

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: Southside Construction Management Ltd.
704, 706 & 720 Boler Road
Removal of Holding Provision “h”

Meeting on: July 26, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application of Southside Construction Management Ltd. relating to the property located at 704, 706 & 720 Boler Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on August 10, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 704, 706 & 720 Boler Road **FROM** a Holding Residential Special Provision R1 (h*R1-9(8)) Zone **TO** a Residential Special Provision R1 (R1-9(8)) Zone to remove the “h” holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the “h” holding provision so that the development of forty-four (44) single detached dwellings can proceed in accordance with the approved zoning.

Rationale of Recommended Action

The conditions for removing the “h” holding provision 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” holding provisions is in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the approval process, the required security has been submitted to the City of London and a subdivision agreement has been executed. The “h” holding provision is no longer required.

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 at 704, 706 & 720 Boler Road. The overall subdivision (39T-15503) is comprised of 8.12ha (20.05 acres) of land located on the east side of Boler Road, north of Southdale Road West. This application to remove the “h” holding provision includes forty-four (44) single detached lots, served by the extension of Optimist Park Drive, the extension of Apricot Drive, and one (1) new local street.

1.1 Previous Reports Related to this Matter

June 20, 2016 - Report to Planning and Environment Committee to regarding appeals to the Ontario Municipal Board (39T-15503/Z-8505).

May 31, 2021 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement (39T-15503).

1.2 Planning History

The subject site is part of the Boler Heights Subdivision located at 704 and 706 Boler Road (39T-15503). The subdivision was draft approved on August 21, 2020 based on a decision by the Local Planning Appeal Tribunal Local Planning Appeal Tribunal (LPAT) which ordered the approval authority to issue draft approval for the proposed subdivision as well as approved the zoning on the site.

On June 15, 2021 Council endorsed the special provisions and recommended that a subdivision agreement be entered into between the City of London and Southside Construction Management Ltd. The Owner and the City have signed the subdivision agreement and securities have been posted. Final registration of the subdivision is imminent.

As part of the overall subdivision a vacant land condominium with 13 single detached dwellings is planned for the adjacent lands in the south east corner of the subdivision (Block 101 in 39T-15503). This block is currently subject to a separate application for the removal of holding provision (H-9352).

1.3 Property Description

The subject lands are located at 704, 706 & 720 Boler Road. The overall subdivision (39T-15503) is comprised of 8.12ha (20.05 acres) of land located on the east side of Boler Road, north of Southdale Road West. Access to the subject lands is provided via Boler Road to the west and the terminus of Apricot Dive to the south. Surrounding lands include existing low density residential uses to the north and south, as well as green spaces to the east and north.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R1 Special Provision (h*R1-9(8)) Zone

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – approx. 204 on Boler Rd. (Civic Boulevard), and 20m on Apricot Dr. (Neighbourhood Street)
- Area – approx. 2.18 hectares (5.41 acres)
- Shape – Irregular

1.6 Surrounding Land Uses

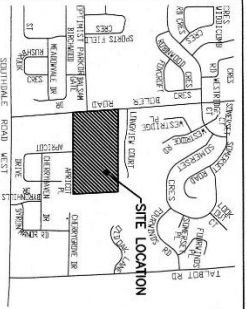
- East – green space, and future low density residential
- South – existing low density residential
- West – sport fields, low density residential
- North – low density residential, green space

1.7 Draft Plan



File No. 381-1593
Subject to the conditions of any certificate or order issued by the City of London Planning Department under the Planning Act, 1990.
Signed by the Planning Officer, the City of London, 2020.

Lee Bennett
Planning Officer
City of London



DRAFT PLAN OF SUBDIVISION
LOT 44
CONCESSION 1
CITY OF LONDON
COUNTY OF MIDDLESEX

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN AND THE INFORMATION CONTAINED IN THE SURVEY REPORT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

July 22, 2020
SURVEYOR

OWNERS CERTIFICATE:
I HEREBY AUTHORIZE THE SUBMISSION OF THIS PLAN TO THE CITY OF LONDON PLANNING DEPARTMENT FOR REVIEW AND APPROVAL.

July 22, 2020
OWNER

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT:

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LAND USE SCHEDULE

LAND USE	AREA IN HECTARES	%
SINGLE FAMILY	3.889	48.32
LOW DENSITY BLOCK 101	1.215	15.29
LOW DENSITY BLOCK 102	1.295	16.41
PARK BLOCK 102	1.008	12.68
OPEN SPACE BLOCK 100	1.147	14.57
OPEN SPACE BLOCK 101	1.115	14.03
TOTAL	8.072	100.00

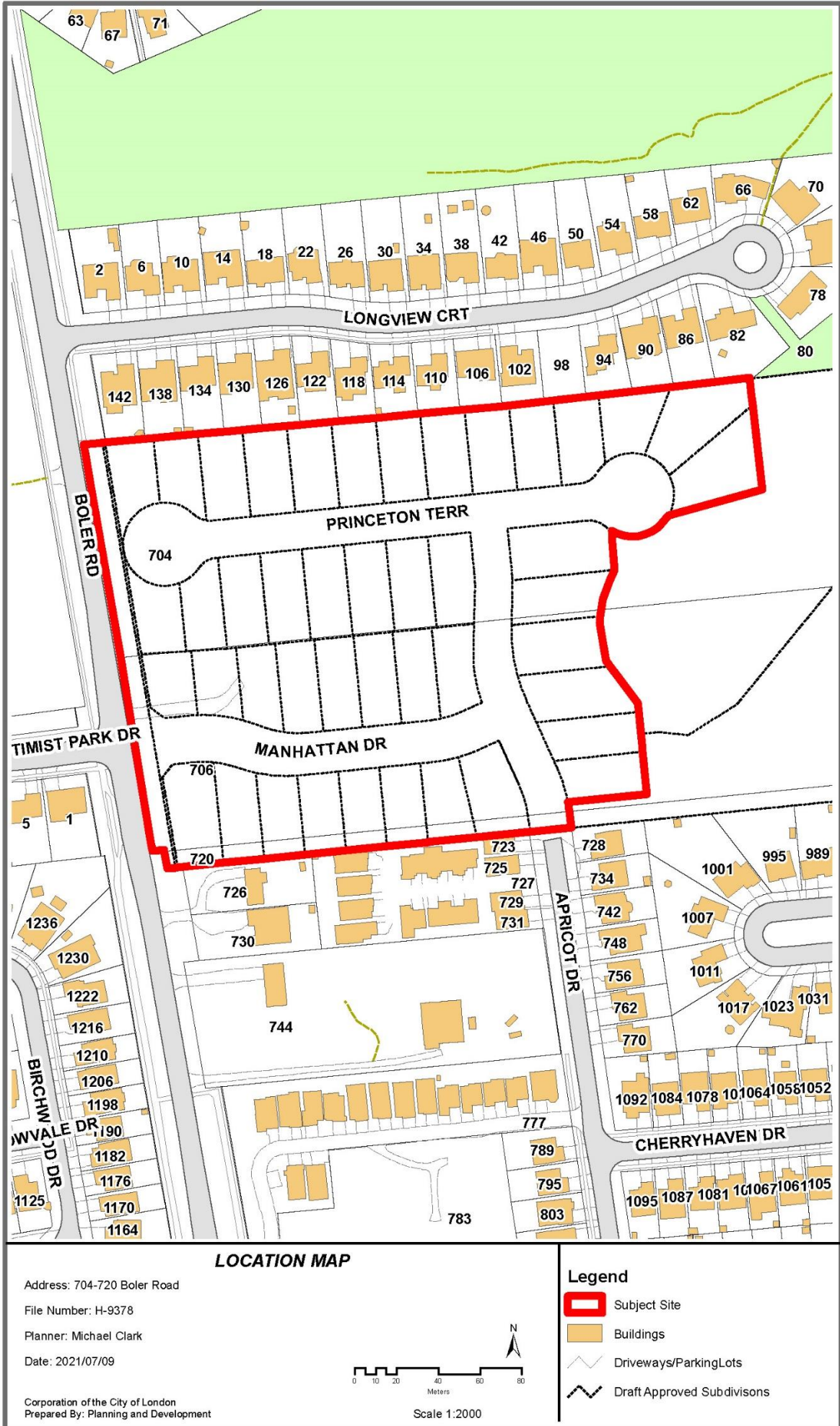
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084.

PAGM
PROFESSIONAL ASSOCIATION OF GEOMETRIC ENGINEERS AND SURVEYORS
REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS
1000 SHEPPARD AVENUE EAST, SUITE 200, SCARBOROUGH, ONTARIO M1S 1T7
TEL: (416) 291-2666 FAX: (416) 291-2667
WWW.PAGM.CA

8-L-55144

704 & 706 BOLER ROAD
SOUTHSIDE GROUP

1.8 Location Map



2.0 Discussion and Considerations

The applicant is requesting the removal of the “h” holding provision from the zoning on a portion of the subject lands. The “h” holding provision requires that the securities be received, and a development agreement be executed by the owner.

The removal of the “h” holding provision will allow for the development of forty-four (44) single detached dwelling units on the subject lands.

2.1 Community Engagement (see more detail in Appendix B)

On July 8, 2021 a notice of the application was published in the Public Notices and Bidding Opportunities section of The Londoner. No comments have been received to date 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:

“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 and has entered into a subdivision agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

Conclusion

It is appropriate to remove the “h” holding provision from the subject lands at this time as the Applicant has provided the necessary securities and has entered into a development agreement with the City. The removal of the holding provision is recommended to Council for approval.

Prepared by: **Michael Clark, MA**
Planner, Planning and Development (Subdivisions)

Reviewed by: **Bruce Page, RPP**
 Manager, Planning and Development (Subdivisions)

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, Planning and Development (Subdivisions)
cc: Bruce Page, Manager, Planning and Development (Subdivisions)
cc: Peter Kavcic, Manager, Planning and Development (Subdivisions)
cc: Michael Pease, Manager, Planning and Development (Site Plan)

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 704, 706 & 720 Boler Road.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 704, 706 & 720 Boler 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 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 704, 706 & 720 Boler Road, as shown on the attached map, to remove the "h" holding provision so that the zoning of the lands as a Residential Special Provision R1 (R1-9(8)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

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)



File Number: H-9378
Planner: MC
Date Prepared: 2021/07/09
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100
Meters



Appendix B – Public Engagement

Community Engagement

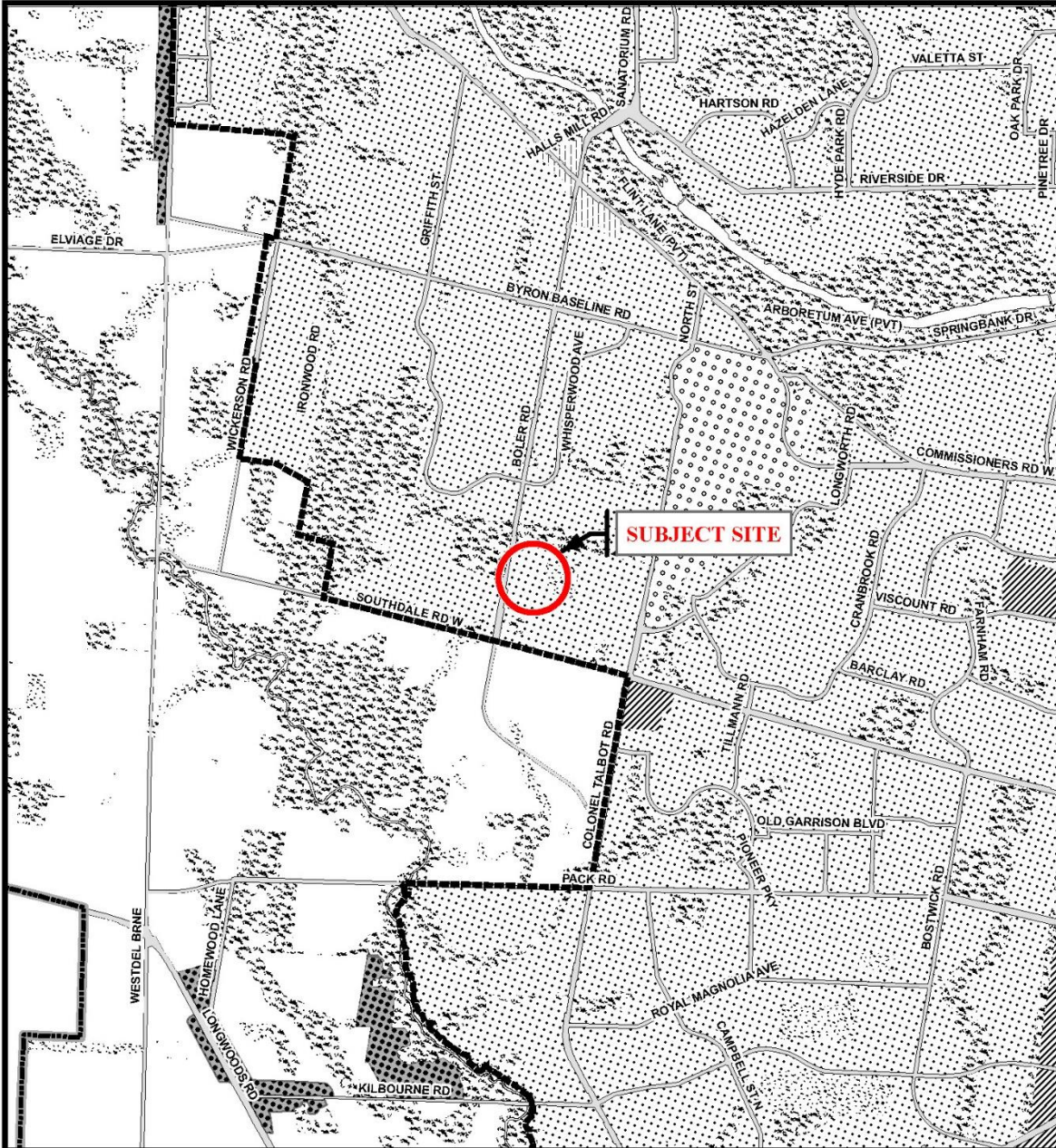
Public liaison: Notice of the application was published in the Londoner on July 8, 2021

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h” holding provision as it applies to these lands. 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. Council will consider removing the holding provision as it applies to these lands no earlier than July 26, 2021. File: H-9378 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



Scale 1:30,000



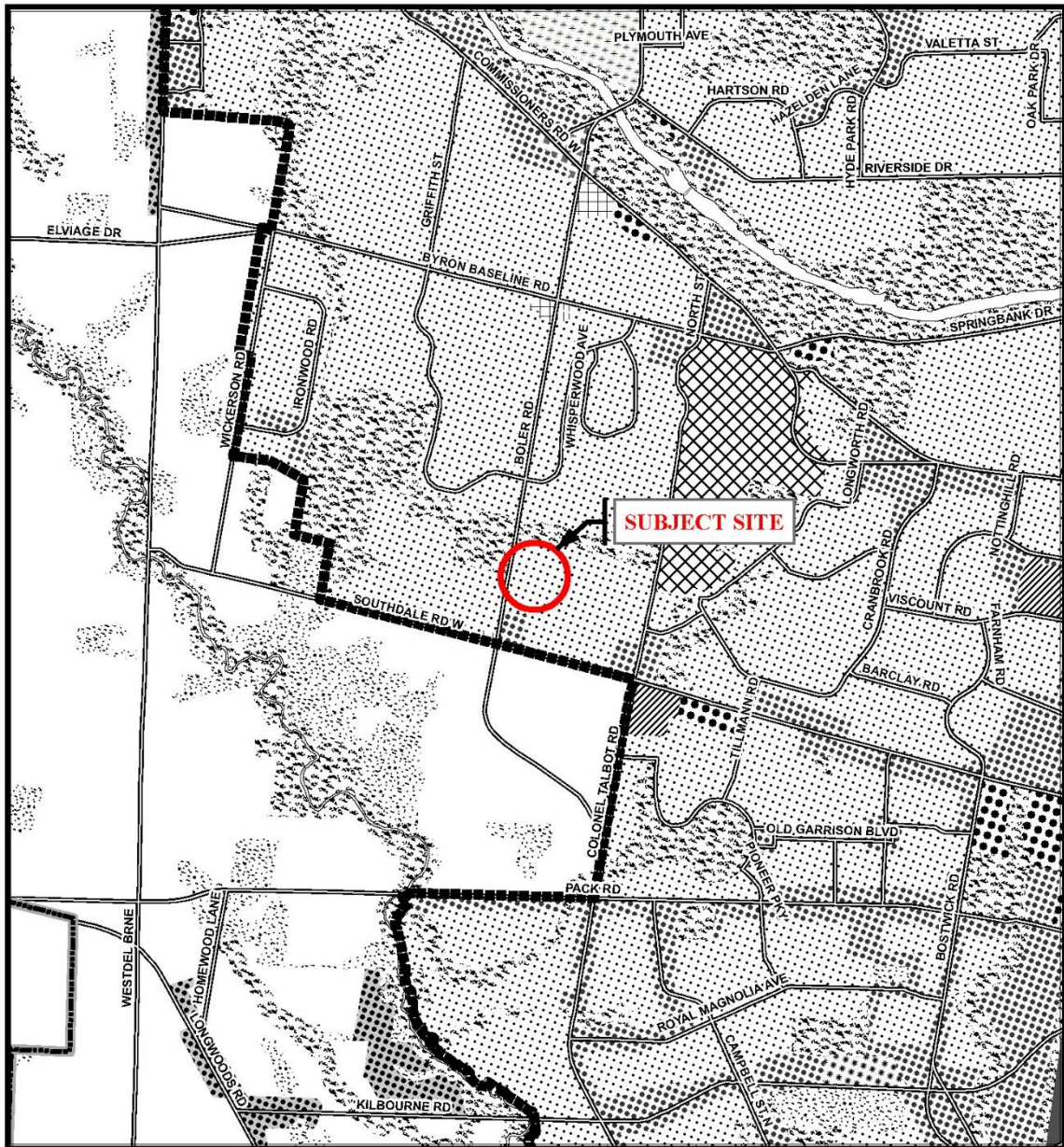
File Number: H-9378

Planner: MC

Technician: RC

Date: July 9, 2021

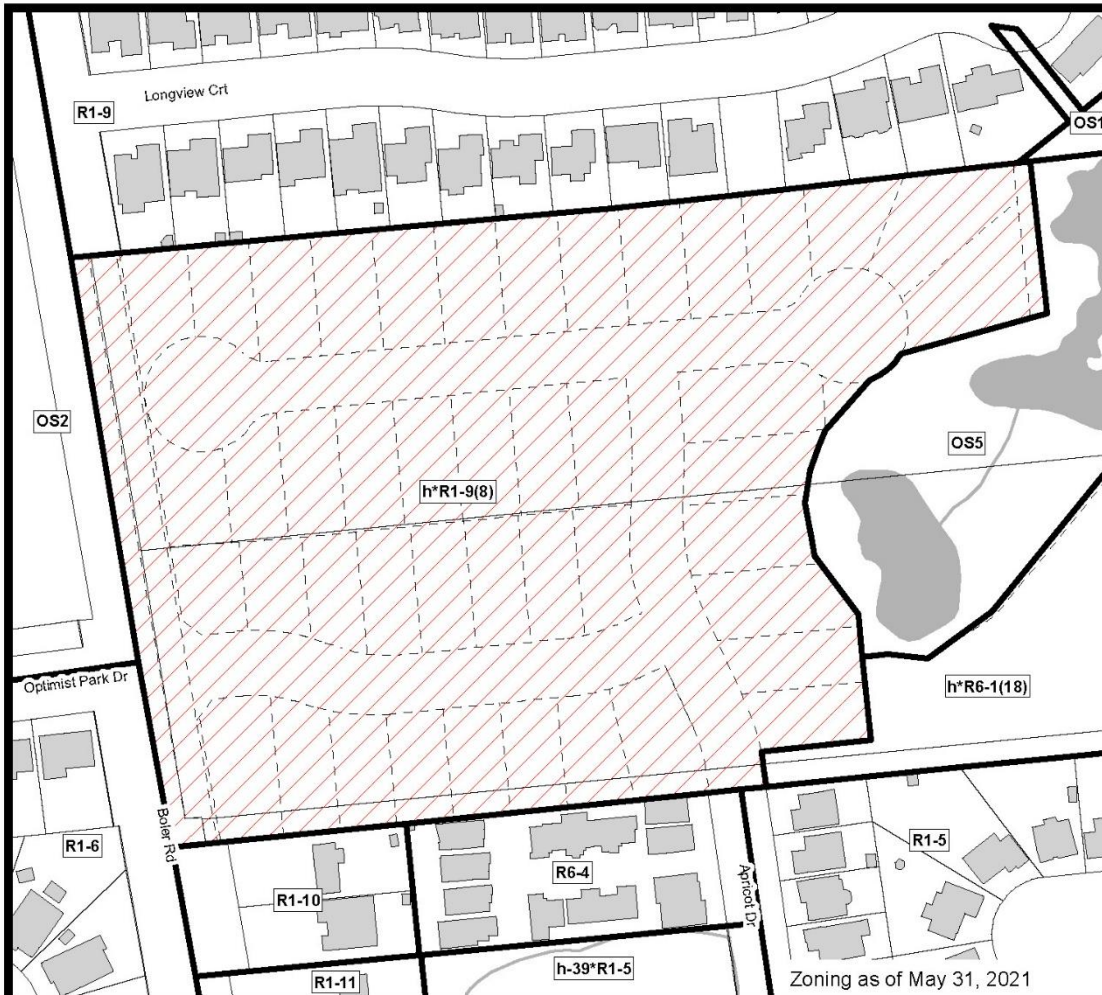
1989 Official Plan Excerpt



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-9378</p>
		<p>PLANNER: MC</p>
		<p>TECHNICIAN: RC</p>
		<p>DATE: 2021/07/09</p>

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OR*D250*H46/BDC

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**



FILE NO:

H-9378

MC

MAP PREPARED:

2021/07/09

RC

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Meters

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