

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: Foxhollow North Kent Developments Inc.
1258 and 1388 Sunningdale Road West
Removal of Holding Provisions

Meeting on: May 25, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Foxhollow North Kent Developments Inc. relating to the properties located at 1258 and 1388 Sunningdale Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 2, 2020 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning **FROM** a Holding Residential R1 (h*h-100*R1-3) Zone **TO** Residential R1 (R1-3) 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 provisions to permit the development of 52 single detached dwellings.

Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with the Zoning By-law.
2. The requirements for removing the holding provisions have been met. It is appropriate to remove the holding provisions as they are no longer required.

Analysis

1.1 Location Map



Description of Proposal

The purpose of the “h” and h-100” holding provisions is to ensure that the security has been provided for the subdivision, that the subdivision agreement has been executed, and a looped watermain system is constructed and a second public access provided to the satisfaction of the City Engineer. The removal of the “h” and h-100” holding provisions at 1258 and 1388 Sunningdale Road West will allow for the construction of 52 single detached dwellings.

3.0 Relevant Background

3.1 Planning History

The application for Draft Plan of Subdivision Approval was originally accepted on November 17, 2004. After a number of modified versions of the plan it was approved by the Approval Authority on October 14, 2009. The first and second phase of this subdivision have been registered (33M-703).

This application is to remove the holding provisions from phase 3 of this subdivision. On November 17, 2018 Council endorsed the special provisions and recommended that a subdivision agreement be entered into with the City of London. The Owner and the City have signed the subdivision agreement and securities have been posted. Final registration for phase 3 of the subdivision is imminent.

3.2 Requested Amendment

The applicant is requesting the removal of the “h” and h-100” “h” holding provisions from the lands to permit development.

3.3 Community Engagement (see more detail in Appendix B)

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

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.

The applicant has submitted the required security to the City of London and the subdivision agreement has been executed by both the applicant and the City of London.

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.

Water engineering confirmed that the development has incorporated water servicing through the development agreement.

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

5.0 Conclusion

It is appropriate to remove the “h” and “h-100” holding provisions from the subject lands at this time as full municipal services are available, the required security has been submitted, and the subdivision agreement has been executed by both the applicant and the City of London. Water engineering confirmed that the development has incorporated water servicing through the development agreement. Final registration for the subdivision is imminent.

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	

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

May 15, 2020
AR/ar

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 provision from the zoning for lands located at 1258 and 1388 Sunningdale Road West.

WHEREAS Foxhollow North Kent Developments Inc. have applied to remove the holding provisions from the zoning for the lands located at 1258 and 1388 Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision 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 1258 and 1388 Sunningdale Road West, 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 (R1-3) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 2, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading - June 2, 2020
Second Reading – June 2, 2020
Third Reading - June 2, 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 in February 6, 2020

0 replies were received

Nature of Liaison: City Council intends to consider removing the holding h and h-100 Provisions from the subject lands. The removal of the holding provisions are contingent on: that 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, and a looped watermain system is constructed and a second public access provided to the satisfaction of the City Engineer. Council will consider removing the holding provision as it applies to these lands no earlier than March 9, 2020.