

THE CORPORATION OF THE CITY OF VAUGHAN

IN THE MATTER OF Section 17(28) of
the Planning Act, RSO 1990, c.P.13

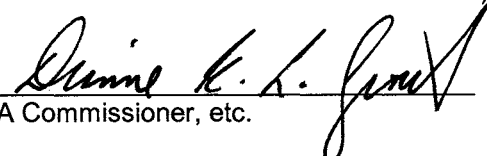
and

IN THE MATTER OF Amendment Number 629
to the Official Plan of the Vaughan Planning Area


I, **JOHN D. LEACH**, of the Town of Caledon, in the Regional Municipality of Peel, **MAKE OATH AND SAY:**

1. **THAT** I am the City Clerk of the Corporation of the City of Vaughan and as such, have knowledge of the matters hereinafter deposed to.
2. **THAT** Official Plan Amendment Number 629 was adopted by the Council of the Corporation of the City of Vaughan on the 27th day of June, 2005, and written notice was given on the 12th day of July, 2005 in the manner and form and to the persons and public bodies that requested notification of the adoption, pursuant to Subsection 17(23) of the Planning Act, RSO 1990, as amended.
3. **THAT** no notice of appeal setting out an objection to Official Plan Amendment Number 629 was filed with me within twenty (20) days from the date of written notice of the adoption of the amendment.
4. **THAT** Official Plan Amendment Number 629 is deemed to have come into effect on the 3rd day of August, 2005, in accordance with Subsection 17(27) of the Planning Act, RSO 1990, as amended.

SWORN BEFORE ME in the City)
of Vaughan, in the Regional)
Municipality of York, this)
3rd day of August, 2005.)


A Commissioner, etc.

DIANNE ELIZABETH LILY GROUT
a Commissioner, etc.
Regional Municipality of York, for
The Corporation of The City of Vaughan.
Expires April 24, 2007



JOHN D. LEACH

THE CITY OF VAUGHAN

BY-LAW

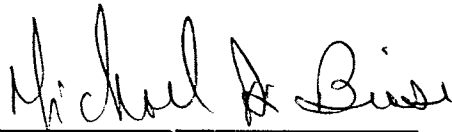
BY-LAW NUMBER 240-2005

A By-law to adopt Amendment Number 629 to the Official Plan of the Vaughan Planning Area.

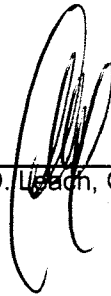
NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 629 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedules "1" and "2" is hereby adopted.
2. AND THAT this By-law shall come into force and take effect the day after the last day for filing a notice of appeal.

READ a FIRST, SECOND and THIRD time and finally passed this 27th day of June, 2005.



Michael Di Biase, Mayor



J. D. Leach, City Clerk

**AMENDMENT NUMBER 629
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 629 to the Official Plan of the Vaughan Planning Area and Schedules "1" and "2" constitutes Amendment Number 629.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II".

I PURPOSE

The purpose of this Amendment is to further amend the Official Plan of the Vaughan Planning Area as amended by Amendment No. 350 (The Maple Community Plan), to redesignate the lands subject to this Amendment from "Office Commercial" to "Neighbourhood Commercial" to implement a proposed mixed-use residential/commercial development.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as "subject lands", are shown on Schedules "1" and "2" attached hereto as "Area Subject to Amendment No. 629". The lands are located at the southeast corner of Eagle Rock Way and Keele Street, being Block 96 on Plan 65M-3784, in Part of Lot 22, Concession 3, City of Vaughan.

III BASIS

The decision to amend the Official Plan to redesignate the subject lands from "Office Commercial" to "Neighbourhood Commercial" is based on the following reasons:

1. The subject lands are currently designated "Office Commercial" by Amendment No. 350, which provides the following policy:

"These areas shall be developed with low-rise office buildings incorporating a residential design and scale. Permitted uses in the implementing zoning by-law shall be restricted to business and professional office buildings. Limited ground floor retail may be permitted in office building. In addition, residential units appropriately integrated into office commercial developments may also be permitted."

An amendment to the Official Plan is required to redesignate the subject lands from "Office Commercial" to "Neighbourhood Commercial" to facilitate a mixed-use development consisting of three, three-storey buildings with retail commercial uses on the ground floor and residential uses above and one three-storey commercial building. Policies for mixed-use developments are not currently addressed in the Official Plan, and an amendment to the Official Plan to include appropriate policies to implement the proposed mixed commercial/residential development will be provided in this Amendment.

2. The addition of a policy to the “Neighbourhood Commercial” area to permit mixed commercial/residential development constitutes an appropriate development of the property for the following reasons:

a) The Maple Community Plan contemplates the form of residential housing types proposed on the subject lands and includes the following policy:

“To provide for a full range of housing types and density targets in accordance with need. Opportunities should be created for a broad mix and range of housing types which are suitable for different incomes, age levels, lifestyles, and a broader housing market as it relates to the Maple Community.”

b) The Region of York Official Plan include policies which support the proposed development, including encouraging a broad range of housing. The Region of York has identified that the existing housing stock in the Region is primarily detached units. The proposal provides for a different variety of housing forms to meet the needs of different kinds of households, enabling people to remain in their community through various stages of their lives.

The Region of York reviewed the application and approved a request for exemption from Regional approval citing that the Region has no objection to the proposal and is supportive of the land use change in terms of providing a more transit supportive site layout with parking in the rear and direct pedestrian access to the street.

c) The Provincial Policy Statement includes policies which encourage residential intensification, densities which make more efficient use of land, public infrastructure, and public transit, and provides a full range of housing types. The proposed development is consistent with the goals and objectives of the Provincial Policy Statement.

d) A mixed use development on an arterial road in close proximity to the Maple Commercial Core Area is appropriate and can result in many positive contributions to the area including: increased pedestrian traffic and vitality; a population to support viable commercial uses and public transit initiatives; and a reduced dependency on the automobile resulting from the close proximity of commercial and residential uses. The mass, scale and height of the proposed development, including three, three-storey, mixed-use commercial/residential buildings and one three-storey commercial building, that are to be located close to the streetline and with direct pedestrian access from Keele Street and Eagle Rock Way, are typical of new development and mixed-uses that are being cited along arterial roads.

3. Having received a statutory Public Hearing held on January 17, 2005, on June 27, 2005 Vaughan Council approved Official Plan Amendment Application OP.04.012 to facilitate the proposed redesignation and application of policies on the subject lands.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 350 (Maple Community Plan) to the Official Plan of the Vaughan Planning Area is hereby amended by:

- a) Deleting Schedule "A" to Amendment No. 350 (The Maple Community Plan) and substituting therefor the Schedule "A" attached hereto as Schedule "2", thereby Redesignating the subject lands shown as "Area Subject to Amendment No. 629" on Schedules "1" and "2" attached hereto from "Office Commercial" to "Neighbourhood Commercial".
- b) Adding the following paragraph (p) to the land use policies in Subsection 2.4 Neighbourhood Commercial Area:

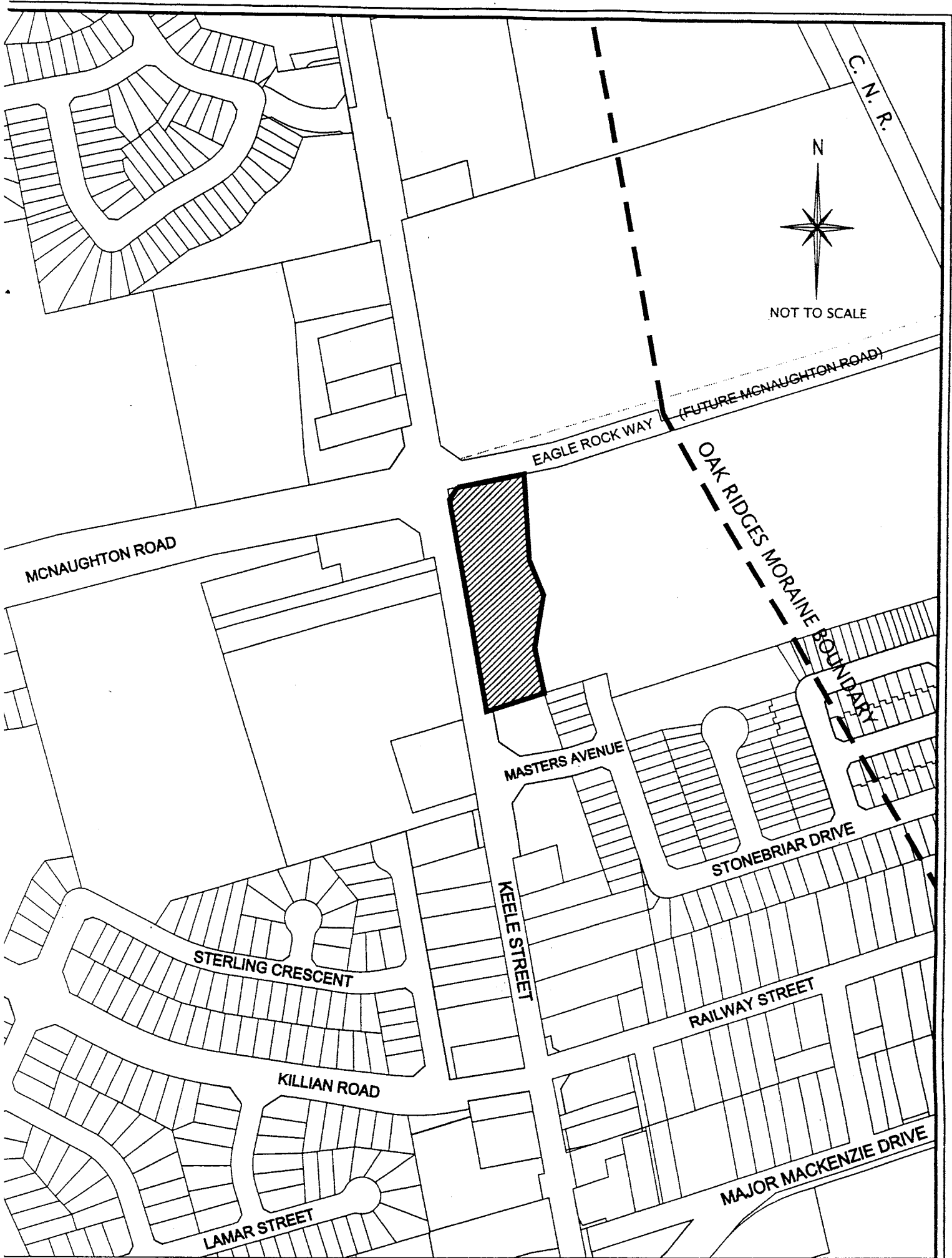
"p) (OPA No. 629): The lands located on the southeast corner of Keele Street and Eagle Rock Way may be developed as a mixed use commercial/residential development within the "Neighbourhood Commercial" designation consisting of a maximum of 35 residential units and 1,375m² of commercial /retail uses. The specific development standards to implement the mixed use development of the subject lands shall be set out in the implementing zoning by-law.

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented by way of an amendment to the Vaughan Zoning By-law and Plan of Subdivision approval, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of the Plan shall apply with respect to this Amendment.





AREA SUBJECT TO
AMENDMENT No. 629



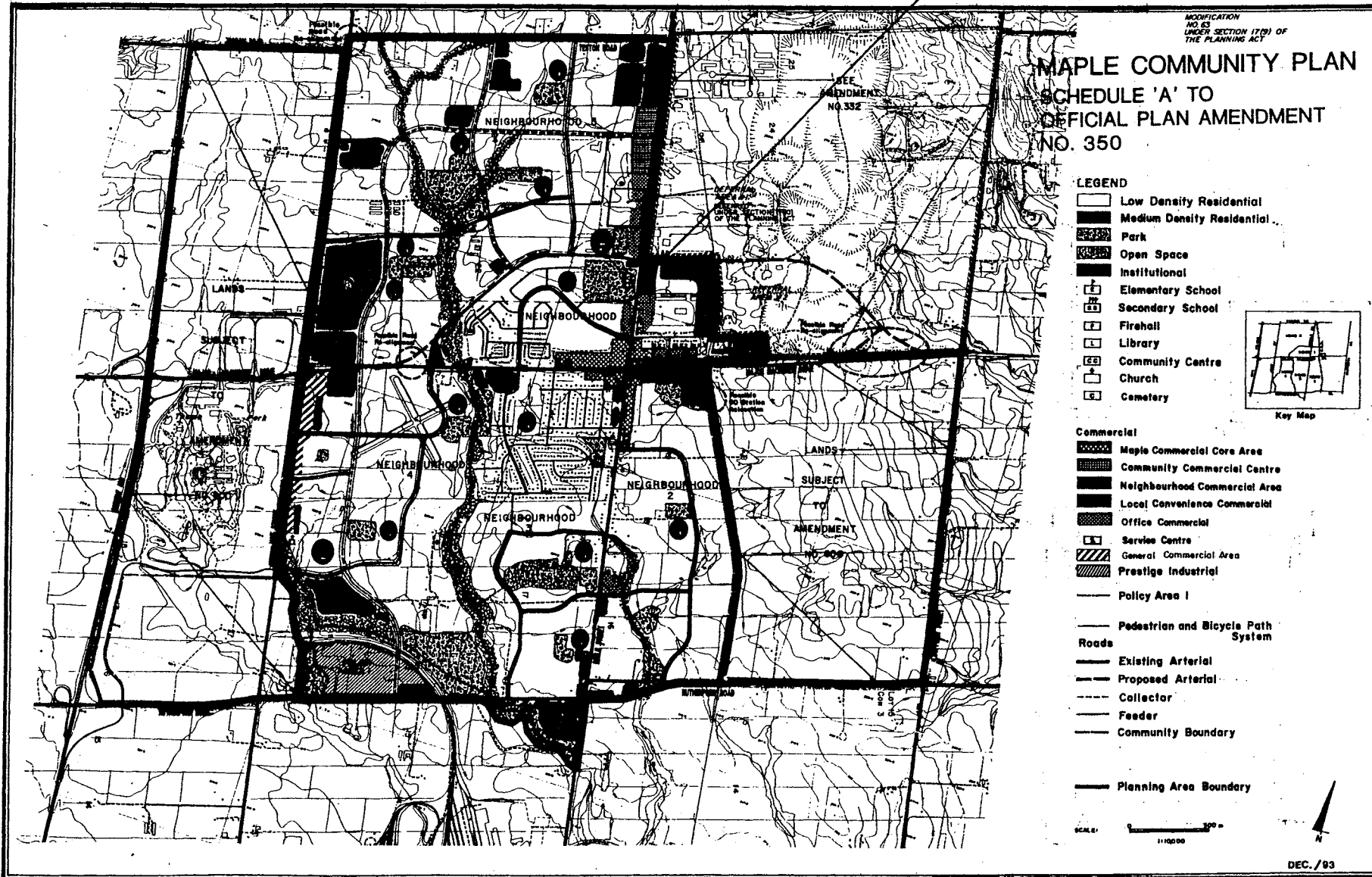
THIS IS SCHEDULE '1'
TO AMENDMENT No. 629
ADOPTED THE 27 DAY OF June, 2005

FILE No. OP.04.012
RELATED FILES: Z.04.038 & DA.05.004
LOCATION: Part of Lot 22, Concession 3
APPLICANT: 1556615 ONTARIO LTD.
CITY OF VAUGHAN

SIGNING OFFICERS


MAYOR


CLERK



FILE No. OP.04.012
RELATED FILES: Z.04.038 & DA.05.004
APPLICANT: 1556615 ONTARIO LTD.
LOCATION: Part of Lot 22, Concession 3
CITY OF VAUGHAN

THIS IS SCHEDULE '2'
TO AMENDMENT No. 629
ADOPTED THE 27 DAY OF June, 2005

SIGNING OFFICERS

MAYOR

CLERK

APPENDIX I

The subject lands are located on the southeast corner of Keele Street and Eagle Rock Way, being Block 96 on Plan 65M-3784, in Part of Lot 22, Concession 3, City of Vaughan.

The Committee of the Whole on June 20, 2005, considered applications to amend the Official Plan and Zoning By-law and a Site Development Application and resolved the following:

"The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated June 20, 2005:

Recommendation

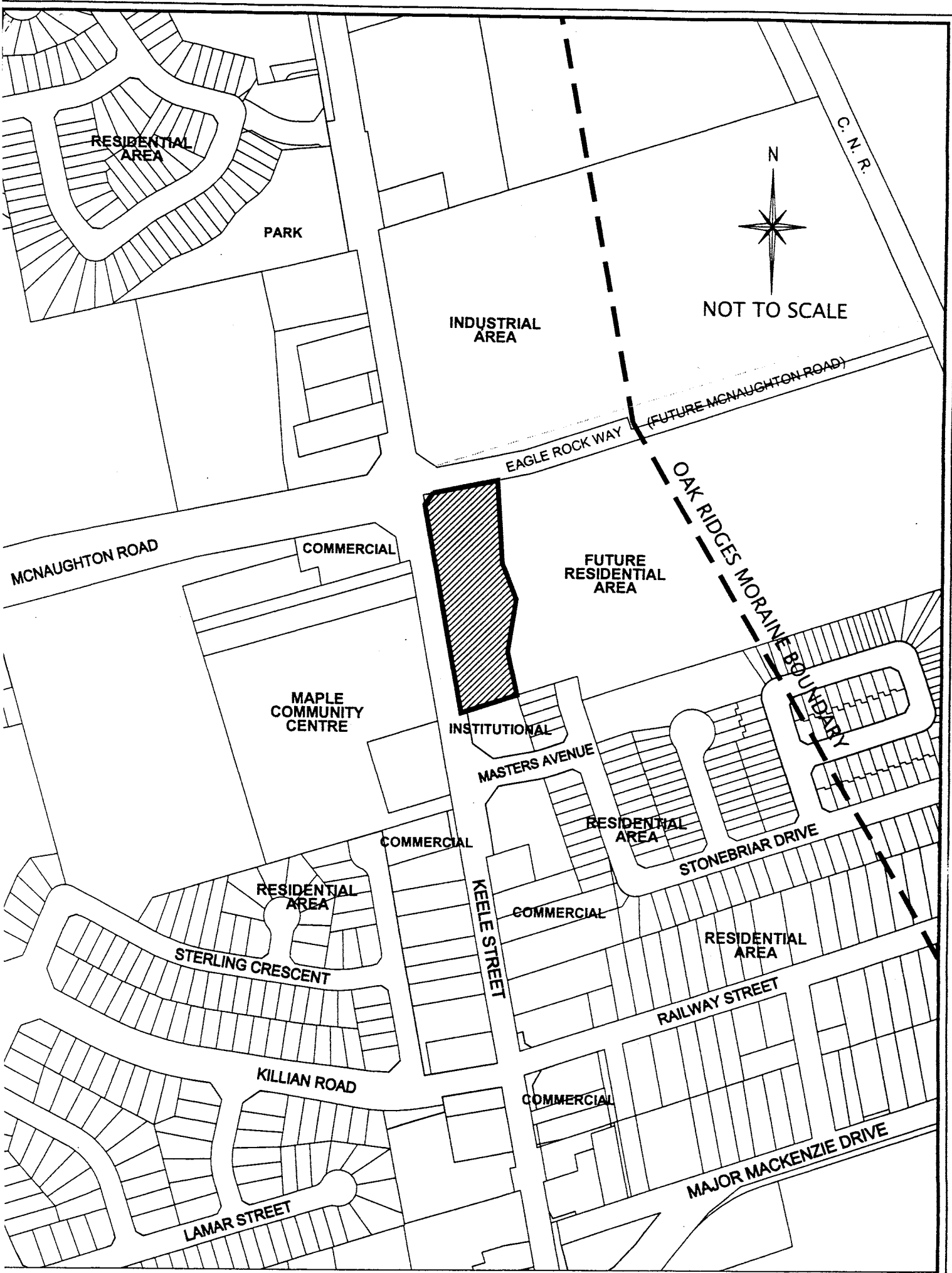
The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.04.012 (1556615 Ontario Limited) BE APPROVED, to redesignate the subject lands shown on Attachment #1 from "Office Commercial" to "Neighbourhood Commercial" with the appropriate provisions to be included in the Official Plan Amendment to implement a proposed mixed-use residential/commercial development.
2. THAT Zoning By-law Amendment File Z.04.038 (1556615 Ontario Limited) BE APPROVED, subject to the following:
 - a) That By-law 1-88, be amended, as follows:
 - i) that the subject lands shown on Attachment #1 be rezoned from C8 (H) Office Commercial Zone with the Holding Symbol "H" to C4 Neighbourhood Commercial Zone with a site-specific zoning exception to permit a three-storey, mixed-use development fronting onto Keele Street comprised of 1,374m² of ground floor commercial uses with 35 residential units above, as shown on Attachment #2;
 - ii) that the following commercial uses be permitted on the subject lands:
 - eating establishment; eating establishment, convenience and eating establishment, take-out, all restricted to Building "A" (abutting Eagle Rock Way) only;
 - bank or financial institution;
 - business or professional office;
 - personal service shop;
 - photography studio;
 - retail store;
 - service or repair shop;
 - video store; and
 - iii) that the implementing zoning by-law include the following exceptions to implement the proposed site plan shown on Attachment #2:
 - permit a maximum of 35 residential units;
 - permit a total maximum commercial gross floor area of 1374m² on the subject lands within the entire Building "A", and on the ground floor only in Buildings "B", "C" and "D";
 - require a minimum front yard (Eagle Rock Way) of 0.85m;
 - require a minimum rear yard (south) of 10.3m;
 - require a minimum exterior side yard (Keele Street) of 0.39m;
 - permit a maximum building height of three (3) storeys;
 - require a minimum of 134 parking spaces;
 - require a minimum landscape strip width of 0.39m abutting a street;
 - require a minimum landscaping strip width of 1.0m abutting a Residential Zone; and,
 - include any other zoning exceptions that are required to implement the final approved site plan.
3. THAT Site Development File DA.05.004 (1556615 Ontario Limited) BE APPROVED, subject to the following:
 - a) That prior to the execution of the site plan agreement;
 - i) the final site plan, building elevations, landscape plan and cost estimate shall be approved by the Development Planning Department;
 - ii) the final site servicing and grading plan and stormwater management report shall be approved by the Engineering Department;

- iii) the Owner shall submit a detailed parking plan identifying on-site demarcation of tenant, visitor and commercial parking spaces and the proposed method for controlling access to each;
 - iv) the Owner shall provide a lighting plan for the proposed parking area including a photometric site plan to identify light levels abutting the residential uses;
 - v) the Owner shall identify snow storage areas on the landscape plan and provide details with respect to the proposed method of on-site garbage storage and disposal;
 - vi) the Owner shall submit a noise study to the satisfaction of the Engineering Department;
 - vii) the Owner shall satisfy all hydro requirements of PowerStream Inc.;
 - viii) the Owner shall satisfy all requirements of the Fire Department;
 - ix) the Owner shall satisfy all requirements of the Region of York; and
 - x) the implementing Official Plan and Zoning By-law Amendment documents shall be in full force and effect.
- b) the site plan agreement shall include the following clauses:
- i) a clause requiring the Owner to agree to allow (including the granting of all necessary easements) vehicular and pedestrian ingress and egress to and from the subject lands and a driveway required for a rear laneway with the abutting lands to the south, in accordance with Official Plan Amendment No. 350, and subject to any required Council approved and by-law, if necessary;
 - ii) the appropriate clause(s) requiring the Owner to implement all recommendations of the approved noise study;
 - iii) a clause requiring that all rooftop mechanical units be adequately screened; and,
 - iv) The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to the high density rate applicable on a per unit basis or 5% of the value, whichever is higher, with respect to the subject lands for the residential component, prior to the issuance of a building permit, in accordance with Section 42 of the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

4. That the following resolution be adopted allocating sewage and water servicing capacity:

"NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT the proposed Site Development Application DA.05.004 be allocated sewage capacity from the Maple Service Area of the York/Durham Servicing Scheme and water supply capacity from Pressure District No. 6 of the York Water Supply System, for a total of 35 residential apartment units, following the execution of a site plan agreement to the satisfaction of the City."



AREA SUBJECT TO
AMENDMENT No. 629



APPENDIX II EXISTING LAND USE OFFICIAL PLAN AMENDMENT No. 629

FILE No. OP.04.012
 RELATED FILES: Z.04.038 & DA.05.004
 LOCATION: Part of Lot 22, Concession 3
 APPLICANT: 1556615 ONTARIO LTD.
 CITY OF VAUGHAN