

--	--

H-8415/C. Smith

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: VISTA WOODS ESTATES INC 1235 EAGLETRACE DRIVE MEETING ON DECEMBER 15, 2014

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Vista Woods Estates Inc. relating to the property located at 1235 Eagletrace Drive the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 18, 2014 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1235 Eagletrace Drive **FROM** a Holding Residential R1 (h*R1-4) Zone **TO** a Residential R1 (R1-4) Zone to remove the h- holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

November 2004 – Staff Report to Planning Committee relating to Vista Woods Subdivision (39T-03505/Z-6463)

June 2011 – Special Provisions report for Phase I (Block 94, 33M-639)

May 7, 2012- Staff Report to Planning Committee relating to Draft Plan of Subdivision for 1235 Eagletrace Drive (39T-11505/Z-7994)

November 4, 2014- Special Provisions report for 1235 Eagletrace Drive.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

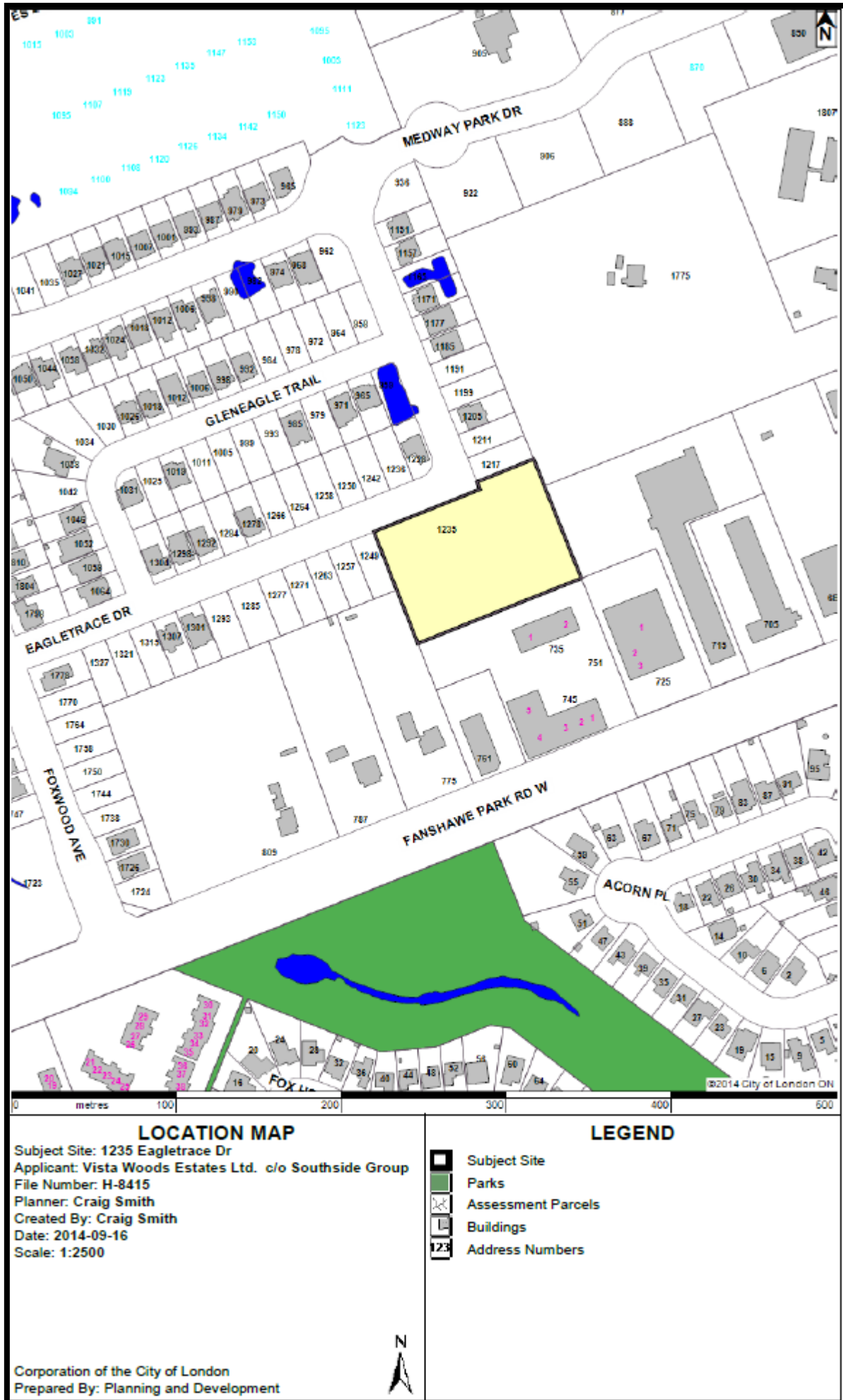
The purpose and effect of this zoning change is to remove the holding symbol to permit the development of 10 single detached dwelling lots.

RATIONALE

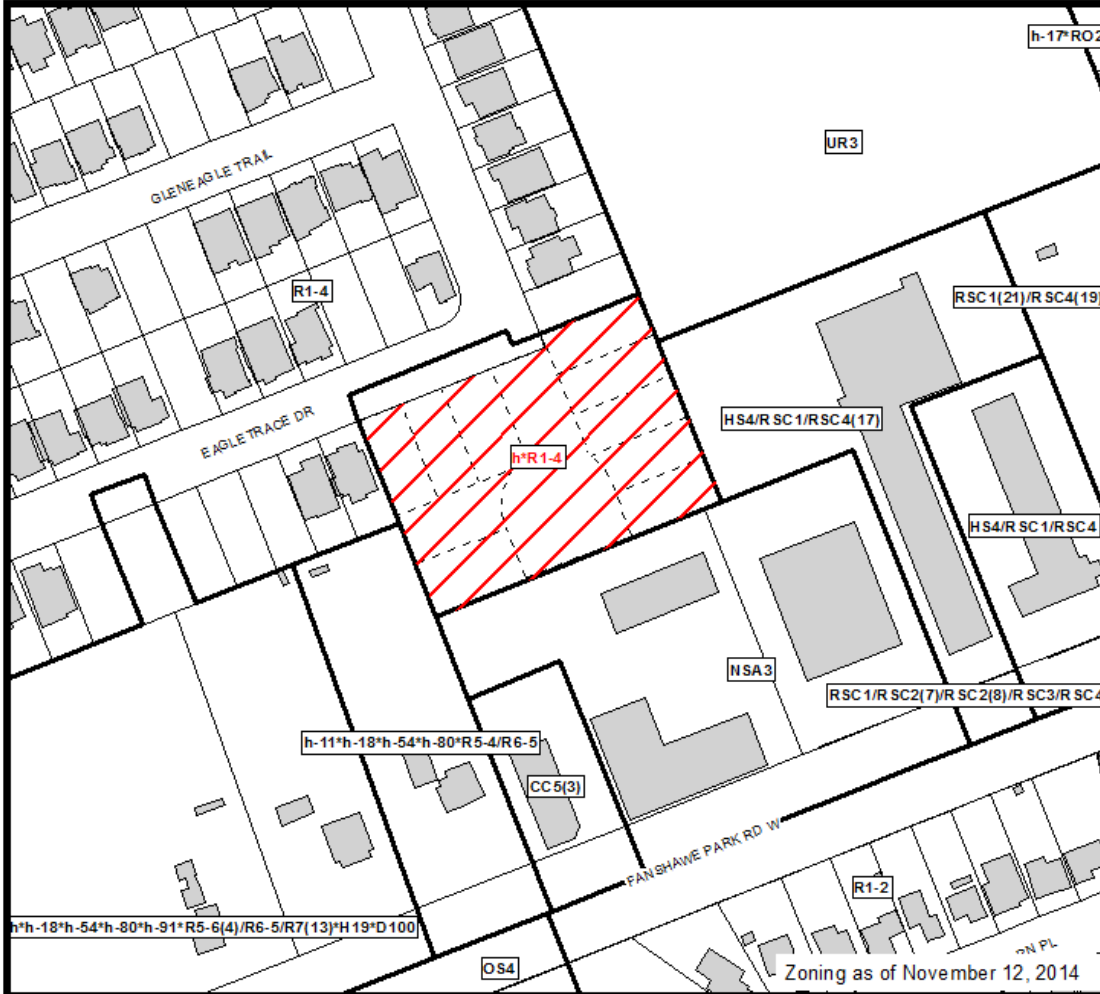
1. The removal of the holding provisions will allow for development in conformity with the City of London Official Plan.
2. Through the subdivision approval process all issues have been resolved and the holding provision is no longer required.

--	--

H-8415/C. Smith



H-8415/C. Smith



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <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 |
|--|---|

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z-1
SCHEDULE A



FILE NO:
H-8415 CS

MAP PREPARED:
December 2, 2014 JTS



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

--	--

H-8415/C. Smith

BACKGROUND

Date Application Accepted: September 11, 2014	Owner: Vista Woods Estates Inc.
<p>REQUESTED ACTION: City Council intends to consider removing the h-holding provisions from the lands that ensures for the orderly development of land 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 October 23, 2014.</p>	

PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 25, 2014
<p>Nature of Liaison:</p> <p>The purpose and effect of this zoning change is to remove the holding symbol to permit the development of 10 single detached dwelling lots.</p>	
<p>Responses: None</p>	

ANALYSIS

What is a Holding Provision?

Section 36 of the Planning Act states: *The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.*

The intent of a holding provision is to ensure that the lands that holding provisions are applied to are not developed prior to certain conditions or requirements being satisfied. The conditions or requirements of the holding provision are to ensure for the orderly development of the land. Typically, holding provisions have generalized conditions such as the provision of City services, completion of required studies and entering into development agreements. They are also applied to address site specific issues. The h. Holding Provision was applied to the subject lands at the time these lands were rezoned in conjunction with the draft approval of the subdivision. This was to ensure that a subdivision agreement was entered into with the City to provide for orderly development.

Why is it Appropriate to remove this Holding Provision?

The applicant has received approval to register the 10 single detached lot residential block and has signed and submitted the subdivision agreement for the draft approved subdivision (39T-11505). The applicant is currently in the process of registering this subdivision.

--	--

H-8415/C. Smith

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 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.”

The applicant has entered into a subdivision agreement and has provided the required security with the City for Draft Plan 39T-11505 for 10 single family residential lots. The subdivision agreement satisfies the requirements of this holding provision for the lands zoned R1-4.

CONCLUSION

It is appropriate to remove the h. holding provision based on the executed subdivision agreement. Removal of the holding provision will allow the property owner to apply for building permits to allow construction of 10 single detached dwellings.

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

JCS/
"Attach."

Agenda Item # Page #

--	--

H-8415/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 a portion of land located at 1235 Eagletrace Drive.

WHEREAS Vista Woods Estates Inc. have applied to remove the holding provisions from the zoning for a portion of the lands located at 1235 Eagletrace Drive, 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 a portion of the lands located at 1235 Eagletrace Drive, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R1 (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 December 18, 2014.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - December 18, 2014
Second Reading – December 18, 2014
Third Reading - December 18, 2014

--	--

H-8415/C. Smith

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

