TORONTO

STAFF REPORT
ACTION REQUIRED

A Portion of the South Side of the Gunns Road Right-Of-Way, north of 30 Weston Road – Zoning By-law Amendment Application – Final Report

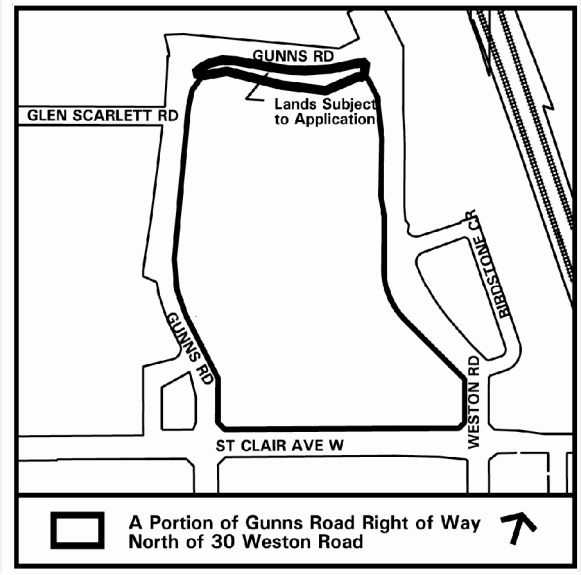
Date:	January 27, 2011
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	10 273094 WET 11 OZ

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.

This application proposes to include a portion of the Gunns Road right-of-way north of 30 Weston Road within the parcel to be used for the proposed development at 30 Weston Road and part of 33 Gunns Road. This was previously discussed during the community consultations and in the October 23, 2009 Final Report on the proposed development.

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 Zoning By-law 1202-2009, to add a portion of the Gunns Road Right-of-Way north of 30 Weston Road as shown on

Attachment 1, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 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 Bills to City Council for enactment, require the process for the closing of this portion of Gunns Road to be completed and for the lands to be purchased by Riotrin Properties (Weston) Inc. and 2176905 Ontario Limited.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Zoning By-law Amendment application (Application 08 174968 WET 11 OZ) for the redevelopment of 30 Weston Road and part of 33 Gunns Road was made in June 2008. The site at 30 Weston Road and part of 33 Gunns Road is a large development parcel that abuts this application site to the south. A site-specific zoning by-law amendment was adopted by City Council in December 2009 (By-law 1203-2009). By-law 1203-2009 changed the zoning on 30 Weston Road and part of 33 Gunns Road from I3 to IC, with site-specific provisions, to permit a commercial development having a maximum floor area of 51,497 square metres.

The Site Plan Approval application (Application 08 226555 WET 11 SA) for the development on the large site was submitted in December 2008 and is currently under review by City staff.

Pre-Application Consultation

Pre-application consultation discussions were held with the applicant, Riotrin Properties (Weston) Inc., to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The purpose of this application is to rezone a portion of the Gunns Road right-of-way, north of 30 Weston Road to IC by amending site-specific By-law 1203-2009 for 30 Weston Road and part of 33 Gunns Road, to include the subject portion of Gunns Road.

The subject lands are currently owned by the City of Toronto. It is the intent of Riotrin Properties (Weston) Inc. and 2176905 Ontario Limited to purchase the subject lands and

incorporate them into their redevelopment at 30 Weston Road and part of 33 Gunns Road once the process to deem the lands surplus is complete. The process to deem the lands surplus was initiated on March 4, 2009 and the closure and sale of the lands is expected to be completed early 2011.

The requested rezoning is technical in nature.

Site and Surrounding Area

The lands subject to this application are a portion of the Gunns Road right-of-way adjacent to north side of 30 Weston Road. The lands have an approximate area of 0.18 hectares (0.45 acres).

The surrounding uses are as follows:

North: Glen Scarlett Park, and beyond are residential and industrial uses.

South: 30 Weston Road which is currently vacant with zoning approvals for a 51,497 square metres commercial development. South of St. Clair Avenue West are commercial uses in various sizes, including large format retailers; namely, Home Depot, Canadian Tire and Rona. On the south east side of Weston Road and St. Clair Avenue West are a mix of industrial and residential uses.

East: a residential neighbourhood consisting of townhouses.

West: Closest to St. Clair Avenue West are Viella Tarrogona Park, the TTC streetcar loop and beyond is a residential neighbourhood consisting of semi-detached houses and town homes. Abutting Glen Scarlett Road are industrial uses.

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 site is designated by the Toronto Official Plan (Map 17) as Employment Areas. The site is not within an Employment District as identified on the Urban Structure Map 2. There are no Secondary Plan or Site and Area Specific policies that apply to this area. Employment Areas are places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

The Plan also contains policy direction with respect to large scale, stand-alone retail stores and 'power centres' in *Employment Areas*. While these uses are not directly supportive of the primary employment function of these areas, the Plan recognizes that limited permissions in these employment areas may be needed to accommodate this form of retailing in the City. The limited locations for these permissions are set out in Policy 4.6.3.which 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:

a) 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

b) the functioning of other economic activities within the Employment Areas and the economic health of nearby shopping districts are not adversely affected."

In other words, this permission for retail is subject to Council's satisfaction that specific criteria have been addressed in addition to other policies of the Official Plan.

The site is located within the Natural Heritage System as identified on Map 9 Natural Heritage of the Official Plan. The Official Plan requires all development in or near the natural heritage system be evaluated to assess the development's impact on the natural heritage system and identify measures to mitigate negative impacts on and/or improve the natural heritage system.

The Official Plan states that "Following receipt of a complete planning application, Council will determine whether the City is satisfied with pre-application community consultation, in particular any pre-application community meeting(s) held in accordance with City standards, and whether one or more subsequent community meetings will be required under the provisions of Policy 5.5.1(c)(ii)."

Policy 5.51(c)(ii) requires "holding at least one community meeting in the affected area, in addition to the minimum statutory meeting requirements of the Planning Act, for proposed Official Plan and/or Zoning By-law Amendments prior to approvals".

Zoning

These lands are not currently subject to the new City of Toronto Zoning Bylaw 1156-2010 and are subject to the former City of Toronto By-law (By-law 438-86, as amended).

The subject lands are zoned I3 in the former City of Toronto Zoning By-law 438-86, as amended. The I3 zoning permits a range of non-residential uses including a variety of retail and service shops and restaurants. The maximum height permitted on the site is 14 metres.

The property to the south, 30 Weston Road and part of 33 Gunns Road, was rezoned in 2009 by By-law 1203-2009. This by-law rezoned the property to permit a 52,000 square metre commercial development, which includes a large retail store and a combination of small and mid-size retail, office and service shops.

Site Plan Control

An application for Site Plan Approval for the redevelopment of 30 Weston Road and part of 33 Gunns Road was submitted in December 2008 and is currently under review by City staff.

Reasons for the Application

The purpose of this application is to rezone a portion of the Gunns Road right-of-way, north of 30 Weston Road to IC by amending site specific By-law 1203-2009 for 30 Weston Road and part of 33 Gunns Road to incorporate the Gunns Road parcel.

Community Consultation

As part of the rezoning application (Application 08 174968 WET 11 OZ) for the 30 Weston Road and part of 33 Gunns Road development parcel a number of community meetings were held. The local Councillor held an Open House regarding the proposed development on October 6, 2008. In addition, the Councillor formed a Working Group made up of the applicant and local residents and businesses to provide input on the development proposal, which met on five occasions. A Community Consultation Meeting was held September 14, 2009 at the York Civic Centre.

The proposal to include a portion of the Gunns Road right-of-way (north of 30 Weston Road) within the proposed development of 30 Weston Road and part of 33 Gunns Road was presented as part of the previous development application and discussed at the various community meetings. However, since the process to permit the application to purchase the Gunns Road right-of-way portion had not been concluded, the site specific zoning by-law amendment for the larger commercial development did not include the Gunns Road parcel at that time.

The Final Report on the rezoning application for 30 Weston Road and part of 33 Gunns Road, stated that "the applicant has requested that a sliver of land adjacent to Gunns Road on the north end of 30 Weston Road, be deemed surplus to the City's transportation requirements. The lands are not required for the development to occur, but would provide the applicant with additional flexibility in the future for site design and layout as they secure tenants for the development. The uses currently proposed for these lands are for landscaping and access stairs. The land acquisition is subject to a separate process and will be reported out at a later date. If in the future the applicant requires further planning approvals, the owner would be required to file new applications for any required amendments to the approvals currently being sought with respect to the lands the owner wishes to acquire".

As the current rezoning application to rezone a portion of the Gunns Road right-of-way was discussed as part of the previous planning application approved by City Council in December 2009, City Planning staff sought City Council direction on whether or not to hold a further community consultation meeting for this application.

City Council at its meeting on December 16, 2010 adopted Clause EY2.5 Etobicoke York Community Council and in doing so determined that the City is satisfied with community consultation held to date on the current rezoning application and that no further community meetings are required for this application and to advance the application to a final report and statutory Planning Act meeting.
(http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-340001.pdf)

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 proposed rezoning is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

Application Submission

The following reports/studies were submitted with the application: context plan; site plan; and, landscape plan. It should be noted all studies and reports required to assess the overall development were submitted and reviewed as part of the rezoning application (Application 08 174968 WET 11 OZ) and Site Plan Approval application (Application 08

226555 WET 11 SA) for the larger development parcel at 30 Weston Road and part of 33 Gunns Road.

A Notification of Complete Application was issued on November 4, 2010.

The applicant has submitted a formal request to purchase a portion of the Gunns Road public right-of-way adjacent to the site situated along the south side of the east-west leg of Gunns Road west of Weston Road. This piece of the road allowance forms part of the existing Gunns Road municipal boulevard.

Zoning Amendment

The proposed zoning amendment to include the portion of Gunns Road, which is currently in the process of being closed, is technical and in nature and it is recommended that the application be approved.

Gunns Road Right-of-Way

The portion of the Gunns Road public right-of-way that is proposed to be closed consists of Parts 1, 13, 14, 15, 17 and 18 on the submitted Draft Plan of Survey of "Part of Albany Road (closed by by-law etc.)…and Part of Weston Road South (various registered plans)," dated August 16, 2010 (which Draft Plan of Survey is now deposited as Reference Plan 66R-25063).

The applicant intends to incorporate this strip of land as part of the subject retail-commercial development to improve the site design and layout. A minimum 5.0 metre public right-of-way will remain along this section of Gunns Road for municipal sidewalk, streetscaping, and utility placement purposes.

Transportation Services Division has initiated the 'road closing' process in this regard, and have determined that this portion of the Gunns Road public right-of-way is not required for any current or long-term operational purposes. In addition, Transportation Services has recently completed the internal and external canvassing of the usual City Divisions, agencies, commissions, and utility companies and has received no objections, concerns or conditional approvals from the returned responses with respect to the proposed stop-up/closure of this piece of unimproved road allowance.

The 'Property Management Committee' of Real Estate Services, at its meeting of July 20, 2010, has declared this piece of road allowance surplus on condition that City Council approves its permanent closure.

Transportation Services report on closing this portion of the Gunns Road is scheduled to be considered at the February 16, 2011 Etobicoke York Community Council meeting.

Development Charges

No new development charges will result from the approval of this application.

CONTACT

Gregory Byrne, Senior Planner
Tel. No. (416) 394-8238
Fax No. (416) 394-6063
E-mail: gbyrne@toronto.ca

SIGNATURE

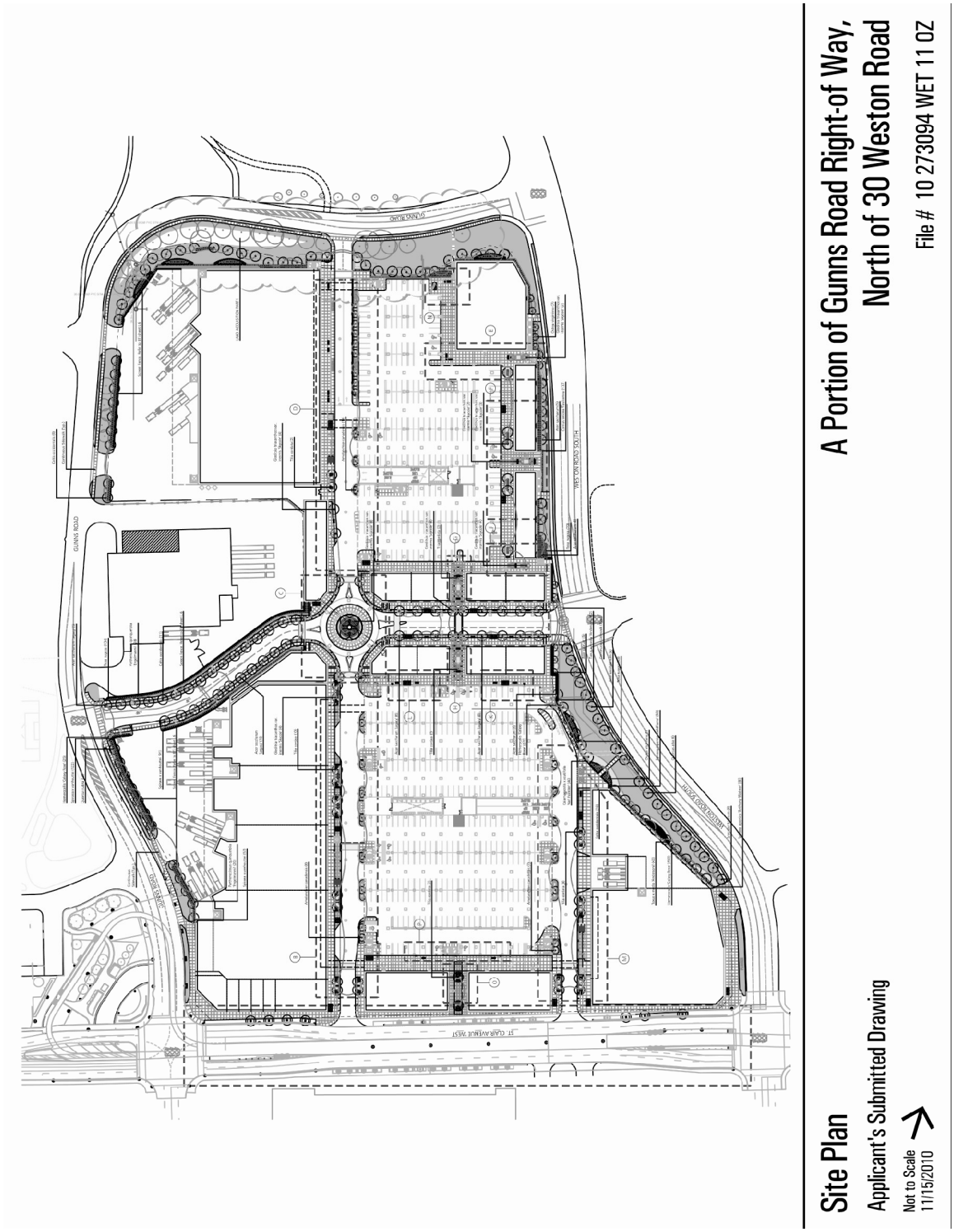
_____

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

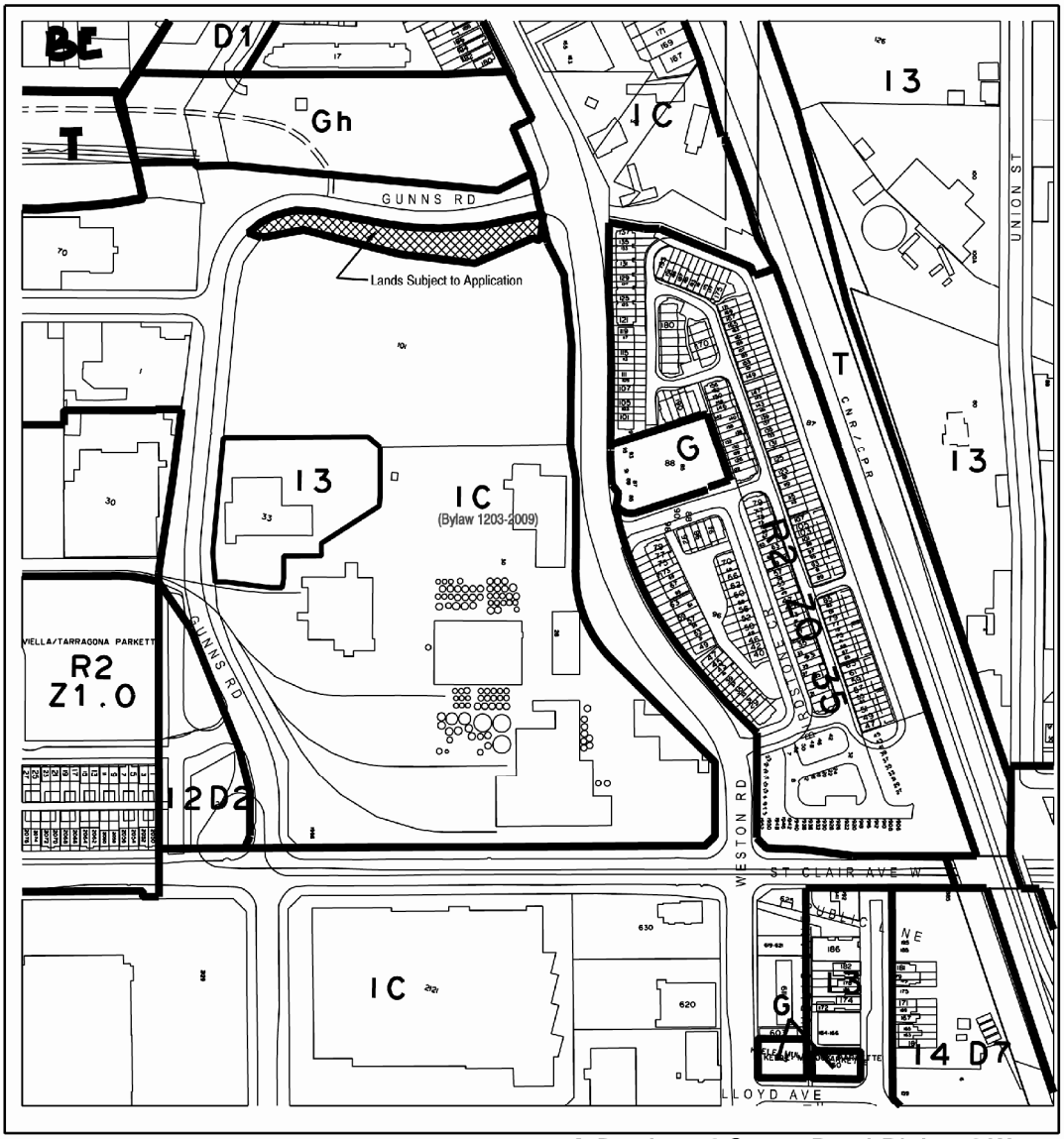
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Attachment 2: Zoning



Attachment 3: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend ~ Zoning By-law No. 1203-2009,
With respect to the certain lands formally within Gunns Road Right-Of-Way,
Abutting the north side of the lands municipally know as 30 Weston 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 By-law of By-law No. 1203-2009 is deleted and replace with the revised Schedule 'A' attached here to.

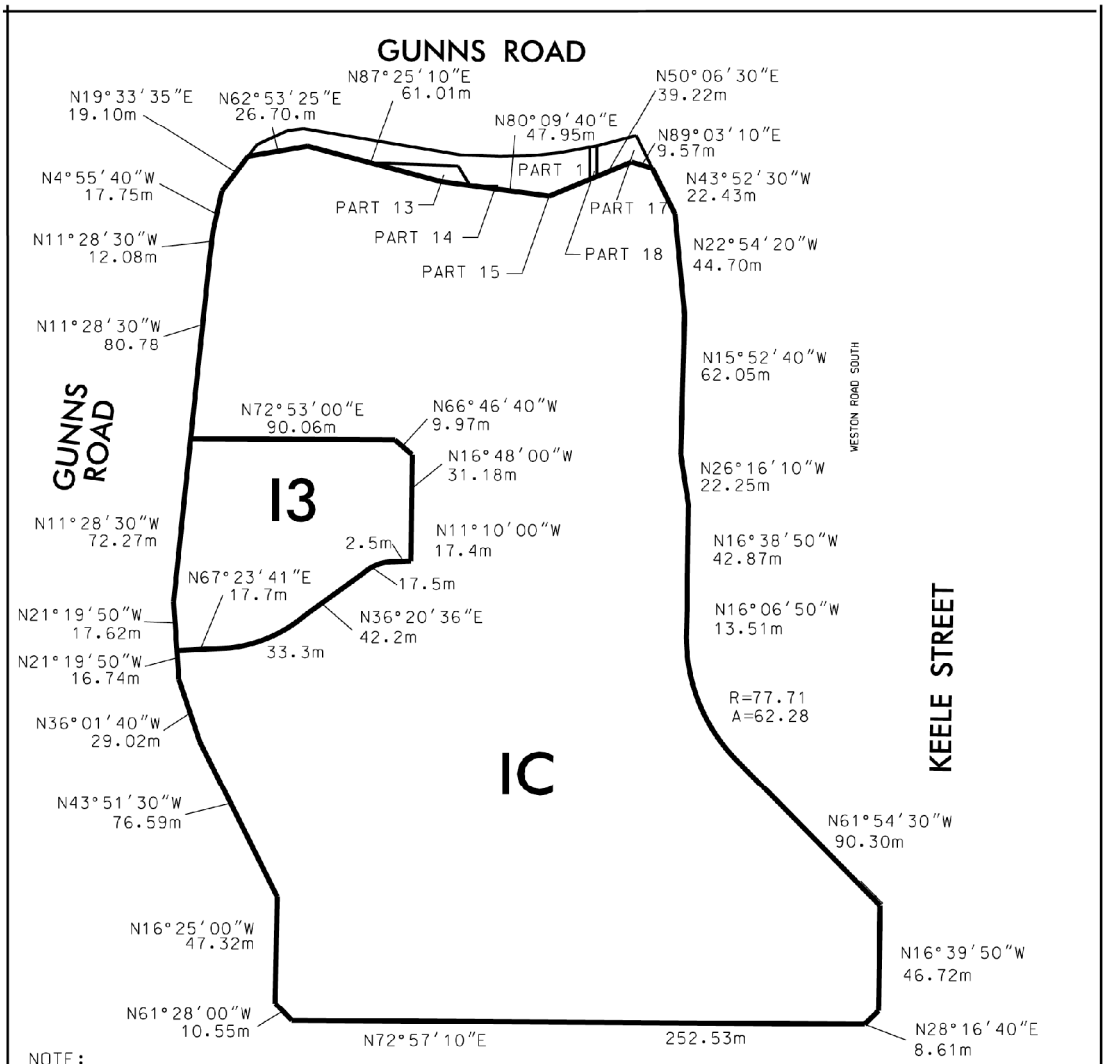
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROBERT FORD, Mayor

ULLI S. WATKISS, City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY–LAW



PART OF ALBANY ROAD, PART OF WESTON ROAD SOUTH, REGISTERED PLAN 1067–YORK, PART OF BLOCK B AND WESTON ROAD SOUTH, REGISTERED PLAN 1196–YORK AND PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, AND 18 ART OF LANE, REGISTERED PLAN 839–YORK, CITY OF TORONTO

Applicant's Name:	RIOTRIN PROPERTIES (WESTON) INC.			
Assessment Map	Zoning Code Map/s		scale: 0 50 100 m, 25 75	NORTH
File No. 10_273094	Drawing No. 10_273094_dz1	Drawn By: K.P.		