

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: 11031250 Ontario Inc. c/o Dara Honeywood
335 Kennington Way, 3959 and 3964 Mia Avenue
Removal of Holding Provision

Meeting on: February 8, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by 11031250 Ontario Inc., relating to lands located at 335 Kennington Way, 3959 and 3964 Mia Avenue, legally described as Part of Block 1, Plan 33M-765, Designated as Part 2 and 3 Plan 33R-20777 and Block 2, 33M-765, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on February 23, 2021 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 R4 Special Provision/R5 Special Provision/R6 Special Provision (h*h-100*h-198* R4-6(10)/R5-4(23)/R6-5(51) Zone **TO** a Residential R4 Special Provision/R5 Special Provision/R6 Special Provision R4-6(10)/R5-4(23)/R6-5(51) 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 holding (h, h-100 and h-198) symbols to allow the development of 56 cluster townhouse dwellings permitted under the Residential R4 Special Provision (R4-6(51)) Zone.

Rationale of Recommended Action

The conditions for removing the holding provisions have been satisfied as required by Zoning By-law Z.-1.

1. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
2. A Development Agreement has been entered into and securities have been posted as required by the Development Agreement.
3. As part of the Site Plan and Development Agreement adequate water servicing and appropriate access has been provided.
4. The proposed 56-unit townhouse development provides a street-oriented development which has been reviewed by urban design staff and implemented within the Development Agreement.

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

Draft Plan approval for the subdivision was granted on January 27, 2017. This first phase of the subdivision was registered on July 12, 2019 as 33M-765. This phase consisted of two (2) medium density multi-family blocks, one (1) future street block, and six (6) 0.3 m reserve blocks, all served by two (2) new local streets, Mia Avenue and Kennington Way. Two separate site plan applications were submitted for the medium density residential blocks, 335 Kennington Way and 3964 Mia Avenue.

On August 10th, 2020 the Approval Authority granted Final Approval for consent 335 Kennington Way (B.012/20) into two (2) parcels 335 Kennington Way and 3959 Mia Avenue (Part 1 and Part 2 on reference plan 33R-20777). 11031250 Ontario Inc., applied for site plan approval over these lands to construct a 37, unit 2-storey cluster townhouse development (File No. SPA20-048).

A second site plan application was filed by 11031250 Ontario Inc., for a 19 unit, 2-storey cluster townhouse development (File No. SPA20-049) on 3964 Mia Avenue.

1.1 Previous Reports Related to this Matter

December 12, 2016 - Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments. (39T-15501/Z-8470)

April 15, 2019 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement Phase 1 and Phase 1A. (39T-15501)

August 10, 2020 - Report to the Approval Authority for the City of London which granted Final Approval for Part 1 and Part 2 on Reference Plan 33R-20777 (B.012-20).

1.0 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 R4 Special Provision (h*h-100*R4-6(8)) Zone

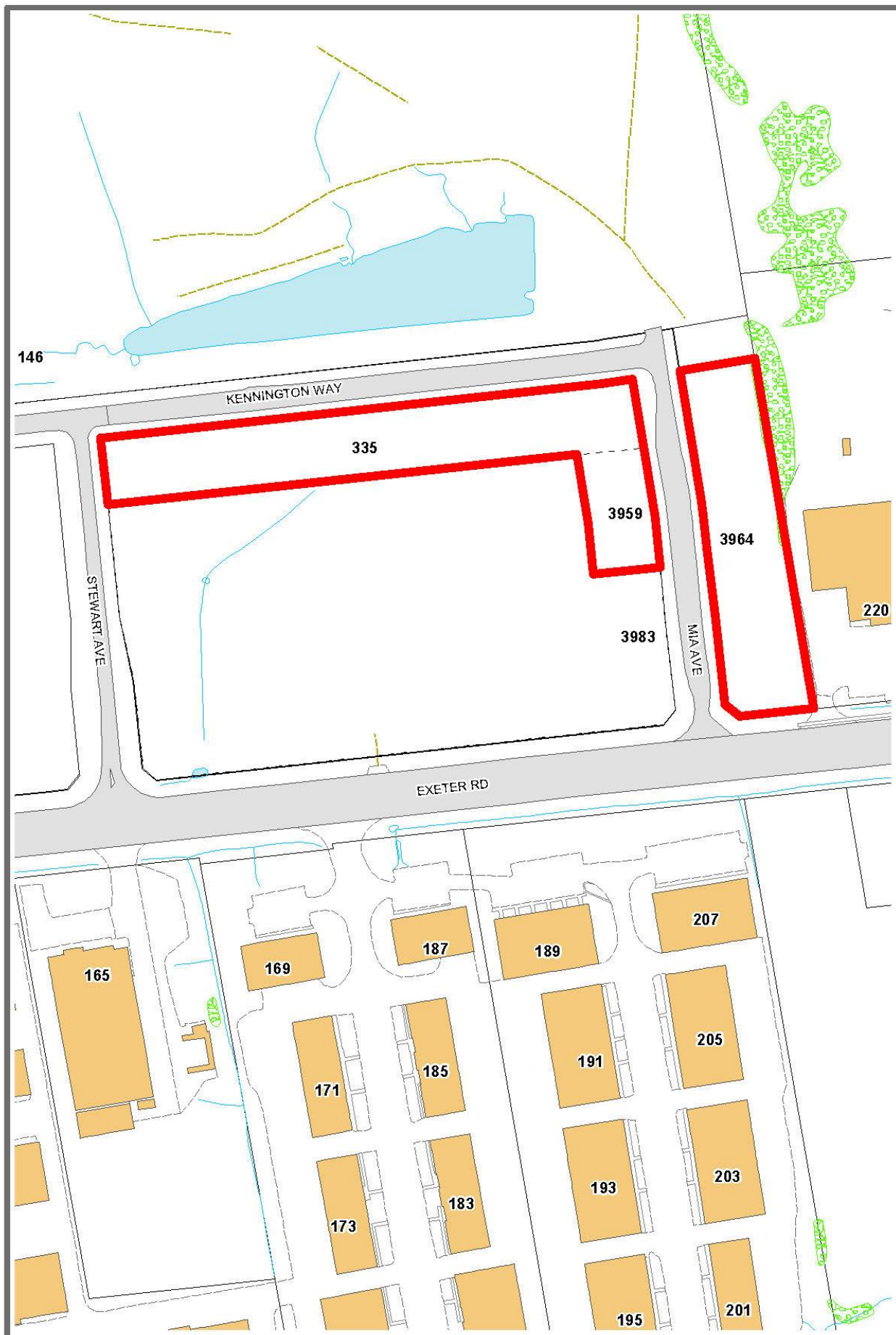
1.1 Site Characteristics

- Current Land Use – vacant
- Frontage – 143 m (469 ft.) along Southbridge Avenue
- Area – 3984m² (42,883 sq. ft.)
- Depth – 30m (98.43 ft.)
- Shape – irregular

1.2 Surrounding Land Uses

- North – future medium density residential
- East – future low density residential
- South – urban reserve/low density residential
- West – future medium density residential

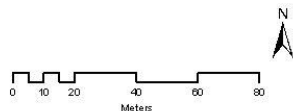
1.3 Location Map



LOCATION MAP

Subject Site: 335 Kennington Way and 3964 Mia Avenue
 File Number: H-9272
 Planner: Sean Meksula
 Date: 23/10/2020

Corporation of the City of London
 Prepared By: Planning and Development



Scale 1:1250

Legend

- Subject Site
- Buildings
- Driveways/Parking Lots
- Parks

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Have the conditions for removal of the holding (h) provision been met?

The Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, three holding provisions were added to the subject site to address a development agreement with the collection of the required securities, adequate design of water servicing and the integration of the urban review. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

h Holding Provision

The h holding provision states that:

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

The applications for Site Plan Approval has been submitted by 11031250 Ontario Inc. (SPA20-048 & SPA20-049). The proposed developments consist of a 19 and 37 unit, 2-storey cluster side-by-side townhouse development. The applicant has entered into a development agreement and posted the required securities.

The Subdivision Agreement between Zedcor Inc. and the City of London for Phase 1 of the Richardson Subdivision was entered into on April 24, 2019 and registered on June 29, 2019. Zedcor Inc., has posted security as required by City Policy and the Subdivision Agreement.

The condition has been satisfied for removal of the “h” provision.

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.

The h-100 holding provision requires that a looped water main system be constructed and a second public access is available for these lands. A 250 mm looped watermain has been constructed from Exeter Road along Mia Avenue, Kennington Way, Stewart Avenue and back to Exeter Road. Access to the subdivision will be from Mia Avenue to Exeter Road and Stewart Avenue. The extension of Kennington Way provides full public access to the subdivision.

This satisfies the requirement for removal of the “h-100” 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 townhouses provide a street-oriented development which has been reviewed by Urban Design Staff through the site plan approval process. A development agreement will be 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.

Conclusion

The applicant has addressed the various requirements of the “h, h-100 and h-198” holding provisions for the orderly development of land; water looping and access for the development of the lands and street-oriented development. The requirements of the holding provisions have been satisfied and the removal of the holding provisions is appropriate and recommended to Council for approval.

Prepared by:

**Sean Meksula, MCIP, RPP
Senior 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**

H-9272
S. Meksula

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9272 - 335 Kennington Way and 3964 Mia Avenue (SM)\PEC\DRAFT_PEC_335
Kennington Way - H-9272 SM.docx

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Bruce Page, Manager, Development Services (Subdivisions)
cc: Peter Kavcic, Manager, Development Services (Subdivisions)
cc: Michael Pease, Manager, Development Services (Site Plan)

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2021

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 335 Kennington Way, 3959 and 3964 Avenue; legally described as Part of Block 1, Plan 33M765, Designated as Part 2 and 3 Plan 33R-20777 and Block 2, 33M 765.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning on lands located at 335 Kennington Way, 3959 and 3964 Avenue, legally described as Part of Block 1, Plan 33M765, Designated as Part 2 and 3 Plan 33R-20777 and Block 2, 33M 765, 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 lands located at 335 Kennington Way, 3959 and 3964 Mia Avenue, legally described as Part of Block 1, Plan 33M765, Designated as Part 2 and 3 Plan 33R-20777 and Block 2, 33M 765, as shown on the attached map comprising part of Key Map No. 111, to remove the h, h-100 and h-198 holding provisions so that the zoning of the lands as a Residential R4 Special Provision/R5 Special Provision/R6 Special Provision R4-6(10)/R5-4(23)/R6-5(51) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

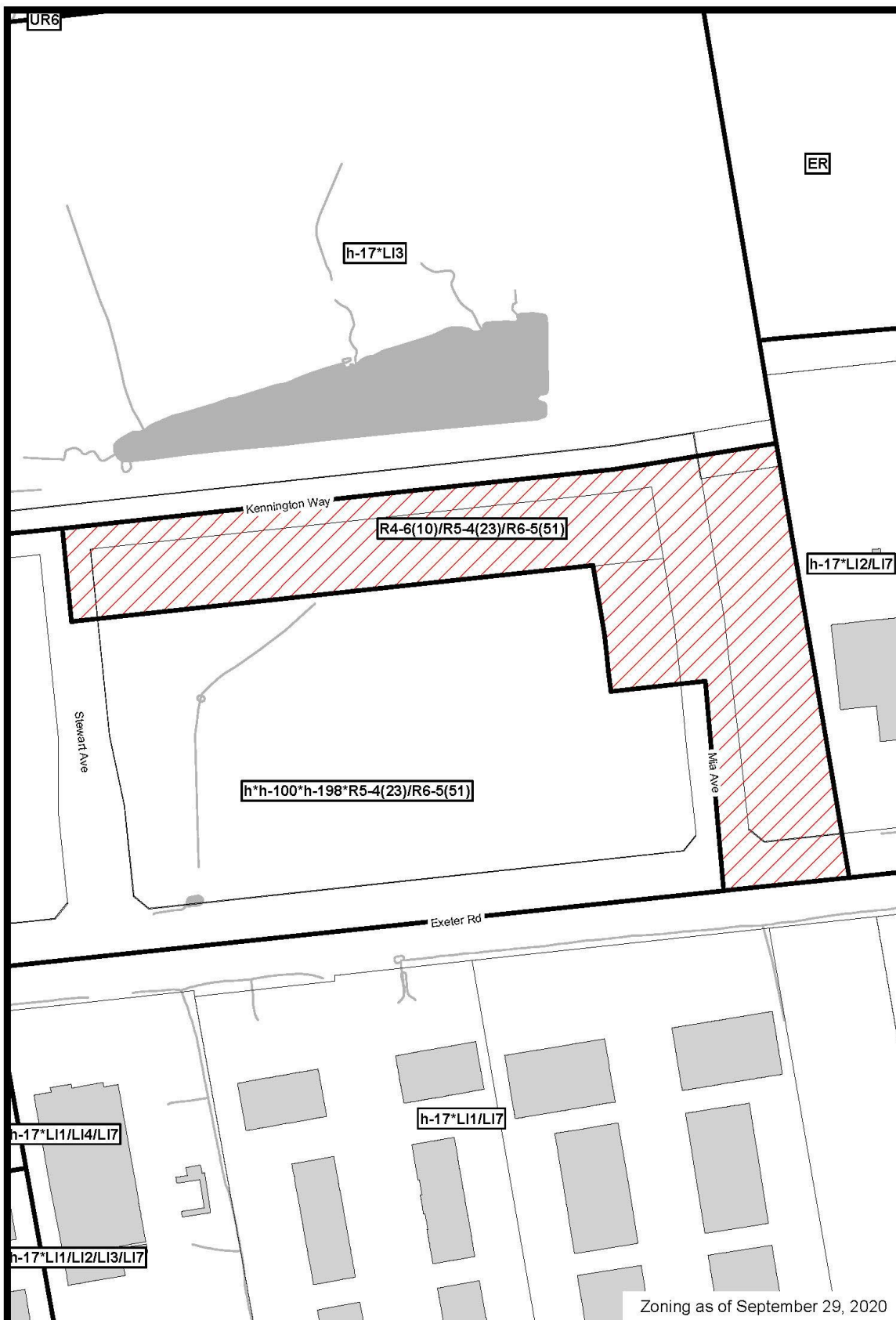
PASSED in Open Council on February 23, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – February 23, 2021
Second Reading – February 23, 2021
Third Reading – February 23, 2021

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



File Number: H-9272
Planner: SM
Date Prepared: 2020/10/23
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 *Public Notices and Bidding Opportunities* section of The Londoner on November 5, 2020.

0 replies were received

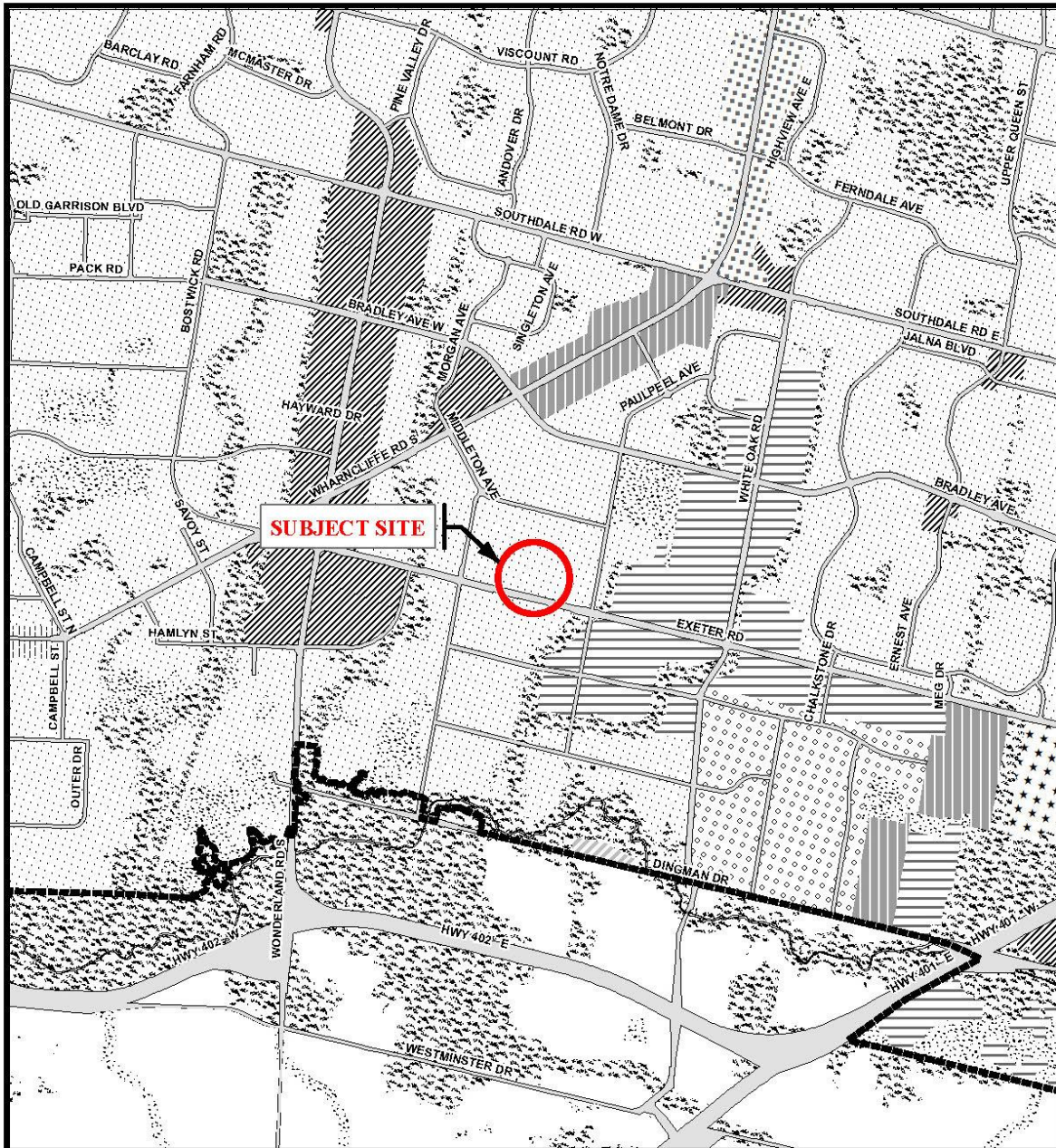
Nature of Liaison: 335 Kennington Way 335 Kennington Way, 3959 and 3964 Avenue Mia Avenue (Registered Plan 33M-765 – Blocks 1 & 2) – City Council intends to consider removing the Holding (h, h-100 and h-198) Provision(s) from the zoning of the subject lands to allow development of 56 townhouse dwelling units permitted under the Residential R4 Special Provision/Residential R5 Special Provision/Residential R6 Special Provision (R4-6(51)/R5-6(10)/R6-5(23) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and 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 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 h-100 symbol is intended 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. Interim uses may be permitted up to 80 units maximum. The h-198 symbol is intended 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. Council will consider removing the holding provisions as it applies to these lands no earlier than November 30, 2020.

Agency/Departmental Comments:

None

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.

CITY OF LONDON

Planning Services /
Development Services

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



Scale 1:30,000



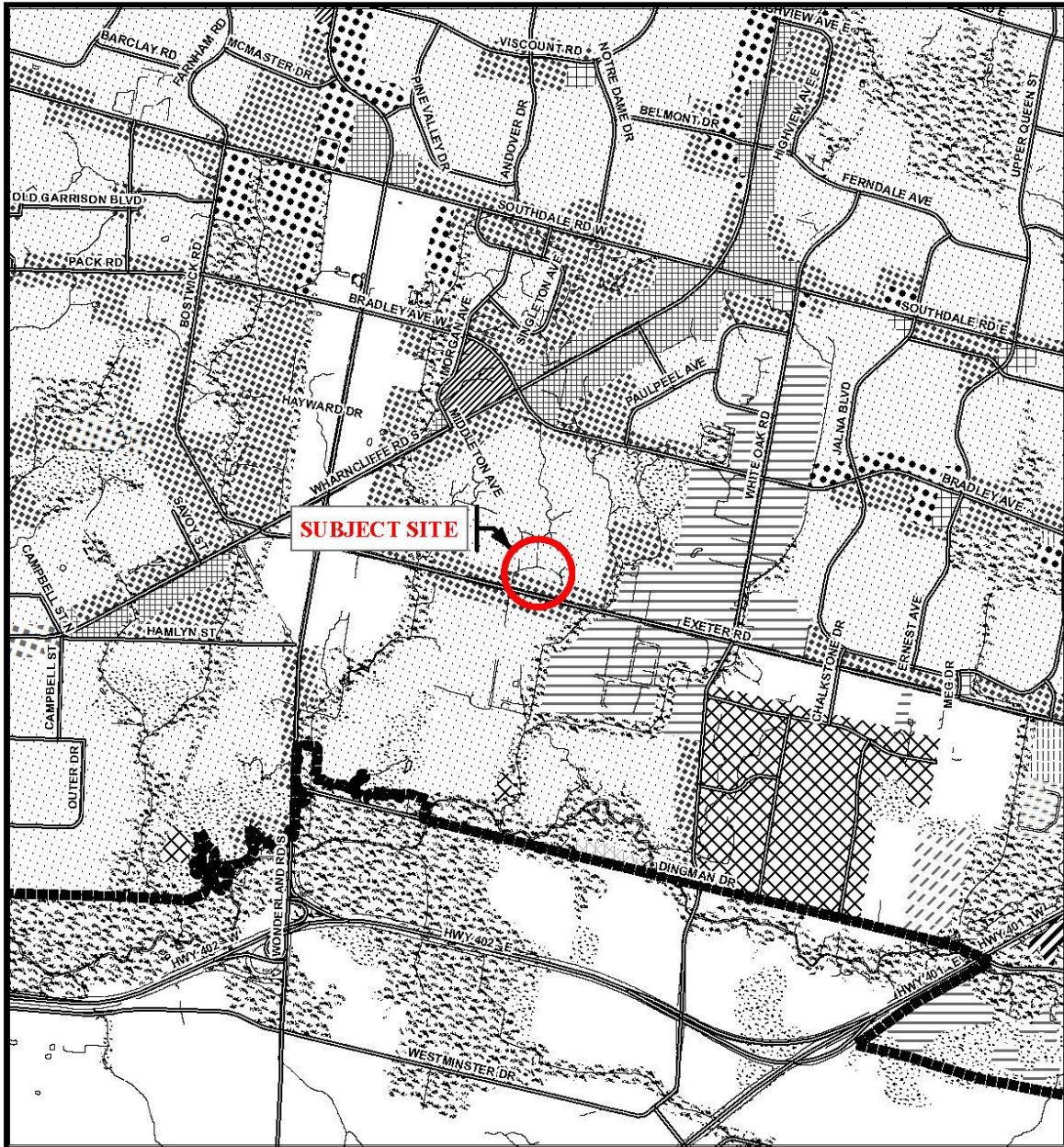
File Number: H-9272

Planner: SM

Technician: RC

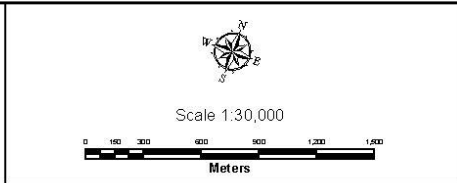
Date: October 23, 2020

1989 Official Plan Excerpt



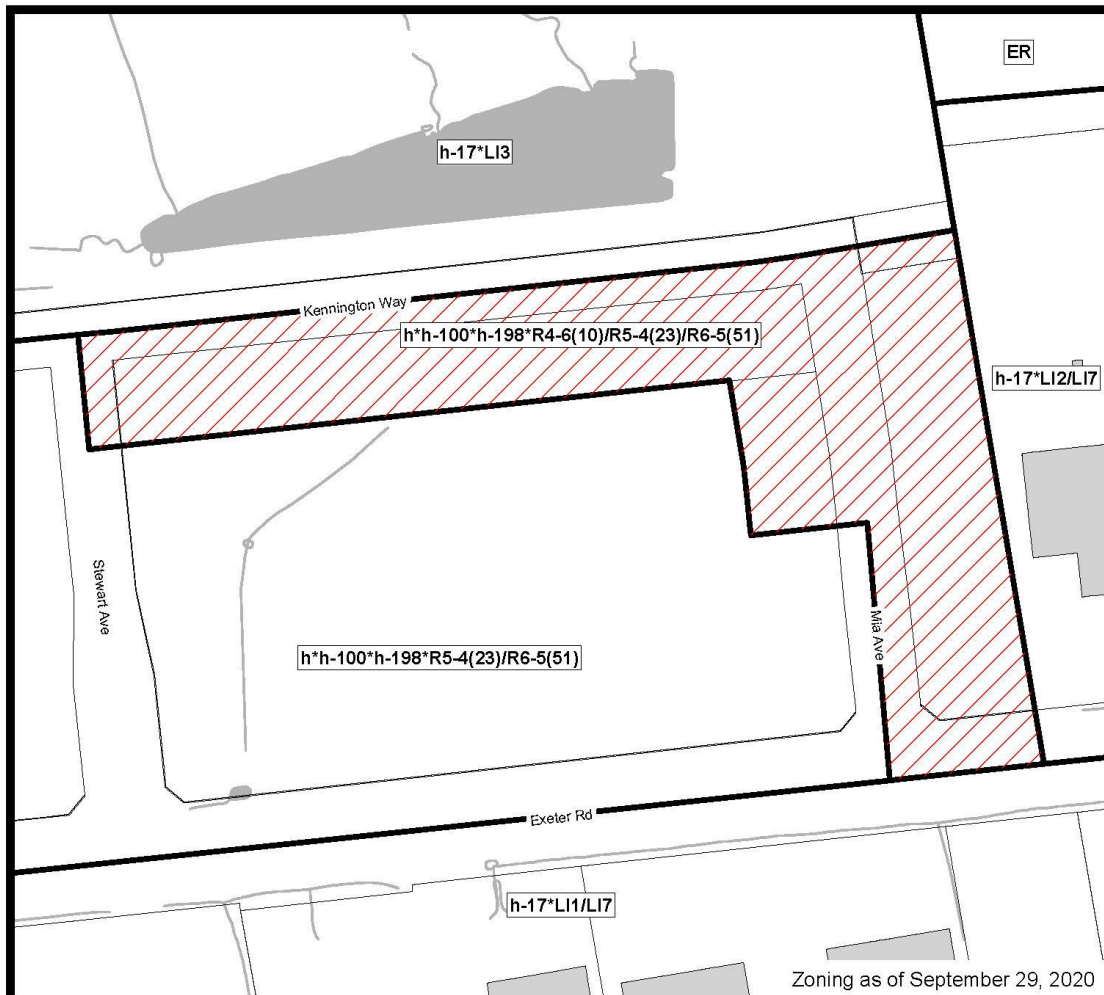
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low 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-9272
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2020/10/23

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE OR - 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-9272

SM

MAP PREPARED:

2020/10/23

RC

1:2,000

0 10 20 40 60 80
Meters