

## 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 (h-53)  
Wastell Homes  
435 Callaway Road(formerly 365 Callaway Road)

**Meeting on:** February 18, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Wastell Homes relating to the property located at 435 Callaway Road (formerly 365 Callaway Road), the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 3, 2020 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R5/R6 Special Provision (h-53/R5-3(19)/R6-5(53)) Zone **TO** a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) Zone to remove the (h-53) holding provision.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-53" holding provision from 435 Callaway Road (formerly 365 Callaway Road), which is in place to ensure street oriented design which discourages the need for noise walls in this development.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-53" holding symbol to facilitate the development of 94 Vacant Land Condominium units in the form of 3 storey, cluster townhouse dwellings.

### 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.

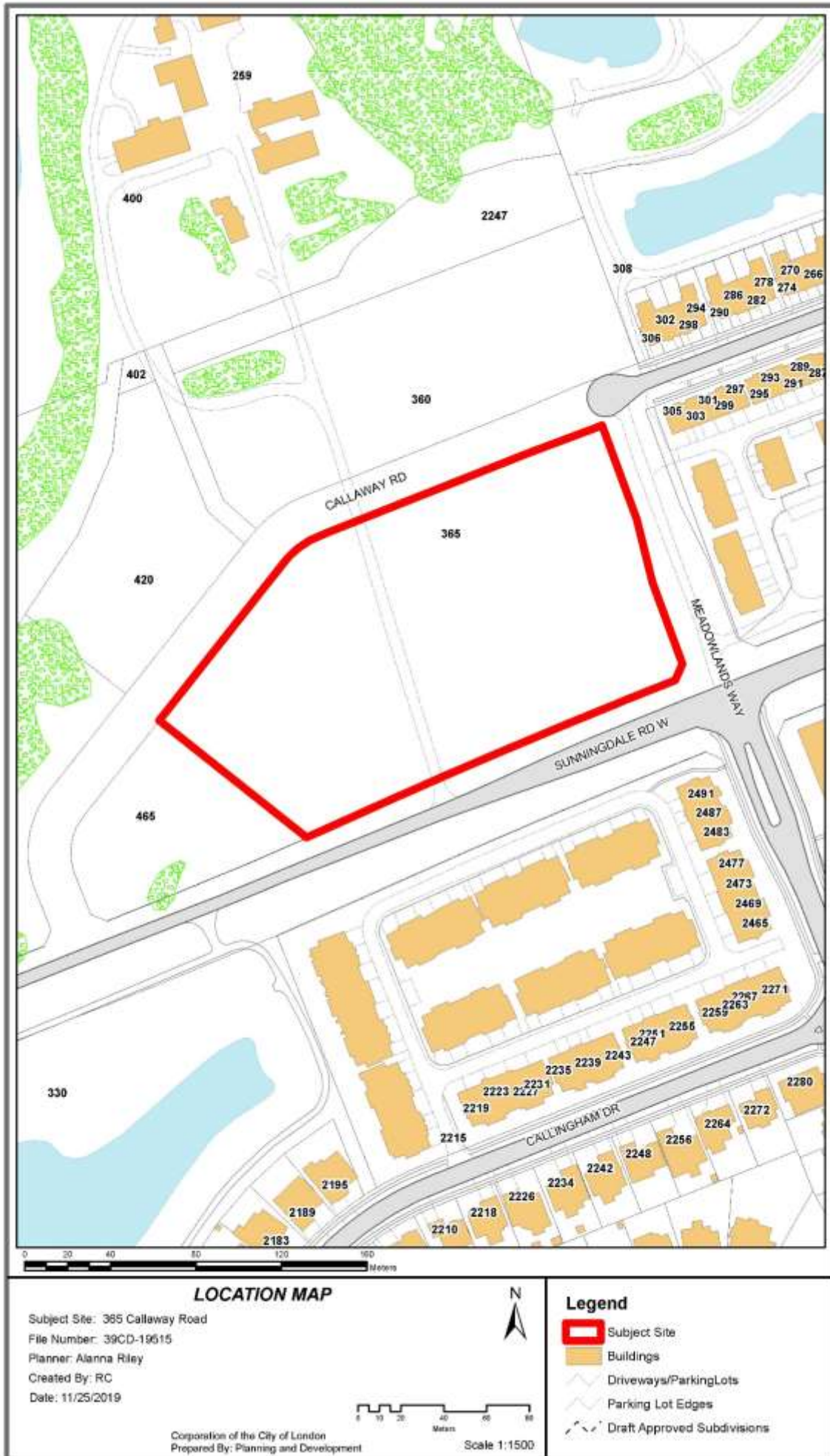
## Analysis

### 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. Future residential uses are 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 2.6 ha in size and is currently undeveloped and vacant.

## 1.2 Location Map



## 1.2 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h-53\*R5-3(19)\*R6-5(53)

## 1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 116.7 metres
- Depth – Varies
- Area – 2.6 hectares
- Shape – Irregular

## 1.4 Surrounding Land Uses

- North – Proposed Residential
- East – Residential
- South – Residential
- West – Proposed Residential

## 2.0 Description of Proposal

### 2.1 Development Proposal

The future development of this site consists of 94 Vacant Land Condominium units to be developed in the form of 3 storey, cluster townhouse dwellings. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation.

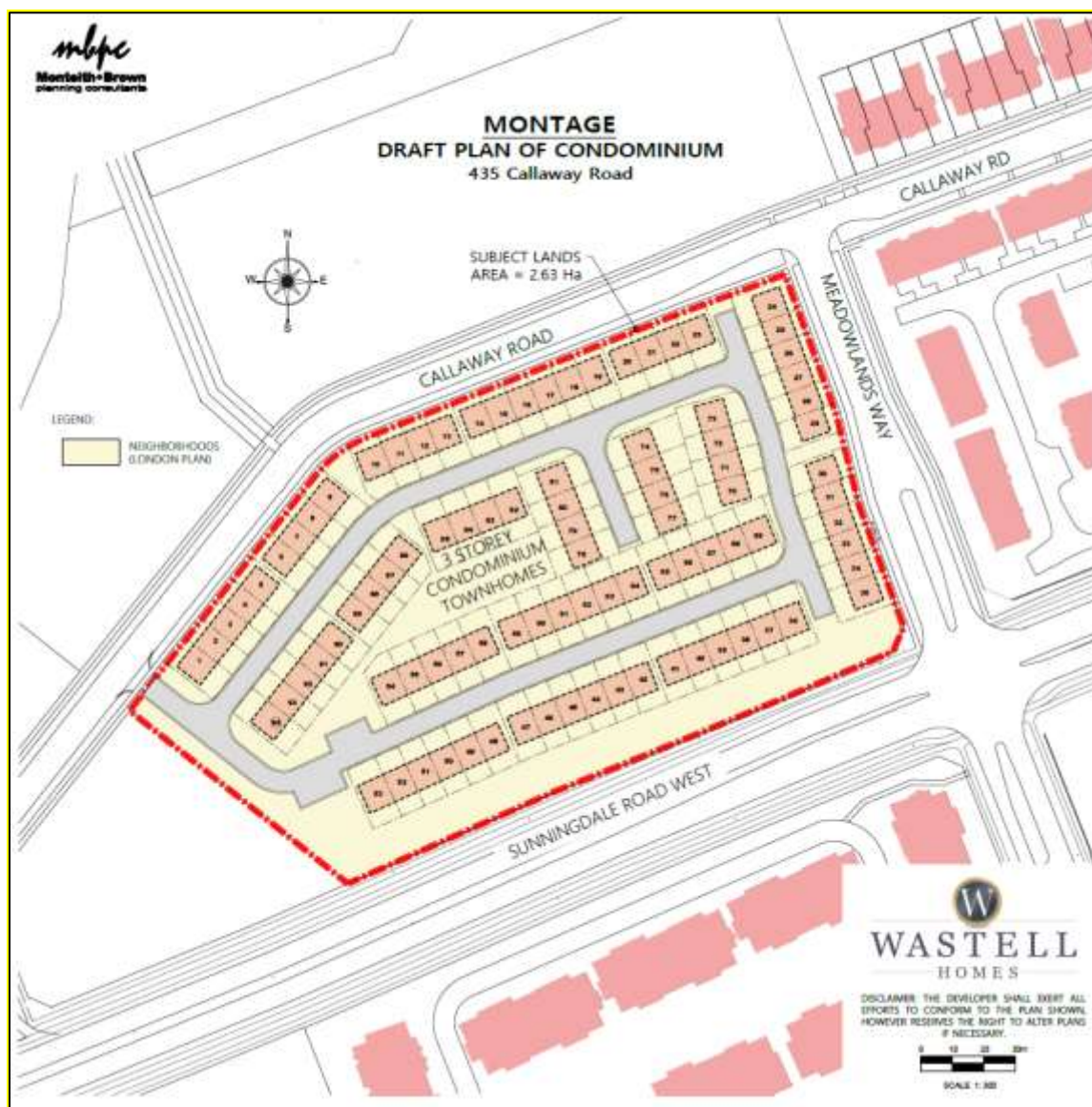


Figure 1: Conceptual Site Plan

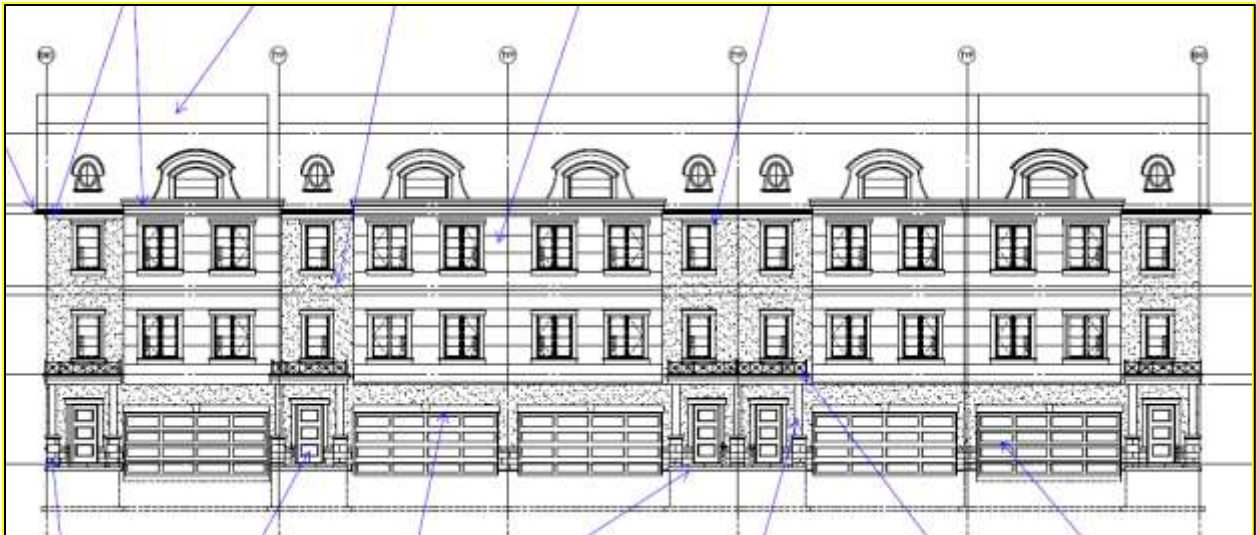


Figure 2: Rendering

### 3.0 Relevant Background

#### 3.1 Planning History

The subject lands are located in the City of London within the Sunningdale North Area Plan. Amendments to the Official Plan were approved in April of 2005 to designate the lands within the Sunningdale North Area Plan with various forms of Low Density Residential, Multi-Family, Medium Density Residential, Multi-Family, High Density Residential, Business District Commercial and Open Space. The Sunningdale North Area Plan also provided community planning and design principles to support the development of a distinctive, attractive and self-sustaining community. The subject site is designated as Multi-Family, Medium Density Residential in the Sunningdale North Area Plan

On June 3, 2016 an application was submitted 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), 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.

An OMB Settlement Hearing was held on November 8, 2017. On November 15, 2017 the OMB issued its decision to approve the Official Plan, Zoning, and Subdivision Draft Plan Approval. Through this process, the site was rezoned to permit cluster housing with holding provisions being applied. The parcel at 435 Callaway Road (formerly 365 Callaway Road) was created through the registration of the subdivision (33M-771) on October 30, 2019.

Site plan approval, along with a minor variance application and Vacant Land Condominium application were submitted concurrently with this holding provision application to accommodate the proposed cluster townhouse development. The site plan application is running in parallel with this holding provision application. The requested variances related to relief to the density limits of the site that would permit 94 VLC units in place of 93 VLC units. This has been approved.

#### 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 94 Vacant Land Condominium units in the form of 3 storey, cluster townhouse dwellings.

### 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 strong street edges and built form along the public realm that provides units with direct pedestrian connections to Callaway and Sunningdale Roads. Adequate setbacks and landscaping have been incorporated into the accepted plans, reducing the need for noise walls.

## 5.0 Conclusion

The requirements for removing the holding provision have 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.

<b>Prepared by:</b>	<b>Alanna Riley, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

February 10, 2020

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

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

cc: Ted Koza, Manager Development Engineering

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**Appendix A**

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

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at located at 435 Callaway Road (formerly 365 Callaway Road)

WHEREAS Wastell Homes has applied to remove the holding provision from the zoning for the lands located at 435 Callaway Road (formerly 365 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 435 Callaway Road (formerly 365 Callaway Road), as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) 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 March 3, 2020.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – March 3, 2020  
Second Reading – March 3, 2020  
Third Reading – March 3, 2020

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



File Number: H-9138  
Planner: AR  
Date Prepared: 2019/11/11  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters

