



File: B012/19

Applicant: Penguin-Calloway (Vaughan) Inc.

Address: 175 Millway Avenue, Concord

Agent: Paula Bustard - Smart Centres

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks Department		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Real Estate	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None.

Background History: A387/16 (see next page for details)

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, August 22, 2019



Consent Application

Agenda Item: 05

B012/19

Ward: 4

Prepared By: Lenore Providence Assistant Secretary Treasurer

Date of Hearing: Thursday, August 22, 2019

Applicant: Penguin-Calloway (Vaughan) Inc.

Agent: Paula Bustard - Smart Centres

Property: 175 Millway Avenue, Concord ON

Zoning: The subject lands are zoned C10, Corporate District Zone, and subject to the provisions of Exception 9(1477) for the conveyed lands, and C10(H), Corporate District Zone subject to a Holding Provision for the retained lands under By-law 1-88 as amended.

OP Designation: The subject lands are designated "Station Precinct" by the Vaughan Official Plan, Volume 2, Section 11.12 - Vaughan Metropolitan Secondary Plan

Related Files: DA.18.074

Purpose: Consent is being requested to sever a parcel of land for commercial (mixed-use) development purposes approximately 14,749.00 square metres with frontage onto Jane Street and Millway Avenue (as well as future frontage onto Portage Parkway).

The retained parcel is approximately 17,999.00 square metres and has frontage onto Jane Street and Millway Avenue (as well as future frontage onto Apple Mill Road).

The severed and retained lands are currently being used for parking purposes.

A portion of the retained land owned by the applicant (as shown on the sketch submitted with the application) will be conveyed into public ownership as part of the related Site Plan Application (DA.18.074) to support a future road widening of Portage Parkway and Jane Street as well as the creation of Apple Mill Road.

Background (Previous Applications approved by the Committee on the subject land:

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A387/16	To permit the construction of a temporary surface parking lot as follows: 1) To permit a Commercial Parking lot on the subject lands. 2) To permit a Commercial Parking lot without a building or structure being erected on the lot 3) To permit minimum parking dimensions of 2.7 metres by 5.7 metres. 4) To permit minimum landscape strips of 5.0 metres in width for the development site. 5) To permit joint ingress and egress driveway entrances measured at the lot line to be a maximum of 12.0 metres in width.	APPROVED – January 12/17

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "B001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until 4:00 p.m. on the last business day prior to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on August 7, 2019

Applicant confirmed posting of signage on August 7, 2019

Existing Building or Structures on the subject land: Vacant

Recommended conditions of approval:

1. That the applicant's solicitor confirm the legal description and 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.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Permit No. 19-000947 for Retaining Wall - New, Issue Date: (Not Yet Issued)

Building Department Staff have no additional comments in respect to this application.

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto Region Conservation Authority). TRCA approval may be required.

Development Planning:

The subject lands are designated "Station Precinct" by the Vaughan Official Plan, Volume 2, Section 11.12 - Vaughan Metropolitan Secondary Plan

The Development Planning Department has no objection to the proposed severance as it facilitates the development approved through OP.18.018, Z.18.030 and DA.18.074. Therefore, the Development Planning Department is of the opinion that the requested consent maintains the intent of VOP 2010, and the consent criteria stipulated in Section 51(24) of the Planning Act. R.S.O. 1990, c. P.13.

However, the Owner will be required to satisfy conditions of site plan approval for DA.18.074 to the satisfaction of the Development Planning Department, in accordance with the Committee of the Whole Report that was approved by Council on May 14, 2019.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

No Response

Development Engineering:

The Development Engineering Department has reviewed the subject consent application and offers no objection to the proposal. The severance application appears to be in support of the "VMC East Block" development application, which was approved by Council on May 14, 2019. The Owner is required to satisfy conditions of that approval, including entering into a Development Agreement with the City of Vaughan to construct the east-west road depicted on the application drawing.

Parks Development:

No Response.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

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

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

Recommended conditions of approval:

- 1. The owner shall pay of a Tree Fee, approved by Council as of the date of granting the consent. 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).
- 2. The owner shall pay all property taxes as levied. 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).

Real Estate:

Recommended condition of approval:

The applicant shall provide the City with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made if a new lot is being created. Said levy is to be 2% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Senior Manager of Real Estate. Payment shall be made by certified cheque only.

Fire Department:

No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None.

Schedule C - Agency Comments

- TRCA – comments with conditions
- MTO – Located outside of MTO permit control area
- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

- Minor Variance Application A062/19
- Minor Variance Application A387/16

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

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

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

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

	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.

	Department/Agency	Condition
		<div>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.</div> <div>3. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.</div>
2	<div>Real Estate</div> <div>Franca Mazzanti</div> <div>905-832-8585 x 8474</div> <div>franca.mazzanti@vaughan.ca</div>	The applicant shall provide the City with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made if a new lot is being created. Said levy is to be 2% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Senior Manager of Real Estate. Payment shall be made by certified cheque only.
3	<div>Development Finance</div> <div>Nelson Pereira</div> <div>905-832-8585 x 8393</div> <div>nelson.pereira@vaughan.ca</div>	<div>1. The owner shall pay of a Tree Fee, approved by Council as of the date of granting the consent. 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).</div> <div>2. The owner shall pay all property taxes as levied. 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).</div>
4	<div>TRCA</div> <div>Anthony Syhlonyk</div> <div>416-661-6600 x 5272</div> <div>asyhlonyk@trca.on.ca</div>	The applicant provides the required \$105.00 fee for TRCA’s review of B012/19

Warning:

Conditions must be fulfilled within one year 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.

Notice to the Applicant – 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;

Notice to Public

WRITTEN SUBMISSIONS: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information 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.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

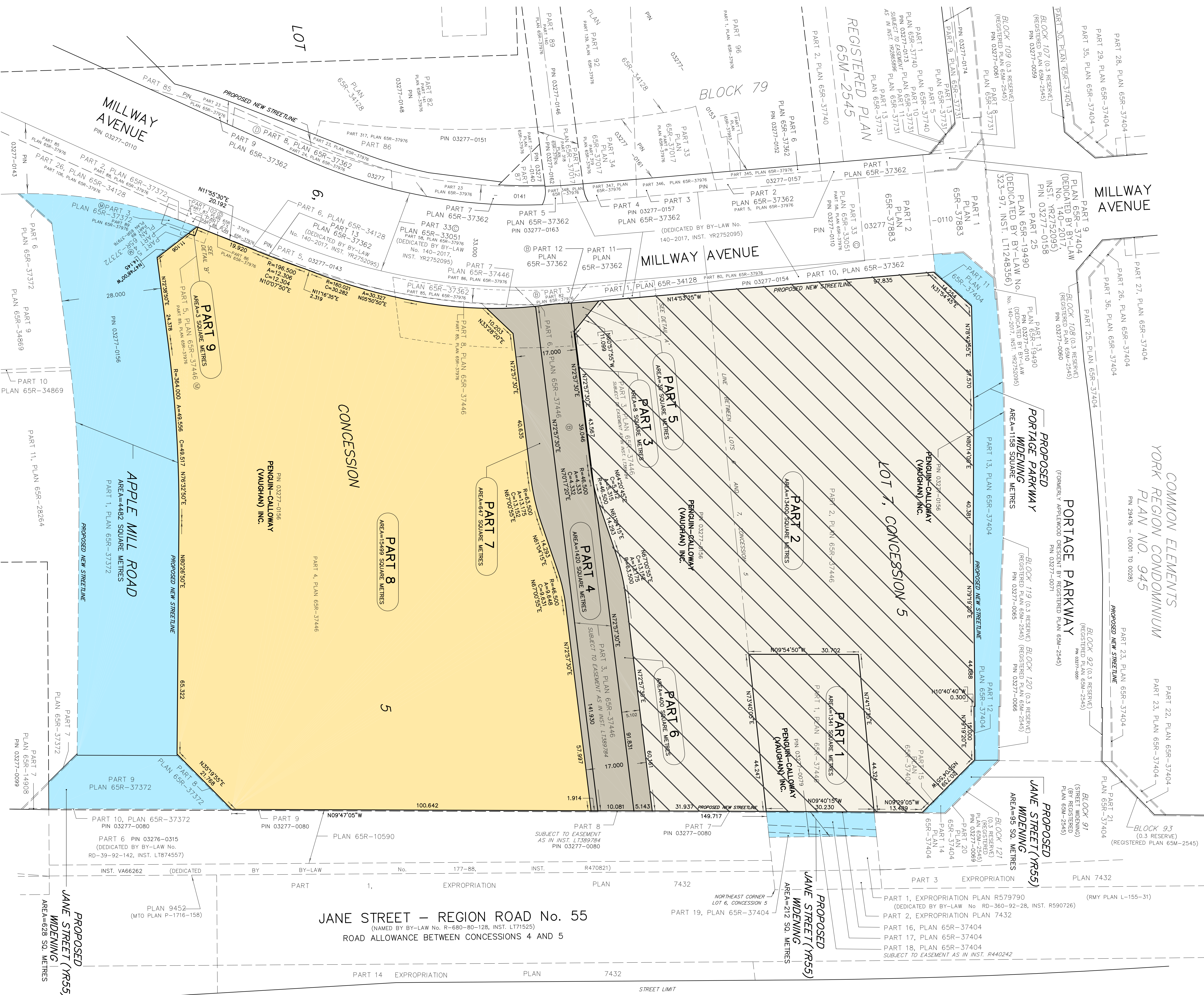
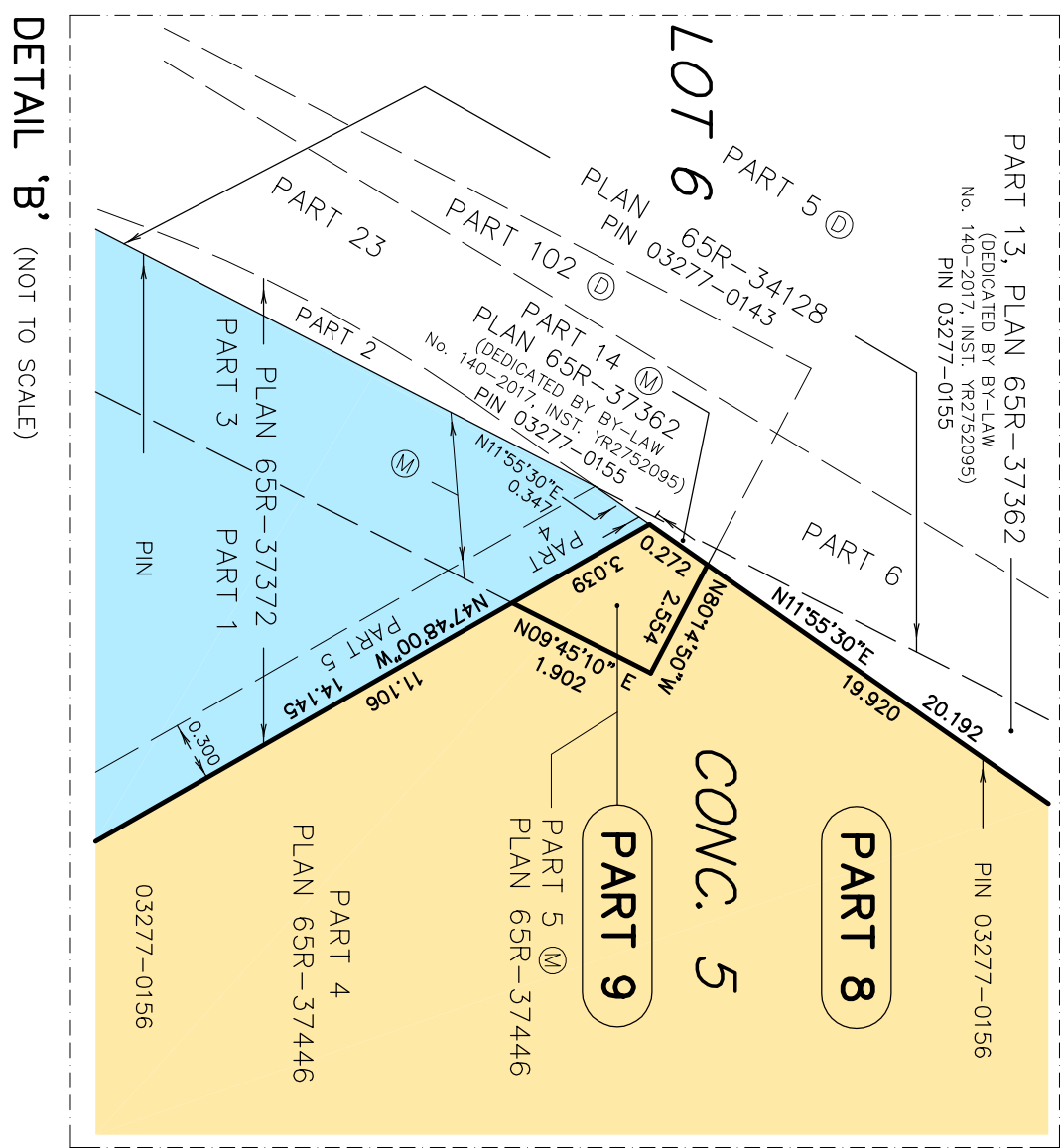
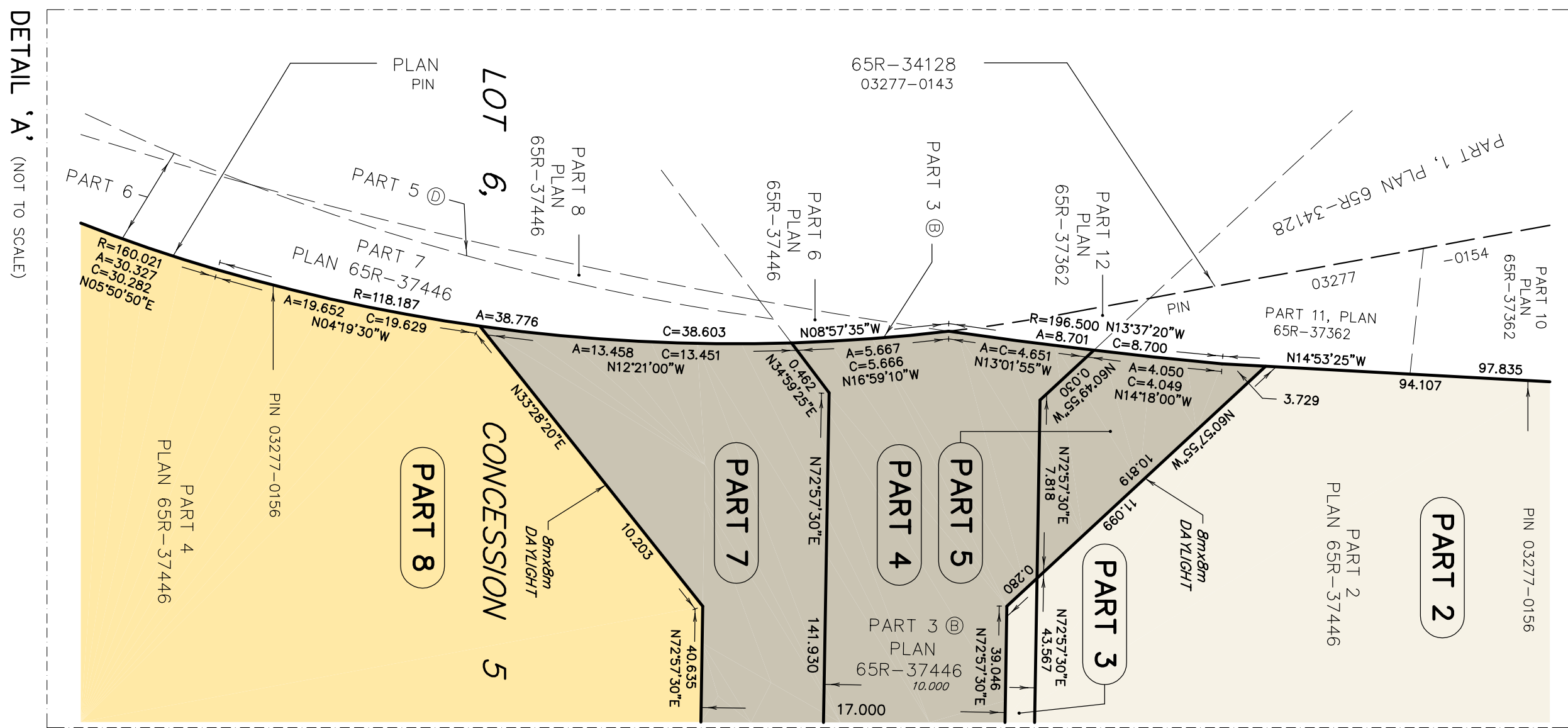
For more information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

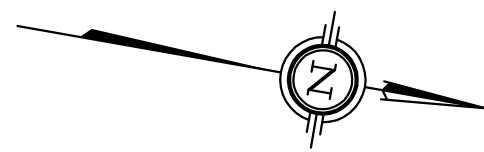
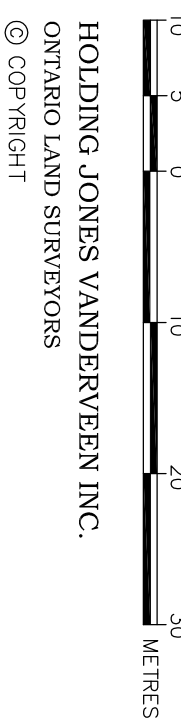
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Plans & Sketches



SKETCH SHOWING
PROPOSED SEVERANCE
VAUGHAN METROPOLITAN CENTRE
EAST BLOCK
CITY OF VAUGHAN
THE REGIONAL MUNICIPALITY OF YORK



PART	PART OF PIN	AREA (SQ. METRES)	PURPOSE
1	03277-0079	1341	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
2		1800	
3		1420	LANDS TO BE RETAINED (TO BE CONVERTED AT A FUTURE DATE)
4	03277-0156	20	
5		637	LANDS TO BE RETAINED
6		1549	
7		3	

PARTS 3 AND 4 - SUBJECT TO EASEMENT AS IN INST. L1389784.
PART 9 - SUBJECT TO EASEMENT AS ON EXPROPRIATION PLAN VR1631702.

LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES

LANDS TO BE RETAINED (TO BE CONVERTED AT A FUTURE DATE AS PER SITE DEVELOPMENT FILE NO. DA18070)

LANDS TO BE RETAINED

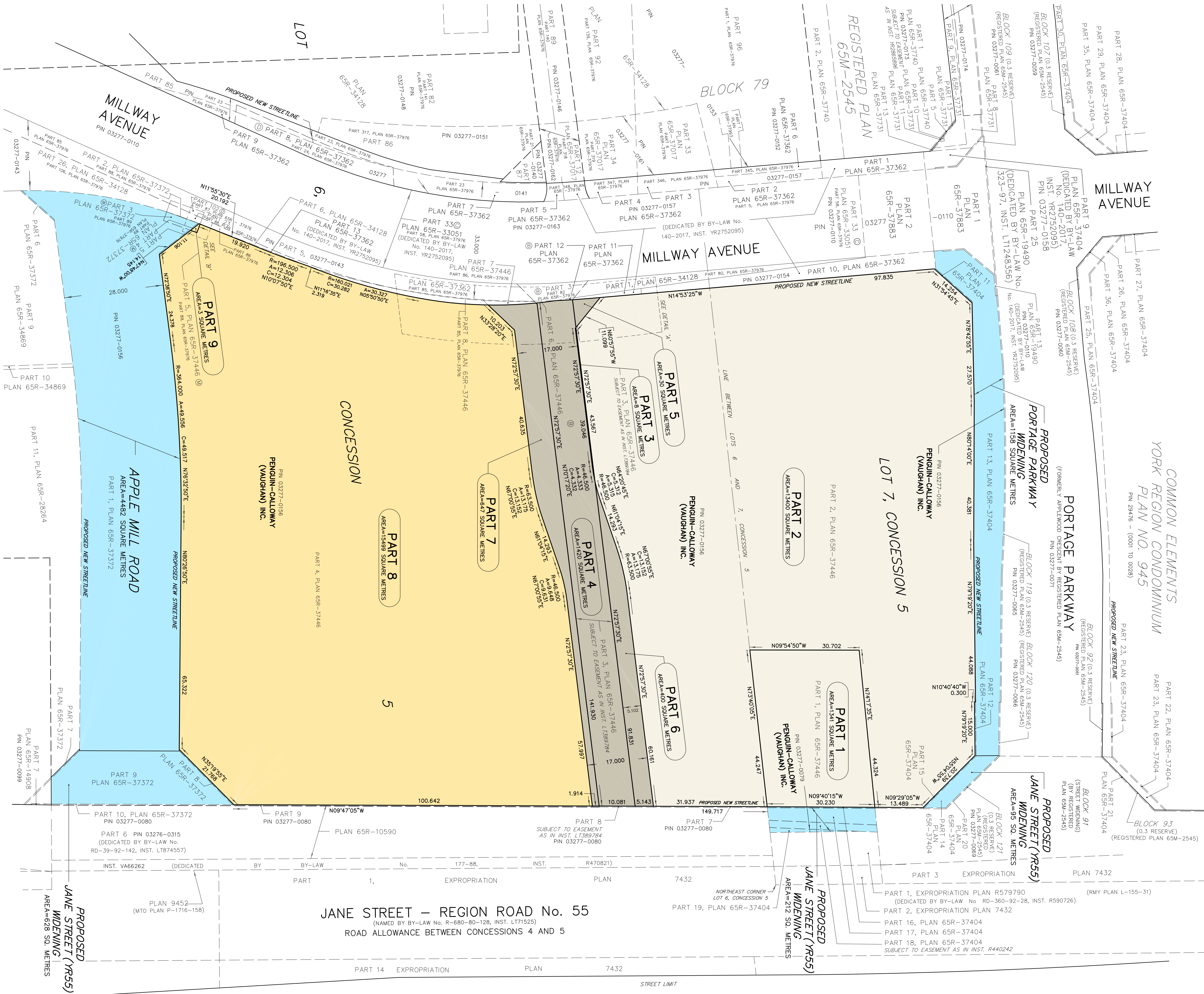
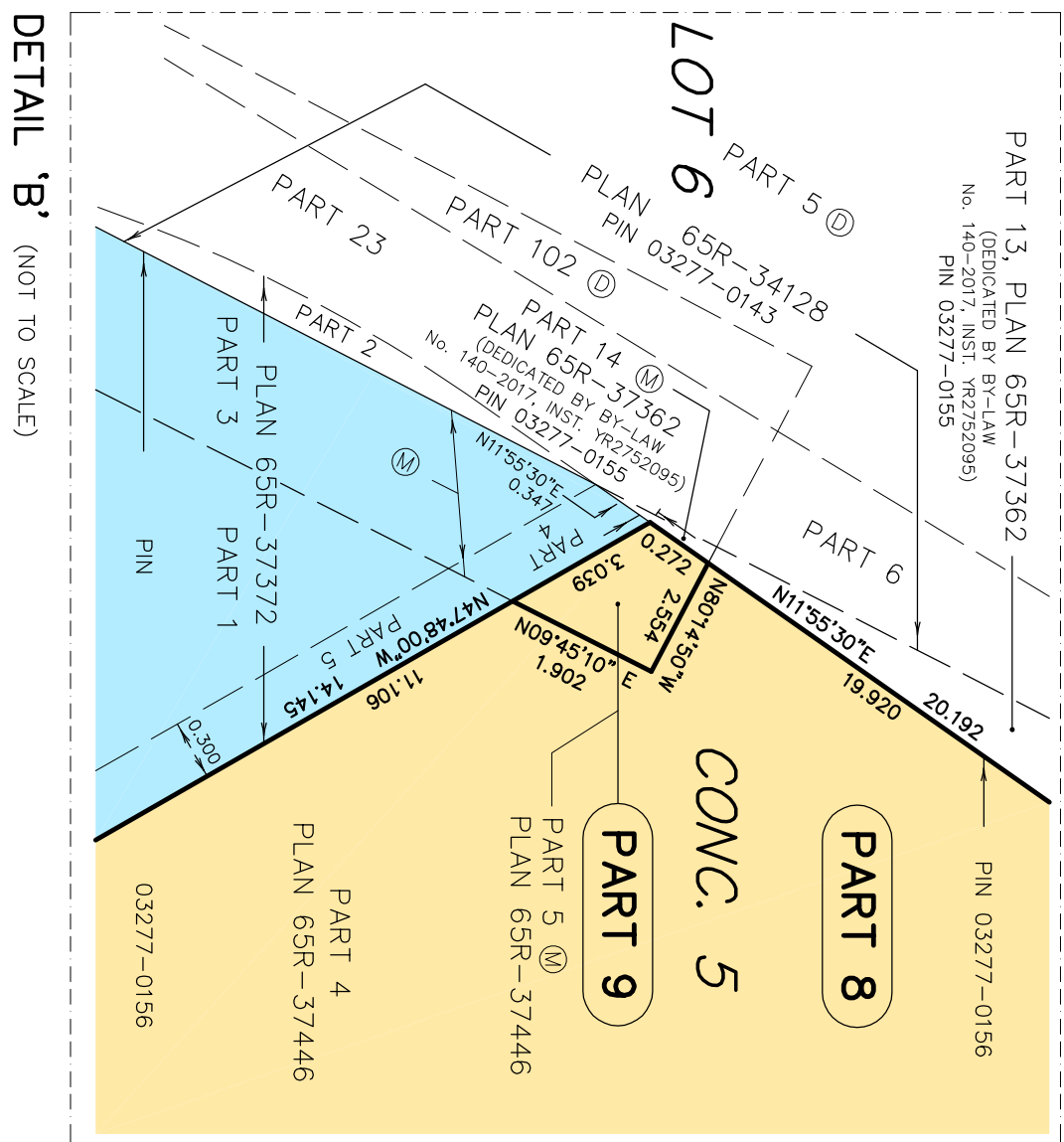
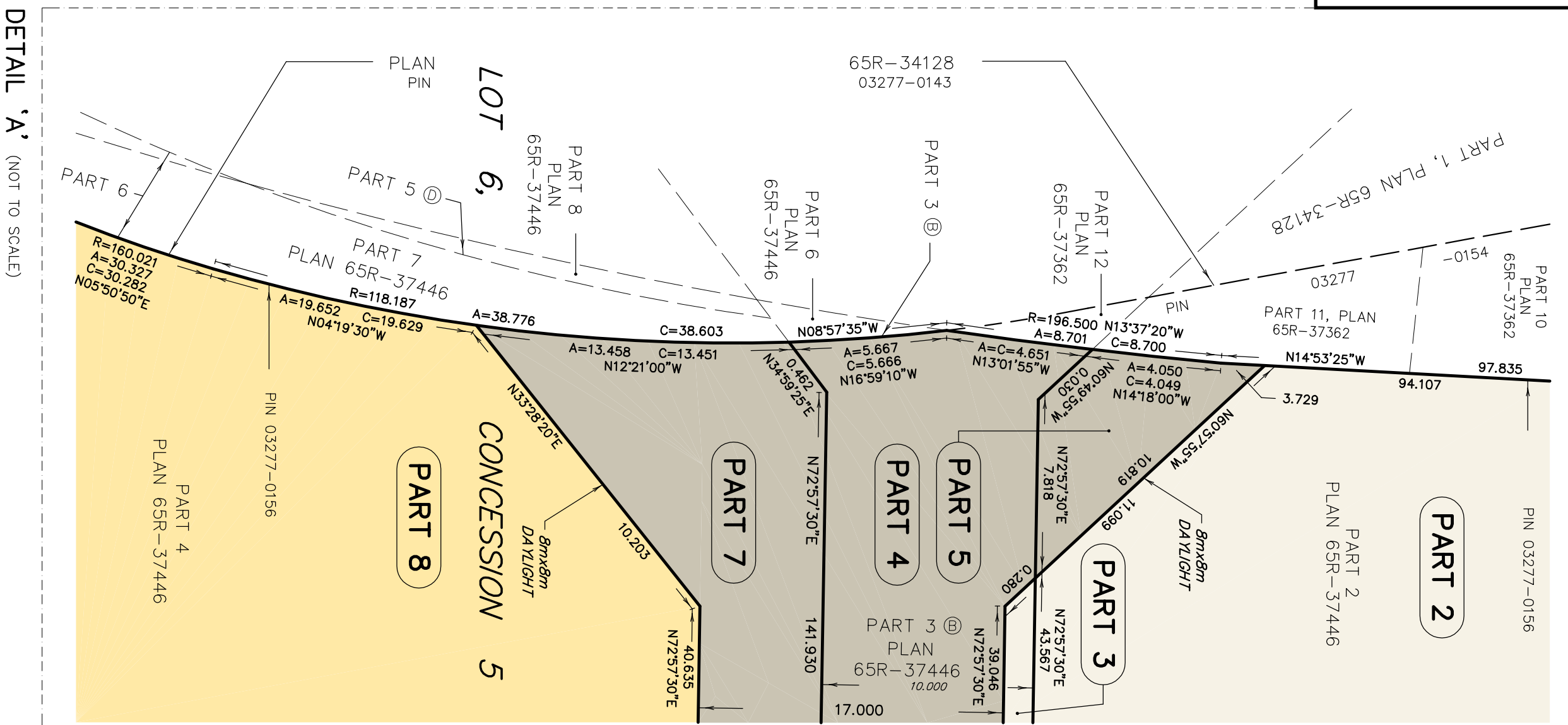
LANDS TO BE RETAINED (TO BE CONVERTED INTO PUBLIC OWNERSHIP VIA DEVELOPMENT PURPOSES BY PENQUIN-CALLOWAY (VAUGHAN) INC. EXTERNAL SERVICES DATED OCTOBER 14, 2017)

NOTES
① DENOTES SUBJECT TO AN EASEMENT AS IN INST. L1389784
② DENOTES SUBJECT TO AN EASEMENT AS IN INST. L1389786
③ DENOTES SUBJECT TO AN EASEMENT AS IN INST. L1389782
④ DENOTES SUBJECT TO EASEMENT AS ON EXPROPRIATION PLAN VR1631702.

CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED ON THE TITLE BLOCK.

DATE: JULY 11, 2019

HOLDING JONES VANDERVEEN INC.
ONTARIO LAND SURVEYORS
1700 LANCASTER ROAD, SUITE 1002
PH: 905-660-4000, 416-445-3807 FAX: 905-660-4001
SCALE: 1:500 DRAWN BY: JLV CHECKED BY: GVL
DATE: 05-08-2019
DRAWN BY: JLV
CHECKED BY: GVL
DATE: 05-08-2019
DRAWN BY: JLV
CHECKED BY: GVL
DATE: 05-08-2019



SKETCH SHOWING
PROPOSED SEVERANCE
VAUGHAN METROPOLITAN CENTRE
EAST BLOCK
CITY OF VAUGHAN
THE REGIONAL MUNICIPALITY OF YORK

PART	PART OF PIN	AREA (SQ. METRES)	PURPOSE
1	03277-0156	1341	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
2	03277-0156	1340	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
3	03277-0156	1420	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
4	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
5	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
6	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
7	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
8	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
9	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES
10	03277-0156	20	LANDS TO BE SEVERED FOR DEVELOPMENT PURPOSES

NOTES

- ① DENOTES SUBJECT TO AN EASEMENT AS IN INST. L1389784
- ② DENOTES SUBJECT TO AN EASEMENT AS IN INST. L1389786
- ③ DENOTES SUBJECT TO AN EASEMENT AS IN INST. L1389782
- ④ DENOTES SUBJECT TO EASEMENT AS ON EXPROPRIATION PLAN R579790

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED ON THE TITLE BLOCK.

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None.

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

- TRCA – comments with conditions**
- MTO – Located outside of MTO permit control area**
- Alectra (Formerly PowerStream) – No concerns or objections**
- Region of York – No concerns or objections**

July 26, 2019

CFN 60819.15

BY E-MAIL: Christine.Vigneault@vaughan.ca

Christine Vigneault
Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Vigneault:

**Re: Consent Application B012/19
175 Millway Avenue
Part of Lot 6, Concession 6
City of Vaughan
Owner: Penguin-Calloway (Vaughan) Inc.**

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and offers the following comments for the consideration of the Committee of Adjustment:

Background

It is our understanding that the purpose of Consent Application B012/19 is to sever areas identified as Parts 1, 2, and 3 totaling 14749m² from the larger property at 175 Millway Avenue to facilitate future development.

Applicable Policies and Regulations

Ontario Regulation 166/06

A portion of the subject property is within TRCA's Regulated Area. In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), a permit is required from TRCA prior to any development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development. Based on our review, portions of the lands to be retained are within TRCA's Regulated Area and may require a permit from this office for future development.

Application-Specific Comments

The subject property is partially regulated by TRCA due to the presence of a buffer to a Regional Storm Flood Plain associated with Black Creek on the southeast corner of the property. Based on the current site plan, the lands to be severed are fully outside of TRCA's Regulated Area.

Fees

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$105.00 (*Screening Letter – Minor Projects*) review fee. The applicant is responsible for the fee payment and should forward the application review fee to this office as soon as possible.

Recommendations

Based on the comments noted above, TRCA have no objection to the approval of Consent Application B012/19, subject to the following condition.

1. The applicant provides the required \$105.00 fee for TRCA's review of B012/19

I trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Anthony Syhlonyk
Planner 1, Development Planning and Permits
Development and Engineering Services
Extension 5743

Providence, Lenore

Subject: FW: B012-19 - REQUEST FOR COMMENTS (VAUGHAN - Committee of Adjustment)

From: Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

Sent: July-25-19 11:30 AM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

Cc: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>

Subject: RE: B012-19 - REQUEST FOR COMMENTS (VAUGHAN - Committee of Adjustment)

Hi Lenore,

MTO Highway Corridor Management Section has reviewed the above-referenced Consent Application.

The subject land is located within MTO Permit Control Area, as a result, an MTO Building and Land Use Permit will be required. Detailed comments regarding this development will be provided at the Site Development Application stage. A Traffic Impact Study (among other materials) will be required to be circulated to MTO during the Site Development Application process.

Regards,

Dan

Dan Della Mora

Senior Project Manager

416-235-4081

Dan.DellaMora@ontario.ca



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:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: A096/19 - REQUEST FOR COMMENTS- (Vaughan Committee of Adjustment)
Attachments: A096-19 - CIRCULATION.pdf

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: July-17-19 8:57 AM
To: Committee of Adjustment <CofA@vaughan.ca>
Subject: FW: A096/19 - REQUEST FOR COMMENTS- (Vaughan Committee of Adjustment)

Hello Lenore,

The Regional Municipality of York has completed its review of the above Minor Variance Application-A096/19 (1 Royal Gate Boulevard) and has no comments. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,
Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Please consider the environment before printing this email.

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application A387/16

NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A387/16

APPLICANT: PENGUIN-CALLOWAY (VAUGHAN) INC.

PROPERTY: Part of Lot 6, Concession 5 municipally located at 10 Millway Avenue and 3150 Highway 7, Concord

ZONING: The subject lands are zoned C10 Corporate District Zone and subject to the provisions of Exception 9(959) under By-law 1-88 as amended

PURPOSE: To permit the construction of a temporary surface parking lot as follows:

PROPOSAL:

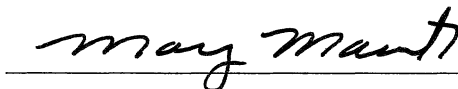
- 1) To permit a Commercial Parking lot on the subject lands.
- 2) To permit a Commercial Parking lot without a building or structure being erected on the lot.
- 3) To permit minimum parking dimensions of 2.7 metres by 5.7 metres.
- 4) To permit minimum landscape strips of 5.0 metres in width for the development site.
- 5) To permit joint ingress and egress driveway entrances measured at the lot line to be a maximum of 12.0 metres in width.

BY-LAW REQUIREMENT:

- 1) A Commercial Parking Lot is not a permitted use under the C10 Corporate District Zone.
- 2) A Commercial Parking Lot should be accessory to a building or structure erected on the lot.
- 3) The minimum parking space dimensions should be 2.7 metres by 6.0 metres for the site.
- 4) A minimum 6.0 metre wide landscape strip is required for lot lines abutting Jane Street or a Collector Road having a planned width of 26 metres or greater.
- 5) A joint ingress and egress driveway measured at the lot line shall be 7.5 metres.

A sketch is attached illustrating the request.

MOVED BY:



SECONDED BY:



THAT the Committee is of the opinion that the variances sought, can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.



The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

THAT Application No.A387/16, **PENGUIN-CALLOWAY (VAUGHAN) INC.**, be **APPROVED**, in accordance with the sketches attached and subject to the following conditions:

1. That the Owner (Penguin-Calloway (Vaughan) Inc.) shall resolve its Ontario Municipal Board (OMB) appeals of the Vaughan Official Plan (VOP) 2010 and the Vaughan Metropolitan Centre (VMC) Secondary Plan in a form satisfactory to the City Solicitor and the Deputy City Manager, Legal and Human Resources, if required, to the satisfaction of the Development Planning Department.
2. That the applicant submits the application fee of **\$1.050.00** payable to the Toronto & Region Conservation Authority, if required, to the satisfaction of the Toronto & Region Conservation Authority.

3. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. (PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)

VERY IMPORTANT: IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT AND/OR AGENT TO OBTAIN AND PROVIDE A CLEARANCE LETTER FROM EACH AGENCY AND/OR DEPARTMENT LISTED IN THE CONDITIONS WHETHER "IF REQUIRED" APPEARS IN THE CONDITION OR NOT, AND FORWARD THIS CLEARANCE LETTER TO THE SECRETARY-TREASURER AS SOON AS THE CONDITIONS ARE FULFILLED.

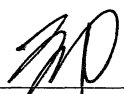
FAILURE TO COMPLY WITH THIS PROCEDURE WILL RESULT IN A LETTER BEING FORWARDED BY THE SECRETARY-TREASURER INDICATING THIS FILE HAS LAPSED AND, THEREFORE, WILL NECESSITATE THAT A NEW APPLICATION BE SUBMITTED TO LEGALIZE THIS PROPERTY.

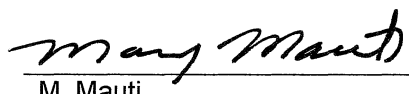
THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

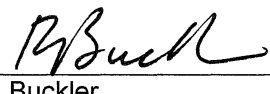
CARRIED.

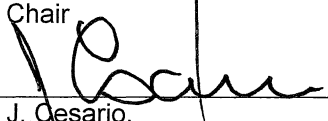
CHAIR: 


Signed by all members present who concur in this decision:


H. Zheng,
Chair


M. Mauti,
Vice Chair

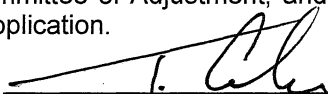

R. Buckler,
Member


J. Cesario,
Member


A. Perrella,
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, ACST(A), MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing: JANUARY 12, 2017

Last Date of Appeal: FEBRUARY 1, 2017

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 \$708.00 processing fee, paid by certified cheque or money order, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of \$300.00 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.

CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:
FEBRUARY 1, 2018

A387/16



MILLWAY AVENUE ALIGNMENT AS PER
BA GROUP DRAWING FD-01
"MILLWAY - POTENTIAL FUTURE ALIGNMENT"
DATED FEBRUARY 17, 2016
MILLWAY AVENUE TO BE DESIGNED AND
CONSTRUCTED BY OTHERS.

MILLWAY AVENUE
BOULEVARD TO BE
DESIGNED BY OTHERS

MILLWAY AVENUE
CONCEPTUAL ALIGNMENT

APPLEMILL ROAD
(CONCEPTUAL ALIGNMENT)

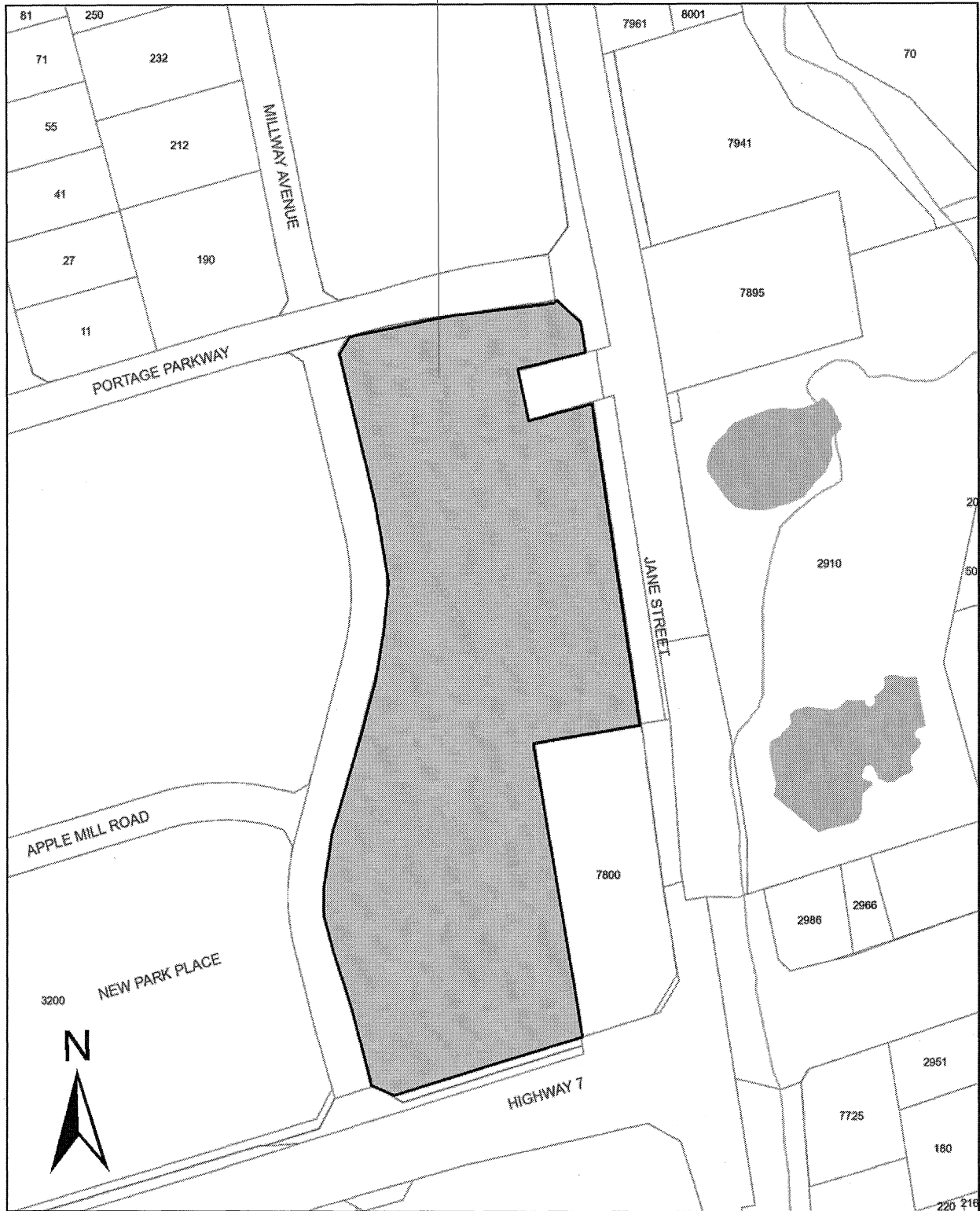
POTENTIAL
FUTURE PARKING
(SUBJECT TO FUTURE APPLICATION)

1. To permit a commercial parking lot on the subject lands
2. To permit a commercial parking lot without a building or structure being erected on the lot
3. To permit minimum parking dimensions of 2.7m by 5.7m
4. To permit minimum landscape strips of 5.0m in width for the development site.
5. To permit joint ingress & egress driveway entrances measured at the lot line to be a maximum of 12.0m in width.

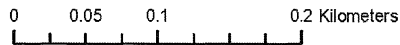


Location Map - A387/16

(10 Millway Ave. & 3150 Highway 7)
SW Corner of Jane St. & Portage Parkway, Concord



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, tabularly, 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.

