

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: 2589439 Ontario Inc. c/o Rivera Inc.
3400 Morgan Avenue
Removal of Holding Provisions (h.*h-11*h-63*h-82*h-95*h-
100*h-105 and h-135)

Meeting on: December 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services the following actions be taken with respect to the application of 2589439 Ontario Inc. c/o Rivera Inc. relating to the property located at 3400 Morgan Avenue, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 18, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 3400 Morgan Avenue **FROM** a Holding Residential R7 (h.*h-11*h-63*h-82*h-95*h-100*h-105*h-135*R7*D27*H8) Zone **TO** a Residential R7 (R7*D27*H8) Zone to remove the h.*h-11*h-63*h-82*h-95*h-100*h-105 and h-135 holding provisions.

Executive Summary

Summary of Request

The applicant has requested the removal of the h.*h-11*h-63*h-82*h-95*h-100*h-105 and h-135 holding provisions from 3400 Morgan Avenue for the consideration of building permits to construct a 128 bed continuum of care facility.






Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with the Z-1 Zoning By-law.
2. Engineering plans have been submitted through the site plan approval process (SPA18-004) and accepted by the City demonstrating how all servicing (water, sewer, and storm) will be accommodated on site. Through the site plan approval process access, consolidation, noise mitigation and urban design have been addressed in the final site design.
3. Through the site plan approval process the required security has been submitted to the City of London, the execution of the development agreement is imminent and the h.*h-11*h-63*h-82*h-95*h-100*h-105 and h-135 holding provisions are no longer required.


Analysis

Location Map

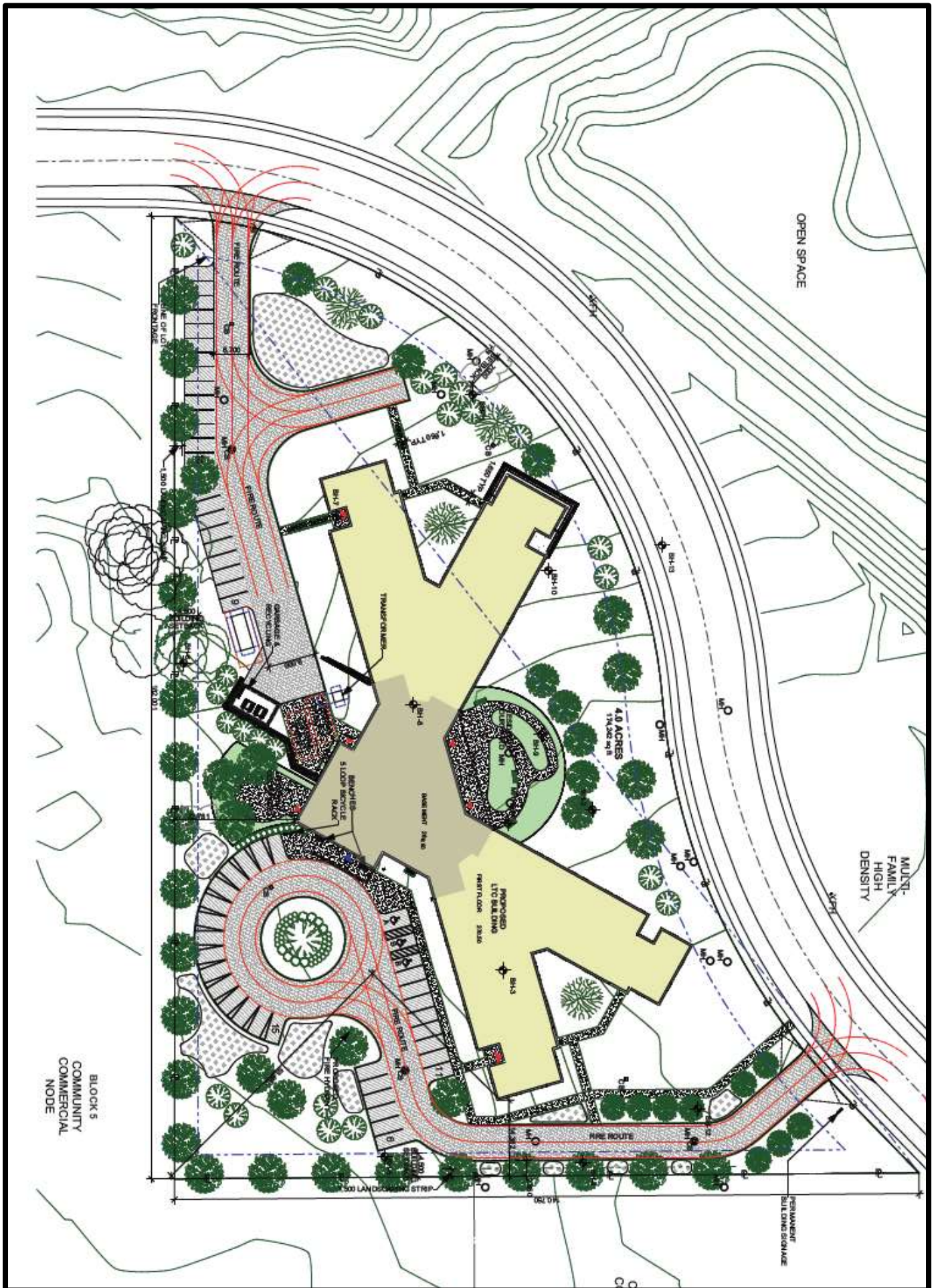


Location Map		Legend	
Project Title:	h-8974		Subject Site
Description:			Parks
Created By:	Craig Smith		Assessment Parcels
Date:	11/6/2018		Buildings
Scale:	1:4000		Address Numbers

Corporation of the City of London



Proposed Site Plan- 3400 Morgan Avenue



2.0 Description of Proposal

2.1 Development Proposal

To permit a 128 bed continuum of care facility.

3.0 Relevant Background

3.1 Planning History

In 2017 Rivera Inc. was granted a zoning by-law amendment to permit a continuum of care facility on the lands. An application for site plan approval was received January 17, 2018. The applicant has completed the site plan approval process and has submitted the required securities. The registration of the development agreement is imminent.

Previous Planning Reports see Appendix D

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provisions?

The registration of the Development Agreement is imminent. Engineering plans have been submitted through the site plan approval process (SPA18-004) and accepted by the City demonstrating how all servicing (water, sewer, and storm) will be accommodated on site. Through the site plan approval process, access, consolidation, noise mitigation and urban design have been addressed in the final site design. The applicant has provided the required security with the City.

Holding Provisions

h - Purpose: 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 owner has provided the necessary security and the registration of the development agreement is imminent. This satisfies the requirement for removal of the "h" holding provision at this time.

h-11 Purpose: 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.

By email dated October 16, 2018, the City of London's Transportation Department confirmed that the access location is acceptable to the City. The owner has provided the necessary security and the registration of the development agreement is imminent. This satisfies the requirement for removal of the h-11 holding provision at this time.

h-63 Purpose: To ensure there are no land use conflicts between the commercial and residential land uses, the "h- 63" symbol shall not be deleted until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in noise assessment reports, acceptable to the City of London.

As part of the complete site plan application, the Owner submitted an assessment report, Environmental Compliance Assessment (Air and Noise) Fulco Environmental Inc. dated July 12, 2017. The submitted noise study has been accepted by the City and the recommended warning clauses have been included in the development agreement. It is appropriate to remove the h-63 holding provision at this time.

h-82 Purpose: To ensure that there is a consistent lotting pattern in this area, the "h-82" symbol shall not be deleted until the part block has been consolidated with adjacent lands.

The registration of the site plan consolidates the part blocks and is consistent with the lotting pattern in the area. The owner has provided the necessary security and the registration of the development agreement is imminent. This satisfies the requirement for removal of the h-82 holding provision at this time.

h-95 Purpose: To ensure that the urban design concepts established through the Official Plan and/or Zoning amendment review process are implemented, a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates these concepts and addresses identified Urban design issues.

By email dated October 4, 2018 the City of London's Planning Services confirmed that the building elevations have been accepted by the City. It is appropriate to remove the h-95 holding provision at this time.

h-100 Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol

and

h-105 Purpose: To ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-105" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer

On October 19, 2018 the City of London, Development Engineering Department unit accepted all engineering servicing drawings for the development of this site. The accepted engineering drawings ensure that the stormwater management, individual sanitary, water services and access have been provided to the satisfaction of the City. This satisfies the requirements for removal of the h-100 and h-105 holding provisions at this time.

h-135 Purpose: To ensure that commercial development does not exceed a maximum interim floor area threshold of 15,248 m² in draft plan 39T-07510, the h-135 symbol shall not be deleted until a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes.

There is no commercial floor area associated with this approved site plan. It is appropriate to remove the h-135 holding provision at this time.

5.0 Conclusion

It is appropriate to remove the h-11-h-63-h-82-h-95-h-100-h-105 and h-135 holding provisions from the subject lands at this time as the required security has been submitted to the City of London and registration of the development agreement is imminent. Also,

engineering plans have been submitted through the site plan approval process (SPA18-004) and accepted by the City, demonstrating how all servicing (water, sewer, and storm) will be accommodated on site. Through the site plan approval process, access, consolidation, noise mitigation and urban design have also all been addressed in the final site design.

Prepared & Recommended by:	C. Smith, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompili, 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
CS\

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

Appendix A

Appendix "(A)"

Bill No. (Number to be inserted by
Clerk's Office)
2019

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from the
zoning of the land located at 3400
Morgan Avenue

WHEREAS. 2589439 Ontario Inc. c/o Rivera Inc. has applied to remove the holding provisions from the zoning for the land located at 3400 Morgan Avenue, 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 3400 Morgan Avenue, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R7 (R7*D27*H8) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on, December 18, 2018



Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 18, 2018
Second Reading – December 18, 2018
Third Reading – December 18, 2018

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



<p>File Number: H-8974 Planner: CS Date Prepared: 2018/11/07 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters</p> <p></p>
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Appendix B – Public Engagement

Community Engagement

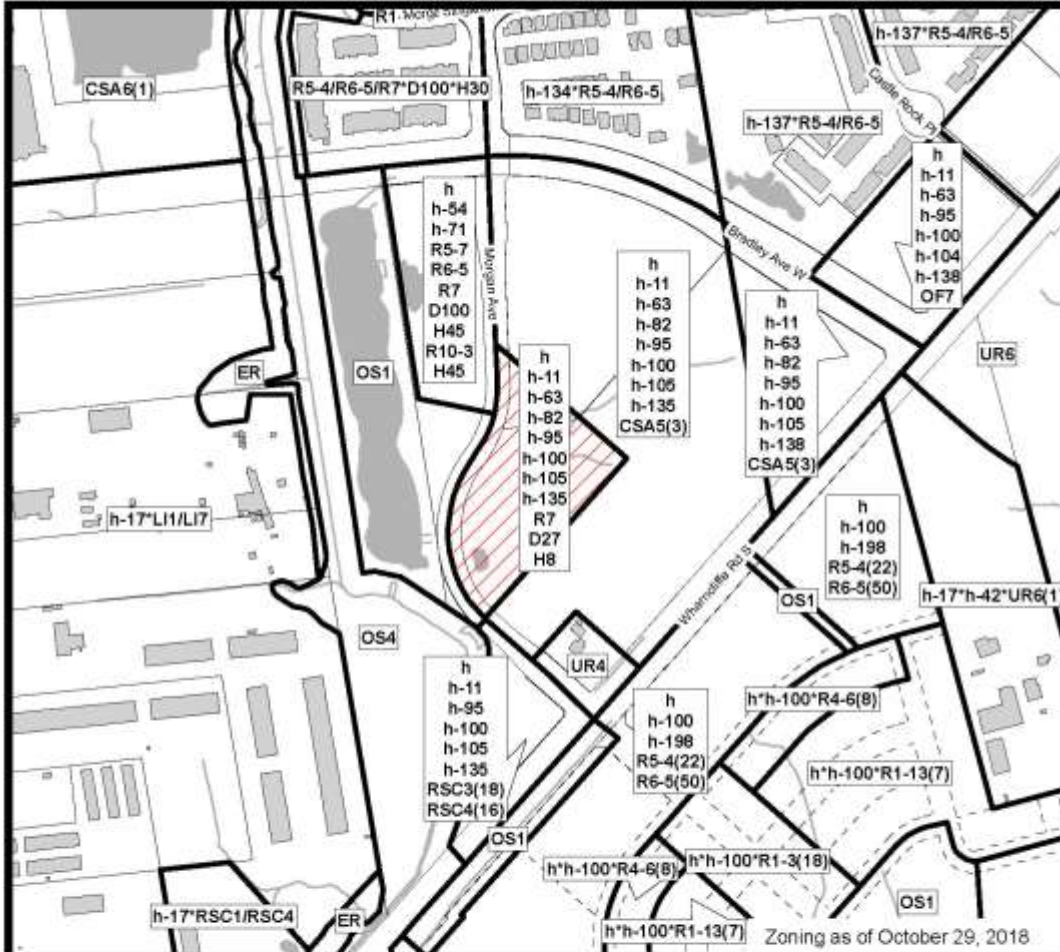
Public liaison: Notice of the application was published in the Londoner on November 15, 2018

0 replies were received

Nature of Liaison: City Council intends to consider removing the h.*h-11*h-63*h-82*h-95*h-100*h-105 and h-135 holding provisions from the lands which ensures that municipal services are provided, noise mitigation measures be implemented, a consistent lotting pattern is established, urban design concepts implemented, stormwater management is implemented and commercial floor space is not exceed an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than December 10, 2018.

Appendix C

Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 - LODGING 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 - OFFICERESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> 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**



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

FILE NO:

ZZ-ZZZZ

CP

MAP PREPARED:

YYYY/MM/DD

CK

1:5,000

0 25 50 100 150 200

Meters

Appendix D

Previous Planning Reports

June 16, 2017- Report to Planning Committee on an application from Rivera Inc. for a Zoning By-law amendment to allow a Continuum of Care Facility on the subject site.

June 20, 2013 – Report to Planning Committee on an application from Sifton Properties Limited for an Official Plan Amendment and Zoning By-law Amendment (OZ-8087) relating to the property located at 1311, 1363 and 1451 Wharnccliffe Road South.

May 6, 2009 – Report to Planning Committee on an application from Sifton Properties Limited for Draft Plan of Subdivision Approval, Official Plan Amendment and Zoning By-law Amendment (39T-07510/Z-7457/O-7466) relating to the property located at 1311, 1363 and 1451 Wharnccliffe Road South.

September 12, 2005, May 30, 2005, May 9, 2005, and April 25, 2005 – Report to Planning Committee on Bostwick East Area Plan (O-6872).