



REPORT FOR ACTION

3030 Markham Rd – Zoning Amendment Application – Preliminary Report

Date: August 23, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 23 - Scarborough North

Planning Application Number: 19 181636 ESC 23 OZ

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to permit the construction of a vehicle fuel station, car wash and convenience store at 3030 Markham Road. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 3030 Markham Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 and former City of Scarborough Employment District By-law No. 24982 (Tapscott) for the property at 3030 Markham Road to permit a gas station with a six-pump vehicle fuel station, retail store and a car wash facility. The south portion of the parcel, previously referred to as 0 Passmore Avenue, was conveyed to 3030 Markham Road through a consent application approved by the Secretary Treasurer on December 21, 2018 (B0051/18SC). The 162 square metre retail store is oriented to the corner of Markham Road and Passmore Avenue with a divided pedestrian connection to the sidewalk. The car wash is located along the south property line. See Attachment 1 and 2 of this report for the three dimensional representations of the project in context, and Attachment 4 for a Site Plan. The site is proposed to have two vehicular access points, one from each street frontage. Detailed project information is found on the City's Application Information Centre (AIC) at: <https://aic.to/3030MarkhamRd>

Provincial Policy Statement

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"). The PPS may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) 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.

The Growth Plan (2019) contains policies pertaining to provincially significant employment zones (PSEZs). PSEZs are areas defined by the Minister of Municipal Affairs and Housing for the purpose of long-term planning for job creation and economic development. The conversion of PSEZs can only occur during a municipally-initiated MCR.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act*. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject lands are designated *General Employment Areas* on Land Use Map 22 of the Official Plan as shown on Attachment 5 of this report. *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas*. The policies for *General Employment Areas* were brought in force through Official Plan Amendment 231 (OPA 231). OPA 231 was adopted as part of the Official Plan and Municipal Comprehensive Reviews conducted under the 2006 Growth Plan for the Greater Golden Horseshoe and some policies still remain subject to appeals.

Zoning By-laws

The site is subject to two zoning categories as shown in Attachment 6. In the former City of Scarborough Employment District By-law No. 24982 (Tapscott), the north portion of the site is zoned Industrial District Commercial Zone (MDC) which permits non-residential uses such as day nurseries, financial institutions, office, place of worship, restaurant, vehicle repair garage, vehicle sales operation, vehicle service garage, vehicle service stations, barber shops, and mechanical and automatic car washes. The south portion of the site is zoned Industrial Zone (M). Permitted uses include day nurseries, educational and training facility, industrial uses, medical marihuana production facility, offices excluding Medical and Dental offices, places of worship and recreational uses.

The City Wide Zoning By-law No. 569-2013 only applies to the south portion zoned Employment Industrial (E). The permitted uses include, but are not limited to, retail store, vehicle fuel station, and vehicle washing establishments subject to specific use conditions. Should this application be approved, the north portion of the site would be brought into By-law 569-2013.

See Attachment 6 of this report for the Zoning By-law boundaries. The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No.: 19 181643 ESC 23 SA).

COMMENTS

Reasons for the Application

The Zoning By-law amendment application is required to consolidate the zoning standards for the site and to permit the development as majority of the site does not currently permit a retail store. Additional performance standards are required to establish appropriate site layout and setbacks.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

This application will be evaluated against the Provincial Policy Statement (2014) (the "PPS") and the applicable Provincial Plans to establish the application's consistency with the PPS and conformity with the Growth Plan (2019).

Official Plan Conformity

The property is designated *General Employment Areas* in the City of Toronto Official Plan. *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas*. This designation permits a broad range of employment uses as well as restaurant and service uses. Development within this land use designation will contribute to the creation of competitive, attractive, highly functional *Employment Areas*, in part, by:

- Integrating the development into the public street network and systems of roads, sidewalks, walkways, and transit facilities;
- Mitigating the potential negative impacts from traffic generated by development within *Employment Areas* and adjacent areas;
- Providing adequate parking and loading on-site;
- Avoiding parking between public sidewalk and retail uses; and
- Providing landscaping on the front and any flanking yard adjacent to any public street to create an attractive streetscape, and screening parking, loading and service areas.

Staff will evaluate the application to determine conformity with the Official Plan.

Built Form, Planned and Built Context

Staff will assess the suitability of the proposed height and massing or other built form issues based on Section 2 q. and r. of the *Planning Act*; the Growth Plan (2017), the City's Official Plan policies and the City's Design Guidelines. Staff will assess whether the application is contextually appropriate and whether it fits with the planned and built context of the area. This will include assessing the transition impacts to adjacent areas such as the outdoor hockey arena to the west and potential impacts on the public realm.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The proposed development requires the removal of two private trees that are exempt from the Tree Protection By-law. The seven neighbouring private trees will be preserved and protected. The applicant has submitted an Arborist Report and Tree Preservation Plan which are currently under review by City staff.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources, also known as archaeological sites.

Portions of the subject site along the south property line have been identified to have archaeological resource potential. A Stage 1 archaeological assessment has been submitted and is currently under review by City staff.

Infrastructure/Servicing Capacity

City staff will review the application to determine if there is sufficient servicing infrastructure capacity to accommodate the proposed development.

Through this review process, staff in consultation with the appropriate City Divisions and agencies, will determine the potential cumulative impact of all current applications in the area.

Staff are currently reviewing site servicing and stormwater management reports provided by the applicant with the submission to evaluate the effects of the development on the City's municipal servicing infrastructure and watercourses. This review may identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to provide for adequate servicing to the proposed development.

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.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

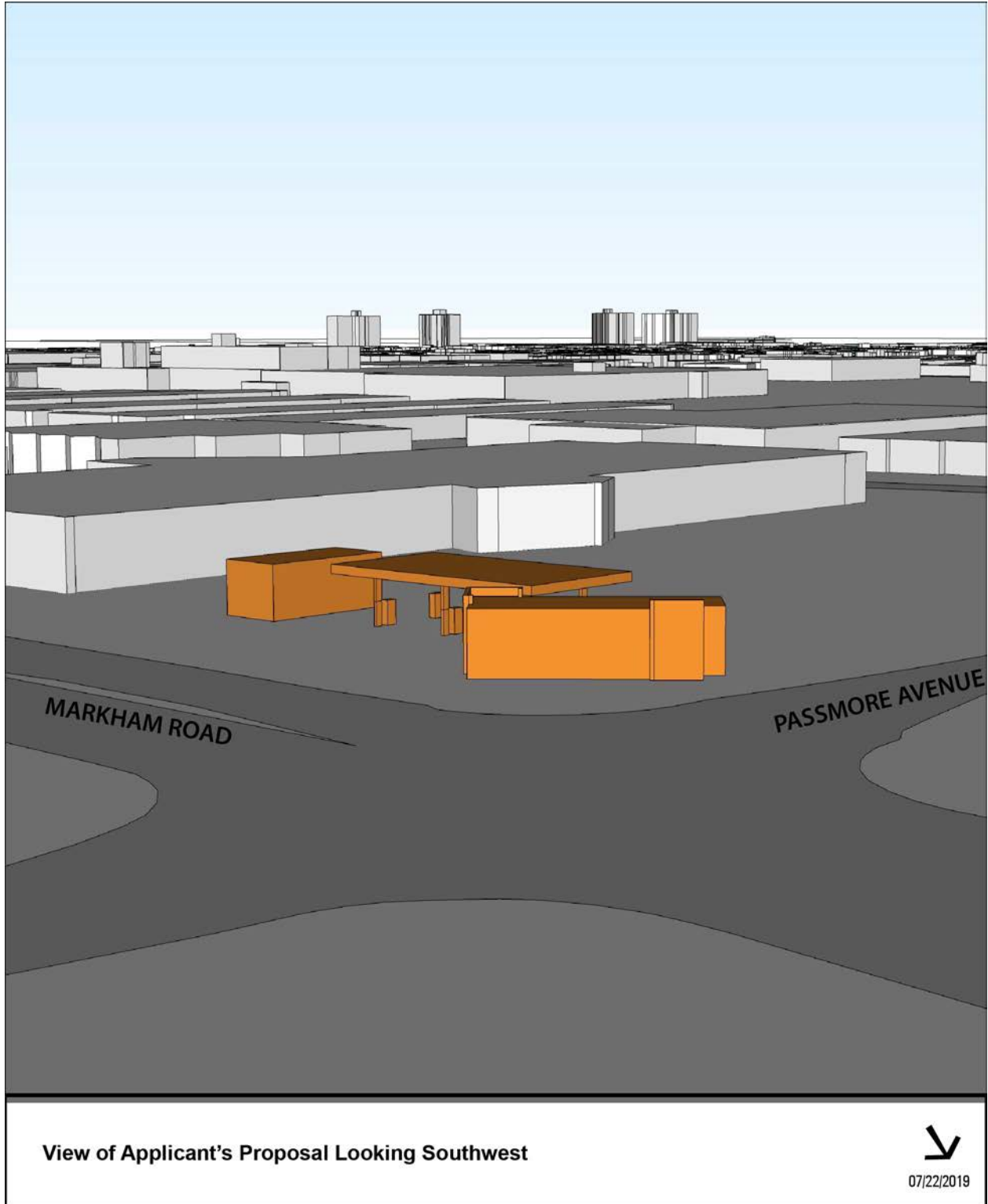
Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

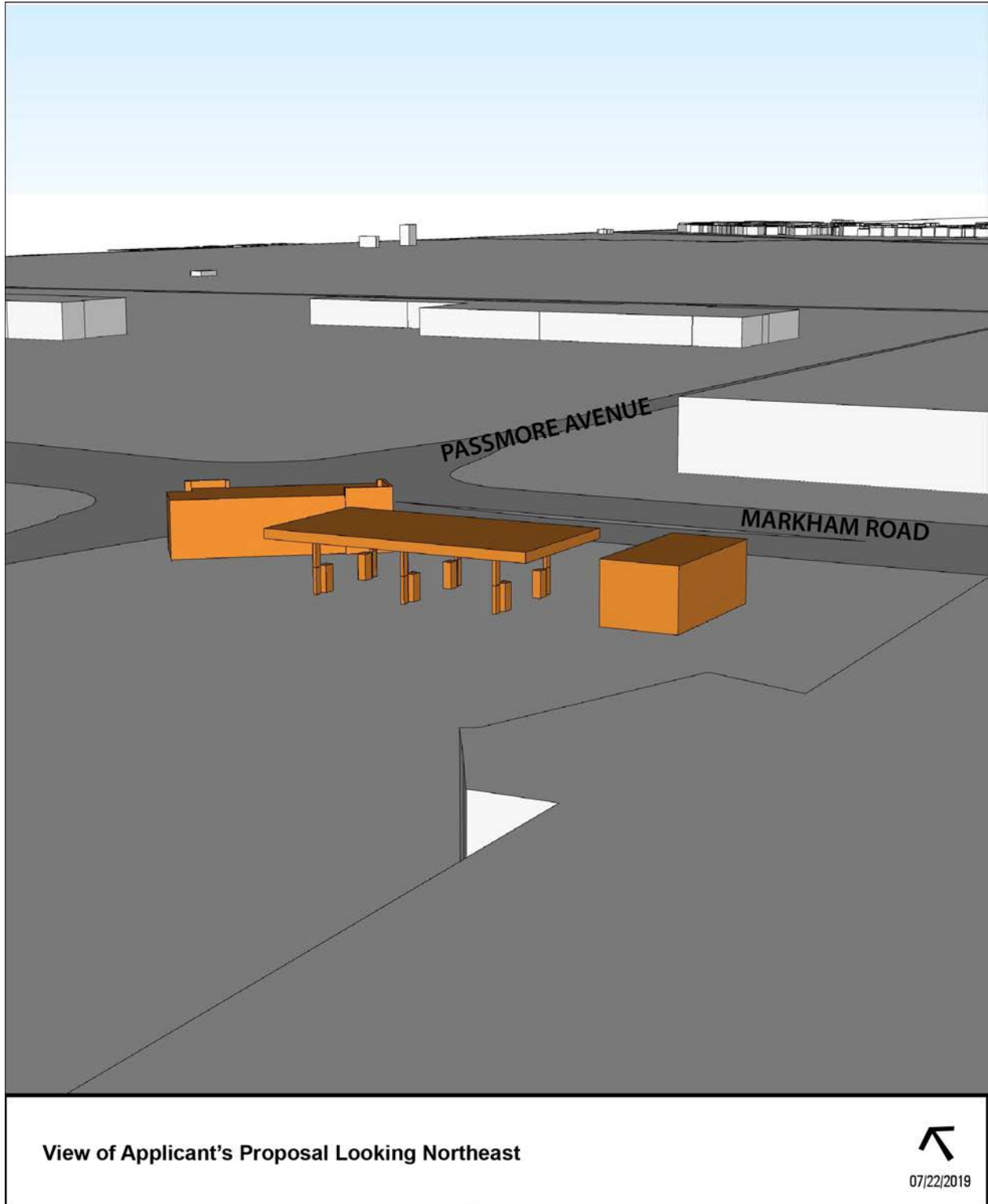
City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context (southwest)
Attachment 2: 3D Model of Proposal in Context (northeast)
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Zoning By-law Map
Attachment 7: Application Data Sheet

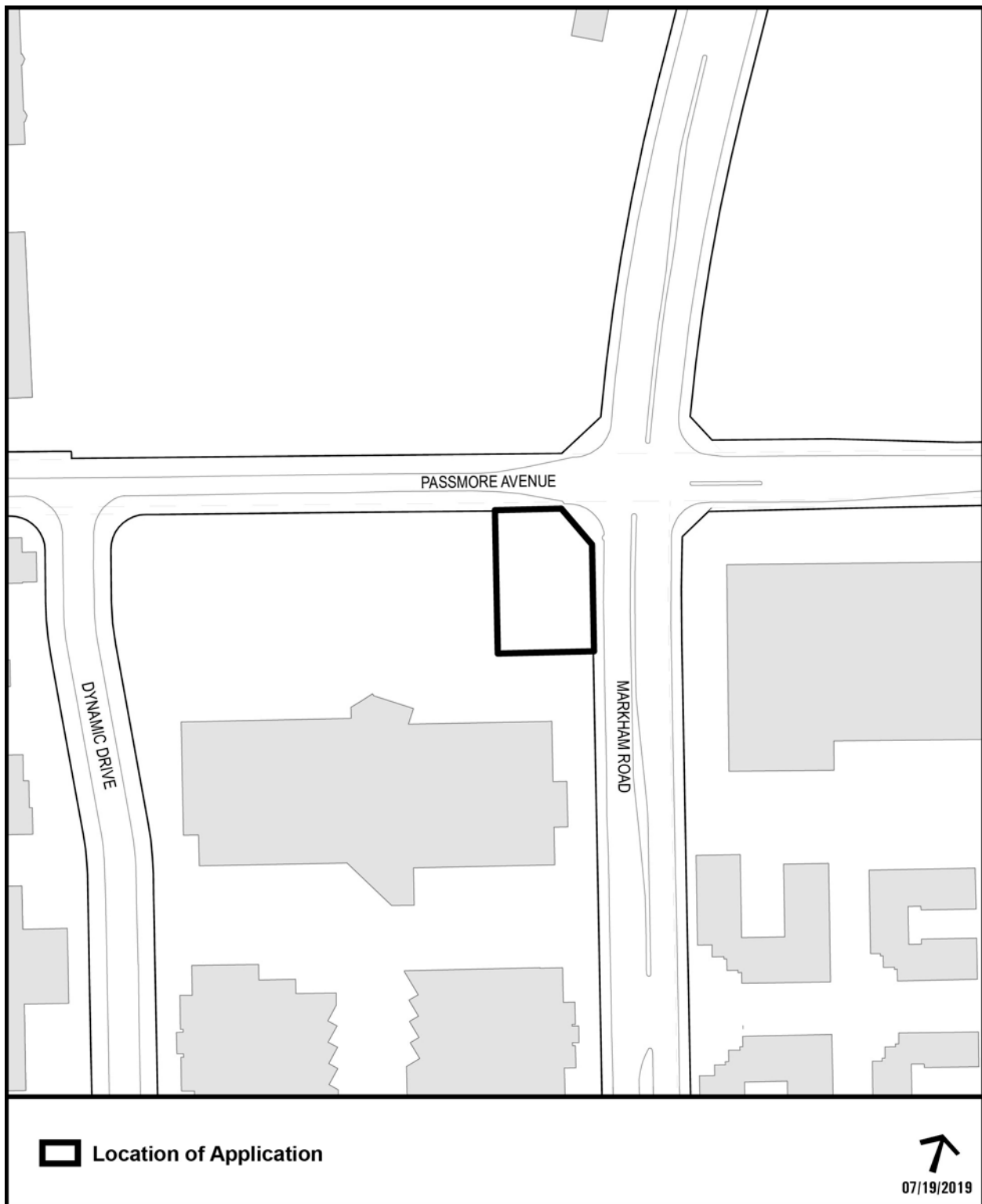
Attachment 1: 3D Model of Proposal in Context (looking southwest)



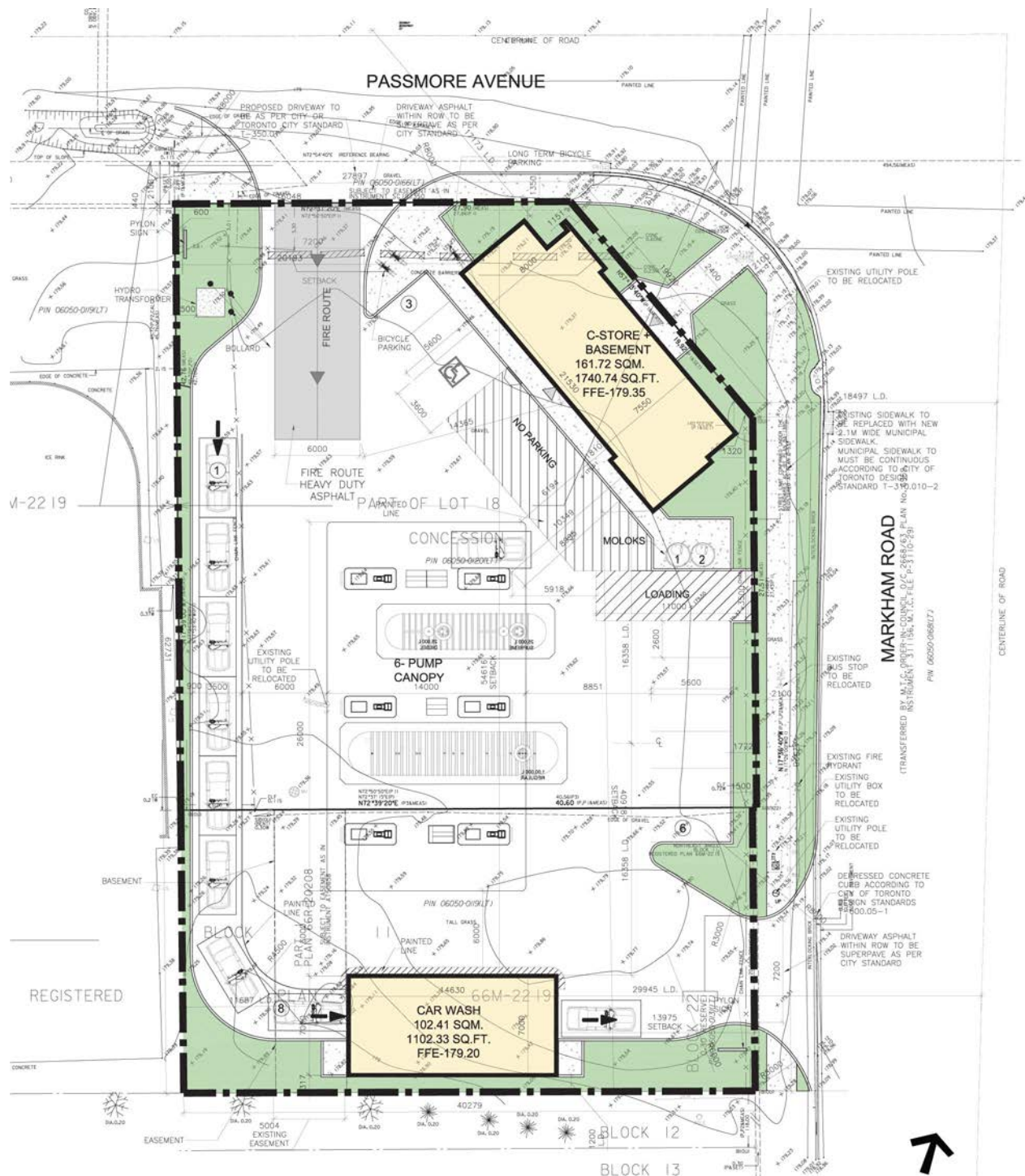
Attachment 2: 3D Model of Proposal in Context (looking northeast)



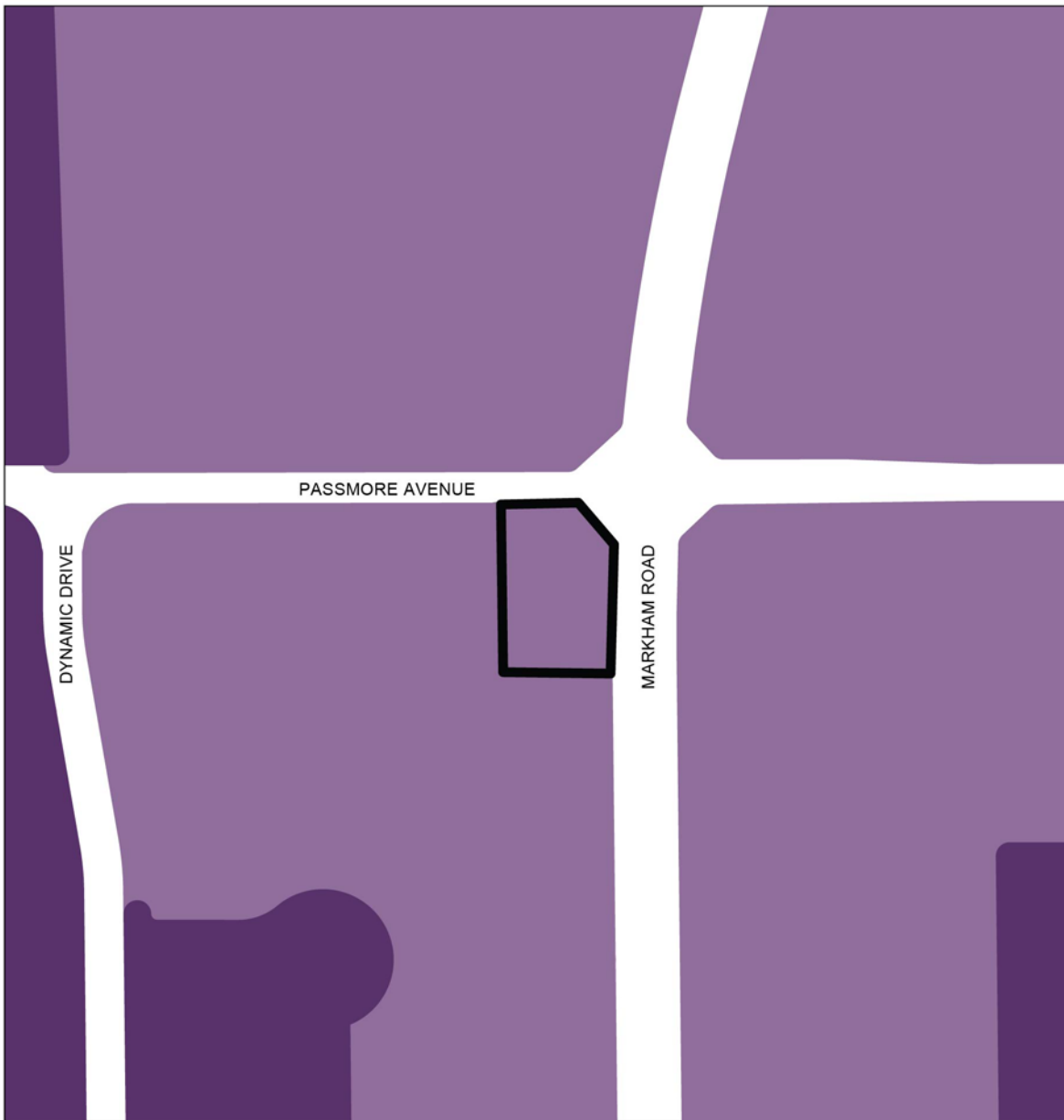
Attachment 3: Location Map



Attachment 4: Site Plan



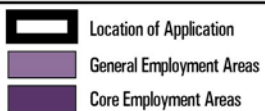
Attachment 5: Official Plan Map



Official Plan Land Use Map #22

3030 Markham Road

File # 19 181636 ESC 23 OZ; 19 181643 ESC 23 SA



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Not to Scale
07/22/2019

Attachment 6: Zoning By-law Map

Staff Report for Action - Preliminary Report - 3030 Markham Rd



Zoning By-law 569-2013

3030 Markham Road

File # 19 181636 ESC 23 0Z



Location of Application

E
EH

Employment Industrial
Employment Heavy Industrial



See Former City of Scarborough Employment District By-law No. 24982 (Tapscott)

M
MG
MDC
AG
M,OU

Industrial Zone
General Industrial Zone
Industrial District Commercial Zone
Agricultural Zone
Industrial Zone, Office Uses Zone



Not to Scale
Extracted: 08/02/2019

APPLICATION DATA SHEET

Municipal Address: 3030 MARKHAM RD Date Received: July 2, 2019

Application Number: 19 181636 ESC 23 OZ

Application Type: Zoning by-law Amendment

Project Description: To permit a new gas station comprising of a 6-pump gas canopy, convenience store and car wash facility.

Applicant	Agent	Architect	Owner
N ARCHITECTURE INC			9319654 CANADA INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N/A
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Zoning:	MDC/E	Heritage Designation:	N/A
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Height Limit (m):	N/A	Site Plan Control Area:	Y
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PROJECT INFORMATION

Site Area (sq m):	2,445	Frontage (m):	48	Depth (m):	63
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			264	264
Residential GFA (sq m):				
Non-Residential GFA (sq m):			264	264
Total GFA (sq m):			264	264
Height - Storeys:			1	1
Height - Metres:			6	6

Lot Coverage Ratio (%):	10.8	Floor Space Index:	0.11
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		
Retail GFA:		
Office GFA:	162	
Industrial GFA:	102	
Institutional/Other GFA:		

Parking and Loading

Parking Spaces:	9	Bicycle Parking Spaces:	6	Loading Docks:	1
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