

50 Resources Road – Zoning Amendment and Subdivision Applications – Final Report

Date:	April 9, 2010
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 2 – Etobicoke North
Reference Number:	08 195173 WET 02 OZ and 08 195178 WET 02 SB

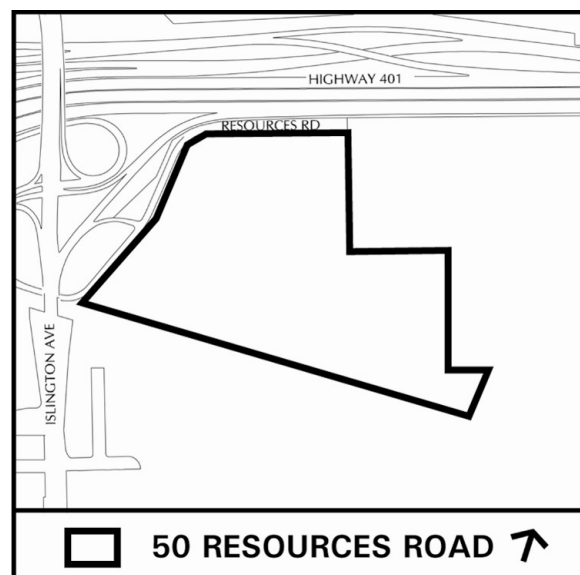
SUMMARY

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 is to amend the Class One Industrial (I.C1) zoning of the property to permit the development of a 16,230.5 square metre large-format home improvement retail store (including an attached accessory garden centre of 3,060.1 square metres). The applicant has included on the plans, for illustration purposes only, additional uses currently permitted on the lands. The application proposes to delete certain incompatible uses from the IC.1 zoning that applies on the lands not occupied by the large-format retail store.

A complementary application for Draft Plan of Subdivision has also been submitted to provide for the creation of individual development blocks, including the creation of a block for stormwater management pond purposes and a new public street (cul-de-sac).

This report reviews and recommends approval of the application to amend the Zoning By-law and advises that the Chief Planner may approve the Draft Plan of Subdivision.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the lands at 50 Resources Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment and Draft Plan of Subdivision as may be required.
3. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner may approve the Draft Plan of Subdivision as generally illustrated on Attachment 2, subject to:
 - a. the conditions of Draft Plan of Subdivision as set out in Attachment 9 must be fulfilled prior to the release of the plan of subdivision for registration;
 - b. any such revisions to the proposed subdivision plan or any such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development; and
 - c. the approval of the Draft Plan of Subdivision not be issued until the Zoning By-law is in full force and effect.
4. Prior to introducing the necessary Bills to City Council for enactment:
 - a. the owner enter into a legal agreement under Section 37 of the Planning Act to secure the community benefits outlined in this report;
 - b. the owner enter into a Subdivision Agreement as set out in the conditions of Draft Plan of Subdivision; and
 - c. the Notice of Approval Conditions for Site Plan Approval be issued.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant to discuss the proposal and amongst other matters, the possibility of community benefit contributions as per Section 37 of the Planning Act.

ISSUE BACKGROUND

Proposal

This application is to amend the current Class One Industrial (I.C1) zoning to permit the development of a large-format home improvement retail store of 16,230.5 square metre (including an attached accessory garden centre of 3,060.1 square metres) on the northern block of the proposed subdivision. A 604 square metre restaurant use will also be located on the southwest corner of this block.

On the south blocks, the applicant's concept plan shows:

- a 4-storey business and professional office building having a gross floor area of 5,647square metres;
- a 2-storey professional office building having a total gross floor area of 4,146 square metres;
- a 3-storey professional office building having a total gross floor area of 6,859 square metres;
- a 6-storey, 165-suite hotel having a gross floor area of 7,920 square metres; and
- separate block for stormwater management pond purposes.

The current proposal is for the large scale retail store and associated garden centre in addition to a restaurant which the applicant intends to construct and operate immediately upon obtaining all of the necessary approvals. The remaining buildings are representative of the types of uses and buildings that will be permitted on the site under the proposed site-specific IC.1 zoning, as the site-specific IC.1 zoning by-law will prohibit stand-alone retail and recreation/entertainment-related uses on the remainder of the subject lands. The applicant intends to market the remaining lands for the above listed non-retail/entertainment types of buildings and uses, for a third party to develop and build in the future.

The large south single-block format of the draft plan of subdivision is intended to allow for flexibility in marketing the lands not occupied by the proposed home improvement store. The requested zoning approval is primarily to permit the large-format home improvement retail store, as the other uses are currently permitted. However, the following exclusions to the I.C1 use permissions that are considered inconsistent/incompatible with the intended uses in terms of character and traffic generation are proposed:

- banquet halls,
- food vending carts;
- vehicle related uses; including service stations, car washes, public garages, body shops, and vehicle, equipment and fuel storage;
- undertaking establishments;
- flea markets;
- hospitals;

- bingo halls;
- horse race tracks and ancillary facilities;
- nightclubs; and
- amusement arcades

In addition to the above, the proposed By-law will introduce a maximum 4.5 metre front yard building setback for the south block to improve future streetscape conditions along with new public roadway.

The complementary application for Draft Plan of Subdivision provides for a new public street (cul-de-sac), with improvements at the Resources Road intersection, improved access from Islington Avenue and infrastructure necessary for the development of the land including a stormwater management pond.

Site and Surrounding Area

The 14.7 hectare site is currently vacant. The Labatt brewery, which previously occupied the site, has been demolished.

The site is bounded by the following uses:

South: CNR line, low density residential and the Weston Golf Club

East: 2 Provincial office buildings

North: Highway 401 corridor

West: Islington Avenue / Resources Road / Highway 401 interchange

Provincial Policy Statement

The Provincial Policy Statement 2005 (PPS) applies to this proposal. The 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. City Council's planning decisions are required to be "consistent with" the PPS.

The PPS requires the City to promote economic development and competitiveness by a number of measures including planning for, protecting and preserving employment areas for current and future uses.

The PPS defines employment areas as those 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.

Growth Plan for the Greater Golden Horseshoe

The Province's Growth Plan for the Greater Golden Horseshoe (Growth Plan), which has its basis under the Places to Grow Act 2005, applies to this proposal. The Places to Grow Act states that where there is a conflict between the PPS and the Growth Plan, the Growth Plan prevails.

The Growth Plan 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.

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 Provincial Policy Statement directed at the preservation of employment areas for future economic opportunities. The Growth Plan requires municipalities to promote economic development and competitiveness by:

1. providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
2. providing opportunities for a diversified economic base including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
3. planning for, protecting and preserving employment areas for current and future uses; and
4. ensuring the necessary infrastructure is provided to support current and forecast employment needs.

The Plan relies on a set of policies that is similar to the PPS and further clarifies that for the purpose of the conversion policy, major retail uses are considered non-employment uses.

Section 14 of the Places to Grow Act 2005 requires that all decisions under the Planning Act made by a municipal council and the Ontario Municipal Board must be in conformity with the Growth Plan. Staff has reviewed the proposed development for consistency with the Provincial Policy Statement and for conformity with the Growth Plan for the Greater Golden Horseshoe and an assessment of these provincial documents is discussed below.

Official Plan

The site is shown on Map 2, Urban Structure, within an Employment District. The lands are also designated as Employment Areas on the Land Use Plan, Map 14. There are no Secondary Plan or Site and Area Specific policies that apply to these lands.

The protection of Employment Districts from the encroachment of non-economic functions and uses is a key policy directive of the Official Plan.

In recognition that some land users require large parcels of land, the Plan also contains policy direction with respect to large-scale, stand-alone retail stores. The Plan indicates that while these uses are not directly supportive of the primary employment function of these areas, they have special location needs which the Plan recognizes.

Policy 4.6.3 permits large-scale, stand-alone retail stores where the proposed use fronts onto a major street shown on Map 3 that also forms the boundary of the Employment Area.

Where permitted, new large scale stand-alone retail stores and “power centres” will ensure that:

1. sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and
2. the functioning of other economic activities within Employment Areas and the economic health of nearby shopping districts are not adversely affected.

In addition, the Official Plan requires all development in or near the natural heritage system be evaluated to assess the development’s impact on the natural heritage system and identify measures to mitigate negative impacts on and / or improve the natural heritage system.

The subject site, and the area to the east, north and west is also subject to Policy 7.29 of the Official Plan which restricts land uses in the vicinity of Pearson International Airport.

Zoning

The site is zoned Class One Industrial (I.C1), which permits a wide variety of uses including business, professional or administrative offices; research, communication and technological facilities; hotels; manufacturing operations; warehouse buildings; government / public works buildings; places of worship; community centres; commercial sport and recreational facilities, and retail sales of products manufactured or warehoused on site. Retail stores are generally not permitted as stand-alone uses.

Site Plan Control

The property is subject to site plan control for which an application has not yet been filed.

Reasons for Application

The applicant filed the rezoning application because large-scale stand-alone retail uses are not permitted by the zoning by-law. The application for draft plan of subdivision approval is to enable the creation of the proposed development blocks and the

conveyance of the proposed new municipal roadway and stormwater management pond parcel.

Community Consultation

A community meeting was held by the local Councillor on June 22, 2009, and was attended by approximately 75 individuals consisting of area residents and employees of the easterly adjoining Provincial Ministry of the Environment and Ministry of Health office complexes.

According to the applicant, the main issues raised included impacts to local traffic and access, and to a lesser extent impacts on surrounding property values. No opposition to the proposed land uses was noted.

A subsequent community meeting attended by the local Councillor's office and City staff was held by the applicant for the employees of the Ministries of Health and Environment on March 25, 2010. The purpose of the meeting was for the applicant to present the proposed access arrangements and discuss impacts on the existing office staff utilizing Resources Road. Approximately 50 interested persons attended the meeting. Questions raised included projected traffic volumes and the scope of other proposed permitted uses. The main concern raised was for the possibility of installing a direct Highway 401 access point from Resources Road.

A further community consultation meeting is being arranged by the applicant and local councillor for April 14, 2010 as a follow up to the original community consultation meeting of June 22, 2009. Staff will advise of the results of that meeting verbally at the Community Council meeting.

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 and conditions of Draft Plan of Subdivision Approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement for the following reasons:

1. By proposing the productive re-use of vacant/underutilized, serviced land, it promotes efficient development and land use patterns; and
2. The infrastructure improvements including a stormwater management facility and improved access via a new public road will provide opportunities to attract a range of compatible employment land uses over the entire application lands.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan directs municipalities to foster intensification within developed areas, and to promote economic development and competitiveness where employment lands are concerned. The proposed large-format home improvement store conforms to the in-force Official Plan as outlined below and as such conforms and does not conflict with the Growth Plan.

Official Plan

Policy 4.6.3 - Boundary Location of Site

As noted above, Policy 4.6.3 of the City's Official Plan permits large-scale, stand-alone retail stores where the proposed use fronts onto a major street shown on Map 3 that also forms the boundary of the Employment Area.

Islington Avenue is a major street shown on Map 3. While the site does not have immediate frontage on or flankage along the Islington Avenue right-of-way, the property abuts the interchange of Resources Road with Islington Avenue and Highway 401. The Plan designates the interchange lands west of Islington Avenue for Employment District uses even though development of these lands is, for all intents and purposes, impossible due to the configuration of the interchange ramps. It is staff's opinion that Islington Avenue, therefore, operates effectively as the boundary, with a northbound ramp leading directly to the site.

As shown on the aerial photograph included as Attachment 4, this property and the parcels to the east are the eastern extension of a much larger Employment District designation that extends north of Highway 401 and west of Islington Avenue. Although the designation is consistently shown throughout the area on the Plan maps, the parcels are physically separated from the rest of the larger district on the ground by Highway 401, the Islington Avenue/Resources Road interchange and the rail corridor.

For the purposes of interpreting the Official Plan policies, Islington Avenue traverses the larger Employment District where it creates "frontage or boundary" conditions for other large parcels. In these locations, large-scale, stand-alone retail uses would clearly be allowed by the Plan.

The proposed development also depends on a significant reconfiguration of the intersection of Resources Road and Islington Avenue (see Site Plan - Attachment 1) in order to deal with issues of circulation and access. The proposed improvements to the existing road infrastructure will result in sufficient transportation capacity to accommodate the extra traffic generated by the development.

Since Islington Avenue is effectively the street onto which the proposal fronts and given Islington Avenue with its Highway 401 ramps effectively can be interpreted to form a boundary to the Employment District, it is staff's opinion that the proposal is in conformity with the intent of Policy 4.6.3.

Policy 4.6.3 – Large Scale Stand-alone Retail Permission

In addition to the above boundary discussion, policy 4.6.3 of the Official Plan permits large scale stand-alone retail stores and “power centres” subject to two conditions:

1. sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and
2. the functioning of other economic activities within Employment Areas and the economic health of nearby shopping districts are not adversely affected.

The applicant has submitted a transportation analysis by Dillon to support the application and to meet the first condition of Section 4.6.3. That analysis has been circulated to City Transportation Staff and staff of the Ministry of Transportation and Communications. Both the City and MTO required revisions to the access arrangements of the draft plan, and the applicant has agreed to those revisions, and shown them on the revised plans. With those revisions, both the City and MTO agree that sufficient transportation capacity is available to accommodate the traffic generated by the development. With the modifications requested, an acceptable level of traffic will result on the adjacent streets and highway ramps.

With regard to the second criteria noted above, the applicant submitted a market analysis prepared by urbanMetrics Inc. which analyzes:

- the function of other large-format home improvement retailers in nearby shopping districts; and
- the impact of the large-format retail store on the surrounding Employment District lands.

The other uses proposed for the remaining lands, such as the hotel and office uses, were not analyzed, as they are currently permitted by the existing zoning.

The analysis concludes that:

- there is adequate market demand and expenditure support in the Trade Area to justify the proposed large-format home improvement store, without impact on other home improvement stores in the Trade Area;
- the proposed home improvement store will not weaken or jeopardize the planned function performed by the major shopping districts within the Trade Area;
- the proposed home improvement store is not premature, as any impacts that may result from it are expected to be eliminated between 2012 and 2016, due to population growth and increase in expenditures.

Staff note that subsequent to the submission of the original Market Study dated April 14, 2008 by urbanMetrics, a number of concerns were raised with respect to other potential competitors in the area, and Woodbine Live! in particular.

The applicant was requested to address these concerns and subsequently prepared a further memorandum which specifically addressed the Lowe's proposal in relation to the Woodbine Live! location and concluded the following:

- the two developments can co-exist with little if any impacts on each other; and
- Lowe's is a specialized use that generally competes with other home improvement stores and is unlikely to overlap with Woodbine Live's proposed services, restaurants, and tourist related stores.

Staff further noted that the original Market Study did not adequately address in detail the functioning of other economic activities with the Employment Areas are not adversely affected.

The applicant further examined the relationship of the various uses proposed to other land uses in the Rexdale Employment District, historic changes in employment levels in the District, and the employment generating capacity of the proposal itself. This review generally concluded the following:

- the addition of the proposed new uses on the subject site should strengthen the attraction of these areas as a stronger office cluster with excellent accessibility and visibility;
- the new proposed Lowe's store together with the proposed offices and hotel will be compatible with the Ministry of the Environment building located east of the property;
- future employment declines within the District are expected in manufacturing and therefore the proposed office and other uses should help offset any future employment losses; and
- the proposed Lowe's store not negatively influence the ability to attract other employment uses to this location.

In response to the above noted applicant's further review, Woodbine Live! has recently submitted objections based on:

- the proposal compromising the planned function of Woodbine Live! and other stores that operate in the home improvement category that represent important components of designated commercial areas; and
- the impact of additional site traffic on the remaining employment uses.

Among Official Plan considerations are two tests related to the planned function of other economic activities with the Employment Area and potential adverse affect on the economic health of nearby shopping districts. Typically, these issues are addressed through the submission and assessment of market impact studies. As outlined above, studies were submitted by the applicant's expert consultants to address these tests. Concerns raised with the studies, both by staff and from Woodbine Live! were shared with the applicant and further information was submitted in reply by the applicants. Woodbine Live!, however, continues to have concerns.

Staff's review of the various submissions to date for this matter has been limited in scope based on broader observations and not detailed study which traditionally forms the basis of market reports from applicants. As such, reliance is placed on the applicant's submissions and obtaining responses to issues as they have been raised. It may benefit Council's consideration of the matter for the applicant to further address Woodbine Live's recent submission.

Staff's response in addressing this aspect of the review is guided by several key land use planning factors which all contribute to mitigating any impact that may result – both on employment lands and shopping districts. The lands including the subject site have a restricted single access via a ramping system from Islington Avenue and as noted below, staff have taken measure to discourage further proliferation of retail uses on the remainder of the site. This is not a power centre site in staff's opinion.

The Official Plan seeks to maintain the use of the remaining lands for primary economic functions such as office and industrial uses and maintain the health of nearby shopping areas where they are permitted. Steps taken to achieve the policy intent by staff include limiting the footprint of the proposed large-format store use, requiring that the previously requested additional retail uses be deleted from the application with the exception of one restaurant building, requesting that the underlying IC1 zoning permissions be modified to delete a broad range of uses inconsistent with Official Plan objectives for employment areas and recommending that specific prohibitions be included in the proposed zoning to reinforce the policy intent and guide future decision making.

Ultimately, the Plan seeks employment growth and the related social, economic and environmental benefits of achieving that growth in the City. Both important transformative projects such as Woodbine Live! and the restoration of brownfield employment lands such as the former Labatts site to productive use are needed to achieve that goal.

Land Use/Site Layout

Staff had previously identified a number of site design objectives to provide for a better relationship between the proposed retail location and the Islington Avenue frontage, and provide for a better functioning on the balance of the site. The following objectives have been achieved:

1. The retail store's footprint located on the north side of the new proposed public road adjacent to Islington Avenue and the Lowe's store has been substantially reduced and reconfigured providing for a more direct relationship between the Lowes store and Islington Avenue. The footprint of the store represents less than 20% of the employment area east of Islington Avenue.
2. The proposed new public road has been located as far north as possible so as to maximize the amount and viability of future potential employment on the south block.
3. The office component has been expanded within the employment lands and forms a mainstreet condition on the proposed public throughfare, and forms an effective transition between the retail and employment uses.
4. While it remained an objective to locate the higher order non-retail employment uses such as hotel and office to a more visible location, this was not fully realized in the final revised plan. Although options were considered, the awkward configuration of the site which narrows at the 401 interface, and the severe grading relationships did not provide for optimal development for both the large-format retail and other office or higher order commercial uses. However on balance, with the expansion of office uses and the elimination of a substantial portion of potential retail and a more viable development site it is considered that the revised plan is a substantial improvement over the original submission.

These changes are reinforced by the use deletions and prohibitions recommended for the draft zoning by-law.

Density, Height, Massing

The applicant's drawings represent an appropriate mix of building height, density and massing that is sensitive and generally fits with surroundings. Further review of the development will be undertaken as part of the Site Plan Approval process.

Traffic Impact, Access, Parking

Traffic Impact

City Technical Services and Transportation staff and MTO staff confirm that the impact of traffic generated by the proposed development on the road system is acceptable, provided that the owner undertakes improvements to the Resources Road/Islington Avenue interchange with Highway 401.

Access

Access to both the large-format home improvement site, and the remaining IC.1 lands is acceptable, with the proposed road improvements noted above.

Parking and Loading

City Staff confirm that parking and loading facilities are adequate for the uses proposed.

Servicing

The lands are currently fully serviced, having been previously developed with a Labatt's brewery. The applicant has submitted a functional servicing plan which indicates that servicing is available for all of the proposed uses. Staff concur with this conclusion, and have recommended that a number of servicing conditions be included in a subdivision agreement that provide for the development of a new public road to City standard including provision for stormwater management. Draft conditions of subdivision approval are contained in Attachment 9.

Economic Impact

The applicant, through his market consultant, advises that Labatt's employed approximately 650 persons on this site at its peak operation in the 1960's and 1970's. In the latter years of its operation, that number was reduced to 265 persons. According to the consultant, it is expected that the entire proposed development, at full build-out, will employ approximately 730 to 780 persons, up to 80% of whom will be employed in the office, hotel and other permitted uses of the site. According to the applicant, the proposed Lowes retail facility itself is expected to employ approximately 165 persons, 65% of which are to be on a full time basis.

It is noted that the road and infrastructure works necessary to support traffic capacity and bring the site from what was a single user into productive use for a range of employment uses has an estimated value in excess of 4 million dollars.

Open Space/Parkland

Based on the parkland dedication by-law of the former City of Etobicoke, which still remains in full force and effect, this development will be subject to a 2% cash-in-lieu of parkland dedication payment. The cash-in-lieu payment will be payable prior to building permit(s) issuance.

Environment

The applicant has submitted a scoped Environmental Impact Statement, dated April 2008, which is included in Attachment 8. The Statement identifies the wooded ravine at the south-east corner of the site, which is protected by the City's Ravine Protection By-law and by TRCA Regulation, as having the highest quality natural heritage function with the site. No development is intended to take place in this wooded area. This area of the site is buffered from the rest by a block containing a landscaped stormwater pond.

There are no Areas of Natural and Scientific Interest, Environmentally Sensitive Areas or Provincially Significant Wetlands within or adjacent to the site, and there are no species

considered endangered, rare, threatened, or of special concern, on or adjacent to the lands.

The EIS concludes that the redevelopment of the property will not result in any negative impacts to the subject property or the surrounding area.

Further technical requirements regarding the construction of the stormwater management pond and associated plantings/naturalization features will be handled through the Subdivision approval process.

Toronto Green Standard

The applicant will develop the large-format retail store in accordance with the Toronto Green Standard. Applications for buildings on the site will be subject to the Standard, which will be applied through the site plan process for each building.

Section 37

The scale of the development, and the magnitude of the density increase, qualifies the project for consideration under Section 37 of the Planning Act. Council may grant additional height and density in exchange for capital improvements or cash contributions towards facilities that benefit the surrounding communities.

The owner has agreed to enter into an agreement with the City, pursuant to Section 37 of the Planning Act to secure a financial contribution of \$75,000 for the following:

1. Contribution towards construction of a community change room facility in relation to the sports playing fields at Don Bosco Secondary School at 2 St Andrew's Boulevard, provided that an agreement is in place between the City and the TCDSB to ensure that the change room facility is publicly accessible during public permitting hours of operations; or
2. Should the above option not be considered viable, the funds shall be directed towards local parks improvements to the satisfaction of the Director of Planning, Etobicoke York District and in consultation with the local Councillor and Toronto Parks, Forestry and Recreation.

Implementation

The draft zoning by-law amendment and draft plan of subdivision conditions are attached to this report. It is recommended that the bills for the zoning by-law amendment not be introduced in Council until the Section 37 and Subdivision agreements are entered into and the Notice of Approval Conditions for Site Plan Approval have been issued. This will ensure that these approvals align appropriately and are to staff's satisfaction.

The draft zoning by-law includes permission for the large-format retail store with associated development standards, deletes certain permitted uses considered incompatible

with the planned purpose of the area and specifically prohibits certain uses to emphasize the policy intent.

Draft Plan of Subdivision

The proposed Draft Plan of Subdivision creates three blocks and a cul-de-sac street. The street connects to Resources Road, and divides the site into north and south development blocks. A third block at the easterly edge of the site, abutting the Humber River valley, is reserved for a stormwater management facility.

The northerly development block is the site of an approximately 16,230.5 square metres, (174,709 square feet) Lowe's Home Improvement store. The block is 5.412 hectares (13.37 acres) in size and has room for the home improvement store, its parking and loading, as well as potential for a one storey restaurant at the corner of Resources Road and the new cul-de-sac. The store, located on this block, will have direct access from Resources Road and Street "A", and traffic generated by it will not infiltrate the remainder of the Employment District.

The southerly development block is 6.124 hectares (15.13 acres) in size, and is proposed to accommodate the other uses permitted on the lands, with emphasis on a hotel and offices. This block abuts the Canadian National Railway. It is intended that the major buildings would align themselves along the proposed cul-de-sac, with parking behind them, south to the railway line. The proposed road has been located on the site to provide maximum depth to the properties to allow for the maximum setback possible from the CNR right of way.

The proposed draft plan of subdivision is appropriate for this type of employment land development. It is expected that the southerly block will ultimately be further divided, to allow for its sale to individual users, or for mortgaging purposes. Until land is sold and developments proceed on this block, it is not possible to predict its future configuration. It is therefore appropriate to leave it as one comprehensive block in the plan of subdivision.

Technical Services staff have noted that the proposed Street A has not been designed to the appropriate City Standard. The draft plan of subdivision will need to be modified to meet City standard designs.

Development Charges

It is estimated that the development charges for this project (new large-format retail store only) will be \$1,529,725.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The applicant's proposal for a new large-format retail store on a portion of the property and plan of subdivision including provision of a new public road is consistent with the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe. The proposal also conforms to the general objectives of the Official Plan.

It is recommended that Council approve the rezoning application and that prior to introducing the necessary Bills for enactment that the owner be required to enter into agreements and secure approvals as outlined in this report.

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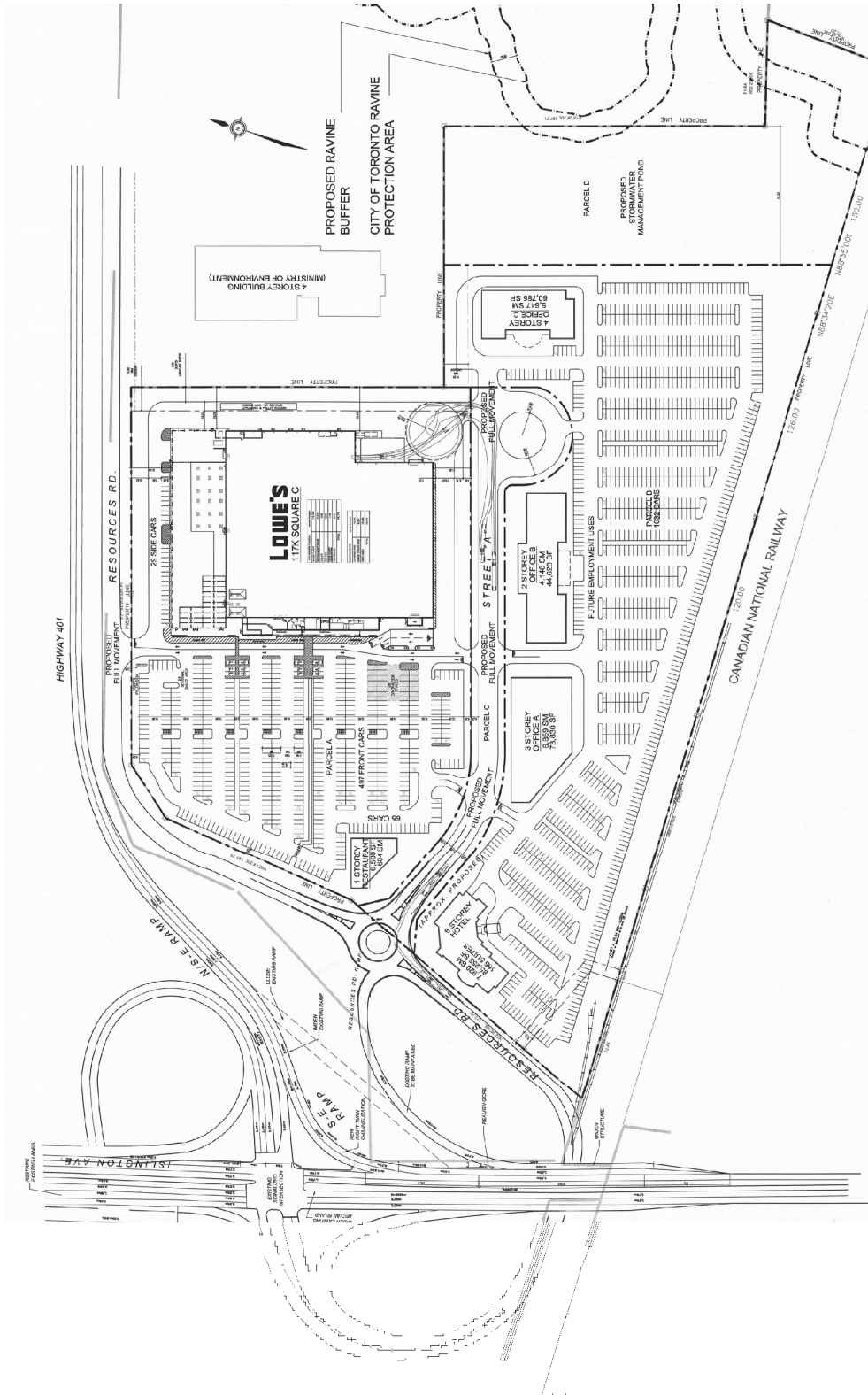
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Draft Plan of Subdivision
Attachment 3: Elevations
Attachment 4: Aerial Photograph
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Conditions of Draft Plan of Subdivision Approval

Attachment 1: Site Plan

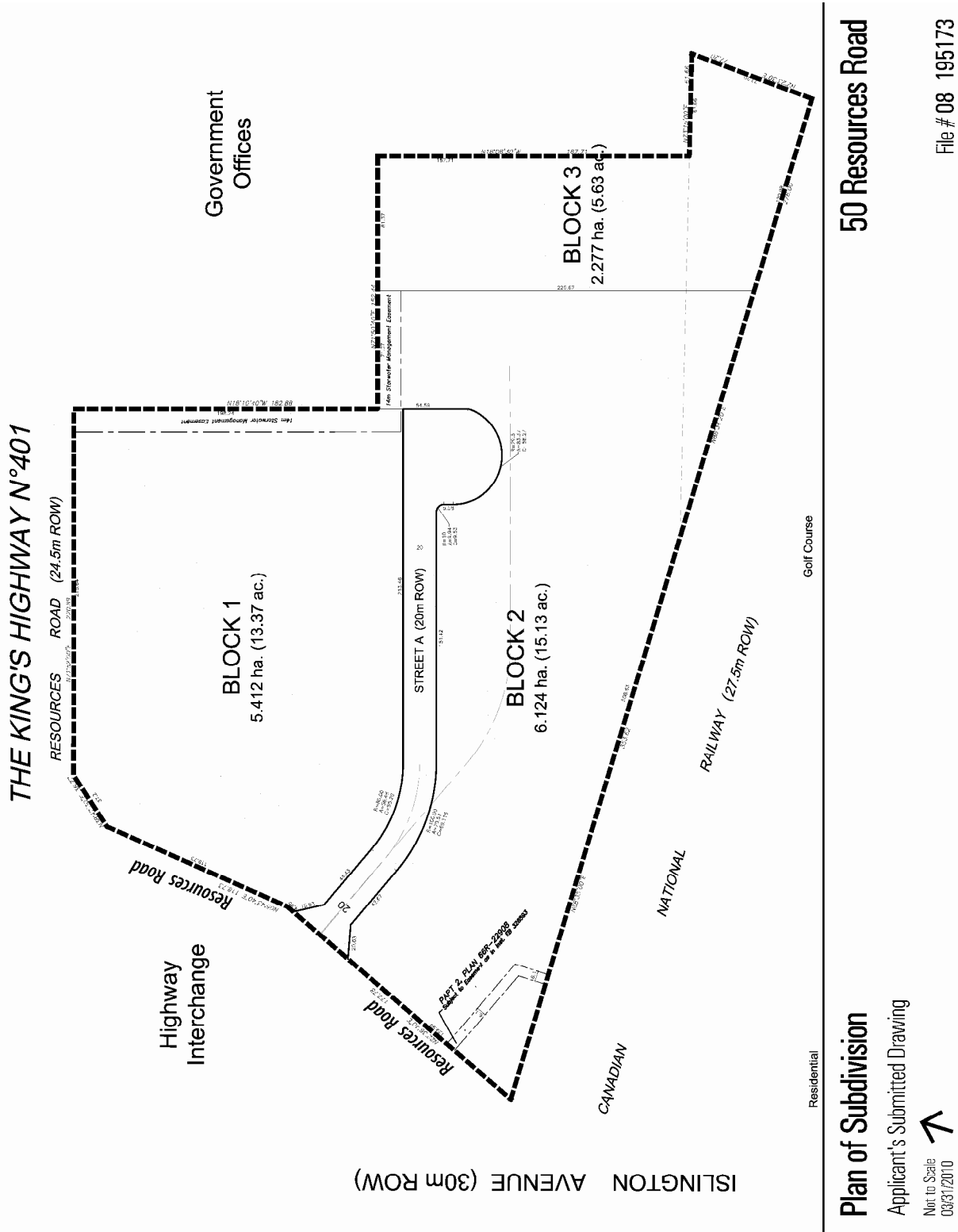


50 Resources Road

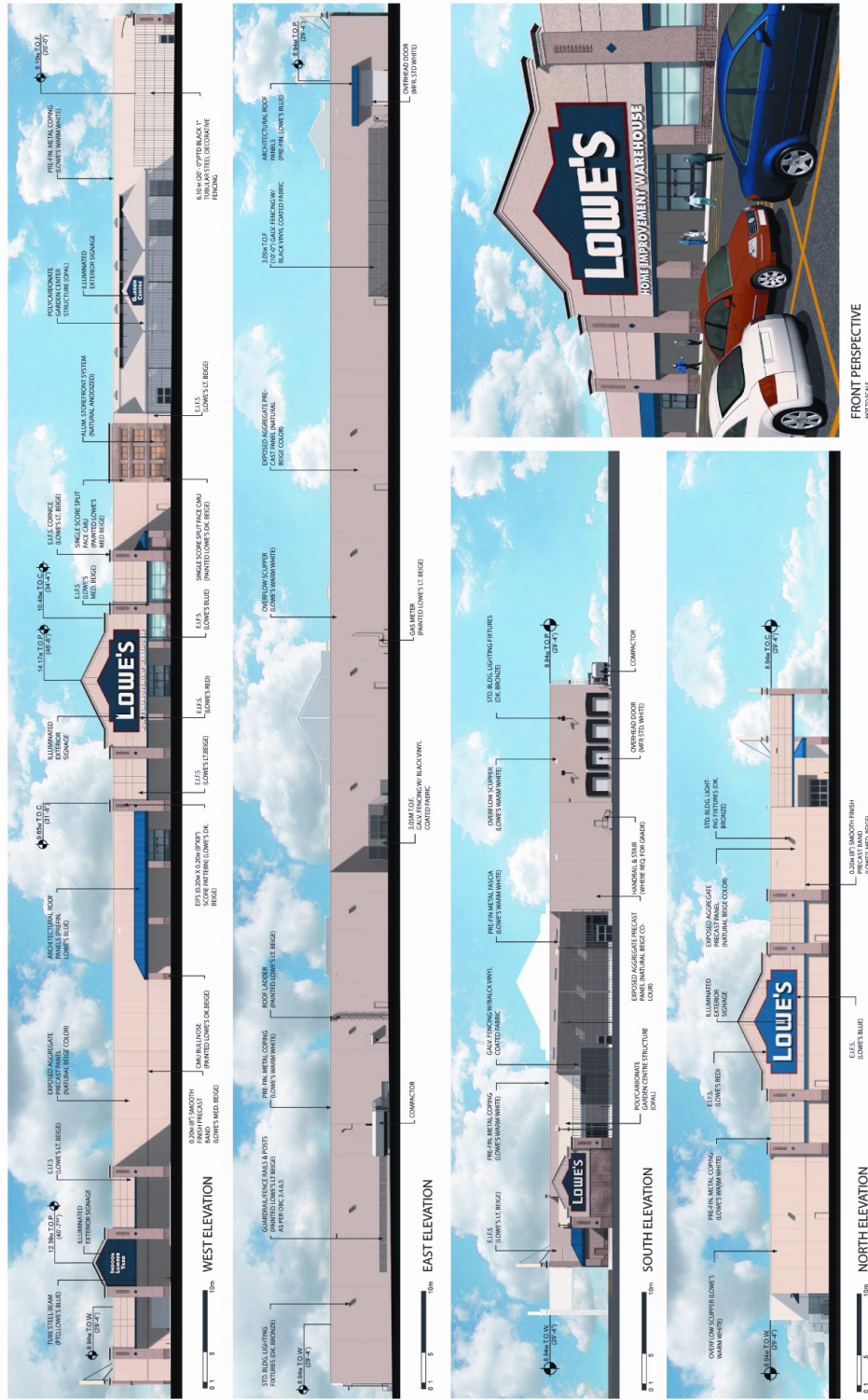
Site Plan
Applicant's Submitted Drawing
Not to Scale
04/April/2010

File # 08_195173

Attachment 2: Draft Plan of Subdivision



Attachment 3: Elevations



Elevations

Applicant's Submitted Drawing

Not to Scale
08/28/08

50 Resources Road

File # 08_195173

Attachment 4: Aerial Photograph



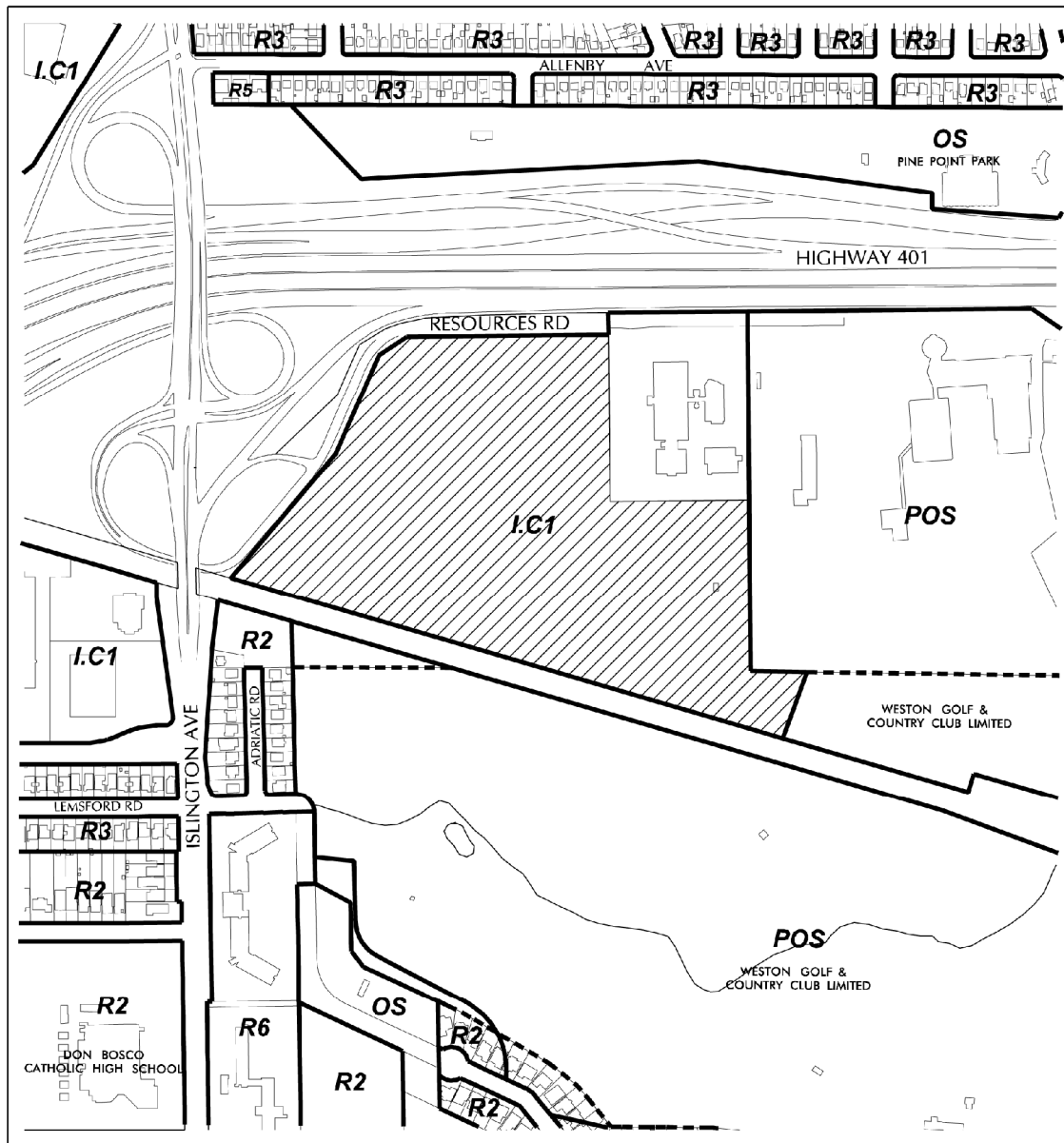
Aerial Photograph of Site

50 Resources Road

Not to Scale
01/13/08
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File # 08_195173

Attachment 5: Zoning



Toronto City Planning
Zoning

50 Resources Road
File # 08_195173

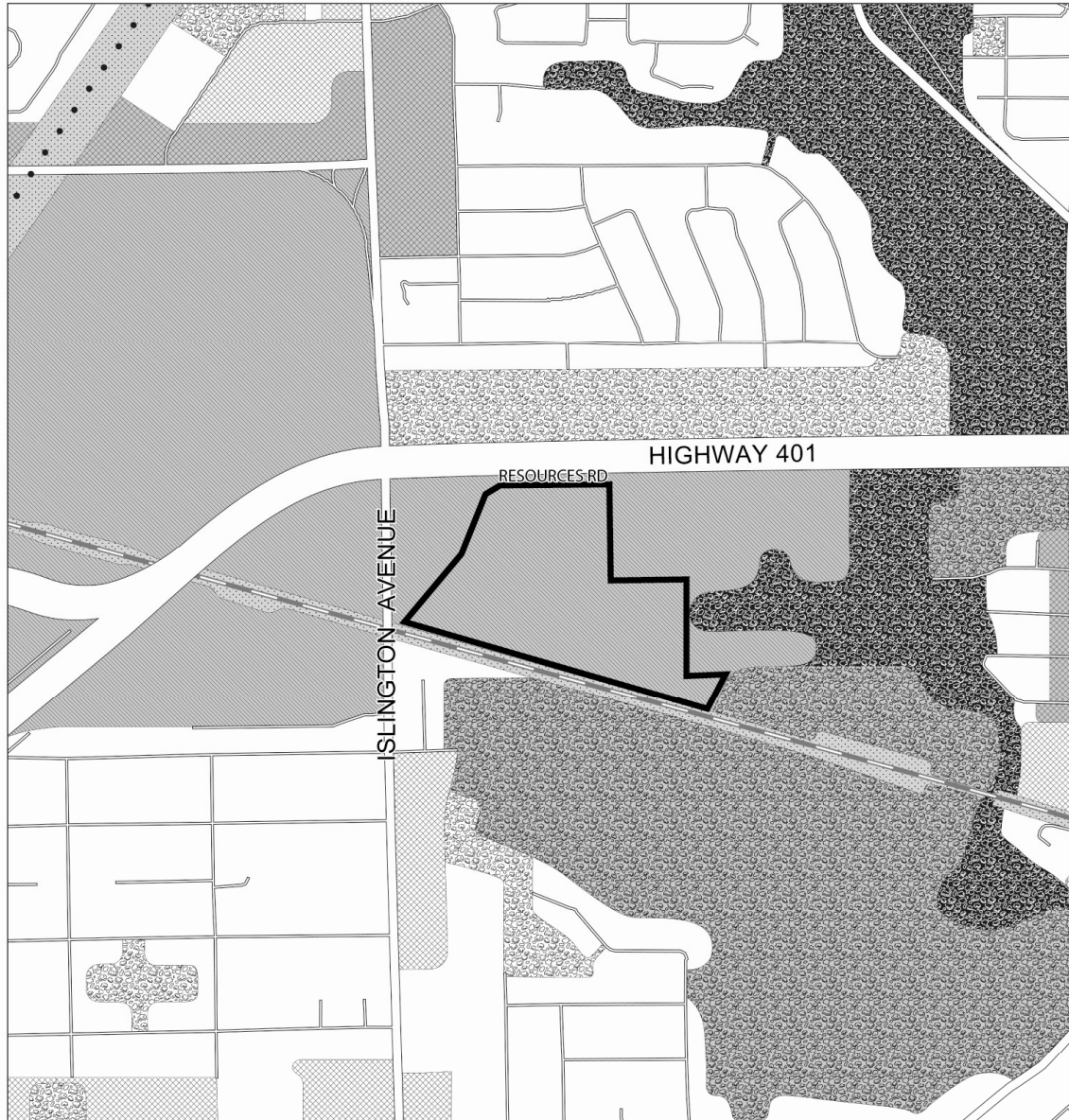
R2 Residential Second Density
R3 Residential Third Density
R5 Residential Fifth Density
R6 Residential Sixth Density

I.C1 Industrial Class 1
OS Public Open Space
POS Private Open Space



Not to Scale
Zoning By-law 11,737 as amended
Extracted 08/28/08 - KP






Attachment 6: Official Plan



Toronto City Planning
Official Plan

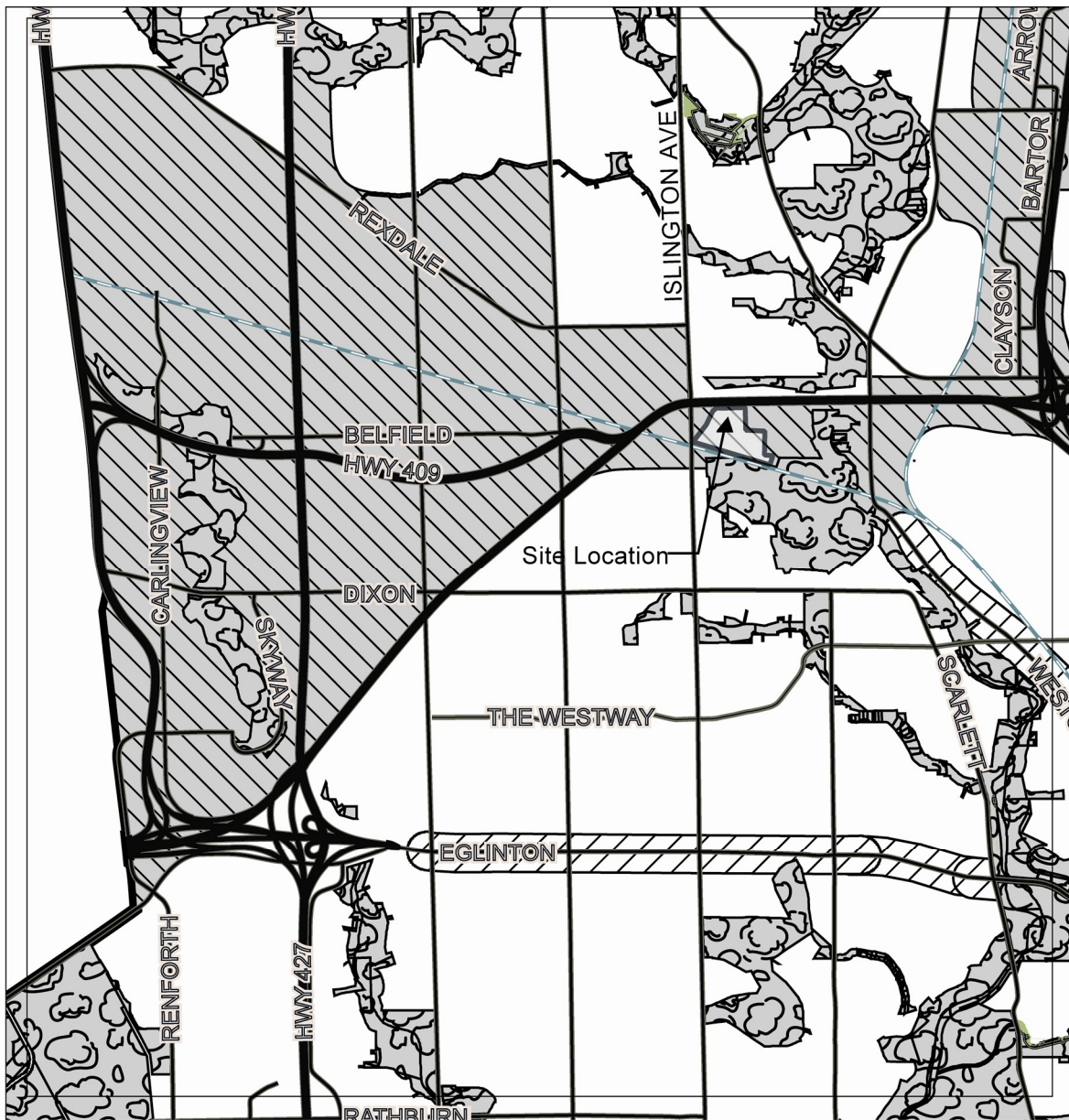
50 Resources Road

File # 08_195173

	Site Location		Parks & Open Space Areas		Employment Areas
	Neighbourhoods		Natural Areas		Utility Corridors
	Apartment Neighbourhoods		Parks		
	Mixed Use Areas		Other Open Space Areas		

↑
Not to Scale
09/16/08

Official Plan – Map 2, Urban Structures



Toronto City Planning

Official Plan - Map 2, Urban Structures

50 Resources Road

File # 08_195173



Not to Scale
03/24/2010

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 195173 WET 02 OZ
Details	Rezoning, Standard	Application Date:	August 19, 2008

Municipal Address:	50 RESOURCES RD
Location Description:	CON B PT LTS 24 & 25 **GRID W0205
Project Description:	Proposal to rezone the property to permit the development of a large-format home improvement retail store and employment uses currently allowed by the by-law.

Applicant:	Agent:	Architect:	Owner:
LOWES COMPANIES CANADA ULC			3163059 CANADA LIMITED

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	1.C1	Historical Status:
Height Limit (m):		Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	146994	Height:	Storeys:	1
Frontage (m):	0		Metres:	14.17
Depth (m):	0			
Total Ground Floor Area (sq. m):	13170.4			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	526
Total Non-Residential GFA (sq. m):	13170.4		Loading Docks	0
Total GFA (sq. m):	13170.4			
Lot Coverage Ratio (%):	24			
Floor Space Index:	0.243			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	13170.4	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Michael McCart, Senior Planner
	TELEPHONE:	(416) 394-8228

Attachment 8: Draft Zoning By-law Amendment

Authority: Etobicoke York 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. ~-2010

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
50 Resources Road**

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*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning of the lands identified as Parts 1 and 2 in Schedule “B” attached hereto is affirmed as Industrial Class 1 (I.C1), and that the lands identified as Part 3 in Schedule B be rezoned to Public Open Space (OS), subject to the following provisions:

a) Notwithstanding Section 304-33A of the Etobicoke Zoning Code, all of the uses permitted in the IC.1 zone are permitted, with the exception of the following:

- banquet halls,
- food vending carts;
- undertaking establishments;
- vehicle related uses; including service stations, car washes, public garages, body shops, and vehicle, equipment and fuel storage.
- flea markets;
- veterinary clinics;
- hospitals;
- ingo halls;
- horse race tracks and ancillary facilities;
- nightclubs
- amusement arcades.

b) In addition to the above, a Home Improvement Warehouse Retail Facility with ancillary restaurant (including take-out service), outdoor storage and garden centre area having a total gross floor area not exceeding 17,000 square metres shall also be permitted only on lands identified as Part 1 on Schedule “B”.

c) All other forms of stand-alone retail and entertainment related uses are prohibited on the lands identified as Part 2 on Schedule “B”.

d) Notwithstanding Section 320-32 of the Etobicoke Zoning Code, the lands identified as Part 3 on Schedule “B” shall be used primarily for stormwater management and related open space uses.

2. For those lands identified as Part 2 on Schedule “B”, Article X, of Section 304-36, Clause B.(1) Front Yard Setback is deleted and replaced with the following:

Maximum front yard setback shall be 4.5 metres.

3. For the Home Improvement Warehouse Retail Facility on lands identified as Part 1 on Schedule “B”, a minimum of 4.0 parking spaces per 100 square metres of *non-residential gross floor area* shall be provided and maintained on the lands.

4. Notwithstanding any severance, partition, or division of the lands, as shown on Schedule “A”, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.

5. Within the lands shown on Schedule “A” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

6. Section 37

(a) The density and height of development permitted by this By-law is subject to the Owner of the land, at their expense, providing the following capital facilities, cash contributions not exceeding in the aggregate the sum of \$75,000 toward specific capital facilities and other facilities, services and matters in accordance with and subject to the agreement referred to in Section 6(c) hereof pursuant to Section 37 of the Planning Act in order to permit a retail development with a maximum gross floor area of 17,000 square metres within the lands zoned IC.1 and identified as Part 1 on Schedule 'B'. Prior to the issuance of the first above grade building permit, the cash contributions shall be made to the City as follows:

(i) Contribution towards construction of a community change room facility in relation to the sports playing fields at Don Bosco Secondary School at 2 St Andrew's Boulevard, provided that an agreement is in place between the City and the TCDSB to ensure that the change room facility is publicly accessible during public permitting hours of operations; or

(ii) Should the above option (i) not be considered viable, the funds shall be directed towards local parks improvements to the satisfaction of the Director of Planning, Etobicoke York District and in consultation with the local Councillor and Toronto Parks, Forestry and Recreation.

(b) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 11 of this By-law, nothing in this By-law shall prevent the Owner from obtaining a permit under the Building Code Act for demolition, shoring and excavation work only.

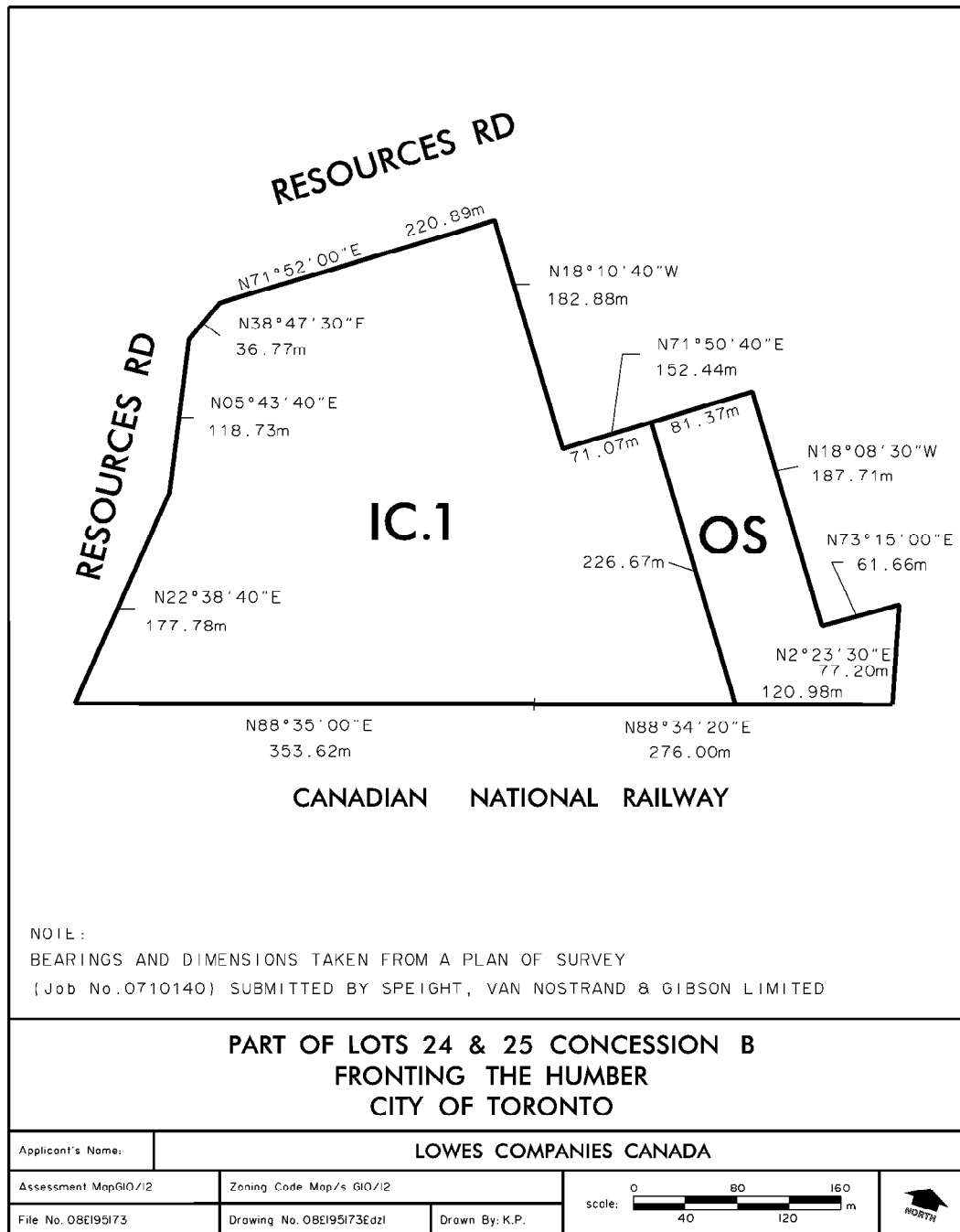
(c) Prior to the issuance of a building permit for the lands identified as Part 1 on Schedule "B", other than shoring, excavation, demolition and hoarding permits, the owner of the Lands shall enter into and register on title to the Land an agreement with the City pursuant to Section 37 of the Planning Act, as a charge to secure the facilities, services and matters set forth in Section 6 (a) herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into full force and effect.

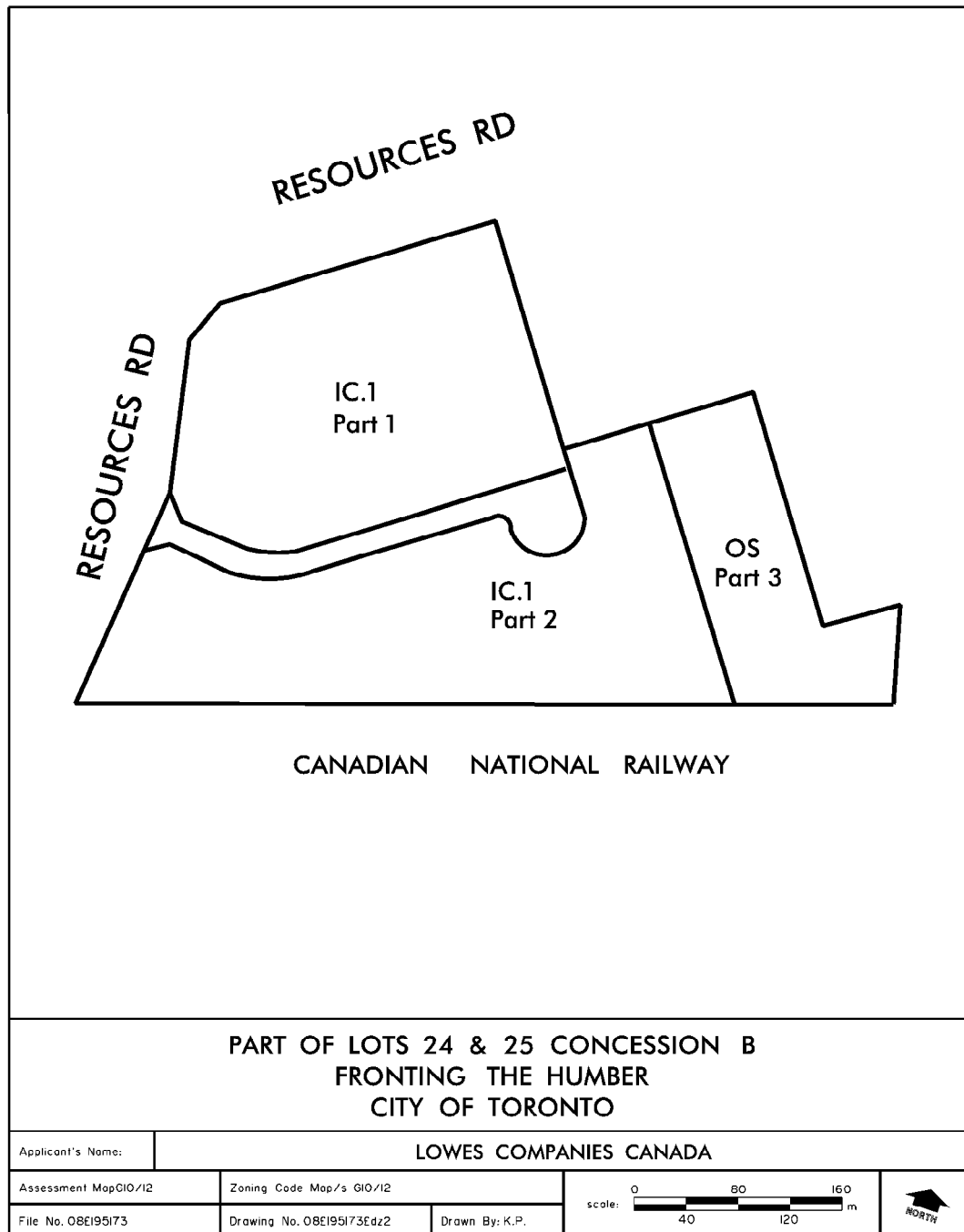
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Attachment 9: Conditions of Draft Plan of Subdivision Approval

**Subdivision Application~
Draft Plan of Subdivision prepared by Macaulay Shiomi Howson Limited,
Dated June 2, 2008, Revised November 24, 2009
Part of Lots 24 and 25, Concession "B"
Fronting the Humber,
City of Toronto**

PROPOSED CONDITIONS OF DRAFT PLAN APPROVAL

1. The owner shall revise the Draft Plan of Subdivision dated June 2, 2008, revised November 24, 2009 to conform to all requirements identified by and to the satisfaction of Technical Services (including Toronto Water and Transportation Services), TRCA, Urban Forestry, Ravine and Natural Feature Protection and City Planning. These include but are not limited to requirements related to the stormwater management pond area, sewers/servicing, and public road design.
2. The revised plan shall provide sufficient lands for the proposed turning circle, the roundabout at the Resources Road/Street A/eastbound ramp intersection and the stormwater management pond, to the satisfaction of the Technical Services and Transportation Services Divisions.
3. The Applicant is required to submit a revised Functional Servicing report, including Functional Servicing Plan and Functional Grading Plan, all to the satisfaction of the Executive Director of Technical Services.
4. The Applicant is required to enter into the City's Standard Subdivision Agreement and satisfy all pre-registration conditions.
5. Under the City's Standard Subdivision Agreement, the applicant shall be responsible for the construction of all required municipal services and works, including the stormwater management pond, at no cost to the City, and post all necessary securities to ensure completion of same, all to the satisfaction of the Executive Director of Technical Services.
6. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
7. The approval of this plan of subdivision will lapse if the subdivision is not registered within five (5) years of the date of draft plan approval.

8. The Applicant is required to convey to convey the lands for the proposed Street A and turning circle, and any other roads/servicing related lands required by the City, as shown on the ultimate approved Plan to the City for public road, services and stormwater management purposes. The applicant shall design the proposed road, turning circle, services and stormwater management pond, at no charge to the City, in accordance with City Drawing No's. UD-DIPS-1B, DIPS-5, and all applicable City standards/requirements.
9. The Applicant is required to convey the entire lands required for the proposed public stormwater management pond shown on the ultimate approved Plan drawings to the City.
10. The Applicant shall submit appropriate financial guarantees to the satisfaction of Urban Forestry, Ravine and Natural Feature Protection for the plantings related to the stormwater management pond parcel, including any necessary plantings or works within the adjacent ravine area. The value of the security deposit will be based upon a cost estimate for the implementation of the approved planting plan.
11. The Applicant is required to convey the proposed 14.0m sewer easement shown on the Plan to the City for future maintenance, repairs and reconstruction of the sanitary and storm sewers, to the satisfaction of the Executive Director of Technical Services.
12. The applicant is required to prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Transportation and Technical Services Divisions in consultation with the City Solicitor.
13. The Applicant is required to submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof to be conveyed to the City to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office, and pay all costs for preparation and registration of reference plan(s).
14. The Applicant is required to conduct environmental site assessments for the lands to be conveyed to the City for public road and easement in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

PROPOSED SUBDIVISION AGREEMENT CONDITIONS

Site Plan Control

15. The owner shall agree to the provision of wording in the subdivision agreement verifying that the entire property is subject to Site Plan Control, and the that City shall require future site plan control applications for all proposed development within the boundaries of the plan of subdivision, to the satisfaction of the Chief Planner and Executive Director of City Planning.

Parks

16. The owner shall agree to the provision of wording in the subdivision agreement requiring the payment of cash equivalent to 2% of the value of the subdivision, for parks purposes.

Utilities

17. The owner shall provide written confirmation from the Canada Post Corporation that the owner has made satisfactory arrangements, financial and otherwise, for the provisions of mail services to the subdivision, to the satisfaction of the Chief Planner and Executive Director of City Planning.
18. The owner shall provide written confirmation from a communications/telecommunications provider, such as Bell Canada, for the provision of communications/telecommunications services, to the satisfaction of the Chief Planner and Executive Director of City Planning.
19. The owner shall provide written confirmation from Toronto Hydro, for the provision of underground electrical distribution system and street lighting, to the satisfaction of the Chief Planner and Executive Director of City Planning.
20. The owner shall provide written confirmation from Enbridge Consumers Gas, for the provision of gas services, to the satisfaction of the Chief Planner and Executive Director of City Planning.

Valley Land Protection

21. The owner shall create and landscape the storm water pond in accordance City standards. The interface between the stormwater pond and the Humber Valley shall be landscaped in accordance with City standards, including the specific requirements of Urban Forestry, Ravine and Natural Feature Protection and the requirements of the Toronto Region Conservation Authority.

Ministry of Transportation

22. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a Traffic Impact Study to assess the impacts of the development on the Highway 401 Ramps.
23. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a Stormwater Management Report indicating the intended treatment of the calculated runoff.
24. That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation, whereby the owner agrees to assume financial responsibility for all highway improvements to the Highway 401/Islington Ave. Interchange, as a direct result of this development.

TRCA

25. All site/subdivision and survey drawings be revised to clearly depict the “Existing Top of Bank as confirmed by TRCA staff on February 25, 2010.
26. The owner submit to the satisfaction of TRCA staff a Planting Plan as per the recommendation of the EIS to plant/naturalize the buffer area along the eastern edge of the property.
27. The owner submit to the satisfaction of TRCA staff a Planting Plan for the proposed SWM pond in accordance with TRCA’s Stormwater Management Facility Planting Guidelines.
28. The owner submit to the satisfaction of TRCA staff photographs and a letter prepared by a professional engineer indicating the condition of the existing headwall into the Humber River.
29. The owner submit to the satisfaction of TRCA staff a water balance analysis of the site demonstrating, where practical, that on-site retention of run-off from a 5mm storm event, through infiltration, evapo-transpiration and/or reuse will be implemented to reduce run-off volumes to the Humber River.
30. The owner submit to the satisfaction of TRCA staff a geotechnical investigation and slope stability analysis to assess the impact of the proposed Stormwater Pond upon the existing slope condition over the long term.
31. The owner submit to the satisfaction of TRCA staff Erosion and Sediment Control (ESC) Plans prepared as per TRCA’s Erosion and Sediment Control Guidelines for Urban Construction (December 2006).

32. That this draft plan of subdivision be subject to revision(s) in order to meet the above listed TRCA conditions as and, if necessary.
33. The use of Parcel Block 3 shall be limited to Stormwater Management and related uses only and shall be conveyed to public ownership.

Heritage Preservation Services

34. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Culture be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.
35. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8404.