

--	--

H-7975 /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: SIFTON PROPERTIES LIMITED 149, 153 & 187 SOUTHDALE RD. WEST BIERENS SUBDIVISION (39T-08508)

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 149, 153 and 187 Southdale Rd. West, 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.R1-5) Zone, a Holding Residential R1 (h.h-100.R1-5) Zone, a Holding Residential R1 (h.h-100.h-111.R1-5) Zone, a Holding Residential Special Provision R5/R6/R8 (h.h-54.h-71.h-100.h-105.h-136.R5-6(6)/R6-5(30)/R8-4(16)) Zone, a Holding Residential Special Provision R5/R6/R7/R8 (h.h-54.h-71.h-100.h-105.h-136.R5-6(6)/R6-5(30)/R7(15).D75.H13/R8-4(16) Zone and a Holding Residential R5/R6 (h.h-71.h100.h-105.h-136.R5-6/R6-5) Zone, to remove the "h" provision on the entire subdivision, and remove the "h-100" and "h-111" provisions on the single detached residential lots.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the "h", "h-100" and "h-111" holding provisions, so that development can proceed on a portion of the lands within and adjacent to the Bierens subdivision, in accordance with the approved Zoning and subdivision agreement.

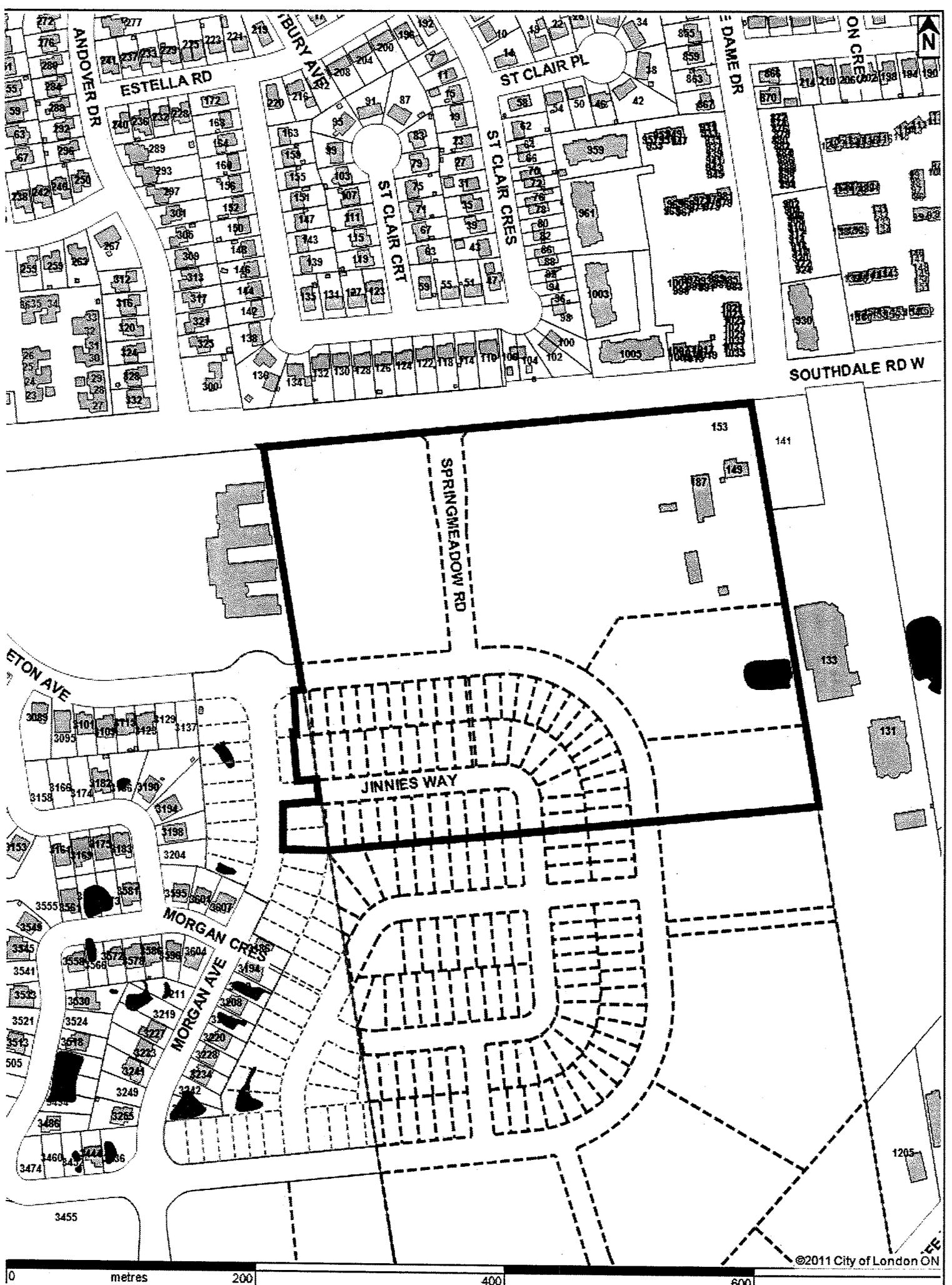
BACKGROUND

The Sifton Bierens subdivision (File 39T-08508) 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 Bierens application for Draft Plan of Subdivision Approval was accepted on December 9, 2008 and the Public Meeting was held on September 14, 2009. Draft Approval was granted on October 20, 2009, subject to red line modifications and conditions of draft approval.

Special provisions for the subdivision agreement were approved by Council on May 30, 2011. The signed subdivision agreement and required securities were received by the City on October 17th and the signed final plan was received on October 31st.

Date Application Received: October 25, 2011	Agent: Maureen Zunti, Sifton Properties
REQUESTED ACTION: Removal of the "h", "h-100" and "h-111" Holding Provisions	

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 October 29, 2011.	No replies.
------------------------	--	-------------



LOCATION MAP

LEGEND

Subject Site: **Bierens & Andover Trails Subdivision**
 Location: 149-187 Southdale Rd. West
 File Number: **H-7975**

Planner: **Terry Grawey**
 Date: **2011-11-02**
 Scale: **1:3700**

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



--	--

ANALYSIS

When were the holding provisions applied?

The holding provisions were applied with the zoning that was approved by Council on September 21, 2009, at the same time as the Bierens Plan of Subdivision was draft approved.

What is the purpose of the holding provisions and how have they been satisfied?

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

In conjunction with removal of holding provisions in the Bierens subdivision it would also be appropriate at this time to remove the remnant “h” provision that applies to partial lots in the adjacent Andover Trails subdivision, which was recently registered as Plan 33M-634. The “h” provision was removed by Council on October 24, 2011 for most of the lands in this subdivision; however it was retained on 10 partial lots along the eastern boundary of the subdivision, which can only be developed in conjunction with adjacent lands in the Bierens and Westbury subdivisions. The lands in the Andover Trails and adjacent Bierens subdivisions, which are both owned by Sifton Properties Limited, can now be consolidated and developed as full size lots.

- **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 51 residential units. The “h-100” provision should be retained on the multi-family blocks at this time, since up to 263 additional residential units could be permitted in this area.

- **h-111** this holding provision can be removed as soon as it has been confirmed that the partial 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 “h-111” provision applies to partial lots in the Bierens subdivision, which must be consolidated with adjacent lands in the AndoverTrails subdivision before they can be developed. Sifton Properties Limited owns the partial lots in both subdivisions and, as such, will be in a position to consolidate the lands in question. Both the Bierens and Andover Trails subdivision agreements include provisions requiring that the lands be consolidated.

Will any holding provisions remain on the Subdivision?

The recommended amendment will remove the “h”, “h-100” and “h-111” holding provisions that apply to all of the single detached residential lots within the subdivision, which have an underlying R1-5 Zone. The “h” provision will also be removed from the three multi-family blocks; however, the following holding provisions will continue to apply on the multi-family lands:

- **h-54** - requires the preparation of a noise attenuation report and implementation of noise attenuation measures (along Southdale Road)

--	--

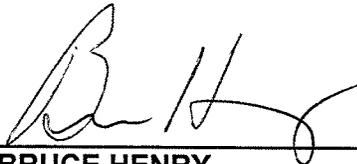
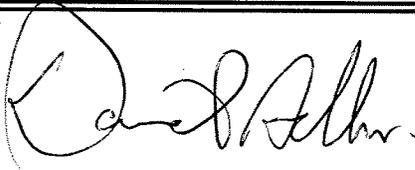
H-7975 /T. Grawey

- **h-71** - requires the owner to prepare a building orientation plan which demonstrates how the front façade of buildings will be street-oriented.
- **h-100** – limits development to 80 units until such time as a looped water main and second public road access are available to service lands within the subdivision.
- **h-105** – requires the preparation of a stormwater management strategy where a private, permanent on-site storm drainage facility is proposed for any block(s) not serviced by a constructed regional stormwater management facility.
- **h-136** - permits up to 263 multi-family residential units in the Bierens Subdivision on an interim basis, until such time as the temporary Bostwick sanitary sewage pumping station and forcemain are decommissioned; and a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes.

These holding provisions will continue to apply on the multi-family blocks until such time as the specific requirements have been addressed by the owner, to the satisfaction of the City.

CONCLUSION

The Owner has recently entered a subdivision agreement and has satisfied the requirements relating to the “h”, “h-100” and “h-111” holding provisions. It is recommended that these holding provisions be removed on portions of the lands within the subdivision, so that development can now proceed in accordance with the approved zoning and requirements of the subdivision agreement. The remaining holding provisions on the multi-family blocks can be removed when specific requirements are satisfied in the future.

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

November 3, 2011
TG/tg

--	--

H-7975 /T. Grawey

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 holding provisions from the zoning on land located at 149, 153 and 187 Southdale Road West.

WHEREAS Sifton Properties Limited has applied to remove holding provisions from the zoning on the land located at 149, 153 and 187 Southdale Road West, 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 149, 153 and 187 Southdale Road West, as shown on the attached map comprising part of Key Map No. 142 to remove the "h", "h-100" and "-111" holding provisions so that the zoning of the lands as a Residential R1(R1-5) Zone, a Holding Residential Special Provision R5/R6/R8 (h-54.h-71.h-100.h-105.h-136.R5-6(6)/R6-5(30)/R8-4(16)) Zone, a Holding Residential Special Provision R5/R6/R7/R8 (h-54.h-71.h-100.h-105.h-136.R5-6(6)/R6-5(30)/R7(15).D75.H13/R8-4(16) Zone, and a Holding Residential R5/R6 (h-71.h-100.h-105.h-136.R5-6/R6-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

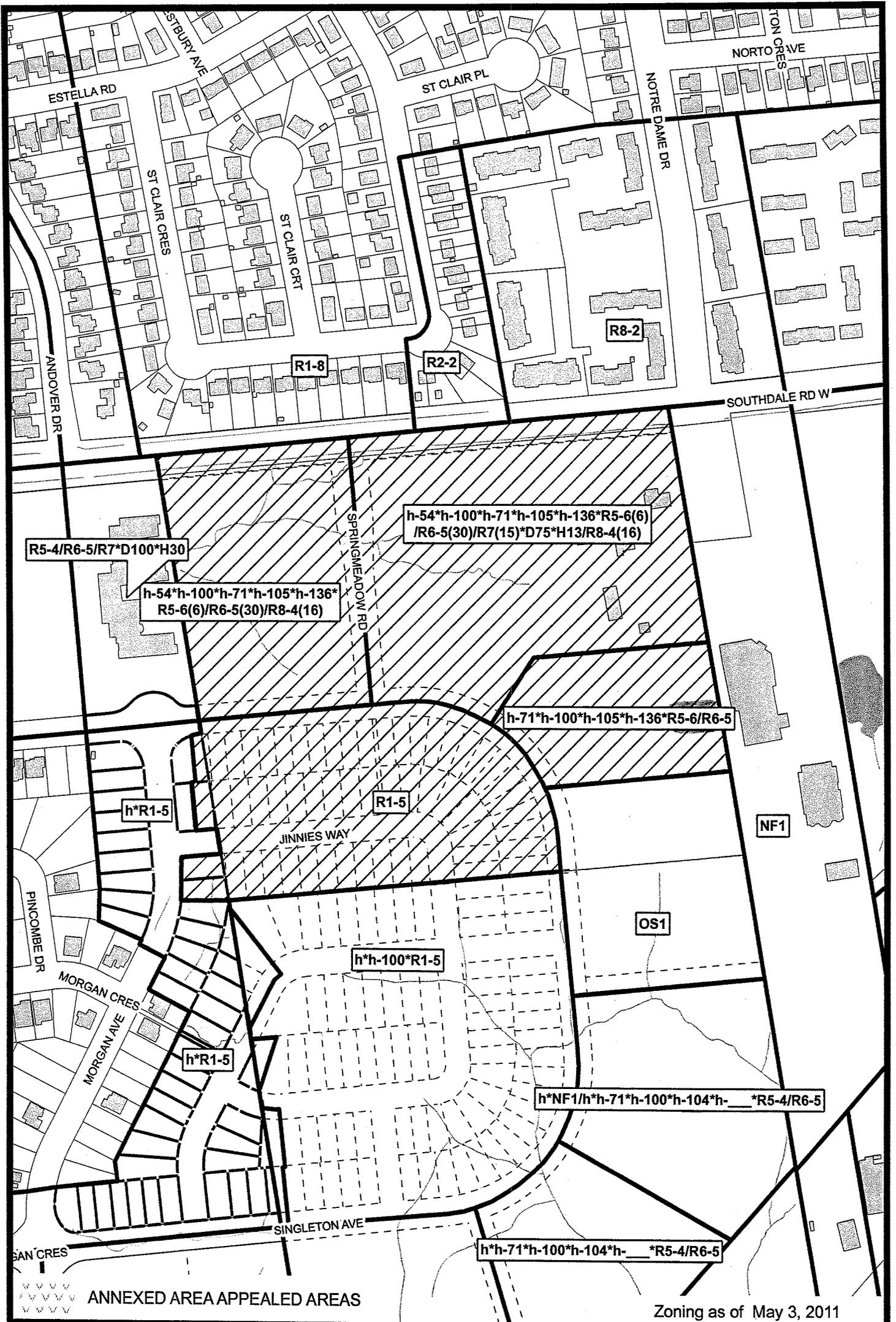
PASSED in Open Council on November 21, 2011.

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)



Zoning as of May 3, 2011

File Number: H-7975

Planner: TG

Date Prepared: 2011/11/03

Technician: MC

By-Law No: Z-1

SUBJECT SITE 

1:3,500

