

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 548 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, as per Order #1797, dated November 5, 2001.



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JOHN D. LEACH  
City Clerk  
City of Vaughan

DATED at the City of Vaughan  
this 15th day of November, 2001.

ISSUE DATE:  
**Nov. 05, 2001**

DECISION/ORDER NO:  
**1797**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

A handwritten signature in black ink, appearing to be 'S. G.' or similar.

PL000967  
PL001344

Petro-Canada 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 lands comprised of Part of Lots 15 and 16, Concession 10 from "Employment Area - Railway Facilities" to "Prestige Area" to permit the development of a gas refuelling station, including a convenience eating establishment with drive-through, retail convenience store and a rest area for truck driver customers

O.M.B. File No. 0010076 (OPA 548)

Petro-Canada 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 respecting Part of Lots 15 and 16, Concession 10 from "A" Agricultural to "C7" Service Commercial to permit the development of a gas refuelling station, including a convenience eating establishment with drive-through, retail convenience store and a rest area for truck driver customers

O.M.B. File No. Z010060

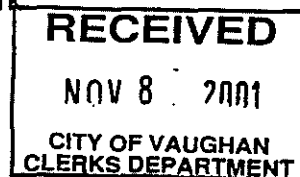
Petro-Canada has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lots 15 and 16, Concession 10 in the City of Vaughan

O.M.B. File No. M010025

The City of Brampton, the Region of Peel and the Town of Caledon have appealed to the Ontario Municipal Board under subsection 17(24) 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. 26 to the Official Plan for the Regional Municipality of York

Regional File No. D05.102.49

O.M.B. File No. 0000257



**APPEARANCES:**

**Parties**

Petro-Canada

Regional Municipality of York

Regional Municipality of Peel and  
Town of Caledon

City of Vaughan

**Counsel**

Andrew Paton

Donald Sinclair

Ophir Bar-Moshe

Olivio Fatigati

**MEMORANDUM OF ORAL DECISION DELIVERED BY RONALD J. EMO  
ON OCTOBER 22, 2001 AND ORDER OF THE BOARD**

Petro-Canada seeks planning approvals to permit it to develop an 8.8 acre site, being acquired from Canadian Pacific (CP), at the south-east corner of Rutherford Road and (former) Highway 50 as a refueling depot, with associated retail and support facilities, primarily for the use of truckers servicing the CP intermodal terminal. CP's terminal is located on the north side of Rutherford Road, to the east of Highway 50, with the immediately adjacent Highway 50 frontage now occupied by the new distribution center of Sears Canada. In this area, Highway 50 (now Peel Regional Road 24) forms the boundary between the Regions of York (Vaughan) and Peel (Brampton).

Although there were some site specific issues with Petro-Canada's proposal, the concept is generally accepted as good land-use planning which nevertheless required certain policy adjustments to both the Regional (York) and local (Vaughan) planning regimes. The Petro-Canada application was caught up in larger planning issues relating to Regional Official Plan Amendment 19 (ROPA 19) being York's redesignation of some 2500 acres of northwest Vaughan from 'Rural Policy Area' to 'Urban Area', which have prompted appeals by Peel, Caledon and Brampton that this planning change may compromise alignment choices for the proposed extension northwesterly of Highway 427 from its current terminus at Highway 7.

Although ROPA 19 provided the change in Regional Policy required to accommodate Petro-Canada's proposal, a desire to free itself from the larger issues posed by ROPA 19, prompted Petro-Canada to (successfully) seek York's concurrence to enact ROPA 26 and allow its proposal to proceed on its own. Consistent with their shared concern of a limitation on 427 alignment choices, Peel, Caledon and Brampton also appealed ROPA 26. Subsequently, as the Board understood the carriage of events, Brampton retained a consultant to explore the reality of its concerns with ROPA 26 and on being satisfied as to a lack of validity, withdrew its appeal on September 26, 2001. Coincidentally, ROPA 19 was the subject of a settlement in proceedings in front of Board member Don Granger last week and is now in full force and effect, thereby rendering the approval of ROPA 26 moot. At the commencement of these proceedings,

Mr. Paton advised the Board that Petro-Canada was "abandoning" its quest for approval of ROPA 26.

Although Petro-Canada's applications to the City of Vaughan for amendments to the Official Plan (OP) and Zoning By-law (1-88) had met with success, to expedite the approval process in light of appeals against ROPA 26, private OP and Zoning appeals were lodge so that all matters could be adjudicated in a consolidated Board hearing. As I understood the process, OPA 548 and the proposed Zoning By-law have either been prepared by Vaughan or are acceptable to it. Finally, Petro-Canada has also appealed its site plan. On March 19<sup>th</sup>, 2001, Vaughan enacted amendment 548 (OPA 548) to its Official Plan. Although Vaughan Council had accepted a recommendation from its planning staff that Zoning By-law 1-88 be amended to implement OPA 548, an amending by-law was never enacted.

In support of OPA 548, the Board heard from Paul Belton, a York Region (staff) land-use planner. He noted that to some extent OPA 548 corrects a mapping error on OPA 509, which should have included the site. OPA 548, which redesignates the Petro-Canada site from 'Railway Facilities' to 'Prestige Area', was portrayed in Mr. Belton's expert testimony as an appropriate exception to Regional policy by virtue of its unique setting, accorded with ROPA 19 and represented good planning.

In support of the amendment to Zoning By-law 1-88, on consent, Fern Betel, a qualified land-use planner under retainer to Petro-Canada, gave expert evidence. Ms Betel's evidence was that the draft amending by-law (exhibit 6), which rezones the site from Agriculture to C-7 Service Commercial with certain site specific exceptions, implements OPA 548 and represented good planning. Ms Betel also supported the site plan (exhibit 7) as agreed upon by all parties. Mr. Bar-Moshe requested that the Board order include reference to the settlement of the site plan, particularly Schedule F, which incorporates specific conditions requested by the Region of Peel.

On the basis of the uncontroverted evidence of planners Belton and Betel, on consent of all parties and in recognition that ROPA 19, supplanting ROPA 26, is now in force, the Board makes the following findings:

1. OPA 548, as enacted by Vaughan on March 19, 2001 represents good and appropriate land-use planning.
2. Exhibit 6 (now Attachment 1) is an appropriate amendment to Vaughan Zoning By-law 1-88 that implements OPA 548.
3. The current site plan agreement (exhibit 7), accords with ROPA 19, OPA 548 and the requested rezoning (exhibit 6), is acceptable to all parties and should be approved.

➔ Accordingly, the private OP appeal is allowed and Vaughan OPA-548 is hereby approved. With regard to the appeal seeking a zoning change, it too is allowed and Vaughan By-law 1-88 is hereby amended in the form and style of Attachment 1. With regard to the site plan agreement, on consent of all parties, the appeal is allowed and the site plan agreement, as submitted, including Schedule F (Attachment 2), is also approved.

The Board so Orders.

"Ronald J. Emo"

RONALD J. EMO  
MEMBER

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 123-2001**

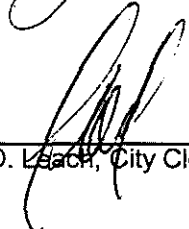
**A By-law to adopt Amendment Number 548 to the Official Plan of the Vaughan Planning Area.**

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

1. THAT the attached Amendment Number 548 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedule(s) "1", "2" and "3" 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 548 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 19<sup>th</sup> day of March, 2001.

  
\_\_\_\_\_  
L. D. Jackson, Mayor

  
\_\_\_\_\_  
J. D. Leach, City Clerk

**AMENDMENT NUMBER 548**  
**TO THE OFFICIAL PLAN**  
**OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 548 to the Official Plan of the Vaughan Planning Area and Schedules "1", "2" and "3" constitute Amendment Number 548.

Also attached hereto but not constituting part of this Amendment are Appendices "I" and "II".

I PURPOSE

The purpose of this Amendment to the Official Plan of the Vaughan Planning Area is to amend Official Plan Amendment No. 450 (Employment Area Growth and Management Plan) by redesignating the subject lands from "Railway Facilities" to "Prestige Area". The Amendment will permit the subject 3.6 hectare site to be used for prestige employment uses, or service commercial uses, in accordance with the "Service Node" policies contained in Amendment No. 450.

II LOCATION

The lands subject to Official Plan Amendment No. 548, hereinafter referred to as the "subject lands" are shown on Schedule "1" attached hereto as "Area Subject To Amendment No. 548". The subject lands are located at the southeast corner of Rutherford Road and Highway No. 50, in part of Lot 16, and Part of the former Road Allowance between Lots 15 and 16, in Concession 10, City of Vaughan.

III BASIS

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

1. The subject lands originally formed the southerly limit of the CP Rail Intermodal Facility lands, northeast of Rutherford Road, and Highway No. 50, and designated "Railway Facilities" by Amendment No. 450. When Rutherford Road was realigned to the north in 1991, the subject lands became physically separated from the primary CP Rail lands, although retaining the "Railway Facilities" designation. An amendment to the Official Plan to redesignate the subject lands to "Prestige Area" will permit the 3.6 hectare site to be developed for service commercial uses, in accordance with the "Service Node" policies contained in Amendment No. 450.
2. On May 6, 1999, Amendment No. 509 was approved, amending Amendment No. 450 to redesignate lands on the east side of Highway No. 50, between Major Mackenzie Drive and Rutherford Road to "Prestige Area". This Amendment provided for the development of approximately 50 hectares for employment uses pertaining to transportation, warehousing and distribution. Schedules "2" and "3" of Amendment No. 509 include the subject lands, identifying the southerly limit as Old Rutherford Road prior to realignment. However, as the subject lands are not included in Schedule "1", it is interpreted that the lands remain designated "Railway Facilities". Consequently, this amendment will serve to clarify the designation of the lands.



3. The redesignation of the subject lands to "Prestige Area" to facilitate a service node of 3.6 hectares constitutes an appropriate development of the subject lands for the following reasons:
- a) With the realignment of Rutherford Road, and the redesignation of the lands to the north, the subject lands are now physically separated and form an isolated "Railway Facilities" designation, which is no longer appropriate or relevant.
  - b) A study undertaken in 1998 to update the City's Employment Land Needs to the years 2021 and 2025 concluded that, to maintain a minimum 20 year supply of land, it is necessary for the City to designate approximately 809 hectares (2000 acres) of additional employment land. The area identified for urban expansion was from Langstaff Road to Major Mackenzie Drive, between Highway No. 50 and Highway No 27, including the subject lands. The City has not yet initiated an implementing Official Plan Amendment, but in the interim, redesignation of the subject lands for prestige employment will be compatible with the surrounding existing and planned uses, and will facilitate the municipal objective of providing additional employment lands in this area.
  - c) The subject lands are located at a highly visible and prominent location at Rutherford Road and Highway No. 50, which is conducive for businesses and industries. The "Prestige Area" designation is appropriate along arterial roads and highways and "Service Nodes" are permitted at corner locations to serve the surrounding employment area. Recognizing the 3.6 hectare site as a "Service Node", as opposed to the 1.2 hectare standard, is acceptable at this location due to the nature of its development. The proposed development for automobile/truck gas bar, eating establishment, retail convenience and a rest area for truck drivers would cater to the needs of the trucking-based employment uses to the north, as well as the general traffic along Highway No. 50. Therefore, a large portion of the site area would be devoted to the accommodation of truck movement and parking.
  - d) The City will benefit from an economic development perspective by creating additional prestige employment lands. Specifically, the development of this site will create new opportunities for employment activity and taxable assessment, that will facilitate an economic multiplier effect that will benefit the surrounding area and the City as a whole.

- e) The subject lands will be serviced through the extension of existing municipal infrastructure. The subject parcel was considered by both the Region of York and the Region of Peel during development of the CP Rail site on the north side of Rutherford Road (Amendment No. 509), as demonstrated by the parcel's inclusion in the overall servicing plan and the resulting York-Peel Servicing Agreement.

Through the review of Amendment No. 548, the Vaughan Engineering Department reviewed a Servicing Brief prepared by The Planning Partnership dated August 3, 2000, for the subject lands and concurred with its findings. The Servicing Brief concluded that, of the total 135,000 litres per day allocation to the users of the Agreement, the development on the north side of Rutherford Road and the Vaughan Intermodal Terminal require a total of 123,025 litres per day. The remaining 11,975 litres per day would be allocated to the subject lands, and was determined to be adequate for the proposed uses.

- f) A Traffic Impact Study prepared by iTrans Consulting Inc., was reviewed by the Vaughan Engineering Department, who concluded that there are no streets within the City of Vaughan that will be significantly impacted by the development of the subject lands. Site access is subject to the approval of both the Region of York and the Region of Peel upon review of a site plan application.

- 4. Having received a statutory Public Hearing held on May 25, 2000, on October 10, 2000, Council approved Official Plan Amendment Application OP.00.011 to redesignate the subject lands to permit employment uses in accordance with the "Prestige Area" policies in Amendment No. 450, and recognizing a maximum site area of 3.6 ha for a "Service Node". Recognizing the importance of this location as a gateway to Vaughan, Council resolved that the Amendment include urban design policies to be applied to the subject lands.
- 5. On November 7, 2000, the Region of York issued a Notice of Adoption to Amendment No. 26 to the Region of York Official Plan (ROPA No. 26), to redesignate the subject lands from "Rural Area" to "Urban Area". The Region of York has received three appeals to the Notice of Adoption of ROPA No. 26, and has referred the matter to the Ontario Municipal Board. The subject Amendment No. 548 conforms to the intent of the Regional Official Plan Amendment No. 26.
- 6. The City of Brampton, Town of Caledon and the Region of Peel have commented that the subject amendment is premature, pending the final alignment of Highway No. 427.

Subsequently, a joint study for the Region of Peel, Region of York, City of Brampton and the City of Vaughan was prepared by Cole Sherman & Associates Ltd., entitled "Highway No. 427 Northerly Extension" was finalized in November, 2000. In light of the findings in the joint study, which did not include a Highway No. 50 crossing near Rutherford Road, the redesignation of the subject lands can proceed.

#### IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATED THERETO

Amendment No. 450 (Employment Area Growth and Management Plan) to the Official Plan of the Vaughan Planning Area is hereby amended by:

1. Redesignating the subject lands located at the southeast corner of Rutherford Road and Highway No. 50 and shown as "Area Subject to Amendment No. 548" on Schedule "1" attached hereto, to "Prestige Area" under Amendment No. 450, and adding Schedule "1" attached hereto as Schedule "2E" to Amendment No. 450.
2. Deleting Schedules "2" and "2A" of Amendment No. 450, and substituting therefore, Schedules "2" and "2A" attached hereto as Schedules "2" and "3".
3. Adding the following site specific policies to Exception Section 9.0 in Amendment No. 450:

"9.8 OPA No. 548: Notwithstanding Development Policy 1(d) in Subsection 2.2.5 respecting the maximum size of a "Service Node", the subject lands designated "Prestige Area" and located at the southeast corner of Rutherford Road and Highway No. 50, in Part of Lot 16, and Part of the former Road Allowance between Lots 15 and 16, Concession 10, City of Vaughan, shall be permitted a maximum site area of 3.6 hectares.

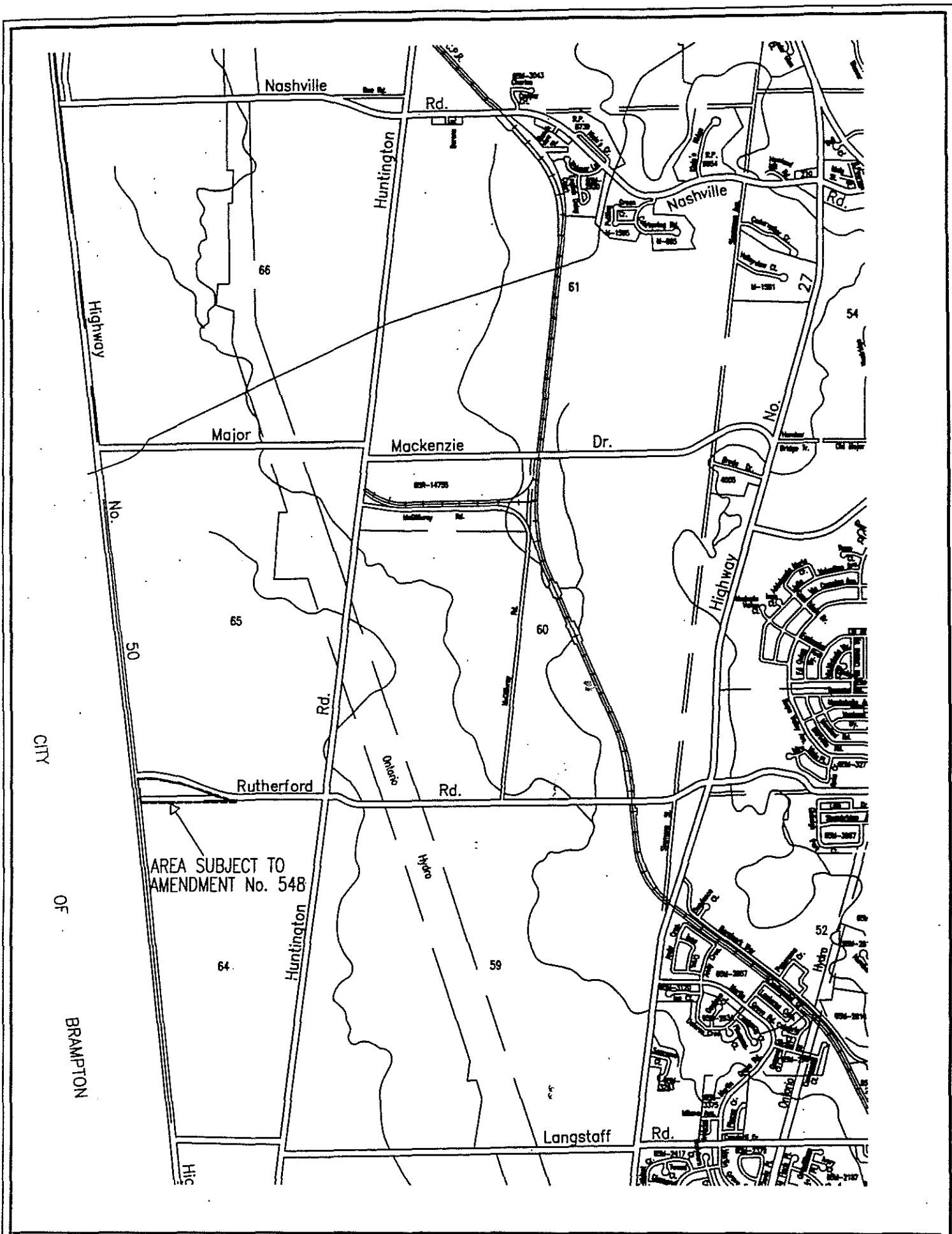
The intersection of Rutherford Road and Highway No. 50 is an entry point into the City. Accordingly, the subject lands shall be developed in accordance with the urban design policies in Section 2.3.1 and a landscape master plan approved by the City. The urban design and landscaping objectives established in Section 2.3.1(e)(i),(ii) and (iii) shall be addressed in a site plan application to be approved by the City."

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands should be implemented by way of an Amendment to the 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 that Plan shall apply with respect to this Amendment.



THIS IS SCHEDULE '2E'  
TO AMENDMENT NO. 450


# THIS IS SCHEDULE '1' TO AMENDMENT NO. 548

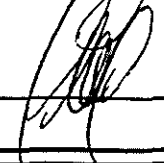
ADOPTED THE 19 DAY OF MAR, 2001



FILE No. OPA.548  
LOCATION: PART OF LOT 16, AND  
PART OF FORMER ROAD ALLOWANCE  
BETWEEN LOTS 15 AND 16, CON. 10  
CITY OF VAUGHAN

SIGNING OFFICERS

  
MAYOR

  
CLERK

**THIS IS SCHEDULE '2'  
TO AMENDMENT NO.548**

ADOPTED THE 19 DAY OF MAR., 2001

SIGNING OFFICERS

*[Signature]*  
MAYOR

*[Signature]*  
CLERK







**EMPLOYMENT AREA  
STRUCTURAL PLAN**

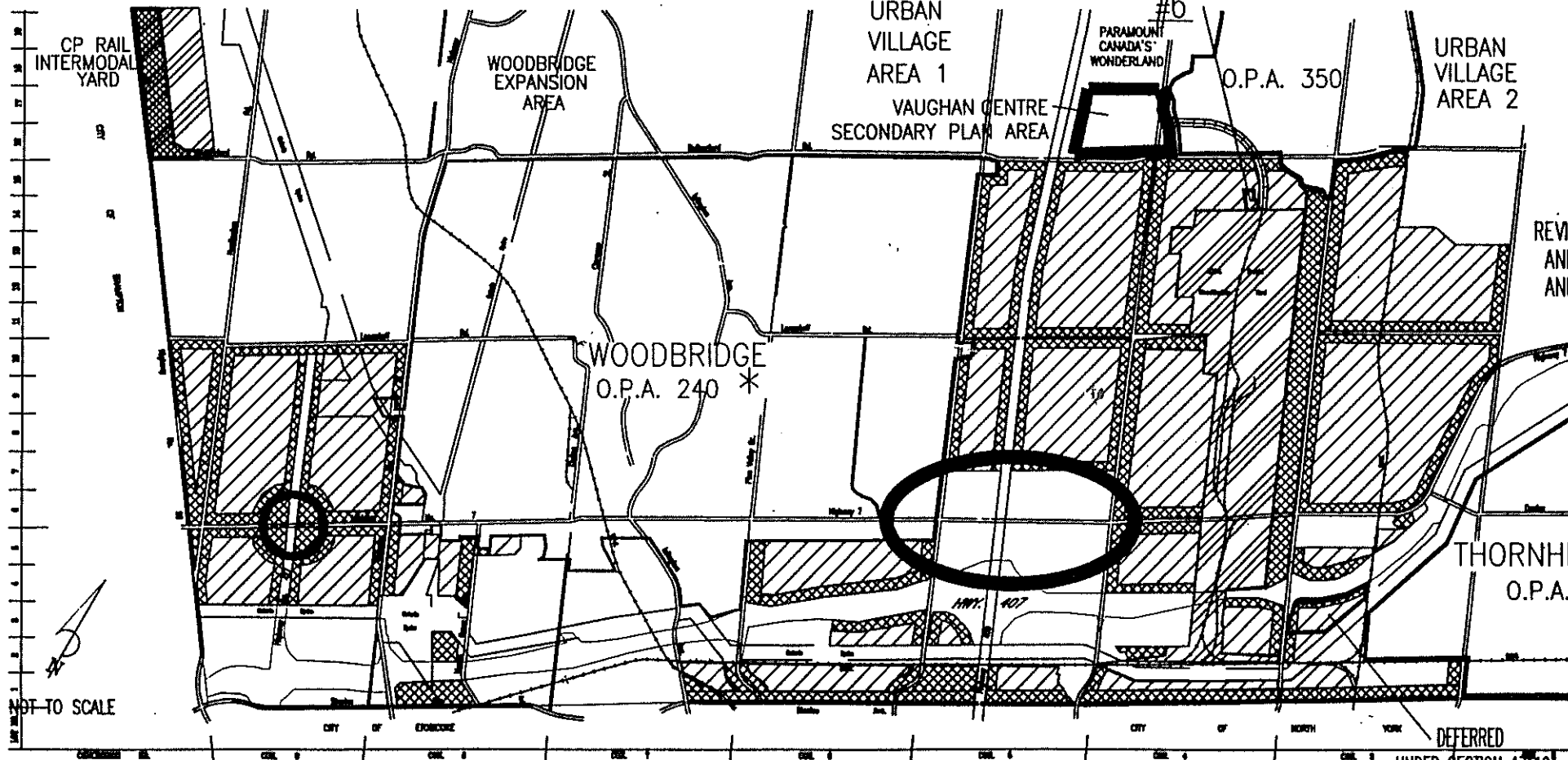
THIS IS SCHEDULE '2'  
TO AMENDMENT NO. 450

ADOPTED THE 3RD DAY OF OCTOBER, 1994

DEFERRED  
UNDER SECTION 17(10)  
OF THE PLANNING ACT

**LEGEND**

-  PRESTIGE AREA
-  EMPLOYMENT AREA GENERAL
-  CENTRE
-  RAILWAY FACILITIES
-  VAUGHAN CORPORATE CENTRE  
SECONDARY PLAN AREA
-  AS AMENDED



REVISED FEBRUARY 26, 1996  
AND MARCH 25, 1996  
AND JANUARY 2, 1997

MODIFICATION  
No. 28  
UNDER SECTION 17(9) OF  
THE PLANNING ACT

THORNHILL-VAUGHAN  
O.P.A. 210\*

NOT TO SCALE

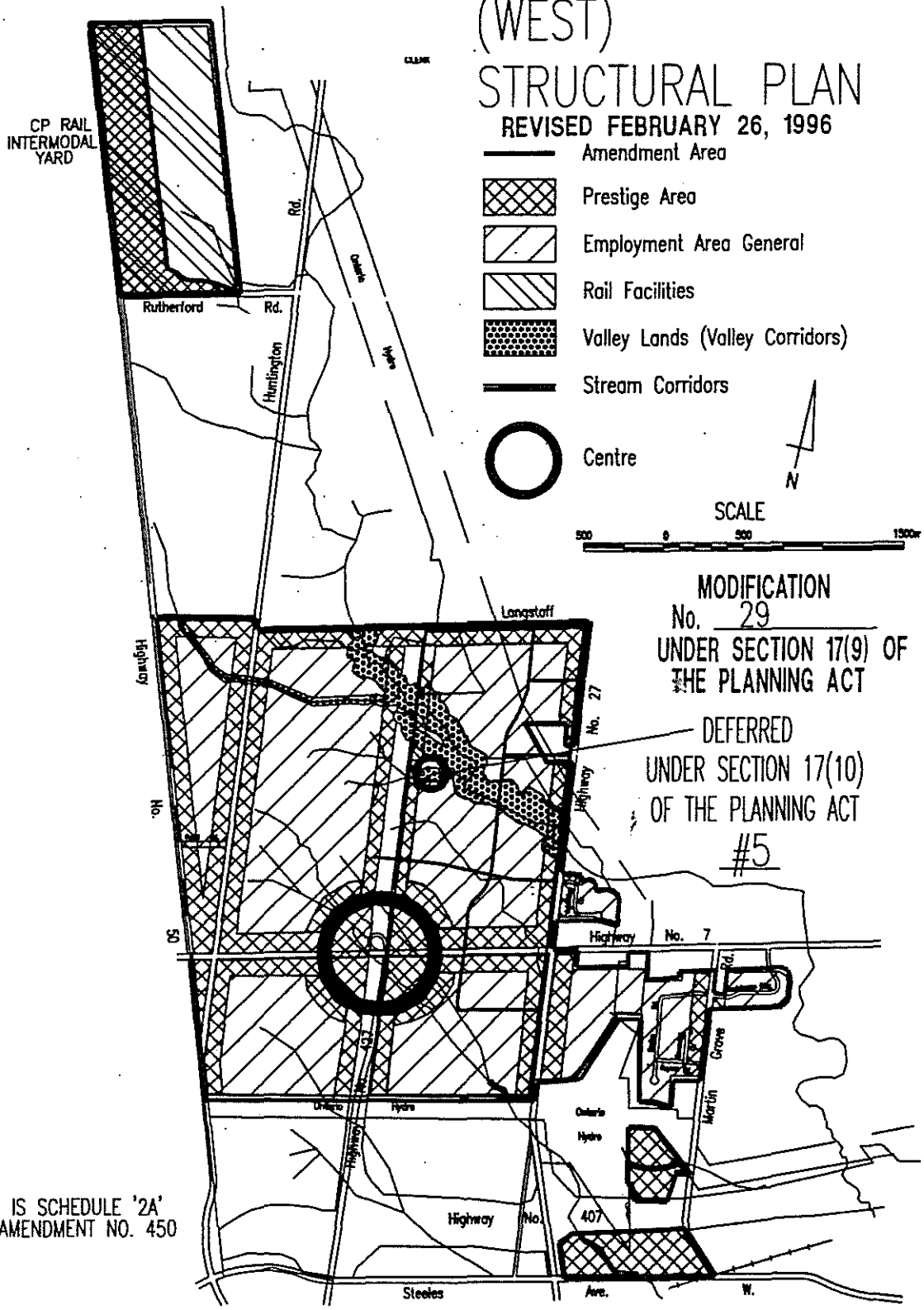
DEFERRED  
UNDER SECTION 17(10)  
OF THE PLANNING ACT  
#3b

LOCATION: PART OF LOT 16, AND  
PART OF FORMER ROAD ALLOWANCE  
BETWEEN LOTS 15 AND 16, CON. 10

SCHEDULE '2A'  
EMPLOYMENT AREA  
(WEST)

STRUCTURAL PLAN

REVISED FEBRUARY 26, 1996



THIS IS SCHEDULE '2A'  
TO AMENDMENT NO. 450

THIS IS SCHEDULE '3'  
TO AMENDMENT NO.548

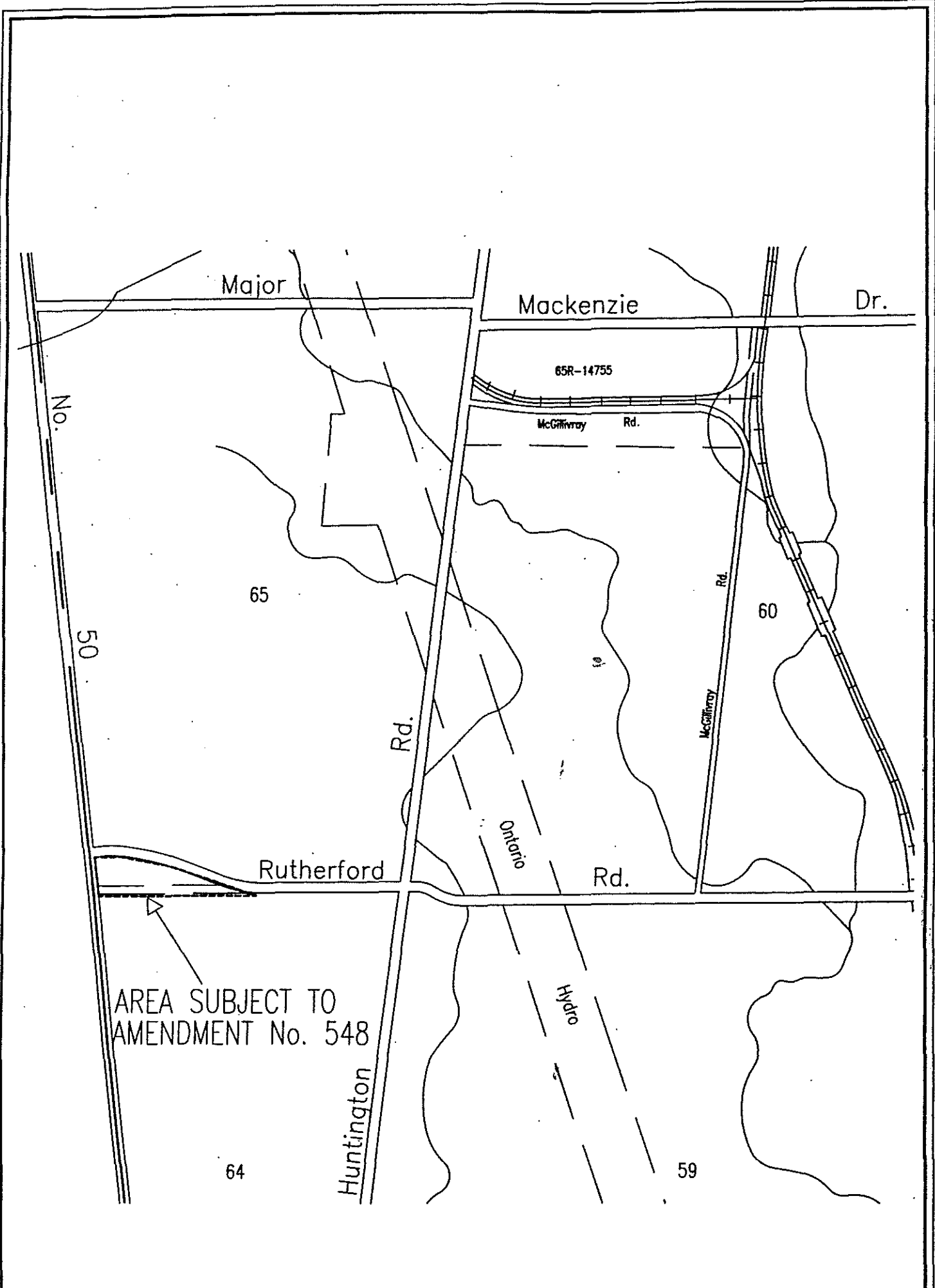
ADOPTED THE 19 DAY OF MAR., 2001

NOT TO SCALE

FILE No. OPA.548  
LOCATION: PART OF LOT 16, AND  
PART OF FORMER ROAD ALLOWANCE  
BETWEEN LOTS 15 AND 16, CON. 10  
CITY OF VAUGHAN

SIGNING OFFICERS

*[Signature]*  
MAYOR  
*[Signature]*  
CLERK



## APPENDIX II

TO OFFICIAL PLAN AMENDMENT NO. 548

LOCATION: PART OF LOT 16, AND  
PART OF FORMER ROAD ALLOWANCE  
BETWEEN LOTS 15 AND 16, CON. 10

CITY OF VAUGHAN



NOT TO SCALE