

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** George Kotsifas P.Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Application by Sifton Properties Limited  
235 Kennington Way  
Removal of Holding Provisions

**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Economic Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the northern portion of the property located at 235 Kennington Way:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 7, 2021, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (1989), to change the zoning of the subject property **FROM** a Holding Residential R5 Special Provisions and R6 Special Provision (h\*h-100\*h-198\*R5-4(23)/R6-5(51)) Zone, **TO** a Residential R5 Special Provisions and R6 Special Provision (R5-4(23)/R6-5(51)) Zone;

## Executive Summary

### Purpose and Effect of Recommended Action

The purpose and effect of this zoning is to remove the “h”, “h-100”, and “h-198” holding provisions from the northern portion of the lands so the development of a Vacant Land Condominium, comprised of 41 townhouse units, can proceed in accordance with the approved zoning.

### Rationale of Recommended Action

1. The conditions for removing the “h”, “h-100”, and “h-198” have been met and the recommended amendment will allow development of multiple-attached townhouse dwellings in compliance with the Zoning By-law.
2. A Development Agreement has been entered into and securities have been posted as required by City Policy and the Development 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

**May 12, 2003** – Report and Public Participation Meeting to Planning Committee recommending adoption of North Longwoods Area Plan (O-6424).

**February 19, 2012** – Report to Planning and Environment Committee on Stormwater Management (SWM) Facility Land Acquisition Agreement (39T-15501).

**December 12, 2016** – Report and Public Participation Meeting to Planning and Environment Committee regarding Draft Plan of Subdivision and associated Zoning By-law Amendments (39T-15501/Z-8470).

**May 31, 2018** – Report to Approval Authority recommending approval of Consent Application (B.009/18).

**December 13, 2019** – Report to Approval Authority recommending approval of Consent Application (B.045/19).

**April 15, 2019** – Report to Planning and Environment Committee on Richardson (Middleton) Subdivision, Phase 1A Special Provisions for Subdivision Agreement (39T-15501).

**November 1, 2021** – Report to Planning and Environment Committee regarding Draft Plan of Vacant Land Condominium (39CD-21514).

## **1.2 Planning History**

This application is for Block 46 of Phase 1A of the Richardson (Middleton) Subdivision. On January 27<sup>th</sup>, 2017, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-769 on October 9<sup>th</sup>, 2019. The final plan consisted of 42 single detached residential lots, two (2) medium density residential blocks, two (2) open space blocks, and two (2) neighbourhood streets.

On December 19<sup>th</sup>, 2016, Municipal Council passed a Zoning By-law amendment to change the zoning from Urban Reserve (UR6) Zone, a Holding Light Industrial (h-17\*LI3) Zone, and an Environmental Review (ER) Zone to a Holding Residential R5 Special Provision (h\*h-100\*h-198\*R5-4(23)) Zone and a Holding Residential R6 Special Provision (h\*h-100\*h-198\*R6-5(51)) Zone for Block 46 of Registered Plan of Subdivision 33M-769. This amendment was brought forward to facilitate the development of a residential subdivision consisting of low and medium density forms of housing.

Applications for Site Plan Approval, Draft Plan of Vacant Land Condominium and Minor Variances have been received and accepted (SPA21-047, 39CD-21514, A.136/21). These applications are being processed concurrently with the Removal of Holding Provisions application, which was accepted on June 16, 2021. The Minor Variance Application was heard by the Committee of Adjustment on October 14, 2021

## **1.3 Property Description**

The subject property is located west of Stewart Avenue and south of Kennington Way, which is generally north of Exeter Road and east of Wonderland Road South. The site has a mix of light industrial and low density residential to the north, medium density residential to the east, and light industrial to the south and west. The proposal consists of the northern portion of one medium density residential block within a Registered Plan of Subdivision (Block 46 of Plan 33M-769). The site is currently vacant and approximately 0.89 hectares (2.2 acres) in size. The site has full access to municipal services and is in an area which is planned for future growth.

## **1.4 Current Planning Information**

- The *London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R5/R6 Special Provision (h\*h-100\*h-198\*R5-4(23)/R6-5(51))

## **1.5 Site Characteristics**

- Current Land Use – Vacant
- Frontage – 119.47 meters along Kennington Way and 72 meters along Stewart Avenue
- Depth – Various
- Area – 0.89 hectares
- Shape – Irregular

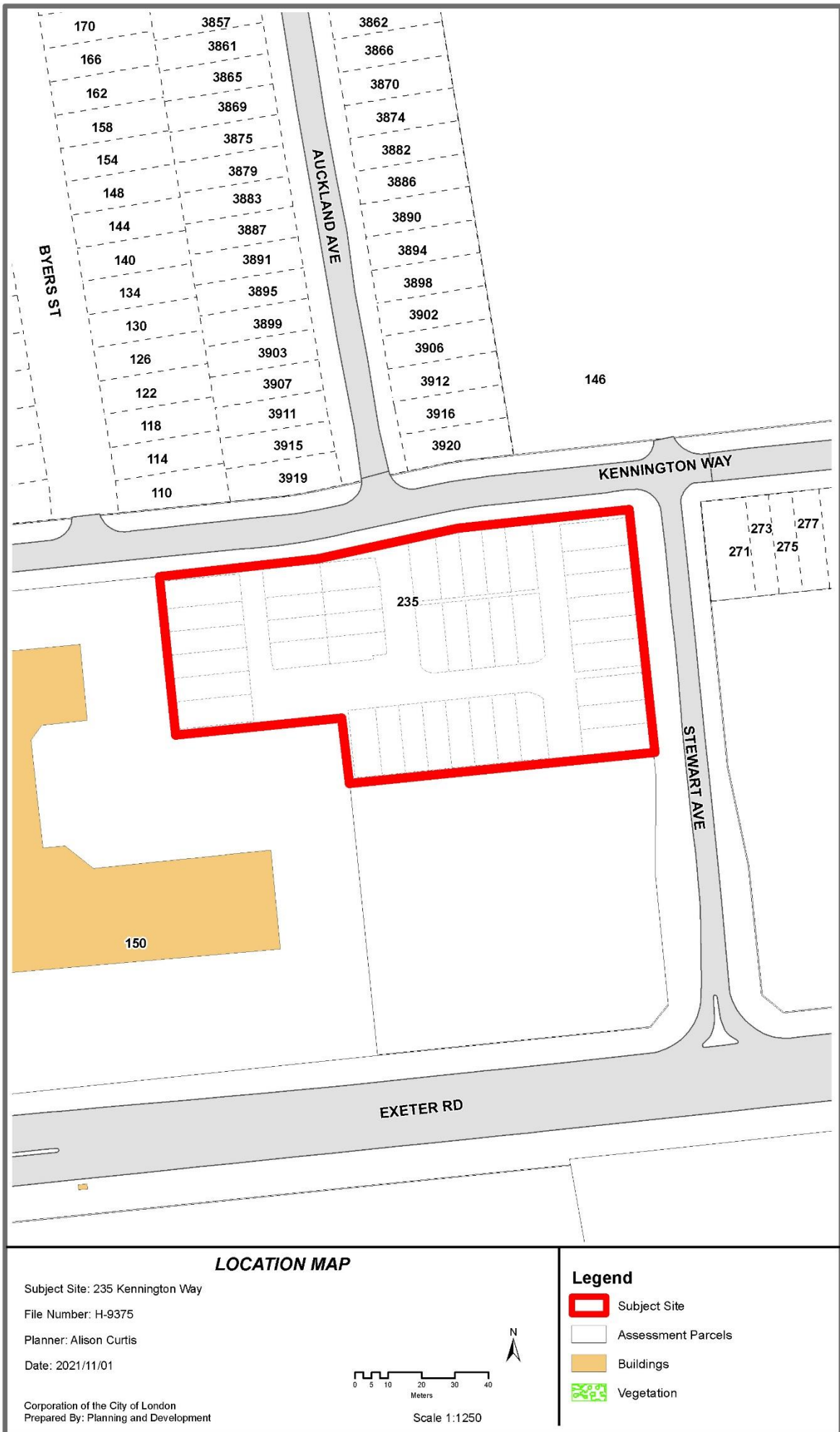
## **1.6 Surrounding Land Uses**

- North – Light Industrial and Low-Density Residential
- East – Medium-Density Residential
- South – Light Industrial
- West – Light Industrial

## **1.7 Intensification (41 Units)**

- The 41-unit, multiple-attached townhouse development is located outside the Primary Transit Area and inside the Urban Growth Boundary.

# 1.8 Location Map



# 1.9 Draft Plan of Vacant Land Condominium



## 2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h, h-100, and h-198 holding provisions for the northern portion of the subject lands. An application for a nine (9) storey apartment with four (4) storey mid rise on either side has been submitted, and the removal of holding provisions will be reviewed at a later date. 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. Holding provision h-198 encourages street-oriented development and discourages the use of noise attenuation walls so that new development is consistent with the Southwest Area Secondary Plan (SWAP). The removal of the holding provisions will allow for the future development of 41 multiple attached townhouse condominium units.

### 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 November 4, 2021.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on October 28, 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 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 to the City of London and the development 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 Draft Plan of Vacant Land Condominium proposes fewer than 80 units, and as such the looped water main and second public access are not required. This satisfies the requirements for removal of the “h-100” holding provisions.

### **h-198 Holding Provision**

The “h-198” holding provision states that:

*h-198 Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan. (Z.-1-152390).*

The accepted site plan includes street-oriented development along Kennington Way and Stewart Avenue and does not include noise attenuation walls. This is consistent with SWAP and a Development Agreement has been executed. This satisfies the requirements for the removal of the “h-198” holding provision.

## **Conclusion**

It is appropriate to remove the “h”, “h-100” and “h-198” holding provisions from the northern portion of the subject lands at this time as there is full access to municipal services, the required security has been submitted and a development agreement has been executed. The proposed development is street-oriented and consistent with the Southwest Area Secondary Plan.

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

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

**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, 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 235 Kennington way.

WHEREAS Sifton Properties Limited have applied to remove the holding provision from the zoning for the northern portion of the lands located at 235 Kennington Way, 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 235 Kennington Way, as shown on the attached map, to remove the h, h-100 and h-198 holding provision so that the zoning of the lands as a Residential Special Provision R5 and R6 (R5-4(23)/R6-5(51)) Zone 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

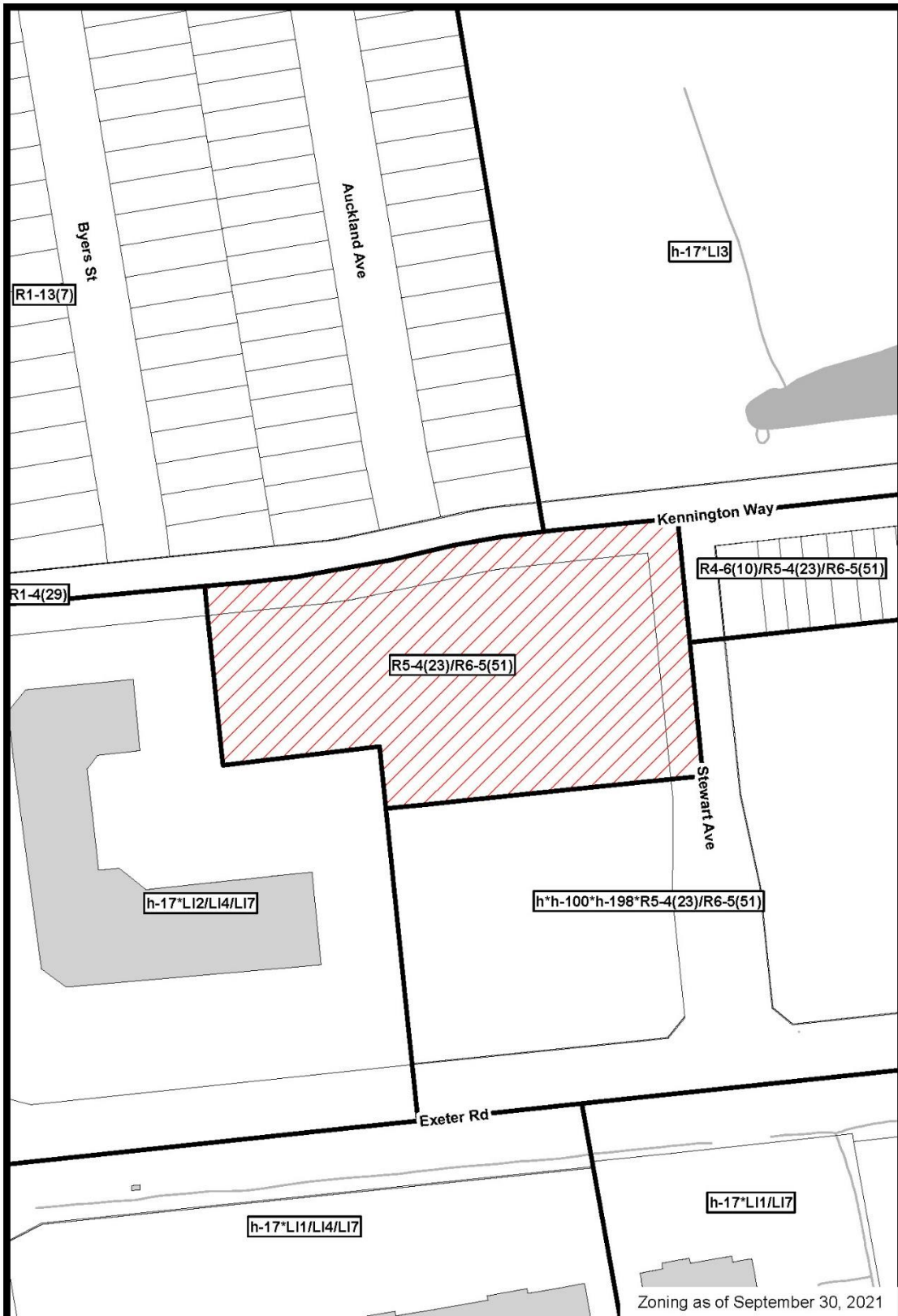
Ed Holder  
Mayor


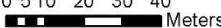

Catharine Saunders  
City Clerk

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



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



<p>File Number: H-9375 Planner: AC Date Prepared: 2021/11/01 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
--	--

## Appendix B – Consultation

### Community Engagement

**Public Liaison:** Notice of the application was published in the Londoner on November 4, 2021, and notice of the application were circulated to the relevant internal and external agencies.

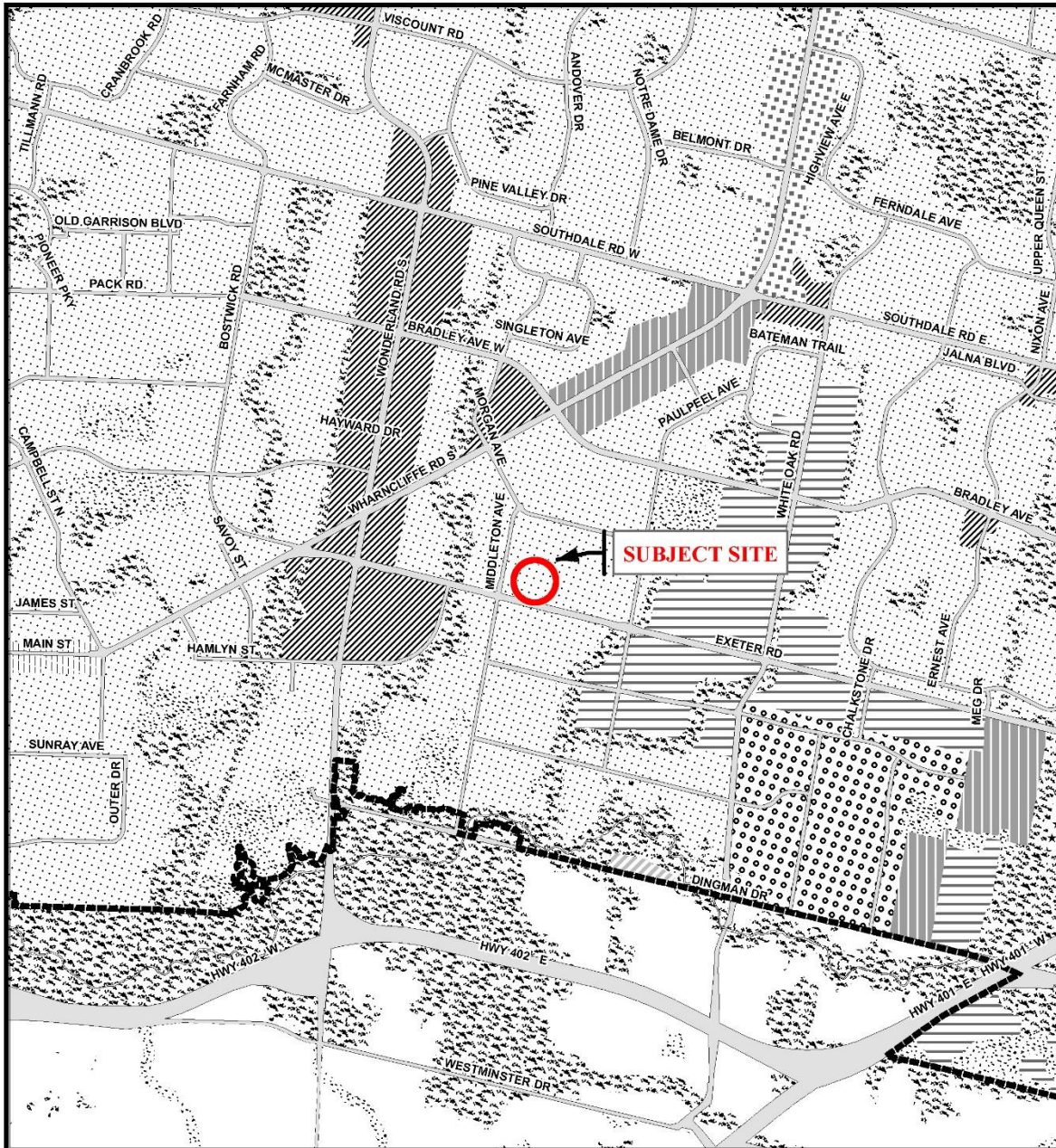
No replies were received.

**Londoner Notice:** City Council intends to consider removing the h, h-100 and h-198 holding provisions from the subject lands to allow for the development of 3-story townhouses (41 units). 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 development 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. This will ensure there is adequate water service and access. The “h-198” provision encourages street-oriented development and discourages noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan. Council will consider removed the holding provision as it applied to these lands no earlier than November 22, 2021.

File: H-9375 Planner A. Curtis x.4497

# Appendix C: Policy Context

## 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



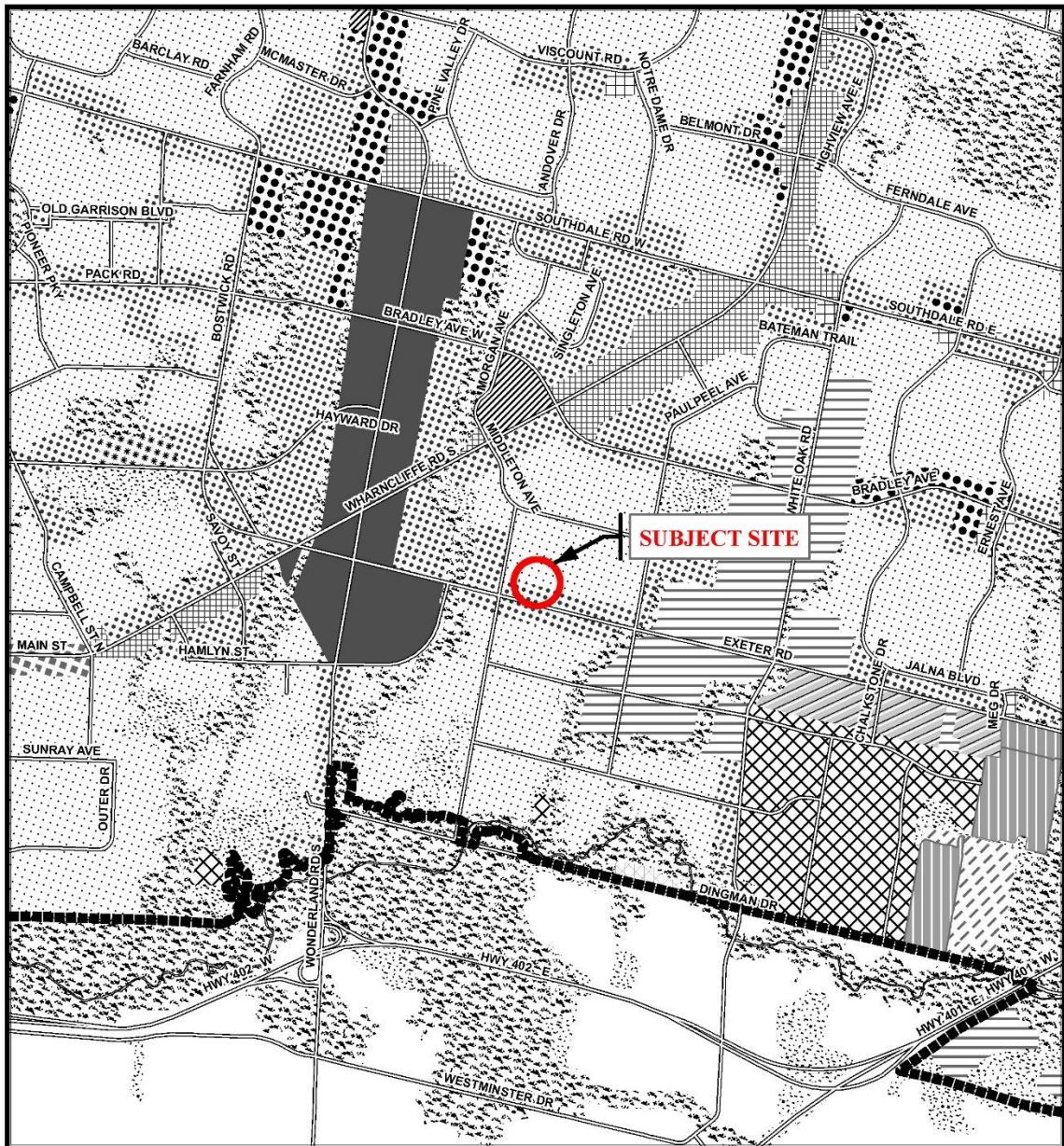
File Number: H-9375

Planner: AC

Technician: RC

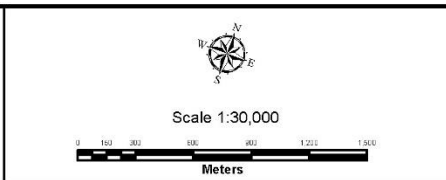
Date: November 1, 2021

# 1989 Official Plan Excerpt



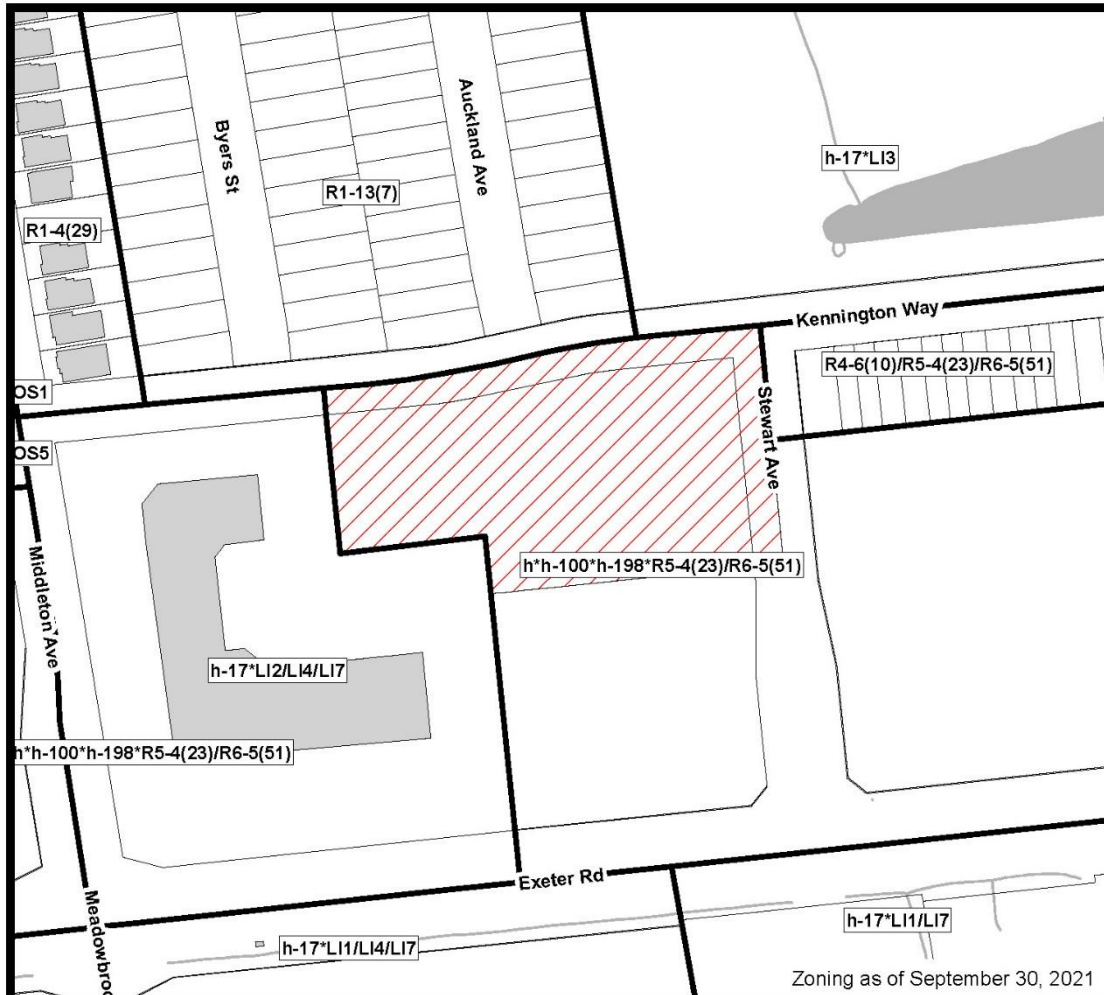
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
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

**CITY OF LONDON**  
**Planning Services /**  
**Development Services**  
**OFFICIAL PLAN SCHEDULE A**  
**- LANDUSE -**  
 PREPARED BY: Graphics and Information Services



**FILE NUMBER:** H-9375  
**PLANNER:** AC  
**TECHNICIAN:** RC  
**DATE:** 2021/11/01

# Zoning By-law Excerpt



Zoning as of September 30, 2021



## 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-9375 AC

MAP PREPARED:

2021/11/01 RC

1:2,000

0 10 20 40 60 80 Meters