



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 12, 2024

Report Number: SRPBS.24.068

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.24.068 – Request for Approval – Zoning By-law Amendment Applications – 802559 Ontario Limited – City Files ZBLA-23-0004 and ZBLA-23-0007 (Related File SP-23-0009)

Owner:

802559 Ontario Limited
360 Enford Road
Richmond Hill, ON
L4C 3G1

Agent:

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

Location:

Legal Description: Part of Lot 56, Concession 1, W.Y.S. and Block 283,
Registered Plan 65M-3465
Municipal Address: 11592 Yonge Street

Purpose:

A request for approval concerning the proposed Zoning By-law Amendment applications to remove a Holding (H) provision and to permit the construction of an automobile dealership on the subject lands.

Recommendations:

- a) That the Zoning By-law Amendment application submitted by 802559 Ontario Limited for lands known as Part of Lot 56, Concession 1, W.Y.S. (Municipal Address: 11592 Yonge Street), City File ZBLA-23-0007, be approved, subject to the following:

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- (i) **that Zoning By-law Amendment 71-24 to remove the Holding (H) provision attached hereto as Appendix “B” be enacted at the June 19, 2024 Council meeting;**

- b) **That the Zoning By-law Amendment application submitted by 802559 Ontario Limited for lands known as Part of Lot 56, Concession 1, W.Y.S. and Block 283, Registered Plan 65M-3465 (Municipal Address: 11592 Yonge Street), City File ZBLA-23-0004 be approved, subject to the following:**
 - (i) **a portion of the subject lands be rezoned from “Agriculture (A) Zone” under By-law 2523, as amended, to “General Commercial (GC) Zone” and “Open Space (OS) Zone” under By-law 235-97, as amended, with site specific development standards to facilitate the development proposal as outlined in Staff Report SRPBS.24.068;**

 - (ii) **that the amending Zoning By-law be brought forward to a future Council meeting 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:

Sophia Kanavas, Planner II, phone number 905-747-6436 and/or

Kaitlyn Graham, Acting Manager of Development Planning, phone number 905-771-5563

Deborah Giannetta, Acting Director of Development Planning, phone number 905-771-5542

Report Approval:

Submitted by: Gus Galanis, Acting Commissioner, Planning and Building Services

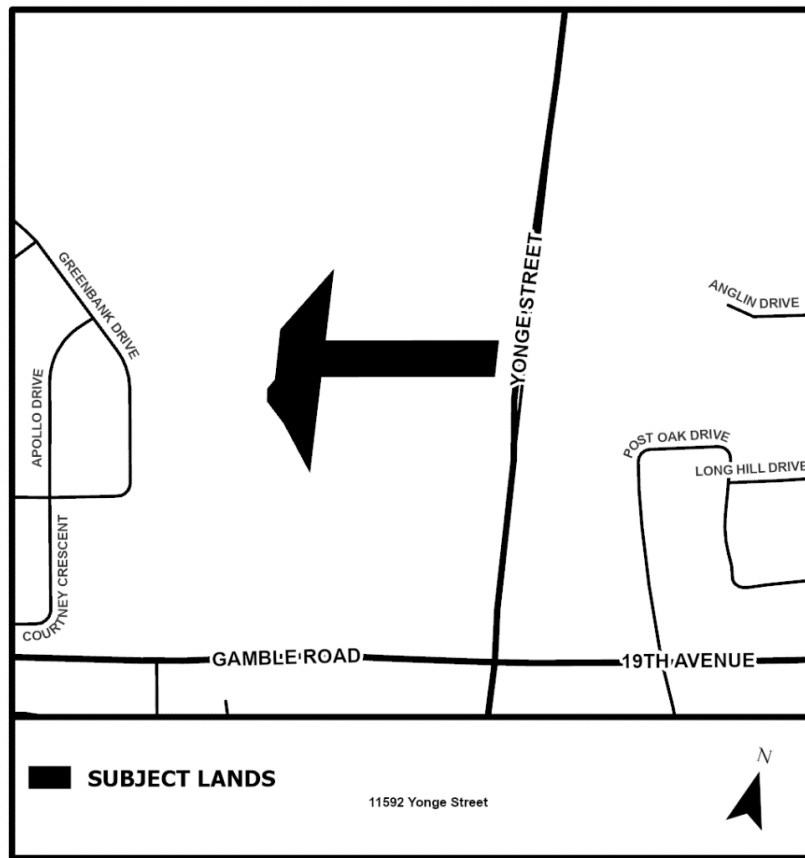
Approved by: Darlene Joslin, City Manager

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.

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Background:

The applicant's Zoning By-law Amendment application (City File ZBLA-23-0004) was considered at a Council Public Meeting held on June 6, 2023, wherein Council received Staff Report SRPI.23.060 for information purposes and directed that all comments be referred back to staff (refer to Appendix "A"). A number of comments and concerns were raised at the meeting and in written correspondence received with respect to compatibility of the proposed dealership with the land use and character of the area and the impact of the proposed development given the proximity to the natural heritage features to the west, which are discussed in detail in subsequent sections of this report.

Prior to this, a Holding (H) provision was imposed on the easterly portion of the subject lands (adjacent to Yonge Street) under By-law 220-04 with a condition that the Holding (H) provision be lifted when adequate municipal water, sanitary, and storm water management systems are available to service any development of the land. In this regard, the applicant has also submitted a second Zoning By-law Amendment application (City File ZBLA-23-0007) to remove the Holding (H) provision to facilitate the development of its entire landholding.

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The applicant has satisfactorily addressed the comments and technical requirements related to both Zoning By-law Amendment applications. All remaining technical comments are to be addressed through the finalization of the related Site Plan application (City File SP-23-0009). Accordingly, the purpose of this report is to seek Council's approval of both of the applicant's Zoning By-law Amendment applications, in order to facilitate the construction of a proposed automobile dealership on the subject lands.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of Yonge Street, north of Gamble Road and south of Tower Hill Road. The lands are comprised of two (2) properties which are proposed to be developed in conjunction with one another. Together the lands are irregular in shape and have a total lot area of 0.84 hectares (2.09 acres) and a frontage of 30.45 metres (99.90 feet) along Yonge Street (refer to Map 1). The lands are presently vacant and contains a mapped watercourse, woodland features and valleyland adjacent to and slightly within the southwest side of the site. Abutting land uses include a one (1) storey motel to the north (Hotel Richmond Hill ON North) beyond which is a low-rise commercial strip-mall (Jefferson Square Mall); a private school (Richland Academy private school) to the south beyond which is an automobile dealership (Lexus of Richmond Hill); Yonge Street to the east beyond which is an eight (8) storey mid-rise mixed-use building; and, open space and environmental features (including a branch of the Rouge River and Saigon Trail which are discussed in subsequent sections of this report) and, a low density residential neighbourhood to the west (refer to Map 2).

Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment applications to remove the Holding (H) provision on the easterly portion of the subject lands and to establish site specific development standards to permit the construction of a two (2) storey Honda automobile dealership on the subject lands (refer to Map 5). The automobile dealership building is proposed to be set back 36.81 metres (120.76 feet) from Yonge Street with the main entrance to the building proposed along the northeast front façade. Access is to be provided via Yonge Street and parking is proposed both in front of the building, and to the rear, which will also be used for the parking and storage of dealership vehicles. A 10 metre (32.81 feet) naturalized open space buffer is proposed to the west, adjacent to the Rouge River and associated environmental features.

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

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- **Total Lot Area:** 0.84 hectares (2.08 acres)
- **Total Lot Frontage:** 30.45 metres (99.90 feet)
- **Total Gross Floor Area (GFA):** 2,853.64 sq. m. (30,716.32 sq. ft.)
- **Lot Coverage:** 20.87%
- **Number of Buildings:** 1
- **Building Height:** 13 metres (42.65 feet) or 2 storeys
- **Parking Spaces:** 83 spaces (including 5 accessible spaces)
- **Bicycle Parking:** 15 spaces

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Regional Mixed-Use Corridor** and **Natural Core** in accordance with Schedule A2 – Land Use of the City of Richmond Hill Official Plan (the “Plan”) (refer to Map 3). The easterly portion of the lands are designated **Regional Mixed-Use Corridor** which supports a broad range and mix of land uses and activities in a compact, pedestrian-friendly and transit-oriented built form. This portion of the **Regional Mixed-Use Corridor** designation along Yonge Street between Bernard Avenue and Townwood Drive permits development to a maximum density of 2.0 Floor Space Index (FSI) and permits a building height of between two (2) and eight (8) stories. Accordingly, the proposed two (2) storey automobile dealership is consistent with the permissions of the **Regional Mixed Use Corridor** designation.

The westerly portion of the lands are 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. Uses permitted within the **Natural Core** designation include 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. The Plan includes policies in which the City will seek the dedication of Key Natural Heritage Features (KNHFs), Key Hydrological Features (KHF), and hazard lands and their associated Minimum Vegetation Protection Zones (MVPZs) or buffers through the development approval process to an appropriate public authority, where appropriate. Refinement of the **Natural Core** boundaries may be permitted without an amendment to the Plan through the approval of a Natural Heritage Evaluation (NHE) by the City and the Toronto and Region Conservation Authority (TRCA), in accordance with **Section 4.10.5.1** of the Plan.

In this regard, the applicant submitted a NHE to confirm the limits of the KNHFs, KHF, hazardous lands and associated MVPZs or buffer areas in accordance with **Section 3.2.1.1** of the Plan. The applicant’s NHE has identified that the subject development is located within an Area of Interest (AOI) of a number of KNHFs and KHF as well as hazard lands, which include a valleyland and long-term stable top of slope, a Redside

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Dace regulated habitat, floodplain, unevaluated wetland, significant woodland and permanent watercourse. The NHE concludes, and City Staff has accepted, that the proposed development on the subject property is located outside of all KNHFs, KHF's and hazard lands and their respective MVPZs, with the exception of the 30 metre (98.43 feet) MVPZ minimum required buffer to the Significant Valleyland and stable top of slope to the west of the subject development.

Notwithstanding the preceding, **Section 21(4)** of the *Oak Ridges Moraine Conservation Plan* ("ORMCP") provides that within Settlement Areas, a MVPZ may be implemented based on the requirements of an applicable Official Plan that was adopted on the basis of environmental studies including a Master Environmental Servicing Plan (MESP). In this regard, the subject lands are located within the boundaries of the former Jefferson Secondary Plan (OPA 138), which was adopted on the basis of an MESP that is still recognized in the City's Plan in accordance with **Policy 3.1.9.4.2**. Further, **Section 3.2.2.3** of the Plan provides for minimum buffers of 10 metres (32.81 feet) from hazardous lands. The NHE concludes that the proposed reduced MVPZ or buffer of 10 metres (32.81 feet) is sufficient given the disturbed state of the slope and proposed restoration works to enhance and improve the buffer area. The applicant's NHE has been reviewed and accepted by the City's Park and Natural Heritage Planning staff and reviewed by the TRCA who have expressed no objections to the proposed Zoning By-law Amendments. Accordingly, the 10 metre buffer area is to be placed in a protective zone category and is to be restored, enhanced and conveyed to the City through the finalization of the related Site Plan application.

The lands are further situated within the **Settlement Area** of the Oak Ridges Moraine, as defined in accordance with the ORMCP and are located within Landform Conservation Area Category 2. In accordance with **Policy 3.2.1.1 (18)** of the Plan, all uses which are otherwise permitted under the Plan, shall be permitted within the **Settlement Area** and accordingly the proposed development is permitted with respect to landform conservation, the policies of the Plan implement the ORMCP and serve to ensure that development and site alteration minimize disturbances to landform character in accordance with **Policy 3.2.1.1.35**.

Pursuant to **Section 30(13)** of the ORMCP, for lands that are located within the **Settlement Area**, the approval authority shall consider the importance of adopting planning, design and construction practices in order to minimize disturbance of landform character. Although the area has already been disturbed, in accordance with *ORM Technical Paper 4 – Landform Conservation* the subject proposal employs measures to keep further disturbance of the landform character and the adjacent features to a minimum. This includes regularizing the western property boundary of the buffer area for conveyance to the City, and fencing to be provided at the top of slope to minimize public access and restoration of the buffer area adjacent to the natural heritage features.

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On the basis of the preceding, staff is of the opinion that the proposed development conforms with the applicable policies of the Plan and the ORMCP.

Zoning By-law Amendments

The subject lands are zoned **General Commercial (Holding) (GC(H)) Zone** under By-law 235-97, as amended and **Agricultural (A) Zone** under By-law 2523, as amended (refer to Map 4). The applicant has submitted two (2) Zoning By-law Amendment applications in order to:

- remove the Holding (H) symbol from the easterly portion of the lands (City File ZBLA-23-0007); and,
- rezone the rear portion of the subject lands from “**Agriculture (A) Zone**” under By-law 2523, as amended, to “**General Commercial (GC) Zone**” and “**Open Space (OS) Zone**” under By-law 235-97, as amended, and to apply site specific development standards to the “**General Commercial (GC) Zone**” under By-law 235-97, as amended, to facilitate the development proposal (City File ZBLA-23-0004).

Removal of Holding (H) Provision

The easterly portion of the subject lands are zoned **General Commercial (Holding) (GC(H)) Zone** under By-law 235-97, as amended, which permits the proposed automobile dealership, has a Holding (H) provision on this portion of the property imposed by By-law 220-04. The Holding (H) provision can only be lifted when adequate municipal water, sanitary, and stormwater management systems are available to service any development of the land.

Staff can advise that the condition of the (H) provision has been reviewed and considered through the detailed review of the subject Zoning By-law Amendment applications and related Site Plan application to establish the proposed automobile dealership. In this regard, it has been determined that the Holding (H) provision can be lifted as it has been demonstrated that the site can now be serviced appropriately and that there is sufficient servicing capacity to accommodate the proposed development in accordance with the City’s Servicing Allocation Policy, discussed in the next section of this report.

Site Specific Zoning By-Law Amendment

The westerly portion of the subject lands are zoned **Agricultural (A) Zone** under By-law 2523, as amended, which permits agricultural and agricultural related uses but does not permit the proposed automobile dealership use. The proposed Zoning By-law Amendment seeks to rezone the lands zoned **Agricultural (A) Zone** under By-law 2523, as amended, to **General Commercial (GC) Zone** and a portion of the property to **Open Space (OS) Zone** under By-law 235-97, as amended, with site specific standards for the **General Commercial (GC) Zone** related to building height, minimum side yard setback (north) and parking related to the proposed automobile dealership.

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The following table provides a summary of the pertinent development standards of the current **GC Zone** applicable to the subject lands, with the requested and required site specific exceptions highlighted in bold text:

Development Standard	GC Zone Standards, By-law 235-97, as amended	Proposed Development Standard
Minimum Lot Frontage	30 metres (98.43 feet)	Complies
Minimum Lot Area	0.4 hectares	Complies
Minimum Front Yard	15 metres (49.21 feet)	Complies
Minimum Side Yard (South)	6 metres (19.69 feet)	Complies
Minimum Side Yard (North)	3 metres (9.84 feet)	1.61 metres (5.28 feet)
Minimum Rear Yard	12 metres (39.37 feet)	Complies
Maximum Height	12 metres (39.37 feet)	13 metres (42.65 feet)
Maximum Coverage (%)	50%	Complies
Minimum Parking Spaces	91	83

Staff has reviewed the site-specific Zoning By-law Amendment application and finds that the proposed site specific development standards requested under the **GC Zone** are appropriate in consideration of the overall design of the development proposal and existing development in this area. Further, the proposed **OS Zone** is considered appropriate to ensure the protection of the buffer area to the environmental features to the west. Based on the preceding, staff are of the opinion that the subject Zoning By-law Amendments are appropriate and represent proper and orderly planning.

Interim Growth Management Strategy

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of municipal servicing allocation. The eight growth management criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*

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8. *Opportunities to provide affordable housing.*

Although the City's Servicing Allocation Policy does not require the specific allocation of servicing capacity to non-residential development, compliance with the City's policies must be demonstrated. Pursuant to Criteria Number 5 (Sustainable and Innovative Community and Building Design), the applicant has submitted a Sustainability Performance Metrics Tool (the "Metrics") to the City as part of its review and approval of the related Site Plan application. Although the applicant's Metrics submission remains under review, the applicant has indicated achievement of the "bronze" level which is the minimum requirement for Site Plan applications with 49 points. City staff will continue to work with the applicant to refine its sustainability commitments, which will be secured through a future Site Plan Agreement, where appropriate.

Council and Public Comments:

The following is an overview of and response to comments and concerns expressed by the public and members of Council at the Council Public Meeting as well as through written correspondence received by the City with respect to the subject development proposal:

Compatibility and Character

Concerns were raised with respect to the compatibility of the proposed automobile dealership use with the existing residential character of the area. Members of the public commented on the potential for additional condominium development in the area, and shared concerns regarding safety, and the desire to retain greenspace. The proposed automobile dealership use is permitted as a commercial use in accordance with the policies of the **Regional Mixed-Use Corridor** designation of the Plan and under the current zoning of subject lands as **General Commercial (GC) Zone** of By-law 235-97, as amended. The **Regional Mixed Use Corridor** designation of the Plan contemplates a range and mix of uses to ensure the corridor provides a compact, pedestrian-friendly and transit oriented built environment. The site plan review process ensures that where there are a mix of uses, the elements of the uses are designed to be compatible and considerate of existing and future planned uses such as appropriate landscaping and pedestrian connections to the building along with an upgraded façade treatment. In this regard, with respect to safety, a pedestrian walkway is proposed to connect the automobile dealership building directly to Yonge Street to provide for safe pedestrian access. Further, parking spaces for vehicular storage, as well as waste and loading areas are proposed to the rear of the building. Regarding the preservation of greenspace, the subject development provides for a 10 metre (32.81 feet) naturalized buffer to the adjacent stable top of slope, which is to be zoned appropriately, restored, fenced, and conveyed to the City, as discussed in the section below.

Natural Heritage

Concerns were expressed with respect to the proximity of the proposed development to the adjacent natural heritage features to the west. As noted previously, the applicant

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submitted a NHE which was reviewed by Park and Natural Heritage Planning staff and the TRCA, who have advised of no concerns with the subject Zoning By-law Amendment applications. In this regard the NHE demonstrates that the proposed development maintains the required MVPZs to all KNHFs, KHF, and hazard lands, with the exception of the reduced 10 metre (32.81 feet) regularized MVPZ buffer proposed by the applicant to protect the long-term stable top of slope, which is to be restored and enhanced, fenced and conveyed to the City through the related Site Plan application.

Department and External Agency Comments:

All circulated City departments and external agencies have either indicated no objections or have provided comments to be addressed through the related Site Plan application. The following provides a summary of the comments received from the City's Infrastructure Planning and Development Engineering Division, Building Division, Heritage and Urban Design Section, Park and Natural Heritage Planning Section, Toronto Region Conservation Authority and the Region of York that are to be addressed by the applicant through conditional Site Plan Approval. Comments include but are not limited to:

- addressing remaining technical comments with respect to water quantity and erosion sediment control, functional servicing and hydrogeological requirements;
- addressing *Ontario Building Code* requirements related to fire protection and engineering building standards;
- providing additional information regarding injury, removal and tree preservation zones; and,
- providing traffic management plans and dewatering discharge permits to the Region.

Recommendation:

Planning staff has completed a comprehensive review of the proposed development and are in support of same for the following principle reasons:

- the proposed automobile dealership is permitted within the **Regional Mixed-Use Corridor** designation as a commercial use and complies with the applicable policies of the Plan with respect to land use, height and density;
- notwithstanding a portion of the property is designated **Natural Core**, the applicant has adequately justified the refinement of the boundary of the **Natural Core** designation and the proposed 10 metre (32.81 feet) regularized MVPZ buffer in accordance with **Policy 21(4)** of the ORMCP and the policies of the Plan;
- the proposed site-specific development standards are contextually appropriate and generally in keeping with the existing standards for an automobile dealership use in the **GC Zone** under By-law 235-97;
- the proposed **OS Zone** under By-law 235-97, as amended, appropriately zones the 10 metre (32.81 feet) buffer to the long-term stable top of slope, which is to be restored and enhanced and conveyed to the City through the related Site Plan application;

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- the proposed removal of the Holding (H) provision is considered to be appropriate given the ability to service the subject development and demonstrated compliance with the City's policies, including the IGMS; and,
- the applicant has satisfactorily addressed all comments raised by City departments and external agencies as it relates to the subject Zoning By-law Amendment applications. The remaining technical matters are required to be addressed as part of the related Site Plan application.

On the basis of the preceding, it is recommended that the applicant's Zoning By-law Amendment applications be approved.

Financial/Staffing/Other Implications:

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

Relationship to Strategic Plan:

The recommendations of this report are aligned with **Pillar 1: Growing a Livable, Sustainable Community**, in ensuring growth aligns with infrastructure and in ensuring the protection of natural heritage features in identifying and securing buffers by placing them into an appropriate zone category.

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Climate Change Considerations:

The recommendations of this report are generally aligned with Council's climate change considerations as the design of the proposed development includes bicycle parking and promotes public transit use which supports options for zero-emission modes of transportation, as well as provides for EV charging stations. Notwithstanding the above and as indicated in earlier sections of this report, a more detailed evaluation of technical and design-related matters relating to sustainability will be undertaken as part of the related Site Plan application.

Conclusion:

The applicant is seeking approval of its Zoning By-law Amendment applications to remove the Holding (H) provision and rezone the subject lands to permit the construction of an automobile dealership and associated parking area on its land holdings. Staff has undertaken a comprehensive review and evaluation of the applicant's development proposal and is of the opinion that the submitted applications are appropriate and represent good planning. Staff will continue to work collaboratively with the applicants to address the remaining technical matters as part of the related Site Plan application. Accordingly, staff recommends that Council approve the subject applications in accordance with the recommendations outlined 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 of Council Public Meeting C#21-23, held June 6, 2023
- Appendix B, Draft Zoning By-law 71-24 to Remove Holding (H) Symbol
- Appendix C, Draft Zoning By-law 70-24
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Site Plan (2024)
- Map 6, Proposed Elevations

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Report Approval Details

Document Title:	SRPBS.24.068 – Request for Approval – City Files ZBLA-23-0004 and ZBLA-23-0007 (Related File SP-23-0009).docx
Attachments:	<ul style="list-style-type: none">- SRPBS.24.068 - Appendix A - CPM - Extracts.docx- SRPBS.24.068 - Appendix B - Draft Zoning By-law 71-24.docx- SRPBS.24.068 - Appendix C - Draft By-law - 70-24.docx- Map 1 - Aerial Photograph.docx- Map 2 - Neighbourhood Context .docx- Map 3 - Official Plan Designation.docx- Map 4 - Existing Zoning.docx- Map 5 - Proposed Site Plan.docx- Map 6 - Proposed Elevations.docx
Final Approval Date:	May 26, 2024

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

Deborah Giannetta - May 24, 2024 - 8:06 PM

Maria Flores on behalf of Gus Galanis - May 25, 2024 - 8:48 PM

Darlene Joslin - May 26, 2024 - 5:43 PM