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H-8713
S. Meksula

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| FROM: | G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL |
| SUBJECT: | APPLICATION BY: NORQUAY BUTTONBUSH LAND CORP. 946, 954 AND 962 LONGWORTH ROAD MEETING ON: MARCH 6, 2017 |

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| RECOMMENDATION |
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That, on the recommendation of the Planner II, Development Services, based on the application of Norquay Buttonbush Land Corp. relating to the property located at 946, 954 and 962 Longworth Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 21, 2017, to amend Zoning By-law No. Z.-1 in conformity with the Official Plan, to change the zoning **FROM** a Holding Residential R1 (h-94*R1-8) Zone and a Holding Residential R1 (h-189*R1-8) Zone **TO** a Residential R1 (R1-8) Zone, to remove the “h-94” and “h-189” holding provisions.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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39T-92024: Crestwood Phase 1 (Drewlo) - Report on draft approval and special provisions (December 12, 1994).

39T-07503: Crestwood Phase 2 (Norquay) – Report on draft approval & public meeting November 26, 2007 (January 28, 2008).

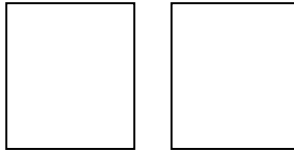
Z-8429: Report on Zoning amendment application to permit the development of three single detached dwellings (October 7, 2014).

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| PURPOSE AND EFFECT OF RECOMMENDED ACTION |
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Removal of the “h-94” and “h-189” holding provisions from the lots at 946, 954 and 962 Longworth Road, to permit the development of three single detached dwellings.

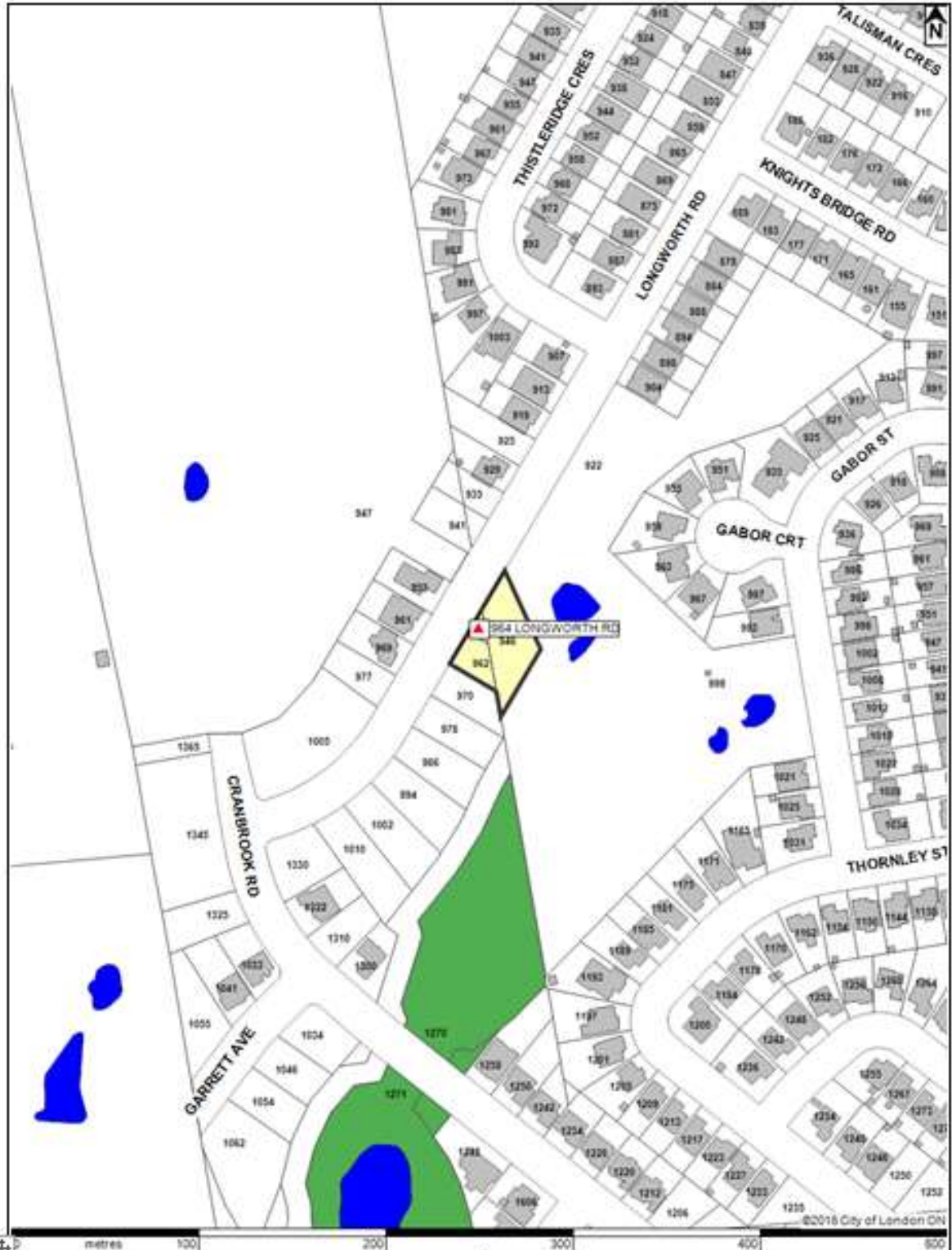
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| RATIONALE |
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1. The proposed part blocks have been registered and consolidated with the abutting lands, allowing for removal of the h-94 holding provision
2. The proposed remediation works required for the adjacent stormwater management pond are currently underway and excavation /grading work is substantially complete. It is anticipated the landscaping will be completed by the end of June, in accordance with the approved contract. Removal of the h-189 holding provision can now proceed.




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Location Map



| LOCATION MAP | LEGEND |
|--|---|
| <p>Subject Site: 946 Longworth Road Applicant: Norquay Buttonbush Land Corporation File Number: H-8713 Planner: Sean Meksula Created By: Sean Meksula Date: 2016-11-29 Scale: 1:2500</p> | <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers |

Corporation of the City of London
Prepared By: Planning and Development



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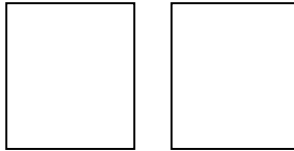
Zoning as of December 20, 2016

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

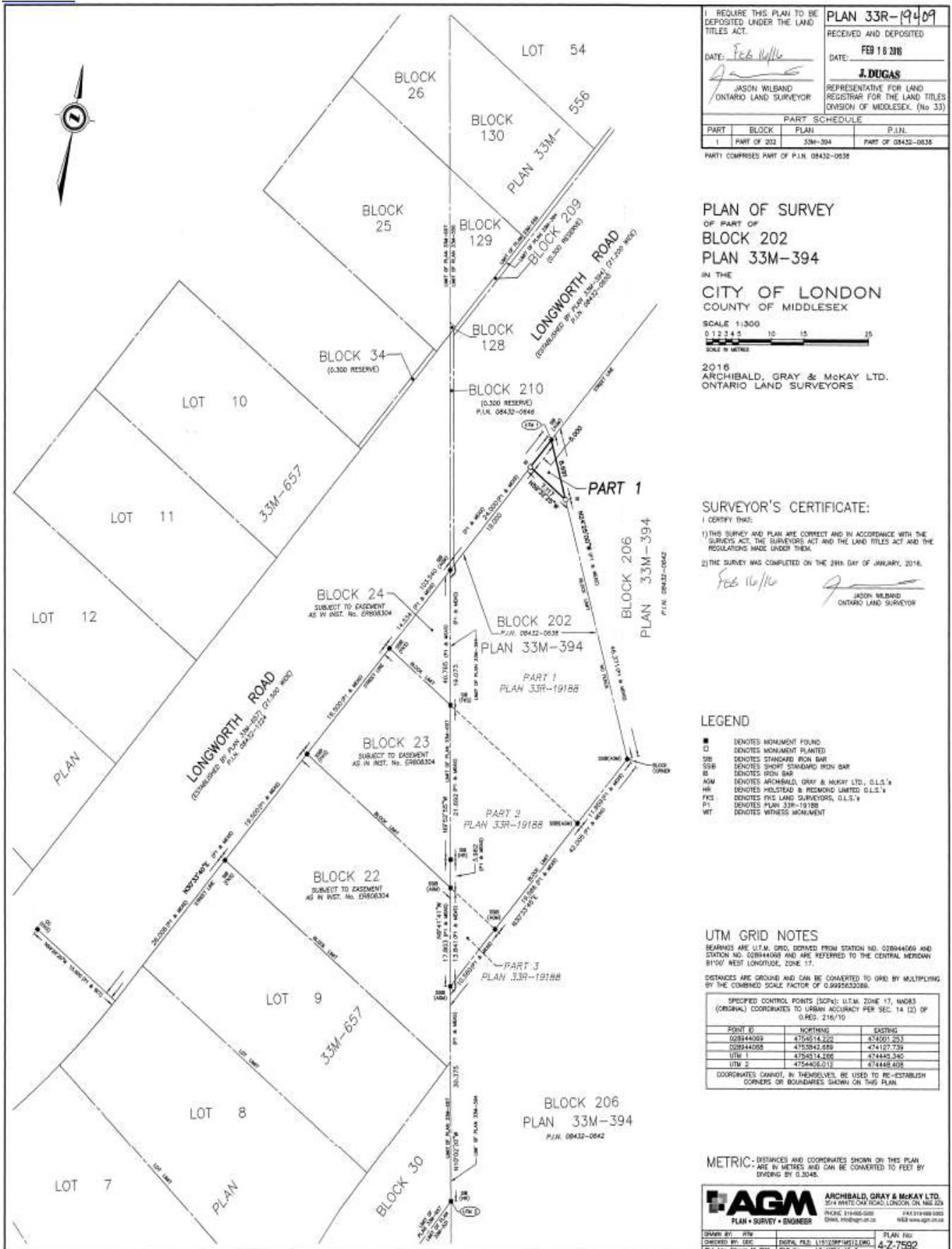
1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
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| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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| <p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1 SCHEDULE A</p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p> | | <p>FILE NO: H-8713 SM</p> <p>MAP PREPARED: January 25, 2017 JTS</p> <p style="text-align: center;">1:1,500</p> <p style="text-align: center;">0 5 10 20 30 40 Meters</p> |
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| I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. | | | |
| DATE: Feb 16/16 | | PLAN 33R-19409 | |
| JASON WILBAND ONTARIO LAND SURVEYOR | | RECEIVED AND DEPOSITED DATE: FEB 16 2016 J. DUGAS REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX. (No. 33) | |
| PART SCHEDULE | | | |
| PART | BLOCK | PLAN | P.L.N. |
| 1 | PART OF 202 | 33M-394 | PART OF 08432-0838 |
| PARTY COMPRISES PART OF P.L.N. 08432-0838 | | | |

PLAN OF SURVEY
OF PART OF
BLOCK 202
PLAN 33M-394
IN THE
CITY OF LONDON
COUNTY OF MIDDLESEX
SCALE 1:300
0 1 2 3 4 5 10 15 25
SCALE IN METRES
2016
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2) THE SURVEY WAS COMPLETED ON THE 29th DAY OF JANUARY, 2016.
Feb 16/16
JASON WILBAND
ONTARIO LAND SURVEYOR

- LEGEND
- DENOTES MONUMENT FOUND
 - DENOTES MONUMENT PLANTED
 - SB DENOTES STANDARD IRON BAR
 - SB DENOTES SHORT STANDARD IRON BAR
 - B DENOTES IRON BAR
 - AGM DENOTES ARCHIBALD, GRAY & MCKAY LTD., O.L.S.'s
 - HR DENOTES HIRSTEAD & REDMOND LIMITED O.L.S.'s
 - PX DENOTES P.E.S. LAND SURVEYORS, O.L.S.'s
 - P1 DENOTES PLAN 33R-1918B
 - WT DENOTES WITNESS MONUMENT

UTM GRID NOTES

BEARINGS ARE U.T.M. GRID, DERIVED FROM STATION NO. 028944069 AND STATION NO. 028944068 AND ARE REFERRED TO THE CENTRAL MERIDIAN BY 90° WEST LONGITUDE, ZONE 17.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9992632088.

| SPECIFIED CONTROL POINTS (SCPs): U.T.M. ZONE 17, NAD83 | (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10 | |
|--|--|------------|
| POINT ID | NORTHING | EASTING |
| 028944069 | 4754514.222 | 474801.203 |
| 028944068 | 4753842.889 | 474121.739 |
| UTM 1 | 4754514.208 | 474449.340 |
| UTM 2 | 4754406.012 | 474448.408 |

COORDINATES CANNOT, BY THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC - DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

AGM ARCHIBALD, GRAY & MCKAY LTD.
2514 WHITE CHURCH ROAD, LONDON, ON, N6G 2G3
PHONE: 519-488-0282 FAX: 519-488-0283
EMAIL: info@agm.on.ca WEB: www.agm.on.ca

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|------------------------------|-----------------------|
| DRAWN BY: RW | PLAN NO: |
| CHECKED BY: DSC | 4-Z-7592 |
| FILE NAME: February 15, 2016 | FILE NO: 12-4324-13-3 |

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| BACKGROUND | |
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| Application Accepted: November 23, 2016 | Applicant: Norquay Buttonbush Land Corp. c/o Craig Linton |
| REQUESTED ACTION: To remove the Holding “h-94” and “h-189” Provisions and allow for the development of 3 single detached dwellings on remnant parcels within the Crestwood Subdivision. | |
| PUBLIC LIAISON: | Notice of the application was published in the Londoner on December 8, 2016. |
| Nature of Liaison: City Council intends to consider removing the Holding (h-94) and (h-189) Provisions from the subject land located at 946, 954 and 962 Longworth Road. The purpose of the “h-94” provision ensures that there is a consistent lotting pattern, the “h-189” provision ensures that development will not affect the adjacent significant natural heritage feature (Buttonbush Swamp). The h-189 shall not be deleted until remediation works required for the adjacent stormwater management pond, as identified in the accepted remediation plan, have been implemented, to the satisfaction of the City of London. Council will consider removing the holding provision as it applies to these lands no earlier than February 6 th , 2017. | |
| Responses: One response was received opposed to the h-189 holding provision being removed. The concerns are that the storm water management pond will not be upgraded enough to accommodate the water capacity of the drainage area that flows into the Button Bush marsh. With the present plans proposed by the city the storm water management pond will not handle the capacity and continued further damage will be done to the marsh. | |

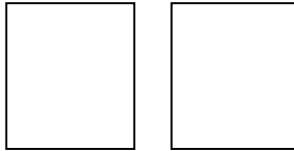
| ANALYSIS |
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The subject property is comprised of Block 202 in the Crestwood Phase 1 subdivision, which was registered in 2000 as Plan 33M-394; and Blocks 22, 23 & 24 in the Crestwood Phase 2 subdivision, which was registered in April 2013 as Plan 33M-657. Block 202 was initially zoned OS4 but designated Low Density Residential and held in reserve, pending development of the adjacent Crestwood Phase 2 subdivision.

In 2014 Block 202 was rezoned to Holding Residential R1 (h-189*R1-8), to facilitate consolidation with adjacent lands in Phase 2 in the form of three single detached residential lots (946, 954 and 962 Longworth Road). The “h-94” provision requires that the part lots be consolidated with the adjacent lands to create full-size, developable lots. The “h-189” provision was applied in 2014 to address concerns with the adjacent stormwater management (SWM) facility in Crestwood Phase 1, which has experienced breaches in the past, resulting in erosion & sedimentation entering the adjacent Buttonbush Swamp – a Provincially Significant Wetland (PSW).

A scoped Environmental Impact Study (EIS) was submitted with the 2014 rezoning application, which confirmed that the subject property did not contain any habitat for Species at Risk or species of conservation, and is not a significant component of the natural heritage system. At the time of the rezoning, the City was investigating the need for remediation works required to address previous breaches and sedimentation flows from the adjacent stormwater facility into the Buttonbush PSW. The EIS confirmed that the adjacent stormwater facility will service Block 202 when developed and as a precaution, it was determined that development of the three lots should not proceed until it could be demonstrated that the remediation works were undertaken to address the previous issues. The “h-189” provision was recommended as a measure to provide this assurance.

The applicant’s agent supported the recommended Zoning By-law amendment.



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Representatives from the neighbourhood attended the public participation meeting on October 7, 2014 and a petition was submitted in opposition to the proposed Zoning By-law amendment. The rezoning was approved by Council on October 14, 2014. There were no appeals to this amendment and the Holding Residential R1 (189*R1-8) Zoning is in force and effect.

h-94 Holding Provision

The (h-94) holding provision states: *“To ensure that there is a consistent lotting pattern in this area, the “h-94” symbol shall not be deleted until the block has been consolidated with adjacent lands.”*

On March 29, 2016 a certificate for consent was granted to sever 866.8m², 337.7m² and 47.2m² from 946 Longworth Road and convey these lands for consolidation with the adjacent parcels at 954, 962 and 970 Longworth Road, to create three single detached residential lots. This conveyance provides for a consistent lotting pattern in the area and consolidation of the parcels, as required for removal of the “h-94” holding provision.

h-189 Holding Provision

The (h-189) holding provision states:

“To ensure that development will not affect the adjacent significant natural heritage features, the h-189 shall not be deleted until remediation works required for the adjacent stormwater management pond, as identified in the accepted remediation plan, have been implemented, to the satisfaction of the City of London.”

Stormwater Remediation Works:

The Crestwood SWMF was one of the first stormwater management ponds constructed in the City of London. The pond was designed and constructed in 1998 with two forebays to provide water quality control and the Buttonbush Swamp to provide quantity control/attenuation of higher flows. This design was consistent with design standards at the time and all provincial approvals were obtained to construct this facility.

In recent years, this facility has had several failures of the outlets and generally underperformed for water quality based on updated design criteria. As such, the City requested the developer to improve the design prior to assumption. The retrofit of the Crestwood North and Crestwood East cells is currently being undertaken to improve water quality control. The retrofit work includes a substantial increase in the permanent pool volume (54% for Crestwood North and 138% for Crestwood East) and the extended detention volume (115% for Crestwood North and 296% for Crestwood East). The volume improvements were driven by the objective of meeting current provincial water quality requirements for stormwater management ponds, resulting in a substantial improvement to the performance of the two facilities. It is noted that the retrofit work has been approved by both the Ministry of the Environment and Climate Change and the Upper Thames River Conservation Authority.

Construction has been undertaken by the developer and the retrofitted ponds are currently substantially complete from a functional stand point. Landscaping and final grading activities will be completed spring 2017. This is a good news story for the City as the retrofit of this facility should improve the conditions of the natural environment. It is noted that the MNRF updated its wetland mapping in 2007 and recognized the Buttonbush Swamp as a Provincially Significant Wetland (PSW). Unfortunately, the original design of this facility prevents a more extensive removal of stormwater flow from the Buttonbush PSW. This is due to existing sanitary sewers bisecting the property and the proximity of existing homes surrounding the wetland

The major excavation & grading work on the SWM facility is substantially complete and the requirement for removal of the “h-189” holding provision has been satisfied. Final grading and landscaping will be completed in the spring, in accordance with the terms of the contract for this project.

Request for Delegation Status:

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Holding provisions are applied and removed pursuant to the provisions in Section 36 of the Planning Act. While the removal of holding provisions is not subject to many of the standard statutory requirements for Zoning By-law amendments, including the requirement for public participation meeting, notice of the intent to pass an amending by-law is required. The applicant and several area residents requested delegation status to speak at the PEC meeting when the application to remove the holding provisions is considered.

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| CONCLUSION |
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The subject lands are currently zoned and the owner has submitted an application to remove both of the holding provisions. The condition for removal of the “h-94” holding provision has been satisfied as the required part blocks have been consolidated with adjacent lands to form three single detached residential lots. Removal of the “h-189” can be recommended on the basis of recent work to upgrade the SWM facility, which is considered to be substantially complete.

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| PREPARED and RECOMMENDED BY: | REVIEWED BY: |
| | |
| SEAN MEKSULA PLANNER II | 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 |

Agenda Item # Page #

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Bill No. (Number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for the lands located at 946, 954 and 962 Longworth Road

WHEREAS Norquay Buttonbush Land Corp. has applied to remove the holding provision from the zoning for the lands located at 946, 954 and 962 Longworth Road, 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 946, 954 and 962 Longworth Road, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential (R1-8) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 21, 2017.

Matt Brown
Mayor

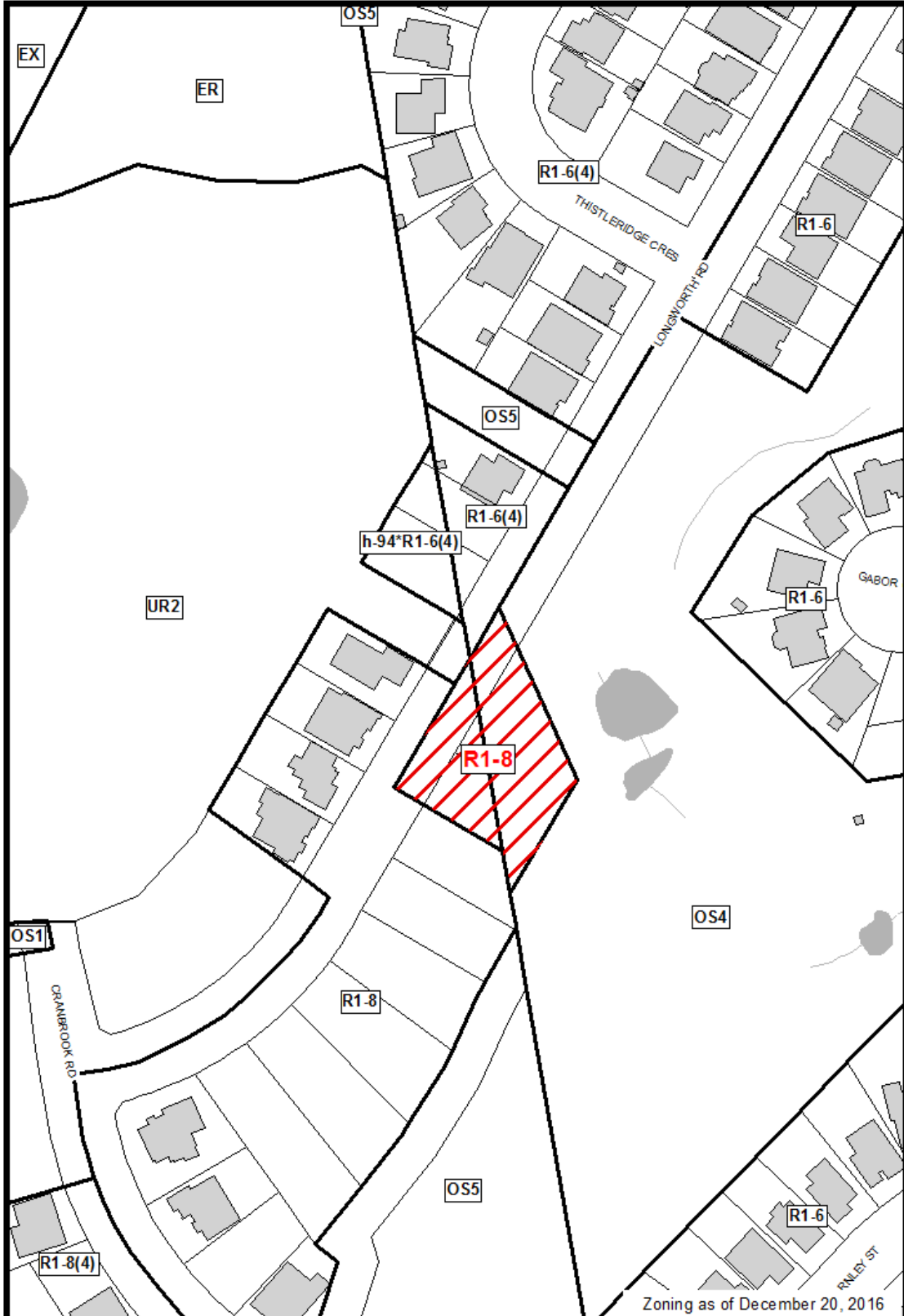
Catharine Saunders
City Clerk

First Reading - March 21, 2017
Second Reading – March 21, 2017
Third Reading - March 21, 2017


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H-8713
S. Meksula

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



File Number: H-8713
Planner: SM
Date Prepared: January 25, 2017
Technician: JTS
By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40 Meters



Geocube