3447 Kennedy Road (Rear) – Zoning Amendment Application – Supplementary Report

Date: October 9, 2012

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 39 Scarborough – Agincourt

Reference Number: 12 146458 ESC 39 OZ & 12 204159 ESC 39 SA

SUMMARY

It is proposed to replace the draft zoning by-law attached as Attachment 6 to the September 27, 2012 report from the Director, Community Planning, Scarborough District, with Attachment 1 of this report.

The purpose of this report is to recommend changes to the recommendations contained in the Final Report from the Director, Community Planning, Scarborough District, dated September 27, 2012. These changes are recommended to clarify the intent of the conditions of approval and provide a Holding (H) Provision in the amending by-law to secure the transportation improvements identified in the owner's traffic impact study. The applicant is in agreement with these changes and prefers this approach.

RECOMMENDATIONS

The City Planning Division recommends that the recommendations in the report dated September 27, 2012, from the Director, Community Planning, Scarborough District, be amended to read as follows:

1. City Council amend Employment Districts Zoning By-law No. 24982, as amended, for the lands at 3447
Kennedy Road (rear) substantially in accordance with the draft zoning by-law amendment attached as Attachment 1 to the report (October 9, 2012) from the Director, Community Planning, Scarborough District.

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.

ISSUE BACKGROUND
Staff have continued to work with the applicant and other City divisions after completing the Final Report of the Director of Community Planning, Scarborough District, dated September 27, 2012.

The applicant was concerned with Recommendation Number 3 which delayed the introduction of the zoning Bill to Council until certain conditions were fulfilled. Upon further discussion with the applicant, they agreed to the use of a Holding Provision (H) in the amending zoning by-law as an alternate means of securing certain development matters.

Proposed Changes to the Draft Zoning By-law
Staff support and prefer the use of a Holding Provision (H) in the amending zoning by-law as it will serve dual purposes. It will protect and secure the City's interest for the future extension of Redlea Avenue and will ensure the other transportation improvements identified and outlined in the owner's traffic impact study will be achieved.

Should City Council approve these staff recommendations, the owner's concerns will be addressed.

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SIGNATURE
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Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS
Attachment 1: Revised Draft Zoning By-law Amendment
Attachment 1: Draft Zoning By-law Amendment

Authority: Scarborough 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 SCARBOROUGH EMPLOYMENT DISTRICTS ZONING BY-LAW NO. 24982 (MILLIKEN EMPLOYMENT DISTRICT), AS AMENDED, WITH RESPECT TO THE LANDS MUNICIPALLY KNOWN AS, 3447 KENNEDY ROAD (REAR)

WHEREAS authority is given to Council by Section 34 and Section 36 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 the Milliken Employment District Zoning By-law is amended by deleting the current zoning for the lands at 3447 Kennedy Road (Rear) and replacing it so that the amended zoning shall read as follows as shown on Schedule'1':

   SDC (H) -15-913-988-1054-1791-2029 480

2. SCHEDULE 'C', of the Milliken Employment District Zoning By-law No. 24982, Exception List, is amended by deleting Exception No. 120 and replacing with the following Exception:

   480 (a) On those lands identified as Exception No. 480, the following additional uses shall be permitted:
   
   Additional Permitted Uses:
   Mall Food Court
   Grocery Store

   (b) Prior to the removal of the Holding Provision (H) from the zoning for this site, only Industrial Zone (M) and Vehicle Service (VS)
uses are permitted, together with the following Performance Standards:


(c) The Holding Provisions (H) used in conjunction with the Special District Commercial Zone shall be removed, in whole or in part, by amending By-law when Council is satisfied that:

i. An executed agreement is received to the satisfaction of the City Solicitor between the parties of the subject lands and Metrolinx, confirming that an open boundary agreement has been reached;

ii. A revised Traffic Impact Study is received incorporating revisions as required by Transportation Services for review and acceptance to the satisfaction of the Executive Director of Transportation Services; and

iii. At no cost to the City and to the satisfaction of the Director, Technical Services, the Owner enter into an agreement for the construction and installation of all required transportation improvements identified in the Owner's Transportation Impact Study and that these transportation improvements be secured to the satisfaction of the City.

(d) Whereupon the lands shall be restricted to the following Zone Provisions, Performance Standards and Exceptions:

SDC -15-913-988-1054-1791-2029

3. Within the lands shown on Schedule "1" 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)