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H-8193/Nancy McKee

FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: LOUIS COOKE 1550 Highbury Avenue North MEETING ON JULY 23, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Louis Cooke, relating to the property located at 1550 Highbury Avenue North, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on July 30, 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 Highway Service Commercial/Restricted Service Commercial (h*HS/HS2/HS3/RSC1/RSC3/RSC4) Zone **TO** a Highway Service Commercial/Restricted Service Commercial (HS/HS2/HS3/RSC1/RSC3/RSC4) Zone, to remove the "h" holding provision.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the "h" holding provision to permit the development of a dental office on site.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

OZ – 7581 - The purpose and effect of this application was to permit a temporary mobile real estate sales trailer. This was a temporary use zone for a period of not more than three years from the date of the passing of the by-law. Report and Public Meeting on October 28, 2008. It was referred back to Staff to deal with sign and canopy by-law issues, and was ultimately passed by Council on January 9, 2009.

BACKGROUND

The subject land is located on the east side of Highbury Avenue, north of Kilally Road. A request to sever 3054.47m² from 1520 Highbury Avenue North and convey to 1550 Highbury Avenue North for the purpose of future medical/dental office uses, and retain 12,937.62m² for existing pool centre uses was received earlier this year, and a provisional decision was granted on March 15, 2013. The severance was finalized and a certificate of consent was issued on May 30, 2013, and registered on June 5, 2013.

Date Application Accepted: May 14, 2013	Applicant: Louis Cooke
REQUESTED ACTION: Removal of the "h" holding provision on the site to permit the development of a dentist office.	

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PUBLIC LIAISON:	Notice was published in The Londoner on May 30, 2013.	1 reply - inquiry (no comments)
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ANALYSIS

What is the purpose of the holding provision and why is it appropriate to remove it?

The "h" holding provision states that:

"To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London."

Holding provisions advise property owners of issues to be addressed before development can occur.

The applicant has entered into a development agreement with the City which satisfies this holding provision.

The proposed removal of the holding provision is consistent with the Provincial Policy Statement (PPS). The proposed development is located within a "Settlement Area", and makes efficient use of the site. The proposed development will take advantage of existing infrastructure.

CONCLUSION

The development agreement has been entered into and it is recommended that the holding provision be removed to enable development of a dentist office, in accordance with the Zoning By-law.

RECOMMENDED BY:	REVIEWED BY:
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT PLANNING	BRUCE HENRY MANAGER DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

July 11, 2013

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Bill No.
2013

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 at 1550 Highbury Avenue North.

WHEREAS Louis Cooke has applied to remove holding provision from the zoning on the lands located at 1550 Highbury Avenue North, 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 at 1550 Highbury Avenue North, as shown on the attached map to remove the "h" holding provision so that the zoning of the lands as a Highway Service Commercial/Restricted Service Commercial (HS/HS2/HS3/RSC1/RSC3/RSC4) Zone comes into effect.

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

PASSED in Open Council on July 30, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - July 30, 2013
Second Reading - July 30, 2013
Third Reading - July 30, 2013

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By-law map