

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0025

**FOR THE CONSIDERATION OF
COUNCIL**

May 8, 2024

**SUBJECT: APPLICATION TO AMEND ZONING BY-LAW NO. 500
6786626 CANADA INC. AND 6792715 CANADA INC.
PART OF LOT 6, CONCESSION 3 (NG)
451 AND 453 THE QUEENSWAY SOUTH, KESWICK**

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DS-2024-0025 prepared by the Development Planning Division, Development Services Department dated May 8, 2024 respecting an application to amend Zoning By-law No. 500 submitted by 6786626 Canada Inc. and 6792715 Canada Inc. for lands legally described as Part of Lot 6, Concession 3 (NG) and located at 451 and 453 The Queensway South, Keswick;**
- 2. That in the event no public or Council concerns are raised at the May 8, 2024 Council meeting warranting investigation and a further meeting, Staff recommend the following:**
 - a) That Council approve the application submitted by 6786626 Canada Inc. and 6792715 Canada Inc. to amend Zoning By-law No. 500 to rezone the lands legally described as Part of Lot 6, Concession 3 (NG), located at 451 and 453 The Queensway South, Keswick from a Low Density Urban Residential (R1) zone to a site-specific General Commercial (C1-60) zone; and,**
 - b) That Council pass the amending Zoning By-law at the May 8, 2024 Council meeting; and,**
- 3. That Council acknowledges that there have been revisions to the proposed Zoning By-law since the February 8, 2023 public meeting and that in accordance with Section 34(17) of the *Planning Act* has determined these revisions to be minor and not requiring an additional public meeting; or,**
- 4. That in the event concerns are raised by the public or Council which require further investigation, Staff recommend the following:**
 - a) That Staff report further to Council following the receipt and assessment of the public and Council's comments; and,**

b) That Staff provide written notice of the next Council meeting at which the subject application will be heard, a minimum of two weeks in advance of the date of said meeting, to the following:

- i) Any person or public body that has requested to be notified of any future public meeting(s); and,**
- ii) Any person or public body that has requested to be notified of Council's decision regarding the approval or refusal of the subject application.**

2. PURPOSE:

The purpose of this report is to provide Staff's review and recommendations respecting an application for Zoning By-law Amendment (ZBA) submitted by 6786626 Canada Inc. and 6792715 Canada Inc. to permit the development of a proposed restaurant on the subject lands.

3. BACKGROUND:

3.1 SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is comprised of two separately owned parcels located on the east side of The Queensway South, north of Glenwoods Avenue (refer to Attachment 1). The parcels will need to be consolidated into one (1) single parcel to the satisfaction of the Town to enable the development as proposed. Registration of this consolidation on title will be a condition of Site Plan Approval. The subject lands have a combined lot area of approximately 1,757 square metres and a frontage of 29.4 metres, and are currently vacant.

North: A commercial/office building

South: A residentially zoned vacant property

East: A larger-scale commercial mall (Glenwoods Centre)

West: The Queensway South and residential uses

3.2 PROPOSAL

The application proposes to facilitate the construction of a dine-in restaurant with a drive-thru on the subject property. A Zoning By-law Amendment (ZBA) application has been submitted to permit the proposed development. The property is currently zoned Low Density Urban Residential (R1) and the applicant is proposing to rezone the property to site-specific General Commercial (C1-60) to permit the restaurant use and to include site-specific regulations for front and side yards, parking spaces, fencing, planting strips, and the placement of waste and recycling bins.

The most recently submitted documents are available from the Development Planning Division or via the link below:

[Submission Documents](#)

3.3 FEBRUARY 8, 2023 PUBLIC MEETING

On February 8th, 2023, Council received Report No. [DS-2023-0003](#) respecting the subject Zoning By-law Amendment Application. Comments and concerns were raised by Town Staff regarding access, parking, circulation, grading, and design matters. A full list of concerns and a response has been included in Section 5 of this report.

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 PUBLIC CONSULTATION

A Notice of the February 8, 2023 Public Meeting was mailed to all assessed property owners within 120 metres of the subject property on January 13, 2023.

As per the *Planning Act*, one (1) public notice sign was posted on the property on January 7, 2023. For the purpose of additional public notification, the Notice of Public Meeting was posted in the January 12, 2023 edition of the Georgina Advocate and to the Town's website on January 13, 2023.

As per the previous public meeting recommendations, written notice of the next Council meeting was provided at least 2 weeks in advance.

As of writing the report, Staff have not received any submissions from the public.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

Town department and external agency comments received are provided in Attachment 4 and are summarized below.

Development Engineering Division

The Development Engineering Division had previously expressed a number of issues regarding access, parking, circulation, grading and design matters, and identified the need for a Site Plan Agreement(s) related to shared parking and access easements registered on title for both the subject property and the Glenwoods Centre property. In addition, a peer review of the submitted Transportation Study (Update) and Noise Feasibility Study were required at the Owner's expense.

Development Engineering Staff have confirmed that the above issues have been resolved or will be addressed prior to finalization of the Site Plan Approval process.

Planning Policy Division

The Planning Policy Division has provided updated comments stating that all matters regarding tree preservation and compensation have been resolved, and there are no concerns regarding the proposal.

Development Planning Division

The Development Planning Division has indicated no objection and noted that the parking and access easement must be registered on title, and the two separately owned parcels must be merged on title. Both of these items are required to be conditions of Site Plan Approval.

Building Division

The Building Division has indicated no objection and noted that once an application for a building permit is received, a full review of the documents to confirm compliance with the Ontario Building Code will be undertaken.

Park Development and Operations Division

The Park Development and Operations Division has indicated that cash-in-lieu of parkland will be required for this application.

Georgina Fire Department

The Fire Department has provided comments relating to conformity with the Ontario Building Code, the implementation of a Fire Safety Plan, and that the fire route shall be constructed as per Ontario Building Code and designed to support the weight of the heaviest responding apparatus to the property during an emergency, which is 100,000 lbs.

Lake Simcoe Region Conservation Authority (LSRCA)

The LSRCA has indicated no objections and notes that technical comments pertaining to engineering can be addressed through the Site Plan Approval process.

York Region

York Region has indicated no objection to the proposed ZBA including one (1) vehicular access from The Queensway South. The Region has provided preliminary technical comments respecting the submitted Site Plan application, which include the conveyance of land for a right-of-way widening and treatment for the boulevard/multi-use path, as The Queensway South is identified as part of the Lake to Lake Route. In addition, the Region will require that water demands, including fire flows for the proposed development, are to be documented and the Functional Servicing Report is to be updated before Site Plan Approval.

The Region advises that there is a current capacity constraint in Keswick and the Owner cannot apply for building permits until the Region's Keswick Sewage Pumping Station (KSPS) upgrade project is completed. York Region Staff require that development be prohibited from occurring on the property until the upgrades to the KSPS are completed.

Enbridge Gas Inc.

Enbridge Gas Inc. has indicated that they do not object to the proposed application, however, they reserve the right to amend their development conditions.

The below departments / agencies have no comment:

- Tax and Revenue Division
- Rogers Communications
- Conseil scolaire Viamonde

5. ANALYSIS:

A thorough review and analysis of the proposal against Town, Region and Provincial policy was undertaken and provided through the February 8, 2023 [Staff Report](#). In this regard, the current analysis will focus on how outstanding comments and issues have been or will be satisfactorily addressed.

Engineering Comments

The Development Engineering Division previously recommended deferral of the application until a number of issues regarding access, parking, circulation, grading and design matters were adequately addressed. An updated Site Plan has been submitted with a re-configured design that provides adequate access, parking and circulation. Development Engineering Staff have no concerns regarding the updated plan.

Updated Proposed C1-60 Zoning Provisions

Staff note that there were a number of proposed site specific zoning provisions listed in the initial report that staff did not support. Refer to the table below for a summary of updates since the last proposal.

Provision	Standard C1 Zoning Provisions	2023 Proposed C1-XX Zoning Provisions	2023 Staff Comments	Updated Proposed Zoning Provisions

Front Yard (Minimum)	12.0 metres	3.0 metres	The proposed building is 8 metres from the front property line. Additional clarification/justification is required from the applicant in support of the request for a minimum front yard setback of 3 metres.	8.0 metres
Exterior Side Yard (Minimum)	12.0 metres	9.0 metres	The subject property is not a corner lot and there is no Exterior Side Yard. An exception is not required.	Removed
Loading Space (Building > 185 square metres and up to 550 square metres)	1	0	A loading space is required to accommodate deliveries to the restaurant. Staff do not support the proposed change.	1
Parking (10 per 95 square metres of non-residential floor area)	27	15	A peer review of the parking analysis report is required. At this time there is insufficient information for Staff to support the proposed change.	12; parking analysis has been peer reviewed and overflow parking will be provided via the commercial plaza to the east
Aisle Width (Minimum)	3 metres for parallel one-way, or 6 metres parallel for two-way, or 7 metres for 90 degree two-way	3 metres	A 7-metre aisle width between the 90-degree parking spaces is required to accommodate two-way traffic. Staff do not support this change.	A 7-metre aisle width between the 90-degree parking spaces is now provided.
Fencing	Fencing is permitted	No fence	Staff recommend that a privacy fence be required along the south lot line. Staff do not support this change.	A fence will be provided.
Planting Strip	3 metres along a	No planting strip	Staff support this change on the condition that a	Fence height determined to be

	residential use.	required along south lot line.	board-on-board privacy fence is provided within the subject property along the south lot line. The height of the required fence will be determined through the peer review of the noise study.	2 metres based on peer reviewed noise study.
Angle of Intersection between a driveway and a street (Minimum)	60 degrees	40 degrees	The submitted plans indicate a 90 degree intersection. Staff do not support the proposed change.	The 40 degree angle of intersection is no longer requested; as per the submitted plans the angle of intersection shall be 90 degrees.

Parking Easement

To accommodate additional parking off-site, an easement agreement between the applicants and the owners of the abutting commercial plaza site (Glenwoods Centre) is required. The easement will also be required for the proposed mutual driveway between the subject property and the Glenwoods Centre, which will also permit pedestrian and service access.

A draft easement has been provided by the applicant and has been reviewed and determined to be satisfactory by Town Staff. To ensure that this easement is in force and effect, one of the conditions of Site Plan Approval will be registration of the easement on title of both the subject property and the neighbouring Glenwoods Centre.

Drive-Thru Stacking

Staff note that the previous proposed development plan included a drive-thru with two (2) queuing lanes and eleven (11) stacking spaces; however, the dimensions of the stacking spaces were not shown on the plan. Staff have since received an updated development plan showing the dimensions of the stacking spaces and have no concerns.

Front Load Semi-in-Ground Bins

Staff note that the proposal now includes 3 front load semi-in-ground waste and recycling bins located near the southern lot line, whereas the previous proposal only included two. Town Staff have no concerns with this change.

Loading Space

Staff note that on the previous proposal, the proposed loading zone encroached into the drive aisle, which is not permitted. An updated Site Plan without the encroachment has been provided. Staff now have no concerns about the loading space placement.

Suitability of Holding (H) Symbol

York Region has requested that a building permit not be issued until the Keswick Sewage Pumping Station (KSPS) upgrades have been completed. As the proposal is still in the process of proceeding through a Site Plan application, there is the opportunity to require the KSPS upgrades to be completed as a condition of Site Plan Approval. On May 1, 2024 York Region Staff confirmed that they would be satisfied with development being prohibited from occurring on the property until the upgrades to the KSPS occur as a condition of Site Plan Approval.

Consequently, Town Staff are satisfied that a 'H' Holding symbol is not required in the proposed Zoning By-law as the conditions of Site Plan Approval will ensure development does not occur on the property until the pumping station upgrades are completed, the access easement is registered on title, and the two parcels are consolidated into one ownership.

The matters raised in the previous report have been addressed to Staff's satisfaction, and any outstanding matters can be addressed through the Site Plan Control process.

Staff recommend that the amending Zoning By-law be passed without a 'H' Holding symbol.

6. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following Town of Georgina Corporate strategic goal: Ensuring Balanced Growth.

7. FINANCIAL AND BUDGETARY IMPACT:

There are no financial concerns or budgetary impacts on the Town as a result of this application. The owners/applicants will be required to apply for and obtain all necessary approvals associated with building permits, site alteration permits and entrance permits, and to pay the applicable associated costs for same, including the payment of development charges and park levy where applicable.

8. CONCLUSION:

Staff are satisfied that all of the concerns previously raised by Staff, Council, agencies and members of the public have been adequately addressed or will be dealt with through the Site Plan Approval process. Staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for the orderly development of the land,

represents good planning, and conforms with applicable Town, Regional and Provincial Plans.

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Planner I

Reviewed By: Janet Porter, MCIP, RPP
Manager of Development Planning

Recommended By: Denis Beaulieu, MCIP, RPP
Director of Development Services

Approved By: Ryan Cronsberry
Chief Administrative Officer

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Photographs

Attachment 3 – Plans and Drawings

Attachment 4 – Consolidated Comments

Attachment 5 – Draft Amending Zoning By-law