

--	--

H-8345  
S. Meksula

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: MHBC C/O SCOTT ALLEN 2332 WICKERSON ROAD OCTOBER 31, 2016

RECOMMENDATION
----------------

That, on the recommendation of the Planner II, Development Planning, based on the application of MHBC c/o Scott Allen relating to the property located at 2332 Wickerson Road:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 8 2016 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 2332 Wickerson Road **FROM** a Holding Residential R1 Special Provision (h\*h-37\*h-100\*R1-3(7)) Zone and a Holding Residential R1 (h\*h-37\*h-100\*R1-4) Zone, which permits singled detached dwellings **TO** a Holding Residential R1 Special Provision (h\*h-100\*R1-3(7)) Zone and a Holding Residential R1 (h\*h-100\*R1-4) Zone to remove the “h-37” holding provision.
- b) the application to change the zoning of a portion of the properties located at 2332 Wickerson Road **FROM** a Holding Residential R1 Special Provision (h\*h-37\*h-100\*R1-3(7)) Zone and a Holding Residential R1 (h\*h-37\*h-100\*R1-4) Zone, to remove the h-37 holding provision **BE REFUSED** as the existing livestock / building infrastructure still impacts these lots.

PURPOSE AND EFFECT OF RECOMMENDED ACTION
--

Removal of the holding (h-37) provision on a portion of 2332 Wickerson Road reflects the recent removal of existing livestock facility / building infrastructure in the area that removes portions of these lands from the Minimum Distance Separation (MDS) area of influence.

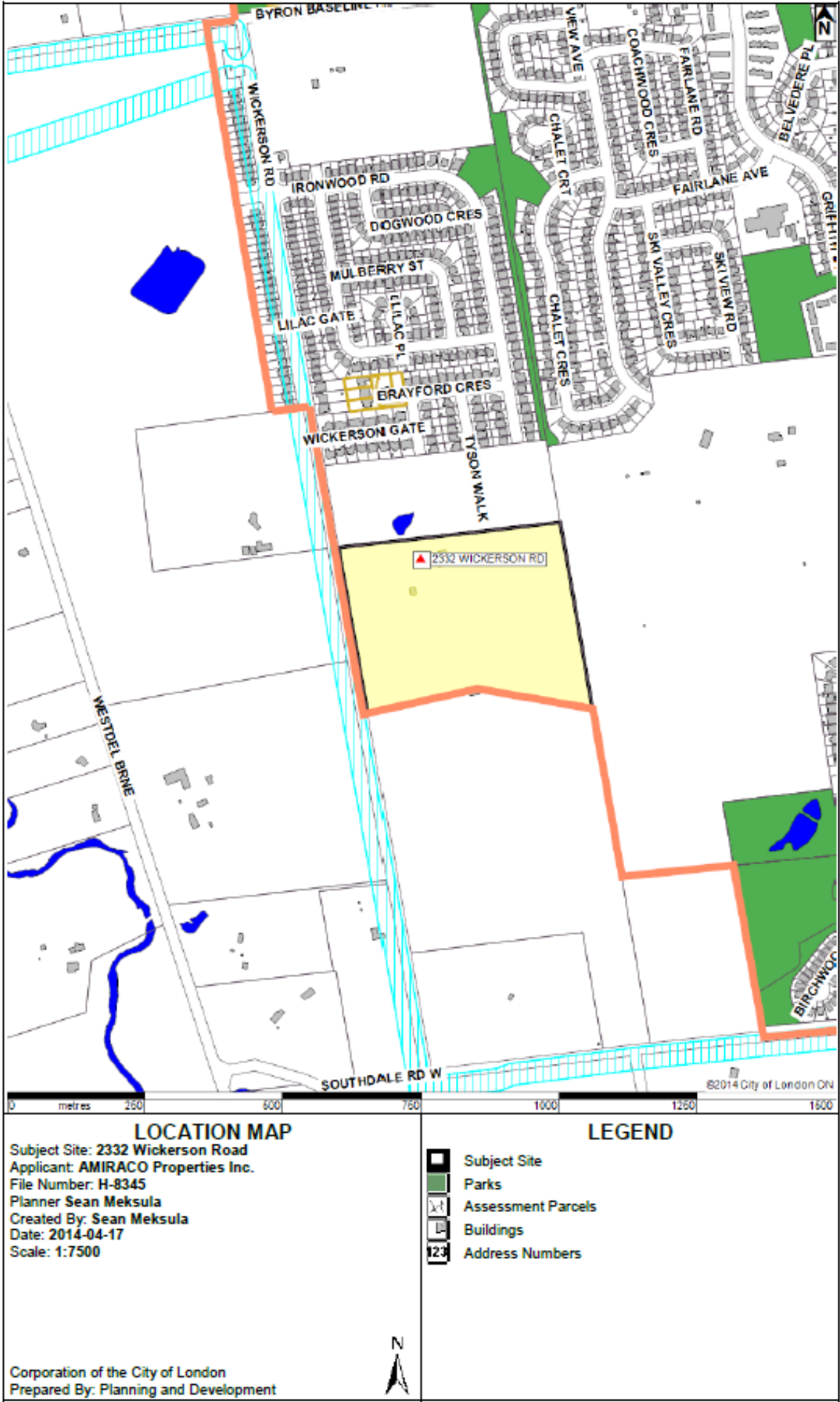
RATIONALE
-----------

- 1. Through the subdivision approval process MDS issues have been resolved for portions of this site and the h-37 is no longer required within these areas. The h-37 holding provision shall remain on portions of the lots still located within the MDS area of influence until such time as all other livestock / building infrastructure issues have been resolved.
- 2. There are approximately 30 single detached lots which are impacted by existing livestock facility/building infrastructure in the area. Removal of the h-37 holding provision for these affected lots is not appropriate at this time.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
---

June 1, 2009 – Report to the Planning Committee to consider the proposed draft plan of subdivision and corresponding Zoning By-law amendments.

H-8345  
S. Meksula





--	--

H-8345  
S. Meksula

BACKGROUND	
Date Application Accepted: March 31, 2014	Applicant: MHBC c/o Scott Allen
REQUESTED ACTION: Removal of the “h-37” holding provision to permit the uses and regulations of the Holding Residential R1 Special Provision (h*h-100*R1-3(7)), Holding Residential R1 (h*h-100*R1-4) Zone for a portion of the lands located at 2332 Wickerson Road.	
PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on May 1 <sup>st</sup> , 2014.
Nature of Liaison: The purpose and effect of this zoning change is to remove the “h-37” holding symbol from a portion of the lands to permit the development of 11 single detached dwelling lots.	
Responses: None	

ANALYSIS
----------

**What is a Holding Provision?**

The intent of a holding provision is to ensure that the lands are not developed prior to certain conditions or requirements being satisfied.

The “h-37” 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 future lots would not be impacted by Minimum Distance Separation (MDS) issues such existing livestock facilities in the area.

**Why is it Appropriate to remove the “h” Holding Provision?**

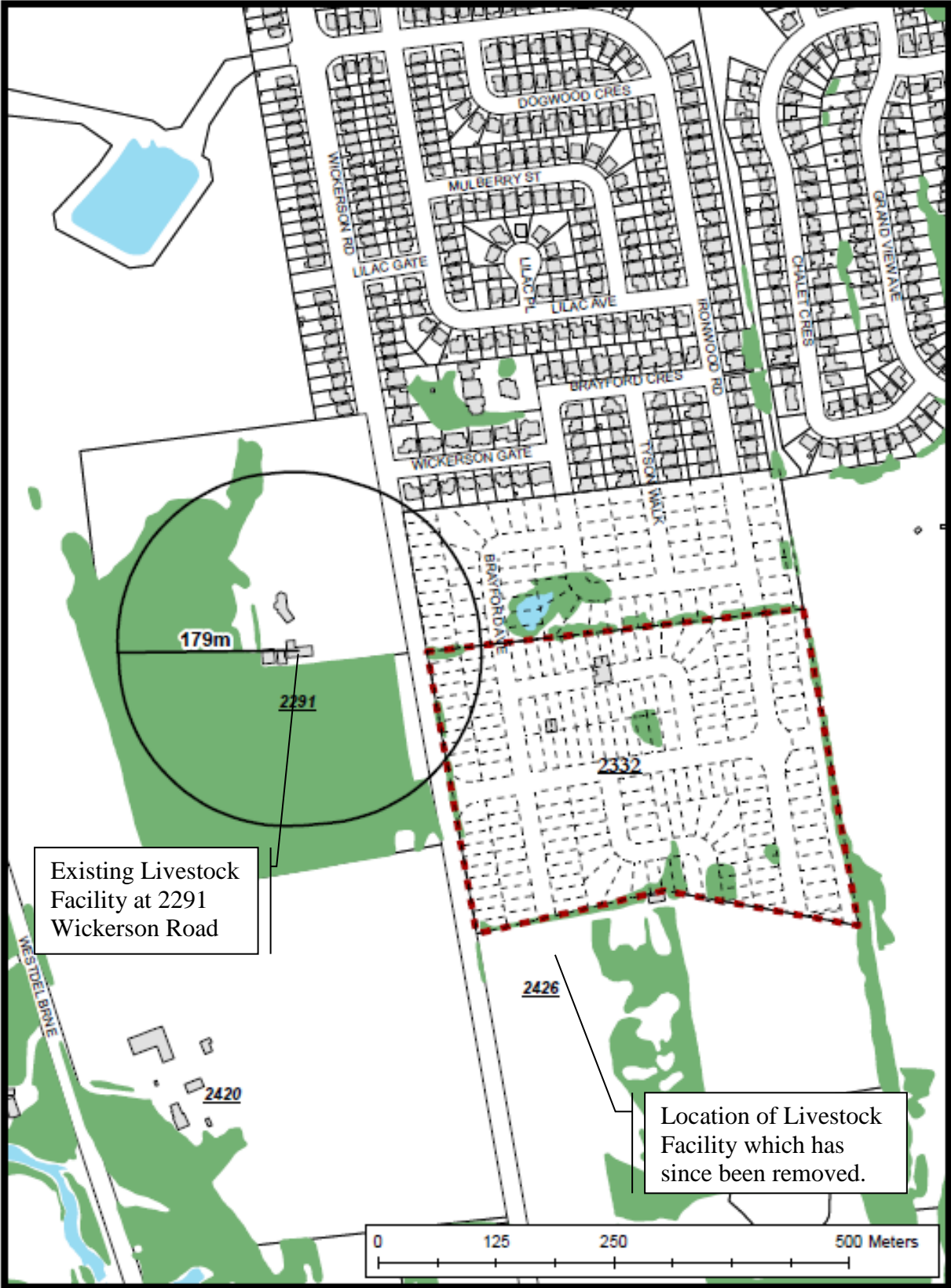
**h-37. Holding Provision**

The h-37. holding provision states that:

*“To implement the Provincial Minimum Distance Separation (MDS) regulations the “h-37” holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock.”*

The owner of 2332 Wickerson Road is in the process of having their conditions for draft approval cleared so that they can proceed with final approval and registration of the subdivision. The livestock operation located at 2426 Wickerson Road was lost to a fire in 2010 and has not been reconstructed. Since this livestock building ceases to exist and has not been rebuilt, this portion of the proposed development is no longer within the MDS areas of influence of those lands.

H-8345  
S. Meksula



**MINIMUM DISTANCE SEPARATION FROM 2291 WICKERSON ROAD**

Subject Site: 2332 Wickerson Road  
Applicant: MHBC  
File Number: H-8345  
Planner: SM  
Created By: JTS  
Date: September 23, 2016

**PREPARED BY: DEVELOPMENT SERVICES, CORPORATION OF THE CITY OF LONDON**

*E:\Planning\Projects\p\_MinimumDistanceSeparation\Wickerson*

**Legend**

- Subject Site
- Subdivision - Draft Approved
- Subdivision - Under Review
- 179m Buffer
- Water
- Vegetation

1:5,000



--	--

**H-8345**  
**S. Meksula**



As noted, the “h-37” holding provision is still recommended to remain on some of the lots until the livestock facility at 2291 Wickerson Road has been removed.

It should be noted that the h and h-100 holding provisions must be removed prior to the consideration of building permits. Removal of these holding provisions will be considered under a future application.

<b>CONCLUSION</b>
-------------------

Based on the above, it is recommended that the holding provision (h-37) be removed from those portions that are no longer within the MDS area of influence for the property located at 2332 Wickerson Road.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
SEAN MEKSULA PLANNER II DEVELOPMENT PLANNING	ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
JENNIE RAMSAY, P.ENG. MANAGER DEVELOPMENT SERVICES & ENGINEERING LIAISON	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

--	--

**H-8345**  
**S. Meksula**

Bill No. (Number to be inserted by Clerk's Office)  
2016

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for the lands located at 2332 Wickerson Road.

WHEREAS Wickerson Hills has applied to remove the “h-37” holding provision from the zoning for the lands located at 2332 Wickerson 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 a portion of the lands located at 2332 Wickerson Road, as shown on the attached map to remove the “h-37” holding provision so that the zoning of the lands as a Holding Residential R1 Special Provision (h\*h-100\*R1-3(7)) Zone, and a Holding Residential R1 (h\*h-100\*R1-4) 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 08, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading    - November 08, 2016.  
Second Reading – November 08, 2016.  
Third Reading    - November 08, 2016.

H-8345  
S. Meksula

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

