

## 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: Sifton Properties Ltd.  
915 Upperpoint Avenue  
Removal of Holding Provision h, h-54 and h-209

**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application of Sifton Properties Ltd. relating to the property located at 915 Upperpoint Avenue, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 915 Upperpoint Avenue **FROM** a Holding Residential Special Provision R4 (h\*h-54\*h-209\*R4-6(11)), a Holding Residential Special Provision R5 (h\*h-54\*h-209\*R5-7(9)), a Holding Residential Special Provision R6 (h\*h-54\*h-209\*R6-5(61)), and a Holding Residential Special Provision R8 (h\*h-54\*h-209\*R8-3(5)) Zone **TO** a Residential Special Provision R4 (R4-6(11)), a Residential Special Provision R5 (R5-7(9)), a Residential Special Provision R6 (R6-5(61)), and a Residential Special Provision R8 (R8-3(5)) Zone.

## 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-209 holding provision so that the development of 63 townhouse dwelling units can proceed in accordance with the approved zoning.

### Rationale of Recommended Action

The conditions for removing the h, h-54 and h-209 holding provisions have been met, as the required security has been submitted, the development agreement has been signed and adequate water servicing and appropriate access has been provided.

1. The removal of the h, h-54 and h-209 holding provisions is in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the site plan approval process, the required security has been submitted to the City of London and a development agreement has been executed. The “h” holding provision is no longer required.
3. Through the site plan approval process, the owner has undertaken a noise assessment acceptable to the City of London and the owner has agreed to implement all recommended noise attenuation measures to ensure no land use conflicts between arterial roads and the proposed residential uses. The “h-54” holding provision is no longer required.
4. The proposed apartment buildings provide a street-oriented development which has been reviewed by urban design staff through the site plan approval process. The “h-209” is no longer required on this portion of the property.

## 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 subject lands are located near the western edge of the City and are included in the Riverbend South Secondary Plan. The lands are on the east side of Westdel Bourne, to the south of Upperpoint Gate, west of Upperpoint Avenue and to the north of the future extension of Fountain Grass Drive. The lands are located within Phase 2 the Warbler Woods Subdivision which was registered in June 2020 (33M-754 Block 135). An adjacent multi-family medium density residential block is located to the north of the subject lands which is subject to an application for Draft Plan of Condominium to create 66 townhouse dwellings.

#### 1.1 Previous Reports Related to this Matter

**March 23, 2015** - Report to Planning Committee to recommend approval of the Riverbend South Secondary Plan and amendment to the Official Plan.

**November 14, 2016** - Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments (39T-16502/Z-8621).

**September 9, 2019** - Report to Planning and Environment Committee to recommend approval a zoning by-law amendment to add street townhouses to the range of permitted residential uses (Z-9057).

**July 26, 2021** - Report to Planning and Environment Committee for the Public Participation Meeting regarding the Draft Plan of Vacant Land Condominium (39CD-21508) and Site Plan Approval (SPA-21026).

#### 1.2 Planning History

On October 24, 2018, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

On September 17, 2019 Municipal Council passed a Zoning By-law amendment to add a Residential R4 Special Provision (R4-6(11)) Zone to permit street townhouse dwellings along with special provisions for lot frontage, front yard setbacks for the main dwellings and garages, and building height.

Applications for site plan approval (SPA21-026) along with the removal of holding provision were submitted in June of 2021 to accommodate the proposed cluster townhouse development. Vacant Land Condominium application (39CD-21508) for the subject lands was accepted on June 23, 2021, a Public Participation Meeting was held on July 26<sup>th</sup>, 2021, and was draft approved by the Approval Authority on October 21<sup>st</sup>, 2021.

#### 1.3 Property Description

The subject lands are located near the western edge of the City and are included in the Riverbend South Secondary Plan. The lands are on the east side of Westdel Bourne, to the south of Upperpoint Gate, west of Upperpoint Avenue and to the north of the future extension of Fountain Grass Drive. The lands are located within Phase 2 the Warbler Woods Subdivision which was registered in June 2020 (33M-754 Block 135).

The subject lands are proposed to be developed as two (2) and three (3) storey

townhouses with a total of 63 dwellings. Along the northern and central portions of the site two (2) storey townhouse buildings with 4-7 units are proposed with a total of 46 dwelling units. Along the Fountain Glass Drive frontage at the southern limit of the subject lands, four (4) three (3) storey townhouse buildings with 4 or 5 units are proposed with a total of 17 dwelling units. Within the block a grid of private streets are proposed which will also provide access to the adjacent condominium block to the north. A wrought iron fence with stone pillars and two walkway entrances is planned along the western property line fronting Westdel Bourne and a multiuse pathway within the public right of way.

#### **1.4 Current Planning Information (see more detail in Appendix C)**

- The London Plan Place Type – Neighbourhoods Place Type
- Riverbend South Secondary Plan – Medium Density Residential
- 1989 Official Plan Designation – Multi-Family Medium Density Residential
- Existing Zoning – h\*h-54\*h-209\*R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)

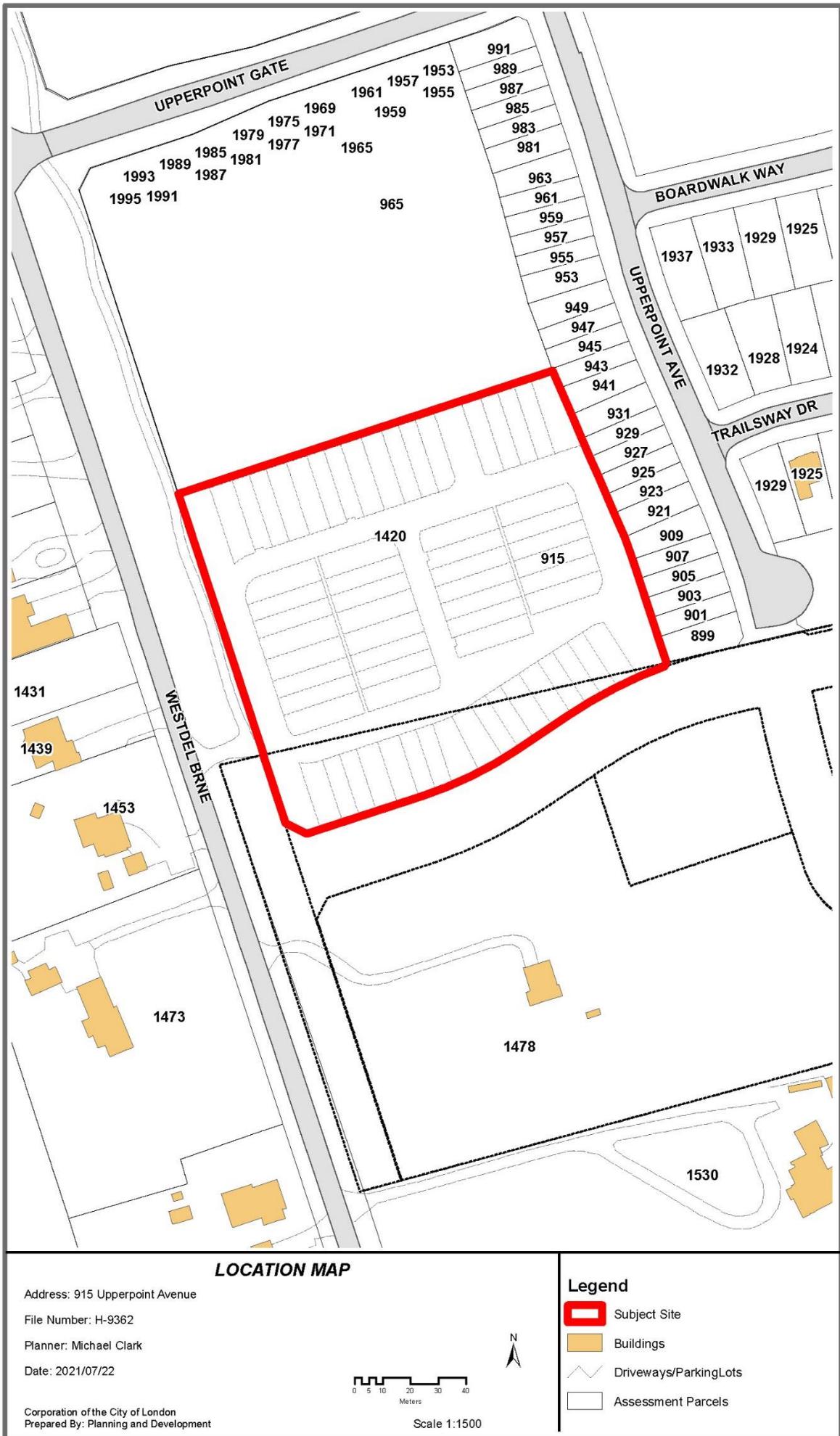
#### **1.5 Site Characteristics**

- Current Land Use – Vacant
- Frontage – approx. 170m on Exeter Rd. S. (Civic Boulevard), and 130m on Middleton Ave. (Neighbourhood Collector)
- Area – approx. 10,000 m<sup>2</sup>
- Shape – Irregular

#### **1.6 Surrounding Land Uses**

- North – townhouse dwellings
- East – townhouse dwellings, single detached dwellings
- South – future medium density residential, and municipal parkette, and agricultural uses
- West – Westdel Bourne, single detached dwellings, and agricultural uses

### 1.7 Location Map



## **2.0 Discussion and Considerations**

The applicant is requesting to remove the h, h-54 and h-209 holding provision from the subject lands. This h holding provision requires orderly development of lands and the adequate provision of municipal services. The h-54 holding provision requires that the owner agree to implement all recommended noise attenuation measures to ensure no land use conflicts between arterial roads and the proposed residential uses. The h-209 holding provision requires that the proposed development complies with the urban design policies identified in the Riverbend South Secondary Plan including orienting buildings towards the public street.

### **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 90 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 the Holding Provisions?**

#### **h Holding Provision**

The h holding provision states that:

*“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.*

*Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.”*

The Applicant has provided the necessary securities to the City of London and the development agreement has been executed by both the applicant and the City of London. This satisfies the requirement for removal of the “h” holding provision.

### **h-54 Holding Provision**

The “h-54” holding provision states that:

*“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.”*

Site Plan, and Planning and Development Staff have confirmed that the recommended noise attenuation measures have been implemented, to the satisfaction of City staff. This includes a noise attenuation wall along Units 1-3 as well as warning clauses, and requirements for force air heating with central air conditioning for some units.

This satisfies the requirement for removal of the “h-54” holding provision.

### **h-209 Holding Provision**

The (h-209) holding provision states that:

*“Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.*

*Permitted Interim Uses: Existing Uses.”*

The proposed townhouse buildings provide a street-oriented development which has been reviewed by Urban Design Staff through the site plan approval process. A development agreement has been entered into to ensure that the new development is designed and approved consistent with the Riverbend South Secondary Plan.

This satisfies the requirement for removal of the “h-209” holding provision.

## Conclusion

It is appropriate to remove the “h” and “h-198” 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. The recommended noise attenuation measures have been implemented to the satisfaction of the City, and the street oriented design has been provided consistent with the urban design policies of the Riverbend South Secondary Plan.

**Prepared by:** Michael Clark, MA  
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 Development Inspections  
cc: Michael Pease, Manager, Site Plans

BP/mc

## 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 915 Upperpoint Avenue.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 915 Upperpoint 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 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 915 Upperpoint Avenue, as shown on the attached map, to remove the h, h-54, and h-209 holding provisions so that the zoning of the lands as Residential Special Provision R4 (R4-6(11)), Residential Special Provision R5 (R5-7(9)), a Residential Special Provision R6 (R6-5(61)), and Residential Special Provision R8 (R8-3(5)) Zones comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 7, 2021  
Second Reading - December 7, 2021  
Third Reading - December 7, 2021

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



File Number: H-9362  
Planner: MC  
Date Prepared: 2021/07/22  
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

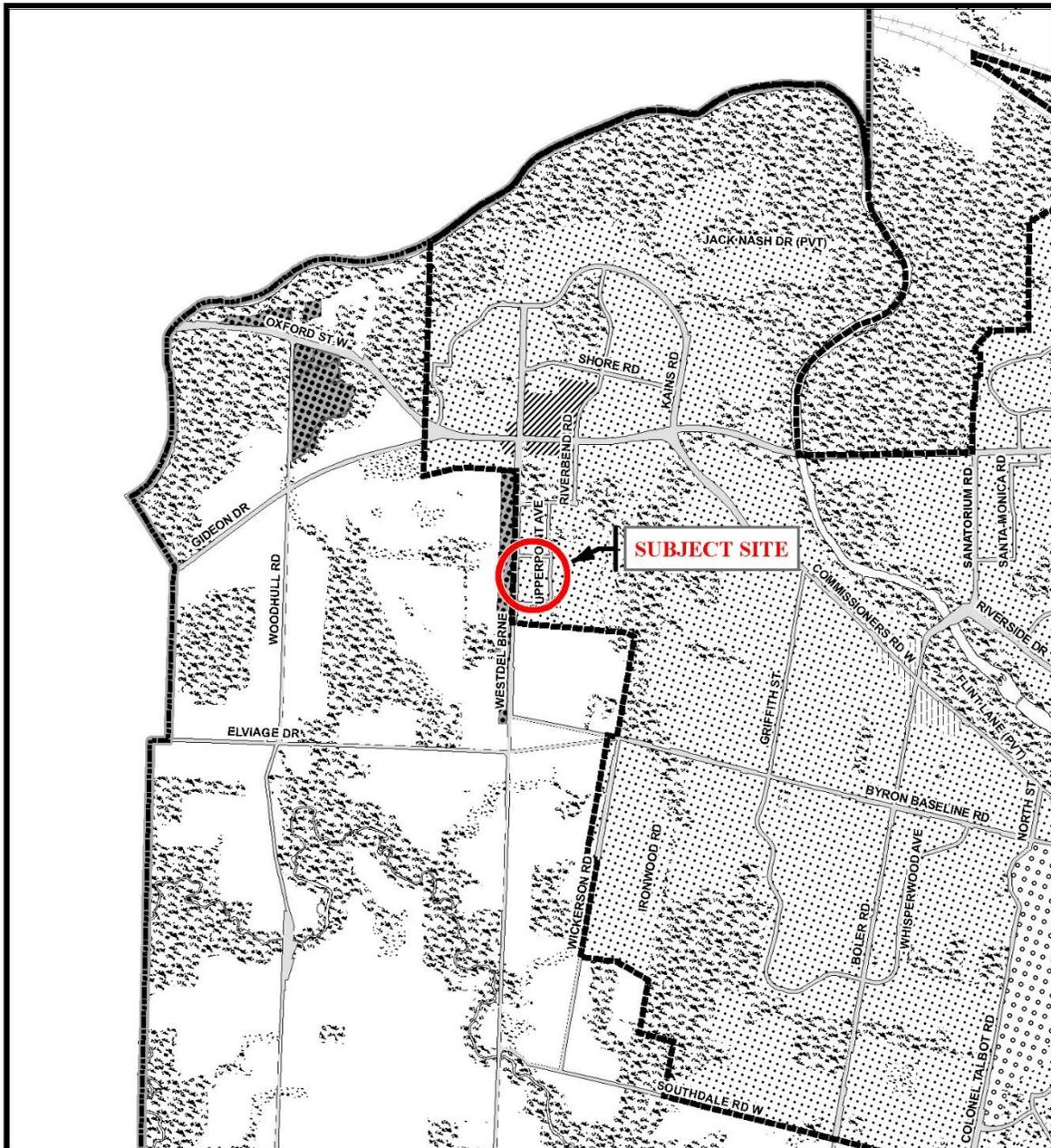
**Public liaison:** Notice of the application was published in the Londoner on June 17, 2021

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h, h-54, and h-209 holding provisions from the lands which requires that the site is developed in an orderly manner, that there is adequate provision of noise attenuation measures, and that the design is consistent with the Riverbend South Secondary Plan. Council will consider removing the holding provisions as it applies to these lands no earlier than July 26, 2021. File: H-9362 Planner: M. Clark (City Hall).

**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	

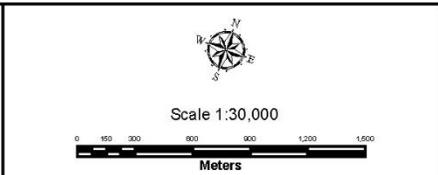
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*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

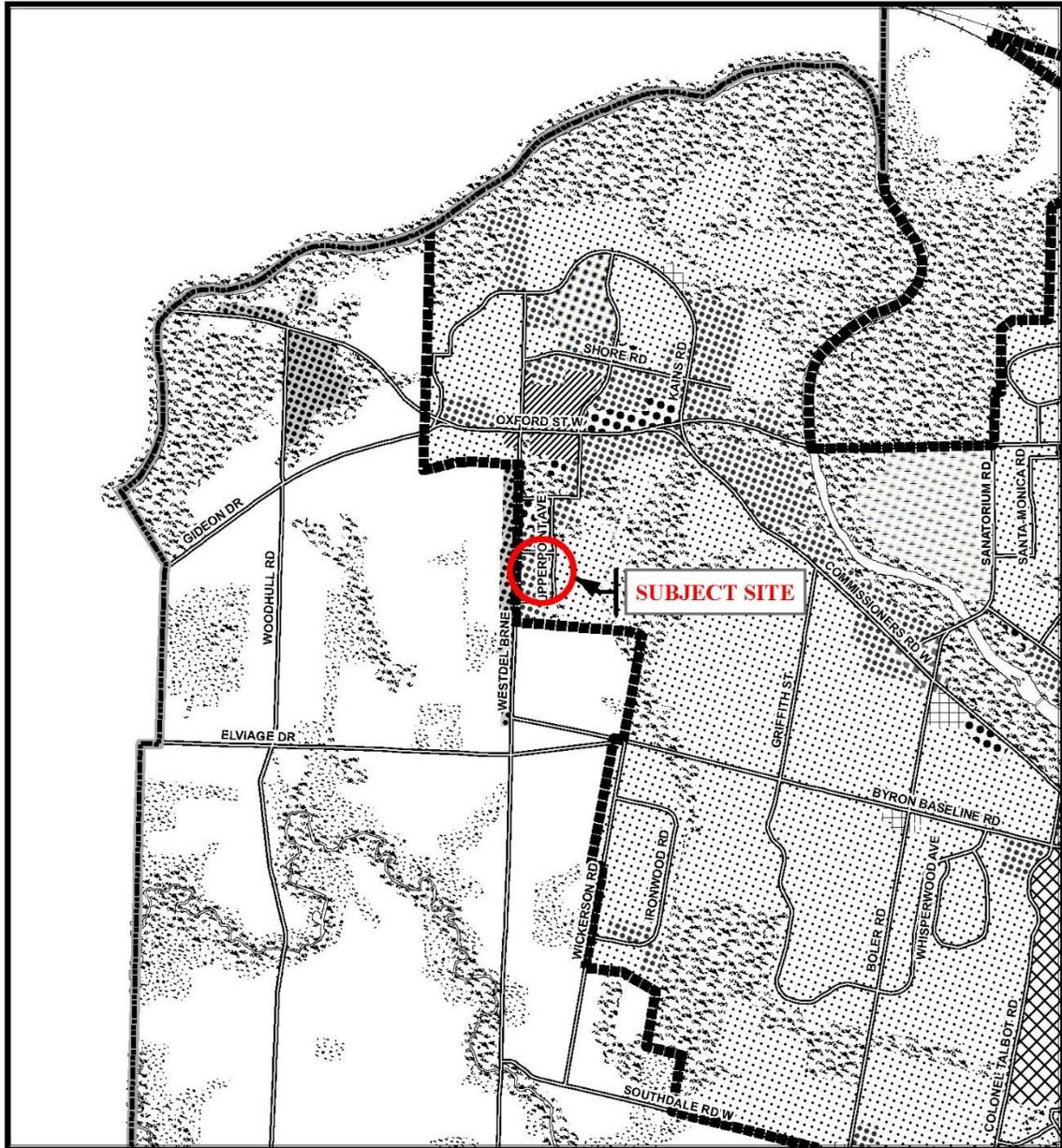
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

PREPARED BY: Planning Services



**File Number:** H-9362  
**Planner:** MC  
**Technician:** RC  
**Date:** July 22, 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><b>CITY OF LONDON</b> Planning Services / Development Services 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-9362</p>
		<p>PLANNER: MC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/07/22</p>

Existing Zoning Map



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSA2(2)**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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**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-9362

MC

MAP PREPARED:

2021/07/22

RC

1:2,500

0 12.5 25 50 75 100  
Meters