

## 98 Index Road and 150 North Queen Street – Zoning Amendment Application (Removal of the “H” Holding Symbol) – Final Report

<b>Date:</b>	August 17, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	10 225997 WET 05 OZ

### SUMMARY

This application was made on July 21, 2010 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

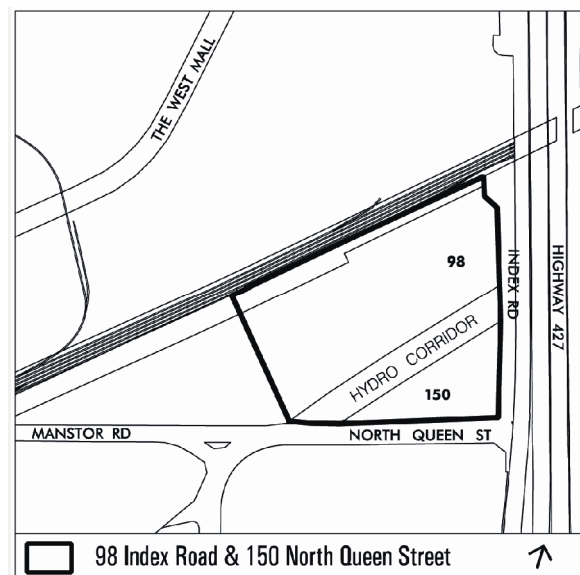
This zoning amendment application proposes to remove the “H” Holding Symbol from the lands municipally known as 98 Index Road and 150 North Queen Street to permit a retail development at 98 Index Road and 150 North Queen Street in accordance with Zoning By-law 129-2009.

This report reviews and recommends approval of the application to amend the Zoning By-law to remove the “H” Holding Symbol for the properties.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council amend the former City of Etobicoke Zoning Code as amended by Site-Specific By-law 129-2009 substantially in accordance with the draft Zoning



By-law Amendment for the lands at 98 Index Road and 150 North Queen Street, as described in this report.

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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In November of 2002 and December of 2003, First Professional Shopping Centres submitted Official Plan and zoning amendment applications to permit retail development at 98 Index Road. City Council approved the applications and on February 24, 2005, City Council enacted By-laws 181-2005 and 182-2005 to permit retail uses at 98 Index Road.

By-law 181-2005 amended the Sherway Centre Secondary Plan of the former City of Etobicoke Official Plan to permit retail uses. Site and Area Specific Policy 19 of the Toronto Official Plan was also amended to include special provisions for 98 Index Road. Zoning By-law 182-2005 permitted certain retail uses up to a maximum gross floor area of 13,564 square metres.

In 2007, an application to amend the Official Plan and Zoning By-law was submitted on behalf of Calloway REIT for 98 Index Road and 150 North Queen Street. Calloway REIT purchased 150 North Queen Street to facilitate the comprehensive development of the two sites. The proposal included a narrow strip of Canadian Pacific (CP) rail lands that would result in additional lands being added to 98 Index Road in order to straighten the northerly property line for 98 Index Road. On January 27 and 28, 2009, City Council approved the application to amend the Official Plan and former City of Etobicoke Zoning Code. Council enacted Zoning By-law 129-2009 which includes a Holding Symbol (H) in order that certain conditions would be satisfied prior to permitting the retail development. (EY23.1) <http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-01-27-cc30-dd.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is to permit the comprehensive development of 98 Index Road and 150 North Queen Street for retail uses in six buildings having a total floor area of 16,031 square metres.

A total of 653 parking spaces are provided at 98 Index Road and 150 North Queen Street. The applicant notes that additional parking spaces will be provided on lands owned by Ontario Hydro on a lease basis. Vehicular access to the site will be from Index Road and

North Queen Street. The proposed site plan provides for a consolidated central access from North Queen Street to the lands. Attachment 1 is the site plan for the proposed retail development.

## **Site and Surrounding Area**

This 5.9 hectare site is located in the area northwest of North Queen Street and Highway 427. The 98 Index Road lands have frontage onto Index Road, which runs parallel to Highway 427. The 150 North Queen Street site has frontage on North Queen Street and Index Road. A hydro corridor runs between the two properties. The lands are currently vacant.

The surrounding uses are as follows:

North: Canadian Pacific rail line

South: retail uses located across North Queen Street

East: Index Road and Highway 427

West: Industrial Uses

## **Official Plan**

The site is shown as an Employment District on the Urban Structure Map (Map 2) of the Toronto Official Plan. Employment Districts are areas to be promoted and protected for economic activity.

The subject lands are designated on Map 15 Land Use Plan as an Employment Area. Employment Areas are places of business and economic activity. Some of the uses that support this function consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, parks, hotels, ancillary retail outlets, restaurants and small scale stores and services that serve area businesses and workers.

The site is located in an area that was previously subject to the Sherway Centre Secondary Plan in the former City of Etobicoke Official Plan. The Sherway Centre Secondary Plan was not included in its entirety in the new Toronto Official Plan. However, certain relevant policies of the Sherway Centre Secondary Plan were included in the Toronto Official Plan as Site and Area Specific Policies 2, 12, 13, 19 and 20.

Site and Area Specific Policy 19 includes the lands bounded by the Canadian Pacific Rail line, Highway 427, The Queen Elizabeth Way and the Etobicoke Creek. The subject lands are located within these boundaries. Site and Area Specific Policy 19 deals with matters such as development caps and transportation infrastructure, as well as the future extension of North Queen Street.

Site and Area Specific Policy 20 of the Toronto Official Plan, also applies to the subject lands and permits the subject site to be used for large scale, stand-alone retail stores.

On January 28, 2009, City Council adopted by By-law 128-2009 an amendment to the Official Plan for the proposed retail development.

## **Zoning**

The subject lands are zoned Limited Commercial Holding (CL-H1) subject to By-law 129-2009 under the Etobicoke Zoning Code. The Hydro corridor lands are zoned Utilities (U). The U zone permits parking and storage as accessory uses in conjunction with a use permitted on abutting lands.

By-law 129-2009 restricts the use of the lands at 98 Index Road and 150 North Queen Street to certain uses, such as: retail stores, shoe stores, home furnishings and decorating stores, offices, restaurants, bookstores and clothing and wearing apparel stores. The site-specific Zoning By-law 129-2009 also includes holding provisions which apply to the lands at 98 Index Road and 150 North Queen Street.

The holding provisions (H) restrict the use of the site for development until certain matters are satisfied, such as:

- (i) an agreement for use of the hydro corridor for access, services and surface storm drainage;
- (ii) certain technical matters related to off-site road improvements;
- (iii) conditional site plan control approval;
- (iv) the acquisition of certain CP rail lands;
- (v) funding of an Environmental Assessment Study for the future North Queen Street extensions;
- (vi) funding for Toronto Transit Commission (TTC) signal priority; and
- (vii) protection of property for a future subway alignment and emergency exit building for the subway associated with the proposed westerly extension of the Bloor-Danforth subway.

## **Site Plan Control**

The properties are subject to Site Plan Control. An application for Site Plan approval was submitted on January 29, 2010 and has been under review by City divisions and agencies. The site plan review is almost complete.

## **Reasons for Application**

The holding provision needs to be removed to allow the lands to be developed in accordance with Zoning By-law 129-2009.

## **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

Technical Services staff has advised with respect to the requirements for removing the “H” Holding Symbol, that the owner has agreed to provide:

1. A Letter of Credit in the amount of \$1,200,000.00 as a financial security for all required work within the Index Road and North Queen Street right-of-ways;
2. A Letter of Undertaking respecting all required work within the Index Road and North Queen Street right-of-ways; and
3. A Letter of Undertaking confirming that the owner will not apply for servicing permits prior to a Servicing Plan being accepted by Technical Services and confirming that the owner will not apply for any building permits prior to the Road Improvements Drawings for the required road improvements being accepted by Technical Services and a Traffic Control Signals Drawing being finalized by the Traffic Management Centre.

The above noted requirements have been satisfied by the owner. Technical Services advises that the holding provisions related to the off-site road improvements will be addressed.

Technical Services has commented that since the plans for this development and related road improvements have not been finalized, any Notice of Approval Conditions letter regarding the related site plan application must emphasize that the applicant/owner is required to submit revised plans and drawings for the review and approval/acceptance by Technical Services.

Technical Services has also commented that separate service connections to the City services will be required for each property if this property is severed into two or more properties in the future.

The Toronto Transit Commission has advised that the proposed retail buildings locations have not changed, nor has the placement of the TTC Emergency Exit building changed since their previous review of the related zoning application. The TTC has commented that the TTC Emergency Exit building is protected and not impacted by the proposed retail buildings. The TTC has also commented that a \$50,000.00 payment from the owner is required to mitigate delays to transit operations from site-generated traffic by providing signal transit priority at two intersections. The \$50,000 payment has been submitted by the owner to the City.

The \$200,000 payment towards the cost of a Municipal Class Environmental Assessment for the extensions of North Queen Street to the West Mall has been submitted by the owner to the City.

The owner has incorporated the former CP Rail lands in their retail development proposal and has registered a survey plan to this effect.

The Site Plan Review process is almost complete and conditions are being finalized. The Director, Community Planning, Etobicoke York District will be in a position to issue the Site Plan Application Notice of Approval Conditions subject to the “unbumping” of the site plan application for the proposed retail development by Etobicoke York Community Council.

Ontario Realty Corporation has provided to the Director of Community Planning, Etobicoke York District, a letter dated August 12, 2010 confirming that it has approved in principle the applicant’s proposal at this location and is currently finalizing the technical details of the easement agreement with respect to access and services. City Legal has advised that it is satisfied with the letter for the purpose of lifting the holding provision.

Section 4 and the (H) symbol on Schedule ‘A’ of Zoning By-law 129-2009 are recommended to be removed.

## **CONTACT**

Greg Hobson-Garcia, Planner

Tel. No. (416) 394-2615

Fax No. (416) 394-6063

E-mail: ghobson@toronto.ca

## **SIGNATURE**

---

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

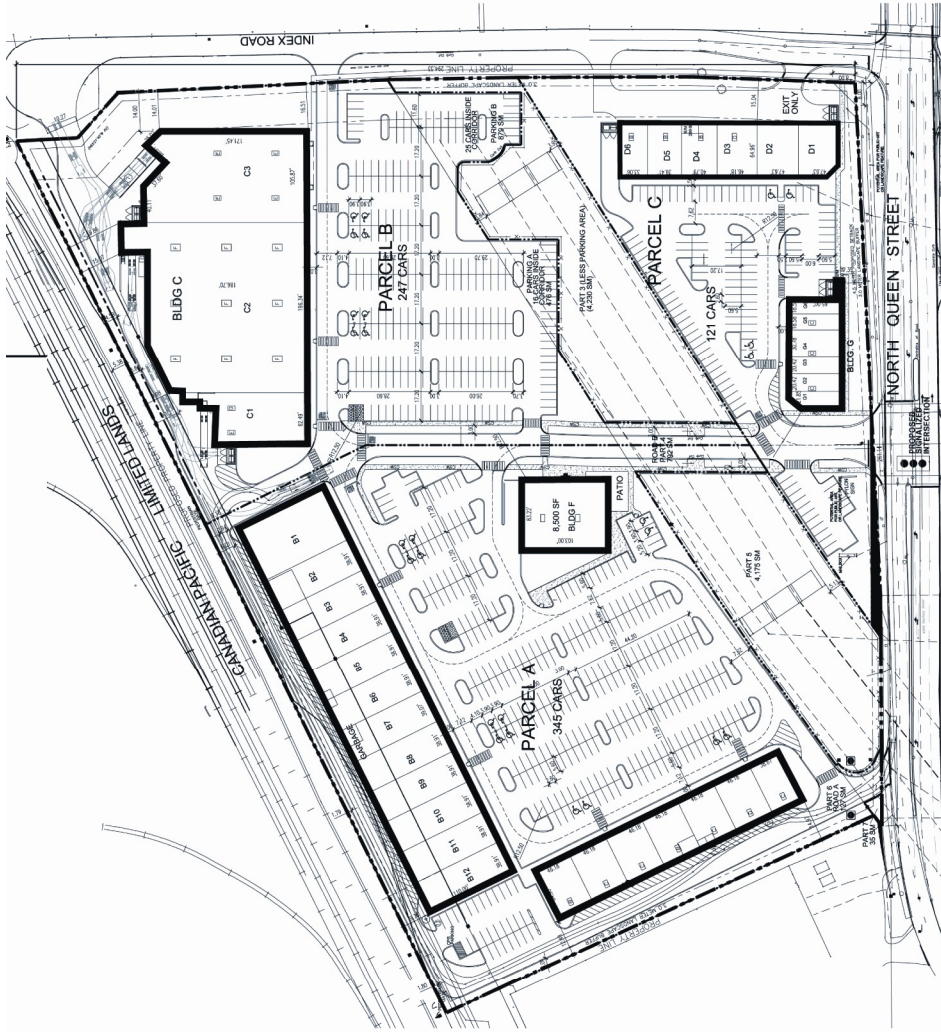
## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Zoning

Attachment 3: Draft Amending Zoning By-law

# Attachment 1: Site Plan



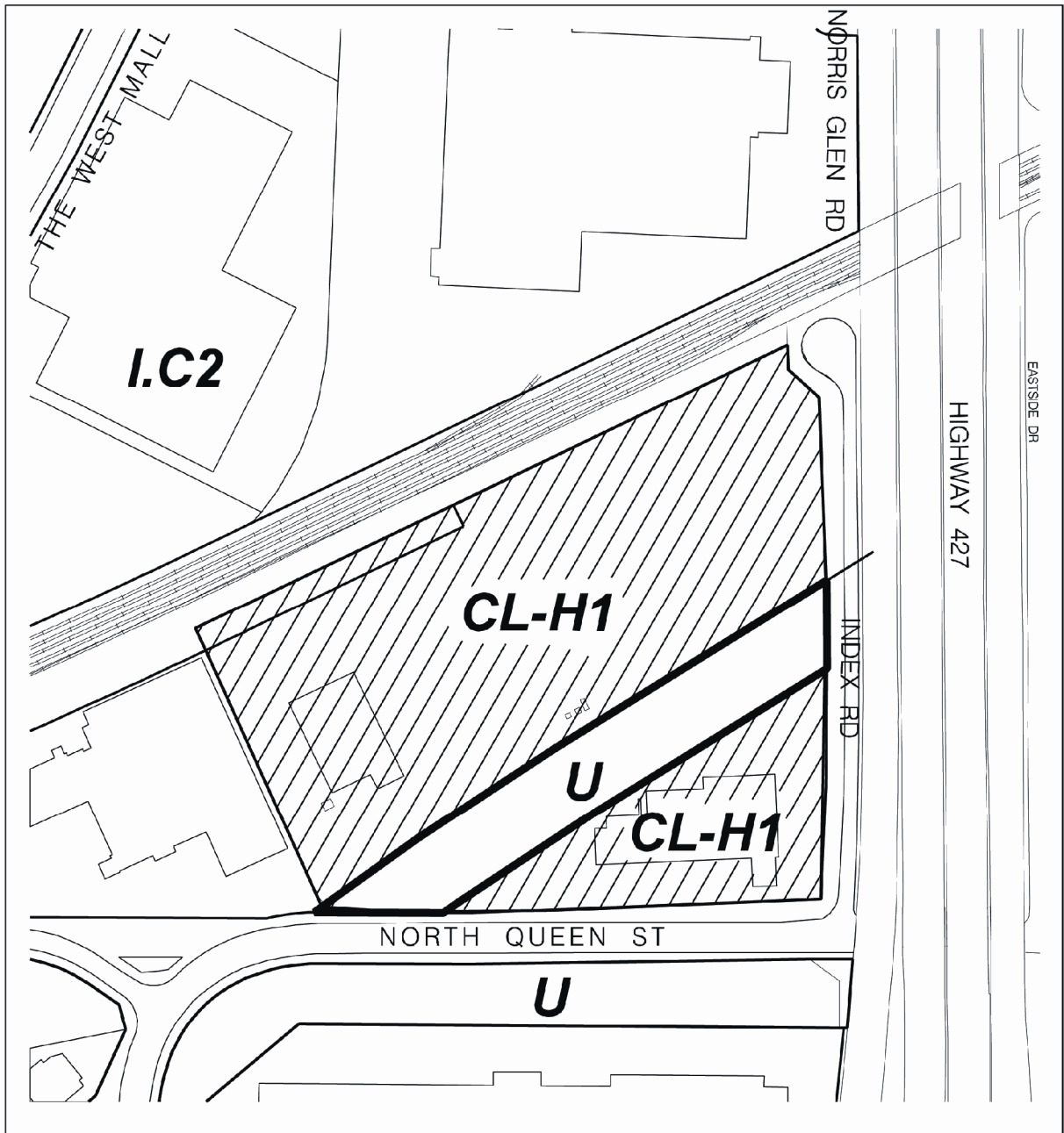
Site Plan

Applicant's Submitted Drawing

Not to Scale  
08/13/10

File # 10\_225997

## Attachment 2: Zoning



**Toronto** City Planning  
West District  
**Zoning**

**98 Index Road and  
150 North Queen Street**  
File # 10\_225997

CL-H1 Commercial Limited Holding  
U Utilities  
I.C2 Industrial Class 2



Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 08/13/10



### **Attachment 3: Draft Amending Zoning By-law**

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. --20~**

**To amend the former City of Etobicoke Zoning Code, as amended by site specific Zoning By-law No. 129-2009,  
with respect to the lands municipally known in the year 2010 as  
98 Index Road and 150 North Queen Street**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

AND WHEREAS Council is satisfied that the conditions relating to the holding symbol have been satisfied in relation to this lifting of the holding symbol;

AND WHEREAS Council has provided notice of the intent to pass this By-law;

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

1. By-law 129-2009 is amended by;
  - (i) Removing Section 4; and,
  - (ii) removing the holding symbol (H) from the lands as shown on the attached Schedule 'A'.

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

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

