



Staff Report for CAO Delegated Authority

Date of Report: July 26, 2018

Report Number: DA.18.040

Department: Planning and Regulatory Services
Division: Development Planning

Subject: DA.18.040 – Request for Approval – Draft Plan of
Condominium – 28 and 30 Fulton Way Holdings Inc. –
Town File: D05-18002 (19CDM(R)-18002)

Owner:

28 and 30 Fulton Way Holdings Inc.
26 Lesmill Road, Unit 1A
Toronto, ON
M3B 2T5

Agent:

Groundswell Urban Planners Inc.
95 Mural Street, Unit 402
Vaughan, Ontario
L4K 5K8

Location:

Legal Description: Part of Lots 4 and 5, Registered Plan 65M-2104
Municipal Addresses: 28 and 30 Fulton Way

Purpose:

A request for approval of a draft Plan of Condominium – Standard for two existing industrial buildings on the subject lands.

Recommendations:

- a) That the proposed draft Plan of Condominium application submitted by 28 and 30 Fulton Way Holdings Inc. for lands known as Part of Lots 4 and 5 (Municipal Addresses: 28 and 30 Fulton Way) Town File D05-18002 (19CDM(R)-18002), be draft approved, subject to the following:
 - (i) that draft approval be subject to the conditions as set out in Appendix A;
and,

(ii) that prior to draft approval being granted, the applicant pay the applicable processing fee in accordance with the Town's Tariff of Fees By-law 79-17.

Contact Person:

Deborah Giannetta, Manager of Development – Site Plans, phone number 905-771-5542

Kelsey Prentice, Planner I – Zoning, phone number 905-771-2470

Report Approval:

Submitted by:

per: 

Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by:

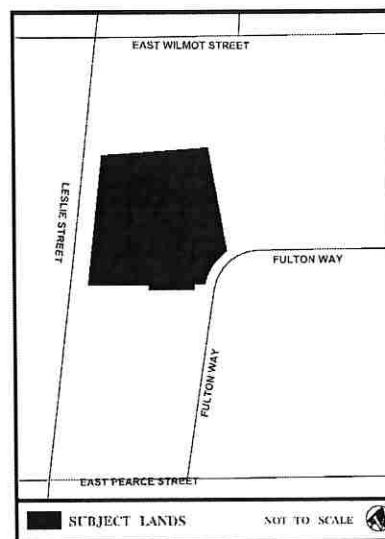


Neil Garbe, Chief Administrative Officer

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.



Background:

The subject draft Plan of Condominium application was received and deemed complete by the Town on April 3, 2018. The application was subsequently circulated to Town departments and external agencies for review and comment. The purpose of this report is recommend approval of the applicant's draft Plan of Condominium.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located north of East Pearce Street and west of East Beaver Creek Road, in the East Beaver Creek Business Park (refer to Map 1). The lands have a lot area of 1.90 hectares (4.69 acres) and abut commercial uses to the north, south and east and Leslie Street to the west. The lands currently support two one-storey industrial buildings both of which contain a partial second-storey facing Leslie Street.

Development Proposal

The applicant is seeking approval of a draft Plan of Condominium in order to facilitate the conversion of 22 commercial/industrial units within two existing buildings on the subject lands to condominium tenure (refer to Map 4). Each building is to have eleven units. The following is a summary of the pertinent development statistics for the development based on the plans and drawings submitted to the Town:

- **Site Area:** 1.90 hectares (4.69 acres)
- **Total Combined GFA:** 6,738.40 square metres (72,531.53 square feet)
- **Number of Buildings:** 2
- **Number of Units:** 22
- **Parking:** 233 spaces
- **Loading Spaces:** 14

Planning Analysis:

Town of Richmond Hill Official Plan

The subject lands are designated **Employment Area** in accordance with Schedule A2 – Land Use of the Town of Richmond Hill Official Plan (2010) (the “Plan”) (refer to Map 2). The predominant use of lands in the **Employment Area** designation shall be high performance industrial and office uses. The current uses on site include warehousing, distribution and packaging of products, computer design, sales and storage among other industrial uses. Staff is of the opinion that the subject proposal is consistent with the land use policies of the **Employment Area** designation of the Plan.

Zoning

The subject lands are zoned **High Performance Industrial (M-1) Zone** under By-law 150-80, as amended (refer to Map 3). Uses permitted within the **M-1 Zone** include warehousing, assembly, manufacturing, printing, research and development, accessory offices and data processing. No change to the zoning is proposed, therefore, the subject proposal is consistent with the applicable zoning provisions.

Draft Plan of Condominium

As noted previously, the draft Plan of Condominium application and related documents submitted in support of the same were circulated to various Town departments and external agencies for their review and comment. The circulated Town departments and external agencies have advised of no concerns or objections to the application and/or have provided conditions of draft approval. The existing buildings and land uses are in conformity with the Plan and in compliance with applicable Zoning By-law. The existing units within the buildings will become standard condominium units, with common elements, such as the corridors and stairwells of the buildings. The conversion of the land tenure from freehold to standard condominium is considered appropriate for the continued functioning of the industrial uses on site. On this basis, staff recommend that the applicant's draft Plan of Condominium be approved, subject to the conditions of approval set out in Appendix A to this report.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The application would achieve **Goal Four, Wise Management of Resources in Richmond Hill** by representing responsible use of available land.

Conclusion:

The applicant is seeking approval of its draft Plan of Condominium – Standard in order to permit the conversion of the existing two commercial/industrial buildings to twenty-two multi-units on its land holdings. Planning staff is satisfied that the proposed draft Plan of Condominium is appropriate and represents proper and orderly planning. Accordingly, staff recommends approval of the subject application.

Attachments:

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, Schedule of Draft Conditions, 19CDM(R)-18002
- Map 1 Aerial Photograph
- Map 2 Official Plan Designation
- Map 3 Existing Zoning
- Map 4 Draft Plan of Condominium, 19CDM(R)-18002

Appendix A

Schedule of Conditions

"Standard Condominium"

Draft Plan of Condominium

**28 & 30 Fulton Way Holdings Inc.
Part of Lots 4 and 5, Plan 65M-2104**

Town of Richmond Hill

Town File: D05-18002 (19CDM(R)-18002)

The conditions of the Council of the Town of Richmond Hill to be satisfied prior to the release for registration of Plan of Condominium 19CDM(R)-18002, Town of Richmond Hill, are as follows:

Town of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Condominium prepared by Rady-Pentek & Edward Surveying Ltd., Ontario Land Surveyors, Job No. 17-363, dated March 28, 2018, and redline revised as follows:
 - Number of Units: 22
2. The Owner shall enter into a Condominium Agreement, if required to do so by the Town which shall be registered on title and to the satisfaction of the Town Solicitor, in priority to all other claims or interest.
3. The Owner shall submit plans of Condominium pre-approved by the Land Registry Office, satisfactory to the Town, prior to final approval of the Plan of Condominium.
4. Prior to final approval, the Owner shall, if required to do so by the Town, submit to and obtain the approval of the Town for the form and content of the Condominium Description and Declaration and the Owner shall incorporate into the Plan and Declaration under Section 7 of the *Condominium Act*, 1998, all right(s)-of-way and easements for vehicular access, on-site traffic circulation, municipal servicing or utility servicing to the satisfaction of the Town.

Regulatory Services Division

5. Prior to final approval of the Plan, the Owner shall have fully complied with all orders issued pursuant to the *Building Code Act*, 1992 and shall have completed all work necessary to correct any building deficiencies related to said order to the satisfaction of the Town.

Development Engineering Division

6. The Owner shall file with the Town, if required to do so by the Town, certification from a Professional Engineer or Ontario Land Surveyor or Solicitor authorized to practice in the Province of Ontario that all necessary easements required to service the lands and buildings within the Plan and any adjoining lands (if such adjoining lands were, at any time, a single parcel of land with the lands within the Plan) for, but not limited to, access, parking, street lighting, water, sanitary sewer, storm sewer, structural support grading, retaining walls, low impact development features, amenity areas, access and maintenance purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 4.

Corporate and Financial Services

7. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the Town.
8. The Owner shall pay any outstanding taxes owing to the Town.
9. The Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

Alectra Utilities

10. Prior to final approval, the Owner shall enter into a License Agreement with Alectra Utilities.

Clearance Conditions

11. The Town of Richmond Hill shall advise that Conditions 1 to 10 inclusive have been satisfied. The clearance letter shall contain a brief statement detailing how each condition has been met.

NOTE: Where final approval for registration has not been given within three (3) years after the date upon which approval to the proposed Plan of Condominium was given, The Town of Richmond Hill may, in its discretion, and pursuant to the *Planning Act*, R.S.O. 1990, withdraw its approval to this proposed Plan of Condominium, unless approval has been sooner withdrawn, but The Town of Richmond Hill may, from time to time, extend the duration of the approval.

MAP 1 - AERIAL PHOTOGRAPH



Copyright J.D.Barnes Limited 2017 New Orthophotography
File No. D05-16002
BLOCK 28



**TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT**

Legend
 **SUBJECT LANDS**

KP/SS D.A.18.040

The map shows a residential street layout. At the top, a horizontal street is labeled 'BEAVER CREEK ROAD'. Below it, a vertical street is labeled 'WILMOT STREET'. To the left of Wilmot Street, a curved street is labeled 'KINNEAR COURT'. To the right of Wilmot Street, a horizontal street is labeled 'SIMS CRESCENT'. Further right, a vertical street is labeled 'PEARCE STREET'. At the bottom, a diagonal street is labeled 'BEAVER CREEK ROAD'. A horizontal street is labeled 'LESLIE STREET'. A vertical street is labeled 'REID STREET'. A curved street at the top right is labeled 'NORMAN BETHUNE AVENUE'. A specific lot is highlighted with a dashed line and an asterisk. A label '28 and 30 Fulton Way' points to this lot. A street labeled 'FULTON WAY' runs vertically through the lot.

BLOCK 28

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

 Employment Area
 Employment Corridor

SUBJECT AREA

Legend

***** Subject Lands

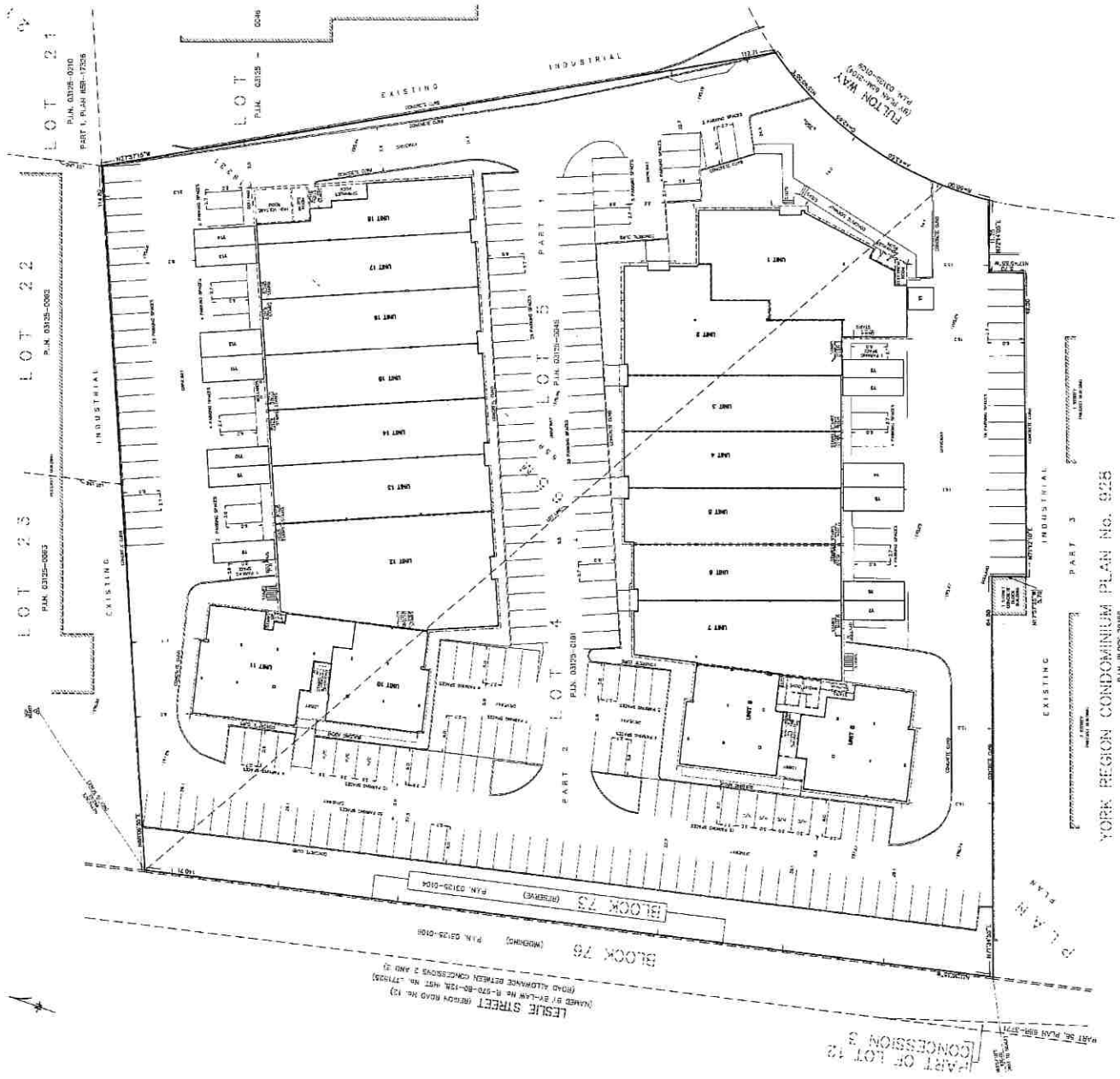
KP/SS D.A.18.040

The map shows Block 150-80, which is a large rectangular area divided into several smaller lots. The central part of the block is labeled '150-80' in large, bold letters. To the left of this central area, there is a section labeled 'MC-2' and another labeled 'MC-1'. To the right, there is a section labeled 'MC-2' and another labeled 'MC-1'. The map also shows several streets: 'EAST WILMOT STREET' to the north, 'FULTON WAY' to the east, 'LESLIE STREET' to the south, and 'REID STREET' to the west. A large '150-80' is prominently displayed in the center of the block. The map also shows various lot numbers, acreages, and street names like 'EAST BEAVER CREEK ROAD' and 'NORMAN BET'.

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

ZONING_S518002A.DGN

MAP 4 - DRAFT PLAN OF CONDOMINIUM 19CDM(R) - 18002



BLOCK 28 **FILE No.D05-18002**

**TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT**

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