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M. Corby
File # Z-8078

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE Y GROUP INVESTMENTS & MANAGEMENT INC. 2371 Highbury Ave North PUBLIC PARTICIPATION MEETING ON JANUARY 8, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of The Y Group Investments & Management Inc. relating to the property located at 2371 Highbury Ave North, and a portion of a vacant parcel located at the northwest corner of Highbury Avenue North and Sunningdale Road East, the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject properties **FROM** a Residential R1 (R1-14) Zone which permits Single Detached Dwellings and an Urban Reserve (UR3) Zone which permits existing dwellings, some agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation uses, kennels, private outdoor recreation clubs, and riding stables, **TO** a Holding Neighbourhood Shopping Area (h-NSA3) Zone to permit a wide range of commercial, retail and office type uses as well as apartment buildings with residential units above the first floor, **BE REFUSED** for the following reasons:

- i) The proposal is inconsistent with the policies of the Provincial Policy Statement, 2005, which do not permit partial services for the proposed form of development;
- ii) The proposal is inconsistent with the policies of the City of London Official Plan which do not permit individual on-site wastewater treatment for new commercial development;
- iii) The Urban Reserve Zone is intended to protect large tracts of land from premature subdivision and development in order to provide for future comprehensive development on those lands (i.e. plan of subdivision) whereas the requested amendments would facilitate the premature subdivision of land; and
- iv) The subject lands should be re-zoned and developed comprehensively in conjunction with a plan of subdivision in order to fulfill its planned function to serve the needs of the surrounding community when a planned community is in place.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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November 5, 2012 Report to Planning & Environment Committee (Appendix 1). The report outlined City staffs recommendation and supporting information.

BACKGROUND

On November 5, 2012, at a public meeting of the Planning & Environment Committee, the applicant Y Group Investments & Management Inc. requested that their application relating to the property located at 2371 Highbury Avenue North, be deferred to a future meeting of Planning & Environment Committee.




In requesting the deferral, the applicant explained that their company had recently terminated their relationship with their previous agent and in light of the City's comments and recommendation they are formally requesting that this matter be deferred. The deferral was

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intended to provide the Y Group with the time necessary to consider hiring a new planning consultant and prepare a response to the City's comments. While agreeing to the request for deferral Planning Staff advised the applicants that this matter would be presented at the public meeting of the Planning and Environment Committee on January 8, 2013 and requested that any new information be submitted by December 7, 2012.

No new information has been provided to staff since the November 6, 2012 meeting by the applicant. Planning Staff are resubmitting the recommendation and report put forward to Planning Committee on November 6, 2012, to refuse the requested Zoning By-law amendment application for the property located at 2371 Highbury Avenue North.

PREPARED BY:	SUBMITTED BY:
	
MIKE CORBY, PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

December 7, 2012

MC/mc

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Appendix 1

November 5, 2012

Planning & Environment Report

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File: Z-8078
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE Y GROUP INVESTMENTS & MANAGEMENT INC. 2371 Highbury Ave North PUBLIC PARTICIPATION MEETING ON NOVEMBER 5, 2012

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of The Y Group Investments & Management Inc. relating to the property located at 2371 Highbury Ave North, and a portion of a vacant parcel located at the northwest corner of Highbury Avenue North and Sunningdale Road East, the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject properties **FROM** a Residential R1 (R1-14) Zone which permits Single Detached Dwellings and an Urban Reserve (UR3) Zone which permits existing dwellings, some agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation uses, kennels, private outdoor recreation clubs, and riding stables, **TO** a Holding Neighbourhood Shopping Area (h•NSA3) Zone to permit a wide range of commercial, retail and office type uses as well as apartment buildings with residential units above the first floor, **BE REFUSED** for the following reasons:

- i) The proposal is inconsistent with the policies of the Provincial Policy Statement, 2005, which do not permit partial services for the proposed form of development;
- ii) The proposal is inconsistent with the policies of the City of London Official Plan which do not permit individual on-site wastewater treatment for new commercial development;
- iii) The Urban Reserve Zone is intended to protect large tracts of land from premature subdivision and development in order to provide for future comprehensive development on those lands (i.e. plan of subdivision) whereas the requested amendments would facilitate the premature subdivision of land; and
- iv) The subject lands should be re-zoned and developed comprehensively in conjunction with a plan of subdivision in order to fulfill its planned function to serve the needs of the surrounding community when a planned community is in place.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Stoney Creek Community Plan North of Sunningdale Road, Green Scheels Pidgeon Planning Consultants, August 1999

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested zoning change is to facilitate the severance of the abutting parcel and permit the future development of these lands for medical/dental office uses along with other permitted uses in the Neighbourhood Shopping Area Zone once the lands are fully serviced. The staff recommendation is to refuse the request.

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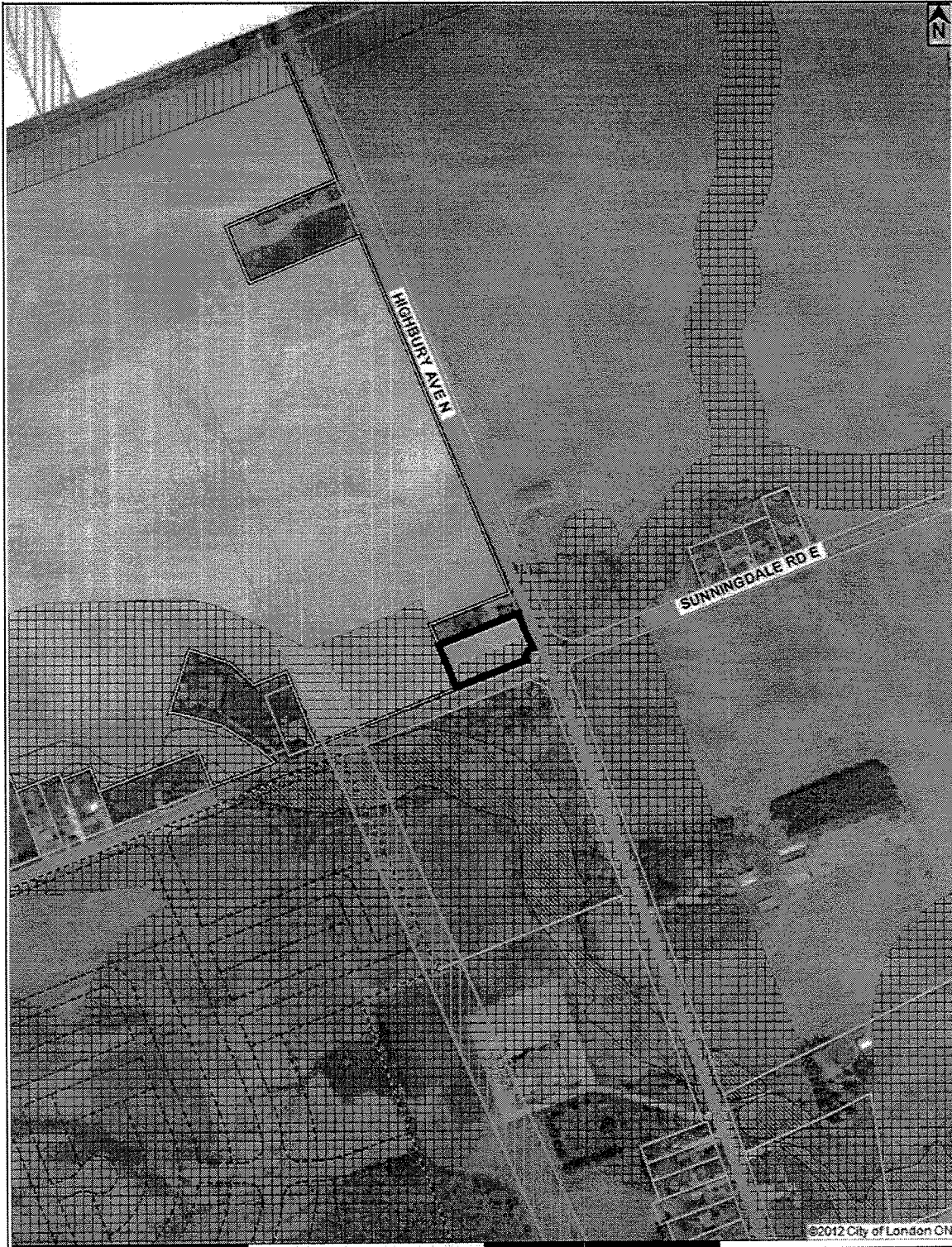
File: Z-8078
Planner: Mike Corby

RATIONALE

- i) The proposal is inconsistent with the policies of the Provincial Policy Statement, 2005, which do not permit partial services for the proposed form of development.
- ii) The proposal is inconsistent with the policies of the City of London Official Plan which do not permit individual on-site wastewater treatment for new commercial development.
- iii) The Urban Reserve Zone is intended to protect large tracts of land from premature subdivision and development in order to provide for future comprehensive development on those lands (i.e. plan of subdivision) whereas the requested amendments would facilitate the premature subdivision of land.
- iv) The subject lands should be re-zoned and developed comprehensively in conjunction with a plan of subdivision in order to fulfill its planned function to serve the needs of the surrounding community when a planned community is in place.

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File: Z-8078
Planner: Mike Corby








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0 metres 250 500 750 1000

LOCATION MAP

Subject Site: 2371 Highbury Ave N
File Number: Z-8078
Planner: Mike Corby
Created By: Mike Corby
Date: 2012-07-27
Scale: 1:5000

LEGEND

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



Corporation of the City of London
Prepared By: Planning, Environmental

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File: Z-8078
Planner: Mike Corby

BACKGROUND

Date Application Accepted: July 23 rd , 2012	Agent: Ben Billings
<p>REQUESTED ACTION: Possible change to Zoning By-law Z.-1 to amend the Zoning By-law Z.-1 from a Residential (R1-14) Zone which permits single detached dwellings and an Urban Reserve (UR3) Zone which provides for and regulates existing uses such as passive recreation uses, conservation lands and agricultural uses, to a Holding Neighbourhood Shopping Area (h*NSA3) Zone which permits a range of neighbourhood scale commercial, retail, service and office uses and apartment buildings.</p> <p>The subject lands are part of a concurrent consent application File B.024/12, to sever 2,186.3m² at the north-west corner of Highbury Avenue North and Sunningdale Road East and convey to 2371 Highbury Avenue North</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Single Detached Dwelling • Frontage – 51.16m • Depth – 90m • Area – 4481.7m² • Shape - Rectangular

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North - Agricultural • South - Open Space / Urban Reserve (UTRCA regulated) Significant Corridor, provincially Significant Wetland Part of a Big picture meta corridor • East - Agricultural • West - Agricultural
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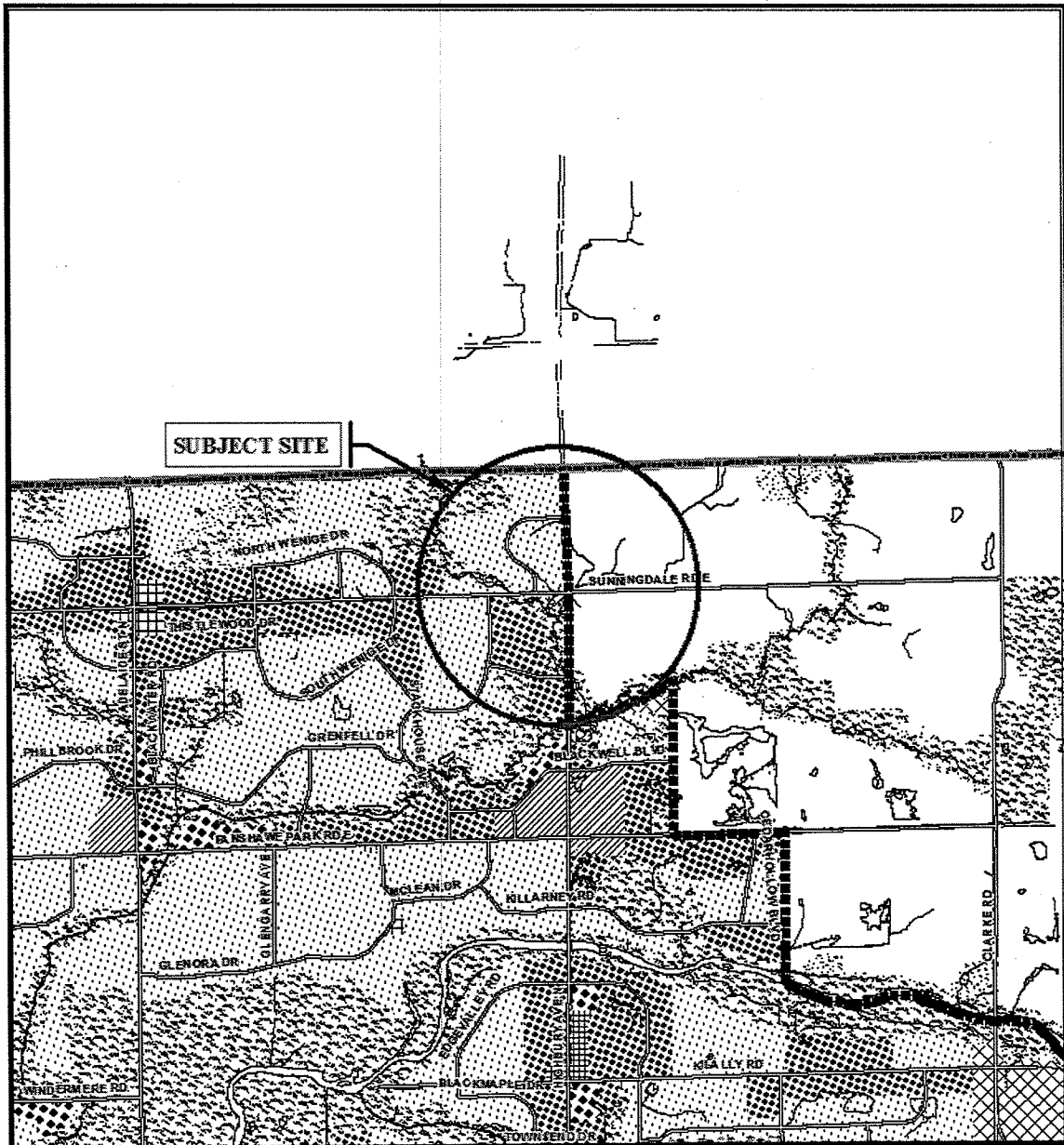
<p>OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)</p> <ul style="list-style-type: none"> • Neighbourhood Commercial Node (to be interpreted)
<p>EXISTING ZONING: (refer to Zoning Map)</p> <ul style="list-style-type: none"> • UR3 and R1-14

PLANNING HISTORY

The Stoney Creek Community Plan was completed in August, 1999. The Community Plan was not adopted by City Council. However, the land use planning designations identified in the report were used to implement the Official Plan designations for the area. Congruent with the proposed Community Plan, the subject lands and surrounding area were designated Neighbourhood Shopping Area which was subsequently re-designated to Neighbourhood Commercial Node as part of the 2006 Comprehensive Official Plan review (OPA 438).

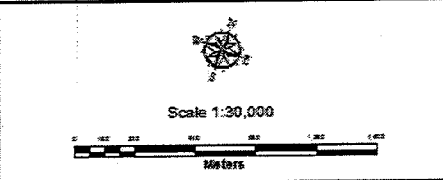
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File: Z-8078
Planner: Mike Corby



Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

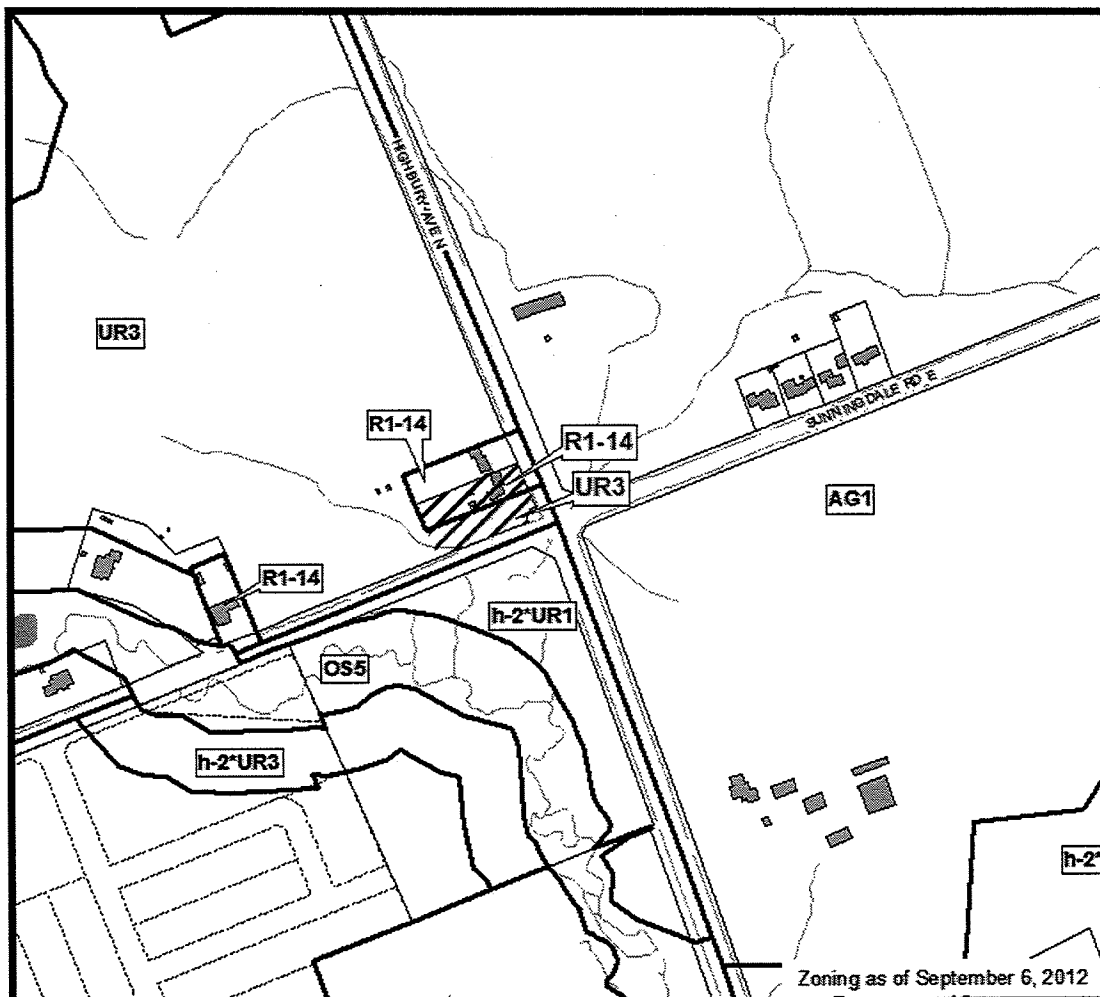
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8078
PLANNER: MC
TECHNICIAN: CK
DATE: 2012/09/25

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File: Z-8078
Planner: Mike Corby



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-14 & UR3

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:
Z-8078 MC

MAP PREPARED:
2012/09/25 CK

1:4,750
0 20 40 80 120 160
Meters

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

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File: Z-8078
Planner: Mike Corby

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

City of London

Storm Water Management Unit:

- There is no municipal storm outlet in close proximity to the subject lands. Therefore if a storm outlet is required for the proposed usage on this site, the storm outlet must be identified, subject to UTRCA and City approval.
- The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
- The owner is required to provide storm-drainage and stormwater management servicing for the subject lands in accordance with the Municipal Class EA Schedule B for storm drainage and stormwater management works for Stoney Creek Undeveloped Lands report (DELCAN November 2007)
- The City Subwatershed Planning Studies were approved by City Council on September 18, 1995. The Owner shall be required to comply with the SWM targets and criteria identified in the Stoney Creek Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.

Transportation Planning & Design Division:

- We have concerns regarding safe access for this site due to the small lot size and close proximity to the intersection of Sunningdale Rd & Highbury Ave and therefore do not support access to Highbury Ave. Any access to Sunningdale Rd is to be located at the far westerly limit of the site and based on the development proposal and traffic conditions when the site develops, may be restricted to right in/out only or restricted to access through abutting property. We are therefore requesting a holding provision for access.
- Road widening dedications measured 18 m from the centre line of both Sunningdale Rd and Highbury Ave will be required through the site plan approval process.

Wastewater & Drainage Engineering Division:

As there is not a municipal sanitary sewer available to service the property it is requested that a Holding provision h-17 is requested to be enacted on the zoning for the property and to remain in effect until the land is serviced, as such time the applicant can apply to have the h-17 removed. The existing septic system can remain in place to service the existing residential uses on the property until the property is redeveloped in the future.

UTRCA

- No objection

Bell

- No objection

Hydro

- No objection

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File: Z-8078
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PUBLIC LIAISON:	On August 3, 2012, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on August 4, 2012. A "Possible Land Use Change" sign was also posted on the site.	1 reply was received
<p>Nature of Liaison: The purpose and effect of this zoning change is to permit the development of these lands for medical/dental office uses along with other permitted uses in the Neighbourhood Shopping Area Zone once the lands are fully serviced.</p> <p>Possible change to Zoning By-law Z.-1 to amend the Zoning By-law Z.-1 from a Residential (R1-14) Zone which permits single detached dwellings and an Urban Reserve (UR3) Zone which provides for and regulates existing uses such as passive recreation uses, conservation lands and agricultural uses, to a Holding Neighbourhood Shopping Area (h*NSA3) Zone which permits a range of neighbourhood scale commercial, retail, service and office uses and apartment buildings.</p> <p>The subject lands are part of a concurrent consent application File B.024/12, to sever 2,186.3m² at the north-west corner of Highbury Avenue North and Sunningdale Road East and convey to 2371 Highbury Avenue North</p>		
<p>Response: The general concern was that application was premature as the Official Plan designation on the property directly south is being reassessed for potential commercial designation. This requested amendment could compromise the outcome of the property's land use designation.</p> <p>The neighbouring property to the south currently has a provincially significant wetland on it and any development within a 120m radius should result in an EIS.</p>		

ANALYSIS

Subject Lands

The subject lands are located on the northwest corner of Sunningdale Road East and Highbury Avenue North comprising 2371 Highbury Avenue North, which contains a single detached dwelling, as well as a portion of an abutting vacant parcel immediately to the south which currently forms part of a larger farm parcel (see figure 1 below). Together, this consolidated land holding constitute the "subject lands" and have a combined total frontage of 48.7m and a total area of 4398.9m² (before road widening dedication is acquired through the future consent process).

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File: Z-8078
Planner: Mike Corby

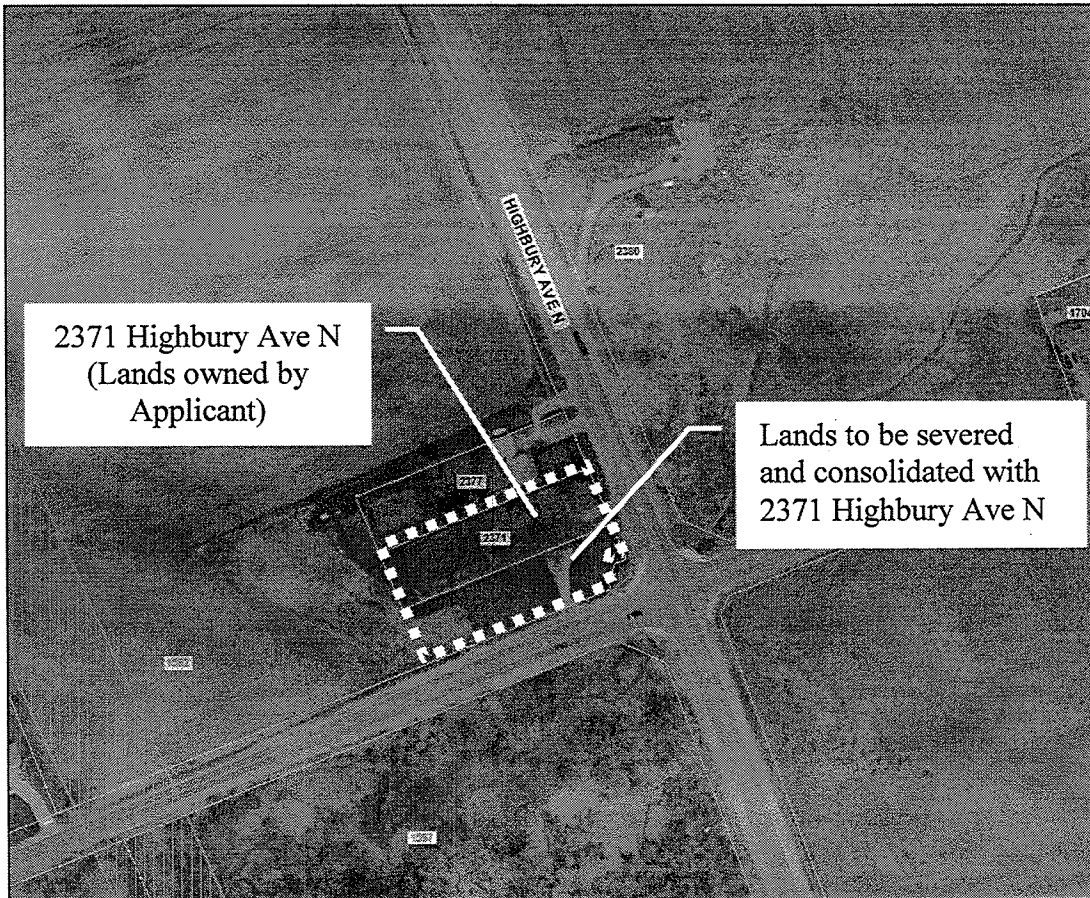


Figure 1 – Aerial photo of subject lands

Nature of Application

The applicant is requesting a possible change to Zoning By-law Z.-1 to amend the Zoning By-law Z.-1 from a Residential R1 (R1-14) Zone, which permits single detached dwellings, and an Urban Reserve (UR3) Zone, which provides for and regulates existing uses such as passive recreation uses, conservation lands and agricultural uses, to a Holding Neighbourhood Shopping Area (h•NSA3) Zone which permits a range of neighbourhood scale commercial, retail, service, and office uses and apartment buildings subject to a holding provision for municipal services.

A portion of the subject lands forms part of a concurrent consent application (File B.024/12), requesting to sever a 2,186.3m² parcel of land, located immediately to the south of 2371 Highbury Avenue North, from an abutting larger farm parcel. The applicant wishes to purchase the proposed severed vacant parcel and merge it with the lands at 2371 Highbury Avenue North as part of a consolidated land holding.

The applicant is requesting to amend the existing zoning applied to each of the two properties in order to facilitate the consent and consolidation the subject lands and subsequently accommodate a proposed medical/dental use and other Neighbourhood Shopping Area uses.

Provincial Policy Statement

Municipalities shall be consistent with the Provincial Policy Statement, 2005. The following sections are relevant to this application.

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

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File: Z-8078
Planner: Mike Corby

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.*

The requested amendment does not promote efficient development or land use patterns as the creation of the proposed lot is premature and is being requested in isolation of a planned land use context. The proposed lot may not be the most efficient or effective shape and size in conjunction with the surrounding area and may compromise the comprehensive development of the surrounding lands. The City of London's Transportation department has already identified concerns about access to the site due to the proposed lot size. Since the proposal is premature of any surrounding development it is difficult to tell whether the proposal will be effective in the long term, whether the proposed development is appropriate in this configuration, and whether the proposal will be cost effective for municipal servicing over the long term.

Also, the subject lands do not have the appropriate infrastructure in available since no municipal sanitary services are in place. Municipal servicing will not be available to the subject lands until a land use planning context is adopted for the surrounding area. Upon approval of these development plans, servicing will be extended to the area by the developer after the submission of a servicing plan to accommodate the projected needs of the area. During that process it would be appropriate to comprehensively zone and create parcels that could accommodate servicing needs for the area.

1.6.4 Sewage and Water

1.6.4.5 *Partial services **shall only be permitted** in the following circumstances:*

- a) *where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; and*
- b) *within settlement areas, to allow for infilling and rounding out of existing development on partial services provided that:*
 1. *the development is within the reserve sewage system capacity and reserve water system capacity; and*
 2. *site conditions are suitable for the long-term provision of such services.*

Since the subject lands are serviced by water but lack municipal sewage services, the use of individual on-site sewage services is considered partial servicing under the PPS. The proposed medical/dental use and other Neighbourhood Shopping Area uses do not conform to the above PPS policy in the absence of the availability of municipal sewers. The requested amendment is not considered infilling or rounding out of any existing development and there are no failed services on the subject lands. With the absence of municipal sewers available to properly service these lands for commercial uses at this time, the requested amendment is premature.

Official Plan

The subject lands are currently designated *Neighbourhood Commercial Node, which is intended to provide for the daily or weekly convenience shopping and service needs of nearby residents and, to a lesser extent, passing motorists. They should contain uses that are convenience-oriented and unlikely to draw customers from beyond the local area.*

Council must interpret the boundary of this node as the current Official Plan Schedule A mapping appears to be inconsistent with the Stoney Creek Area Study's designation. In determining the appropriate size and area for the Neighbourhood Commercial Node designation, it will also help guide Council in determining whether the proposed land acquisition is appropriate.

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File: Z-8078
 Planner: Mike Corby

The current official plan also identifies two other Neighbourhood Commercial Nodes within the vicinity of the subject lands at the intersection Adelaide Street and Sunningdale Road East which are each twice as large as the proposal node. The node on the south east side of the intersection is fully serviced and pre-zoned for commercial uses and was created as part of a plan of subdivision in 2006 with consideration for the comprehensive development of the surrounding land uses. The node on the north east side is zoned Urban Reserve (UR3) as it is waiting to be incorporated into a comprehensive plan of subdivision where it will receive the appropriate zoning. Pre-zoning the subject lands without a comprehensive plan of subdivision and no imminent plans for municipal servicing is not appropriate.

17.2 Sanitary Sewage

17.2.6. Individual Wastewater Treatment Systems

ii) Within the Urban Growth Area, the City may permit individual onsite wastewater treatment systems in the following circumstances:

- a) *for commercial and industrial development on lands that were designated for commercial or industrial growth before they were annexed to the City on January 1, 1993.*

The subject lands were not designated for commercial or industrial growth before January 1, 1993. Therefore, the City's Official Plan policies do not permit on-site servicing to accommodate commercial development on the subject lands as part of this requested Zoning By-law amendment.

In the absence of municipal sewer service to the subject lands, the requested amendments to facilitate the consolidation of land to accommodate commercial uses are premature until a comprehensive plan for the area is complete and the subject lands can be incorporated within this larger comprehensive plan.

Stoney Creek Community Plan Land Use Designation

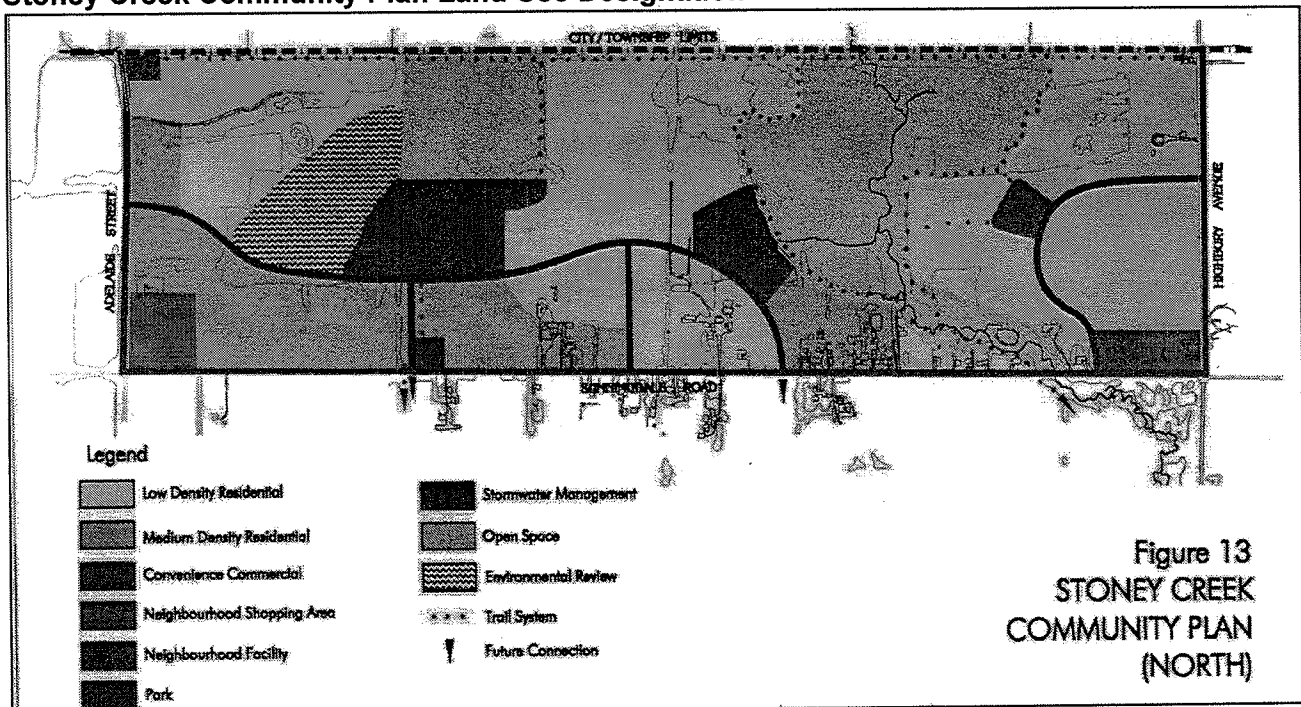


Figure 13
 STONEY CREEK
 COMMUNITY PLAN
 (NORTH)

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File: Z-8078
Planner: Mike Corby

Environmental Impact Studies

Section 15.5. of the Official Plans states Environmental Impact Studies are required prior to the approval of development to prevent negative impacts on the Natural Heritage System. Environmental Impact Studies will normally be completed as part of Secondary Plans in accordance with the provisions of Section 19.2, however, they can also be completed separately as part of subdivision or site plan applications.

Should Council not support the recommendation made in this report, no development should proceed until an Environmental Impact Study is submitted and reviewed by the City, pursuant to Section 15.5.1. of the Official Plan. A holding provision should be added to require an Environmental Impact Study to ensure that the proposed development does not negatively impact the natural features and ecological functions of the adjacent Natural Heritage System to the south.

Zoning By-law

The southern portion of the subject lands (vacant site) is currently zoned Urban Reserve (UR3) and the northern portion (2371 Highbury Avenue North) is zoned Residential R1 (R1-14).

Section 49.1 of the Zoning By-law (General Purpose of the UR Zone) states that, *"This zone provides for and regulates existing uses on lands which are primarily undeveloped for urban uses. Generally these uses have limited structures. The Urban Reserve Zone is intended to protect large tracts of land from premature subdivision and development in order to provide for future comprehensive development on those lands."*

The UR1, UR2 and UR3 Zone variations are intended to be applied to undeveloped areas within the former City boundaries and to areas which have been reviewed through the Community Plan Process.

The proposed rezoning would effectively facilitate the premature subdivision of the lands within the Urban Reserve (UR3) zone. It intended that these lands will be comprehensively developed as a plan of subdivision with the surrounding lands at a future date.

Though the existing single detached dwelling lot presents a unique circumstance because it abuts a narrow strip of Urban Reserve (UR3), this factor does not make it appropriate to rezone the vacant strip so that it is separated from the larger Urban Reserve (UR3) zone. This could set precedent for future similar applications since several single detached dwellings abut the Urban Reserve (UR3) zone. This would facilitate ad-hoc and inappropriate planning of large Urban Reserve areas.

The applicant is also requesting that a holding provision be applied to ensure no development occurs until the adequate provision of municipal services is available. The "h" holding symbol is not intended to be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London. However, the inclusion of a holding provision intended to prevent the development of a site until such time as municipal sewers are available is more aptly applied when the availability of municipal sewers is imminent. The application of such a holding provision is not appropriate well in advance of municipal servicing.

CONCLUSION

Staff recommend refusal of this requested amendment based on its inconsistency with the servicing policies of the PPS and Official Plan, the requested amendment is premature given its lack of comprehensive planning with the surrounding area, and given the lack of availability of municipal sanitary servicing. The application would have the effect of circumventing the intent of the Urban Reserve (UR3) zone and would facilitate the premature subdivision of land.

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Planner: Mike Corby

PREPARED BY:	SUBMITTED BY:
MIKE CORBY PLANNER II, COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

October 9, 2012

MC/mc

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File: Z-8078
Planner: Mike Corby

Responses to Public Liaison Letter and Publication in "Living in the City"

<u>Telephone</u>	<u>Written</u>
	John Ross 1150 Fanshawe Park Road East London ON, N5X 3Z8

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File: Z-8078
Planner: Mike Corby

**Bibliography of Information and Materials
Z-8078**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by The Y Group Investments & Management Inc., July 19, 2012

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Insites Consulting. *Zoning By-law Amendment: Justification Report*, July 18, 2012.

Correspondence: (all located in City of London File No. Insert File No. unless otherwise stated)

City of London -

Masschelein B., City of London Wastewater & Drainage Engineering Services Department. E-mails to M. Corby. August 22, 2012.

Couvillon A., City of London Transportation Technologist. E-mail to M. Corby. August 20, 2012.

Galloway A., City of London Storm Water Management Unit. E-mail to M. Corby. August 13, 2012.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. August 16, 2012.

Raffoul L., Bell Canada. Letter to M. Corby. August 13, 2012.

Dalrymple D., London Hydro. Memo to M. Corby. August 7, 2012.

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File: Z-8078
Planner: Mike Corby

Appendix "A"

Mr. Mike Corby
The City of London Planning Division
P.O. Box 5035
London, Ontario
N6A 4L9

Re: Notice of Application by The Y Group Investments & Management Inc., Z-8078.

Dear Mr. Corby:

Please find here my comments regarding the above noted Application as the owner of the adjacent property at the southwest corner of Highbury Avenue North and Sunningdale Road East.

This application is premature as it relates to surrounding properties, mine in particular. In the justification Report, prepared by Insites Consulting, July 18, 2012, 8.0 Planning Impact Analysis, c), the report states "There are no other lands in the area designated or zoned for commercial uses.". That is not correct when one considers my property recently had an NSA/NCN designation under the City's OPA 88 and 438, OPs referenced in Insites' Report. The NCN designation on my property was removed, by a special Council Amendment to OPA 438 in September of 2009, without direct notification to me and without my agreement. The Amendment placed a large area of PSW designation on my property, replacing the NCN designation. Since 2010, the placement of the PSW and reinstatement of my commercial uses has been under review. Until a determination of the validity of the PSW is made on my property, I submit that the Application to rezone these adjacent lands is premature, regardless of the proposed "holding" designation, and could prejudice or compromise the reinstatement of the previous commercial designation on my property. Mr. Barrett of the City's Planning Division is aware of these arguments.

Also, Insights' Report, fails to mention that the "Environmentally Sensitive Area" they identify on my property (south) is designated as Provincially Significant Wetland (PSW). If the review of my property should prove this to be true, then a 120 meter buffer zone would exist around the PSW and these properties would fall within that zone. Insites' Report makes no mention of this, only that the UTRCA have no objection to the re-zoning. I find it unusual that the UTRCA would not require some form of environmental study before agreeing to this application. I am not aware of such a study and will investigate further with the UTRCA.

If successful with this rezoning, Insite's Report contemplates, in 8.0 (a), further expansion of commercial uses on adjacent lands but fails to identify where and to what extent. Does this mean that they contemplate a final commercial size which could equate to the one still under reconsideration on my property? Their intent is not clear and is contrary to the clear and proper planning process for commercial needs in the Stoney Creek Community Plan area implemented by the referenced Board Order and OPA 88. I recall that OPA 88 and the Board's Order placed a "CC" designation on the subject property, a smaller scale commercial designation than NCN or NSA. Again, I object to this application based on its prematurely, possible compromise of my land uses, and the unknown final size of surrounding commercial uses.

Please provide me with copies of all the City Department reports and recommendations along with outside Agency reports regarding this application as soon as possible. Also, I would like to be notified of Planning Committee's decision by Post to:

John D. Ross
1150 Fanshawe Park Road, East
London, Ontario
N5X 3Z8

Agenda Item # Page #

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Sincerely,
John D. Ross