30 Weston Road and Part of 33 Gunns Road - Zoning By-law Amendment Application - Preliminary Report

Date: April 24, 2013
To: Etobicoke York Community Council
From: Director, Community Planning, Etobicoke York District
Wards: Ward 11 – York South-Weston
Reference Number: 13 148014 WET 11 OZ

SUMMARY

At its meeting of April 3, 2013, City Council directed the Director, Community Planning, Etobicoke York District, to submit a Preliminary Report to Etobicoke York Community Council regarding a City-initiated amendment to Site-Specific Zoning By-law 1203-2009, pertaining to 30 Weston Road and Part of 33 Gunns Road, to amend the Section 37 community benefit provisions of this By-law.

The subject property also has a Section 37 Agreement registered on title that must be amended to secure the Section 37 community benefit provision arising from a change to the Zoning By-law.

This report seeks Community Council’s directions on further processing of the application and on the community consultation process. It is intended that a community consultation meeting be scheduled by staff in consultation with the Ward Councillor in the second quarter of the year.

A Final Report and public meeting under the Planning Act to consider this application is targeted for the third quarter of 2013.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 30 Weston Road and Part of 33 Gunns Road together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A rezoning to permit the development of a 51,544 m² commercial development, which includes a large retail store and a combination of small and mid-size retail, office uses and service shops at 30 Weston Road and Part of 33 Gunns Road was approved through By-law 1203-2009 on December 4, 2009. This By-law includes a Section 37 community benefits clause which requires a $350,000 cash contribution (indexed) for improvements to local parks and recreation facilities, with priority given to improvements to Viella Tarragona Park, including a water play area; and a public art contribution of 1 percent of the gross construction costs of the shell building. The owner opted to provide a cash contribution for the public art and paid $779,500 to the City. With accrued interest on both contributions, current balances are $355,007.81 for the parks/recreation improvements and $783,494.94 for public art, for a total balance of $1,138,503.

COMMENTS

At its meeting of April 3, 2013 City Council directed the Director, Community Planning, Etobicoke York District, to submit a Preliminary Report to Etobicoke York Community Council regarding a City-initiated amendment to Site-Specific Zoning By-law 1203-2009, to amend the Section 37 provisions as follows:

a. to allow up to $325,000 of the $783,494.94, including accrued interest, secured and obtained for public art, to also be used for capital improvements to parks and recreation facilities in Ward 11, within the vicinity of the development, to be determined by the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor; and

b. to allow the $350,000 plus indexing and accrued interest, secured and obtained for improvements to local parks and recreation facilities with
priority consideration given to Viella Tarragona Park, including a water play area, to also be used for capital improvements to parks and recreation facilities in Ward 11, within the vicinity of the development, to be determined by the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor.


The Ward Councillor has indicated that a plan for Viella Tarragona Park was developed through consultation with the local community that provides for a splash pad and a public art work associated, but not integrated, with the splash pad.

A splash pad in Viella Tarragona Park is estimated by Parks, Forestry and Recreation staff to cost $550,000. The public art installation is estimated to cost $250,000, including an estimated $30,000 for the related public art competition. The splash pad design and the public art competition is to be conducted in 2013, with the construction of the splash pad and public art installation occurring in 2014. The remaining balance of funds in the amount of approximately $338,500 is intended to be used for park improvements in Ward 11 but has not being budgeted at this time.

The reallocation of up to $325,000 of the public art funds to provide for park improvements in Ward 11 will allow the cost of the splash pad to be fully funded, with a small contingency, and also allow for $338,500 to be used at a later date in other parks in Ward 11.

An amendment to Zoning By-law 1203-2009 and a revision to the Section 37 Agreement registered on title to the subject lands are necessary to reallocate the Section 37 funds.

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SIGNATURE

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