

COMMITTEE OF THE WHOLE SEPTEMBER 6, 2005

**ZONING BY-LAW AMENDMENT FILE Z.05.027
ROCCO BUSIELLO
REPORT #P.2005.43**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.05.027 (Rocco Busiello) BE APPROVED, subject to the following:

- i) the implementing zoning by-law shall permit the following uses, on a 3-year temporary basis:
 - a) Business or Professional Office;
 - b) Photography Studio;
 - c) Service or Repair Shop; and
 - d) Retail uses restricted to the sale of patio and, office furniture, crafts, and pottery and antiques.

- ii) the implementing zoning by-law shall include the following provisions:
 - a) require a minimum 9m wide landscaping strip abutting Major Mackenzie Drive;
 - b) require a minimum of 44 parking spaces; and,
 - c) outside storage shall be prohibited.

Economic Impact

There are no requirements for new funding associated with this report. The proposed development will add assessment to the local tax base.

Purpose

The Owner has submitted an application to amend the Zoning By-law to extend the existing temporary use by-law applicable to the subject lands shown on Attachment #1, for a further 3-year period. The current temporary use by-law (By-law 293-2002) permits business and professional offices, photography studio, service and repair shop, and certain retail uses on the subject lands, which will expire on September 23, 2005.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the north side of Major Mackenzie Drive, west of Weston Road (4040 Major Mackenzie Drive), in Lot 21, Concession 6, City of Vaughan. The 4.08 ha site has frontage of 100m, a depth of 406m and is developed with a commercial building and detached dwelling as shown on Attachment #2. The surrounding land uses are:

- North - vacant (A Agricultural Zone)
- South - Major Mackenzie Drive vacant/future residential (A Agricultural Zone)
- East - temporary Golf driving range (A Agricultural Zone)
- West - agricultural/existing residential (A Agricultural Zone)

Public Hearing

On May 27, 2005, 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, to receive the Public Hearing report of June 20, 2005, and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on June 27, 2005.

Official Plan

The subject lands are designated "Medium Density Residential/Commercial" and further identified as a "Neighbourhood Commercial Centre" by OPA #600. The proposed Block 40 South Plan further identifies the southerly portion of the subject lands as "Neighbourhood Commercial" and the northerly portion as "Low Density Residential".

Block 40 Plan

The subject lands are located within the proposed Block 40 South Plan, which identifies planned future urban development of these lands. The Block 40 South Plan was considered by the Committee of the Whole at a Public Hearing held on May 2, 2005, and proposes future use of the southerly portion of the subject lands as a Neighbourhood Commercial Centre. The Owner has participated in the Block Plan process and is aware of the plans for the future development of the area.

Upon Council's approval of the Block Plan for the area, landowners within the Block Plan area can proceed to submit and receive approval for corresponding draft plan of subdivision applications, subject to the availability of servicing capacity.

Limited commercial use of the existing building in the interim (over the next 3 years) should not interfere with the future development of the subject lands and surrounding uses. The Planning Department is of the opinion that the proposed temporary uses conforms to the intent of the Official Plan and will not interfere with the future development of the area.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, subject to Exception 9(1058), ie. By-law 293-2002. This By-law expires on September 23, 2005, and currently permits the following commercial uses within the A Agricultural Zone on a temporary basis:

- a) Business and Professional offices;
- b) Photography Studio;
- c) Service or Repair Shop;
- d) Retail Uses restricted to the sale of patio furniture, office furniture, crafts/pottery, and antiques.

The exception also requires a minimum 9m wide landscape strip along Major Mackenzie Drive, a minimum of 44 parking spaces, and prohibits outside storage.

The provisions of Exception 9(1058) were established by Council's enactment of a temporary use by-law. 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 another 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 building. These particular commercial uses are considered to meet the criteria of the "Temporary Use Policies" of the Official Plan. They are less

intensive than the uses proposed by the Block 40 South Plan and will not entail additional capital investment or require municipal water and sanitary services.

Temporary Uses

OPA #600 permits temporary uses in the 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;
- entail limited capital investment;
- do not require municipal water or sanitary services;
- 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; and,
 - parks, schools, valley and stream corridors, greenway systems, tableland, woodlots, and stormwater management systems defined in the Official Plan.

The subject proposal satisfies these criteria. The building existed at the time of the original temporary use by-law, and no further capital investment is proposed. The site is serviced by a private well and septic system. The proposed restricted commercial uses do not require outside storage and are not industrial in nature. The site is not located within an existing residential or employment area.

The Official Plan designation permits commercial development in the future, and the current development is no more intensive than any future use. The subject lands do not conflict with the planned development pattern. The Planning Department is satisfied that the property is in conformity with the Official Plan.

Land Use Compatibility

The exact uses proposed by this application have been operating within the existing building as temporary uses for the past 6 years. Council's original approval for these temporary commercial uses was granted with the enactment of By-law 293-99. Council extended the approval of these temporary uses with the enactment of By-law 293-2003.

The residential dwelling to the west of the subject lands is occupied by the applicant and the land to the east of the site is used as a temporary golf driving range. There should be no adverse impact on the surrounding area.

Site Development and Design

There are no required alterations to the site or building as a result of this application. Attachment #2 shows an existing detached dwelling and a 1155m², L-shaped building on the property with a shared driveway access to Major Mackenzie Drive. Thirty-two (32) parking spaces are provided at the front of the building and 12 spaces are located at the rear.

Relationship to Vaughan Vision 2007

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

Conclusion

The Planning Department has reviewed the application to extend the approval of temporary commercial uses on the subject lands in accordance with the Official Plan, and in the context of the future development of the area as contemplated by the proposed Block 40 South Plan.

The limited range of temporary uses to occupy the existing buildings will not require servicing or extensive investment, and compatible with the existing and future surrounding uses, and meets the intent of the Official Plan with respect to temporary uses.

The proposed extension to the 3-year temporary use by-law for an additional 3-year period conforms to the policies of the Official Plan, and the Planning Department has no objection to the approval of the subject Zoning By-law Amendment application.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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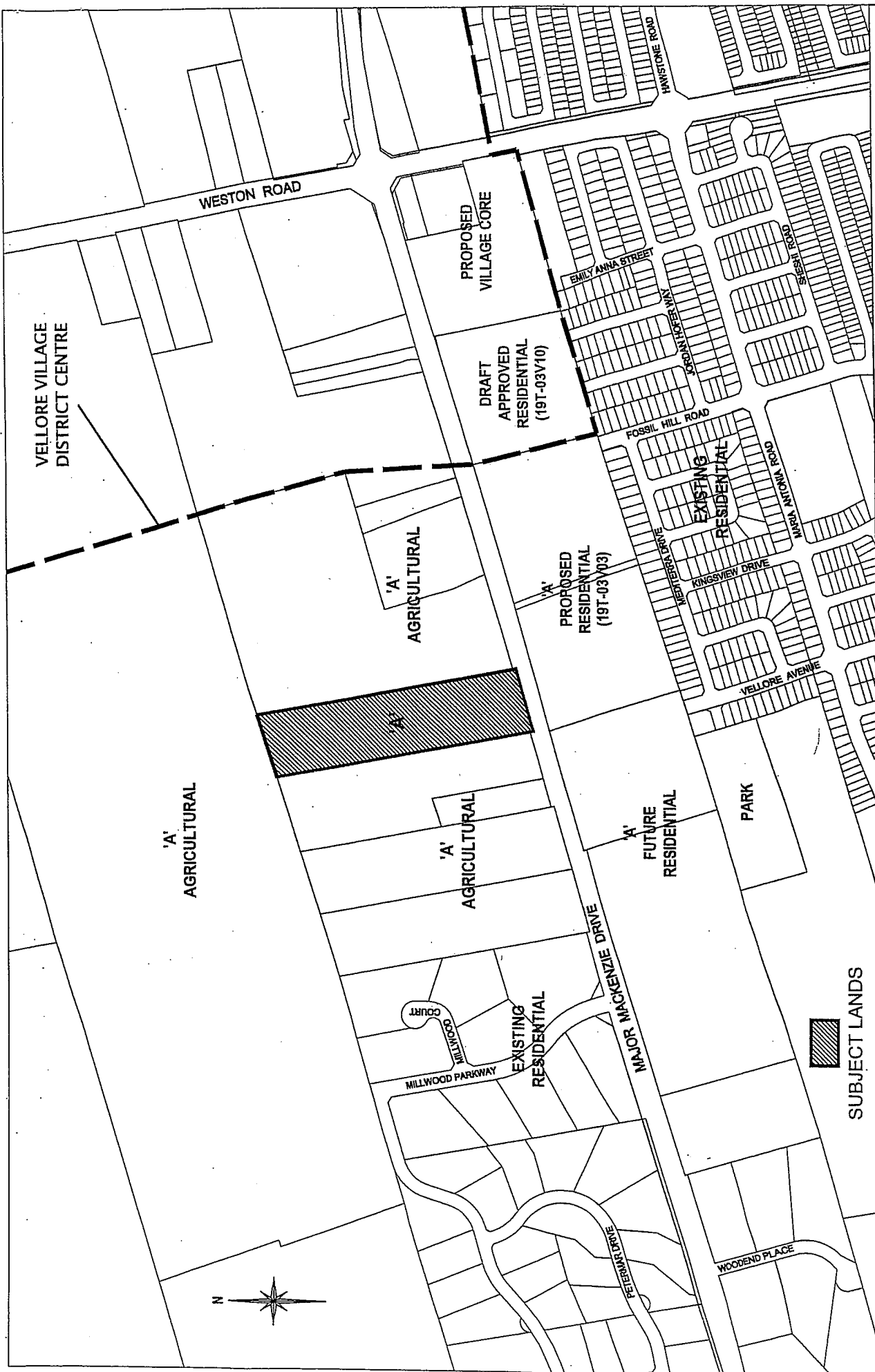
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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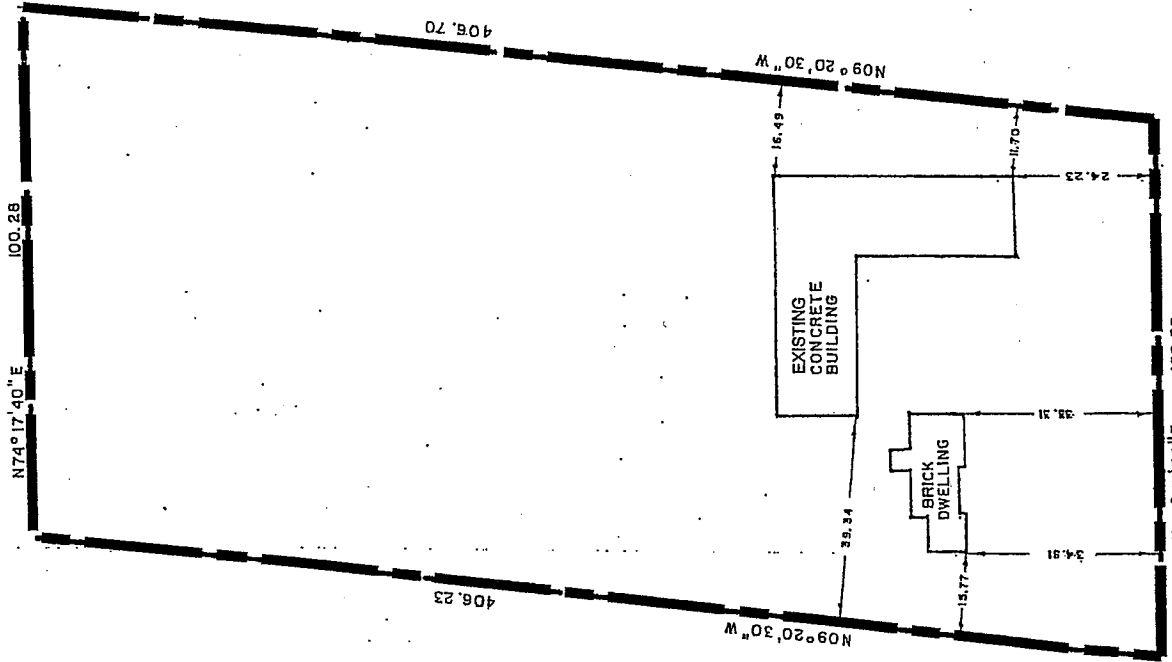


Location Map

Part of Lot 21,
Concession 6
APPLICANT:
ROCCO BUSIELLO

Development Planning Department

N:\DPT\1 ATTACHMENTS\Z.05.027



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SUBJECT LANDS

AGRICULTURAL
LANDS

EXISTING
GOLF DRIVING
RANGE

EXISTING
CONCRETE
BUILDING

BRICK
DWELLING

MAJOR MACKENZIE DRIVE

Site Plan

Part of Lot 21,
Concession 6
APPLICANT:
ROCCO BUSIELLO
IN: DFTV - ATTACHMENTS V. 4.05.027



Development Planning Department

Attachment 2

FILE No.:
Z.05.027
July 20, 2005
Not to Scale