

363 Old Kingston Road – Official Plan, Rezoning & Site Plan Applications - Preliminary Report

Date:	July 28, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	10 201252 ESC 44 OZ and 10 201690 ESC 44 SA

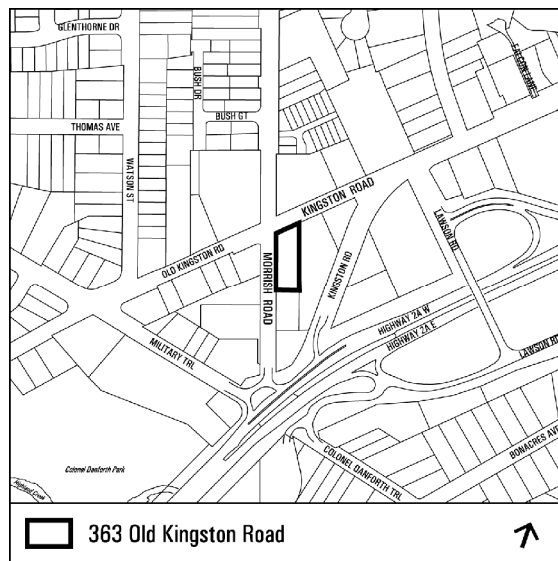
SUMMARY

These applications were made after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

An official plan amendment, zoning by-law amendment (Application Number 10 201252 ESC 44 OZ) and site plan control application (Application Number 10 201690 ESC 44 SA) have been submitted for a 39 unit, three-storey residential building having an approximate gross floor area of 2 559 square metres (27,545.75 square feet). An official plan amendment application is required to provide for the proposed multiple-family residential building at a density of 166 units per hectare while the Highland Creek Community Secondary Plan provides for a maximum density of 37 units per hectare. The zoning by-law amendment is required to permit residential uses as the existing by-law only permits highway commercial uses and places of worship.

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

These applications have been circulated to City divisions and external agencies for



comment. The report recommends that a community consultation meeting be scheduled by Community Planning staff, in consultation with the Ward Councillor. A final report and public meeting under the Planning Act is targeted for the first quarter of 2011, providing the applicant submits required information to staff and commenting agencies in a timely manner and any issues identified have been satisfactorily resolved.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 363 Old Kingston Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A minor variance application (A227/07SC) was filed with the City on July 7, 2007 and a related site plan control application (07 250044 ESC 44 SA) was filed on August 2, 2007 for the subject property at 363 Old Kingston Road as well as for 27-31 Morrish Road. Variances to the Highland Creek Community Zoning By-law Number 10827 were required to permit a four-storey retirement home with 91 residential units. In addition to the proposed residential use, the variances included: 1) a proposed coverage of 46.6% of the lot area whereas the zoning by-law permits a coverage of 40%; 2) that the proposed loading/refuse area not be covered by a building whereas the zoning by-law required these areas to be wholly enclosed in a building; 3) a proposed building setback to the centre line of Morrish Road from 16.5 metres (54 feet) to 10 metres (33 feet); and 4) a maximum gross floor area of 187% of the lot area whereas the zoning by-law permits 40% of the lot area.

The Committee of Adjustment's decision (of October 17, 2007) to refuse the variances was appealed by the applicant to the Ontario Municipal Board (OMB) on October 26, 2007. The revised proposal before the OMB was for a three-storey retirement home containing 90 residential units. The OMB heard evidence on the above-noted variances and modified variances (a building setback of 13.65 metres (45 feet) and; 2) a maximum gross floor area of 205% of the lot area). The OMB authorized the amended variances in its decision dated April 28, 2008 (Case No. PL070980). However, the City appealed the OMB decision to Divisional Court (Court File No. 236/08). In its decision released on May 25, 2009, Divisional Court found in favour of the City and dismissed the appeals. It found the OMB decision to grant the variances was unreasonable, represented significant

departures from the general intent and purpose of the official plan, zoning by-law and were not of a minor nature.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The development proposal is for a 39-unit, three-storey, multiple-family residential building having a gross floor area of 2 559 square metres (27,545.75 square feet). The proposed building would contain 39 residential units (4 one-bedroom units, 2 one-bedroom plus den units, 22 two-bedroom units and 11 three-bedroom units) with an average unit gross floor area of 89 square metres (958 square feet). A total of 55 parking spaces (including 7 visitor parking spaces) are proposed in two levels of underground parking.

Site and Surrounding Area

The subject property, which excludes the land parcel at 27-31 Morrish Road, is located at the southeast corner of Old Kingston Road and Morrish Road in the Highland Creek Village. This relatively flat vacant site is 0.235 hectares (0.581 acres) in size, has approximately 32.1 metres (104.98 feet) of frontage on Old Kingston Road and 73.2 metres (240 feet) of frontage on Morrish Road. The northerly portion of the site has been used as a parking lot while the southerly portion remains undeveloped.

Abutting land uses include the following:

North: a two storey commercial plaza containing retail uses along Old Kingston Road and Morrish Road, and office uses on the partial second storey. St. Joseph's Church and Cemetery are located on the northwest corner of Old Kingston Road and Morrish Road.

West: a two-storey commercial building with office uses on the second floor. A single detached dwelling and a vacant lot are located just south of the commercial building.

East: a one-storey, 12-unit commercial/retail plaza and further east on Old Kingston Road is another one-storey commercial/retail plaza.

South: Automotive service and repair uses.

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

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

Official Plan

The Toronto Official Plan designates these lands Mixed Use Areas as identified on Land Use Plan – Map 23. Mixed Use Areas provide for a broad range of commercial, residential, institutional and parks and open space uses which would enable residents to “live, work and shop in the same area, or even the same building, giving people an opportunity to depend less on their cars and create districts along transit routes that are animated, attractive and safe.”

Development criteria for developments in Mixed Use Areas are set out in Section 4.5.2 of the Plan. Public Realm and Built Form policies are set out Sections 3.1.1 and 3.1.2.

The Toronto Official Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/pdf_chapter1-5/chapters1_5_aug2007.pdf

Highland Creek Community Secondary Plan

The property forms part of the core development area in the Highland Creek Community Secondary Plan which is located in the Highland Creek Village. Policy 2.1.4 provides for a variety of uses including residential uses at a density not exceeding 37 units per hectare.

The Secondary Plan seeks to relate the height and mass of development to a pedestrian scale while, at the same time, framing the street with a built form that reinforces a village environment based on historical references. Development within the Village is to be in accordance with the Highland Creek Urban Design Guidelines.

The Highland Creek Community Secondary Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/pdf_secondary/2_highland_creek_june2006.pdf

Zoning

The subject parcel is currently dual zoned, Highway Commercial (HC) Zone and Place(s) of Worship (PW) Zone in the Highland Creek Community Zoning By-law Number 10827. The Highway Commercial (HC) Zone permits highway commercial uses and day

nurseries and prohibits department store uses. The Place(s) of Worship (PW) Zone permits places of worship and day nurseries.

Site Plan Control

The site is subject to site plan control approval, and an application has been submitted. The application is being reviewed by staff along with the official plan amendment and zoning by-law amendment applications.

Tree Preservation

One tree on the property is subject to the City's Tree Preservation By-law No. 388-2000, as amended. The purpose of the by-law is to preserve significant trees on private property in the City of Toronto. The by-law also assists in sustaining the urban forest in the City and to educate individuals with respect to tree protection measures and alternatives to tree injury and destruction. The applicant has provided a tree preservation plan that indicates some trees (including the one tree subject to the by-law) will require removal to accommodate the development. The owner will be required to obtain the necessary permits prior to removing any trees pursuant to the City's Tree Protection By-law.

Reasons for the Application

The site is designated Mixed Use Areas in the Official Plan and is subject to the Highland Creek Community Secondary Plan. The Secondary Plan provides for a maximum density of 37 units per hectare. The applicant seeks to amend the Official Plan to permit a maximum density of 166 units per hectare.

Amendments to the zoning by-law are required as the existing Highway Commercial (HC) Zone and Place(s) of Worship (PW) Zone do not permit residential uses. The applicants are seeking approval of the following zoning provisions:

- a minimum building setback of 4.0 metres (13 feet) from the property line abutting Old Kingston Road;
- a minimum building setback of 0 metres (0 feet) from the property line abutting Morrish Road;
- a minimum rear yard building setback of 6.0 metres (19.7 feet);
- a gross floor area of 2 559 square metres (27,545.75 square feet); and
- a maximum lot coverage of 50.65%.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Municipal Servicing and Stormwater Management Report;
- Tree Preservation Plan;
- Green Roof Statistics Template;

- Green Development Checklist;
- Planning Justification Report;
- Noise Study;
- Stage 1-2 Archaeological Assessment Report;
- Traffic Operations and Parking Assessment Report; and
- Phase 1 & 2 Environmental Site Assessment Report.

City staff are reviewing the applications for completeness.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comments prior to presenting a final report to Scarborough Community Council. The following issues have been identified by staff to date:

- appropriateness of the proposed built form and massing;
- appropriateness of the proposed density;
- appropriateness of zoning provisions requested by the applicant;
- amenity areas for future residents;
- landscaping requirements;
- assessment of recycling and refuse operations;
- supply and location of proposed parking spaces - arrangements, layout and vehicular circulation;
- assessment of the proposed driveways along Morrish Road and their relationship with existing driveways and the land parcel located immediately south of the site;
- traffic impacts on the existing road network;
- possible reduction in the Morrish Road right-of-way between Old Kingston Road and Highway 2A from 27 metres to 23 metres;
- assessment of site servicing including storm water management;
- parkland dedication requirements; and
- Section 37 community benefits.

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 2010.

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Application Circulation

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

CONTACT

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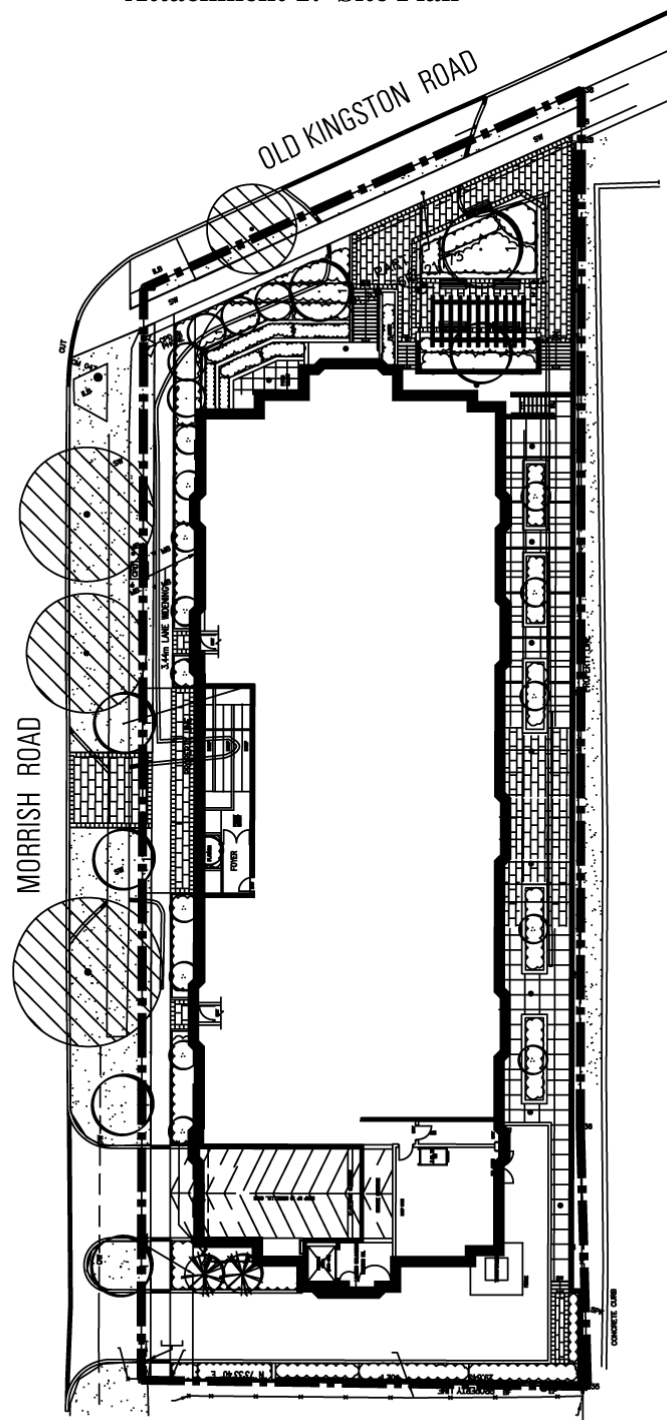
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan
Attachment 4: Zoning By-law
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

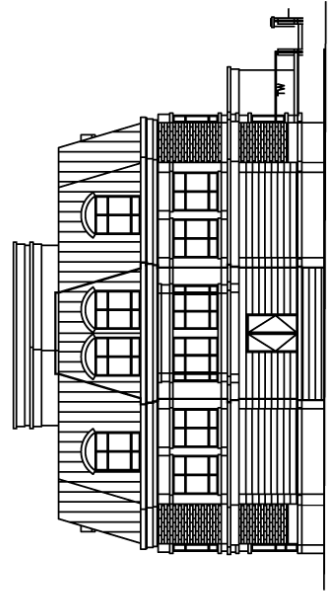
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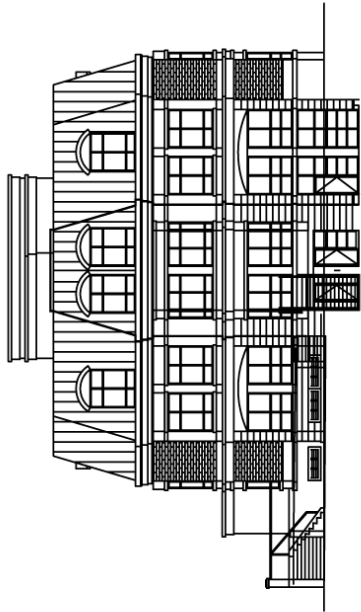
363 Old Kingston Road

File # 10-201252 OZ; 10-201690 SA

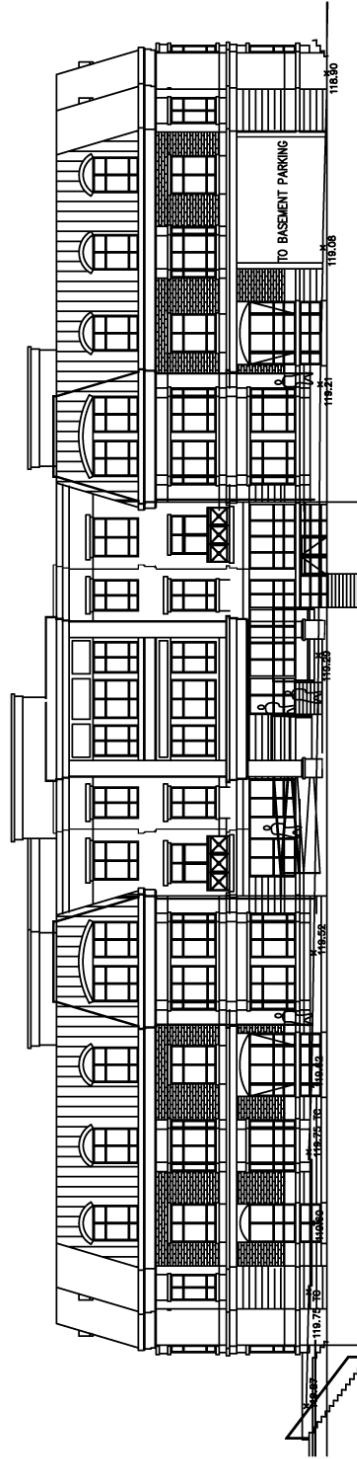
Attachment 2: Elevations



South Elevation



North Elevation



West Elevation (Morrish Road)

363 Old Kingston Road

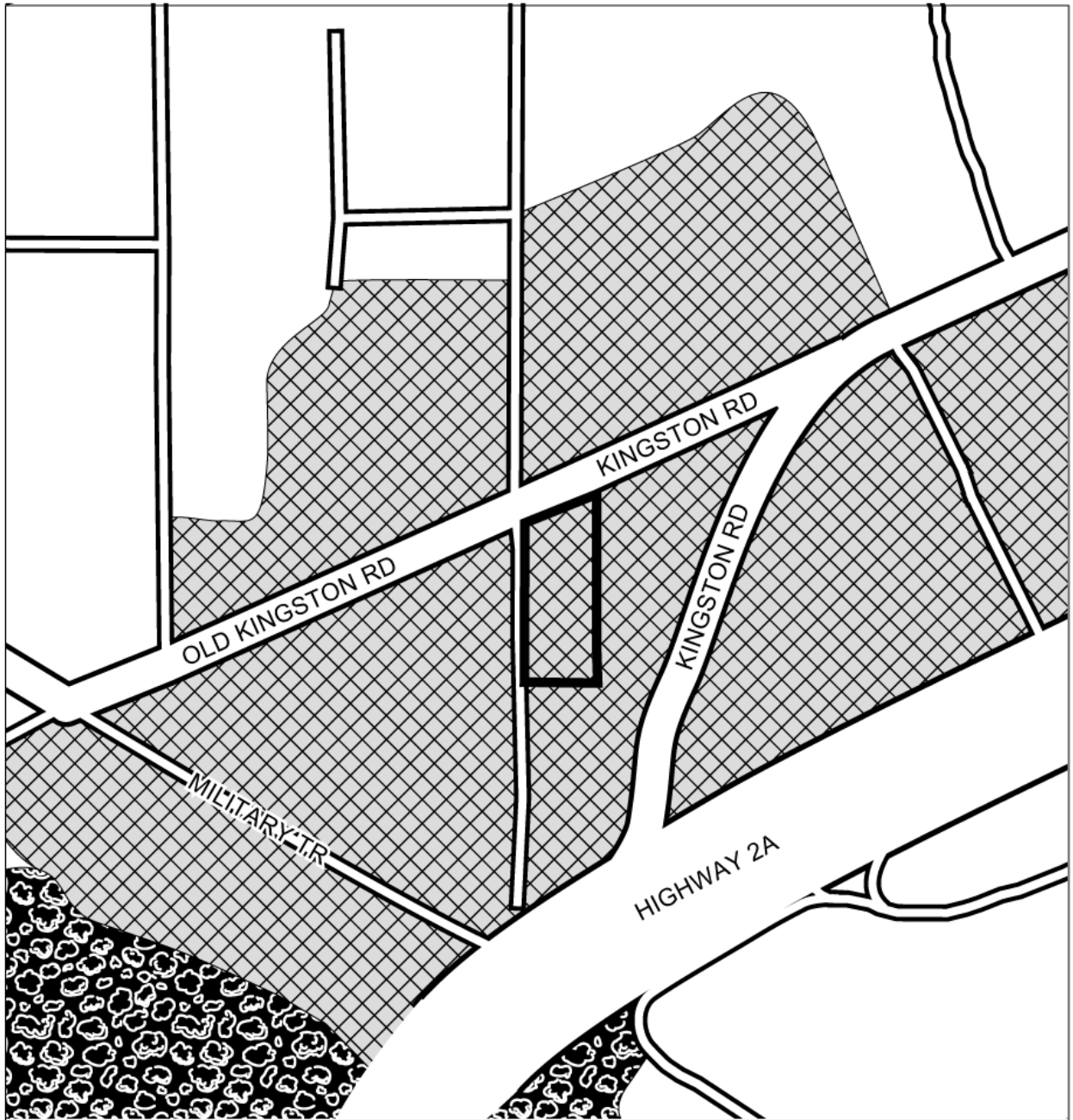
Elevation Plans

Applicant's Submitted Drawing

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File # 10-201252 OZ; 10-201690 SA

Attachment 3: Official Plan



TORONTO City Planning
Official Plan

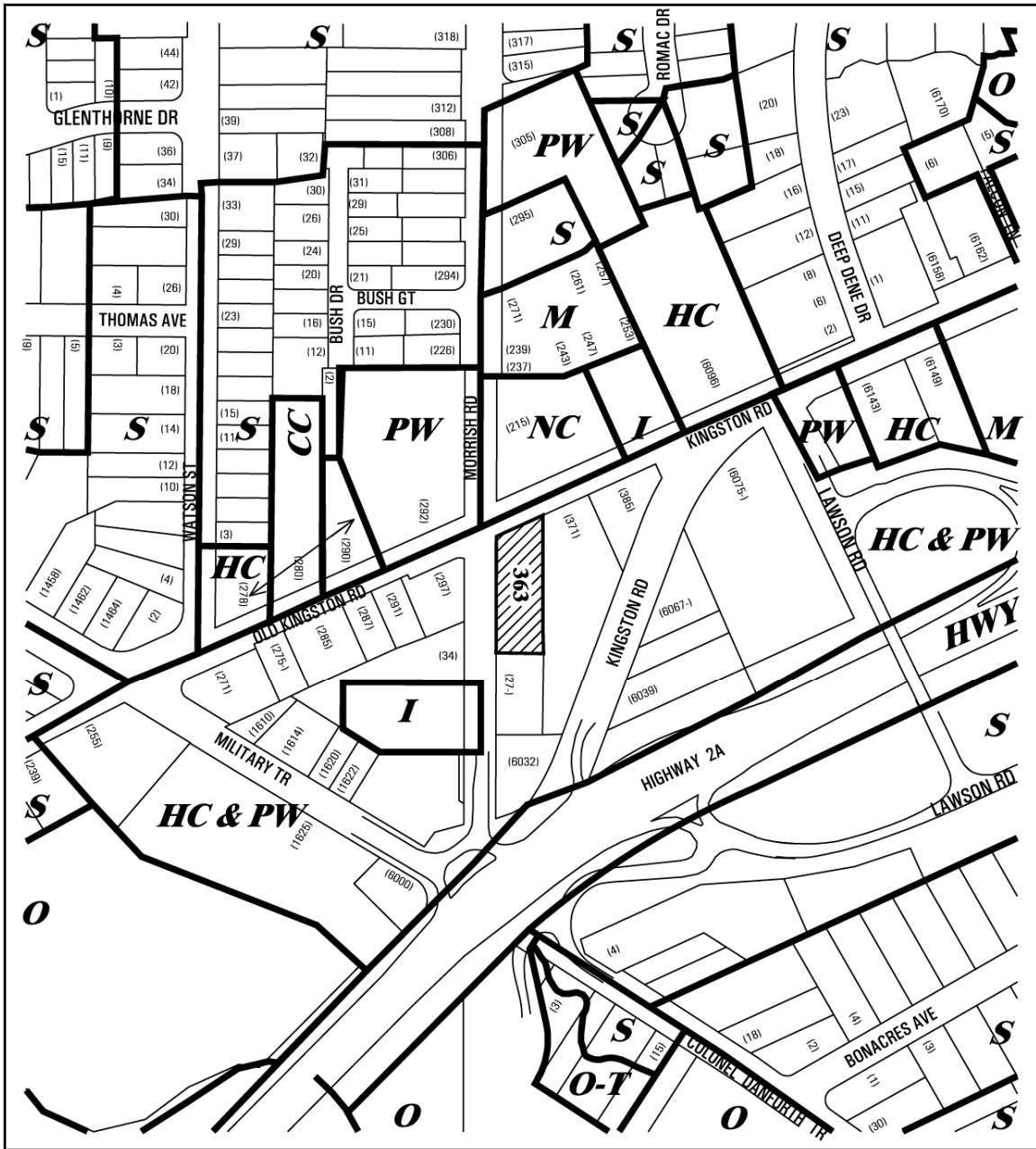
363 Old Kingston Road

File # 10-201252 OZ, 10-201690 SA

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Natural Areas

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 07/05/10

Attachment 4: Zoning



TORONTO City Planning Division
Zoning

363 Old Kingston Road
 File # 10-201252 OZ; 10-201690 SA

- | | |
|--------------------------------------|--|
| S Single-Family Residential | HC Highway Commercial |
| M Multiple-Family Residential | PW Placel(s) of Worship |
| NC Neighbourhood Commercial | O Major Open Spaces |
| CC Community Commercial | O-T Temporary Major Open Spaces |
| I Institutional | HWY Highway |

Highland Creek & Centennial Community Bylaws
 Not to Scale
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Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	10 201252 ESC 44 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 21, 2010

Municipal Address: 363 OLD KINGSTON RD
 Location Description: CON 1 PT LOT 6 **GRID E4404
 Project Description: To construct a 3 storey, 39 unit multiple-family residential building with 55 below grade parking spaces.

Applicant:	Agent:	Architect:	Owner:
MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING			ROMLEK ENTERPRISES INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	HC & PW	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2350	Height:	Storeys:	3	
Frontage (m):	0		Metres:	12.9	
Depth (m):	0				
Total Ground Floor Area (sq. m):	1078.98				Total
Total Residential GFA (sq. m):	3559		Parking Spaces:	55	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	3559				
Lot Coverage Ratio (%):	45.91				
Floor Space Index:	1.51				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	3559	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	6	Office GFA (sq. m):	0	0
2 Bedroom:	22	Industrial GFA (sq. m):	0	0
3 + Bedroom:	11	Institutional/Other GFA (sq. m):	0	0
Total Units:	39			

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