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H-8480/C. Smith

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: BRESCIA UNIVERSITY COLLEGE 1285 WESTERN ROAD MEETING ON MAY 19, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Brescia University College relating to the property located at 1285 Western Road the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 26, 2015 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1285 Western Road **FROM** a Holding Regional Facility Special Provision (h-143*RF (12) Zone **TO** a Regional Facility Special Provision (RF (12)) Zone to remove the h-143 holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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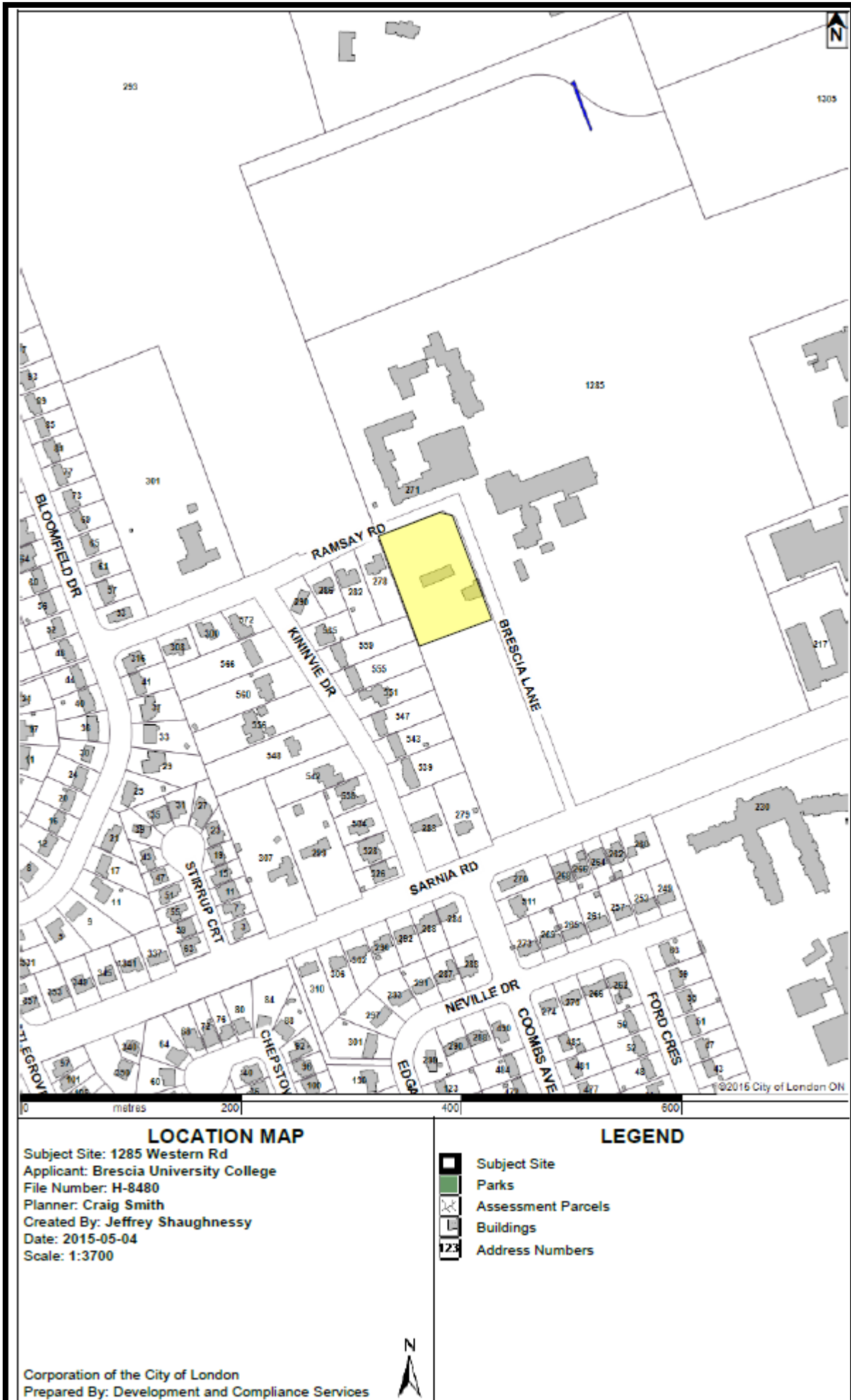
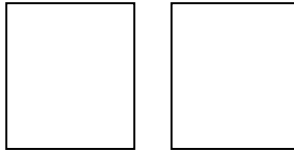
2013- Report to Planning Committee, (OZ-7955) to amend the Official Plan and Zoning By-law to allow the lands to be developed for Regional Facility uses in conjunction with Brescia College.

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 a parking lot in association with Brescia College.

RATIONALE

1. The removal of the holding provision will allow for development in conformity with the Regional Facility Special Provision (RF (12)) Zone.
2. Through the site plan approval process all issues have been resolved and the holding provision is no longer required.



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BACKGROUND

Date Application Accepted: April 15, 2015	Owner: Brescia College University
<p>REQUESTED ACTION: City Council intends to consider removing the h-143 holding provision from the lands. The h-143 holding provision is to ensure that an agreement is entered into specifying the necessary works required for the development of the subject lands, based on the submission of the following studies: lot grading plan, storm water servicing plan, landscape plan, and a site plan, as well as the requirement for sufficient securities to cover the works identified in these plans to be provided to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than May 19, 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 April 30, 2015.
<p>Nature of Liaison: The purpose and effect of this zoning change is to remove the holding symbol to permit the development of a parking lot in association with Brescia College</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. This was to ensure that a development agreement was entered into with the City to provide for orderly development.

h. Holding Provision

The h.143 holding provision states that:

“To ensure the orderly development of the lands and that development takes a form compatible with the adjacent land uses. An agreement shall be entered into with the City of London specifying the necessary works required for the development of the subject lands, based on the submission of the following studies: lot grading plan, storm water servicing

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plan, landscape plan, and a site plan, as well as the requirement for sufficient securities to cover the works identified in these plans to be provided to the satisfaction of The City of London.

Why is it Appropriate to remove this Holding Provision?

The applicant has received Site Plan Approval (SP13-002631) to construct a parking lot in association with Brescia College. The applicant has entered into a development agreement (ER915643) and has submitted sufficient securities to cover the works identified in the approved plans.

CONCLUSION

It is appropriate to remove the h-143 holding provision based on the registered development agreement. Removal of the holding provision will allow the property owner to apply for building permits to allow construction of a parking lot in association with Brescia College.

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 provision from the zoning of the land located at 1285 Western Road.

WHEREAS Brescia University College has applied to remove the holding provision from the zoning for the lands located at 1285 Western 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 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 the lands located at 1285 Western Road, as shown on the attached map to remove the holding provision so that the zoning of the lands as a Regional Facility Special Provision (RF (12)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 26, 2015

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - May 26, 2015
Second Reading – May 26, 2015
Third Reading - May 26, 2015

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

