

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014

Item 8, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 18, 2014.

8

SITE DEVELOPMENT FILE DA.13.093
MELRUTH DEVELOPMENT CORPORATION
WARD 1 - VICINITY OF RUTHERFORD ROAD AND MELVILLE AVENUE

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated February 25, 2014, be approved; and**
- 2) That the elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Site Development File DA.13.093 (Melruth Development Corporation) BE APPROVED, to facilitate the development of the subject lands shown on Attachments #1 and #2 with 5 commercial buildings, comprised of a two-storey office building (Building "A"), a one-storey multi-unit retail building (Building "B"), two one-storey eating establishments (Buildings "C" and "D") and, a two-storey retail/office building (Building "E") as shown on Attachments #3 to #9 inclusive, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i. the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape plan, and signage plan;
 - ii. the Vaughan Development/Transportation Engineering Department shall approve the final site servicing and grading plan and stormwater management report;
 - iii. the Vaughan Public Works Department shall approve the final waste management plan and waste collection design standards submission;
 - iv. the owner shall successfully obtain approval of the following applications from the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding:
 - a Minor Variance Application for the required site-specific zoning exceptions to Zoning By-law 1-88, as identified in Table 1 of this report, to implement the proposed site plan;
 - a Consent Application to create an reciprocal easement to facilitate a shared driveway connection to the existing gas station lands to the west and that the easement be registered on title to the satisfaction of the City of Vaughan;
 - v. the owner shall satisfy all requirements of the CN Railway; and,
 - vi. the owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department.
 - b) that the Site Plan Letter of Undertaking contain the following provision:

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- i. the owner shall pay to the City of Vaughan by way of certified cheque, cash-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The owner shall submit an appraisal of the subject lands prepared by an accredited appraisal for approval by the Vaughan Legal Services Department, Real Estate Division, which shall form the basis of the cash-in-lieu payment.
2. THAT the proposed billboard sign located at the south east portion of the subject lands, as shown on Attachment #3, be deleted from Site Development File DA.13.093.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment.

- Objective 2.2: To develop Vaughan as a City with an urban form that supports our expected population growth.

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive.

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century.

In accordance with the goals and objectives identified above, the owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- outdoor lighting designed for safety and comfort and reduced light pollution
- indoor plumbing fixtures that reduce water consumption
- bicycle racks and designated bench seating areas to be integrated within the overall design
- effective roofing membrane (typically referred to as a white roof)
- locally sourced building materials
- low volatile organic compound adhesives, sealants, paints and coatings
- an abundant amount of drought tolerant landscaping and plant materials
- tinted low-e argon filled glazing panels

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted Site Development File DA.13.093 (Melruth Development Corporation) for the subject lands shown on Attachments #1 and #2, to facilitate the development of 5 commercial buildings, as shown on Attachments #3 to #9 inclusive, comprised of the following:

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- Building “A” - A two-storey 1,385 m² office building
- Building “B” - A one-storey 2,165 m² multi-unit retail building with an outdoor play area (176 m²) for a proposed day nursery and an outdoor patio (98 m²)
- Building “C” - A one-storey 284 m² eating establishment, convenience with a drive-through and an outdoor patio area (46 m²)
- Building “D” - A one-storey 341 m² eating establishment, convenience
- Building “E” - A two-storey 1,485 m² mixed-use building with ground floor retail uses and second floor Business or Professional Office uses

Background - Analysis and Options

Location

The vacant subject lands are located on the northeast corner of Melville Avenue and Rutherford Road between the existing Shell automobile gas bar and the CN Rail pull-back track, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Previous Applications

On June 26, 2006, Vaughan Council approved Site Development Files DA.06.045 (1688643 Ontario Inc.) and DA.06.048 (12688653 Ontario Ltd.), as shown on Attachment #12, to permit the following:

- i. File DA.06.045 - Permit a multi-unit retail/commercial plaza consisting of five one-storey buildings, which to-date have not been constructed.
- ii. File DA.06.048 - Permit the existing Shell automobile gas bar and convenience store with a car wash.

On June 11, 2007, Vaughan Council subsequently approved Site Development File DA.07.036 (1688643 Ontario Limited) to permit the development of the subject land with an 8-storey, 18,804m² office building with 546 parking spaces, as shown on Attachment #13. The proposal was never constructed and the subject lands have remained vacant.

Official Plan

The subject lands are designated “Community Commercial Centre” by in-effect OPA #350 (Maple Community Plan), as amended by site-specific OPA #613. The “Community Commercial Centre” designation, as amended, permits business or professional offices, banks, financial institutions and personal service establishments on the subject lands. The proposed commercial and office development conforms to the in-effect Official Plan.

The subject lands are designated “Employment Commercial Mixed-Use” with a permitted maximum building height of 12-storeys and a Floor Space Index of 3.5 and identified as being located on a Primary Intensification Corridor within an Employment Area. The new City of Vaughan Official Plan 2010 (VOP 2010), was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and further modified and endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board on July 23, 2013, December 2, 2013 and February 3, 2014. The “Employment Commercial Mixed-Use” designation permits a range of uses including office, hotel, cultural and entertainment and retail uses on the subject lands. The proposed commercial and office development conforms to VOP 2010.

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Zoning

The subject lands are zoned C5 Community Commercial Zone by Zoning By-law 1-88, subject to Exception 9(1208), which permits the proposed commercial and office uses. In order to implement the proposed site plan shown on Attachment #3, the owner must submit a Minor Variance Application to the Vaughan Committee of Adjustment, to amend Zoning By-law 1-88, specifically the C5 Community Commercial Zone, subject to Exception 9(1208), to permit the following site-specific zoning exceptions:

Table 1:

	By-law Standard	By-law 1-88, C5 Community Commercial Zone Requirements, subject to Exception 9(1208)	Proposed Exceptions to the C5 Community Commercial Zone Requirements, subject to Exception 9(1208)
a.	Minimum Number of Parking Spaces	<p>1) <u>Building “A”</u></p> <ul style="list-style-type: none"> Business or Professional Office - 1,385.4 m² @ 3.5 spaces/100 m² GFA = 49 spaces <p>Total Parking Required for Building “A” - 49 spaces</p> <p>2) <u>Building “B”</u></p> <ul style="list-style-type: none"> Retail - 895 m² @ 6 spaces/100 m² GFA = 54 spaces <li align="center">+ Eating Establishment, Convenience - 886 m² @ 20 spaces/100 m² GFA = 178 spaces <li align="center">+ Accessory Patio - 98 m² @ 20 spaces/100 m² GFA = 20 spaces <li align="center">+ Day Nursery⁽¹⁾ 384 m² @ 6 spaces/100 m² GFA = 24 spaces <p>Total Parking Required for Building “B” - 276 spaces</p> <p>for Building “D” - 69 spaces</p>	<p>2) <u>Building “A”</u></p> <ul style="list-style-type: none"> Business or Professional Office - 1,385.4 m² @ 3.0 spaces/100 m² GFA = 42 spaces <p>Total Parking Proposed for Building “A” - 42 spaces</p> <p>2) <u>Building “B”</u></p> <ul style="list-style-type: none"> Retail - 895 m² @ 3.0 spaces/100 m² GFA = 27 spaces <li align="center">+ Eating Establishment, Convenience - 886 m² @ 8.0 spaces/100 m² GFA = 71 spaces <li align="center">+ Accessory Patio - 0 spaces <li align="center">+ Day Nursery - 384 m² @ 3.0 spaces/100 m² GFA = 12 spaces <p>Total Parking Proposed for Building “B” - 110 spaces</p>

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		<p>3) <u>Building “C”</u></p> <ul style="list-style-type: none"> Eating Establishment, Convenience with Drive-Through - 284 m² @ 16 spaces/100 m² GFA = 46 spaces <li align="center">+ Accessory Patio - 46 m² @ 16 spaces/100 m² GFA = 8 spaces <p>Total Parking Required for Building “C” - 54 spaces</p> <p>4) <u>Building “D”</u></p> <ul style="list-style-type: none"> Eating Establishment, Convenience - 341.1 m² @ 20 spaces/100 m² GFA = 69 spaces <p>Total Parking Required for Building “D” - 69 spaces</p> <p>5) <u>Building “E”</u></p> <ul style="list-style-type: none"> Retail - 742.4 m² @ 6 spaces/100 m² GFA = 45 spaces <li align="center">+ Office - 742.4 m² @ 3.5 spaces/100 m² GFA = 26 spaces <p>Total Parking Required for Building “E” - 71 spaces</p> <p><u>Total Parking Required for Entire Development</u></p> <p align="center">519 parking spaces</p>	<p>3) <u>Building “C”</u></p> <ul style="list-style-type: none"> Eating Establishment, Convenience with Drive-Through - 284 m² @ 4.0 spaces/100 m² GFA = 12 spaces <li align="center">+ Accessory Patio – 0 spaces <p>Total Parking Proposed for Building “C” - 12 spaces</p> <p>4) <u>Building “D”</u></p> <ul style="list-style-type: none"> Eating Establishment, Convenience - 341.1 m² @ 8.0 spaces/100 m² GFA = 27 spaces <p>Total Parking Proposed for Building “D” - 28 spaces</p> <p>5) <u>Building “E”</u></p> <ul style="list-style-type: none"> Retail - 742.4 m² @ 3.0 spaces/100 m² GFA = 23 spaces <li align="center">+ Office - 742.4 m² @ 2.0 spaces/100 m² GFA = 15 spaces <p>Total Parking Proposed for Building “E” - 38 spaces</p> <p><u>Total Parking Proposed for Entire Development</u></p> <p align="center">230 parking spaces</p>
b.	Minimum Landscape Strip Abutting a Street (Rutherford Road and Melville Avenue)	6 m	<p>4.5 m (Rutherford Road and Melville Avenue)</p> <p>3.5 m (in front of Building “D” abutting Rutherford Road)</p>

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c.	Minimum Exterior Side Yard Setback (Melville Avenue)	11 m	6.5 m (Building “A”) 4.5 m (Building “E”)
d.	Minimum Front Yard Setback (Rutherford Road)	11 m	6.0 m (Building “C”)
e.	Minimum Setback for an Institutional Use (Day Nursery)	15 m	12.3 m (east property line)

⁽¹⁾ If a Day Nursery is located within a multi-unit retail building, the retail parking calculation is used.

The Development Planning Department has reviewed the above-noted site-specific zoning exceptions and provides the following comments:

a) Minimum Required Parking

Zoning By-law 1-88 requires a minimum of 519 parking spaces for the proposed development, whereas the owner is providing 230 spaces. The City of Vaughan has undertaken a Parking Standards review that was completed by the IBI Group, and includes recommended parking ratios based on more recent parking surveys and analysis. The owner has submitted a parking study in support of the proposed supply, prepared by Cole Engineering. The Vaughan Development/Transportation Engineering Department has reviewed and approved the parking study. The study is consistent with the draft parking standards recommended in the IBI Group parking review. Accordingly, the Development/Transportation Engineering Department has no objection to the reduced parking supply.

b) Landscape Width

The width of the proposed landscape strips along Rutherford Road and Melville Avenue are proposed to be reduced from 6 m (required by Zoning By-law 1-88) to 4.5 m and to 3.5 m in front of Building “D”. The width of the landscape strip in front of Building “D” is proposed to accommodate a row of parking and an internal access driveway parallel to Rutherford Road connecting the subject lands to the existing gas station property to the west. The Development Planning Department can support the zoning exception provided sufficient planting is provided to screen the parking area. In addition, a 1.0 m high masonry wall consistent with the existing decorative wall on the adjacent gas station development is proposed along Rutherford Road in front of Building “D” to screen the parking.

c) Building Setbacks

The owner is proposing to reduce the front yard (Rutherford Road) and exterior yard (Melville Avenue) building setbacks as identified on Table 1, which will result in a built form that is located closer to the street while still providing sufficient space for landscaping.

A minimum 15 m building setback is required for the proposed day nursery use located in Building “B”. The proposed rear yard setback for Building “B” is 12.3 m, however, given that the building is located along the CN pullback track on an existing earth berm, the proposed variance is considered minor in nature.

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The Development Planning Department can support the variances identified in Table 1, for the reasons identified above. Prior to the site plan Letter of Undertaking being executed, the owner must successfully obtain approval of Minor Variance Application from the Vaughan Committee of Adjustment, and the Committee's decision must be final and binding. A condition to this effect is included in the recommendation of this report.

Site Plan Review

a) Site Plan

The proposed site plan consists of five separate buildings organized around the perimeter of the property with the majority of the parking being centrally located, as shown on Attachment #3. Each building includes an enclosed garbage room. The drive-through for Building "C" illustrates an 18 car stacking lane, which will be screened from Rutherford Road. Barrier free parking spaces are proposed for each building. Pedestrian connections are provided from the development to the existing sidewalks on Rutherford Road and Melville Avenue. Bicycle racks are proposed throughout the development to encourage an alternative mode of transportation to the site.

A shared driveway connection is proposed between the subject lands and the abutting gas station property to the west. An easement must be created with reciprocal access rights over the two properties to facilitate the creation of the driveway. The owner is required to submit and successfully obtain approval from the Vaughan Committee of Adjustment to create the easement. The Committee's decision must be final and binding and the easement registered on title, to the satisfaction of 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.

Three vehicular access points are proposed to service the development, including two driveways from Melville Avenue and one from Rutherford Road. The final location and design of each driveway access is subject to the approval of the Regional Municipality of York Transportation and Community Planning Department. The final site plan must be to the satisfaction of the Development Planning Department.

b) Building Elevations

The proposed building elevations are shown on Attachments #5 to #9. Buildings "A" and "E" are designed using two-storey light grey aluminum window frames with tinted spandrel and vision glazing panels and a light beige architectural stone veneer. The main unit entrances will be accented with light grey aluminum panel canopies. The Melville Road elevations consist of a mixture of these materials including dark grey composite panels to create a visual interest.

Building "B" is designed using beige coloured stucco with light beige architectural stone veneer and dark grey aluminum window frames with clear vision glazing panels. The building will be accented with a mixture of light, medium and metallic grey aluminum and/or composite panels including canopies and overhangs to define each unit entrance.

Building "C" (Tim Horton's) will utilize the new corporate red and brown colour combination with a decorative band and awning facing Rutherford Road and the main entrance also facing Rutherford Road. A patio is proposed along the south elevation of the building abutting Rutherford Road. The drive-through is proposed along the east side of the building. It is noted that Attachment #7 illustrates the standard Tim Horton's corporate building design, which must be modified to reflect the proposed site plan to the satisfaction of the Development Planning Department.

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Building “D” is designed using light beige architectural stone veneer and dark grey aluminum window frames with clear vision glass panels.

The Development Planning Department must approve the final building elevations.

c) Signage

Two pylon signs, as shown on Attachment #10, are proposed adjacent to each driveway access onto Rutherford Road and Melville Avenue, as shown on Attachment #3. The pylon sign details shall be approved to the satisfaction of the Development Planning Department. A condition to this effect has been included in the recommendation section of this report.

The owner is proposing a billboard sign as shown on Attachment #11, located at the south east corner of the subject lands (Attachment #3). Poster Panels, which includes billboard signage, is subject to the City's Sign By-law 203-92. The proposed billboard sign does not comply with the following Poster Panel sign requirements of By-law 203-92, Sections 15.2 and 15.3 (in part):

- shall only be permitted on a lot in lieu of the additional ground sign
- shall be located within the limits of the industrial area of Official Plan Amendment No. 450
- shall be set back a minimum of 5.0 metres from any common lot boundary with an adjacent lot
- shall be set back a minimum of 600 metres from any other poster panel located on the same side of the street

Notwithstanding the above requirements, a maximum of one hundred (100) billboards are permitted to be located within the limits of the City of Vaughan.

The billboard sign has not been proposed in lieu of ground (pylon) signage, as described above. The subject lands are not located within the limits of OPA #450. The sign is setback 3.5 m from northerly property line, whereas the By-law requires 5.0 m and is located within 600 m of an existing billboard sign (shown on Attachment #3) located on the adjacent lot, immediately to the south-west. In addition, permits for 100 billboards in the City of Vaughan have been issued.

Accordingly, the Development Planning Department does not support the proposed billboard sign and recommends that it be deleted from the application. A condition to this effect has been included in the recommendation section of this report.

d) Landscape Plan

The landscape plan consists of a mix of deciduous and coniferous trees, shrubs, perennials, ornamental grasses and ground covers, as shown on Attachment #4.

The landscaping abutting Rutherford Road in front of Building “D” includes a 1.0 m high masonry wall consistent with the existing landscape decorative fence feature located on the existing gas station property to the west. A decorative fence and dense planting will be included in front of the drive-through queuing lane for Building “C” that will match the existing fence located on the gas station property. The final landscape plan and details must be approved to the satisfaction of the Development Planning Department.

Vaughan Development / Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the proposed development and provides the following comments:

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a) Development Engineering

The following information must be provided to the satisfaction of the Development Transportation Engineering Department:

- A revised site servicing plan, site grading plan(s) and stormwater management report.
- A copy of the mutual agreement for the shared access, parking and municipal servicing between the existing gas station property and the proposed development.

A condition to this effect is including in the recommendation section of this report.

b) Site Plan

- The proposed driveways must be constructed with heavy duty asphalt paving from back edge of the municipal curb to property line. This area should be highlighted on the site plan.
- A maneuvering plan must be provided depicting garbage truck maneuverability.
- Barrier free parking spaces must include Rb-93 'by permit only' signs.
- A traffic signage plan must be provided, including stop signs, do not enter and one-way signs wherever required.
- Right-in/out access at Rutherford Road should be designed as required by the Region of York.

c) Parking Study

The parking study concludes that the proposed parking supply of 230 spaces is sufficient based on the following studies:

- The City of Vaughan Draft Parking Standard Review proposed by the IBI Group
- Parking requirement review from other municipalities within the GTA (i.e. City of Toronto and Town of Richmond Hill)
- Institute of Transportation Engineers, Parking Generation

The total recommended number of parking spaces is considered appropriate based on the preliminary findings of the City of Vaughan Draft Parking Standards review completed by the IBI Group, which also examined shared parking space opportunities to take advantage of the different use peaking characteristics.

Since the City of Vaughan Official Plan (VOP 2010) promotes a non-auto modal split to encourage more sustainable travel, the Development/Transportation Engineering Department has no objection with the reduced parking as recommended in the study.

d) Traffic Study

The future level of service conditions were determined for the study area intersections utilizing future background total traffic volumes including the proposed development for the planning horizon years of 2014 and 2018. Future background traffic consists of traffic growth from outside of the study area and traffic generated by other development within the study area. The Regional model was also utilized to estimate background traffic growth. As identified by the analysis, all intersections and driveways will operate at an acceptable level of service.

The study concludes that the addition of the site traffic to background volumes does not significantly alter the performance of the surrounding intersections. Different improvement

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plans/initiatives are envisioned to facilitate the subject development in a long term planning horizon consisting of transit initiatives, Traffic Demand Management (TDM) implementation strategies and road improvements. These improvements will help relieve traffic pressure from the surrounding intersections.

The Development/Transportation Engineering Department concurs with the overall study and methodology and accept its conclusions and recommendations, however review and approval is required from the Region of York.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division, has advised that the owner will be required to pay to the City of Vaughan by way of certified cheque, cash-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The owner shall submit an appraisal of the subject lands prepared by an accredited appraisal to the satisfaction of the Legal Services Department, Real Estate Division, that shall form the basis of the cash-in-lieu payment. A condition to this effect is included in the recommendation section of this report.

Waste Management

The Public Works Department must approve all waste removal facilities in the proposed buildings. A condition to this effect is included in the recommendation section of this report.

CN Railway (CN)

CN Railway (CN) requires that the owner install and maintain a 1.8 m chain-link fence along the mutual property line, and provide CN with a stormwater management plan(s) and report to confirm that there will be no adverse drainage impacts on CN lands and subject to review by CN Engineering. The landscape plan shows a 1.8 m high black vinyl fence along the mutual property. A condition to this effect is included in the recommendation section of this report.

Canada Post

A centralized mail receiving facility must be provided and maintained by the owner in order for Canada Post to provide mail service to the tenants of the proposed buildings.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) Lead and Promote Environmental Sustainability

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes indoor plumbing fixtures that reduce water requirements, bicycle racks, white roofs and low VOC adhesives, sealants, paints and coatings. The proposed landscape plan includes drought tolerant plant material to encourage water conservation.

ii) Manage Growth & Economic Well Being

The proposed development implements the City's in-effect Official Plan.

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Regional Implications

The Region of York has no objections to the proposed development, however, will require the owner to enter into a bi-party agreement and prior to the issuance of final Regional approval and any conditional, partial and/or final Building Permit by the City, the owner must be in receipt of a fully executed site plan agreement.

A condition of approval is included in the recommendation requiring the applicant to satisfy all requirements of the Region of York.

Conclusion

Site Development File DA.13.093 has been reviewed in accordance with OPA #350, as amended by OPA #613, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the development of the proposed commercial buildings is compatible with the existing and planned uses in the surrounding area, and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of Site Development File DA.13.093, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations – Building “A”
6. Elevations – Building “B”
7. Elevations – Building “C”
8. Elevations – Building “D”
9. Elevations – Building “E”
10. Pylon Sign
11. Billboard Sign
12. Previous Vaughan Council Approved Site Plan (June 26, 2006)
13. Previous Vaughan Council Approved Site Plan (June 11, 2007)

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)