


I, JOHN D. LEACH, City Clerk of The Corporation of the City of Vaughan in the Regional Municipality of York, do hereby certify that the attached is a true copy of Amendment Number 295 to the Official Plan of the Vaughan Planning Area, which was approved, with modifications, by the Ontario Municipal Board, on the 27th day of July, 1995. The attached text incorporates said modifications which are typed in script.



J.D. Leach
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 31st day of August, 1995.

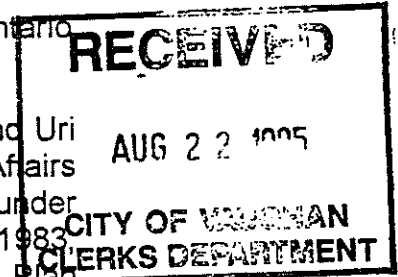
DB # 108 FOLIO # 152
ORDER ISSUE DATE
AUG 18 1995
DB # 1945-5 FOLIO # 161



ROBERT AVINOAM

O910072
O910073

Ontario Municipal Board
Commission des affaires municipales de l'Ontario



At the request of Development 2000 Inc. and Uri Saks, the Honourable Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed amendment*No. 264 to the Official Plan for the City of Vaughan
Ministry File No. 19-OP-1500-264
O.M.B. File No. O910072

At the request of 523910 Ontario Limited, the Honourable Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed amendment No. 295 to the Official Plan for the City of Vaughan
Ministry File No. 19-OP-1500-295
O.M.B. File No. O910073

COUNSEL:

- Robert Avinoam for City of Vaughan
- M.H. Chusid, Q.C. for Uri Saks (in Trust) and Development 2000 Inc.
- J.W. Harbell for Linblasco Investments Inc. and The Prudential Insurance Company of America

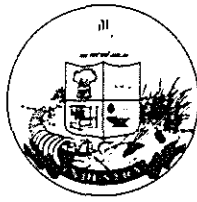
DISPOSITION delivered by J.R. MILLS on July 27, 1995
AND ORDER OF THE BOARD

The two OPA's before the Board were initially passed by Council in the late 80's. Subject to both ratepayer and landowner input they have been modified over the years and now in the opinion of the City's planner, represent sound planning for the subject area. The Board accepts his evidence.

History has shown via another development to the east that low density residential development abutting commercial properties on Steeles Avenue West doesn't work. Time has also demonstrated that residential streets are not the place for commercial traffic.

The Board therefore approves the two OPA's as modified in Exhibits 3 and 4 at tabs 15 and 12 respectively and attached as Schedules I and II to this decision. The Board so orders.

J R Mills
J.R. MILLS
MEMBER



THE TOWN OF VAUGHAN BY-LAW

BY-LAW NUMBER 489-88

A By-law to adopt Amendment Number 295 to the Official Plan of the Vaughan Planning Area.

NOW THEREFORE The Council of The Corporation of the Town of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 295 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedules "1", "2" and "3", is hereby adopted.
2. AND THAT the Town Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs for approval of the aforementioned Amendment Number 295 to the Official Plan of the Vaughan Planning Area.
3. AND THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ a FIRST and SECOND time this 31st day of October, 1988.

"L.D. Jackson"
L.D. Jackson, Mayor

"R.A. Panizza"
R.A. Panizza, Town Clerk

READ a THIRD time and finally passed this 31st day of October, 1988.

"L.D. Jackson"
L.D. Jackson, Mayor

"R.A. Panizza"
R.A. Panizza, Town Clerk





Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

SCHEDULE II

AMENDMENT NUMBER 295
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text and Schedule "1" to Amendment No. 295 to the Official Plan of the Vaughan Planning Area constitutes Amendment No. 295.

Also attached hereto but not constituting part of the Amendment is Appendices 1 and 2.

SCHEDULE II

I PURPOSE

The purpose of this Amendment is twofold. Firstly, it will redesignate the lands shown as "Area Subject to Amendment No. 295" on the attached Schedule "I" from "Low Density Residential" to "General Commercial" in order to permit the subject lands to be used in conjunction with lands similarly designated, immediately to the south; and secondly, *it will provide site specific policies respecting the dedication of a portion of the lands for the Townsgate Drive cul-de-sac, at the rear of the property.*

II LOCATION

The subject lands are located in the City of Vaughan, being part of Lot 15, Registered Plan 1607. The said Lot 15 located approximately 365 m west of Hilda Avenue, known municipally as 434 Steeles Avenue. Specifically, the amendment area constitutes the northerly 43 m of Lot 15.

III BASIS

Several applications have been submitted to the City of Vaughan to amend the Official Plan, the Zoning By-law and existing site development agreements to allow the rear areas of the lots fronting onto Steeles Avenue, west of Hilda Avenue, to be used for commercial parking purposes. The lands subject to the applications are designated "Low Density Residential" by Official Plan Amendment Number 210. It was the intent of Official Plan Amendment Number 70, and subsequent policy documents (the "A1" Neighbourhood Plan and Official Plan Amendment Number 210) that a municipal road be constructed straddling the boundary of the lands to the north (Registered Plan 3205) and the lands to the south which have frontage on Steeles Avenue. One-half of the road allowance (33 feet) would be provided by the owners to the north in Plan 3205 with the other half being dedicated by the owners to the south whose lands front on Steeles Avenue. The intention of the Official Plan was that these lands, on both sides of the new road develop in a manner prescribed by the "Low Density Residential" designation contained in the Official Plan.

The implementation of this road commenced with the registration of Plan M-2237. It allowed for the construction of Royal Palm Drive, as the new road is called, from Hilda Avenue to a point just west of the subdivision and into the lands subject to this Amendment. The southerly portion of the road allowances has been obtained by the City, from this point to Franklin Avenue, as a condition of enactment of the zoning by-laws which permitted the commercial uses of the lots fronting on Steeles Avenue.

SCHEDULE II

On October 14, 1986, Council Committee considered two applications to amend existing site plan agreements (Development 2000 Inc., File DA.59.86 and Tadler and Smyth Landscaping, File DA.68.86). It was proposed that commercial parking be permitted on the subject lands in accordance with the existing zoning (Restricted Industrial (M1) Zone under By-law 2523), notwithstanding the residential designation in the Official Plan. In addition, Committee considered a Staff Report which dealt with the status of Royal Palm Drive and land use alternatives. The Committee recommended that an "interim control by-law" be enacted by Council to appropriately deal with the rear portion of the lands in question, namely from Precision Small Parts, (434 Steeles Avenue West) to the Steeles College Memorial chapel, (350 Steeles Avenue West). The Committee further recommended that Staff be directed to undertake a study for these lands with respect to land use planning policies. This recommendation was ratified by Council on October 20, 1986, and also on that date, the interim control by-law was enacted. The interim control by-law and the site development application were referred to the Ontario Municipal Board at the request of Development 2000 Inc.

On August 5, 1987, the Ontario Municipal Board adjourned its consideration of the site plan application and the interim control by-law to allow for Council to consider the recommendations of the report prepared in respect of the interim control by-law. In the interim, Development 2000 Inc. submitted Official Plan and Zoning Amendment Applications (Files OP.44.87 and Z.116.87) for the subject lands, proposing redesignation to "General Commercial" and rezoning to General Commercial (C2) Zone under By-law 2523. These applications were considered at a public meeting held on September 22, 1987, concurrently with a report recommending land use policies for the area.

The reports indicated that it would be appropriate to redesignate the lands for commercial purposes. The provision of residential uses on the south side of the proposed Royal Palm Drive would have the effect of having dwellings backing onto the existing commercial plazas. This would bring them into conflict with activities related to the normal operation of commercial uses - loading, garbage pick-up, and incidental odours. The juxtaposition of uses in this manner in the immediate area has not been considered successful.

In respect of the reports, Council directed that the Official Plan be amended to redesignate the lands from "Low Density Residential" to "General Commercial" subject to considerations to be dealt with in more detail in amendments to the Official Plan, Zoning By-laws and Site Development Agreements. Official Plan Amendment Number 264 was prepared on this basis.

SCHEDULE II

On January 17, 1988, the owner of the lands at the westerly extent of the OPA #264 amendment area submitted separate Official Plan and zoning amendment applications (Files OP.10.88 and Z.22.88 - 523910 Ontario Limited). The lands, being Lot 15, Registered Plan 1607, are noted above as 434 Steeles Avenue, formerly occupied by Precision Small Parts Ltd., a manufacturing firm. As in the other applications, the owner proposed to develop the subject lands for commercial purposes on the basis of the lands being fully designated and zoned for commercial purposes.

Since the preparation of OPA #264, development approvals for the surrounding area have proceeded, including plans for the development of Planning Blocks 1 to 5 of OPA #247. Located to the west of the subject lands, OPA #247 contemplates a combination of high density residential and commercial development. The policies of OPA #247 have an impact on the development of the subject lands insofar as it respects roads and transportation matters. OPA #247 requires, as a condition of the development of lands, that a new 23 m east-west collector road be constructed along the rear of the properties immediately to the west of the subject lands. This road is to end immediately to the west of Franklin Avenue in a cul-de-sac. It is the intention of Council that the rear portions of the lots to the north be allowed to sever with frontage onto the new road. In order to maximize the development potential of the lots to the north, it is necessary that the turning circle be located approximately 20 m to 25 m into the subject lands.

The provision of the turning circle affects the developability of the lands to a minor degree. It does, however, affect the landscaping treatment necessary to screen the residential development to the north. In this regard, it was deemed appropriate to exclude these lands from the OPA #264 amendment area. Council in approving the Official Plan Amendment directed that the amendment contain policies that shall:

- a) designate the rear 41 m of the subject lands "General Commercial";
- b) remove the subject lands from the provisions of the proposed OPA No. 264. The separate amendment shall provide for the differing landscaping requirements and the acquisition of the turning circle.

On this basis, the amendments to the Official Plan were prepared and subsequently appealed to the Ontario Municipal Board.

On May 17, 1993 Vaughan Council considered and approved Official Plan and Zoning Amendment Applications OP.32.92 and Z.41.92. These applications were submitted to allow

the tenant of 434 Steeles to complete exterior alterations and to store and display cars on the site in conjunction with an automobile sales establishment. The redesignation of the new portion of the site will bring the entire lot under the "General Commercial" designation, thereby allowing the implementing zoning amendments to proceed.

By approving the new applications, Council effectively modified the provisions of OPA #295 by including detailed instructions on the acquisition of the future cul-de-sac, and deleting the specific landscape requirements so that they could more appropriately be dealt with through the implementing zoning by-law and the site plan. This approval was implemented through the adoption of OPA #435 on July 3, 1993.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

1. Amendment Number 210 to the Official Plan of the Vaughan Planning Area is hereby amended by:
 - a) Redesignating the lands, hereinafter referred to as the subject lands, shown as "Area Subject to Amendment No. 295" on the Schedule "A" attached hereto as Schedule "1" from "Low Density Residential" to "General Commercial";
 - b) Adding the following site specific policy to Paragraph 2.2.3.6:
 - n) *In accordance with subparagraph i) of paragraph 2.4 f) Staging of Amendment No. 247 to the Vaughan Official Plan, a portion of the lands at the northerly limit of the lands subject to Amendment No. 295 to the Vaughan Official Plan (Lot 15, RP 1607-434 Steeles Avenue) will be required for the construction of the easterly terminus (cul-de-sac) of Townsgate Drive. Prior to the conveyance of these lands to the City of Vaughan they may be used in accordance with an implementing zoning amendment and a site plan agreement. Arrangements for the dedication of the required portion of the Townsgate Drive cul-de-sac and compensation through development agreements with the developers of the OPA No. 247 amendment area or otherwise as may be satisfactory to the City will be established in the site plan agreement."*

SCHEDULE II

V IMPLEMENTATION

The policies of this Amendment shall be implemented through amendments to the zoning by-law and the execution of site development agreements, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time regarding the interpretation of this plan apply with respect to this Amendment.

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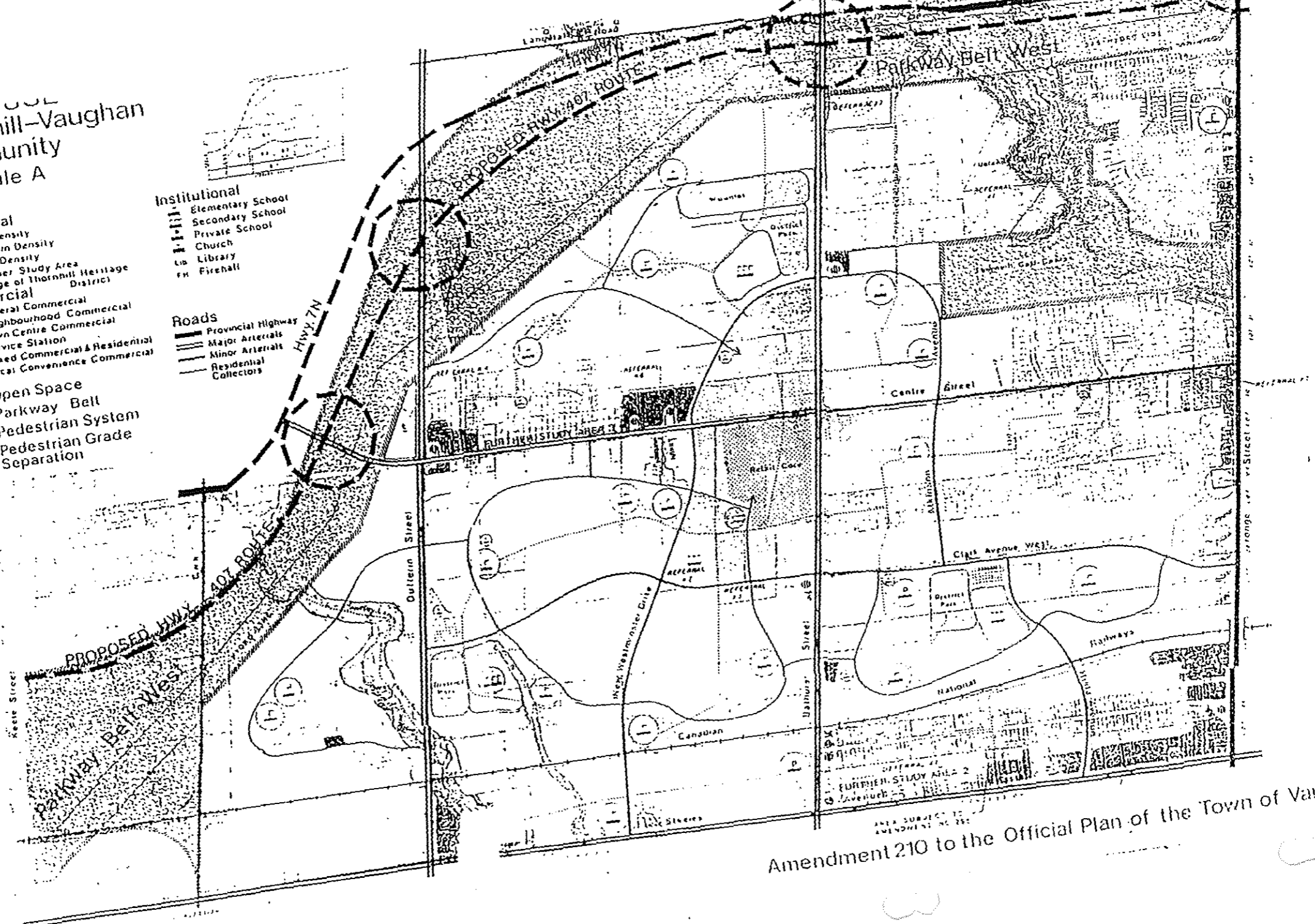
LAND USE Thornhill-Vaughan Community Schedule A

Legend

- Residential**
 - Low Density
 - Medium Density
 - High Density
 - Further Study Area
 - Village of Thornhill Heritage District
- Commercial**
 - General Commercial
 - Neighbourhood Commercial
 - Town Centre Commercial
 - Service Station
 - Mixed Commercial & Residential
 - Local Convenience Commercial
- Open Space**
- Parkway Belt**
- Pedestrian System**
- Pedestrian Grade Separation**

- Institutional**
 - Elementary School
 - Secondary School
 - Private School
 - Church
 - Library
 - Firehall

- Roads**
 - Provincial Highway
 - Major Arterials
 - Minor Arterials
 - Residential Collectors



SCHEDULE II

Amendment 210 to the Official Plan of the Town of Vaughan

SCHEDULE II

APPENDIX I

Record of Council Action

Official Plan and Zoning Amendment Applications OP.10.88 and Z.22.88 (523910 Ontario Limited) were considered at a Council Public Hearing meeting on September 6th, 1988.

The lands subject to the applications are located on the north side of Steeles Avenue, approximately 365 m west of Hilda Avenue, being Lot 15 on Registered Plan 1607, known municipally as 434 Steeles Avenue West.

The proposal before Council was to redesignate the north portion of the subject lands from "Low Density Residential" under OPA #210 (Thornhill-Vaughan Community Plan) and to rezone the entire subject lands from Restricted Industrial (M1) Zone under By-law 2523 to General Commercial (C2) Zone to permit the development of a 1-storey retail plaza with an attached 5-storey office building.

The following is the record of public comment and Council action at the aforementioned meeting:

"Ms. Heather Taylor, Architect, appeared on behalf of the applicant in support of the staff recommendations.

Mrs. Croteau, 112 Royal Palm Drive appeared on behalf of the owners of 127-147 Crestwood Road, those residences immediately behind this development and the three other commercial developments already in place, and tabled a petition from these residents.

Mrs. Croteau opposed the application on the grounds that no provisions or mention is made with regard to the erection of a berm along the future Royal Palm Drive nor is any mention made for the payment of half of the above-mentioned road on the part of the developer.

Mr. Sol Lewis, a resident on the south side of Steeles Avenue between Cactus and Hilda Avenue, spoke against the proposal because of the garbage and other refuse generated from restaurants and commercial uses in the area.

MOVED by Councillor Chapley
seconded by Regional and Local Councillor Di Giovanni

THAT Official Plan Amendment OP.10.88 and Zoning By-law Amendment Application Z.22.88, BE APPROVED, subject to the following:

1. The Official Plan Amendment shall:
 - a) designate the rear 41 metres of the subject lands "General Commercial".
 - b) remove the subject lands from the provisions of the proposed OPA #264. The separate amendment shall provide for the differing landscaping requirements and the acquisition of the turning circle.
2. Prior to the enactment of the amending Zoning By-law:
 - a) Council shall approve a site plan application and the final site plan shall be reflected in the zoning by-law as it respects, among other things, building location:
 - b) The Owner shall convey free of all cost and encumbrance, the 10 metre wide strip, plus 0.3 metre reserve along the north boundary of the property to complete the municipal road allowance.
 - c) The Owner shall in an agreement satisfactory to the Town Solicitor, agree to provide the Town with lands, as and when required for the construction of the cul-de-sac to terminate the proposed 23 metre east/west residential collector road east of Franklin Avenue generally as shown on Attachment #4 to this Staff Report.
 - d) Interim Control By-law 377-81 shall be rescinded insofar as it applies to the subject lands, if such By-law is in effect at the time of the proposed passing

SCHEDULE II

of the subject amending by-law.

- e) The Owner shall prepare a reference plan to the satisfaction of the Development Engineer describing the 10 metre road allowance to be conveyed free of all cost and encumbrance and the widening which constitutes the turning circle pursuant to Condition 2.(c) above.
3. The amending by-law shall:
 - a) Zone the subject lands General Commercial (C2) Zone, so as to provide for the development of the lands in accordance with a site plan approved by Vaughan Council;
 - b) Limit vehicular access to and egress from the site to Steeles Avenue West;
 - c) Require parking and loading to be provided in accordance with the Town's current standards.
 - d) that no drive-in, take-out or drive-through restaurants, and no place of entertainment and no auto and tire supply or repair shop, or social clubs shall be permitted.
 4. That the height not exceed 3 storeys.

CARRIED"

On April 19th, 1993 Council considered Official Plan and Zoning Amendment Applications OP.32.92 and Z.41.92 (Linblasco Investments Limited 0-523310 Ontario Limited) at a public hearing. The applications considered by Council are set out below, together with the public comment and the Council action.

PROPOSAL

1. To amend the Official Plan to:
 - a) redesignate the subject lands to "General Commercial";
 - b) obtain exemption from the requirement of a land dedication for the provision of the Townsgate Drive cul-de-sac;
 - c) reduce the minimum landscaping strip abutting the cul-de-sac; and
 - d) delete the provision excluding auto and tire supply and repair shop uses.
2. To amend the zoning By-law to:
 - a) rezone the lands from M1 Restricted Industrial to C2 General Commercial; and
 - b) recognize the existing automobile dealership.

Mr. James W. Harbell, Skikeman, Elliott, appeared before Council on behalf of the applicant in support of the application.

No one else appeared either in support of or in opposition to the applications.

*MOVED by Regional Councillor Di Biase
seconded by Councillor Cipollone*

THAT the Public Hearing, BE RECEIVED;

AND THAT this matter be referred to the Committee of the Whole as its meeting on 10 May 1993 in order to allow staff to confer with the applicant with respect to the provision within the zoning by-law regarding permitted uses of the site.

SCHEDULE II

CARRIED

The applications proceeded to the Committee of the Whole on May 10th, 1993. Committee of the Whole approved the recommendation of the Director of Planning. On May 17, 1993, Vaughan Council ratified the following recommendation of the Committee without amendment.

Recommendation

That Official Plan Amendment OP.32.92 and Zoning By-law Amendment Z.41.92 (Linblasco Investments Ltd. and 523910 Ontario Limited), be approved, subject to the following conditions:

1. That the Official Plan be amended to provide for:
 - a) the lands to be redesignated to "General Commercial";
 - b) policies respecting the dedication of the lands for Townsgate Drive cul-de-sac and compensation to the landowner.
2. That the Zoning By-law"
 - a) rezone the subject lands from M1 Industrial Zone to C2 General Commercial Zone under By-law 1-88;
 - b) provide exceptions to the zoning by-law that permit reductions to the setback requirements, outside storage provisions, parking provisions, and landscape screening provisions necessary to implement the site plan approved in accordance with Condition 3;
 - c) not permit any commercial access to Townsgate Drive;
 - d) provide for a maximum building area of 2270 metres square;
 - e) permit only the following uses:
 - Automotive retail store
 - Bank or Financial Institution
 - Boating Showroom
 - Business or Professional Office
 - Club or Health Centre (maximum 30% of total GFA)
 - Eating Establishment
 - Eating Establishment, Take-out
(provided that eating establishment uses do not exceed 20% of the total gross floor area)
 - Funeral Home
 - Laboratory
 - Motor Vehicle Sales Establishment
 - Office Building
 - Personal Service Shop
 - Photography Studio
 - Radio Transmission Establishment
 - Retail Store
 - Service or Repair Shop
 - Video Store
 - Car Rental Service
 - Car Wash (Accessory to Automotive Sales only)
 - Lumber or Building Materials Supply (dealing with new materials only)
 - Place of Amusement
 - Retail Nursery
 - Taxi Stand or Station
 - Veterinary Clinic
 - Clinic

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- f) *require a minimum of 92 parking spaces on site provided that an automobile dealership shall provide 70 customer and staff spaces provided that 18 such spaces may be provided internally associated with the service area.*
3. *That prior to the enactment of the implementing Zoning By-law, Council shall have approved the site plan application.*