

**1. OFFICIAL PLAN AMENDMENT FILE OP.09.007
ZONING BY-LAW AMENDMENT FILE Z.09.036
DIBATTISTA FARMS LTD.
WARD 1**

P.2010.1

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.09.007 and Z.09.036 (DiBattista Farms Ltd.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: December 18, 2009
- b) Circulation Area: 150 m and the Kleinburg and Area Ratepayers Association
- c) Comments Received as of January 4, 2010:
 - The Kleinburg and Area Ratepayers Association are concerned with noise, traffic and lights from heavy equipment, and dust, pollution, smell and wear and tear of the rural roads by large vehicles. In addition, they are concerned with the future loss of agricultural land and expect the City-wide Official Plan review to protect such resources.
 - The Nashville and Area Ratepayers Association does not support the temporary use. Construction yards and equipment storage should be located in corridors that zone for such use, and not near existing and potential future residential.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2, to recognize the existing use of 0.81 ha of the overall 40.47 ha subject lands for the outside storage of construction material:

- 1. An Official Plan Amendment Application (File OP.09.007) to amend the "Agriculture Area" policies of OPA #600 as follows:

| | Official Plan Policy | Proposed Amendment |
|----|--|--|
| a. | Agricultural uses remain a priority, and additional (non-farm) land uses are permitted subject to an amendment to the Official Plan, and subject to individual proposals being in conformity with specific evaluation criteria. The temporary use policies of OPA #600 | Official Plan Amendment to permit the existing outside storage of construction materials on a 0.81 ha portion of the overall 40.47 ha subject lands to be maintained for a temporary period not to exceed 6 years. |

| | Official Plan Policy | Proposed Amendment |
|--|---|--------------------|
| | also do not permit any use requiring outside storage. | |

2. A Zoning By-law Amendment Application (File Z.09.036) to amend Zoning By-law 1-88, specifically to permit the following additional use within the "A" Agricultural Zone, as follows:

| | By-law Standard | By-law 1-88 'A' Agricultural Zone Requirements | Proposed Exceptions to the 'A' Agricultural Zone |
|----|-----------------|--|--|
| a. | Permitted Uses | Outside storage is not a permitted use. | Permit the outside storage of construction materials as an additional use on a 0.81 ha portion of the overall 40.47 ha subject lands, for a temporary period not to exceed 3 years, with the future option to submit a Zoning By-law Amendment Application to permit the use for an additional 3 year period, for a total maximum period of 6 years. |

Background - Analysis and Options

| | |
|---------------------------|--|
| Location | <ul style="list-style-type: none"> ▪ 11100 Huntington Road, being on the west side of Huntington Road and south of Kirby Road, shown as "Subject Lands" on Attachments #1 and #2. |
| Official Plan Designation | <ul style="list-style-type: none"> ▪ "Agriculture Area" by OPA #600. ▪ The subject lands are located within the "Employment Secondary Plan Study Area" as identified by OPA #600. ▪ The Application to permit the outside storage use (of construction materials) in the "Agriculture Area" designation does not conform to the Official Plan, and therefore, an amendment to OPA #600 is required. |
| Zoning | <ul style="list-style-type: none"> ▪ A Agricultural Zone by By-law 1-88. ▪ The outside storage use (of construction materials) is not permitted in the A Agricultural Zone, and therefore, an amendment to By-law 1-88 is required. |
| Surrounding Land Uses | <ul style="list-style-type: none"> ▪ Shown on Attachment #2. |

The overall property is 40.47 ha in size. The temporary 0.81 ha outside storage area, as shown on Attachments #1, #2 and #3 is located adjacent the east side of the CP Rail line, which traverses through the front easterly portion of the site in a northwest to southeast direction.

The materials currently being stored on site are those utilized as part of the construction of sewers and watermains, concrete forming, earthworks and road construction, and typically include: plastic pipes, cement blocks, catch basins and lumber/plywood.

Preliminary Review

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|----|---|--|
| a. | Conformity with Provincial policies, Regional and City Official Plans | <ul style="list-style-type: none"> • The application will be reviewed in the context of the applicable Provincial policies, and Regional and City Official Plan policies. |
| b. | Justification for the proposed use | <ul style="list-style-type: none"> • The need and justification for the proposed outside storage use on a temporary basis, its size, location and whether it will impact the surrounding area, must be demonstrated in accordance with the policies of OPA #600. • The Planning Justification Study submitted in support of the application must be reviewed and approved. |
| c. | Appropriateness of Proposed Use | <ul style="list-style-type: none"> • The appropriateness of the proposed temporary land use will be reviewed in the context of compatibility with the surrounding land uses. |
| d. | CP Rail | <ul style="list-style-type: none"> • The property abuts the CP Rail Line. The application has been circulated to CP Rail for review and comments. |
| e. | Future Site Plan | <ul style="list-style-type: none"> • The Owner will be required to submit a Site Development Application to address issues related to the location, area and size of the open storage area, as well as, landscaping and screening and any setbacks required from the CP Rail line, if the applications are approved. |
| f. | Toronto and Region Conservation Authority (TRCA) | <ul style="list-style-type: none"> ▪ The Owner will be required to address the requirements of the TRCA including all violations respecting the removal of the woodlot and interference with the watercourse on the property as identified by the TRCA. |

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of the applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The applications together with a request for exemption from Regional approval of the Official Plan Amendment was circulated to the Region of York for review and comment. The request for an Official Plan Amendment exemption was considered by the Regional Development Review Committee and denied, as the amendment is for a non-farm development in the agricultural area, and may affect Regional road infrastructure. The Region of York will be the final approval authority on the Official Plan Amendment, should the application be supported by Vaughan Council.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

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

Report prepared by:

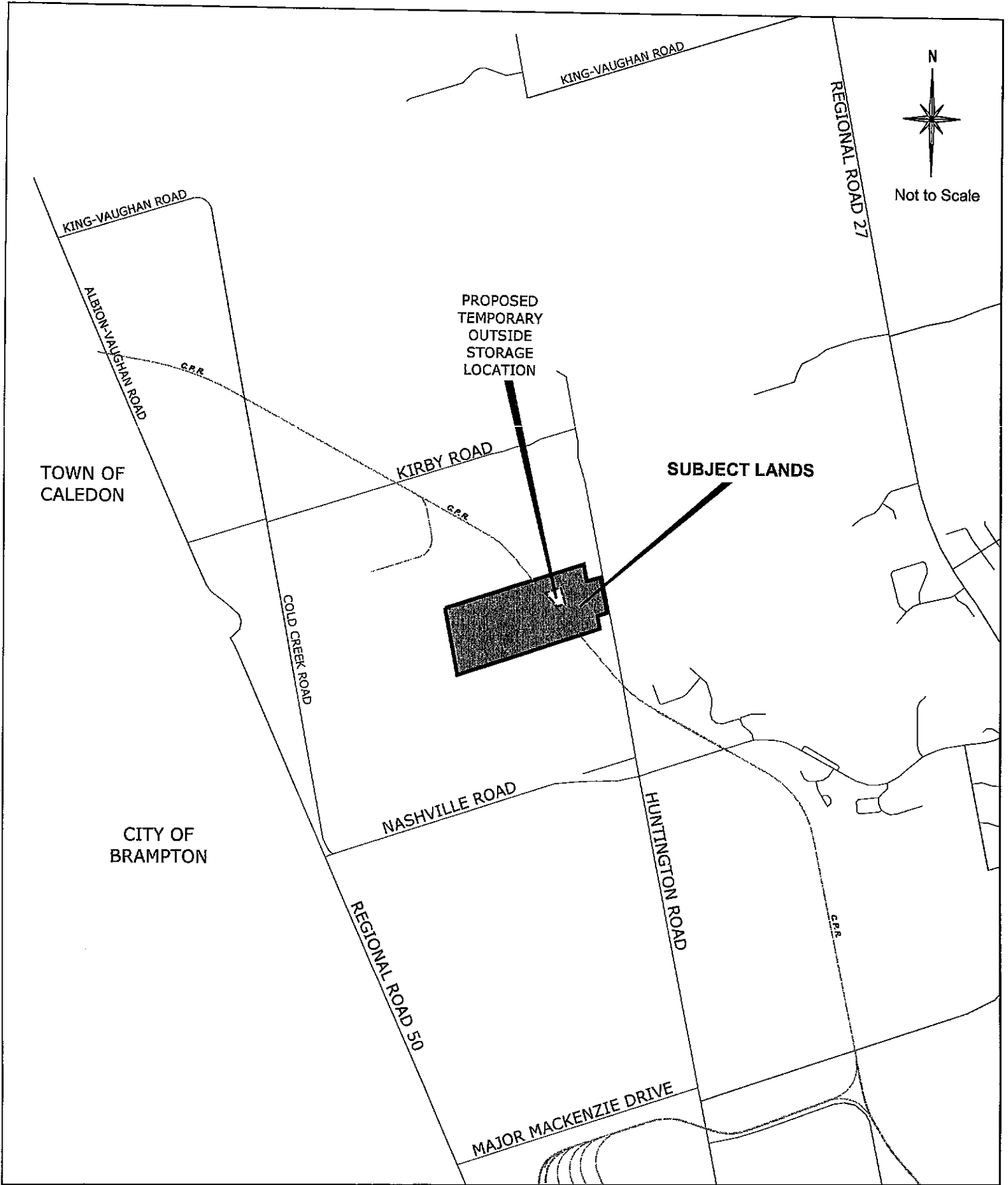
Margaret Holyday, Planner, ext. 8216
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Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lot 28, Concession 10

APPLICANT:
Di Battista Farms Ltd.

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The City Above Toronto

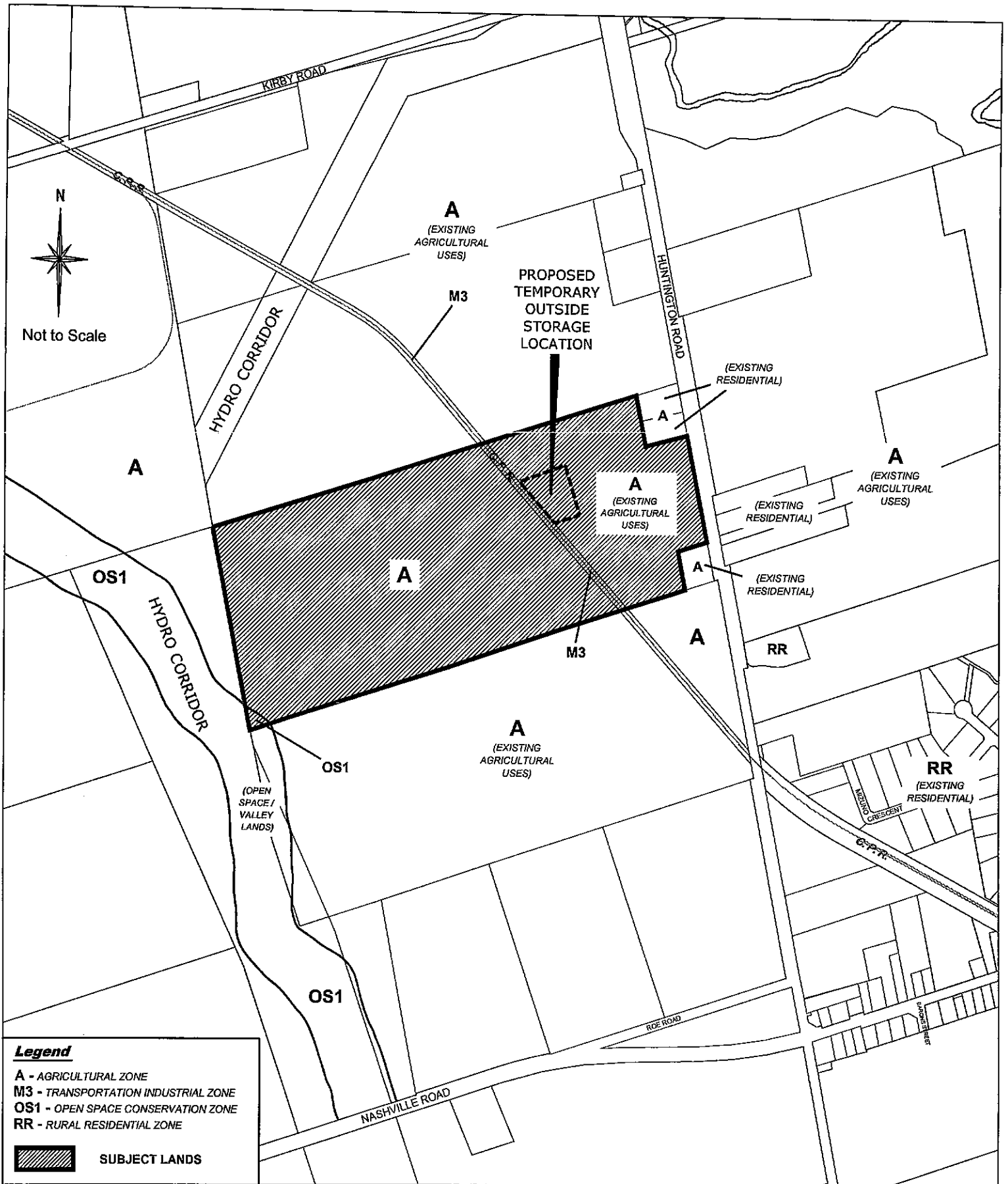
Development Planning Department

Attachment

FILE(S):
OP.09.007 &
Z.09.036

DATE:
December 15, 2009

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Legend

- A - AGRICULTURAL ZONE
- M3 - TRANSPORTATION INDUSTRIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- RR - RURAL RESIDENTIAL ZONE

 SUBJECT LANDS

Location Map

LOCATION:
Part of Lot 28, Concession 10

APPLICANT:
Di Battista Farms Ltd.

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Development Planning Department

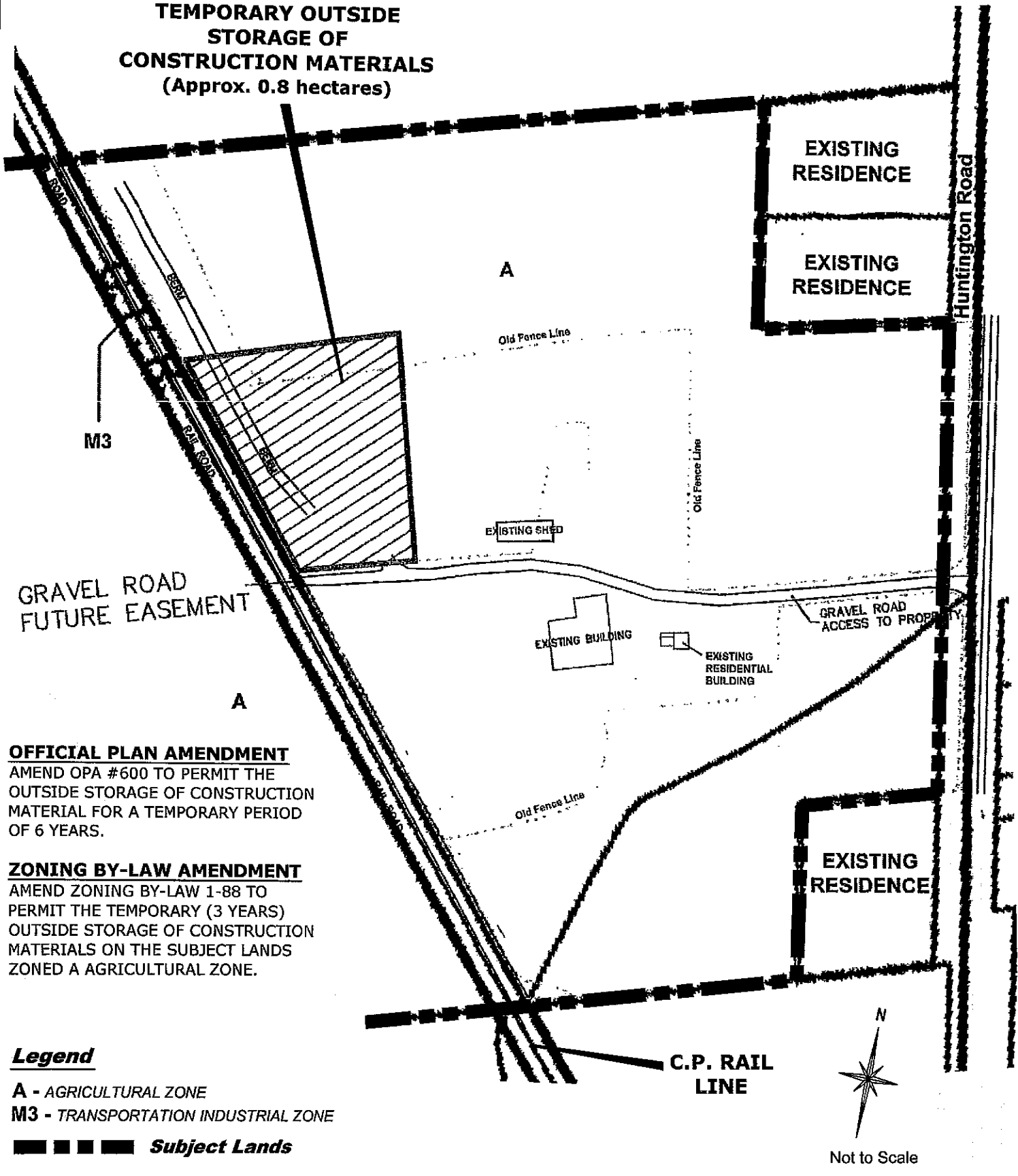
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**AREA PROPOSED FOR
TEMPORARY OUTSIDE
STORAGE OF
CONSTRUCTION MATERIALS
(Approx. 0.8 hectares)**



OFFICIAL PLAN AMENDMENT
AMEND OPA #600 TO PERMIT THE
OUTSIDE STORAGE OF CONSTRUCTION
MATERIAL FOR A TEMPORARY PERIOD
OF 6 YEARS.

ZONING BY-LAW AMENDMENT
AMEND ZONING BY-LAW 1-88 TO
PERMIT THE TEMPORARY (3 YEARS)
OUTSIDE STORAGE OF CONSTRUCTION
MATERIALS ON THE SUBJECT LANDS
ZONED A AGRICULTURAL ZONE.

Legend

- A - AGRICULTURAL ZONE
- M3 - TRANSPORTATION INDUSTRIAL ZONE
- ■ ■ ■ ■ Subject Lands

Site Plan

LOCATION:
Part of Lot 28, Concession 10

APPLICANT:
Di Battista Farms Ltd.

NA\FP\1 ATTACHMENTS\OP\Op.09.007\09.036.dwg



The City Above Toronto

Development Planning Department

Attachment

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OP.09.007 &
Z.09.036

DATE:
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