
From: Catherine Rose, MCIP, RPP
Chief Planner

Subject: Zoning By-law Amendment Application A 03/20
Pickering Developments Inc.
Durham Live
North of Bayly Street, west of Church Street
Part Lots 15 & 16, Concession 1

1. Purpose of this Report

The purpose of this report is to provide preliminary information regarding an application for a Zoning By-law Amendment on the Durham Live lands, to adjust the limits of the UR (Urban Reserve Zone) from 120 metres from environmental features to within approximately 30 metres of environmental features on the property, and to rezone the remaining UR lands east of Squires Beach Road to NHS (Natural Heritage System). This report contains general information on the applicable Official Plan and other related policies, and identifies matters raised to date.

This report is intended to assist members of the public and other interested stakeholders to understand the proposal. The Planning & Development Committee will hear public delegations on the applications, ask questions of clarification, and identify any planning issues. This report is for information and no decision is to be made at this time. Staff will bring forward a recommendation report for consideration by the Planning & Development Committee upon completion of a comprehensive evaluation of the proposal.

2. Property Location and Description

The subject property is located at the northwest corner of Bayly Street and Church Street within the Brock Industrial Neighbourhood (see Location Map, Attachment #1). The subject lands are generally bounded by Highway 401 and Metrolinx/CN rail lines to the north, Church Street South to the east, Bayly Street to the south and Squires Beach Road to the west. The lands that are subject to this rezoning application do not include all of the Durham Live lands. The lands located west of Squires Beach Road are not part of the subject application. The land subject to this application have an area of approximately 66.2 hectares. The former Kellino Street bisects the subject lands. However, this road has been stopped-up and closed, and the City is in the process of conveying the road allowance to Durham Live.

The subject lands are currently occupied by a casino, hotel and performance arts venue, all under construction, at the north end of the property (see Air Photo, Attachment #2).

Surrounding land uses include:

- north - CN/Metrolinx rail corridor and Highway 401
- south - industrial lands on the south side of Bayly Street consisting of vehicle sales establishment, Pickering Markets and Trade Centre, warehouse-logistic facility, and a place of worship located at the northeast corner of Bayly Street and Squires Beach Road
- east - Annandale Golf and Country Club on the east side of Church Street in the Town of Ajax
- west - additional land owned by the applicant west of Squires Beach Road

3. Application Background

In 2014, Pickering Developments Inc. submitted Rezoning Application A 03/14 to amend the City of Pickering's zoning by-law to permit the development of an integrated major tourist destination with a broad range of uses on the Durham Live property. The application was based on a conceptual master plan for the property that included a convention centre, performing arts centre, amphitheatre, cinemas, restaurant plaza, casino and five-star hotel, waterpark with hotel, office buildings, tourist centre/greenhouse, film studio, boutique hotel, fitness centre and spa, and parking structures. Because of existing natural environmental features on the property, the applicant requested that the rezoning application be considered in phases:

Phase 1: Lands located more than 120 metres from the provincially significant wetland complex and associated woodlands; and

Phase 2: Lands within 120 metres of the significant wetland/woodlands complex following the completion of additional environmental investigations.

Council passed Resolution #279/14 on September 15, 2014 approving Rezoning Application A 03/14 to allow the development of an integrated mixed-use major tourist destination on the Durham Live Phase 1 lands. Staff were directed to prepare an implementing zoning by-law for Council's approval that included the following provisions:

1. The establishment of a Major Tourist Destination "MTD" zone on the Phase 1 portion of the site (i.e., the lands located more than 120 metres from the environmentally significant lands);
2. The establishment of an Urban Reserve "UR" zone on the Phase 2 portion of the site as an interim measure, which zoning category shall permit only existing legal uses and uses permitted by the Natural Heritage Systems zone;
3. The use of an (H) holding symbol for the MTD zoned lands to limit the amount and/or level of development that may be allowed on site before the required Regional and/or Provincial transportation infrastructure is provided, which amount and/or level of development shall be determined by the City of Pickering and the Region of Durham in consultation with the Ontario Ministry of Transportation;

4. The use of an (H) holding symbol for the MTD zoned lands to ensure appropriate agreements are in place with the City of Pickering, the Region of Durham and the Province of Ontario, if necessary, prior to development;
5. The use of an (H) holding symbol for the MTD zoned lands to ensure appropriate technical details have been provided related to the natural heritage features and environmental sensitive lands, to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority;
6. An implementing zoning by-law that reflects conditions where a casino use not be permitted unless it is part of a hotel, convention centre, entertainment complex as per the referendum question; and
7. Further, that Council direct staff to bring forward a report on the Phase 2 lands at a later date, recommending the rezoning of these lands from Urban Reserve to Major Tourist Destination and Natural Heritage System as may be appropriate, once the required environmental investigations are completed to the satisfaction of the City and the Toronto and Region Conservation Authority.

Zoning By-law 7404/15 to implement the Durham Live rezoning was approved by Council on January 15, 2015. It was subsequently appealed to the Ontario Municipal Board (OMB) by the Town of Ajax, and after an extended OMB hearing, the Board issued a decision on July 7, 2017, to approve the by-law with only a minor technical modification requested by the City.

Zoning By-law 7404/15 rezones the easterly portion of the Durham Live property as MTD (Major Tourist Destination) with three holding provisions, and the remainder of the property as UR (Urban Reserve). The boundary between the two zones was set at a distance of 120 metres from the significant environmental features.

4. Development Status

By-law 7404/15 established three holding provisions for the MTD zone with specific conditions for lifting each provision.

Pursuant to the By-law, no development would be permitted in the MTD zone until Council lifts the H-1 holding provision. The conditions for lifting H-1 include the execution of a Master Development Agreement with the City; entering into appropriate arrangements and/or agreements with Durham Region, TRCA and if necessary the Province; and the submission of a Transportation Impact Study satisfactory to the City, Region and Province verifying that the maximum amount of proposed development will result in a traffic generation rate that does not exceed 955 external primary weekday p.m. peak hour two-way vehicle trips (the formula for calculating traffic generation rates is set out in the by-law).

The conditions for lifting the H-1 holding provision were subsequently addressed, and on October 9, 2018, Council enacted By-law 7661/18, which lifted the H-1 holding provision from By-law 7404/15.

With H-1 lifted, the by-law allows development to occur on the Durham Live property as long as the total amount of traffic generated does not exceed 955 external primary weekday p.m. peak hour two-way vehicle trips. Development that generates traffic in excess of this amount would not be permitted until the H-2 holding provision is also lifted. The conditions for lifting H-2 include additional agreements and/or arrangements with the City, Durham Region and/or the Province of Ontario, including arrangements or agreements for the construction of a Notion Road/Squires Beach Road connection across Highway 401 and the completion of another Transportation Impact Study verifying that the maximum amount of proposed development will not result in a traffic generation rate that exceeds 1935 external primary weekday p.m. peak hour two-way vehicle trips.

The conditions for lifting the H-2 holding provision have been addressed, and on January 27, 2020, Council enacted By-law 7735/20, which lifts the H-2 holding provision from By-law 7404/15.

Building permit applications have been issued for the development of a casino, hotel, performing arts venue and associated parking facilities north of the former Kellino Street, and construction is well underway.

5. Applicant's Proposal

The Durham Live Zoning By-law 7404/15, allowed development only on the eastern portion of the Durham Live property, on lands that were at least 120 metres from the environmental features. All other lands were zoned UR that restricted development.

The purpose of the subject application is to rezone the "UR" zoned lands east of Squires Beach Road to extend the current MTD (H-3) zone boundary to within approximately 30 metres of the environmental features on the property, and to rezone the remaining UR lands east of Squires Beach Road to NHS (see Submitted Plan, Attachment #3). Currently the MTD zone covers 24.68 hectares and the UR zone covers 41.51 hectares. This application proposes to zone 16.24 hectares from UR to MTD (H-3) and 25.28 hectares to NHS. The resulting MTD (H-3) zone will be 40.92 hectares in size.

The applicant is not requesting any changes to the performance standards of the MTD zoning provisions.

The Durham Live lands west of Squires Beach Road will remain zoned "UR".

6. Policy Framework

6.1 Durham Regional Official Plan

The Durham Regional Official Plan (DROPP) designates the subject lands as "Urban Systems – Employment Areas" with a "Regional Corridor" overlay along the Bayly Street frontage. The DROPP states that the Region, in cooperation with the area municipalities, shall maximize the employment potential of designated Employment Areas. Employment Areas may permit a range of employment uses including manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, business parks, limited personal service uses, hotels, office, storage of goods and materials, retail warehouses, freight transfer and transportation facilities.

The lands containing the Duffins Creek tributaries, forested areas, and the Provincially Significant Wetlands (PSW) are designated as “Key Natural Heritage and Hydrologic Features” requiring any proposal for development or site alteration to demonstrate that there will be no negative effects on key natural heritage or hydrologic features, or their functions.

The DROP states that “Regional Corridors” shall be planned and developed as higher density mixed use areas supporting higher order transit services and development. Bayly Street is designated as a “Type ‘A’ Arterial Road” and a “Transit Spine”; Church Street is designated as a “Type ‘B’ Arterial Road”; and Squires Beach Road is designated as a “Type ‘C’ Arterial Road”.

The proposal conforms to the Durham Regional Official Plan.

6.2 Pickering Official Plan

Pickering Official Plan designations for the subject lands are “Employment Areas – Mixed Employment” along the north side of Bayly Street, “Open Space System – Natural Areas” in the central portion of the subject lands, and “Employment Areas – Prestige Employment” on the remaining lands.

A range of employment uses are permitted within the Prestige Employment designation including: light manufacturing; assembly and processing of goods; light service industries; offices; corporate office business parks; limited personal services uses; restaurants; hotels; and appropriate community, cultural and recreational uses. The Mixed Employment designation permits the same uses as Prestige Employment, as well as limited retailing of goods and services serving the area.

The lands that are designated Open Space – Natural Area represent lands that are in proximity to the wetlands associated with Duffins Creek. Permissible uses within lands designated Open Space – Natural Area include conservation, environmental protection, restoration and passive recreation. A portion of the Open Space – Natural Area designation is identified as a Deferred Area (D55) in the Pickering Official Plan, consisting of a portion of lands identified as “Natural Heritage System”, “Significant Woodlands” and “Wetlands.

Schedule II – “Transportation Systems”, designates Bayly Street as a “Type ‘A’ Arterial Road” and a “Transit Spine”, Church Street is designated as a “Type ‘B’ Arterial Road” and Squires Beach is designated as a “Type ‘C’ Arterial Road”. Transit Spines are recognized corridors where higher level of transit service is to be encouraged.

The applicant’s proposal will be assessed against these policies of the Official Plan during the further processing of the applications.

6.3 Brock Industrial Neighbourhood Policies

The subject lands are located within the Brock Industrial Neighbourhood. The Neighbourhood Map identifies a Detailed Review Area on the subject lands along the Bayly Street frontage. The Brock Industrial Neighbourhood policies state that City Council shall facilitate vehicular traffic movement through the neighbourhood through the extension of Squires Beach Road over Highway 401 to connect with Notion Road. An Environmental Assessment has been completed for such a connection. The Brock Industrial Neighbourhood Plan shows a “Proposed New Road Connection” between Church Street and Squires Beach Road, located about half way between Bayly Street and Kellino Street.

6.4 Zoning By-law 2511, as amended

The subject lands are currently zoned MTD (Major Tourist Destination) and UR (Urban Reserve) within Zoning By-law 2511, as amended by site specific Zoning By-law 7404/15, which permits a variety of tourist uses in the MTD zone. The MTD zoning is also subject to a Holding Provision (H-3). The subject application is to rezone the “UR” zoned lands east of Squires Beach Road to MTD (H-3) for lands within approximately 30 metres of the significant natural features on the property, and to rezone the remaining UR lands east of Squires Beach Road to a NHS zone.

7. Comments Received

7.1 Resident Comments

As of writing this report, no comments or concerns have been received on the application.

7.2 Agency Comments

Toronto Region
Conservation
Authority (TRCA)

- The boundaries between the proposed MTD (H-3) and NHS zones appear satisfactory with the exception of the proposed MTD (H-3) designation north of Kellino Street and between the two wetland fingers, subject to securing a resolution to our detailed comments below. The following points summarize the key concerns of TRCA staff on the detailed design submission based on our review:
 1. The Environmental Impact Study focuses primarily on the film studios site, and further information is needed to fully identify the development limits for some of the other remaining Durham Live lands east of Squires Beach Road proposed to be zoned MTD.
 2. The appropriate ecosystem compensation for the Ministry of Natural Resources and Forestry mapped wetland finger south of Kellino Street needs to be identified and secured.
 3. Further details are required on the stormwater management strategy.
- TRCA staff are of the opinion that the proposed rezoning east of the PSW and south of Kellino Street is acceptable subject to reviewing the detailed dimensions of the zoning map.

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| Enbridge Gas Inc. | • no objections to the application |
| Metrolinx | • no objections to the rezoning and provide technical comments regarding the site plan application |

8. City Department Comments

8.1 Engineering Services Department

As of writing this report, no comments or concerns have been received on the application.

8.2 Planning & Design Section Comments

The following is a summary of key concerns/issues or matters of importance raised to date. These matters, and other identified through the circulation and detailed review of the proposal, are required to be addressed by the applicant prior to a final recommendation report to Planning & Development Committee:

- ensuring conformity with the City's Official Plan policies
- ensuring the significant environmentally sensitive lands are adequately protected
- exploring alternatives to mitigate or compensate for any impacted environmental features
- ensuring agencies with jurisdiction for environmental considerations are satisfied
- further issues may be identified following receipt and review of comments from the circulated departments, agencies and public

The City Development Department will conclude its position on the application after it has received and assessed comments from the circulated departments, agencies, and public.

9. Information Received

Copies of the plans and studies listed below are available for viewing on the City's website at pickering.ca/devapp:

- Planning Opinion Report, prepared by Malone Given Parsons Ltd and Melymuk Consulting Limited, dated March 2020
- Environmental Impact Study, prepared by Beacon Environmental, dated February 2020
- Hydrogeological Assessment Report, prepared by Palmer, dated February 2020
- Functional Servicing and Stormwater Management Report, prepared by Sabourin Kimble & Associates Ltd, dated March 2020

10. Procedural Information

10.1 General

- written comments regarding this proposal should be directed to the City Development Department
- oral comments may be made at the Electronic Statutory Public Meeting

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- all comments received will be noted and used as input to a Planning Report prepared by the City Development Department for a subsequent meeting of Council or a Committee of Council
 - any member of the public who wishes to reserve the option to appeal Council's decision must provide comments to the City before Council adopts any by-law for this proposal
 - any member of the public who wishes to be notified of Council's decision regarding this proposal must request such in writing to the City Clerk

11. Owner/Applicant Information

The owner of this property is Pickering Developments (401) Inc., Pickering Developments (Bayly) Inc. and Pickering Developments (Squires) Inc. and are represented by Malone Given Parsons Ltd and Melymuk Consulting Limited.

Attachments

1. Location Map
 2. Air Photo
 3. Submitted Plan
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Prepared By:



Ross Pym, MCIP, RPP
Principal Planner, Strategic Initiatives

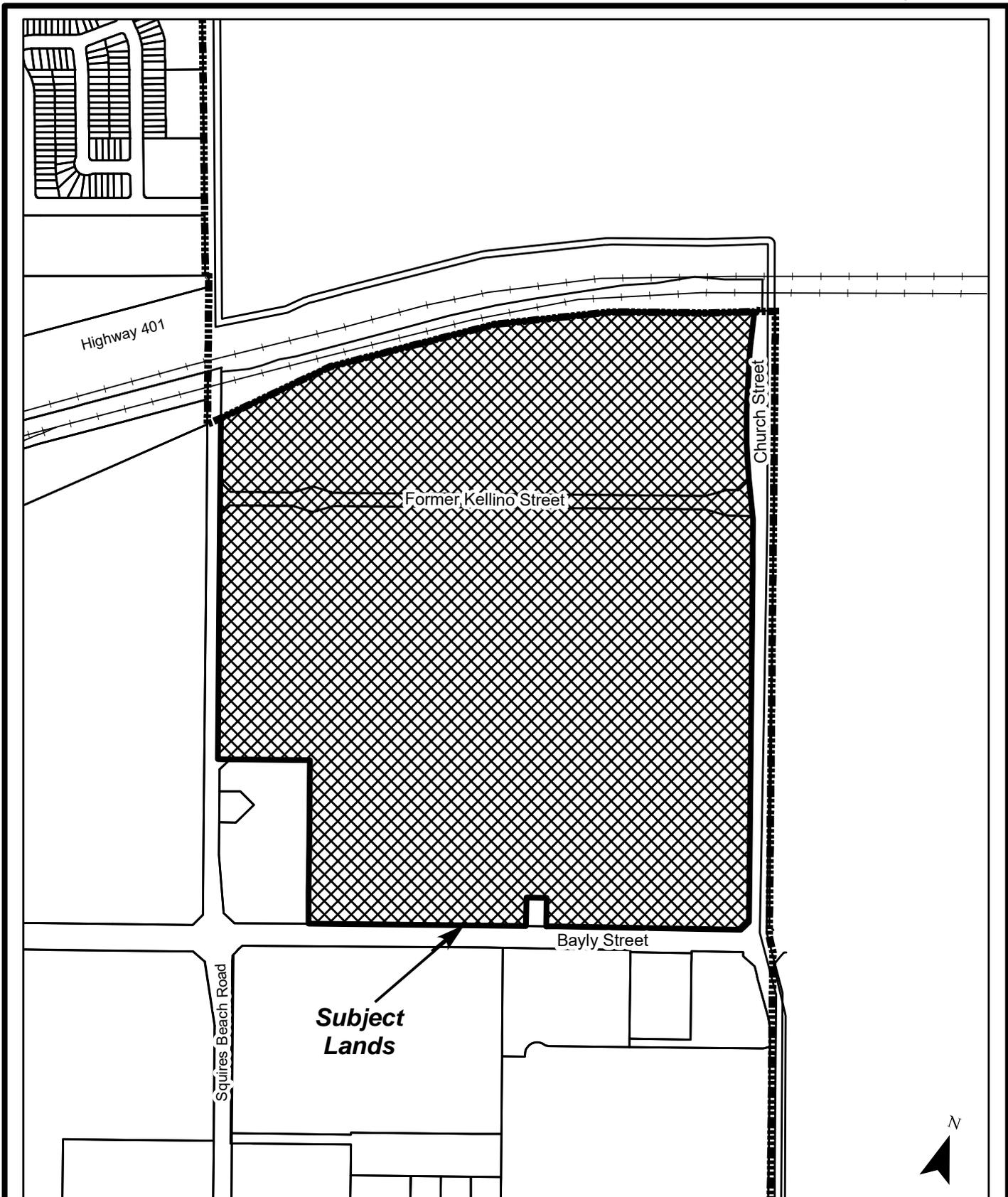
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Date of Report: May 25, 2020

Approved/Endorsed By:



Catherine Rose, MCIP, RPP
Chief Planner



<p>PICKERING City Development Department</p>	Location Map	
	File: A 03/20	
	Applicant: Pickering Developments	
	Property Description: Part of Lots 15 & 16, Concession 1 (Durham Live Lands)	
	Date: May. 28, 2020	SCALE: 1:8,000 <small>THIS IS NOT A PLAN OF SURVEY.</small>
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Legend

- Subject Property
- Watercourses

City of
PICKERING
 City Development
 Department

Air Photo

File No: A 03/20

Applicant: Pickering Developments

Property Description: Part of Lots 15 & 16, Concession 1
 (Durham Live Lands)

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING
 CITY DEVELOPMENT DEPARTMENT.

DATE: May 28, 2020



City of
PICKERING
City Development
Department

Submitted Plan

File No: A 03/20

Applicant: Pickering Developments

Property Description: Part of Lots 15 & 16, Concession 1
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DATE: May 28, 2020