M TORONTO

STAFF REPORT ACTION REQUIRED

888-900 Don Mills Road and 55 Barber Greene Road -Zoning By-law Amendment and Site Plan Control Applications - Request for Direction Report

Date:	August 22, 2013
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Numbers:	12 247919 NNY 25 OZ and 12 247919 NNY 25 SA

SUMMARY

The applicant has appealed the Zoning By-law Amendment and Site Plan Approval applications to the Ontario Municipal Board due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A hearing has been set for October 24, 2013.

This application proposes to rezone the portion of the lands known as 55 Barber Greene Road to match the current site specific zoning on the balance of the site at 888-900 Don Mills Road. This would permit a number of retail uses as well as a banquet hall. This would allow the existing banquet hall on the portion of the site known as 888-900 Don Mills Road to relocate to the portion of the site known as 55 Barber Greene Road. It would also permit retail uses on 55 Barber Greene Road although no retail uses are proposed as part of this application.

The applicant is also seeking to amend the existing site specific zoning for 888-900



Don Mills Road by eliminating one of the performance standards which relates to the maximum gross floor area devoted to food products.

The purpose of this report is to seek Council's direction for staff representation at the Ontario Municipal Board.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council instruct the City Solicitor, City Planning staff and any other City staff to attend the OMB hearing generally in support of the position outlined in this report, provided that the outstanding matters identified in this report are secured through the Zoning By-law Amendment and through conditions of Site Plan Approval to the satisfaction of the Director, Community Planning, North York District.
- 2. City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Zoning By-law amendment until such time as:
 - a) The Board has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City; and
 - b) Notice of Approval Conditions for Site Plan approval has been issued by the Director, Community Planning, North York District.
- 3. City Council authorize the City Solicitor, Director, Community Planning, North York District and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The subject site has been subject to numerous applications for rezoning, minor variance and site plan approval. The original applications, in 1996, were for amendments to the City of North York Official Plan and to the former City of North York Zoning By-law. These applications only applied to 888-900 Don Mills Road, not the portion of the lands known as 55 Barber Greene Road, and were approved by the Ontario Municipal Board (OMB). The Official Plan Amendment 416, approved in 1995, was to change the designation from Industrial to Mixed Industrial. The concurrent application for rezoning was to designate the lands as MC (13) (H) and was passed by By-law 32581. By-law 32681 allowed retail warehouses, retail stores, personal service shops and services shop uses subject to a number of performance standards. The total gross floor for all these uses on the site is limited to 12,100 m². This by-law did not permit a "major full line department store" which meant a major retail facility with a minimum floor area of 7000 m^2 and selling a wide variety of merchandise was not permitted. The by-law also limits the amount of gross floor area which could be dedicated to the display and sale of food products. In 1998, by-law 33092 was enacted which modified some of those performance measures.

The most recent application on the site is site plan approval application 06 198449 NNY 25 SA to add an additional building for a supermarket and retail uses. This application was appealed to the OMB. In 2009, the City and the applicant settled at the OMB after resolving a number of site plan issues including the front entrance treatment at 55 Barber Greene Road. A Revised Notice of Approval Conditions was issued for this development on July 25, 2012.

ISSUE BACKGROUND

Proposal

55 Barber Greene Road

The applicant is proposing to relocate the existing banquet hall, currently contained in a portion of "Building D" to "Building G" on the site (See Attachment 2: General Site Plan). "Building G" is on a portion of the site which does not have a zoning designation which permits a banquet hall use. Currently a portion of Building "D" is used for a banquet hall with the remaining area of "Building D" used for a public self-storage facility which would be expanded into the space formerly occupied by the banquet hall. The gross floor area of the relocated banquet hall will increase by approximately 40 m² to 1968 m². The self storage use would expand by approximately 1900 m².

In order to permit the banquet hall, the applicant is proposing to extend the site specific by-law for 888-900 Don Mills Road to also include 55 Barber Greene Road. This would change the zoning from M1 and M2 to MC. In addition to allowing a banquet hall use, this would also have the effect of extending the retail permissions in the site specific by-law onto the portion of the site known as 55 Barber Greene Road. The zoning change from M1 and M2 to MC would allow uses such as cinemas, gasoline stations, hotels, motor vehicle dealerships, retail stores and theatres.

888-900 Don Mills Road

The applicant is proposing to remove one of the performance standards from the existing site specific zoning which relates to the amount of gross floor area (GFA) which can be devoted to the sale, storage and display of food products. This modification is not necessary in order to allow the banquet hall to relocate on the site, but the applicant has indicated that they wish to do this because in their opinion it cleans up the by-law and eases the restrictions on the size of a potential grocery store on the site.

Originally, the applicant had also proposed to remove two other clauses from the site specific by-law which dealt with maximum GFA for retail stores and minimum unit sizes. The applicant has since modified the application and is no longer seeking to remove these clauses.

Site and Surrounding Area

The subject site is approximately 7.6 hectares in size and fronts on Don Mills Road to the east, Barber Greene Road to the north and Prince Andrew Place to the west. The Site Plan application deals solely with a 1.8 hectare portion at the north-west corner of the site, known as 55 Barber Greene Road.

Abutting uses include:

North: A low-rise residential neighbourhood East: Two commercial buildings South: A Canadian Pacific rail corridor and then a one-storey commercial building West: An employment area made up of one-storey commercial/industrial buildings

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.

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 City of Toronto Official Plan designates these lands as *Employment Areas*. The Urban Structures Map of the Official Plan also recognizes these lands as being located in an *Employment District*. These designations are intended to protect and enhance employment uses. These designations are intended to protect and enhance employment uses.

The *Employment Areas* designation permits a broad range of business and economic activity including offices, manufacturing, warehousing and distribution, hotels, restaurants, and small-scale stores and services which serve area businesses and workers. In addition, places of worship, recreation and entertainment facilities, business and trade schools and branches of colleges and universities are permitted on major streets such as Don Mills Road. Large scale, stand-alone retail stores are permitted in *Employment Areas* when they front onto a major street that also forms the boundary of the *Employment Areas*. Don Mills Road is designated as a major street on Map 3 of the Official Plan, however Don Mills Road is not the boundary of the *Employment Areas*; Barber Greene Road is a part of the boundary but is not a major street.

The Official Plan also establishes development criteria in *Employment Areas* for these areas to function well and be attractive. These criteria include: avoiding excessive car and truck traffic on the road network, screening of parking, loading and service areas and creating an attractive streetscape.

Zoning

On May 9 3013 City Council enacted the new City wide Zoning Bylaw No 569-2013. The site is not subject to the new Zoning Bylaw. This site is subject to former City of North York Zoning By-law 7625 and is zoned for industrial and commercial uses. The majority of the site is zoned Industrial Commercial Zone MC (13) (H) while the portion of the site known as 55 Barber Greene Road is zoned Industrial Zone One (M1) and Industrial Zone Two (M2) (see Attachment 4). Banquet halls are permitted in the MC and M2 zoning categories but are not permitted in areas designated M1.

The site specific zoning MC (13) (H) zoning limits, among other things, the maximum GFA devoted to the sale, storage and display of food products in all buildings, with the exceptions of restaurants, to 2322.5 m^2 .

Site Plan Control

An application for Site Plan Control under Section 41 of the *Planning Act* was filed on September 17, 2012 in conjunction with the application for rezoning. The Site Plan application is only for the portion of the site known as 55 Barber Greene Road. See Attachment 1 for the boundary. The Site Plan application has also been appealed to the OMB.

Reasons for the Application

55 Barber Greene

An application to amend Zoning By-law No. 7625 for the former City of North York is required because the applicant wishes to extend the site specific zoning designation of 888-900 Don Mills Road onto the remaining portion of the lands known as 55 Barber Greene Road. The current M1 zoning on the portion of the site known as 55 Barber Greene Road does not permit a banquet hall use. A banquet hall currently is located on another portion of the site and the applicant would like to relocate it to this portion of the site.

By extending the site specific zoning by-law of 888-900 Don Mills Road onto the lands known as 55 Barber Greene, the applicant is proposing to modify the zoning from M1 to MC with restrictions. In addition to permitting banquet halls, the MC zoning also permits a range of retail uses not permitted in the M1 zoning which would also then be permitted at 55 Barber Greene Road.

888-900 Don Mills Road

With respect to the property at 888-900 Don Mills Road, the applicant is proposing to remove the following performance standard from the MC (13) (H) zoning on the site:

"g) The maximum gross floor area devoted to the sale, storage and display of food products in all buildings, with the exception of restaurants, shall not exceed a total of 2,322.5 m²."

This clause of the site specific by-law has the effect of limiting the size of a grocery store (or stores) on the 888-900 Don Mills Road portion of the site. The by-law requirement stems from a 1998 OMB decision in which this clause was added as part of a settlement.

Community Consultation

Staff held a community consultation meeting on March 5, 2013. Seven members of the public attended along with the local ward councillor and City staff.

At the meeting, residents raised some concerns with regards to the amount of parking provided on site. The concern is that people attending an event at the banquet hall would park on Barber Greene Road, reducing the amount of parking available for visitors to the residential area adjacent to the retail site.

Concern was also raised with regards to traffic on Prince Andrew Place and Barber Greene Road. Residents already have concerns with the speed and amount of vehicles already using these roads, both from the retail plaza and surrounding companies. Residents are concerned that the relocation of the banquet hall will result in additional vehicles using Barber Greene to access Don Mills Road rather than accessing it through the parking lot.

The other major concern of area residents was the signage of the banquet hall. Residents were concerned that signage may encourage visitors of the banquet hall to use Barber Greene Road rather than move through the site for access.

Residents also made some comments on what they felt were the positives of the proposal. Residents liked the increase in landscaping and they felt that the changes to the façade of the building would make it a more attractive building to look at. They also appreciate that the entrance to the banquet hall will face into the retail parking lot and that the parking will be located behind the building; these are positives in the resident's opinion because they felt it will keep noise away from the residential area.

COMMENTS

Provincial Policy Statement and Provincial Plans

The key objectives of the PPS include: building strong communities; wise use and management of resources; and, protecting public health and safety. The PPS requires that that Official Plans comply with the policies of the PPS. The proposal complies with the City's Official Plan and therefore is 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. The proposal does not contemplate any new buildings or structures, only to relocate an existing use into another building and expand the current storage use. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

55 Barber Greene

The Official Plan designates the site as *Employment* Areas which allow for a variety of uses including offices, manufacturing, warehousing and distribution, hotels, restaurants, and small-scale stores and services.

The application proposes to extend the existing site specific MC zoning by-law to include 55 Barber Greene in order to allow the existing banquet hall to relocate to another building within the subject property. This is a use which is already permitted on the majority of the site and within the base MC and M2 zoning under former North York Zoning By-law 7625. The building in which the banquet hall is relocating is the only building on the site which is zoned M1.

Rezoning the portion of the site known as 55 Barber Greene Road to MC in order to allow the banquet hall to operate within the building will have a much greater affect than simply adding a use permission. Expanding the site specific by-law to cover this portion of the site would allow all of the uses permitted in a MC on the portion of the site known as 55 Barber Greene Road. Uses permitted in the MC zone include cinemas, hotels, retail stores (including large format retail) and theatres.

In this location, the banquet hall use is consistent with the policies for *Employment Areas*. While amending the zoning by-law to permit the banquet hall is appropriate, rezoning the lands to M1 with a site specific exception is more appropriate than changing the zoning to MC. Allowing these additional retail uses to expand into the area designated *Employment Areas* through a rezoning of 55 Barber Greene Road to MC is not appropriate. *Employment Areas* are places of business and economic activity. If the rezoning was permitted, it may be possible, with the MC zoning to introduce a large format retail building on the Barber Greene Road site without consideration of the *Employment Areas* Official Plan policies. Retail permissions should not be added to the permitted uses at 55 Barber Greene Road. The appropriateness of such a use can be evaluated if the owner makes a proposal in the future.

888-900 Don Mills Road

The application proposing to remove one use clause from the site specific zoning on the 888-900 Don Mills Road portion of the site. The clause to be removed is clause "g" which limits the GFA for the storage, sale and display of food products in all buildings to not exceed 2,322.5 m². In essence, this clause limits the Gross Floor Area (GFA) of a

grocery store, treating it differently from any other permitted use on the site. The removal of clause "g" would then allow the size of a grocery store to be regulated the same as any other retail store on the site by clause "d" and "e" of the site specific by-law. Clause "d" limits the maximum gross floor area of all retail warehouse, retail store, personal service shop and service shop uses to 12, 100 m². Clause "e" of the by-law is to limit the number of smaller retail units on the site while allowing for some mix of unit sizes and types.

The applicant had originally proposed to also remove clauses (d) and (e) from the site specific zoning:

- "d) The "(H)" appended to the zone symbol MC limits the maximum gross floor area of all retail warehouse, retail store, personal service shop and service shop uses to 12, 100 m²."
- "e) The minimum gross floor area of a retail warehouse unit, retail store, personal service shop or service shop shall be 464 m². Notwithstanding this, a maximum of 2,400 m² of the gross floor area may be comprised of units having less than 464 m² of gross floor area."

In order to remove the "H" symbol from the zoning by-law, the applicant is required to prepare two reports once a proposal increases the GFA of all retail warehouse, retail store, personal service shop and service shop uses to over 12, 100 m². A transportation impact study which would have to show that sufficient transportation capacity is available to accommodate the expected increase in traffic and a market study which demonstrates that it would not threaten the long term planned function of the commercial structure of the City.

The removal of clause (d) from the site specific zoning by-law would have the effect of removing the holding provision from the site specific by-law. Staff does not support the removal of clauses (d) and (e) nor the removal of the hold as the applicant has not provided the studies required to determine if additional retail warehouse, retail store, personal service shop and service shop uses over 12, 100 m² is appropriate. After discussions with City staff, the applicant has modified the application and no longer seeks to remove these clauses. Staff do not oppose the removal of clause (g).

A draft Zoning By-law implementing the above is attached as Attachment 6: Draft Zoning By-law Amendment.

Transportation

Residents are concerned that visitors will park on the surrounding streets rather than using the existing parking lot. There will be 397 parking spaces within the parking lot in the immediate vicinity of the proposed banquet hall. Transportation Services have reviewed the proposed parking and are satisfied that the proposal complies with zoning by-law the requirement of 1218 parking spaces as the applicant is proposing a total of 1221 parking spaces. Transportation are satisfied with the submitted Transportation study. The proposed two loading spaces for the banquet hall meet the requirement for loading under the by-law.

At the community consultation meeting, area residents were concerned about the number of site visitors that use Barber Greene Road to enter or exit the site. As part of the application, one of the existing curb cuts will be removed along Barber Greene Road. This should encourage more users of the site to use Don Mills Road for access rather than Barber Greene Road.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 - 0.79 hectares of parkland per 1000 people. This site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The applicant proposed to relocate an existing banquet hall to a new location on site and convert an existing warehouse to the proposed new use. The proposed development will be subject to a 2% parkland dedication requirement of 366 square metres.

The parkland dedication for the subject site is too small to be functional therefore the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

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 and applicable TGS performance measures will be secured through the Site Plan Approval process.

Site Plan

While staff are supportive of the proposed Zoning Amendment and Site Plan applications, there remain some outstanding design issues with the Site Plan application. The applicant shall address the outstanding issues of the following departments prior to final approval:

• Urban Forestry

- Development Engineering
- Community Planning

After a review of these modifications additional revisions may be required. Staff will continue to work with the applicant to resolve the outstanding issues and develop a Notice of Approval Conditions for consideration by the OMB.

Summary

The application allows for the relocation of the existing banquet hall into an existing building on the site and removes restrictions on the amount of gross floor area within a building that can be used for the sale of food products. Amending the zoning by-law to permit the relocation of the banquet hall is appropriate; however, that portion of the site should remain zoned M1. Zoning 55 Barber Greene Road MC(13)(H) would allow for large format retail uses to be introduced into this portion of the site designated *Employment Areas* which is not appropriate without consideration of the criteria set out in the Official Plan. Removal of the provision within MC (13) (H) which limits the maximum GFA for the sale and storage of food products is appropriate and will allow for more flexibility in the type of stores permitted within the mall.

CONTACT

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SIGNATURE

Allen Appleby, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan for 55 Barber Greene Road Attachment 2: General Site Plan Attachment 3: Elevations Attachment 4: Zoning Attachment 5: Application Data Sheet Attachment 6: Draft Zoning By-law Amendment









General Site Plan

888-900 Don Mills Road & 55 Barber Greene Road

Applicant's Submitted Drawing

Not to Scale 7

File # 12 247919 NNY 25 OZ

Attachment 3: Elevations



Elevations

888-900 Don Mills Road & 55 Barber Greene Road

Applicant's Submitted Drawing

Not to Scale 19/08/2013

File # 12 247919 NNY 25 OZ

Attachment 4: Zoning



TORONTO City Planning Zoning

888-900 Don Mills Road & 55 Barber Greene Road File # 12 247919 NNY 25 0Z

- R5 One-Family Detached Dwelling Fifth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category
- C1 General Commercial Zone M1 Industrial Zone One
- M2 Industrial Zone Two
- MC Industrial-Commercial Zone
 - MO Industrial-Office Business Park Zone



Attachment 5: Application Data Sheet

Application Type	Rezoning	Rezoning		Application Number:		12 247919 NNY 25 OZ			
Details	Rezoning, Star	Rezoning, Standard		Application Date:		September 17, 2012			
Municipal Address: 888-900 DON MILLS RD & 55 BARBER GREENE RD									
Location Description:	PLAN M1017 LOT 1 PT LOT 2 RP R1737 PART 1 TO 2								
Project Description:	**GRID N2510 ription: This is an application to permit the relocation of an existing on-site banquet hall and to amend some standards of the existing site specific by-law								
Applicant: Agent:		Architect:			Owner:				
RANDAL DICKIE						KWAN LIMITE	& KWAN ED		
PLANNING CONTROLS									
Official Plan Designation:	Employment A	ent Areas Site Specific Provision:			n:				
Zoning: M1, M2 a		IC(13) (H)	13) (H) Historical Status:						
Height Limit (m):			Site Plan Control Area:		a:	Y			
PROJECT INFORMATION									
Site Area (sq. m):	7625	8	Height:	Storeys:		2			
Frontage (m):				Metres:		0			
Depth (m):	0								
Total Ground Floor Area (sq. m	a): 2527	7				Тс	otal		
Total Residential GFA (sq. m):				Parking S	paces:	12	20		
Total Non-Residential GFA (sq	. m): 2703	57		Loading I	Docks	2			
Total GFA (sq. m):	2703	57							
Lot Coverage Ratio (%):	33.1	5							
Floor Space Index:	0.35								
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)									
Tenure Type:					Abov	e Grade	Below Grade		
Rooms:	0	Residential GF.	A (sq. m):		0		0		
Bachelor: 0		Retail GFA (sq. m):			18024	Ļ	0		
1 Bedroom: 0		Office GFA (sq. m):			1445		0		
2 Bedroom:	0	Industrial GFA	(sq. m):		5600		0		
3 + Bedroom: 0		Institutional/Other GFA (sq. m): 196			1968		0		
Total Units:	0								
CONTACT: PLANNER	R NAME:	Guy Matthew,	Planner						
TELEPHC	DNE:	(416) 395-7102							

Attachment 6: Draft Zoning By-law

Authority: North York Community Council Item, Item No. ~ as adopted by City of Toronto Council on ~, 20~ Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

To amend North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 888-900 Don Mills Road and 55 Barber Greene 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. Schedules "B" and "C" of By-law 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of this By-law.
- 2. Section 64.33 (13) of By-law No. 7625 of the former City of North York is amended as follows:

64.33 (13) MC (13) (H)

PERMITTED USES

(g) Deleted.

3. Section 64.30 of By-law No. 7625 of the former City of North York is amended as follows:

64.30 (31) M1 (31)

PERMITTED USES

(a) In addition to the uses permitted in an M1 zone, banquet hall is permitted.

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

ROB FORD, Mayor

ULLI S. WATKISS, City Clerk

(Corporate Seal)



Date: 08/19/2013 Approved by: G.M.

Not to Scale