

**COMMITTEE OF THE WHOLE SEPTEMBER 15, 2003**

**ZONING BY-LAW AMENDMENT FILE Z.03.052  
AUTOMOTIVE PLAZA (HIGHWAY 7 & BOWES ROAD LTD.)  
REPORT #P.2003.55**

**Recommendation**

The Commissioner of Planning recommends:

THAT Zoning Amendment Application Z.03.052 (Automotive Plaza [Highway 7 & Bowes Road Ltd.]) BE APPROVED, to permit a car brokerage use (maximum 30% of unit), accessory to an existing autobody repair shop, in Unit #5 of the existing building, in the EM1 Zone.

**Purpose**

On July 25, 2003, the Applicant submitted an application to amend the Zoning By-law to permit a car brokerage use, accessory to an autobody repair shop, in Unit #5 of the existing building, in the EM1 Prestige Employment Area Zone.

**Background - Analysis and Options**

On February 7, 2002, the Committee of Adjustment refused Permission Application A348/01 (Automotive Plaza [Highway 7 & Bowes Road Ltd.]) to permit a motor vehicles sales establishment use in Unit # 5, as an accessory use to an automotive repair or autobody repair shop. The site-specific EM1 Zone permits the building to be used only for the purpose of servicing and repairing automobiles, and one eating establishment. This application proposes the introduction of a new retail oriented use as accessory to the service use permitted in Unit #5.

The Applicant appealed the Committee of Adjustment decision to the Ontario Municipal Board (OMB), which was denied. The Applicant requested a review of the OMB decision, which was granted, but did not result in any change to the original Board decision.

The site is located on the northwest corner of Regional Road 7 and Bowes Road (2006 Regional Road 7, Unit #5), in Lot 6, Concession 3, City of Vaughan. The site is developed with a 2,300 m<sup>2</sup>, 7-unit industrial building, and has 98.42 m frontage on Regional Road 7 and 114.2 m flankage on Bowes Road. Unit #5 has an area of 373.3 m<sup>2</sup>.

The subject lands are designated "Prestige Area" by OPA #450 and zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exception 9(240). The surrounding land uses are:

- North - employment (EM1 Prestige Employment Area Zone)
- South - Regional Road 7; residential (R2 Residential Zone)
- East - Bowes Road; employment (EM1 Prestige Employment Area Zone)
- West - employment (EM1 Prestige Employment Area Zone)

On July 28, 2003, a notice of a public hearing was circulated to all property owners within 120 m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole on August 18, 2003, to receive the public hearing and forward a technical report to a future Committee meeting, was ratified by Council on August 25, 2003.

### Official Plan

The subject lands are designated "Prestige Area" by OPA #450. The "Prestige Area" designation provides opportunities for activities that require high visual exposure, good accessibility and an attractive working environment, and permits a wide range of industrial, office business and civic uses, with no outside storage. The proposed use conforms to the Official Plan, and will be contained completely within the building, thereby not affecting parking or the appearance of the site.

### Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone, subject to site-specific Exception 9(240). The car brokerage use has been permitted in the EM1 Zone of By-law 1-88 since 1995, but is not permitted on the subject lands as the site-specific exception restricts the permitted uses to the servicing and repairing of vehicles only, and one eating establishment. By-law 1-88 differentiates between a car brokerage use and service and repair use, therefore, a by-law amendment is required to permit the additional use of a car brokerage, accessory to an existing legally permitted autobody repair shop.

By-law 1-88 defines a "Car Brokerage" use as follows:

"Means a building or part of a building used for sales/leasing/rental of passenger vehicles, and shall not include the sale of automotive parts, mechanical repairs, or autobody repairs, or the outside display or storage of motor vehicles."

The above-noted definition for a car brokerage use would need to be amended in the site-specific zoning exception to refer only to the "sales/leasing/rental of passenger vehicles", which is the portion of the use that will be associated with the permitted autobody repair shop. The outside display or storage of motor vehicles is not permitted in the EM1 Zone, and is not proposed in the application.

### Parking

The site-specific zoning exception requires a minimum of 40 parking spaces to be provided on the subject lands. The site is developed with 168 parking spaces, resulting in a surplus of 128 spaces.

### Land Use/Compatibility

On August 25, 2003, Staff conducted a site inspection of the property, and confirmed that all but one of the uses, an eating establishment, were automobile service and repair oriented. Staff also observed that there was a sufficient amount of available parking on the site, which can be attributed to the nature of the automotive servicing and repair-related business conducted on the site. As most patrons visiting the subject lands would be leaving their vehicles in the care of the repair establishments, there would not be a great demand on parking spaces. Moreover, outdoor storage of vehicles is not permitted, and would require any vehicles being serviced to be kept within the interior of the units for the duration of the servicing, as opposed to being stored in the parking area. The parking required for the 81m<sup>2</sup> eating establishment in Unit #1 is minimal, and the 128 surplus parking spaces can more than accommodate the introduction of an accessory car brokerage use.

Staff are of the opinion that the proposed zoning amendment to permit a car brokerage use, accessory to an existing autobody repair shop, in Unit #5 of the subject lands, is appropriate and compatible with the uses in the building. The addition of the car brokerage use would not impact upon the exterior appearance and aesthetics of the building or site, or have any significant impact

on the overall site parking, as the use would be completely contained in the building. The applicant has indicated that no more than 5 cars would be stored within the unit.

To maintain the primary use of the site for automotive service and repairs, Staff recommends that a maximum of 30% of the gross floor area of Unit #5, be dedicated to the car brokerage use. Limiting the area of the accessory use will ensure that the primary business in the unit is for the service and repair of vehicles. The maximum size restriction would also be consistent with the 30% accessory retail sales that is applicable to an industrial employment use.

### **Conclusion**

Staff are of the opinion that the proposed zoning amendment to permit a car brokerage use, accessory to an existing autobody repair shop, in Unit # 5 of the subject lands, conforms to the Official Plan. The car brokerage use is also considered to be appropriate and compatible with the autobody repair shop and the other uses in the building. The addition of the car brokerage use would not impact upon the exterior appearance and aesthetics of the building or site, or have any significant impact on parking, as the use would be completely contained in the building, and restricted to a maximum of 30% of the gross floor area of the unit.

For these reasons, Staff recommends approval of zoning amendment application. Should the Committee concur, the recommendation in this report can be adopted.

### **Attachments**

1. Location Map
2. Site Plan

### **Report prepared by:**

Arminé Hassakourians, Planner, ext. 8368  
Grant A. Uyeyama, Senior Planner, ext. 8635  
Marco Ramunno, Manager, Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

/CM



FILE No.:  
Z.03.052

Not to Scale  
July 24, 2003

CITY of  
**Vaughan**

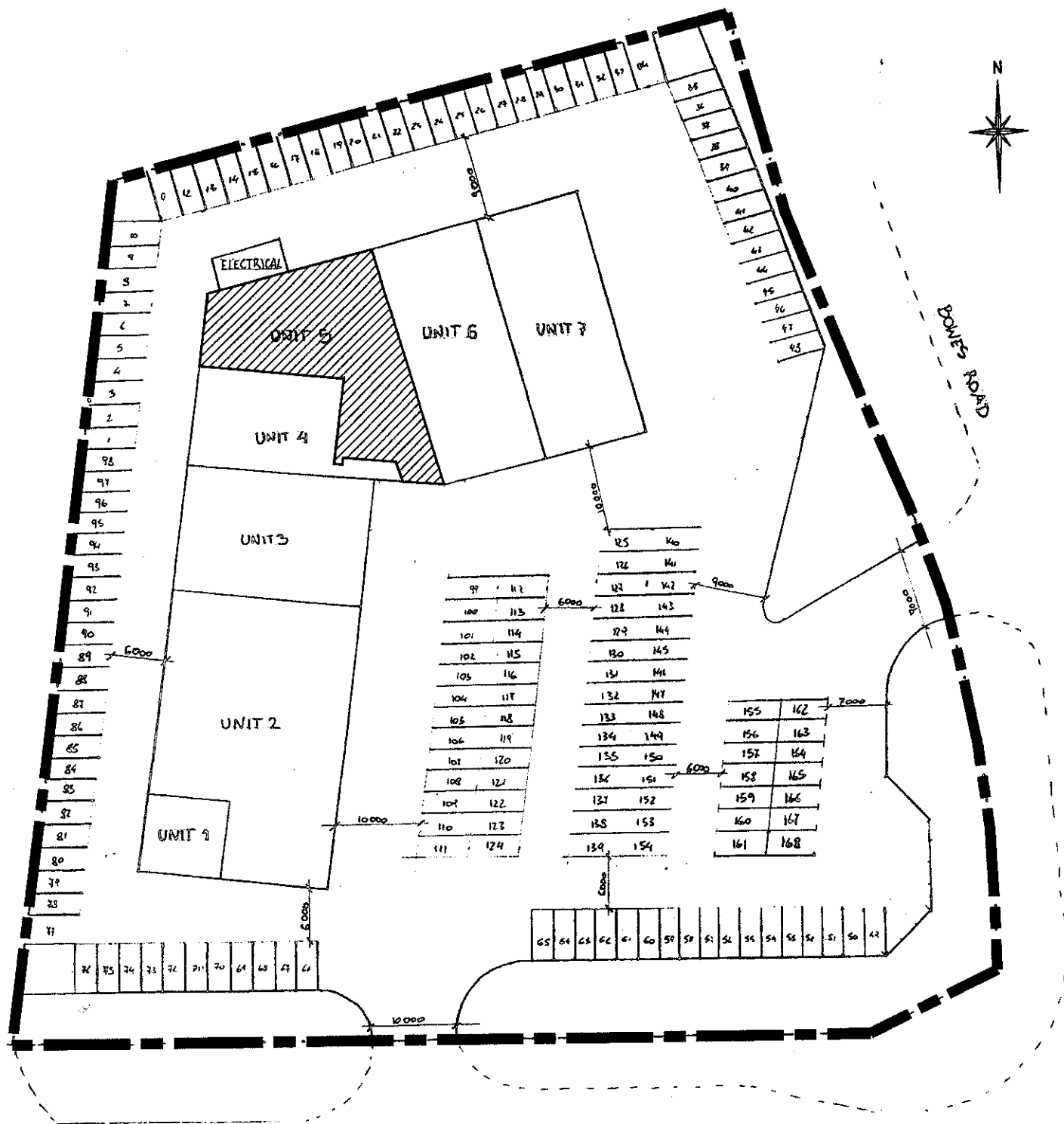
Community Planning Department

**Location Map**

Part of Lot 6,  
Concession 3

APPLICANT:  
AUTOMOTIVE PLAZA (HWY 7 & BOWES RD LTD.)

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HIGHWAY #7

SUBJECT LANDS

UNIT 5



# Site Plan

Part of Lot 6,  
Concession 3

APPLICANT:  
AUTOMOTIVE PLAZA  
(HWY 7 & BOWES RD LTD.)



Community Planning Department

# Attachment

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