

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: Topping Family Farm Inc.
3105 Bostwick Road
Meeting on: November 12, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Topping Family Farm Inc. relating to the property located at 3105 Bostwick Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 20, 2018 to amend Zoning By-law Z.-1 in conformity with the Official Plan to change the zoning of the lands **FROM** a Holding Special Provision Residential R2 (h*h-100*R2-4(2)) Zone **TO** a Special Provision Residential R2 (R2-4(2)) Zone to remove the "h" and "h-100" holding provisions.

Executive Summary

Summary of Request

The applicant has requested removal of the "h" and "h-100" holding provisions from the Zone on a portion of lands addressed as 3105 Bostwick Road, which requires the necessary securities be provided and a subdivision agreement is executed prior to development, and that adequate municipal servicing and access be provided.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h" and "h-100") symbols from the zoning applied to this site to permit the development of 121 single detached dwellings.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the required security has been submitted and the subdivision agreement has been registered. Through the subdivision agreement, adequate servicing has been provided and access has been established. All issues have been resolved and the holding provisions are no longer required.

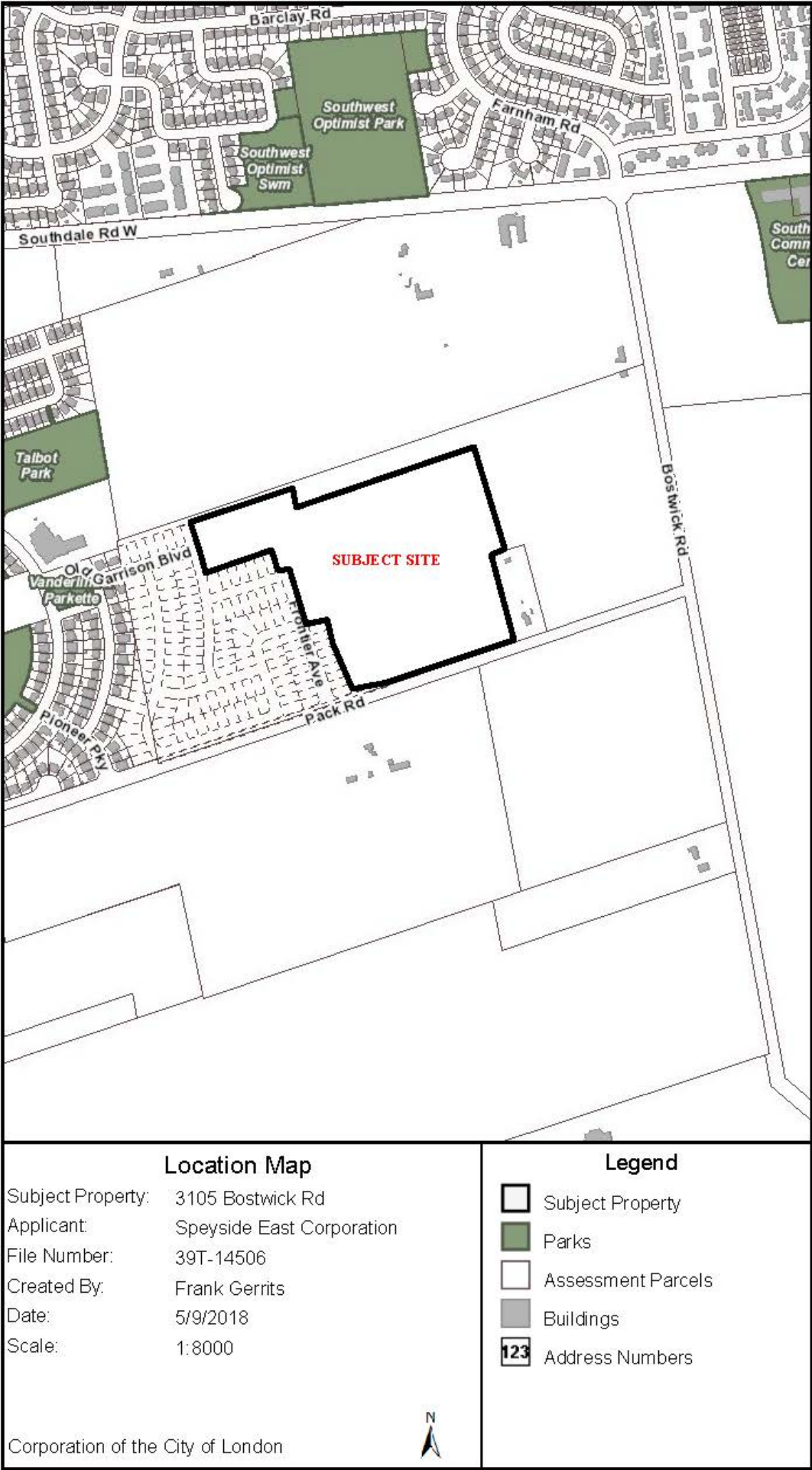
Analysis

1.0 Site at a Glance

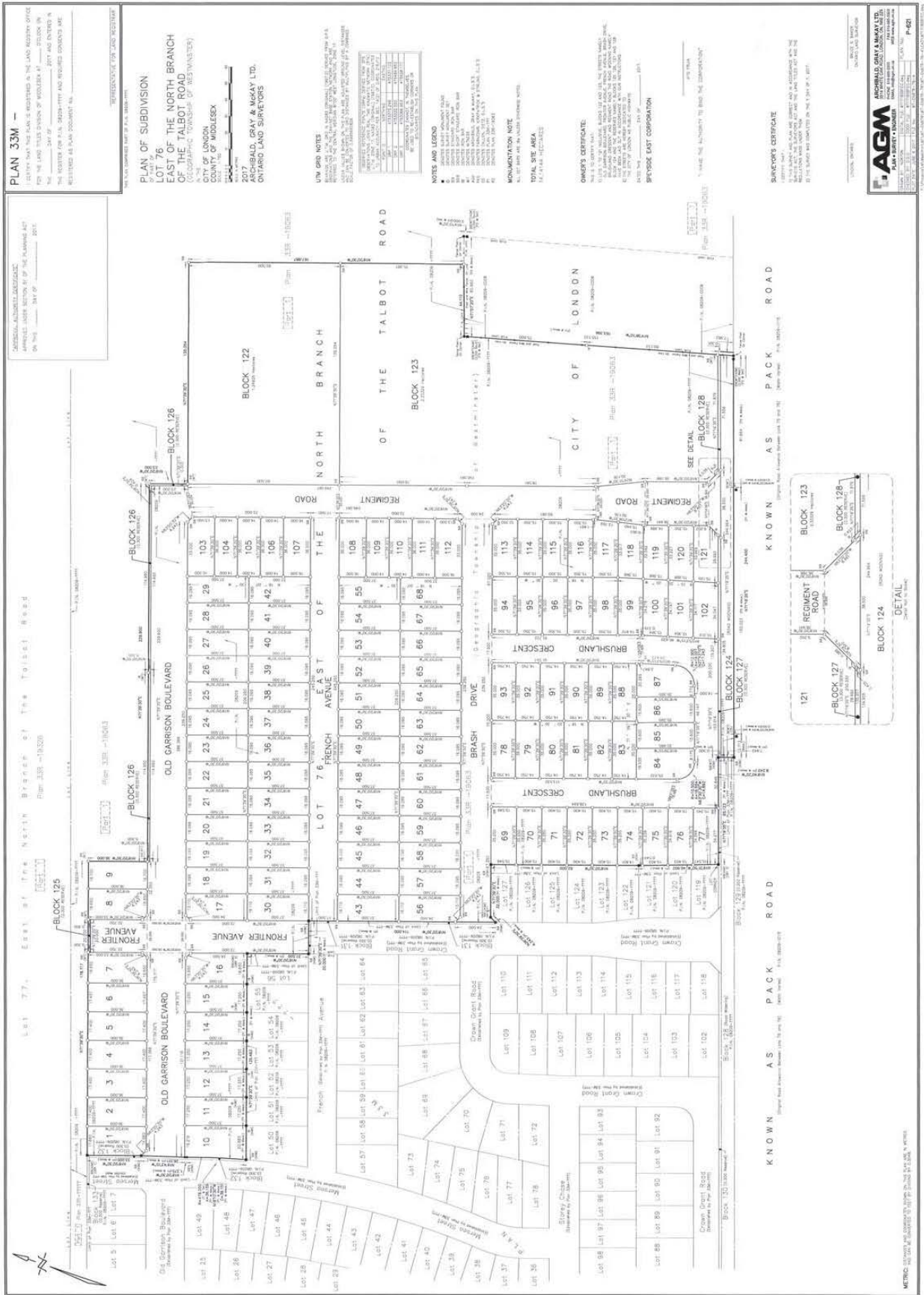
1.1 Property Description

The site is located on a portion of the lands addressed as 3105 Bostwick Road, on the west side of Bostwick Road, north of Pack Road and east of Frontier Avenue. The subject lands consist of Phase 6 in the Talbot Village Subdivision, and have a total frontage of 244.9 metres on Pack Road, with a site area of approximately 14.1 hectares. The subject lands are presently vacant. There are existing agricultural uses to the north, south, and west, and residential uses to the east.

1.2 Location Map



1.3 Plan of Subdivision (Phase 6)



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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Special Provision Residential R2 (h-h-100-R2-4(2)) Zone

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 244.9 m on Pack Road
- Depth – 384.7 m
- Area – approx. 14.1 ha
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Agricultural
- East – Agricultural
- South – Agricultural
- West – Residential

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of 121 single detached dwellings within a development that includes one (1) new road and the extension of four (4) existing roads established through the subdivision process (39T-14506).

3.0 Relevant Background

3.1 Planning History

May 19, 2015: Report to Planning and Environment Committee on Draft Plan of Subdivision, Official Plan, and Zoning By-law Amendments to approve a redlined draft plan of subdivision containing 244 single detached lots, one (1) school block, one (1) park block, one (1) road widening, and two (2) 0.3m reserves, all served by the extension of Old Garrison Boulevard (a secondary collector road), two (2) secondary collector roads, and eight (8) new local streets along with the appropriate zoning for these lands. (39T-14506/Z-8436)

May 8, 2017: Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement. (39T-14506)

June 15, 2017: Report to Planning and Environment Committee on removal of a holding provision for Phase 5 of the development. (H-8781)

September 25, 2017: Report to Planning and Environment Committee on removal of a holding provision for Phase 5 of the development. (H-8781)

September 10, 2018: Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement (Phase 6). (39T-14506)

3.2 Requested Amendment

The applicant is requesting the removal of the “h” and “h-100” holding provisions on the site which requires the necessary securities be provided and a development agreement is executed prior to development, and that adequate municipal servicing and access is provided.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, no comments were received.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision 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” holding provision and is appropriate to consider its removal.

The “h” holding provision states:

“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.

Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.”

The Owner has provided the necessary security and has entered into a subdivision agreement with the City. This satisfies the requirement for removal of the “h” holding provision.

4.2 What is the purpose of the “h-100” holding provision and is it appropriate to consider its removal?

The “h-100” holding provision states that:

“To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.

Permitted Interim Uses: Existing Uses.”

The h-100 holding provision requires a looped watermain system and a second public access be constructed. On October 25, 2018, it was confirmed that these works have been completed.

5.0 Conclusion

The Applicant has entered into a development agreement for this site, provided the necessary security, and constructed a looped watermain system and second public access. Therefore, the required conditions have been met to remove the “h” and “h-100” holding provision. The removal of the holding provision is recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Reviewed and 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	

October 25, 2018
MS/ms

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Previous Reports and Applications Relevant to this Application

May 19, 2015: Report to Planning and Environment Committee on Draft Plan of Subdivision, Official Plan, and Zoning By-law Amendments to approve a redlined draft plan of subdivision containing 244 single detached lots, one (1) school block, one (1) park block, one (1) road widening, and two (2) 0.3m reserves, all served by the extension of Old Garrison Boulevard (a secondary collector road), two (2) secondary collector roads, and eight (8) new local streets along with the appropriate zoning for these lands. (39T-14506/Z-8436)

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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 3105 Bostwick Road.

WHEREAS Topping Family Farm Inc. has applied to remove the holding provision from the zoning for a portion of the lands located at 3105 Bostwick 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 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 3105 Bostwick Road, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Special Provision Residential R2 (R2-4(2)) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

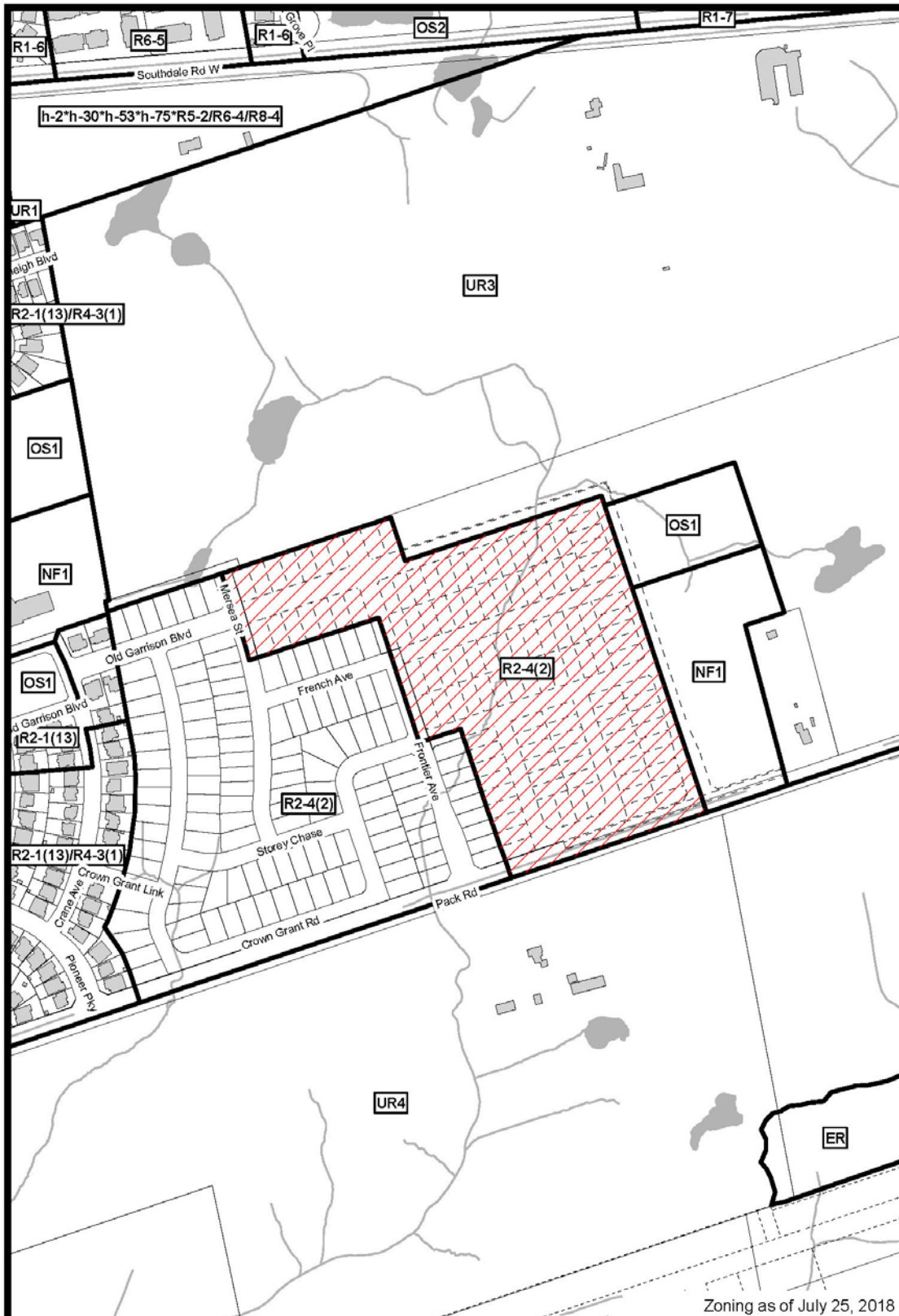
PASSED in Open Council on November 20, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – November 20, 2018
Second Reading – November 20, 2018
Third Reading – November 20, 2018

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

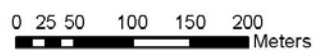


Zoning as of July 25, 2018

File Number: H-8968
 Planner: MS
 Date Prepared: 2018/10/16
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:5,000



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 18, 2018.

No replies were received.

Nature of Liaison: City Council intends to consider removing the “h” and “h-100” Holding Provisions from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbols to allow development of the lands for residential purposes permitted under the Holding Special Provision Residential R2 (h*h-100*R2-4(2)) Zone. The purpose of the “h” provision is to ensure the orderly development of the 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 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 purpose of the “h-100” symbol is to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than November 12, 2018.

Responses: No comments were received.

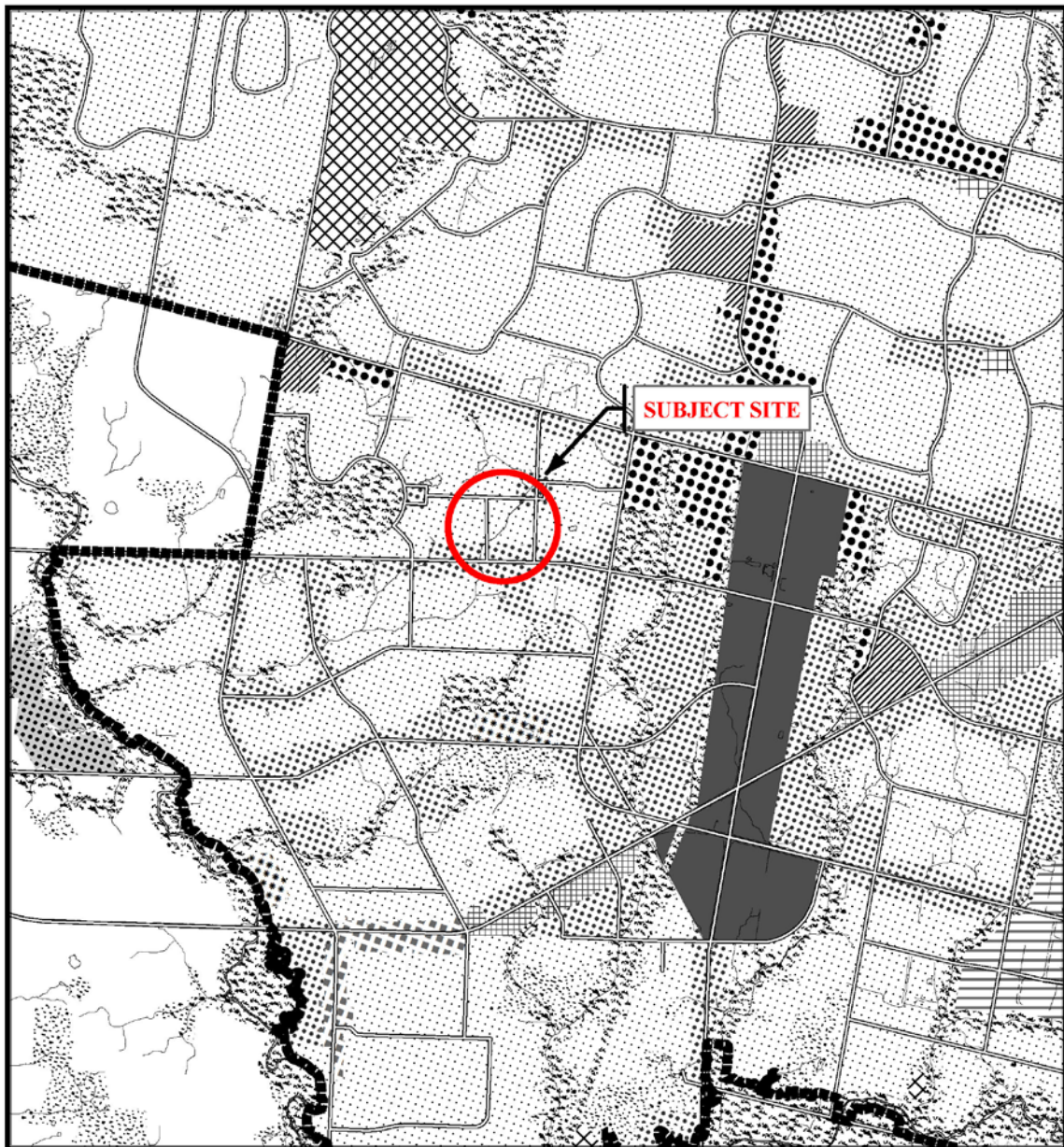
Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
None	None

Agency/Departmental Comments

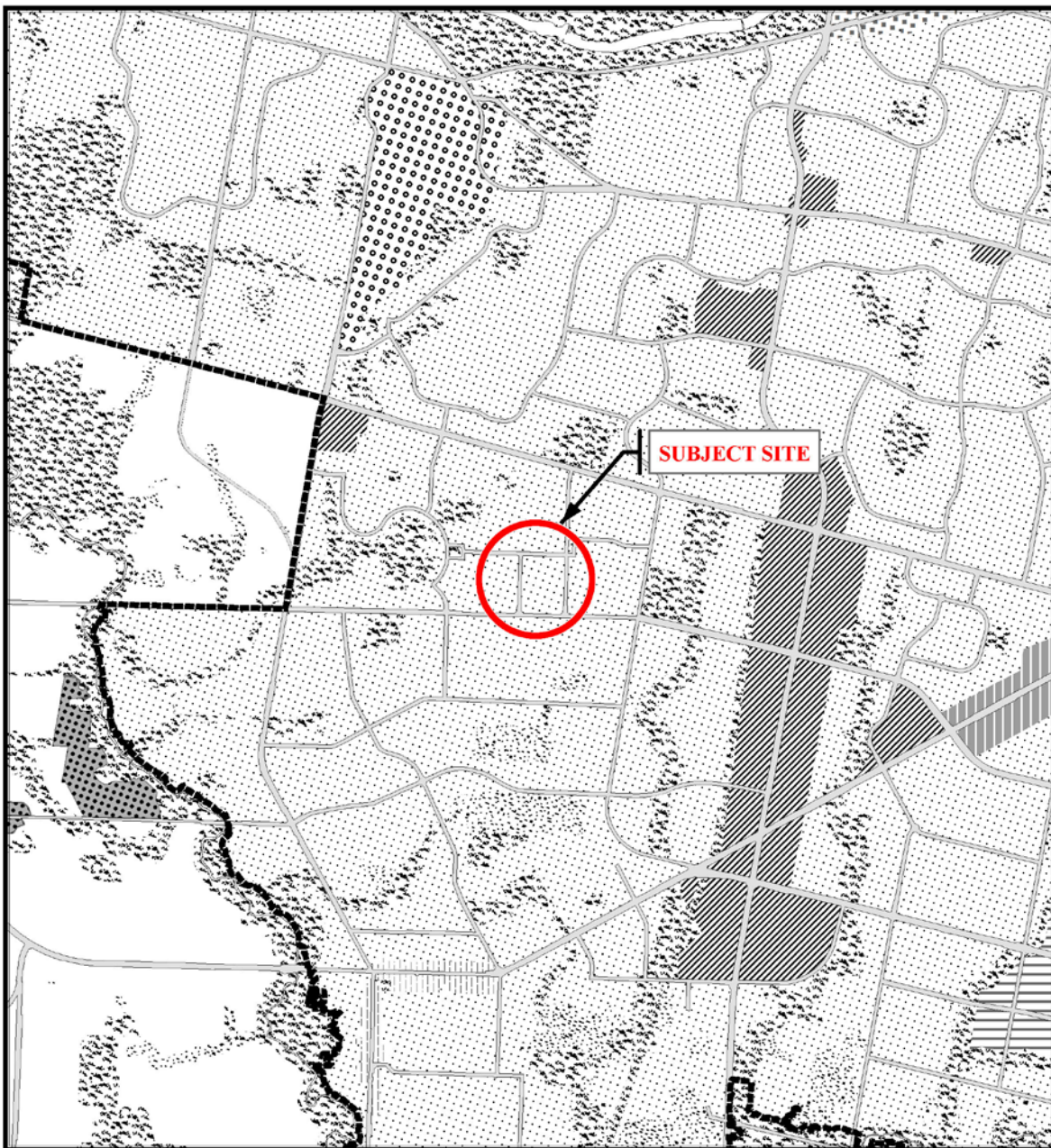
CN Rail: No Objection.

Upper Thames River Conservation Authority: A Clearance Letter was issued August 24, 2018 and no additional Section 28 approvals are required.



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE - PREPARED BY: Graphics and Information Services</p>		<p>FILE NUMBER: H-8968 PLANNER: MS TECHNICIAN: RC DATE: 2018/10/16</p>
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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.

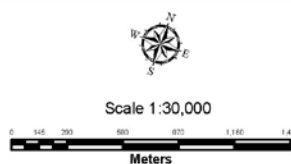
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

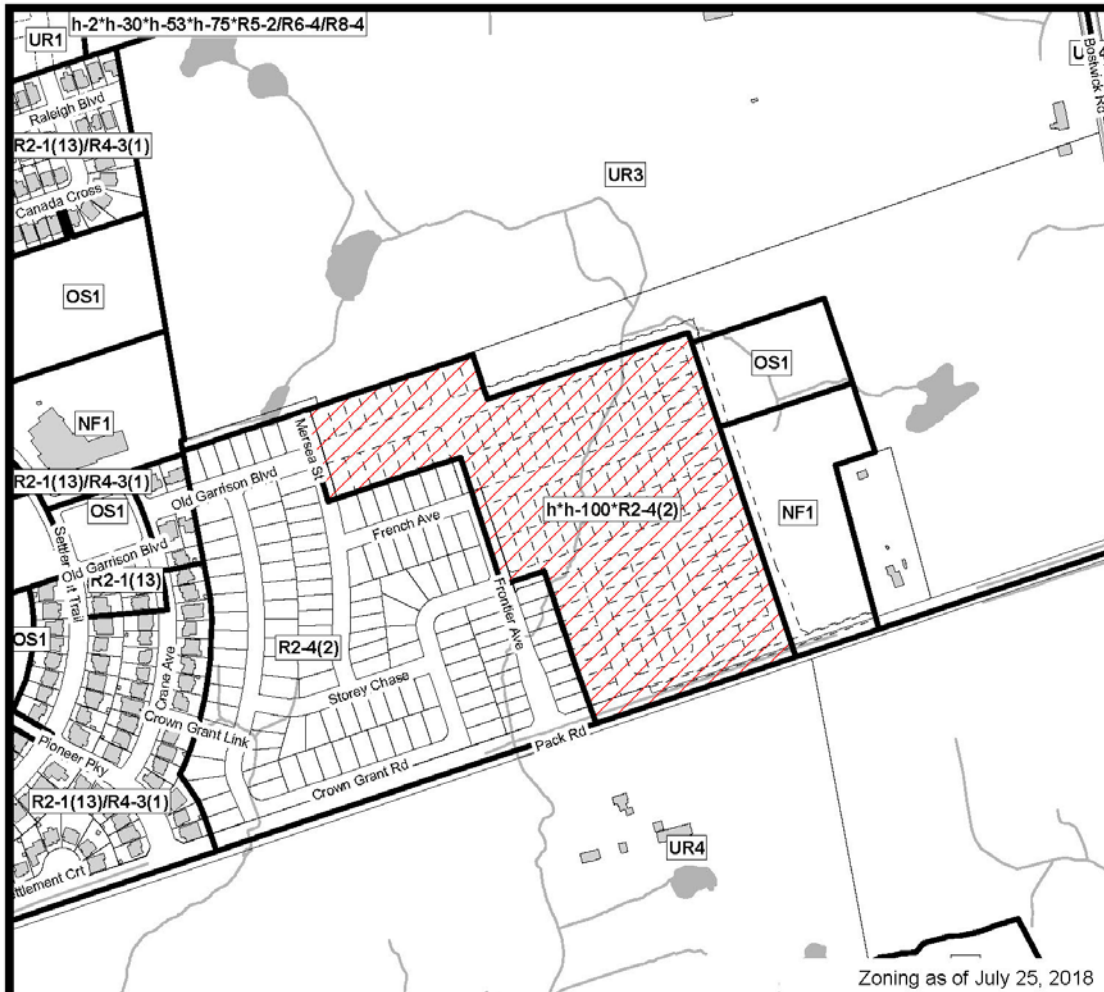
Planning Services /
 Development Services

**LONDON PLAN MAP 1
 - PLACE TYPES -**

PREPARED BY: Planning Services



File Number: H-8968
Planner: MS
Technician: RC
Date: October 16, 2018



Zoning as of July 25, 2018



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-8968

MS

MAP PREPARED:

2018/10/16

RC

1:6,000

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 Meters