



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	645m²	1 per 23m²	28.0 spaces
Restaurant (up to 20%)*	216m²	1 per 23m²	9.4 spaces
Restaurant (more than 20%)	15m²	1 per 9m²	1.7 spaces
Commercial School	204m²	1 per 20m²	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.

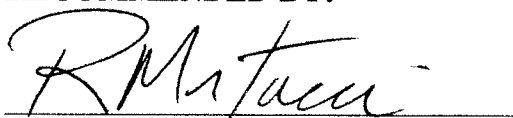
ALIGNMENT WITH STRATEGIC PRIORITIES:

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

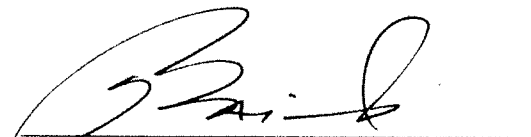
BUSINESS UNITS CONSULTED AND AFFECTED:

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

ATTACHMENTS:

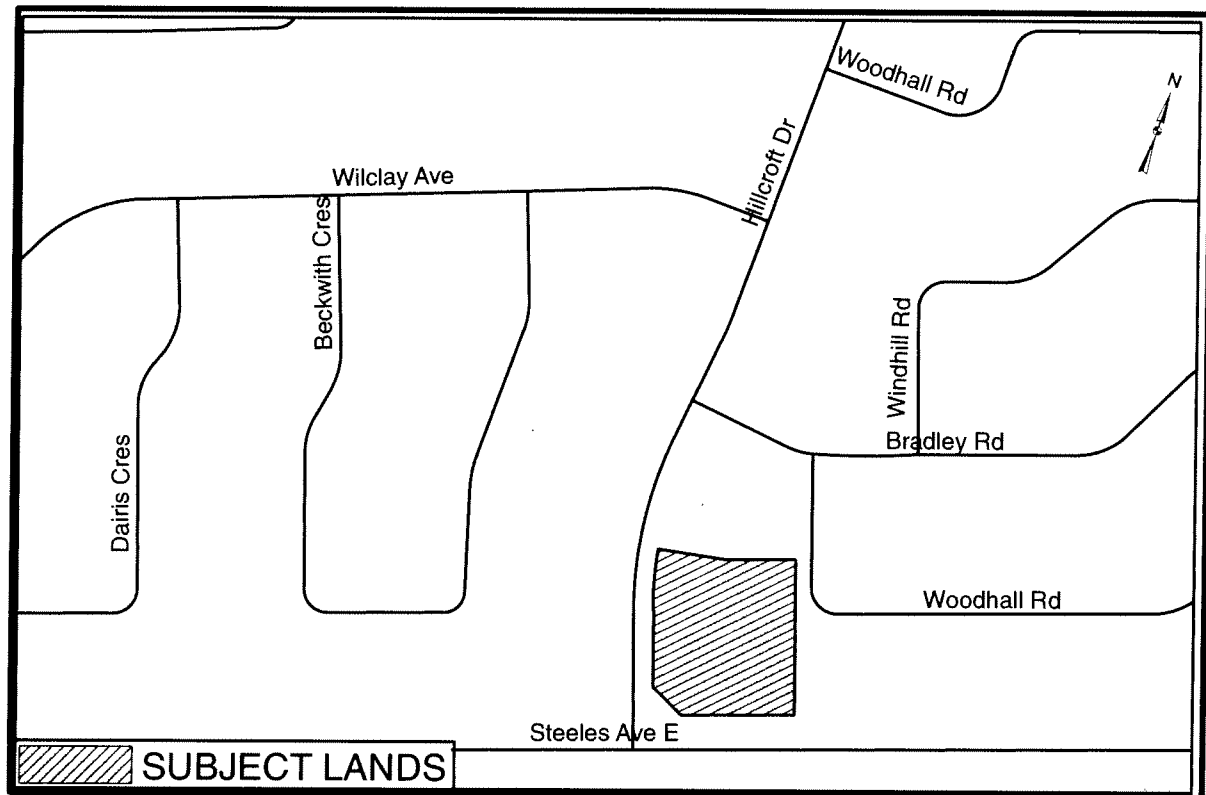
Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo
Figure 4: Proposed Site Plan
Appendix "A" Draft Zoning By-law amendment

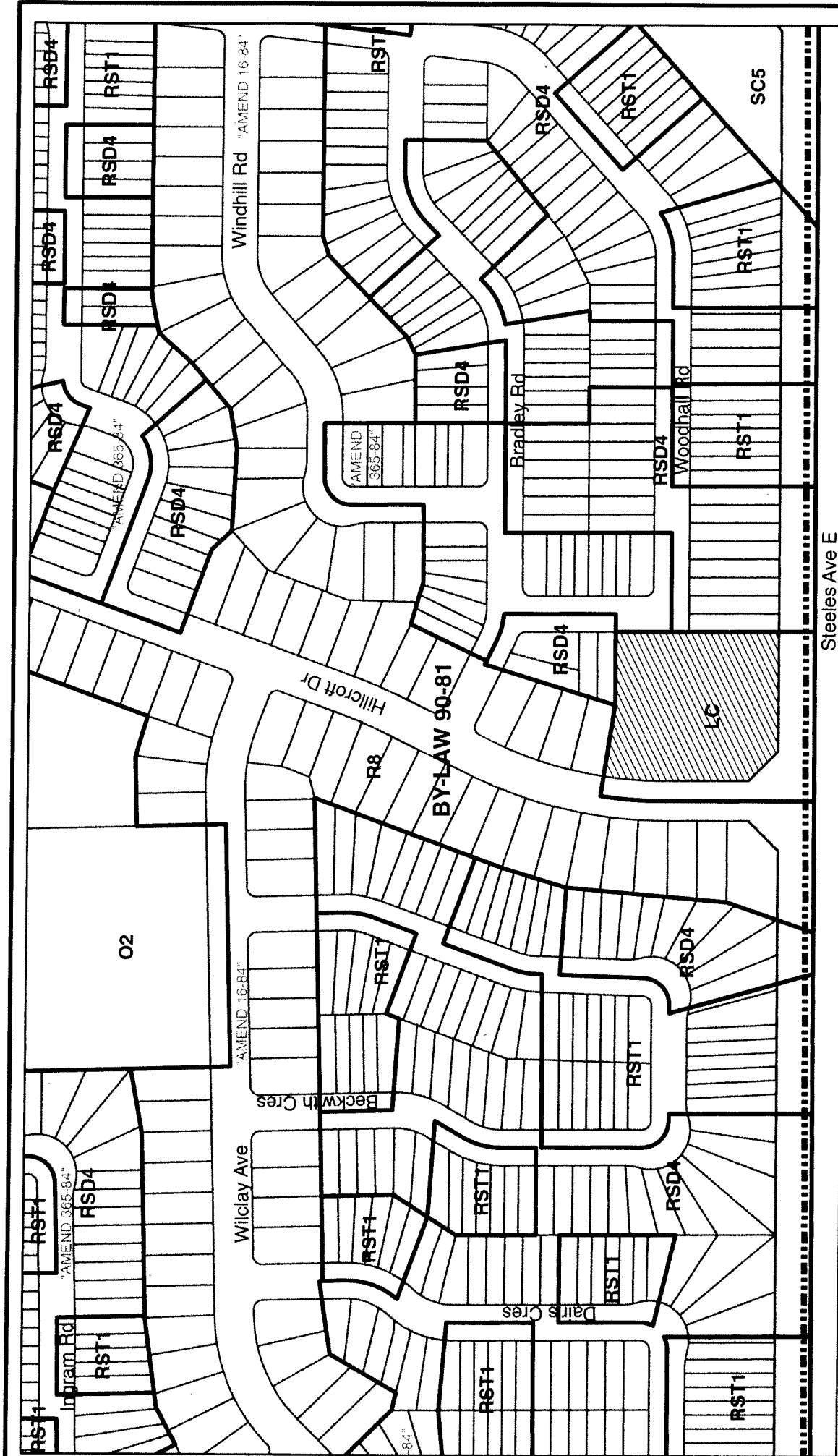
AGENT:

Mrs. Tina Arruda
Genthorn Developments Inc.
8600 Dufferin St.
Vaughan ON L4K 5P5

Tel: (416) 798-2420, Fax: (905) 653-4074

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AREA CONTEXT / ZONING

APPLICANT: GENTHORN DEVELOPMENTS INC.

5 HILLCROFT DRIVE

FILE No. ZA. 11131295 (SB)

 SUBJECT LANDS




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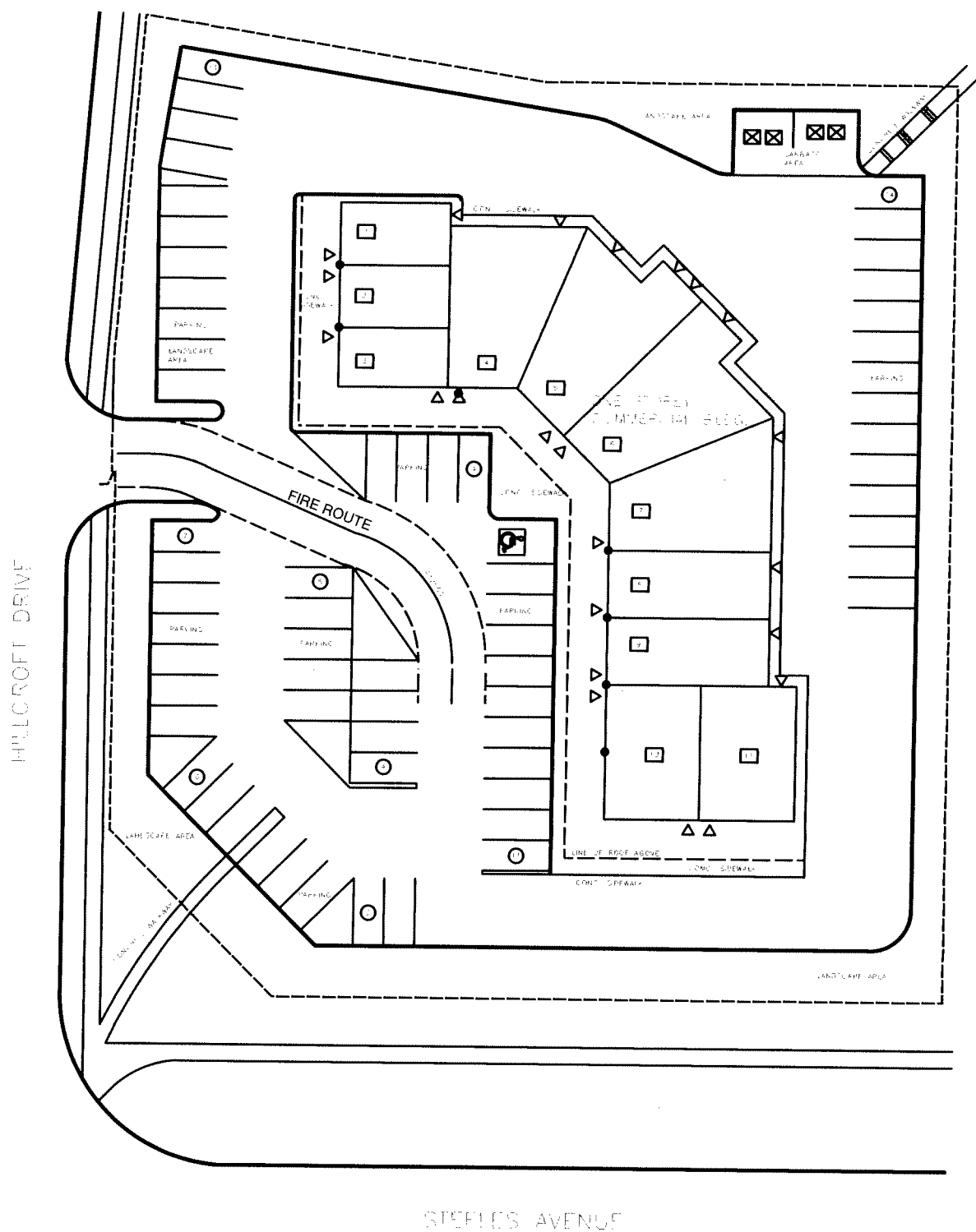
AIR PHOTO

APPLICANT: GENTHORN DEVELOPMENTS INC.
5 HILLCROFT DRIVE

FILE No. ZA. 11131295 (SB)

 SUBJECT LANDS

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SITE PLAN

APPLICANT: GENTHORN DEVELOPMENT INC.
5 HILCROFT DRIVE

FILE No. ZA. 11131295 (SB)

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DATE: 01/27/2012



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SB

FIGURE No. 4



EXPLANATORY NOTE

BY-LAW 2012-***

A By-law to amend By-law 90-81, as amended

**Genthore Developments Inc.
5 Hillcroft Dr
PL 65M2294 BLK 139**

Lands Affected

The proposed By-law amendment applies to lands municipally addressed as 5 Hillcroft Drive.

Existing Zoning

The lands subject to this By-law are zoned Local Commercial (LC) under By-law 90-81, as amended.

Purpose and Effect

The purpose of this By-law is to amend By-law 90-81 in order to allow for additional use permissions including restaurants, take-out restaurants and commercial schools, subject to floor area limitations.

The effect of the By-law is that additional use permissions within the existing building will be permitted.



BY-LAW 2012-XX

A By-law to amend Zoning By-law No. 90-81

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1.0 Zoning By-law No. 90-81, as amended, be and the same, is hereby further amended as follows:

1.1 By adding to Section 7 the following Subsection:

7.57 In addition to the uses permitted in a Local Commercial (LC) Zone under Section 6.4.1 of this By-law, the following uses shall be permitted on lands outlined on Schedule "A", attached hereto;

a) Restaurants and Take-out Restaurants

b) Commercial Schools

Subject to the following conditions;

i) The total combined gross floor area of all restaurants and take-out restaurants shall not exceed 231m²,

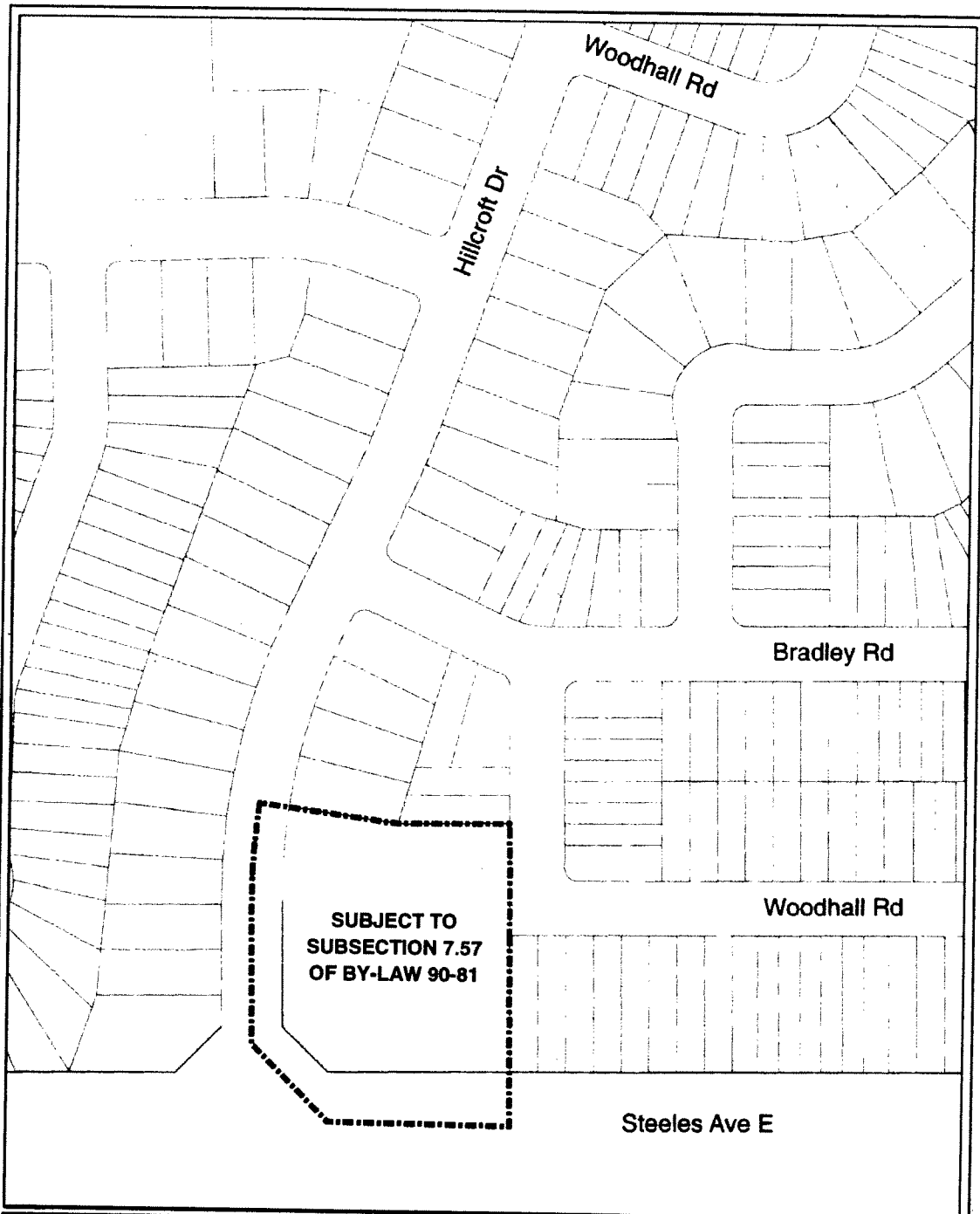
ii) The total combined gross floor area of all commercial schools shall not exceed 204m², and

2.0 All other provisions of Zoning By-law No. 90-81, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
** DAY OF ***, 20**.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 90-81



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

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BY-LAW AMENDMENT No. PASSED
 (MAYOR) (CLERK)



MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: MF

DATE: 08/18/2012

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office