

## 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: Lambeth Health Organization Inc.  
4402 Colonel Talbot Road  
Removal of Holding Provision (h-18)

**Meeting on:** March 18, 2019

## Recommendation

That, on the recommendation of the Planner II, Development Planning, based on the application of Lambeth Health Organization Inc. relating to the property located at 4402 Colonel Talbot Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 26, 2019 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning **FROM** a Holding Business District Commercial Special Provision (h-18\* BDC(30)) Zone **TO** a Business District Commercial Special Provision (BDC(30)) Zone to remove the “h-18” holding provision from these lands.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-18 holding symbol from the zoning to permit the development of the lands for commercial purposes permitted under the Business District Commercial Special Provision (BDC(30)) Zone.

### Rationale of Recommended Action

1. The “h-18” holding provision requires that the property is assessed and adverse impacts to any significant archaeological resources found are mitigated before grading or soil disturbance can occur on the subject site. The necessary archaeological assessments have been conducted to the satisfaction of the Ministry of Tourism, Culture and Sport and have been approved by Staff, therefore the “h-18” holding provision is recommended for removal.
2. All substantive issues have been addressed with only technical design details outstanding, which are being addressed through the Site Plan Approval process (SPC18-060).

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the east side of Colonel Talbot Road and is the former McEachren Primary School. The school ceased operation in 2010 and the site has been vacant until present. The vacant school is proposed for adaptive re-use to permit a health and wellness centre as well as a pharmacy, with only minor structural changes planned. Improvements are proposed to the façade along Colonel Talbot Road, including the construction of a door, stairs and a ramp to improve accessibility. These changes will be implemented through the Site Plan Approval process (SPC18-060). The site is located in the Lambeth Neighbourhood.

**1.2 Current Planning Information (see more detail in Appendix D)**

- Southwest Area Secondary Plan Designation - Main Street Lambeth North (MSLN), Main Street Lambeth South (MSLS) & Lambeth Neighbourhood (LN)
- The London Plan Place Type – Neighbourhoods & Main Street
- Official Plan Designation – Main Street Commercial Corridor (MSCC) & Low Density Residential (LDR)
- Existing Zoning – Holding Business District Commercial Special Provision (h-18\* BDC(30))Zone

**1.3 Site Characteristics**

- Current Land Use – School (vacant)
- Frontage – Combined total of 80m along Colonel Talbot Road
- Depth – Irregular
- Area – 2.2 ha
- Shape – Irregular

**1.4 Surrounding Land Uses**

- North – Residential and Commercial
- South – Commercial and Neighbourhood Facility
- East – Residential
- West – Commercial and Residential

<b>2.0 Description of Proposal</b>
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This proposal is to remove the “h-18” holding provision at 4402 Colonel Talbot Road. The removal of this holding provision requires that the property is assessed and any adverse impacts to any significant archaeological resources found are mitigated before grading or soil disturbance can occur on the subject site. No modifications to built form or land use are proposed as part of this request to remove the holding provision. Through the Site Plan Approval process (SPC18-060), the vacant school is proposed for adaptive re-use to permit a health and wellness centre as well as a pharmacy, with only minor structural changes planned. The removal of the h-18 holding provision will allow for the development of permitted business and commercial uses on the site.

Location Map








**Location Map**

Subject Property: 4402 Colonel Talbot Road  
Applicant: ENDRI POLETTI  
File Number: H-8961  
Created By: Sean Meksula  
Date: 2/14/2019  
Scale: 1:2000

Corporation of the City of London

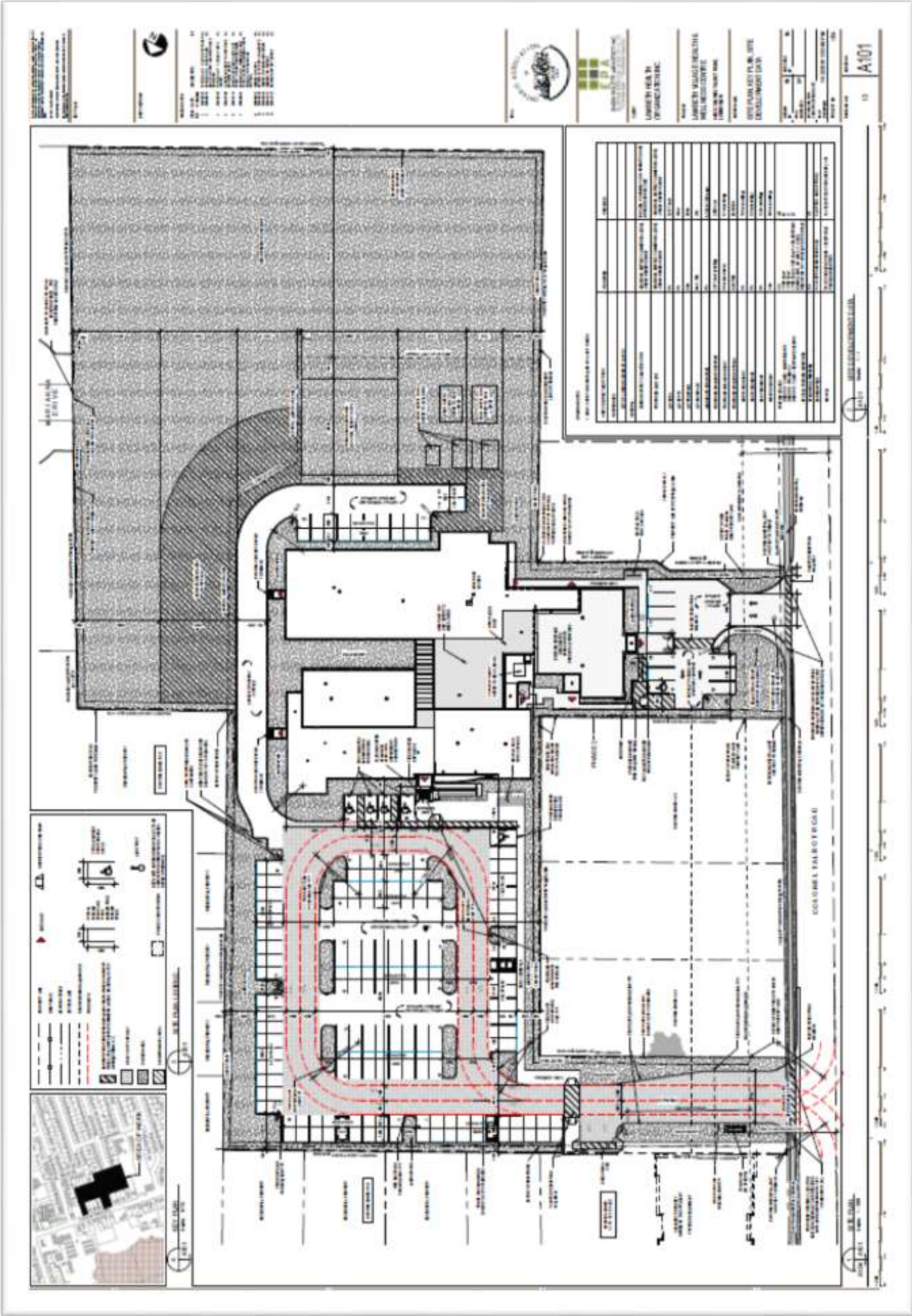
**Legend**

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





Proposed Site Plan



## 3.0 Relevant Background

### 3.1 Planning History

In June, 2015, City Council adopted a Zoning By-law Amendment application (Z-8461) for the redevelopment of the former McEachren Primary School and associated lands to permit a Holding Arterial Commercial (h-17\*h-18\*h-124\*AC2) Zone, a Holding Business District Commercial Special Provision (h-18\*BDC (30)) Zone, and a Holding Urban Reserve (h-18\*UR1) Zone, to permit the adaptive re-use of the former McEachren School to permit a health and wellness centre as well as a pharmacy, and to maintain the rear (eastern) portion of the site as vacant land for future residential uses. This Zoning By-law Amendment application included holding provisions that would need to be fulfilled and subsequently removed before the future development of the site could proceed.

### 3.2 Requested Amendment

The applicant is now requesting the removal of the h-18 holding provision on the site for the proposed commercial development. The applicant and the City of London have signed the development agreement, appropriate access arrangements associated with the site plan have been established and securities have been posted for the lands. As such the development of the lands is forthcoming.

### 3.3 Policy Context (see more detail in Appendix C)

#### *Planning Act*

Section 36 of the *Planning Act* gives municipalities the authority to use a holding symbol “h” in conjunction with any use designation to specify the development permissions for the property after the hold has been removed by an amendment to the Zoning By-law.

#### City of London 1989 Official Plan (“Official Plan”)

Policy 19.4.3 of the Official Plan identifies that the Zoning By-law may contain holding provisions in accordance with the *Planning Act*. These holding provisions may be used to ensure that necessary servicing features and municipal works are in place before development can proceed. The requirement for the “h-18” holding provision, as identified in the Zoning By-law, is that the necessary archaeological assessments be completed before development can proceed on the subject site.

The Official Plan identifies that a Zoning By-law will be amended to remove the holding symbol when Council determines that the conditions relating to the appropriate purposes as set out in the By-law have been met.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1- “h-18” holding provision

The “h-18” holding provision requires that archaeological assessments be completed before the holding symbol can be removed and development can proceed. The “h-18” holding provision is as follows:

*“To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division. The property*

*will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out.”*

A Stage 1 and 2 Archaeological Assessment was submitted as part of the site plan application. The assessment found no archaeological resources and recommended no further study on the subject site. A letter from the Ministry of Tourism, Culture and Sport was provided. As this has been completed, it has been recommended that the “h-18” holding provision be removed from the subject site.

## **5.0 Conclusion**

The “h-18” holding provision requirement has been satisfied and it is appropriate to remove the holding symbol to allow for the development on the subject land. The applicant is moving forward with their site plan application and development agreement with the City of London. Removal of the “h-18” holding provision will allow for the consideration of building permits to permit the construction a health and wellness centre as well as a pharmacy.

<b>Prepared and Recommended by:</b>	<b>Sean Meksula, MCIP RPP Planner II, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, 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>
<p>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</p>	

Appendix A

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

By-law No. Z.-1- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 4402 Colonel Talbot Road.

WHEREAS Lambeth Health Organization Inc. have applied to remove the holding provisions from the zoning for the lands located at 4402 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 provisions from the zoning of the said land;

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 the lands located at 4402 Colonel Talbot Road, as shown on the attached map, to remove the h-18 holding provisions so that the zoning of the lands as a Business District Commercial Special Provision (BDC(30)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 26, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - March 26, 2019  
Second Reading – March 26, 2019  
Third Reading - March 26, 2019



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





## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On October 17, 2018, Notice of Application was sent to 3 property owners in the surrounding area (those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 18, 2018.

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the “h-18” Holding Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to allow development of the lands for commercial purposes permitted under the Business District Commercial Special Provision (BDC(30)) Zone. The purpose of the “h-18” provision is to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

Council will consider removing the holding provisions as it applies to these lands no earlier than December 10, 2018.

**Appendix C – Relevant Background**

Existing Zoning Map

