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H-7997
Nancy Pasato

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING DAVID AILLES MANAGING DIRECTOR - DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: CORNERSTONE ARCHITECTURE 1390 Highbury Avenue North MEETING ON JANUARY 16, 2012

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of Development Approvals Business Unit, based on the application by Cornerstone Architecture relating to the property located 1390 Highbury Avenue North, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 31, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R7 Special Provision (h-2*h-103*R7(14)*D75*H13) Zone **TO** a Residential R7 Special Provision (R7(14)*D75*H13) Zone to remove the holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Z-7359/SP11-021834

February 9, 2009 - Report to Planning Committee on zoning by-law amendment change.

October 31, 2011 – Report to Built and Natural Environment Committee on site plan approval for a new 128 unit Long Term Care facility.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

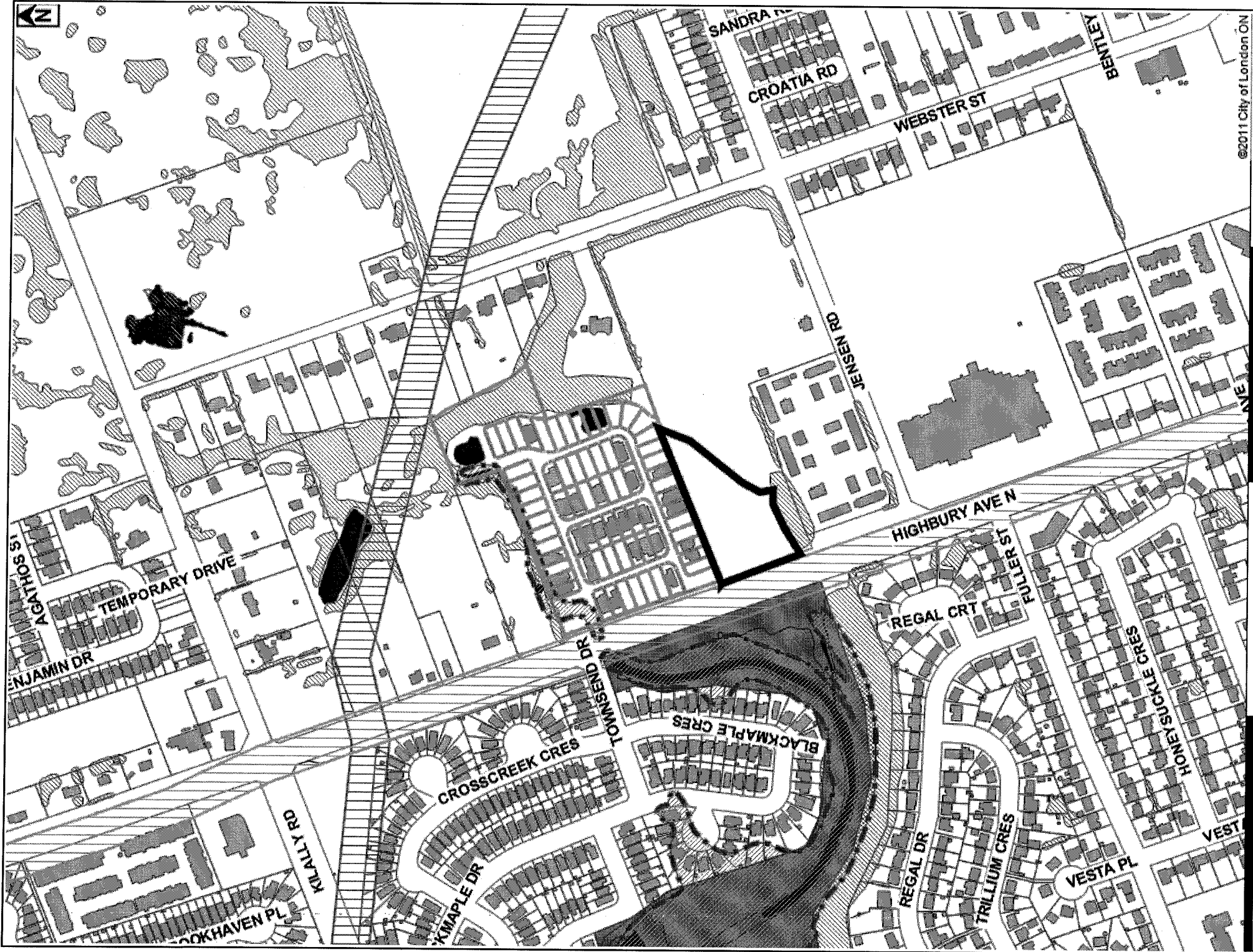
The purpose and effect of this zoning change is to remove the holding provisions from this site to permit the development of a new 128 unit Long Term Care facility.

RATIONALE

1. The site specific rehabilitation plan will be implemented through the development agreement and through the consent agreement.
2. Urban design considerations have been incorporated into the site plan to the satisfaction of Council and Community Planning and Urban Design.

BACKGROUND

Date Application Accepted: December 8, 2011	Agent: Cornerstone Architecture
REQUESTED ACTION: Request to remove the holding provisions from the zoning of lands located at 1390 Highbury Avenue North to allow the development of a new 128 unit long term care facility.	



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LOCATION MAP

Subject Site: 1390 Highbury Ave N
 Applicant: Cornerstone Architecture
 File Number: H-7997
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2011-12-15
 Scale: 1:5000

Corporation of the City of London
 Prepared By: City Managers Department

LEGEND

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



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H-7997
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PLANNING HISTORY

On April 30, 2007, a zoning by-law amendment application was submitted for these lands to permit an approximately 160 bed long-term care facility (our file Z-7359). When evaluating the proposal, staff and Council considered not only the land-use issues but also the urban design, site containment and remediation, slope stability and natural heritage issues. Council adopted the Zoning By-law Amendment on February 23, 2009 and applied two holding provisions to address the following:

- The h-2 holding provision requires a site-specific rehabilitation plan that will be prepared for the upper slope and all portions of the lower slope that are disturbed by grading activities and will incorporate ground layer erosion control, ground layer seeding of herbs and forbs, ground layer rooted hardwood cuttings, shrub layer establishment of native material and canopy layer establishment of native hardwood trees. This rehabilitation plan shall be prepared and implemented to conformity with City of London and provincial standards.
- The h-103 holding provision ensures urban design objectives shall be addressed including:
 - built form should be brought to the Highbury Avenue street edge (maximum front yard setback of 3 metres);
 - built form should create a continuous street wall along Highbury Avenue (12.5 metre maximum side yard setback);
 - building form should integrate with and take advantage of the natural features and other view corridors on-site;
 - the applicant should explore opportunities to create pedestrian and cycle connections to adjacent properties (especially to the east);
 - the building architecture should attempt to create an "urban" character along the Highbury Avenue Corridor;
 - site landscaping should create an "urban" character along Highbury Avenue i.e. increased "hard landscaping, such as defined flowerbeds, paving stones, etc.;
 - parking should be placed in the rear of the building;
 - an urban design brief should be submitted as part of the Site Plan and further discussions and review may be necessary upon receipt of the document, noting the site plan submission will be reviewed by the Urban Design Peer Review Panel; and,
 - design efforts will be made to mitigate impacts on the residential lands to the north of the subject site and will attempt to be to the satisfaction of all parties. within this subdivision would not be required and, the provision of adequate municipal services.

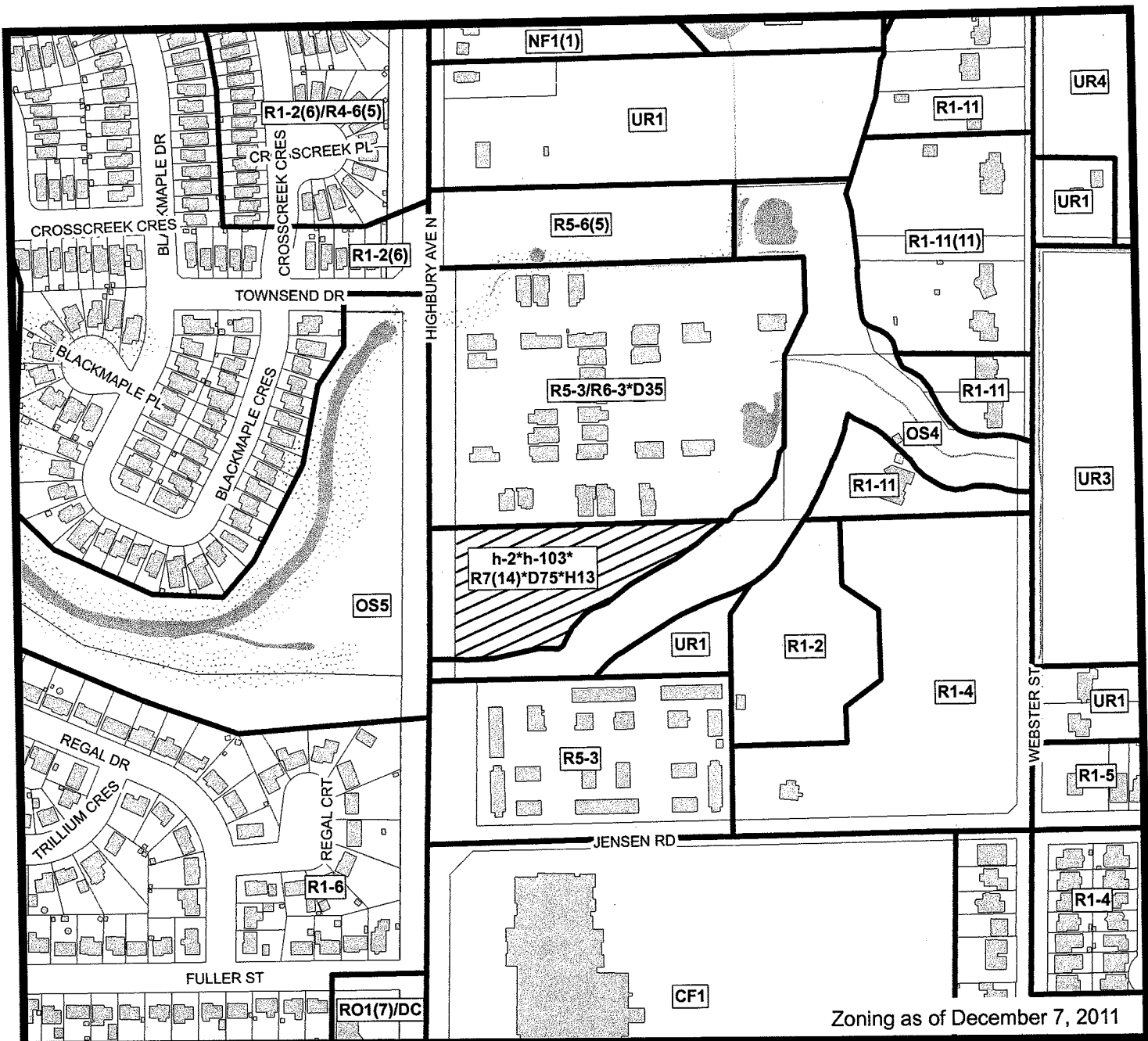
SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	Notice was published in the Living in the City section of the London Free Press on December 17, 2011.	No replies
Nature of Liaison: The purpose and effect of this change is to remove the holding symbols to permit the development of a 128 bed long term care facility.		
Responses: None		

ANALYSIS

The purpose of the holding ("h-2") provision in the zoning by-law is as follows:

Purpose: To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System (identified on Schedule "B of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-2*h-103*R7(14)*D75*H13

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



FILE NO:

H-7997

NP

MAP PREPARED:

January 6, 2012

DT

1:4,000

0 20 40 80 120 160

Meters

H-7997
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in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol.

The Council resolution dated February 23, 2009, indicated that a site-specific rehabilitation plan will be prepared for the upper slope and all portions of the lower slope that are disturbed by grading activities that are directly east of the subject site. The rehabilitation plan is to be implemented through the consent process and security of \$2,227.50 (\$25 x linear meter of frontage) will be collected through that process as well. Further investigation into the slope stability in an EIS addendum (July 2009) determined that the slope had failed and the angle of repose must be flattened and regraded in order to ensure the protection of life and property. As a result, the entire slope was subject to a regrading process and the corresponding rehabilitation plan is proposed along the entire area of the slope following the principles outlined in the EIS.

City staff reviewed the revegetation plan accepted by the UTRCA and recommended revisions in order to satisfy the EIS and Council resolution. Such revisions include the incorporation of hardwood cuttings one meter away from the asphalt pathway to further stabilize the slope and prevent erosion. Staff also recommended a change in the species selection of several non-native trees and shrubs on the slope. Finally, staff requested the incorporation of 50mm calliper trees along the top and bottom of the slope and an intensification of the amount of plantings proposed within the slope area to supplement the proposed planting. All of the recommendations were incorporated in the revegetation plan which are included in the development agreement.

The purpose of the holding ("h-103") provision in the zoning by-law is as follows:

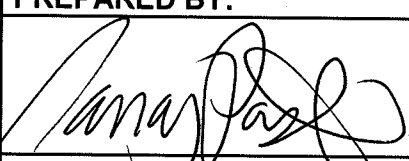
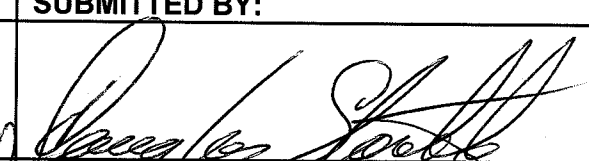
*Purpose: To ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manger of Planning and Development, incorporates the design objectives as identified in the Council resolution. A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved.**

*Please note that as the position of General Manager of Planning and Development no longer exists the site plan and elevations shall be to the satisfaction of the City Planner.

The applicant submitted an urban design brief on July 6, 2011 and attended the urban design peer review panel on July 22, 2011. Comments were made and incorporated into the final site plan which was brought to the Built and Natural Environment Committee on October 31, 2011. Municipal Council did not advise the Approval Authority of any outstanding issues and supported the site plan. Once the holding provisions are removed by Council, the applicant can enter into the final development agreement.


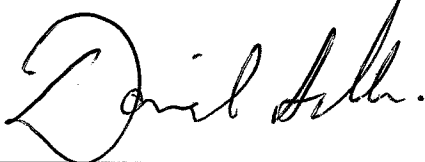
CONCLUSION

The holding provisions for the above noted site can be removed, as the site specific rehabilitation plan will be implemented through the development agreement and through the consent agreement, and urban design considerations have been incorporated into the site plan to the satisfaction of Council and Community Planning and Urban Design.

PREPARED BY:	SUBMITTED BY:
	
NANCY PASATO, MCIP, RPP SENIOR PLANNER, DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT	JEFF LEUNISSEN, MCIP, RPP MANAGER, DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT

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RECOMMENDED BY:	RECOMMENDED BY:
	
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	DAVID AILLES, P. Eng. MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT

January 9, 2012

NP/.. Y:\Shared\Sub&Spec\SUBDIV\2011\H-7997 - 1390 Highbury Avenue North (NP)\holding report 1390 Highbury.doc

Agenda Item #	Page #

H-7997
Nancy Pasato

Appendix "A"

Bill No. (Number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for an area of land located 1390 Highbury Avenue North.

WHEREAS Cornerstone Architecture has applied to remove the holding provision from the zoning for an area of land located at 1390 Highbury Avenue 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 provisions 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 lands located at located 1390 Highbury Avenue North, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as Residential R7 Special Provision (R7(14)*D75*H13) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 31, 2012.

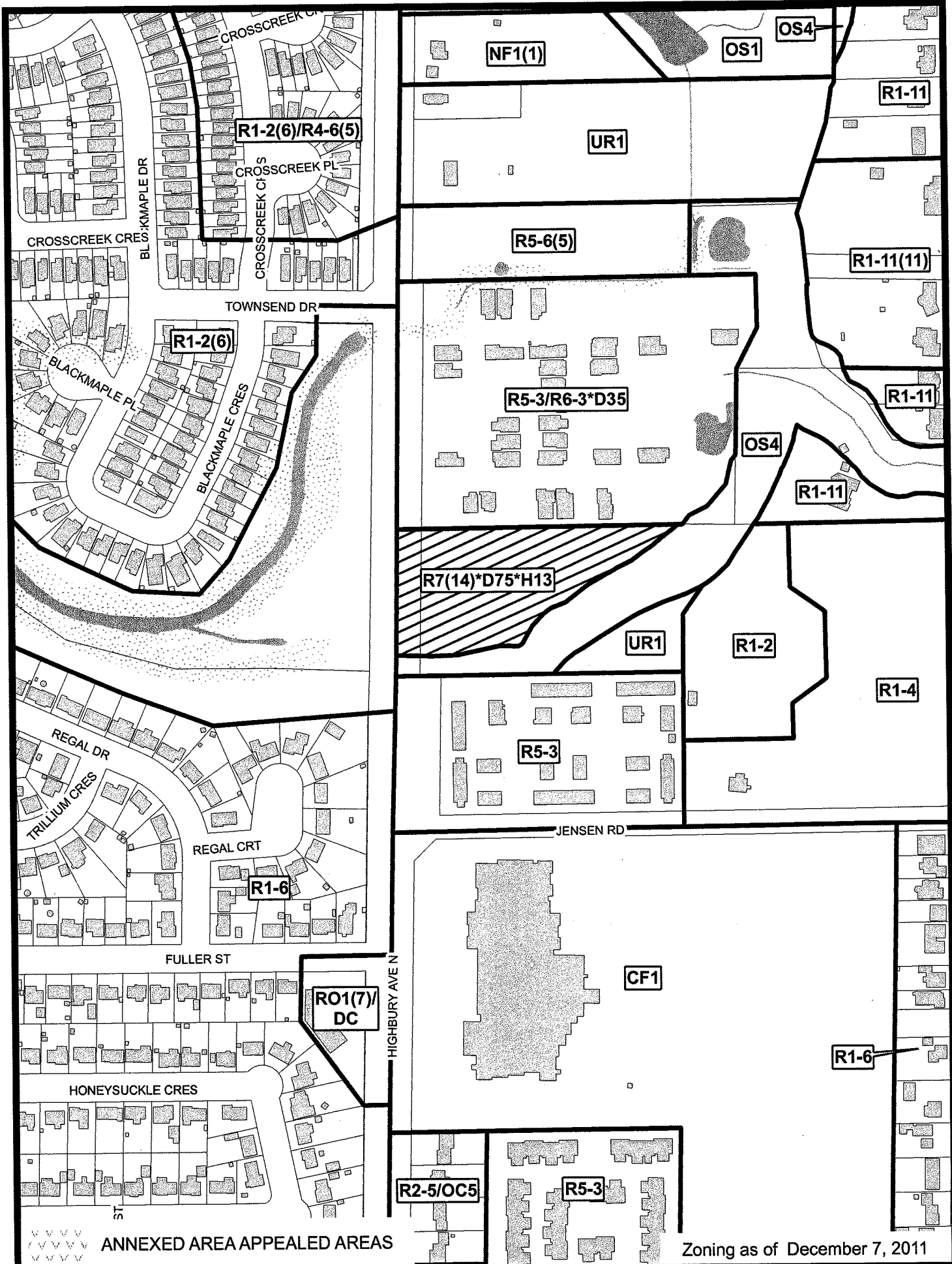
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - January 31, 2012
Second Reading - January 31, 2012
Third Reading - January 31, 2012



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



File Number: H-7997

Planner: NP

Date Prepared: January 6, 2012

Technician: DT

By-Law No: Z-1-

SUBJECT SITE



1:3,500



0 20 40 80 120 160 Meters