

COMMITTEE OF THE WHOLE SEPTEMBER 5, 2006

**ZONING BY-LAW AMENDMENT FILE Z.06.021
HILTON STEIN (1487224 ONTARIO INC.)
REPORT #P.2006.33**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-Law Amendment File Z.06.021 (Hilton Stein 1487224 Ontario Inc.) BE APPROVED, to permit a Public Garage use for the repair and servicing of automobiles in the EM1 Prestige Employment Area Zone with no outside storage of vehicles, within Units #1 and #2 of a multi-unit industrial condominium building as shown on Attachment #2.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted an application to amend the Zoning By-law on the subject lands shown on Attachment #1, to permit the continued operation of a Public Garage use for the repair and servicing of automobiles in the EM1 Prestige Employment Area Zone, on a permanent basis, within Units #1 and #2 of a multi-unit industrial condominium building as shown on Attachment #2. The 3 year temporary use by-law lapsed on December 4, 2005.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the west side of Dufferin Street, through to Fernstaff Court and north of Langstaff Road, described as Units 1 and 2 of York Region Condominium Corporation No. 547 (91 Fernstaff Court), City of Vaughan. The rectangular-shaped 1.53ha through lot has 106.8m frontage on both Dufferin Street and Fernstaff Court, and a depth of 144.1m. The site is developed with two, 12 unit, single storey industrial buildings.

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan) and zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exception 9(1157). The surrounding land uses are as follows:

- North - employment area (EM1 Prestige Employment Area Zone)
- South - vacant/employment site (EM1 Prestige Employment Area Zone)
- East - Dufferin Street; woodlot (OS4 Open Space Woodlot Zone)
- West - Fernstaff Court; employment area (EM2 General Employment Area Zone)

History

On April 15, 2002, Council refused the Development Planning Department's recommendation to approve Zoning By-law Amendment File Z.01.061 (Hilton Stein 1487224 Ontario Inc.) to permit a Public Garage use with no outdoor storage of vehicles in the EM1 Prestige Employment Area Zone for Units 1 and 2 of York Region Condominium Corporation No. 547.

On May 29, 2002, the applicant appealed Council's decision to the Ontario Municipal Board (OMB) and a hearing was conducted on September 16, 2002. On December 4, 2002, the OMB

issued a Decision and Order (No. 1653) to approve (OMB File Z020060) a three-year temporary by-law (By-law 16-2003) to permit a Public Garage use on the subject lands with no outdoor storage of vehicles. The said by-law lapsed on December 4, 2005. The applicant has applied to amend the Zoning By-law to permit the same use on the property, however, on a permanent basis.

On April 7, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Concord West Ratepayers' Association. To date, no comments have been received. The recommendation of the Committee of the Whole on May 1, 2006, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on May 8, 2006.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), which permits a wide range of industrial, office, business and civic uses, with no outside storage. The proposed continued operation of the public garage use for the repair and servicing of automobiles with no outside storage of vehicles, conforms to the Official Plan.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88. The EM1 Zone permits a public garage use for the care, repair or equipping of motor vehicles, excluding autobody repair shop, provided it was legally existing as of the date of the enactment of By-law 80-95 (Employment Area By-law, since incorporated into By-law 1-88). The existing public garage was not in existence prior to April 10, 1995. However, site-specific By-law 16-2003, which was approved by the OMB as a three year temporary by-law, lapsed December 4, 2005, and therefore requires an amendment to the Zoning By-law to permit the use on the property, however, on a permanent basis.

Compatibility

The site is developed with two multi-unit employment use buildings, occupied by a range of employment uses and offices. The surrounding land uses also include a variety of employment and office/commercial uses. The subject Units 1 and 2 (352m²) are in Building "A", which faces Fernstaff Court and is screened from view of Dufferin Street by Building "B". The vehicles to be serviced will enter the building via overhead doors on the east elevation facing the internal loading area. There is no proposed change to the site plan or building elevations and the proposed use does not include outside storage of vehicles or materials. The public garage will operate within the existing enclosed structure. Accordingly, the existing site parking will not be affected as the current spaces provided on site meet the By-law 1-88 requirement of 2 spaces/100m² of gross floor area for an employment use building with more than 4 units.

In addition, the By-law Enforcement Department has confirmed that no formal complaints have been received for the subject units within the last 3 years with respect to compliance with all by-law requirements.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the proposed Zoning By-law Amendment application to permit the continued operation of a Public Garage use for the repair and servicing of automobiles with no outside storage of vehicles or materials in the EM1 Prestige Employment Area Zone, on a permanent basis, within Units #1 and #2 of a multi-unit industrial condominium building, in accordance with the policies of OPA #450 and the requirements of By-law 1-88, and the industrial area context. The Development Planning Department is satisfied that the proposed public garage use is appropriate and compatible with the existing and permitted uses in the surrounding industrial area. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment application.

Attachments

1. Location Map
2. Existing Site Plan Context

Report prepared by:

Christina Napoli, Planner, ext. 8483
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

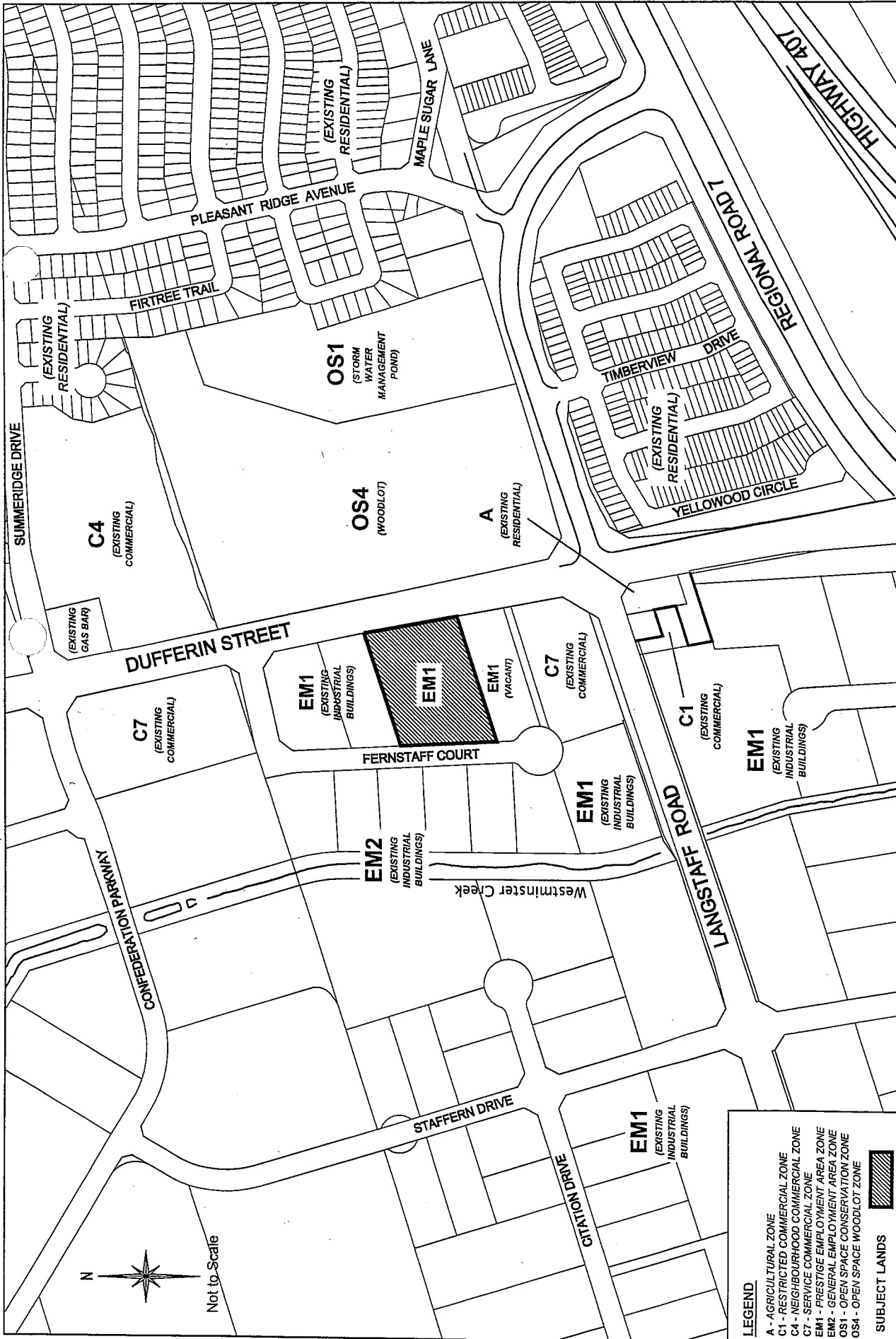
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM

R:\SERWORKING\NAPOLIC\Z.06.021 Hilton Stein\Z.06.021.CW.doc



LEGEND

- A - AGRICULTURAL ZONE
- C1 - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS4 - OPEN SPACE WOODLOT ZONE

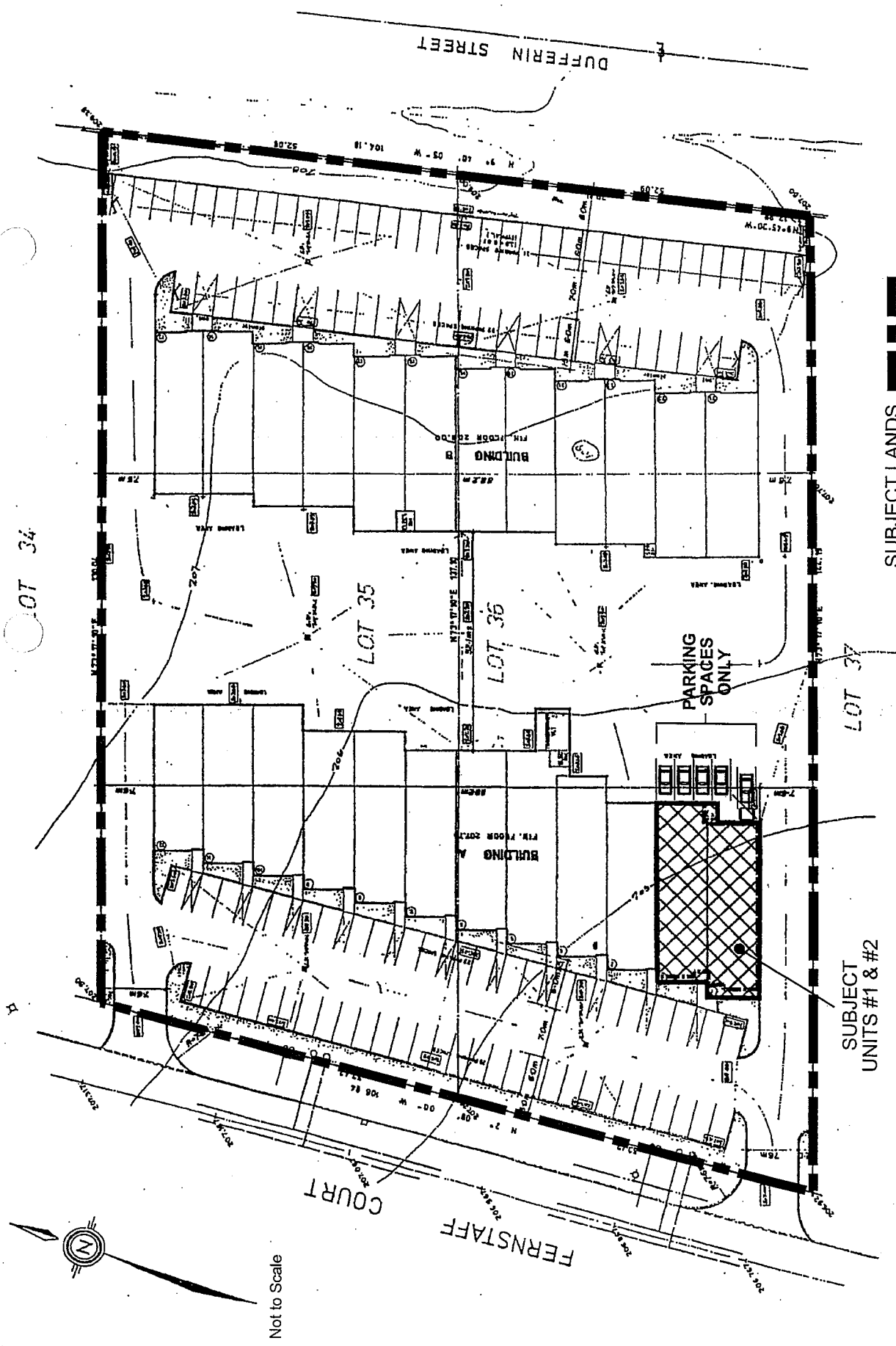
SUBJECT LANDS

■

Attachment
 FILE No.: Z.06.021
 RELATED FILE: Z.01.061
 April 20, 2006

City of Vaughan
 Development Planning Department

Location Map
 Lot 11,
 Concession 3
 APPLICANT:
 HILTON STEIN (1487224 ONTARIO INC.)
 N:\DPT\1 ATTACHMENTS\Z\06.021



SUBJECT LANDS

SUBJECT
UNITS #1 & #2

Attachment 2

FILE No.: Z.06.021
RELATED FILE: Z.01.061
April 20, 2006

City of **Vaughan**
Development Planning Department

Existing Site Plan Context

Lot 11,
Concession 3
APPLICANT: HILTON STEIN (1487224 ONTARIO INC.)
N:\DPT\1 ATTACHMENTS\Z.06.021