



Staff Report for Council Meeting

Date of Meeting: October 28, 2020

Report Number: SRPI.20.003

Department: Planning and Infrastructure
Division: Development Planning

Subject: SRPI.20.003 – Request for Approval – Zoning
By-law Amendment Application - Vomano Valley
Developments Inc. City File D02-20012

Owner:

Vomano Valley Developments Inc.
137 Bowes Road
Concord, Ontario
L4K 1H3

Agent:

Brutto Consulting
999 Edgeley Boulevard, Unit 6
Vaughan, Ontario
L4K 5Z4

Location:

Legal Description: Block 1, Plan 65M-4416
Municipal Addresses: 12955A and 12955B Bathurst Street

Purpose:

A request for approval concerning a Zoning By-law Amendment application to add additional office and commercial uses with site specific parking standards on the subject lands.

Recommendation(s):

- a) That the revised Zoning By-law Amendment application submitted by Vomano Valley Developments Inc. for lands known as Block 1, Plan 65M-4416 (Municipal Addresses: 12955A and 12955B Bathurst Street), City File D02-20012, be approved subject to the following:

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- (i) that the subject lands zoned Local Commercial (LC) Zone under By-law 313-96, as amended, be amended to include additional uses and a site specific parking standard as set out in Appendix “B” to Staff Report SRPI.20.003;
- (ii) that the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment; and,
- (iii) that pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft amending Zoning By-law to implement the proposed development on the subject lands.

Contact Person:

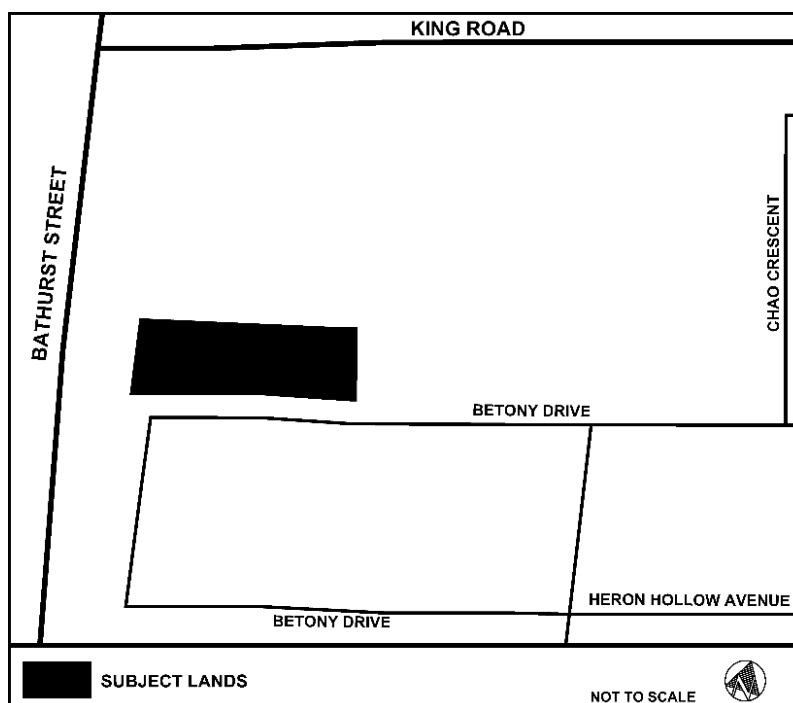
Doris Cheng, Senior Planner – Site Plans, phone number 905-771-5563 and/or
Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Mary-Anne Dempster, City Manager

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



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Background:

A statutory Council Public Meeting regarding the subject Zoning By-law Amendment application was held on September 9, 2020 wherein Council received Staff Report SRPRS.20.112 for information purposes and directed that all comments be referred back to staff (refer to Appendix “A”). No concerns were raised by Council however, members of the public raised concerns related to building design, site access from Betony Drive, and parking. These issues are further addressed later in this report.

The applicant has satisfactorily addressed all comments provided by circulated City departments and external agencies with respect to the subject Zoning By-law Amendment application. In this regard, 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 east side of Bathurst Street, south of King Road, and north of Betony Drive (refer to Map 1). The lands are currently under construction for a commercial development consisting of two single storey buildings on the subject lands. One of the buildings is to contain four commercial units and the other is intended as a stand-alone day care use. The surrounding land uses include low density residential to the east and south, commercial/service uses (comprised of a gas station, car wash and convenience store) to the north, a stormwater management pond to the northeast, and Bathurst Street to the west.

Development Proposal

The applicant is seeking Council’s approval of its Zoning By-law Amendment Application to add additional office and commercial uses with site specific parking standards to the approved commercial development on the subject lands. The additional uses proposed include a clinic, business and professional offices, artist or photographic studio, private club and laundry and dry cleaning establishments.

No changes are required to the recently approved Site Plan in order to facilitate the proposed additional uses and site specific parking standard on the subject lands.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule “A2: - Land Use” of the Plan (refer to Map 3). The **Neighbourhood** designation permits neighborhood commercial uses, among other uses, as proposed by the subject application subject to Policy 4.9.1.3 of the Plan. Policy 4.9.1.3 sets out policies/criteria for both existing and new neighbourhood commercial sites. Although the site is not

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identified on **Appendix 7** (Existing Neighbourhood Commercial Sites) of the Plan, the Appendix is for illustrative purposes only. In this case, the neighbourhood commercial site was established as part of the surrounding residential plan of subdivision registered on August 14, 2014. The site was zoned accordingly for commercial uses at that time of draft approval, although not developed. Notwithstanding, staff have reviewed the subject application against the policies/criteria applicable to neighbourhood commercial uses under Policies 4.9.1.3.1 and 4.9.1.3.5 of the Plan as it relates to uses, location, density, maximum gross leasable area, restrictions on anchor tenants, outdoor storage of materials, the provision of adequate on-site parking, as well as access and vehicular circulation. Staff is of the opinion that the subject application complies with the Plan. It is noted that a commercial needs assessment was deemed not necessary as the site existed as a commercial site, albeit undeveloped, until now.

Further to the above, the subject lands are also located within the *Oak Ridges Moraine Conservation Plan* (the “ORMCP”) and are designated **Settlement Area**. Permitted uses within this designation include all uses permitted by the applicable Official Plan, subject to compliance with the development provisions of the ORMCP including the identification and protection of natural heritage and hydrological features. There are no identified natural heritage features associated within or adjacent to this application, and the proposed additional uses is consistent with the policy provisions of the Plan. Based on the preceding, staff is of the opinion that the applicant’s development proposal conforms to the ORMCP.

Zoning

The lands are zoned **Local Commercial (LC) Zone** under Zoning By-law 313-96, as amended, which permits a limited range of commercial uses such as a bake shop, convenience retail store, day nursery, dry cleaning depot, financial institutions, personal service shop and video establishment. The applicant is proposing to expand the range of commercial uses to specifically include a clinic, business and professional offices, artist or photographic studio, private club and laundry and dry cleaning establishments. Staff have reviewed the proposed additional commercial uses and are satisfied that they are representative of the scale and intensity of uses that are typical of a neighbourhood commercial plaza and therefore do not pose any land use compatibility concerns. Further, as noted by the applicant, in their Planning Justification addendum the closest commercial/service uses are approximately 1.4 to 2.1 km from the site, therefore the expansion of the commercial uses to this site will provide additional services and convenience to the local community.

Additionally, the applicant is requesting a site specific parking standard that would allow the existing 25 parking spaces (inclusive of 2 accessible spaces) to continue to apply in conjunction with the proposed additional commercial and office uses. In this regard, the applicant submitted a Parking Justification Letter in support of the proposed site specific parking standard to be applied to the site. The City’s Transportation Engineering staff have reviewed the supporting information and are satisfied that the existing parking

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supply is sufficient to accommodate the proposed additional commercial and office uses on site.

Based on the preceding, staff is of the opinion that the proposed Zoning By-law Amendment conforms to the applicable policies of the Plan and represents good planning.

Public Comments:

As noted previously, members of the public raised concerns with respect to the applicant's development proposal at the Council Public Meeting held on September 9, 2020. These comments are outlined below and include staff's responses as follows:

- ***the proposed private club is not an appropriate use for the neighbourhood***

This concern was primarily attributed to the fact that the uses permitted under the definition of a "private club" includes a lodge, union hall, billiard hall, fraternity and/or sorority house which neighbourhood residents felt were not compatible in a neighbourhood comprised of young families. In response to the resident's concerns, the applicant has proposed to replace this use with "club". Under By-law 313-96, as amended, "club" is defined as "*an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality*"...and shall mean "*premises owned or occupied by members of such association within which the activities of the club are conducted*". Accordingly, the concerns related to the "private club" should no longer apply as the uses permitted under a "private club" are not permitted by the "club" use. City Planning staff do not have an objection to a "club" use on the subject lands.

- ***the additional uses will result in an increase in traffic and create vehicular and pedestrian safety concerns due to the site access from Betony Drive***

From a Transportation Planning perspective, due to the small size of the site and proximity of accesses, there is no anticipated increase in traffic or vehicular and pedestrian safety issues expected as a result of either the permitted or additional uses proposed for the subject lands. Notwithstanding, the applicant has explored a number of options to address this concern and has committed to installing signage at the access points of the site identifying the site as not a through route to Bathurst Street or into the abutting neighbourhood. City Transportation Engineering staff advise they have no objection to the signs being installed on the property.

- ***the height of the buildings are excessive, resulting in privacy and noise concerns for the abutting residential property***

A minor increase to the building heights of the buildings currently under construction on the subject lands were approved through the Committee of Adjustment (City File A064/19) on November 21, 2019. The applicant requested an increase from 7.5 metres (24.61 feet) to 8.98 metres (29.64 feet) for the one storey buildings on the subject lands and no appeals were filed in relation to this approval. Contextually, the

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approved building height of 8.98 metres (29.64 feet) for the buildings on the site are comparable to the building heights of the two storey residential dwellings in the adjacent residential neighbourhood where the maximum building height is 11.0 metres (36.09 feet).

To address the noise and privacy concerns specifically raised by the abutting property owner to the east, the applicant has committed to installing a 1.8 metre (5.6 feet) privacy fence (board on board) along the easterly property line.

- ***on-street parking on Betony Drive occurs on both sides of the street, resulting in obstructions for emergency vehicles and snow removal vehicles***

Transportation Engineering staff have reviewed the applicant's development proposal and have not identified any off-site parking impacts on Betony Drive that may be associated with the proposed additional commercial and office uses on the subject lands.

City Department and External Agency Comments:

The subject Zoning By-law Amendment application and the associated background studies and reports submitted in support of same were circulated to various City departments and external agencies for their review and comment. The applicant has satisfactorily addressed all department and external agency comments.

Development Planning Division

Development Planning staff has completed the review of the applicant's proposed Zoning By-law Amendment and finds that it has appropriate regard for and is consistent with the broader policy direction as outlined in the Plan. On this basis, it is recommended that the Zoning By-law Amendment application be approved as outlined in the report for the following reasons:

- the proposed development conforms with the **Neighbourhood** designation and ORMCP provisions of the Plan;
- the additional uses and site specific parking standard are considered appropriate in the context of the subject lands and surrounding uses; and,
- the applicant has satisfactorily addressed all department and external agency comments raised through the circulation of the application and the comments/concerns raised by the public.

It should be noted that the applicant has agreed to provide an updated Site Plan to include the location of the proposed traffic signage to the approved plan to address the concerns identified by area residents.

Financial/Staffing/Other Implications:

The recommendation of this report does not have any financial, staffing or other implications.

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Relationship to the Strategic Plan:

The recommendations of this report are generally aligned with **Goal One – Stronger Connections in Richmond Hill** by responding to the needs of the residents through improving access to services to the community and develop connections for people to access these local amenities by other means than car.

Conclusion:

The applicant is seeking Council's approval of its Zoning By-law Amendment application to expand the commercial uses permitted and establish a site specific parking rate on the subject lands. Staff has completed a comprehensive review and evaluation of the applicant's development proposal and advises that the applicant's Zoning By-law Amendment application conforms with the applicable policies of the Plan, is appropriate, and represents good planning. On the basis of the preceding, staff recommends that Council approve the subject application in accordance with the recommendations outlined in this report.

Attachments:

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

- Appendix A – Extract from Council Public Meeting C#37-20 held September 9, 2020
- Appendix B – Draft Zoning By-law
- Map 1: Aerial Photograph
- Map 2: Neighbourhood Context
- Map 3: Official Plan Designation
- Map 4: Existing Zoning

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Report Approval Details

Document Title:	Request for Approval –Zoning By-law Amendment - 12955A and 12955B Bathurst Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Extract.pdf- Appendix B - Schedule_A_D02-20012.pdf- Appendix B - Final Draft By-law.docx- MAP_1_AERIAL PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT.pdf- MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_4_EXISTING ZONING.pdf
Final Approval Date:	Oct 13, 2020

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

Gus Galanis - Oct 7, 2020 - 10:53 AM

Kelvin Kwan - Oct 7, 2020 - 11:07 AM

Task assigned to MaryAnne Dempster was completed by delegate Darlene Joslin

Darlene Joslin on behalf of MaryAnne Dempster - Oct 13, 2020 - 10:32 AM