



## Member Motion

### City Council

#### Motion without Notice

MM37.63	ACTION			Ward:26
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**70 and 80 Wicksteed Avenue, 200, 202 and 204 Parkhurst Boulevard and 99 Vanderhoof Avenue - Amendment to City Council decision - by Councillor John Parker, seconded by Councillor Karen Stintz**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is subject to a re-opening of Item NY23.34. A two-thirds vote is required to reopen the Item.*

*\* If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

#### Recommendations

Councillor John Parker, seconded by Councillor Karen Stintz, recommends that:

1. City Council amend Item NY23.34 by deleting the following Part 2.c:
2. In accordance with the delegated approval under by-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision, as generally illustrated on Attachment 4 to this report subject to:
  - c. the Notice of Decision of draft plan approval not being issued until the Zoning By-law amendment is in full force and effect.

#### Summary

At its meeting held on May 7, 2013, City Council adopted North York Community Council Item NY23.34, which recommended an amendment to the former Town of Leaside Zoning By-law 1916 to permit a large scale retail commercial centre at 70 and 80 Wicksteed Avenue, 202, 204 and 206 Parkhurst Boulevard and 99 Vanderhoof Avenue. Prior to introducing the necessary Bills for enactment the owner is required to enter into a Section 37 Agreement, a Subdivision Agreement and Notice of Approval Conditions for Site Plan Approval must be issued by the Director, Community Planning, North York District.

It has come to City Planning's attention that the City Council decision included a staff recommendation in the Final Report from the Director, North York Community Planning dated February 5, 2013 that stipulated the Notice of Decision of draft plan of subdivision approval not be issued until the Zoning By-law amendment is in full force and effect.

This condition was inadvertently included and typically associated with draft plan of

condominium approvals, not draft plan of subdivision approvals. Issuance of the Notice of Decision is needed prior to the owner entering into the Subdivision Agreement contemplated as one of the pre-conditions to the Bill being introduced to City Council for enactment.

This is an urgent matter since City Council does not meet again until October 8, 2013. Bringing this matter forward at that time could result in undue hardship and delay to the owner.

**REQUIRES RE-OPENING:**

North York Community Council Item NY23.34, headed "Final Report - Zoning By-law Amendment and Plan of Subdivision Applications - 70 and 80 Wicksteed Avenue, 202, 204 and 206 Parkhurst Boulevard and 99 Vanderhoof Avenue" adopted by City Council on May 7, 2013, only as it pertains to Part 2.c.

(Submitted to City Council on July 16 and 17, 2013 as MM37.63)

**Background Information (City Council)**

Member Motion MM37.63