

20Report 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: 1640209 Ontario Limited c/o York
Development.
1959 Wharncliffe Road South
Removal of Holding Provisions (h, h-100, h-197 and h-
198)

Meeting on: January 6, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of 1640209 Ontario Limited c/o York Development relating to the property located at 1959 Wharncliffe Road South the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 14, 2020 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning for a portion of 1959 Wharncliffe Road South **FROM** a Holding Residential R8/R9 Special Provision (h*h-100*h-197*h-198*R8-4/R9-3(13)*H32) Zone **TO** a Residential R8/R9 Special Provision (R8-4/R9-3(13)*H32) Zone.

Executive Summary

Purpose and the Effect of Recommended Action

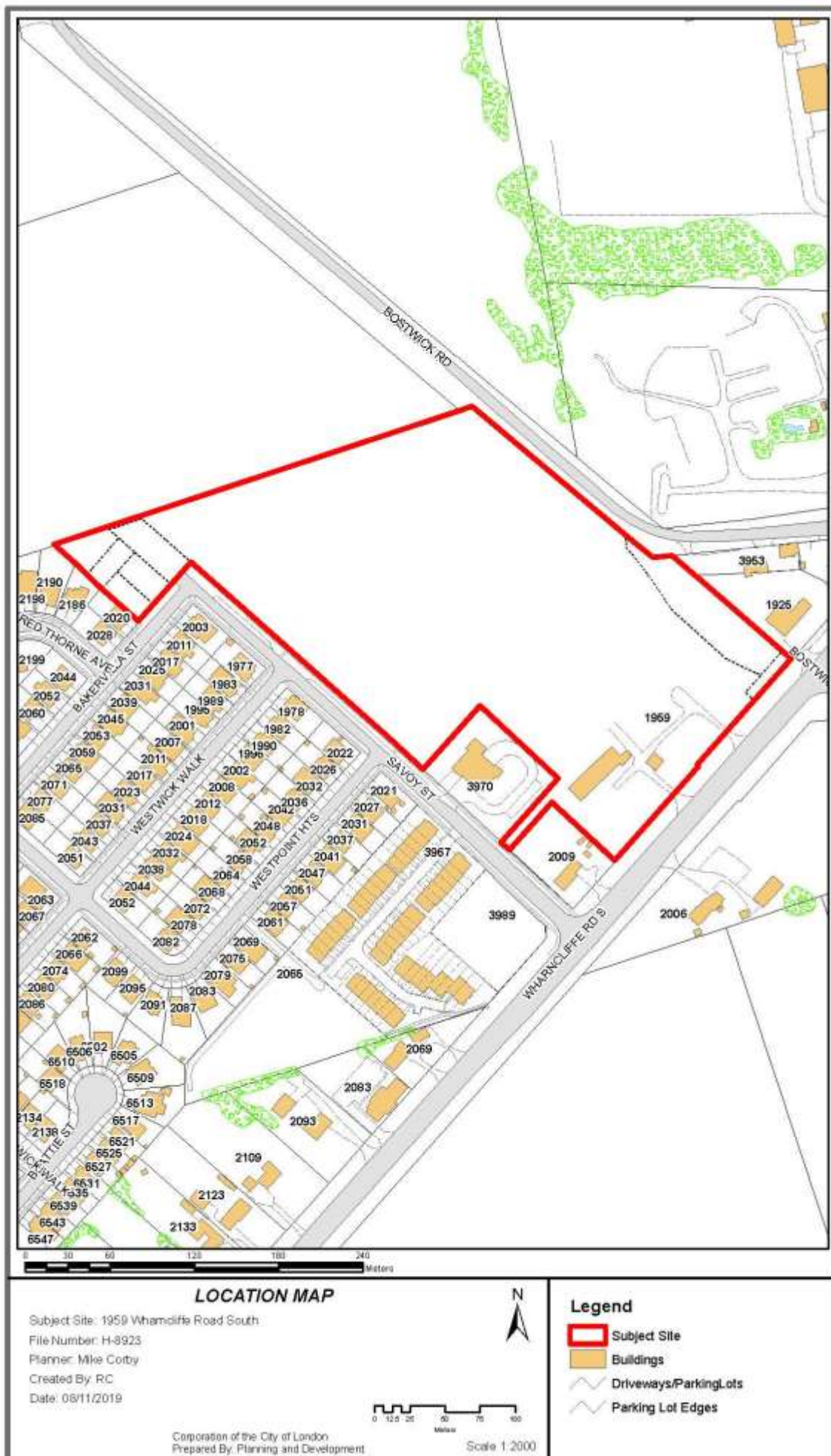
The purpose and effect of this zoning change is to remove the h, h-100, h-197 and h-198 holding symbols to permit the development of three (3) separate, 3.5 storey stacked, back-to-back townhouse blocks, yielding a total of 104 units.

Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the site plan approval process, the required security has been submitted to the City of London and a development agreement has been executed. The “h” holding provision is no longer required.
3. Through the site plan approval process the applicant has identified how the site can be appropriately serviced by water. The “h-100” holding provision is no longer required on this portion of the site.
4. Through the site plan approval process the applicant has identified that the proposed lot is of a size and configuration that is appropriate for the area and suitably serviced. The Environmental Assessment for the Bostwick Road realignments has been completed and will not affect the proposed site. A subdivision agreement can no longer be entered into as the previous subdivisions on the subject lands has lapsed making this condition redundant as it cannot be satisfied. Therefore it is appropriate to remove the “h-197” specific to this portion of land subject.
5. The proposed stacked townhouses provide a street-oriented development which has been reviewed by urban design staff through the site plan approval process. The “h-198” is no longer required on this portion of the property.

Analysis

1.1 Location Map



2.0 Description of Proposal

The removal of the existing holding provisions apply to a specific portion of the property that is currently going through Site Plan Approval (SPA18-107) process and a Consent application (B.003/19) to create a new property for development. The future development would include three (3) separate, 3.5 storey stacked, back-to-back townhouse blocks, yielding a total of 104 units

3.0 Relevant Background

3.1 Requested Amendment

The applicant is requesting the removal of the “h”, “h-100”, “h-197” & “h-198” holding provision from a portion of the property located at 1959 Wharncliffe Road South.

3.2 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, no comments were received.

3.3 Planning History

The subject site was part of a Plan of Subdivision that was submitted on August 5, 2014. Phase 3 of the overall subdivision development in the area and comprised 167 residential units in the form of single detached dwellings, two medium density residential blocks (Blocks 168 and 169), four convenience commercial blocks (Blocks 170-173), an institutional block (Block 176), two walkway blocks (Blocks 177 and 178), two future development blocks (Blocks 174 and 175), two open space blocks (Blocks 179 and 180) and 6 local public streets (an extension of Bakerville Street to the north and to the east, an extension of Debra Drive to the north, an extension of Westpoint Heights to the north, an extension of Savoy Street to the north and a new Street “A”, Street “B” and Street “C”).

The Draft Plan was endorsed by Municipal Council on April 28, 2015 and through this process holding provisions were put in place on Blocks 154 and 155 (the subject lands) to ensure that the final size and configuration of the low density residential lots and medium density residential blocks are not created until such time as the Class EA has been completed to identify the location of the realignment of Bostwick Road.

The Plan of Subdivision received final approval in February of 2017 and the subject lands were not included as part of this approval as the holding provision could not be removed at that time as the Class EA had not been completed.

The portion of the site seeking removal of holding provision is also subject to two other planning applications which includes a site plan application (SPA18-107) and consent application (B.003/19).

3.4 Policy Context (see more detail in Appendix C)

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, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provisions?

The h holding provision states that:

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.

On December 12, 2019 Site Plan Approval Staff confirmed the Owner has provided the necessary security and has entered into a development agreement with the City. This satisfies the requirement for removal of the “h” holding provision.

h-100 Holding Provision

The (h-100) holding provision states that:

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.

Through the site plan approval process Development Engineering staff confirmed that adequate water servicing can be provided to the subject site through a looped watermain system and that at least two public access points are available. The h-100 (for water servicing) can be removed, but from this site only and shall remain in place for the remaining portion of the site.

This satisfies the requirement for removal of the “h-100” holding provision.

h-197

Purpose: To ensure the size and configuration of lots and blocks is appropriate for the area and suitably serviced the “h-(197)” symbol shall not be deleted until after the Environmental Assessment for the Bostwick Road realignments has been completed and a subdivision agreement is entered into specifying conditions of development, to the satisfaction of Council.

Through the current Site Plan Approval (SPA18-107) process it has been determined that the proposed lot is an appropriate size and configuration for the area and can be suitably serviced. The EA for the Bostwick Road re-alignment has been completed and will not impact the proposed site.

The previously draft approved plan of subdivision on the subject lands has recently lapsed and is no longer in affect. Therefore the requirement to enter into a subdivision agreement cannot be satisfied. Through the site plan approval process a development agreement has been entered in to ensuring appropriate conditions of development have been specified and are sufficient to satisfy this condition on this specific portion of the subject site. The h-197 shall be maintained on the remainder of the lands to ensure the property is developed through a subdivision process in the future.

This satisfies the requirement for removal of the “h-197” holding provision.

h-198

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 Southwest Area

Secondary Plan.

The proposed stacked townhouses provide a street-oriented development which has been reviewed by Urban Design Staff through the site plan approval process. A development agreement has been entered into to ensure that the new development is designed and approved consistent with the Southwest Area Secondary Plan. The site also does not have frontage on an arterial road therefore the h-198 is no longer required on this portion of the property.

This satisfies the requirement for removal of the “h-198” holding provision.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h, h-100, h-197 and h-198 holding provisions from the subject lands at this time as a development agreement has been enter into and the required security has been submitted to the City of London.

Prepared by:	Mike Corby, MCIP, RPP Senior Planner, Development Planning
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.	

December 16, 2019

MC/

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

cc: Lou Pompili, Manager, Development Planning

cc: Ted Koza, Manager Development Engineering

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for a portion of the lands located at 1959 Wharncliffe Road South.

WHEREAS 1640209 Ontario Limited c/o York Development (London) Inc. have applied to remove the holding provisions from the zoning for a portion of the lands located at 1959 Wharncliffe Road South, 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 1959 Wharncliffe Road South, as shown on the attached map, to remove the h, h-100, h-197 and h-198 holding provisions so that the zoning of the lands as Residential R8/R9 Special Provision (R8-4/R9-3(13)*H32) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 14, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 14, 2020
Second Reading – January 14, 2020
Third Reading – January 14, 2020

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



Appendix B – Public Engagement

Community Engagement

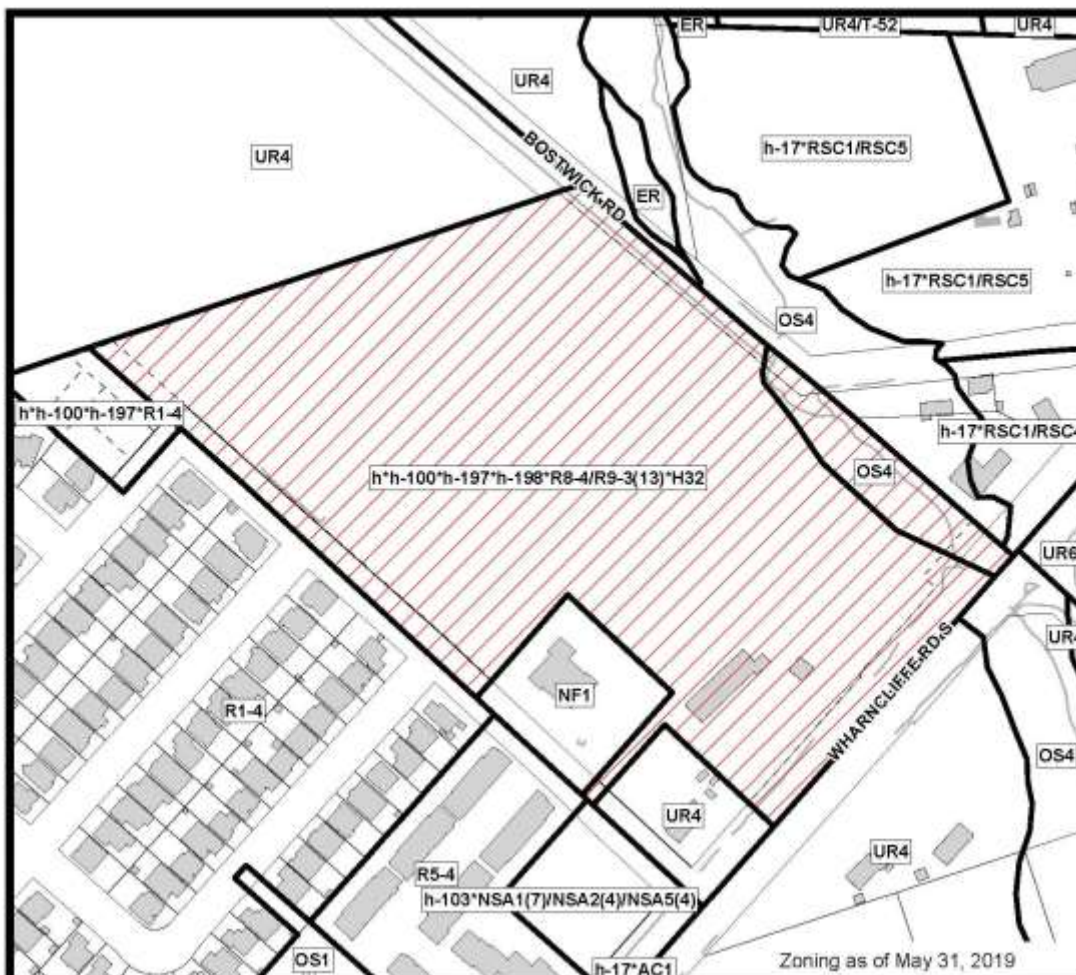
Public liaison: Notice of the application was published in the Londoner on August 2, 2018

0 replies were received

Nature of Liaison: City Council intends to consider removing the h, h-100, h-197 and h-198 holding provisions from the lands which requires for the provision of all municipal services, two or more public access, discouragement of noise walls, street orientation, completion and conformity to the Bostwick Road EA and an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than December 2, 2019.

Appendix C – Relevant Background

Existing Zoning Map



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

- "Y" - 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**



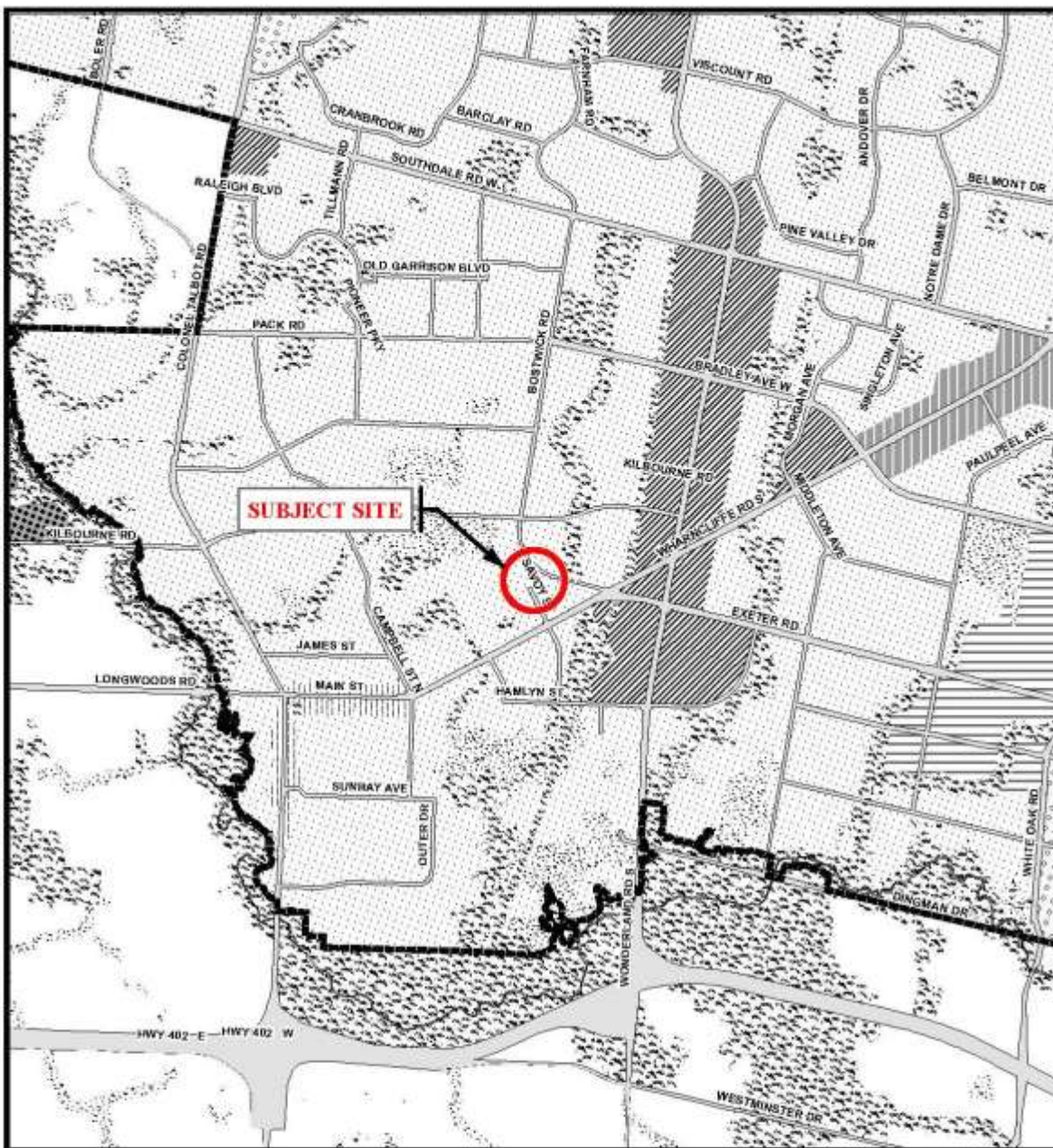
FILE NO:
H-8923 MC

MAP PREPARED:
2019/11/08 RC

1:3,000
0 15 30 60 90 120 Meters

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

The London Plan – Place Types



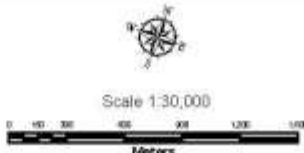
Legend

- | | | |
|------------------------|--------------------------|---|
| 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 consolidation of Map 1 - Place Types of the London Plan, with added notations.

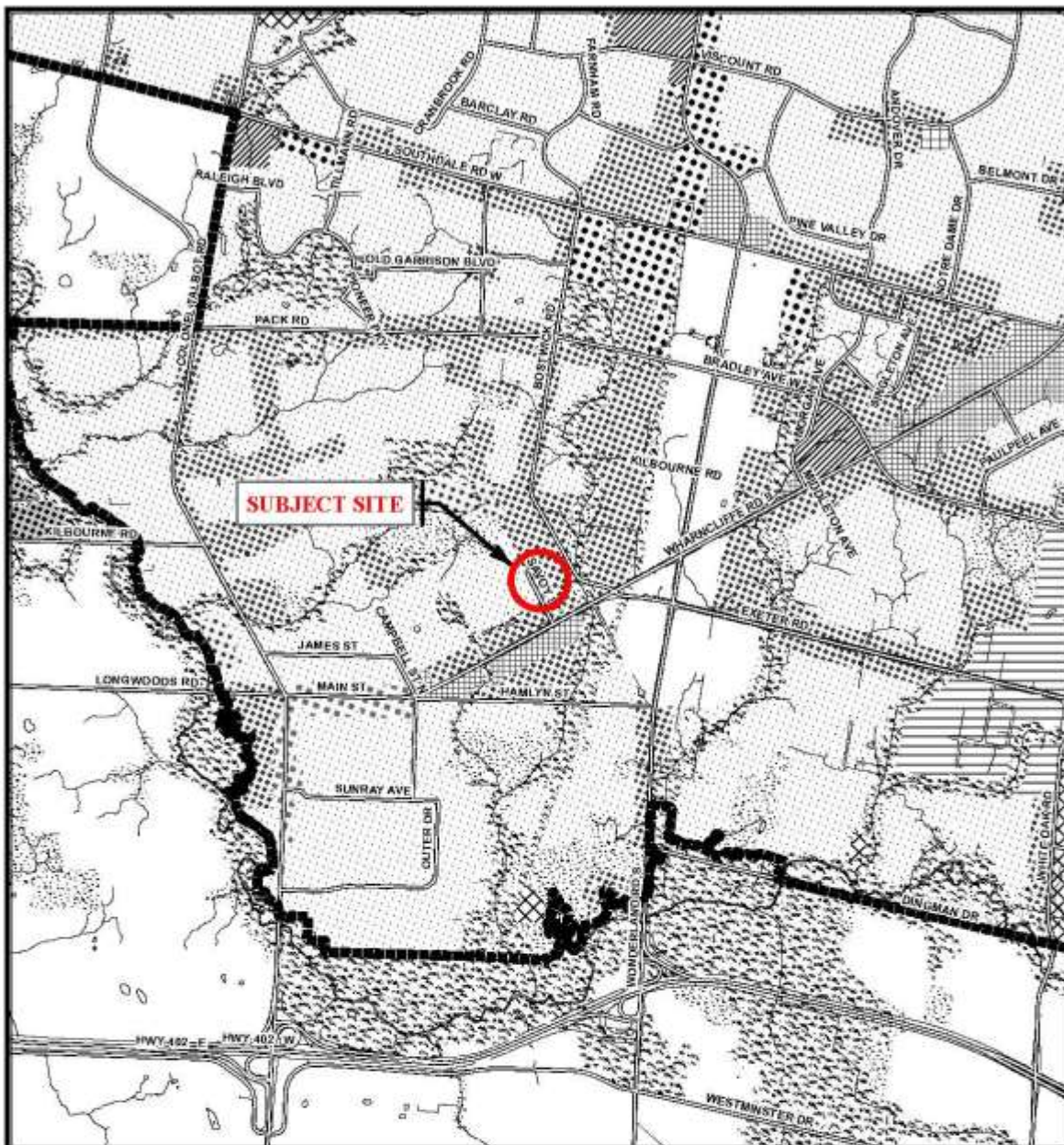
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

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



File Number: H-8923
Planner: MC
Technician: RC
Date: November 8, 2019

1989 Official Plan



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-8923
PLANNER: MC
TECHNICIAN: RC
DATE: 2019/11/08