

**Northeast corner of Midland Ave. and Progress Ave. –  
Zoning Application – Final Report**

<b>Date:</b>	March 8, 2007
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward No. 37 – Scarborough Centre
<b>Reference Number:</b>	File No. 06 119511 ESC 37 OZ

**SUMMARY**

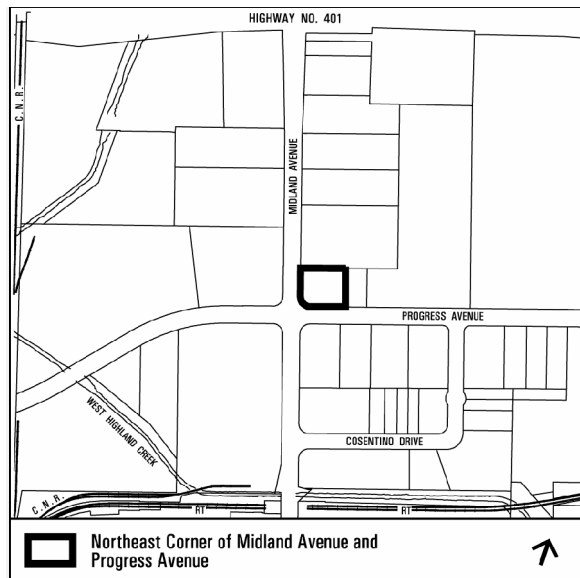
An application has been submitted to permit the development of a 223 m<sup>2</sup> (2,400 sq.ft.) free-standing drive-through restaurant and 614 m<sup>2</sup> (6,600 sq.ft.) of retail commercial space in a second building on this currently vacant site.

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

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Employment Districts Zoning By-law No. 24982 (Progress) substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6;
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.



## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

In 1990, a development proposal involving the subject lands and the adjacent property immediately to the east, was approved for an 18-storey office building with ancillary retail and restaurant uses. The Scarborough Official Plan was amended to provide for only office uses and ancillary service uses as well as requiring Section 37 benefits in return for the increased density and height. The Section 37 benefits were to provide for off-site pedestrian improvements and landscaping within the Midland and Progress Avenue road allowances. Since the Section 37 agreement was not executed, the associated zoning by-law amendment was not enacted and the lands remain zoned for industrial purposes. The proposed office development has not occurred, and the above noted Plan provisions have since been replaced with the Employment Areas policies of the new Official Plan largely approved by the Ontario Municipal Board in July 2006.

On May 9, 2006 Scarborough Community Council considered the Preliminary Report dated April 19, 2006 from the Director, Community Planning, Scarborough District. Community Council directed that the application be processed and, once a revised site development concept was submitted which addressed the City's Urban Design Guidelines for Sites with Drive-Through Facilities, that community consultation also be undertaken.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is for a commercial development consisting of a free-standing 223 m<sup>2</sup> (2,400 sq.ft.) Country Style Donut restaurant with a drive-through facility and a second 614 m<sup>2</sup> (6,600 square foot) retail building. A total of 48 parking spaces would be provided. The applicant is seeking a range of permitted uses including: retail stores, restaurants including drive-through facilities, offices and personal service shops, as well as day nurseries, educational and training facilities, financial institutions, industrial uses, places of worship and recreational uses. Additional information is contained in the application data sheet, Attachment 5.

### **Site and Surrounding Area**

This vacant 4 184 m<sup>2</sup> (1 acre) site is located at the northeast corner of Midland and Progress Avenues and is located within the Progress Employment District. Surrounding uses include:

North: A truck equipment and service shop is located immediately to the north with industrial and office uses beyond.

South: Industrial uses, with the Midland RT station beyond within walking distance of the property. A bus stop is located on the Progress Avenue frontage of this site.

East: A small industrial building is located immediately to the east with a Postal Facility and industrial uses beyond.

West: Industrial Uses, including vacant land and parking area associated with Atlantic Packaging at the northwest corner of Midland and Progress Avenues.

## **Official Plan**

The subject property is designated Employment Areas allowing places of business and economic activity. Uses that support this function include: offices, 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.

Within Employment Areas, places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate only on major streets as shown on Map 3. (Both Midland Avenue and Progress Avenue are shown as major streets on Map 3.)

Large scale, stand-alone retail stores and “power centres” are only permitted in Employment Areas fronting onto major streets that also form the boundary of the Employment Areas. This is not such a site.

The Plan provides that development will contribute to the creation of competitive, attractive, highly-functional Employment Areas by: supporting the economic function of the Employment Areas and the amenity of adjacent areas; avoiding excessive car and truck traffic on the road system within the Employment Areas and adjacent areas; providing adequate parking and loading on-site; and providing landscaping on the front and any flanking yard to create an attractive streetscape and screening parking, loading and service areas.

The built form policies require that new development be located and organized to fit with its neighbours or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. For a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. Main building entrances should be located to be clearly visible and directly accessible from the public sidewalk. New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and surrounding properties and to improve the safety and attractiveness of adjacent streets.

## **Zoning**

The Industrial Zone (M) applying to the subject property (Attachment 4) permits day nurseries, educational and training facility uses, industrial uses, offices excluding medical and dental offices, places of worship (as a sole use of land or in conjunction with a day nursery) and recreational uses (contained within a building).

Current development standards permit a maximum gross floor area (excluding basements) of 0.5 times the site area, or approximately 2 092 m<sup>2</sup> (22,519 sq.ft.) of

development on this site. Required minimum building setbacks are 3 m (9.8 ft.) from both street lines and the north property line, and 7.5 m (25 ft.) from the east property line.

### **Site Plan Control**

The property is subject to site plan control. Application no. 06 199544 ESC 37 SA in this regard has been filed and is under review.

### **Reasons for Application**

This application was filed in March 2006, prior to Ontario Municipal Board approval of the majority of the new Toronto Official Plan in July 2006. Accordingly, this was initially submitted as a combined official plan amendment and rezoning application, having regard to the former City of Scarborough Official Plan still in effect at the time. As noted above, the Scarborough plan was amended in 1990 to re-designate this site to permit Office Uses, which by numbered policy provided for only offices and ancillary service uses.

As discussed further below, there is no longer a need for an official plan amendment. The application can now be dealt with as a proposed rezoning only, to permit the retail commercial and restaurant uses proposed.

### **Community Consultation**

A community consultation meeting was held by Planning staff, in conjunction with the Ward Councillor, on November 27, 2006. A total of 14 notices were mailed within a 120 metre radius of the site, and the meeting was attended by four individuals. A representative for Atlantic Packaging expressed concern about on-duty employees possibly patronizing a licensed restaurant establishment (for work-place safety reasons), and the potential impact of the development on its heavy industrial operations. The tenant of a building to the east expressed concern about potential parking overflow from the development onto his property which already has limited parking serving a recreation facility and a recording studio.

### **Agency Circulation**

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

### **COMMENTS**

No significant zoning issues have been raised during the circulation of this application to commenting divisions and agencies. Remaining matters can be adequately addressed through the site plan process.

With respect to Atlantic Packaging's concerns, zoning by-laws do not attempt, and are not the appropriate vehicle, to regulate liquor licensing. While the restaurant currently proposed is a Country Style Donut shop having no liquor sales at this time, Atlantic Packaging would still have recourse to make its concerns known through the licensing

procedures of the provincial Alcohol and Gaming Commission, should another type of restaurant be established. Similarly, given the small scale of the proposed development, Planning staff believe the proposed uses will provide services that are complementary and beneficial to area industries and employers.

With respect to any potential parking overflow onto nearby properties, the 48 parking spaces proposed are 5 spaces in excess of the current minimum zoning requirements for the proposed restaurant and retail commercial space. Planning staff are satisfied that the proposed supply of parking will be adequate for the development proposed.

## **Land Use**

The Toronto Official Plan provides for restaurants and small scale stores and services within Employment Areas that would serve area businesses and workers. The small size of this site together with the application of an appropriate density limitation in the zoning will ensure that large scale 'big box' or 'power centre' types of development would not occur here in a manner inconsistent with the Toronto Official Plan or the Places to Grow initiative.

The Official Plan limits education facilities within Employment Areas to only business and trade schools and branches of community colleges or universities. Public or private elementary schools, for example, would therefore not be permitted. With such a limitation implemented through rezoning of the property, the land uses and scale of development proposed comply with the intent of the Official Plan and would be an appropriate land use addition at this intersection, in close proximity to the Midland RT Station, to serve the surrounding Progress Employment Area. An Official Plan amendment is not required to accommodate this proposal.

## **Density**

Determining an appropriate non-residential site density is generally a combination of the available site area, the mix and scale of uses being proposed, suitable building setbacks and coverages, retaining adequate space for landscaping and having sufficient area remaining to satisfy the zoned parking requirements for all uses in a well organized manner.

The development proposed on this site represents a gross floor area of approximately 20 percent of the site area. Staff note, however, that this site is sufficiently large enough to actually accommodate a gross floor area of 25 percent of the site while still adequately satisfying the above considerations, including parking; that is, with the proposed 223 m<sup>2</sup> restaurant and up to 840 m<sup>2</sup> (9,042 sq.ft.) of retail commercial and office space that could be provided in a partial second storey over the easterly commercial building to improve building massing and presence on Progress Avenue.

Having regard to the limited availability of such services for the numerous employment uses within the local area, as well as the proximity of the Midland RT Station, Planning staff believe that a permitted site density of 25 percent of the site area would

accommodate additional services, provide improved business opportunities, still ensure a small-scale of development and be appropriate for this site.

## **Setbacks**

The proposed site development would comply with all existing minimum building setback requirements with the exception of the proposed 1.5 m (5 ft.) setback from the east property line where 7.5 m (25 ft.) is currently required. This is a 'rear yard' setback standard, and under the zoning by-law this property line is technically the rear property line. This property boundary in all other respects is functionally a side lot line separating this site from the adjacent property at 258 Progress Ave.

This space behind the proposed retail building would function as a walkway serving the rear doors of the retail units for garbage handling, etc., and would be situated next to the side driveway serving 258 Progress Ave. Planning staff believe this to be an acceptable arrangement between these properties and have provided for the proposed setback in the recommended zoning by-law amendment (Attachment 6).

## **Zoning Classification**

This application requests approval for day nurseries, educational and training facilities, financial institutions, industrial uses, offices, personal service shops, places of worship, recreational uses, restaurants, retail stores and drive-through facilities. In this regard, the applicant has proposed that Mixed Employment (ME) zoning be applied.

Within ME zones, the Employment District Zoning By-law No. 24982 permits day nurseries, educational and training facility uses, financial institutions, industrial uses, offices, personal service shops, places of worship, recreational uses, restaurants and retail stores. Under this zoning, industrial uses would continue to be permitted should site redevelopment not proceed as proposed. Planning staff conclude the application of an ME zone, with the zoning limitations discussed in this report, is appropriate in this case.

The draft zoning by-law amendment attached as Attachment 6 includes regulations for the proposed commercial development addressing land use, density and building setbacks, together with a provision requiring the availability of municipal services. To maintain Official Plan conformity, the proposed zoning by-law amendment also contains an exception which will limit permitted educational and training facility uses to only business and trade schools and branches of community colleges or universities.

## **CONTACT**

Rod Hines, Principal Planner  
Tel. No. (416) 396-7020  
Fax No. (416) 396-4265  
E-mail: hines@toronto.ca

## **SIGNATURE**

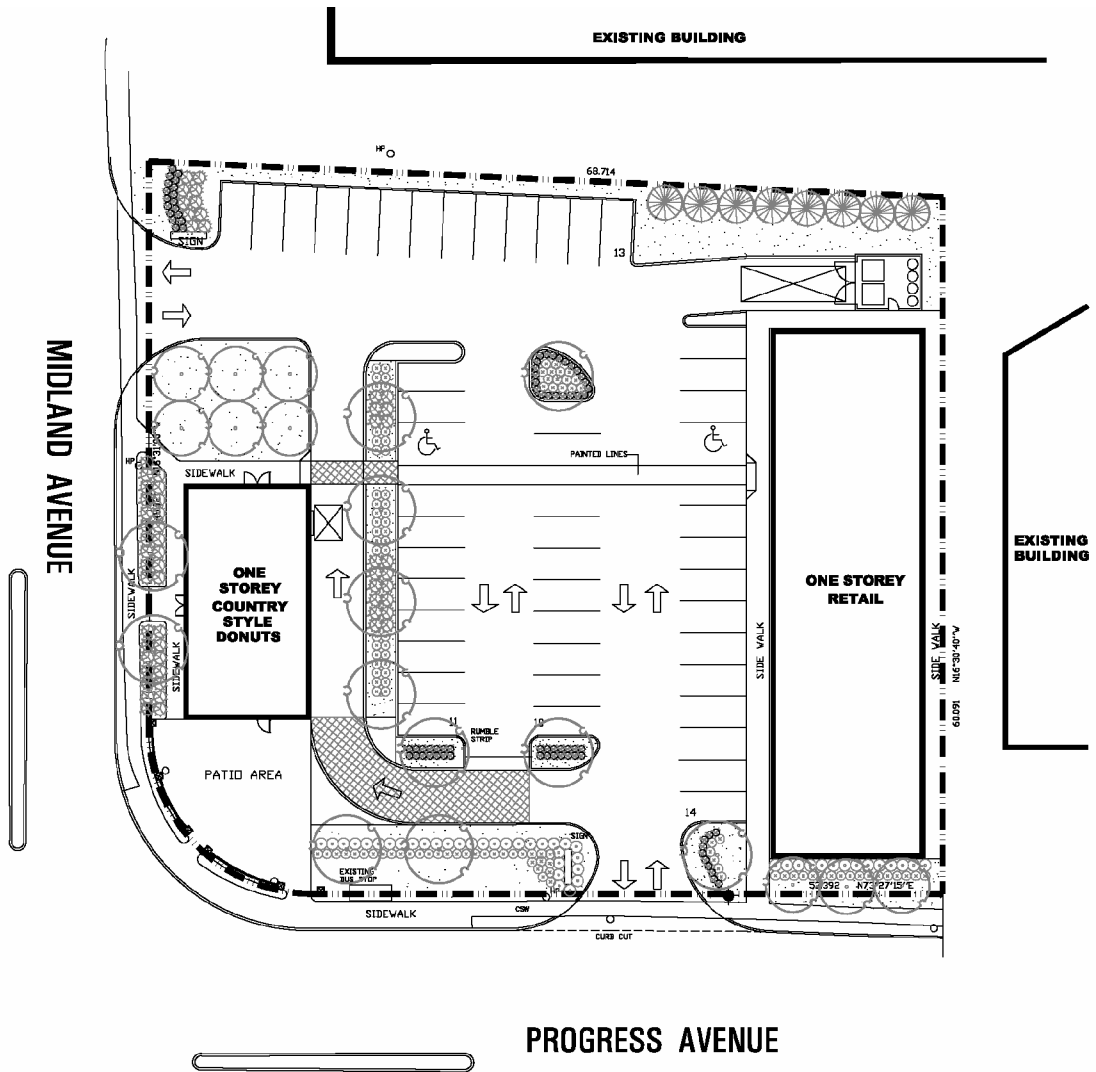
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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Elevation Plan (Restaurant)
- Attachment 3: Elevation Plan (Retail)
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

## N/E Corner of Midland Ave/Progress Ave

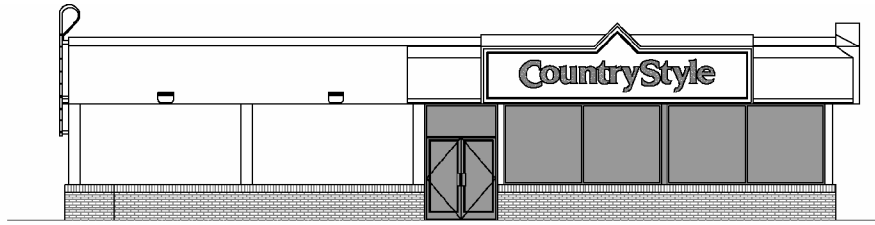
Applicant's Submitted Drawing

Not to Scale  
2/20/07

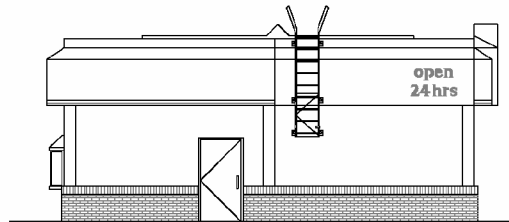
File # 06-119511 0Z



**Attachment 2: Elevation Plan (Restaurant)**



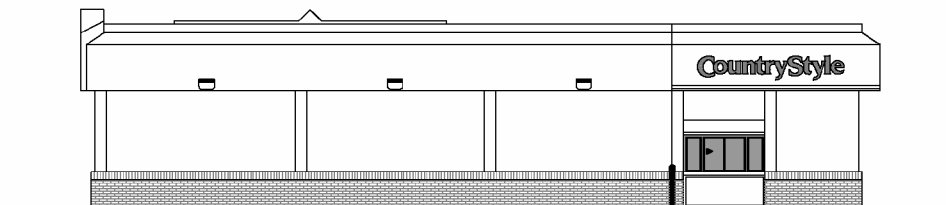
**West**



**North**



**South**



**East**

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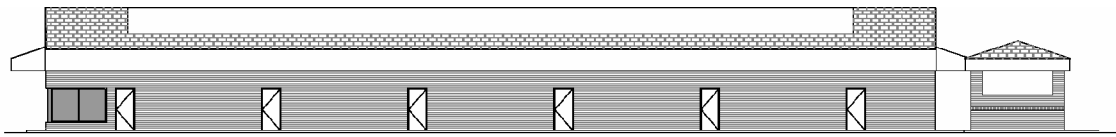
**Elevation Plan (Restaurant) N/E Corner of Midland Ave/Progress Ave**  
**Applicant's Submitted Drawing**

Not to Scale  
2/19/07

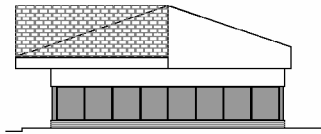
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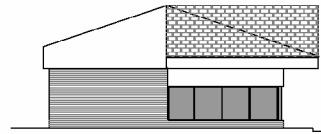
**Attachment 3: Elevation Plan (Retail)**



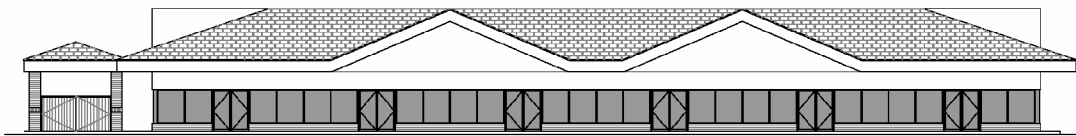
**East**



**South**



**North**



**West**

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**Elevation Plan (Retail)**  
**Applicant's Submitted Drawing**

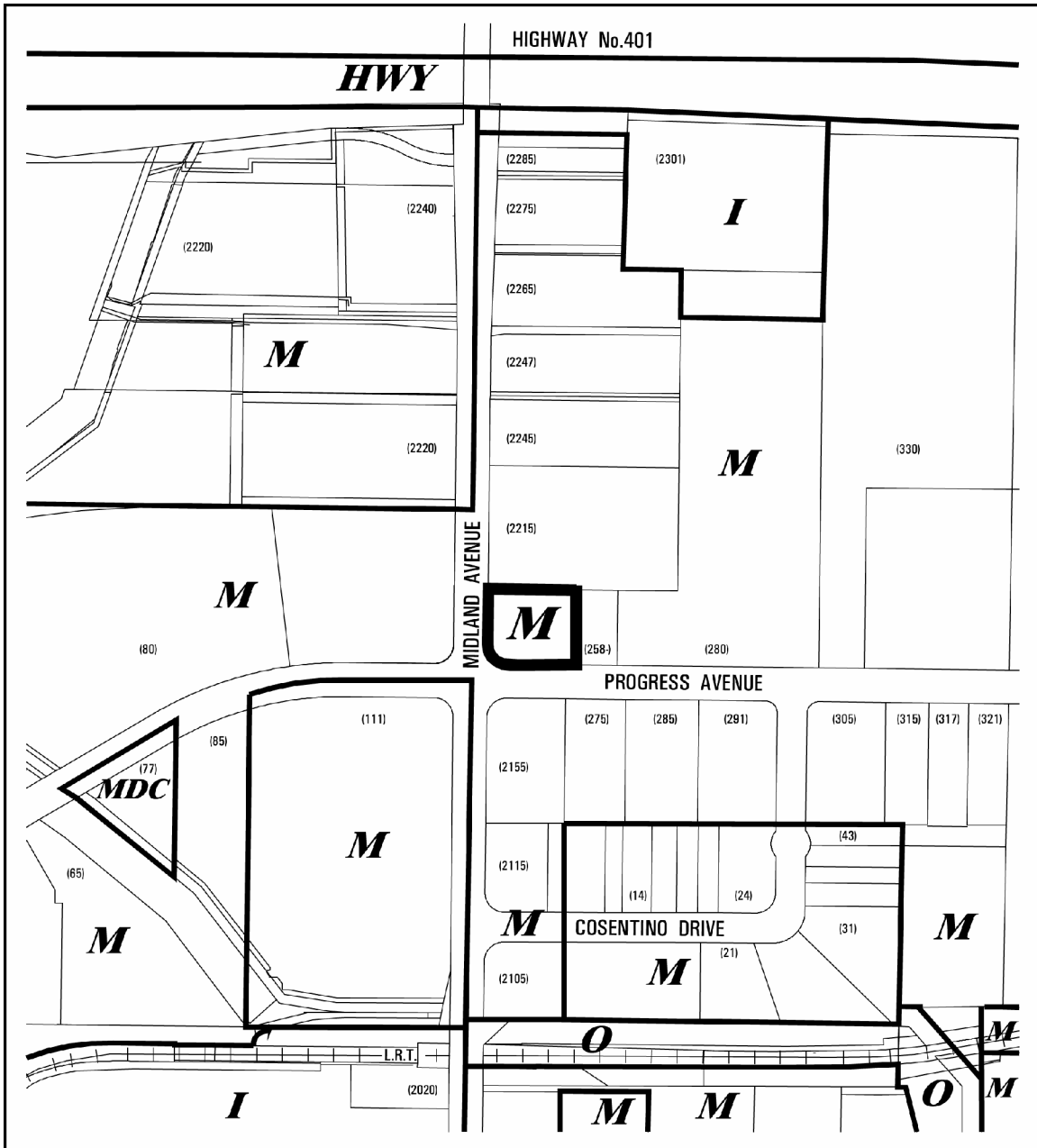
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2/19/07

**N/E Corner of Midland Ave/Progress Ave**

**File # 06-119511 0Z**

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## Attachment 4: Zoning



**TORONTO** City Planning  
Division  
**Zoning**

**Northeast Corner of Midland Ave.  
and Progress Ave.**

File # 06-119511 OZ

**M** INDUSTRIAL ZONE  
**MDC** INDUSTRIAL DISTRICT COMMERCIAL ZONE  
**I** INSTITUTIONAL ZONE

**O** OPEN SPACE  
**HWY** HIGHWAY ZONE

PROGRESS EMPLOYMENT DISTRICT BYLAW  
Not to Scale  
3/29/06



## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	06 119511 ESC 37 OZ
Details	Rezoning, Standard	Application Date:	March 22, 2006

Municipal Address: 0 MIDLAND AVE E/S, TORONTO ON  
 Location Description: CON 2 PT LT26 VACANT LAND \*\*GRID E3701  
 Project Description: A commercial development consisting of a 223 sq.m. restaurant with a drive-thru facility and a 614 sq.m. commercial building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
CALTRON PROPERTIES LTD	MARTIN RENDL, MARTIN RENDL ASSOCIATES	THOMAS GLUCK ARCHITECT INC.	TINDER HOLDINGS INC., (IN TRUST)

### PLANNING CONTROLS

Official Plan Designation:	Office Uses	Site Specific Provision:	Numbered Policy 4
Zoning:	M-Industrial	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	4184	Height:	Storeys:	1
Frontage (m):	53		Metres:	4.8
Depth (m):	68.714			
Total Ground Floor Area (sq. m):	837			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	48
Total Non-Residential GFA (sq. m):	837		Loading Spaces:	1
Total GFA (sq. m):	837			
Lot Coverage Ratio (%):	20.0			
Floor Space Index:	0.2			

### DWELLING UNITS

Tenure Type:	
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	0	0	0
Retail GFA (sq. m):	837	837	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

**CONTACT: PLANNER NAME: Rod Hines, Principal Planner**  
**TELEPHONE: (416) 396-7020**

**Attachment 6: Draft Zoning By-law Amendment**

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2007  
Enacted by Council: ~, 2007

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2007**

**To amend the Employment Districts Zoning By-law No. 24982 (Progress), as amended,  
With respect to the lands municipally known as,  
0 Midland Ave E/S**

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 Employment Districts Zoning By-law No. 24982 (Progress Employment District – West) is amended by deleting the current zoning for the lands at the north-east corner of Midland Avenue and Progress Avenue, and substituting new zoning on the subject lands as shown on Schedule '1' attached hereto and forming part of this By-law, together with the following letters and numerals:

ME – 3 – 913 – 987 – 1054 – 1640 (838)

2. Schedule "B" of the Employment Districts Zoning By-law No. 24982, **Performance Standards Chart**, is amended by adding the following Performance Standard:

**MISCELLANEOUS**

1640. 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.

**3.** Schedule "C" of the Employment Districts Zoning By-law No. 24982, **Exceptions List**, is amended by adding the following Exception No. 838 applying to the subject lands as shown on Schedule '1':

838. Education and Training Facility Uses shall be limited to only business and trade schools and branches of community colleges or universities.

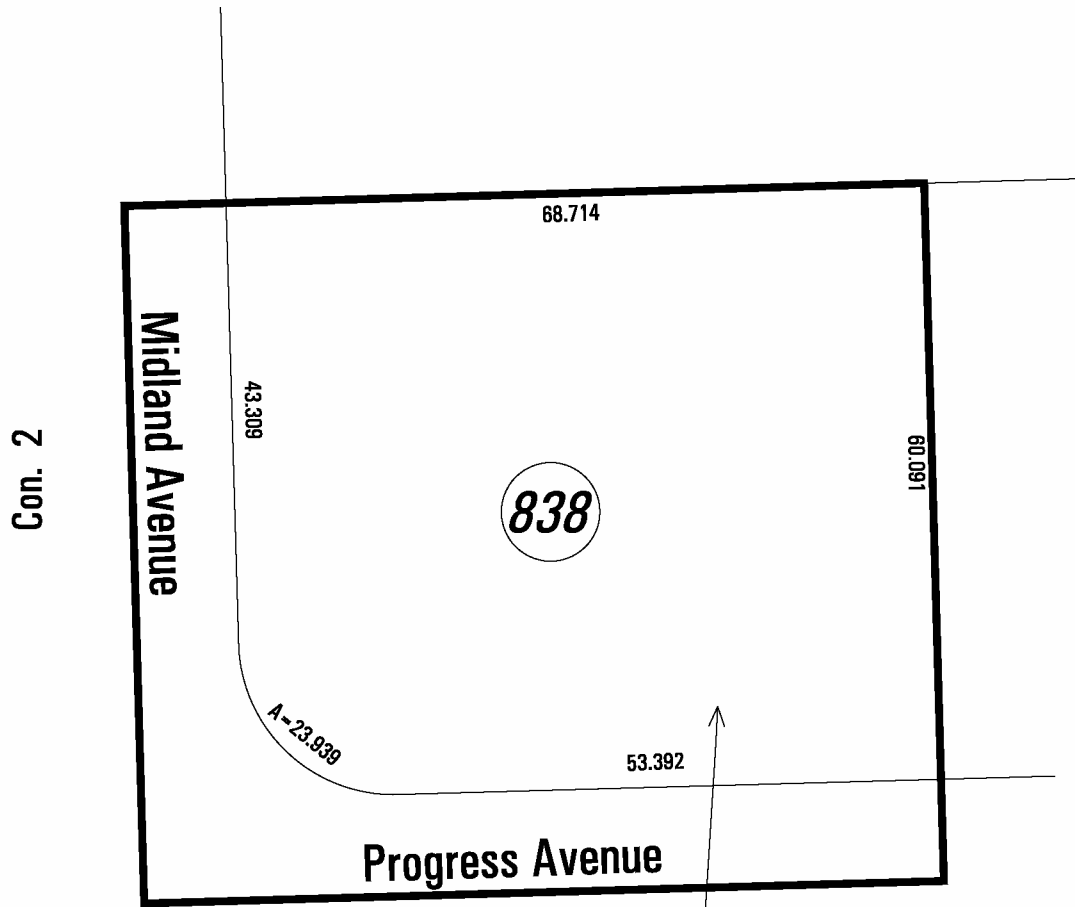
ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

Schedule '1'  
Lot 26



ME-3-913-987-1054-1640



Zoning By-Law Amendment

N/E Corner Midland Ave/Progress Ave

File # 06-119511 0Z



Area Affected By This By-Law

Progress Employment District Bylaw  
Not to Scale  
3/7/07

