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H-8615
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: BARRY WADE 1490 Highbury Avenue North MEETING ON JUNE 20, 2016

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Barry Wade relating to the property located at 1490 Highbury Avenue North, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 23, 2016 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning **FROM** a Holding Restricted Office Special Provision (h*h-18*RO2(20)) Zone **TO** a Restricted Office Special Provision (RO2(20)) Zone to remove the “h” and “h-18” holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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January 30, 2006 (Z-6995) – Zoning By-law amendment to permit a medical dental office – Approved by Council on February 6, 2006.

January 14, 2008 (Z-7372) - Zoning By-law amendment to permit a funeral home – Approved by Council on January 21, 2008.

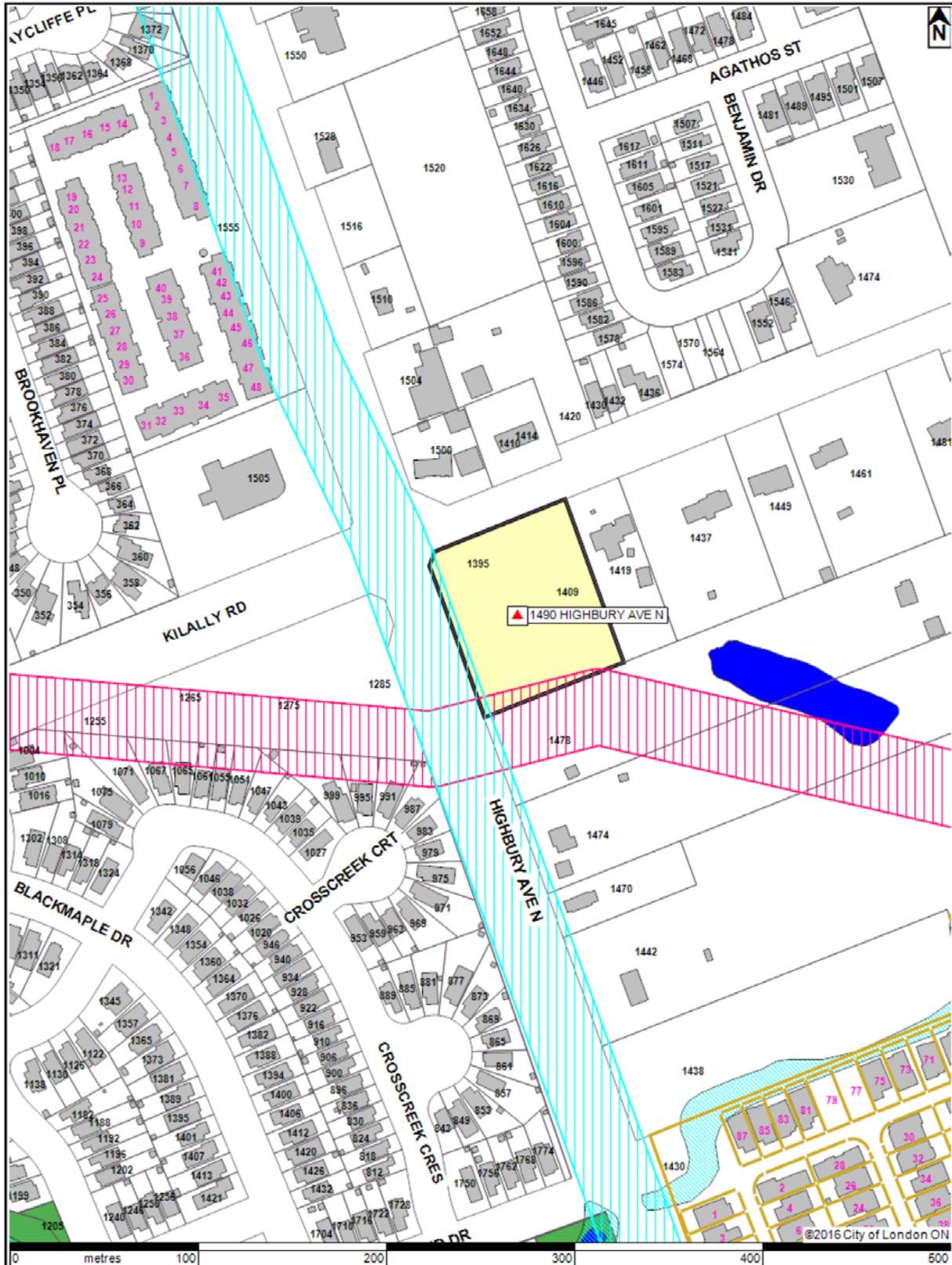
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the holding symbol to permit the development of a funeral home on the subject lands.

RATIONALE

1. The removal of the holding provision will allow for development in conformity with Zoning By-law Z.-1.
2. Through the Site Plan Approval process the required security has been submitted to the City of London, and the archeological assessment has been completed and clearance has been provided.

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LOCATION MAP

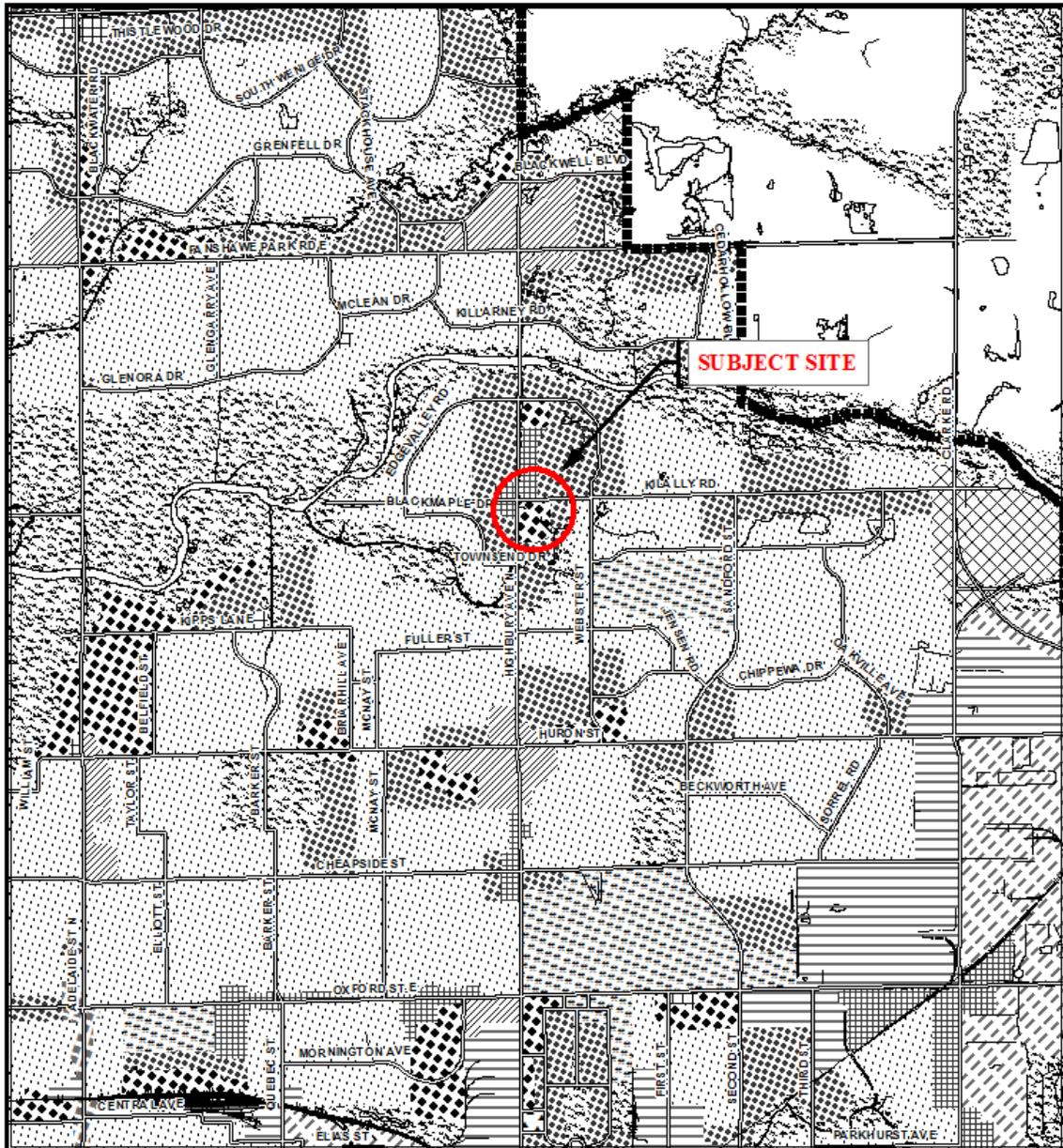
Subject Site: 1490 Highbury Ave N
 Applicant: Paul R. Needham Funeral Homes Ltd.
 File Number: H-8615
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2016-05-03
 Scale: 1:2500

LEGEND

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

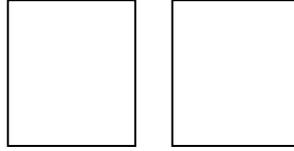


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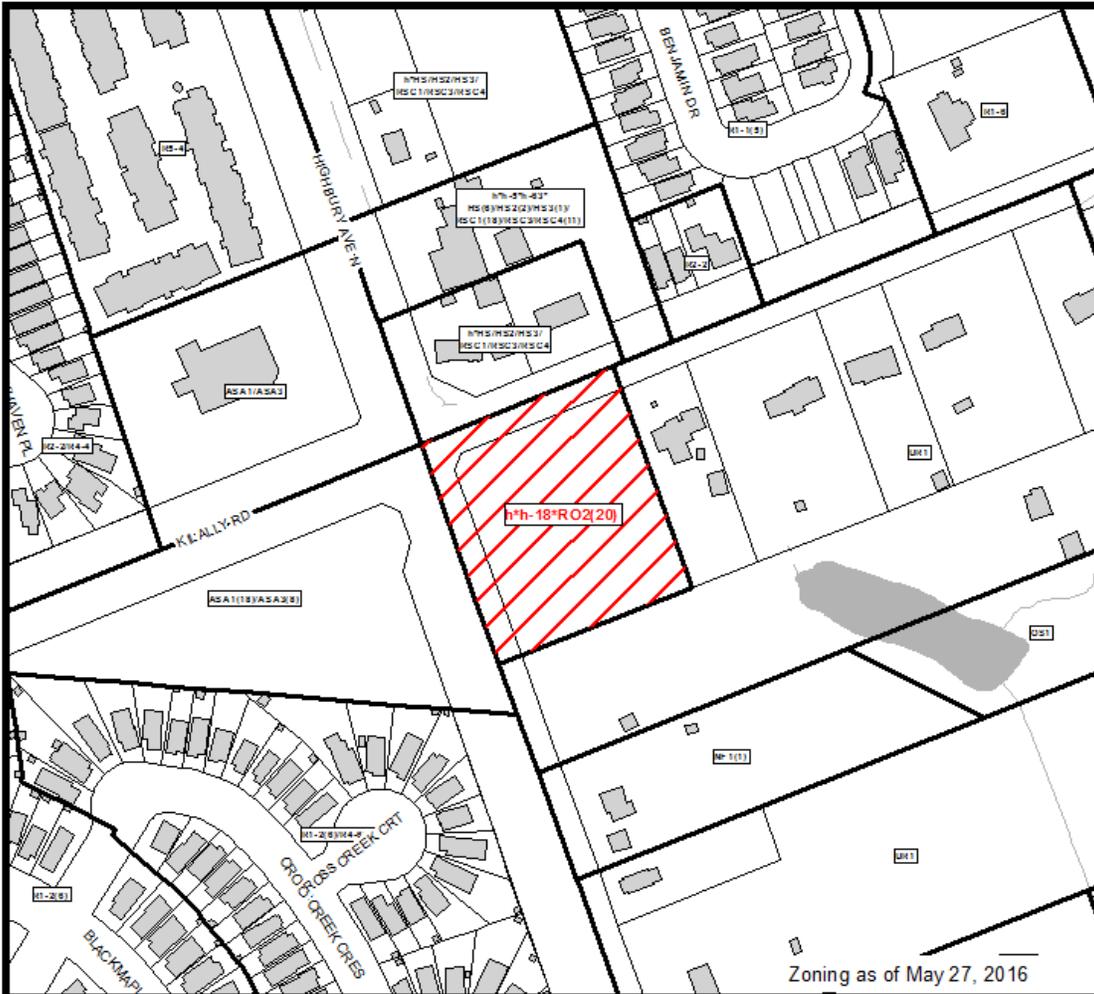


Legend	
<ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area 	<ul style="list-style-type: none"> 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 style="text-align: center;">CITY OF LONDON Department of Planning and Development</p> <p style="text-align: center;">OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p style="font-size: small; text-align: center;">PREPARED BY: Graphics and Information Services</p>	<p style="font-size: small;">Scale 1:30,000</p> <p style="font-size: x-small;">Meters</p>	<p>FILE NUMBER: H-8615</p> <p>PLANNER: NP</p> <p>TECHNICIAN: JS</p> <p>DATE: 2016/05/30</p>
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 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-h-18*RO2(20)**

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

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-8615 NP

MAP PREPARED:
2016/05/30 JS

1:2,500
0 12.525 50 75 100 Meters

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BACKGROUND

A site plan application was submitted to the City in December 2014, to permit the development of a funeral home on the subject site. The application was revised in 2016 to address landscaping requirements, on-site parking and tree preservation. The City is now in a position to approve plans and execute the development agreement.

Date Application Accepted: May 3, 2016	Owner: Northside Funeral Chapel Limited
REQUESTED ACTION: Removal of the h and h-18 holding provision to permit the development of a funeral home.	

PUBLIC LIAISON:	Notice of the application was published in the Londoner on May 12 th , 2016
Nature of Liaison: City Council intends to consider removing the “h” and “h-18” holding provision from the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a development agreement has been entered into for the subject lands. The “h-18” provision ensures that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment and mitigate adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. Council will consider removing the holding provision as it applies to these lands no earlier than May 30, 2016.	
Responses: One response – neighbour does not want a funeral home to be located beside them. Possible issues with fencing and lighting. Site Plan has received these additional comments and are working with the neighbour.	

ANALYSIS

Why is it Appropriate to remove this Holding Provision?

The h. holding provision states that:

“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”

The applicant has submitted the required security to the City of London in anticipation of the final development agreement. This satisfies the requirement for removal of the “h” holding provision.

The h-18 holding provision states that:

“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

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of a letter of clearance by the City of London Planning Division. 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."

The Applicant undertook a Stage 1 and 2 Archaeological Assessment for the property. The report noted that nothing of archaeological significance was documented during the assessment. The Applicant has provided a letter from the Ministry of Culture, dated May 14, 2008. In the letter, the Province has indicated that the Ministry concurs with the findings of the report. This satisfies the requirement for removal of the "h-18" holding provision.

CONCLUSION

It is appropriate to remove the "h" and "h-18" holding provision from the site at 1490 Highbury Avenue North. The required security has been submitted to the City of London and execution of the development agreement is imminent. Archaeological studies have been completed and the appropriate sign off from the Ministry has been provided.

PREPARED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

June 13, 2016
NP/

"Attach."

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Agenda Item # Page #

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Bill No. (Number to be inserted by Clerk's Office)
2016

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1490 Highbury Avenue North.

WHEREAS Barry Wade has applied to remove the holding provisions from the zoning for the lands located at 1490 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 the lands located at 1490 Highbury Avenue North, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Restricted Office Special Provision (RO2(20)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 23, 2016.

Matt Brown
Mayor

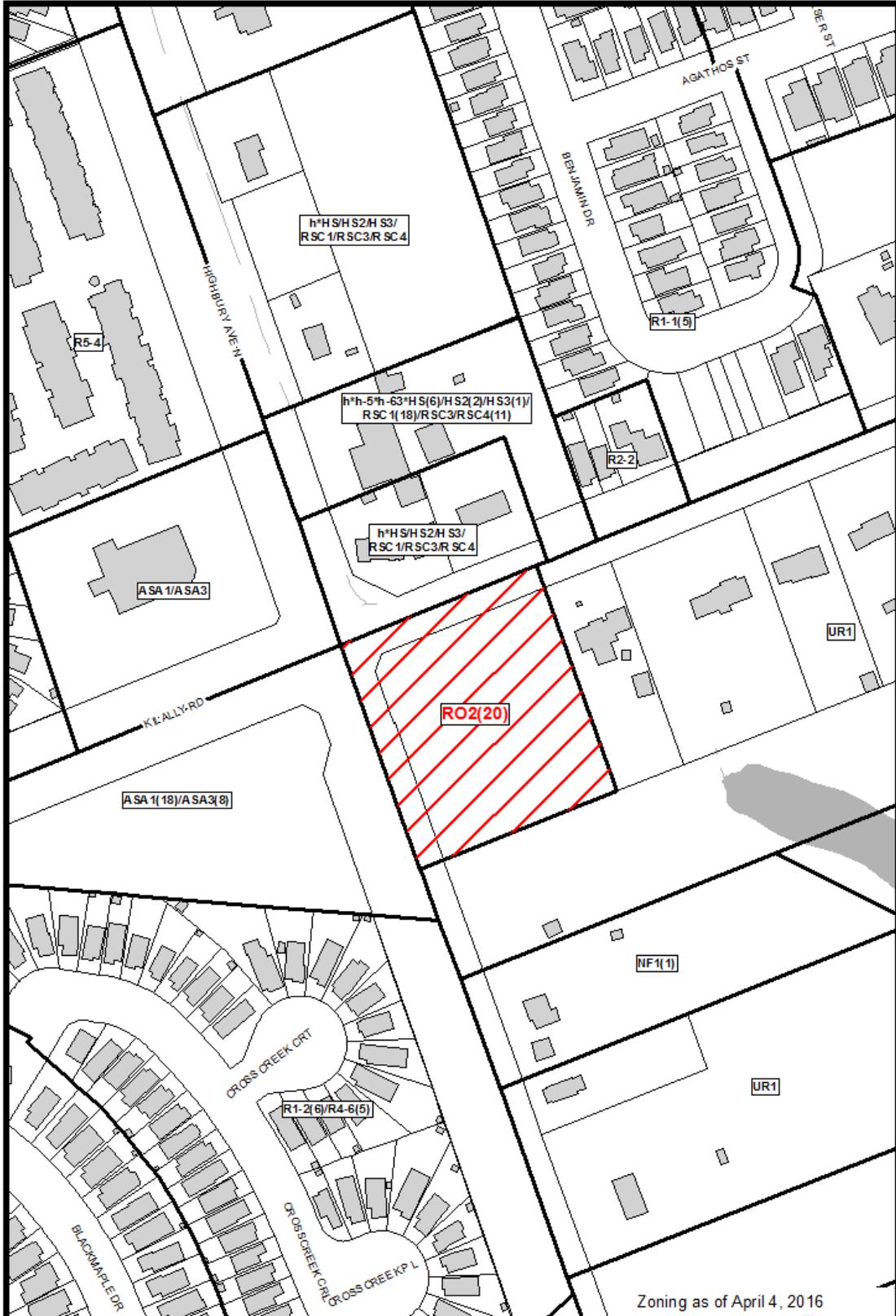
Catharine Saunders
City Clerk

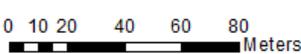
First Reading - June 23, 2016
Second Reading – June 23, 2016
Third Reading - June 23, 2016

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



<p>File Number: H-8615 Planner: NP Date Prepared: 2016/05/25 Technician: JS By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p> Meters</p> <p></p>
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Geobase