

--	--

File No: Z-7983
Planner: T. Grawey

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	D.N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: 1640209 ONTARIO LIMITED LOCATION: 1959 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON JANUARY 16, 2012

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, the following actions be taken with respect to the application of 1640209 Ontario Limited relating to the lands located at 1959 Wharncliffe Road South:

- a) 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*R1-4) Zone and an Urban Reserve (UR4) Zone **TO**:
- an Urban Reserve (UR4) Zone, which permits a range of uses including existing dwellings, restricted agricultural uses, managed woodlots and kennels; and
 - a Holding Residential R1 (h*R1-4) Zone, which permits single detached dwellings with a minimum lot frontage of 12 metres and a minimum lot area of 360 square metres.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

July 19, 2010 – Report from the General Manager of Environmental and Engineering Services and City Engineer on the status of servicing capacity upgrades at the Southland PCP.

December 13, 2010 – Report to a public participation meeting at Built & Natural Environment Committee, recommending draft approval for plan of subdivision 39T-07507.

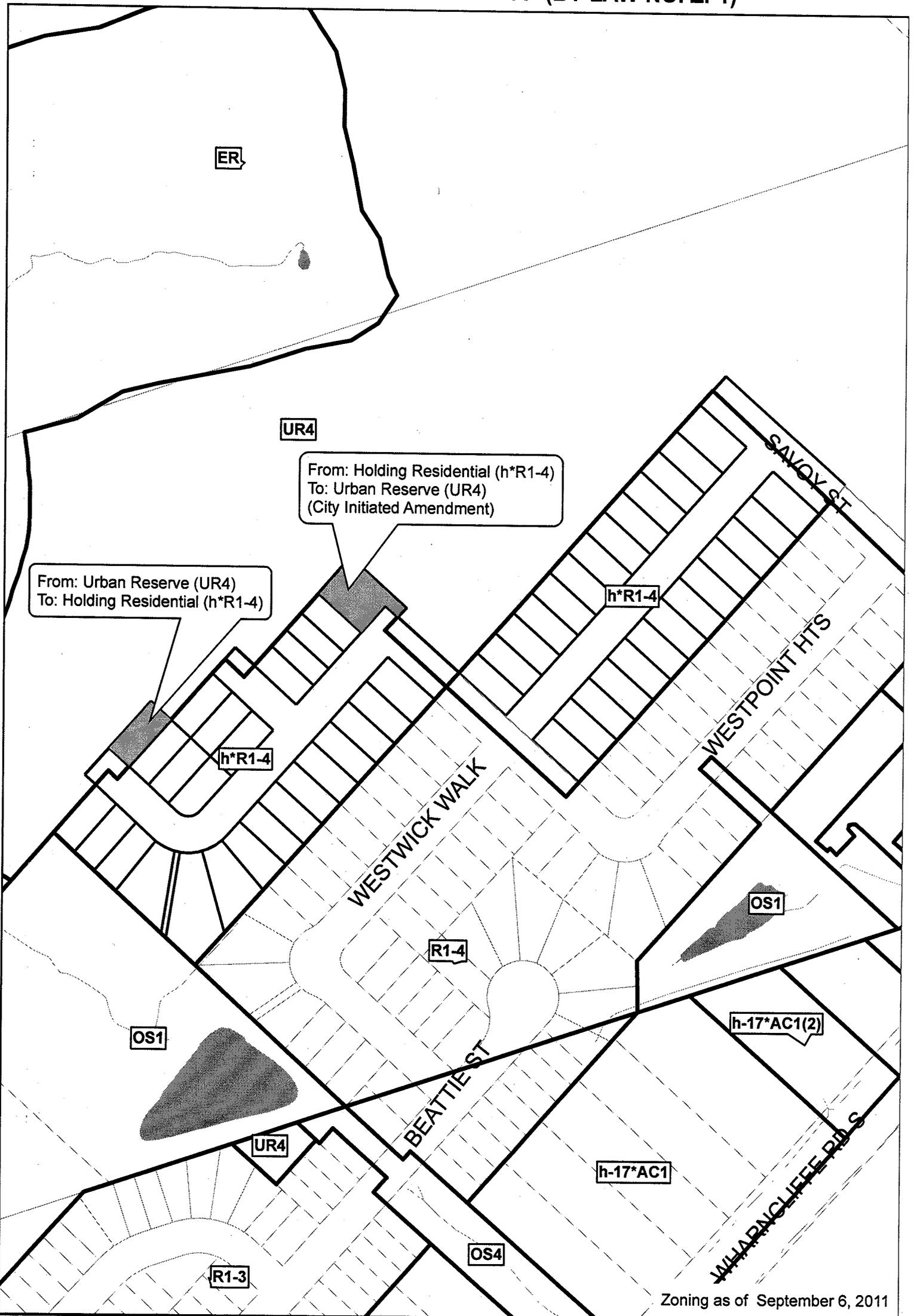
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action will provide for minor adjustments to the Residential (R1-4) and Urban Reserve (UR4) Zones so that the Zone boundary accurately reflects the draft approved plan of subdivision, as red line revised.

RATIONALE

1. The recommended amendment will ensure that the approved zoning accurately implements the conditions of draft approval and lotting pattern in draft plan 39T-07507;
2. The recommended zoning permits a range of uses and intensity of development that are in conformity with the Official Plan and consistent with the Provincial Policy Statement.

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



File Number: Z-7983

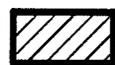
Planner: TG

Date Prepared: 2011/12/21

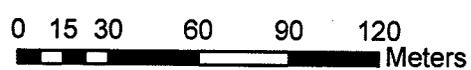
Technician: MC

By-Law No: Z.-1

SUBJECT SITE



1:2,500



--	--

BACKGROUND

Application Accepted: November 10, 2011	Applicant: 1640209 Ontario Limited
<p>REQUESTED ACTION: Amend the zoning at the northerly terminus of Street "A" (east side), from Urban Reserve (UR4) to Residential R1 (h*R1-4) to permit a single residential lot, in accordance with the conditions of draft approval and draft plan of subdivision 39T-07507, as red line revised. <i>(Note: in conjunction with this application the City initiated a related amendment, to change the zoning at the notherly terminus of Westpoint Heights, from Holding Residential R1 (h*R1-4) to Urban Reserve (UR4))</i></p>	

OFFICIAL PLAN DESIGNATION
<ul style="list-style-type: none"> • Low Density Residential

EXISTING ZONING: (refer to map on the following page):
<ul style="list-style-type: none"> • Holding Residential R1 (h*R1-4) • Urban Reserve (UR4)

PLANNING HISTORY

A report from the General Manager of Environmental & Engineering Services and City Engineer was presented to Planning Committee on July 19th 2010, providing the terms of a draft agreement between the City and the applicant for upgrades to the Southland Pollution Control Plant. The following resolution was approved by Council at its session on July 26, 2010:

"4. That, on the recommendation of the General Manager of Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the application of Ali Soufan (1640209 Ontario Ltd.) relating to the property located at 1959 Wharncliffe Road South, Foxwood Crossing Phase 2:

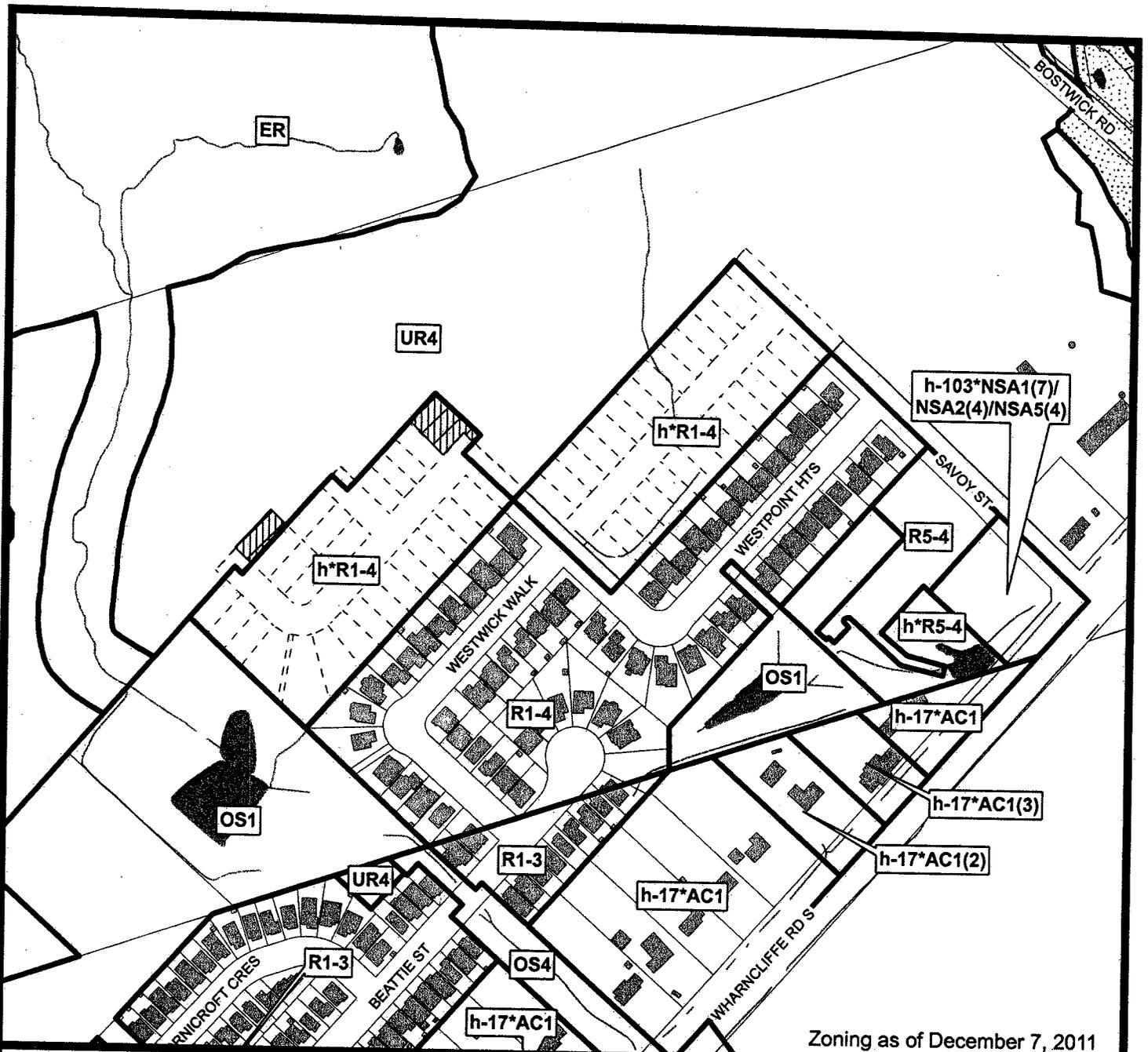
(a) the attached Subdivision Agreement between the Corporation of the City of London and 1640209 Ontario Ltd. for the capacity upgrades at the Southland Pollution Control Plant BE APPROVED in principle; and

(b) the Mayor and City Clerk BE AUTHORIZED to execute this Agreement and all documents required to fulfill its conditions, upon Draft Approval of 39T-07507;

It being noted the Planning Committee received and noted a communication dated July 17, 2010 from A. Soufan, President, York Developments with respect to this matter. (2010-D11-07) (4/20/PC)"

The works proposed for the Southland Plant will allow development of up to 75 equivalent units, subject to the final outcome of the capacity upgrades. The agreement is limited to the allocation of treatment capacity for 52 units in Foxwood Crossing Phase 2 and 23 units in Block 80 in Plan 33M-546. The City has made no commitment regarding the allocation of sanitary treatment capacity for the adjacent Foxwood Crossing Phase 3 area, which potentially includes up to 193 additional single detached residential lots and a 1.2 hectare multi-family development.

Phase 2 of the Foxwood Crossing Subdivision (File: 39T-07507), consisting of 52 single detached residential lots, was endorsed by Council on December 20th, 2010. The corresponding Official Plan amendment and Zoning By-law amendment came into force and draft approval was issued on April 5th, 2011, subject to conditions and red line modifications.



Zoning as of December 7, 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:

Z-7983

TG

MAP PREPARED:

2011/12/21

MC

1:4,000

0 20 40 80 120 160

Meters

--	--

File No: Z-7983
Planner: T. Grawey

The conditions of draft approval require adjustments to the lotting pattern in Phase 2 which will ensure that the number of lots in the subdivision does not exceed 52, and that road connections are available for future development lands to the north. The conditions also require the applicant to apply for an amendment to the Zoning By-law, so that the boundary between the Residential h*R1-4 and Urban Reserve (UR4) Zones accurately reflects this change in the lotting pattern. Application Z-7983 is intended to implement this change.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority:

The UTRCA issued a clearance letter for the subject lands on April 21, 2011. As such, the lands are no longer subject to any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act. The mapping for these lands will be revised in the next round of mapping updates. As such, the UTRCA has no objection to this application to amend the Zoning By-law.

PUBLIC LIAISON:	Notice of application published in "Living in the City" November 26 th , 2011 and mailed out to area property owners November 25 th , 2011	No written responses received
Responses: One (1) telephone inquiry received to date.		

ANALYSIS

Existing Situation:

The Phase 2 Foxwood Crossing subdivision is draft approved for 52 single detached residential lots served by an extension of Westpoint Heights and a new internal road. Lands within the Phase 2 area are designated Low Density Residential in the Official Plan and currently zoned Holding Residential R1(h*(R1-4). The lands to the north of Phase 2 are to designated Urban Reserve – Community Growth and Zoned Urban Reserve (UR4).

The subject lands are currently vacant and in agricultural use. There are no natural features or vegetation within the Phase 2 area. A woodland patch (patch 10070) is located approximately 100 metres north of the subdivision boundary and a tributary of the Thornicroft Drain is located approximately 45 metres west of the subdivision boundary.

Council supported the Approval Authority revising the draft plan and the conditions of draft approval, which necessitate this application. The design studies for Phase 2 have been submitted to the City and the owner is proceeding to satisfy conditions that are required to be addressed prior to final approval of the plan. Adjustments are required to the boundary between the Residential (h*R1-4) and Urban Reserve (UR4) Zones, to implement the conditions and red line modifications that are applied to the draft approved plan.

Official Plan:

The Foxwood Crossing Phase 2 subdivision is designated Low Density Residential as a result of Official Plan Amendment No. 489, which was adopted by Council on January 24th, 2011 and is now in effect. The lotting changes and associated amendments to the Zoning By-law are minor in nature and no changes are required to the boundary between the Low Density Residential and Urban Reserve designations.

--	--

File No: Z-7983
Planner: T. Grawey

The proposed amendment does not affect any natural heritage features, transportation corridor alignments or hazards identified on Schedules "B1", "B2" or "C" of the Official Plan.

Proposed Amendment:

The original draft plan showed lots at the northerly terminus of Westpoint Heights, precluding any potential for a through road connection. The proposed modifications will result in a more flexible lotting pattern by allowing the future extension of Westpoint Heights when development to the north proceeds. The recommended Zoning By-law amendment has been initiated to address two conditions of draft approval for the subdivision, as follows:

78 The lotting pattern for this subdivision shall be modified on the final plan to delete Lot 60 and add a new lot immediately north of Lot 43; and, adjust the configuration of Lots 56 to 59 inclusive so that the easterly boundary of Lot 59 is aligned with the westerly boundary of Westpoint Heights, to the specifications and satisfaction of the Approval Authority.

79 Prior to final approval the Owner shall apply for a rezoning to reflect and implement the changes referred to in Condition 78, and this rezoning shall be in effect.

This application implements the actions required by conditions 78 and 79 by making adjustments to the boundary between the Residential (h*R1-4) and Urban Reserve (UR4) Zones. The proposed amendments are minor in nature and the overall number of lots in the draft approved plan will remain unchanged at 52.

CONCLUSION

This Zoning By-law Amendment application has been initiated for the purpose of implementing conditions of draft approval for the Foxwood Crossing Phase 2 plan of subdivision. The recommended zoning changes correspond with minor revisions to the lotting layout, which will allow for an efficient development pattern and improved road connections. This recommended amendment conforms with policies of the Official Plan and represents good land use planning.

PREPARED BY:	SUBMITTED BY:
	
TERRY GRAWEY SENIOR PLANNER – DEVELOPMENT PLANNING	BRUCE HENRY MANAGER – DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D. N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	DAVID AILLES, P.ENG. MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT

January 5, 2012
 TG/tg

Agenda Item # Page #

--	--

File No: Z-7983
Planner: T. Grawey

Reference Documents:

- Application for Zoning By-law Amendment, as completed by 1640209 Ontario Limited, November, 2011
- City of London Official Plan, June 19, 1989, as amended
- City of London Zoning By-law No. Z-1, as amended

Agency and Public Responses:

- December 13, 2011 correspondence from C. Creighton, Upper Thames River Conservation Authority.
- December 21, 2011 correspondence from D. Dalrymple, London Hydro
- January 4, 2012 - phone inquiry (Dan White, 6518 Beattie Street, London ON N6P 1C7)

Agenda Item #	Page #

File No: Z-7983
Planner: T. Grawey

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 rezone an area of land located at 1959 Wharncliffe Road South.

WHEREAS 1640209 Ontario Limited has applied to rezone an area of land located at 1959 Wharncliffe Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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 1959 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. 106, from a Holding Residential R1 (h*R1-4) Zone and an Urban Reserve (UR4) Zone to an Urban Reserve (UR4) Zone and a Holding Residential (h*R1-4) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on January 31, 2012.

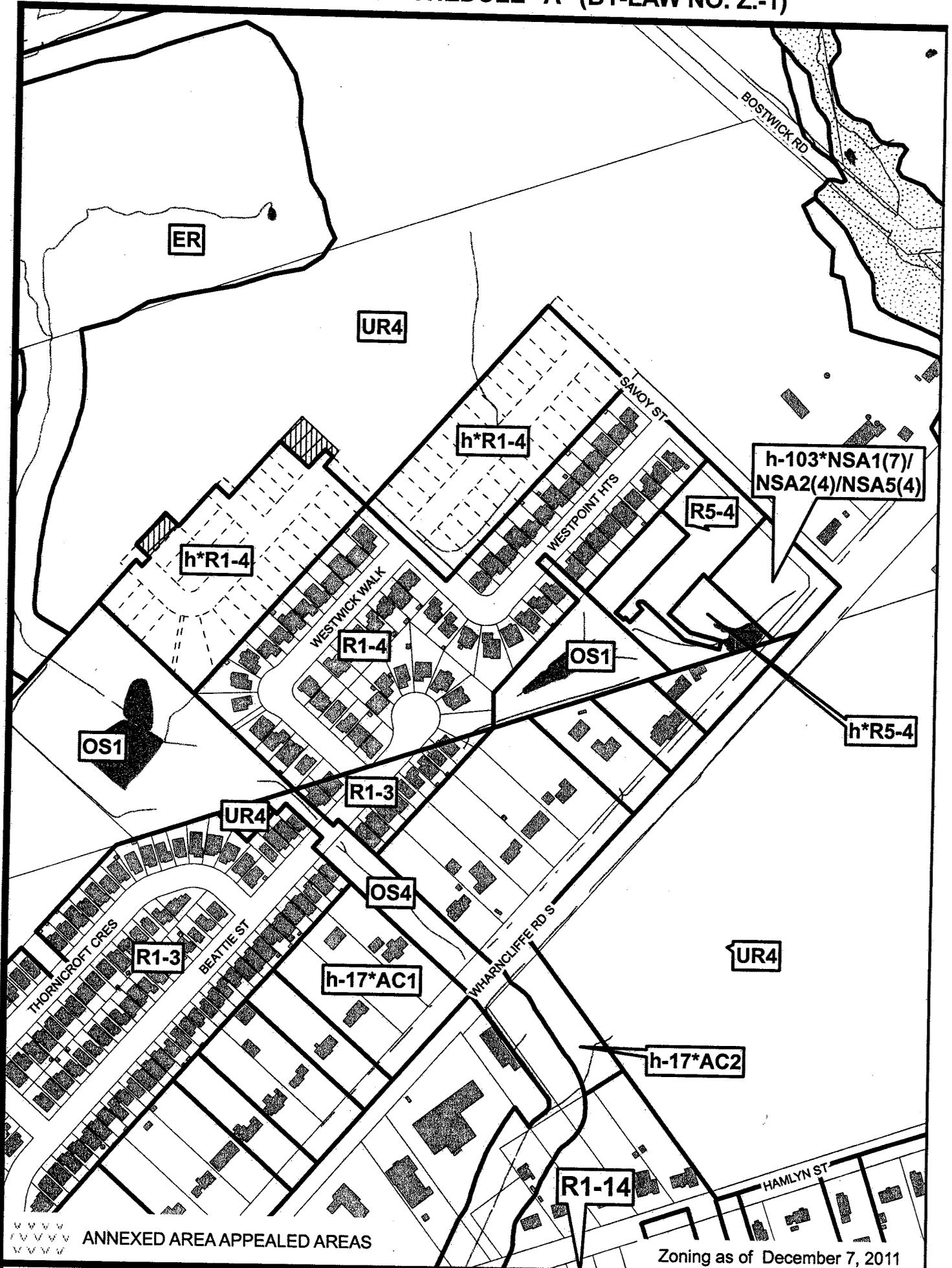
Joe Fontana
Mayor

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 December 7, 2011

File Number: Z-7983

Planner: TG

Date Prepared: 2011/12/21

Technician: MC

By-Law No: Z.-1-

SUBJECT SITE



1:4,000

0 20 40 80 120 160 Meters

