

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application by: Colonel Talbot Developments Inc.
3924 Colonel Talbot Road
Phase 1 of the Hunt Subdivision – 39T-12503

Meeting on: December 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Colonel Talbot Developments Inc. relating to the property located at 3924 Colonel Talbot 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 Residential R1 (h*R1-3) Zone, a Holding Residential R1 Special Provision/Residential R6 (h*R1-3(7)/R6-5) Zone, a Holding Residential R1 (h*R1-4) Zone, and a Holding Residential R1 (h*R1-5) Zone **TO** a Residential R1 (R1-3) Zone, a Residential R1 Special Provision/Residential R6 (R1-3(7)/R6-5) Zone, a Residential R1 (R1-4) Zone, a Residential R1 (R1-5) Zone, and an Open Space (OS1) Zone to remove the “h” holding provisions.

Executive Summary

Summary of Request

The applicant has requested removal of the “h” holding provision from the Zones within Phase 1 of the Hunt Subdivision (39T-12503) on a portion of lands addressed as 3924 Colonel Talbot Road, which requires the necessary securities be provided and a subdivision agreement is executed prior to development.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (“h”) symbol from the zoning applied to this site to permit the development of 132 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 signed. All issues have been resolved and the holding provision is no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands include several adjacent properties comprising a total area of 64.77 hectares, with intermittent frontages along the east side of Colonel Talbot Road. The topography is gently sloping (northeast to southwest), with two catchment areas. The majority of the land drains southwest, eventually outletting to the Anguish Drain and Dingman Creek. Phase 1 of the Hunt Subdivision consists of 132 single detached dwellings, and two multi-family blocks, all served by 4 new roads and the extension of Bakerville Street and Campbell Street North.

1.2 Current Planning Information (Phase 1)

- Official Plan Designation – Low Density Residential, Open Space
- The London Plan Place Type – Neighbourhoods, Green Space

- Existing Zoning – Holding Residential R1 (h*R1-3) Zone, Holding Residential R1 Special Provision/Residential R6 (h*R1-3(7)/R6-5) Zone, Holding Residential R1 (h*R1-4) Zone, Holding Residential R1 (h*R1-5) Zone, an Open Space (OS1) Zone.

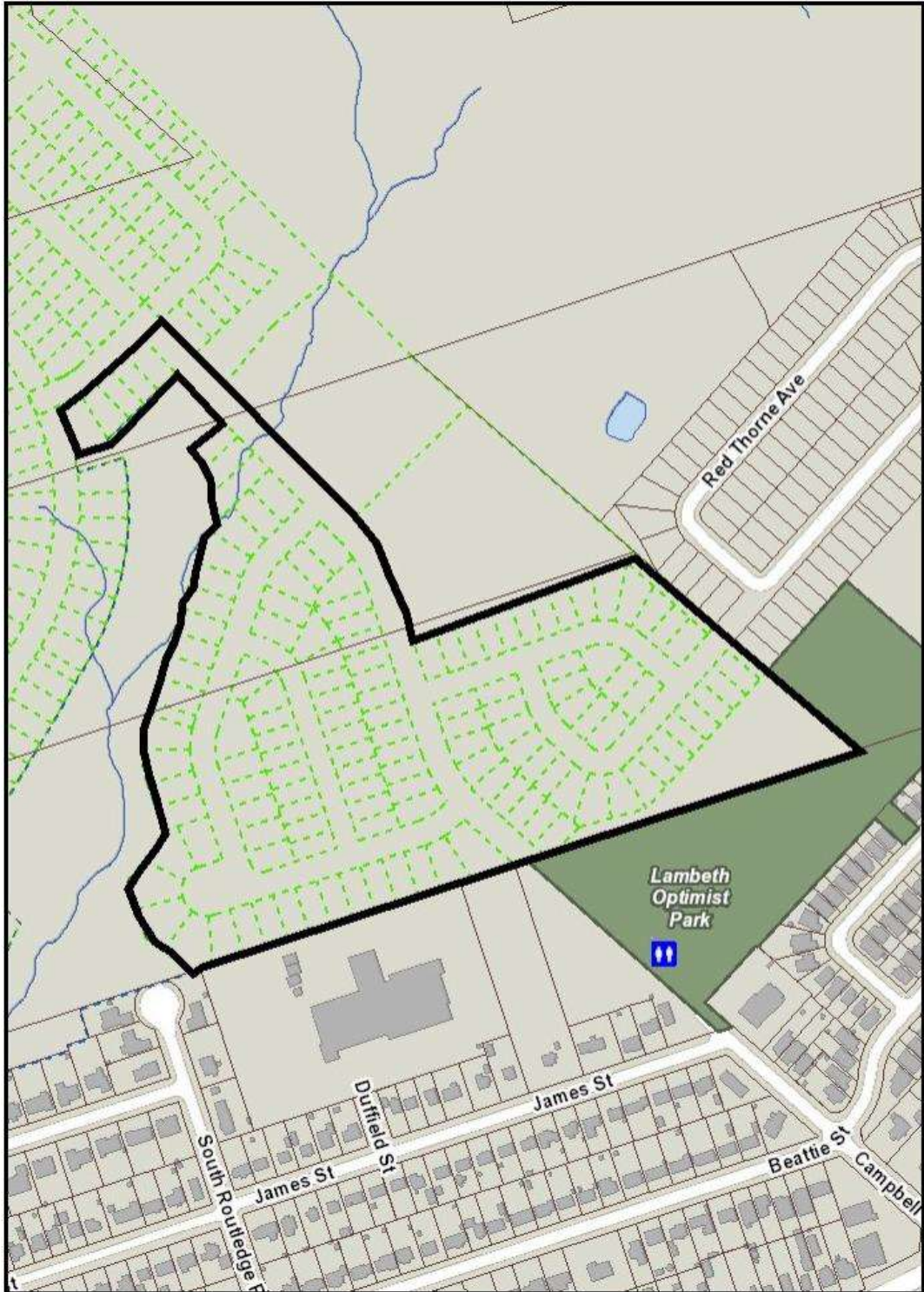
1.3 Site Characteristics (Phase 1)

- Current Land Use – vacant
- Area – 17.5 ha (43.2 acres)
- Shape – irregular

1.4 Surrounding Land Uses (Phase 1)

- North – vacant
- East – vacant, existing single detached residential
- South – elementary school, park
- West – vacant, stormwater management pond, opens space



1.5 Location Map



Location Map

Subject Property: 3924 Colonel Talbot Road
Applicant: Colonel Talbot Developments Inc.
File Number: H-8981
Created By: Nancy Pasato
Date: 11/13/2018
Scale: 1:4000

Legend

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

Corporation of the City of London



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of 132 single detached dwellings within a development that includes four (4) new roads and the extension of two (2) existing roads (Bakerville Street and Campbell Street North) established through the subdivision process (39T-12503).

3.0 Relevant Background

3.1 Planning History

The subject lands include several adjacent properties comprising a total area of 64.77 hectares, with intermittent frontages along the east side of Colonel Talbot Road. The plan of subdivision application was accepted as a complete application on May 2, 2012. A revised plan of subdivision application was received from Colonel Talbot Developments Inc. on December 13, 2012. The Applicant appealed a lack of decision on January 28, 2013. In January of 2014 the Ontario Municipal Board heard the appeal by Colonel Talbot Developments Inc. and after a number of days of hearing, the Board agreed to a settlement reached between the parties based on testimony and submissions of counsel. The appeal was allowed in part and a decision was rendered on February 14, 2014. Modifications to the plan and conditions were approved by the OMB on April 26, 2016. Most recently, a draft approval extension and minor modifications on the plan and conditions were approved by the LPAT on April 25, 2018.

3.2 Requested Amendment

The applicant is requesting the removal of the “h” holding provision for Phase 1 of the subdivision which requires the necessary securities be provided and a subdivision agreement is entered into prior to development.

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 (see more detail in Appendix C)

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.

5.0 Conclusion

The Applicant has entered into a subdivision agreement for this site, and provided the necessary security, therefore, the required conditions have been met to remove the "h" holding provision.

Prepared & Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed 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	

December 3, 2018
NP/np

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

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Previous Reports and Applications Relevant to this Application

May 7, 2013 – Report to Planning and Environment Committee to establish a Municipal Council position in response to appeals from Colonel Talbot Developments Inc. on the neglect by Council to make a decision on Official Plan and Zoning By-law amendment applications; and failure of the Approval Authority to make a decision on an application for subdivision approval.

November 26, 2013 – Report to Planning and Environment Committee to provide an update on the status of discussions that have taken place with the applicant since May. The report also addressed the need for an updated Municipal Council position on the appeals from Colonel Talbot Developments Inc. relating to applications for draft plan of subdivision, Official Plan amendment and Zoning By-law amendment.

May 13, 2014 - Report to Planning and Environment Committee to provide an update to the OMB appeal and provide the decision to Council.

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3924
Colonel Talbot Road.

WHEREAS Colonel Talbot Developments Inc. has applied to remove the holding provision from the zoning for a portion of the lands located at 3924 Colonel Talbot 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 3924 Colonel Talbot Road, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R1 (R1-3) Zone, a Residential R1 Special Provision/Residential R6 (R1-3(7)/R6-5) Zone, a Residential R1 (R1-4) Zone, a Residential R1 (R1-5) Zone and an Open Space (OS1) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

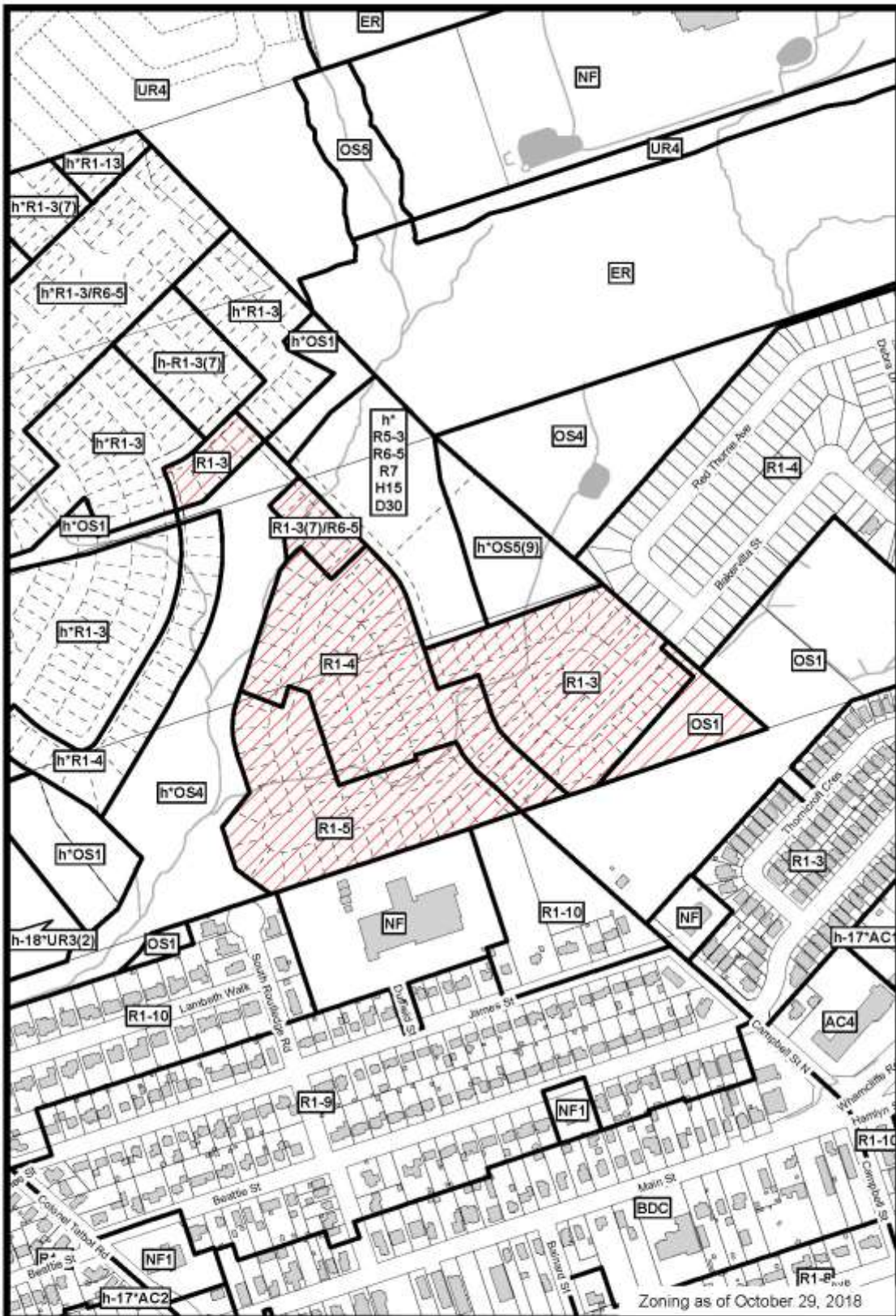
PASSED in Open Council on December 18, 2018.

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading – December 18, 2018
Second Reading – December 18, 2018
Third Reading – December 18, 2018

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



File Number: H-8981
Planner: NP
Date Prepared: 2018/11/19
Technician: RC
By-Law No: Z-1-

SUBJECT SITE 

1:5,000

0 25 50 100 150 200 Meters

