

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Holding Provision Removal
Sifton Properties Limited
1031 and 1095 Upperpoint Avenue

Meeting on: November 4, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Sifton Properties Limited relating to portions of the properties located at 1031 and 1095 Upperpoint Avenue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 4, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)R5-7(9)/R6-5(61)/R8-4(35)), and Holding Residential R4/R5/R6/R9 Special Provision (h*h-54*h-209*R4-6(11)R5-7(9)/R6-5(65)/R9-7(26)*H40) Zone **TO** Residential R4/R5/R6/R8 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R8-4(35)) and Residential R4/R5/R6/R9 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R9-7(26)*H40) Zone to remove the holding provisions for portions of these lands.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h*h-54-h-209" holding provisions from portions of 955 and 955 Upperpoint Avenue, which are in place to ensure: *the orderly development of lands and the adequate provision of municipal services, that there are no land use conflicts between arterial roads the proposed residential use, and to encourage building orientation towards public streets and public spaces.*

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h", "h-54" and "h-209" holding symbols to facilitate the development of street townhouse dwellings.

Rationale of Recommended Action

The requirements for removing the holding provisions have been met, and the Approval Authority has confirmed that no further work is required. It is appropriate to remove the holding provisions as they are no longer required for the portions of these Blocks that are to be developed as Street Townhouses. The h., h-54 and h-209 holding provisions will be retained for the balance of the site.

Analysis

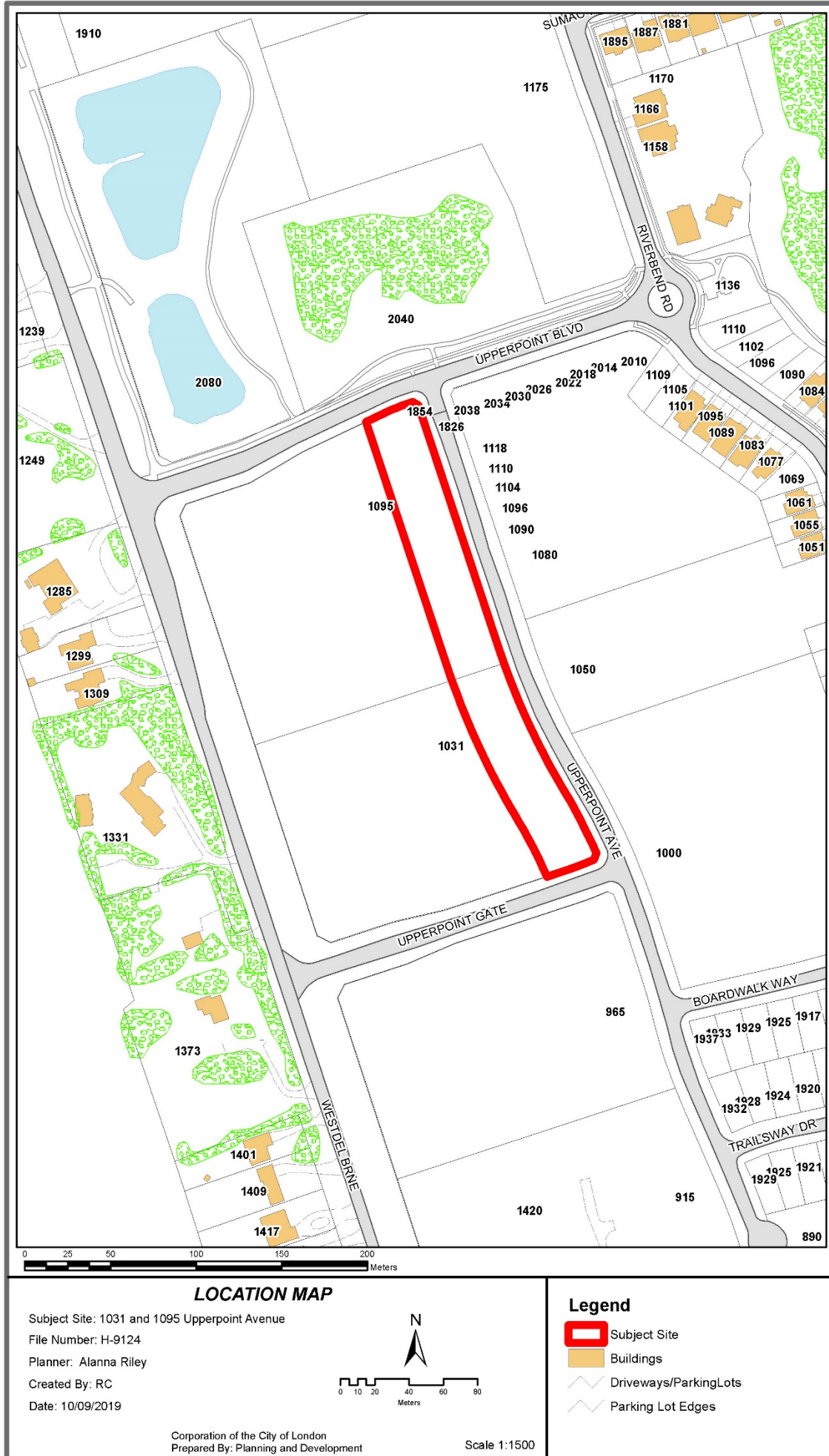
1.0 Site at a Glance

1.1 Property Description

The subject site is located off of Upperpoint Avenue, which is generally located southeast of Oxford Street West and Westdel Bourne. The site has a mix of high and medium density residential located to the north, existing estate residential to the west, low density residential to the east, and future residential to the south. The site has

proximity to Hickory Woods Park, the Warbler Woods ESA, Bryon Woods Montessori Private School and Byron Northview Public School.

1.2 Location Map



3.0 Relevant Background

3.1 Planning History

On October 24, 2018, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

On September 17, 2019 Municipal Council passed a Zoning By-law amendment to add a Residential R4 Special Provision (R4-6(11)) Zone to permit street townhouse dwellings along with special provisions for lot frontage, front yard setbacks for the main dwellings and garages, and building height.

3.2 Requested Amendment

The applicant is requesting the removal of the “h”, “h-54” and “h-209” holding provisions from the site to allow for the development of thirty-six (36) street townhomes.

3.3 Community Engagement

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, 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 including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the holding provisions and is it appropriate to consider their removal?

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 execution of the development agreement combined with the submission of the required security, adequately satisfies the requirements of this holding provision. It is appropriate to remove this holding provision at this time for the portions of these Blocks that are to be developed as Street Townhouses. The h. holding provision will be retained for the balance of the site.

h-54 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.

Development Services staff have confirmed a Noise Impact Study is not required as the location of the proposed site plan is not directly adjacent to an arterial road. On this basis, the provision has been satisfied for the portions of these Blocks that are to be developed as Street Townhouses. The h-54 holding provisions will be retained for the balance of the site.

h-209 Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.

In an effort to meet the design objectives of the Riverbend South Community Plan, attention was given to ensure that all buildings adjacent to the street are designed and oriented to the street. The accepted plans provide architectural features that includes porches, entrances, windows, rooflines and enhanced landscaping around the porches that achieve an appearance of front orientation to the street, consistent with the intent of the Riverbend South Community Plan.

An acceptable level of building design and orientation to the street in accordance with the h- 209 provision has been provided with the accepted Site Plan and executed Development Agreement. As a result Development Services is satisfied and can recommend the lifting of the h-209 holding provision for the portions of these Blocks that are to be developed as Street Townhouses. The h-209 holding provisions will be retained for the balance of the site.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to remove the holding provisions to allow the zoning to come into force for the portions of these Blocks that are to be developed as Street Townhouses. The h., h-54 and h-209 holding provisions will be retained for the balance of the site.

Prepared by:	Alanna Riley, 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	

October 28, 2019

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompili, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering
Michael Pease, Manager, Development Planning (Site Plan)

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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 remove holding provisions from the zoning for portions of the lands located at 1031 and 1095 Upperpoint Avenue.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning for portions of the lands located at 1031 and 1095 Upperpoint Avenue, 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 portions of the lands located at 1031 and 1095 Upperpoint Avenue, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R4/R5/R6/R8 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R8-4(35)) and Residential R4/R5/R6/R9 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R9-7(26)*H40) Zone comes into effect.

2. This by-law shall come into force and effect on the day it is passed.

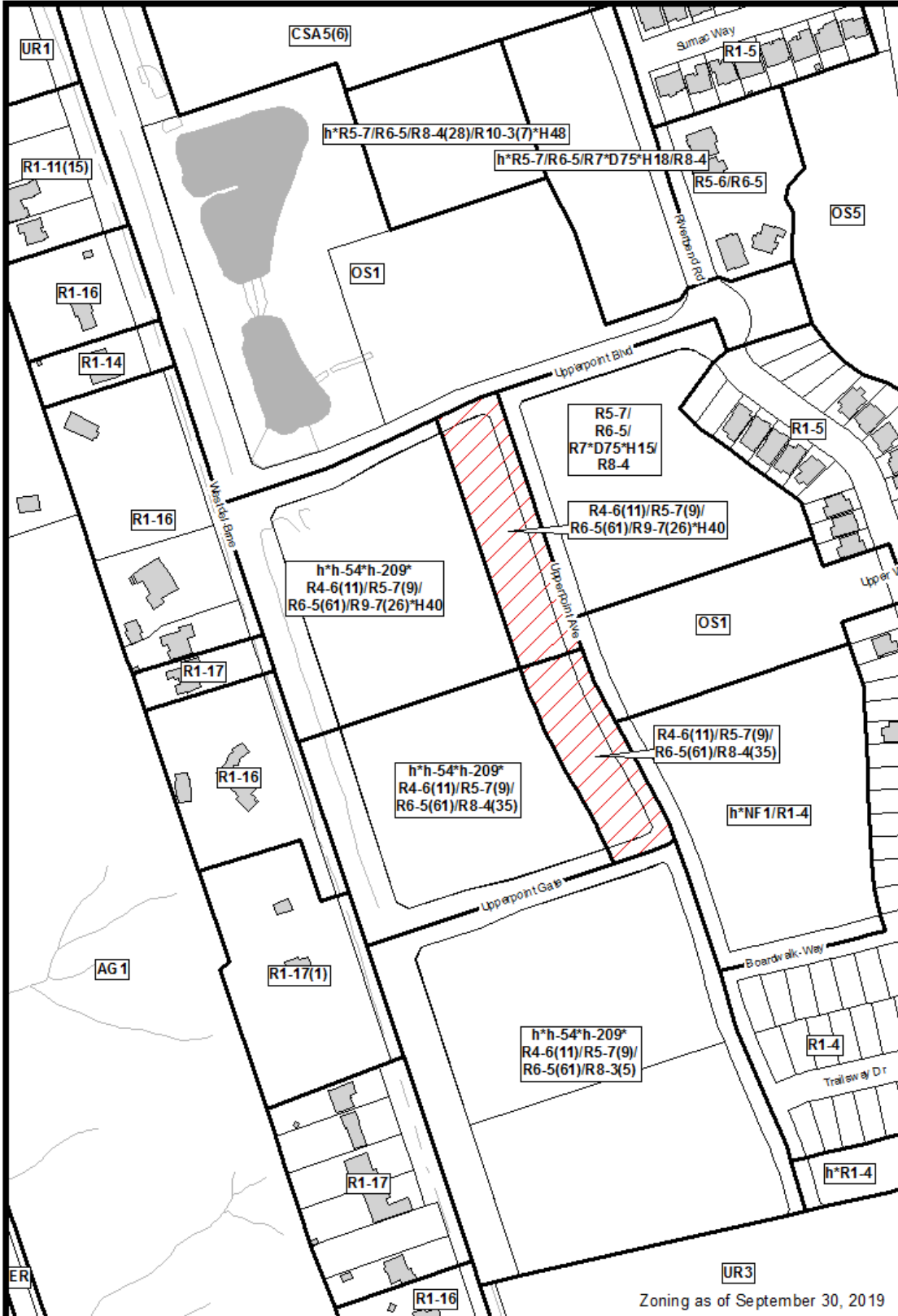
PASSED in Open Council on November 12, 2019.

Ed Holder
Mayor


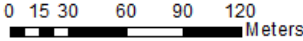

Catharine Saunders
City Clerk

First Reading – November 12, 2019
Second Reading – November 12, 2019
Third Reading – November 12, 2019

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



Zoning as of September 30, 2019

<p>File Number: H-9124 Planner: AR Date Prepared: 2019/10/25 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p> Meters</p> <p></p>
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