

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Ben Cameron Consulting Inc.
164 Sherwood Forest Square

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Ben Cameron Consulting Inc. relating to the property located at 164 Sherwood Forest Square, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 28, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone **TO** a Residential R8 Special Provision (R8-4(26)) Zone to remove the h-5, h-11, and h-179 holding provisions.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5", "h-11", and "h-179" holding provisions from the zoning on 164 Sherwood Forest Square.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-5", "h-11", and "h-179") symbols from the zoning applied to this site to permit the development of six (6), 4-storey apartment buildings and one (1) amenity building.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as a public site plan meeting was held (h-5), adequate provision of municipal services and appropriate access arrangements have been provided for in the Development Agreement (h-11), and a financial contribution has been provided to the Waste Water and Drainage Engineering Division for source control measures in the municipal sanitary sewer system (h-179).

Analysis

1.0 Site at a Glance

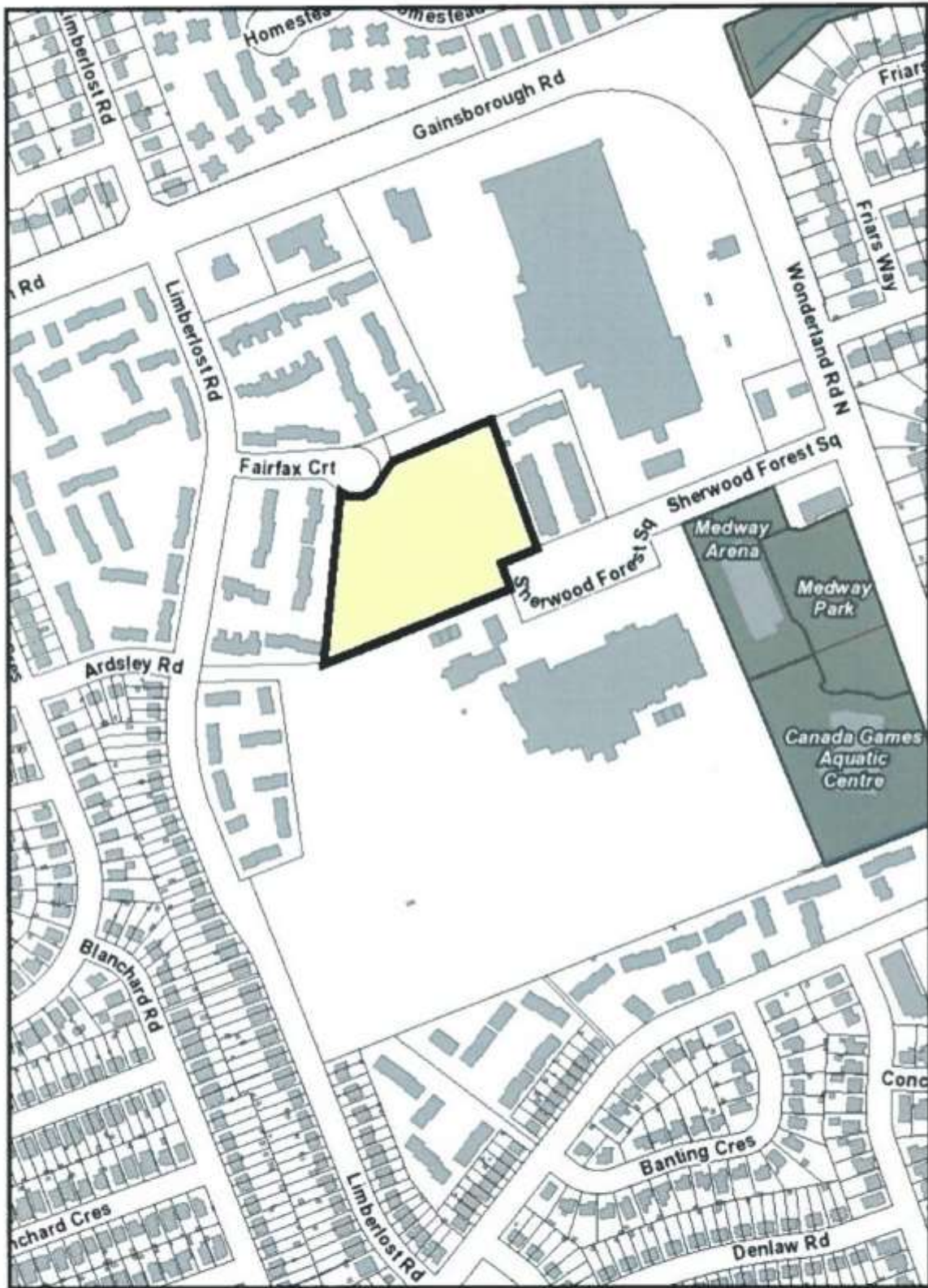
1.1 Property Description

The site is located on the northwest side of Sherwood Forest Square with a frontage of 21.2m and a lot area of 19,643m². The site is currently vacant. There is an existing commercial plaza (Sherwood Forest Mall) to the northeast, residential uses to the east, west, and north, and Sir Frederick Banting Secondary School to the south.

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

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhood
- Existing Zoning – Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone

Location Map



Location Map

Subject Property: 164 Sherwood Forest Square
 Applicant: Ben Cameron Consulting Inc.
 File Number: H-8913
 Created By: Meg Sundercock
 Date: 6/5/2018
 Scale: 1:4000

Legend

- Subject Property
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers



Corporation of the City of London

1.3 Site Characteristics

- Current Land Use –vacant
- Frontage on Sherwood Forest Square – approximately 21 m (68 ft)
- Frontage on Fairfax Court – approximately 30 m (98 ft)
- Depth (from Fairfax to Sherwood) – approximately 120 m (393 ft)
- Area – 1.96 ha (4.84 acres)
- Shape – rectangular

1.4 Surrounding Land Uses

- North – 2 - 2.5 storey townhouses and walkway to Sherwood Forest Mall
- East – 1 - 2 storey townhouses and Sherwood Forest Mall
- South – Sir Frederick Banting Secondary School
- West – 2.5 storey townhouses

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit six (6), 4-storey apartment buildings and one (1) amenity building. The development will have a total of 147 residential units, 184 parking spaces, and 111 long term bicycle parking spaces.

The Applicant submitted the site plan application on February 6, 2015 (SP15-004713).

3.0 Relevant Background

3.1 Planning History

The subject site is presently vacant. The site was the subject of a Zoning By-law amendment application in 2014 (file Z-8327), to change the zone of the property from a Community Facility (CF) Zone to a Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone. The amendment was adopted by Municipal Council on September 2, 2014. The Council Resolution requested the implementation of a number of design features through the site plan process including the use of lighting, fence materials, and building design and façade articulation. Civic Administration was also requested to give public notification of the removal of the holding provision for transportation access.

A site plan application was accepted on February 12, 2015 (file SP15-004713). A Public Site Plan Meeting was held on May 19, 2015, at which time the following concerns were brought forward:

- i) increase in traffic and resulting safety concerns;
- ii) determining whether or not Sherwood Forest Square is the appropriate street access to the property;
- iii) students' safety concerns; and,
- iv) storm sewer capacity.

The applicant provided a second submission on March 9, 2018 in response to the comments previously provided in 2015. A revised third submission was made in May of 2018.

A consent application (file B.026/18) was submitted June 25, 2018 to establish easements for access and services over the commercial property to the north, 1225 Wonderland Road North (Sherwood Forest Mall).

3.2 Requested Amendment

The applicant is requesting the removal of the h-5, h-11, and h-179 holding provisions on the site.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, three (3) comments were received. Concerns raised include (from the perspective members of the public providing comment):

- whether an archaeological study had been conducted;
- not enough capacity in the existing sanitary sewer for the additional density;
- stormwater impacts on Fairfax Court;
- additional vehicular traffic will be dangerous for pedestrians and school buses;

- four-storey apartment buildings are not in scale with two-storey buildings in the area; and,
- the proposed density is too intense.

Similar concerns were raised through the Zoning By-law amendment and site plan processes. These concerns have been addressed through the site plan approval process where applicable. Building height and density were not amended as a result of these concerns, though the development as proposed complies with the requirements of the Zoning By-law.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the “h” are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions (“h” symbol), an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h-5” holding provision and is it appropriate to consider its removal?

The “h-5” holding provision states that:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, prior to the removal of the “h-5” symbol.

Permitted Interim Uses: Existing uses.”

A public site plan meeting was held at the Planning and Environment Committee (PEC) on May 19, 2015.

Issues raised at the meeting included concerns with respect to increase in traffic, pedestrian safety, access arrangements, and storm sewer capacity.

Site Plan staff have ensured these, and other issues have been addressed in the approved plans. Engineering drawings, including a Traffic Management Plan have been accepted, with access for the site being directed to Sherwood Forest Square. External works to Sherwood Forest Square are to take place during July and August to mitigate conflicts with traffic at Sir Frederick Banting Secondary School. A Stormwater Management Design Brief has been accepted by the City and ensures that drainage and grading will not negatively impact surrounding properties. Privacy fencing and enhanced landscape buffering has been included in the accepted plan.

The issues raised at PEC have been addressed where applicable and Municipal Council has advised the Approval Authority of their support of this site plan. This satisfies the requirement for the removal of the “h-5” holding provision.

4.2 What is the purpose of the “h-11” holding provision and is it appropriate to consider its removal?

The “h-11” holding provision states that:

“To ensure the orderly development of the lands and the adequate provision of municipal services, the “h-11” symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.

Permitted Interim Uses: Existing Uses.”

The applicant has submitted a consent application (file B.026/18) to grant the Owner of the subject lands easements over the property to the north for the purpose of access, and water and storm sewer servicing. The granting of these easements will provide for the adequate provision of municipal servicing.

A development agreement has been signed by the applicant, which provides for appropriate access arrangements and the adequate provision of municipal services. The development agreement includes a special provision which states that no building permits shall be issued until such time as an easement is established for the purpose of servicing. This satisfies the requirement for removal of the “h-11” holding provision.

4.3 What is the purpose of the “h-179” holding provision and is it appropriate to consider its removal?

The “h-179” holding provision states that:

“The holding provision shall not be removed until such time as the property owner provides a financial contribution to the City of London for the funding of source control measures in the municipal sanitary sewer system to which this land is tributary. The amount of the contribution shall be agreed upon with the Waste Water and Drainage Engineering Division prior to the removal of the holding provision and the payment will be made directly to the Waste Water and Drainage Engineering Division. Upon receipt of the payment a request for removal of the holding provision can be made.”

The applicant and the Wastewater and Drainage Engineering Division (WADE) agreed upon a contribution amount of \$200,000, which was provided by cheque from the applicant. WADE has confirmed the receipt of this cheque and have indicated that the financial contribution is satisfactory and that the holding provision can be removed. This satisfies the requirement for the removal of the “h-179” holding provision.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The Applicant has signed a development agreement for this site, a public site plan meeting has been held at PEC, adequate municipal servicing has been provided for, and a financial contribution made to the City for the funding of source control measures. Therefore, the required conditions have been met to remove the “h-5”, “h-11”, and “h-179” holding provisions. The removal of the holding provisions are recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Recommended by:	Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)
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

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services

July 30, 2018
MS/ms

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 164 Sherwood Forest Square.

WHEREAS Ben Cameron Consulting Inc. has applied to remove the holding provision from the zoning for lands located at 164 Sherwood Forest Square, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the 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 164 Sherwood Forest Square, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R8 Special Provision (R8-4(26)) Zone comes into effect.
- 2) The By-law shall come into force and effect on the date of passage.

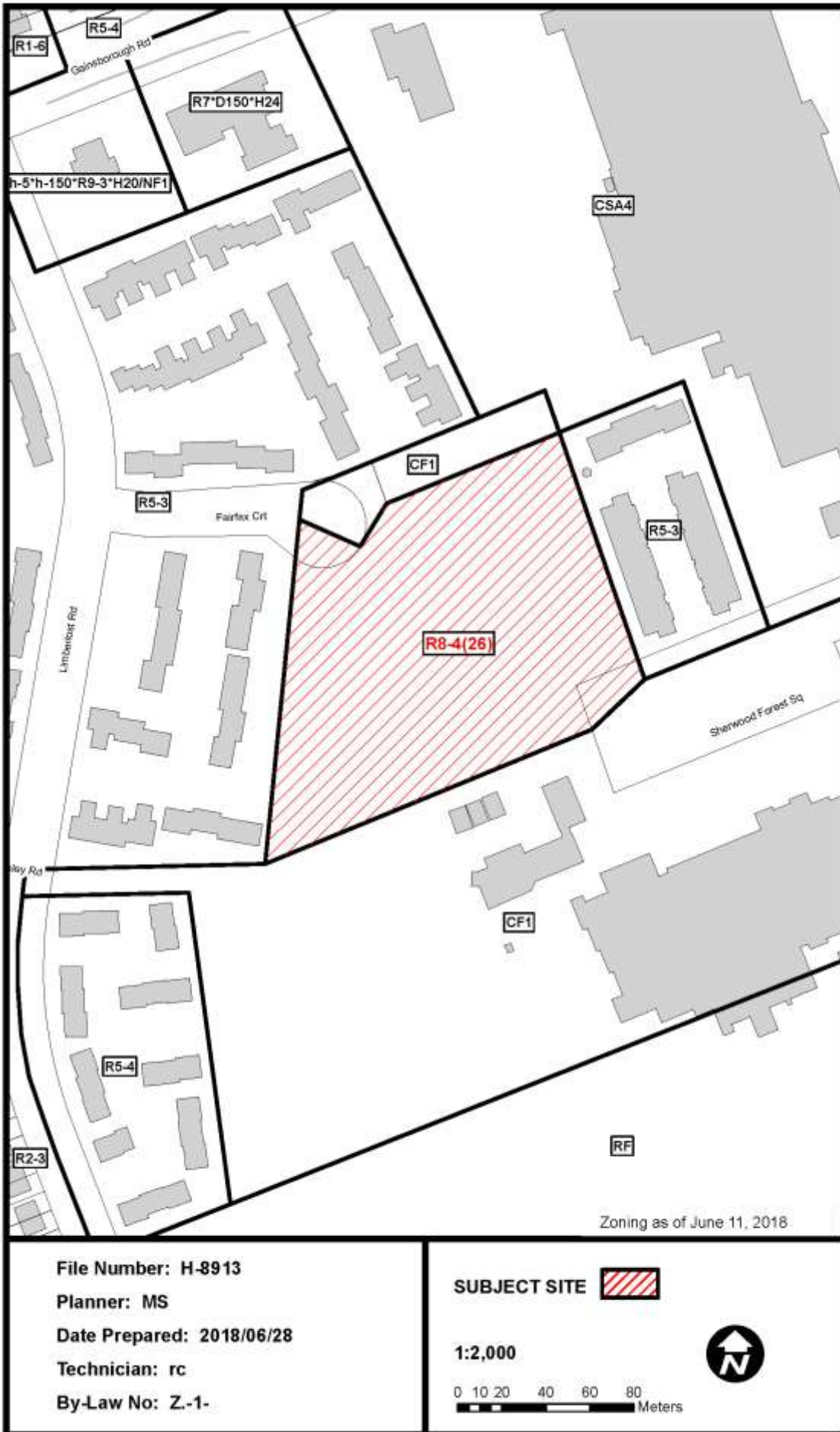
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – August 28, 2018
Second Reading – August 28, 2018
Third Reading – August 28, 2018

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On June 6, 2018, Notice of Application was sent to 28 property owners in the surrounding area (those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 7, 2018.

On June 27, 2018, Notice of Application was sent to 183 property owners within 120 metres of the subject lands in accordance with the September 3, 2014 Resolution of Council that requested the public within the circulation area be given notice of the removal of the holding provision for transportation access.

Three (3) replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (“h-5”, “h-11” & “h-179”) Provisions from the Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone. The “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying issues allowed under Section 41 of the *Planning Act, R.S.O. 1990, c. P. 13*. The “h-11” symbol is intended to ensure the orderly development of lands and the adequate provision of municipal services, the “h-11” symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London. The purpose of the “h-179” symbol is to ensure the property owner provides a financial contribution to the City of London for the funding of source control measures in the municipal sanitary sewer system to which this land is tributary. The amount of the contribution shall be agreed upon with the Waste Water and Drainage Engineering Division prior to the removal of the holding provision and the payment will be made directly to the Waste Water and Drainage Engineering Division. Council will consider removing the holding provisions as it applies to these lands no earlier than July 24, 2018.

Responses: Three (3) comments were received.

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Anne Marie Henderson 4-40 Fairfax Court London ON, N6G 3Y3	N/A
Anonymous Resident	
Anonymous Resident	

Significant Agency/Departmental Comments

Wastewater and Drainage Engineering

- Confirmed the receipt of the financial contribution from the applicant in order to satisfy the h-179 holding provision.

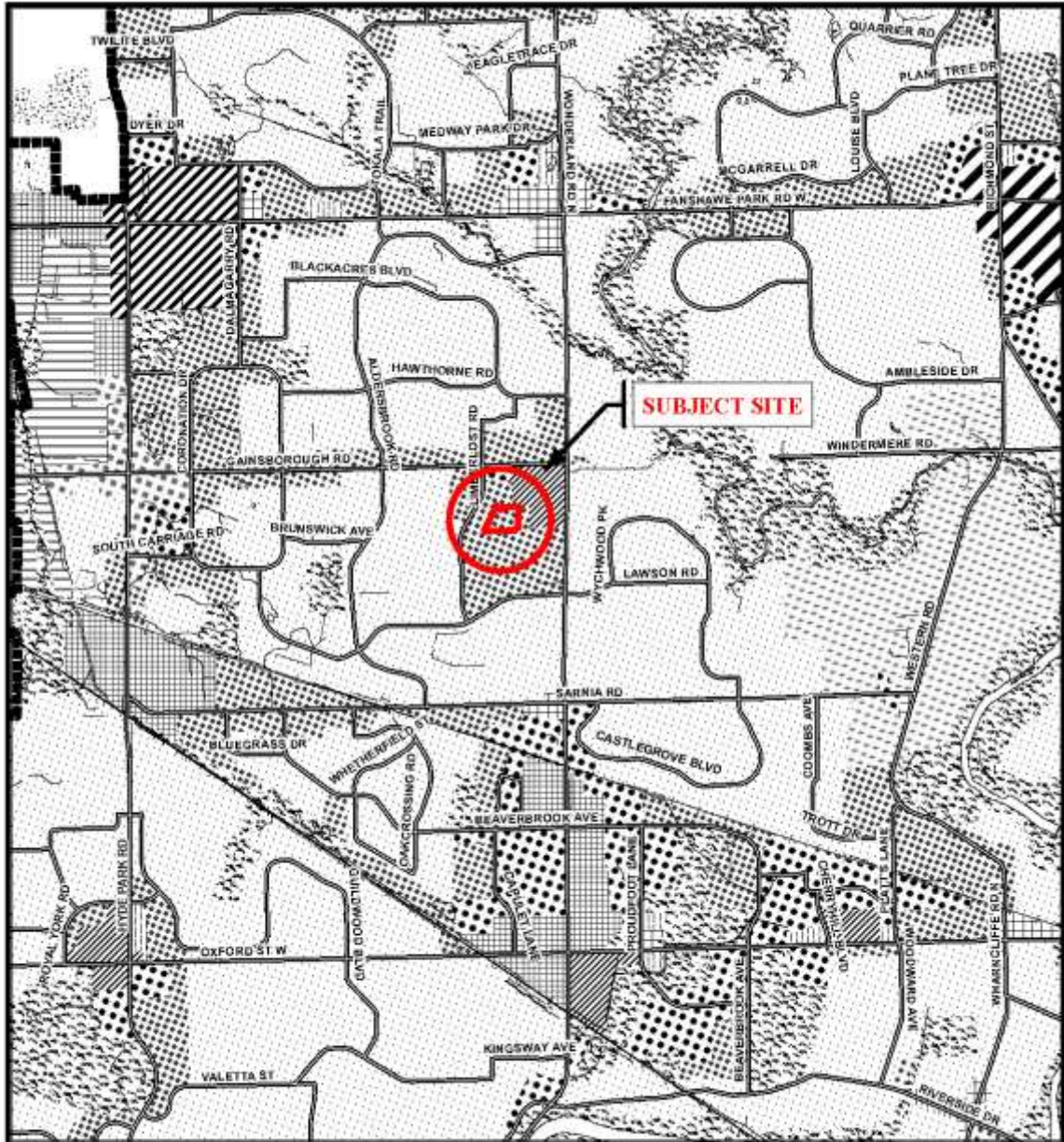
Development Services – Engineering

- Confirmed that the special provision in the development agreement requiring the servicing easements to be in place prior to building permits being issued, and the issuance of a Notice of Provisional Consent Decision for said easements satisfies the h-11 holding provision.

Appendix C – Relevant Background

Additional Maps

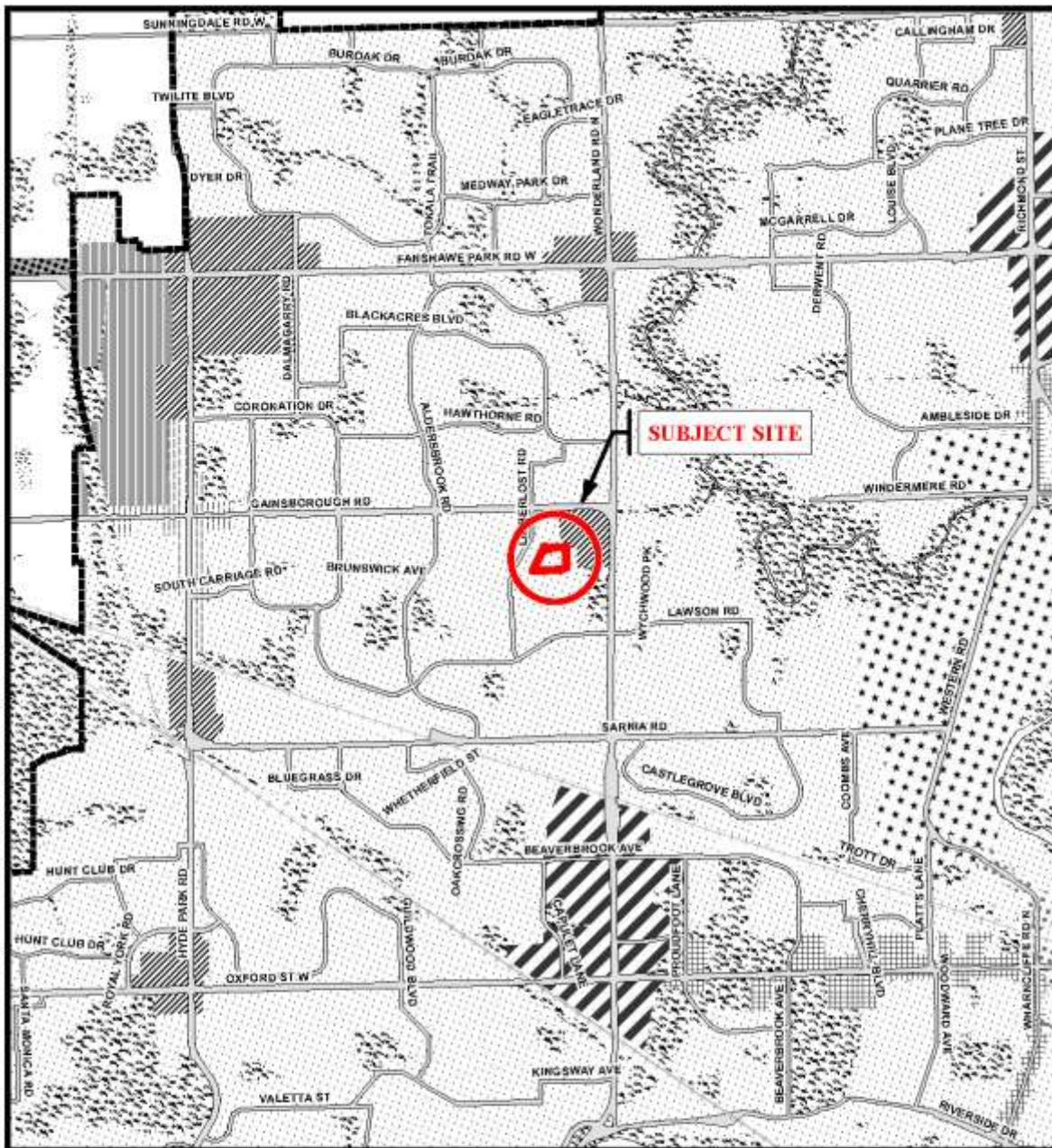
Official Plan Schedule “A” Excerpt



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</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: H-6913</p>
		<p>PLANNER: MS</p>
		<p>TECHNICIAN: RC</p>
		<p>DATE: 2018/07/04</p>

London Plan Place Types Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

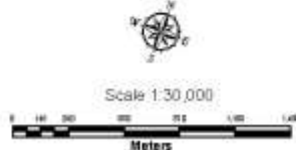
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



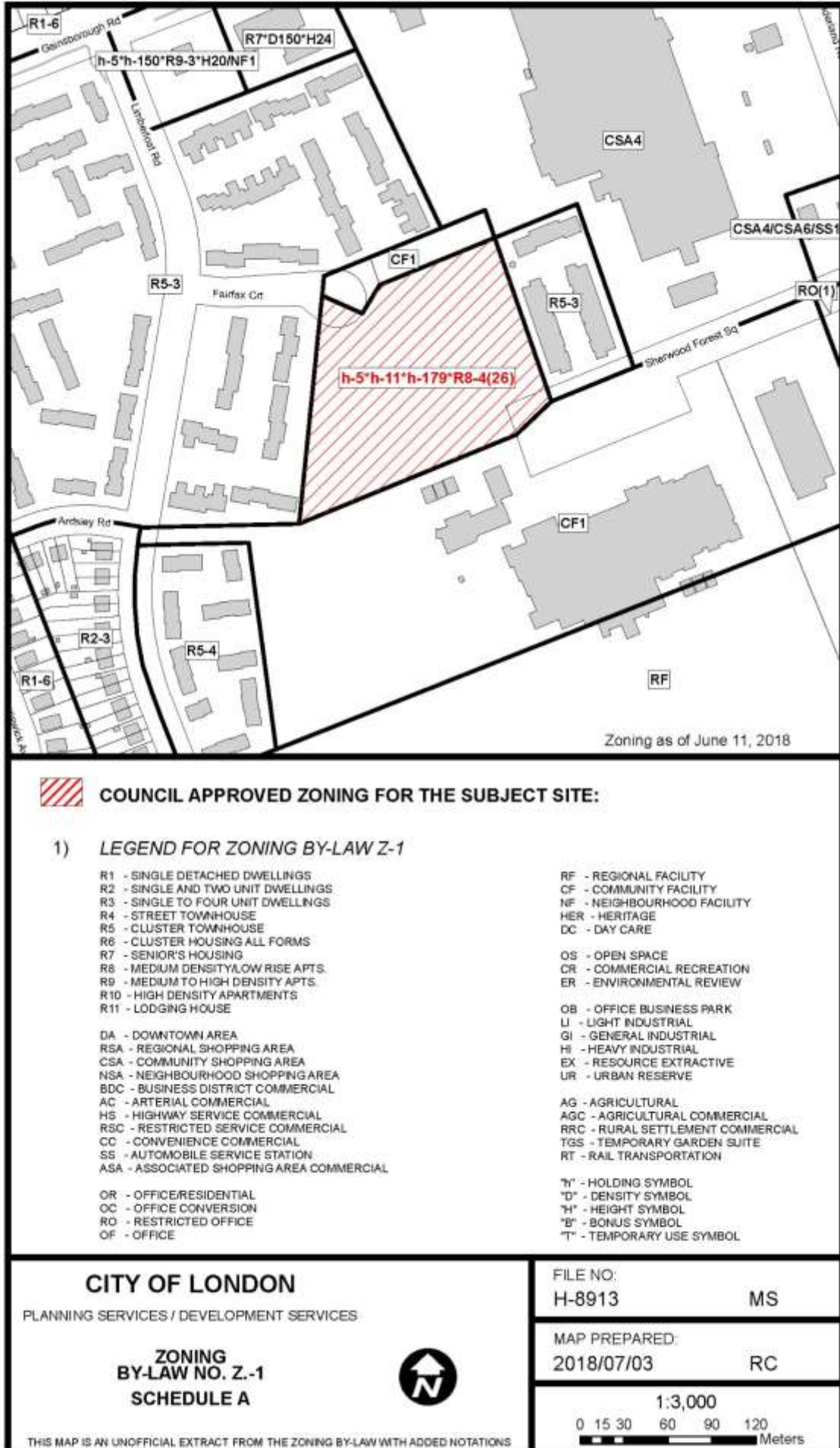
File Number: Z-8913

Planner: MS

Technician: RC

Date: July 3, 2018

Zoning By-law Map Excerpt



Previous Reports Relevant to this Application

File Z-8327 – Report to the Planning and Environment Committee to amend the Zoning By-law on September 2, 2014. On September 3, 2014, a Council Resolution was passed.

SP15-004713 – Report to the Planning and Environment Committee on site plan and issues on May 19, 2015.