

1750 Brimley Road – Zoning Application to Lift Holding Provisions (H) – Final Report

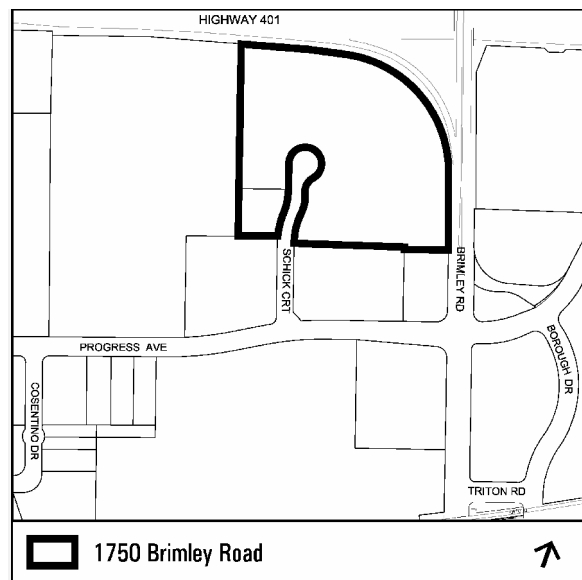
Date:	January 22, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	07 277838 ESC 37 OZ

SUMMARY

A zoning amendment application has been filed to amend the Employment Districts Zoning By-law No. 24982, as amended, which proposes the lifting of the Holding Symbol (H), pursuant to Section 36 of the Planning Act, as it applies to portions of lands located west of Brimley Road, north of Progress Avenue, south of Highway 401 and located adjacent to Schick Court, referred to as Blocks 2 and 3 on the Transmetro draft plan of subdivision. The removal of the Holding Symbol would permit the development of these blocks for residential use, as part of the overall development of the lands for mixed-use, including a maximum of 1,797 dwelling units.

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.

Amendments to the official plan and zoning by-law, along with the draft plan of subdivision, were approved by the Ontario Municipal Board (OMB) in its Decision issued on December 31, 2003 and provide for the appropriate development of the lands. The specific terms of the Holding Provisions have been met with the passage of time.



This report reviews and recommends approval of the application to amend the Employment Districts Zoning By-law 24982, as amended.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Employment Districts Zoning By-law 24982, as amended, substantially in accordance with the draft zoning by-law attached as Attachment No. 2.
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

An application for amendments to the official plan and zoning by-law was filed in July 2000. The proposal sought permissions for up to 2,017 residential units and up to 36,750 square metres of office space, plus secondary commercial uses on 1750 Brimley Road and 350 Progress Avenue. In addition, the applicant sought to expand the boundary of the City Centre Secondary Plan west from Schick Court to incorporate all of the subject lands. An accompanying draft plan of subdivision application proposed to extend Schick Court into a P-Loop street with a 0.77 hectare park in the centre. This application was ultimately appealed to the OMB in November 2001 by the applicant on the basis of Council's failure to approve the applications.

In its January 17, 2003 Decision, the Board approved 1,797 dwelling units of which 725 units on Blocks 2 and 3 are subject to a Holding Provision, and a maximum of 40,430 square metres of office space.

Prior to the lifting of the Hold, Industrial uses (M), and a sales and marketing centre, including model suites, are permitted.

ISSUE BACKGROUND

Proposal

The applicant has submitted a zoning by-law amendment application to lift the Holding Symbol (H) that applies to Blocks 2 and 3 on the Transmetro draft plan of subdivision to permit the development of 725 residential units in accordance with the underlying zoning.

Site and Surrounding Area

Transmetro Properties Ltd. owns lands at the southwest corner of Highway 401 and Brimley Road. The lands comprise approximately 8.4 hectares extending from Progress

Avenue on the south to Highway 401 on the north, and from Brimley Road on the east to the Sanmina Systems property on the west. Transmetro does not own the lands at the southeast corner of this block. At this location, on the northwest corner of Brimley Road and Progress Avenue, is a multi-unit industrial building at 390 Progress Avenue and just to the west of this building is the Dad's Cookies manufacturing operation at 370 Progress Avenue.

The surrounding uses include:

North: Highway 401, beyond which is the low rise Agincourt community.

South: Dad's Cookies plant and a multiple unit industrial building, further south is the Brimley/Progress mixed use residential/commercial development, which is subject to an official plan amendment and a rezoning.

East: Outlying retail buildings and the Scarborough Town Centre Shopping Mall.

West: Sanmina Enclosure Systems industrial building.

Official Plan

In its Decision issued on December 31, 2003, the OMB approved an official plan amendment pertaining to the subject lands. The OMB withheld its Order pending confirmation by the parties that certain conditions imposed in the Decision had been satisfied. These conditions were subsequently satisfied and the OMB issued its Order on July 10, 2007. The Order approved a site specific numbered policy for the subject lands, which include a maximum of 1,797 dwelling units, a Section 37 Agreement and the requirement for Urban Design Guidelines.

As part of the ongoing settlements of appeals to the Toronto Official Plan, the wording of the official plan amendment approved by the OMB, will be reformatted for incorporation into the text of the new Scarborough Centre Secondary Plan by the OMB (anticipated at the OMB in February 2008).

Zoning

The site is subject to the Employment Districts Zoning By-law 24982, as amended. The two blocks that are the subject of this report are zoned City Centre Residential (H). The only uses permitted prior to the removal of the Holding Symbol (H) are Industrial uses (M), and a sales and marketing centre, including model suites, for the purposes of presenting, marketing and selling residential dwelling units, subject to specific performance standards.

The Holding Provision (H) is to be lifted either upon the opening of public road access from the subject lands to the west side of Brimley Road between Progress Avenue and Highway 401, or after October 21, 2005, whichever comes first.

Site Plan Control

The site is subject to site plan control. The applicant has not yet filed an application for Site Plan Approval.

Reasons for Application

The Holding Symbol (H) removal would allow the lands to be developed in accordance with the underlying zoning.

COMMENTS

Four years have elapsed since the Board approved the final form of the Holding Provision in the amending By-law and the term in the Holding Provision expired two years ago. The purpose and intent of the Holding Provision, which was to provide the City with the opportunity to negotiate its interests with the Ministry of Transportation regarding the off-ramp, has been satisfied. The specific terms of the Holding Provision, "...whichever shall come first..." have been met with the passage of time.

While the specific terms of the Holding Provision have been met with the passage of time, the draft plan of subdivision, approved by the OMB, contains provisions that require the Owner to convey Block 7 to the City of Toronto for emergency access. The Owner is also responsible for the design, funding and construction of a public road within Block 7 once all necessary approvals for the road have been obtained by the City, including approvals required for the realignment of the Highway 401 eastbound off ramp, provided such approvals are obtained on or before October 21, 2010. City staff are aware of this time frame and are continuing to pursue the establishment of this public road. Staff have budgeted for an Environmental Assessment for this project in 2009.

It is appropriate for Council to amend Employment Districts Zoning By-law 24982, as amended, to remove the Holding Symbol (H) as the condition of the Hold has been satisfied with the passage of time. This will permit development to proceed on the subject lands in accordance with the draft plan of subdivision and zoning by-law. The text and map reference for Exception 529, which affect only the subject lands, can be deleted.

CONTACT

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SIGNATURE

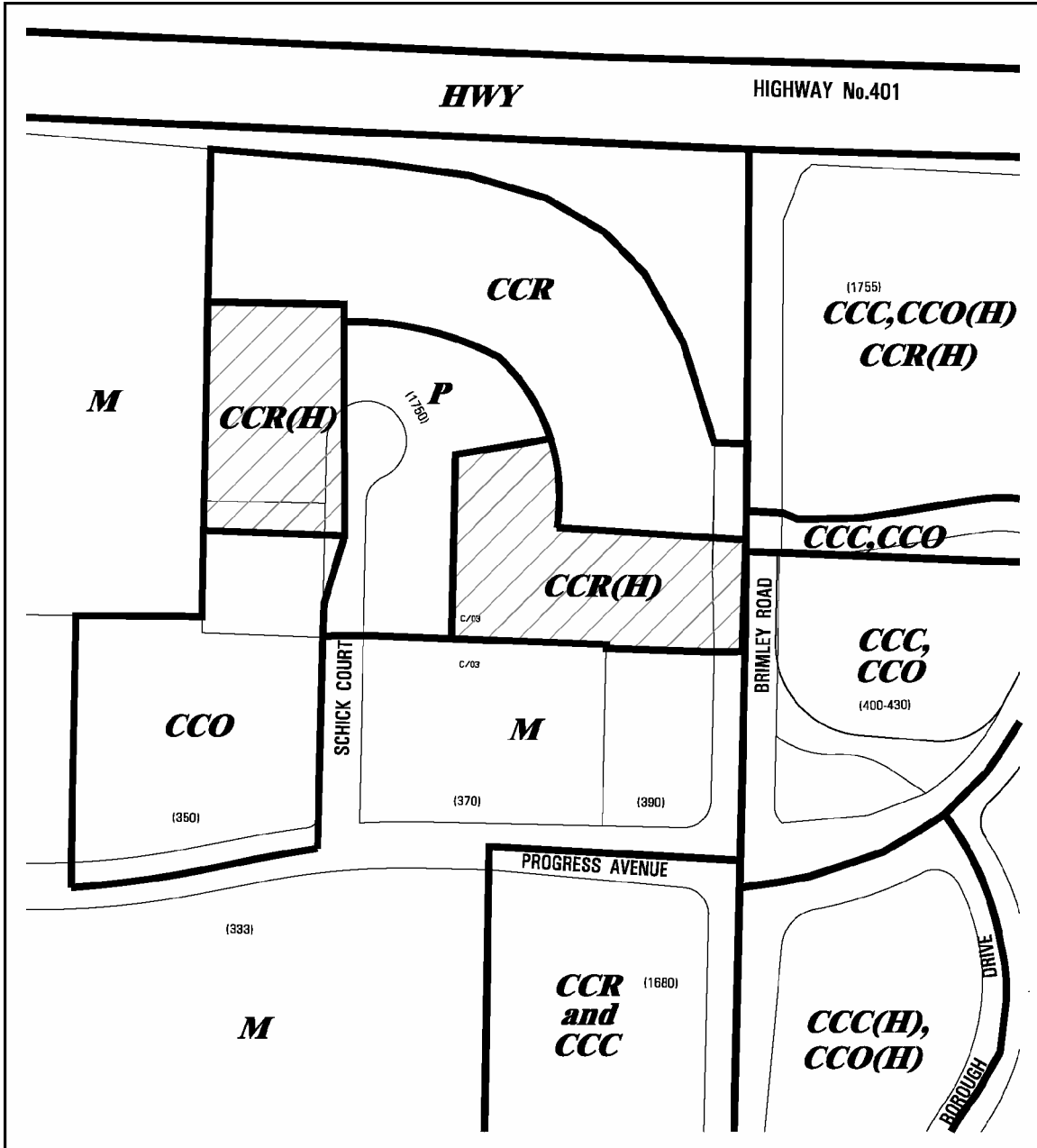
Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Zoning

Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Zoning



TORONTO City Planning Division
Zoning

1750 Brimley Road
 File # 07-277838 0Z

CCC City Centre Commercial Zone
CCO City Centre Office Zone
CCR City Centre Residential Zone
P Park Zone

HWY Highway Zone
M Industrial Zone
(H) Holding Provision
 (SEE CLAUSE IV - GENERAL PROVISIONS, SUB-CLAUSE 1.2)

Progress Employment District Bylaw
 Not to Scale
 1/17/08



Attachment 2: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008

**To amend the Employment Districts Zoning By-law No. 24982, as amended,
By the lifting of the Holding Provisions (H) with respect to the lands municipally
known as,
1750 Brimley Road**

WHEREAS pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the Ontario Municipal Board has imposed Holding Provisions (H) on the lands shown outlined with a heavy black line on Schedule ‘1’ attached hereto; and

WHEREAS Council of the City of Toronto is satisfied that the conditions relating to the lifting of the Holding Provisions (H) from the subject lands have now been satisfied and Council has given notice of its intention to lift the Holding Provisions (H) in accordance with the *Planning Act*;

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

1. Schedule “A” of Zoning By-law No. 24982, is amended, as illustrated on the attached Schedule ‘1’, by removing the Holding Provisions (H) and Exception No. 529 from the lands shown outlined with a heavy black line.
2. Schedule “C”, **EXCEPTIONS LIST** of Zoning By-law No. 24982, is amended by deleting Exception No. 529.

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

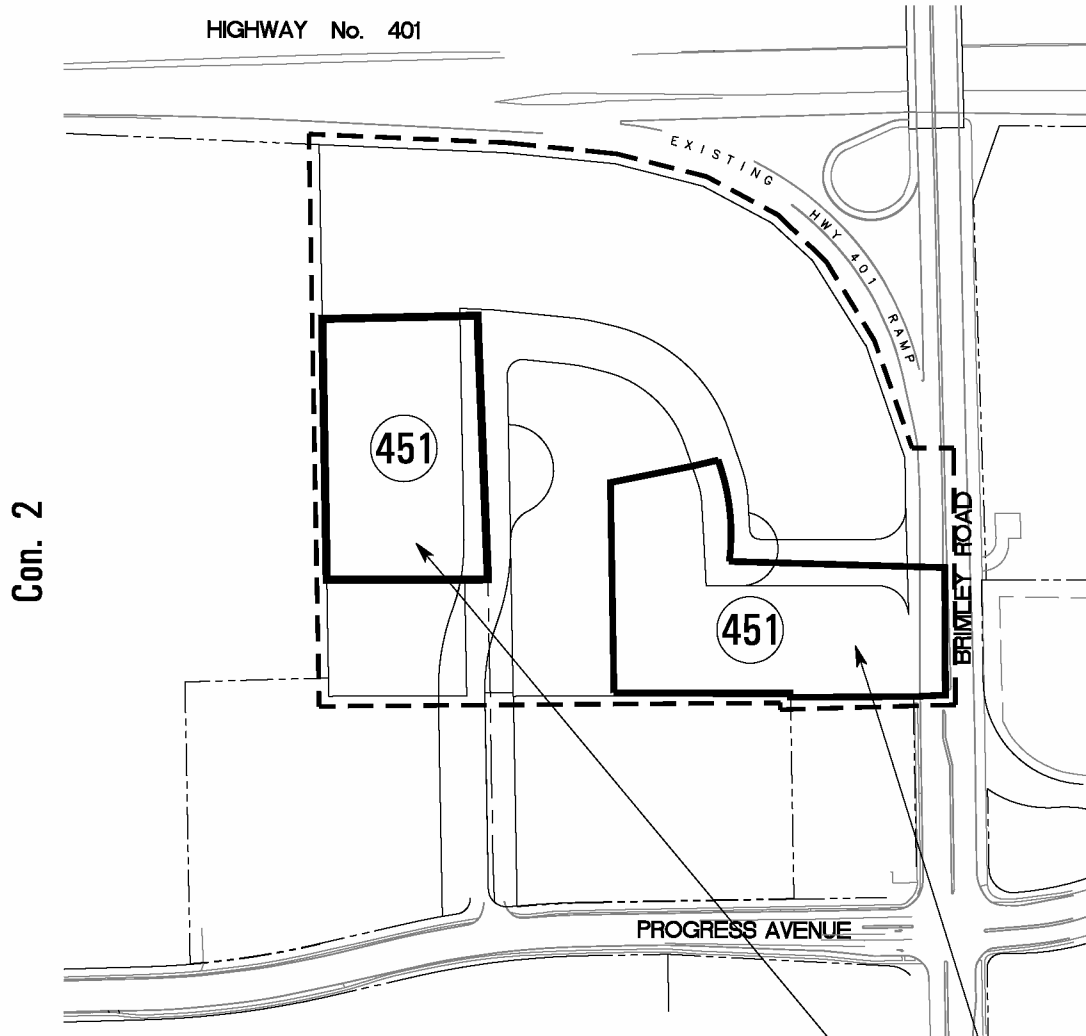
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 25



CCR-665-701-1185-1565-1838-2029-2373
CCR-665-700-1186-1565-1838-2029-2373



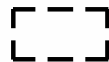
Zoning By-Law Amendment

1750 Brimley Road

File # 07-277838 0Z



Area Affected By This By-Law



1750 Brimley Road

Progress Employment District Bylaw
Not to Scale
1/10/08

