

**325 Horner Avenue – Zoning By-law Amendment
Application – Final Report**

Date:	April 22, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke - Lakeshore
Reference Number:	13 227487 WET 06 OZ

SUMMARY

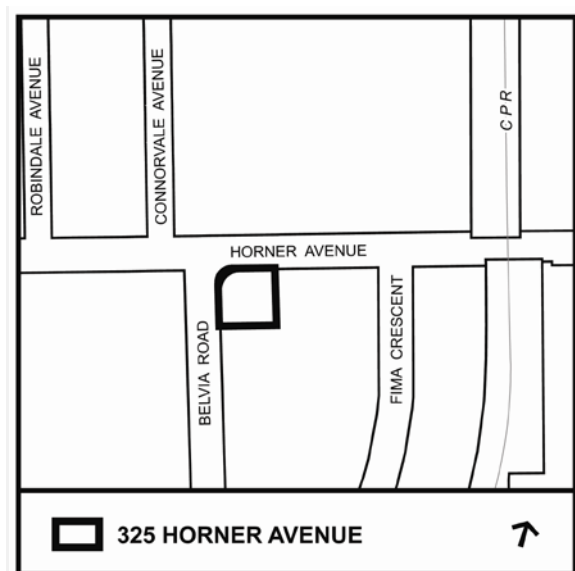
This application proposes to amend the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 to permit the construction of a new gasoline service station with a convenience retail store at 325 Horner Avenue. The development would be one-storey in height, contain 6 fuel pumps, have a gross floor area of 320 m² and provide 11 parking spaces. The existing gasoline station on the site would be demolished.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code, for the lands at 325 Horner Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.



2. City Council amend City of Toronto Zoning By-law No. 569-2013, for the lands at 325 Horner Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Planning staff met with the applicant prior to the submission of the application to discuss the proposal, inform the applicant of the required application, the associated submission material and to inform the applicant of the review process for the application.

The Preliminary Report for this application can be found at:

<http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-61939.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing to demolish the existing gasoline service station with service bays and propane facilities and construct a new 320 m² gasoline service station facility containing a coffee shop and convenience store with a pay counter. The joint convenience retail area and coffee shop would be approximately 175 m² and 121 m², respectively, in area. The remainder of the proposed floor area of the building would be used for a garbage storage area measuring 23 m². The sale of perishable food items would occur in the new building. The existing gas pumps would be removed and replaced with three new islands having 6 fuel pumps and an overhead canopy.

The proposal would maintain two existing access driveways. Significant landscaping is proposed at the northwest corner of the site and abutting the employment areas to the east and west of the site.

Vehicular access to the site would be from Horner Avenue and Belvia Road. Eleven parking spaces are proposed on the site, including one barrier-free parking space. Six bicycle parking spaces are also proposed.

Site and Surrounding Area

The site is located at the southeast corner of Horner Avenue and Belvia Road. The site is approximately .22 ha in area. A gasoline service station with service bays and propane facilities is currently situated on the site.

The surrounding land uses are as follows:

North: Commercial/manufacturing operations and low-density residential buildings.

South: An automobile service and repair establishment.

East: Commercial office building.

West: A restaurant and commercial buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 lands are designated *Employment Areas* on Map 15 – Land Use Plan in the Official Plan. The lands are within an Employment District on Map 2- Urban Structure in the Official Plan. *Employment Areas* are places of business and economic activity. This land use designation provides for a range of industrial uses, as well as offices, and includes automobile service stations.

The Toronto Official Plan is available for viewing on the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm.

Official Plan and Municipal Comprehensive Review

Prior to the commencement of the Municipal Comprehensive Review (MCR), the site was designated *Employment Areas* as noted above. The site was reviewed as part of the MCR and at its meeting on December 16, 2013, City Council approved Official Plan Amendment 231 (OPA 231), which recommended that the site be designated as *Core Employment Areas*. Given that OPA 231 is currently under appeal, the in-force designation of *Employment Areas* applies to the site.

Zoning

On May 9, 2013, Toronto City Council enacted City-wide Zoning By-law No. 569-2013. The new City-wide Zoning By-law is currently under appeal to the Ontario Municipal Board. The site is zoned Employment Industrial Zone (E1.0) under City of Toronto Zoning By-law No. 569-2013. A vehicle fuel station is a permitted use in the Employment Industrial Zone subject to satisfying certain conditions, including those related to the proposed retail and eating establishment uses.

The site is zoned Industrial Class 1 (IC.1) under the former City of Etobicoke Zoning Code. A service station is a permitted use in an IC.1 zone. However, the Supplementary Regulations for Service Stations limit the ancillary sale of convenience items to items such as tobacco products, snack foods and soft drinks and prohibits the sale of perishable foods. The Supplementary Regulations also restrict the floor area within a building devoted to the display/retail of convenience items to 20m².

Site Plan Control

The subject site is in a Site Plan Control Area. A site plan control application (13 227462 WET 06 SA) was submitted concurrently with the rezoning application and is under review. This has provided staff with the opportunity to review the overall site design and layout in more detail. Should Council approve this application, Planning staff would be in a position to issue the Notice of Approval Conditions following the enactment of the Bills implementing the Zoning By-law Amendment.

Reasons for Application

The former City of Etobicoke Zoning Code permits a maximum area of 20 m² for the sale of convenience items. The proposed gasoline service station building would contain a retail area greater than 20 m², with an expanded range of convenience items for sale, including perishable foods.

The proposed development requires an amendment to City of Toronto Zoning By-law No. 569-2013, to permit the reduced rear yard setback and location of the parking spaces at the front of the building.

Community Consultation

A Community Consultation Meeting was held on November 26, 2013 to provide residents and business/property owners with an opportunity to review and comment on the application. In attendance was the Ward Councillor, City staff, the applicant and their consultants and two residents. The residents were generally supportive of the development. The issue of traffic impacts that would result from the development and the impact of traffic turning onto Horner Avenue were raised.

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 Provincial Policy Statement (PPS). As an infill project, it supports the policy objectives of focusing growth in existing settlement areas

(intensification). The proposal is consistent with the mix of land uses and efficiently uses existing infrastructure and public services. The proposed development does not risk the public health and safety. The proposal is consistent with the PPS as required by Section 3 of the *Planning Act*. The proposal also conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed 320 m², 6 pump gasoline bar and coffee shop is a use provided for by the *Employment Areas* designation of the City's Official Plan that applies to the site.

Horner Avenue is considered a Major Street 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 land.

Built Form

Section 3.1.2 of the Official Plan speaks to built form, and states that new development will be located and organized to fit within the existing and/or planned context. The proposal would provide appropriate setbacks from the property line. 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 east side of the property, along with the building garbage enclosure, away from the street edge.

Being located on a corner (Belvia Road and Horner Avenue) the proposed building would be clearly visible from the street and minimize curb cuts by utilizing the existing driveways from both streets. Nine trees would be planted within both the Horner Avenue and Belvia Road frontages and new shrubbery would be planted surrounding the property. Further, a 5 metre landscape strip will be provided along the eastern lot line and a new pedestrian connection from Belvia Road will include a new 6-bicycle rack. Other urban design elements, such as pedestrian connections, landscaping and the overall site function will be further reviewed and secured through the Site Plan Approval process.

Access and Parking

Vehicular access to the site is proposed by way of two driveways from Belvia Road and Horner Avenue. Each entrance to the property would have a width of 7.5 metres to provide for fire route access and turning radii for fuel trucks. The eleven proposed parking spaces meet the By-law requirements under By-law No. 569-2013.

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. 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. This obligation will be secured through the Site Plan Agreement.

Conclusion

The proposed amendments to the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 are appropriate and represents good planning. The proposed gas station would conform to the Official Plan *Employment Areas* policies. The use would be compatible with the existing surrounding land uses and would provide an appropriate built form within the *Employment Areas* designation.

CONTACT

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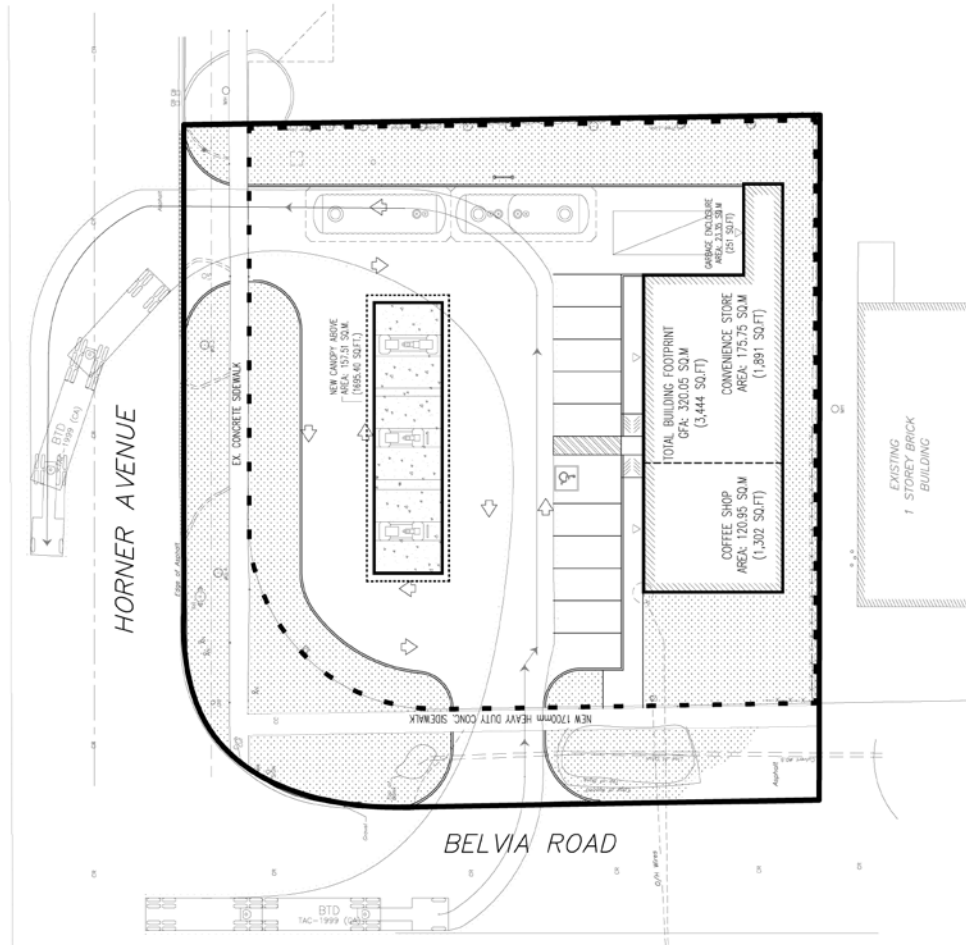
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations (North/South)
Attachment 3: Elevations (East/West)
Attachment 4: Zoning (Former City of Etobicoke Zoning Code)
Attachment 5: Zoning (City of Toronto Zoning By-law No. 569-2013)
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)
Attachment 8: Draft Zoning By-law Amendment (By-law No. 569-2013)

Attachment 1: Site Plan

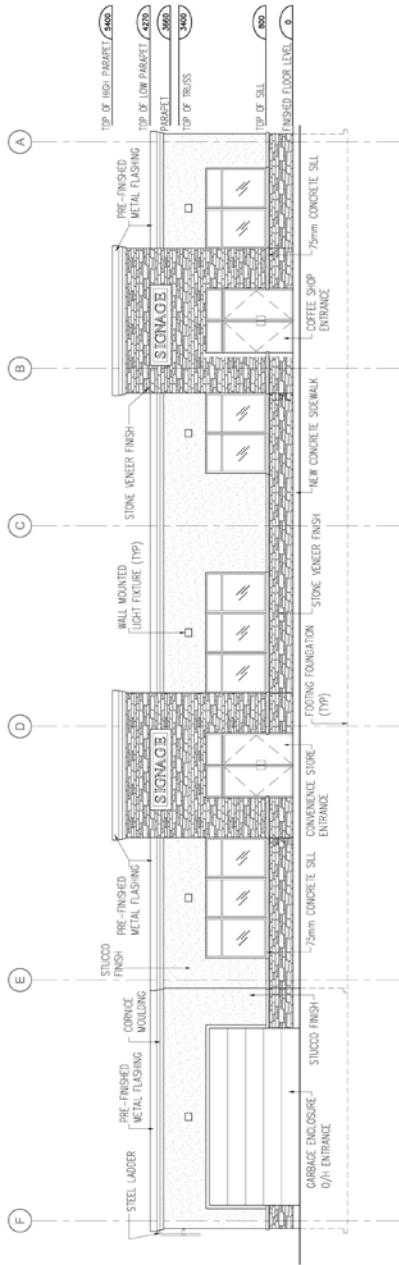


325 Horner Avenue

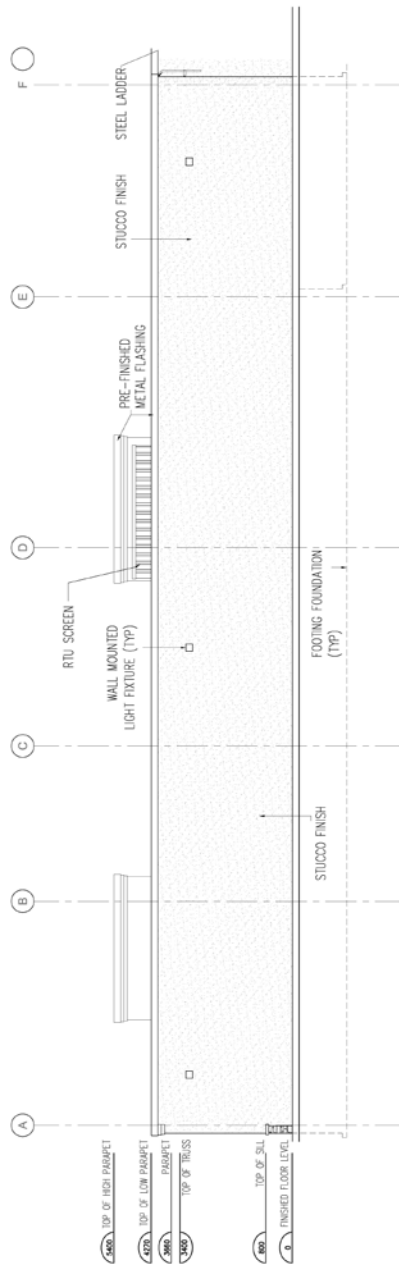
File # 13 227487 WET 06 0Z

Site Plan
Applicant's Submitted Drawing 
 Not to Scale
 02/24/2016

Attachment 2: Elevations (North/South)



North Elevation - Front



South Elevation - Rear

325 Horner Avenue

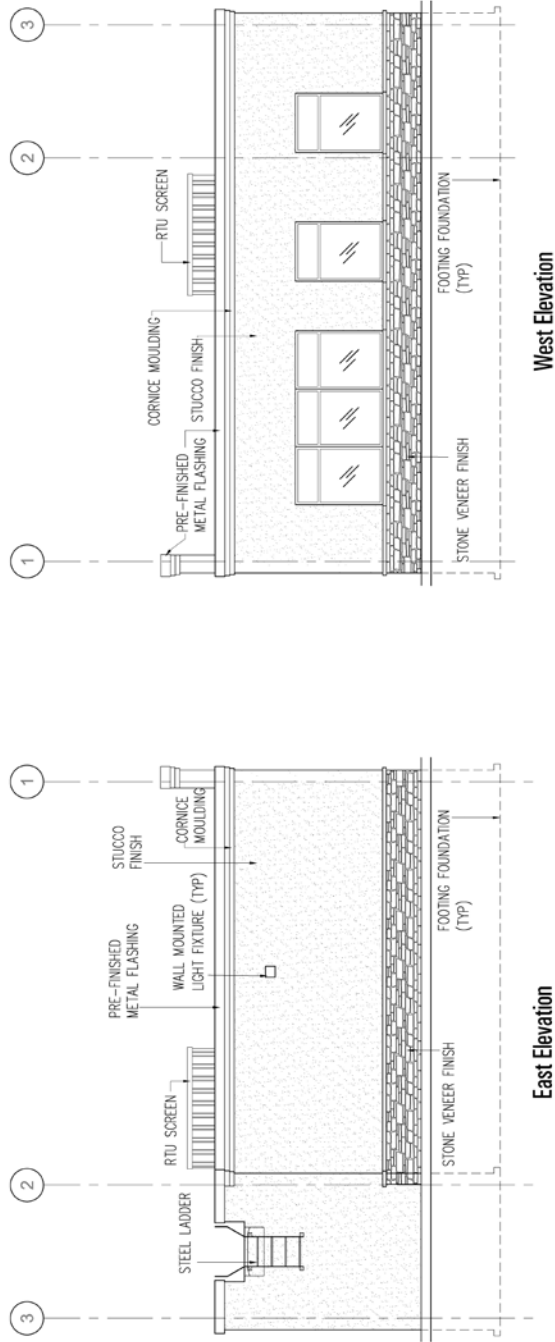
File # 13 227487 WET 06 02

Elevations

Applicant's Submitted Drawing

Not to Scale
02/24/2016

Attachment 3: Elevations (East/West)

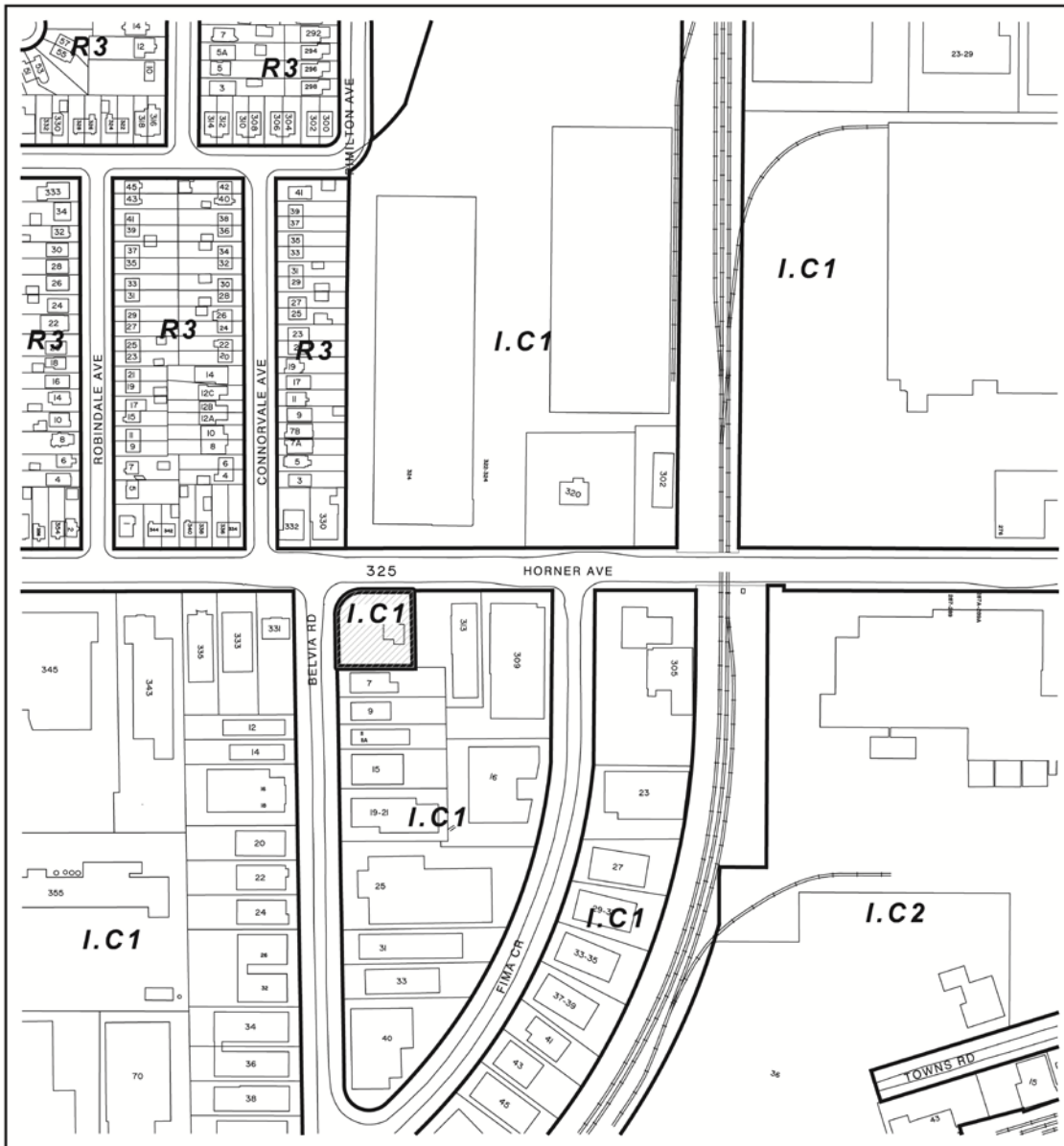


325 Horner Avenue

File # 13 227487 WET 06 0Z

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 02/24/2016

Attachment 4: Zoning (Former City of Etobicoke Zoning Code)



TORONTO City Planning
Zoning

325 Horner Avenue
 File # 13 227487 WET 06 02

- R3 Residential Third Density
- I.C1 Industrial Class 1
- I.C2 Industrial Class 2



Not to Scale
 Former Etobicoke By-law 11,737
 Extracted 09/19/2013

Attachment 5: Zoning (City of Toronto Zoning By-law No. 569-2013)



Zoning By-Law No. 569-2013

325 Horner Avenue

File # 13 227487 WET 06 02

Location of Application

See Former City of Etobicoke By-Law No. 11,737
I.C2 Industrial Class 2

RM Residential Multiple OR Open Space Recreation
E Employment Industrial UT Utility and Transportation



Not to Scale
Extracted: 01/11/2016

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	13 227487 WET 06 OZ
Details	Rezoning, Standard	Application Date:	August 28, 2013

Municipal Address: 325 HORNER AVENUE
 Location Description: CON 1 PT LOT 7 RP 64R8825 PART 1 **GRID W0604
 Project Description: Demolish the existing gas station and construct a new gas station and (1) building containing a convenience store and coffee shop.

Applicant:	Agent:	Architect:	Owner:
CANTAM GROUP LTD			2240574 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N/A
Zoning:	1C.1 Former City of Etobicoke E1.0 By-law No. 569-2013	Historical Status:	N/A
Height Limit (m):	IC.1 - 5 storeys	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	2181.18	Height:	Storeys:	1	
Frontage (m):	47.24		Metres:	5.35	
Depth (m):	46.17				
Total Ground Floor Area (sq. m):	320				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	11	
Total Non-Residential GFA (sq. m):	320		Loading Docks	1	
Total GFA (sq. m):	320				
Lot Coverage Ratio (%):	14				
Floor Space Index:	0.14				

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):	300	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:	Travis Skelton, Assistant Planner
	TELEPHONE:	(416) 394-8245

**Attachment 7: Draft Zoning By-law Amendment
(Former City of Etobicoke Zoning Code)**

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 the Etobicoke Zoning Code with respect to the lands municipally known
in 2016 as 325 Horner 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. That notwithstanding Chapters 304-33, 304-31, and 320-21 of the Etobicoke Zoning Code, the following development standards shall apply to the I.C1 Lands described in Schedule 'A' attached hereto.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

2. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions will apply:

"Building Envelope" means the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B' attached hereto.

"Retail store with food services" means a commercial building or structure or part thereof, where food and convenience goods are stored and offered for sale and retail, and which may include sale of perishable food items. The maximum number of internally seating shall be 20.

"Grade" means with respect to each building erected within a Building Envelope, the average elevation at ground level adjoining the main front wall of the building.

"Lands" shall mean the Lands described *in* Schedule "A" attached hereto;

3. Permitted Uses

(a) No building or structures shall be erected or used on the Lands with a Zone Symbol I.C1, except for the following uses:

(i) Service station, Retail store with food services and ancillary seating to a maximum of 20 seats.

(ii) Restaurants are prohibited.

4. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands with a Zone Symbol I.C1 shall be 300 square metres. For the purpose of this by-law, a garbage area attached to a building shall not be included in the calculating of gross floor area.

5. Minimum/Maximum Height

(a) The maximum height is restricted to one storey at 5.4 metres

6. Setbacks / Floor Plate Restrictions / Building Envelope

(a) No building or structure shall be located other than within the Building Envelopes shown on Schedule 'B'.

7. Parking and Loading Requirements

(a) For the Lands with a Zone Symbol I.C1 the required parking shall be subject to Chapter 320-18.F;

(b) Parking stall standards and access shall be as per Chapter 320-18.A;

(c) One handicapped parking stall is required in compliance with Chapter 320-19.A.

8. Notwithstanding any severance, partition or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.

9. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXXX – 201_ ____, 201_	Lands located on the East side of Belvia Road south of Horner Avenue known as 325 Horner Avenue	To permit a service station, Retail store with food services and ancillary seating to a maximum of 20 seats.

ENACTED AND PASSED this ____ day of –S, AD. 201_.

Mayor

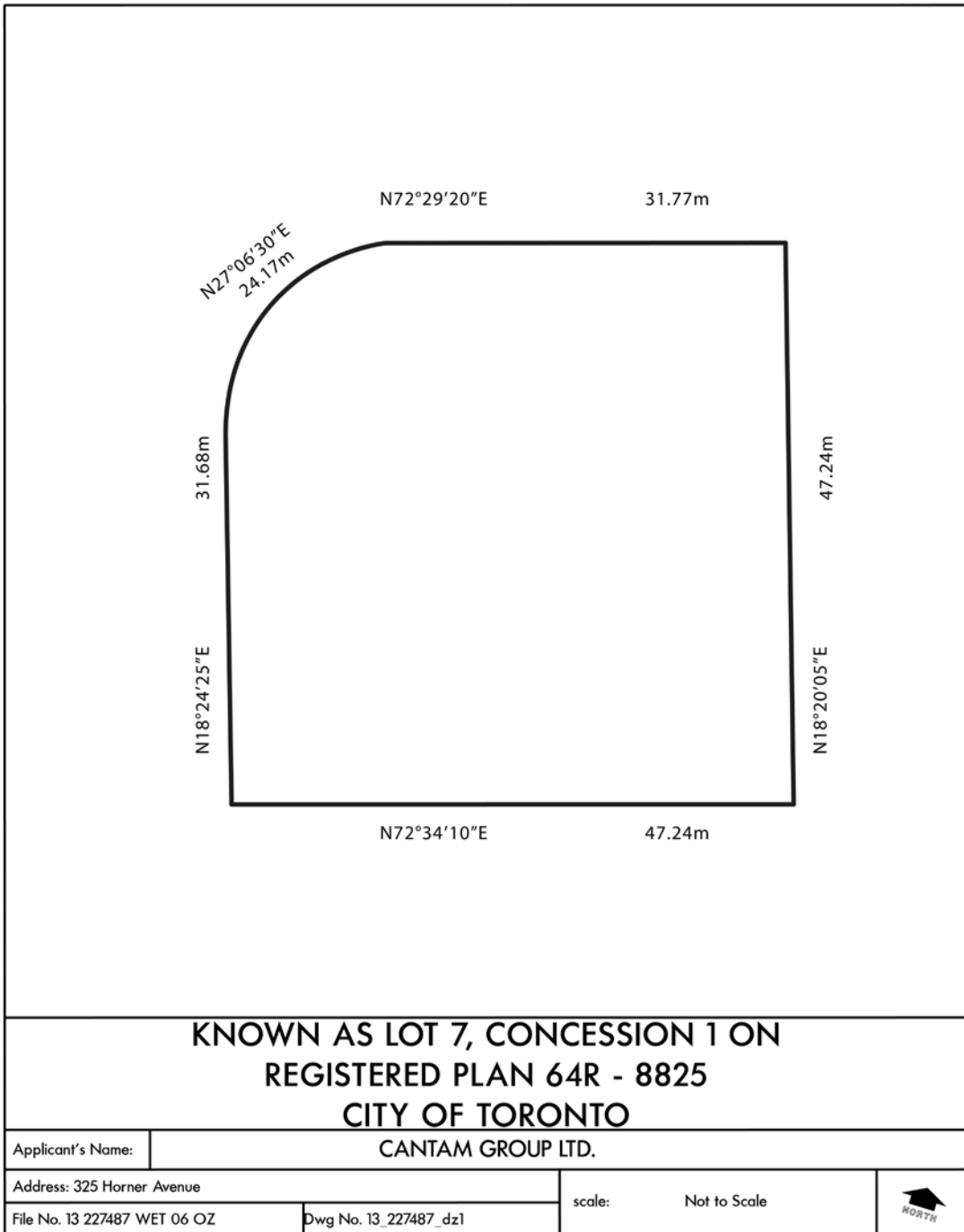
City Clerk

John Tory

Ulli S. Watkiss

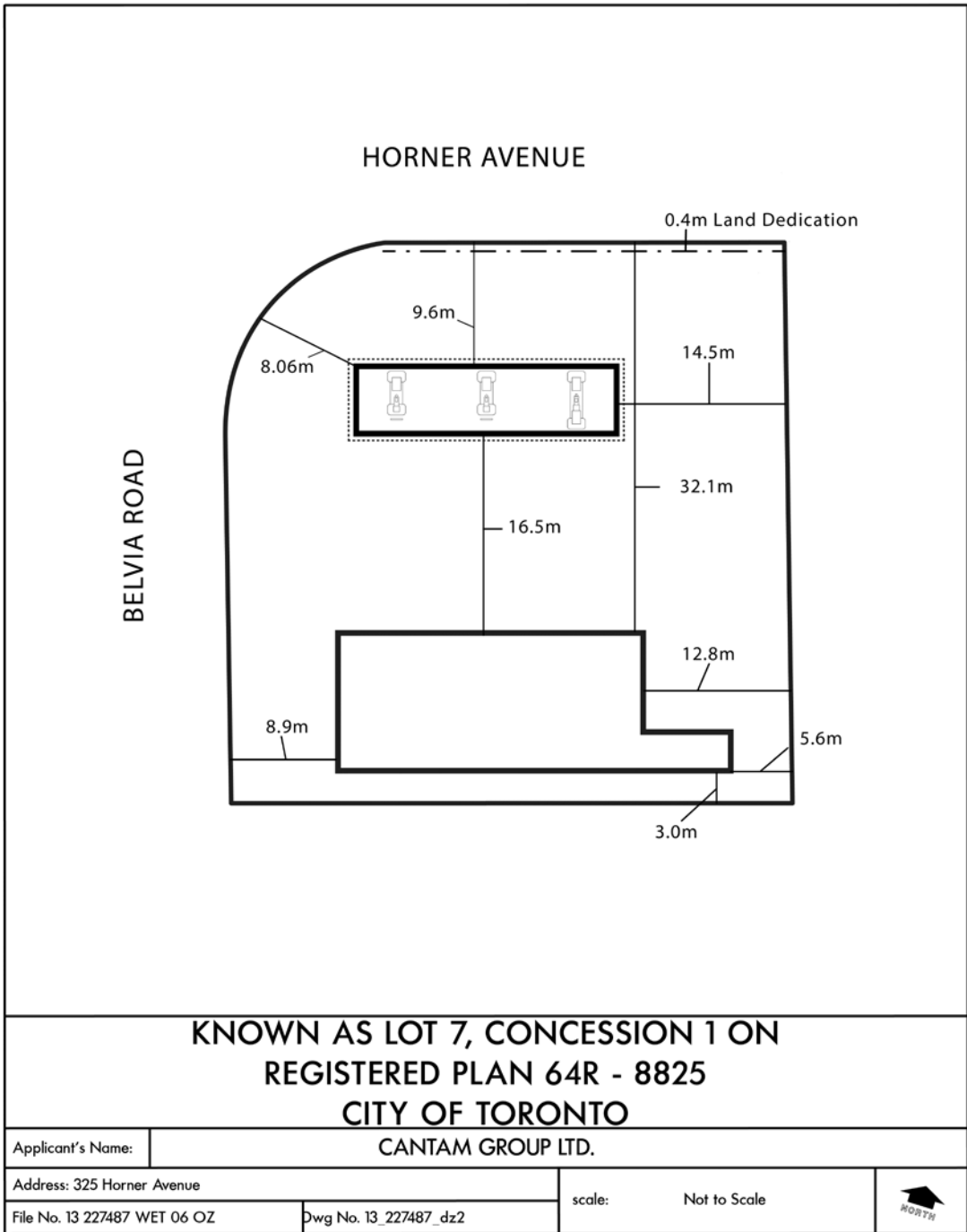
Schedule A

TORONTO Schedule 'A' BY - LAW



Schedule B

TORONTO Schedule 'B' BY - LAW



Attachment 8: Draft Zoning By-law Amendment (By-law No. 569-2013)

Authority: Etobicoke York Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2016]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 325 Horner Avenue

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to E1.0 (x12), as shown on Diagram 2 attached to this By-law;
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.20.10. Exception Number 12 so that it reads:

Exception E 12

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections.

Site Specific Provisions:

Permitted Uses

- (a) No building or structures shall be erected or used on the Lands with a Zone Symbol E1.0, except for the following uses:
 - (i) Service station, Retail store with food services and ancillary seating to a maximum of 20 seats.
 - (ii) Restaurants are prohibited.
- 4. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands with a Zone Symbol E1.0 shall be 300 square metres. For the purpose of this by-law, a garbage area attached to a building shall not be included in the calculating of gross floor area.
- 5. Minimum/Maximum Height
 - (a) The maximum height is restricted to one storey at 5.4 metres
- 6. Setbacks / Floor Plate Restrictions / Building Envelope
 - (a) No building or structure shall be located other than within the Building Envelopes shown on Schedule 'B'.
- 7. Parking and Loading Requirements
 - (a) For the Lands with a Zone Symbol E1.0 the required parking shall be subject to Chapter 200.5.10.1;
 - (b) Parking stall standards and access shall be as per Chapter 200.5.1.10;
 - (c) one accessible parking space shall be required subject to Chapter 200.15.10.

Prevailing By-laws and Prevailing Sections: (None Apply)

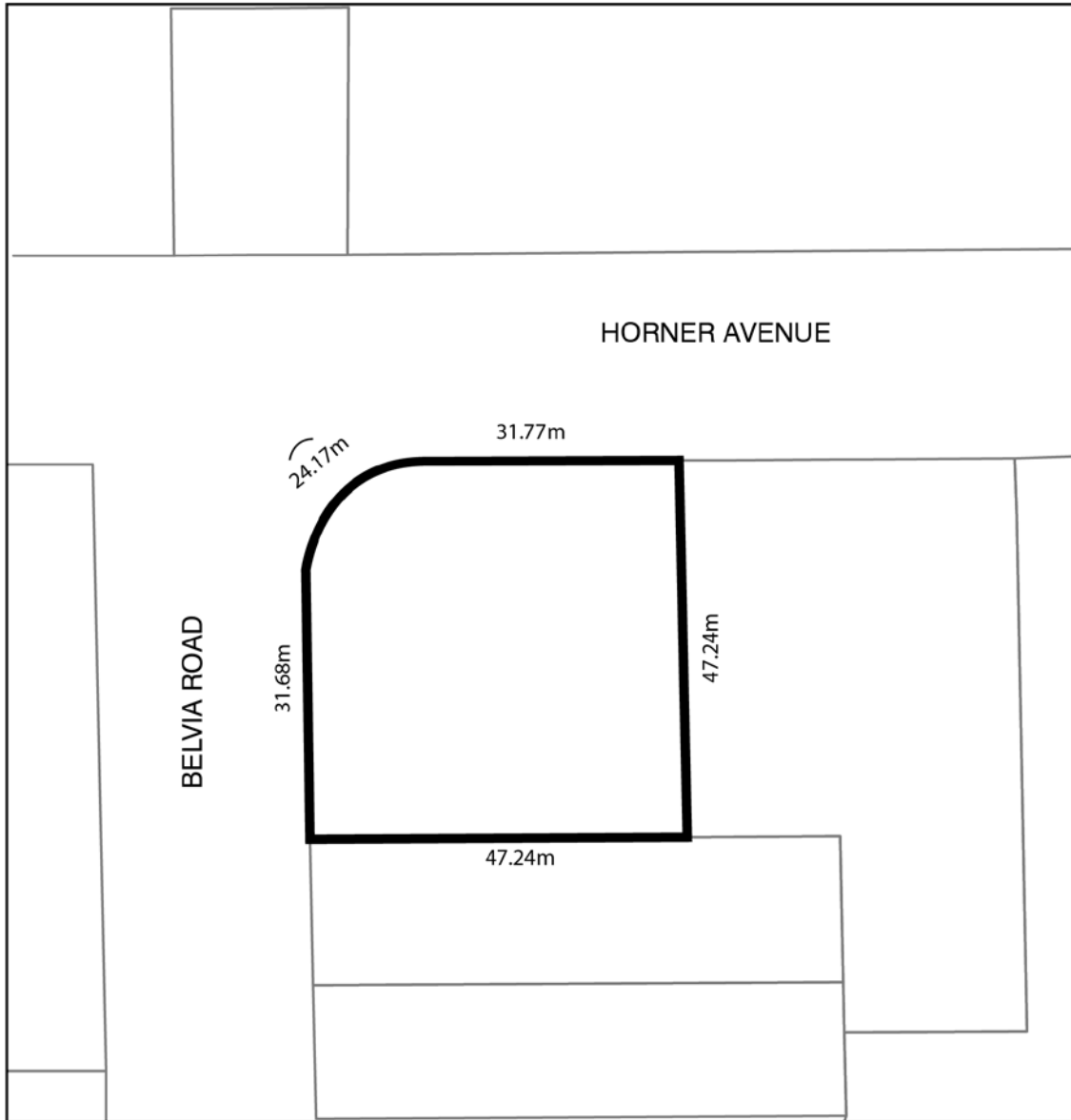
Enacted and passed on **month ##, 20##.**

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Diagram 1



325 Horner Avenue

Diagram 1

File # 13 227487 WET 06 02



City of Toronto By-Law 569-2013
Not to Scale
04/20/2016

Diagram 2

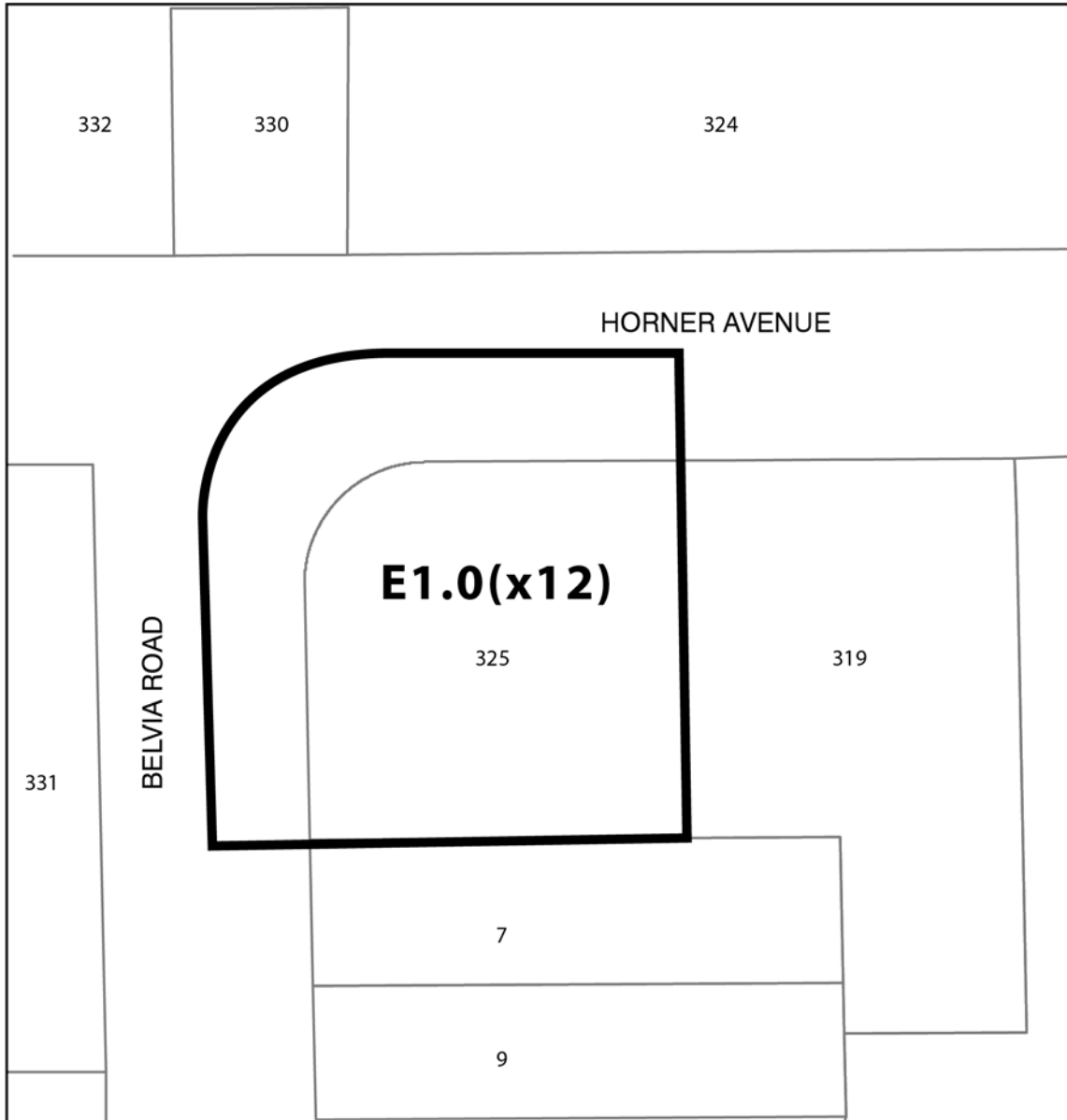


Diagram 2

325 Horner Avenue

File # 13 227487 WET 06 0Z



City of Toronto By-Law 569-2013
Not to Scale
04/20/2016

Diagram 3

