

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: Applewood Developments (London) Inc.
804-860 Kleinburg Drive

Meeting on: September 9, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Applewood Developments (London) Inc. relating to the property located at 804-860 Kleinburg Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 17, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 Special Provision (h*h-100*h-173*R1-4(27)) Zone **TO** a Residential R1 Special Provision (R1-4(27)) Zone to remove the "h", "h-100" and "h-173" holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h, h-100 and h-173 holding symbols from the zone map to permit the development of eight (8) single detached dwellings along Kleinberg Drive.

Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as the required security has been submitted and the subdivision agreement has been signed, the number of units is below the threshold for a looped watermain and second access, and the urban design guidelines have been implemented through the subdivision agreement. All issues have been resolved and the holding provisions are no longer required.

1.0 Site at a Glance

1.1 Property Description

The sites are addressed as 804-860 Kleinburg Drive, on the north side of Kleinburg Drive, north of Sunningdale Road. The subject sites are presently vacant. There are existing residential uses to the south, and west, and vacant lands to the east and north.

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

- The London Plan Place Type – Neighbourhoods
- 1989 Official Plan Designation – Low Density Residential
- Existing Zoning – h*h-100*h-173*R1-4(27)

1.3 Site Characteristics

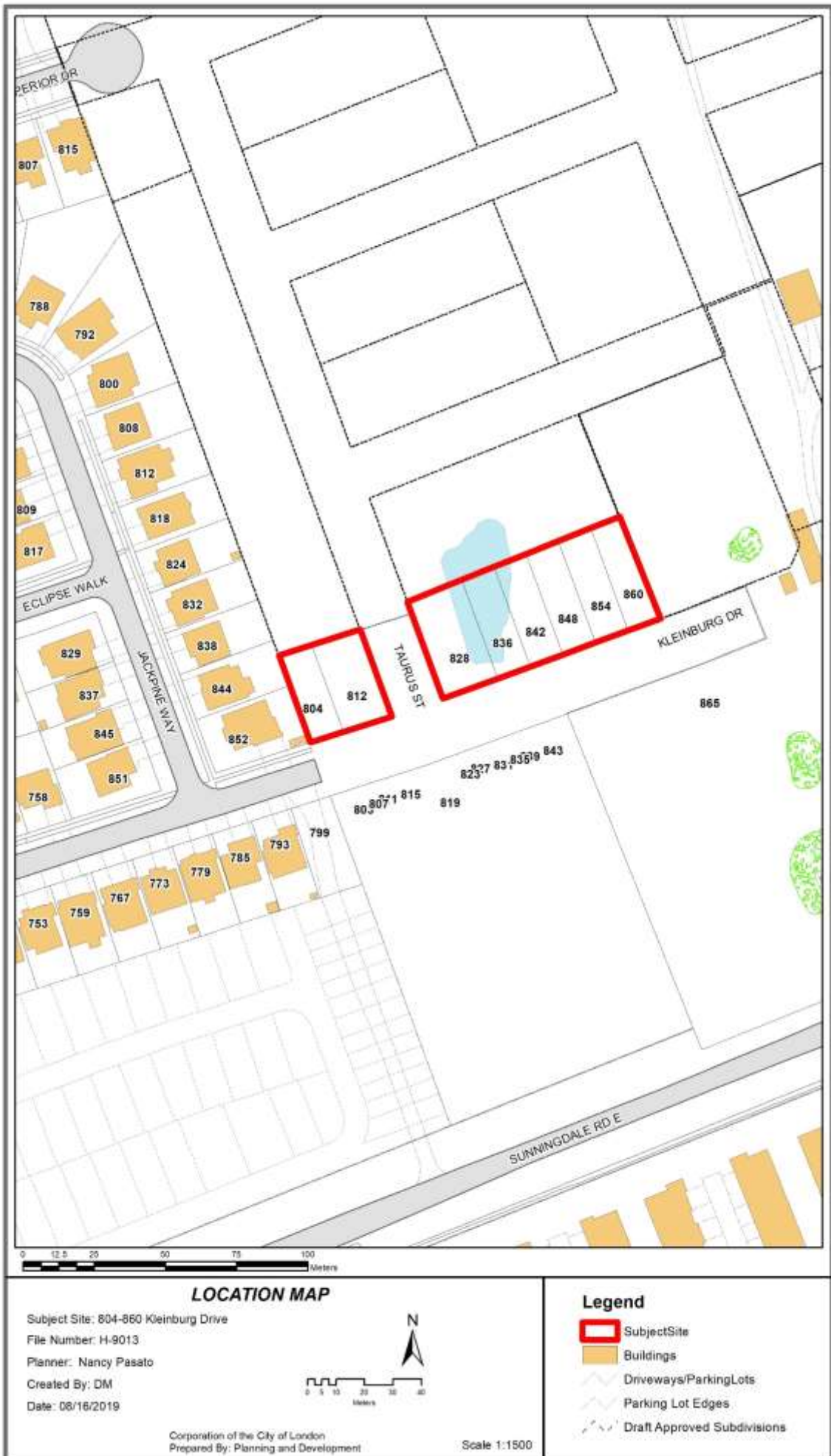
- Current Land Use – vacant
- Frontage – approx. 112m (367.5 feet)
- Depth – ranges - approx. 32m-39m (105.0 feet-128.0 feet)
- Area – approx. 0.377 ha (0.93 acres)

- Shape – irregular

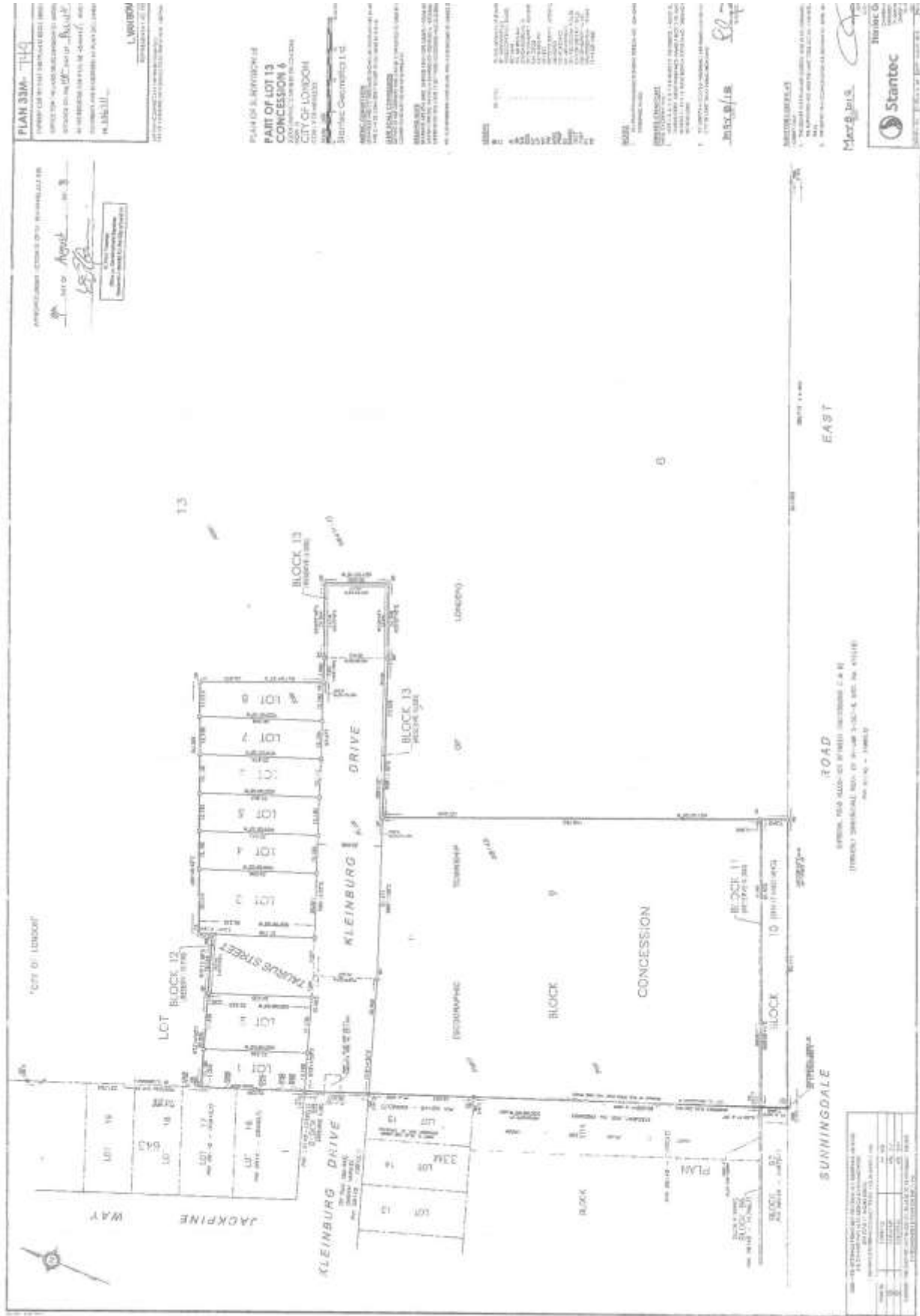
1.4 Surrounding Land Uses

- North – Vacant – future residential
- East – Vacant - future commercial and residential
- South – Medium density residential
- West – Vacant – future residential

1.5 Location Map



1.6 Phase 1 Registered Plan (33M-749)



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of eight (8) single detached dwellings along Kleinburg Drive.

3.0 Relevant Background

3.1 Planning History

The Uplands North Area Plan was adopted in 2003, and the zoning on the lands was approved in 2014 with the Draft Approval of the Applewood Subdivision (39T-09501). Phase 1 of the subdivision was granted final approval on August 10, 2018, and is registered as 33M-749.

3.2 Requested Amendment

The applicant is requesting the removal of the “h”, “h-100” and “h-173” holding provisions from the Zone on the subject lands, which requires that the necessary securities be received, the execution of a subdivision agreement, a looped watermain be installed and a secondary emergency access be available, and ensure that the development is consistent with the City of London Urban Design Principles and Placemaking Guidelines.

3.3 Community Engagement (see more detail in Appendix B)

No comments were received in response to the Notice of Application.

3.4 Policy Context

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, Municipal Council must pass a zoning by-law with holding provisions (“h” symbol), 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 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 subdivision agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

4.2 What is the purpose of the “h-100” holding provision and is appropriate to consider its removal?

The purpose of the holding (“h-100”) provision in the Zoning By-law is as follows:

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.

Permitted Interim Uses: A maximum of 80 residential units.

The proposed eight (8) dwelling units is well below the 80 unit threshold for water looping and emergency access. The lands on the south side of Kleinburg Drive (819 Kleinburg Drive) are developing for a 54 unit cluster townhouse development. Even with these units both developments are below the threshold, therefore, conditions for removing the holding “h-100” provision in this instance have been met.

4.3 What is the purpose of the “h-173” holding provision and is it appropriate to consider its removal?

The “h-173” holding provision states that:

“Purpose: To ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through the subdivision agreement, to the satisfaction of the City of London.

Permitted Interim Uses: Existing Uses.”

The Owner has entered into a subdivision agreement, and the urban design guidelines for this phase were implemented through the subdivision agreement. This satisfies the requirement for the removal of the “h-173” holding provision.

5.0 Conclusion

The Applicant has entered into a subdivision agreement for these sites, provided the necessary security, is below the 80 unit limit for a looped watermain system and second public access, and has implemented the urban design guidelines through the subdivision agreement. Therefore, the required conditions have been met to remove the “h”, “h-100” and “173” holding provisions. The removal of the holding provisions is recommended to Council for approval.

Prepared by:	Nancy Pasato, 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	

August 27, 2019

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

Lou Pompili, Manager, Development Planning

Ismail Abushehada, Manager, Development Engineering

NP/np

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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 804-860 Kleinburg Drive.

WHEREAS Applewood Developments (London) Inc. have applied to remove the holding provisions from the zoning for the lands located at 804-860 Kleinburg 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 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 the lands located at 804-860 Kleinburg Drive, as shown on the attached map, to remove the h, h-100 and h-173 holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-4(27)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

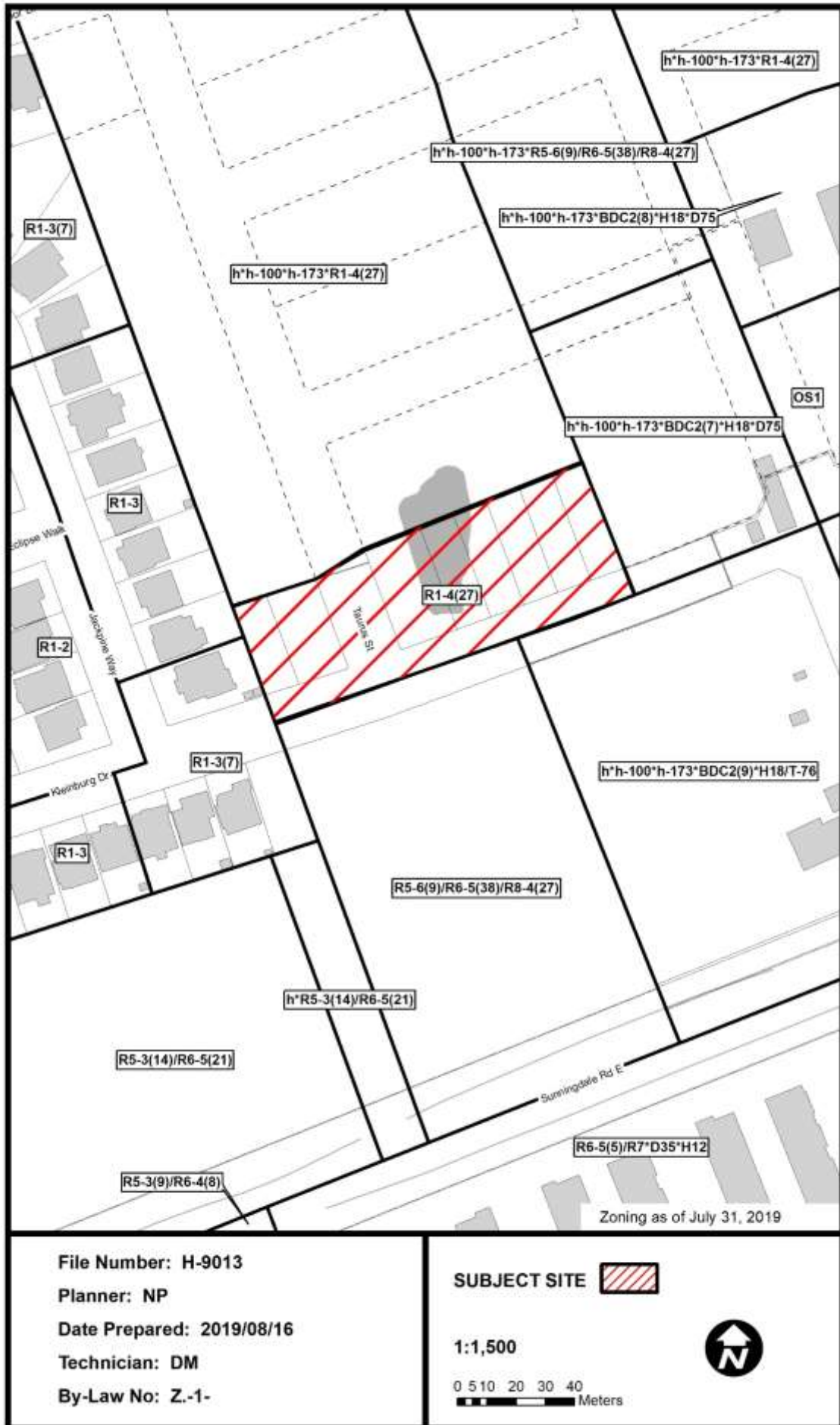
PASSED in Open Council on September 17, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 17, 2019
Second Reading – September 17, 2019
Third Reading – September 17, 2019

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



Previous Reports and Applications Relevant to this Application

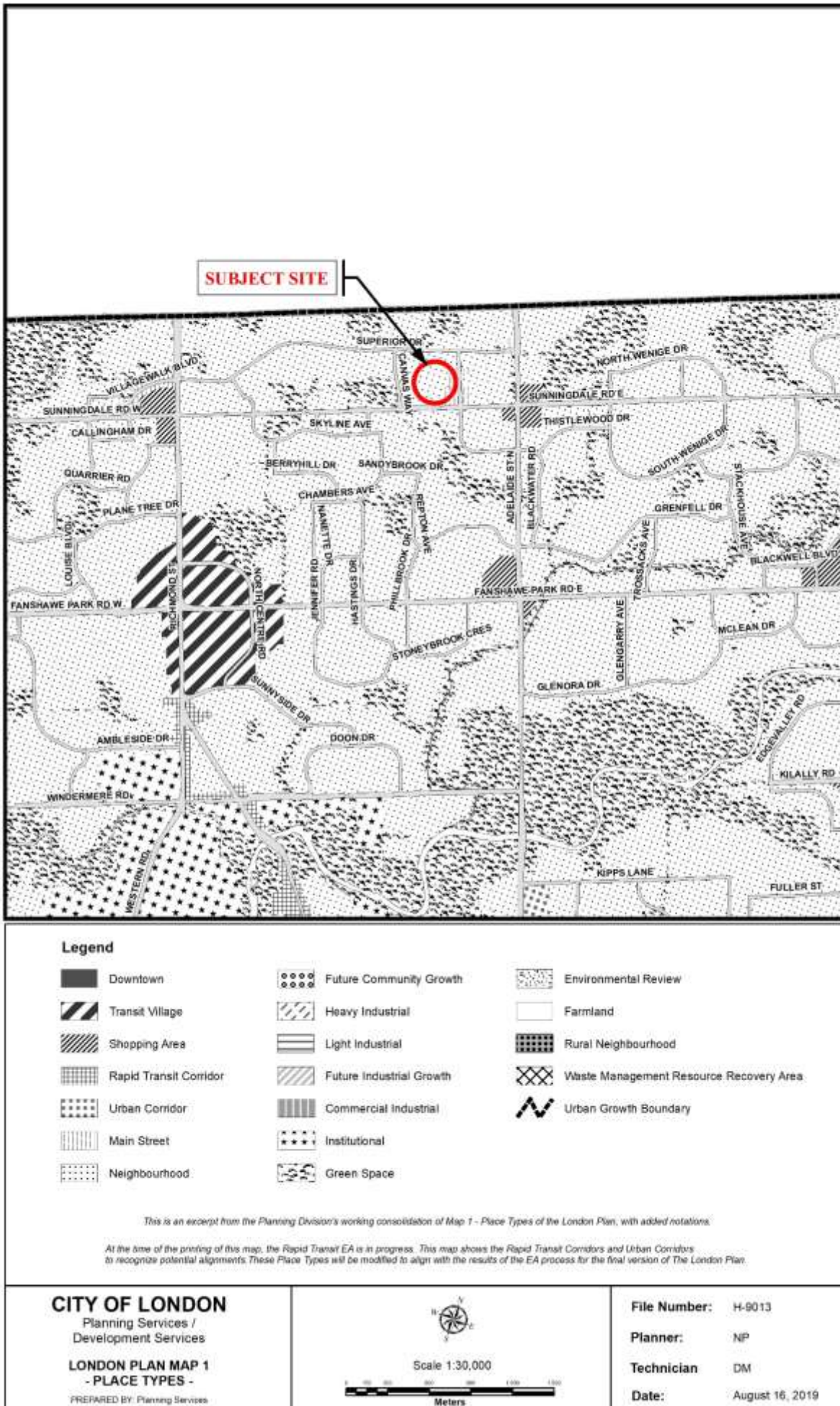
June 9, 2003: Report to Planning Committee recommending adoption of the Uplands North Area Plan.

July 28, 2014: Report to Planning and Environment Committee for Draft Plan Approval of Subdivision, Official Plan Amendment and Zoning By-law Amendment (39T-09501/OZ-7638)

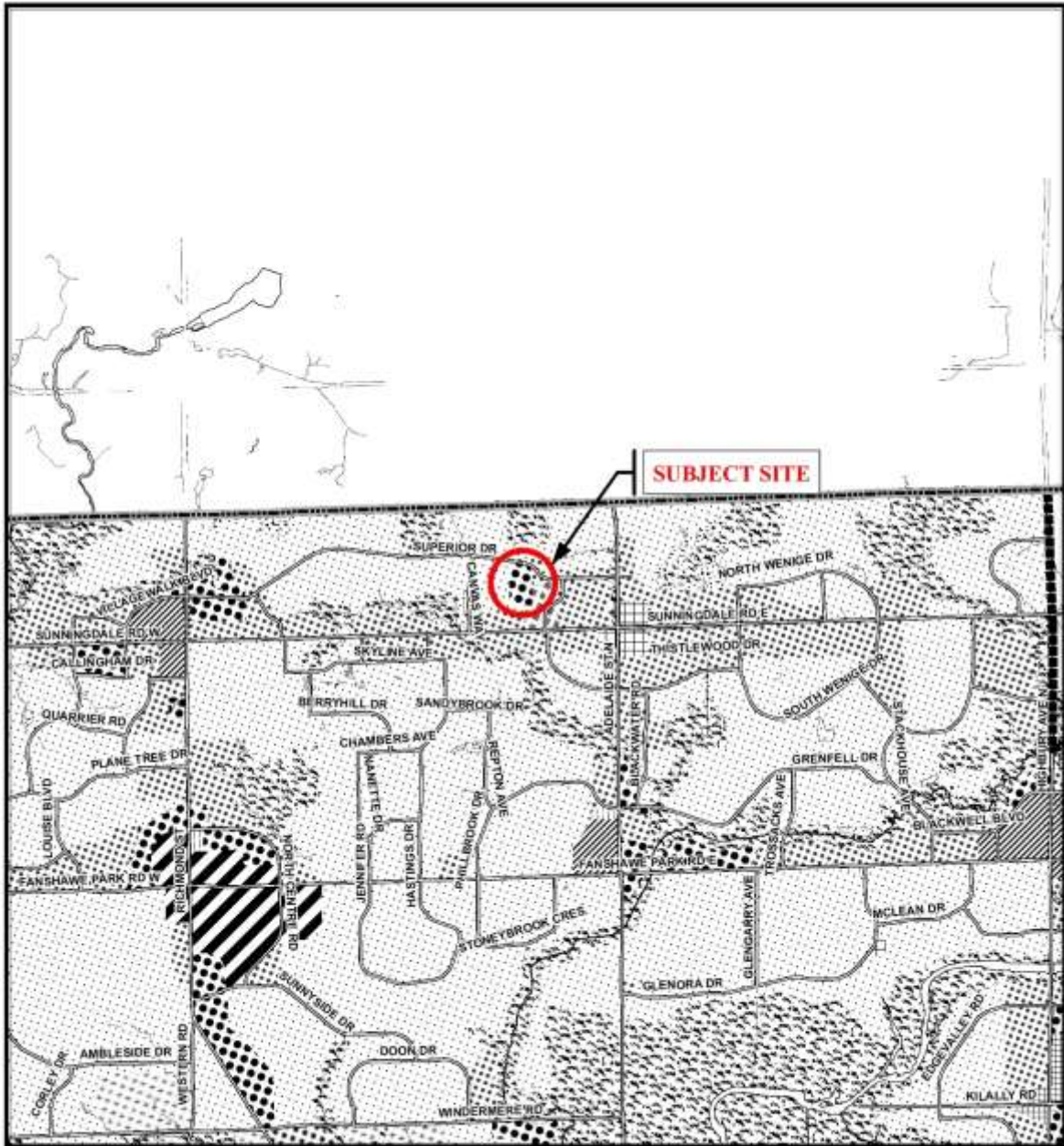
April 30, 2018: Report to Planning and Environment Committee for Special Provisions for Phase 1 of the subdivision. (39T-09501)

Appendix B – Relevant Background

London Plan Excerpt

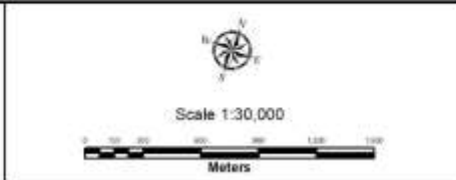


1989 Official Plan Excerpt



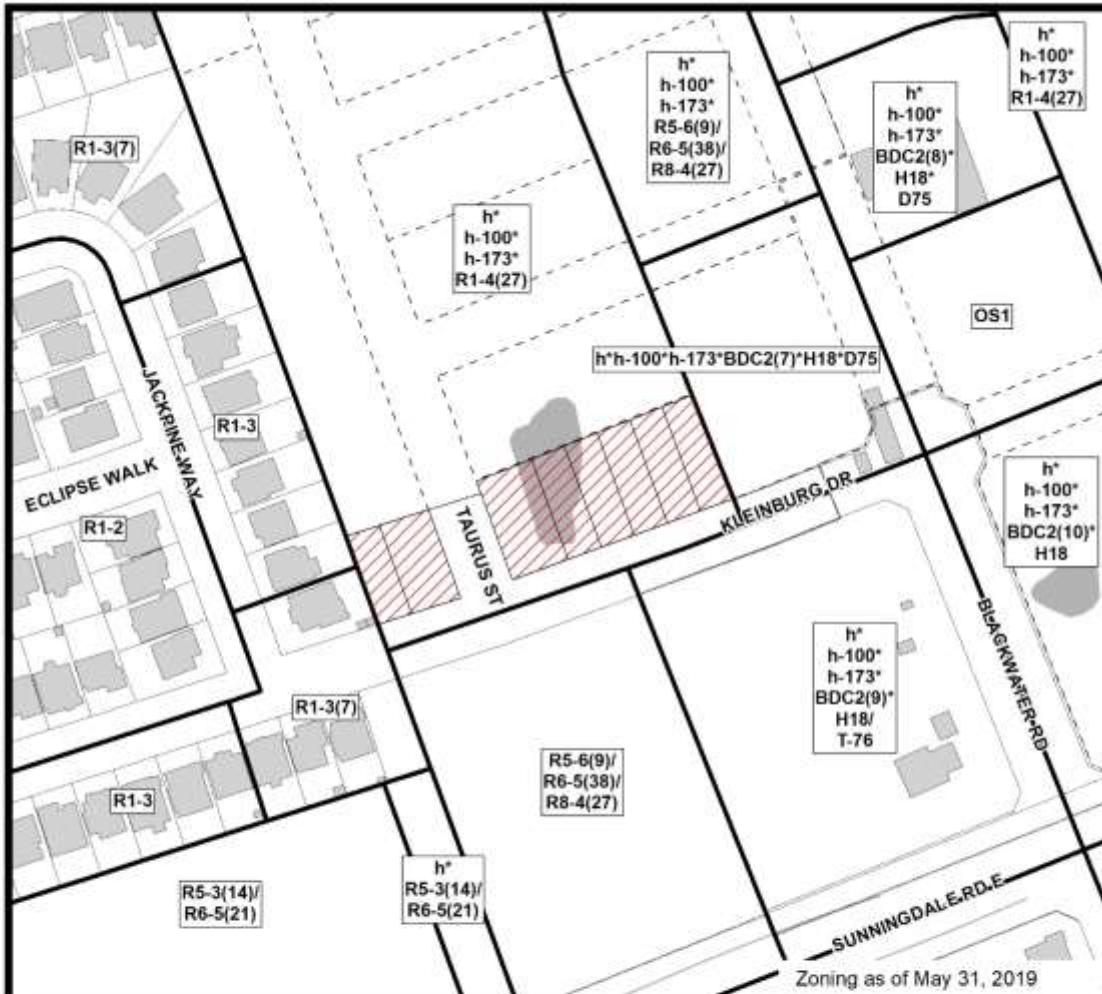
Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	Main Street Commercial Corridor		Open Space
	Auto-Oriented Commercial Corridor		Urban Reserve - Community Growth
	Multi-Family, High Density Residential		Urban Reserve - Industrial Growth
	Multi-Family, Medium Density Residential		Rural Settlement
	Low Density Residential		Environmental Review
	Office Area		Agriculture
	Office/Residential		Urban Growth Boundary

CITY OF LONDON
 Department of
 Planning and Development
OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9013
 PLANNER: NP
 TECHNICIAN: DM
 DATE: 2019/08/16

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z-1
 SCHEDULE A**



FILE NO:

H-9013

NP

MAP PREPARED:

2019/08/16

DM

1:2,000

0 12.5 25 50 75 100 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS