

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.ENG
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application By: West Coronation Developments Limited
499 Sophia Crescent

For: Removal of Holding Provisions (h, and h-34) and the
Deferral of Holding Provision (h-100)

Meeting on: March 19, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of West Coronation Developments Limited relating to the property located at 499 Sophia Crescent the following actions be taken:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 27, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 499 Sophia Crescent **FROM** a Holding Residential R5/R6/R8 (h*h-34*h-100*R5-4/R6-4/R8-2) Zone **TO** a Holding Residential R5/R6/R8 (h-100*R5-4/R6-4/R8-2) Zone, to remove the h. and h-34 holding provisions.
- b) the application to change the zoning of the properties located at 499 Sophia Crescent **FROM** a Holding Residential R5/R6/R8 (h*h-34*h-100*R5-4/R6-4/R8-2) Zone **TO** Residential R5/R6/R8 (R5-4/R6-4/R8-2) Zone, to remove the h-100, holding provision **BE DEFERRED** until such time as a second public access is made available to permit 21 unit townhouse development whereas 43 units are requested.
- c) through the preparation of the 2019 Development Charges Background Study staff **BE DIRECTED** to review opportunities to include a project to complete the road connection for Coronation Drive south of Gainsborough Drive.

Executive Summary

Purpose and the Effect of Recommended Action

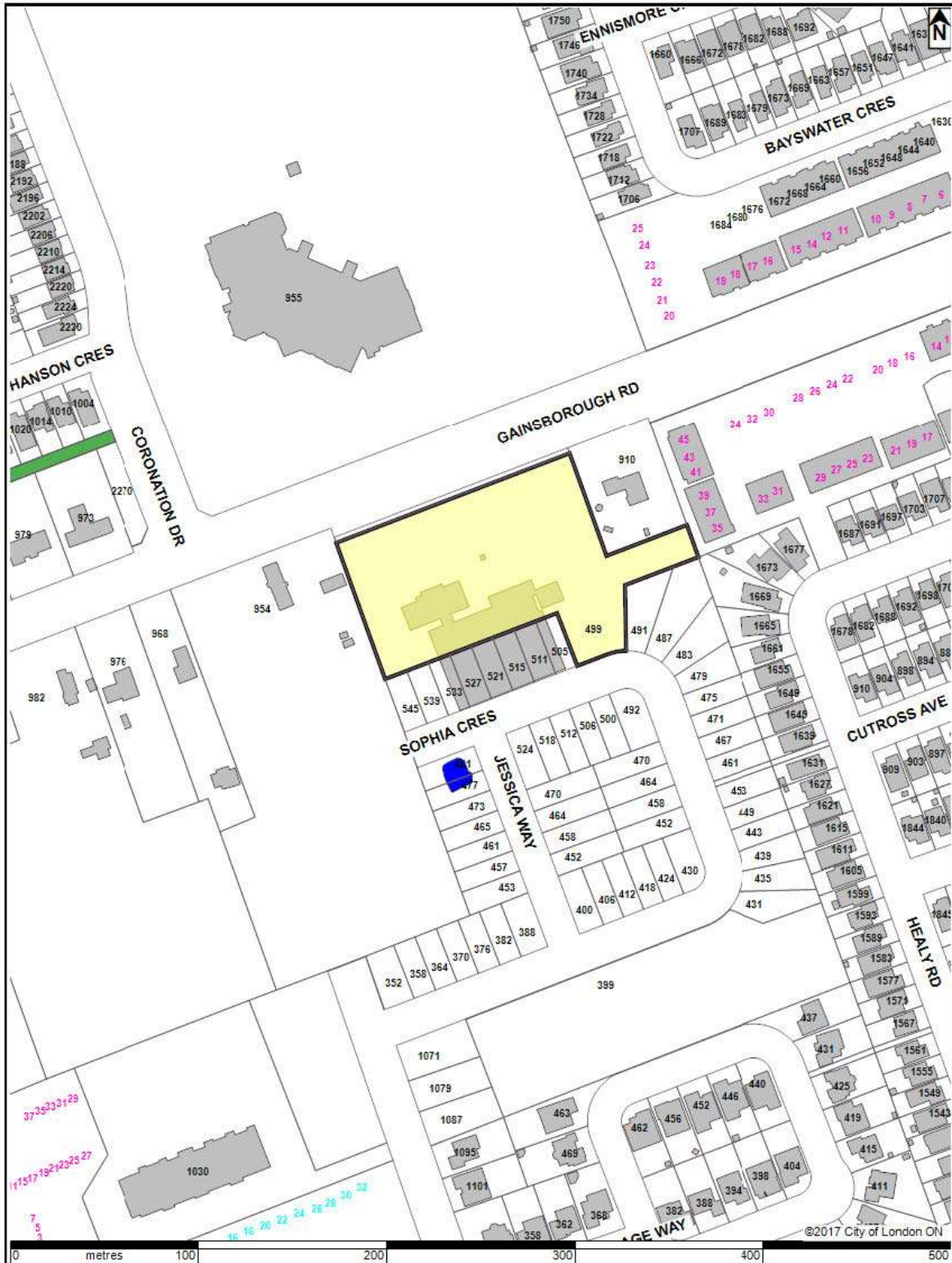
The purpose and effect of this zoning change is to remove the h. and h-34 holding provisions and to defer the h-100 holding provision. The proposed amendment will permit the development of 21 townhouse dwellings and defer the development of an additional 22 townhouse dwellings pending the completion of a second public access to the subdivision.


Rationale of Recommended Action

1. The removal of the holding provisions, (h. and h-34) will allow for development in conformity with the Zoning By-law.
2. Through the site plan approval process, the required security has been submitted to the City of London, the execution of the site plan approval agreement is imminent and the h, holding provision is no longer required.
3. Through the site plan approval process, the 43 unit townhouse development is street-oriented and a noise attenuation wall is not required along the arterial road (Gainsborough Road), the h-34 holding provision is no longer required.
4. The proposed 59 single detached lot and 43 unit townhome block subdivision does not have a second public access. Removal of the h-100 holding provision is not appropriate at this time.

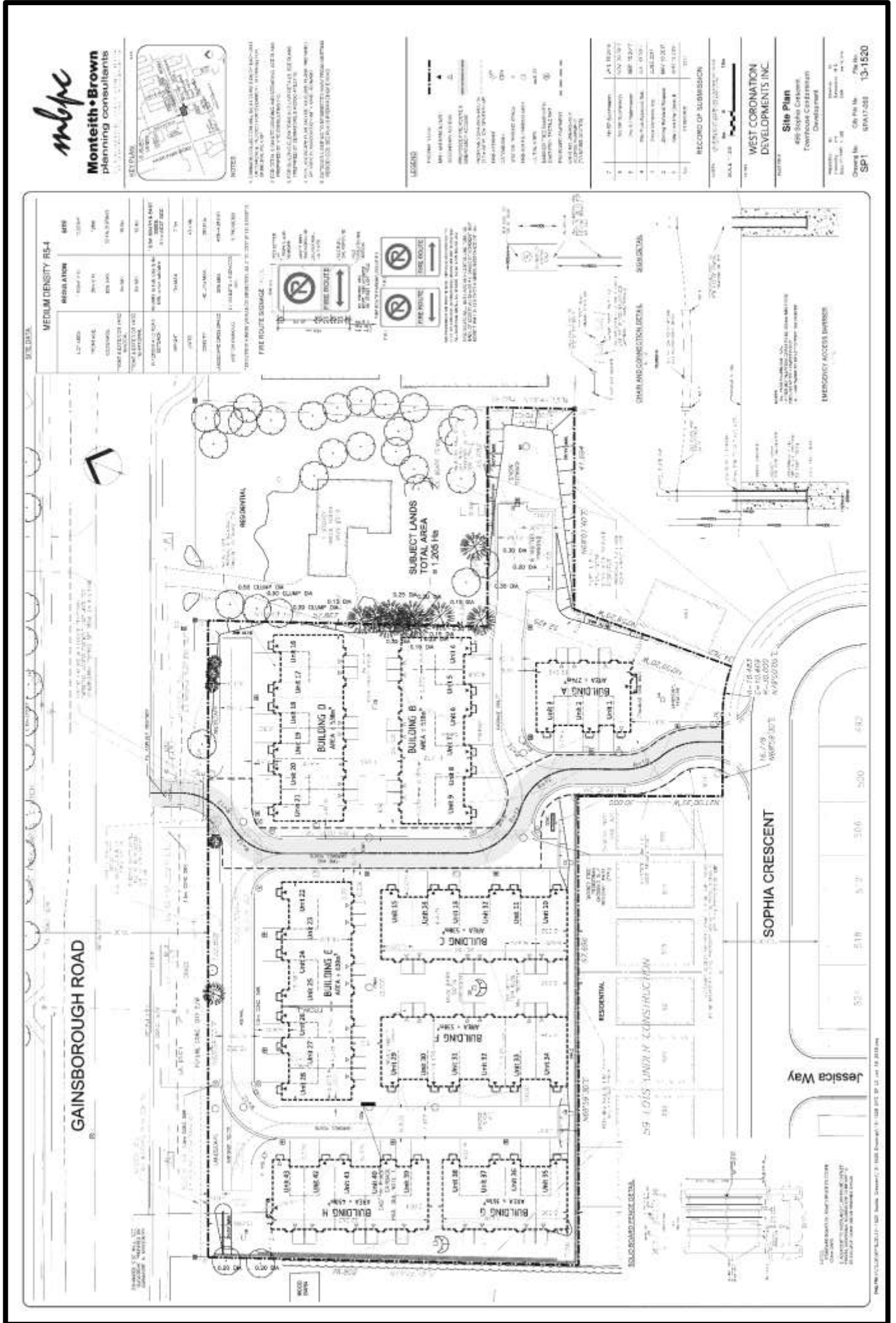
Analysis

1.1 Location Map



LOCATION MAP	LEGEND
<p>Subject Site: 499 Sophia Crescent Applicant: West Coronation Developments Inc File Number: H-8810 Planner: Craig Smith Created By: Craig Smith Date: 2017-08-18 Scale: 1:2500</p>	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings 123 Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	

1.2 Site Plan- Proposed



2.0 Description of Proposal

The proposed request is to remove the h., h-34 and h-100 holding provisions from the lands that were put in place that requires that a development agreement shall be entered into with the City, is street-oriented development, discourages the use of noise attenuation walls along the arterial road and that adequate water service and appropriate access is provided to the satisfaction of the City. The removal of the h. and h-34 holding provisions will allow for the construction of 21 townhouse dwelling units.

3.0 Relevant Background

3.1 Planning History

39T-15505/Z-8308- The complete application for Draft Plan of Subdivision Approval was accepted on October 21, 2013. It was circulated to the required agencies and municipal departments. The City of Development Services, Engineering provided the following comment at that time:

A new holding provision be implemented with respect to water services and appropriate emergency access that no more than 80 units may be developed until a looped watermain system and an emergency access is constructed to the satisfaction of the City Engineer (similar to the h-100 provision but with the restriction to an emergency access);

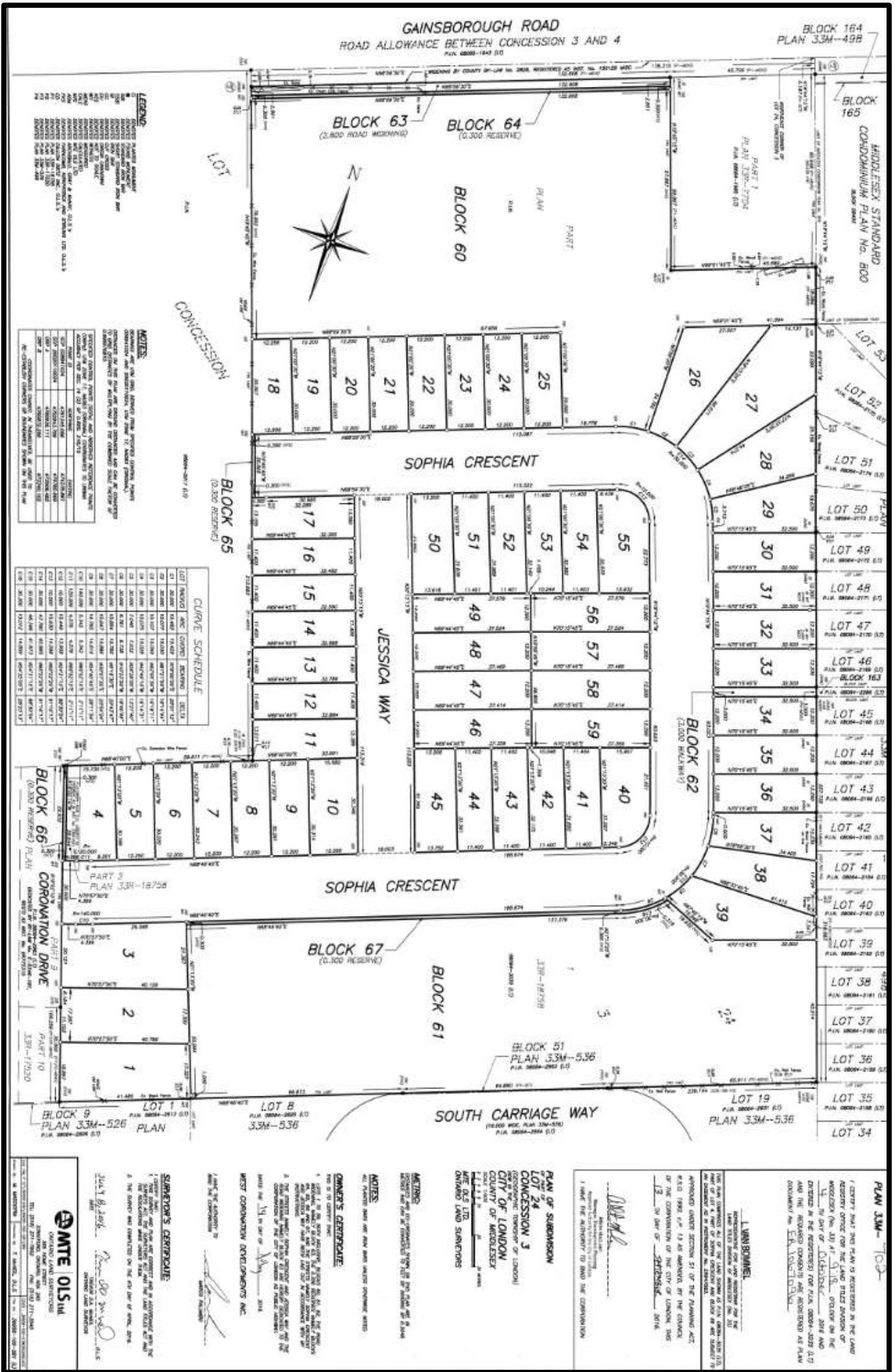
Included in the Staff Report the requirement of the h-100 holding provision was noted:

“The proposed access to the subdivision will be from the extension of Coronation Drive. Prior to the development of the balance of Coronation Drive through lands not owned by the subdivider to Gainsborough Road, the subdivision will have only one public access and cannot provide for a looped water system. The proposed holding provision will allow for a maximum of 80 units to be developed in the subdivision prior to a second public access being provided.”

The Public Meeting was held on July 22, 2014. The subdivision was draft approved and Council amended the Zoning By-law that includes the h-100 holding provision requiring that a second public access be provided or a maximum of 80 units be permitted on one public access.

H-8627- The registered plan of subdivision was registered on October 4, 2016. The applicant applied to remove the h. and h.-100 holding provisions from the single detached dwelling lots in June of 2016. On July 26, 2016 Council removed the h holding provision as security was deposited and the registration of the subdivision and subdivision agreement was imminent. The completion of Coronation Drive on the lands located to the west to provide a second access to subdivision to the satisfaction of the City Engineer has not been completed. Without a second access in place, the h-100 holding provision was not removed from the subdivision. The single detached phase of subdivision is for 59 units and building permits can be issued to a maximum of 80 units.

Registered Plan of Subdivision 33M-702



LEGEND

(Symbol) EASEMENT
 (Symbol) RIGHT OF WAY
 (Symbol) RIGHT OF RESERVATION
 (Symbol) RIGHT OF REFERENCE
 (Symbol) RIGHT OF REDEMPTION
 (Symbol) RIGHT OF REVERSION
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NOTES

1. THE PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND DISTRICT OF MIDDLESEX UNDER PLAN NO. 33M-702.
 2. THE PLAN IS A CONVEYANCE BY THE CITY OF LONDON.
 3. THE PLAN IS SUBJECT TO THE RIGHTS AND INTERESTS SHOWN THEREON.
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CURVE SCHEDULE

LOT	INWARD	ANG. COORD.	BEARING	DELTA
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2	10.000	135.000	N 135.000 E	135.000
3	10.000	135.000	N 135.000 E	135.000
4	10.000	135.000	N 135.000 E	135.000
5	10.000	135.000	N 135.000 E	135.000
6	10.000	135.000	N 135.000 E	135.000
7	10.000	135.000	N 135.000 E	135.000
8	10.000	135.000	N 135.000 E	135.000
9	10.000	135.000	N 135.000 E	135.000
10	10.000	135.000	N 135.000 E	135.000
11	10.000	135.000	N 135.000 E	135.000
12	10.000	135.000	N 135.000 E	135.000
13	10.000	135.000	N 135.000 E	135.000
14	10.000	135.000	N 135.000 E	135.000
15	10.000	135.000	N 135.000 E	135.000
16	10.000	135.000	N 135.000 E	135.000
17	10.000	135.000	N 135.000 E	135.000
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39	10.000	135.000	N 135.000 E	135.000
40	10.000	135.000	N 135.000 E	135.000
41	10.000	135.000	N 135.000 E	135.000
42	10.000	135.000	N 135.000 E	135.000
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45	10.000	135.000	N 135.000 E	135.000
46	10.000	135.000	N 135.000 E	135.000
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48	10.000	135.000	N 135.000 E	135.000
49	10.000	135.000	N 135.000 E	135.000
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PLAN OF SUBDIVISION
CONVEYANCE 3
CITY OF LONDON
COUNTY OF MIDDLESEX

REGISTERED PLAN 33M-702

LAND SURVEYORS

OWNER'S CERTIFICATE

NOTES

SUBDIVISION'S CERTIFICATE

MTI OLSIA

PLAN 33M-702

I HEREBY CERTIFY THAT THE PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND DISTRICT OF MIDDLESEX UNDER PLAN NO. 33M-702.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of London, this 13th day of September, 2016.

LAND SURVEYORS

REGISTERED PLAN 33M-702

CONVEYANCE 3

CITY OF LONDON

COUNTY OF MIDDLESEX

REGISTERED PLAN 33M-702

CONVEYANCE 3

CITY OF LONDON

COUNTY OF MIDDLESEX

REGISTERED PLAN 33M-702

CONVEYANCE 3

CITY OF LONDON

COUNTY OF MIDDLESEX

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provisions?

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 the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.

The imminent execution of the development agreement combined with the submission of the required security, adequately satisfies the requirements of this holding provision. It is appropriate to remove this holding provision at this time.

h-34 Holding Provision

The h-34 holding provision states that:

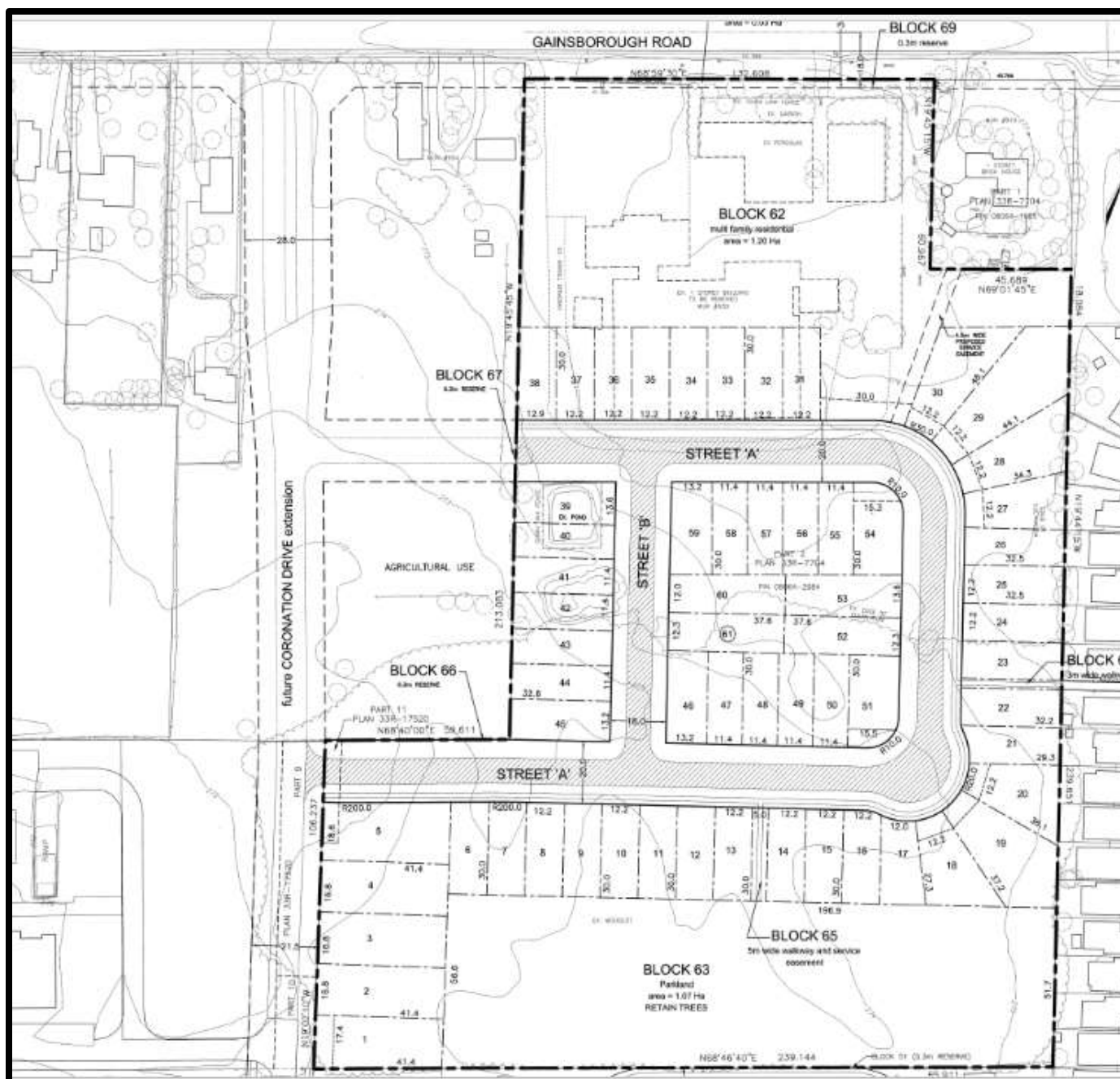
To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the design guidelines in the Hyde Park Community Plan, to the satisfaction of the City of London, prior to removal of the "h-34" symbol.

The proposed development has been designed to discourage a continuous noise wall adjacent to Gainsborough Road. The proposed site plan incorporates a window street along Gainsborough Road and the units are oriented towards Gainsborough Road. A Noise and Vibration Report dated July 21, 2017 prepared by Development Engineering (London) Limited was reviewed and accepted by the City. The site plan and executed development agreement includes the accepted mitigation measures (warning clauses) for this development and also ensures that the design is consistent with the Hyde Park Area Plan. It is appropriate to remove the h-34 holding provision at this time.

Elevations Fronting Gainsborough (Typical)



Future Coronation Drive Extension



h-100 Holding Provision

The (h-100) holding provision states that:

To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.

Permitted Interim Uses: A maximum of 80 residential units

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain will be constructed by connecting to a watermain in both the Gainsborough Road and Sophia Crescent road allowances. A second public access to this subdivision will be from the completion of Sophia Crescent westerly to the future extension of Coronation Drive. The single detached phase of subdivision has 59 single detached dwelling units and the multi-family block is proposed for 43 townhome units for a total of 102 dwelling units in the subdivision. The h-100 holding provisions allows building permits to be issued to a maximum of 80 units.

Extension of Coronation Drive

Prior to the development of all 43 townhouse units on the multi-family, medium density block, Sophia Crescent requires a connection to a future extension of Coronation Drive. However, the lands required for the new road are not owned by the City or the subdivider. At this time the subdivision has only one public access. The City Engineer has not been satisfied that the construction of 102 dwelling units in the subdivision with one public access is appropriate. The applicant can construct 21 townhouse units prior to the completion of a second public access. Once a second public access is constructed the balance of the townhome units can be constructed. It is not appropriate to remove the h-100 holding provision from the lands at this time.

Staff are seeking direction to review options to fund and construct the Coronation Drive. The extension of the road would provide a logical connection for the development in the area and should be considered a growth need. At this time there is no Development Charge funding available to cover the cost of these works. Through the review and development of the 2019 Development Charges Background Study, the City can review opportunities to fund these works from the City Services Reserve Fund.

More information and detail about public feedback, zoning, the history of the h-100 Holding Provision and the Coronation Drive constraints is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h. and h-34 holding provisions from the subject lands at this time as no noise walls are required along Gainsborough Road, noise and vibration mitigation measures will be implemented, the required security has been submitted to the City of London and registration of the site plan agreement is imminent. The removal of the h-100 holding provision will be dealt with in the future once the second public access is provided. The removal of the h-100 holding provision is recommended to be deferred until such time.

Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Reviewed by:	Lou Pompili, MCIP, RPP Manager, Development Planning
Reviewed by:	Matt Feldberg Manager Development Services (Subdivisions)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official

March 12, 2018

CS/

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Appendix A

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 499 Sophia Crescent.

WHEREAS West Coronation Developments Limited. have applied to remove the holding provisions from the zoning for the lands located at 499 Sophia Crescent, 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 499 Sophia Crescent, as shown on the attached map, to remove the h. and h-34 holding provisions so that the zoning of the lands as a Holding Residential R5/R6/R8 (h-100*R5-4/R6-4/R8-2) Zone
2. This By-law shall come into force and effect on the date of passage.

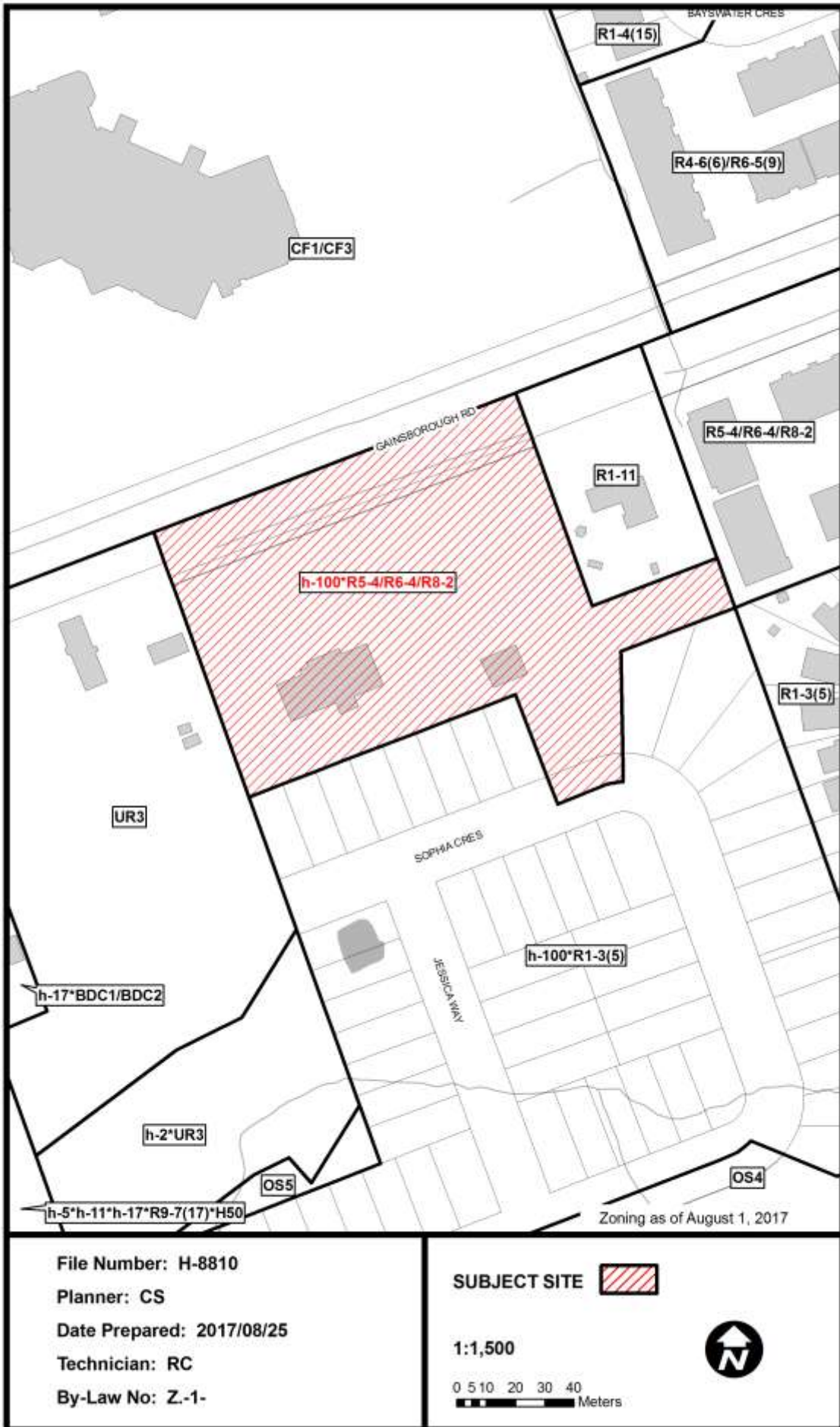
PASSED in Open Council on March 27, 2018.

Matt Brown
Mayor


Catharine Saunders
City Clerk

First Reading -March 27, 2018
Second Reading -March 27, 2018
Third Reading - March 27, 2018

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




File Number: H-8810
 Planner: CS
 Date Prepared: 2017/08/25
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40 Meters



Geotitles.com

Appendix B – Public Engagement

Community Engagement

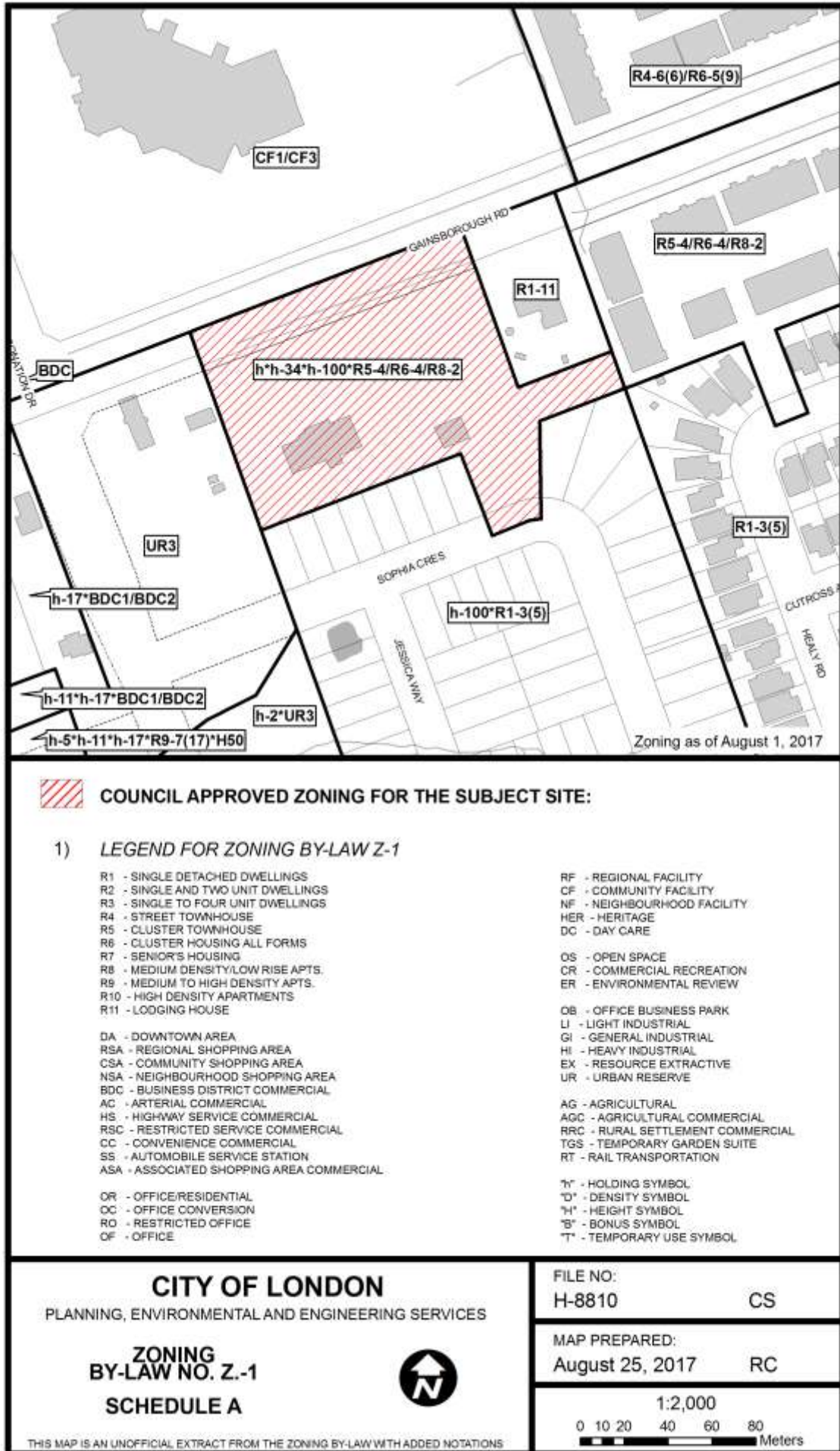
Public liaison: Notice of the application was published in the Londoner on August 24, 2017

0 replies were received

Nature of Liaison: City Council intends to consider removing the h., h-34, and h-100 holding provisions from the lands that ensures for the orderly development of land, street-oriented development and the discouragement of noise attenuation walls along arterial roads and for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than September 11, 2017.

Appendix C – Relevant Background

Existing Zoning Map



h-100 a Holding Provision History

To ensure that safe water and public access is provided this holding provision has been applied since 2008 to all applications for draft plan of subdivisions with greater than 80 lots.

39T-04513/Z-6842- A public participation meeting was held at the City of London Planning Committee on June 17, 2008 to permit a draft plan of subdivision approval and zoning by-law amendments to develop the lands located at 2135 and 2253 Richmond Street for a subdivision with 169 single detached lots, six medium density residential blocks, two high density residential blocks, one commercial block, two park blocks, three open space blocks, three stormwater management blocks, one walkway block, road widening, easement and reserve blocks served by nine new streets subdivision.

The 2008 staff report provided the following recommendation:

Water

Prior to the issuance of a Certificate of Conditional Approval for this subdivision, all water servicing works for the subject lands must be completed and operational, all to the specification and satisfaction of the City Engineer. To ensure that there is sufficient water services available to service this site a new holding provision is recommended that will require water looping prior to the issuance of the 81st building permit.

Transportation

To ensure that there is sufficient access available to service this site a new holding provision is recommended that will require a second emergency access prior to the issuance of the 81st building permit.

Council on February 11, 2008 amended the Z.-1 Zoning By-law by adding the new holding provision:

www) h-100 Purpose: To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the "h-100" symbol.

Z-7973- A public participation meeting was held at the City of London Planning Committee on January 16, 2012 on the application by the City of London to amend the h-100 holding provision to provide clarity to the Chief Building Official on the number of units which may be constructed prior to the removal of this holding provision.

The City circulated the proposed zoning amendment to all internal and external agencies including the London Home Builders Association and the London Development Institute for comment. Council amended the h.100 holding provision on January 31, 2012 to include the clarifying line "*Permitted Interim Uses: A maximum of 80 residential units*".

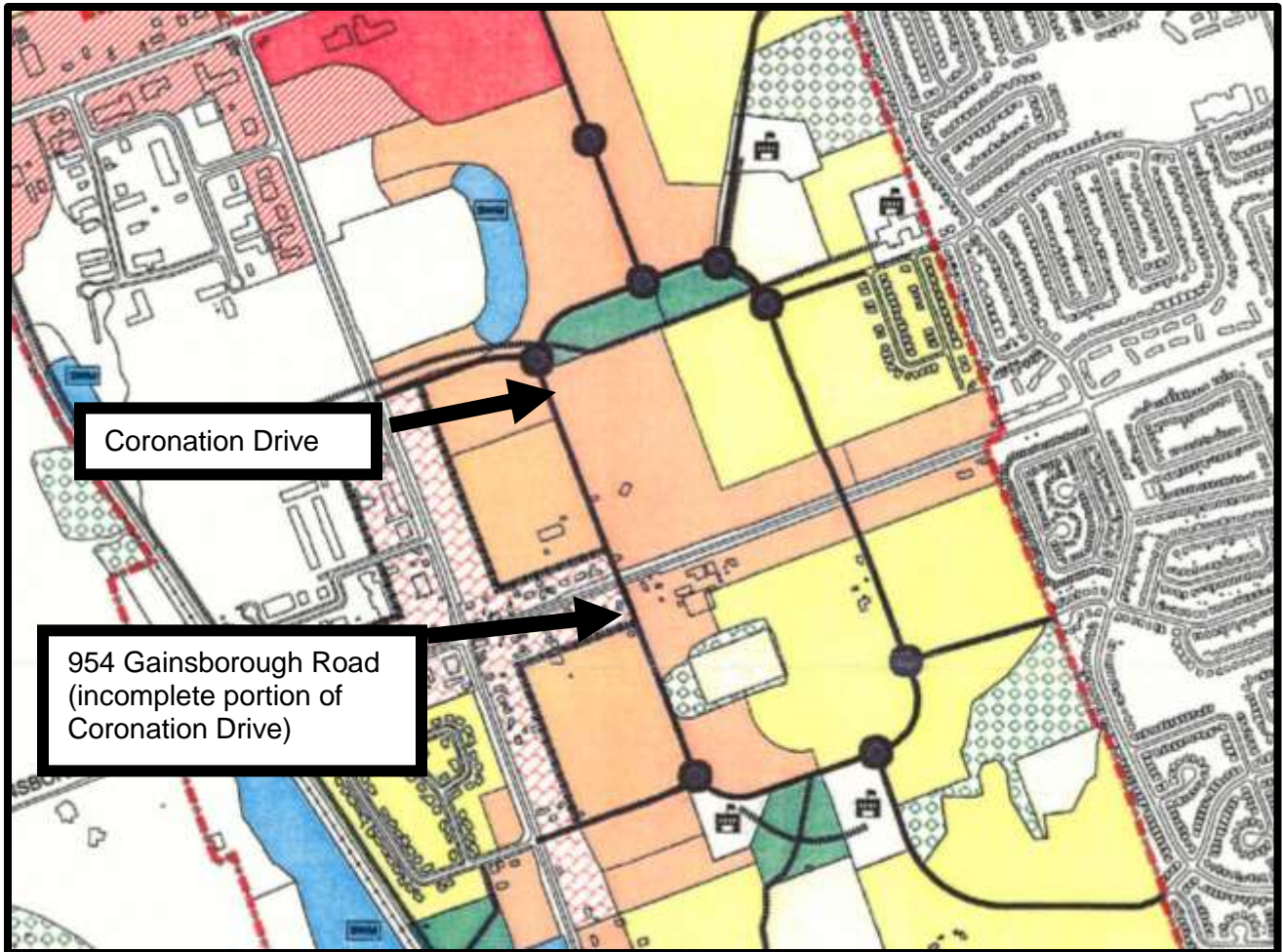
Coronation Drive Extension

In November 2001, Council adopted the Hyde Park Community Plan. A Primary Collector loop (Coronation Drive) was included in the Area Plan to provide access from the subdivisions to the abutting arterial roads. Coronation Drive is substantively complete except for the small portion that is located on 954 Gainsborough Road. 954 Gainsborough Road is not owned by the developer of 499 Sophia Crescent.

The property owner of 954 Gainsborough Road is required to construct the final section of Coronation Drive when the lands are brought forward for development. The cost of constructing Coronation Drive on 954 Gainsborough Road is the obligation of the property owner excepting for costs of any possible oversizing of the required services. As shown below, once Coronation Drive is constructed on 954 Gainsborough Road the property owner has two (2) Multi Family Medium Density blocks and one (1) small Multi Family High Density block that would require consolidation with the High Density lands to the west for development. There are no current development applications for 954 Gainsborough Road. There is no obligation for the current owner to construct or incur the cost of constructing Coronation Drive at this time. The property owner of 499 Sophia Crescent cannot compel

the owner of 954 Gainsborough Road to construct Coronation Drive on his lands and will be required to wait until a development is proposed on 954 Gainsborough Drive to fulfill its obligation to provide a second access.

Hyde Park Community Plan- Collector Streets Locations



954 Gainsborough Road- Development Blocks

