

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

P.2011.13

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

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: March 18, 2011
- b) Circulation Area: 150 m and the Kleinburg and Area Ratepayers Association
- c) These applications were originally scheduled for Public Hearing on January 12, 2010, however the agent requested a deferral on January 8, 2010.
- d) Comments Received as of March 24, 2011:
 - The Kleinburg and Area Ratepayers Association (KARA) originally wrote a letter dated December 18, 2009, and are concerned with noise, traffic and light 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 to protect such resources.
 - The Nashville and Area Ratepayers Association (NARA) originally wrote a letter dated December 22, 2009 and they do not support the temporary use. Construction yards and equipment should be located in corridors that zone for such use, and not near existing and future residential. Haulage is being done day and night. It was also questioned as to whether the Owners were paying agricultural or industrial taxes.

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 also do not permit any use requiring outside storage in the Agricultural Area.	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.

2. A Zoning By-law Amendment Application (File Z.09.036) to amend Zoning By-law 1-88, specifically to permit the following additional uses 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 (maximum permitted by the Planning Act), 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 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.

	<ul style="list-style-type: none"> ▪ "Agricultural" and "Natural Area" by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, and is subject to York Region approval, and is not yet in effect. The proposal does not conform to the new Official Plan. • The Temporary Use policies in the new City of Vaughan Official Plan 2010 (Section 10.1.2.4) provides that a By-law may be enacted to permit temporary uses of land provided the temporary use meets the following conditions in the new Official Plan: <ul style="list-style-type: none"> a. is consistent with the general intent of the Plan; b. is consistent with adjacent land-uses; c. is temporary in nature and can be easily terminated when the temporary zoning by-law expires; d. sufficient servicing and transportation capacity exists for the temporary use; and, e. maintains the long-term viability of the lands for the uses permitted in the Plan. ▪ The lands on the east side of Huntington Road, opposite the subject lands, form part of the North Kleinburg-Nashville Secondary Plan within the new City of Vaughan Official Plan 2010 and are designated for a future residential community, as shown on Attachment #4. In addition, the lands further south of Huntington Road are part of the proposed Nashville Heights Community which is proceeding through the Planning Approval process.
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 to 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 the Official Plan. • The applicant has submitted a Planning Justification Report in support of the applications, which must be revised to include, but not limited to, the following: <ul style="list-style-type: none"> i) a conceptual site plan identifying, but not limited to, the location of the proposed storage area(s), type of materials being stored, height of materials, lighting, noise, on site circulation, fencing, appropriate height and width of berming, and landscaping; ii) the proposed hours of operation; and, iii) the amount of truck traffic generated by the facility, truck types and truck loads. <p>If the applications are approved, the conceptual site plan will form the basis for the implementing Official Plan and Zoning By-law Amendments.</p>
c.	Appropriateness of Proposed Use	<ul style="list-style-type: none"> • The appropriateness of the proposed temporary land use will be reviewed in consideration of compatibility with the surrounding existing and planned land uses. • The appropriateness of the request to amend the Official Plan to permit the temporary use for a maximum period of 6 years, and the Zoning By-law for two, 3 year periods, will be reviewed.
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"> • Should the Official Plan and Zoning By-law Amendment Applications be approved, the Owner will be required to submit a formal Site Plan Application to implement the development and address details related to the location, area and size of the open storage area, access, landscaping, berming, fencing and screening, and any setbacks required from the CP Rail line.

Status of Deforested Area At Rear of the Property

The Region of York charged the Owner under the Provincial Offences Act for the deforestation of an area at the rear of the property (Attachment #2). On February 8, 2011, the Ontario Court of Justice ordered that pursuant to Section 431(b) of the *Municipal Act, 2001*, S.O.2001, Chapter 25, as amended, the Defendant shall:

1. Comply with the conditions, requirements and timelines set out in the Reforestation Plan and its associated Schedules and Plans prepared by MMM Group Limited, dated February 3, 2011.
2. Permit the employees and/or agents of the Regional Municipality of York to access the area or areas delineated by the Plan until February 8, 2015 for the purpose of monitoring the Plan.

It was further ordered that the Reforestation Plan is to be completed to the satisfaction of the Region by February 8, 2015.

The Owner has also applied for a Permit with the Toronto and Region Conservation Authority (TRCA) for the restoration of the woodlot and headwater feature at the rear of the property. The Permit and supporting documents will be reviewed by TRCA Staff, and the TRCA will work together with the Region of York to monitor the affected area.

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 applications, 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
4. Subject Lands in Relation to the North Kleinburg-Nashville Secondary Plan

Report prepared by:

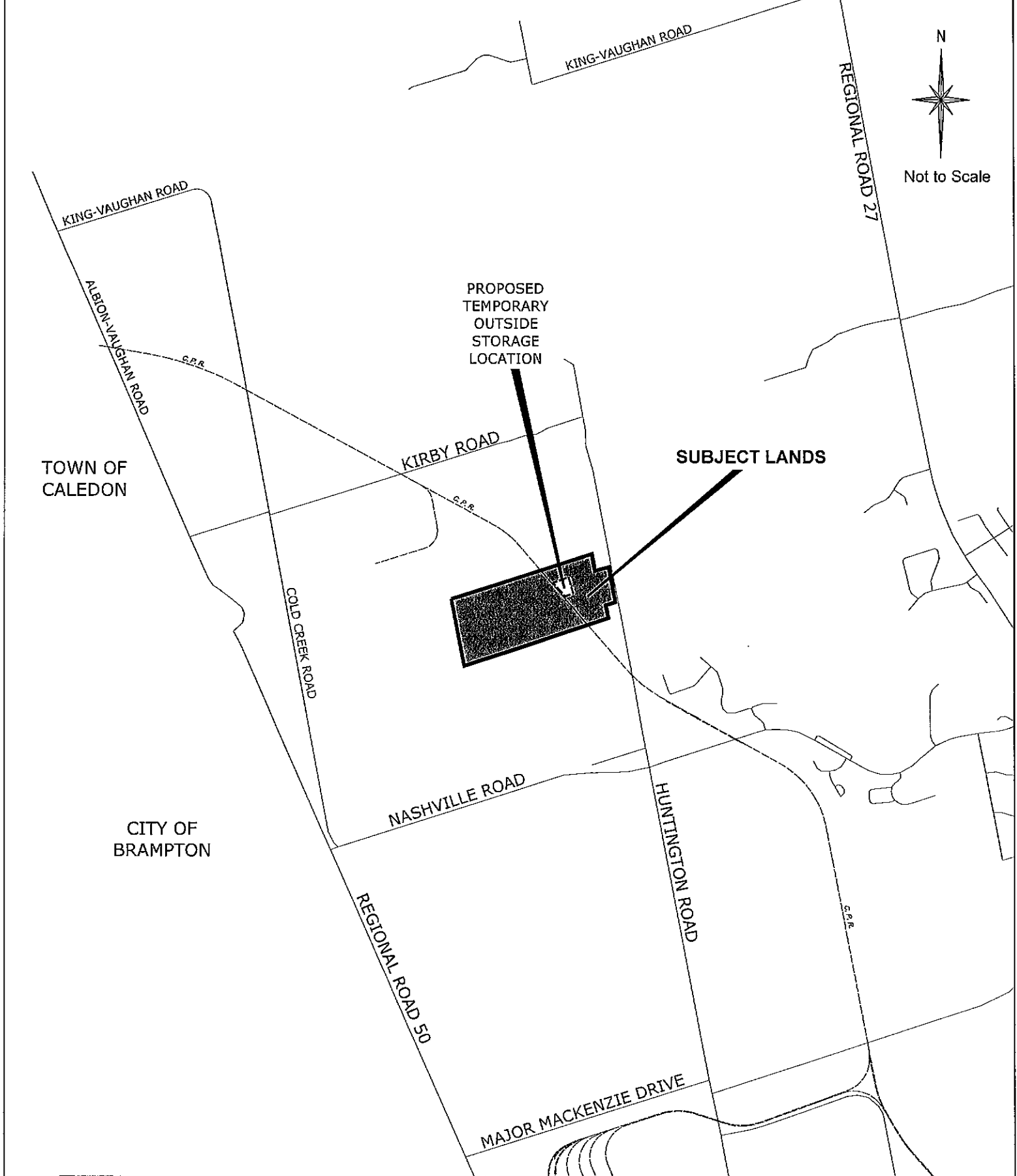
Margaret Holyday, Planner, ext. 8216
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYHEYAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lot 28, Concession 10

APPLICANT:
Di Battista Farms Ltd.

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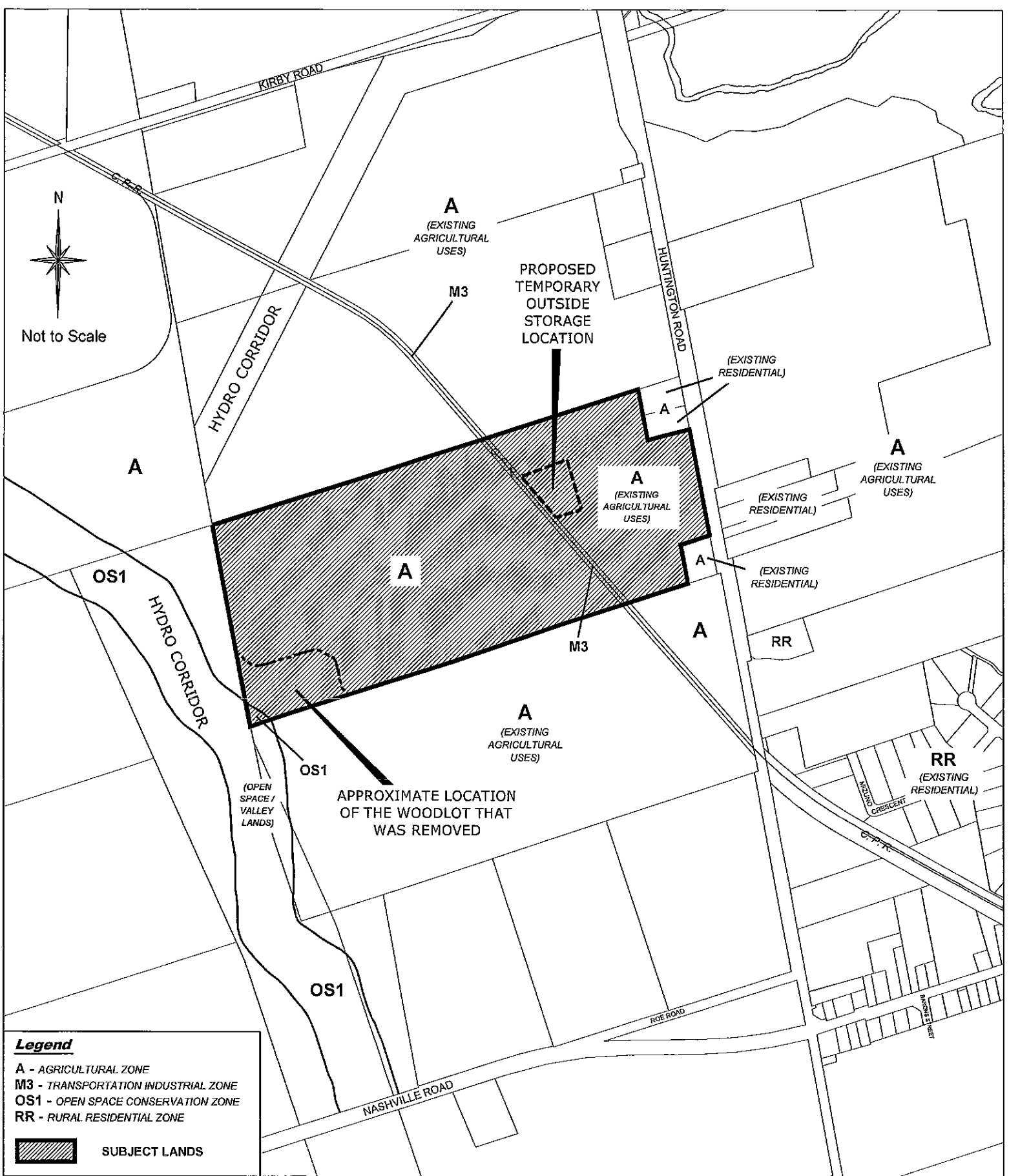
Development Planning Department

Attachment

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

DATE:
April 01, 2011

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Location Map

LOCATION:
Part of Lot 28, Concession 10

APPLICANT:
Di Battista Farms Ltd.

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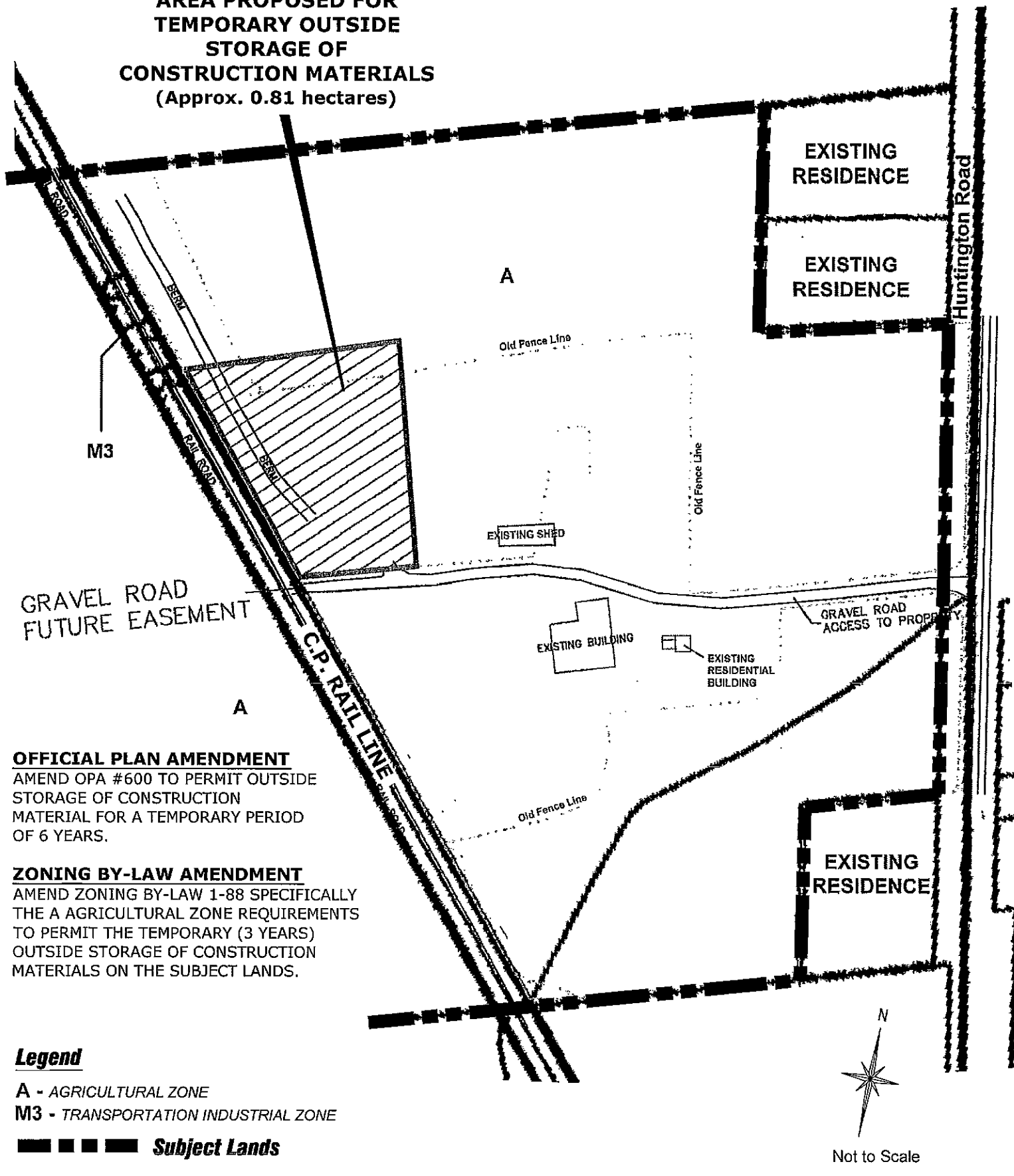
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**AREA PROPOSED FOR
TEMPORARY OUTSIDE
STORAGE OF
CONSTRUCTION MATERIALS
(Approx. 0.81 hectares)**



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

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

Legend

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

Site Plan

LOCATION:
Part of Lot 28, Concession 10

APPLICANT:
Di Ballista Farms Ltd.

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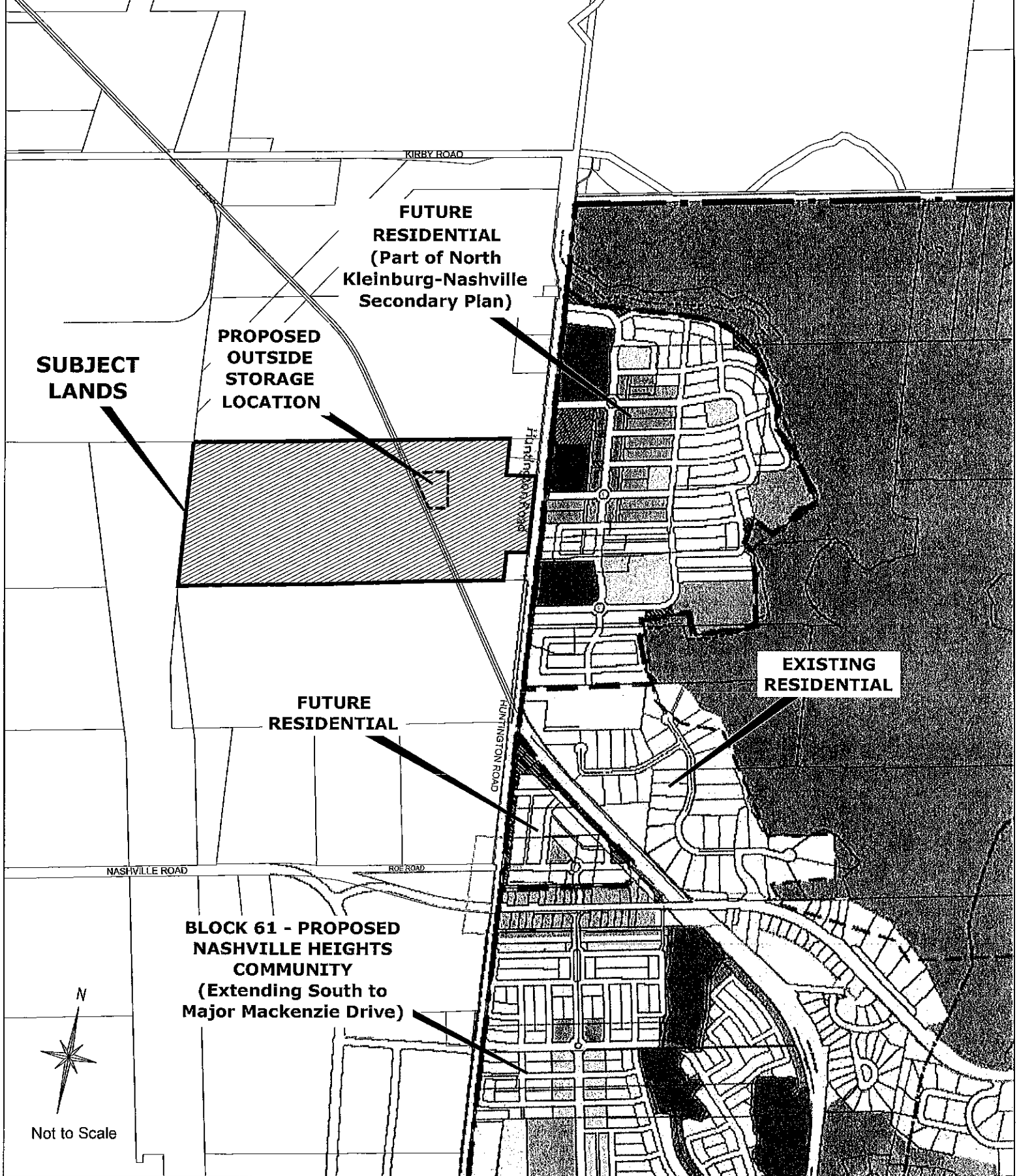
Development Planning Department

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Z.09.036

DATE:
April 01, 2011

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Subject Lands in Relation to the North Kleinburg-Nashville Secondary Plan

APPLICANT: Di Battista Farms Ltd. LOCATION: Part of Lot 28, Concession 10

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Development Planning Department

Attachment

FILE(S):
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Z.09.036

DATE:
April 01, 2011

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