

**3351 Markham Road - Site Plan Control Application -
Request for Direction Report**

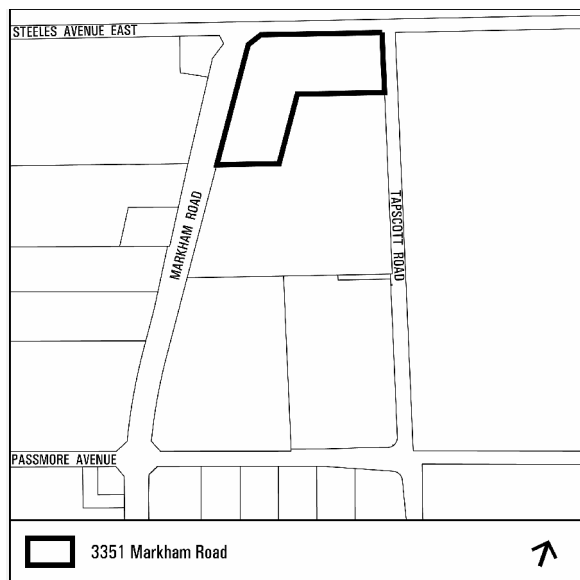
Date:	August 24, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 42 – Scarborough Rouge River
Reference Number:	File No. 07 106537 ESC 42 SA

SUMMARY

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

A site plan control application was submitted to develop a parcel of land located at the south-east corner of Steeles Avenue East and Markham Road. The site measures approximately 2.8 ha (6.9 acres) and the proposed development includes four separate buildings with a gross floor area of approximately 5,400 m² (58,125 s.f.), to be built as commercial condominiums. The proposed uses include retail and restaurant with associated surface parking. The site plan was appealed to the Ontario Municipal Board on May 29, 2007 based on a failure of Council to make a decision within thirty days.

The purpose of this report is to seek Council’s direction to staff to attend the Ontario Municipal Board hearing to oppose the proposal in its current form, and to seek revisions so as to achieve a high quality built environment at this location based on a significant gateway feature, excellent pedestrian access and orientation, and high quality landscape treatments.



RECOMMENDATIONS

The City Planning Division recommends that:

1. the City Solicitor and the appropriate staff attend the Ontario Municipal Board hearing to oppose the application as currently proposed;
2. staff continue to seek revisions to the site plan application through negotiations with the applicant in an attempt to resolve any outstanding matters to ensure a high quality built environment at this location based on a significant gateway feature, excellent pedestrian access and orientation, and high quality landscape treatments as outlined in this report;
3. in the event the applicant revises the proposal to address the issues raised in this report, the City Solicitor be authorized to settle the appeal in consultation with the Director of Community Planning, Scarborough District.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On May 13, 2003, the applicant filed applications to amend the Employment Districts Zoning By-law No. 24982 (Tapscott) from Agricultural (AG) Zone to Special Districts Commercial (SDC (H)), and to also add Vehicle Service Stations and Mechanical and Automatic Car Washes to the permitted uses for this site. A site plan control application was not submitted concurrent with these applications, however a concept plan was submitted which showed a vehicle service station, related car wash and convenience store at the immediate corner of Steeles Avenue East and Markham Road.

Previously, the applicant filed appeals to the Ontario Municipal Board on April 9, 2003, objecting to two Site and Area Specific Policies of the new Toronto Official Plan affecting the subject property. The first, Site and Area Specific Policy No. 139, prohibits new automobile service stations within 150 metres (492 feet) of arterial intersections. The second, Site and Area Specific Policy No. 227, requires that a significant multi-storey building presence will be provided at the south-east and south-west corners of Markham Road and Steeles Avenue. These policies reflect principles contained in the former Scarborough Official Plan.

In the preliminary report considered by Community Council at its meeting on September 9, 2003, one of the issues raised was the appropriateness of the proposed uses, in particular the automobile service stations, which were not provided for in the former Scarborough Official Plan nor in the new Toronto Official Plan.

In August 2005, the applicant revised their concept plan and moved the proposed vehicle service station, related car wash and convenience store further east from the corner of

Steeles Avenue East and Markham Road to the corner of Steeles Avenue East and Tapscott Road (see Attachment 1). As well, this concept plan illustrated a landscaped “gateway” feature framed by two buildings, at the corner of Steeles Avenue East and Markham Road.

In February 2006, City Council received a report that recommended a “Framework for Reviewing Development Applications along Steeles Avenue East” which included the subject property. The framework set out an overall approach to the evaluation of the applications in order to achieve a high quality built environment by creating a distinctive physical form along Steeles Avenue East.

In May 2006, City Council adopted Official Plan Amendment No. 1153, by By-law No. 407-2006 (which deleted the requirement for a significant multi-storey prestige building at the south-east corner of Steeles Avenue East and Markham Road, and also permitted a new automobile service station on this property) based on a concept site plan (Attachment 1), and approved the amended zoning application and enacted By-law No. 408-2006. The related appeals by the applicant were withdrawn.

This zoning By-law included a Holding Provision (H) which could be removed when Council is satisfied as to the submission of a comprehensive site plan control application to the satisfaction of the City which illustrates and provides for, among other matters, an appropriate gateway feature at the southeast corner of Steeles Avenue East and Markham Road, site plan organization, building locations, site circulation, massing and building articulation, pedestrian safety, pedestrian amenities and pedestrian circulation. The zoning by-law was drafted based only on a concept plan (see Attachment 1) as no formal site plan control application was filed.

ISSUE BACKGROUND

Proposal

In February 2007, the applicant filed a site plan control application (see Attachment 2). The site plan differed from the concept plan submitted in August 2005 in support of their rezoning. The corner of Steeles Avenue East and Markham Road now contained a single building (as opposed to two buildings framing the intersection), reduced landscaping feature at the corner of Steeles Avenue East and Markham Road (as opposed to a significant corner gateway feature), and the most easterly development block is now labelled “future development” (as opposed to a vehicle service station).

The site plan application was circulated and a meeting was held on April 10, 2007 between City staff and the applicant. Before the meeting took place, the applicant informally submitted a revised site plan concept on March 29, 2007 for discussion purposes (see Attachment 3). The revised site plan illustrated a new three-storey office building on the most easterly development block previously labelled Parcel E - Future Development.

At the meeting, the agency comments received to date were discussed along with other issues including the differences between their original site plan submission and the concept plan submitted in support of their zoning amendment. The proposed single building at the corner of Steeles Avenue East and Markham Road, and the landscaping plan were items requiring further discussions. Staff conveyed to the applicant the following issues regarding their site plan submission:

- a desire to give the corner of Steeles Avenue East and Markham Road more prominence, since Official Plan Amendment 1153 deleted the requirement for a significant multi-storey office prestige building,
- a more prominent gate-way feature, and
- additional landscaping to buffer the parking areas fronting both arterials.

Other issues discussed included traffic, pedestrian access, and the relationship of the buildings to the street edge.

A follow-up meeting was convened by staff a week later. A draft concept was proposed by Urban Design staff to incorporate the corner building with the newly proposed office building moving it closer to the intersection of Steeles Avenue East and Markham Road.

A third meeting was convened on May 9, 2007 and the applicant advised that they were not agreeable with the Urban Design draft concept plan, however the applicant indicated they would formally amend their site plan application to include the three-storey office building at the corner of Steeles Avenue East and Tapscott Road and resubmit it to the City for review and comment.

To date, no resubmission of the revised site plan application has been received.

The City Clerk received an appeal letter for the site plan control application on May 29, 2007 from the applicant's solicitor citing failure of the City to make a decision within 30 days. The Ontario Municipal Board has scheduled a hearing for November 5, 2007 and has set aside three days to consider the appeal.

Site and Surrounding Area

The site is located at the south-east corner of Steeles Avenue East and Markham Road, irregular in shape, and measures approximately 2.8 ha (6.9 acres).

North: To the north of Steeles Avenue East is the Town of Markham. A grocery store is located at the north-east corner. Further east along Steeles Avenue East on the north side of the road are grade related residential dwellings.

South: Immediately south of the property was, until recently, a golf driving range and is now vacant. The adjacent lands to the south-east have been identified for a storm water management pond.

East: The lands are currently vacant although two applications have been filed (in mid-2002) for industrial plans of subdivision for lands located immediately east of Tapscott Road to the western limit of Morningside Creek.

West: The lands on the west side of Markham Road, south of Steeles Avenue East, are currently being graded and serviced for development. Two large development proposals, primarily for retail and commercial uses, have had their site plans reviewed by staff and their Notice of Approval Conditions issued by the City. Baif's development, at the south-west corner of Steeles Avenue East and Markham Road, consist of approximately 34,000 m² (366,000 ft²) gross floor area of commercial and retail uses on approximately 14 ha (35 acres). Landmark's development, located immediately to the west of the Baif development, consists of approximately 49,000 m² (529,000 ft²) of commercial and retail uses on approximately 17 ha (41 acres).

Official Plan

The lands are designated Employment Area (Map 22 – Land Use), providing for business and economic activity, and Employment Districts (Map 2 – Urban Structure) in the Official Plan. Steeles Avenue East is a major street.

Employment Areas are places of business and economic activity and development will contribute to the creation of competitive, attractive, and highly functional Employment Areas. Large scale, stand alone retail stores and power centres are only permitted in Employment Areas fronting onto major streets and located at the edge of Employment Areas, subject to certain criteria.

Chapter Three of the Official Plan, Building a Successful City, contains policies that guide our growth by integrating social, economic and environmental perspectives in our decision making to create an attractive City. The policies bring to life our vision of a successful City by focusing on the built environment and the human environment. All applications for development will be evaluated against the policies and criteria in this chapter to ensure that the City makes the best possible development choices because good urban design is an essential ingredient of city-building. In terms of reviewing this site plan application, policies related to the built environment, the public realm, and built form are applied to promote quality architecture, landscape and urban design at this location.

Zoning

The lands are zoned Special District Commercial with a Holding Provision SDC (H) in Employment Districts Zoning By-law No. 24982 (Tapscott Employment Districts).

Permitted uses prior to the removal of the Holding Provision (H) from the zoning for the lands shall be restricted to those uses currently permitted in the Agricultural (AG) Zone and the existing uses on the property.

The Holding Provision (H) used in conjunction with the Special District Commercial Zone (SDC) could be removed in whole or in part by amending By-law when Council is satisfied as to:

- i. submission of a comprehensive Site Plan Control Application to the satisfaction of the City which illustrates and provides for, among other matters, an appropriate gateway feature at the southeast corner of Steeles Avenue East and Markham Road, site plan organization, building locations, site circulation, massing and building articulation, pedestrian safety, pedestrian amenities and pedestrian circulation;
- ii. submission to the City of appropriate financial securities to the satisfaction of the Toronto Transit Commission for transit signal priorities and transit related improvements as deemed necessary by the Toronto Transit Commission; and
- iii. the owner entering into a financially secured Servicing Agreement with the City of Toronto to secure, among others matters, servicing related to the delivery of core services to the property and to ensure the orderly development of the site.

To date, no application to remove the Holding Provision (H) has been submitted.

Site Plan Control

The property is subject to site plan control.

COMMENTS

The intersection of Steeles Avenue East and Markham Road is a prominent intersection for this employment district. A well designed development at this corner will anchor the new developments in the area, and enhance community identity. The site plan approval process is one way in which the City can achieve a high quality built environment. Due to the large scale redevelopment which has occurred and is still occurring along Steeles Avenue East from Middlefield Road eastward (Norstar, Landmark, Baif and Steeles-Markham) staff were concerned regarding the magnitude of the cumulative development-related impacts such as traffic, parking, pedestrian access, and the health of industrial base in the Tapscott Employment District.

In response, staff developed a framework for reviewing development applications along Steeles Avenue East from Middlefield Road to Morningside Creek. The framework seeks to establish a comprehensive approach when reviewing and analyzing development proposals along the Steeles Avenue frontage. It sets out basic criteria for reviewing development proposals (see Attachment 6 for excerpts from the framework) and includes land use considerations, traffic, parking, access and vehicular circulation, and design. This City initiated report entitled “Framework for Reviewing Development Applications along Steeles Avenue East”, provided an overall approach to the evaluation of the applications in order to achieve a high quality built environment by creating a distinctive physical form along Steeles Avenue. This report reinforced the built form policies of the

Official Plan already adopted by City Council, and was received by Scarborough Community Council in February 2006.

When reviewing development applications along Steeles Avenue East, the framework states that design objectives shall be promoted when designing and locating buildings and focuses on the inter-relationships between the built-form of the proposed buildings, pedestrians, landscaping and the outlying industries (existing and future).

The design policies contained in the Official Plan recognize how important good design is in creating a great city where buildings work together to create great streets.

Chapter Three of the Official Plan, Building a Successful City, contains policies which address the built environment, the public realm, and built form. In particular built form policies applicable to the review of this site plan application include:

- development on corner sites should be located along both adjacent street frontages and give prominence to the corner,
- new development will be massed to fit harmoniously into its existing and/or planned context and frame adjacent streets,
- new development will be massed to define the edges of streets, and
- limiting surface parking between the front face of a building and public street or sidewalk.

The current site plan does not satisfactorily address all the built form policies and the design framework.

With respect to the original site plan application, the next steps should include a formal submission of a revised site plan from the applicant indicating the proposed use of Parcel E at the south-west corner of Steeles Avenue East and Tapscott Road in order for staff to properly evaluate its impact on the site in terms of building location, orientation, elevation, loading, servicing, and required parking. Other key points which should be incorporated into the revised site plan submission include:

- a prominent gate-way feature at Steeles Avenue East and Markham Road with significant landscape treatment,
- quality landscape treatment along the boulevards, especially adding additional landscape buffering in front of the parking areas fronting onto both Steeles Avenue East and Markham Road,
- safe pedestrian access and movement through the site,
- an indication of how the condominium commercial units at the corner of Steeles Avenue East and Markham Road will be serviced with respect to internal loading,
- improved elevation treatments, particularly along Steeles Avenue East and Markham Road which ensure a continuous front façade facing the arterial roads.

Staff will continue to work with the applicant to pursue these and other improvements with respect to pedestrian connection, vehicular movements, site servicing, landscaping, and details of site lighting in an effort to improve the overall quality of the site design. If

improvements are made to the site plan which are satisfactory to staff, the City Solicitor should be authorized to settle the appeal.

Conclusions

This report seeks Council's direction to attend the Ontario Municipal Board hearing to pursue a high quality built environment at this location. It continues to be staff's desire to improve the original site plan application which should contain a significant gateway feature, excellent pedestrian access and orientation, and quality landscape treatments.

CONTACT

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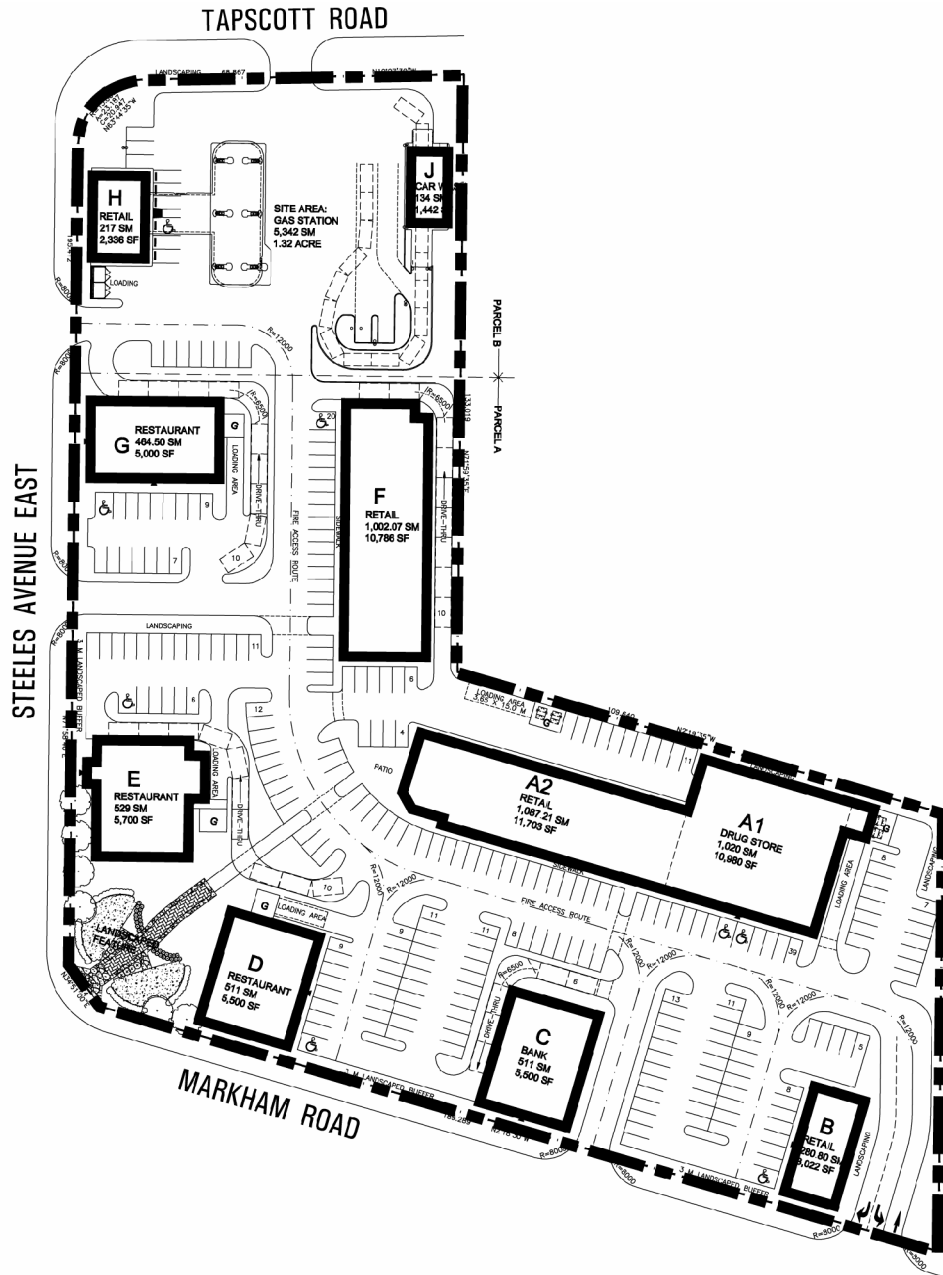
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Concept Site Plan Submitted In Support of Zoning Amendment
- Attachment 2: Current Site Plan Submission
- Attachment 3: Informal Site Plan Revision
- Attachment 4: Existing Zoning
- Attachment 5: Excerpt from Framework for Reviewing Development Applications – South Side of Steeles Avenue East (Middlefield Road to Morningside Creek)

Attachment 1: Concept Site Plan Submitted In Support of Zoning Amendment



Site Plan

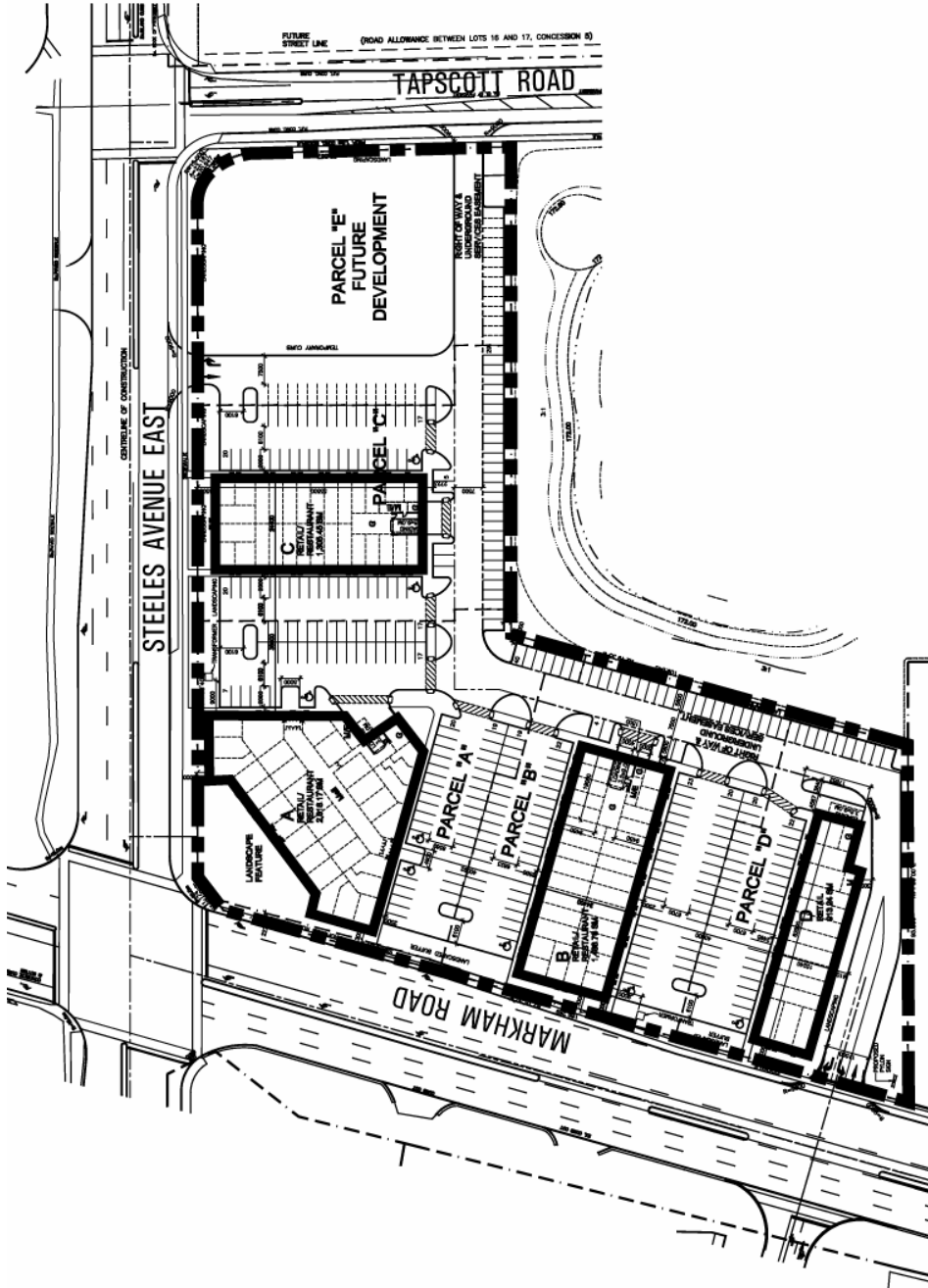
Applicant's Submitted Drawing

Not to Scale 

3351 Markham Road

File # 03-035261 OZ

Attachment 2: Current Site Plan Submission



3351 Markham Road

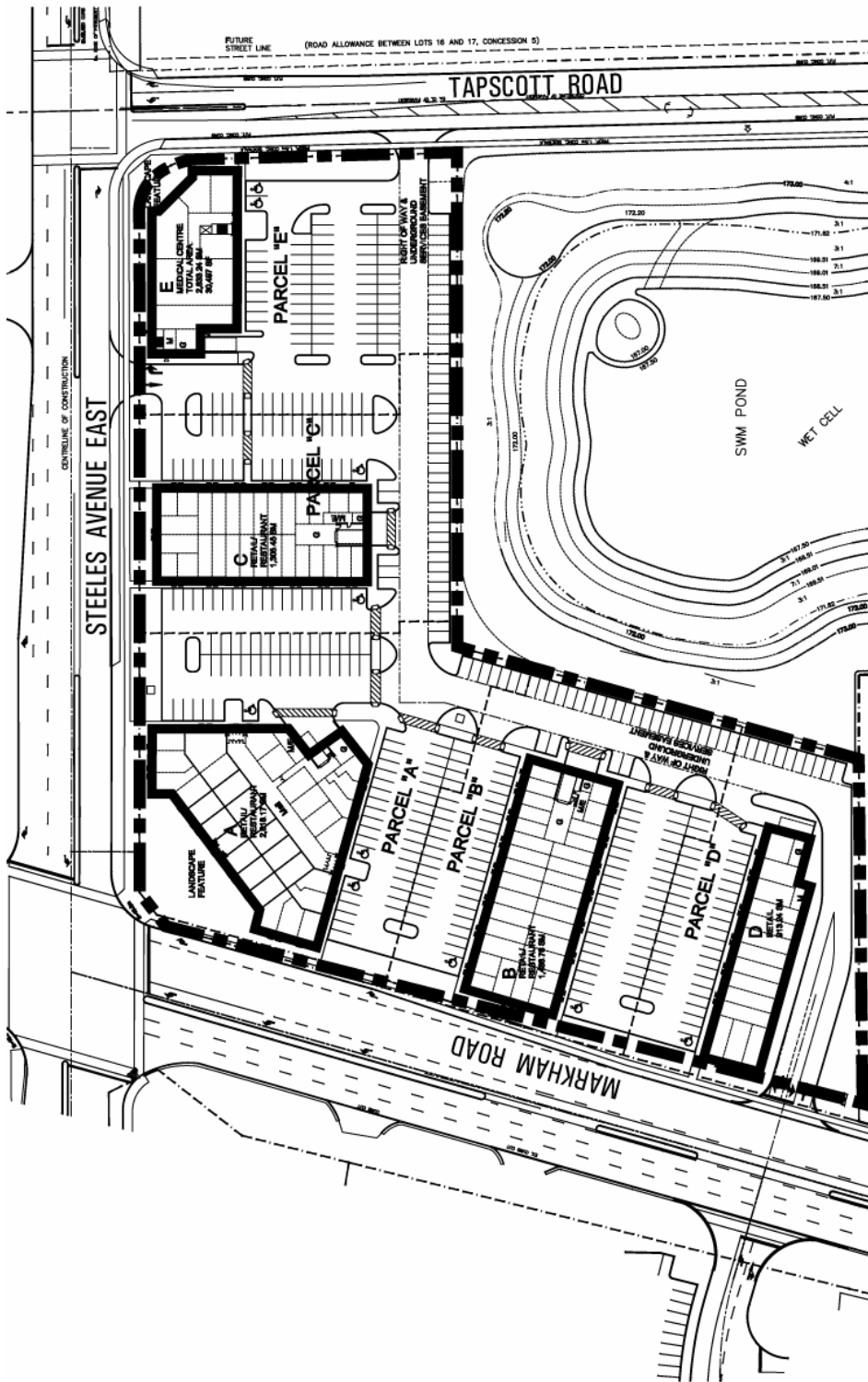
Site Plan

Applicant's Submitted Drawing

Not to Scale
08/21/07

File # 07-106637 SA

Attachment 3: Informal Site Plan Revision



3351 Markham Road

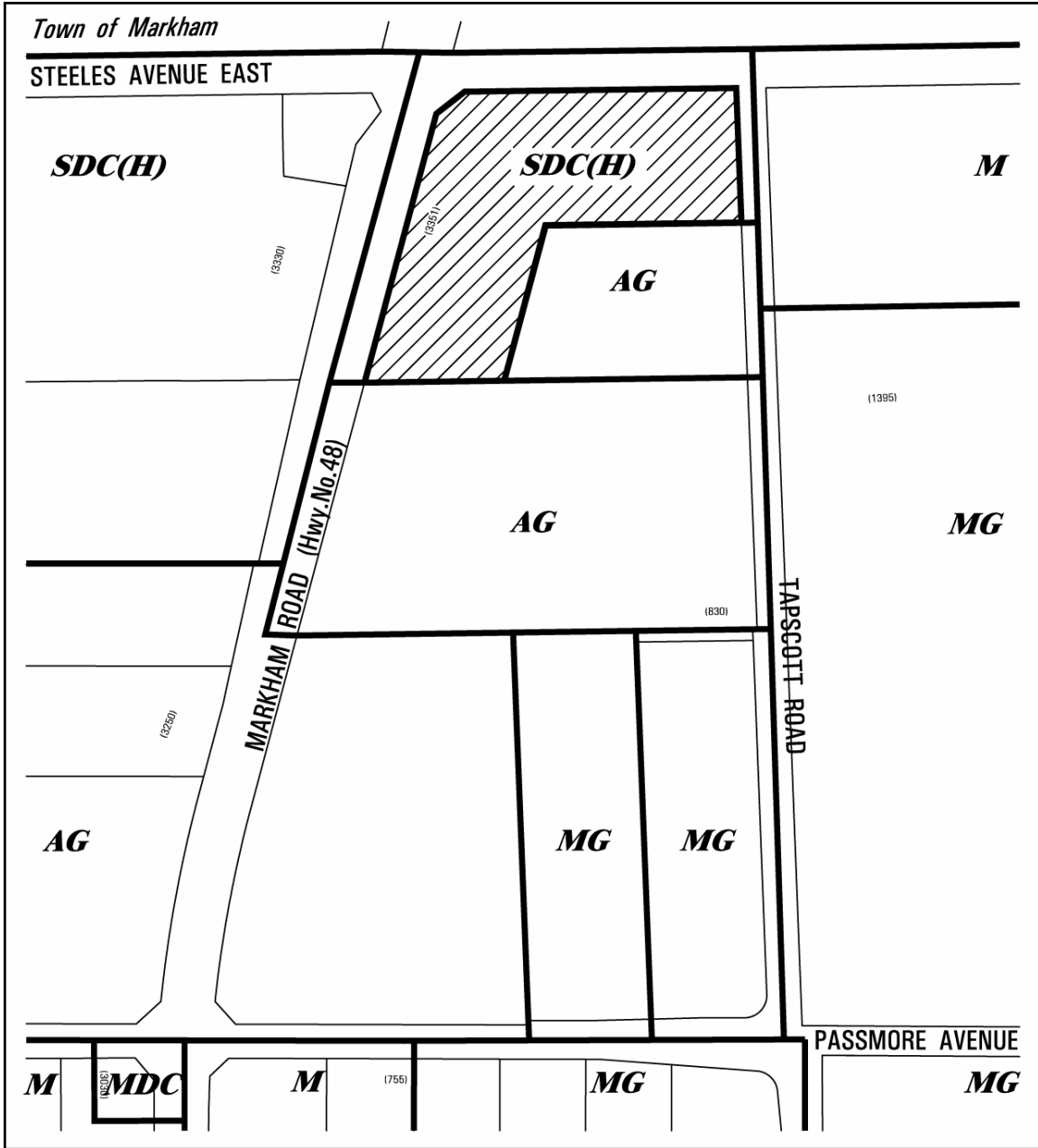
Site Plan - Revised Concept Plan

Applicant's Submitted Drawing

Not to Scale
08/2/07

File # 07-106537 SA

Attachment 4: Existing Zoning



Toronto City Planning Division
Zoning

3351 Markham Road
07-106537 SA

M Industrial Zone
MDC Industrial District Commercial Zone
MG General Industrial Zone

SDC (H) Special District Commercial Zone
AG Holding Provision
Agricultural Zone

Tapscott Employment Bylaw
Not to Scale
08/24/07



Attachment 5: Excerpt from Framework for Reviewing Development Applications *

The proposed framework sets out basic criteria within the following three broad areas or “approaches” when reviewing development proposals:

- 1) land use considerations;
- 2) traffic, parking, access and vehicular circulation; and
- 3) design.

1) Approach to Land Use Considerations

In accordance with Council’s policies as set out in the Official Plan, existing and future industrial uses shall be protected from commercial uses by managing the scale and intensity of commercial developments and by controlling traffic flows inside and outside of the developments. The framework shall be in keeping with the policies contained in the new Official Plan that provides for “Big Box” retail being established along the edges of employment areas, but at the same time defines a clear edge between retail and industrial uses. The intensity of development has a direct correlation with the impacts of parking demand, traffic volumes, traffic infiltration, built-form relationships, etc.

The basic criteria related to land use considerations involves the following:

- a) Conversions of industrial employment uses to “Big Box” retail will only be considered along the edges of the employment area and are to be located only along major streets as identified in Map 3 of the Toronto Official Plan.
- b) Buildings shall be sited in a manner that protect the industrial land uses to the south from further encroachment of commercial uses and non-industrial uses and all servicing shall be located away from Steeles Avenue and drive-aisles.
- c) Land parcels fronting on streets or portions of streets that are located internal to the Tapscott Employment District shall not be considered as candidates for retail/commercial development to protect the health and vitality of industrial lands within the Employment District.
- d) Service areas should be arranged so that they back onto service areas of other buildings, especially those belonging to industrial buildings (e.g. loading bays, utility rooms, exhaust grills, service meters, other building mechanical features, etc.). The intent of this relationship is twofold: i) to discourage the placement of operations which do not support pedestrian activities; and ii) to protect the existing and future industrial users by having these types of building functions act as a mitigation measure from commercial traffic.

- e) The height and size of development and other such restrictions will be regulated through the Zoning By-law and site plan control.
 - f) Storm and sanitary sewers will be secured to promote the orderly development of lands.
- 2) Approach to Traffic, Parking, Access and Vehicular Circulation

On-site and off-site traffic management and control is critical to the successful operation of the area. Traffic and parking shall be managed in a manner that affords protection of existing and future industrial users.

The basic criteria related to traffic, parking, access and vehicular circulation involves the following:

- a) Appropriate parking standards especially for retail, commercial, office, industrial and restaurant uses shall be implemented.
- b) Traffic impacts on area streets including Steeles Avenue, Markham Road, Select Avenue (existing and proposed extension), Middlefield Road and the possible State Crown Boulevard extension shall be minimized by providing for vehicular connections between developments through the extensions of drive aisles.
- c) Traffic infiltration impacts (on intersections and into) adjacent industrial areas and residential areas shall be minimized.
- d) Development shall provide for truck movements that would not conflict with smaller personal vehicles by encouraging appropriately sized and placed signage for truck traffic areas and loading bays.
- e) No parking shall be placed in front of corner buildings at the south-east corner and south-west corner of Markham Road and Steeles Avenue East.
- f) New development shall provide for the creation of new municipal roads and connections as well as driveways, to enhance vehicular circulation within and between development parcels.
- g) Development shall be flexible to accommodate transit service such as future bus connections along the edges and within the sites.
- h) All pedestrian walkways shall be distinguished from vehicular areas such as driveways, drive aisles and parking areas through the use of different pavement surface treatments.

3) Approach to Design

Design objectives shall be promoted when designing and locating buildings. The framework focuses on the inter-relationships between the built-form of the proposed buildings, pedestrians, landscaping and the outlying industries (existing and future).

The design section has been separated into three sub-groups to include:

- i) built-form;
- ii) landscaping and screening; and
- iii) pedestrian movement.

The basic criteria related to each of the three sub-groups involve the following:

- i) Built-Form
 - a) Organize buildings to address Steeles Avenue and other key drive aisles off Steeles Avenue by giving prominence to, and identifying the importance of, these areas. Steeles Avenue and other key drive aisles off Steeles Avenue shall be framed, by siting buildings close to the street edge and by requiring that the design of private spaces which are adjacent to the street result in an animated streetscape (outdoor patios, cafes, benches). The intent of this principle is to encourage developments that present a semi-continuous façade along Steeles Avenue and major drive aisles.
 - b) Establish gateway and landmark features at certain locations along the frontage of Steeles Avenue and along the main entranceways of the retail clusters. The intent of this principle is that corridors or aisles from Steeles Avenue shall terminate in views that are given special design considerations. Pedestrian walkways and the layouts of drive aisles should provide views from the exterior to interior activity areas (stairwells, elevators, windows, corridors, entrances, etc.) and be designed to provide direct connections to transit routes.
 - c) Encourage the use of co-ordinated materials, colour and architectural treatments to create spaces and buildings that create unified and cohesive developments that are architecturally compatible. Introduce distinctive design elements that tie into each commercial parcel development so that these features add to the area's identity and ambiance and make it easy for people to recognize and arrive at their desired destination.
 - d) Create spaces along and between buildings that are of a high landscape and architectural quality and enhance the overall quality

of the customer and pedestrian experience. The use of low maintenance and high quality building materials shall be encouraged to ensure an attractive appearance of the development over time.

- e) Encourage the use of design elements such as window heights, columns, horizontal projections, cornices, roof overhangs, awnings, canopies and varied materials to assist in providing visual interest and defining the human scale and protection from the elements (sun, rain, wind and snow).
- f) Orient the main front entrances to buildings towards the street, wherever possible, and shall be visible from vehicular approaches and main pedestrian routes.

ii) Landscaping and Screening

- a) Landscaping and corner features, including public artwork, at the corners should demonstrate their significance as entryways.
- b) Enhanced landscaping treatments shall be established along Steeles Avenue and other key drive aisles such as a double row of trees using both the public and private domain.
- c) Extensive screening and landscaping shall be implemented to promote the aesthetic quality of the development and to protect industrial users from the impacts of commercial development. Plant materials, vegetative features and other screening measures shall be used to visually detract or screen those activities and land uses that detract from the visual and physical character of the area. The use of plant materials shall be encouraged to create a desirable mix of form, texture and colour that also serve to provide shade, wind mitigation, buffering and slope control/stability.

iii) Pedestrian Movement

- a) Encourage the design of drive aisles and siting of buildings that create courtyards (vehicular and pedestrian), open areas and gardens (where appropriate), and areas supporting safe and comfortable pedestrian activity and movement within and between the development parcels and buildings and with direct connections to the public sidewalk on Steeles Avenue. Courtyards, open areas and gardens should be complemented and defined by the architectural and design features and the scale of buildings surrounding those spaces.

- b) Promote the use of lighting to define and enhance the functional quality of public and private spaces such as courtyards, gardens, squares and sidewalks and to accentuate architectural details of developments.
 - c) Ensure that the resulting built environment provides for adequate amenities such as benches, bicycle racks, refuse containers, lighting and other elements to support a pedestrian setting.
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* **NOTE:** This excerpt is from the City initiated staff report entitled “Framework for Reviewing Development Applications – South Side of Steeles Avenue East (Middlefield Road to Morningside Creek)” and was received for information by Scarborough Community Council in February 2006.