

**PC.29**

**Shell Type = use for removing a holding provision**

--	--

**HZ-7745/L. Mottram**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SIFTON PROPERTIES LIMITED 1776-1896 SUMAC WAY MEETING ON JANUARY 21, 2014</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited relating to the properties located at 1776-1896 Sumac Way, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 28, 2014 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 Residential R1 (h•R1-5 and h•h-82•R1-5) Zone **TO** a Residential R1 (R1-5) Zone to remove the holding provisions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

September 24, 2012 – Planning and Environment Committee Agenda Item #10 - Sifton Properties Limited Warbler Woods Subdivision (File No. 39T-04507 / 39T-08506)

December 13, 2010 – Built and Natural Environment Committee Agenda Items #1 & #26 - Sifton Properties Limited - 1780 Commissioners Road West and 1826 Oxford Street West (File No. 39T-04507 / 39T-08506 and HZ-7745)

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
---

The purpose and effect of this zoning change is to remove the holding (h) and (h-82) provisions which were intended to ensure the adequate provision of municipal services and that a subdivision agreement be entered into, and that any part blocks in the subdivision plan be consolidated with adjacent lands, prior to removal of the holding provisions.

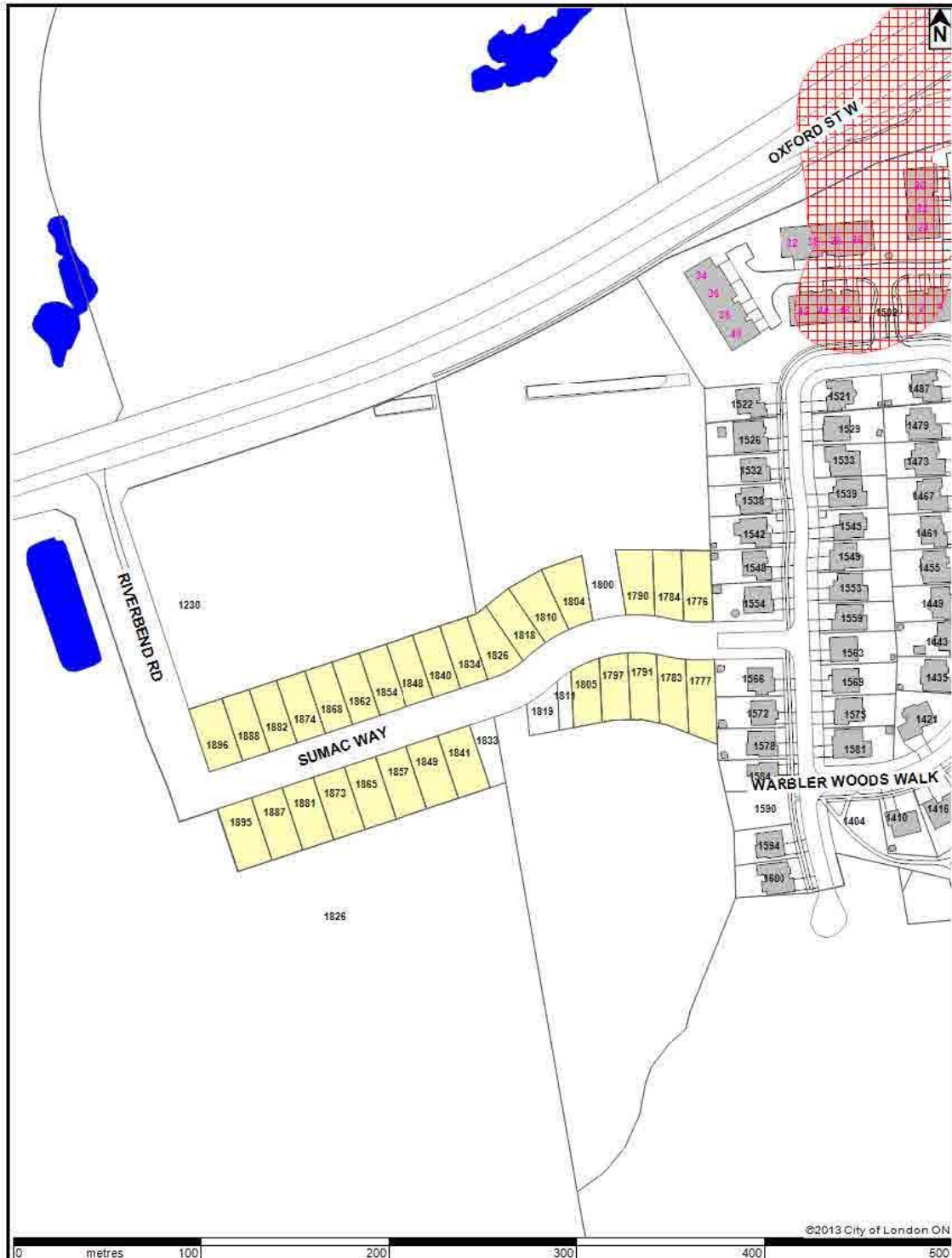
<b>RATIONALE</b>
------------------

1. The conditions for removing the holding (h and h-82) provisions have been satisfied and the recommended amendment will allow development of the lands for single detached dwellings in accordance with the Residential R1 (R1-5) Zone.
2. Municipal Council previously gave direction to defer executing the amending subdivision agreement until the completion of the Tributary 'C' Municipal Class Environmental Assessment process. The Class EA has now been finalized and the subdivision agreement has been entered into. The conditions for removing the holding provisions are satisfied, and the "h" and "h-82" symbols can be lifted from the zone maps.

Two empty rectangular boxes for agenda item and page numbers.

HZ-7745/L. Mottram

Location Map



©2013 City of London ON



LOCATION MAP

Subject Site: 1776-1896 Sumac Way  
Applicant: Sifton Properties Limited  
File Number: HZ-7745  
Planner: L Mottram  
Created By: LM  
Date: 2013-12-23  
Scale: 1:2500

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



Corporation of the City of London  
Prepared By: Planning and Development

--	--

HZ-7745/L. Mottram

**BACKGROUND**

<b>Date Application Accepted:</b> January 7, 2010	<b>Agent:</b> n/a
<p><b>REQUESTED ACTION:</b> An application to Remove Holding (h &amp; h-82) Provisions from the zoning by-law, and an application to amend the zoning by-law affecting a portion of a lot on the north side of the future extension of Sumac Way from a holding Residential R5 (h•h-54•R5-4(13)) Zone to a Residential R1 (R1-5) Zone; and to amend the zoning affecting a portion of a lot on the south side of the future extension of Sumac Way from a holding Residential R1 (h•R1-5) Zone to an Open Space OS5 Zone.</p> <p><b>NOTE:</b> The application request to amend the zoning by-law was approved by Municipal Council on December 20, 2010. The Council Resolution noted that a recommendation to remove the holding (h &amp; h-82) provisions would be brought forward for consideration at such time as a subdivision agreement has been entered into.</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – vacant/undeveloped</li> <li>• <b>Frontage</b> – approx. 480 metres (1,575 ft.) on Sumac Way</li> <li>• <b>Depth</b> – approx. 35 metres (115 ft.)</li> <li>• <b>Area</b> – approx. 16,800 square metres (180,834 sq.ft.)</li> <li>• <b>Shape</b> – irregular</li> </ul>
<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – vacant/undeveloped</li> <li>• <b>South</b> – vacant/undeveloped and open space lands</li> <li>• <b>East</b> – residential single detached dwellings</li> <li>• <b>West</b> – vacant/undeveloped</li> </ul>

<p><b>OFFICIAL PLAN DESIGNATION:</b></p> <ul style="list-style-type: none"> <li>• Low Density Residential and Multi-family, Medium Density Residential</li> </ul>
<p><b>EXISTING ZONING:</b></p> <ul style="list-style-type: none"> <li>• holding Residential R1 (h•R1-5 &amp; h•h-82•R1-5)</li> </ul>

**PLANNING HISTORY**

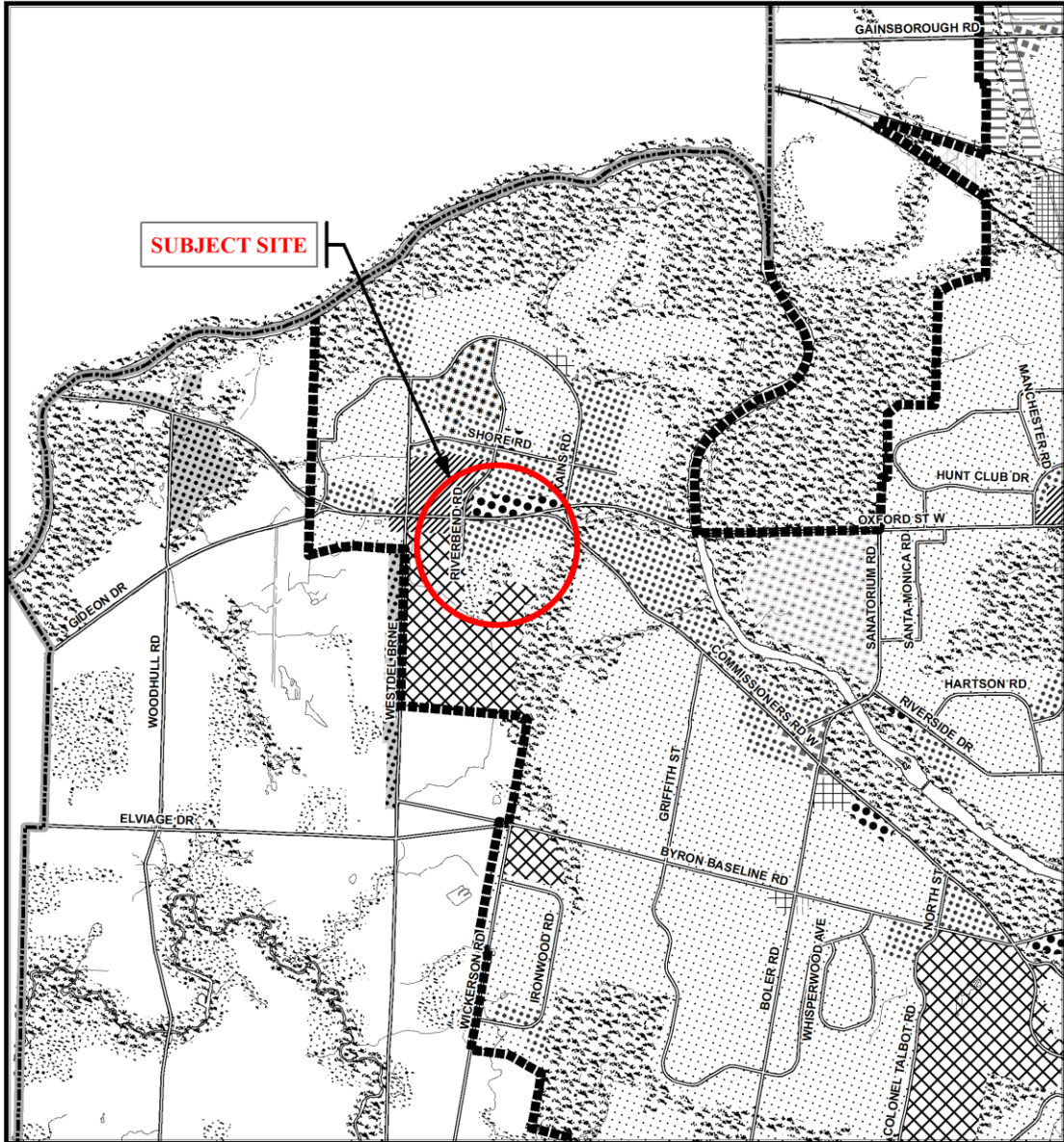
On December 20, 2010 Municipal Council resolved:

27. That, on the recommendation of the Director, Development Planning and the Managing Director, Development Approvals Business Unit, based on the application of Sifton Properties Limited relating to the properties located at 1780 Commissioners Road West and 1826 Oxford Street West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 24, 2011 to amend Zoning by-law No. Z.-1 in conformity with the Official Plan to change the zoning on portions of the subject lands **FROM** a holding Residential R5 (h•h-54•R5-4(13)) Zone which permits townhouses and stacked townhouses **TO** a holding Residential R1 (h•R1-5) Zone which permits single detached dwellings; and **FROM** a holding Residential R1 (h•R1-5) Zone which permits single detached dwellings **TO** an Open Space OS5 Zone which permits such uses as conservation lands, conservation works, and passive recreational uses.

**IT BEING NOTED** that there are two adjacent draft plans of subdivision comprising these lands (Hopedale and Warbler Woods West Phase 3). The applicant wishes to

HZ-7745/L. Mottram

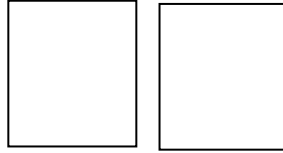
Official Plan - Schedule 'A' Map



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

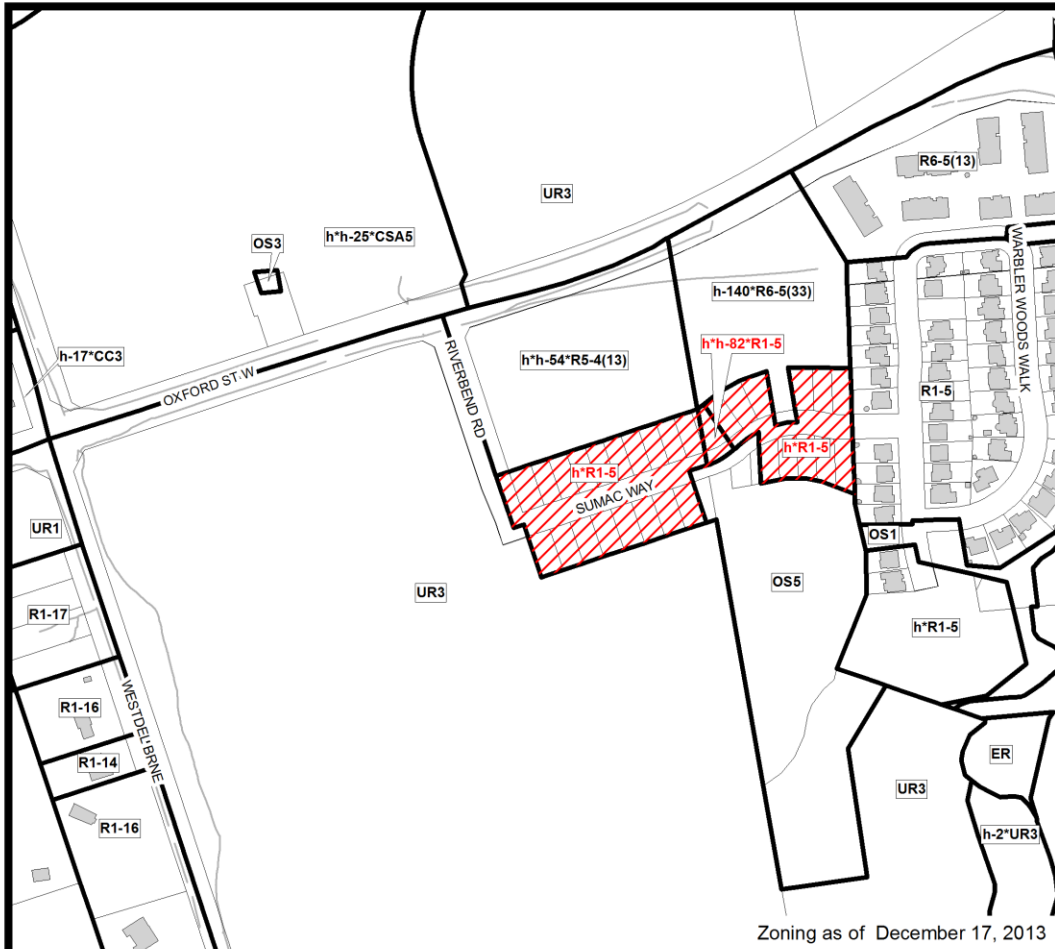
<p><b>CITY OF LONDON</b>                  Department of  <b>Planning and Development</b>                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 0 150 310 620 930 1240 1550 Meters	<p><b>FILE NUMBER:</b> HZ-7745</p> <p><b>PLANNER:</b> LM</p> <p><b>TECHNICIAN:</b> DT</p> <p><b>DATE:</b> December 20, 2013</p>
--	---	---

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\conso\0\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_8x14.mxd




HZ-7745/L. Mottram

Zoning Map



Zoning as of December 17, 2013

 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h\*R1-5, h\*h-82\*R1-5**

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**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

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



FILE NO:  
HZ-7745 LM

MAP PREPARED:  
December 20, 2013 DT

1:4,500  
0 20 40 80 120 160  
Meters

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

--	--

**HZ-7745/L. Mottram**

*register both draft plans under one subdivision agreement. A recommendation on the applicant's request to remove the holding ("h" & "h-82") provisions from the Zoning By-law will be brought forward for consideration at such time as a subdivision agreement has been entered into.*

The subdivision was registered as Plan 33M-638 on December 6, 2011 comprising 30 single detached dwelling lots and 2 multi-family, medium density residential blocks served by the extension of Sumac Way and Riverbend Road. The subdivision agreement between the Corporation of the City of London and Sifton Properties Limited was registered on December 14, 2011 as Instrument No. ER801293.

At its session held on October 9, 2012, Municipal Council approved an amendment to the subdivision agreement to provide for a water main connection and all related works to service the subdivision from the high level water main which had been extended north along Westdel Bourne from the Wickerson Road Pumping Station. The subdivision agreement had originally provided for municipal water service on an interim basis from an existing low level system north of Oxford Street.

The subdivision is located within the study area of the Municipal Class EA for the Tributary 'C' drainage area. Municipal Council directed that the execution of the above-noted Amending Agreement **BE DEFERRED** until such time that the Municipal Class EA Schedule "C" Environmental Study Report (ESR) for the Tributary 'C' Storm/Drainage and SWM, Transportation and Sanitary Servicing Works is accepted and the 30 day review period has expired. A Part II Order request was subsequently filed with the Ministry of the Environment. The Ministry recently issued its decision with respect to the Part II Order request and decided that an individual environmental assessment and/or mediation would not be required. This completes the Municipal Class EA process, and the EA has now been finalized.

As the Tributary 'C' EA has been approved by the MOE, and the amending subdivision agreement executed, the applicant indicated that they would like to proceed to reactivate the application to remove the holding provisions.

<b>PUBLIC LIAISON:</b>	On February 5, 2010, a Notice of Application for Removal of Holding Provision and Notice of Possible Zoning By-law Amendment was sent to 70 surrounding property owners. Notice was published in the Living in the City section of the London Free Press on February 13, 2010.	1 reply received
<b>Nature of Liaison:</b> see "Requested Action" section		
<b>Responses:</b> Development Services received one telephone call from a resident on Warbler Woods Walk inquiring as to the status of the subdivision application and the proponent's plans for the future medium density residential block.		

<b>ANALYSIS</b>
-----------------

This subdivision represents a consolidation of two adjacent draft plans (Hopedale and Warbler Woods West) into one registered plan. In December 2010, zoning amendments were made in order to facilitate minor adjustments to the draft plans to achieve a consistent lotting pattern along Sumac Way. The subdivision plan was registered as Plan 33M-638 on December 6, 2011. Sifton Properties Limited has requested reactivating the application to remove the holding (h and h-82) provisions from the zoning by-law applying to the residential single detached lots fronting Sumac Way.

The purpose of the holding ("h") provision in the zoning by-law is as follows:

*Purpose:* 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.

*Permitted Interim Uses:* Existing Uses

--	--

**HZ-7745/L. Mottram**

The “h” provision is applied at the time of draft plan approval, and is typically applied to all lands in a proposed subdivision plan. It is applied in almost every subdivision approval, and requires that a subdivision agreement or development agreement be entered into. This ensures that development proceeds in an orderly manner and that there is adequate provision of municipal services. This provision is normally satisfied prior to final approval of the subdivision. The agreement for this subdivision has been executed and the subdivision is registered.

The purpose of the holding (“h-82”) provision in the zoning by-law is as follows:

*Purpose:* To ensure that there is a consistent lotting pattern in this area, the “h-82” symbol shall not be deleted until the part block has been consolidated with adjacent lands.

The h-82 holding provision applied to a small part-block (Block 12) on the north side of Sumac Way within the draft plan for Warbler Woods West. The h-82 was applied in order to prevent it from being developed until it was consolidated with adjacent lands to form a whole building lot. This part block was subsequently consolidated as a whole lot when the subdivision plan was registered (now legally described as Lot 20 Plan 33M-638) The consolidation of the two draft plans into one registered plan resulted in achieving a consistent lotting pattern along Sumac Way. Therefore, the “h” and “h-82” symbols can be lifted from the zone maps.

<b>CONCLUSION</b>
-------------------

Municipal Council previously passed a resolution giving direction to defer executing the amending subdivision agreement until the completion of the Tributary ‘C’ Municipal Class Environmental Assessment process. The Class EA has now been finalized and the subdivision agreement has been entered into. The recommendation to remove the holding (“h” & “h-82”) symbols from the Zoning By-law is appropriate as a subdivision agreement has been entered into and the conditions for removing the holding provisions have been satisfied.

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



--	--

**HZ-7745/L. Mottram**

Bill No. (Number to be inserted by Clerk's Office)  
2014

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

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for an area of land located at 1776 - 1896 Sumac Way.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning for an area of land located at 1776 - 1896 Sumac Way, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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 at 1776 - 1896 Sumac Way, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R1 (R1-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 28, 2014.

Joe Fontana  
Mayor

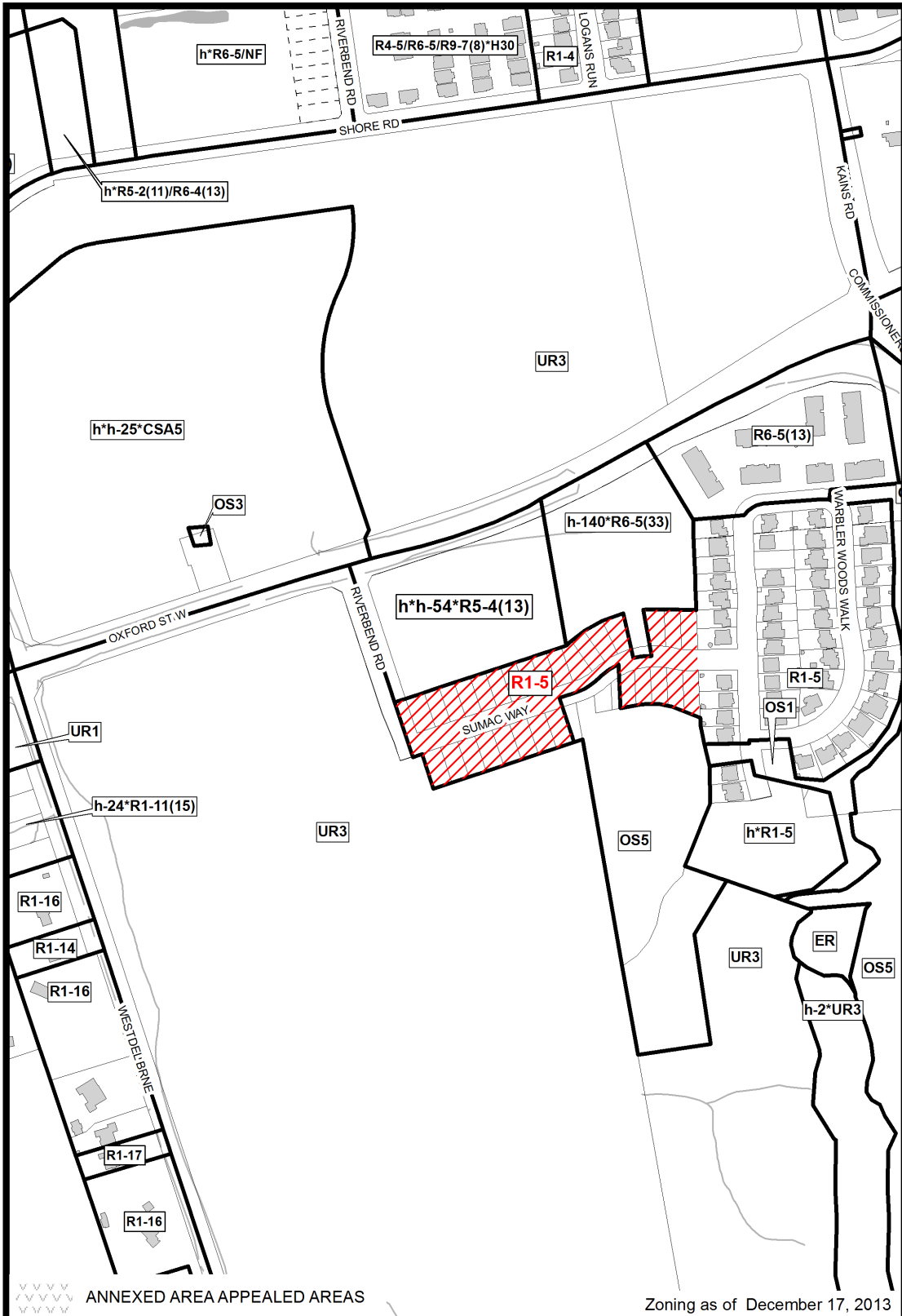
Catharine Saunders  
City Clerk



First Reading - January 28, 2014  
Second Reading – January 28, 2014  
Third Reading - January 28, 2014

Two empty rectangular boxes for agenda item and page numbers.

HZ-7745/L. Mottram

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



<p>File Number: HZ-7745  Planner: LM  Date Prepared: December 20, 2013  Technician: DT  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:4,500</p> <p>0 25 50 100 150 200 Meters</p> 
--	--

Geodatabase