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H-8742
M. Pease

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: CLAYBAR DEVELOPMENTS INC. 2577, 2583, 2589, 2595, 2599, 2611, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653 & 2661 TOKALA TRAIL MEETING ON APRIL 10, 2017

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, based on the application of Claybar Developments Inc., relating to the properties located at 2577, 2583, 2589, 2595, 2599, 2611, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653 & 2661 Tokala Trail,

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 18, 2017 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning on the subject lands **FROM** the compound Holding Residential R1 Special Provision/Residential R4 (h*h-17*h-54*h-71*h-95*R1-3(8)/R4-1) Zone **TO** a compound Residential R1 Special Provision/Residential R4 (R1-3(8)/R4-1) Zone, to remove the “h”, “h-17”, “h-54”, “h-71”, and “h-95” holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the h, h-17, h-54, h-71 and h-95 holding provisions from 2577, 2583, 2589, 2595, 2599, 2611, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653 & 2661 Tokala Trail for the consideration of building permits to single detached dwellings or street townhouse dwellings in accordance with the provisions of Zoning By-law No. Z.-1.

RATIONALE

1. The removal of the holding provisions will allow for development in conformity with the City of London Official Plan, the London Plan, and Zoning By-law No. Z.-1.
2. The applicant entered into a Consent Agreement to address servicing related matters, and as a result the holding provisions are no longer required.
3. The nature of the holding provisions were generally intended to address matters related to previously contemplated forms of development (i.e. cluster housing, community facilities).

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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July 2009 – Council approved Official Plan and Zoning By-law Amendments (Z-6717), to facilitate Phase 1 of Claybar Development Inc application for Draft Plan of Subdivision (39T-04503).

October 21, 2015 - Council approved Official Plan and Zoning By-law Amendments including Holding Provisions to permit the development of a medical/dental office building on the abutting southerly lands, file OZ-8511.

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BACKGROUND

The subject lands form a portion of the approved Fox Hollow Community Plan (O-5604). The Plan was approved by Council in February 1999 and sets the framework for how development was to occur within the area. The subject lands were designated Multi-Family, Medium Density Residential through this process.

A Zoning By-law amendment was introduced and passed by Council in July 2009, (File No. Z-6717) which changed the zoning on the subject lands from the Urban Reserve Zone to a Residential R6/Residential R7/Residential R8/Community Facility CF compound zone, with appropriate holding provisions.

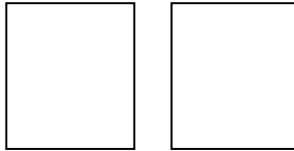
Concurrent to the Zoning By-law amendment (Z-6717), the subject lands were approved as part of Phase 1 of the Claybar Developments Subdivision (39T-04503) in November 2010. The subject lands form a portion of Blocks 25 & 26, on Registered Plan 33M-623 (registered on November 29, 2011).

In October 2015, Official Plan and Zoning By-law (OZ-8511) amendments were introduced and passed by Council permitting low rise forms of residential development on the subject lands (R1-3(8)/R4-1), and office uses (OF5(5)) on the adjacent southerly lands, both with holding provisions identical to this application.

Through the Zoning By-law amendment and Draft Plan of Subdivision application process, several holding provisions were added to ensure that a development agreement was entered in to prior to development occurring on the lands; that municipal sanitary sewer and water services are available to service the site prior to development; that noise attenuation measures were implemented to avoid conflicts between arterial roads and the development on the lands; that development be street oriented; and that urban design concepts are implemented through the use of an agreement between the Owner and the City.

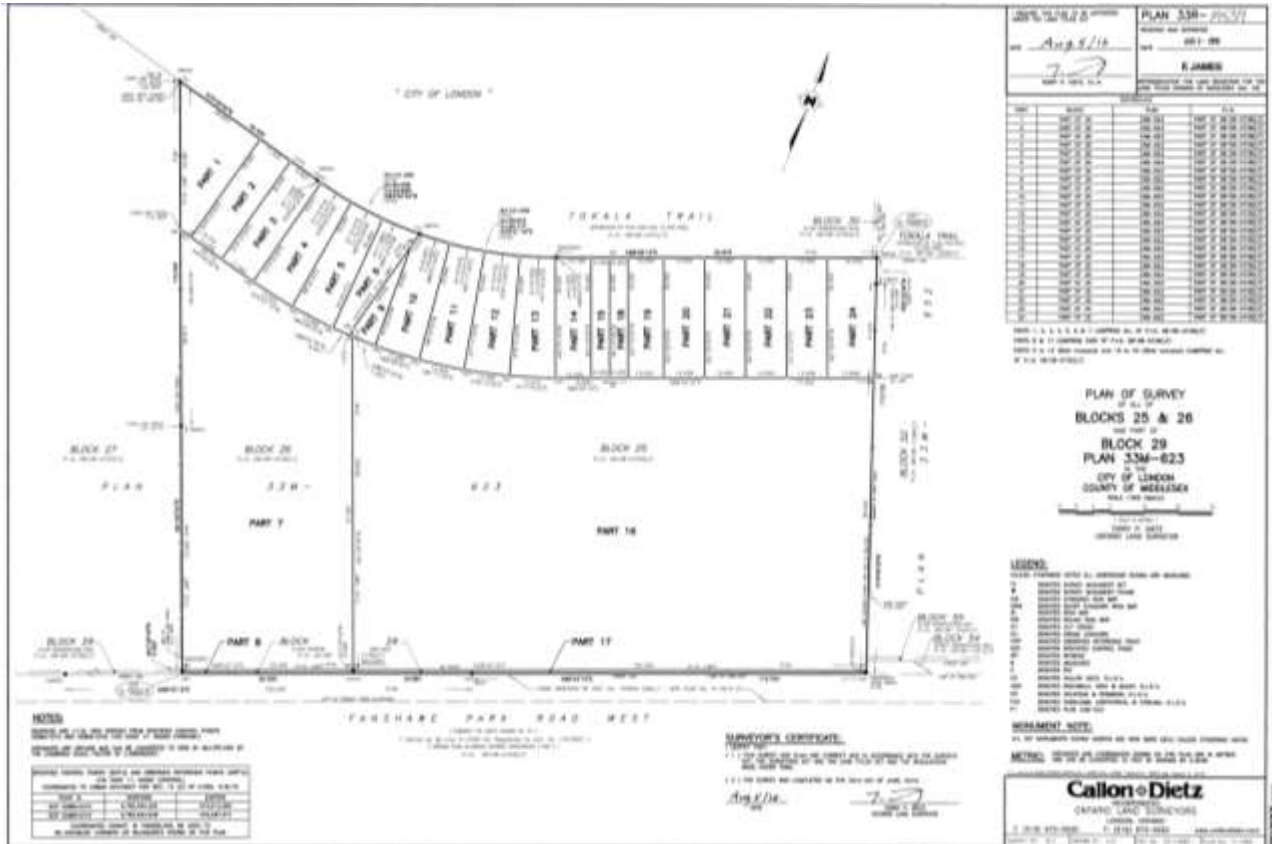
It is noted that the majority of the holding provisions were generally intended for the subject lands in their previous form (prior to their severance), as part of a larger office development fronting along Fanshawe Park Road West.

In June 2016, the Owner of the subject lands was granted conditional approval for consent (File Nos. B.013/16, B.014/16 & B.015/16) to sever 17 lots from Blocks 25 & 26, Plan 33M-623, all with frontage along Tokala Trail. The Owner satisfied the conditions of consent, resulting in the creation of the lots, by way of Reference Plan 33R-19539. The retained lands (balance of Blocks 25 & 26) have frontage on Fanshawe Park Road West and are currently the subject of a proposed medical/dental development.



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Reference Plan 33R-19539



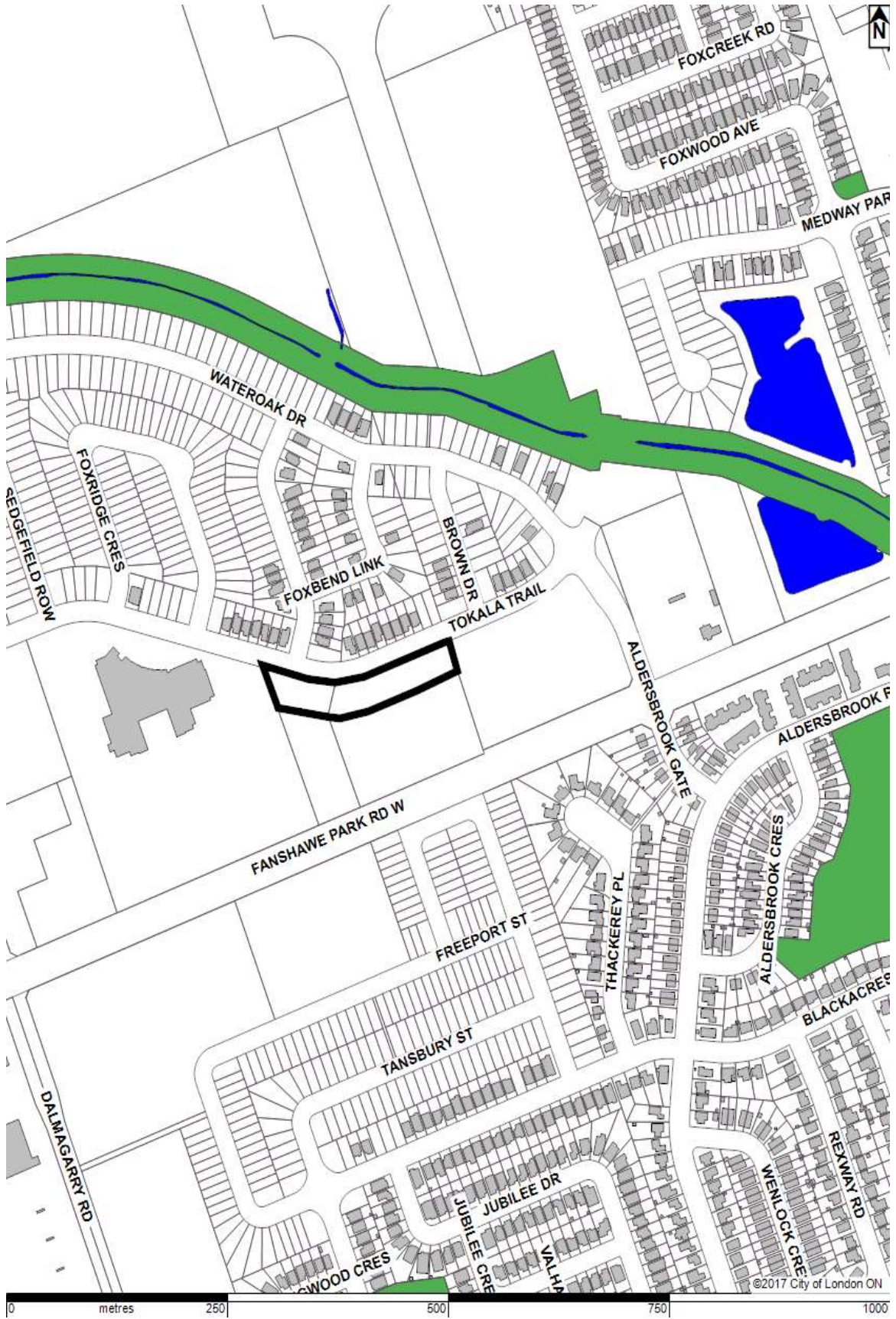
<p>Date Application Accepted: February 27, 2017</p>	<p>Owner: Claybar Developments Inc.</p>
<p>REQUESTED ACTION: The purpose and effect of this zoning change is to remove the holding symbol to permit the development of single detached dwelling on 17 lots which were created through previously approved applications for consent (B.013/16, B.014/16, & B.015/16).</p>	

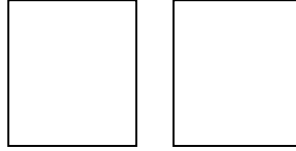
<p>PUBLIC LIAISON:</p>	<p>Notice of Application was published in <i>The Londoner</i> on March 9, 2017.</p>
<p>Nature of Liaison: City Council intends to consider removing the holding provisions (h, h-17, h-54, h-71 and h-95) from the Residential R1 (R1-3(8)) Special Provision Zone, and the Residential R4 (R4-1) Zone. The “h” was put in place to ensure that a development agreement was entered in to prior to development occurring on the lands. The “h-17” was put in place to ensure that municipal sanitary sewer and water services are available to service the site prior to development. The “h-54” was put in place to ensure that noise attenuation measures were implemented to avoid conflicts between arterial roads and the development on the lands. The “h-71” was put in place to implement street oriented development. The “h-95” ensures was put in place to ensure that urban design concepts are implemented through the use of an agreement between the Owner and the City. Council will consider removing the holding provisions as they apply to these lands no earlier than March 20, 2017.</p>	
<p>Responses: None</p>	

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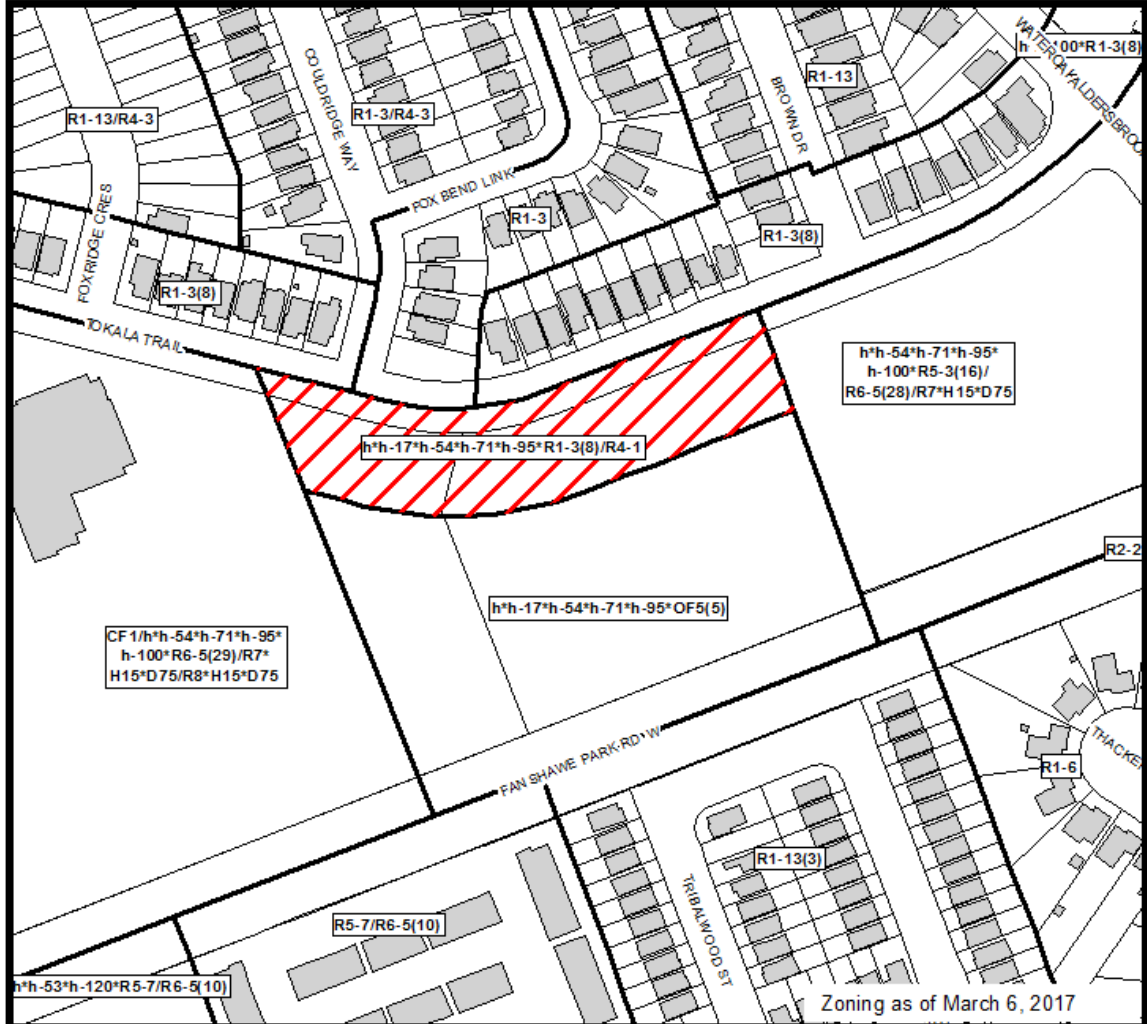
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Location Map





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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



FILE NO:
H-8742 MP

MAP PREPARED:
March 13, 2017 JTS

1:2,500
0 12.5 25 50 75 100
Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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ANALYSIS

The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below.

h - Purpose: 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 agreement is executed by the applicant and the City prior to development.

As part of the applications (B.013/16, B.014/16 & B.015/16) to sever the subject lands from Blocks 25 & 26, Plan 33M-623, the Owner was required to enter into, and execute, a Consent Agreement with the City of London. The Consent Agreement (similar to a Subdivision Agreement) has provisions which ensure that servicing, road works, site works, and site maintenance are completed to the satisfaction of the City in order facilitate the development of 17 residential lots. Additionally, the Owner provided the necessary securities to facilitate the provisions of the agreement.

h-17 - Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h-17” symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.

Municipal water, sanitary, and storm services are available to service the site. Through the Consent Agreement the Owner is required to connect to the existing municipal services.

h-54 - Purpose: 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.

The nature of this provision was intended to ensure that multi-family residential development on Blocks 25 & 26 did not have conflicts with noise generated from vehicles travelling along Fanshawe Park Road West (arterial road). The subject lands no longer form a part of a development along an arterial road. They will be shielded by a future office development on the adjacent lands, fronting on to Fanshawe Park Road, and have significant separation from the arterial road. Therefore it is appropriate to consider removal of the holding provision.

h-71 - Purpose: 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” symbol.

h-95 - Purpose: To ensure that the urban design concepts established through the Official Plan and/or Zoning amendment review process are implemented, a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates these concepts and addresses identified Urban design issues.

Given the severance of the subject lands from Blocks 25 & 26, Plan 33R-623, the subject lands no longer form a part of larger development which would have multiple frontages, or the need for enhanced urban design. Given the traditional nature of the severances (having single frontage), the dwellings are oriented in their intended manner (fronting onto a public street). Staff through consultation with Urban Design – Planning Division have confirmed that it is appropriate to remove the h-71 and h-95 holding provisions.

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CONCLUSION

The requirements for the pertinent holding provisions on the subject lands have been addressed through the execution of Consent Agreement. The Owner has provided the required securities to ensure that development on the subject lands meets the requirements of the City. Removal of these holding provisions will allow the issuance of building permits to be considered for 17 freehold dwellings.

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

MP/mp

Agenda Item # Page #

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Bill No. (Number to be inserted by Clerk's Office)
2017

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning of the lands located at 2577, 2583, 2589, 2595, 2599, 2611, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653 & 2661 Tokala Trail.

WHEREAS Claybar Developments Inc. has applied to remove the holding provisions from the zoning for the lands located at 2577, 2583, 2589, 2595, 2599, 2611, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653 & 2661 Tokala Trail, 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 2577, 2583, 2589, 2595, 2599, 2611, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653 & 2661 Tokala Trail, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R1 Special Provision/ Residential R4 (R1-3(8)/R4-1) 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 18, 2017.

Matt Brown
Mayor

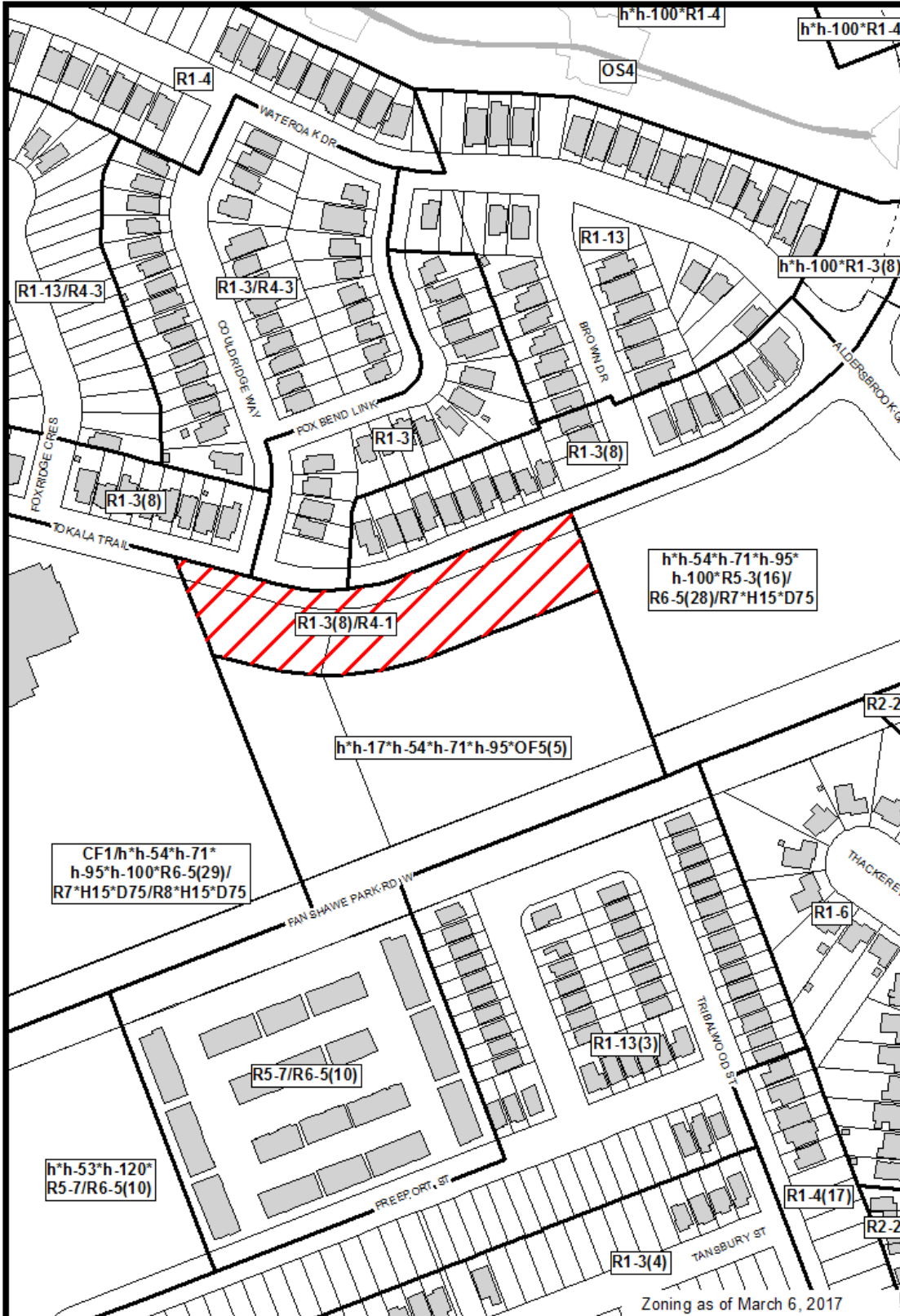
Catharine Saunders
City Clerk



First Reading – April 18, 2017
Second Reading – April 18, 2017
Third Reading – April 18, 2017

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



<p>File Number: H-8742 Planner: MP Date Prepared: March 13, 2017 Technician: JTS By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters</p> 
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