

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas P.Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Application by Motivity Land Incorporated c/o ATRR
1225 Hyde Park Road – Removal of Holding Provisions

Date: December 13, 2021

Recommendation

That, on the recommendation of the Director, Planning and Economic Development, the following actions be taken with respect to the application of Motivity Land Incorporated, relating to the property located at 1225 Hyde Park Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 21, 2021, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London, to change the zoning of the subject property **FROM** a Holding Restricted Service Commercial RSC1, RSC3, and RSC5 (h-17*RSC1/RSC3/RSC5) Zone, **TO** a Restricted Service Commercial RSC1, RSC3, and RSC5 (RSC1/RSC3/RSC5) Zone.

Executive Summary

Purpose and the Effect of the Recommended Action

The purpose and affect of this zoning change is to remove the “h-17” holding provision to permit the demolition of two existing buildings and the development of an automobile showroom and service bays for an existing automobile dealership.

Rationale and Recommended Action

1. The conditions for removing the “h-17” has been met and the recommended amendment will allow for the development of an automobile showroom and service bays.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London’s growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

There is no evidence of previous reports or applications relating to the subject lands.

1.2 Planning History

The buildings on the subject lands were constructed in the early 1980s, and the lands have been used for automobile sales and rentals for approximately 35 years. A review of the subject lands showed no evidence of previous reports or application. The current owners acquired the property in 2016, and this application to remove the holding provision was accepted as complete on October 5, 2021. An application for Site Plan Approval (SPA21-064) has also been submitted and is being processed concurrently.

1.3 Property Description

The subject lands are located in the northwest quadrant of the City and situated east of Hyde Park Road and north of Sarnia Road. There are three existing structures on the subject lands, which have existed for approximately 35 years. The buildings are used for: automobile sales and rentals; storage; and a leased building providing recreational services.

1.4 Current Planning Information

- The *London Plan* Place Type – Shopping Area and Neighbourhood
- Official Plan Designation – Auto-Oriented Commercial Corridor (AOCC)
- Existing Zoning – Holding Restricted Service Commercial RSC1, RSC3, and RSC5 (h-17*RSC1/RSC3/RSC5) Zone

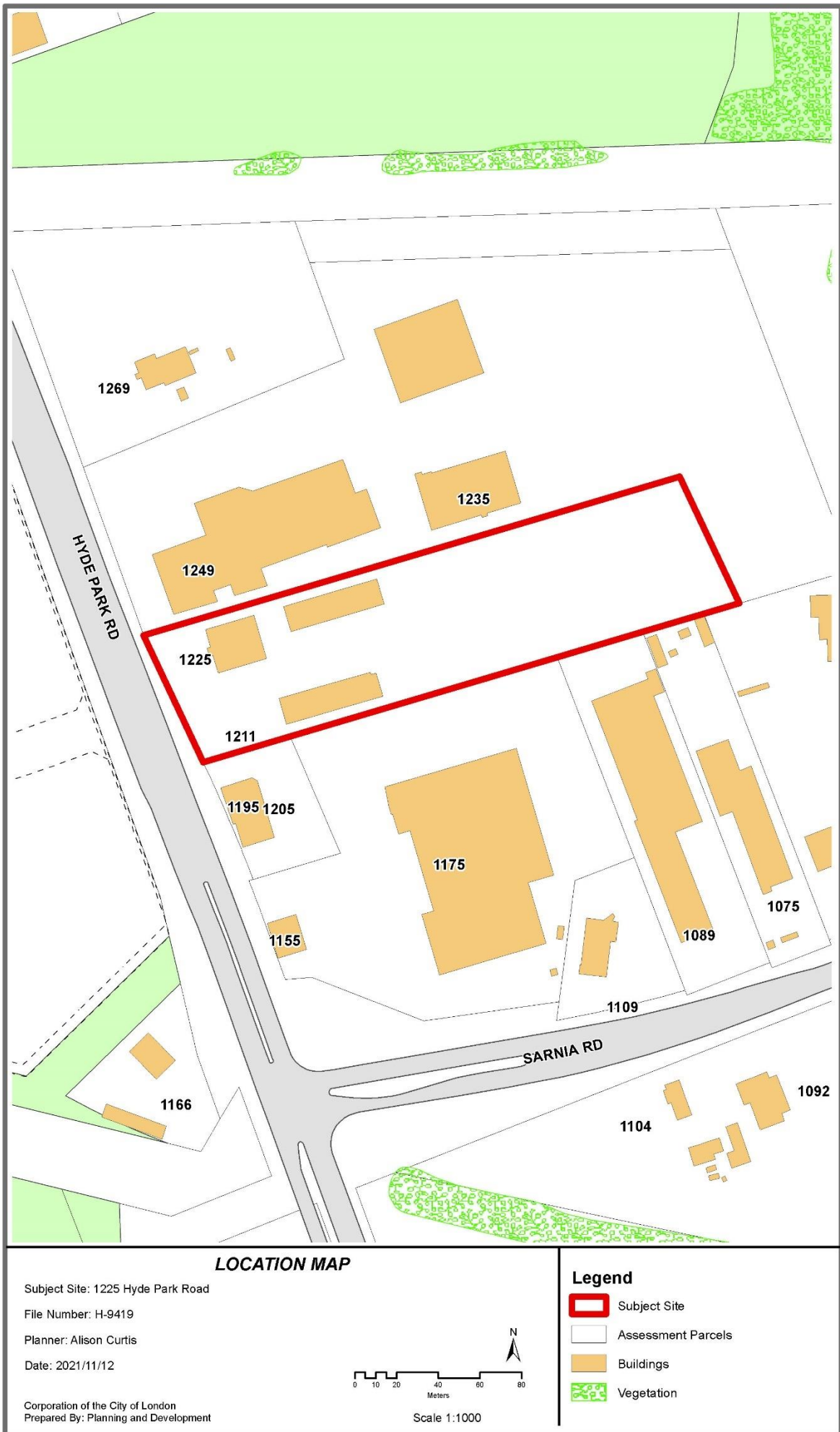
1.5 Site Characteristics

- Current Land Use – Automobile sales and rentals, recreation
- Area – 6.2 hectares (15.32 acres)
- Frontage – 324.9 meters
- Shape – Rectangular

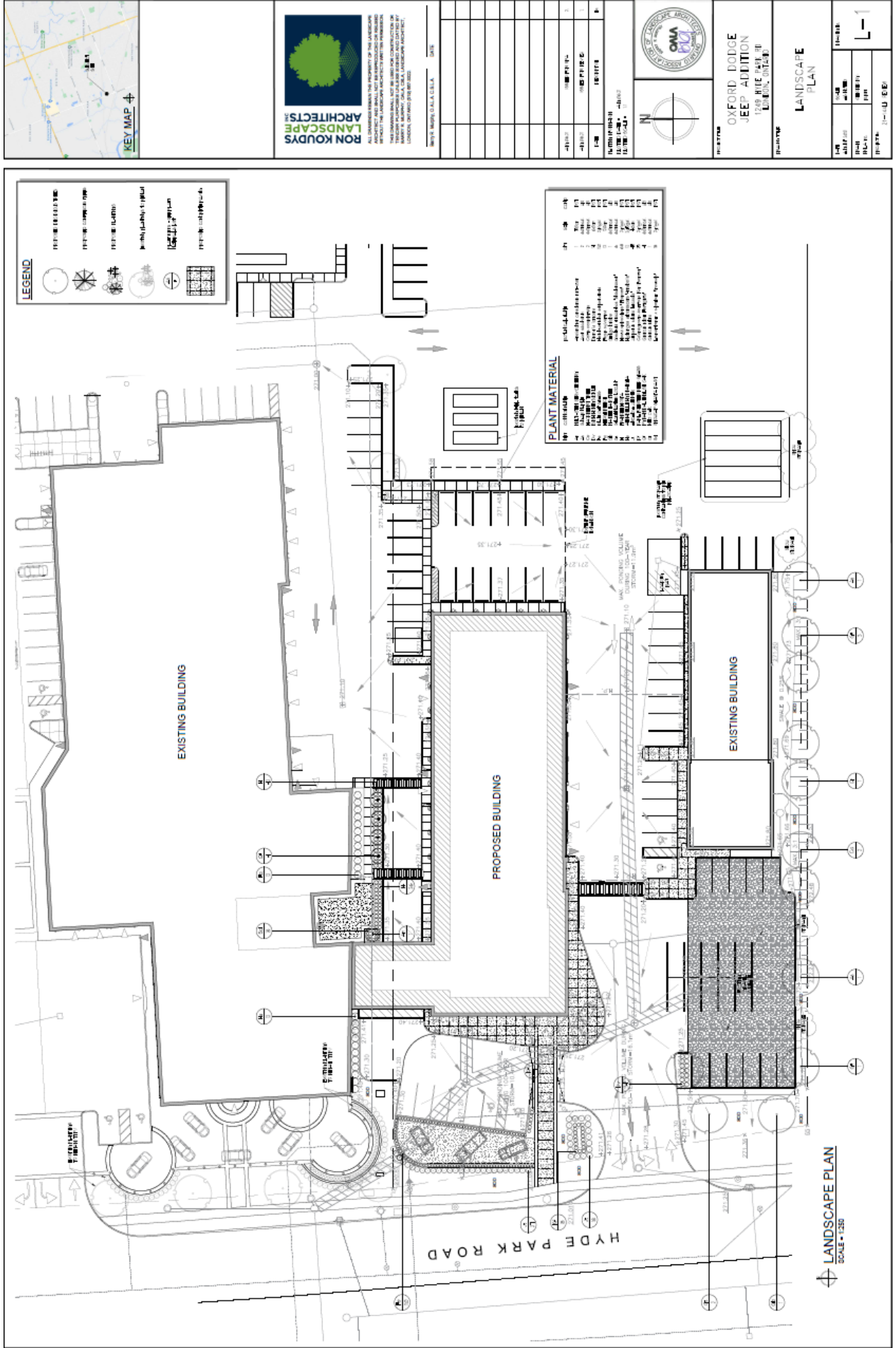
1.6 Surrounding Land Uses

- North – Automobile sales and rentals, Restaurant, CP Rail Line
- East – Multi-Family, Medium Density Residential
- South – Commercial Uses
- West – Vacant, undeveloped

1.7 Location Map



1.8 Proposed Site and Landscape Plan (Subject to Change)



2.0 Discussion and Considerations

The purpose and effect of this amendment application is to remove the h-17 holding provision from the subject lands. The h-17 holding provisions seeks to ensure the orderly development of lands and the adequate provision of municipal services. The symbol shall not be removed until full municipal sanitary sewer and water services are available to service the site. Removal of the holding provision would allow for the development of an automobile showroom and service bays for an existing automobile dealership on the adjacent property to the north. Two of the existing buildings on the northern portion of the subject lands are proposed to be demolished to accommodate the showroom and service bays, and the building on the southern portion will be retained.

2.1 Consultation (see more detail in Appendix B)

Information regarding the application to remove Holding Provisions was provided to the public as follows:

- Notice of Intent to Remove Holding Provisions was published in the Public Notices and Bidding Opportunities section of the *Londoner* on November 25, 2021.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on November 17, 2021.

There was no response from the public.

2.2 Policy Context (see more detail in Appendix C)

Section 36 of 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 (Section 36(2) of the *Planning Act*), 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 90 days to remove the holding provision(s).

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

3.0 Financial Impact/Considerations

Fees, development charges and taxes will be collected through the completion of the works associated with this application. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Why is it appropriate to remove this Holding Provision?

h-17 Holding Provision

The h-17 Holding Provision states that:

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.

Permitted Interim Uses: Dry uses on individual sanitary facilities permitted by the applied Zone. (Z.-1-97484)

The subject lands have access to the 450 mm High Level Municipal Watermain on Hyde Park Road and there is currently a 100 mm service to the site. The applicant has

proposed that the development accommodating the show room and service bays and the retained building receive water services through a 200 mm PVC, which will connect to the 200 mm PVC on the lands to the north and will extend south of the proposed development. The existing building to be retained on the southern portion of the subject lands is currently serviced by a well, which is to be decommissioned. Sanitary services will be provided by a 200 mm Sanitary Private Drain Connection, which is located at the property line. This satisfies the requirements for the removal of the “h-17” holding provisions.

Conclusion

It is appropriate to remove the “h-17” holding provision from the subject lands at this time as full municipal water and sanitary services are available to service the site.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

Recommended by: Gregg Barrett, ACIP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Michael Pease, Manager, Development Planning (Site Plan)

BP/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\H-9419 - 1225 Hyde Park Road (AC)

Appendix A

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

2021

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 1225 Hyde Park Road.

WHEREAS Motivity Land Inc. have applied to remove the holding provision from the zoning for the lands located at 1225 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 1225 Hyde Park Road, as shown on the attached map, to remove the h-17 so that the zoning of the lands as a Restricted Service Commercial RSC1, RSC3, and RSC5 Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

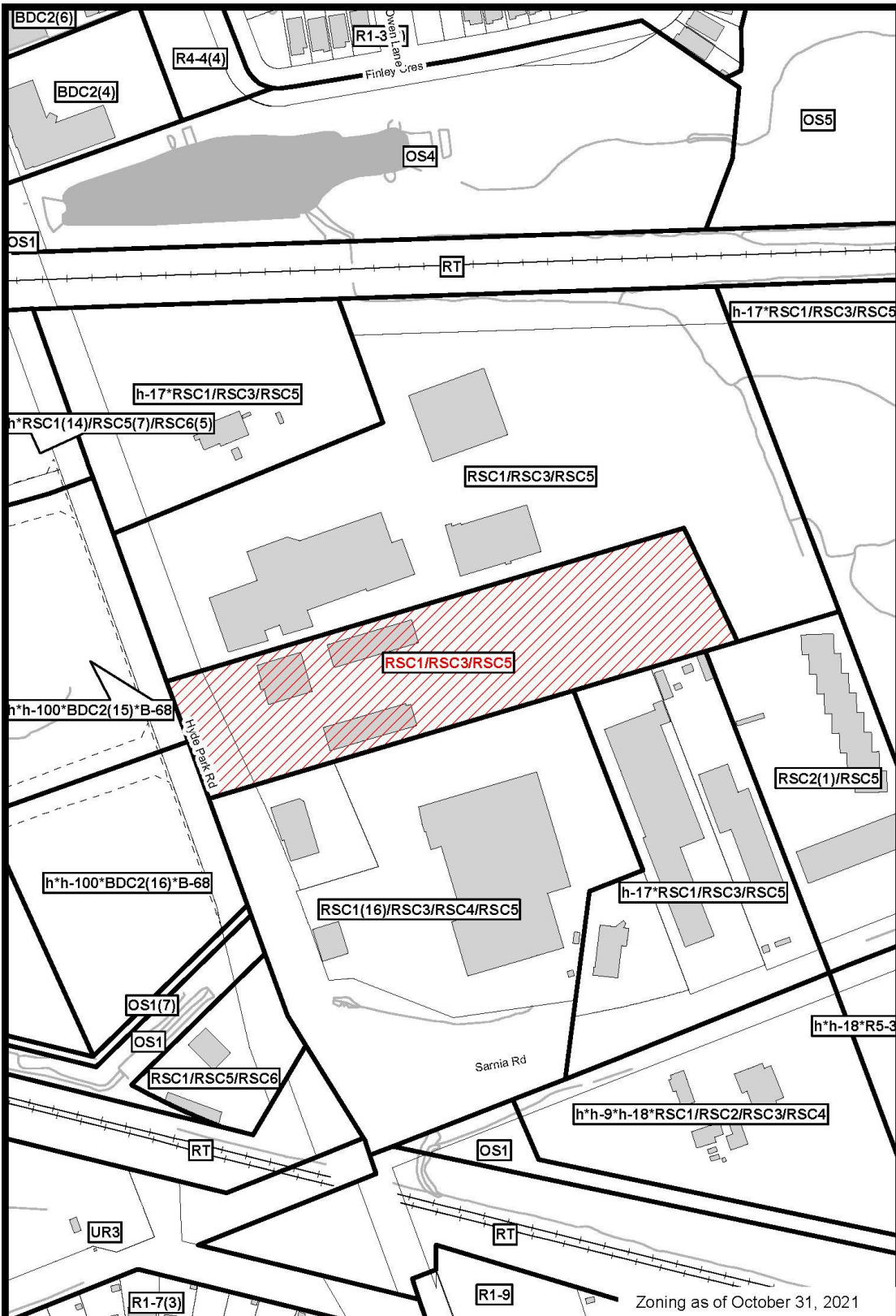
PASSED in Open Council on December 21, 2021

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading - December 21, 2021
Second Reading – December 21, 2021
Third Reading - December 21, 2021

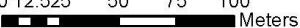
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: H-9419
 Planner: AC
 Date Prepared: 2021/11/11
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters 



Appendix B – Consultation

Community Engagement

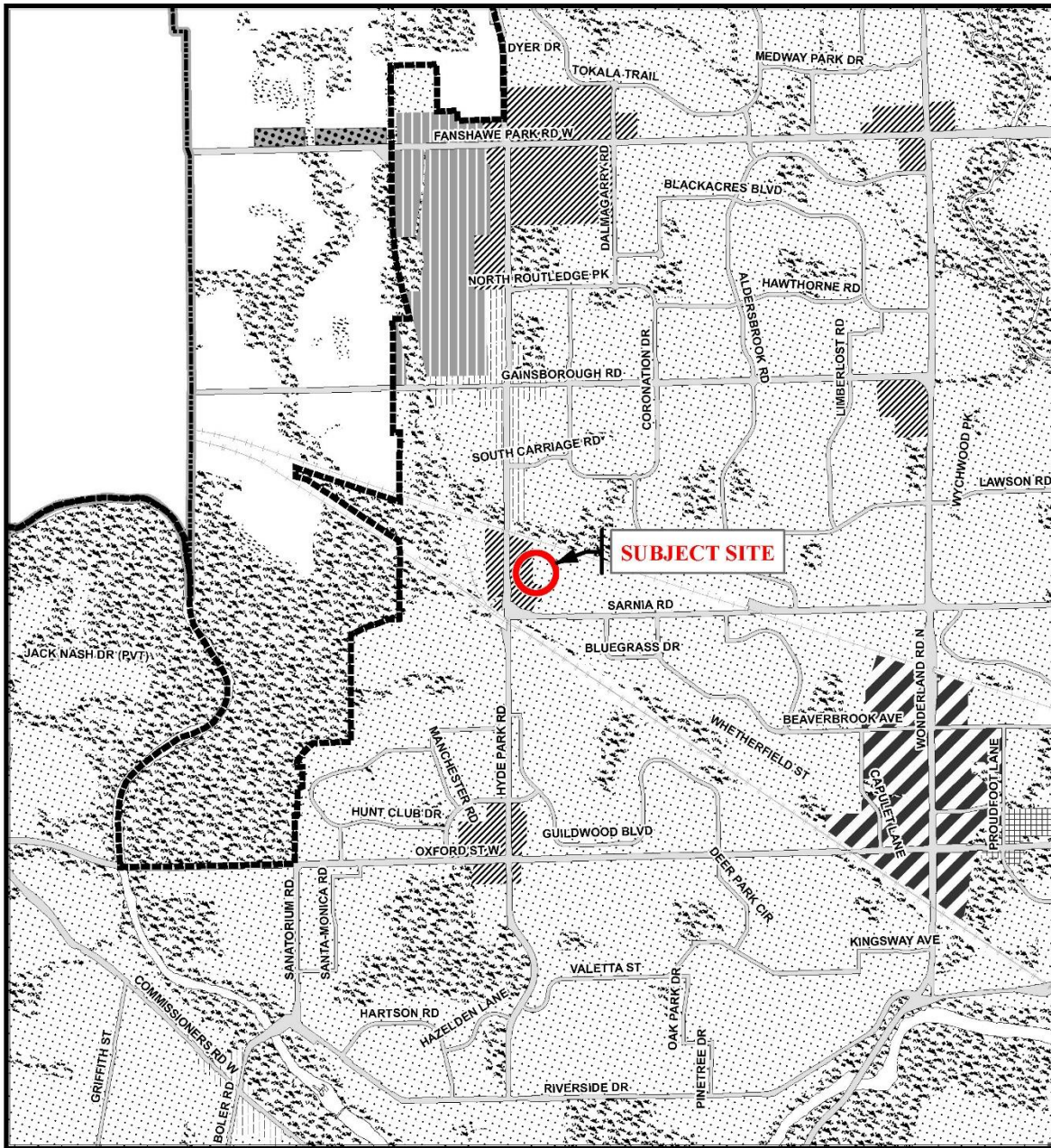
Public Liaison: Notice of the application was published in the Londoner on November 25, 2021, and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

Londoner Notice: City Council intends to consider removing the h-17 holding provisions from the subject lands to allow for the demolition of two existing buildings and the development of an automobile showroom and service bays for an existing automobile dealership. The purpose of the h-17 provision is ensure the orderly development of lands and the adequate provision on municipal services. The symbol shall not be removed until there are full municipal sanitary services and water services available to service the site. Council will consider removing the holding provisions as they apply to these lands no earlier that December 13, 2021.

Appendix C – Relevant Background

London Plan Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

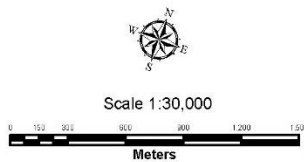
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



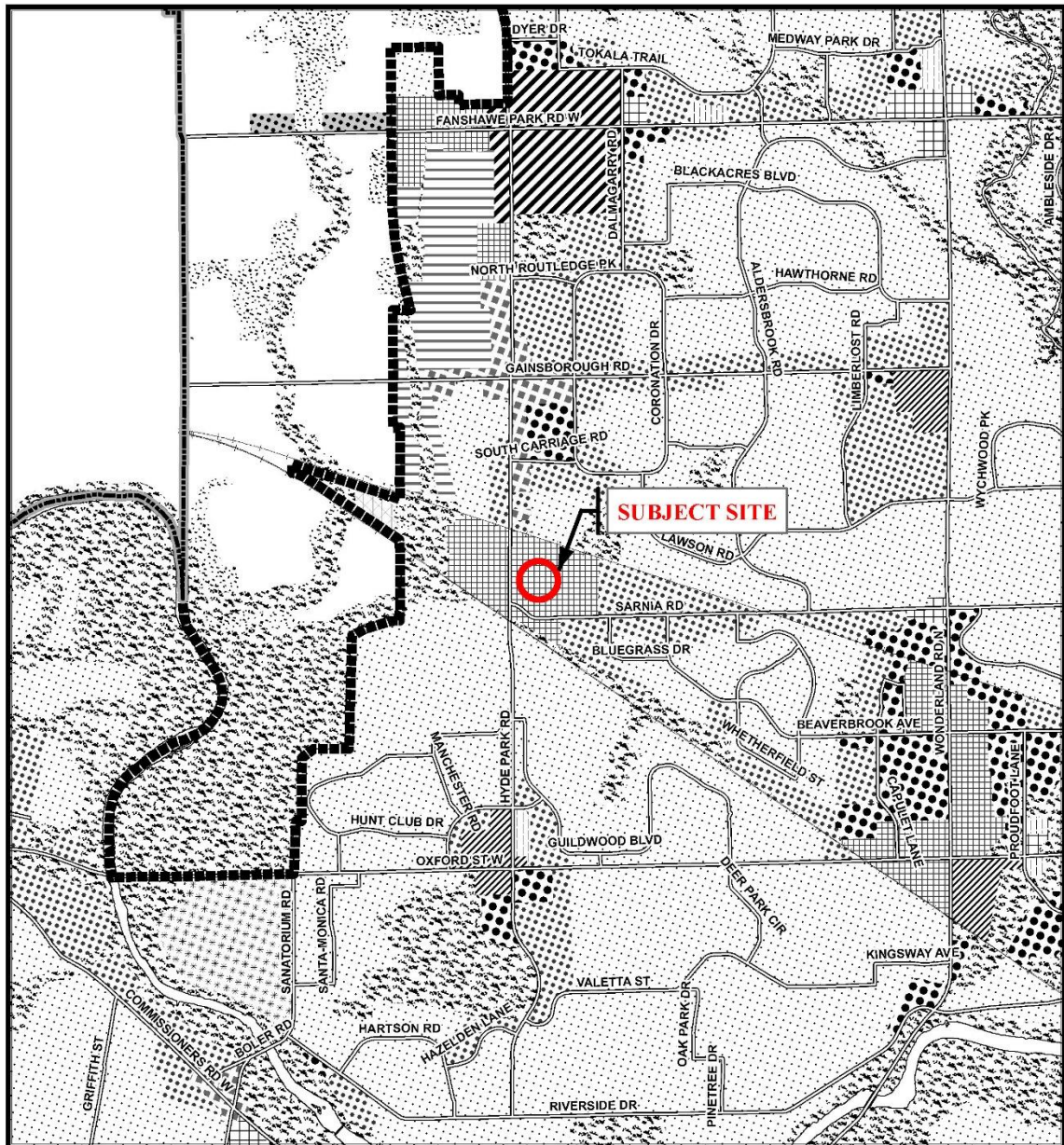
File Number: H-9419

Planner: AC

Technician: RC

Date: November 12, 2021

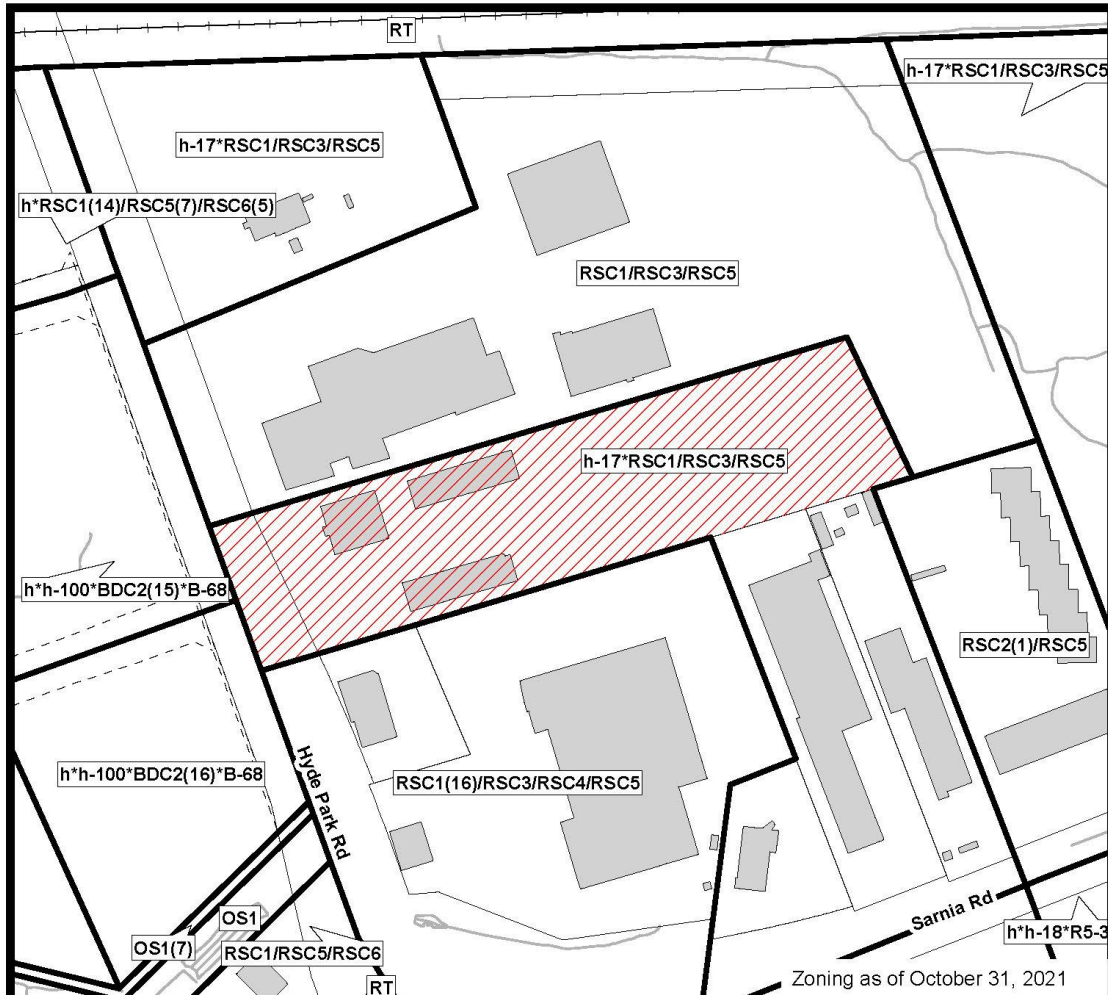
1989 Official Plan Excerpt



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 450 600 750 900 1050</p> <p>Meters</p>	<p>FILE NUMBER: H-9419</p> <p>PLANNER: AC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/11/12</p>
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Zoning Excerpt



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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



FILE NO:

H-9419

AC

MAP PREPARED:

2021/11/12

RC

1:2,500

0 12.525 50 75 100 Meters

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