

1 Seminoff St, 330-398B Danforth Rd, 2 Pilkington Dr and 35-55 Wilkes Cres (350 Danforth Rd) – Part Lot Control Exemption Application – Final Report

Date:	December 15, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 35 – Scarborough Southwest
Reference Number:	08 211953 ESC 35 PL

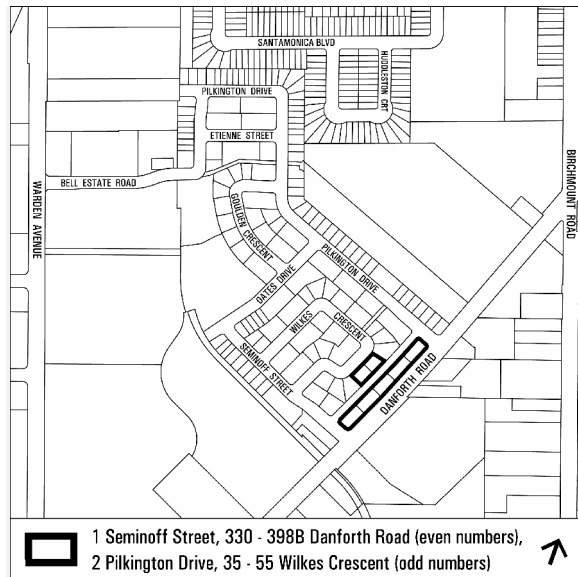
SUMMARY

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.

An application has been submitted to permit exemption from part lot control for the properties at 1 Seminoff Street, the even numbered properties at 330-398B Danforth Road, 2 Pilkington Drive, and the odd numbered properties at 35-55 Wilkes Crescent (part of the larger property known as 350 Danforth Road).

The requested exemption from the part lot control provisions of the Planning Act is required to create conveyable lots for 50 common element condominium townhouses.

This report reviews and recommends approval of the part lot control exemption.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a part lot control exemption by-law with respect to the subject lands as generally illustrated on Attachment 1, to be prepared to the satisfaction of the City Solicitor and to expire two years after registration following enactment by City Council.
2. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the part lot control exemption by-law.
3. Prior to the introduction of the part lot control exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner or his designate.
4. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the associated common elements condominium has been registered.
5. City Council authorize and direct the City Solicitor to register the part lot control exemption by-law on title.
6. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft part lot control exemption by-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The related Official Plan and Zoning By-law Amendment Application 03 035270 ESC 35 OZ and Draft Plan of Subdivision Application 04 117084 ESC 35 SB sought approval for the development of the overall site at 350 Danforth Road with a residential subdivision including a public park. These applications were appealed to the Ontario Municipal Board (OMB). A settlement was reached between the Owner and the City, and residential zoning and a plan of subdivision for 350 Danforth Road were approved by the OMB in a series of decisions issued in 2005 and 2007. A subdivision agreement between the City and the Owner was executed on October 25, 2006. The subdivision was registered as Plan 66M-2437 on April 13, 2007.

The associated Draft Plan of Common Elements Condominium Application 07 225756 ESC 35 CD for the subject lands was draft approved by the Chief Planner's designate on September 25, 2008. The conditions of draft approval include the construction of

the private lane within the common elements condominium, and warning clauses within the condominium declaration advising that snow removal and the ownership and maintenance of the private lane and driveways shall remain the sole responsibility of the condominium corporation, and the City will not maintain any common element facilities or retain any liability with the exception of water and sewer within the City easement.

ISSUE BACKGROUND

Proposal

The lots front onto public roads, and are municipally addressed as 1 Seminoff Street and 330-342 Danforth Road (Block 131), 344-358 Danforth Road (Block 132), 360-372 Danforth Road (Block 133), 374-388 Danforth Road (Block 134), 390-398B Danforth Road and 2 Pilkington Drive (Block 135), 47-55 Wilkes Crescent (Block 136), and 35-45 Wilkes Crescent (Block 137). Vehicular access to the rear of the lots is provided by a common elements lane. (Refer to Attachment 3 for the project data).

The application seeks exemption from part lot control in order to enable the division of land to create parcels conveyable as separate ownerships for 50 townhouse dwellings.

Site and Surrounding Area

The subject property is situated on the north side of Danforth Road between Warden Avenue and Birchmount Road. Construction of the approved residential subdivision has commenced. The lands which are the subject of the current application for part lot control exemption are lots at and near the southern boundary of the 350 Danforth Road subdivision.

The property at 350 Danforth Road is bounded on the east by the TTC Birchmount Bus Garage and on the north by an existing residential neighbourhood. Industrial uses, the proposed residential subdivisions at 300 Danforth Road and 671 Warden Avenue, and the historic Bell Estate house are located west of the site. Industrial uses in the Oakridge Employment District are located on the south side of Danforth Road.

Official Plan

The subject portions of 350 Danforth Road are designated as Mixed Use Areas (Blocks 131-135) and Neighbourhoods (Blocks 136-137) in the Warden Woods Community Secondary Plan. Mixed Use Areas are made up a broad range of commercial, residential, and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

Zoning

The subject lands are zoned Townhouse Residential (TH). The uses permitted in the TH zone include townhouse dwellings, correctional group homes and group homes, in addition to private home day care as an ancillary use.

Site Plan Control

The associated Site Plan Approval Application 07 225747 ESC 35 SA was approved by the Director of Community Planning on July 24, 2008.

Agency Circulation

The application was circulated to all appropriate City divisions. No issues were identified as a result of the circulation.

COMMENTS

Land Division

Section 50(7) of the Planning Act, R.S.O. 1990, as amended, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from part lot control. The subject lands are within a registered plan of subdivision. The lifting of part lot control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the development approved through the subdivision draft plan approval granted by the Ontario Municipal Board on November 10, 2005.

To ensure that the part lot control exemption does not remain open indefinitely, it is recommended that the by-law contain an expiration date. In this case, the by-law should expire two years after registration following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Before the associated common elements condominium is released for registration, the part lot exemption by-law must be enacted.

CONTACT

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SIGNATURE

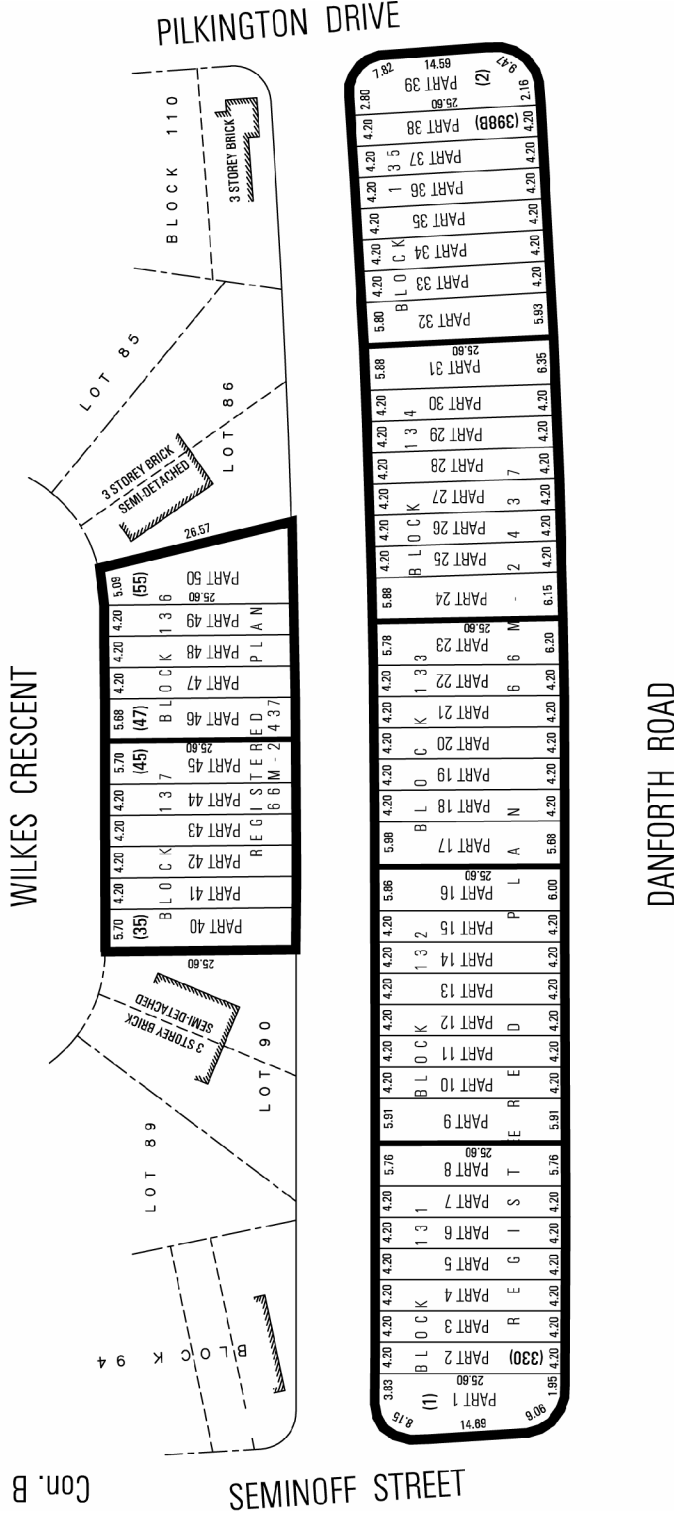
Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Part Lot Control Exemption Plan (Schedule '1')
Attachment 2: Zoning
Attachment 3: Application Data Sheet

Attachment 1: Part Lot Control Exemption Plan (Schedule '1')

Schedule '1'
Lot 31



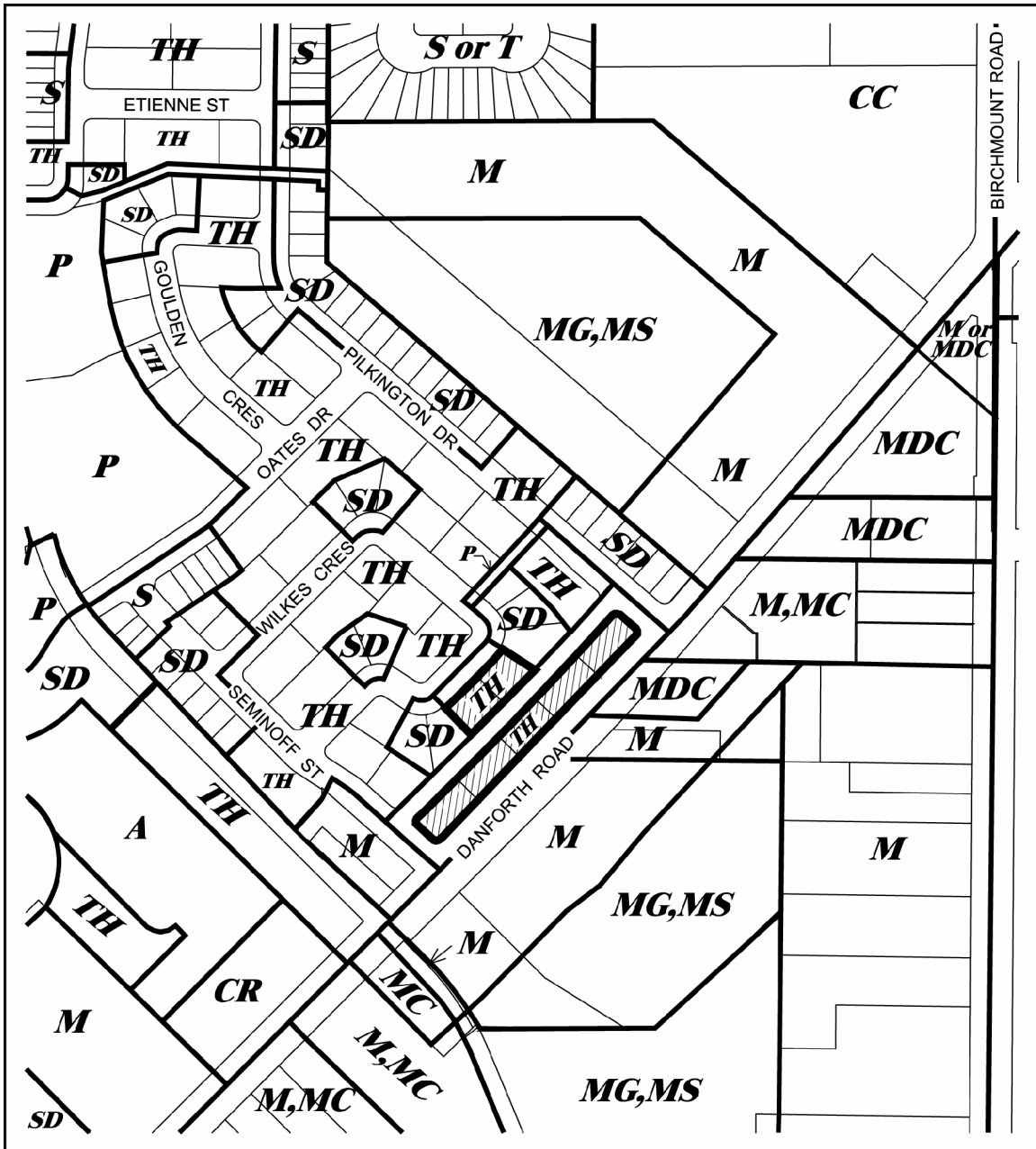
1 Seminoff Street, 330 - 398B Danforth Road (even numbers),
2 Pilkington Drive and 35 - 55 Wilkes Crescent (odd numbers)
File # 08-211953 PL

Toronto City Planning Division
Part Lot Control Exemption

Oakridge Employment District By-law
Not to Scale
12/9/08

Area Affected By This By-Law

Attachment 2: Zoning



TORONTO City Planning Division
Zoning

1 Seminoff Street, 330 -398B Danforth Road (even numbers),
 2 Pilkington Drive, 35 - 55 Wilkes Crescent (odd numbers)

File # 08 211953 PL

 Location of Application	A Apartment Residential Zone	M Industrial Zone	MDC Industrial District Commercial Zone
TH Townhouse Residential Zone	CR Commercial / Residential Zone	MC Industrial Commercial Zone	P Park
S Single-Detached Residential Zone	T Two-Family Residential Zone	MS Special Industrial Zone	
SD Semi-Detached Residential Zone	CC Community Commercial	MG General Industrial Zone	

 Not to Scale
10/20/08

Attachment 3: Application Data Sheet

Application Type: Part Lot Control Exemption Application Number: 08 211953 ESC 35 PL
 Details: Application Date: October 9, 2008

Municipal Address: 350 DANFORTH RD
 Location Description: CON B PT LOT 31, 32 AND RP 66R3730 PART 1 PLAN M572 PT BLK A **GRID E3507
 Project Description: Part lot control for Block 131 to 137 inclusive and Block 144, Registered Plan 66M-2437, to allow for the creation of 50 common element condominium townhouse lots at 1 Seminoff Street, 330-398B Danforth Road (even numbers), 2 Pilkington Drive, and 35-55 Wilkes Crescent (odd numbers), with private rear lane for driveway access.

Applicant: MONARCH CORPORATION
Agent:
Architect:
Owner: MONARCH CORPORATION

PLANNING CONTROLS

Official Plan Designation: Employment Areas Site Specific Provision:
 Zoning: TH per Exception 831 of By-law 24982 Historical Status:
 Height Limit (m): 0 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	139630	Height: Storeys:	3
Frontage (m):	252	Metres:	9
Depth (m):	0		
Total Ground Floor Area (sq. m):	0		Total
Total Residential GFA (sq. m):	9678.82	Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	9678.82		
Lot Coverage Ratio (%):	0		
Floor Space Index:	0.07		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m): 9678.82	0
Bachelor:	0	Retail GFA (sq. m): 0	0
1 Bedroom:	0	Office GFA (sq. m): 0	0
2 Bedroom:	0	Industrial GFA (sq. m): 0	0
3 + Bedroom:	50	Institutional/Other GFA (sq. m): 0	0
Total Units:	50		

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