



Staff Report for Council Public Meeting

Date of Meeting: May 2, 2023

Report Number: SRPI.23.040

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.23.040 - Request for Comments – Zoning By-law Amendment Application – Greek Market Corner Ltd. – City File ZBLA-22-0023

Owner:

Greek Market Corner Ltd.
60 King Road
Richmond Hill, ON L4E 0H9

Agent:

JKO Planning Services Inc.
27 Fieldflower Court
Richmond Hill, ON L4E 5E9

Location:

Legal Description: Part of Lots 17, 18, 19 and 62, Plan 202
Municipal Address: 60 King Road

Purpose:

A request for comments concerning a proposed Zoning By-law Amendment application to recognize and permit the existing commercial, office and residential uses within the existing buildings on the subject lands.

Recommendation:

- a) That Staff Report SRPI.23.040 with respect to the Zoning By-law Amendment application submitted by Greek Market Corner Ltd. for the lands known as Part of Lots 17, 18, 19 and 62, Plan 202 (Municipal Address: 60 King Road), City File ZBLA-22-0023, be received for information purposes only and that all comments be referred back to staff.

Page 2

Contact Person:

Diane Pi, Planner II – Site Plans, phone number 905-747-6436 and/or
Sandra DeMaria, Manager of Development - Site Plans, phone number 905-747-6312

Report Approval:

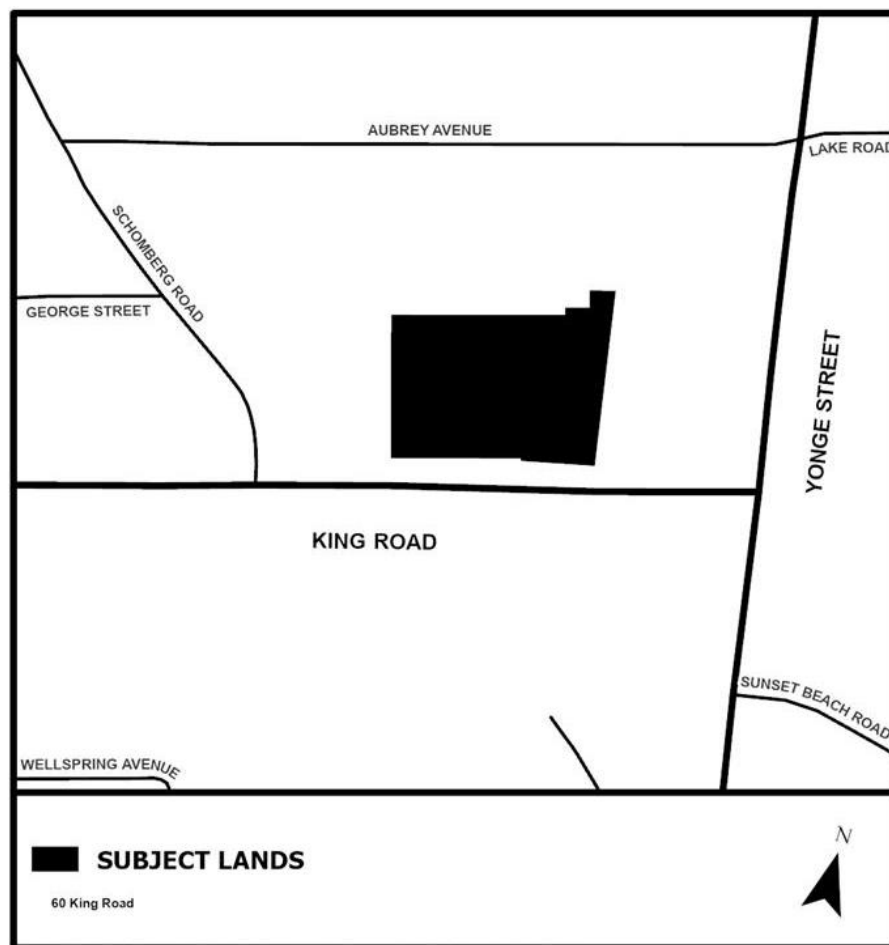
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

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:

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



Page 3

Background Information:

The subject Zoning By-law Amendment application was received by the City on November 16, 2022 and deemed complete on December 15, 2022. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. Staff notes that a related Site Plan application (City File D06-22070) has been submitted by the applicant and is included herein for information purposes only.

Accordingly, the purpose of this report is to seek comments from Council and the public with respect to the applicant's development proposal 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 located on the north side of King Road west of Yonge Street. The lands have an area of approximately 1.23 hectares (3.04 acres) and a lot frontage of approximately 127.21 metres (417.36 feet) along King Road (refer to Map 1). Adjacent land uses include existing low density residential uses to the north, commercial uses to the east (Harvey's, Spincam TIRECRAFT Richmond Hill and Yongeside Motors), a Provincially Significant Wetland to the west and King Road to the south beyond which is the Oak Ridges Soccer Club and recently approved Oak Ridges Air Management Facility.

The subject lands currently support a total of four existing buildings with a paved parking area and one shared access point from King Road (refer to Map 4). Building "A" is a two storey building with an existing restaurant and office on the ground floor and six residential units above. Building "B" is connected to Building "A" and is used for storage associated with the existing restaurant use. Building "C" is currently being used as a hair salon and is proposed to be used for future office and/or retail uses. Building "D" contains three residential dwelling units. No alterations are proposed to the exterior of the buildings and the site is to remain in its current configuration.

Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to recognize and permit the existing commercial, office and residential uses within the four existing buildings located on the subject lands. No exterior renovations or site alterations are proposed.

The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

Page 4

- **Total Lot Area:** 1.23 hectares (3.04 acres)
- **Total Lot Frontage:** 127.21 metres (417.36 feet)
- **Total Number of Buildings:** 4
- **Existing Total Gross Floor Area (GFA):** 1,174.91 sq. m. (12646.63 sq. ft.)
 - **Building “A”** 742.17 sq. m. (7,988.65 sq. ft.)
 - **Building “B”** 104.50 sq. m. (1,124.82 sq. ft.)
 - **Building “C”** 60.28 sq. m. (197.76 sq. ft.)
 - **Building “D”** 267.96 sq. m. (2,884.29 sq. ft.)
- **Proposed Building Heights:** 1-2 Storeys
 - **Building “A”** 2 storeys
 - **Building “B”** 1 storey
 - **Building “C”** 1 storey
 - **Building “D”** 2 storeys
- **Existing Parking Spaces:** 67

As noted previously in this report, a related Site Plan application (City File D06-22070) has been submitted to the City to approve the existing 71.83 square metre (235.66 square feet) enclosed patio addition to Building "A". The patio was established in accordance with the provisions of the City's Outdoor Patio Temporary Use Zoning By-law 91-20 and was enclosed without the benefit of a Building Permit.

Supporting Documentation/Reports

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

- Planning Justification Report;
- Draft Zoning By-law;
- Site Plan;
- Boundary and Topographical Plan of Survey;
- Floor Plans;
- Exterior Elevations;
- Building and Site Sections;
- Patrick Jannetta's Affidavit;
- Development Charges Certificate;
- Sustainability Metrics Tool Summary;
- Interim Growth Management Policy for Servicing Allocation Analysis;
- Parking Justification Study and On-Site Circulation Study;
- Arborist Report & Tree Protection Plan;
- Landscape Plan;
- Flood Hazard Assessment; and,
- Natural Heritage Evaluation.

Page 5

Zoning By-law Amendment Application

The subject lands are currently zoned **General Commercial One (GC1) Zone** and **Flood (F) Zone** under By-law 434-88, as amended (refer to Map 3). For clarity, the easterly portion of the subject lands are zoned **GC1 Zone** which permits a wide range of commercial uses, including clinic, financial institutions, business or professional office, medical office, pet store and/or grooming centre, personal service shop, veterinary clinic, day nursery, service shop, laundromat, laundry and dry cleaning establishment, artist or photographic studio, health centre, bakeries, photocopy centre, funeral home and bicycle sales and repair. The westerly portion of the subject lands are zoned **F Zone** which permits conservation, forestry, agriculture, horticultural nursery, recreational uses, public park and private park. Buildings and structures are not permitted in the **F Zone** except where they are intended for flood and erosion control. The applicant is seeking Council's approval to permit the following additional uses on the subject lands as well as site specific parking standards:

- Restaurant – Take Out Restaurant
- Business and Professional Office
- Residential (Apartments)
- a minimum of 65 Parking Spaces

The draft Zoning By-law Amendment submitted in support of the applicant's Zoning By-law Amendment application is attached as Appendix "A" hereto. The appropriateness of the proposed zoning provisions, as well as the need for additional standards will continue to be evaluated through the review of the subject application with regard to policy conformity, compatibility, design and function.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 - Land Use of the City's Official Plan (the "Plan") (refer to Map 2). The easterly portion of the lands is designated **Neighbourhood** which permits low density residential uses, medium density residential uses, neighbourhood commercial uses, community uses, parks and open spaces, and automotive service commercial uses, subject to specific policy criteria as outlined in Chapter 4 of the Plan. In accordance with **Neighbourhood** Policies, the existing uses are permitted.

The westerly portion of the subject lands is designated **Natural Core**. The **Natural Core** designation is intended to maintain, improve and restore the ecological integrity of natural features and functions outside the central corridor of the Oak Ridges Moraine. The **Natural Core** designation permits fish, wildlife and forest management, conservation projects and flood and erosion control projects other than stormwater management works, essential transportation, infrastructure, low-intensity recreational uses, unserviced parks and uses accessory thereto.

Page 6

Furthermore, a large portion of the property is located within an existing floodplain and its associated buffer and is subject to the **Natural Hazard** policies of the Plan. **Natural Hazards** such as flooding, erosion and slope failures pose a risk to human health and safety, as well as to property. As a matter of public safety, it is important to reduce the potential risks and costs associated with natural hazards by ensuring that development is directed away from these areas. Accordingly, development and site alteration is prohibited within the floodplain subject to Conservation Authority regulations and the natural hazard policies of the *Provincial Policy Statement* (“PPS”). The Plan requires that a minimum protection zone (or buffer) of 10 metres (32.80 feet) be provided from the outer limits of hazardous lands and hazardous sites, or such greater distance as may be determined through appropriate environmental studies. In this regard, the applicant will be required to satisfy the TRCA that the **Natural Hazard** land limits and the required buffer have been delineated.

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

A more detailed review and evaluation of the subject application will be undertaken to ensure the proposed development is in keeping with the policies of the ORMCP and the Plan.

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, 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 this report.

Building Services Division – Zoning Section

The City’s Building Services - Zoning Section has advised that the proposed development is mainly located within the **F Zone** which does not permit any building or structure except where they are intended for flood and erosion control. On this basis, By-law 434-88, as amended, does not have typical development standards within the **F Zone**. Staff notes that the draft Zoning By-law submitted by the applicant must be revised to establish site specific development standards such as setbacks, minimum frontage, lot coverage among other matters as deemed necessary through the review of this application.

Development Engineering Division

The City’s Development Engineering Division has provided technical comments with respect to transportation and parking, lighting and sustainability metrics. Engineering staff has identified the need for the applicant to revise the submitted Parking Study to demonstrate that the existing parking on the lands will be sufficient to support the

Page 7

existing commercial, office and residential uses. Development Engineering comments have been attached as Appendix “B” hereto.

Park and Natural Heritage Planning Section

The City’s Parks and Natural Heritage Planning Section has reviewed the subject application and has provided comments with respect to the delineation of natural features and hazards, land dedication, Landscape Plan and restoration requirements (refer to Appendix “C”). Parks staff has advised that the minimum vegetation protection zone (MVPZ) and buffers to the key natural heritage features (KNHFs) and key hydrological features (KHF) must be fully delineated in accordance with Table 3 of the Plan. Additionally, staff has advised that the expanded parking area shall be removed from the natural feature and natural hazard lands and their buffer. Lastly, staff has advised that the City will seek the dedication of the natural heritage system including the buffer through the development approval process and its conveyance to an appropriate public agency free and clear of debris and encumbrances and at no public expense.

Development Planning Division

Development Planning staff has completed a preliminary review of the applicant’s development proposal. 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 commercial, office and residential uses are permitted within the **Neighbourhood** designation of the Plan and within the **Settlement Area** of the ORMCP;
- a large portion of the property is located within the **Natural Hazard** area associated with a floodplain. Development and site alteration is prohibited within the floodplain and a minimum protection zone (or buffer) of 10 metres (32.80 feet) must be provided from the outer limits of hazardous lands and hazardous sites. The applicant is required to confirm the limits of the floodplain with the TRCA to determine whether the existing buildings are located outside the **Natural Hazard** area and the buffer;
- no exterior building or site alterations are proposed. Site Plan approval is required to recognize and approve the existing patio addition to Building “A” and the current configuration of Buildings “A” and “B”;
- Building Code and Fire Code violations were recently identified on the site. Staff notes that a Building Permit application has been submitted to address the violations and is currently under review. Staff encourages the applicant to continue working with the City’s Building Services Division and Fire Department to address these matters;
- the applicant must satisfactorily address comments and requirements identified by City departments and external agencies that have been requested to review the applicant’s development proposal; and,

Page 8

- staff will continue to work with the applicant with respect to the form and content of the draft Zoning By-law Amendment.

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 Urban Design Section, Financial Services Division, Community Services Department – Waste Section and Fire and Emergency Services Division, in addition to the Regional Municipality of York, Alectra Utilities, Enbridge Gas, Rogers, Conseil scolaire Viamonde, the York Catholic District School Board and the York Region District School Board. These City departments and external agencies have no objections to the proposed Zoning By-law Amendment application and/or have provided comments or conditions to be addressed by the applicant during the more detailed implementation stage of the approval process.

At the time of writing this report, the application remains under review by the Toronto and Region Conservation Authority, Canada Post, Bell Canada, and le Conseil Scolaire Catholique MonAvenir.

Financial/Staffing/Other Implications:

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

Relationship to Strategic Priorities

The recommendation of this report does not have any direct implications with respect to Council's Strategic Priorities. 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.

Conclusion:

The applicant is seeking Council's approval of a Zoning By-law Amendment application submitted in support of its proposal to recognize and permit the existing commercial, office and residential uses within the existing buildings on the subject lands. The purpose of this report is to provide Council and the public with an overview of the applicant's 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.

Page 9

Appendix Contents and Maps:

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.

- Map 1 Aerial Photograph
- Map 2 Official Plan Designation
- Map 3 Existing Zoning
- Map 4 Existing Site Plan
- Map 5 Existing Elevations of Building A and B
- Map 6 Existing Elevations of Building C
- Map 7 Existing Elevations of Building D
- Appendix “A”, Applicant’s Draft Zoning By-law
- Appendix “B”, Memo from the City’s Development Engineering Division dated March 9, 2023
- Appendix “C”, Memo from the City’s Park and Natural Heritage Planning Section dated January 30, 2023

Page 10

Report Approval Details

Document Title:	SRPI.23.040 - Request for Comments - 60 King Road - ZBLA-22-0023.docx
Attachments:	<ul style="list-style-type: none">- SRPI.23.040 - Map 1 - Aerial Photograph.docx- SRPI.23.040 - Map 2 - Official Plan Designation.docx- SRPI.23.040 - Map 3 - Existing Zoning.docx- SRPI.23.040 - Map 4 - Site Plan.docx- SRPI.23.040 - Map 5 - Elevations of Building A and B.docx- SRPI.23.040 - Map 6 - Elevations of Building C.docx- SRPI.23.040 - Map 7 - Elevations of Building D.docx- SRPI.23.040 - Appendix A - Draft Zoning By-law.pdf- SRPI.23.040 - Appendix B - Memo from the City's Development Engineering Division dated March 9, 2023.pdf- SRPI.23.040 - Appendix C - Memo from the City's Park and Natural Heritage Planning Section dated January 30, 2023.pdf
Final Approval Date:	Apr 14, 2023

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

Gus Galanis - Apr 14, 2023 - 11:04 AM

Kelvin Kwan - Apr 14, 2023 - 11:55 AM

Darlene Joslin - Apr 14, 2023 - 2:49 PM