

147 Laird Drive and 22 Commercial Road – Zoning Application - Final Report

Date:	March 17, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 26, Don Valley West
Reference Number:	Zoning Amendment Application: 02 035387 STD 26 OZ

SUMMARY

An application has been submitted to permit the development of 6,500 square metres of additional commercial and office gross floor area on the existing big box development on Laird Drive at the western boundary of the Leaside Business Park for a total of 39,145 square metres of commercial gfa.

This report reviews and recommends approval of the application to amend the Zoning By-law.

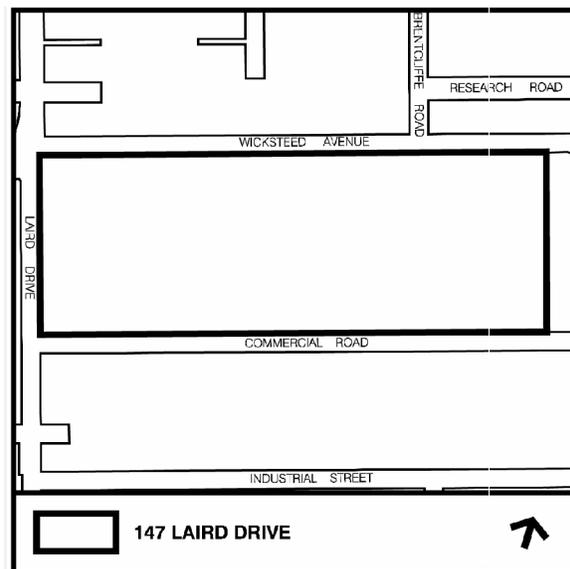
The site-specific By-law for the site permits 28,000 square metres of retail big box uses and additional 4,645 square metres of business and professional office space subject to the submission of a traffic study. Staff are

recommending that the permission for the 4,645 square metres of office gfa be modified to allow for retail uses as well as continue to permit the business and professional office uses. An additional permission for 1,855 square metres in new format retail uses is being recommended to permit at total of 34,500 square metres of commercial gfa.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1916 for the former Borough of East York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require that Notice of Conditions of Approval be issued under Section 41 of the *Planning Act*.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The application for a site specific Official Plan and Zoning By-law amendment to redevelop the land at 147 Laird Drive and 22 Commercial Road for a ‘new format’ retail centre and offices was approved by the Council for the former Borough of East York on October 7, 1997.

The site specific Official Plan amendment to the former Borough of East York Official Plan - (OPA 12):

- a) re-designated the land “Industrial-Special Purpose Commercial”;
- b) permitted 28,000 square metres of new format retail outlets and 4,645 square metres of office space; and
- d) stipulated that the build out of the lands be conditional on the completion of specific traffic improvements and the resolution of various environmental concerns.

The concurrent zoning by-law amendment No. 156-97 rezoned the lands Light Industrial - M1 (9)(H) to permit a total of 28,000 square metres of new format retail outlets (including up to 1,400 square metres of office space), with permissions for an additional 4,645 square metres of office space subject to the submission of a traffic study. The holding provision was to enable the review of the transportation issues and environmental concerns and could only be lifted upon their resolution.

A Site Plan Agreement for Home Depot, which was to occupy the eastern (rear) portion of the site (Phase 1) was registered in January 2001. This was followed in February 2001, with the lifting of holding provision for that same eastern (rear) portion of the site and with its subsequent severance and sale to Home Depot.

On October 18, 2001, the Committee of Adjustment granted a request for relief from the requirements of by-law 156-97 respecting setbacks, building envelopes and building height for the development, which was to take place on the western (front) portion of the site (Phase 2). This decision effectively removed the phasing requirement in the site specific By-law which would have required that the buildings adjacent Laird Drive be built in an early phase of the development.

On December 2001, the (H)-holding provision was lifted for the western (Smart Centres) portion of the site. Later that same month, a Site Plan Control application was approved for this same property.

In June 2002, the Committee of Adjustment refused an application for an across-the-board height increase and for a new ‘landmark tower feature’ which was to be used as a restaurant.

In November 2002, the Committee of Adjustment allowed a height increase (from one to two storeys) for a Linen-N-Things store, which has since been constructed on the southern portion of the property.

An application for an official plan amendment and rezoning was submitted in December 2002. A revised application, including a site plan control application, was received on September 29, 2004. Periodic discussions with the applicant have occurred for the past three years. Staff are now recommending approval of the revised proposal to Council through this final report.

ISSUE BACKGROUND

Proposal

The application proposes several changes to the existing big box retail development on the site. The application include: an increase in the permitted commercial gross floor area of 6,500 square metres and a reduction in the parking requirements necessary to accommodate the additional gfa. The proposal consists of one new retail building of approximately 1,682 square metres on the south side of Wicksteed Avenue, a small addition to the previously approved building at the corner of Laird Drive and Commercial Road and the addition of second storey elements to previously approved retail buildings at the corner of Laird Drive and Wicksteed Avenue. The applicant is also proposing more small retail units be permitted.

See Site Plan attached as Attachment 1.

Site and Surrounding Area

The subject site includes the adjacent eastern portion of the original site, which is occupied by a Home Depot store (10,498 square metres), which was the first building constructed on these lands. The entire site comprising approximately 10.4 hectares is bounded by Laird Drive to the west, Wicksteed Avenue to the north, Commercial Road, to the south and Lincoln Electric Company of Canada LTD., to the east.

The Phase 2 lands which comprise the western portion of the site are currently occupied by: a 977 square metre LCBO; a 2,914 square metre Best Buy; a 3,008 square metre Linens N' Things outlet; and a 2,640 square metre Sobeys grocery store, all of which are located on the south side of the site, adjacent to Commercial Road. Buildings on the north side of the site are smaller retail outlets and include Urban Barn, a Sony Store, La Senza and Starbucks. To-date, a total of 22,840 square metres (245,856 square feet) of commercial retail space has been built and occupied on the site. This represents approximately 81% of the total permitted commercial gfa of 28,000 square metres (301,399 square feet). There has been no office space constructed to-date. The surrounding land uses are as follows

North: an auto body shop and former industrial property which is now vacant due to the recent demolition of buildings on the north side of Wicksteed Avenue

South: industrial uses on the south side of Commercial Road

East: Lincoln Electric Company of Canada Ltd.(industrial manufacturing use)

West: predominantly commercial uses on the west side of Laird Drive.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As this application was filed in 2002 it is subject to the 1997 PPS, which sets out the policy foundation for regulating the development and use of land. The key objectives include building strong communities; wise use and management of resources; and, protecting public health and safety. Council's decisions are required to be consistent with the PPS. The new Toronto Official Plan complements policies in the PPS and the two documents support each other.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow, the provision for infrastructure to support growth, protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates this site '*Employment Areas*' and permits development of 'power centres' subject to Policy 3 in Section 4.6, which established the following criteria :

- a) they front onto a major street which forms the boundary of the Employment Areas;
- b) sufficient transportation capacity is available to accommodate the extra traffic generated by the development resulting in acceptable levels of traffic on adjacent and nearby streets; and
- c) the functioning of other economic activities within the Employment Areas and the economic health of nearby shopping districts are not adversely affected.

The Official Plan also designates this site (and the employment lands associated with the Leaside Business Park) as "Employment District" in the Urban Structures Map (Map 2). This designation is intended to protect and enhance employment uses.

Zoning

By-law 156-97 zones the lands Light Industrial M1 (9) H and permits the development of :

- a) new format retail development to a maximum gfa of 28,000 square metres (including up to 1,400 square metres for business and professional offices uses); and
- c) business and professional offices to a maximum of 4,645 square metres, subject to the submission of a traffic study.

The by-law also sets out various relevant development standards and use and siting restrictions. The holding provision of the eastern portion of the property (occupied by the Home Depot store) was lifted in February 2001. This parcel was subsequently severed and sold to Home Depot. The (H)-holding provision for the remainder of the property (retained by Smart Centres) was lifted in December 2001.

Site Plan Control

The applicant has applied for site plan control approval under Section 41 of the *Planning Act*. Staff are reviewing the application which has recently been revised to address staff comments.

Reasons for Application

The application is required to amend the existing zoning by-law to increase the permitted commercial gfa from 28,000 square metres to 34,500 square metres. Specific changes being sought by the applicant are as follows:

1. allow the expansion of the currently permitted gross floor area (gfa) of the new format retail uses from 28,000 square metres (301,399 sq. ft.) to 34,500 square metres (371,367 sq. ft.);
2. allow the reduction of the currently applicable overall parking standard from 1 parking space per 19 square metres of gfa to 1 parking space per 27 square metres of gfa;
3. allow for the reduction in minimum unit size which would allow for up to five units between 460 square metres (4,952 sq. ft.) and 278 square metres (2,992 sq. ft.) (the by-law currently allows for up to three units of this size) and for up to 1,720 sq. m. (18,515 sq. ft.) to be devoted to units of less

than 278 sq. m. (2,992 sq. ft.). A retail market study has been submitted to support this request and address potential impact on existing businesses; and

4. amend Schedule 2 to Zoning By-law 156-97 to reflect changes to the previously approved building envelopes and entrance locations; and

For additional project information refer to the attached Application Data Sheet (Attachment 5).

Community Consultation

The applicant's proposal was presented to local residents at a Community Consultation meeting held on January 11, 2005 at the Leaside Branch of the Toronto Public Library. The meeting was attended by the local Councillor, the applicant and consultants as well as City staff. Approximately 30 members of the public were in attendance. The community expressed the following concern and opinions regarding the proposal:

- parking will not be adequate on the site;
- illegal on-street parking will occur;
- traffic will be made worse by the proposed increase in commercial gfa;
- traffic infiltration in the residential area of Leaside (west of Laird Drive) will increase due to the proposed expansion; and
- the design of the buildings is not attractive and not in keeping with the design or materials of the former industrial buildings on the site or other buildings in the Leaside Business Park.

A community open house was held by the local Councillor on February 19, 2008, also at the Leaside Branch of the Library. This meeting was also attended by the local Councillor, the applicant and consultants as well as City staff. Approximately 60 people attended the meeting. In addition to the comments made at the previous meeting, area residents provided the following additional comments:

- the applicant should be required to build-out the site based on the existing permissions before they make an application for additional commercial space;
- the developer should clarify how the development will address a changing environment and economy;
- more landscaping is required; and
- need for better pedestrian linkages.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement.

Land Use

The proposal is for 6,500 square metres (69,968 square feet) of additional commercial gross floor area in the format of a new format retail centre (as defined in the By-law) in addition to the 28,000 square metres (301,399 sq. ft.) of these uses currently permitted on the site. The existing site-specific zoning By-law permits a maximum of 1,400 square metres (15,070 square feet) of business and professional

office space within the 28,000 square metres of new format retail uses. This By-law also provides for an additional 4,645 square metres (50,000 square feet) of business and professional office space subject to the submission of a traffic study. Including this permission for business and professional office uses, total gfa currently permitted on the site for both retail and office uses is 32,645 square metres (351,399 square feet).

Staff are recommending that the permission for the 4,645 square metres of office gfa be modified to allow for retail uses as well as continue to permit the business and professional office uses. An additional permission for 1,855 square metres (19,968 square feet) in new format retail uses is being recommended to achieve an increase in permitted gfa for new format retail uses of 6,500 square metres. The proposed By-law would permit at total of 34,500 square metres (371,367 square feet). (See Draft By-law attached as Attachment 6.)

The Official Plan criteria requires that sufficient traffic capacity must be available to accommodate the proposal. Transportation Services staff have recommended intersection and road improvements to accommodate the proposed increase in gross floor area. The Draft By-law (see Attachment 6) requires that these improvements be completed prior to construction. Transportation Services staff have also concluded that the proposed parking ratio for the entire site (including the Home Depot property) of one space per 27 metres of gross floor area is acceptable.

The Official Plan also requires that the function of other economic activities within the Employment Areas and the health of nearby shopping districts should not be adversely affected by the proposal. The applicant submitted a Market Retail and Impact Analysis prepared by Urban Metrics Inc. to address the potential economic impact of the proposed expansion to the existing new format retail centre. The overall conclusions of the report was that the impact of the proposed development would be minimized, particularly given the forecast market growth and existing expenditure patterns. This report was reviewed by Economic Development Division who have no issues with the proposal.

Based upon the above analysis of transportation and economic impacts, the increase in commercial, new format retail uses proposed for the site address the Official Plan criteria for development with Employment Areas.

Size Restrictions for Retail Units

In addition to increasing the commercial gfa on the site, the proposal is for some smaller stores, specifically:

- an increase in the number of units between 460 square metres (4,952 sq. ft.) and 278 square metres (2,992 sq. ft.) from three to five; and
- up to 1,720 sq. m. (18,515 sq. ft.) to be devoted to units of less than 278 sq. m. (2,992 sq. ft.).

Based upon the information in the Market Retail and Impact Analysis submitted by the applicant, staff are recommending that the request for two additional units between 460 square metres 278 square metres be approved. The Market Retail and Impact Analysis noted that average store size on Bayview Avenue is less than 130 square metres (1,400 square feet) and that the Bayview Avenue retail strip and the and East York Towne Centre cater to a local market and/or offer a more specialized type of retail and service facilities. Notwithstanding the overall conclusions of this study, staff are recommending that a maximum of 5 smaller stores be permitted and they meet a minimum gross floor area of 190

square metres (2,045 square feet) to ensure that smaller stores on Bayview Avenue, Eglinton Avenue and the East York Towne Centre are not impacted by the proposed expansion.

Density, Height, Massing

The applicant proposes to build two storey buildings on two of the as yet unbuilt portions of the site and to add a building on the north side of the site adjacent the existing Home Depot store. (See Site Plan attached as Attachment 1.)

The height of the proposed additional buildings is approximately 12 to 15 metres, which includes design elements such as tower elements and sloped roofs and parapets. Schedule 2 of the draft By-law (see Attachment 6) provides for maximum heights which are consistent with the development as constructed to-date.

The proposed changes with regard to density, height and massing are consistent with the approved design and development of the site to-date.

Traffic Impact, Access, Parking

The development will require the following road and intersection improvements to be constructed prior to the completion of the development of the site as proposed:

- widening of Laird Drive from the existing 4-lane cross section to 5-lane cross section, with the extent of work starting from approximately 50 metres north of Parkhurst Boulevard to approximately 50 metres south of Commercial Road;
- signalization of the Laird Drive/Commercial Road intersection;
- provision of a westbound left turn lane at the Laird Drive / Commercial Road intersection; and
- restriction of the mid-block driveway entrance on Laird Drive to right-in / right-out only.

These improvements will facilitate the movement of traffic in and around the site.

The original application proposed the closure of the most westerly access to the site from Commercial Road on the south side of the site. This access driveway was never constructed as required by the approved site plan. Staff had concerns regarding the closure of this driveway as it would reduce the access to Commercial Road for both vehicles and pedestrians, resulting in greater demands on the other access points and an uneven distribution of traffic. Failure to construct this driveway closest to the Laird Drive and Commercial Road access would also result in an under use of the traffic signal required to be installed at this intersection. The revised plan maintains the driveway access in this location.

Discussions with the applicant regarding the reduction in parking requirements for the site necessary to accommodate the additional gross floor area have been on-going since the application was filed in 2002. An initial Traffic Impact Study was submitted in 2002 with the original application and the required additional information has been provided.

Transportation Services staff have stated that based upon the information submitted and a review of parking requirements in similar developments, a reduction in the parking requirements on the site from 1 space per 19 square metres of Commercial gfa to 1 space per every 27 square metres of gross floor area is acceptable. This results in a requirement for 1,278 parking spaces for the entire site, including the Home Depot property. Transportation Services staff have confirmed that the parking ratio and traffic impacts are acceptable for both the commercial, new format retail uses and the proposed maximum gross floor area of 4,645 square metres in business and professional office uses.

Phasing

The draft Zoning By-law includes a provision requiring that the buildings on Laird Drive be constructed in the next phase of the development prior to any other development proceeding on the site. This provision is required to ensure that these buildings, necessary to create an acceptable streetscape on Laird Drive, are constructed at the earliest possible stage in the final development of the site. The fact that these buildings have not been constructed has resulting in an unfinished appearance to the site and an unattractive gap in the streetscape. (See draft By-law attached as Attachment 6).

Servicing

The applicant has provided a Functional Servicing Report, Servicing Plan and Grading Plan for the subject application which has been reviewed by Technical Service staff. The proposal can be adequately serviced by existing water, sewer and stormsewer infrastructure.

Loading

The applicant is providing loading for the proposed additional elements of the development consistent with the previously approved site plan. Staff have worked with the applicant to provide shared loading facilities where possible. The loading requirements are reflected in the draft By-law.

Proposed Zoning

Amendments to the site specific Light Industrial M1(9) are proposed which reflects the application for additional commercial gross floor area (see Attachment 6, Draft Zoning By-law). The Bylaw also proposes that the requirements for phasing included in the original site-specific By-law removed by a subsequent committee of Adjustment decision be re-established to ensure that the buildings adjacent Laird Drive be constructed in the next phase of the development.

The By-law provides for a reduction in the applicable parking standard on the site from 1 space per 19 square of gross floor area to 1 space per 27 square metres of gross floor area.

The draft By-law also requires that the road and intersection improvements required be completed prior to further development on the site.

Site Plan Control

Staff have spent a considerable effort in improving the streetscape and the relationship of the proposed buildings and landscaped open space adjacent Laird Drive.

The refinement of the site plan includes the provision of:

- flush grade relationship between the sidewalk on Laird Drive and the stores;
- increased setbacks along Laird Drive for landscaping and sidewalks;
- pedestrian friendly design of the store fronts (clear glazing, lighter materials);
- substantial soft and hard landscaping elements have been added along Laird Frontage to screen the parking lot, service areas and side streets;230.
- setback of parking from the sidewalk on Laird Drive;
- screening of parking with landscaping elements;
- decorative paving material along Laird frontage;
- landscaped areas along the frontage for resting opportunities;
- minimizing the loading areas along Wicksteed Avenue and Commercial Road; and
- requirement for an irrigation system to maintain the health of the planted material on the site.

The development of an acceptable streetscape and appropriate built form on the Laird Drive frontage of the property is significant given the potential for similar developments based on the permissions in the Official Plan for big box retail developments on properties with frontage on the east side of Laird Drive.

Staff have recommended that the Draft Zoning By-law attached as Attachment 6 not be brought forward to City Council for enactment until Notice of Conditions of Approval have been issued under Section 41 of the *Planning Act* for the approval of the Site Plan Control application.

Environment

The applicant has completed the Green Development Standards Checklist and has indicated compliance with the air quality based upon proximity to public transit and pedestrian connections.

Tree Preservation

The applicant has provided an arborists report which indicates that there are no trees on the site protected under the Private Tree By-law. There are six trees on the site protected under the City Street Tree By-law. These trees are located adjacent the Home Depot portion of the site and will not be impacted by the proposed development. The arborists report will be reviewed by Urban Forestry Services staff through the site plan control process.

Development Charges

It is estimated that the additional development charges for this project will be \$473,655. This is an estimate. The actual charged is assessed and collected at the time of building permit issuance.

CONTACT

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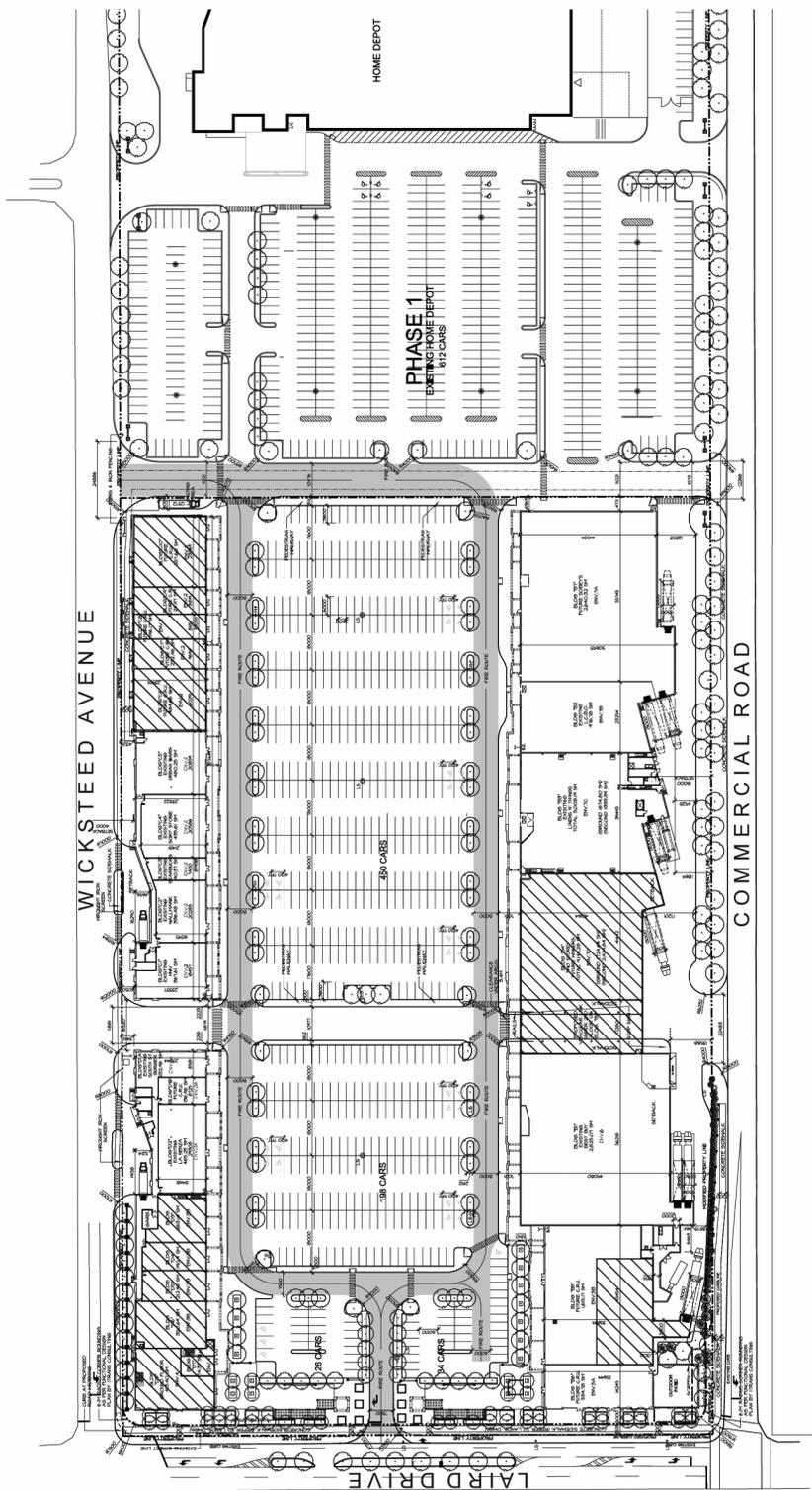
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Landscape Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Areas where additional GFA is proposed

Site Plan

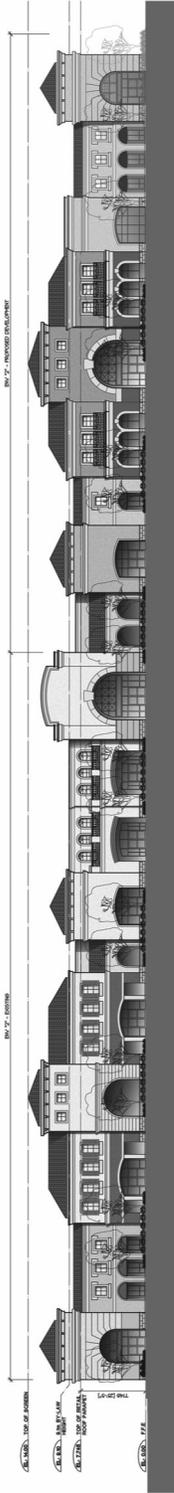
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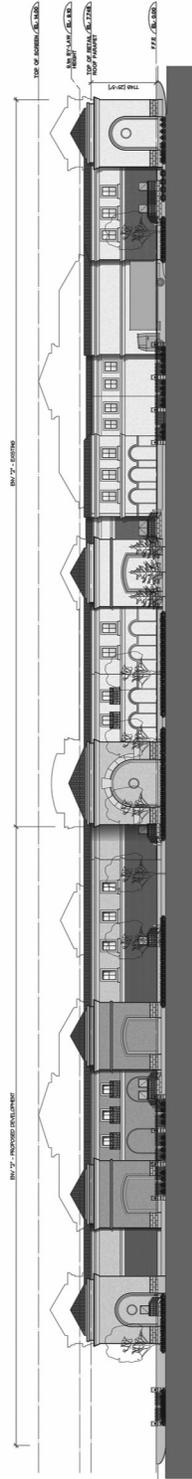
147 Laird Drive

File # 04_177698

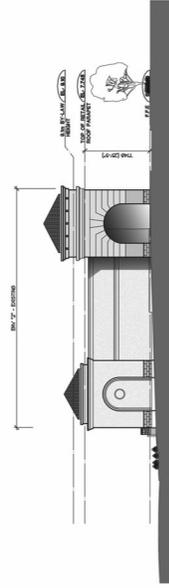
Attachment 2: Elevations



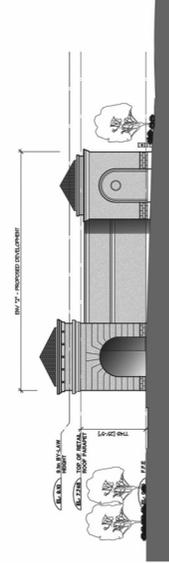
South Elevation - Envelope 2



North Elevation - Envelope 2



West Elevation - Envelope 2



East Elevation - Envelope 2

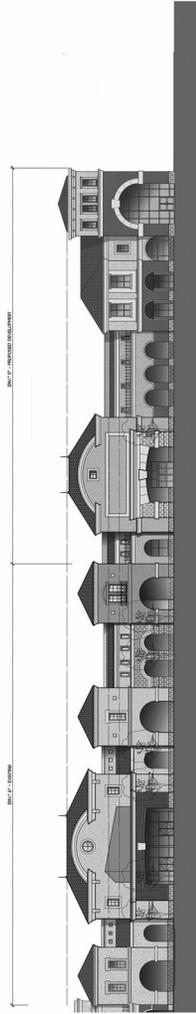
Elevations (Typical)

Applicant's Submitted Drawing

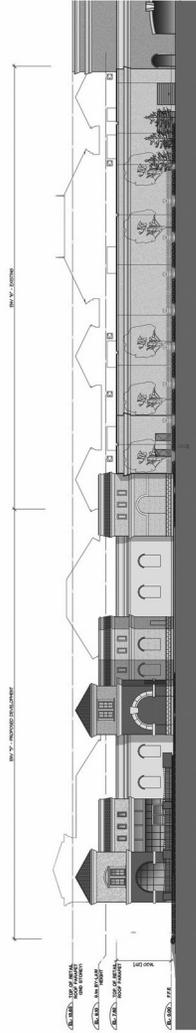
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147 Laird Drive

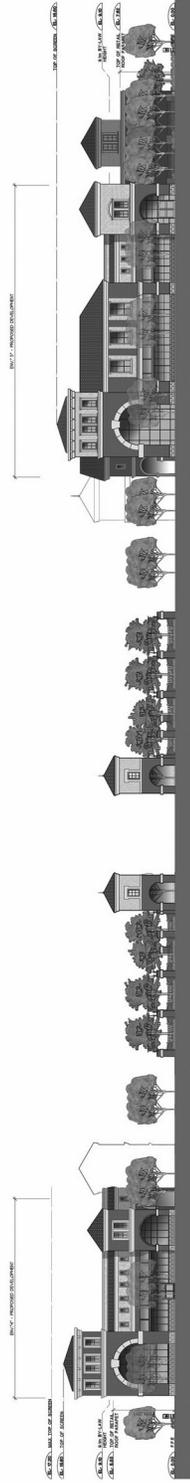
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North Elevation - Envelopes 5 & 6



South Elevation - Envelopes 5 & 6



West Elevation - Envelopes 4 & 5 (Laird Drive)

Elevations

Applicant's Submitted Drawing

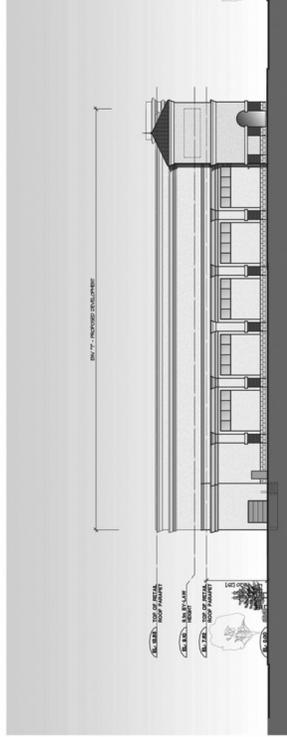
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147 Laird Drive

File # 04_177698



North Elevation - Envelope 7



East Elevation - Envelope 7

Elevations

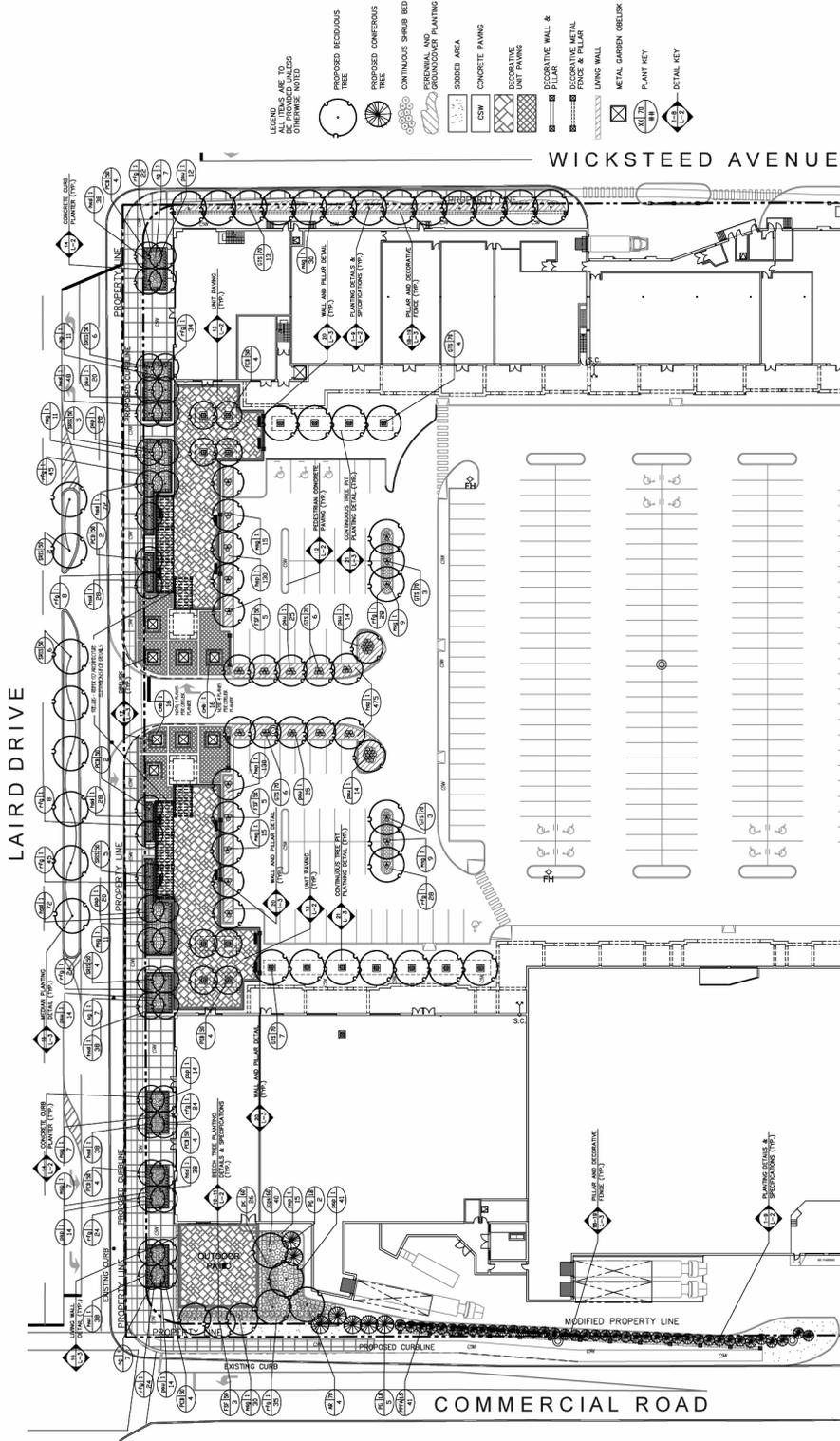
Applicant's Submitted Drawing

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147 Laird Drive

File # 04_177698

Attachment 3: Landscape Plan



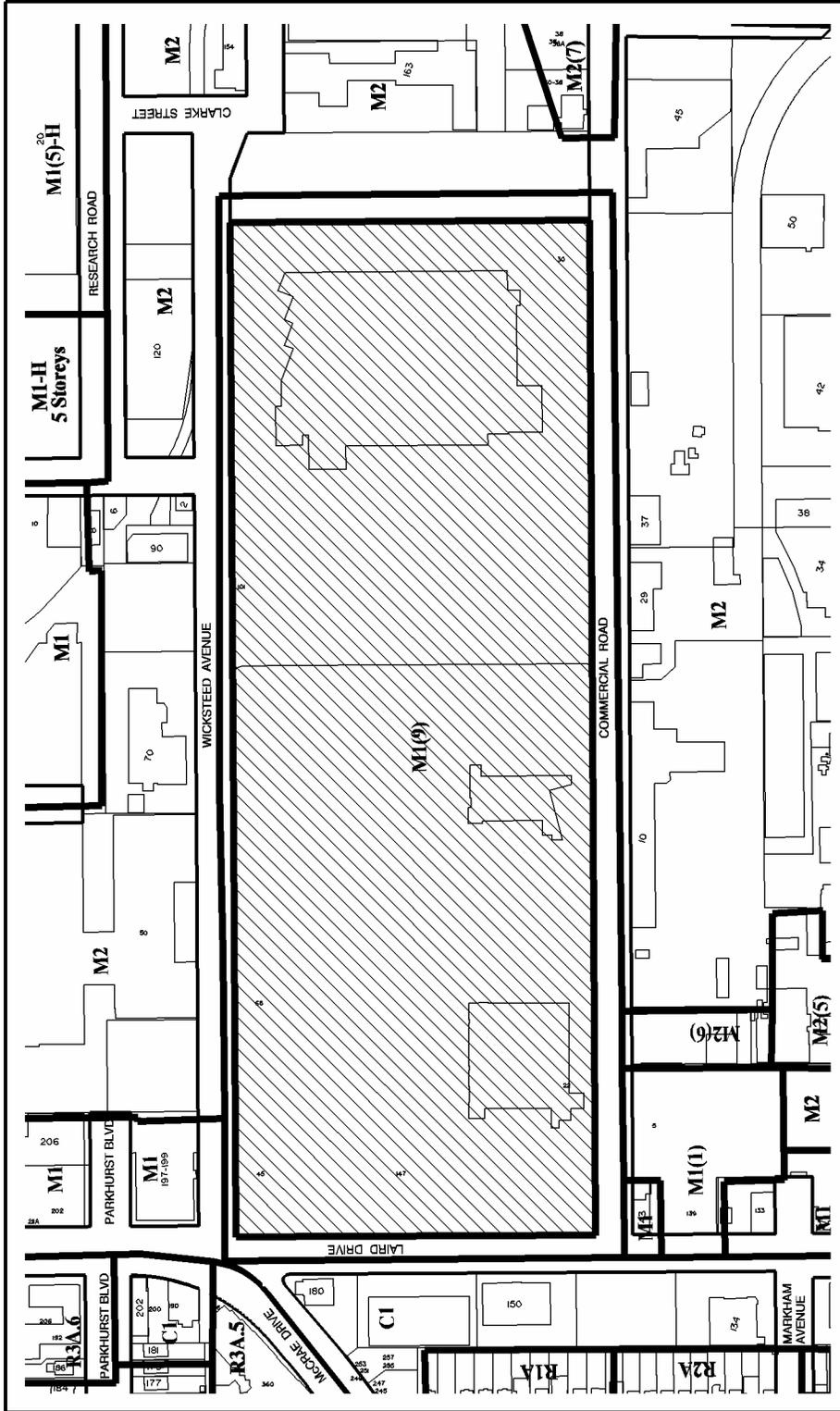
147 Laird Drive

Landscape Plan
 Applicant's Submitted Drawing

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 02/25/2008

File # 04_177698

Attachment 4: Zoning



147 Laird Drive
File # 04_177698

Toronto City Planning
Zoning

- R1A Low Density Residential
- R2A Medium Density Residential
- R3A High Density Residential
- C.1 Commercial - General
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category
- M.1 Light Industrial
- M.2 General Industrial

Not to Scale

Extracted 03/04/2008

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Site Plan Approval	Application Number:	04 177698 NNY 26 SA
Details		Application Date:	September 29, 2004

Municipal Address: 147 LAIRD DR
 Location Description: PL 697 PT LT58 TO 71 AND CON 3 FTB PT LT14 NOW RP 64R8954 PT 1 **GRID N2604
 Project Description: Expansion to commercial (big box) mall. Application is to revise perviously submitted amendments to East York OP and Zoning By-Law and a new application for amendments to an approved site plan

Applicant:	Agent:	Architect:	Owner:
GOODMANS LLP			CALLOWAY REIT NOBLE CHERRY

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	M1(9)	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	104429.8	Height:	Storeys:	2
Frontage (m):	193		Metres:	17.2
Depth (m):	302			
Total Ground Floor Area (sq. m):	29279.35			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	1320
Total Non-Residential GFA (sq. m):	34605.81		Loading Docks	16
Total GFA (sq. m):	34605.81			
Lot Coverage Ratio (%):	28			
Floor Space Index:	0.33			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	32803.53
1 Bedroom:	0	Office GFA (sq. m):	1802.28
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT: PLANNER NAME: Dan Nicholson, Planner
TELEPHONE: (416) 395-7110

Attachment 6: Draft Zoning By-law Amendment

BY-LAW No.

To amend By-law 1916, as amended, for the Former Town of Leaside,
with respect to the lands municipally known as
147 Laird Drive and 22 Commercial Road

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

Therefore, the Council of the City of Toronto enacts as follows:

1. The lands subject to this by-law are those lands outlined by a heavy black line and identified as “Area Subject to Amendment” as shown on Schedule “1” attached hereto.
2. Zoning By-law 1916, as amended, is hereby further amended by deleting and repealing Section 8.2.3. g) ii) and inserting the following Section 8.2.3. g) (ii) and (iii) immediately after Section 8.2.3. g) (i) as follows:

(ii) Definitions

(1) **Established Grade**

For the purposes of this exception, **Established Grade** shall be 130.53 metres Canadian Geodetic Datum.

(2) **New Format Retail Centre**

For the purposes of this exception, New Format Retail Centre shall mean a commercial development designed and functioning as an integrated whole in which those facilities selling goods at retail have a minimum Gross Floor Area – Commercial as outlined in Section 8.2.3 (iii) 6) (b).

(iii) General Provisions

Notwithstanding Section 8.2.2 of this By-law, on those lands referred to in Section 8.2.3 g) (i) of this By-law, no person shall

use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, Structure or land or part thereof except in accordance with the following provisions:

1) Road and Intersection Improvements

No person shall use any land or erect or use, any Building or Structure on the lands identified as “Phase 1” and “Phase 2” as shown on Schedule “3” in accordance with Subsections 8.2.3.g)(iii) 2) 3) 4) 5) and 6) unless the following road and intersection improvements have been constructed and completed in accordance with the ultimately approved functional plan, to service the land, Buildings and Structures:

- i) widening of Laird Drive from the existing 4-lane cross section to 5-lane cross section, with the extent of work starting from approximately 50 metres north of Parkhurst Boulevard to approximately 50 metres south of Commercial Road;
- ii) signalization of the Laird Drive/Commercial Road intersection;
- iii) provision of a westbound left turn lane at Laird Drive at the Laird Drive / Commercial Road intersection;
- iv) restriction of the site mid-block driveway entrance on Laird Drive to right-in / right-out only; and any other associated civil works and utility relocations

2) Phasing

No building permit shall be issued for Building shown as building “Phase 2” on Schedule “3” until buildings shown as “Phase 1” on Schedule “3” have been substantially completed.

3) Services

Within the lands shown on Schedule “1” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

- b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

4) Permitted Uses Buildings and Structures

(a) A New Format Retail Centre containing the following uses:

- Retail Store
- Food Store
- Retail Warehouse
- Department Store
- Warehouse Format Retail
- Drug Store
- Garden Supply Centre
- Home Improvement Centre (including auto parts and accessories)
- Video Sales and Rental
- Business and Professional Offices

(b) In addition to the forgoing a New Format Retail Centre may contain the following additional uses: bank or Financial Institution; Eating Establishment; Restaurant Drive-In; Automated Teller Machines; Dry Cleaning Shop; Dry Cleaner's Distribution Centre; Restaurant Take-Out; Service or Repair Shop; Personal Service Shop; Tailor's Shop; leasing and rental of equipment and supplies;

5) Use Restrictions

(a) all uses located within a wholly enclosed Building. Outside Open Storage of goods, materials, and equipment and the outdoor display of merchandise, whether accessory to a permitted use or not, are prohibited, save and except for:

- (i) an outdoor Garden Centre with an accessory outdoor display and sales area, which shall be permitted, provided that the total area of same does not exceed 2,800 m² and that only the following goods, materials and equipment may be stored or sold in the Outdoor Garden Supply Centre: plants; nursery stock; flowers; gardening supplies; soil; seed; fertilizer; garden ornaments; garden furniture and hardware; patio accessories; garden sheds; crafts and pottery related to gardening.
- (ii) Outdoor patio areas that are associated with restaurant uses provided that the area of each patio does not exceed 456 m².

6) General Development Requirements

(subject to Section 8.2.3. g)(iii)1) 2) and 3))

(a) Maximum Gross Floor Area – Commercial of any New Format Retail Centre shall be 34,500 m², of which a maximum 4,645 m² may be used for Business and Professional Office.

(b) Minimum Gross Floor Area – Commercial per unit permitted in Section 8.2.3. g (iii) 4) (a)

- (i) 920 m² Gross Floor Area-Commercial per unit;
- (ii) a maximum of 10 units with a minimum Gross Floor Area – Commercial of 460 m² each may be permitted;
- (iii) a maximum of five (5) units with maximum Gross Floor Area Commercial of 460 m² and a minimum of 278 m² each may be permitted; and
- (iv) a maximum of five (5) units of less than 278 m² Gross Floor Area – Commercial with a minimum Gross Floor Area –Commercial of 190 m² each may be permitted.

(c) Maximum Gross Floor Area – Commercial for uses permitted in Section 8.2.3. g (iii) 4) (b).

1,394 m², not including any bank or Financial Institution; Eating Establishment; Restaurant Drive-In; or Restaurant Take-Out.

(d) Maximum Lot Coverage 30%

(e) Building Location and Setbacks

- i) For the purposes of this exception, Buildings shall be located and set back from property lines as shown on Schedule “2”.
- ii) Awnings and canopies may project beyond the Building Envelopes to a maximum of 3.05 metres, provided they are wholly on the property.

(f) Maximum Building Height

- i) The maximum building heights shall not exceed the lesser of that shown on Schedule “2” of this By-law.

- ii) The following exceptions apply to the maximum building height as permitted by Section 8.2.3 g) (iii) 6)(f)(i):

Decorative features and design elements including parapets (including cornice mouldings, flashings etc.), clay-tile roofs, decorative iron railings, stucco mouldings and faux windows (on the facade) shall be permitted to a maximum of 6.0 metres above the maximum building height;

(g) Landscaping

The only landscaping provision that will apply is as follows:

- i) all yard areas other than driveways, walkways, patios, motor vehicle parking, and garden supply centre as permitted in Section 8.2.3 g)(iii)5)(a)(i) will be landscaped.

h) Parking

Notwithstanding the requirements of Section 5.17, the following parking requirements shall apply for a New Format Retail Centre:

- i) a minimum of 1 parking space per 27 m² of Gross Floor Area-Commercial, of which a minimum of 1 disabled parking space per 875 m² shall be provided.
- ii) disabled parking spaces shall be a minimum of 3.65 metres in width and 5.6 metres in length.

i) Loading Spaces

Notwithstanding the requirements of Section 5.19, the following requirements for off-Street loading shall apply to the building envelopes as shown on Schedule “4”:

- i) maintain the existing 4 Loading bays for the existing Home Depot store Building (refer to building envelope A per Schedule “4”);
- ii) maintain the existing 2 loading bays for the existing building envelope B1;
- iii) maintain the existing 1 loading bay for the existing building envelope B2;
- iv) maintain the existing 2 loading bays for the existing building envelope B3;
- v) 1 loading bay for the proposed building envelope B4;

- vi) 1 loading bay for the proposed building envelopes B5 and B6;
- vii) 2 loading bays for the proposed Building envelope B7;
- viii) maintain the existing 1 loading bay to be shared by the existing building envelopes C1, C2, C3, C4 and C5;
- ix) 1 loading bay to be shared by the proposed building envelopes C6, C7, C8, C9, and C10;
- x) maintain the existing 1 loading bay to be shared by the existing building envelopes D1A, D1B, D2, together with the proposed Building envelopes D3, D4, D5, D6, D7, and D8

3. Notwithstanding anything else contained in this By-law, the provisions of Section 8.2.3 g) shall continue to apply collectively to all of the lands identified in 8.2.3 g)(i), notwithstanding any future division of the lands into two or more parcels of land.

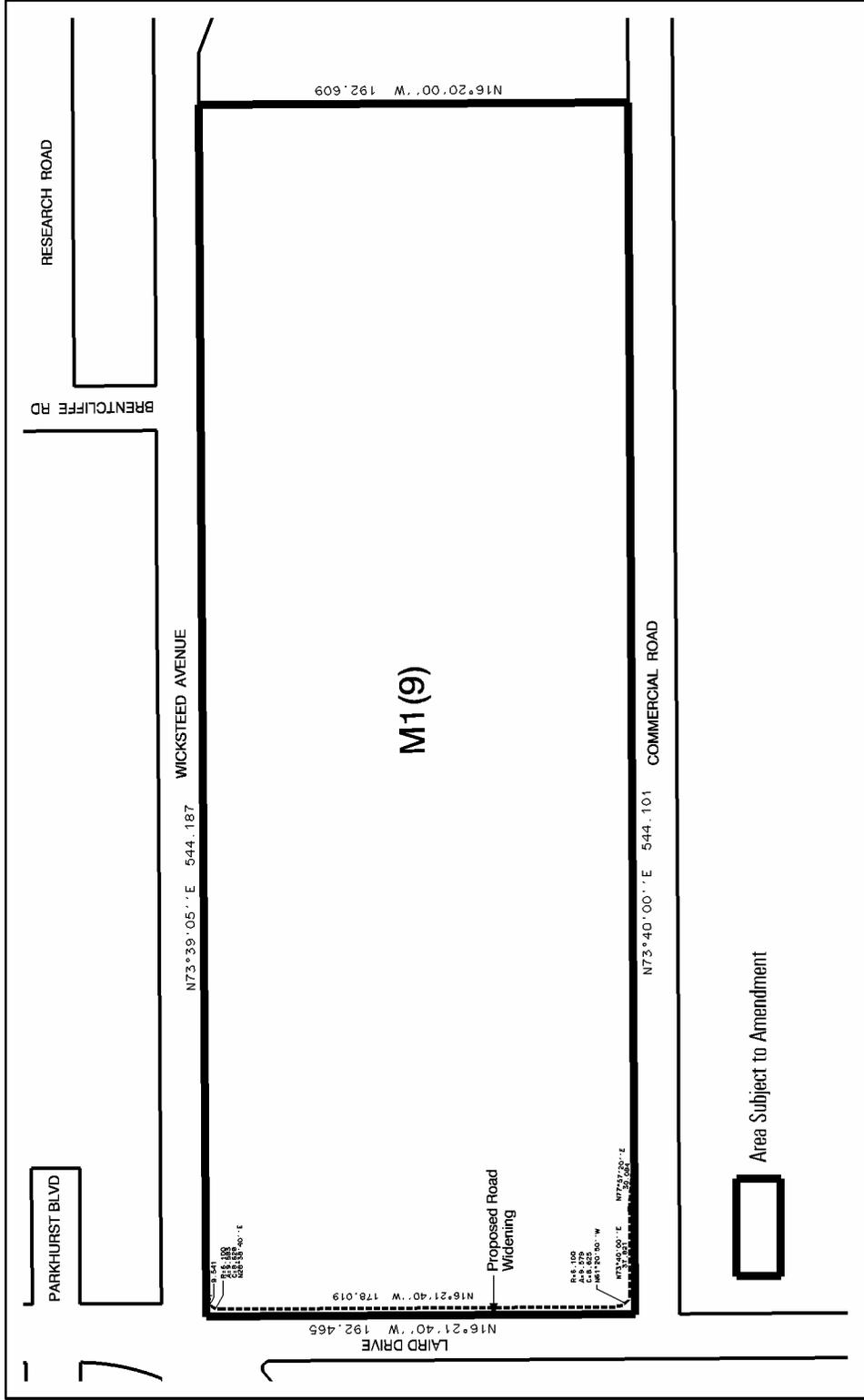
4. Other Provisions of the By-law

Except as amended in this By-law, all the other provisions of By-law 1916 shall apply to the lands;

ENACTED AND PASSED this day of ,A.D. 2008

Mayor

City Clerk



Schedule 1

File # 04_177698

Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

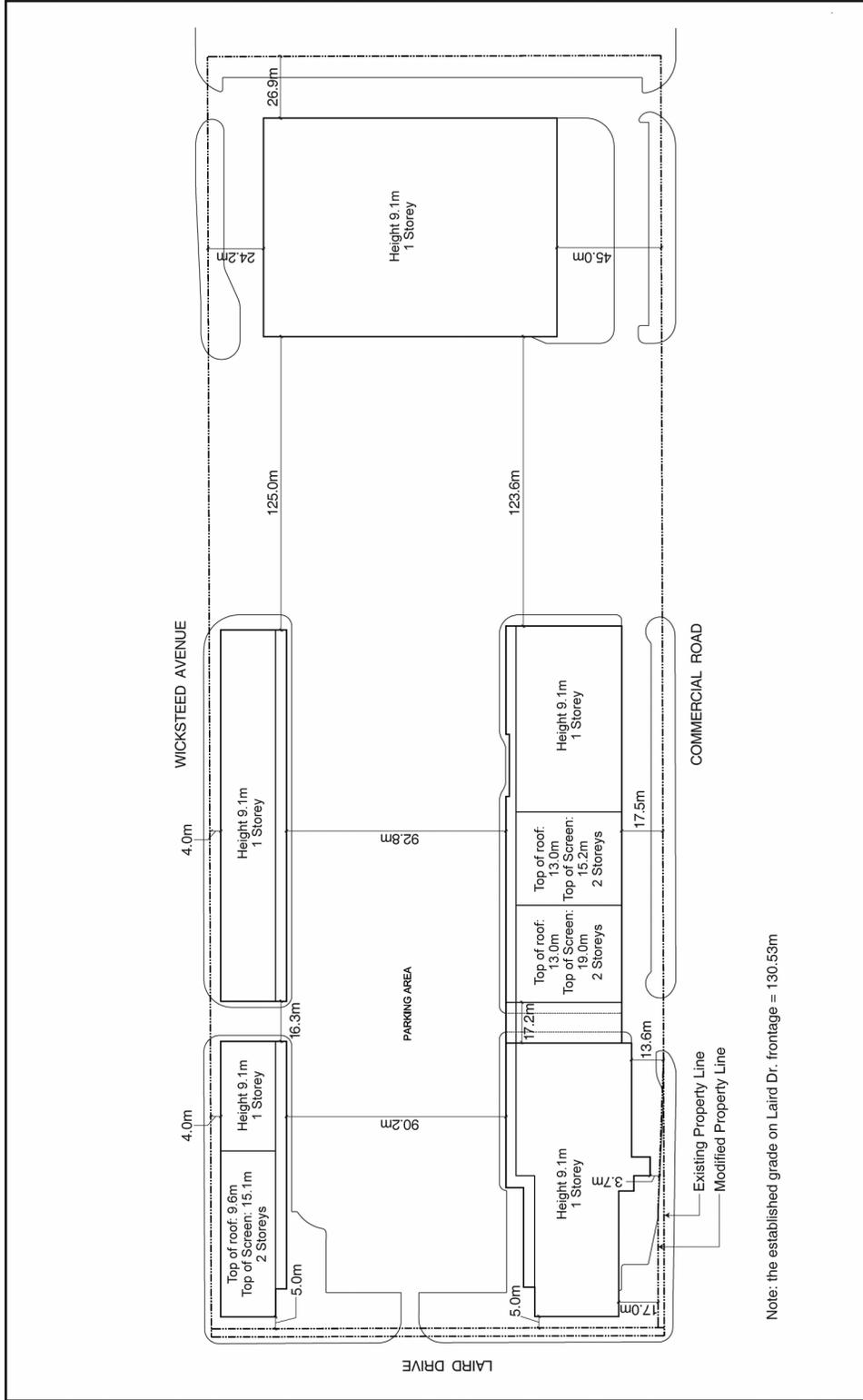
Survey data from Plan of Survey, drawing ref. 01-322RP01, supplied by KRCMAR Surveyors

Date: 03/03/2008

Approved by: D.N.



Not to Scale



Note: the established grade on Laird Dr. frontage = 130.53m



Schedule 2

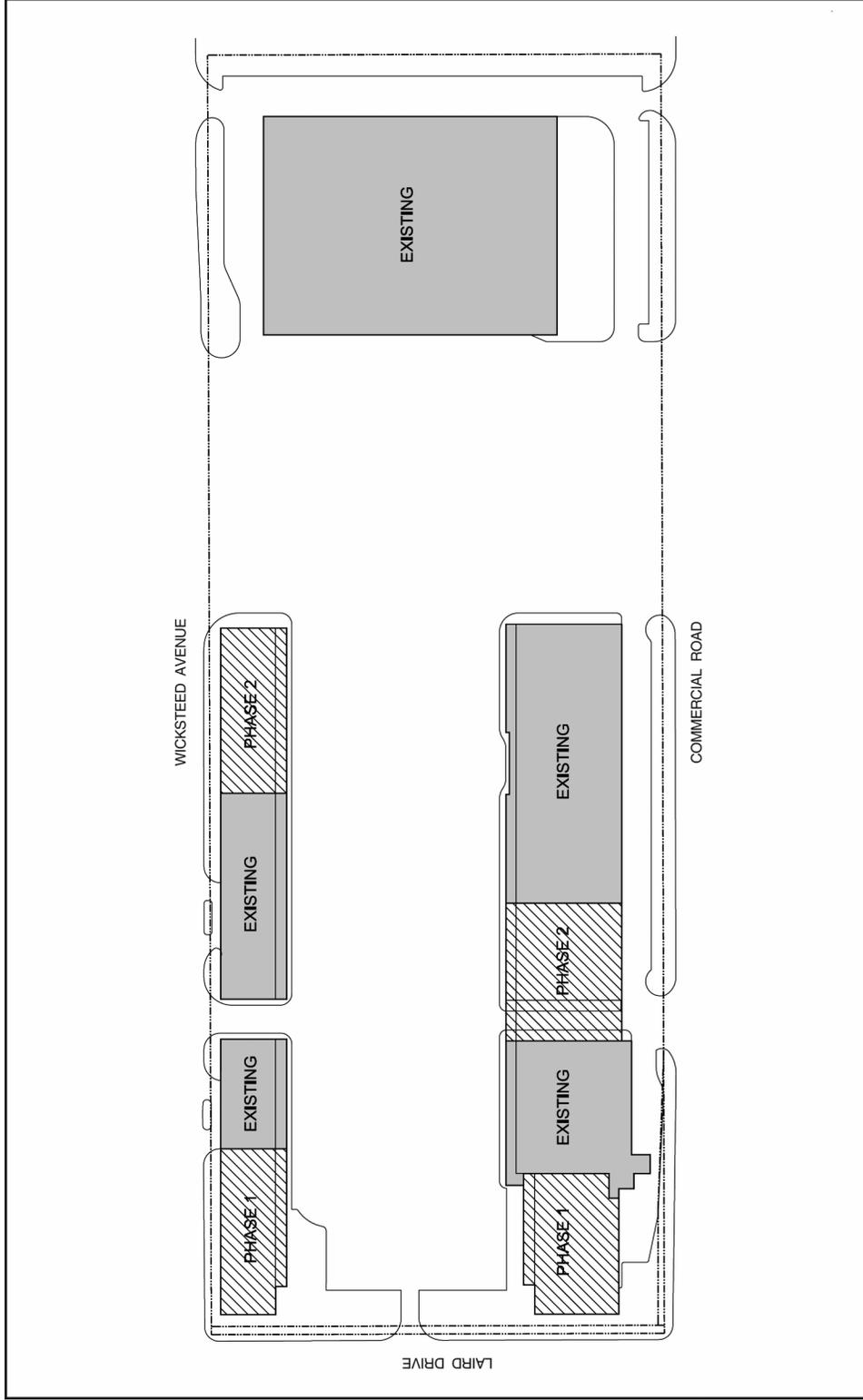
Part of Lot 14, Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

File # 04_177698

Date: 03/11/2008
 Approved by: D.N.



Not to Scale



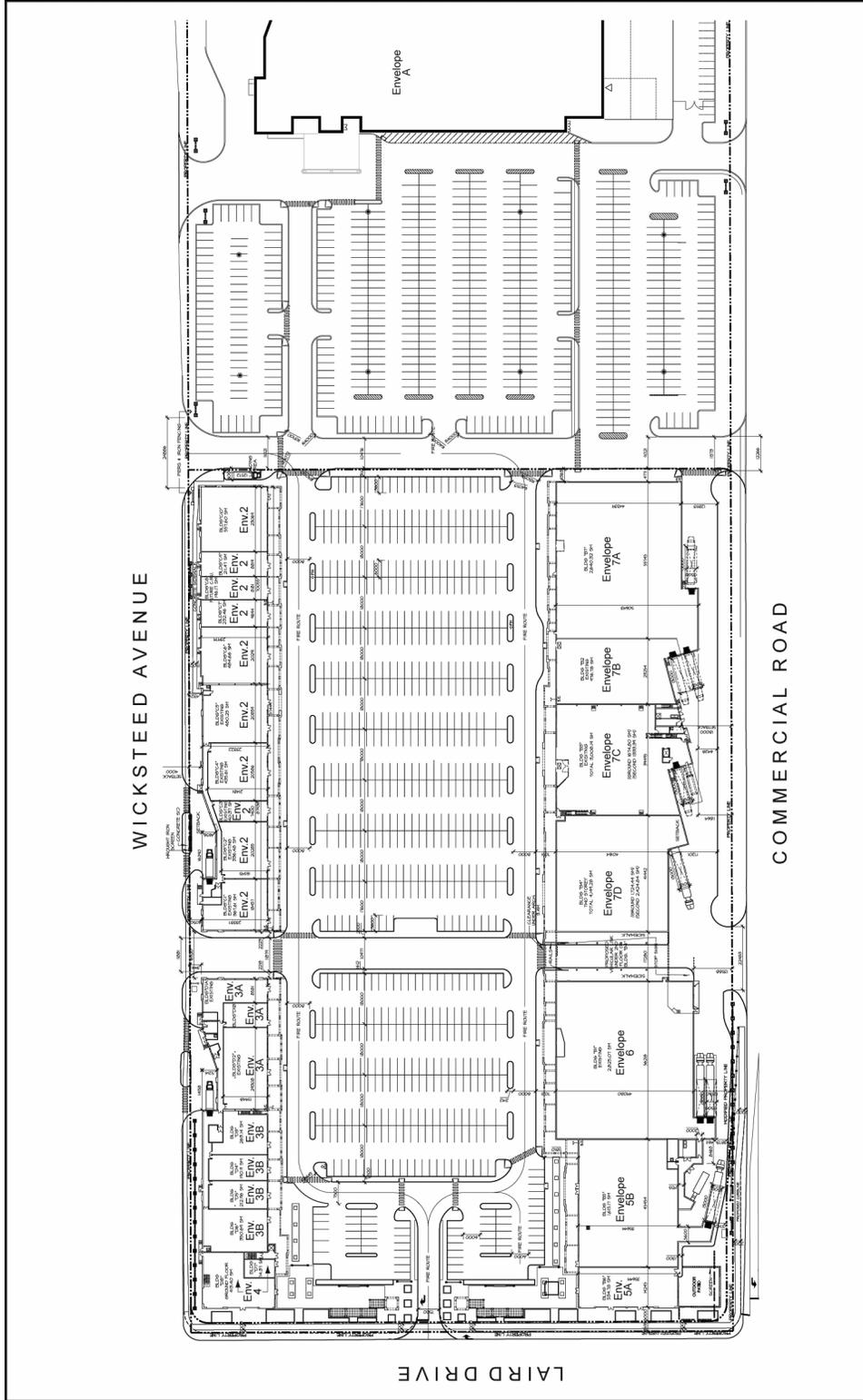
Schedule 3

Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

File # 04_177698

Date: 03/11/2008
 Approved by: D.N.

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 Not to Scale



Schedule 4

Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

File # 04_177698

Date: 03/11/2008
 Approved by: D.N.

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 Not to Scale