
City Council

Motion without Notice

MM10.18	ACTION			Ward: 8
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**Ontario Municipal Board hearing - Committee of Adjustment
Application - 3747-3757 Keele Street and 11 Le Page Court - by
Councillor Anthony Perruzza, seconded by Councillor Mark Grimes**

**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 Anthony Perruzza, seconded by Councillor Mark Grimes, recommends that:

1. City Council support the proposed Committee of Adjustment application as revised and described in the applicant's settlement offer, subject to:
 - a. There will be a minimum front yard setback of 2 metres;
 - b. There will be a minimum north side yard setback of 2 metres;
 - c. There will be a minimum south side yard setback of 0.75 metres;
 - d. The Ontario Municipal Board being requested to hold its order until the Notice of Approval Conditions has been approved by the Director of Community Planning, North York District and that the Site Plan Approval application drawings include:
 - i. Enhanced articulation and animation of the corner of the building at the intersection of Keele Street and LePage Court;
 - ii. Enhanced façade treatment along the LePage Court portion of the building (including but not limited to fenestration, architectural slats to cover grade level parking, enhanced lighting, landscape planting and internalizing the stairs on LePage Court);
 - iii. Organization of the internal layout in order to maximize and enhance the external street frontage appearance;
 - iv. Building entrances and walkways are properly marked and readily identifiable; and

- v. A soft landscaped buffer along the Keele Street and LePage Court frontages will be provided, within the above noted setback; and
- e. A payment of One Hundred Thousand Dollars (\$100,000.00) from the Owner to the City payable prior to the issuance of the first above-grade building permit. Such payment is to be made as a condition of the granting of the minor variances and is being made pursuant to Section 45(9) of the Planning Act. The funds are to be used for streetscape and area improvements to Broadoaks Drive and Fountainhead Park and other area public spaces and are to be spent by the City in accordance with the City's Section 37 policy in consultation with appropriate staff and the Ward Councillor.

Summary

Craft Acquisitions Corporation, the owner of 3747-3757 Keele Street and 11 Le Page Court, submitted a Minor Variance application to the North York Panel of the Committee of Adjustment to permit the development of a large scale stand alone retail store on these properties. The existing buildings on these properties would be demolished.

Variances were requested to former City of North York Zoning By-law No. 7625 with respect to total retail floor area, the number of parking spaces, building setbacks, loading spaces and landscaping.

Variances were requested to City of Toronto Zoning By-law No. 1156-2010 for the 11 Le Page Court property to permit a retail store that is not ancillary to a manufacturing use, building height, building setbacks and landscaping. This By-law has now been repealed and as such, the variance with respect to permission for a retail store is no longer required.

The Committee of Adjustment for the City of Toronto (North York Panel) refused the Minor Variance application at its February 23, 2011 meeting. City Planning staff reported to the Committee of Adjustment that the application be refused. The applicant appealed the decision of the Committee of Adjustment to the Ontario Municipal Board.

At the March 22, 2011 North York Community Council meeting, the local Councillor requested City Legal and Planning staff representation at the Ontario Municipal Board hearing, to uphold the Committee of Adjustment decision. This recommendation was adopted by City Council on April 12, 2011.

The applicant proposed a settlement and as a result, a revised site plan drawing was submitted. No Site Plan Control Application has yet been submitted.

The Ontario Municipal Board hearing is scheduled for July 25 – 27, 2011. In order for City Legal to attend the Ontario Municipal Board with a settlement, the recommendations need to be brought forth at the July 12 and 13, 2011 City Council meeting.

(Submitted to City Council on July 12 and 13, 2011 as MM10.18)