

COMMITTEE OF THE WHOLE MARCH 31, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.071
CONDOR PROPERTIES LIMITED
WARD 4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.071 (Condor Properties Limited), BE APPROVED; specifically to amend Exception 9(509) of By-law 1-88 to permit the following on the subject lands shown on Attachment #2:
 - i) Unit #9 – permit the existing motorcycle sales establishment currently engaged in the design, research and development, assembly, minor repair, and sale of motorcycles to be maintained; and,
 - ii) Unit #10A – to permit the warehousing and storage of motorcycles, and motorcycle parts.
2. THAT the implementing zoning by-law include the following site-specific definition for a "motor vehicle sales establishment":

"A MOTOR VEHICLE SALES ESTABLISHMENT shall mean:

- i) the display and sale, manufacture, assembly, minor mechanical and body repair for motorcycles only, and research and development, in Unit #9 only, provided that the gross floor area of the area devoted to the display of motorcycles does not exceed 116m²;
- ii) the warehousing of motorcycles and motorcycle parts in Unit #10A only; and,
- iii) accessory outside storage shall not be permitted."

Economic Impact

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

Communications Plan

On February 6, 2009, a Notice of a Public Meeting was circulated to all property owners within 150m of the subject lands, and to the Concord West Ratepayers Association. On February 10, 2009, a Revised Notice of a Public Meeting was circulated to the aforementioned property Owners and Ratepayer Association as a result of the Owner expanding the proposed use into an additional unit (Unit #10A). To date, no written comments were received by the Development Planning Department, and there were no concerns expressed by the public at the Public Meeting on March 3, 2009.

Purpose

The Owner has submitted an application to amend the Zoning By-law, specifically to amend Exception 9(509) of By-law 1-88 to permit the following in Unit's #9 and #10A as shown on Attachment #2:

- i) Unit #9 – to permit the existing motorcycle sales establishment to be maintained. The business currently engaged in the design, research and development, assembly, minor repair, and sale of custom motorcycles; and,
- ii) Unit #10A – to permit warehousing and storage of motorcycles and motorcycle parts.

The Owner is also currently operating an Automotive Retail Store in Unit #8, which is a permitted use under the Zoning By-law, and is associated with the motorcycle sales establishment. The Owner has advised that the existing business has established a relationship with Transport Canada to develop new standards for increased quality, safety, and design for motorcycles.

Background - Analysis and Options

Location

The subject lands shown on Attachment #1 are located at the northeast corner of Langstaff Road and Keele Street, municipally known as 8575 Keele Street, in Part of Lot 11, Concession 3, City of Vaughan. The surrounding land uses are shown on Attachment #1.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth and Management Plan) which encourages a wide range of industrial, business and civic uses with no outside storage and, which require high visual exposure. The subject lands are also consistent with the "Service Node" policies of OPA #450, which allow service commercial uses at the intersection of arterial and/or collector roads. The "Service Node" designation provides policies for uses that supply the day-to-day convenience and service needs of the businesses, industries and their employees. The proposed motor vehicle sales establishment is consistent with the policies of OPA #450.

Zoning

The subject lands are zoned C7 Service Commercial Zone by By-law 1-88, subject to Exception 9(509). The proposed motor vehicle sales establishment is not permitted use within the C7 Service Commercial Zone, and therefore, an amendment to the Zoning By-law is required.

Planning Considerations

The proposal to amend the existing C7 Service Commercial Zoning would facilitate the operation of an existing motorcycle sales establishment specifically to allow for motorcycle research and development, design, assembly, and minor repair.

Unit #8 is internally attached to, and associated with the motorcycle sales establishment and is currently used as an automotive retail parts store, with an accessory service bay used for the installation of the products sold in the store. Although Units #8, #9 and #10A are leased by the same Owner, an Automotive Retail Store is a permitted use in Unit #8 under Exception 9(509) and therefore, a zoning amendment to implement this use is not required. Unit #9 is divided into two parts, the rear portion is being used for the research, development and design of custom motorcycles, and the front portion for offices and a showroom for the custom motorcycles, which services motorcycle dealers throughout North America. The Owner is proposing to utilize Unit #10A for the purposes of warehousing motorcycles and motorcycle parts. The Owner proposes to conduct small repairs to the custom motorcycles, however, for larger repairs the motorcycles are disassembled and parts shipped to nearby businesses for repair. Once the repairs are complete, the parts are shipped back and the motorcycles are reassembled by a qualified employee.

The Owner has indicated that the motorcycle showroom and automotive retail parts store comprises 30% of the total leasable area, with the majority of the unit being devoted to research and development, manufacturing, warehousing, and design of custom motorcycles, thereby maintaining the employment character of the proposed use.

Subsection 2.2.3, of the Prestige Area policies of OPA #450 (Employment Area Growth and Management Plan) states that a wide range of industrial, office, business and civic uses shall be permitted and that no outside storage of goods or materials shall be permitted. The proposed motorcycle sales establishment includes a number of employment and industrial type uses including motorcycle design, research and development, which is consistent with the Prestige Employment Area Policies of the Official Plan. Additionally, the Owner is not proposing any outside storage and has confirmed that the business will operate entirely within the existing units. The proposed use complies with the policies in the Official Plan.

The proposed use most closely complies with the "Motor Vehicle Sales Establishment" definition in By-law 1-88 that would typically be used to implement a use of this nature. However, in order to ensure that the intent of the proposed motorcycle sales display, research and development, assembly and minor repair is maintained, it is recommended that the Motor Vehicles Sales Establishment definition of By-law 1-88 be modified to reflect the specific nature of the proposed use, as follows:

"A MOTOR VEHICLE SALES ESTABLISHMENT shall mean:

- i) the display and sale, manufacture, assembly, minor mechanical and auto body repair for motorcycles, and research and development in Unit #9 only, provided that the gross floor area of the area devoted to the display of motorcycles does not exceed 116m²;
- ii) the warehousing of motorcycles and motorcycle parts in Unit #10A only; and,
- iii) accessory outside storage shall not be permitted."

A recommendation has been included in this respect.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority has reviewed the application and has indicated that they have no objections to the Zoning By-law Amendment Application.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth and Economic Vitality".

Regional Implications

There are no Regional Issues associate with this application

Conclusion

The proposed Zoning By-law Amendment application has been reviewed in accordance with the policies of OPA #450 (Employment Area Growth and Management Plan), the requirements of By-law 1-88, the comments received from City Departments and external agencies and the surrounding area context. The Development Planning Department is satisfied that the proposal to permit a site-specific motorcycle sales establishment, specifically to allow for the research and development, sale, manufacture, assembly, and warehousing of motorcycles and accessory parts

only, as an additional permitted use in a C7 Service Commercial Zone within Units #9 and #10A of the existing multi-unit building, is appropriate and compatible with the existing and permitted uses in the surrounding area, subject to the recommendations in this report. The Development Planning Department has recommended that a site-specific definition be included in the implementing zoning by-law to reflect the nature of the proposed use. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment application.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

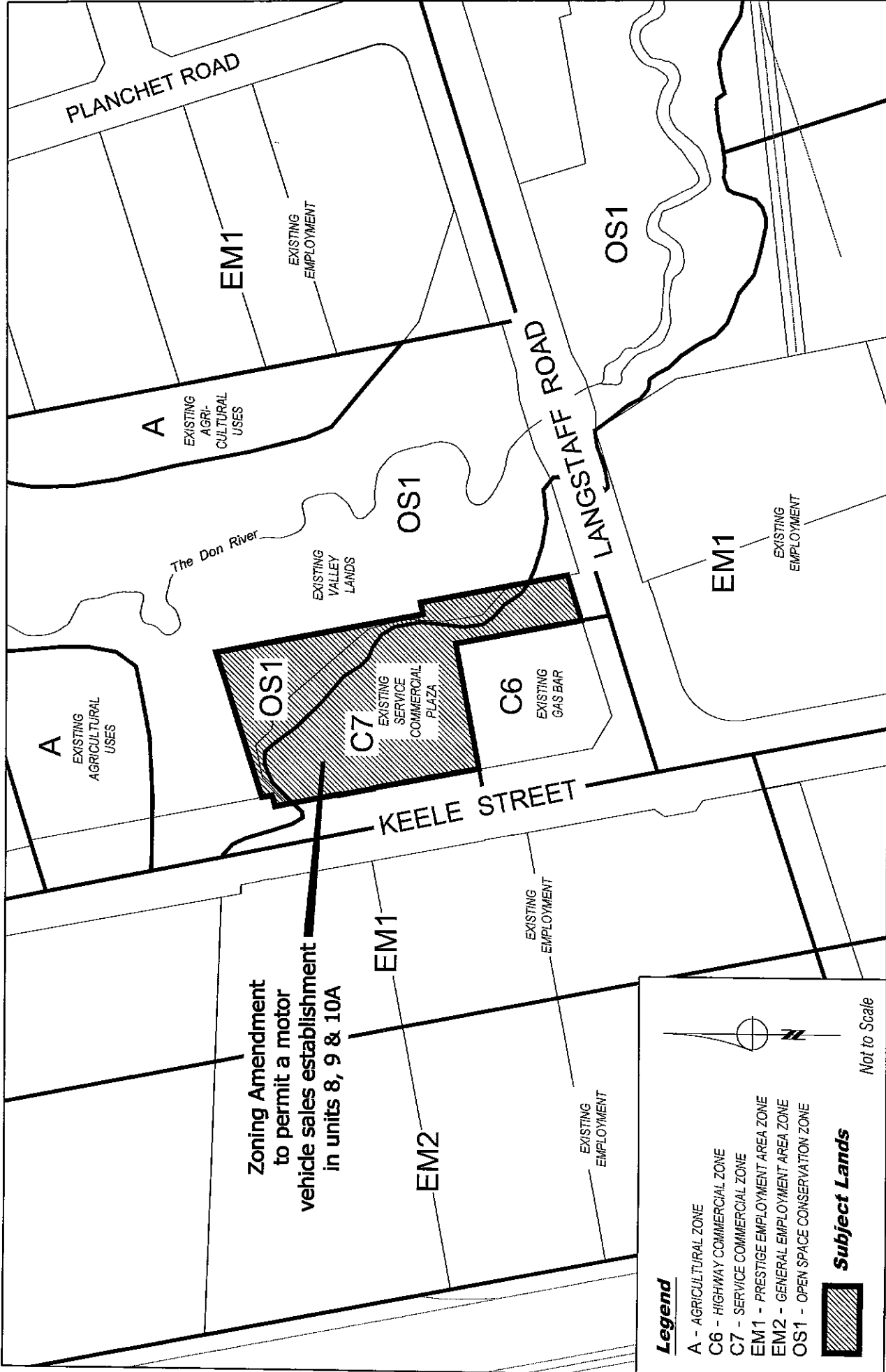
Ryan Mino, Planner, ext. 8213
Mauro Peverini, Manager of Planning ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



Legend

- A - AGRICULTURAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE



Subject Lands

Not to Scale

Location Map

Part Lot 11,
Concession 3

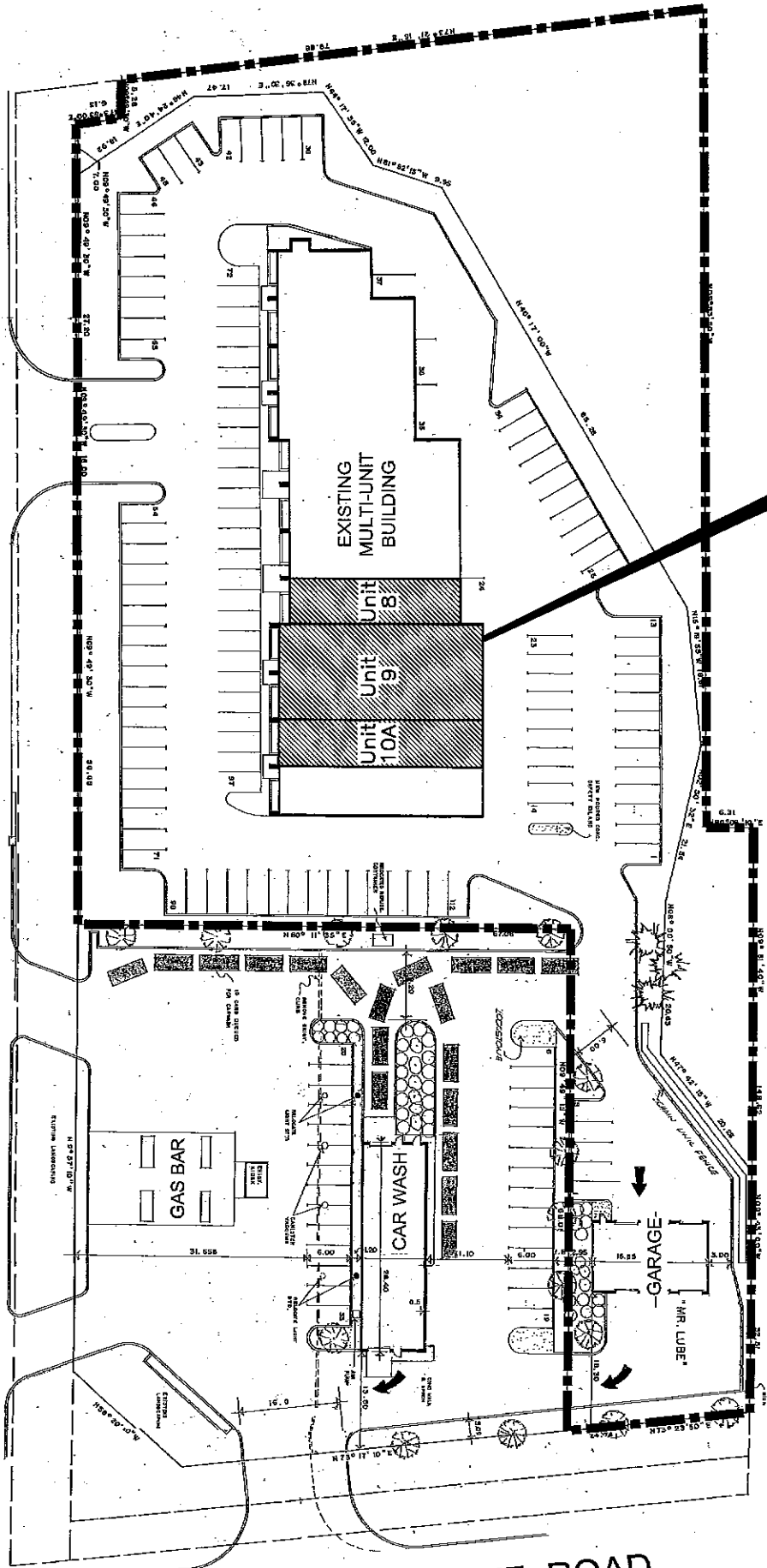
APPLICANT:
CONDOR PROPERTIES LIMITED

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Development Planning Department

KEELE STREET



Commercial
Units 8, 9 & 10A

Not to Scale

----- Subject Lands

Site Plan

Part Lot 11,
Concession 3

APPLICANT:
CONDOR PROPERTIES LIMITED

MAP111 ATTACHMENT A Z08.071.dwg



Development Planning Department

Attachment 2

FILE No.:
Z.08.071

March 3, 2009