

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: Forest Park (Sherwood Glen) Inc.
7 Annadale Drive
Removal of Holding Provision (h-5)
Meeting on: July 22, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Forest Park (Sherwood Glen) relating to the property located at 7 Annadale Drive, 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 **FROM** a Holding Residential R6 Special Provision (h-5/R6-3(8)) Zone **TO** a Residential R6 Special Provision (R6-3(8)) Zone to remove the h-5 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-5 provision to allow for the issuance of permits for the Vacant Land Condominium development on the rear portion of the property for 15 single detached dwelling (cluster) units.

Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with The London Plan, the 1989 Official Plan and Zoning By-law.
2. A public participation meeting was held on January 7, 2019 and Council's recommendations have been included in the executed development agreement. The h-5 holding provision is no longer required.
3. All substantive issues have been addressed through the Site Plan Approval process (SPA18-060).

Analysis

1.0 Site at a Glance

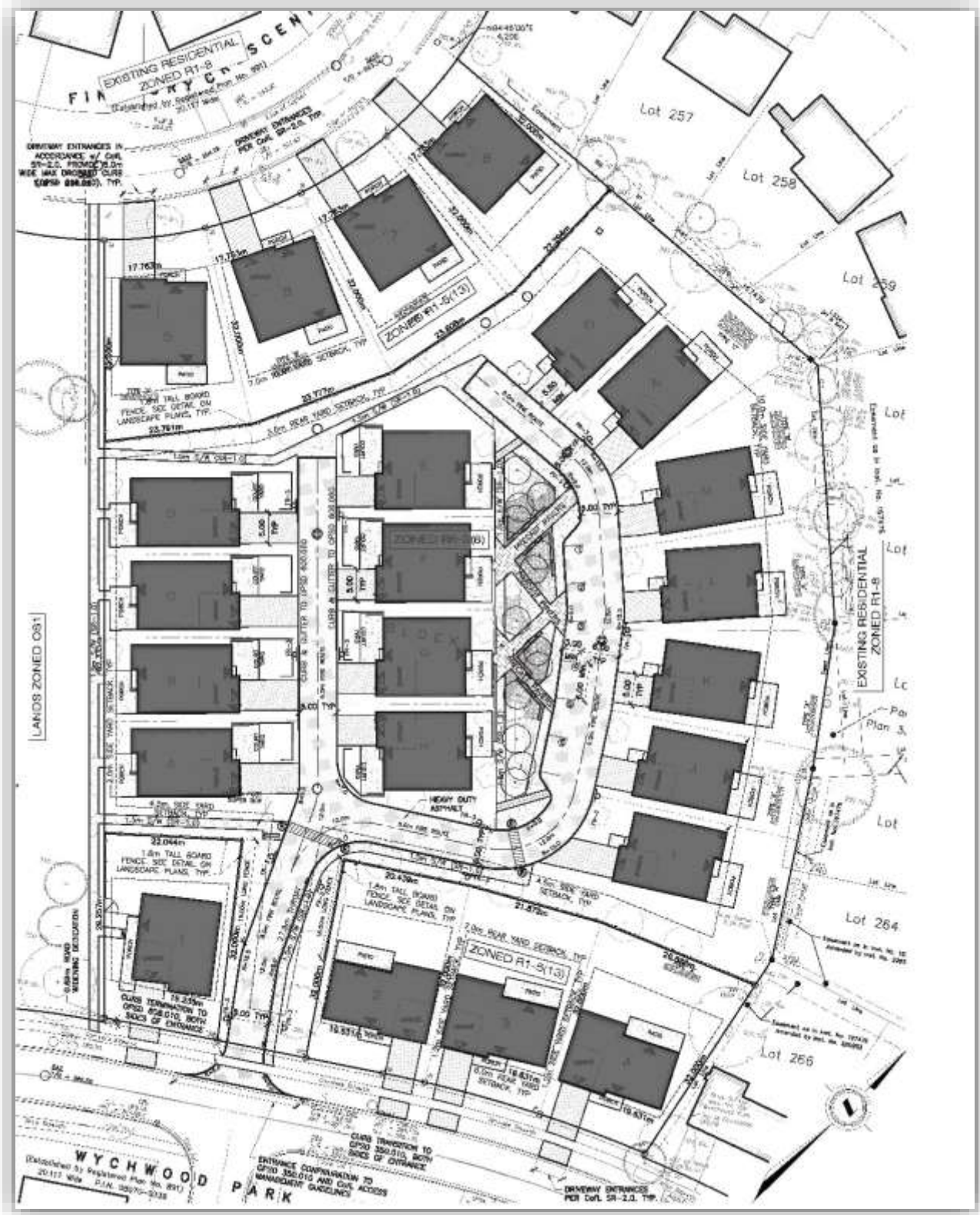
1.1 Property Description

The subject site is located between Wychwood Park and Finsbury Crescent, with the portion of the site subject to public site plan review. The vacant land condo units have 14.4m of frontage on Wychwood Park to provide for a private road access to the interior of the site where 15 single detached (cluster) units are proposed. Eight single detached dwelling are proposed, through this site plan application, which front, four each, onto Finsbury Crescent and Wychwood Park and are outside the area requiring public site plan review. The remainder of the former Sherwood Forest Elementary School property is to be developed as a park and is not part of the site plan application.

Location Map



Proposed Site Plan



1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- 1989 Official Plan Designation – Low Density Residential
- Existing Zoning – h-5*R6-3(8)

1.3 Site Characteristics

- Current Land Use – Vacant former Sherwood Forest elementary school site.
- Frontage – 14.4m
- Depth – 124m
- Area – 10,566.8 m²
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Single Detached Dwellings
- East – Single Detached Dwellings
- South – Single Detached Dwellings
- West – Proposed park and Single Detached Dwellings

2.0 Description of Proposal

This proposal is to remove the “h-5” holding provision at 7 Annadale Drive. The removal of this holding provision requires agreements be entered into following the public site plan meeting to ensure the development takes a form that is compatible with adjacent land uses.

The requested amendment will permit the Vacant Land Condominium development on the rear portion of the property for 15 single detached dwelling (cluster) units.

3.0 Revelant Background

3.1 Planning History

In June of 2013, the Thames Valley District School Board (TVDSB) closed the Sherwood Forest Public School. The TVDSB subsequently initiated a School Board Disposition Process (as required under the Education Act, Ontario Regulation 444/98). Municipal Council, at its session on March 18, 2014 resolved to purchase the property following the rezoning of the property for residential and park uses. The City’s conditional offer was accepted by the TVDSB on May 6, 2014.

On March 21, 2014 the City of London initiated a zoning by-law amendment for the former Sherwood Forest Public school site at 7 Annadale Drive from a Neighbourhood Facility (NF) Zone, which allowed for the school previously located on the site, to a combination of a Residential (R1 and R6) Zone variations to permit residential uses, and an Open Space (OS1) Zone to permit a neighbourhood park.

Prior to the statutory public meeting at the Planning and Environment Committee (PEC) for the zoning by-law amendment, three public meetings were held with the community to evaluate potential development approaches for the site. Meetings were held on April 10, 2014 for visioning; May 7, 2014 to evaluate potential concepts arising from the April 10 meeting; and, September 3, 2014 where a preferred land use concept was presented for final revisions. An additional meeting was held with the London Homebuilders Association where local builders outlined the minimum densities they would require to ensure any redevelopment project would be viable for the site.

The Zoning By-law (Z-8334) application was addressed at the October 7, 2014 meeting of the Planning and Environment Committee. On October 14, 2014 Council approved the rezoning of the lands. At that time an h-18 holding provision was applied to a portion of the lands requiring an archaeological assessment.

The application for the removal of the Holding Provision (H-8855) addressed the archaeological assessment requirements. The necessary archaeological assessments were completed and reviewed by the Ministry of Tourism, Culture, and Sport for compliance with the appropriate standards and guidelines and approved by the City. On January 16, 2018 council endorsed the removal of the holding provision (h-18) and enacted the current zoning.

A consent application was received April 16, 2018 (B.020/18). The request was to sever eight (8) lots for the purpose of future single detached dwellings, sever one (1) lot for the purpose of a future vacant land condominium development and to retain one (1) lot for the purpose of open space lands. On July 27, 2018 the consent was granted with conditions. On June 1, 2018, staff received a Site Plan application for 7 Annadale Drive proposing the construction of fifteen (15) single detached cluster dwelling condo units and eight (8) freehold single detached dwellings. The site plan application under review maintains the property lines established through the April of 2018 consent.

A Vacant Land Condominium application was received on July 24, 2018 (39CD-18511). The request was for a Draft Plan of Vacant Land Condominium for the fifteen (15) single detached cluster dwelling units. In addition to the dwelling units the condominium and site plan consist of landscaped areas, sidewalks, internal driveways, services, and visitor parking spaces within a common element to be maintained and managed by the Condominium Corporation. The condominium is proceeding to a decision of final approval.

A Public Site Plan and Vacant Land Condominium Meeting was held on January 7, 2019 for 7 Annadale Drive which proposed the construction of fifteen (15) single detached cluster vacant land condo units on a portion of the former Sherwood Forest Elementary School property. The Site Plan application (SPA18-060) also addressed site matters including site layout and design, landscape treatment and services. The purpose and effect of this meeting was to report to the Approval Authority any issues or concerns raised with respect to the application for Draft Plan of Vacant Land Condominium and Site Plan Approval.

Eight (8) freehold single detached dwellings on the former Elementary School property are to be constructed on freehold lots, with four dwellings on each street, fronting onto Wychwood Park and Finsbury Crescent. These dwellings are not subject to public consultation.

The remainder of the former Elementary School property is to be developed as a park and is not part of the site plan application.

3.2 Requested Amendment

The applicant is now requesting the removal of the h-5 holding provision on the site for the proposed residential development. The applicant and the City of London have signed the development agreement, appropriate access arrangements associated with the site plan and condominium 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-5” holding provision, as identified in the Zoning By-law, is that the necessary public site plan review specifying issues be completed before development can proceed on the subject site.

The London Plan and 1989 Official Plan identifies that the 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
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4.1 Issue and Consideration # 1- “h-5” holding provision

The “h-5” holding provision states that:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, prior to the removal of the “h-5” symbol.

Permitted Interim Uses: Existing uses.”

A public site plan meeting was held at the Planning and Environment Committee (PEC) on January 7, 2019. The only concern that was identified at the meeting included confirming the models that were shown at the meeting were single storey buildings and that the agent does not have a plan to do two storey buildings. The condominium developemnt will be single storey dwellings and the single family lots along Finsbury Crescent and Whycwood Park can be single storey or two storey dwellings. Urban design guidelines are in place to make sure the propsed homes maintain the character of the surrounding neighbourhood. The plans have been updated to reflect design changes that will address site issues such as privacy fencing, landscaped open space and access restrictions from the laneway. The Development Agreement has been signed by the owner and is expected to be registered shortly. This satisfies the requirement for removal of the “h-5” holding provision.

5.0 Conclusion

A public participation meeting was held to address site plan matters and a development agreement has been executed, confirming conformity to the approved Zoning and Site Plan Control By-law. This satisfies the condition for removal of the “h-5” holding provision and will allow development to proceed in accordance with the approved zoning.

Prepared by:	Sean Meksula, MCIP RPP Planner II, 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	

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 7 Annadale Drive.

WHEREAS Forest Park (Sherwood Glen) Inc. have applied to remove the holding provision from the zoning for the lands located at 7 Annadale Drive, 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 7 Annadale Drive, as shown on the attached map, to remove the h-5 holding provisions so that the zoning of the lands as a Residential R6 Special Provision (R6-3(8)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

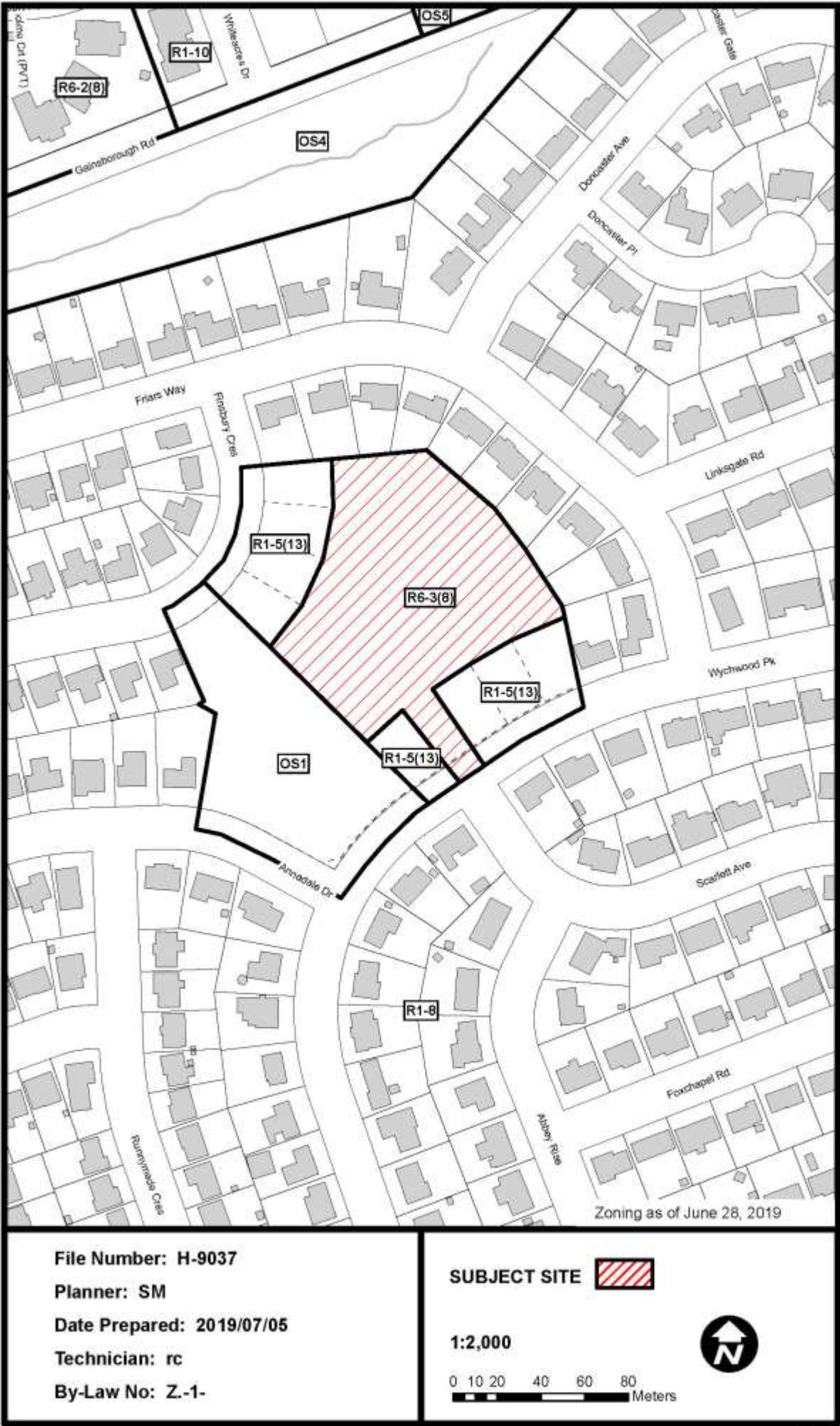
PASSED in Open Council on July 30, 2019.

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: On March 27, 2019, 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 March 28, 2019.

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h-5” Holding Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the h-5 symbol is to permit the Vacant Land Condominium development on the rear portion of the property for 15 single detached dwelling units. Under the Residential R6 Special Provision (R6-3(8)) Zone.

Council will consider removing the holding provisions as it applies to these lands no earlier than July 30, 2019.

Appendix C – Relevant Background

Existing Zoning Map

