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File No.: OZ-7921
Planner: Nancy Pasato

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 1705825 ONTARIO LIMITED 2054 ADELAIDE STREET NORTH APPEAL OF OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS TO THE ONTARIO MUNICIPAL BOARD MEETING ON MARCH 2, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services in response to the letters of appeal to the Ontario Municipal Board, dated October 15, 2014, as submitted by Peter Sergautis (Sherway Limited), relating to the Official Plan and Zoning By-law No. Z.-1 amendments concerning the property located at 2054 Adelaide Street North:

- a) the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its position relating to this matter and maintains its original position; and
- b) the City Solicitor **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board hearing in support of Council's position.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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September 9, 2014 –public meeting relating to the Draft Plan of Subdivision, Official Plan & Zoning By-law Amendment (39T-11502/OZ-7921).

BACKGROUND

Subject Site

The subject site is a 21 ha parcel of land located east of Adelaide Street, north of Sunningdale Road and adjacent to the municipal boundary (Township of Middlesex Centre). It currently houses an estate home with an access to Adelaide Street North. The majority of the property is currently being farmed. The lands generally roll from east to west and north to south.

The site also contains a Potential Environmentally Significant Area, and a Provincially Significant Wetland.

The subject site is bounded to the west by a recently approved draft plan of subdivision (known as the Applewood Subdivision, also owned by the Applicant, file 39T-09501). The lands directly abutting to the north are within the Township of Middlesex Centre, designated as agricultural and open space, and are being used for cash crops. The existing Sun Canadian Oil Pipeline runs along the entire north limit of this site. A location map of the site is attached as Appendix A.

The original application consisted of 14 low density residential blocks (approximately 330 units

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comprised of single detached and/or street townhouse units, or cluster housing at a maximum density of 30 units per hectare); 1 future residential block (to be combined with lands to the south); 2 low/medium density residential blocks (approximately 80 cluster singles/semi-detached/townhouse or stacked townhouse units); 2 open space/walkway blocks; 3 road reserves/ road widening blocks; 1 future road block; and served by 1 new secondary collector road.

Staff ultimately recommended a redlined draft plan of subdivision (and associated revised Zoning By-law amendment) with 15 low density blocks, 2 medium density blocks, 3 open space blocks, 1 park block, and several 0.3 m reserves and road widenings, all served by 1 new secondary collector and 4 new local streets. The staff recommended red lined plan is attached as Appendix B.

On September 9th, 2014, a public meeting was held for the above noted application. The Applicant did not formally object to any conditions at the public meeting. The Planning and Environment Committee (PEC) recommended approval of the Official Plan and Zoning By-law amendments, and recommended that the Approval Authority draft approve the redline plan of subdivision, as proposed by staff. This was subsequently supported by Municipal Council on September 16, 2014. A copy of the Council recommendation is attached as Appendix C.

On October 16, 2014, an appeal was received on the Official Plan and Zoning By-law Amendment for this site. Both appeals were made by the Owner/Applicant, Peter Sergautis (Sherway Limited). The basis of the appeal is stated as the following:

- Environmental setbacks and mapping are incorrect;
- Conditions of draft approval are unreasonable and will interfere with orderly and economic development of subject lands;
- Access to publically funded and available municipal services on municipal road allowances restricted.

The letters of appeal are attached as Appendix D.

It is staff's opinion that the planning justification for the Official Plan and Zoning By-law amendments adopted by Council is sound and the proposed servicing scheme for the development is reasonable. Therefore, it is recommended that the Ontario Municipal Board be advised that the Municipal Council has reviewed its decision relating to this matter and maintains its original position.

It should be noted that no decision has been taken on the draft plan of subdivision as the Official Plan amendment is not in force and effect. The Applicant has not appealed a lack of decision for the draft plan of subdivision at this time.

The OMB hearing has not yet been scheduled.

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RECOMMENDED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER - DEVELOPMENT PLANNING	BRUCE HENRY MANAGER - DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
JENNIE RAMSAY, P.ENG. MANAGER, DEVELOPMENT SERVICES & ENGINEERING LIAISON	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

February 23, 2015

NP/np
"Attach"

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(NP)\OMB\OMB report to PEC.doc

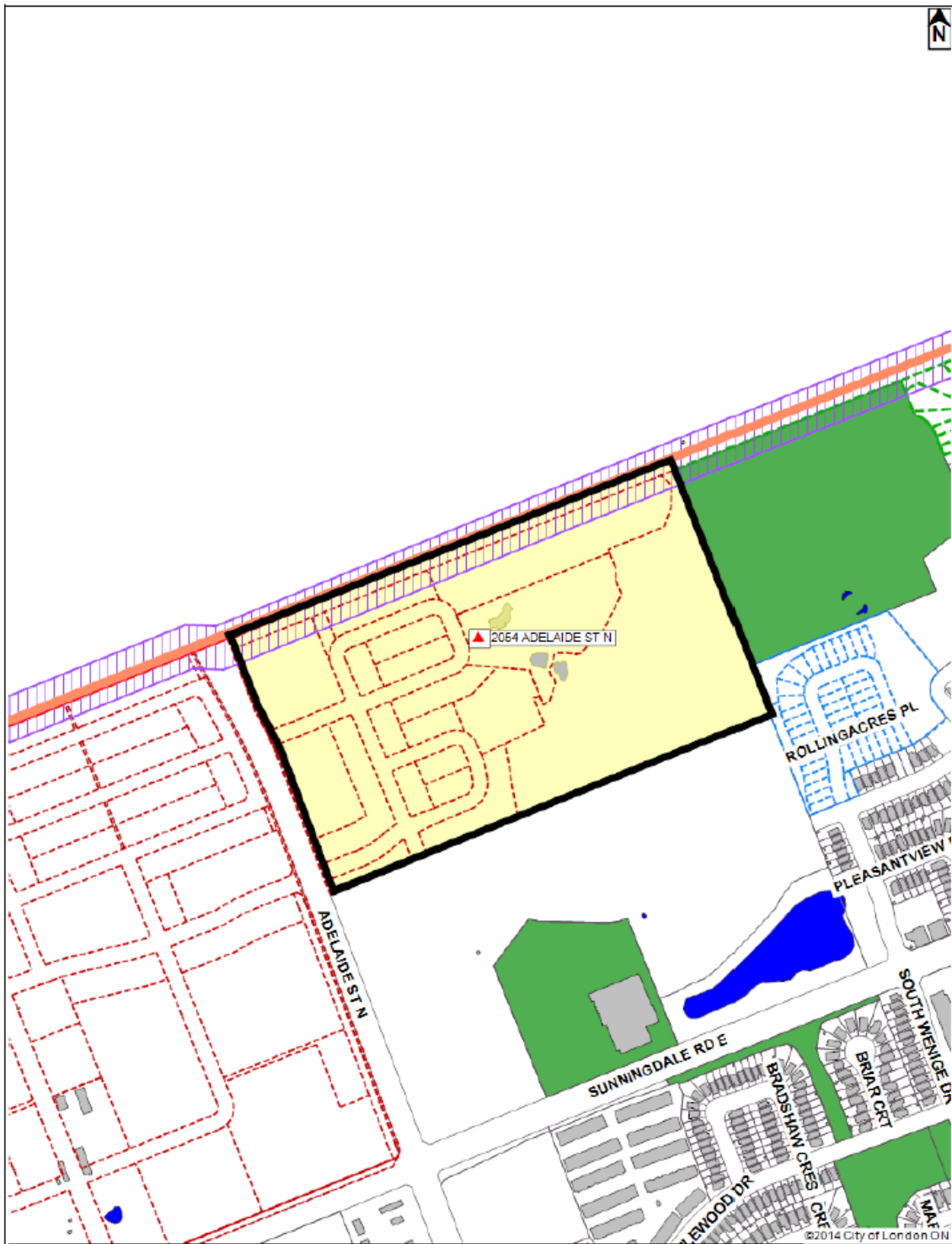
cc: David Munteer, Legal
Nicole Hall, Legal
Peter Sergautis, Sherway Limited
Michelle Doornsbosch, Zelinka Priamo
Doug Stanlake, Stanlake Consulting

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Appendix A Location Map 2054 Adelaide Street North



<p align="center">LOCATION MAP</p> <p>Subject Site: 2054 Adelaide St N Applicant: 1705825 Ontario Limited File Number: 39T-11502 Planner: Nancy Pasato Created By: Nancy Pasato Date: 2014-08-20 Scale: 1:6000</p>	<p align="center">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings 123 Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	<p align="center">N ↑</p>

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Appendix C
Council Recommendation

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Appendix D
Letters of Appeal



List of
Appendices.pdf