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H-8109/Nancy McKee

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: THE SHREW SPORTS CORPORATION 2310, 2330, 2350 DUNDAS STREET MEETING ON NOVEMBER 5, 2012 NOT BEFORE 4:00 PM

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services Division, based on the application of The Shrew Sports Corporation, relating to properties located at 2310, 2330 & 2350 Dundas Street, the attached proposed by-law **BE INTRODUCED** at a future Municipal Council meeting 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 Highway Service Commercial/Restricted Service Commercial (h*h-11*HS1/HS4/RSC2/RSC3/RSC4/RSC5) Zone, a Holding Restricted Service Commercial (h*h-11*RSC2/RSC3/RSC4/RSC5) Zone, and a Holding Restricted Service Commercial Special Provision (h*h-11*RSC1(22)) Zone **TO** a Holding Highway Service Commercial/Restricted Service Commercial (h-11*HS1/HS4/RSC2/RSC3/RSC4/RSC5) Zone, a Holding Restricted Service Commercial (h-11*RSC2/RSC3/RSC4/RSC5) Zone, a Holding Restricted Service Commercial Special Provision (h-11*RSC1(22)) Zone, a Highway Service Commercial/Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RSC4/RSC5) Zone, a Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5) Zone, and a Restricted Service Commercial Special Provision (RSC1(22)) Zone, to remove the "h" holding provision, subject to the Applicant entering into the Subdivision Agreement, and to remove the "h-11" holding provision, subject to final approval and registration of the plan of subdivision.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

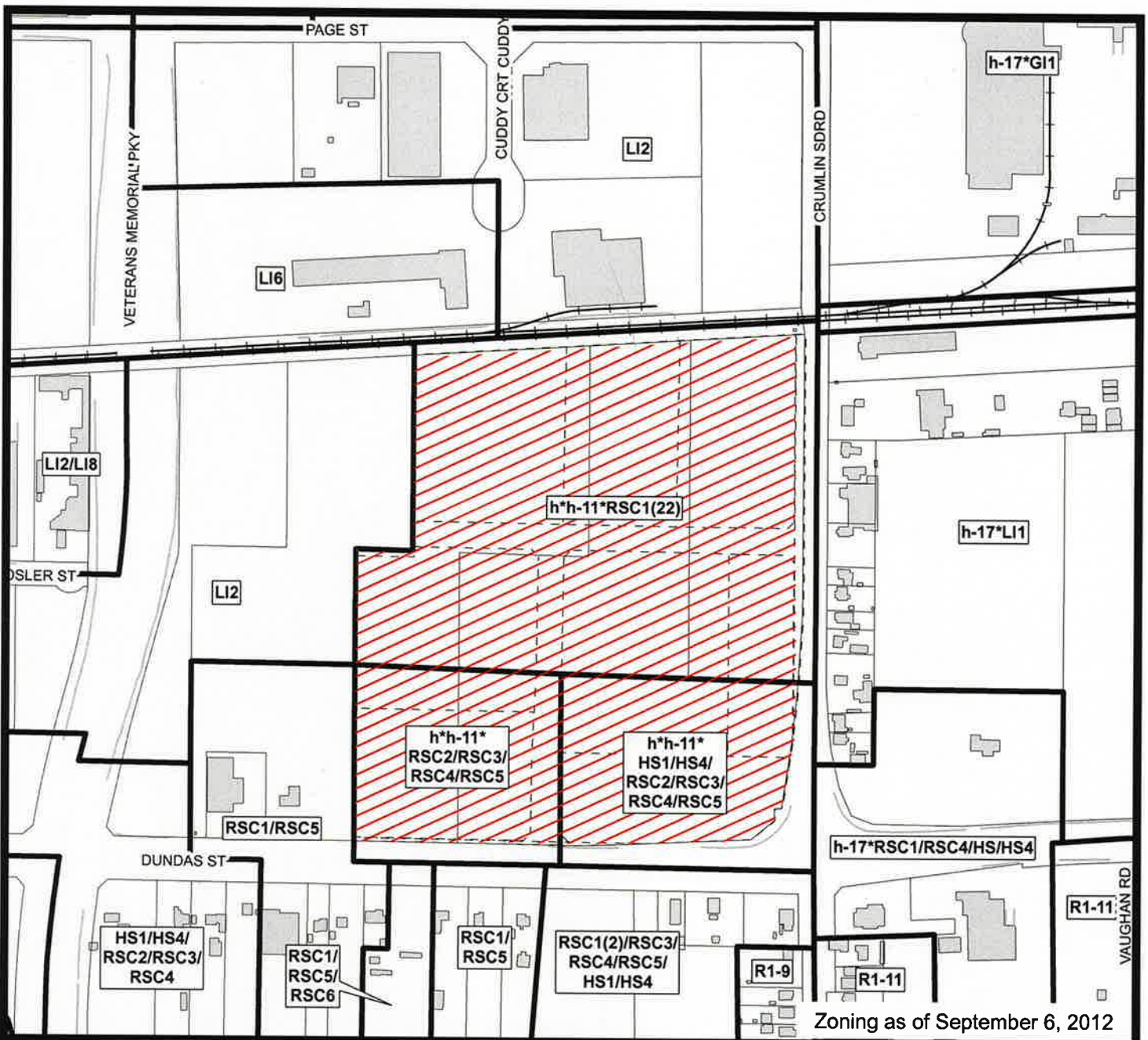
The purpose and effect of this zoning change is to remove the "h" on the whole property and "h-11" holding provision on a portion of the property upon the applicant entering into the Subdivision Agreement and final approval and registration of the plan of subdivision, to permit the development of a commercial subdivision with 8 Blocks, primarily for automotive dealerships.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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OZ – 7283 - The purpose and effect of this application was to change the Official Plan and Zoning By-law from "General Industrial" and "Restricted Service Commercial" to "Restricted/Highway Service Commercial". Report and Public Meeting on February 26, 2007. This application was approved.

OZ – 7919 - The purpose and effect of this application was to permit the development of an Auto Mall – Report and Public Meeting on August 15, 2011. This application was approved.

39T-12502 - The purpose and effect of the proposal is to develop a commercial subdivision (Auto Mall) with 8 blocks served by 2 new public streets. – Report and Public Meeting on May 28, 2012.



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 - 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 - 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

2)  ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:

H-8109

NM

MAP PREPARED:

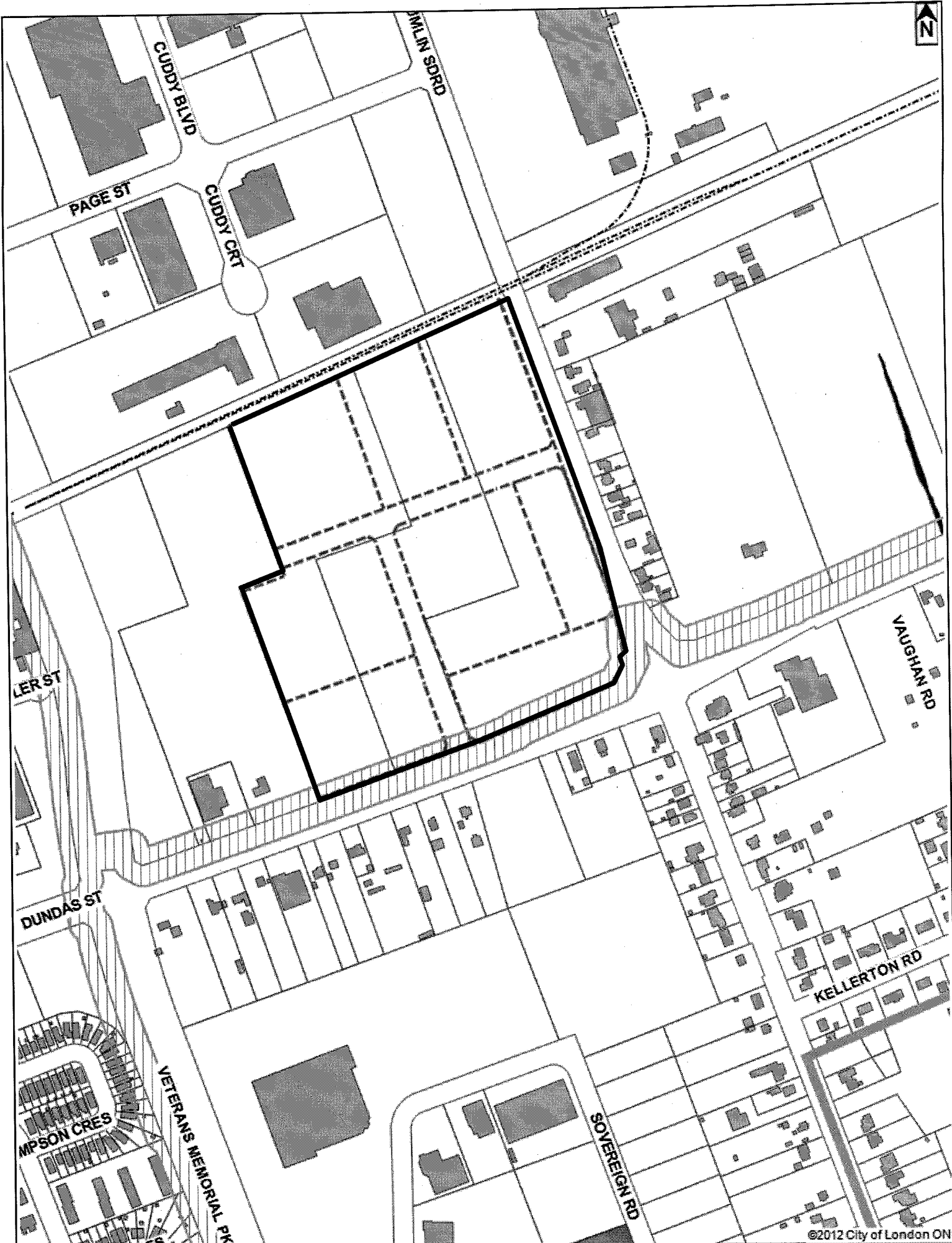
October 18, 2012

DT

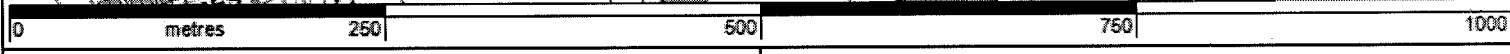
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Meters








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LOCATION MAP

Subject Site: 2310 Dundas Street
 Applicant: The Shrew Sports Corporation C/O Southwest Sun Inc
 File Number: H-8109
 Planner: Nancy McKee
 Created By: Nancy McKee
 Date: 2012-10-25
 Scale: 1:5000

LEGEND

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



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BACKGROUND

The subject lands are located on the northwest corner of Dundas Street and Crumlin Sideroad and abut the Canadian Pacific Railway to the north. The lands consist of three separate parcels of land with an overall land area of approximately 14.65 hectares. The lands have approximately 334 metres of frontage along Dundas Street and approximately 395 metres of frontage along Crumlin Sideroad. Currently, the site is relatively flat and vacant with a portion being farmed. A small automotive use was located on the most eastern portion of the lands (2350 Dundas Street) but has since been removed. The site formerly contained an industrial building of approximately 2800 square feet, which was constructed in 1952. The site is currently vacant.

In 2011, the applicant, The Shrew Sports Corporation, initiated an Official Plan and zoning by-law amendment (OZ-7919) to allow for the development of an Auto Mall and to permit additional commercial uses such as a gas bar and restaurant/coffee shop at the north west corner of Dundas Street and Crumlin Sideroad. Several issues, such as transportation and access (direct access to the arterial road from several of the proposed blocks), urban design considerations, and the conversion of former Industrial Lands (Employment Lands) to Commercial (which was fully supported by LEDC) were raised. The application was approved in September, 2011 with holding provisions h and h-11 to be addressed through the Plan of Subdivision and Site Plan Approval stages.

On February 22, 2012, the applicant submitted a draft plan of subdivision consisting of 8 commercial lots, served by two new municipal streets. Notice of Application was circulated to the required agencies, municipal departments, and surrounding property owners on February 29, 2012. Notice of Application was advertised in the "Living in the City" section of the London Free Press on March 3, 2012. Notice of the Public Meeting was circulated to area property owners on May 10, 2012 and published in "Living in the City" on May 12, 2012. The public meeting was held on May 28, 2012. Draft Approval was granted by the Approval Authority on July 4, 2012.

Date Application Accepted: October 11, 2012	Applicant: The Shrew Sports Corporation
REQUESTED ACTION: Removal of the "h" holding provision on the site to permit the development of an 8 block commercial subdivision with automotive dealerships.	

PUBLIC LIAISON:	Notice was published in The Londoner on October 27, 2012.	No replies.
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ANALYSIS

When were the holding provisions applied?

The holding provisions were applied with the zoning by-law amendment (OZ-7919) in 2011. Previously, there was a holding "h" provision applied to the site in 2007.

What is the purpose of the holding provisions and why were they applied?

The Holding Provision h is as follows:

"To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London."

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- This holding provision can be removed after the applicant enters into a subdivision agreement with the City of London, which provides clearly defined requirements for the provision of municipal services and associated financial obligations of the owner.

The purpose of applying the h holding provision for this property is to ensure that large tracts of land develop in a comprehensive and orderly manner, with full services available to the site.

The Holding Provision h-11 is as follows:

“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.”

- This holding provision can be removed once a development agreement has been entered into between the applicant and the City.

The h-11 holding provision ensures access to future commercial lands is consistent with Official Plan policies and the Access Management Guidelines.

Holding provisions advise future property owners of issues to be addressed in the future.

Why is it appropriate to remove the Holding Provision?

The applicant has completed Design Studies for the subdivision and the City is reviewing the first submission of engineering drawings. With the submission of servicing drawings, special provisions can be prepared.

Staff is recommending that the “h” holding provision can be removed for the whole of the proposed subdivision, subject to the applicant entering into the subdivision agreement with the City, and the provision of the necessary securities for the subdivision. Bringing the report forward to PEC, together with the special provisions report, this allows the removal of the holding provision to be an act of Council that can occur in a more expeditious timeframe, once the subdivision agreement has been completed.

Although requested by the applicant, it was not possible to submit the removal of the holding provisions report prior to the special provisions report for several reasons:

1. The requirements of the holding provisions would not have been satisfied; and
2. The holding provision is applied to ensure adequate municipal services are available for the orderly development of the lands. Until the special provisions are agreed upon, staff cannot confirm services are adequate to serve the lands in accordance with municipal standards and guidelines.

Staff is recommending the removal of the “h-11” holding provision on the interior Blocks (2, 3, 4 & 7) once the final registration of the plan has occurred. The “h-11” holding provision is an important tool to control access points to the arterial roads. In the absence of a holding provision, the properties as they exist could each have direct access onto the arterial with very little control over where the accesses could be located. Once the subdivision is registered, the lots are created, and the 0.3m reserves will transferred to the City. As such, the “h-11” can be removed on the interior Blocks that have no frontages or flankages onto an arterial road.

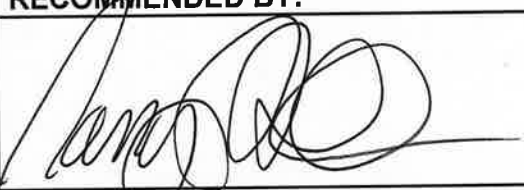
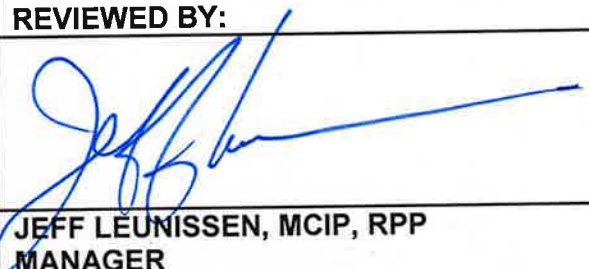
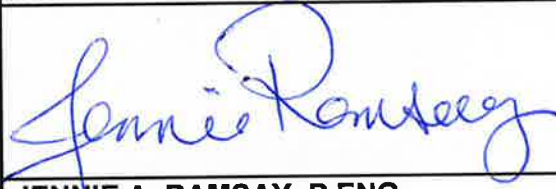

The proposed removal of the holding provision is consistent with the Provincial Policy Statement (PPS). The proposed development is located within a “Settlement Area”, will be developed by way of a Plan of Subdivision, and makes efficient use of the site. The proposed development will take advantage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

CONCLUSION

The approach taken in this report is not the preferred method for removal of holding provisions, but in an effort to work with the applicant and move the file forward expeditiously, Staff is recommending the removal of the holding provisions, subject to the applicant entering into the

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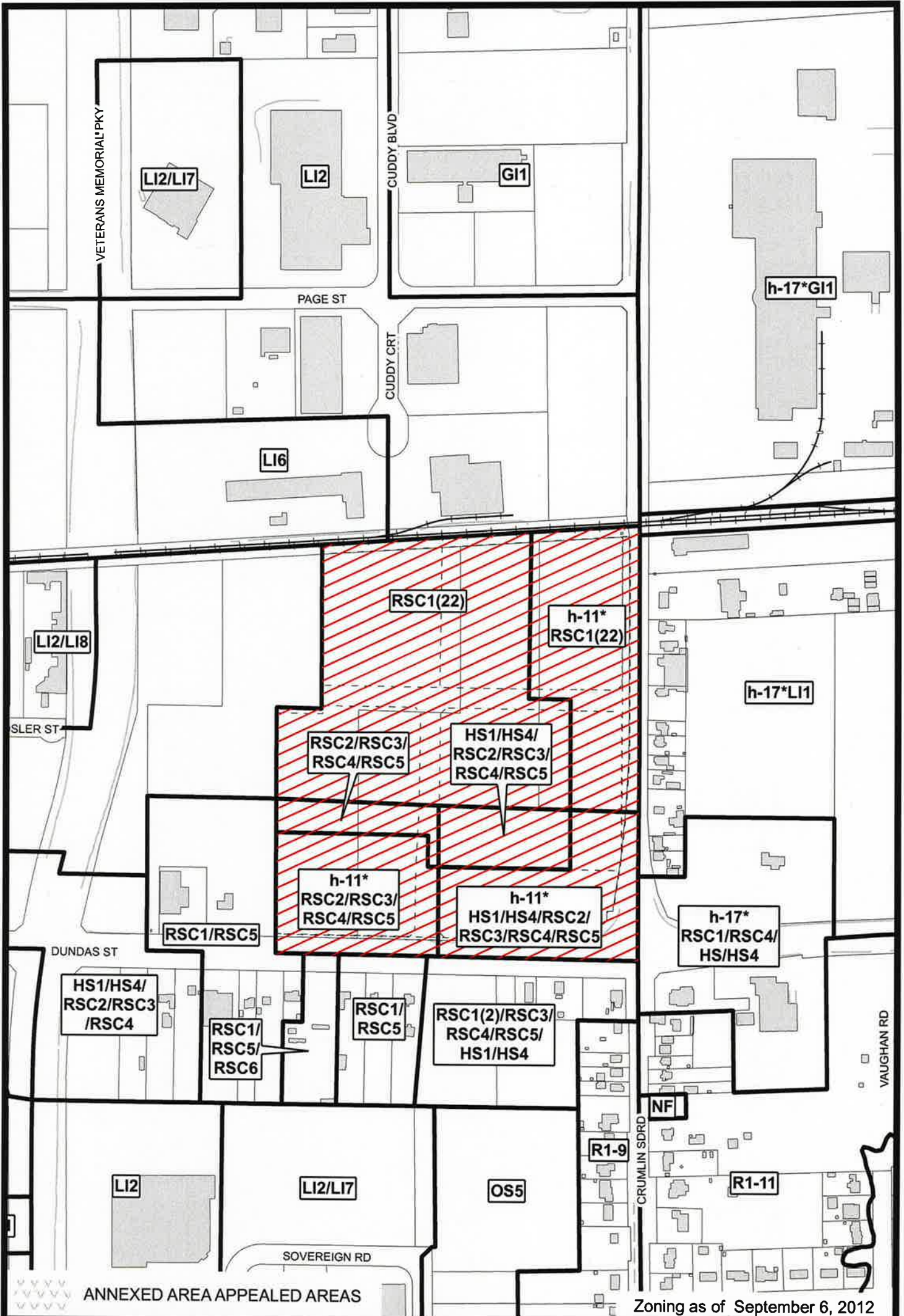
final subdivision agreement, and the registration of the subdivision.

RECOMMENDED BY: 	REVIEWED BY: 
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT PLANNING	JEFF LEUNISSEN, MCIP, RPP MANAGER DEVELOPMENT PLANNING
CONCURRED BY: 	SUBMITTED BY: 
JENNIE A. RAMSAY, P.ENG MANAGER DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

October 25, 2012
 NM/nm

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



File Number: H-8109
 Planner: NM
 Date Prepared: October 22, 2012
 Technician: DT
 By-Law No: Z.-1-

SUBJECT SITE 

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