



Staff Report for Council Public Meeting

Date of Meeting: November 18, 2020

Report Number: SRPI.20.002

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.20.002 – Request for Comments – Zoning By-law Amendment Application – Toter Enterprises Ltd. and 2012002 Ontario Ltd. – City File D02-19010

Owner:

Toter Enterprises Ltd. and 2012002 Ontario Ltd.
2414 Major Mackenzie Drive
Vaughan, ON
L6A 3Y7

Agent:

Macaulay Shiomi Howson Ltd.
520 Industrial Parkway South, Unit 202
Aurora, ON
L4G 6W8

Location:

Legal Descriptions: Part of Lot 51, Concession 1, E.Y.S.

Municipal Addresses: 10815 and 10825 Yonge Street

Purpose:

A request for comments concerning a proposed Zoning By-law Amendment application to permit additional commercial uses on the subject lands.

Recommendation:

- a) That Staff Report SRPI.20.002 with respect to the Zoning By-law Amendment application submitted by Toter Enterprises Ltd. and 2012002 Ontario Ltd. for the lands known as Part of Lot 51, Concession 1, E.Y.S. (Municipal Addresses: 10815 and 10825 Yonge Street), City File D02-19010, be received for information purposes only and that all comments be referred back to staff.

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Contact Person:

Sarah Mowder, Acting Planner II – Subdivisions, phone number 905-771-5475 and/or
Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

Report Approval:

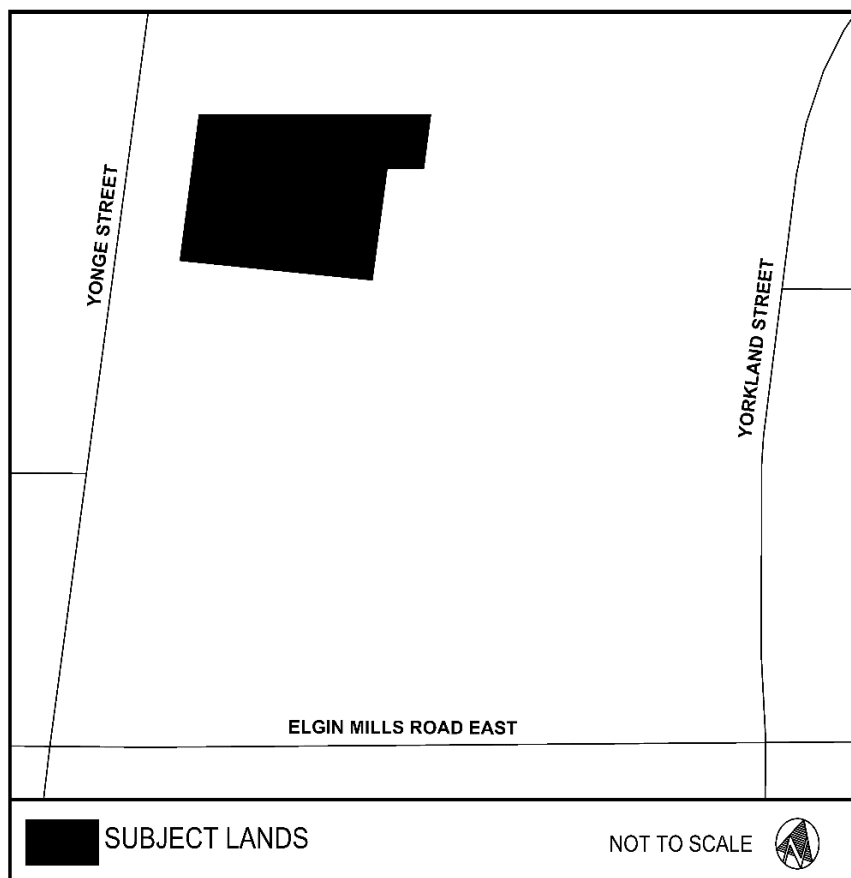
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

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.

Location Map:

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



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Background Information:

The subject Zoning By-law Amendment application was received on July 4, 2019 and deemed complete by the City on July 16, 2020. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. The purpose of this report is to seek comments from Council and the public with respect to the subject application, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are comprised of two properties being 10815 Yonge Street (south lot) and 10825 Yonge Street (north lot) and are located on the east side of Yonge Street, north of Elgin Mills Road East (refer to Map 1). The lands have a combined total lot area of approximately 0.44 hectares (1.08 acres) and presently support a two storey commercial building which straddles the common property line (refer to Map 5). The existing building is comprised of retail, institutional, office, medical office, and restaurant uses. The lands abut existing commercial uses to the north (Leon's), a car dealership to the south and east (Twin Hills Ford Lincoln) and Yonge Street to the west.

Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit an expanded range of commercial uses on the subject lands and to utilize the existing parking supply in order to support said uses. The application does not seek any changes to the existing building or site works to facilitate the subject proposal. The following is a summary of the pertinent site statistics of the applicant's development proposal based on the plans submitted to the City:

- **Total Lot Area:** approximately 0.44 hectares (1.08 acres)
- **Existing Gross Floor Area:** 2,379.71 square metres
(25,615.0 square feet)
- **Existing Parking Spaces:** 62 spaces (including 2 accessible spaces)
- **Number of Buildings:** 1
- **Building Height:** 2 storeys

Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of its development proposal:

- Planning Justification Statement;
- Site Plan;
- Parking Justification Study;
- Draft Zoning By-laws.

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Zoning By-law Amendment Application

The subject lands are zoned **Community Commercial “CC” Zone** under By-law 184-87, as amended (refer to Map 3). The **CC Zone** permits a range of commercial uses, including convenience retail store, restaurant, fast food and takeout restaurants, financial institutions, business or professional offices, pet store and/or grooming centre, personal service shop, retail store, day nursery, service shop, laundromat and laundry and dry-cleaning establishment, commercial club or fraternity organization, artist or photographic studio, supermarket, bakery and department store. The applicant is seeking Council’s approval to expand the range of commercial uses to include the following:

- veterinary clinic;
- goods and equipment rental;
- a health centre;
- sale of home improvement products;
- commercial school;
- garden and nursery supply sales;
- furniture and appliance sales and repair;
- liquor and beer store;
- photocopy centre; and,
- retail stores.

It should be noted that the northerly portion of the subject lands (10825 Yonge Street) is subject to Interim Control By-law 100-16. By-law 100-16 will remain in effect until the Yonge and Bernard Key Development Area Zoning By-law 111-17 comes into effect, which is presently in front of the Local Planning Appeals Tribunal (LPAT). By-law 111-17 would have the effect of rezoning the northern parcel of the subject lands to the **Key Development Mixed Use 1 “KDA1” Zone** which would allow for an expanded range of uses including a variety of commercial, institutional and residential uses, such as the ones proposed by the applicant.

The applicant proposes to expand the commercial uses permitted on the subject lands in advance of the Interim Control By-law 100-16 being lifted in an effort to address a zoning non-compliance issue with an existing commercial school located on the lands, which is currently not a permitted use. As such, a request to amend the Interim Control By-law to facilitate the subject proposal forms part of the request submitted for the City’s consideration.

The appropriateness of the proposed Zoning By-law Amendments and parking restrictions will continue to be evaluated through the review of the submitted development application with regard to policy conformity and function.

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Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Regional Mixed Use Corridor** and **Key Development Area** in accordance with Schedule A2 – Land use of the City’s Official Plan (the “Plan”) (refer to Map 4). The northerly parcel is designated **Key Development Area (KDA)** and the southerly parcel is designated **Regional Mixed Use Corridor**.

Both the **KDA** and **Regional Mixed Use Corridor** designations contemplate mixed-use, transit-oriented development and therefore permit a wide range of uses, including commercial and major retail uses, medium density and high density residential uses, office and major office uses, community uses in accordance with Section 4.1 of the Plan, parks and urban open spaces and live-work units subject to specific policy criteria outlined in Chapter 3 of the Plan. The uses permitted within the **Regional Mixed Use Corridor** designation are consistent with the **Key Development Area**, with the addition of automotive service commercial uses in accordance with specific policy outlined in Chapter 3 of the Plan.

Yonge and Bernard Key Development Area (KDA) Secondary Plan

As noted above, since a portion of the lands is located within the **Yonge and Bernard Key Development Area**, said lands will be subject to the policies of the Yonge and Bernard Key Development Area Secondary Plan (the “Secondary Plan”) once this plan is approved by LPAT. Accordingly, the proposed Zoning By-law Amendment application shall be assessed based on policies of **Section 4.4** of the Plan; however, it is appropriate that due consideration be given to the pertinent policies contained within the Secondary Plan as part of the evaluation of the subject application. In this regard, with respect to permitted land uses, the Secondary Plan directs the land use permissions to **Section 4.4** of the Plan.

Department and External Agency Comments:

The subject Zoning By-law Amendment application, in addition to the associated background studies and reports submitted in support of same, have been circulated to various City departments and external agencies for their review and comment. The following is a summary of the comments received as of the time of writing of this report.

Development Planning Division

In consideration of the policies of the Plan which are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the proposed additional commercial uses are consistent with the uses permitted in both the **Regional Mixed Use Corridor** and **Key Development Area** designations of the Plan;

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- the Secondary Plan and its implementing Zoning By-law (By-law 111-17) remain under appeal at this time. In this regard, it is noted that the related Interim Control By-law (ICBL) remains in effect until such time that the Local Planning Appeal Tribunal (LPAT) releases it;
- City staff are in the process of undertaking a thorough review of the applicant's request that the existing parking on the lands will be sufficient to support the proposed additional commercial uses on the lands;
- no exterior renovations/site works are required to facilitate the proposed uses and therefore, Site Plan approval to facilitate the proposal will not be required;
- it is recommended that the proposed Zoning By-law Amendment take a consistent approach to capture all of the individual proposed uses, among others. This "blanket" commercial use approach is consistent with the provisions of By-law 111-17; and,
- staff will continue to work with the applicant to review of the form, content and appropriateness of the draft Zoning By-law.

A comprehensive review of the applicant's Zoning By-law Amendment application will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public. The detailed review will be completed in advance of and addresses as part of a recommendation report to be prepared for a future Council meeting.

Other City Department and External Agency Comments

Comments have also been received from the City's Park and Natural Heritage Planning Section, Financial Services Department, Building Services Division - Zoning Section, Fire and Emergency Services Department and Community Services Department, in addition to the Regional Municipality of York, Canada Post, Enbridge Gas Inc., Toronto and Region Conservation Authority, Alectra Utilities. These departments and agencies have no objections to the proposed development.

As of the writing of this report, the subject application is under review by the City's Urban Design Section and Development Engineering Division, and Bell Canada.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The recommendation of this report does not have any direct implications with respect to the City's Strategic Plan. An overview of how the subject applications are aligned with the Strategic Plan will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

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Conclusion:

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit additional commercial uses on its land holdings. The purpose of this report is to provide Council and the public with an overview of the development proposal and to discuss the regulatory regime governing the evaluation of these planning applications. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

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 the contact person listed in this document.

- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Official Plan Designation
- Map 5 Existing Site Plan

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Report Approval Details

Document Title:	SRPI.20.002 - Request for Comments - D02-19010.docx
Attachments:	<ul style="list-style-type: none">- MAP 1 - AERIAL PHOTOGRAPH.pdf- MAP 2 - NEIGHBOURHOOD CONTEXT.pdf- MAP 3 - EXISTING ZONING.pdf- MAP 4 - OFFICIAL PLAN DESIGNATION.pdf- MAP 5 - EXISTING SITE PLAN.pdf
Final Approval Date:	Nov 2, 2020

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

Gus Galanis - Oct 28, 2020 - 11:16 AM

Kelvin Kwan - Nov 2, 2020 - 9:44 AM

MaryAnne Dempster - Nov 2, 2020 - 10:04 AM