



**STAFF REPORT
ACTION REQUIRED**

Update on 102-134 Hucknall Road Ontario Municipal Board Hearing – Rezoning and Site Plan Approval Applications

Date:	June 9, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 8 – York West
Reference Number:	

SUMMARY

The purpose of this report is to update Council on the status of the zoning by-law and site plan approval applications that are currently before the Ontario Municipal Board, and to recommend that the City Solicitor report back to City Council on the draft zoning by-law amendment at its July 7, 2015 meeting, as she feels may be necessary, with respect to any changes that may be required.

The Ontario Municipal Board issued a decision on the zoning by-law amendment on April 27th, 2015. A further hearing date has been scheduled for August 17, 2015 to address any issues surrounding finalizing the draft zoning by-law or issuing site plan approval conditions. The parties are to notify the Board by July 20, 2015 if the further hearing date will be required.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council request the City Solicitor to report back to City Council at its July 7 meeting, as she feels may be necessary, with respect to any changes that may be required to the draft zoning by-law amendment.
2. City Council re-delegate to the Chief Planner the authority to instruct the City Solicitor on what position to take at the OMB hearing, in respect of the site plan approval and any conditions to site plan approval.

Financial Impact

The recommendations in this report will have no financial impact.

DECISION HISTORY

Application to amend the former City of North York Official Plan and Zoning By-law 7625 was made by the previous owner on December 13, 2003 to permit the redevelopment of the subject lands with 67 residential units (59 townhouses and 8 semi-detached dwellings) and a 190m² commercial building (file no. 03 201751 NNY 08 OZ). At its meeting of April 14, 2005 on the recommendation of North York Community Council, City Council refused the applications. The applicant appealed City Council's refusal to the Ontario Municipal Board. In Order 2557, issued on September 28, 2005, the Board found the proposal did not conform to the intent of the former City of North York Official Plan and dismissed the appeals. The Draft Plan of Subdivision, Official Plan Amendment and rezoning applications were revised resulting in a subdivision of 48 units (24 semi-detached and 24 townhouses) and a commercial component of approximately 560m². These revisions were presented to the Board and on November 24, 2006, the Board issued Order 3313 which gave approval or endorsement to the necessary instruments to permit the redevelopment of the site as described above, including conditions to the Draft Plan of Subdivision.

An application to amend the 2006 approval was submitted in April 2009. It proposed 51 townhouse units and 1,022m² of commercial uses in a 1 storey building fronting onto Sentinel Road. In November 2009, the application was appealed to the Ontario Municipal Board on the basis that no decision had been made by City Council within the timelines established by the *Planning Act*. In April 2010, staff wrote a Directions Report to Council to authorize the City Solicitor to appear before the Board in support of the applicant's request to revise the Draft Plan of Subdivision Approval previously issued by the Board for the subject lands. The resulting decision allowed for 47 townhouse units, the one storey, 1,022m² commercial building and a public road (now known as Mantello Road).

A subsequent application was made at 108-134 Hucknall Road, which proposed to amend the former City of North York Zoning By-law No. 7625 to permit a four storey building with 994m² of commercial space at grade and 3000m² of residential space located in the 3 floors above. A total of 42 residential units and 6 commercial units were proposed. The height of the proposed building would be 14.8 metres. Underground parking is proposed to be accessed off Mantello Drive and would contain 58 vehicle parking spaces and 42 bicycle parking spaces. A site plan application was also submitted. The applications were appealed to the Ontario Municipal Board for Council's failure to make a decision on the site plan and zoning by-law amendment. After the appeal, the appellant made further revisions to the proposal in order to address the concerns of City Planning.

A Request for Directions report dated January 29th, 2015 recommended that City Solicitor attend the Ontario Municipal Board hearing generally in support of the application, provided a number of matters were secured through the draft zoning by-law and site plan approval conditions. The Staff report can be found at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-75350.pdf>

On March 31, April 1 and April 2, 2015, City Council adopted a motion moved by Councillor Perruzza that the City Solicitor attend the hearing in opposition to the proposal, retain outside planning consultants, and request that the OMB hold its order until the draft zoning by-law is in a form satisfactory to the City Solicitor and until the conditions for site plan approval have been satisfied. Council's decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY4.22>

The Ontario Municipal Board hearing was held on April 20th, 2015. The Board approved the zoning by-law in principle, but withheld its final order to provide the parties time to resolve the issues with the draft zoning by-law and resolve and finalize the site plan appeal and conditions of approval. A hearing date has been scheduled for August 17th, 2015, in the event that no resolution is reached.

On May 12th, 2015, Councillor Perruzza moved a motion at Community Council requesting that the site plan be "bumped up" to City Council, and that the City Solicitor report directly to City Council on the site plan issues and zoning by-law appeal. Councillor Perruzza's memorandum can be found at: <http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-80036.pdf>

ISSUE BACKGROUND

The status of the zoning by-law and site plan appeals will be discussed below.

COMMENTS

Zoning By-law Appeal

The Ontario Municipal Board approved the draft zoning by-law in principle, but held its Order until the site plan conditions have been satisfied and the draft zoning by-law amendment is in a form satisfactory to the City Solicitor. It was agreed by the parties at the hearing that the list of permitted uses for the site in the draft zoning by-law would be subject to final review and comment by City Planning.

The draft zoning by-law has not yet been finalized between the parties. The City Solicitor will seek addition direction from City Council at its meeting on July 7, 2015 if the changes so require.

Site Plan Appeal

The site plans were circulated to City Planning, Urban Forestry, Engineering and Construction Services, Urban Design and Parks. A list of site plan approval conditions has not yet been prepared by the City. Urban Design, Engineering and Construction Services, and City Planning have identified outstanding issues which have not yet been resolved. The appellant submitted a Site Lighting Plan on May 28, 2015, which has been circulated to Urban Design and no comments have yet been received.

Comments and draft site plan conditions may not be available prior to the July 7 meeting of City Council. To allow City Staff sufficient time to review and comment on the submitted site plan it is recommended that authority be re-delegated to the Chief Planner to instruct the City Solicitor on what position to take at the OMB hearing in respect of the site plan approval and any conditions to site plan approval.

CONTACT

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SIGNATURE

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