

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: Escalade Property Corporation
852 Commissioners Road East

Meeting on: January 7, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of Escalade Property Corporation relating to the property located at 852 Commissioners Road East, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 15, 2019 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan, to change the zoning of 852 Commissioners Road East **FROM** a Holding Residential R9 (h-1*R9-7*H40) Zone, **TO** a Residential R9 (R9-7*H40) Zone to remove the h-1 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

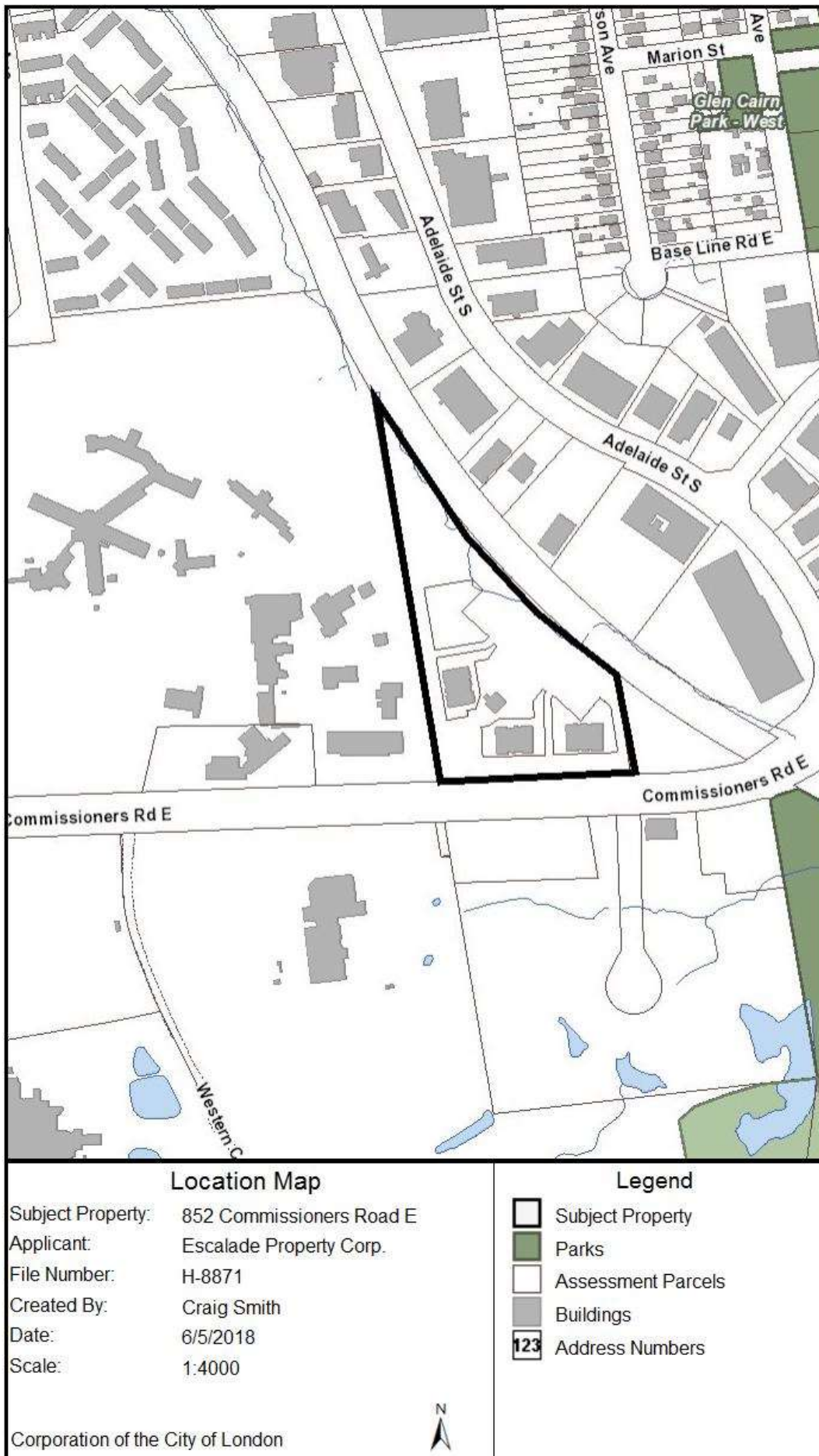
The purpose and effect of this zoning change is to remove the h-1 holding provision to permit the development of a 12 storey, 95 unit apartment building.

Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with The London Plan and in compliance with the Zoning By-law.
2. A noise study was reviewed and accepted by the City. Mitigation measures have been included in the revised Development Agreement and the h-1 holding provision is no longer required.

Analysis

1.1 Location Map



2.0 Description of Proposal

The removal of the holding provision will allow for the construction of a 12 storey, 95 unit apartment building.

3.0 Relevant Background

3.1 Planning History

On June 5, 1990, Darvic Enterprize Limited (the property owner at that time) entered into a development agreement to construct four (4), 12 storey, 95 unit apartment buildings. Three (3) apartment buildings have been constructed. The current property owner Escalade Property Corporation proposes to construct the fourth, 12 storey, 95 unit apartment building as per the June 5, 1990 development agreement.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

The h-1. holding provision states that:

Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.

Permitted Interim Uses: Existing uses; any non-residential use permitted by the applicable zones

A Noise and Vibration Report dated July 2017 prepared by Swallow Acoustic Consultants Ltd. was reviewed and accepted by the City. The site plan and executed revised development agreement includes the accepted mitigation measures (warning clauses) for this development. It is appropriate to remove the h-1 holding provision at this time.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h-1 holding provision from the subject lands at this time as the noise study has been reviewed and mitigation measures have been added to the existing Development Agreement.

Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
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.	

December 17, 2018

CS/

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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 for lands located at 852 Commissioners Road East.

WHEREAS Escalade Property Corporation have applied to remove the holding provisions from the zoning for the lands located at 852 Commissioners Road, 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 852 Commissioners Road East, as shown on the attached map, to remove the h.-1 holding provision so that the zoning of the lands as a Residential R9 (R9-7*H40) Zone.
2. This By-law shall come into force and effect on the date of passage.

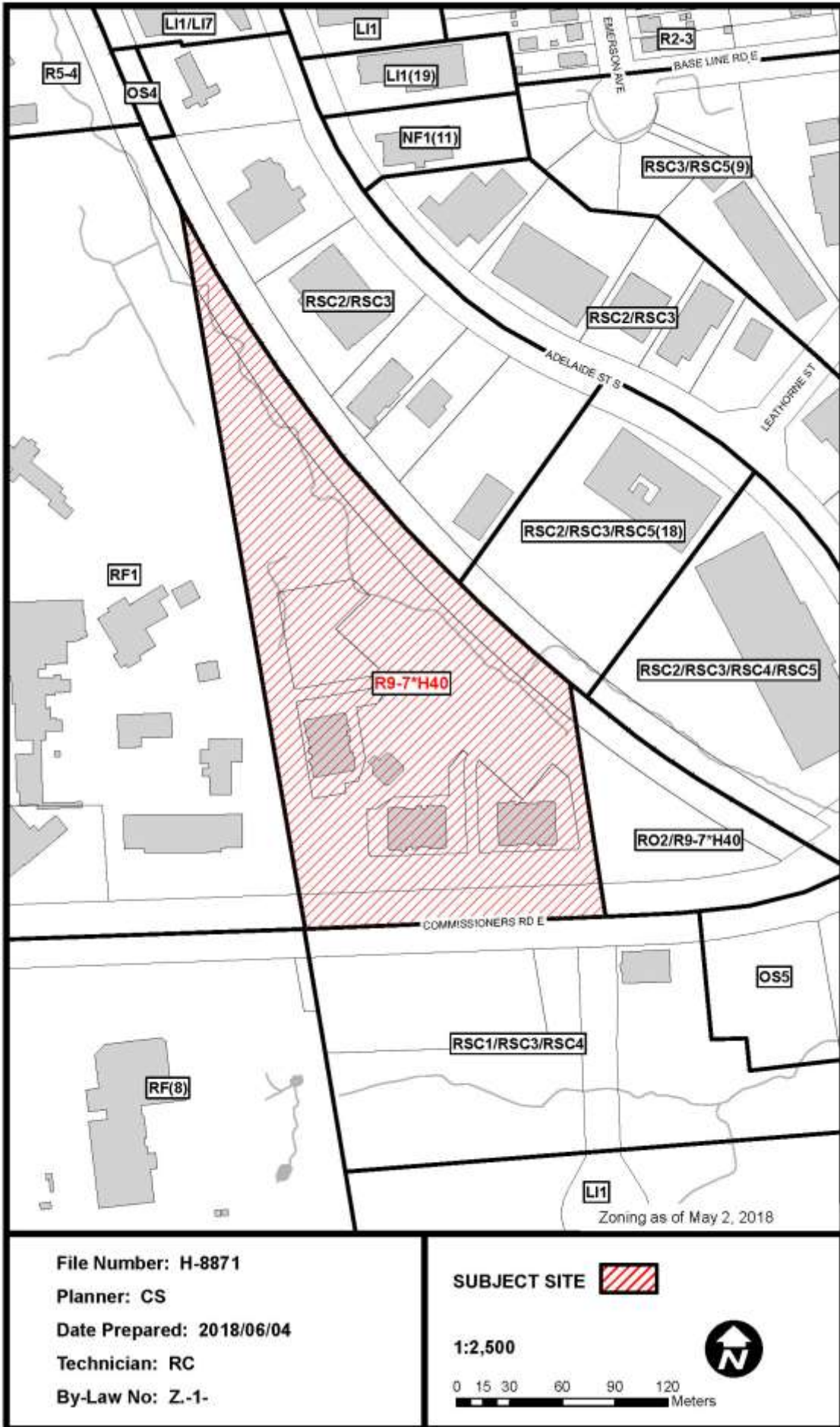
PASSED in Open Council on January 15, 2019.

Ed Holder
Mayor



Catharine Saunders
City Clerk

First Reading -January 15, 2019
Second Reading -January 15, 2019
Third Reading - January 15, 2019

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



File Number: H-8871
Planner: CS
Date Prepared: 2018/06/04
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 
1:2,500
0 15 30 60 90 120 Meters 

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on March 1, 2018

0 replies were received

Nature of Liaison: - City Council intends to consider removing the h.-1 holding provision from the lands requiring that an agreement be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development. Council will consider removing the holding provision as it applies to these lands no earlier than March 19, 2018.

Appendix C – Relevant Background

Existing Zoning Map

