

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Application by: Old Oak Properties c/o Zelinka Priamo Ltd.
3343 Morgan Avenue
Removal of Holding Provisions

Meeting on: July 26, 2021

Recommendation

That on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Old Oak Properties relating to the property located at 3343 Morgan Avenue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 10, 2021 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R5/R6/R7/R10 (h-h-54-h-71-R5-7/R6-5/R7.D100.H45/R10-3.H45) Zone **TO** a Residential R5/R6/R7/R10 (R5-7/R6-5/R7.D100.H45/R10-3.H45) Zone to remove the "h", 'h-54" and "h-71" 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-54" and "h-71" holding provisions from Block 3 registered plan of subdivision (33M-661) to permit the development of high-rise apartment buildings and townhouses under the Residential R5/R6/R7/R10 (R5-7/R6-5/R7.D100.H45/R10-3.H45) Zone.

Rationale of Recommended Action

1. The conditions for removing the "h", "h-54" and "h-71" holding provisions have been met and the recommended amendment will allow development of residential, high-rise apartments and townhouses in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.

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

1.1 Previous Reports Related to this Matter

May 6, 2009 – Report to Planning Committee on application from Sifton Properties Limited for Draft Plan of Subdivision approval and Zoning By-law amendment (39T-07510/Z-7457/O-7466) relating to property located at 1451 Wharncliffe Road South.

June 8, 2011 – Report to Building and Natural Environment Committee on application from Sifton Properties Limited for Zoning By-law amendment (Z-7850) to apply holding provisions on properties within the Bostwick East Area Plan, to ensure that there will be adequate sanitary and transportation infrastructure capacity to accommodate full build out of the subject lands.

October 31, 2016 - Report to Planning and Environment Committee on Removal of Holding Provisions for a portion of the subdivision (H-8536)

1.2 Planning History

The subject property is located within the Bostwick East Area Plan. The Bostwick East Area Plan was adopted by City Council on December 19, 2005. This plan provides long-term guidance for the development and servicing of lands in the area.

The subject property is comprised of Block 3 on Plan of Subdivision 33M-661 (39T-07510). The holding “h-100” provision was applied in May 2009 at the time the Draft Plan of Subdivision was approved. The Holding Residential Special Provision “h-134” was applied in June 2011 through Zoning By-law Amendment Application Z-7850 to address servicing and transportation capacities.

Most recently, a removal of holding provision (H-8536) application was approved by Planning and Environment Committee and Municipal Council in October of 2016. The application to remove the holding provisions to fulfill conditions of a private purchase and sale agreement for the subject lands.

1.3 Property Description

The subject property is located south of Bradley Avenue West, east of Wonderland Road South and on the northeast side of Wharncliffe Road. South The subject site is within an approved Plan of Subdivision known as the Andover Subdivision (former file 39T-05506), which was registered on July 19, 2013 as 33M-661. The subject site is approximately 1.43ha in size.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi Family, High Density Residential
- Existing Zoning - Holding Residential R5/R6/R7/R10 (h*h-54*h-71*R5-7/R6-5/R7.D100.H45/R10-3.H45) Zone

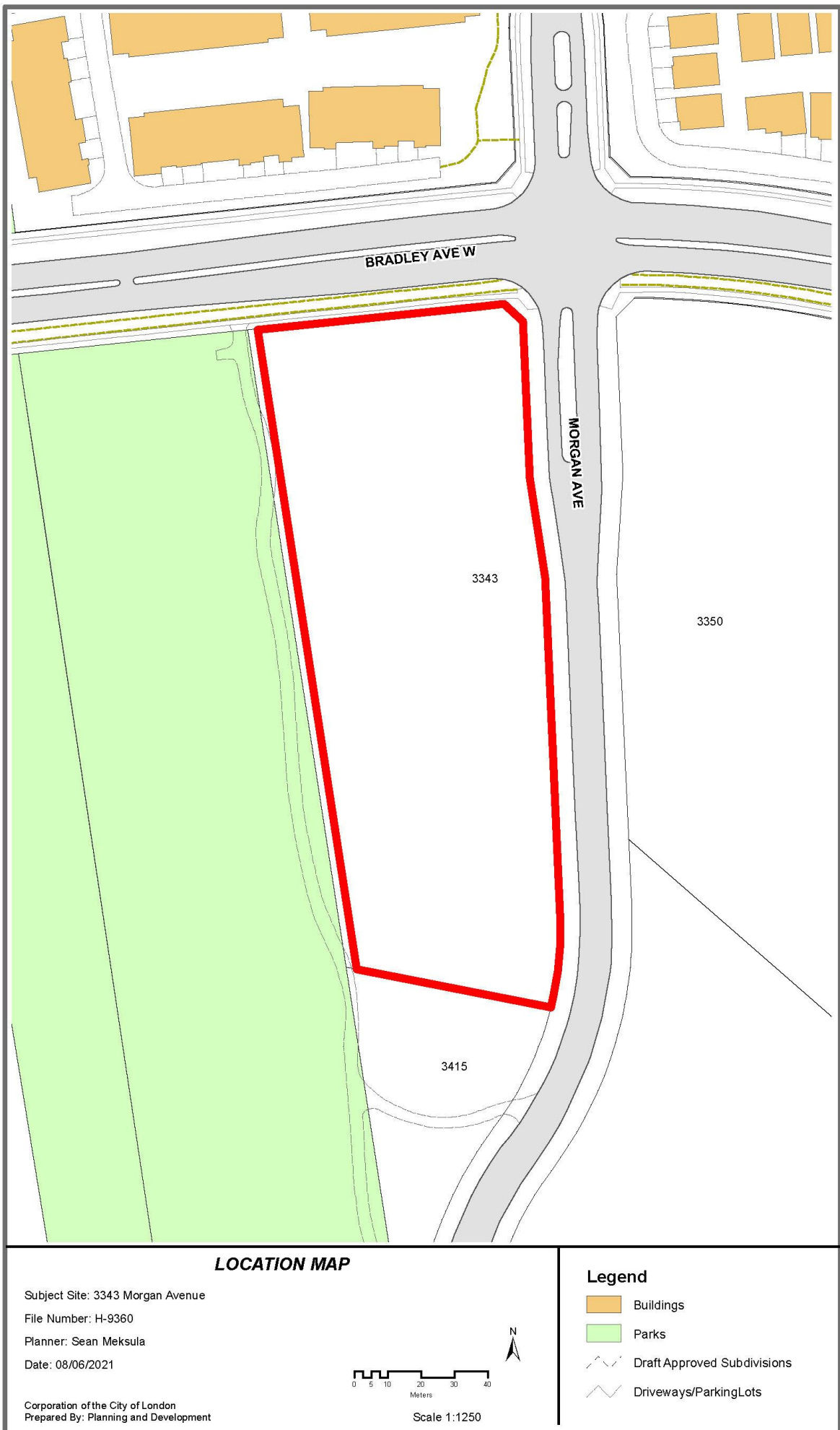
1.5 Site Characteristics

- Current Land Use – vacant
- Area – 1.43 ha (3.53 acres)
- Shape – irregular

1.6 Surrounding Land Uses

- North – Cluster Townhouse Dwellings
- East – Continuum of Care Facility
- South – Stormwater Management Pond/open space
- West – Stormwater Management Pond/open space

1.7 Location Map



apartment building comprised of 137 and 151 residential units.

2.1 Community Engagement (see more detail in Appendix B)

On June 17, 2021 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.

2.2 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, and 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

4.0 Key Issues and Considerations

What is the purpose of the “h” holding provision and is it appropriate to consider its removal?

h Holding Provision

The purpose of the holding (“h”) provision in the zoning by-law is as follows:

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

The purpose of the holding “h-54” holding provision in the zoning by-law is as follows:

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.

The noise assessment report submitted by the Applicant was accepted through the site plan application. The noise assessment report recommended various noise attenuation measures including noise walls to protect rear and side yard amenity areas, building construction, installation of air conditioning within units, and warning clauses within the development agreement. These mitigation measures have been included in the final site plan. This satisfies the removal of the holding provision.

The purpose of the holding (“h-71”) provision in the zoning by-law is as follows:

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.

An application for Site Plan Approval has been submitted by Old Oak Properties (SPA17-

033). The proposed development consists of 10 townhouse dwellings arranged in clusters of units attached side-by-side, as well as a 12 storey and 14 storey apartment buildings comprised of 137 and 151 residential units respectively. The building orientation plan demonstrates front facades of dwelling units oriented to the abutting streets (Morgan Avenue and Bradley Avenue West).

As part of the site plan review process, the plans and building elevations were reviewed for compliance with the City's Placemaking Guidelines. The plans have now been accepted, a Development Agreement has been registered, and securities have been received. Development Services staff are satisfied that the "h-71" symbol can be lifted from the zoning.

Conclusion

The Applicant has entered into a development agreement for this site, provided the necessary security, and implemented the necessary noise attenuation measures into the site plan and provided street orientation development for the site. Therefore, the required conditions have been met to remove the "h", "h-54" and "h-71" holding provisions. The removal of the holding provision is recommended to Council for approval.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Subdivision Planning

Reviewed by: Bruce Page, MCIP, RPP
Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Condominiums
cc: Bruce Page, Manager, Subdivision Planning
cc: Peter Kavcic, Manager, Subdivision Engineering
cc: Michael Pease, Manager, Site Plan

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\H-9360 - 3343 Morgan Avenue (SM)\PEC\Draft_H-9360 - 3343 Morgan Avenue PEC Report (SM).docx

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

By-law No. Z.-1-21_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3343
Morgan Avenue.

WHEREAS Old Oak Properties has applied to remove the holding provision from the zoning for the lands located at 3343 Morgan 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 provision 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 3343 Morgan Avenue, as shown on the attached map, comprising part of Key Map No. 111 to remove the holding provisions so that the zoning of the lands as a Residential R5/R6/R7/R10 (R5-7/R6-5/R7.D100.H45/R10-3.H45) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

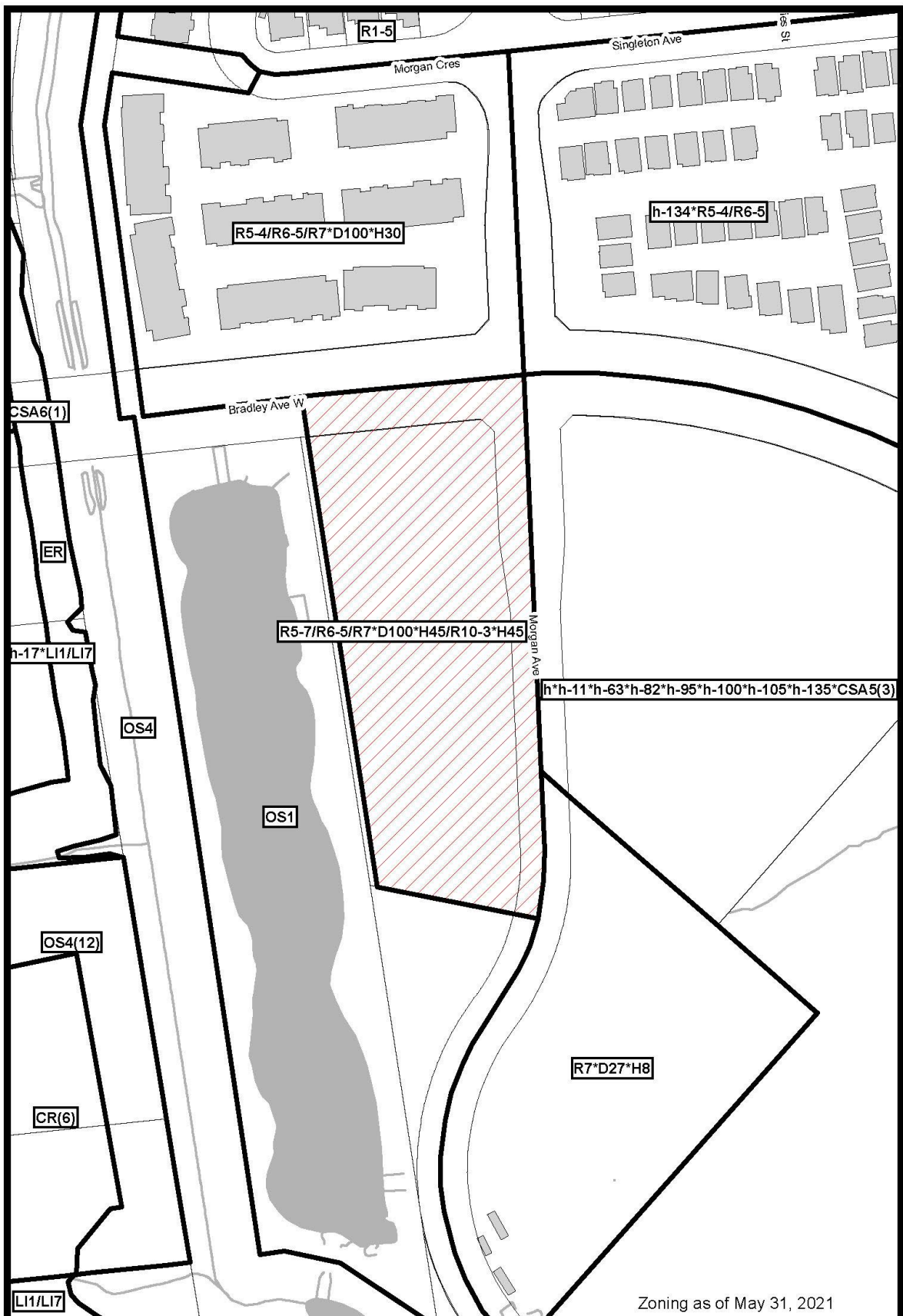
PASSED in Open Council on August 10, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

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



Zoning as of May 31, 2021

File Number: H-9360

Planner: SM

Date Prepared: 2021/06/07

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

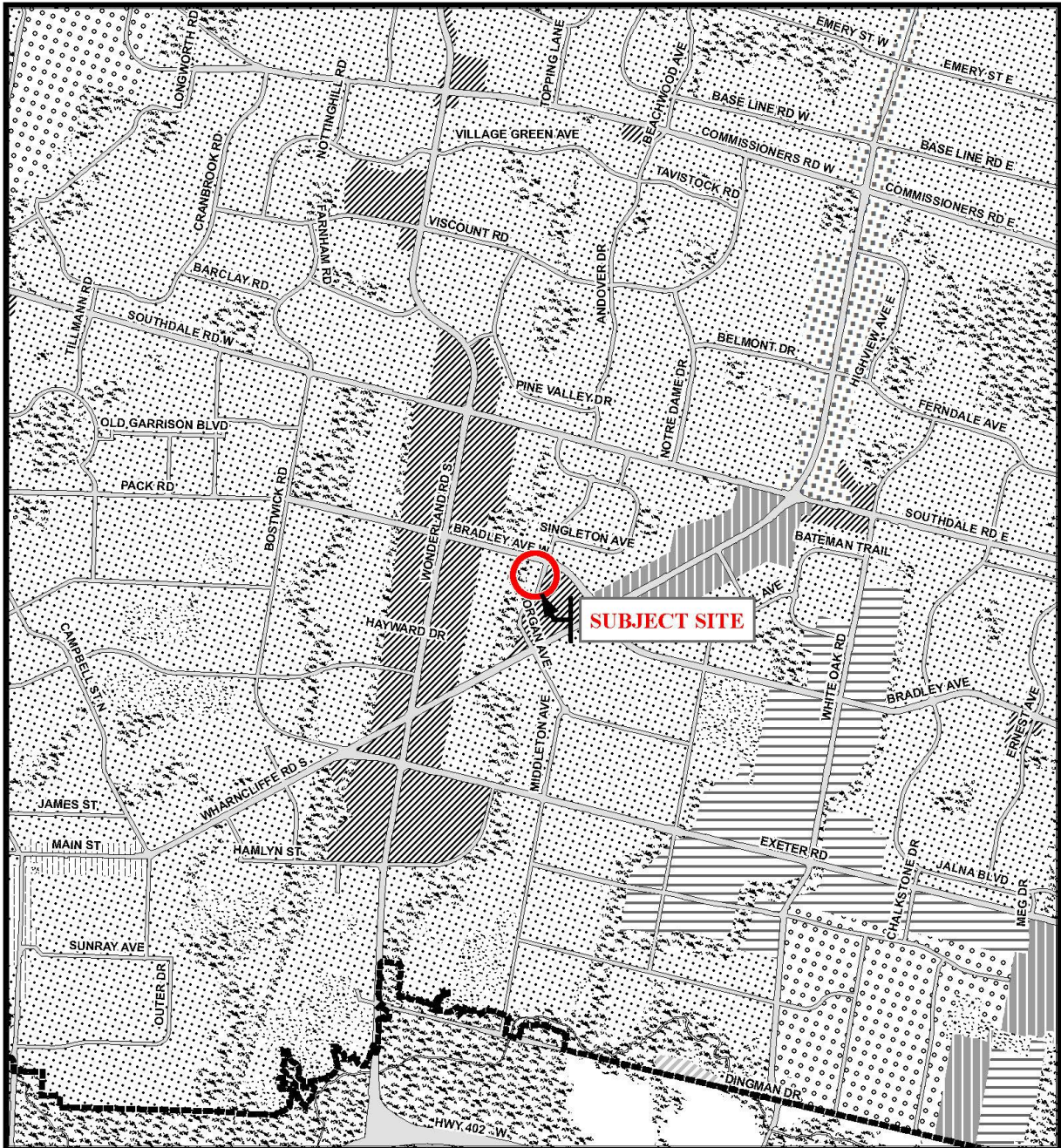
Public liaison: Notice of the application was published in the Londoner on June 17, 2021

0 replies were received

Nature of Liaison City Council intends to consider removing the “h”, “h-54” and “h-71” Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol’s permitting the development of 2 Apartment Buildings, and 1 block of townhouses. 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 and/or a development agreement has been entered into for the subject lands. The purpose of the “h-54” provision is 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 purpose of the “h-71” provision is 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. Council will consider removing the holding provisions as it applies to these lands no earlier than July 26, 2021.

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	

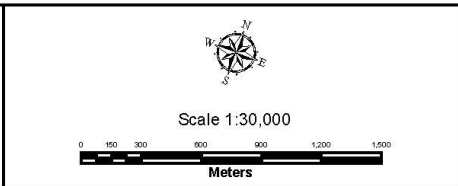
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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



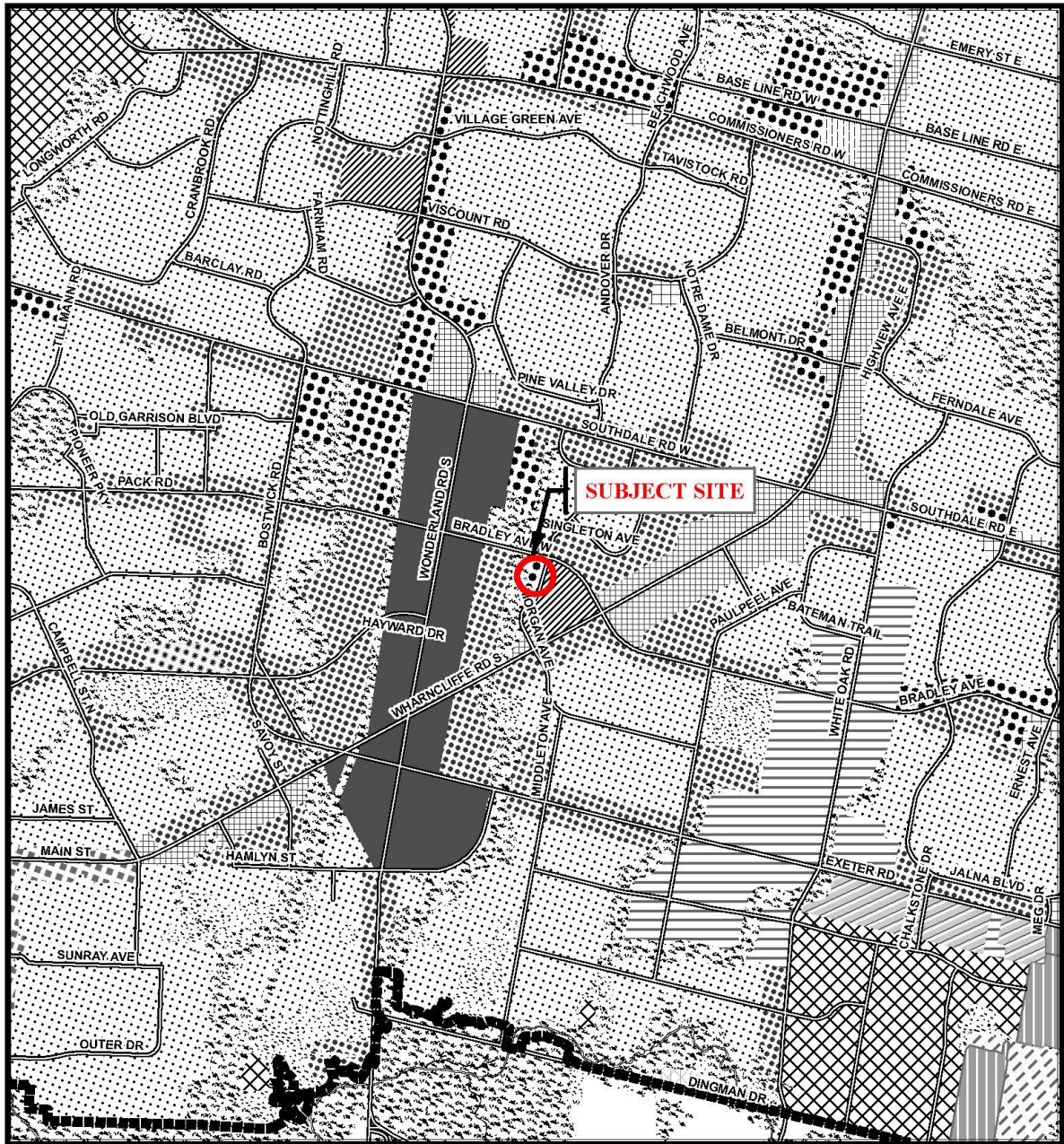
File Number: H-9360

Planner: SM

Technician: RC

Date: June 8, 2021

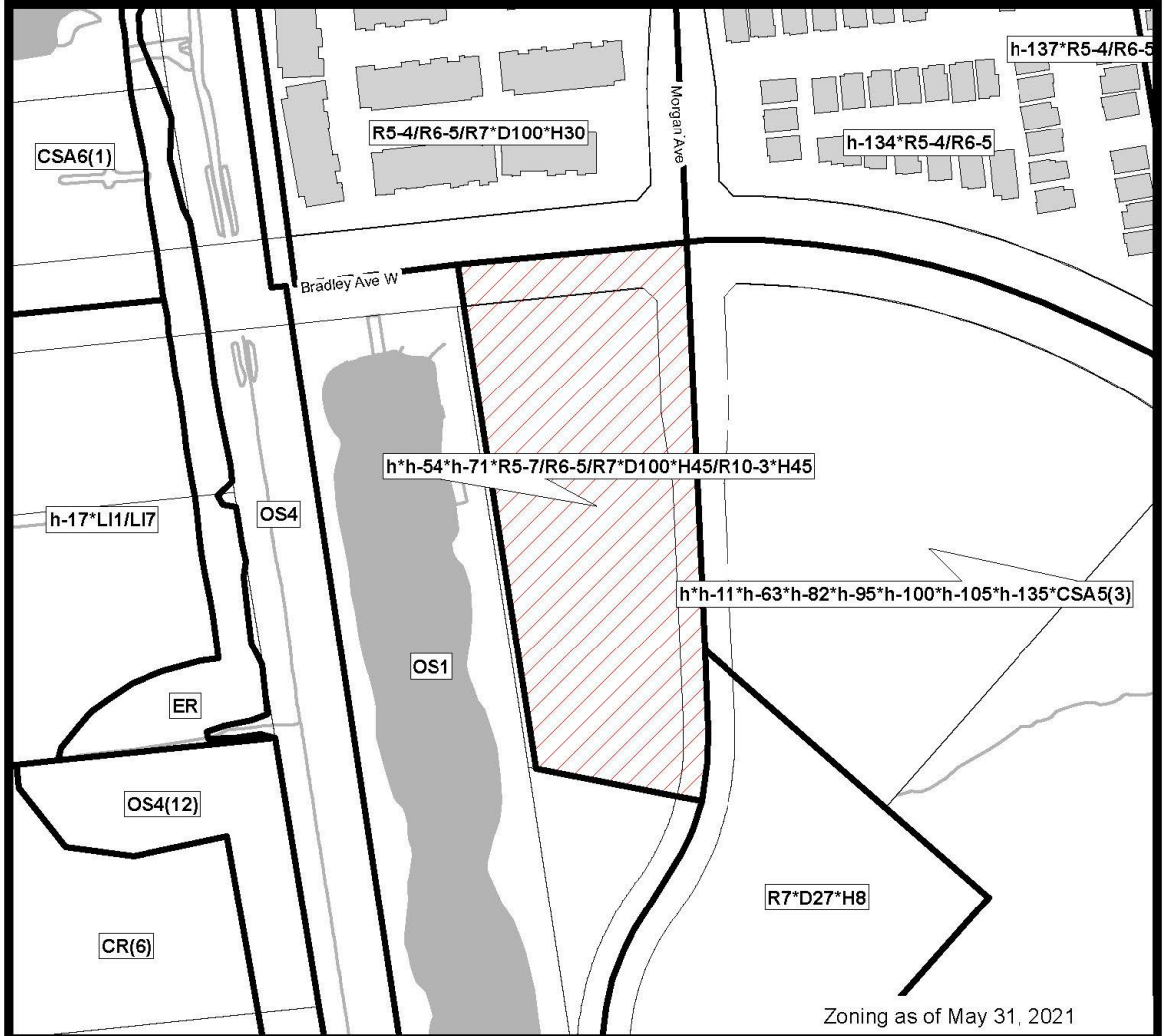
1989 Official Plan Excerpt



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-9360</p> <p>PLANNER: SM</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/06/08</p>
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Existing Zoning Map



Zoning as of May 31, 2021



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-9360

SM

MAP PREPARED:

2021/06/08

RC

1:2,500

0 12.525 50 75 100 Meters

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