
SUBJECT: PRELIMINARY REPORT
Neamsby Investments Inc.
Applications for an Official Plan Amendment and a Zoning By-law Amendment to permit ancillary restaurant uses with a maximum Gross Floor Area of 15 % of the four existing industrial buildings located at 1181-1271 Denison Street (Ward 8)

File No. PLAN 20 106679

PREPARED BY: Luis Juarez, M.C.I.P., R.P.P., extension 2910
Planner I, Central District

REVIEWED BY: Stephen Lue, M.C.I.P., R.P.P., extension 2520
Manager, Central District

RECOMMENDATION:

- 1) That the report titled “PRELIMINARY REPORT, Neamsby Investments Inc., Applications for an Official Plan Amendment and a Zoning By-law Amendment to permit ancillary restaurant uses with a maximum Gross Floor Area of 15 % of the four existing industrial buildings located at 1181-1271 Denison Street (Ward 8), File No. PLAN 20 106679”, be received.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide preliminary information on applications for an Official Plan Amendment and a Zoning By-law Amendment (the “Applications”) submitted by Neamsby Investments Inc. (the “Owner”) to permit flexibility in the distribution of the proposed ancillary restaurant uses within four existing industrial buildings located at 1181-1271 Denison Street.

This report contains general information in regards to applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation on the Applications.

Applications deemed complete

Staff deemed the Applications complete on February 14, 2020.

The next steps in the planning process include:

- Holding the statutory Public Meeting at a future date when appropriate

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- Consideration of a Recommendation Report by the Development Services Committee (“DSC”)

It should be noted that the Applications are moving forward during a period when the Province of Ontario has suspended *Planning Act* timelines for the review of an application and any appeal to the Local Planning Appeal Tribunal. Under the emergency legislation, municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the *Planning Act* can be met (e.g. sending of notices, public meetings, etc.). The application will be circulated to commenting departments and agencies. Further, staff will proceed with the normal resolution of issues, and case management will be undertaken. At the time of the writing of this report, matters respecting the holding of Public Meetings, finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

BACKGROUND:

The subject lands are located on the southwest corner of Denison Street and Birchmount Road and are municipally known as 1181, 1241, 1211, and 1271 Denison Street (the “Subject Lands”), as shown on Figure 1. The Subject Lands have an approximate area of 4.41 ha (10.90 ac) with approximate frontages of 385 m (1,265 ft) along Denison Street, and 26 m (85 ft) along Birchmount Road.

Four multi-unit industrial office buildings, constructed in 1991, with a total Gross Floor Area (“GFA”) of 14,695 m² (158,178 ft²), occupy the Subject Lands, which are generally flat with limited vegetation dispersed along the Denison Street frontage. Figure 3 shows the surrounding land uses.

Proposal

The Subject Lands currently contain four separate industrial buildings. The 2014 Official Plan policies permit each building to have a maximum of 15 % ancillary restaurant use (the “Ancillary Use”), whereas the Owner seeks flexibility with the distribution of the Ancillary Use (2,204 m²) within the four buildings (The “Proposed Development”). At this time, the Owner has not identified how the Ancillary Use will be distributed, and has indicated that these details would be provided in a future Site Plan submission. The Owner also proposes to rezone the Subject Lands to implement the requested Official Plan Amendment. This application is related to Official Plan and Zoning Amendment applications that were submitted in 2009 to permit ancillary retail and restaurant uses (see Appendix A for application history).

Official Plan and Zoning

The Subject Lands are designated “Business Park Employment” in the 2014 Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). This designation permits employment uses in a variety of building formats, including offices; manufacturing, processing, and warehousing facilities; hotels; and trade and convention centres. The designation further permits ancillary retail, service, restaurant, and sports

and fitness recreation uses within industrial and non-industrial buildings, limited to a maximum 15 % of the GFA of the building.

As noted above, the Owner seeks to permit ancillary restaurant uses to a maximum 15 % of the GFA for the combination of the four existing industrial buildings. The Owner does not seek to increase the permitted GFA of the Ancillary Use, but rather seeks flexibility on how the Ancillary Use is distributed on the Subject Lands.

The Subject Lands are zoned “Select Industrial and Commercial (M.C. 40%)” by Zoning By-law 108-81, as amended and shown in Figure 2, which permits a variety of industrial uses, commercial bank and financial institutions, accessory retail and personal service shops to serve occupants of office buildings and hotels, and restaurant uses within hotels or motels. The Owner has submitted a site-specific Zoning By-law Amendment application to permit “Restaurant” as an additional use on the Subject Lands within the existing industrial buildings.

OPTIONS/ DISCUSSION:

The following summarizes the matters raised to date for consideration. These matters, among others, identified through the circulation and detailed review of the Owner’s proposal will be addressed in a final report to the DSC:

- a) Review of the submitted Planning Justification Report, draft Official Plan Amendment, and draft Zoning By-law Amendment, submitted by the Owner, as prepared by Groundswell Urban Planners Inc.
- b) Review of the appropriateness of the Proposed Development having regard for matters including, but not limited to, the following:
 - i) compatibility with the existing surrounding land uses;
 - ii) traffic impacts, site access, and transportation demand management.
- c) As part of the review of the site plan resubmission, a number of matters, will be considered including, but not be limited to, the following:
 - i) Pedestrian connections, driveway accesses and locations;
 - ii) Landscape and landscape buffers to mitigate any adverse effects of restaurant uses on the surrounding residential uses;
 - iii) Site functionality for waste management and snow removal storage;
 - iv) Opportunities for sustainability measures, bird-friendly guidelines, and accessibility.
- d) Review of all technical studies submitted in support of the Applications including, but not limited to, the Transportation Impact Assessment.
- e) The Proposed Development shall consider any requirements of external agencies including, but not limited to, York Region.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications will be evaluated in the context of growth management, environmental considerations and other strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various departments and external agencies and their requirements will be addressed as part of a future staff recommendation report, if necessary.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo (2019)
Figure 4: Site Plan

APPENDICES:

Appendix A: Application History

AGENT:

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Juarez\APPLICATIONS\OP\1181 Denison Street\Preliminary Report