

1145 Morningside Avenue - Zoning Application - Final Report

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| Date: | June 12, 2007 |
| To: | Scarborough Community Council |
| From: | Director, Community Planning, Scarborough District |
| Wards: | Ward No. 42 Scarborough – Rouge River |
| Reference Number: | File No. 06 148959 ESC 42 OZ |

SUMMARY

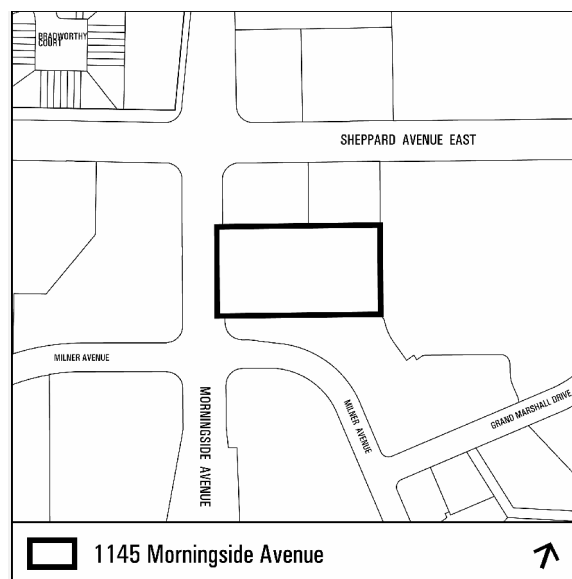
This applicant proposes to rezone the subject lands to permit a mix of employment and small scale retail uses. The proposed uses are consistent with the Employment Areas designation of the Official Plan, the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. The provision of employment uses, small scale retail and service commercial uses is appropriate at this location.

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 zoning by-law for the Rouge Employment District substantially in accordance with the draft zoning by-law amendment in Attachment 5; and
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

The applicant originally proposed an official plan and zoning by-law amendment in order to permit a full range of retail uses over the entire lands. Preliminary land use concerns regarding unrestricted retail uses in employment areas were identified by staff. Further, the proposal to amend the Official Plan conflicted with the Employment Areas policies of the Official Plan as well as the policies of the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

Secondary concerns including access, building placement, traffic and urban design issues were also identified by staff.

Through extensive dialogue with staff as well as comments from other divisions and outside agencies, the applicant has responded to these concerns by proposing a mix of employment, small scale retail and service uses. The revised proposal complies with the Official Plan policies.

ISSUE BACKGROUND

Proposal

This revised zoning by-law amendment application seeks to permit employment, small scale retail and service uses on the subject lands. The applicant is proposing to allocate 60% of the floor area for employment uses (ie. office, industrial, manufacturing, restaurants) while the remaining 40% would be allocated to small scale retail and service commercial uses as illustrated in Attachment 5: Draft Zoning By-law Amendment.

The conceptual site plan shows a combination of four (4) free standing buildings totalling 4 210 square metres (45,320 square feet) in area. Vehicular access is via a 6.0 metre (20 ft.) wide driveway off Morningside Avenue. A total of 149 surface parking spaces will be provided throughout the interior of the site (Attachments 1 and 2).

Site and Surrounding Area

The site is located on the east side of Morningside Avenue, south of Sheppard Avenue, municipally known as 1145 Morningside Avenue. The site is approximately 1.2 hectares (3 acres) in size with about 82 metres (268 ft.) frontage along Morningside Avenue with a depth of about 149 metres (490 ft.).

The site is vacant and slopes gradually towards the southerly and easterly limits of the property. There are a few mature trees dispersed throughout the site.

The previous building on the subject lands had been used for a truck repair facility, trucking depot and motor vehicle sales for many years. All buildings and structures have been removed.

A combination Esso gas bar/car wash and a Wendy's/Tim Hortons fast food restaurant development abut the subject lands to the north. Further north is Sheppard Avenue, beyond which is an existing employment area comprised of offices, industrial and small scale retail uses.

Lands directly to the south are vacant and abut Milner Avenue. Further south is an existing retail commercial centre comprised of a Business Depot, Swiss Chalet, Harvey's, Mr. Greek restaurant, Marks Work Warehouse and Everything for a Dollar retail store. Approximately 0.4 kilometres to the south is the Highway 401 corridor.

The lands directly to the east are developed with a Home Depot retail store.

On the west side of Morningside Avenue immediately opposite the subject site is the Malvern Market Place retail commercial centre. This development consists of a 1 and 2 storey, multi-unit community commercial centre anchored by a Sobeys supermarket at the southerly limit of the site.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The subject application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan designates the subject lands Employment Areas on Map 22 – Land Use Plan. The Employment Areas designation provides for 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. The Official Plan also includes development criteria in Employment Areas to ensure that development will contribute to the creation of competitive, attractive and highly functional Employment Areas.

The subject lands are also identified as part of an Employment District within the Toronto Official Plan's Map 2 – Urban Structure.

Zoning

This application is to add additional retail and service uses to the Industrial and Office Use Zone of the by-law. The subject site is currently zoned Industrial (M) and Office Uses (OU) by the Rouge Employment District Zoning By-law No. 24982 (Attachment 3: Zoning).

The Industrial Zone of the by-law permits: day nurseries, educational and training facilities uses, industrial uses, offices, excluding medical and dental offices, places of worship and recreational uses.

The Office Use Zone of the by-law permits: day nurseries, educational and training facility uses, financial institutions, libraries, offices, personal service shops, places of worship, recreational uses, restaurants and a limited amount of retail stores.

While retail stores, personal service shops and restaurants are permitted in the Office Use Zone of the by-law, the Employment Areas policies of the Official Plan require that these uses be small scale, ancillary and serve area businesses and workers.

Site Plan Control

The lands are subject to site plan control however a site plan control application has not yet been submitted. Staff have worked with the applicant based on the conceptual site plan to resolve matters including landscaping, lighting and access. Concerns regarding building massing, size of units and siting have been addressed and are reflected in the draft zoning by-law.

Other issues such as traffic, stormwater management, servicing and possible vehicular and/or pedestrian connections to the abutting retail uses to the north and south have also been examined. A site plan control application will be required where these issues will be reviewed in detail as part of the site plan application.

Reasons for Application

In the Preliminary Report, based on the information submitted by the applicant at the time of submission, staff were uncertain as to whether or not an official plan amendment should be submitted. Upon further discussion with the applicant, the extent and mix of the proposed employment and retail uses has been determined. As the subject lands will be used primarily for employment uses and the proposed retail and service uses will be small scale and serve area businesses and workers, the proposal is consistent with the Official Plan.

An amendment to the zoning by-law is required to add the following uses to the Industrial and Office Use Zone and limit the amount of retail:

- Business and Trade School
- Computer Sales and Service
- Courier Services / Mailbox / Fax
- Medical Offices
- Dry Cleaning Establishment
- Fitness Centre
- Artist and Photo Studio
- Printing Shop
- Travel Agency
- Dance Studio

These additional uses will be consistent with the Employment Areas policies of the Official Plan.

Community Consultation

A community consultation meeting was scheduled with the local Councillor on Wednesday January 24, 2007. A representative of the owner of the lands to the immediate south (Smart Centres) was the only one in attendance. This participant expressed concerns regarding vehicular access from Morningside Avenue and instead suggested the possibility of a joint access. No other significant issues were raised.

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

Employment Areas are places of business and economic activity. Uses that support this function consist of 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.

Development of the subject lands with a mix of employment uses, small scale retail and service uses is appropriate and integrates well into the surrounding business community. This application proposes uses that are consistent with the function of Employment Areas and therefore, no amendment to the Official Plan is required.

Land Use

The proposed use of the subject lands for employment, small scale retail and service uses are appropriate and consistent with the Official Plan, the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

The proposed uses are set out in the draft zoning by-law.

Density, Height, Massing

The proposed density is restricted to 4 210 sq. m (45,320 square feet), 2 storeys in height and consisting of 4 buildings. The draft zoning by-law will further restrict the size of any individual unit to 465 sq. m (5,000 sq. ft.) in keeping with the Employment Areas policies of the Official Plan.

This scale of development is appropriate at this location. The draft zoning by-law will ensure that the proposed uses are small scale and serve area businesses and workers.

Traffic Impact, Access, Parking

A Traffic Impact Study, dated April 2006, prepared by Lea Consulting Limited was submitted and found to be acceptable by staff. The study concluded that the proposed development will not have any significant impacts on the traffic operations on Morningside Avenue.

The Rouge Employment District Zoning By-law No. 24982 establishes minimum parking standards. The applicant has not requested a change to the minimum parking standards.

Urban Design

Joint vehicular access through the site has been considered. A shared vehicular access from Morningside Avenue with the land owners to the immediate south (Smart Centres) would be a private matter between the two parties. While staff can facilitate such a discussion and maintain the design possibility for the shared arrangement, the decision will be up to the individual land owners. Regardless of whether or not a joint vehicular access from Morningside Avenue is reached, the lands to the south can still be accessed from a driveway extending east from Milner Avenue. This issue however will be explored further during the site plan approval process.

Heritage Preservation

There was prior soil disturbance of the subject property and the probability of archaeological deposits being found intact is extremely low. Heritage Preservation Services reports that an archaeological assessment is not necessary.

Tree Preservation

The lands are subject to the City's Tree Preservation By-law. An Arborist Report which included a Tree Preservation Plan has been received and is satisfactory to Urban Forestry Services. Upon completion of construction, replacement tree planting on private property will be implemented to the satisfaction of Urban Forestry Services. A letter of credit guaranteeing replanting will be included in the site plan agreement. This will be secured as part of a landscape plan with the site plan.

Green Development Standards

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. The use of the term 'Green' is intended to be associated with the concept of 'sustainability' or 'sustainable development'. Based on the applicant's submission, the proposed development is intended to achieve the following targets: Minimum Energy Performance, Urban Heat Island Reduction (Roof),

Storm Water Management, Storage and Collection of Recyclables and Compostables. As part of the site plan, staff will pursue further opportunities for tree plantings.

Draft Zoning By-law Amendment

The draft zoning by-law amendment sets out performance standards which will define the project as proposed with some slight flexibility (Attachment 5: Draft Zoning By-law).

Completion of the review of the site plan control application will ensure compliance with the approved zoning by-law.

Conclusions

This revised proposal for a zoning by-law amendment to permit a mix of employment and small scale retail uses is appropriate at this location. The integrity of the Rouge employment area is maintained. Permitting a mix of uses, while specifically capping the amount of retail and limiting the size of any one retail store, is consistent with the Employment Areas policies of the Official Plan.

It is recommended that City Council approve the draft zoning by-law amendment to the Rouge Employment Zoning By-law as generally illustrated on Attachment 5: Draft Zoning By-law.

CONTACT

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E-mail: rashby2@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan (Conceptual)

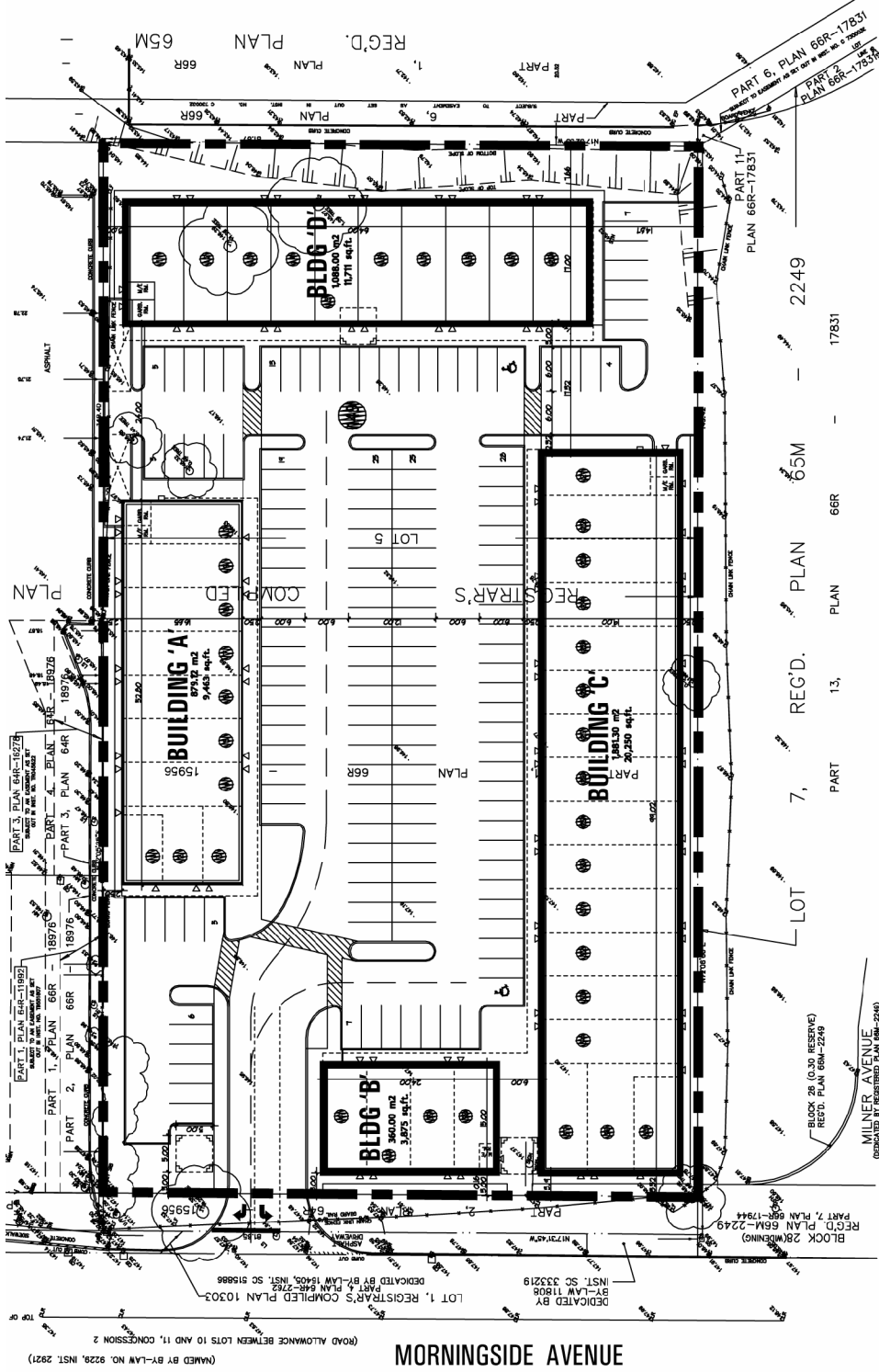
Attachment 2: Elevations (Conceptual)

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



1145 Morningside Avenue

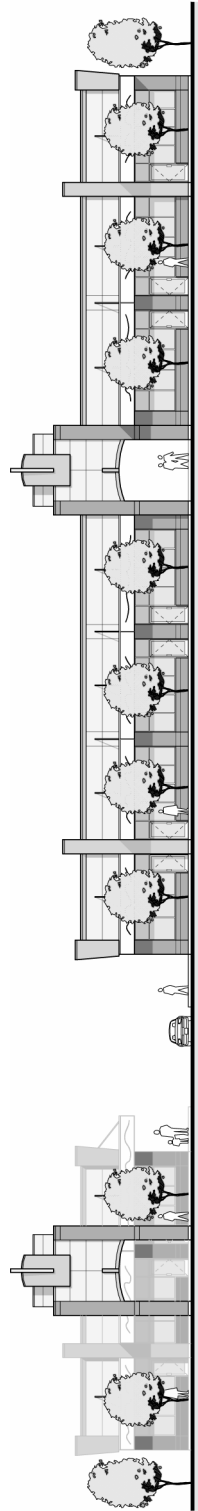
Site Plan

Applicant's Submitted Drawing

Not to Scale
06/28/06

File # 06-148959 0Z

Attachment 2: Elevations



Streetscape - Morningside Avenue

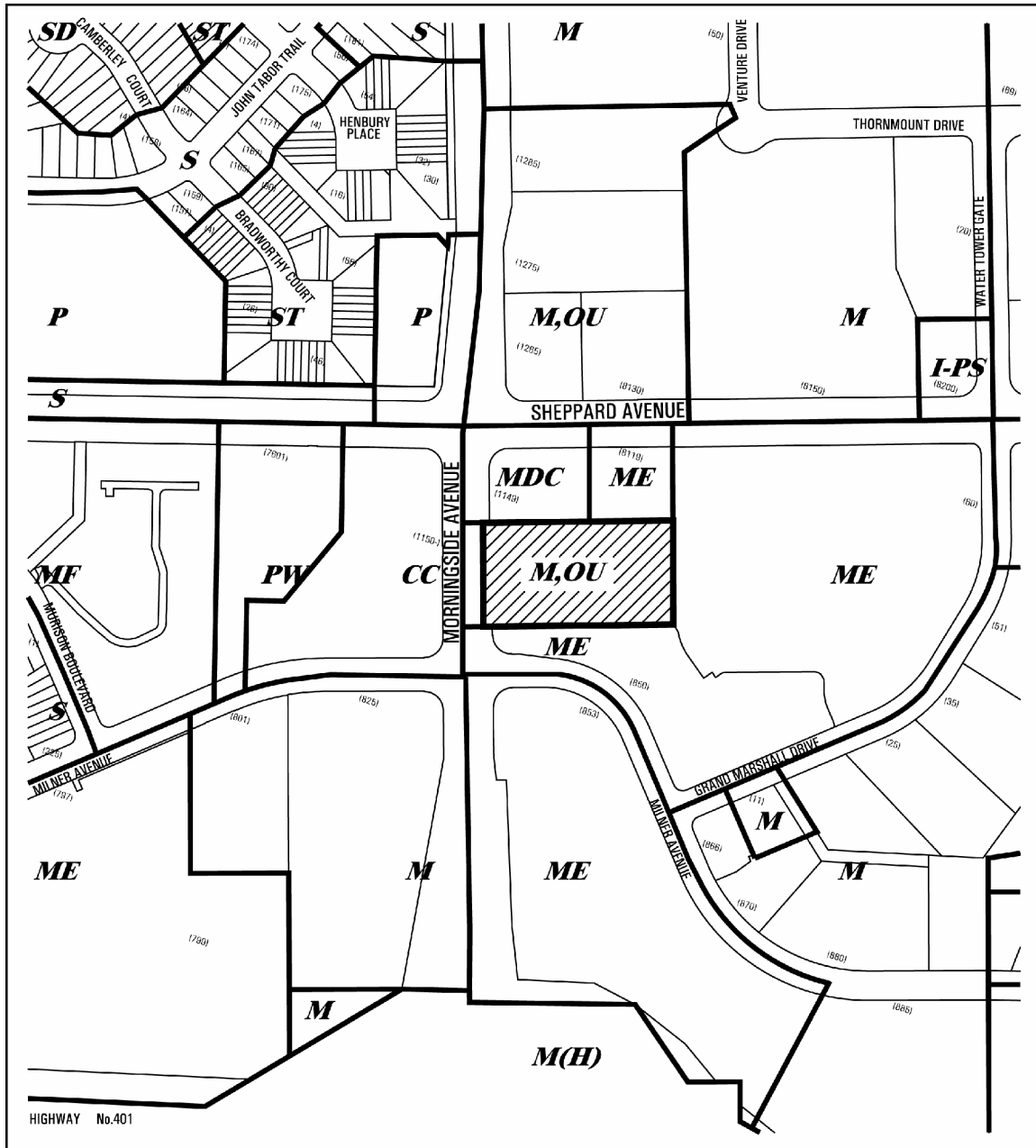
Applicant's Submitted Drawing

Not to Scale
06/28/06

1145 Morningside Avenue

File # 06-148959 OZ

Attachment 3: Zoning



Toronto City Planning
Division
Zoning

1145 Morningside Avenue
File # 06-148959 0Z

S Single-Family Residential
SD Semi-Detached Residential
ST Street Townhouse Residential
MF Multiple-Family Residential

I-PS Institutional-Public Services Zone
CC Community Commercial
OU Office Uses Zone
PW Place(s) of Worship
P Parks

M Industrial Zone
ME Mixed Employment Zone
MDC Industrial District Commercial Zone
(H) Holding Provision

Rouge & Neilson Emp.; Malvern Com. Bylaws
Not to Scale
06/27/06



Attachment 4: Application Data Sheet

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|------------------|--------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 06 148959 ESC 42 OZ |
| Details | Rezoning, Standard | Application Date: | June 21, 2006 |

| | |
|-----------------------|---|
| Municipal Address: | 1145 MORNINGSIDE AVE E/S, TORONTO ON |
| Location Description: | PL 10303 RCP LT5 NOW RP 66R15956 PT 1 **GRID E4212 |
| Project Description: | Zoning by-law amendment to facilitate the development of the subject lands with retail and service commercial uses. |

| | | | |
|---|---------------|-------------------|-------------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| ARMSTRONG HUNDER & ASSOCIATES JIM KOTSOPOULOS | | | JAIPUR MORNINGSIDE PLAZA INC. |

PLANNING CONTROLS

| | | |
|----------------------------|-----------------------------------|---------------------------|
| Official Plan Designation: | Employment Areas | Site Specific Provision: |
| Zoning: | M (Industrial) & OU (Office Uses) | Historical Status: |
| Height Limit (m): | | Site Plan Control Area: Y |

PROJECT INFORMATION

| | | | |
|------------------------------------|---------|-----------------|--------------|
| Site Area (sq. m): | 12200.9 | Height: | Storeys: 1 |
| Frontage (m): | 81.62 | | Metres: 0 |
| Depth (m): | 149.4 | | |
| Total Ground Floor Area (sq. m): | 4208.42 | | Total |
| Total Residential GFA (sq. m): | N/A | Parking Spaces: | 149 |
| Total Non-Residential GFA (sq. m): | 4208.42 | Loading Docks | 2 |
| Total GFA (sq. m): | 4208.42 | | |
| Lot Coverage Ratio (%): | 34.49 | | |
| Floor Space Index: | 0.34 | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|--------------|---|----------------------------------|-------------|
| Tenure Type: | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 4208.42 |
| 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 | | |

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

Attachment 5: Draft Zoning By-law

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 Rouge Employment District Zoning By-law No. 24982, as amended,
With respect to the lands municipally known as, 1145 Morningside Avenue
Located within the Rouge Employment District**

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” is amended with respect to the land outlined on Schedule “1” by retaining the (M) and (OU) designation, removing the performance standards and replacing it with the following:

M, OU- 913-991-1054-2365-2610-2611-2612-Exception 138

2. PERFORMANCE STANDARD CHART – SCHEDULE “B”, of the Rouge Employment District Zoning By-law, as amended, is hereby amended by adding the following Performance Standards:

INTENSITY OF USE

2610 Gross Floor Area of all buildings shall not exceed 4 210 square metres (45,320 square feet).

2611 No individual unit shall exceed 465 square metres (5,000 square feet)

2612 Retail uses are restricted to a maximum of 40% of the maximum permitted gross floor area or 1 685 square feet (18,127 square feet)

3. Within the lands shown on Schedule "A" 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.

4. EXCEPTIONS LIST – SCHEDULE “C”, of the Rouge Employment District Zoning By-law, as amended, is hereby further amended by adding the following Exception:

ADDITIONAL PERMITTED USES

138 Only the following additional uses are permitted:

Business and Trade School
Computer Sales and Service
Courier Services / Mailbox / Fax
Medical Offices
Dry Cleaning Establishment
Fitness Centre
Artist and Photo Studio
Printing Shop
Travel Agency
Dance Studio

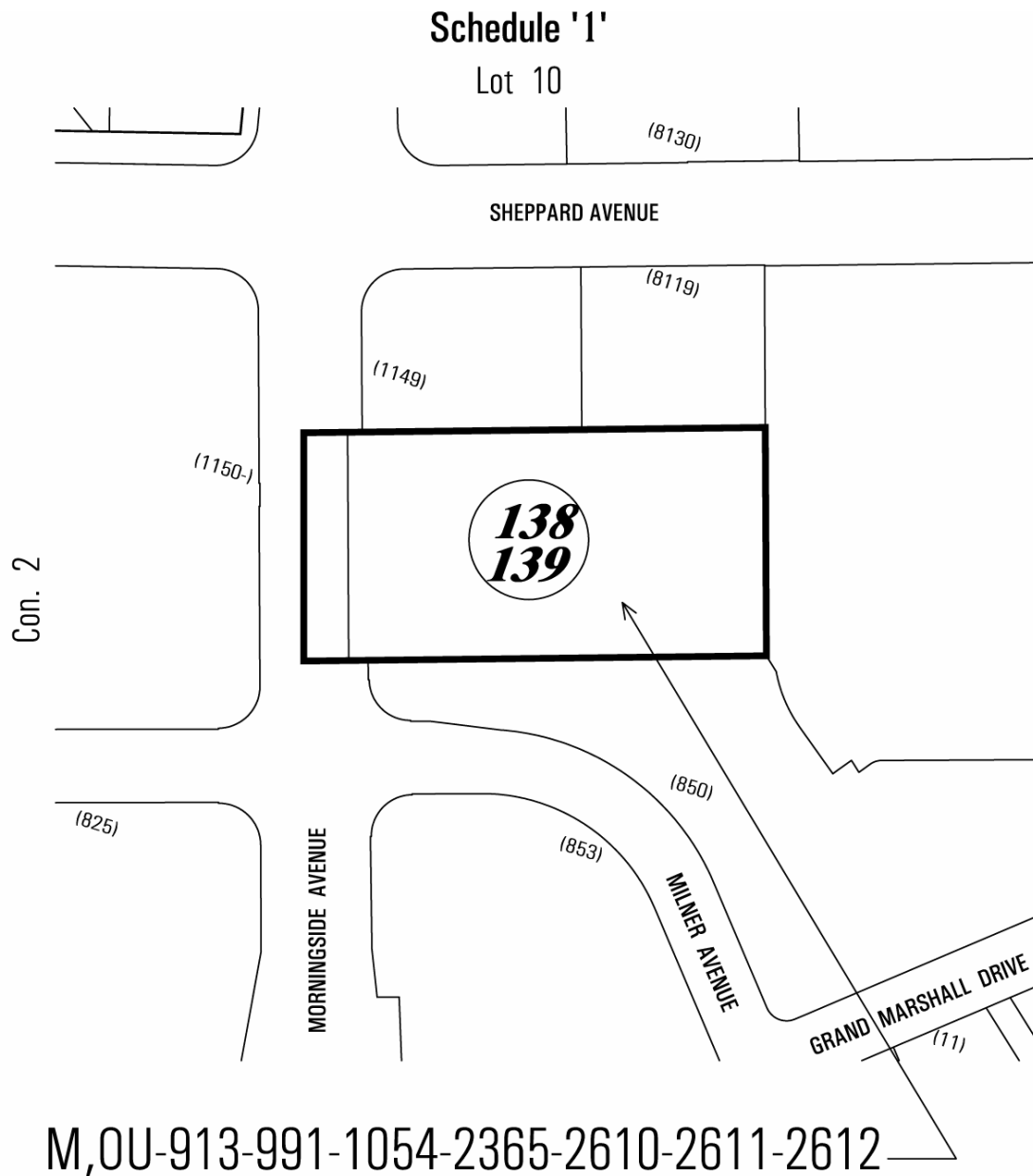
139 Retail Stores are not permitted

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Toronto City Planning
Division
Zoning By-Law Amendment

1145 Morningside Avenue
File # 06-148959 0Z

 Area Affected By This By-Law

Rouge Emp. District Bylaw
Not to Scale
06/12/07
