



Staff Report for Committee of the Whole Meeting

Date of Meeting: April 19, 2023

Report Number: SRPI.23.039

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.23.039 – Request for Approval – Zoning By-law Amendment Application – Bodrington Commercial Developments Limited – City File ZBLA-22-0019**

Owner:

Bodrington Commercial Developments Limited
5400 Yonge Street, Suite 300
Toronto, ON M2N 5R5

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, Ontario L3R 6B3

Location:

Legal Description: Block 114, Plan 65M-3215
Municipal Address: 13495 Bathurst Street

Purpose:

A request to approve a Zoning By-law Amendment application to permit additional commercial and retail uses and to reduce the parking rate for the existing commercial plaza located on the subject lands.

Recommendation(s):

- a) **that the Zoning By-law Amendment application submitted by Bodrington Commercial Developments Limited for lands known as Block 114, Plan 65M-3215 (Municipal Address: 13495 Bathurst Street), City File ZBLA-22-0019, be approved, subject to the following:**
 - (i) **that the zoning provisions for the subject lands zoned Local Commercial (LC) Zone under Zoning By-law 313-96, as amended, be**

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further amended to include the site specific provisions outlined in Staff Report SRPI.23.039 and as set out in Appendix “B” hereto;

- (ii) that the amending Zoning By-law as set out in Appendix “B” to Staff Report SRPI.23.039 be finalized to the satisfaction of the Commissioner of Planning and Infrastructure, and be brought forward to a future meeting of Council for consideration and enactment; and,
- b) 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 of the subject lands.

Contact Person:

Julie Mallany, Planner I, Site Plans, phone number 905-771-2459 and/or
Sandra DeMaria, Manager of Development, Site Plans, phone number 905-747-6312

Report Approval:

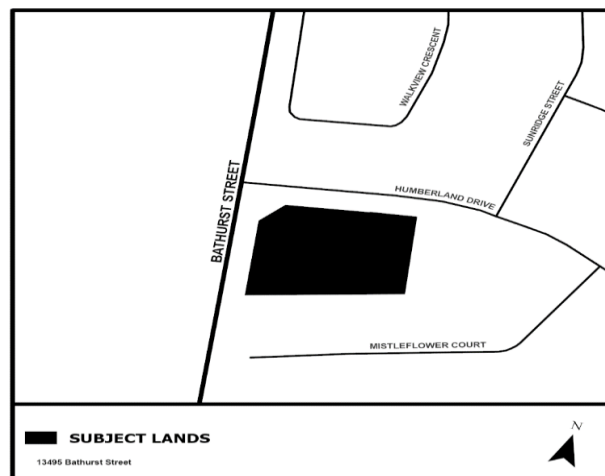
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, 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:

The following 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:

A statutory Council Public Meeting (CPM) was held regarding the subject Zoning By-law Amendment application on February 1, 2023, wherein Council received Staff Report SRPI.23.002 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). Issues related to parking supply and demand, on-street parking, traffic, and snow storage were raised at the meeting and are addressed in subsequent sections of this report.

All comments from City departments and external agencies related to this application have now been satisfactorily addressed by applicant. The purpose of this report is to seek Council's approval of the Zoning By-law Amendment application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the southeast corner of Bathurst Street and Humberland Drive, south of Bloomington Road (refer to Map 1). The lands have a lot frontage of approximately 66.8 metres (219.16 feet) along Bathurst Street and approximately 83.3 metres (273.29 feet) along Humberland Drive with a total site area of 0.50 hectares (1.24 acres). The lands presently support an existing one storey commercial plaza with vehicular access from both Bathurst Street and Humberland Drive and abut Humberland Drive to the north, townhouse dwellings to the south and east and Bathurst Street to the west (refer to Map 2).

Revised Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to expand the list of permitted commercial/retail uses under Zoning By-law 313-96, as amended, in order to include Restaurant, Fitness Centre, Clinic, Medical Office and Retail as additional permitted uses on its land holdings. It should be noted that the applicant has revised its application to remove the request to add a Pet Shop as a specific permitted use because the sale of pet food and pet merchandise falls under the definition of Retail use already being sought.

Additionally, the applicant is seeking a reduction to the applicable parking standards for the existing commercial plaza in order to facilitate the expanded list of permitted uses on its land holdings (refer to Map 5). The applicant has revised their request for a reduction to the parking standards from their original request of 2.25 spaces per 100 square metres of Gross Leasable Floor Area (GLFA) to 2.85 parking spaces per 100 square metres of GLFA as a result of consultation with the City's Transportation Planning staff. No changes are proposed to the existing building, parking area and access points at this time, therefore a Site Plan Amendment application is not required.

The following is a summary of the pertinent statistics as proposed by the applicant based on the plans and drawings submitted to the City:

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- **Total Lot Area:** 0.50 hectares (1.24 acres)
- **Existing Gross Floor Area:** 1,066.3 sq. metres (11,477.56 sq. feet)
- **Number of Buildings:** 1
- **Number of Storeys:** 1

The following is a table outlining the existing parking standards and the revised proposed reduction that results from the list of expanded permitted uses:

Use	Existing Parking Standards	Revised Proposed Parking Standards
Shopping Centre less than or equal to 37,000 square metres of GLFA	4.3 spaces per 100 square metres of GLFA	2.85 parking spaces per 100 square metres of GLFA

Notes:

- (1) The Restaurant use is capped at 21% of the total on-site Gross Floor Area (GFA);
- (2) Medical Office is capped at 21% of the total on-site Gross Floor Area (GFA); and,
- (3) Any patio associated with a restaurant must not infringe on the site parking supply.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the City’s Official Plan (the “Plan”) (refer to Map 4). The **Neighbourhood** designation permits a range of uses including, but not limited to, low to medium density residential uses, Neighbourhood Commercial Uses in accordance with **Section 4.9.1.3** and Community Uses in accordance with **Section 4.1** of the Plan.

The policies of the Plan state that Neighbourhood Commercial Uses are intended to serve resident’s day-to-day needs and activities within the surrounding neighbourhood. Uses permitted within the Neighbourhood Commercial designation include small-scale retail, commercial, office, community uses and live-work units. **Section 7.1.15** of the Plan states that permitted uses identified in the policies of this Plan are intended to illustrate the range of activities in each respective land use designation and do not denote a complete list of permitted uses. A list of specific permitted uses are defined in the Zoning By-law and staff acknowledges that the proposed uses will support the needs of the community and meet the general intent and is consistent with the policies of the **Neighbourhood** designation of the Plan.

The lands are also located within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* (“ORMCP”) as defined in accordance with the ORMCP. In accordance with **Section 3.2.1.1 (18)** of the Plan, all uses which are otherwise permitted under the Plan shall be permitted within the **Settlement Area**.

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Given all of the above, Planning staff is of the opinion that the proposed development is in conformity with the **Neighbourhood** policies of the Plan and the **Settlement Area** policies of the ORMCP.

Zoning By-law Amendment

The subject lands are currently zoned **Local Commercial (LC) Zone** under Zoning By-law 313-96, as amended (refer to Map 3). The permitted uses of the **LC Zone** include a bake shop, convenience retail store, day nursery, dry cleaning depot, financial institution, personal service shop, a video establishment and a commercial school. The applicant is seeking to expand the list of permitted commercial uses to attract a broader range of businesses to the existing neighbourhood commercial plaza. The decrease in parking standards is intended to provide the flexibility required in order to accommodate the additional uses.

The additional land uses proposed by the subject Zoning By-law Amendment application are not currently permitted by the **LC Zone** and the proposed minimum parking standards do not comply with Zoning By-law 313-96, as amended. As such, the applicant is seeking Council's approval to amend the **LC Zone** provisions to expand the list of permitted uses and to permit a reduction in the minimum parking standards for the existing commercial plaza.

Planning staff has undertaken a comprehensive review of the applicant's Zoning By-law Amendment application and is of the opinion that the proposal is appropriate in that it allows for a more broad range of businesses to service the existing neighbourhood while maintaining sufficient parking to accommodate these additional uses. Further, the proposal conforms to the applicable policies of the Plan and is therefore considered to represent good planning.

Council and Public Comments:

The following is an overview of and response to the main comments and concerns expressed by the public and members of Council at the Council Public Meeting held on February 1, 2023 as well as through written correspondence received by the City with respect to the applicant's development proposal:

- **Reduction to Parking Rate and On-Site Parking**

A number of questions and concerns were raised with respect to the reduction in parking rate, impacts to parking, on-street parking, traffic in the neighbourhood and on-site circulation. In this regard, the applicant has submitted a Parking Study to assess the adequacy of the parking supply proposed on site in order to accommodate the additional uses and has demonstrated, to the satisfaction of Transportation Planning staff, that the existing parking provides sufficient parking to accommodate the proposed additional uses. Furthermore, on site circulation is not being modified and will continue to adequately operate.

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- **Location of Snow Storage**

Council raised the question of the loss of parking resulting from snow storage during the winter months. Staff have reviewed the approved Site Plan for the existing commercial development and confirm that snow storage is accommodated on site on the grassed areas at the northwest and southeast corners of the subject lands. In this regard, there is no reduction in parking to accommodate snow storage during the winter months.

Given all of the above, staff is of the opinion that the proposed development shall provide sufficient on-site parking and will not generate significant traffic to the local street network.

City Department and External Agency Comments:

All circulated City departments and external agencies comments have been satisfactorily addressed through the review of the subject application and supporting studies, plans and drawings.

Development Engineering Division – Transportation Section

Transportation Planning has reviewed the applicant's Zoning By-law Amendment application and supporting Parking Study and are satisfied that the proposed parking rate of 2.85 parking spaces per 100 square metres of GLFA shall provide sufficient parking to accommodate the expanded list of permitted uses within the commercial plaza located on the subject lands.

Development Planning Section

Planning staff has undertaken a comprehensive review and analysis of the subject development proposal and recommends approval of the applicant's Zoning By-law Amendment applications on the basis of the following:

- the proposed land uses are in conformity with the applicable **Neighbourhood** policies of the Plan and the **Settlement Area** policies of the ORMCP;
- the site specific exemption to expand the list of permitted uses will support the needs of the community and is considered appropriate for the subject lands;
- the proposed reduction in the minimum parking standards shall maintain sufficient parking to accommodate the expanded list of permitted uses and is considered appropriate for the subject lands; and,
- the applicant has satisfactorily addressed comments raised by City departments as it relates to its Zoning By-law amendment application.

Financial/Staffing/Other Implications:

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

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Relationship to Council’s Strategic Priorities 2020-2022:

The recommendations of this report are aligned with a **Strong Sense of Belonging** as they demonstrate a commitment to community building by creating complete neighbourhoods that are a place for residents to work, live and enjoy.

Climate Change Considerations:

The recommendations of this report are aligned with Council’s climate change considerations as the development proposal does not increase the footprint of the existing neighbourhood commercial plaza which represents an efficient use of land within this area of the City.

Conclusion:

The applicant is seeking Council’s approval of its Zoning By-Law Amendment application to add a site specific exemption to expand the list of permitted uses and to permit a reduction in the minimum parking standards for its land holdings. The applicant’s development proposal conforms with the applicable policies of the Official Plan and is considered to represent 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.

Attachments:

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

- Appendix A, Extract from Council Meeting C#06-23 held on February 1, 2023
- Appendix B, Draft Zoning By-law
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Zoning
- Map 4, Official Plan Designation
- Map 5, Site Plan

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Report Approval Details

Document Title:	SRPI.23.039 Request for Approval ZBLA 13495 Bathurst.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - CPM Extract - SRPI.23.002.docx- Appendix B - Draft By-law ZBLA-22-0019.docx- SRPI.23.039 - Map 1 - Aerial Photograph.docx- SRPI.23.039 - Map 2 - Neighbourhood Context.docx- SRPI.23.039 - Map 3 - Existing Zoning.docx- SRPI.23.039 - Map 4 - Official Plan Designation.docx- SRPI.23.039 - Map 5 - Site Plan.docx- Schedule A to By-law 43-23.pdf
Final Approval Date:	Mar 31, 2023

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

Gus Galanis - Mar 30, 2023 - 6:02 PM

Kelvin Kwan - Mar 31, 2023 - 8:21 AM

Darlene Joslin - Mar 31, 2023 - 4:08 PM