

## 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: 2584857 Ontario Inc.  
1820 Canvas Way

**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 2584857 Ontario Inc. relating to the property located at 1820 Canvas Way:

- a) 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-53\*R5-3(14)\*R6-5(21)) Zone **TO** a Special Provision Residential R2 (R2-4(2)) Zone and a Holding Special Provision Residential R5/R6 (h\*R5-3(14)\*R6-5(21)) Zone to remove the "h-53" holding provision over the entire site and the "h" holding provision over the majority of the site.
- b) the application to remove the "h" holding provision from the western and eastern portions of the lands **BE DEFERRED** until such time as servicing, access and appropriate approval are secured for these portions of the subject site.

## Executive Summary

### Summary of Request

The applicant has requested removal of the "h" holding provision from the Zone on a portion of the lands addressed as 1820 Canvas Way, and the removal of the "h-53" holding provision from the Zone on the whole of 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 Uplands North Community Plan, and adequate municipal services and access are available.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding "h" symbol from a portion of the zoning applied to this site, and the holding "h-53" symbol from the whole of the zoning applied to this site to permit the development 43 cluster single detached dwellings.

Adequate servicing and access is currently unavailable to the westerly townhouse block, and the eastern portion of the lands until the subdivision to the east develops. The holding "h" symbol can be removed from the balance of the lands, but will remain in place on the westerly and easterly portions of the subject property until such time as servicing, access and appropriate approval are secured for these portions of the subject site.

## 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 registered. Through the development agreement adequate servicing has been provided for the majority of the lands, and the development as approved is consistent with the Uplands North Community Plan. The “h-53” holding provision, and the “h” holding provision over the cluster single detached lots are no longer required.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The site is addressed as 1820 Canvas Way and is located on the east side of Canvas Way, north of Sunningdale Road. The subject lands have a total frontage of 92.6 metres on Canvas Way, with a site area of approximately 2.1 hectares. The subject lands are presently vacant. There are existing residential uses to the north and south, a stormwater management facility to the west, and vacant lands to the east.

#### 1.2 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-53\*R5-3(14)\*R6-5(21)

#### 1.3 Site Characteristics

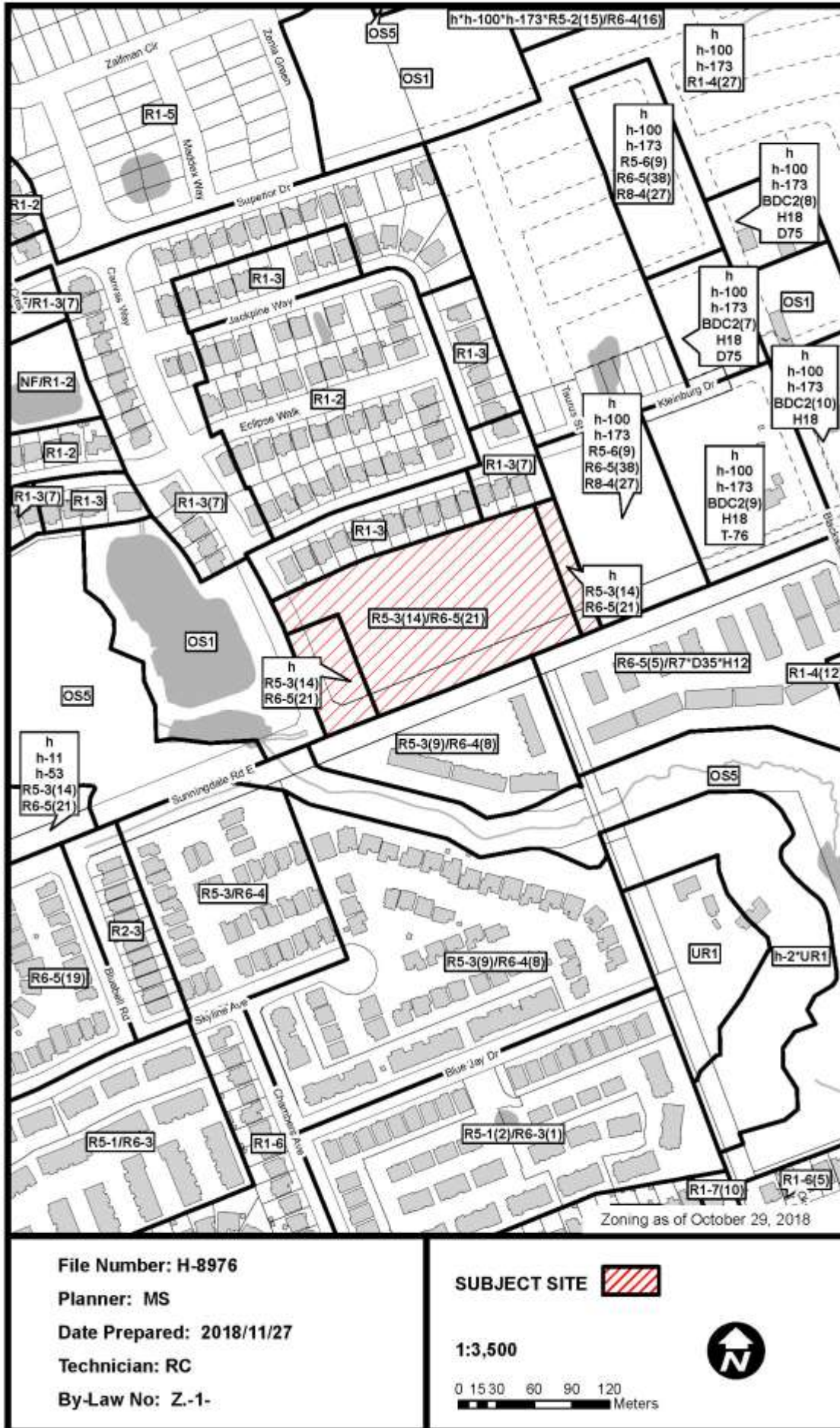
- Current Land Use – Vacant
- Frontage – 92.6 m
- Depth – approx. 220 m
- Area – 2.1 ha
- Shape – Irregular

#### 1.4 Surrounding Land Uses

- North – Low density residential
- East – Vacant – future residential
- South – Medium density residential
- West – Stormwater management facility

1.5 Location Map

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





## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendment will permit the development of 43 cluster single detached dwellings. Upon the acceptance of services constructed to the east and the future removal of the “h” holding provision on the easterly and westerly portion of the subject lands, 20 townhouse dwellings are proposed.

## 3.0 Relevant Background

### 3.1 Planning History

The zoning on the subject lands was put in place in 2006 along with the Draft Approval of the subdivision (39T-05510). Subsequent extensions of the Draft Plan were granted in 2009 and 2013. The applicant submitted an application for site plan approval in February of 2018 under the existing zone to construct 43 cluster single detached dwellings and 20 cluster townhouse dwellings.

### 3.2 Requested Amendment

The applicant is requesting the removal of the “h-53” holding provision and the partial removal of the “h” holding provision on the site which requires the necessary securities be provided, a development agreement is executed prior to development to ensure compliance with the Uplands North Community Plan.

### 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. Adequate servicing is available for the majority of the subject lands save for the proposed townhouse dwellings, the easterly portion of which will rely on servicing constructed as part of the subdivision to the east. The “h” holding provision is to remain on these portions of the site until servicing is available, but the

requirements for the removal of the “h” holding provision has been satisfied on the balance of the lands.

#### 4.2 What is the purpose of the “h-53” holding provision and is it appropriate to consider its removal?

The “h-53” 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 Community Plan, to the satisfaction of the City of London, prior to the removal of the “h-53” symbol.”*

The Owner has entered into a development agreement, and the development as designed and approved is consistent with the Uplands North Community Plan. The requirements for the removal of the “h-53” holding provision has been satisfied on the whole of the subject lands.

### 5.0 Conclusion

The Applicant has entered into a development agreement for this site, provided the necessary security, and the development is consistent with the Community Plan. Therefore, the required conditions have been met to remove the “h-53” holding provision and a portion of the “h” holding provision. The removal of the balance of the “h” holding provision will be dealt with at a future PEC meeting once adequate servicing, access and approvals has been secured. The removal of the holding provisions is recommended to Council for approval.

<b>Prepared by:</b>	<b>Meg Sundercock, BURPL Planner I, Development Services</b>
<b>Reviewed and Recommended by:</b>	<b>Lou Pompilii, MPA RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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 14, 2006:** Report to Planning Committee for Draft Plan Approval of Subdivision and Zoning By-law Amendment (39T-05510/OZ-6917)

**December 17, 2009:** Report to Planning Committee for extension of Draft Plan (39T-05510)

**May 7, 2013:** Report to Planning and Environment Committee on Extension of Draft Plan (39T-05510)