

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: Applewood Developments (London) Inc.
819 Kleinburg Drive

Meeting on: December 10, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Applewood Developments (London) Inc. relating to the property located at 819 Kleinburg Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 18, 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 (h*h-100*h-173*R5-6(9)*R6-5(38)*R8-4(27)) Zone **TO** a Holding Special Provision Residential (h-100*R5-6(9)*R6-5(38)*R8-4(27)) Zone to remove the "h" and "h-173" holding provisions.

Executive Summary

Summary of Request

The applicant has requested removal of the "h" and "h-173" holding provisions from the Zone on the subject lands, which requires the necessary securities be provided and a development agreement is executed prior to development which ensures the new development is consistent with the City of London Urban Design Principles and Placemaking Guidelines.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding "h" and "h-173" symbols from the zoning applied to this site to permit the development of 54 cluster townhouse dwellings.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the required security has been submitted and the development agreement has been executed by the applicant. Through the development agreement adequate servicing has been provided, access has been established, and the development as approved is consistent with the City of London Urban Design Principles and Placemaking Guidelines. All issues have been resolved and the holding provisions are no longer required.

Analysis

1.0 Site at a Glance

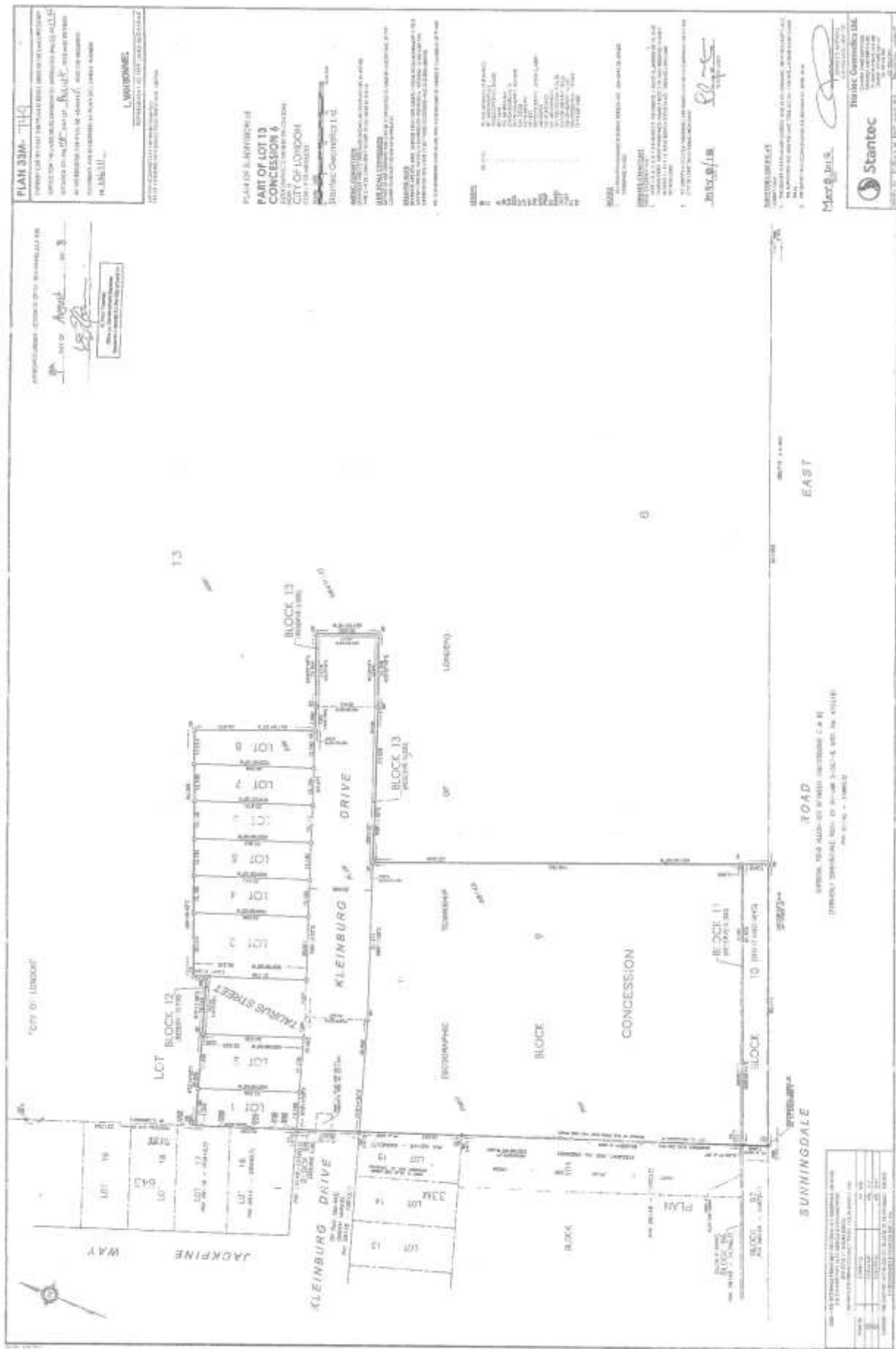
1.1 Property Description

The site is addressed as 819 Kleinburg Drive, on the south side of Kleinburg Drive, north of Sunningdale Road. The subject lands have a total frontage of 88.2 metres on Kleinburg Drive, with a site area of approximately 1.1 hectares. The subject lands are presently vacant. There are existing residential uses to the south, east, and northwest, and vacant lands to the west.

1.2 Location Map



1.3 Site Plan



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

- The London Plan Place Type – Neighbourhoods
- 1989 Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h-h-100-h-173-R5-6(9)-R6-5(38)-R8-4(27)

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 92.6 m
- Depth – approx. 220 m
- Area – 2.1 ha
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Vacant – future residential
- East – Existing dwelling – future commercial
- South – Medium density residential
- West – Vacant – future residential

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of 54 cluster townhouse dwellings. The “h-100” holding provision for a looped watermain system and a second constructed access will remain on the lands at this time, as a maximum of 80 residential dwellings are permitted prior to its removal.

3.0 Relevant Background

3.1 Planning History

The Uplands North Area Plan was adopted in 2003, and the zoning on the lands was approved in 2014 with the Draft Approval of the subdivision. The applicant submitted an application for site plan approval in July of 2018 under the existing zoning for the construction of 54 cluster townhouse dwellings.

3.2 Requested Amendment

The applicant is requesting the removal of the “h” and “h-173” holding provisions from the Zone on the subject lands, which requires the necessary securities be provided and a development agreement is executed prior to development which ensures the new development is consistent with the City of London Urban Design Principles and Placemaking Guidelines.

3.3 Community Engagement (see more detail in Appendix B)

No comments were received in response to the Notice of Application,.

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, 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 development agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

4.2 What is the purpose of the “h-173” holding provision and is it appropriate to consider its removal?

The “h-173” holding provision states that:

“Purpose: To ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through the subdivision agreement, to the satisfaction of the City of London.

Permitted Interim Uses: Existing Uses.”

The Owner has entered into a development agreement, and the development as designed and approved is consistent with the Uplands North Community Plan and the City of London Urban Design Principles and Placemaking Guidelines. This satisfies the requirement for the removal of the “h-173” holding provision.

5.0 Conclusion

The Applicant has entered into a development agreement for this site, provided the necessary security, and the development as approved is consistent with the City of London Urban Design Principles and Placemaking Guidelines. Therefore, the required conditions have been met to remove the “h” and “h-173” holding provisions. The removal of the holding provisions is recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Reviewed and Recommended by:	Lou Pompili, MPA 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	

November 30, 2018
MS/ms

CC: Michael Tomazincic, Manager, Current Planning

Previous Reports and Applications Relevant to this Application

June 9, 2003: Report to Planning Committee recommending adoption of the Uplands North Area Plan.

July 28, 2014: Report to Planning and Environment Committee for Draft Plan Approval of Subdivision, Official Plan Amendment and Zoning By-law Amendment (39T-09501/OZ-7638)

April 30, 2018: Report to Planning and Environment Committee for Special Provisions for Phase 1 of the subdivision. (39T-09501)