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File: Z-8208
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CITY OF LONDON 797 YORK STREET PUBLIC PARTICIPATION MEETING ON JANUARY 21, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to the property located at 797 York Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Community Shopping Area Special Provision (CSA1(2)) Zone **TO** a Community Shopping Area Special Provision (CSA1(_)) Zone to permit Commercial/Private Schools and Offices with an individual maximum gross floor area of 2,000m² (21,527.8 sq. ft.).

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Z-8208 – Report to Planning Environment Committee – October 29, 2013

PURPOSE AND EFFECT OF RECOMMENDED ACTION

Staff is requesting a technical amendment to the existing zoning on the property to clearly illustrate that the permitted Commercial/Private Schools and Offices are each permitted a maximum gross floor area 2,000m² (21,527.8 sq. ft.) whereas the current zoning could be interpreted to restrict these two uses to a combined gross floor area of 2,000m² (21,527.8 sq. ft.).

RATIONALE

1. The recommended amendment is to correct a minor technical error contained in a previous amendment approved by Council
2. The previous amendment approved by Council has undergone full public review on October 29, 2013

PLANNING HISTORY

- July 5, 2013 – Re-zoning application accepted by City Staff
- October 29, 2013 - Report to planning committee recommending approval
- November 5, 2013 - Council approved the proposed by-law.

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ANALYSIS

During the initial rezoning application process, Planning Staff recommended that the request for a Zoning By-law amendment be approved and drafted a by-law to implement the requested change in use. Upon reviewing the proposed amending by-law, the applicant was of the opinion that the by-law had the potential to be interpreted incorrectly such that the permitted Commercial/Private School and Office uses would be permitted a maximum gross floor area 2,000m² collectively, and not individually. Staff agreed to modify the proposed amending by-law prior to the public meeting of the Planning and Environment Committee and made the appropriate changes in the Staff report. These changes were included in the report which was included in the Planning and Environment Committee agenda.

However, the by-law included in the Council agenda contained the original by-law drafted by Planning Staff, and not the amended by-law which was presented at the meeting of the Planning and Environment Committee. The error was not identified until after the appeal period ended and therefore the by-law came into effect. This technical amendment will provide the correct wording to the existing special provision now applied to the site.

Council Approved By-law:

) CSA1 (2) 797 York Street

- a) Regulation[s]
 - Gross Floor Area for Office, Commercial School, And Private School (maximum) 2,000m² (21,527.8 square feet)

Proposed By-law:

) CSA1 () 797 York Street

- a) Regulation[s]
 - Gross Floor Area for Offices (max) 2,000m² (21,527.8 square feet)
 - Gross Floor Area for Commercial or Private Schools (max) 2,000m² (21,527.8 square feet)

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PREPARED BY:	REVIEWED BY:
MIKE CORBY COMMUNITY PLANNING AND DESIGN	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN
SUBMITTED BY:	RECOMMENDED BY:
JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

December 18, 2013

MC/mc

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 797 York
Street.

WHEREAS The City of London has applied to rezone an area of land located at 797 York Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 797 York Street, as shown on the attached map comprising part of Key Map No. A108, from a Community Shopping Area (CSA1) Zone to a Community Shopping Area Special Provision (CSA1()) Zone.
- 2) Section Number 22.3 of the Community Shopping Area (CSA1) Zone is amended by adding the following Special Provision:
 -) CSA1 () 797 York Street
 - b) Regulation[s]

Gross Floor Area for Offices (max)	2,000m ² (21,527.8 square feet)
Gross Floor Area for Commercial or Private Schools (max)	2,000m ² (21,527.8 square feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

Agenda Item # Page #

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PASSED in Open Council on January 28, 2014.

Joe Fontana
Mayor

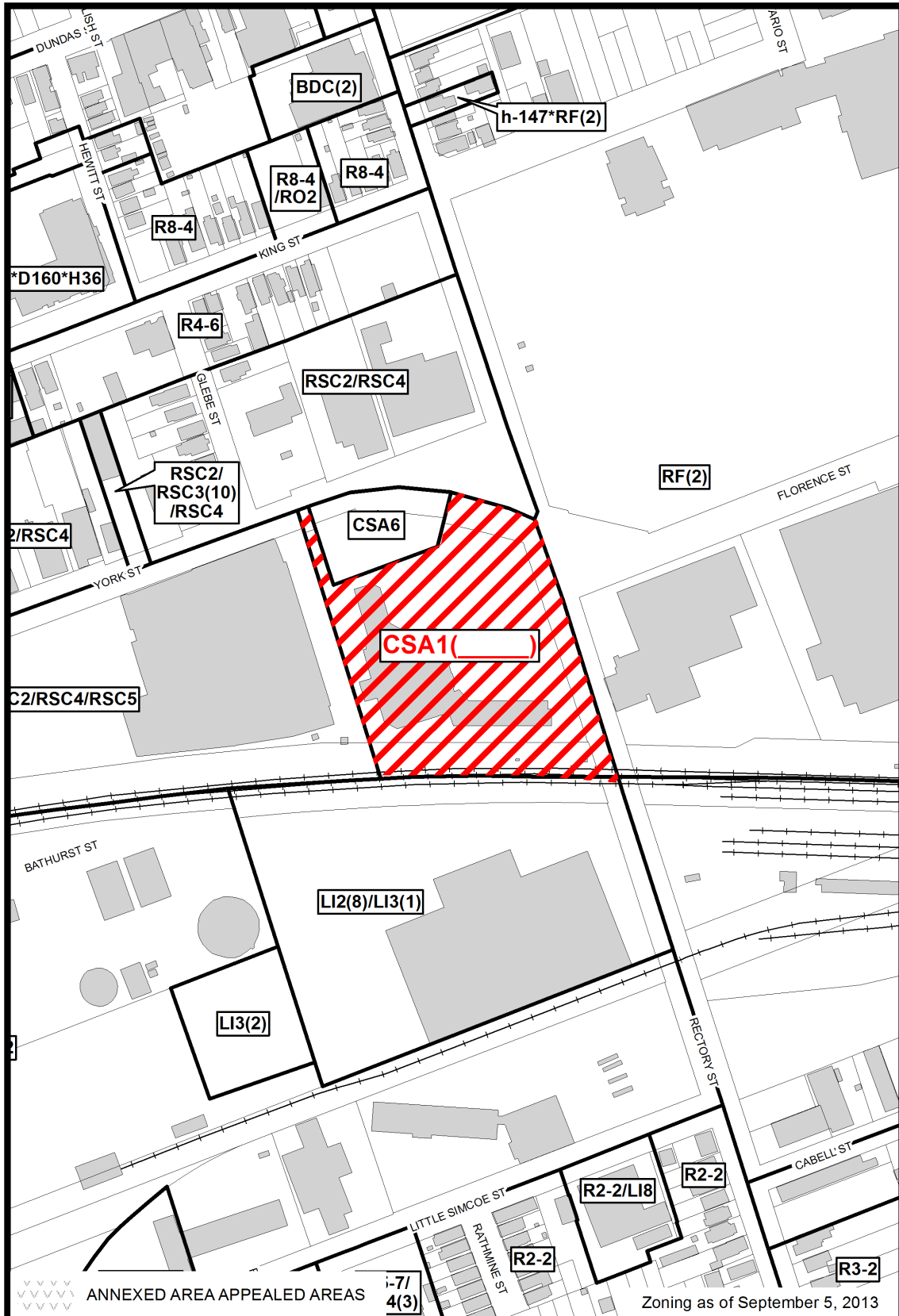
Catharine Saunders
City Clerk



First Reading - January 28, 2014
Second Reading - January 28, 2014
Third Reading - January 28, 2014

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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: Z-8208 Planner: MC Date Prepared: 2013/09/24 Technician: CK By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,685</p> <p>0 12.525 50 75 100 Meters</p> 
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Geodatabase