

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.ENG
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application By: Jipeng Zou & Junjun Chen
810 Southdale Road East

For: Removal of Holding Provision (h-117)

Meeting on: February 20, 2018

Recommendation

That, on the recommendation of the Planner II, Development Services, based on the application of Jipeng Zou and Junjun Chen, relating to the property located at 810 Southdale Road East, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 6, 2018 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 Special Provision Convenience Commercial/Automobile Service Station (h-117*CC2/SS3(2)) Zone **TO** a Special Provision Convenience Commercial/Automobile Service Station (CC2/SS3(2)) Zone, to remove the "h-117" holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the holding symbol h-117 to permit the development of an automobile repair garage.

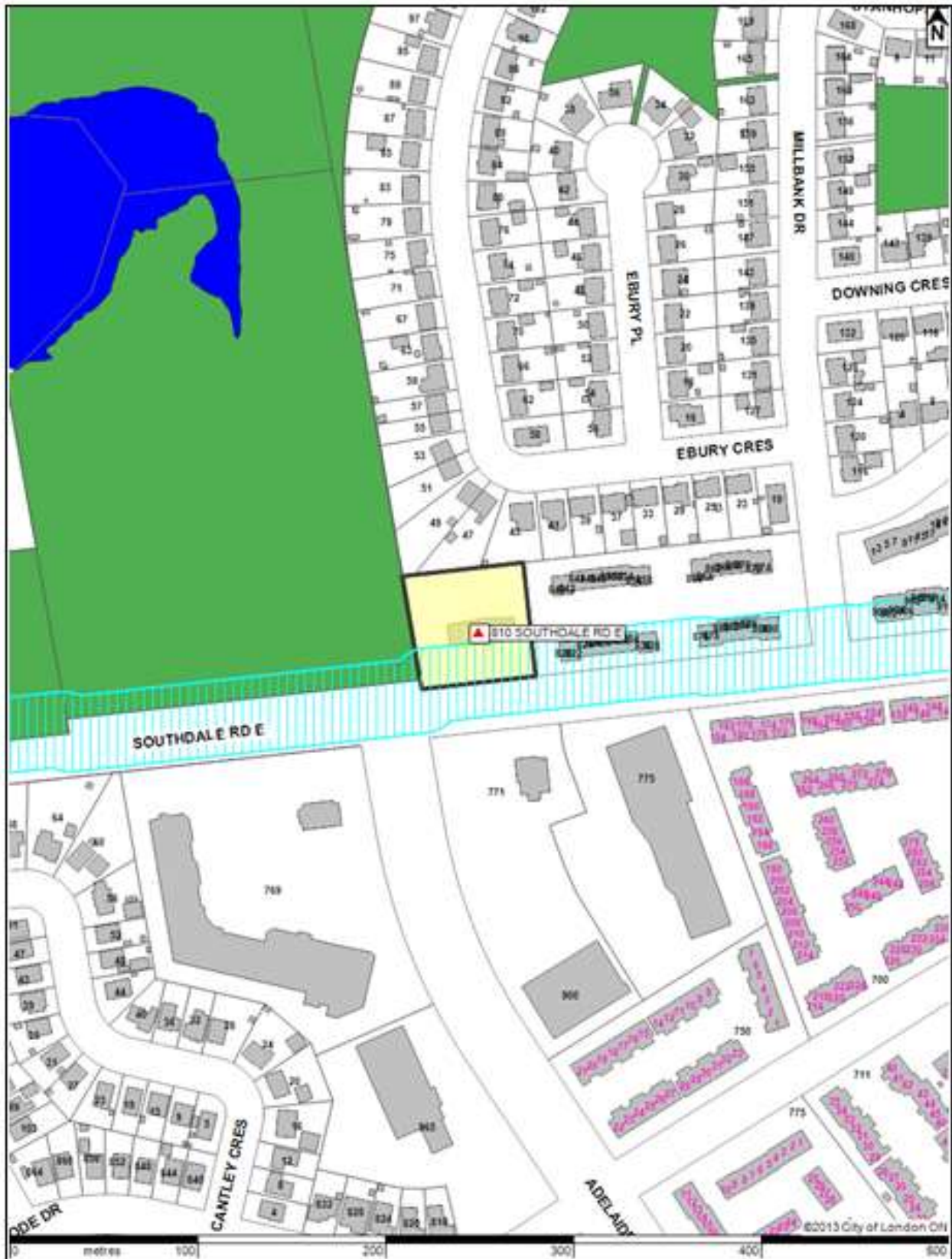
Rationale of Recommended Action

1. The conditions for removing the holding (h-117) provision has been met and the recommended amendment will permit an automobile repair establishment on this parcel in conformity with the Zoning By-law.
2. Through the Site Plan Approval process (SP12-0032027) a development agreement (ER1139563) has been executed to the satisfaction of the City.
3. Performance security has been posted with the City in accordance with City policy to ensure that as redevelopment proceeds, it is consistent with the approved plan.

Analysis

1.0 Site at a Glance

1.1 Location Map



LOCATION MAP

Subject Site: 810 Southdale Road East
File Number: H-8204
Created By: Sean Meksula
Date: 2013-07-10
Scale: 1:2500

LEGEND

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

Corporation of the City of London
Prepared By: Planning and Development



2.0 Description of Proposal

The purpose and effect of this zoning change is to remove the holding symbol h-117 to permit the development of an automobile repair garage.

3.0 Relevant Background

3.1 Planning History

The subject site is located on the north side of Southdale Road East, just east of the intersection where Adelaide Street South terminates. The site is the location of a vacant service station building previously associated with a gas bar that ceased operation in 1993. The property is relatively flat and exists at a slightly lower elevation than the surrounding properties to the west, north and east. Both Southdale Road East and Adelaide Street South are classified as arterial roads.

The Petro Fina Service Station was constructed on the site in 1970. In 1987, a minor variance was granted with conditions for the property allowing the sale of four automobiles in association with the service station. The Petro-Canada service station closed in 1993 and the site has been vacant and occupied intermittently since that time.

In 1999, the City received an application to amend the Official Plan and the Zoning By-law to allow convenience commercial uses in addition to the permitted service station uses. Council adopted an Official Plan Amendment to identify the site as a Convenience Commercial location in a Residential designation where convenience commercial uses are permitted, and amended the Zoning By-law to add the Convenience Commercial (CC2) Zone. Three readings of the Zoning by-law amendment were withheld until the applicant entered into a development agreement with the City. A development agreement was entered into and registered on title April 22, 2002 as Instrument number ERI 53781. The proposed take-out restaurant and convenience store were never established on the site, but the development agreement, with the related approved site plan, remain registered on title.

On June 20, 2013, an application was received from Jipeng Zou & Junjun Chen to remove the “h-117” provision from the subject site in order to permit future development of an automobile repair garage under the Convenience Commercial (CC2) and Automobile Service Station Special Provision (SS3(2)) Zone. A notice of application was circulated to the required municipal departments on July 24, 2013. A notice of application was published in The Londoner on July 25, 2013. The application remained dormant as the applicant was proceeding with the Site Plan Control approval requirements.

4.0 Key Issues and Considerations

What is the purpose of the holding provision and why is it appropriate to remove it?

The “h-117” holding provision states that:

“To ensure the orderly development of lands and the adequate provision of municipal services, the h-117 symbol shall not be deleted until the current approved and registered site plan for the property is amended.”

Holding provisions advise property owners of issues to be addressed before development can occur.

Since there are full municipal services available for this site, and the applicant has registered a site plan and a development agreement (ER1139563) has been executed to the satisfaction of the City which satisfies this holding provision. It is appropriate to consider removal of the holding provision.

The proposed removal of the holding provision is consistent with the Provincial Policy Statement (PPS). The proposed development is located within a “Settlement Area”, and makes efficient use of the site. The proposed development will take advantage of existing infrastructure.

More information and detail regarding public feedback and Zoning is available in Appendix B & C.

5.0 Conclusion

In an effort to work with the applicant and move the file forward expeditiously, Staff is recommending the removal of the h-117 holding provision from the subject lands, as the Applicant has registered the Site Plan and Development Agreement to City's satisfaction and posted security. As a result it is appropriate at this time to remove the holding provision (h-117) from these lands.

Prepared by:	Sean Meksula, MCIP, RPP Planner II, Development Planning
Reviewed by:	Lou Pompili, MCIP, RPP Manager, Development Planning
Received by:	Matt Feldberg Manager Development Services (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official

February 13, 2018
SM/

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Appendix A

Bill No.
2018

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning on lands located at 810 Southdale Road East.

WHEREAS Jipeng Zou and Junjun Chen has applied to remove holding provision from the zoning on the lands located at 810 Southdale 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 provision 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 810 Southdale Road East, as shown on the attached map to remove the "h-117" holding provision so that the zoning of the lands as a Convenience Commercial/Automobile Service Station (CC2/SS3(2)) comes into effect.

2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 6, 2018.



Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -March 6, 2018
Second Reading -March 6, 2018
Third Reading - March 6, 2018

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



<p>File Number: H-8204 Planner: SM Date Prepared: July 24, 2013 Technician: JTS By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters</p> 
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Geodatabase

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 25, 2013.

1 inquiry was received (no comments were made)

Nature of Liaison: City Council intends to consider removing the (h-117) holding provision from lands that ensures the orderly development of lands and the adequate provision of municipal services, the (h-117) symbol shall not be deleted until the current approved and registered site plan for the property is amended. Council will consider removing the holding provision as it applies to these lands no earlier than August 20, 2013.

Appendix C – Relevant Background

Existing Zoning Map

