

MEMORANDUM



DATE: March 1, 2010
TO: Planning and Building Committee
PREPARED BY: Shawn Postma, Planner II
SUBJECT: Georgian Hills Vineyards Inc.
496350 Grey Road 2
Request for Resolution from Council
Application for Limited Liquor License

On February 10, 2010 Robert Ketchin a partner in Georgian Hills Vineyards Inc. notified Council that a Winery is being planned at 496350 Grey Road 2 (Key Map and Aerial Photo attached) for the summer of 2010. The Winery will include a retail store which will offer tasting samples, and wine available for purchase.

Three licenses have been requested from the Alcohol Gaming Commission of Ontario and the Liquor Control Board of Ontario which are intended to cover the requirements for wine tasting and sales as described above. Prior to receiving these licenses, *"written notice [is required] from the council of the municipality within which the applicant's manufacturing site is located, confirming that it has passed a resolution in support of the issuance of the license."*

In reviewing the proposed use, it is noted that Zoning By-law No. 83-40, as amended, places the property in a General Rural A1 Zone. This Zone permits agricultural uses. An agricultural use is defined as:

- (a) a use of land, building or structure for the purpose of...fruit farming...and,
- (b) includes:
 - (i) packing, storing and sale of produce produced on the premises.."

On February 24, 2010 the Director, Planning & Building Services discussed the proposed use with Robert Ketchin, Partner, Georgian Hills Vineyards Inc. Mr. Ketchin advised as follows:

1. Georgian Hills Vineyards propose to utilize approximately 750 square feet of the approximate 1,500 square foot existing dwelling on the subject premises (being a one-storey slab on grade building) for the retail sale of wine grown and produced on the property;
2. Wine will be produced on the property within the existing approximate 1,500 sq ft barn (primarily from grapes grown on the property); and,
3. Georgian Hills Vineyards desire to offer wine samples to the public which, in accordance with the provisions of the *Liquor Licence Act* of Ontario, will require the offering of light meals to patrons of the retail portion of the building and that the light meals would be comprised of breads, crackers, pates, cheeses, etc.

With respect to the above, it is Planning Staff's opinion that the growing of grapes and the related production of wine from the grapes grown on the premises is permitted under the terms of the Zoning By-law. With respect to the retail sale of the wine,

including the offering of wine samples, it is our opinion that same is also permitted under the terms of the Zoning By-law.

As to the offering of light meals to patrons of the retail portion of the building, it is Planning Staff's opinion that same could be considered as an accessory use to the vineyard provided that the offering of light meals is incidental and subordinate to the retail sale of wine and is exclusively devoted to the retail sale of wine on the premises. Given the size and proposed programming of the premises, being approximately 1,500 square feet with 750 square feet devoted to retail sales, Planning Staff are of the opinion that provided the premises is not operated in a fashion such that the public would attend primarily for a meal, the offering of the light meals described by Mr. Ketchin in conjunction with the offering of wine samples would be permitted as an accessory use to the sale of produce produced on the premises.

As to the Provincial Policy Statement (PPS), County Official Plan and Town Official Plan, it is Planning Staff's opinion that a winery may be permitted on the property provided that the use remains small in scale and compatible with the principle farm use and surrounding agricultural uses. The PPS, County of Grey Official Plan and the Town of The Blue Mountains Official Plan recognize the lands as Special Agriculture. The Special Agriculture designation permits farm related small scale commercial and industrial uses provided that they are directly supportive and related to the farm use. Any use in conflict, or that would be considered non-supportive of the farm use would not be permitted. Small scale commercial uses must be located on lands that are not being utilized or that have low capabilities for agricultural production, and are strictly controlled to ensure that the building(s)/use has no more than 5 employees, 250 square metres (2690 sq ft) of gross floor area, and is limited in outdoor storage and display areas.

With respect to the proposed change of use of the former dwelling, it is noted that the former dwelling for retail sales will require a building permit pursuant to the *Building Code Act*. Issues that will be required to be addressed for Building Code Compliance include barrier-free accessibility, provision of a barrier-free washroom, hand washing facilities for food handling, etc.

If Council is desirous of passing a resolution in support of the issuance of the licences, it would be appropriate for Council to pass the following:

That this Council has no objections to the issuance of licences by the Alcohol and Gaming Commission of Ontario (AGCO) and the Liquor Licence Board of Ontario (LCBO) for licences the following licences:

- Manufacturer's Licence
- Manufacturer's Limited Liquor Sales Licence
- On Site Winery Retail Store Licence

Provided that:

1. The Manufacturer's Licence be limited to grapes grown primarily on the subject lands and that the processing of grapes be restricted to the existing buildings on the subject lands;

2. That the Manufacturer's Limited Liquor Sales Licence be restricted to the sale of products produced on the subject lands and that same be restricted to the existing buildings on the subject lands and that the related offering of meals must be incidental and subordinate in purpose and floor area to the sale of liquor; and,
3. That the On Site Retail Store Licence be restricted to the sale of products produced on the premises.

And that the proponent be advised that the proposed change of use of the former dwelling requires a permit pursuant to the provisions of the *Building Code Act*.

And that an entrance permit from the County of Grey Transportation & Public Safety Department with respect to the existing entrance from County Road 2 be obtained in light of the additional land uses.

Prepared by,

Respectfully submitted by,

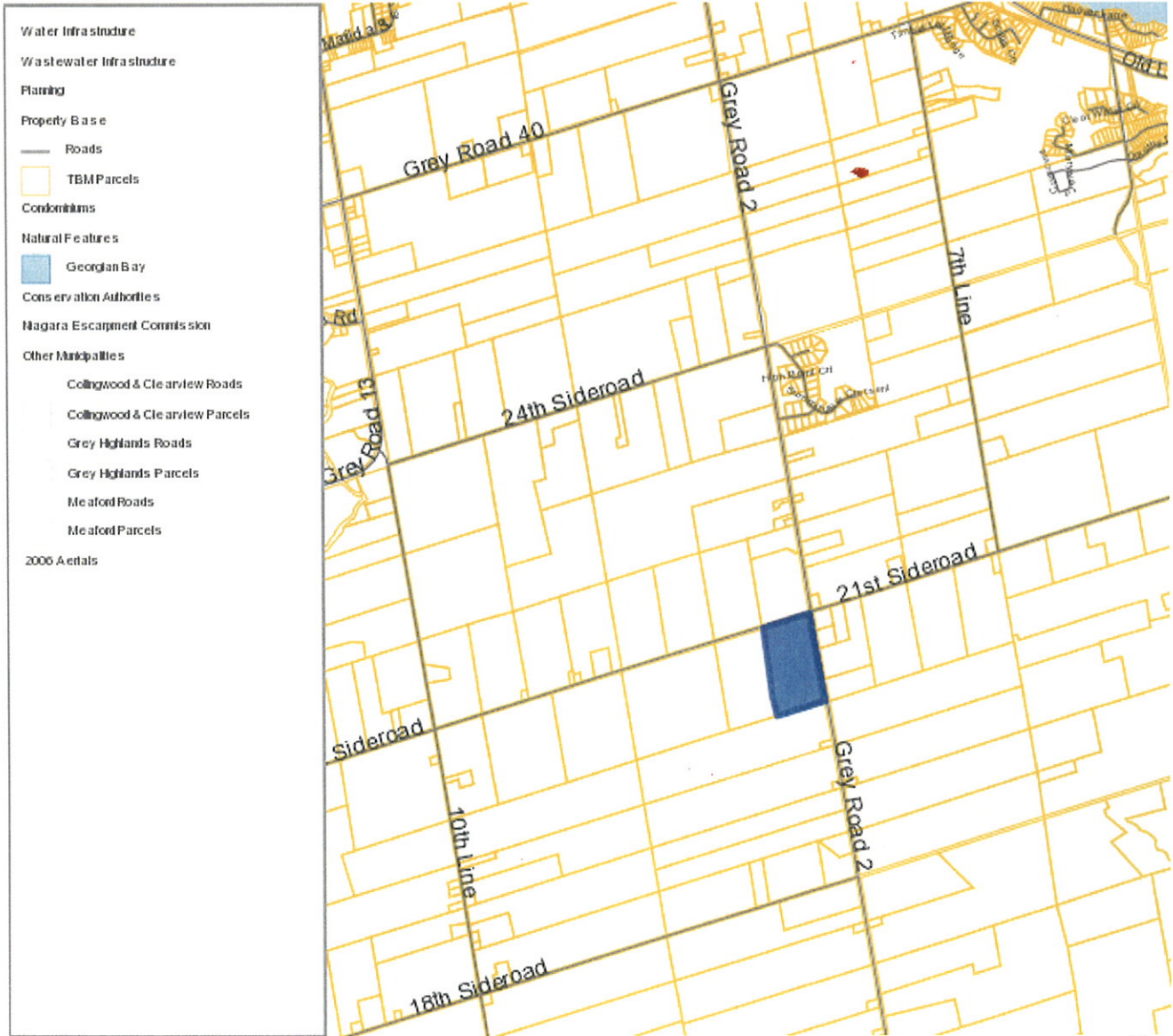
Shawn Postma
Planner II

David Finbow
Director, Planning & Building Services

Attachments:

Email dated February 10, 2010
Key Map
Aerial Photo

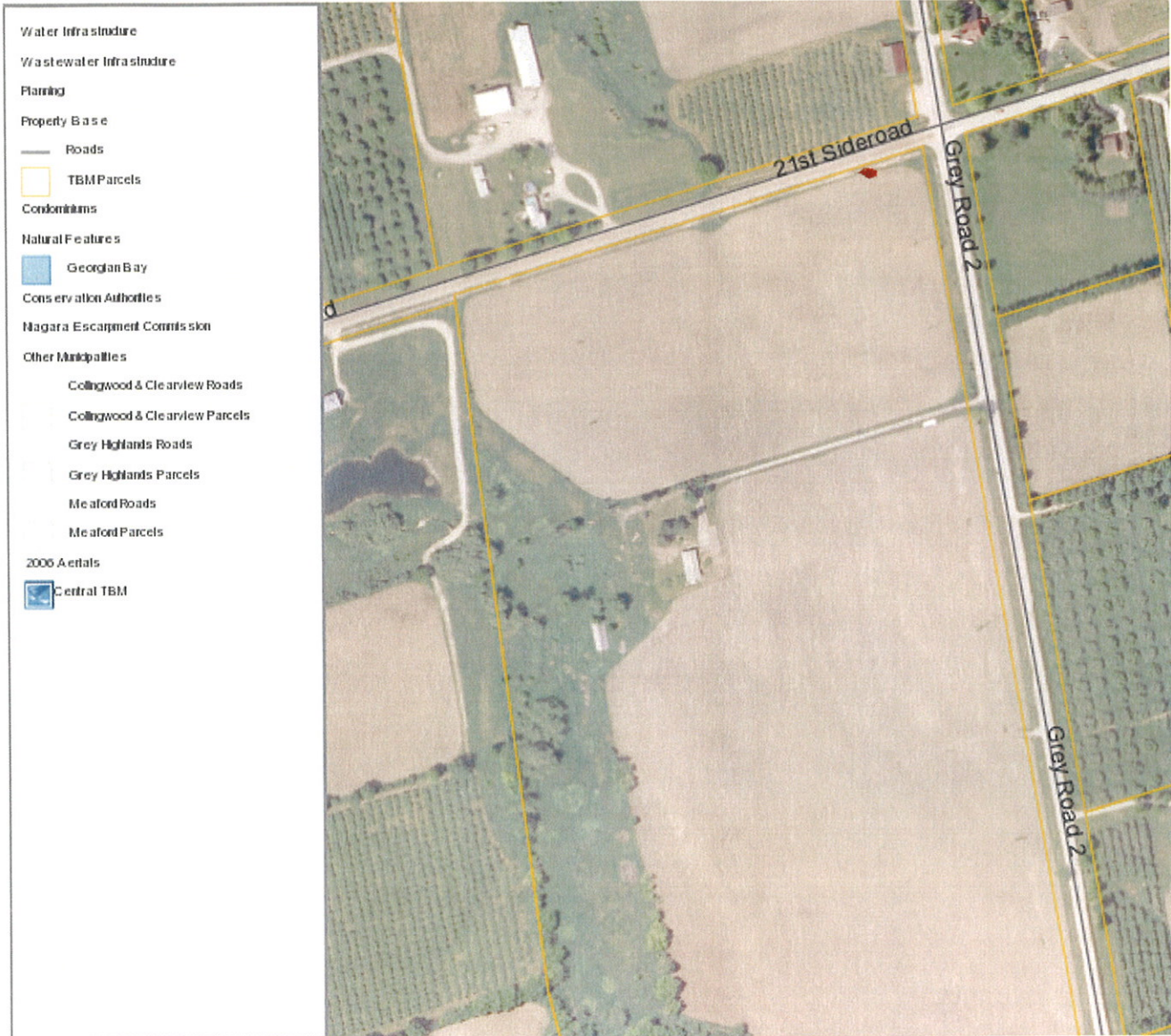
TheBlueMountains09



The Blue Mountains

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To: 'skeast@thebluemountains.ca'

Cc: Anik Gaumont (anik.gaumont@ketchin.com); Lindsay Puddicombe (Imp_luvwine11@yahoo.ca); Murray Puddicombe (info@puddicombefarms.com); John Ardiel (ardielacres1@georgian.net); Joanne Harricks (jharricks@ketchin.com)

Subject: Georgian Hills Vineyards Application for Limited Liquor License Resolution from Council

Dear Stephen, I am writing on behalf of myself and two partners, John Ardiel and Murray Puddicombe, re Georgian Hills Vineyards Inc. (registered company).

We are planning on opening a winery at 496350 Grey Road 2 at Victoria Corners by mid summer 2010. We already have 10.5 acres of vines producing grapes on that site.

Part of the process is getting licensing from the Alcohol Gaming Commission of Ontario (AGCO) and the Liquor Control Board of Ontario (LCBO), there are three licenses, as follows.

1. Manufacturer's License - Form 2087B
2. Manufacturer's Limited Liquor Sales License - Form 1222B
3. On Site Winery Retail Store - Form 1216B

The Manufacturer's Limited Liquor Sales License needs *"written notice from the council of the municipality within which the applicant's manufacturing site is located, confirming that it has passed a resolution in support of the issuance of the license."* Please note this does not mean we are applying to open a restaurant or a bar, the "Limited License" by definition means we may offer samples for sale in our retail store area, which is normal in all Ontario wineries. Part of the visitors experience is tasting wines, then they may decide if they wish to buy a bottle, which is then consumed "off premise" at their home.

If I may by way of this email request for the council to consider this request and include it in their meeting agenda for sometime in the immediate or near future.

If there is anything that I need to produce for this meeting, or if we need to attend, then please feel free to contact myself or John Ardiel. I have attached a file showing our wine label and company and product description.

Your assistance in this request is very much appreciated. Thank you.

Best regards

Robert

Robert Ketchin
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