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H-8061/T. Grawey

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SIFTON PROPERTIES LIMITED 3455 MORGAN CRESCENT MEETING ON NOVEMBER 26, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager of Development Services and Planning Liaison, based on the application of Sifton Properties Limited relating to the property located at 3455 Morgan Crescent, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 11, 2012 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 R5/R6/R7 (h-h-53-R5-4/R6-5/R7-D100-H-30) Zone, to a Residential R5/R6/R7 (R5-4/R6-5/R7-D100-H-30) Zone, to remove the holding provisions.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of this zoning change is to remove the holding "h" and "h-53" provisions to permit the development of medium density cluster townhouses.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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Bostwick East Area Plan (O-6872) – Planning reports considered by Planning Committee on April 25, 2005, May 9, 2005, May 30, 2005 and September 12, 2005.

October 17, 2005 - Planning report for Planning Committee to consider the proposed draft plan of subdivision and corresponding official plan and zoning by-law amendment (39T-05506/Z-6900).

October 31, 2005 - Planning report for Planning Committee to consider the proposed draft plan of subdivision and corresponding official plan and zoning by-law amendment (39T-05506/Z-6900).

January 16, 2006 – Planning report for Planning Committee in response to the letters of appeal by Jean and Danielle Arroyas, relating to the draft plan of subdivision and zoning by-law amendment (39T-05506/Z-6900).

January 15, 2007 – Planning report to Planning Committee to consider the proposed Zoning Amendment (HZ-7010).

September 22, 2008 – Planning report for Planning Committee to consider the Phase 2 Special Provisions for the subdivision agreement (39T-05506 Phase 2).

April 7, 2008 – Planning report for Planning Committee to consider the proposed Zoning By-law amendment (H-7516).

November 17, 2008 – Planning report for Planning Committee to consider the proposed Zoning By-law amendment (H-7517).

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**BACKGROUND**

The subject lands are located within the Bostwick East Area Plan, which was adopted by City Council on December 19, 2005. This plan provides long-term guidance for the development and servicing of lands in this area.

The subject site is also part of Phase 2 of the Andover Trails Subdivision 33M-634 (39T-05506). A Public Meeting was held on the Draft Plan of Subdivision, in accordance with the requirements of the *Planning Act* on October 31, 2005. Draft Plan of Subdivision Approval with Conditions was granted by the Approval Authority on November 16, 2005. On December 12, 2005, the draft plan approval was appealed to the Ontario Municipal Board (OMB). On November 24, 2006, the OMB issued its decision (Decision/Order No. 3304) to approve the minutes of settlement with Conditions and the revised draft plan. At the request of Sifton Properties Limited, on October 24th, 2008, the OMB amended Condition 33 of the Draft Plan Approval. The final Subdivision Agreement was registered in the Land Registry Office for the Land Titles Division of Middlesex, on October 13, 2011.

The holding provisions were applied on November 22, 2005, through the enactment of By-law number Z.-1-051432. An application has now been received, as outlined below, to remove the holding zoning provisions from the subject site.

<b>Date Application Accepted:</b> June 1, 2012		<b>Applicant:</b> Sifton Properties Limited
<b>REQUESTED ACTION:</b> Removal of the holding "h" and "h-53" provisions from the Residential R5-4; Residential R6-5; Residential R7-D100-H30 Zone. The "h" holding provision was put in place to ensure the orderly development of lands and the adequate provision of municipal services, and the "h-53" provision ensures street-oriented design to reduce the need for noise attenuation.		
<b>PUBLIC LIAISON:</b>	Notice was published in the "Living in the City" section of the London Free Press on June 8, 2012, noting that Council will consider removing the holding provisions as they apply to these lands no earlier than June 26, 2012.	No replies.
<b>Nature of Liaison:</b> To remove the "h" and "h-53" provisions.		
<b>Responses:</b> None		

**ANALYSIS**

**When were the holding provisions applied?**

The holding "h" and "h-53" provisions were applied in November 2005, resultant of an application by Sifton Properties Limited to amend zoning by-laws of the former Town of Westminster.

**What is the purpose of the holding provisions?**

The purpose of applying holding provisions is to ensure that prior to development proceeding, certain requirements have been addressed to the satisfaction of Council.

**h** – To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London

**h-53** – The h-53 is to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London, prior to the removal of the "h-53" symbol.

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**Why is it appropriate to remove the Holding Provision?**

The recommended amendment to remove the holding provisions applies to lands which have adequately addressed the requirements through the site plan approval process. The development agreement has been executed and incorporates street oriented design to reduce the need for noise attenuation.


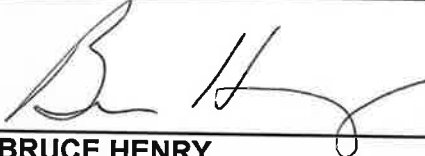

The removal of the holding provisions will allow the lands to be developed in accordance with the Zoning By-law.

**Will any holding provisions remain on the Property?**

The recommended amendment will remove the holding "h" and "h-53" provisions on 3455 Morgan Crescent, no other holding provisions will remain.

<b>CONCLUSION</b>
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The Owner has entered into a development agreement for 3455 Morgan Crescent and is now requesting removal of the holding "h" and "h-53" provisions, which were applied in November 2005, at the time of the earlier rezoning. The development agreement has been entered into and it is recommended that the holding provisions be removed to enable development of medium density cluster townhouses, in accordance with the Zoning By-law.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>TERRY GRAWEY, MCIP, RPP MANAGER OF DEVELOPMENT SERVICES AND PLANNING LIAISON</b>	<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING</b>
<b>SUBMITTED BY:</b>	
	
<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>	

December 11, 2012  
TG/sw

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Cc Sifton Properties Limited  
P.O. Box 5099  
London, ON N6A 4M8

Agenda Item #	Page #

**H-8061/T. Grawey**

Bill No.  
2012

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

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning on the land located at 3455 Morgan Crescent.

WHEREAS Sifton Properties Limited has applied to remove holding provisions from the zoning on the lands located at 3455 Morgan Crescent, 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 3455 Morgan Crescent, as shown on the attached map, to remove the holding "h" and "h-53" provisions so that the zoning of the land as a Residential R5/R6/R7 (R5-4/R6-5/R7-D100-H-30) Zone, comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on December 11, 2012

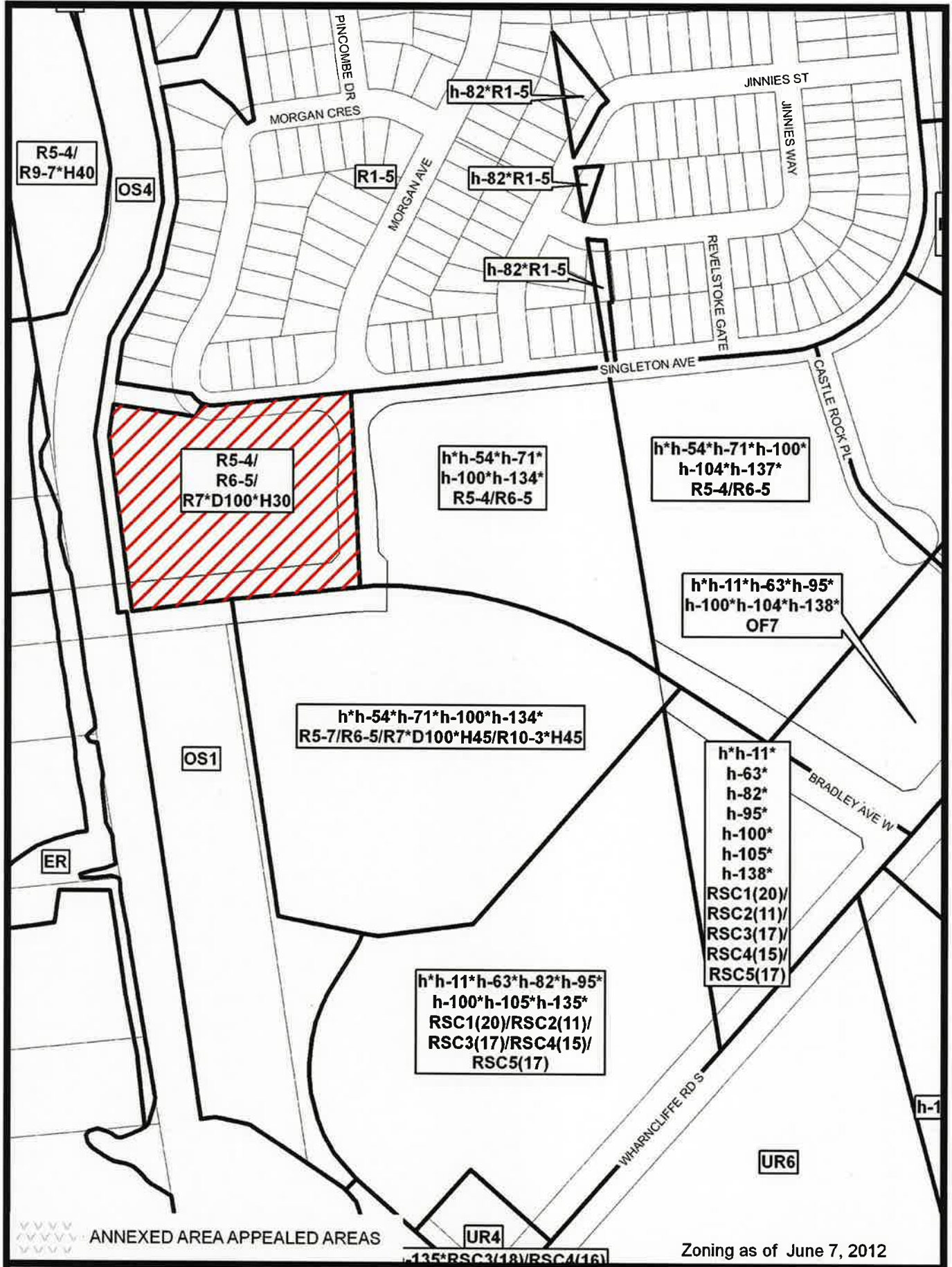
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 11, 2012  
Second Reading – December 11, 2012  
Third Reading – December 11, 2012



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



File Number: H-8061  
 Planner: SW  
 Date Prepared: June 28, 2012  
 Technician: RN  
 By-Law No: Z-1-

SUBJECT SITE 

1:3,500

