

OPA file



The City Above Toronto

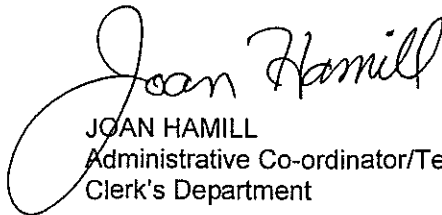
DATE: November 27, 2007

MEMO TO: Planning Department - Judy Jeffers
- Jack McAllister
Policy Planning & Urban Design - Diana Birchall
Legal Department - Claudia Storto (OMB Case #PL020694)

SUBJECT: OPA #570
Gilbert Michael Plummer
File: OP.00.014 (Related File: Z.00.064 - Zoning By-law 265-2002)

Please find attached a copy of the above-mentioned Official Plan Amendment which was approved by the Ontario Municipal Board's Order #2103, dated July 26, 2006. The appeals regarding the above-mentioned OPA have been dismissed by the Board.

The appeals with respect to the related Zoning By-law 265-2002 have also been dismissed. Therefore, this by-law is also in effect, as of July 26, 2006.


JOAN HAMILL
Administrative Co-ordinator/Technician
Clerk's Department

Enclosures

memorandum

ISSUE DATE:
July 26, 2006
DECISION/ORDER NO:
2103



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL020694

The Regional Municipality of Peel, the Town of Caledon and the City of Brampton have appealed to the Ontario Municipal Board under subsection 17 (36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Regional Municipality of York to approve proposed Amendment No. 570 to the Official Plan for the City of Vaughan to redesignate land on the East side of Highway 50 between Countryside Drive and Mayfield Road from "Valley and Stream Corridor" to "Rural Use Area" by way of an exception to the provisions of the "Rural Use Area" designation to permit a truck dealership and repair facility, re-fuelling station and drive-through restaurant

Approval Authority File No. D06.26.02.566

O.M.B. File No. 0020121

(O.P. 00.014)

The Regional Municipality of Peel, the Town of Caledon and the City of Brampton have appealed to the Ontario Municipal Board under subsection 34 (19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 265-2002 of the City of Vaughan
O.M.B. File No. R020199

APPEARANCES:

Parties

Counsel

1433666 Ontario Inc.

J. Alati

Regional Municipality of Peel, City of
Brampton

K. Hare

Town of Caledon

J.D. Ostler

DECISION DELIVERED BY J. de P. SEABORN ORDER OF THE BOARD

The matter before the Board consists of appeals made by the Regional Municipality of Peel (Peel), the City of Brampton (Brampton) and the Town of Caledon (Caledon) in connection with Amendment No. 570 (OPA 570), which amends the Official Plan for the City of Vaughan (Vaughan) and Zoning By-law 265-2002 (By-law). The purpose of OPA 570 and the associated By-law is to permit the Applicant, 1433666 Ontario Limited (York Truck Centre) to operate a truck dealership and repair facility, re-fuelling station and drive-through restaurant on the east side of Highway 50, south of Kirby Road and north of Nashville Road.

The Parties

The appeals before the Board were filed in 2002 and the hearing was originally scheduled for August 2003. The matter remained in abeyance for some time until a further pre-hearing conference was held in the fall of 2005. In accordance with the terms of the Procedural Order agreed upon by all parties, York and Vaughan advised the Board that neither proposed to participate in the hearing. Accordingly, the parties to the hearing were York Truck Centre, for whose benefit the planning instruments were enacted, and the three municipal appellants: the Town, Brampton and Peel. The Secondary Plan #47 Landowners Group appeared as a participant and a consultant, Mr. Horgan, retained on their behalf made a presentation to the Board in support of the appellants.

Background and Site Location

The planning instruments before the Board were approved by York and Vaughan, and the appeals were launched by the neighbouring municipalities. The site is located at the western boundary of Vaughan (within York Region) however the responsibility for Highway 50 rests with Peel. Caledon is to the north of the site and Highway 50 is a major transportation route for these residents. The position of the municipalities was that the application is premature given the state of planning in the area, both with respect to secondary plans and potential road improvements and inter-municipal road re-alignments. At this stage, the Appellants consider the site to be inappropriate for a truck repair and refuelling centre given the impacts development of this site would have to both land use planning and road network planning in the municipalities of Peel, Brampton and Caledon. In short, the position of the Appellants was that development on this site, at this time, would constrain the planning in the area, particularly as it relates to the provincial highway and regional road network, and secondary planning.

The site is approximately 4.33 hectares in size, with 291 m of frontage on Regional Road 50 (Highway 50) to the west and Cold Creek Road to the east. The site is .5 kilometres north of Nashville Road and south of Kirby Road. Mayfield Road in Peel intersects Highway 50 just north of the site. Highway 27 runs substantially parallel

to Highway 50 through Vaughan and the major north-south route to the west in Brampton is The Gore Road.

OPA 570 (which amends OPA 600) has the effect of re-designating the site from "Rural Use Area" and "Valley and Stream Corridor" to "Rural Use Area", adding an exception to permit the proposed commercial use. OPA 570 was approved by York Region on June 27, 2002. The implementing Zoning By-law 265-2002 (By-law) was enacted by the City of Vaughan on August 26, 2002 and amends By-law 1-88, re-zoning the site from A Agricultural Zone to C2 General Commercial Zone, subject to an "H" holding symbol which will not be removed until Vaughan has approved a site plan application. Prior to enactment of the planning instruments the scope of the proposed development was scaled back in response to comments from York Region staff. The facility will include a one storey office building (originally two stories), ten (10) service bays (from fourteen (14)), three (3) fuel pumps (from five (5)), and a drive-through convenience facility with convenience foods only and no on-site food preparation. The proposal was further modified prior to the hearing and after enactment of the planning instruments. The major access point to the site is proposed by way of signalized traffic lights onto Highway 50 and secondary access at the east end of the property onto Cold Creek Road. Approval for the traffic signal needs to be secured through Peel as it has responsibility for Highway 50, even though the site itself is situated within York Region.

In support of OPA 570 and the By-law the Board heard evidence from Mr. Armstrong (land use planning) and Mr. Wallace (transportation). The municipalities called a joint case and three municipal planners testified: Mr. Slomke (Peel); Mr. Kennaley (Caledon); and Mr. Winterhalt (Brampton). Mr. Belton, a land use planner from York testified under summons. In addition Mr. Saiyed (Peel transportation planner) and Mr. Bacquie (transportation planning consultant) addressed transportation planning issues. Mr. Gurusinghe (Peel) provided evidence with respect to land use planning, with particular reference to the Provincial Policy Statement (PPS) and policies of the York Region and Vaughan Official Plans. Mr. Rae, a transportation engineer, was retained by Peel to evaluate York Truck Centre's traffic impact analysis and gave evidence with respect to traffic volumes across the regions and the impact associated with the proposed site access arrangements.

Issues

The issues before the Board are summarized as follows:

1. Is approval of a truck repair facility at this location premature and would it compromise the on going planning efforts with respect to first, the location of an extension of Highway 427 and second, the establishment of a Provincial east-west transportation corridor?
2. Is approval premature given ongoing study by the municipalities of east-west transportation links, local area road network planning and secondary planning?
3. What are the traffic impacts to Highway 50 of the truck repair facility and can site access be accommodated?
4. Do OPA 570 and the By-law constitute good planning and conform with applicable policies including the Provincial Policy Statement (PPS), the Provincial Growth Plan, the York Region Official Plan and the Vaughan OPA 600?

Issue 1: Extension of Highway 427

There was a considerable amount of evidence provided with respect to the potential for an extension of Highway 427 and what the plans of the Province are in this regard. There was agreement among the witnesses that the future alignment of Highway 427 will ultimately be determined through the Class Environmental Assessment (Class E.A.) process. The difference between the parties was that the municipalities argued that the York Truck Centre site is located within a technically feasible route for the extension of Highway 427 or its terminus and accordingly, the site must be protected from commercial development in order not to compromise potential alternative alignments. While the municipalities have not collectively frozen development in areas that fall within Highway 427 study areas, they believe the truck centre repair use is too intense for the site and its construction and operation could detract from, or compromise, a potential option from any list of alternatives. The municipalities

simply do not want the options narrowed as a result of an approval of the application before the Board.

The transportation planning witnesses all agreed that potential alignments for a future extension of Highway 427, beyond its existing terminus at Highway 7, have been under consideration for a number of years. All of the planning and policy documents provided to the Board point to serious congestion at the existing terminus of Highway 427. Prior to 2005, various planning documents indicated a desire to extend Highway 427 from Highway 7 as far north as either Barrie or Collingwood. Over the years corridors have been shown on either side of Highway 50 through Brampton to the west and Vaughan to the east.

In February 2005 the Draft Growth Plan for the Greater Golden Horseshoe (Draft Growth Plan) and the *Greenbelt Act* and Greenbelt Plan were introduced by the Province. In November 2005 the Province approved the 427 Transportation Corridor Environmental Assessment Terms of Reference (427 EA Terms of Reference), a document which sets out the structure for the individual environmental assessment (427 EA) which will address the problems associated with the current terminus of Highway 427 at Highway 7. Notice of the commencement of the 427 EA study was given by the Province in June 2006. The evidence suggests that it will take two to three years to complete the 427 EA. Assuming approval of the 427 EA, land acquisition and construction would follow, a process that could take several more years.

The municipalities argued that the application is premature in light of the commencement of the 427 EA. The 427 EA will address transportation issues south of the Greenbelt, which includes the York Truck Centre Site. The municipalities suggest that a decision on this application should await the results of the 427 EA as the study will identify the preferred terminus of highway and potential corridors to the north of that terminus. It is only after this planning is completed that potential development of the York Truck Centre site can be contemplated.

While the Board appreciates the concern that no doors should be closed and all feasible options remain open, the Board finds that the potential for the future

extension of Highway 427 near the subject site is not a persuasive rationale for rejecting the development as premature. The planning horizon associated with the identification of a preferred alignment for Highway 427 as far north as the York Truck Centre site is too far into the future to affect development of this site today. The focus of the 427 EA will be to address short term transportation issues and the 427 Terms of Reference indicates that the undertaking is intended to address problems in a 10-15 year planning horizon. The existing and short term issues that require immediate attention are identified as the problems related to the current terminus at Highway 7, truck traffic accessibility to and from the CP Vaughan Inter-model facility (east of Highway 50, just north of Rutherford Road), and their impact on inter-regional traffic in the Peel-York boundary area. What is critical to this hearing is that all of this activity is well to the south of the proposed York Truck Centre. The 427 Terms of Reference Key Plan, Exhibit 1.1, highlights the area where transportation problems have been identified. The York Truck Centre site is at the very northern tip of the study area, which is bounded by the existing terminus of Highway 427 at Highway 7 and Mayfield Road to the north.

The municipalities argued that because the 427 Terms of Reference indicates that a future terminus of Highway 427 could be as far north as Mayfield Road, consideration of this approval should await the outcome of the 427 EA planning process. Given the clear intent of the 427 EA is to address traffic between Highway 7 and the CP Inter-model Yard, the Board finds that development of the York Truck Centre site will not have the effect of compromising future alignments north of Rutherford Road. There is no certainty that the 427 EA will recommend an extension of the 427 beyond the CP Inter-model Yard at Rutherford Road. Moreover, even if a corridor is identified it will be one of a series of alternatives. Identification of a preferred alignment, property acquisition and construction of an extension of Highway 427 north of the CP Inter-model Yard is years away. In this regard, the Board relies on Brampton's Transportation Master Plan which does not show any extension of the 427 as far north as Mayfield Road until 2021.

In addition, the evidence suggested that any extension of Highway 427 beyond either Rutherford Road or Major Mackenzie Road would be through Vaughan as opposed to a western alignment through Brampton, which would require the 427

to cross Highway 50. The Board acknowledges that these choices and decisions will be considered by the Province as it proceeds with its planning process and consideration of alternatives in the context of the environmental assessment process. However, that process will continue to unfold pursuant to a timetable that the Board cannot dictate or even influence. The Board accepts the submission of York Truck Centre that the Board should not turn down development at this site based on future initiatives which may never come to fruition.

The municipalities also expressed a concern that a future potential link of an extended Highway 427 with a GTA West highway corridor may be comprised as a result of an approval. The GTA West corridor study is even broader in scope than the 427 EA and is higher level planning, indicating long range objectives to link the Kitchener/Waterloo/Guelph area with York Region. The planning horizon for this initiative is a thirty year period and there is no timetable in place for the development of any terms of reference, let alone an individual EA study to examine alternatives. The Board finds that the identification of a potential GTA West corridor, which is shown conceptually in Places to Grow as passing to the north of Mayfield Road and Highway 50, is simply not a reason to freeze development at the site.

In considering initiatives with respect further extensions to the provincial highways, the Board notes that MTO was not a party to the hearing and there was no concrete evidence from the Province that an approval of the York Truck Centre would jeopardize future corridor and alignment planning.

Issue 2: East-West transportation, local area road net-work planning and secondary planning

There were a myriad of planning documents and initiatives explained to the Board that relate to the regional and local road network. The municipal planners expressed concern that approval of the York Truck Centre will prejudice and compromise options not yet finalized with respect to planned improvements proposed for the Regional road network. In particular, ongoing boundary studies are underway considering alternatives for potential road widening and re-

alignments to improve the flow of goods and people through these highly urbanized and busy transportation corridors. Similar to the position taken in respect of the 427 EA, the municipalities argued that an approval for York Truck Centre will have the effect of compromising future options with respect to the east-west road network solutions. Moreover, solutions to existing congestion and delay require integration with the extension of Highway 427 and its ultimate terminus. The initial York/Peel Boundary Area Transportation Study (BATS) was completed in 2003. The purpose of the study was to address transportation issues in the southern part of the Peel-York boundary in order to support development in Caledon, Brampton and Vaughan. The planning horizon of BATS was to the year 2031. The study recommended both a short and long term network of arterial and collector roads. Within Vaughan, the study area extended to Nashville Road (south of the York Truck Centre site) and within Brampton included lands up to and including Mayfield Road. A collective effort of Peel, York, Vaughan, Brampton, Caledon and the MTO, the BATS has evolved since 2003 and a BATS(3) study is underway, with its preliminary recommendations under review by the steering committee and participating municipalities. Nine options were presented to the Board for connection upgrades and road realignments to accommodate possible east-west connector routes, two of which are particularly relevant to the application before the Board. Identified as Mayfield Option 1 and Coleraine 5 in BATS(3), each are close to the York Truck Centre site but do not traverse the site. Both of these connection upgrades would require an extension of Mayfield Road where there is no road, requiring further EA study.

The Board finds that the ongoing study by the municipalities of east-west connections is insufficient rationale for concluding that the application before the Board is premature. The witnesses were consistent in their views that the driving force in selection of the preferred connector upgrades to improve the flow of people and goods between the municipalities was the decision by the Province on the extension of Highway 427. The identification of a preferred alternative for the extension with a terminus at least in the vicinity of the CP Inter-model Yard remains the short term objective, and alternatives for a future terminus to the north may be part of the study. However, final decisions on road connection

solutions (beyond individual road widening planned independently by each municipality) will not be made for some years, as the municipalities await the completion of the 427 EA. The witnesses agreed that decisions on the 427 EA will "trump" the conclusions and preferred alternatives identified in BATS (3). In this regard, the suggestion was made to the Board that the outcome of 427 EA followed by BATS(3), or even BATS(4) must be known before the York Truck Centre application can be given approval to proceed. The Board finds that approach is prejudicial to the applicant; especially in circumstances where the planning instruments were enacted in 2002 and the original hearing was adjourned for three years to provide the municipalities with an opportunity to consider road alignments in the area of the site. The 427 EA will take 2 to 3 years to complete, then the municipalities will have to consider that work in finalizing the inter-municipal road network. A further delay to the applicant when there is no real certainty that development will compromise the alternatives does not represent good planning.

Issue 3: What are the traffic impacts to Highway 50 of the truck repair facility and can site access be accommodated?

There is no question that Highway 50 is very busy between Highway 7 and Mayfield Road, serving commuter traffic to the Bolton area and the Town of Caledon. There is also significant heavy truck traffic, especially between the existing terminus of Highway 427 at Highway 7 and the CP Inter-modal Yard. The transportation planners testified that Peel, Brampton and Caledon are concerned that York Truck Centre has the potential to negatively impact Highway 50, which already handles traffic volumes equivalent to a 400 series highway. The Board was told that until Highway 427 is extended from Highway 7, Highway 50 will remain an important route for moving truck traffic and commuters in the area. The applicant is proposing a signalized access from the site onto Highway 50. While that access would ultimately be shared with the property owner to the south, the amount of truck traffic entering and leaving the site does not meet the volume standard required to permit (warrant) signalized access. Moreover, Peel manages access onto Highway 50 and its position was that it cannot be required to permit site access pursuant to the Peel Controlled Access By-law and Peel Official Plan policies.

The Board acknowledges that the operation of Highway 50, including the provision of access permits and signals is managed by Peel. Based on the evidence provided at the hearing, signalized access at Highway 50 is clearly the safest way to provide access, in the absence of improvements to Cold Creek Road which provides site access to the east. Earlier site plans proposed right in and right out access and additional access to the rear of the site onto Cold Creek Road. York and Vaughan staff did recommend the applicant consider relocating Cold Creek Road and its intersection with Nashville Road, clearly an awkward intersection for truck movement. Nonetheless, that option was not pursued nor was it a condition of the approval of OPA 570 and the By-law. On this issue the Board adopts the position of the applicant. The relevant policies speak to controlling access onto Highway 50, there is no prohibition. While the Board cannot dictate to Peel whether it determines that a signal is warranted at the site, similarly the Board cannot turn down the application merely because access must be ultimately secured through a different process. As indicated by Counsel for York Truck Centre, the Board routinely makes land use planning decisions where full implementation of the proposal is contingent on other approvals, the precise situation in this instance.

The municipalities also expressed a concern that providing a signalized access would constrain the location of future signals along Highway 50 given spacing requirements. However, the decision on signalized access will be made by Peel and the traffic witnesses confirmed that there are no existing signals that would impinge on placement of a signal at the York Truck Centre site.

Lastly, a concern was expressed that the proposed access to the York Truck Centre site would dictate secondary land use planning for the lands on the west side of Highway 50. The concern was that once a signal is in place, any road extension or access to lands on the other side of a highway would be pre-determined by the presence of the signal. The municipalities took the position that an approval is contrary to inter-municipal cooperation and planning and will undermine joint planning for local roads and secondary planning in the area. York Truck Centre was criticized for failing to address potential traffic impacts on adjacent lands in Brampton Secondary Plan Area #47. The argument made was that planning for these lands will not proceed until the location of Highway 427 is

known, unless individual projects within the plan area can be accommodated. Accordingly, York Truck Centre should not proceed.

The Board received evidence from Mr. Horgan, a consultant retained by certain owners of property situated in Plan Area #47, an area of approximately 3000 acres of land within the Brampton urban boundary. However, Mr. Horgan's clients do not include landowners directly adjacent to the York Truck Centre site and these landowners did not participate in the hearing. The reality is that there are no Secondary Plans filed for Plan Area #47 and accordingly no alternative proposal for signalized access. Mr. Horgan was candid in his testimony indicating that at this stage their process is awaiting the outcome of the 427 EA and BATS(3) studies prior to proceeding further with the Secondary Planning process. Consequently, Block Plans remain premature.

The Board does not accept that the process underway for Plan Area #47 will be negatively affected by the proposal before the Board. The Secondary Planning process is well behind the planning and development on the east side of Highway 50. York Truck Centre should not be penalized as a result of decisions taken in respect of the lands to the west, especially in circumstances where its adjacent neighbours have made no complaint about the proposal, including the proposal for access. The Board does not accept that approval of the application will constrain future planning and prejudice secondary planning for the area. At most, if signalized access is granted by Peel, there will be one additional signal north of Nashville Road. This circumstance cannot be said to jeopardize an entire secondary planning process.

Issue 4: Do OPA 570 and the By-law constitute good planning and conform with applicable policies including the Provincial Policy Statement (PPS), the Provincial Growth Plan, the York Region Official Plan and the Vaughan OPA 600?

As indicated at the outset, the matter before the Board is somewhat unusual in that the planning instruments are appealed by the neighbouring municipalities. York and Vaughan determined not to participate in the hearing although Mr. Belton, Manager of Development Review, York Region, appeared under summons. Mr. Belton confirmed that the staff position in 2002 when the

applications were first considered was that they be refused. Staff concerns at that time included access to Highway 50 (signalized access was not part of the original site plan), the appropriateness of the site in a rural policy area in light of employment lands elsewhere in the Region, and the potential for comprehensive transportation and land use planning in the area to be jeopardized by an approval. Nonetheless, Mr. Belton confirmed that York Region and Vaughan did not accept staff recommendations and approvals were given.

While the relevant policies applicable to the application were not in dispute, the planners had different opinions on their interpretation. The site is generally surrounded by vacant land. Immediately to the south is a property zoned C2 for the establishment of the sale and accessory servicing of automobiles and agricultural equipment. Immediately to the south of that parcel is vacant land zoned "A" Agricultural. This site has Nashville Road as its southern boundary. Between Nashville Road and Langstaff Road to the south is an area covered by OPA 19 where secondary plans and block plans have yet to be prepared. There is a golf range just south of Nashville Road and a substantial freight terminal at Rutherford Road. A number of commercial and employment uses for lands south of Langstaff Road have been approved or are in the process of being considered by York and Vaughan. The community of Kleinburg is to the east of the York Truck Centre site and the Woodbridge expansion area is to the south of Kleinburg. To the west of the site across Highway 50 is vacant land and as indicated previously, Mayfield Road, a significant local road, intersects Highway 50 to the north of the site.

Immediately north of the site, but south of Mayfield Road, is a residential dwelling and the vacant land zoned agricultural to the north of this residence is the subject of a re-zoning application (BIK Hydraulics) that remains under appeal as it did receive negative comment from York and Vaughan. To the north is additional vacant land and uses including a car dealership, helicopter facility and trucking facility.

The planners from Peel, Brampton and Caledon submitted that OPA 570 and the associated By-law under appeal do not constitute good planning and are contrary to the Provincial Policy Statement (PPS), York and Vaughan Official Plans.


However, in arriving at these conclusions the opinion offered to the Board was that the development of the site was premature given ongoing transportation planning (for both provincial highways and local roads) and secondary planning both in Brampton and Vaughan. The municipalities argued that the requirements in the York and Vaughan official plans that permit limited rural industrial, commercial and institutional uses are not satisfied by the proposal to operate a truck repair and refuelling facility. The argument was also advanced that York Truck Centre, which currently operates in Richmond Hill in a highly urban environment, has not established a need and demand for its business at this particular site. Alternative sites that will not compromise future transportation planning are likely available in York and the applicant failed to analyse alternatives. The municipalities submitted that in the absence of the applicant analysing and presenting a compelling demand to operate at the proposed location, the requisite need for a the truck repair facility has not been established therefore there is no evidence for the Board to conclude that the application is in the public interest.

Based on all the planning evidence heard, the Board finds that OPA 570 and the By-law represent good planning and conform to applicable policy regime. The planners for the municipalities agreed that the site and the area will likely be designated for urban uses in the future. The site is vacant land that cannot be used for agricultural uses. The municipal witnesses indicated that the site may well be appropriate for the intended use, with the major hesitation to an approval relating to the potential for its development to compromise transportation planning. In fact, the suggestion was made that if the application were for a somewhat less-intense commercial use, such as selling agricultural equipment or as a garden centre, the use would be appropriate. The Board accepts that the proposal is complementary to surrounding land uses and finds it is not contrary to the existing policy regime at either the provincial or municipal level. As indicated previously the site is surrounded by a helicopter repair facility, Sears warehouse, the CP Inter-model Yard, Fast Frate, and other transportation related businesses. A truck repair and refuelling facility will serve existing uses and do so without affecting agricultural land or the employment lands designated to the south in OPA 19. There are no environmental features associated with the site and

servicing is not an issue. The major objection was centred on timing as opposed to site suitability and the Board finds that the application represents good planning pursuant to the provincial policy regime, the York OP, and the Vaughan OP.

The By-law contains a holding provision that ensures site plan details will be finalized prior to zoning, a mechanism that is often relied upon. In addition, York Truck Centre has submitted an amendment to the By-law that would provide additional time for the municipalities to identify road realignments in the vicinity of the site. In the event these realignments are not finalized by December 2006 the holding symbol, as set out in Exhibit 14, would be lifted and the development can proceed. While municipal witnesses were not optimistic that the preferred road realignments could be finalized prior to December 2006 given the reliance being placed on the outcome of the 427 EA, the Board finds that the addition of this holding provision as recommended by York Truck Centre is good planning and the By-law should be modified as proposed. In this regard, the Board rejects as well the submission that the Vaughan OP does not permit the use of holding symbols generally and that there is no legal basis for the incorporation of such provisions in by-laws enacted by Vaughan. The By-law as enacted some four years ago included one holding provision as it relates to site plan approval. The modification to include an additional provision now cannot be found to be "illegal" as suggested and the Board rejects this submission.

Decision



For all of the reasons given, the Board finds that OPA 570 and By-law 265-2002 represent good planning. The Board orders that Amendment No. 570 to the Official Plan for the City of Vaughan is approved and the appeals are dismissed. The Board further orders that the appeals against By-law 265-2002 of the City of Vaughan are dismissed, subject to the addition of a modification including a holding (H) provision as set out in Attachment "1".

This is the order of the Board.

J. de P. Seaborn
J. de P. SEABORN
VICE-CHAIR

THE CITY OF VAUGHAN

BY-LAW

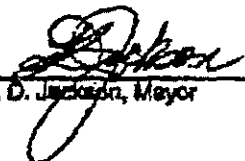
BY-LAW NUMBER 506-2001

A By-law to adopt Amendment Number 570 to the Official Plan of the Vaughan Planning Area.

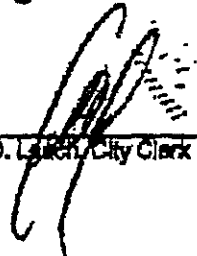
NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 570 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedule(s) "1" and "2" is hereby adopted.
2. AND THAT the City Clerk is hereby authorized and directed to make application to the Regional Municipality of York for approval of the aforementioned Amendment Number 570 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, SECOND and THIRD time and finally passed this 18th day of December, 2001.



 L. D. Jackson, Mayor



 J. D. Larch, City Clerk

**AMENDMENT NUMBER 570
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 570 to the Official Plan of the Vaughan Planning Area and Schedules "1" and "2" constitutes Amendment Number 570.

Also attached hereto but not constituting part of the Amendment are Appendices "i" and "ii".

I PURPOSE

The purpose of this Amendment to the Official Plan is to amend CPA #800 by redesignating the lands from "Rural Use Area" and "Valley and Stream Corridor" to "Rural Use Area" and to provide a site specific exception to the "Rural Use Area" policies to permit commercial development.

II LOCATION

The lands subject to this Amendment, herein after referred to as "Subject Lands", are shown on Schedules "1" and "2" hereto as "Area Subject to Amendment No. 570". The lands are located between Highway #60 and Cold Creek Road, north of Nashville Road, being 10901 Highway #60, in Lot 27, Concession 11, City of Vaughan.

III BASIS

The decision to amend the Official Plan to redesignate the subject lands from "Rural Use Area" and "Valley and Stream Corridor" to "Rural Use Area" is based on the following:

1. An Official Plan Amendment is required to permit commercial uses in the "Rural Use Area".
2. On November 28, 2001, Vaughan Council approved Official Plan Amendment application CP.00.014 (Gibert Michael Plummer).

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No.800 to the Official Plan of the Vaughan Planning Area is hereby amended by:

- a) Redesignating the lands shown as "Area Subject to Amendment No.570" on Schedules "1" and "2" attached hereto from "Rural Use Area" and "Valley and Stream Corridor" to "Rural Use Area".
- b) Adding the following to Section 6.2.1.1 Exceptions:
 - b) Notwithstanding the uses permitted on lands designated "Rural Use Area", a truck dealership and repair facility, truck parking and display, restaurant with a drive-through and re-fueling station, may be permitted on the lands shown as "Area Subject to Amendment No. 570."

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented by way of an amendment to the Vaughan Zoning By-law and Site Plan approval, 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 the Plan shall apply with respect to this Amendment.

THIS IS SCHEDULE '1' TO AMENDMENT No. 570

ADOPTED THE 18 DAY OF DEC., 2001



NOT TO SCALE

SIGNING OFFICERS

LEGEND

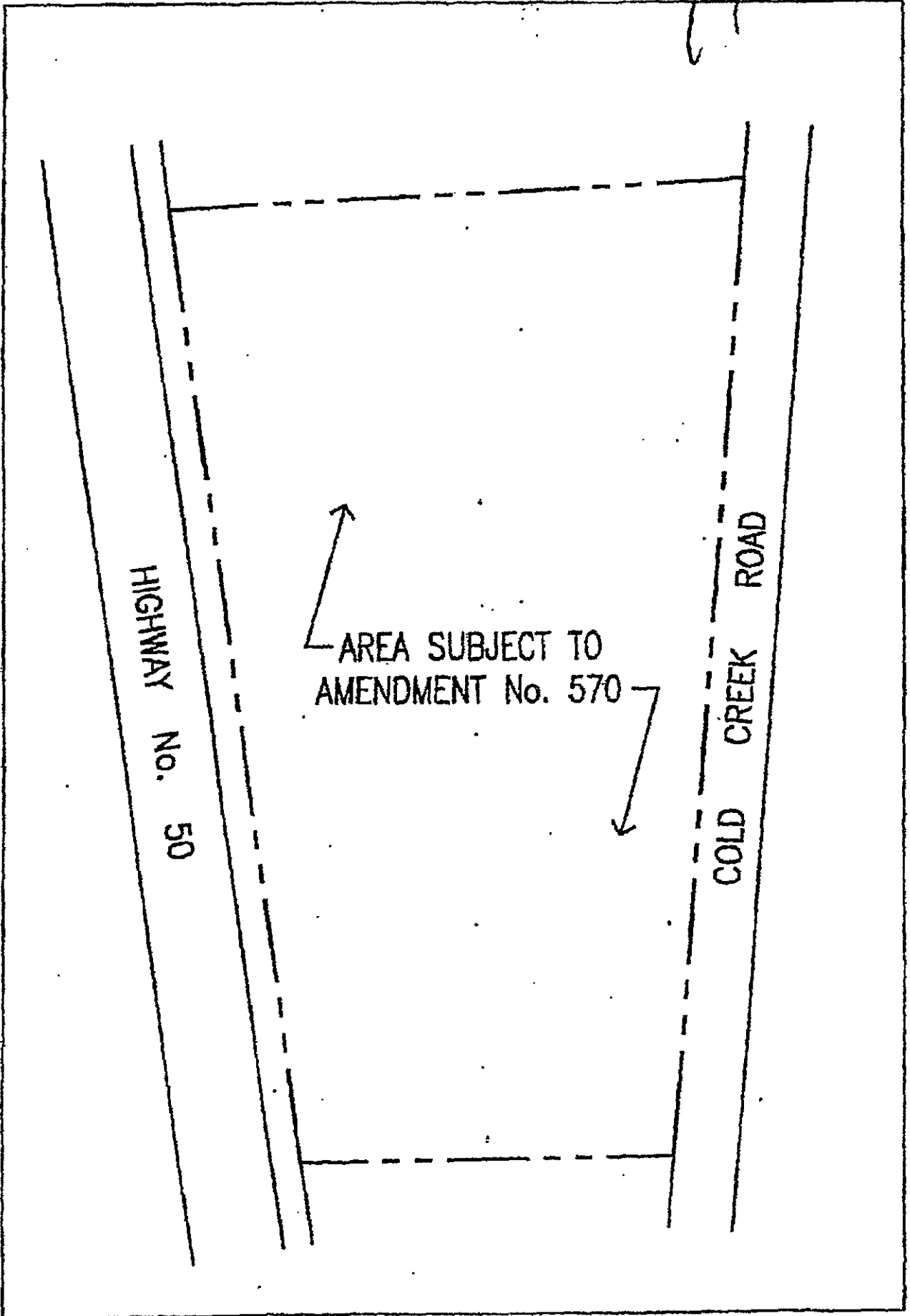


RURAL USE AREA

LOCATION: PART OF LOT 27, CON. 11
THE CITY OF VAUGHAN PLANNING DEPT.

[Signature]
MAYOR

[Signature]
CLERK



APPENDIX I

The subject lands are located between Highway #50 and Cold Creek Road, north of Nashville Road, being 10801 Highway #50, in Lot 27, Concession 11, City of Vaughan. At the Council Meeting of November 28, 2001, Council considered applications to amend the Official Plan and Zoning By-law and resolved:

The Committee of the Whole recommends:

- 1) That Official Plan Amendment Application OP.00.014 and Zoning By-law Amendment Z.00.064 (Gilbert Michael Plummer) be approved subject to an "H" holding symbol to be in place pending approval of the Site Plan Application;
- 2) That the following report of the Commissioner of Planning, dated November 19, 2001, be received; and
- 3) That the deputation of Mr. Stephen G. Armstrong, Armstrong, Goldberg, Hunter, 9251 Yonge Street, Suite 302, Richmond Hill, L4C 9T3, on behalf of the applicant, and written submission dated November 19, 2001, be received.

APPENDIX II EXISTING LAND USE OFFICIAL PLAN AMENDMENT No. 570 CITY OF VAUGHAN



NOT TO SCALE

LEGEND

 AREA SUBJECT TO AMENDMENT No. 570

 COMMERCIAL

LOCATION: PART OF LOT 27, CON. 11
THE CITY OF VAUGHAN PLANNING DEPT.

 RESIDENTIAL

 AGRICULTURAL

