

**City Council****Motion without Notice**

MM51.50	ACTION			Ward:23
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**OMB Hearing- 49 Sheppard Avenue East - Official Plan Amendment and Rezoning - by Councillor Joe Mihevc, seconded by Councillor Adam Vaughan**

*\* 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 Joe Mihevc, seconded by Councillor Adam Vaughan, recommends that:

1. City Council authorize the City Solicitor and appropriate staff to appear at the Ontario Municipal Board hearing in opposition to the official plan and zoning by-law appeals by the owner of 49 Sheppard Avenue East.

**Summary**

An Ontario Municipal Board (“OMB”) hearing has been scheduled for May 26, 2014 respecting 49 Sheppard Avenue East to hear the appeals of the owner with respect to official plan and rezoning applications.

The application proposes to amend the official plan and zoning by-law in order to permit a 14-storey (46 m) mixed-use residential-commercial building. The project would consist of 152 residential units, a gross floor area of approximately 14,000m<sup>2</sup> and an FSI of 4.65. Included as part of this proposal, is a request to permit a private commercial parking lot of 95 spaces on an interim basis until the development commences. Currently, staff does not have instructions to oppose the appeals.

City staff has been negotiating with the owner to acquire the lands as part of the Ring Road system in North York. Staff will be recommending to City Council to acquire the lands through an expropriation. If the lands are expropriated, then the planning appeals are moot.

The owner is agreeable to adjourning the hearing to give City Council the opportunity to commence expropriation proceedings, if it so chooses. City Planning is recommending that staff be authorized to appear at the OMB hearing in opposition to the said appeals.

Because the OMB hearing will commence before the next Council meeting, it is urgent that City Council consider the matter at this Council meeting.

(Submitted to City Council on May 6 and 7, 2014 as MM51.50)

**Background Information (City Council)**

Member Motion MM51.50