

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: 660 Sunningdale LP
865 Kleinburg Drive

Meeting on: February 3, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by 660 Sunningdale LP relating to the property located at 865 Kleinburg Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 11, 2020 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 Business District Commercial Special Provision/Temporary (h*h-100*h-173*BDC2(9)*H18*T-76) Zone **TO** a Business District Commercial Special Provision/Temporary (BDC2(9)*H18*T-76) 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 a commercial/residential mixed use building with 116 units.

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, a secondary access is available, 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 is addressed as 865 Kleinburg Drive, on the southwest corner of Kleinburg Drive and Blackwater Road, north of Sunningdale Road. The subject site previously contained a single detached home which was recently demolished. 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 – Main Street
- Existing Zoning –Holding Business District Commercial Special Provision/Temporary (h*h-100*h-173*BDC2(9)*H18*T-76)

1.3 Site Characteristics

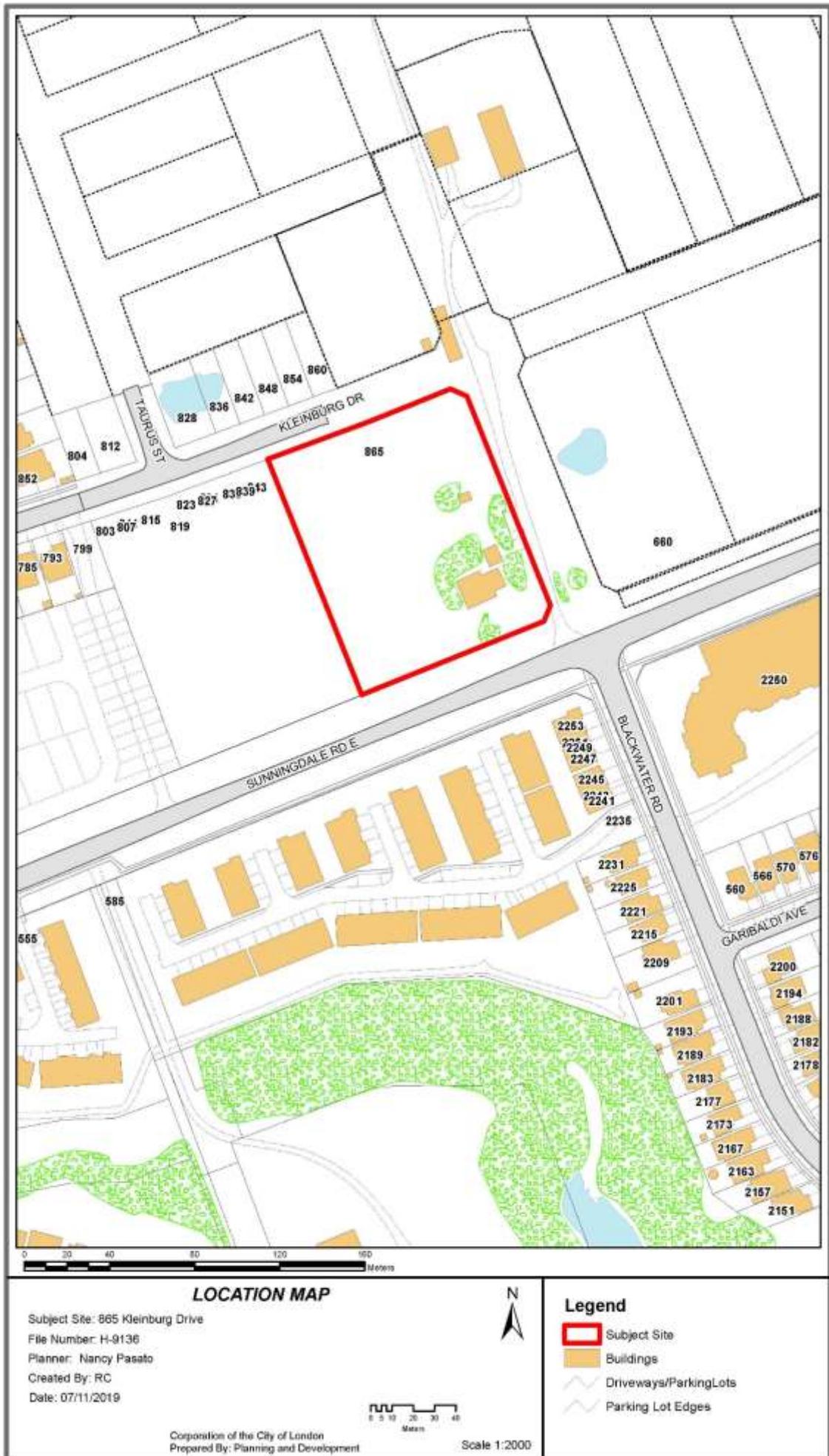
- Current Land Use – vacant
- Frontage – 93 m (305.1 feet)
- Depth – approx. 117 m (383.9 feet)

- Area – approx. 1.15 ha (2.84 acres)
- Shape – rectangular

1.4 Surrounding Land Uses

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

1.5 Location Map



1.6 Site Plan and Elevations

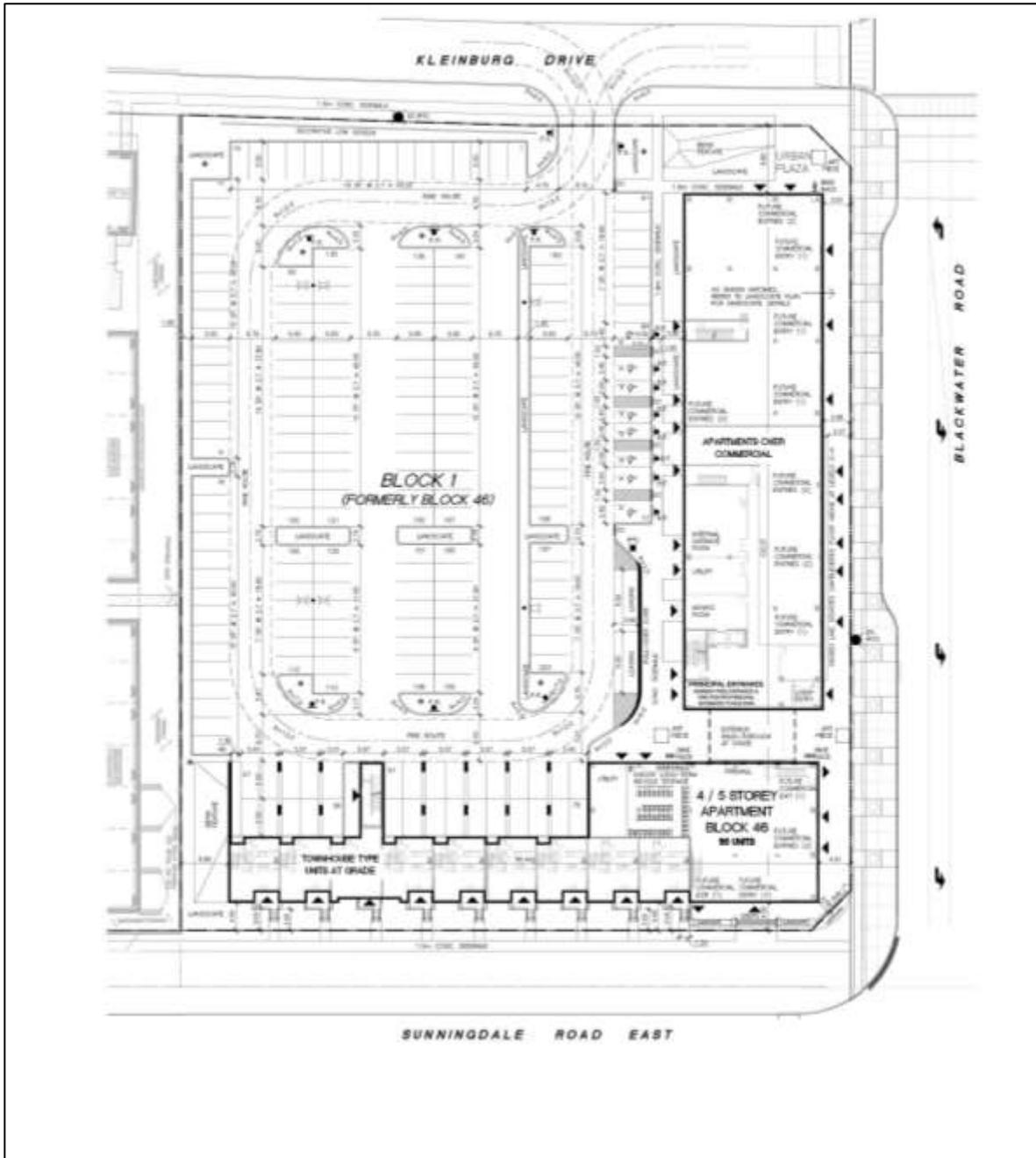


Figure 2 - Rendering of facade at Sunningdale Road and Blackwater Road

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of a commercial/residential mixed use building, five (5) storeys in height, with 116 units.

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 was registered as 33M-749. Phase 1B, which included the registration of 865 Kleinburg Drive, was granted final approval on June 20, 2019, and was registered as 33M-764.

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, a secondary emergency access be available, and 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 Applicant has provided the necessary security and has entered into a subdivision agreement with the City. As well, the Applicant has now entered into a development

agreement for the proposed development, and has provided the necessary security for the site. 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 Applicant has recently installed the watermain looping which connects to Sunningdale Road via Blackwater Road. The Applicant has also constructed Blackwater Road to Kleinburg Drive, which ensures a secondary access. These works have been inspected by the City and conditional approval has been granted. The 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 provided the necessary security and has entered into a subdivision agreement and development agreement with the City. The Applicant has recently installed the watermain looping and constructed Blackwater Road to Sunningdale Road. The urban design guidelines have been completed and have been adopted 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	

December 2, 2019

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilii, 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)
2020

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 865 Kleinburg Drive.

WHEREAS 660 Sunningdale LP applied to remove the holding provisions from the zoning for the lands located at 865 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 865 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 Business District Commercial Special Provision/Temporary (BDC2(9)*H18*T-76) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on February 11, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – February 11, 2020
Second Reading – February 11, 2020
Third Reading – February 11, 2020

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.

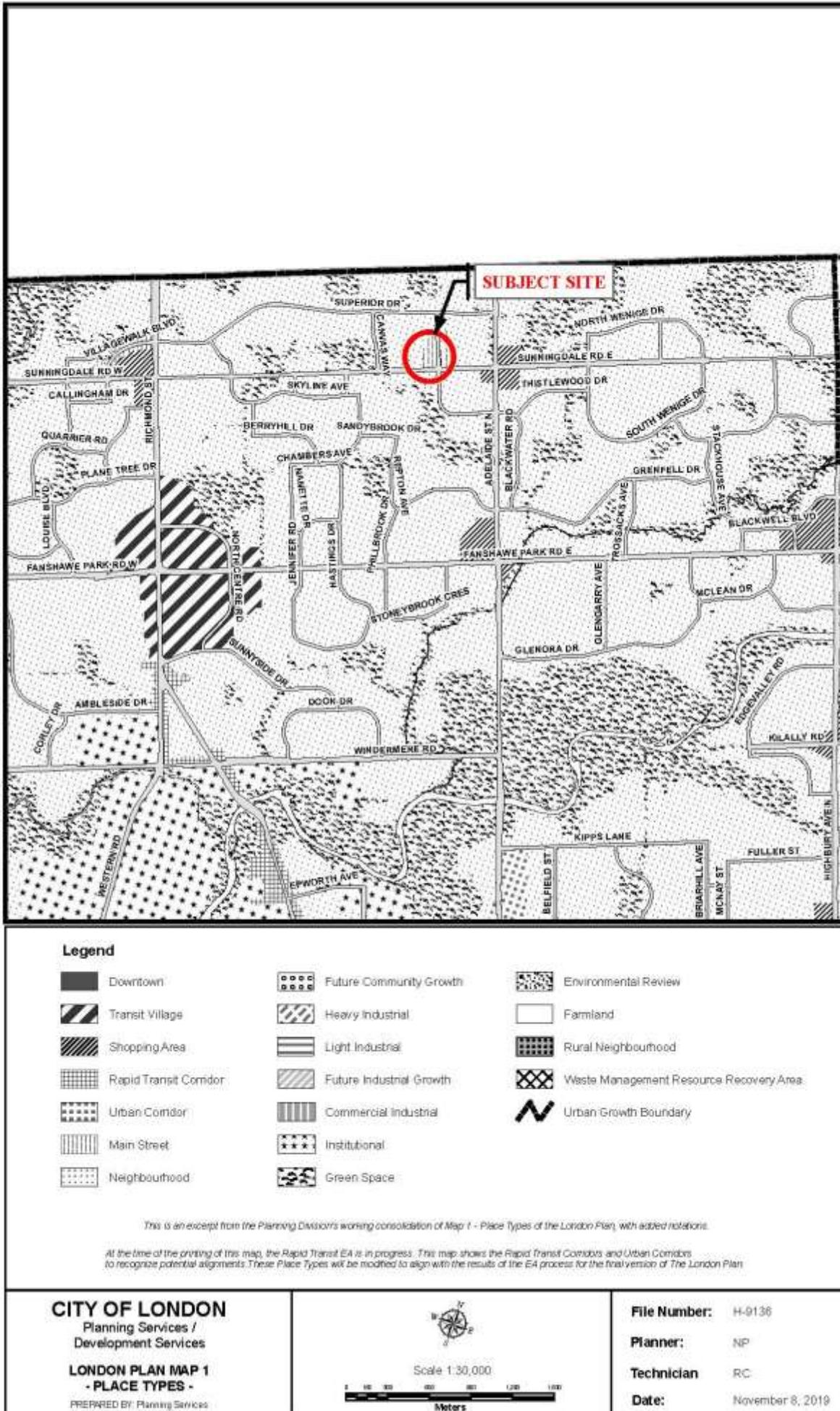
July 28, 2014: Report to Planning and Environment Committee for Draft Plan Approval of Subdivision, Official Plan Amendment and Zoning By-law Amendment (39T-09501/OZ-7638)

January 22, 2018: Report to Planning and Environment Committee for Revisions to Draft Plan Approval of Subdivision and Zoning By-law Amendments (39T-09501/Z-8818)

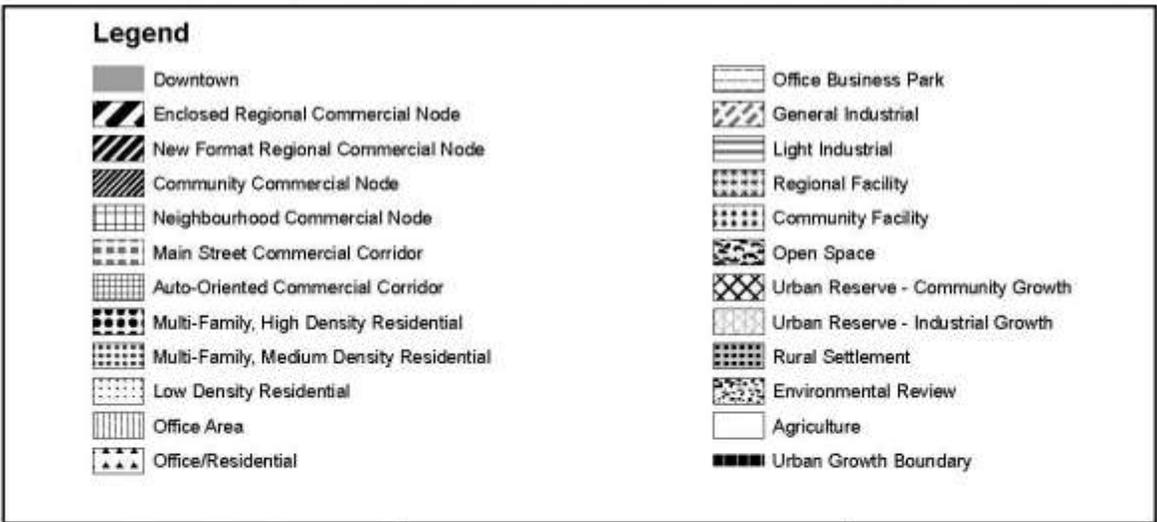
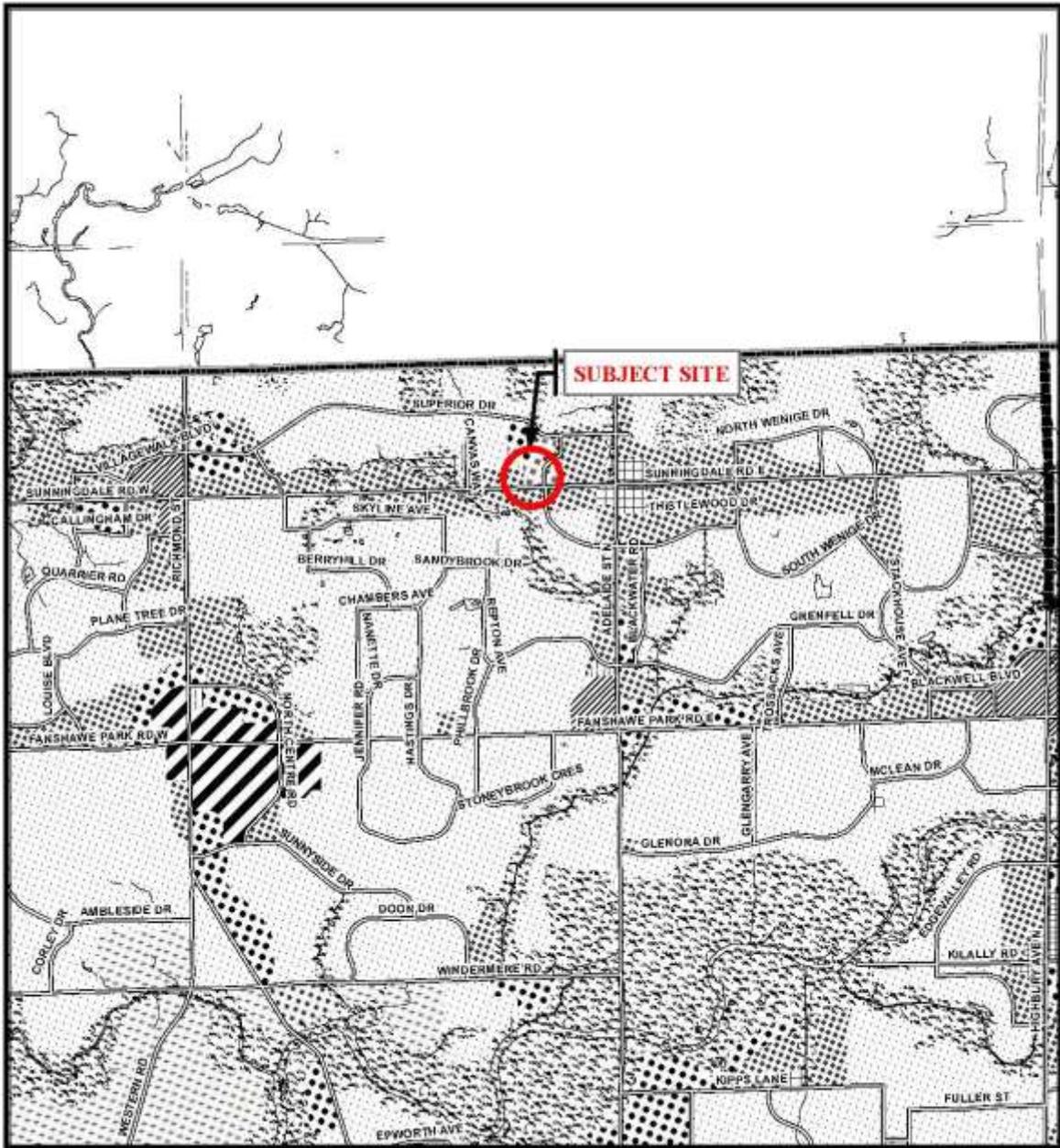
April 15, 2019: Report to Planning and Environment Committee for Special Provisions for Phase 1B of the subdivision. (39T-09501)

Appendix B – Relevant Background

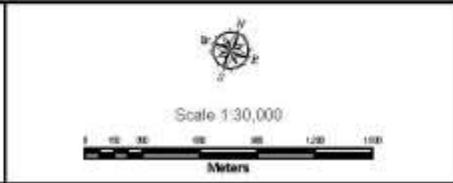
London Plan Excerpt



1989 Official Plan Excerpt

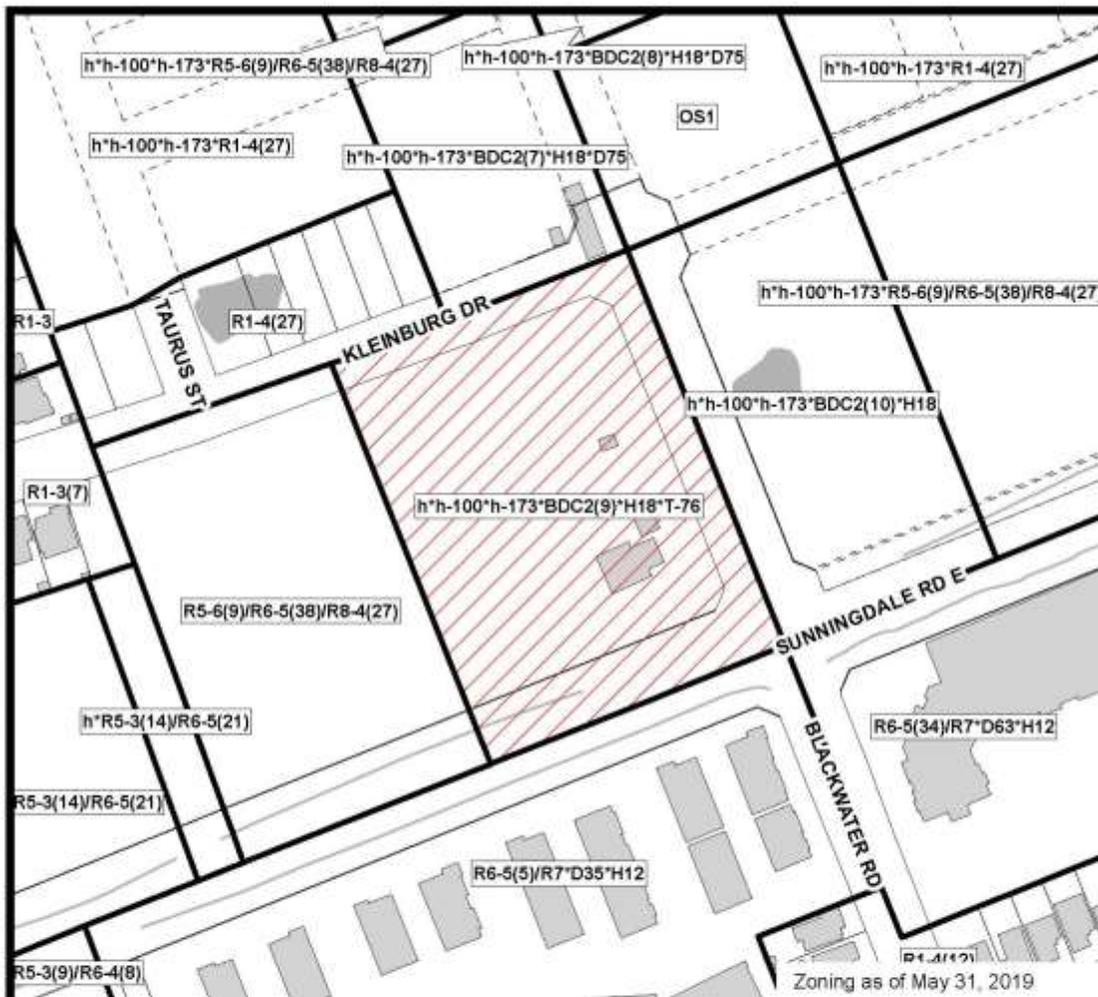


CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9136
 PLANNER: NP
 TECHNICIAN: RC
 DATE: 2019/11/08

Zoning Excerpt



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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
 "N" - 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-9136

NP

MAP PREPARED:

2019/11/08

RC

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