

the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required; and

- (4) prior to the enactment of an amending by-law require that:
- (a) a grading plan be submitted to and approved by the Works and Emergency Services Department; and
 - (b) an environmental assessment (soil, ground water) and remediation plan (if required) be prepared and approved, in accordance with the guidelines of the Ministry of the Environment.

Background:

Proposal:

The applicant is applying for permission to change the Official Plan designation and to rezone the site from CN (Neighbourhood Commercial Zone) to Group Area R4G Fourth Density Residential Zone. The original application was for the development of 18 townhouse units in place of the existing retail strip mall at the north-east corner of Berry Road and Prince Edward Drive. The revised application reduces the units from 18 to 17 and changes the vehicular access from Berry Road to Prince Edward Drive. The landscaped area has also been reconfigured at the rear of the townhouses (see Attachments 1 and 2)

TABLE 1: BUILDING DATA

Description	Data	Percentage
Lot Area	3,182.3 metres square (34,252 square feet)	
Building Coverage	1,209.89 metres square (13,023 square feet)	38.02 percent
Building Coverage with Deck	1,712.89 metres square (18,437 square feet)	53.82 percent
Gross Floor Area	3,741.95 metres square (40,278 square feet)	
Density	53 uph (22 upa)	
Floor Space Index	1.18	
Number of Units	17	
Height	12.4 metres (40.7 feet)	
Parking Spaces	38 - 34 residents, 4 visitors	
Landscaped Area	875.42 metres square (9,423 square feet)	27.51 percent

The developer is proposing six townhouses facing Prince Edward Drive and eleven facing Berry Road. The access drive is proposed to be from Prince Edward Drive, at the north side of the development

While the number of units has decreased by one, the floor space index has increased by 0.11, as the new orientation of the longest block of units along Berry Road has allowed for an increase in

the depth and width of more units. The height has also been increased to 12.4 metres (40.7 feet) from 11.3 metres (37.08 feet).

Landscaped open space is provided in the front of each unit and continues on the public boulevard portion of the street. Landscape planter boxes installed in the public boulevard by the Works and Emergency Services Department are proposed to be retained. A small landscaped area is provided next to the four visitor parking spaces at the north-east corner of the lot.

Site Description:

A one storey L-shaped retail mall currently occupies the 0.32 hectare (0.78 acre) site, located at the north-east corner of Berry Road and Prince Edward Drive, with some parking at the front and most of the parking in the rear. It is located in the middle of a low density residential area with the following adjacent uses:

North:	detached houses, mostly bungalows with some storey-and-a-half and two storeys.
South:	across Berry Road –bungalows
West:	across Prince Edward Drive - bungalows
East:	bungalows

The site is on an existing bus route with a bus stop located on the north side of Berry Road, east of Prince Edward Drive.

Official Plan

The site is designated Neighbourhood Retail in the Official Plan which allows a small plaza not exceeding 5 000 square metres, and residential uses including units above stores, apartment houses, group homes, nursing homes and homes for the aged.

An Official Plan Amendment is required, as the proposal does not comply with Section 4.3.15 of the Plan that requires residential units to be integrated with commercial uses, or allows wholly residential buildings if the function and continuity of the commercial uses are not significantly disrupted. The proposal will disrupt the commercial uses, as they will all be replaced with residential uses.

Zoning:

The site is currently zoned CN – Neighbourhood Commercial Zone (see Attachment 3). Residential uses are permitted on the site in the form of detached dwellings, duplexes, apartment houses, dwelling units above business uses, group homes, etc. Townhouses are not an allowed use under this Zoning Code category.

Site Plan Control:

An application for site plan control was filed on October 30, 2001 and the plans are in circulation.

Reasons for the Application

An Official Plan Amendment is required, as the use does not meet the policies of the plan with respect to changing the commercial uses to residential uses in a Neighbourhood Retail Area. A rezoning is required, as the use is not currently listed as an allowed use in CN zones.

Community Consultation

A Community Information Meeting was held on May 29, 2001 at St. Marks Roman Catholic Church on Park Lawn Road. Approximately 140 people attended the meeting to listen to the presentation and comment on the proposal. Written comments were also received from participants at the meeting. The following is a summary of the planning concerns expressed:

The residents focussed their concerns on height, density, shadow, traffic, parking, open space, vehicular access, loss of a shopping facility, and precedent for other shopping centres to redevelop. Several issues were raised that will be addressed at site plan approval stage. These include snow removal and storage, type of landscape material, buffering of perimeter areas with mature landscaping, and privacy. These issues are discussed below.

Comments:

Land Use:

In evaluating the change of land use designation of the Official Plan, proposals are to be evaluated on the basis of the viability of the remainder of the Retail designation to function as a commercial area and the availability of other Retail designations in the area.

In this instance the small plaza is the whole of the Retail designation on the streets for several blocks so there is no remainder to consider. There are also other Retail designations to serve the area. Stonegate Plaza is located one kilometre away at the north-west corner of Berry Road and Steven Road, east of Park Lawn Avenue. It is a much larger plaza with a grocery store, bakery, barber, and other local retail uses. It also has a small community health centre located on the corner.

The Bloor Street West shopping street is located 1.5 kilometres to the north and The Queensway is located approximately two kilometres to the south. The latter is more accessible by car due to the large format and spread out nature of the shops and services available, however Bloor Street West is a manageable walk and the wide variety of shops and services are provided on this main street.

The existing plaza has a number of small businesses and a large anchor store that is now vacant. The proposal to change the use to 17 townhouses results in a down zoning of the site with respect to use, as only medium density residential uses will be allowed. The commercial uses were of value to the local residents, however some shops were not local in nature and others did not have

enough customers to stay open. The anchor store was an IGA food store many years ago and a bulk food store most recently. The food store closed in the fall, 2001.

The proposed 17 three storey townhouses are a Medium Density Residential use. The townhouses are compatible with the surrounding 1½ and single storey houses in that they are grade related dwellings, have similar setbacks to adjacent buildings and will have minimal impact on the immediate and surrounding areas as discussed in the sections below.

Height and Density:

The height of the townhouses will be 3 storeys and 12.4 metres. The Official Plan for the surrounding Low Density Residential Area allows for a height of 3 storeys and the Zoning Code for the adjacent R2 area has a maximum height of 11.0 metres. The townhouses are set back on north side by 6 metres due to the driveway access. This distance provides a buffer for the house to the north.

Lot coverage in CN zones is a maximum of 50 percent. The proposed coverage is between 38 and 53.8 percent with the latter number including the decks. This is within the range for CN zones. The density of 1.18 is higher than surrounding residential areas but would be within range for the currently allowed uses.

The setback from the east boundary is approximately 2 metres (6.6 feet). This is similar to side yard setbacks for other houses in the area. The distance allows for some landscaping to be provided at the perimeter that will provide a buffer for the house to the east. The details of the landscaping will be addressed during the site plan approval process.

The open landscaped area provides large setbacks from the north-east part of the site and will provide a buffer to the adjoining neighbours. The specific landscape proposal will be reviewed as part of the site plan approval.

Traffic, Parking and Access:

Traffic was raised as a concern at the Community Information Meeting, however the Works and Emergency Services Department has indicated that there will not be a traffic impact as a result of the development. More traffic would be generated by the commercial uses than by the proposed 17 townhouses.

The community was concerned that there was not enough parking for the development and visitors and residents would be parking on local streets. The proposal at that time was for 18 units with 41 parking spaces (2 per unit and 5 visitor spaces). The plans have been revised to reduce the proposal to 17 units with 38 parking spaces: 34 for owners (2 per unit) and 4 for visitors.

The original submission showed the vehicular access from Berry Road, close to the intersection and bus stop. This was not acceptable to the Works and Emergency Services Department and the West Community Planning Division. The access has now been changed to the north side of

the site with access from Prince Edward Drive. The width of the driveway will provide a separation from the proposed townhouses and the existing 1½ storey house to the north.

The community was concerned that a redevelopment of this plaza would set a precedent for other plazas in the area, most notably Stonegate Plaza at Berry Road and Steven Drive. Stonegate Plaza is larger than the subject site and at some point the owners may apply to redevelop it. Applications for an Official Plan Amendment, Rezoning and Site Plan Approval would be required and there would also be a community consultation process. Determination would be made at that point as to whether any proposed redevelopment is appropriate for the Stonegate Plaza site.

Environmental Issues:

The Works and Emergency Services Department has requested that an environmental report on soil and groundwater is required to be submitted for peer review. This is required in order to determine whether the site is suitable for residential purposes. The report must be reviewed and the findings must indicate that the site is suitable prior to the by-law enactment.

Site Plan Issues:

Planter Boxes:

The planter boxes were installed in the public boulevard several years ago by Works and Emergency Services and provided some landscaping for by the plaza. These were expensive to install so the department has requested that they be retained and planted by the townhouse owners or developer. The planters will be retained and the details and ongoing maintenance will be part of the site plan agreement that will be prepared and executed at the end of the site plan approval process.

Watermains and Sewers:

A servicing plan and storm water management report are required to be submitted at site plan approval stage for review and approval by the Works and Emergency Services Department.

Grading:

The Works and Emergency Services Department has requested a grading plan in order to determine how drainage will work on the site. Drainage is required to flow by gravity to the abutting public road. The plan has been submitted and is being reviewed by Works staff.

Conclusions:

The development will be a change for the area, however it will have minimal impact on the local area and immediate neighbours with respect to height, density, traffic and parking. The low-rise form and grade related access are consistent with the character of the surrounding area.

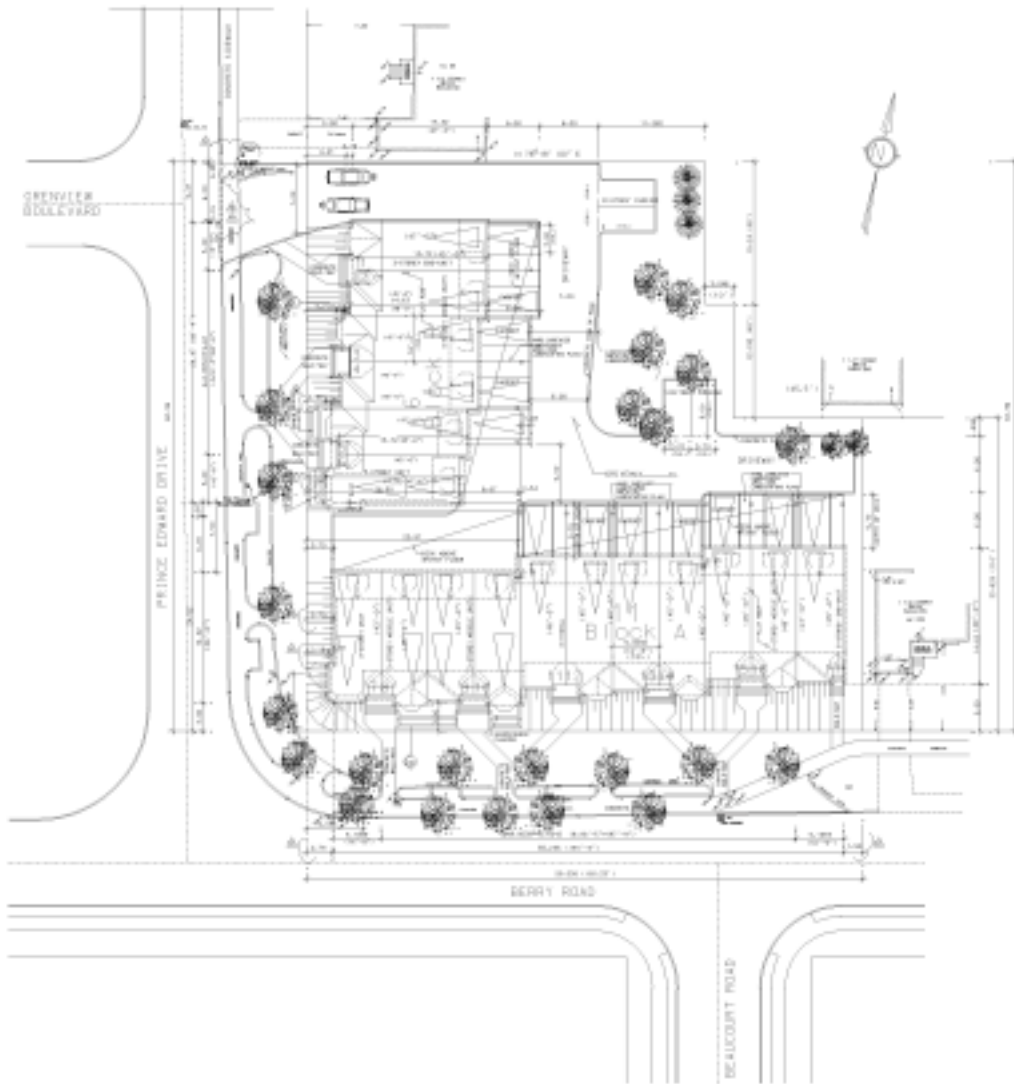
Contact:

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Director, Community Planning
West District

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations (as provided by applicant)
Attachment 3: Application Data Sheet
Attachment 4: Draft Official Plan Amendment
Attachment 5: Draft Zoning By-law Amendment

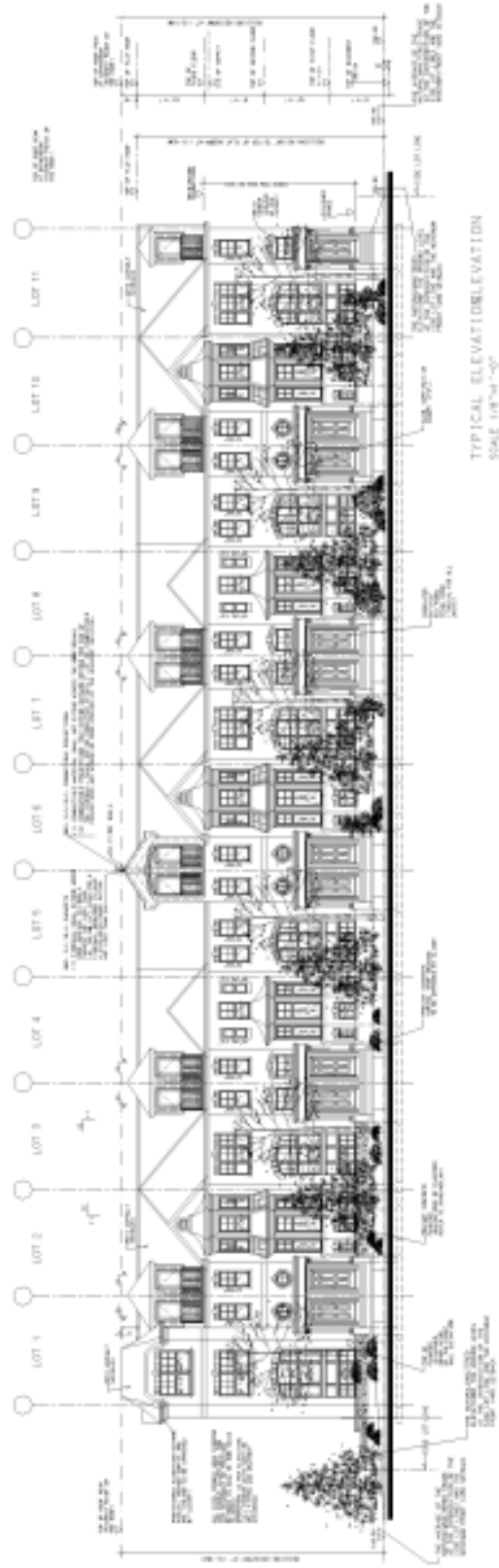


Site Plan
Applicant's Submitted Drawing

232 - 240 Berry Road
File # TA ZBA 2001 0003

↑ Not to Scale
01/07/02

Attachment 1



232 - 240 Berry Road

File # TA ZBA 2001 0003

Elevations

Applicant's Submitted Drawing

Not to Scale
01/07/02

Attachment 2

Attachment No. 3

APPLICATION DATA SHEET

Zoning By-law Amendment

Site Plan Approval:	Yes	File Number:	
Rezoning:	Yes	Application Number:	TA ZBA 2001 0003
O.P.A.:	Yes	Application Date:	04/02/2001

Municipal Address: 232-240 Berry Rd
Nearest Intersection: north-east corner of Prince Edward Dr. and Berry Rd.
Project Description: Proposed amendments to the Etobicoke Official Plan and Zoning Code to permit the development of a 17-unit residential townhouse development

Applicant: TOM GIANCOS 55 Fieldway Road Toronto, Ont M8Z 3L4 Tel: (416) 233-8575	Agent:	Architect:	Owner: 1463291 Ontario Ltd
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PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	Neighbourhood Commercial	Site Specific Provision:	
Zoning District:	CN	Historical Status:	
Height Limit (m):	7	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area:	3182.31	Height: Storeys:	3				
Frontage:	59.59	Meters:	12.4				
Depth:	0						
Ground Floor GFA:	1210	Indoor	Type	Outdoor	Type	Off Site	Leased
Residential GFA:	3742	Parking Spaces:	17	21		0	0
Non-Residential GFA:	0	Loading Docks:	0	0			
Total GFA:	3742		0	0			

DWELLING

Tenure Type:	Condominium
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3+ Bedroom:	17
Total Units:	17
Total Proposed Density:	1.18

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA:	3742	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

ATTACHMENT 4 – DRAFT OFFICIAL PLAN AMENDMENT

Authority: Etobicoke Community Council Report No., Clause No., as adopted by Council of the City of Toronto at its meeting held on 2002.

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. - 2002

To adopt Amendment No. -2002 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located on the north side of Berry Road, east of Prince Edward Drive, municipally known as 232-240 Berry Road

WHEREAS authority is given to Council by 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*;

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

1. THAT the attached Amendment No. -2002 to the Official Plan of the Etobicoke Planning Area, consisting of Part Two of the accompanying amendment, is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, C.P. 13.

ENACTED AND PASSED this day of A.D. 2002.

Mayor

City Clerk

PART TWO – THE AMENDMENT

2.1 INTRODUCTION

All of this part of the Amendment, consisting of the following text and attached map designated Schedule ‘A’ – constitute Amendment No. -2002 to the Official Plan for the Etobicoke Planning Area. The Plan is hereby amended as follows:

2.2 MAP CHANGES (SCHEDULES ‘A’ AND ‘B’)

Map 4 - The Area affected by Official Plan Amendment No. -2002 is hereby added to Map 4, ‘Land Use’, as shown on Schedule ‘A’ of this Amendment to change the designation from Neighbourhood Retail to Medium Density Residential.

Map 5 – “Site Specific Policies”, as shown on Schedule ‘B’ of Official Plan Amendment No. -2002 is hereby amended by adding Site Specific Policy No. .

2.3 TEXT CHANGES

The development of the lands affected by this Amendment will be consistent with the applicable policies contained in the Official Plan of the Etobicoke Planning Area and with the following Site Specific Policy which is hereby added to Section 5.1.2:

“ . Lands located at the north-east corner of Berry Road and Prince Edward Drive

Notwithstanding the Medium Density Residential Designation provisions, a maximum of 17 townhouse dwelling units shall be permitted.”

3. IMPLEMENTATION

The policy established by this Amendment will be implemented through a site-specific amendment to the Zoning Code, Council’s conditions to approval, and the signing of appropriate agreements.

4. INTERPRETATION

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.

Etobicoke Official Plan Amendment No. 97 - 2002

Schedule "A"

232-240 Berry Road

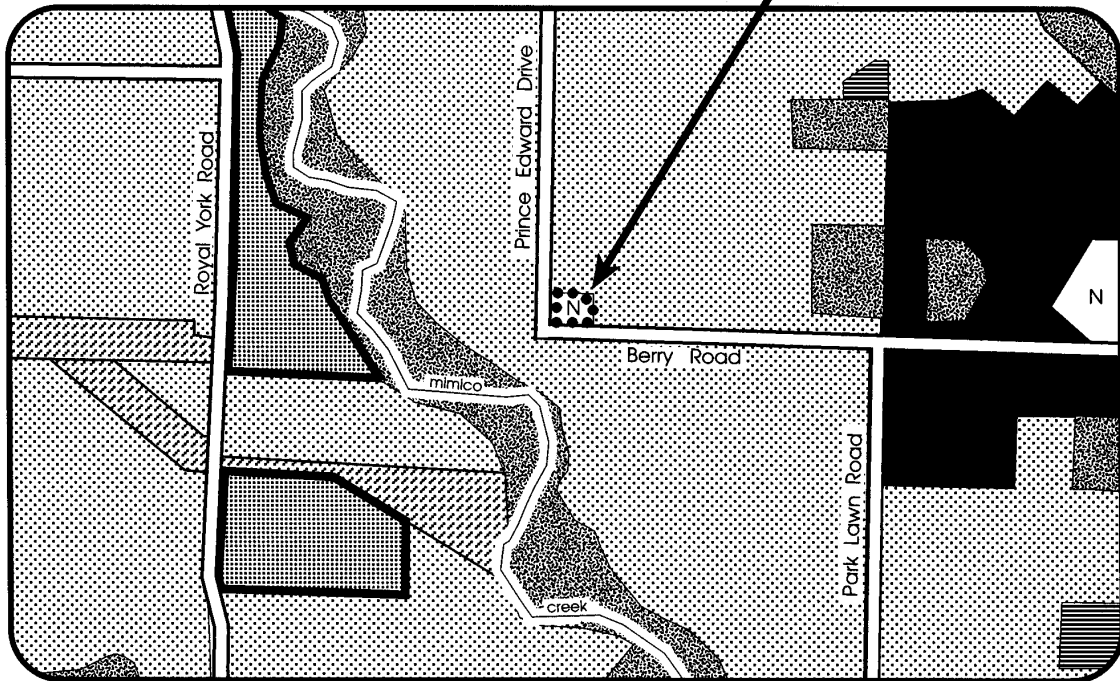
File # TA ZBA 2001 0003










Area of Amendment

Map 4

is amended by redesignating the subject land from Neighbourhood Retail to Medium Density Residential



Land Use

 Low Density Residential	 Institutional
 Medium Density Residential	 Utility
 High Density Residential	 Open Space
 Neighbourhood Retail	



Not to Scale
Extracted 01/04/02 - GW

Etobicoke Official Plan Amendment No. 97 - 2002

Schedule "B"

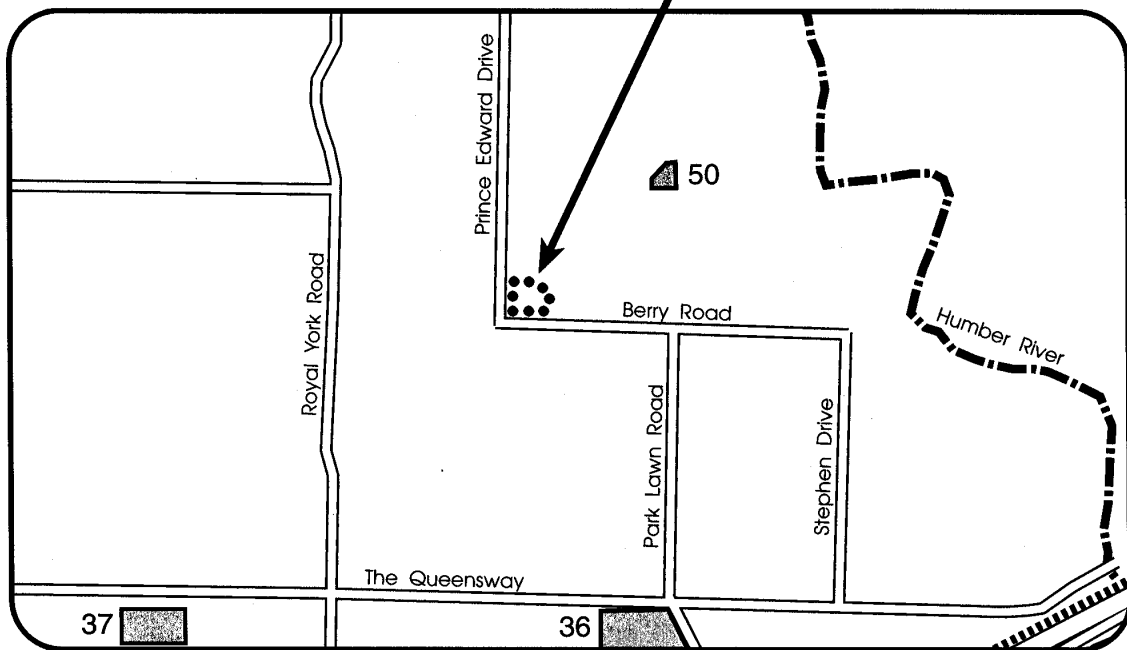
232-240 Berry Road

File # TA ZBA 2001 0003



Map 5

is amended by redesignating the subject land from Neighbourhood Retail to Medium Density Residential to permit townhouses subject to Site Specific Policy No. 78.



Site Specific Policies



50 Site Reference Number
(see Section 5.1.2)



Not to Scale
Extracted 01/04/02 - GW

ATTACHMENT 5 – DRAFT ZONING CODE AMENDMENT

Authority: Etobicoke Community Council Report No. , Clause No. , as adopted by Council of the City of Toronto at it’s meeting held on 2002.

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. - 2002

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Berry Road, east of Prince Edward Drive, municipally known as 232-240 Berry Road

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:

2. The Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, and originally attached to Township of Etobicoke By-law 11737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule ‘A’ attached hereto from Neighbourhood Commercial (CN) to Group Area Fourth Density Residential (R4G) lands provided that the following provisions shall apply to the development of the (R4G) lands identified in Schedules “A” and “B” attached hereto.
3. Nothing in this by-law shall preclude townhouse dwelling units from being divided into individual lots within the meaning of the *Planning Act*.
4. Notwithstanding the definition of “lot” in Section 304-3 of the Etobicoke Zoning Code, the standards of this by-law shall apply to the (R4G) lands identified in Schedules “A” and “B” attached hereto in their entirety.

5. Notwithstanding Sections 320-70 and 320-71 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the lands described in Schedule "A" attached hereto:
- (a) A maximum of 17 townhouse dwellings shall be permitted on the lands shown on Schedule "A" and Schedule "B" attached hereto
 - (b) The minimum building setbacks shall not be less than the measurements shown on Schedule "B" attached hereto, and shall be measured from the main walls of each block of townhouse dwellings.
 - (c) Required building setbacks and separations shall not be obstructed by any construction other than the following:
 - (i) uncovered steps to grade and planter boxes;
 - (ii) chimney breasts, eaves, bay windows, or other projections extending a maximum of 0.4 metres from any exterior wall of a building provided they is a minimum of 1.0 metre from the street or property line, excluding Unit 7 which is at the property line; and
 - (iii) open, uncovered (or roofed) decks, porchways or verandas and grade-related patios projecting a maximum of 7.5 metres from the exterior rear wall of the dwelling unit.
 - (d) The development on the lands shown as R4G on Schedule "A" shall not exceed a maximum permitted gross floor area of 3,800 square metres.
 - (e) The development on the lands shown as R4G on Schedule "A" shall not exceed a maximum a building coverage of 58 % of the site area, including the rear decks, but exclusive of those provisions included within Section 4(c) of this by-law.
 - (f) The development on the lands shown as R4G on Schedule "A" shall not have a minimum landscaped open space of less than 27% of the site area. For the purposes of this by-law, landscaped open space shall include walkways and those provisions included within Section 4(c) of this by-law.
 - (g) The maximum building height shall be 3 storeys or 12.4 metres, whichever is less.
 - (h) For each dwelling unit in Block A, one parking space shall be provided within an enclosed and attached garage at grade and one parking space shall be provided on the driveway at grade, except for the most southerly unit where two parking spaces shall be provided in the attached garage. For each dwelling unit in Block B, two parking spaces shall be provided either within the attached garage or under the deck. Four additional visitor parking spaces shall be provided on-site.

- (i) Permitted accessory uses shall include private home day-care and central air conditioning units. Detached garages, television antennae, satellite dishes, playhouses, tool sheds, swimming pools and structures in conjunction with such swimming pools shall be prohibited.
 - (j) Notwithstanding Section 320-43 N. of the Etobicoke Zoning Code, central air conditioning units shall be permitted in the rear yard only, not less than 0.2 metres from the side lot lines and 3.0 metres from the street lines.
6. Where the provisions of the by-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this by-law shall apply.
7. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this by-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE DESCRIPTION OF PROPERTY PURPOSE OF BY-LAW

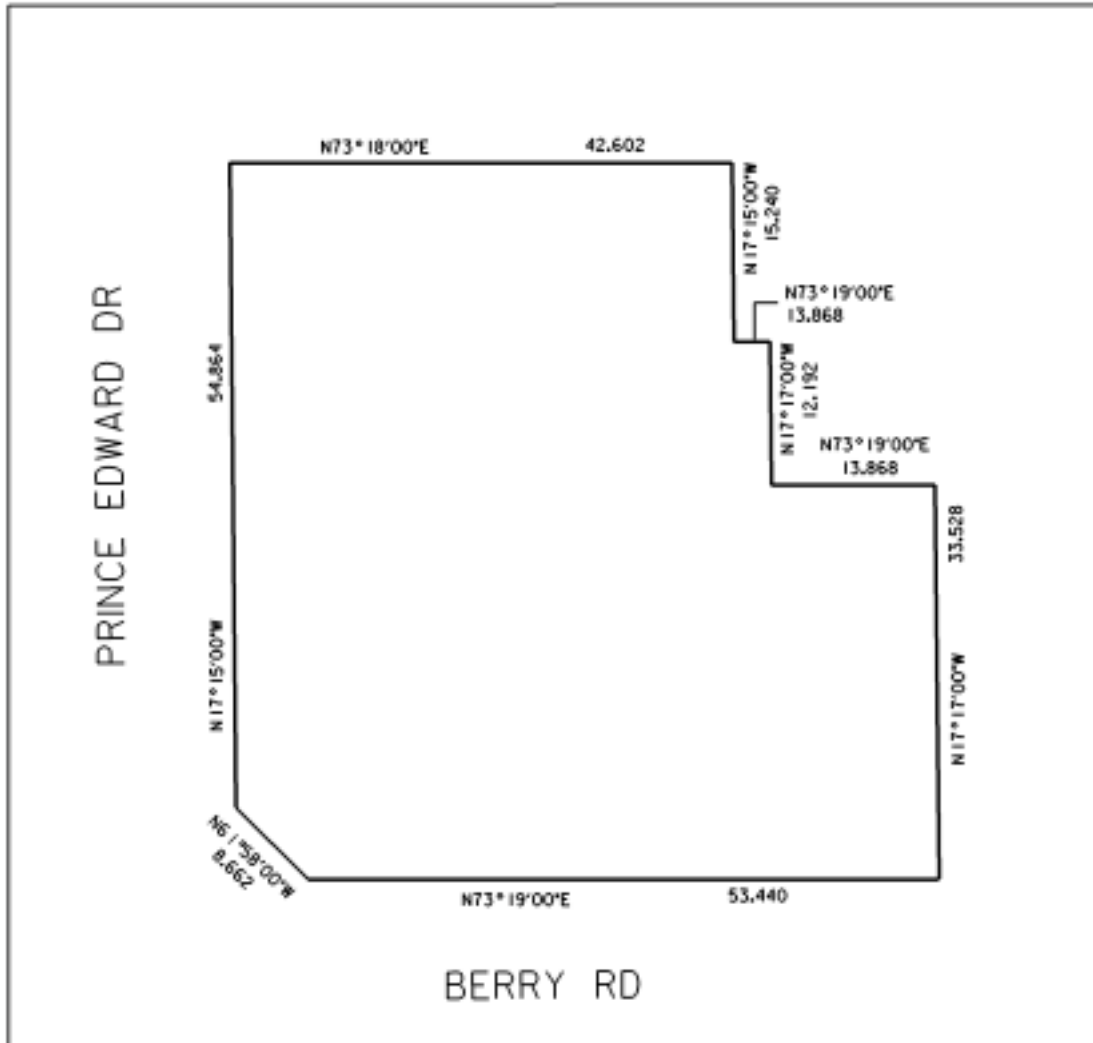
_____ - 2002	Lands located on the north side of Berry Road and east of Prince Edward Drive known As 232-240 Berry Road	To rezone the lands from Neighbourhood Commercial (CN) to Group Area Fourth Density Residential (R4G) to permit a maximum of 17 townhouse dwelling units
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ENACTED AND PASSED this day of A.D. 2002.

Mayor

City Clerk

Toronto Schedule 'A' BY-LAW

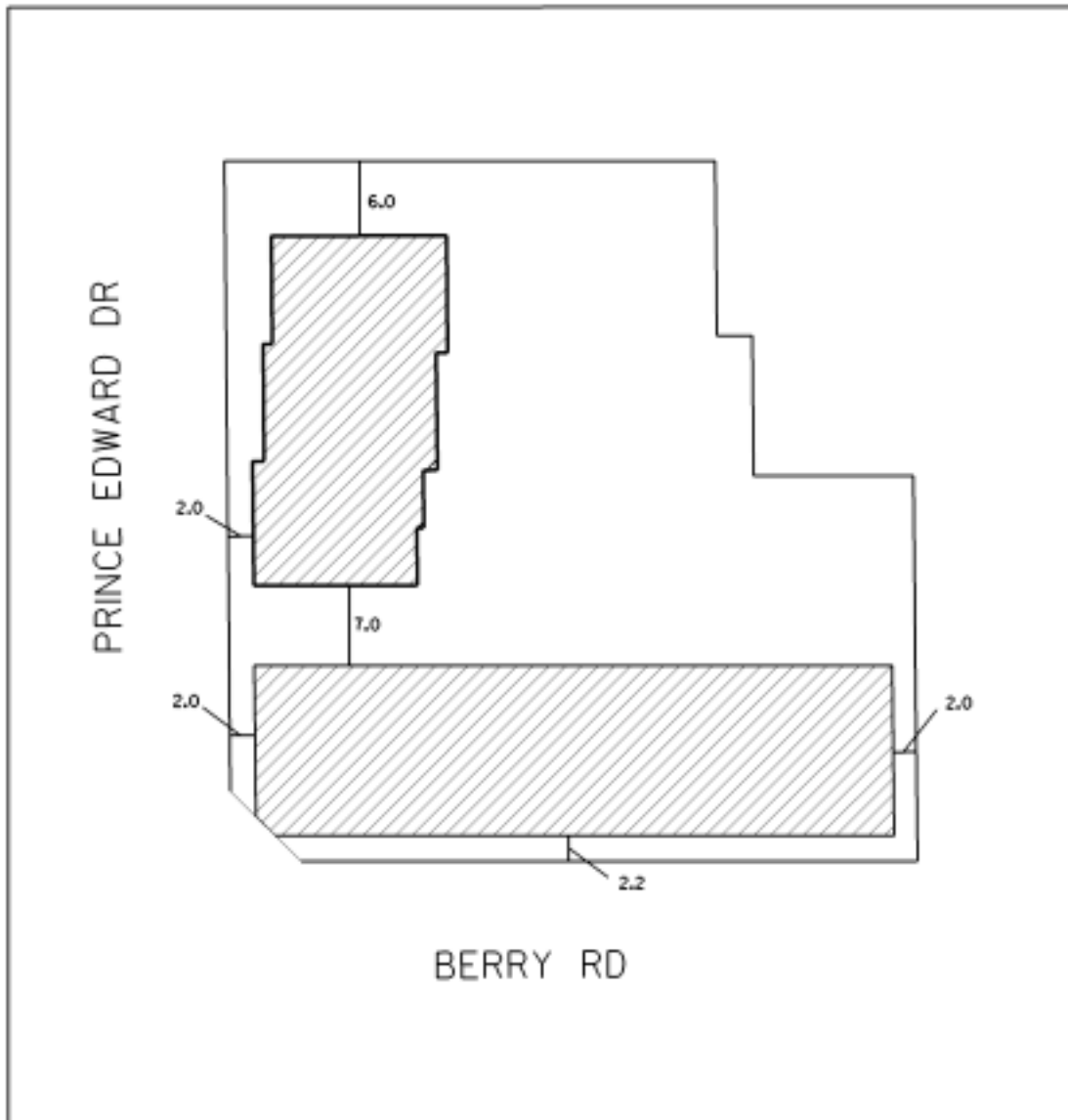


NOTE:
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY
 (PLAN No. RC4830) SUBMITTED BY RABIDEAU AND CZERWINSKI, OLS



**BLOCKS B, C, & D REGISTERED PLAN 4422
 CITY OF TORONTO**

Applicant's Name		1463291 ONTARIO INC.	
Assessment Map C0	Zoning Code Map/s C05	scale:	
File No. TA ZBA20010003	Drawing No. ZBA20010003A		

Toronto Schedule 'B' BY-LAW



**BLOCKS B, C, & D REGISTERED PLAN 4422
CITY OF TORONTO**

Applicant's Name		1463291 ONTARIO INC.	
Assessment Map C0	Zoning Code Map/s C05	scale: 	
File No. TA ZBA20010003	Drawing No. ZBA20010003B		