

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: Drewlo Holdings Inc.
1522 Kilally Road and 1654 Highbury Avenue North
Edgevalley Subdivision – 39T-05505
Meeting on: January 21, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Drewlo Holdings Inc. relating to the properties located at 1522 Kilally Road and 1654 Highbury Avenue North, the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on January 15, 2019 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 Special Provision (h*h-100*R1-3(7)) Zone, a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*h-100*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*h-100*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*h-100*R6-5/R9-7*H36) Zone **TO** a Residential R1 Special Provision (R1-3(7)) Zone, a Residential R1 (R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*R6-5/R9-7*H36) Zone to remove the “h” holding provision from all lots and the “h-100” holding provision from all lots and blocks.

Executive Summary

Summary of Request

The applicant has requested removal of the “h” and “h-100” holding provision from the Zones within the Edgevalley Subdivision (39T-05505), which requires the necessary securities be provided and a subdivision agreement is executed prior to development, and requires the construction of a looped watermain and second access to the subdivision.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (“h”) symbol from all lots within the plan of subdivision (Lots 1-129) and to remove the holding (“h-100”) from all Lots (1-129) and all blocks (Blocks 132, 133, 134, 139 and 140) within the plan of subdivision to permit the development of 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, and the required second access and looped watermain have been constructed. All issues have been resolved and the holding provision(s) are no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands include two properties comprising a total area of 25.01 ha.

1.2 Current Planning Information (Phase 1)

- Official Plan Designation – Multi Family, Medium Density Residential, Multi Family, High Density Residential, Open Space
- The London Plan Place Type – Neighbourhoods, Green Space
- Existing Zoning – Existing Zoning – a Holding Residential R1 Special Provision (h*h-100*R1-3(7)) Zone, a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*h-100*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*h-100*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*h-100*R6-5/R9-7*H36) Zone, Open Space (OS1) Zone, Open Space (OS5) Zone

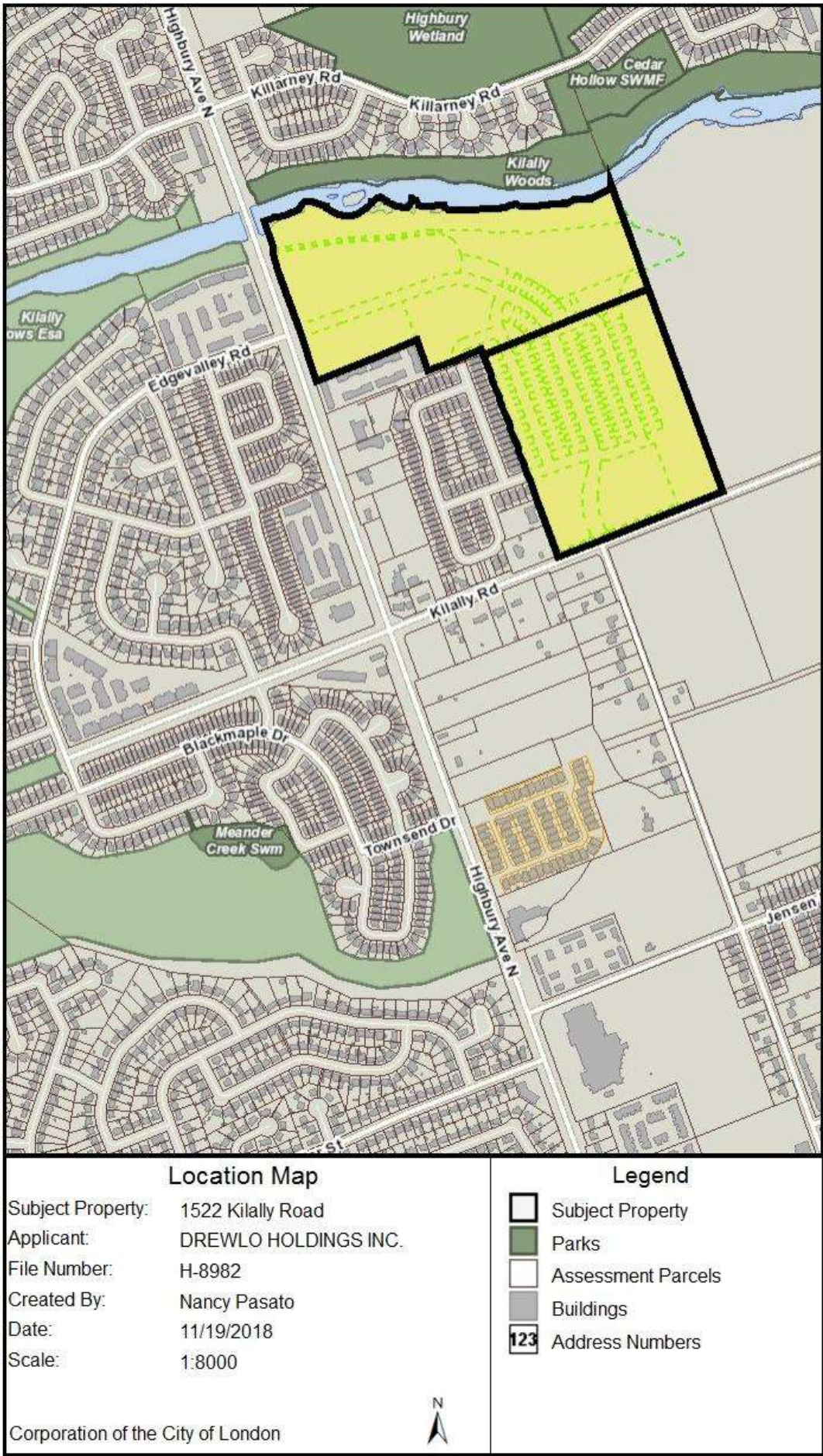
1.3 Site Characteristics (Phase 1)

- Current Land Use – vacant
- Area – 25.01 ha (61.8 acres)
- Shape – irregular

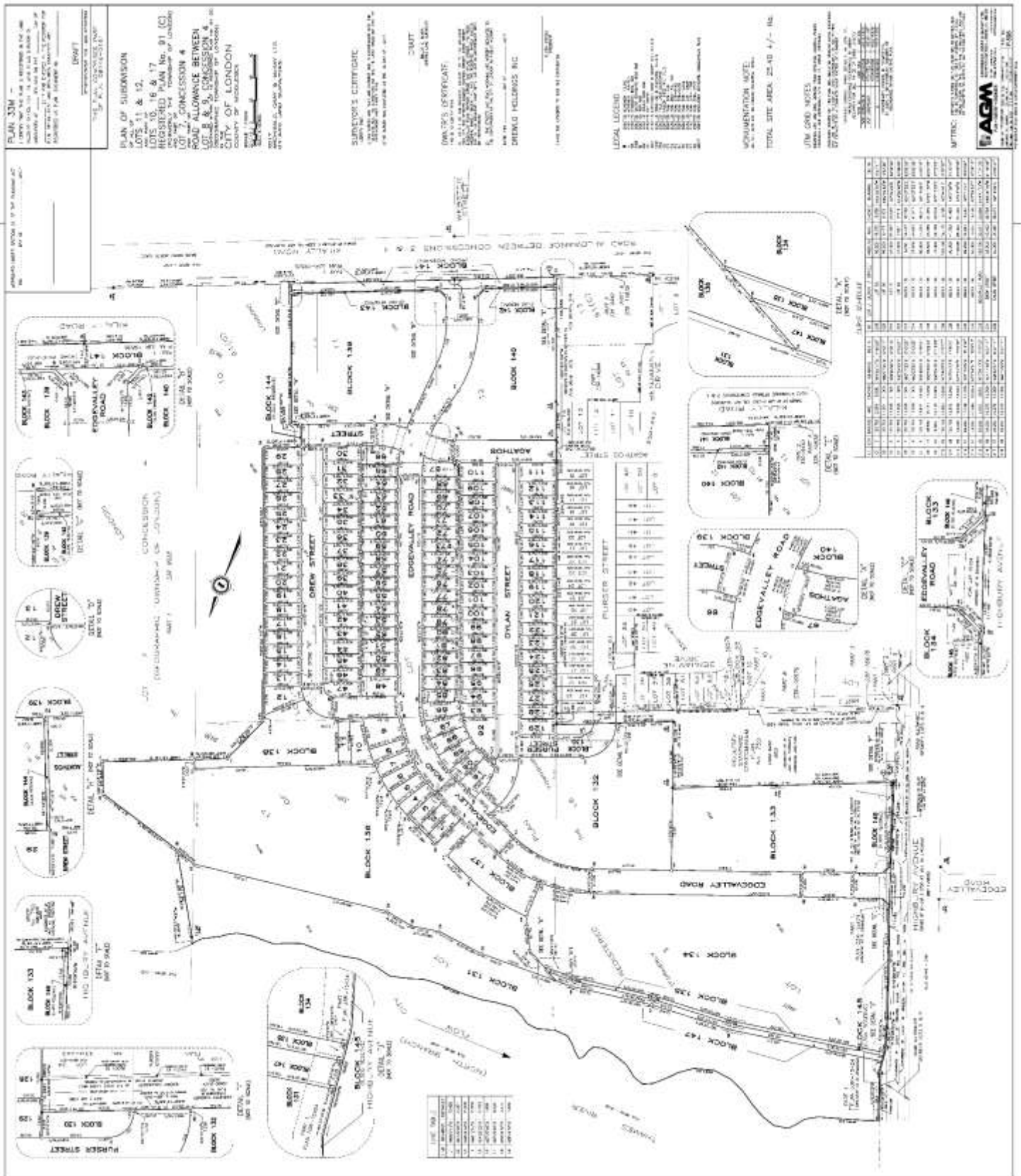
1.4 Surrounding Land Uses (Phase 1)

- North – Thames River
- East – vacant/agriculture
- South – existing single detached residential
- West – existing single detached residential

1.5 Location Map



Approved Edgevalley Subdivision Plan (39T-05505)- 33M-757



2.0 Description of Proposal

2.1 Development Proposal

The current plan consists of 129 single detached dwelling lots, 4 medium density blocks, 1 high density block, 1 stormwater management block, 1 open space block, 2 park blocks, and several road allowance/reserve/widening blocks, all served by the extension of Edgevalley Road, Agathos Street and Purser Street and 2 new local streets established through the subdivision process (39T-05505).

3.0 Relevant Background

3.1 Planning History

Drewlo Holdings Inc. submitted an application for draft plan of subdivision and zoning by-law amendment on March 31, 2005. The public meeting was held on February 27, 2006. Council resolved that the draft plan and concurrent zoning by-law amendment be approved on March 6, 2006. Draft approval was granted on March 22, 2006. A three year extension to the draft approval was granted by the Approval Authority on March 22, 2009.

On May 4, 2011, the applicant submitted a revised draft plan of subdivision consisting of 129 single detached lots, 5 medium density blocks, 1 high density block, 2 park blocks, all served by the extension of Edgevalley Road, Agathos Street and Purser Street and 2 new local streets. The public meeting was held on December 12, 2011. A three (3) year extension and approval of the revised draft plan/conditions was granted by the Approval Authority on February 10, 2012.

Since this time, several draft approval extensions have been granted by the Approval Authority and Council (August 2015, January 2017, and most recently, an emergency extension in July, 2018). Final Approval was granted on December 19, 2018 and the plan has been registered as 33M-757.

3.2 Requested Amendment

The applicant is requesting the removal of the “h” holding provision from all lots, and the “h-100” holding provision from all lots and blocks in this plan. It should be noted that the “h” will remain for all Blocks until such time as a development agreement has been entered into for the sites. As well, an “h-54” related to noise attenuation measures will also remain on Blocks 133, 134 139 and 140. A separate application(s) and fee(s) will be required for future holding provision removal(s).

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, 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 it 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 January 8, 2019, 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 & Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MPA RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Recommended 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	

Previous Reports and Applications Relevant to this Application

November, 1990 - Report to Planning Committee on Kilally Road Area Study and subsequent adoption of Official Plan amendments.

June, 2003 - – Report to Planning Committee to provide an update on the Kilally Road Area Study and amend the Official Plan.

July, 2005 - Report to Planning Committee to delete the aggregate resource designation from Schedule B of the Official Plan (O-6899)

February, 2006 - Report to Planning Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments (39T-05505/Z-6897)

March, 2009 - Report to Planning Committee to recommend a three year extension to the draft approved plan of subdivision (39T-05505)

December, 2011 - Report to Built and Natural Environment Committee to recommend a revised draft plan of subdivision and associated zoning by-law amendments (39T-05505/Z-7942)

June 15, 2015 – Report to Planning Committee to recommend a one year extension to the draft approved plan of subdivision, with a two year extension to be done administratively (39T-05505)

September 6, 2016 – Report to Planning Committee to recommend a revised zone for the high density block within the draft plan (Z-8618)

January 8, 2018 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement (39T-05505)

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 1522
Kilally Road and 1654 Highbury
Avenue North .

WHEREAS Drewlo Holdings Inc. has applied to remove the holding provision from the zoning for a portion of the lands located at 1522 Kilally Road and 1654 Highbury Avenue North, 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 1522 Kilally Road and 1654 Highbury Avenue North, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-3(7)) Zone, a Residential R1 (R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*R6-5/R9-7*H36) 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 January 29, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

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

