

## 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: Drewlo Holdings Inc.  
177 Edgevalley Road  
Removal of Holding Provisions  
**Meeting on:** May 13, 2019

## Recommendation

That on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Drewlo Holdings Inc. relating to the property located at 177 Edgevalley Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 21, 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 R5/Residential R6 (h\*h-54\*R5-7/R6-5) Zone **TO** a Residential R5/Residential R6 (R5-7/R6-5) Zone to remove the "h" and "h-54" holding provision.

## Executive Summary

### Summary of Request

The applicant has requested removal of the "h" and "h-54" holding provision from newly registered Block 134 in Plan 33M-757, municipally addressed as 177 Edgevalley Road, which requires the necessary securities be provided and a development agreement is executed prior to development, and requires noise attenuation measures be incorporated into the approved site plan.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h" and "h-54") symbol from Block 134 of newly registered plan of subdivision (33M-757) to permit the development of cluster townhouses on the Block.

### 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 signed, and the noise attenuation measures have been incorporated into the site plan. 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 subject property is located just south of the Thames River, east of Highbury Avenue North and on the north side of Edgevalley Road. The subject site is within a recently approved Plan of Subdivision known as the Edgevalley Subdivision (former file 39T-05505), which was registered on December 18, 2018 as 33M-757. The subject site is approximately 3.23ha in size.

#### 1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi Family, Medium Density Residential

- Existing Zoning - a Holding Residential R5/Residential R6 (h\*h-54\*h-100\*R5-7/R6-5) Zone

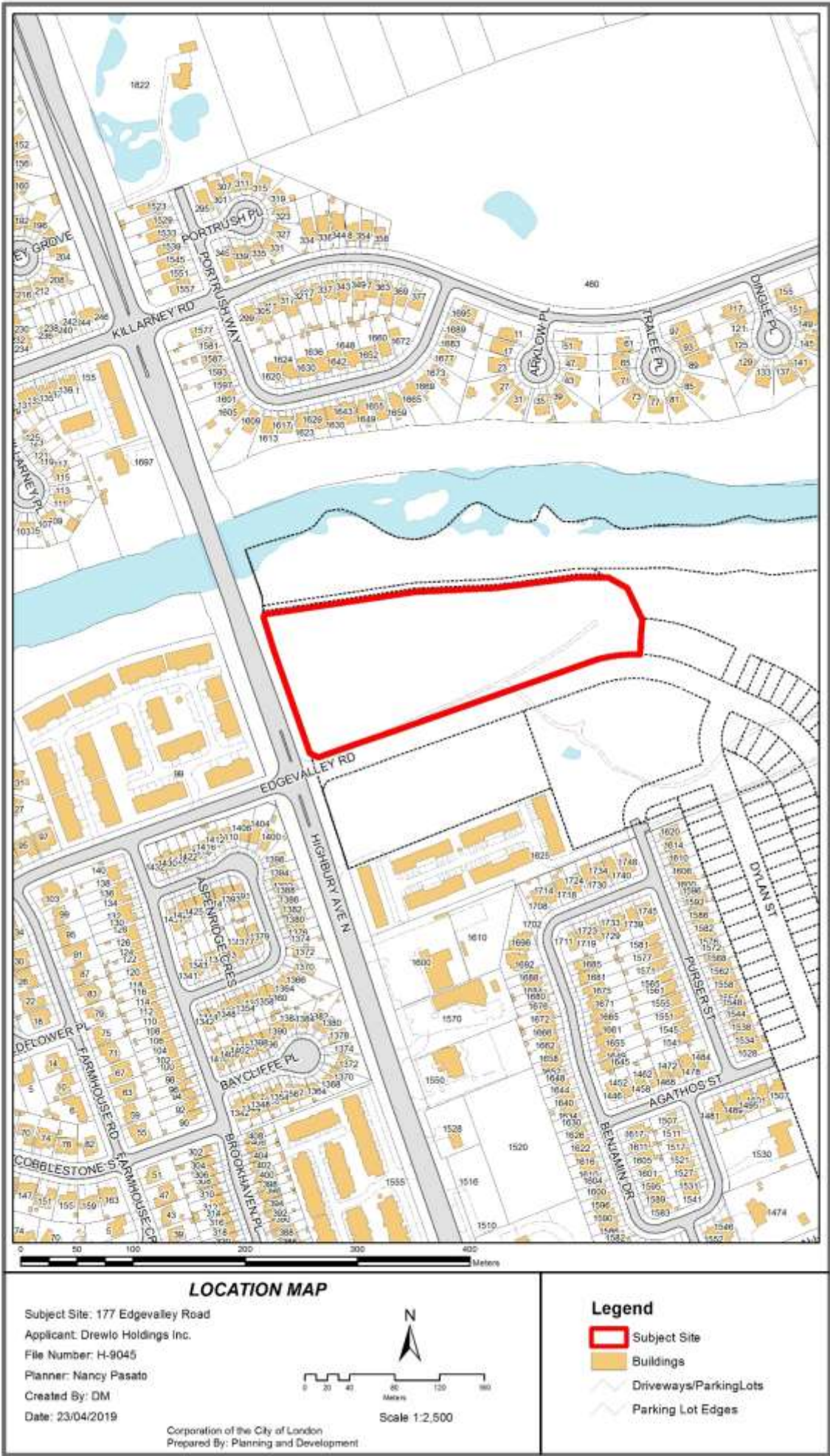
**1.3 Site Characteristics**

- Current Land Use – vacant
- Area – 3.2 ha (7.9 acres)
- Shape – irregular

**1.4 Surrounding Land Uses**

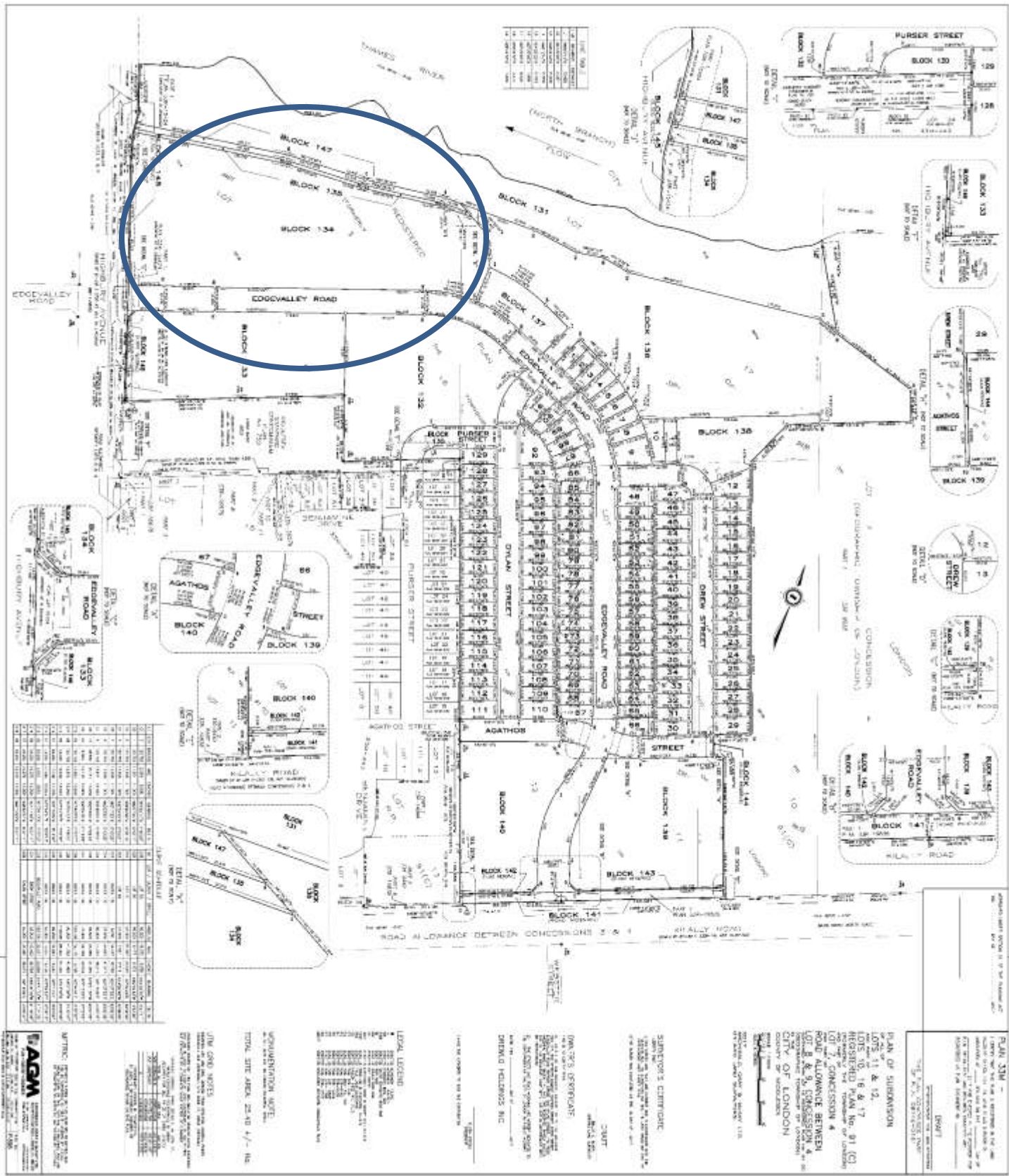
- North – Thames River
- East – Stormwater Management Pond/open space
- South – vacant/future multi-family or high density residential uses
- West – cluster townhouse dwellings

1.5 Location Map





Approved Edgevalley Subdivision Plan with Block 134 - 33M-757



## 2.0 Description of Proposal

## 2.1 Development Proposal

The subject site contains a recently approved site plan for a cluster townhouse development comprised of 139 residential units.

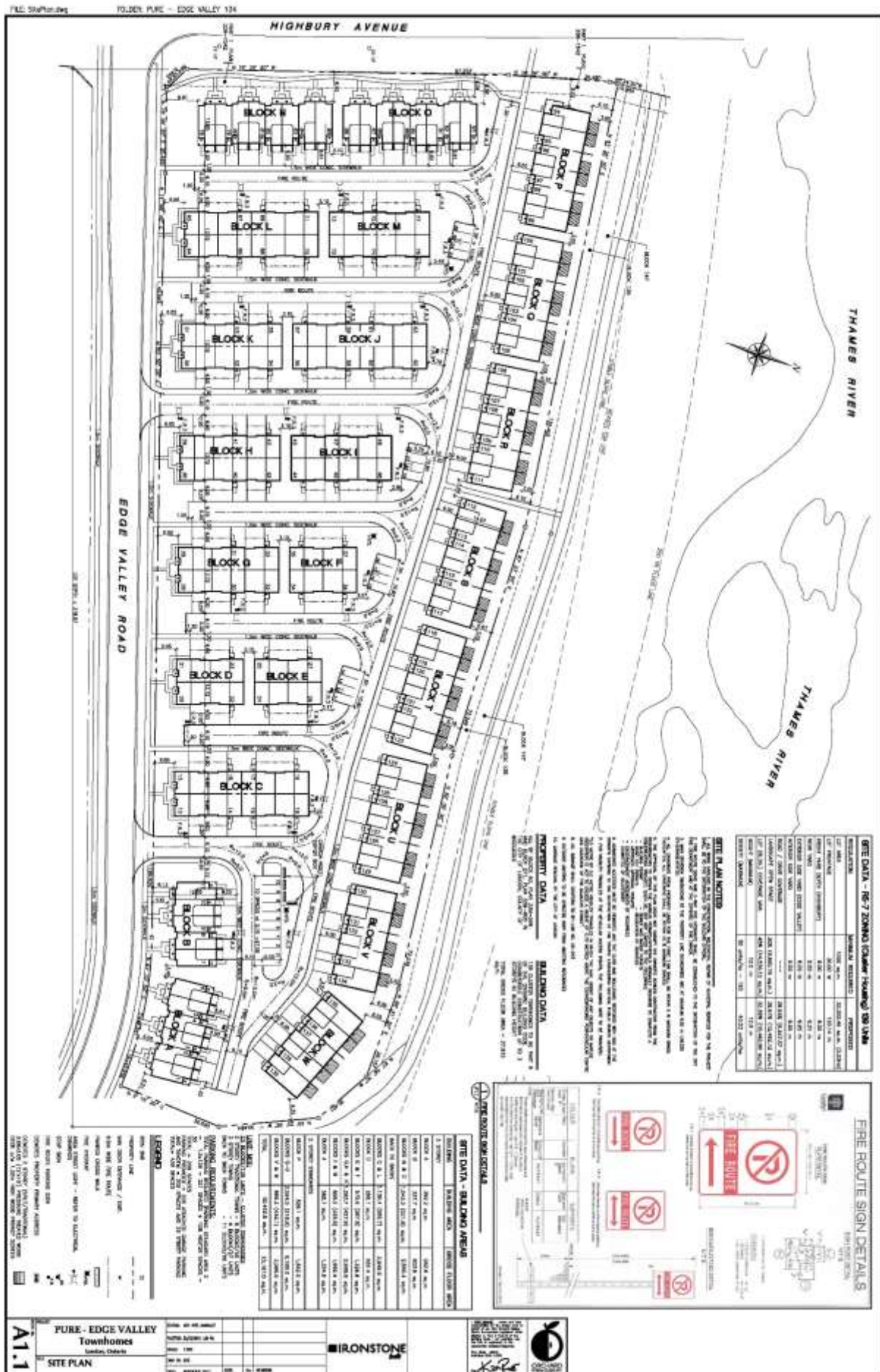


Figure 1 - Approved site plan

**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 with 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 of 2015, January of 2017, and most recently, an emergency extension in July of 2018). Final Approval was granted on December 19, 2018 and the plan has been registered as 33M-757.

Most recently, a removal of holding provision (H-8892) application was approved by Planning and Environment Committee and Municipal Council in January of 2019. The application to remove the holding provisions permitted the development of the single detached lots within the plan of subdivision.

**3.2 Requested Amendment**

The applicant is requesting the removal of the “h” and “h-54” holding provision from Block 134 in recently approved registered plan 33M-757.

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



4.2 What is the purpose of the “h-54” holding provision and is it appropriate to consider its removal?

The “h-54” holding provision states that:

*Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.*

The noise assessment report submitted by the Applicant was accepted through the site plan application. The noise assessment report recommended various noise attenuation measures including noise walls to protect rear and side yard amenity areas, building construction, installation of air conditioning within units, and warning clauses within the development agreement. These mitigation measures have been included in the final site plan. This satisfies the removal of the holding provision.

5.0 Conclusion

The Applicant has entered into a development agreement for this site, provided the necessary security, and implemented the necessary noise attenuation measures into the site plan. Therefore, the required conditions have been met to remove the “h” and “h-54” holding provision. The removal of the holding provision is recommended to Council for approval.

Prepared by:	<div>Nancy Pasato, MCIP, RPP Senior Planner, Development Planning</div>
Recommended by:	<div>Paul Yeoman, RPP, PLE Director, Development Services</div>
Submitted by:	<div>George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official</div>
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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompilli, Manager, Development Services - Planning  
Ismail Abushehada, Manager, Development Services - Engineering

### **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)

**January 21, 2019** - Report to Planning and Environment Committee on Removal of Holding Provisions for a portion of the subdivision (H-8892)



## 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 177  
Edgevalley Road.

WHEREAS Drewlo Holdings Inc. has applied to remove the holding provision from the zoning for the lands located at 177 Edgevalley 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 177 Edgevalley Road, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R5/Residential R6 (R5-7/R6-5) 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 May 21, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – May 21, 2019  
Second Reading – May 21, 2019  
Third Reading – May 21, 2019

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

