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H-8159/A. MacLean

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: BANMAN DEVELOPMENTS (WEST) INC. 2095 CORONATION DRIVE

RECOMMENDATION

That, on the recommendation of the Manager, Development Planning, based on the application of Banman Developments (West) Inc., relating to the property located at 2095 Coronation Drive the following actions be taken;

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of 2095 Coronation Drive **FROM** a Holding Residential R5 Special Provision (h. h-5 R5-5(2)) Zone **TO** a Residential R5 Special Provision (R5-5(2)) Zone to remove the h. and h-5 holding provisions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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February 26, 2013 – Public Site Plan meeting before the Planning and Environment Committee.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the h. and h-5 holding provisions to allow for the consideration of building permits.

BACKGROUND

Date Application Accepted: March 5, 2013	Owner: Banman Developments(West) Inc.
REQUESTED ACTION: Removal of the h. and h-5 holding provisions from the medium density residential zones.	

PUBLIC LIAISON:	Notice of the application was published in the “Londoner” on Thursday, March 21 st , 2013.
Nature of Liaison: City Council intends to consider removing the "h." and “h-5” holding provisions from the Residential R5 Special Provision (R5-5(2)) Zone. These holding provisions were put in place to ensure that the owner enters into an agreement with the City for the adequate provision of municipal services(h.); and to ensure that a development agreement be entered into following public site plan review(h-5). Council will consider removing the holding provisions as it applies to the lands described above, no earlier than April 16, 2013.	

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Responses: None

ANALYSIS

h. Holding Provision

The h. holding provision states that:

“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.”

The applicant has entered into a development agreement with the City which satisfies this holding provision.

h-5 Holding Provision

The (h-5) holding provision states that:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.”

A public meeting was heard before the Planning and Environment Committee on February 26, 2013. At that meeting the following issues were raised:

- the requirement for a pedestrian access to the park at the end of the driveway into the development; and,
- the elevation of the decks; it being noted that the concerns with the deck elevations were alleviated.

The applicant advised at the public meeting that they have investigated the issue of public pedestrian access from Coronation Drive through this development to the City’s park with their Legal counsel and they are opposed to this requirement. This idea of public access within private residential developments has been raised in the past on various projects and it has been difficult to obtain the owner’s consent due to the issues of liability. The issue of deck elevations (as noted above) was addressed by the applicants at the public meeting.

Based on the above, it is appropriate to consider removal of the “h” and “h-5” holding provisions to facilitate this development.

CONCLUSION

It is appropriate to remove the h. and h-5 holding provisions from the subject lands at this time based on the executed development agreement and the public site plan review process.

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PREPARED and RECOMMENDED BY:	
ALLISTER MACLEAN MANAGER – DEVELOPMENT PLANNING	
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER-DEVELOPMENT SERVICES	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

June 7, 2013
AM/am

"Attach."

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for the lands located at 2095 Coronation Drive.

WHEREAS Banman Developments (West) Inc. has applied to remove the holding provisions from the zoning for the lands located at 2095 Coronation 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 a portion of the lands located at 2095 Coronation Drive, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R5 Special Provision (R5-5(2)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 25, 2013.

Joseph Fontana
Mayor

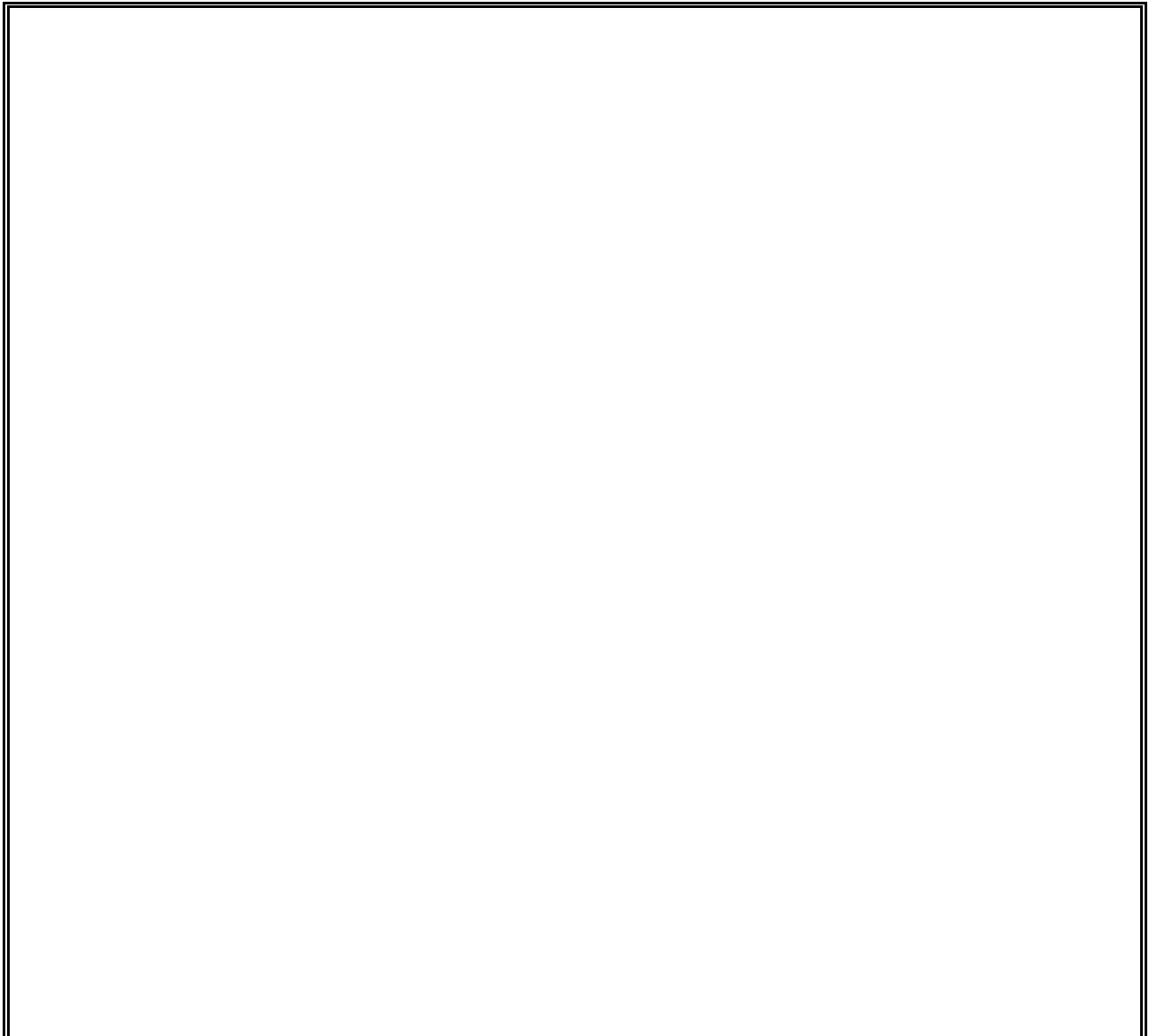
Catharine Saunders
City Clerk

First Reading - June 25, 2013
Second Reading – June 25, 2013
Third Reading - June 25, 2013

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AMENDMENT TO SCHEDULE "A"



Technician:

Date Prepared:

File Number/Planner:

Scale: 1:5000

Site:



North

