

35 Auto Mall Drive - Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications - Preliminary Report

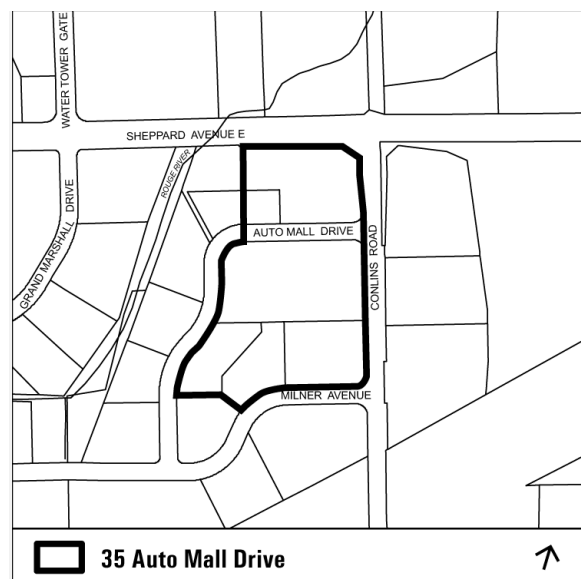
Date:	February 23, 2012
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	Pg12019 (File No. 11 328144 ESC 42 OZ, 11 328171 ESC 42 SB)

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.

These applications propose to amend the City's official plan and the zoning by-law to permit a power centre consisting of one large scale store with a gross floor area of 13 749 square metres (148,000 square feet), three smaller stores with a combined total gross floor area of 2 464 square metres (26,522 square feet) and a gas bar on the lands generally known as 35 Auto Mall Drive (Morningside Auto Mall). The applicant has also filed a draft plan of subdivision application.

The lands are within an employment area south of Sheppard Avenue East, west of Conlins Road. The proposed use of these lands is considered to be a conversion of employment lands to a non-employment (major retail) use. The proposed commercial development does not conform to the official plan policies that apply to the subject lands.



The zoning by-law amendment application proposes rezoning the lands from Industrial (M), Vehicle Service (VS) and Office (OU) to Mixed Employment (ME) in order to allow retail uses, a gas station and site-specific performance standards.

A draft plan of subdivision is required to create a single development block as well as to allow for the closing and re-alignment of a portion of Auto Mall Drive.

This report provides preliminary information on the above-noted applications and seeks Planning & Growth Management Committee's direction on further processing of the application and the community consultation process.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the change of land use proposed by these applications concurrently and in the context of the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review, that is being undertaken by the City Planning Division.
2. Upon completion of the Municipal Comprehensive Review, staff be authorized to:
 - i. schedule a community consultation meeting for the lands at 35 Auto Mall Drive, together with the Ward Councillor(s).
 - ii. give notice for the community consultation meeting to landowners and residents within 120 metres of the site.
 - iii. give notice for the public meeting under the Planning Act according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A number of pre-application consultation meetings were held with the applicant to discuss the appropriateness of the submission given the City-initiated Five Year Review of the Official Plan and the associated Municipal Comprehensive Review, and to discuss complete application requirements.

DECISION HISTORY

Section 26 of the Planning Act requires the City to review its official plan policies, including the designation of lands as areas of employment and the removal of land from areas of employment, every five years. This statutory review is now underway. The Municipal Comprehensive Review for Employment Areas referred to in the Provincial Growth Plan is being undertaken concurrently with the Five Year Review of the Official

Plan as directed by Planning and Growth Management Committee at its meeting on May 30, 2011. The link to the decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PG5.2>

ISSUE BACKGROUND

Proposal

This application is for an official plan amendment, zoning by-law amendment and draft plan of subdivision to develop a portion of the subject lands with one large-scale, stand-alone retail use as well as ancillary retail uses, including a gas station. The draft plan of subdivision application seeks to create a single development block as well as to allow for the re-alignment of Auto Mall Drive.

Specifically, the applications contemplate the development of 4 commercial buildings with a combined gross floor area of 16 213 square metres (174,522 square feet). The subject lands are broken into two parcels.

The north parcel will contain Buildings B, C and D and have a combined gross floor area of 2 464 square metres (26,522 square feet). The primary vehicular access to the north parcel is from Auto Mall Drive. The secondary vehicular access is from Sheppard Avenue East.

The south parcel is proposed to be developed with one large-scale, stand-alone retail building having a gross floor area of 13 749 square metres (148,000 square feet) including a gas station.

A total of 695 vehicular parking spaces and 27 bicycle parking spaces are proposed. See Attachment No. 1: Site Plan and Attachment No. 2: Elevations.

Site and Surrounding Area

The lands that form the subject of these applications are comprised of 8 individual lots under one ownership with an approximate lot area of 6.2 hectares (15.3 acres). Currently Auto Mall Drive bisects the lands resulting in a smaller land holding north of Auto Mall Drive, bounded by Sheppard Avenue East and Conlins Road and a large land holding south of Auto Mall Drive, bounded by Conlins Road, Milner Avenue and Auto Mall Drive.

The creation of the contiguous 6.22 hectare (15.3 acre) site fronting on Sheppard Avenue East is premised on Council approving the closure of a portion of Auto Mall Drive and transferring the road allowance to the applicant. These matters are to be addressed through the draft plan of subdivision application.

Currently, there is a General Motors (closed) and Ford vehicle dealership located interior to the subject lands. The remaining lots are vacant.

Surrounding land uses:

North: Vacant and undeveloped employment lands bisected by a drainage feature that enters a culvert at Sheppard Avenue East and then runs to the west of the subject lands.

Northwest of the subject lands are employment uses consisting of a Works yard, warehousing, distribution facilities and office uses.

Northeast of the subject lands is a residential subdivision with predominantly low and medium density residential uses.

South: Car dealership, beyond which there is a hydro corridor, then Highway 401.

East: Employment uses consisting of a 2-storey office and a self-storage facility. A long-term care facility is located at the southeast corner of Sheppard Avenue and Conlins Road.

West: There are both vacant and developed employment lands. The lands that are developed consist of auto dealerships and a gas station. Further west is a drainage feature and beyond that are employment uses (offices and warehouses). Still further west these lands have been developed with retail/commercial uses including a Home Depot.

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.

The PPS and the Growth Plan provide policy direction for planning authorities respecting the conversion of lands within employment areas to non-employment uses and is discussed later in this report.

Official Plan

This site is identified as "Employment Districts" on Map 2 (Urban Structure Map) of the Toronto Official Plan. This map and the associated policies in Chapter 2 of the official plan set out a policy framework and strategy for managing Toronto's growth. In keeping

with the relevant policies, lands within "Employment Districts" are identified as locations targeted for future growth to meet the official plan's employment goals. It is a key policy directive of the official plan to protect and promote Employment Districts "in order to:

- a. maintain and grow the City's tax base;
- b. attract new and expand existing employment clusters that are key to Toronto's competitive advantage;
- c. develop quality Employment Districts that are globally competitive locations for national and international business and offer a wide choice of sites for new business;
- d. nurture Toronto's diverse economic base;
- e. provide a good overall balance between population and employment growth by creating job opportunities for Toronto residents;
- f. provide a range of employment opportunities for Toronto residents that can be reached by means other than the private automobile; and
- g. create and sustain well-paid, stable and fulfilling employment opportunities for all Torontonians."

The subject site is designated "Employment Areas" on Map 22 (Land Use Map) of the Toronto Official Plan. Lands designated "Employment Areas" are intended for a wide range of employment uses including offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, hotels, retail outlets ancillary to the preceding uses, and restaurants and small-scale stores and services that serve area businesses and workers. See Attachment 3: Official Plan.

In recognition that some land uses require larger parcels of land and have special locational needs, the official plan also contains policy direction with respect to large-scale, stand-alone retail stores. The official plan indicates that while these uses are not directly supportive of the primary employment function of these areas, they have special locational needs which the official plan recognizes.

Policy 4.6.3 states that large-scale, stand-alone retail stores and "power centres" are not permitted in Employment Areas in the Central Waterfront and are only permitted in other Employment Areas fronting onto major streets as shown on Map 3, that also form the boundary of the Employment Areas through the enactment of a zoning by-law. Where permitted, new large-scale, stand-alone retail stores and "power centres" will ensure that: sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets, and the functioning of other economic activities within the Employment Areas and the economic health of nearby shopping districts are not adversely affected.

Sheppard Avenue East is identified as a major street in the official plan (Map 3). Conlins Road, Milner Avenue and Auto Mall Drive are not identified as major streets on Map 3.

The official plan also contains Built Form policies (3.1.2) which, among other matters, require new development to be located and organized to fit with its existing and/or

planned context, to frame and support adjacent streets, and to locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk.

Zoning

The subject lands are currently zoned Office Use Zone ("OU"), Industrial Zone ("M") and Vehicle Service Zone ("VS") in the Rouge Employment District Zoning By-law No. 24982, as amended, in addition to several exceptions.

The north parcel (those lands fronting onto Sheppard Avenue East) are zoned Office Use and are subject to Exception 423 of the by-law. The following uses are permitted within the Office Use Zone of the by-law: Day Nurseries, Educational and Training Facility Uses, Financial Institutions, Libraries, Offices, Personal Service Shops, Places of Worship, Recreational Uses, Restaurants and Retail Stores.

While retail stores are permitted within the Office Use Zone, the gross floor area of all retail stores, personal service shops, financial institutions, restaurants and recreational uses are not to exceed 0.1 times the total built office gross floor area. In other words, the retail uses are to be ancillary to the office use; therefore, an amendment to the zoning by-law is required in order to permit the proposed development.

The south parcel (those lands south and east of Auto Mall Drive, west of Conlins Road and north of Milner Avenue) are zoned Industrial and Vehicle Service and are subject to Exception No. 122 of the by-law. The following uses are permitted in the Industrial Zone ("M") and Vehicle Service Zone ("VS") of the by-law:

Industrial Zone ("M"): Day Nurseries, Educational and Training Facility Uses, Industrial Uses, Offices, excluding Medical and Dental Offices, Places of Worship and Recreational Uses.

Vehicle Service ("VS") Zone: Open Storage ancillary to Vehicle Service Garages, Vehicle Sales Operations, Vehicle Service Stations and Vehicle Repair Garages, Vehicle Repair Garages, Vehicle Sales Operation, Vehicle Service Garages and Vehicle Service Stations.

Exception No. 122 is applicable which adds Places of Worship, Day Nurseries and Mechanical or Automatic Car Wash uses along with additional vehicular uses. The Vehicle Service Zone recognizes the proposed gas station as a permitted use. See Attachment No. 4: Zoning

Site Plan Control

All of the lands are located within a site plan control area. An application for site plan control will be required.

Reasons for the Application

An amendment to the Toronto Official Plan is required in order to permit major retail uses on the lands.

As indicated, the subject lands are currently zoned Office Use Zone ("OU"), Industrial Zone ("M") and Vehicle Service Zone ("VS") in the Rouge Employment District Zoning By-law No. 24982, as amended, in addition to several exceptions. A zoning by-law amendment is required in order to permit retail uses as primary uses and to establish appropriate performance standards to guide redevelopment of the subject lands.

A draft plan of subdivision is required as a new alignment of an existing road is contemplated.

A site plan control application is required but has not been submitted to date.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

Planning Rationale, Toronto Green Standard Checklist, Stage 1 and 2 Archaeological Assessment, Parking Study, Transportation Impact Study, Geotechnical Study, Stormwater Management Report, Contaminated Site Assessment, Servicing Report and Arborist/Tree Preservation Report.

A Notification of Complete Application was issued on January 19, 2012.

Issues to be Resolved

Planning Act: 5 Year Review of the Official Plan

Section 26 of the Planning Act requires the City to review its official plan within 5 years of the Plan coming into effect. As Toronto's official plan came into effect in June 2006, the City of Toronto began its Official Plan Review in May 2011. The Planning Act requires that, as part of this Official Plan Review, the City review the policies and designations for areas of employment. This work is now well underway and a report on employment area policies and designations will be forthcoming to Planning and Growth Management Committee in the fall of 2012. This application cannot be dealt with in isolation from this Official Plan Review since the policy framework and designations may be proposed to be altered at that time. Therefore, this application will be dealt with and reported out in the context of the 5 Year Review of the Official Plan. The Municipal Comprehensive Review referred to in the Growth Plan for the Greater Golden Horseshoe is being carried out concurrently with the 5 Year Review of the Official Plan.

Conformity / Consistency with Provincial Policy and Plans

The Provincial Policy Statement (PPS) contains policies related to employment areas and states that planning authorities shall promote economic development and competitiveness by:

- providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;

- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- planning for, protecting and preserving employment areas for current and future uses; and
- ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS defines employment areas as “those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.”

The PPS also states that planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

The Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe. The Growth Plan came into effect on June 16, 2006. The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the official plan.

The Growth Plan includes similar policies to the PPS directed at the preservation of employment areas for future economic opportunities. It also contains the same definition of "Employment Area" as that used in the PPS.

The Growth Plan specifies that for the purposes of its employment areas policy, major retail uses are considered non-employment uses. As such, major retail proposals in Employment Areas are considered a conversion.

The Growth Plan provides that municipalities may permit conversion of lands within employment areas to non-employment uses only through a "Municipal Comprehensive Review" which has demonstrated that:

- a. there is a need for the conversion.
- b. the municipality will meet the employment forecasts allocated to the municipality pursuant to the Growth Plan.
- c. the conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other policies of the Growth Plan.
- d. there is existing or planned infrastructure to accommodate the proposed conversion.

- e. the lands are not required over the long term for the employment purposes for which they are designated.
- f. cross-jurisdictional issues have been considered.

It is, therefore, recommended that the application be reviewed concurrently and in the context of the Five Year Review of the Toronto Official Plan.

Conformity with the Toronto Official Plan

This application is for an official plan amendment, zoning by-law amendment and draft plan of subdivision to develop a portion of the subject lands with one large-scale, stand-alone retail use as well as ancillary retail uses including a gas station. The draft plan of subdivision application seeks to create a single development block as well as to allow for the re-alignment of Auto Mall Drive.

This site is identified as “Employment Districts” on Map 2 (Urban Structure Map) of the official plan and is designated “Employment Areas” on Map 22 (Land Use Map) of the official plan

It is staff's view that an official plan amendment is required and that this application, while premature, should be reviewed concurrently and in the context of the statutory Five Year Review of the Toronto Official Plan, which includes a Municipal Comprehensive Review that is being undertaken by the City Planning Division. It is also worth noting that an economic impact study has not been received to date.

Other Issues

On a preliminary basis, the following issues have been identified:

- the future comprehensive development of the lands including an appropriate street and block pattern (including the closure and transfer/sale of the existing public road)
- traffic impact and parking
- compliance with applicable built form policies
- the applicability of Section 37 of the Planning Act to secure appropriate community benefits should the application be recommended for approval
- adequate landscaping and tree planting

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

Toronto Green Standard

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.

Conclusion

Staff recommend that these applications be reviewed within the context of the ongoing Statutory Five Year Review of the Official Plan which includes a Municipal Comprehensive Review. Approval of the application to convert employment lands to allow non-employment uses would not conform to the Growth Plan without the prior completion of the Municipal Comprehensive Review by the City.

CONTACT

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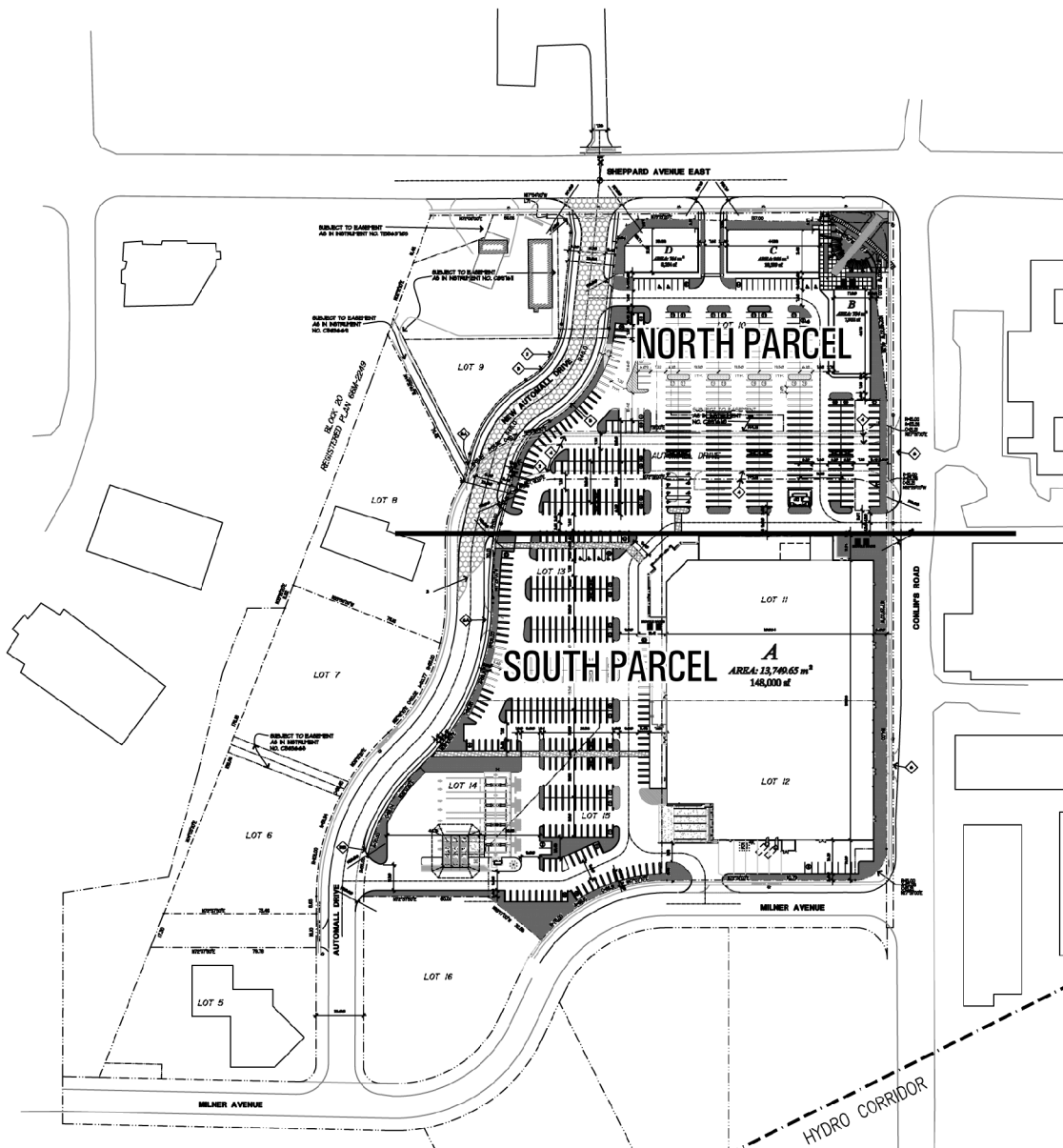
SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1: Site Plan/Subdivision Plan
Attachment 2(a-d): Elevations [as provided by applicant]
Attachment 3: Official Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan/Subdivision Plan



Site Plan

35 Auto Mall Drive

Applicant's Submitted Drawing

Not to Scale
02/21/2012

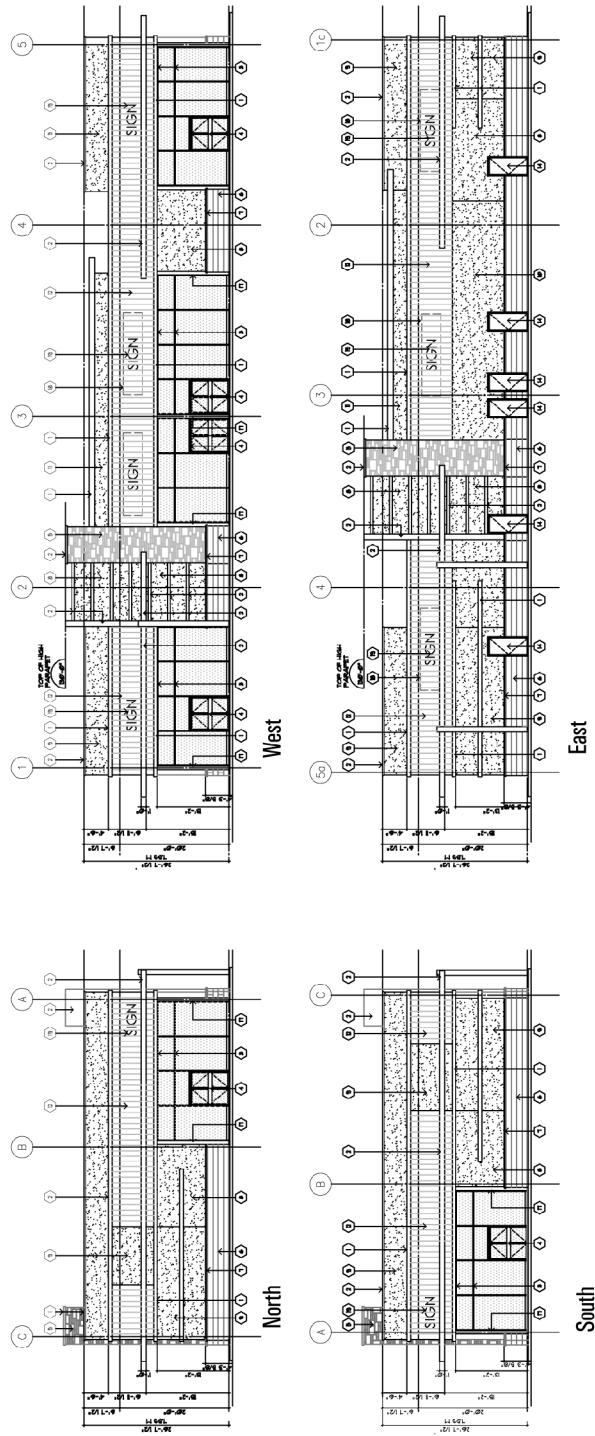


File # 11 328144 OZ, 11 328171 SB

Staff report for action – Preliminary Report - 35 Auto Mall Dr



Attachment 2(b): Elevations (2 of 4)



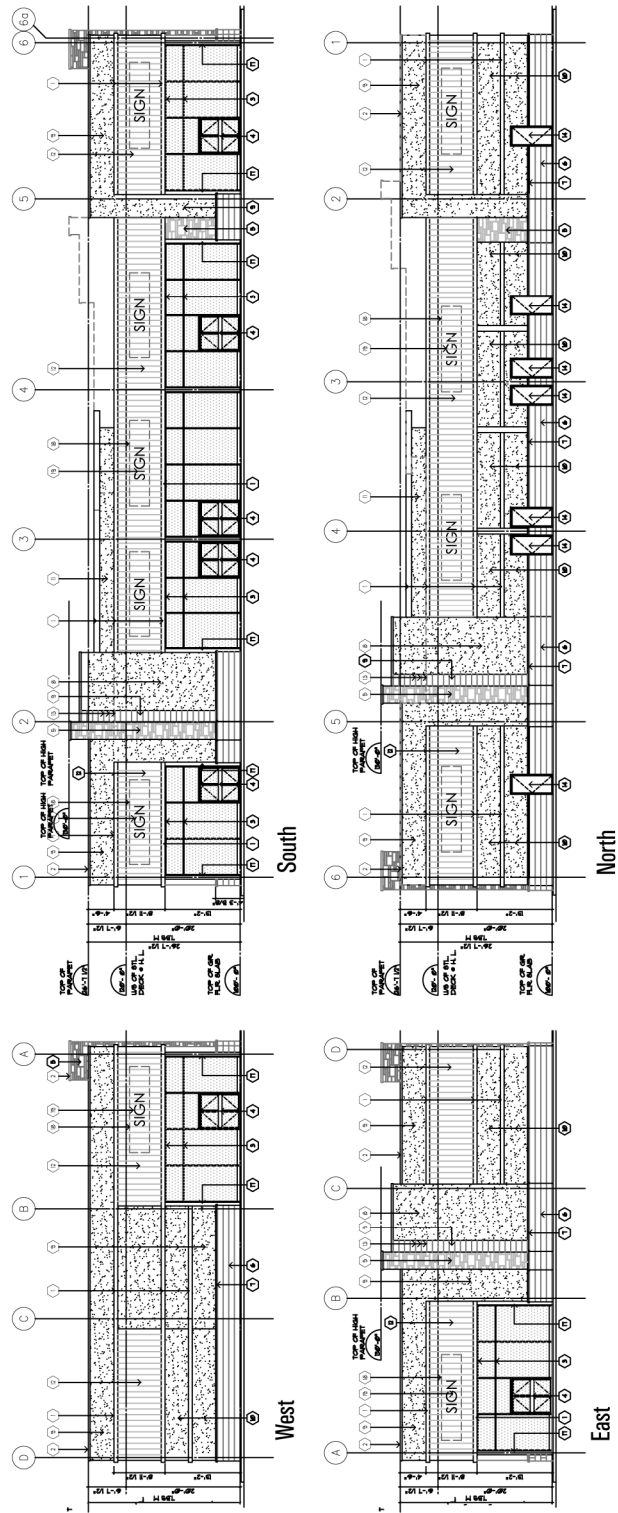
Elevations-Building B

Applicant's Submitted Drawing

Not to Scale
02/16/2012

35 Auto Mall Drive

File # 11 328144 0Z, 11 328171 SB

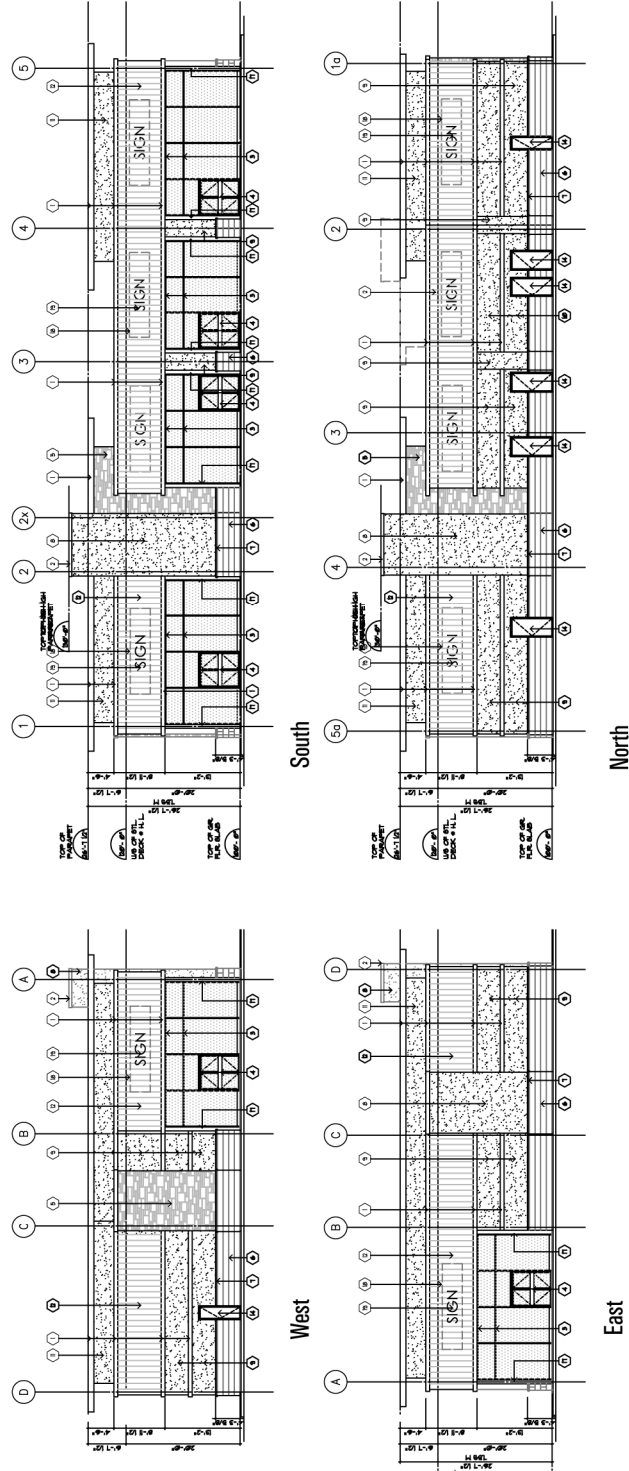


Elevations-Building C
Applicant's Submitted Drawing
Not to Scale
02/16/2012

35 Auto Mall Drive

File # 11 328144 0Z, 11 328171 SB

Attachment 2(d) (4 of 4)

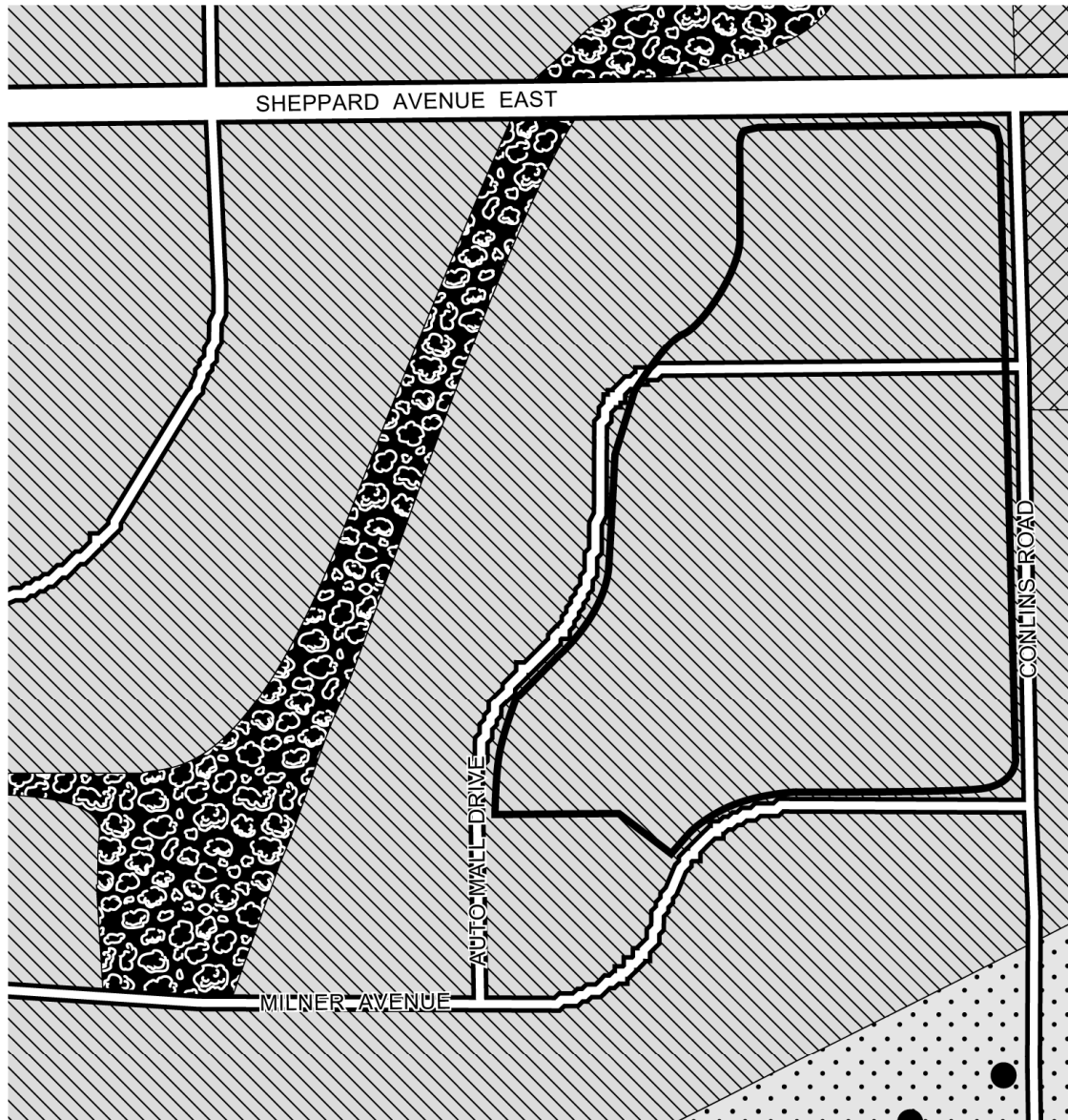


Elevations-Building D
 Applicant's Submitted Drawing
 Not to Scale
 02/16/2012

35 Auto Mall Drive

File # 11 328144 0Z, 11 328171 SB

Attachment 3: Official Plan



Toronto City Planning
Official Plan

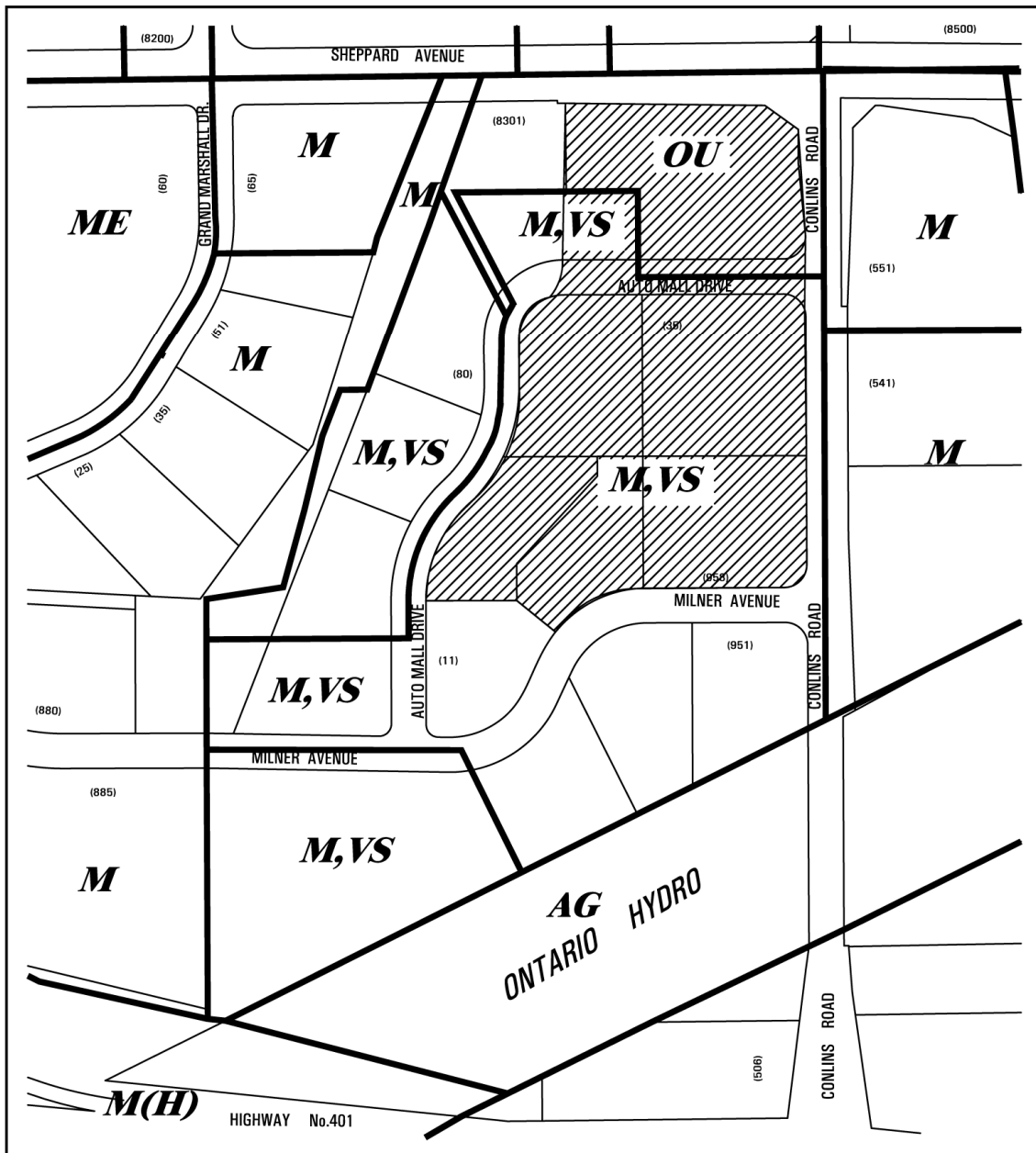
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Attachment 4: Zoning



Toronto City Planning

Zoning Rouge Employment District


35 Auto Mall Drive

File # 11 328144 0Z, 11 328171 SB

 Location of Application

AG Agricultural Zone
M Industrial Zone
ME Mixed Employment Zone

OU Office Uses Zone
VS Vehicle Service Zone
(H) Holding Provision (see Clause Iv-
General Provisions, Sub-clause 1.2)

 Not to Scale
02/21/12

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Zoning Amendment & Draft Plan of Subdivision	Application Number:	11 328144 ESC 42 OZ 11 328171 ESC 42 SB
Details	OPA & Rezoning, Standard	Application Date:	December 19, 2011
Municipal Address:	35 AUTO MALL DR		
Location Description:	PLAN 66M2247 LOT 11 & 13 **GRID E4212		
Project Description:	Official plan amendment and rezoning for new retail power centre. Concurrent draft plan of subdivision application (11 328171 SB) for altering Auto Mall Drive.		
Applicant:	Agent:	Architect:	Owner:
WESTON CONSULTING GROUP INC			SCARBOROUGH AUTOMOTIVE CENTRE LTD

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	M, VS, O	Historical Status:
Height Limit (m):		Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq. m):	59277.39	Height:	Storeys:	1
Frontage (m):	0		Metres:	9
Depth (m):	0			
Total Ground Floor Area (sq. m):	16214.83			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	695
Total Non-Residential GFA (sq. m):	16214.83		Loading Docks	0
Total GFA (sq. m):	16214.83			
Lot Coverage Ratio (%):	0.27			
Floor Space Index:	.274			

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):	16214.83
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Renrick Ashby, Senior Planner
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