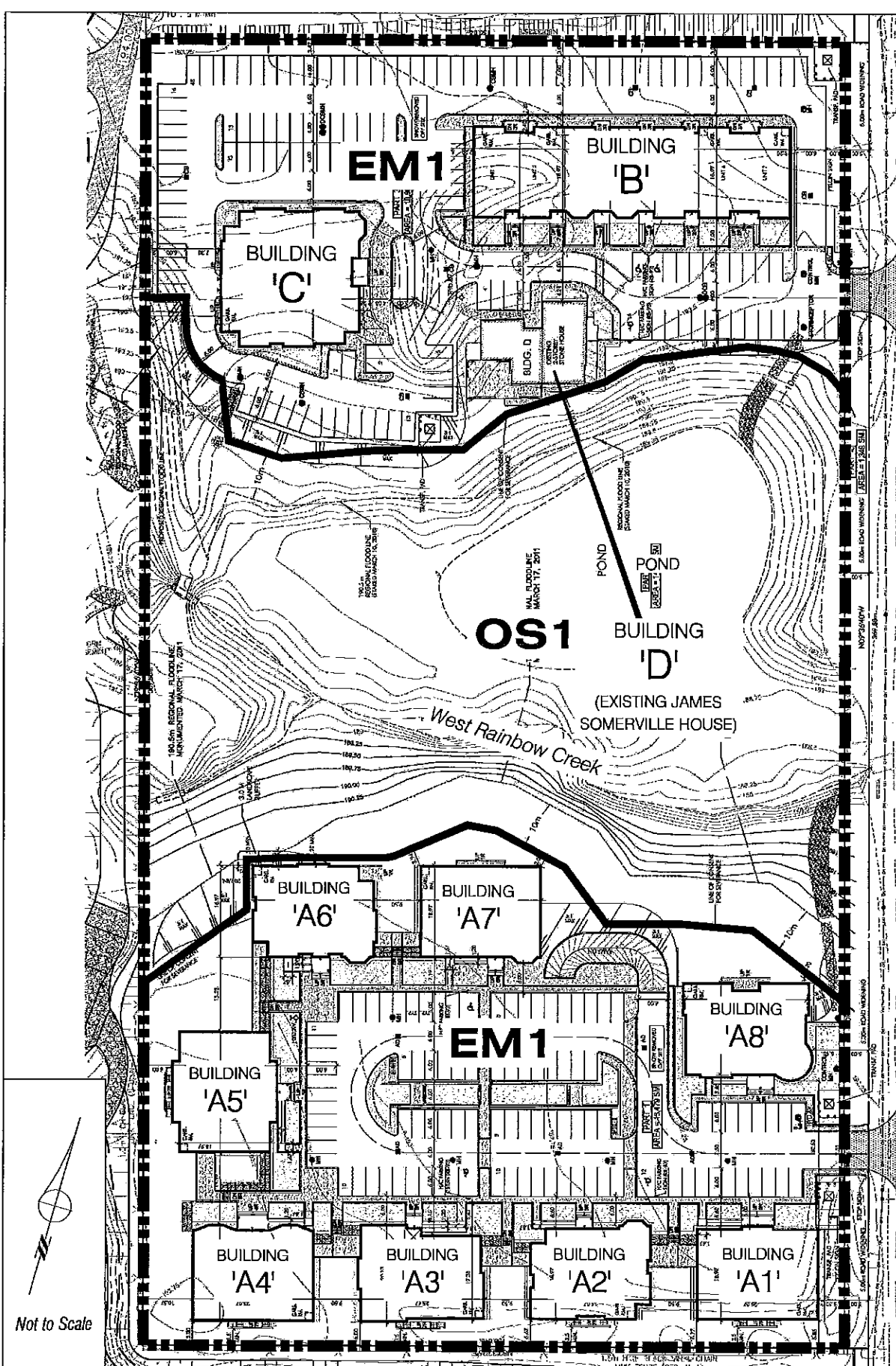


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DATE:
May 20, 2011

2



ZONING BY-LAW AMENDMENT:

PROPOSED ZONING BY-LAW AMENDMENT TO REZONE THE SUBJECT LANDS FROM A AGRICULTURAL ZONE TO EM1 PRESTIGE EMPLOYMENT AREA ZONE AND OS1 OPEN SPACE CONSERVATION ZONE WITH THE SITE SPECIFIC ZONING EXCEPTIONS IDENTIFIED IN TABLE 1 OF THIS REPORT

TOTAL AREA OF SUBJECT LANDS:

3.97 ha.

TOTAL GROSS FLOOR AREA AND PARKING FOR BUILDINGS B, C & D:

4,370.83m²
with 149 surface parking spaces

TOTAL GROSS FLOOR AREA AND PARKING FOR BUILDINGS A1 to A8:

7,609.17m²
with 100 surface parking spaces & 160 underground spaces

■■■■■■■■■■
SUBJECT LANDS

Proposed Zoning & Site Plan

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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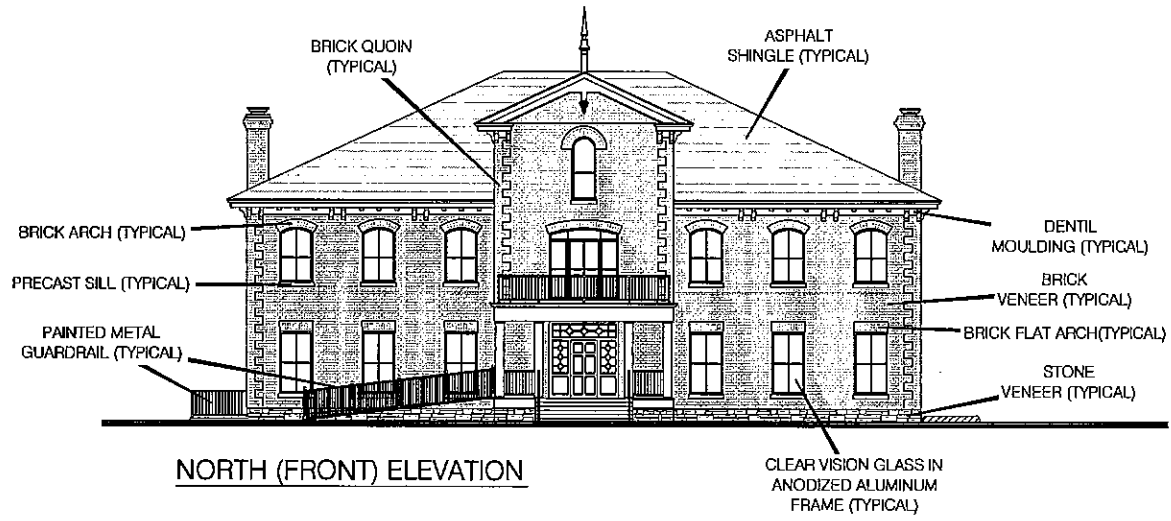


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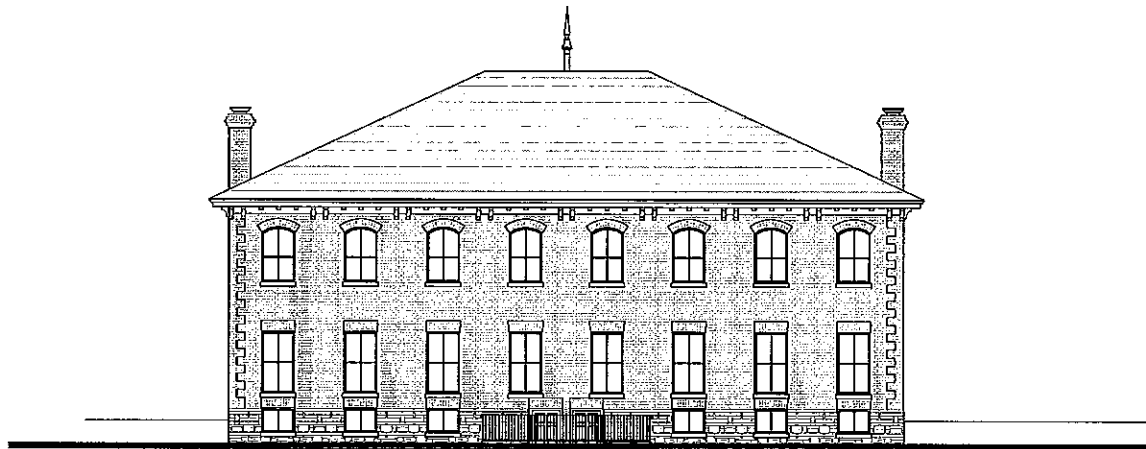
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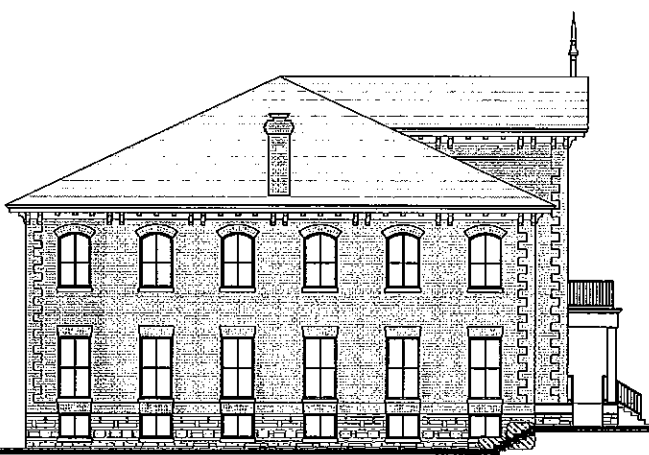
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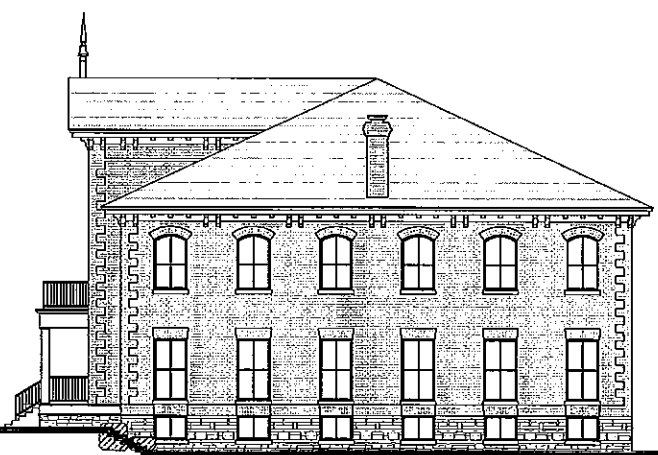
NORTH (FRONT) ELEVATION



SOUTH (REAR) ELEVATION



EAST (SIDE) ELEVATION



WEST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A1'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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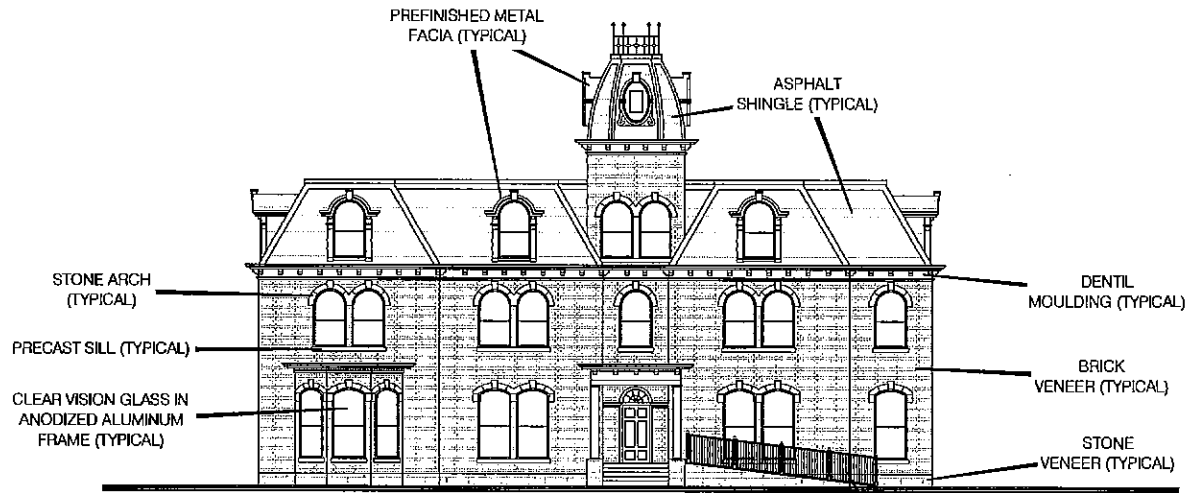


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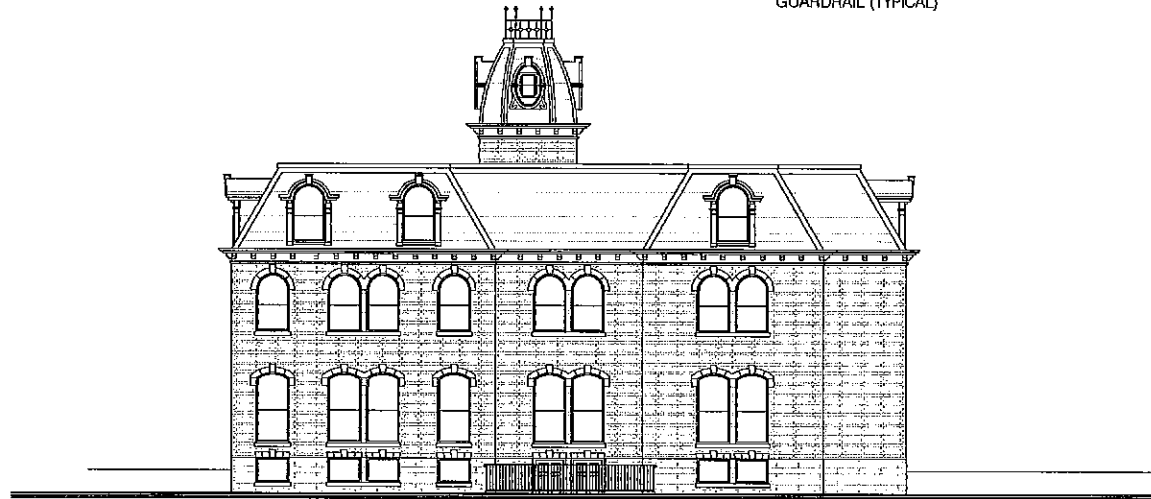
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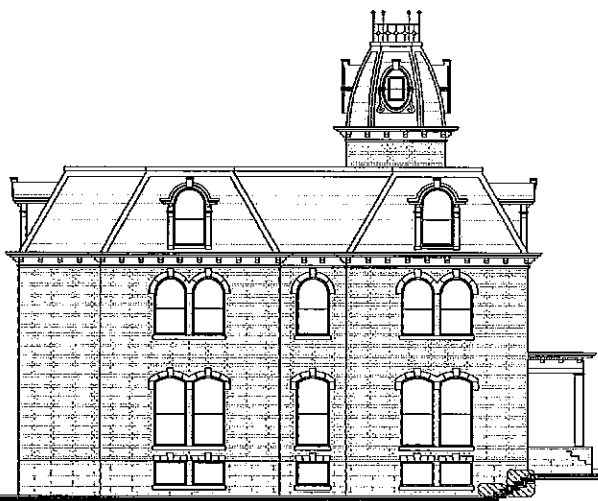
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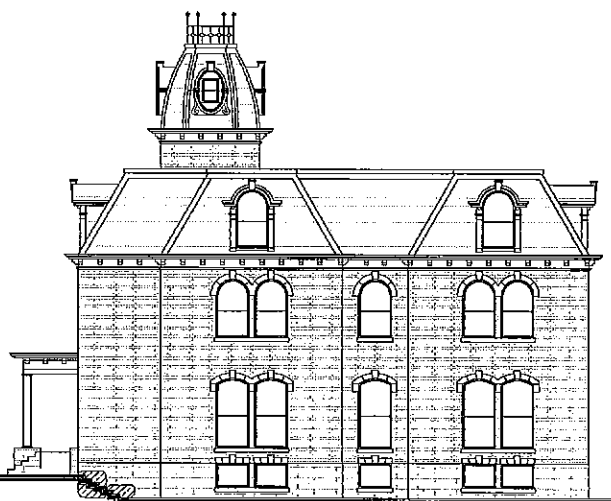
NORTH (FRONT) ELEVATION



SOUTH (REAR) ELEVATION



EAST (SIDE) ELEVATION



WEST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A2'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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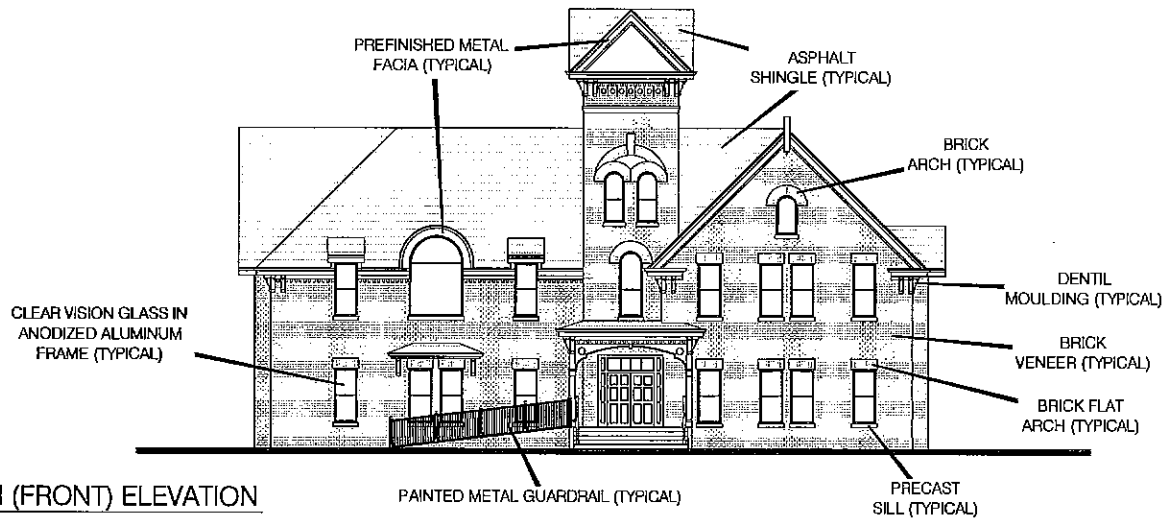


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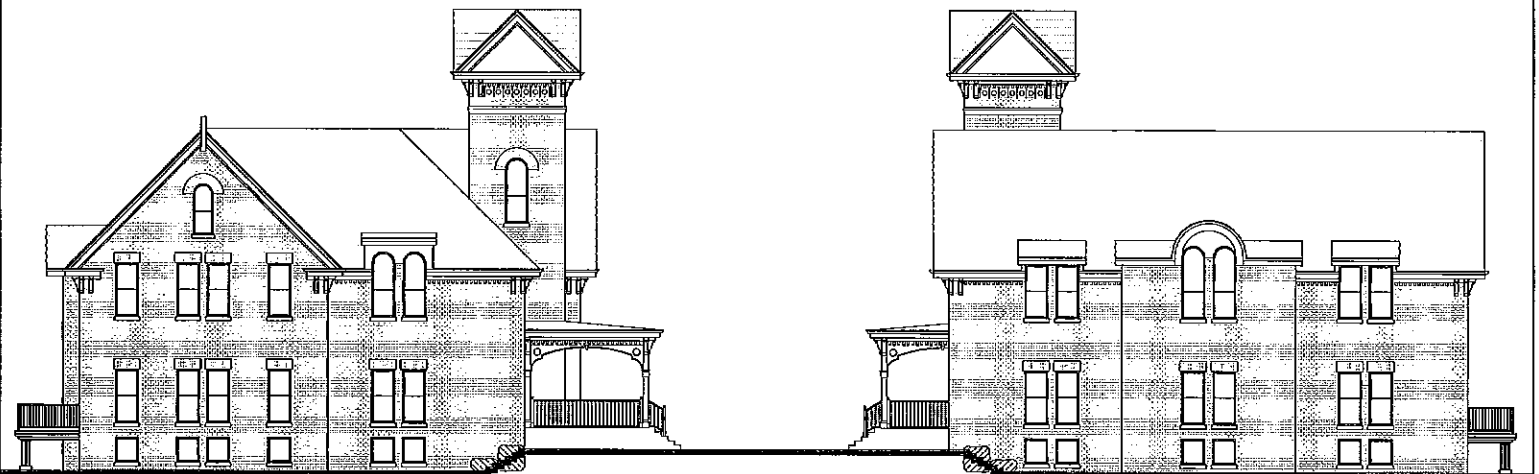
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NORTH (FRONT) ELEVATION



SOUTH (REAR) ELEVATION



EAST (SIDE) ELEVATION

WEST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A3'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

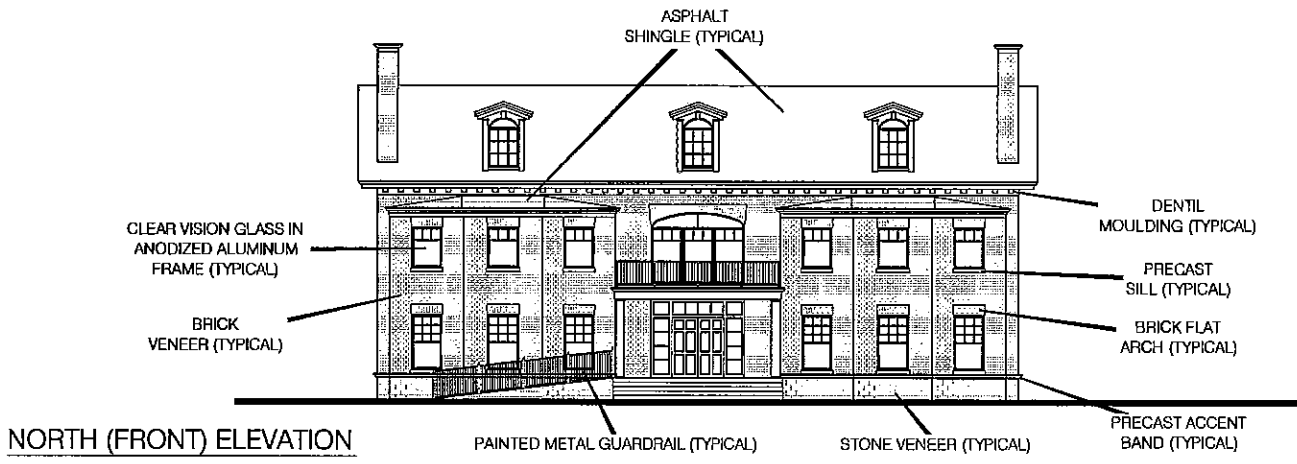
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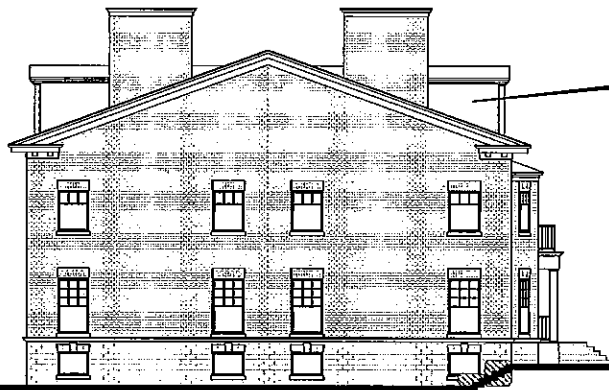
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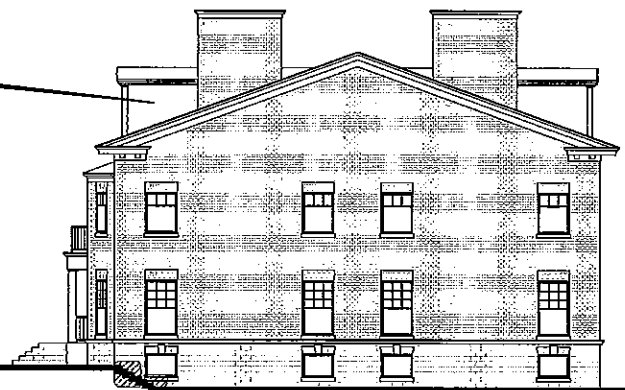
NORTH (FRONT) ELEVATION



SOUTH (REAR) ELEVATION



EAST (SIDE) ELEVATION



WEST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A4'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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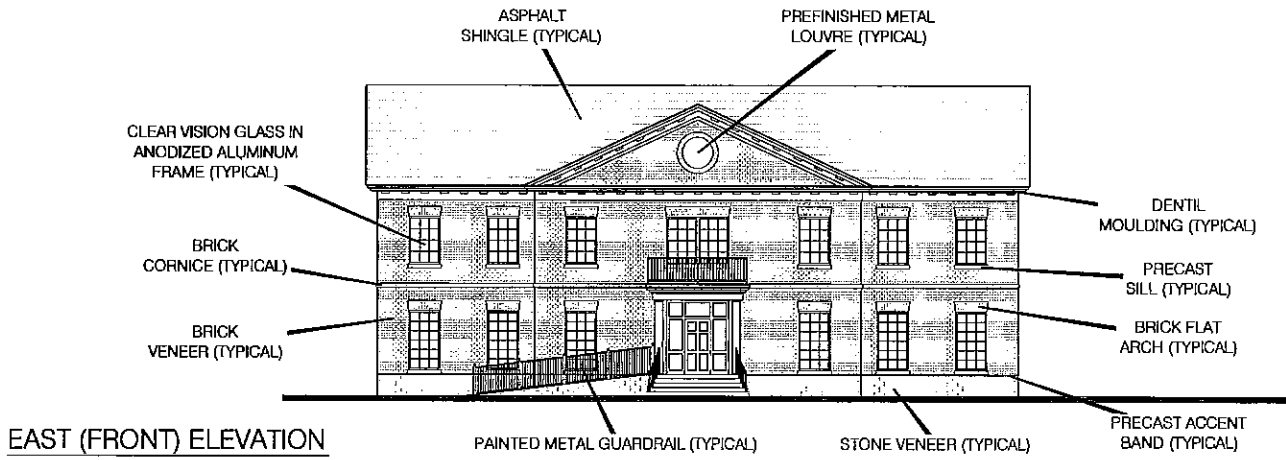


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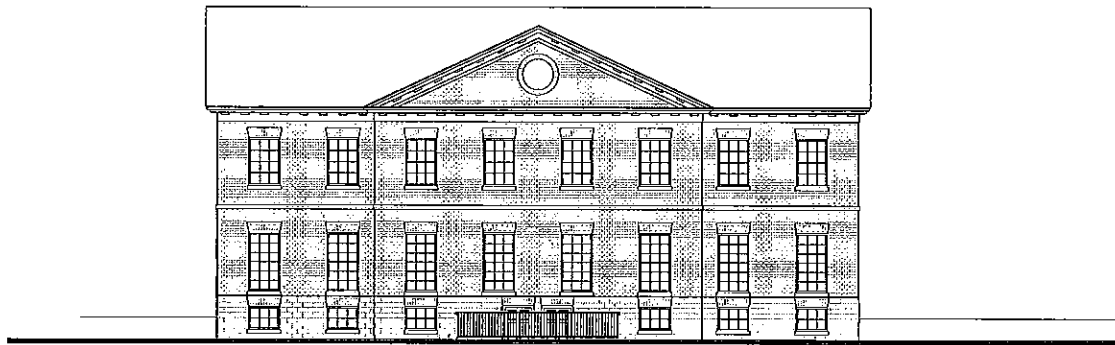
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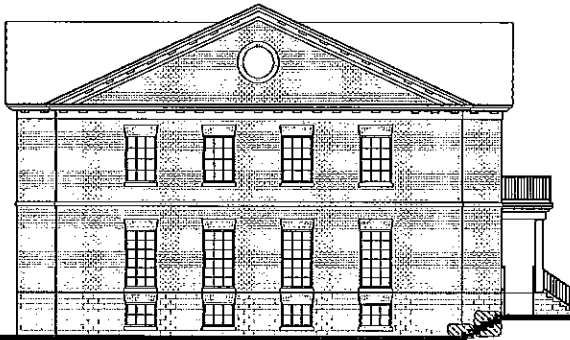
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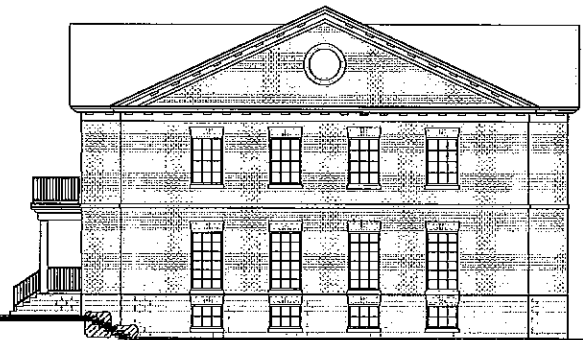
EAST (FRONT) ELEVATION



WEST (REAR) ELEVATION



SOUTH (SIDE) ELEVATION



NORTH (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A5'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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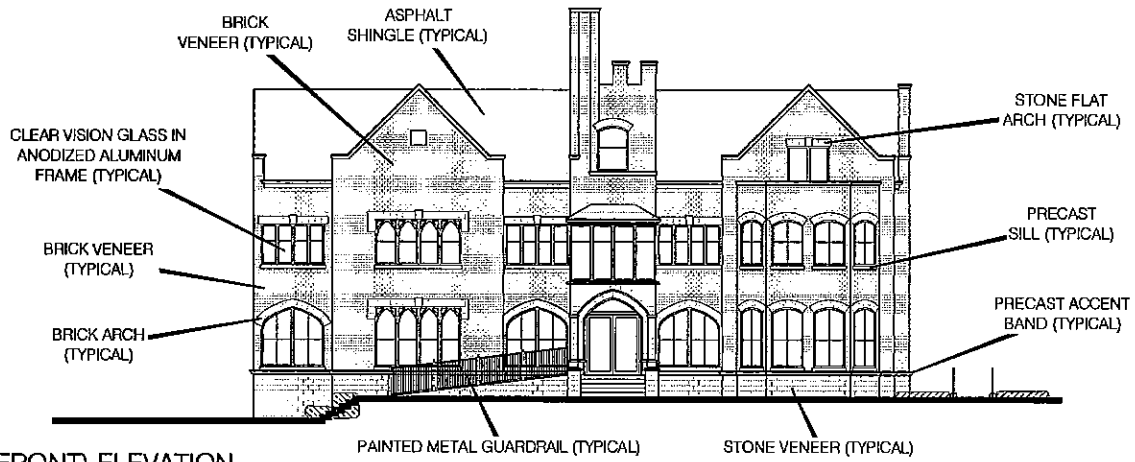


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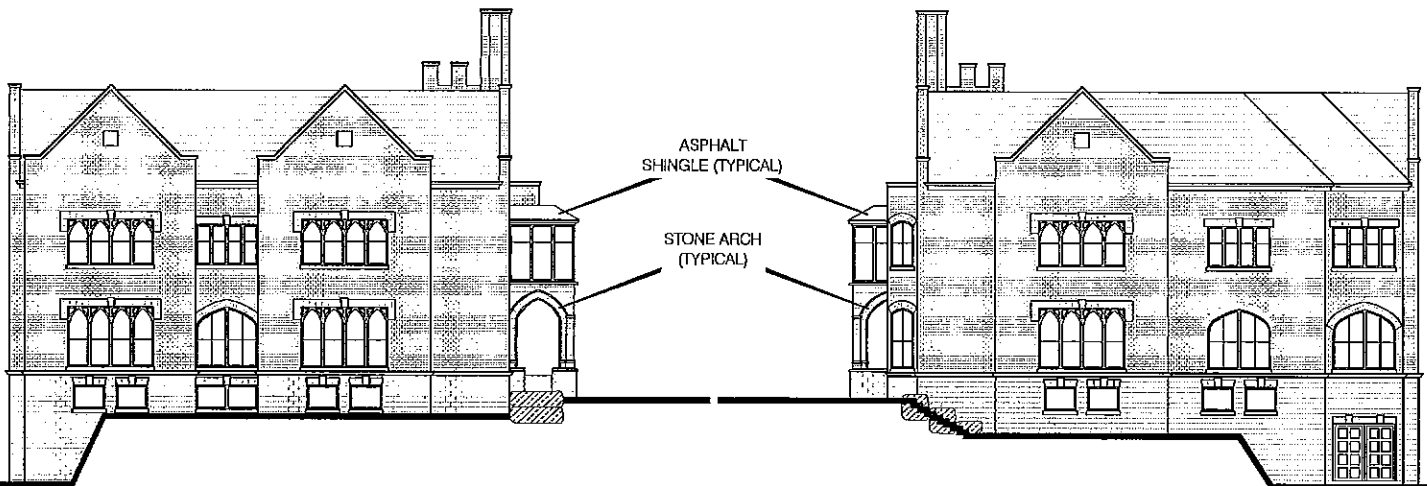
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SOUTH (FRONT) ELEVATION



NORTH (REAR) ELEVATION



WEST (SIDE) ELEVATION

EAST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A6'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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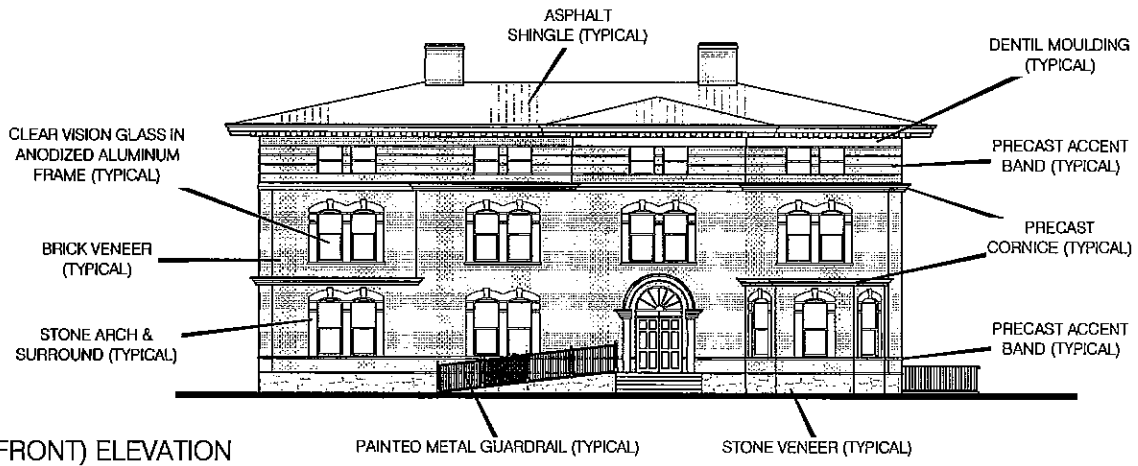


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May 20, 2011

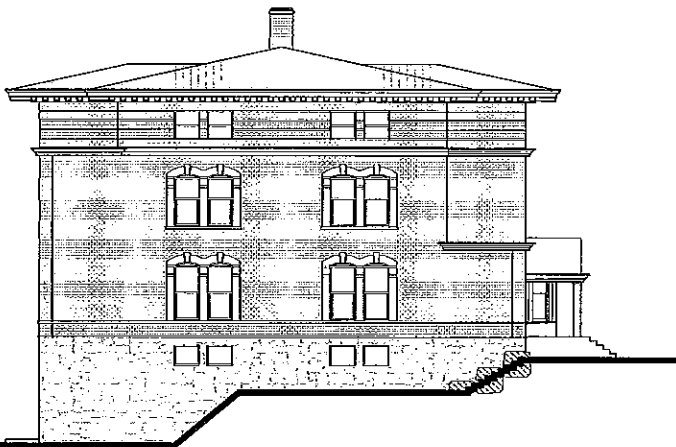
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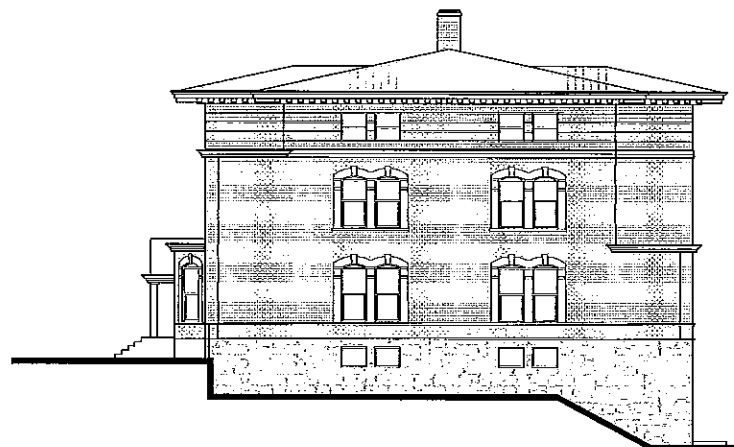
SOUTH (FRONT) ELEVATION



NORTH (REAR) ELEVATION



WEST (SIDE) ELEVATION



EAST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A7'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

H:\DFT\1 ATTACHMENTS\2\z.10.028_da.10.081_8ldg_A7.dwg

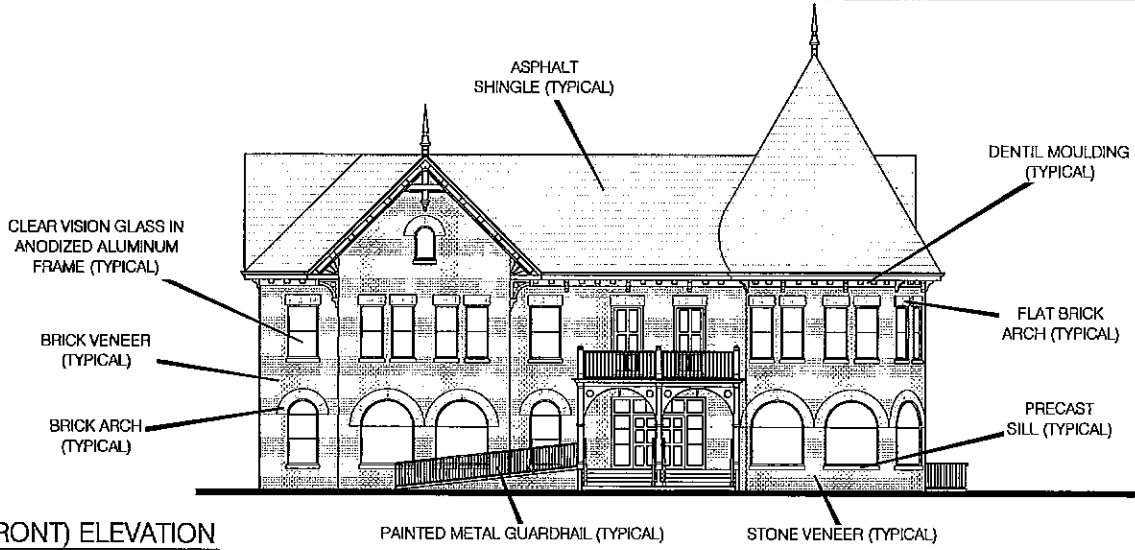


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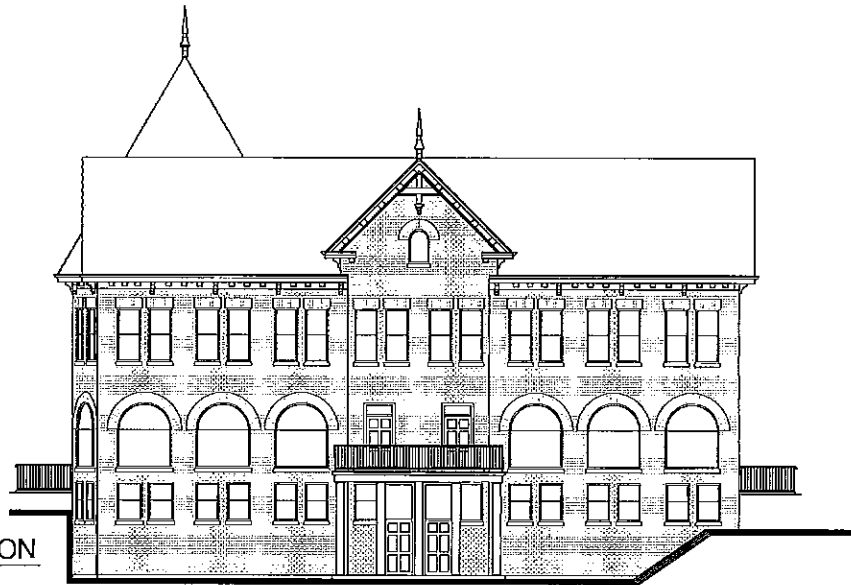
FILE:
Z.10.028 / DA.10.081

DATE:
May 20, 2011

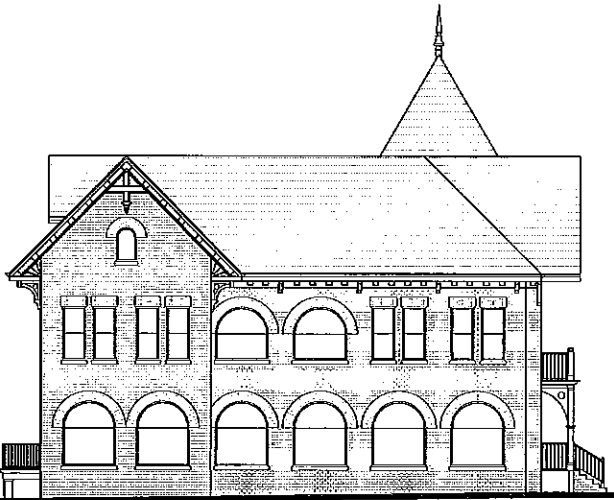
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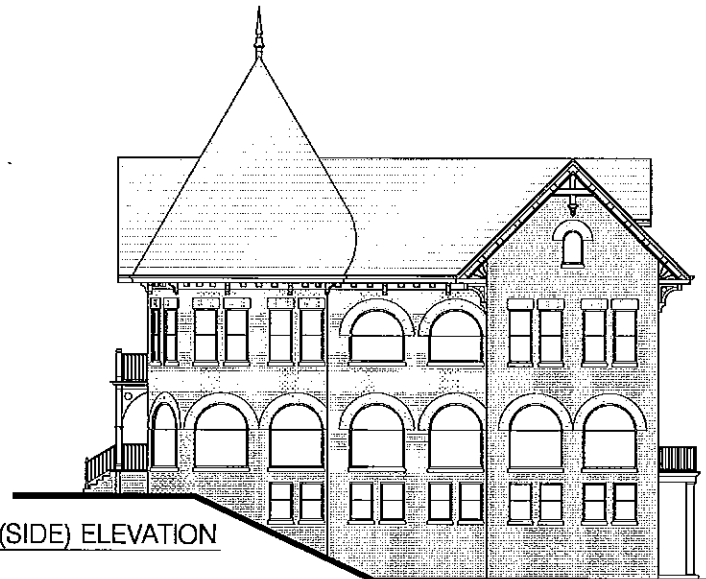
SOUTH (FRONT) ELEVATION



NORTH (REAR) ELEVATION



WEST (SIDE) ELEVATION



EAST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'A8'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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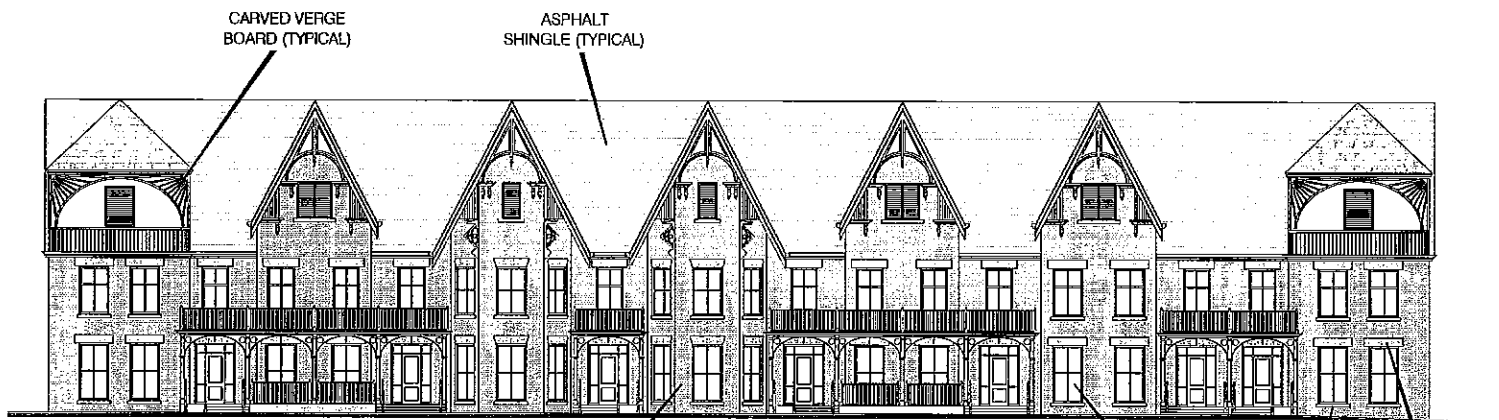


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Z.10.028 / DA.10.081

DATE:
May 20, 2011

12



SOUTH (FRONT) ELEVATION



NORTH (REAR) ELEVATION



EAST (SIDE) ELEVATION



WEST (SIDE) ELEVATION

Not to Scale

Elevations - Building 'B'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

N:\011\1 ATTACHMENTS\Z\z.10.028_dg.10.081.dwg

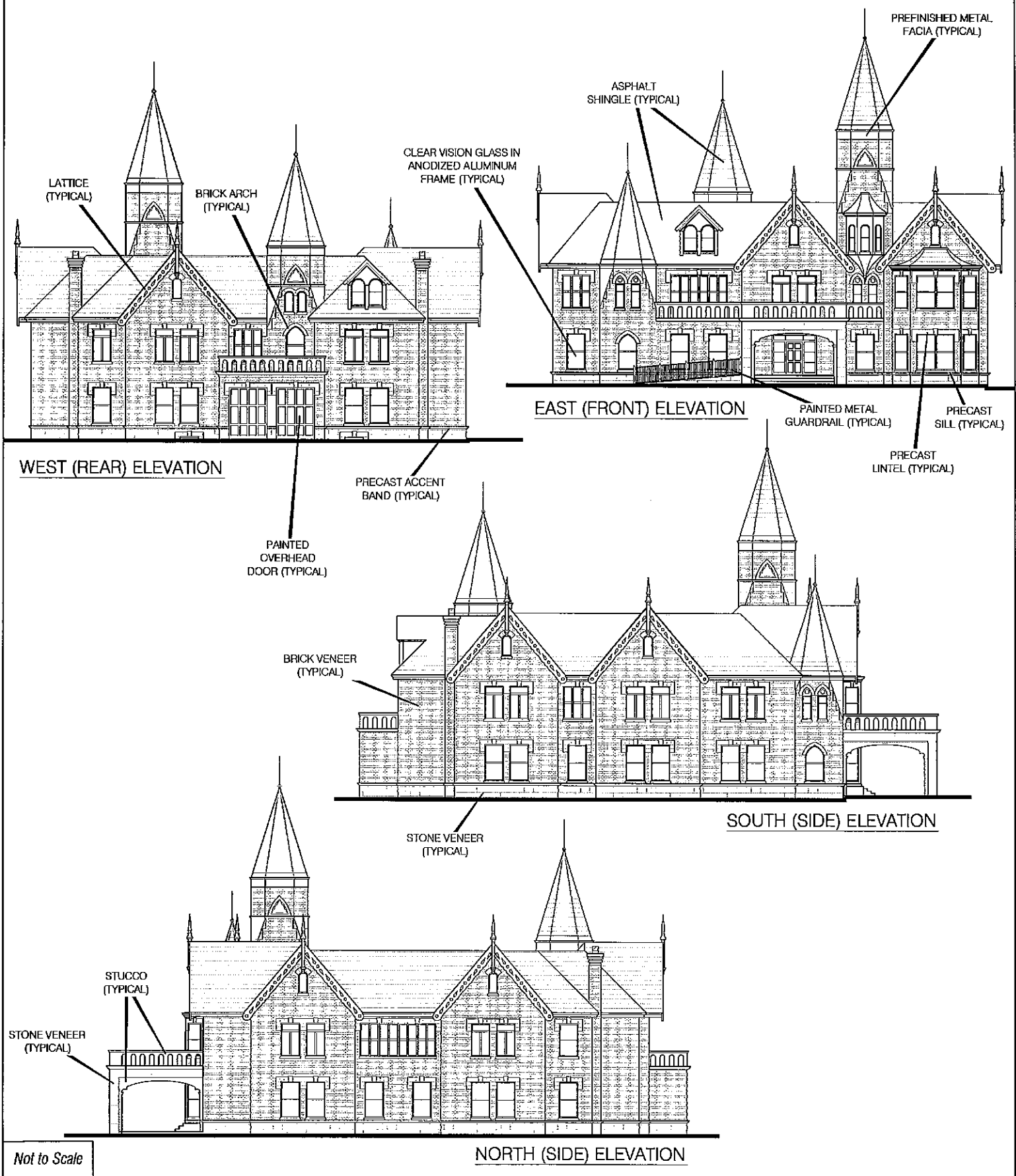


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FILE:
Z.10.028 / DA.10.081

DATE:
May 20, 2011

13



Not to Scale

Elevations - Building 'C'

LOCATION:
Part Lots 13 & 14, Concession 10

APPLICANT:
Theresa Frame Garibaldi

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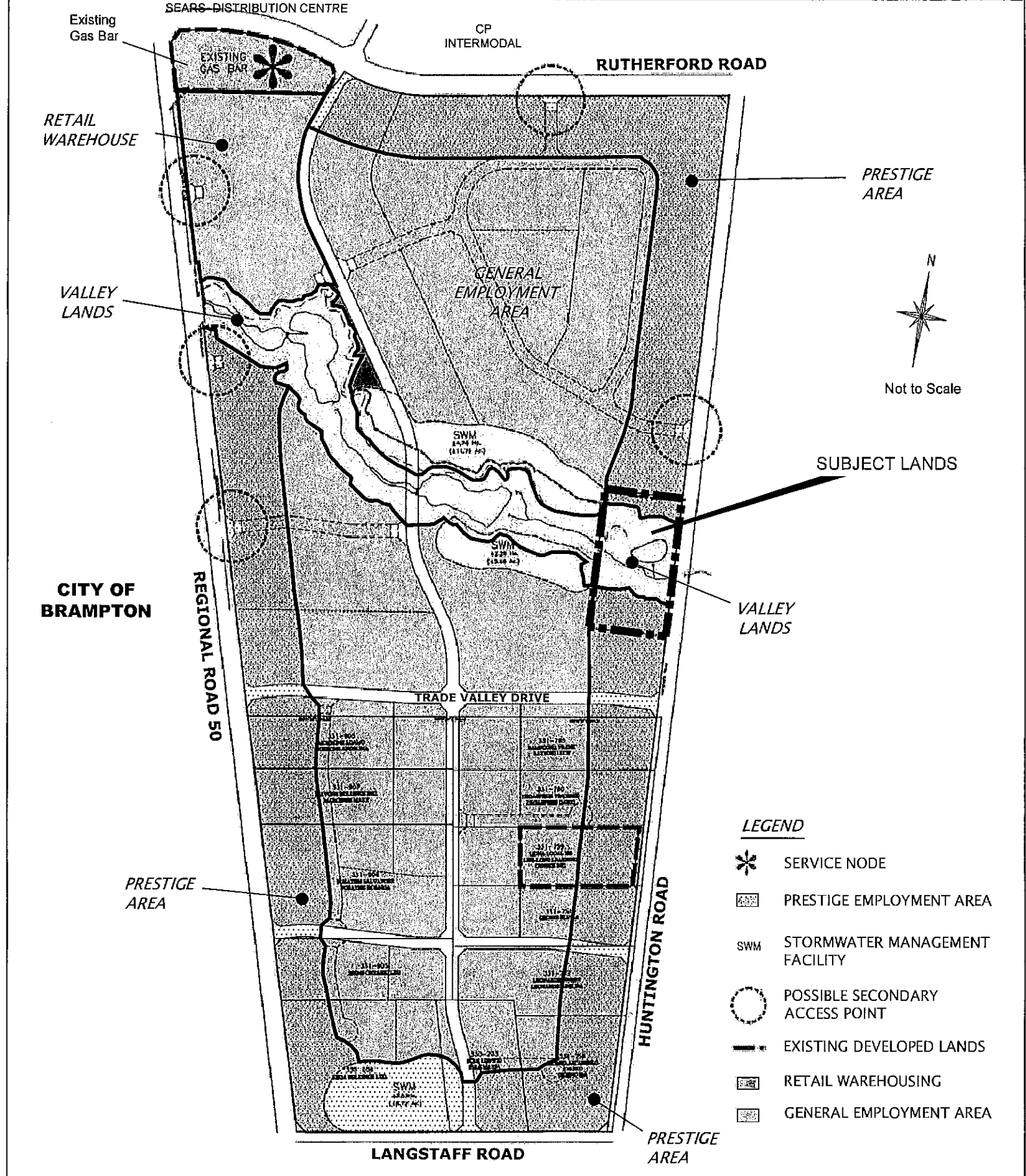


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FILE:
Z.10.028 / DA.10.081

DATE:
May 20, 2011

14



Approved Block 64 Land Use Plan

APPLICANT: Theresa Frame Garibaldi
 LOCATION: Part of Lots 13 & 14, Concession 10



Attachment

FILE:
Z.10.028 / DA.10.081

DATE:
May 20, 2011

15