

## 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: Foxwood Building Company  
1605 Twilite Boulevard  
Removal of Holding Provisions (h, h-54, h-71 and h-100)

**Meeting on:** October 19, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Foxwood Building Company relating to the property located at 1605 Twilite Boulevard, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 27, 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/R6 (h\*h-54\*h-71\*h-100\*R5-6/R6-5) Zone **TO** Residential R5/R6 (R5-6/R6-5) Zone to remove the h, h-54, h-71 and h-100 holding provisions.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the h, h-54, h-71 and h-100 holding provisions from 1605 Twilite Boulevard, which are in place to ensure: the orderly development of the lands and adequate municipal servicing, that there are no land use conflicts between arterial roads and the proposed residential uses, encourage street orientation development, and to ensure there is adequate water service and appropriate access has been provided.

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h, h-54, h-71 and h-100 holding symbols from the zone map to facilitate the development of the subject site for 54 three (3) storey street townhouse units through a standard (phased) 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. There are no land use conflicts between arterial roads and the proposed residential uses and street orientation. 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 Hyde Park Community Plan. All issues have been resolved and the holding provisions are no longer required.

## Analysis

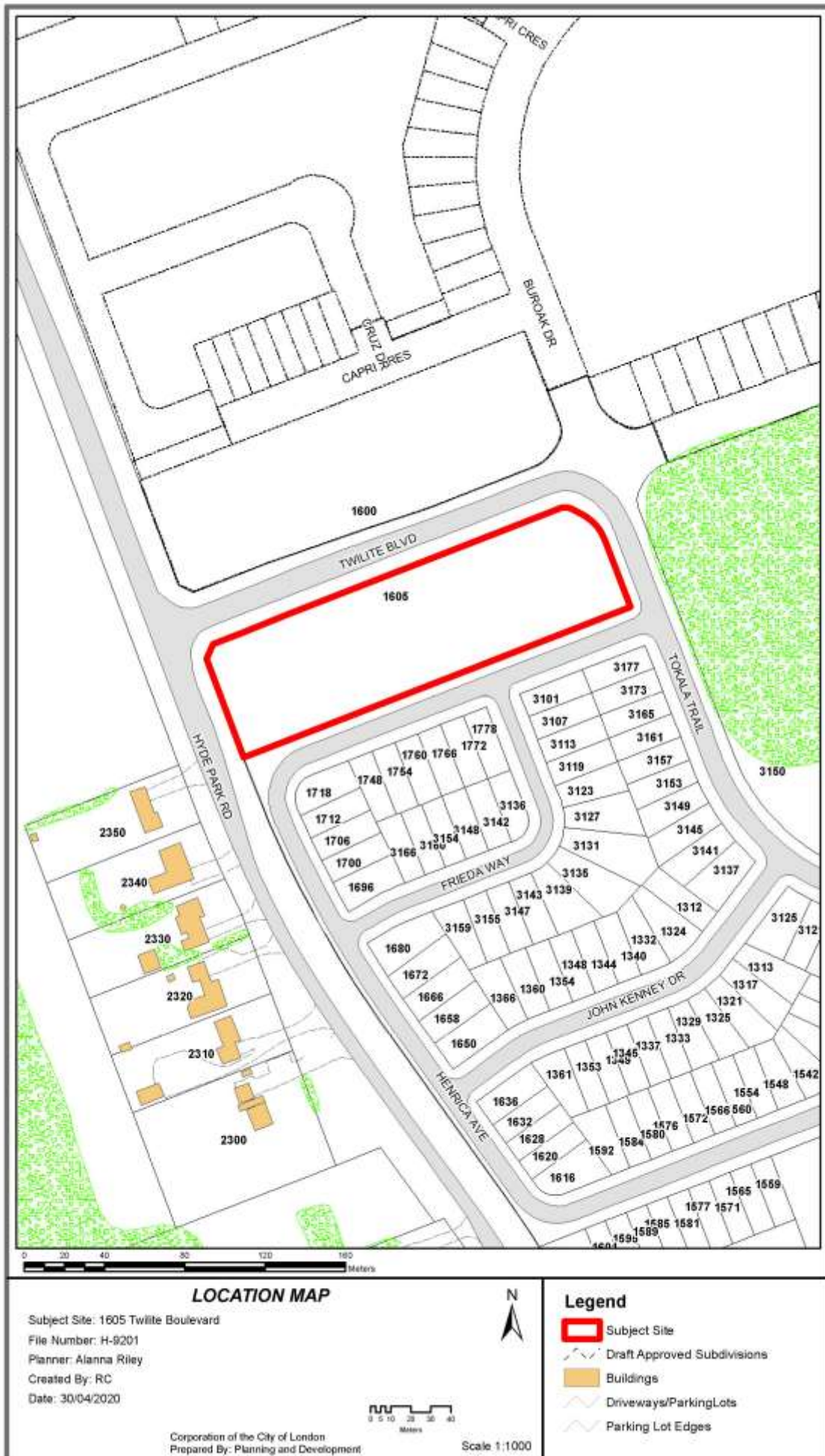
### 1.0 Site at a Glance

#### 1.1 Property Description

The property is a low density residential block within a registered plan of subdivision 33M-752, Block 111 located south of Twilite Boulevard, north of Henrica Avenue, west of Tokala Trail and east of Hyde Park Road. There is an existing residential neighbourhood

to the south, future residential and mixed uses planned for the lands to the north, Tokala Woods to the east, and agricultural and existing residential to the west. The site has full access to municipal services and is located in an area which is planned for future growth.

## 1.2 Location Map



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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R5/R6 (h\*h-54\*h-71\*h-100\*R5-6/R6-5) Zone

### 1.4.1 Site Characteristics

- Current Land Use – Vacant
- Frontage – 185 metres (607 feet)
- Depth – 58 metres (190 feet)
- Area – 1.186 ha (11,860 m<sup>2</sup>)
- Shape – rectangular

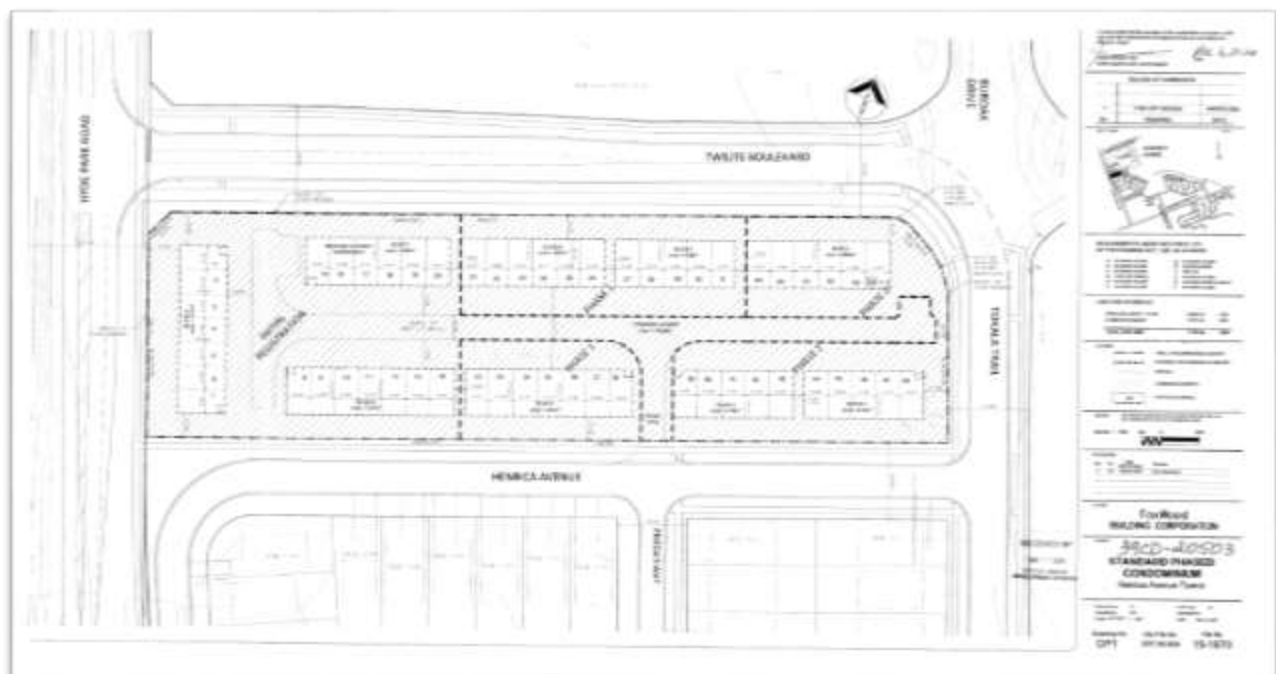
### 1.5 Surrounding Land Uses

- North – future low density residential
- East – future low density residential/neighbourhood park (Tokala Woods)
- South – low density residential
- West – residential/agricultural

## 2.0 Description of Proposal

### 2.1 Development Proposal

To remove the h, h-54, h-71 and h-100 holding provisions from the lands that ensures for the orderly development of land, no land use conflicts between arterial roads and the proposed residential uses, encourage street orientation development and for the provision of adequate water service and appropriate access, a development agreement shall be entered into to the satisfaction of the City. The removal of the h, h-54, h-71 and h-100 holding provisions will allow for the construction 54 three (3) storey street townhouse units through a standard (phased) condominium.



Proposed Standard (Phased) Condominium, Block 111

### 3.0 Relevant Background

#### 3.1 Planning History

This application for Draft Plan of Subdivision Approval was accepted on November 11, 2011. On January 23, 2013, the City of London Approval Authority granted draft approval for the plan of subdivision. Draft approval was appealed to the Ontario Municipal Board. On July 31, 2013, the Ontario Municipal Board issued a notice advising the City of London Approval Authority that the appeal was withdrawn by letter dated June 25, 2013. As per Section 51 (51) of the Planning Act, the original draft approval lapse date was June 26, 2016.

The applicant registered the 1st phase of this subdivision (Plan, 33M-685) consisting of 95 single detached lots, one (1) medium density residential block, and various reserve blocks served by 1 new street and the extension of Dyer Drive and Tokala Trail on October 6, 2015.

Council on May 31, 2016 requested that the Approval Authority approve a three year extension of draft plan of subdivision approval for this subdivision subject to revised conditions of draft approval. The draft approval expiry date is June 26, 2019.

The second phase consisting of 110 single detached lots, 1 multi-family block and several 0.3m reserve blocks, all served by the extension of Tokala Trail and 4 new streets, namely Henrica Avenue, Frieda Way, John Kenny Drive and Jim Hebb Way was registered on October 18, 2018, Plan 33M-752. Block 111 is part of this second phase and registered plan of subdivision.

This application is to remove the holding provision from this subdivision block (Plan, 33M-752, Block 111) for the development of a phased condominium. The proposed standard (phased) condominium development consists of 54 three (3) storey street townhouse units, all served by Twilite Boulevard. Final registration for the initial phase of the condominium development is forthcoming. Block 111 is also subject to Site Plan Approval application (SPA20-025).

### 4.0 Key Issues and Considerations

#### Why is it Appropriate to remove this Holding Provision?

A Development Agreement was entered into for Site Plan Approval (SPA20-025), for the proposed standard (phased) condominium development consisting of 54 three (3) storey street townhouse units.

#### h Holding Provision

The h. holding provision states that:

*“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.

### **h-54 Holding Provision**

The (h-54) holding provision states that:

*“To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.”*

Development Services has confirmed that the applicant has implemented all noise attenuation measures recommended in their noise assessment report. On this basis, the provision has been satisfied for this site to be developed as Street Townhouses. This satisfies the requirement for removal of the h-54 holding provision for this site.

### **h-71 Holding Provision**

The (h-71) holding provision states that:

*h-71 Purpose: To encourage street orientation development, the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the “h-71” symbol.*

The proposed plans and elevations provide a street orientation development which are consistent with the Hyde Park Community Plan design guidelines, and have been reviewed and accepted by Site Plan. It is appropriate to remove this h-71 holding provision at this time.

### **h-100 Holding Provision**

The (h-100) holding provision states that:

*“To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.”*

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain has been constructed. There is an approved site plan and the water main is available on Henrica Avenue including this site on Twilite Boulevard, is looped via the connections to the south and the Tokala Trail extension and Twilite Blvd mains will be connected when future phases are developed to the north and east. Tokala Trail connects to the Twilight Boulevard which connects to Hyde Park Road. Twilight Boulevard and Tokala Trail provides for full public access to the subdivision from Hyde Park Road and Dyer Drive. This satisfies the requirement for removal of the “h-100” holding provision.

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

## **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 guidelines and vision of Hyde Park Community Plan. The applicant has implemented all noise attenuation measures recommended in the noise assessment report, provided street orientation development and 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-54, h-71 and h-100” holding provisions. The removal of the holding provisions is recommended to Council for approval.

<b>Prepared by:</b>	<b>Sean Meksula, MCIP, RPP 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	

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

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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 1605 Twilite Boulevard.

WHEREAS Foxwood Building Company have applied to remove the holding provisions from the zoning for the lands located at 1605 Twilite Boulevard, 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 1605 Twilite Boulevard, as shown on the attached map, to remove the h, h-54, h-71 and h-100 holding provisions so that the zoning of the lands as a Residential R5/R6 (R5-6/R6-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 27, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 27, 2020  
Second Reading – October 27, 2020  
Third Reading – October 27, 2020

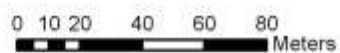
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-9201  
Planner: AR  
Date Prepared: 2020/04/30  
Technician: rc  
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000





## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the Londoner on May 28, 2020

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the “h”, “h-54”, “h-71”, and “h-100” holding provisions from the subject site. 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; that the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London; that the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the Director of Development Services; a looped watermain system is constructed and a second public access available to the satisfaction of the City Engineer. Council will consider removing the holding provisions as they apply to these lands no earlier than June 22, 2020.

**Appendix C – Relevant Background**

**Existing Zoning Map**

