

2410 Lawrence Avenue East and 6 Nantucket Boulevard – Zoning Application – Final Report

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| Date: | March 26, 2009 |
| To: | Scarborough Community Council |
| From: | Director, Community Planning, Scarborough District |
| Wards: | Ward 37 – Scarborough Centre |
| Reference Number: | 07 109355 ESC 37 OZ |

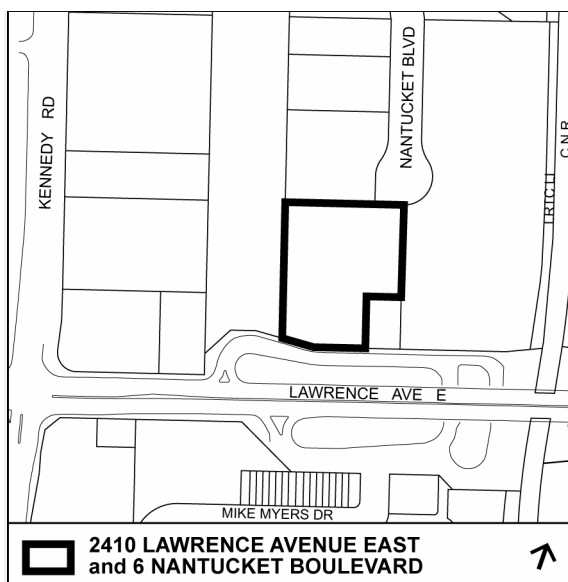
SUMMARY

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.

This application proposes to amend the zoning by-law to permit ancillary retail in conjunction with a household appliance repair, refurbishing and warehousing operation. A-One Appliances Inc. operates from the two industrial buildings located on the subject lands, with the retail, repair, refurbishing and storage of appliances occurring in the building facing Lawrence Avenue East (2410 Lawrence Avenue East) and the warehousing occurring in the rear building (6 Nantucket Boulevard).

The proposed increase in the ancillary retail use permission associated with a household appliance repair, refurbishing and storage/warehousing business, is 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 proposed use is appropriate at this location.

This report reviews and recommends approval of the application to amend the Employment Districts Zoning By-law No. 24982 (Dorset Park Employment District).



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Employment Districts Zoning By-law No. 24982 (Dorset Park) substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4.
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.
3. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a site plan agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Committee of Adjustment granted a minor variance in April 2005 to permit vehicle service and repair garages on these lands which are at the edge of an Employment District. The variance was conditional upon a site plan approval and registration of a site plan agreement. During the processing of the site plan application, further variances were required in order to permit the vehicle service and repair garage use. On February 11, 2009, Committee of Adjustment refused the additional variances. The owner appealed Committee's decision to the Ontario Municipal Board (OMB) and a hearing date has yet to be scheduled. This application is on the same property but applies to different units within the overall development.

ISSUE BACKGROUND

Proposal

The application is seeking to increase the permitted ancillary retail in the zoning by-law for A-One Appliances Inc., a household appliance repair, refurbishing and warehousing business which resells appliances to apartment management companies in Toronto and area and to the general public. The household appliances involved include: stoves, refrigerators, washers, dryers, microwaves and dishwashers.

The application has been modified since Scarborough Community Council's consideration of the Preliminary Report in September 2007. Specifically, the total gross floor area occupied by A-One Appliances Inc. has decreased from 672 square metres to 653 square metres but also, the business now occupies four units instead of the three units occupied previously. The changes occurred when the property owner divided all existing units in the rear building (Building B) into smaller units resulting in A-One Appliances Inc. occupying a smaller unit for warehousing and secondly, by the tenant expanding into

an adjoining industrial unit in the front building (Building A). The requested ancillary retail in turn has increased from approximately 25.5% or 171 square metres, to approximately 47.2% or 307.6 square metres of the total gross floor area of the operation.

The units (Units 2, 3 and 4) occupied in Building A contain the ancillary retailing, repairing, refurbishing and storage functions and have a combined gross floor area of 472.5 square metres. Unit 2 in Building B is only for warehousing and has a gross floor area of 180.4 square metres. Some minor interior alterations will be required to partition the display and storage areas within Building A. The total gross floor area for the entire operation is 652.9 square metres. Attachment No. 4, the Application Data Sheet, provides the relevant project information.

Site and Surrounding Area

Two, one-storey industrial buildings are located on the subject site. The property is located on a service road on the north side of Lawrence Avenue East which provides access to several properties where the Lawrence Avenue East overpass rises to cross over the RT line and the Lawrence Avenue East RT station. The existing buildings on the subject site contain a variety of industrial type uses, including vehicle service and repair garages and a bakery.

The abutting properties to the north, east and west contain industrial uses, vehicle service garages, used car sales and storage, a lumber yard, and an ambulance station. Residential townhouses and a nursing home occur on the lands on the south side of Lawrence Avenue East.

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 subject lands are designated Employment Areas on Map 20, Land Use Plan of the Official Plan and are also within an area identified as an Avenue on Map 2, Urban Structure. The underlying land use designation is Employment Areas which are places of business and economic activity. Uses which support this function include: 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. Employment Areas are also subject to the Employment District policies which promote, protect and support business and employment growth.

The Plan provides that development will contribute to the creation of competitive, attractive, highly-functional Employment Areas by: supporting the economic function of the Employment Areas and the amenity of adjacent areas; avoiding excessive car and truck traffic on the road system within the Employment Areas and adjacent areas; providing adequate parking and loading on-site; and providing landscaping on the front and any flanking yard to create an attractive streetscape and screening parking, loading and service areas.

Zoning

The southern portion of the site is zoned Industrial (M) by the Scarborough Employment Districts Zoning By-law No. 24982 (Dorset Park), as amended. The northern portion of the site is zoned General Industrial (MG), Special Industrial (MS) and Vehicle Service (VS). The zoning permits the repair, refurbishing and warehousing activities as industrial uses. The industrial zoning also permits ancillary retail use, subject to a number of zoning provisions. The purpose of the current zoning by-law provisions respecting ancillary uses within industrial zoned lands is to maintain the primary functions of industrial lands. Retail use is to be subordinate to the principal industrial use.

Committee of Adjustment granted a minor variance in May 2005 for the vehicle service and repair garage use as these uses were not permitted on properties with access to streets along the periphery of an Employment District or within the jurisdiction of Metropolitan Toronto. This variance was conditional upon a site plan approval and a site plan agreement. A further minor variance for these uses was sought regarding their distance from a residential zone and for open storage. This variance was refused by Committee of Adjustment and is under appeal to the OMB.

Site Plan Control

The property is subject to site plan control and a site plan approval is required for the proposal. While an application has not been filed for the ancillary retailing, the applicant has been working towards incorporating the site plan matters associated with the rezoning application with the on-going site plan application dealing with the vehicle service and repair uses for the site.

Reasons for Application

The purpose of this application is to permit a larger portion of ancillary retailing than is otherwise permitted in the zoning by-law within industrially zoned lands. The by-law provision permits ancillary retail to a maximum of 10% of the total gross floor area of an industrial unit, to a maximum of 250 square metres per unit and “shall be delineated and separated from the principal use by solid partition walls...” In this case, the proposal is to increase the amount of ancillary retailing of repaired and refurbished household

appliances to approximately 47.2% or 307.6 square metres of the total gross floor area of the operation. The operation involves the storage/warehousing, repair and refurbishing of household appliances; all are permitted uses under the industrial zoning.

Community Consultation

A Community Consultation Meeting was held on April 10, 2008. Three residents attended the meeting and no concerns 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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS by providing for an ancillary use for an existing employment use on the subject lands located within an employment area. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe in that the proposal is an ancillary retail use which is limited in size and scale on the subject employment lands.

Land Use

The Official Plan provides for retail use within employment lands provided it is ancillary to the primary employment use. The zoning by-law provides performance standards respecting “ancillary” retail on lands zoned for industrial use and defines ancillary to be subordinate and incidental to the permitted use and directly related and not independent of the principal use. The zoning by-law also restricts ancillary retailing to 10 percent of the total gross floor area to a maximum of 250 square metres of a specific industrial use.

In this case, the ancillary retailing is in conjunction with a household appliance repair, refurbishing and storage/warehouse operation having a total gross floor area of 653 square metres. The gross floor area of the three units in Building A (Units 2, 3, and 4) is 472.5 square metres of which 307.6 square metres is for ancillary retail. Unit 2 in Building B has a gross floor area of 180.4 square metres and is used solely for warehousing. The ancillary retailing represents 47.2% of the total gross floor area of the household appliance operation.

Household appliances by nature are bulky and can occupy larger floor areas than other goods that are repaired and displayed for sale. While the requested ancillary retail is 47.2% of the total gross floor area of the appliance operation, the proposed zoning by-law proposes to restrict the associated ancillary retail to 47.2% of the total gross floor area and to only those household appliances that are repaired and refurbished on the premises. The proposed zoning by-law also proposes a minimum floor area of the principal use, that being the repair, refurbishing and warehousing of the household appliances and to

restrict the ancillary retailing on the subject lands to Building A or to within 41.5 metres of the street line of Lawrence Avenue in order to minimize potential conflict with the other employment uses on the property. These restrictions will ensure that the ancillary retail use will be limited in size and scale and to one specific employment use to maintain the primary function of the subject lands for employment purposes.

Traffic Impact, Access, Parking

Transportation Services have reviewed the proposal and have not identified any traffic impact issues. The subject lands are accessed by two driveways to the service road which leads to Lawrence Avenue East. A new access driveway, primary to serve the vehicle service and repair garage use, exists to Nantucket Boulevard. This driveway requires improvements which will be secured through the site plan approval process.

With the proposed ancillary retailing of household appliances and the pending vehicle service and repair uses that are subject to the appealed minor variance application, a total of 110 parking spaces would be required. Should the vehicle service and repair uses not be approved by the OMB, a lesser amount of parking would be required. A total of 118 parking spaces are provided on the subject lands. Therefore there would be sufficient on-site parking to serve the proposed use(s) on the subject lands.

Streetscape

The streetscape along the service road of Lawrence Avenue East would be enhanced by the provision of landscaping. Currently, the area is void of any landscaping. Landscaping will be secured through the site plan approval process. To ensure that the proposed landscaping is secured, it is recommended that the zoning by-law not be enacted until a site plan agreement has been executed.

Development Charges

It is estimated that the development charges for this project will be \$30,544.68. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The proposed ancillary retail of household appliances is consistent with the Employment Areas policies of the Official Plan and is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. In this case, the proposed ancillary retailing is limited to the repaired and refurbished household appliances which by their nature are bulky items and occupy more floor area than other goods. They do not lend themselves to being warehoused in Building B and then brought to the retail area in Building A in response to customer inquiries. The floor area of the proposed ancillary retailing of the household appliances is considered to be appropriate for this particular operation. The proposed zoning by-law incorporates appropriate restrictions regarding the type, location and size of the proposed ancillary retailing on the subject lands to ensure that it relates to this particular operation only and will not lead to the conversion of this area to some other type of ancillary retailing.

It is recommended that City Council approve the draft zoning by-law to the Dorset Park Employment District as generally illustrated on Attachment 5: Draft Zoning By-law, once a site plan agreement is executed.

CONTACT

Sylvia Mullaste, Planner

Tel. No. (416) 396-5244

Fax No. (416) 396-4265

E-mail: Mullaste@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Zoning

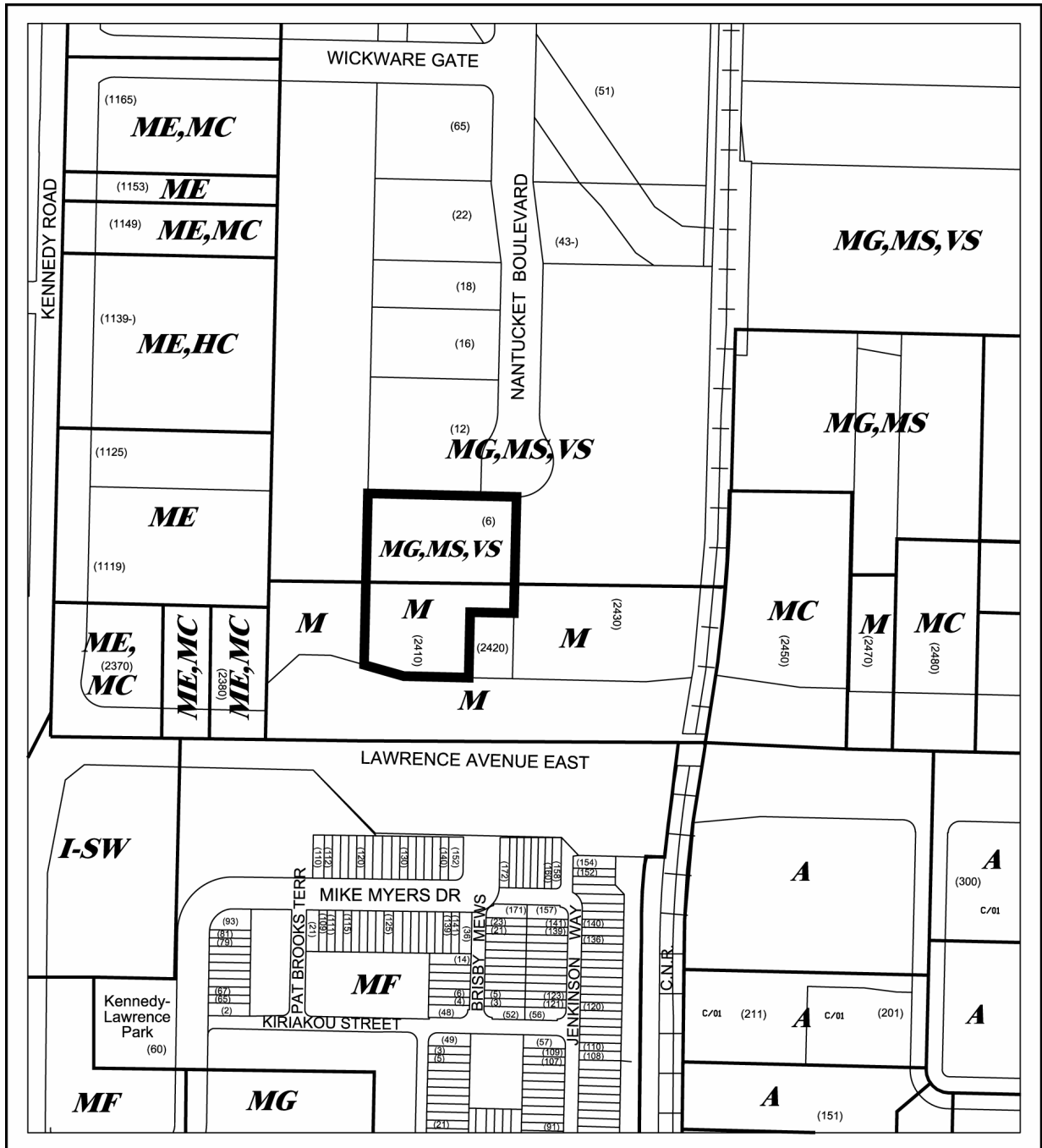
Attachment 3: Application Data Sheet

Attachment 4 Draft Zoning By-law Amendment

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File # 07-109355 0Z

Attachment 2: Zoning



2410 Lawrence Avenue East and 6 Nantucket Blvd.
File # 07-109355 0Z

M Industrial Zone
MC Industrial Commercial Zone
ME Mixed Employment Zone
MG General Industrial Zone

MS Special Industrial Zone
VS Vehicle Service Zone
MF Multiple-Family Residential
A Apartment Residential

I-SW Institutional - Social Welfare

Dorset Park Employment District
Not to Scale
3/16/09



Attachment 3: Application Data Sheet

| | | | |
|-----------------------|---|---------------------|---------------------------|
| Application Type | Rezoning | Application Number: | 07 109355 ESC 37 OZ |
| Details | Rezoning, Standard | Application Date: | February 14, 2007 |
| Municipal Address: | 2410 LAWRENCE AVE E & 6 NANTUCKET BLVD | | |
| Location Description: | CON 1 PT LOT 28 NOW PLAN 9846 RCP PT LOT 80 **GRID E3704 | | |
| Project Description: | To permit ancillary retail (appliances) in building A facing a service road parallel Lawrence Ave. E. | | |
| Applicant: | Agent: | Architect: | Owner: |
| HEINZ MERTINS | | | THOMAS & ANTHONY KIRIAKOU |

PLANNING CONTROLS

| | | |
|----------------------------|------------------------------------|---------------------------|
| Official Plan Designation: | Employment Areas | Site Specific Provision: |
| Zoning: | Industrial, Vehicle Service (rear) | Historical Status: |
| Height Limit (m): | | Site Plan Control Area: Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|---------|---------|-----------------|--------------|
| Site Area (sq. m): | 9442.46 | Height: | Storeys: | 0 |
| Frontage (m): | 0 | | Metres: | 0 |
| Depth (m): | 0 | | | |
| Total Ground Floor Area (sq. m): | 3105.99 | | | Total |
| Total Residential GFA (sq. m): | 0 | | Parking Spaces: | 118 |
| Total Non-Residential GFA (sq. m): | 3105.99 | | Loading Docks | 0 |
| Total GFA (sq. m): | 3105.99 | | | |
| Lot Coverage Ratio (%): | 32.9 | | | |
| Floor Space Index: | 0.32 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| Tenure Type: | | | Above Grade | Below Grade |
|--------------|---|----------------------------------|-------------|-------------|
| Rooms: | 0 | Residential GFA (sq. m): | 0 | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 307.59 | 0 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 0 | 0 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 935.77 | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 1862.62 | 0 |
| Total Units: | 0 | | | |

| | | |
|-----------------|----------------------|---------------------------------|
| CONTACT: | PLANNER NAME: | Sylvia Mullaste, Planner |
| | TELEPHONE: | (416) 396-5244 |

Attachment 4: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on April 21, 2009
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Employment Districts Zoning By-law No. 24982 (Dorset Park), as amended,
with respect to the lands municipally known in the year 2008 as
2410 Lawrence Ave. E. and 6 Nantucket Blvd.**

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 by adding Performance Standard No. 850 on lands shown outlined on Schedule '1' so that the amended zoning shall read as follows:

M - 357 - 850 - 913 - 991 - 1067

MG, MS, VS – 357 – 850 -913 – 991 – 1067 – 2300 – 2301 – 2302 – 2303 – 2304

121

2. **SCHEDULE "B" PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standard:

MISCELLANEOUS

850. **Ancillary** Retailing of household appliances repaired and refurbished on the premises is permitted and shall:

- (i) not exceed a maximum **gross floor area** of 308 m²;
- (ii) be in conjunction with principal use of household appliance repair, refurbishing and **warehousing** that has a minimum **gross floor area** of 345 m²;
- (iii) be delineated and separated from the principal use by solid partition walls; and,
- (iv) be located within 41.5 m of the **street line** of Lawrence Avenue East.

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

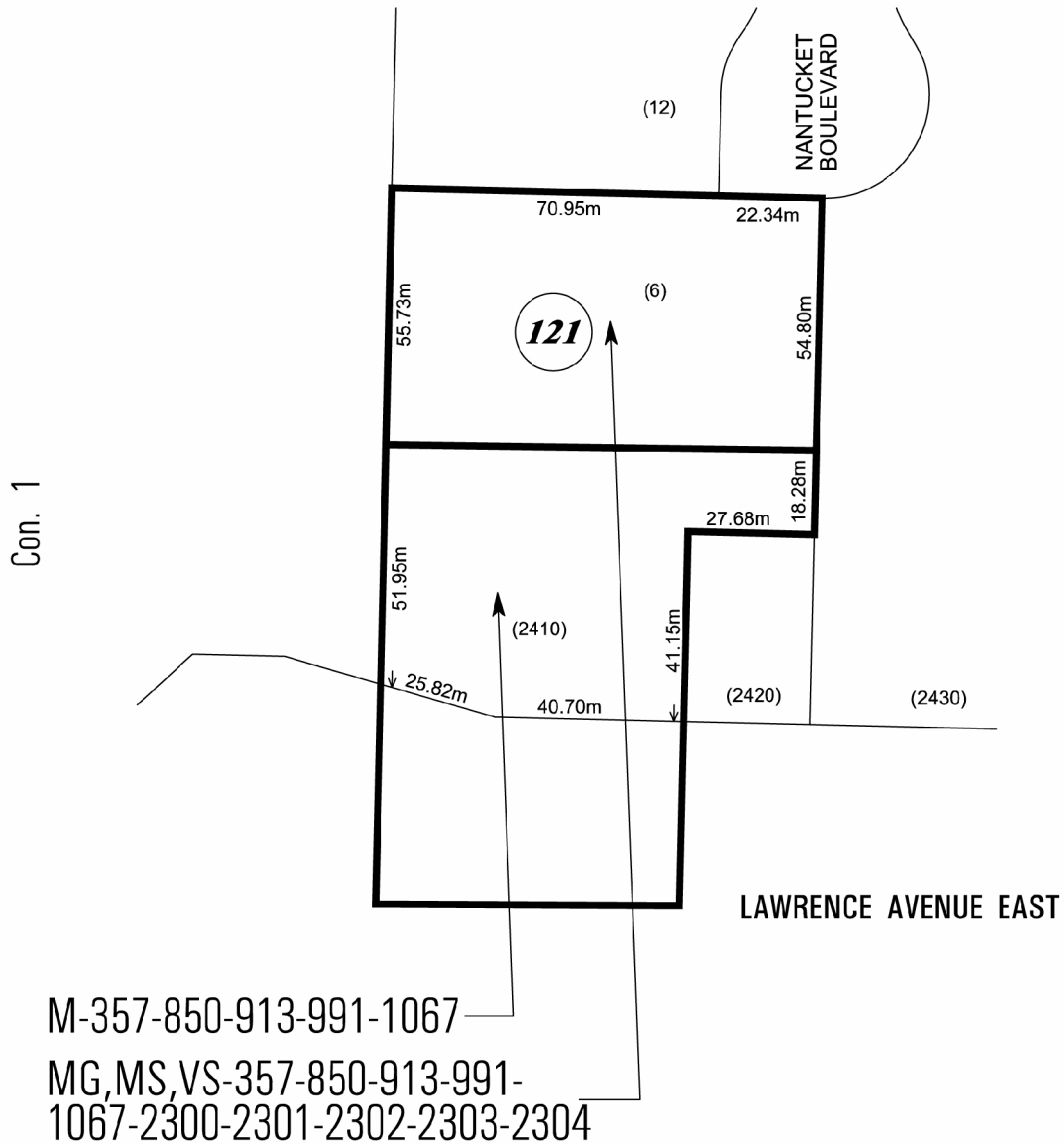
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 28



Toronto City Planning
Division
Zoning By-Law Amendment

2410 Lawrence Avenue East and 6 Nantucket Blvd.

File # 07-109355 OZ

 Area Affected By This By-Law

Dorset Park Employment District By-law
Not to Scale
3/17/09
