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H-8322/Michael Pease

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: LAND DEVELOPMENT SOLUTIONS ENGINEERING INC. 3550 & 3590 SINGLETON AVENUE MEETING ON FEBRUARY 2, 2015

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, based on the application of Nu Age Homes Inc. c/o Land Development Solutions Engineering Inc., relating to the property located at 3550 & 3590 Singleton Avenue, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on February 9, 2015 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 R5/R6 (h-h-54-h-71-h-100-h-134-R5-4/R6-5) Zone **TO** a Holding Residential R5/R6 (h-134*R5-4/R6-5) Zone, to remove the “h”, “h-54”, “h-71”, and “h-100” holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the “h”, “h-54”, “h-71”, and “h-100” holding provisions in order to permit the development of 56 cluster single detached dwellings.

RATIONALE

1. The removal of the holding provisions will allow for development in conformity with the City of London Official Plan.
2. Through the Site Plan Approval process all issues have been resolved and these holding provisions are no longer required.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

May 6, 2009 – Report to Planning Committee on application from Sifton Properties Limited for draft plan of subdivision approval and Zoning By-law amendment (39T-07510/Z-7457/O-7466) relating to property located at 1451 Wharncliffe Road 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.

November 18, 2014 – Public participation meeting at the Planning and Environment Committee on an application from Sifton Properties Limited to permit a Vacant Land Condominium (39CD-14521).

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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 subject property is comprised of Blocks 1 and 2 on Plan of Subdivision 33M-661 (39T-07510). The Holding “h”, “h-54”, “h-71” and “h-100” provisions were applied at the time the Draft Plan of Subdivision was under consideration. The Holding Residential Special Provision “h-134” was applied in June 2011 through Zoning By-law Amendment application Z-7850 to address servicing and transportation capacities.

On February 14, 2014, an application was received from Land Development Solutions Engineering Inc. on behalf of Nu Age Homes Inc. to remove the “h”, “h-54”, “h-71”, “h-100” and “h-134” provisions from the subject site in order to permit future development of residential uses under the Residential (R5-4/R6-5) Zone. The notice of application was circulated to the required municipal departments on February 24, 2014 and was published in *The Londoner* on March 6, 2014.

A concurrent Site Plan application (SP14-00571) and application for Vacant Land Condominium (CD14-521) are currently under review. The proposed development consists of a 56 unit vacant land condominium development with cluster residential dwelling units and common elements including the internal driveway and landscape areas.

Date Application Accepted: February 14, 2014	Applicant: Nu Age Homes Inc. c/o Land Development Solutions Engineering Inc.
REQUESTED ACTION: Removal of the “h”, “h-54”, “h-71”, “h-100”, and “h-134” holding provisions on the property at 3550 & 3590 Singleton Avenue.	
PUBLIC LIAISON:	Notice was published in <i>The Londoner</i> on March 6, 2014.
Nature of Liaison:	
City Council intends to consider removing the holding (h, h-54, h-71, h-100 and h-134) provisions from the Residential R5-4/R5-6 Zone. The “h” was put in place to ensure the orderly development of lands and the adequate provision of municipal services through the execution of a development agreement. The “h-54” is to ensure there are no land use conflicts between arterial roads and the proposed residential uses through the applicant’s implementation of noise attenuation and noise assessment reports. The “h-71” encourages street orientation development through preparation of a building orientation plan which demonstrates how the front façade of dwelling units can be oriented to all abutting streets. The “h-100” ensures there is adequate water service and appropriate access to the satisfaction of the City Engineer. The “h-134” ensures that development does not exceed a maximum interim threshold of residential units until the temporary Bostwick sanitary sewage pumping station and forcemain area is decommissioned; and a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes. Council will consider removing the holding provisions as they apply to these lands no earlier than April 1, 2014.	
Responses: None	

ANALYSIS

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, five holding provisions were added to the site.

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The following lists the holding provisions, and how each provision has 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.*

Securities to support a development agreement for site plan have been provided to Development Services. It is anticipated that the development agreement will be executed within the next few weeks.

h-54 – *The “h-54” holding provision is to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.*

The development agreement incorporates recommendations from the accepted Noise Impact Study and indicates that three small noise walls are to be constructed adjacent to amenity spaces for three units, and buildings are to be constructed in a manner to mitigate against noise impacts from the future Bradley Avenue extension.

h-71 – *The “h-71” holding provision is to encourage street orientation development, the Owner shall prepare 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 proposed development is street-oriented, with units having frontage along Singleton Avenue, Morgan Avenue and Bradley Avenue. Current Planning and Urban Design have advised that the development meets the intent of the holding provisions.

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)*

Given the development only includes 56 units a looped watermain was not required. The proposed development has one primary access point and 13 driveways for individual units which have frontage along Singleton Avenue.

h-134 – *The “h-134” holding provision ensures that development does not exceed a maximum interim threshold of 759 residential units, the h-134 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 759 residential units on the multi-family lands in draft plan 39T-07510.)*

Holding provision “h-134” has not been satisfied, because the temporary Bostwick sanitary sewage pumping station and forcemain have not been decommissioned, nor has a Traffic Impact Study been prepared that demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecasted traffic volumes.

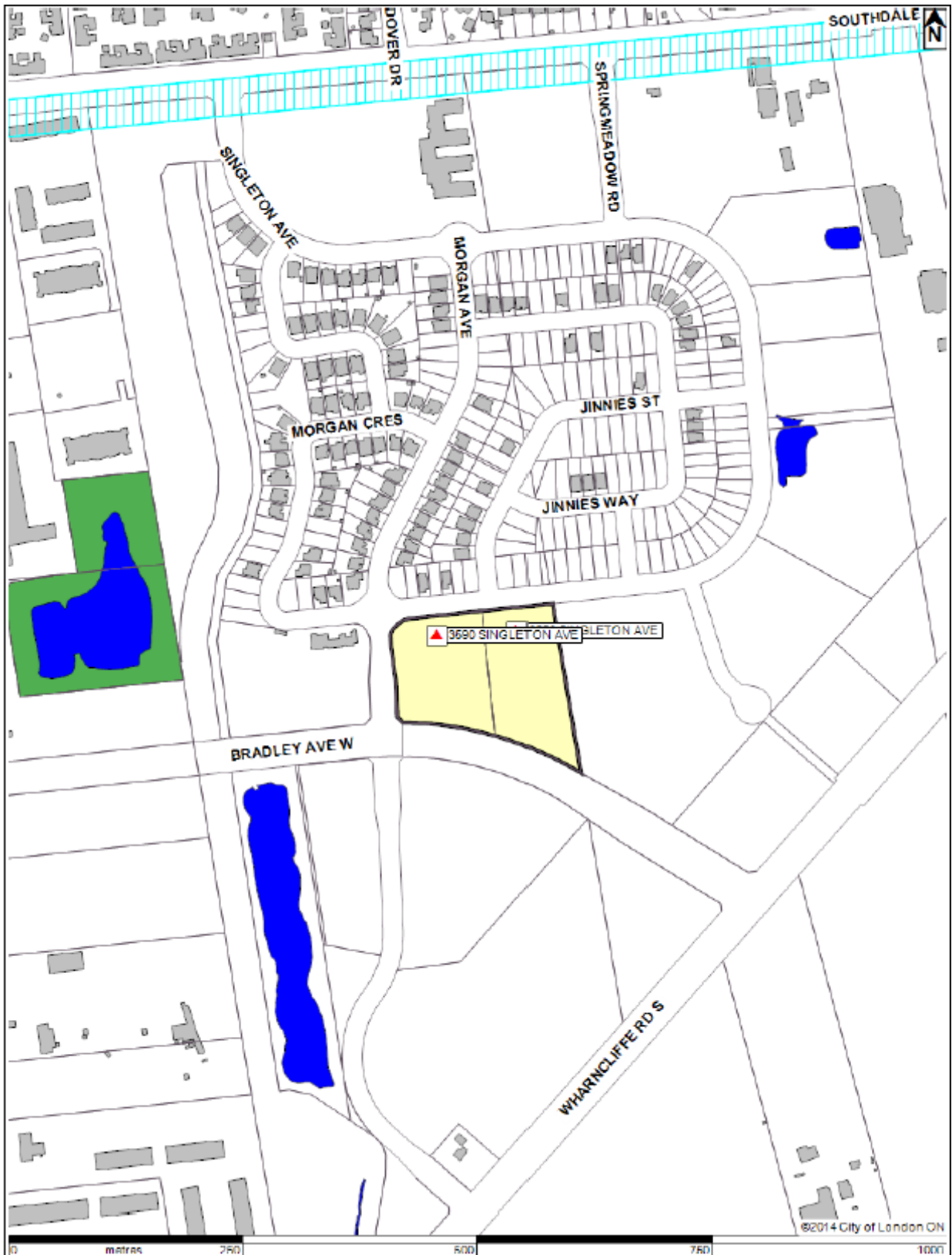
Notwithstanding the above, the scale of the proposed development does not exceed the maximum threshold for the Bostwick sanitary sewage pumping station and forcemain. A Traffic Impact Study was done in 2012 for the East Bostwick area and contemplated medium density development for the subject lands. The scale of the proposed development can be accommodated by existing infrastructure and as such further study is not required at this time.

Will any holding provisions remain on the subject lands?

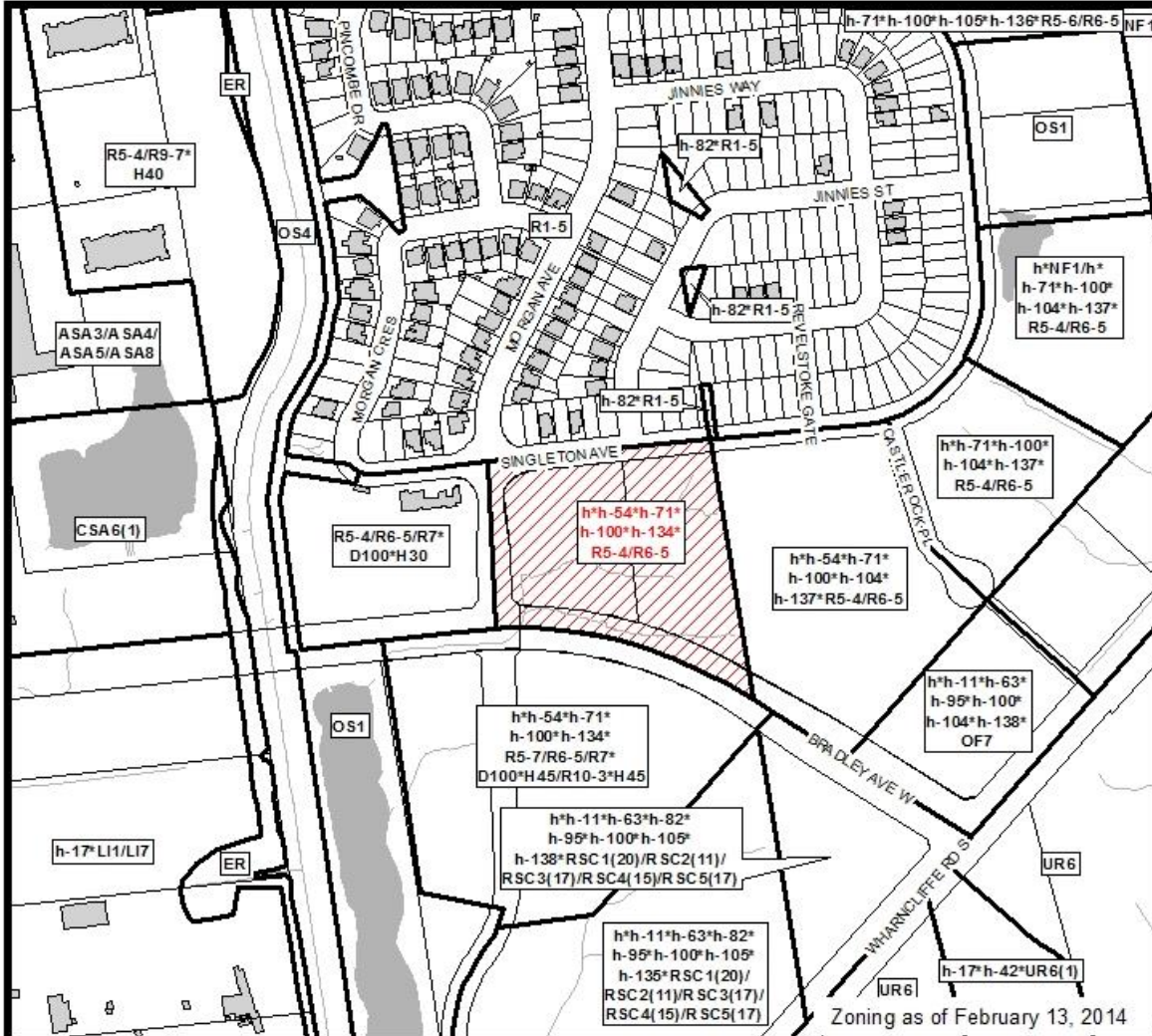
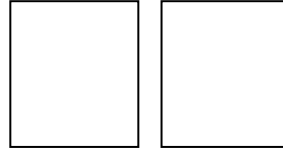
The recommended amendment will remove the “h”, “h-54”, “h-71”, and “h-100”. The “h-134” holding provision will remain in effect. However, due to the proposal not exceeding the threshold limit of 759 residential units development can occur on the subject lands.

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 3350 File Number: H-8322 Planner: Sonia Wise Created By: Sonia Wise Date: 2014-02-19 Scale: 1:5000</p> <p style="text-align: center;">N</p> <p>Corporation of the City of London Prepared By: Planning and Development</p>	<p style="text-align: center;">LEGEND</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	□	Assessment Parcels	■	Buildings	123	Address Numbers
■	Subject Site										
■	Parks										
□	Assessment Parcels										
■	Buildings										
123	Address Numbers										



Zoning as of February 13, 2014

 **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



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

FILE NO:

H-8322

SW

MAP PREPARED:

2014/03/03

TJS

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Meters

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CONCLUSION

Through the site plan approval process the requirements for four holding provisions on the subject lands have been addressed. The applicant has provided the required securities and has met provisions relating to noise mitigation, design, servicing, and transportation. It is appropriate to remove four holding provisions from the subject lands at this time. Removal of these holding provisions will allow the Building Division to issue building permits to allow construction of 56 single detached cluster dwelling units. Holding provision "h-134" is not recommended for removal at this time.

RECOMMENDED BY:	REVIEWED BY:
MICHAEL PEASE, MCIP, RPP PLANNER II DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING
REVIEWED 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

January 23, 2015

MP/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2014\H-8322 - 3550-3590 Singleton Avenue (SW)\Report to PEC H-8322.doc

"Attach."

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Bill No.
2015

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 3550 & 3590 Singleton Avenue.

WHEREAS Nu Age Homes Inc. has applied to remove holding provisions from the zoning on the lands located at 3550 & 3590 Singleton Avenue, 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:

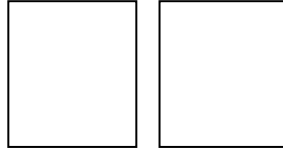
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3550 & 3590 Singleton Avenue, as shown on the attached map to remove the holding "h", "h-54", "h-71", and "h-100" provisions so that the zoning of the lands as a Holding Residential R5/R6 (h-134*R5-4/R6-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on February 9, 2015.

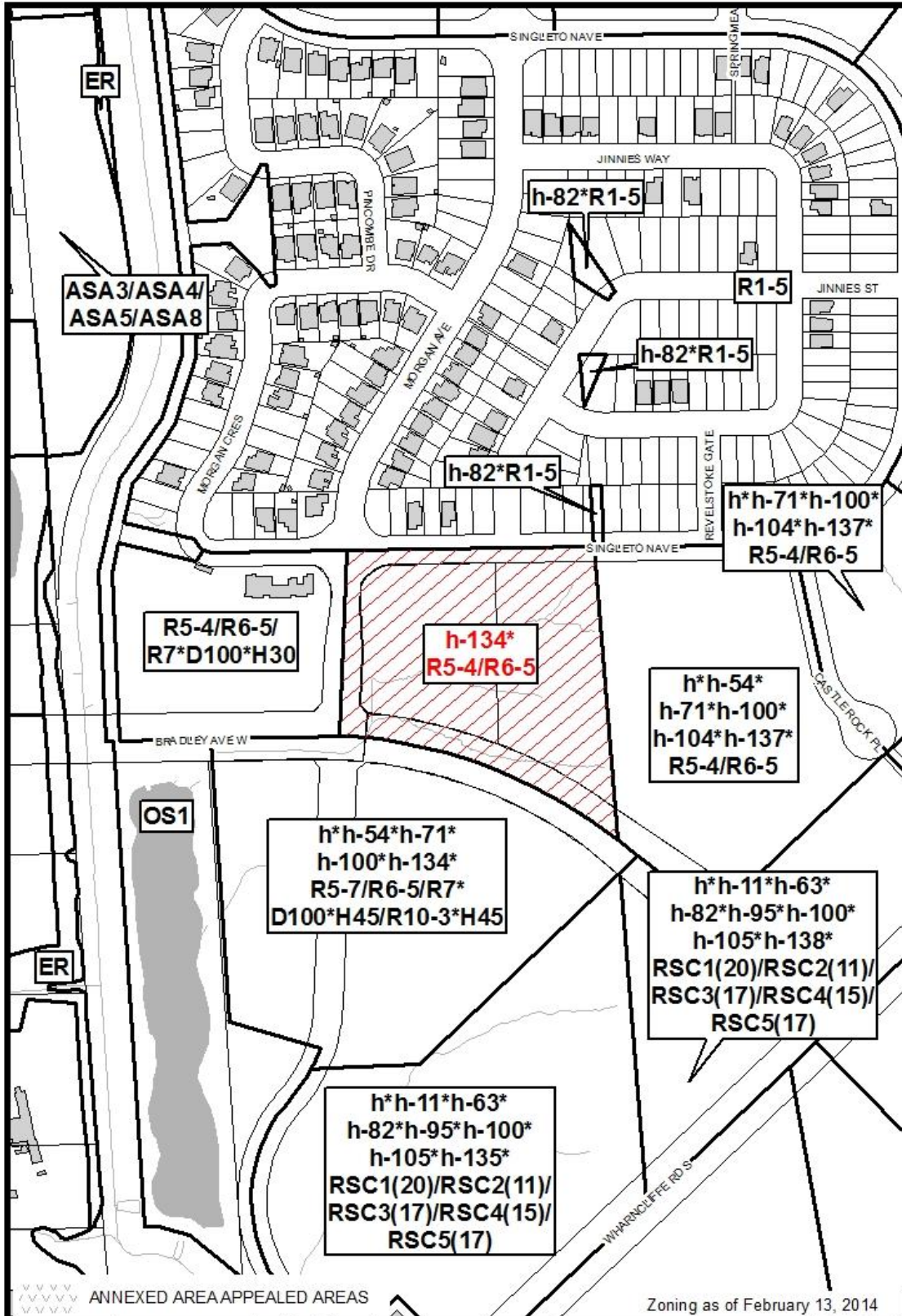
Matt Brown
Mayor



Catharine Saunders
City Clerk

First Reading – February 9, 2015
Second Reading – February 9, 2015
Third Reading – February 9, 2015



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



<p>File Number: H-8322 Planner: MP Date Prepared: 2014/12/05 Technician: TJS By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,500</p> <p>0 15 30 60 90 120 Meters</p> 
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