

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: Bensy Mathew
973 Gainsborough Road
Removal of Holding Provision h-17

Meeting on: March 1, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Bensy Mathew relating to the properties located at 973 Gainsborough Road the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 22, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 973 Gainsborough Road **FROM** a Holding Business District Commercial (h-17*BDC) Zone **TO** a Business District Commercial (BDC) Zone to remove the h-17 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-17 holding provision applied to this site to permit the development of a music studio.

Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with the Zoning By-law.
2. Development Services Engineering has confirmed services are available for this site. The Development Agreement and accepted engineering plans will include provisions to ensure the site is connection to the existing municipal water and sanitary systems. The h-17 is no longer required.

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

The lands are designated Business District Commercial through the Hyde Park Community Plan adopted by Council in 2001.

1.1 Property Description

The subject lands are located on the north side of Gainsborough Road, east of and Hyde Park Road and West of Coronation Drive. This section of Gainsborough Road is classified as a Main Street in The London Plan and an Arterial Road in the 1989 Official Plan. The applicant is converting the existing single family house into a music studio.

1.2 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods Place Type
- 1989 Official Plan Designation – Business District Commercial
- Existing Zoning – Holding Business District Commercial (h-17*BDC)

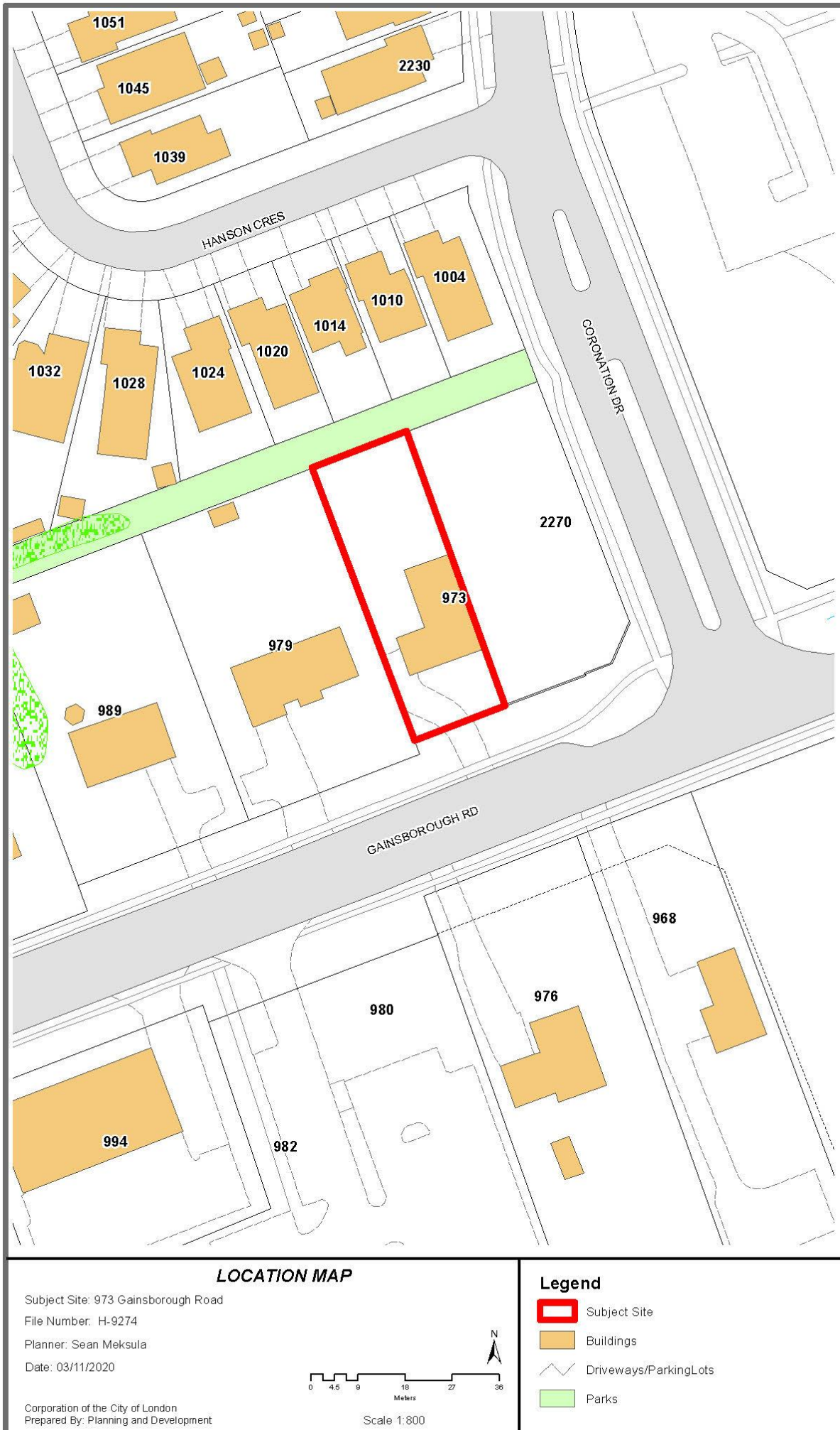
1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 18.5 metres
- Depth – 58.5 metres
- Area – 1083.73m²
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Single detached dwellings
- East – Church
- South – Single detached dwellings
- West – Single detached dwellings, approx. 300 metres, Hyde Park Road

1.3 Location Map



2.0 Discussion and Considerations

The proposed application is to remove the h-17 holding provision to allow the conversion of the vacant single family house into a music studio.

2.1 Development Proposal

The purpose of this amendment application is to remove the h-17 holding provision from these lands to allow for the construction of a music studio. The holding provision requires full municipal sanitary sewer and water services be readily available to service the site.

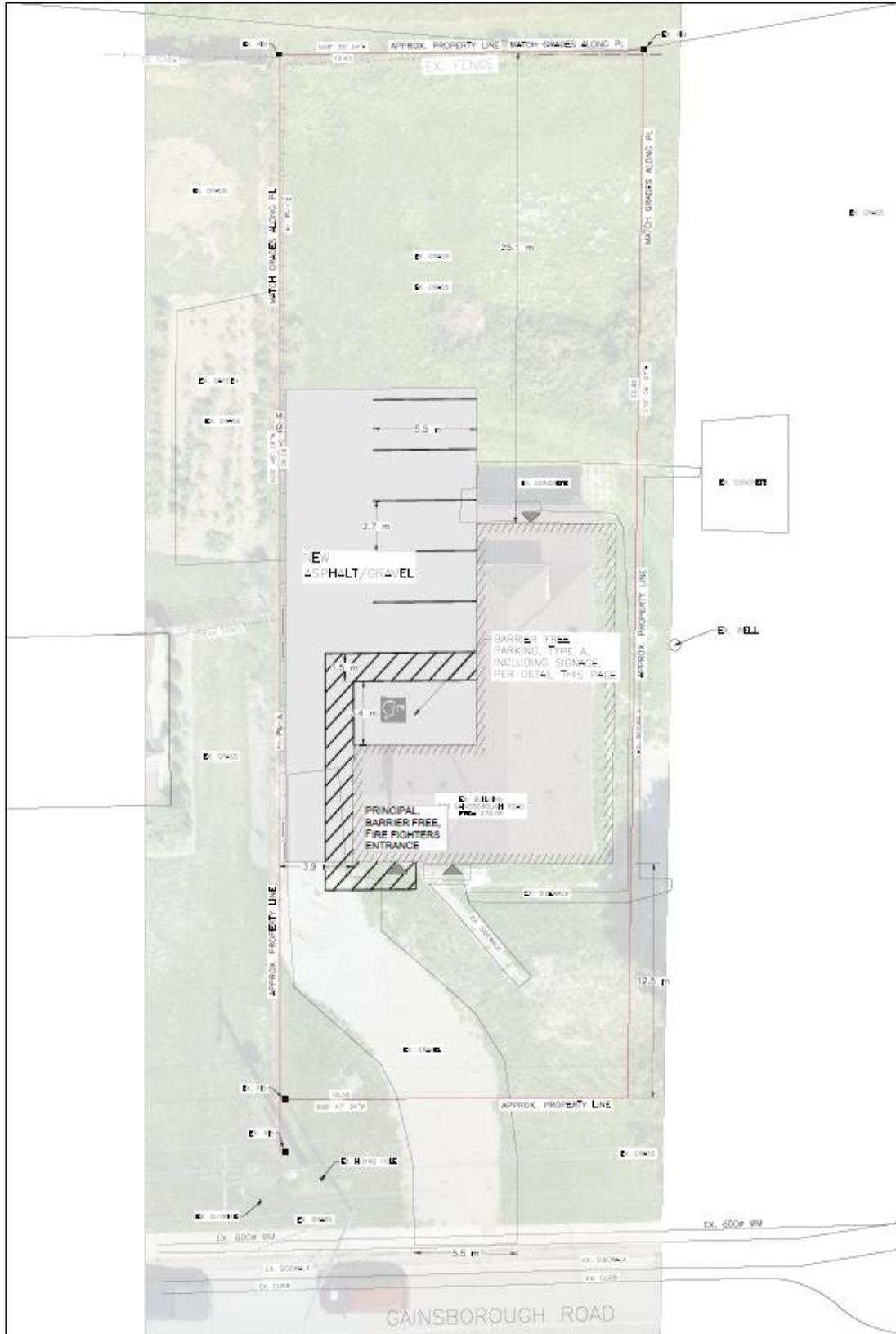


Figure 1: Conceptual Site Plan

2.2 Community Engagement (see more detail in Appendix B)

On November 19, 2020 a notice of the application was published in the Public Notices and Bidding Opportunities section of The Londoner. No comments were received in response to the Notice of Application.

2.3 Policy Context (see more detail in Appendix C)

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, the process, notification and removal procedures.

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

Why is it Appropriate to remove this Holding Provision?

h-17 Holding Provision

The h-17 holding provision states that:

“h-17 Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h-17” symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.

The h-17 holding provision requires that full municipal sanitary sewer and water service systems are available for these lands. Municipal Services were upgraded along Gainsborough Road in 2018 with municipal sanitary sewer and watermain located in the right-of-way. Development Services Engineering has confirmed services are now available for this site. Through the Site Plan Approval process, the applicant will enter into a Development Agreement that will include accepted engineering drawings requiring the development to connect to the existing municipal water and sanitary.

This satisfies the requirement for removal of the “h-17” holding provision.

Conclusion

It is appropriate to remove the h-17 holding provision from the subject lands at this time as full municipal sanitary and water services are available. The applicant is required to enter into a development agreement that will include provisions to require connection to the municipal services. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

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

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)

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Gainsborough Road (SM).docx

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 973 Gainsborough Road.

WHEREAS Betsy Mathew has applied to remove the holding provision from the zoning for the lands located at 973 Gainsborough Road, 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 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 973 Gainsborough Road, as shown on as shown on the the attached map comprising part of Key Map No. 101, to remove h-17 holding provision so that the zoning of the lands as a Business District Commercial (BDC) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 22, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading - March 22, 2021
Second Reading – March 22, 2021
Third Reading - March 22, 2021

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



File Number: H-9274
Planner: SM
Date Prepared: 2020/11/03
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE 

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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 19, 2020.

0 replies were received

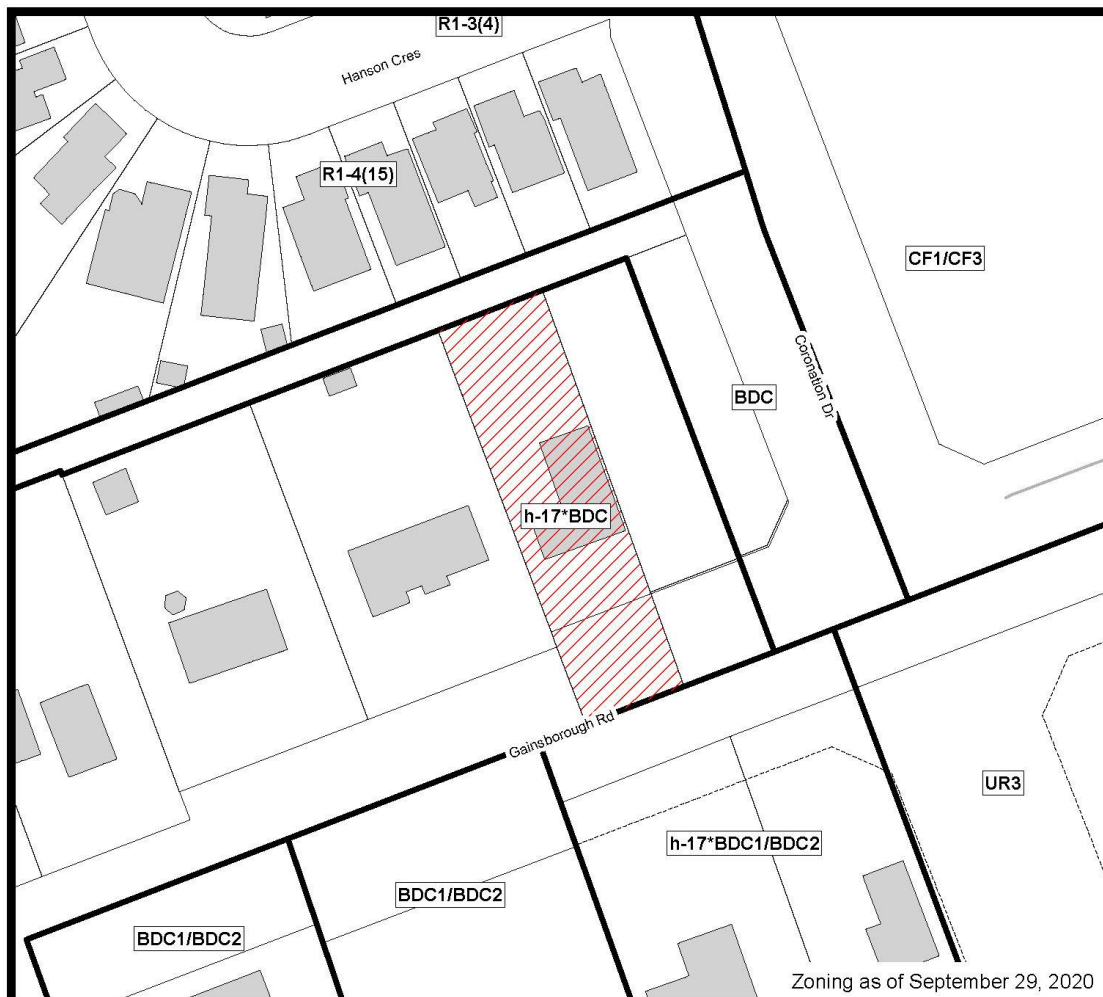
Nature of Liaison: City Council intends to consider removing h-17 holding provision from the lands which requires full municipal sanitary sewer and water services are available to service the site to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than December 14, 2020.

Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <p>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</p> <p>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</p> <p>OR - OFFICE/RESIDENTIAL
OC - OFFICE CONVERSION
RO - RESTRICTED OFFICE
OF - OFFICE</p> | <p>RF - REGIONAL FACILITY
CF - COMMUNITY FACILITY
NF - NEIGHBOURHOOD FACILITY
HER - HERITAGE
DC - DAY CARE</p> <p>OS - OPEN SPACE
CR - COMMERCIAL RECREATION
ER - ENVIRONMENTAL REVIEW</p> <p>OB - OFFICE BUSINESS PARK
LI - LIGHT INDUSTRIAL
GI - GENERAL INDUSTRIAL
HI - HEAVY INDUSTRIAL
EX - RESOURCE EXTRACTIVE
UR - URBAN RESERVE</p> <p>AG - AGRICULTURAL
AGC - AGRICULTURAL COMMERCIAL
RRC - RURAL SETTLEMENT COMMERCIAL
TGS - TEMPORARY GARDEN SUITE
RT - RAIL TRANSPORTATION</p> <p>"h" - HOLDING SYMBOL
"D" - DENSITY SYMBOL
"H" - HEIGHT SYMBOL
"B" - BONUS SYMBOL
"T" - TEMPORARY USE SYMBOL</p> |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:
H-9274 SM

MAP PREPARED:
2020/11/3 RC

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Meters

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