

Hydro Corridor Lands Immediately North of 2761 Markham Road – Rezoning Application – Final Report

Date:	August 18, 2011
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	11 129869 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.

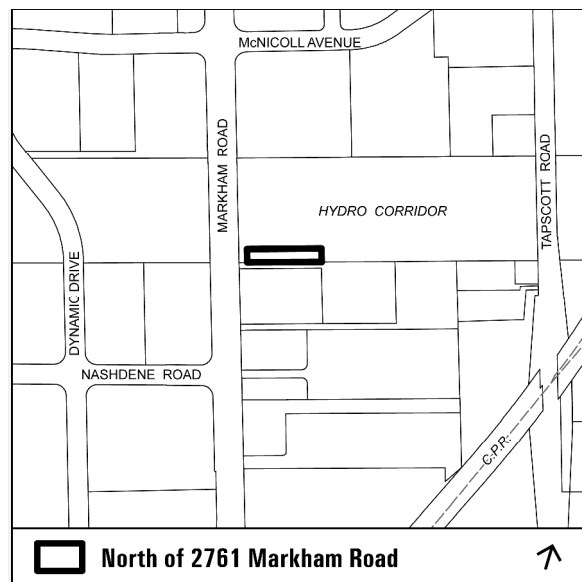
This application proposes to permit 71 ancillary parking spaces on the hydro lands located immediately to the north of 2761 Markham Road.

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 Tapscott Employment District (West) Zoning By-law for the lands immediately north of 2761 Markham Road substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4
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.
3. Before introducing the necessary Bill for enactment, City Council require the owner to:
 - a. submit a site plan application to the satisfaction of the Director of Community Planning, Scarborough District, and
 - b. provide staff with a copy of a lease agreement between the applicant and Hydro for the use of the subject lands. This agreement must be to the satisfaction of the Director of Community Planning, Scarborough District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous planning decisions on the lands subject to this application.

However, the property located immediately to the south, 2761 Markham Road, is subject to Zoning By-law No. 1031-2010, enacted by City Council August 27, 2010. The purpose and effect of By-law No. 1031-2010 was to expand the range of permitted uses and introduce 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 a minimum of 111 parking spaces.

The Committee of Adjustment has previously heard four minor variance applications on the lands immediately south of the subject lands.

Minor Variance Application A153/08 SC was partially approved on June 25, 2008 to permit an increase in gross floor area to 0.76 times the area of the lot for all buildings (6 224 square metres [66,997 square feet]), 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 feet).

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.

Minor Variance Application A013/11SC was approved on March 15, 2011 to permit a place of worship in the multi-occupancy industrial and commercial buildings under construction at 2761 Markham Road. The zoning by-law permits places of worship in

Industrial Zones and Offices Uses Zones, but only as a sole use on a lot (or in conjunction with a day nursery).

Lastly, minor variance A094/11SC was approved on July 20, 2011 to permit a grocery store and a take-out restaurant on the lands immediately south of the subject lands.

ISSUE BACKGROUND

Proposal

The lands subject to this application are part of the hydro corridor and are located immediately north of 2761 Markham Road. This application proposes to permit 71 additional parking spaces on these hydro lands to be available to customers at 2761 Markham Road.

The lands immediately south of the subject lands have been rezoned to permit 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. A total of 111 surface parking spaces are provided.

Vehicular access to the proposed ancillary parking lot is provided from Markham Road via rights-of-way over one driveway, immediately to the south of the site. These driveways also serve two other properties located immediately east of the subject lands. See Attachment 1: Site Plan.

Site and Surrounding Area

The site is approximately 0.28 hectares (.71 acres) in area, having approximately 29 metres (95 feet) of frontage on Markham Road with a depth of about 99 metres (325 feet). The site is vacant, generally flat and located within the hydro corridor which is approximately 135 metres (443 feet) wide at this location. No other uses are currently located within this portion of the hydro corridor.

Surrounding land uses:

North: Hydro Corridor/Industrial Uses

South: Industrial uses with limited small-scale retail and service uses (2761 Markham Road)

East: Industrial Uses

West: Industrial Uses (including 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan designates the subject lands as Utility Corridors on Map 22 Land Use Plan. Policy 2 of the Utility Corridors designation identifies hydro corridors as being used primarily for the transmission of energy. They may also be used for secondary purposes such as parks, pedestrian and bicycle trails, agriculture, parking lots, open storage, essential public services, storm water management ponds, public transit utilities and garden centres with temporary buildings.

Secondary uses in hydro corridors will:

- be compatible with the primary use of the corridor and the existing and proposed use of adjacent lands in terms of environmental hazard, visual impacts, grading and site drainage;
- protect for potential road and public transit corridors, where appropriate; and
- protect for an open space corridor link to develop or extend pedestrian or bicycle trails, where appropriate.

Utility Corridors play a vital role in the City as corridors for the transmission of energy, communication and the movement of people and goods. Utility Corridors mainly consist of rail and hydro rights-of-way. These linear corridors are a defining element of the landscape fabric of the City and many of these corridors also serve important local functions such as parkland, sport fields, pedestrian and cycling trails and transit facilities. These corridors should be protected for future public transit routes and linear parks and trails.

Zoning

The subject lands are zoned Industrial (M) by the Tapscott Employment District (West) Zoning By-law. Uses in the Industrial (M) Zone include day nurseries, educational and training facility uses, industrial uses, offices, excluding medical and dental offices, places of worship and recreational uses. Private parking lots are not permitted.

Site Plan Control

The subject lands are located within a site plan control area. Accordingly, the applicant has been advised and will be submitting a site plan control application.

Reasons for Application

The Industrial (M) Zone designation on the subject lands would need to be amended in order to permit an ancillary private parking lot. The private parking lot would complement the required parking located at 2761 Markham Road, immediately south of the subject lands.

Community Consultation

A community consultation meeting was held on July 19, 2011. 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.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It will provide for an efficient development pattern and use of land and utilize cost-effective development standards to minimize land consumption and servicing costs.

For the same reasons the proposal conforms to and does not conflict with the growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands subject to this application are part of the hydro corridor and are located immediately north of 2761 Markham Road. This application proposes to permit 71 additional parking spaces on these hydro lands to be available to customers at 2761 Markham Road.

The Toronto Official Plan designates the subject lands as Utility Corridors on Map 22 Land Use Plan. Policy 2 of the Utility Corridors identifies hydro corridors being used primarily for the transmission of energy. They may also be used for secondary purposes such as parks, pedestrian and bicycle trails, agriculture, parking lots, open storage, essential public services, storm water management ponds, public transit utilities and garden centres with temporary buildings.

The proposed use of the subject lands for ancillary parking is compatible with the primary use of the corridor, that being the transmission of electricity. The proposed ancillary parking is also complementary to the existing industrial/commercial

development immediately to the south. Through the site plan approval process, staff will ensure that there will be no environmental hazards, negative visual impacts or drainage issues that will affect abutting properties.

It should be noted that a lease agreement with Hydro typically can be terminated if required by Hydro, with 90 days notice in the unlikely event that Hydro should need to use some or all of the subject lands for transmission or related purposes. The maximum term for licenses is 5 years, with options for renewal.

Therefore, any future road and/or transit corridors and/or additional lines are always protected. This could also include protection for any future open space corridor link to develop or extend pedestrian or bicycle trails. In any event, the parking lot only occupies a 29 metre (95 ft.) wide portion of the 135 metre (443 ft.) wide Hydro right-of-way and should not prevent future Hydro or City of Toronto initiatives.

Staff find the proposed development of the subject lands for ancillary parking to be in conformity with the Official Plan designation and consistent with applicable official plan policies.

Land Use

The subject lands are zoned Industrial (M) by the Tapscott Employment District (West) Zoning By-law. Uses in the Industrial (M) Zone include day nurseries, educational and training facility uses, industrial uses, offices, excluding medical and dental offices, places of worship and recreational uses. Private parking lots are not permitted.

The lands immediately to the south of the subject lands have been developed as an industrial mall with limited retail. A total of 111 surface parking spaces are provided which meets the minimum by-law standards. The use of the subject lands for ancillary parking to complement the required parking is appropriate. Should the subject lands be needed to implement any future road/transit needs, a lease agreement can typically be terminated by Hydro at any time with notice and no parking shortfall will occur to the lands immediately to the south.

Access, Parking

Access to the subject lands will be via a mutual driveway immediately to the south of the subject lands, north of 2761 Markham Road. The applicant is proposing 71 ancillary parking spaces to complement the required parking spaces located on 2761 Markham Road.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with

financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Toronto Green Standards performance measures will be secured through the site plan approval process. Also, appropriate screening and landscaping may reduce the space and lot for parking, below the proposed 71 parking spaces.

CONTACT

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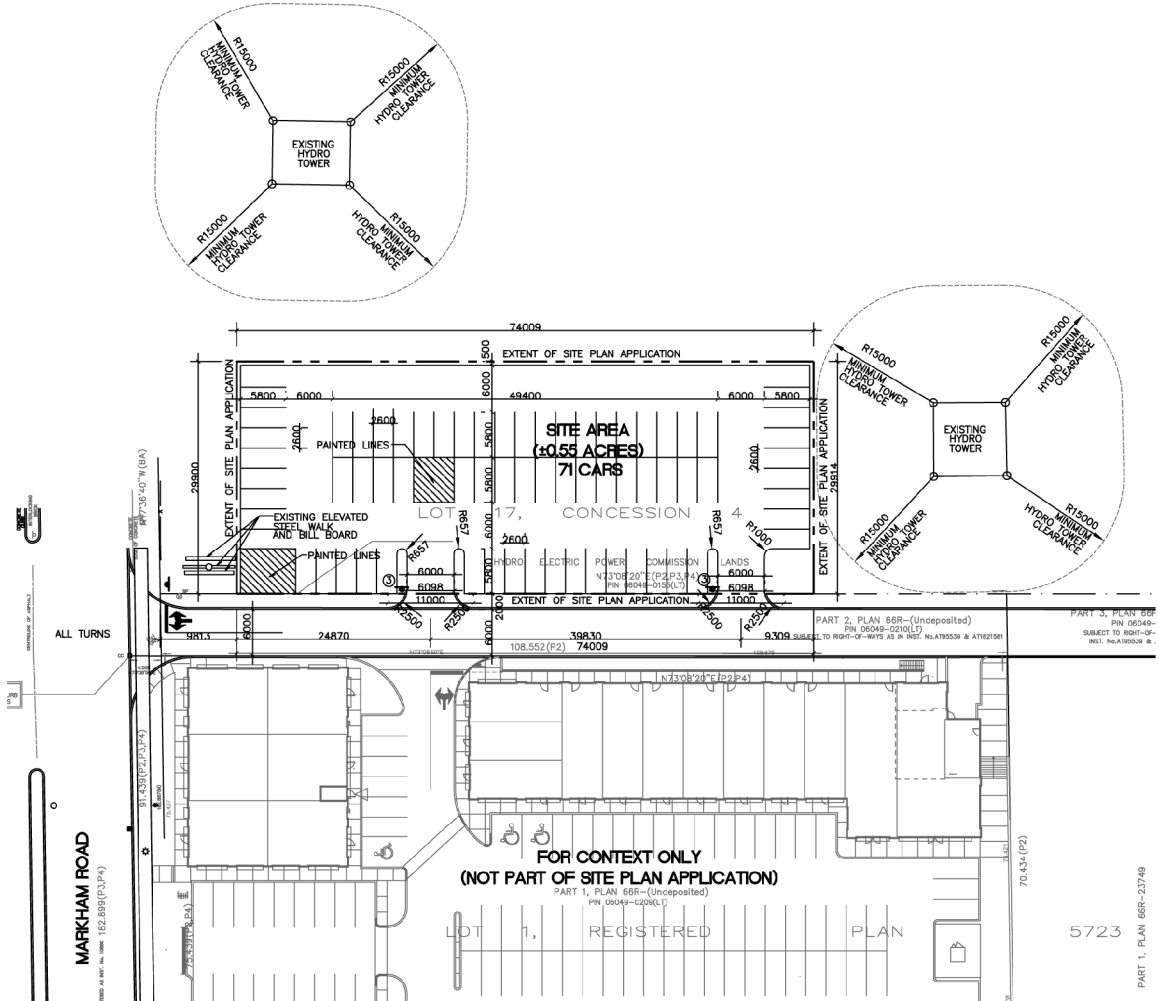
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

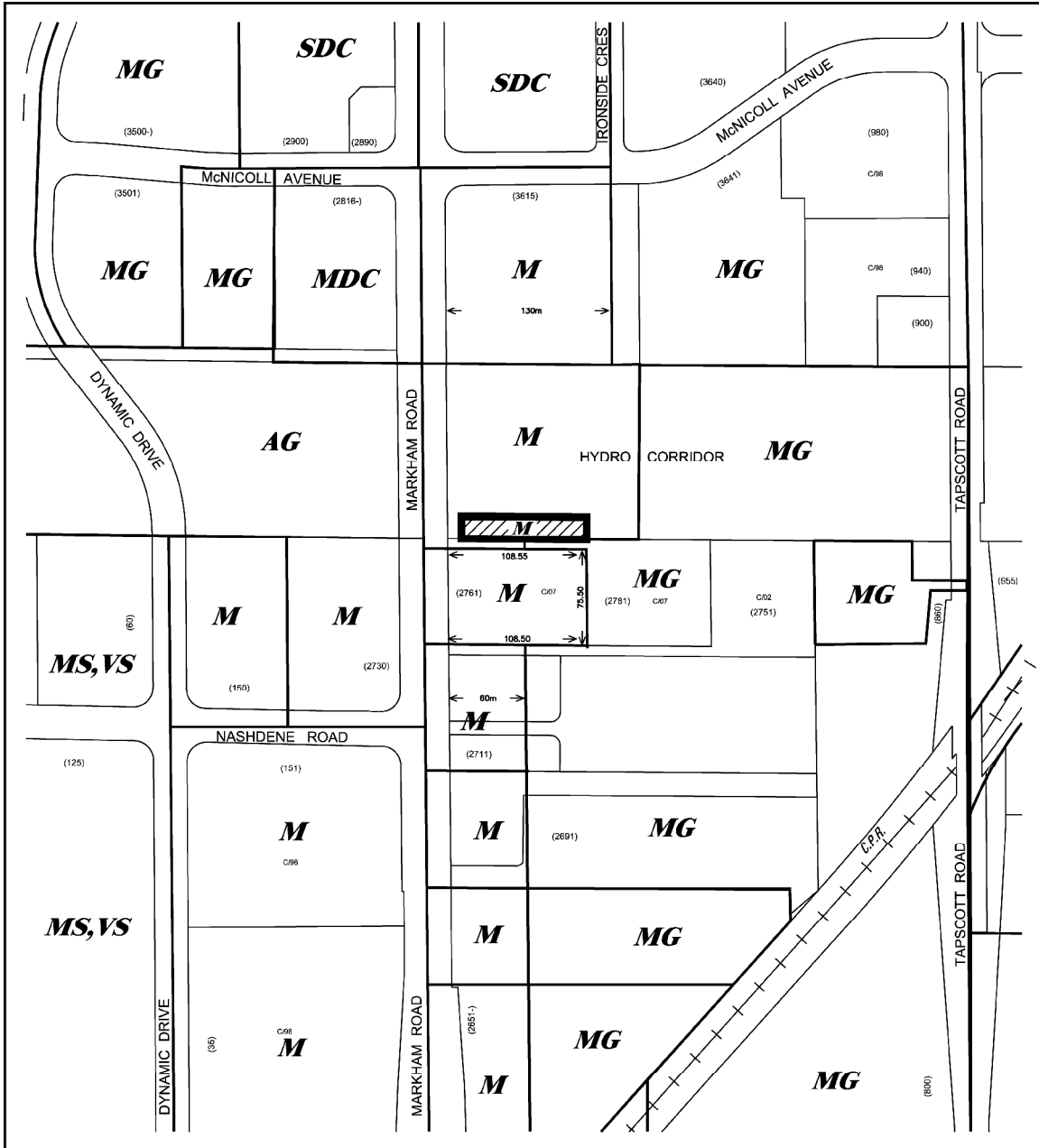
North of 2761 Markham Road

Applicant's Submitted Drawing

Not to Scale

File # 11 129869 ESC 42 OZ

Attachment 2: Zoning



Zoning Tapscott Employment District

North of 2761 Markham Road

File # 11 129869 ESC 42 0Z



Location of Application

M INDUSTRIAL ZONE
MDC INDUSTRIAL DISTRICT COMMERCIAL ZONE
MG GENERAL INDUSTRIAL ZONE
MS SPECIAL INDUSTRIAL ZONE

SDC SPECIAL DISTRICT COMMERCIAL ZONE
AG AGRICULTURAL ZONE



Not to Scale
 4/13/11

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	11 129869 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	February 18, 2011

Municipal Address: 2761 MARKHAM RD
 Location Description: PLAN 5723 PT LOT 1 RP 66R23749 PART 2 **GRID E4201
 Project Description: To permit required parking spaces on adjacent hydro corridor

Applicant:	Agent:	Architect:	Owner:
MARTIN RENDL ASSOCIATES			2133754 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	Industrial by-law: 1031-2010	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2 871	Height:	Storeys:	0
Frontage (m):	29		Metres:	0
Depth (m):	99			
Total Ground Floor Area (sq. m):	0		Total	
Total Residential GFA (sq. m):	0	Parking Spaces:	111 at 2761 Markham Rd 71 on Parking lot in adjacent Hydro Corridor	
Total Non-Residential GFA (sq. m):	0	Loading Docks	0	
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

Tenure Type:	
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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

Attachment 4: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend former City of Scarborough Employment Districts Zoning By-law No. 24982,
(Tapscott Employment District - West), as amended,
with respect to the Hydro Corridor lands located immediately north of
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 Employment Districts Zoning By-law No. 24982 (Tapscott Employment District - West), as amended, is further amended with respect to the land outlined on Schedule '1' by removing the performance standards and retaining the (M) designation:

M 494

2. **EXCEPTION LIST – SCHEDULE "C"**, of the Employment Districts Zoning By-law No. 24982 (Tapscott Employment District - West), EXCEPTION LIST, is amended by adding the following Exception:

479 On those lands identified as Exception 479 on Schedule 'C', the following provision shall apply:

- (a) only the following additional use is permitted:
Private parking lot for *ancillary* parking only

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.

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

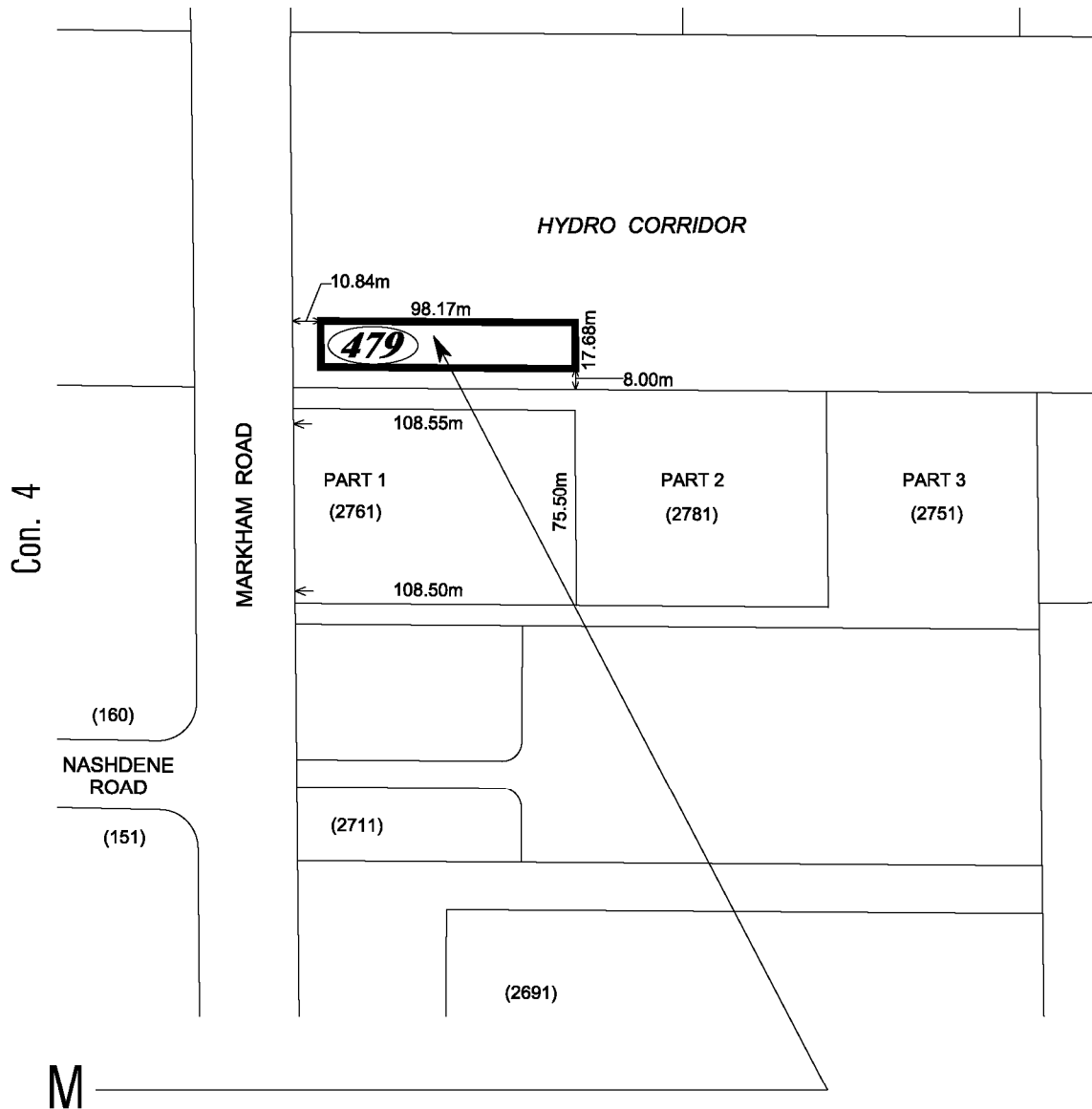
ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 17



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

2761 Markham Road
File # 11 129869 ESC 42 0Z

 Area Affected By This By-Law

Tapscott Employment District
Not to Scale
07/18/11
