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H-7997
Nancy Pasato

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING D. AILLES MANAGING DIRECTOR - DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED SOUTHERN PORTION OF 1270 SUNNINGDALE ROAD EAST (PHASE I - 33M-631) MEETING ON JANUARY 16, 2012

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of Development Approvals Business Unit, based on the application by Sifton Properties Limited relating to the property located on the southern portion of 1270 Sunningdale Road East (33M-631), the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 31, 2012 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-96*R1-3) Zone and a Holding Residential R1 (h-96*R1-5) Zone **TO** a Residential R1 (R1-3) Zone and a Residential R1 (R1-5) Zone to remove the holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

39T-06503 and/or Z-7185

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 Built and Natural Environment Committee on six month draft plan 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.

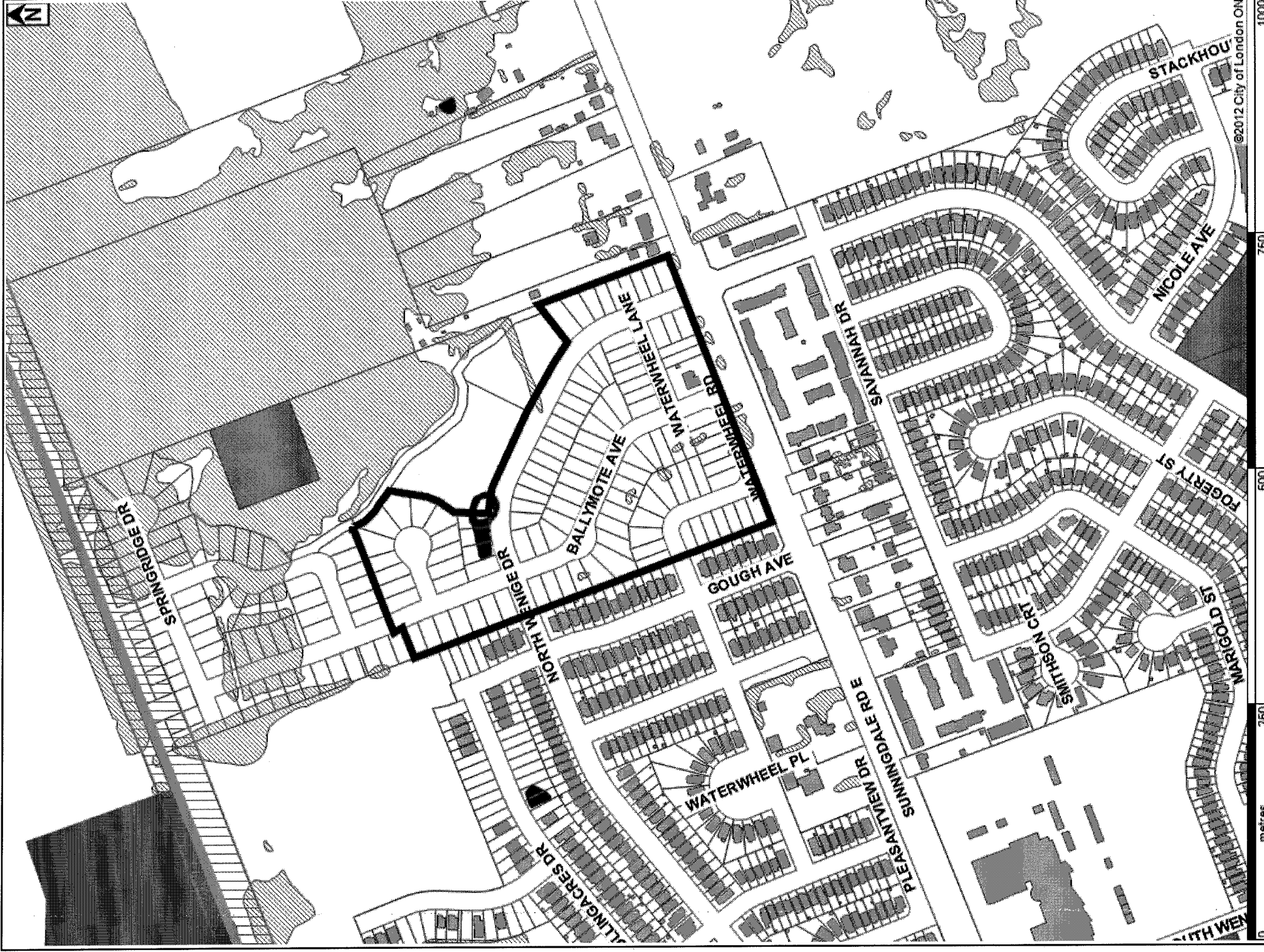
September 19, 2011 - Report to the Built and Natural Environment Committee regarding status of subdivision and issues with MMAH.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the holding (h-96) provision to permit the development of 111 single detached lots within the first Phase of the subdivision (33M-631).

RATIONALE

1. The servicing for the first Phase (33M-631) 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.



0 250 500 750 1000 metres






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LOCATION MAP

Subject Site: 1270 Sunningdale Rd E Phase 1 (33M-631)
 Applicant: Sifton Properties Limited
 File Number: H-7987
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2012-01-03
 Scale: 1:5000

Corporation of the City of London
 Prepared By: City Managers Department

LEGEND

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



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BACKGROUND

Date Application Accepted: November 14, 2011	Agent: Maureen Zunti, Sifton Properties
REQUESTED ACTION: Request to remove the holding provisions from the zoning of lands located at 1390 Highbury Avenue North to allow the development of a new 128 unit long term care facility.	

PLANNING HISTORY

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 1 and registered on June 22, 2011. Final approval of the Phase 1 subdivision was granted and registered (33M-631) on August 25, 2011.

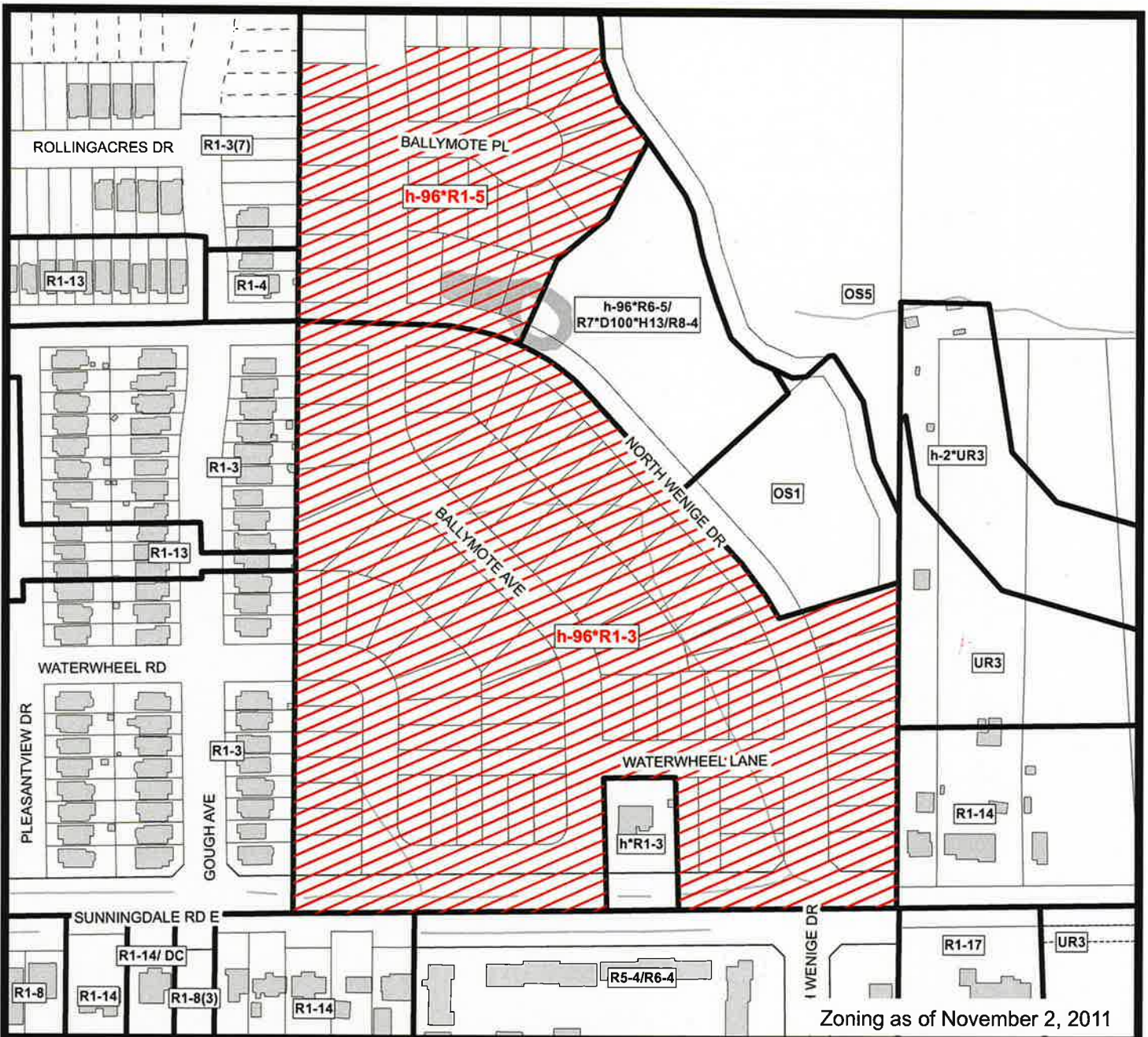
SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	Notice was published in the Living in the City section of the London Free Press on November 19, 2011.	No replies
Nature of Liaison: To remove the holding "h-96" provision.		
Responses: None		

ANALYSIS

The purpose of the holding ("h-96") provision in the zoning by-law is as follows:

Purpose: In order to ensure the orderly development of land and the adequate provision of municipal services the h-96 symbol shall not be deleted until a subdivision agreement is



Zoning as of November 2, 2011



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



FILE NO:

H-7987

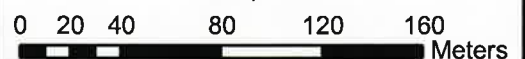
NP

MAP PREPARED:

January 3, 2012

DT

1:3,000



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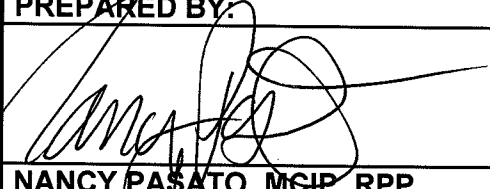
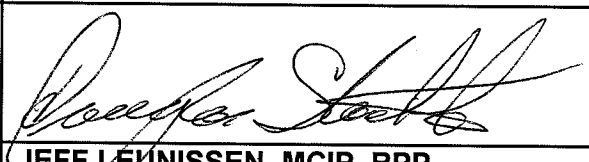


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entered into and all works required by the applicable Municipal Class EA have been implemented.

The Municipal Class Environmental Assessment (EA) for the Stoney Creek 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) for storm and sanitary sewers on December 19, 2011 (see Appendix "B"). Therefore, the conditions for the removal of the holding provision have been met for Phase 1. The holding provision (h-96) is only being recommended for removal for Phase 1 at this time.

CONCLUSION

The proponents are eager to commence construction as soon as possible. The servicing for the first Phase (33M-631) 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 1.

PREPARED BY:	SUBMITTED BY:
	
NANCY PASATO, MCIP, RPP SENIOR PLANNER, DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT	JEFF LEUNISSEN, MCIP, RPP MANAGER, DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT
RECOMMENDED BY:	
	
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	DAVID AILLES, P. Eng. MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT

January 5, 2012

NP\.. Y:\Shared\Sub&Spec\SUBDIV\2011\H-7987 1270 Sunningdale Rd E\holding report 1270 Sunningdale Phase 1.doc

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Appendix "A"

**Bill No. (Number to be inserted by Clerk's Office)
2012**

By-law No. Z.-1-_____

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-631).

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-631), 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-631), as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-3) Zone and 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 31, 2012.

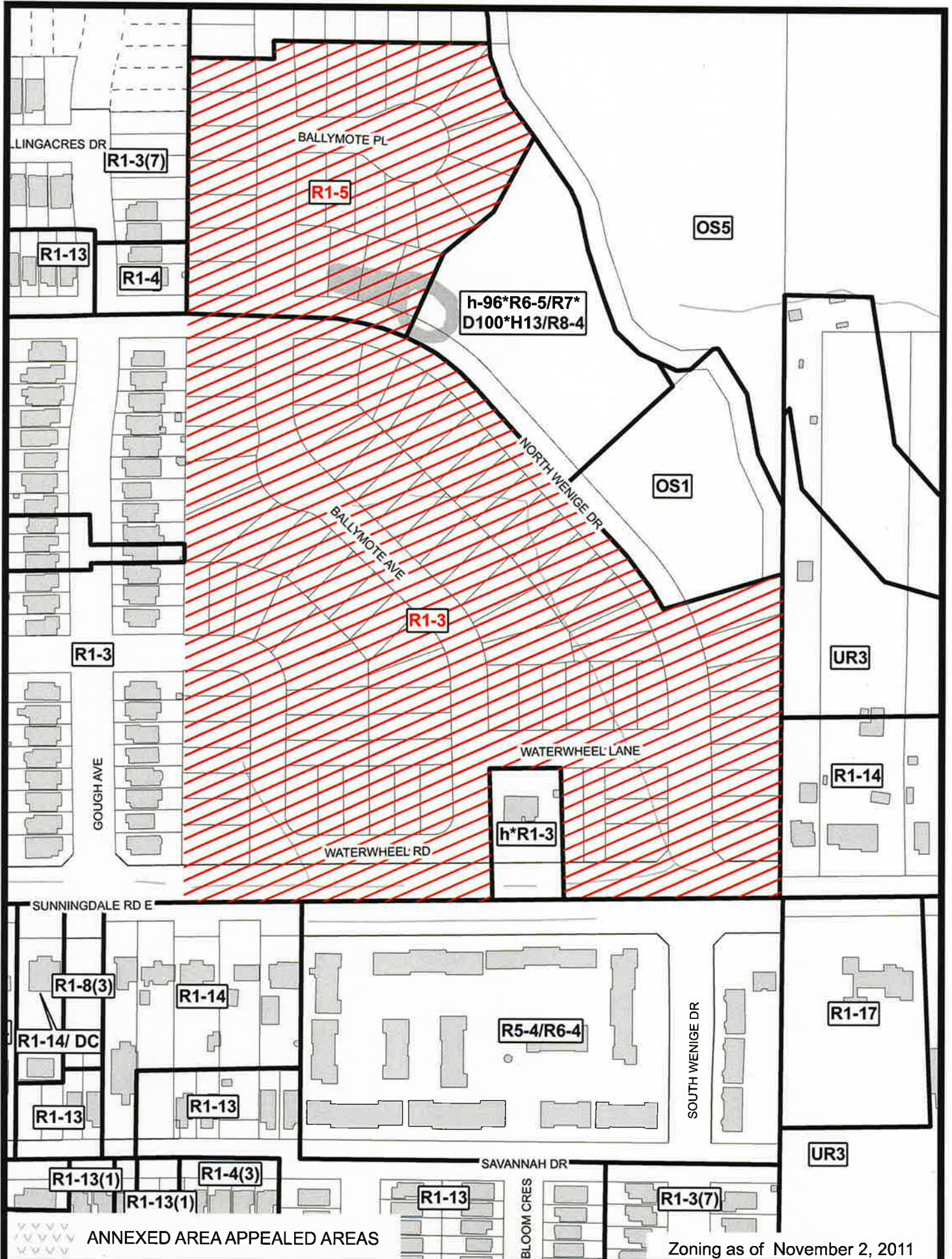
**Joe Fontana
Mayor**

**Catharine Saunders
City Clerk**

First Reading - January 31, 2012
Second Reading - January 31, 2012
Third Reading - January 31, 2012



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



Zoning as of November 2, 2011

File Number: H-7987

Planner: NP

Date Prepared: January 3, 2012

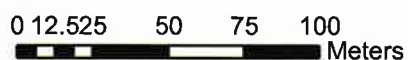
Technician: DT

By-Law No: Z.-1-

SUBJECT SITE



1:2,500



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Appendix "B"

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 6957-8P4SWC

Issue Date: December 19, 2011

Sifton Properties Limited
195 Dufferin Ave, Suite 410
Post Office Box 5099
London, Ontario
N6A 4M8

Site Location: Ballymote Woods Residential Subdivision, Phase 1
City of London, County of Middlesex

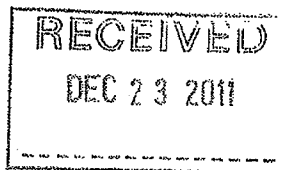
You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

- *storm and sanitary sewers* are to be constructed to serve Ballymote Woods Residential Subdivision, Phase 1, in the City of London, County of Middlesex;

all in accordance with the application dated June 28, 2011 and received on August 29, 2011, including final plans and specifications prepared by AGM Engineering Ltd.

For the purpose of this environmental compliance approval, the following definitions apply:

- (1) "Approval " means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation;
- (2) "District Manager " means the District Manager of the London District of the Ministry;
- (3) "Ministry " means the Ontario Ministry of Environment;
- (4) "Owner " means the Sifton Properties Limited, and includes its successors and assignees;
- (5) "Source Protection Plan " means a drinking water source protection plan prepared under the Clean Water Act, 2006; and,
- (6) "Works " means the sewage works described in the Owner 's application, this *Approval* and in the supporting documentation referred to herein, to the extent included in this *Approval*.



Page 1 - NUMBER 6957-8P4SWC

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

1. GENERAL CONDITIONS

- 1.1 The *Owner* shall ensure that any person authorized to carry out work on or operate any aspect of the *Works* is notified of this *Approval* and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
- 1.2 Except as otherwise provided by these Conditions, the *Owner* shall design, build, install, operate and maintain the *Works* in accordance with the description given in this *Approval*, the application for approval of the works and the submitted supporting documents and plans and specifications as listed in this *Approval*.
- 1.3 Where there is a conflict between a provision of any submitted document referred to in this *Approval* and the Conditions of this *Approval*, the Conditions in this *Approval* shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.
- 1.4 Where there is a conflict between the listed submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
- 1.5 The requirements of this *Approval* are severable. If any requirement of this *Approval*, or the application of any requirement of this *Approval* to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this *Approval* shall not be affected thereby.

2. EXPIRY OF APPROVAL

- 2.1 The approval issued by this *Approval* will cease to apply to those parts of the *Works* which have not been constructed within five (5) years of the date of this *Approval*.

3. SOURCE WATER PROTECTION

The *Owner* shall, within sixty (60) calendar days of the Minister of the Environment posting approval of a *Source Protection Plan* on the environmental registry established under the Environmental Bill of Rights, 1993 for the area in which this *Approval* is applicable, apply to the *Director* for an amendment to this *Approval* that includes the necessary measures to conform with all applicable policies in the approved *Source Protection Plan*.

The reasons for the imposition of these terms and conditions are as follows:

1. Condition 1 is imposed to ensure that the *Works* are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in the *Approval* and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The condition also advises the *Owners* their responsibility to notify any person they authorize to carry out work pursuant to this *Approval* , of the existence of this *Approval* .
2. Condition 2 is included to ensure that, when the *Works* are constructed, the *Works* will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
3. Condition 3 is included to ensure that the *Works* covered by this *Approval* will conform to the significant threat policies and designated Great Lakes policies in the *Source Protection Plan* .

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-4506 or www.ert.gov.on.ca

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 19th day of December, 2011

THIS APPROVAL WAS MAILED
ON Dec. 21, 2011
SC
(Signed)



Sherif Hegazy, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

SJ/

c: District Manager, MOE London District
Steve Brown, P. Eng., AGM Engineering Ltd. ✓