

**2901 & 2925 Sheppard Avenue East- Rezoning
Application – Final Report**

Date:	July 26, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	10 107303 ESC 40 OZ

SUMMARY

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

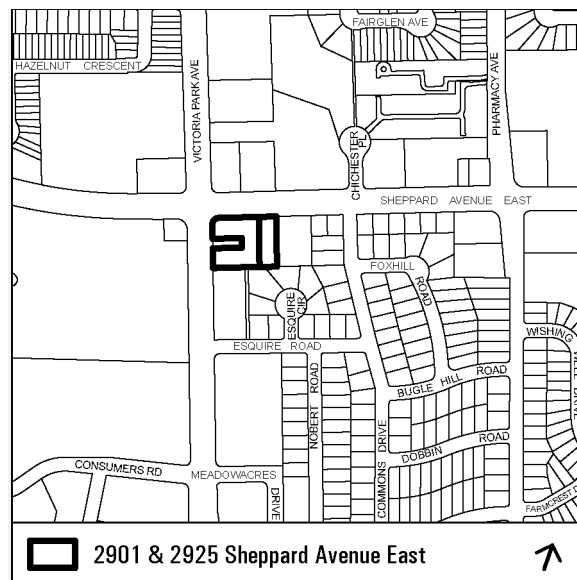
This applicant has submitted a rezoning application for the lands at 2901 and 2925 Sheppard Avenue East to permit the construction of a 3-storey, mixed-use building with the first 2 storeys being used for retail purposes and the third floor for medical offices. The applicant has also filed an application for site plan approval.

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 Zoning By-law No. 10717 (Sullivan Community) for the lands at 2901 and 2925 Sheppard Avenue East, substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 8.



2. City Council amend Site Plan Control By-law No. 21319 for the lands at 2901 and 2925 Sheppard Avenue East, substantially in accordance with the draft site plan control by-law amendment attached as Attachment No. 9.
3. 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.

ISSUE BACKGROUND

Proposal

On January 20, 2010, MHBC Planning on behalf of Pelican (Vic Park) Commercial Inc., applied for a zoning by-law amendment and site plan approval to permit a three-storey, mixed use retail/office building. The site has frontage on two streets; Victoria Park Avenue and Sheppard Avenue East, with vehicular access on both streets. The proposed building will have a gross floor area of 2,691 square metres, of which 1,891 square metres will be for the retail portion located on the first and second storeys. The third storey will contain 801 square metres of medical office space. The applicant is proposing a total of 90 surface parking spaces predominantly located at the rear of the building. See Attachment 7: Application Data Sheet.

The applicant has previously attempted to consolidate the property at 2595 Victoria Park Avenue, known as Johnny's Burgers to comprehensively redevelop this entire corner. However, an agreement to re-build and relocate the existing restaurant could not be secured with the owner. The applicant has, therefore, proceeded on the basis of a phased Master Plan which does not preclude further intensification of the lands in the future.

Site and Surrounding Area

The 6,076 square metre (1.50 acre) site is located on the east side of Victoria Park Avenue, south of Sheppard Avenue East. The site was previously used as a service station. Demolition of the building and remediation of the site has occurred and the lands are currently vacant. Immediately abutting the site to the south is an existing restaurant (Johnny's Burgers), which will be maintained and is not subject to this application.

Surrounding uses are as follows:

North:	1 and 2-storey retail plaza
East:	vacant lot and low rise detached residential uses
West:	1 storey commercial use, and 2 to 8-storey office buildings
South:	1 storey commercial building
South East:	low rise detached residential 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the application and find it consistent with the PPS and in conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site as "Mixed Use Areas" on the Land Use Plan with an "Avenues" overlay on both the Sheppard Avenue and Victoria Park Avenue frontages. "Mixed Use Areas" are to be made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. "Avenues" are intended to accommodate the majority of new population and employment growth.

Zoning

The subject site is split zoned under Sullivan Community Zoning By-law No. 10717. The portion of the site municipally addressed as 2901 Sheppard Avenue East is within the Highway Commercial Uses (HC) zone. The portion of the site addressed as 2925 Sheppard Avenue East is within the Single Family Residential (S) zone. Specialized retail and office uses are permitted within the Highway Commercial zone. The Single Family Residential zone permits the following uses: Correctional Group Homes, Group Homes, and Single-Family Dwellings.

Site Plan Control

All of the lands, with the exception of the eastern portion of the site (2925 Sheppard Avenue East), are located within a site plan control area. It is recommended that these lands (2925 Sheppard Ave East) be placed under site plan control. A draft amendment to the site plan control by-law is attached as Attachment No. 9. A related site plan control application, File No. 10 107306 ESC 40 SA has been submitted for the 3-storey, mixed use building. Staff is finalizing its review.

Transit City Light Rail Plan – Sheppard East LRT

The Sheppard East LRT is proposed to extend from Don Mills station east to Conlins Road. Detailed engineering of selected segments is underway and construction has started. Once completed, the Sheppard East LRT will provide an enhanced level of public transit within the Sheppard Corridor and a direct connection to the Sheppard Subway.

Reasons for Application

An amendment to the zoning by-law is required to permit the proposed office/retail building over the entire lands as the proposed use is not permitted in the Single Family Residential (S) zone.

Community Consultation

A community consultation meeting was held on April 13, 2010 at St John’s United Church. A total of 4 residents attended. The residents were generally satisfied with the proposed development. Questions relating to the size and type of fencing around the perimeter of the site, sewer capacity, and parking were discussed and are addressed in this report.

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

Land Use

“Avenue” policies relating to intensification promote, among other things, streetscape improvements, a mix of uses, use of transit, sustainable building design and an attractive, safe environment. The proposed development is consistent with the general framework for “Avenues” as new commercial opportunities and jobs are being created; pedestrian connections are provided, the Victoria Park Avenue and Sheppard Avenue East streetscapes will be improved; and transit service will benefit from the expected increase in demand and ridership resulting from people accessing the site for work and to shop.

The proposal is consistent with the Official Plan mixed use policies providing for a mix of office and retail uses along a major arterial road. The City encourages mixed-use developments along major arterial roads as they help to re-urbanize the area while maintaining commercial amenities nearby that help animate the streetscape, provide jobs and serve the neighbourhood.

The retail and office uses are permitted on the western portion of the site zoned Highway Commercial. Given the surrounding commercial and office uses and the site’s location at the intersection of two major arterial roads, permitting these uses on the eastern portion of the site (2925 Sheppard Avenue), is appropriate

Massing, Height & Siting

The Built Form policies of the Toronto Official Plan require new development to be massed harmoniously to fit within its urban context. From a built form and massing perspective, the proposal is consistent with the surrounding area, and assists in defining the Sheppard Avenue East and the Victoria Park Avenue street edge. The main building entrances are visible and accessible from the sidewalk and the height and pedestrian connection at the corner of Sheppard Avenue East and the Victoria Park Avenue help give prominence to the street corner. The building appropriately frames and addresses the public street, and has an appropriate relationship with the neighbouring uses. In this instance the proposed 3 storey height and the siting of the building does fit within its context and is consistent with the built form policies of the Official Plan.

Throughout the process staff encouraged the applicant to increase building height and density since its location at this prominent intersection could support increased development. Prior to submission of an application and throughout the approvals process the applicant attempted to incorporate the property at 2595 Victoria Park Avenue (Johnny's Burgers) in order to develop the entire corner comprehensively. They have been unsuccessful in securing the Johnny's Burger site and have decided to moved forward with the proposed development. As directed by staff, the applicant has provided a future development conceptual plan which incorporates this additional site, showing a possible further intensification of the site in conjunction with the existing development. As this future intensification is not prevented by the current proposal, staff can support the level of intensification proposed.

Landscaping and Fencing

In order to address comments from area residents and to mitigate visual and noise impacts on the adjacent residential community to the south, the applicant has proposed a 1.0 metre landscape strip along the south property line and a 3.0 metre landscape strip along the east property line as well as a 2.1 metre acoustical fence on both sides. The fence will provide a visual and acoustical buffer between the activities associated with a commercial building and residential neighbourhood.

In order to "green" the site the applicant is proposing to plant trees and shrubs along the street frontage, property lines, and within the parking areas as shown on the Site Plan (Attachment 1). The addition of these plantings will help mitigate the heat island effect.

Traffic Impact, Access, Parking and Servicing

The applicant has submitted a Traffic Impact Study prepared by BA Group dated January 2010, in order to determine appropriate traffic controls, vehicular access points and to identify the necessity for transportation improvements. The study concluded traffic generated by the proposed development can be accommodated by the existing street network.

Right-in/right-out vehicular access/egress from the Victoria Park Avenue and Sheppard Avenue East driveways provide for the efficient movement of vehicles. Secondary

access to/from the Johnny's Burgers site will be maintained through an existing easement across the subject lands allowing circulation to continue. Transportation Services 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. The additional traffic generated by this development would not cause a significant increase in daily traffic on the area streets.

The proposal provides for a minimum of 90 parking spaces, the majority of which will be located towards the interior of the site. The proposed access, parking arrangement and parking spaces are acceptable to staff.

Technical Services staff have also determined that the proposed development can adequately be serviced by existing infrastructure.

Streetscape

There are no existing street trees within the adjacent boulevard. The Sheppard Avenue streetscape will be designed in accordance with the detailed boulevard design related to the Sheppard East LRT. The applicant has proposed to mass the building on the street frontages to better define the street edge at Victoria Park Avenue and Sheppard Avenue East. The applicant has also located the building on the site toward Victoria Park Avenue and Sheppard Avenue East away from the residential area to the south.

Toronto Green Standard

As of January 31, 2010, new planning applications including site plan approval are required to meet the Tier 1 environmental performance measures. Since the application was submitted on January 20, 2010, the Toronto Green Standard's Tier 1 is not a requirement but strongly advised. The applicant has shown a willingness to meet many of the City's Green Standards. Based on the applicant's submission, some of the targets that the development will meet include: 20% of materials harvested, manufactured and supplied within 800 km of project, dedicated parking spaces for ultra low emissions vehicles, secured bicycle storage for long term parking, combination of a green roof and white roof covering 75% of the roof, all runoff retained on the site from small design rainfall events, and all fixtures meet efficiency standards. All TGS development features will be secured in the site plan agreement.

Development Charges

It is estimated that the development charges for this project will be \$253,616.38. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Elevations

Attachment 4: Elevations

Attachment 5: Elevations

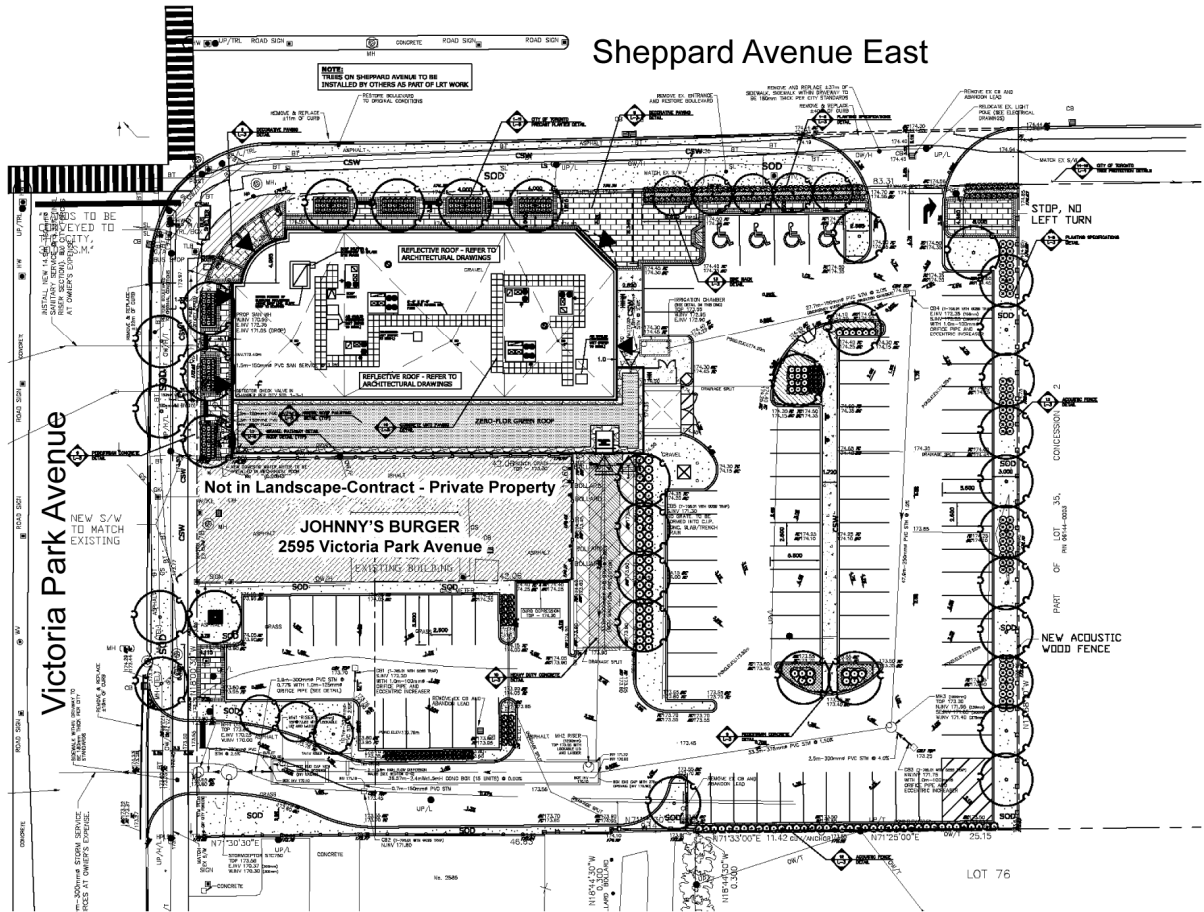
Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

Attachment 9: Draft Site Plan Control By-law

Attachment 1: Site Plan



Site Plan

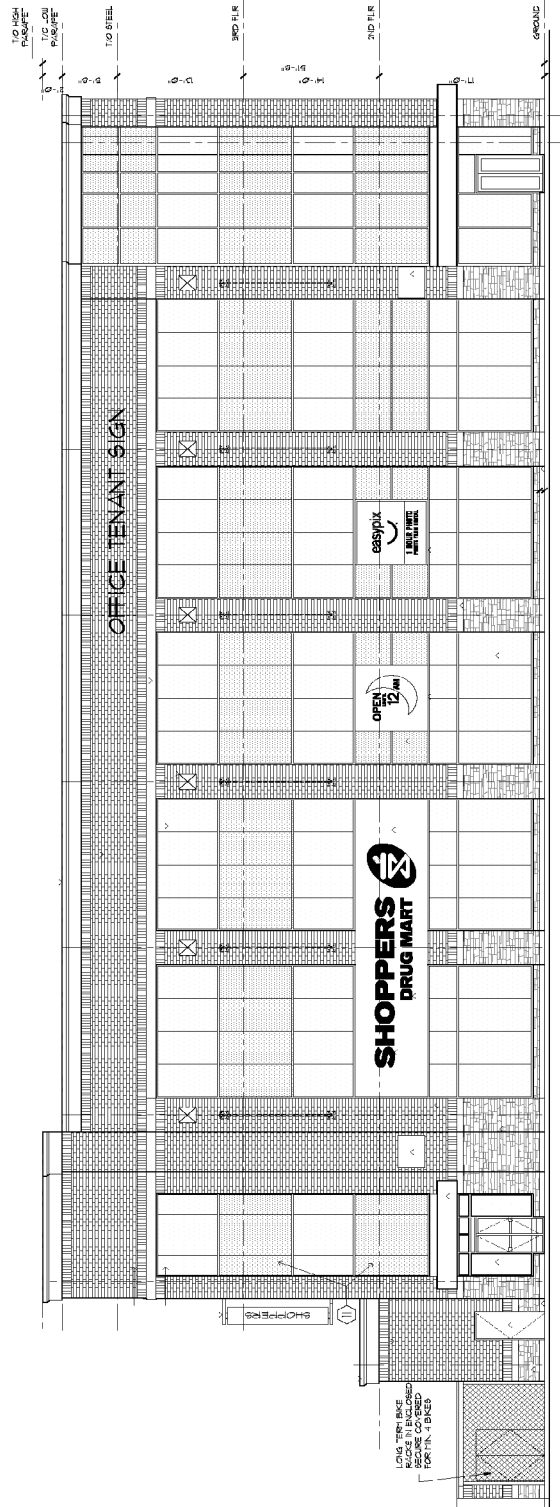
2901 & 2925 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 

File # 10_107303 OZ

Attachment 2: Elevations



North Elevation

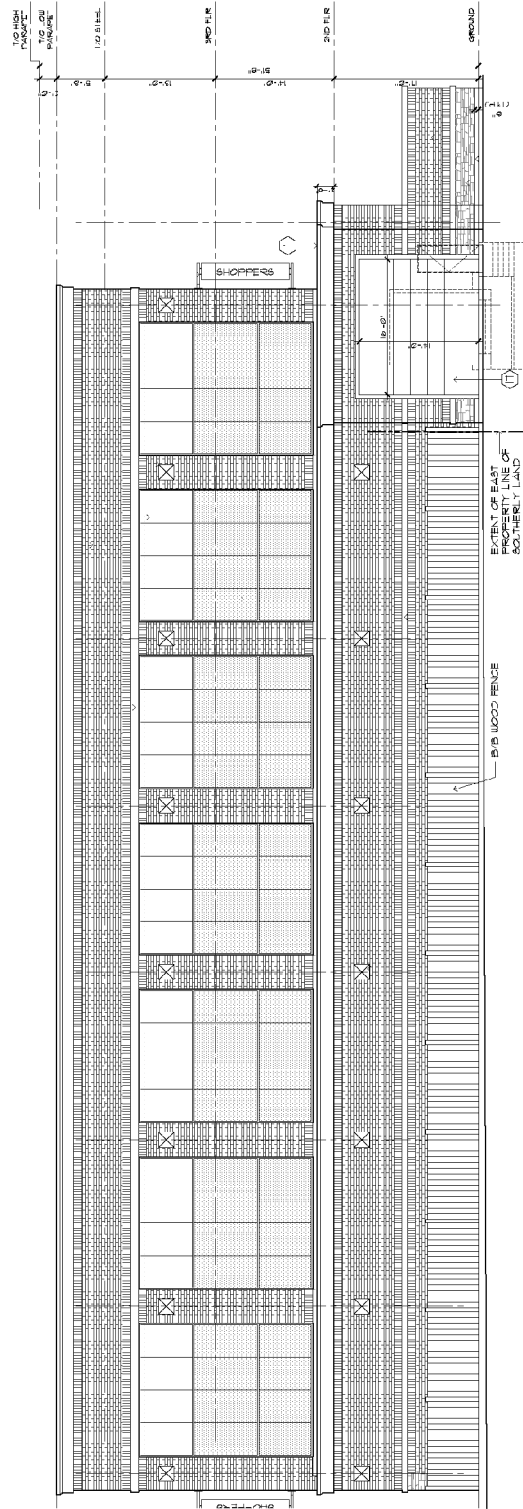
Applicant's Submitted Drawing

Not to Scale
06/15/10

2901 - 2925 Sheppard Avenue East

File # 10-107303 0Z

Attachment 3: Elevations



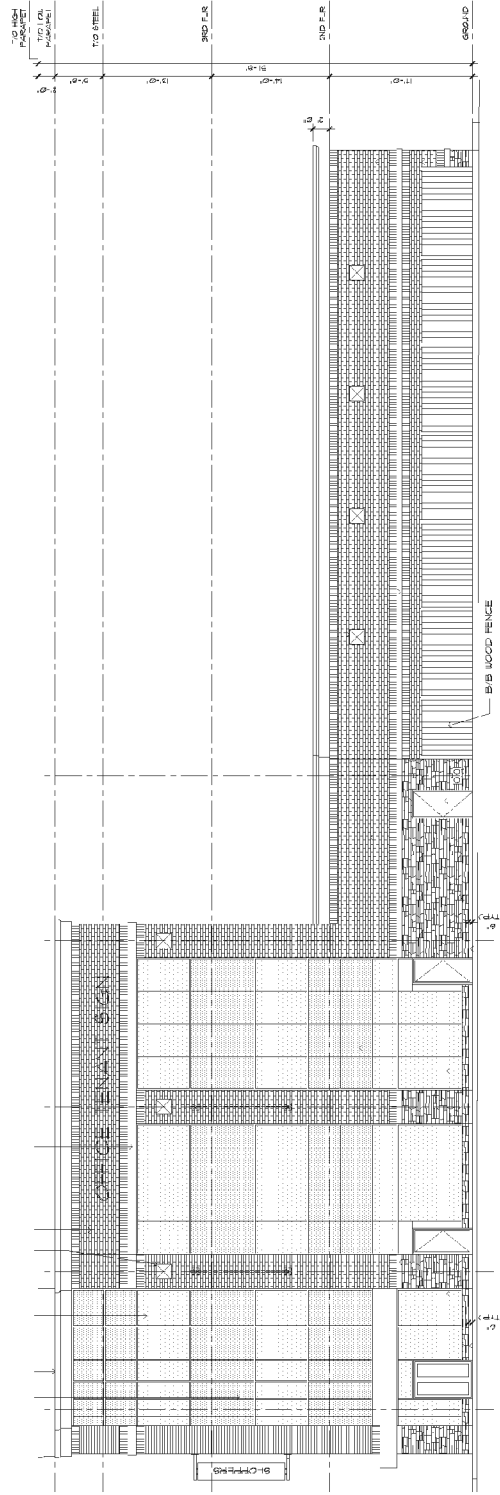
South Elevation
 Applicant's Submitted Drawing
 Not to Scale
 06/15/10

2901 - 2925 Sheppard Avenue East

File # 10-107303_02

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Attachment 4: Elevations



West Elevation

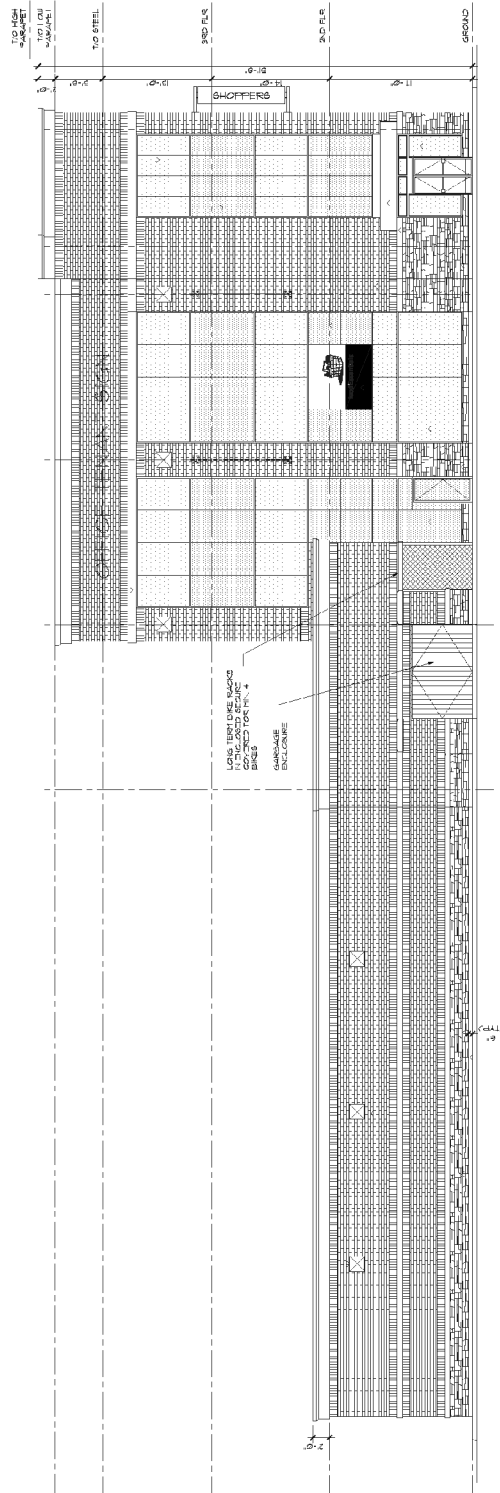
Applicant's Submitted Drawing

Not to Scale
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2901 - 2925 Sheppard Avenue East

File # 10-107303 0Z

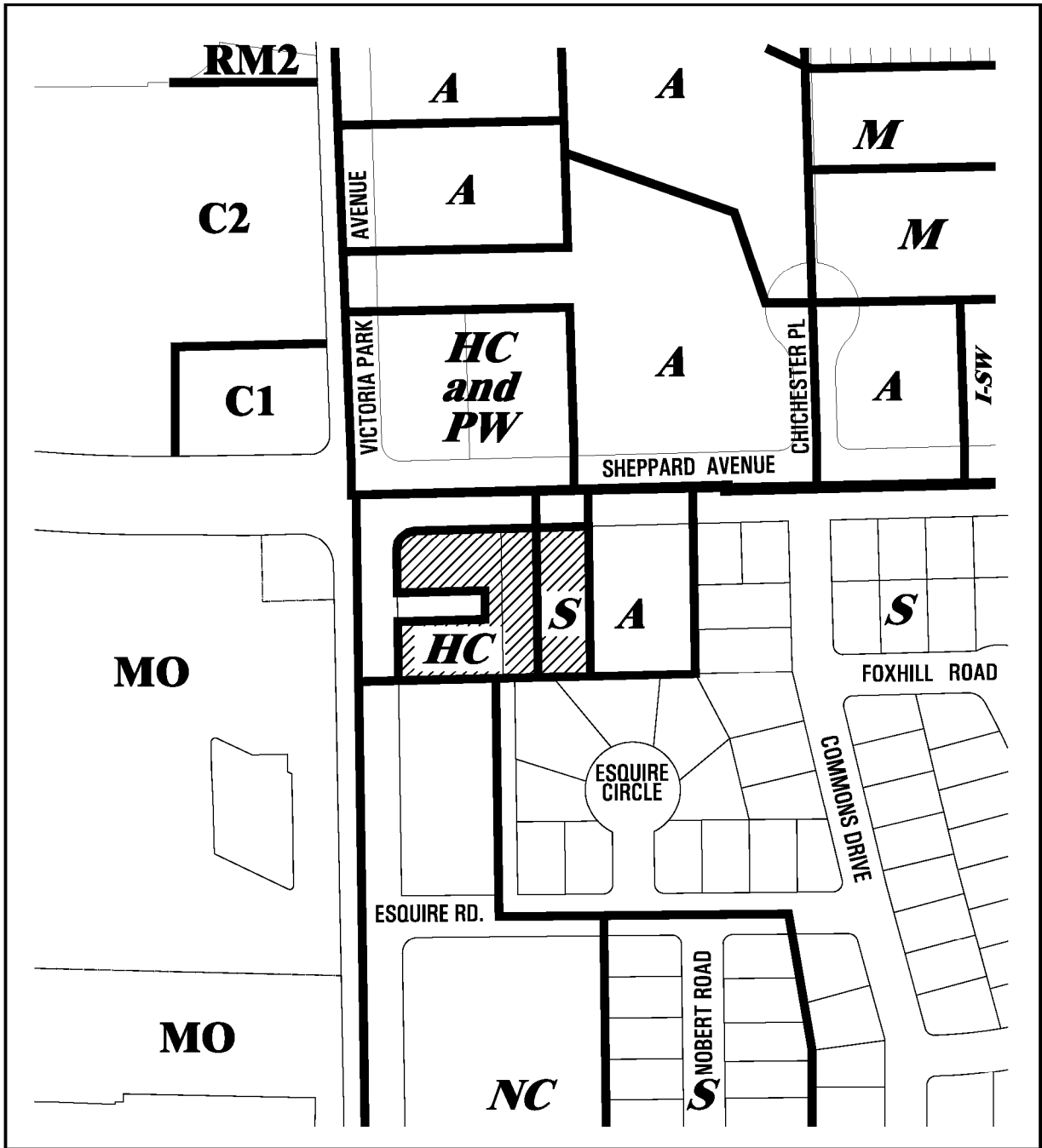
Attachment 5: Elevations



East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 06/15/10

2901 - 2925 Sheppard Avenue East
 File # 10-107303 0Z

Attachment 6: Zoning



Toronto City Planning Division
Zoning

2901-2925 Victoria Park
 File # 10-107303 OZ

<i>S</i> Single Family Residential	<i>HC</i> Highway Commercial	<i>C</i> Former City of North York By-law 7625	Sullivan Community
<i>M</i> Multiple Family Residential	<i>PW</i> Place(s) of Worship	<i>MO</i> Commercial, Institutional & Industrial Density	Not to Scale
<i>NC</i> Neighbourhood Commercial	<i>LSW</i> Institutional - Social Welfare	<i>RM</i> Industrial - Business Park	02/05/10
<i>CC</i> Community Commercial			↑

Attachment 7: Application Data Sheet

Application Type	Rezoning & Site Plan Control	Application Number:	10 107303 ESC 40 OZ 10 107306 ESC 40 SA
Details	Rezoning, Standard	Application Date:	January 20, 2010
Municipal Address:	2901 & 2925 SHEPPARD AVENUE EAST		
Location Description:	CON 2 PT LT35 **GRID E4003		
Project Description:	Proposed rezoning to permit a 3-storey commercial building with retail on floors 1 and 2 and office (medical) on the third floor.		

Applicant:	Agent:	Architect:	Owner:
MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING			PELICAN (VIC PARK) COMMERCIAL INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	HC-Highway Commercial S- Single Family Residential	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y- 2901 Sheppard Ave E N- 2925 Sheppard Ave E

PROJECT INFORMATION

Site Area (sq. m):	6075.94	Height:	Storeys:	3
Frontage (m):	58.33		Metres:	15.72
Depth (m):	92.33			
Total Ground Floor Area (sq. m):	1088.7			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	90
Total Non-Residential GFA (sq. m):	2690.89		Loading Docks	1
Total GFA (sq. m):	2690.89			
Lot Coverage Ratio (%):	17.92			
Floor Space Index:	0.44			

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):	1889.8
1 Bedroom:	0	Office GFA (sq. m):	801.09
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Michael Mestyan, Senior Planner
	TELEPHONE:	416-396-7026

Attachment 8: 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. ~-2010

**To amend the Sullivan Community Zoning By-law No. 10717, as amended,
With respect to the lands municipally known as,
2901 & 2925 Sheppard Avenue East**

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 “1” to By-law No. 10717, is hereby amended deleting the existing zoning and replacing with the following Highway Commercial, HC-29-49-126-127 zone.
2. PERFORMANCE STANDARDS CHART – SCHEDULE “B” – is hereby amended by adding the following performance standards 126 & 127:
 126. A 1.0 m strip of land immediately abutting “S” zones shall not be used for any purpose other than landscaping.
 127. The **Gross Floor Area** of all buildings shall not exceed 45% of the lot area.

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

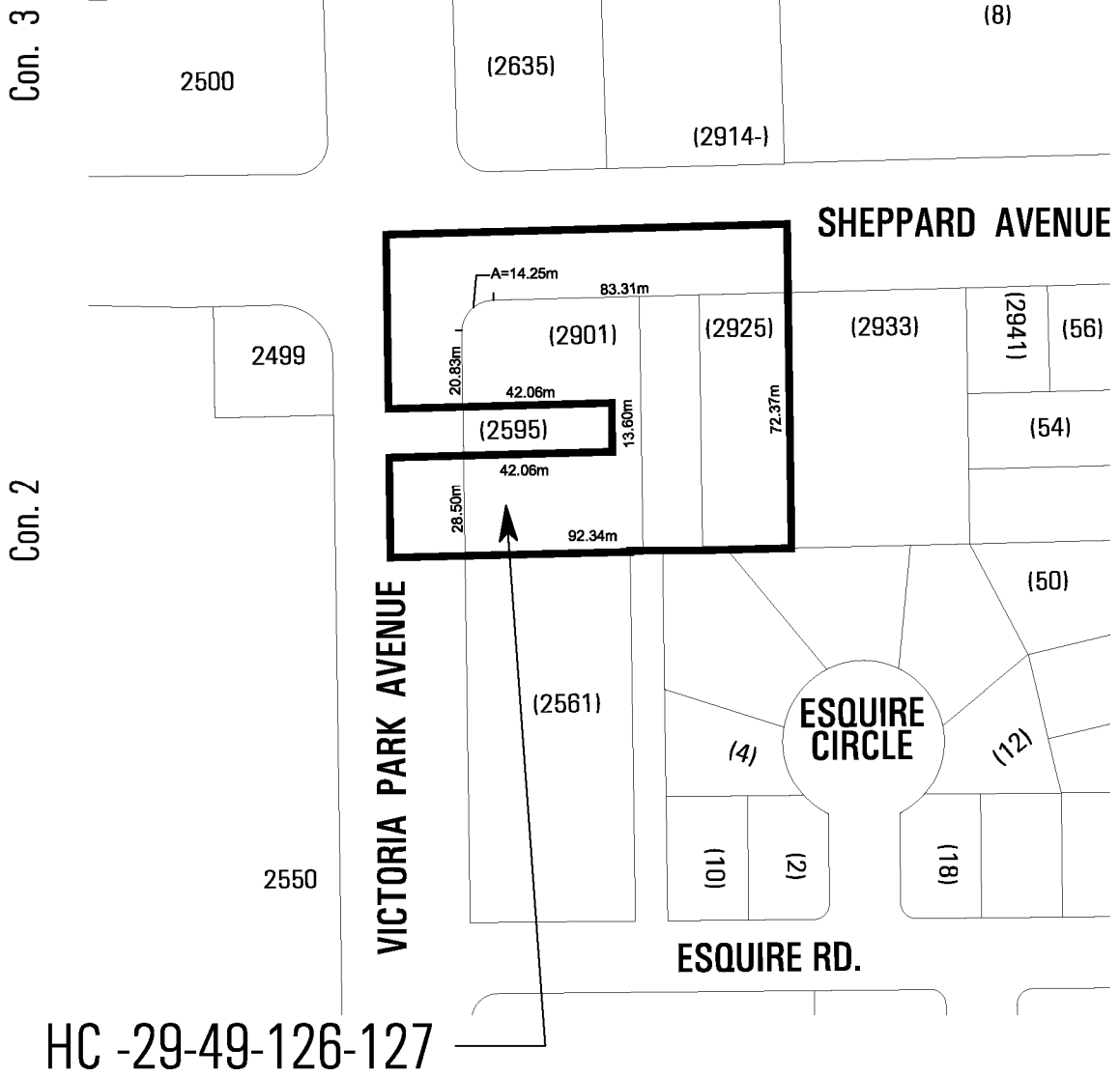
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35



HC -29-49-126-127

TORONTO City Planning Division
Zoning By-Law Amendment

2901 & 2925 Sheppard Avenue East
 File # 10-107303 OZ

 Area Affected By This By-Law

Sullivan Community Bylaw
 Not to Scale
 06/17/10



Attachment 9: Draft Site Plan Control By-law

Authority: Scarborough Community Council Item ~ [or Report 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 Site Plan Control By-law No. 21319, as amended, of the former City of Scarborough, to designate a Site Plan Control Area, with respect to a portion of the lands known municipally in the year 2010 as 2925 Sheppard Avenue East

WHEREAS authority is given to Council by Section 41 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and Section 114 of the *City of Toronto Act*, S.O. 2006, to designate the whole or any part of the area covered by an Official Plan as a Site Plan Control Area;

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

- 1.** By-law no. 21319 is amended by designating the land shown outlined by a heavy black line on Schedule '1' of this By-law as a Site Plan Control Area.

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

DAVID R. MILLER,
Mayor

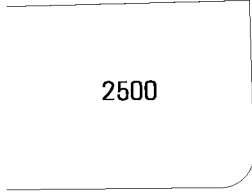
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35

Con. 3

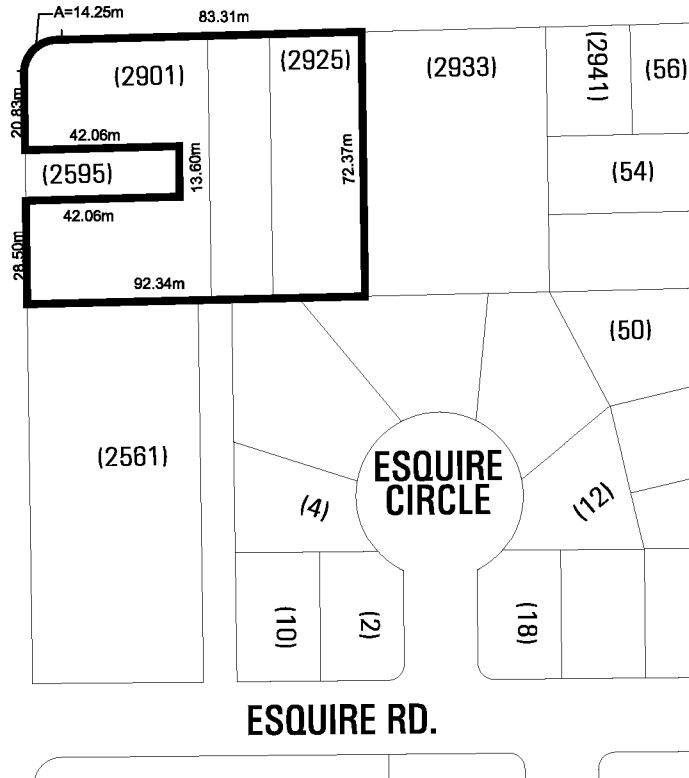


SHEPPARD AVENUE

Con. 2



VICTORIA PARK AVENUE



ESQUIRE RD.



Site Plan Control Amendment

2901 & 2925 Sheppard Avenue East

File # 10-107303 OZ



Area Affected By This By-Law

Sullivan Community Bylaw
Not to Scale
06/17/10

