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H-8337/C. Smith

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: CLAYBAR DEVELOPMENTS INC. 1139 FANSHAWE PARK ROAD WEST MEETING ON SEPTEMBER 9, 2014

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services and Planning Liaison, based on the application of Claybar Developments Inc. relating to the property located at 1139 Fanshawe Park Road West the following actions be taken:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 16, 2013 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1139 Fanshawe Park Road West **FROM** a Holding Residential R1 (h. h-100. R1-3) Zone, a Holding Residential R1 Special Provision (h. h-100. R1-3 (8)) Zone, a Holding Residential R1 (h. h-100. R1-4) Zone, a Holding Residential R1/ Residential R4 (h. h-100. R1-13/R4-3) Zone and a Holding Residential R6/ Neighbourhood Facility (h. h-71. h-95. h-100. h-109. R6-3/NF1) **TO** a Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3 (8)) Zone, a Residential R1 (R1-4) Zone, a Residential R1/ Residential R4 (R1-13/R4-3) Zone and a Holding Residential R6/ Neighbourhood Facility (h-71. h-95. h-109. R6-3/NF1) to remove the h. and h-100 holding provisions from certain portions of these lands; and
- b) the application to change the zoning of a portion of the properties located at 1139 Fanshawe Park Road West **FROM** a Holding Residential R1 (h. R1-4) Zone **TO** a Residential R1 (R1-4) Zone, to remove the h. holding provision **BE DEFERRED** until such time as the temporary stormwater management pond outlet channel located within this parcel is decommissioned.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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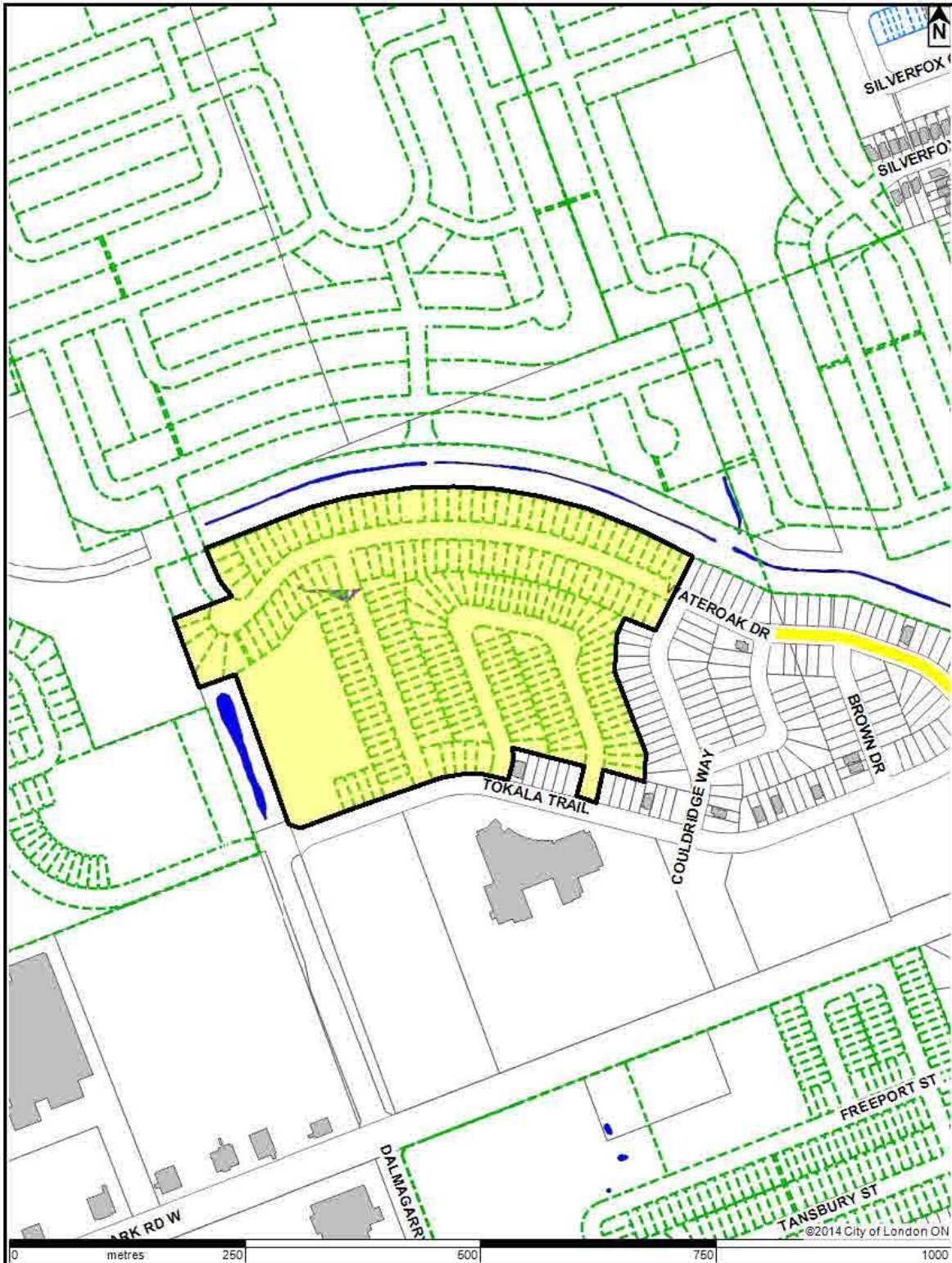
July, 2009 - Report to the Planning Committee on draft plan of subdivision, Official Plan and Zoning By-law Amendment applications (39T-04503/Z-6717/O-7644).

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the h. and h-100 holding provisions to allow for the consideration of building permits.

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LOCATION MAP
Subject Site: 1139 Fanshawe Park Road West
Applicant: **Steve Stapleton**
File Number: **H-8337**
Planner: **Craig Smith**
Created By: **James Scott**
Date: **2014-04-04**
Scale: **1:5000**

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

LEGEND	
	Subject Site
	Parks
	Assessment Parcels
	Buildings
	Address Numbers

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BACKGROUND

Date Application Accepted: March 1, 2013	Owner: Claybar Developments Inc.
REQUESTED ACTION: Removal of the h. and h-100 holding provisions from the low density residential zones.	

PUBLIC LIAISON:	Notice of the application was published in the Londoner on April 17, 2014.
Nature of Liaison: City Council intends to consider removing the h and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than May 13, 2014.	
Responses: None	

ANALYSIS

h. Holding Provision

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.”

The applicant has entered into a subdivision agreement with the City for the 3rd Phase of the Claybar subdivision which satisfies this holding provision. For five (5) of the lots, there is still an issue regarding the location of a temporary SWM outlet channel from the exiting Calloway Reit temporary SWM facility to the City owned SWM channel abutting these lands to the north. The City is currently in the process of constructing the Regional SWM facility in the Foxwood (39T-11503) subdivision to the west. Through the completion of SWM works on the Claybar lands and in the Foxwood subdivision the Calloway Reit temporary SWM facility and the temporary outlet channel will be able to be decommissioned.

There are an additional three (3) lots within this subdivision that will not have frontage on a public street. Building permits cannot be issued on lots that do not have access onto a City street. The holding provision for these eight (8) lots will remain in place until the issues have been resolved.

h-100 Holding Provision

The (h-100) holding provision states that:

“To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.”

The applicant has requested that the h-100 holding provision be removed from these lands. The City of London Transportation and Water Servicing Departments have confirmed that the

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requirements of the h-100 holding provision have been adequately addressed and it can be removed from the lands.

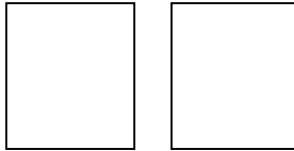
CONCLUSION

It is appropriate to remove the h. and h-100 Holding Provisions from the subject lands at this time based on the executed subdivision agreement; the installation of water services in this area and the ability for these lands to utilize two public access points. Deferral of removal of the h. holding provision from a portion of the lands containing the temporary SWM outlet and for the lots without frontage on a City street is appropriate and will be reconsidered at a future date when these issues have been resolved.

PREPARED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

August 28, 2014
CS/

"Attach."



H-8337/C. Smith

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 holding provisions from the zoning for lands located at 1139 Fanshawe Park Road West.

WHEREAS Claybar Developments Inc. have applied to remove the holding provisions from the zoning for the lands located at 1139 Fanshawe Park Road West, 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:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1139 Fanshawe Park Road, as shown on the attached map to remove the holding provisions so that the zoning of the lands as Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3 (8)) Zone, a Residential R1 (R1-4) Zone, a Residential R1/ Residential R4 (R1-13/R4-3) Zone, a Holding Residential R6/ Neighbourhood Facility (h-71. h-95. h-109. R6-3/NF1) Zone and a Holding Residential R1 (h. R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 16, 2014.

Joni Baechler
Mayor

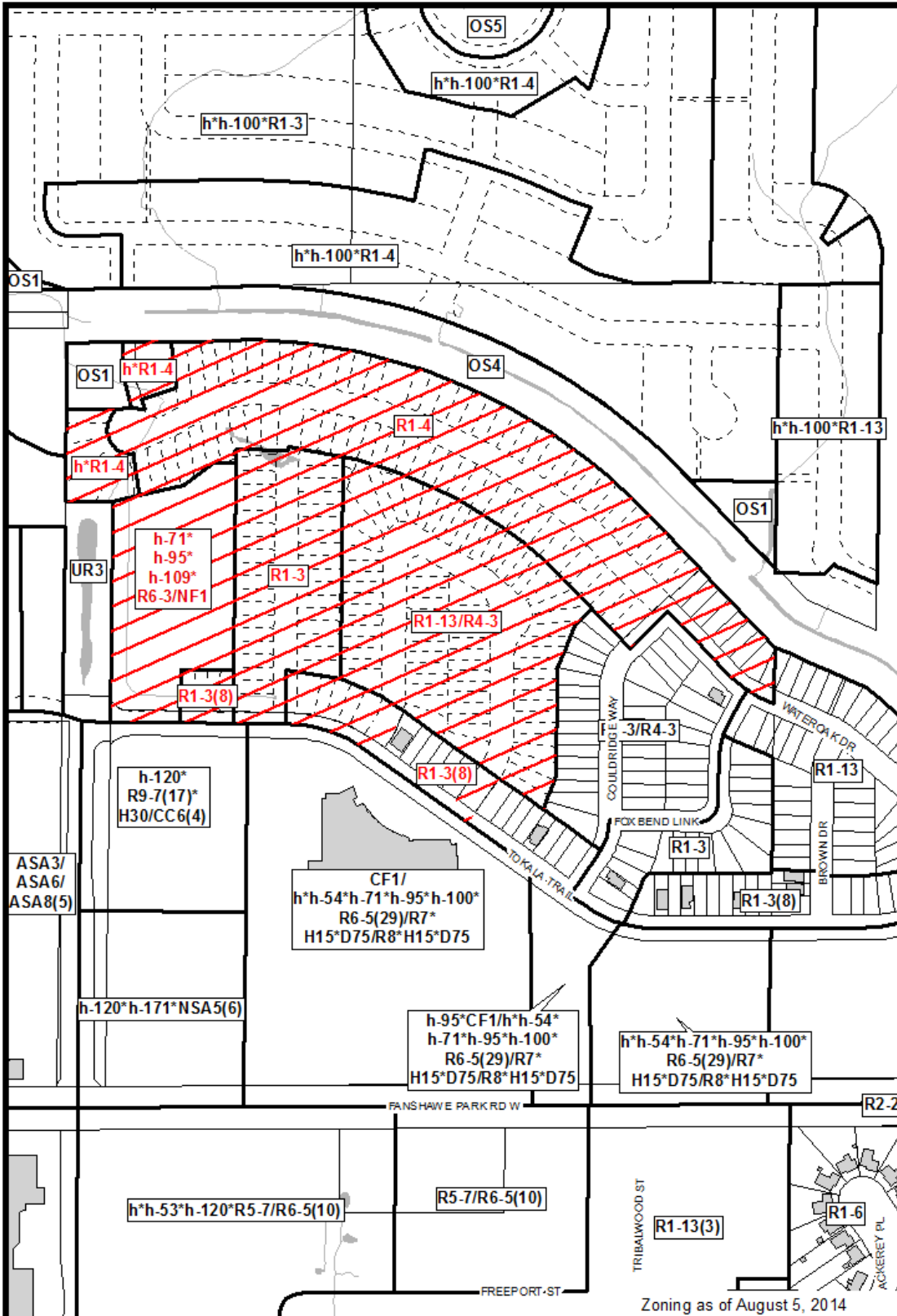
Catharine Saunders
City Clerk

First Reading - September 16, 2014
Second Reading – September 16, 2014
Third Reading - September 16, 2014

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



File Number: H-8337
 Planner: CS
 Date Prepared: August 28, 2014
 Technician: JTS
 By-Law No: Z.-1-

SUBJECT SITE 

1:4,000

