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H-7863/T. Grawey

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON OCTOBER 17, 2011
FROM:	D. N. STANLAKE DIRECTOR - DEVELOPMENT PLANNING DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED 1451 WHARNCLIFFE ROAD SOUTH ANDOVER TRAILS SUBDIVISION (39T-05506) – PHASE 3

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and Managing Director, Development Approvals Business Unit, based on the application of Sifton Properties Ltd. relating to the property located at 1451 Wharncliffe Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 24th, 2011 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject lands **FROM** a Holding Residential R1 (h.R1-5) Zone, **TO** a Residential R1 (R1-5) Zone to remove the holding provision.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the "h" holding provision, so that development can proceed in Phase 3 of the Andover Trails subdivision, in accordance with the provisions of the subdivision agreement.

BACKGROUND

The Andover Trails subdivision is located within the Bostwick East Area Plan. The land use designations were approved in 2005 as part of Official Plan Amendment No. 358.

The subdivision application was accepted on April 19, 2005 and a public meeting was held on October 31, 2005. Draft Plan of Subdivision Approval with conditions was granted by the Approval Authority on November 16, 2005. The draft plan approval was appealed to the Ontario Municipal Board (OMB) and on November 24, 2006, the OMB issued its decision (Decision/Order No. 3304) to approve minutes of settlement with draft plan conditions and a revised draft plan.

Phase 1 was registered on August 23, 2007 as Plan 33M-579 Phase 2 was registered on December 16, 2008 as Plan 33M-602. The Phase 3 area consists of Lots 1 to 36 inclusive and Blocks 37 to 53 inclusive.

Date Application Accepted: January 25, 2011	Agent: Maureen Zunti, Sifton Properties Limited
REQUESTED ACTION: Removal of the "h" Holding Provision in Phase 3 and two lots in Phase 2 of the Andover Trails Subdivision (39T-05506-3)	

PUBLIC LIAISON:	Notice of Intent to Remove the Holding Provision was published in the "Living in the City" section of the London Free Press on April 9, 2011.	No replies.
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ANALYSIS

When was the holding provision applied? The "h" holding provision was applied with the approved zoning at the same time as the Andover Trails Subdivision was draft approved by Council in 2005, and subsequently endorsed by the Ontario Municipal Board in 2006.


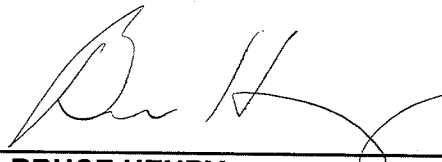

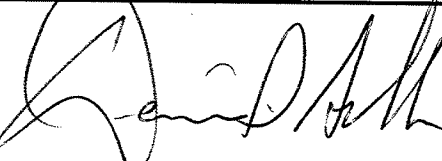
What is the purpose of the "h" holding provision? The purpose of applying the "h" provision is to ensure the orderly development of lands and the adequate provision of municipal services within the plan of subdivision. Development cannot proceed until such time as the "h" symbol is removed. The "h" symbol can be removed after the owner enters into a subdivision agreement with the City of London, which provides clearly defined requirements for the provision of municipal services.

Why is it appropriate to remove the Holding Provision? Phases 1 and 2 of Andover trails, which have previously been developed, bring the necessary municipal services to the area. The special provisions for the Phase 3 subdivision agreement were approved by Municipal Council on March 21, 2011. The applicant has since entered into the subdivision agreement, provided the required security, and recently completed the legal survey plan. The subdivision agreement clearly defines the financial and servicing obligations of the owner for Phase 3 (and two lots carried over from the Phase 2 subdivision).

Planning staff recommend the removal of the "h" provision from the identified lands based on the executed subdivision agreement for Phase 3. It is not recommended that the "h" provision be removed from the blocks (partial lots) along the east side of Phase 3, which are only developable with adjacent lands in the Bierens and Westbury subdivisions. The "h" provision on these blocks can be removed when the adjacent subdivisions proceed to development.

CONCLUSION

The Owner has entered a subdivision agreement for Andover Trails Phase 3 and is now requesting removal of the holding "h" provision, which was applied at the time of draft approval. The executed subdivision agreement satisfies the financial and servicing requirements for this subdivision and it is recommended that the "h" provision be removed so that development can now proceed.

PREPARED BY:	SUBMITTED BY:
	
TERRY GRAWEY, SENIOR PLANNER DEVELOPMENT PLANNING	BRUCE HENRY MANGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D. N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT

October 3, 2011
TG/tg

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Bill No. (Number to be inserted by Clerk's Office)
2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning on a portion of the land located at 1451 Wharnccliffe Road South.

WHEREAS Sifton Properties Limited has applied to remove the holding provision from the zoning on a portion of the lands located at 1451 Wharnccliffe Road South, 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:

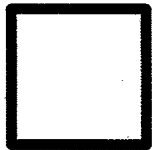
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 1451 Wharnccliffe Road South, as shown on the attached map comprising part of Key Map No. 142 to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 24, 2011.

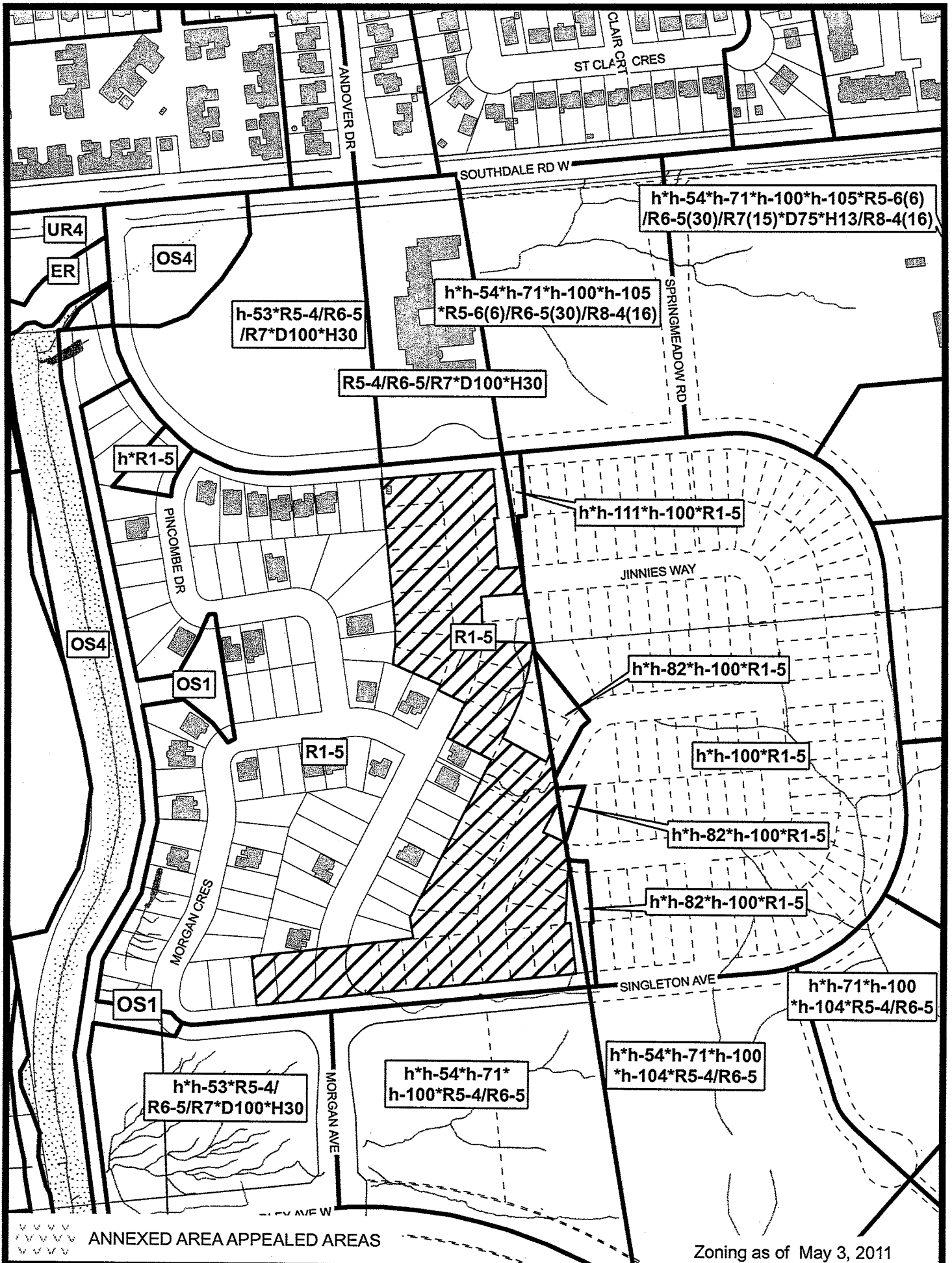
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - October 24, 2011
Second Reading - October 24, 2011
Third Reading - October 24, 2011



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



File Number: H-7863

Planner: TG

Date Prepared: 2011/05/06

Technician: mc

By-Law No: Z.-1-

SUBJECT SITE



1:3,500

