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H-8433/Alanna Riley

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: FARHI HOLDINGS 1820 WOODHULL ROAD MEETING ON MAY 4, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Farhi Holdings relating to the property located at 1820 Woodhull Road the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 12, 2015 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1820 Woodhull Road **FROM** a Holding Residential R1 (h*R1-14) Zone, Holding Residential R1 (h*R1-15) Zone, Holding Residential R1 (h*R1-16) Zone and a Holding Residential R1 (h*37*R1-14) Zone **TO** a Residential R1 (R1-14) Zone, Residential R1 (R1-15) Zone, Residential R1 (R1-16) Zone and a Holding Residential R1 (h-37*R1-14) Zone to remove the h- holding provision.

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 23 single detached dwelling lots.

RATIONALE

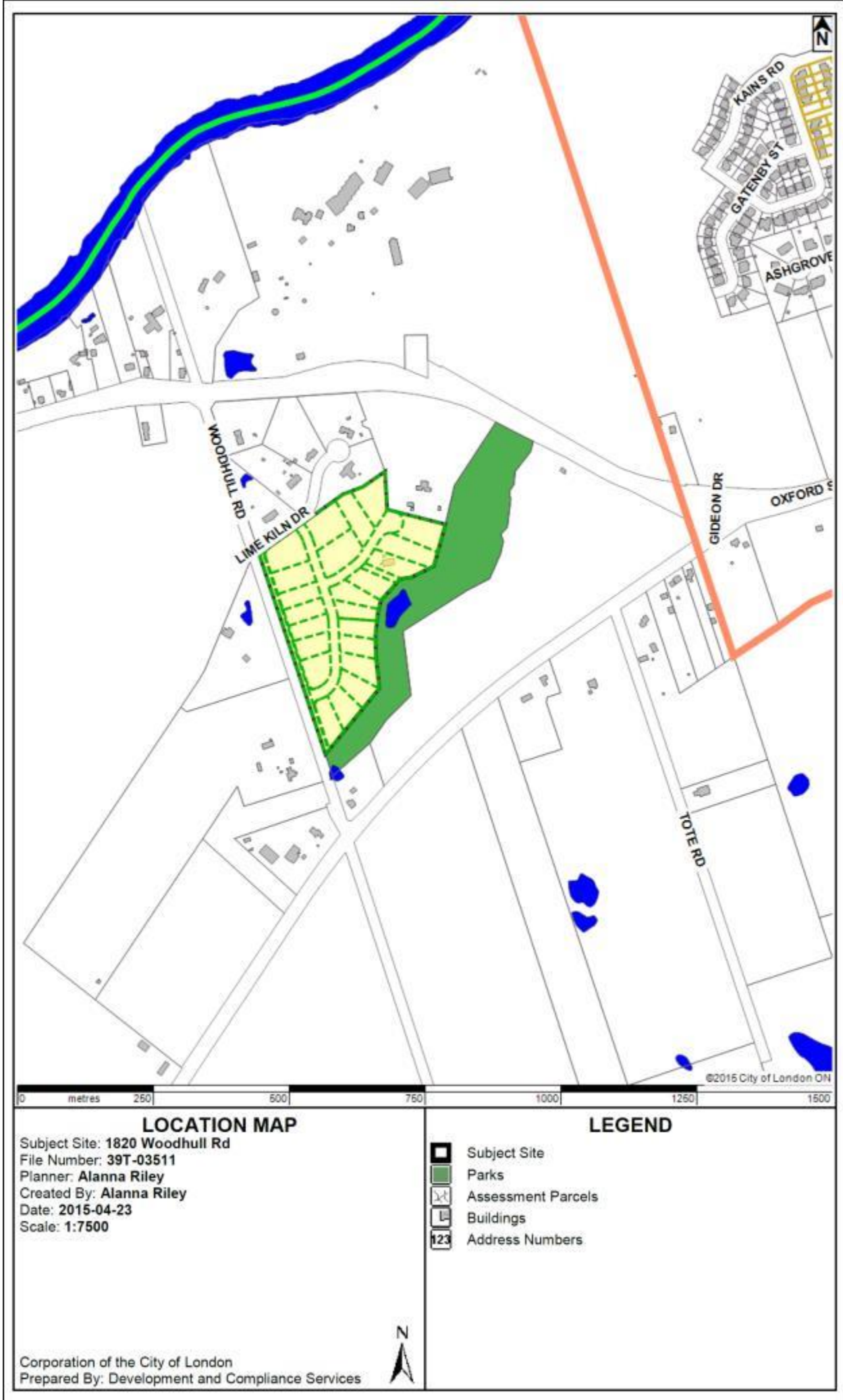
1. The removal of the holding provisions will allow for development in conformity with the Z-1. Zoning By-law.
2. Through the subdivision approval process all issues have been resolved and the h holding provision is no longer required. The h-37 holding provision is still recommended to remain on some of the lots, until all Minimum Distance Separation (MDS) issues have been resolved.

BACKGROUND

Date Application Accepted: October 27, 2014	Owner: Farhi Holdings
REQUESTED ACTION: City Council intends to consider removing the “h” holding provision from the lands that ensures for the orderly development of land 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 May 4, 2015.	

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PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on April 16, 2015
Nature of Liaison:	
The purpose and effect of this zoning change is to remove the "h" holding symbol to permit the development of 23 single detached dwelling lots.	
Responses: None	

ANALYSIS

What is a Holding Provision?

Where the symbol "h" appears on a zoning map as a prefix to a single zone or a compound zone applying to certain lands, notwithstanding the provisions of that zone or zones, unless the by-law has been amended to remove the relevant "h" symbol, the lands shall not be developed or used except in compliance with the provisions of the applicable zone for existing uses, or for such other uses set out in the relevant holding zone provisions.

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 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.

Why is it Appropriate to remove the "h" Holding Provision?

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

The applicant has entered into a subdivision agreement and has provided the required security with the City for Draft Plan 39T-03511 for 23 single family residential lots. The subdivision agreement satisfies the requirements of the "h" holding provision for the lands.

As noted, the "h-37" holding provision is still recommended to remain on some of the lots, until all Minimum Distance Separation (MDS) issues have been resolved.

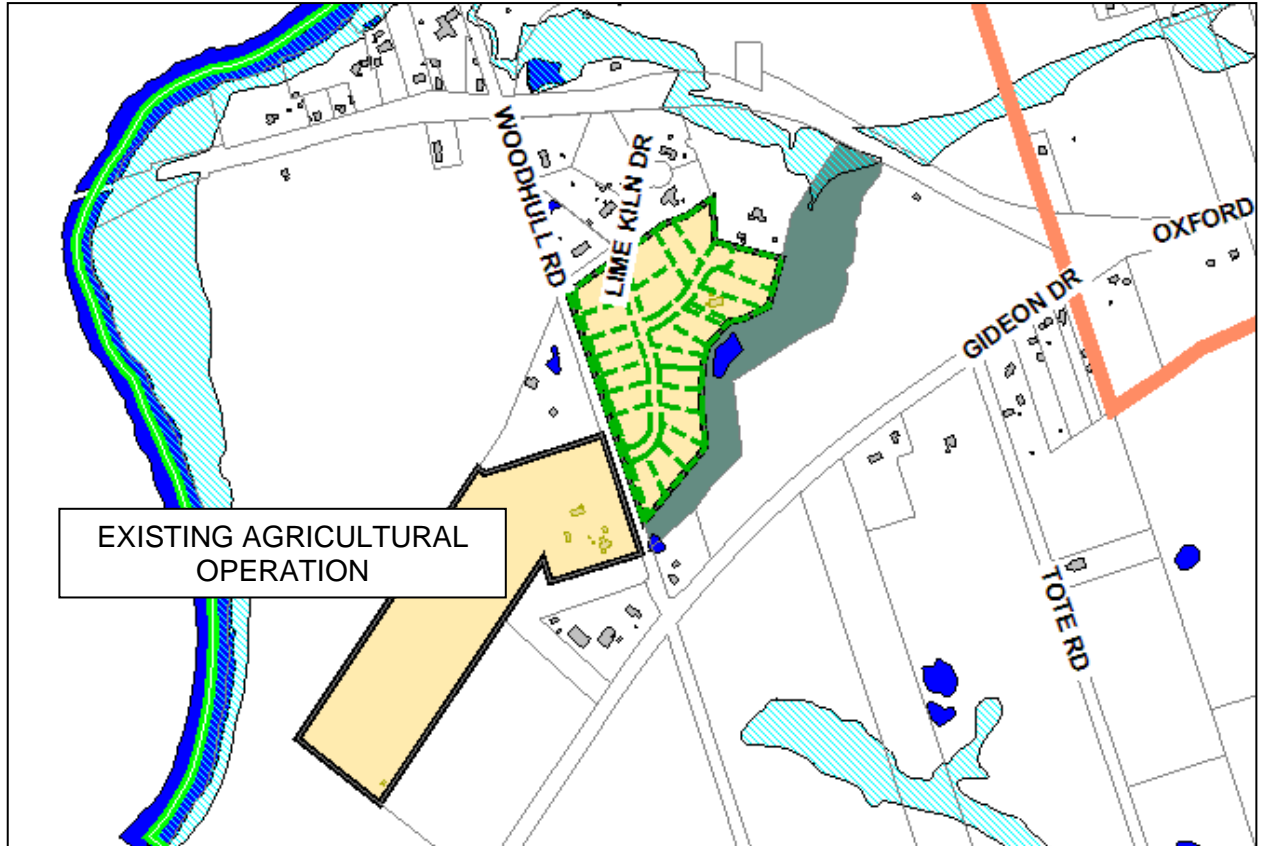
Section 9.2.10 of the Official Plan addresses minimum distance separation (MDS) requirements. Livestock operations that exist within the Rural Settlement designation will be provided

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protection from the encroachment of new development within the Rural Settlement designation through the application of MDS guidelines.

MDS1 Formula requirements within the Rural Settlement designation were applied in the review of the draft plan of subdivision application for this site, as an agricultural operation lies southwest of the subject site across Woodhull Road. MDS calculations were applied. The result indicated that the MDS arc of influence cut across the subject site.



The h-37 was applied to this portion of the lands 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.

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CONCLUSION

It is appropriate to remove the h. holding provision 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 a portion of the single detached dwellings.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER, 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

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"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 for a portion of land located at 1820 Woodhull Road.

WHEREAS Farhi Holdings have applied to remove the "h" holding provision from the zoning of the lands located at 1820 Woodhull 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 1820 Woodhull Road, as shown on the attached map to remove the "h" holding provision so that the zoning of the lands as a Residential R1 (R1-14) Zone, Residential R1 (R1-15) Zone, Residential R1 (R1-16) Zone, and Holding Residential R1 (h-37*R1-14) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 12, 2015.

Matt Brown
Mayor

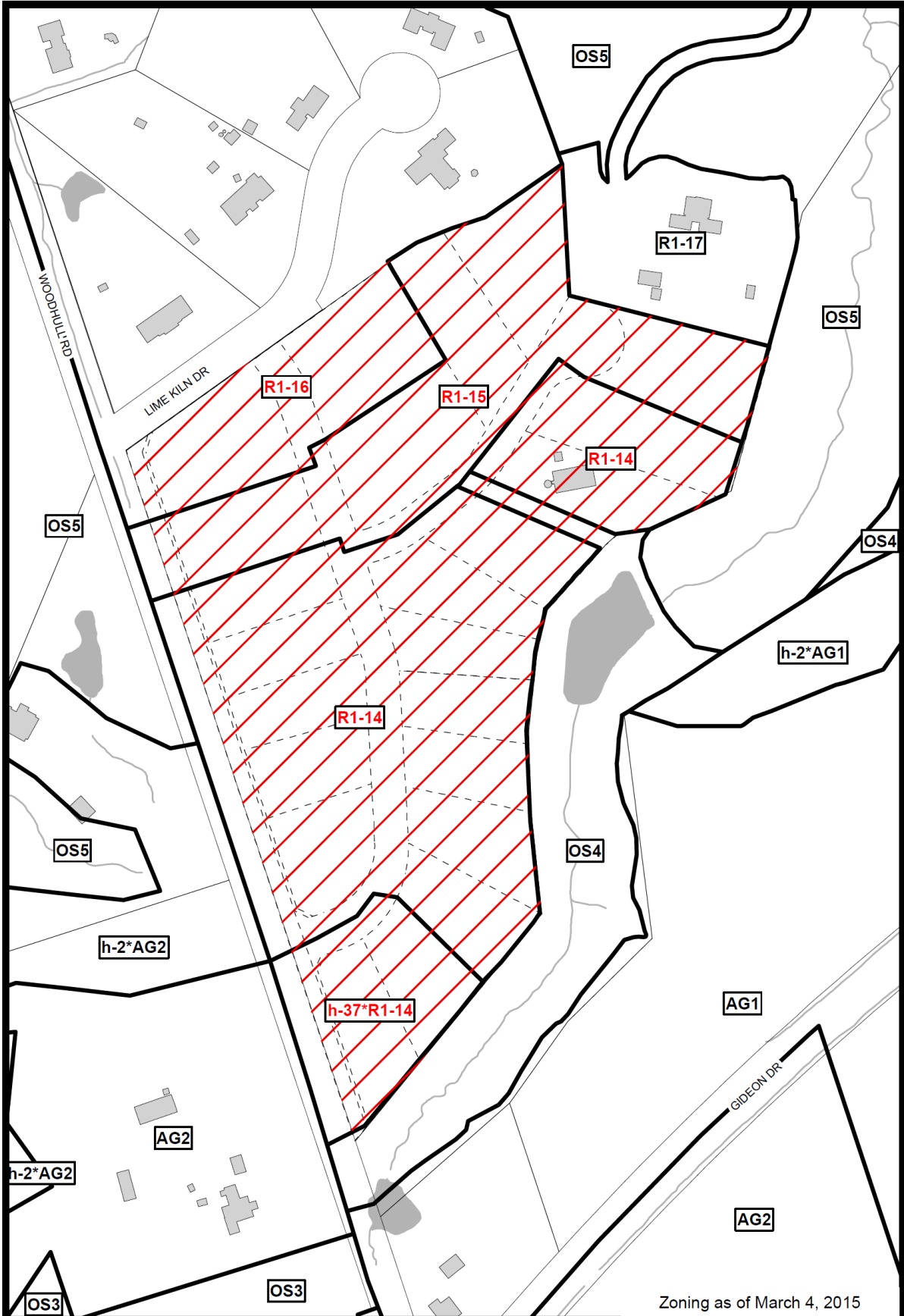
Catharine Saunders
City Clerk

First Reading - May 12, 2015.
Second Reading - May 12, 2015.
Third Reading - May 12, 2015.

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



File Number: H-8433

Planner: AR

Date Prepared: April 23, 2015

Technician: JTS

By-Law No: Z.-1-

SUBJECT SITE



1:2,500

