

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services And
Chief Building Official

Subject: Mimadala Holdings Inc.
3804 South Winds Drive
Removal of Holding Provisions (h., h-161, h-162 and h-163)
Public Participation Meeting on: October 9, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Mimadala Holdings Inc. relating to the property located at 3804 South Winds Drive, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 16, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 3804 South Winds Drive **FROM** a Holding Residential R1 Special Provision (h-*h-161*h-162*h-163*R1-14(3)) Zone **TO** a Residential R1 Special Provision (R1-14 (3)) Zone to remove the h., h-161, h-162 and h-163 holding provisions.

Executive Summary

Summary of Request

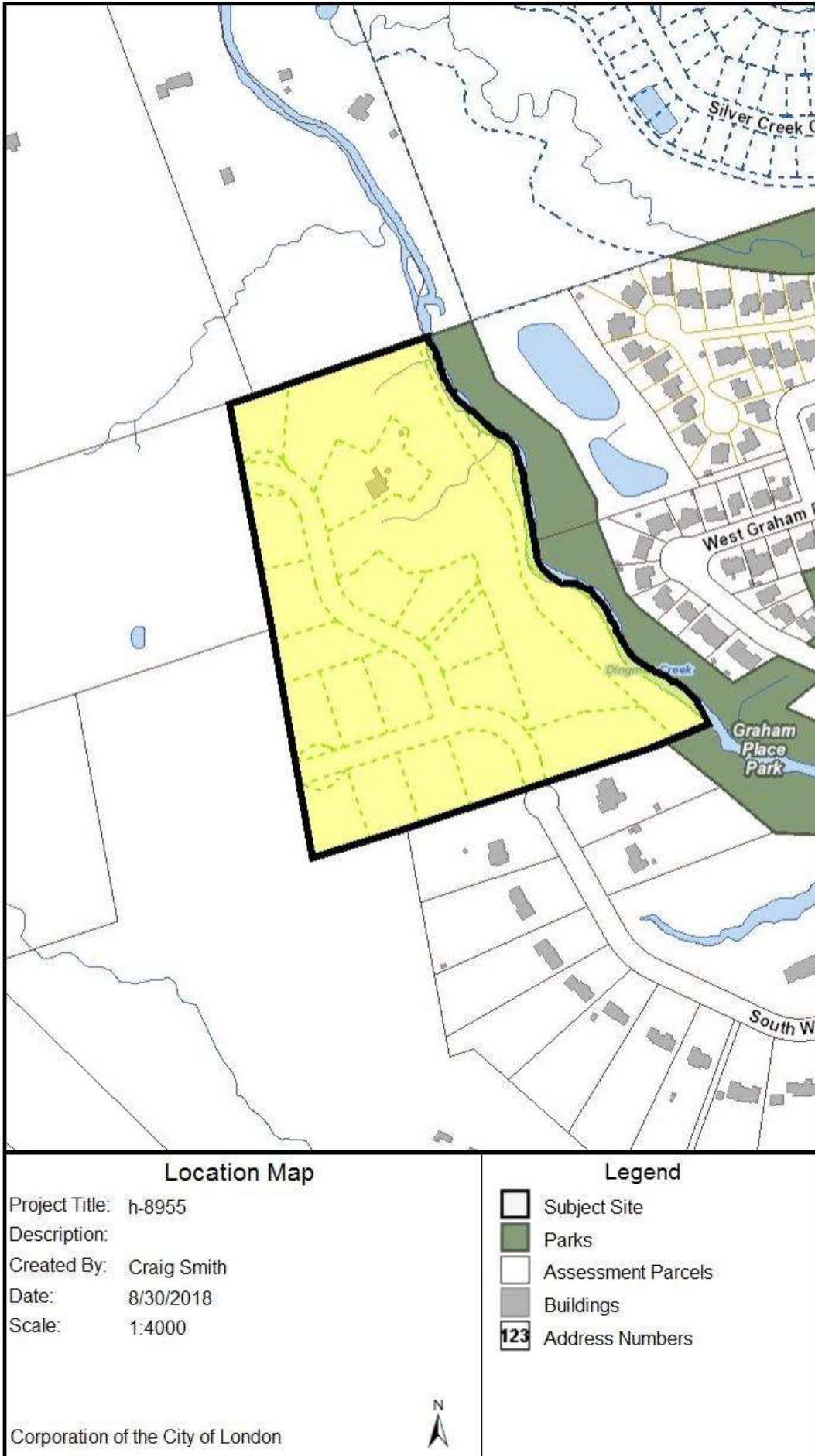
With the criteria for the removal of the subject holding provisions (h., h-161, h-162 and h-163) being met for 3804 South Winds Drive a request has been received by the applicant to remove the site specific provisions to allow for the consideration of building permits for this 17 lot single detached dwelling subdivision.

Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with The London Plan and the Official Plan and in compliance with the Zoning By-law.
2. Through the subdivision approval process, Municipal staff have confirmed that Engineering drawings ensuring that stormwater management and individual sanitary and private water wells have been accepted and are in compliance with the overall servicing strategy, the required security has been submitted to the City of London and the execution of the subdivision agreement is imminent. As a result the h., h-161, h-162 and h-163 holding provisions are no longer required

Analysis

Location Map



2.0 Description of Proposal

2.1 Development Proposal

With the criteria for the removal of the subject holding provisions (h., h-161, h-162 and h-163) being met for 3804 South Winds Drive, the applicant has requested that the site specific provisions be removed to allow for the consideration of building permits for this 17 lot single detached dwelling subdivision

3.0 Relevant Background

3.1 Planning History

The application for approval of a draft plan of subdivision was accepted on August 25, 2009. At that time, the draft plan consisted of 22 single detached lots served by two local streets, one of which is the extension of South Winds Drive from the existing residential estate subdivision to the south. The site had a total area 0110.9 hectares (26.9 acres) with single family lots ranging in size from 0.2 to 0.3 hectares.

A revised plan of subdivision was submitted and accepted by the City on September 24, 2012. The revised plan of subdivision reduced the number of residential lots from 22 to 17 larger sized lots. The plan is served by two local streets (includes an extension of South Winds Drive) extending to the westerly property boundary and terminating with temporary turning circles, temporary road easement blocks, and 0.3 metre reserve blocks. Municipal Council considered this draft plan and accompanying Official Plan and Zoning By-law amendments and recommended that they be approved, subject to conditions.

Appeals to the Ontario Municipal Board of Council's decision was submitted by Valerie M'Garry of Valerie M'Garry Law Office on behalf of Doug Dittmer and Elizabeth MacKinnon, and by Stephen Gibson of McKenzie Lake Lawyers on behalf of James Waldie, and Joseph Liberatore, relating to Council's decision.

On March 23, 2016, the Ontario Municipal Board issued the following:

Based on all of the foregoing, we are satisfied that the proposal should move forward.

Accordingly, it is ordered that:

- a) The OPA is approved.*
- b) City By-law Z-1 is amended in accordance with the ZBA.*
- c) The Draft Plan is approved subject to the Draft Plan Conditions.*
- d) Pursuant to s. 57(56.7) of the Act, final approval of the Draft Plan for purposes of s.57 (58) is hereby given to the City.*
- e) The Appeals are dismissed.*

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provisions?

The registration of the Plan of Subdivision and Subdivision Agreement is imminent. Engineering drawings have been submitted and accepted by the City demonstrating how all servicing (water, sewer, storm) will be accommodated on the site. The applicant has provided the required security with the City.

h. Holding Provision

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.

The applicant has submitted the required security to the City of London for the South Winds North. The special provisions have been endorsed by Council. The owner has provided the necessary security and the subdivision agreement is being finalized for registration. This satisfies the requirement for removal of the “h” holding provision.

h-161, h-162 and h-163 Holding Provisions

h-161- Purpose: To ensure the proposed stormwater management system servicing serving this subdivision is constructed and operational, the holding provision shall not be deleted until these works have been completed to the satisfaction of the City.

h-162- Purpose: To ensure private individual sanitary disposal systems on each lot are installed in accordance with applicable recommendations and in compliance with the overall servicing strategy for this subdivision, the holding provision shall not be deleted until these works have been approved to the satisfaction of the City.

h-163- Purpose: To ensure private water wells on each lot are in compliance with the overall servicing strategy for this subdivision, the holding provision shall not be deleted until these works have been approved to the satisfaction of the City.

On November 1, 2017 the City of London, Development Services accepted all servicing drawings for the development of this site. The accepted servicing drawings ensure that the stormwater management system, individual sanitary sewers and private water wells are in compliance with the overall servicing strategy. All the requirements for the removal of the “h-161, h-162 and h-163” holding provisions have been accepted to the satisfaction of the City.

5.0 Conclusion

It is appropriate to remove the h., h-161, h-162 and h-163 holding provisions from the subject lands at this time as the provision of servicing on the individual lots have been provided, the required security has been submitted to the City of London and registration of the subdivision agreement is imminent.

Prepared by:	C. Smith, MCIP, RPP Senior Planner, Development Services
Submitted by:	Lou Pompili, MCIP, RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Recommended by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

October 1, 2018
CS\

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

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Appendix "(A)"

Bill No. (Number to be inserted by
Clerk's Office)
2018

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from the
zoning of the land located at 3804 South
Winds Drive

WHEREAS Mimadala Holdings Inc. has applied to remove the holding provisions from the zoning for the land located at 3804 South Winds Drive, 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 3804 South Winds Drive, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-14 (3)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

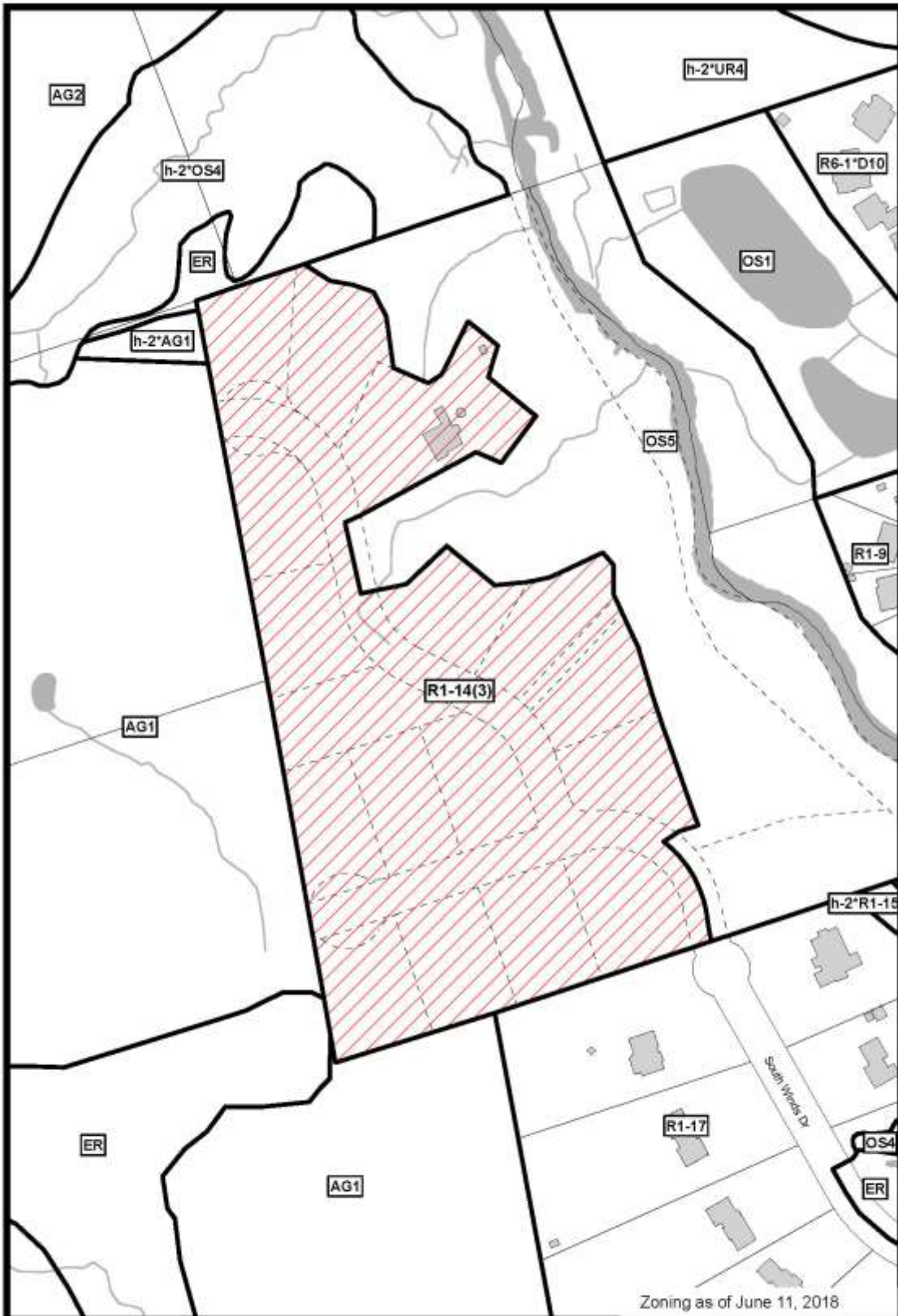
PASSED in Open Council on, October 16, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 16, 2018
Second Reading – October 16, 2018
Third Reading – October 16, 2018

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



File Number: H-8955
Planner: CS
Date Prepared: 2018/09/26
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Appendix B – Public Engagement
Community Engagement

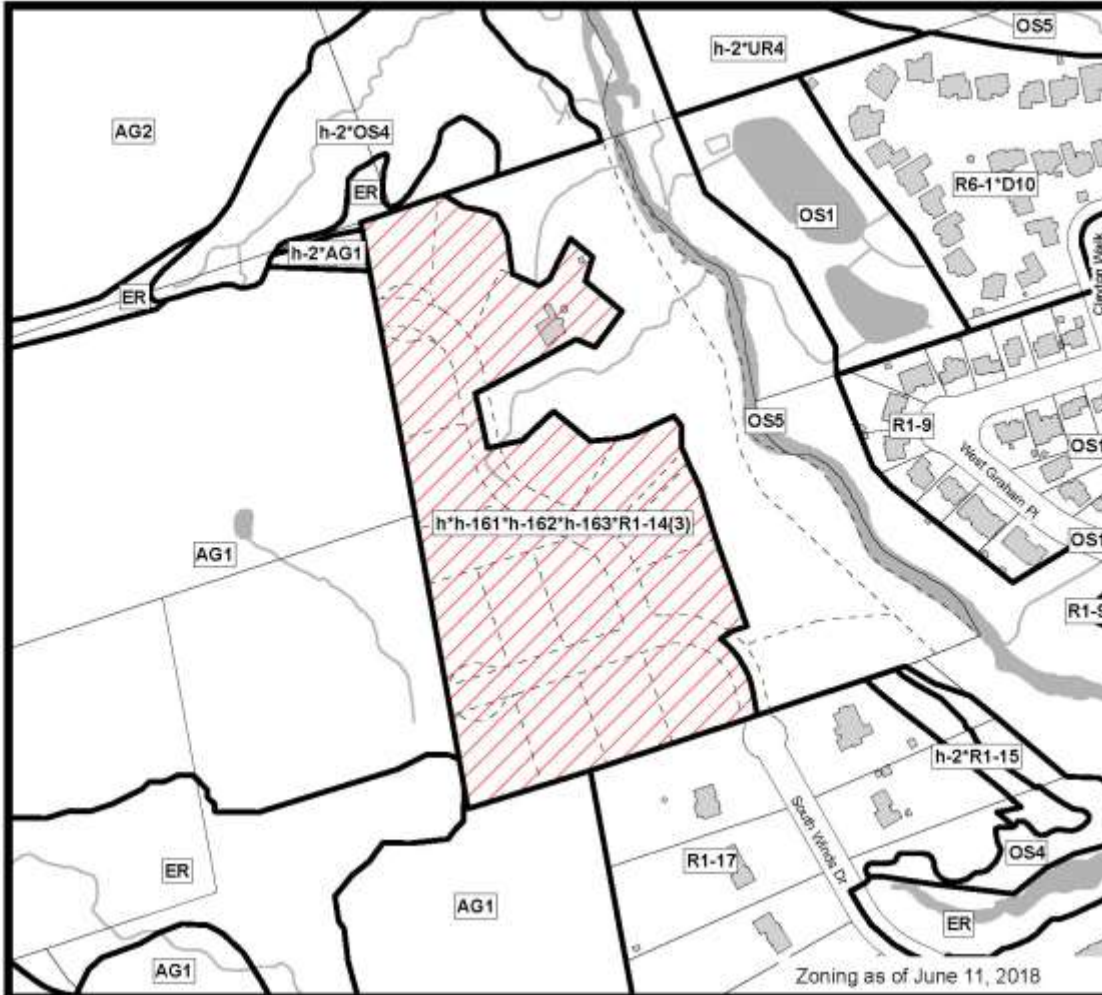
Public liaison: Notice of the application was published in the Londoner on April 6, 2018

0 replies were received

Nature of Liaison: City Council intends to consider removing the h. h-161, h-162 and h-163 holding provisions from the lands which ensures that the sanitary, stormwater management and water services are in compliance with the overall servicing strategy for this subdivision and that an 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 September 24, 2018.

Appendix C

Zoning Map



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "N" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
H-8955 CS

MAP PREPARED:
2018/09/26 rc

1:4,000
0 20 40 80 120 160 Meters