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H-8530/Michael Pease

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: CITY OF LONDON 501 SOUTHDALE ROAD WEST (FORMERLY A PORTION OF 3080 BOSTWICK ROAD, 491 & 499 SOUTHDALE ROAD WEST) MEETING ON MARCH 29, 2016

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, based on the application of The Corporation of the City of London, relating to the property located at 501 Southdale Road West (formerly a portion of 3080 Bostwick Road, 491 & 499 Southdale Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 5, 2016 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 Community Facility Special Provision (h-18·h-120·h-181·CF2(2)) Zone **TO** a Community Facility Special Provision (CF2(2)) Zone, to remove the “h-18”, “h-120”, and “h-181” holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the “h-18”, “h-120”, and “h-181” holding provisions in order to permit the development of the Southwest Community Centre.

RATIONALE

1. The removal of the holding provisions will allow for development in conformity with the City of London Official Plan.
2. Through the provision of a consent agreement and submission of required studies, all remaining issues have been resolved and these holding provisions can be removed.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

September 23, 2014 – Public participation meeting at the Planning and Environment Committee for a Zoning By-law amendment application (Z-8386). By way of Committee recommendation, Council approved a zone change to permit the use of a community centre on the subject lands.

BACKGROUND

The subject lands are located in the former Township of Westminster, which were annexed into the City of London in 1993. After annexation, the City designated the lands “Urban Reserve – Community Growth” and “Environmental Review”. In April 2014, the lands were redesignated as Multi-Family, High Density Residential designation, through the Southwest Area Secondary Plan. The designation permits various forms of residential uses and also permits the development of a community centre.

On September 23, 2014 a public meeting was held at the Planning and Environment Committee in conjunction with a Zoning By-law amendment (Z-8386) to permit a community centre.

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Committee were supportive of the zone change and the recommended holding provisions by Staff. Council approved the Zoning By-law amendment on September 30, 2014. Concurrent to the zoning amendment process, the subject lands were acquired by the City of London for the purpose of constructing the community centre. Municipal services and access to the site are to be installed by an abutting landowner (York Developments). On January 11, 2016 an application for consent (B.001/16) was submitted by the abutting landowner to convey easements over the abutting lands in favour of the City of London to provide for the provision of services and access. On February 25, 2016, the notice of provisional decision for the easements was granted, subject to conditions. As part of the decision the applicant is required to enter into a consent agreement with the City of London to deal with matters relating to servicing and access. The clauses of the agreement have regard for design, construction, deadlines, and securities in order to ensure that appropriate municipal services and vehicular access are in place. The consent agreement was executed by all parties on March 18, 2016.

On September 22, 2015, an application was accepted from the City of London, to remove the “h-18”, “h-120”, and “h-181” provisions from the subject site in order to permit the development of the Southwest Community Centre. The notice of application was circulated to the required municipal departments and published in *The Londoner*, on September 30, 2015.

Date Application Accepted: September 22, 2015		Applicant: City of London
REQUESTED ACTION: Removal of the “h-18”, “h-120”, and “h-181” holding provisions on the property at 501 Southdale Road West (formerly a portion of 3080 Bostwick Road, 491 & 499 Southdale Road West.		
PUBLIC LIAISON:	Notice was published in <i>The Londoner</i> on September 30, 2015.	
Nature of Liaison: City Council intends to consider removing the holding provision(s) which was/were put in place to: ensure that the lands are assessed for the presence of archaeological resources prior to development (h-18); ensure that a Traffic Impact Study is completed and that any recommendations have been implemented in to a development agreement (h-120); and to ensure that appropriate vehicular access arrangements have been made to the subject lands (h-181). Council will consider removing the holding provision(s) as it applies to these lands no earlier than Monday, November 2nd, 2015.		
Responses: None		

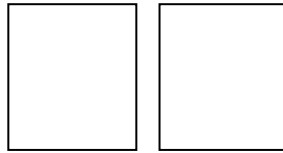
ANALYSIS

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment application (Z-8386) process, three (3) holding provisions were added to the site.

The following lists the holding provisions, and how each provision has been satisfied:

h-18 - *To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division. (Z.-1- 051390) The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out. (Z.-1-97502)*

On July 18, 2014, a Stage 1 and 2 Archaeological Assessment was completed for the subject lands, by AMEC Environment and Infrastructure. The assessment concluded that further



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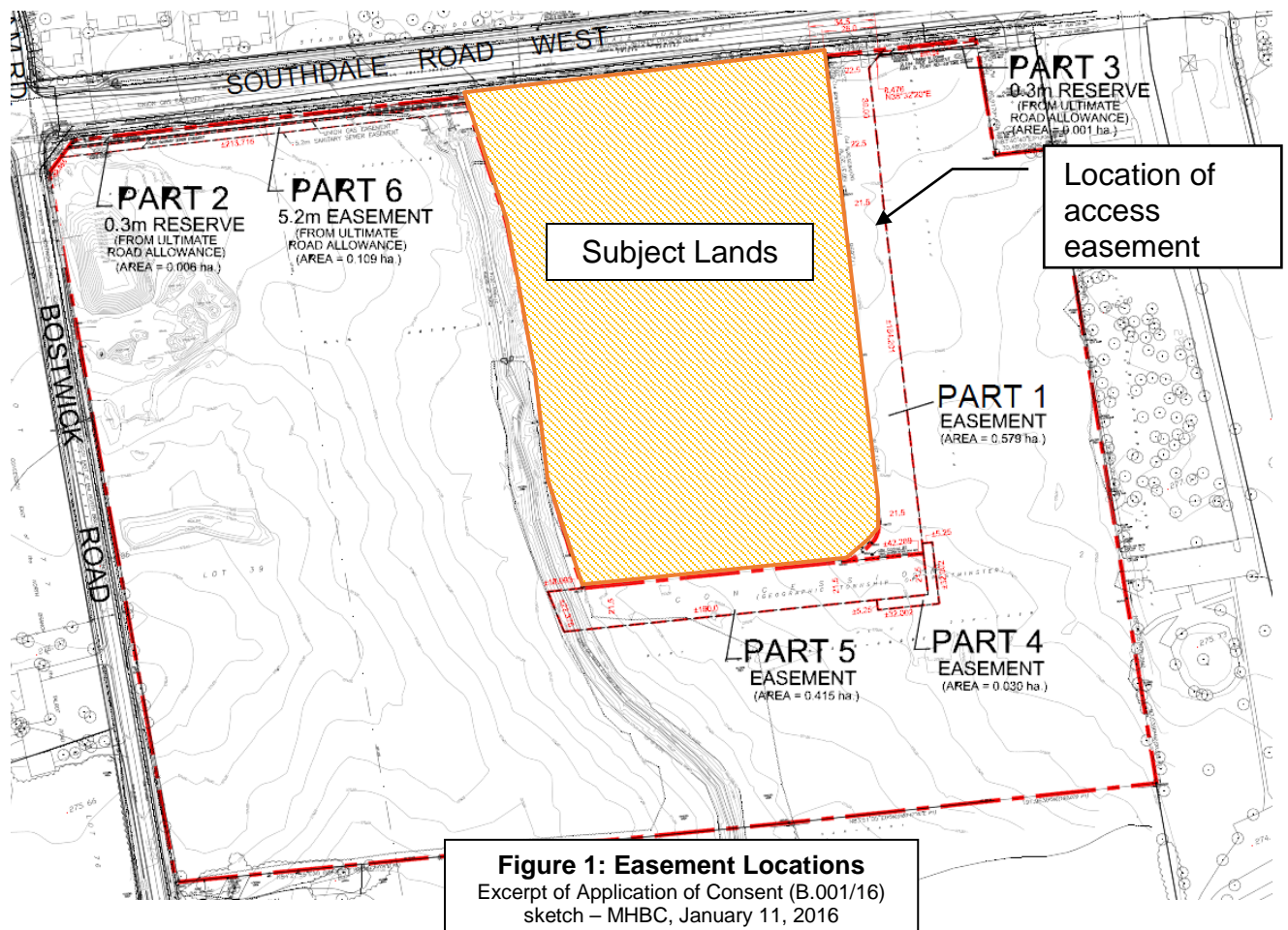
investigation, by way of a Stage 3 Archaeological Assessment, was required for a small portion of the subject lands. On September 11, 2014, a Stage 3 Archaeological Assessment was completed for the area in question. The recommendations of the Stage 3 report stated that no further archaeological assessment was required. As per correspondence from the Ministry of Tourism, Culture and Sport, the Stage 1 & 2 Archaeological Assessment was entered into the Ontario Public Register of Archaeological Reports on November 4, 2014. Further to this, the Stage 3 Archaeological Assessment was entered into the Ontario Public Register of Archaeological Reports, on November 27, 2014. Both assessments, and their subsequent registration letters were submitted to the satisfaction of the City of London.

h-120 - To ensure the orderly development of lands, the "h- 120" symbol shall not be deleted until a Traffic Impact Study has been completed and the accepted recommendations have been implemented through a development agreement all to the satisfaction of the City Engineer and the General Manager of Planning and Development.

A Traffic Impact Study (TIS) was completed by IBI Group on behalf of an adjacent landowner (York Developments) and accepted by the City of London. The TIS was completed in order to determine the level of impact on adjacent road networks, as a result of the development of the subject lands. Rather than enter into a development agreement, the TIS is being addressed through the aforementioned consent agreement with the abutting landowner. A consent agreement functions in the same manner as a Development Agreement, whereby it is executed by the City of London and applicant, it is registered on title, and includes special clauses and securities. The executed consent agreement provides for construction of an access road that incorporates the recommendations of the TIS.

h-181 - To ensure the orderly development of lands and the adequate provision of municipal services, the "h-181" symbol shall not be deleted until appropriate vehicular access arrangements have been made to the satisfaction of the City Engineer.

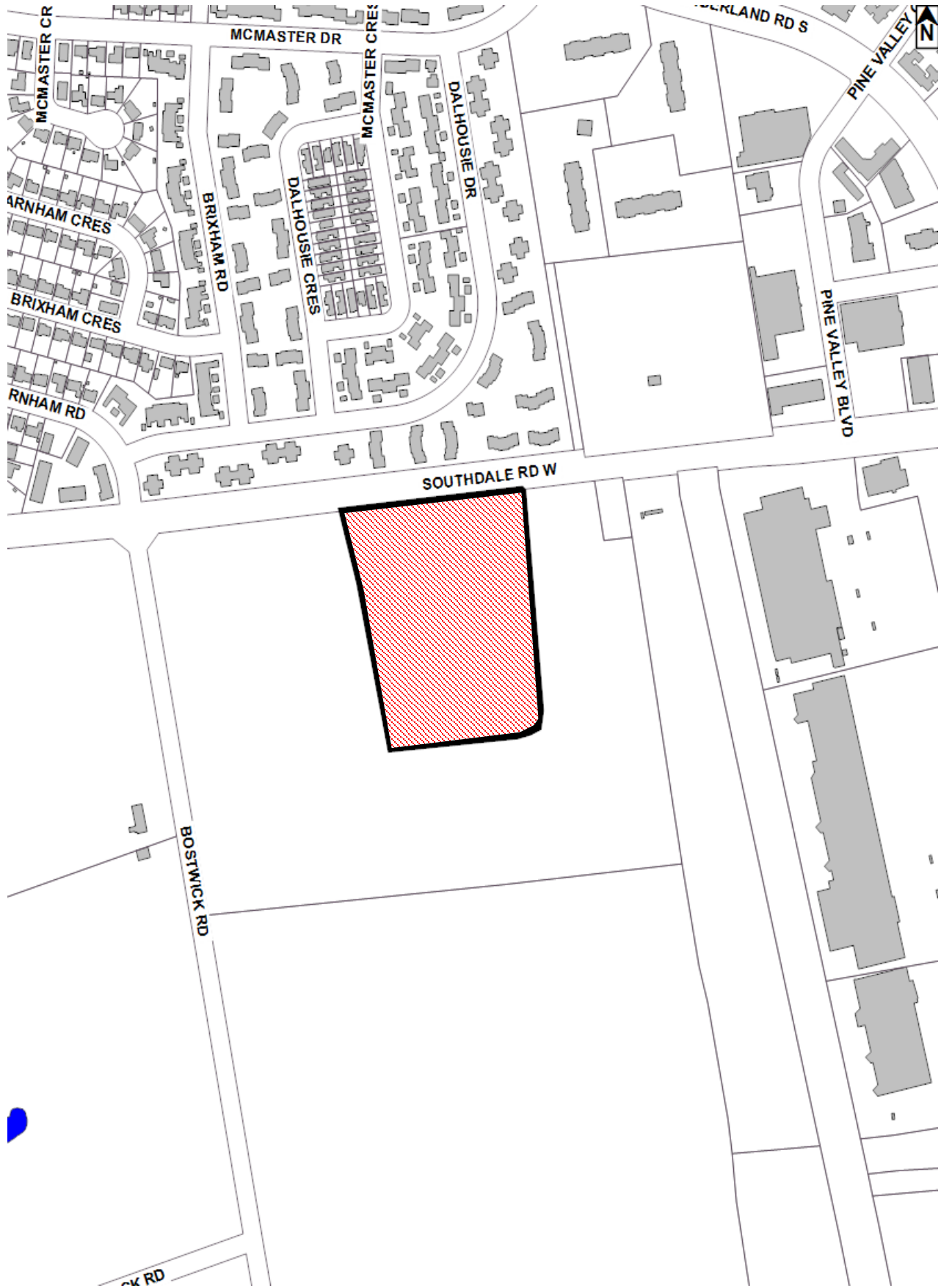
One of the easements provided, as part of the application for consent (B.001/16), is located along the easterly boundary of the subject lands and provides for vehicular access to the site. The executed consent agreement has clauses which have regard for design, construction, deadlines, and securities with regard to access by way of easement. Therefore, appropriate arrangements for vehicular access to the site have been provided.



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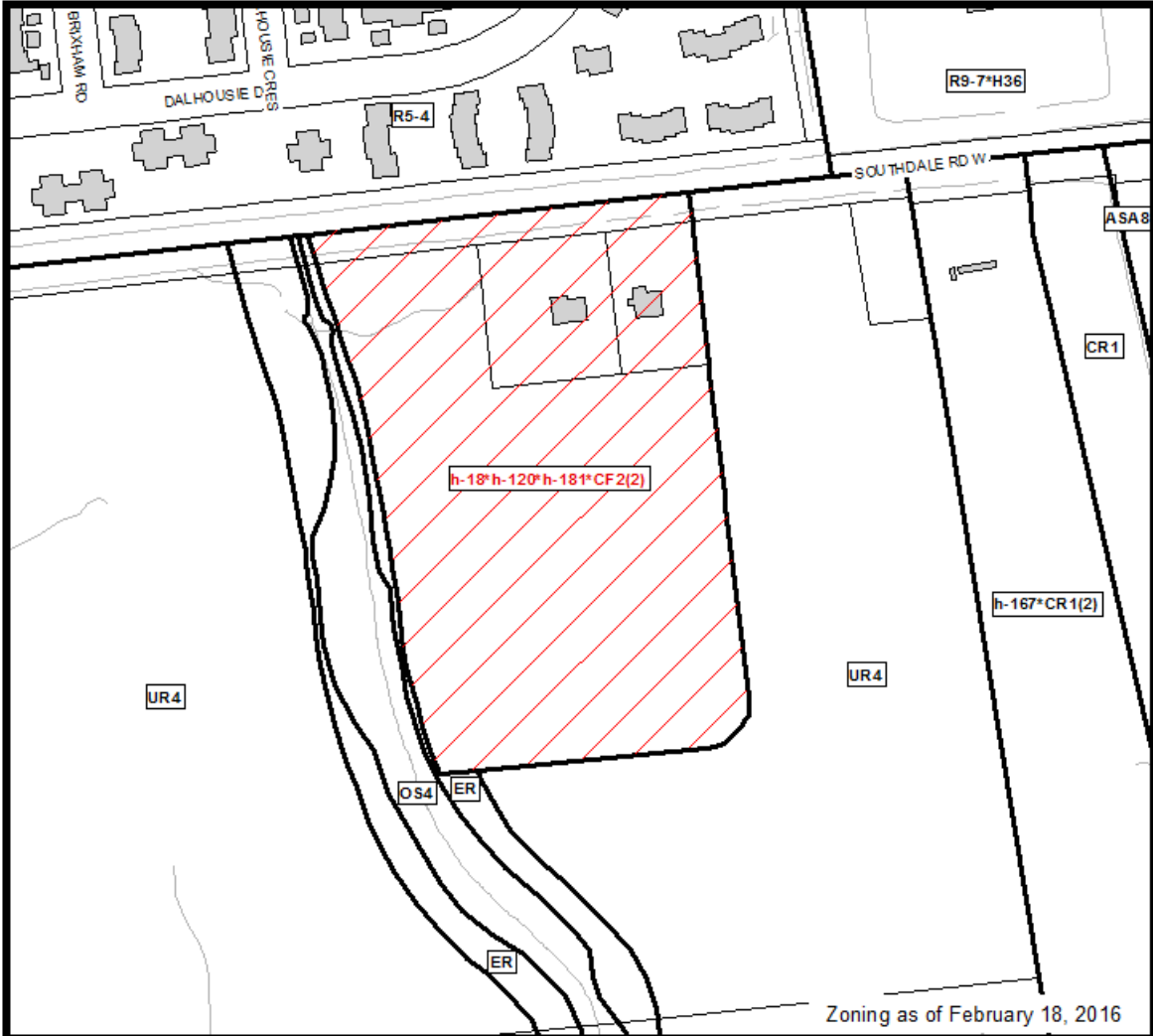
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Figure 2: Location Map



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Figure 3: Existing Zone Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 |
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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-8530

MP

MAP PREPARED:

March 10, 2016

JTS

1:3,000

0 15 30 60 90 120

Meters

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CONCLUSION

By way of clearances from the Ministry of Tourism, Culture and Sport, it is recommended that the holding provisions relating to archaeological assessment be removed from the site. Implementing the recommendations from a Transportation Impact Study has been addressed through a consent agreement between the City of London and abutting landowner. The consent agreement contains clauses related to design, construction, timelines, and has the provision for securities which will ensure that vehicular access is provided to the subject lands. Removal of the holding provisions will allow for the issuance of building permits in order to permit construction of the Southwest Community Centre.

RECOMMENDED BY:	REVIEWED BY:
MICHAEL PEASE, MCIP, RPP PLANNER II DEVELOPMENT SERVICES	LOU POMPILII, MCIP RPP 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

March 21, 2016

MP/mp

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2015\H-8530 - 3080 Bostwick Road (MP)\Report to PEC H-8530.doc

"Attach."

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Bill No.
2016

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning on lands located at 501 Southdale Road West.

WHEREAS The Corporation of the City of London has applied to remove holding provisions from the zoning on the lands located at 501 Southdale Road West, 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 501 Southdale Road West, as shown on the attached map to remove the holding "h-18", "h-120", and "h-181" provisions so that the zoning of the lands as a Community Facility Special Provision (CF2(2)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on April 5, 2016.

Matt Brown
Mayor

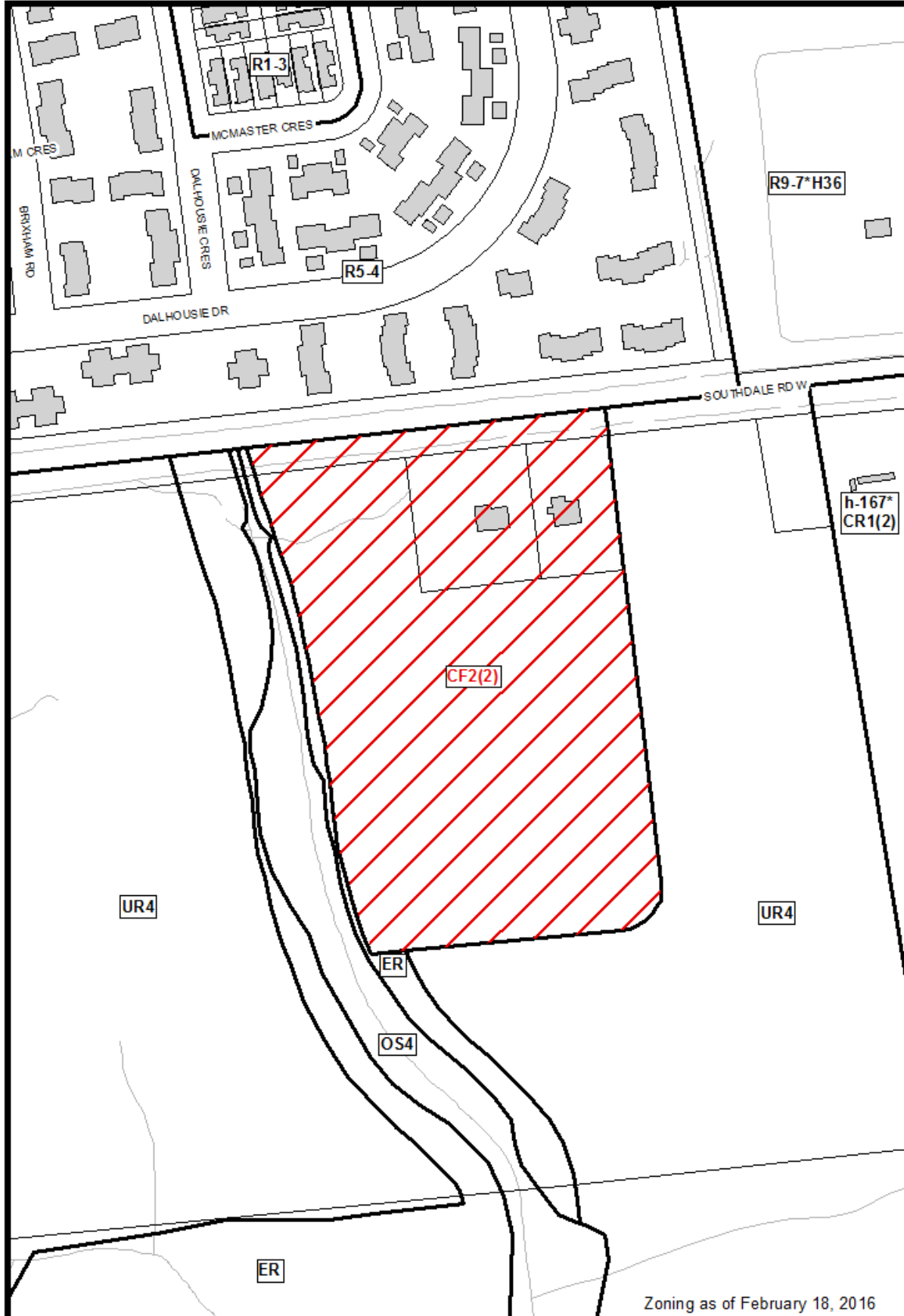
Catharine Saunders
City Clerk

First Reading – April 5, 2016
Second Reading – April 5, 2016
Third Reading – April 5, 2016


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



File Number: H-8530
 Planner: MP
 Date Prepared: March 10, 2016
 Technician: JTS
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

