

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0056

**FOR THE CONSIDERATION OF
COUNCIL**

October 23, 2024

**SUBJECT: APPLICATION TO AMEND ZONING BY-LAW NO. 500
13693449 CANADA INC. AND 20962 DALTON ROAD LIMITED
PARTNERSHIP
PART OF LOT 11, BLOCK 60, PLAN 69**

1. RECOMMENDATIONS:

- 1. That Council receive Report DS-2024-0056 prepared by the Development Planning Division, Development Services Department dated October 23, 2024 respecting an application to amend Zoning By-law No. 500 submitted by Shenshu Zhang on behalf of 20962 Dalton Road Limited Partnership and 13693449 Canada Inc. for lands municipally addressed as 20962 Dalton Road;**
- 2. That Staff report further to Council following the assessment of all Town Department and external agency comments presented in Report No. DS-2024-0056, as well as any comments raised by the public and Council at the Public Meeting; and,**
- 3. That Staff provide written notice of the next Council meeting, a minimum of two weeks in advance of the date of said meeting, to the following:**
 - a) Any person or public body that has requested to be notified of any future Council meeting(s); and,**
 - b) 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 preliminary analysis and outline comments received respecting an application for Zoning By-law Amendment (ZBA) submitted by Shenshu Zhang on behalf of 20962 Dalton Road Limited Partnership and 13693449 Canada Inc. to facilitate a proposed addition to an existing commercial building.

3. **BACKGROUND:**

3.1 **SUBJECT PROPERTY AND SURROUNDING LAND USES**

The subject property is located on the west side of Dalton Road, north of Black River Road in Sutton. The property currently contains commercial uses.

North: Woodland and Wetland

South: Commercial uses

East: Commercial uses, Motel and Medium Density Residential Rental uses

West: Woodland and Wetland

Refer to *Table 1* below for a summary of property information.

Table 1 – Summary of Property Information		
General Property Information		
Municipal Address	20962 Dalton Road	
Legal Description	Part of Lot 11, Block 60, Plan 69, Part 2, Plan 65R-2291	
Roll Number	197000008091300	
Lot Frontage	60.35 Metres (51.59 Metres after proposed consent)	
Lot Area	5,518.39 Square Metres (2,761.76 Square Metres after proposed consent)	
Zoning	General Commercial (C1)	
Sutton/Jackson’s Point Secondary Plan Designation	Dalton Road South Corridor and Environmental Protection Area (To the rear)	
York Region Official Plan	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Commercial Building	
Proposed Structures	Second Storey Addition to existing Commercial Building	
Key Natural Heritage Features	Woodland (Rear of property)	
Natural Hazards	None	
Regulatory Status		
Heritage Status	Neither listed nor designated	
LSRCA	Yes	
MTO	No	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Dalton Road	Dalton Road

Refer to Attachments 1 and 4 for the location map and site photos of the subject property respectively.

3.2 PROPOSAL

The application proposes to facilitate the construction of a second storey addition to the existing commercial building on the property. A Zoning By-law Amendment (ZBA) application has been submitted to permit the proposed development. While the property is currently zoned General Commercial (C1) and the applicant is proposing to continue the same usage on the property, the development proposal is deficient in several zoning matters, including the minimum amount of parking, the minimum number of loading spaces, the minimum drive aisle width and the minimum interior side yard.

Future Draft Plan of Condominium, Site Plan and Consent applications associated with the proposal are also proposed but have not been submitted to date. Future development is also proposed to occur on the lot to be severed at the rear.

3.3 SUBMISSION MATERIALS

Refer to Attachment 3 for a summary of all submission documents. Submitted documents are available from the Development Planning Division or via the below link:

[Submission Documents](#)

4. **PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

4.1 PUBLIC CONSULTATION

An initial submission was provided on November 10, 2023. Due to substantial differences with the initial pre-consultation application, the Zoning By-law Amendment application was deemed incomplete on December 7, 2023 and was circulated for updated pre-consultation comments instead. A resubmission was provided on May 27, 2024. All outstanding pre-consultation requirements were received by the Town on August 20, 2024. The application was deemed complete via letter on August 26, 2024.

A Notice of Complete Application and Public Meeting was mailed to all assessed property owners within 120 metres of the subject property on September 25, 2024. For additional notification, the notice was also posted to the Town website on September 25, 2024.

As per the *Planning Act*, one (1) public notice sign was posted on the property on September 26, 2024.

At the time of writing this report, no comments from members of the public have been received.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

Town department and agency comments received are available in Attachment 6 and are summarized below.

Development Engineering Division

The Development Engineering Division has provided comments requesting that the applicant either remove the future development area from the drawings or add the proposed grading and servicing details of this area to the drawings. They also advise that the applicant will need to have water and sanitary modeling completed by GEI.

Planning Policy Division

The Planning Policy Division has provided comments related to the submitted Urban Design Brief, including the design of the building and rooftop materials. The Division has no concerns regarding the provided Tree Inventory and Landscape Plan.

Georgina Fire Department

The Fire Department has provided detailed design comments related to the load-bearing capacity of fire routes and have requested that all construction be in conformance with the Ontario Building Code.

Lake Simcoe Region Conservation Authority (LSRCA)

The LSRCA has no concerns related to the proposal and has noted that a permit or written clearance from the LSRCA will be required. Comments relating to paying the LSRCA application fees associated with a Minor Zoning By-law Amendment were provided. Staff note that this fee has since been paid.

York Region

York Region has indicated no objections to the proposal and has provided comments related to servicing and right-of-ways. The Region has also requested further information to support the proposed full move access onto Dalton Road, including potential conflicts with the entrances for neighbouring properties.

The below departments / agencies have no comment:

- Enbridge Gas Distribution
- Tax and Revenue Division
- York Catholic District School Board

- Hydro One

5. **ANALYSIS:**

The following is an overview of the proposed Zoning By-Law Amendment against applicable Provincial, Regional and Town planning documents.

5.1 **PROVINCIAL POLICY FRAMEWORK**

Pursuant to Section 3(5) of the *Planning Act*, a decision of the Council of a municipality, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement and shall conform with, or not conflict with, the Provincial Plans that are in effect.

5.1.1 **The Provincial Policy Statement, 2020 and 2024 (PPS)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and plays a key role in setting the policy foundation for regulating development and the use of land in Ontario. Staff note the 2024 Provincial Planning Statement (PPS 2024) will come into force on October 20, 2024. As such, this report will discuss conformity with both the 2024 and 2020 Provincial Policy Statements.

The subject property is considered Settlement Area in both the 2020 and 2024 PPS. Both policy documents define Settlement Areas as urban areas and rural settlement areas, including cities, towns, villages and hamlets, within municipalities that are built-up areas where development is concentrated. Settlement Areas have a mix of land uses and are the focus of growth and development. As per the 2020 PPS, appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The 2024 PPS has a similar policy, which states that Planning authorities shall support the general intensification and redevelopment to support the achievement of complete communities.

Both the 2020 and 2024 PPS do not permit development and site alteration on lands adjacent to natural heritage features identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological function. Consequently, as noted in Section 5.3, should the applicant wish to proceed with the submission of a Consent application and/or development in the rear portion of the property, an Environmental Impact Statement (EIS) will be required.

Staff have reviewed the application against the PPS and are satisfied the current proposal is consistent with the PPS 2020 and PPS 2024.

5.1.2 The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a document that informs decision-making regarding growth management in the Greater Golden Horseshoe until the year 2051. Staff note that the Growth Plan will be repealed on October 20, 2024 in favour of the new PPS. However, as the plan is in force and effect at the time of writing this report, a review has been included below.

The Growth Plan identifies the subject property to be within a built-up area of a settlement area. Similar to the PPS, the Growth Plan directs growth and development to settlement areas and in particular to the built-up areas. The policies of the Growth Plan strive to achieve complete communities, which among others, encourage intensification generally throughout the delineated built-up area.

Staff are of the opinion that the application conforms with the Growth Plan.

5.1.3 The Greenbelt Plan, 2017 (GBP)

The Greenbelt Plan (GBP) identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on the landscape.

The subject property is located in Sutton, which is designated Towns / Villages on Schedule 1 of the GBP. Pursuant to Section 3.4.3, Towns / Villages are subject to the policies of the Growth Plan and continue to be governed by official plans. The designation is not subject to the policies of the GBP, save and except for the policies of Sections 3.1.5 (Agri-food Network), 3.2.3 (Water Resource System Policies), 3.2.6 (External Connections), 3.3 (Parkland, Open Space and Trails) and 3.4.2 (General Settlement Area Policies), which do not affect the subject proposal.

As such, Staff are of the opinion that the application conforms with the GBP.

5.1.4 The Lake Simcoe Protection Plan, 2009 (LSPP)

The Lake Simcoe Protection Plan (LSPP) seeks to protect, improve and restore the elements that contribute to the ecological health of the Lake Simcoe Watershed, including water quality, hydrology, key natural heritage features and their functions, and key hydrologic features and their functions.

The subject property is partially regulated under Ontario Regulation 41/24. A permit or written clearance from the LSRCA will be required to facilitate the development proposal.

The LSRCA has reviewed the proposal and have no concerns. Staff note that matters relating to water balance and phosphorus loading will be addressed at the Site Plan approval stage.

Staff are of the opinion that the application conforms with the LSPP.

5.2 York Region Official Plan, 2022 (YROP)

The subject property is designated Urban Area on Map 1, and Community Area on Map 1A of the York Region Official Plan (YROP). Section 4.1 of YROP states that the Urban Area is the primary location for growth and development. Section 4.2.1 further states that community areas are where the majority of residents, personal services, retail, arts, culture, recreational facilities and human services needs, will be located.

York Region has reviewed the application and has no objections, subject to addressing comments provided with respect to servicing, road widening and transportation requirements.

Staff are of the opinion that the application conforms with the policies of the YROP as implemented by the Town.

5.3 Sutton/Jackson's Point Secondary Plan, 2013 (SJPSP)

The 2013 Sutton/Jackson's Point Secondary Plan (SJPSP) provides specific land use and development direction for the Sutton/Jackson's Point Settlement Area. The purpose of the Secondary Plan is to manage growth and development, ensuring a high quality of life for present and future residents.

Permitted Commercial Development

The subject property is designated primarily Dalton Road South Corridor on Schedule B - Land Use Plan to the Sutton/Jackson's Point Secondary Plan. A small portion of the western section of the site is designated as Environmental Protection Area on Schedule B.

Pursuant to Section 13.2.6.5 ii), business and professional offices, restaurants, and retail and service commercial uses are permitted in the Dalton Road South Corridor designation.

Environmental Features

Staff note that a small portion of the rear of the property is designated Environmental Protection Area, and there is a woodland and a provincially significant wetland to the west and north of the site. As the current proposal is a second storey addition to an existing commercial building, and the majority of the site is already disturbed/paved, no impact on the natural heritage features is anticipated and an Environmental Impact Statement was not required to facilitate the proposed addition.

Staff note that the applicant has shown a 'future development' area on the Site Plan, at the rear of the property adjacent to the Environmental Protection Area designation

and existing natural heritage features. Should the applicant wish to proceed with the submission of a Consent application and/or development in the rear portion of the property, an Environmental Impact Statement (EIS) will be required to ensure conformity with the Town's environmental policies.

Sanitary Sewer and Water Servicing Allocation

The proposal consists of 6 commercial condominium units. Servicing allocation assignment is not required for commercial uses.

Urban Design Guidelines

In support of the subject application, the applicant has submitted an Urban / Architectural Design Report prepared by TAES Architects Inc., November 2023. Staff have reviewed the provided Urban / Architectural Design Report and have no concerns. Additional information has been requested regarding the proposed 'cool roof' and rooftop mechanical equipment.

Future Consent Application

The proposed amending Zoning By-law and Site Plan both contemplate a future severance and development at the rear of the property, which results in the need for several of the requested site specific zoning exceptions such as reduced parking and side yard setback requirements. The submitted Planning Justification Report notes that the severed lot will be utilized for future residential development. Staff are concerned that the proposed severance is premature given the absence of a formal development proposal on the balance of the property. In this regard, the applicant has not demonstrated that residential development is feasible or appropriate at the rear of a commercial building and on a parcel without any street presence, nor that the adjacent natural heritage features can adequately be protected. Furthermore, a severance will require access easements between the two properties and separate servicing connections to the sanitary sewer and watermain within Dalton Road. Consequently, further review regarding the feasibility of the proposed consent is required.

Functional Servicing and Stormwater Management Report

In support of the application, a Functional Servicing and Stormwater Management Report was submitted by WPE Engineering Ltd, dated August 2023 and revised March 2024. This report is still being reviewed by Town Staff.

Sanitary Sewer and Water Servicing

Municipal sanitary sewer and water services are physically installed on Dalton Road, and the site is already connected to these services.

Stormwater Management

Control of both stormwater quantity and quality is required for the proposed development. The report anticipates that on-site treatment of storm water is to be achieved via rainfall runoff being discharged to the surface through roof leaders and captured by the proposed catch basins within the driveway and conveyed to the proposed underground storm chambers located on site. The applicant is proposing to utilize an offline Jellyfish Filter device to provide water quality treatment. The unit has been sized to treat the impervious areas based on a minimum 80% TSS (Total Suspended Solids) removal. Town Staff are still in the process of reviewing this document and confirming if it adheres to the Town's requirements and the Lake Simcoe Protection Plan.

5.4 Zoning By-law No. 500

The subject property is currently zoned General Commercial (C1) on Map 6 of Schedule 'A' of Zoning By-law No. 500.

Proposed Draft Amending By-law (Attachment 5)

The applicants are proposing to rezone the property to site-specific General Commercial (C1-XX) zone, which is intended to legalize the parking and loading space deficiencies increased by the proposed second storey addition to the existing building, as well as the reduced interior side yard setback that will be created as a result of the future consent. Staff note 70 parking spaces are required, and 33 are proposed. The number of loading spaces required is also requested to be reduced, from 2 spaces to 1. A reduction in the driveway width from 7 to 6 metres is also requested.

Section 5.28 (b) – Parking

Section 5.28 of Zoning By-law 500, as amended, requires that adequate parking is provided for all development, and Section 5.28 e) further clarifies that when an addition to an existing use is proposed, any previously existing parking deficiency must be made up prior to the construction of the addition.

The proposed development includes a total of 33 parking spaces. As per Section 5.28 b), for multi-unit commercial buildings, a total of 5.5 parking spaces per 95 square metres of non-residential floor area is required. As the proposal will have of a total floor area of 1,207.75 square metres, 70 parking spaces will be required.

Staff note that currently the building has 30 parking spaces whereas 41 are required. The applicant is proposing to sever the rear portion of the site for future development, and consequently does not want to use this space for parking. In addition, the road widening to be taken by York Region will remove several of the currently existing parking spaces.

Staff are of the opinion that the proposed parking relief requires further review. Development Engineering staff are currently reviewing the submitted Parking Study to determine whether the requested reduction is suitable and appropriate.

By-law 2018-0054 – Accessible Parking

One (1) accessible parking space is required by By-law 2018-0054. Two (2) spaces are proposed.

Section 5.28 (i) Private Roads – Vehicle Manoeuvring

An access driveway requires a minimum width of 6 metres, which is the width proposed. A minimum width of 7 metres is required for aisles in a parking area with two-way traffic with 90-degree parking spaces in order to allow for effective car manoeuvring. A 6-metre aisle in the parking area at the front of the site is currently proposed. Relief will be required to permit the requested aisle width. No measurement was given for the aisle at the rear portion of the site. Town Staff will follow up with the applicant to confirm this width. Staff note this minimum aisle width relief was not requested in the initial application.

Section 5.25 Loading Space Requirements

Two loading spaces are required for the proposal. Currently, 1 loading space is proposed. Staff note that currently there are no loading spaces located on the site.

Reduced Interior Side Yard

As a result of the proposed consent to sever the rear and northerly portion of the site, the existing building will have a reduced interior side yard setback of 1.04 metres, whereas 1.5 metres is required. Town Staff have not yet received a Consent application. As such, Council may wish to defer the passing of the by-law until the applicant has moved further along the Consent application process.

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.

8. ISSUES REQUIRING CONSIDERATION AND RESOLUTION:

The following matters must be resolved:

- Review of the submitted Engineering Studies by Town Staff
- Additional details respecting the feasibility of residential development in the context of the proposed future Consent application
- Determination whether a full move entrance is supportable for the site
- Determination whether an Environmental Impact Statement is required
- Public, Council and Agency comments

9. CONCLUSION:

Subject to satisfactorily addressing the comments raised in this Report, Staff are of the opinion that the proposed ZBA application is generally consistent with the planning policy framework of the SJPSP.

Given Staff and Public comments, Staff are of the opinion it is appropriate that Council receive the report, and that the application return to Council once the issues requiring consideration have been resolved.

Prepared By:	Brittany Dobrindt Planner II
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 – Conceptual Site Plan and Elevations

Attachment 3 – Summary of Submission Documents

Attachment 4 – Site Photographs

Attachment 5 – Draft Amending Zoning By-law

Attachment 6 – Consolidated Comments