

## 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:** 2670040 Ontario Inc.  
1229 and 1265 Wharncliffe Road South  
Removal of Holding Provisions (h, h-11, h-63, h-95, h-100, and  
h-104)

**Meeting on:** July 22, 2019

## Recommendation

That, on the recommendation of the Director, Development Services the following actions be taken with respect to the application of 2670040 Ontario Inc. relating to the property located at 1229 and 1265 Wharncliffe Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on July 30, 2019 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1229 and 1265 Wharncliffe Road South **FROM** a Holding Restricted Service Commercial Special Provision(h\*h-11\*h-63\*h-95\*h-100\*h-104\*h-138\*RSC1/RSC2/RSC3(16)/RSC4(14)/RSC5(16)) Zone **TO** a Holding Restricted Service Commercial Special Provision (h-138\*RSC1/RSC2/RSC3(16)/RSC4(14)/RSC5(16)) Zone to remove the h, h-11, h-63, h-95, h-100, and h-104 holding provisions.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the h, h-11, h-63, h-95, h-100, and h-104 holding provisions from 1229 and 1265 Wharncliffe Road South for the consideration of building permits to construct two Automobile Sales and Services establishments.

### Rationale of Recommended Action

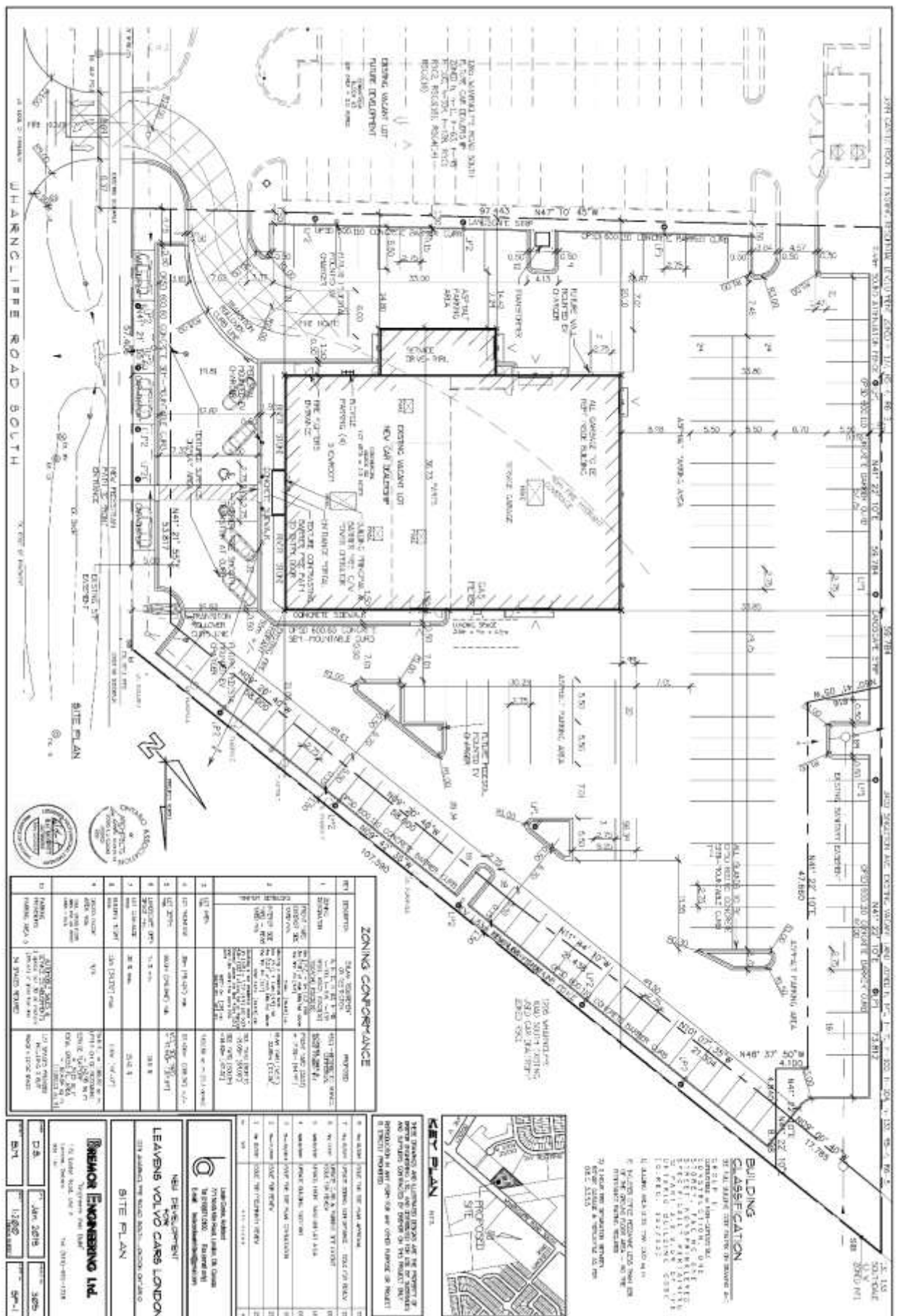
1. The removal of the holding provision will allow for development in conformity with the Z-1 Zoning By-law.
2. Engineering plans have been submitted through the site plan approval process (SPA19-047 and SPA-048) and accepted by the City, demonstrating how all servicing (water, sewer, and storm) will be accommodated on site. Through the site plan approval process access, consolidation, noise mitigation and urban design have been addressed in the accepted final site design.
3. Through the site plan approval process the required security has been submitted to the City of London, the execution of the development agreement is imminent and the h, h-11, h-63, h-95, h-100, and h-104 holding provisions are no longer required.

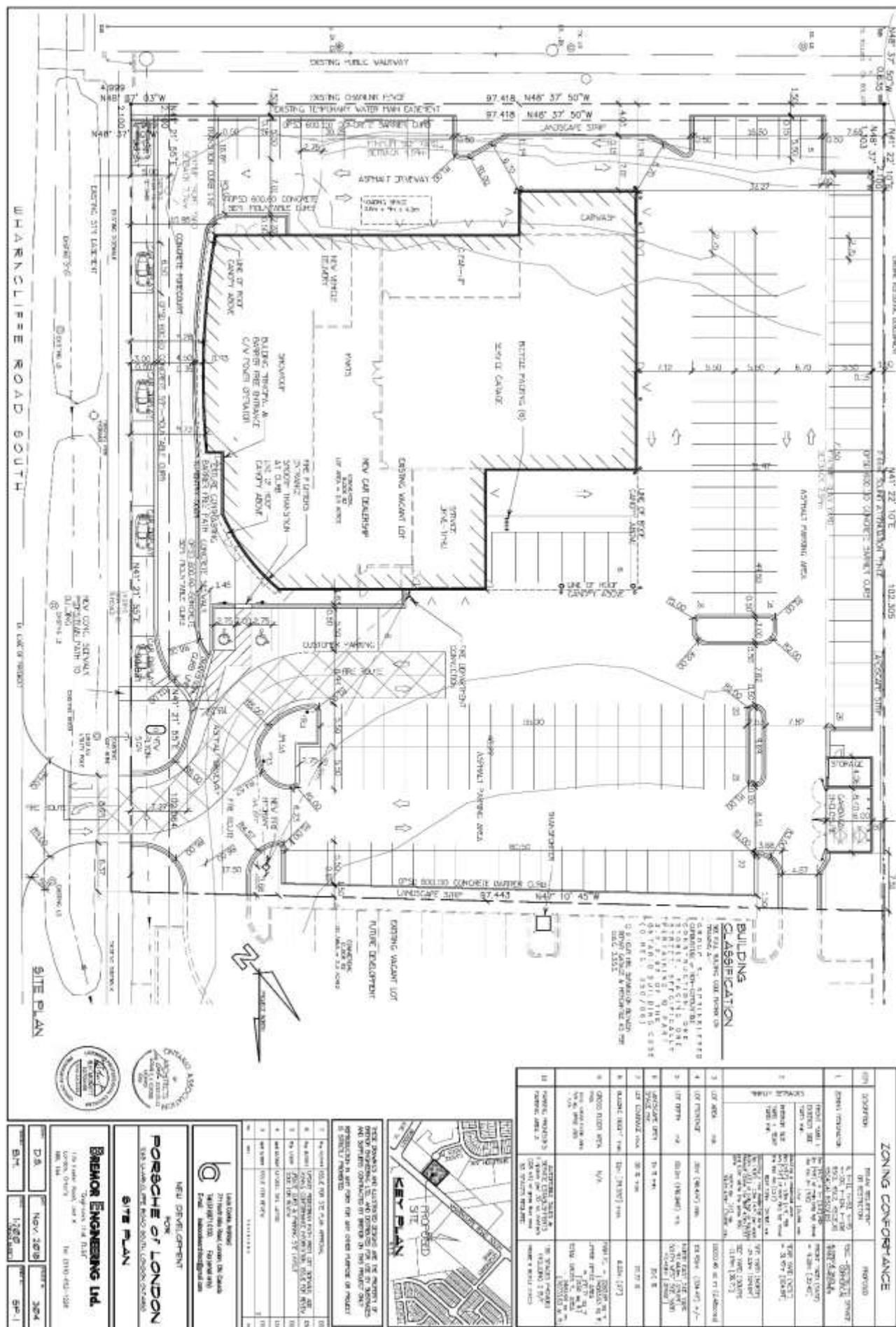
Analysis

Location Map



## Proposed Site Plan- 1229 Wharncliffe Road South





## 2.0 Description of Proposal

### 2.1 Development Proposal

To permit the construction of two automobile sales and services establishments.

## 3.0 Revelant Background

### 3.1 Planning History

Two applications for site plan approval (SPA-19-047 and SPA-19-048) were received May 24, 2019. The applicant has completed the site plan approval processes and has submitted the required securities. The registration of the development agreements are imminent.

## 4.0 Key Issues and Considerations

### Why is it Appropriate to remove these Holding Provisions?

The registration of the Development Agreements are imminent. Engineering plans have been submitted through the site plan approval process (SPA19-047 and SPA 19-048) and accepted by the City demonstrating how all servicing (water, sewer, and storm) will be accommodated on site. Through the site plan approval process, access, noise mitigation and urban design have been addressed in the accepted final site design. The applicant has provided the required security with the City and has executed the development agreement.

### Holding Provisions

*h - Purpose: 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.*

The owner has provided the necessary security and the registration of the development agreement is imminent. This satisfies the requirement for removal of the “h” holding provision at this time.

*h-11 Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.*

The access arrangements are to the satisfaction of the City as is reflected in the development agreement which has been executed by the owner. This satisfies the requirement for removal of the h-11 holding provision at this time.

*h-63 Purpose: To ensure there are no land use conflicts between the commercial and residential land uses, the “h- 63” symbol shall not be deleted until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in noise assessment reports, acceptable to the City of London.*

As part of the complete site plan application, the Owner submitted a Noise Assessments report prepared by Development Engineering dated May 13, 2019. The submitted noise study has been accepted by the City and the recommended mitigation measures including a construction of a 2.44 metre noise wall separating the use from the abutting residential uses has been included in the development agreement. It is appropriate to remove the h-63 holding provision at this time.

*h-95 Purpose: To ensure that the urban design concepts established through the Official Plan and/or Zoning amendment review process are implemented, a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates these concepts and addresses identified Urban design issues.*

Building elevations have been reviewed and accepted. The accepted elevation ensure that the urban design concepts as established have been implemented to the satisfaction of the City. It is appropriate to remove the h-95 holding provision at this time.

*h-100 Purpose: 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*

*and*

*h-104 Purpose: To ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-104" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer*

The City has accepted all engineering servicing drawings for the development of this site. The accepted engineering drawings ensure that the stormwater management, individual sanitary, water services and access have been provided to the satisfaction of the City. This satisfies the requirements for removal of the h-100 and h-104 holding provisions at this time.

*h-138 Purpose: To ensure that commercial development in draft plan 39T-05509 does not exceed a maximum interim floor area threshold of 12,868 m<sup>2</sup>, the h-138 symbol shall not be deleted until a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes.*

By email dated April 30, 2019, it was confirmed that the proposed uses do not exceed the maximum threshold and a Traffic Impact Study is not required at this time for these lands. The h-138 holding provision will remain on the lands to ensure that in the future, if the threshold is surpassed, a Traffic Impact Study will be completed. The retention of this holding provision will not impact the issuance of building permits in this instance.



5.0 Conclusion

It is appropriate to remove the h.\*h-11\*h-63\*h-82\*h-95\*h-100 and h-104 holding provisions from the subject lands at this time as the required security has been submitted to the City of London and registration of the development agreement is imminent. Also, engineering plans have been submitted through the site plan approval process (SPA19-047 and SPA19-048) and accepted by the City, demonstrating how all servicing (water, sewer, and storm) will be accommodated on site. Through the site plan approval process, access, consolidation, noise mitigation and urban design have also all been addressed in the final site designs.

Prepared by:	C. Smith, MCIP, RPP Senior Planner, Development Services
Recommended 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	

July 15, 2019  
CS\

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

## Appendix A

### Appendix "(A)"

Bill No. (Number to be inserted by  
Clerk's Office)  
2018

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

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from the  
zoning of the land located at 1229 and  
1265 Wharncliffe Road South

WHEREAS. 2670040 Ontario Inc. has applied to remove the holding provisions from the zoning for the land located at 1229 and 1265 Wharncliffe Road South, 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 1229 and 1265 Wharncliffe Road South, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Holding Restricted Service Commercial / Restricted Service Commercial Special Provision (h-138\*RSC1/RSC2/RSC3 (16)/RSC4 (14)/RSC5 (16)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on, July 30, 2019

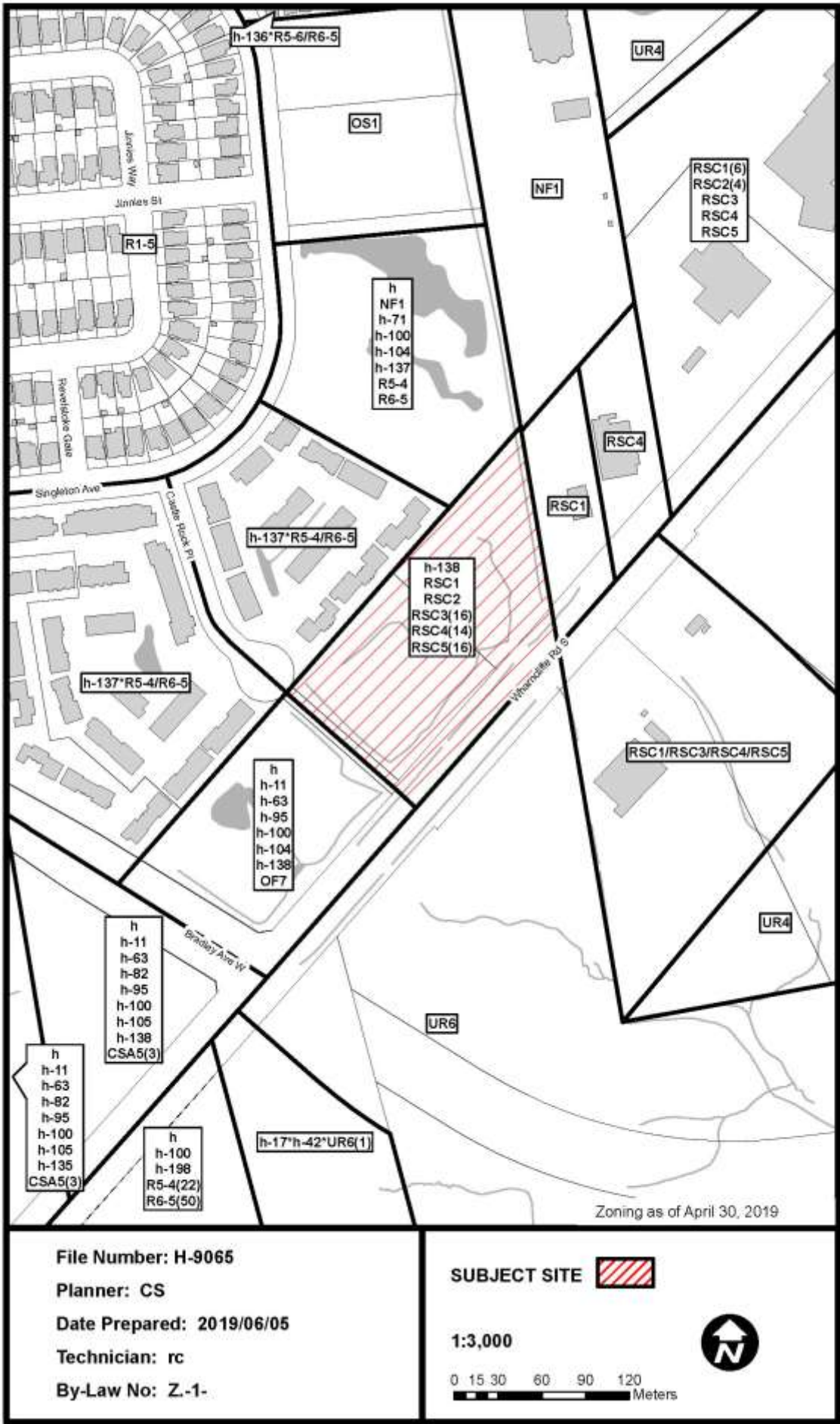
Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 30, 2019  
Second Reading – July 30, 2019  
Third Reading – July 30, 2019



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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the Londoner on June 6, 2019

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h, h-11, h-63, h-95, h-100, and h-104 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service, stormwater, urban design, appropriate access, ensure no land use conflict with abutting uses and to not exceed a maximum commercial gross floor area cap a development agreement shall be entered into following site plan approval process to the satisfaction of the City. Council will consider removing the holding provisions as it applies to these lands no earlier than July 22, 2019.

Appendix C

Zoning Map

