
City Council

Motion without Notice

MM8.12	ACTION			Ward: 25
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Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision Re: 1860 Bayview Avenue - by Councillor Jaye Robinson, seconded by Councillor John Parker

- * *This Motion has been deemed urgent by the Chair.*
- * *This Motion is not subject to a vote to waive referral.*
- * *This Motion has been added to the agenda and is before Council for debate*

Recommendations

Councillor Jaye Robinson, seconded by Councillor John Parker, recommends that:

1. City Council request that the applicant provide the outstanding information required for a proper review of the proposed development, particularly the information regarding the proposal's traffic generation, on-site vehicular movement, loading facilities and access and egress, if the applicant has not already done so; and
2. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board Prehearing Conference to:
 - a. identify the issues listed above, as set out in the Preliminary Report dated December 9, 2010; and
 - b. request that the Ontario Municipal Board schedule a hearing date which allows for an appropriate timeframe for City staff to review and assess the additional material requested of the applicant and report to Community Council and City Council on the review.
3. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant, and the area residents, in an attempt to narrow or resolve the issues outlined in this report.
4. City Council direct the City Solicitor and appropriate staff to attend any subsequent Ontario Municipal Board hearings.

Summary

A minor variance application was submitted to the City in November, 2009 to permit the redevelopment of the lands at 1860 Bayview Avenue with a two-storey retail commercial

building and two levels of below grade parking. The application was refused by the Committee of Adjustment at its meeting of July 6, 2010, consistent with community opposition and the advice of City staff, who took the position that a more detailed technical review was required in order to properly evaluate the proposal. On July 23, 2010, the applicant appealed the Committee's decision to the Ontario Municipal Board. A hearing on this matter has not yet been scheduled.

In September of 2010 a rezoning application was submitted to permit the proposed commercial development. On October 13, 2010, an application for site plan approval was also submitted. The rezoning and site plan applications were generally consistent with the minor variance application under appeal, subject to some revisions and refinements. On October 29, 2010 the applicant submitted revised servicing, grading, landscape and roof plans and supporting material for review by City staff.

A preliminary report dated December 9, 2010, outlined the following issues with respect to the rezoning and site plan applications:

- Compatibility of the proposal with the adjacent residential and institutional neighbourhood;
- Assessment of the proposal's traffic generation, on-site vehicular movement, loading facilities and access and egress from the site;
- Area traffic conditions, constraints and the additional impact resulting from this proposal;
- Building design, massing, set-backs from property lines, and relationship to the surrounding distinct neighbourhood;
- Streetscaping and landscaping improvements; and
- Adherence to the City's stormwater management policies.

In a memo dated December 3, 2010, the applicant was requested to provide additional information and clarity on key technical and transportation related areas of concern including: access and egress; on-site vehicular circulation; and location and number of loading spaces. On January 28, 2011 the applicant appealed the rezoning and site plan applications to the Ontario Municipal Board on the grounds that the City failed to render a decision on the applications within the prescribed time period.

At a meeting that took place on February 18, 2011 between City staff and the applicant and his consultants, staff reiterated their request for outstanding supporting information with the understanding and commitment by the applicant that the additional information would be provided to the City in short order.

On April 7, 2011, a well-attended community consultation meeting was held to discuss the proposal. Area residents expressed their concerns about the proposed development and its potential impact on their community. Issues raised were generally related to the following matters:

- traffic generation resulting from the proposed development and its impact on existing congestion along Bayview and Broadway Avenues;

- access and egress from the site and impact on existing queuing along Broadway Avenue east for turns at Bayview Avenue;
- vehicular infiltration into the local community;
- parking on local roads;
- number of truck deliveries required for the proposed uses, truck access and egress and where trucks waiting to make deliveries will queue;
- on site vehicular circulation, location of loading docks and parking areas and resulting potential for truck/car conflict;
- impact on emergency vehicles from additional traffic congestion;
- location of employee parking;
- building setbacks and pedestrian safety;
- size and design of the proposed building and coverage of the site; and
- lack of green space on the site.

In a memo dated May 9, 2011, the applicant was again asked to provide the additional information required for a proper review and assessment of the proposal as originally requested in December 2010.

(Submitted to City Council on May 17 and 18, 2011 at MM8.12)