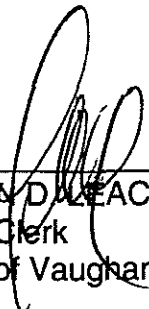


I, JOHN D. LEACH, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 551 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, as per Order #0415, dated March 15, 2001.



JOHN D. LEACH
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 8th day of August, 2001.

ISSUE DATE:

Mar. 15, 2001

DECISION/ORDER NO:

0415



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL001054

Northwest Jane Rutherford Realty Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands designated as Part of Lot 16 and 17, Concession B, and Blocks 248-255, 258-260, 262-264, 275-276 on Plan 19T-95079
O.M.B. File No. Z000150

Northwest Jane Rutherford Realty Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Vaughan to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lot 16 and 17, Concession B, and Blocks 248-255, 258-260, 262-264, 275-276 on Plan 19T-95079
City of Vaughan File No. 19T-00V04
O.M.B. File No. S000090

Northwest Jane Rutherford Realty Limited has appealed to the Ontario Municipal Board under subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Vaughan to make a decision on an application numbered B 86/00 for consent to convey part of the lands composed of Lot 16 and 17, Concession B, Blocks 258-260, Plan 19T-95079, in the City of Vaughan
O.M.B. File No. C010010

Northwest Jane Rutherford Realty Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate land composed of Part of Lot 16 and 17, Concession B, Blocks 258-260, Plan 19T-95079 and make a number of technical modifications to Amendment No. 400 to the Official Plan for the Vaughan Planning Area to permit various commercial uses
City of Vaughan File No. OP.00.019
O.M.B. File No. O010013

Canadian Tire Real Estate Limited has appealed to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lot 16, Concession 5, in the City of Vaughan
O.M.B. File No. M000089

APPEARANCES:

Parties

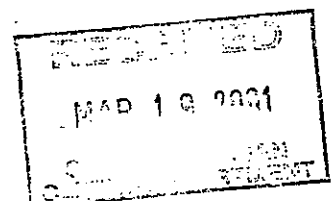
Northwest Jane Rutherford Realty Limited

City of Vaughan

Counsel

L. F. Longo

O. Fatigati



MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN FISH AT A PREHEARING TELECONFERENCE HELD FEBRUARY 28, 2001, AND ORDER OF THE BOARD

In Decision 0248, the Board approved the proposed official plan amendment but withheld its Order in this matter until the zoning by-law and site plan matters were finalized. The site plan matter is not yet finalized, nor is the zoning by-law for the residential portions of the proposed development. Both of these matters will go to hearing, as scheduled, commencing March 6, 2001.

The parties have agreed that draft plan of subdivision 19T-00V04 should have a red-line revision to delete Block 101, which is the proposed Canadian Tire site, and is illustrated in Attachment 1 to this decision. This site is the subject of the application for consent to convey; the parties agree that the Canadian Tire site should be conveyed separately and they ask this Board to approve the consent to convey lands as shown on reference plan 65R-23294 and found at Attachment 2 to this decision.

The parties have reached agreement on the conditions for draft plan approval, and ask this Board to give draft approval to plan 19T-00V04, subject to these conditions. The conditions are found at Attachment 3 to this decision.

The parties have reached agreement on the zoning by-law for the Canadian Tire site and ask this Board to approve that by-law. The proposed zoning by-law is found at Attachment 4 to this decision.

The Board had before it the affidavit of Ms Elizabeth Howson, a qualified land use planner. In Ms Howson's uncontested professional opinion the draft plan of subdivision with related conditions, the consent to convey and the site specific zoning by-law represent good land use planning and establish appropriate policies and controls for the development of the subject lands. On the evidence of Ms Howson, the Board finds that the draft plan and related conditions, consent to convey and proposed site specific zoning by-law are reasonable, appropriate, represent the principles of good community planning and are in the public interest.

The appeal is allowed; draft plan 19T-00V04 is approved as red-lined in Attachment 1 and subject to the conditions found at Attachment 3. Having regard to section 51(56.1) of the *Planning Act*, the Board Orders that final approval of the draft plan of subdivision for the purposes of section 51(58) is given to the City of Vaughan, which is the approval authority.

The appeal is allowed, the consent is granted, and the Board so Orders.

The appeal is allowed in part and the proposed zoning by-law found at Attachment 4 to this decision is approved, and the Board so Orders.

→ Although the site plan matters have not yet been finalized, the parties ask the Board to issue its Order regarding the approval of the official plan amendment, found in Board Decision 0248. The Board agrees and now so Orders.

For purposes of the hearing to commence on March 6, Issue #3 in the Procedural Order is deleted. The only issue remaining is Issue #2.

This panel of the Board remains seized.



SUSAN FISH
EXECUTIVE VICE-CHAIR

ISSUE DATE:
Feb. 15, 2001
DECISION/ORDER NO:
0248



Ontario
Ontario Municipal Board

Commission des affaires municipales de l'Ontario

RECEIVED
PL001054
FEB 19 2001
CITY OF VAUGHAN
CLERKS DEPARTMENT

Northwest Jane Rutherford Realty Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands designated as Part of Lot 16 and 17, Concession B, and Blocks 248-255, 258-260, 262-264, 275-276 on Plan 19T-95079
O.M.B. File No. Z000150

Northwest Jane Rutherford Realty Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended from the failure of the City of Vaughan to made a decision respecting a proposed plan of subdivision on lands composed of Part of Lot 16 and 17, Concession B, and Blocks 248-255, 258-260, 262-264, 275-276 on Plan 19T-95079
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O.M.B. File No. S000090

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O.M.B. File No. O010013

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O.M.B. File No. M000089

APPEARANCES:

Parties

Northwest Jane Rutherford Realty Limited
City of Vaughan

Counsel

L. F. Longo
O. Fatigati

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN FISH AT A
PREHEARING TELECONFERENCE HELD FEBRUARY 1, 2001**

The Board was advised that the parties had reached agreement on a proposed official plan amendment. The Board had before it the affidavit evidence of Ms Elizabeth Howson, a qualified land use planner. In Ms Howson's professional opinion, the proposed amendment is reasonable, appropriate, and represents the principles of good land use planning. On the evidence of Ms Howson, the Board finds that Official Plan Amendment 551, submitted to the Board by the parties and found at Attachment 1 to this decision, is reasonable, appropriate, represents the principles of good community planning, and is in the public interest.

Within the structure of the City of Vaughan Official Plan, OPA 551 is an amendment to OPA 400. OPA 600 has been adopted by the City of Vaughan, amends OPA 400, and is at the Region of York, which is the approving authority. For the purposes of OPA 551, both OPA 400 and OPA 600 have identical provisions that are being amended by OPA 551. Since OPA 600 is not yet in effect, OPA 551 refers to OPA 400. Counsel for both Northwest Jane Rutherford and the City of Vaughan have both assured the Board that it is the parties' intention that OPA 551 amend OPA 600 as well, and that the City of Vaughan has taken the necessary steps to ensure that the Region is aware of this requested modification to OPA 600 in an effort to avoid a further official plan amendment at a later date when OPA 600, as currently written, comes into force.

The Board was also advised that the parties have reached an agreement on the associated site specific zoning by-law, with the possible addition of some minor language to fine tune the by-law once the site plan matters have been fully reviewed and, the parties hope, settled. The parties have asked that the Board's Order regarding the official plan amendment be withheld until all matters regarding the proposed settlement on the zoning by-law and site plan are also before the Board.

→ The appeal on the official plan application is allowed. Official Plan Amendment 551 to the City of Vaughan Official Plan is approved. The Board's Order is withheld until the zoning by-law and site plan matters are disposed of by the Board. In the event that the remaining matters proceed to the full hearing scheduled to begin on March 6, the procedural order

governing these proceedings is amended by deleting from the issue list number 1: "official plan conformity – density re: medium density residential/commercial".

A handwritten signature in black ink, appearing to read 'Susan Fish', with a large, sweeping flourish at the end.

SUSAN FISH
EXECUTIVE VICE-CHAIR

**AMENDMENT NUMBER 551
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules "1" and "2" to Amendment Number 551 of the Official Plan of the Vaughan Planning Area constitute Amendment Number 551.

Also attached hereto, but not constituting part of the Amendment, are Appendices I and II.

I PURPOSE

The purpose of this Amendment to Official Plan Amendment (OPA) No. 400 of the Vaughan Planning Area, as amended by Site Specific OPA #483 (Vaughan Secondary Plan) is to allow additional uses within a portion of the Vaughan Centre Secondary Plan Area. These additional uses are: an alternative site for an automotive gas bar/service station, a car wash/convenience retail store, and an open storage garden centre, two storage compounds and refuse (compactor) compound in conjunction with a permitted retail use.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "subject lands", are comprised of 3.6 ha, and are located on the north side of Rutherford Road, between Highway #400 and Jane Street, specifically at the northeast corner of Rutherford Road and Sweetriver Boulevard, Block 101 on Draft Plan of Subdivision 19T-00V04, being Part of Lots 16 and 17, Concession 5, City of Vaughan. The lands are shown as "Area Subject to Amendment No. 551" on Schedules "1" and "2" attached hereto.

III BASIS

The decision to amend the Official Plan is based on the following considerations:

1. The subject lands are designated "Medium Density Residential-Commercial" and "High Density Residential-Commercial" by OPA #400, as amended by OPA #483, which permits a range of residential, retail, commercial and office uses. However, the Official Plan does not permit an automotive gas bar/service station, a car wash/convenience retail store or open storage (garden center, storage compounds and refuse (compactor) compound) for the subject lands, and therefore, an amendment to OPA #400 was required.
2. The subject lands are identified as "Urban Area" on Map 5 - Regional Structure by the York Region

Official Plan, which provides for the development of communities with a range of residential, employment and recreational uses. The Owner submitted a request for exemption from Regional approval for the amendment to the Official Plan. The Region of York exempted the application from Regional approval on November 21, 2000, stating that the proposal is of local significance.

3. The Official Plan provides density limits for the commercial component of the "Medium Density Residential-Commercial" designation, which is limited to 0.25 times the lot area abutting primary streets (Sweetriver Boulevard) and 0.5 times the lot area abutting an arterial road and does not permit open storage in commercial areas. An amendment to the Official Plan was required to allow the 1,651 m² open storage garden center (includes frost/shader) at the north end of the subject lands, which exceeds the density provision of 0.25 times the lot area, the 90 m² and 72 m² open storage compounds, and open refuse (compactor) compound. The Official Plan Amendment application addresses the commercial density and open storage uses, which shall be subject to the Official Plan's Open Storage policies. In particular, all the open storage areas are to be enclosed by solid fencing, and the garden center and refuse areas are to have a landscape buffer.
4. The Official Plan allows only one automotive gas bar/service station in the Vaughan Centre to be located at either the "High Density Residential-Commercial District Commercial" lands to the west of the subject lands, or in the "General Commercial - Special Policy" lands adjacent to Jane Street. The Owner is proposing an automotive gas bar/service station/car wash/convenience store building on the subject "High Density Residential-Commercial" lands as an alternative location to the two other permitted sites. It is not proposed that the policy, which permits only one of such uses, be amended, thereby providing three opportunities for one automotive gas bar/service station site within the Vaughan Centre. These uses would be subject to the Official Plan's Automobile Gas Bar/Service Station policies.
5. On May 23, 2000, Council ratified the May 15, 2000, recommendation of the Committee of the Whole to receive the public hearing for Zoning By-law Amendment Z.00.027, and forward a comprehensive

report to a future Committee of the Whole meeting. On December 18, 2000, Council ratified the December 11, 2000, recommendation of the Committee of the Whole to receive the public hearing for Official Plan Amendment OP.00.019 and forward a comprehensive report to a future Committee of the Whole meeting.

6. On October 6, 2000, the Owner appealed Zoning By-law Amendment Application Z.00.027 and Draft Plans of Subdivision Applications 19T-95079 and 19T-00V04 to the Ontario Municipal Board (OMB), and advised that the related official plan amendment application is to be appealed upon the expiration of the 90-day application period. On January 9, 2001, the OMB pre-hearing was held to establish the review process for the official plan and zoning amendments, and the related commercial site plan application. Subsequent to the pre-hearing, on January 11, 2001, the Owner appealed Official Plan Amendment Application OP.00.019 to the OMB.
7. On January 29, 2001, Council ratified the January 22, 2001 Committee of the Whole recommendation to approve Official Plan Amendment Application OP.00.019 (Northwest Jane Rutherford Realty Ltd.), and approve the Zoning By-law Amendment Application Z.00.027 (Northwest Jane Rutherford Realty Ltd.), subject to addressing site plan issues.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Official Plan Amendment No. 400 of the Vaughan Planning Area, as amended by Site Specific OPA #483 (Vaughan Secondary Plan) for the lands identified as Block 101 in Draft Plan of Subdivision 19T-00V04, dated November 17, 2000, as prepared by Macaulay Shiomi Howson Ltd., as shown as the "Area Subject to Amendment No. 551", is hereby amended by:
 - a) Adding a new subsection to Section 4.2.2.2 Vaughan Centre Secondary Plan Area and Vaughan Corporate Centre, as follows:

*xi. Notwithstanding Sections 4.2.1.3 (iii), 4.2.1.3 (iv), 4.2.1.4 (ii) and 4.2.2.1 (iii), within the "Medium Density Residential-Commercial Area" and "High Density Residential-Commercial Area" within the Vaughan Centre Secondary Plan, the following uses shall be permitted on the lands subject to OPA #551 in conjunction with an automotive retail use and/or a retail use, and in accordance with the policies of the Official Plan:

- open storage garden center, limited to an area of 1800 m²
- open storage compounds, limited to a total area of 200 m²
- open refuse (compactor) compound
- automotive gas bar and/or service station in conjunction with a convenience retail use
- car wash

b) Adding at the end of the second sentence of Section 4.2.2.71(vi) Service Stations and Gas Bars the following phrase:

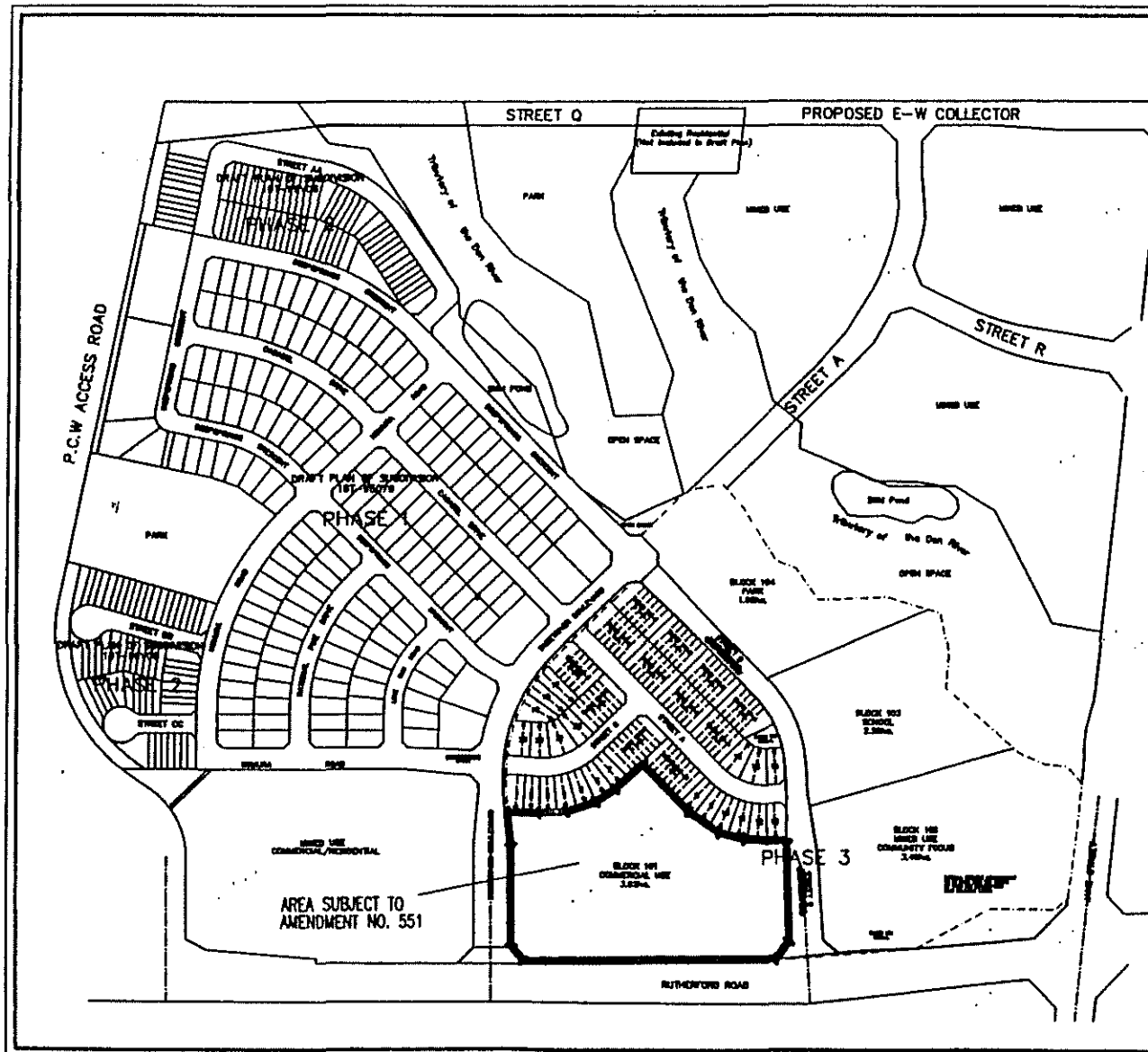
“, or in the "High Density Residential-Commercial" designation on the subject lands, and one (1) car wash is permitted only in the "High Density Residential-Commercial" designation, for the subject lands.”

V IMPLEMENTATION

The policies of this Amendment shall be implemented through an amendment to the City of Vaughan Zoning By-law 1-88, and Site Plan Approval, pursuant to the Planning Act.

VI INTERPRETATION

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



THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT NO. 551
 ADOPTED THE ___ DAY OF ___, 2001

SIGNING OFFICERS

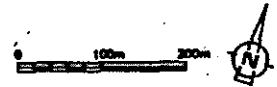
BOARD ORDER #0415
 - MARCH 15, 2001 - .YOR

CLERK

LEGEND

— SUBJECT LANDS
 LOCATION: Part of Lr 16,17 Conc. 5
 NOT TO SCALE

**VAUGHAN CENTRE
SECONDARY PLAN**



LEGEND

- (ES) ELEMENTARY SCHOOL
- (NP) NEIGHBOURHOOD PARK
- (SW) STORM WATER MANAGEMENT
- (DC) DISTRICT COMMERCIAL CENTRE
- SP 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

 AREA SUBJECT TO AMENDMENT NO. 483/VAUGHAN CENTRE SECONDARY PLAN

LOCATION OF INTERSECTION
TO BE DETERMINED

CANADA'S WONDERLAND

HIGHWAY 400

JANE STREET

CNR

RUTHERFORD ROAD
AREA SUBJECT
TO AMENDMENT NO.551

PRIMARY ROAD MUST
ALIGN WITH FUTURE
EDGELEY BOULEVARD

THIS IS SCHEDULE 'B1'
TO OFFICIAL PLAN AMENDMENT
NUMBER 400

THIS IS SCHEDULE '2' TO
AMENDMENT # 551

ADOPTED THE ___ DAY OF
_____, 2001

SIGNING OFFICERS

BOARD ORDER #0415
- MARCH 15, 2001

MAYOR
CLERK

APPENDIX I

Record of Council Action

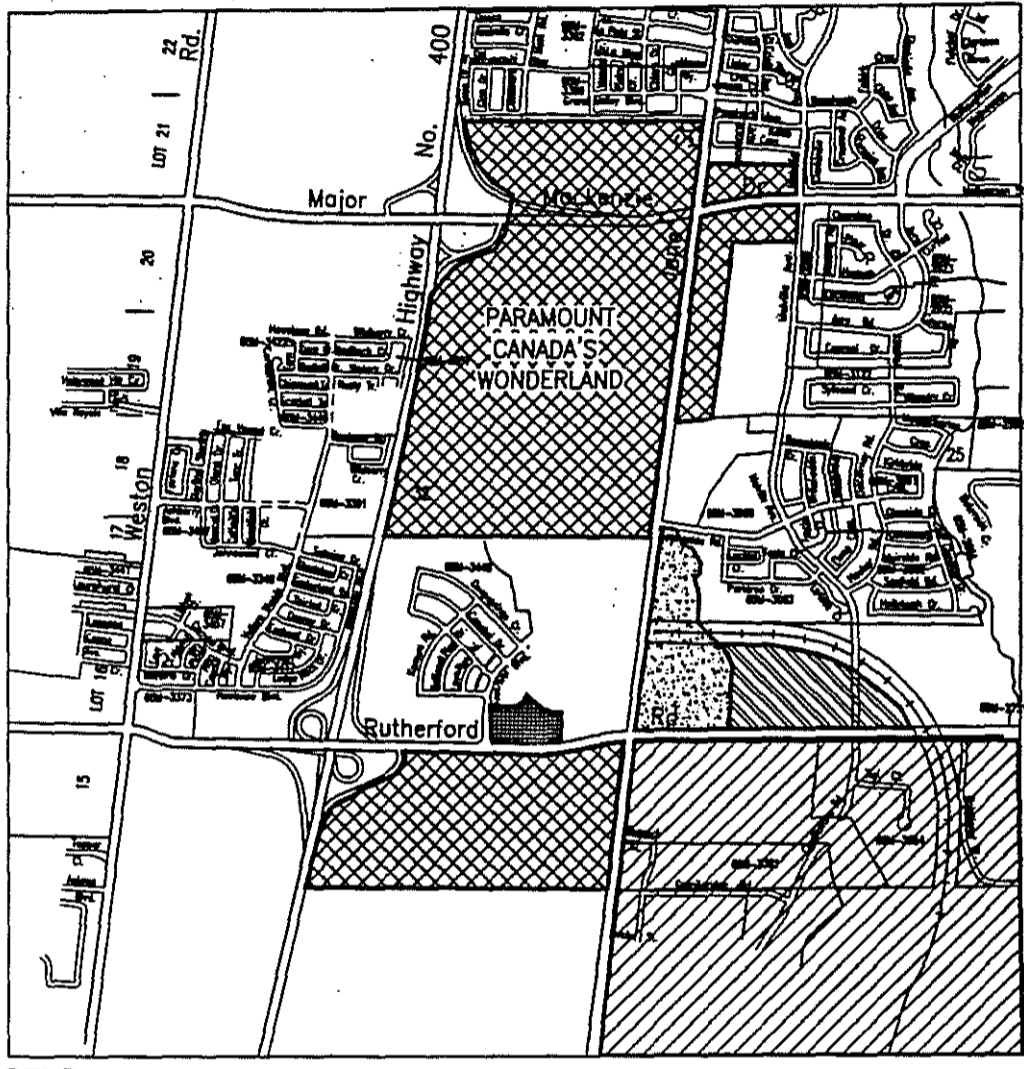
The lands subject to this Amendment, hereinafter referred to as the "subject lands", are comprised of 3.6 ha, and are located on the north side of Rutherford Road, between Highway #400 and Jane Street, northeast corner of Rutherford Road and Sweetriver Boulevard, Block 101 on Draft Plan of Subdivision 19T-00V04, being Part of Lots 16 and 17, Concession 5, City of Vaughan.

The purpose of this Amendment to Official Plan Amendment (OPA) No. 400 of the Vaughan Planning Area, as amended by Site Specific OPA #483 (Vaughan Secondary Plan) is to allow additional uses within the Vaughan Centre Secondary Plan Area. These additional uses being: an alternative site for an automotive gas bar/service station, a car wash/convenience store, and an open storage garden centre, two storage compounds and refuse (compactor) compound on the subject lands for a Canadian Tire retail proposal.

On January 22, 2001, the Committee of the Whole considered Official Plan Amendment Application OP.00.019 and Zoning By-law Amendment Application Z.00.027 (Northwest Jane Rutherford Realty Ltd.), for which the following recommendation was ratified by Council on January 29, 2001:

1. THAT Official Plan Amendment Application OP.00.019 (Northwest Jane Rutherford Realty Ltd.) BE APPROVED to permit additional uses within the Vaughan Centre Planning Area (an alternative site for an automobile gas bar/service station/car wash/convenience store and an open storage garden centre and refuse (compactor) compound);
2. THAT Zoning By-law Amendment Application Z.00.027 (Northwest Jane Rutherford Realty Ltd.) BE APPROVED, subject to the following:
 - i) that prior to the enactment of the zoning by-law, the site plan application shall be approved establishing the siting of the various uses, and the required exceptions to the C5 Zone standards; and,
 - ii) that the implementing by-law provide for the necessary zoning exceptions to facilitate the approved site plan."

APPENDIX II
 EXISTING LAND USE
 OFFICIAL PLAN AMENDMENT NO. 551
 CITY OF VAUGHAN



LEGEND



SUBJECT LANDS

LOCATION PART OF LOTS 16,17, CONC. 5



INSTITUTIONAL



INDUSTRIAL



COMMERCIAL



RESIDENTIAL



AGRICULTURAL