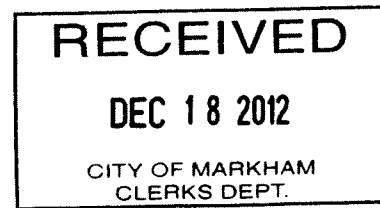


DEC 18, 2012

1/2

Agenda item 6 B (2) Report dated December 11/2012



Subject: Recommendation Report.

Glenthorn Development Inc.
Zoning By-law Amendment Application
to add Restaurants and Commercial Schools to the list of permitted uses at
5 Hillcroft Dr. Markham, Ont.

File# ZA 11131295

The Preliminary Report dated March 6th 2012 stated that the Zoning By-law Amendment Application submitted by Glenthorn Development Inc. was deemed complete on January 18th 2012.

No such undertakings are to be seen in Recommendation Report dated December 11th 2012. Why no such undertakings/statements being made in the above Report?

-As recent as November 2012 the City was awaiting some critical information from the owner on the above File.

-The Recommendation Report dated December 11th 2012 specifies to add Restaurants, Take - out Restaurants and Commercial Schools to the list of permitted uses at 5 Hillcroft Dr. Markham Ont. -Where as the Preliminary Report dated March 6th 2012 specifies to add Restaurants, Commercial Schools and Private Schools to the list of permitted uses at 5 Hillcroft Dr.

-Has the Zoning Application been amended to make Additions & Exclusions to the original Application made by the owner.

-The Preliminary Report dated March 6th 2012 under Identified Issues there are four concerns/ issues raised to date. ie March 6th 2012 which were to be addressed in a Final Report. These Identified Issues have not been addressed in Recommendation Report even though the owner has included in its Application, Commercial Schools and Private Schools. Is this significant omission in the Final Report of December 11th 2012 (see page 3 of the Report of March 6th 2012)

-Traffic and Parking: The parking spaces including one Disable Parking Total 59.

Recently approximately half of the Leasable Floor area is unoccupied and we are concerned that the introduction of Restaurants will aggravate the parking situation at 5 Hillcroft Dr. The over flows of parking from Plaza it will result in illegal parking on the Street and will block Private Driveways.

-The Report states that the owner has also increased parking enforcement efforts in order to

reduce the commuter parking on site to make those available for customers. What measures or enforcements are in place to enforce that commuters do not park on site. We still notice parking lot near full in the evenings and some weekends. Why would this be the case when we are told that there is an increased in parking enforcement efforts. Can we please know what those increased parking enforcements efforts are? We are still not satisfied with the parking solutions as we can foresee problems when the Restaurants get permit to open.

-The Report states the offsite parking is generally a result of commuter pick-up and drop off. This issue has been referred to the Operation Division for review. What is the outcome of the review?

-If the council were to accept the Recommendations Report dated December 11th 2012 we urge the Council to place conditions on the granting of the By-law Amendment Application.

1) Parking enforcement at Hillcroft Drive will be more stringent in the evenings and weekends. The overflow of parking from Plaza will result in illegal parking on the Streets. Would OPERATION DIVISION place signs on the streets which would be affected by the increased traffic.-Signage on Hillcroft Drive would have to change to NO PARKING AT ANY TIME.

2) Most important of all the serving of the alcohol in the Restaurants and the Storage Refuse as a result of new uses. The litter to be created as a result of new uses is of particular concern as we will find the litter being kicked over from 5 Hillcroft Dr. to our residential street and our private driveways due to the proximity of the 5 Hillcroft Dr. site. Who would be responsible to clean the restaurant litter/garbage from our streets and private yards?

3) Additional Issues were listed in our Petition made available to the Chair and the Council on April 3rd 2012.

MOHAMED LADHA

ROSA BRANCA

See attached Appendix "A"

See attached Appendix

"B" - Dec 11/12 staff report

See attached Appendix

"C" - March 6/12 staff report

Appendix "A" to the letter /
dated Dec 18/12 from Mahamed Ladh
and Rosa Branca.

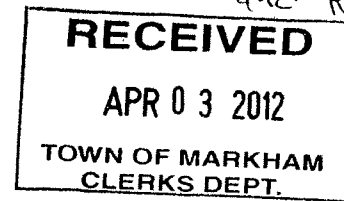
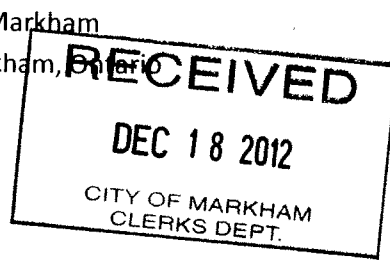
James Baird/Jim Jones

The Corporation of the Town of Markham

101 Town Centre Boulevard Markham, Ontario

L3R 9W3

April 2, 2012



Re: Application for Zoning By-Law Amendment- File 11131295

The Current Zoning of the Subject Land is LC-Local Commercial. The present Zoning does not permit Restaurant uses. The Gross Floor Area of the Plaza is 1100 sq. meters. Currently approximately half of the Floor Area remains unoccupied.

Total number of Parking Space available according to the Application for Zoning By-Law Amendment are 67 and proposed number is 64 These spaces currently are full during the evenings and weekends. The number of Parking Spots would not accommodate the additional traffic to be generated by introduction of restaurants. There is no existing restaurant in the Plaza. There was small and insignificant (floor area approximately 30 sq. meters) Take Out called B&B Rotti Doubles. This place was closed and Signs removed in the past month or so.

The proposed project does not conform to the Official Plan for the following reason: Restaurant Uses would not complement and serve residential uses. Banks, retail outlets like convenience stores expanded Health and Medical Center will serve Residential Uses with aging Population.

We the residents of Surrounding area of the above mentioned Plaza Strongly oppose the Application for Zoning By-Law Amendment to add Restaurants Uses for the following reasons:

- 1) In the Urban Designing these Plazas were built for convenience of residents living in the vicinity. The service desired is Doctors' Clinic, Pharmacy, Barber Shop, Convenience Stores etc. Banks and expanded Health and Medical Centers are desired commercial uses which will serve Residential uses. Restaurants uses are not required in the residential area as there are no Commercial Businesses in the vicinity which would create some demand for Restaurants.
- 2) This Plaza is in the Middle of Residential Area facing towards Residential properties and therefore there should be no Place for Restaurants in this Plaza.
- 3) There is only one access to the Plaza through Residential Street off Hillcroft Drive, which is not a major Rd. In addition there is no direct access from Steels Avenue and there is very limited parking in the Plaza. Restaurants volume of vehicular traffic increase would create all kinds of parking and other issues. The overflows of parking from Plaza will result in Illegal Parking on the Streets and disturbing the residents who have lived in the area since inception of the Subdivision.
- 4) All other Plazas from Middlefield to Warden Ave face toward Steels Avenue and they all have access from the main Road. These Plazas also have ample of parking spots. Restaurants usually seek Liquor Licences which is also matter of concern to the residents.

#	NAME	ADDRESS	TEL: NO.	SIGNATURE
22.	CRISTINA B. CAMPOS	21 Woodhall Road CB Camps	(905) 479-1959	HUSBAND: DANILLO
23	SYED FROZVI	14 WOODMALL ROAD,	905-477-4327	Said
24	SMILEY SZETO	12 WOODMALL ROAD	905-479-5954	Said
25	PULLINGAM K.	10 BRADLEY RD	647 427-0740	Said

MR. GORD LAMONT
 REGIONAL
 CONNECTION

REG APPLICATION FOR ZONING BY-LAW AMENDMENT FILE # 11131295

2/

We request that the Application for Zoning By-Law Amendment be denied and the current Zoning of the Subject Land remains as LC-Local Commercial.

ADDRESS

TEL#

RSadha

- 1 ROSA BRANCA LADHA
MOHAMED LADHA
2 HILLCROFT DR 905 475-7822
- 2 CINDY YIU (MAY)
8 HILLCROFT DR 905-479-6236
- 3 AZAM KHAN 10 HILLCROFT DR. MARKHAM 905-305-0082
- 4 LIN FENG 12 Hillcroft Dr Markham 647-998-1088
905-9402530
- 5 THAMPIPILLAI-SELVASINGAM 15 HILL CRO - 905-479-3696
- 6 PAUL ARORA 17-HILLCROFT DR 905 479-3696
- 7 MARIA BADIAN 16 HILLCROFT DR. (416)844-7627
- 8 Jennifer 18 19 Hillcroft Dr (416)399-6150
- 9 Kamla Ahmad 20 Hillcroft Dr 905-479-7820
- 10 Kathy 22 Hillcroft Dr 905-475-1495
(905) 479-5014
- 11 Elizabeth Campbell 24 Hillcroft Dr 905-479-2960
- 12 Anousha Badiou 25 Hillcroft Dr 905-479-2960
- 13 TROY TSANG 26 Hillcroft Dr 905 477 9543
- 14 28 Hillcroft Dr 905 479 0677
- 15 Glen & Darlene Paterson 29 Hillcroft Dr 905-479-0677
- 16 Te Zhou 30 Hillcroft Dr 647 886 5626
- 17 Dasan Thambayrajah 32 Hillcroft Dr 905-477-2201
- 18 Iva Wong 33 Hillcroft Drive 905-470-9288
- 19 Judy Wong 35 Hillcroft Dr 647-458-1314
- 20 ARID RURESHI - 6 HILLCROFT DR. 905 513 8487
- 21 H. KHAN - 4 Hillcroft DR 905 940 6552

Report to: Development Services Committee

Report Date: December 11, 2012

SUBJECT: RECOMMENDATION REPORT
Genthorn Developments Inc.
Zoning By-law Amendment application to add restaurants,
take-out restaurants and commercial schools to the list of
permitted uses at 5 Hillcroft Drive

File No. ZA 11 131295

PREPARED BY: Michael Fry, Planner, Central District, ext. 2331

REVIEWED BY: Richard Kendall, Manager, Central District, ext. 6588

RECOMMENDATION:

- 1) That the report dated December 11, 2012 titled "RECOMMENDATION REPORT, Genthorn Developments Inc., Zoning By-law Amendment application to add restaurants, take-out restaurants and commercial schools to the list of permitted uses at 5 Hillcroft Drive, File No. ZA 11 131295" be received;
- 2) That the application (ZA 11 131295) submitted by Genthorn Developments Inc. to amend Zoning By-law 90-81, as amended, to add restaurants, take-out restaurants and commercial schools to the list of permitted uses at 5 Hillcroft Drive, be approved, and the draft By-law attached as Appendix "A" be finalized and enacted without further notice; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable

PURPOSE:

The purpose of this report is to provide information regarding an application for an amendment to the zoning by-law to add restaurants, take-out restaurants and commercial schools to the list of permitted uses at 5 Hillcroft Drive, and to recommend that the application be approved as outlined in this report and that the proposed zoning by-law amendment be enacted by Council.

BACKGROUND:

The subject property is situated at the northeast corner of Steeles Avenue East and Hillcroft Drive (Figure 1). The property has an area of 0.61 ha (1.5 ac) and contains a one-storey, 1100m² (11,840 sq. ft.) commercial plaza with 67 surface parking spaces

(Figure 4). Vehicular access to the site is from Hillcroft Drive. The site is surrounded by low density residential uses.

OPTIONS/ DISCUSSION:

Official Plan and Zoning

The subject lands are designated "Urban Residential" in the City's Official Plan. The Armadale West Secondary Plan (PD 24-1) identifies a local commercial centre within the vicinity of the Hillcroft Drive and Steeles Avenue East intersection. The Local Commercial Centre policies in the Secondary Plan indicate that these sites are intended to serve the convenience retail and personal service needs of the neighbourhood and refers to Section 3.4 of the Official Plan for further direction. Section 3.4.6.3 Neighbourhood Commercial Centre of the City's Official Plan allows for private and commercial schools and restaurants, subject to the review of a specific development proposal and rezoning.

The new Draft Official Plan designates this property as Mixed Use Low Rise. The Mixed Use Low Rise designation is intended to allow development for small scale retail, service and office uses, among other uses, within low-rise street related buildings. The proposed new uses would not contradict the emerging policies within the new Draft Official Plan regarding land use at this location.

The subject lands are zoned "Local Commercial" (LC) by By-law 90-81, as amended (Figure 2). The Local Commercial zone permits a range of commercial uses including banks and financial institutions, personal service shops, business and professional offices, retail stores and taxi stands.

The applicant is requesting that restaurants, take-out restaurants and commercial schools be added to the list of permitted uses.

The proposed Zoning By-law Amendment (Appendix "A") adds restaurant, take-out restaurant and commercial school uses to the site. Restaurant and take-out restaurant uses are proposed to be limited to a maximum combined gross floor area of 231m² (approximately 21% of the total existing gross floor area). Commercial school uses are proposed to be limited to a maximum gross floor area of 204m² (approximately 18.5% of the total existing gross floor area).

Public Meeting and Community Meeting

A statutory Public Meeting was held on April 10, 2012. A number of issues were raised by the neighbourhood residents regarding the new restaurant use and the anticipated increase in traffic, the serving of alcohol and the storage of refuse as a result of the new use. Residents also noted that the plaza is lacking a convenience store.

The local Councillor hosted a community meeting on April 30, 2012 in order to further document the concerns of the neighbourhood residents. In addition to the concerns raised at the Public Meeting, residents also voiced concern regarding the increased demand in parking demand as a result of the new uses; as well as issues with illegal parking in the

community. Planning staff and a representative of York Region Police were in attendance.

Applicant is not proposing any commercial floor area expansion to existing plaza

The applicant is not proposing any additions or modifications to the existing commercial plaza on the site, with the exception of a potential small addition to accommodate an internal refuse storage room and a revised fire route (Figure 4).

Traffic and Parking

In response to traffic and on-site parking concerns voiced by neighbours, the Owner has provided staff with a traffic impact and parking study. Engineering staff have reviewed the traffic impact and parking study and have accepted its findings. The Owner has also increased parking enforcement efforts in order to reduce the commuter parking on-site to make those spaces available for customers.

A review of the proposed and existing uses against the Parking By-law (By-law No. 28-97, as amended) indicates that there is sufficient parking on-site to accommodate the new uses, subject to floor area restrictions, as described below:

Use	Area	Parking Rate	Required Parking
Shopping Centre	645m ²	1 per 23m ²	28.0 spaces
Restaurant (up to 20%)*	216m ²	1 per 23m ²	9.4 spaces
Restaurant (more than 20%)	15m ²	1 per 9m ²	1.7 spaces
Commercial School	204m ²	1 per 20m ²	10.2 spaces
Total	1080m²		49.3 spaces
Provided on site			67.0 spaces

*Restaurant uses up to 20% of the floor area of the plaza are assessed at the shopping centre parking rate

Off-site parking and blocking of private driveways in the vicinity of the plaza have been identified as continuing concerns of the area residents. It has been noted by area homeowners that the off-site parking is generally a result of commuter pick-up and drop-off as there is a public transit stop on Steeles Avenue adjacent to the site. This issue has been referred to the Operations Division for review.

Site Plan Approval

Waste storage presently occurs in outdoor bins at the rear of the plaza, and with the introduction of restaurant uses, an internal refuse storage room will need to be provided as part of a future site plan control application. The applicant has also proposed a revised parking lot configuration to better meet the current fire route access requirements. Site plan approval will be required prior to the issuance of a building permit for a restaurant use.

CONCLUSION

Since recently taking over the property, the new owner has made improvements to the site. These included: a new concrete pad for the external garbage area, new curbs and

grass throughout, a new walkway from the plaza to the intersection of Hillcroft Drive and Steeles Avenue East, the addition of railings at the rear walkway leading from the plaza to Woodhall Road, replacement of the existing retaining wall along the east property line, parking lot resurfacing, new fire route configuration, and improvements to the exterior façade of the plaza.

There are no proposed additions or modifications to the existing commercial plaza, other than the potential addition of an internal refuse storage room. The new proposed use permissions will give the owner additional marketing opportunities to improve their vacancy situation.

In order to limit the impacts on the adjacent residential neighbourhood, and to address the concerns of the area residents regarding traffic and parking, staff recommend that the proposed zoning by-law amendment limit the floor area of the proposed new uses. Restaurant and take-out restaurant uses are proposed to be limited to a maximum combined gross floor area of 231m² and Commercial school uses are proposed to be limited to a maximum gross floor area of 204m². These floor area limits align with the information provided in the Traffic Impact and Parking Study and the parking by-law requirements are satisfied for the expanded range of uses.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

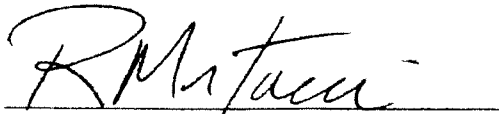
ALIGNMENT WITH STRATEGIC PRIORITIES:

The application should be considered within the context of the City's growth management and strategic priorities.

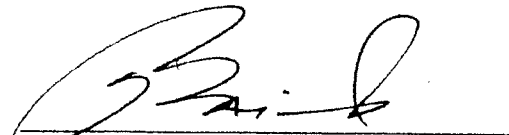
BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments within the City and applicable agencies for review and comment.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services



Appendix "C"

Report to: Development Services Committee

Report Date: March 6, 2012

SUBJECT: PRELIMINARY REPORT
Genthorn Developments Inc.
Zoning By-law Amendment application to add restaurants,
commercial schools and private schools to the list of
permitted uses at 5 Hillcroft Drive

File No. ZA 11 131295

PREPARED BY: Sabrina Bordone, M.C.I.P., R.P.P., ext. 8230
Planner, Central District

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P., ext. 6588
Manager, Central District

RECOMMENDATION:

- 1) That the report titled "PRELIMINARY REPORT", Genthorn Developments Inc., Zoning By-law Amendment application to add restaurants, commercial schools and private schools to the list of permitted uses at 5 Hillcroft Drive, dated March 6, 2012, be received.
- 2) That a Public Meeting be held to consider the application submitted by Genthorn Developments Inc. to add restaurants, commercial schools and private schools to the list of permitted uses at 5 Hillcroft Drive.
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide preliminary information on a Zoning By-law Amendment application submitted by Genthorn Developments Inc. for 5 Hillcroft Drive (the "subject property"), and seek authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable OP or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application.

The application has been deemed complete

The Zoning By-law Amendment application submitted by Genthorn Developments Inc. was deemed complete on January 18, 2012.

BACKGROUND:**Subject property and area context**

The subject property is situated on the northeast corner of Steeles Avenue East and Hillcroft Drive (Figure 1). The property has an area of 0.61 ha (1.5 ac) and contains a one-storey, 1,100 m² (11,840 ft²) commercial plaza with surface parking (Figure 3). The site is surrounded by low density residential uses.

OPTIONS/ DISCUSSION:**Official Plan and Zoning**

The subject lands are designated "Urban Residential" in the Town's Official Plan. The Armadale West Secondary Plan (PD 24-1) identifies a local commercial centre within the vicinity of the Hillcroft Drive and Steele Avenue East intersection. The Local Commercial Centre policies in the Secondary Plan indicate that these sites are intended to serve the convenience retail and personal service needs of the neighbourhood and refers to Section 3.4 of the Official Plan for further direction. Section 3.4.6.3 Neighbourhood Commercial Centre of the Town's Official Plan allows for private and commercial schools and restaurants, subject to the review of a specific development proposal and rezoning.

The subject lands are zoned "Local Commercial" (LC) by By-law 90-81, as amended. The Local Commercial zone permits a range of commercial uses including: banks and financial institutions, personal service shops, business and professional offices, retail stores and taxi stands. Up until recently, a 57 m² (613 ft²) take-out restaurant was illegally operating out of Unit #1. The applicant is requesting that restaurants, commercial schools and private schools be added to the list of permitted uses.

Applicant is not proposing any additions and/or modifications to existing plaza

Recently, the applicant undertook a number of exterior site improvements including: a new concrete pad for the external garbage area, new curbs and grass throughout, a new walkway from the plaza to the intersection of Hillcroft Drive and Steeles Avenue East, the addition of railings at the rear walkway leading from the plaza to Woodhall Road, replacement of the existing retaining wall along the east property line, new parking lot paving, and improvements to the exterior of the plaza. The applicant is not proposing any additions and/or modifications to the existing commercial plaza on site, with the exception of a revised fire route and slightly modified parking layout within its vicinity to accommodate the same (Figure 4).

Parking Requirements

Parking for the site is calculated using the *shopping centre* rate in accordance with the Town's Parking Standards By-law 28-97, as amended, which requires 1 parking space per 23 m² of leasable floor area. The shopping centre rate also specifies that parking for restaurants within such shopping centre shall be calculated at a rate of 1 per 23 m² for that portion which occupies 20% or less of the total leasable floor area of the shopping centre and 1 per 9 m² for that portion which occupies more than 20%. The commercial plaza has a leasable floor area of 1,080 m² (11,625 ft²); therefore, the total number of required parking spaces is 47. There are currently 64 parking spaces on site, resulting in

$$1,080 \text{ m}^2 \times 20\% = 216 \text{ m}^2$$

Actual
Parking Spaces

AS STATED ON APRIL 10, 2012
THAT THERE WERE ONLY 52
SPACES AND THAT REDUCES
SOURCES TO 5 SPACES OR 100

LESS THAN 5 Page 3

a surplus of 17 parking spaces. Although a surplus currently exists, in the event the application is approved, limitations will need to be placed on the maximum permitted leasable floor area dedicated to each of the proposed uses to ensure that adequate parking remains on site, specifically for restaurants and private schools.

Identified issues

The following is a brief summary of concerns/issues raised to date. These matters, and others identified through the circulation and detailed review of the proposal, will be addressed, if necessary, in a final report to Committee:

- 1) The applicant will need to demonstrate, on the proposed site plan, where student pick-up and drop-off will occur and where the outdoor amenity space, if required, will be provided for the proposed "private school" use.
- 2) The applicant is proposing to retain an existing outdoor garbage area, which is partially screened, located at the northeast corner of the site. This outdoor garbage area is subject to review and comment by the Town's Waste Management Department.
- 3) The need for odour control and indoor garbage storage for restaurant uses remain to be determined.
- 4) The applicant has identified a revised fire route on the proposed site plan, which is also subject to review and approved by the Town's Fire Department.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

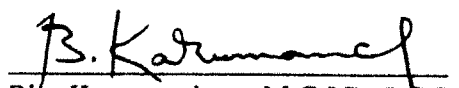
ALIGNMENT WITH STRATEGIC PRIORITIES:

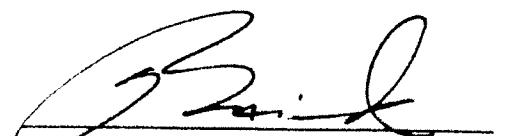
The application should be considered within the context of the Town's growth management and strategic priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments within the Town and applicable agencies for review and comment.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager


Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services