

ITEM #: 6.19

**COMMITTEE OF ADJUSTMENT REPORT
CONSENT APPLICATION
B004/23
3255 RUTHERFORD RD BLDG D VAUGHAN**

COA REPORT SUMMARY

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

*Please see **Schedule B** of this report for a copy of Staff and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X	X	General Comments w/conditions
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Recommend Approval/No Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		General Comments
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		General Comments
Real Estate	X	X		General Comments w/Conditions
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant/Agent	History Hill Group			Application Cover Letter

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
B010/12	03/01/12	Approved: COA

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

B038/17	01/25/18	Approved: COA
A184/21	09/30/21	Approved: COA

ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None	
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**COMMITTEE OF ADJUSTMENT REPORT
CONSENT APPLICATION
B004/23
3255 RUTHERFORD RD BLDG D VAUGHAN**

ITEM NUMBER: 6.19	CITY WARD #: 4
APPLICANT:	Limestone Gallery Investments Inc.
AGENT:	Steven De Santis
PROPERTY:	3255 Rutherford Road, Bldg D, Vaughan
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	"High-Rise Mixed-Use" by Vaughan Official Plan 2010 ("VOP 2010"), Volume 2, Section 11.7 – Vaughan Mills Centre Secondary
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Consent is being requested to permit a lease in excess of 21 years to be registered on title to CHICK-FIL-A CANADA ULC (the tenant). The lands to be leased are approximately 1,656.76 square metres.

HEARING INFORMATION

DATE OF MEETING: Thursday, April 20, 2023
TIME: 6:00 p.m.
MEETING LOCATION: Vaughan City Hall, **Woodbridge Room**, 2141 Major Mackenzie Drive, Vaughan
LIVE STREAM LINK: Vaughan.ca/LiveCouncil

PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to cofa@vaughan.ca
 If you would like to submit written comments, please quote file number above and submit by mail or email to:
Email: cofa@vaughan.ca
Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of this application considers the following:

- ✓ Conformity to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conformity to the City of Vaughan Official Plan.
- ✓ Conformity to the Provincial Policy Statements as required by Section 3 (1) of the Planning Act.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS

Date Public Notice Mailed:	April 6, 2023
Date Applicant Confirmed Posting of Sign:	March 31, 2023
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None

COMMITTEE OF ADJUSTMENT COMMENTS

<p>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</p> <p>*A revised submission may be required to address staff / agency comments received as part of the application review process.</p> <p>*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</p>	No
<p>Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.</p> <p>An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.</p>	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	<ol style="list-style-type: none"> 1. That the applicant's solicitor confirms the legal description of the subject land by providing a copy of the draft transfer. Subject land confirms the legal description of the leased land. 2. That the applicant provides one full sized hard copy of the deposited plan of reference of the entire land which conforms substantially with the application 3. That the applicant emails an electronic copy of the deposited plan of reference to cofa@vaughan.ca 4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

BUILDING STANDARDS (ZONING) COMMENTS

**See Schedule B for Building Standards (Zoning) Comments.	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING COMMENTS

Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The Development Engineering (DE) Department does not object to Consent Application B004/23 subject to the following condition(s):	
Development Engineering Recommended Conditions of Approval:	The Owner / Applicant shall obtain approval for the related Site Development Application (DA.21.013) from the Development Engineering (DE) Department.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry: Forestry has no comment	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS

No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comments received to date.	
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BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

BCLPS Recommended Conditions of Approval:	None
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BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date.	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS

No comments received to date.	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Staff & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

Should the Committee find it appropriate to approve this application, the following conditions have been recommended:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Committee of Adjustment christine.vigneault@vaughan.ca	<ol style="list-style-type: none"> 1. That the applicant's solicitor confirm the legal description of the subject land by providing a copy of the draft transfer. Subject land confirms the legal description of the leased land. 2. That the applicant provides one full sized hard copy of the deposited plan of reference of the entire land which conforms substantially with the application 3. That the applicant email an electronic copy of the deposited plan of reference to cofa@vaughan.ca 4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.
2	Development Engineering Rex.bondad@vaughan.ca	The Owner / Applicant shall obtain approval for the related Site Development Application (DA.21.013) from the Development Engineering (DE) Department.

IMPORTANT INFORMATION – PLEASE READ

CONDITIONS: Conditions must be fulfilled within **two years** from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible.

DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

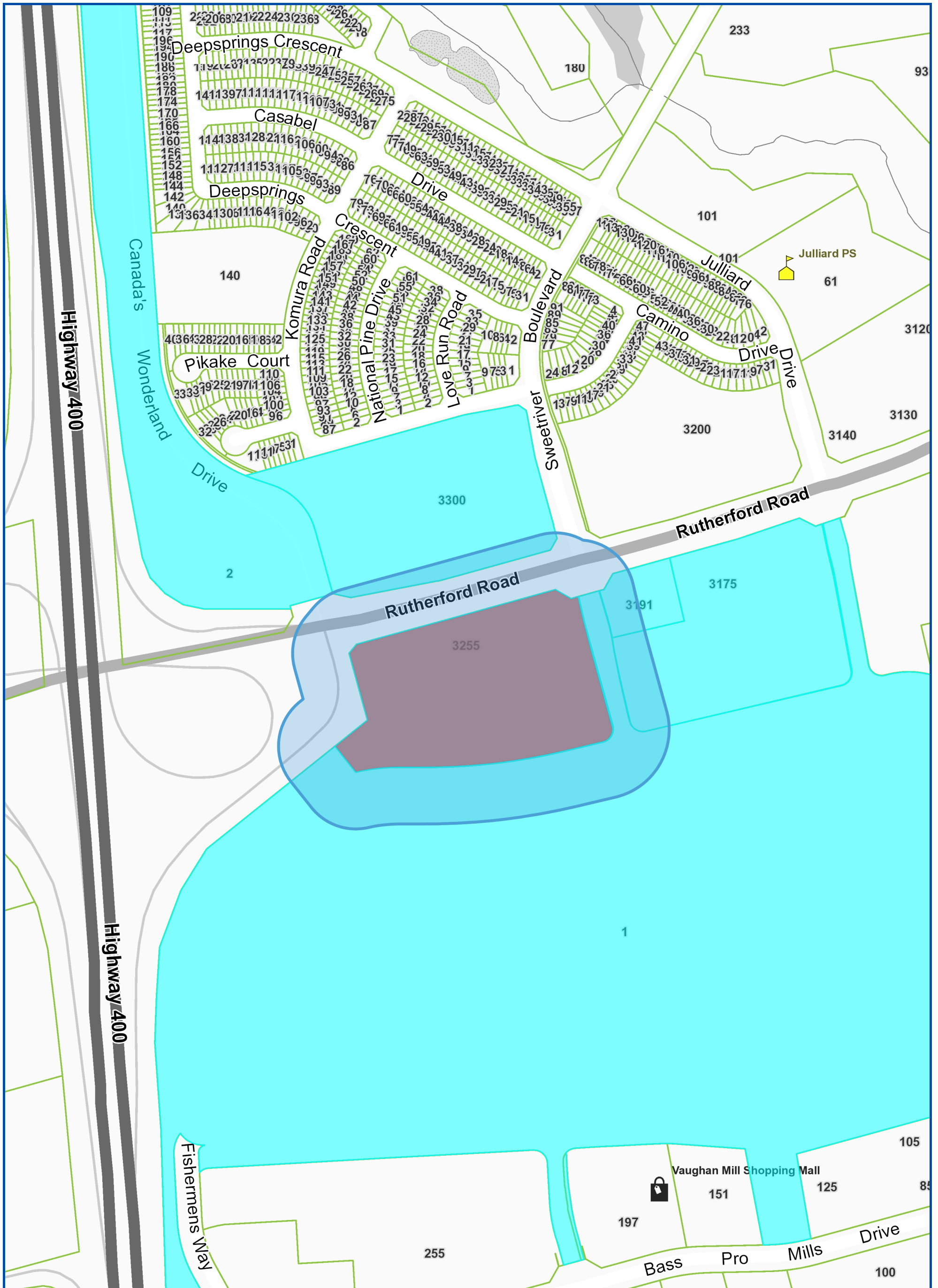
That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

IMPORTANT INFORMATION – PLEASE READ

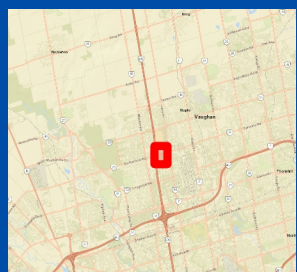
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

SCHEDULE A: DRAWINGS & PLANS



Map Information:



Title:

3255 RUTHERFORD ROAD, CONCORD

NOTIFICATION MAP: B004/23

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1: 5,619

0 0.09 km



Created By:

Infrastructure Delivery

Department

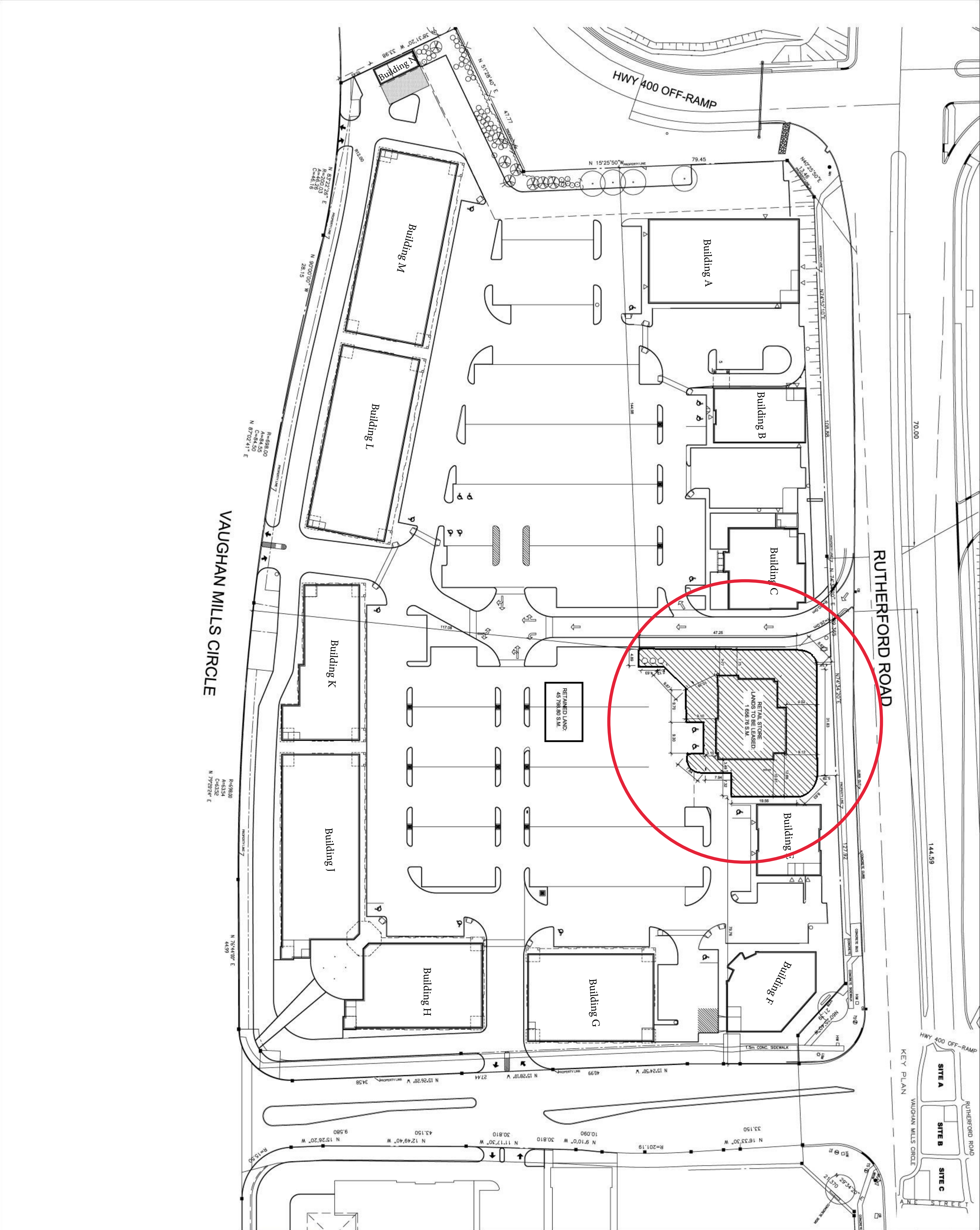
March 28, 2023 10:18 AM

Projection:

NAD 83

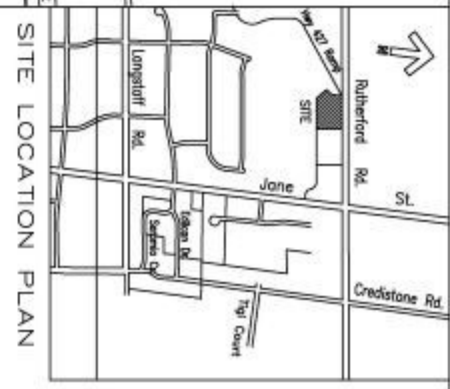
UTM Zone

17N



RUTHERFORD ROAD

VAUGHAN MILLS CIRCLE



NOTE:
THIS SITE PLAN DRAWING WAS PREPARED BY INTRA ARCHITECT INC DATED FEB 2005 FOR CONSTRUCTION. NO SITE WORKS HAVE BEEN PERFORMED. THIS DRAWING IS ONLY VALID FOR AN APPLICATION FOR CONSENT.



No.	Date	Revisions	By
1			

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AWT
ARCHITECTS
ONTARIO ASSOCIATION
OF ARCHITECTS

HISTORY HILL GROUP

A.W. Truscott Associates, Architects Inc.
2281 Lakeshore Blvd. W. Suite 717
Tel: (416) 567-4188 Fax: (416) 567-4189
Email: truscott@truscott.com

Project: COMMERCIAL DEVELOPMENT
LIMESTONE GALLERY INC./INC.
VAUGHAN MILLS CIRCLE
CITY OF VAUGHAN, ONTARIO

Drawing Title:
LEASING PLAN FOR
BLDG. "D"

Scale: 1:400
Date: AUGUST 2022
Sheet Number: A 101
Project Number: A22-208

SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments

Date: March 20th 2023
Attention: **Christine Vigneault**
RE: Request for Comments

File No.: **B004-23**

Related Files:

Applicant: Limestone Gallery Investments Inc.

Location 3255 Rutherford Road



Discover the possibilities

COMMENTS:

- We have reviewed the proposed Consent Application and have no comments or objections to its approval.
- We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Consent Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Stephen Cranley, C.E.T

Mitchell Penner

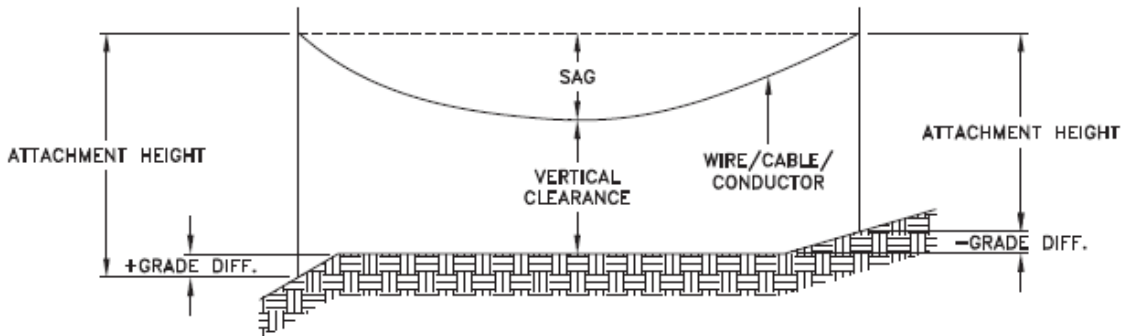
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

E-mail: stephen.cranley@alectrautilities.com

Email: Mitchell.Penner@alectrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO VEHICLES	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO PEDESTRIANS AND BICYCLES ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

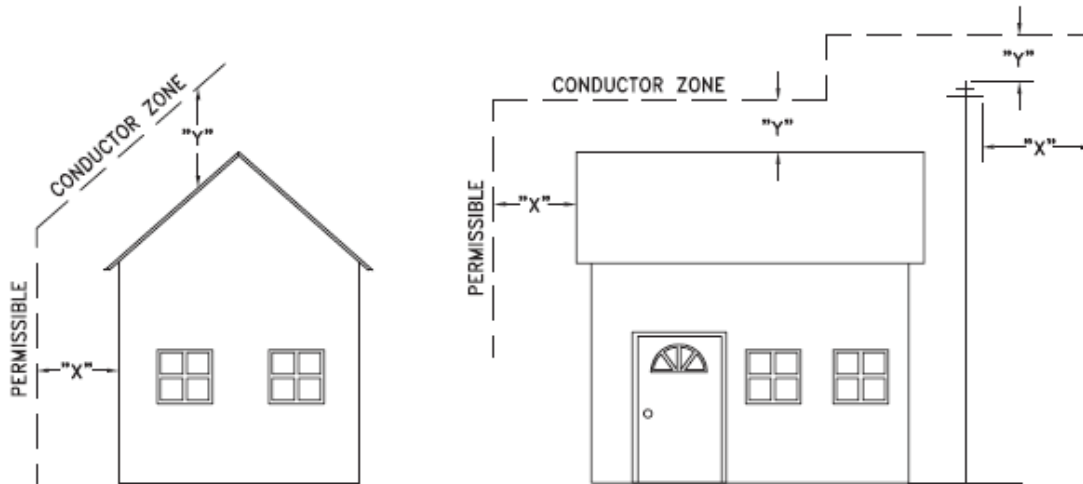
METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

SAGS AND TENSIONS	SECTION 02
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MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Debbie Dadwani, P.Eng. 2010-MAY-05
Name Date
P.Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
F:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working files\Section 03-4\DWG 03-4 RD May 5, 2010.dwg, 5/5/2010 9:27:52 AM, Adobe PDF

To: Committee of Adjustment

From: Lindsay Haviland, Building Standards Department

Date: March 09, 2023

Applicant: Limestone Gallery Investments Inc.

Location: 3255 Rutherford Road
PLAN 65M3696 Block 1
PLAN 65R26825 Part 29 municipally known as

File No.(s): B004/23

Zoning Classification:

The subject lands are zoned GMU-General Mixed-Use Zone and subject to the provisions of Exception 14.669 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The subject consent application is to permit a lease in excess of 21 years on the existing subject lands and therefore the Zoning By-law requirements for Lot Area, Lot Frontage and Lot Depth are not applicable.	

The subject lands are zoned C1- General Commercial Zone, and subject to the provisions of Exception 9(1030) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
2	The subject consent application is to permit a lease in excess of 21 years on the existing subject lands and therefore the Zoning By-law requirements for Lot Area, Lot Frontage and Lot Depth are not applicable.	

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit(s) Issued:

Other Comments:

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

* Comments are based on the review of documentation supplied with this application.

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: April 4, 2023

Name of Owner: Limestone Gallery Investments Inc.

Location: 3255 Rutherford Road, Building D

File No.(s): B004/23

Proposed:

The subject consent application is to permit a lease in excess of 21 years on the existing subject lands and therefore the Zoning By-law requirements for Lot Area, Lot Frontage and Lot Depth are not applicable.

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "High-Rise Mixed Use" by Volume 2, Section 11.7 Vaughan Mills Centre Secondary Plan

Comments:

The Owner has submitted a consent application to facilitate a lease agreement in excess of 21 years in favour of CHICK-FIL-A Canada ULC. The Subject Lands, located at 3255 Rutherford Road, Building D, currently operate as a Chick-fil-A restaurant. No new development or changes to the existing building are proposed.

Accordingly, the Development Planning Department has no objection to the requested consent application as the proposal conforms to the consent policies in VOP 2010 and the consent criteria stipulated in Section 51(24) of the *Planning Act*, R.S.O. 1990, c P.13.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner
David Harding, Senior Planner

From: [Wong, Justin](#)
To: [Committee of Adjustment](#)
Subject: [External] RE: B004/23 (3255 RUTHERFORD ROAD) - REQUEST FOR COMMENTS
Date: Tuesday, March 21, 2023 4:24:57 PM

Hello,

The Region has reviewed this application and does not have any comments.

Thank you,

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

Justin Wong, MCIP, RPP | Planner, Planning and Economic Development Branch, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71577 | Justin.Wong@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant/Agent	History Hill Group			Application Cover Letter



February 22, 2023

Committee of Adjustments

City of Vaughan

2141 Major Mackenzie Dr.

Vaughan, ON L6A 1T1

RE: Application for Consent for a Lease Greater than 21 Years

3255 Rutherford Rd, Building D

Limestone Gallery Investments Inc.

CHICK-FIL-A CANADA ULC

On behalf of Limestone Gallery Investments Inc., the owner of 3255 Rutherford Rd, Building D (the subject lands) we submit this Consent Application to permit a lease agreement to be registered on title between the owner and CHICK-FIL-A CANADA ULC (the tenant) for a period of 21 years or greater.

Pursuant to section 50(3) of the Planning Act, any conveyance of land or entitlement in land that exceeds a period of 21 years or more is prohibited unless relief is granted. Section 50(3)(f) of the planning act specially permits relief to this requirement, and states "a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land;"

The intended purpose of the is application is to seek Planning Act Consent to permit CHICK-FIL-A CANADA ULC to remain in their existing location for a period of 21 years or greater. As such, the intent of giving consent is mainly for administrative purposes. Additionally, there are currently no other approvals under the Planning Act required or being applied for to create an interest in this property.

Provincial Policy

As prescribed under subsection 3(5) of the planning act decisions made by the Committee of Adjustments must be consistent with Provincial Policy Statement, 2020 and must confirm with all provincial plan that may apply to subject lands.

The Subject Lands and the Remaining Lands do not fall within the regulated area of any Provincial Plan.

Supporting Materials:

In Support of This Application for Consent Application to permit a lease greater than 21 years, Find Enclosed the Following materials:

- Application Form
- Application Fee, in the form of a Cheque
- Consent Sketch
- Property Site plan
- Parcel Register.

On Behalf of Limestone Gallery Investments Inc, we trust that this submission is to the satisfaction of the City of Vaughan. Please feel free to contact the undersigned in order to discuss this application.

Regards,



Steven De Santis

stevend@historyhillgroup.com

416-736-9978 ext.439

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
B010/12	03/01/12	Approved: COA
B038/17	01/25/18	Approved: COA
A184/21	09/30/21	Approved: COA

NOTICE OF DECISION
CONSENTS

FILE NUMBER: B010/12

APPLICANT: Limestone Gallery Investments

PROPERTY: Part of Lot 15, Concession 5, (Part Of Block 1, Registered Plan 65M-3696, Municipally know as 3255 Rutherford Road, Building "B", Maple).

ZONING: The subject lands are zoned C1, Restricted Commercial zone under By-Law 1-88 as amended and further subject to exception 9(1030).

PURPOSE: The purpose of this application is to request the consent of the Committee of Adjustment to grant a **LEASE** in excess of twenty-one years (TD Canada Trust Bank with drive-thru), for the parcel of land marked "A" on the attached sketch for commercial purposes and retain the lands marked "B" on the attached sketch for commercial purposes.

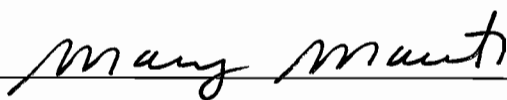
The lands subject to the lease have an existing commercial building. (TD Canada Trust Bank with drive-thru). There exist twelve commercial buildings on the site that are not part of the lease.

BACKGROUND INFORMATION: Other Planning Act Applications
The land which is the subject in this application was also the subject of another application under the Planning Act:
Minor Variance Application
A113/09 – APPROVED – May 14, 2009 (Unit #14, Bldg "H")The outdoor patio use shall not exceed 79% of the gross floor area devoted to patron use.
A428/06 – APPROVED – Oct. 26/06 To permit a retail store greater than 1343.69m² for the sole use of Food/Groceries
A087/05– APPROVED – Mar 31/05 (Parking provided at 6.0 spaces 100m² C.F.A.(Commercial Floor Area), No loading space required for buildings A, C, D, F, & H, & Minimum landscape strip abutting a street 4.4m.

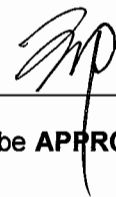
A sketch is attached illustrating the request.

The above noted application was heard by the Committee of Adjustment on: **MARCH 1, 2012.**

MOVED BY:



SECONDED BY:



THAT Application No. **B010/12, Limestone Gallery Investments**, be **APPROVED**, in accordance with the sketch attached and subject to the following conditions:

NOTE: All conditions below must be fulfilled and clearance letters must be received by the Secretary-Treasurer before any cheques can be accepted and Certificate of Official can be issued.

1. That the owner shall pay all taxes as levied, if required, to the satisfaction of the Reserves & Investments Department. Payment shall be made **by certified cheque**; (contact Terry Liuni in the Reserves & Investments Department to have this condition cleared).
2. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands;
3. Upon fulfilling and complying with all of the above-noted conditions, the Secretary-Treasurer of the Committee of Adjustment must be provided with a letter **and three (3) copies of a legal size (8.5" by 14") "Schedule Page", in a format satisfactory to the Secretary-Treasurer**, from the Applicant's solicitor confirming the legal description of the subject lands, sufficient for registration purposes **the "Schedule Page" will be an attachment to the Certificate**. Upon being satisfied with said legal description and upon all other conditions for the consent having been satisfied, the Secretary-Treasurer shall provide a Certificate of Official to the applicant in accordance with Section 53(42) of the Planning Act, R.S.O. 1990, as amended;

- 4. A fee of **\$190.00** made payable to the Treasurer City of Vaughan shall, be submitted to the Secretary Treasurer for the issuance of the Certificate/stamping of the deeds. It will be necessary to allow up to **three (3) working days** after all conditions have been fulfilled and documentation filed. Same day service is also available for an additional cost of **\$145.00, provided all conditions of approval have been fulfilled and all required documents are submitted by 11:30 am that day;**
- 5. Prior to the issuance of a building permit, if required, the applicant shall fulfil and comply with all of the above noted consent conditions;

IMPORTANT:

Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions of Consent. Failing to comply with this requirement will result in the application to be deemed to be refused.

ALL CONDITIONS MUST BE FULFILLED.

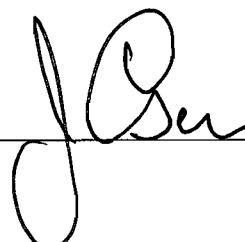
Please contact each Agency and/or Department listed above whether "if required" appears in the condition or not.

PLEASE NOTE:

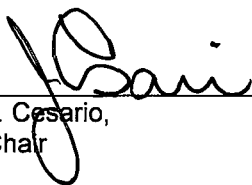
- 1. That the payment of the Regional Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.
- 2. That the payment of the City Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.
- 3. That the payment of the Education Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment
- 4. That the payment of Special Area Development charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance, if required, to the satisfaction of the Reserves/Capital Department;

CARRIED.

CHAIR: _____




Signed by all members present who concur in this decision:



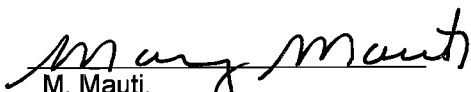
J. Cesario,
Chair




A. Perrella,
Vice Chair



ABSENT
L. Fluxgold,
Member




M. Mauti,
Member



H. Zheng,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	MARCH 1, 2012
Date of Notice:	MARCH 9, 2012
Last Date of Appeal:	MARCH 29, 2012

APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the **\$650.00** processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of **\$125.00** for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE".

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

NOTES

1. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.
2. A Certificate pursuant to Subsection 53(21) of The Planning Act cannot be given until all conditions of consent have been fulfilled.

Bo10/12

RUTHERFORD ROAD

HWY 400 OFF-RAMP

BLDG-A

BLDG-B
Subject
A

BLDG-C

BLDG-D

BLDG-E
418 66.5 M
4,508 47.5 F.

BLDG-F

PATIO

PATIO

PATIO

BLDG-G
1
2
3
4
5
6

B

B

SITE A

BLDG-I
555 453 525 150 49 48 47 46 45

BLDG-J
44 43 42 41 40 39 38 37 36 35 34

BLDG-K
33 32 31 30 29 28 27 26

BLDG-L
25 24 23 22 21 20 19 18 17 16 15

BLDG-H
7
8
9
10
11
12
14

PATIO

PATIO

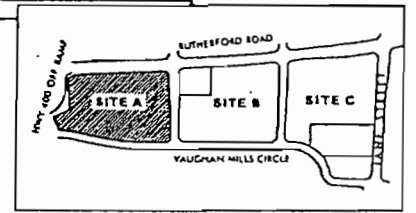
VAUGHAN MILLS CIRCLE

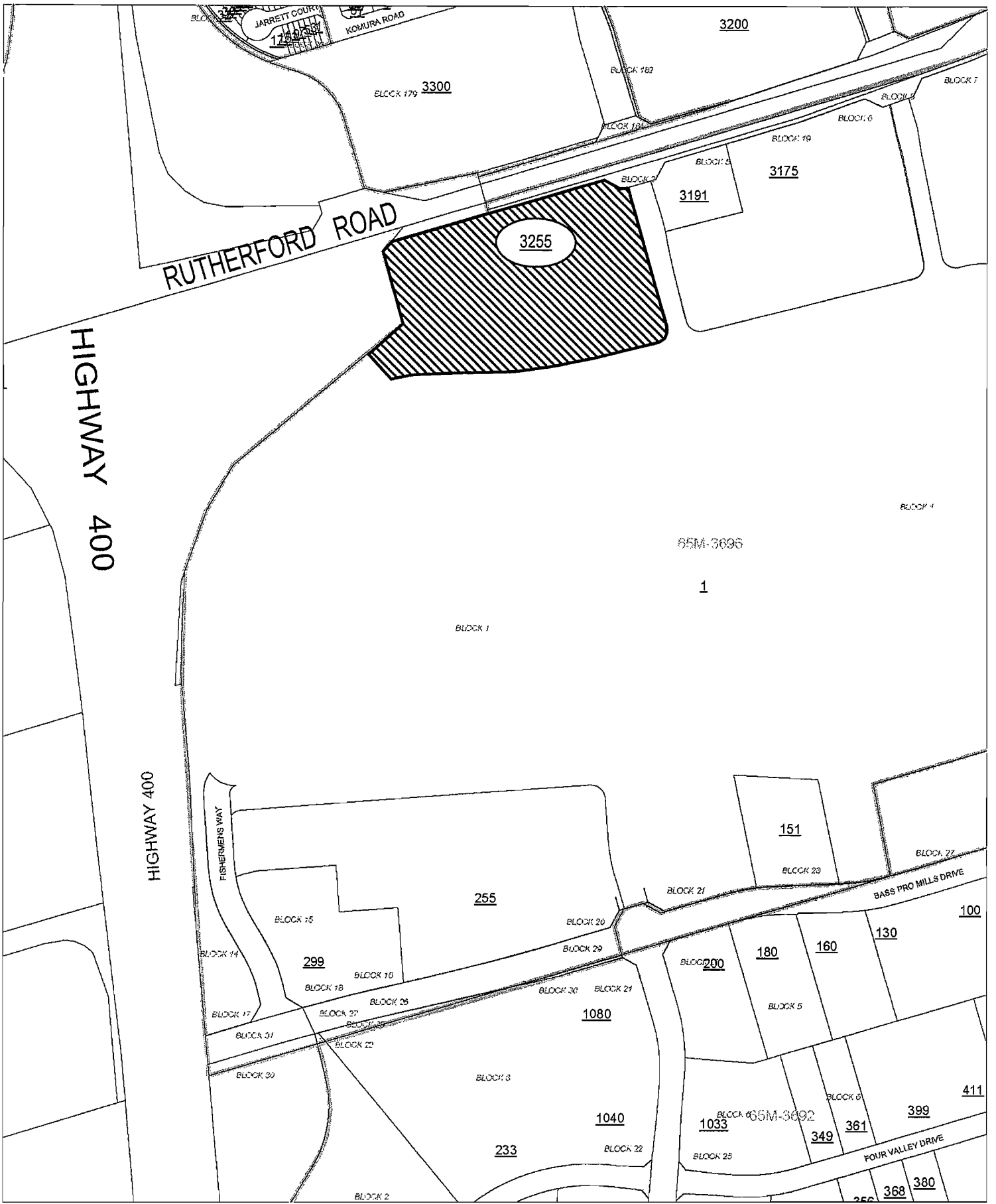
- A Lands subject to consent
- B Lands to be retained




SITE PLAN

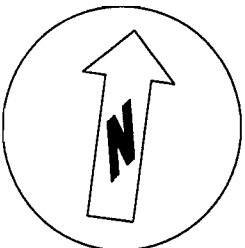
ALL AREAS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE RELATIVE TO FINAL CONSTRUCTION DRAWINGS.





COMMITTEE OF ADJUSTMENT

File No.:	B010/12
Applicants:	LIMESTONE GALLERY INVESTMENTS INC..
	SUBJECT LANDS: 3255 RUTHERFORD ROAD, MAPLE



CONSENTSPlease refer to the file number: **B010/12**

Address all correspondence to the Secretary-Treasurer

NOTICE TO THE OWNER

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "Notice of Decision" is attached, together with relevant information concerning appeal procedures for the decision.

If the decision is not appealed, you will receive a notice that it is "Final and Binding", when the appeal period has expired. When the application is Final and Binding it will be appropriate for you to fulfil the conditions of approval.

All conditions must be fulfilled before a Certificate of Official can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

The period for fulfilling conditions cannot be extended.

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as the owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(41) of The Planning Act, and your application file will be closed.

NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS WILL BE GIVEN.

Respectfully,



Todd Coles, BES, MCIP, RPP
Manager of Development Services and
Secretary-Treasurer to Committee of Adjustment
City of Vaughan

CONSENTSPlease refer to the file number: **B010/12**

Address all correspondence to the Secretary-Treasurer

TO: OWNER/AGENT/SOLICITOR**SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL****Please note carefully the following:**

1. All conditions of approval must be fulfilled before a Certificate of Official pursuant to subsection 42 of Section 53 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

- (a) **CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:**

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

- (b) **CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:**

- (i) Deed for road widening - must be forwarded directly to the Regional Solicitors,

17250 Yonge Street
P. O. Box 147
Newmarket, Ontario
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

- (c) **CONDITIONS CONCERNING OTHER AGENCIES:**

(i.e. Conservation Authorities, Ministry of Transportation, railways, etc.)

Requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.

2. It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision **CANNOT** be extended. **NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

CONSENTS**Committee of Adjustment Requirements
Electronic Registration
Planning Act
Consents - Section 53(42)**

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practice was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practice was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practice has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" from the Applicant's Solicitor confirming the legal description of the subject lands, sufficient for registration purposes (the "Schedule Page" will be an attachment to the Certificate)**, and four copies of the deposited Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

For information purposes only:

On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:

Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'

Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).

As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.

For information on electronic registration, please contact Teranet at 416-360-1190.



Todd Coles, BES, MCIP, RPP
Manager of Development Services and
Secretary-Treasurer to Committee of Adjustment
City of Vaughan

NOTICE OF DECISION
Consent Application B038/17
 Section 53 of the Planning Act, R.S.O, 1990, c.P.13

- Date of Hearing:** Thursday, January 25, 2018
- Applicant:** Limestone Gallery Investments Inc.
- Agent:** Anna Rita Barbosa
- Property:** **3255 Rutherford Rd Bldg C Vaughan ON**
- Zoning:** The subject lands are zoned C1, Restricted Commercial Zone and subject to the provisions of Exception No. 9(1030) under By-law 1-88 as amended.

OPA #600 (in effect): "General Commercial"
- OP Designation:** VOP 2010: "Community Commercial Mixed-Use" with a maximum Height and Density of 6 stories and 1.5 FSI respectively, Vaughan Mills Centre Secondary Plan (Section 11.17, Volume 2), pending approval from the Ontario Municipal Board (OMB).
- Related Files:** Concurrent applications before the Committee (OPA, ZBL and MV to be included ONLY if related to current request)
- Purpose:** Limestone Gallery Investments Inc. requests consent to a lease in excess of 21 years in favour of 2058880 Ontario Limited for Building C (as shown on site plan provided with application). The lands subject to the lease are approximately 587.75 square metres (6,326.69 square feet) and contain a Boston Pizza eating establishment.
- Sketch:** A sketch illustrating the request has been attached to the decision.

Having regard to the written and oral submissions related to this application as required by Section 53(18), the requirements of Section 51(24) as required by Section 53(12) and matters of Provincial interest (Provincial Policy Statement) as required by Section 3(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, it is the decision of the Committee that provisional consent of the application:

THAT Application No. B038/17 on behalf of Limestone Gallery Investments Inc. be **APPROVED**, in accordance with the sketches attached and subject to the following conditions:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That the applicant's solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies only to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted. 3. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

2	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay all property taxes as levied, if required. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).
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WARNING:

Conditions must be fulfilled within one year from the date of the giving of the Notice of Decision, failing which this application shall be deemed to be refused. Section 53(41), The Planning Act R.S.O., 1990

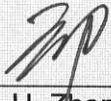
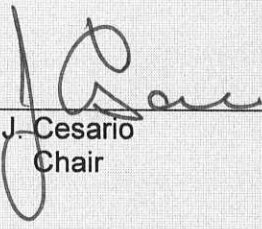
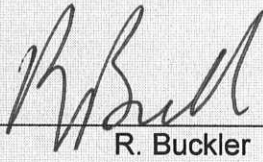
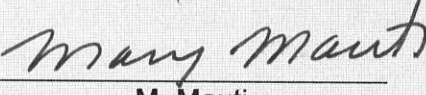
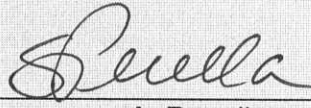
For the following reasons:

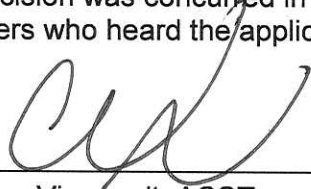
1. The proposal conforms to Section 51(24) as required by Section 53(12) of the Planning Act.
2. The proposal conforms to the City of Vaughan Official Plan.
3. The proposal conforms to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

Written & oral submissions were received from the following:

Public Written Submissions * Public Correspondence received and considered by the Committee in making this decision	Public Oral Submissions *Please refer to the approved Minutes of Thursday , January 25, 2018 meeting for submission details.
Name: N/A Address: Nature of Correspondence:	Name: Address:

SIGNED BY ALL MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

		
H. Zheng Member	J. Cesario Chair	R. Buckler Vice Chair
		
M. Mauti Member		A. Perrella Member

DATE OF HEARING:	Thursday, January 25, 2018
DATE OF NOTICE:	February 2, 2018
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	February 22, 2018 4:30 p.m.
LAST DAY FOR FULFILLING CONDITIONS:	February 2, 2019 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan Hill Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.	
 <hr/> Christine Vigneault, ACST Manager Development Services & Secretary-Treasurer Committee of Adjustment	

Appealing to The Ontario Municipal Board

The *Planning Act*, R.S.O. 1990, as amended, Section 45(12)

The applicant, the Minister or any other person or public body who has an interest in the matter may within **20 days after** the giving of notice appeal to the Municipal Board against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a Committee of Adjustment to the Board.

Note: A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Appeal Fees & Forms

Ontario Municipal Board: The OMB appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The OMB Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (Appellant Form A1 – Minor Variance) can be obtained at www.omb.gov.on.ca or by visiting our office.

City of Vaughan OMB Processing Fee: \$793.00 per application

*Please note that all fees are subject to change.

Important Information

Conditions of Approval: It is the applicant's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision and the last day for fulfilling conditions (by 4:30 p.m.). Contact information has been provided for each respective department and agency to assist you with completing these conditions. Please note that some conditions may require two to three months to process.

No extension to the last day for fulfilling conditions is permissible and no further notice will be provided regarding the lapsing of your consent application.

Notice of Changes to the Provisional Consent: The Committee of Adjustment may change the conditions of a provisional consent at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Lapsing of the Consent: If the conditions of approval are not satisfied within the prescribed time period (as provided in Section 53(41) of the Planning Act), the consent is deemed refused for failure to fulfill the conditions and has lapsed.

Final Approval: Final approval of the application will be issued in the form of a Certificate (pursuant to Section 53(42) of the Planning Act) once all conditions of the provisional consent have been satisfied.

Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

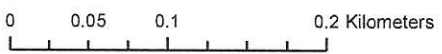
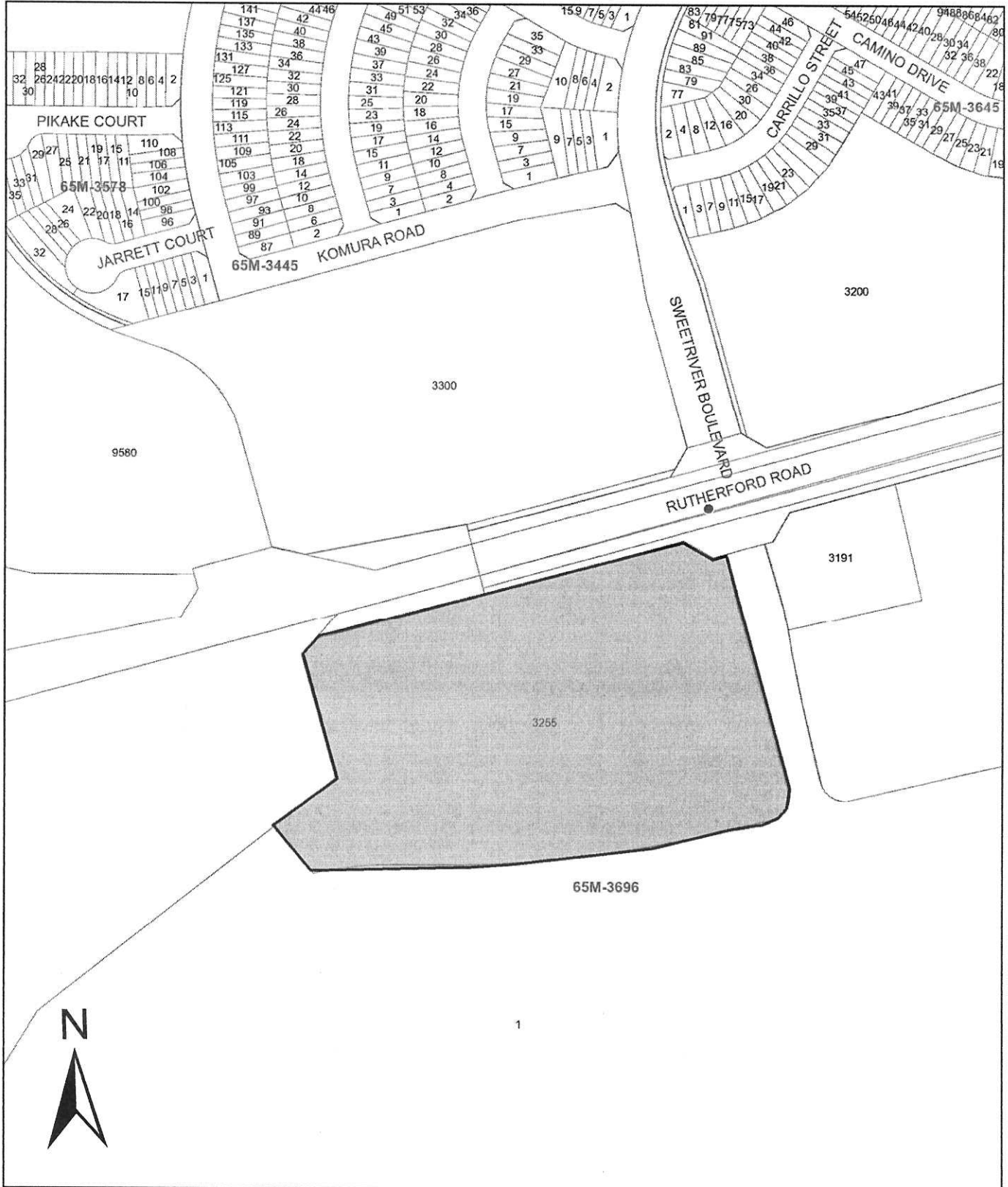
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 x 8360
E CofA@vaughan.ca



Location Map - B038/17

3255 Rutherford Road, Maple



City of Vaughan

The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabulatory, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan without warranties of any kind, either expressed or implied.

NOTICE OF DECISION
Minor Variance Application A184/21
 Section 45 of the Planning Act, R.S.O., 1990, c.P.13

Date of Hearing: Thursday, September 30, 2021
Applicant: Limestone Gallery Investments Inc.
Agent Lisa La Civita, Armland Group
Property: **3255 Rutherford Road, Bldg D, Concord**
Zoning: The subject lands are zoned C1, Restricted Commercial Zone, and subject to the provisions of Exception 9(1030) under By-law 1-88 as amended.
OP Designation: “High-Rise Mixed-Use” by Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Section 11.7 – Vaughan Mills Centre Secondary
Related Files: DA.21.013
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed commercial building (eating establishment with drive thru and outdoor patio) and to facilitate related Site Plan Application DA.21.013.
 The proposed commercial building is shown as 'Building D' on the sketch submitted with the application.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A minimum of 643 parking spaces are required (Section 3.8 a)).	1. To permit a minimum of 598 parking spaces.
2. An outdoor patio shall be accessed from the interior of the eating establishment (Section 5.1.6 h)).	2. To permit an Outdoor Patio without access from the interior of the eating establishment.

Sketch: A sketch illustrating the request has been attached to the decision.

Having regard to the requirements of Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including the written and oral submissions related to the application, it is the decision of the Committee:

THAT Application No. A184/21 on behalf of Limestone Gallery Investments Inc. be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	That Site Development Application File DA.21.013 be approved to the satisfaction of the Development Planning Department.

For the following reasons:

1. The general intent and purpose of the by-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are acceptable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Please Note:

It is the responsibility of the owner/applicant and/or authorized agent to address any condition(s) of approval noted in this decision to the satisfaction of the commenting department or agency. Once conditions have been satisfied, the Secretary Treasurer will be in a position to issue a clearance letter which is required prior to the issuance of a Building Permit.

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Written & oral submissions considered in the making of this decision were received from the following:

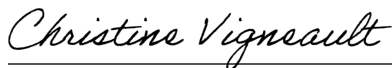
Public Written Submissions * Public Correspondence received and considered by the Committee in making this decision	Public Oral Submissions *Please refer to the approved Minutes of September 30, 2021 meeting for submission details.
None	None

Late Written Public Submissions: N/A

Public written submissions on an Application shall only be received by the Secretary Treasurer until **noon** on the last business day prior to the day of the scheduled Meeting.

MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

<i>H. Zheng</i>	<i>A. Perrella</i>	<i>R. Buckler</i>
H. Zheng Member	A. Perrella Chair	R. Buckler Member
<i>S. Kerwin</i>		<i>A. Antinucci</i>
S. Kerwin Vice Chair		A. Antinucci Member

DATE OF HEARING:	Thursday, September 30, 2021
DATE OF NOTICE:	October 8, 2021
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	October 20, 2021 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan's Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  <hr/> Christine Vigneault, AMP, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

Appealing to The Ontario Land Tribunal
 The *Planning Act*, R.S.O. 1990, as amended, Section 45

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal under the *Ontario Land Tribunal Act*.

A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days after the giving of notice the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time. **Please notify the Secretary Treasurer by email at cofa@vaughan.ca** that you will be filing an appeal and mail or courier appeals and prescribed fees to:

Office of the City Clerk - Committee of Adjustment
 2141 Major Mackenzie Drive
 Vaughan Ontario, L6A 1T1

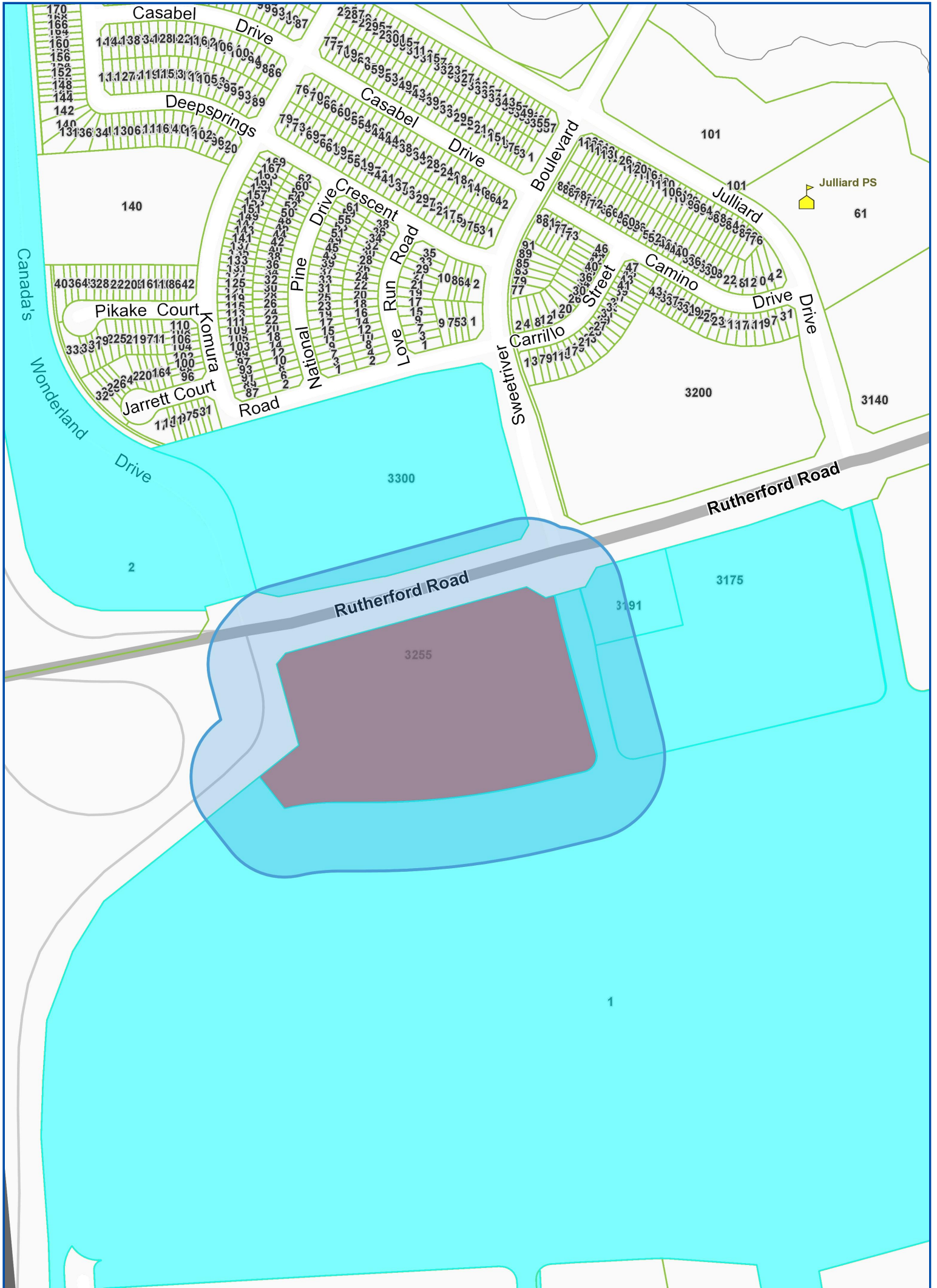
If you have questions regarding the appeal process, please email cofa@vaughan.ca

Appeal Fees & Forms

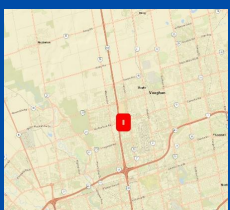
ONTARIO LAND TRIBUNAL (OLT): The OLT appeal fee is \$400 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The OLT Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". OLT appeals must be filed with the Secretary Treasurer, City of Vaughan.

City of Vaughan OLT Processing Fee: \$866.00 per application

*Please note that all fees are subject to change.



Map Information:



Title: 3255 RUTHERFORD ROAD, BLDG "D",
CONCORD

NOTIFICATION MAP - A184/21

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:4,634

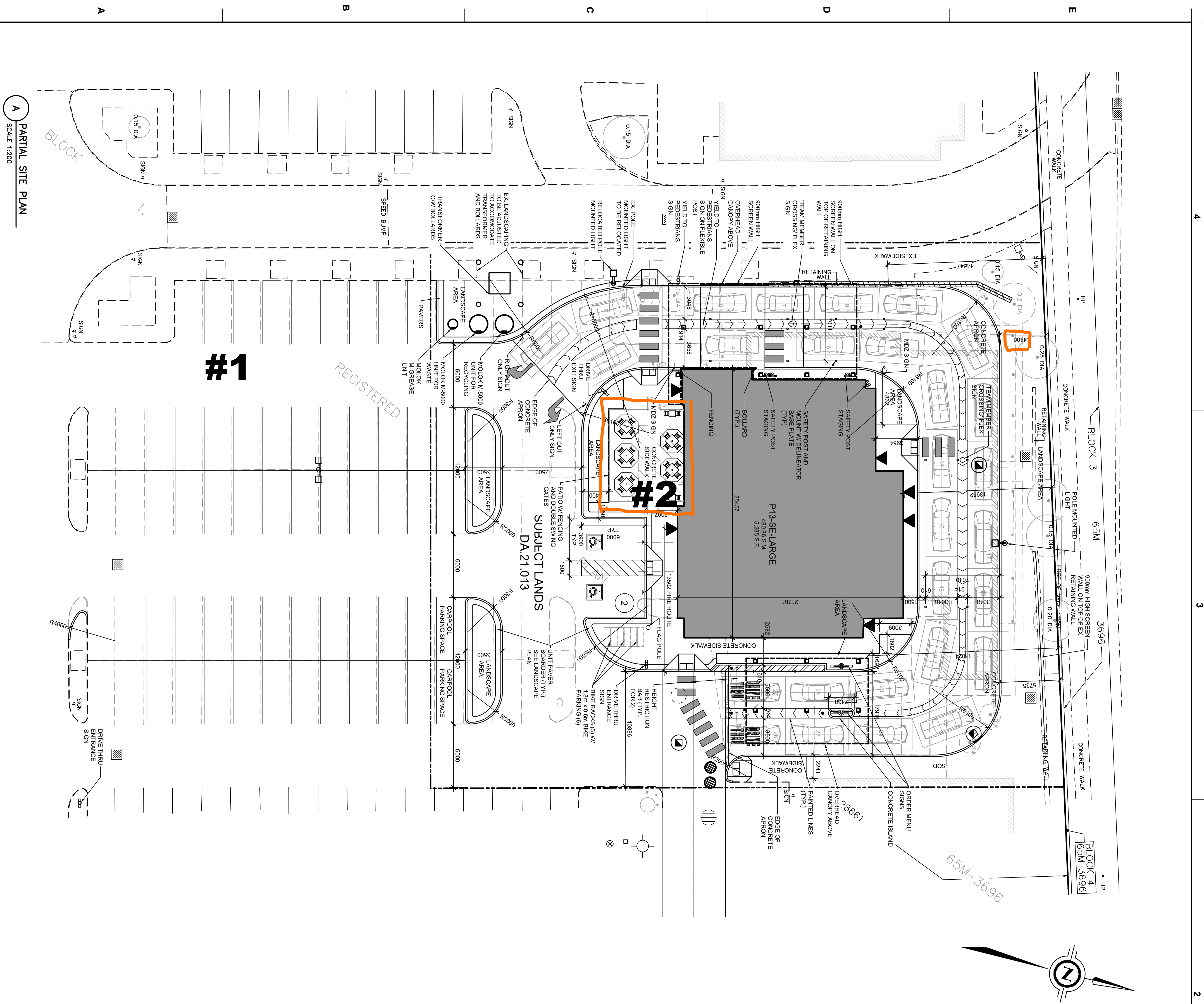
0 0.07 km



Created By:

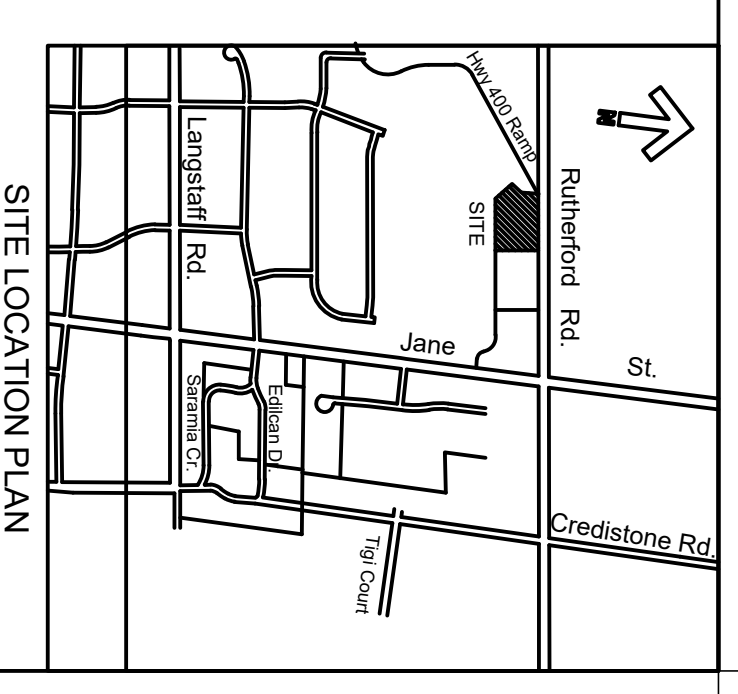
Infrastructure Delivery
Department
August 30, 2021 4:10 PM

Projection:
NAD 83
UTM Zone
17N



#1 To permit a minimum of 598 parking spaces.

#2 To permit an Outdoor Patio without access from the interior of the eating establishment.



- GENERAL NOTES:**
1. ALL ELEVATIONS ARE IN METRES, UNLESS NOTED OTHERWISE.
 2. ALL DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS MUST BE REFERRED TO THE CAPTION TO CORRELATION. ANY DIMENSIONS MUST BE BROUGHT TO THE ATTENTION OF CHICK-FIL-A REPRESENTATIVE.
 4. EVERYTHING TO BE CONSIDERED NEW UNLESS NOTED OTHERWISE.
 5. DRAWING PRODUCED USING CAD FILE XXXXXXXXXXXXXXXXXXXXXXXX.
 6. LEGAL DESCRIPTION: TBD.

SPRINKLERED/STANDPIPE: NO
 OBC CLASSIFICATION: 3.3.3.28



Chick-fil-A
 5200 Rutherford Road
 Atlanta, Georgia 30349-2998

exp.
 EXP Services Inc.
 1-7-1-905-793-8800 | 1-1-905-793-0641
 1540 Bank Boulevard
 Mississauga, ON L4V 1V1
 Canada
 www.exp.com

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- INDUSTRIAL • INFRASTRUCTURE • SUSTAINABILITY



CHICK-FIL-A VAUGHAN
 Vaughan Mills Circle
 3255 Rutherford Road
 Vaughan, ON
 (City File DA.21.013)

FSR#30020

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
H	JUL 29/21	FOR INFORMATION

CONSULTANT PROJECT # 605848-H0
PROJECT STATUS PRELIMINARY
DATE NOVEMBER 2020
DRAWN BY J.B./J.C.

Issued for SPA

SHEET SITE PLAN
 SHEET NUMBER **A100**

