

## 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 2186121 Ontario Inc.  
1150 Byron Baseline – Removal of Holding Provisions

**Date:** December 13, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Economic Development, the following actions be taken with respect to the application of 2186121 Ontario Incorporated, relating to the property located at 1150 Byron Baseline Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 21, 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 R5-7 Special Provision (h-5\*h-183\*R5-7(12)) Zone, **TO** a Residential R5-7 Special Provision (R5-7(12)) Zone.

## Executive Summary

### Purpose and the Effect of the Recommended Action

The purpose and effect of the zoning change is to remove the “h5” and “h-183” holding provision from the subject lands to permit the development of 28 townhouse units in two (2) buildings.

### Rationale of Recommended Action

1. The conditions for removing the “h-5” and “h-183” holding provisions have been met and the recommended action will allow for the development of 28 townhouse units in two (2) buildings.
2. A Development Agreement has been entered into and the necessary securities have been received.

## 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 planned and sustainable over the long term.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**August 13, 2018** – Report to Planning and Environment Committee on appeal for failure to make a decision in 120 days (Z-8847).

**July 12, 2020** – Report and Public Participation Meeting at Planning and Environment Committee regarding Zoning By-law Amendment to permit townhouse development (Z-9172).

## 1.2 Planning History

A Zoning By-law Amendment application (Z-8847) to permit a 4-storey residential apartment building on the subject lands was deemed complete on October 30, 2017. Staff met with the applicant to discuss concerns regarding the application, which was put on hold, and an appeal was submitted on March 16, 2018, for failure to make a decision in 120 days. The Local Planning Appeal Tribunal (LPAT) was advised that Municipal Council recommended refusal of the amendment as it was not consistent with the *Provincial Policy Statement* and did not confirm with the *1989 Official Plan* or *The London Plan*. In 2019, the LPAT issued an order dismissing the appeal and refusing the requested Zoning By-law Amendment.

Another Zoning By-law Amendment application (Z-9172) was submitted on January 30, 2020, requesting an amendment to change the zoning of the subject property from a Residential R1 (R1-7) Zone to a Holding Residential R5 Special Provision (h-5\*h-183\*R5-7(12)) Zone. Municipal Council passed the Amendment and the resolution noted concerns and issues to be addressed by Site Plan Control.

This application is to remove the holding provisions from Lot 7 and Part of Lot 6 on Compiled Plan 563 (C). The application was accepted as complete on October 15, 2021. An application for Site Plan Approval (SPA21-009) was submitted and a Development Agreement has executed.

## 1.3 Property Description

The subject lands are located in the southwest quadrant of the City and are situated south of Byron Baseline Road and west of Colonel Talbot Road. The site is comprised on Lot 7 and part of Lot 6 on Compiled Plan 563(C) and is approximately 0.54 hectares (1.33 acres). There is a garage and storage shed on the site, and the lands are currently use for storage.

## 1.4 Current Planning Information

- The *London Plan* Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R5 Special Provision (h-5\*h-183\*R5-7(12))

## 1.5 Site Characteristics

- Current Land Use – Storage
- Area – 0.54 hectares (1.33 acres)
- Shape – Irregular

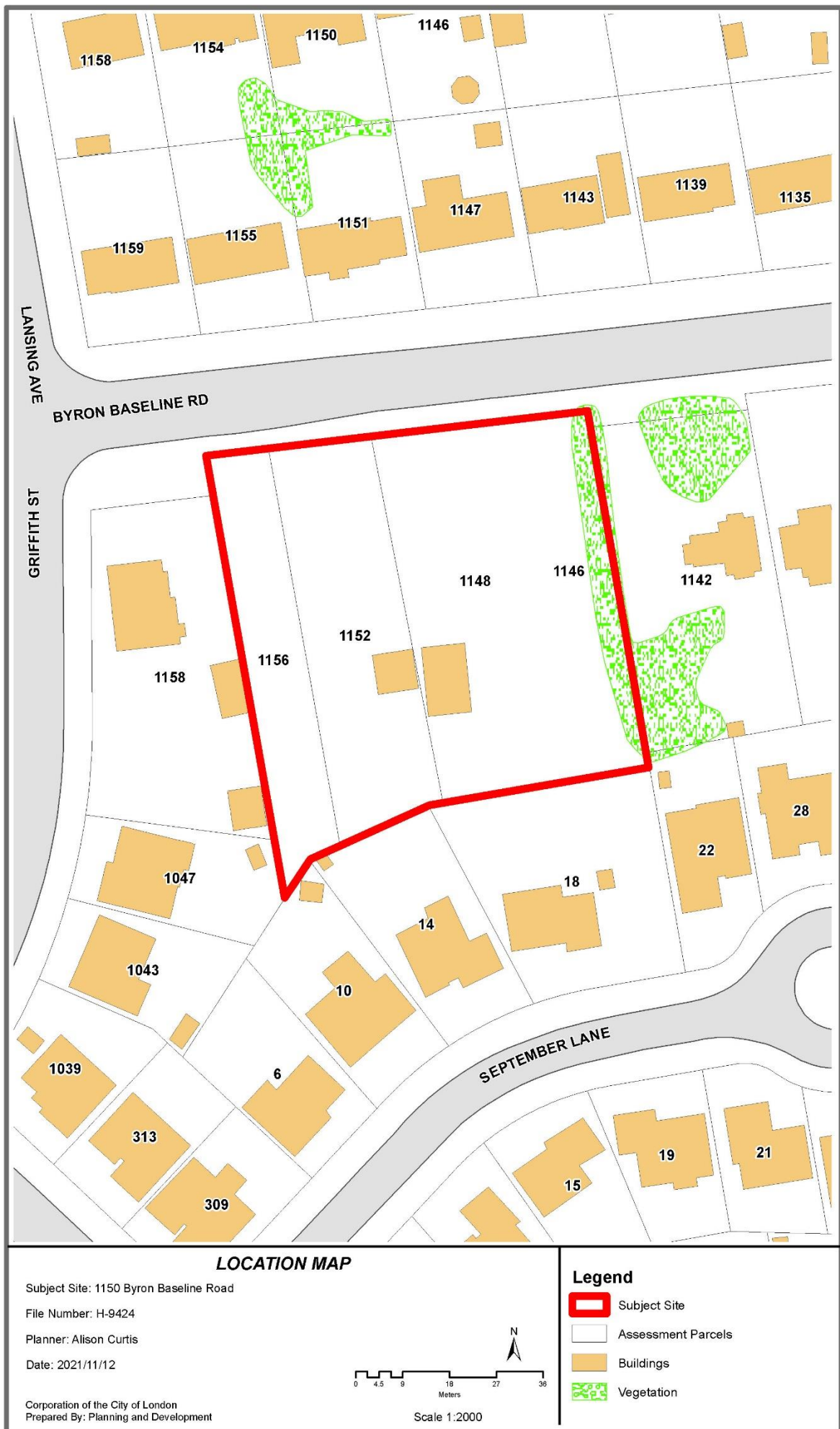
## 1.6 Surrounding Land Uses

- North – Low Density Residential
- East – Low Density Residential
- South – Low Density Residential
- West – Low Density Residential

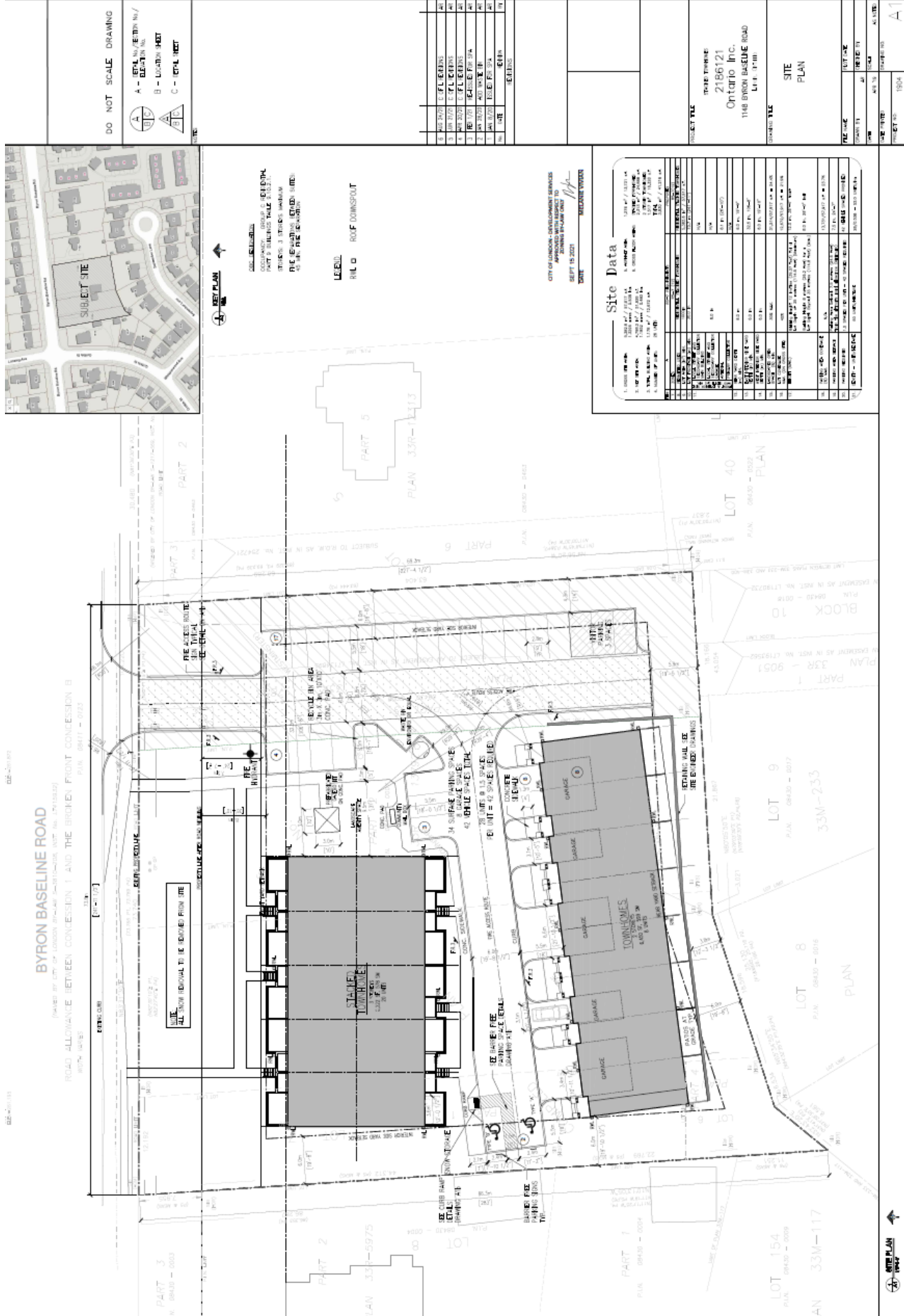
## 1.7 Intensification

The proposal of 28 residential townhouse units represents development within the Built-Area Boundary. The proposed units are located outside of the Primary Transit Area.

## 1.8 Location Map



# 1.9 Site Plan



DO NOT SCALE DRAWING

A - ENCL. NO. / SECTION NO. / SECTION NO.  
 B - LOCATION SHEET  
 C - ENCL. NO. / SECTION NO.

NO.	DESCRIPTION	DATE
1	PRELIMINARY	
2	REVISED	
3	REVISED	
4	REVISED	
5	REVISED	
6	REVISED	
7	REVISED	
8	REVISED	
9	REVISED	
10	REVISED	

**PROJECT FILE**

2186121  
 Ontario Inc.  
 1188 BRON BASELINE ROAD  
 L4L 1T1W

**OWNER**

1188 BRON BASELINE ROAD  
 L4L 1T1W

**DATE**

18/04/2024

**PROJECT NO.**

18/04/2024

**SCALE**

AS SHOWN

**DATE**

18/04/2024

**DRAWN BY**

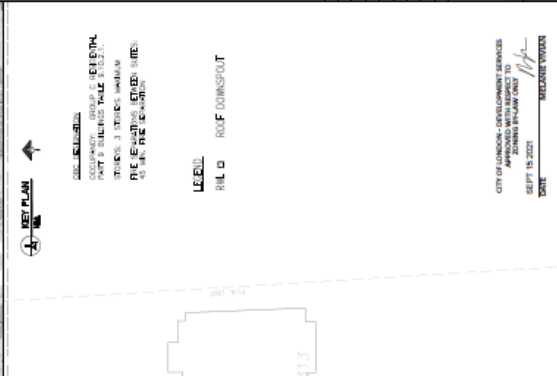
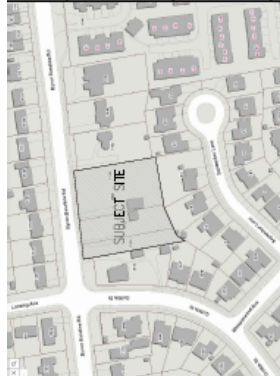
AS SHOWN

**CHECKED BY**

AS SHOWN

**DATE**

18/04/2024



**Site Data**

NO.	DESCRIPTION	AREA (SQ. FT.)	REMARKS
1	GROSS SITE AREA	10,000	
2	GROSS FLOOR AREA	4,000	
3	NET FLOOR AREA	3,500	
4	CONCRETE FLOOR AREA	3,500	
5	PAVED DRIVEWAY	200	
6	PAVED DRIVEWAY	200	
7	PAVED DRIVEWAY	200	
8	PAVED DRIVEWAY	200	
9	PAVED DRIVEWAY	200	
10	PAVED DRIVEWAY	200	
11	PAVED DRIVEWAY	200	
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25	PAVED DRIVEWAY	200	
26	PAVED DRIVEWAY	200	
27	PAVED DRIVEWAY	200	
28	PAVED DRIVEWAY	200	
29	PAVED DRIVEWAY	200	
30	PAVED DRIVEWAY	200	

## 2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h-5 and h-183 holding provisions from the subject lands.

- h-5 requires a public site plan review and development agreement to ensure that the development takes a form that is compatible with adjacent land uses.
- h-183 requires that a hydrogeologic study, prepared by a qualified professional, be prepared that evaluates the potential impact of the proposed development on area wells and provide recommendations for monitoring post construction impacts and possible mitigation measures. Any recommendations shall be incorporated in the development agreement to ensure the development does not negatively impact groundwater and wells.

Removal of the holding provisions would facilitate the development of 28 residential townhouse units in two buildings. One building is two storeys and will contain 8 units, and the second will be three storeys and will contain 20 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 25, 2021.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on November 17, 2021.

There was no response from the public.

### 2.2 Policy Context

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-5 Holding Provision

The h-5 Holding Provision states that:

*To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Permitted Interim Uses: Existing uses. (Z.-1-94236)*

A public site plan review was held on June 21, 2021, identifying concerns relating to the development agreement, and a Council Resolution (2021-07-07 Resolet 3.4-10-PEC) was issued on July 7, 2021, indicating that Council supported the Site Plan Application.

The Resolution advised the Approval Authority of concerns that were expressed by the public. The first of these concerns was the proximity of the proposed three-storey building to neighbouring properties, and Staff have noted that the proposal complies with all the setbacks identified in the Z.-1 Zoning By-law. In addition to proximity, members of the public were also concerned about impacts on privacy. Additional landscaping is required along an existing cedar hedge on the southern portion of the property, which will help to provide privacy, and landscaping is also required along the eastern and western portions. A two-year inspection clause is included in the Development Agreement for the health and maintenance of the vegetation on site. Potential lighting impacts on neighbouring properties was also a concern identified by the public. A photometric plan was submitted as part of the application, which noted that the light cast is at a rating of 0:0 around the property. This means that there is no projected light cast from light standards to the property line, and requirements for landscaping and vegetation will help to mitigate light cast from vehicles. Overflow parking was the fourth concern identified at the public site plan review. The proposal complies with the regulations set out in Section 4.19 of the Z.-1 Zoning By-law, which requires 1.5 spaces per unit, and overflow parking should not occur. This satisfied the requirements for the removal of the “h-5” holding provision.

### **h-183 Holding Provision**

The h-183 holding provision states:

*To ensure that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement to the satisfaction of the City of London. (Z.-1-142350)*

A Hydrogeologic Study was prepared by a qualified professional at LDS Consultants and submitted for Site Plan Approval. The study analysed the geological and hydrogeologic setting of the subject lands and presented the results of an impact assessment identifying mitigation and monitoring measures. The recommendations were included as special provisions in the Development Agreement, which has been executed. This satisfies the requirements for the removal of the “h-183” holding provision.

## **Conclusion**

It is appropriate to remove the “h-5” and “h-183” holding provisions from the subject lands at this time as: a public site plan review has been held and received Council Resolution; a Hydrogeologic Study was submitted and the recommendation included in the Development Agreement; and, the Development Agreement has been executed and the necessary securities received.

**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)

## 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 1150 Byron Baseline Road.

WHEREAS 2186121 Ontario Incorporate have applied to remove the holding provision from the zoning for the lands located at 1150 Byron Baseline 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 1150 Byron Baseline Road, as shown on the attached map, to remove the h-5 and h-183 holding provision so that the zoning of the lands as a Residential R5 Special Provision (R5-7(12)) 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

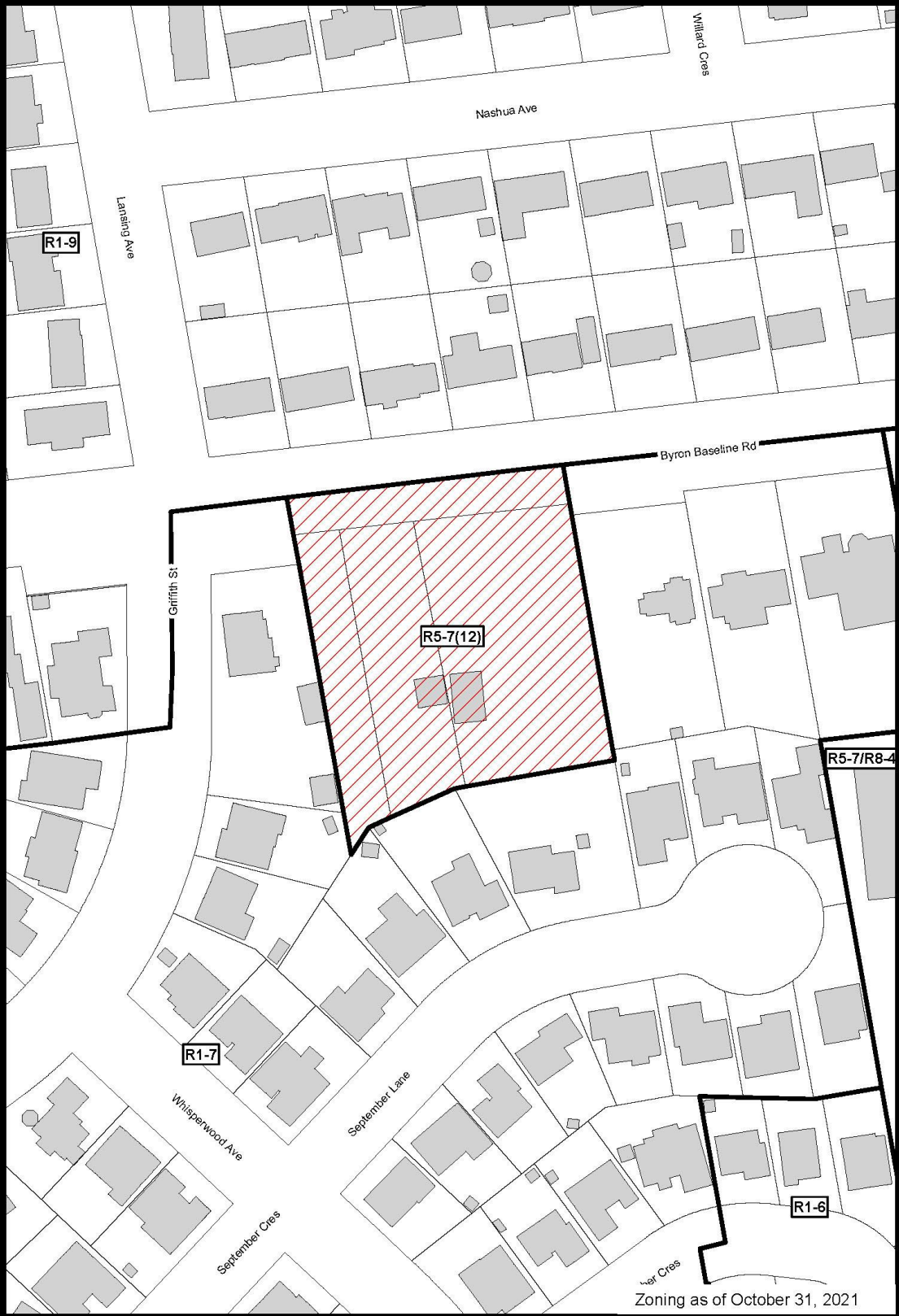
Ed Holder  
Mayor

Catharine Saunders  
City Clerk


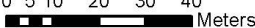

First Reading - December 21, 2021  
Second Reading - December 21, 2021  
Third Reading - December 21, 2021



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



Zoning as of October 31, 2021

<p><b>File Number: H-9424</b>  <b>Planner: AC</b>  <b>Date Prepared: 2021/11/12</b>  <b>Technician: ZZ</b>  <b>By-Law No: Z-1-</b></p>	<p><b>SUBJECT SITE</b> </p> <p><b>1:1,250</b></p> <p>0 5 10 20 30 40   Meters</p> <p></p>
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## Appendix B – Consultation

### Community Engagement

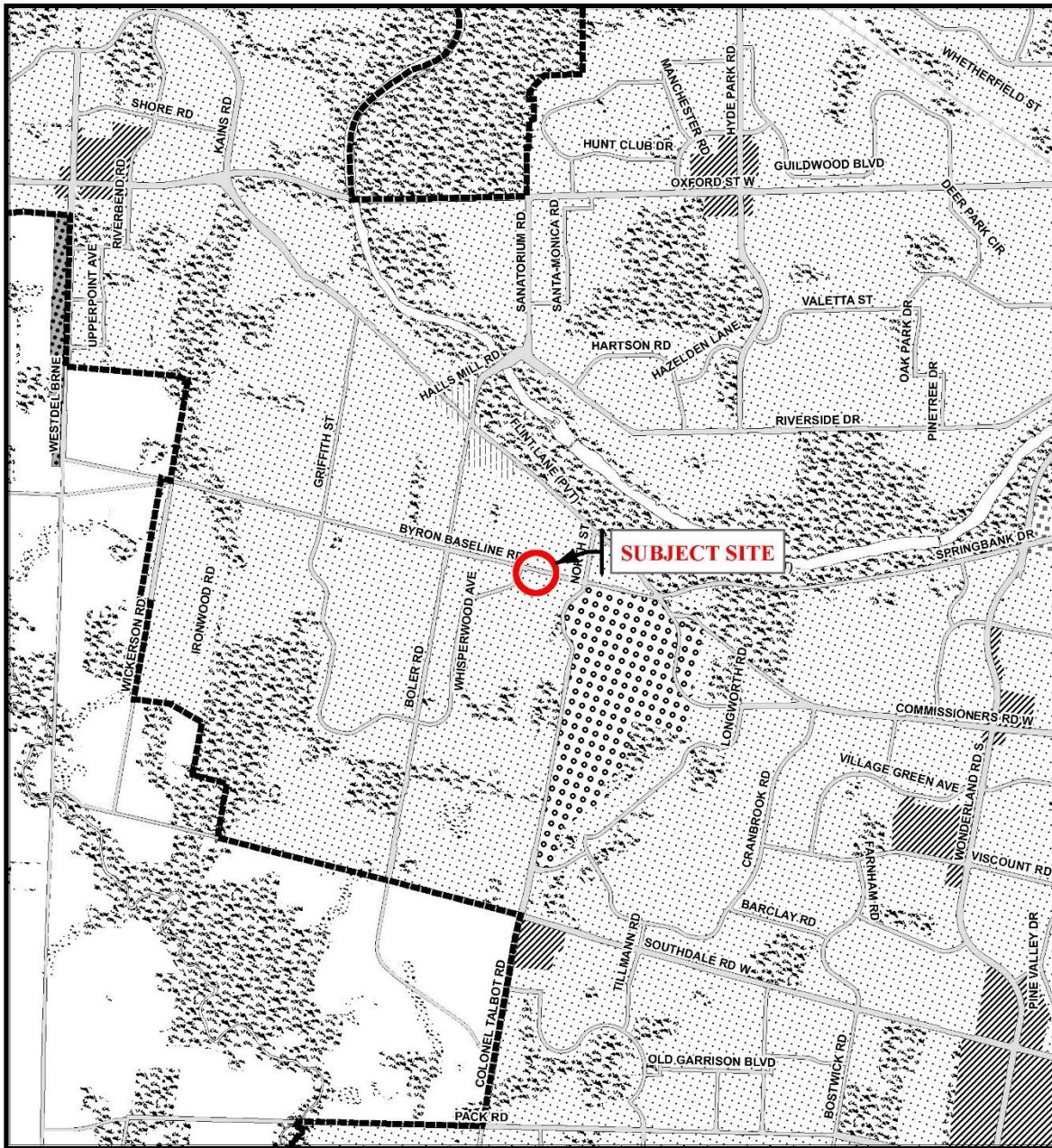
**Public Liaison:** Notice of the Intent to Remove Holding Provisions was published in the Londoner on November 25, 2021 and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

**Londoner Notice:** City Council intends to consider removing the h-5 and h-183 holding provisions from the subject lands to allow for the development of 28 townhouse units in two (2) buildings. The purpose of the “h-5” provision is to ensure the proposed development is compatible with the surrounding land uses. Agreements shall be entered into following a site plan review prior to the removal of the symbol. Holding provision “h-183” seeks to ensure that development will not have any negative impacts on the groundwater and existing wells. A hydrogeologic study, prepared by a qualified professional, shall be prepared that evaluates the potential impact of the proposed development on area wells and provide recommendations for monitoring post construction impacts and possible mitigation measures. Any recommendations shall be incorporated in the development agreement. Council will consider removing the holding provisions as they apply to these lands no earlier than December 13, 2021.

# 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



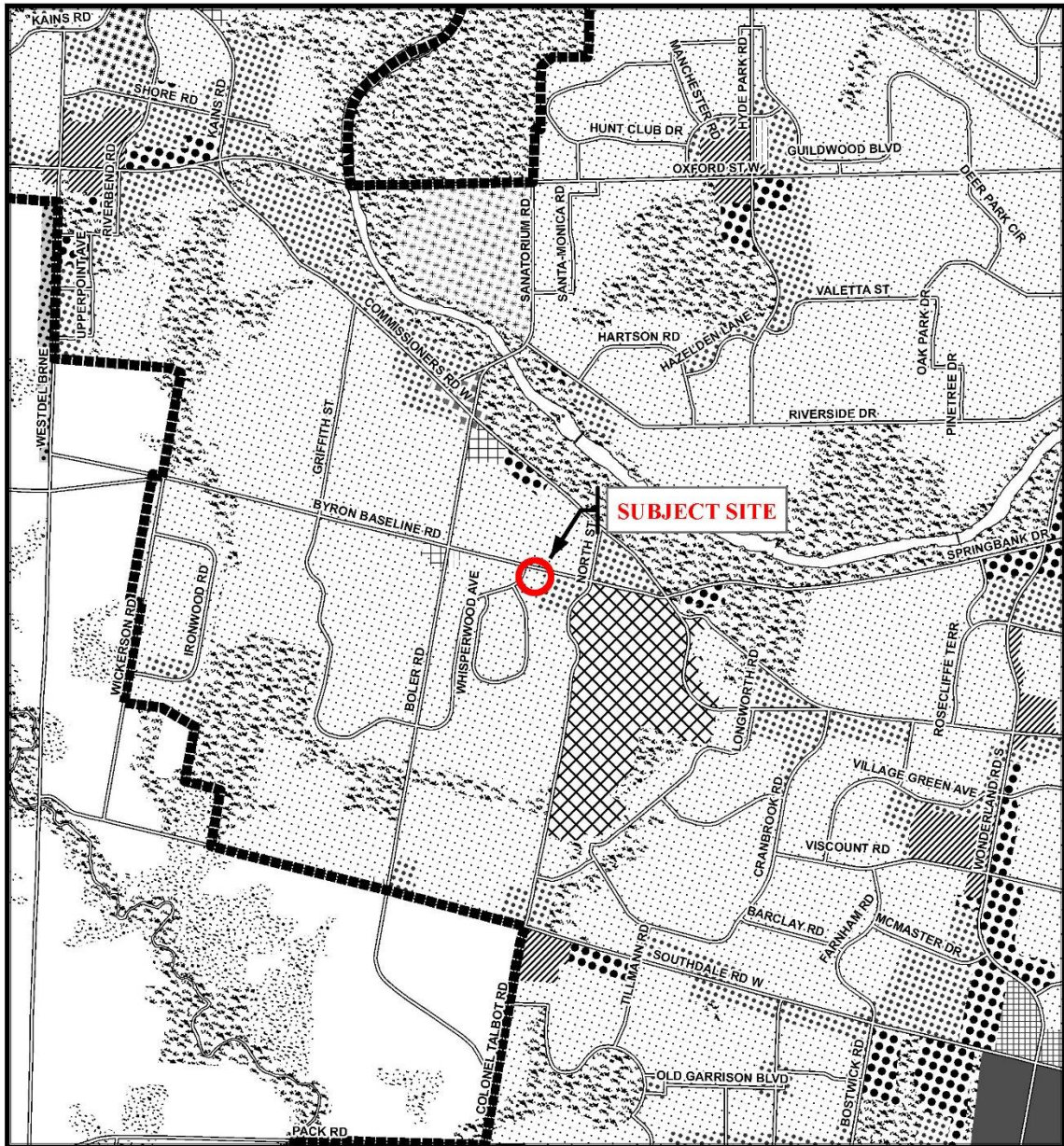
File Number: H-9424

Planner: AC

Technician: RC

Date: November 12, 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></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>	FILE NUMBER: H-9424
		PLANNER: AC
		TECHNICIAN: RC
		DATE: 2021/11/12

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol00\excerpts\vmxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

# Zoning By-law Excerpt



**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-9424

AC

MAP PREPARED:

2021/11/12

RC

1:1,500

0 5 10 20 30 40

Meters