

SPECIAL COMMITTEE OF THE WHOLE JANUARY 19, 2004

**OFFICIAL PLAN AMENDMENT APPLICATION OP.03.006
ZONING AMENDMENT APPLICATION Z.03.015
JANE RUTH DEVELOPMENT INC.
REPORT #P.2003.28**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Committee of the Whole direct Staff to undertake a comprehensive land use study for the undesignated lands within the Vaughan Centre Secondary Plan Area and prepare an implementing Official Plan Amendment.
2. THAT the terms of reference for this study be prepared for Council's consideration and approval as soon as possible.
3. THAT Official Plan Amendment Application OP.03.006 and Zoning Amendment Application Z.03.015 (Jane Ruth Development Inc.) BE HELD IN ABEYANCE pending the completion of a secondary plan study as required by the Official Plan.
4. THAT Official Plan Amendment Application OP.03.006 (Jane Ruth Development Inc.) as it applies to the lands municipally known as 2920 Rutherford Road (Crisante Lands) BE REFUSED, and that the landowner(s) submit appropriate planning applications upon completion of the secondary plan study.
5. THAT Council direct the City Solicitor to seek an adjournment of the Ontario Municipal Board Hearing for a period of at least six months to complete a secondary plan study, and that should such request not be granted, the Board be advised that the City opposes the applications as being premature, as set out in this report.

Purpose

On January 21, 2003 and February 27, 2003 the Owner submitted Official Plan and Zoning Amendment applications respectively, to redesignate and rezone the 5.54 ha subject lands to an appropriate residential category to permit five (5) apartment buildings, ranging between 5 and 12 storeys in height, and totaling 808 residential units. The application has subsequently been amended to permit three (3) condominium apartment buildings and 40 townhouse units, totalling 784 residential units, as summarized in the following chart:

	Height	No. of Units	Gross Floor Area	Parking Spaces
Building A	14 storeys	290	27,160m ²	426
Building B	10 storeys	262	23,737m ²	394
Building C	10 storeys	192	17,400m ²	288
Townhouses	3 storeys	40	8,100m ²	50
Total	-----	784	76,397m ²	1,258

Background - Analysis and Options

The 5.54 ha site is located on the northeast corner of Jane Street and Rutherford Road, in Lot 16, Concession 4, City of Vaughan. The site is currently developed with an existing dwelling.

The lands are part of the Vaughan Centre Secondary Plan Area, as defined by OPA #600, and designated "Rural" by OPA #4, as amended. The property is zoned A Agricultural Zone by By-law 1-88, subject to site specific Exceptions 9(669) and 9(801). The Official Plan and Zoning By-law do not permit the proposed residential uses and therefore, amendments are required. The surrounding land uses are:

- North - CN Pullback Track (M3 Transportation Industrial Zone) and vacant (A Agricultural Zone)
- South - Rutherford Road; vacant (A Agricultural Zone), (approved for office and commercial uses)
- East - detached dwelling, (A Agricultural Zone)
- West - Jane Street; vacant (C1 (H) Restricted Commercial Zone and C8 (H) Office Commercial Zone)

On April 7, 2003, the applications were considered by the Committee of the Whole at a Public Hearing. At that meeting, several residents appeared before Council and correspondence has been received raising several concerns respecting the applications, which are summarized as follows:

- the proposed density is too high;
- the existing infrastructure, particularly the roads, are too congested;
- the schools, community centres, libraries and other services are not designed to handle this type of growth and not conveniently located with respect to this site;
- the property should be maintained in its current condition;
- emergency services are already stretched to their limits;
- the proposal is not compatible with the existing community;
- during the City's Official Plan review, it was decided that higher densities would be located in the Vellore and Patterson Village areas, which are not in proximity to the subject property.

The recommendation of the Committee of the Whole on April 7, 2003, to receive the public hearing and forward a technical report to a future Committee of the Whole meeting, was ratified by Council on April 14, 2003.

A notice of this January 19, 2004 meeting was sent to those people on file having requested notification of future meetings or having appeared before Council. A notice was also sent to the Maple Landing Ratepayers Association, Paramount Canada's Wonderland and CN Rail.

Ontario Municipal Board

Pursuant to s.34 (11) of the *Planning Act*, the Owner has filed an appeal to the Ontario Municipal Board (OMB) for the subject applications, as Council did not consider the applications within the timeframes stipulated under the Act. On October 29, 2003, an OMB Prehearing was held respecting the subject application. The OMB has scheduled a second prehearing for January 28, 2004, and a full hearing for April 6 to May 7, 2004.

Existing Land Use Context

The subject site is developed with a single storey dwelling having access from Jane Street. The natural features of the property consist of a tributary of the West Branch of the Don River, a pond, a mix of planted, ornamental trees and vegetation associated with the watercourse. The remainder of the site consists of a manicured lawn and other vegetation, and there appears to be soil which has been stockpiled on the site.

The lands east of the subject property contain part of the West Branch of the Don River, vegetation, and a residential dwelling accessed from Rutherford Road.

The lands south of Rutherford Road are wooded with an open field in the centre, and developed with a detached dwelling. The valley and stream corridor on the subject lands extend to these lands. The lands are subject to a Zoning Amendment and Site Development applications (Files Z.02.007 and DA.02.064 - Delisle Properties Limited), which have been approved to permit a 4-storey office building and three multi-unit commercial buildings.

The lands on the southwest corner of Jane Street and Rutherford Road are currently being developed with approximately 157,930m² (1.7 million sq. ft.) of commercial development, including a 130,060m² (1.4 million sq. ft.) enclosed shopping mall (Cambridge Mills). Applications to amend the Official Plan and Zoning By-law have recently been received to permit an automobile gas bar with a convenience kiosk and car wash on the immediate southwest corner of Jane Street and Rutherford Road.

The lands at the northwest corner of Jane Street and Rutherford Road are undeveloped. Further north along Jane Street, an application has been approved to permit an automobile sales campus, south of Paramount Canada's Wonderland. A Canadian Tire is located on Rutherford Road at Sweetwater Boulevard, and north and west of that is the Centre Park Community of low and medium density residential development.

To the immediate north, the subject lands abut a CN pullback track, which operates in conjunction with the rail yard south of Rutherford Road. North of the tracks is a buffer strip between the pullback track and the southerly portion of the Maple Community.

Policy Context

i) Provincial Policy Statement

The Provincial Government has issued a Provincial Policy Statement (PPS) respecting the key provincial interests related to land use planning in Ontario. Section 1.1, Developing Strong Communities, states (in part) that land requirements and land use patterns will be based on densities which efficiently use land, resources and infrastructure and public service facilities, and support the use of public transit and the provision of a range of uses and opportunities for intensification in areas which have existing or planned infrastructure to accommodate them.

The PPS provides provisions for a full range of housing types and densities by encouraging all forms of residential intensification in built-up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification.

The PPS states that long term prosperity will be supported by planning so that major facilities, such as transportation corridors and sensitive land uses, are appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, odour and other contaminants. Corridors and rights-of-way for significant transportation and infrastructure will also be protected.

ii) Planning Act

The *Planning Act* identifies areas of Provincial interests, including:

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and,
- the orderly development of safe and healthy communities.

iii) Regional Official Plan

The Region of York Official Plan (RYOP) designates this site as “Urban Area”, and both Jane Street and Rutherford Road as “urban corridors”. The policies of the Regional Plan direct growth to areas designated as urban areas and encourage a mix of housing and employment uses along the urban corridors. The Regional Official Plan also encourages area municipalities to prepare detail land use plans for centres. The Regional Plan further includes housing policies that encourage a range of different housing forms, sizes and tenure.

The RYOP requires that noise, vibration and safety issues are addressed for land uses adjacent to railway corridors and terminal facilities.

Region of York Planning Staff has advised they support the proposed land use change in so far as it is consistent with Regional Official Plan Policies to provide a wider range of housing options for residents, and provide medium and higher density urban development adjacent to transit-intensive urban arterials. However, since there is no sewer capacity for the proposal, the Region is unable to exempt the application from Regional approval.

iv) OPA #483 & #600 - Vaughan Centre

The subject lands were included in OPA #483, which adopted a secondary plan for the Vaughan Centre area, and has subsequently been consolidated into OPA #600 and identified on Attachment No. 2. OPA #483 and OPA #600 do not provide a land use designation for the lands in the Vaughan Centre on the east side of Jane Street, including the subject lands. The designation of these lands is to be implemented through a further secondary plan process. Accordingly, the underlying “Rural” designation established by OPA #4 applies to this site.

OPA #483 implements the general policy direction of OPA #400, which provides that an “urban centre” be developed at the Jane Street/Rutherford Road node. This secondary plan contains policies and designations which permit a range of civic, recreational, commercial, employment and residential land uses, as well as social and cultural facilities, to the west of Jane Street.

Vaughan Centre is envisaged to serve as a focal point for the City, with a residential community providing a full range of housing types. The Plan provides for a total of approximately 1,000 residential units and an approximate population of 3,000 persons.

v) Vaughan Vision 2007

Council has adopted a Corporate Strategic Policy Statement identified as Vaughan Vision 2007. The Vision includes a set of strategic priorities, goals and objectives that will guide the City over the next five years. It is a blueprint of Vaughan’s future, based on the City’s commitment to service excellence for its citizens and businesses. A key aspect of the strategic priority areas identified by the document includes a commitment to focus on encouraging managed growth through the implementation of OPA #600.

vi) Maple Community Plan (OPA # 350)

The subject property abuts the boundary of the Maple Community Plan (OPA #350), which includes a significant portion of the CN pullback track north of Rutherford Road. OPA #350 includes the following policies with respect to residential development in proximity to the pullback track:

- residential development within 150 metres of the CN Rail pullback track shall not be permitted; and,
- residential development within 150 metres to 250 metres of the pullback track shall be air-conditioned and contain a strong warning clause on Title indicating likely disturbance of outdoor activities. Purchasers must sign a waiver indicating that they are aware of the clause and accept that noise reduction cannot be expected.

On the north side of the pullback track, opposite the subject lands, a 150m buffer strip has been provided between the tracks and the residential community.

vii) Ministry of Environment Guideline D-6

The Ministry of the Environment has issued Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses. The objective of the D-6 Guideline is to prevent or minimize the encroachment of sensitive land uses upon industrial land uses.

Site Plan

The proposed site plan includes three multi-storey buildings. The main 14-storey building is “V”-shaped and located at the intersecting corner of Jane Street and Rutherford Road. The two 10-storey buildings are located in the central portion of the property. One building is oriented in a “V” shape relative to Jane Street and the other is located closer to the easterly property line. Townhouse units are located along the north and east property lines. Vehicular access to the site is provided from both Jane Street and Rutherford Road. A driveway connects the two access points and provides circulation throughout the site, including a crossing of the tributary.

A landscaped open space is provided between the townhouse units and the 10-storey building along Jane Street. This area includes a “community space”, for which specific uses have not been identified.

Land Use

OPA #483

When the secondary plan for the Vaughan Centre was undertaken, the plan area included the lands along Rutherford Road from Highway 400 to Jane Street, as well as a small portion northeast of Jane Street and Rutherford Road, which had not been included in the Maple Community Plan (OPA #350). Designation was given to the lands west of Jane Street and the appropriate uses for lands to the east of Jane Street were essentially deferred to a future planning process. With respect to the subject property, OPA #483, which is consolidated into OPA #600, states:

“The remaining lands located within the area designated Vaughan Centre Secondary Plan Area and the lands located within the Vaughan Corporate Centre Secondary Plan Area shall remain subject to the current underlying Official Plan designations and policies pending the completion and approval of a secondary plan(s).”

A secondary plan for the lands on the east side of Jane Street within the Vaughan Centre Secondary Plan Area, as required by the City’s Official Plan has not been undertaken by either the City or the applicant. The subject application does not include a planning justification report assessing the merits and impact of the proposed development in the context of the Official Plan.

Completion of this secondary plan is considered necessary from a planning perspective for several reasons, as described below:

a) Urban Centres Identified By OPA #600

OPA #600 identifies the Carrville District Centre (Dufferin Street and Rutherford Road) and the Vellore Village Centre (Weston Road and Major Mackenzie Drive) as Centres where higher densities are to be accommodated. The Vellore Village Centre has undergone a secondary plan process, which has been implemented by OPA #650. The Carrville District Centre is undergoing a secondary plan process, expected to be completed in early 2004. The Highway 7 Corridor Study, presently in progress, reviews the potential for additional higher density residential uses at specific areas along the Highway #7 corridor, including the Vaughan Corporate Centre.

There has been no detailed planning analysis of the potential impacts of the proposed high density development on these planned centres for high density residential land uses. The preparation of a secondary plan for the remaining lands in the Vaughan Centre would thoroughly identify and review the implications on a City-wide perspective.

b) OPA #600 – Planned Unit and Population Numbers

Vaughan Centre is envisaged to serve as a focal point for the City with a residential community providing a full range of housing types. The Plan provides for a total of approximately 1,000 residential units and population of 3,000 persons.

To date, approximately 649 units (semi-detached and townhouses) have been approved and/or developed in Vaughan Centre. In addition, the vacant 3.46 ha parcel on the northwest corner of Jane Street and Rutherford Road has approved Official Plan policies in place for residential density up to 120 units/ha, which could permit a maximum up to 415 units, bringing the total to 1064 units for the designated portion of the Vaughan Centre Plan Area.

The proposed development of 784 units would result in both the planned number of units and population being exceeded. The applicant has provided a market implication report to justify exceeding the unit and population figures. The Official Plan and the proposed applications should be reviewed in the context of the current city planning initiatives.

c) Planning Context

OPA #600 sets out a vision for Vaughan Centre as being an “Urban Centre” where higher densities, a mix of land uses and prestigious development would be achieved. Vaughan Centre was once considered as a possible location for a new Civic Centre, which is no longer the case. The “urban centre” as envisaged by the Plan has not been realized. The residential development which has occurred to date is characterized by a low-rise residential development (semi-detached and townhouse), “big-box” retail uses (i.e. Canadian Tire, approved Highland Farms Supermarket) and an approved automobile dealership campus. The planning context for the Vaughan Centre area is materially different than originally envisaged and accordingly, a comprehensive review of the appropriate land uses for the undesignated lands within Vaughan Centre, in context of the emerging nature of the area, is warranted.

d) Comprehensive Development

The 3 undeveloped properties east of Jane Street within Vaughan Centre are subject to many of the same constraints, including a valley system and associated environmental issues, the CN pullback track serving a major transportation infrastructure, adjacent arterial roads and limited access opportunities. These constraints should be reviewed in the context of all the undesignated lands in Vaughan Centre. These properties form a logical planning unit within which to assess the constraints and land use capability of this area.

The Official Plan Amendment application filed by the applicant includes the abutting lands to the east (2920 Rutherford Road), owned by Cecilia Crisante and shown on Attachment No. 1. City policy requires that planning applications be authorized by the Owner(s) of the land to which the application(s) apply. In this case, the application is not authorized by the Owner of 2920 Rutherford Road. The studies (i.e. traffic, noise etc.) submitted in support of the application do not include this property in their analysis. Only the archaeological study included the Crisante lands as part of a Stage 1 analysis. The application does not provide a planning rationale or other analysis/studies as a basis for the proposed redesignation of 2920 Rutherford Road.

The site plan submitted in support of the applications proposes a noise berm/fence along the north and east property lines of the subject property. A building is also located along the east property line, south of the termination of the noise berm/fence. Access to the Crisante lands is hampered by valleyland along the Rutherford Road frontage, and the tableland portion is more readily accessible from the west via the subject lands. The site plan effectively isolates the subject property from the Crisante lands, limiting development potential and comprehensive attention to the constraints. Some of the efficiencies that could occur from developing the two properties together (i.e. shared access, noise attenuation and amenity areas) are precluded by the proposed site plan and have not been considered at a conceptual level.

The Official Plan Amendment application appears to include the Crisante lands in an effort to achieve the appearance of a comprehensive planning exercise, or in an attempt to comply with the Official Plan requirement for a secondary Plan. However, practically, it is clear that the two parcels have not been considered in a comprehensive manner.

e) CN Pullback Track & OPA #350 (Maple Community Plan)

All of the undesignated lands within Vaughan Centre abut the CN pullback track, which extends from the CN marshalling yard located south of Rutherford Road. This yard is significant in size and operates 24 hours a day, seven days a week. CN has provided data indicating that an average of over 2,400 railway cars per day has used this track from 2001 to April 2003, totaling over 880,000 railway cars per year. CN has further advised that they are contemplating modifications to the automated humping system in the yard, which could result in approximately 4,000 cars per day using the pullback track.

Noise is created when a locomotive from the rail yard pulls a number of cars north and west onto the pullback track, stops and then pushes them back southward into the rail yard. The locomotive stops and starts on the pullback track and the rail cars collide with each other. The engines from the locomotives pulling the cars create noise, in addition to wheel squeals heard when the locomotive and rail cars negotiate the curve in the pullback track.

The CN pullback track creates a pocket of land bounded by the track to the north and east, Jane Street to the west and Rutherford Road to the south. Within this pocket, the existing land uses include a police station, the City of Vaughan and Region of York Works Yards, a proposed household waste transfer station, two dwellings fronting on Rutherford Road, valley and vacant lands. The lands on the south side of Rutherford Road, extending to Regional Road 7, and between Weston Road and Keele Street, are developed or planned for primarily employment area and commercial uses. The Maple Community to the north and east of the pullback track consists of primarily low density and medium density residential, and supporting commercial and institutional uses.

The pullback track presents a land use constraint from the perspective that it forms a significant physical barrier between the Maple residential community and the subject lands, and the noise and activity associated with its use. Often, arterial roads, natural or man-made features are used as boundaries between different uses.

The Ministry of the Environment Guideline D-1, Land Use Compatibility, identifies that the preferred approach for protecting incompatible land uses from each other is a separation distance. The Guideline states (in part);

“Distance is often the only effective buffer, however, and therefore adequate separation distance, based on the facility’s influence area, is the preferred method of mitigating adverse effects.”

A physical separation between the pullback track and residential uses is the approach that has been utilized for existing residential development along the north side of the track. The Maple community residential development maintains a 150m separation distance from the track, within which a 6m high earth berm has recently been installed to address noise concerns. This separation distance approach has been established in policy in the Maple Community Plan (OPA #350), which has been approved since 1990.

Application of the 300m minimum separation distance suggested by CN effectively renders the site undevelopable for residential purposes. Application of a 150 metre setback as established in the Maple Community Plan, leaves the southerly approximately two-thirds of the property with residential development potential. A planning assessment with respect to an appropriate land use within 150 metres of the pullback track has not been undertaken.

f) Building Form

The applications contemplate 14-storey and 10-storey high buildings on the subject lands. These building heights are in excess of the 8-storey maximum height prescribed by OPA #600 on the northwest corner of Jane Street and Rutherford Road. The property at the southeast corner of Jane and Rutherford has been approved for a 4-storey office building and 1-storey commercial buildings. This proposal would introduce a building form into the Maple Community and Vaughan Centre that is atypical of existing development within the surrounding community. The building forms appropriate for the undesignated lands in Vaughan Centre should be considered in the context of the surrounding land uses.

g) Servicing

The Engineering Department has advised that the proposed development will require formal allocation of sewage and water capacity by Council in conjunction with Draft Plan or Site Plan Approval. Currently, servicing capacity from the Maple Service Area is not available for any new development, including this subject application. Given the anticipated construction completion schedule for the Regional Langstaff and Bathurst Collector Sewers by 2006, the City is currently working with the Region of York to prioritize the additional sanitary servicing capacity in Maple. Additional water supply capacity is expected with the completion of the York-Peel Feedermain by 2005.

It is anticipated that the Region of York will be providing the City with additional interim sanitary servicing capacity for 2,800 persons equivalent in the near future, once the necessary agreements with Block 18 and 33 West landowners for the up-front financing of the Langstaff Trunk sewer are in place. On September 8, 2003, Council endorsed the reservation of this capacity to specific infill sites within the Maple Service Area, which did not include the subject lands.

A functional servicing report will be required in support of the applications. The report must be prepared by a professional engineer, addressing all proposed servicing, grading, site access and development limit issues for the proposed development.

h) Ministry of the Environment Guidelines

The Ministry of the Environment (MOE) has published Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses, intended to be applied in the land use planning process in order to minimize future land uses problems due to the encroachment of sensitive land uses and industrial land uses on one another. The guideline defines a sensitive use, which includes a residential use. The railway yard located south of Rutherford Road is defined as an industrial use by the Guideline, and would be categorized as a Class III industrial use, according to MOE criteria. The Guideline establishes recommended minimum separation distances of 20m, 70m and 300m for Class I, II and III industrial facilities, respectively. The Guideline requires that studies for noise, dust and odour be submitted to the City for review and approval. To date, dust and odour studies have not been submitted in support of the development applications.

An issue that requires resolution is the classification of the pullback track, which extends from the rail yard and the appropriate separation distance from the track and residential uses. As noted above, existing residential development respects the 150m setback from the pullback track required in the Maple Community Plan (OPA #350). CN has advised by way of letter that no residential development should occur within 300 metres of a rail yard, which includes the pullback track. CN also noted in a letter that they would not support any residential building setback less than the minimum agreed to as part of the settlement for the recently constructed 2500 Rutherford Road (Villa Giardino), being less than the minimum 300-metre setback.

As part of a secondary plan comprehensive review for these lands, the issue respecting the appropriate setback between the pullback track and residential uses can be addressed in a comprehensive manner for all the undesignated lands within Vaughan Centre.

Department and Agency Comments

a) Fire Department

The Vaughan Fire Department has conducted a preliminary review of the application and advises that water pressure and supply may be insufficient for fire-fighting applications. Water pressure and/or supply may need to be increased, and/or supplemental fire pumps may need to be provided to supply the necessary fire-fighting water for the buildings. The request to the applicant to retain a consultant to fully evaluate the fire-fighting water supply and discuss this with the Fire Department, has not been addressed.

b) Traffic Volumes

A traffic study was undertaken by the applicant's consultant, Paul Hill Consulting, to address the traffic impacts of the proposed development. The study concludes that the proposal will generate moderate levels of traffic and that the planned road improvements, and those specifically required for this development, will accommodate trips to and from the development. The study concludes that the following road improvements are required to serve the development:

- a median island on Jane Street at the proposed full movement access;
- a westbound right turn lane at the proposed access to Rutherford Road;
- a northbound right turn lane on Jane street at the proposed full movement access facility; and,
- a median island to Rutherford Road at the proposed right turn in/out access (to prevent wrong way movements).

The Region of York Transportation and Works Department has reviewed the application and advised the following requirements:

- the Region is protecting for a 36 metre wide right-of-way on Jane Street and the applicant will be required to dedicate, at no cost to the Region of York, the required right-of-way;
- all municipal setbacks are to be referenced from the site's new property line; and,
- access is to be provided to the satisfaction of the Region of York Transportation and Works Department and comments respecting the traffic study will be provided at the site plan control stage of the development proposal.

c) Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has reviewed the application and supporting documentation and has advised that they have no objections, subject to the following conditions:

- that the open space block be designated in a land use category that prohibits structural encroachment;
- that the open space block be placed in a zoning category that prohibits structural encroachment.

d) Noise

i) Canadian National Railway

Canadian National Railway advised that it objects to the proposed residential uses due to the proximity of the property to the Railway Classification Yard, which includes a pullback track. CN advises that a residential use is fundamentally incompatible with rail operations and facilities in the yard and that in accordance with the Ministry of Environment and CN guidelines, no residential development should occur within a minimum of 300 metres of a rail yard. CN subsequently stated in a letter that they would not support a residential building setback less than the minimum setback agreed to as part of the settlement for 2500 Rutherford Road (Villa Giardino). CN has also forwarded a letter providing several comments with respect to the noise study.

ii) Paramount Canada's Wonderland

Solicitors for Paramount Canada's Wonderland (PCW) has advised that their client has long been concerned with residential uses being located close to PCW. Residential lands surrounding PCW have been designed to minimize the impact of the activities of PCW on residential uses. For example, residential uses east of PCW are oriented such that rear yards face east, with the front of the house facing Jane Street. In addition, special requirements were placed on these residential uses including the type of glazing, provision of air conditioning and special warning clauses to be included on title. PCW recommends that the City should place similar restrictions and requirements for this development and possibly warning clauses on Title to ensure that occupants of the residences are aware of PCW's existence and business operations.

A noise study has been undertaken by the applicant's consultant, Valcoustics Canada Ltd., which identifies the major noise sources in the vicinity of the proposal, including the CNR pullback track and PCW, and assesses their impact and mitigation techniques. The report concludes that from the point of view of environmental noise, it is feasible to develop the site for residential uses and create an appropriate sound environment for the occupants.

iii) City of Vaughan Engineering Department

The Engineering Department has reviewed the Noise Study submitted in support of the application and has requested that the applicant provide clarification on how the

acoustical model of the pullback track was derived and that ground vibration impacts should be evaluated. To date, this material has not been provided.

e) School Boards

The York Region District School Board, York Catholic District School Board and the Conseil Scolaire de District Catholique Centre-Sud (French Immersion Board) have advised that they have no comments or objections to the applications. The York Catholic School Board has further advised that the proposal is anticipated to yield approximately 43 elementary students and due to the physical barriers surrounding the site (i.e. Jane St., Rutherford Road and the rail line), that students will likely require transportation to Blessed Trinity School at 230 Hawker Road.

Comprehensive Land Use Study

The proposed applications, the evolving policy context since OPA #483 was originally prepared, the planning constraints and the actual form of development that has taken place, suggest that the undesignated lands with the Vaughan Centre area needs to be reviewed in a comprehensive manner prior to further development being approved.

In considering the policy context as described above and the planning constraints it makes sense that the processing of the subject application and any future applications on a comprehensive manner would be the appropriate method for determining the best land use for the undesignated lands in Vaughan Centre. A comprehensive review would appropriately address the cumulative impact of the subject applications and future applications for the undesignated portion of Vaughan Centre by reviewing, among other things, issues such as traffic, appropriate setbacks/mitigation measures from the pullback track, land use, built form, density, future road improvements, present character of the area, and the natural and physical area characteristics. The review would include both city staff and community involvement in order to establish goals and objectives for the defined study area, so that future development maintains a quality that complements the existing community.

A condition has been included requiring staff to prepare a terms of reference for the study for Council's approval as soon as possible. The study is expected to take at least six months to complete, after which an implementing Official Plan Amendment will be brought forward for Council's consideration. This time frame will extend beyond the Ontario Municipal Board hearing respecting the subject applications, which is scheduled to commence on April 7, 2004. Accordingly, a recommendation has been included requesting Council to direct the City Solicitor to seek an adjournment of the hearing pending completion of the study.

Relationship to Vaughan Vision 2007

Vaughan Vision 2007 encourages managed growth through the implementation of OPA #600, which requires that a secondary plan be prepared for these lands. The applicant has not prepared a secondary plan and therefore, represents a change from the priorities set by Council and the necessary resources have not been allocated.

Conclusion

The Official Plan requires that a secondary plan be prepared to assess appropriate land uses for the undesignated lands within Vaughan Centre. The landowners in this quadrant of Jane Street and Rutherford Road have not submitted a secondary plan to address the planning issues in a comprehensive manner. The subject applications deal only with one of the three undesignated parcels of land.

It is clear that there are planning constraints and considerations that will impact on all of the undesignated and undeveloped portions of land in Vaughan Centre. The planning considerations

that originally formed the basis for the Vaughan Centre Plan have changed and the development on the undesignated lands in Vaughan Centre should proceed only after all the planning issues have been assessed in a comprehensive manner as required by the City's Official Plan. Proceeding with development applications in advance of a full secondary plan review is considered premature.

Therefore, it would be appropriate to proceed in a comprehensive manner to determine the appropriate land uses, density, and built form for this area. A secondary plan study for these lands would allow the issues identified by the community, at the respective public hearing, in addition to the issues identified in this report to be addressed and evaluated in a comprehensive and cumulative manner. This process would involve input from the municipality, the public, interested agencies and the landowners in the community so that goals and objectives could be established as the basis for review of future development proposals in Vaughan Centre.

It is expected to take at least six months to complete a secondary plan for the undesignated portion of Vaughan Centre, thereby extending beyond the April 7, 2004 date scheduled for the commencement of the Ontario Municipal Board Hearing respecting these applications. A recommendation has been included to seek an adjournment of the hearing pending completion of the study. The lack of servicing capacity for this site until 2006 provides an opportunity to carry out the study as required by the City's Official Plan.

Staff supports a comprehensive review of the undesignated lands in Vaughan Centre, prior to proceeding with any individual development applications. Should Council concur, the Recommendation section of this report can be adopted.

Attachments

1. Location Map
2. Vaughan Centre Secondary Plan Area
3. Concept Site Plan

Report prepared by:

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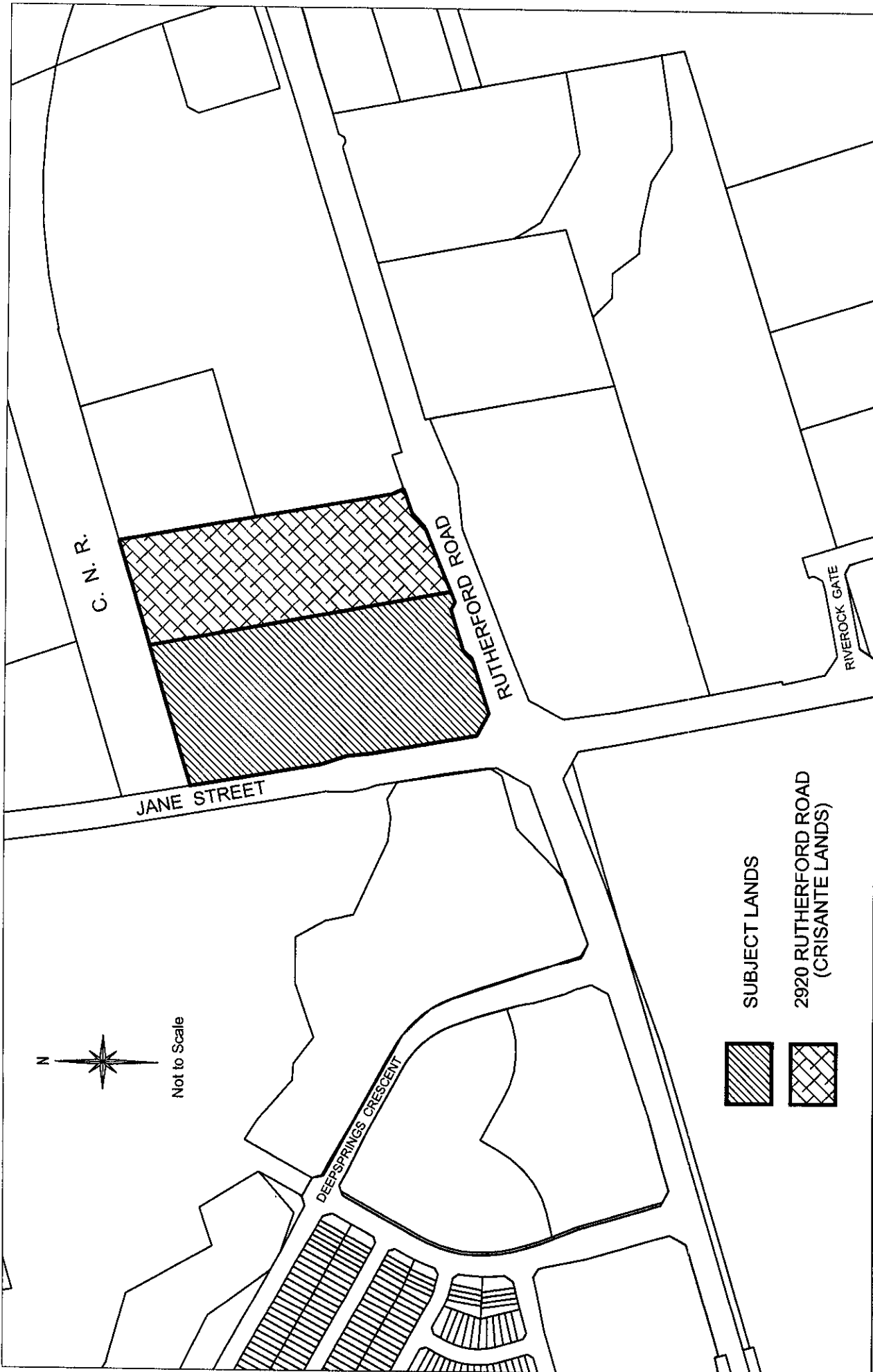
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

/LG

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SUBJECT LANDS
 2920 RUTHERFORD ROAD
 (CRISANTE LANDS)

Location Map

Lot 16,
 Concession 4
 APPLICANT:
 JANE - RUTHERFORD DEVELOPMENTS INC.
 N:\DPT\1 ATTACHMENTS\VA-03.015

City of Vaughan

Community Planning Department

Attachment

FILE No.:
 Z.03.015
 RELATED FILE No.:
 OP.03.006
 January 8, 2004

1

CANADA'S WONDERLAND



Not to Scale

LOCATION OF INTERSECTION
TO BE DETERMINED

HIGHWAY 400

CNR
















RUTHERFORD ROAD

JANE STREET

Transit Terminal
Conceptual Location

New Partial
Interchange

LEGEND

-  ELEMENTARY SCHOOL
-  NEIGHBOURHOOD PARK
-  STORM WATER MANAGEMENT
-  DISTRICT COMMERCIAL CENTRE
-  SPECIAL POLICY
-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL/COMMERCIAL
-  GENERAL COMMERCIAL
-  HIGH DENSITY RESIDENTIAL/COMMERCIAL
-  VALLEY LANDS
-  GREENWAY SYSTEM
-  PRIMARY ROAD
-  VAUGHAN CENTRE SECONDARY PLAN AREA
-  VAUGHAN CENTRE SHOPPING CENTRE DISTRICT
-  OFFICE PRECINCT

**Vaughan Centre
Secondary Plan Area**

Lot 16,
Concession 4
APPLICANT:
JANE - RUTHERFORD DEVELOPMENTS INC.

HA/DPT/1 ATTACHMENTS/2/03.015



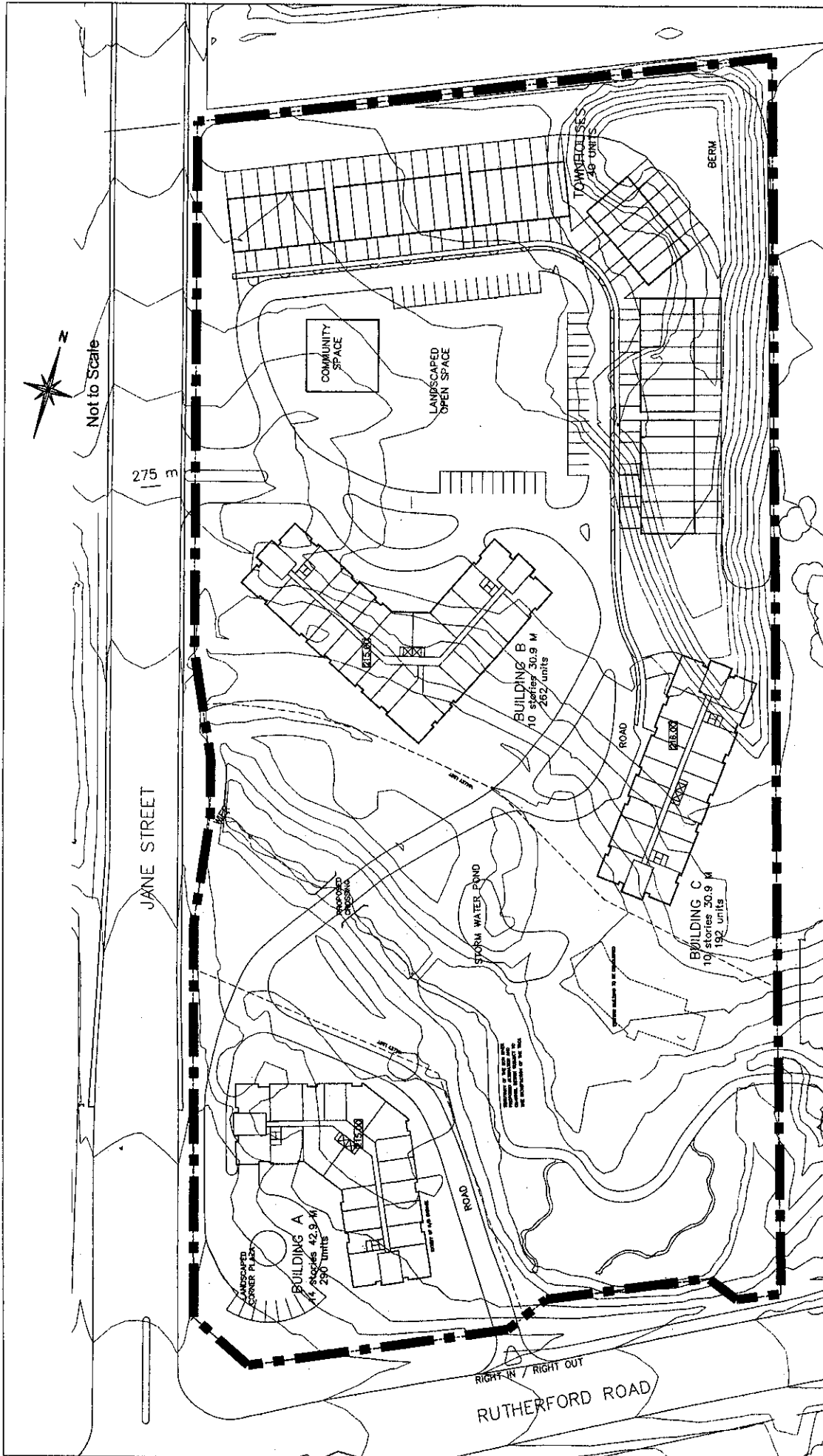
Community Planning Department

Attachment

FILE No.:
2.03.015
RELATED FILE No.:
OP.03.006

January 8, 2004

2



SUBJECT LANDS

Attachment 3

FILE No.: Z.03.015
RELATED FILE No.: OP.03.006
January 8, 2004

City of Vaughan

Community Planning Department

Site Plan

Lot 16,
Concession 4
APPLICANT:
JANE - RUTHERFORD DEVELOPMENTS INC.
N:\DPT\1 ATTACHMENTS\Z.03.015