

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: Applicant/Appellant: Sherway Limited
LPAT Final Decision Draft Plan of Subdivision, Official Plan
and Zoning By-law Amendment - 2054 Adelaide Street North

Meeting on: December 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following report related to the Local Planning Appeal Tribunal decision on the appeal by Sherway Limited, relating to draft plan of subdivision (39T-11502), Official Plan and Zoning By-law Amendment (OZ-7921) for the lands located at 2054 Adelaide Street North **BE RECEIVED** for information.

Executive Summary

The subject site is a 21 hectares (52 acres) parcel of land located east of Adelaide Street, north of Sunningdale Road and adjacent to the municipal boundary (Municipality of Middlesex Centre). This site currently houses an estate home with an access to Adelaide Street North. The majority of the property is currently being farmed. The lands generally roll from east to west and north to south.

The site also contains a Potential Environmentally Significant Area (ESA), and a Provincially Significant Wetland (PSW).

The lands to the west consists of a recently approved draft plan of subdivision (known as the Applewood Subdivision, also owned by the Applicant, file 39T-09501). The lands directly abutting to the north are within the Municipality of Middlesex Centre, designated as agricultural and open space, and are being used for cash crops. The existing Sun Canadian Oil Pipeline runs along the entire north limit of this site. A location map of the site is attached.

The original application consisted of 14 low density residential blocks (approximately 330 units comprised of single detached and/or street townhouse units, or cluster housing at a maximum density of 30 units per hectare); 1 future residential block (to be combined with lands to the south); 2 low/medium density residential blocks (approximately 80 cluster singles/semi-detached/townhouse or stacked townhouse units); 2 open space/walkway blocks; 3 road reserves/ road widening blocks; 1 future road block; and served by 1 new secondary collector road.

Staff ultimately recommended a redlined draft plan of subdivision (and associated revised Zoning By-law amendment) with 15 low density blocks, 2 medium density blocks, 3 open space blocks, 1 park block, and several 0.3 m reserves and road widening's, all served by 1 new secondary collector and 4 new local streets.

On September 9th, 2014, a public meeting was held for the above noted application. The Applicant did not formally object to any conditions at the Public Meeting. The Planning and Environment Committee (PEC) recommended approval of the Official Plan and Zoning By-law amendments, and recommended that the Approval Authority grant draft approval to the redline plan of subdivision, as proposed by Staff. This was subsequently supported by Municipal Council on September 16, 2014. On October 16,

2014, an appeal was received by the Ontario Municipal Board (now the Local Planning Appeal Tribunal, or LPAT) for the Official Plan and Zoning By-law Amendments for this site. Both appeals were made by the Owner/Applicant, Peter Sergautis (Sherway Limited). The basis of the appeal is stated as the following:

- Environmental setbacks and mapping are incorrect;
- Conditions of draft approval are unreasonable and will interfere with orderly and economic development of subject lands; and,
- Access to publically funded and available municipal services on municipal road allowances restricted.

The Applicant subsequently appealed a lack of decision on the draft plan of subdivision in July of 2016 and has asked the LPAT to consolidate all of the appeals.

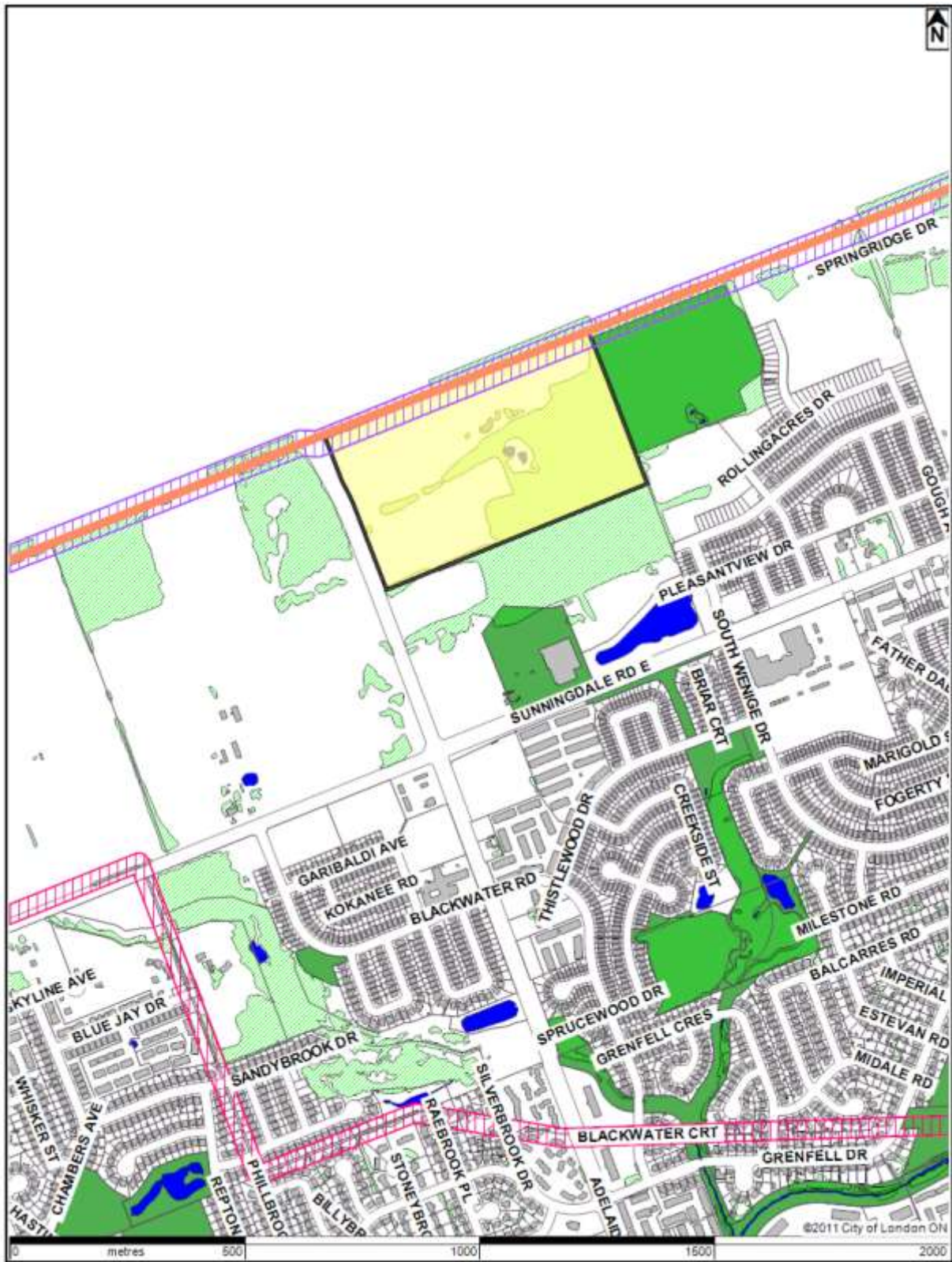
Since the consolidation of hearings, the Applicant had met with Staff on a without prejudice basis to discuss the development limit and the extent of the natural heritage features. A resolution was agreed upon by all parties. Also, at the time of these discussions, the Applicant provided a proposed revised plan of subdivision. The Applicant's revised submission included 132 single detached lots, one (1) low density block, two (2) medium density blocks, four (4) open space blocks, one (1) future access block, one (1) road widening block, several 0.3 m reserves, all served by four (4) new local streets and one (1) new secondary collector (Superior Drive). A report to Planning and Environment Committee with the proposed settlement was received by Municipal Council on October 17, 2017.

The LPAT settlement hearing was held on May 2, 2018. A decision on the settlement was issued on July 19, 2018 (Appendix "A"), however an error in the mapping was discovered. The LPAT issued a revised decision to approve the Official Plan, Zoning, and revised Subdivision Draft Plan Approval, subject to the completion of conditions as directed by the Tribunal on November 5, 2018 (Appendix "B").

As per Section 51 (34) of the Planning Act, the draft approval lapse date will be November 5, 2023.

The full LPAT decision from July 19, 2018 and November 5, 2018 is available in Appendix "A" and Appendix "B" of this report.

Location Map



LOCATION MAP	LEGEND
Subject Site: 2054 Adelaide St N Applicant: 1705825 Ontario Limited File Number: 39T-11502/OZ-7921 Planner: Nancy Pasato Created By: Nancy Pasato Date: 2011-06-27 Scale: 1:10100	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
Corporation of the City of London Prepared By: Planning and Development	

Prepared & Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MPA, RPP Manager, Development Planning (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
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	

December 3, 2018
NP/

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

\\CLFILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2011\39T-11502 - 2054 Adelaide Street North (NP)\OMB and Settlement\report on OMB decision Comfort Subdivision.docx

Appendix "A" – LPAT Decision July 19, 2018

Appendix "B" – LPAT Decision November 5, 2018