

COMMITTEE OF THE WHOLE FEBRUARY 4, 2002

**ZONING BY-LAW AMENDMENT FILE Z.01.073
1300048 ONTARIO LIMITED
REPORT #P.2001.78**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.01.073 (1300048 Ontario Limited) BE REFUSED.

Purpose

On October 26, 2001, the Owner submitted an application to amend the Zoning By-law to permit a garden centre in the Rural Residential Zone as a 3-year temporary use.

Background - Analysis and Options

The subject lands are located on the west side of Weston Road, north of Major Mackenzie Drive (10160 Weston Road), in Part of Lot 22, Concession 6, City of Vaughan. The 0.81 ha site has 60.5m of frontage on Weston Road and 133.5m depth, and is developed with a detached dwelling and detached garage. The lands are designated "Medium Density Residential/Commercial" by OPA #600 and zoned RR Rural Residential Zone by By-law 1-88. The surrounding land uses are:

- North - farm (A Agricultural Zone)
- South - detached residential (A Agricultural Zone)
- East - Weston Road; farm (A Agricultural Zone)
- West - farm (A Agricultural Zone)

On November 9th, 2001, a notice of Public Hearing was circulated to all property owners within 120m of the subject lands. No comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on December 3, 2001, to receive the public hearing and forward a comprehensive report to a future Committee meeting was ratified by Council on December 18, 2001.

Official Plan

The lands are designated "Medium Density Residential/Commercial" by OPA #600, which does not permit a garden center use.

OPA #600 permits temporary uses within the Urban Village areas subject to a zoning by-law amendment. Any temporary use must meet the following criteria:

- i) the proposed use is substantially less intensive than the planned use;
- ii) the proposed use entails limited capital investment;
- iii) the proposed use does not require municipal water or sanitary services;
- iv) the proposed buildings are of a temporary nature;
- v) the proposed use does not require outside storage;
- vi) the proposed use is preferably not located within the City's existing residential and employment areas; and
- vii) the temporary use does not conflict with:

- the planned development pattern
- the defined road pattern
- the defined parks, schools, valley and stream corridors, greenway systems, tableland woodlots and stormwater management systems

With respect to the above policies, the garden center is predominantly a display use, which is less intensive than the designated urban uses. Since the existing house is intended to be used for office/administration, and no new buildings are proposed, there will be limited capital investment. Services are not required, the use is not automotive in nature, and the property is not within a residential or employment area. Also, the proposal does not conflict with any planned service or resource.

As such, the proposed use meets all of the above criteria, with the exception of one, being the requirement for no outside storage. The rear two-thirds of the property is shown on Attachment #2 as "Stock Area", which will be used for the storage of landscaping materials. As such, the proposed use cannot be considered to fully conform to the Official Plan as a temporary use.

Zoning By-law

The lands are zoned RR Rural Residential Zone by By-law 1-88, which does not permit a garden centre use. Should the application be approved, exceptions to permit the proposed use and to allow outside storage will be required. As a proposed temporary use, the by-law would be limited to a maximum 3-year period, after which another application would be needed to permit the use to continue after the 3-year period.

Site Plan

The conceptual site plan shows the existing house and garage being used for the garden center operation. There is a parking area in front of the house with access to Weston Road. All of the remaining land in front of the house is identified as "Display Area", which is to constitute landscaping components. The rear yard behind the house is shown as "Stock Area", where the landscaping materials, primarily rocks, will be stored.

Should the application be approved, a site plan application will be required prior to the enactment of a zoning by-law. The site plan application will need to address, but not be limited to, parking, access and landscaping.

Access

The Region of York has not yet confirmed access to Weston Road. Approval from the Region would be required prior to the finalization of the site plan agreement.

Toronto and Region Conservation Authority (TRCA)

The TRCA notes that a small portion along the rear of the property is within the draft fill line extension area of the Don River. A fill permit may be required to construct or fill in this area, however, the current proposal is not affected. The TRCA have no objection to the application.

Conclusion

The proposed amendment has been reviewed in accordance with the policies of the Official Plan. Staff do not object in principal to the garden center use on a temporary basis, given the intent of the Official Plan to accommodate low-intensity uses in the designated urban areas, pending fully serviced development. In particular, the use would occupy the existing house, and the front yard would be upgraded with landscaping display.

However, the open storage in the rear yard does not meet one of the seven specific criteria of the Official Plan for permitting temporary uses in the Urban Village Areas. For this reason, Staff is unable to support the zoning amendment as proposed.

As such, Staff must recommend that Zoning By-law Amendment File Z.01.073 be refused. Should Committee concur, the recommendation can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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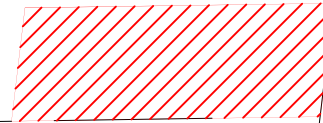


22 Rd.

LOT 21

WESTON ROAD

MAJOR MACKENZIE DRIVE



ATTACHMENT '1'
LOCATION MAP

FILE #:

Z.01.073

REPORT #:

LOCATION:
Part Lot 22, CON. 6



SUBJECT LANDS

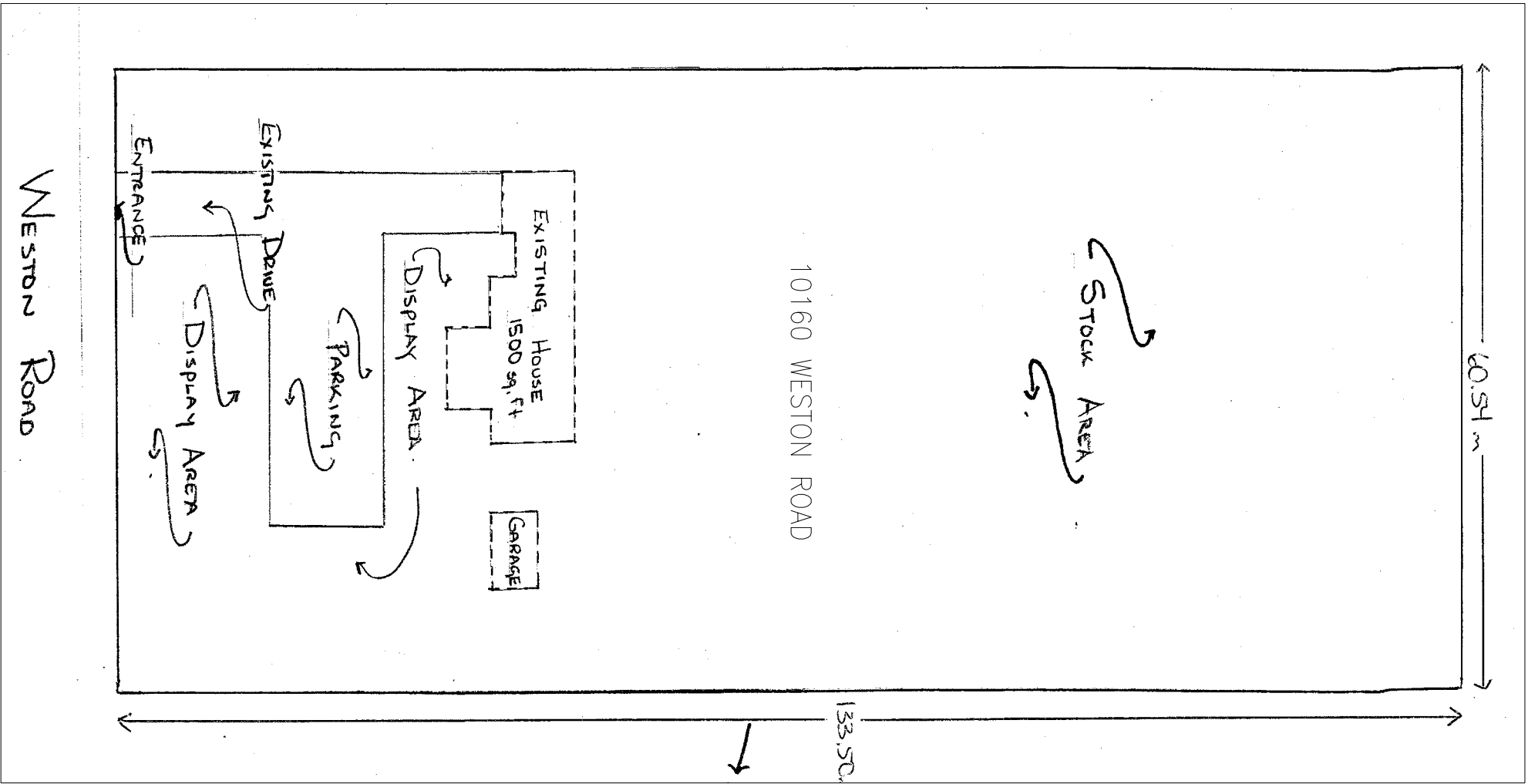
CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE: 01/11/07

SCALE: NOT TO SCALE

APPLICANT:

1300048 ONTARIO LIMITED



ATTACHMENT '2'
SITE PLAN

FILE #:	REPORT #:
Z.01.073	LOCATION: Part Lot 22, CON. 6

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:	DATE: 01/11/07
1300048 ONTARIO LIMITED	SCALE: NOT TO SCALE