

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: 1423197 Ontario Inc. (Royal Premier Homes)
c/o Zelinka Priamo Ltd.
3557 Colonel Talbot Road
Removal of Holding Provisions

Meeting on: August 30, 2021

Recommendation

That on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 1423197 Ontario Inc. (Royal Premier Homes) relating to the property located at 3557 Colonel Talbot Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 14, 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 Special Provision (h-5*R5-6(14)) Zone **TO** a Residential R5 Special Provision (R5-6(14)) Zone to remove the "h-5" holding provision.

Executive Summary

Summary of Request

The development for consideration is a townhouse development on the west side of Colonel Talbot Road, south of Clayton Walk. The site is to be developed with vehicular access from Colonel Talbot Road. The request is to remove the holding provision from the residential zone on 3557 Colonel Talbot Road.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning amendment is to remove the holding "h-5" symbol to permit the construction of four (4) 2-storey townhouse blocks consisting of a total of 21-units.

Rationale of Recommended Action

The requirements for removing the holding provision have been met.

1. A public site plan meeting was held before the Planning and Environment Committee on May 10th, 2021. Since that time, staff have worked with applicant to ensure that matters raised through the meeting have been considered.
2. A Development Agreement has been executed and security has been posted for this development.

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

September 8, 2020 – Planning and Environment Committee - 1423197 Ontario Inc. (Royal Premier Homes). (Royal Premier Homes) regarding the property located at 3557 Colonel Talbot Road - Zoning By-law Amendment Application - Z-9003.

May 10, 2021 - Planning and Environment Committee - 2749282 Ontario Inc. (Royal Premier Homes) regarding the property located at 3557 Colonel Talbot Road – public meeting with for Site Plan Approval - File SPA20-063.

1.2 Planning History

The subject lands were previously occupied by a single detached dwelling until 2016, when the existing dwelling was structurally damaged due to a fire. As a result of the fire, the dwelling was demolished. In 2017, the subject lands were the subject of a Minor Variance Application (A.103/17) for the purpose of constructing a single detached dwelling with a reduced side yard setback. The proposed single detached dwelling was never constructed, and the parcel has been vacant since the fire and demolition of the former single detached dwelling.

On December 21, 2018, a Zoning By-law Amendment Application (Z-9003) was submitted for three (3), 2.5-storey townhouse dwellings for a total of 28 units (41 units per hectare). On May 13, 2019, an information report was brought forward to the Planning and Environment Committee. The intent of the report was to advise the Committee of the received comments and to obtain direction regarding a future public participation meeting.

As previously noted, the southern portion of the site is regulated by the UTRCA. Through the Zoning By-law Amendment, a development limit was agreed to upon reducing the number of units on site from the identified three (3) 2.5-storey townhouse dwellings down to two (2), 2.5-storey townhouse dwellings for a total of 21 units (51 units per hectare).

On September 8, 2020, a Public Participation Meeting was later held before the Planning and Environment Committee, which recommended approval of the proposed Zoning By-law Amendment. On September 15, 2020, Municipal Council passed the Zoning By-law Amendment to permit a Holding Residential R5 Special Provision (h-5*R5-6(14)), Open Space Special Provision (OS4(13)) Zone and an Open Space Special Provision (OS5(17)) Zone. The resolution of Council also noted that the provision of enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries, was raised during the application review process as a matter to be addressed at the Site Plan Approval stage. The Council resolution further noted that the h-5 holding provision would allow for a public participation meeting during the site plan stage.

On October 16, 2020, the Zoning By-law Amendment (Z-9003) was appealed to the Local Planning Appeal Tribunal (PL200494). On March 5, 2021 the appeal was withdrawn.

On August 12, 2020, a Site Plan Control Application (file SPA20-063), was received by the City of London. Further submissions are required to address comments provided with the previous review by staff, and further to address recommendations to Approval Authority as part of the public meeting on the Site Plan. Comments from the second submission that were included in the Council resolution that was considered at the May 10, 2021, public site plan meeting.

1.3 Property Description

The subject property is located north of Lambeth on the west side of Colonel Talbot Road between Pack Road and Kilbourne Road, directly south of Clayton Walk. The subject property is surrounded by low-density residential land uses, and a proposed plan of subdivision (39T-17503) on the east side of Colonel Talbot Road, opposite the subject property. Colonel Talbot Road is classified as a Civic Boulevard in The London Plan and an Arterial Road in the (1989) Official Plan.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type/Green Space Place Type
- Official Plan Designation – Multi-Family Medium Density Residential/Open Space
- Existing Zoning - Holding Residential R5 Special Provision/Open Space Special Provision (h-5*R5-6(14)/OS4(13)) Zone

1.5 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 107 metres (351 feet)

- Depth – 76 metres, average (249 feet)
- Area – 0.808 hectares (2.0 acres)
- Shape – Irregular

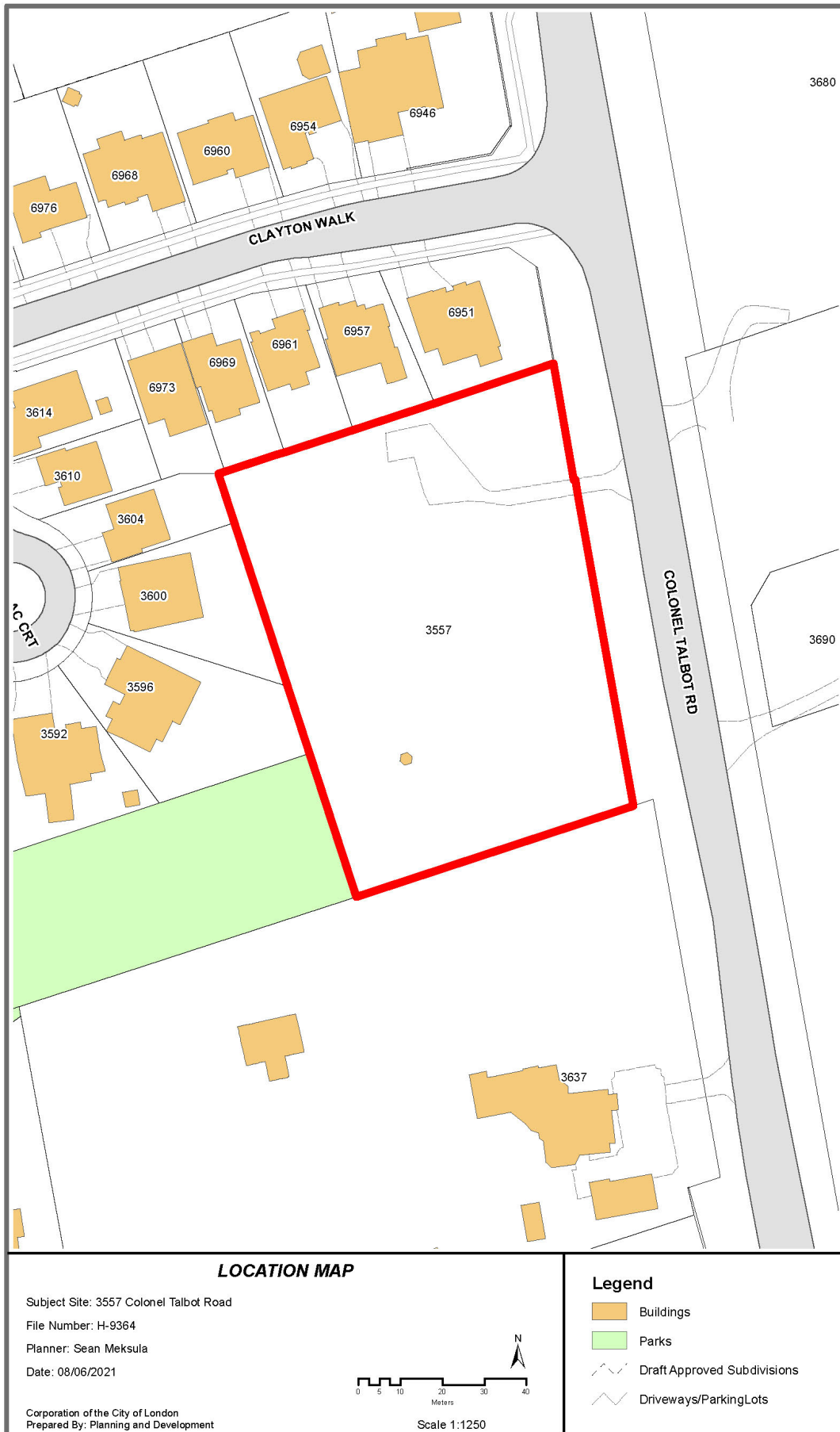
1.6 Surrounding Land Uses

- North – Low Density Residential
- East – Currently used for Agricultural purposes, identified within a proposed Plan of Subdivision application (39T-17503)
- South – Low Density Residential
- West – Low Density Residential

1.7 Intensification

The proposed development is not located within the Primary Transit Area and constitutes infill development.

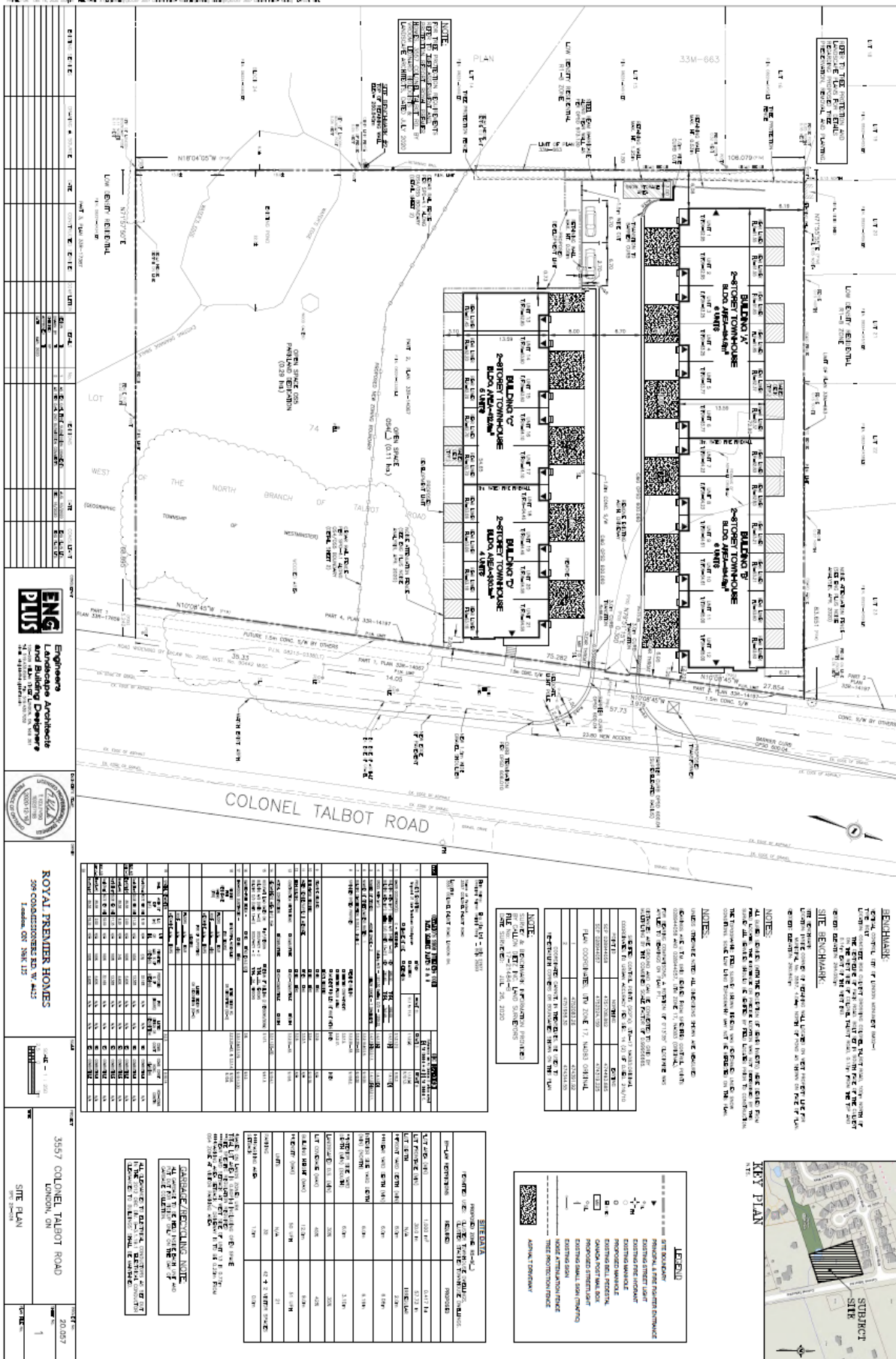
1.8 Location Map



2.0 Discussion and Considerations

The proposed application is to remove the h-5 holding provision from the subject lands. The holding provision was included in the zone to ensure that development takes a form compatible with adjacent land uses and that the site plan be brought back to PEC for public review and comment. The proposed development consists of four (4) 2-storey townhouse blocks consisting of a total of 21-units (51 units per hectare) with access to Colonel Talbot Road. Issues raised through the public meeting have been addressed in the proposal.

Conceptual Site Plan



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 this application.

4.0 Key Issues and Considerations

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

h-5 Holding Provision

The “h-5” holding provision states:

“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.

The required public participation meeting was held on May 10th, 2021. The meeting provided the public an opportunity to review and comment on the proposed site plan. Municipal Council supported the proposed development noting the concerns from the residents on keeping the cedar hedge for privacy, the addition of the retaining wall and stormwater management has been incorporated into the site plan. Staff are of the opinion that the attached site plan and executed development agreement meet the direction of Council and satisfy the requirement of the holding provision.

Conclusion

The requirements for the holding provision on the subject lands has been addressed through the site plan approval process. Removal of the holding provision will allow the development of the proposed four (4) 2-storey townhouse blocks consisting of a total of 21-units. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbol from the zoning map.

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

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 remove holding provisions from the zoning for lands located at 3557 Colonel Talbot Road.

WHEREAS 1423197 Ontario Inc. (Royal Premier Homes) has applied to remove the holding provision from the zoning for the lands located at 3557 Colonel Talbot 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 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 3557 Colonel Talbot Road, as shown on the attached map, comprising part of Key Map No. 110 to remove the holding provisions so that the zoning of the lands as a Residential R5 Special Provision (R5-6(14)) 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 September 14, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 14, 2021
Second Reading – September 14, 2021
Third Reading – September 14, 2021

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



File Number: H-9364
Planner: SM
Date Prepared: 2021/06/07
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:1,000

0 5 10 20 30 40 Meters



Appendix B – Public Engagement

Community Engagement

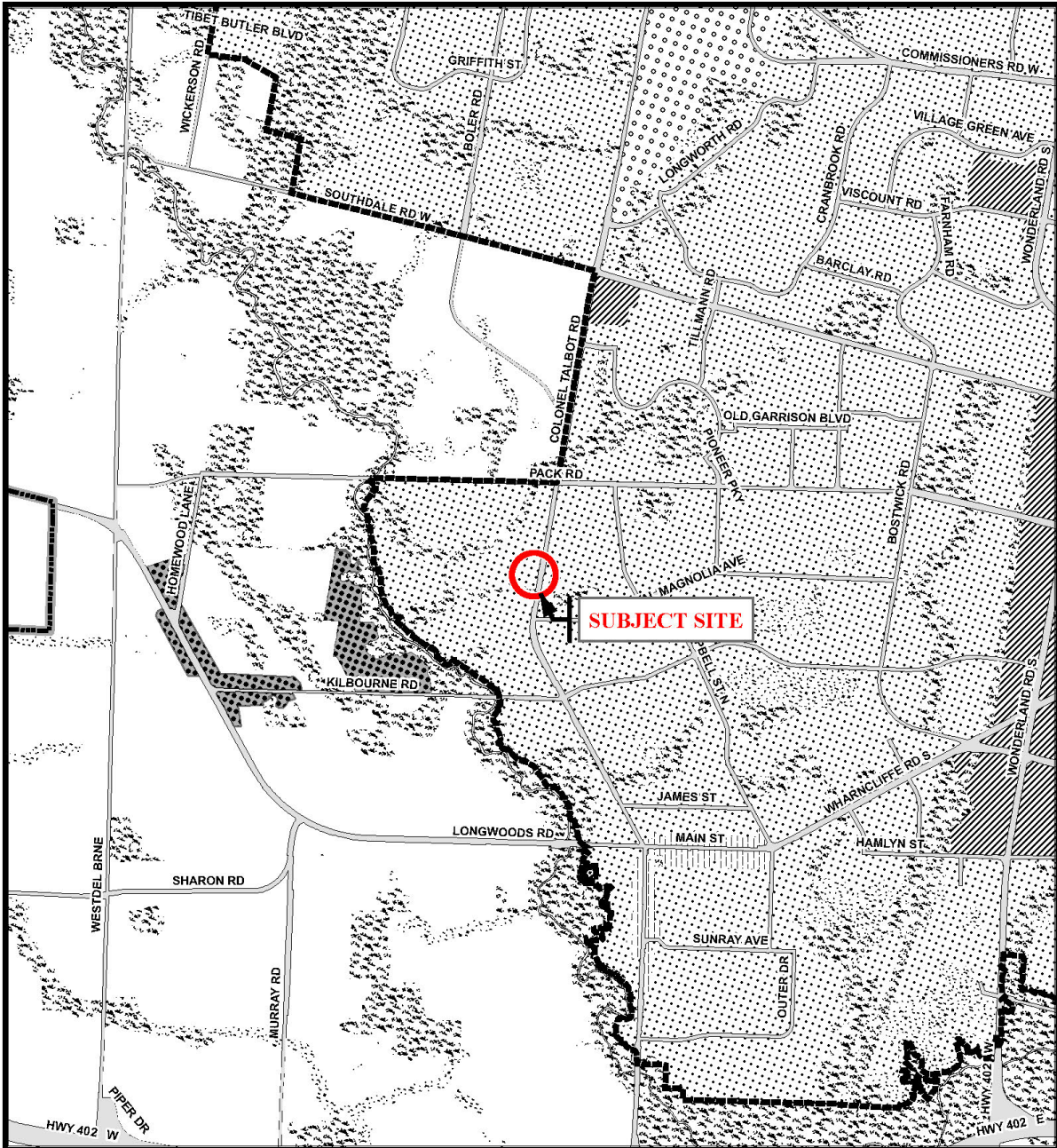
Public liaison: Notice of the application was published in the Londoner on June 17, 2021

0 replies were received




















Nature of Liaison City Council intends to consider removing the Holding (h-5) Provision from the zoning of the subject lands to allow the development of a 21 townhouse dwelling units permitted under the Residential R5 Special Provision (R5-6(14)) Zone. The purpose of the “h-5” provision is 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. 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

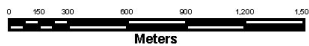
Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



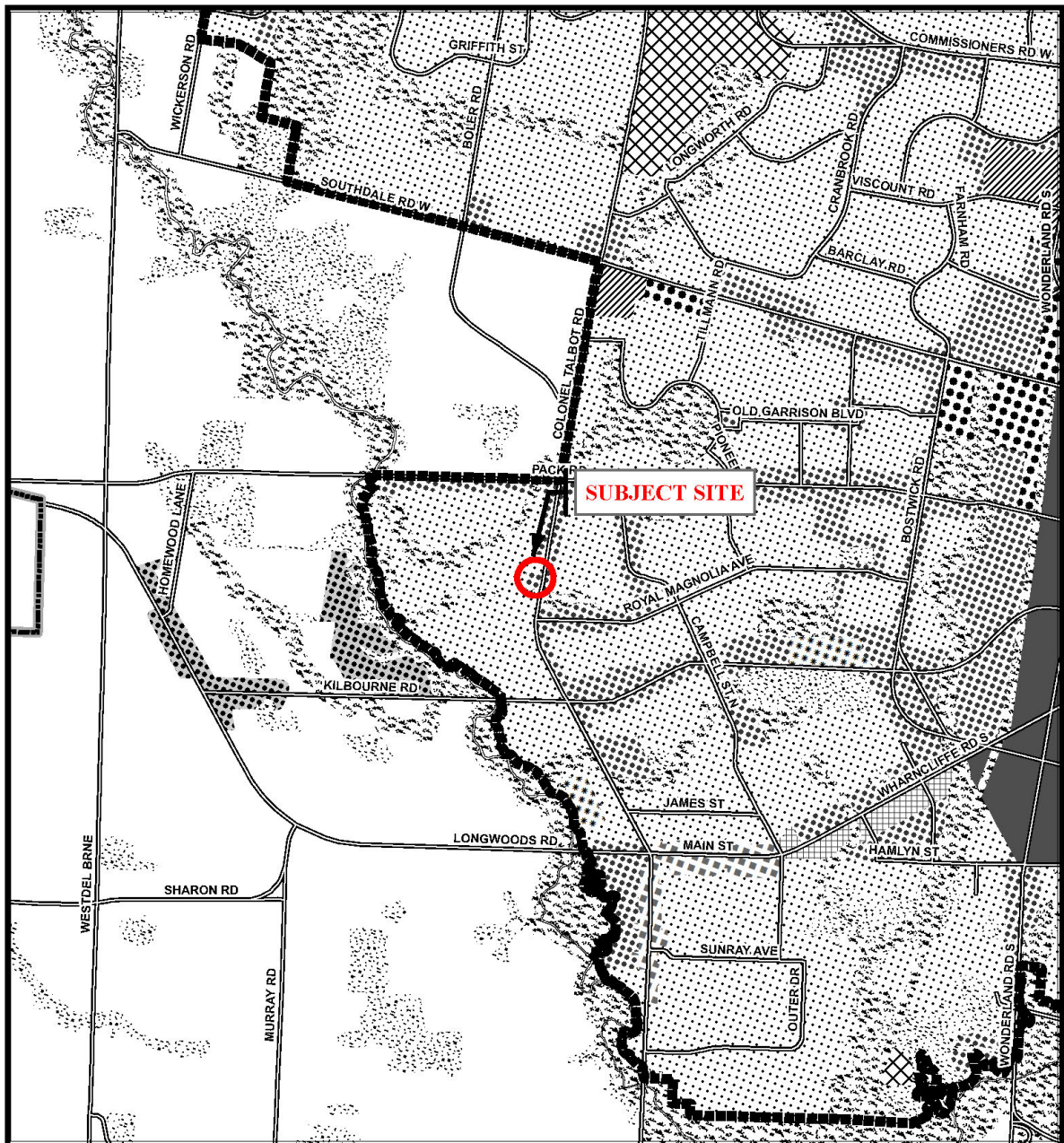
File Number: H-9364

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 Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE - PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: H-9364 PLANNER: SM TECHNICIAN: RC DATE: 2021/06/08</p>
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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-9364

SM

MAP PREPARED:

2021/06/08

RC

1:1,500

0 5 10 20 30 40

Meters