

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 Landea Development Inc. c/o Zelinka Priamo Ltd.
1196 Sunningdale Road West
Removal of Holding Provisions

Date: 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 Landea Developments Inc. relating to the property located at 1196 Sunningdale Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 14, 2021, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the, to change the zoning of the subject property **FROM** a Holding Residential R1 (h*h*-100*R1-4/R1-3(8)) Zone, **TO** a Residential R1 (R1-4/R1-3(8)) Zone to remove the "h" and "h-100" holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the "h" and "h-100" holding provisions so that the development of Phase 4 of the Creekview Subdivision, comprised of 72 single detached dwellings, can proceed in accordance with the approved zoning.

Rationale and Recommended Action

1. The conditions for removing the "h" and "h-100" have been met and the recommended amendment will allow development of single detached residential dwellings 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.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planning and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

February 1999 - Report to Planning Committee to recommend approval of Foxhollow Community Plan (O-5604)

December 8, 2008 – Report to Planning and Environment Committee for approval of Draft Plan of Subdivision Application (39T-05511).

July 20, 2009 – Report to Planning and Environment Committee on Draft Plan of Subdivision and associated Official Plan and Zoning By-law Amendments (39T-05511, OZ-6977).

September 24, 2012 – Report to Planning and Environment Committee regarding Request for Extension of Draft Plan of Subdivision (39T-05511).

February 22, 2016 – Report to Planning and Environment Committee regarding Request for Extension of Draft Plan of Subdivision (39T-05511).

March 6, 2017 – Report to City of London Approval Authority on the consolidation of Draft Plans 39T-05511 and 39T-05512 for design study approvals and final subdivision registration (39T-05511, 39T-05512).

September 24, 2018 – Report to Planning and Environment Committee regarding Request for a Three (3) Year Extension of Draft Plan of Subdivision Approval (39T-05512).

May 31, 2021 – Report to Planning and Environment Committee for Special Provisions for Creekview Subdivision Phase 4 (39T-05512_4).

1.2 Planning History

The application for Draft Plan of Subdivision was accepted on August 10, 2005. After a number of modifications, the Draft Plan of Subdivision was approved by the Approval Authority on October 14, 2009. Requests for extensions of Draft Plan Approval were approved by the Approval Authority in 2012 and 2016.

In 2017, a request was made by the applicant (Landeia North Developments Inc.) to consolidate Draft Plans 39T-05511 and 39T-05512 as the applicant now owned both subject lands. The consolidation was approved by the Approval Authority March 6, 2017, and another request for a three-year extension of Draft Plan Approval was approved on October 12, 2018. The consolidated Draft Plans of Subdivision represent the Creekview Subdivision. Phase 1 was registered on December 31, 2012, as 33M-652, Phase 2 was registered on November 1, 2017, as 33M-729, and Phase 3 was registered on August 29, 2019, as 33M-767.

This application is to remove holding provisions from Phase 4 of the Creekview Subdivision. The application was accepted as complete on July 8, 2021. The owner has signed the subdivision agreement for the subject lands, which is being circulated for internal execution, and securities have been received. Final registration for Phase 4 of the subdivision is imminent.

1.3 Property Description

The subject lands are located in the northwest quadrant of the City and situated south of Sunningdale Road West and west of Wonderland Road North. The site is Phase 4 of the Creekview Subdivision and is approximately 5.63 hectares (13.9 acres). There are proposed and existing single detached dwellings surrounding the site, as well as a Stormwater Management Facility to the south and a school site to the east.

1.4 Current Planning Information

- The *London Plan* Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, Medium Density Residential, Low Density Residential and Open Space
- Existing Zoning – Holding Residential R1 (h*h-100*R1-4/R1-3(8))

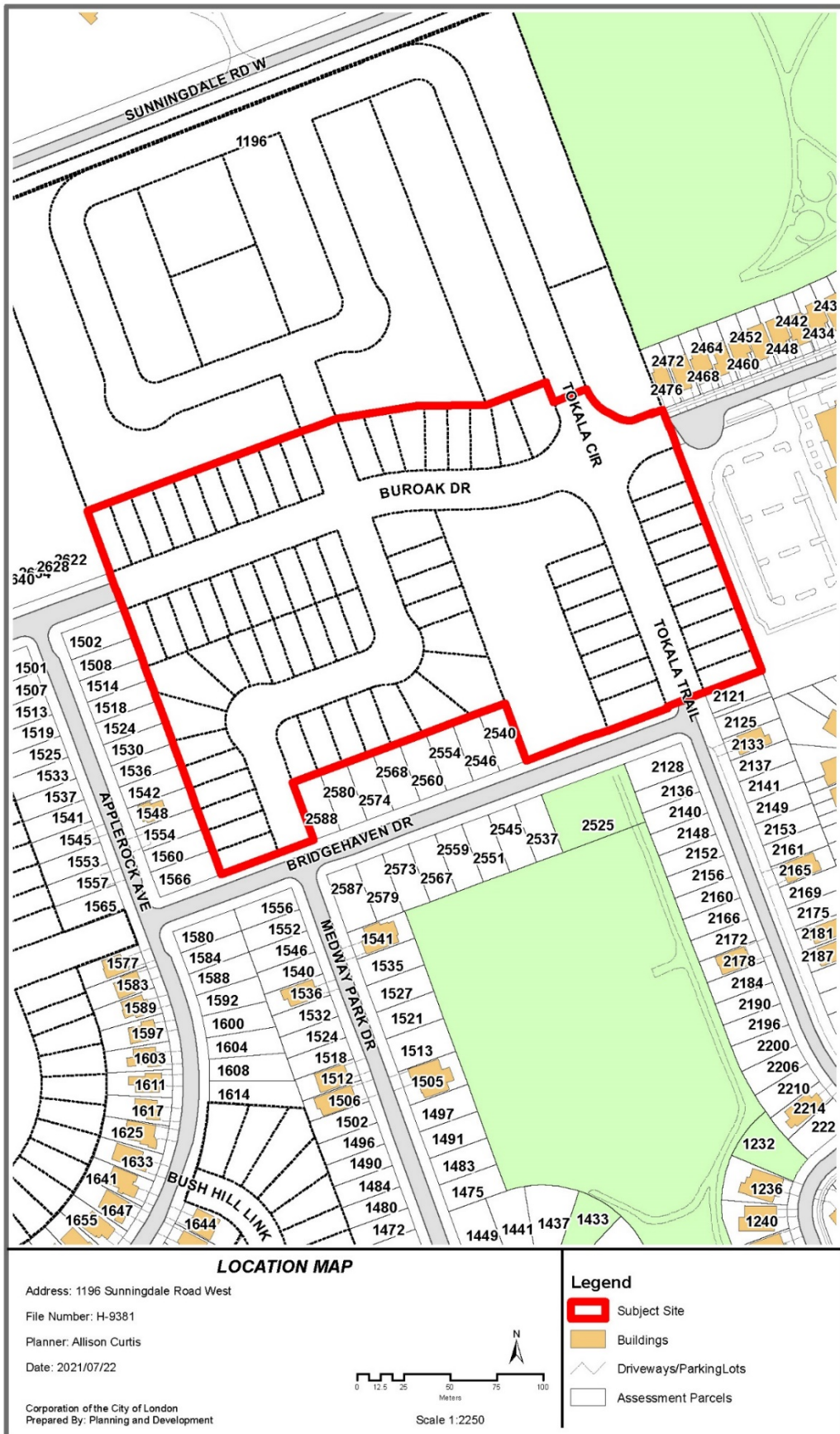
1.5 Site Characteristics

- Current Land Use – Vacant
- Area – 5.63 hectares (13.9 acres)
- Shape – Irregular

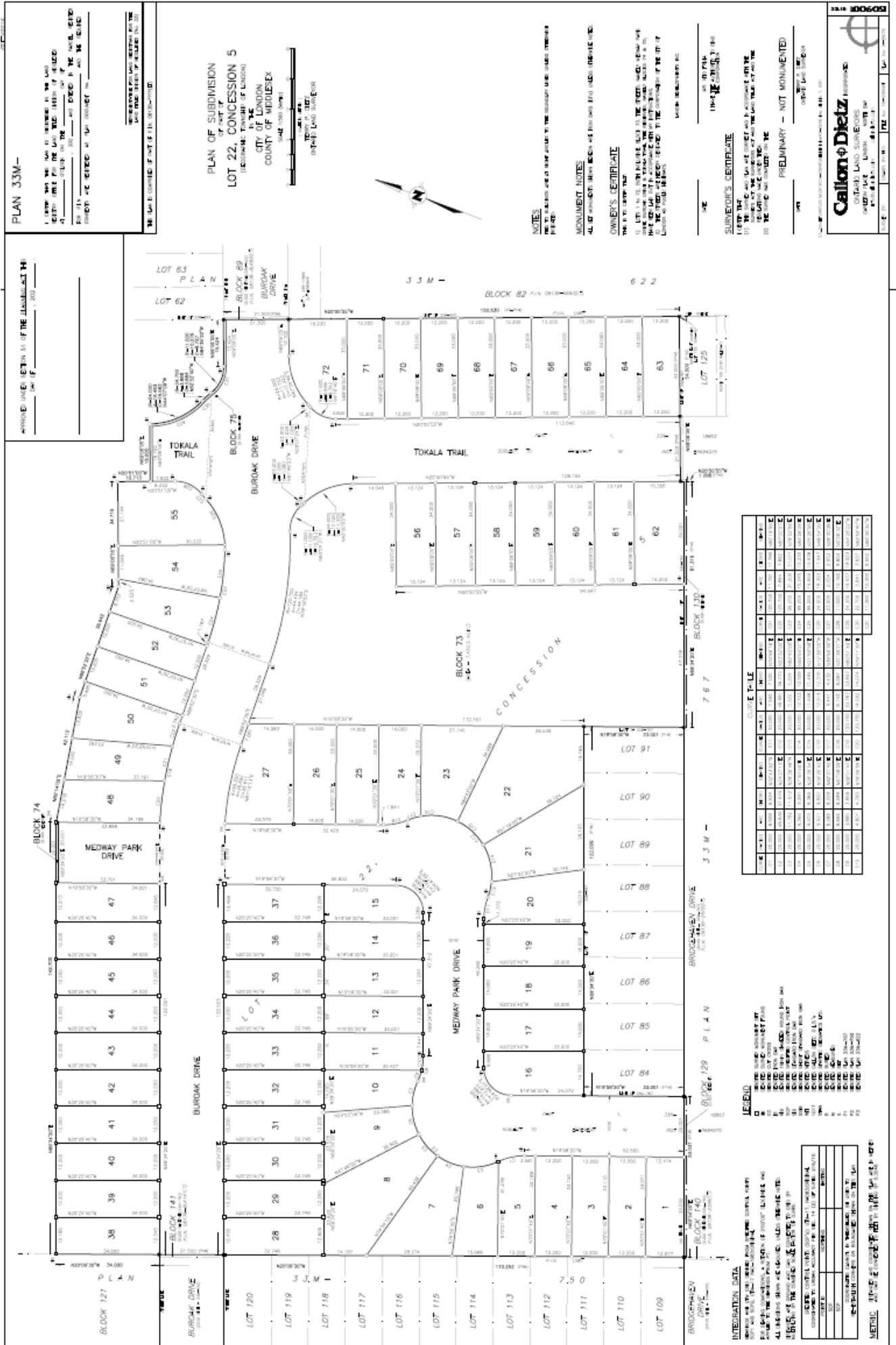
1.6 Surrounding Land Uses

- North – Vacant, proposed single detached dwellings
- East – School site (Sir Arthur Currie Public School)
- South – Single detached dwellings and a Stormwater Management Facility
- West – Single detached dwellings

1.7 Location Map



1.8 Draft Plan of Subdivision



2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h and h-100 holding provisions from the subject lands. The h holding provision requires the orderly development of lands and the adequate provision of municipal services, while the h-100 holding provision requires adequate water service and appropriate access to be provided. The removal of the h and h-100 holding provisions will allow for the future development of 72 lots for single detached dwellings on the subject lands.

2.1 Consultation (see more detail in Appendix B)

Information regarding the application to remove Holding Provisions was provided to the public as follows:

- Notice of Intent to Remove Holding Provisions was published in the Public Notices and Bidding Opportunities section of the *Londoner* on August 5, 2021.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on August 5, 2021.

There was no response from the public.

2.2 Policy Context (see more detail in Appendix C)

Section 36 of 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 (Section 36(2) of the *Planning Act*), 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

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

4.0 Key Issues and Considerations

4.1 Why is it appropriate to remove this Holding Provision?

h Holding Provision

The h Holding Provision states that:

“h 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.

The Applicant has provided the necessary securities to the City of London and the subdivision agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

h-100 Holding Provision

The “h-100” holding provision states that:

“h-100 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.

The subdivision agreement requires the Owner to construct a looped watermain and deliver confirmation of its construction to the satisfaction of the City, and there is at least two public access points available.

This satisfies the requirement for removal of the “h-100” holding provision.

Conclusion

It is appropriate to remove the “h” and “h-100” holding provisions from the subject lands at this time as full municipal services are available, the required security has been submitted, and the subdivision agreement has been executed by both the applicant and the City of London. Looped water servicing has been incorporated through the development agreement.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

Recommended by: Gregg Barrett, RPP, PLE
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Bruce Page, Manager, Development Planning (Subdivisions)
cc: Peter Kokkoros, Director, Building and Chief Building Official
cc: Michael Pease, Manager, Development Planning (Site Plan)

BP/ac

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 provision from the zoning for lands located at 1196 Sunningdale Road West.

WHEREAS Landea Developments Inc. have applied to remove the holding provision from the zoning for the lands located at 1196 Sunningdale Road West, 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 1196 Sunningdale Road West, as shown on the attached map, to remove the h and h-100 holding provision so that the zoning of the lands as a Residential R1 (R1-4) Zone and Residential Special Provision R1 (R1-3(8)) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

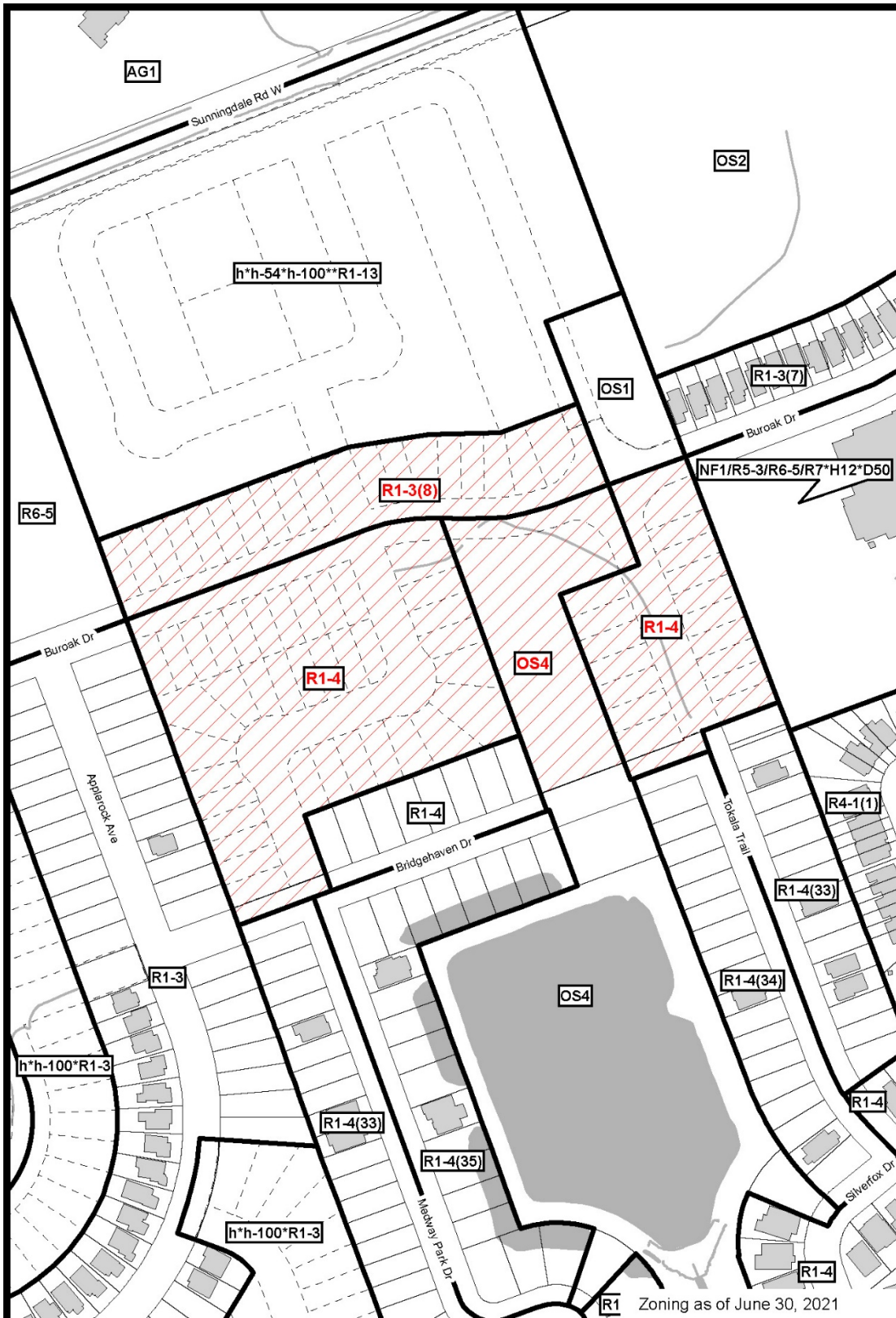
PASSED in Open Council on September 14, 2021

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-9381
Planner: AC
Date Prepared: 2021/07/22
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Appendix B – Consultation

Community Engagement

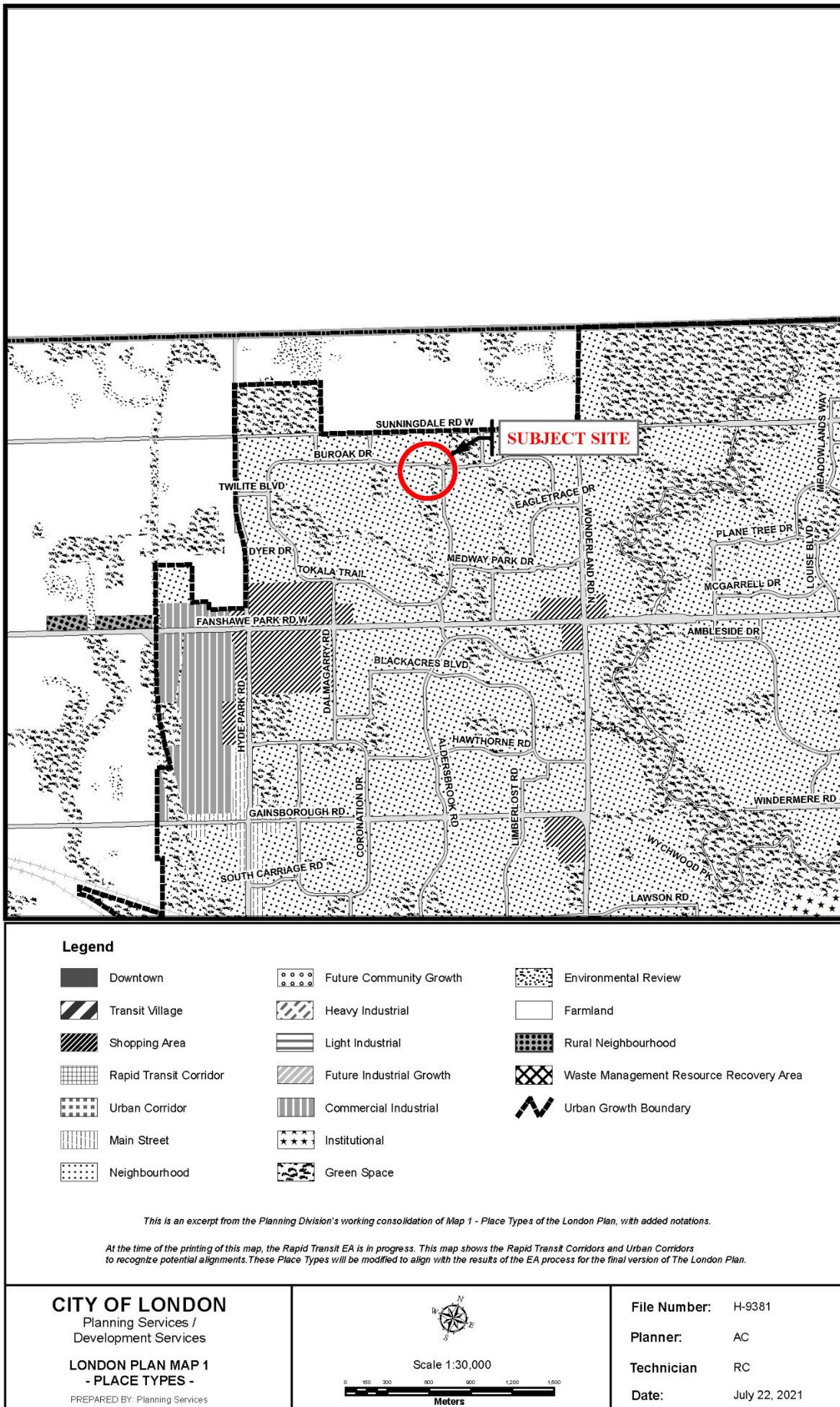
Public Liaison: Notice of the application was published in the Londoner on August 5, 2021, and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

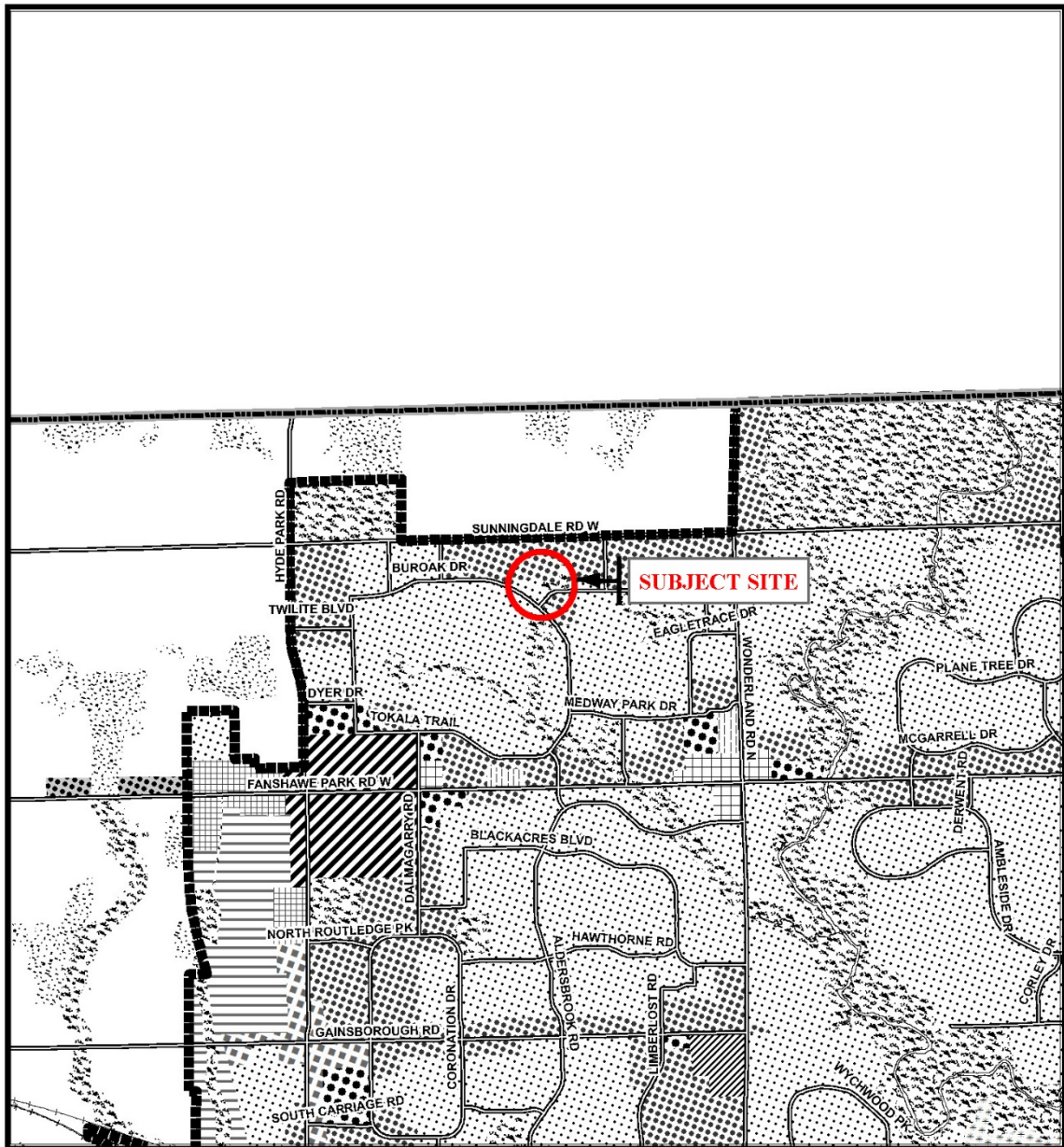
Londoner Notice: City Council intends to consider removing the h and h-100 holding provisions from the subject lands to allow for the development of Phase 4 of the Creekview Subdivision, which includes 72 single detached lots. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a subdivision agreement has been entered into for the subject lands. Holding Provision “h-100” requires the construction of a looped watermain system and a second public access to be available to the satisfaction of the City Engineer to ensure there is adequate water service and access. Council will consider removing the holding provisions as they apply to these lands no earlier than August 30, 2021. File: H-9381 Planner: A. Curtis x.4497

Appendix C – Relevant Background

London Plan Excerpt



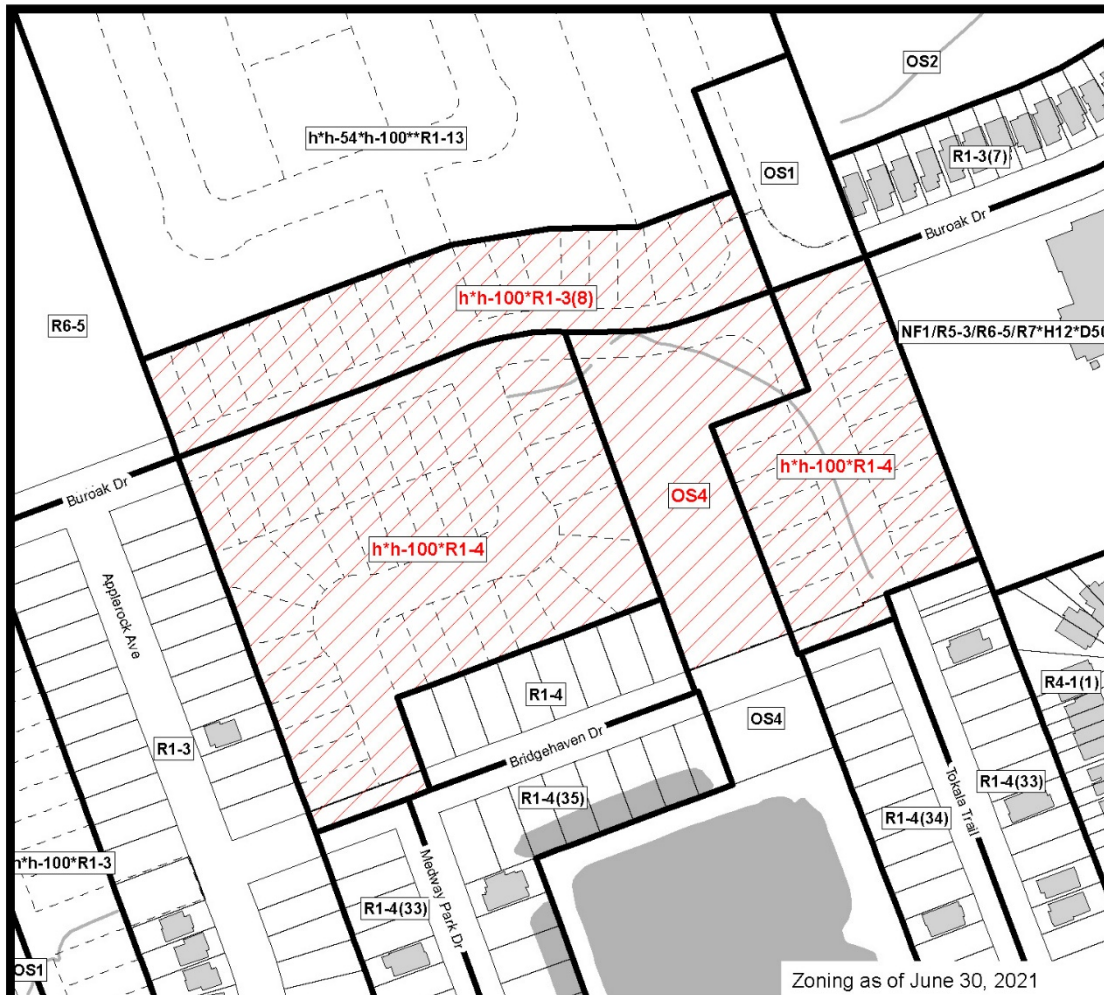
1989 Official Plan Excerpt



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>	<p>Scale 1:30,000 0 155 310 620 930 1,240 1,550 Meters</p>	<p>FILE NUMBER: H-9381 PLANNER: AC TECHNICIAN: RC DATE: 2021/07/22</p>
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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 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-9381

AC

MAP PREPARED:

2021/07/22

RC

1:2,500

0 12.5 25 50 75 100
Meters