

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CORPORATION OF THE CITY OF LONDON 7 ANNADALE DRIVE PUBLIC PARTICIPATION MEETING ON JANUARY 8, 2018

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of The Corporation of the City of London relating to the property located at 7 Annadale Drive, the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting January 16, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Open Space (h-18•OS1) Zone, a Holding Residential R1 Special Provision (h-18•R1-5(13)) Zone, and a Holding Residential R6 Special Provision (h-5•h-18•R6-3(8)) Zone **TO** an Open Space (OS1) Zone, a Residential R1 Special Provision (R1-5(13)) Zone, and a Holding Residential R6 Special Provision (h-5•R6-3(8)) Zone to remove the “h-18” holding provision.

EXECUTIVE SUMMARY

Summary of Request

The requested Zoning By-law Amendment is to remove the “h-18” holding provision.

Purpose and Effect of Recommended Action

The requested Zoning By-law Amendment is to recognize that the lands have been assessed for the presence of archaeological resources prior to development to the satisfaction of the Ministry of Tourism, Culture, and Sport and approved by the City of London.

Rationale of Recommended Action

The “h-18” holding provision requires that the property is assessed and adverse impacts to any significant archaeological resources found are mitigated before grading or soil disturbance can occur on the subject site. The necessary archaeological assessments have been conducted to the satisfaction of the Ministry of Tourism, Culture and Sport and have been approved by Staff, therefore the “h-18” holding provision is recommended for removal. This will allow development to proceed for much of the site, however the portion of the site zoned to permit cluster housing (Holding Residential R6 Special Provision (h-5•R6-3(8)) Zone) still requires the removal of the “h-5” holding provision, requiring a public site plan meeting, before development can proceed on that portion of the site.

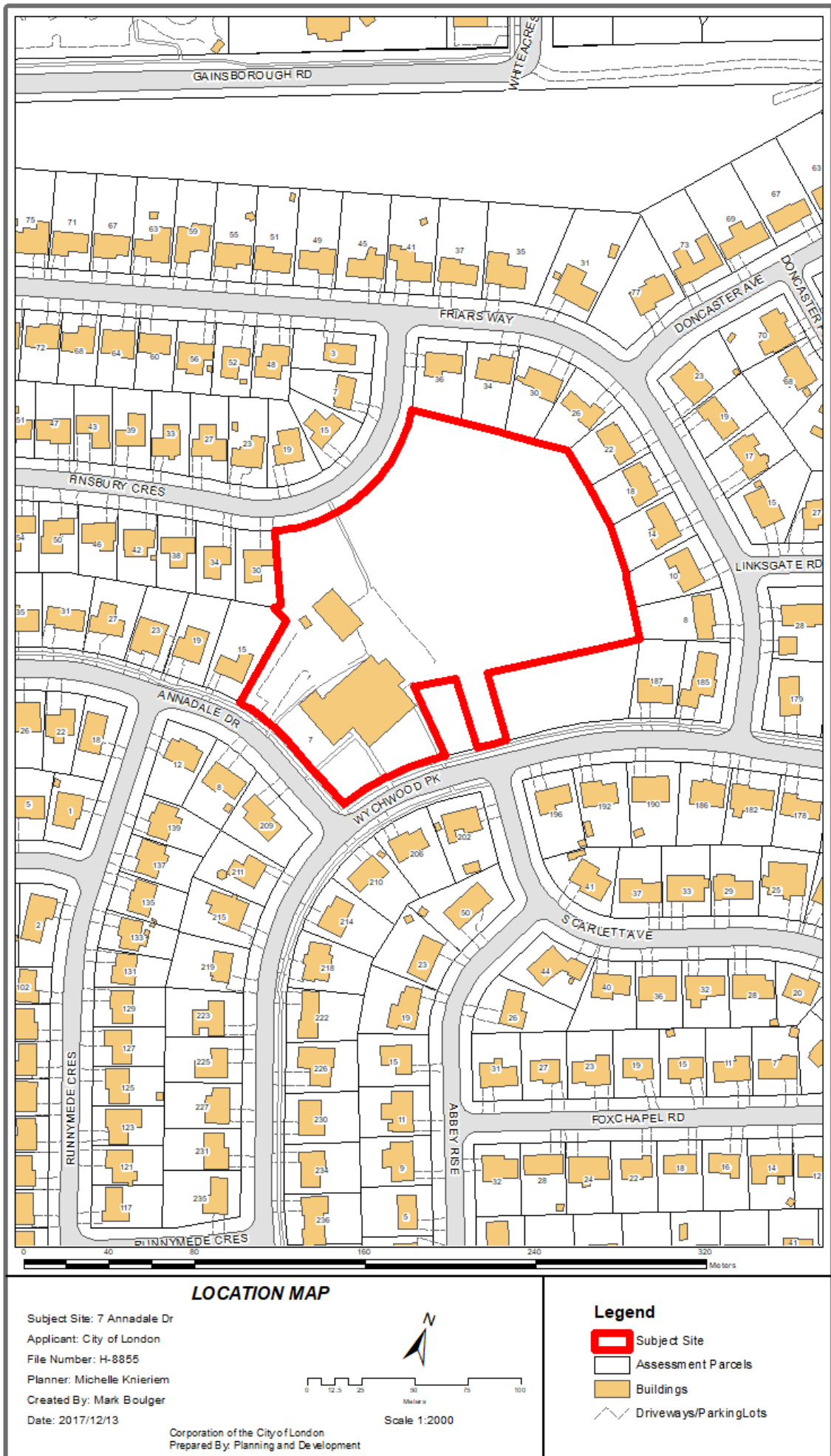
ANALYSIS

1.0 Site at a Glance

1.1 Property Description

The subject site is currently vacant. Previously the site was occupied by Sherwood Forest Public School and associated playing fields; however, Sherwood Forest Public School was closed in 2013 and subsequently demolished. The site has frontage on three Neighbourhood Streets: Annadale Drive, Wychwood Park, and Finsbury Crescent. The site is located in the Orchard Park and Sherwood Forest Neighbourhood.

1.2 Location Map



1.3 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Low Density Residential (LDR)
- The London Plan Place Type – Neighbourhoods at the intersection of two Neighbourhood Streets
- Existing Zoning – Holding Open Space (h-18*OS1) Zone, a Holding Residential R1 Special Provision (h-18*R1-5(13)) Zone, and a Holding Residential R6 Special Provision (h-5*h-18*R6-3(8)) Zone

1.4 Site Characteristics

- Current Land Use – Vacant, formerly Sherwood Forest Public School
- Frontage (Annadale Drive) – 65 metres (213 ft)
- Area – 2.23 hectares (5.51 acres)
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Single-detached dwellings
- East – Single-detached dwellings
- South – Single-detached dwellings
- West – Single-detached dwellings

2.0 Description of Proposal

2.1 Development Proposal

This proposal is to remove the “h-18” holding provision at 7 Annadale Drive. The removal of this holding provision requires that the property is assessed and adverse impacts to any significant archaeological resources found are mitigated before grading or soil disturbance can occur on the subject site. No modifications to built form or land use are proposed as part of this request to remove the holding provision.

3.0 Relevant Background

3.1 Planning History

In October, 2014, City Council adopted a Zoning By-law Amendment application (Z-8334) for the redevelopment of the former Sherwood Forest Public School and associated playing fields lands to permit single detached dwellings fronting Wychwood Park and Finsbury Crescent, cluster housing opportunities interior to the site, and a park at the intersection of Wychwood Park and Annadale Drive. This Zoning By-law Amendment application included holding provisions that would need to be fulfilled and subsequently removed before the future development of the site could proceed.

An “h-18” holding provision was added to the majority of the site, including the portions of the site intended for the cluster housing, the open space, and the single detached dwellings fronting Finsbury Crescent. The areas zoned to permit single detached dwellings fronting Wychwood Park were not subject to this holding provision. This “h-18” holding provision requires that the lands be assessed for the presence of archaeological resources prior to development and that adverse impacts to any significant archaeological resources found be mitigated, to the satisfaction of the Ministry of Tourism, Culture, and Sport and approved by the City of London. This Staff Report recommends the removal of this holding provision.

An “h-5” holding provision was added to the area of the site zoned to permit cluster housing. This “h-5” holding provision requires that agreements be entered into following the public site plan review to ensure the development takes a form that is compatible with adjacent land uses. A site plan control application has not yet been considered and as such this holding provision has not yet been removed and is not recommended for removal as part of the recommendations in this report.

3.2 Requested Amendment

The requested amendment is to remove the “h-18” holding provision that applies to the subject site to allow development to proceed.

3.3 Community Engagement

The Notice of Intent to Remove Holding Provision was sent to property owners within a 120 metre radius of the subject site on November 29, 2017, and was published in *The Londoner* on November 30, 2017.

As of the date of this report, one public response has been received to the Notice of Intent to Remove Holding Provision. This respondent sought additional information and clarification about the application to remove the holding provision.

3.4 Policy Context (see more detail in Appendix C)

Planning Act

Section 36 of the Planning Act gives municipalities the authority to use a holding symbol “h” in conjunction with any use designation to specify the development permissions for the property after the hold has been removed by an amendment to the Zoning By-law.

City of London 1989 Official Plan (“Official Plan”)

Policy 19.4.3 of the Official Plan identifies that the Zoning By-law may contain holding provisions in accordance with the Planning Act. These holding provisions may be used to ensure that necessary servicing features and municipal works are in place before development can proceed. The requirement for the “h-18” holding provision, as identified in the Zoning By-law, is that the necessary archaeological assessments be completed before development can proceed on the subject site.

The Official Plan identifies that a Zoning By-law will be amended to remove the holding symbol when Council determines that the conditions relating to the appropriate purposes as set out in the By-law have been met.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Whether the requirements of the holding provision have been satisfied

The “h-18” holding provision requires that archaeological assessments be completed before the holding symbol can be removed and development can proceed. The “h-18” holding provision is as follows:

To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division.

The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out.

The necessary archaeological assessments have been completed and reviewed by the Ministry of Tourism, Culture, and Sport for compliance with the appropriate standards and guidelines and have been approved by the City. As this has been completed, it has been recommended that the “h-18” holding provision be removed from the subject site.

CONCLUSION

The "h-18" holding provision requirement has been satisfied and it is appropriate to remove the holding symbol to allow for the development on a portion of the subject site. The "h-5" holding provision requirement has not been satisfied and continues to apply to the portion of the property in the Holding Residential R6 Special Provision (h-5●R6-3(8)) Zone, and must be cleared before development can proceed on that portion of the property. This holding provision requires that a public site plan meeting be held prior to its removal.

PREPARED BY:	SUBMITTED BY:
MICHELLE KNIERIEM, MCIP, RPP PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

December 12, 2017

MK/mk

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 7 Annadale Drive.

WHEREAS the Corporation of the City of London has applied to remove the holding provision from the zoning for the lands located at 7 Annadale Drive, as shown the map attached to this by-law, as set out below;

AND WHEREAS it was deemed appropriate to remove the "h-18" holding provision from the zoning of the said lands;

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 lands located at 7 Annadale Drive, as shown on the attached map, to remove the "h-18" holding provision so that the zoning on the lands as an Open Space (OS1) Zone and a Residential R1 Special Provision (R1-5(13)) Zone, and a Holding Residential R6 Special Provision (h-5•R6-3(8)) Zone comes into effect.
- 2) This By-law shall come into force and effect on the date of passage.

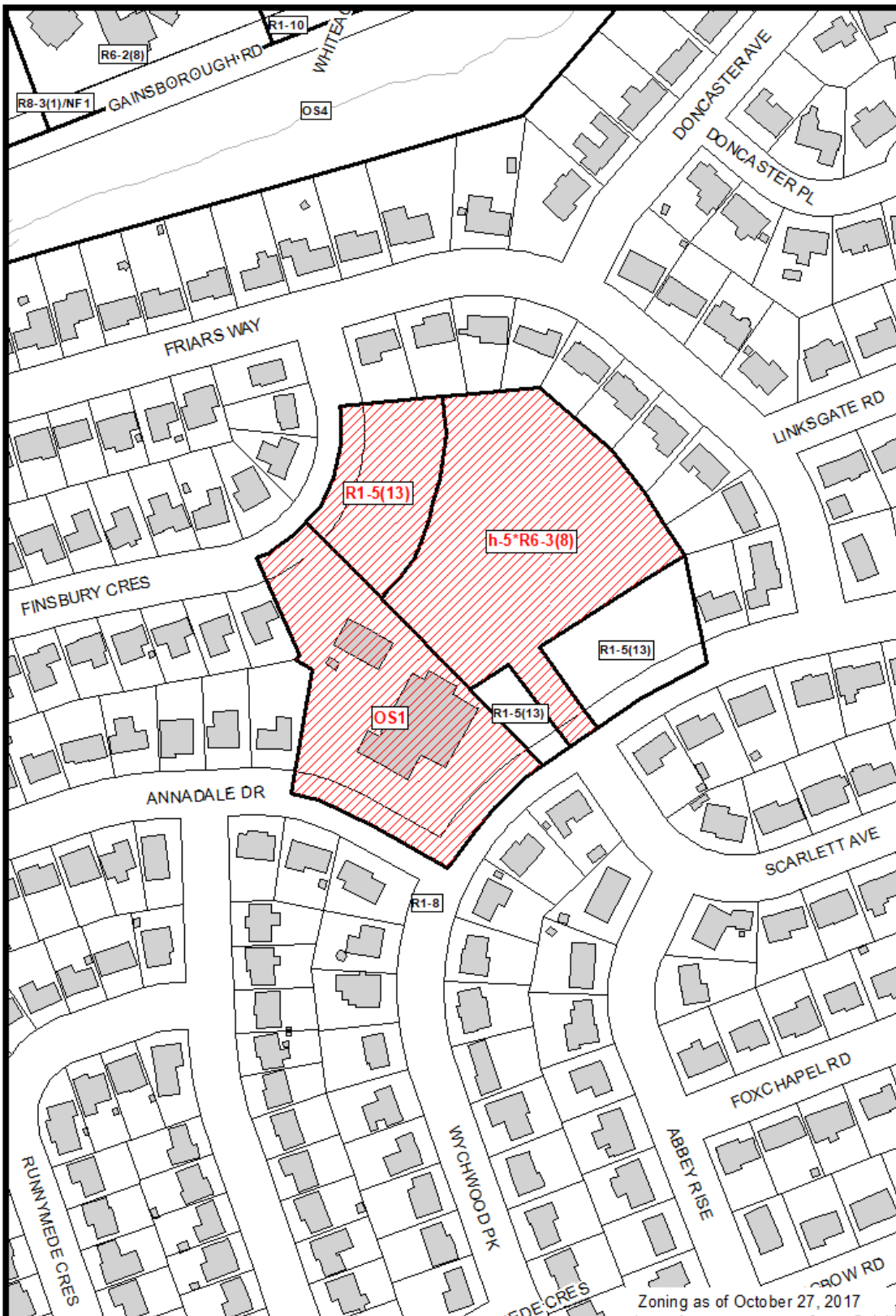
PASSED in Open Council on January 16, 2018.


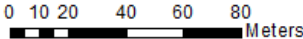

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – January 16, 2018
Second Reading – January 16, 2018
Third Reading – January 16, 2018

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



<p>File Number: H-8855 Planner: MK Date Prepared: 2017/11/24 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p> 0 10 20 40 60 80 Meters</p> <p></p>
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GeoCadastral

Appendix “B” – Community Engagement

<p>Public liaison: On November 29, 2017 Notice of Application was sent to 130 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on November 30, 2017. A “Planning Application” sign was also posted on the site.</p> <p>1 reply was received.</p>	
<p>Nature of Liaison: City Council intends to consider removing the “h-18” holding provision from the subject lands. The purpose of the “h-18” provision is to ensure that land are assessed for the presence of archaeological resources prior to development. The archaeological assessment has been completed. Council will consider removing the holding provision as it applies to these lands no earlier than January 16, 2018.</p>	
<p>Responses: The response was in regard to obtaining more information about the application.</p>	
<p>Responses to Public Liaison Letter and Publication in “The Londoner”</p>	
<p>Telephone</p>	<p>Written</p>
<p>Andrew McConnell 1 Runnymede Crescent London, ON N6G 1Z7</p>	