

Staff Report for CAO Delegated Authority

Date of Report: November 7, 2018

Report Number: DA.18.048

Department:

Planning and Regulatory Services

Division:

Development Planning

Subject:

DA.18.048 – Request for Direction – Zoning By-

law Amendment Application - Rodeo Homes Richmond Hill Inc. - Town File D02-17007 -

LPAT Case PL171283

Owners:

Rodeo Homes Richmond Hill Inc. 70 Gibson Drive, Unit 13 Markham, ON L3R 4C2

Agent:

Gagnon Walker Domes Ltd. 3601 Highway 7 East, Suite 301 Markham, ON L3R 0M3

Location:

Legal Description: Lot 10, Plan 65M-4511 and Part of Block 100, Plan 65M-2798

Municipal Address: 143 Pathlane Road

Purpose:

A request for direction concerning a revised Zoning By-law Amendment application to facilitate a residential development comprised of four (4) single detached dwellings on the subject lands.

Recommendations:

- a) That pursuant to the delegation powers of the Chief Administrative Officer in By-law 95-18, the Local Planning Appeal Tribunal be advised as follows:
 - (i) That the Town supports the revised Zoning By-law Amendment application submitted by Rodeo Homes Richmond Hill Inc. for lands known as Lot 10, Plan 65M-4511 (Municipal Address: 143 Pathlane

Appendix H

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Road), Town File D02-17007, for the reasons outlined in Staff Report DA.18.048, subject to the following;

- (a) that the subject lands be rezoned to Low Density Residential Six (R6) Zone and Park (P) Zone under By-law 255-96, as amended, with site specific provisions as set out in Appendix B; and,
- (b) that Part of Block 100, Plan 65M-2798, further depicted as Parts 6, 7 and 8 on Map 6, be added to the Zoning By-law Amendment application and be rezoned from Park (P) Zone to Low Density Residential Six (R6) Zone under By-law 255-96, as amended, with site specific provisions as set out in Appendix B;
- (ii) That the Local Planning Appeal Tribunal withhold the issuance of its Final Order until such time as the Town advises the Tribunal that:
 - (a) provisional Consent approvals have been granted by the Committee of Adjustment;
 - (b) a Development/Servicing Agreement has been executed between the Town and the applicant; and,
 - (c) the land exchange between the Town and the applicant has been fully implemented;
- That appropriate Town staff be directed to appear at the Local Planning Appeal Tribunal in support of the Town's position concerning the subject application;
- c) That pursuant to the delegation powers of the Chief Administrative Officer in By-law 95-18, the Town owned lands described as Part of Block 100, Plan 65M-2798, further depicted as Parts 6 and 7 on Map 6, be declared surplus to the Town's needs without public notice, pursuant to the Town's Policy for the Sale and Other Disposition of Land adopted under Section 270 of the Municipal Act 2001, S.O. 2001, c. 25;
- d) That pursuant to the delegation powers in By-law 95-18, and upon the written recommendation of the Chief Administrative Officer and the Commissioner of Planning and Regulatory Services, the Mayor and Town Clerk be authorized to:
 - execute Minutes of Settlement between the Town and the applicant to facilitate the settlement described in this Staff Report DA.18.048;

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- (ii) execute a Development/Servicing Agreement between the Town and the applicant as described in this Staff Report DA.18.048; and,
- (iii) execute any further agreements or documentation as are necessary to implement the settlement described in this Staff Report DA.18.048;
- e) That pursuant to the delegation powers in By-law 95-18, the Town Solicitor is authorized to take any necessary actions to execute conveyance of the Town owned lands described as Part of Block 100, Plan 65M-2798, further depicted as Parts 6 and 7 on Map 6, to the applicant in accordance with the terms and conditions of executed Minutes of Settlement; and,
- f) That upon the written recommendation of the Commissioner of Planning and Regulatory Services, a by-law be brought forward to establish the Town owned lands described as Part of Block 100, Plan 65M-2798, further depicted as Part 8 on Map 6, as public highway to become part of Grey Alder Avenue.

Contact Person:

Denis Beaulieu, Manager of Development - Subdivisions, phone number 905-771-2540

Report Approval:
Submitted by:
Jehr Har
Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by:

Neil Garbe, Chief Administrative Officer

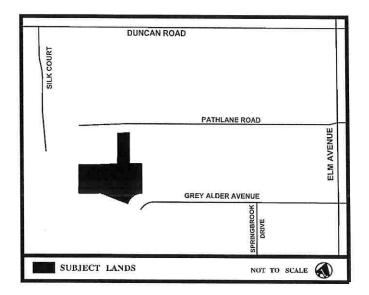
All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

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

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Background:

The subject Zoning By-law Amendment application was considered at a Council Public Meeting held on September 27, 2017, where Council received Staff Report SRPRS.17.152 for information purposes (refer to Appendix A). The main issues raised by Council and residents at the public meeting pertained to the compatibility of semi-detached dwellings and condominium tenure with the surrounding community, tree removal, and technical matters related to a private driveway access, underground parking, emergency services, waste management and snow storage. These matters are discussed in a subsequent section of this report.

The applicant filed an appeal of its Zoning By-law Amendment application on November 21, 2017 to the (then) Ontario Municipal Board (OMB), now the Local Planning Appeal Tribunal (LPAT), on the basis that the Town had not made a decision on the application within the statutory timelines afforded by the *Planning Act*.

A Community Information Meeting was held on April 17, 2018 where the applicant presented a "without prejudice" alternative development option consisting of four (4) single detached dwelling lots, to be facilitated through a land exchange with the Town in order to provide the subject lands with frontage on Grey Alder Avenue.

A Pre-hearing Conference was held before the LPAT on July 4, 2018 to identify Parties and Participants, and the LPAT was advised that the Parties were engaged in settlement discussions. A two-day hearing is currently scheduled to commence on February 6, 2019.

The applicant filed a formal "without prejudice" settlement offer with the Town on August 22, 2018. The settlement proposal is based on the alternative development option presented to local residents at the April 2018 Community Information Meeting, and satisfactorily addresses the main comments and concerns raised by Council, Town staff and the public with respect to the applicant's original development proposal.

The purpose of this report is to seek direction regarding the subject application and without prejudice settlement offer pursuant to the CAO's Delegated Authority during the Election Recess.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of Pathlane Road, west of Elm Avenue, and are approximately 0.34 hectares (0.84 acres) in size (refer to Map 1). The subject lands are comprised of the applicant's landholding, which is approximately 0.32 hectares (0.79 acres) in size and is a remainder lot in a previously registered Plan of Subdivision, in addition to a portion of Town-owned Springbrook Park which is approximately 0.02 hectares (0.05 acres) in size. In this regard, the without prejudice

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settlement offer would require the applicant's landholding to be combined with a portion of Town-owned Springbrook Park. Together, the site abuts Pathlane Road to the north, existing single detached dwellings to the north, east and west, and Springbrook Park and Grey Alder Avenue to the south.

Revised Development Proposal

As part of the without prejudice settlement offer, the applicant is seeking the LPAT's approval of a revised Zoning By-law Amendment application to facilitate a residential development comprised of four (4) single detached dwelling lots (refer to Map 5). The following is a summary outlining the relevant statistics of the applicant's revised development proposal based on the plans and drawings submitted to the Town:

Total Lot Area:
 Applicant Lands:
 Town Lands:
 0.34 hectares (0.84 acres)
 0.32 hectares (0.79 acres)
 0.02 hectares (0.05 acres)

Total Number of Single Detached Units: 4
Lot Frontage (10.5 metres or 34.4 feet): 3
Lot Frontage (15.3 metres or 50.2 feet): 1

Proposed Density (Net):

21.87 uph (8.86 upa)

The applicant's original condominium development proposal was comprised of six (6) semi-detached dwelling units, one (1) single detached dwelling unit, a private laneway access from Pathlane Road, communal underground parking for residents and at-grade parking for visitors (refer to Map 4). The applicant's revised development proposal is comprised of four (4) freehold single detached dwelling lots, with one (1) lot fronting onto Pathlane Road and three (3) lots fronting onto Grey Alder Avenue (refer to Map 5). A land exchange is proposed with the Town in order to provide the applicant's landholding with frontage on Grey Alder Avenue and to facilitate the settlement proposal. In this regard, the applicant is proposing to acquire a small portion of Springbrook Park from the Town, and in return will convey an equally-sized portion of its landholding to the Town, which is to be added to Springbrook Park. In accordance with the Town's Sale and Other Disposition of Lands Policy, the Manager of Real Estate has determined that the land subject to the land exchange is not developable except in conjunction with the abutting lands.

Principles and Terms of the Proposed Settlement

Based on the comments and concerns expressed by Council, residents and circulated Town departments with respect to the applicant's original development proposal, the applicant has submitted a settlement offer to the Town based on the following principles:

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 a revised development concept plan comprised of four (4) single detached dwellings and freehold lots, being compatible with and appropriate for the surrounding neighbourhood;

- 2) a small land exchange with the Town in order to provide three (3) of the proposed lots with frontage on Grey Alder Avenue. Specifically, the applicant is proposing to convey a parcel of land that is approximately 236.8 square metres in size (refer to Part 5 on Map 6) to the Town in exchange for a parcel of land that is approximately 236.5 square metres in size (refer to Parts 6 and 7 on Map 6). In this regard, there is no net loss of parkland or function;
- payment of the consideration of \$144,977 from the applicant to the Town, representing the difference in the appraised value of the lands to be exchanged;
- relocation of existing municipal sanitary and storm sewer services through Springbrook Park which are impacted by the proposed land exchange;
- replacement of the aging basketball court in Springbrook Park with a new multiuse court, at an estimated cost of \$90,000;
- reconfiguration of a section of Springbrook Park Trail which is impacted by the proposed land exchange;
- 7) re-naturalization of the lands being conveyed to the Town and restoration where any Town trees are to be removed to facilitate the proposed development or the civil and park works; and,
- 8) construction of fencing between the proposed lots and Springbrook Park.

It is contemplated that the proposed civil and park improvement works will be captured in and secured through a Development/Servicing Agreement, will all costs being borne by the applicant, as part of the future severance process to create the four (4) new residential lots. All of the terms and principles outlined above are being captured in Minutes of Settlement that are in the process of being finalized with the applicant, to be presented at the LPAT hearing to approve the revised Zoning By-law Amendment. In accordance with the CAO's delegated authority, the Mayor and respective Ward Councillor have been advised of the principles of the proposed settlement.

Planning Analysis:

Town of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule "A2" (Land Use) of the Town's Official Plan and are located within an identified priority infill area, both of which contemplate municipal parks and low-rise residential uses such as single detached dwellings (refer to Map 2).

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Development in the **Neighbourhood** designation must also be compatible with the character of the adjacent and surrounding area with respect to the predominant building forms and types, massing, the general patterns of streets, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks. In this regard, the proposed "Low Density Residential Six (R6) Zone" and site specific development standards are generally consistent with the current zoning permissions on the subject lands and existing development on adjacent lands.

Although the policies in the Official Plan discourage the sale or disposal of publicly owned lands in the urban open space system, staff is of the opinion that the proposed land exchange is justified given the compatibility concerns expressed with respect to the applicant's original development proposal, the irregular shape of the applicant's current landholding, the desire to appropriately complete an infill priority neighbourhood, the fact that there is no net loss of parkland or function, the relatively small amount of land being exchanged, and the construction of a new multi-use court.

Given all of the above, staff is of the opinion that the applicant's revised development proposal is appropriate and represents good planning.

Revised Zoning By-law Amendment

The subject lands are currently zoned **Low Density Residential Six (R6) Zone** and **Park (P) Zone** in accordance with By-law 255-96 (Sixteenth Avenue-Duncan Road Area Zoning By-law), as amended (refer to Map 3). The applicant is proposing to amend the current zone categories to recognize the proposed land exchange with the Town, and to implement site specific provisions for the lots on Grey Alder Avenue within the amended **Low Density Residential Six (R6) Zone** (refer to Appendix B). The following table provides a comparison of the current development standards in the **R6 Zone** and the applicant's proposed development standards along Grey Alder Avenue, with site specific exceptions identified in bold:

Development Standards	Existing R6 Zone Requirements	Proposed Development
Minimum Lot Frontage	15.24 metres (50 feet)	Complies on Pathlane Road, 10.5 metres (34.4 feet) on Grey Alder Avenue
Minimum Lot Area	557.4 square metres (6,000 square feet)	Complies
Maximum Lot Coverage	35%	Complies on Pathlane Road, 40% on Grey Alder Avenue
Minimum Front Yard	7.5 metres (24.6 feet)	Complies on Pathlane Road, 6.0 metres (19.7 feet) on Grey Alder Avenue **
Minimum Side Yard	1.5 metres (4.9 feet)	Complies
Minimum Rear Yard	7.5 metres (24.6 feet)	Complies

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Maximum Height	11 metres (36 feet)	Complies
Minimum Lot Depth	36.576 metres (120 feet)	Complies on Pathlane Road, 36 metres (118 feet) on Grey Alder Avenue

^{**} The minimum front yard setback for the proposed lot adjacent to Springbrook Park will be 12 metres (39.4 feet) in order to help preserve a view corridor into the park from Grey Alder Avenue.

Given all of the above, staff is of the opinion that the proposed Zoning By-law Amendment application conforms to the Official Plan and represents good planning.

Council and Public Comments:

At the Council Public Meeting held on September 27, 2017, residents and members of Council raised concerns with respect to the compatibility of semi-detached dwellings and condominium tenure with the surrounding community, tree removal, and technical matters related to a private driveway access, underground parking, emergency services, waste management and snow storage.

The proposed settlement and revised development concept plan introduce a single detached built form and freehold lots, eliminate condominium elements such as a private laneway and underground parking, and require landscape plans and renaturalization that will address concerns with respect to tree removal. As a result, staff is of the opinion that the revised development concept satisfactorily addresses the comments expressed by Council and local residents.

Department and External Agency Comments:

All circulated Town departments and external agencies have indicated no objections with respect to the revised Zoning By-law Amendment application, including the Town's Development Engineering Division and Park and Natural Heritage Planning Section.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The recommendations of this report are aligned with Goal One – Stronger Connections in Richmond Hill in improving the function of streets and neighbourhoods, Goal Two – Better Choice in Richmond Hill in facilitating a range of housing options, and Goal Four - Wise Management of Resources in Richmond Hill by committing to use land responsibly.

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Conclusions:

The applicant will be seeking approval of a revised Zoning By-law Amendment application from the Local Planning Appeal Tribunal (LPAT) in order to facilitate the construction of a residential development comprised of four (4) single detached dwellings on its landholdings. In this regard, the LPAT has scheduled a two-day hearing to commence on February 6, 2019.

Staff has evaluated the applicant's revised development proposal and settlement offer, and is of the opinion that the Zoning By-law Amendment application conforms to the Official Plan, is appropriate and represents good planning. On this basis, staff recommends that the LPAT be advised that the Town supports the revised application, as outlined in the recommendations to Staff Report DA.18.048.

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, Extract from Council Public Meeting C#32-17 held September 27, 2017
- Appendix B, Draft Zoning By-law
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Original Development Concept Plan
- Map 5, Revised Development Concept Plan
- Map 6, Draft Reference Plan

Extract from Council Public Meeting C#32-17 held September 27, 2017

Appendix.	Α
SAPAS .	DA.18.048
File(s)	DOZ-17007

Scheduled Business

3.1 Request for Comments – Zoning By-law Amendment Application – Rodeo Homes Richmond Hill Inc. – 143 Pathlane Road – File Number D02-17007 – (Staff Report SRPRS.17.152)

Mary Filipetto of the Planning and Regulatory Services Department provided an overview of the proposed Zoning By-law Amendment application to facilitate the construction of seven (7) residential units consisting of six (6) semi-detached dwellings and one (1) single detached dwelling on the subject lands. Ms. Filipetto advised that staff's recommendation was that the staff report be received for information purposes only and all comments be referred back to staff.

Richard Domes, agent for the applicant, reviewed the development proposal and provided additional information regarding vehicular access, at-grade visitor parking and underground garage facility to accommodate resident parking, south facing units towards Springbrook Park, elevation and design elements. He provided context to the application within the existing zoning framework and advised that the proposed development was compatible with the adjacent uses. Mr. Domes advised of supporting studies completed for the subject lands, addressed comments in the staff report regarding approval of the amending Zoning By-law to be withheld until approval of the related draft Plan of Condominium application, and submitted a petition from adjacent residents who were in support of the proposed development.

Vera Tachtaul and Charles Fraser, 149 Pathlane Road, advised that they were opposed to the proposed development and advised that the purchase agreement for their home included a provision for their backyard to face Springbrook Park. They requested that Council deny the application so that they could maintain the view of the park and to preserve the trees and green space.

Maurice Kwok, 19 Silk Court, expressed his concerns with the loss of mature trees and advised that he was opposed to the proposed development because the proposed density was not compatible with the existing neighbourhood, would negatively impact area property values, and the proposed entrance to the site was too narrow and would result in traffic problems as further detailed in his correspondence distributed as Correspondence Item 3.1 1.

Extract from Council Public Meeting C#32-17 held September 27, 2017

Moved by:

Councillor Chan

Seconded by:

Regional and Local Councillor Hogg

That staff report SRPRS.17.152 with respect to the Zoning By-law Amendment application submitted by Rodeo Homes Richmond Hill Inc. for lands known as Lot 10, Registered Plan 65M-4511 (municipal address: 143 Pathlane Road), File Number D02-17007, be received for information purposes only and that all comments be referred back to staff.

Carried Unanimously

The Corporation of the Town of Richmond Hill

By-law X-19

Appendix B

SRPRS DA 18 048

File(s) DOZ-17007

A By-law to Amend By-law 255-96, as amended, of

The Corporation of the Town of Richmond Hill

Whereas a Local Planning Appeal Tribunal Hearing was held on February 6, 2019 to consider the proposed Zoning By-law Amendment described herein;

The Local Planning Appeal Tribunal hereby approves as follows:

- That By-law 255-96, as amended, of The Corporation of the Town of Richmond Hill, be and is hereby further amended by:
 - a) rezoning those lands shown on Schedule "A" to this By-law X-19 (the "Lands") to "Low Density Residential Six (R6) Zone" and "Park (P) Zone" under By-law 255-96;
 - b) adding the following to Section 7 Exceptions:

"7.XX Part of Lot 10, Plan 65M-4511 and Part of Block 100, Plan 65M-2798

Notwithstanding any inconsistent or conflicting provisions of By-law 255-96, as amended, the following special provisions shall apply to the lands zoned "Low Density Residential Six (R6) Zone" and more particularly shown as "R6" on Schedule "A" to By-law X-19 and denoted by a bracketed number (7.XX):

i) Minimum Lot Frontage:
ii) Minimum Lot Area:
iii) Minimum Lot Depth:
iv) Minimum Front Yard:
v) Maximum Lot Coverage:

10.5 metres (34.5 feet) 557.4 m² (6,000 ft²) 36.0 metres (118.1 feet) 6.0 metres (19.7 feet) (1)

- (1) The minimum front yard shall be 12.0 metres (39.4 feet) where a lot abuts a Park (P) Zone"
- All other provisions of By-law 255-96, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule "A" attached hereto.
- 3. The imperial measurements found in this by-law in brackets are provided for information purposes only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this by-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurement shall apply.
- 4. Schedule "A" attached to By-law X-19 is declared to form a part of this by-law.

File: D02-17007 (DB)

The Corporation of the Town of Richmond Hill

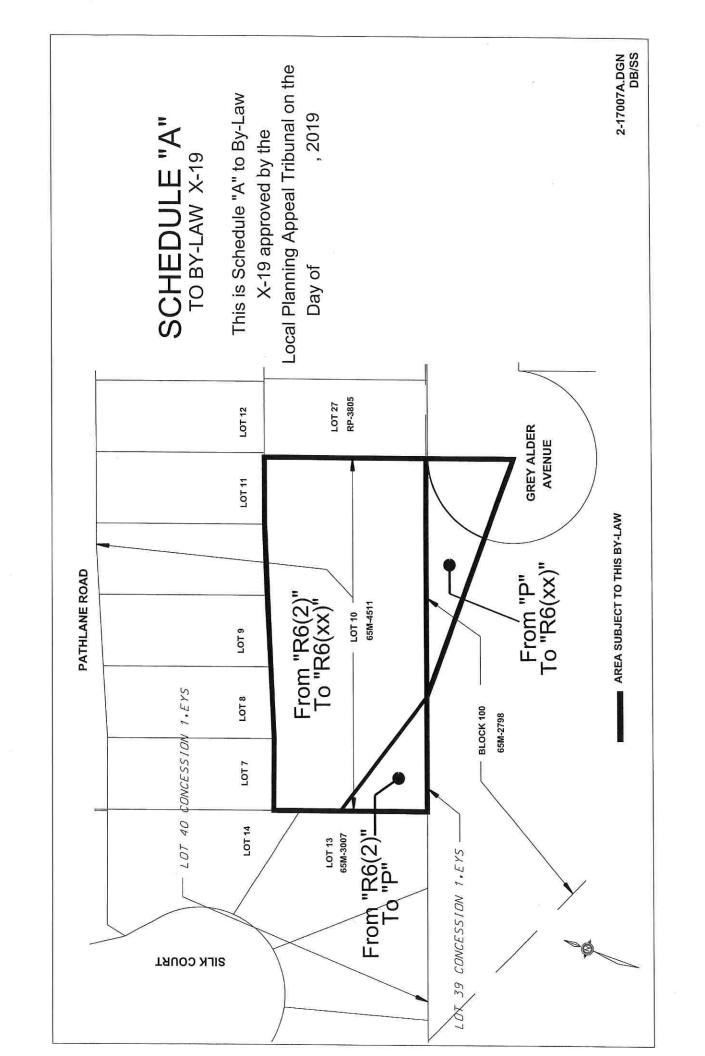
Explanatory Note to By-law X-19

By-law X-19 affects lands described as Part of Lot 10, Plan 65M-4511, municipally known as 143 Pathlane Road, in addition to Part of Block 100, Plan 65M-2798, known as Springbrook Park.

By-law 255-96, as amended, of The Corporation of the Town of Richmond Hill, currently zones the lands "Low Density Residential Six (R6) Zone" and "Park (P) Zone".

By-law X-19 will have the effect of rezoning part of the lands from "Low Density Residential Six (R6) Zone" to "Park (P) Zone", and from "Park (P) Zone" to "Low Density Residential Six (R6) Zone", to facilitate a land exchange and a residential development comprised of 4 single detached dwelling lots. Site specific development standards are also proposed to facilitate the creation and development of lots fronting onto Grey Alder Avenue.





MAP 1 - AERIAL PHOTOGRAPH



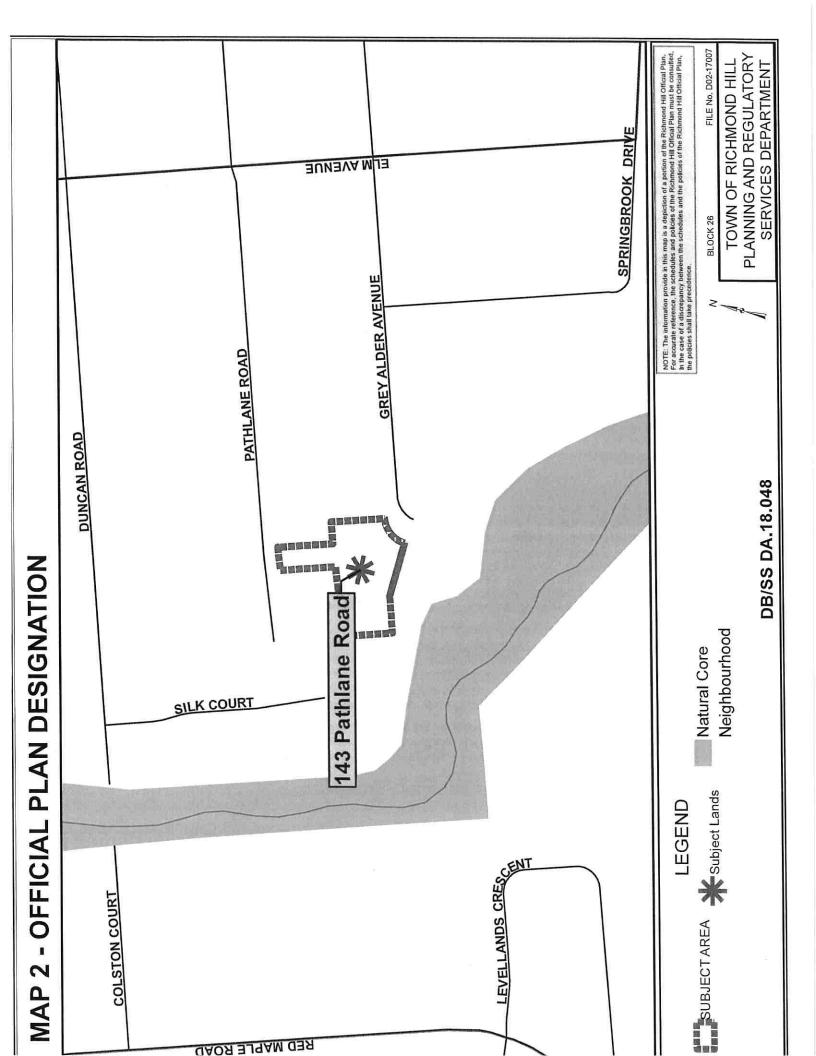
Copyright J.D.Barnes Limited 2017 NEW Orthophotography

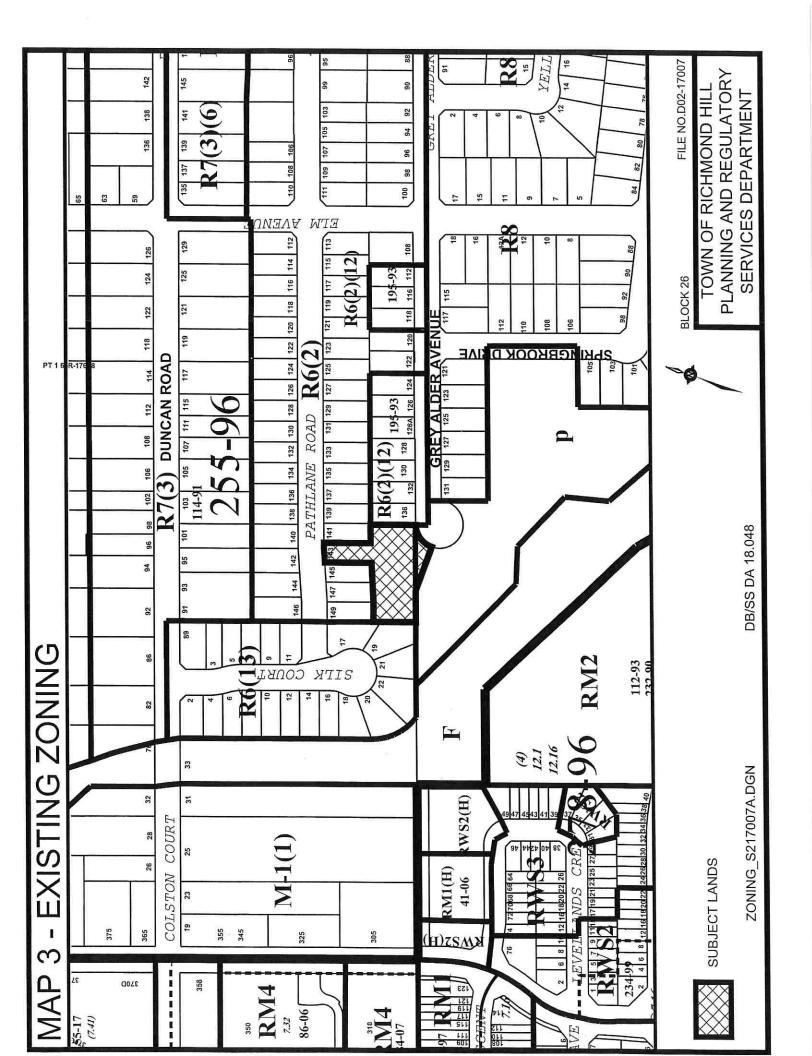
PLANNING AND REGULATOR TOWN OF RICHMOND HIL

DB/SS DA.18.048

SUBJECT LANDS

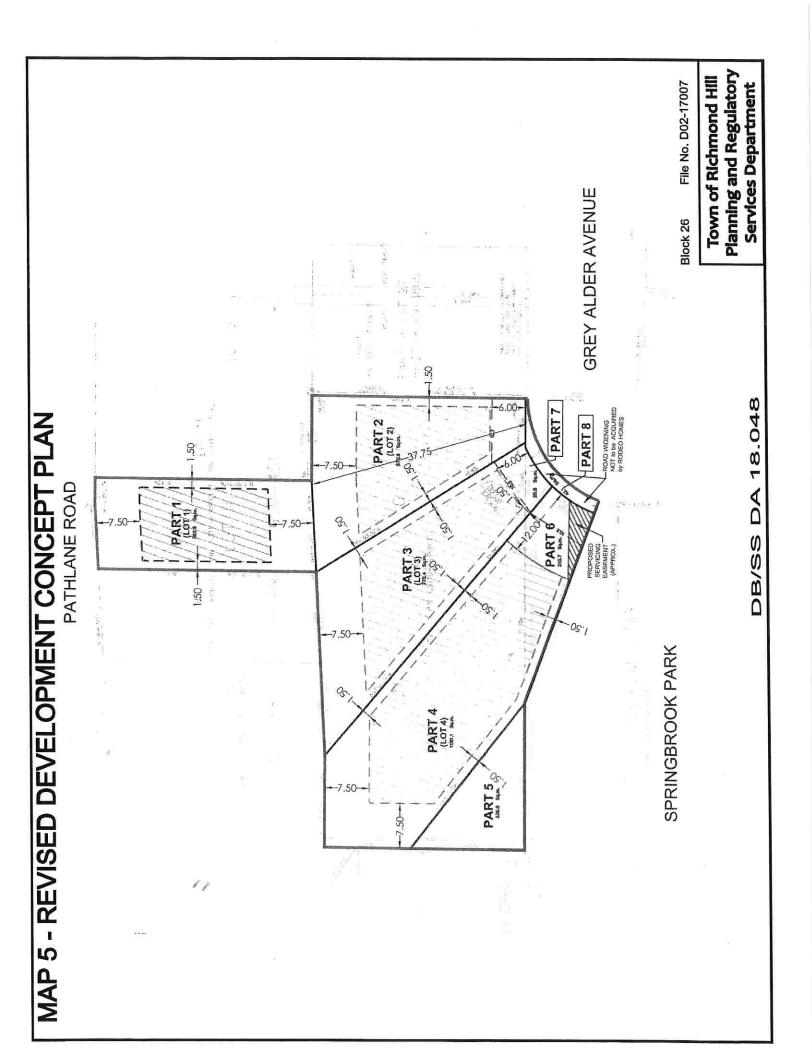
LEGEND





File No. D02-17007

Planning and Regulatory Town of Richmond Hill Services Department



Planning and Regulatory Town of Richmond Hill File No. D02-17007 Services Department Block 26 ପ୍ଟ୍ରା-|||||| PART 2 65R-1667 PART OF BLOCK 102(RESERVE) REG'D PLAN 65M-2798 PART 15, PLAN 65R-16677 PIN, 03110-0191(LT) 2 TRA9 Or TRA9 PART 1 PART 1 PR PIN. 03110-0249(LT). GREY ALDER AVENUE (BY RECD PLAN 65M-2798) PIN. 05110-0185(LT) PART OF LOF - C=16.061, A=16.493 R=20.715 LOT 12 [_OT 1] PIN. 03110-1500(LT) 0.0426 **DB/SS DA 18.048** PART 8 PART PART 2 PATHLANE ROAD (BY REG D PLAN 65M-4511) PIN, 03110-1503(L1) 10 10 1--- MGG PIN. 03110-1499(LT) (_) LOT 10 PART 1 MAP 6 - DRAFT REFERENCE PLAN PIN. 03110-1499(LT) PART 3 PART PIN. 03110-1498(LT) DI AN B 101 BLOCK 100, REGISTERED PLAN 65M-2798 LOT 8 PIN. 03110-1497(LT) 101 REGISTERED PIN. 03110-1475(LT) PART 4 N 71'59'10'E (me PIN. 03110-1496(LT) 2 101 7 PART 03110-001 E(F1) FOL: 14 BPM-2004 SUBJECT TO EASEMENT AS LOT 13 NY71d REGISTER



Report Subject: Request for Direction – Zoning By-law Amendment – Rodeo Homes – File D02-17007

Report Author: Denis Beaulieu

DA.18.048

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Report Author Checklist			Reno	ort Routing Form			
\boxtimes	Have I proofread the report?			Report is to be accepted at a /a and allow to be at a /a			
Have I checked to ensure that the format complies with the Town's standards? (see Report Writing Toolbox on News & Views for assistance)				Report is to be presented at: n/a – delegated authority Committee of the Whole Council			
Does the	e report have financial in	nplications?		Other (please specify):	Council Public Meeting Other (please specify):		
☐ Yes No				Date of meeting:			
	If yes:			Due date to Clerk's:			
	☐ Was the Treasurer consulted? ☐ Has the report received sign off from Finance?			See News& Views for schedule and due dates or contact the Clerk's Office			
	If yes, on what date?			Type of report:			
Have comments from other Departments been included, as necessary? Yes No, not necessary If yes, note contact name (Dept.) and date:			☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	For information purpose With recommendation Requests direction Closed Session (confidence a Closed Session report,	ential)		
	Reviewed by: Alexis Alyea	Date: November 6, 2018		security of property personal matters acquisition or dispositio labour relations litigation solicitor/client privilege consideration of an MF			
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*Please consult with Strategic Initiatives for more information.			Kel	ector of Development vin Kwan	November 7/18		
Planner has conducted site visit: Yes No When?				Additional comments, if necessary:			