

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: Removal of Holding Provision ('h' and 'h-100')
Application By: 2557727 Ontario Inc.
3425 Emily Carr Lane

Meeting on: December 2, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by 2557727 Ontario Inc. relating to the property located at 3425 Emily Carr Lane (north portion), the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 10, 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*R1-3(7)) Zone and Holding Residential R1 Special Provision (h*h-94*h-100*R1-3(7)) Zone **TO** a Residential R1 Special Provision (R1-3(7)) Zone and Holding Residential R1 Special Provision (h-94*R1-3(7)) Zone to remove the "h" and "h-100" holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the "h" and "h-100" holding symbols from the zone map to permit the development of 48 single detached lots.

Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as the required security has been submitted and the subdivision and development agreement has been signed, water looping has been installed and a secondary access is provided. All issues have been resolved and the holding provisions are no longer required.

1.0 Site at a Glance

1.1 Property Description

The site is addressed as 3245 Emily Carr Lane (north portion), and is located south of the existing commercial uses along Wharncliffe Road South, roughly halfway between the Bradley Ave and Southdale Road E intersection. There are existing residential uses to the east and future residential uses to the south, and west, while the lands to the north are used for commercial purposes.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h*h-100*R1-3(7) and h*h-94*h-100*R1-3(7))

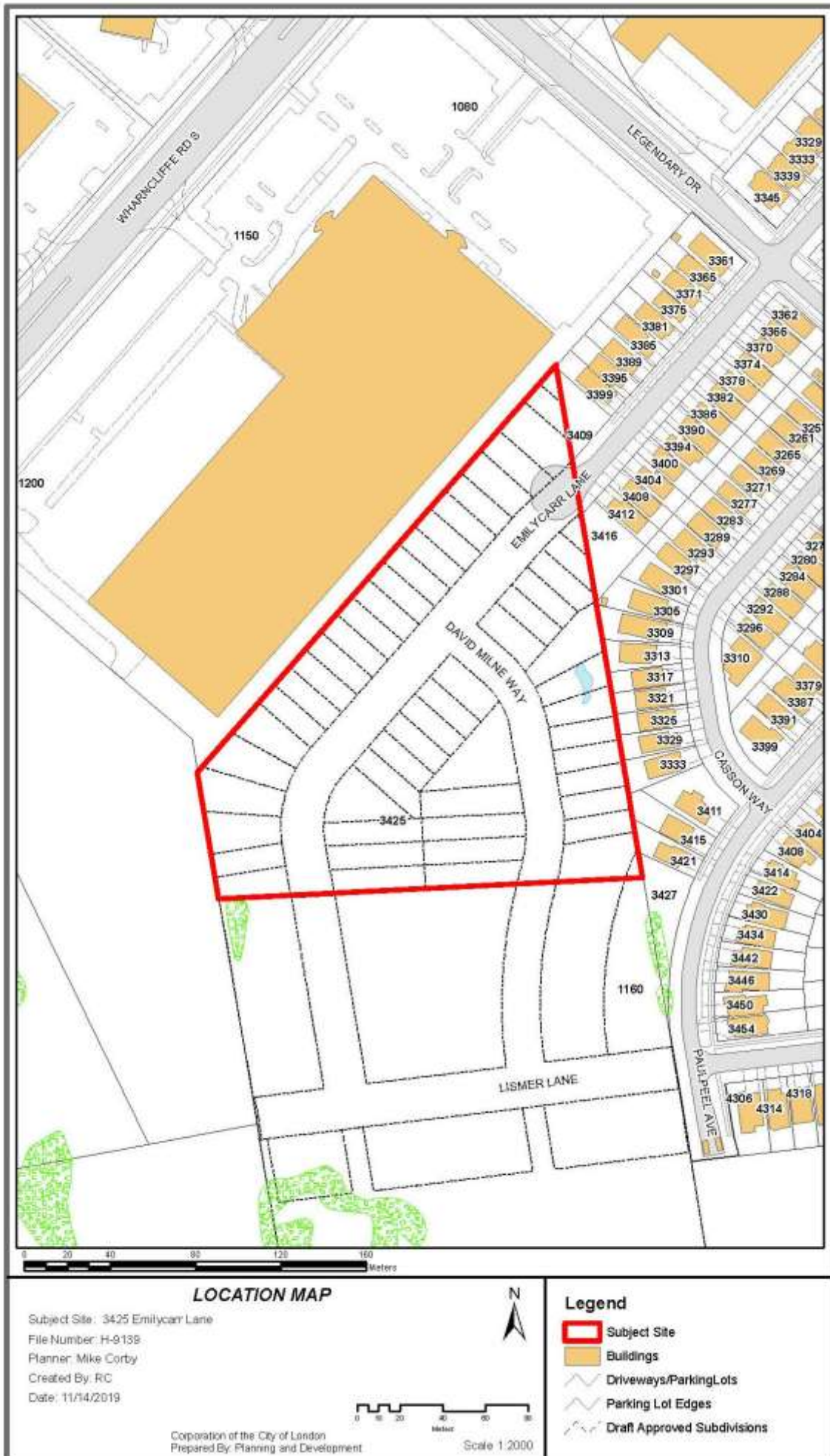
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 25 m (82 feet)
- Depth – varies
- Area – approx. 3.0 ha (7.41 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – commercial
- East – residential
- South – vacant - future residential
- West – future residential/commercial

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of 42 residential (single-detached) building lots.

3.0 Relevant Background

3.1 Planning History

The zoning on the lands was approved on April 24, 2019 with the Draft Approval of the Emily Carr Lane (north portion) Subdivision (39T-18506).

3.2 Requested Amendment

The applicant is requesting the removal of the “h” and “h-100” 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.

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.

Through the subdivision process it has been determined that adequate water servicing can be provided to the subject site and future dwelling units. Also, the proposed 43 dwelling units is well below the 80 unit threshold for water looping and emergency access therefore, conditions for removing the holding "h-100" provision in this instance have been met.

The h-94 is being retained on portions of the property as a consistent lotting pattern has yet to be established through consolidation with adjacent lands.

5.0 Conclusion

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

Prepared by:	Mike Corby, 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	

November 14, 2019

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompili, Manager, Development Planning
Ted Koza, Manager, Development Engineering

MC/mc

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 3425 Emily Carr Lane.

WHEREAS 2557727 Ontario Inc. has applied to remove the holding provisions from the zoning for the lands located at 3425 Emily Carr Lane, 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 3425 Emily Carr Lane, as shown on the attached map, to remove the h and h-100 holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-3(7)) and Holding Residential R1 Special Provision (h-94*R1-3(7)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

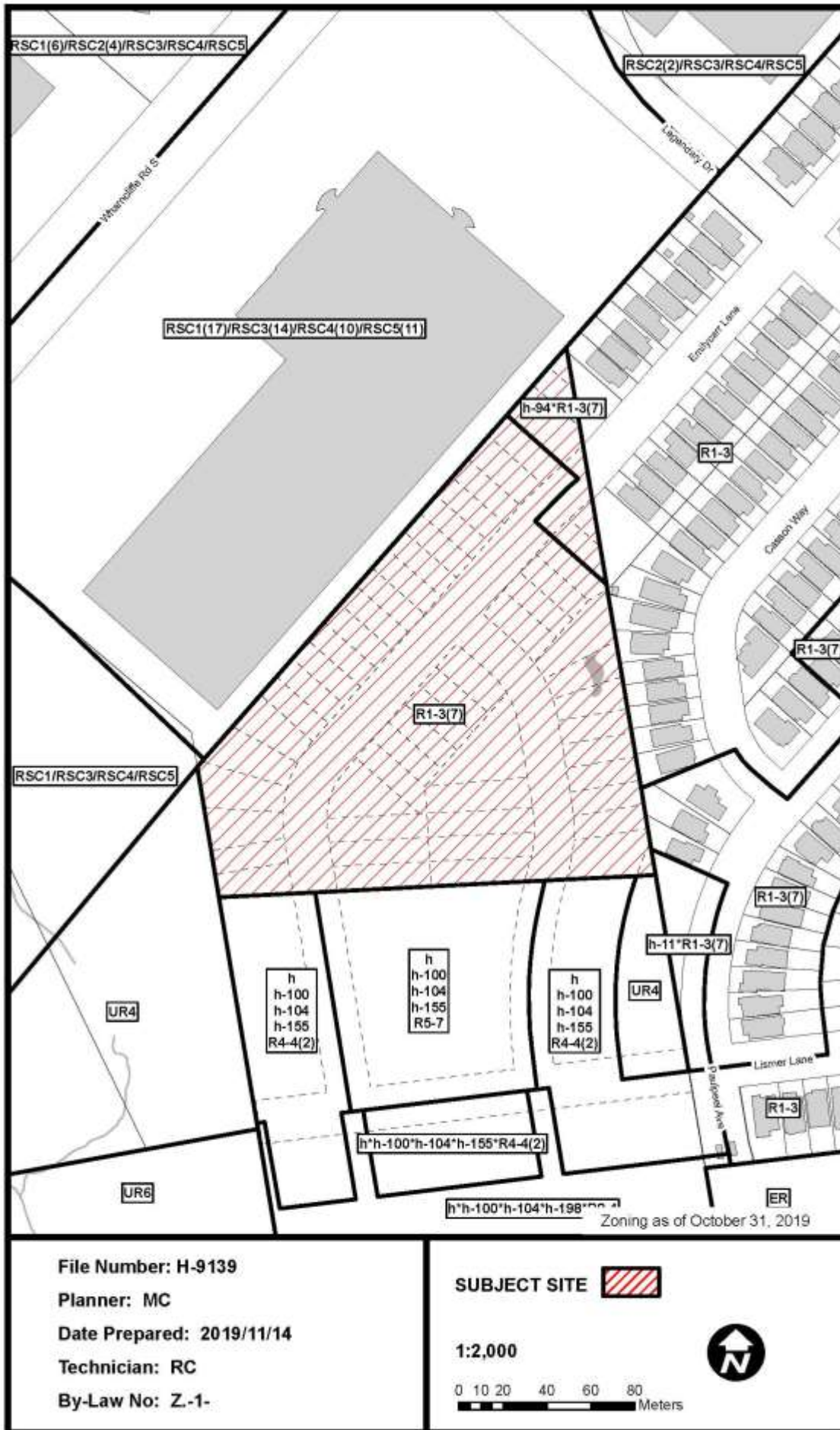
PASSED in Open Council on December 10, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

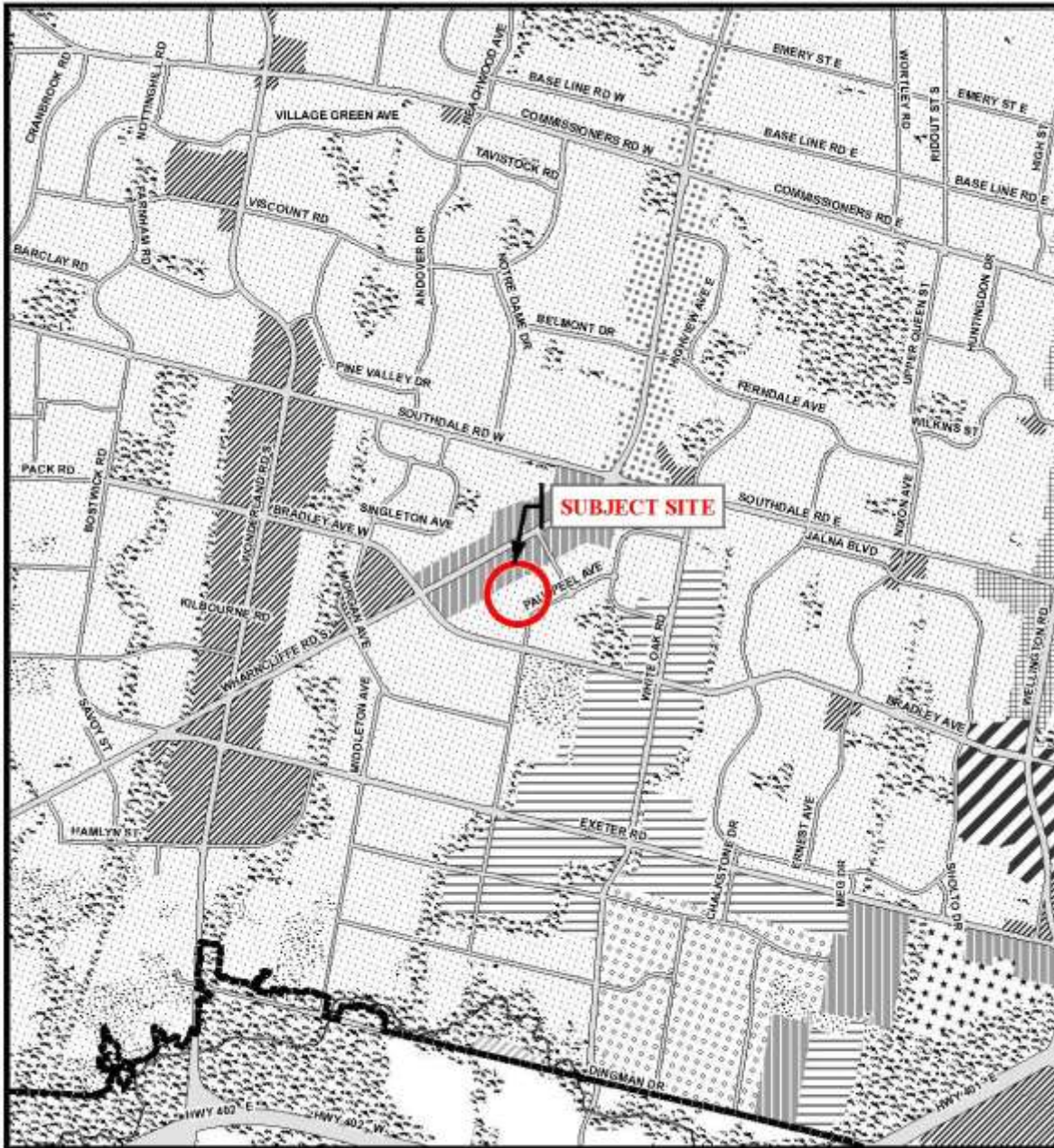
First Reading – December 10, 2019
Second Reading – December 10, 2019
Third Reading – December 10, 2019

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



Appendix B – Relevant Background

London Plan Excerpt



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consultation of Map 1 - Place Types of the London Plan, with added notations.

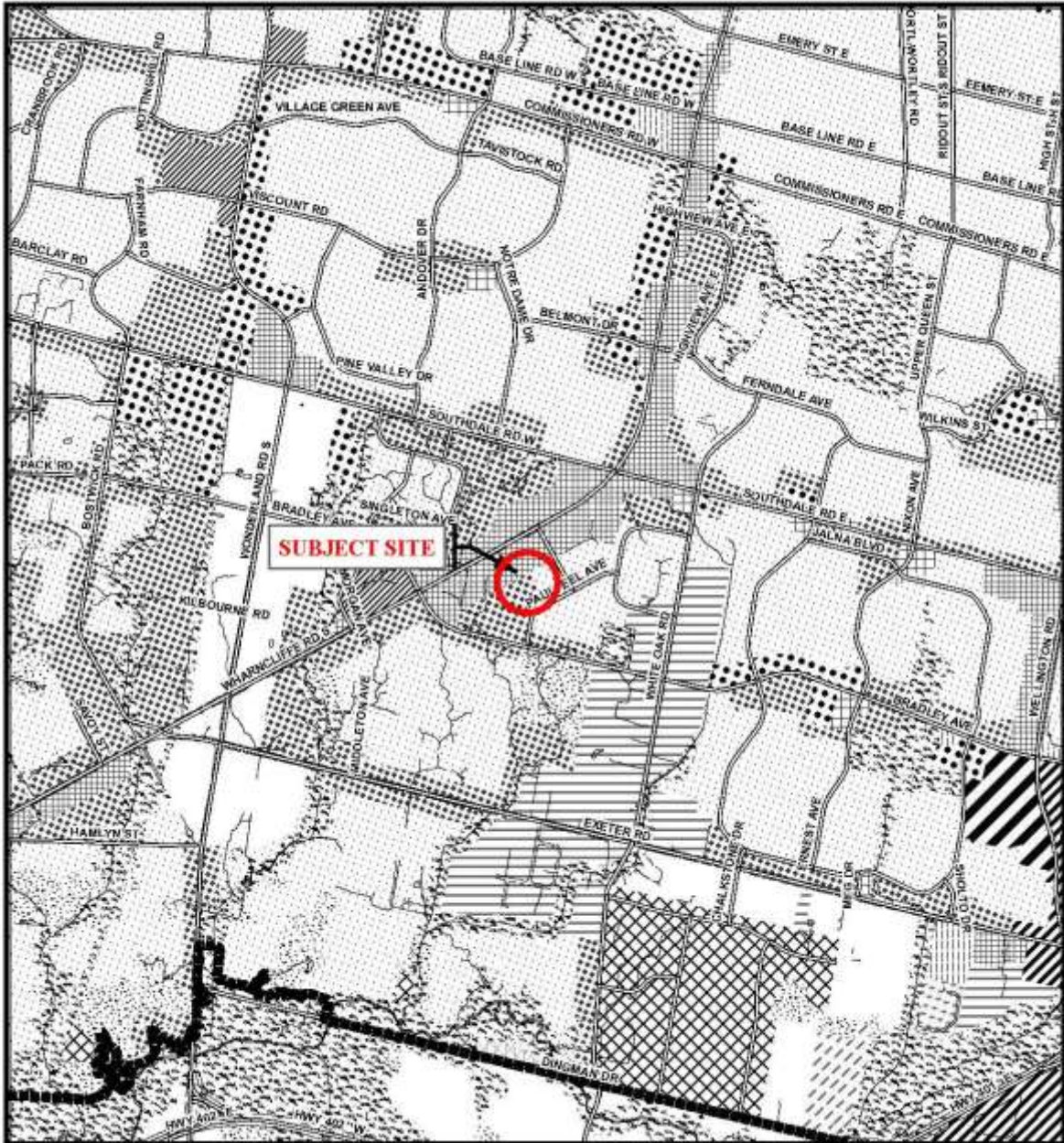
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



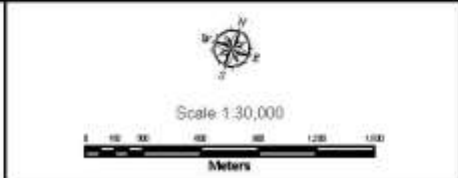
File Number: H-9139
Planner: MC
Technician: RC
Date: November 14, 2019

1989 Official Plan Excerpt



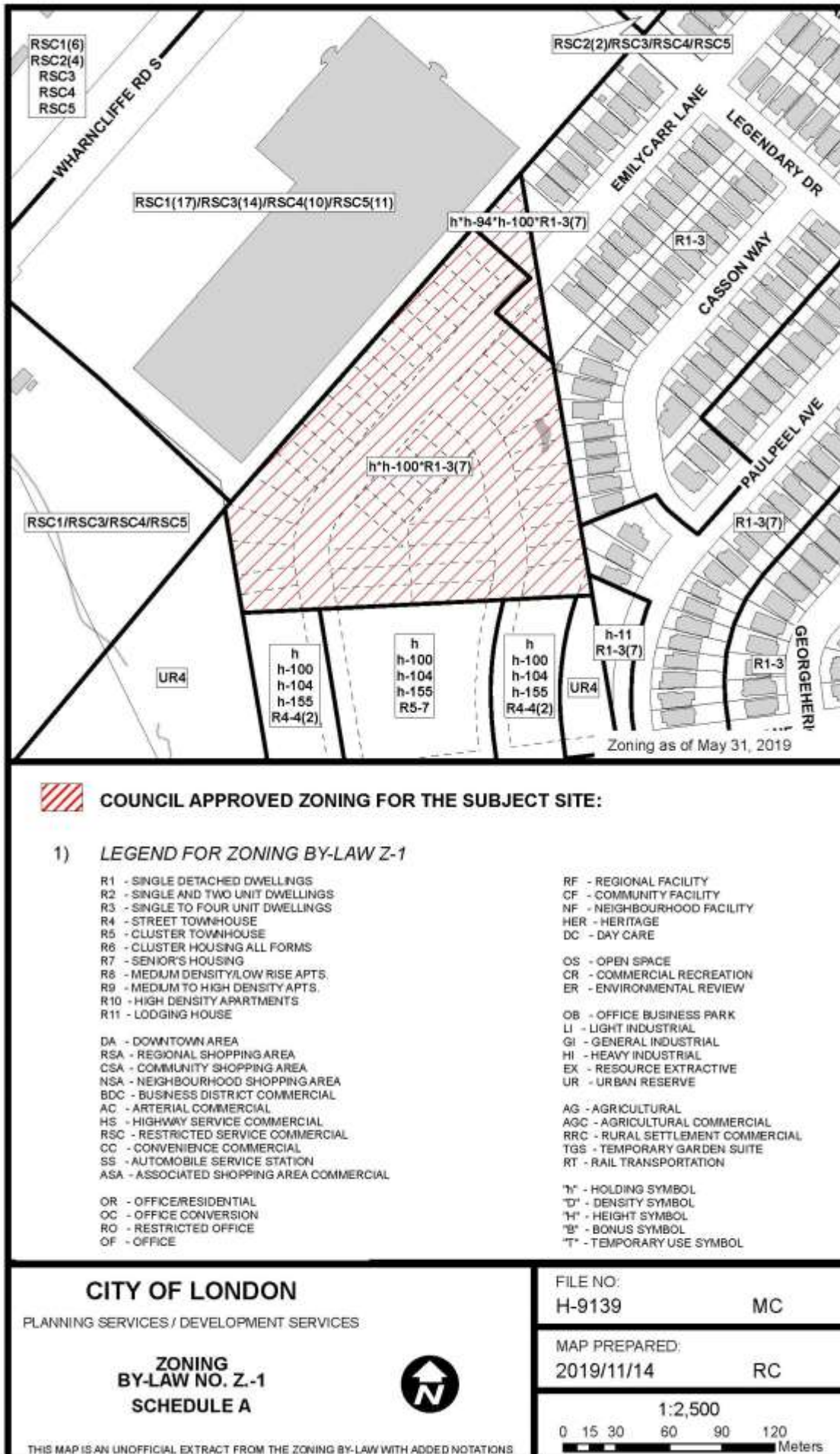
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	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-9139
 PLANNER: MC
 TECHNICIAN: RC
 DATE: 2019/11/14

Zoning Excerpt



CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

H-9139 MC

MAP PREPARED:

2019/11/14 RC

1:2,500

0 15 30 60 90 120 Meters

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