

## 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: 2568401 Ontario Inc.  
1509 Fanshawe Park Road West  
Removal of Holding Provision h-17  
**Meeting on:** July 22, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, based on the application of 2568401 Ontario Inc. relating to the property located at 1509 Fanshawe Park Road West 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 1509 Fanshawe Park Road West **FROM** a Holding Restricted Service Commercial (h-17\*RSC2/RSC5) Zone **TO** a Restricted Service Commercial (RSC2/RSC5) Zone to remove the h-17 holding provision.

## Executive Summary

### Purpose and the Effect of Recommended Action

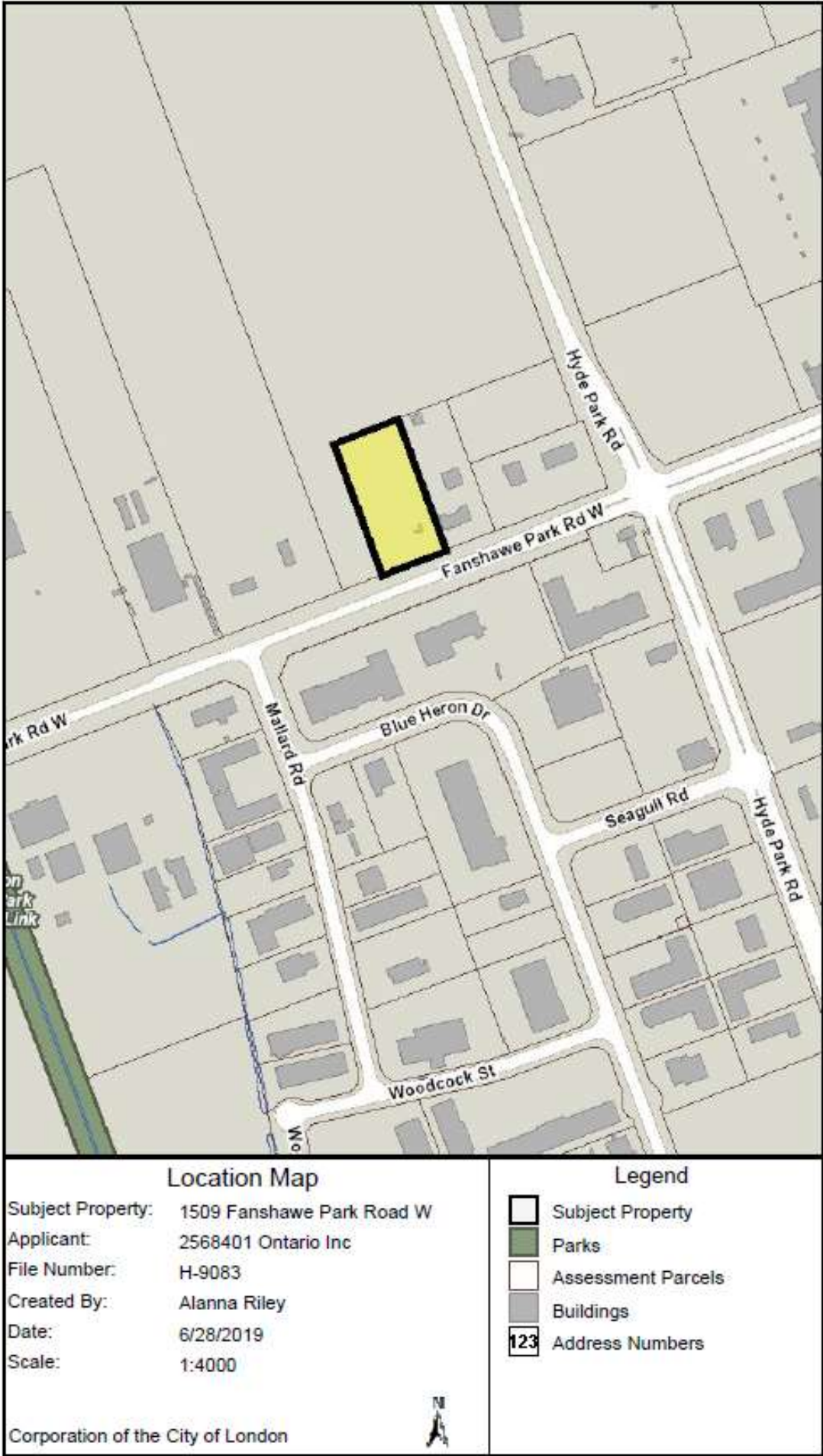
The purpose and effect of this zoning change is to remove the h-17 holding provision applied to this site to permit the development of an automobile service station, a gas bar, and a car wash.

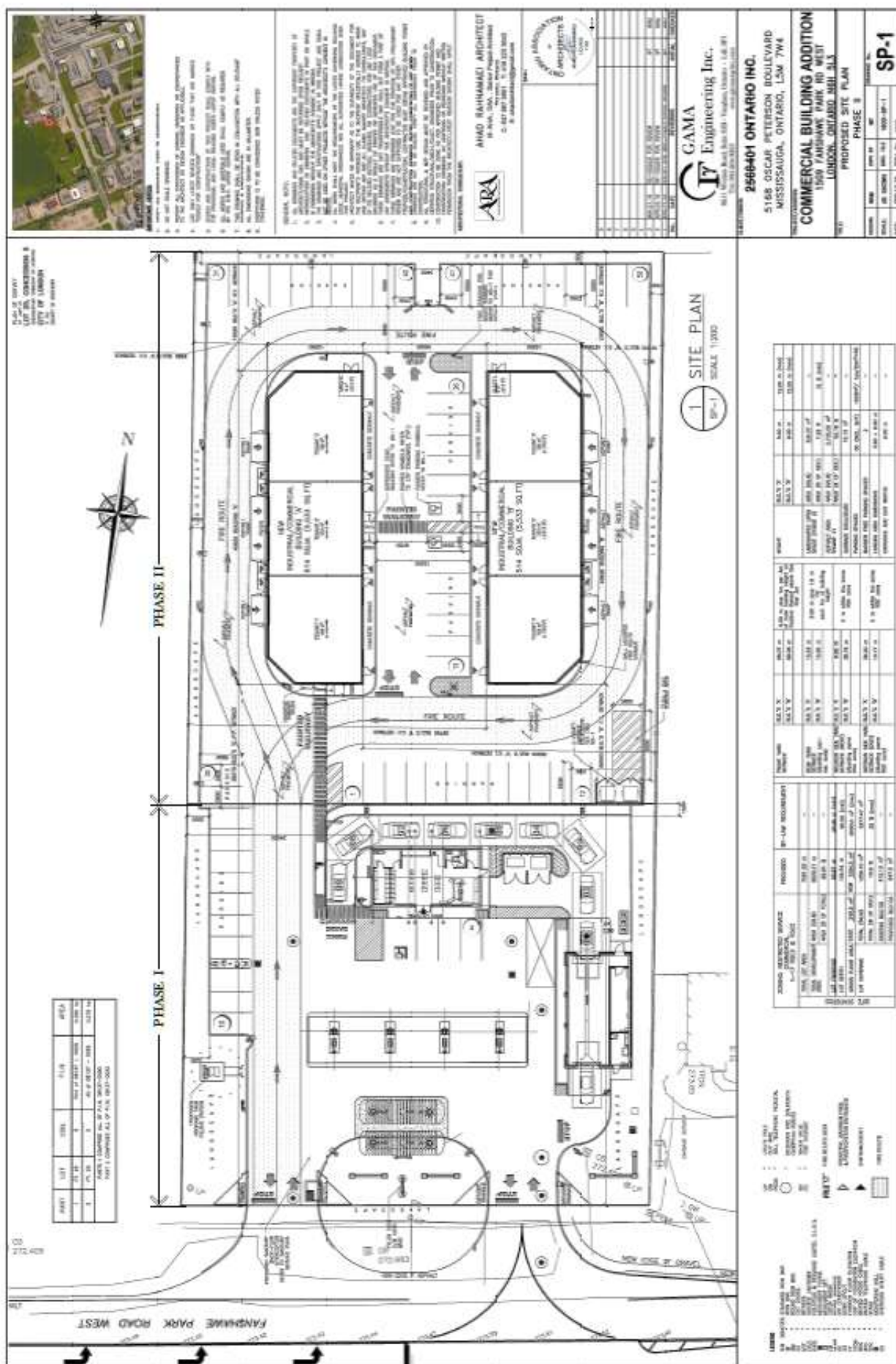
### Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with the Zoning By-law.
2. 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 full municipal services are available to service the site. Therefore, the h-17 holding provision is no longer required.

Analysis

1.1 Location Map





**2.0 Description of Proposal**

The purpose of this amendment application is to remove the h-17 holding provision from these lands. This provision requires that full municipal sanitary sewer and water services are available to service the site. The removal of the h-17 holding provision at 1509 Fanshawe Park Road West will allow for the construction of an automobile service station, a gas bar, and a car wash.

**3.0 Revelant Background**

**3.1 Planning History**

The lands were designated Auto-Oriented Commercial Corridor through the Hyde Park Community Plan process. Council adopted the Hyde Park Community Plan on April 17, 2000. OPA 193 was adopted by Council in 2001 implementing the land use designation as adopted through the Community Plan process.

An application for site plan for phase one of this site was submitted on June 26, 2017. A development agreement has been signed and security has been submitted. The application for phase two of this site was submitted May 1, 2019. Approval is still pending.

**3.2 Requested Amendment**

The applicant is requesting the removal of the “h-17” holding provision from the lands to permit 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, 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**

**Why is it Appropriate to remove this Holding Provision?**

**h-17 Holding Provision**

The h-17 holding provision states that:

*“h-17 Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.*

The h-17 holding provision requires that full municipal sanitary sewer and water service systems are available for these lands. A municipal sanitary sewer and watermain are located in the Fanshawe Park Road right-of-way. As this development proposal progressed through Site Plan Approval, the accepted plans and Development Agreement for this site include provisions to ensure that a connection to the existing water and sanitary systems in the immediate area is required. This satisfies the requirement for removal of the “h-17” holding provision.

More information and detail about public feedback and zoning is available in Appendix B.



## 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 for lands located at 1509  
Fanshawe Park Road West.

WHEREAS 2568401 Ontario Inc. have applied to remove the holding  
provision from the zoning for the lands located at 1509 Fanshawe Park Road West, 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 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 1509 Fanshawe Park Road West, as shown on the  
attached map, to remove the h-17 holding provision so that the zoning of the lands as a  
Restricted Service Commercial (RSC2/RSC5) 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

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the Londoner on July 4, 2018

0 replies were received

**Nature of Liaison:** City Council intends to consider removing h-17 holding provision from the lands which requires full municipal sanitary sewer and water services are available to service the site to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than July 22, 2019.



Appendix C – Relevant Background

Existing Zoning Map

