

**5. ZONING BY-LAW AMENDMENT FILE Z.05.008
CANADIAN PACIFIC RAILWAY
PRELIMINARY REPORT**

P.2005.19

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Zoning By-law Amendment File Z.05.008 (Canadian Pacific Railway) BE RECEIVED; and that any issues identified be addressed by Staff in a comprehensive report to the Committee of the Whole.

Purpose

The Owner has submitted a Zoning By-law Amendment Application to rezone surplus Canadian Pacific Railway lands shown on Attachment #2 from M3 Transportation Industrial Zone to M2 General Industrial Zone with site-specific zoning exceptions to facilitate the continued use of the subject lands for a driveway access to the existing fuel operation business located at 852 Nashville Road (Maw's Fuels Ltd.).

Background - Analysis and Options

The 0.318 ha site shown on Attachment #1 is located on the north side of Nashville Road, east of Huntington Road, in Part of Lot 26, Concession 9, City of Vaughan. The subject lands have frontage of 24.91 m on Nashville Road and a lot depth of 165 m.

The subject lands are identified as "Canadian Pacific Railway" in OPA #601 (Kleinburg-Nashville Community Plan) and zoned M3 Transportation Industrial Zone in By-Law 1-88. The site is currently developed with a 3-storey grain elevator as shown on Attachment #2. The surrounding land uses are:

- North - Canadian Pacific Railway (M3 Transportation Industrial Zone)
- South - industrial lands (M2 General Industrial Zone); Canadian Pacific Railway (M3 Transportation Industrial Zone)
- West - industrial lands (M2 General Industrial Zone); agricultural lands (A Agricultural Zone);
- East - Canadian Pacific Railway (M3 Transportation Industrial Zone)

On March 24, 2005, a Notice of Public Hearing was mailed to all property owners within 120 metres of the subject lands and to the Kleinburg and Area Ratepayers' Association. No comments have been received to date. Any responses received will be addressed in the technical review and included in a detailed staff report to a future Committee of the Whole meeting.

Preliminary Review

Following a preliminary review of the proposed application, Staff has identified the following matters to be reviewed in greater detail:

- the appropriateness of the proposed use will be reviewed in accordance with the Official Plan policies respecting conformity, non-conforming uses, and compatibility; the subject lands are shown as "CPR" lands without a specific designation in the Official Plan; the subject lands are surplus Canadian Pacific Railway lands, which are to be sold to Maw's Fuels Ltd., being the

adjacent property owner at 852 Nashville Road; Maw's Fuels Ltd. currently leases and uses the subject railway lands as a driveway for the fuel trucks to access the Maw's Fuels Ltd. site, which their business has operated at this location since approximately 1930;

- the lands west of the subject railway lands including the Maw's Fuels Ltd. site are designated "Nashville Core Area" and "Suburban Residential", which permits a range of commercial and residential uses, and is part of the Kleinburg-Nashville Heritage Conservation District. The application will be reviewed with respect to compatibility with the permitted uses and policies for these designations;
- the application to rezone the subject railway lands would effectively result in the expansion of the legal non-conforming use operated by Maw's Fuels Ltd., which must be reviewed in the context of the "non-conforming use" policies in the Official Plan;
- the application proposes to rezone the subject railway lands to M2 General Industrial Zone which permits industrial uses and open storage; the appropriateness of the proposed M2 General Industrial Zone will be reviewed in the context of compatibility with the adjacent lands and the long term land use vision for this area; zoning exceptions are required for the subject railway lands to recognize the existing easterly interior side yard (to the grain elevator) and the lot frontage;
- if the zoning amendment application is approved, the Owner must file a Consent Application with the Committee of Adjustment to sever the subject railway lands from the Canadian Pacific Railway holdings, and to add the lands to the Maw's Fuels Ltd. site. A minor variance application may also be required to recognize any zoning requirement deficiencies for the existing development on the Maw's Fuels property. The Committee of Adjustment previously considered and refused Consent Application B65/99 to sever the subject railway lands from the CP Railway holdings; the appropriateness of the subject zoning amendment application will be assessed in the context of its potential to facilitate the future consent and minor variance applications; and,
- the Owner has submitted a Phase 1 Environmental Site Assessment for the subject lands which is under review.

Relationship to Vaughan Vision 2007

The applicability of this application to the Vaughan Vision will be determined when the technical report is completed.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments expressed by the public and Council at the Public Hearing or in writing, and addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the proposal will be reviewed in the context of the applicable Official Plan policies, the appropriate zoning category, compatibility with adjacent land uses and the appropriateness of effectively expanding a legal non-conforming use.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Mauro Peverini, Senior Planner, ext. 8407

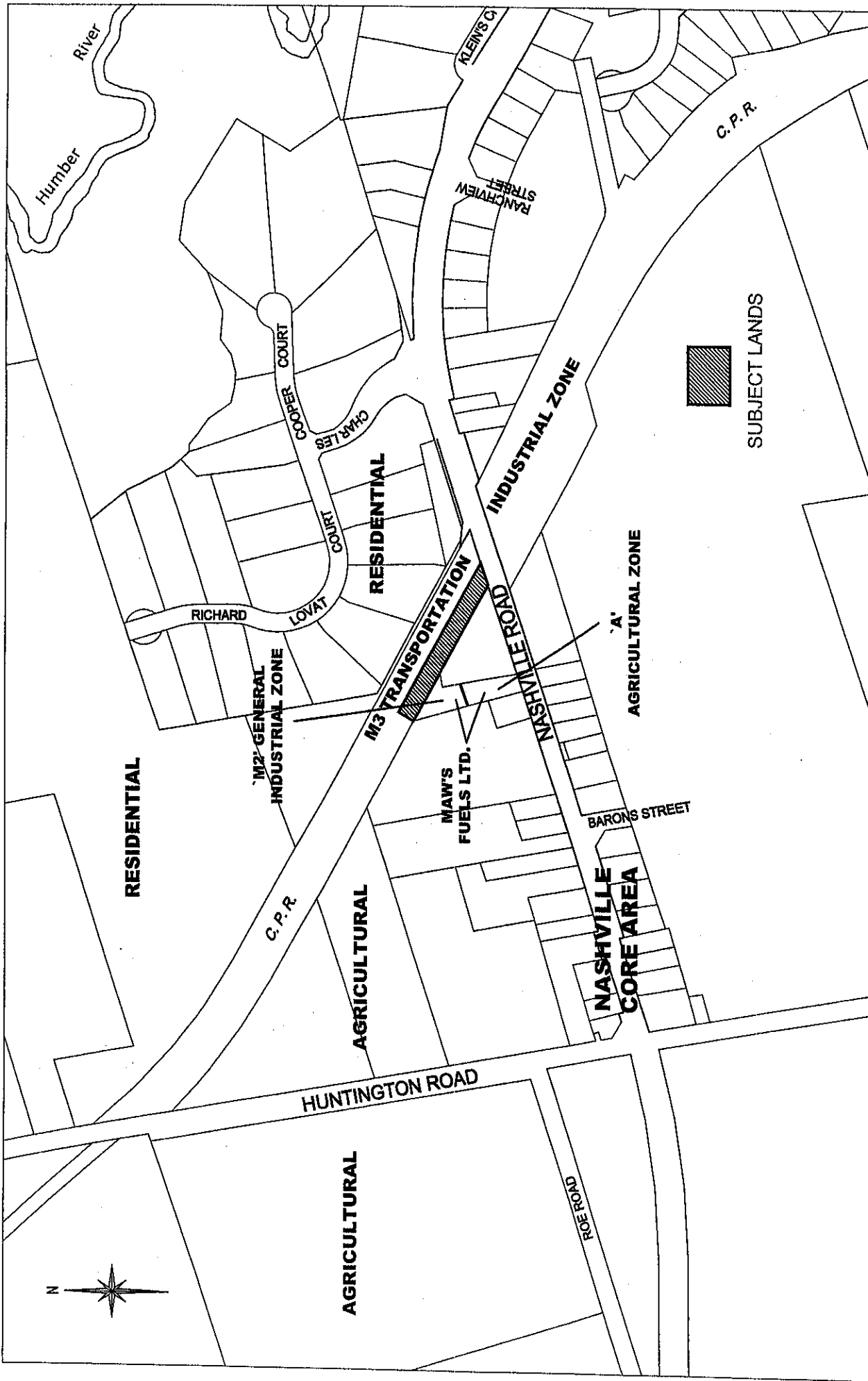
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM



Location Map

Part of Lot 26,
Concession 9

APPLICANT:
CANADIAN PACIFIC RAILWAY

N:\DFT\1 ATTACHMENTS\Z\Z-05-008



Development Planning Department

Attachment



FILE No.:
Z.05.008

Not to Scale

February 18, 2005

Attachment 2

FILE No.:
Z.05.008

Not to Scale
April 8, 2005

City of Vaughan

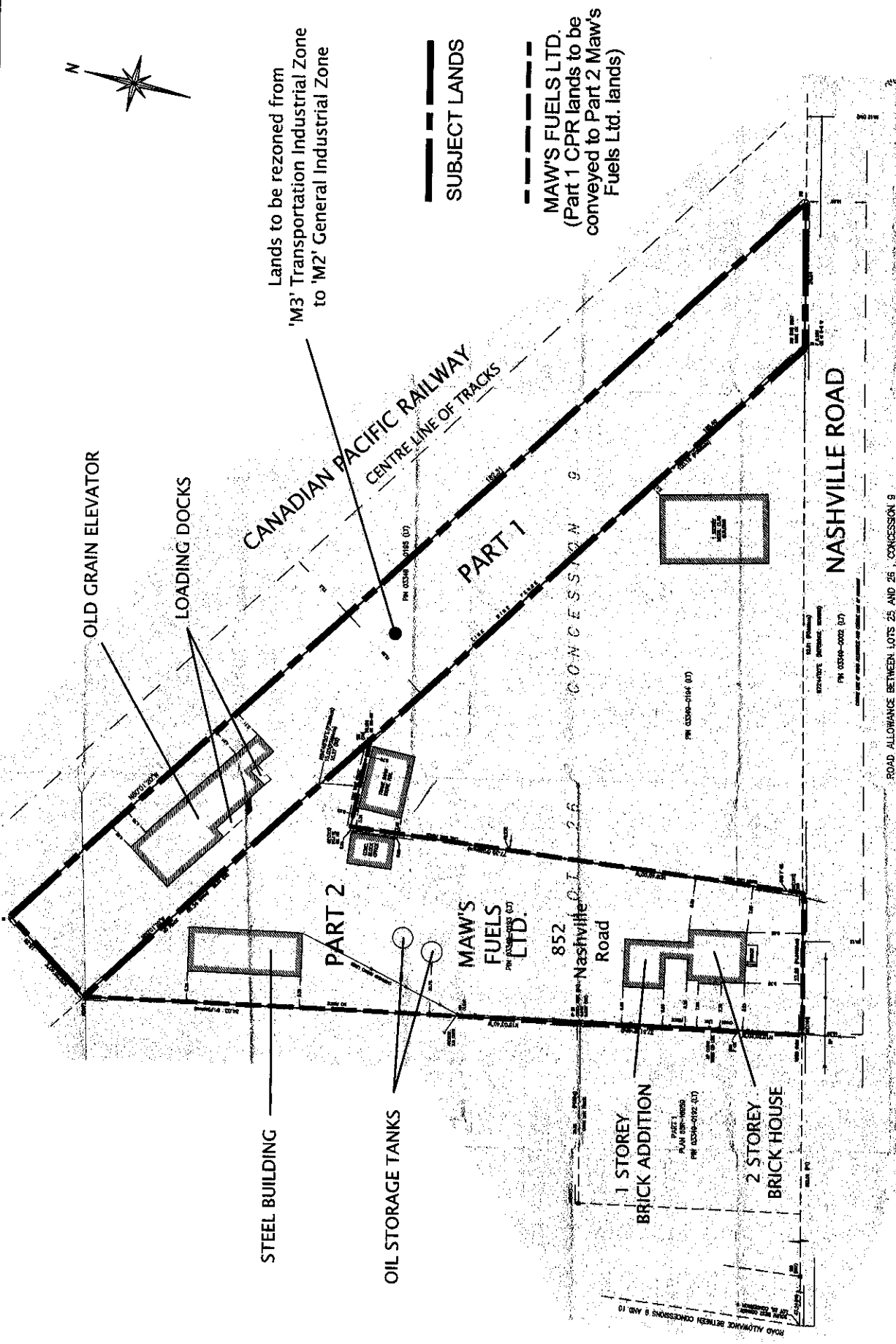
Development Planning Department

Site Plan

Part of Lot 26,
Concession 9

APPLICANT:
CANADIAN PACIFIC RAILWAY

N:\DPT1 ATTACHMENTS\Z\Z-05.008



Lands to be rezoned from
'M3' Transportation Industrial Zone
to 'M2' General Industrial Zone

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SUBJECT LANDS

— — — — —
MAW'S FUELS LTD.
(Part 1 CPR lands to be
conveyed to Part 2 Maw's
Fuels Ltd. lands)

ROAD ALLOWANCE BETWEEN LOTS 25 AND 26, CONCESSION 9

ROAD ALLOWANCE BETWEEN CONCESSION 8 AND 10