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H-8692
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: SPRIET ASSOCIATES PORTION OF 1300 FANSHAWE PARK ROAD EAST MEETING ON NOVEMBER 14, 2016

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Spriet Associates relating to a portion of 1300 Fanshawe Park Road East, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 22, 2016 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning **FROM** a Holding Associated Shopping Area Commercial Special Provision (h-11*h-182*ASA1/ASA2/ ASA3/ASA4/ASA5(6)/ASA6/ASA7) Zone **TO** an Associated Shopping Area Commercial Special Provision (ASA1/ASA2/ASA3/ASA4/ASA5(6)/ASA6/ASA7) Zone to remove the h-11 and h-182 holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

June 19, 2006 – Environment and Transportation Committee approves initiation of the Stoney Creek Sanitary Sewer Extension Municipal Class EA.

February 27, 2006 - Environment and Transportation Committee approves initiation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

September 25, 2006 – Municipal Council recommended the City of London Approval Authority grant draft approval to the plan of subdivision and adopted a zoning by-law to permit residential and commercial uses with holding provisions. (our files 39T-04512/Z-6833)

March 26, 2007 - Municipal Council deferred the request by 700531 Ontario Limited for the Municipal Class EA to be fully funded by the developer without any compensation or implied commitment to future development until such time as further financial information is available through the Urban Works Reserve Fund/Development Charge Implementation Team.

June 27, 2007 – Municipal Council resolved that further development approvals be allowed for up to 3.1 ha of medium density land within draft approved plan 39T-04512. The remaining lands were withheld until a Phased or Full Stormwater Erosion Implementation Plan for Stoney Creek was approved by Council.

September 24, 2007 - Environment and Transportation Committee accepts recommendation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

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November 12, 2007 – Report to the Planning Committee recommending refusal of Zoning By-law Amendment application Z-7441, submitted by 700531 Ontario Limited for 1300 Fanshawe Park Road East to remove Holding Provisions h- 11 and h-73.

February 11, 2008- Report to the Planning Committee advising that the applicant had filed an appeal against the City for neglecting to amend the zoning by-law within 120 days of receipt of an application, that the City Solicitor be directed to provide legal representation at the hearing and that the City recommends the Ontario Municipal Board refuse the request.

February 21, 2008 – 2008 Budget adopted by City Council, includes provision for funding a Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

April 6, 2009 – Report to Environment and Transportation Committee regarding acceptance of the recommendations of the Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

December 7, 2009 - Information Report to the Planning Committee advising the appeal of Zoning By-law Amendment Application Z-7414 had been resolved.

March 2010 - 2010 Budget adopted by City Council, included provision for funding Phase I of the Fanshawe Park Road East road improvements (Fanshawe Park Road East/Highbury Avenue North intersection).

March 22, 2010 – Report to Planning Committee on three year extension for draft plan of subdivision.

September 10, 2013 - Report to Planning Committee on three year extension for draft plan of subdivision.

June 20, 2016 - Report to Planning Committee on special provisions for Phase 1 of the subdivision agreement.

July 18, 2016 - Report to Planning Committee on the removal of the standard h holding provision from Phase 1 (H-8600).

PURPOSE AND EFFECT OF RECOMMENDED ACTION

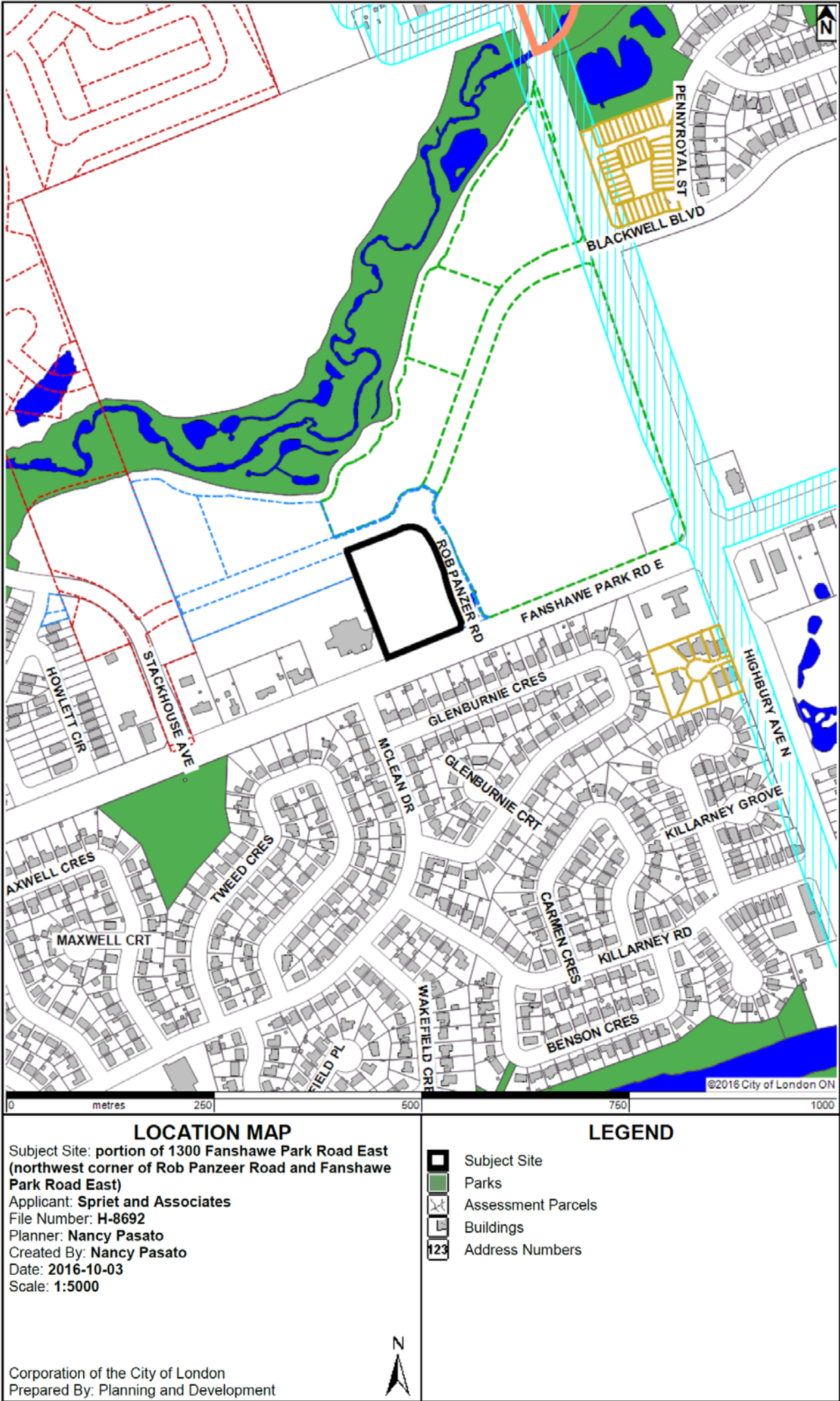
The purpose and effect of this zoning change is to remove the holding symbols to permit the development of an automobile dealership (North London Toyota) on the subject lands.

RATIONALE

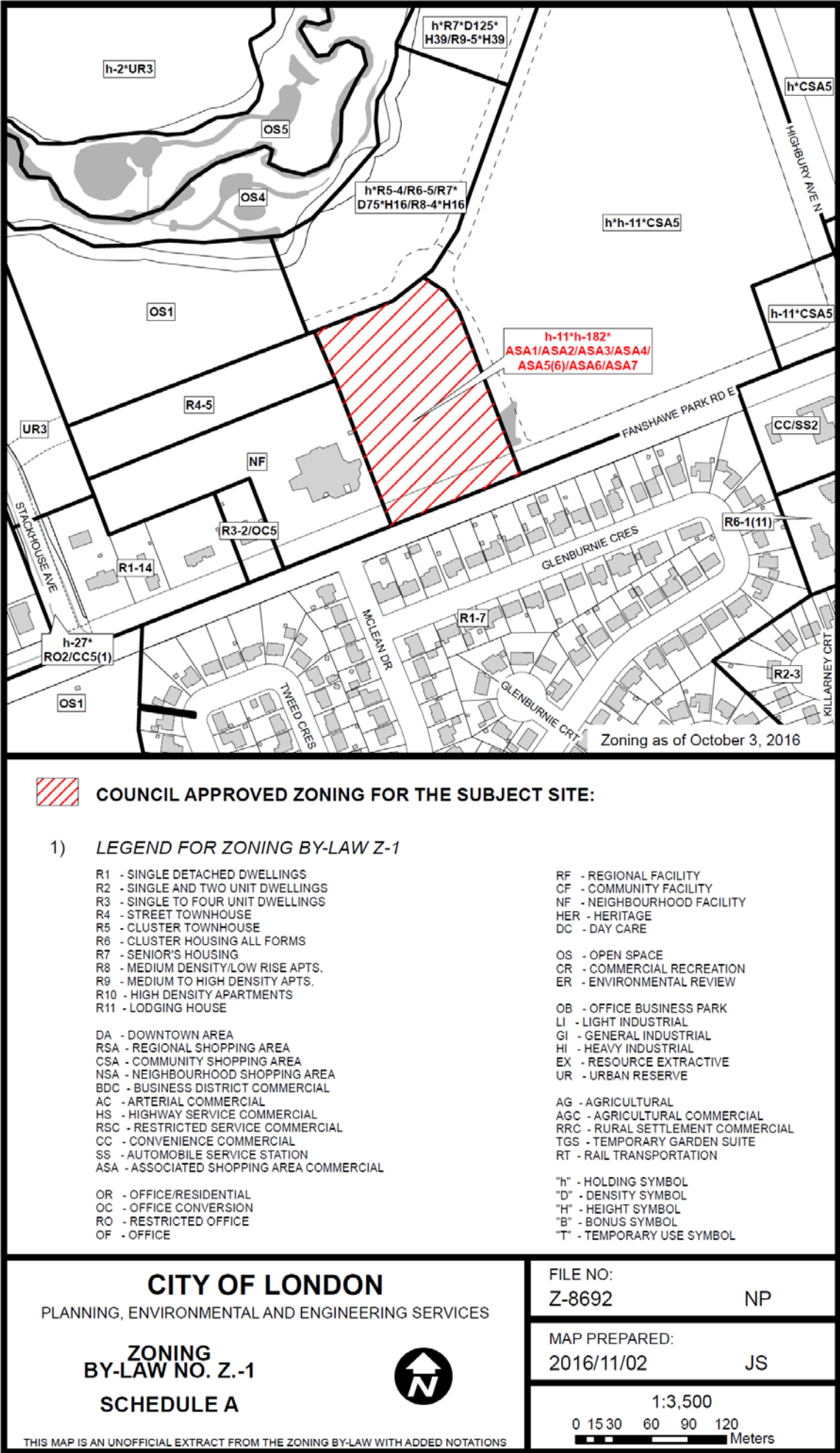
- 1. The removal of the holding provision will allow for development in conformity with Zoning By-law Z.-1.
- 2. Access arrangements and urban design considerations have been addressed and are incorporated into the final signed development agreement.

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BACKGROUND

Date Application Accepted: September 30, 2016	Owner: 1849259 Ontario Inc.
REQUESTED ACTION: Removal of the h-11 and h-182 holding provision to permit the development of an automobile dealership.	

PUBLIC LIAISON:	Notice of the application was published in the Londoner on October 13 th , 2016
Nature of Liaison: City Council intends to consider removing the holding (h-11 and h-182) provisions which were put in place to require a development agreement associated with a site plan which provides for appropriate access arrangements (h-11) and development in accordance with the Urban Design Guidelines and long-term maintenance of on-site architectural and landscaping features which are visible from the public realm (h-182). Council will consider removing the holding provision(s) as it applies to these lands no earlier than October 28, 2016.	
Responses: no responses.	

ANALYSIS

Why is it Appropriate to remove this Holding Provision?

The h-11 holding provision states that:

“To ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.”

The site plan shows access to the site via Rob Panzer Way. The Transportation Division have indicated they are satisfied with the access arrangements. The Applicant has entered into a development agreement for the site. This satisfies the requirement for removal of the “h-11” holding provision.

The h-182 holding provision states that:

“The removal of the h-182 shall not occur until such time as the as the owner has entered into a development agreement with the City of London to ensure that development of the site occurs generally in accordance with the Urban Design Guidelines and Illustrations attached as Schedule “1” to the amending by-law and to ensure the long-term maintenance of on-site architectural and landscaping features which are visible from the public realm.”

Correspondence from Urban Design indicates they are satisfied with the design and that it is generally in conformity to the Urban Design Guidelines developed for the site. The Applicant has entered into a development agreement which incorporates the accepted design. This satisfies the requirement for removal of the “h-182” holding provision.

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CONCLUSION

It is appropriate to remove the “h-11” and “h-182” holding provisions from the site at 1300 Fanshawe Park Rd E. The development agreement has been signed by the Applicant. Both Transportation and Urban Design have indicated the conditions for the removal of the holding provisions have been met.

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

November 7, 2016
NP/

"Attach."

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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 on a portion 1300 Fanshawe Park Road East.

WHEREAS Spriet Associates have applied to remove the holding provisions from the zoning for the lands on a portion 1300 Fanshawe Park Road East, 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 on a portion 1300 Fanshawe Park Road East, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as an Associated Shopping Area Commercial Special Provision (ASA1/ASA2/ASA3/ASA4/ASA5(6)/ASA6/ASA7) Zone comes into effect.
- 2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on November 22, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

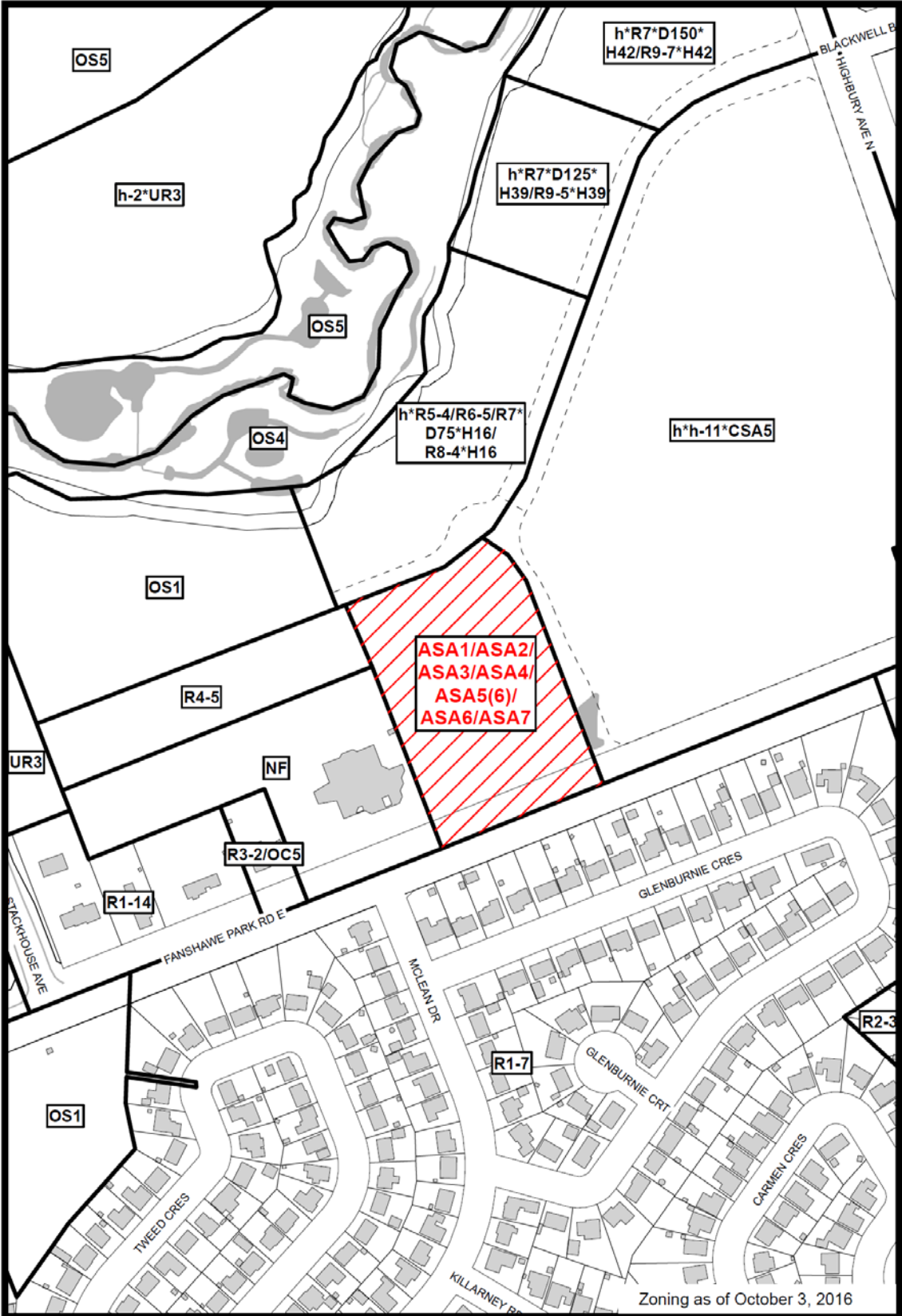
First Reading - November 22, 2016
Second Reading – November 22, 2016
Third Reading - November 22, 2016

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ureog130389

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




File Number: H-8692

Planner: NP

Date Prepared: 2016/10/28


Technician: JS

By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



Geodatabase