

COMMITTEE OF THE WHOLE APRIL 22, 2002

ZONING BY-LAW AMENDMENT FILE Z.01.077 GARONT INVESTMENTS LTD. & 371896 ONTARIO LTD. REPORT #P.2002.3

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment Application Z.01.077 (Garont Investments Limited & 371896 Ontario Ltd.) BE APPROVED, subject to the following:

- a) THAT the proposed amendment conforms to the final Oak Ridges Moraine Conservation Plan.
- b) THAT the implementing zoning by-law not be enacted until after the release of the Oak Ridges Moraine Conservation Plan and be reviewed for conformity with the Plan.
- c) THAT the implementing zoning by-law permit the continued golf driving range, miniature golf, chipping green, bunker practice area and accessory uses for a temporary period of 3 years.

Purpose

On November 19, 2001, the Owner submitted an application to amend the Zoning By-law to permit the continued use of the subject lands for a golf driving range, miniature golf, chipping green, bunker practice area and accessory uses for a temporary period of 3 years.

The current temporary zoning expired on September 28, 2001. An application to amend the Zoning By-law could not be submitted between May 17 and November 17, 2001, as the lands were under Bill 55, "An Act to Protect the Oak Ridges Moraine", which prohibited the filing of any zoning application, and the making of any decision or approval concerning zoning and land use control by-laws, between May 16, 2001 to November 16, 2001.

Background - Analysis and Options

Site Description

The 11.25 ha site is located at the northeast corner of Dufferin Street and Major Mackenzie Drive, (Block 12 Planning Area), in Lot 21, Concession 2, City of Vaughan. The surrounding land uses are:

- North - residential, agricultural, valley lands (A Agricultural and OS1 Open Space Conservation Zones)
- South - Major Mackenzie Drive; residential, valley lands (RR Rural Residential, A Agricultural and OS1 Open Space Conservation Zones)
- East - residential, agricultural (A Agricultural Zone)
- West - Dufferin Street; future golf course/commercial uses (OS2-H Open Space Park and C1-H Restricted Commercial Zones)

Public Hearing

On December 14, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands. No comments have been received to date. The January 7, 2002, recommendation of the Committee of the Whole, to receive the public hearing and forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on January 14, 2002.

Site Plan

On November 13, 1996, Site Plan Application DA.95.039 was registered to allow a golf driving range and its related uses. On July 8, 1999, amending Site Plan Agreement DA.98.031 was registered to allow for the relocation of the originally approved mini golf facility on to some of the land area dedicated for the driving range and provision of 104 parking spaces.

Official Plan

The subject lands are designated "Low Density Residential" and "Medium Density Residential/Commercial", with a "Neighbourhood Commercial" overlay by OPA #600. OPA #600 contains policies that allow temporary uses subject to an amendment to the Zoning By-law, provided the proposed use meets the provisions of the temporary use policies, which include but are not limited to, the use being less intensive than the planned use, requiring limited capital investment and no municipal water or sanitary services, and buildings/structures being of a temporary nature.

The Owner is a participating landowner with the Block 12 Plan application, which was submitted on September 17, 1999, and held in abeyance pending the approval of OPA #600. A revised Block Plan was submitted on November 7, 2001, which is under review. As the uses proposed are temporary in nature and do not conflict with the planned uses in the Official Plan, the proposal is consistent with the temporary use policies of the Official Plan.

ORM Conservation Plan

The subject lands are designated "Settlement Area" by Bill 122, "An Act to Conserve the Oak Ridges Moraine", which received Royal Assent on December 14, 2001, and the Draft Oak Ridges Moraine (ORM) Conservation Plan.

The "Settlement Area" designation permits a range of residential, commercial and institutional uses permitted in urban development areas of official plans. The proposed use appears to be consistent with the uses permitted for the "Settlement Area" designation in the draft ORM Conservation Plan.

Section 15(1) of the Act provides that Section 7 of the Act, which requires that decisions made under the Planning Act shall conform to the ORM Conservation Plan, applies to an application, matter or proceeding commenced on or after November 17, 2001. The subject application was submitted on November 19, 2001.

The lands subject to the zoning by-law amendment application are located within the area defined as "Settlement Area" in the November 2001 draft of the ORM Conservation Plan. Section 5.2 of the Plan states that all applications in Settlement Areas that were commenced on or after the Plan takes effect, are subject to the Plan. As the proposal is subject to the ORM Conservation Act and is required to conform to the ORM Conservation Plan, the approval of the application and enactment of the by-law may only be given on the provision that the proposal conforms to the ORM Conservation Plan.

Zoning

The lands are zoned A Agricultural Zone by By-law 1-88, subject to Exception Paragraph 9(914), which permitted the golf driving range, miniature golf, chipping green, bunker practice area and accessory uses for a temporary period of 3 years up to September 28, 2001. The application proposes a continuation of a previously permitted use, with no additional buildings/structures for the subject lands. The proposed uses are temporary in nature and do not interfere with the planned residential/commercial uses for the Block 12 Plan, which is under review. Therefore, Staff can support the zoning application for the continuation of the proposed uses for a temporary period of 3 years, as the uses are a continuation of previously permitted uses.

Conclusion

The proposal to amend the Zoning By-law to permit the continued use of the subject lands for a golf driving range, miniature golf, chipping green, bunker practice area and accessory uses for a temporary period of 3 years has been reviewed in accordance with the policies of the Official Plan and has been found to conform with the temporary uses policies.

The draft ORM Conservation Plan has not been finalized and therefore, the application can only be approved subject to conforming with the final ORM Conservation Plan when it is released. It is necessary to ensure that there are no further policy changes that may affect the subject lands. Similarly, the implementing by-law cannot be enacted until the ORM Conservation Plan is finalized.

Staff can support the proposal to amend the Zoning By-law to permit the continued use of the subject lands for a golf driving range, miniature golf, chipping green, bunker practice area and accessory uses for a temporary period of 3 years as the proposal is a continuation of previously permitted uses and does not conflict with the planned future residential/commercial uses. Should Committee concur, Zoning By-law Amendment Application Z.01.077 (Garont Investments Limited & 371896 Ontario Ltd.) can be approved, with the adoption of the "Recommendation" of this report.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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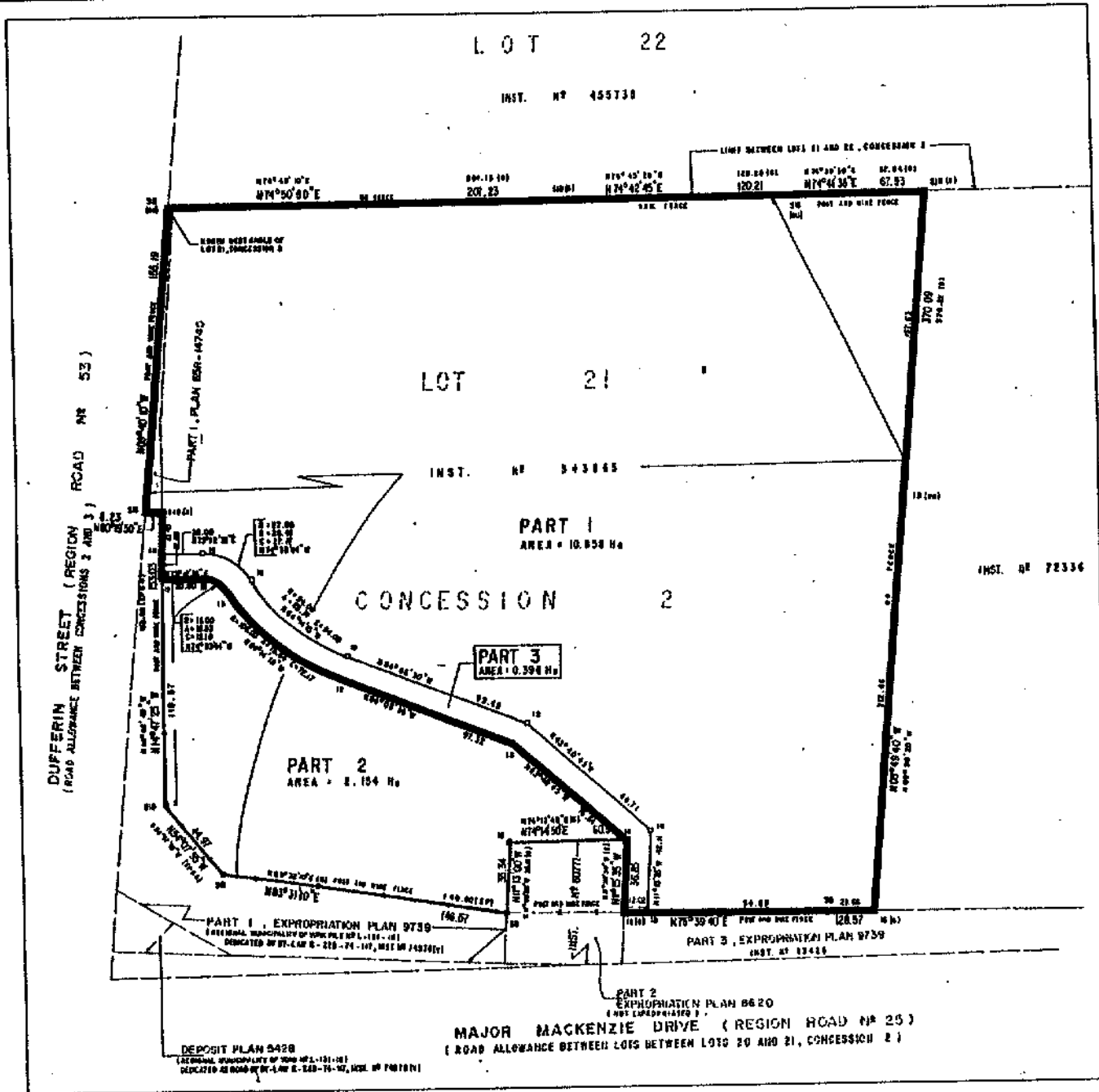
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

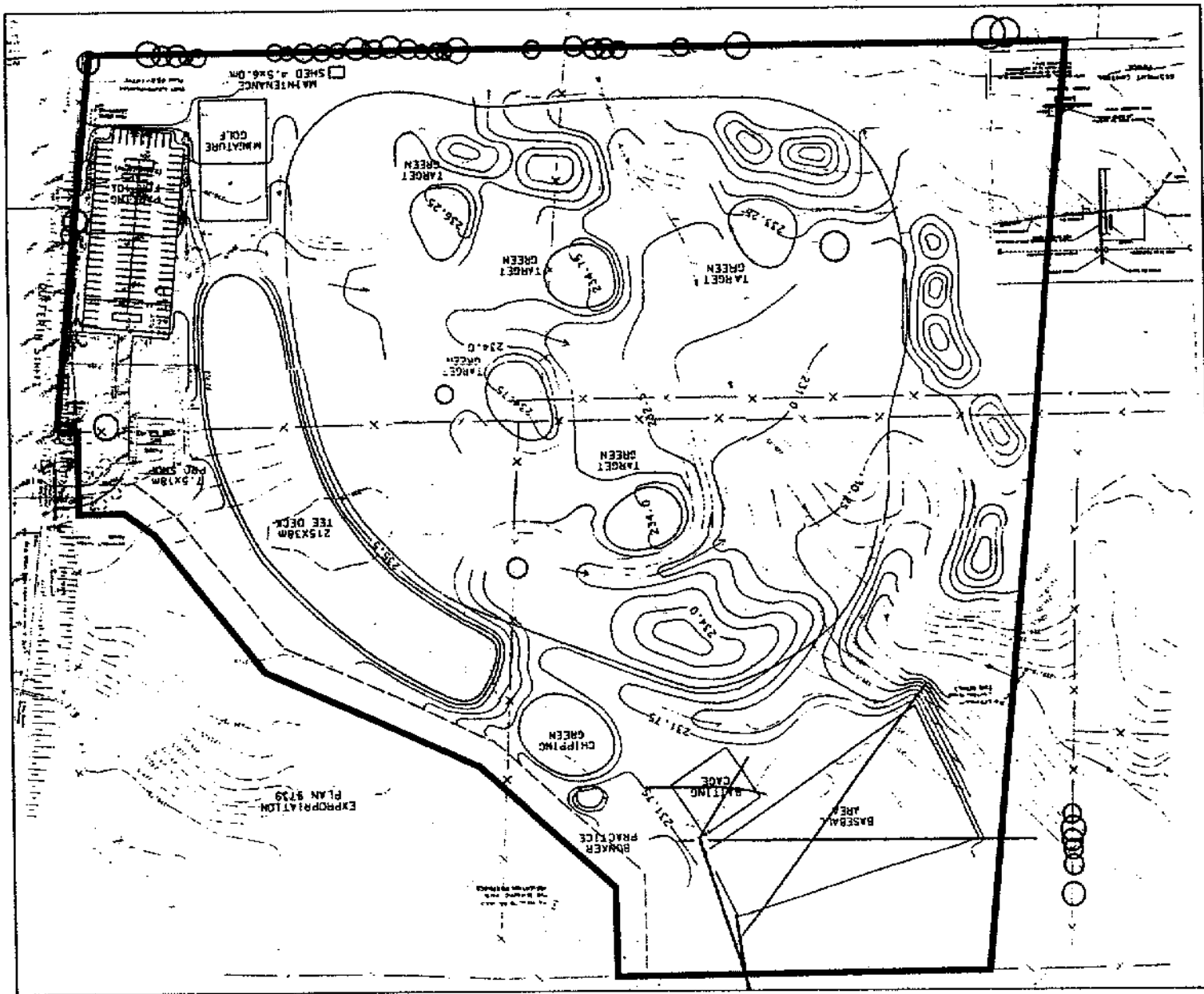
JOANNE R. ARBOUR
Director of Community Planning

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<h2>ATTACHMENT '1'</h2> <h2>LOCATION MAP</h2>	FILE #:	REPORT #:	SUBJECT LANDS	DATE: 11/26/2001
	Z.01.075	PART LOT 20, CON. 3		CITY OF VAUGHAN PLANNING DEPARTMENT




DUFFERIN STREET

MAJOR MACKENZIE DRIVE

ATTACHMENT '2'
SITE PLAN

FILE #:	REPORT #:
Z.01.075	LOCATION: PART LOT 20, CON. 3

 SUBJECT LANDS
CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE:	11/26/2001
SCALE:	NOT TO SCALE
APPLICANT:	GARONT INVESTMENTS LTD./371896 ONTARIO LTD.