

3447 Kennedy Road (Rear) – Removal of a Holding Provision (H) Application – Final Report

| | |
|--------------------------|---|
| Date: | July 8, 2013 |
| To: | City Council |
| From: | Chief Planner and Executive Director, City Planning Division |
| Wards: | Ward 39 – Scarborough-Agincourt |
| Reference Number: | P:\2013\Cluster B\PLN\City Council\CC13058 (13 166440 ESC 39 OZ; 12 146458 ESC 39 OZ) |

SUMMARY

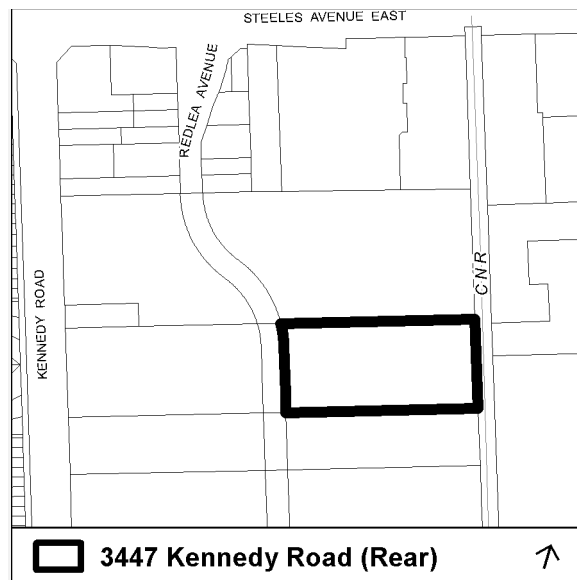
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes the Removal of the Holding Provision (H) at 3447 Kennedy Road (Rear) in order to permit retail uses within a two-storey building having a gross floor area of 12,077 square metres (130,000 square feet).

The proposed uses are allowed under By-law 265-2013, on the subject lands following the removal of the Holding Provision (H).

The applicant has provided the necessary reports/documents addressing matters such as transportation and access. These reports/documents have been reviewed by appropriate City Staff.

This report reviews and recommends approval of this application to remove the Holding Provision (H).



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 265-2013, for the lands at 3447 Kennedy Road (Rear) to remove the Holding Provision (H) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to report dated July 8, 2013.
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

At their meeting of February 21, 2013, City Council enacted By-law 265-2013, with a Holding Provision (H). Zoning By-law 265-2013 allowed retail uses (including a food store, restaurant and small commercial retail units) within a two-storey building having a gross floor area of 12,077 square metres (130,000 square feet) on the subject lands. The Final Planning Report can be found at:

<http://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-50789.pdf>

At their meeting of June 18, 2013, Scarborough Community Council adopted a Motion, moved by Councillor Del Grande, that City Planning staff be requested to report directly to City Council on July 16 and 17, 2013, on the removal of the Holding Provision (H) application at 3447 Kennedy Road (rear), application No. 13 166440 ESC 39 OZ.

ISSUE BACKGROUND

Proposal

This application proposes the removal of the Holding Provision (H) at 3447 Kennedy Road (Rear) in order to permit retail uses (including a food store, restaurant and small commercial retail units) within a two-storey building having a gross floor area of 12,077 square metres (130,000 square feet).

The proposed uses are allowed under By-law 265-2013 on the subject lands following the removal of the Holding Provision (H).

Site and Surrounding Area

The site is approximately 1.47 hectares (3.63 acres) in area, having approximately 83 metres (272 feet) of frontage on the future extension of Redlea Avenue and an average depth of 180 metres (590 feet).

Abutting uses include:

North: Metrolinx station – zoned Special District Commercial (SDC), completed August 2005, further north is Splendid China Square Development, beyond which is the Pacific Mall in the Town of Markham;

South: Anchor Shoring – zoned Industrial (M), General Industrial (MG), Special Industrial (MS) and Vehicle Service (VS);
East: Metrolinx right-of-way beyond which is retail-commercial and restaurants – zoned Mixed Employment (ME), Industrial (M), General Industrial (MG), Special Industrial (MS) and Vehicle Service (VS); and,
West: Industrial and retail/commercial uses – zoned Industrial (M), Community Commercial (CC), Employment (E) and Recreational (RU).

Official Plan

The subject site is shown as an 'Employment District' on the Urban Structure Map (Map 2) of the Official Plan. The Official Plan designates the property as 'Employment Areas' on Map 19, Land Use Plan which provides for uses such as office, 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.

However, Site and Area Specific Policies No. 104 and No. 133 are applicable to the subject lands. Site and Area Specific Policy No. 104 permits the following additional uses: business and trade schools, libraries, fraternal organizations, long-term care facilities, recreational uses and places of worship. Site and Area Specific Policy No. 133 permits retail and service uses, including stand-alone retail stores and/or 'power centres'.

Zoning

The subject lands are currently zoned both Industrial (M) and Vehicle Service (VS) by Employment Districts Zoning By-law No. 24982, as amended. Generally, permitted uses within the Industrial Zone include: industrial uses, offices, (excluding medical and dental offices), day nurseries, educational and training facility uses, places of worship and recreational uses.

Permitted uses within the Vehicle Service Zone (VS) generally include: open storage ancillary to vehicular service garages, vehicle sales operations, vehicle service stations and vehicle repair garages.

By-law 265-2013, enacted February 21, 2013, rezoned the subject lands Special District Commercial with a Holding Provision (H). Once the Holding Provision (H) is removed, By-law 265-2013, will come into effect which will allow the subject lands to be developed in order to permit retail uses (including a food store, restaurant and small commercial retail units) within a two-storey building having a gross floor area of 12,077 square metres (130,000 square feet).

Site Plan Control

The subject lands are subject to site plan control. A site plan control application has been submitted.

Reasons for Application

In order to allow for development to occur, the Holding Provision (H) must be removed to ensure certain matters including access over the adjacent Metrolinx lands, a revised traffic impact study and Agreement(s) to secure required transportation improvements are provided to City Council's satisfaction.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in determining whether the requirements for lifting of the Holding Provision (H) have been satisfactorily addressed.

COMMENTS

The following discussion addresses the specific requirements relating to the lifting of the Holding Provision (H) and how each requirement has been addressed.

Open Boundary Agreement

The Holding Provision (H) shall be removed, in whole or in part, by amending By-law when Council is satisfied that:

"an executed agreement 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"

To date a Letter of Intent between Metrolinx and the landowners confirming that an open boundary agreement will be entered into in the future has been executed by both parties. While the Agreement has not been finalized, planning staff, in consultation with Legal Services, are of the opinion that the executed Letter of Intent is sufficient for the lifting of the Hold (H). This matter will be further secured as a condition of site plan approval, requiring the Agreement be fully in place to the satisfaction of the City Solicitor prior to the issuance of a Statement of Approval in order to allow shared access and the use of surplus parking spaces.

Transportation

The Holding Provision (H) shall be removed, in whole or in part, by amending By-law when Council is satisfied that:

1. "a revised traffic impact study incorporating revisions as required by Transportation Services for review and acceptance to the satisfaction of the Executive Director of Transportation Services" further,

The revised traffic impact study was received and is to the satisfaction of the Executive Director of Transportation Services

2. "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"

The required transportation improvements have been secured to the satisfaction of the Executive Director of Transportation Services.

CONTACT

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SIGNATURE

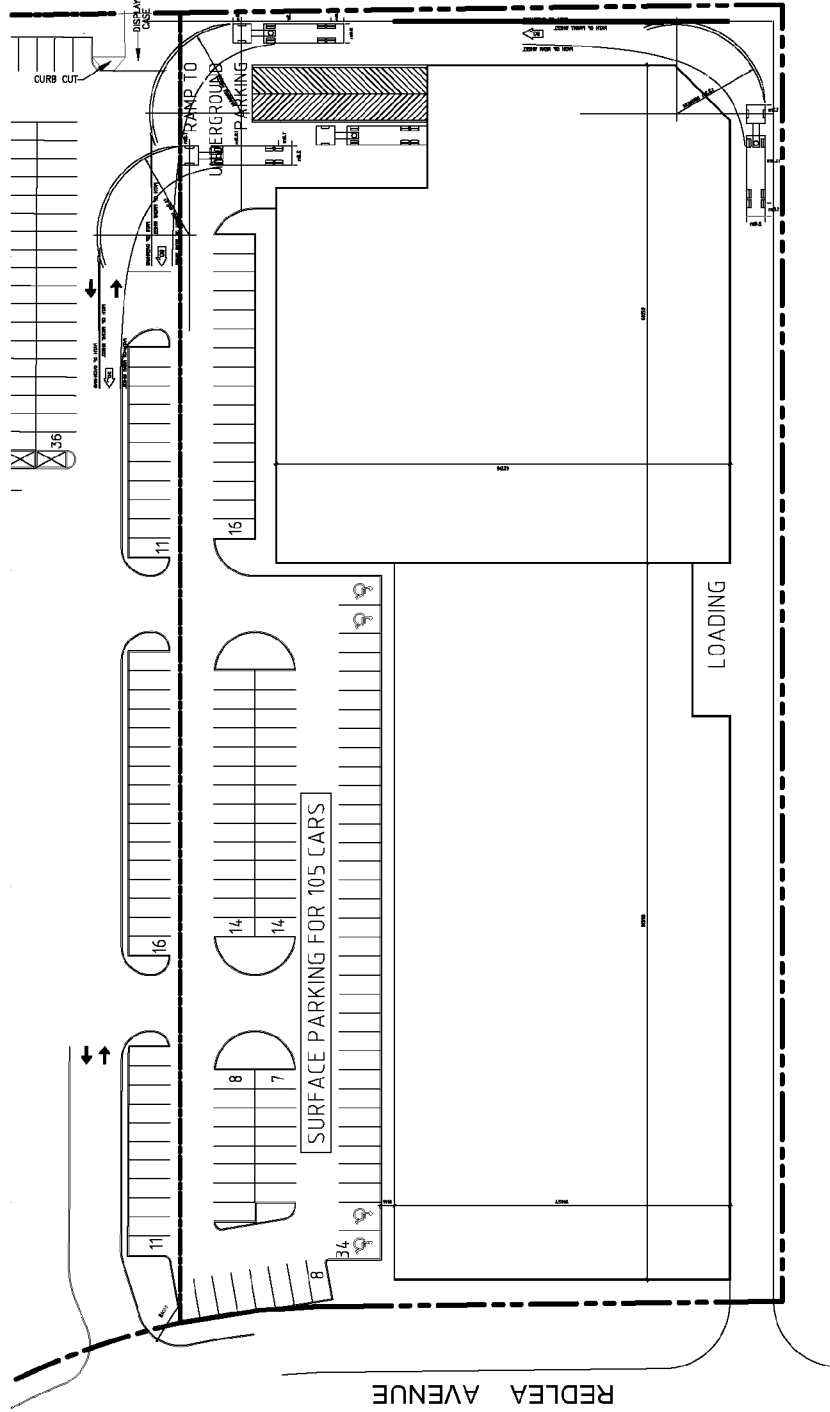
Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment

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Attachment 1: Site Plan



3447 Kennedy Road (Rear)

Site Plan

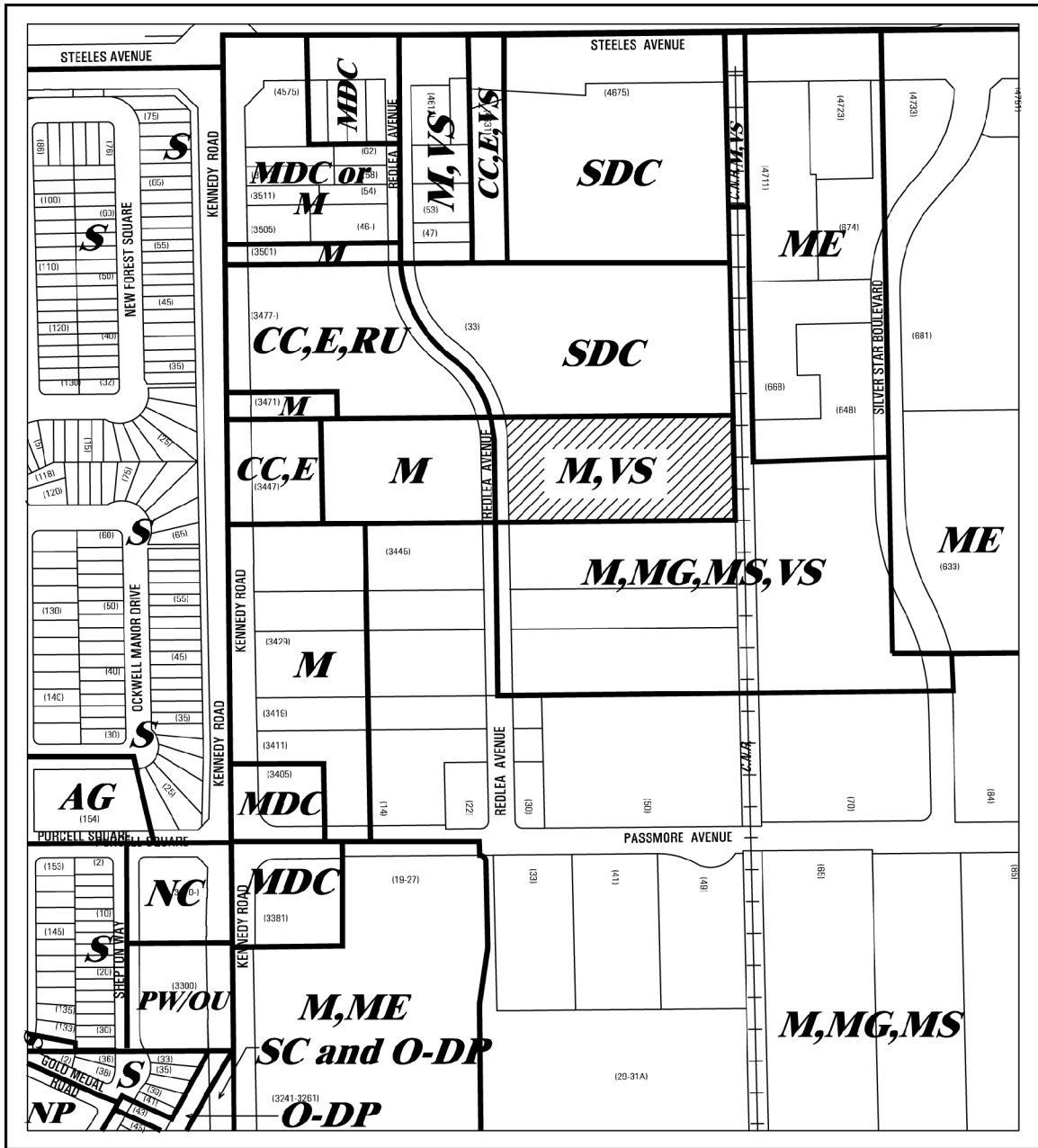
Applicant's Submitted Drawing

Not to Scale
04/12/12

File # 12 146458 ESC 39 0Z



Attachment 2: Zoning



TORONTO City Planning
Zoning Milliken Employment District

3447 Kennedy Road (Rear)
 File # 12146458 ESC 39 0Z

Location of Application

S Single Family Residential
NC Neighbourhood Commercial
PW Places of Worship
NP Neighbourhood Park

O_DP Open Space District Park
AG Agricultural Uses
SC School
OU Office Uses

CC Community Commercial Zone
E Employment Zone
ME Mixed Employment Zone
M Industrial Zone
MDC Industrial District Employment Zone

MG General Industrial Zone
MS Special Industrial Zone
RU Recreational Zone
SDC Special District Commercial
VS Vehicle Service Zone

Not to Scale
 04/04/2012

Attachment 3: Application Data Sheet

| | | | |
|------------------|----------------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 13 166440 ESC 39 OZ |
| Details | Rezoning, Lifting the Hold | Application Date: | May 10, 2013 |

Municipal Address: 3447 KENNEDY RD (REAR)
 Location Description: PLAN 1928 RCP PT LOT 6 NOW RP 64R16195 PART 1,6,8, 18 **GRID E3903
 Project Description: LIFT H REAR PORTION OF LANDS Proposed 11 238 m2 commercial development including food store. Previous Zoning Amendment application (12 146458 OZ). Revised Site Plan received May 7, 2013 increase gfa to 13,285 sq. m

| | | | |
|-------------------|---------------|-------------------|---------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| BRUCE MCMINN | | | CESARONI HOLDINGS LIMITED |

PLANNING CONTROLS

| | | | |
|----------------------------|------------------|--------------------------|---------------|
| Official Plan Designation: | Employment Areas | Site Specific Provision: | By-law 24-982 |
| Zoning: | M and VS | Historical Status: | |
| Height Limit (m): | 0, 0, 0 | Site Plan Control Area: | N |

PROJECT INFORMATION

| | | | | |
|------------------------------------|---------|---------|-----------------|--------------|
| Site Area (sq. m): | 14696.8 | Height: | Storeys: | 2 |
| Frontage (m): | 0 | | Metres: | 14.8 |
| Depth (m): | 0 | | | |
| Total Ground Floor Area (sq. m): | 7918.5 | | | Total |
| Total Residential GFA (sq. m): | 0 | | Parking Spaces: | 432 |
| Total Non-Residential GFA (sq. m): | 13285 | | Loading Docks | 3 |
| Total GFA (sq. m): | 13285 | | | |
| Lot Coverage Ratio (%): | 53.3 | | | |
| Floor Space Index: | 0.9 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | Above Grade | Below Grade |
|--------------|---|----------------------------------|-------------|-------------|
| Tenure Type: | | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 0 | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 13285 | 0 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 0 | 0 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 0 | | | |

| | | |
|-----------------|----------------------|--------------------------------------|
| CONTACT: | PLANNER NAME: | Renrick Ashby, Senior Planner |
| | TELEPHONE: | (416) 396-7022 |

Attachment 4: Draft Zoning By-law Amendment

Authority: ~ Community Council Item 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 the former City of Scarborough Employment Districts Zoning By-law No. 24982
(Milliken Employment District), as amended, by By-law No. 265-2013,
to remove the Holding Symbol (H)
with respect to the lands known municipally 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 impose the Holding Symbol (H) and to remove the Holding Symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule A of the Milliken Employment District Zoning By-law No. 24982, as amended, is amended by removing the Holding Symbol (H) from the lands shown on the attached Schedule '1' so that the amended zoning shall read as follows:

SDC-15-913-988-1054-1791-2029 480

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

ROB FORD,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'



TORONTO City Planning Division
Zoning By-Law Amendment

3447 Kennedy Road (Rear)
File # 12 146458 ESC 39 OZ

 Area Affected By This By-Law

Milliken Employment District
Not to Scale
07/02/13
