

**COMMITTEE OF THE WHOLE   MAY 1, 2006**

**ZONING BY-LAW AMENDMENT FILE Z.05.061  
SEANG INVESTMENTS LIMITED  
REPORT #P.2006.17**

**Recommendation**

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.05.061 (Senang Investments Limited) BE APPROVED, subject to the following:

- i) That the implementing temporary use by-law shall permit the following uses on the subject lands shown on Attachment #1, until July 31, 2007:
  - a) retail store for the sale of agricultural produce not grown on the subject lands;
  - b) preparation, production and sale of baked goods; and
  - c) operation of a winery, the selling of wine (alcoholic beverages) and associated retail items.

**Economic Impact**

There are no requirements for new funding associated with this report.

**Purpose**

The Owner has submitted an application to amend the Zoning By-law in order to permit the continuation of the following uses, on the subject lands shown on Attachment #1:

- a) retail store for the sale of agricultural produce not grown on the subject lands;
- b) preparation, production and sale of baked goods; and
- c) operation of a winery, the selling of wine (alcoholic beverages) and associated retail items.

The proposed uses exist on the subject lands (Southbrook Farms) in accordance with a 3-year temporary use by-law, that has lapsed. The Owner is proposing to continue the temporary use until July 2007.

**Background - Analysis and Options**

On February 16, 1996, Council enacted By-law 31-96, which permitted the selling of agricultural produce not grown on the subject lands, and the production and selling of baked goods, wine and wine products, for a temporary 3 year period, on the subject lands shown on Attachment #1.

Subsequently, on July 10, 2000, Council enacted By-law 259-2000 to extend the temporary permitted uses for an additional 3 years.

By-law 259-2000 has lapsed. The Owner is seeking to extend the proposed temporary uses until July 2007 at which time the sale of the subject lands, and subsequent relocation of the use (Southbrook Farms) to the north side of Major Mackenzie Drive, will be completed.

The subject lands are located on the south side of Major Mackenzie Drive between Dufferin Street and Bathurst Street (1061 Major Mackenzie Drive), in Part of Lot 20, Concession 2, City of Vaughan. The 3.03 ha irregular-shaped lot has 239m frontage along Major Mackenzie Drive and a depth of 127m. The site is presently developed with a barn converted to a winery and retail sales establishment.

The subject lands are designated "Medium Density Residential/Commercial Area" by OPA #600, and zoned "A" Agricultural Zone by By-law 1-88. Under the approved Block 11 Plan, the subject lands form the northerly portion of a larger overall 9.88ha District Park.

The surrounding land uses are:

- North - Major Mackenzie Drive; Block 12 future residential/other lands owned by applicant for relocation of agricultural/winery uses (A Agricultural Zone)
- South - vacant, future District Park (A Agricultural Zone)
- East - valleylands (OS5 Open Space Environmental Protection Zone)
- West - vacant, future road and high school (A Agricultural Zone)

On February 10, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole on March 6, 2006, to receive the Public Hearing report and to forward a technical report to a future Committee meeting was ratified by Council on March 20, 2006.

#### Official Plan/Block Plan

The subject lands are designated "Medium Density Residential/Commercial Area" by OPA #600. This designation permits residential with limited commercial uses located at grade level along transit routes to encourage and facilitate pedestrian movement.

However, the approved Block 11 Plan further identifies the subject lands as a "District Park", to be combined with the lands directly to the south, as shown on Attachment #1. The Owner has participated in the Block Plan process and is aware of the plans for the future development of the site and area.

OPA #600 permits temporary uses in future urban areas, subject to implementation in a site-specific zoning by-law, and provided the proposed uses are:

- substantially less intensive than the planned use;
- entails limited capital investment;
- do not require municipal water or sanitary services;
- are of a temporary nature;
- are not automotive or industrial in nature;
- do not require outside storage;
- are not located within the City's existing residential and employment areas; and,
- do not conflict with:
  - the planned development pattern;
  - the road pattern defined in the Official Plan;
  - the parks, schools, valley and stream corridors, greenway systems, tableland woodlots, and stormwater management systems, as defined in the Official Plan.

A discussion of how the proposed temporary uses conform with the above-noted criteria will be discussed later in this report

In addition, the subject lands are also designated as "Settlement Area" by OPA 604 (The City's Oak Ridges Moraine Conformity Official Plan Amendment), which permits the range of uses as referenced above.

OPA 604 also permits the extension of uses of land, building, or structures if that use was lawfully used for that purpose on November 15, 2001, and continues to be used for that purpose. The Development Planning Department is satisfied that the requested extension conforms with the requirements of the Oak Ridges Moraine Conservation Plan as adopted in OPA 604.

### Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, subject to site-specific Exception 9(925), which is directly related to the temporary continuance of the agriculturally related retail/commercial and winery uses previously permitted by By-laws 31-96 and 259-2000. The Planning Act allows Council to pass temporary use by-laws for periods of up to 3 years, and does not restrict Council's ability to pass further temporary use by-laws for consecutive periods of time. Temporary use by-laws allow Council to monitor and/or reconsider the use, relative to development in the surrounding area. The uses proposed by this application are established uses within the existing buildings. These agricultural/retail and winery uses are considered to meet the criteria of the "Temporary Use Policies" in OPA #600, and will not entail additional capital investment.

The proposed uses are considered appropriate for the subject lands as they are interim agricultural related uses, until July 2007, which will not conflict with the development of the District Park, which is expected thereafter.

### Temporary Land Use/Compatibility

The application proposes amending the Zoning By-law in order to permit the continuation of agriculturally-related commercial uses, including:

- a retail store for the sale of agricultural produce not grown on the subject lands;
- the preparation, production and sale of baked goods; and
- the operation of a winery, the selling of wine (alcoholic beverages) and associated retail items.

The uses in question are not permitted as-of-right in the A Agricultural Zone. The proposed winery and associated uses are presently operating on the subject lands, and have been in existence since 1992. In light of the temporary use criteria in OPA #600, the proposed extension of the temporary use by-law until July 31<sup>st</sup> of 2007, will not result in an intensification of the existing uses, as no change or new construction is proposed. All buildings on the site will be demolished once the use has ceased to operate.

In contrast, the planned use of the subject lands is for a district park and community centre servicing the Block 11 and surrounding communities. The Parks Development Department requires that all approvals respecting the time period for extending the temporary use conform to the lease agreement between the Block 11 Developers Group, which includes the Applicant.

The proposed temporary use requires limited capital investment, as it is an existing use on the subject lands. A substantial investment is unlikely as the use is temporary and will relocate in July of 2007. The subject lands also have no access to municipal services, and therefore will not impact or strain the already limited water and sanitary services.

The proposed use does not negatively impact neighbouring properties, as it is not industrial or automotive in nature, and does not include outside storage other than what is normally incidental of an agricultural setting. The subject property and the area surrounding the subject lands has been designated as Phase 2 development in the Block 11 phasing plan, and the proposed use will have relocated prior to the development of the surrounding area, including the district park. Furthermore, residents will not be living in the vicinity as the neighbouring properties are intended to be for a high school to the west, valleylands to the east, district park to the south, and Major Mackenzie Drive to the north, as shown on Attachment #1.

The proposed temporary use does not impact the road network approved for Block 11, nor does it impact any development designated as Phase 1 in the Block Plan. The Region of York and the Toronto and Region Conservation Authority have advised that the proposal will not impact the adjacent arterial road system and valleylands, respectively. The Development Planning Department is satisfied that the proposed temporary uses are appropriate until July 31, 2007, and that the proposal is in conformity with the Official Plan.

### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

### **Conclusion**

The Development Planning Department has reviewed the proposed application to amend the Zoning By-law to permit the retail sales of agricultural produce and goods not grown on the same lands, producing and selling of baked goods, and operating a winery the sale of wine products, for a temporary period to cease on July 31, 2007. Development Planning Staff are satisfied that the proposal is in accordance with the Temporary Use Policies in OPA #600, which permits interim uses prior to urban development. Should the Committee concur, Zoning By-law Amendment Application Z.05.061 (Senang Investments Limited) can be approved with the adoption of the recommendation in this report.

### **Attachments**

1. Location Map

### **Report prepared by:**

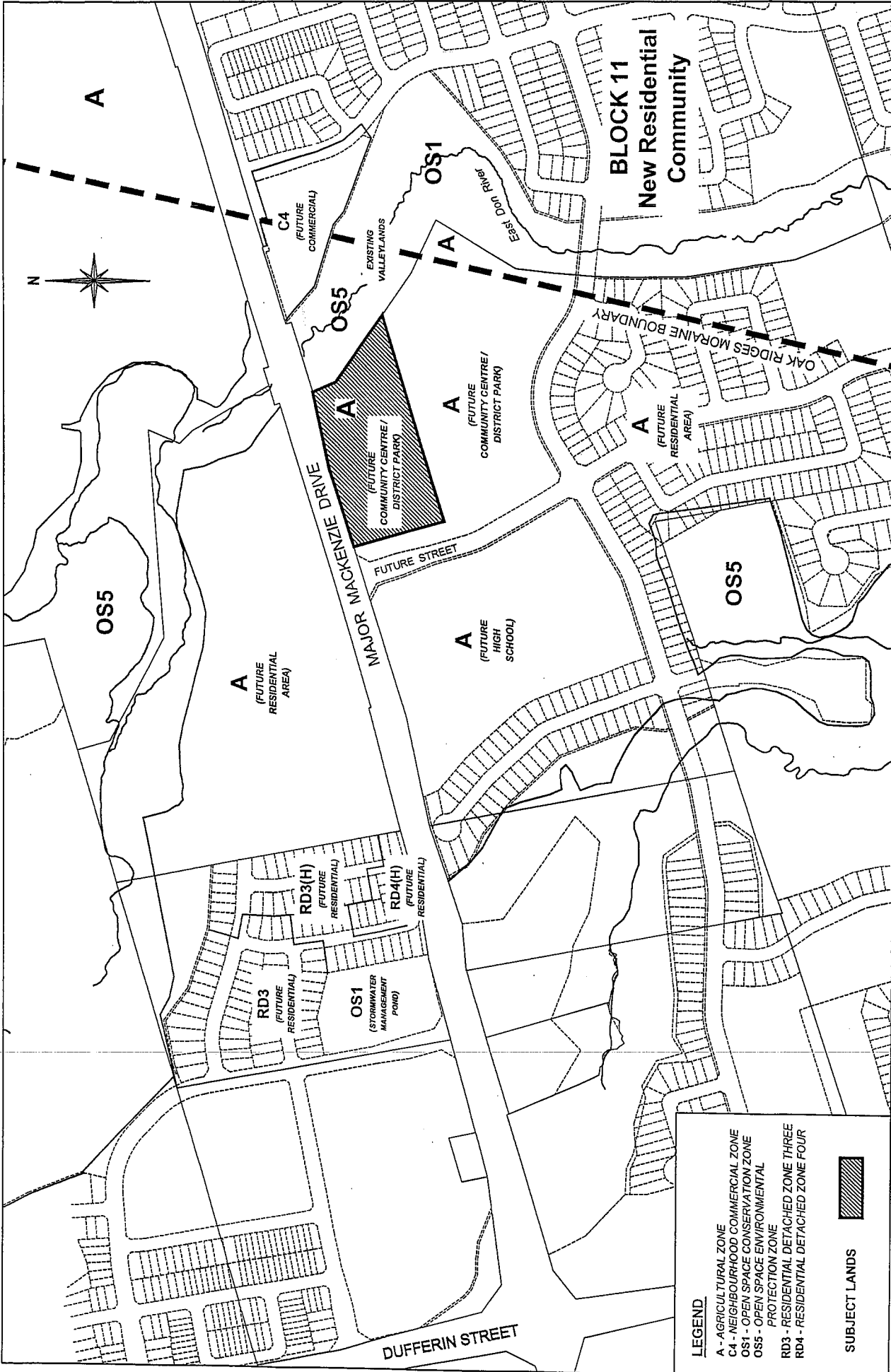
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Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning


MARCO RAMUNNO  
Director of Development Planning

/CM



**LEGEND**

A - AGRICULTURAL ZONE  
 C4 - NEIGHBOURHOOD COMMERCIAL ZONE  
 OS1 - OPEN SPACE CONSERVATION ZONE  
 OS5 - OPEN SPACE ENVIRONMENTAL PROTECTION ZONE  
 RD3 - RESIDENTIAL DETACHED ZONE THREE  
 RD4 - RESIDENTIAL DETACHED ZONE FOUR

**SUBJECT LANDS** 

# Location Map

Part of Lot 20,  
 Concession 2

APPLICANT:  
 SENANG INVESTMENTS LIMITED  
 N:\DPT\1 ATTACHMENTS\Z\z.05.061

# City of Vaughan

Development Planning Department

# Attachment

FILE No.:  
 Z.05.061

Not to Scale

April 19, 2006

