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H-8227/S. Meksula

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SIFTON PROPERTIES LIMITED 1270 SUNNINGDALE ROAD EAST (PHASE 2 - 33M-632) MEETING ON NOVEMBER 12, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Planner II, Development Planning, based on the application of Sifton Properties Limited relating to the property located at 1270 Sunningdale Road East the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 19, 2013 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1270 Sunningdale Road East **FROM** a Holding Residential R1 (h-96\*R1-5) Zone and a Holding Residential R1 Special Provision (h-96\*R1-5 (9)) Zone **TO** a Residential R1 (R1-5) Zone and a Residential R1 Special Provision (R1-5 (9)) Zone to remove the holding provision.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**March 19, 2007** - Report to Planning Committee that Sifton Properties Limited had appealed draft plan of subdivision application 39T-06503 and Zoning By-law Amendment application Z-7185 because of the City's had not made a decision within the prescribed time.

**April 7, 2008** – Report to Planning Committee on decision of the Ontario Municipal Board.

**February 14, 2011** – Report to the Built and Natural Environment Committee regarding Sifton's request for a six month extension

**June 13, 2011** – Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

**June 20, 2011** – Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions

**September 19, 2011** – Report to the Built and Natural Environment Committee regarding status of subdivision and issues with MMAH.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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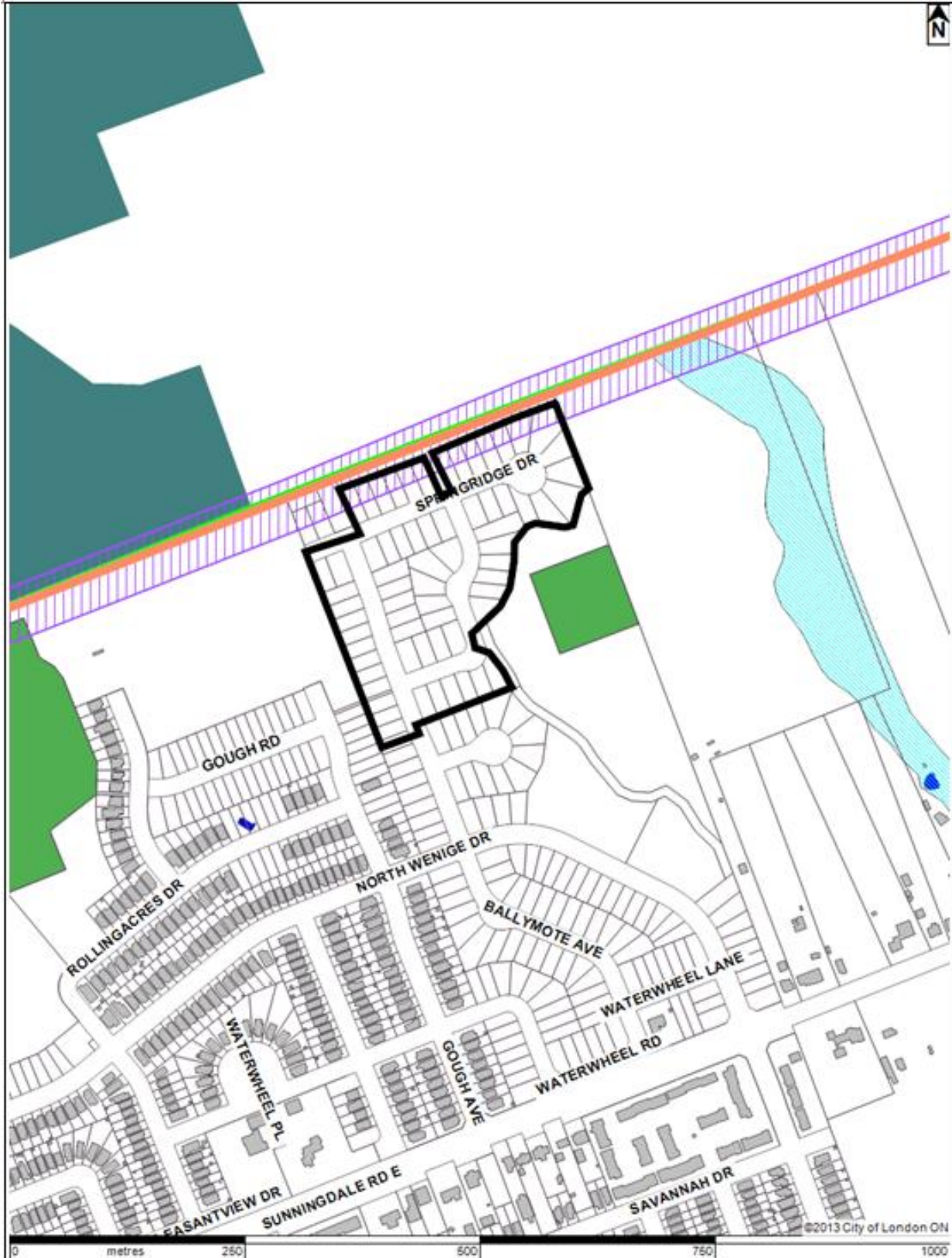
The purpose and effect of this zoning change is to remove the holding symbols to permit the development of single detached dwelling lots.






<b>RATIONALE</b>
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1. The servicing for the first Phase (33M-632) has received a Certificate of Approval from the Ministry of the Environment (MOE).
2. It is appropriate to remove the "h-96" symbol from the zoning as the applicant has entered into a subdivision agreement and the works required by the Municipal Class Environmental Assessment (EA) have been implemented.


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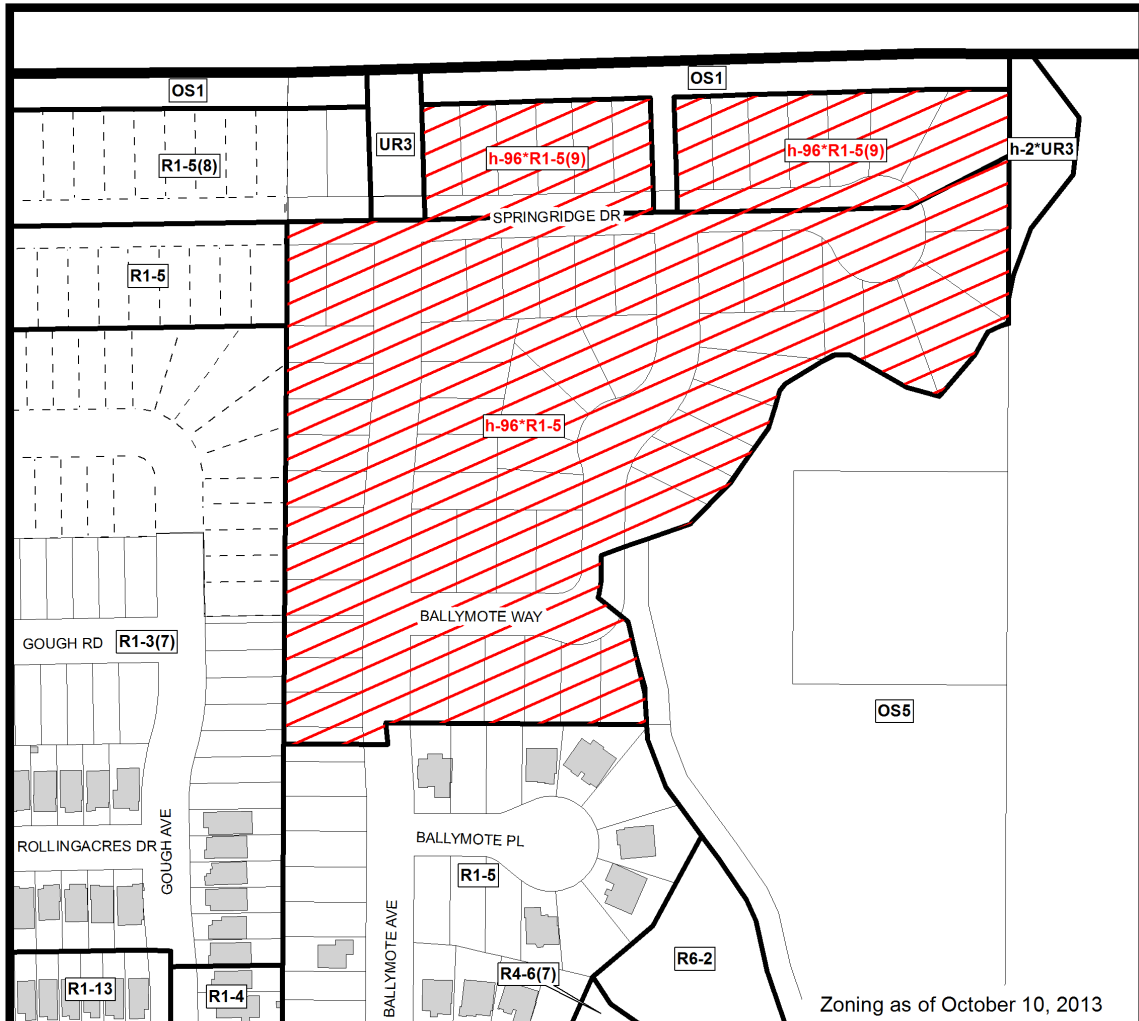
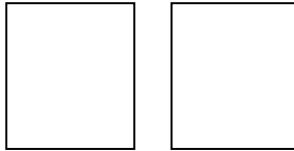
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<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 1270 Sunningdale Rd E Applicant: Sifton Properties Limited File Number: H-8227 Planner: Sean Meksula Created By: Sean Meksula Date: 2013-09-12 Scale: 1:5000</p>	<p style="text-align: center;"><b>LEGEND</b></p> <ul style="list-style-type: none"><li> Subject Site</li><li> Parks</li><li> Assessment Parcels</li><li> Buildings</li><li> Address Numbers</li></ul>
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Corporation of the City of London  
Prepared By: Planning and Development





**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

2) ANNEXED AREA APPEALED AREAS

**CITY OF LONDON**  
 PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING BY-LAW NO. Z-1**

**SCHEDULE A**

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

FILE NO:	
H-8227	SM
MAP PREPARED:	
October 23, 2013	JTS
1:2,500	
0 12.525 50 75 100 Meters	

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H-8227/S. Meksula

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> August 26, 2013	<b>Owner:</b> Sifton Properties Limited
<b>REQUESTED ACTION:</b> Removal of the h-96 holding provision to permit the proposed residential development.	

<b>PLANNING HISTORY</b>
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On January 25, 2006 Sifton Properties Limited (“Sifton”) submitted a draft plan of subdivision application for these lands located on the north side of Sunningdale Road East, opposite South Wenige Road. The proposed plan contained 170 single detached dwelling blocks, 1 possible school block, 5 park blocks and several road widening and reserve blocks, served by 1 new secondary collector road and 5 new local streets. On June 15, 2006 Sifton Properties Limited also submitted a zoning by-law amendment application to include all the lands within the draft plan of subdivision plus additional land proposed to be retained by Sifton Properties Limited.

On November 2, 2006, the General Manager of Environmental and Engineering Services advised Municipal Council that EESD considered this subdivision premature until the Stoney Creek On-Line Facility was approved for construction and/or the Municipal Class EA for Stoney Creek Undeveloped Lands had passed the review period without Part II requests. The applicant (Sifton) submitted an appeal to the Ontario Municipal Board (OMB) with respect to the failure of the Approval Authority to make a decision within 180 days after submission of the application, and against the neglect of Council to make a decision with respect to the zoning by-law amendment application.

The Ontario Municipal Board hearing was conducted and issued its Decision/Order on March 7, 2008. The Order allowed the appeal against the Zoning By-law in part to amend the zoning, it approved the draft plan subject to conditions and delegated the City the authority to clear conditions and grant administer final approval. In the event there are difficulties implementing any conditions of draft plan approval or if there are changes to the plan, the Board retained jurisdiction. In all other respects, the Board Ordered the appeal dismissed. The Board retained the authority to extend the time that draft plan approval would lapse.

Sifton progressed the subdivision and submitted engineering drawings. The City approved the engineering drawings for the entire site on August 24, 2011. In addition, a subdivision agreement was completed for Phase 2 and registered on June 22, 2011 and amended through an amending agreement on May 30, 2012 as a result of the part lot control on Ballymote Avenue. Final approval of the Phase 2 subdivision was granted and registered (33M-632) on August 29, 2011.

<b>PUBLIC LIAISON:</b>	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 19, 2013.
<b>Nature of Liaison:</b>	
To remove the holding “h-96” provision.	
<b>Responses:</b> None	

<b>ANALYSIS</b>
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**What is the purpose of the holding provision and why is it appropriate to remove it?**

**h-96 Holding Provision**

*“to ensure the orderly development of lands and the adequate provision of municipal services the symbol shall not be deleted until a subdivision agreement is entered into and all works required by the applicable Municipal Class EA have been implemented.”*

The Municipal Class Environmental Assessment (EA) for the Stoney Creek SWM indicated an area of land, which includes a portion of Ballymote Woods, have ‘Proposed Alternative SWM Measures in lieu of SWM Basin’. All works required by the Municipal Class EA have been implemented by the City.

The Municipal Class Environmental Assessment (EA) for the Stoney Creek undeveloped lands was completed in March 2007 (with clarification notes in March 2008). A Subdivision Agreement was entered into between the City and the applicant on June 22, 2011. The Ministry of the Environment confirmed that a Certificate of Approval has been granted for Phase 1 (33M-631) and Phase 2 (33M-632) for storm and sanitary sewers on December 19, 2011. Therefore, the conditions for the removal of the holding provision have been met for Phase 2. The holding provision (h-96) is being recommended for removal at this time.

<b>CONCLUSION</b>
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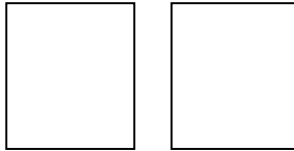
The proponents are eager to commence house construction as soon as possible. The servicing for the Phase 2 (33M-632) has received a Certificate of Approval from the Ministry of the Environment (MOE). The applicant has entered into a subdivision agreement and the works required by the Municipal Class Environmental Assessment (EA) have been implemented. It is therefore appropriate to removal the holding symbol for Phase 2.

<b>RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>SEAN MEKSULA PLANNER II DEVELOPMENT PLANNING</b>	<b>BRUCE HENRY MANAGER DEVELOPMENT PLANNING</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

Appendix “A”

Bill No. (Number to be inserted by Clerk’s Office)  
2013

By-law No. Z.-1-\_\_\_\_\_



H-8227/S. Meksula

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located on the southern portion of 1270 Sunningdale Road East (33M-632).

WHEREAS Sifton Properties Limited has applied to remove the holding provision from the zoning for an area of land located on the southern portion of 1270 Sunningdale Road East (33M-632), 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:

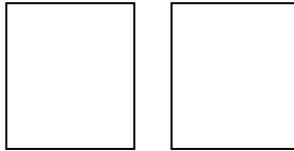
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located on the southern portion of 1270 Sunningdale Road East (33M-632), as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-5) Zone and a Residential R1 Special Provision (R1-5 (9)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on November 19, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - November 19, 2013  
Second Reading – November 19, 2013  
Third Reading - November 19, 2013



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

