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H-8085/S. Wise

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: SJMA ARCHITECTURE INC 4448 COLONEL TALBOT ROAD MEETING ON MAY 28, 2013

RECOMMENDATION

That, on the recommendation of the Manager, Development Services and Planning Liaison, based on the application of SJMA Architecture Inc. relating to the property located at 4448 Colonel Talbot Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 11, 2013 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of 4448 Colonel Talbot Road **FROM** a Holding Arterial Commercial Special Provision (h-5-h-17-h-18-h-42-AC2(6)) Zone **TO** a Holding Arterial Commercial Special Provision (h-17-AC2(6)) Zone to remove the holding "h-5", "h-18" and "h-42" provisions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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July, 2005 - Report to the Planning and Environment Committee to amend the Official Plan and Zoning By-law

September, 2005 - Report to the Planning and Environment Committee to amend the Official Plan and Zoning By-law

May, 2006 - Report to the Planning and Environment Committee to amend the Official Plan and Zoning By-law

October, 2006 - Report to the Planning and Environment Committee to amend the Official Plan and Zoning By-law

September, 2012 - Report to the Planning and Environment Committee for public site plan meeting (SP12-025033)

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the holding h-5, h-18 and h-42 provisions to allow for the consideration of building permits and to facilitate commercial development at 4448 Colonel Talbot Road.

BACKGROUND

In 2005, an application to rezone the lands at 4448 Colonel Talbot Road was received to zone the front portion of the property to commercial and the rear to residential. Concern was raised regarding the method of servicing proposed. On May 24, 2006, the Official Plan Amendment and Zoning By-law Amendment was recommended for refusal.

On June 12, 2006, City Council referred the matter back to staff for a report back at joint meeting of Planning Committee and Environment and Transportation Committee for further

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H-8085/S. Wise

consideration, including associated geotechnical studies. On October 17, 2006, a report to Planning Committee was submitted by staff and on October 24, 2006 City Council approved the Holding Arterial Commercial Zone on the front portion of the property and Holding Residential Zone on the rear of the property.

On August 2, 2012, L'Arche applied for an application for site plan approval and a public meeting was held on September 24, 2012.

The applicant has fulfilled the requirements of the holding provisions listed below and has applied to remove the h-5, h-18 and h-42 to permit development on the site.

Date Application Accepted: August 8, 2012	Owner: SJMA Architecture Inc
REQUESTED ACTION: Removal of the holding h-5, h-18 and h-42 provisions from the holding Arterial Commercial Special Provision (h-17-AC2(6)) Zone.	

PUBLIC LIAISON:	Notice of the application was published in Living in the City on Saturday August 25 th , 2012.
Nature of Liaison: City Council intends to consider removing the holding "h-5", "h-18" and "h-42"provisions from the Holding Arterial Commercial Special Provision (h-17-AC2(6)) Zone. The "h-5" holding provision was put in place to ensure development takes a form compatible with adjacent land uses. The "h-18" provision ensures that lands are assessed for the presence of archaeological resources prior to development, the "h-42" provision ensures that on-site septic treatment systems are adequate to service the proposed development.	
Responses: None	

ANALYSIS

h-5 Holding Provision

The h-5 holding provision is to:

“ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P. 13*, prior to the removal of the "h-5" symbol.”

The applicant has undergone a public site plan meeting as of September 24, 2012 as completed by an executed development agreement.

h-18 Holding Provision

The h-18 holding provision is 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.”

A letter from the Ministry of Citizenship, Culture and Recreation dated April 17, 2012 has been received and accepted to the satisfaction of the City that future development is to be considered free of archaeological concern due to complete excavation of the site.

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H-8085/S. Wise

h-42 Holding Provision

The h-42 holding provision is to:

“To ensure that the on-site septic treatment system is adequate to accommodate a proposed use and that there will not be any adverse impact on groundwater resources or recharge functions, an agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the City of London conducted by qualified professional(s) demonstrating that the use or development in the form proposed will not adversely affect the area.”

The on-site septic treatment system is considered adequate as per correspondence from the Building Division on September 21, 2012.

CONCLUSION

A site plan public meeting was held and the development agreement has been entered into; an archaeological assessment was completed and accepted, and the on-site septic treatment system is considered adequate under the Ontario Building Code to accommodate the proposed use.

The holding h-17 provision will remain on site until such time that municipal services are available. The proposed use is consistent with the permitted uses in the Z.-1 Zoning By-law which allows dry uses on individual sanitary facilities.

It is appropriate to remove the holding h-5, h-18 and h-42 provisions to facilitate commercial development at 4448 Colonel Talbot Road.

PREPARED BY:	REVIEWED BY:
SONIA WISE PLANNER II, DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

May 17, 2013
BH/sw

"Attach."

Agenda Item # Page #

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H-8085/S. Wise

Bill No. (Number to be inserted by Clerk's Office)
2013

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for a portion of land located at 4448 Colonel Talbot Road.

WHEREAS SJMA Architecture Inc. has applied to remove the holding provisions from the zoning for the lands located at 4448 Colonel Talbot Road, 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 a portion of the lands located at 4448 Colonel Talbot Road, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Holding Arterial Commercial Special Provision (h-17-AC2(6)) 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 11, 2013.

Joseph Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – June 11, 2013
Second Reading – June 11, 2013
Third Reading – June 11, 2013

Agenda Item # Page #

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H-8085/S. Wise

Agenda Item #

Page #

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

