

Agenda Item #

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H-8668/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: SIFTON PROPERTIES LIMITED 3260 SINGLETON AVENUE MEETING ON NOVEMBER 14, 2016

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, based on the application of Sifton Properties Limited, relating to the property located at 3260 Singleton Avenue,

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 22, 2016 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning on a portion the subject lands **FROM** a Holding Residential R5 Special Provision /Residential R6 Special Provision/Residential R7 Special Provision/Residential R8 Special Provision (h-54*h-71*h-100*h-105*h-136*R5-7(8)/R6-5(48)/R7(20)*D75*H13/R8-4(32)) Zone **TO** a Holding Residential R5 Special Provision /Residential R6 Special Provision/Residential R7 Special Provision/Residential R8 Special Provision (h-136*R5-7(8)/R6-5(48)/ R7(20)*D75*H13/R8-4(32)) Zone, to remove the “h-54”, “h-71”, “h-100”, and “h-105” holding provisions.
- b) the application to change the zoning on the remainder of the subject lands **FROM** a Holding Residential R5 Special Provision /Residential R6 Special Provision/Residential R7 Special Provision/Residential R8 Special Provision (h-54*h-71*h-100*h-105*h-136*R5-7(8)/R6-5(48)/R7(20)*D75*H13/R8-4(32)) Zone, to remove the “h-54”, “h-71”, “h-100”, “h-105”, and “h-136” holding provisions **BE REFUSED** for the following reasons:
 - the removal of the “h-54”, “h-71”, “h-100”, “h-105”, and “h-136” holding provisions from the northerly portion of the subject lands is premature given that there is no application for Site Plan Approval at present; and
 - the removal of the “h-136” from these lands is not required as the density of the proposed development with the maximum threshold permitted in the zone.

PURPOSE AND EFFECT OF RECOMMENDED ACTION
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The purpose and effect of this zoning change is to remove the “h-54”, “h-71”, “h-100”, and “h-105” holding provisions in order to permit the development of 94 townhouse dwelling units within a vacant land condominium on the south portion of the subject lands.

RATIONALE

1. The removal of the holding provisions on a portion of the parcel will allow for development in conformity with the City of London Official Plan and approved zoning.
2. Development related issues for the southern portion of the parcel are being addressed through conditions in the Development Agreement and approved Site Plan, and the holding provisions are no longer required.

Agenda Item #	
---------------	--

H-8668/Michael Pease

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Bostwick East Area Plan (O-6872) – Planning reports considered by Planning Committee on April 25, 2005, May 9, 2005, May 30, 2005, September 12, 2005, and December 12, 2005.

October 31, 2005 – Planning report to Planning Committee regarding Draft Plan, and Zoning By-law amendment application for Sifton Properties Limited, 1451 Wharnccliffe Road S, Files 39T-05506/Z-6900.

May 6, 2009 & May 25, 2009 – Planning reports to Planning Committee regarding Draft Plan, Zoning By-law amendment and Official Plan amendment application for Sifton Properties Limited 1451 Wharnccliffe Road South, Files 39T-05509/Z-6915/39T-07510/Z-7457/O-7466.

September 14, 2009 - Planning report to Planning Committee regarding Draft Plan and Zoning By-law amendment application for Sifton Properties Limited at 149, 153 & 187 Southdale Road West, Files 39T-08508/Z-7621.

May 16, 2011 - Planning report to Built and Natural Environment Committee regarding Special Provisions for the Draft Plan of subdivision at 149, 153 & 187 Southdale Road West, Files 39T-08508/Z-7621.

July 18, 2016 – Planning report to Planning and Environment Committee regarding an Official Plan and Zoning By-law amendment for Sifton Properties Limited, File OZ-8606

October 31, 2016 – Planning report to the Planning and Environmental Committee regarding a public meeting for a Draft Plan of Vacant Land Condominium and Site Plan, 39CD-16512/SPA16-031

BACKGROUND

The subject lands form part of the approved Bostwick East Area Plan and associated Official Plan amendments, which were adopted by Municipal Council in June, 2005. The subject lands were designated Multi-Family, Medium Density Residential through this process.

The subject lands are within the Bierens Subdivision (39T-08508/Z-7621), which was draft approved by the Approval Authority in October, 2009. The parcel at 3260 Singleton Avenue was created through the registration of the subdivision (33M-636) on November 25th, 2011.

A Site Plan application (SPA16-031) was received for a portion of the subject lands on April 18, 2016. The applicants entered in to Site Plan development agreement on November 4, 2016

An application for Vacant Land Plan of Condominium (39CD-16512) was received for the southern portion of the subject lands on July 28, 2016.

A consent application (B.030/16), to sever the lands in to two parcels (coincidental with the north boundary of the proposed plan of condominium), was submitted in August 2016. The intent of the application is to have an approved consent in place for financial/ownership purposes, in advance of final approval of the Vacant Land Plan of Condominium.

To facilitate Site Plan Approval and approval of the Vacant Land Plan of Condominium and Consent applications, the applicants applied for a minor variance (A.152/16) on September 21, 2016. The applicants requested variances to permit reduced rear yard setbacks and landscaped open space as a result of phasing the development on only a portion of the subject lands. Approval for the variances were granted by the Committee of Adjustment on October 24, 2016.

The subject site constitutes a portion of Block 59 on registered plan 33M-636 (39T-08508). All holding provisions were applied through the Draft Plan of Subdivision and Zoning By-law amendment process, except for the “h-136” holding provision, which was enacted in June 2011

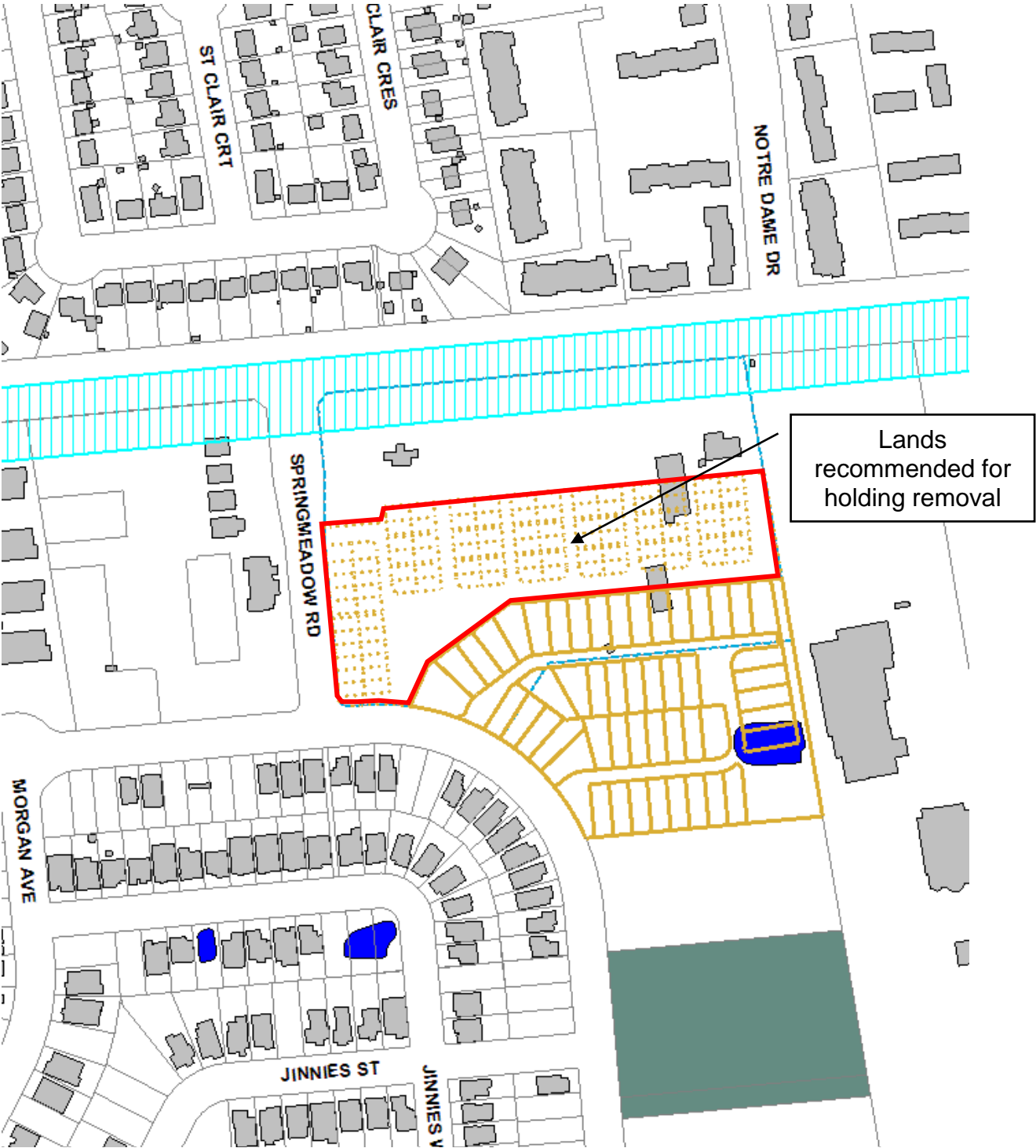
Agenda Item #	

H-8668/Michael Pease

through Zoning By-law Amendment application Z-7850, to address servicing and transportation capacities.

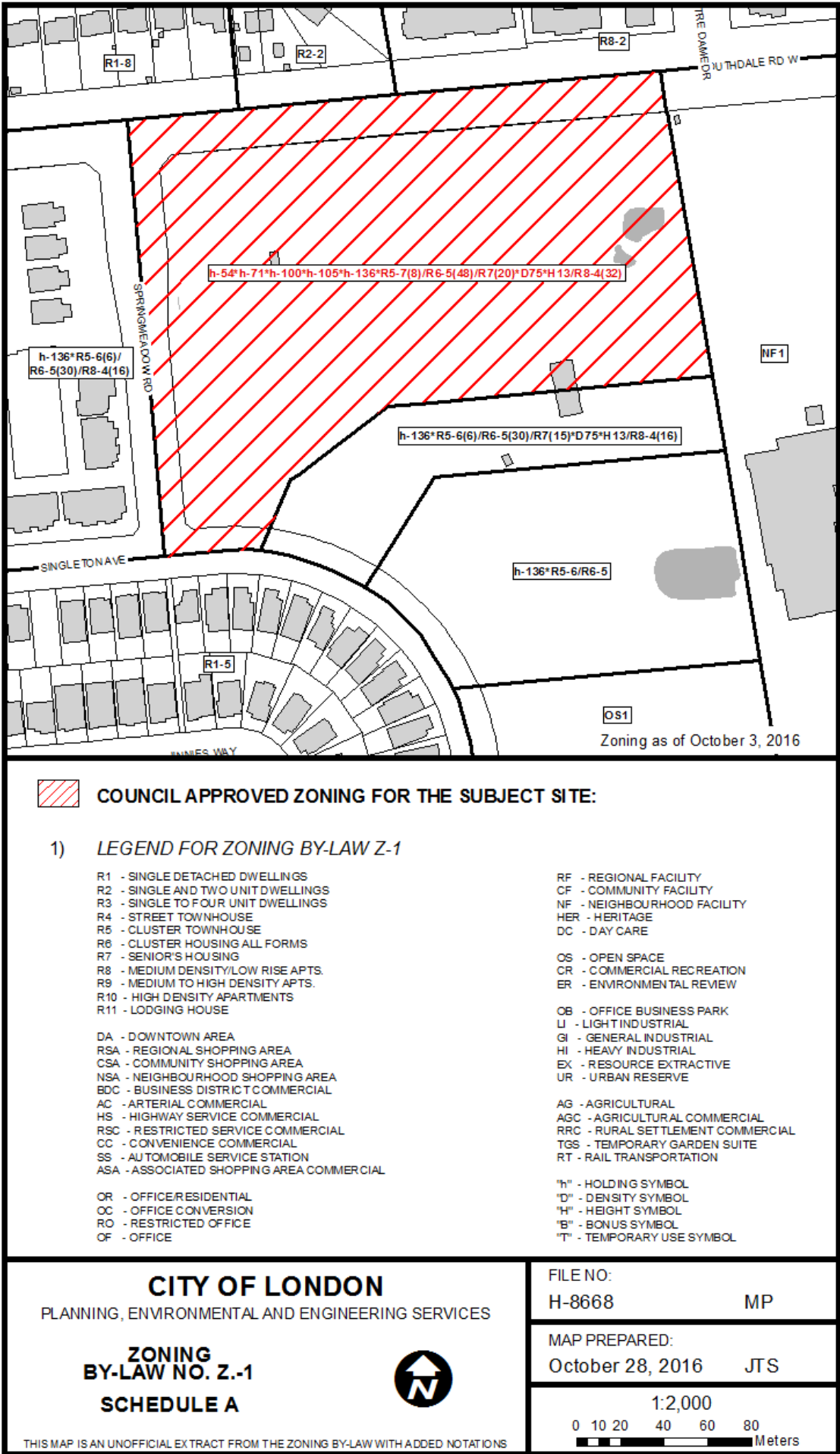
On July 26, 2016 an application was received from Sifton Properties Limited to remove the holding provisions that apply to these lands. A notice of application was circulated to the required municipal departments on August 8, 2016 and was published in *The Londoner* on August 18, 2016.

Location Map



Agenda Item #

H-8668/Michael Pease



Agenda Item #

H-8668/Michael Pease

Date Application Accepted: August 4, 2016		Applicant: Sifton Properties Limited	
REQUESTED ACTION: Removal of the holding provisions from 3200 Singleton Avenue			
PUBLIC LIAISON:		Notice was published in <i>The Londoner</i> on August 18 th , 2016.	
<p>Nature of Liaison: City Council intends to consider removing the holding (h-54, h-71, h-100, h-105 and h-136) provisions from the Residential R5/Residential R6/Residential R7/Residential R8 (R5-6(6)/R6-5(30)/R7(15)*D75*H13/R8-4(16)) Special Provision Zone. The “h-54” was put in place to ensure that 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-105” ensures that a comprehensive storm drainage and stormwater management report is prepared demonstrating an accepted storm water management strategy for the subject development. “h-136” ensures that development does not exceed a maximum interim threshold of residential units 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. Council will consider removing the holding provisions as they apply to these lands no earlier than August 25, 2016.</p>			
Responses: None received.			

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, several holding provisions were added to the subject site to address potential noise impacts from traffic on Southdale Road and to encourage building orientation to Singleton Avenue. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below.

h-54 - *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.*

As part of the site plan approval process, the applicant submitted a noise study to the City (Noise Assessment Report 3260 Singleton Avenue – Stantec Consulting Ltd., February 23, 2016). On June 9, 2016 City Staff reviewed the report and determined it to be acceptable subject to the noise attenuation recommendations in the report being included in the registered Development Agreement for the site. The recommendations included the requirement for forced air heating for future central air conditioning, and warning clauses which are to be registered on title of individual units. The developer has indicated that they will be installing air conditioning for all units which is above the requirement of the Noise Assessment Report. The requirements and provisions are included in the Site Plan development agreement.

h-71- *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”*

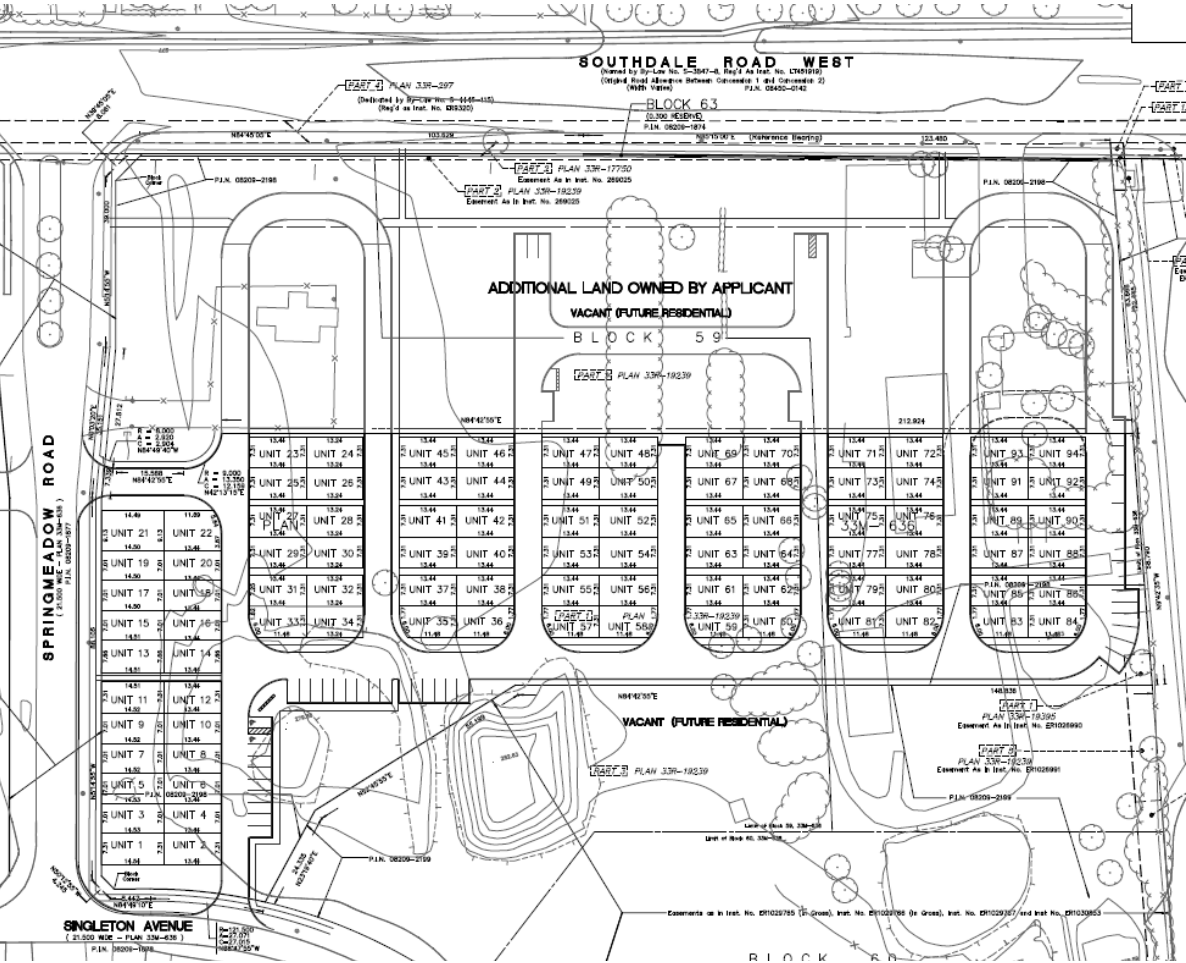
Agenda Item #

H-8668/Michael Pease

symbol.

Urban Design has confirmed that they are satisfied with the orientation of the units to Springmeadow Road. This orientation is reflected in the site plan attached to the development agreement (and shown below) which was signed by the Applicant on November 4, 2016.

Site Plan



h-100 - 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. A maximum of 80 residential units is permitted.

Water Engineering, Transportation, and Development Services staff confirmed that appropriate looped watermain system, and provisions for a second public access has been implemented through the executed Development Agreement.

h-105 - To ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-105" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer.

A stormwater management report was prepared for the site, and has been accepted by the SWM Unit. The recommendation of the report have been incorporated within the approved engineering drawings for the Site Plan.

h-136 - To ensure that development in draft plan 39T-08508 does not exceed a maximum interim threshold of 263 residential units, the h-136 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

Agenda Item #

H-8668/Michael Pease

East is adequate to accommodate forecast traffic volumes. Permitted Interim Uses: Maximum of 263 residential units on the multi-family lands.

The addition of this site in the area increases the unit count to 258, which is below the 263 unit threshold. Permitted interim uses allow for the development of up to 263 residential units prior to the required decommissioning of the temporary Bostwick sanitary sewage pumping station and forcemain and the Traffic Impact Study. The holding provision will remain on site to ensure that future development does not exceed the 263 unit threshold until the sanitary servicing capacity and transportation requirements have been satisfied.

Staff Recommendation

Sifton Properties Ltd. has requested the removal of holding provisions from all of the subject lands. To assist in satisfying the provisions of the holding zones, a signed development agreement is necessary. In this instance, a development agreement has been signed which addresses the requirements of the holding provisions, and thus permits development on the southerly portion of the property. However, based on sanitary servicing capacity in the area, development on the northerly portion of the property is not expected to occur until the matters of holding zone “h-136” are addressed. Based on the nature of the provision, staff do not anticipate development approvals on the northerly portion of the lands in near future. As a result, staff are recommending refusal of the removal of holding provisions from entirety of the subject lands. Rather, an alternate recommendation is to remove the holding provisions from the portion of the property which has received Site Plan Approval. In addition, staff have recommended that holding provision h-136 remain on the lands to ensure the maximum unit threshold in this area is not compromised.

CONCLUSION

The requirements for holding provisions on a portion of the subject lands have been addressed through the Site Plan Approval process. The applicant has provided the required securities and site plan drawings, and has entered into the Development Agreement with the City. Removal of these holding provisions will allow the issuance of building permits to be considered for the 94 unit townhouse dwelling development.

PREPARED & RECOMMENDED BY:	REVIEWED BY:
MICHAEL PEASE, MCIP, RPP PLANNER II, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWEY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

Agenda Item #	

H-8668/Michael Pease

Bill No.
2016

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 on a portion of 3260 Singleton Avenue.

WHEREAS Sifton Properties Limited has applied to remove holding provisions from the zoning on the lands located on 3260 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 from a portion 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 a portion of 3260 Singleton Avenue, as shown on the attached map to remove the holding "h-54, "h-71", "h-100", and "h-105" provisions so that the zoning of the lands as a Holding Residential R5 Special Provision /Residential R6 Special Provision/Residential R7 Special Provision/Residential R8 Special Provision (h-136*R5-7(8)/R6-5(48)/R7(20)*D75*H13/R8-4(32)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on November 22, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – November 22, 2016
Second Reading – November 22, 2016
Third Reading – November 22, 2016

Agenda Item #

H-8668/Michael Pease

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

