

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: City of London
Portion of 2332 Wickerson Road
Removal of Holding Provisions (h-37)

Meeting on: May 14, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, based on the application of the Corporation of the City of London, relating to a portion of the property located at 2332 Wickerson Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 22, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of portion of the property located at 2332 Wickerson Road **FROM** a Holding Residential Special Provision R1 (h-37*R1-3(7)) Zone and Holding Residential R1 (h-37*R1-4) Zone **TO** a Residential Special Provision R1 (R1-3(7)) Zone and Residential R1 (R1-4) Zone to remove the h-37 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-37 holding symbols to permit the development of single detached dwelling lots.

Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with the Zoning By-law.
2. Through the subdivision approval process Minimum Distance Separation (MDS) issues have been resolved for the subject lots and the h-37 which was applied to the subject lands in error is no longer required and should be removed.

Analysis

1.1 Location and Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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:
 H-8901 CS

MAP PREPARED:
 2018/05/01 CK

1:2,000
 0 10 20 40 60 80 Meters

2.0 Description of Proposal

The City of London has initiated an application to remove the h-37 holding provisions from the subject lands located on a portion of 2332 Wickerson Road. The “h-37” was put in place to implement the Provincial MDS regulations. The "h-37" holding provision was removed in 2016 (H-8345) and incorrectly re-applied in 2017 (H-8700) to a portion of these lands. There are no MDS issues impacting the subject lots. The removal of the h-37 holding provision will allow for the construction of single detached homes on the affected lots.

3.0 Revelant Background

3.1 Planning History

In November of 2016, the h-37 provision was removed from these subject lands through a Removal of Holding Provision application (H-8345). A livestock facility and building infrastructure located at 2426 Wickerson Road, to the south of the subject site, was confirmed to be removed, allowing for the removal of the h-37 provision. The h and h-100 holding provisions remained on these at that time.

In August of 2017, a Removal of Holding Provision application was considered and approved by Council to remove the h. and h-100 holding provisions from these and abutting lands. The By-law approved through this applications reapplied, in error, the h-37 holding provision to several lots in this area. This error was recently discovered when a homebuilder applied for building permits on the affected lots. Staff have initiated this subject application to correct this error and remove the h-37 provision from the affected lots. Staff also note that the 2017 By-law incorrectly referenced a Residential Special Provision (R1-4(7)) Zone rather than the Residential Special Provision (R1-3(7)) Zone which was established in 2009 by Municipal Council, when the draft plan approval was granted for these lands.

4.0 Key Issues and Considerations

What is a Holding Provision?

The intent of a holding provision is to ensure that the lands are not developed prior to certain conditions or requirements being satisfied.

The “h-37” holding provision was applied to the subject lands at the time these lands were rezoned in conjunction with the draft approval of the subdivision. This was to ensure that future lots would not be impacted by MDS issues such existing livestock facilities in the area.

Why is it Appropriate to remove the “h” Holding Provision?

h-37 Holding Provision

The h-37 holding provision states that:

“To implement the Provincial Minimum Distance Separation (MDS) regulations the "h-37" holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock.”

The "h-37" holding provision was removed in 2016 (H-8345) and incorrectly re-applied in 2017 (H-8700) to a portion of these lands. There are no MDS issues impacting the subject lots. The livestock operation located at 2426 Wickerson Road was lost to a fire in 2010 and has not been reconstructed. Since this livestock building ceases to exist and has not been rebuilt, this portion of the proposed development is no longer within the MDS areas of influence of those lands.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h-37 holding provisions from the subject lands at this time as there are no issues associated with Minimum Distance Separation that impact the subject lots.

Prepared and Recommended by:	Lou Pompili, MPA, 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

May 7, 2018
LP/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\AODAPECreport-H-8901.docx

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 a portion of 2332 Wickerson Road.

WHEREAS The Corporation of the City of London has applied to remove the holding provisions from the zoning for the lands located at a portion of 2332 Wickerson 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 the lands located at a portion of 2332 Wickerson Road, as shown on the attached map, to remove the h-37 holding provisions so that the zoning of the lands as a Residential Special Provision R1 (R1-3(7)) Zone and Residential R1 (R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 22, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -May 22, 2018
Second Reading -May 22, 2018
Third Reading - May 22, 2018

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



File Number: H-8901

Planner: CS

Date Prepared: 2018/05/01

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE



1:2,000

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Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on April 19, 2018

0 replies were received

Nature of Liaison:

City Council intends to consider a correction to the Zoning By-law for a portion of the subject lands located at 2332 Wickerson Road to remove the holding “h-37” holding provision from these lands. The “h-37” was put in place to implement the Provincial Minimum Distance Separation (MDS) regulations. The "h-37" holding provision was removed in 2016 and incorrectly re-applied in 2017 to a portion of these lands. The By-law to be brought forward will also clarify the appropriate Residential R1 Zone variation that was previously approved by Municipal Council for a portion of these lands. Council will consider removing the holding provision as they apply to these lands no earlier than May 14, 2018. File: H- 8901 Planner: S. Meksula (City Hall)

Appendix C – Relevant Background

Existing Zoning Map



Zoning as of March 19, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|--|
| <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
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 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
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 T* - HOLDING SYMBOL D* - DENSITY SYMBOL H* - HEIGHT SYMBOL B* - BONUS SYMBOL T* - TEMPORARY USE SYMBOL |
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CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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