

**COMMITTEE OF THE WHOLE JUNE 16, 2003**

**ZONING BY-LAW AMENDMENT FILE Z.02.080  
NORTHWEST JANE RUTHERFORD REALTY LIMITED  
REPORT #P.2003.32**

**Recommendation**

The Commissioner of Planning recommends:

THAT the OMB be advised that Council is not in support of Zoning By-law Amendment Z.02.080 (Northwest Jane Rutherford Realty Limited), and that the Board be requested to dismiss the appeal.

**Purpose**

On December 2, 2002, the Owner submitted an application to amend the Zoning By-law to permit open storage and display of new/used vehicles in conjunction with permitted motor vehicle sales establishments, to facilitate an auto sales campus development.

**Background - Analysis and Options**

The 11.89 ha site is located on the west side of Jane Street, north of Rutherford Road, in Part of Lots 16 and 17, Concession 5, City of Vaughan.

The subject lands are designated "General Commercial Special Policy" by OPA #600 (OPA #483), and zoned C1 (H) Restricted Commercial Zone, with a Holding Symbol (H), subject to Exception 9(1031). The surrounding land uses are:

- North - Paramount Canada's Wonderland (TPC Theme Park Commercial Zone)
- South - Don River tributary (OS1 Open Space Conservation Zone)
- West - Don River tributary (OS1 Open Space Conservation Zone); residential (RV4 and RVM1)
- East - Jane Street; vacant (A Agricultural Zone)

On April 11, 2003, a notice of public hearing was circulated to all property owners within 120 metres of the subject lands, and to the Maple Landing Ratepayers Association. No comments have been received to date.

The following recommendation of the Committee of the Whole on May 5, 2003, was ratified by Council on May 12, 2003:

1. That the recommendation contained in the following report of the Commissioner of Planning, dated May 5, 2003, be approved;
2. That the Zoning By-law amendment be brought forward with the comprehensive report and include a recommendation on the Official Plan conformity;
3. That the applicant meet with the Ward 1 Sub-Committee and the area residents, if necessary; and
4. That the following deputations be received:
  - a) Mr. Leo Longo, on behalf of the applicant; and
  - b) Mr. Mark Mandelbaum, H & R Developments, 3625 Dufferin Street, #500, Toronto, M3K 1N2, on behalf of the applicant.

## Official Plan

The subject lands are designated "General Commercial Special Policy" within the Vaughan Centre Secondary Plan (OPA #483), as amended by OPA #600. The permitted uses include offices, convention centers, hotels, institutional uses, places of entertainment, tourism-oriented uses and recreation uses, including sports facilities, but not including open storage.

The intent of the Vaughan Centre designation is to accommodate mixed use development and to be the location of tourism-related facilities. The Centre was planned to include commercial components to provide a higher order of goods and services, including department stores, specialty stores, major chain stores, restaurants, cafes, places of entertainment and amusement, nightclubs, personal service shops, hotels, business and professional offices.

OPA #483 amended OPA #400, which was later to become OPA #600. The policies of OPA #400 apply to the subject lands, together with the site-specific policies of OPA #483. The general policies for the "Commercial" designations of OPA #600 state that the development of all commercial areas shall not permit open storage.

A specific provision of the Official Plan, related only to "General Commercial" areas, states that:

"Uses which require outdoor storage and display of merchandise such as auto, boat and recreational vehicle sales, may be permitted, but only in locations where their exposure will not detract from the general character of the area, and provided such uses and storage display areas are properly landscaped."

The property is a high profile site, visible from Jane Street, the future road to the north and across the valley from the south and west. In this case, it is expected that it will be difficult to screen the extent of an auto sales campus from all directions with landscaping.

The intent of the Official Plan is to not permit open storage in any commercial area, however the Plan recognizes that there may be limited situations City-wide where a "General Commercial" site could accommodate open storage without undue impact on the surrounding area. This provision contemplates that there could be a General Commercial site, which may be in a less prominent or visible location, where uses requiring outdoor display or storage would have minimal consequence. The adjacent valleylands and residential uses beyond, and the higher order commercial uses designated for the area, the extent of open storage has the potential to detract from the character of the area and to discourage the future siting of higher order uses. As such, the proposal is not considered to satisfy this specific policy of the Official Plan.

## Zoning

The application proposes to amend the provisions of the current C1 Restricted Commercial Zone, which permits a motor vehicle sales establishment within a wholly enclosed building, to permit the outdoor storage and display of new and used motor vehicles.

The application also proposes to lift the "H" Holding provisions from the zoning. The by-law specifies the condition that to lift the "H" Holding Zone, Council must have approved the comprehensive design scheme for the General Commercial Area.

## Site Design

Section 4.2.2.6 of OPA #600 requires that the development of a General Commercial area shall be in accordance with a comprehensive design scheme approved by the City of Vaughan. The design scheme shall provide for the co-ordination of the development and redevelopment of the area and lay out the general orientation and configuration of major buildings, structures and

parking areas, together with access points, traffic circulation, pedestrian circulation, and overall landscaping and buffering.

The applicant provided a comprehensive design scheme (dated April 2003) for an auto-sales campus for 9 buildings, ranging in area from 16,000 sq.ft to 33,500 sq.ft. Sweetriver Boulevard is proposed to extend through the subject lands to the north to the proposed east-west collector road, with another east-west road connecting Sweetriver Boulevard to Jane Street.

### Land Use

The lands south of Canada's Wonderland to Rutherford Road, between Jane Street and Highway 400, have been designated as the Vaughan Centre and propose higher order uses.

Just west of the property are valley lands that contain a greenway system that run through the abutting park and into the residential areas. The Jane/Rutherford intersection is a signature node that was considered as a potential civic centre location and the Vaughan Mills Mega Mall. Rezoning the subject lands to permit the outside storage and display of new and used motor vehicles would not be in keeping with the adjacent land uses or the intent of the Official Plan.

There are alternative more suitable locations within the area to locate such uses, particularly with the employment area to the south.

### Conclusion

Staff have reviewed the applications, and cannot support the proposed amendments to the Zoning By-law to permit the outdoor storage and display of new and used motor vehicles. The Official Plan does not permit open storage and Planning Staff do not believe that the proposed auto sales campus represents good planning for the area, when the use can be more appropriately located in an employment area. Planning Staff does not support Zoning By-law Amendment Application Z.02.080, and should the Committee concur, the recommendation can be adopted.

### Attachments

1. Location Map
2. Comprehensive Design Scheme
3. Draft Zoning By-law

### Report prepared by:

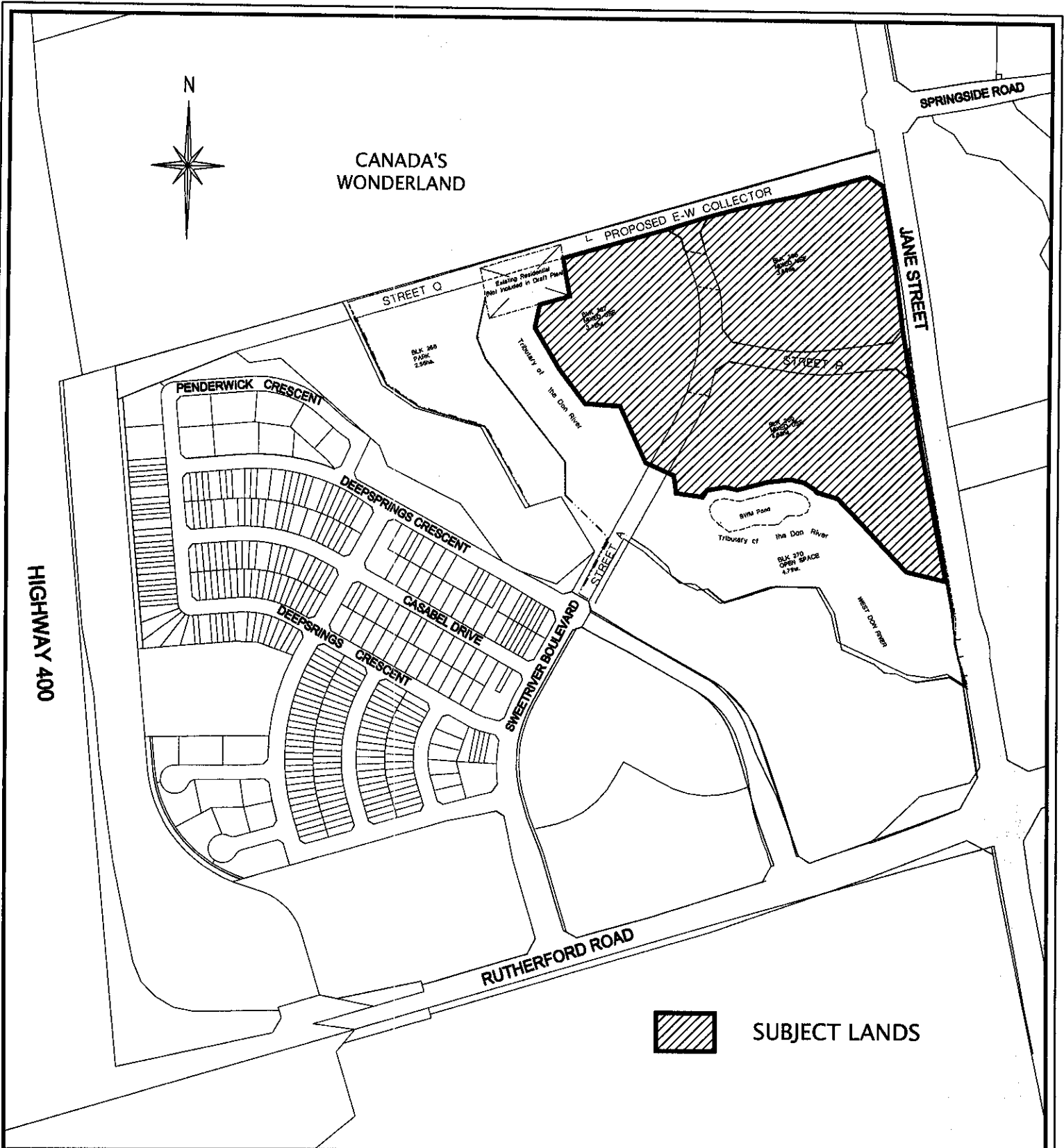
Margaret Holyday, Planner 1, ext. 8216  
Arto Tikiryan, Senior Planner, ext. 8212  
Marco Ramunno, Manager of Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

/CM



**Location Map**

Part Lots 16 & 17,  
Concession 5

APPLICANT:  
NORTHWEST JANE  
RUTHERFORD REALTY LTD.



Community Planning Department

**Attachment**

FILE No.:  
DA.02.080

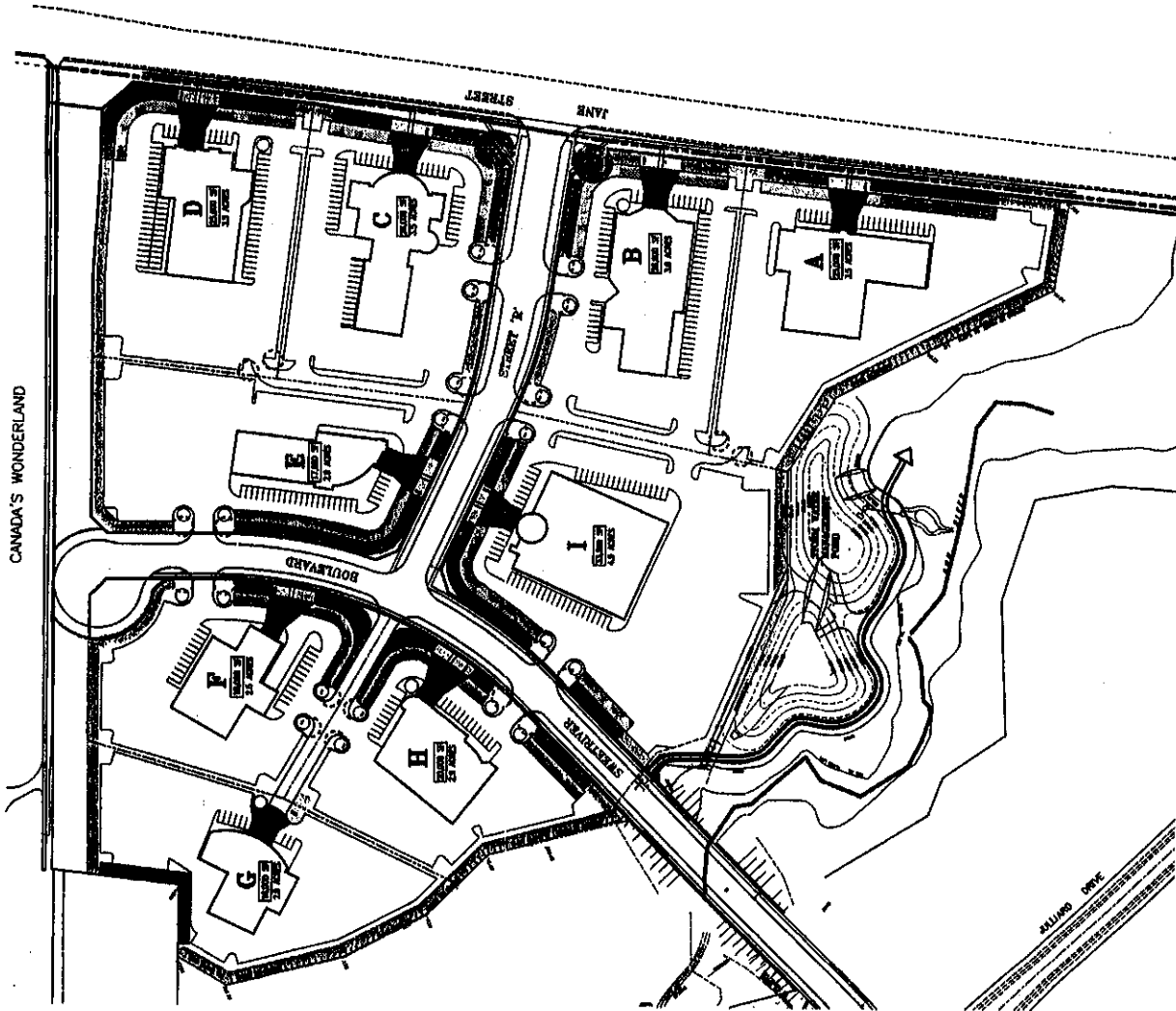
December 6, 2002

Not to Scale

**1**

**LEGEND**

- MAJOR GATEWAY FEATURE
- MINOR/INTERIOR ENTRY FEATURE
- ▬ SPECIAL VEHICLE DISPLAY BUFFER
- ▬ VEHICLE DISPLAY BUFFER
- ▬ PARKING LOT BUFFER
- ▬ EXISTING RESIDENTIAL BUFFER
- ▬ VALLEYLAND BUFFER
- ▬ INTERNAL LANDSCAPE TREATMENT
- ▬ VEHICLE DISPLAY AREA
- ▬ SPECIAL VEHICLE DISPLAY AREA



**Attachment 2**

FILE No.:  
Z.02.080  
May 26, 2003  
Not to scale



**Comprehensive Design Scheme**  
Part Lots 16 & 17,  
Concession 5  
APPLICANT:  
NORTHWEST JANE RUTHERFORD  
REALTY LIMITED  
Community Planning Department

N:\DFT\1 ATTACHMENTS\Z\z.02.080.dwg

**ATTACHMENT NO. 3**

**DRAFT**

**BY-LAW NUMBER \_\_\_\_\_ - 2003**

**A By-law to amend City of Vaughan By-law 1-88.**

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been no amendment to the Official Plan adopted by Council and not approved at this time, with which the matters herein set out are not in conformity;

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

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
  - a) Adding the following paragraph to "EXCEPTIONS" Section 9.0:

"(----) Notwithstanding the provisions of:

    - a) Subsection 5.2 respecting uses permitted in the C1 Restricted Commercial Zone;

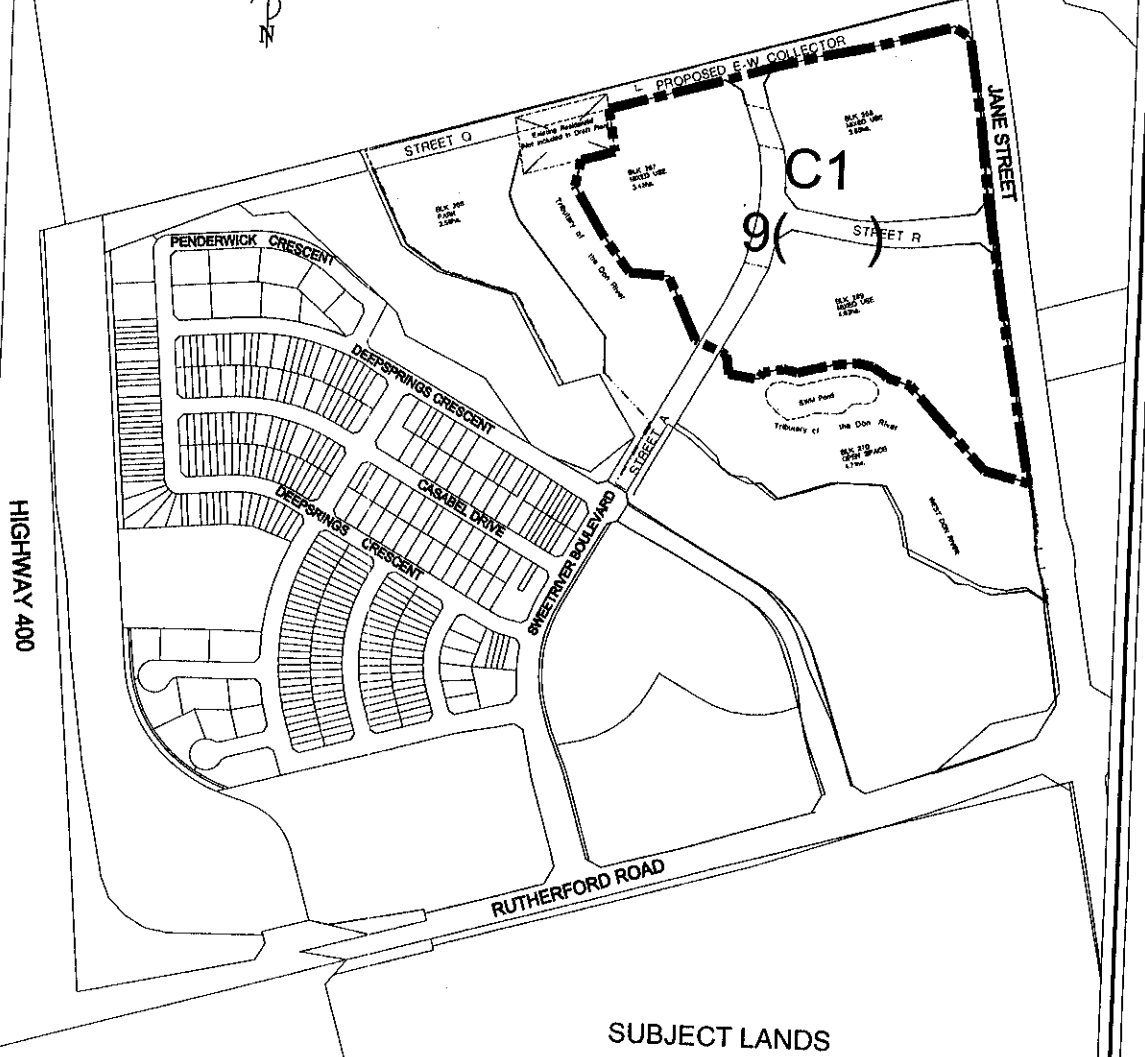
The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-\_\_\_\_":

    - ai) In addition to the uses permitted in the C1 Restricted Commercial Zone, the following use shall also be permitted on the lands shown on Schedule E-\_\_\_\_:
    - Outdoor display and storage of new and used motor vehicles
  - b) Adding Schedule "E-\_\_\_\_" attached hereto as Schedule "1".
  - c) Deleting Key Map 5D and substituting therefore with the Key Map 5D attached hereto as Schedule "2".
  - d) Schedules "1" and "2" shall be and hereby form part of this by-law.

CANADA'S  
WONDERLAND



HIGHWAY 400



SUBJECT LANDS



THIS IS SCHEDULE 'E' -  
TO BY-LAW 1-88  
SECTION 9 ( )

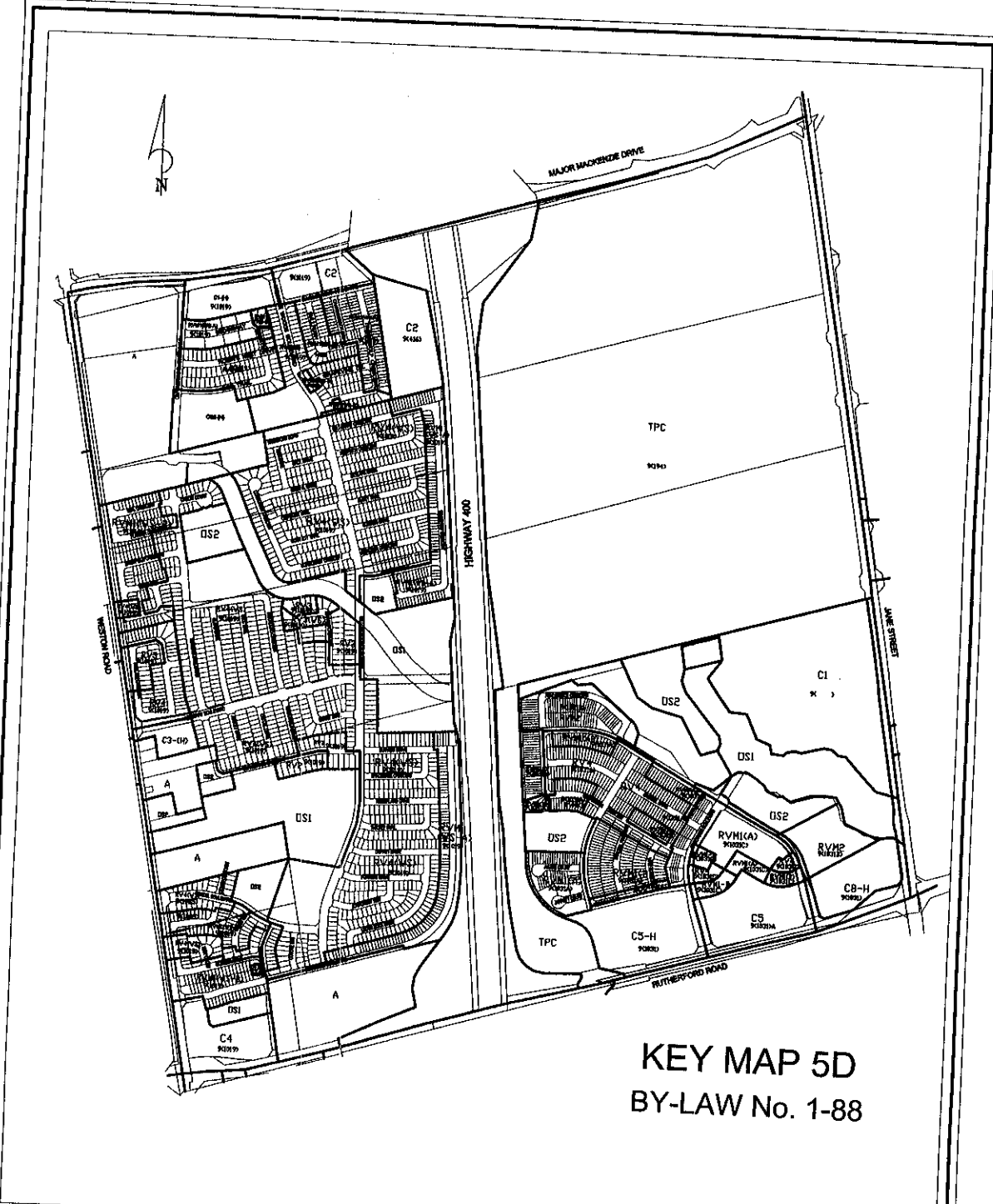
NOT TO SCALE

**THIS IS SCHEDULE '1'**  
**TO BY-LAW \_\_\_\_\_ - 2003**  
**PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003**

FILE No. Z.02.080  
LOCATION: Part Lots 16 & 17, Concession 5  
APPLICANT: NORTHWEST JANE RUTHERFORD REALTY LTD.  
CITY OF VAUGHAN

SIGNING OFFICERS

\_\_\_\_\_  
MAYOR



KEY MAP 5D  
BY-LAW No. 1-88

NOT TO SCALE

**THIS IS SCHEDULE '2'**  
**TO BY-LAW \_\_\_\_\_ - 2003**  
**PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003**

FILE No. Z.02.080  
LOCATION: Part Lots 16 & 17, Concession 5  
APPLICANT: NORTHWEST JANE RUTHERFORD REALTY LTD.  
CITY OF VAUGHAN

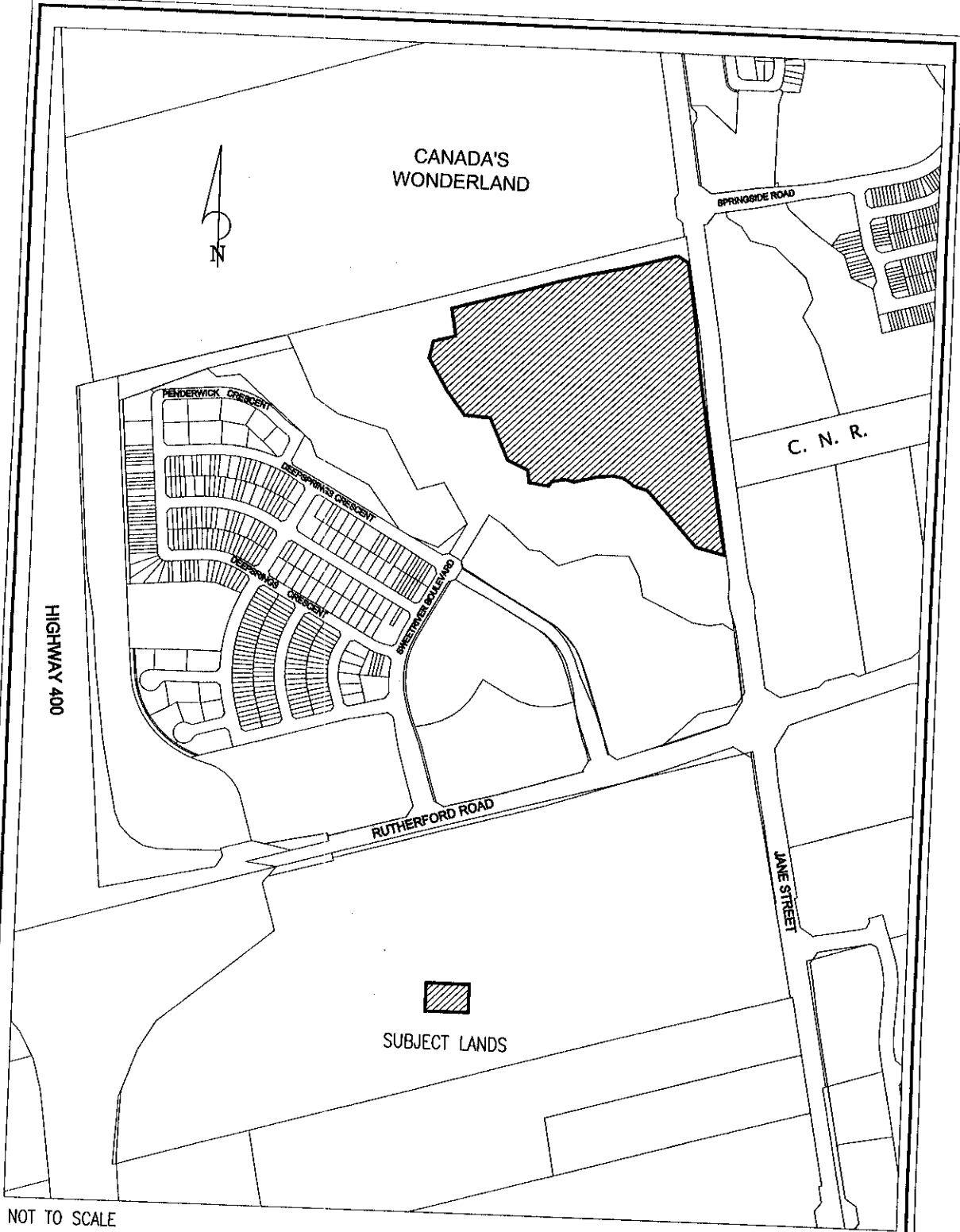


**SUMMARY TO BY-LAW - 2003**

The lands subject to this By-law are located on the west side of Jane Street, north of Rutherford Road, in Part of Lots 16 and 17, Concession 5, City of Vaughan.

The purpose of this by-law is to permit the open storage and display of new and used vehicles in the C1 Restricted Commercial Zone, which will operate in conjunction with the proposed Motor Vehicle Sales Establishment on the subject lands.

**DRAFT**



NOT TO SCALE

# LOCATION MAP TO BY-LAW \_\_\_\_\_ - 2003

FILE No. Z.02.080  
LOCATION: Part Lots 16 & 17, Concession 5  
APPLICANT: NORTHWEST JANE RUTHERFORD REALTY LTD.  
CITY OF VAUGHAN