

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: Removal of Holding Provision
Tricar Properties Limited
420, 440, 460, and 480 Callaway Road

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 Tricar Properties Limited relating to the properties located at 420, 440, 460, and 480 Callaway Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 12, 2019 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R9 Special Provision (h-53*R9-7(27)) **TO** a Residential R9 Special Provision R9-7(27)) Zone to remove the holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-53" holding provision from 420, 440, 460, and 480 Callaway Road, which is in place to ensure street oriented design which discourages noise walls.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-53" holding symbol to facilitate the development of four (4), 10-storey apartment buildings.

Rationale of Recommended Action

The requirements for removing the holding provision has been met. It is appropriate to remove the holding provision as it is no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in the northwest area of the City with frontage on Sunningdale Road West and Callaway Road. Sunningdale Golf Course is located to the north and west, a mix of low and medium density residential uses are located to the east, cluster residential uses and a storm water management facility are located to the south. The site is approximately 0.30 ha in size and is currently undeveloped and vacant.



SUNNINGDALE ROAD WEST VIEW - RES1
420, 440, 460, 480 CALLAWAY ROAD
LONDON, ON

A-901
2019-09-26
PROJECT 201143



SUNNINGDALE ROAD WEST VIEW - RES2
420, 440, 460, 480 CALLAWAY ROAD
LONDON, ON

A-902
2019-09-26
PROJECT 201143



AERIAL VIEW - RES2
420, 440, 460, 480 CALLAWAY ROAD
LONDON, ON

A-903
2019-09-26
PROJECT 201143



AERIAL VIEW - OVERALL
420, 440, 460, 480 CALLAWAY ROAD
LONDON, ON

A-905
2019-09-26
PROJECT 201143



Figures 2-5: Renderings

3.0 Relevant Background

3.1 Planning History

39T-16504/ OZ-8639

On June 3, 2016 the applicant submitted an application for Draft Plan of Subdivision approval, an Official Plan Amendment and a Zoning By-law Amendment including all required reports/studies identified during pre-consultation. Staff reviewed and accepted the applications as complete on June 6, 2016.

On May 24, 2017, the City Clerk's Office received appeals to the Ontario Municipal Board (OMB), from the Applicant on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to a Zoning By-law and Official Plan Amendment applications concerning lands located at 379 Sunningdale Road.

A Settlement Hearing of the OMB was held on November 8, 2017 with members of the City, the applicant and area residents. On November 15, 2017 the OMB issued its decision to approve the Official Plan, Zoning, and Subdivision Draft Plan Approval that established development and block limits and the Zoning that provides the regulatory environment for up to 10-storey apartment buildings, 6-storey apartment buildings, cluster residential forms of housing , offices and park uses subject to the completion of conditions as directed by the Board.

3.2 Previous Reports and Applications Relevant to this Application

October 23, 2017, Planning Committee; Planning Report on Ontario Municipal Board Appeal Application by Corlon Properties on behalf of Sunningdale Golf and Country Ltd, 379 Sunningdale Road West, 39T-16504/ OZ-8639"

3.3 Requested Amendment

The applicant is requesting the removal of the "h-53" holding provision from the site to allow for the development of 4, 10 storey apartment buildings.

3.4 Community Engagement

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

3.5 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 provision and is it appropriate to consider the removal request?

The h-53 holding provision is as follows:

h-53 - Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London, prior to the removal of the "h-53" symbol.

A development agreement has been executed for the site and security has been posted. The development is oriented towards Sunningdale Road West and Callaway Road to establish a strong street edges and built form along the public realm Activation is provided by units with direct pedestrian connections to Callaway and Sunningdale Roads. Adequate setbacks and landscaping have been incorporated into the accepted plans, avoiding the need for noise walls.

5.0 Conclusion

The requirements for removing the holding provision has been met. It is appropriate to remove the holding provision as it is no longer required. The accepted development is street-oriented, mitigates noise from the arterial road, and incorporates appropriate urban design principles that are included in the development agreement and accepted Site Plan. It is appropriate to remove the holding provision to allow the zoning to come into force at this time.

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 29, 2019

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

cc: Lou Pompilii, MPA, RPP, Manager, Development Planning

cc: Ismail Abushehada, Manager Development Engineering

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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 lands located at located at
420, 440, 460, and 480 Callaway Road

WHEREAS Tricar Properties Limited has applied to remove the holding provision from the zoning for the lands located at 420, 440, 460, and 480 Callaway Road, 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 lands located at 420, 440, 460, and 480 Callaway Road, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R9 Special Provision R9-7(27)) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

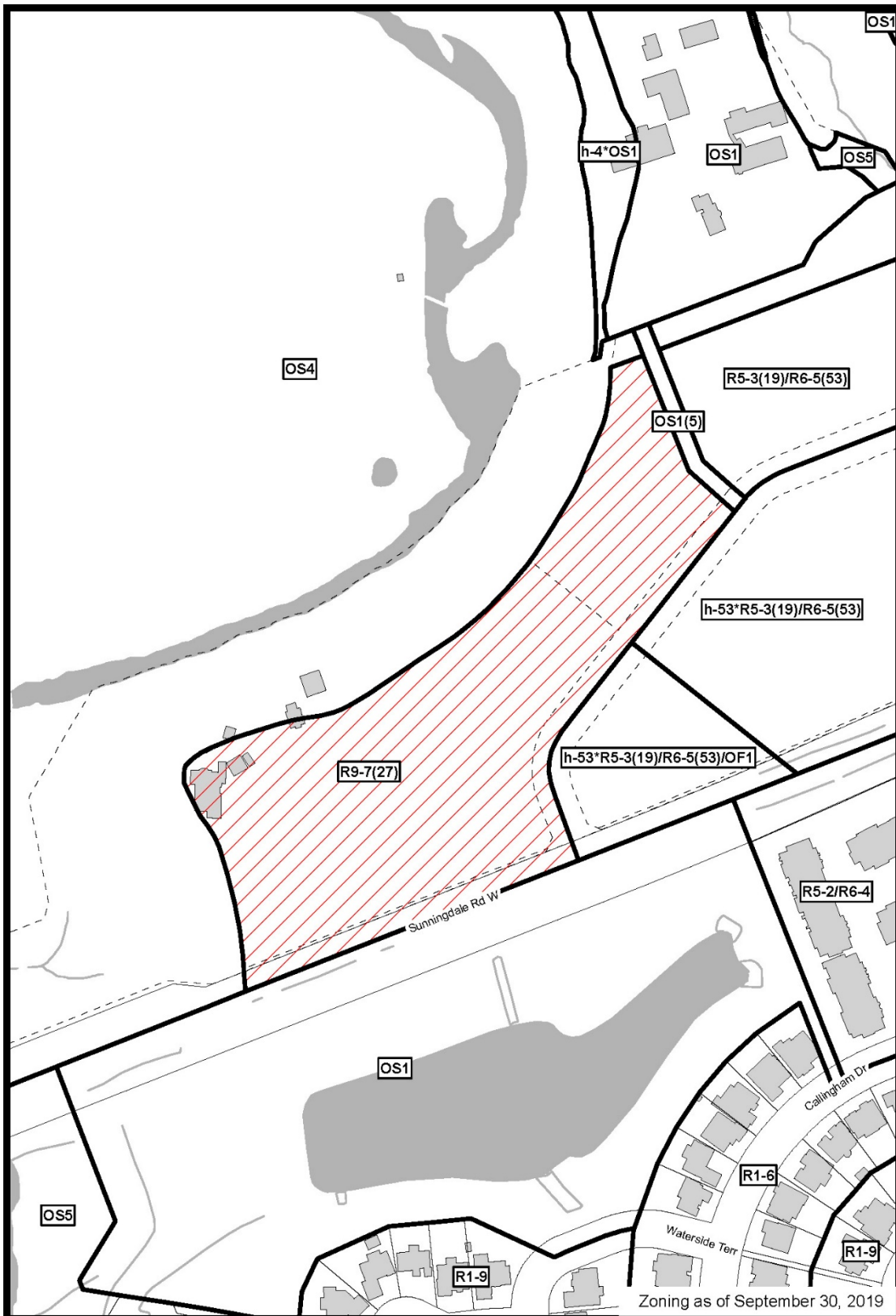
PASSED in Open Council on November 12, 2019.



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)



<p>File Number: H-9102 Planner: AR Date Prepared: 2019/10/11 Technician: ZZ By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters</p> 
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