

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: S.E.M Construction
1567 and 1571 Hyde Park Road
Removal of Holding Provision h-17

Meeting on: December 2, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of S.E.M Construction relating to the properties located at 1567 and 1571 Hyde Park Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 10, 2019 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1567 and 1571 Hyde Park Road **FROM** a Holding Business District Commercial (h-17*BDC) Zone **TO** a Business District Commercial (BDC) Zone to remove the h-17 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

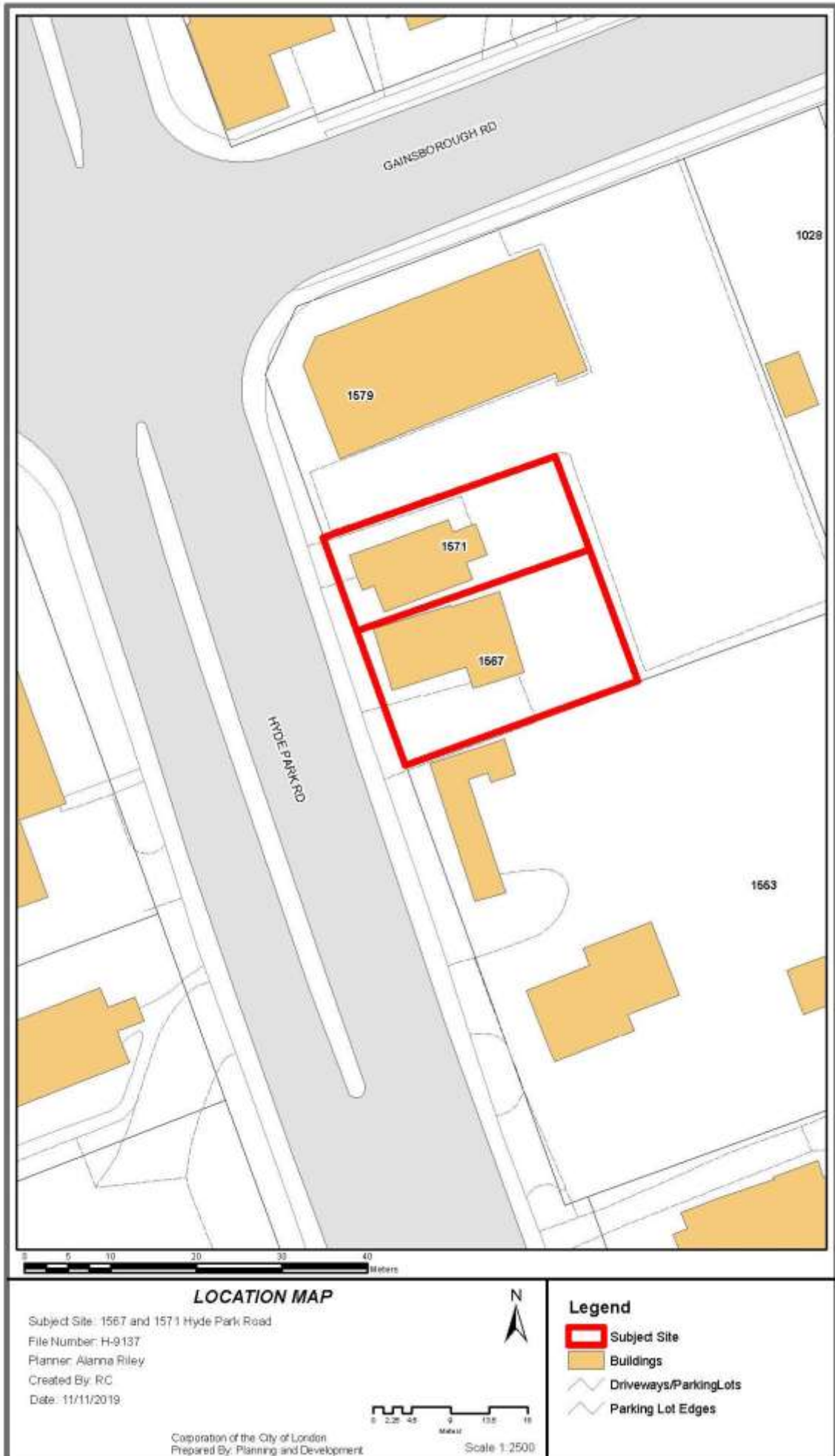
The purpose and effect of this zoning change is to remove the h-17 holding provision applied to this site to permit the development of an animal hospital.

Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with the Zoning By-law.
2. Development Services Engineering has confirmed services are available for this site. Also through the Site Plan Approval process, the accepted plans and Development Agreement for this site will include provisions to ensure that a connection to the existing water and sanitary systems in the immediate area is required. Therefore, the h-17 holding provision is no longer required.

Analysis

1.1 Location Map



2.0 Description of Proposal

The purpose of this amendment application is to remove the h-17 holding provision from these lands. This provision requires that full municipal sanitary sewer and water services are available to service the site. The removal of the h-17 holding provision at 1567 and 1571 Hyde Park Road will allow for the construction of animal hospital.

3.0 Relevant Background

3.1 Planning History

The lands were designated Business District Commercial through the Hyde Park Community Plan process. Council adopted the Hyde Park Community Plan on April 17, 2000. OPA 193 was adopted by Council in 2001, implementing the land use designation as adopted through the Community Plan process.

An application for site plan for phase one of this site was submitted on August 29, 2019. Approval is still pending.

3.2 Requested Amendment

The applicant is requesting the removal of the “h-17” holding provision from the lands to permit development.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, no comments were received.

3.4 Policy Context (see more detail in Appendix C)

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the (1989) Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

h-17 Holding Provision

The h-17 holding provision states that:

“h-17 Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h-17” symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.

The h-17 holding provision requires that full municipal sanitary sewer and water service systems are available for these lands. Services were update along Hyde Park Road in 2018 and a municipal sanitary sewer and watermain are located in the Hyde Park Road right-of-way. Development Services Engineering has confirmed services are available for this site. Also, through the Site Plan Approval process, the accepted plans and Development Agreement for this site will include provisions to ensure that a connection to the existing water and sanitary systems in the immediate area is required. This satisfies the requirement for removal of the “h-17” holding provision.

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

5.0 Conclusion

It is appropriate to remove the h-17 holding provision from the subject lands at this time as full municipal sanitary and water services are available. Also, the development agreement will include provisions to ensure that a connection to services is required.

Prepared by:	Alanna Riley, MCIP, RPP Senior Planner, Development Services
Recommended 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	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompili, Manager, Development Planning
Ted Koza, Manager, Development Engineering

November 25, 2019

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Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1567 and 1571 Hyde Park Road.

WHEREAS S.E.M. Construction have applied to remove the holding provision from the zoning for the lands located at 1567 and 1571 Hyde Park 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 provision 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 1567 and 1571 Hyde Park Road, as shown on the attached map, to remove the h-17 holding provision so that the zoning of the lands as a Business District Commercial 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 10, 2019

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading - December 10, 2019
Second Reading - December 10, 2019
Third Reading - December 10, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on November 24, 2019

0 replies were received

Nature of Liaison: City Council intends to consider removing h-17 holding provision from the lands which requires full municipal sanitary sewer and water services are available to service the site to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than December 10, 2019.

Appendix C – Relevant Background

Existing Zoning Map

