

**A Portion of the Lands Formerly Known as 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Block 150 on Plan 66M-2474) – Zoning By-law Amendment Application – Final Report**

<b>Date:</b>	August 21, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 7 – York West
<b>Reference Number:</b>	09 163843 WET 07 OZ

**SUMMARY**

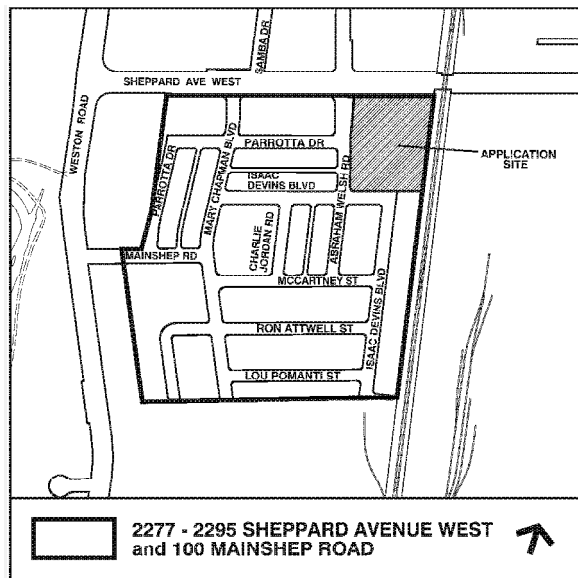
This application proposes to amend the existing zoning regulations permitting a proposed retail shopping mall containing a grocery store on the northeast corner of the development site at 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Block 150 on Plan 66M-2474).

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 former City of North York Zoning By-law No. 7625, for a portion of the lands formerly known as 2277-2295 Sheppard Avenue West and 100 Mainshep Road substantially in accordance with the draft Zoning



By-law Amendment attached as Attachment 5.

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 property at 2277-2295 Sheppard Avenue West and 100 Mainshep Road was previously the subject of applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval. The Official Plan Amendment and Zoning By-law Amendment were approved by the Ontario Municipal Board in July of 2008 (Amendment No. 573 to the Official Plan for the former City of North York and Zoning By-law No. 482-2006 to amend former City of North York Zoning By-law No. 7625). The Plan of Subdivision was registered December 23, 2009 as Plan 66M-2474.

The Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision allow for the redevelopment of the lands for residential, commercial and mixed commercial residential uses.

The new subdivision is predominately residential consisting of single detached homes, semi-detached homes, townhouse units and stacked townhouses units. Along the Sheppard Avenue West frontage approval was given for two mixed use blocks (Blocks 148 and 149) and a separate commercial block (Block 150).

The owner has recently submitted a Site Plan Control Application for adjacent Blocks 148 and 149 to the west for a 240 unit stacked townhouse development (Application No. 12 142263 WET 07 SA). A report on this application will be presented to the September 10, 2013 meeting of Etobicoke York Community Council.

### **ISSUE BACKGROUND**

#### **Proposal**

The development proposal consists of three buildings containing retail and office uses on the commercial block (Block 150). The buildings would range in height from one to two storeys and contain a total gross floor area of approximately 5,362 m<sup>2</sup>. A portion of Building A is proposed to contain a grocery store having a minimum area of 930 m<sup>2</sup>. Building B would contain a bank and Building C would contain retail units on the ground floor with second floor office space. It is proposed that 192 parking spaces be provided for the development. Vehicular access to the site would be provided from Abraham Welsh Road (see Attachment 1: Site Plan and Attachments 2a, 2b and 2c: Elevations).

## **Site and Surrounding Area**

The subject site, Block 150, Plan 66M-2474, is part of a larger development of the entire property at 2277-2295 Sheppard Avenue West and 100 Mainshep Road. The subdivision is approximately 16.21 ha in area and is located on the south side of Sheppard Avenue West, east of Weston Road and west of the Canadian Pacific Railway (CPR) tracks. A majority of the residential units within the subdivision have been constructed and are occupied.

The subject site is approximately 1.45 ha in size and is located at the northeast corner of the subdivision. The site is bounded by Sheppard Avenue West to the north, the CPR tracks to the east, Abraham Welsh Road to the west and Isaac Devins Boulevard to the south.

Surrounding land uses are as follows:

North: West of the CPR tracks, there are a number of small scale industrial uses located along both sides of Rivalda Road, a dead end street. To the northwest across Sheppard Avenue West is a residential neighbourhood.

West: Subdivision Blocks 148 and 149 which are currently vacant but are subject of a Site Plan Control application (12 142263 WET 07 SA) to construct 240 stacked townhouse units. Further west are two 18 storey apartment buildings located at the southeast corner of Weston Road and Sheppard Avenue West.

East: The CPR tracks, beyond which is a large industrial area and Highway 400.

South: Recently constructed detached, semi-detached and townhouse dwellings within the subdivision. Further to the south is the former King Koil property at 3035 Weston Road, which received approval for a residential subdivision that is currently under construction.

## **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.

## **Official Plan**

The subject site, Block 150, is designated by the Toronto Official Plan as *Employment Areas* on Map 13-Land Use Plan. The site is not within an Employment District as identified on the Urban Structure Map 2. Within this *Employment Area*, small retail and medium scale retail stores and services that serve area residents and/or area businesses and workers are provided for. The site is also subject to Site and Area Specific Policy No. 330, which among other matters establishes built form principles for the site and the surrounding subdivision within which Block 150 is situated.

## **Zoning**

Block 150 is currently zoned C1(123) by former City of North York Zoning By-law No. 7625, as amended by By-law No. 482-2006. Permitted uses include retail stores, personal service shops, banks, business and professional offices, studios, professional medical offices and a food store and accessory buildings.

The C1(123) zoning provisions establish the minimum size of retail stores and service shops at 150 m<sup>2</sup>, the minimum frontage of buildings required along the Sheppard Avenue West frontage at 70% of the width of the frontage and the maximum gross floor area permitted at 3,650 m<sup>2</sup>. It also restricts parking between the building and the front lot line and the maximum building height to 11 m or 2 storeys (see Attachment 3 - Zoning).

## **Urban Design Guidelines**

As part of the approval for the redevelopment of 2277-2295 Sheppard Avenue West and 100 Mainshep Road, Urban Design Guidelines were approved for the development blocks fronting Sheppard Avenue West (Blocks 148, 149 and 150). The Guidelines establish a detailed design framework to assist in the evaluation of the Site Plan Control applications for each phase of development within these blocks. The Guidelines provide guidance on matters including: building organization; building entrances; site servicing; streetscape and landscaping; and general building design.

## **Site Plan Control**

The proposed development is subject to Site Plan Control. An application for Site Plan Control Approval has been submitted (Application No. 09 163851 WET 07 SA) and is being reviewed concurrently with this Zoning By-law Amendment application.

## **Reasons for Application**

The proposed development does not fully comply with the provisions of the existing zoning and the applicant is requesting the following:

- to delete the requirement for a minimum gross floor area of 150 m<sup>2</sup> for retail stores, service shops and personal service shops [C1(123) (b)];

- to delete the requirement for a minimum of 70% of the Sheppard Avenue West frontage to be occupied by buildings [C1(123) (f)]; and
- to increase the maximum gross floor area to 5,362 m<sup>2</sup> from 3,650 m<sup>2</sup> [C1(123) (g)].

## **Community Consultation**

A Community Consultation Meeting was held on February 17, 2010 at the Carmine Stefano Community Centre. Approximately 70 people attended the meeting. Issues raised and comments made on the application included: the need for a grocery store of suitable size and type and other stores to service the new and existing communities; and the lack of parking being proposed for the commercial block.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. The 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 as the proposed development promotes efficient development and provides an appropriate mix of uses within this community.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan directs municipalities to foster intensification within developed areas, and to promote economic development and competitiveness where employment lands are concerned. The proposed retail/commercial development conforms to the in-force Official Plan and as such conforms and does not conflict with the Growth Plan.

### **Land Use**

The local community expressed a need for a grocery store and other commercial service uses to be located within this community when providing comments on the original applications for the new residential subdivision. This need was again voiced at the community consultation meeting held on this rezoning application.

The applicant indicated that after reviewing the current market standards for grocery stores and recognizing the need for both a grocery store and other retail and service uses to serve the community, it was determined that additional floor area would be required on this site. Currently, the zoning for the site limits the maximum gross floor area to 3,650 m<sup>2</sup> and the proposed development has been designed with a maximum gross floor area of 5,362 m<sup>2</sup>. The applicant is proposing to provide space for a grocery store with a minimum floor area of 930 m<sup>2</sup>.

The proposed gross floor area of 5,362 m<sup>2</sup> can be accommodated on the site while achieving an appropriate built form and complying with the City' parking standards for commercial shopping centres, having minimal traffic impact. In order to secure a grocery store use on the site, the draft Zoning By-law Amendment contains a minimum gross floor area requirement for a food store of 930 m<sup>2</sup>.

At this time the applicant has not secured a tenant for the grocery store, but indicates they are actively marketing this space. Staff acknowledge that if the owner is unable to secure a grocery store tenant, the owner may apply to amend the By-law to delete the requirement for a food store space.

The applicant is also requesting to delete the zoning provision requiring a minimum unit size of 150 m<sup>2</sup>. The intent of this zoning provision was to limit flea market type retail uses. In former City of North York Zoning By-law No. 7625, a flea market would be considered a retail store. In view of the issues that arose in relation to a previous flea market use on the property and having regard for the intention to provide opportunity for traditional local retail and service commercial uses for the new neighbourhood, it was determined that a minimum floor space requirement would discourage the flea market form of retail from locating within this development.

The applicant wishes to eliminate the minimum unit size provision to provide flexibility to secure a full range of tenants. The applicant has indicated that most potential tenants are seeking smaller spaces in the range of 75 m<sup>2</sup> to 100 m<sup>2</sup>. The applicant has indicated that the 150 m<sup>2</sup> minimum unit size requirement is too large for most of these tenants. The applicant has also indicated that this requirement limits marketing opportunities for office and medical uses, such as accountants, doctors and dentists which often require less than 150 m<sup>2</sup> of floor area.

In order to provide flexibility in the unit size, it is recommended that the minimum unit size restriction be reduced to 75 m<sup>2</sup> in the draft Zoning By-law Amendment. Given the proposed site plan for this block, it is unlikely that a flea market would locate on this site.

A concern was expressed with potential uses within these smaller units. To address this concern, it is recommended that a Club and Body Rub Service not be permitted in the draft Zoning By-law Amendment.

## **Building Height**

The proposed development would contain a building (Building C) with a height of 12.9 m to the top of the parapet, which exceeds the existing zoning permission of 11 m. The applicant has indicated the additional height is necessary to incorporate architectural enhancements to the building and to shield the view of the noise wall along the eastern boundary of the property. As the portion of the building that would have a height greater than 11 m is located adjacent to the rail line and Sheppard Avenue West it would not negatively impact the surrounding properties or the streetscape of Sheppard Avenue West. Staff are of the opinion the requested height increase is appropriate.

## **Building Massing**

The current zoning requires a minimum of 70% of the Sheppard Avenue West street frontage to be occupied by building walls. As proposed, the development would occupy approximately 50% of the Sheppard Avenue West frontage. Along this portion of Sheppard Avenue West the road descends considerably due to the CP Rail overpass. The elevation of this section of Sheppard Avenue West reduces the visibility of the higher eastern portion the site from the street and sidewalk. The requirement to place a significant building face adjacent to Sheppard Avenue West to achieve the desired pedestrian friendly urban interface in this location is compromised by the underpass and may limit the functionality and visibility of development on this site.

## **Parking**

The proposed development plan illustrates a total parking supply of 192 spaces, which translates to a parking ratio of 1 space per 28 m<sup>2</sup> of floor area. Transportation Services staff have advised that a minimum parking ratio of 1 space per 28 m<sup>2</sup> of floor area for the commercial/retail uses is acceptable. This minimum ratio is recommended in the draft Zoning By-law Amendment.

## **Traffic Impact**

The applicant submitted a Transportation Impact Study prepared by Read, Voorhees and Associates Ltd. dated May 2011. The study concludes that the additional traffic generated by the proposal for the subject lands can be accommodated on the surrounding road network. Transportation Services and City Planning staff have reviewed the consultant's report and concur with the conclusions.

## **Loading**

Loading for the development is proposed adjacent to the railway corridor and internal to the site and is appropriately screened from view of the public streets and sidewalks. A total of 4 loading spaces are proposed to serve this development, which meets the Zoning By-law requirement for this development.

## **Bicycle Parking**

The applicant has been encouraged to provide bicycle parking in accordance with the "Guidelines for the Design and Management of Bicycle Parking Facilities" adopted by City Council on June 23 and 24, 2008. These guidelines require the provision of occupant and visitor bicycle parking of 0.13 spaces/100 m<sup>2</sup> and 0.25 spaces/100 m<sup>2</sup>, respectively. Applying these rates requires approximately 7 long-term and 13 short-term bicycle parking spaces for a total supply of 20 spaces, which the applicant is proposing in the development. The draft Zoning By-law Amendment requires a minimum provision of occupant and visitor bicycle parking of 0.13 spaces/100 m<sup>2</sup> and 0.25 spaces/100 m<sup>2</sup>, respectively. The location and design of the spaces will be secured through the site plan review process.

## **Open Space/Parkland**

Parks, Forestry and Recreation staff have advised that there are no parks levies required for this development as this is part of a larger plan of subdivision for which a public park was previously secured.

## **Site Plan**

The proposed development is consistent with the City's approved Urban Design Guidelines for the site as follows:

- a building has been proposed to be located at the prominent intersection of Sheppard Avenue West and Abraham Welsh Road;
- building entrances are appropriately proposed with direct access from the public streets;
- animated street edges have been proposed;
- loading and servicing areas are proposed to be screened from view from public streets;
- significant plantings and vegetation along the street's edge and in areas within the parking area are proposed;
- pathways for pedestrians are proposed to help reduce potential pedestrian and vehicular conflicts; and
- adequate and appropriate lighting has been incorporated into the development's design.

The building massing, building façades, building entrances, building setbacks, pedestrian circulation, landscape and streetscape improvements, lighting and phasing will be secured through the site plan review process for the development. It is anticipated the Notice of Approval Conditions will be issued later this year.

## **Toronto Green Standard**

The Rezoning and Site Plan Control Approval applications were submitted prior to October 27, 2009, when City Council adopted the Toronto Green Standard (TGS). As such, this development is not subject to the TGS.

The applicant has submitted the Toronto Green Development Standard Checklist for the development and staff will, where appropriate, secure appropriate green standards through the site plan review process. Staff will continue to encourage the applicant to review sustainable development opportunities, to implement the Design Guidelines for 'Greening' Surface Parking Lots and to provide appropriate bicycle parking.



## **CONTACT**

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## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2a: Elevations

Attachment 2b: Elevations

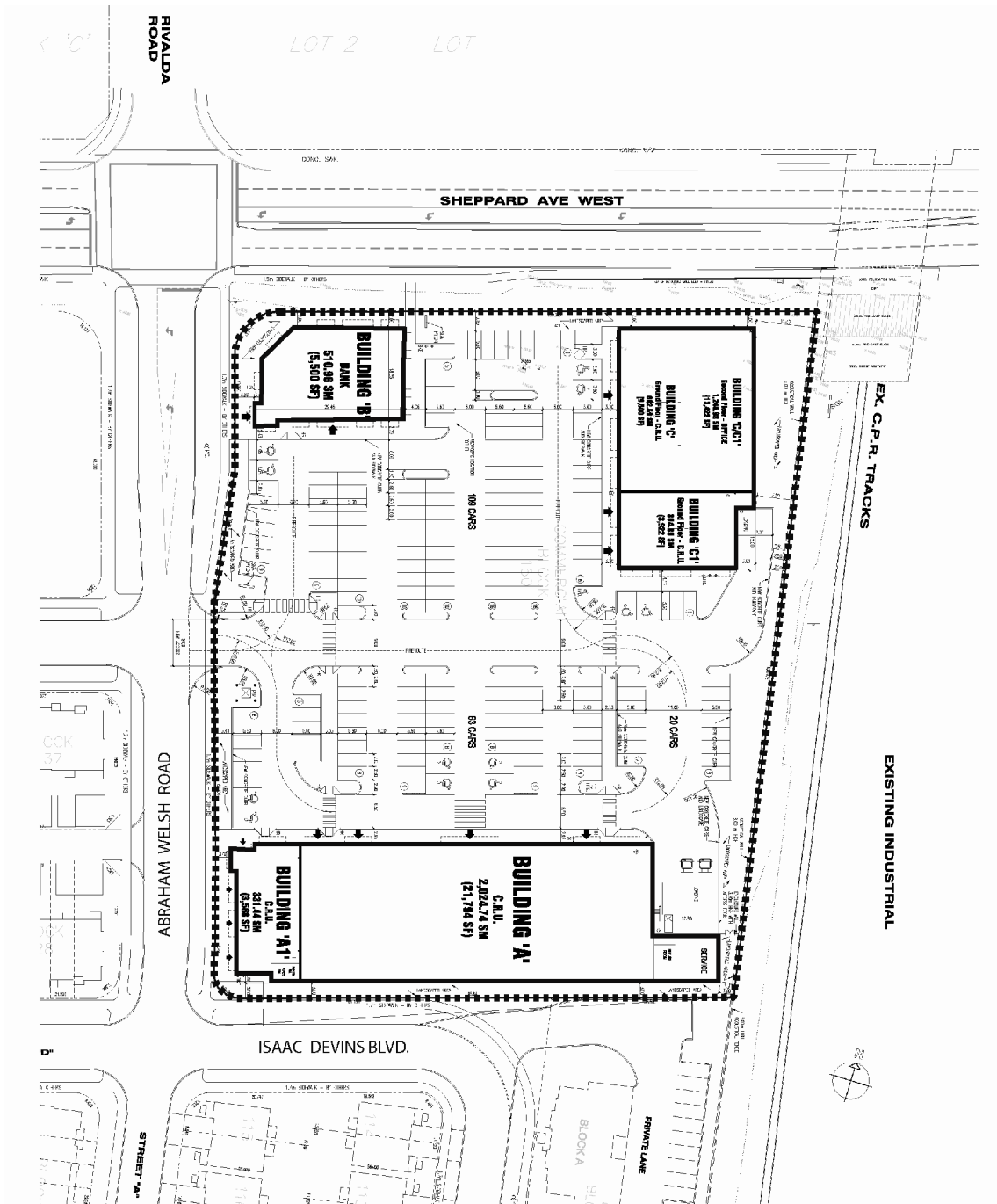
Attachment 2c: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale

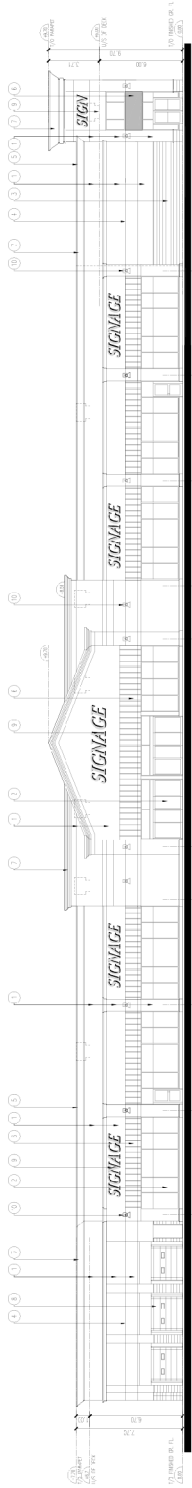
06/18/2012



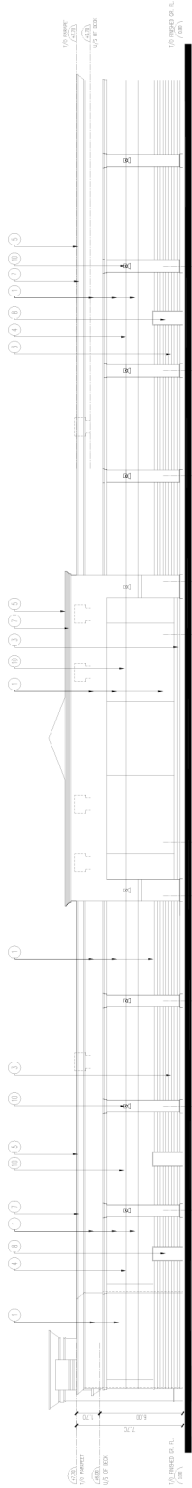
2277 - 2295 Sheppard Avenue West  
and 100 Mainshep Road

File # 09 163843 WET 07 02

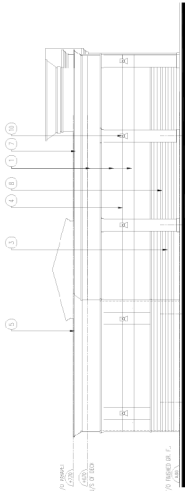
**Attachment 2a: Elevations**



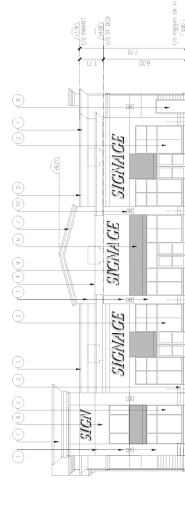
**Building 'A' North Elevation**



**Building 'A' South Elevation**



**Building 'A' East Elevation**



**Building 'A' West Elevation**

**Elevations**

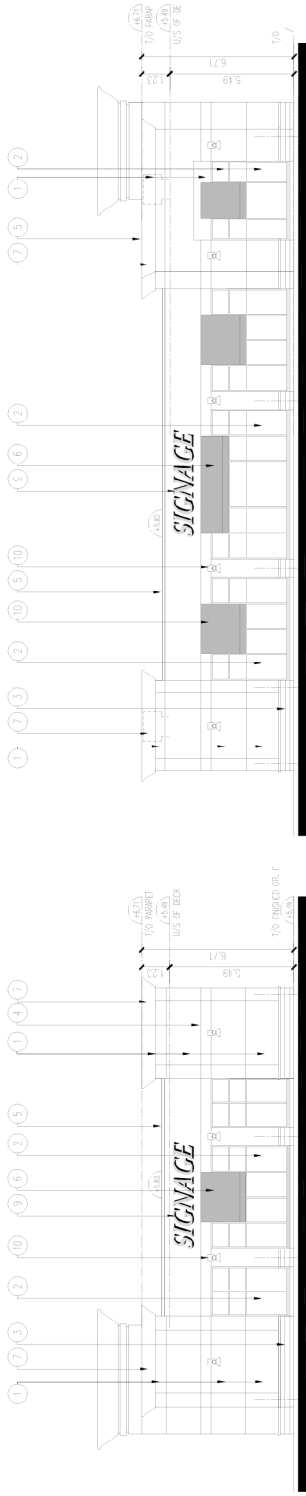
Applicant's Submitted Drawing

Not to Scale  
08/19/13

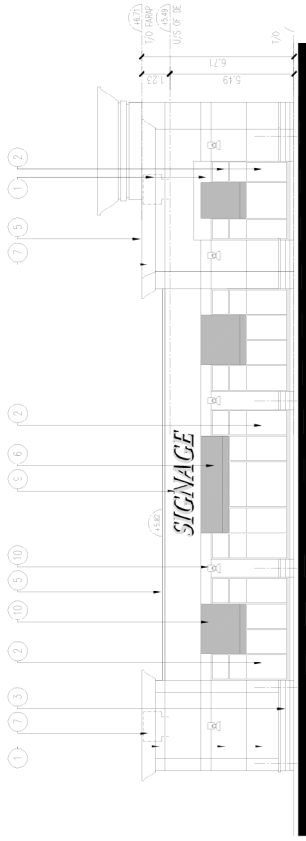
**2277 - 2295 Sheppard Avenue West**

File # 09 163843 WET 07 0Z

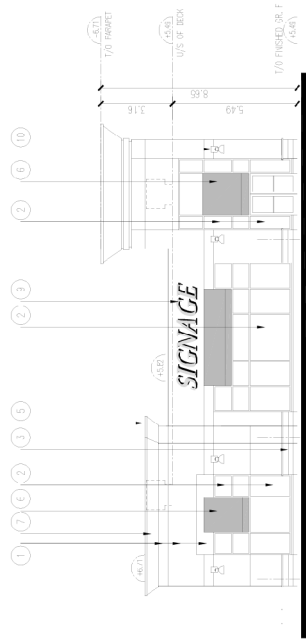
## Attachment 2b: Elevations



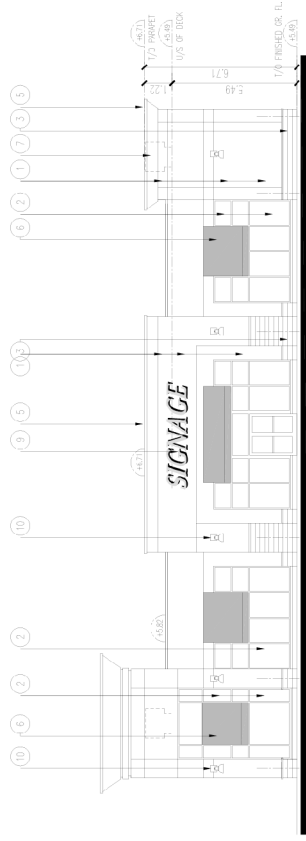
**Building 'B' East Elevation**



**Building 'B' North Elevation Sheppard Avenue West**



**Building 'B' West Elevation**



**Building 'B' South Elevation**

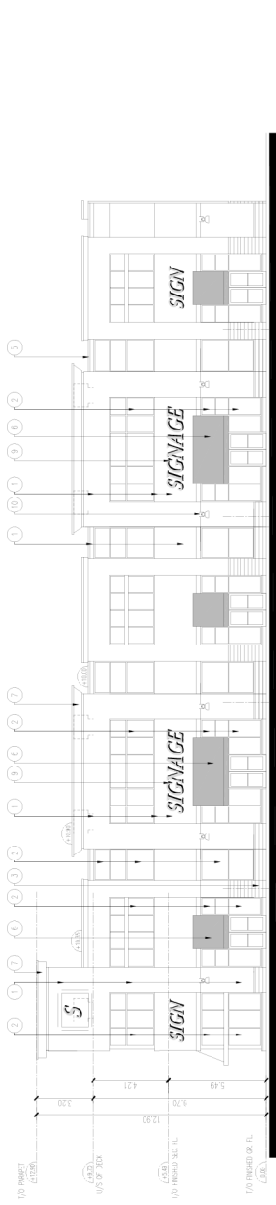
## Elevations 2277 - 2295 Sheppard Avenue West

Applicant's Submitted Drawing

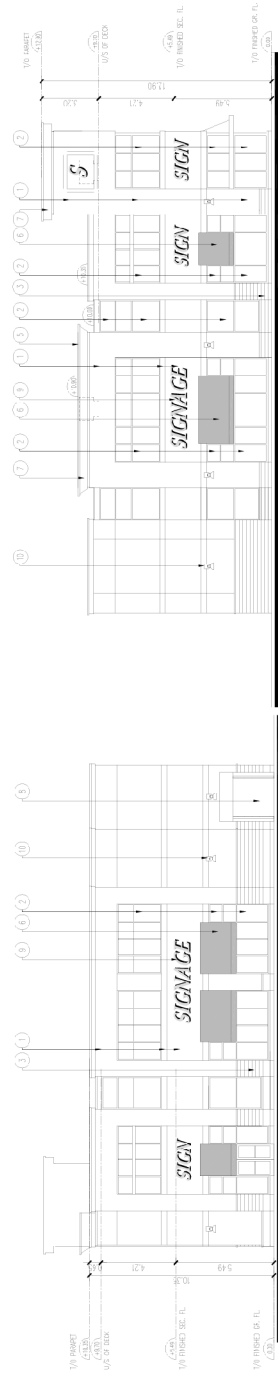
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08/19/13

File # 09 163843 WET 07 0Z

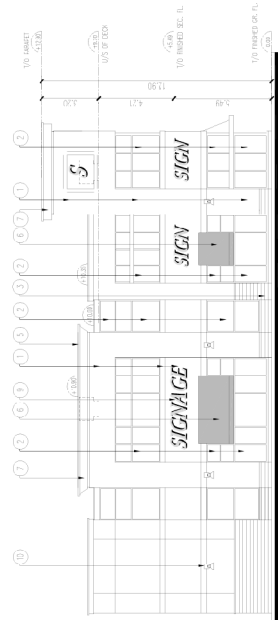
**Attachment 2c: Elevations**



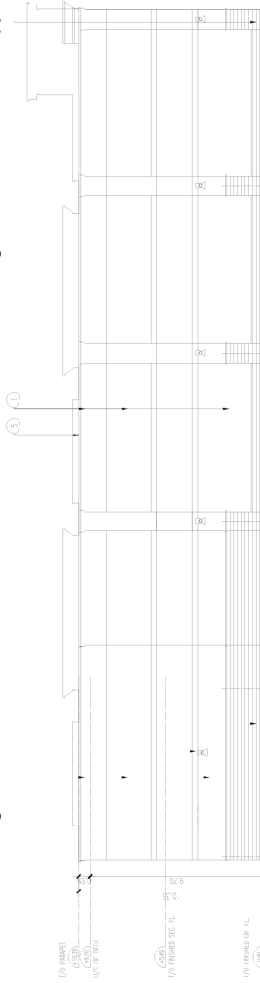
**Building 'C' West Elevation**



**Building 'C' South Elevation**



**Building 'C' North Elevation Sheppard Avenue West**



**Building 'C' East Elevation**

**Elevations**

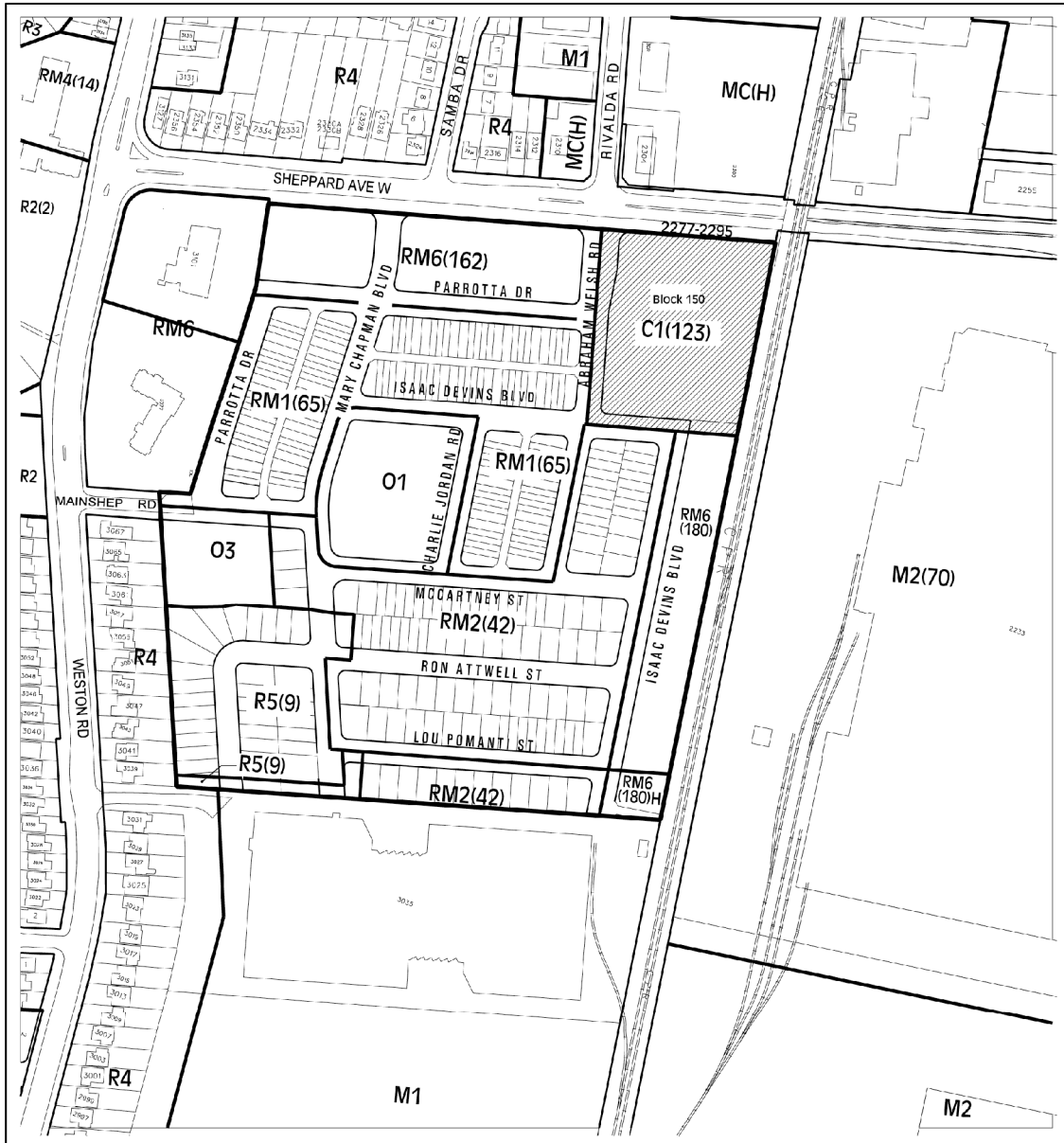
Applicant's Submitted Drawing

Not to Scale  
08/19/13

**2277 - 2295 Sheppard Avenue West**

File # 09 163843 WET 07 0Z

### Attachment 3: Zoning



**TORONTO** City Planning  
Zoning

2277 - 2295 Sheppard Ave West  
and 100 Mainshep Road

File # 09 163843 WET 07 02

- |  |  |
|--|--|
| R4 One-Family Detached Dwelling Fourth Density Zone                | RM6 Multiple-Family Dwellings Sixth Density Zone |
| R5 One-Family Detached Dwelling Fifth Density Zone                 | C1 General Commercial Zone                       |
| RM1 Multiple-Family Dwellings First Density Zone                   | M1 Industrial Zone One                           |
| RM2 Multiple-Family Dwellings Second Density Zone                  | M2 Industrial Zone Two                           |
| RM5 Multiple-Family Dwellings Fifth Density Zone                   | O1 Open Space Zone                               |
| NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category | O3 Semi-Public Open Space Zone                   |

Not to Scale  
Former North York Zoning By-law 7625  
Extracted 06/21/2013

## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	09 163843 WET 07 OZ
Details	Rezoning, Standard	Application Date:	August 31, 2009

Municipal Address: 2277-2295 SHEPPARD AVENUE WEST  
 Location Description: 66M-2474 Block 150  
 Project Description: Proposed amendments to existing by-law to permit commercial shopping centre

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
LINDVEST PROPERTIES (WESTSHEP) LIMITED			LINDVEST PROPERTIES (WESTSHEP) LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Employment	Site Specific Provision:	Max gfa for food & office
Zoning:	C1(123)	Historical Status:	N/A
Height Limit (m):	11metres	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	14535.35	Height:	Storeys:	2
Frontage (m):	371.246		Metres:	12.9 metres
Depth (m):	430.606			
Total Ground Floor Area (sq. m):	4112.14		<b>Total</b>	
Total Residential GFA (sq. m):	0		Parking Spaces:	192
Total Non-Residential GFA (sq. m):	5361.12		Loading Docks	4
Total GFA (sq. m):	5361.12			
Lot Coverage Ratio (%):	31.8			
Floor Space Index:	0.35			

### 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):	5361.12	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Gregory Byrne, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8238</b>

## Attachment 5: Draft Zoning By-law Amendment

Authority: Etobicoke York 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 the former City of North York Zoning By-law No. 7625, as amended,  
with respect to the lands formerly municipally known as  
2277-2295 Sheppard Avenue West (Block 150 66M-2474)**

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. Section 64.23-(123) C1(123) Permitted Uses (a) and (b), Section 64.23-(123) C1(123) Exception Regulations (c) to (i) of By-law No. 7625 of the former City of North York is deleted and replaced by the following:

#### **64.23-(123) C1(123)**

#### **PERMITTED USES**

- (a) The following uses shall be permitted: retail stores, personal service shops, service shops, banks, business and professional offices, studios, professional medical offices and a food store.
- (b) Use Qualifications
  - (i) Retail stores, service shops and personal service shops are permitted provided they have a minimum floor area of 75m<sup>2</sup> and each retail store, service shop and personal service shop is separated from any abutting retail store, service shop and personal service shop by solid partition walls extending from the floor to the underside of the nearest floor or roof above.



## **RESTRICTED USES**

- (c) The following uses shall not be permitted: club and body rub service. For the purposes of this exception "body rub service" shall mean a premise used for services involving the kneading, manipulation, rubbing, massaging, touching or stimulating by any means of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations.

## **EXCEPTION REGULATIONS**

- (d) Height

Building height shall not exceed 13 metres or 2 storeys.

- (e) Frontage

Sheppard Avenue West shall be deemed to be the frontage for the lands affected by this exception.

- (f) Setbacks

The minimum yard setbacks for above and below grade structures shall be as set out in Schedule "C1(123)".

- (g) Maximum Gross Floor Area

The maximum gross floor area shall not exceed 5 362m<sup>2</sup>.

- (h) Food Store

A minimum of 930m<sup>2</sup> of gross floor area shall contain or be available for a food store.

- (i) Parking and Access to Parking

- (i) No parking or loading spaces shall be permitted within the required setback area as set out in Schedule "C1(123)".

- (ii) No driveways or access to any loading or parking areas shall be permitted from the Sheppard Avenue West frontage.

- (iii) A minimum of 1 parking space for each 28 m<sup>2</sup> of gross floor area shall be provided and maintained on the lands.

- (j) Bicycle Parking
    - (i) A minimum of 0.13 long-term bicycle parking spaces for each 100 m<sup>2</sup> of gross floor area shall be provided and maintained on the lands for use by the occupants, or tenants of a building;
    - (ii) A minimum of 0.25 short-term bicycle parking spaces for each 100 m<sup>2</sup> of gross floor area shall be provided and maintained on the lands for use by visitors to a building.
  - (k) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.
2. Within the lands shown on Schedule 'B' 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)