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File: Z-8326
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: YORK DEVELOPMENTS (LONDON) INC. 2825 TOKALA TRAIL PUBLIC PARTICIPATION MEETING ON APRIL 8, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of York Development (London) Inc. relating to the property located at 2825 Tokala Trail. The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 15, 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 Holding Neighbourhood Shopping Area Special Provision (h-120*NSA5(6)) Zone **TO** a Holding Neighbourhood Shopping Area Special Provision (h-()*h-120*NSA5(6)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- OZ-8115 – February 26, 2013, OPA/ZBA report to Planning and Environment Committee,
- OZ-8115 – July 23, 2013 – Report to Planning and Environment Committee advising of the appeal.
- OZ-8115 – November 12, 2013 – Report to Planning and Environment Committee advising Withdrawal of Appeal to the OMB

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to ensure that the proposed commercial centre will proceed to development as a co-ordinated and integrated development, which acts as one site comprised of two separate development agreements. The holding provision will also ensure that a subsequent consent application for lot adjustment be obtained, if necessary, if it is identified that the property boundaries between the parcels that are the subject of the two separate development agreements constrain the site plan function or design and that the subsequent consent application shall be at no cost to the City and that sanitary, storm and water servicing shall be provided to the satisfaction of the City Engineer.

RATIONALE

1. The recommended amendment is consistent with the polices of the Provincial Policy Statement (2014).
2. The recommended zone is consistent with the City of London Official Plan.
3. The recommended holding provision will ensure that the subject site develops as one site in anticipation of a future severance of the property.

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- Will ensure that all site plan, design and servicing issues are dealt with comprehensively to avoid potential conflicts.

BACKGROUND

Date Application Accepted: March 5 2014	Agent: MHBC Planning (Scott Allen)
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)	
<ul style="list-style-type: none"> Neighbourhood Commercial Node 	
EXISTING ZONING: (refer to Zoning Map)	
<ul style="list-style-type: none"> h-120*NSA5(6) 	

PLANNING HISTORY

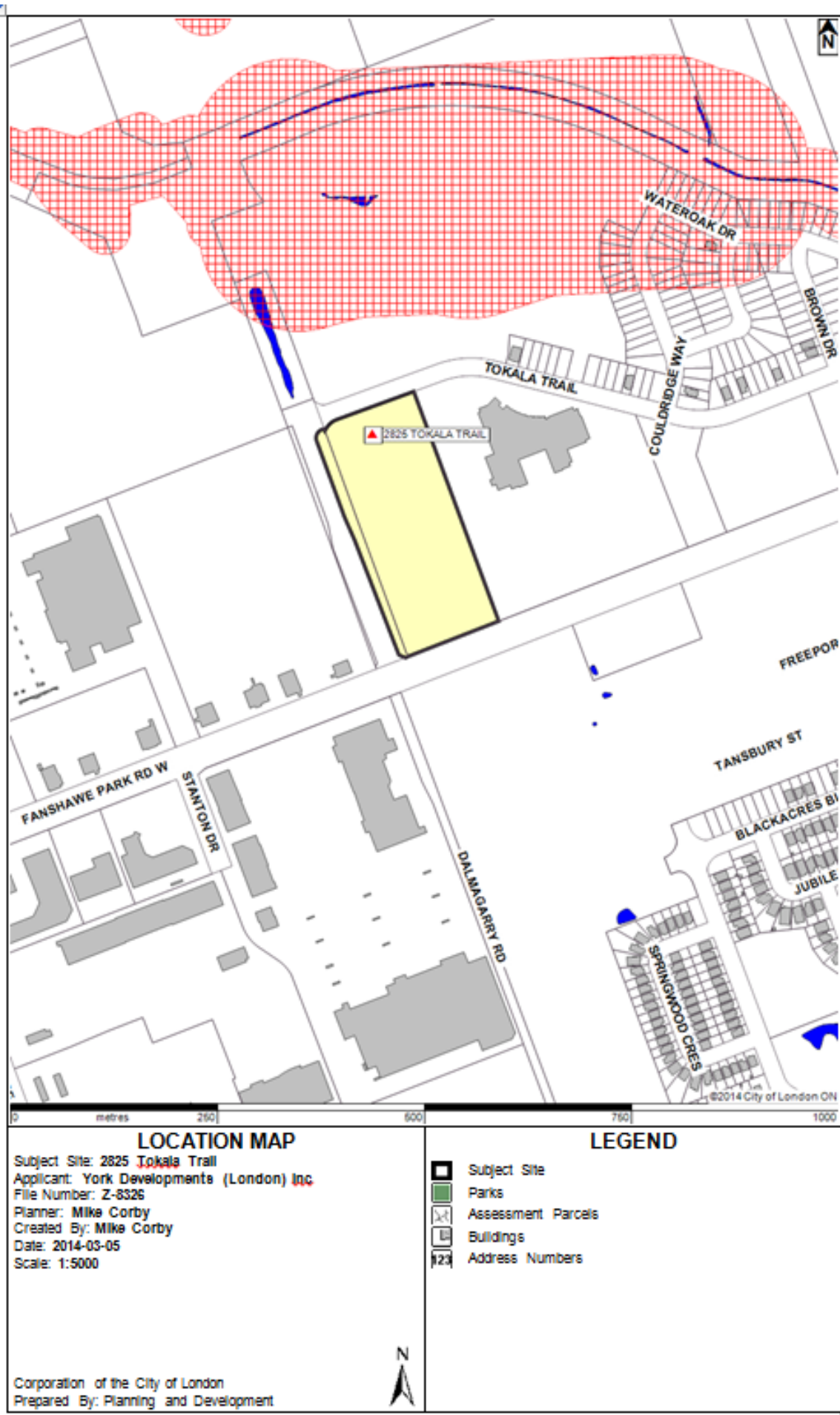
In February of 2013 the subject site was presented at a public meeting of the Planning and Environment Committee for an Official Plan and Zoning By-law amendment. The amendments requested approvals which would facilitate the development of the front portion of the land for neighbourhood commercial uses, and the rear portion of the land for mid- to high-rise development with a small amount of convenience commercial use.

Planning Staff recommended the approval of the requested Official Plan and Zoning By-law amendments, with minor refinements to ensure that specific urban design features of the proposed development were maintained through the development approval process. The recommended amendment was adopted by Council and later appealed to the OMB. The appeal was subsequently withdrawn and the Council-approved zoning came into force and effect.

The property owner intends to develop the site under two separate ownerships thereby requiring an application for consent to create two properties so they can be owned independently. The creation of two lots that would share parking, access and services under separate ownership creates the potential for several conflicts in relation to how the sites will function with each other. Therefore the applicant has come forward with a rezoning application for a holding provision which ensures that the two future properties will develop in conjunction with each other to address and avoid these issues.

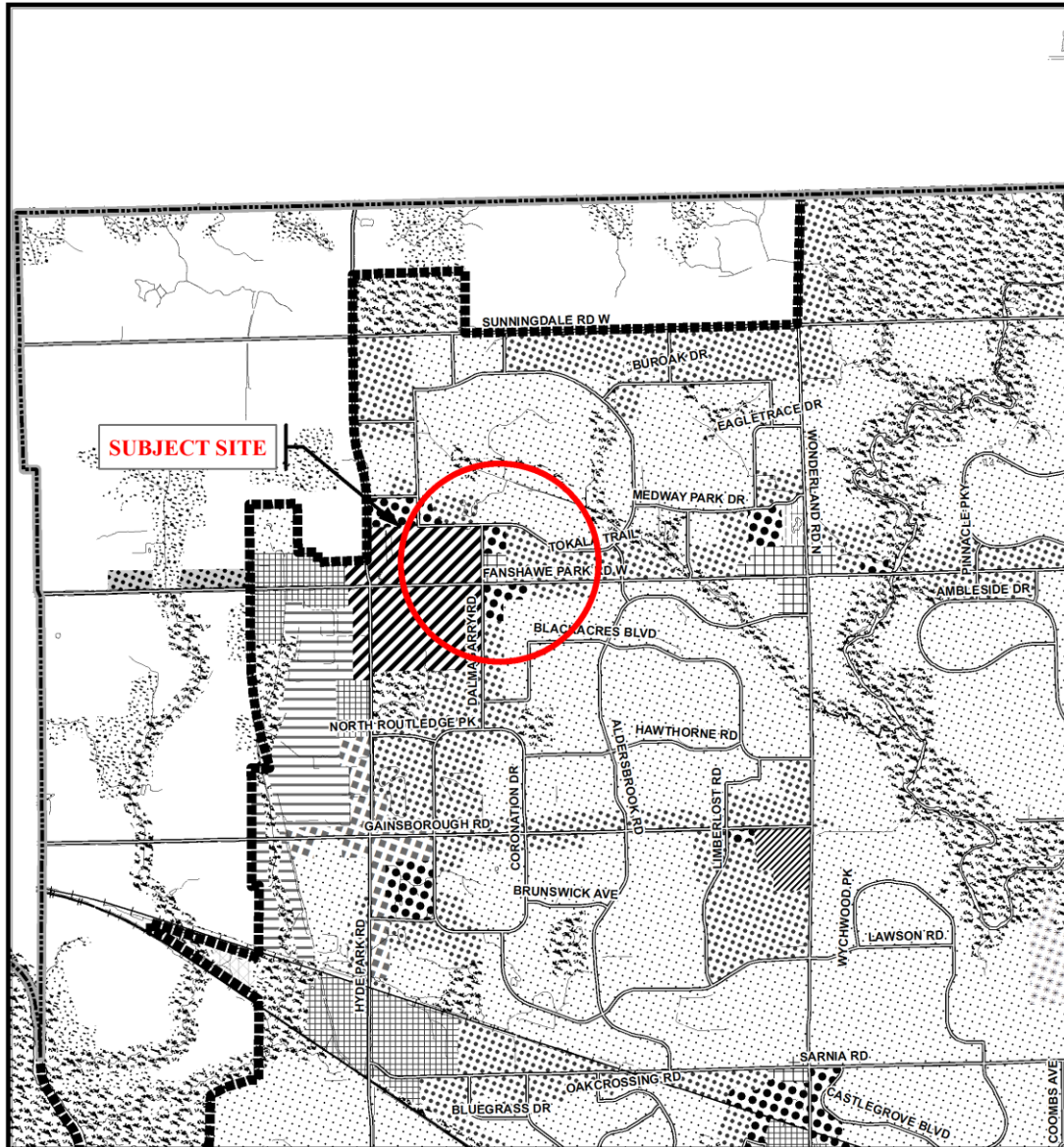
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Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8326</p> <p>PLANNER: MC</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/03/20</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolidated\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

City of London Wastewater & Drainage Engineering

The future sanitary outlet for the subject lands is the sewer on Tokala Trail which is to be constructed in accordance with Claybar Phase 3 / 39T-04503.

PUBLIC LIAISON:	On March 7, 2014, Notice of Application was sent to 10 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on March 13, 2014. A "Possible Land Use Change" sign was also posted on the site.	1 reply was received.
<p>Nature of Liaison: The purpose and effect of this zoning change is to ensure that the proposed commercial centre will proceed to development as a co-ordinated and integrated development, which acts as one site comprised of two separate development agreements. The holding provision will also ensure that a subsequent consent application for lot adjustment be obtained, in necessary, if it is identified that the property boundaries between the parcels that are the subject of the two separate development agreements constrain the site plan function or design and that the subsequent consent application shall be at no cost to the City and that sanitary, storm and water servicing shall be provided to the satisfaction of the City Engineer. Possible change to Zoning By-law Z.-1 FROM a Holding Neighbourhood Shopping Area Special Provision (h-120*NSA5(6)) Zone TO a Holding Neighbourhood Shopping Area Special Provision (h-120*NSA5(6)) Zone to ensure no development can take place until the above criteria are fulfilled to the satisfaction of the City of London. File: Z-8326 Planner: Mike Corby.</p>		
<p>Responses:</p> <ul style="list-style-type: none"> - What is the current zoning on the site. - What is the nature of the application. 		

ANALYSIS

In an effort to facilitate the comprehensive development of the commercial centre Staff are recommending approval of the holding provision. This holding provision will ensure that a subsequent consent application (B.037/13) for lot adjustment can be obtained while maintaining the site's ability to function as if it were a single parcel. The Staff recommendation is intended to ensure that the two future lots will function as if they were one to avoid potential land use conflicts that could occur if the sites were to develop separately (i.e. design, access and servicing issues). The proposed holding provision is recommended to read as follows.

h- Purpose: *To ensure the orderly development of the lands and the adequate provision of municipal services, the holding provision shall address, the following, prior to the removal of the holding provision:*

- a. *That the commercially zoned parcels shall be developed only as a co-ordinated and integrated development, which act as one site comprised of two separate development agreements. The development agreements shall be fully executed and registered on title.*

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- b. *That a subsequent consent application for lot adjustment be obtained if it is identified that the property boundaries between the commercially zoned parcels constrain the site plan function or design. The consent application shall be at no cost to the City, to the City's satisfaction and in full force and effect.*
- c. *That sanitary, storm and water servicing shall be provided to the satisfaction of the City Engineer.*

It should be noted that a future request may be submitted by the applicant to seek an increase in the existing gross floor area regulations. This is being noted for information purposed only to advise Municipal Council of a potential future change which may modify the ultimate development of this site. However, the recommendation and by-law attached to this report do not preclude or inhibit the consideration of any future application by Municipal Council and appointed body, or delegated approval authority.

CONCLUSION

The Staff recommendation is appropriate as the approval of the holding provision will ensure that the subject site develops as one site in anticipation of a future severance of the property and that all site plan, urban design and servicing issues are dealt with comprehensively to avoid potential land use conflicts.

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

March 17, 2014

MC/mc

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Bibliography of Information and Materials
Z-8326

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by MHBC Planning, March 3, 2014

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Correspondence: (all located in City of London File No. Z-8326. unless otherwise stated)

City of London -

Moore R., City of London Wastewater & Drainage Engineering. E-mail to Mike Corby. March 17, 2014

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. March 27, 2014.

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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 2825 Tokala Trail.

WHEREAS York Developments (London) Inc. has applied to rezone an area of land located at 2825 Tokala Trail, 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 2825 Tokala Trail, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Neighbourhood Shopping Area Special Provision (h-120*NSA5(6)) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-_) *h-120*NSA5(6)) Zone.
- 2) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-(_)

Purpose: To ensure the orderly development of the lands and the adequate provision of municipal services, the holding provision shall address, the following, prior to the removal of the holding provision:

- That the commercially zoned parcels shall be developed only as a co-ordinated and integrated development, which act as one site comprised of two separate development agreements. The development agreements shall be fully executed and registered on title.
- That a subsequent consent application for lot adjustment be obtained if it is identified that the property boundaries between the commercially zoned parcels constrain the site plan function or design. The consent application shall be at no cost to the City, to the City's satisfaction and in full force and effect.
- That sanitary, storm and water servicing shall be provided to the satisfaction of the City Engineer.

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.

PASSED in Open Council on April 15, 2014.

Agenda Item # Page #

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Joe Fontana
Mayor

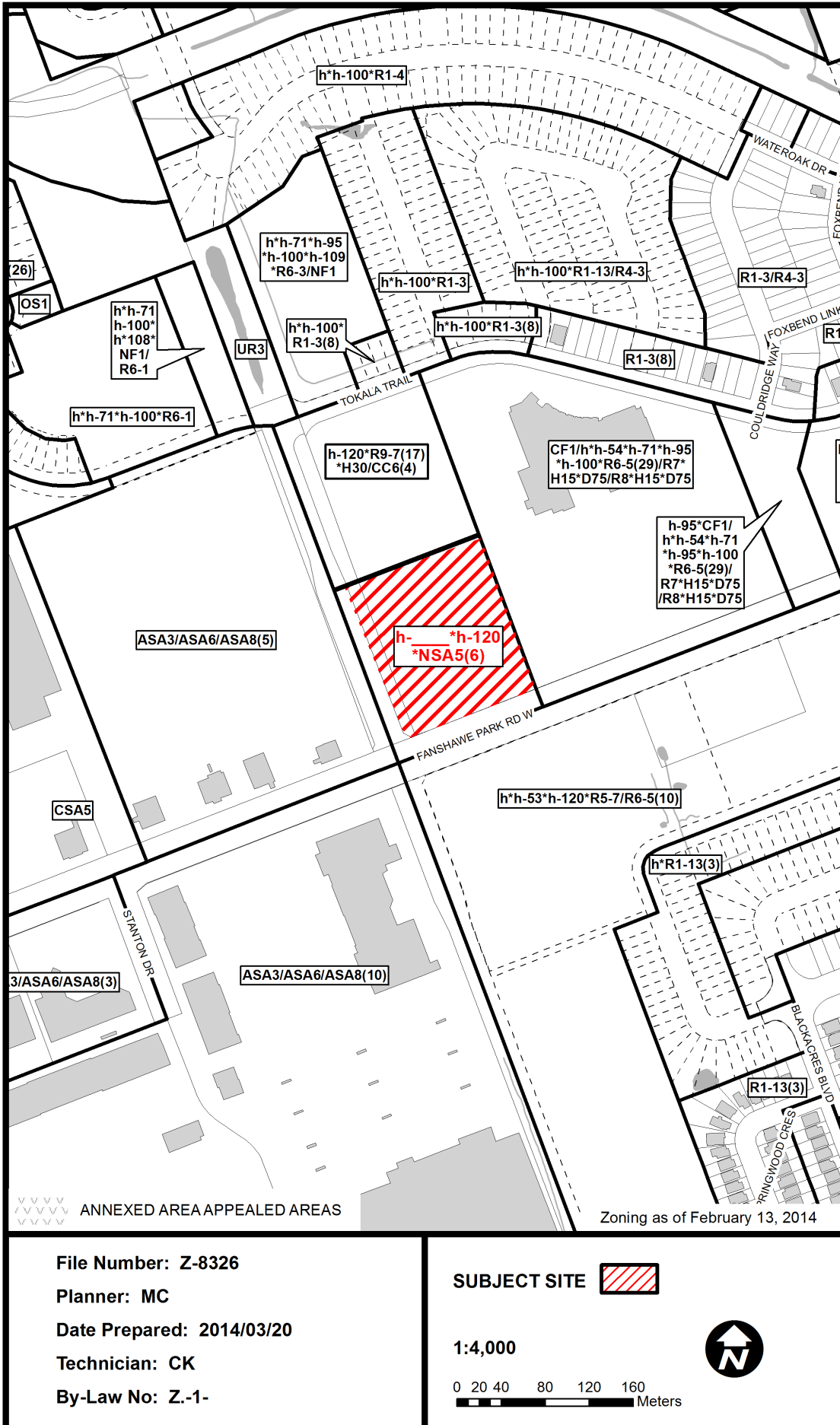
Catharine Saunders
City Clerk

First Reading - April 15, 2014.
Second Reading - April 15, 2014.
Third Reading - April 15, 2014.


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File: Z-8326
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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)



File Number: Z-8326
Planner: MC
Date Prepared: 2014/03/20
Technician: CK
By-Law No: Z-1-

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters

