

2 Keelesdale Road (25 Photography Drive) - Zoning By-law Amendment Application – Final Report

Date:	May 28, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 12 – York South-Weston
Reference Number:	10 317381 WET 12 OZ

SUMMARY

This application proposes to amend former City of York Zoning By-law No. 1-83 to permit a gasoline bar (vehicle fuel station) at 2 Keelesdale Road. The proposed development is to be located on the southerly portion of a No Frills grocery store site and is to be a complementary use to the existing food store.

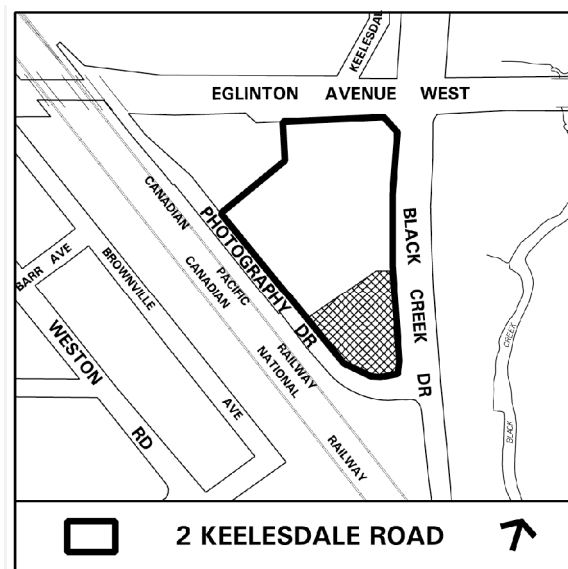
Planning staff are of the opinion the proposal is consistent with the Official Plan and that the proposed use is appropriate for the site. The proposed gasoline bar would support and contribute to the economic function of the adjacent Employment District by providing a local service to area businesses and adjacent uses.

This report reviews and recommends approval of the application to amend former City of York Zoning By-law No. 1-83, as amended.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of York Zoning By-law No. 1-83 for the lands at 2 Keelesdale Road (25 Photography Drive) substantially in



accordance with the draft Zoning By-law Amendment attached as Attachment 5.

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

An application to amend former City of York Zoning By-law No. 1-83 was submitted by Loblaw Properties Limited on November 22, 2006 (File No. 06 193030 WET 12 OZ) to permit a gasoline bar and car wash on the subject lands. A Preliminary Report dated January 29, 2007 was considered by the Etobicoke York Community Council at its meeting of February 13, 2007. The decision of Community Council and the Preliminary Report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2007/ey/decisions/2007-02-13-ey03-dd.pdf>

While a community consultation meeting was held on April 17, 2007 and departmental/agency comments were provided to the applicant, the issues raised and the additional information requested were not addressed by the applicant. The application was closed by City Planning in June 2009 due to inactivity.

On December 20, 2010 a new rezoning application was submitted for the lands at 2 Keelesdale Road (25 Photography Drive) to permit a gasoline bar. At its meeting of February 16, 2011, Etobicoke York Community Council considered a Preliminary Report dated January 26, 2011 from the Director of Community Planning, Etobicoke York District. The report provided preliminary information on the above-noted application and sought Community Council's direction on the further processing of the application and on the community consultation process. Community Council directed staff to schedule a community consultation meeting with an expanded notification area in consultation with Councillors Di Giorgio and Nunziata. The decision of Community Council and the Preliminary Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY4.7>

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop a gasoline bar (vehicle fuel station) on the southerly portion of the No Frills grocery store site. This facility would feature 6 gas pumps and a 60 m² sales kiosk with ancillary retail uses. The gasoline bar would be operated by Loblaw Properties Ltd. as a complementary use to the existing food store (see Attachments 1a and 1b-Site Plan and 2a and 2b-Elevations).

Further information on the proposal is contained in Attachment 4, Application Data Sheet.

Site and Surrounding Area

The subject property is located at the southwest quadrant of Eglinton Avenue and Black Creek Drive and bounded on the west and south by Photography Drive. The entire site is known as 2 Keelesdale Road and 25 Photography Drive and is approximately 3.03 ha (7.48 acres) in area. It is currently occupied by a 5,455 m² No Frills food store and associated parking, which was constructed in 2005. The 60 m² proposed gasoline bar is to be developed on the vacant southerly portion of the site which is approximately 0.65 hectares (1.61 acres) in area.

Surrounding land uses include:

North: The vacant former Kodak lands (3500 Eglinton Avenue West) located on the west side of Black Creek Drive and to the east side is the Black Creek valley park system and a baseball field. Just north of the No Frills food store and adjacent to the property is a 0.9 ha vacant parcel of City owned land that was to be used for a potential future transit facility.

South: A vacant parcel of land and the Metrolinx and Canadian Pacific Railway (CPR) rail corridors.

East: Keelesdale South Park and the Black Creek valley park system. On the southeast corner of Eglinton Avenue and Black Creek Drive is the location of the York Community Centre that is currently under construction.

West: Photography Drive and the Metrolinx and CPR rail corridor.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site *Mixed Use Areas* on Land Use Map 17. *Mixed Use Areas* are made up of 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.

The development criteria for *Mixed Use Areas* (Section 4.5.2) that are applicable include:

- Locating and massing new buildings to frame the edges of streets and maintain comfortable conditions for pedestrians on the street;
- Providing an attractive, safe and comfortable pedestrian environment;
- Providing good site access, circulation and supply of parking; and
- Locating and screening service areas and garbage storage to minimize impacts on adjacent streets.

The Built Form policies of the Official Plan (Sections 3.1.1 and 3.1.2) require that new development be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New development should also locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties. Developments should also improve the safety and attractiveness of adjacent streets, parks and open spaces.

Zoning

The property is zoned *City Centre Mixed Use* (CCM) in former City of York Zoning By-law No. 1-83. The property is also subject to site-specific zoning under Section 16 (336) and Section 16 (390) of By-law No. 1-83.

The site specific zoning under Section 16 (336) permits a mixed residential and commercial city centre use with office, small scale retail, institutional, residential and green open space uses on the subject property. Section 16 (390) of the Zoning By-law permits the existing food store, as well as a retail store, restaurant, take-out eating establishment and accessory buildings, uses and structures including associated parking, outdoor display and sales and outdoor eating areas.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval (Application 10 317380 WET 12 SA) is being review concurrently with this Zoning By-law Amendment application.

Reasons for Application

An amendment to the Zoning By-law is required because the site specific zoning under Sections 16 (336) and 16 (390) of former City of York Zoning By-law No. 1-83 does not permit the proposed gasoline bar use (vehicle fuel station).

Community Consultation

A community consultation meeting was held on March 29, 2011 at the York Civic Centre. The meeting was attended by Councillors Di Giorgio and Nunziata, the applicant, representatives of the owner (Loblaw Properties Ltd.) and four members of the public.

Issues and concerns raised by the residents included:

- Circulation of the application to both TRCA and CN/CP Railways;
- How gas stations are regulated in Ontario;
- Proximity of the proposed gas bar to the methane venting pipes that exist on the site;
- Public safety – potential for a train derailment and possible resultant gas bar explosion;
- Provision of on-site air pumps and barrier free washroom facilities; and
- Types of fuel being sold.

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

In addressing the concerns raised by the community on March 29, 2011, staff advised that the site is not regulated by the TRCA as it falls outside of their regulation limit. The application was not circulated to the TRCA for comment.

Additionally, the applicant has advised that the operational design and regulation of the gasoline bar would be addressed through the compliance and design review process of the Technical Standards and Safety Authority (TSSA) and the Ministry of the Environment (MOE) certification process. The applicant would also be providing a barrier free washroom and an air pump station on site. At the time of this report, no determination had been made concerning the types of fuel to be sold.

Planning staff have also confirmed with the owners of the rail line adjacent to the site (CPR and Go Transit/Metrolinx), that there are no safety concerns with the proposed use or significant concerns pertaining to train derailments for this site.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe. Section 2.2.6 of the Growth Plan and Section 1.3 of the PPS state that municipalities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment uses while protecting and preserving *employment areas* for current and future uses. The proposed gasoline bar

would contribute to the adjacent employment area by providing a service to local businesses and adjacent uses.

Land Use

The proposed 60 m², 6 pump gasoline bar and sales kiosk is a use provided for by the *Mixed Use Areas* designation of the City's Official Plan that applies to the site.

The site is not within the Natural Heritage System as noted on *Map 9* of the City's Official Plan but is in close proximity to the Black Creek valley system and a Natural Heritage area extending within the Metrolinx and CPR corridor. However, the site is physically separated from these Natural Heritage areas by Photography Drive on the west and Black Creek Drive on the east. Further, the site is not located in an area regulated by the TRCA or the City's Ravine By-law.

Therefore, staff believe there will be little adverse impact on the adjacent valley system.

Being located in a high traffic area at the southwest quadrant of Black Creek Drive and Eglinton Avenue West, which is identified as an *Avenue* in the City's Official Plan, the gas bar would provide a service for area residents and local businesses and general traffic through the area. Staff are of the opinion the proposal is an appropriate development and use of the vacant land.

Built Form

The proposal would provide appropriate setbacks from the property line and frame the edge of the street with good proportion to the existing building (No Frills) to the north. It would also provide a safe and comfortable pedestrian environment, good site access and circulation and an adequate supply of parking for visitors. Additionally, the fuel storage tanks and truck lay-by area would be located to the rear of the property along with the screened garbage storage area, away from the street edge.

Being located on a corner (Black Creek Drive and Photography Drive), the proposed building would be situated along both street frontages giving a higher level of prominence and attractiveness to this vacant corner. The development would also be clearly visible from the street, minimize curb cuts by utilizing the existing driveways off both adjacent streets and integrate a screened garbage storage area adjacent to the building.

Other urban design elements, such as pedestrian connections, landscaping and the overall site function with the adjacent property to the north will be further reviewed and secured through the Site Plan Approval process.

Staff are of the opinion the proposal is in keeping with the development criteria in the *Mixed Use Areas* designation (Section 4.5.2) and Built Form policies (Sections 3.1.1 and 3.1.2) of the Official Plan.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The applicant has submitted the required TGS documents and all applicable TGS performance measures will be secured through the Site Plan Approval process.

CONTACT

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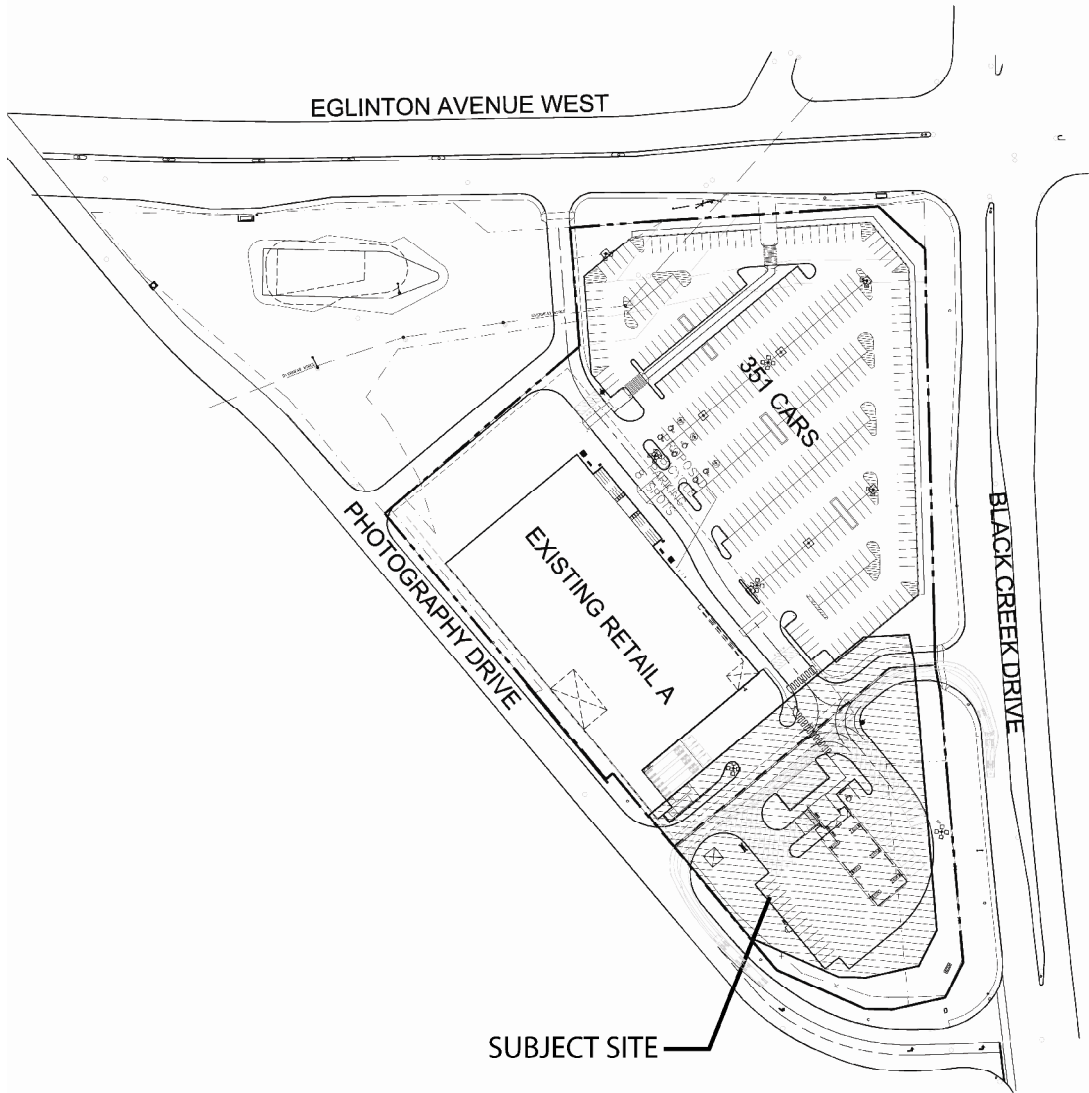
SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1a: Site Plan (Key Plan)
Attachment 1b: Site Plan
Attachment 2a: Elevations (North and South)
Attachment 2b: Elevations (East and West)
Attachment 3: Zoning (By-law No. 1-83)
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

Attachment 1a: Site Plan (Key Plan)



Site Plan (Key Plan)

Applicant's Submitted Drawing

Not to Scale

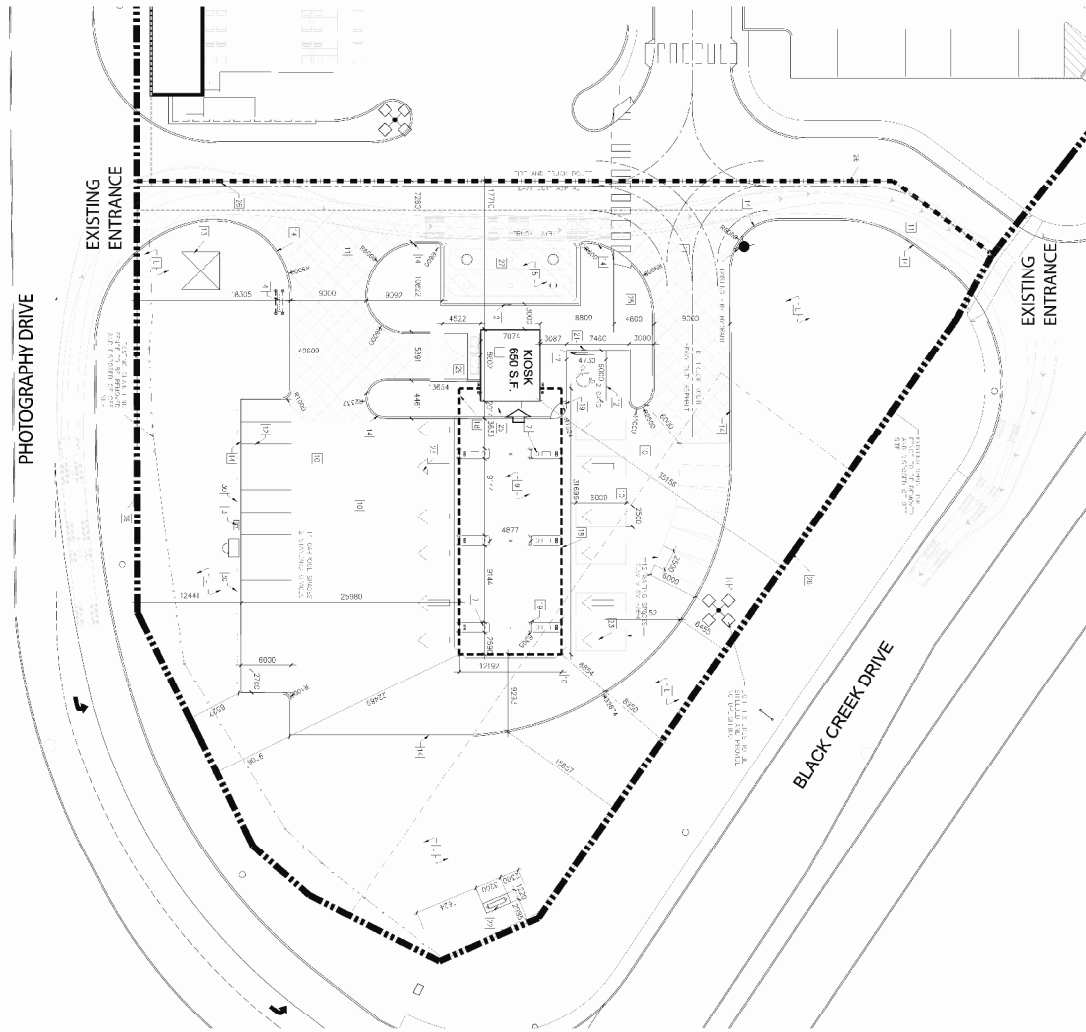
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2 Keelesdale Road

File #10 317381 WET 12 02

Attachment 1b: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale

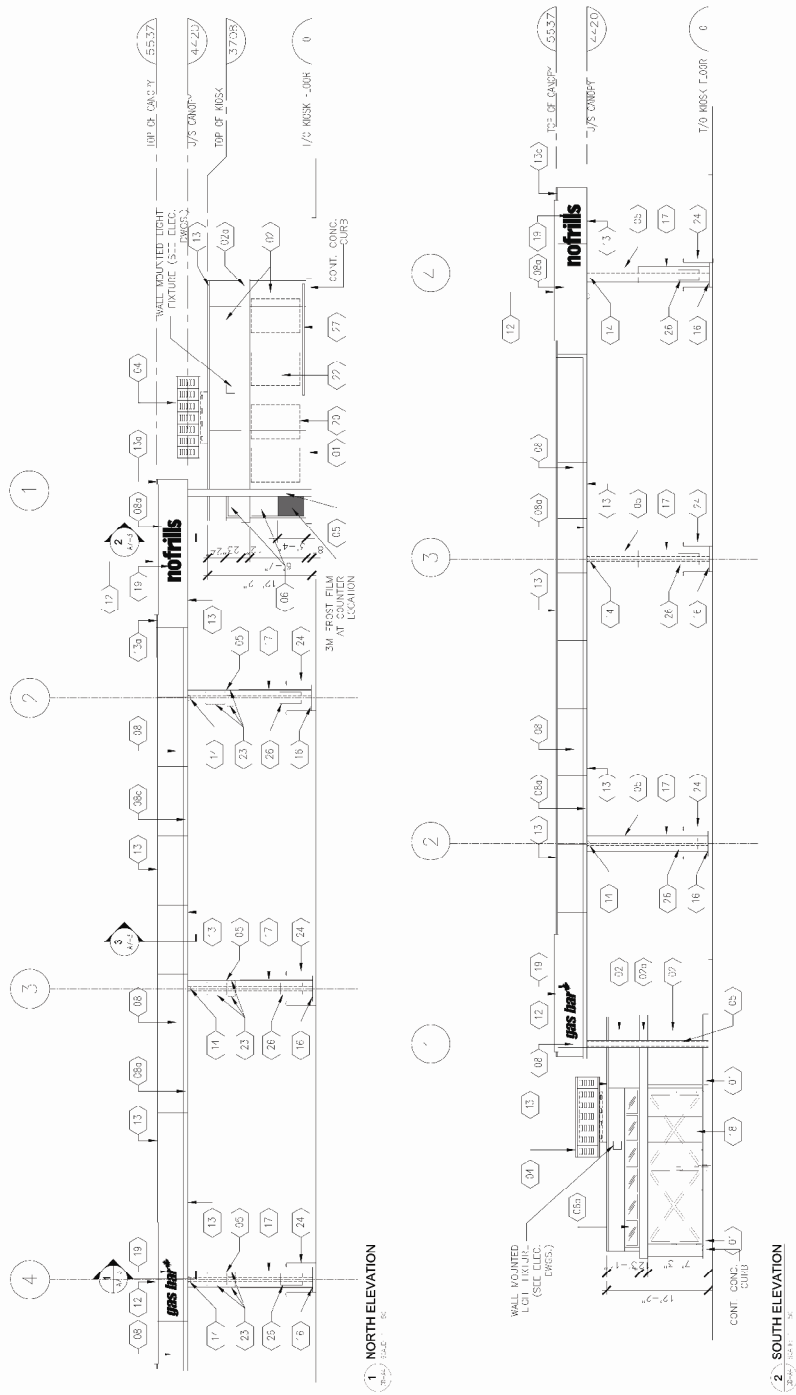
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2 Keelesdale Road

File #10 317381 WET 12 0Z

Attachment 2a: Elevations (North and South)



2 Keelesdale Road

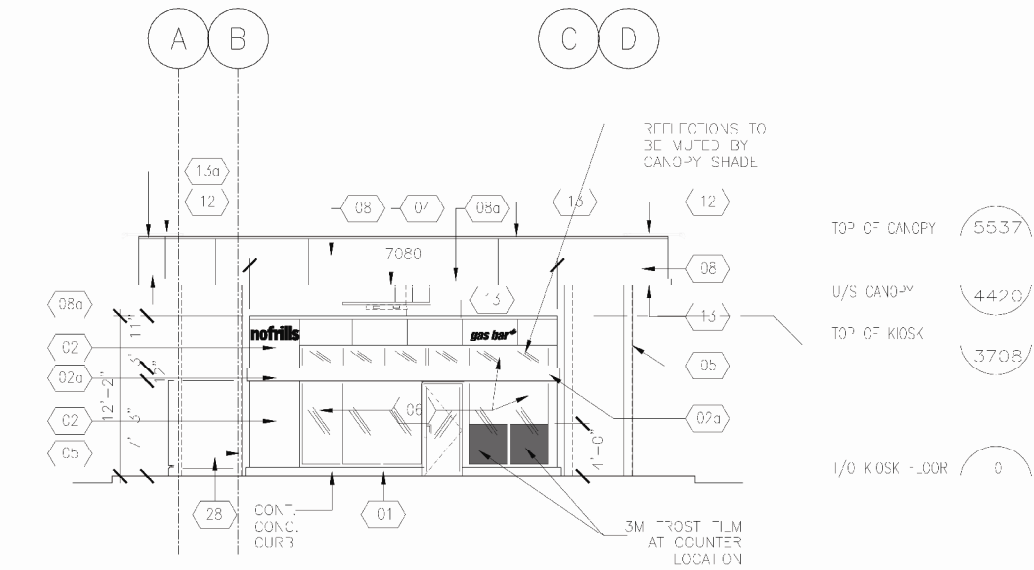
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Elevations

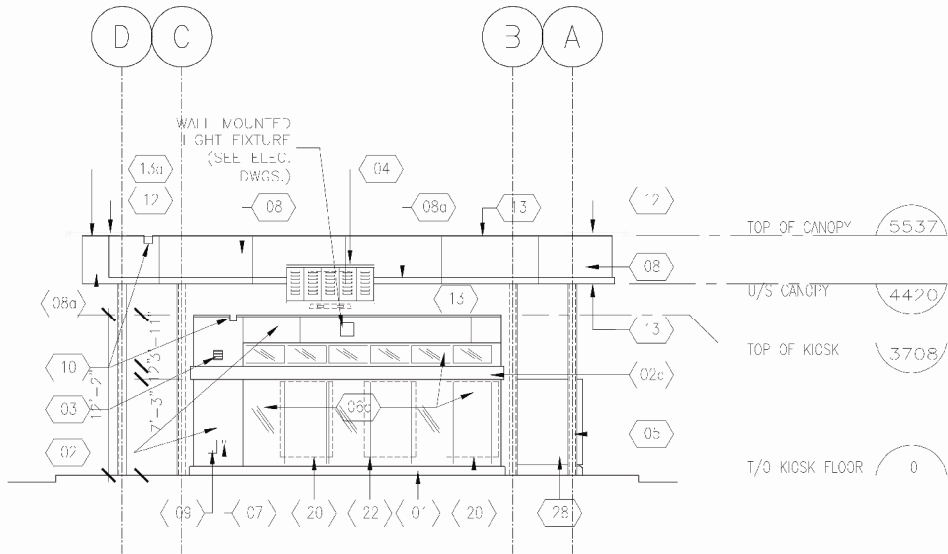
Applicant's Submitted Drawing

No 1 to Scale
05/16/2013

Attachment 2b: Elevations (East and West)



3 EAST ELEVATION
03-14 SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
03-14 SCALE: 1/8" = 1'-0"

Elevations

Applicant's Submitted Drawing

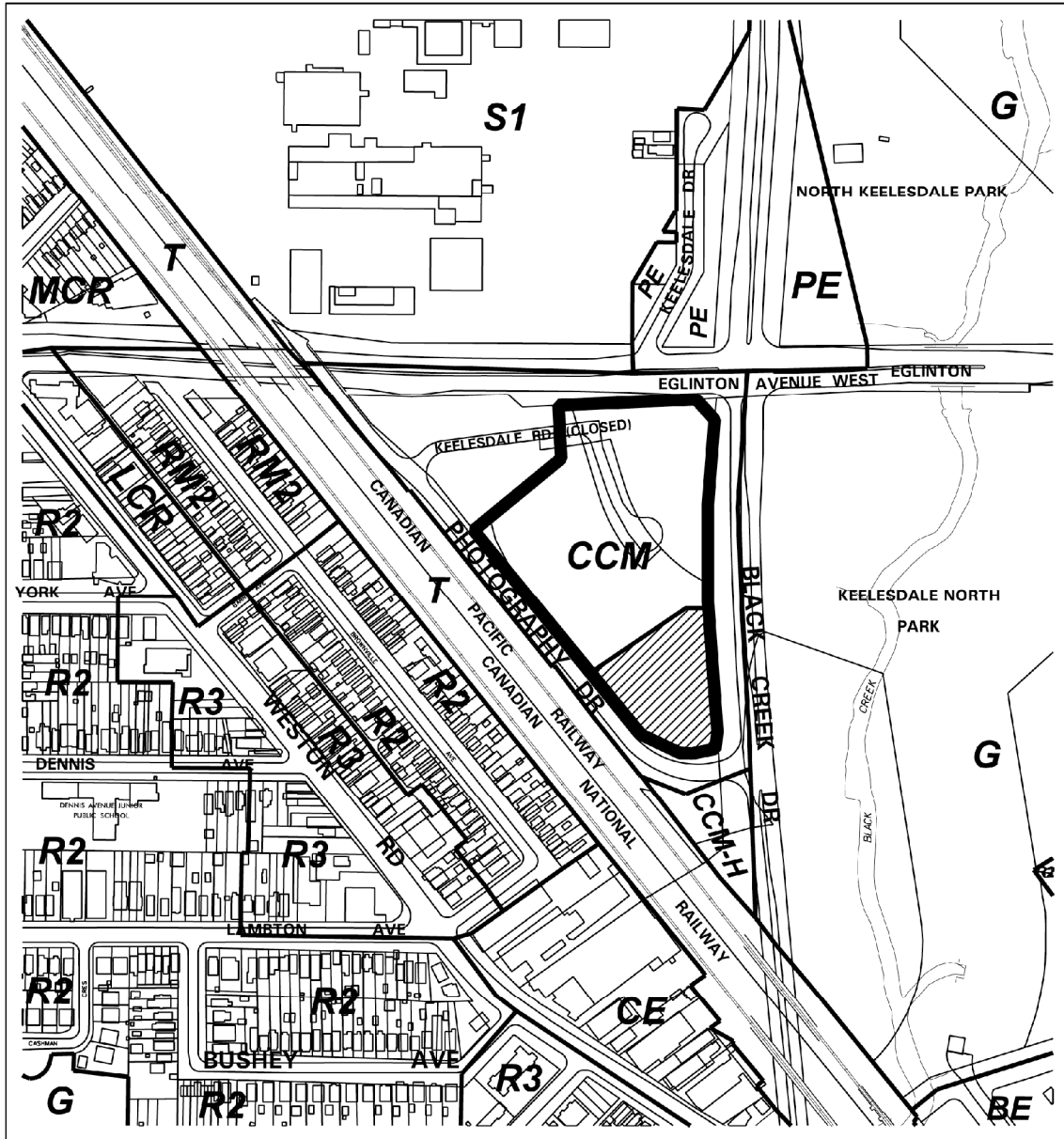
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2 Keelesdale Road

File #10 317381 WET 12 02

Attachment 3: Zoning (By-law No. 1-83)



 Area for Development

2 Keelesdale Road
File # 10 317381 WET 12 02

Former York Zoning By-law 1-83

- R2 Residential Zone
- R3 Residential Zone
- RM2 Residential Multiple Zone

- CCM City Centre Mixed Use District Zone
- MCR Mixed Commercial Residential
- LCR Local Commercial Residential
- BE Basic Employment Zone
- CE Commercial Employment Zone

- PE Prestige Employment Zone
- SI Strategic Industrial Employment Zone
- G Green Open Space
- T Transportation & Utilities
- H Holding Provision



Not to Scale
Zoning By-law 1-83 as amended
Extracted 01-17-11- KP

Attachment 5: Draft Zoning By-law Amendment

Authority: Etobicoke York 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 Zoning By-law No. 1-83, as amended with respect to the lands municipally known as 2 Keelesdale Road (25 Photography Drive)

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:

SECTION 16 AMENDED:

1. That Section 16 of Zoning By-law No.1-83, as amended by By-law 436-1999, of the former City of York is hereby further amended by adding to Subsection (390) the words "gasoline bar" after the word "take-out establishment", so it will read as follows:

"(390) LANDS – SOUTHWEST CORNER OF BLACK CREEK DRIVE AND EGLINTON AVENUE WEST

- a) Notwithstanding the provisions of Subsection 336 of Section 16 and any other provisions of this Zoning By-law No. 1-83, except for the provisions of Section 3.1.2, the lands on the southwest corner of Black Creek Drive and Eglinton Avenue West which lands are more particularly described in Schedule A hereto and shown on the plan attached as Schedule B hereto, (hereinafter referred to as "the Lands") may also only be used for one or more of the following purposes:

A retail store or stores; restaurant; restaurant, licensed; take-out eating establishment; gasoline bar; and accessory buildings, uses and structures including associated parking, outdoor display and sales and outdoor eating areas on Block "A".

2. That Section 16 subsection (390), of Zoning By-law No.1-83, as amended of the former City of York is hereby further amended by renumbering clauses vii) and viii as clauses viii and ix respectively and adding a new clause vii) as follows:

"vii) a gasoline bar shall only be located on the portion of the lands abutting the intersection of Black Creek Drive and Photography Drive;"

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)