

7

OFFICIAL PLAN AMENDMENT NO. 225 – RIOTRIN PROPERTIES

The Planning and Economic Development Committee recommends the following:

- 1. The deputation by Brent Clarkson, MHBC Planning, March 1, 2005, on behalf of Riotrin Properties, be received; and**
- 2. The recommendation contained in the following report, February 3, 2005, from the Commissioner of Planning and Development Services be adopted:**

1. RECOMMENDATION

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give notice to approve Amendment No. 225 to the Official Plan of the Town of Richmond Hill after the applicant has withdrawn its current appeal concerning this matter at the Ontario Municipal Board.

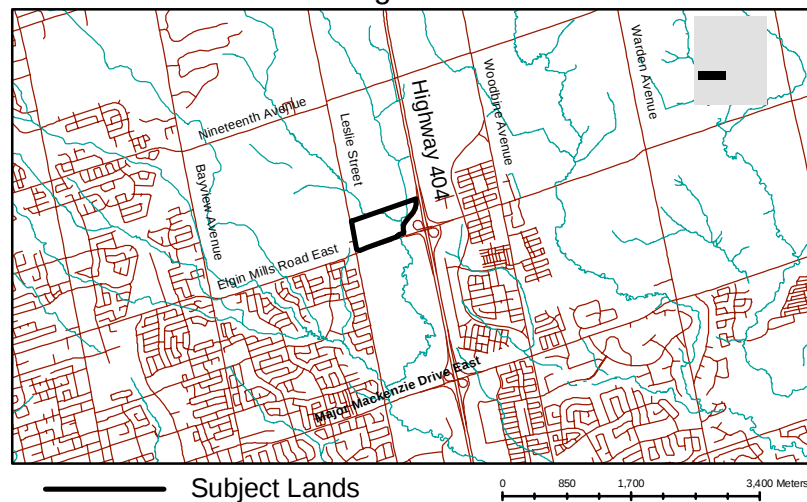
2. PURPOSE

The purpose of this report is to recommend approval of the Town of Richmond Hill's Official Plan Amendment No. 225 (OPA 225).

3. BACKGROUND

The subject lands are located at the north-east corner of Elgin Mills Road East and Leslie Street in the Town of Richmond Hill (*Figure 1*).

Figure 1



The property is 19.2 hectares (47.44 acres) in size and is owned by Riotrin Properties (Richmond Hill) Inc. The western portion of the lands is generally flat and currently under active agricultural production, while the eastern portion of the lands contains the West and Main Branches of the Rouge River.

The surrounding uses are as follows: the Highway 404 Right-of-Way to the east; the Elgin Mills Cemetery to the south; the Richmond Green Recreational Complex to the west; and, agricultural lands to the north.

On October 29, 2002, Riotrin filed applications for zoning amendment and subdivision with the Town of Richmond Hill. On January 15, 2003, an application to amend the Town's Official Plan was filed to permit an "open air retail centre", with a maximum floor area of approximately 44,000 square metres (473,628 sq. ft.). The proposal was to be anchored by a food store and a home improvement facility. The application also proposed a gas bar and a road crossing of the Rouge.

The applications were subsequently appealed to the Ontario Municipal Board (OMB) and were consolidated with applications by the Bayview East Landowners Group (BELG) concerning lands within the North Leslie Secondary Plan to the west and north.

3.1 North Leslie Ontario Municipal Board Hearing

On November 19, 2003, the North Leslie Secondary Plan OMB Hearing began. However, the hearing was subsequently adjourned for the OMB to consider a motion by BELG seeking the recusal of one of the OMB members from the panel. On December 16, 2003, the Province of Ontario gave first reading to *Bill 27, the Greenbelt Protection Act*. The Greenbelt Protection Act and Minister's Zoning Order placed a moratorium on development of lands outside of identified urban boundaries.

The majority of the North Leslie lands are designated Rural, and are affected by the provincial legislation. However, the first concession lot north of Elgin Mills Road East, including the Riotrin property, are designated “Urban Area” and are therefore not impacted by the Greenbelt legislation. On this basis, at a pre-hearing conference on May 14, 2004, Riotrin requested that the OMB “deconsolidate” Riotrin’s applications from the North Leslie Hearing. On July 13, 2004, the OMB allowed Riotrin’s request to deconsolidate on the basis that the lands were within the urban boundary.

3.2 Riotrin Revised Proposal

On August 20, 2004, Riotrin submitted revised applications for Official Plan Amendment, Zoning By-law Amendment, and Subdivision to the Town of Richmond Hill. The applications were revised to request approval for a Home Depot and a Costco as anchor tenants (*Attachment 1*). The gas bar was replaced with a ten (10) storey office building and the road crossing of the Rouge was eliminated.

The revised applications were heard at a Council Public Meeting on November 17, 2004. At that meeting, Council recommended that approval be given for the proposed development for employment uses including big box retail commercial, subject to a number of provisions to be included in the Official Plan Amendment.

On December 13, 2004, Official Plan Amendment No. 225 (OPA 225) was adopted by Richmond Hill Council and the Amendment was forwarded to the Region for approval on December 22, 2004 (*Attachment 2*).

Subsequent to the receipt of OPA 225 from the Town of Richmond Hill, the Region has received one letter of objection from Mr. Dennis Wood on behalf of several companies, including Whitwell Developments in the Town of Aurora (*Attachment 3*). This letter also includes Mr. Wood’s written submission to the Town of Richmond Hill Council on December 13, 2004.

3.3 Description of OPA 225

The purpose of OPA 225 is to redesignate the subject lands from “Rural” and “Hazard Land” to “High Performance Industrial Commercial – Special”, “Major Tributary Special Policy Area”, “Major Tributary”, and “Major Tributary – Buffer”.

The “High Performance Industrial Commercial – Special” designation permits a variety of industrial and commercial uses including the following: assembly, manufacture or warehousing of goods and materials, research and development facilities; business and professional offices; banks, financial institutions, restaurants, hotels, private clubs and health centres; stationary and printing outlets, office supply stores, office furniture sales and sales and servicing of computers; and retail warehousing uses, which include a full range of retail and personal service uses including retail stores. The full range of uses and the development criteria can be found on pages 4 & 5 of Attachment 2.

The lands designated “Major Tributary” form part of a larger Natural Heritage System that is part of the Rouge River and the Regional Greenlands System of interconnected natural areas. These lands are to be conveyed to the Town or appropriate public authority at no or minimal cost. The lands shall remain in their natural state and shall be managed to promote the integrity of the ecological system.

The lands designated “Major Tributary – Buffer” consist of a 30 metre ecological buffer that is intended to protect the lands designated “Major Tributary”. These lands shall also be conveyed to the Town or other appropriate public agency at no or minimal cost. Buffer areas shall be left in their natural state or, subject to a restoration plan, shall be restored with native species. The buffer may be used for stormwater management facilities where it can be demonstrated, through an Environmental Impact Statement to satisfaction of the Town and the TRCA, which such can occur in an environmentally acceptable manner.

The lands designated “Major Tributary Special Policy Area” are lands that shall only be used for agricultural and open space uses until such time as an acceptable development plan is approved for the lands to the immediate north. It is the intent that the lands designated Major Tributary Special Policy Area will be redesignated by Official Plan Amendment at that time.

3.4 Summary of Circulated Responses

3.4.1 Infrastructure Planning Comments

The Transportation and Works Infrastructure Planning Branch has the following summarized comments:

- A full extension of the collector road to Leslie Street should be sought as a condition of development.
- The proposed collector road should be located approximately 400 metres north of Elgin Mills Road and that the signals be provided by the developer.
- That access to Leslie Street be limited to two (2) right-in/right-out accesses and one full signalized intersection.
- That access to Elgin Mills Road be limited to two (2) right-in/right-out accesses and one signalized collector road opposite the cemetery.
- That suitable arrangements be made for transit stops, sidewalks and street lighting along both Leslie Street and Elgin Mills Road.
- That no physical noise barriers be erected along the Regional road unless approved by the Region.

The full comments received from the Transportation and Works Department are included in *Attachment 4* to this report.

4. ANALYSIS AND OPTIONS

The Riotrin lands are within the defined urban area of the Regional Official Plan and the Town of Richmond Hill Official Plan. This is the essential difference between the subject lands and the majority of the North Leslie lands to the north and west. It was based upon this difference that the OMB decided to deconsolidate the subject application for Official Plan Amendment from the North Leslie OMB Hearing and it is based upon the urban designation that the lands proposed to be designated “High Performance Industrial Commercial – Special” are outside of the draft Greenbelt Plan.

As noted in the following sections, the proposed amendment conforms to the policies of the Regional Official Plan and represents good planning.

4.1 Conformity with the Region’s Official Plan

4.1.1 Regional Greenlands System

Policy 1 of Section 2.1 of the Regional Official Plan states that it is the policy of Council to protect and encourage the restoration of the Regional Greenlands System shown on Map 4 to the Official Plan.

Map 4 indicates that a portion of the Regional Greenlands System cuts through the subject lands and, in accordance with the policies of the Regional Official Plan, specific delineation of the boundaries shall be undertaken when applications for development are received. In addition, Policy 6 states that development applications within the Greenlands System shall be accompanied by an environmental evaluation of the impact the development will have or is expected to have on the environmental functions, attributes or linkages of the Greenlands System. To this end, the applicant has submitted an Environmental Impact Statement which addresses the limits of development, the impacts of the development, and the plans for regeneration and restoration of the valleyland. The applicant is proposing to convey the lands to a public authority and is proposing to contribute \$7,500.00 per net developable hectare as part of an “environmental contribution” for regeneration and restoration of the valleyland.

However, the Town notes that the area contained between the two branches of the Rouge River has not been adequately addressed and that the top-of-bank in this area has not been identified. In addition, the Town notes that there is an issue with the location of the proposed collector road at the north-west corner of the site. In this location, the road cuts into the 30 metre buffer area mentioned above. These issues can be resolved at the subdivision approval stage.

The Toronto and Region Conservation Authority (TRCA) has reviewed the Impact Statement and has met with the applicants and the Town on site. The TRCA is generally in support of the provision of an open space corridor, with the proposed 30 metre buffer. However, the TRCA has requested the opportunity to review the specific Stormwater

Management analysis and geotech analysis (for the road issue discussed above), which can be provided at the subdivision stage.

Therefore, the proposed OPA 225 meets the Regional Greenlands System policies of the Regional Official Plan.

4.1.2 Locations for Economic Development

Policy 6 of Section 3.3 of the Regional Official Plan states “that retail facilities in excess of 30,000 gross leasable square metres (323,000 sq. ft.) shall require a Region-wide impact analysis that addresses the following: a) transportation requirements; b) the impact on existing and approved future retail facilities; c) transit access to the facilities; and d) the manner in which the proposal is supportive of the centre and corridor policies of this Plan.”

To this end, the applicant has submitted a Traffic Analysis Report by LEA Consulting Ltd. and a Retail Market Demand and Impact Analysis by KIRCHER Research Associates Ltd. Both studies have been updated with addendum reports to address the revised applications.

The traffic report considers the impact of the proposed development using the assumption that the collector road may not extend north through the Bawden Woods lands to Leslie Street. The report concludes that, “under 2011 traffic conditions, the existing road network will serve the proposed development without extension of the proposed public collector road through the Bawden Woods lands to Leslie Street.”

With respect to the market impact analysis, the Kircher report concludes that “the proposed retail development is warranted and will serve the rapidly growing market”. The report further concludes that “... its impact on existing competitive retail developments will be low and of short duration.”

The Region had the original Kircher report peer reviewed by John Winter Associates Limited and Mr. Winter concluded that “The Kircher report satisfies section 3.3.6 (b) in that it estimates “the impact on existing and approved future retail facilities” in its trade area, and finds negative impacts to be low to negligible. On the basis of the numbers stated, there does not appear to be any regional concern in this matter.” In addition, the addendum report states that “the reduction in the size of the development and the delay in operation by about two years result in more market growth and less impact (than stated in the original report)”.

With respect to transit access to the facilities, the Transit Department has been working with the applicant to ensure that their requirements are satisfied. Access to the facilities is acceptable and the details of pad locations and turnaround locations can be resolved at the site plan stage.

The proposal is not the form of development that is envisioned to locate within a Regional Centre, nor on a Regional corridor and therefore, a location such as the subject lands is preferable.

In addition to the above, the Regional Official Plan also states that the Region and the area municipalities must provide locations for a wide array of economic activity. The Region encourages a diversity of available sites and locations, flexibility for different types of buildings and a mix of supporting uses. To this end, the proposed development includes a ten (10) storey office building. This is an important component to the plan, given the site's location in the Leslie – 404 employment corridor. The office building ensures that employment is not compromised in this important corridor.

Therefore, the proposed OPA 225 meets the Locations for Economic Development requirements of the Regional Official Plan.

4.1.3 Community Building Policies

The community building policies in Section 5.2 of the Regional Official Plan set out criteria by which new developments will be evaluated. Section 5.2(1) states that the majority of growth shall be directed to the urban areas identified on Map 5 to the Regional Official Plan. The subject lands are designated "Urban Area" on Map 5.

Section 5.2(7) requires the preparation of comprehensive secondary plans for new development areas within the identified urban areas on Map 5. This section generally applies to plans for large contiguous blocks of land, comprised of concession blocks of 400 hectares (1,000 acres).

At 19.2 hectares, the subject lands are much smaller than the area normally covered by a secondary plan. In spite of the above, the site has been thoroughly reviewed through an environmental report, a traffic report, a market impact report, and a planning report. Comprehensive analysis of natural heritage matters has been completed for the lands that reflects the Environmental Natural Heritage System prepared by the public agencies as part of the work undertaken in respect of the proposed North Leslie Secondary Plan. Given the suitability of the site for commercial purposes, the isolated nature of the parcel, the conveyance of natural heritage features and buffer lands, and the fact that the OPA does not compromise the planning of the larger North Leslie area, the preparation of a site specific secondary plan is not required.

Section 5.2(10) requires the consideration of the impact and compatibility of potentially conflicting land uses on the surrounding area including the assessment of noise impacts for land uses adjacent to arterial road and highway facilities. The proposed use of the property for commercial and open space purposes should ensure that there are no noise related issues from Leslie Street, Elgin Mills Road, nor Highway 404 and the proposed uses are compatible with the abutting uses.

4.2 Letter of Objection

As noted above, the Region has received a letter of objection from Wood Bull Barristers & Solicitors on behalf of fourteen (14) companies (*Attachment 3*). The companies are commercial land management companies including Whitwell Developments Limited, South Hill Shopping Centre, Whitehorn Investments Limited, and First Baymac Developments Limited. Whitwell Developments Limited is currently involved in redesignating lands for a retail power centre at the north-east corner of Leslie Street and Wellington Road in the Town of Aurora.

The two primary objections that include reference to the Region of York are summarized as follows:

5. “It does not appear that a Region-wide impact analysis that addresses the impact of the proposed development on existing and approved future retail facilities has been addressed, as required in the Regional Official Plan policies.
6. No peer review of the updated Retail Market Demand and Impact Analysis was conducted.”

With respect to Point 5, a Region-wide impact analysis addressing the impact of the proposed development on existing and approved future retail facilities was provided by the applicant, as noted in the objector’s Point 6. In particular, the report notes that the proposed development will create “no significant or long-term negative impact on the existing retail structure and that it will increase local service levels.”

With respect to Point 6, there was no peer review done on the updated Retail Market Demand and Impact Analysis. As noted in Section 4.1.2 to this report, the original report was peer reviewed by John Winter Associates Limited and Mr. Winter concluded that there does not appear to be any regional concern in this matter. The revised application resulted in a reduction in the size of the development and the delay in development by approximately two years resulted in more market growth and less impacts. Therefore, the Region did not require a peer review of the updated Impact Analysis.

5. FINANCIAL IMPLICATIONS

There are no financial impacts associated with this report. However, the larger North Leslie OMB Hearing will require staff time and resources, as previously approved by Council.

6. LOCAL MUNICIPAL IMPACT

The Town of Richmond Hill has adopted OPA 225 and the recommendations of this report are consistent with the Town’s position.

7. CONCLUSION

The subject proposal is for an amendment to the Town of Richmond Hill Official Plan to redesignate the lands at the north-east corner of Elgin Mills Road East and Leslie Street from “Rural” and “Hazard Land” to “High Performance Industrial Commercial – Special”, “Major Tributary Special Policy Area”, “Major Tributary”, and “Major Tributary – Buffer”.

The proposed plan for the lands includes a Home Depot and a Costco as retail anchors to a number of other smaller retail businesses. The plan also includes a ten (10) storey office building and a number of restaurants. The site has been thoroughly reviewed through an environmental report, a traffic report, a market impact report, a planning report, and updates thereto.

The amendment is in conformity with the Regional Official Plan and represents good planning. Therefore, it is recommended that the Commissioner of Planning and Development Services be authorized to give notice to approve Amendment No. 225 to the Official Plan of the Town of Richmond Hill. However, as this matter is currently at the Ontario Municipal Board, it is recommended that the notice of decision not be published until the applicant withdraws its existing appeal.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)