

## 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:** Application by: 2492222 Ontario Inc.  
536 and 542 Windermere Road

**Meeting on:** August 10, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R5 Special Provision (h-5\*h-225\*R5-5(3)) Zone **TO** Residential R5 Special Provision (R5-5(3)) Zone to remove the "h-5" and "h-225" holding provisions.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-5" and "h-225" holding provisions from 536 and 542 Windermere Road, which are in place to ensure: a public site plan meeting is conducted and an archaeological assessment and the necessary sign off have been provided.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-5", and "h-225") symbols from the zoning to permit construction of a 12-unit cluster townhouse complex in two buildings of back-to-back townhouses.

### Rationale of Recommended Action

The requirements for removing the holding provision have been met. The public site plan meeting was held on July 13, 2020, a Development Agreement has been executed, security posted and archeological reports have been submitted. It is appropriate to remove the holding provisions as they are no longer required.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description


The subject lands are located on the north side of Windermere Road between the two ends of the Doon Drive crescent. The property abuts two (2) properties fronting onto Orkney Crescent and one on Angus Court. The subject lands are comprised of two (2) lots, each occupied by a single detached dwelling. The eastern border of the property contains the regional water supply line that serve the north half of the City.

1.2 Location Map

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




File Number: H-9219  
Planner: SM  
Date Prepared: 2020/06/25  
Technician: RC  
By-Law No: Z.-1-

**SUBJECT SITE** 

1:1,000

0 5 10 20 30 40 Meters





raised through public engagement, including the Public Site Plan Meeting held on July 13, 2020.

## 3.0 Relevant Background

### 3.1 Planning History

On April 23, 2019 Municipal Council approved a Zoning By-law amendment to rezone the subject lands to the Holding Residential R5 (h-5\*h-225\*R5-5(3)) which currently applies to the site. This decision was in response to a request from the applicant to rezone the lands from an R1-6 to a R5-7( ) zone, which was deemed by staff to be counter to the policies of *The (1989) Official Plan*, and *The London Plan*, specifically with regards to its intensity and anticipated impacts on the neighbourhood. The resolution to approve the Zoning currently on site included direction that: “*the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition.*” This direction was in response to concerns raised by neighbours about screening and preservation of trees.

Following the decision to approve the zone, the Council-approved Zoning was appealed by a neighbour to the Local Planning Appeals Tribunal. On February 5, 2020 the appeal of the Zoning was withdrawn following negotiations between the applicant and the appellant. In concert with the withdrawal staff prepared a report for Council outlining the nature of the appeal and the proposed negotiations to withdraw it. Provided with that information, Council resolved on January 29, 2020 that:

*a) pursuant to section 13.3 of the Council Procedure By-law, part c) of the resolution of the Municipal Council from the meeting held on April 23, 2019 relating to Item 3.8 of the 7th Report of the Planning and Environment Committee having to do with the property located at 536 and 542 Windermere Road BE RECONSIDERED; it being noted that part c) reads as follows: “c) the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition;”*

*b) subject to the approval of a) above, the Civic Administration BE AUTHORIZED to consider implementing a vegetated buffer on the westerly and northerly boundary as a result of either retaining existing trees, or new plantings, or the combination of the two, in accordance with a landscape plan to be considered through the Site Plan Approval process;*

In October of 2019, the subject application of this report, was received by the City of London for a Site Plan Control Application (file no. SPA19-098) comprising the proposed 12-unit townhouse development. Conditional approval was issued on November 12, 2019. Throughout the planning review process, comments from staff included concerns around the quality of the private amenity spaces provided, the need for articulation of the building façade, request for improvements to perimeter landscaping, request for details on the functioning of the building separation.

A public meeting was held at PEC on July 13, 2020 (file no. SPA19-098) for the most recent development proposal consisting of two townhouse buildings, for a total of 12 units. The units are provided in two buildings both featuring a back-to-back formation, was received by the City of London. PEC and Municipal Council supported the site plan application. Staff have considered the comments received throughout the public engagement process and are close to finalizing the Site Plan for this property.

### 3.2 Requested Amendment

The applicant is requesting the removal of the “h-5” and “h-225” holding provisions from the site to allow for the development of two back-to-back townhouse buildings, with a total of 12 units. **3.3**

### 3.3 Community Engagement

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, 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 provisions and is it appropriate to consider their removal?

*The “h-5” holding provision states:*

*“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol..*

*Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.”*

A public participation meeting occurred on July 13, 2020 to satisfy the requirement for the public site plan meeting. The public participation meeting provided the public with an opportunity to provide input and comments into the site plan approval process. No members of the public attended the meeting. Site Plan staff have completed their review and engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. Privacy fencing and enhanced landscaped buffering has been included in the accepted plan. This is sufficient to satisfy the requirements for the removal of the “h-5” holding provision.

*The “h-225” holding provision states that:*

*“Purpose: The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.*

*All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.*

*Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.*

*No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.”*

A Stage 1 and 2 Archaeological Assessment was submitted as part of the holding removal applications. The assessment found no archaeological resources and recommended no further study on the subject site. A letter from the Ministry of Tourism, Culture and Sport was provided. On July 16, 2020 Development Services Heritage Planner confirmed the report’s analysis, conclusions and recommendations to be sufficient to fulfill the archaeological requirement for these lands. This satisfies the removal of the “h-225” holding provision.

**5.0 Conclusion**

The resulting development has had the benefit of a public site plan meeting at PEC, a Development Agreement has been executed, security has been posted and an archaeological assessment has been submitted with both Ministry and heritage planning staff sign-off. Therefore, the required conditions have been met to remove the “h-5” and “h-225” holding provisions. The removal of the holding provisions are recommended to Council for approval.

<b>Prepared by:</b>	<b>Sean Meksula, MCIP, RPP</b> <b>Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>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	

July 30, 2020

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

SM/sm

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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 536 and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to remove the holding provision from the zoning for the lands located at 536 and 542 Windermere 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 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 536 and 542 Windermere Road, as shown on the the attached map comprising part of Key Map No. 102, to remove the h holding provision so that the zoning of the lands as a Residential ~~TO~~ Residential R5 Special Provision (R5-5(3)) 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 August 25, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk


First Reading – August 25, 2020  
Second Reading – August 25, 2020  
Third Reading – August 25, 2020



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



File Number: H-9219  
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SUBJECT SITE 

1:1,000

0 5 10 20 30 40 Meters





## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the Londoner on July 2, 2020.

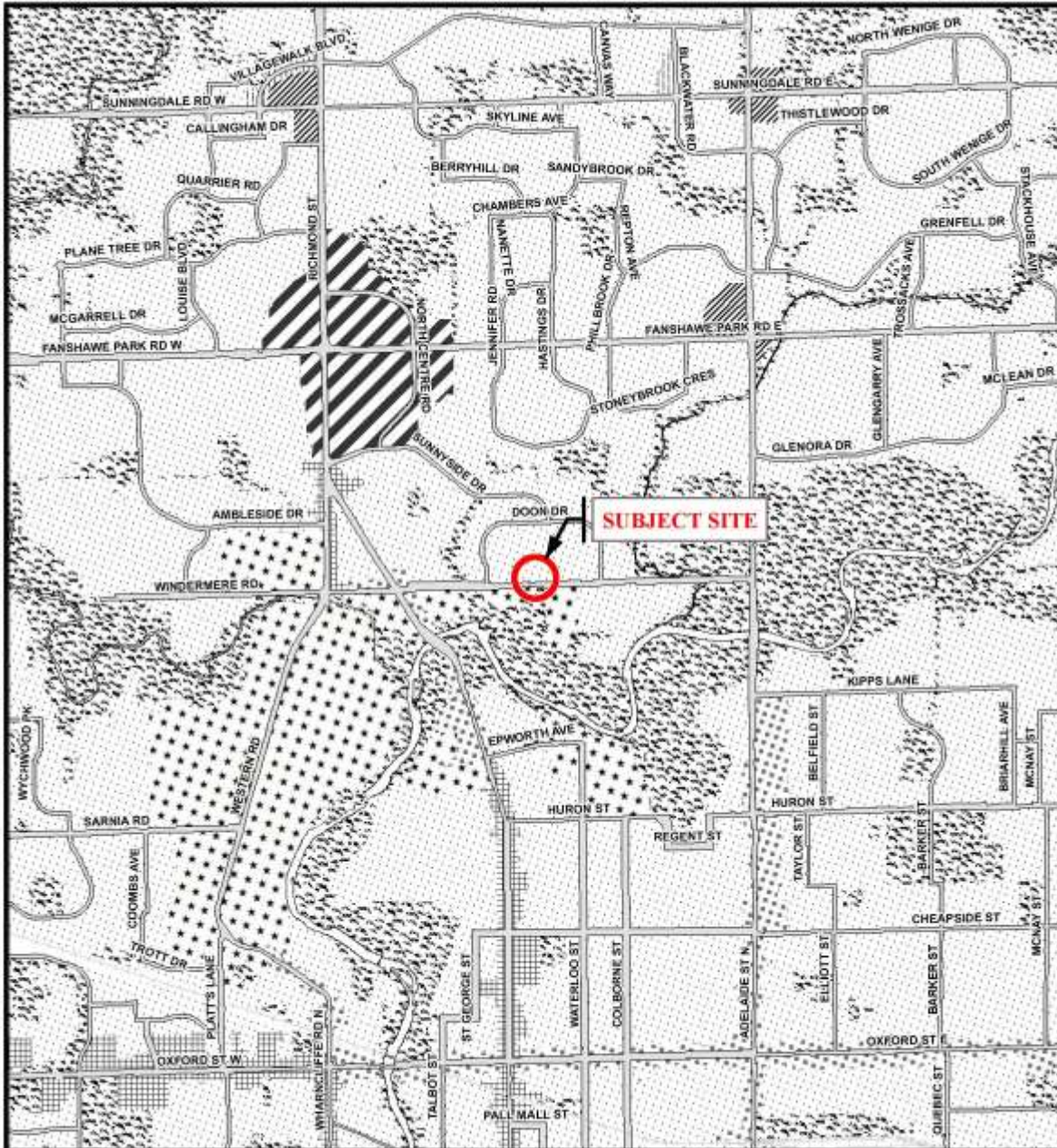
1 phone call was received.

The neighbour wanted to know what type of building had been approved for the lands and wanted to let us know that she was not in agreement with the lands being developed.

**Nature of Liaison:** City Council intends to consider removing the “h-5 and “h-225”, Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbols to permit the future residential development of the subject lands. The purpose of the “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. The purpose of the “h-225” provision is to ensure the proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry. Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing. No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied. Council will consider removing the holding provisions as it applies to these lands no earlier than August 10, 2020. .

**Appendix C– Relevant Background**

**London Plan Excerpt**



**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              |   |

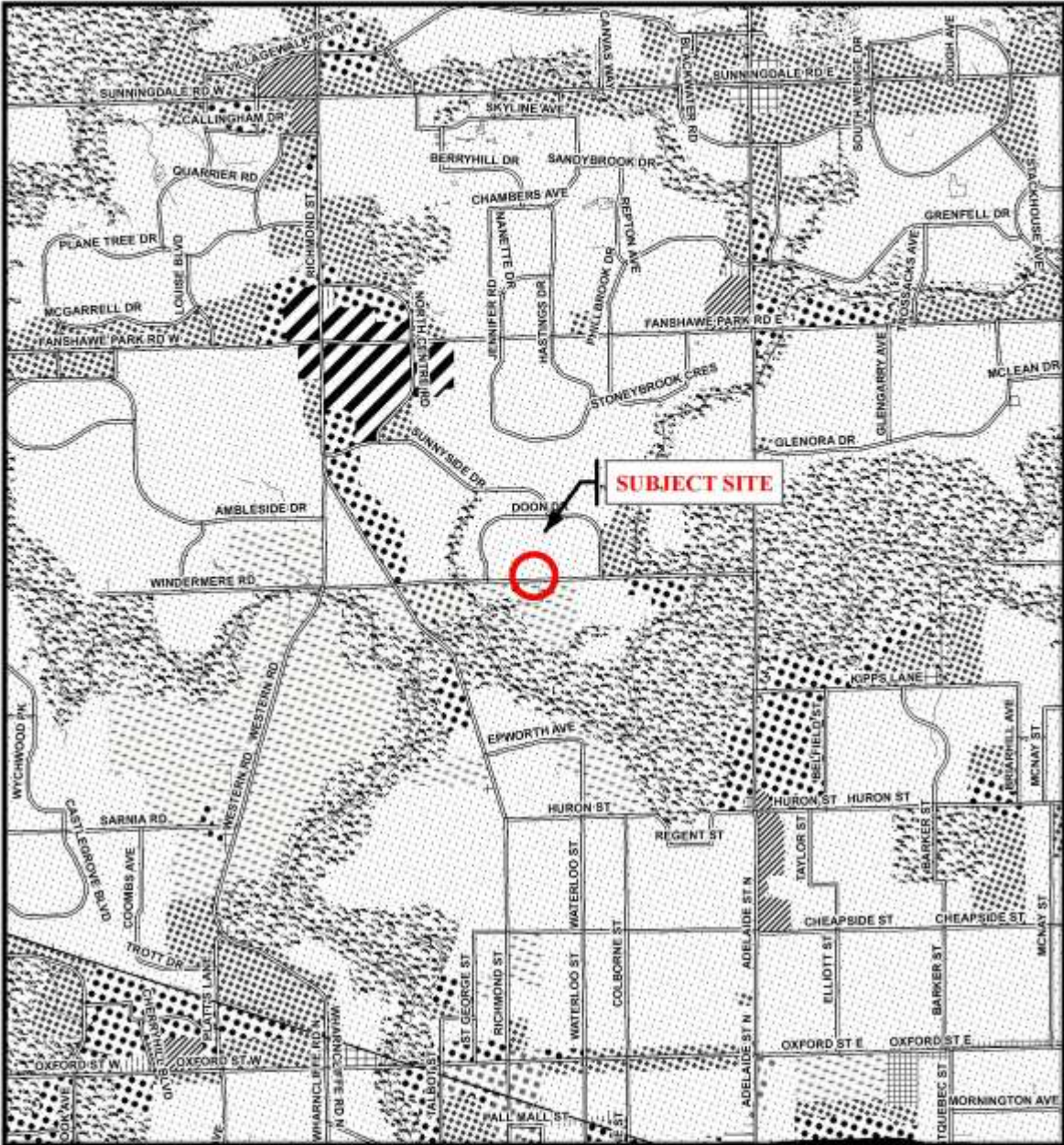
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*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.*

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services</p> <p><b>LONDON PLAN MAP 1                  - PLACE TYPES -</b></p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> H-9219</p> <p><b>Planner:</b> SM</p> <p><b>Technician:</b> RC</p> <p><b>Date:</b> June 25, 2020</p>
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1989 Official Plan Excerpt



Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	Main Street Commercial Corridor		Open Space
	Auto-Oriented Commercial Corridor		Urban Reserve - Community Growth
	Multi-Family, High Density Residential		Urban Reserve - Industrial Growth
	Multi-Family, Medium Density Residential		Rural Settlement
	Low Density Residential		Environmental Review
	Office Area		Agriculture
	Office/Residential		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-9219  
 PLANNER: SM  
 TECHNICIAN: RC  
 DATE: 2020/06/25

PROJECT LOCATION: c:\planning\projects\p\_officialplan\work\consolid00\excerpts\mxd\_templates\scheduleA\_NEW\_b5w\_8x14.mxd

Zoning Excerpt



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

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"H" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING  
 BY-LAW NO. Z.-1  
 SCHEDULE A**



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

FILE NO:  
 H-9219 SM

MAP PREPARED:  
 2020/06/25 RC

1:1,500  
 0 5 10 20 30 40 Meters