

COMMITTEE OF THE WHOLE JUNE 2, 2003

OFFICIAL PLAN AMENDMENT FILE OP.02.009 ZONING BY-LAW AMENDMENT FILE Z.02.037 DANLAUTON HOLDINGS LTD. REPORT #P.2002.39

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment application OP.02.009 and Zoning By-law Amendment application Z.02.037 (Danlauton Holdings Ltd.) BE REFUSED.

Purpose

On April 26, 2002, the Owner submitted applications to amend the Official Plan and Zoning By-law to permit a commercial use (sale of used cars, including outside storage of vehicles and a portable sales office) in the Agriculture Area, as a temporary (maximum 3 years) use. The development is proposed to be restricted to the 0.607 ha portion fronting on Highway #50, of the total 14.64 ha site.

Background - Analysis and Options

The site is located on the east side of Highway #50, north of Major Mackenzie Drive, (10355 Highway #50), in Lot 23, Concession 10, City of Vaughan. The 14.64 ha property has 180.47m of frontage on Highway #50, and is developed with a 2-storey brick dwelling and accessory farm structures. The surrounding land uses are:

- North - farmland, detached residence (A Agricultural Zone)
- South - farmland, detached residence (A Agricultural Zone)
- East - hydro corridor, farmland (A Agricultural Zone)
- West - Highway #50; City of Brampton

The lands are designated "Agriculture Area" and "Valley and Stream Corridor" by OPA #600. The zoning is A Agricultural Zone and OS1 Open Space Conservation Zone by By-law 1-88.

On May 10, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands and the Kleinburg and Area Ratepayers Association. The recommendation of the Committee of the Whole at the Public Hearing on June 3, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on June 10, 2002.

Official Plan

The lands are designated "Urban Area" by Regional Official Plan Amendment #19. The Region has advised that "a comprehensive approach to the development of the subject property, forming part of ROPA 19, should be undertaken in conjunction with the City's Secondary Plan process for the area."

The subject lands are designated "Agriculture Area" and "Valley and Stream Corridor" by OPA #600. The lands are also within the area identified as "Employment Secondary Plan Study Area" in OPA #600. Lands in this area are subject to the "Rural Area General", "Agriculture Area" and "Rural Use Area" policies, pending Council approval of a secondary plan giving the lands full urban status. The current "Agriculture Area" designation does not permit commercial uses, such as automotive sales.

Zoning

The lands are zoned A Agricultural Zone and OS1 Open Space Conservation Zone by By-law 1-88. The siting of the proposed car dealership is entirely within the A Agricultural Zone. The A Agricultural Zone does not permit commercial uses and a zoning amendment would be required to permit the use.

The applicant has proposed that the zoning be on a temporary basis. The Ontario Planning Act makes provision for temporary use by-laws that would allow a use to a maximum of 3 years. After 3 years, a full application to amend the by-law would need to be considered and approved to permit the use again.

Justification Analysis

The "Agriculture Area" policies of the Official Plan state that a development proposal for a non-conforming land use requires an amendment to the Plan and a justification analysis, to be evaluated in accordance with the Food Land Guidelines, which includes the following:

- i) The necessity of the proposed land use and the amount of land needed.
- ii) Whether suitable alternative locations on lower-capability agricultural land or in non-agricultural areas have been considered.
- iii) The suitability of the site chosen, the reason for its choice.
- iv) Whether the proposal will reduce or impede surrounding farm operations.
- v) Servicing.
- vi) Compatibility.

The reasons for this site being chosen, as identified in the justification analysis submitted in support of the application are:

- Designated Urban Area by ROPA #19
- Located on Highway #50, which leads to Bolton
- Development along Highway #50 consists of pockets of Highway Commercial and Industrial uses
- The proposed used car dealership will not compromise the preparation of a secondary plan. The temporary nature of the proposal means that no permanent buildings will be erected.
- The proposed use will have no discernable impact on the current use of the property.

The applicant has indicated that the necessity of the use is based on its location on Highway #50, and the services it will provide to commuters. This seems questionable, since the proposal does not include any automobile servicing, but is strictly for the sale of vehicles. Used car dealerships are generally considered to be a destination for a specific purpose rather than a service provided for travellers on the highway.

The applicant has indicated that the automobile sales would occupy approximately 0.61ha, which represents about 4.2% of the total property, thereby minimizing the agricultural land being used. The applicant has not shown that other non-agricultural sites have been considered, particularly within the urban area that would provide the customer base.

The applicant has indicated that the car dealership will not have a significant impact on surrounding farm operations, other than the immediate loss of farmland for the proposed use. The justification analysis did not include a soils analysis or confirmation of compliance with the Minimum Distance Separation Formulae of the Provincial Agricultural Code of Practice, as required by OPA #600.

Servicing issues are proposed by the applicant, to be dealt with through the site plan process. It is suggested that servicing can be provided through the use of portable washrooms and use of the existing private well. No details regarding this servicing scheme have been provided.

The applicant has suggested that the proposed use is compatible with surrounding land uses because the car dealership will be located on a small portion of the subject lands, is separated from the existing residential use on the site, and compliments existing highway commercial/industrial uses along Highway #50.

Highway #427 Extension

The City's Official Plan designates the lands as an "Employment Secondary Plan Study Area". The "Agricultural" policies of OPA #600 apply to these lands until a Secondary Plan is approved by Council, and the required transportation studies and the Environmental Assessment for the alignment of the Highway #427 extension is completed. Until the potential alignments have been determined, any development in the study area can prejudice the future alignment of the Highway #27 extension.

The City of Brampton has recommended that the applications be refused until "it has been determined that the applications do not negatively affect the range of technically feasible alignment options for extension of Highway 427."

Transportation Study

OPA #600 requires that a transportation study be prepared as part of the Secondary Plan process for the "Employment Secondary Plan Study Area". The study would identify the transportation infrastructure and appropriate phasing mechanisms so that the transportation infrastructure serves both the secondary plan area and lands beyond. The Official Plan requires the input of the Region of York, Region of Peel, City of Brampton and Town of Caledon, into the transportation study.

The City of Brampton has recommended that the applications be refused until "the required transportation planning work in regard to the subject applications has been completed and received for comments."

Need for Comprehensive Development in the Employment Secondary Plan Study Area

The "Employment Secondary Plan Study Area" encompasses approximately 1000 ha. The Official Plan does not contain any policies for temporary uses in this area. A comprehensive secondary plan is required to ensure the co-ordination of development for the area and to set out the determined land uses, and servicing, environmental and transportation policies for the new employment area. Approval of these applications will set a precedent for further proposals for other temporary uses within the study area.

Unplanned and scattered temporary uses could prejudice the transportation studies, Highway #427 extension process, and the preparation of a Secondary Plan for "Employment Secondary Plan Study Area". While the approval of a single temporary use may not significantly jeopardize to overall planning of an area, the cumulative effects of many temporary uses may result in a negative impact on the planning process for the area.

Compatibility

To reflect the proposed temporary nature of the use, minimal investment is proposed to establish the used car sales outlet. The site development is to consist of a mobile trailer to serve as a sales office, portable washrooms and well water services, and a gravel display area for vehicles having an access from Highway #50. This form of development is not in keeping with the rural

character of the area, inappropriate for a site which is highly visible from Highway #50, and not portraying the desirable image for commercial development in Vaughan. The use is better accommodated on lands zoned for commercial use within the urban area, under strict site control, to maximize the benefits to the municipality.

Conclusion

The applicant has not justified the need for a commercial use in the Agriculture Area in accordance with the policies of OPA #600. The analysis did not evaluate other locations in the City where a car dealership might be permitted and more appropriately located, such as a commercial or industrial area. The proposed site, though relatively small, still results in a loss of farmland.

Planning Staff have reviewed the applications and do not believe that the proposed car dealership represents good planning for the area. A temporary use in the "Employment Secondary Plan Study Area" could prejudice the required transportation study, Highway Environmental Assessment #427 Extension and the preparation of a Secondary Plan.

Approval of these applications will create an undesirable precedent in the "Employment Secondary Plan Study Area" and may result in additional applications being submitted in the area. Planning Staff do not support these applications and should Committee concur, the "Recommendation" can be adopted.

Attachments

1. Location Map
2. Property Map
3. Site Plan

Report prepared by:

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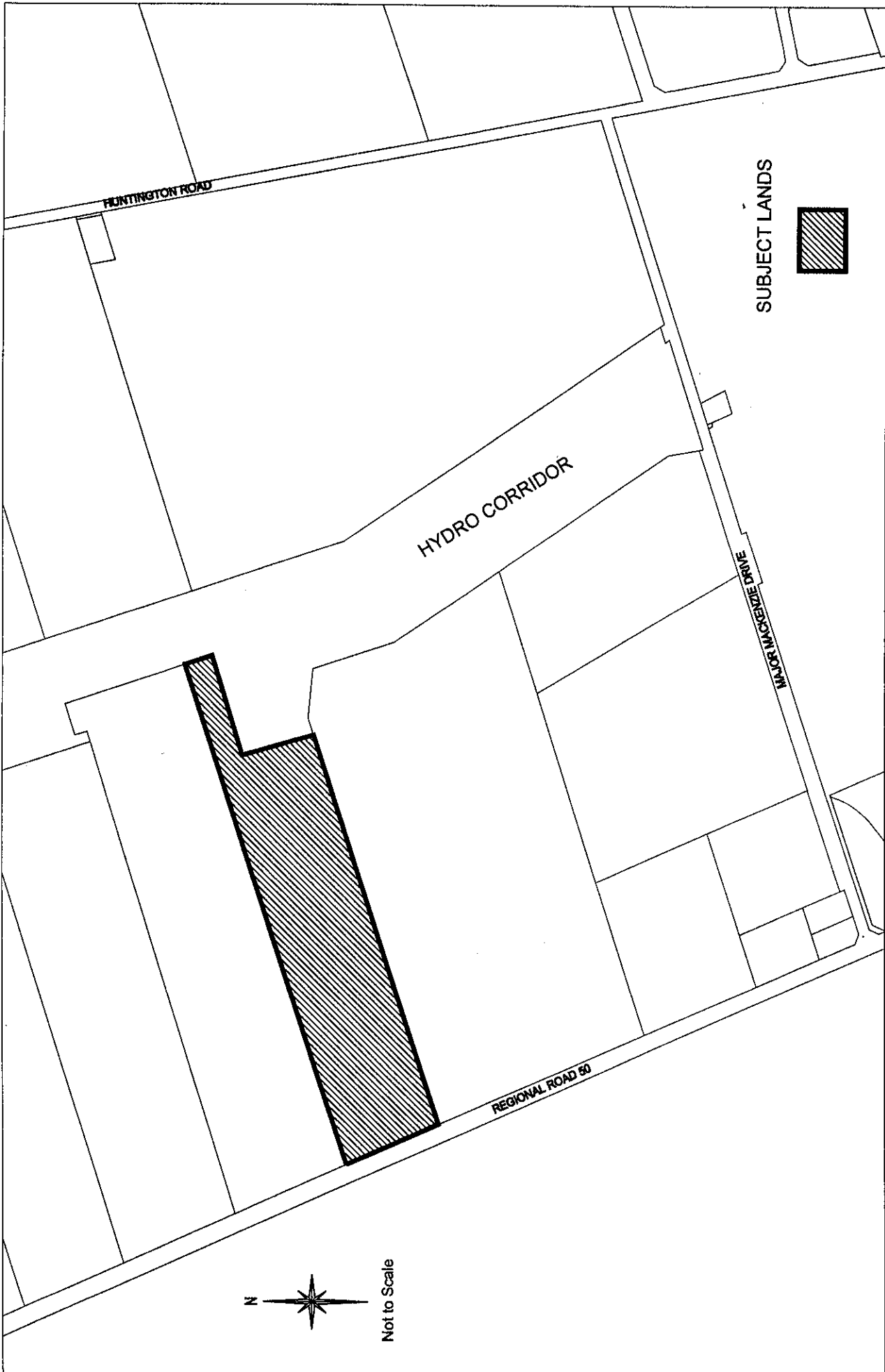
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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SUBJECT LANDS



Location Map

Lot 23,
Concession 10
APPLICANT:
DANLAUTON HOLDINGS LTD.

City of Vaughan

Community Planning Department

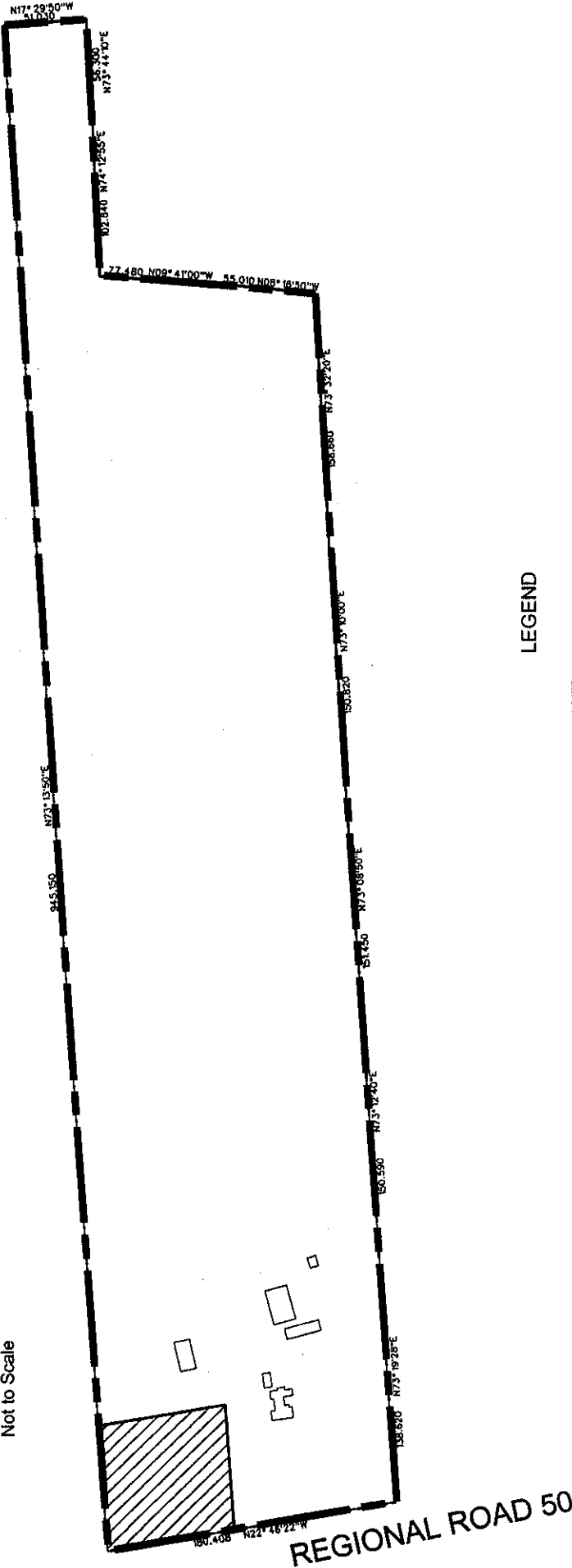
Attachment

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FILE No.:
OP.02.009 &
Z.02.037
May 15, 2003



Not to Scale



LEGEND



AREA SUBJECT TO TEMPORARY ZONING BY-LAW (O.607 HA)



SUBJECT LANDS

REGIONAL ROAD 50

Property Map

Lot 23,
Concession 10
APPLICANT:
DANLAUTON HOLDINGS LTD.



Community Planning Department

Attachment 2

FILE No.:
OP.02.009 &
Z.02.037

May 15, 2003

Attachment 3

FILE No.:
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Z.02.037

May 15, 2003

City of Vaughan

Community Planning Department

Site Plan

Lot 23,
Concession 10
APPLICANT:
DANLAUTON HOLDINGS LTD.

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SITE AREA FOR TEMPORARY USE: 0.607ha (1.5ac)
CUSTOMER PARKING PROVIDED: 16 spaces
VEHICLE DISPLAY PARKING PROVIDED: 89 spaces

SUBJECT LANDS



Not to Scale

