

**3447 Kennedy Road (Rear) - Zoning Amendment Application
– Final Report**

Date:	September 27, 2012
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 39 Scarborough-Agincourt
Reference Number:	12 146458 ESC 39 OZ & 12 204159 ESC 39 SA

SUMMARY

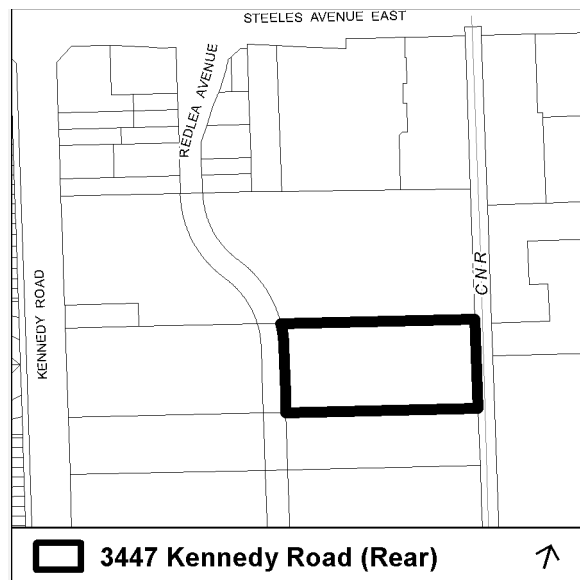
This application proposes to amend the City's zoning by-law to permit retail uses (including a food store, restaurant and small commercial retail units) within a two-storey building having a gross floor area of 12,077 square metres (130,000 square feet) on the lands generally known as 3447 Kennedy Road (rear).

This report reviews and recommends approval of this application to amend the zoning by-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Employment Districts Zoning By-law No. 24982, as amended, for the lands at 3447 Kennedy Road (rear) substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6 to the report (September 27, 2012) from the Director, Community Planning, Scarborough District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. Before introducing the necessary Bills for enactment, City Council require the owner to:
 - i. submit an executed agreement to the satisfaction of the City Solicitor between the parties of the subject lands and Metrolinx, confirming that an open boundary agreement has been reached;
 - ii. submit a revised traffic impact study incorporating revisions as required by Transportation Services for review and acceptance to the satisfaction of the Executive Director of Transportation Services; and
 - iii. enter into a site plan agreement with the City of Toronto pursuant to s.114 of the City of Toronto Act, 2006, to be registered against the title to the lot that includes the following provisions:
 - A. Prior to site plan approval by the City, the owner shall provide a letter of credit in a form and amount to the satisfaction of the City Solicitor and the Executive Director, Technical Services, securing the following obligations:
 - a. At no cost to the City, the owners will build the extension of Redlea Avenue to Passmore Avenue and enter into a secured Municipal Infrastructure Agreement for this work;
 - b. At no cost to the City, the Owners will install traffic signals at the new intersection of Redlea Avenue and Passmore Avenue;
 - c. At no cost to the City and to the satisfaction of the Director, Technical Services, the Owners are responsible for traffic signal timing changes at key nearby intersections such as: Redlea and Steeles Avenue, Silverstar Boulevard and Steeles Avenue, and Kennedy Road and Passmore Avenue;
 - d. At no cost to the City and to the satisfaction of the Director, Technical Services, install new advanced green traffic signal phases for turning movements (Silverstar Boulevard and Steeles Avenue; and, Kennedy Road and Passmore Avenue);
 - e. At no cost to the City and to the satisfaction of the Director, Technical Services provide extensions to some turning lanes to provide additional storage for waiting vehicles at Redlea Avenue and Steeles Avenue and Redlea Avenue and the north Metrolinx Station driveway; and,
 - f. At no cost to the City and to the satisfaction of the Director, Technical Services make other improvements that are identified and outlined in the Owner's Transportation Impact Study.

- B. Where the above improvements have been achieved to the satisfaction of the General Manager of Transportation Services by the owner of 4675 Steeles Avenue East, the security may be returned to the Owner.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject application is the third phase of a much larger development covering three properties, previously known as the Splendid China Square Development. See Attachment 2: Master Plan.

Phase 1

Phase 1 consisted of the expansion and interior renovations of the former Canadian Tire building in order to permit restaurants, retail and commercial uses having a gross floor area of 8,922 square metres (96,040 square feet). Approvals for Phase 1 are now complete and the project is built.

Phase 2

Phase 2 consisted of the construction of a new 3-storey building in order to permit additional retail-commercial and restaurant uses having a gross floor area of 22,932 square metres (246,846 square feet).

On January 22, 2008 and May 26, 2009 the Ontario Municipal Board approved Phase 2 of the Splendid China Square Development. In order to ensure orderly development, clauses were incorporated into the Section 37 provisions of the zoning by-law to secure the construction of the Redlea Avenue extension and other transportation improvements. Phase 2 has not been built.

ISSUE BACKGROUND

Proposal

This application proposes to amend the City's zoning by-law in order to allow retail uses and site-specific performance standards. Specifically, the applicant proposes to develop the subject lands with retail uses (including a food store, restaurant and small commercial retail units) within a two-storey building. The original application contemplated a gross floor area of 9,290 square metres (100,000 square feet). The gross floor area has since been revised to 12,077 square metres (130,000 square feet) in order to accommodate a particular tenant.

A total of 461 vehicular parking spaces will be provided of which approximately 78 vehicular parking spaces will be at grade and the remainder underground. A total of 43 bicycle parking spaces are proposed of which 28 will be at grade and 15 below grade.

Primary vehicular access to the site will be from a shared right-of-way, immediately north of the proposed building and east of Redlea Avenue. A secondary vehicular access will be provided just south of the primary access, providing access to surface parking, underground ramps and a one-way service lane. See Attachment 1: Site Plan and Attachment 2: Master Plan.

Site and Surrounding Area

The site is approximately 1.47 hectares (3.63 acres) in area, having approximately 83 metres (272 feet) of frontage on the future extension of Redlea Avenue and an average depth of 180 metres (590 feet). The site contains an existing 1-storey metal frame and concrete block building along with several wood sheds to be demolished. The remainder of the site is vacant and generally flat and treeless. Abutting uses include:

- North: Metrolinx station – zoned Special District Commercial (SDC), completed August 2005, further north is Splendid China Square Development, beyond which is the Pacific Mall in the Town of Markham;
- South: Anchor Shoring – zoned Industrial (M), General Industrial (MG), Special Industrial (MS) and Vehicle Service (VS);
- East: Metrolinx right-of-way beyond which is retail-commercial and restaurants – zoned Mixed Employment (ME), Industrial (M), General Industrial (MG), Special Industrial (MS) and Vehicle Service (VS); and,
- West: Industrial and retail/commercial uses – zoned Industrial (M), Community Commercial (CC), Employment (E) and Recreational (RU).

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 have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is shown as an 'Employment District' on the Urban Structure Map (Map 2) of the Official Plan. Section 2.2.4, Policy 2, of the Official Plan states that 'Employment Districts' will be enhanced to ensure they are attractive and function well, through actions such as permitting a

broad array of economic activity and facilitates firms with functional linkages to locate in close proximity to one another; and investing in key infrastructure or facility investment through special tools, programs or partnerships in order to promote the distinctive character or specialized function of a District to attract firms within a particular targeted cluster of economic activity.

The Official Plan designates the property as 'Employment Areas' on Map 19, Land Use Plan which provides for uses such as office, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small-scale stores and services that serve area businesses and workers.

However, Site and Area Specific Policies No. 104 and No. 133 are applicable to the subject lands. Site and Area Specific Policy No. 104 permits the following additional uses: business and trade schools, libraries, fraternal organizations, long-term care facilities, recreational uses and places of worship. Site and Area Specific Policy No. 133 permits retail and service uses, including stand-alone retail stores and/or 'power centres'.

Zoning

The subject lands are zoned both Industrial (M) and Vehicle Service (VS) by Employment Districts Zoning By-law No. 24982, as amended. Generally, permitted uses within the Industrial Zone include: industrial uses, offices, (excluding medical and dental offices), day nurseries, educational and training facility uses, places of worship and recreational uses.

Permitted uses within the Vehicle Service Zone (VS) generally include: open storage ancillary to vehicular service garages, vehicle sales operations, vehicle service stations and vehicle repair garages. However, Exception No. 120 limits permitted uses within the Vehicle Service Zone to the following: ground signs which are non-accessory, marketplace signs, vehicle service garages, vehicle service garages and wall signs which are non-accessory.

Tree Preservation

The subject lands are generally flat and treeless. Staff have received a tree declaration confirming that there are no trees on these lands.

Reasons for the Application

The zoning on the lands would need to be amended in order to permit retail uses (including a food store, restaurant and small commercial retail units) having a gross floor area of 12, 077 square metres (130,000 square feet) or up to 0.85 times the area of the lot.

Site Plan Control

The subject lands are under site plan control. The applicants have submitted a site plan control application which staff are currently reviewing. Final details including urban design, access,

parking, landscaping, servicing, site circulation, building placement and lighting, will be reviewed and finalized during the site plan approval process.

Community Consultation

A community consultation meeting was held on July 10, 2012 and was attended by the local councillor, the applicants, their consultant, City Planning staff and approximately 13 residents and 2 business owners. A summary of the issues raised included the following:

- traffic infiltration into Heathwood Community
- extension of Redlea Avenue
- vehicular access to lands immediately to the west of Redlea Avenue extension
- future development in the area

Traffic Infiltration

Signs have been erected on the west side of Kennedy Road and Purcell Square prohibiting through traffic. Speed humps, as part of the over-all development, will be installed in the Heathwood Community to further discourage through traffic. Staff will continue to review traffic mitigation measures.

Extension of Redlea Avenue

As part of the approvals for Phase 2, in order to ensure orderly development, clauses were incorporated into the Section 37 provisions of the zoning by-law to secure the construction of the Redlea Avenue extension and other transportation improvements. As part of the approvals for the subject application, Redlea Avenue will be extended to Passmore Avenue.

Vehicular Access to Lands Immediately to the west of Redlea Avenue extension

The owner of the lands immediately to the west of the proposed Redlea Avenue extension wanted assurance that vehicular access will be granted once the road is extended. Upon receipt of a development proposal from this owner, staff will review the appropriateness and alignment of any future vehicular access to these lands.

Future Development in the Area

Staff are in receipt of a site plan control application for 3381 Kennedy Road (southeast corner of Kennedy and Passmore). The owner of these lands (Shell Canada Products Limited), has submitted a site plan application to replace the existing car wash with a drive-through Tim Horton's.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions and the City of Markham. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Issues and concerns that were raised in the preliminary report, community meeting and through the circulation process, are addressed in the remainder of this report.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It will provide for an efficient development pattern as a result of the extension of Redlea Avenue and provide future development and employment opportunities in the area. The proposed land use will utilize cost-effective development standards to minimize land consumption and servicing costs.

For the same reasons, the proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The development of the subject lands with retail uses (including a food store, restaurant and small commercial retail units) within a two-storey building having a gross floor area of 12,077 square metres (130,000 square feet) is appropriate and would complement other retail-commercial uses in the area.

Although the official plan designates the property as 'Employment Areas' on Map 19, Land Use Plan, Site and Area Specific Policy No. 133 permits retail and service uses, including stand-alone retail stores and/or 'power centres'. As such, the use of the subject lands for retail purposes is consistent with the policies of the official plan. This application is also consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

Sufficient transportation capacity will be available once the necessary traffic improvements are completed in order to accommodate the extra traffic generated by this proposal. These traffic improvements are discussed later in this report.

The development will contribute to the economy by providing local investment opportunities in small business enterprises and by improving transportation infrastructure in the employment area.

Density

This application proposes a density of 0.85 times the area of the lot. This density represents an increase of approximately 2,787 square metres (30,000 square feet) from the original proposal. The application was revised in order to accommodate a specific client. This is marginally lower than the density permitted in Phase 2 (1.13).

Staff consider the proposed density appropriate and the operation can be adequately accommodated on the site. This recommendation is subject to the implementation of transportation improvements, including the extension of Redlea Avenue to Passmore Avenue and traffic signal improvement measures at key intersections.

Urban Design

Compliance with official plan provisions regarding urban design, building orientation, landscaping, site circulation and elevations will be addressed in detail as part of the site plan approval process.

Traffic Impact, Access

In order to support the proposed level of intensification on the subject lands, the following comprehensive transportation improvements have been identified. Staff recommend before introducing the necessary Bills for enactment, City Council require the owner to enter into secured agreements to provide the following improvements to the transportation network:

- a. at no cost to the City, the owners will build the extension of Redlea Avenue to Passmore Avenue and enter into a secured municipal infrastructure agreement for this work;
- b. At no cost to the City, the owners will install traffic signals at the new intersection of Redlea Avenue and Passmore Avenue;
- c. at no cost to the City and to the satisfaction of the Director, Technical Services, the owners are responsible for traffic signal timing changes at key nearby intersections such as: Redlea and Steeles Avenue, Silverstar Boulevard and Steeles Avenue, and Kennedy Road and Passmore Avenue;
- d. at no cost to the City and to the satisfaction of the Director, Technical Services, install new advanced green traffic signal phases for turning movements (Silverstar Boulevard and Steeles Avenue; and, Kennedy Road and Passmore Avenue);
- e. at no cost to the City and to the satisfaction of the Director, Technical Services provide extensions to some turning lanes to provide additional storage for waiting vehicles at Redlea Avenue and Steeles Avenue and Redlea Avenue and the north Metrolinx Transit station driveway; and,
- f. at no cost to the City and to the satisfaction of the Director, Technical Services, make other improvements that are identified and outlined in the owner's transportation impact study.

Staff note that there is additional land required for right-of-way purposes. To satisfy the requirements of a 23.0-metre-wide right-of-way for Redlea Avenue, as illustrated in the Class Environmental Study Report for Redlea Avenue/Silver Star Boulevard, dated October 2007 prepared by R.V. Anderson Associates Limited, a widening measuring approximately 1 metre along the entire section fronting Redlea Avenue must be conveyed to the City of Toronto for a nominal sum, free and clear of all encumbrances. The owner shall submit to the Executive Director of Technical Services, for review and deposit in the Land Registry office, a draft reference plan of survey in metric units and integrated into the Ontario Co-ordinate System with co-ordinate values shown on the face of the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements.

Technical revisions to the Traffic Impact Study are required in order to reflect a 23-metre-wide right-of-way for Redlea Avenue and to provide additional information and clarification for any improvement required for the proposal.

Parking

The plan provides for 461 parking spaces, consisting of 78 surface and 383 below-grade spaces. The proposed parking spaces will be allocated as follows:

Proposed Use	Gross Floor Area (sq. m)	Parking Rate / 100 sq. m	Required Parking	Provided Parking
Grocery Store	5 295	3.0	159	
Retail	5 852	3.0	176	
Restaurant	929	10.7	99	
TOTAL	12 077		434	461

While the proposed parking supply meets current parking standards, staff are advised that the applicant and Metrolinx will be entering into an open boundary agreement which will entitle both parties to share their respective parking spaces during evenings, weekends, and statutory holidays. This shared parking agreement will provide the subject development with an additional 700 Metrolinx parking spaces located to the immediate north of the site on certain days and times.

Based on the uses and gross floor area proposed, staff are satisfied that the parking standards are appropriate.

Vehicular Access

Primary vehicular access would be provided from the newly extended Redlea Avenue. Secondary vehicular access would be provided for by means of a mutual access point through the Metrolinx lands.

The proposed vehicular access points to the subject lands are acceptable to staff.

Pedestrian Connections

The main pedestrian entrance to the subject lands will be provided from the Redlea Avenue frontage. Secondary access will be available through the Metrolinx lands immediately to the north of the subject lands. Again, staff are advised that the applicant will enter into an executed agreement with Metrolinx to integrate and provide this pedestrian access from the subject lands to the adjacent Metrolinx transit station. The details of the entrances and connections will be secured as part of the site plan approval.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: cycling infrastructure storage.

Other applicable TGS performance measures will be secured through the site plan approval process.

CONTACT

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Fax No. 416 396 4265

Email: rashby2@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Master Plan

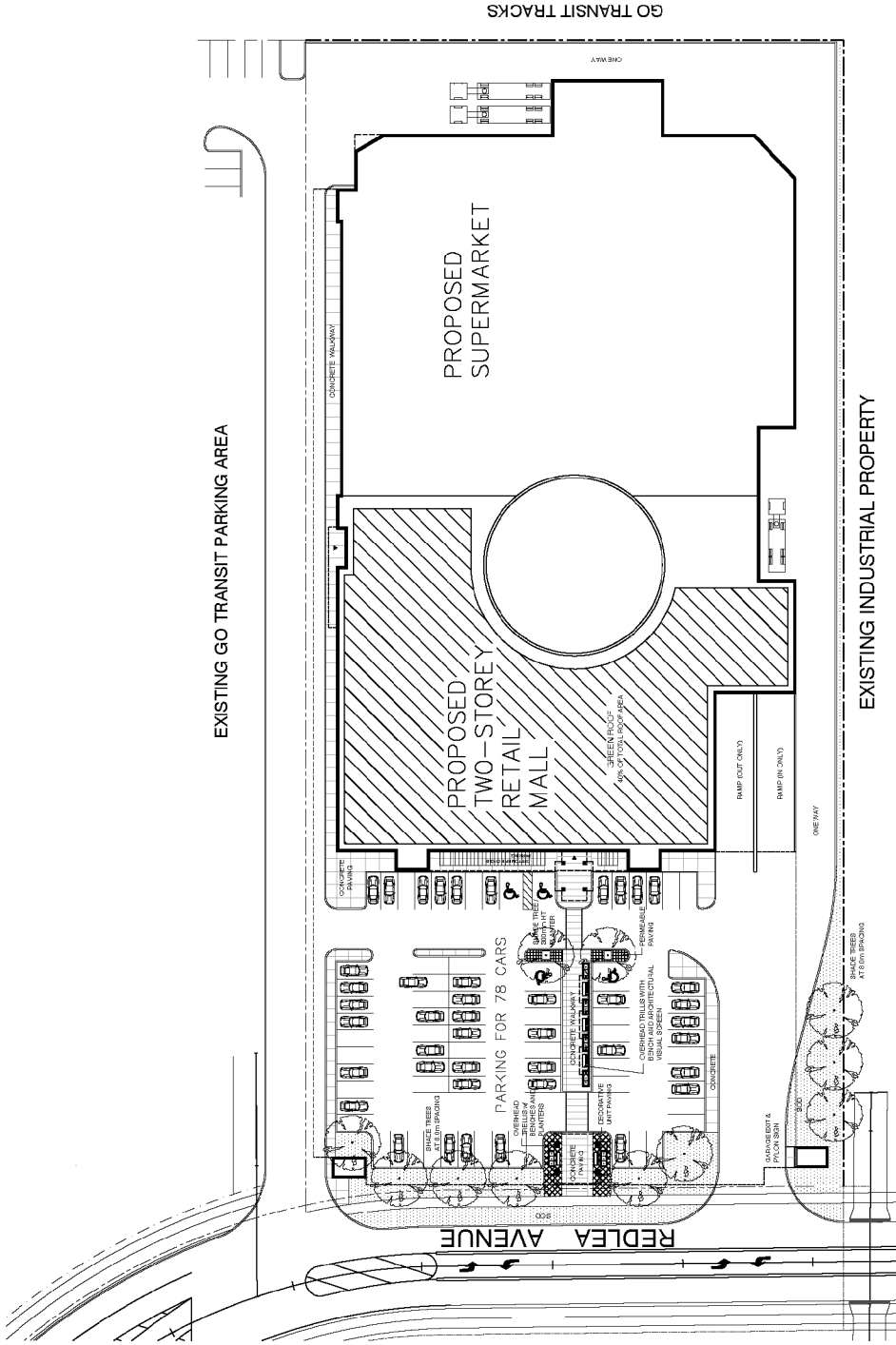
Attachment 3: Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



3447 Kennedy Road (Rear)

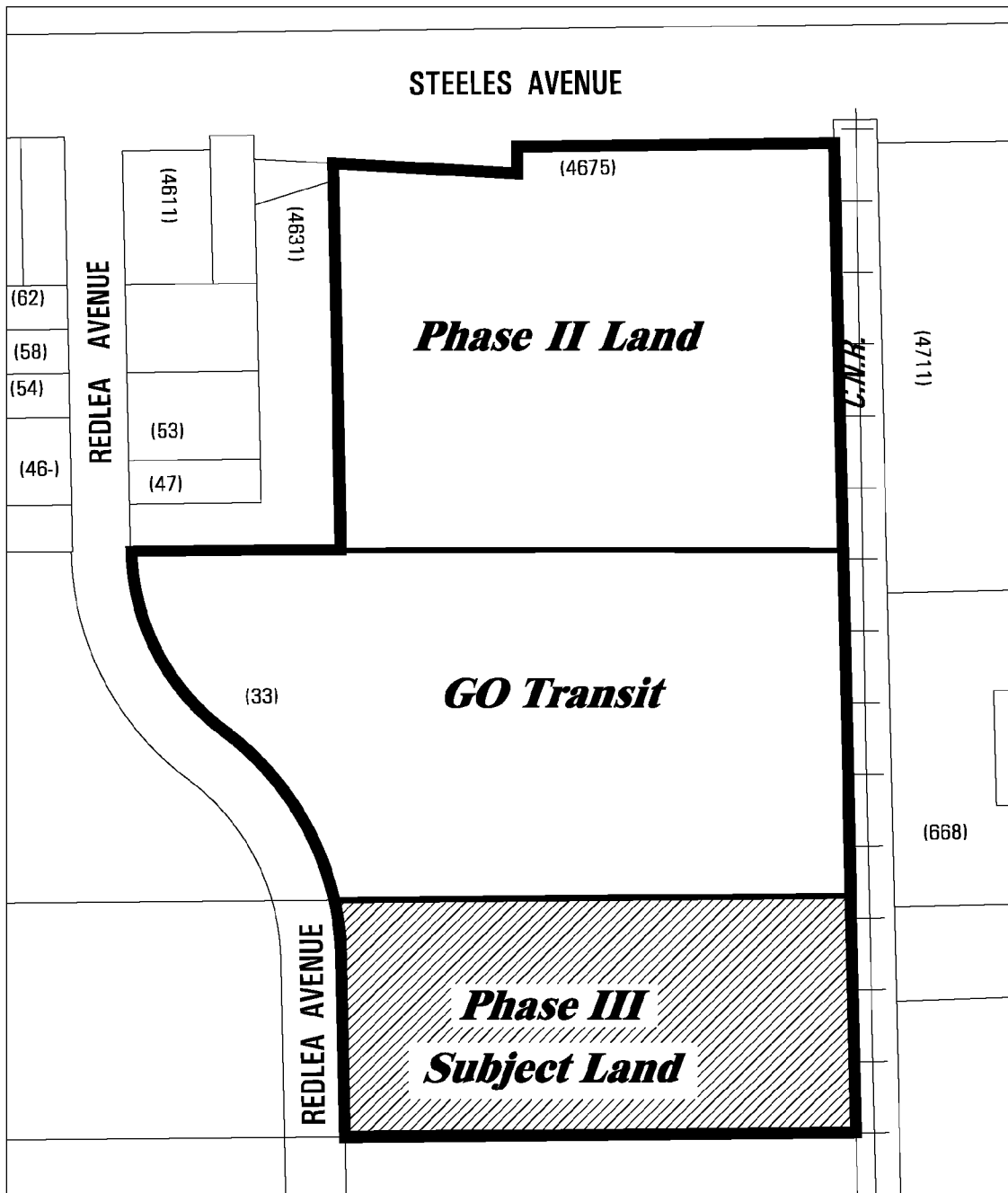
Conceptual Site Plan

Applicant's Submitted Drawing

Not to Scale
09/19/12

File # 12 146458 ESC 39 0Z

Attachment 2: Master Plan



Master Plan

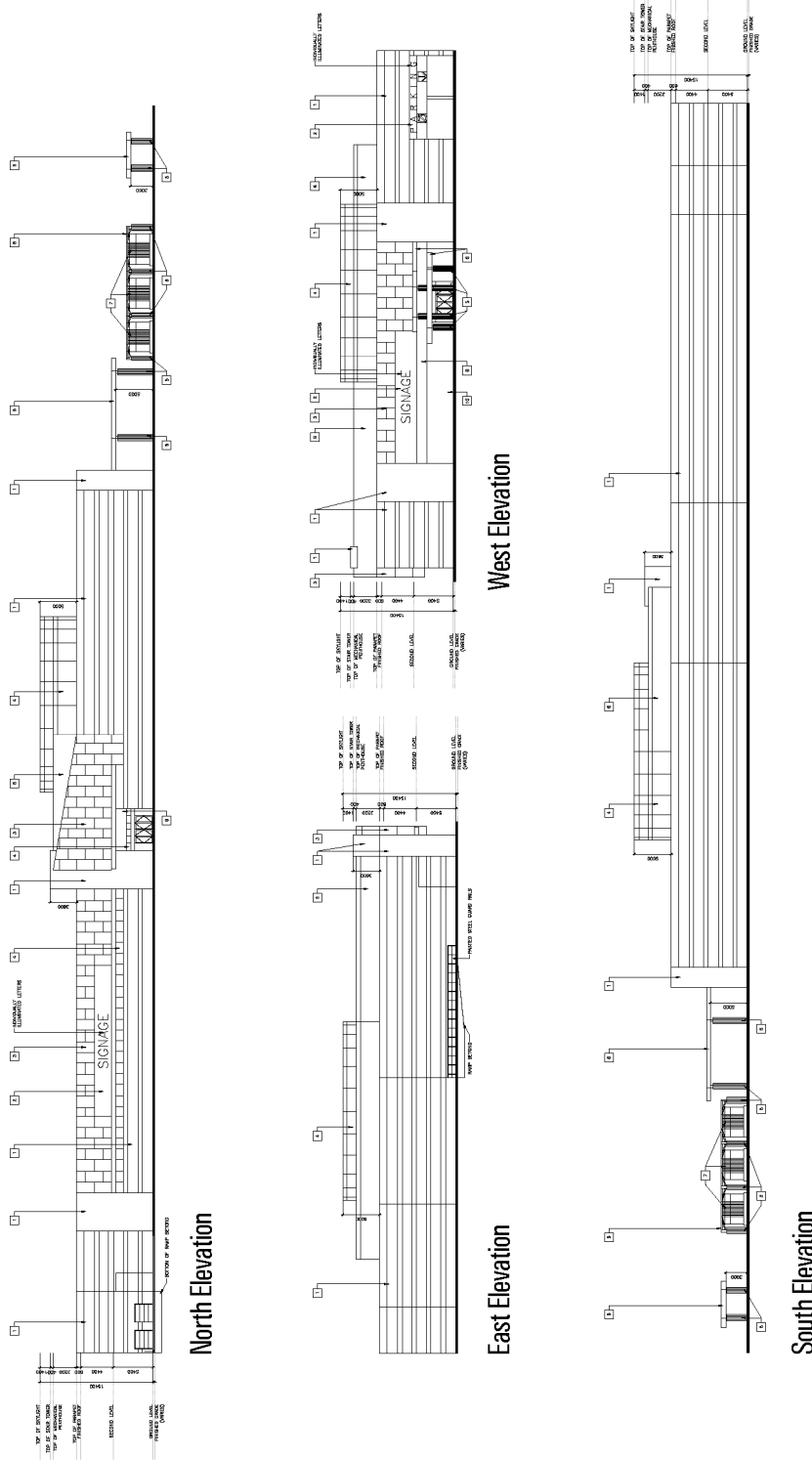
3447 Kennedy Road Rear

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05/25/12



File # 12 146458 ESC 39 0Z

Attachment 3: Elevations



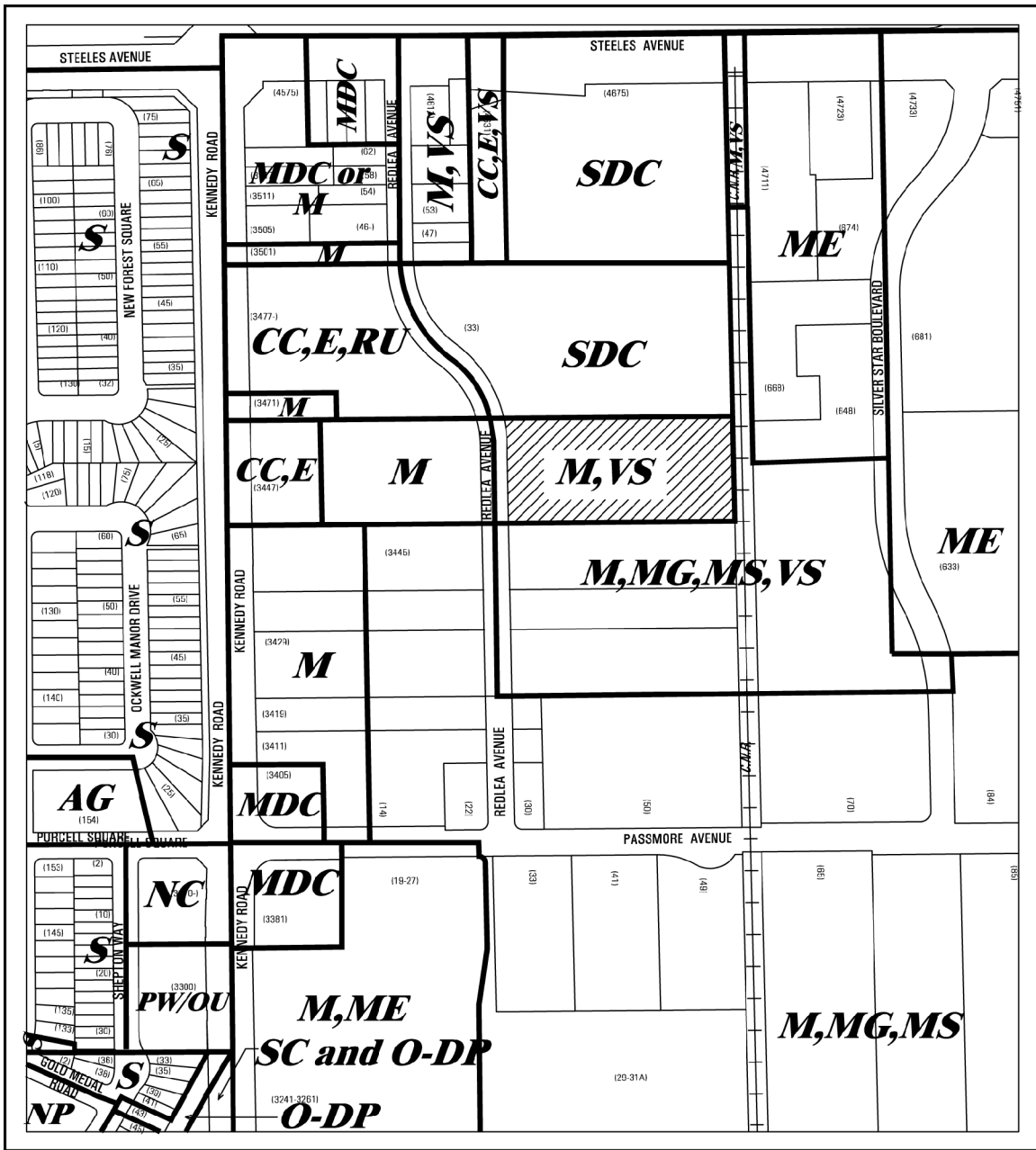
3447 Kennedy Road (Rear)

Elevations
 Applicant's Submitted Drawing

Not to Scale
 09/19/12

File # 12 146458 ESC 39 0Z

Attachment 4: Zoning



Zoning Milliken Employment District

3447 Kennedy Road (Rear)

File # 12146458 ESC 39 0Z

Location of Application

S Single Family Residential
NC Neighbourhood Commercial
PW Places of Worship
NP Neighbourhood Park

O_DP Open Space District Park
AG Agricultural Uses
SC School
OU Office Uses

CC Community Commercial Zone
E Employment Zone
ME Mixed Employment Zone
M Industrial Zone
MDC Industrial District Employment Zone

MG General Industrial Zone
MS Special Industrial Zone
RU Recreational Zone
SDC Special District Commercial
VS Vehicle Service Zone



Not to Scale
 04/04/2012

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 146458 ESC 39 OZ
Details	Rezoning, Standard	Application Date:	March 30, 2012

Municipal Address: 3447 KENNEDY RD (REAR)
 Location Description: PLAN 1928 RCP PT LOT 6 NOW RP 64R16195 PART 1,6,8, 18 **GRID E3903
 Project Description: commercial development

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC		SMV Architects	CESARONI HOLDINGS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Employment Areas Plan Policy #104 and #133	Site Specific Provision:	By-law 24-982
Zoning:	M and VS	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	14 694.5	Height:	Storeys:	2
Frontage (m):	83		Metres:	10
Depth (m):	180			
Total Ground Floor Area (sq. m):	12 077			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	461
Total Non-Residential GFA (sq. m):	12 077		Loading Docks	1
Total GFA (sq. m):	10 153			
Lot Coverage Ratio (%):	56.4			
Floor Space Index:	0.85			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	12 077	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: PLANNER NAME: Renrick Ashby, Senior Planner
TELEPHONE: (416) 396-7022

Attachment 6: Draft Zoning By-law

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council
on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982
(Milliken Employment District), as amended,
With respect to the lands municipally known as,
3447 Kennedy Road (Rear)**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **SCHEDULE 'A'** of the Milliken Employment District Zoning By-law is amended by deleting the current zoning for the lands at 3447 Kennedy Road (Rear) and replacing it so that the amended zoning shall read as follows as shown on Schedule '1':

SDC-15-913-988-1054-1791-2029

2. **EXCEPTION MAP – SCHEDULE 'C'** of the Milliken Employment District Zoning By-law, as amended, is hereby further amended by deleting Exception No. 120 and adding Exception No. 480 to the lands shown on Schedule '1'.

Schedule 'C', Exceptions List, is amended by adding Exception No. 480 as follows:

- 480 On those lands identified as Exception No. 480, the following additional uses shall be permitted:

Additional Permitted Uses:

Mall Food Court
Grocery Store

3. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



 **Toronto** City Planning
Division
Zoning By-Law Amendment

3447 Kennedy Road (Rear)
File # 12 146458 ESC 39 0Z

 Area Affected By This By-Law

Milliken Employment District
Not to Scale
09/17/12
