

**2761 Markham Road – Rezoning Application – Final Report**

<b>Date:</b>	April 6, 2010
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 42 – Scarborough-Rouge River
<b>Reference Number:</b>	09 109604 ESC 42 OZ

**SUMMARY**

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant proposes to amend the zoning for the lands at 2761 Markham Road in order to expand the range of permitted uses and to construct 4 one-storey buildings. Specifically, the applicant seeks to maintain the employment uses currently permitted on the site and add a range of small scale stores and services.

The current zoning by-law for the site does not permit restaurants, medical and dental offices or retail and service commercial uses.

This report reviews and recommends approval of the application to amend the zoning by-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the zoning by-law for the Tapscott Employment District West Zoning By-law No.



24982, for the lands at 2761 Markham Road, substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 7.

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**

The lands subject to this application were originally part of one large deep site. Consents were approved to create three separate parcels. Each of these parcels share vehicular access from Markham Road through shared driveways to the north and south.

Parcel 1, (the subject lands) fronts onto Markham Road and is the subject of this application; Parcel 2, is located immediately to the east of Parcel 1, is vacant and zoned for industrial uses; and, Parcel 3, is located immediately east of Parcel 2, is zoned for industrial uses and is currently being used as a contractor's yard.

A site plan application was submitted on December 28, 2007, prior to the submission of this zoning application. The details of the built form and uses were reviewed in accordance with the existing by-law. The applicant is now seeking additional uses for the site and a change in built form.

The Committee of Adjustment has previously heard two minor variance applications on the subject lands.

Minor Variance Application A153/08 SC was partially approved on June 25, 2008 to permit an increase in gross floor area from 0.5 times the area of the lot for all buildings or 4 094 square metres (44 069 square feet) to 0.76 times the area of the lot for all buildings or 6 224 sq. m (66,997 sq. ft.), excluding the floor area of all basements. The variance also permitted a maximum building height of 19.9 metres (65.3 feet), including a mechanical penthouse whereas the zoning by-law permits a maximum height of 12 metres (39.4 ft.).

Minor Variance Application A153/08 SC also considered the introduction of additional uses in the Industrial (M) Zone and the General Industrial (MG) Zone to include the following: computer sales and repair, bakery and associated retail, catering and take-out restaurant and electronic sales and repair. It was the decision of the Committee to refuse the applicant's request to add the additional uses.

Minor Variance Application A321/08SC was approved on November 12, 2008 to increase the building height from 19.9 metres (65.3 ft) to 22.9 metres (75 ft), including a mechanical penthouse.

## **ISSUE BACKGROUND**

### **Proposal**

After numerous meetings with staff regarding the proposed mix of uses, particularly the split between retail and employment uses, restrictions on type of retail and unit size, the applicant on February 16, 2010 revised their application to reflect the current proposal.

The subject zoning amendment application contemplates an expansion of the range of permitted uses as well as the addition of retail and service commercial uses within 4 one-storey buildings having a combined gross floor area of 3 100 square metres (33,370 square feet) and an overall density of 0.38 times the area of the lot.

### **Proposed Additional Employment Uses**

The applicant proposes to retain the uses permitted in the Industrial (M) and General Industrial (MG) Zone of the by-law. These uses are identified in the zoning section of this report. Additional employment uses are also proposed as follows:

- Artist and photo studio
- Courier services, mailbox, fax
- Financial institution
- Medical and dental offices
- Printing shop
- Studio

A total proposed floor area of 1 860 square metres (20,021 square feet) or 60% of the gross floor area is proposed to be used for employment purposes.

### **Proposed Retail and Service Commercial Uses and Size**

The applicant also proposes to permit retail and service commercial uses on the site as follows:

- Bakery
- Computer sales and service
- Dry cleaning establishment
- Machinery sales and service
- Personal service shops
- Repair and service of business equipment
- Convenience store
- Restaurants, max 465 sq. m individual unit
- Vehicle renting and leasing

Specifically, the project would include a maximum 240 square metres (13,350 square feet) or 40% retail, service commercial and restaurant uses. The applicant has agreed to restrict the maximum unit size of any retail and service commercial use to 250 square metres or 2,691 square feet. Further, the applicant has agreed to restrict the size of any individual restaurant use to a maximum of 465 square metres (5 005 square feet).

The subject lands have vehicular access to Markham Road via rights-of-way over two driveways, immediately to the north and south of the site. These driveways also serve two other properties located immediately east of the subject lands. See Attachment 1: Site Plan. Right-in/right-out vehicular access is provided from the driveway to the south while full vehicular access/egress is provided from the driveway to the north. A total of 111 surface parking spaces are proposed.

### **Site and Surrounding Area**

The site is approximately 0.82 hectares (2 acres) in area, having approximately 75 metres (246 feet) of frontage on Markham Road with an average depth of about 108 metres (354 feet). The site is vacant, generally flat and treeless.

Surrounding land uses:

North: Hydro Corridor

South: Place of Worship, Industrial Uses

East: Vacant land zoned for Industrial Uses and a place of worship then a contractor's yard

West: Industrial uses (including approval for car dealership)

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the proposal and have concluded that it is consistent with the PPS and conforms with the Growth Plan of 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. Markham Road is identified as a major street.

## **Zoning**

The subject lands have dual zoning. The western 60 metres of the site is zoned Industrial (M) in the Tapscott Employment District West Zoning By-law. Generally, permitted uses include: day nurseries, educational and training facility uses, industrial uses, offices, excluding medical and dental offices, places of worship and recreational uses. The gross floor area of all buildings is restricted to 6 224 square metres (excluding the floor area of all basements) while the density is restricted to 0.76 times the area of the lot for all buildings as a result of Committee of Adjustment approvals.

The remainder of the subject land is zoned General Industrial Zone (MG) in the Tapscott Employment District West Zoning By-law which allows for open storage in addition to the Industrial Zone (M) uses.

## **Site Plan Control**

The subject lands are under site plan control. The applicant had previously submitted a site plan control application which has now been updated on the basis of the current proposal.

## **Reasons for Application**

The dual zoning on the lands would need to be amended in order to permit additional employment uses and the introduction of retail and service commercial uses. The zoning on the lands would require further amendments in order to restrict the size of any individual retail store and restaurant.

## **Community Consultation**

A community consultation meeting was held on June 18, 2009. No members of the public attended.

## **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 site plan approval.

## **COMMENTS**

### **Official Plan**

The applicant proposes to rezone the subject lands at 2761 Markham Road to expand the range of permitted uses and construct 4 one-storey building pads having a gross floor area of 3 100 square metres (33,370 square feet). Specifically, the project would retain the industrial uses currently permitted in the Industrial Zone of the by-law; add medical/office and other employment establishments and introduce some retail and service commercial uses including restaurants with restrictions on unit size. The development would result in a 40/60 split between a limited range of retail and service commercial uses and employment uses. Restaurants, as well as service commercial uses including personal service shops will be included in the retail component.

The lands subject to this application were originally part of one large deep site that has been severed into 3 parcels. The subject lands are located closest to Markham Road where it is more appropriate to have the retail/restaurant permissions. Lands immediately to the east are vacant and zoned for industrial uses while the lands further east are currently being used as a contractor's yard.

Staff have reviewed the proposed range of retail and service commercial uses in regards to official plan conformity which requires small scale stores and services to serve area businesses and workers and find them to be satisfactory. The draft by-law will place restrictions on the range of uses, maximum floor areas by category and individual restaurant, retail and service commercial unit sizes. The minimum parking requirement will further restrict the mix and type of retail uses (see Attachment 7: Draft Zoning By-law Amendment). The proposed 40/60 split is appropriate at this scale and consistent with similar applications. These restrictions and performance standards will ensure consistency with official plan policies and will maintain the employment character of the development and area.

The proposed condominium commercial units would be sold individually thereby creating business ownership and/or investment opportunities. The proposed development ensures a strong employment base is maintained and the expansion of the employment uses is consistent with the Employment Areas policies of the Official Plan. With controls in the draft by-law that restrict uses and the size of individual units, staff find the

proposed development to be in conformity with the official plan designation and consistent with applicable official plan policies.

## **Land Use**

The subject application contemplates developing the subject lands with industrial uses currently permitted, additional employment uses and the introduction of limited retail, restaurant and service commercial permissions. While the applicant contemplated retaining the General Industrial (MG) Zone permission which allows outdoor storage on the subject land, staff recommend that it be removed as it is not appropriate within this new context. A site specific amendment to the zoning by-law is required to permit the proposed additional employment and retail uses previously identified and to eliminate the outdoor storage currently permitted in the General Industrial (MG) Zone.

The redevelopment of the subject lands although smaller in scale than the original proposal will provide for an appropriate level of intensification of the lands thereby serving to generate increased employment opportunities. Further, the proposed development can take advantage of existing municipal infrastructure with greater efficiencies.

The retention and expansion of as-of-right employment uses should not result in any negative impacts to the surrounding employment community. The introduction of the additional uses proposed will complement the other employment uses currently permitted and will serve future employees in this area.

## **Density, Height, Massing**

Built form policies of the Official Plan have been addressed. This development will represent an improvement upon the character of the surrounding area. Main building entrances will be clearly visible and directly accessible from the public sidewalk on Markham Road. Vehicular parking, vehicular access, service areas and utilities have been located as to minimize their impact on the property and on surrounding properties and will improve the safety and attractiveness of Markham Road. Staff will seek further enhancements to the site plan (if required) prior to site plan approval.

The proposed built form is a series of 4 one-storey buildings positioned towards the exterior lot lines with the majority of parking contained within the interior. Buildings A and D will have direct frontage on Markham Road. The scale, height, built form and massing are appropriate and an efficient use of the land.

## **Traffic Impact, Access, Parking**

The Traffic Impact Study prepared by Paradigm Transportation Solutions Limited, dated January 2009, has been submitted to determine appropriate traffic controls, vehicular access points and to identify the necessity for any transportation improvements. The study concluded that traffic generated by the proposed development can be accommodated by the existing street network with recommended modifications to the signal timing.

Right-in/right-out vehicular access/egress from the southerly driveway along with full vehicular movement at the northerly driveway provides for the efficient movement of vehicles. Technical Service staff concur with the findings of the Traffic Impact Study that the proposed development will not have a major impact on the existing road network or the area. The additional traffic generated by this development would not cause a significant increase in daily traffic on the study area streets.

The proposal provides for a minimum of 111 parking spaces, the majority of which will be positioned towards the interior of the site. The draft zoning by-law will reflect this minimum parking standard along with restrictions on the size of individual restaurant floor space.

The draft zoning by-law will also include a provision for bicycle parking at a minimum rate of 0.25 bicycle spaces /100 square metres of gross floor area or 6 spaces. Details regarding location of bicycle parking will be finalized during the site plan approval stage.

The proposed access, parking arrangement and parking spaces are acceptable to staff.

### **Toronto Green Standard**

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

Based on the applicant's submission, the proposed development is intended to achieve the following targets: Minimum Energy Performance, Urban Heat Island Reduction (Roof), Storm Water Management, Storage and Collection of recyclables and Compostables. As part of site plan control review, staff will pursue further opportunities for tree plantings. These matters will be addressed through a finalization of the site plan application.

### **Development Charges**

It is estimated that the development charges for this project will be \$292,175. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

Renrick Ashby, Senior Planner  
Tel. No. (416) 396-7022  
Fax No. (416) 396-4265  
E-mail: rashby2@toronto.ca



## **SIGNATURE**

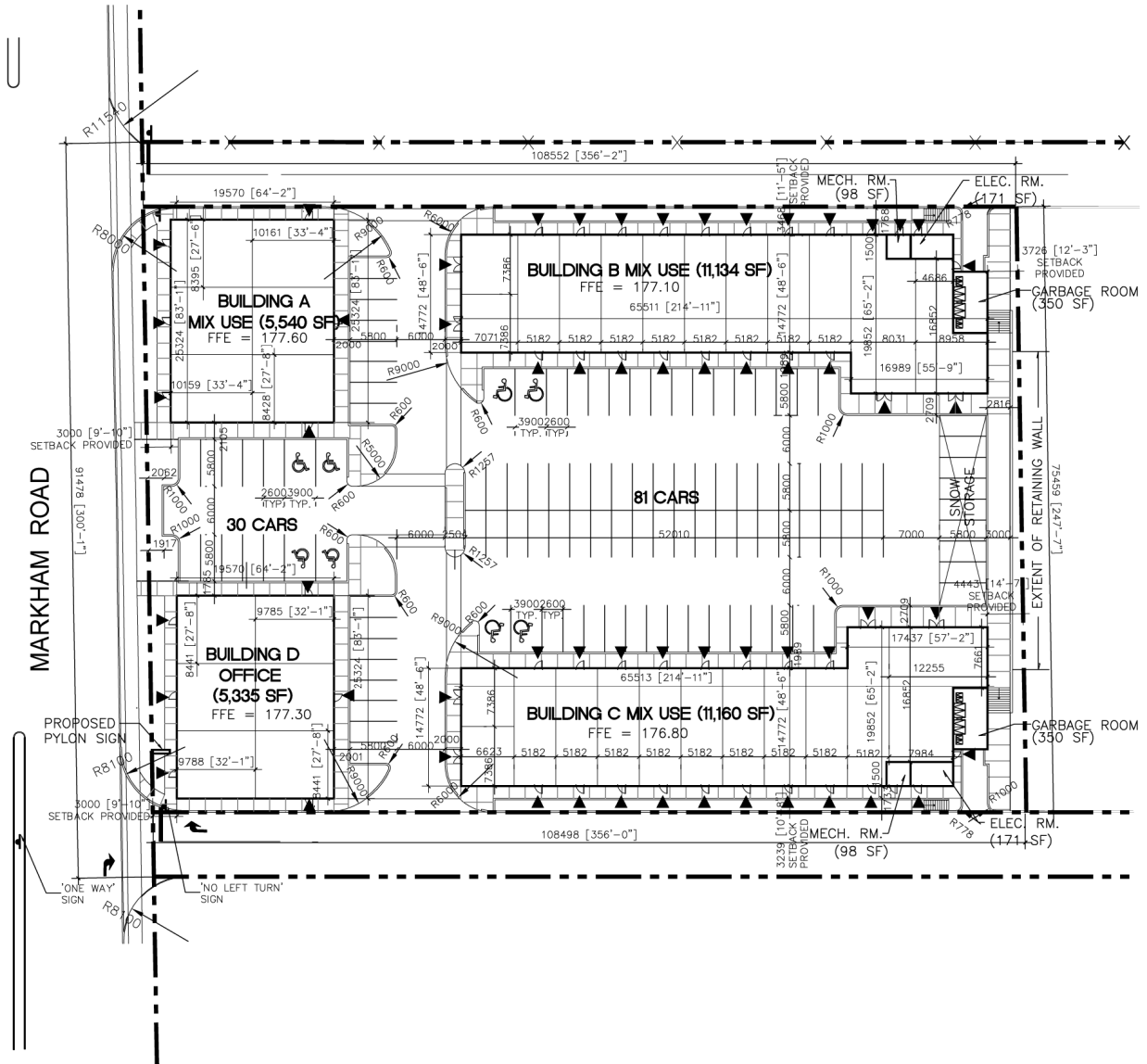
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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Elevations – Buildings A and D
- Attachment 3: Elevations – Building B
- Attachment 4: Elevations – Building C
- Attachment 5: Zoning
- Attachment 6: Application Data Sheet
- Attachment 7: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

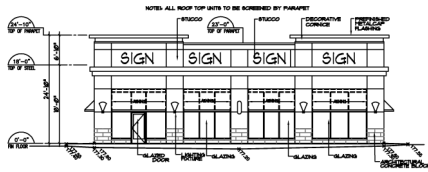
Applicant's Submitted Drawing

Not to Scale 

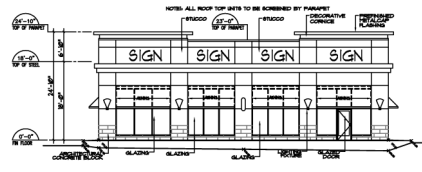
## 2761 Markham Road

File # 10-109604 0Z

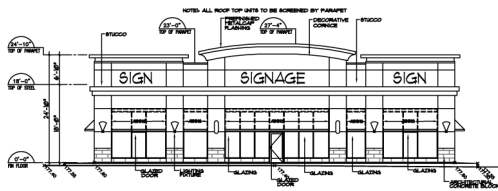
## Attachment 2: Elevations – Buildings A and D



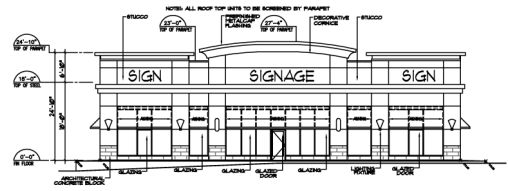
Building A - North Elevation



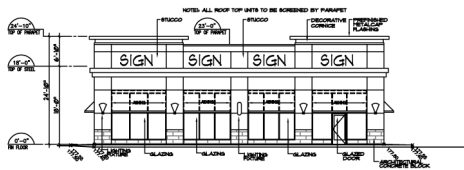
Building D - South Elevation



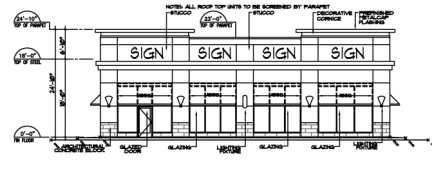
Building A - East Elevation



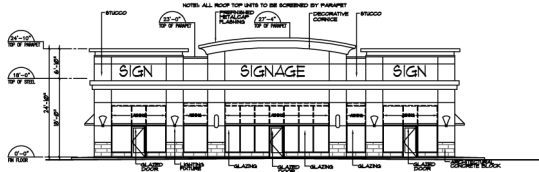
Building D - East Elevation



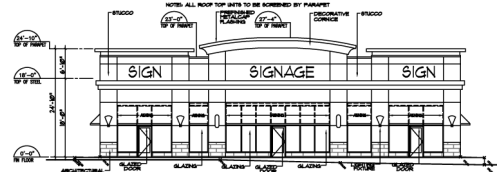
Building A - South Elevation



Building D - North Elevation



Building A - West Elevation  
(Markham Road)



Building D - West Elevation  
(Markham Road)

### Elevations - Buildings A and D

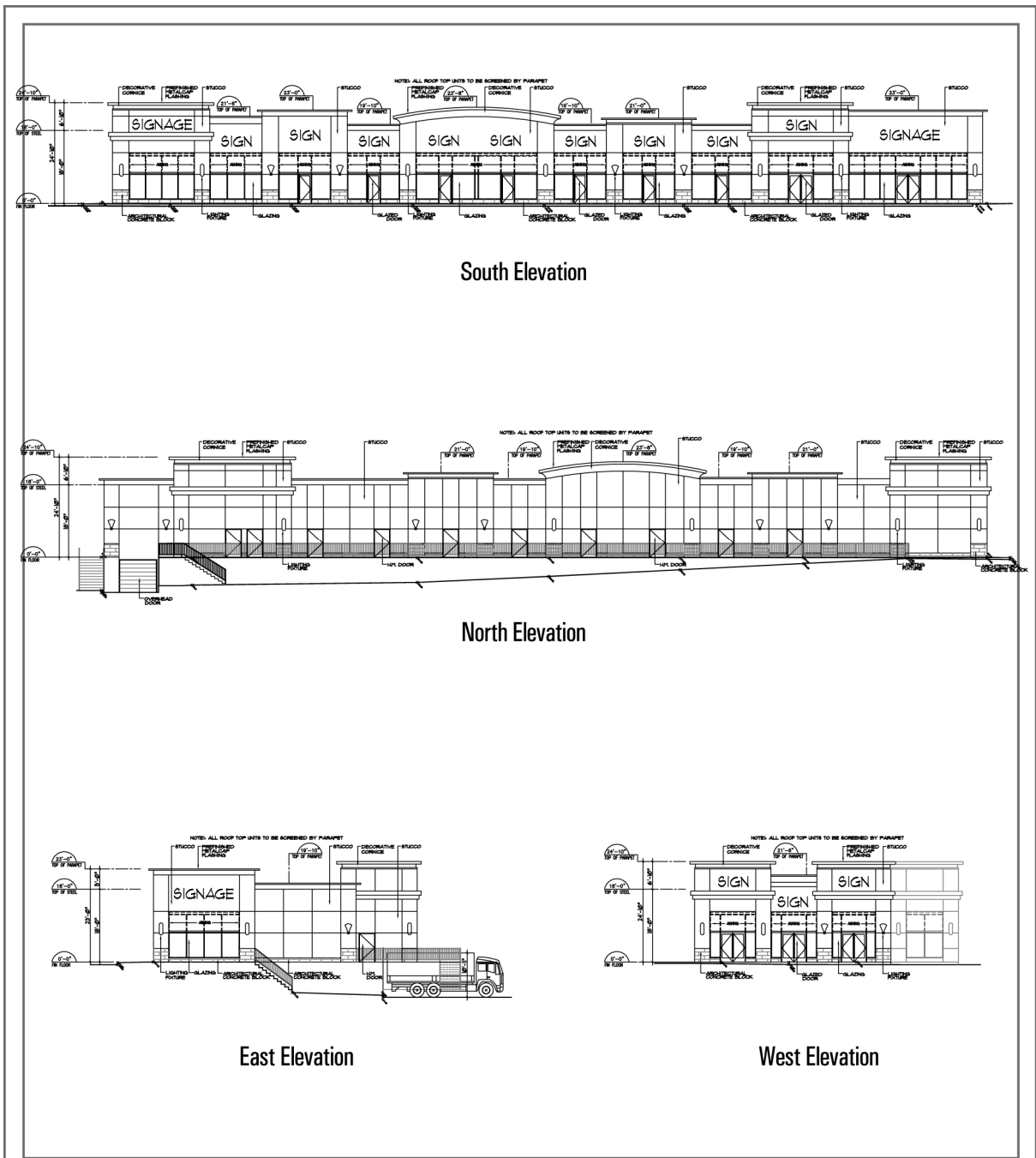
### 2761 Markham Road

Applicant's Submitted Drawing

Not to Scale  
2/26/10

File # 10-109604 OZ

### Attachment 3: Elevations – Building B



### Elevations - Building B

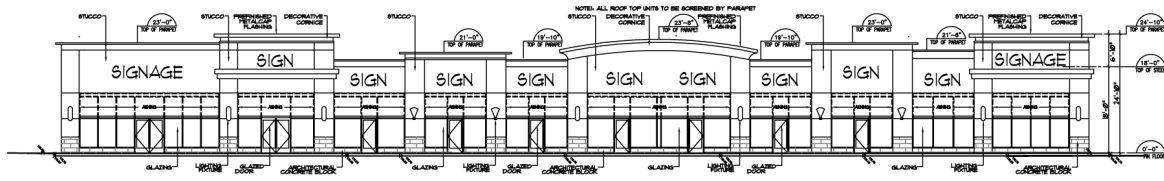
Applicant's Submitted Drawing

Not to Scale  
2/26/10

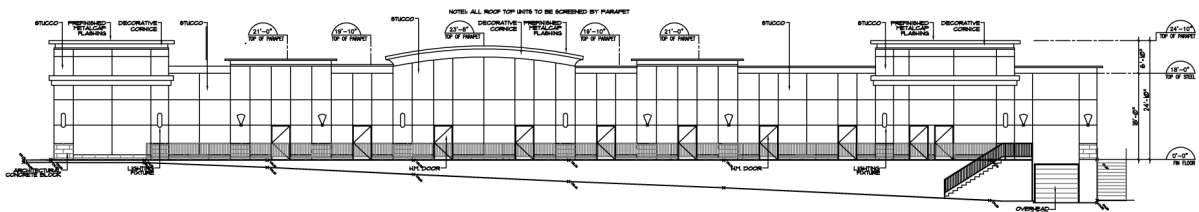
2761 Markham Road

File # 10-109604 OZ

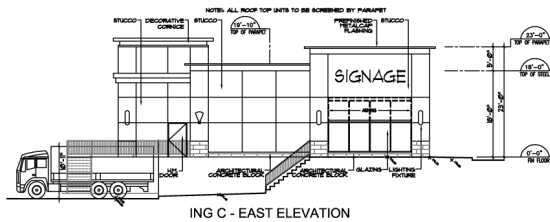
## Attachment 4: Elevation – Building C



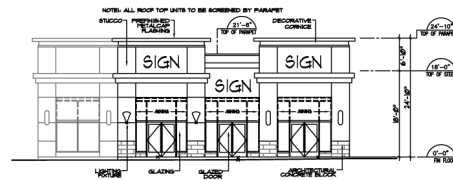
North Elevation



South Elevation



East Elevation



West Elevation

### Elevations - Building C

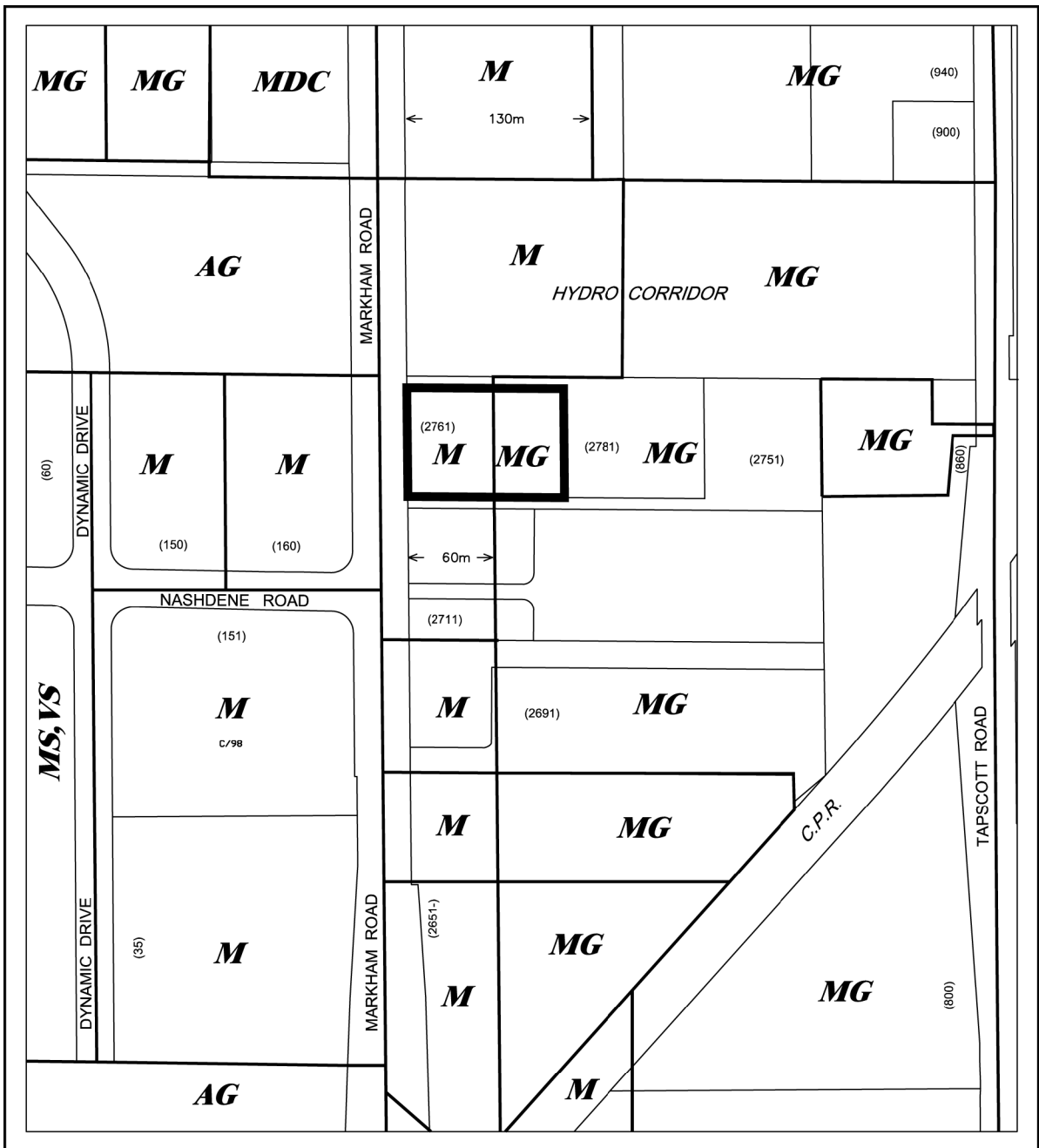
Applicant's Submitted Drawing

Not to Scale  
2/26/10

2761 Markham Road

File # 10-109604 OZ

## Attachment 5: Zoning



**TORONTO** City Planning Division  
**Zoning**

2761 Markham Road  
 File # 09-109604 OZ

<b>M</b>	Industrial Zone	<b>VS</b>	Vehicle Service Zone
<b>MDC</b>	Industrial District Commercial Zone	<b>AG</b>	Agricultural Zone
<b>MG</b>	General Industrial Zone		
<b>MS</b>	Special Industrial Zone		

Tapscott Employment District By-law  
 Not to Scale  
 2/18/09



## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	09 109604 ESC 42 OZ & 07 289338 ESC 42 SA
Details	Rezoning, Standard	Application Date:	February 13, 2009

Municipal Address: 2761 MARKHAM RD  
 Location Description: PLAN 5723 PT LOT 1 RP 66R23749 PART 2 \*\*GRID E4201  
 Project Description: Proposal for a commercial development that consists of four 1-storey buildings for office and retail use.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MARTIN RENDL			2133754 ONTARIO INC

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	M-Industrial Zone	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	8188	Height:	Storeys:	1
Frontage (m):	75		Metres:	0
Depth (m):	108			
Total Ground Floor Area (sq. m):	3082			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	111
Total Non-Residential GFA (sq. m):	3 100		Loading Docks	0
Total GFA (sq. m):	3 100			
Lot Coverage Ratio (%):	37.7			
Floor Space Index:	0.38			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	1 240
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	1 860
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

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

**Attachment 7: Draft Zoning By-law Amendment**

Authority: Scarborough 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 ~ Zoning By-law No. 24982, Tapscott Employment District, as amended  
With respect to the lands municipally known as,  
2761 Markham 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*;

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

1. Schedule “A” of the Tapscott Employment District Zoning By-law, as amended, is further amended with respect to the land outlined on Schedule ‘1’ by retaining the Industrial Zone (M) and removing the General Industrial Zone (MG) designation, removing the Performance Standards and replacing them with the following:

M-935-1009-1082-1643-2613-2614-Exception 473

2. **PERFORMANCE STANDARD CHART – SCHEDULE “B”** of the Tapscott Employment District Zoning By-law, as amended, is hereby amended by adding the following Performance Standards:

**INTENSITY OF USE**

2613 Gross Floor Area of all buildings minus the Gross Floor Area of all basements, public walkways, corridors, stairs, elevators, service areas, and other common facilities shall not exceed 3 100 square metres

2614 The Uses as listed in Exception 473, (A) Additional Permitted Uses of Schedule ‘C’ of this by-law, are restricted to a maximum of 40% of the maximum permitted Gross Floor Area or 1 240 square metres

**PARKING**

1643 Minimum 111 parking spaces are to be provided



## **SETBACKS**

935 Minimum street yard setback 2.5 metres

1009 Minimum rear yard setback 2.5 metres

1082 Minimum side yard setback 1.0 metre

3. Within the lands shown on Schedule "1" 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.

4. **EXCEPTIONS LIST – SCHEDULE ‘C’**, of the Tapscott Employment District Zoning By-law, as amended, is hereby further amended by adding the following Exception 473:

(A) **ADDITIONAL PERMITTED USES**

Bakery  
Computer sales and service  
Dry cleaning establishment  
Machinery sales and service  
Personal service shops  
Repair and service of business equipment  
Shop for the sale of only tobacco products, confections, magazines, books, newspapers, prepared foods, soft drinks  
Restaurants, to a maximum gross floor area of 465 square metres each unit  
Vehicle renting and leasing

Maximum gross floor area of any unit containing any of the above uses, except for restaurants, shall not exceed 250 square metres

(B) **ADDITIONAL PERMITTED EMPLOYMENT USES**

Artist and photo studio  
Courier services, mailbox, fax  
Financial institution  
Medical and dental offices  
Printing shop  
Studio

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

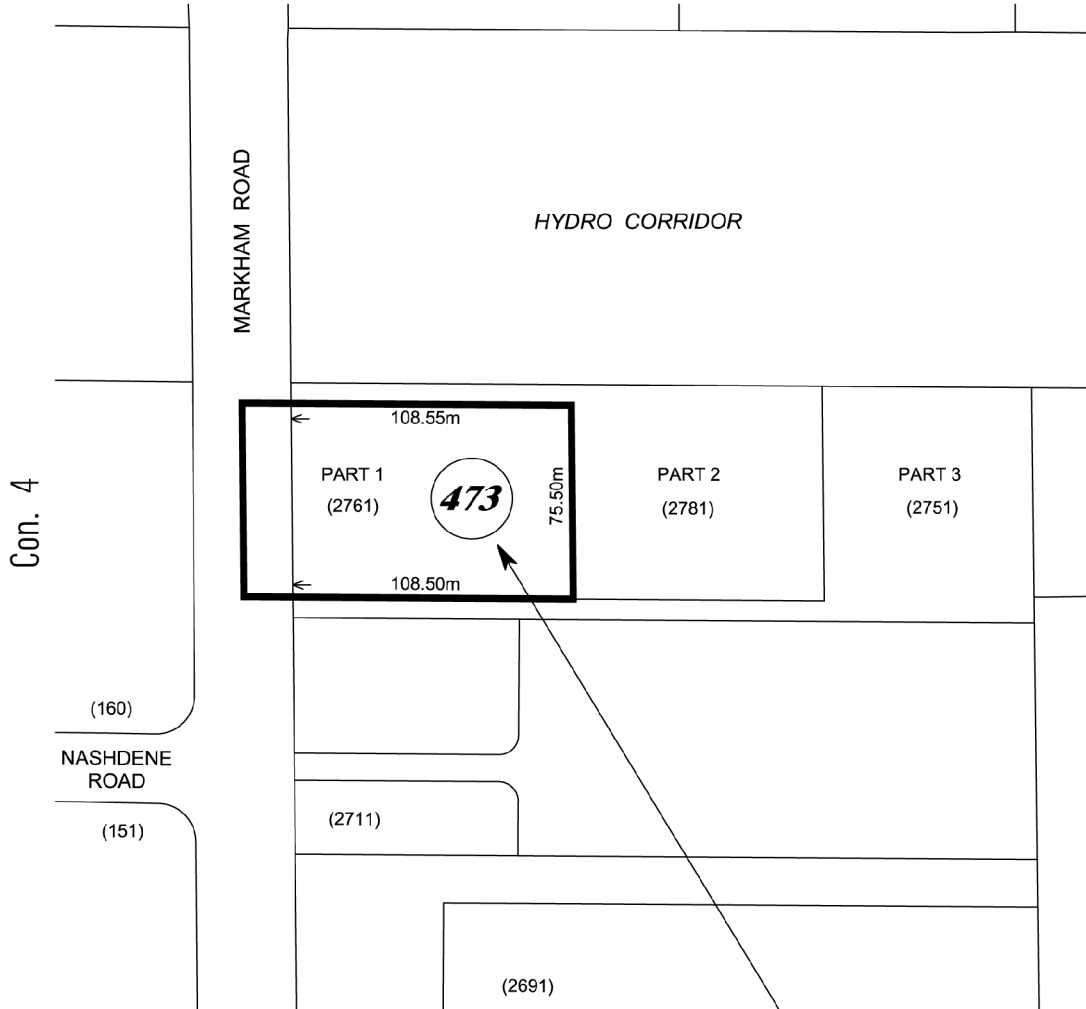
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'

Lot 17



M-935-1009-1082-1643-2613-2614

**TORONTO** City Planning Division  
**Zoning By-Law Amendment**

2761 Markham Road  
File # 09-109604 OZ

 Area Affected By This By-Law

Tapscott Employment District By-law  
Not to Scale  
3/31/10  
