

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: Holding Provision Removal
Sifton Properties Limited
965 Upperpoint Avenue

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 Sifton Properties Limited relating to a portion the properties located at 965 Upperpoint Avenue, 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 R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)R5-7(9)/R6-5(61)/R8-3(5)) Zone **TO** a Residential R4/R5/R6/R8 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R8-3(5))Zone to remove the holding provisions for portions of these lands to be developed as Street Townhouse Dwellings.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h*h-54-h-209" holding provisions from portions of 965 Upperpoint Avenue, which are in place to ensure: the orderly development of lands and the adequate provision of municipal services, that there are no land use conflicts between arterial roads the proposed residential use, and to encourage building orientation towards public streets and public spaces.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h", "h-54" and "h-209" holding symbols to facilitate the development of street townhouse dwellings.

Rationale of Recommended Action

The requirements for removing the holding provisions have been met, and the Approval Authority has confirmed that no further work is required. It is appropriate to remove the holding provisions as they are no longer required for the portions of these Blocks that are to be developed as Street Townhouses.

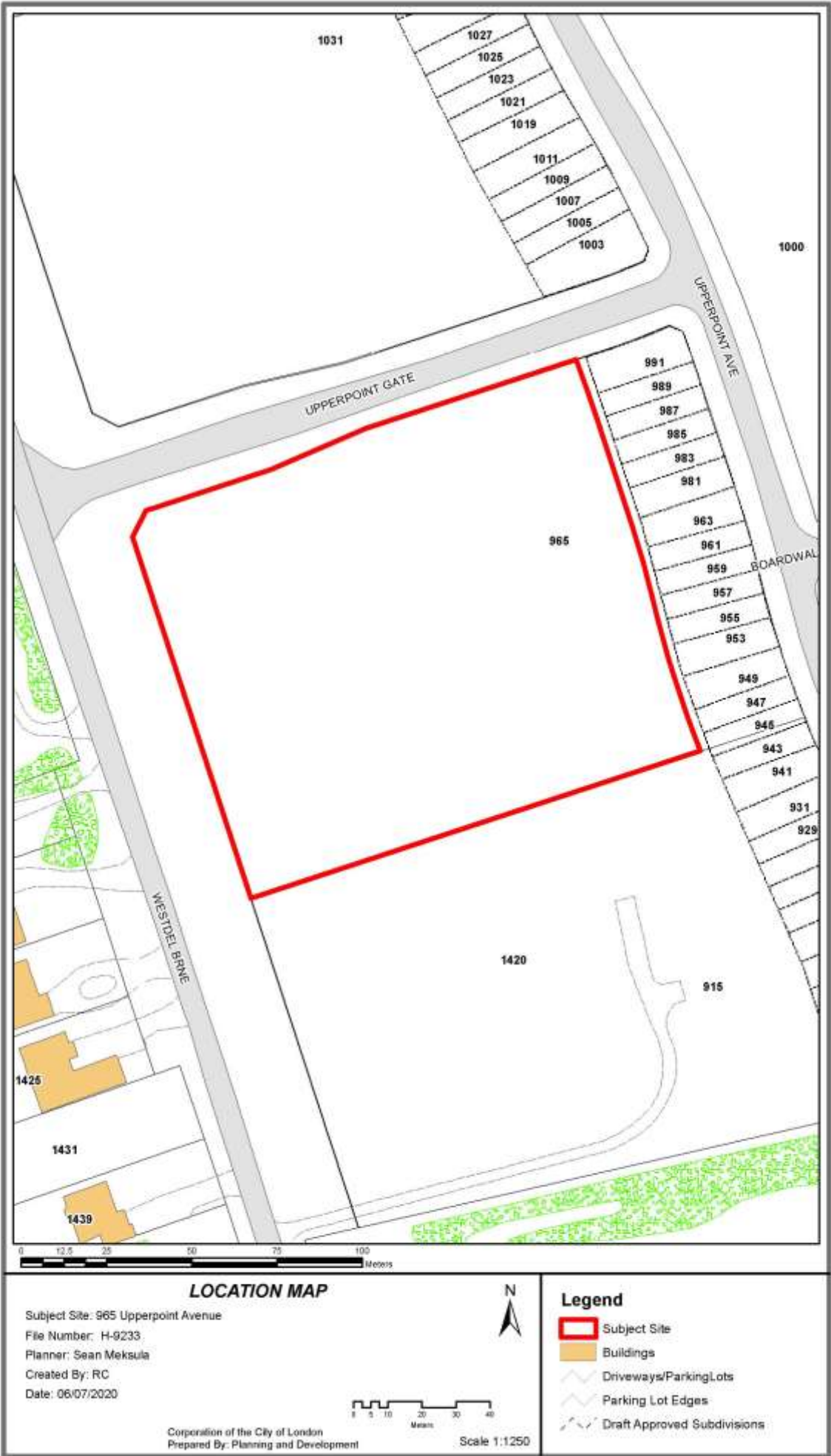
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located off of Upperpoint Avenue, which is generally located southeast of Oxford Street West and Westdel Bourne. The site has a mix of high and medium density residential located to the north, existing estate residential to the west, low density residential to the east, and future residential to the south. The site has proximity to Hickory Woods Park, the Warbler Woods ESA, St. Nicholas Catholic School, Bryon Woods Montessori Private School and Byron Northview Public School.

1.2 Location Map



blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

On September 17, 2019 Municipal Council passed a Zoning By-law amendment to add a Residential R4 Special Provision (R4-6(11)) Zone to permit street townhouse dwellings along with special provisions for lot frontage, front yard setbacks for the main dwellings and garages, and building height.

3.2 Requested Amendment

The applicant is requesting the removal of the “h”, “h-54” and “h-209” holding provisions from the site to allow for the development of sixty-six (66) street townhouses.

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?

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 execution of the development agreement combined with the submission of the required security, adequately satisfies the requirements of this holding provision. It is appropriate to remove this holding provision at this time for the portions of these Blocks that are to be developed as Street Townhouses. The h. holding provision will be retained for the balance of the site. The h- holding provision will be retained for the balance of the site.

h-54 - Purpose: 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 a Noise Impact Study is not required as the location of the proposed site plan is not directly adjacent to an arterial road. On this basis, the provision has been satisfied for the portions of these Blocks that are to be developed as Street Townhouses. The h-54 holding provision will be retained for the balance of the site.

h-209 - Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.

In an effort to meet the design objectives of the Riverbend South Community Plan, attention was given to ensure that all buildings adjacent to the street are designed and oriented to the street. The accepted plans provide architectural features that includes porches, entrances, windows, rooflines and enhanced landscaping around the porches that achieve an appearance of front orientation to the street, consistent with the intent of the Riverbend South Community Plan.

An acceptable level of building design and orientation to the street in accordance with the h-209 provision has been provided with the accepted Site Plan and executed Development Agreement. As a result, Staff is satisfied that the lifting of the h-209 holding provision can be recommended to Council for the portions of these Blocks that are to be developed as Street Townhouses. The h-209 holding provision will be retained for the balance of the site.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to remove the holding provisions to allow the zoning to come into force for the portions of these Blocks that are to be developed as Street Townhouses. The h., h-54 and h-209 holding provisions will be retained for the balance of the site.

Prepared by:	Sean Meksula, MCIP, RPP 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 Pompillii, Manager, Development Planning
Ted Koza, Manager, Development Engineering
Michael Pease, Manager, Development Planning (Site Plan)

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 provisions from the zoning for portions of the lands located at 965 Upperpoint Avenue.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning for portions of the lands located at 965 Upperpoint Avenue, 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 portions of the lands located at 965 Upperpoint Avenue, as shown on the attached map comprising part of Key Map No. 105, to remove the holding provisions so that the zoning of the lands as a Residential R4/R5/R6/R8 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R8-3(5))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 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)



Appendix B – Public Engagement

Community Engagement

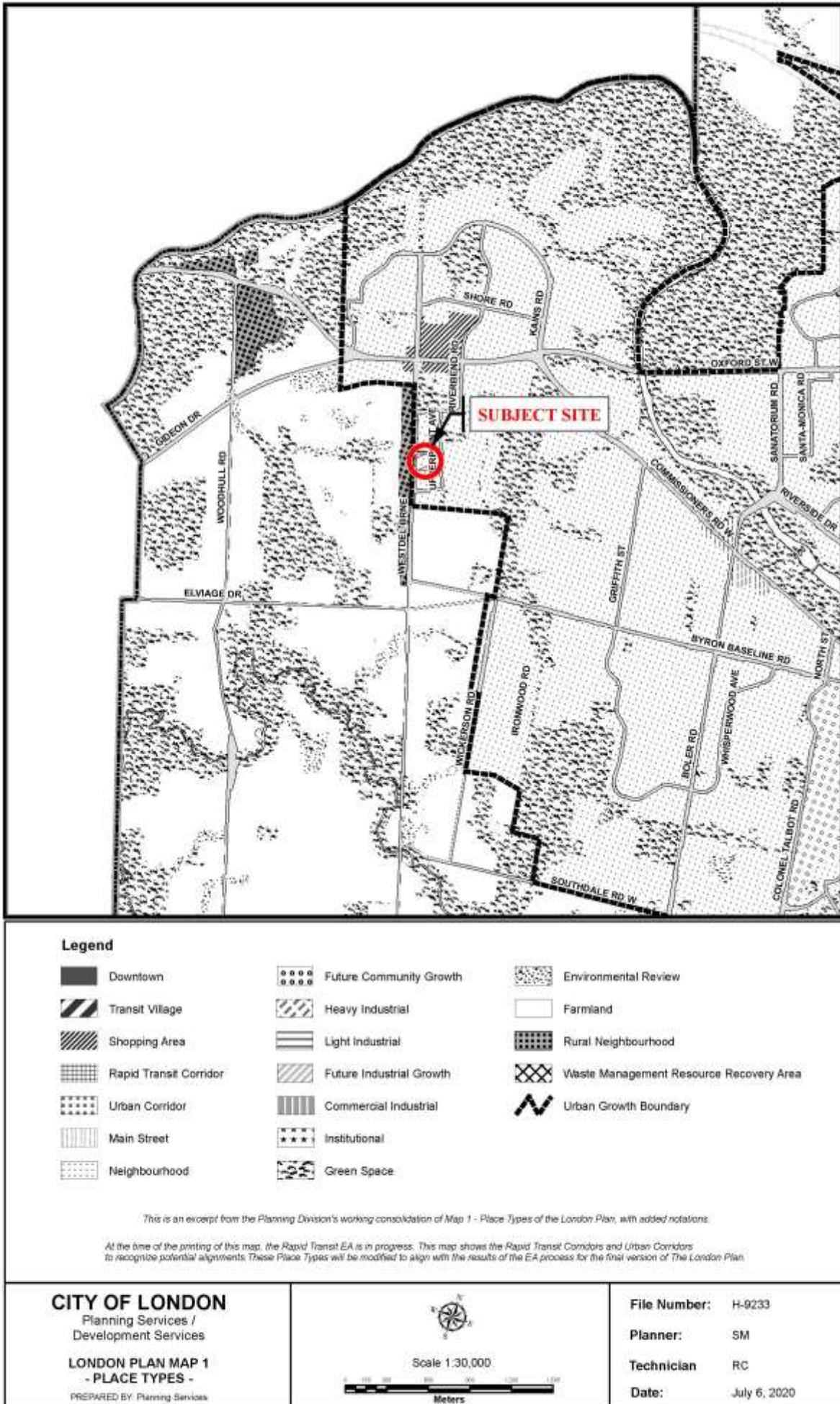
Public liaison: Notice of the application was published in the Londoner on July 16, 2020.

0 replies were received.

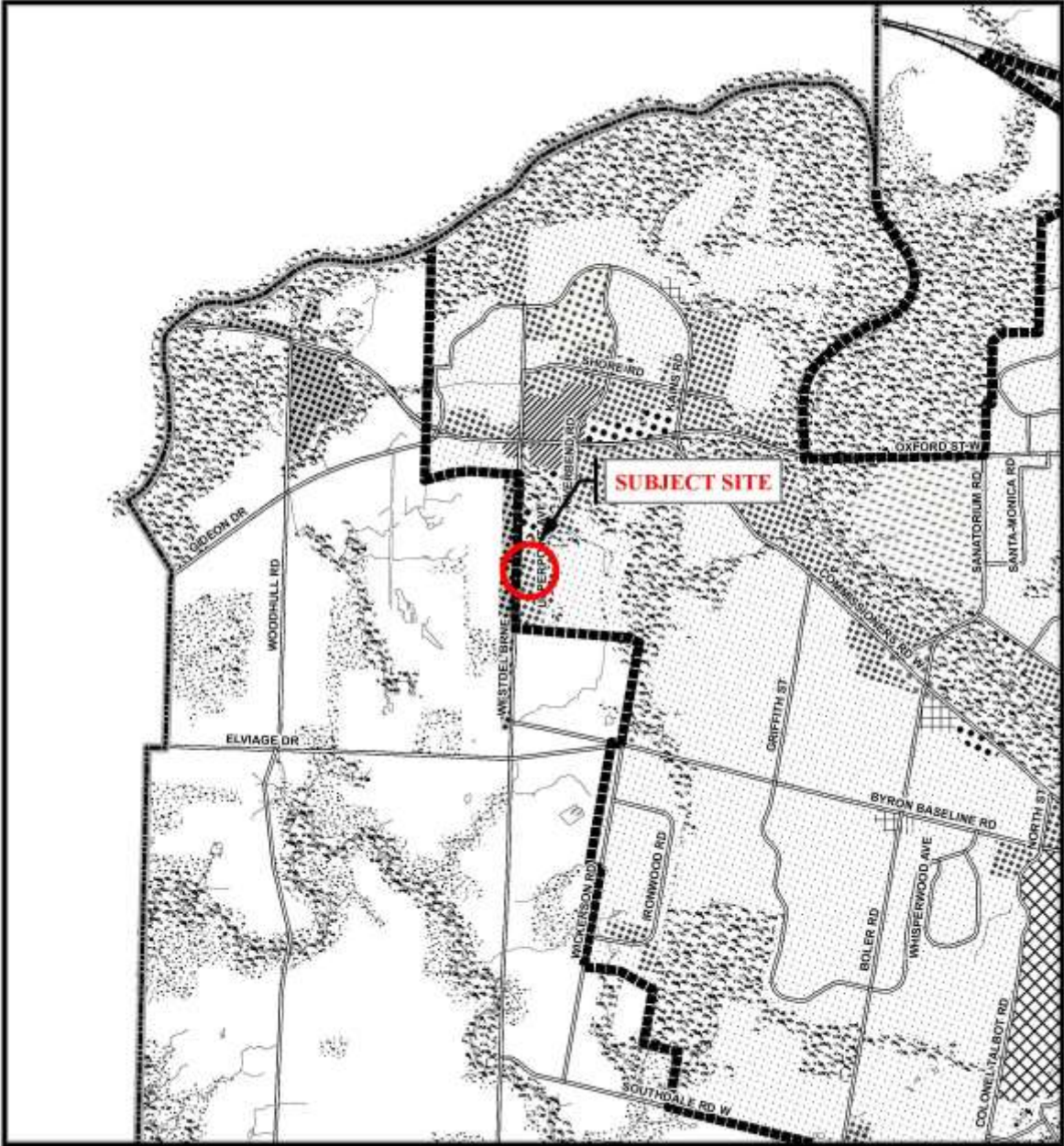
Nature of Liaison: City Council intends to consider removing the “h”, “h-100” and “h-209”, Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit future residential development of the subject lands. The purpose of the “h” provision is 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 purpose of the “h-54” provision is intended 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. The “h-209” symbol is intended to encourage building orientation towards public streets and public spaces. A site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London, prior to the removal of the h-209 symbol. 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

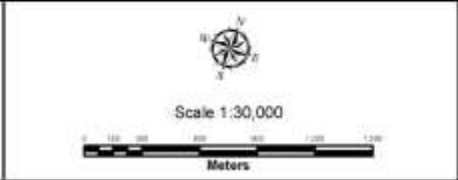


1989 Official Plan Excerpt



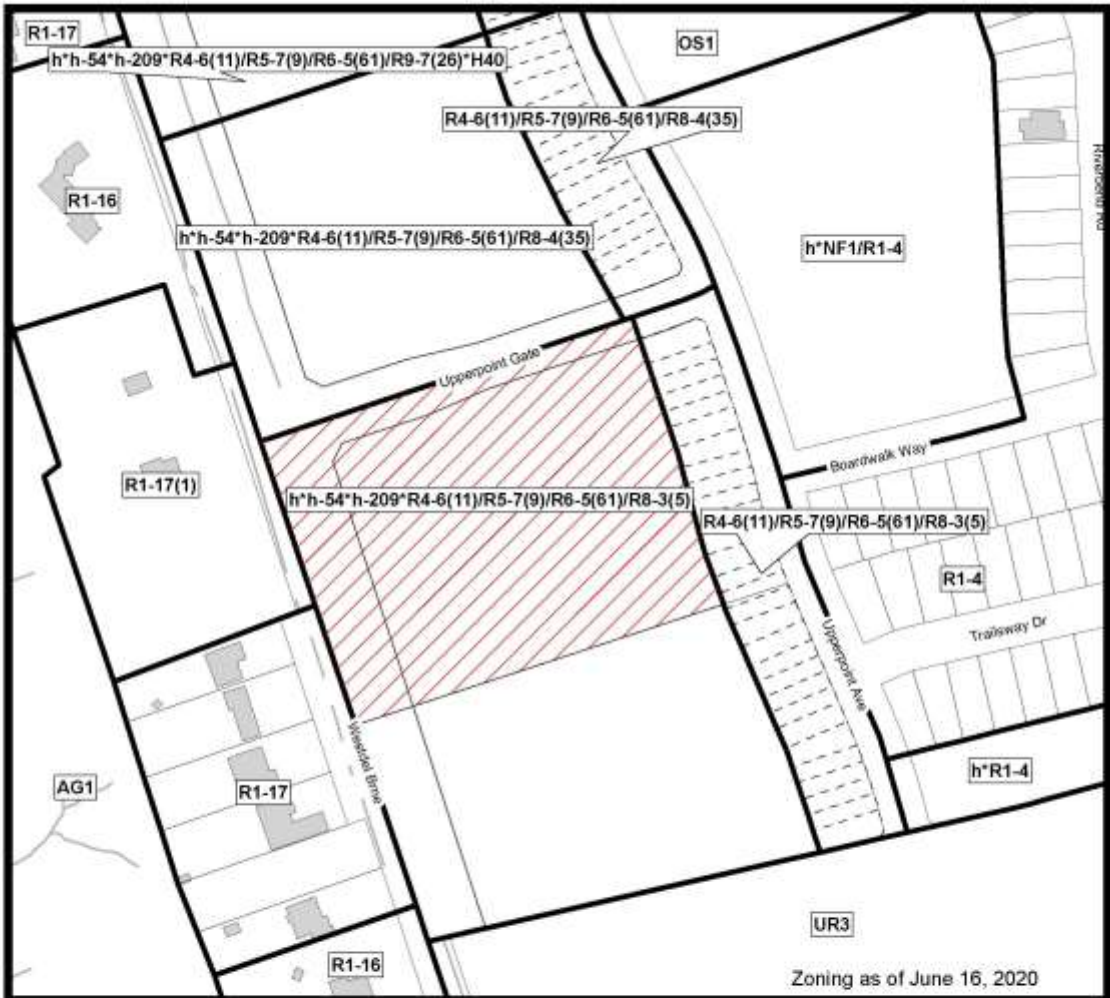
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	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-9233
PLANNER: SM
TECHNICIAN: RC
DATE: 2020/07/06

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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-9233 SM

MAP PREPARED:
2020/07/06 RC

