

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.
890 Upperpoint Avenue
Removal of Holding Provision 'h'

Meeting on: December 13, 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 890 Upperpoint Avenue, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 21, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 890 Upperpoint Avenue **FROM** a Holding Residential R1 (h*R1-4) Zone **TO** a Residential R1 (R1-4) Zone.

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 14 single detached dwelling units can proceed in accordance with the approved zoning.

Rationale of Recommended Action

The conditions for removing the 'h' holding provision has been met, as the required security has been submitted and the development agreement has been executed.

1. The removal of the 'h' holding provision is in conformity with The London Plan and (1989) Official Plan, and is in compliance with the Zoning By-law.
2. Through the draft 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.

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 primarily located within Phase 2 the Warbler Woods Subdivision which was registered in June 2020 (33M-754 Block 141). A small portion of the proposed lots and the extension of Fountain Grass Drive onto which all the lots front is located within Phase 1 of the Wagner Subdivision (39T-20503 / 33M-810, Block 42).

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 Warbler Woods draft plan of subdivision and associated zoning by-law amendments (39T-16502/Z-8621).

July 16, 2018 - Report to Planning and Environment Committee to recommend approval of the Special Provisions for Warbler Woods Subdivision Phase 2 (39T-16502).

March 29, 2021 - Report to Planning and Environment Committee to recommend approval of the Wagner draft plan of subdivision and associated zoning by-law amendments (39T-20503/Z-9278).

October 18, 2021 - Report to Planning and Environment Committee to recommend approval of the Special Provisions for Wagner Subdivision Phase 1 (39T-20503).

1.2 Planning History

The majority of the subject lands are located within the Warbler Woods Subdivision (33M-754, Block 141). On October 24, 2018, the City of London Approval Authority granted final approval and Phase 2 of the Warbler Woods 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.

A small portion of the subject lands, as well as the street onto which all the lots front, is located within the Wagner Subdivision (33M-810, Block 42). On November 18, 2021, the City of London Approval Authority granted final approval and Phase 1 of the Wagner subdivision was registered as Plan 33M-810 on November 29, 2021. The final plan consisted of 39 single detached residential lots, two (4) medium density residential blocks, one (1) future development block, one (1) park block, one (1) road widening block, two (2) reserve blocks, and the extensions of two (2) local streets.

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 Upperpoint Avenue, to the south of Trailsway Drive, west of Trailsway Avenue and to the north of the future extension of Fountain Grass Drive. The subject lands are proposed to be developed as fourteen (14) single detached dwellings.

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

- The London Plan Place Type – Neighbourhoods Place Type
- Riverbend South Secondary Plan – Low Density Residential
- 1989 Official Plan Designation – Low Density Residential
- Existing Zoning – h*R1-4

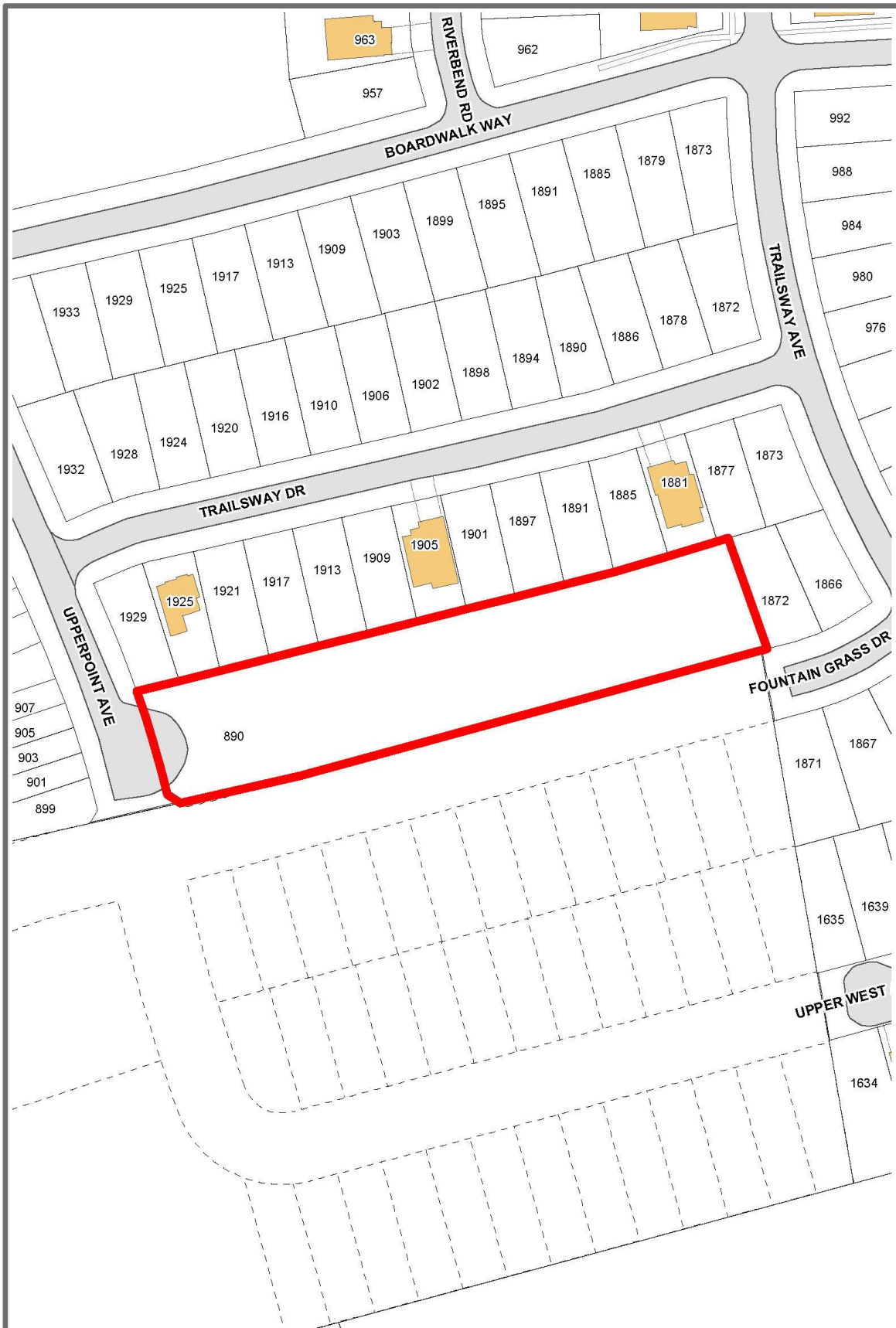
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – approx. 33m on Upperpoint Avenue (Neighbourhood Connector) and 172m on Fountain Grass Drive (Neighbourhood Street)
- Area – approx. 5,700 m²
- Shape – Irregular

1.6 Surrounding Land Uses

- North – single detached dwellings
- East – single detached dwellings
- South – single detached dwellings
- West – townhouse dwellings dwellings, municipal park, future medium density residential

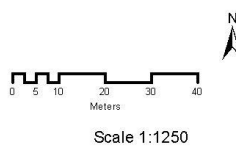
1.7 Location Map



LOCATION MAP

Subject Site: P-9358
File Number: 890 Upperpoint Avenue
Planner: Michael Clark
Date: 03/06/2021

Corporation of the City of London
Prepared By: Planning and Development



Legend

- Subject Site
- Buildings
- Parks
- Draft Approved Subdivisions
- Driveways/Parking Lots

2.0 Discussion and Considerations

The applicant is requesting to remove the h holding provision from the subject lands which requires orderly development of lands and the adequate provision of municipal services.

2.1 Community Engagement (see more detail in Appendix B)

On August 26, 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.

Conclusion

It is appropriate to remove the “h” holding provision 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.

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 890 Upperpoint Avenue.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 890 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 890 Upperpoint Avenue, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

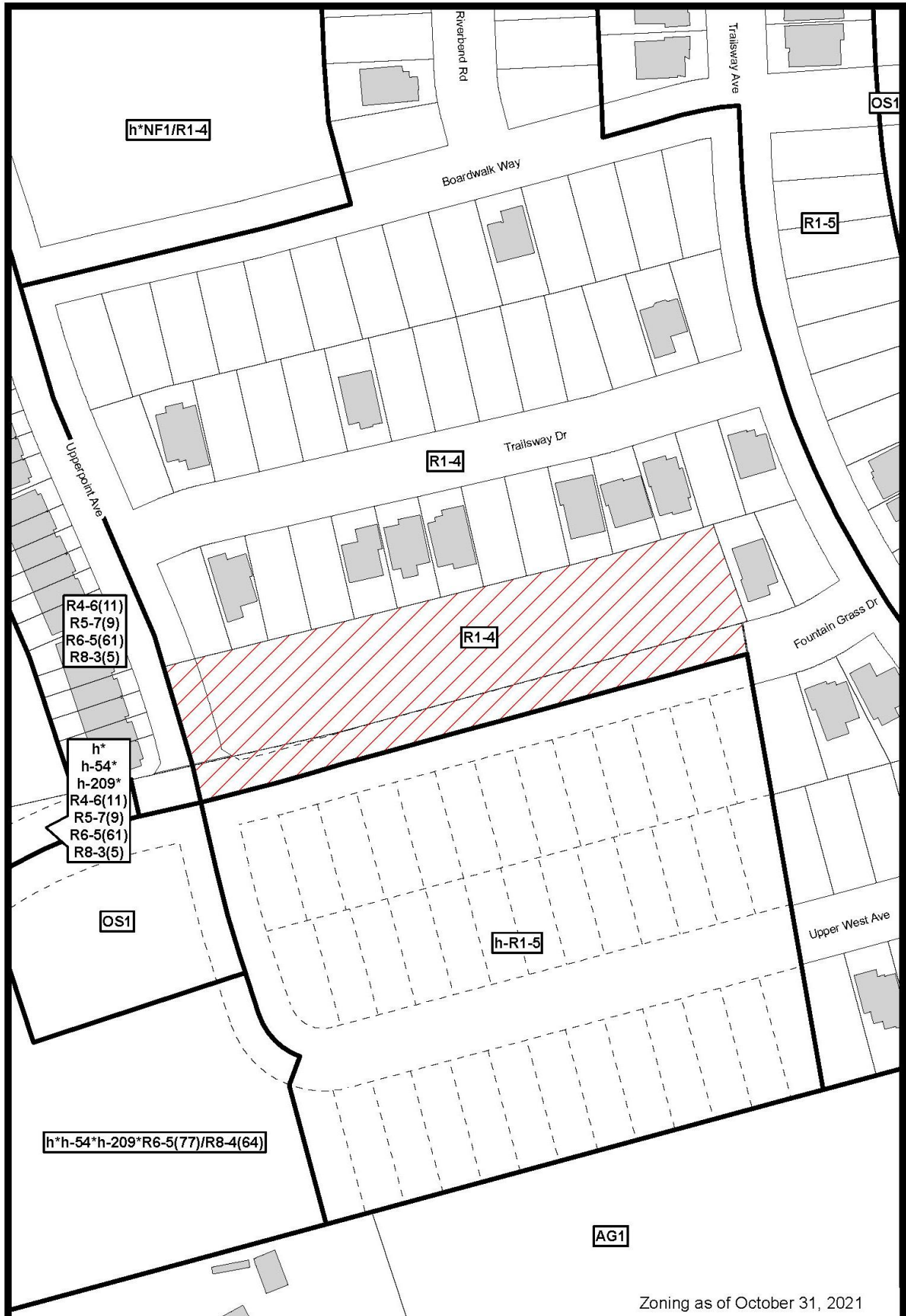
PASSED in Open Council on December 21, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading - December 21, 2021
Second Reading - December 21, 2021
Third Reading - December 21, 2021

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

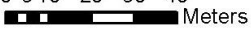


Zoning as of October 31, 2021

File Number: H-9392
Planner: MC
Date Prepared: 2021/11/23
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

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 Meters



Appendix B – Public Engagement

Community Engagement

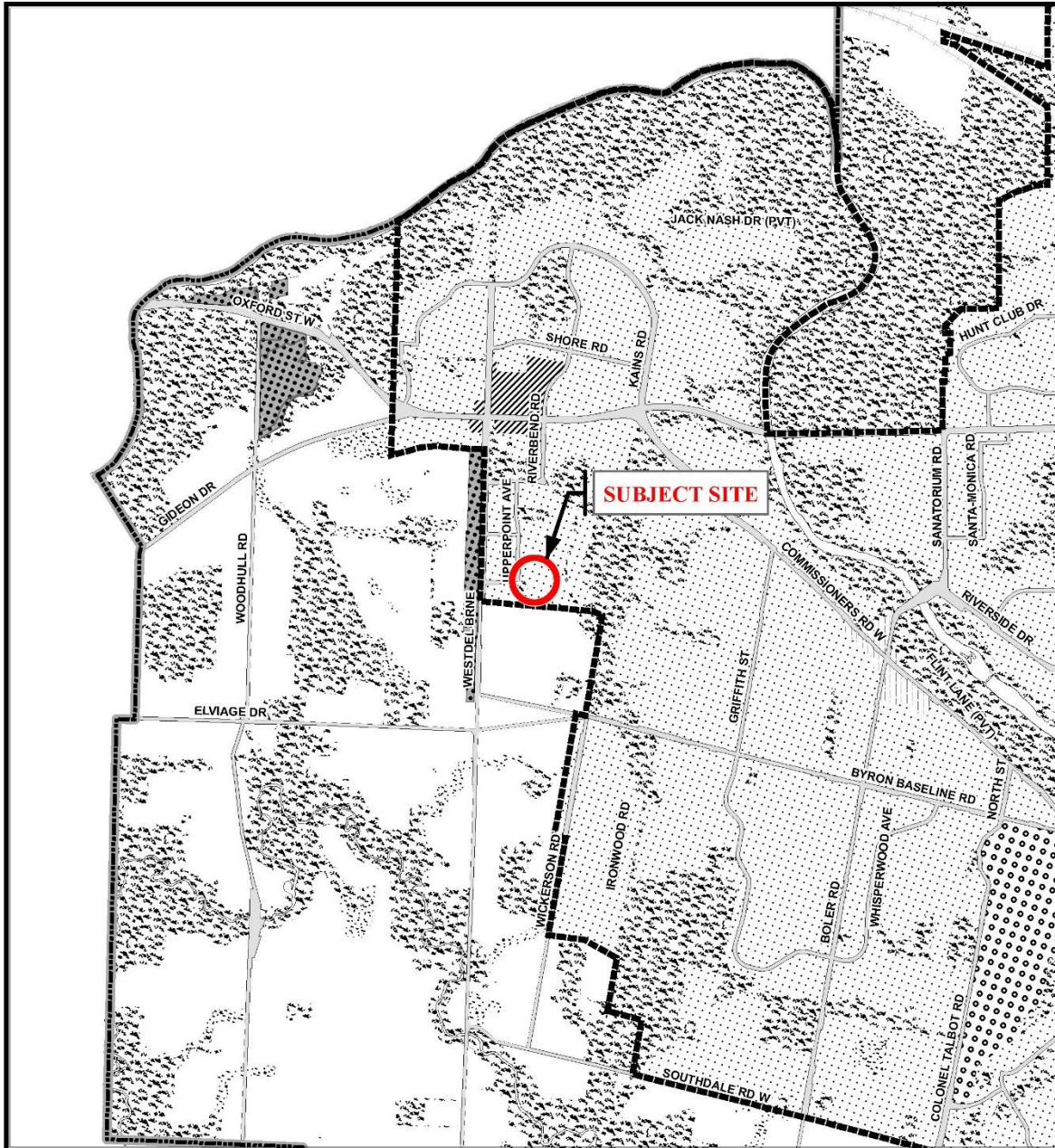
Public liaison: Notice of the application was published in the Londoner on August 26, 2021

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h” holding provisions from the lands. The “h” holding provision requires that security has been provided for the subdivision agreement, and that a subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than October 12, 2021. File: H-9392 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.

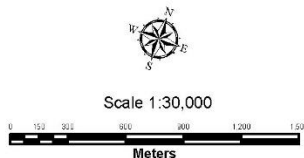
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

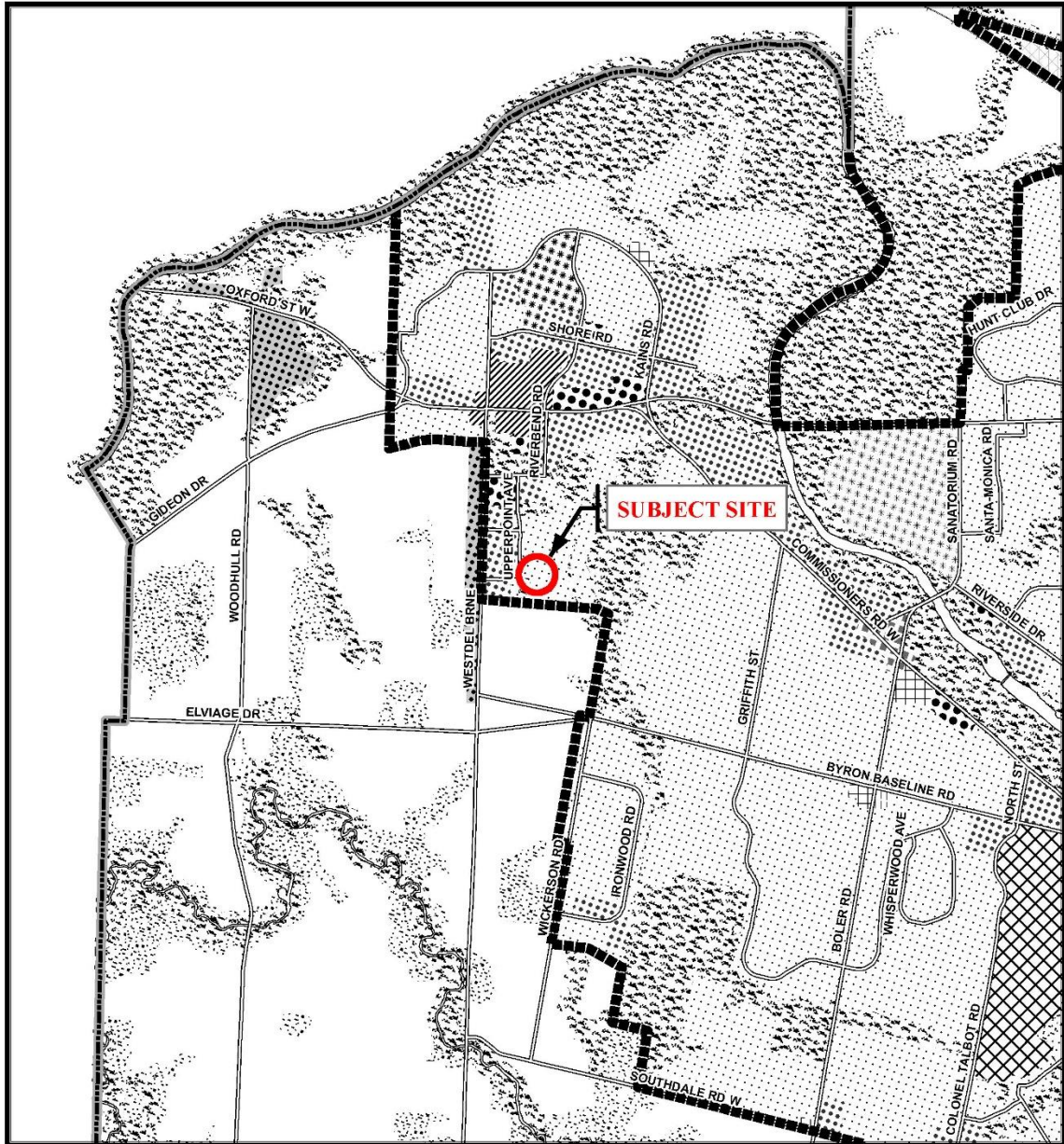
**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



File Number: H-9392
Planner: MC
Technician: RC
Date: November 24, 2021

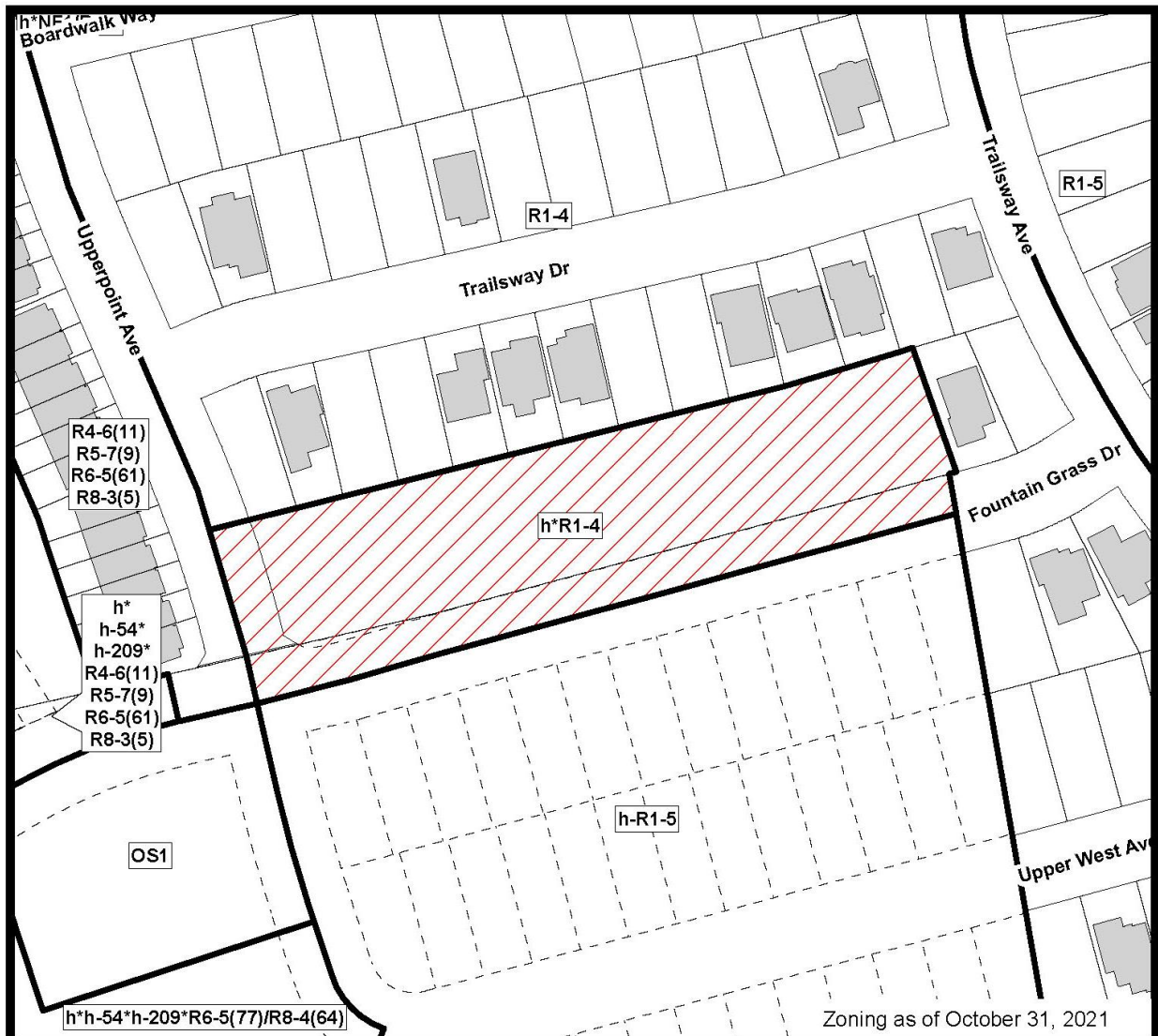
1989 Official Plan Excerpt



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 - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	 <p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-9392</p> <p>PLANNER: MC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/11/24</p>
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Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "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-9392

MC

MAP PREPARED:

2021/11/23

RC

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Meters