

3241, 3251 & 3261 Kennedy Rd and 19-27 Passmore Avenue – Rezoning Application – Preliminary Report

Date:	October 22, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Ward:	Ward 39 – Scarborough-Agincourt
Reference Number:	09 161120 ESC 39 OZ

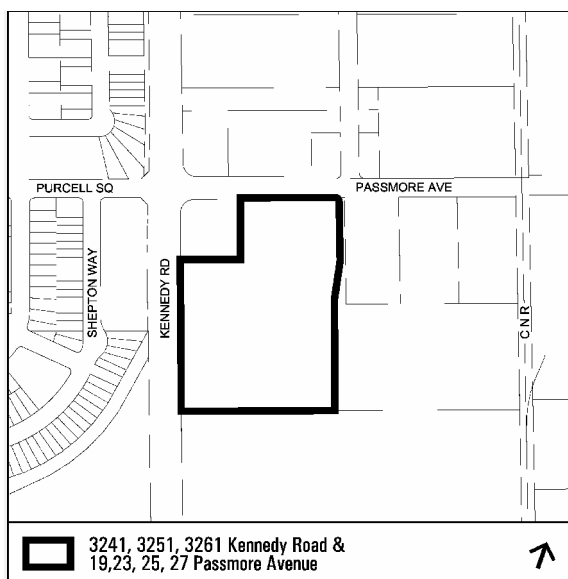
SUMMARY

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 applicant proposes to expand retail and service commercial uses to a portion of the subject lands that currently only allows industrial uses. Also the applicant proposes to restrict the type and extent of retail and restaurant uses to those being ancillary to employment uses and small scale to serve area businesses. Finally, the applicant proposes to increase the gross floor area of restaurant uses, reduce the minimum required parking standard and limit the size of individual retail and service commercial uses. Current zoning uses permitted on the site would be maintained.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The application should proceed through the planning review process including the scheduling of a community consultation meeting. A final report will be prepared



and a public meeting will be scheduled once all identified issues have been satisfactorily resolved and all required information provided.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The current mixed zoning on the subject lands was established in the early to mid 1980's. The zoning enabled some retail and restaurant uses to be located along the edges of major roads (i.e. Kennedy Road, Midland Avenue, Steeles Avenue and Finch Avenue) while preserving employment and industrial uses within the interior. This land use arrangement provided visibility for the retail uses located on the major arterials while providing stability and reducing any potential conflicts between employment and retail / service commercial uses in the interior.

An application for consent to a land severance was granted on November 5, 2003, to facilitate division of the land holdings of Al Reisman Limited (owner of the subject lands) into two separate and distinct parcels. As a condition of approval of the consent to land severance, Al Reisman Limited entered into a Consent Agreement with the City of Toronto. The Consent Agreement provides for the conveyance of Part 4 on Plan 66R-21332 to the City of Toronto as a public road allowance to facilitate construction of a portion of the proposed Redlea Avenue / Milliken Boulevard extension between Passmore Avenue and McNicoll Avenue to the south.

On January 23, 2008, the City of Toronto issued a Notice of Completion of the Environmental Study Report in relation to the Class Environmental Assessment for the proposed Redlea Avenue / Milliken Boulevard extension.

Pre-Application Consultation

Pre-application consultation meetings were held to clarify the Employment Areas policies of the Official Plan and to set out complete application submission requirements.

ISSUE BACKGROUND

Proposal

The zoning amendment application contemplates an expansion of retail and service commercial uses, including business and professional offices to a portion of the subject lands that currently only allows industrial uses to a maximum of 30% of the gross floor area of all buildings or 5 240 square metres (56,405 sq. ft.). The size of any individual retail and service commercial use is to be capped at 465 square metres (5,000 sq. ft.).

The applicant also proposes to increase the gross floor area of restaurant uses from 363 square metres (3,907 sq. ft.) to 1 466 square metres (15,780 sq. ft.) or 8 percent of the gross floor area of all buildings. Restrictions on the type and extent of retail and restaurants uses are premised on these uses being ancillary to the employment uses and small scale to serve area businesses and workers.

A total of 388 parking spaces currently exist on the site. With the conveyance of Part 4 in 2003, as a result of the future extension of Redlea Avenue south, it will result in the loss of 22 parking spaces leaving a balance of 366 on the entire site. The applicant is seeking a reduction in the minimum required parking standards required for the uses proposed to reflect this future condition of 366 on-site parking spaces.

The subject lands have vehicular access to Kennedy Road to the west and Passmore Avenue to the north. These access points will be maintained. See Attachment 1: Site Plan.

Site and Surrounding Area

The site is approximately 3.9 hectares (9.6 acres) in area, having approximately 173 metres (568 feet) of frontage on Kennedy Road; about 118 metres (387 feet) frontage on Passmore Avenue and, approximately 236 metres (774 feet) adjacent to the proposed Redlea Avenue extension.

The lands subject to this application are developed with 7, one-storey industrial / commercial buildings ranging in size from 943 square metres (10,151 sq. ft.) to just over 5 300 square metres (57,050 sq. ft.) for a total gross floor area of 17 456 square metres (187,900 sq. ft.).

Surrounding land uses:

- North: Automotive service station and mechanical car wash, offices, commercial and general industrial uses
- South: Place of worship, vacant lands
- East: Proposed extension of Redlea Avenue south of Passmore Avenue, GO Transit right-of-way, retail outlet, general industrial uses
- West: Institutional (church and private school), neighbourhood plaza, low density housing

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 PPS supports the objective of ensuring that there is a mix and range of employment to meet long term needs and provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment activity. The PPS also supports the objective of protecting and preserving employment areas for current and future uses and ensuring that the necessary infrastructure is provided to support current and projected needs.

The PPS defines employment areas as "areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities". Conversion of lands within employment areas to non-employment uses is permitted only through a comprehensive review that has demonstrated that the land is not required for employment purposes over the long term and there is a need for the conversion.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Growth Plan includes similar policies to the PPS directed at the preservation of employment areas for future economic opportunities. An employment area is defined as an area "designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities". The definition of an employment area in the Growth Plan is the same definition used in the PPS. The Growth Plan clarifies that for the purpose of the conversion policy, major retail uses are considered non-employment uses.

The Growth Plan provides that municipalities may permit conversion of lands within employment areas to non-employment uses only through a municipal initiated comprehensive review. Under the Growth Plan, conversion of lands within an employment area to major retail uses is considered to be a conversion of land to non-employment uses. The conversion may be permitted only where it has been demonstrated through the municipal comprehensive review that it meets a number of criteria.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is identified as an Employment District on Map 2 Urban Structure. Policy 1 of the Employment District identifies the need to protect and promote these areas for economic activity in order to attract new and expand existing employment clusters that are key to Toronto's competitive advantage; develop quality Employment Districts that are global and nurture Toronto's diverse economic base; provide a range of employment opportunities for Toronto residents that can be reached by means other than the private automobile.

Employment Districts will be enhanced to ensure they are attractive and function well through actions such as: permitting a broad array of economic activity that encourages existing businesses to branch out into new areas of activity and facilitates firms with functional linkages to locate in close proximity to one another; investing in key infrastructure or facility investment through special tools, programs or partnerships in order to promote the distinctive character or specialized function of a District to attract firms within a particular targeted cluster of economic activity.

The Toronto Official Plan designates the property as Employment Areas on Map 22, Land Use Plan. Policy 4.6.1 provides for uses such as office, 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.

Policy 4.6.2 of the Official Plan indicates that within Employment Areas, places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate only on major streets as shown on Map 3. Kennedy Road is identified as a major street while Passmore Avenue is not.

In addition to the general policies of the Official Plan, Site and Area Specific Policy No. 104 states that: "Business and trade schools, libraries, fraternal organizations, long term care facilities, recreational uses and places of worship are permitted".

Staff will review the submitted material and will seek further clarification from the applicant in order to ensure compliance with the Official Plan and all relevant Official Plan policies. Should it be determined that the application does not comply with the Employment Areas policies of the Official Plan, the application would not be supported by staff. In addition the application would be viewed as a conversion which would not conform with the Growth Plan.

Zoning

The subject lands have multiple zoning which straddles the existing buildings. The western 100 metres of the site is zoned Community Commercial (CC), Employment (E)

and Recreational (RU) Zone in the Milliken Employment District Zoning By-law No. 24982, as amended.

Generally, permitted uses within the Community Commercial Zone include: day nurseries, financial institutions, offices, places of worship personal service shops, restaurants and retail stores. The gross floor area of all restaurants is restricted to 363 square metres (3,907 sq. ft.). The gross floor area of all recreational uses is restricted to 557 square metres (6,000 sq. ft.) and the gross floor area of all uses permitted in the Community Commercial and Recreational Zone is restricted to 3 065 square metres (33,000 sq. ft.) or 0.5 times the area of the lot.

Within Employment Zones, permitted uses include: industrial uses, offices, day nurseries, educational and training facility uses, places of worship and recreational uses.

Within Recreational Zones, permitted uses include day nurseries, places of worship and recreational uses.

Exception #202 and #205 are applicable to the western 100 metres of the site zoned Community Commercial (CC), Employment (E) and Recreational (RU) Zone. Exception #202 prohibits non-accessory ground signs excluding marketplace signs and wall signs which are non-accessory. Exception #205 prohibits games arcade, billiard halls or pool halls on this portion of the subject lands.

Immediately adjacent to this zone and extending approximately 40 metres east, the lands are zoned Industrial (M). Generally, permitted uses within the Industrial Zone include: industrial uses, offices, excluding medical and dental offices, day nurseries, educational and training facility uses, places of worship and recreational uses. Exception #202, as described above, is also applicable to this portion of the subject lands.

The remainder of the subject lands are located within the Industrial (M), General Industrial (MG) and Special Industrial (MS) Zone. Permitted uses within the General Industrial Zone include: industrial uses, offices, excluding medical and dental offices, open storage, day nurseries, educational and training facility uses, places of worship and recreational uses. The Special Industrial Zone permits all of the uses found in the General Industrial Zone with the addition of special industrial uses. See Attachment 2: Zoning.

Site Plan Control

The subject lands are under site plan control. Although no new development is anticipated and no application for site plan control has been submitted, amendments to the existing site may require site plan approval.

Reasons for the Application

The multiple zoning on the lands would need to be amended in order to permit an expansion of retail and service commercial uses within the existing series of 1-storey buildings.

Further amendments to the by-law are requested to increase the maximum gross floor area of all restaurants from 363 square metres (3,907 sq. ft.) to 1 466 square metres (15,780 sq. ft.) or 8% of the gross floor area of all buildings.

Lastly, amendments to the by-law are requested to reduce the minimum required parking supply from 388 to 366 parking spaces. During the review of this application, further technical amendments to the by-law may be required.

COMMENTS

Application Submission

A Planning Rational Report which includes an analysis of parking requirements and draft by-law amendment were submitted with the application. The applicant has been advised that this submission is considered a complete application.

A Notification of Complete Application was issued on September 21, 2009.

Issues to be Resolved

Land Use

This applicant proposes to expand retail and service commercial uses to a portion of the subject lands that currently does not permit retail and service commercial uses. The site currently allows for a maximum of 3 065 sq. m (33,000 sq. ft.) of community commercial uses along Kennedy Road. The applicant is seeking an additional 2 178 sq. m (24,000 sq. ft.) of retail and service commercial uses and 1 103 sq. m (11,873 sq. ft.) of restaurant space. Also the applicant proposes to restrict the type and extent of retail and restaurant uses to those being ancillary to employment uses and small scale to serve area businesses.

The applicant has submitted a list of approximately 35 new potential retail and service commercial uses on the subject lands for consideration, some of which do not meet the intent of the Official Plan (See Attachment 4: Requested Uses). The location of these additional uses has not been indicated.

Staff are prepared to review this list in detail to ensure conformity to the Official Plan and identify only those uses that are small scale stores and services that serve area businesses and workers. The final list must be scoped to permit only those retail and service uses that comply with the Official Plan. Staff will also review the proposed amount, size and location of these uses and determine their appropriateness.

The Planning and Growth Management Committee, at its meeting on May 6, 2009, directed Planning staff to review the Employment Areas policies of the Official Plan in order to assess the impact of retail and other additional uses permitted at certain locations within employment lands on the prime economic function of Employment Areas. The review is now underway. The implications of this review on the subject application will need to be assessed.

In addition, the draft new city wide by-law is complete and has been posted on the City's website. The proposed approach will be to restrict the type and amount of retail uses in industrial zones. A final report is expected early in 2010. The implications of the new by-law on the application will also need to be assessed.

Impact

During the review of this application, staff will also examine whether or not any negative impacts will result from not only the introduction of additional uses but also the suitability of the proposed ratio of retail to employment as well as the effect of reduced parking. Further, the implication of the proposed locations of the retail and service commercial uses on the subject lands will need to be reviewed.

Compatibility

The development standards will be reviewed to ensure that the proposed development fits within the existing context of the industrial and general industrial uses that surrounds the subject lands. A traffic impact study has been submitted to determine appropriate traffic controls, vehicular access points and any transportation improvements. Staff will be reviewing the traffic impact study.

Access and Parking

Vehicular access to the subject lands is gained from both Kennedy Road and Passmore Avenue. No new vehicular access points are contemplated with this application. The impacts of the possible future extension of the Milliken Boulevard/Redlea Avenue abutting the rear of the site will require further review.

The applicant proposes to reduce the minimum required parking standard. The adequacy of the number of parking spaces will be determined upon further review.

Built Form and Site Orientation

Built Form policies of the Official Plan should be addressed. While no additions are planned to the existing buildings the subject development will need to respect and improve upon the character of the surrounding area. Should more retail and service commercial uses, main building entrances will need to be located so that they are clearly visible and directly accessible from the public sidewalk on Kennedy Road and Passmore Avenue. The development will need to locate and organize vehicular parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of Kennedy Road and Passmore Avenue.

Other Issues

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, adopted by City Council in July 2006.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

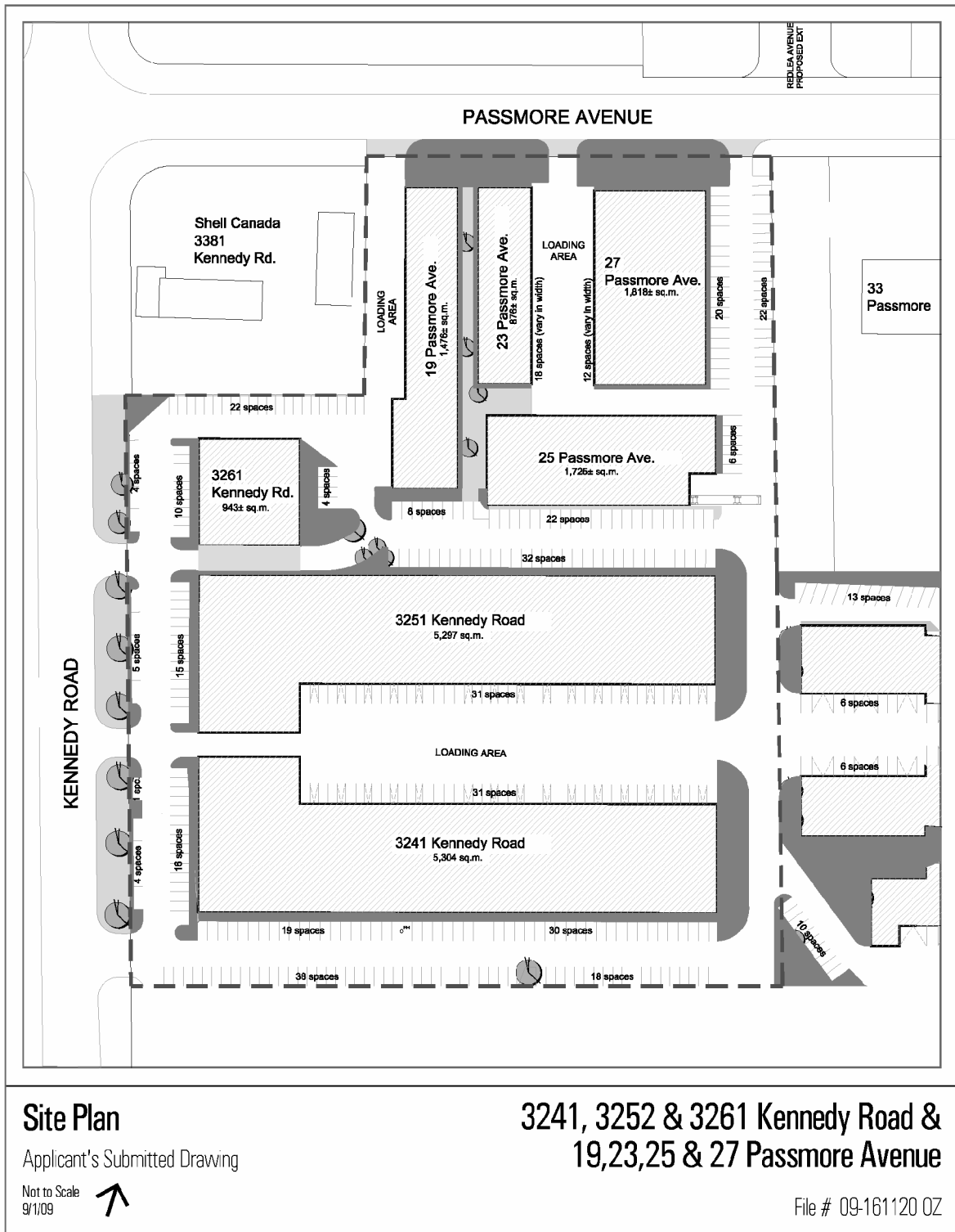
Attachment 1: Site Plan

Attachment 2: Zoning

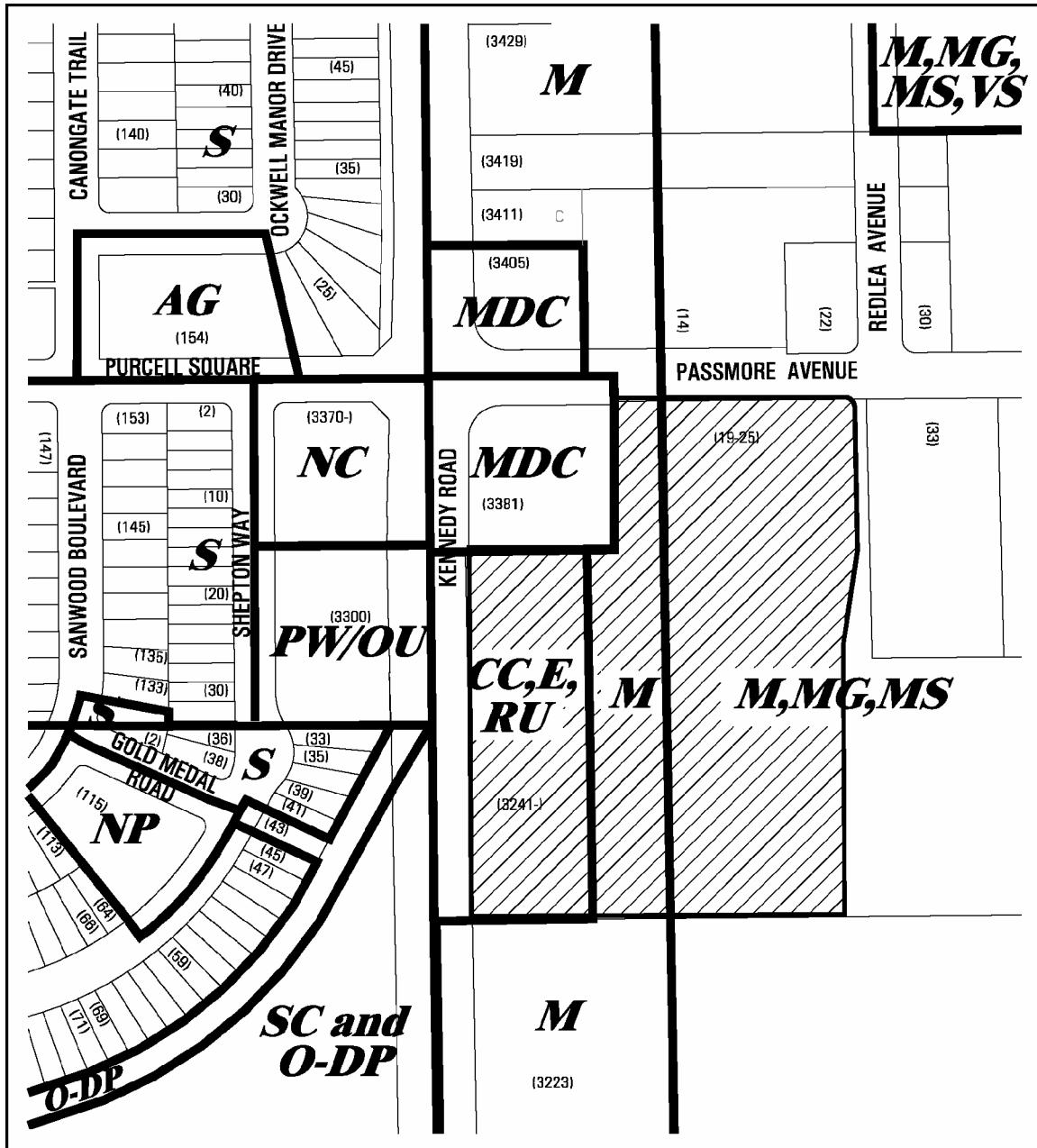
Attachment 3: Application Data Sheet

Attachment 4: Requested Uses

Attachment 1: Site Plan



Attachment 2: Zoning



Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	09 161120 ESC 39 OZ
Details	Rezoning, Standard	Application Date:	August 21, 2009
Municipal Address:	3241, 3251 & 3261 KENNEDY RD and 19, 23, 25 & 27 PASSMORE AV		
Location Description:	PLAN 9828 RCP PT LOT 26 RP 66R21332 PARTS 1 AND 2 AND 6 TO 21 **GRID E3903		
Project Description:	The application proposes to intensify and broaden the range of retail and service commercial uses on a portion of the subject lands		

Applicant:	Agent:	Architect:	Owner:
MCDERMOTT & ASSOCIATES LIMITED C/O JOHN MCDERMOTT			AL REISMAN LIMITED

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	#104; Exception #202/205
Zoning:	M, MG, MS, CC, E, RU	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	38725.3	Height:	Storeys:	1
Frontage (m):	173.4		Metres:	0
Depth (m):	175.7			
Total Ground Floor Area (sq. m):	17456			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	366
Total Non-Residential GFA (sq. m):	17456		Loading Docks	32
Total GFA (sq. m):	17456			
Lot Coverage Ratio (%):	45			
Floor Space Index:	0.45			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Restaurants GFA (sq. m):	1 466
Bachelor:	0	Retail GFA (sq. m):	5 240
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	10 750
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Renrick Ashby, Senior Planner
	TELEPHONE:	(416) 396-7022

Attachment 4: Requested Uses

The applicant has requested that the following retail and service commercial uses be permitted on the subject land:

- automotive, truck and trailer parts sales and service establishment
- automotive detailing and/or glass and trim establishment
- automotive service and repair establishment
- bakery and/or bake shop
- bank and/or financial institution
- bicycle and/or motorcycle sales and service establishment
- billiards equipment and supply sales and service establishment
- business and/or professional office inclusive of a medical and/or dental clinic
- cellular communications sales and service establishment
- computer and/or electronics sales and service establishment
- convenience store
- courier establishment inclusive of mail box facilities, photocopying and other related business services
- dry cleaning depot and/or establishment
- florist
- furniture and/or major appliance sales and service establishment inclusive of the sale of outdoor furniture, appliances and accessories
- lighting and/or electrical supply and sales establishment
- health and fitness establishment
- home decoration and furnishing sales establishment
- industrial parts sales and service establishment
- kitchen and bathroom design and sales establishment
- musical instruments sales and service establishment
- office equipment sales, supply and service establishment
- personal service shop
- photographic and/or art studio and gallery
- plumbing, heating and air conditioning sales and service establishment
- pool and/or spa sales and service establishment
- printing and/or publishing establishment
- small appliance sales and service establishment
- small engine sales and service establishment
- snowmobile and/or recreational vehicle sales and service establishment
- specialty food store inclusive of a fish and/or meat market
- delicatessen
- wine and/or beer making establishment
- sporting goods sales and service establishment
- warehouse outlet and/or a wholesale establishment
- other accessory uses as are normally considered incidental and subordinate to the foregoing uses

Source: Land Use Planning Rationale

McDermott & Associates Limited, August 2009, Section 3.3, Page 3-7