THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL AGENDA
-ADDENDUM 2-

Wednesday, February 7, 2018
7:00 PM

11. PUBLIC MEETINGS

(1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS; INTERSTED PARTIES NOTIFIED

Pages 12-160 **(7:30p.m.)**

(A) Application for Draft Plan of Subdivision & Revised Applications for Official Plan and Zoning Bylaw Amendments
SUNRISE ACQUISITIONS (KESWICK) INC.
Part Lot 7, Concession 3 (NG), Blocks 53 & 54, Ref. Plan 65M-3332; Woodbine Avenue
AGENT: exp Services Inc. (c/o Michael Hayek)

Report No. DS-2018-0003

Additional Correspondence

- Gord Mahoney, Michael Smith Planning Consultants, agent for Keswick Commercial Holdings Inc., owner of lands immediately south of the subject lands, advising that the revised site plan does not address their client's original concerns and outlining one additional concern.

Michael Smith
Planning Consultants;
Development Coordinators Ltd.

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February 6, 2018

Our File No. 1055-00

Maryann Hunt, M.Sc.Pl.
Area Planner, Development Services
Town of Georgina
26557 Civic Centre Road
Keswick, ON.,
L4P 3G1

Dear Ms. Hunt:

RE: Comments on Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment
Blocks 53 and 54. Plan 65M-3332
Town Files: 01.146 (SUBD) 02.188 (OPA) and 03.1097 (ZBA)
Community of Keswick, Town of Georgina

Our firm represents Keswick Commercial Holding Inc. which owns Block 55, Registered Plan 65M-3332. being the lands immediately south of the lands subject to the above-noted applications. We have received the notice of public meeting and the revised site plan pertaining to the applications.

The applications propose a five-block plan of subdivision and amendments to the Keswick Secondary Plan (KSP) and Zoning By-law 500 to facilitate a development that is to contain 39 townhouse dwellings and 3 612 square metres of commercial space. We acknowledge that this is a reduction in the number of townhouse units and an increase in the commercial space from the previous concept that was presented to Council on December 14th, 2016.

Prior to the previous Council meeting, our firm submitted a letter on behalf of our client outlining five concerns with the proposed development at that time. These are reiterated in points 2-6 below. It is our opinion that the revised site plan has not address our client's original concerns.

In addition, the revised site plan has raised another issue of concern for our client.

1. The previous version of the applicant's site plan did not include vehicular connections to our client's property. The proposed vehicular cross connections between the two properties is of significant concern. The cross connections will permit residential traffic to travel through

our client's property. Our firm has spoken with a Traffic Engineer who has advised that commercial and residential traffic streams are very different and should not be mixed.

There are two concerns with mixing the two traffic streams. The issue of resident parking within the commercial development and vice versa. By including a cross connection between the commercial and residential uses the potential for cross parking exists and can lead to complaints of trespass parking and a lack of parking.

The second is the peak period traffic in the afternoon. In the planning report it is noted that the Region of York is not supportive of the full moves access from the applicant's property onto Woodbine Ave. and have requested that it be shown as a right-in/right-out entrance. This will force all north bound afternoon traffic to enter the applicant's property through our client's property. This could lead to poor performance of the entrance.

For these reasons, our client would be opposed to any cross connection between the two properties, where the proposed development contains a residential component. If the applicant wants residential development, the applicant should assess the potential of having the residential use obtain access from Fairwood Dr. with no connection to any of the commercial uses (proposed or existing).

2. According to the site-specific provisions of the C4-7 zoning, a restaurant, including stacking spaces, is not permitted within 90m of a *Low Density Urban Residential (R2)* zone or within 50m of a *Medium Density Urban Residential (R3)* zone.

   The Town's zoning by-law only permits townhouse dwellings within the *"R3"* zone. According to the staff report the applicant is proposing to zone a portion of the subject land to *"R2"* to facilitate the townhouse dwellings.

   The applicant has indicated a 50m setback line on the site plan from the proposed residential zone. According to the zoning bylaw the setback should be 90m. In addition, it appears that the 50m setback was taken from the existing restaurant/drive-through within Block C on our client's property. The setback does not take into account the existing pizza restaurant in the west end of Block B or the future potential use of Block A as a standalone restaurant.

   Approving the proposed zoning by-law amendment would have a negative impact on our client's property. No further restaurants would be permitted on our client's property. Any restaurants that existed prior to the approval of the zoning amendment would be considered legal-non-conforming. However, legal-non-conforming status can lead to future issues and required planning approvals. Future planning approvals on our client's property to permit a restaurant could be met with opposition from new residents within the townhouse development.

3. According to the site-specific provisions of the C4-7 zoning, an outdoor dining area/patio is not permitted within 100m of any *Urban Residential (R1, R2 or R3)* zone. Again, the proposed townhouse use, and necessary zoning, would have a negative impact on our

client's property. If the zoning amendment is approved our client's property would not be able to have an outdoor dining area/patio.

On October 23, 2017, the Committee of Adjustment approved minor variance A28-17 to facilitate the establishment of an outdoor dining area/patio on the east side of Block B which is too be constructed in 2018.

If the proposed zoning is approved before the outdoor dining area/patio is constructed, the outdoor dining area/patio would not be permitted as it would be within the 100m setback of a residential zone. Further, by reducing the setback it could lead to future complaints by the new residents about an out-door patio.

4. Section 5.28 (h) *Parking Area Regulations Yards* – provides that parking for a commercial use is permitted in all yards, provided no part of any parking area, other than a driveway is located closer than 1.5m to any lot line. The section goes on to state that commercial parking areas located contiguously on abutting lots, shall be permitted subject to a site plan agreement between the owners of the subject land and the Town.

   Our client's site plan has a parking aisle and one parking space abutting the lot line between its property and the applicant's property. The use of the parking aisle was to be shared, for commercial parking purposes, with the abutting lands to the north. Both sites have executed site plan agreements with the Town which show the contiguous parking areas.

   If the zoning amendment is approved the location of the parking aisle and parking space would be legal-non-conforming. As stated previously legal-non-conforming status can lead to future complications, planning applications and objections from area residents.

5. Section 5.31 of Zoning By-law No. 500 requires an 8m planting strip between a 'C4' zone and a residential zone. As our client's site was designed in conjunction with the applicant's and both were to consist of commercial uses; a planting strip was not provided.

   The development proposal presented on December 14th, 2016, did not provide a planting strip. The current site plan does provide a 3m planting strip on the applicant's property. It is our understanding, that when a commercial site abuts a residential site, that the intent of Section 5.31 of the zoning by-law is to have the planting strip located on the commercially-zoned lands (i.e. our client's property).

   If the zoning amendment is approved, our client's property would become legal non-conforming in this respect. Any redevelopment or change in the site would require planning approvals or the establishment an 8m wide planting strip. Given the narrow width of our client's property an 8m planting strip would minimize the future developable area.

   The applicant should be required to provide the full 8m planting strip on its property. Further, provided the 8m planting strip is provided on the applicant's property the zoning amendment should specify that an 8m planting strip is not required on the adjacent lands to the south.

6. The applicant's property has an easement over our client's property for the purposes of stormwater conveyance. Our client's property has an easement over the applicant's property for a sanitary sewer. Our client has no issue with the stormwater easement over his property in favour of the applicant but has concerns with his sanitary easement over the applicant's property.

   The sanitary easement is described as Parts 1 to 4 on plan 65R-24170 (Parts 1 to 3 are on Block 53, and Part 4 is on Block 54). On Block 54, the sanitary sewer easement is adjacent to and runs parallel to the westerly lot line.

   At the south limit of Block 53 the easement turns approximately 45 degrees to the north-east towards the outside elbow of Fairwood Drive. According to the site plan of the proposed development, the easement extends through four townhouse properties and through two townhouse units themselves. Townhouse units cannot be built over the easement and in that regard, if the development is approved the easement will need to be relocated. It is our understanding that the relocation of the easement would require the consent of our client.

In our letter of December 9th, 2016, we noted that careful consideration was given by Town planning staff when first recommending approval of the *Shopping Centre Commercial (C4-7)* zone. Consideration between the existing residential uses in the area and the proposed shopping centre. Although a few minor tweaks have been made to the site plan now presented to Council, it is our opinion that the revisions are not enough to minimize or mitigate the potential compatibility issues between the existing commercial uses on our client's property and the residential use proposed on the applicant's property.

For the above noted reasons our client objects to the approval of the submitted applications. We would appreciate being notified of any decision of Council made on these applications. If you have any questions regarding the information provided, please contact our office.

Yours truly,

Gord Mahoney
Planning Consultant

Copy Keswick Commercial Holding Inc. - Owner