

PC.29

Shell Type = use for removing a holding provision

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H-8171/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: BREMOR ENGINEERING LTD. PORTION OF 2350 DUNDAS STREET (BLOCK 5, 39T-12502) MEETING ON MAY 7, 2013 NOT BEFORE 4:00 PM

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services Division, based on the application of Bremor Engineering Ltd., relating to a portion of the property located at 2350 Dundas Street (also known as Block 5 of Draft Approved Plan 39T-12502), the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 14, 2013 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 Restricted Service Commercial Special Provision (h*h-11*RSC1(22)) Zone **TO** a Restricted Service Commercial Special Provision (RSC1(22)) Zone, to remove the "h" and "h-11" holding provision, subject to the registration of the subdivision plan prior to May 14, 2013.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the "h-11" holding provision on a portion of the property upon the applicant entering into the Development Agreement to permit the development of an automotive dealership (Leavens Volkswagen).

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.

H-8109 – 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. – Report on November 5, 2012. This by-law is awaiting third reading pending final registration of the plan of subdivision.

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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 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.

On November 5, 2012, an application for removal of the h holding provision (for the whole site) and the h-11 holding provision (for the internal portions of the site) was brought forward to PEC, with 3rd reading of the by-law to be withheld pending the Applicant entering into a subdivision agreement and registration of the final plan of subdivision. The Subdivision Agreement was signed in late December, 2012. The Applicant is expected to register the plan of subdivision shortly; therefore, the final removal of the h and h-11 holding provisions should occur at the Council meeting on May 14.

Date Application Accepted: April 16, 2013	Applicant: Bremor Engineering Ltd.
REQUESTED ACTION: Removal of the "h-11" holding provision on the site to permit the development of an automotive dealership (Leavens Volkswagen).	

PUBLIC LIAISON:	Notice was published in The Londoner on April 25, 2013.	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.

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What is the purpose of the holding provision?

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 applied for site plan approval. The proposed site plan, currently in process, shows no access to Crumlin Road.

In order to facilitate the Applicant obtaining building permits, at the discretion of the Chief Building Official, Staff is recommending the removal of the “h-11” holding provision for Block 5 of draft plan 39T-12502. The “h-11” holding provision is an important tool to control access points to the arterial roads. The applicant has signed a development agreement, and provided securities for the subject lands, which has no access to Crumlin Road. One foot reserves will be dedicated to the City across the Crumlin Road frontage through the final registration of the plan of subdivision, which further insures no future access.

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

In an effort to work with the applicant and move the file forward expeditiously, Staff is recommending the removal of the h-11 holding provision from the subject lands, as the Applicant has entered into a development agreement with the City, and with access provisions to our satisfaction. Therefore, the holding provision can be removed.

RECOMMENDED BY:	REVIEWED BY:
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT PLANNING	BRUCE HENRY 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

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Bill No.
2012

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning on lands located on a portion of 2350 Dundas Street (Block 5, 39T-12502).

WHEREAS Bremor Engineering Ltd. has applied to remove holding provision from the zoning on the lands located on a portion of 2350 Dundas Street (Block 5, 39T-12502), 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located on a portion of 2350 Dundas Street (Block 5, 39T-12502), as shown on the attached map to remove the "h" and "h-11" holding provision so that the zoning of the lands as a Restricted Service Commercial Special Provision (RSC1(22)) Zone comes into effect.

2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 14, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - May 14, 2013
Second Reading - May 14, 2013
Third Reading - May 14, 2013

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By-law map