

COMMITTEE OF THE WHOLE MAY 20, 2008

ZONING BY-LAW AMENDMENT FILE Z.07.056 ROCCO BUSIELLO REPORT #P.2008.8

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.07.056 (Rocco Busiello) BE APPROVED, specifically to amend By-law 1-88 for the subject lands shown on Attachment #1, to extend the following existing temporary commercial uses, currently permitted by Temporary Use By-law 264-2005, which will expire on September 26, 2008, for an additional maximum period of 3 years within the A Agricultural Zone:
 - i) Business or Professional Office;
 - ii) Photography Studio;
 - iii) Service or Repair Shop; and,
 - iv) Retail uses restricted to the sale of patio furniture, office furniture, crafts/pottery and antiques.

Economic Impact

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

Communications Plan

On February 8, 2008, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Millwood Woodend Ratepayers' Association. No written comments were received by the Development Planning Department through the circulation. The recommendation of the Committee of the Whole to receive the Public Hearing report of March 3, 2008, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on March 31, 2008.

Purpose

The Owner has submitted a Zoning By-law Amendment application on the subject lands shown on Attachment #1, specifically to extend the existing temporary uses, currently permitted by Temporary Use By-law 264-2005, for an additional maximum period of 3 years. By-law 264-2005 permits the following temporary commercial uses on the subject lands within the A Agricultural Zone:

- i) Business or Professional Office;
- ii) Photography Studio;
- iii) Service or Repair Shop; and,
- iv) Retail uses restricted to the sale of patio furniture, office furniture, crafts/pottery and antiques.

By-law 264-2005 also prohibits outside storage, and provides for a minimum 9 m wide landscaping strip abutting Major Mackenzie Drive, and a minimum of 44 parking spaces, on the property. By-law 264-2005 will expire on September 26, 2008.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the north side of Major Mackenzie Drive and west of Weston Road, municipally known as 4040 Major Mackenzie Drive, in Part of Lot 21, Concession 6, City of Vaughan. The subject lands shown on Attachment #2 have frontage of 100.28 m on Major Mackenzie Drive, and an overall site area of 4.3 ha with the temporary commercial uses located on the southerly 1.58 ha of the subject lands. There is an existing commercial building with a floor area of 1,155 m² located on the easterly portion of the subject lands and an existing residential dwelling unit on the westerly portion, as shown on Attachment #2.

The subject lands are designated "Low Density Residential", "Medium Density Residential/Commercial" and "District Park" by OPA #600, as shown on Attachment #3. The subject lands are zoned A Agricultural Zone by By-law 1-88, subject to Exception 9(1058). The surrounding land uses are shown on Attachment #1.

Land Use Policies/Planning Considerations

a) Official Plan

The Official Plan designates the subject lands shown on Attachment #3 as "Low Density Residential", "Medium Density Residential/Commercial" and "District Park" by OPA #600, with the land uses further refined in the Block 40 South Plan. On April 24, 2006, Council approved the Block 40 South Plan shown on Attachment #4, subject to conditions. OPA #600 provides policies to permit temporary uses within future planning communities, subject to conditions, such as the temporary uses being less intensive than the planned use, not requiring intensive capital investment, not requiring municipal water and sanitary services, and not conflicting with the planned development and road pattern.

On December 2007, Zoning By-law Amendment File Z.07.061 and Draft Plan of Subdivision File 19T-07V06 (Majormack Investments Inc., 4074 MM Inc., and M3DC Capital Corporation) were submitted on the subject lands and the adjacent lands to the west (4074 Major Mackenzie Drive) as shown on Attachment #1, to facilitate a proposed draft plan of subdivision consisting of a total of 148 units comprised of detached, semi-detached and street townhouse units, an elementary school block, and stormwater management pond uses. Specifically, for the subject lands, Zoning By-law Amendment File Z.07.061 and Draft Plan of Subdivision File 19T-07V06 propose to provide detached, semi-detached and street townhouse dwelling units. These applications were considered at the Public Hearing on February 19, 2008, and the recommendation of the Committee of the Whole to receive the Public Hearing report, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on February 25, 2008.

The subject lands shown on Attachment #2 are comprised of a 1,155 m² concrete building for the temporary commercial uses, along with 44 parking spaces and a detached residential dwelling, which are both serviced by private well for water and private septic system for sanitary. The commercial building is of a temporary nature, with limited capital investment in both the commercial building and site. The proposal to extend the temporary uses for an additional maximum period of 3 years can be supported, as the proposal is in accordance with the temporary use provisions of the Official Plan and extends uses that already exist on the site. In addition, the draft plan of subdivision application submitted on the subject land clearly demonstrates the intent to redevelop these lands in accordance with the Block 40 South Plan, and therefore, the proposed uses are temporary in nature.

b) Zoning

The extension of the temporary uses can be supported for the subject lands shown on Attachment #2, in consideration of the ultimate development of the subject and westerly adjacent lands through the related Zoning By-law Amendment (File Z.07.061) and Draft Plan of Subdivision (File 19T-07V06) applications, which require servicing infrastructure, and must be constructed, prior to the allocation of any water supply and sanitary sewer capacity, should these latter applications be approved. The targeted timing for the completion of the required expansion to the wastewater facility at the Duffin Creek Water Pollution Control Plant is not expected until the fourth quarter of year 2010, and the completion of the sewer project for the York-Durham Servicing Scheme (YDSS) Flow Control Structures is not expected until the third quarter of year 2009. The extension of the temporary uses up to a maximum of 3 years, which is expected to be the last extension, would result in the expiration of the temporary uses in the year 2011, should the temporary by-law be approved, and allow the development of the ultimate planned uses, through the related Zoning By-law Amendment (File Z.07.061) and Draft Plan of Subdivision (File 19T-07V06) applications.

The temporary by-law would extend the following temporary commercial uses, together with the requirement to provide a minimum of 44 parking spaces and a 9 m wide landscaping strip abutting Major Mackenzie Drive, which are currently permitted in By-law 264-2005, on the subject lands within the A Agricultural Zone:

- Business or Professional Office;
- Photography Studio;
- Service or Repair Shop; and,
- Retail uses restricted to the sale of patio furniture, office furniture, crafts/pottery and antiques.

The proposal to extend the temporary uses for an additional maximum period of 3 years can be supported as the use is of a temporary nature, and the Block 40 South Plan and the related Zoning By-law Amendment and Draft Plan of Subdivision applications contemplate the final uses for the subject lands.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has no objections to the proposal for temporary uses, as the future ultimate development of the property will be subject to further review through the related Zoning By-law Amendment (File Z.07.061) and Draft Plan of Subdivision (File 19T-07V06) applications.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.07.056 (Rocco Busiello) to extend the existing temporary uses, currently permitted by Temporary Use By-law 264-2005, which expires on September 26, 2008, for an additional maximum period of 3 years. The proposed uses will continue to operate from the existing 1,155m² commercial concrete building shown on Attachment #2.

The subject zoning application to permit the temporary uses, within a future planned community, are less intensive than the ultimate planned urban uses, do not require intensive capital investment, do not require municipal water and sanitary services, and do not conflict with the planned development and road pattern, and is therefore in accordance with the temporary use

policies of the Official Plan. The temporary uses can be supported as the Block 40 South Plan has been approved by Council, subject to conditions, and the related applications for Zoning By-law Amendment (File Z.07.061) and Draft Plan of Subdivision (File 19T-07V06) (Majormack Investments Inc., 4074 MM Inc., and M3DC Capital Corporation) have been submitted on the subject lands and the adjacent westerly lands to facilitate the ultimate development of these lands for a subdivision consisting of a total of 148 units comprised of detached, semi-detached and street townhouse units, an elementary school block, and stormwater management pond uses.

On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application, in accordance with the recommendation of this report.

Attachments

1. Location Map
2. Site Plan
3. OPA #600 – Schedule "B" Vellore Urban Village 1
4. Block 40 South Block Plan

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Manager of Development Planning

/CM



Legend
 A - AGRICULTURAL ZONE
 OS1 - OPEN SPACE CONSERVATION ZONE
 OS2 - OPEN SPACE PARK ZONE
 RR - RURAL RESIDENTIAL ZONE
 --- VELLORE VILLAGE DISTRICT CENTRE
 [Diagonal Lines] **Subject Lands (File Z.07.056)**
 [Dashed Line] **Lands Subject to Z.07.061 and subdivision file 197-07V06**

Location Map

Part of Lot 21,
 Concession 6
 APPLICANT:
ROCCO BUSIELLO
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Development Planning Department

Attachment 1

FILE No.:
 Z.07.056
 Not to Scale
 January 23, 2007

ZONING AMENDMENT APPLICATION

EXTEND THE FOLLOWING EXISTING TEMPORARY COMMERCIAL USES ON THE SUBJECT LANDS FOR A MAXIMUM OF THREE YEARS INCLUDING:

- BUSINESS OR PROFESSIONAL OFFICE
- PHOTOGRAPHY STUDIO
- SERVICE OR REPAIR SHOP
- RETAIL USES RESTRICTED TO THE SALE OF FURNITURE (PATIO & OFFICE), CRAFTS/POTTERY AND ANTIQUES



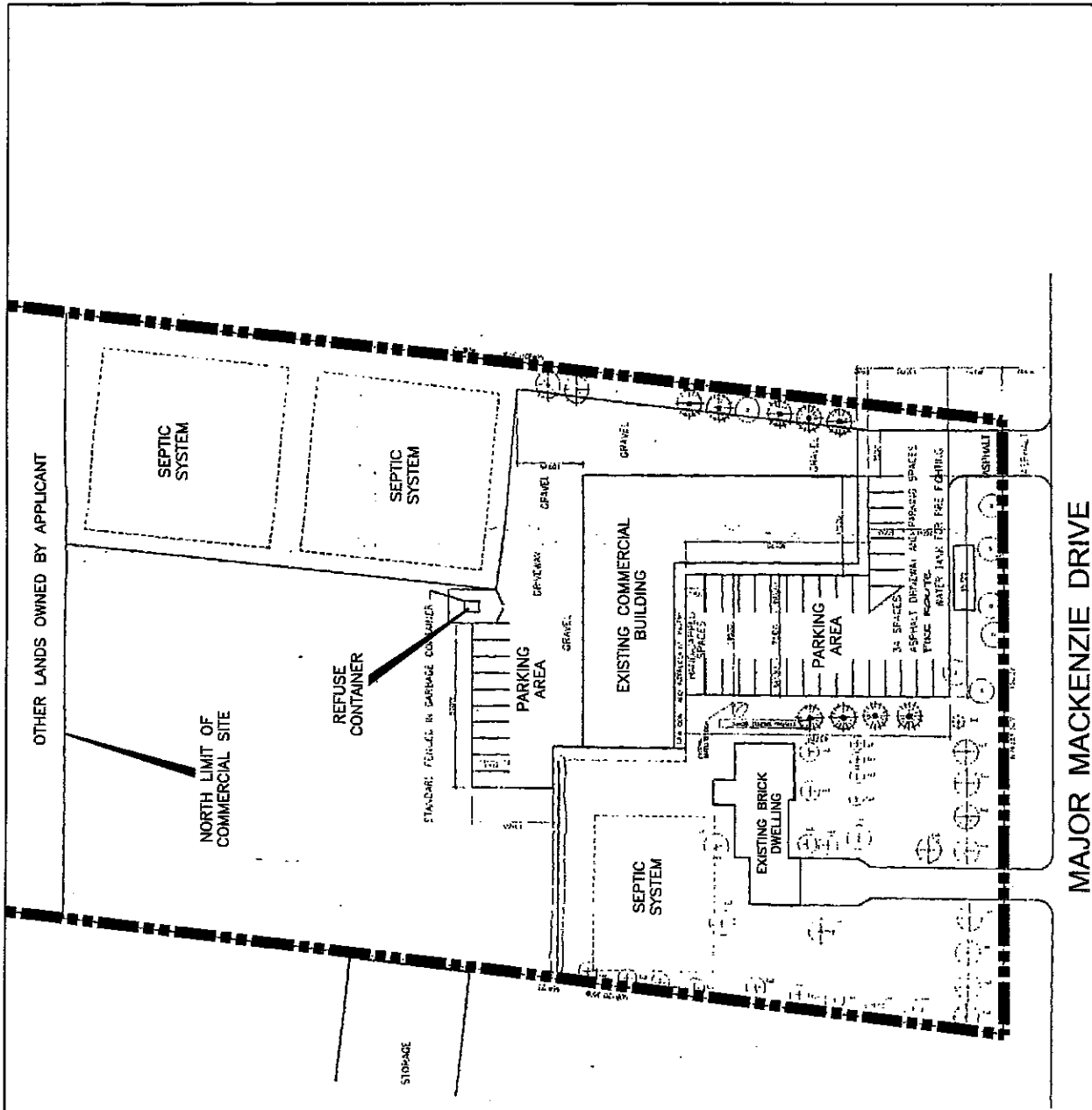
Subject Lands

Site Plan

Part of Lot 21,
Concession 6

APPLICANT:
ROCCO BUSIELLO

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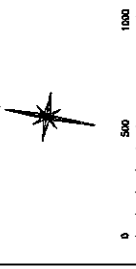
MAJOR MACKENZIE DRIVE



The City Above Toronto

Development Planning Department

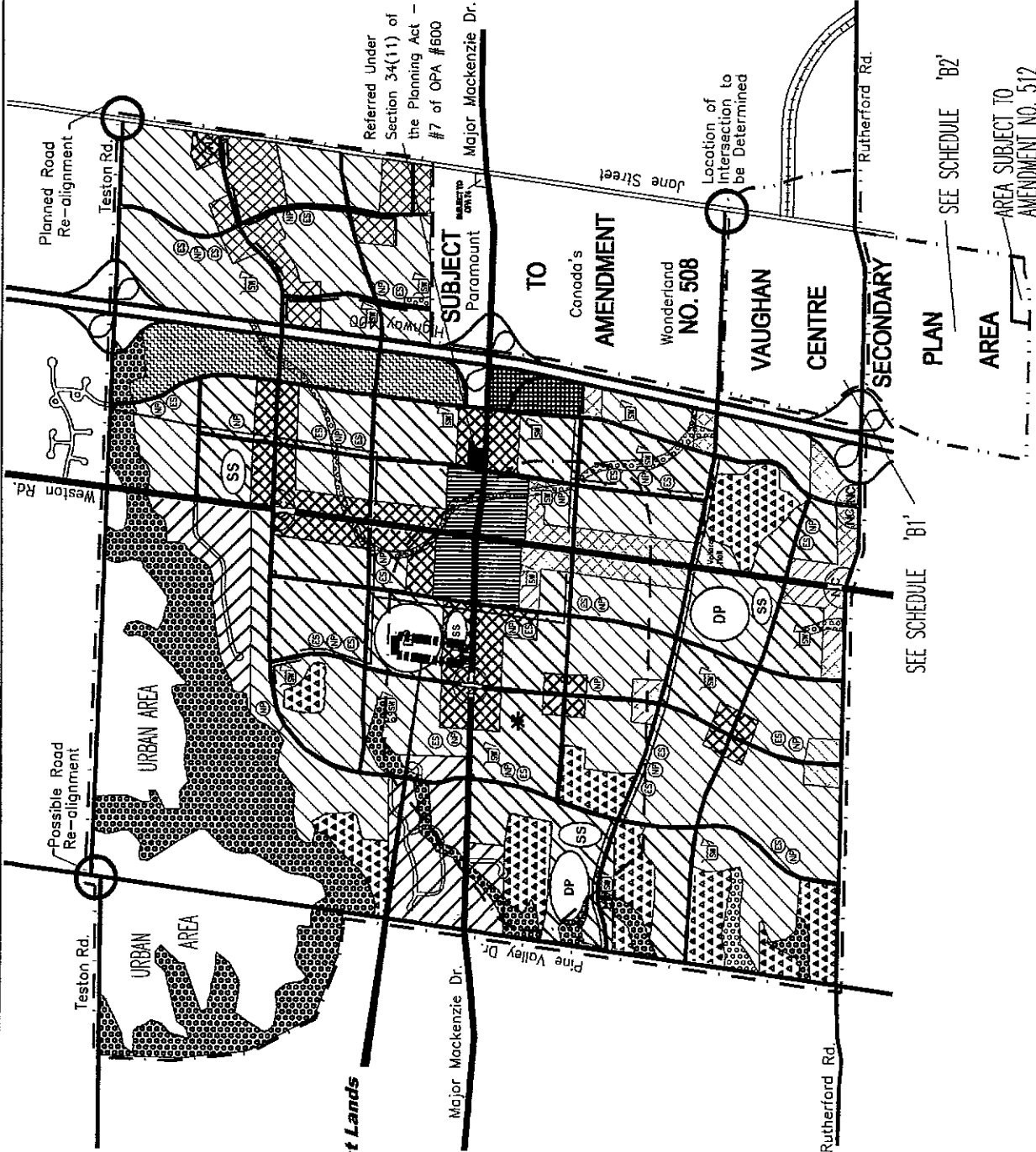
VELLORE URBAN VILLAGE 1



LEGEND

(S)	Elementary School
(SS)	Secondary School
(P)	Neighbourhood Park
(DP)	District Park
(E)	Neighbourhood Commercial Cdn.
(L)	Lands Subject to Vellore - Urban Village Area #1
(LR)	Low Density Residential
(MD)	Medium Density Residential/Commercial
(V)	Vellore Village Centre
(ER)	Estate Residential
(U)	Urban Area
(HP)	High Performance Employment Area
(VL)	Valley Lands
(SC)	Stream Corridor
(GS)	Greenway System
(TW)	Tableland Woodlots
(GC)	General Commercial
(SW)	Storm Water Management
(VC)	Vaughan Centre
(MS)	Major Street Measurement Area (Pavement Width)

THIS IS SCHEDULE 'B' TO AMENDMENT #600



Subject Lands

OPA 600 - Schedule 'B' Vellore Urban Village 1

APPLICANT:
ROCCO BUSIELLO

Part of Lot 21,
Concession 6



The City Above Toronto

Development Planning Department

Attachment 3

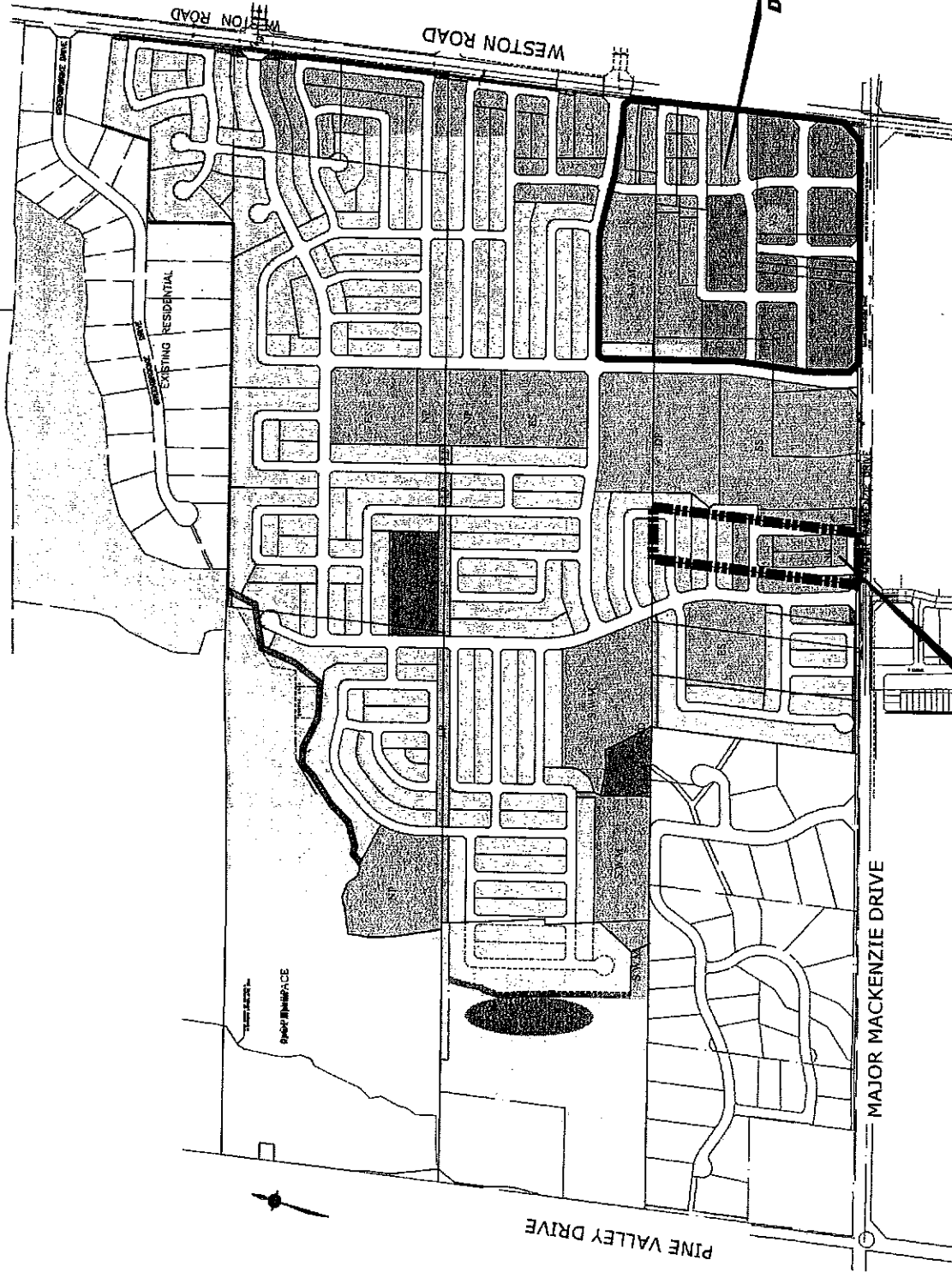
FILE No.:
Z.07.056

Not to Scale

January 23, 2007

LEGEND

- EXISTING ESTATE RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- NC - NEIGHBOURHOOD COMMERCIAL
- LC - LOCAL COMMERCIAL
- DISTRICT CENTRE
- PARK / INSTITUTIONAL
- ES - ELEMENTARY SCHOOL
- SS - SECONDARY SCHOOL
- DP - DISTRICT PARK
- NP - NEIGHBOURHOOD PARK
- LP - LINEAR PARK
- VS - VILLAGE SQUARE
- STORM WATER MANAGEMENT
- WOODLOT / VALLEYLAND
- BUFFERS



Subject Lands

**Block 40 South
Block Plan**

APPLICANT:
ROCCO BUSIELLO
Part of Lot 21,
Concession 6

NA\OPT\1 ATTACHMENTS\2\207.056.dwg



Development Planning Department

Attachment 4

FILE No.:
Z.07.056

Not to Scale

February 8, 2008