

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: Southbridge Health Care G.P. Inc.
184 Exeter Road
Removal of Holding Provisions

Meeting on: May 25, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Southbridge Health Care G.P. Inc. relating to the property located at 184 Exeter Road 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 for a portion of 184 Exeter Road **FROM** a Holding Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (h*h-100*h-198*R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone **TO** a Holding Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (h-100.R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone to remove the “h” and “h-198” 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-198” holding symbols to permit the development of a Long Term Care Facility. The removal of the “100” holding provision is not being recommended at this time and will be brought forward for consideration to a future PEC meeting.

Rationale of Recommended Action

1. The removal of the “h” and “h-198” holding provisions is 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. The proposed long term care facility provides 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.
4. At this time the “h-100” holding provision is not being recommended to be removed as confirmation on how the site can be appropriately serviced by a looped water watermain system has not been satisfied..

Analysis

1.1 Location Map



2.0 Description of Proposal

The removal of the “h” “100” and “h-198” holding provisions apply to this property which is currently going through Site Plan Approval (SPA19-102). The future development of this site consists of a 3-storey long term care facility.

3.0 Revelant Background

3.1 Requested Amendment

The applicant is requesting the removal of the “h”, “h-100”, and “h-198” holding provisions from a portion of the property located at 184 Exeter Road.

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 is part of Plan of Subdivision – 39T-15501 that was was accepted on March 12, 2015. It was circulated to the required agencies and municipal departments on March 23, 2015 and advertised in the Londoner on April 2, 2015. A revised application and plan was received on April 20, 2016 and was advertised in the Londoner on May 19, 2016. Notice of Public Meeting was sent out on November 29, 2016 and was advertised in the Londoner on November 24, 2016. The Public Meeting was held on December 12, 2016. Draft Approval was granted on January 27, 2017 by the Approval Authority. The Plan of Subdivision consists of 26 low density blocks, 11 medium density blocks, 1 school block, 2 park blocks, 4 multi-use pathway blocks, 1 open space block, 1 stormwater management facility block, 1 future stormwater management facility or residential block, 1 light industrial block, 2 future road blocks, and 11, 0.3 m reserves and road widenings, all served by 5 new secondary collector roads, and 11 new local streets. Phase 1, the residential portion of the plan was registered in October of 2019.

These lands form part of Phase 2 of this subdivision. A request for final approval has been made and is imminent.

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 the “h” and “h-198” Holding Provisions?

h Holding Provision

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 development 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-198 Holding Provision

The (h-198) holding provision states that:

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 long term care facility provides 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.

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

Why is it Not Appropriate to remove the “h-100” Holding Provision at this time?

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.
Permitted Interim Uses: A maximum of 80 residential units.

At this time, the water system has not been constructed and the applicant has not been able to demonstrate that a looped watermain system is available for this site. Therefore, the requirement for removal of the “h-100” holding provision has not been satisfied.

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

5.0 Conclusion

It is appropriate to remove the “h”, and “h-198” holding provisions from the subject lands at this time as a development agreement has been entered into and the required security has been submitted to the City of London. This application will remain open and a report will be brought forward to a future PEC meeting regarding the removal of the “h-100” holding provision.

Prepared by:	Alanna Riley, 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.	

May 15, 2020
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 from lands located at 184 Exeter Road.

WHEREAS Southbridge Health Care G.P. Inc. have applied to remove the holding provisions from the zoning for a portion of the lands located at 184 Exeter 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 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 184 Exeter Road, as shown on the attached map, to remove the h and h-198 holding provisions so that the zoning of the lands as Holding Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (h-100.R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

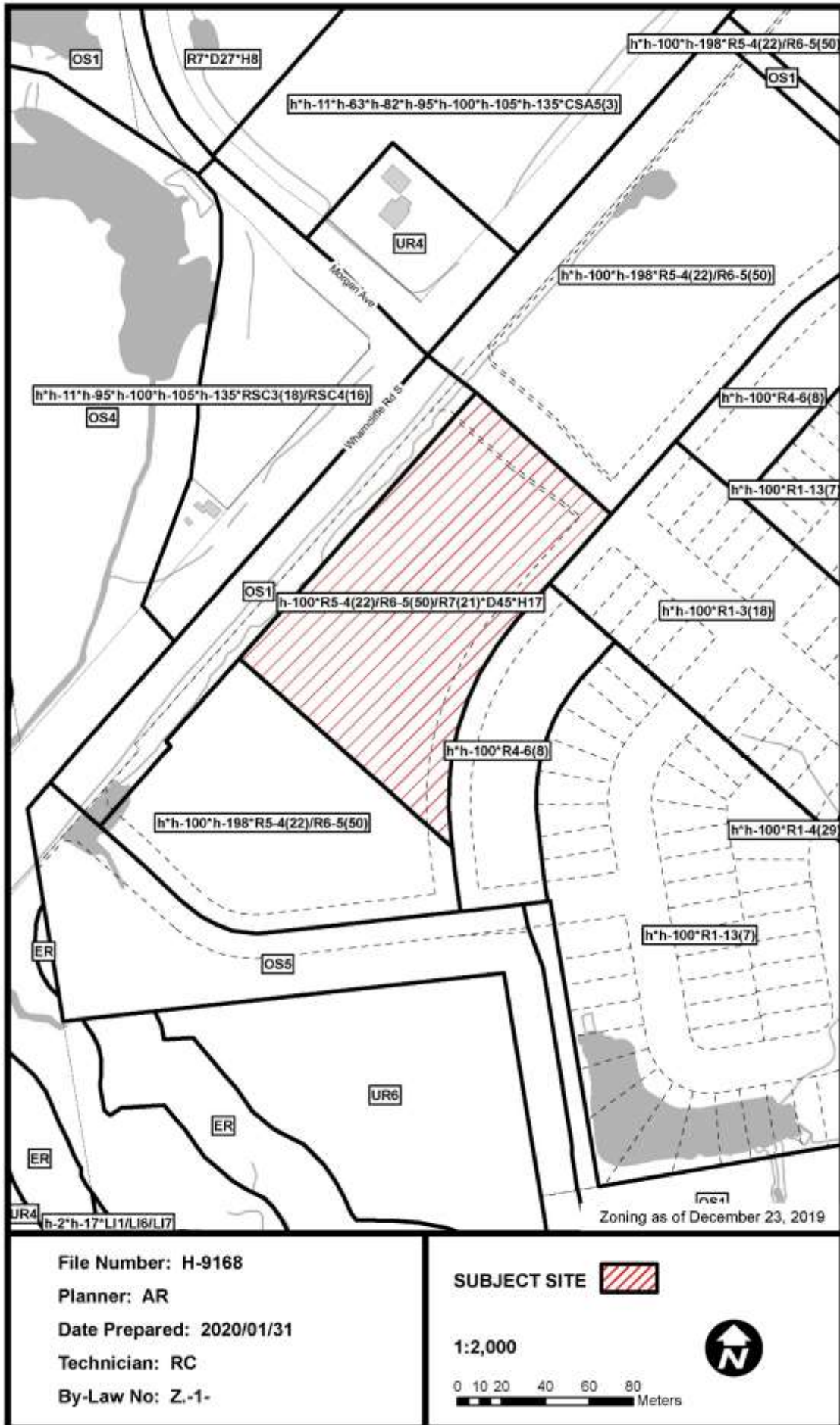
PASSED in Open Council on June 2, 2020.

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)



File Number: H-9168
Planner: AR
Date Prepared: 2020/01/31
Technician: RC
By-Law No: Z-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on February 6, 2020.

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h”, “h-100”, 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, 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 March 9, 2020.