



Staff Report for Committee of the Whole Meeting

Date of Meeting: September 17, 2018

Report Number: SRPRS.18.154

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.18.154 – Request for Approval – Zoning By-law Amendment Application – 3299645 Nova Scotia Limited – Town File D02-11002 (Related File D06-13096)**

Owner:

3299645 Nova Scotia Limited
802 West Bay Road, Grand Pavilion
P.O. Box 30444
Grand Cayman, Cayman Islands
KY1-1202

Agent:

Owen Design Consultants Ltd.
8499 Concession 6
Uxbridge, Ontario
L9P 1R2

Location:

Legal Description: Part of Lots 22 and 23, Plan 2766
Municipal Address: 550 Edward Avenue

Purpose:

A request for approval concerning a proposed Zoning By-law Amendment application to permit a commercial motor vehicle office and repair facility as an additional permitted use on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment application submitted by 3299645 Nova Scotia Limited for the lands known as Part of Lots 22 and 23, Plan 2766 (Municipal Address: 550 Edward Avenue), Town File D02-11002 (Related File D06-13096), be approved subject to the following:**

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- (i) that the amending Zoning By-law be brought forward to the September 24, 2018 Council meeting for consideration and enactment;
- (ii) that prior to forwarding the amending Zoning By-law to Council for enactment, the applicant pay the applicable processing fee in accordance with the Town's Tariff of Fees By-law 79-17; and,
- (iii) that all comments concerning the associated Site Plan application (Town File D06-13096) be referred back to staff.

Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 and/or
Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

Report Approval:

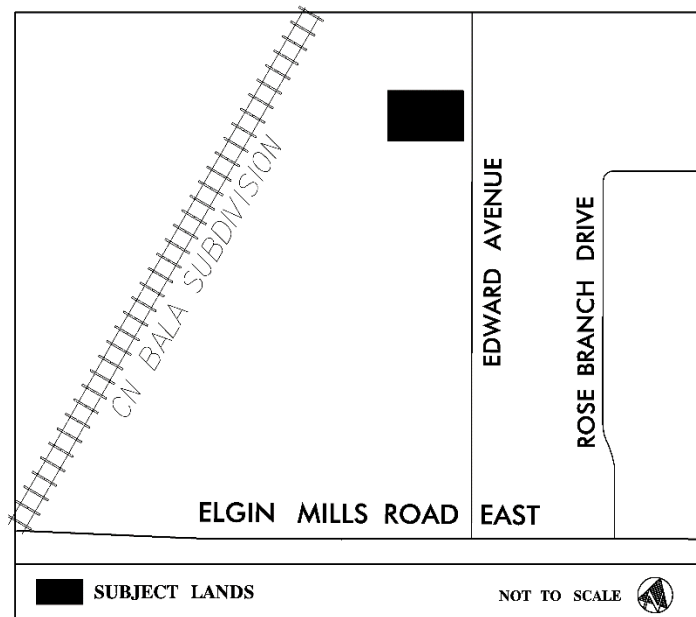
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map

Below is a map displaying the property location. Should you require an alternative format call the contact person listed under "Contact Person" above.



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Background:

The applicant has submitted Zoning By-law Amendment and Site Plan applications with respect to its proposal to permit a commercial motor vehicle office and repair facility on its land holdings. The Zoning By-law Amendment application was considered at a statutory Council Public Meeting (refer to Appendix A) and staff has been working with the applicant to address various technical matters in order to finalize Site Plan approval. All comments from internal departments and external agencies pertaining to the subject proposal have been satisfactorily addressed by the applicant. Accordingly, the purpose of this report is to seek Council's approval of the applicant's Zoning By-law Amendment application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of Edward Avenue, north of Elgin Mills Road East and have a total lot area of approximately 0.57 hectares (1.41 acres). The lands support an existing one-storey industrial building consisting of offices and an ancillary maintenance/repair facility for school buses. The lands abut existing industrial uses to the north and west, flood lands to the south, and Edward Avenue to the east (refer to Maps 1 and 2).

Development Proposal

The applicant is seeking Council's approval of its request to amend Zoning By-law 184-87, as amended, to permit a commercial motor vehicle office and repair facility in addition to the existing school bus repair use on the lands and to establish site specific development standards to recognize the existing one-storey building located on its land holdings (refer to Maps 6 and 7).

Below is a summary table outlining the pertinent development statistics for the existing development located on the property:

- **Total Lot Area: 0.57 hectares (1.41 acres)**
- **Total Number of Buildings: 1**
- **Total Gross Floor Area: 733.3 square metres**
- **Total Gross Floor Area (Office): 300 square metres (3,230.25 square feet)**
- **Total Gross Floor Area (Repair Garage): 486.7 square metres (5,238.8 square feet)**
- **Total Number of Parking Spaces: 35 for employees (including 3 barrier free spaces) and 37 for commercial motor vehicles**
- **Number of Loading Spaces: 1**
- **Lot Coverage: 12.5%**

For reference, no changes or modifications have been proposed for the existing facility located on the subject lands.

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As noted in the preceding section, the applicant has submitted a related Site Plan Amendment application. In June 1985, Stockway Transportation Ltd. entered into a Site Plan Agreement with the Town for the subject lands. The Site Plan and Elevation Plans submitted in support of the applicant's Zoning By-law Amendment application differed from the approved Site Plan, Landscape Plan and Elevation Plan in the original Site Plan Agreement. The applicant has confirmed that the drawings submitted through the subject Zoning By-law Amendment application represent the "as-built" conditions on the subject lands. Thus, the applicant has submitted the Site Plan Amendment application (Town File D06-13096) to address this matter. The Site Plan Amendment addresses the driveway and parking space layout. There are no changes to the existing building.

Planning Analysis:

The proposed Zoning By-law Amendment application was submitted to the Town and deemed complete after the Town of Richmond Hill Official Plan (2010) was approved by Council in July 2010 but prior to its approval by the Region of York and the partial approval by the Ontario Municipal Board (OMB). Accordingly, the policies of the Town's 1983 Official Plan (Official Plan 1983) and the East Elgin Planning District Secondary Plan serve as the determinative policies for reviewing and evaluating the applicant's development proposal. Notwithstanding the preceding, an evaluation of the proposed development in the context of the Plan (2010) is appropriate as it represents the most up to date vision for the Town. This evaluation has also been provided in the following sections.

Official Plan Amendment 21 –The East Elgin Planning District Secondary Plan

The subject lands are designated **Industrial** under Official Plan Amendment ("OPA") 21 (refer to Map 3) and are subject to Section 2.2.1.6 of the Official Plan 1983. The predominant uses of the **Industrial** designation include manufacturing, processing (including the processing of information), research and development, servicing, warehousing and bulk storage of goods and wholesaling.

Further, Section 2.2.1.6.3 of the Official Plan (1983) permits secondary uses including, but not limited to, offices and major institutional uses, parks and open spaces, automotive repair and service types of uses, and commercial uses (subject to specific criteria). The proposed commercial motor vehicle office and repair facility use is considered an office use with ancillary uses and is therefore consistent with the land uses envisioned within the **Industrial** designation.

Richmond Hill Official Plan (2010)

The subject lands are designated **Employment Area** in accordance with Schedule A2 – Land Use of the Town's Official Plan (the "Plan") (refer to Map 4). Uses permitted within the **Employment Area** designation include predominantly high performance industrial uses such as manufacturing, assembling, processing, fabricating, wholesaling, and employee training facilities, office and major office uses.

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Additionally, it should be noted that in terms of land use Section 7.1 (33)(b) of the Plan states that:

“Applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision or Condominium approval or Site Plan approval which were deemed complete and still in process prior to approval of this Plan, or which were approved by the Town or the Ontario Municipal Board between adoption and approval of this Plan, are required to conform only with the policies in force at the time of the complete application or approval until the date this Plan is amended pursuant to the next municipal comprehensive review.”

Given the above, Planning staff is of the opinion that the subject Zoning By-law Amendment application conforms to the **Industrial** policies of OPA 21 and therefore conforms to the above noted policies of the Plan.

Proposed Zoning By-law Amendment

The subject lands are zoned **High Performance Industrial (M1) Zone** under By-law 184-87, as amended (refer to Map 5). Permitted uses under this zone category include warehousing of goods and materials, assembly of manufactured goods and materials, manufacture of goods and materials, printing establishment, research and development establishments, office accessory to permitted uses on the same lots and data processing centres. Section 11.1(a) of By-law 184-87, as amended, is an exception to the **M1 Zone** which permits a school bus office and repair depot on the subject lands. This use is not defined within the existing Zoning By-law but limits the use to only the repair of school buses which is the current use of the property. The applicant wishes to expand the operations to include the repair of other commercial motor vehicles. Commercial motor vehicles are defined under Zoning By-law 184-87, as amended as ***“any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, motor-buses, tractors, bulldozers and road building machines uses primarily for business purposes. This includes all motor vehicles with commercial motor vehicle licenses and exceeding one-half ton in capacity.”***

As noted above, the subject lands support a school bus office and repair facility. The applicant is proposing to expand their operations to provide flexibility to lease the building to potential commercial motor vehicle operations. The proposed development will maintain the principal use of the lands as an office with ancillary repair for future commercial motor vehicle operators. The following table outlines the **M1 Zone** standards relative to the standards requested by the applicant with site specific provisions depicted in bold:

Development Standard	“M1” Zone under By-law 184-87, as amended	Proposed Standards
Minimum Lot Frontage	30 metres (98.43 feet)	64 metres (209.97 feet)

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Minimum Lot Area	0.4 hectares (0.99 acres)	0.57 hectares (1.41 acres)
Minimum Front Yard	12 metres (39.37 feet)	29.26 metres (96 feet)
Minimum Side Yard	6 metres (19.69 feet)	19.02 metres (62.4 feet) (northerly side yard) 19.27 metres (63.22 feet) (southerly side yard)
Minimum Rear Yard	12 metres (39.37 feet)	19.38 metres (63.58 feet)
Maximum Height	14 metres (45.93 feet)	7.72 metres (25.33 feet)
Minimum Ground Floor Area	900 square metres (9,687.52 square feet)	733.3 square metres (7,893.18 square feet)
Maximum Floor Area Ratio	75%	32.85%
Minimum Landscape Strip Abutting a Street	6 metres (19.69 feet)	3 metres (9.84 feet)
Minimum Number of Parking Spaces	25 spaces	35 spaces
Minimum Number of Loading Spaces	1 space	1 space
Maximum Driveway Width	9 metres (29.53 feet)	12 metres (39.37 feet)

Staff has carefully reviewed the applicant's Zoning By-law Amendment application and is satisfied that the addition of a commercial motor vehicle office and repair facility use and associated site specific development standards are appropriate for the subject lands. The proposed additional land use will not substantially change the existing use and function of the site as it represents an expansion of the current use and is contextually appropriate in terms of adjacent land uses. Additionally, the site specific development standards are being sought to acknowledge the existing building and condition of the property and no new development is proposed at this time.

Town Department and External Agency Comments:

Development Planning Division

Planning staff has reviewed the applicant's development proposal and is of the opinion that it has appropriate regard for and is consistent with the broader policy direction for this part of the Town as outlined in the Town's Official Plan (1983), OPA 21 and the current Official Plan (2010). On this basis, it is recommended that the subject Zoning By-law Amendment application be approved for the following reasons:

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- the proposal conforms to the **Industrial** policies of the East Elgin Planning District Secondary Plan and generally conforms with the applicable policies of the Plan;
- the proposal represents good planning; and,
- circulated Town departments and external agencies have no further concerns or comments regarding the subject Zoning By-law Amendment and Site Plan applications.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Strategic Plan:

The applicant's development proposal aligns with **Goal Two – Better Choice in Richmond Hill**, in that the proposed Zoning By-law Amendment would contribute by providing better options for working and doing business in Richmond Hill. The proposal would further align with **Goal Four – Wise Management of Resources in Richmond Hill** - by using land responsibly and utilizing existing infrastructure.

Conclusion:

The applicant is seeking Council's approval of its proposal to permit a commercial motor vehicle office and repair facility as an additional permitted use. The submitted Zoning By-law Amendment application conforms with the East Elgin Planning District Secondary Plan and the Plan, it is considered appropriate in the context of the surrounding area and therefore is considered good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment application as outlined and described in this report.

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Appendix Contents and Maps:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#24-11 held June 29, 2011
- Appendix B, Draft Zoning By-law
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 East Elgin Planning District Secondary Plan
- Map 4 Official Plan Designation
- Map 5 Existing Zoning
- Map 6 Proposed Site Plan
- Map 7 Elevation Plan

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Report Approval Details

Document Title:	SRPRS.18.154 - Request for Approval - Zoning By-law Amendment Application - 550 Edward Avenue.docx
Attachments:	<ul style="list-style-type: none">- Appendix A, CPM Extract.pdf- Appendix B, Draft Zoning By-law.pdf- Appendix B, Schedule A.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S211002A.pdf- MAP_3_East_Elgin_Planning_District_Secondary_Plan.pdf- MAP_4_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_5_EXISTING_ZONING_S211002A.pdf- MAP_6_PROPOSED_SITE_PLAN.pdf- MAP_7_ELEVATION_PLAN.pdf
Final Approval Date:	Sep 6, 2018

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Sep 6, 2018 - 2:19 PM

Kelvin Kwan - Sep 6, 2018 - 2:54 PM

Neil Garbe - Sep 6, 2018 - 2:59 PM