

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: Oxford West Gateway Inc. c/o Laverne
Kirkness
1826 and 1854 Oxford Street West
Removal of Holding Provisions (h and h-11)

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Planner II, Development Planning, based on the application of Oxford West Gateway Inc. c/o Laverne Kirkness relating to the property located at 1826 and 1854 Oxford Street West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on August 28, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1284 and 1388 Sunningdale Road West **FROM** a Holding Community Shopping Area Special Provision (h*h-11*CSA5(6)) Zone **TO** a Community Shopping Area Special Provision (CSA5(6)) Zone to remove the h. and h-11 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

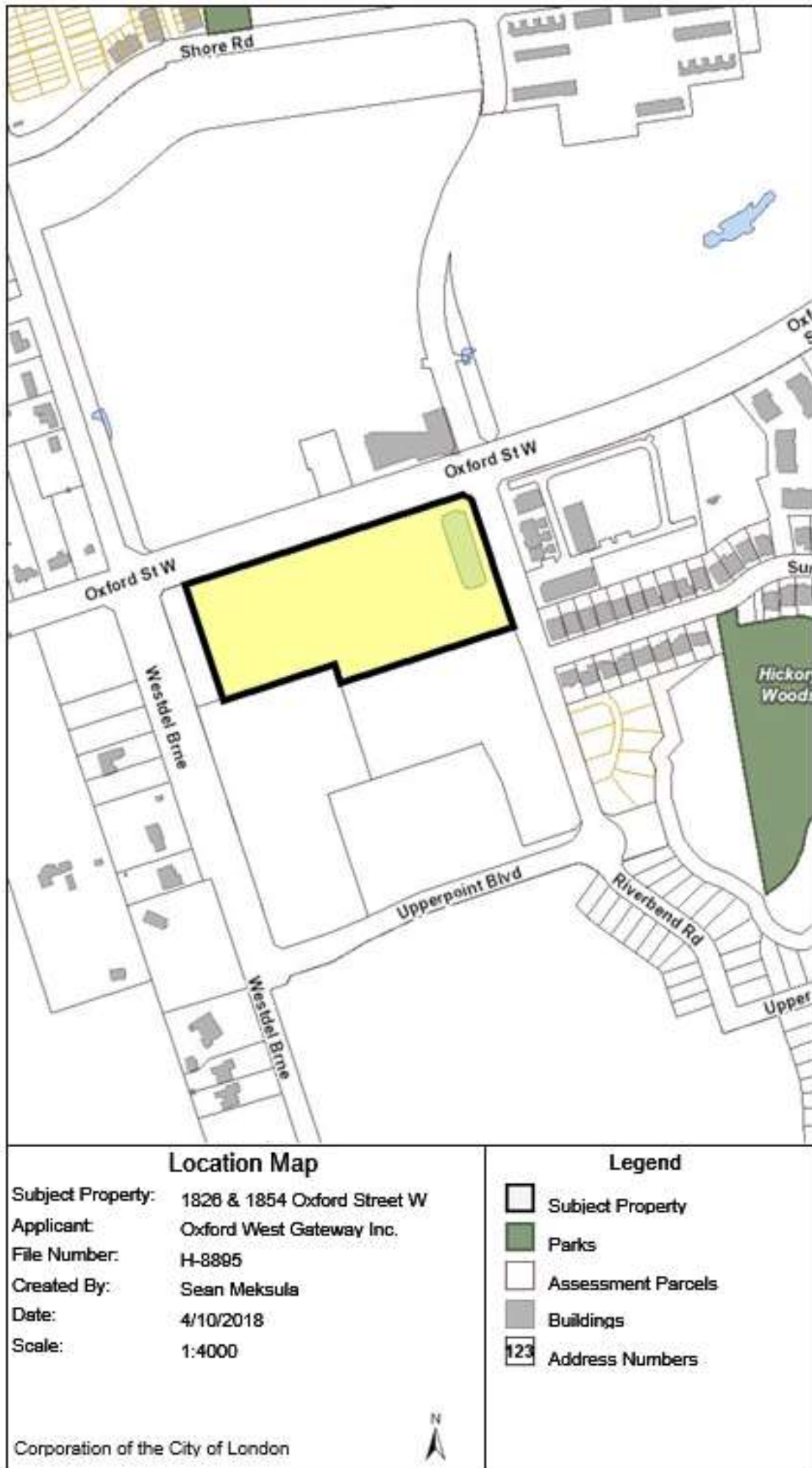
The purpose and effect of this zoning change is to remove the h and h-11 holding symbols to permit the commercial development on this site under the Community Shopping Area Special Provision (CSA5(6)) Zone.

Rationale of Recommended Action

1. Through the Site Plan Approval process (SPA18-010) the required security has been received, access arrangements have been accepted and the development agreement has been executed by the applicant.
2. The conditions for removing the holding (h & h-11) provisions have been met and the recommended amendment will allow development of commercial uses in compliance with the Zoning By-law.

Analysis

1.1 Location Map



East View - Oxford Street West and Westdel Bourne



West View - Oxford Street West and Riverbend Road



2.0 Description of Proposal

The requested amendment will permit the development of eleven (11) commercial buildings on the subject lands, including two (2) restaurants, and a gas station. The development as proposed will have a total of 7171m² of building area, 389 parking spaces, and 80 bicycle parking spaces. The removal of the h and h-11 holding provision will allow for the development of commercial uses on the site.

3.0 Relevant Background

3.1 Planning History

The subject site is located on the south side of Oxford Street West between Westdel Bourne and Riverbend Road. The lands form part of the approved Riverbend South Secondary Plan and associated Official Plan amendments, which were adopted by Municipal Council in January, 2008. The subject lands were designated Community Commercial Node through this process.

The application for Site Plan Approval was accepted on January 29, 2018 for the construction of a gas station, 2 restaurants and 7 retail stores. The applicant entered into a Site Plan development agreement on July 9, 2018. To facilitate Site Plan Approval the applicant applied for a minor variance (A.062/18) on June 4, 2018. The applicant requested a variance to permit a reduced south interior yard setback for three proposed commercial buildings on only a portion of the subject lands. Approval for the variance was granted by the Committee of Adjustment on June 26, 2018.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h” holding provision and is considering its removal appropriate.

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 provided the necessary security and has entered into a development agreement with the City of London for the site plan. This adequately satisfies the requirements for removal of the “h” holding provision at this time.

4.2 What is the purpose of the “h-11” holding provision and is considering its removal appropriate.

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 “h-11” holding provision is an important tool to control access points to arterial roads. Site access issues have been addressed, agreed upon and incorporated into the development agreement providing for rights-in, right-out for Oxford Street West and full access for Westdel Bourne and Riverbend Road. Therefore requirements for the removal of the “h-11” holding provision are satisfied at this time.

5.0 Conclusion

The conditions for considering the removal of the h and h-11 holding provisions from the subject lands have been met. The applicant has entered into a development agreement with the City of London with access provisions to the satisfaction of Development Services. Removal of the holding provisions will allow the applicant to apply for building permits to permit the construction of a gas station, 2 restaurants and 7 retail stores.

Prepared and Recommended by:	Sean Meksula, MCIP RPP Planner II, Development Services
Reviewed by:	Lou Pompili, MPA RPP Manager, Development Planning
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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

August 3, 2018

SM/

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Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2018

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 1826 & 1854 Oxford Street West.

WHEREAS Oxford West Gateway Inc. c/o Laverne Kirkness have applied to remove the holding provisions from the zoning for the lands located at 1826 & 1854 Oxford Street 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 the lands located at 1826 & 1854 Oxford Street West, as shown on the attached map, to remove the h and h-11 holding provisions so that the zoning of the lands as a Community Shopping Area Special Provision (CSA5(6)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

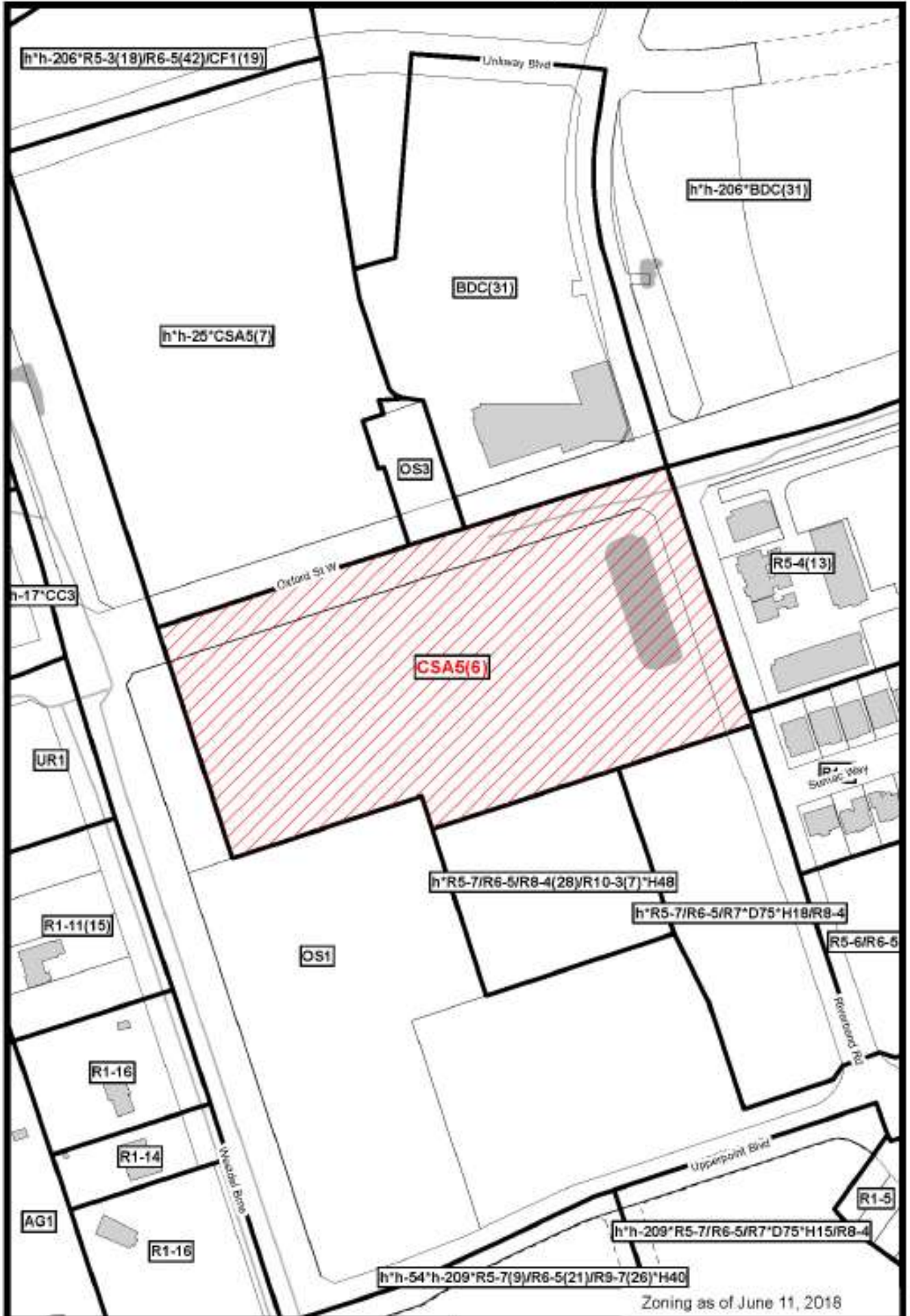
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - August 28, 2018
Second Reading – August 28, 2018
Third Reading - August 28, 2018

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



File Number: H-8895

Planner: SM

Date Prepared: 2018/07/23

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on April 19, 2018

0 replies were received

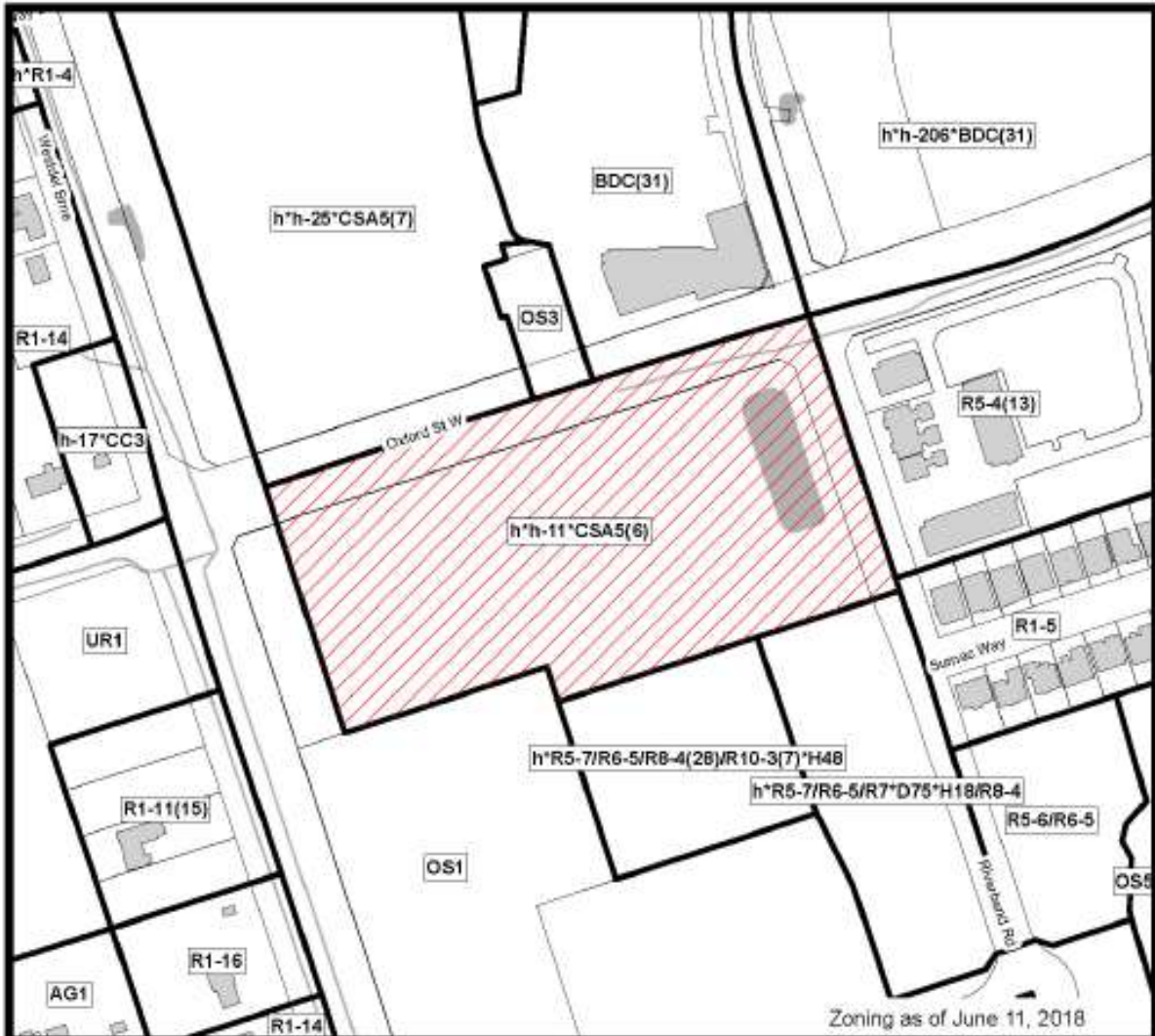
Nature of Liaison: City Council intends to consider removing the Holding (“h” & “h-11”)) Provisions from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbols to allow development of the lands for commercial uses permitted under the Community Shopping Area Special Provision (CSA5(6)) Zone. 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 for the development agreement or subdivision agreement, and Council is satisfied that the conditions of 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 “h-11” symbol is intended 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.

Council will consider removing the holding provision as it applies to these lands no earlier than May 28, 2018.

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- 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 - LOOING 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

- 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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



FILE NO:
H-8895 SM

MAP PREPARED:
2018/07/23 rc

1:3,000
0 15 30 60 90 120 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS