

## 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: 2219008 Ontario Limited (York Developments)  
6990 Clayton Walk

**Meeting on:** August 10, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, based on the application by 2219008 Ontario Ltd. (York Developments) relating to the property located at 6990 Clayton Walk, 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 subject lands **FROM** a Holding Residential R6 Special Provision (h\*h-100\*h-198\*R6-5(44)) Zone **TO** a Residential R6 Special Provision (R6-5(44)) Zone to remove the "h, h-100 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, h-100 and h-198" holding symbol's from the zone map to permit the future development of the subject site for 30 residential units through a vacant land condominium.

### Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as the required security has been submitted, and the development agreement has been signed. Adequate water servicing with a looped watermain system and appropriate access has been constructed and the proposed development is designed in a manner that is consistent with the Southwest Area Secondary Plan. All issues have been resolved and the holding provisions are no longer required.

## 1.0 Site at a Glance

The property is a low density residential block within a draft plan of subdivision (Block 175 Draft Plan 39T-14504) located north of Clayton Walk, opposite to Isaac Drive, and south of the Mather's Stream and. There is an existing residential neighbourhood to the south, and future residential and mixed uses planned for the lands to the north and west. The site has full access to municipal services and is located in an area which is planned for future growth.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – h\*h-100\*h-198\*R6-5(44) Zone

### 1.2 Site Characteristics

- Current Land Use – Vacant
- Frontage – 13 metres
- Depth – Varies
- Area – 1.8ha
- Shape – Irregular

### 1.3 Surrounding Land Uses

- North – Future residential and mixed use
- East – Future residential and mixed use and agricultural
- South – Existing low density residential
- West – Mather's stream

### 1.4 Location Map





## 3.0 Relevant Background

### 3.1 Planning History

The subject site was created through Phase 1 of the Silverleaf Subdivision (39T-14504). Phase 1 of the subdivision has been registered as plan 33M-742, which consists of 108 single family detached lots, the Stormwater Management Facility Dingman Tributary B4, six (6) park blocks, one (1) medium density block and several road widenings and 0.3 m (one foot) reserve blocks. The registration of blocks 124 (walkway) and 125 (open space) created the subject site as a separate parcel by virtue of dedication to the City of London. Future phase(s) will include the balance of the lands which are draft approved but have not yet received final approval.

An application was made in July of 2019 to create 30 Vacant Land Condominium units to be developed in the form of cluster single detached dwellings. A public meeting was held on August 12, 2019 to present the proposed development and identify any public concerns to PEC and Council. No public concerns were raised however and draft approval has yet to be finalized. A Site Plan Approval (SPA18-126) application was made in conjunction with the application for Draft Plan of Vacant Land Condominium. Site plan approval has progressed and a development agreement has been executed and security posted.

### 3.2 Requested Amendment

The applicant is requesting the removal of the “h, h-100 and h-198” holding provision from the Zone on the subject lands. The “h” holding provision requires that the securities be received, and a development agreement be executed by the owner. The “h-100” requires 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. The “h-198” encourage street-oriented development and discourage noise attenuation walls along arterial roads and ensures that new development is designed and approved consistent with the Southwest Area Secondary Plan.

### 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, h-100 and h-198” holding provisions and is appropriate to consider their 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.”*

The Applicant has provided the necessary securities and has entered into a development agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

The “h-100” holding provision states:

*“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*

By email dated July 15, 2020 Development Engineering Staff confirmed this holding provision is not required as the development does not exceed 80 residential units and the subdivision is looped properly. This satisfies the requirement for the removal of the “h-100” holding provision.

The “h-198” holding provision states:

*“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 development is not located along any arterial roads therefore the portion encouraging street-oriented development and discouraging noise attenuation walls is not applicable. The applicant has provided a development concept which is consistent with the Southwest Area Secondary Plan and tied to the development agreement as confirmed by Urban Design Staff on July 23, 2020.

## 5.0 Conclusion

The Applicant has provided the necessary securities and has entered into a development agreement with the City. The development agreement also ensures the proposed development is designed and approved consistent with the Southwest Area Secondary Plan. The applicant has also demonstrated that there is adequate water service and appropriate access through a looped watermain system. Therefore, the required conditions have been met to remove the “h, h-100 and h-198” holding provisions. The removal of the holding provisions is recommended to Council for approval.

<b>Prepared by:</b>	<b>Mike Corby, 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

June 23, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompili, Manager, Development Planning  
Mike Pease, Manager, Development Planning

MC/mc

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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 6990 Clayton Walk.

WHEREAS 2219008 Ontario Limited (York Developments) has applied to remove the holding provisions from the zoning for the lands located at 6990 Clayton Walk, 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 6990 Clayton Walk, as shown on the attached map, to remove the "h, h-100 and h-198" holding provision so that the zoning of the lands as Residential R6 Special Provision (R6-5(44)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

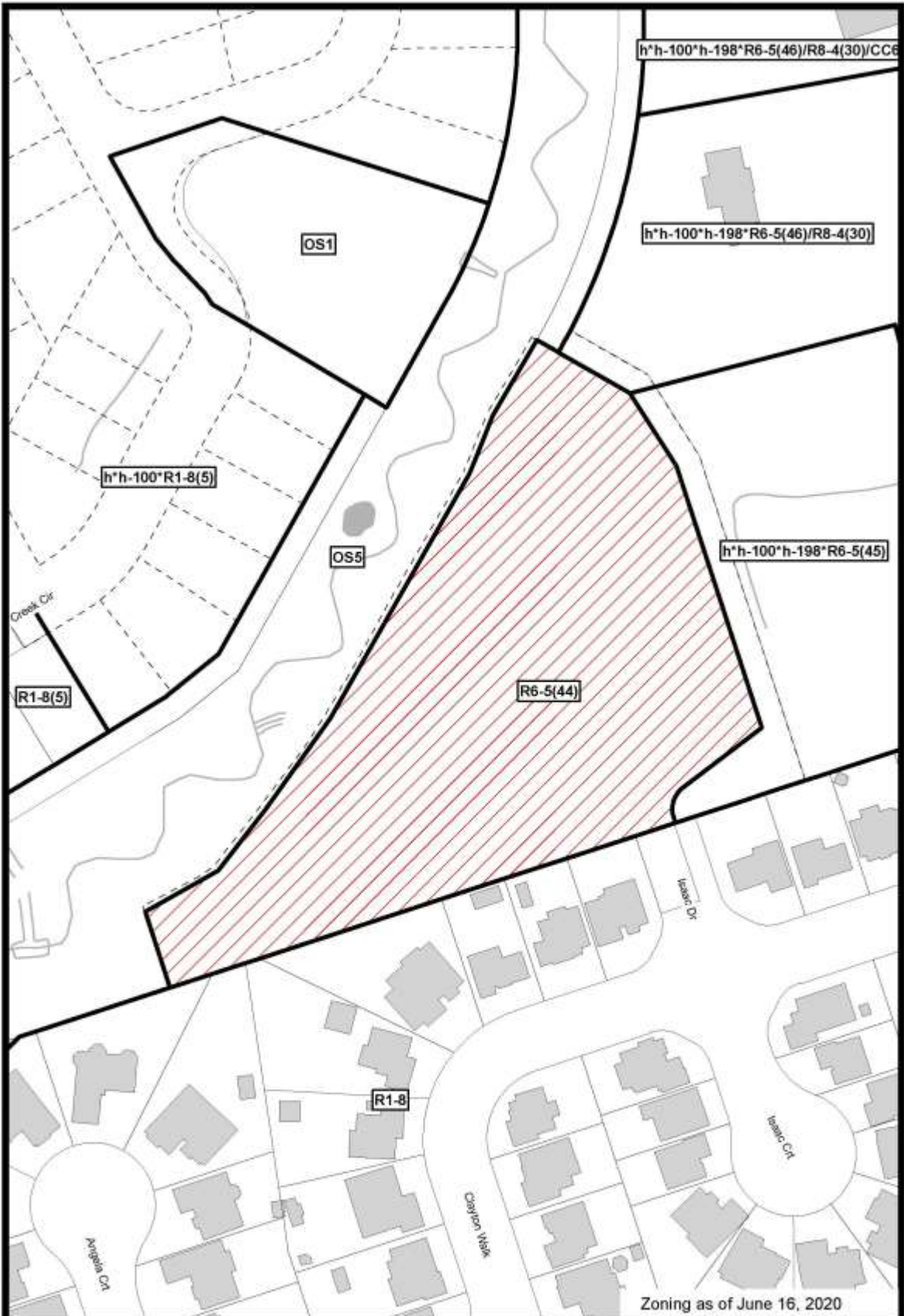
PASSED in Open Council on August 25, 2020.

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-8756  
Planner: RC  
Date Prepared: 2020/07/15  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

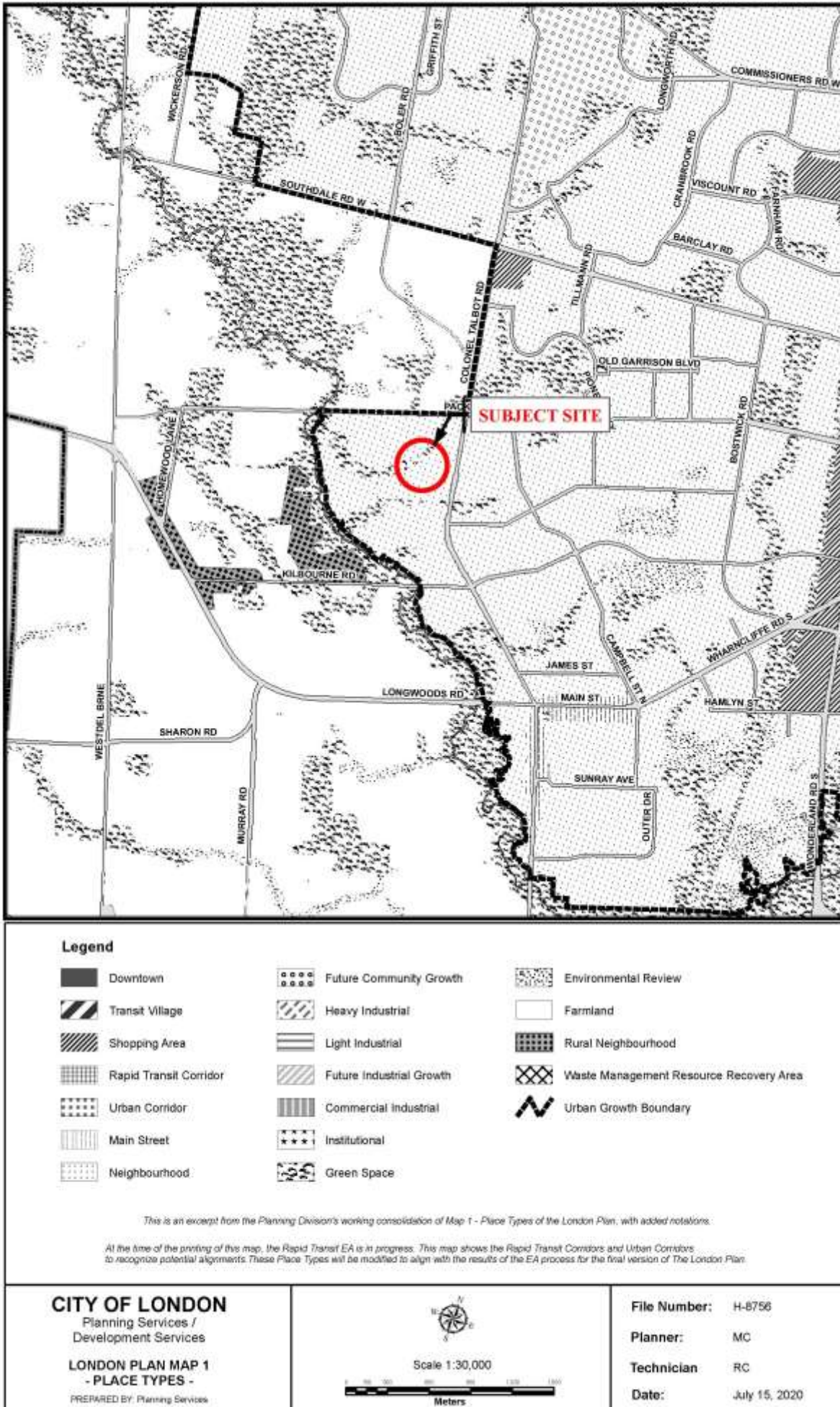
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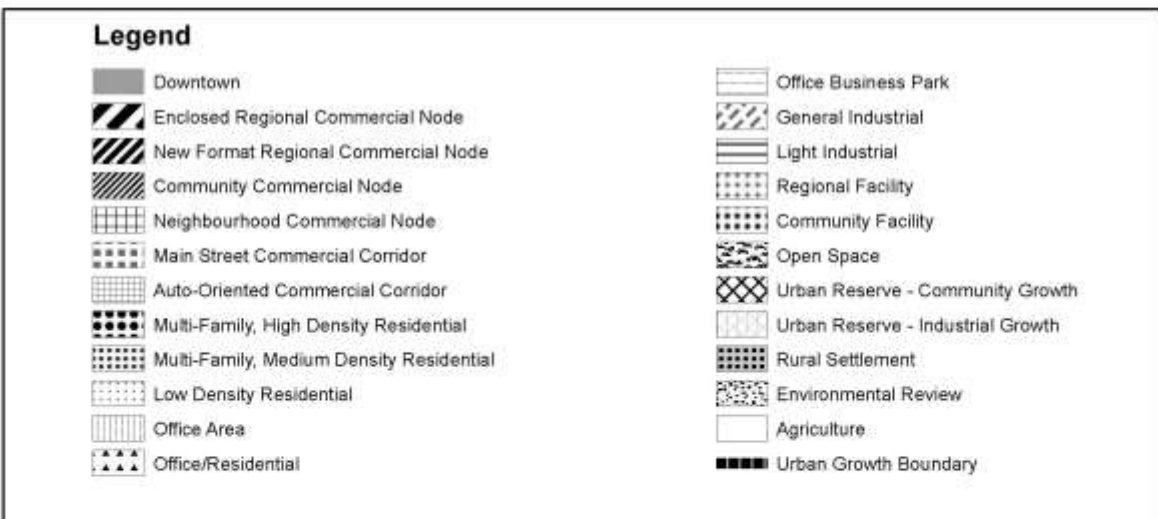
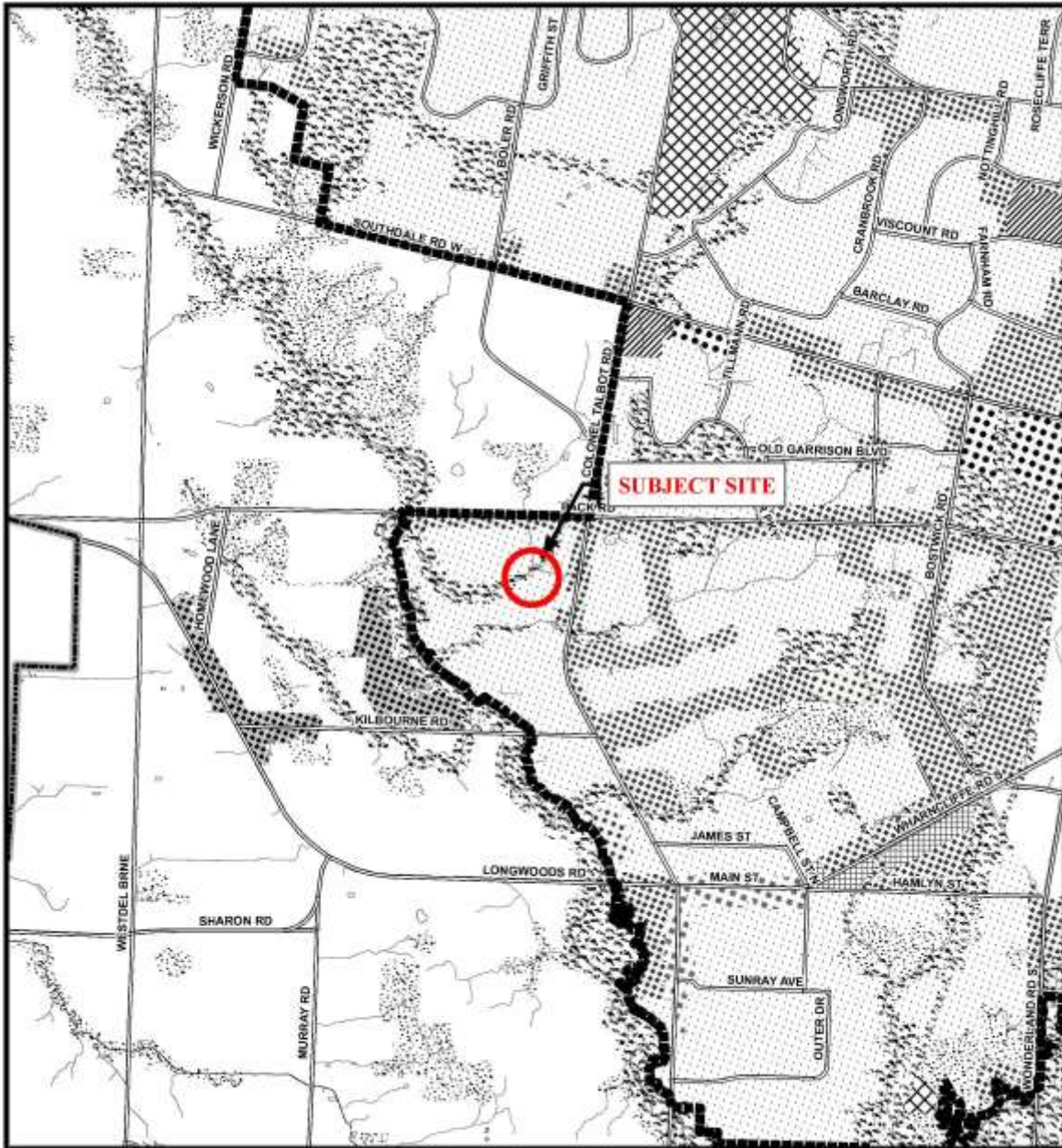


**Appendix B – Relevant Background**

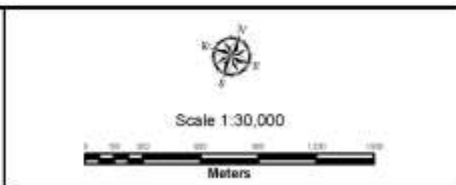
**London Plan Excerpt**



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-8756  
**PLANNER:** MC  
**TECHNICIAN:** RC  
**DATE:** 2020/07/15

Zoning Excerpt



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

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               | "H" - HOLDING SYMBOL              |
| SS - AUTOMOBILE SERVICE STATION           | "D" - DENSITY SYMBOL              |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL               |
| OR - OFFICE/RESIDENTIAL                   | "B" - BONUS SYMBOL                |
| OC - OFFICE CONVERSION                    | "T" - TEMPORARY USE SYMBOL        |
| RO - RESTRICTED OFFICE                    |                                   |
| OF - OFFICE                               |                                   |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

H-8756 MC

MAP PREPARED:

2020/07/15 RC

1:2,000

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