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Z-8541/
39T-12503
Alanna Riley

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: COLONEL TALBOT DEVELOPMENTS INC. 3924 AND 4138 COLONEL TALBOT ROAD FEBRUARY 22, 2016

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the application of Colonel Talbot Developments Inc. relating to the properties located at 3924 and 4138 Colonel Talbot Road:

- (a) The Ontario Municipal Board **BE ADVISED** that Council **SUPPORTS** the amendment to the draft approved plan of residential subdivision, as submitted by Colonel Talbot Inc.. File No. 39T-12503 prepared by Stantec, certified by Jeremy Matthews, OLS, to adjust Block 59 and add Blocks 61 and 72 as shown on Appendix A; and
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 1, 2016 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning **FROM:**
 - an Urban Reserve (UR3) Zone **TO** a Holding Urban Reserve Special Provision (h-18.UR3()) Zone;
 - an Urban Reserve (UR3) Zone **TO** a Holding Residential R1 (h.R1-3) Zone;
 - an Environmental Review (ER) Zone **TO** a Holding Open Space (h. OS1) Zone;
 - a Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF Zone **TO** a Holding Urban Reserve Special Provision (h-18.UR3()) Zone; and
 - a Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF Zone **TO** a Holding Residential R1 (h. R1-3) Zone.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect is to recommend changes to the OMB approved draft plan and to rezone these revised/new blocks and abutting lands with a zone which is compatible with uses in the area.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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May 13, 2014 – Report to Planning Committee meeting on the Ontario Municipal Board Decision for the Draft Pan of Subdivision and Zoning By-law amendments.

May 7, 2013 – Report to Planning and Environment Committee to establish a Municipal Council position in response to appeals from Colonel Talbot Developments Inc. on the neglect by Council to make a decision on Official Plan and Zoning By-law amendment applications; and failure of the Approval Authority to make a decision on an application for subdivision approval.

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November 26, 2013 – Report to Planning and Environment Committee to provide an update on the status of discussions that have taken place with the applicant since May. The report also addressed the need for an updated Municipal Council position on the appeals from Colonel Talbot Developments Inc. relating to applications for draft plan of subdivision, Official Plan amendment and Zoning By-law amendment.

RATIONALE

1. The recommended Zoning By-law amendments will implement conditions of severance B.33/15 and ensure that the zoning of these lands will be compatible with the uses in the area.
2. The recommended zoning is appropriate and represents good land use planning.
3. Amendments to the draft plan are considered appropriate to allow for the development of these lands.

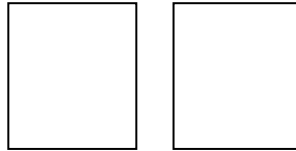
BACKGROUND

Date Application Accepted: October 19, 2015	Agent: Auburn Developments
<p>REQUESTED ACTION: Possible Amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve (UR3) Zone to an Urban Reserve Special Provision (UR3()) Zone; an Urban Reserve (UR3) Zone to a Holding Residential R1 (h.R1-3) Zone; an Environmental Review (ER) Zone to a Holding Open Space (h.OS1) Zone; a Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF) Zone to an Urban Reserve Special Provision (UR3()) Zone; and a Holding Residential R5/R6/R7/Office (h .h-54. R5-3/R6-5/R7.H15.D30)/OF) Zone to a Holding Residential RI (h.h-54.R1-3) Zone. Changes to the draft plan to reflect adjustments to one (1) block and the inclusion of two(2) new blocks.</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – vacant • Frontage – N/A • Depth – N/A • Area – N/A • Shape - irregular
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<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – proposed residential • South –residential, • East – proposed residential • West – residential

<p>OFFICIAL PLAN DESIGNATION: (refer to map)</p> <ul style="list-style-type: none"> • Multi-Family Medium Density Residential and Environmental Review
<p>EXISTING ZONING: (refer to map)</p>



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- Urban Reserve (UR3);
- Environmental Review (ER);
- Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF); and,
- Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF).

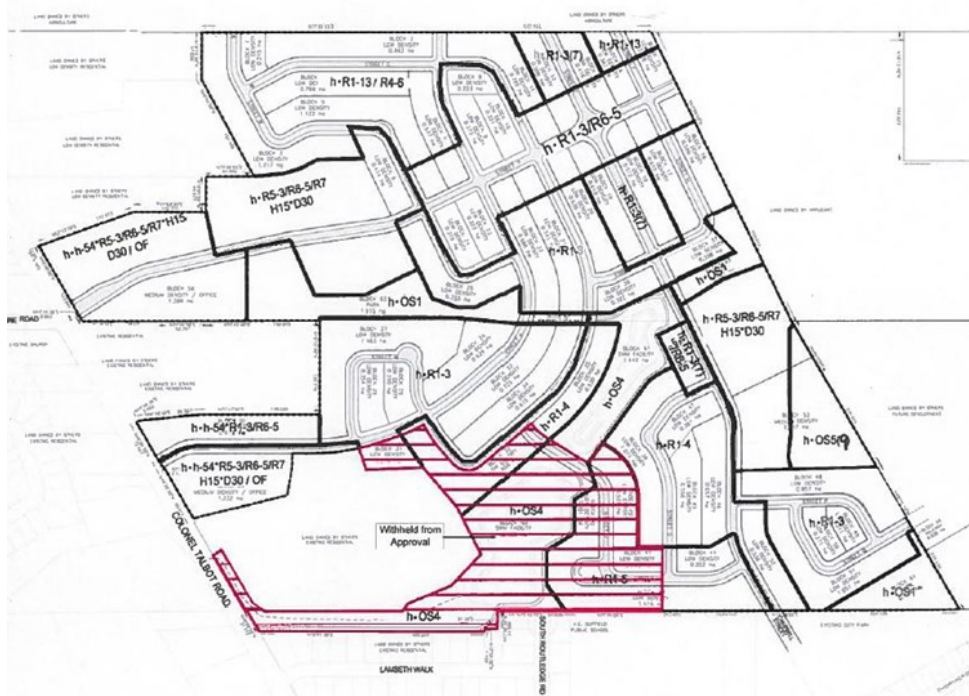
PLANNING HISTORY

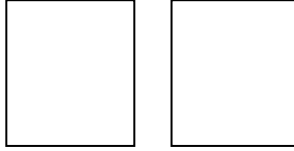
Part of the lands that are the subject of this rezoning are a portion of a draft plan of subdivision 39T-12503 which comprises a total area of 64.77 hectares. This draft plan of subdivision along with concurrent zoning amendments were appealed to the Ontario Municipal Board in 2013.

In January, 2014 the Ontario Municipal Board heard the appeal by Colonel Talbot Developments Inc. The Board ordered that the appeal be allowed in part. The plan of subdivision area approved by the Board shows a total of fifty-two (52) single detached residential blocks, four (4) medium density residential blocks, three (3) medium density residential/office blocks, two (2) SWM blocks, three (3) park/open space blocks and one (1) walkway block served by one (1) east west primary collector road; and one (1) north south secondary collector road and fourteen (14) local streets.

The Board ordered that a portion of the area (identified on the Map below) be withheld from approval for the following reasons:

- a) the final location and configuration of natural heritage features, floodplain/hazard lands and stormwater management block configuration within this plan will be determined through the completion and acceptance of a Municipal Class EA for Stormwater Management;
- b) the final land use pattern and road alignments in the proposed plan are contingent upon the completion and acceptance of a Municipal Class EA for Stormwater Management;
- c) the approval of development on hazard lands and natural heritage areas, as currently proposed on the draft plan, is not consistent with the Provincial Policy Statement, or in conformity with the City of London Official Plan;
- d) an approved draft plan must be in conformity with the Official Plan that is in effect and amendments to the Open Space and Environmental Review designations cannot be required through conditions of draft approval; and
- e) in the absence of an accepted Municipal Class EA for Stormwater Management, draft plan approval should not be granted unless the proposed subdivision is revised to exclude development on designated Open Space and Environmental Review lands.





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The EA for the North Lambeth P9 Stormwater Management facility has been completed and the applicant is in the process of bringing this area back to the Board for reconsideration.

Consent Application

A consent was granted on December 8, 2015 to sever approximately 32.4ha from 4138 Colonel Talbot Road to be conveyed to 4070 Colonel Talbot Road for future residential and open space uses (to be included within draft plan 39T-12503) and to retain approximately 5.9ha for existing residential uses.

The consent also dealt with the severance of a parcel of land owned by the Hunt family(immediately north of 4138 Colonel Talbot Rd-identified as Block 59 on draft plan 39T-12503)) where a portion of the these lands is to be conveyed to 4138 Colonel Talbot Road and the remaining portion is to be retained as a newly configured Block 59 on the draft plan of subdivision 39T-12503. The proposed severed lands are required to be merged with adjacent lands as one parcel to ensure that they cannot be conveyed separately. This severance requires amendments to the OMB draft approved plan.

PUBLIC LIAISON:	Notice of the application was published in the Londoner December 10, 2016 and sent to area residents on November 30, 2015.	3 replies
<p>Nature of Liaison: Possible Amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve (UR3) Zone to an Urban Reserve Special Provision (UR3()) Zone; an Urban Reserve (UR3) Zone to a Holding Residential R1 (h.R1-3) Zone; an Environmental Review (ER) Zone to a Holding Open Space (h.OS1) Zone; a Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF) Zone to an Urban Reserve Special Provision (UR3()) Zone; and a Holding Residential R5/R6/R7/Office (h .h-54. R5-3/R6-5/R7.H15.D30)/OF) Zone to a Holding Residential RI (h.h-54.R1-3) Zone. Revisions to Plan of Subdivision 39T-12503.</p>		
<p>Responses: Inquiries on the SWM block area, trees and fencing.</p>		

SIGNIFICANT AGENCY/DEPARTMENT COMMENTS

UTRCA

As indicated, the subject lands are regulated and the necessary Section 28 approvals will need to be obtained from the UTRCA for any development or site alteration proposed within the regulated area. As indicated in our November 14, 2013 comments, please include the UTRCA in the EA process for the proposed SWM facility to ensure that our interests regarding flooding hazards, stormwater management and natural heritage have been addressed. Lastly, we recommend that the hazard lands be zoned OS4.

Staff Response: The EA for the North Lambeth P9 Stormwater Management facility has been completed. The southerly hazard lands(which are currently zoned OS4) do not form part of this rezoning application.

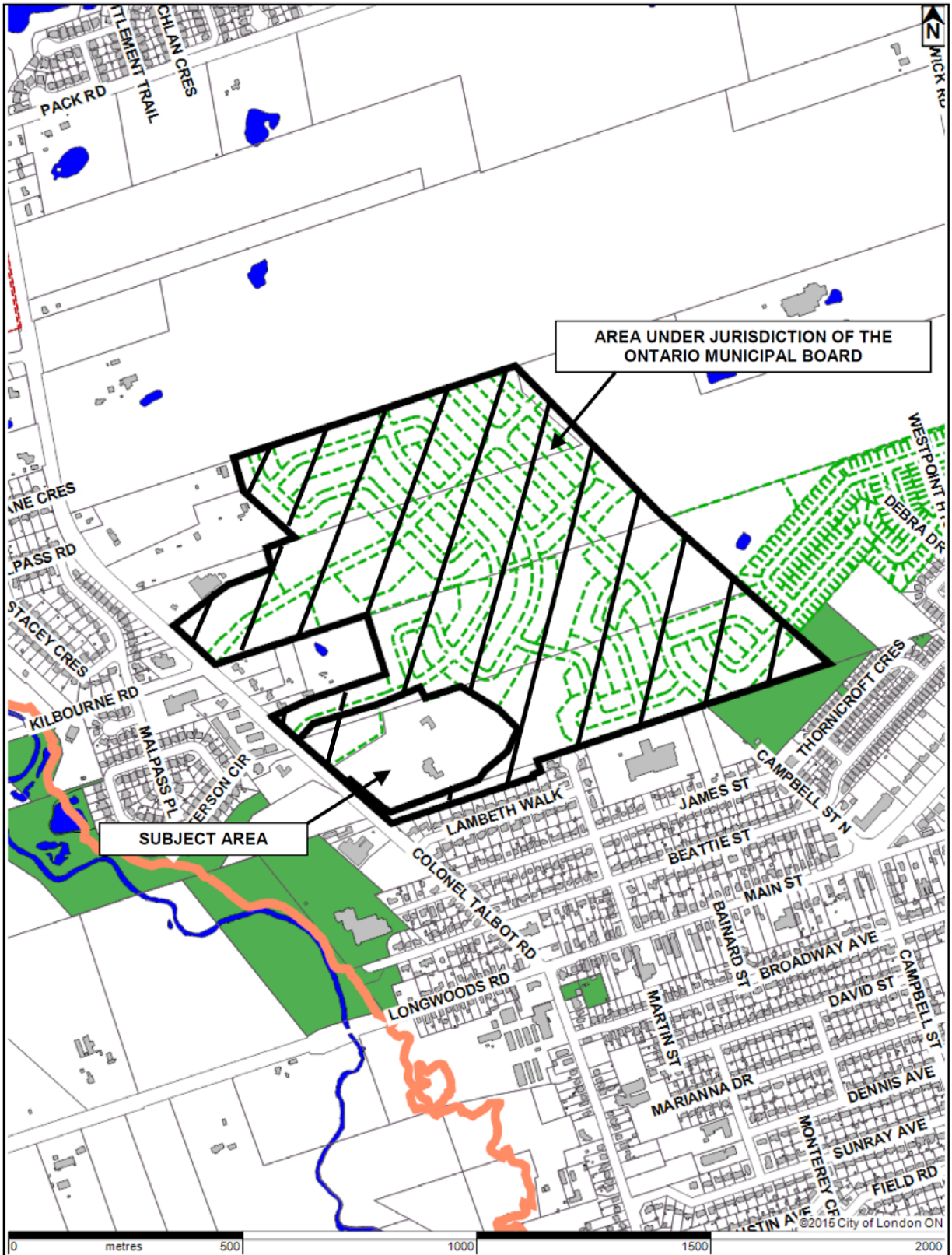
Development Services Engineering

Revise labelling of Block 61 from SWM Block to Open Space as this Block is not needed for the development of the Storm Water Management facility.

Staff Response: This block will be identified as Open Space on the draft plan.

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LOCATION MAP

Subject Site: 4138 Colonel Talbot Rd
File Number: 39T-12503/Z-8541
Planner: Alanna Riley
Created By: Alanna Riley
Date: 2015-11-03
Scale: 1:10100

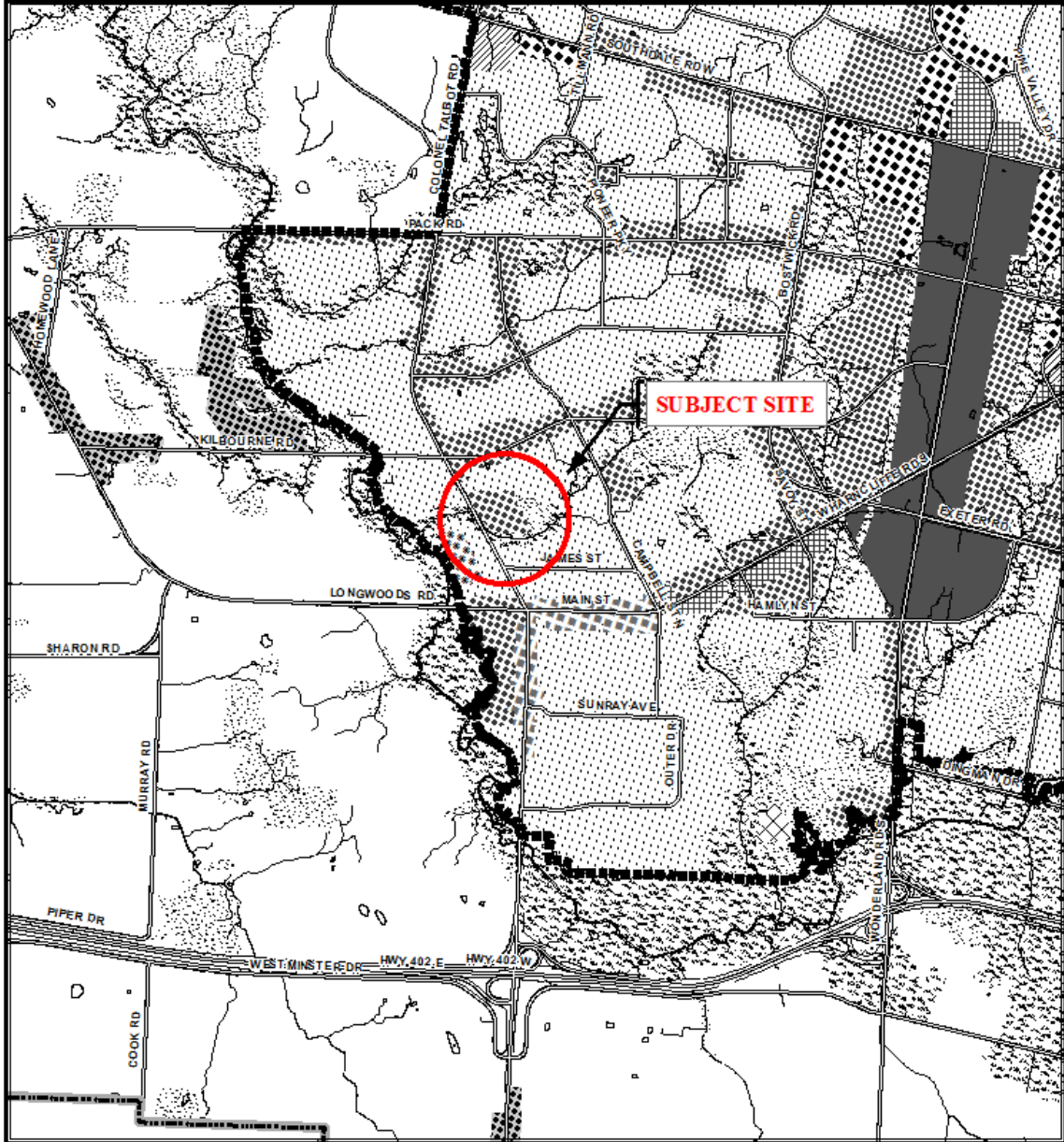
LEGEND

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

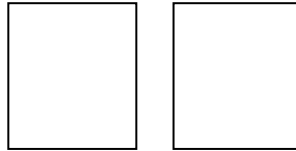


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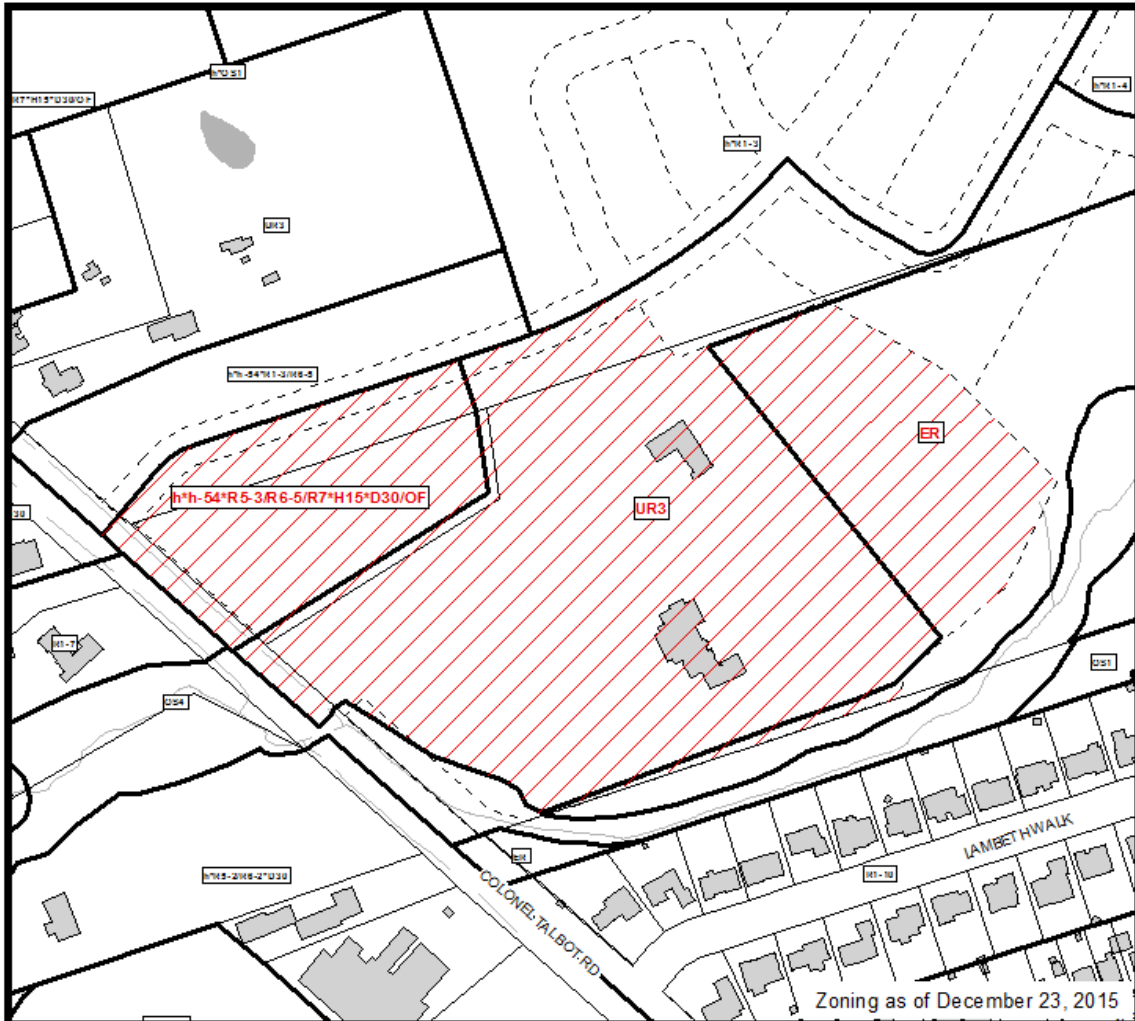
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<p>Legend</p> <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary 		
<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8541</p> <p>PLANNER: AR</p> <p>TECHNICIAN: JS</p> <p>DATE: 2018/02/11</p>



Z-8541/



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

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | |
| R10 - HIGH DENSITY APARTMENTS | OB - OFFICE BUSINESS PARK |
| R11 - LODGING HOUSE | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | 'h' - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | 'D' - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | 'H' - HEIGHT SYMBOL |
| OF - OFFICE | 'B' - BONUS SYMBOL |
| | 'T' - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING 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:

Z-8541

AR

MAP PREPARED:

2016/02/11

JS

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0 15 30 60 90 120
Meters

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ANALYSIS

NATURE OF APPLICATION

The subject site is located at 4138 Colonel Talbot Road, an existing large estate residential lot, and a portion of 3924 Colonel Talbot Road which is part of draft plan of subdivision 39T-12503(identified as Block 59). The application for rezoning and amendment to the draft plan of subdivision is to recognize the changes which resulted from the approved consent.

PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

This application has been reviewed for consistency with the 2014 Provincial Policy Statement. The subject lands have been identified as having archaeological potential. The area has been and will continue to be studied as part of the concurrent draft plan and design study process on the abutting lands (39T-12503). As a condition of the OMB decision (PL130130), the applicant is required to ensure that the Ministry of Culture is consulted prior to soil disturbance on the lands. An “h-18” holding provision is being recommended to be applied to the lands external to the draft plan (shown as areas 2 and 5 on the illustration on page 11) to ensure that all archaeological resource assessments have been conducted to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London prior to any future development of these parcels.

In the opinion of Development Services the proposed Zoning By-law amendments and minor adjustments to the draft plan of subdivision are consistent with the PPS, subject to conditions which may be imposed by the Ontario Municipal Board.

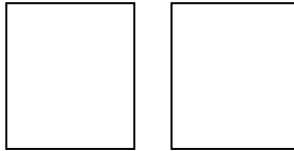
SOUTHWEST AREA PLAN (SWAP)

The subject lands are located within the area encompassed by the Southwest Area Plan (SWAP), however, the Colonel Talbot Developments plan of subdivision application(39T-12503) was accepted as “complete” on May 2, 2012. At that time, SWAP was not in full force and therefore the policies did not apply. This plan of subdivision was approved by the OMB concurrent with the approval of SWAP and, as such, it is deemed to conform.

OFFICIAL PLAN

The Official Plan designations for these lands were established by way of the Draft Plan of Subdivision approval process and order of the OMB. Minor areas to be included within the draft plan will be subject to approval by the OMB.

The proposed retained lands are predominately designated Multi-Family Medium Density Residential, with a small portion also designated Environmental Review. The retained lands contain an existing dwelling, with an associated accessory structure. The use on the lands is consistent with the uses permitted in the designation.



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ZONING

The proposed Zoning By-law amendment will implement the conditions of consent and establish zoning that accurately reflects the road alignments and block configuration in the plan of subdivision. The following describes the areas to be rezoned and to be included within draft plan 39T-12503(as shown on the map on page 11):

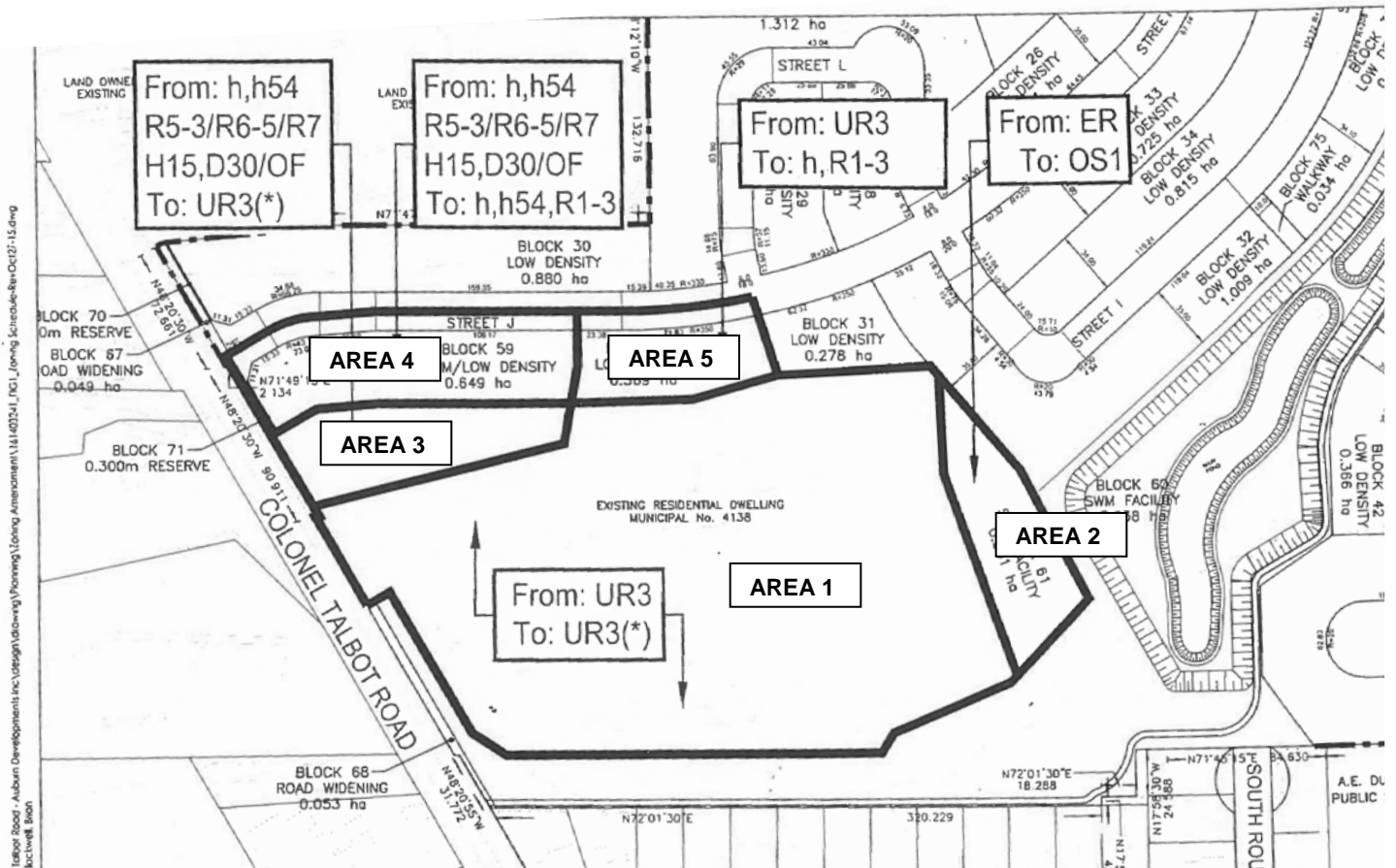
Area 1 - The applicant has requested a change to the Urban Reserve (UR3) Zone to add a special provision to recognize an existing dwelling. The owner of this property lives in the existing dwelling and is not proposing development at this time.

Area 2 - Is not required for the Storm Water Management Block and is proposed to be redlined and included in the draft plan as an Open Space Block. The southerly hazard lands(which are currently zoned OS4) do not form part of this rezoning application. The applicant has requested an OS1 zone.

Area 3 – This portion of the Hunt lands has been approved to be severed and will merge with Area 1. The recommended zoning change from an Holding Residential R5/R6/R7/Office (h,h-54.R5-3/R6-5/R7.H15.D30)/OF) Zone to an Urban Reserve Special Provision (UR3()) Zone is appropriate.

Area 4 – This area is proposed to remain in the approved draft plan of subdivision. The proposed zoning is to permit single detached dwellings in place of the current zoning which permits cluster housing and office uses.

Area 5 – A portion of the Hunt lands at 4138 Colonel Talbot was approved to be severed and added to the draft plan of subdivision. The proposed zoning is to permit low density residential housing.



Draft Plan

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Recommended changes to the draft plan as a result of the severance include:

- The inclusion of a low density residential block (shown as Block 72 on Appendix A)
- The inclusion of an open space block (shown as Block 61 on Appendix A) and the relabeling of this block from SWM facility to Open Space
- The removal of the southerly portion of Block 59 (which will be consolidated with 4138 Colonel Talbot Rd.)

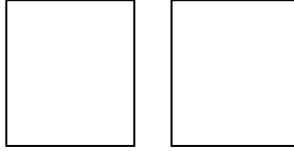
These changes to the draft plan and corresponding changes to the zoning of these lands are appropriate and represent sound land use planning.

CONCLUSION

Based on the above analysis, the proposed amendments are consistent with the Provincial Policy Statement, 2014, the Official Plan and the Zoning By-law. The recommended amendments implement the approved consent to sever and it is appropriate to change the zoning. Overall, this application represents good planning and is considered appropriate.

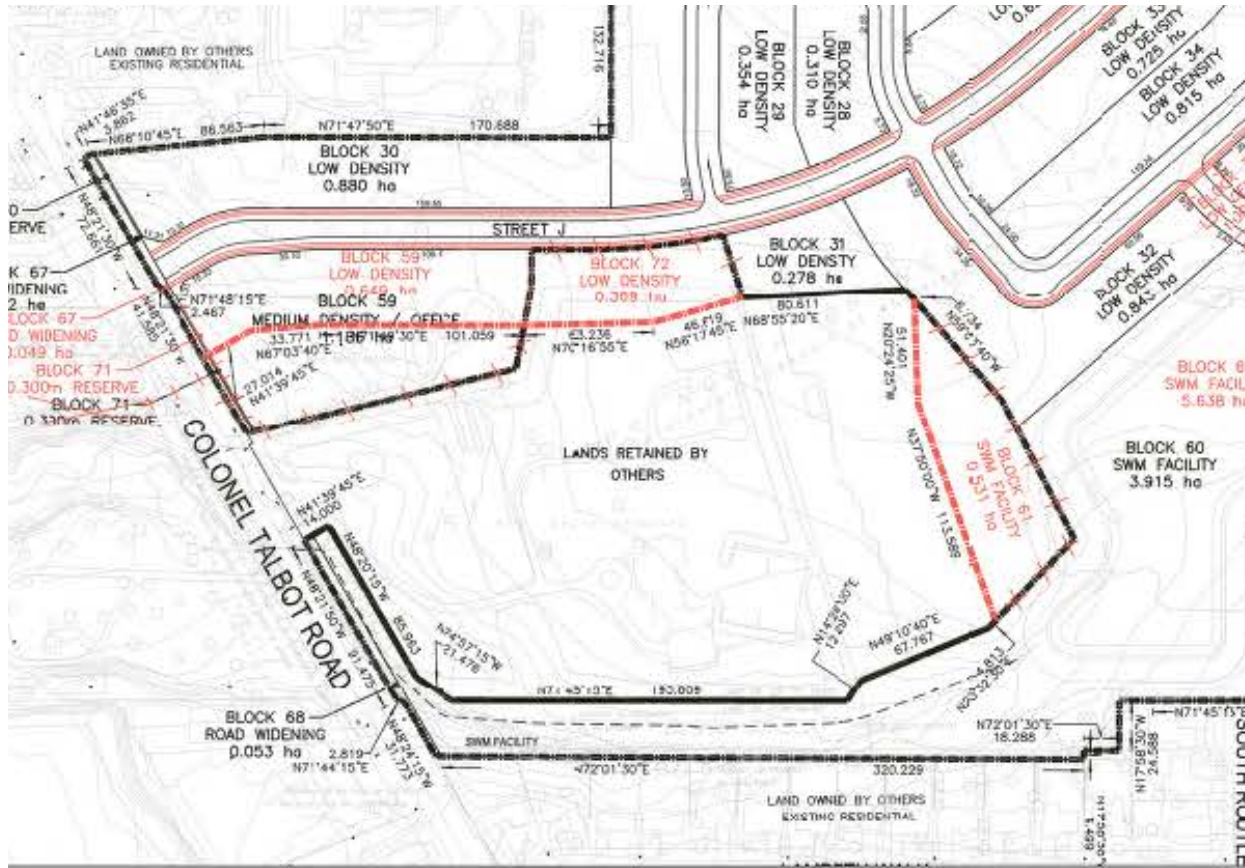
PREPARED and RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER	ALLISTER MACLEAN MANAGER – DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER-DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES &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

AR/ar



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39T-12503
Alanna Riley

Appendix A



SSION OF

Westminster
WESTON EDWARD SUCHARD
TRUSTEE OF WESTMINSTER TRUST
AUTHORIZING AGENT
DATE *Oct 8, 2015*

2015

[Signature]
ROBERT ALAN HUNT
TRUSTEE OF WESTMINSTER TRUST
AUTHORIZING AGENT
DATE *Oct 8, 2015*

[Signature]
JOAN PATRICIA HUNT
AUTHORIZING AGENT
DATE *Oct 8, 2015*

Agenda Item # Page #

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**Z-8541/
39T-12503
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Bill No. (Number to be inserted by Clerk's Office)
2016

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of lands located at 3924 and 4138 Colonel Talbot Road.

WHEREAS the Colonel Talbot Inc. has applied to rezone an area of land located 3924 and 4138 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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 3924 and 4138 Colonel Talbot Road, as shown on the attached map from an Urban Reserve (UR3) Zone; an Environmental Review (ER) Zone; a Holding Residential R5/R6/R7/Office (h.h-54.R5-3/R6-5/R7.H15.D30)/OF) Zone to a Holding Urban Reserve Special Provision (h-18.UR3()) Zone; a Holding Residential R1 (h. R1-3) Zone; and a Holding Open Space (h. OS1) Zone.
2. Section 49.4 Urban Reserve UR3 Zone is amended by adding the following Special Provisions:

UR3(____) Zone Variation

Regulation: i) Existing Lot Area 5.9 hectares

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

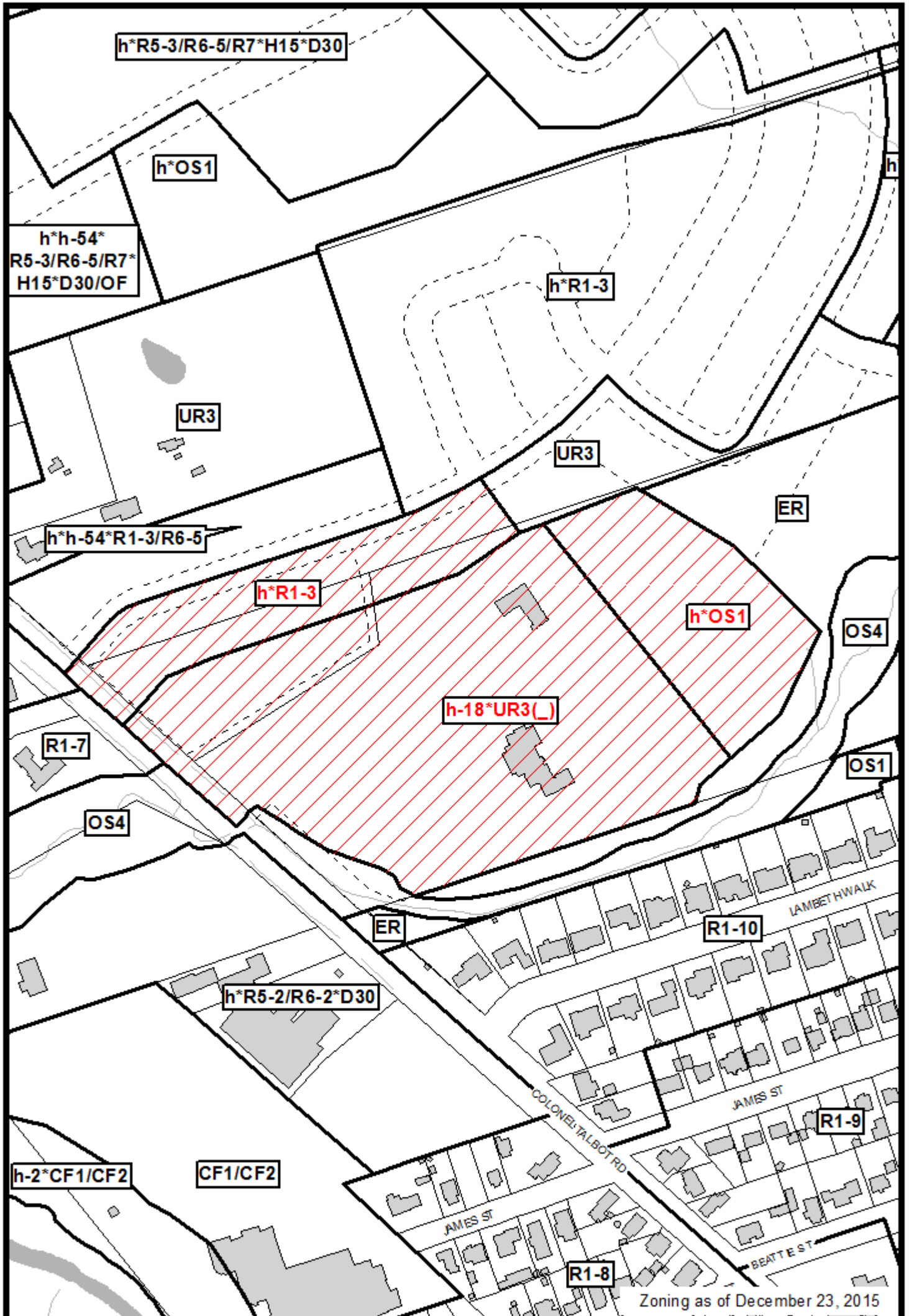
PASSED in Open Council on March 1, 2016

Matt Brown
Mayor


Catharine Saunders
City Clerk

First Reading - March 1, 2016
Second Reading – March 1, 2016
Third Reading - March 1, 2016

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



File Number: Z-8541
 Planner: AR
 Date Prepared: 2016/02/11
 Technician: JS
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

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Agenda Item # Page #

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Public Comments

Terry Favell

2 additional phone inquiries(names were not provided)