

**3662 Midland Avenue Zoning Amendment Application –
Final Report**

Date:	May 30, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 41 – Scarborough-Rouge River
Reference Number:	12 218211 ESC 41 OZ

SUMMARY

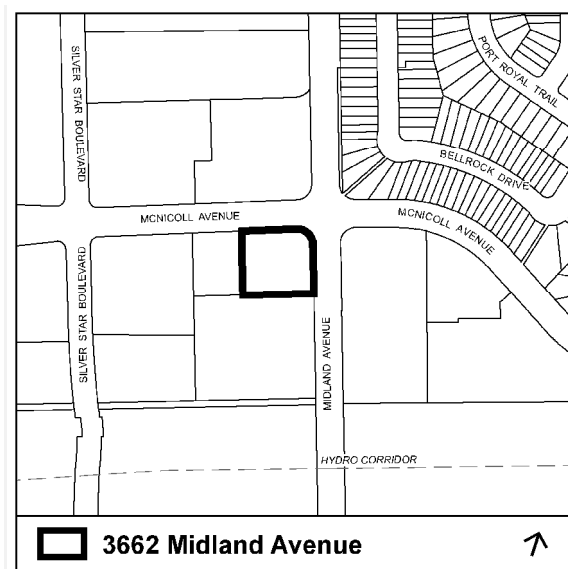
This zoning amendment application proposes to permit two commercial buildings having a combined gross floor area of 2 679 square metres (28,836 square feet) and to expand the range of permitted uses at 3662 Midland Avenue.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Employment Districts Zoning By-law No. 24982, as amended, for the lands at 3662 Midland Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to report dated May 30th, 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

There are no previous planning decisions on the lands subject to this application.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on March 26, 2012 to discuss complete application submission requirements. Staff identified issues related to the proposed uses, traffic and proposed density. A Notification of Complete Application was issued August 27, 2012.

ISSUE BACKGROUND

Proposal

This application proposes to amend the Zoning By-law in order to permit two, two-storey commercial buildings having a combined gross floor area of 2 679 sq. m (28,836 sq. ft.) and the following range of uses: market place signs, business and professional offices, place of worship, retail stores, vehicular service garage, vehicle service station, day nursery, eating establishment, financial institution, medical office, recreational use, service shop and personal service shop. Table-1 Proposed Uses, illustrates a breakdown of the uses and floor areas proposed for the development notwithstanding the other uses that may be permitted in the Industrial District Commercial Zone (MDC).

Table-1 Proposed Uses

Proposed Use	Building 'A' (floor area)	Building 'B' (floor area)	Total (floor area)
Restaurant	257 sq. m (max)	409 sq. m (max)	666 sq. m
Retail	525 sq. m (max) 6 units	136 sq. m (max) 2 units	661 sq. m
Office	730 sq. m (max)	622 sq. m (max)	1 352 sq. m
TOTAL	1 512 sq. m (16,275 sq. ft.)	1 167 sq. m (12,561 sq. ft.)	2 679 sq. m

Parking will be provided at-grade, located along the west property line and within the interior of the site. A total of 52 parking spaces will be provided of which approximately 5 will be barrier free. The site plan indicates 12 sheltered bicycle parking spaces located just north of the garbage/electrical room.

Vehicular access to the site is proposed from Midland Avenue via a driveway which runs in an east-west direction, between Building 'A' and Building 'B'. Another vehicular access is proposed from McNicoll Avenue via a driveway which runs in a north-south direction just west of Building 'A'. See Attachment 1: Site Plan.

Site and Surrounding Area

The site is located at the south-west corner of Midland Avenue and McNicoll Avenue. The site is approximately 0.42 hectares (1.03 acres) in area, having approximately 51 metres (167 ft.) frontage on Midland Avenue and an average depth of 68 metres (223 ft.). The site is vacant, generally flat and treeless. Abutting uses include:

- North: Retail-commercial uses - zoned Mixed Employment (ME) and Single Family Residential (S) on the opposite side of Midland Avenue
- South: 5 storey office building – zoned Mixed Employment (ME) beyond which are hydro-corridor lands
- East: 1-storey commercial, 5 storey retirement home – zoned Neighbourhood Commercial (NC) beyond which are detached residential uses
- West: Vacant lands and 1 storey place of worship, 1 storey banquet hall on the west side of Silver Star – zoned Mixed Employment (ME)

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is shown as an 'Employment District' on the Urban Structure Map (Map 2) of the Official Plan. Section 2.2.4, Policy 2, of the Official Plan states that 'Employment Districts' will be enhanced to ensure they are attractive and function well, through actions such as permitting a broad array of economic activity that facilitates firms with functional linkages to locate in close proximity to one another, and investing in key infrastructure or facility investment through special tools, programs or partnerships in order to promote the distinctive character or specialized function of a District to attract firms within a particular targeted cluster of economic activity.

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.

Site and Area Specific Policy No. 104 is 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.

Staff are currently conducting a 5 year review of the Official Plan including a review of employment area policies. The main staff report (Parts 1 and 2) can be found at:

Part 1

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-51493.pdf>

Part 2

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-51834.pdf>

Zoning

The subject lands are currently zoned Industrial District Commercial Zone (MDC) by Employment Districts Zoning By-law No. 24982, as amended. Generally, permitted uses within the Industrial District Commercial Zone (MDC) include: day nurseries, financial institutions, offices, places of worship, restaurants, vehicle repair garages, vehicle sales operations, vehicle service garages, vehicle service stations and barber shops.

However, Exception No. 34, restricts permitted uses on the subject lands to: marketplace signs, place of worship, retail stores, vehicle service garage and vehicle service station, excluding self-service coin car washes.

Exception No. 202, prohibits the following uses: non-accessory ground signs, excluding marketplace signs and wall signs which are non-accessory.

City Council enacted Citywide Zoning By-law 569-2013 on May 9, 2013. As this zoning amendment application was complete prior to this date, the subject lands are excluded from the new Zoning By-law.

Site Plan Control

The lands are subject to site plan control approval. The applicant has been advised and will be submitting an application shortly.

Reasons for Application

An amendment to the City's Zoning By-law is required to permit the additional proposed uses not currently permitted by Exception No. 34 such as: business and professional offices, day nursery, restaurants, financial institution, medical office, recreational use, service shop and personal service shop.

Further amendments to the Zoning By-law are required for density and other site specific performance standards.

Community Consultation

A Community Consultation meeting was held on March 26, 2013 at the Milliken Community Centre. Approximately 14 members of the public attended. Issues identified included concerns around: traffic, on-site parking, size of restaurants, parking infiltrating into residential neighbourhoods.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS as it will provide for an efficient development pattern on vacant lands while utilizing cost-effective development standards to minimize land consumption and servicing costs. Further, the proposed development will build upon and expand on the existing commercial shopping opportunities for employees in the area while providing some needed employment.

For the same reasons, the proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed additional uses including: business and professional offices, day nursery, restaurants, financial institution, medical office, recreational use, service shop and personal service shop are not permitted by Exception No. 34. Further amendments to the Zoning By-law are required for density and other site specific performance standards.

The subject lands are surrounded by a mix of retail-commercial, office, institutional and residential uses. The expanded uses contemplated on the subject lands will complement the surrounding existing uses by providing additional employment opportunities, a wider range of shopping in an appropriate built form.

It is important to note that the proposed additional employment uses are already permitted in the Industrial District Commercial Zone (MDC) of the Employment Districts Zoning By-law No. 24982, as amended.

Density

The applicant is proposing an increase in the gross floor area from 0.5 times the area of the lot to 0.65 times the area of the lot. This marginal increase to the gross floor area will not have any negative impacts on the subject lands or the surrounding area.

Traffic Impact and Access

The applicant has submitted a Traffic Impact Study. In addition to reviewing the impact on the existing developments, the study examined the existing road network as well as the functionality of the two, full-turn driveways and the adequacy of on-site parking.

It was the conclusion of the study that the proposed development is considered to have a minimal impact on the operation of the signalized intersection at Midland and McNicoll Avenue with all approaches continuing to operate at an acceptable level of service. Staff concur with these findings.

Parking

Each unit in the proposed development will be comprised of a ground floor and a second floor. As indicated in Table-1 and reflective in the draft by-law, the gross floor area of all eating establishments is limited to a maximum of 700 square metres.

Based on the mix of uses and the proposed unit layouts, staff can support a reduction to the minimum required parking spaces from 54 parking spaces as required by the Zoning By-law to 52 parking spaces.

Urban Design

Through the site plan control process, staff will examine areas for enhanced landscaping as well as explore opportunities to further refine the proposed elevations for Building 'A' and Building 'B'.

Archaeological Assessment

The applicant has submitted a Stage 1 Archaeological Assessment for the subject lands. Through the site plan control process staff will determine if the potential exists for encountering pre-contact and historical archaeological deposits and secure appropriate measures in the site plan agreement.

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. Staff will secure Tier 1 development features for Cycling Infrastructure through the proposed draft zoning by-law (Attachment No. 6). Storage and Collection of Recycling and Organic Waste will be secured through site plan control. Other Tier 1 performance measures will also be secured through the site plan approval process.

CONTACT

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SIGNATURE

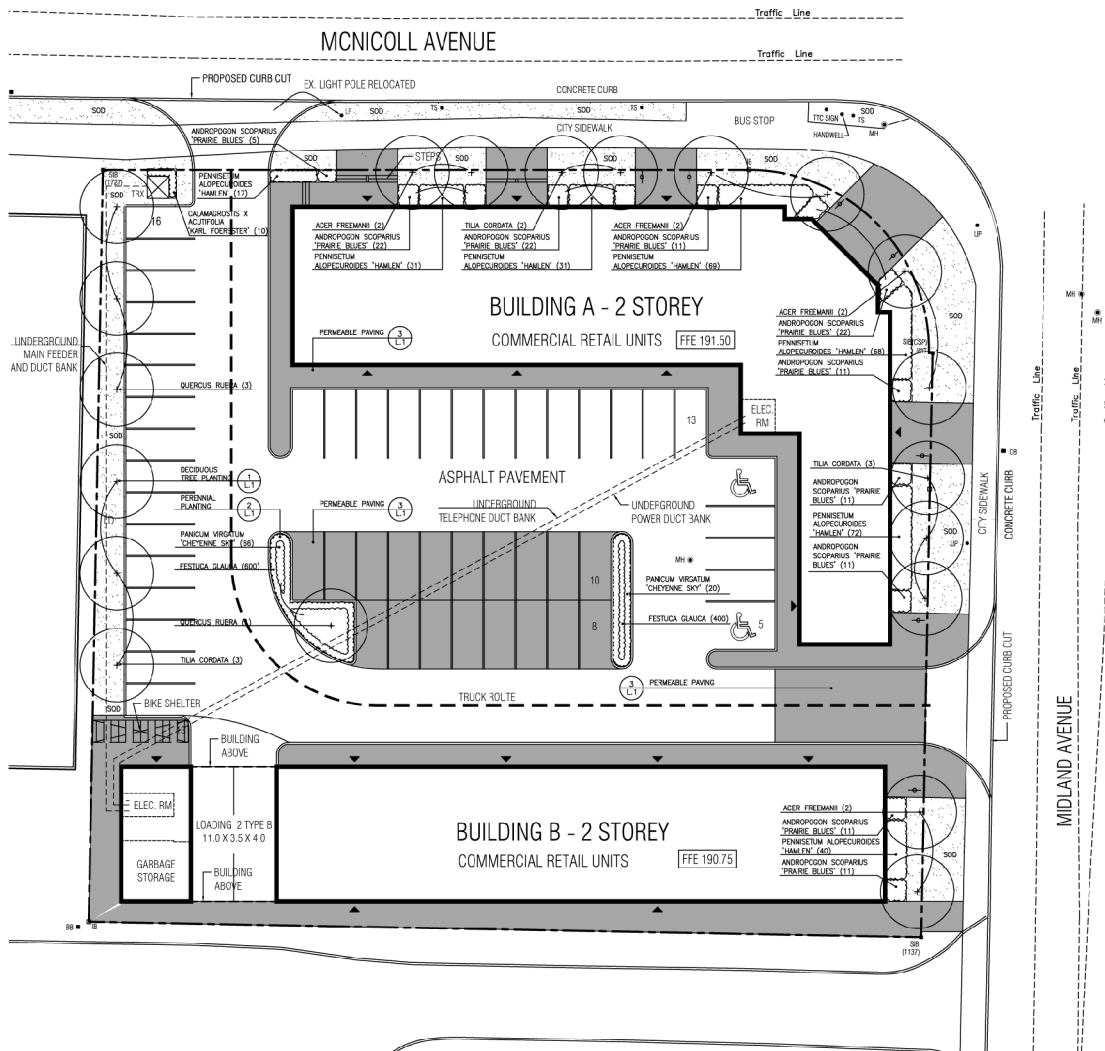
Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

- Attachment 2: Elevations
- Attachment 3: Elevations
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

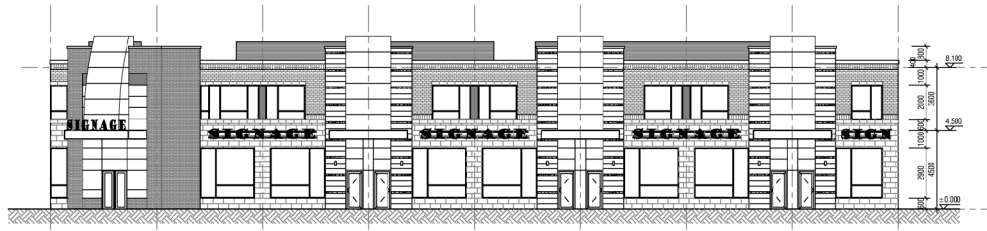
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3662 Midland Avenue

File # 12 218211 ESC 41 0Z

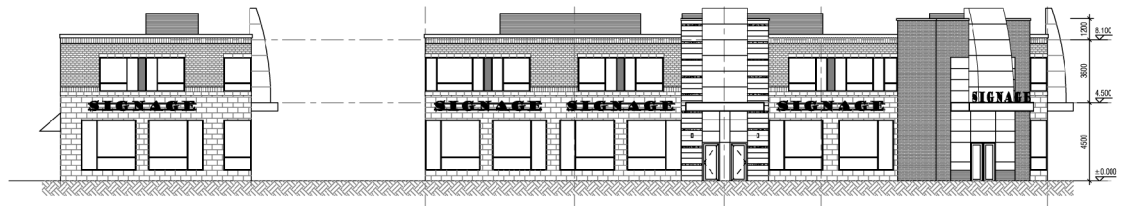
Attachment 2: Elevations



**North Elevation
(McNicoll Avenue)**



South Elevation



Building "B"

**East Elevation
(Midland Avenue)**

Building "A"

Elevations - Building "A"

3662 Midland Avenue

Applicant's Submitted Drawing

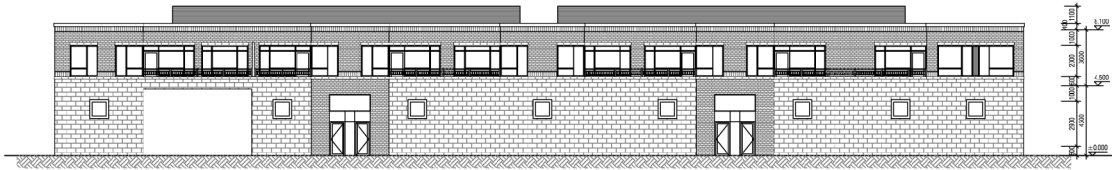
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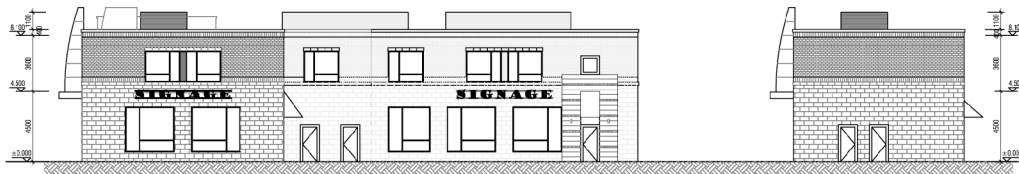
Attachment 3: Elevation



North Elevation



South Elevation



Building "A"

West Elevation

Building "B"

Elevations - Building "B"

Applicant's Submitted Drawing

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8/13/12

3662 Midland Avenue

File # 12 218211 ESC 41 OZ

Attachment 6: 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 Scarborough Employment Districts Zoning By-law No. 24982 (Milliken Employment District Zoning By-law), as amended, With respect to the lands municipally known as, 3662 Midland Avenue

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. **SCHEDULE 'A'** of the Employment Districts Zoning By-law No. 24982, as amended is amended by deleting the current zoning for the lands at 3662 Midland Avenue and substituting new zoning on the subject lands as shown on Schedule '1' attached hereto and forming part of this By-law, together with the following letters and numerals:

MDC-360-625-719-1013-1087-1193-1640-1649

202

482

2. **PERFORMANCE STANDARDS CHART – SCHEDULE 'B'**, of the Milliken Employment District Zoning By-law, as amended, is hereby further amended by adding the following Performance Standards:

INTENSITY OF USE

360 **Gross floor area** of all buildings minus the **gross floor area** of all **basements** shall not exceed 0.65 times the area of the **lot**.

719 **Gross floor area** of all **restaurants** shall not exceed 700 square metres and shall be restricted to the **ground floor** of the building(s)

OTHER YARDS

- 1013 Minimum **Rear Yard Setback** shall be 2.4 metres
1087 Minimum **Side Yard Setback** shall be 1.6 metres
1193 Minimum **Street Yard Setback** shall be 2.6 metres

REQUIRED PARKING

- 1649 Notwithstanding the provision of **CLAUSE V – GENERAL PROVISIONS Section 7.2, Table of Required Parking Rates**, parking shall be provided as follows:

Minimum 52 **parking spaces** shall be provided

Minimum 16 bicycle **parking spaces** shall be provided

3. **SCHEDULE 'C' EXCEPTIONS LIST**, of the Milliken Employment District Zoning By-law No. 24982, as amended, is further amended by removing Exception 34 in its entirety and adding the following Exception Numbers- 202 and 482

- 482 On those lands identified as Exception Number 482, the following additional uses shall be permitted:

Additional Permitted Uses:

Retail
Medical Office
Recreational Uses
Service shops
Personal Service Shop

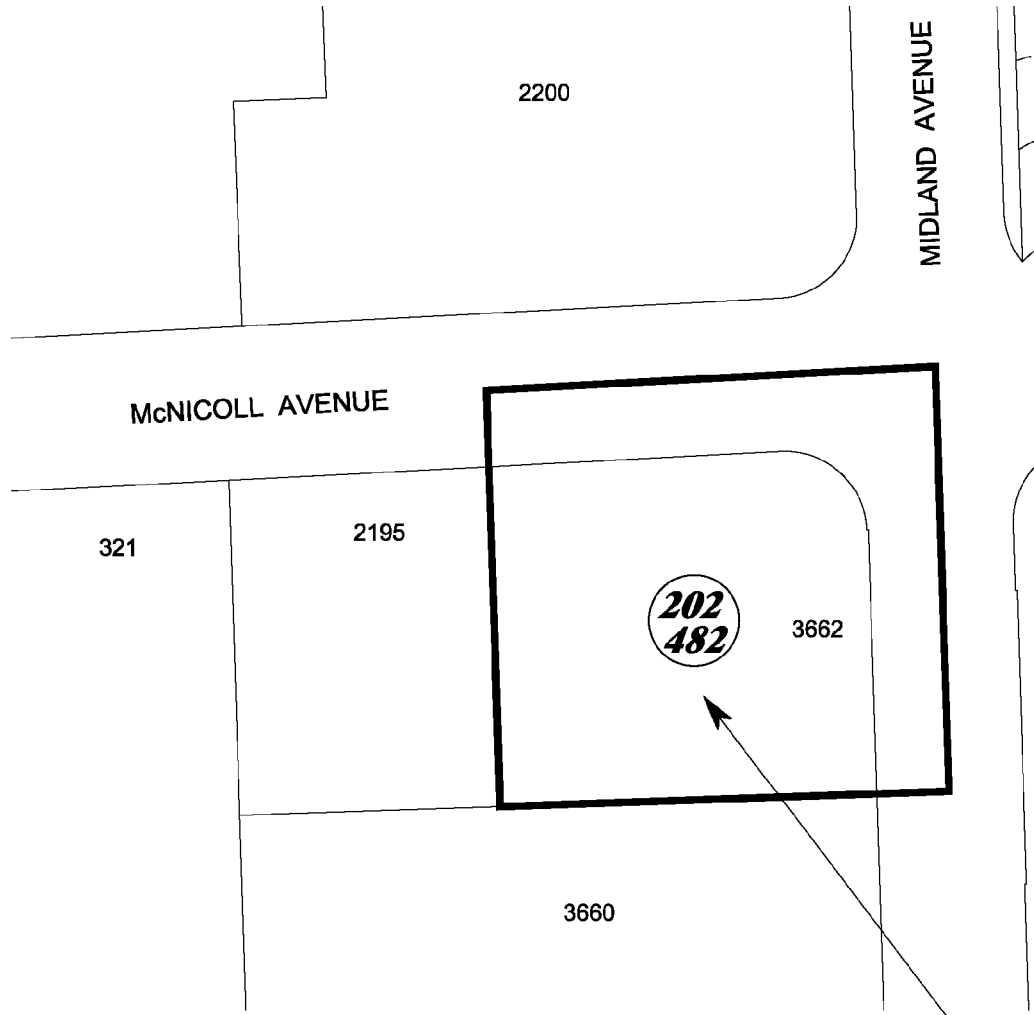
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



MDC-360-625-719-1013-1087-1193-1640-1649

TORONTO City Planning
Division
Zoning By-Law Amendment

3662 Midland Avenue
File # 12 218211 ESC 41 OZ

 Area Affected By This By-Law

Milliken Employment District Bylaw
Not to Scale
05/21/13
