

PC.29

Shell Type = use for removing a holding provision

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H-8333
Sean Meksula

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: REMBRANDT DEVELOPMENTS (FANSHAWE) INC. 3399 CASTLE ROCK PLACE MEETING ON JUNE 17, 2014

RECOMMENDATION

That, on the recommendation of the Planner II, Development Planning, based on the application of Rembrandt Developments (Fanshawe) Inc., relating to the property located at 3399 Castle Rock Place, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 24, 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 (h-h-71-h-100-h-104-h-137-R5-4/R6-5) Zone **TO** a Holding Residential (h-137-R5-4/R6-5) Zone, to remove the “h”, “h-71”, “h-100”, and “h-104” holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the “h”, “h-71”, “h-100” and “h-104” holding provisions to permit the development of 63 residential townhouse condominium units.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Bostwick East Area Plan (O-6872) – Reports considered by Planning Committee on April 25, 2005, May 9, 2005, May 30, 2005, September 12, 2005, and December 12, 2005.

May 6, 2009 - Report to Planning Committee meeting on subdivision application from Decade Corporation (39T-05509/Z-6915) for property located at 1311 Wharncliffe Rd. South

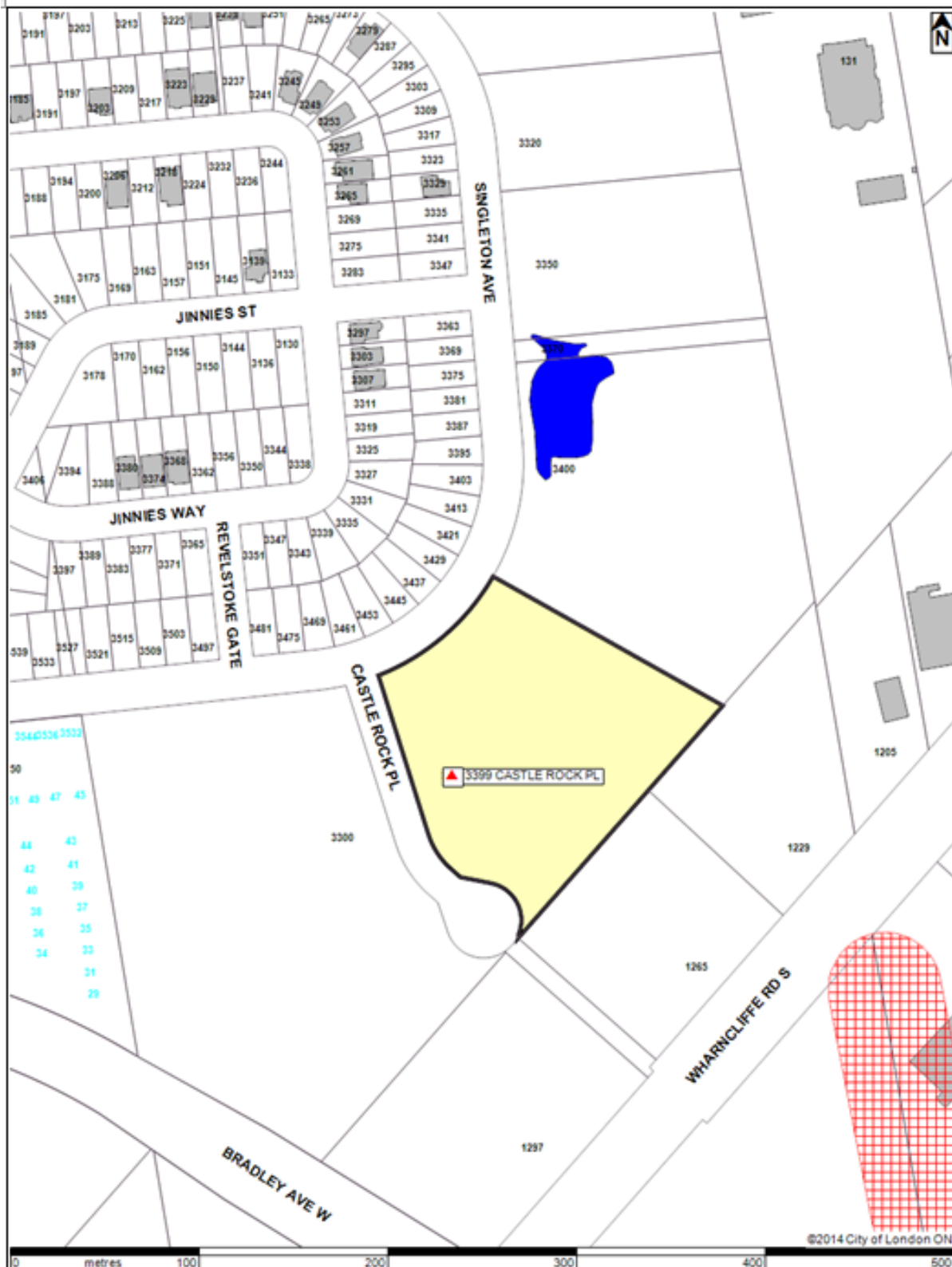
June 8, 2011 – Report to Building and Natural Environment Committee on application from Sifton Properties Limited for Zoning By-law amendment (Z-7850) to apply holding provisions on properties within the Bostwick East Area Plan, to ensure that there will be adequate sanitary and transportation infrastructure capacity to accommodate full build out of the subject lands.

BACKGROUND

The subject property is located within the Bostwick East Area Plan. The Bostwick East Area Plan was adopted by City Council on December 19, 2005. This plan provides long-term guidance for the development and servicing of lands in the area. The Decade-Westbury subdivision is located within the Bostwick East Area Plan. The land use designations were approved in 2005 as part of Official Plan Amendment No. 358.

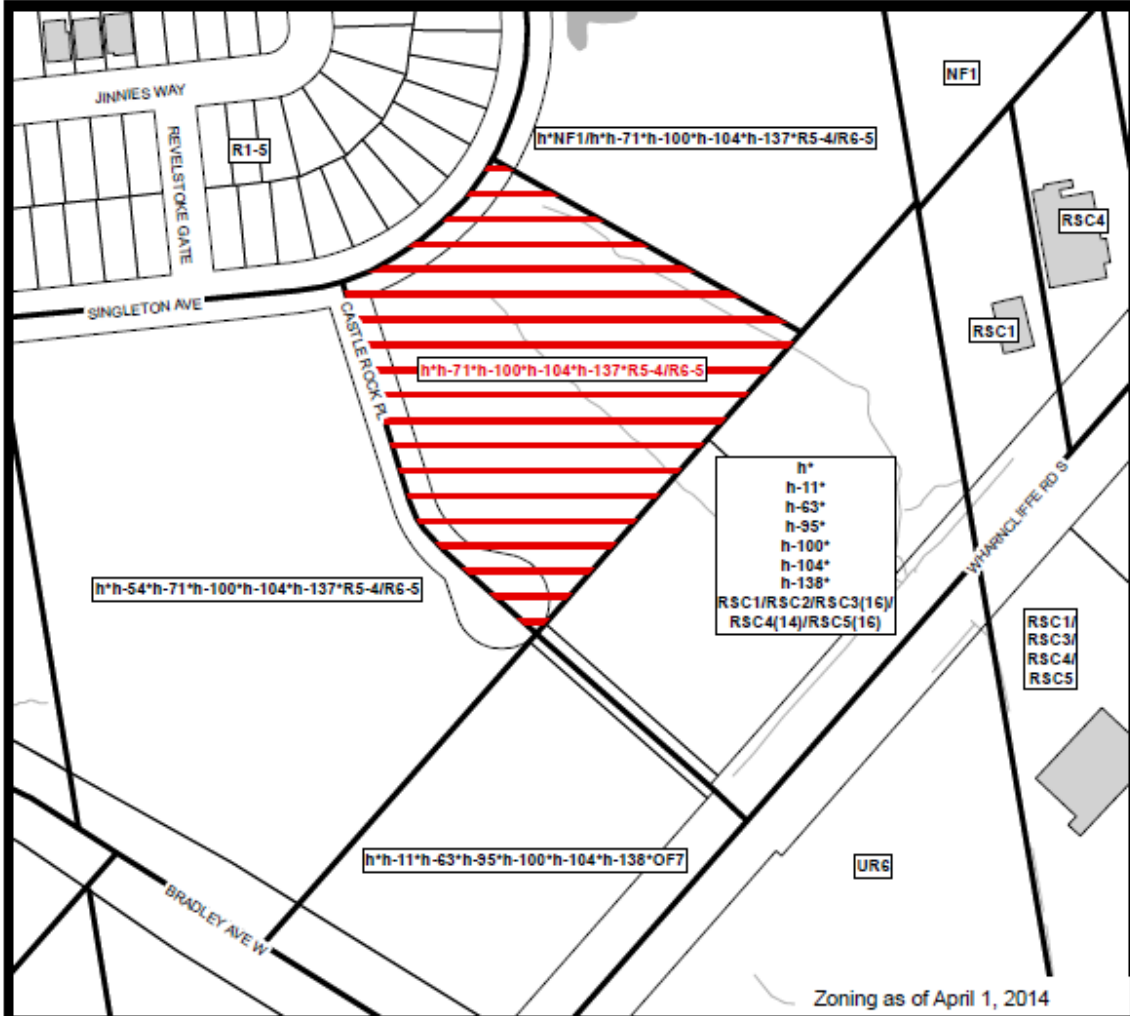
The subject property is Block 91 in Plan of Subdivision 33M-641. The Holding “h”, “h-71”, “h-100” and “h-104” provisions were applied at the time the Draft Plan of Subdivision and associated zoning was approved. Holding Residential “h-137” was applied in June 2011 through Zoning By-law Amendment application Z-7850 to address servicing and transportation issues.

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LOCATION MAP	LEGEND
Subject Site: 3399 Castle Rock Place Applicant: Rembrandt Developments (Fanshawe) Inc. File Number: H-8333 Planner: Sean Meksula Created By: Sean Meksula Date: 2014-04-07 Scale: 1:2500	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
Corporation of the City of London Prepared By: Planning and Development	

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Zoning as of April 1, 2014



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

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| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 |
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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-8333 SM

MAP PREPARED:
May 7, 2014 JTS

1:2,500

0 12.5 50 75 100 Meters

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Date Application Accepted: March 19, 2014	Applicant: Rembrandt Developments (Fanshawe) Inc.	
REQUESTED ACTION: Removal of the “h”, “h-71”, “h-100”, “h-104”, and “h-137” holding provisions on the property at 3399 Castle Rock Place to permit the development of 63 residential townhouse condominium units.		
PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on The Londoner on April 17, 2014.	No replies.

ANALYSIS

The purpose of applying holding provisions is to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. The following lists the holding provisions, and how they have been satisfied:

h – *The “h” holding provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.*

Permitted Interim Uses:

Model homes are permitted in accordance with Section 4.5(2) of the By-law.

The executed subdivision agreement defines the financial and servicing obligations of the owner. The applicant has also entered into a development agreement as part of the site plan approval process. Based on the execution of this agreement staff recommend the removal of the “h” provision from the subject lands.

h-71 – *The “h-71” holding provision is to encourage street orientated development, through a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the h-71 symbol.*

The applicant has provided for a street oriented development. Elevations have been prepared which demonstrates how the façade of the dwelling units are oriented to the street. These elevations have been reviewed and accepted by the City’s Urban Designer. These accepted plans have been incorporated into the approved site plan. Therefore, it is appropriate to lift the h-71 holding provision at this time.

h-100 – *The “h-100” holding provision is to ensure there is adequate water service and appropriate access. A looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Permitted Interim Uses: A maximum of 80 residential units.*

The looped watermain has been constructed and the second public access is available to the satisfaction of the City Engineer. Therefore it is appropriate to remove this holding provision from this block.

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h-104 – The “h-104” holding provision is to ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The “h-104” symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer.

A Stormwater Servicing Report was submitted to the City on June 27, 2013. The Manager of Development Planning has advised that, as part of the Site Plan Approval process, the engineering drawings (which include the accepted stormwater management system) have been accepted and will be implemented through the site plan and executed development agreement.

h-137 – The “h-137” holding provision ensures that development in draft plan 39T-05509 does not exceed a maximum interim threshold of 240 residential units, the h-137 symbol shall not be deleted until the temporary Bostwick sanitary sewage pumping station and forcemain are decommissioned; and a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes.

Permitted Interim Uses: Permitted uses up to a total of 240 residential units on the multi-family lands in draft plan 39T-05509.

Holding provision “h-137” has not been satisfied, as the temporary Bostwick sanitary sewage pumping station and forcemain have not been decommissioned, nor has a Traffic Impact Study been prepared that demonstrate that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes. As a result, this holding provision is to be maintained in this block. It is noted, however, that the permitted interim uses may allow for a limited number of building permits to be issued.

CONCLUSION

The landowner is requesting removal of the “h”, “h-71”, “h-100”, “h-104”, and “h-137” holding provisions that apply to the zoning at 3399 Castle Rock Place. Provisions in the site plan and development agreement will ensure that development is suitably integrated with the adjacent residential area. Removal of all the holding provisions, save and except “h-137”, is being recommended so that a limited amount of development can proceed in accordance with the Residential (R5-4/R6-5) Zone.

PREPARED BY:	REVIEWED BY:
SEAN MEKSULA PLANNER II DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

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Bill No.
2014

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning on lands located at 3399 Castle Rock Place.

WHEREAS Nu Age Homes Inc. has applied to remove holding provisions from the zoning on the lands located at 3399 Castle Rock Place, 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 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 3399 Castle Rock Place, as shown on the attached map to remove the holding "h", "h-71", "h-100", and "h-104" provisions so that the zoning of the lands as a Holding Residential (h-137 R5-4/R6-5) Zone comes into effect.

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

PASSED in Open Council on June 24, 2014.

Joe Fontana
Mayor

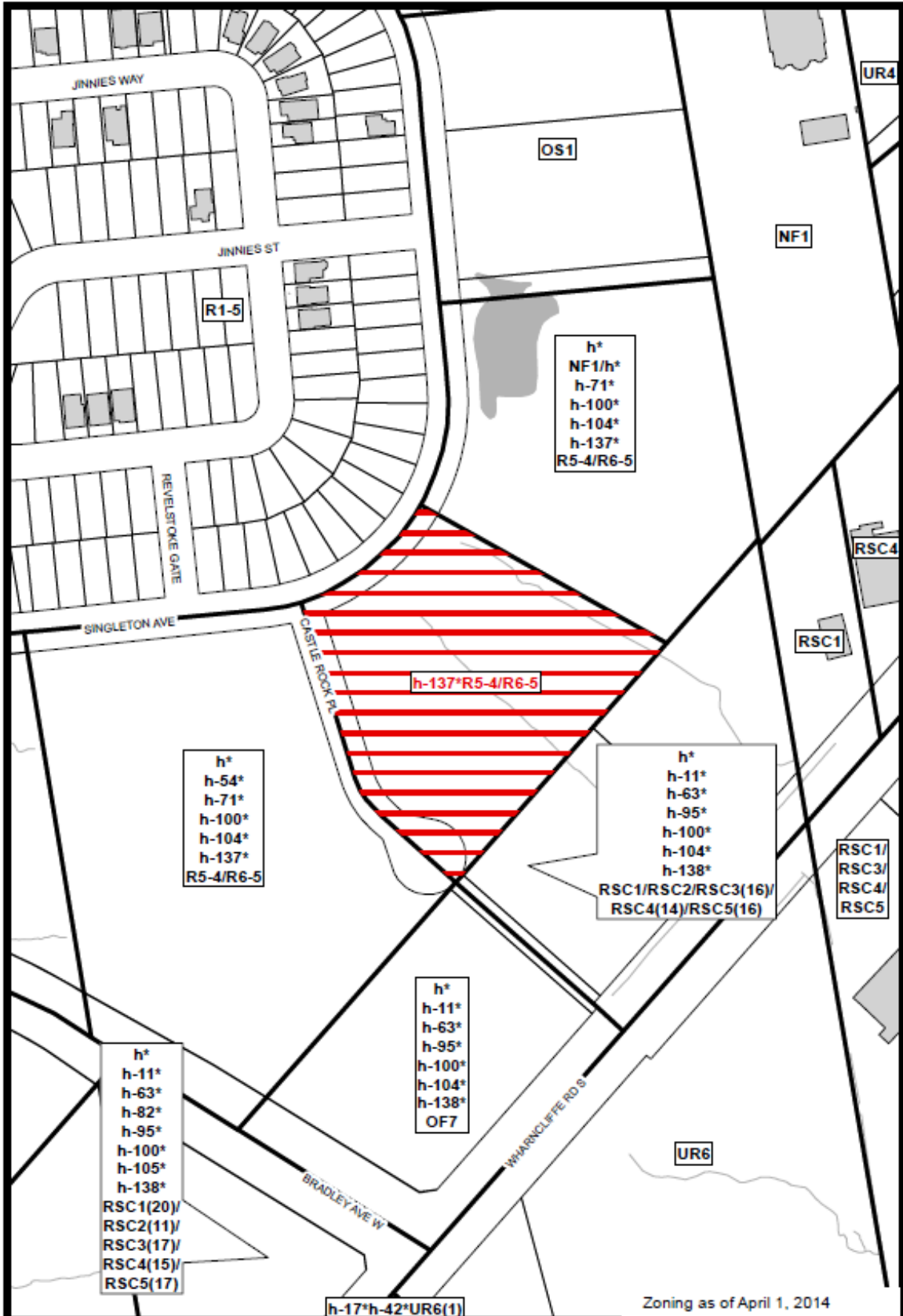
Catharine Saunders
City Clerk

First Reading – June 24, 2014
Second Reading – June 24, 2014
Third Reading – June 24, 2014


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H-8333
Sean Meksula

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



File Number: H-8333
 Planner: SM
 Date Prepared: May 7, 2014
 Technician: JTS
 By-Law No: Z-1-

SUBJECT SITE 

1:2,500

