

## 370 Weston Road – Site Plan Control Application – Request for Direction Report

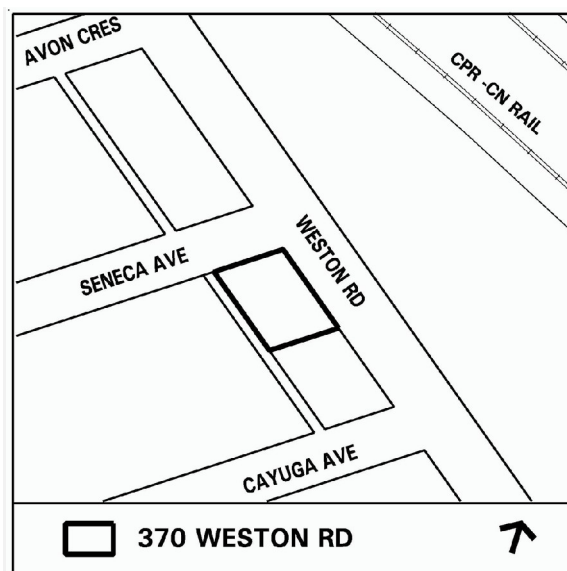
<b>Date:</b>	October 22, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York
<b>Wards:</b>	Ward 11 – York South-Weston
<b>Reference Number:</b>	05 160005 WET 11 SA

### SUMMARY

An application for Site Plan Control was made on July 14, 2005, to obtain approval for a six-bay coin-operated car wash facility on the property municipally known as 370 Weston Road. Following a review of the proposal, and the extent of the associated zoning by-law variances that were required, staff had requested the applicant to reduce the number of bays. A revised proposal was ultimately submitted in mid-July 2008 to provide for a five-bay car wash facility.

The associated Committee of Adjustment application to seek minor variances for the five bay car wash was refused by the Committee of Adjustment at its meeting of May 21, 2009. The applicant appealed the refusal to the Ontario Municipal Board (OMB) on June 9, 2009. City Council has authorized the City Solicitor to retain an outside planning consultant and to attend the Ontario Municipal Board Hearing to oppose the minor variance application consistent with the Committee of Adjustment's refusal decision.

In order to deal with the two planning applications comprehensively, the applicant appealed the Site Plan Control application on October 1, 2009, based on the City's failure to make a decision on the



application.

The original OMB hearing date was set for August 17, 2009. At the request of the local Councillor, the hearing was adjourned, and a new date is anticipated to be scheduled for early to mid-November 2009.

This report reviews the Site Plan Control application. In light of City Council's direction to retain an outside planning consultant to oppose the minor variance application at the OMB, this report makes recommendations to authorize the City Solicitor to also oppose the related Site Plan application as the current proposal does not conform to requirements of the zoning by-law. It also recommends site plan conditions for the Board to impose in the event that the Ontario Municipal Board is inclined to approve the minor variance application and the site plan application

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Given City Council's August 5 and 6, 2009 direction to authorize the City Solicitor to attend the OMB hearing with an outside planning consultant, in opposition to the appeal of the minor variance application (A185/09EYK), City Council also authorize the City Solicitor to attend the OMB hearing in opposition to the Site Plan Control application, as the appeals have been consolidated into one hearing.
2. City Council, in the event that the Ontario Municipal Board is inclined to grant the variances and approve the Site Plan application, authorize the City Solicitor to request the Ontario Municipal Board to:
  - i) impose the conditions set out in Attachment 4 to this report for the development of a five-bay coin operated car wash facility; and
  - ii) withhold its order granting Site Plan Approval of the plans and drawings listed in Attachment 4 until the Chief Planner or his designate notifies the Ontario Municipal Board that the site plan conditions imposed by the Board have been satisfied and such notice shall be given to the Board forthwith.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On May 21, 2009, the Etobicoke York Committee of Adjustment refused a minor variance application for the construction of a multi-bay self serve car wash facility at 370 Weston Road (A185/09EYK). The applicant appealed the refusal decision to the OMB on June 9, 2009. City Council at its meeting on August 5 and 6, 2009, authorized the City

Solicitor to retain an outside planning consultant and attend the OMB to oppose the minor variance application (MM38.1).

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-08-05-cc38-dd.htm>

A hearing date was originally set for August 17, 2009. At the request of the local Councillor and with the consent of the applicant, the hearing was adjourned. A new hearing date is anticipated for early to mid-November.

A Site Plan Control application was filed on July 14, 2005. The applicant appealed the application for site plan control to the OMB on October 1, 2009, on the basis of City Council's failure to make a decision on the site plan application and requested that the site plan application appeal be heard together with the minor variance application appeal.

Comments and conditions have been received on the plans and drawings for the site plan control application that has been appealed.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to construct a coin operated car wash facility containing five bays. The proposal also includes a partial second floor, for the purpose of storage and a small office component.

### **Site and Surrounding Area**

The site is located on the southeast corner of Weston Road and Seneca Avenue, south of Rogers Road. Located on the opposite corner is a drive-thru restaurant. Present along this section of Weston Road is a variety of automobile services, small-scale office buildings and residential uses. To the east and rear of the subject site is a public laneway, and further east is the residential community.

### **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.

## **Official Plan**

The City of Toronto Official Plan designates this site as “Mixed Use Areas”. The policies of the Plan for “Mixed Use Areas” allow for a broad range of commercial, residential and institutional uses.

## **Zoning**

The property is zoned Local Commercial/Residential (LCR) in Zoning By-law 1-83 for the former City of York. The LCR zone permits medium density residential, office, recreational, restaurants and public garage uses, which as defined in the by-law includes the proposed car wash use.

## **Community Consultation**

Since 2005, Planning staff has attended approximately three community meetings in relation to the car wash proposal, all hosted by the Ward Councillor. The most recent community meeting, in response to the minor variance application, was held on May 19, 2009, and was chaired by the Ward Councillor. The community raised concerns regarding hours of operation, traffic, the potential noise impacts resulting from the proposed use, and building orientation.

## **Agency Circulation**

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

## **COMMENTS**

Circulation comments received have identified no objection to the application and have provided conditions to be satisfied prior to granting Site Plan approval.

Revised plans were recently circulated to Urban Forestry. While it is anticipated that conditions for site plan approval will include the submission of financial securities for the proposed street trees, and the installation of protective hoarding and tree protection measures on site, Community Council will be advised of any differing comments.

A site plan agreement will be required as a condition of approval to include: removal of existing accesses that are no longer required and curb reinstatement to City standards; constructing and maintaining site servicing and site grading in accordance with the accepted plans; and, certification that site grading and servicing facilities are constructed in accordance with the accepted plans. These conditions are detailed in Attachment 4.

In view of City Council’s direction to retain an outside planning consultant to appear in opposition to the consent application, authorization should also be given for City Legal and the planning consultant to oppose the related site plan proposal. However, if the Ontario Municipal Board is inclined to approve the minor variance and site plan applications, the City Solicitor should be authorized to request the Board impose the conditions of Site Plan Approval contained in Attachment 4.

## **Development Charges**

It is estimated that the development charges for this project will be \$38,895.81. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Shelly Tulloch, Acting Planner

Tel. No: 416-394-8208

Fax No: 416-394-6063

E-mail: [stulloc@toronto.ca](mailto:stulloc@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan

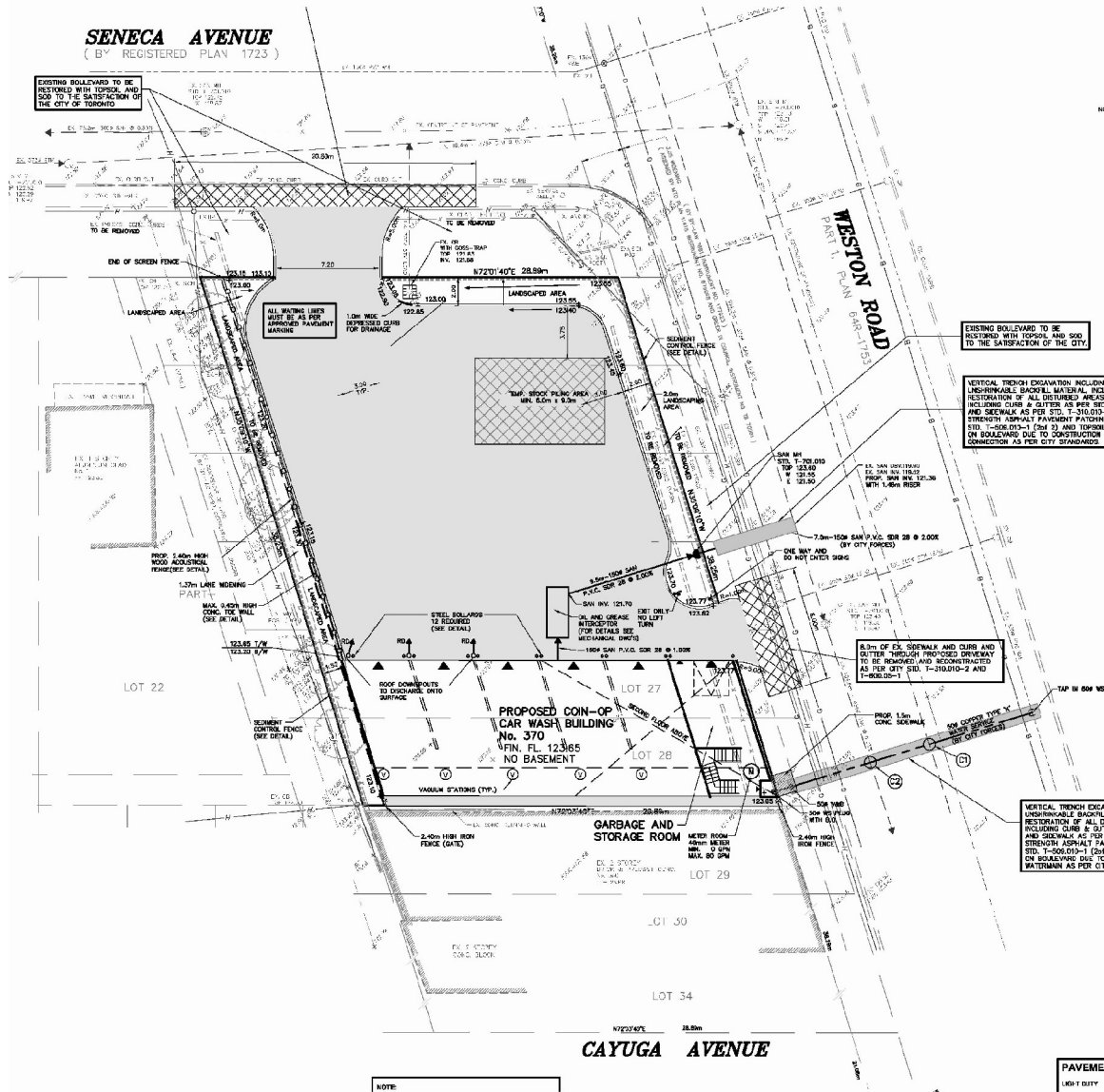
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Conditions of Site Plan Approval

Attachment 5: Application Data Sheet

## Attachment 1: Site Plan



Site Plan

Applicants Submitted Drawing

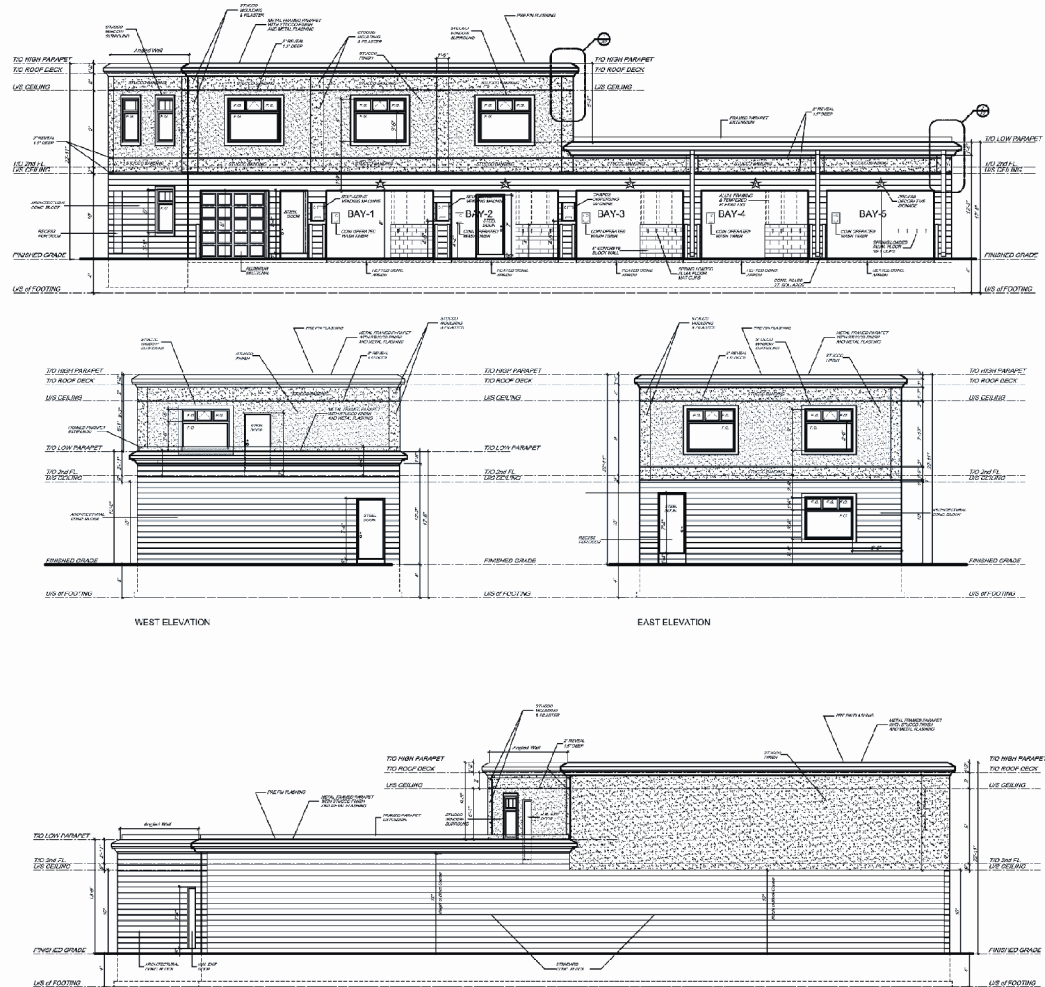
Not to Scale  
10/20/09



370 Weston Road

File # 05\_160005

## Attachment 2: Elevations



### Elevations

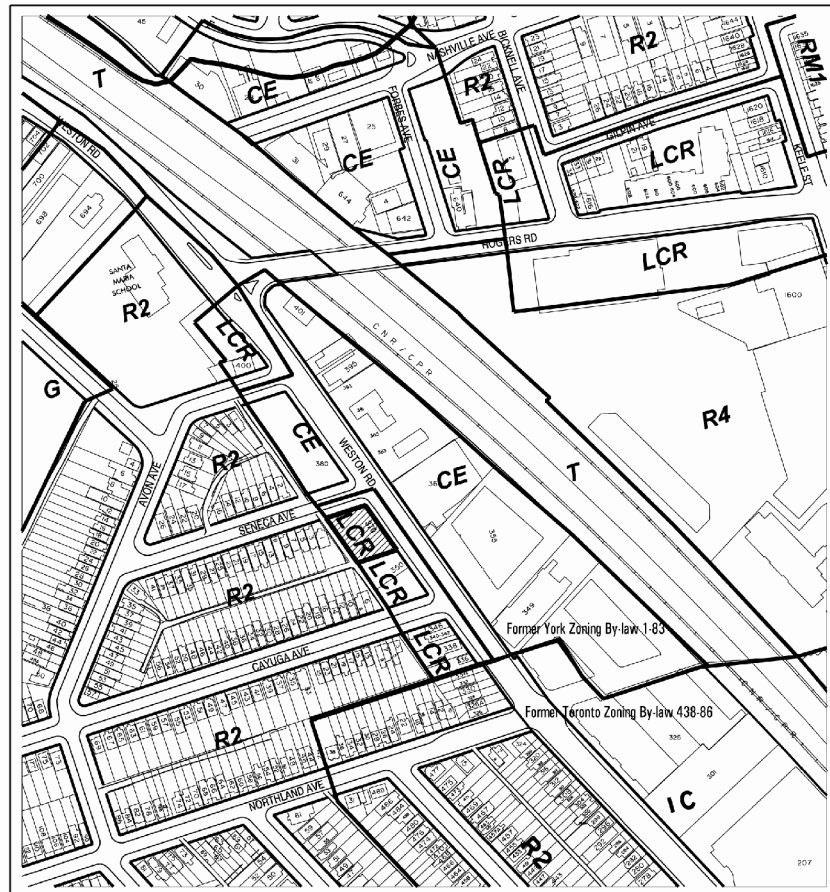
370 Weston Road

Applicants Submitted Drawing

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10/20/09

File # 05\_160005

### Attachment 3: Zoning



**TORONTO** City Planning  
Zoning

370 Weston Road

File # 05\_160005

Former York Zoning By-law 1-83  
R2 Residential Zone  
RM1 Residential Multiple Zone  
CE Commercial Employment Zone  
LCR Local Commercial Residential  
T Transportation & Utilities

Former Toronto Zoning By-law 438-86  
IC Industrial District  
R2 Residential District



Not to Scale

Extracted 10/21/2009 JM



## **Attachment 4: Conditions of Site Plan Approval**

Re: **Notice of Approval Conditions**  
**Site Plan Control Application No. 05 160005 WET 11 SA**  
370 Weston Rd  
PL 1723 LTS 23 TO 28  
Ward 11 - York South-Weston

The City Planning Division Etobicoke York District, has completed the review of your proposal for 5-bay coin operated car wash facility as outlined in the following plans and drawings:

1. Site Plan, Site Grading and Servicing Plan, prepared by Skira & Associates Ltd, dated March 2005, last revision dated July 22, 2009.
2. Landscape Plan, prepared by BTI, dated June 2005, last revision dated September 9, 2009.
3. Ground Floor Plan, Sheet A2, prepared by Lakeland Engineering, last revision dated March 28, 2009.
4. Second Floor Plan, Sheet A3, prepared by Lakeland Engineering, last revision dated March 28, 2009.
5. North Elevation, Sheet A7, prepared by Lakeland Engineering, last revision dated March 28, 2009.
6. East and West Elevations, Sheet A8, prepared by Lakeland Engineering, last revision dated March 28, 2009
7. South Elevation, Sheet A9 prepared by Lakeland Engineering, last revision dated March 28, 2009.

The issuance of the City's Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner's designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the Owner has satisfied all of the pre-approval conditions set out herein.

It is the Owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his designate.

### **A. PRE-APPROVAL CONDITIONS**

#### **LEGAL SERVICES – Stephanie Morrow, Phone 416-397-5379**

Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

## **TECHNICAL SERVICES**

### **Widening of Highways that about on the Land.**

1. Prepare all documents and convey to the City, at nominal cost, a 1.3m wide portion of land, for lane widening purposes, along the entire frontage of the existing public lane in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;
2. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
  - a) Be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
  - b) Delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
  - c) Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
3. Pay all costs for registration and preparation of reference plan(s);
4. Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City;
5. Submit all environmental site assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Executive Director of Technical Services, for peer review;
6. Pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as an initial deposit towards the cost of the peer review to the Executive Director; Technical Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer;
7. At the completion of the site remediation process, submit a Statement from the Qualified Person, to the Executive Director, Technical Services, for peer review and concurrence, that, based on all necessary supporting environmental documents:
  - a) The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent, and
  - b) It is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent rights-of-way, that would exceed the applicable Site Condition Standards;

8. File the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit a copy of the RSC to the Executive Director of Technical Services.

#### **Off-street Vehicular Loading and Parking Facilities and Access/Driveways**

9. The owner agrees to remove the existing chain link fence located within the Seneca Avenue municipal boulevard.

#### **CITY PLANNING - Shelly Tulloch (416) 394-8208**

#### **Requirement for a Landscape Plan (walls, fences, hedges, trees, shrubs and other groundcover or facilities for the landscaping of the lands)**

10. Landscape Plan, prepared by BTI, dated June 2005, last revision dated September 9, 2009, is to be further revised to the satisfaction of City Planning.
11. Submit a Letter of Credit or certified cheque to the Director, Community Planning, Etobicoke York District, to guarantee the provision of landscape development works as detailed on the Landscape Plan, prepared by BTI, dated June 2005, last revision dated September 2, 2009, and as further revised.

#### **URBAN FORESTRY**

12. Landscape Plan, prepared by BTI, dated June 2005, last revision dated September 9, 2009, is to be further revised to the satisfaction of Urban Forestry.
13. Submit financial securities for the cost of boulevard plantings to the satisfaction of Urban Forestry.

#### **B. POST APPROVAL CONDITIONS**

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

#### **TECHNICAL SERVICES**

##### **Facilities to Provide Access to and from the Land**

1. The owner acknowledges that the Weston Road driveway is restricted to outbound right turn movements only, and agrees to install and maintain in a state of good repair the traffic control signage shown at the driveway entrance and as illustrated in the approved site drawing.
2. The owner agrees that they will not install speed bumps on any main driveway or designated fire route.

##### **Facilities for the Storage of Garbage and Other Waste Material**

3. Advise all owners and tenants/future purchasers of the units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm;

**Stormwater Management, Grading and Site Servicing**

4. Construct and maintain site servicing indicated on the accepted Site Servicing and Grading plan, drawing No. 204-TO17, prepared by Skira and Associates and dated revised November 3, 2008:
5. Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

## Attachment 5: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	05 160005 WET 11 SA
Details		Application Date:	July 14, 2005

Municipal Address:	370 WESTON RD, Toronto ON
Location Description:	PL 1723 LTS 23 TO 28 **GRID W1109
Project Description:	Proposed 5 bay coin operated car wash facility on vacant parcel of land

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
LAKELAND ENGINEERS J PATEL			ORTIS AUTOMOTIVE CENTRE INC.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use	Site Specific Provision:	
Zoning:	LCR Local Commercial Residential Zone	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	1055.53	Height:	Storeys:	2
Frontage (m):	38.26		Metres:	7.36
Depth (m):	28.86			
Total Ground Floor Area (sq. m):	259.66			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	391.7		Loading Docks	0
Total GFA (sq. m):	391.7			
Lot Coverage Ratio (%):	24.60			
Floor Space Index:	37.12			

### 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):		0
1 Bedroom:	0	Office GFA (sq. m):	104.04	0
2 Bedroom:	0	Industrial GFA (sq. m):		0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):		0
Total Units:	0			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Shelly Tulloch, Acting Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8208</b>