



# OVERLAND LLP

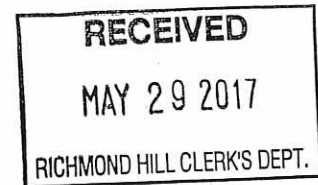
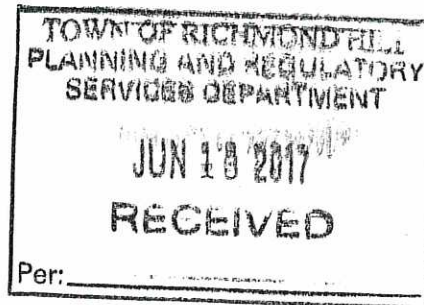
Appendix B  
 SRPRS 18.070  
 File(s) \_\_\_\_\_

Overland LLP  
 Christopher J. Tanzola  
 Tel: (416) 730-0337 x. 112  
 Direct: (416) 730-0645  
 Email: ctanzola@overlandllp.ca

May 29, 2017

VIA COURIER

Town Clerk  
 Town of Richmond Hill  
 225 East Beaver Creek Road  
 Richmond Hill, ON L4B 3P4



RE: 272, 286, 296 and 298 King Road and 4, 6 and 8 Parker Avenue  
 Official Plan Amendment Application File No. D01-15002  
 Zoning By-law Amendment Application File No. D02-15010  
 Draft Plan of Subdivision Application File No. D03-15001  
**\*\* NOTICE OF APPEALS \*\*** by Stateview Homes (Kings Land  
 Planning Act, s. 22(7), 34(11) and 51(34)

Clerk's Copy To			
Mayor	<input checked="" type="checkbox"/>	PRS	<input checked="" type="checkbox"/>
Council	<input checked="" type="checkbox"/>	Legal	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	Others	<input type="checkbox"/>
CFS	<input checked="" type="checkbox"/>		<input type="checkbox"/>
CS	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Fig Inc.	<input checked="" type="checkbox"/>		<input type="checkbox"/>
File <u>D01-15002/D02-15010</u>			
Original To <u>Clerk D03-150</u>			

We are the lawyers for Stateview Homes (Kings Landing) Inc. ("**Stateview**") being the applicant in the above-noted applications to the Town of Richmond Hill for an Official Plan Amendment ("**OPA**"), Zoning By-law Amendment ("**ZBA**") and Draft Plan of Subdivision ("**Draft Plan**") in respect of the properties municipally known as 272, 286, 296 and 298 King Road, 4, 6 and 8 Parker Avenue (collectively, the "**Subject Site**"). Stateview has also submitted applications for site plan approval and a draft plan of condominium (together with the OPA, ZBA and Draft Plan applications, being the "**Applications**") for the Subject Site, as detailed below.

Please be advised that, on behalf of Stateview, we hereby appeal these applications to the Ontario Municipal Board pursuant to Sections 22(7), 34(11) and 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended. The reasons for the appeal are set out below.

## Subject Site

The Subject Site is located at the northwest corner of King Road and Parker Avenue. Immediately north and west of the Subject Site are residential homes; to the east is Parker Avenue; and to the south is King Road. The Subject Site has an area of 0.9547 ha and frontages of 75.11 metres along King Road and 104.6 metres along Parker Avenue. It is currently occupied by five (5) single detached dwellings.

## Background

On March 13, 2015, applications were filed with the Town for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium and Site Plan Approval to permit the redevelopment of 272, 286, 296 and 298 King Road and 4 and 6 Parker Road with ten (10) semi-detached units and twenty-three (23) townhouse units (the "**Original**

**Development Proposal**"). The Original Development Proposal did not include 8 Parker Avenue. Stateview has since acquired the Subject Site, including the additional lands at 8 Parker Avenue

### **Proposed Development**

Stateview submitted to the Town on October 20, 2016 the Applications in support of a new concept plan for the Subject Site, reflecting the additional landholdings at 8 Parker Avenue. The Applications propose the redevelopment of the Subject Site with forty-three (43) residential units consisting of ten (10) semi-detached units, fourteen (14) townhouse units fronting onto an internal private laneway and nineteen (19) townhouse units fronting onto Parker Avenue and King Road, with access via a private laneway off of Parker Avenue (the "**Proposed Development**"). A total of 127 parking spaces (including 11 visitor parking spaces) are proposed. At 43 residential units, the Proposed Development has a density of 47.5 units per hectare.

### **Planning Context**

The Subject Site is located within the Built Boundary under the 2006 Growth Plan and designated as Urban Area in the Region of York Official Plan. The Subject Site is also located within the Settlement Area of the Oak Ridges Moraine Conservation Plan, however because the Subject Site is not in proximity to the natural heritage network, no environmental impact studies are required. Given the Province's direction in the Growth Plan and the Provincial Policy Statement to intensify within existing urban areas and areas identified for growth, and policies supporting a range of housing opportunities, the proposal for a medium-density mixed-use form of development on the Subject Site is appropriate.

In the Town of Richmond Hill Official Plan, the Subject Site is designated *Neighbourhood* which permits medium density residential uses with a maximum density of 50 units per hectare on lands that have frontage on an arterial road or on a collector street and identified in a Tertiary Plan undertaken by the Town and approved by Council or are contained within a priority infill area. While it is Stateview's opinion that the Subject Site, in its collective form, has frontage onto King Road, an arterial road, it would appear that the original OPA was submitted by the previous landowner out of an abundance of caution to recognize the placement of medium density residential uses on lands north of King Road and that have frontage along Parker Avenue, a collector road, but are not part of a tertiary study commissioned by the Town or within a priority infill area.

The proposed density is modestly less than the maximum density permitted by the medium density residential policies of the *Neighbourhood* designation and is appropriate for this location which abuts an arterial road and is in close proximity to transit. The proposed form of development is compatible with the existing and evolving character of the immediate area, with medium density residential uses proposed immediately west of the Subject Site and stacked townhouses contemplated on land south of King Road. The proposed design responds to the character of the existing low density neighbourhood with the placement of the proposed semi-



detached dwellings serving as a transition to the existing detached dwellings located further north on Parker Avenue.

The Subject Site is currently zoned Residential Urban (RU) Zone under the Town of Richmond Hill Zoning By-law No. 1275, as amended. It is proposed to rezone the Subject Site to Multiple Residential One (RM1) under Zoning By-law No. 313-96, as amended, to permit townhouses and semi-detached dwellings and to establish site specific performance standards.

The Draft Plan proposes to divide the Subject Site into two blocks. Block 1 has an area of 0.905 hectares and will be the site of the Proposed Development, allowing for future part lot control exemption applications for the proposed townhouses. Block 2 has an area of 0.050 hectares and is proposed a road widening of both King Road and Parker Avenue. As proposed, the Draft Plan has regard for the criteria listed in Section 51(24) of the Planning Act.

A draft Official Plan Amendment, a draft Zoning By-law Amendment, and accompanying Explanatory Note, and a copy of the Draft Plan are included with these appeal materials.

### **Reasons for Appeal**

The OPA, ZBA and Draft Plan applications were submitted by Stateview on October 20, 2016 and were acknowledged as complete as of October 20, 2016. These applications continue to be processed by the Town under the file numbers associated with the Original Development Proposal from 2015. Since the revised submission by Stateview, a Request for Comments Report was considered at a Council Public Meeting on May 3, 2017. A Public Meeting was previously held in respect of the Original Development Proposal on October 21, 2015.

In the Request for Comments Report, Town Staff indicated that, in their view, it was premature to determine the appropriateness of townhouses on the Subject Site absent a Town-initiated and Town-approved Tertiary Plan. The Town's timing for such a Tertiary Plan process is not certain.

It has been more than 180 days since Stateview made revised submissions with respect to the Proposed Development. Therefore, we are filing this appeal to the Ontario Municipal Board pursuant to Section 22(7) and 51(34) of the *Planning Act* on the basis of the Town of Richmond Hill Council's refusal or neglect to make a decision on the OPA and Draft Plan applications within 180 days of making the applications.

In addition, pursuant to Section 34(11) of the *Planning Act*, we are filing this appeal to the Ontario Municipal Board on the basis of Town Council's refusal or neglect to make a decision on the ZBA application within 120 days of making the application.

Our client remains open to working with the Town of Richmond Hill to resolve as many issues as possible in advance of an Ontario Municipal Board hearing including through mediation if appropriate. However, at this time, Stateview is availing itself of its statutory rights of appeal under the *Planning Act* in order to garner certainty regarding the timing, procedures and decision-making framework for the determination of these applications.

**Prehearing and Other Matters**

Stateview will be filing a referral of the application for Site Plan Approval (File No. D06-15028) (the “**SPA Application**”) to the Ontario Municipal Board by separate cover. Once the referral of the SPA Application is before the Board, we request that the matter be administratively consolidated and heard together with the OPA, ZBA and Draft Plans applications.

Our client requests that the Board convene a prehearing conference in this matter so that the parties to the appeals can be identified, so that issues can be determined, and so that any procedural requirements for the hearing can be addressed, including the length of the hearing itself and the number and expertise of witnesses.

Stateview has also made an application for the Town for the approval of a Draft Plan of Condominium (File No. D05-16009). This application was also acknowledged as complete as of October 20, 2016. This application may be appealed to the Ontario Municipal Board in due course if necessary; however, no appeal of the Draft Plan of Condominium application is proposed at this time.

**Appeal Materials**

Please find enclosed the following materials in respect of these appeals:

***Official Plan Amendment***

1. A completed copy of the Ontario Municipal Board's Appellant Form A1;
2. A cheque in the amount of \$300 payable to the Minister of Finance, representing the Board's fee for this appeal;
3. A cheque in the amount of \$310 payable to the Town of Richmond Hill, representing the Town Clerk's processing fee for this appeal; and
4. A draft Official Plan Amendment.

***Zoning By-law Amendment***

1. A completed copy of the Ontario Municipal Board's Appellant Form A1;
2. A cheque in the amount of \$300 payable to the Minister of Finance, representing the Board's fee for this appeal;
3. A cheque in the amount of \$310 payable to the Town of Richmond Hill, representing the Town Clerk's processing fee for this appeal; and
4. A draft Zoning By-law Amendment and Explanatory Note regarding the same.

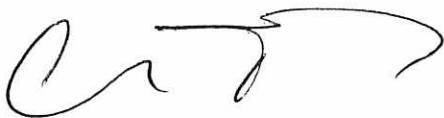
***Draft Plan of Subdivision***

1. A completed copy of the Ontario Municipal Board's Appellant Form A1;
2. A cheque in the amount of \$300 payable to the Minister of Finance, representing the Board's fee for this appeal;
3. A cheque in the amount of \$310 payable to the Town of Richmond Hill, representing the Town Clerk's processing fee for this appeal; and
4. A copy of the Draft Plan of Subdivision, dated August 18, 2016.

Should you require any further information, documentation, or any other thing to constitute these appeals to the Board, please contact the undersigned or in his absence Kelly Oksenberg (koksenberg@overlandllp.ca; 416-730-1529).

Yours truly,

**Overland LLP**

A handwritten signature in black ink, appearing to be 'C. Tanzola', written in a cursive style.

Per: Christopher J. Tanzola  
Partner

Encl.

c. Client