

**3662 Midland Avenue – Zoning By-Law Amendment  
Application - Final Report**

Date: June 15, 2018

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 41 – Scarborough-Rouge River

**Planning Application Number:** 16 211026 ESC 41 OZ

**SUMMARY**

---

This application proposes to amend the Zoning By-law to permit a wider range of uses for the lands at 3662 Midland Avenue including a vehicle washing establishment and drive-through facility. This application also proposes to bring this site into the City-wide Zoning By-law 569-2013 under the Employment Industrial (E) Zone to permit a drive-through facility and a vehicle washing establishment. The application will facilitate the redevelopment of lands with a vehicle fuel station, a vehicle washing establishment, a drive-through facility associated with a take-out restaurant and a building containing a retail store and take-out restaurant.

The proposed development is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017) and meets the intent of the Official Plan.

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 Milliken Employment District By-law 24982, as amended, for the lands at 3662 Midland Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6: Draft Zoning By-law.
2. City Council amend Zoning By-law 569-2013, as amended, for the lands at 3662 Midland Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5: Draft Zoning By-law Amendment.
3. City Council authorizes 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

---

The subject site was the subject of a Zoning By-law amendment application approved by City Council on July 19, 2012 which permitted two, two-storey buildings having a combined gross floor area of 2 679 square metres and the following range of uses: market place signs, business and professional offices, 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 shows the summary of the previous proposal.

**Table-1  
Summary of Previous Proposal**

<b>Proposed Use</b>	<b>Building 'A' (floor area)</b>	<b>Building 'B' (floor area)</b>	<b>Total (floor area)</b>
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
<b>TOTAL</b>	<b>1 512 sq. m</b>	<b>1 167 sq. m</b>	<b>2 679 sq. m</b>

While Zoning By-law No. 1056-2013 implementing this development was approved by City Council on July 19, 2013, no site plan application was submitted and the site remains vacant.

A pre-application meeting was held on February 11, 2016. The current application was submitted on August 22, 2016 and deemed complete on September 23, 2016. Additional consultations took place with the applicant that primarily addressed land use, site organization and consistency with the Urban Design Guidelines for Sites with Drive-Through Facilities.

A Preliminary Report related to the application was considered by Scarborough Community Council (SCC) at its meeting of November 15, 2016. The report was adopted by Community Council, which included an amendment to increase the notification area for a community consultation meeting to landowners and residents within 300 metres of the site and that the additional costs for the notice beyond 120 metres be borne by the applicant. The Preliminary Report and the decision of SCC can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.SC18.26>

## ISSUE BACKGROUND

---

### Proposal

The current application proposes the development of the subject lands at 3662 Midland Avenue with a vehicle fuel station, a vehicle washing establishment, a drive-through facility associated with a take-out restaurant and a building containing a retail store (and take-out restaurant). Details of proposal are shown in Table-2: Site Statistics

**Table-2**  
Site Statistics

Proposed Use	Floor Area (sq.m)	Parking Spaces Required
Retail	157.95 (3.5/100 sq.m)	6
Take-Out Restaurant	103.62 (3.5/100 sq.m)	4
Vehicle Washing Establishment	139 (3.5/100 sq.m)	4
<b>Total</b>	<b>400.77 sq. m</b>	<b>14</b>

The proposed vehicle fuel station will be located adjacent to the McNicoll Avenue frontage and will contain 6 pump islands. The pump islands will be protected by a 5.6 metre high canopy.

The proposed vehicle washing establishment will be located adjacent to the west property line having a floor area of approximately 139 square metres. The site plan shows a vehicular stacking capacity of 10 vehicles.

The proposed one-storey main building will be located adjacent to the south property line and will contain a retail store and take-out restaurant with an associated drive-through facility along the west and south side of the building. A total of 12 vehicle stacking spaces are proposed. The total floor area of all uses in the main building will be approximately 262 square metres.

Vehicular access to the site is proposed from one driveway off McNicoll Avenue and two driveways off Midland Avenue.

A combined total of 15 vehicular parking spaces are being proposed throughout the site. The site plan indicates a total of 5 bicycle parking spaces being proposed to be located along the east side of the main building.

### **Site and Surrounding Area**

The subject property is situated at the south-west corner of Midland Avenue and McNicoll Avenue. It is approximately 0.42 hectares in area, having approximately 51 metres frontage on Midland Avenue and 61 metres of frontage on McNicoll Avenue. The site is vacant, treeless and generally flat.

Surrounding uses include:

North: Retail-commercial uses - zoned Mixed Employment (ME) and Single Family Residential (S) on the opposite side (east) 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, and a 1 storey banquet hall on the west side of Silverstar Boulevard – zoned Mixed Employment (ME)

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

- Commercial uses (including retail and service uses) are recognized as employment uses which are to be accommodated both generally throughout the urban area and, more specifically, within employment areas;
- Direct planning authorities to promote economic development and competitiveness by among other matters, providing for an appropriate mix and range of employment and institutional uses to meet long-term needs and providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and,
- Direct planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Retail and office uses will be directed to locations that support active transportation and have existing or planned transit;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

At its meeting of December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review with respect to Economic Health Policies and the Policies, Designations and Mapping for Employment Areas. Among other matters, OPA 231

introduced policies to greater protect the City's finite supply of employment land. OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Ontario Municipal Board (OMB).

OPA 231 refines the policies of Section 4.6 by introducing and distinguishing between *Core Employment Areas* and *General Employment Areas*. The subject lands fall within a *General Employment Area* designation, as shown on Map 7 of the amendment. The subject lands are not subject to an appeal to OPA 231, therefore, the *General Employment Areas* designation applies.

Section 4.6 of OPA 231 states: Employment Areas are places of business and economic activities vital to Toronto's economy and future economic prospects. Both *Core Employment Areas* and *General Employment Areas* are important and comprise the City's 'Employment Areas' as defined under the Provincial Planning framework.

In addition to all of the uses permitted in a *Core Employment Area*, retail stores, service shops and restaurants, and fitness centres which are all business and economic activities, are also permitted in *General Employment Areas*. General Employment Areas are generally located on the periphery of Employment Areas on major roads where retail stores, service shops and restaurants can serve workers in the Employment Area and would also benefit from visibility and transit access to draw the broader public.

Retail complexes on the periphery of employment areas frequently serve as a buffer between industries in the interior of Employment Areas and nearby residential areas. Retail development of any scale or form that implements the built form policies of this Plan is provided for in a General Employment Area.

Section 4.6.6 of the Plan indicates that development will contribute to the creation of competitive, attractive, highly functional Employment Areas by:

- a) Supporting the existing and planned function of the Employment Area;
- b) Encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- c) Providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces;
- d) Integrating the development into the public street network and systems of roads, sidewalks, walkways, bikeways and transit facilities, and establishing new segments where appropriate;
- e) Limiting or mitigating the effects of traffic generated by the development within the Employment Area and adjacent areas;
- f) Providing adequate parking and loading on-site;
- g) Sharing driveways and parking areas wherever possible;
- h) Avoiding parking between the public sidewalk and retail uses;
- i) Mitigating the effects of noise, vibration, dust odours or particulate matter that will be detrimental to other businesses or the amenity of neighbouring areas;
- j) Providing landscaping on the front and any flanking yard adjacent to any public street, park and open space to create an attractive streetscape, and screening parking, loading and service areas;

- k) Treating the boundary between Employment Areas and residential lands with landscaping, fencing, or other measures to provide a buffer and minimize adverse impacts; and
- l) Ensuring that where the zoning by-law(s) permit open storage and/or outdoor processing of goods and materials, the open storage and/or processing is:
  - i. Limited in extent;
  - ii. Generally located at the rear of the property;
  - iii. Well screened by fencing and landscaping where viewed from adjacent streets, highways, parks and neighbouring land uses; and,
  - iv. Not adversely affecting existing and planned neighbouring land uses in terms of dust, noise and odours.

Site and Area Specific Policy No. 104 also applies 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.

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians.

3.1.2 of the Official Plan includes policies on built form. These policies seek to locate and mass new buildings to frame the edges of streets with good proportion and to provide an attractive, comfortable and safe pedestrian environment.

Both Midland Avenue and McNicoll Avenue are identified on Map 3, Right-of-Way Widths Associated with Existing Major Streets with minimum right-of-way widths of 27 metres.

In addition to the policies/guidelines referenced later in this report, the Official Plan will be considered as a whole through the review of this application. The Official Plan is available at: [www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The subject lands are zoned *Industrial District Commercial Zone* (MDC) by Employment Districts Zoning By-law No. 24982, as amended (Milliken Employment District). Generally, permitted uses within the MDC Zone 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.

Exception No. 482 permits the following additional permitted uses: retail, medical office, recreational uses, service shops and personal service shops.

The maximum gross floor area is 66% times the area of the lot, with a maximum gross floor area of 700 square metres for restaurants.



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

The application is also subject to provisions pertaining to drive-through facilities. Among other matters, the drive-through provisions state that a drive-through facility, including stacking aisles must be at least 30 metres from any lot in a residential zone or commercial-residential zone and provided all other applicable development standards are satisfied.

The City of Toronto Zoning By-law No. 569-2013, does not apply to the subject lands. Planning staff propose to now bring this site into By-law No. 569-2013 by way of the draft zoning by-law amendment set out in Attachment 5.

### **Draft Urban Design Guidelines For Sites with Drive-Through Facilities**

These Guidelines approved for community consultation by City Council in June 2005, set out the principles and criteria, which will help sites with drive-through facilities meet policy directions for an improved public realm. A link to these Guidelines can be found at: <https://www.toronto.ca/wp-content/uploads/2017/08/9491-Urban-Design-Guidelines-for-Sites-with-Drive-Through-Facilities.pdf>

### **Site Plan Control**

In conjunction with the proposed zoning by-law amendment application, a site plan control application has been submitted and is currently under review.

### **Reasons for Application**

An amendment to the Employment Districts Zoning By-law No. 24982 (Milliken Employment District), as amended, is required to expand the range of permitted uses to include a drive-through facility and a vehicle washing establishment.

An amendment to City of Toronto Zoning By-law 569-2013 is also required to add this site to the By-law under the Employment (E) Zone to include a drive-through facility with an associated take-out eating establishment, retail store and vehicle fuel station as permitted uses with conditions.

In addition, amendments are required to establish appropriate provisions to facilitate the development of the lands.

### **Application Submission**

The following reports/studies were submitted in support of the application:

- Transportation Impact Study
- Toronto Green Standards Checklist
- Stormwater Management Report
- Servicing Report
- Functional Study Report
- Arborist/Tree Preservation Report

These reports/studies are available at the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

### **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

### **Community Consultation**

A community consultation meeting was held on Thursday December 15, 2016 at the Milliken Community Centre attended to by Community Planning Staff. A total of three area residents and one business owner were in attendance. Also in attendance was staff from the Ward Councillors office, the applicants and their consultants.

The primary concerns raised related to the desire to maintain full vehicular movement onto Midland Avenue in addition to traffic and pedestrian safety concerns. These issues have been raised and discussed throughout this report.

### **COMMENTS**

#### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

The proposal will provide for an efficient development pattern and use of land while utilizing existing public infrastructure and services.

The proposal, including retail and service uses, are recognized as employment uses and therefore will protect and preserve employment areas for current and future uses. Further, the proposal supports a range of economic activities and ancillary uses taken into account the needs of existing and future businesses.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing an appropriate type and scale of development within the context of the area. The introduction of a drive-through facility and vehicle washing establishment are uses that are generally associated with a vehicle fuel station, take-out restaurant and retail store.

## **Land Use**

This application has been reviewed against the official plan policies and Draft Urban Design Guidelines for Sites with Drive-Through Facilities described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The application proposes expanding the range of permitted uses on the subject lands to include: a drive-through facility and a vehicle washing establishment

The General Employment policies of the Official Plan contemplate the type of uses that would be implemented through the requested rezoning. The proposal will contribute to a balance of commercial uses that can serve workers in the Employment Area and would also benefit from visibility and transit access to draw the broader public.

The list of proposed uses is generally consistent with those uses permitted or conditionally permitted within Employment Industrial (E) zones under City-wide Zoning By-law No. 569-2013.

A drive-through facility and a vehicle washing establishment are uses often associated with a vehicle fuel station and take-out restaurant.

The site is not, however, currently subject to City-wide Zoning By-law 569-2013. It is now appropriate to also bring this site into the by-law by way of the draft zoning by-law amendment set out in Attachment 5 under the Employment Industrial (E) Zone.

Appropriate measures have been taken to mitigate potential negative impacts on the adjacent properties and the public realm and are discussed throughout this report.

Given the existing and the planned context for the subject property and the surrounding area, the proposed land use can be supported by staff.

## **Density**

This application has been reviewed against the official plan policies and urban design guidelines described in the Issue Background Section of the Report

The total gross floor area of all uses will be approximately 401 square metres which equates to a density of 0.096 times the area of the lot. In general terms, the proposed density is acceptable subject to implementing measures through the zoning by-law and site plan approval process to ensure the proposed mix of uses are compatible, function well and complement each other on the site.

On this basis, Staff are satisfied that the subject lands can accommodate this level of development.

## Site Organization

A pedestrian walkway is proposed extending from the intersection of Midland Avenue and McNicoll Avenue into the site.

Direct and safe pedestrian access is provided from Midland Avenue to the main retail store/take-out restaurant building. Seating and outdoor amenity is also provided between the building and Midland Avenue to support and animate the public realm. This building is appropriately located along the Midland Avenue frontage. Staff will ensure that windows and/or doors will be installed to maximize views in and out of the building along the Midland Avenue frontage.

The vehicle washing establishment will be located along the western portion of the site to minimize adverse impacts on the residential lands located northeast of the intersection of Midland Avenue and McNicoll Avenue. Pedestrian walkways are also provided around the perimeter of the vehicle washing establishment and the main building.

A right-out only exit is proposed from the main building drive-through which will help alleviate vehicular conflicts on site. The proposed vehicular movements, including access to and from the site and within the site will ensure that the site, will function efficiently.

The majority of parking spaces are located within the interior of the site.

The site plan shows the provision of one B-Type loading area that meets by-law standards located next to the western wall of the main building which can be accessed internally on the site. Immediately in front of the loading bay are 4 in-ground garbage/recycling containers.

Through the site plan control process, staff will further examine matters such as loading, garbage storage, internal signage and refinements to the proposed building elevations.

### Drive-Through Facility

The proposed drive-through facility associated with the take-out restaurant complies with zoning provisions pertaining to drive-through facilities, including:

- the minimum 30 metre separation distance from the nearest residential zone has been achieved from the residentially zoned lands located northeast of the intersection of Midland Avenue and McNicoll Avenue;
- a minimum number of 10 vehicular stacking spaces; and,
- minimum stacking space dimensions of 3.0 metres wide by 6.5 metres long.

In addition, the proposal generally conforms with the following policies of the Urban Design Guidelines for Sites with Drive-Through Facilities including:

- Locating the building close to Midland Avenue to define and support the street edge;
- Providing an articulated building façade, including windows along the Midland Avenue frontage to support and animate the public street and sidewalk; and

- Not locating stacking lanes or driveways between the building and street to provide uninterrupted and safe pedestrian movement to the building entrance from Midland Avenue;

### **Traffic Impact, Access, Parking**

The applicant has submitted a Transportation Impact Study. The study addressed access/egress, on-site vehicular movements and parking.

Vehicular access to the site is proposed from one driveway off McNicoll Avenue and two driveways off Midland Avenue. The driveway entrance off McNicoll Avenue is proposed to be restricted to right-in right-out movements. The driveway off Midland Avenue is also proposed to be restricted to right-in right-out movements. A second driveway off Midland Avenue along the southern boundary of the site is proposed to be restricted to one-way right-out movements south onto Midland Avenue for vehicles exiting the main building from the drive-through.

Transportation Services advises that the owner will be required to submit a financial guarantee for the proposed road improvements including restrictions of left turn movements to and from the proposed driveways on Midland Avenue and McNicoll Avenue. Transportation Services also advises that new 2.1 metre wide sidewalks are required along both the Midland Avenue and McNicoll Avenue frontages. These matters will be addressed as part of the site plan approval process.

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

A total of 14 vehicular parking spaces are proposed throughout the site. Also, a total of 5 bicycle parking spaces are being provided along the east wall of the main building. The number of both vehicular and bicycle parking spaces meet current by law standards.

### **Servicing**

The applicant has submitted a Functional Servicing Report (FSR) and Stormwater Management Report which has been reviewed by Engineering and Construction Services (ECS).

All servicing matters will be will be addressed during the site plan approval process.

### **Archaeological Assessment**

The applicant has submitted a Stage 1 Archaeological Assessment on the subject lands. Staff agree that the potential of encountering pre-contact and historical archaeological deposits is low. However, this matter will be examined more closely during the site plan approval process and with appropriate measures secured in the site plan agreement.

### **Landscaping**

A site plan control application was submitted with the subject application. A total of 2 City road allowance and 23 trees of privately owned portions of the site area proposed. A minimum 3.0-metre landscape strip is maintained around the perimeter of the site. In addition, a hard surfaced walkway is proposed from the sidewalk at the intersection of McNicoll Avenue and Midland Avenue. Details regarding appropriate plant selection, soil volumes, and pedestrian walkway materials will be addressed during the site plan approval process.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures. These matters will be finalized during the site plan approval stage.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan.

Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, as it relates to supporting the existing and planned function of the Employment Area.

The General Employment policies of the Official Plan contemplate the type of uses that would be implemented through the requested rezoning. The proposal will contribute to a balance of commercial uses that can serve workers in the Employment Area and would also benefit from visibility and transit access to draw the broader public.

Staff worked with the applicant and the community to mitigate potential negative impacts on adjacent properties and the public realm. Staff recommend that Council support approval of the application.

## **CONTACT**

---

Renrick Ashby, Senior Planner  
Tel. No. 416 396 7022  
Fax No. 416 396 4265  
E-mail: [Renrick.ashby@toronto.ca](mailto:Renrick.ashby@toronto.ca)

## **SIGNATURE**

---

Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

---

### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment (By-law 569, as amended)
- Attachment 6: Draft Zoning By-law Amendment (By-law 24982, as amended - Milliken Employment District)

### **Applicant Submitted Drawings**

- Attachment 7: Site Plan [as provided by applicant]
- Attachment 8: Elevations [as provided by applicant]

## Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	16 211026 ESC 41 OZ
Details	Rezoning, Standard	Application Date:	August 22, 2016

Municipal Address: 3662 MIDLAND AVE  
 Location Description: PLAN 9828 RCP PT LOT 85.86 NOW RP 64R13973 PART 1 \*\*GRID E4101  
 Project Description: Development comprising of a vehicle fuel station with retail store including a food partner with a drive thru facility and stand alone vehicle washing establishment.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
N ARCHITECTURE INC		N ARCHITECTURE INC	93335333 CANADA INC.

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	MDC	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	4169.39	Height:	Storeys:	1
Frontage (m):	47.7		Metres:	5.9
Depth (m):	68			
Total Ground Floor Area (sq. m):	400			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	14
Total Non-Residential GFA (sq. m):	401		Loading Area	1 (Type B)
Total GFA (sq. m):	401			
Lot Coverage Ratio (%):	9			
Floor Space Index:	0.09			

### DWELLING UNITS

Tenure Type:	
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

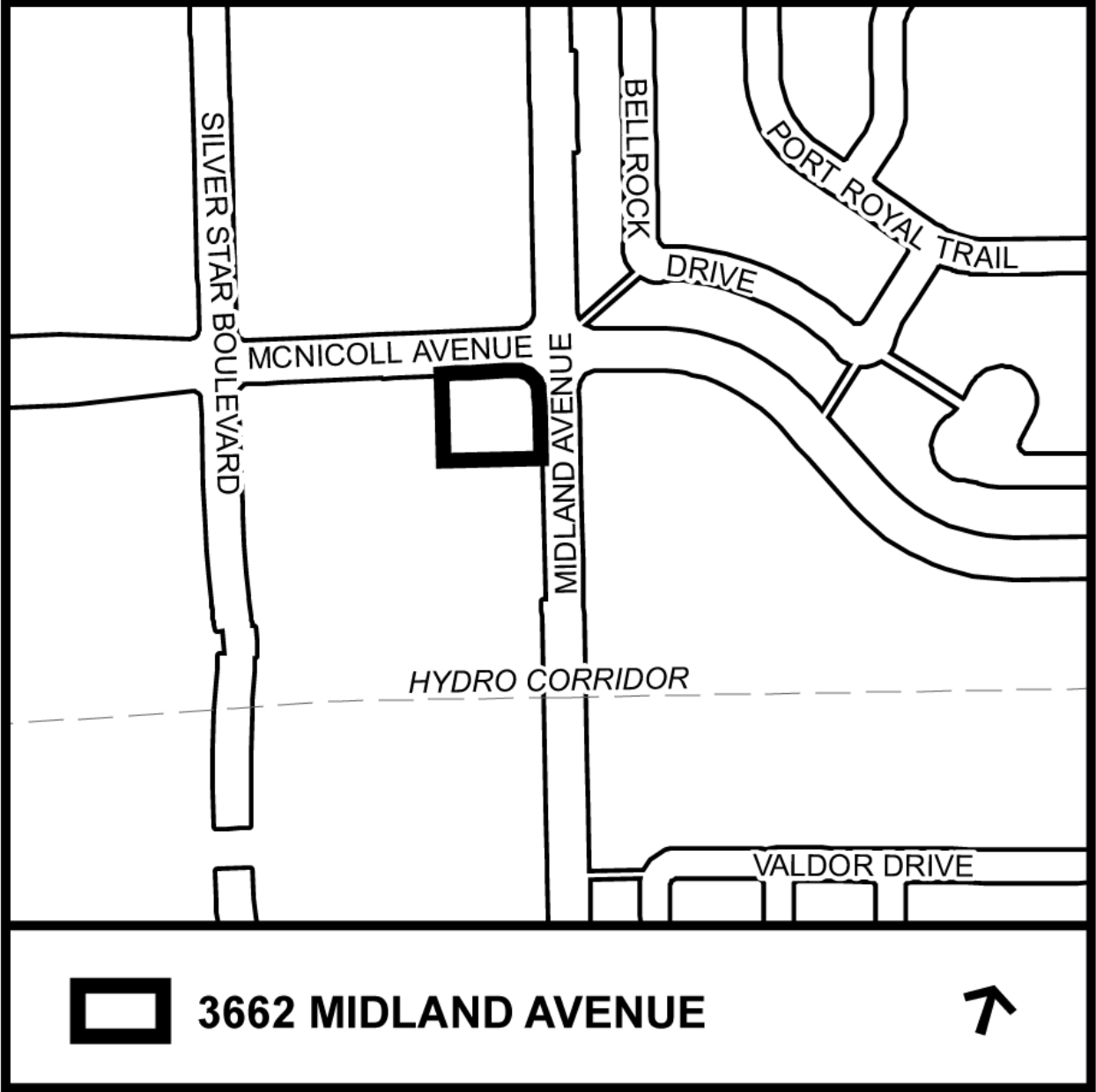
### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	401	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

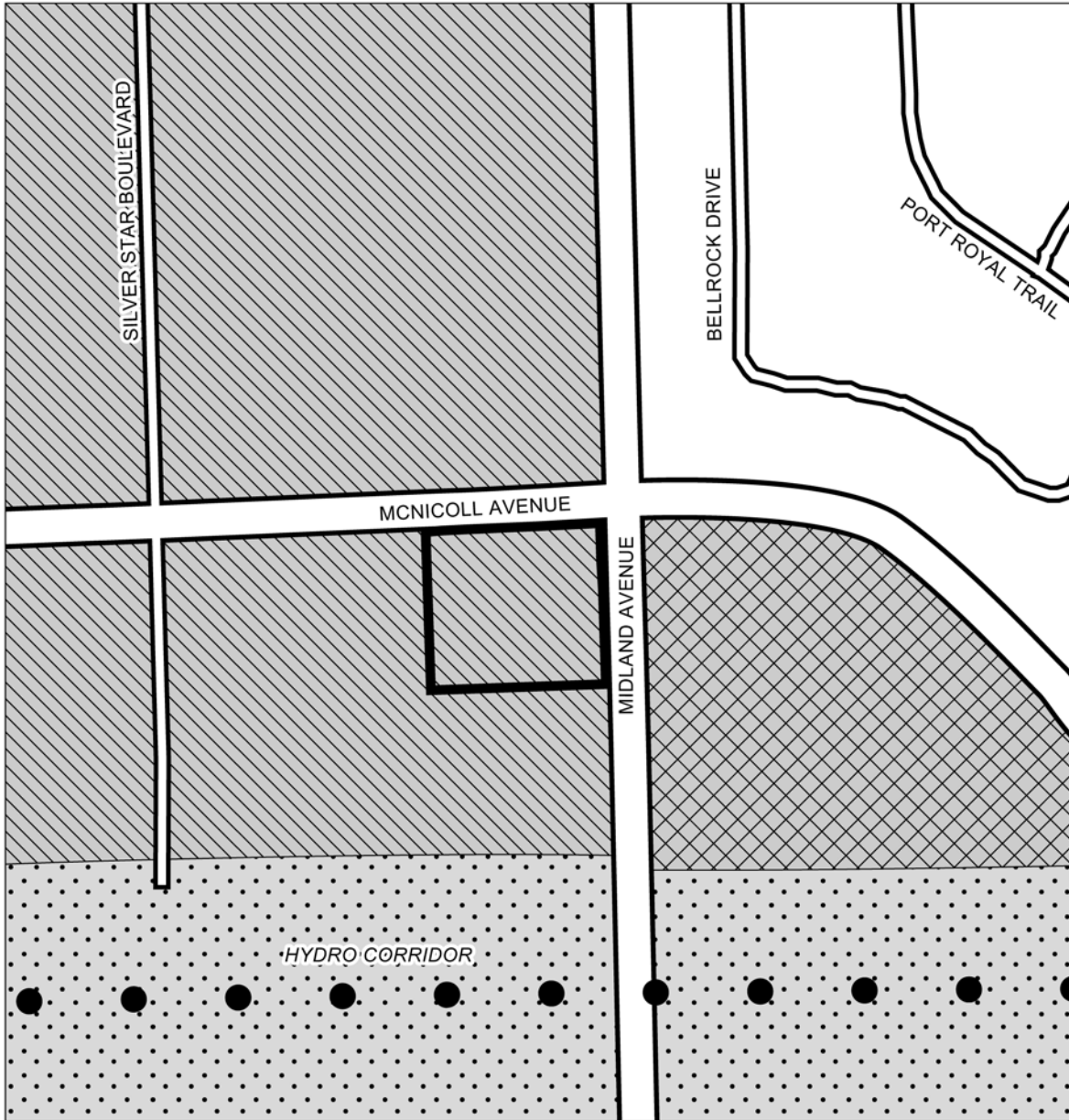
**CONTACT:**      **PLANNER NAME:**      **Renrick Ashby, Senior Planner**  
**TELEPHONE:**      **(416) 396-7022**



**Attachment 2:  
Location Map**



**Attachment 3:  
Official Plan Land Use Map**



**Official Plan Land Use Map #19**

**3662 Midland Avenue**

File # 16 211026 ESC 41 OZ

- |                         |                  |                   |
|-------------------------|------------------|-------------------|
| Location of Application | Mixed Use Areas  | Utility Corridors |
| Neighbourhoods          | Employment Areas |                   |

Not to Scale  
 6/12/2018

## Attachment 4: Existing Zoning By-law Map



**Zoning By-Law No. 569-2013**

**3662 Midland Avenue**

File # 16 211026 ESC 41 0Z

Location of Application

See Former City of Scarborough Employment District Bylaw No. 24982 (Milliken)

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| <b>RD</b> Residential Detached      | <b>E</b> Employment Industrial        |
| <b>RS</b> Residential Semi-Detached | <b>EH</b> Employment Heavy Industrial |
| <b>RT</b> Residential Townhouse     | <b>I</b> Institutional                |
| <b>CR</b> Commercial Residential    | <b>UT</b> Utility and Transportation  |

- |  |
|--|
| <b>ME</b> Mixed Employment Zone  |
| <b>MDC</b> Industrial District Commercial Zone                                     |
| <b>M, MG, MS</b> Industrial Zone, General Industrial Zone, Special Industrial Zone |



Not to Scale  
Extracted: 10/12/2016

**Attachment 5:  
Draft Zoning By-law Amendment  
By-Law 569-2013, as amended**

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. [XXXX- 2018]**

**To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as, 3662 Midland Avenue**

Whereas Council of the City of Toronto has the authority 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 adding the lands outlined in a heavy black line on Diagram 2 to the Zoning By-law Map in Section 990.10 and adding the zone label E (x26), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined in a heavy black line on Diagram 2 to the Policy Area Overlay Map in Article 995.10.1; the Height Overlay Map in Article 990.20.1; the Lot Coverage Overlay Map in Article 995.30.1; and Rooming House Overlay Map in Article 995.40.1.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.20.10 a new Exception Number 26, so that it reads:

## **Exception E 26**

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

### **Site Specific Provisions:**

- (A) Despite Clauses 60.20.20.10 and 60.20.20.20:
- (i) the only use permitted in Building A shown on Diagram 3 attached to By-law XXX-2018 (Clerks to insert by-law #) is a **vehicle washing establishment**;
- (B) Despite Clauses 60.20.20.10 and 60.20.20.20:
- (i) the only use permitted in Building B shown on Diagram 3 attached to By-law XXX-2018 (Clerks to insert by-law #) is a **retail store, drive-through facility, take-out eating establishment**;
  - (ii) A maximum of one **drive-through facility** is permitted
- (C) Despite Clause 60.5.40.40 and regulation 150.96.20.1(3):
- (i) The permitted maximum **interior floor area** for all uses on the **lot** is 402 square metres, divided in accordance with (ii) to (iv) below;
  - (ii) The permitted maximum **interior floor area** for the **retail store** is 158 square metres;
  - (iii) The permitted maximum **interior floor area** for the **take-out eating establishment** is 104 square metres; and
  - (iv) The permitted maximum **interior floor area** for the **vehicle washing establishment** is 139 square metres;
- (D) Despite Clause XX and Clause 150.96.40.1, required minimum **building setbacks** are as shown on Diagram 3 attached to By-law XXX-2018 (Clerks to insert by-law #)

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

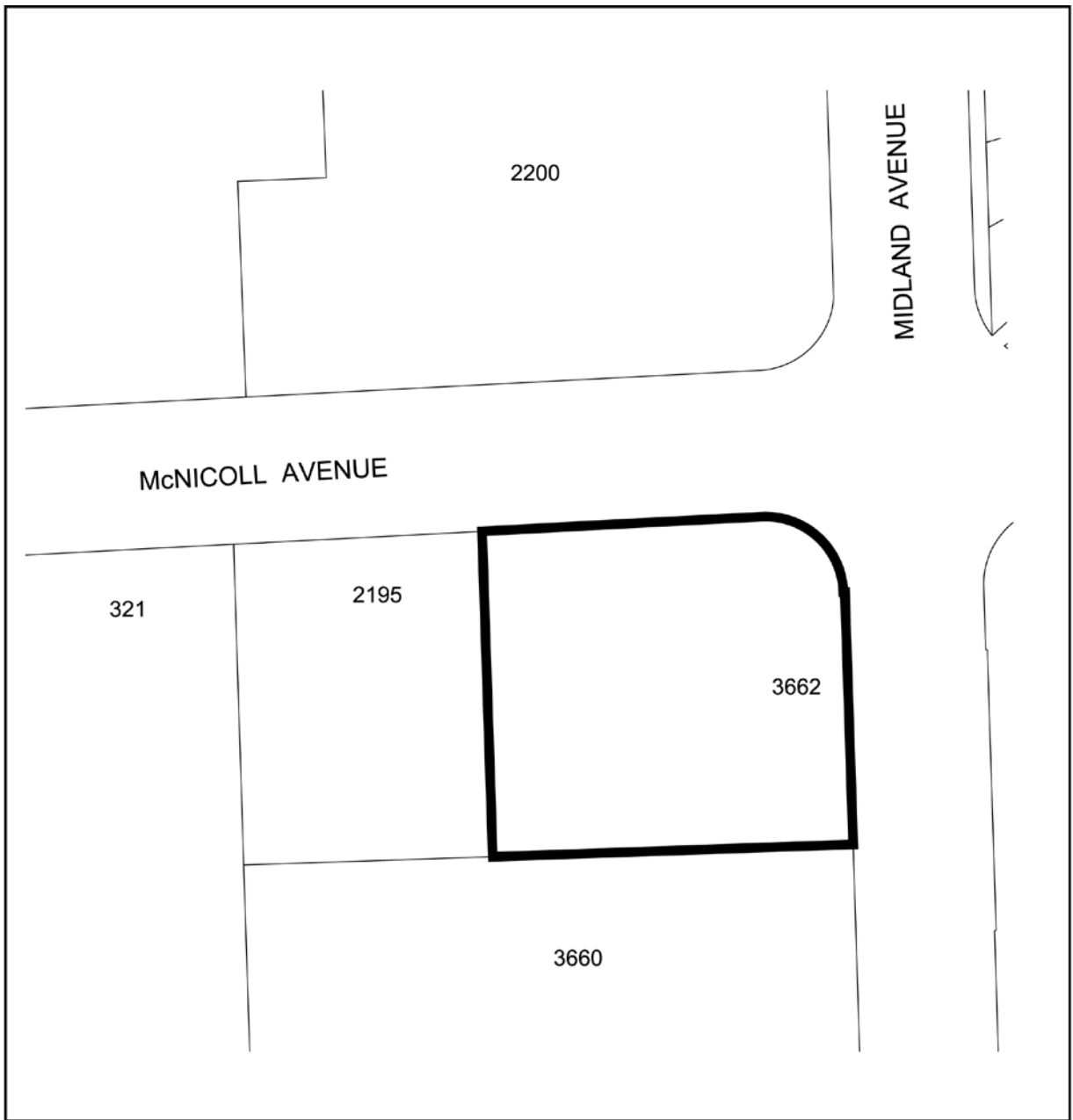
Enacted and passed on **month ##, 20##.**

**Name,**

Speaker

Ulli S. Watkiss,  
City Clerk


(Seal of the City)

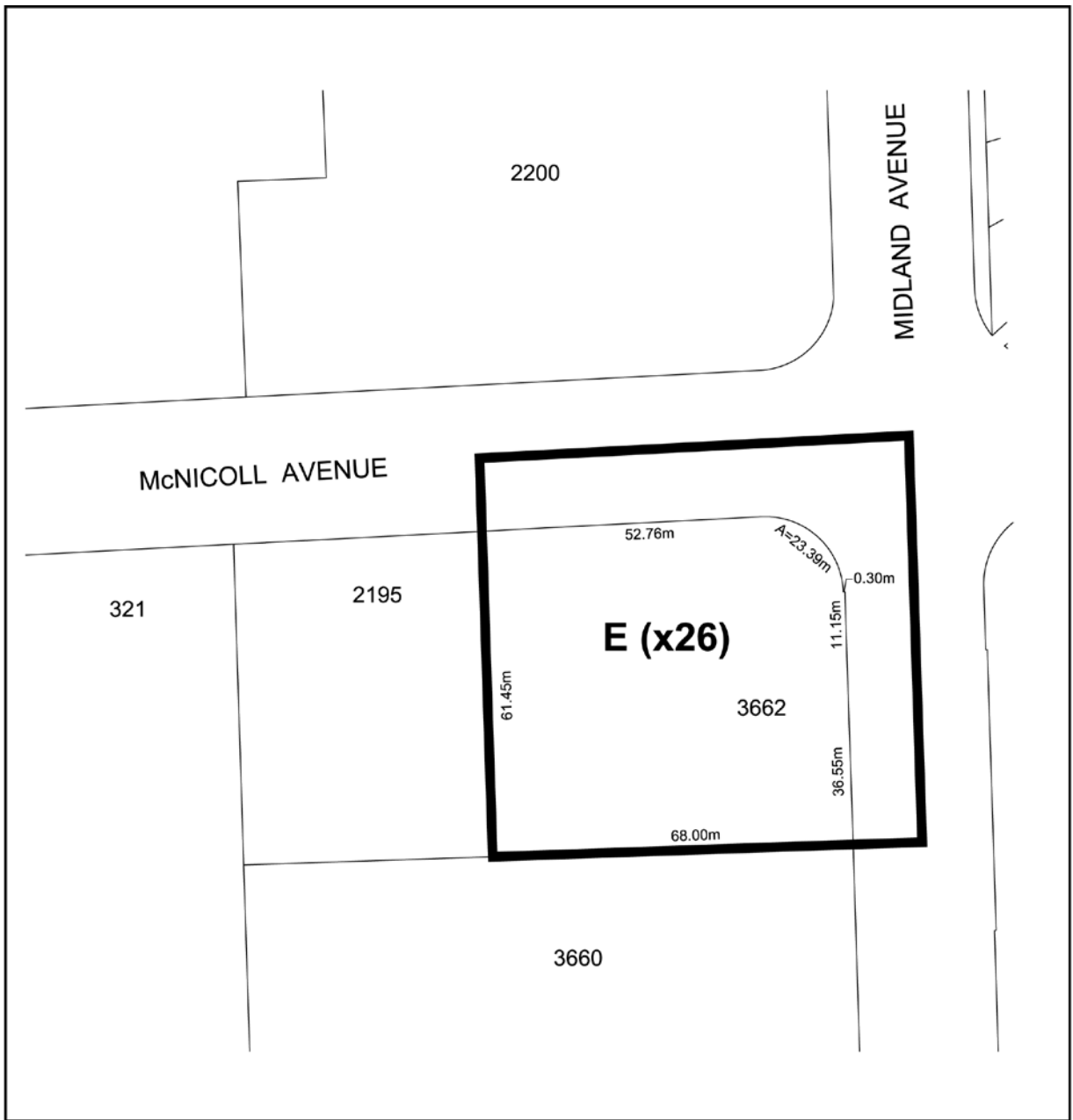


 **TORONTO**  
Diagram 1

**3662 Midland Avenue**

File # 16 211026 ESC 41 OZ

  
City of Toronto By-Law 569-2013  
Not to Scale  
02/13/2018

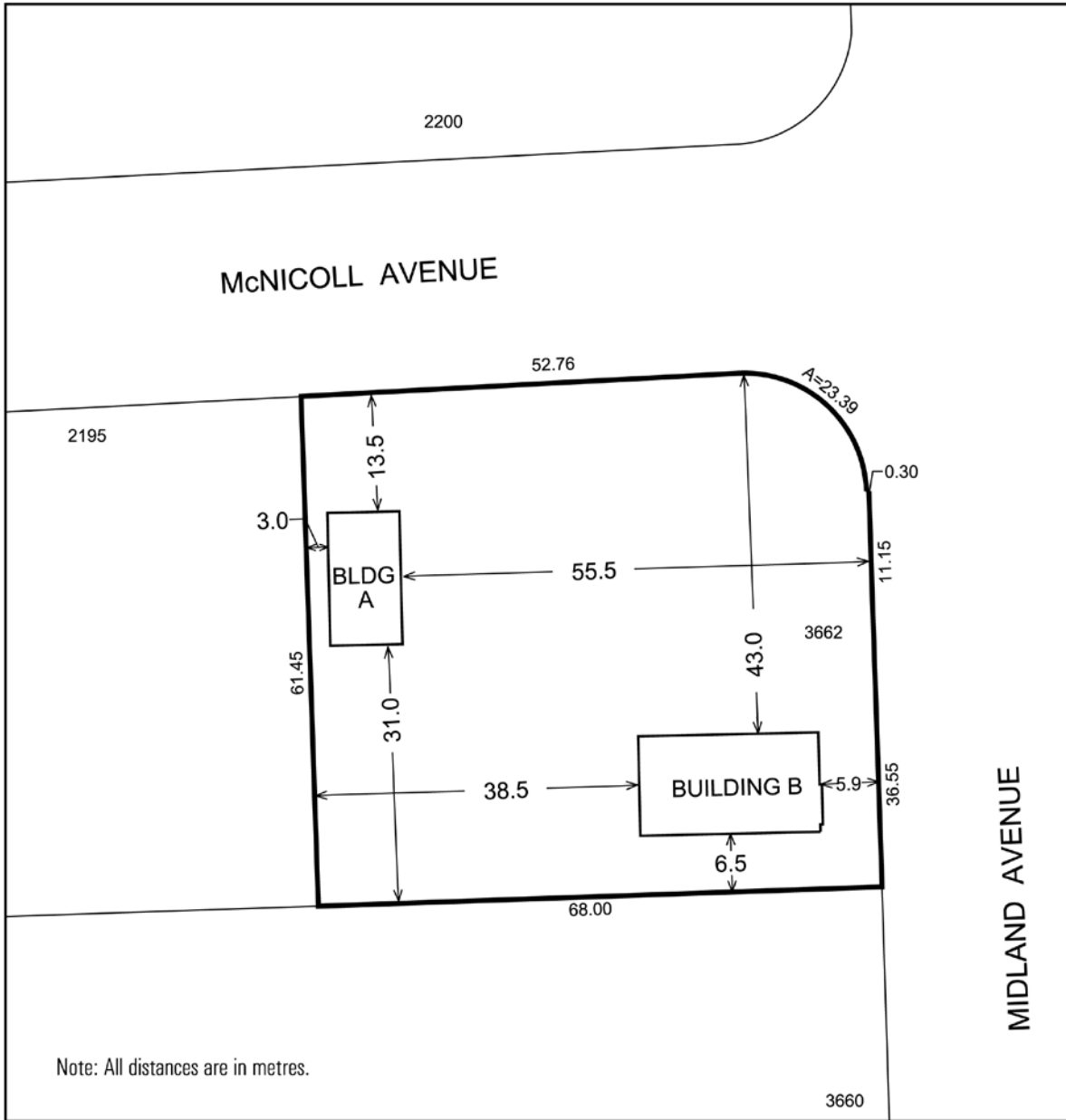


**Toronto**  
Diagram 2

**3662 Midland Avenue**

File # 16 211026 ESC 41 OZ

City of Toronto By-Law 569-2013  
Not to Scale  
02/27/2018



**TORONTO**  
Diagram 3

**3662 Midland Avenue**

File # 16 211026 ESC 41 OZ

City of Toronto By-Law 569-2013  
Not to Scale  
06/14/2018



**Attachment 6:  
Draft Zoning By-law  
Milliken Employment District**

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 former City of Scarborough Employment Districts Zoning  
By-law No. 24982, as amended (Milliken Employment District),  
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:

- SCHEDULE 'A'** of the Employment District By-law No. 24982 (Milliken Employment District), is amended by adding the following Schedule '1' so that the amended zoning shall read as follows:

MDC- 268 – 269 – 270 – 271 – 272 – 940 – 941 – 942 – 943 – 1017, 1018 1093,  
1094, 2093, 2094, 2095, 2096, 2097, 2098, 2099

489

490

- 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**

268. The **gross floor area** of all permitted uses with all buildings minus the **gross floor area** of all **basements** shall not exceed 402 square metres.
269. The **gross floor area** of the **Mechanical or Automatic Car Wash** shall not exceed 140 square metres.
270. The **gross floor area** of all **retail** uses shall not exceed 158 square metres.

271. The **gross floor area** of a **Take-Out Eating Establishment** shall not exceed 104 square metres.
272. A maximum of one **drive-through facility** shall be permitted.

### **PARKING**

2093. **Mechanical or Automatic Car Wash:** Minimum 3.5 parking spaces per 100 square metres of **gross floor area** but not less than 4 parking spaces.
2094. Retail: Minimum 3.5 parking spaces per 100 square metres of **gross floor area** but not less than 6 parking spaces.
2095. **Take-Out Eating Establishment:** Minimum 3.5 parking spaces per 100 square metres of **gross floor area** but not less than 4 parking spaces.
2096. **Mechanical or Automatic Car Wash:** Minimum 10 vehicle stacking spaces.
2097. **Drive-through Facility:** Minimum 12 vehicle stacking spaces.

### **REAR YARD SETBACKS**

1017. Minimum **rear yard setback** shall be 31 metres for the building located closest to the west property line.
1018. Minimum **rear yard setback** shall be 6.5 metres for the building located closest to the east property line.

### **SIDE YARD SETBACKS**

1093. Minimum **side yard setback** shall be 3.0 metres for the building located closest to the west property line.
1094. Minimum **side yard setback** shall be 38.5 metres for the building located closest to the east property line.

## **STREET YARD SETBACKS**

940. Minimum **street yard setback** shall be 55.5 metres for the building located closest to the west property line.
941. Minimum **street yard setback** shall be 5.9 metres for the building located closest to the east property line.

## **FRONT YARD SETBACKS**

942. Minimum **front yard setback** shall be 13.5 metres for the building located closest to the west property line.
943. Minimum **front yard setback** shall be 43 metres for the building located closest to the east property line.

## **MISCELANNEOUS**

- 2098 For the building located closest to the west property line, only a **mechanical or automatic car wash** shall be permitted.
- 2099 For the building located closest to the east property line, only a **take-out eating establishment, retail, and drive-through facility** shall be permitted.

3. **SCHEDULE 'C' EXCEPTIONS LIST**, of the Milliken Employments District Zoning By-law No. 24982, as amended, is further amended by deleting Exception 482 and by adding the following Exception Number 489 and 490.

489. On those lands identified as Exception 489, only the following uses shall be permitted:

Permitted Uses:

Drive-Through Facility

**Mechanical or Automatic Car Wash**

Retail

Take-Out Eating Establishment

**Vehicle Service Station**

For purposes of this Exception, take-out eating establishment means premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises.

490. On those lands identified as Exception 490, the following uses shall be permitted:

Additional Permitted Uses:

**Marketplace Signs**

**Wall Signs** which are **non-accessory**

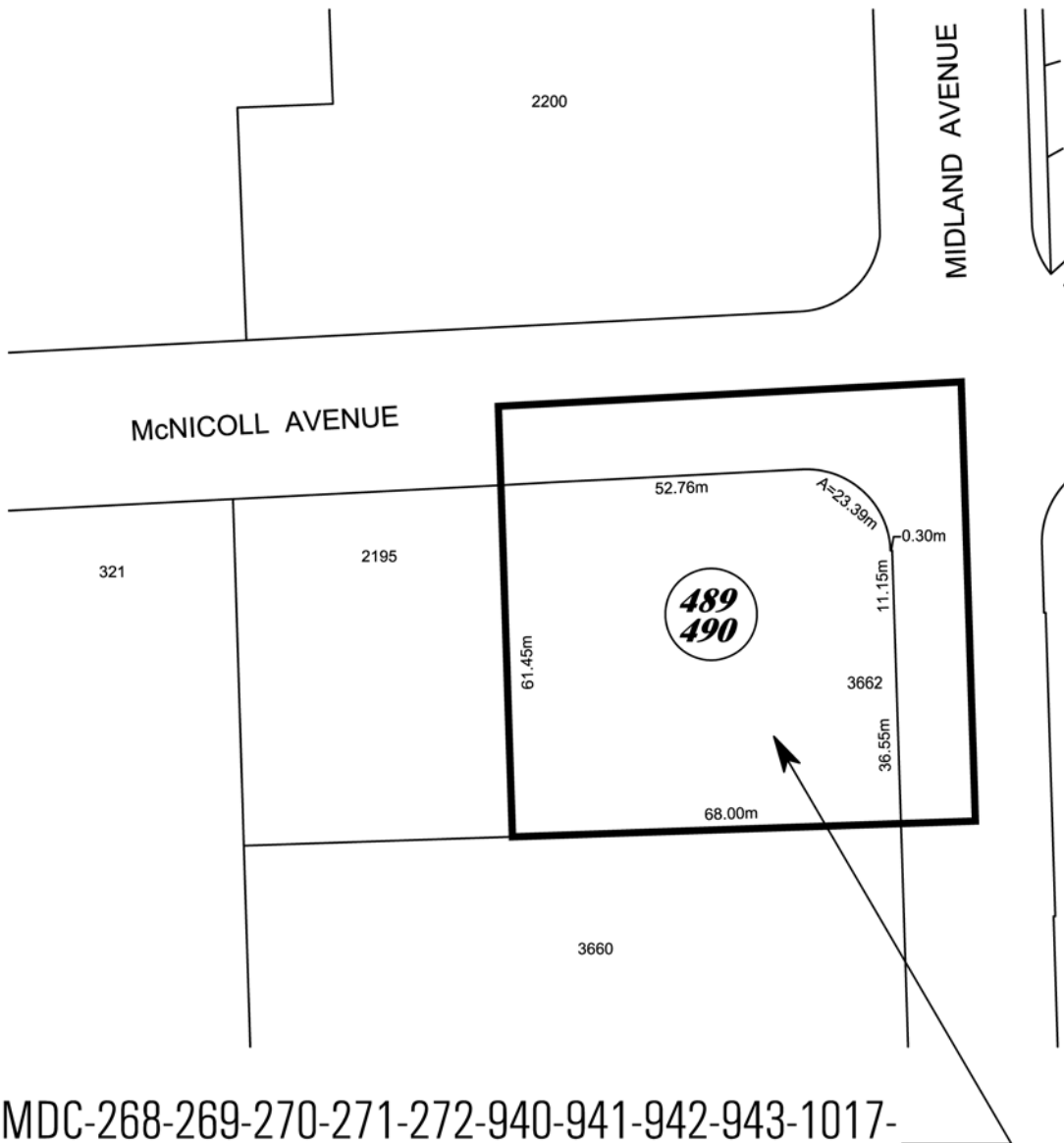
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'



MDC-268-269-270-271-272-940-941-942-943-1017-1018-1094-2093-2094-2095-2096-2097-2098-2099

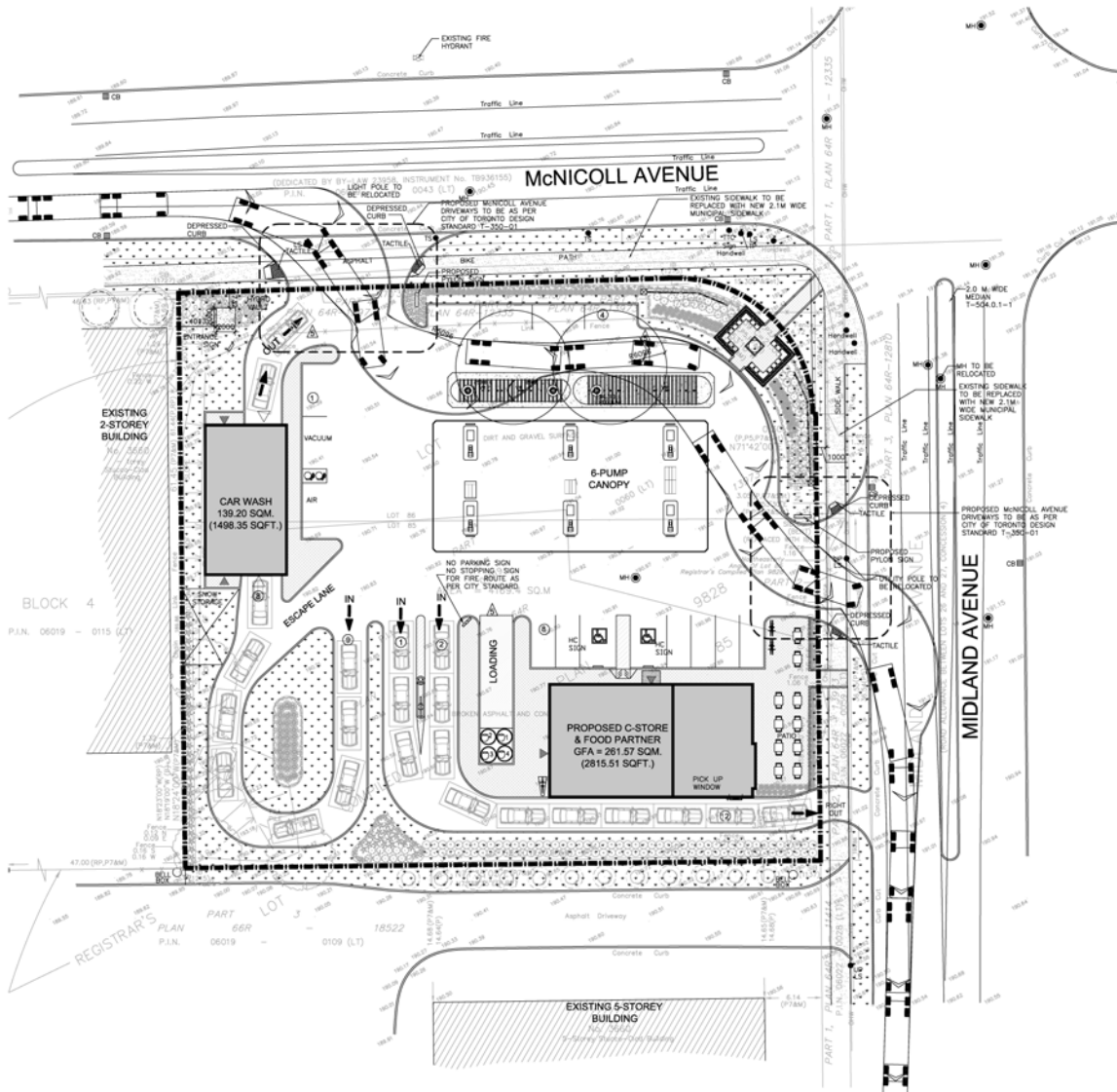
**Toronto**  
Zoning By-Law Amendment

3662 Midland Avenue  
File # 16 211026 ESC 41 OZ

 Area Affected By This By-Law

Milliken Employment District Bylaw  
Not to Scale  
06/14/18  


# Attachment 7: Site Plan



## Site Plan

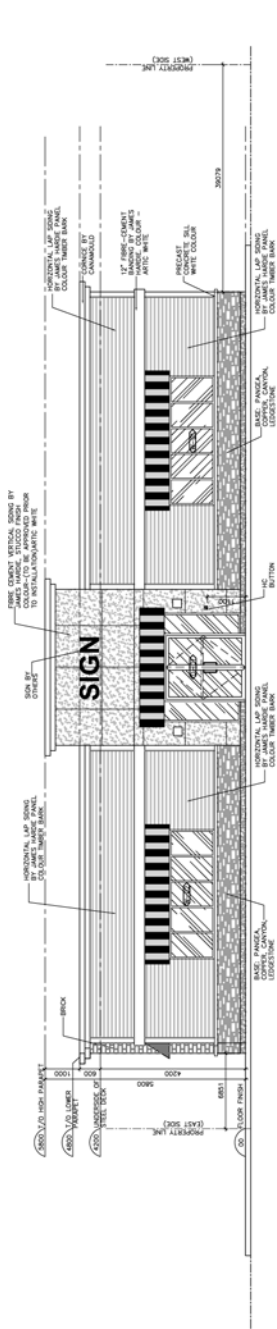
3662 Midland Avenue

Applicant's Submitted Drawing

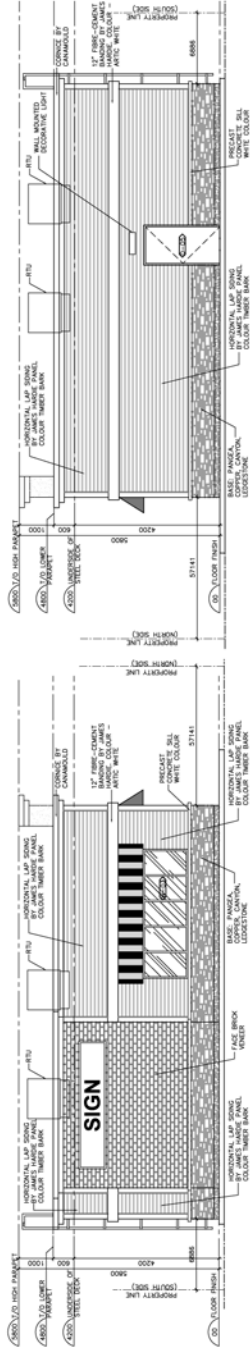
Not to Scale   
02/14/2018

File # 16 211026 ESC 41 OZ

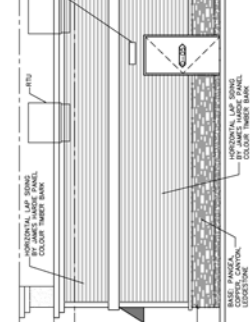
Attachment 8:  
Elevations



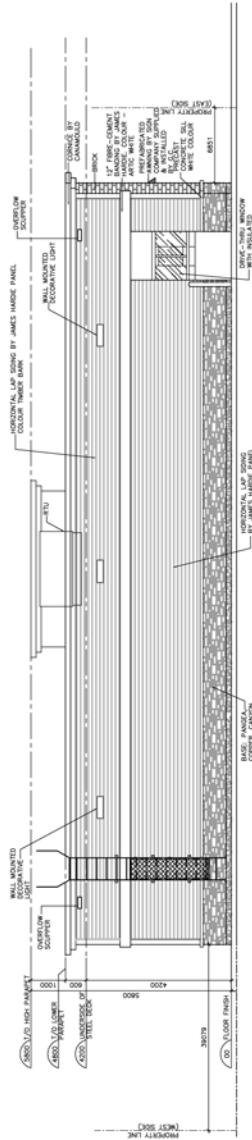
North Elevation



East Elevation



West Elevation



South Elevation

Retail Elevations

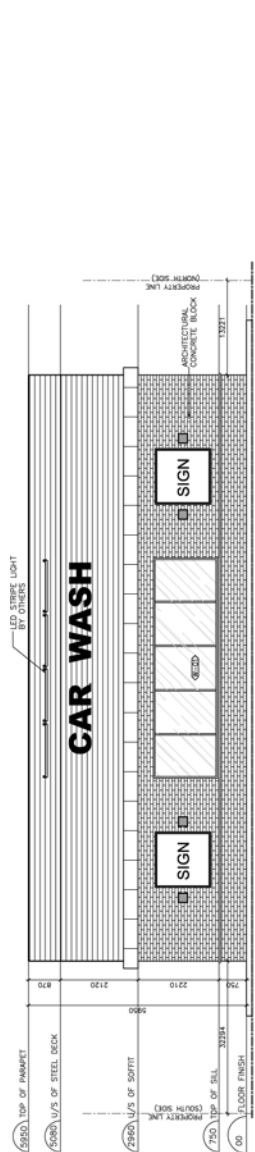
Applicant's Submitted Drawing

Not to Scale  
02/14/2018

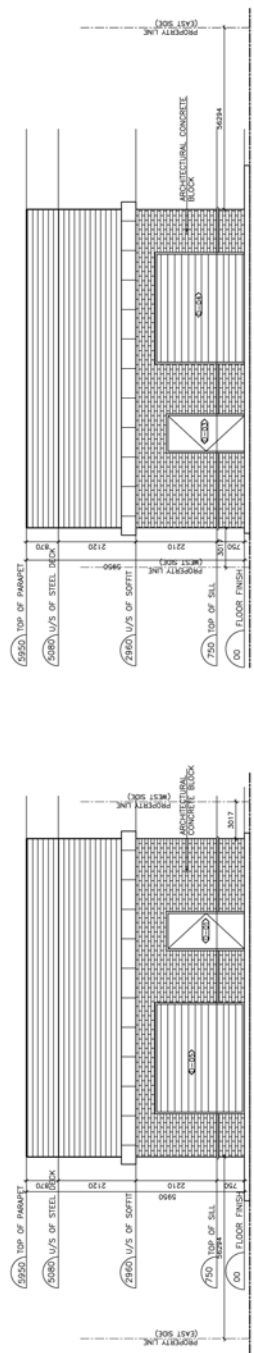
3662 Midland Avenue

File # 16 211026 ESC 41 0Z

# Attachment 8: Elevations

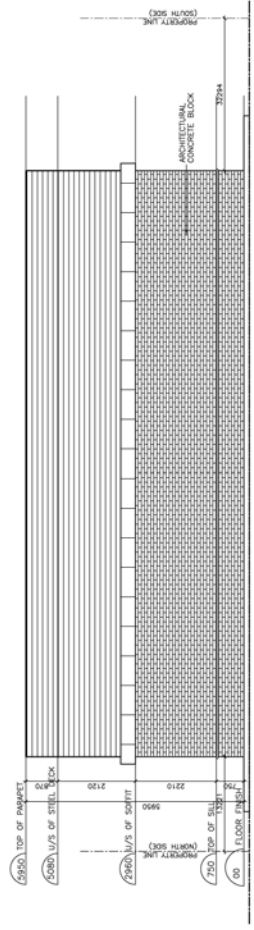


East Elevation



North Elevation

South Elevation



West Elevation

3662 Midland Avenue

Car Wash Elevations

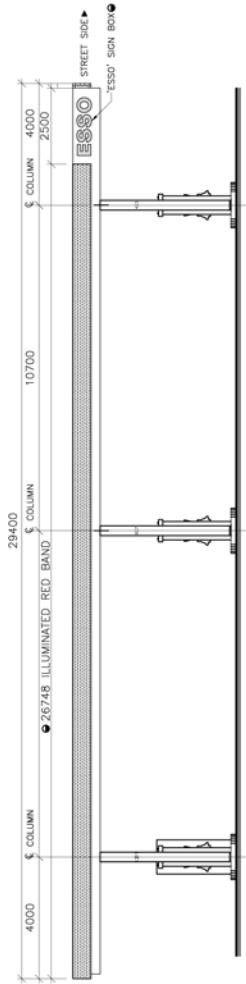
Applicant's Submitted Drawing

Not to Scale  
02/14/2018

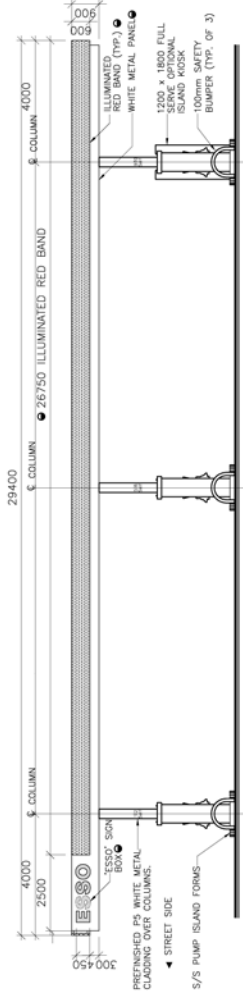
File # 16 211026 ESC 41 0Z



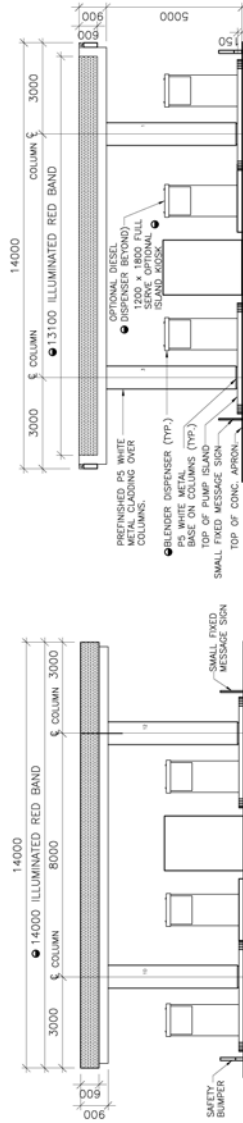
# Attachment 8: Elevations



Rear Elevation



Side Elevation



Side Elevation

Side Elevation

## Gas Canopy Elevations

Applicant's Submitted Drawing

Not to Scale  
02/14/2018

3662 Midland Avenue

File # 16 211026 ESC 41 0Z