

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: 1551733 Ontario Limited c/o York
Development Inc.
608 Springbank Drive
Removal of Holding Provisions (h-5 and h-201)

Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of 1551733 Ontario Limited c/o York Development (London) Inc. relating to the property located at 608 Springbank Drive the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 608 Springbank Drive **FROM** a Holding Residential R9 Special Provision (h-5*h-201*R9-7(25)*H44) Zone **TO** a Residential R9 Special Provision (R9-7 (25)*H44) Zone to remove the h-5 and h-201 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-5 and h-201 holding symbols to permit the development of a 13 storey apartment building with a total of 101 residential units.

Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with the London Plan, Official Plan and Zoning By-law.
2. Through the site plan approval process, the required security has been submitted to the City of London and the development agreement has been executed. The h-201 holding provision is no longer required.
3. A public participation meeting was held on August 27, 2017 and Council's recommendations have been included in the executed development agreement. The h-5 holding provision is no longer required.

2.0 Description of Proposal

To remove the holding provisions from the lands to permit the development of a 13 storey apartment building with a total of 101 residential units.

3.0 Relevant Background

3.1 Planning History

October 5, 2015: Report to the Planning and Environment Committee recommending approval of a Zoning By-Law amendment to permit a 13 storey apartment building with a total of 101 residential units and a height of 44 metres on lands located on the south side of Springbank Drive, west of Wonderland Road. (Z-8374)

February 6, 2017: Report to the Planning and Environment Committee on the Decision by the Ontario Municipal Board (PL151140) to dismiss the appeal of Zoning By-law Amendment Z-8374 on December 8, 2016.

September 6, 2017: Council recommendation following the Public Participation meeting on August 27, 2017 for Site Plan Approval:

That on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application relating to the property located at 598, 600, 604 and 608 Springbank Drive:

- a) *the Approval Authority **BE ADVISED** that issues were raised at the public meeting with respect to the application for Site Plan approval to permit the construction of a 13 storey apartment building with 101 residential units relating to the site plan being different than the site plan approved by Council in 2015;*
- b) *the Approval Authority **BE ADVISED** that large caliper trees be planted along the southerly portion of the property and lighting be directed away from adjacent land uses and be contained on the site; and,*
- c) *the Approval Authority **BE ADVISED** that the Municipal Council supports the Site Plan application;*
- d) *the Civic Administration **BE DIRECTED** to consider the planting of appropriate trees along the boulevard.*

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provisions?

The h-5 holding provision states that:

h-5 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.

On August 27, 2017 a public participation meeting was held before the City of London Planning and Environment Committee. Based on the provided public comments, Council requested that large caliper trees be planted along the southerly portion of the property and lighting be directed away from adjacent land uses and be contained on the site and to consider the planting of appropriate trees along the boulevard.

As shown on the attached site/landscaping plan, trees are required to be planted on the boulevard and along the south property lines. These required trees satisfies Council's requests that "appropriate" trees are considered by the Approval Authority to be planted along the boulevard.

Council had also requested that lighting be directed away from abutting lands. In the Site Plan Control By-law, Section 8 requires that: *The type, location, height, intensity and direction of lighting shall ensure that glare or light is not cast onto adjacent residential properties or natural areas adversely affecting living environment, or onto adjacent public streets which would pose a vehicular safety hazard. Moreover, energy conservation measures must be considered to ensure that the site is not illuminated more than it need be.* Lighting has been provided as per the requirement of the Site Plan Control By-law and is directed away from abutting lands and contained on the site.

The approved Site Plan, Landscape Plan, Photometric Plan and Development Agreement require that trees are planted along the south lot line and in the City's Boulevard and that the lighting is directed away from abutting lands and contained on site. This satisfies the requirement for the removal of the h-5 holding provision.

h-201 Holding Provision

The (h-201) holding provision states that:

Purpose: The removal of the h-201 shall not occur until such time as the Owner, through the site plan process, enters into a development agreement with the City of London which includes the provision for a future joint access with the property to the west, municipally known as 614 Springbank Drive, and the joint rights-of-way are registered on title to the satisfaction of the City Engineer.

The City and the Applicant have executed the development agreement and the required security has been submitted. In the executed Development Agreement, Section 32 a) it states: *The Owner agrees to provide future joint access with the property to the west, municipally known as 614 Springbank Drive, and the joint rights-of-way are registered on title to the satisfaction of the City Engineer.*

This satisfies the requirement for removal of the "h-201" holding provision.

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

5.0 Conclusion

It is appropriate to remove the h-5 and h-201 holding provisions from the subject lands at this time as a development agreement has been enter into and the required security has been submitted to the City of London.

Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Reviewed by:	Lou Pompili, MCIP, RPP Manager, Development Planning
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
<p>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.</p>	

June 11, 2018

CS/

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2018

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 608 Springbank Drive.

WHEREAS 1551733 Ontario Limited c/o York Development (London) Inc. have applied to remove the holding provisions from the zoning for the lands located at 608 Springbank Drive, 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 608 Springbank Drive, as shown on the attached map, to remove the h-5 and h-201 holding provisions so that the zoning of the lands as Residential R9 Special Provision (R9-7(25)*H44) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - June 26, 2018
Second Reading - June 26, 2018
Third Reading - June 26, 2018

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



File Number: H-8911
Planner: CS
Date Prepared: 2018/05/30
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 May 31, 2018

0 replies were received

Nature of Liaison: City Council intends to consider removing the h-5 and h-201 holding provisions from the lands that ensures that a Public Participation meeting be held and that provision for a future joint access with the property to the west, municipally known as 614 Springbank Drive, a joint rights-of-way be registered on title an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than June 18, 2018.

Appendix C – Relevant Background

Existing Zoning Map

