

1395 Tapscott Road - Rezoning Application - Preliminary Report

Date:	August 27, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	09 115953 ESC 42 OZ

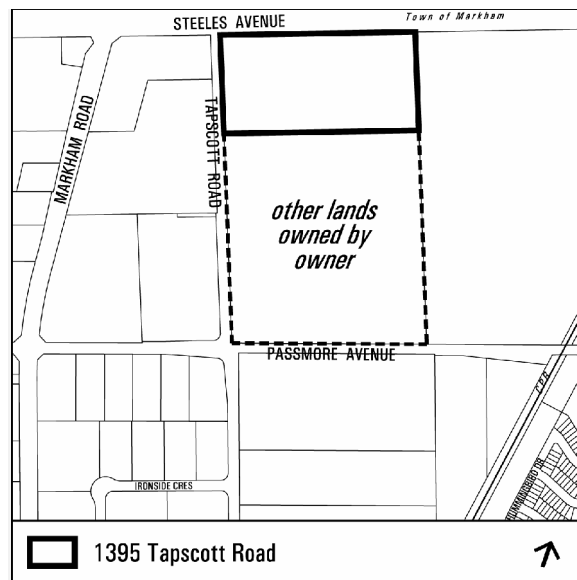
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to rezone the northern portion of land at 1395 Tapscott Road from industrial uses to commercial uses in order to permit a large scale retail development. The proposed development contemplates four free-standing buildings, including one building with a drive-through facility.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The application should proceed through the normal planning process including the scheduling of a community consultation meeting once the required notice is posted on the subject lands indicating that the rezoning application has been filed with the City. A final report will be prepared and a public meeting will be scheduled once all required information is provided by the applicant and issues raised during the review are satisfactorily addressed.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor once the required notice is posted on the subject lands indicating that the rezoning application has been filed with the City.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An industrial plan of subdivision application (02 035431 ESC 42 SB) was submitted in July 2002 for the lands extending between Steeles and Passmore Avenues, east of Tapscott Road. The northern portion of these lands is the subject of the current rezoning application.

Among the issues associated with the subdivision application was the future alignment of the Morningside Avenue extension and its potential impact on the layout of the subdivision. At that time, the Environmental Assessment (EA) to determine a preferred alignment had not commenced and the application did not advance.

The Markham By-pass - Morningside Avenue EA was completed by York Region in 2005 and submitted to the Minister of the Environment for approval. The EA recommended a preferred alignment for a direct road link which crosses the Morningside Tributary and Rouge River at new locations. The City formally opposed this alignment, preferring the indirect alignment which utilizes existing and planned roads south of Steeles Avenue thereby avoiding new road crossings within the Rouge Park.

In October 2007, City Council, in considering the differing positions taken between the City and York Region, directed City Planning to secure Morningside Avenue as a 36 metre right-of-way between Passmore and Steeles Avenues. The right-of-way would be secured through two subdivision applications on either side of the proposed right-of-way. The lands subject to the rezoning are contained within one of these subdivision applications. These lands and the proposed right-of-way are illustrated on Attachment 1, Site Plan.

At the request of York Region, the Minister of the Environment, on July 2, 2009, issued an Order enabling York Region to formally amend its EA. The amendment process, which is to be completed within 12 months from the date the Notice of Commencement

of the Amendment being issued, would re-evaluate the alternative alignments for the extension of Morningside Avenue. The timeframe could be extended with the Ministry's approval however, in the end, should the requirements of the Minister's Order not be fulfilled, the Region will be required to abandon the amendment process and to formally withdraw its EA.

In February of 2006, City Council received a report that recommended a "Framework for Reviewing Development Applications along Steeles Avenue East" from Middlefield Road to Morningside Creek. The framework set out an overall approach to the evaluation of applications in this area in order to achieve a high quality built environment while protecting the surrounding industrial users.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The lands subject to the rezoning application form the northern 8 hectares (20 acres) of a larger 26 hectares (64 acres) land holding that extends between Steeles and Passmore Avenues, and east from Tapscott Road approximately 404 metres (1,325 feet). The applicant is proposing to rezone the subject lands to commercial uses in order to develop a large scale retail/power centre. Specifically, the applicant is seeking a range of commercial uses permitted by the Special District Commercial Zone (SDC). This zoning category permits: day nurseries; educational and training facilities; financial institutions; offices; personal service shops; places of entertainment; places of worship; recreational uses; restaurants; retail stores; service shops; and, studios.

The proposed development would have a total gross floor area of 25,070 square metres (269,900 square feet) and is contemplated to be accommodated within 4 buildings. The largest building, at the southern end of the subject lands, would have a gross floor area of 22,876 square metres (226,235 square feet). The three smaller buildings, proposed along the Steeles Avenue frontage, would have gross floor areas of 500 square metres (5,382 square feet), 782 square metres (8,417 square feet) and 912 square metres (9,817 square feet). The building proposed at the northwest corner of the lands would also contain a drive-through facility.

Road widenings are contemplated along Steeles Avenue and Tapscott Road. A land conveyance at the eastern limits of the property is contemplated in order to accommodate the future alignment for the Morningside Avenue Extension. The overall development scheme for the entire 26 hectares (64 acres) land holding is conceptually illustrated on Attachment 1, Site Plan. The proposed commercial development scheme is shown as Block 1 on the Site Plan. Specific details for the subject proposal are contained in Attachment 3, the Application Data Sheet.

Site and Surrounding Area

The subject lands, currently being used for crop growing, have an approximate 404 metre (1,325 foot) frontage along the south side of Steeles Avenue. This portion of Steeles Avenue is a 2-lane arterial road. The lands also have an approximate 208 metre (682 foot) frontage along Tapscott Road which, in this location, is a 2-lane road.

Located on the north side of Steeles Avenue in the Town of Markham, are townhouses, single detached dwellings and a two-storey commercial building. A commercial development that is nearing completion and a City stormwater management pond are located to the west. A concrete plant is located to the southwest at Select Avenue and Tapscott Road. Located immediately south of the subject lands and which form part of the larger land holding, are a golf driving range and mini putt operation and farmland used for crop growing. Farmland also is located to the east for which an industrial plan of subdivision (02 035441 SCE 42 SB) has also been filed. The proposed alignment of the future Morningside Avenue Extension runs generally along the east limit of the subject lands.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject land as Employment Areas which allows uses such as: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, restaurants and small scale stores and services that serve area businesses and workers. Places of worship, recreational and entertainment facilities, business and trade schools and branches of community colleges or universities may also be permitted on major streets such as Steeles Avenue and Tapscott Road.

Large scale, stand-alone retail stores and "power centres" are permitted in Employment Areas fronting on certain major streets that also form the boundary of the Employment

Areas such as Steeles Avenue. These types of developments will ensure that there is sufficient transportation capacity available to accommodate the extra traffic generated by the development and which results in an acceptable level of traffic on adjacent and nearby streets, and that the functioning of other economic activities within the Employment Areas and the economic health of nearby shopping districts are not adversely affected.

Developments within Employment Areas will contribute to the creation of competitive, attractive and functional Employment Areas by providing, among other matters, adequate parking and loading on-site, landscaping to enhance streetscapes, and limiting outside storage to the rear of the property and ensuring that it is well screened.

The subject land is identified as an Employment District on Map 2 Urban Structure. The Employment District policies identifies the need to protect and promote these areas for economic activity in order to attract new and expand existing employment clusters that are key to Toronto's competitive advantage, and to develop quality Employment Districts that are global and provide a range of employment opportunities that can be reached by means other than the private automobile. Walking and cycling will be encouraged by creating safer and more attractive conditions within the Employment Districts.

The Built Form policies specify that new development be located and organized to fit with its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets.

The Natural Environment policies support strong communities, competitive economy and a high quality of life, public and private city-building activities and changes to the built environment including public works that will be environmentally friendly. This includes protecting and improving the health of the natural ecosystem to minimize air, soil and water pollution, recognizing rainwater and snowmelt as a resource and managing and improving the quantity and quality of stormwater and groundwater infiltration and flows.

In addition to the general policies of the Official Plan, Site and Area Specific Policy No. 241 applies and states that tributary/drainage sections can be altered provided that the subsurface or surface drainage and/or storage function is replicated by means such as swales, pipes and stormwater management.

In May 2009, the Planning and Growth Management Committee requested City Planning to review certain Employment Area Policies, including Policy 4.6.3 which, subject to certain conditions, contemplates major retail uses along certain arterial roads at the boundary of an Employment District. The review is to assess the impact this use has on the prime economic function of the Employment Area. This review is currently underway.

Zoning

The Employment Districts Zoning By-law (Tapscott Employment) zones the lands within approximately 150 metres (492 feet) of Steeles Avenue as Industrial Zone (M) which permits: day nurseries; educational and training facilities; industrial uses; offices excluding medical and dental offices; places of worship; and, recreational uses. By Exception, fish, meat or poultry processing is prohibited within 100 metres (330 feet) of Steeles Avenue. The remaining lands are zoned General Industrial Zone (MG) which permits the above uses along with open storage. The maximum permitted gross floor area, minus the gross floor area of basements, is 0.5 times the area of the lot.

Site Plan Control

The subject lands are subject to site plan control. A site plan control application has not been filed.

Tree Preservation

An arborist report was submitted with the application; however, a tree preservation plan is required.

Reasons for the Application

Commercial uses are not permitted in an Industrial (M) Zone or General Industrial (MG) Zone. To permit the commercial uses contemplated and to establish appropriate development standards, a zoning amendment is required.

Provided the proposal is found to be in compliance with the development criteria for Employment Areas in the Official Plan and all relevant Official Plan policies, an Official Plan amendment will not be required.

COMMENTS

Application Submission

The following reports/studies were submitted with the application: planning rationale, functional servicing plan, transportation study and arborist report.

A Notification of Incomplete Application, issued on April 7, 2009, identified the following reports as being required for a complete application submission: Stage 1 and 2 archaeological assessments, arborist tree preservation report, geotechnical report and contaminated site assessment.

Issues to be Resolved

Land Use and Site Design

An assessment of the appropriateness of the proposed commercial uses on the subject lands will be considered in conjunction with the framework established for reviewing development applications that propose commercial and retail uses along the south side of Steeles Avenue, east of Middlefield Road to Morningside Creek within the Tapscott

Employment District. The framework considers matters such as: the impact of the scale and intensity of commercial uses on the existing and future industrial uses; managing traffic volume and infiltration into the adjacent areas; parking demands of the proposed uses; servicing issues; and, the design and location of proposed buildings on the subject lands and between the existing and future industrial uses in the area.

The submission of a site plan application is required to ensure that the objectives of the framework and urban design guidelines are met. A site plan control application would address, among other matters, the streetscapes, landscaping, the spatial separation between the commercial uses and the industrial uses, rooftop screening, garbage storage, site circulation including circulation and connections with the proposed industrial lands to the south, and parking and loading facilities. The proposed drive through facility will be reviewed in conjunction with the guidelines for Sites with Drive-Through Facilities. A site plan application will be an important consideration in the rezoning of the subject lands.

Traffic and Servicing Infrastructure

The submitted servicing report identifies a stormwater pond in a location south of the subject lands near Passmore Avenue. The submitted transportation study identifies new and required modifications to the existing traffic infrastructure to support the proposed development. The proposed infrastructure work involves lands beyond the lands subject to the rezoning. To ensure the orderly development of these lands and the remaining employment lands in the same ownership, a formal resubmission of the draft plan of subdivision is required. The current concept plan shown on Attachment 1, Site plan, proposes a different development pattern from that of the original subdivision plan submitted in 2002.

Toronto Green Development Standard

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, adopted by City Council in July 2006. The development will also be reviewed in terms of the Greening Surface Parking Lots Guidelines to provide for trees in good quality soil within parking areas to reduce the urban heat island effect and, to use sustainable materials and technologies to reduce the impacts of lighting and stormwater management.

Additional Issues and Technical Reports

The applicant will need to submit the reports identified in order for the application to be deemed complete and to post the application signage on the property. Staff are reviewing the application and should additional issues be raised or technical reports required as a result of the comments from the technical review agencies, these matters would need to be addressed.

A review of appropriate uses and development standards for the proposal will be determined through the review of the rezoning application as well as the review of a site plan application. The application will also be assessed against the emerging work of the Official Plan Employment Areas policies review.

A revised subdivision plan and application will also be required to secure the required infrastructure to support the proposed development. The revised subdivision application must also ensure that servicing and infrastructure matters are dealt with comprehensively with the adjacent employment lands under the same ownership.

Additional issues may be identified through the review of the application, agency comments and the community consultation process. All matters and issues will need to be resolved prior to the scheduling of the Public Meeting at Community Council.

CONTACT

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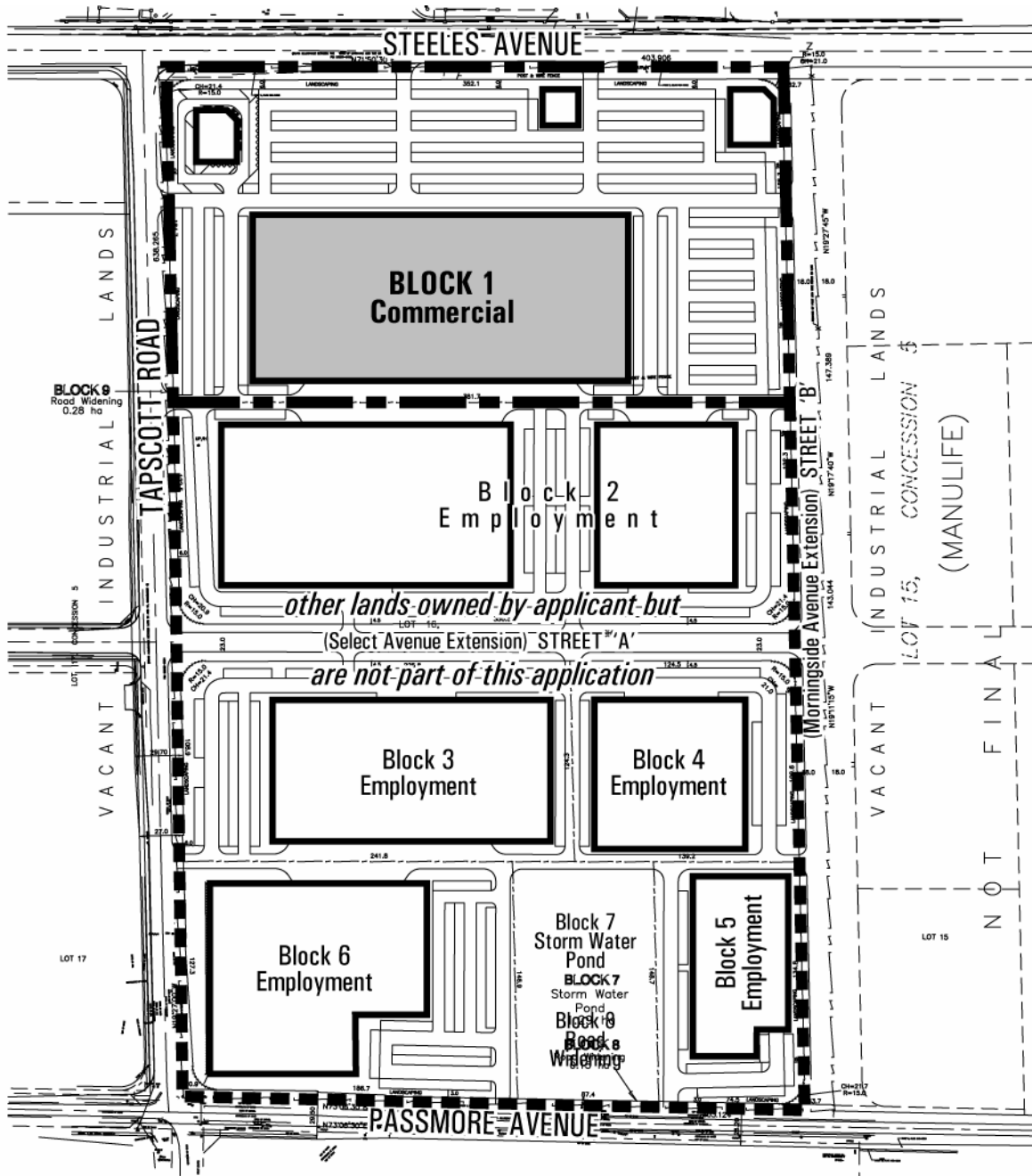
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet

Attachment 1: Site Plan



Site Plan

1395 Tapscott Road

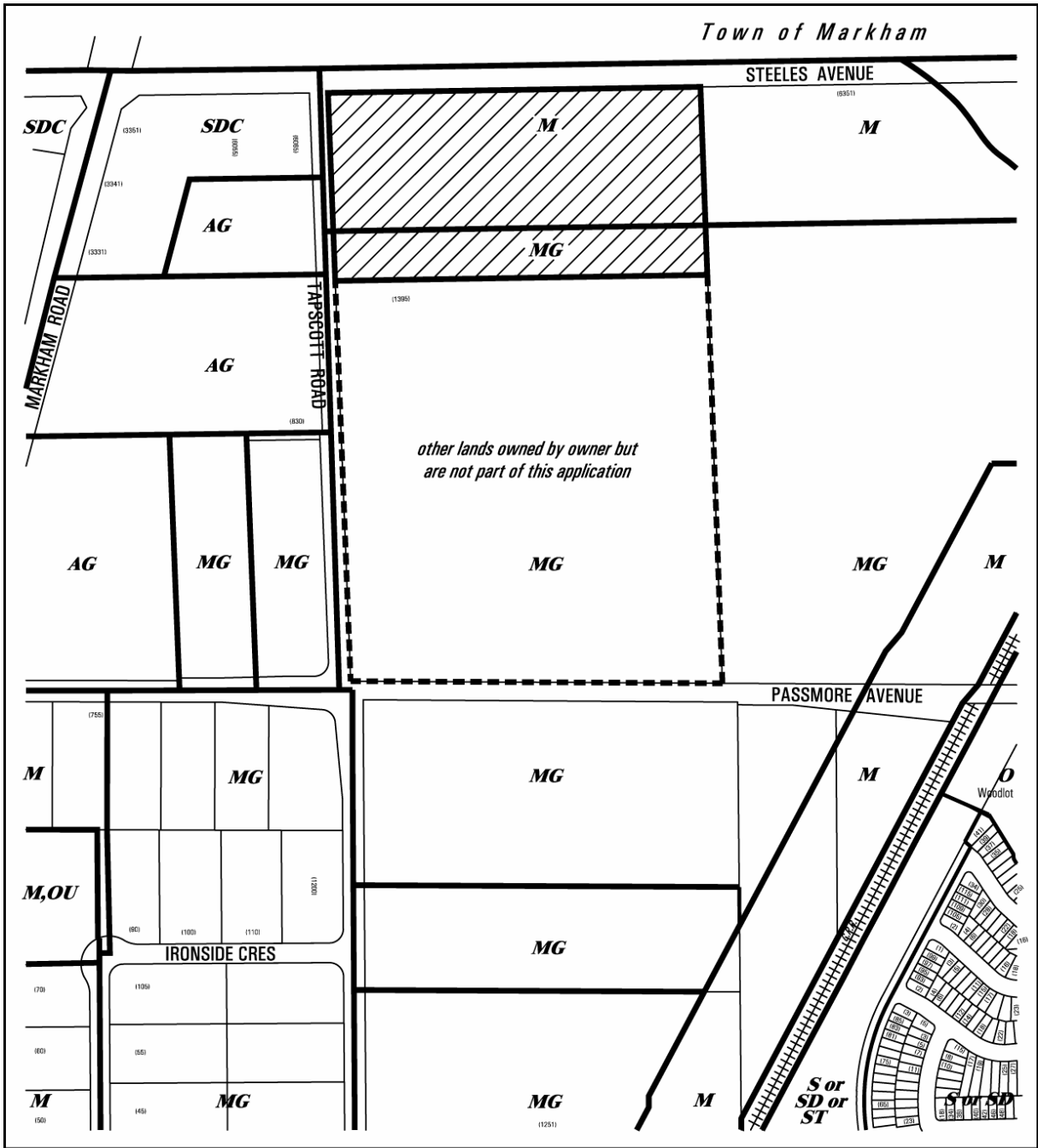
Applicant's Submitted Drawing

File # 09-115953 0Z

Not to Scale
08/05/09



Attachment 2: Zoning



Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	09 115953 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	March 11, 2009

Municipal Address: 1395 TAPSCOTT RD
 Location Description: CON 5 PT LT16 **GRID E4201
 Project Description: Proposed amendment to the industrial zoning of the front portion of this site to allow large scale retail/power centre development.

Applicant:	Agent:	Architect:	Owner:
PMG PLANNING CONSULTANTS			TAP STEELES INVESTMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	NO. 241
Zoning:	M & MG	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	76300	Height:	Storeys:	0
Frontage (m):	0		Metres:	0
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	Not Provided
Total Non-Residential GFA (sq. m):	25070		Loading Docks	0
Total GFA (sq. m):	25070			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0.33			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	25070
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

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