

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 Foxwood Developments. c/o MBPC
1595 Capri Crescent (1600 Twilite Boulevard)
Removal of Holding Provisions

Date: November 22, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Foxwood Developments. relating to the property located at 1595 Capri Crescent (1600 Twilite Boulevard):

- (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, to change the zoning of the subject property **FROM** a Holding Residential R5 and R6 (h*h-54*h-71*h-100*R5-6/R6-5) Zone, **TO** a Residential R5 and R6 (R5-6/R6-5) Zone to remove the "h", "h-54", "h-71" and "h-100" holding provisions.

Executive Summary

Purpose and Effect of the Recommended Action

The purpose and effect of this zoning change is to remove the "h", "h-54", "h-71" and "h-100" holding provisions so that the development of Phased Condominium, comprised of 63 multiple-attached townhouse dwellings, can proceed in accordance with the approved zoning.

Rationale of Recommended Action

1. The conditions for removing the "h", "h-54", "h-71" and "h-100" 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 provided.

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)

May 20, 2004 – Report to Planning Committee regarding Official Plan Amendments and revisions to the Foxhollow Community Plan (O-6661)

March 26, 2012 – Public Participation Meeting relating to Draft Plan of Subdivision and related Official Plan and Zoning By-law Amendments (39T-11503/OZ-7985).

September 8, 2015 – Report to Planning and Environment Committee to remove “h” and “h-100” holding provisions from Phase 1 of Registered Phase of Subdivision 33M-685).

May 9, 2016 – Report to Planning and Environment Committee recommended a Zoning By-law Amendment to amend the zoning to Holding Residential R1 Special Provision (h*h-100*R1-4(*)) (Z-8587).

May 30, 2016 – Report to Planning and Environment Committee on Request for Extension of Draft Approval (39T-11503).

May 13, 2019 – Report to Planning and Environment Committee on Request for Extension of Draft Approval (39T-11503).

April 27, 2021 – Report to Planning and Environment Committed on Special Provisions for Phase 3 of the Foxwood Subdivision (39T-11503).

September 16, 2021 – Report to the Committee of Adjustment on Minor Variances for rear yard and side yard setbacks (A-115/21).

1.2 Planning History

The proposed Draft Plan of Subdivision and associated Official Plan and Zoning By-law Amendments (39T-11503/OZ-7985) were accepted as complete applications on November 11, 2011. These applications were supported by Municipal Council on April 10, 2012, and were later appealed on May 16, 2012. The appeals were withdrawn, and the applications were deemed to be in full force and effect in January of 2013. Draft Plan of Subdivision 39T-11503 was granted approval on January 23, 2013, which was also appealed, and the appeals were later withdrawn.

Requests for Extension of Draft Approval were requested and granted in 2016 and in 2019. A minor variance application was submitted requesting relief to permit an exterior side yard setback of 4.5m (14.7ft), where as 6.0m (19.7ft) is the minimum required, and a rear yard setback of 4.3m (14.1ft), where as 6.0m (19.7ft) is the required minimum. The requested minor variances were granted by the Committee of Adjustment on September 16, 2021.

This application is to remove the holding provisions from Block 176 of Registered Plan of Subdivision 33M-799, which is part of Phase 3 of the Foxwood Subdivision. The application was accepted as complete on July 30, 2021. Applications for Site Plan Approval (SPA21-044) and Draft Plan of (Phased) Standard Condominium (39CD-21512) have also been submitted and are under review.

1.3 Property Description

The subject lands are located in the northwest quadrant of the City and are situated south of Sunningdale Road and west of Hyde Park Road. The site is Block 176 of Draft Plan of Subdivision 33M-799 and is approximately 1.277 hectares (3.155 acres). There are proposed and recently constructed residential dwellings surrounding the site, as well as agricultural uses to the west.

1.4 Current Planning Information

- The *London Plan* Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R5 & R6 (h*h-54*h-71*h-100*R5-6/R6-5)

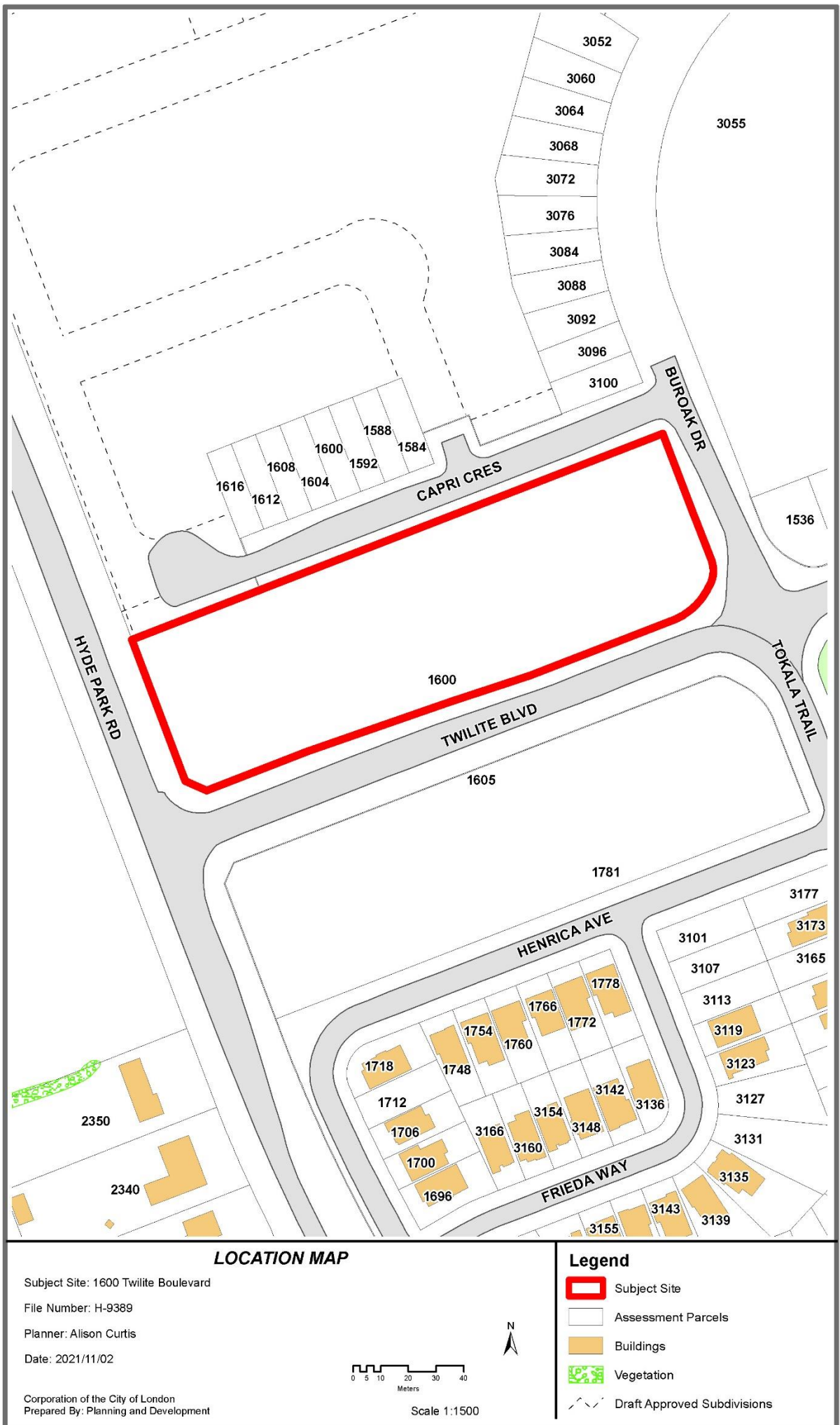
1.5 Site Characteristics

- Current Land Use – Vacant
- Area – 1.277 hectares (3.155 acres)
- Shape – Rectangular

1.6 Surrounding Land Uses

- North – Vacant, proposed single detached dwellings
- East – Vacant, residential under construction
- South – Single detached dwellings
- West – Agriculture

1.7 Location Map



2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h, h-54, h-71, and h-100 holding provisions from the subject lands. The h holding provision requires the orderly development of the lands and the adequate provision of municipal services through the execution of a subdivision or development agreement. Holding provision h-54 seeks to prevent land use conflicts between arterial roads and proposed residential uses, and as such, requires the implementation of noise attenuation measures identified through a noise assessment. The h-71 holding provision requires the preparation of a building orientated plan demonstrating street-oriented development, which will be incorporated into the site plan and executed development agreements. Holding provision h-100 seeks to ensure there is adequate access and water service and requires two public accesses and a lopped watermain for developments with 80 or more 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 26, 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 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

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 development agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

h-54 Holding Provision

The h-54 holding provision states that:

h-54 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. (Z.-1-041290)

A noise assessment has been completed and submitted to the City as part of the Site Plan Approval process. The recommendations identified in this study have been included in the Site Plan Development Agreement and have been included as conditions of Draft Approval for the Draft Plan of Phased Condominium. This satisfies the requirements for the removal of the “h-54” holding provision.

h-71 Holding Provision

The h-71 holding provision states that:

h-71 Purpose: To encourage street orientation development, the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the “h-71” symbol. (Z.-1-061521)

Site Plan Approval submissions demonstrate building façades oriented to the street along all the abutting streets (i.e., Capri Crescent, Buroak Drive and Twilite Boulevard). This requirement is incorporated in the site plan and a development agreement has been executed. This satisfies the requirements for the removal of the “h-71” 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 looped watermain and second public access requirements for the “h-100” holding provision are set out for proposed developments comprised of 80 or more dwelling units. The proposed phased condominium includes 63 dwelling units, and as such the requirements do not apply. This satisfies the requirements for the “h-100” holding provision.

Conclusion

It is appropriate to remove the “h”, “h-54”, “h-71”, and “h-100” holding provisions from the subject lands at this time as: full municipal services are available; a development agreement has been executed; the noise assessment recommendations have been incorporated into the development agreements; and, the proposed development is street-oriented.

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: Bruce Page, Manager, Development Planning (Subdivisions)

cc: Michael Pease, Manager, Development Planning (Site Plan)

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 1595 Capri Crescent (1600 Twilite Boulevard).

WHEREAS Foxwood Developments have applied to remove the holding provision from the zoning for the lands located at 1595 Capri Crescent (1600 Twilite Boulevard), 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 1595 Capri Crescent (1600 Twilite Boulevard), as shown on the attached map, to remove the h, h-54, h-71 and h-100 holding provision so that the zoning of the lands as a Residential R5 (R5-6) Zone and Residential R6 (R6-5) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

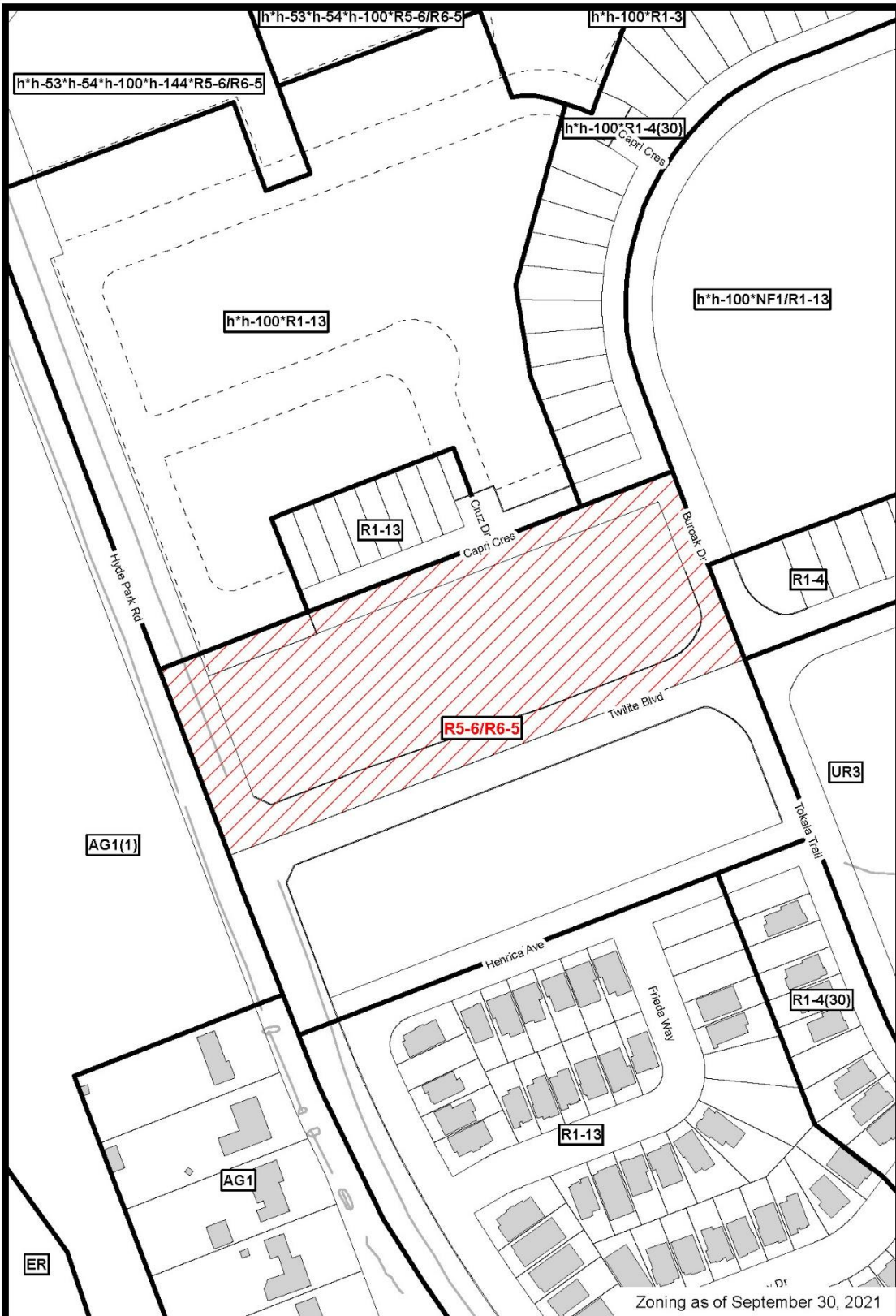
PASSED in Open Council on December 7, 2021

Ed Holder
Mayor


Catharine Saunders
City Clerk

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

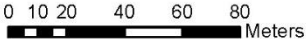
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: H-9389
Planner: AC
Date Prepared: 2021/11/02
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000





Appendix B – Consultation

Community Engagement

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

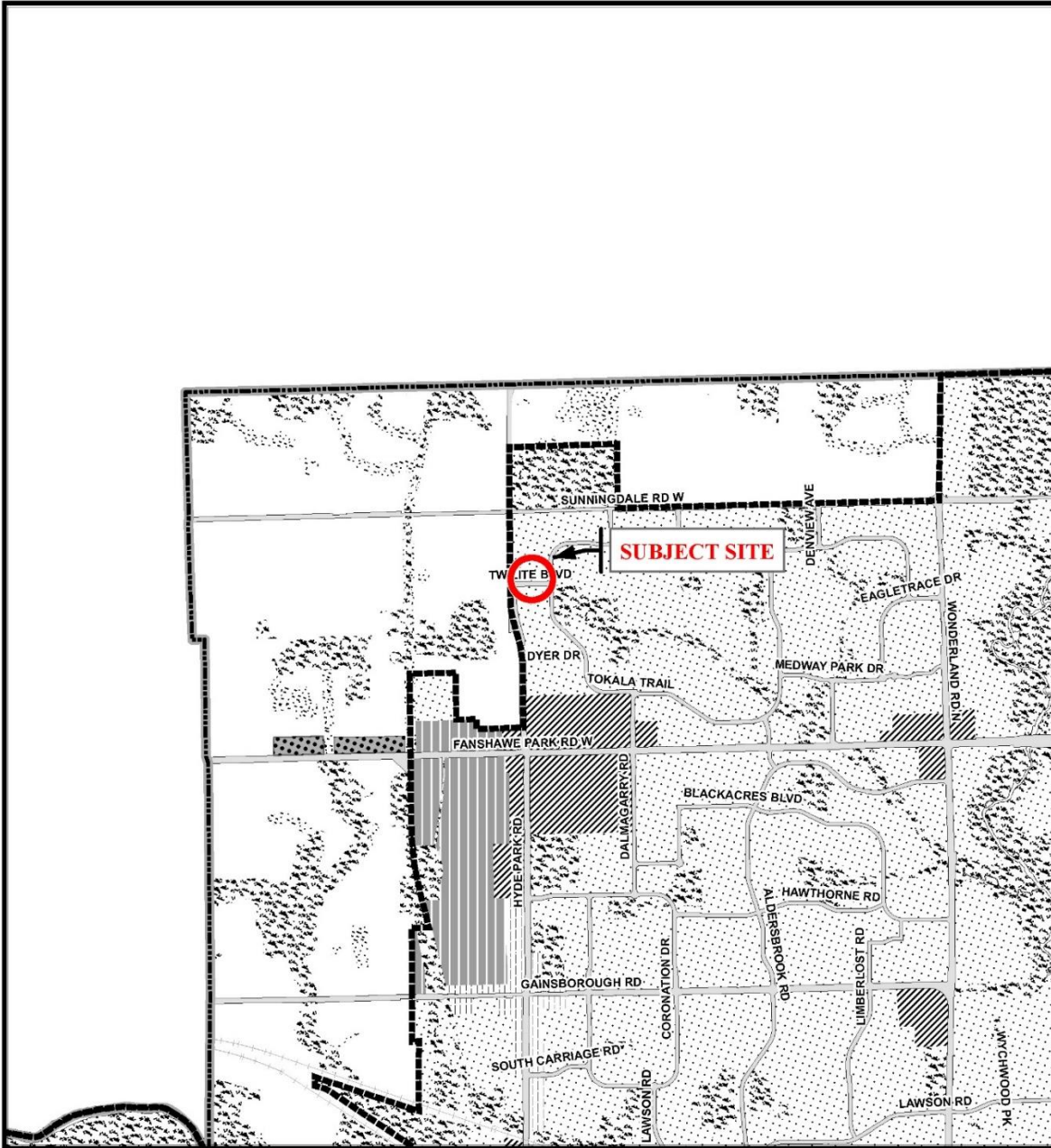
No replies were received.

Londoner Notice: City Council intends to consider removing the h, h-54, h-71, and h-100 holding provisions from the subject lands to allow for the development of a 63-unit Phased Condominium. 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”-54” ensures that there are no land use conflicts between arterial roads and the proposed residential uses. This symbol 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. Holding Provision “h-71” encourages street-oriented development and requires the owner to prepare a building orientation plan demonstrating how the front façades of dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the “h-71” symbol. 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 November 22, 2021.

File: H-9389 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



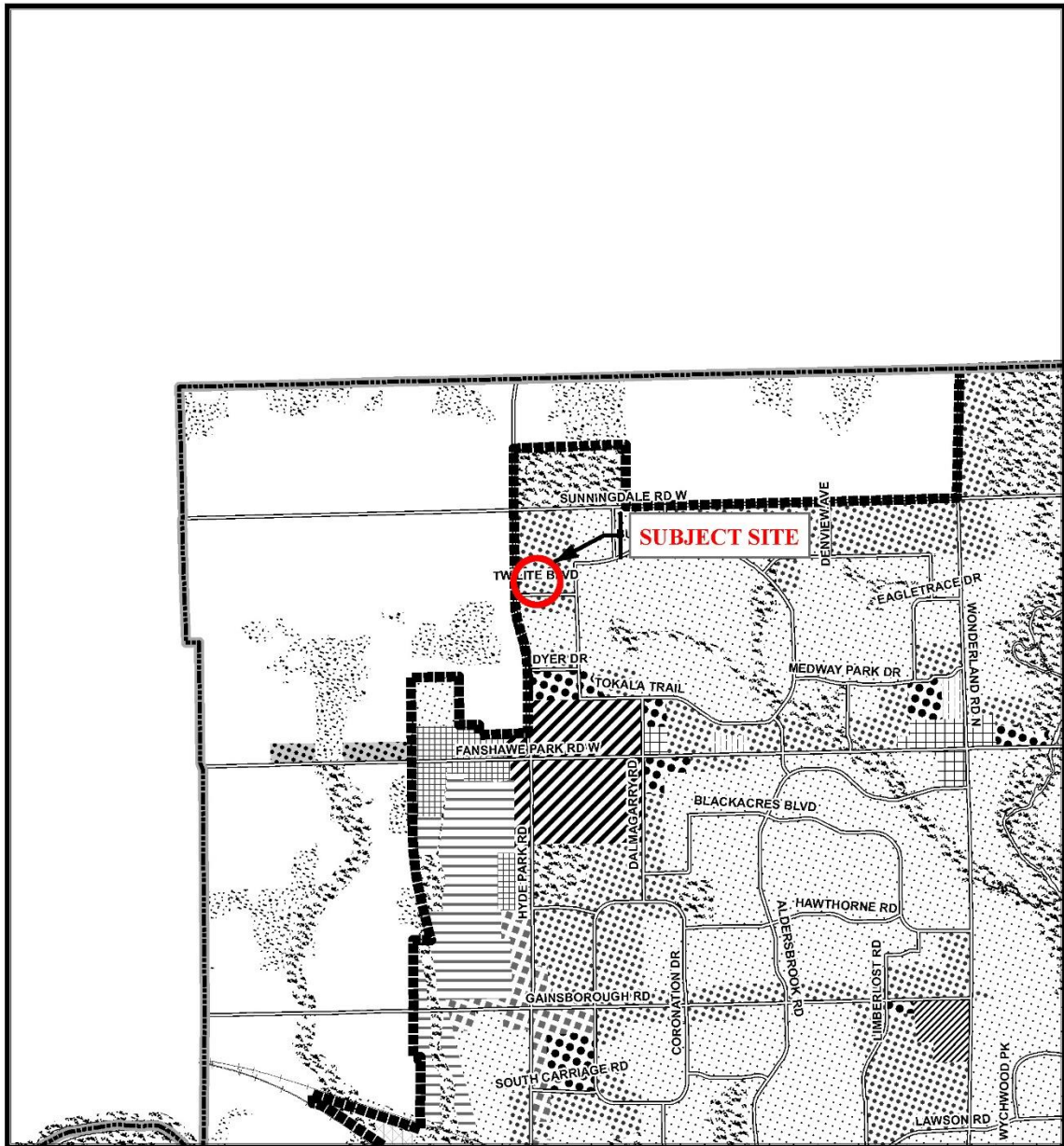
File Number: H-9389

Planner: AC

Technician: RC

Date: November 2, 2021

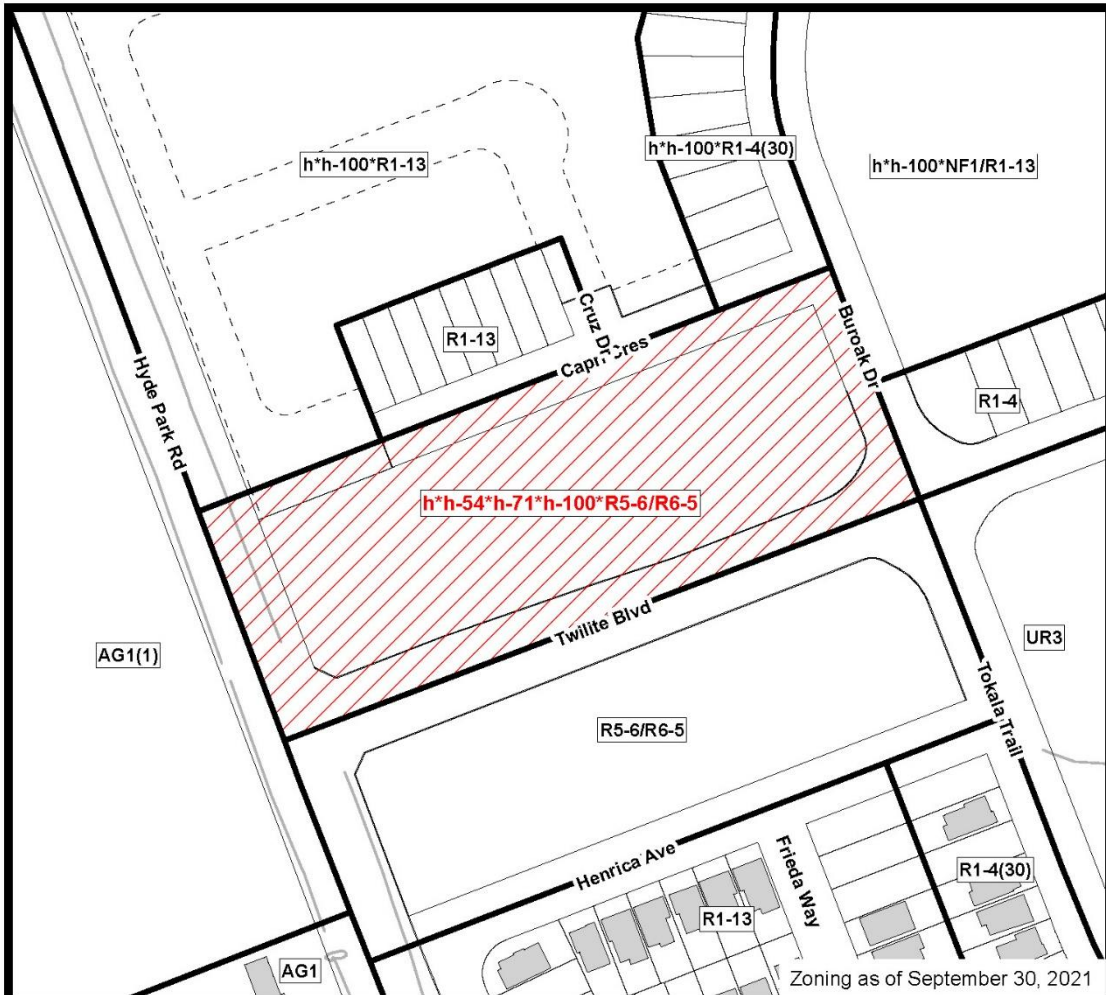
1989 Official Plan Excerpt



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 - LAND USE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p style="text-align: center;"> Scale 1:30,000 Meters </p>	<p>FILE NUMBER: H-9389 PLANNER: AC TECHNICIAN: RC DATE: 2021/11/02</p>
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Zoning By-law Excerpt



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-9389

AC

MAP PREPARED:

2021/11/02

RC

1:2,000

0 10 20 40 60 80 Meters