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H-8442/C. Smith

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: OLD OAK PROPERTIES LIMITED 2179 AND 2201 HYDE PARK ROAD MEETING ON APRIL 20, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Old Oak Properties Limited relating to the property located at 2179 and 2201 Hyde Park Road the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 28, 2015 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 2179 and 2201 Hyde Park Road **FROM** a Holding Residential R9 (h*h-11*R9-7H32) Zone and a Holding Residential R9/Temporary (h*h-11*R9-7*H32*T-41) Zone **TO** a Residential R9 (R9-7*H32) Zone and a Residential R9/Temporary (R9-7*H32*T-41) Zone to remove the h and h-11 holding provisions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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1998 – Temporary Use By-law to permit the subject lands (2179 Hyde Park Road) to be used as a topsoil depot.

2001/2004/2007/2010- Reports to Planning Committee, extending the temporary use By-law to permit a topsoil depot at 2179 Hyde Park Road.

2007- Report to Planning Committee, (OZ-7282) to amend the Official Plan and Zoning By-law to allow the lands to be developed for high density residential uses.

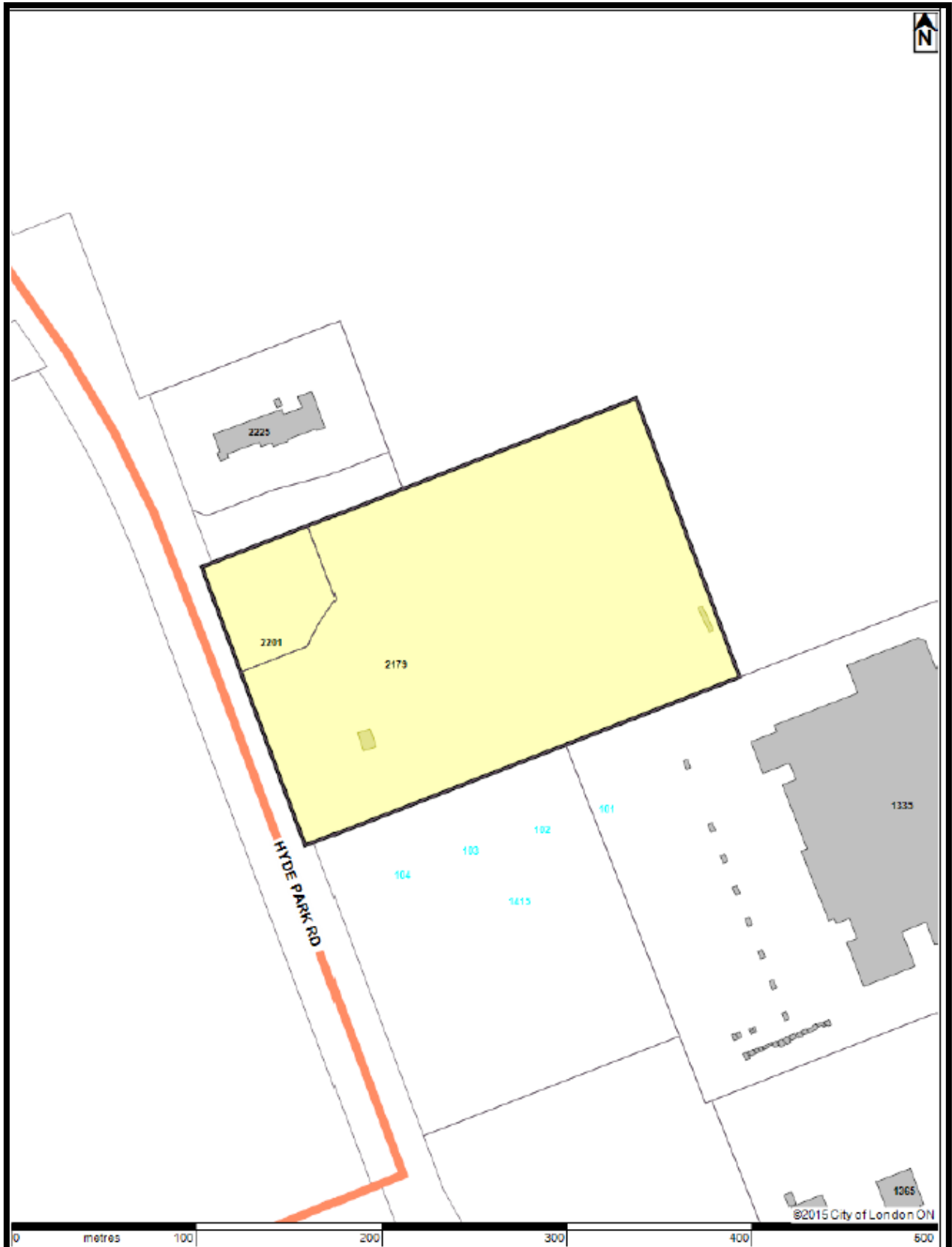
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the holding symbols to permit the development of three apartment buildings.

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 provisions are no longer required.





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LOCATION MAP
Subject Site: 2179 Hyde Park Rd
Applicant: Old Oak Developments Inc
File Number: H-8442
Planner: Craig Smith
Created By: Jeffrey Shaughnessy
Date: 2015-03-23
Scale: 1:2500

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: December 4, 2014	Owner: Old Oak Properties Limited.
<p>REQUESTED ACTION: City Council intends to consider removing the h, and h-11 holding provisions from the lands to ensure for the provision of appropriate access and that 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 February 9, 2015.</p>	

PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on December 18, 2014
<p>Nature of Liaison: The purpose and effect of this zoning change is to remove the holding symbols to permit the development of three apartment buildings.</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.

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

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agreement is executed by the applicant and the City prior to development.” and

The h-11 holding provision states that:

To ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.

Why is it Appropriate to remove these Holding Provisions?

The applicant has received site plan approval (SP14-035396) to construct three (3)-16 storey apartment buildings with total of 600 units. The applicant has entered into a development agreement with the City.

Development Services Engineering have confirmed that they support the removal of the h-11 holding provision based on the progression of the adjacent Foxwood Subdivision which addresses access relating to this development.

CONCLUSION

It is appropriate to remove the h. and h-11 holding provisions 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 three (3) apartment buildings.

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 #

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Bill No. (Number to be inserted by Clerk's Office)
2015

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning of the land located at 2179 and 2201 Hyde Park Road.

WHEREAS Old Oak Properties Limited have applied to remove the holding provisions from the zoning for the lands located at 2179 Hyde Park Road, 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 2179 and 2201 Hyde Park Road, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R9 (R9-7*H32) Zone and a Residential R9/Temporary (R9-7*H32*T-41) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on April 28, 2015

Matt Brown
Mayor

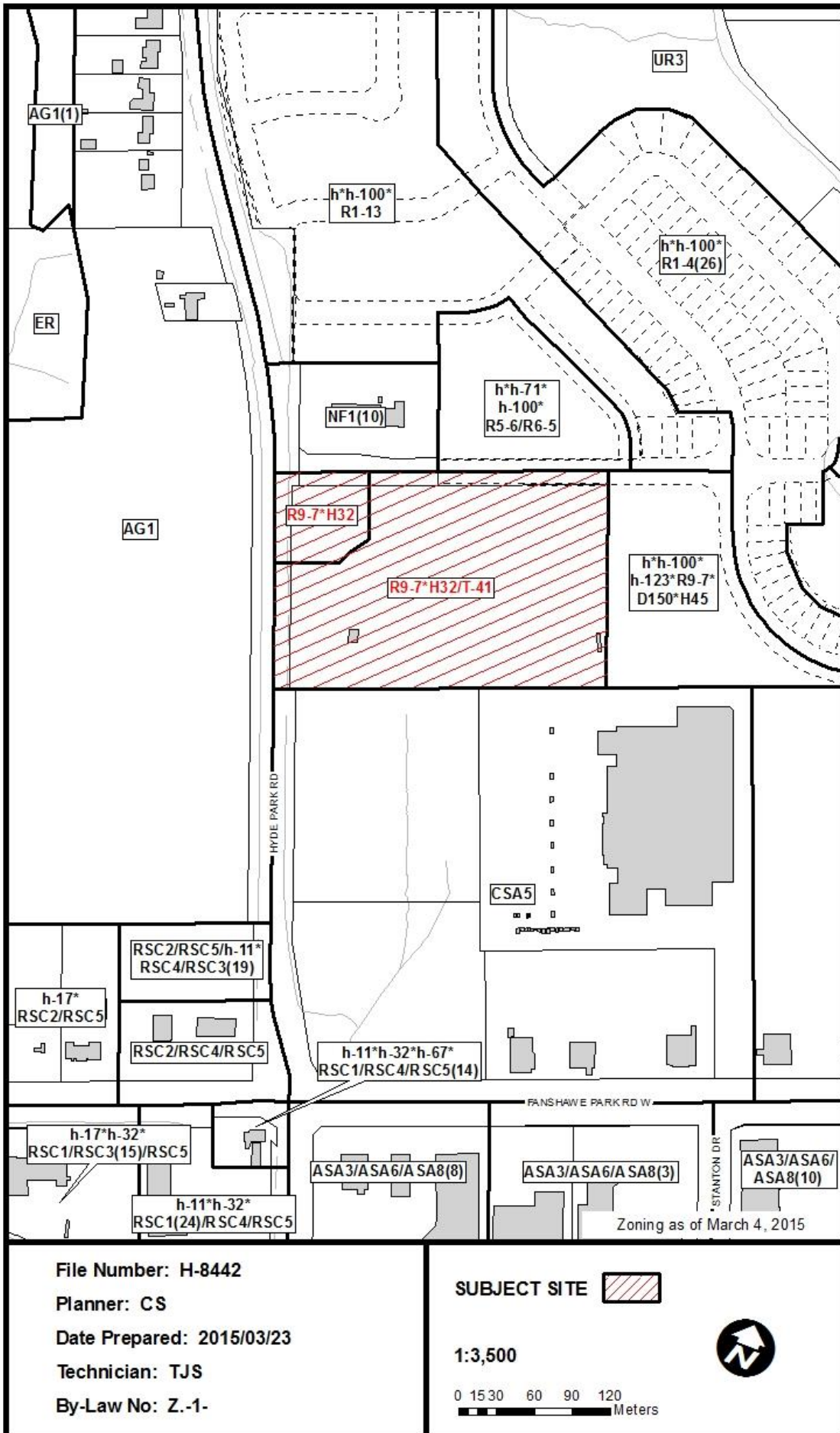
Catharine Saunders
City Clerk

First Reading - April 28, 2015
Second Reading – April 28, 2015
Third Reading - April 28, 2015


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



File Number: H-8442
 Planner: CS
 Date Prepared: 2015/03/23
 Technician: TJS
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,500

0 15 30 60 90 120 Meters

