

--	--

H-8240
Sean Meksula

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: YORK DEVELOPMENT GROUP 1103 ADELAIDE STREET NORTH MARCH 4, 2014

RECOMMENDATION

That, on the recommendation of the Planner II, Development Planning, based on the application of York Development Group relating to the property located at 1103 Adelaide Street North the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1103 Adelaide Street North **FROM** a Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone **TO** a Neighbourhood Shopping Area Special Provision NSA1(8) Zone to remove the h-5, h-11, h-64 and h-95 holding provisions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Z – 8284 - Report to the Planning and Environment Committee on December 10, 2013 to specify the lot frontage on an arterial road such that Adelaide Street North shall be interpreted as being the front lot line.

OZ – 7972 - Report to the Planning and Environment Committee on April 23, 2013 to advise Municipal Council and the Ontario Municipal Board that a 4th concept plan, 5th concept plan and an updated Traffic Impact Study have been submitted by the applicant

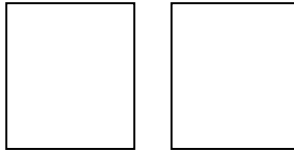
OZ – 7972 - Report to the Planning and Environment Committee on February 27, 2012 to change the Official Plan designation and zoning of the property to permit a multi-tenant commercial building with a restaurant and drive-through.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the “h-5”, “h-11”, “h-64” and “h-95” holding provisions to permit the development of multi-tenant commercial uses.

RATIONALE

1. The removal of the holding provision will allow for development in conformity with the City of London Official Plan.
2. Through the site plan approval process a public participation meeting was held and the issues regarding noise, access, and urban design have been resolved.








H-8240
Sean Meksula




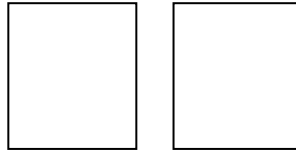
LOCATION MAP
Subject Site: 1103 Adelaide St N
Applicant: York Developments (London) Inc.
File Number: H-8240
Planner: Sean Meksula
Created By: Sean Meksula
Date: 2013-09-18
Scale: 1:2500

LEGEND

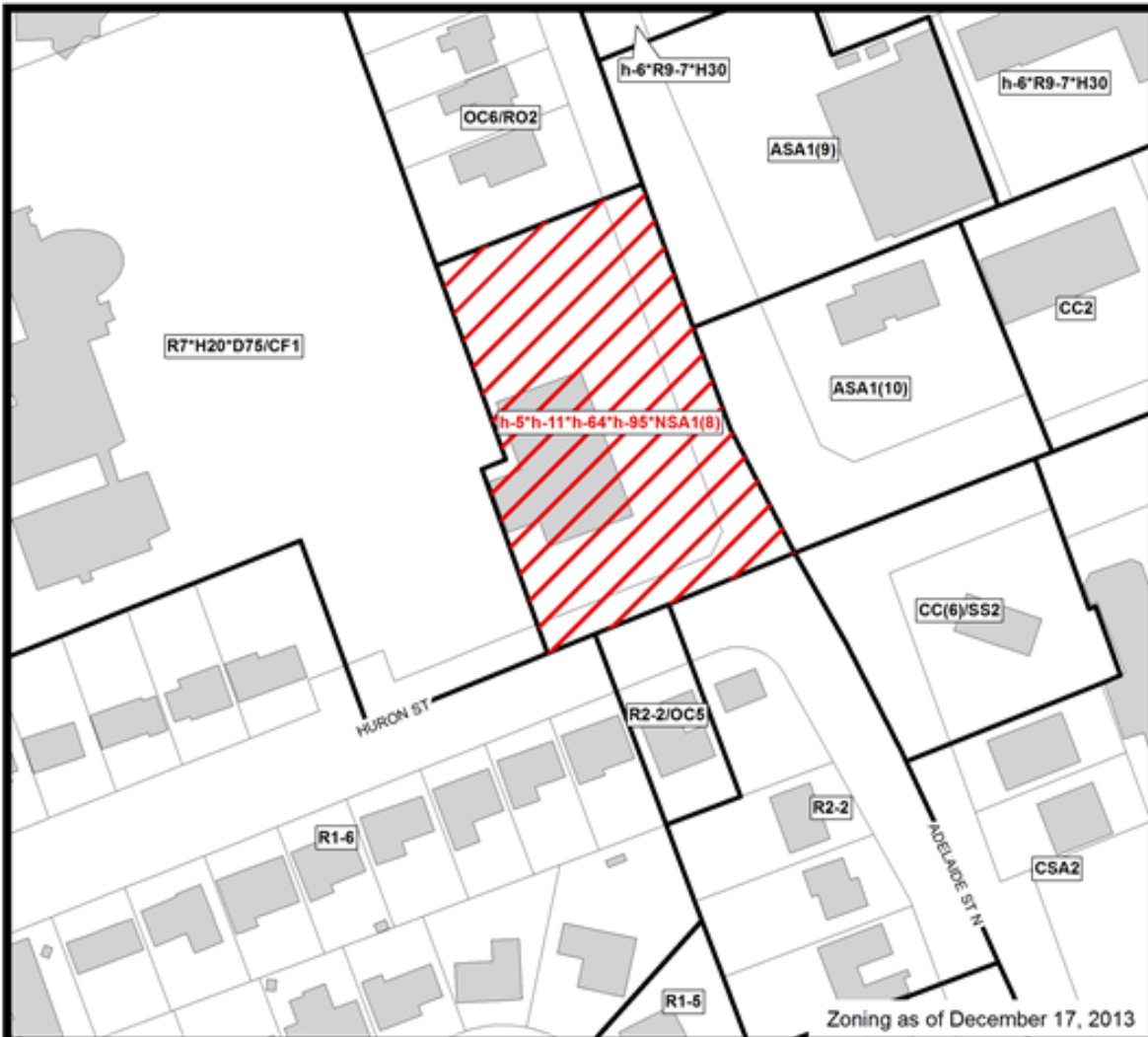
-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London
Prepared By: Planning and Development





H-8240
Sean Meksula



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION
- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
H-8240 SM

MAP PREPARED:
January 7, 2014 JTS

1:1,500
0 5 10 20 30 40 Meters

--	--

H-8240
Sean Meksula

BACKGROUND

Date Application Accepted: September 16, 2013	Applicant: York Development Group
REQUESTED ACTION: Removal of the "h-5*h-11*h-64 and h-95" holding provisions on the site to permit the development of multi-tenant commercial uses.	
PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 3, 2013.
Nature of Liaison: City Council intends to consider removing the h-5, h-11, h-64, and h-95 holding provisions from the lands that ensures a public site plan meeting be held, adequate municipal services are provided, to ensure there are no land use conflicts between the adjacent commercial and residential land uses, and that the urban design concepts established through the Official Plan and/or Zoning amendment review process are implemented, a development agreement will be entered into before any action is taken with respect to the removal of the holding provisions.	
Responses: None	

ANALYSIS

h-5 Holding Provision

Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.

A public meeting was held before the Planning and Environment Committee on September 24, 2013. While there were a number of issues discussed, the items were resolved at the meeting or by the Approval Authority after receiving Council's advice. The applicant has entered into a development agreement with the City which will ensure that the project develops in accordance with the plans as marked at the public meeting.

h-11 Holding Provision

Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.

The "h-11" holding provision is applied to ensure orderly development and adequate provision of municipal services, with an emphasis on appropriate access arrangements. The "h-11" holding provision is an important tool to control access points to the arterial roads. Site access issues have been addressed, agreed upon and incorporated into the development agreement providing for rights in and out for Adelaide Street and full access for Huron Street and consequently the "h-11" holding provision can be removed. This was based upon Transportation's acceptance of the Transportation Impact Study (T.I.S.) and Council endorsing the access onto Huron Street.

h-64 Holding Provision

Purpose: To ensure there are no land use conflicts between commercial uses and adjacent residential land uses, the "h-64" symbol shall not be deleted until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in a noise study, acceptable to the City of London.

--	--

H-8240
Sean Meksula

A noise report was submitted with the application dealing with the reduced separation of the drive-through facility. As a result, there will be a 2.0 m height noise wall on the majority of the north property line and a 2.4m height noise wall on the west property line, except for the southerly 6m which will have a 1.2m wrought iron fence. The site plan showing the noise walls is in the development agreement.

h-95 Holding Provision

Purpose: To ensure that the urban design concepts established through the Official Plan and/or Zoning amendment review process are implemented, a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates these concepts and addresses identified Urban Design issues.

In December 2013, the revised site plan, landscaping and building elevations were submitted to Urban Design for review and they were found then to be acceptable. The applicant has executed the development agreement includes these plans. As a result, it is appropriate to consider removal of the h-95 holding provision at this time.

CONCLUSION

Through the Site Plan Approval process a public participation meeting was held and the issues of access, noise, site design and urban design have been addressed. As a result it is appropriate at this time to remove the holding provisions “h-5”, “h-11”, “h-64” and “h-95” from these lands. The development is in keeping with the character of the neighbourhood and approved zoning for the site. The development agreement has been signed. Therefore, the removal of the holding provisions represents sound land use planning and is appropriate.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
SEAN MEKSULA PLANNER II DEVELOPMENT PLANNING	BRUCE HENRY MANAGER DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

February 25, 2014
SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2013\H-8240 - 1103 Adelaide St N (SM)\Report to PEC H-8240.doc
CC. York Development Group (201-303 Richmond Street, London ON N6B 2H8)

Agenda Item # Page #

--	--

H-8240
Sean Meksula

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for the lands located at 1103 Adelaide Street North.

WHEREAS York Development Group has applied to remove the holding provision from the zoning for the lands located at 1103 Adelaide Street North, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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 the lands located at 1103 Adelaide Street North, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Neighbourhood Shopping Area Special Provision NSA1(8) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 18, 2014.

Joe Fontana
Mayor

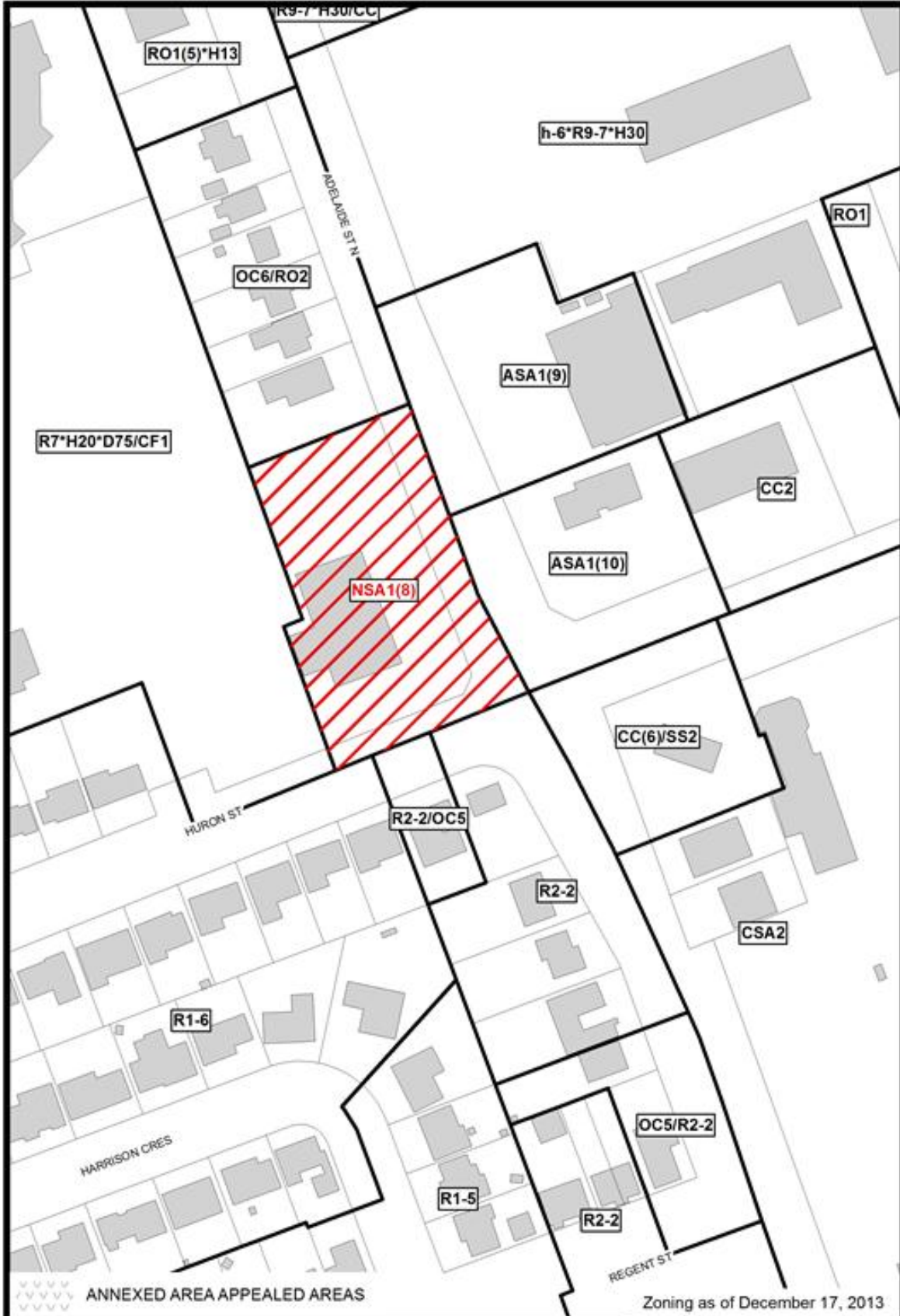
Catharine Saunders
City Clerk

First Reading - March 18, 2014.
Second Reading – March 18, 2014.
Third Reading - March 18, 2014.

Two empty rectangular boxes for agenda item and page numbers.

H-8240
Sean Meksula

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



File Number: H-8240
 Planner: SM
 Date Prepared: January 7, 2014
 Technician: JTS
 By-Law No: Z.-1-

SUBJECT SITE



1:1,500

