

CITY OF TORONTO

BY-LAW No. 155-2007(OMB)

**To adopt Amendment No. 1154 to the Official Plan for the former
City of Scarborough with respect to lands municipally known as 3290, 3310 and
3330 Markham Road.**

WHEREAS the Ontario Municipal Board, by way of an Order No. 3184 issued on the November 10, 2006, determined to amend the former City of Scarborough Official Plan with respect to lands municipally known as 3290, 3310 and 3330 Markham Road;

THEREFORE the Ontario Municipal Board orders as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as amendments to the Official Plan for the former City of Scarborough.
2. This is Official Plan Amendment No. 1154.

PURSUANT TO THE ORDER/DECISION NO. 3184 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON NOVEMBER 10, 2006 IN BOARD FILE NO. PL051180 AND PL060314.

AMENDMENT NO. 1154 OF THE OFFICIAL PLAN**OF THE FORMER CITY OF SCARBOROUGH**

**MARKHAM STEELES REALTY INC.
(BAIF DEVELOPMENTS LIMITED)
3290, 3310 AND 3330 MARKHAM ROAD**

The following Text and Map constitutes Amendment No. 1154 to the Official Plan of the former City of Scarborough (being an amendment to the provisions of the Secondary Plan for the Tapscott Employment District). The sections headed “Purpose and Location” and “Basis” are explanatory only, and shall not constitute part of this amendment.

PURPOSE AND LOCATION:

This Amendment affects the property located on the south side of Steeles Avenue East and west side of Markham Road, as shown on the attached Schedule 'I'. The purpose of the amendment is to delete the Office Uses designation and extend the Special District Commercial designation westerly and southerly to the north limit of the Select Avenue extension to Markham Road. The amendment also deletes the requirement for a significant multi-storey building at the Steeles Avenue East and Markham Road intersection; permits a new automobile service station to be located a minimum of 150 metres from the intersection of Markham Road and Steeles Avenue East, incorporates the Select Avenue roadway designation from the existing terminus (east of State Crown Boulevard) to Markham Road and includes policies for the use of Section 37 policies of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

There are design guidelines directing the siting of corner buildings to allow for a significant front yard facing the intersection, with landscaping at the corner and street edges which should reflect the importance of this intersection as a gateway to the City. Parking is prohibited in front of the corner buildings. The guidelines also stipulate that corner features, including public artwork, should demonstrate the significance of this intersection as a gateway into the City.

BASIS:

The development will provide a variety of retail uses on the property and a vehicle service station and a car wash. The commercial centre will provide service to residents and businesses in Toronto, as well as in York and Durham Regions to the north and east.

The easterly extension of Select Avenue from its existing terminus (east of State Crown Boulevard) to Markham Road will be constructed in conjunction with the development of this commercial centre. The introduction of the Select Avenue road designation as shown on the attached Schedule 'I', establishes the southerly limit of the Special District Commercial designation for the southwest corner of Markham Road and Steeles Avenue East.

Having the vehicle service station and associated car wash located a minimum of 150 metres west of the corner of Steeles Avenue East and Markham Road does not detract from the Official Plan objectives and policies of providing for special treatments and enhancements of the built form and landscaping at the north-east corner of the property (at Steeles Avenue East and Markham Road) to signify the importance of the location of this intersection as a gateway into the City.

A multi-storey building, such as an office building, at this location is not required to achieve the policies of the Official Plan as these urban design policies and objectives can be met by careful architectural treatments of the built forms around the street edges of the intersection as well as by securing complimentary landscaping features through future site plan control applications.

OFFICIAL PLAN AMENDMENT

- A. The Tapscott Employment District Secondary Plan, Land Use Map, Figure 4.49, is amended for the lands located at the south-west corner of Steeles Avenue East and Markham Road as follows:

- (a) Delete the “**General Industrial Uses with High Performance Standards**”, “**Office Uses**”, “Vehicle Service and Repair Uses” and Numbered Policy 9 designations and replace these designations with the “**Special District Commercial**” and Numbered Policy 16 designation, together with the Select Avenue road allowance as shown on Schedule ‘I’.
- B. The Tapscott Employment District Secondary Plan, Section **4.49.2 General Policies**, Policy 3.2 shall not apply to the property.
- C. The Tapscott Employment District Secondary Plan, **Section 4.49.3 Numbered Policies**, is amended by deleting Numbered **Policy 9** with respect to the south-west corner of Steeles Avenue East and Markham Road and by adding Numbered Policy 16, as follows.

16. South-West Corner of Markham Road and Steeles Avenue

- 16.1 Vehicle Service Garages ancillary to retail stores, automobile service stations and automatic or mechanical car washes shall be permitted in the Special District Commercial designation, provided that they are set back a minimum of 150 metres from the intersection of Markham Road and Steeles Avenue East.
- 16.2 Amendments to the Zoning By-law to permit an increase in the height or density of development may require the provision of facilities, services or matters to improve the landscaping, pedestrian, transportation and/or other community facilities, amenities and/or services available for this area, pursuant to Section 37 of the *Planning Act*, R.S.O., 1990, c.P. 13, as amended. Matters to be provided include:
 - (a) The density of development permitted by this provision is permitted subject to the owner of the lands, at its expense and in accordance with and subject to the execution and registration of the agreements referred to Section (b) herein, providing or funding the following facilities, services and matters as follows:
 - (i) the creation of a gateway feature at the south-west corner of Markham Road and Steeles Avenue East;
 - (ii) the design and installation of one or more pieces of public art to the satisfaction of the Chief Planner of the City of Toronto or their designate, which art shall be located on the property to which this provision applies and shall be visible from the public sidewalk at the intersection of Markham Road and Steeles Avenue East, and shall form part of the gateway feature as specified in (a) (i) above. The owner’s cost to select, design, acquire and install the art shall not be less than \$200,000.00;

- (iii) The agreement shall contain provisions relating to the phasing of development including a requirement that a minimum of 2,300 m² of development along the frontage of Steeles Avenue East shall be commenced within three years of the issuance of the building permit for the first building on the lands to which this Performance Standard applies, which will include the construction of the Markham Road and Steeles Avenue East gateway feature and corner buildings. The agreement shall contain further provisions respecting the commencement of development that will complete the Steeles Avenue frontage of the lands within five years of the issuance of the building permit for the first building on the lands to which this Performance Standard applies; and
 - (iv) The agreement shall contain landscape plan drawings satisfactory to the City of Toronto, which show an interim landscape treatment for the site.
- (b) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (a) herein, which agreement shall be registered as a first charge on title to the lands to which this provision applies.

16.3 The following design guideline shall be considered when applying for Site Plan Control approval:

Corner buildings shall be sited to allow for a significant front yard facing the intersection of Markham Road and Steeles Avenue. Landscaping at this corner and along the street edges should reflect the importance of this intersection as a gateway to Toronto. No parking should be placed in front of corner buildings. Landscaping and corner features at this corner, including public artwork, should demonstrate its significance as an entry way to Toronto.

