

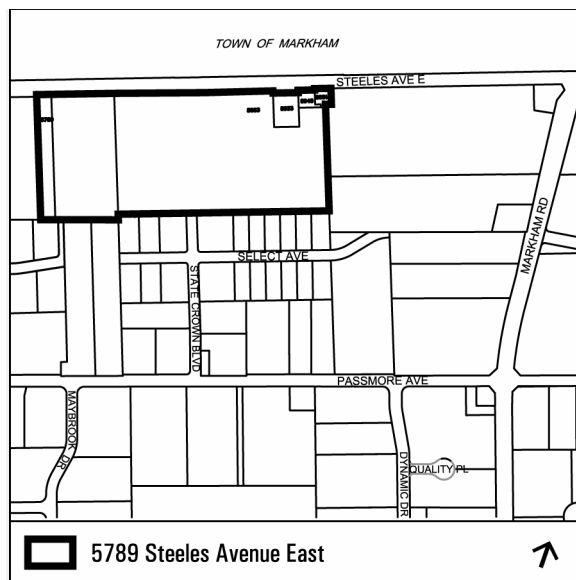
**5789 Steeles Ave E – Part Lot Control Application – Final Report**

<b>Date:</b>	October 14, 2008
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 41 – Scarborough-Rouge River
<b>Reference Number:</b>	08 206360 ESC 41 PL

**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.

An application has been submitted to permit exemption from part lot control for lands at 5789 Steeles Avenue East, to allow the creation of conveyable lots for the development of retail buildings and associated easements. The lands are part of a larger commercial/retail development site which include approvals for a large two-storey retail condominium building located at the southern portion of the site, and smaller commercial/retail buildings at the northern portion of the site along Steeles Avenue East. This report recommends that a part lot control exemption by-law be enacted for a period of one year and that prior to the enactment of the part lot control exemption by-law, the applicant be required to fulfill all site plan obligations, register the underlying subdivision, and deposit an approved Reference Plan identifying all municipal easements in favour of the City.



**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council enact a part lot control exemption by-law with respect to the lands at 5789 Steeles Avenue East, as identified on the Draft Reference Plan, to be prepared to the satisfaction of the City Solicitor and to expire one year from the date of its passing.
2. Prior to the enactment of the part lot control exemption by-law:
  - i. the underlying plan of subdivision for the entire property be registered;
  - ii. all required municipal easements across the entire property be registered on a deposited Reference Plan to the satisfaction of the Executive Director of Technical Services;
  - iii. all related conditions, securities, conveyances and associated obligations contained within a signed site plan agreement for this property be fulfilled to the satisfaction of the Director of Community Planning, Scarborough District and the Executive Director of Technical Services;
  - iv. staff be provided with proof of payment of all current property taxes for the subject lands.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In May 2005 applications were filed for official plan and zoning by-law amendments, draft plan of subdivision approval, and site plan control for the first phase of a proposed two-phased mixed commercial and industrial development. These applications were appealed to the Ontario Municipal Board in November 2005.

The official plan amendment, zoning by-law amendments, and draft plan of subdivision were approved subject to conditions by the Ontario Municipal Board in Decision No. 3184 dated November 10, 2006. The site plan appeal was adjourned with the expectation that the City would consider site plan approval.

In May 2007, a rezoning application was made to amend the zoning by-law to remove the holding (H) designation for the property to allow the development of the site for retail and industrial development, previously approved by Council and the Ontario Municipal Board (OMB). City Council adopted By-Law No. 836-2007 and lifted the (H) on July 19, 2007.

Notice of Approval Conditions for the related site plan application was drafted and approved in July 2007 for the large two-storey retail mall and associated landscaping. Updated site plans for the individual front retail buildings were recently submitted for review. Final site plan approval will be issued once all notice of approval conditions have been fulfilled.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant seeks exemption from part lot control in order to enable the division of land to create conveyable lots for the development of retail buildings and associated easements. The proposed lots are part of Blocks 1 and 2 on the draft plan of subdivision. The draft Reference Plan is shown as Attachment 1.

### **Site and Surrounding Area**

The site is cleared and rectangular in shape measuring approximately 17 ha (41 acres). Two historical houses will be preserved and integrated into the front retail building design. A new public road will be conveyed to the City. Previous approvals allow for a large two-storey retail building at the south end of the site and smaller individual retail pad buildings at the northern end of the site fronting onto Steeles Avenue East.

North: Steeles Avenue and Town of Markham (low density residential)  
South: Industrial  
East: Baif Development – large scale retail plus smaller commercial retail units (Walmart, Lowe’s and Esso gas station). Site plan application has been submitted for individual retail buildings fronting onto Steeles Avenue East.  
West: Norstar Development (food market plus retail and service outlets)

### **Official Plan**

The lands are designated Employment Areas (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.

### **Zoning**

The lands are zoned Special District Commercial and Industrial in Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended.

### **Site Plan Control**

A site plan was submitted for review in early 2006 and a revised site plan was submitted in early 2007 which delineated Phase 1 and Phase 2 developments for this site. Phase 1 comprised the entire site except for the south-east corner considered to be future industrial development (Phase 2). Notice of Approval Conditions was issued for Phase 1 in July 2007 and detailed site plans were submitted for the individual front retail buildings in April 2008 with final site plan approval anticipated shortly.

## **Reasons for the Application**

A part lot control application is required in order to facilitate the creation of four separate lots within Blocks 1 and 2 of the draft plan of subdivision to allow them to be marketed and developed separately with smaller retail and service buildings.

## **Agency Circulation**

The application was circulated to all appropriate City divisions.

## **COMMENTS**

Section 50(7) of the Planning Act, R.S.O. 1990, authorizes Council to adopt a by-law exempting lands within a registered plan of subdivision from part lot control. The release of part lot control would allow for the creation of each lot. In order to ensure that part lot control is not lifted indefinitely, it is recommended that the exempting by-law expire one year after being enacted.

The lifting of part lot control on the subject lands and the proposed by-law will enable the sale of the identified lots in a manner that fully complies with the Official Plan and zoning for the site and will not negatively impact the orderly development of the lands.

Staff and the Ward Councillor met with the applicant and their planning consultant to discuss this application prior to the preparation of this report. City staff identified concerns related to the fulfilment of all related site plan obligations, the registration of the underlying subdivision, and the depositing of an acceptable Reference Plan identifying all municipal easements prior to the by-law adoption. These concerns are addressed in the recommendation section of this report, and by a letter submitted by the applicant's lawyers committing to the City that all outstanding obligations related to the orderly development of this site will be undertaken by the applicant to the City's satisfaction.

Technical Services provided comments with respect to the requirement for the City to be fully protected in terms of securities, conveyances, easements and other developer related obligations prior to the enactment of the part lot control exemption by-law.

Toronto Building advised that performance standards and general requirements of the zoning by-law applies to the entire site as a whole notwithstanding its future division into two or more parcels.

Prior to the enactment of the part lot control exemption by-law, the applicant is required to fulfill all site plan obligations, register the underlying subdivision, and deposit an approved Reference Plan identifying all municipal easements in favour of the City. In addition, private reciprocal easements and operating agreements, as well as reciprocal grants of blanket easements for access, services and parking between the owners of the commercial blocks and the industrial block will be required to allow the entire site, despite the eventual ownership pattern, to function seamlessly as one commercial/retail campus.

**CONTACT**

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**SIGNATURE**

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Allen Appleby, Director  
Community Planning, Scarborough District

**ATTACHMENTS**

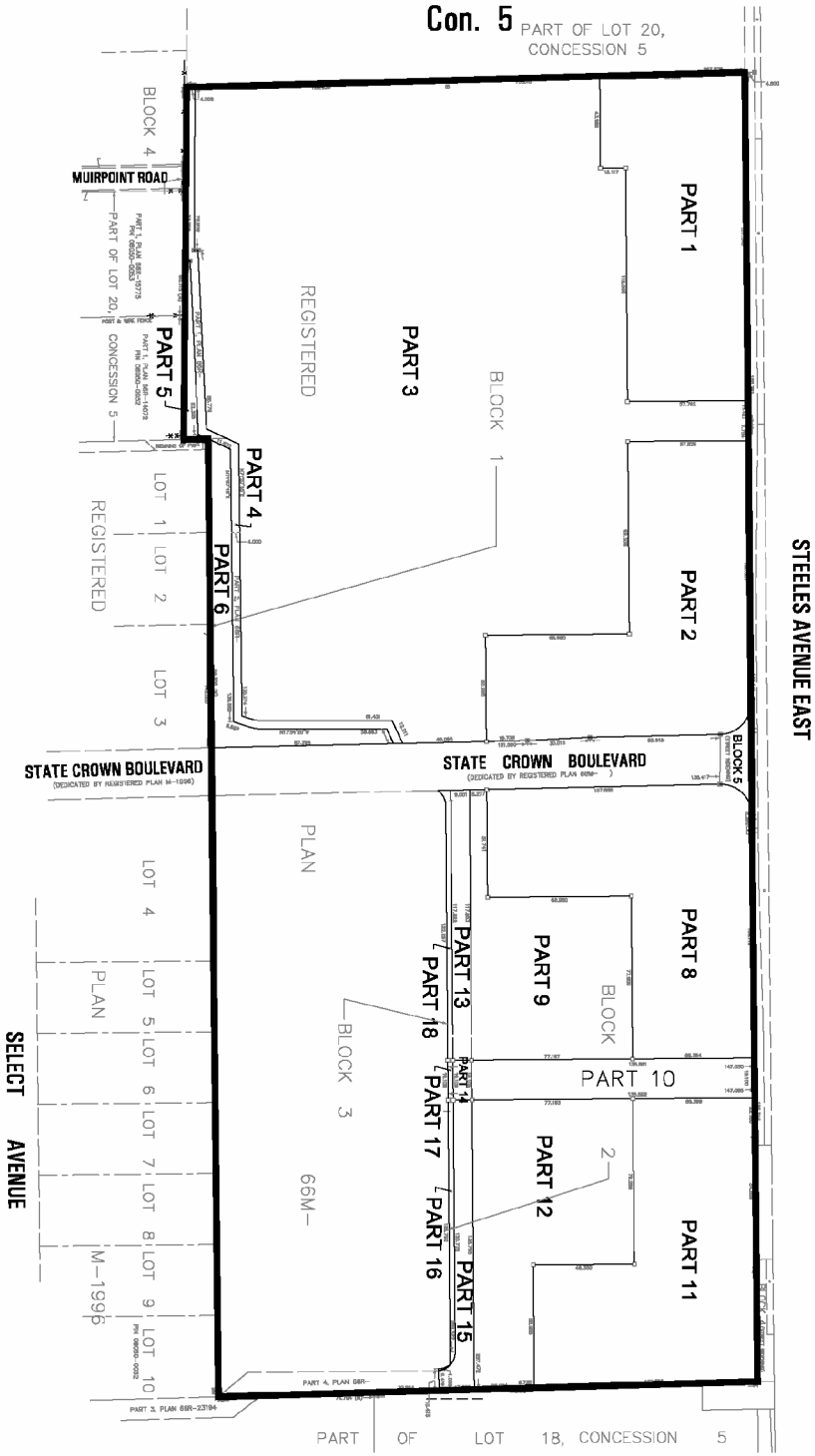
Attachment 1: Draft Reference Plan

Attachment 2: Site Plan

Attachment 3: Application Data Sheet

Attachment 1: Draft Reference Plan

Schedule '1'  
Lot 19



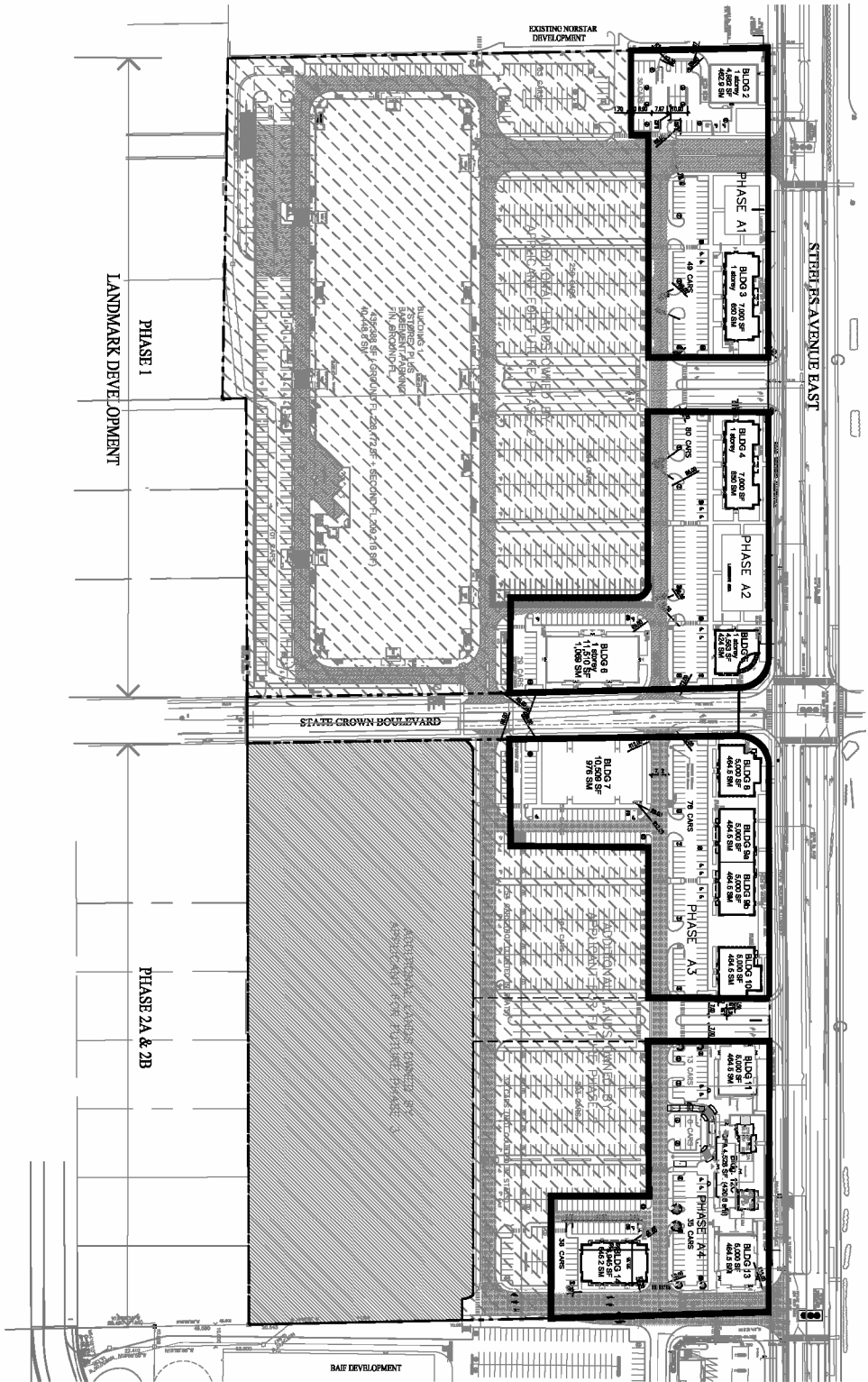
**Toronto** City Planning  
Division  
**Part Lot Control Exemption**

Area Affected By This By-Law

**5789 Steeles Avenue East**  
File # 08-206360 PL

Tapscott Employment District Bylaw  
Not to Scale  
10/22/08

# Attachment 2: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale  
10/22/08

## 5789 Steeles Avenue East

File # 08-206360 PL

### Attachment 3: Application Data Sheet

Application Type: Part Lot Control Exemption      Application Number: 08 206360 ESC 41 PL  
 Details:      Application Date: September 24, 2008

Municipal Address: 5789 STEELES AVE E  
 Location Description: CON 5 PT LT20 \*\*GRID E4104

Project Description: Purpose of this application is to create 5 (five) new parcels on the subject lands subsequent to registration of a Plan of Subdivision by way of Part Lot Control Exemption. The current plan of subdivision under review (not yet registered) will create three development blocks. Through Part Lot Control, it is intended that these blocks are further subdivided to allow for separate ownerships.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
GATZIOS PLANNING AND DEVELOPMENT CONSULTANTS INC			2811 DEVELOPMENT CORPORATION

#### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	Special District Commercial	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	157875	Height:	Storeys:	2 (rear building) 1 (front retail pads)
Frontage (m):	625		Metres:	0
Depth (m):	270			
Total Ground Floor Area (sq. m):	29267			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	2345
Total Non-Residential GFA (sq. m):	48703		Loading Docks:	0
Total GFA (sq. m):	48703			
Lot Coverage Ratio (%):	18.5			
Floor Space Index:	0.31			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	48703
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:**      **Sai-Man Lam, Planner**  
**TELEPHONE:**      **(416) 396-4203**



