

COMMITTEE OF THE WHOLE JUNE 14, 2011

**ZONING BY-LAW AMENDMENT FILE Z.03.085
MARIA RUSSO
WARD 3**

Recommendation

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

1. THAT Zoning By-law Amendment File Z.03.085 (Maria Russo) BE APPROVED, to amend Zoning By-law 1-88, specifically the RR Rural Residential Zone, site-specific Exception 9(105), on the subject lands shown on Attachments #1 and #2, to maintain a Seasonal Nursery/Market use within the existing garden tent and two mobile trailers, and a Seasonal Eating Establishment use (Fins and Fries), with no outside storage, for a temporary period of 3 years (maximum permitted by the Planning Act) in the manner shown on Attachment #3.
2. THAT the implementing Zoning By-law shall include the following:
 - a) the site plan shown on Attachment #3 identifying the location of all structures and uses on the subject lands;
 - b) the following site specific definitions:
 - i) Seasonal Nursery/Market - Means land, buildings or structures where flowers, fruits, vegetables and plants are offered or kept for sale directly to the public at retail and shall only operate from May to November of each calendar year.
 - ii) Eating Establishment, Seasonal - Means a building or structure where food and drink are prepared and offered for sale to be primarily taken-out for consumption off the premises and may include limited outdoor seating (maximum 8 seats) as an accessory use. Such Seasonal Eating Establishment shall only operate from May to November of each calendar year.

Contribution to Sustainability

Zoning By-law Amendment File Z.03.085 seeks permission for temporary additional uses within existing structures on the site. As these uses currently exist and operate on the property, there are no sustainable features identified.

Economic Impact

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

Communications Plan

On February 25, 2011, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands and to the Millwood Woodend Ratepayers' Association, Vellore Woods Ratepayers Association and the East Woodbridge Community Association. To date, no comments have been received by the Vaughan Development Planning Department.

The recommendation of the Committee of the Whole to receive the Public Hearing report of March 22, 2011, and to forward a technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 5, 2011.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.03.085 for the subject lands shown on Attachments #1 and #2 to amend Zoning By-law 1-88, specifically the RR Rural Residential Zone, site-specific Exception 9(105), to permit the maintenance of an existing Seasonal Nursery/Market use within the existing garden tent and two mobile trailers, and an existing Seasonal Restaurant/trailer (Fins and Fries), for a temporary period of 3 years (maximum permitted by the Planning Act) in the manner shown on Attachment #3. These uses are currently operating on the property.

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2, are located at 3836 Major Mackenzie Drive, on the north side of Major Mackenzie Drive, west of Weston Road. The property currently contains two mobile trailers, a garden tent structure, and a structure that houses a seasonal restaurant/trailer use as shown on Attachment #3. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Low Rise Residential", "Village Core", and "Village Square" by OPA #600, as amended by OPA #650 (Vellore Village District Centre Plan) as shown on Attachment #5. The lands are designated "Low-Rise Mixed-Use" by the City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, and is pending final approval from the Region of York. The proposed uses conform to the temporary use policies of the Official Plans.

Temporary Uses

The policies of OPA #600, which are similar to Section 10.1.2.4 in the new Official Plan, permit temporary uses on the following basis:

- a) the proposed uses are substantially less intensive than the planned use;
- b) the proposed use entails limited capital investment;
- c) the proposed uses do not require municipal water or sanitary services;
- d) proposed buildings are of a temporary nature;
- e) the proposed use is not automotive or industrial in nature;
- f) the proposed uses do not require outside storage;
- g) the proposed use is preferably not located within the City's existing residential and employment areas; and,
- h) the temporary use does not conflict with:
 - the planned development pattern;
 - the road pattern; and,
 - parks, schools, valley and stream corridors, greenway systems, tableland woodlots and stormwater management systems."

The buildings/structures are existing and no further capital investment is proposed. The site is serviced by a private well. The uses are temporary and are not automotive or industrial in nature and can easily be terminated. No outside storage is proposed. OPA #650 identifies part of the subject lands as being within the ring road, as shown on Attachment #5, however, the surrounding lands are vacant and this use can easily be terminated. The proposed temporary uses conform to the policies of the Official Plans.

Zoning

The subject lands are zoned RR Rural Residential Zone by By-law 1-88, subject to Exception 9(105), which permits residential uses, and therefore, an exception to Zoning By-law 1-88 is required to permit the existing uses to be maintained on the property for a temporary period. A temporary use by-law must be enacted by Council to permit the proposed uses for a period of up to 3-years (maximum permitted by the Planning Act) and would allow Council to monitor and/or reconsider the uses, relative to existing and planned development in the surrounding area in the future.

The Owner has been operating the existing Seasonal Retail Nursery/Market and Seasonal restaurant uses for approximately 7 years. If the application is approved, the implementing Zoning By-law will reflect the current as-built state of the property as shown on Attachment #3.

Zoning By-law 1-88 does not define a Seasonal Nursery/Market or a Seasonal Restaurant/trailer. With respect to the Seasonal Retail Nursery/Market, the following definition is recommended, which implements the specific nature of the current operation on the site including its location in a trailer, the items sold, and the seasonal nature of the use:

Seasonal Nursery/Market - Means land, buildings or structures where flowers, fruits, vegetables and plants are offered or kept for sale directly to the public at retail and shall only operate from May to November of each calendar year.

With respect to the proposed Seasonal Restaurant, Zoning By-law 1-88 includes a definition for an Eating Establishment, which most closely captures the nature of the restaurant proposed on the site. In addition, two picnic tables are located on the property for patrons use. It is recommended that the eating establishment definition be used to implement the proposed restaurant with minor modifications to identify the location of the operation from a trailer and to recognize the seasonal nature of the use as follows:

Eating Establishment, Seasonal - Means a building or structure where food and drink are prepared and offered for sale to be primarily taken-out for consumption off the premises and may include limited outdoor seating (maximum 8 seats) as an accessory use. Such Seasonal Eating Establishment shall only operate from May to November of each calendar year.

Land Use Compatibility

The surrounding lands consist of existing residential and agricultural uses, vacant land and planned development as shown on Attachment #2. Development has occurred in the surrounding area, however, this area abutting Major Mackenzie Drive and Weston is undeveloped. On July 6, 2010, Vaughan Council approved Official Plan and Zoning By-law Amendment Files OP.08.010 and Z.08.039 (Cicchino Holdings Ltd.) on the abutting property to the east to facilitate the development of 2 residential apartment buildings, with a maximum height of 12-storeys, 14 townhouse blocks and commercial/retail uses, as shown on Attachment #4.

Limited use of the subject property for the proposed uses on a temporary 3 year basis should not interfere with the future development of the subject lands and surrounding uses. Although the tent structure and trailers are existing, they can be easily removed and the site redeveloped in accordance with the policies of OPA #650 and City of Vaughan Official Plan 2010. The nature of the uses meets the criteria for establishing temporary uses set out in the Official Plan. On this basis, the Development Planning Department can support the application, subject to the implementing zoning by-law including the site-specific definitions and reflecting the existing site conditions as shown on Attachment #3. Conditions of approval are included in this report.

It is noted that the uses proposed by this Application have been in operation within the existing tent structure and trailers for approximately 7 years. The Vaughan Enforcement Services Department has issued violations on the property for non-compliance with Zoning By-law 1-88, and the Owner subsequently filed the subject Zoning By-law Amendment Application to permit the existing uses to continue to operate on a temporary basis for a maximum period of 3 years.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department conducted a field visit and concluded that the overall grading and drainage for the site is all self contained with no adverse affects to adjacent properties.

There are two existing driveways to the site, of which the easterly driveway is 9.0m wide and the westerly is 6.0m wide. The parking lot is paved with parking spaces for cars including spaces for disabled persons.

This Department has no objections to the proposed Zoning By-law Amendment.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

N/A

Conclusion

Zoning By-law Amendment File Z.03.085 has been reviewed in accordance with the policies of OPA #650 (Vellore Village District Centre) and the new City of Vaughan Official Plan 2010, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the temporary use of the subject lands for a Seasonal Nursery/Market and a Seasonal Eating Establishment for a maximum period of 3 years as permitted by the Planning Act is appropriate and compatible with the existing land uses in the surrounding area and will not impact on the planned land uses for the surrounding area during the temporary use period. In addition, the proposal satisfies the temporary use provisions of the Official Plan. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.03.085, in accordance with the conditions set out in the recommendation of this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Conceptual Site Plan for Adjacent Property to the East
5. Subject Lands within OPA #650 (Vellore Village District Centre)

Report prepared by:

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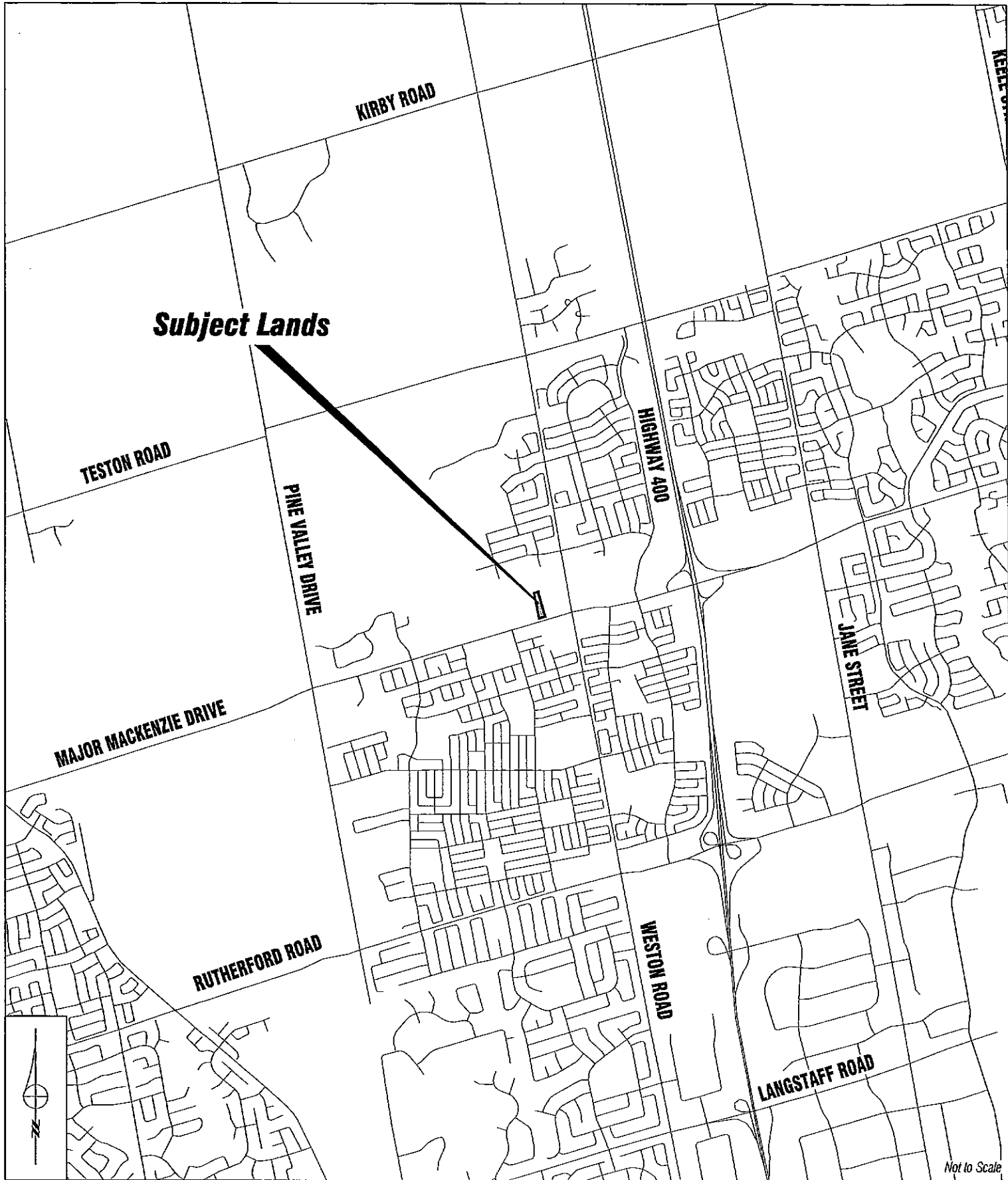
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Acting Commissioner of Planning

GRANT UYEHAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lot 21, Concession 6

APPLICANT:
Maria Russo

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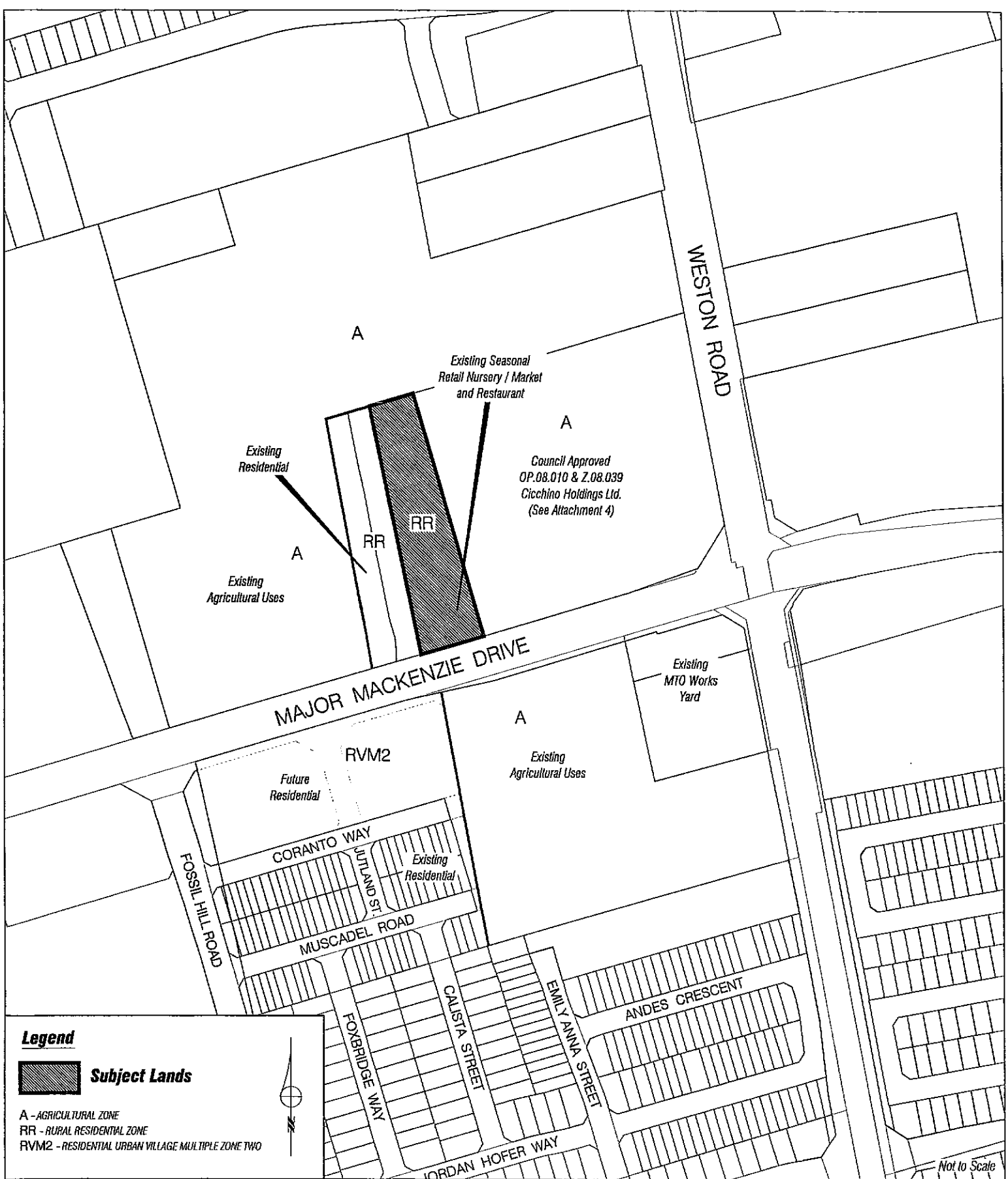


Attachment

FILE:
Z.03.085

DATE:
May 3, 2011

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Location Map

LOCATION:
Part of Lot 21, Concession 6

APPLICANT:
Maria Russo

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Attachment

FILE:
Z.03.085

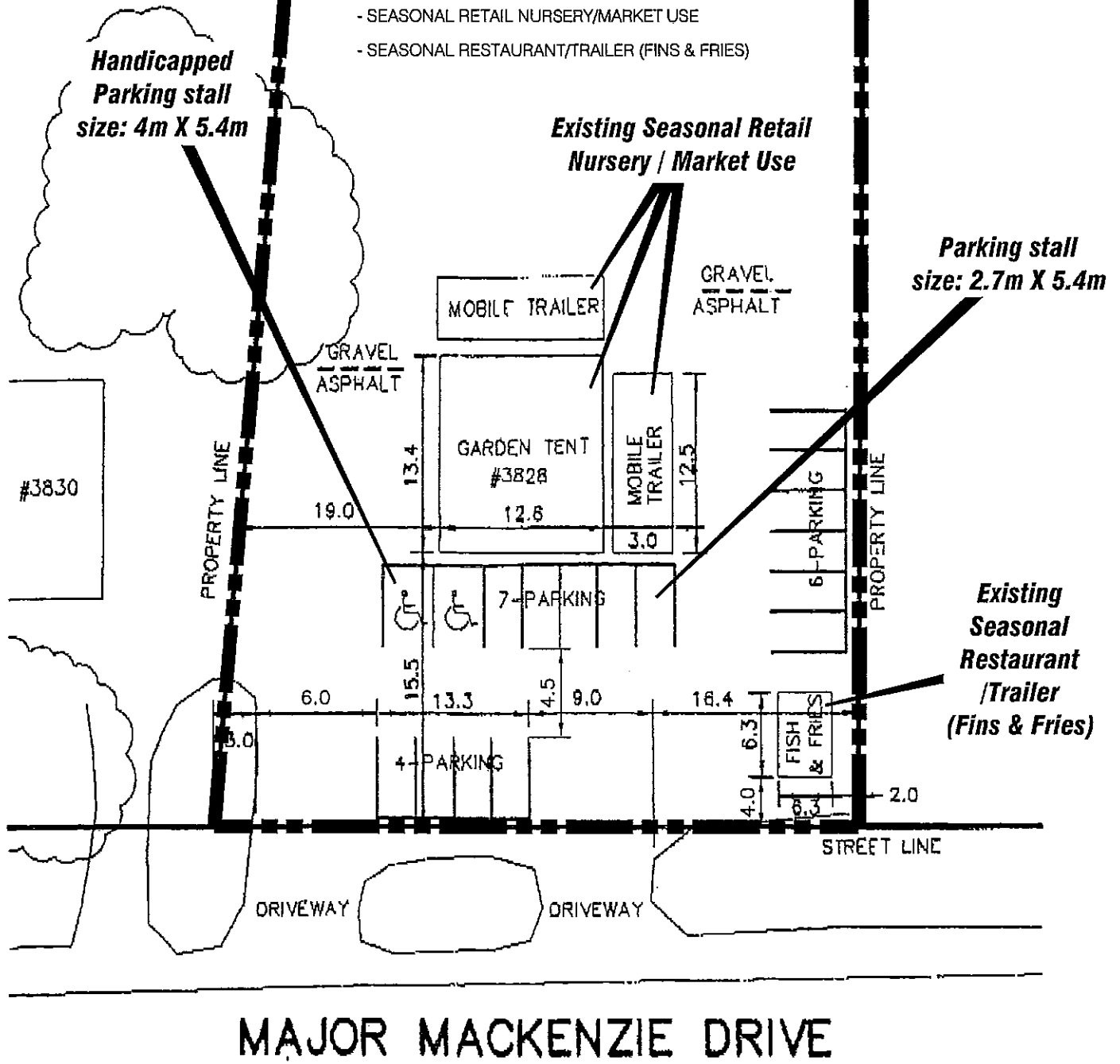
DATE:
May 3, 2011

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ZONING BY-LAW AMENDMENT

TO PERMIT THE FOLLOWING USES FOR A TEMPORARY PERIOD OF NO LONGER THAN 3 YEARS:

- SEASONAL RETAIL NURSERY/MARKET USE
- SEASONAL RESTAURANT/TRAILER (FINS & FRIES)



Subject Lands

Not to Scale

Site Plan

LOCATION:
Part of Lot 21, Concession 6

APPLICANT:
Maria Russo

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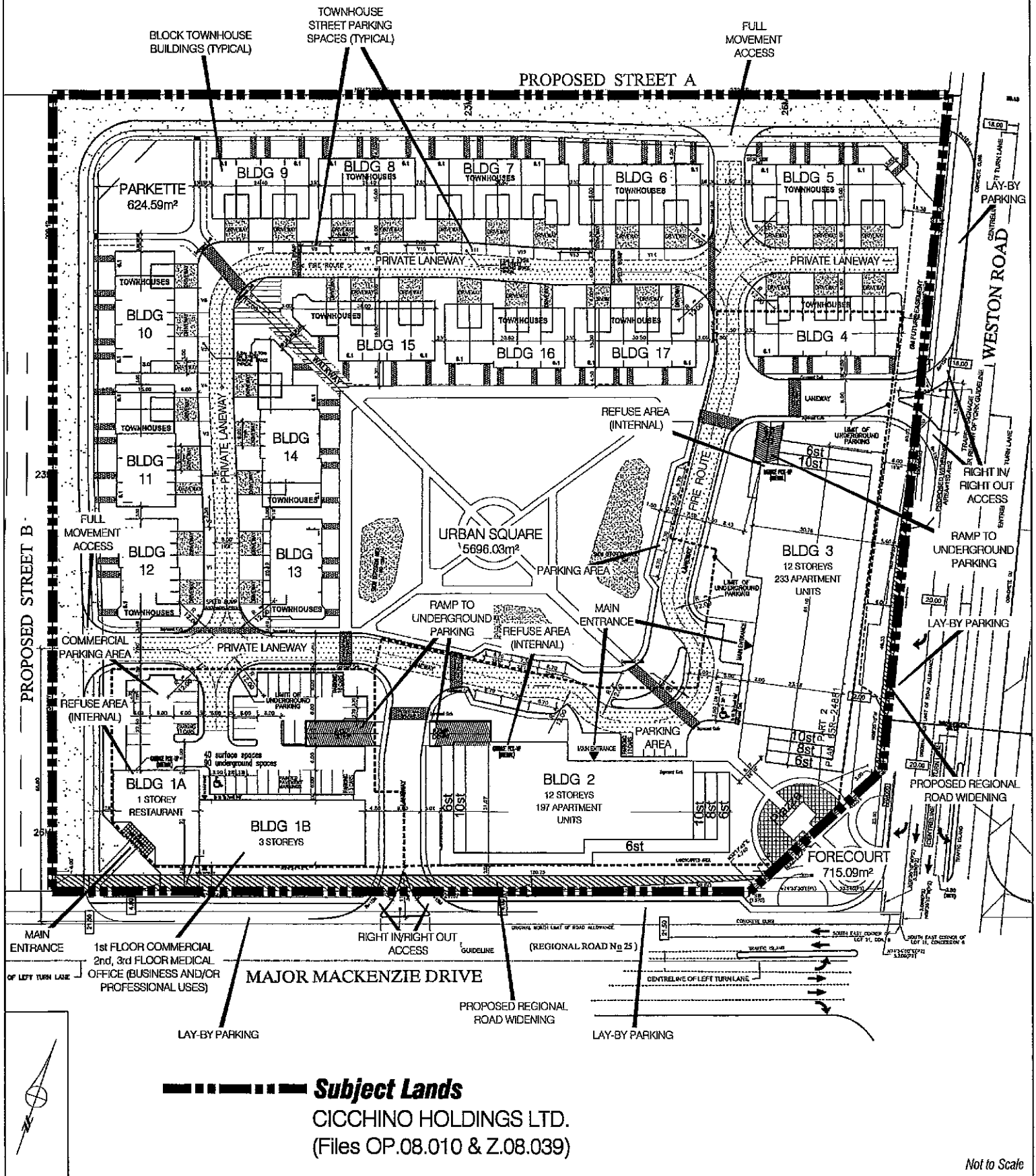


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FILE:
Z.03.085

DATE:
May 3, 2011

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Not to Scale

Conceptual Site Plan for Adjacent Property to the East



Attachment

APPLICANT: Maria Russo
 LOCATION: Part of Lot 21, Concession 6

FILE: Z.03.085
 DATE: May 3, 2011

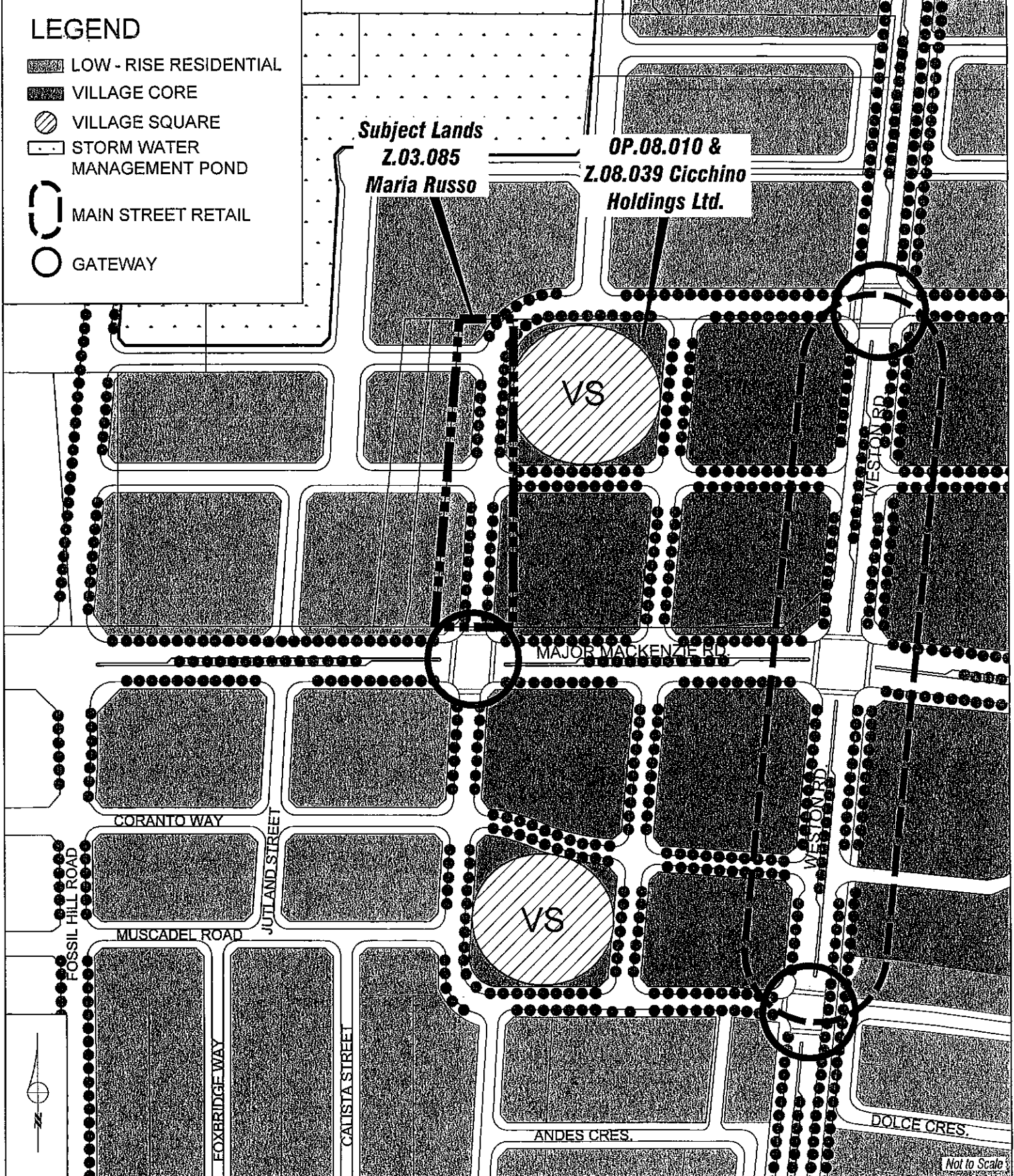
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LEGEND

-  LOW - RISE RESIDENTIAL
-  VILLAGE CORE
-  VILLAGE SQUARE
-  STORM WATER MANAGEMENT POND
-  MAIN STREET RETAIL
-  GATEWAY

Subject Lands
Z.03.085
Maria Russo

OP.08.010 &
Z.08.039 Cicchino
Holdings Ltd.



Subject Lands within
 OPA #650 (Vellore
 Village District Centre)



Attachment

APPLICANT: LOCATION:
 Maria Russo Part of Lot 21, Concession 6

FILE:
 Z.03.085
 DATE:
 May 6, 2011

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