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H-7974/T. Grawey

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON NOVEMBER 14, 2011
FROM:	D. N. STANLAKE DIRECTOR - DEVELOPMENT PLANNING DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: DECADE GROUP INC. 1311 WHARNCLIFFE ROAD SOUTH WESTBURY SUBDIVISION (39T-05509)

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and Managing Director, Development Approvals Business Unit, based on the application of Decade Group Inc. relating to the property located at 1311 Wharncliffe Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 21st, 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.h-100.R1-5) Zone and a Holding Residential R1 (h.h-82.h-100.R1-5) Zone, **TO** a Residential R1 (R1-5) Zone and a Holding Residential R1 (h-82.R1-5) Zone to remove the "h" and "h-100" holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the "h" and "h-100" holding provisions, so that development can proceed on the single detached residential lots within the subdivision, in accordance with the underlying Zoning and servicing requirements in the subdivision agreement.

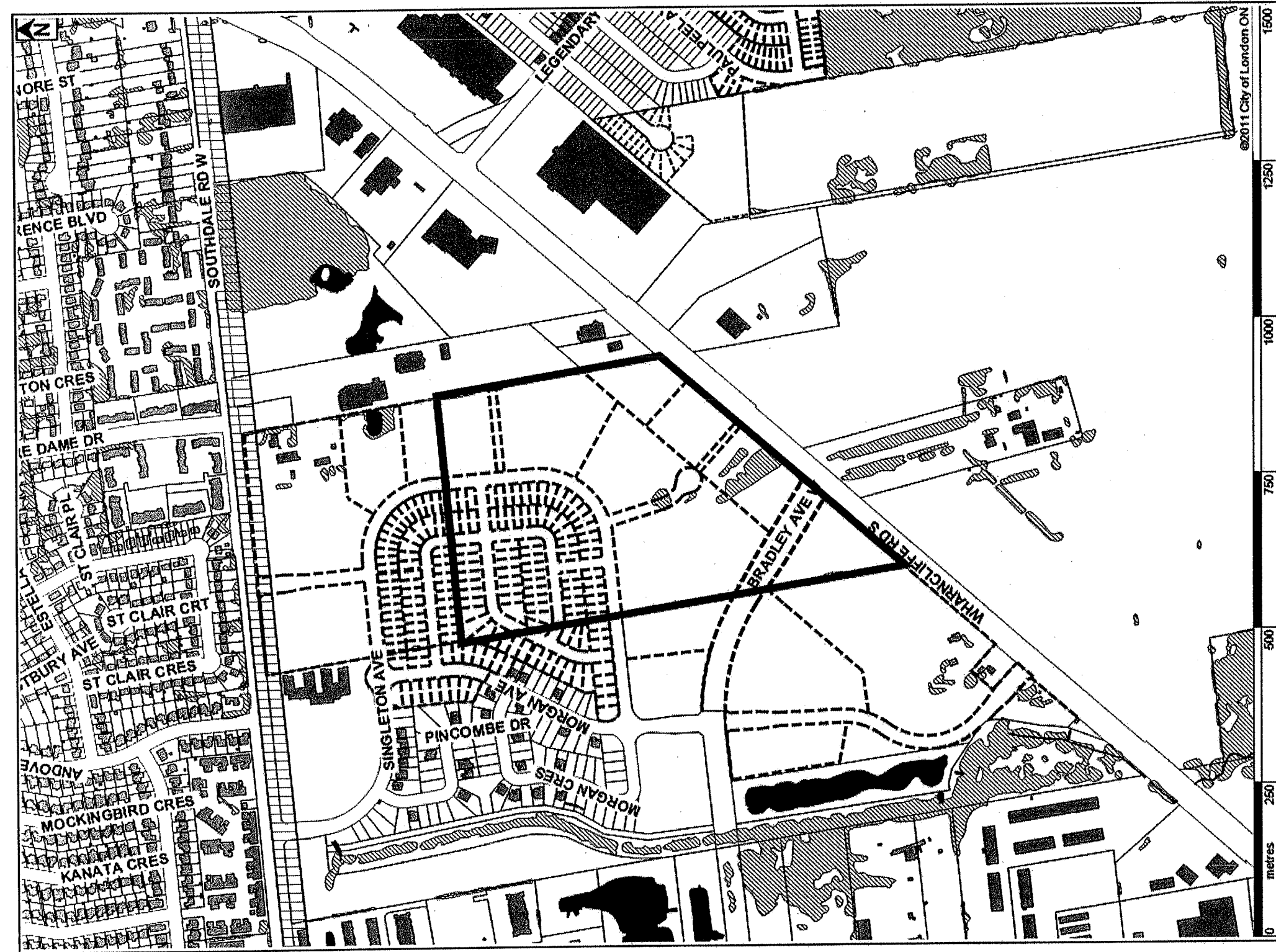
BACKGROUND

The Decade-Westbury 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 application for Draft Plan of Subdivision Approval was accepted on May 18, 2005 and subsequently revised on January 12, 2006 and December 7, 2007. The Public Meeting was held on May 6, 2009 and draft approval was granted on June 22, 2009, subject to conditions.

The draft approved plan of subdivision shows a residential and commercial Plan of Subdivision with 71 single detached dwelling lots; 2 multi-family medium density residential blocks; 1 walkway block; 1 park block and 1 future park block; 1 school block; 4 future residential development blocks; 1 office block, and 3 commercial blocks; served, Wharncliffe Road S, 1 secondary collector road (extension of Singleton Ave), and 4 new local roads.

Date Application Accepted: September 14, 2011	Applicant: Decade Group Inc. (Agent: Dan Young, Stantec Consulting)
REQUESTED ACTION: Removal of the "h" and "h-100" holding provisions on the single detached residential lots in the Decade Westbury Plan of Subdivision (39T-05509)	

PUBLIC LIAISON:	Notice was published in the "Living in the City" section of the London Free Press on October 29, 2011.	No replies.
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0 metres 250 500 750 1000 1250 1500
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LOCATION MAP

Location: 1311 Wharnclyffe Rd S
 Applicant: Decade Group Inc.
 File No.: H-7974
 Planner: Terry Grawey
 Date: 2011-07-12
 Scale: 1:7500

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



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ANALYSIS

When were the holding provisions applied? The holding provisions were applied with the zoning at the same time as the Westbury Subdivision was draft approved by Council in 2009.

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. Three holding provisions identified below are the subject of this application:

- **h** – this holding provision 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 and associated financial obligations of the owner.

The executed subdivision agreement clearly defines the financial and servicing obligations of the owner and Planning staff recommend the removal of the “h” provision from all of the subject property. This will permit the issuance of building permits on the single family residential lots, in accordance with the approved zoning. Servicing will be undertaken in accordance with the provisions in the subdivision agreement.

- **h-82** - this holding provision can be removed as soon as it has been confirmed that the part lots on the west side of the Bierens subdivision have been consolidated with abutting parcels (in Andover Trails Phase 3), so that they can be developed as full-size lots. The lands to the west are under separate ownership and could be undevelopable if they are not consolidated with the part lots in the Bierens subdivision.
- **h-100** – this holding provision can be removed as soon as it has been confirmed that a looped water main and second public road access are available to service lands within the subdivision.

The “h-100” provision limits development capacity in the subdivision to 80 residential units until such time as there is a looped watermain system and second public road access. It is appropriate to remove this holding provision from the single detached residential lots, which will accommodate a total of 79 residential units. The “h-100” provision should be retained on the multi-family and commercial blocks at this time, which would permit additional development of up to 240 residential units, and 12,868 m² of commercial and office floor area

Why is it appropriate to remove the Holding Provision?

The Special Provisions for the Decade Westbury subdivision were approved by Council on August 30th. The signed subdivision agreement and required securities were recently provided to the City and it is now appropriate to remove the “h” provision so that the development of single detached residential units can be permitted to proceed, in accordance with the underlying zoning and municipal servicing requirements. The “h-100” provision can also be removed since water looping and road access requirements will be addressed by servicing requirements in the subdivision agreement.

Will any holding provisions remain on the Subdivision?

The recommended amendment will remove the “h” and “h-100” holding provisions on the single family lots in the Westbury subdivision. Several holding provisions will continue to apply to the multi-family and commercial blocks until such time as the specific requirements have been addressed by the owner, to the satisfaction of the City.


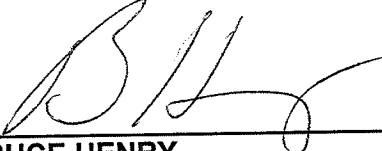
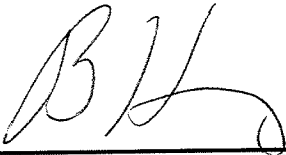
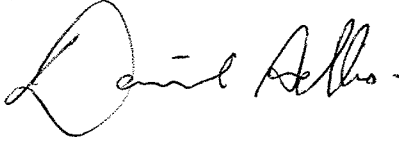
The “h-82” provision will also remain on the part lots in the Westbury subdivision that must be consolidated with lands to the west prior to development.

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CONCLUSION

The Owner has entered a subdivision agreement for the Westbury subdivision and is now requesting removal of the "h" and "h-100" holding provisions, which were applied at the time of draft approval. The executed agreement satisfies the financial and servicing requirements for this subdivision and it is now recommended that the "h" and "h-100" provisions be removed so that development can proceed on the single detached residential lots.

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

November 4, 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 1311 Wharnccliffe Road South.

WHEREAS Decade Group Inc. has applied to remove holding provisions from the zoning on a portion of the lands located at 1311 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 provisions from the zoning of the said land;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

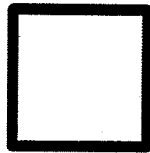
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 1311 Wharnccliffe Road South, as shown on the attached map comprising part of Key Map No. 142 to remove the "h" and "h100" holding provisions so that the zoning of the lands as a Residential R1 (R1-5) Zone and a Holding Residential R1 (h-82.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 November 21, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - November 21, 2011
Second Reading - November 21, 2011
Third Reading - November 21, 2011



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



File Number: H-7974

Planner: TG

Date Prepared: 2011/11/04

Technician: MC

By-Law No: Z.-1-

SUBJECT SITE



1:2,750

0 12.5 25 50 75 100 Meters

