

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.
355 Middleton Avenue
Removal of Holding Provision h, h-100 and h-198

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 355 Middleton 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 355 Middleton Avenue **FROM** a Holding Residential Special Provision R5 (h*h-100*h-198*R5-4(23)) and a Holding Residential Special Provision R6 (h*h-100*h-198*R6-5(51)) Zone **TO** a Residential Special Provision R5 (R5-4(23)) and a Residential Special Provision R6 (R6-5(51)) to remove the h, h-100 and h-198 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h, h-100 and h-198 holding provisions so that the development of eight (8) townhouses buildings and twelve (12) back-to-back townhouse buildings with a total of 122 dwellings units can proceed in accordance with the approved zoning.

Rationale of Recommended Action

The conditions for removing the h, h-100 and h-198 holding provisions 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, h-100 and h-198 holding provisions is in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the site 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.
3. Through the site plan approval process, confirmation on how the site can be appropriately serviced by a looped watermain system has been satisfied and secondary emergency access has been provided. The “h-100” holding provision is no longer required.
4. The proposed apartment buildings provide a street-oriented development which has been reviewed by urban design staff through the site plan approval process. The “h-198” is no longer required on this portion of the property.

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 in the southwest quadrant of the City and are included in the Southwest Area Plan. The lands are on the north side of Exeter Road, to the west of Middleton Avenue, and east of Southbridge Avenue. The lands are located within Phase 2 of the Richardson Subdivision which was registered in June 2020 (33M-785 Block 141). An adjacent multi-family medium density residential block is located to the northeast of the subject lands which is planned to be developed as a three (3) storey long term care facility.

1.1 Previous Reports Related to this Matter

April 26, 2010 - Report to Planning Committee to present the draft Southwest Area Plan and associated background studies.

November 20, 2012 - Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (Southwest Secondary Plan).

December 12, 2016 - Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments (39T-15501/Z-8470).

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

1.2 Planning History

This application for Draft Plan of Subdivision Approval was accepted on March 12, 2015. It was circulated to the required agencies and municipal departments on March 23, 2015 and advertised in the Londoner on April 2, 2015. A revised application and plan was received on April 20, 2016 and was advertised in the Londoner on May 19, 2016. Notice of Public Meeting was sent out on November 29, 2016 and was advertised in the Londoner on November 24, 2016. The Public Meeting was held on December 12, 2016. Draft approval was granted on January 27, 2017.

Since draft approval, the Applicant has registered three (3) phases of the subdivision. Phase 1 consisted of two (2) medium density multi-family blocks, one future street block, and 6 reserve (0.3 m, 1 ft.) blocks, all served by two new local streets, Mia Avenue and Kennington Way. It was registered on July 12, 2019 as 33M-765.

The subject lands are located within Phase 1A which consisted of forty two (42) single family lots, one (1) medium density blocks, two (2) open space blocks, four (4) 0.3 metre reserves, all served by two (2) new streets, namely Middleton Avenue and Kennington Way. It was registered on October 9, 2019 as 33M-769.

Phase 2, located north of Phase 1A, was registered on June 18, 2020 as 33M-785.

The applicant has also applied for approval of a Site Plan (SPA21-033), Minor Variance (A.087/21) and Vacant Land Condominium (39CD-21509).

1.3 Property Description

The subject lands are located in the southwest quadrant of the City and are included in the Southwest Area Plan. The lands are on the north side of Exeter Road, to the west of Middleton Avenue, east of the Pincombe Drain, and south of a municipal drain. The lands are located within Phase 1A of the Richardson Subdivision which was registered on July 12, 2019 as 33M-765.

The subject lands are proposed to be developed as three (3) storey townhouses with a total of 122 dwellings. Along the north, west and south boundaries of the site townhouse

buildings with 8 or 5 units are proposed with a total of 58 dwelling units. Within the middle of the site back-to-back three (3) storey townhouses are proposed with a total of 64 dwelling units. A grid pattern of private streets are proposed to provide access through the site. Primary access to the subject lands are provided near the north east corner of the site from Middleton Ave. A secondary emergency access is provided to Middleton Ave. to the south of the primary access.

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

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

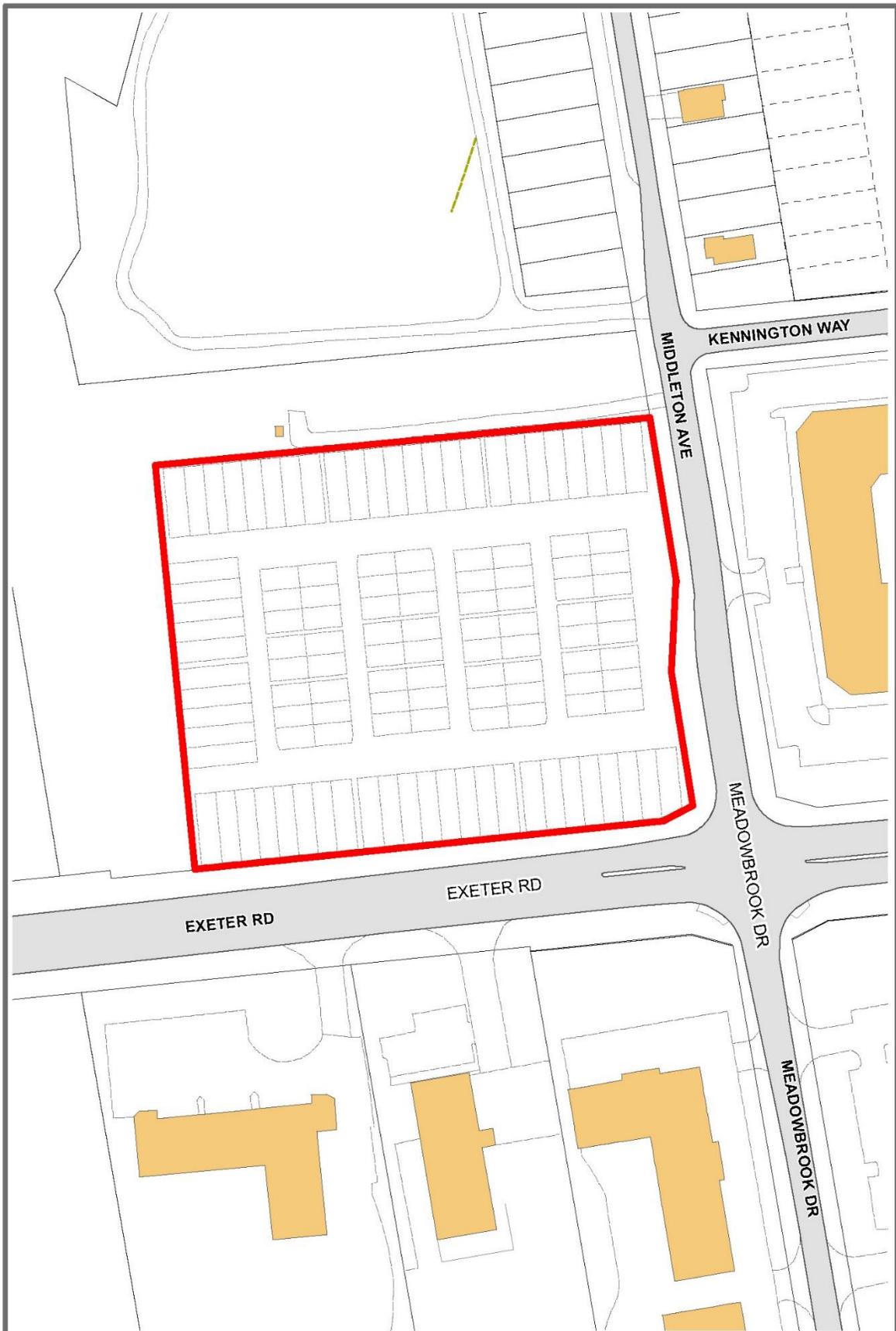
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – approx. 170m on Exeter Rd. S. (Civic Boulevard), and 130m on Middleton Ave. (Neighbourhood Collector)
- Area – approx. 10,000 m²
- Shape – Irregular

1.6 Surrounding Land Uses

- North – municipal drain and stormwater management facility, and future single detached dwellings
- East – existing light industrial business park
- South – existing light industrial business park
- West – open space, Pincombe Drain

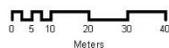
1.7 Location Map



LOCATION MAP

Address: 355 Middleton Avenue
File Number: H-9363
Planner: Michael Clark
Date: 2021/08/26

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



Scale 1:1500



Legend

-  Subject Site
-  Buildings
-  Driveways/Parking Lots
-  Assessment Parcels
-  Submitted Under Review Subdivisions

2.0 Discussion and Considerations

The applicant is requesting to remove the h, h-100 and h-198 holding provision from the subject lands. This h holding provision requires orderly development of lands and the adequate provision of municipal services. The h-100 holding provision requires that adequate water service and appropriate access being provided be provided. The h-198 holding provision requires that the design is consistent with the Southwest Area Secondary Plan including utilising street oriented development. The removal of the h, h-100 and h-198 holding provisions will allow for the development of 122 townhouse dwellings on the subject lands.

2.1 Community Engagement (see more detail in Appendix B)

On June 17, 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:

“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.

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.

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.

Permitted Interim Uses: A maximum of 80 residential units.”

Development Engineering Staff have confirmed that adequate water servicing can be provided to the subject site through a looped watermain system.

The primary access to the subject lands is proposed to be provided from Middleton Ave. near the northeast corner of the site. A secondary emergency access to Middleton Ave. is to be provided just to the south of primary access. This location is the only suitable location due to the grading constraints around the rest of the frontages.

This satisfies the requirement for removal of the “h-100” holding provision.

h-198 Holding Provision

The (h-198) holding provision states that:

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.

The proposed townhouse buildings provide a street-oriented development which has been reviewed by Urban Design Staff through the site plan approval process. A development agreement has been entered into to ensure that the new development is designed and approved consistent with the Southwest Area Secondary Plan.

This satisfies the requirement for removal of the “h-198” holding provision.

Conclusion

It is appropriate to remove the “h”, “h-100” and “h-198” holding provisions 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; water engineering confirmed that the development has incorporated water servicing through the development agreement, a secondary access for emergency vehicles has been provided to the satisfaction of the City, and the proposed development is consistent with Southwest Area Plan.

Prepared by: Michael Clark, MA
Planner I, Subdivision Planning

Reviewed by: Bruce Page, MCIP, RPP
Manager, Subdivision Planning

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, 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 355 Middleton Avenue.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 355 Middleton 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 355 Middleton Avenue, 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 (R5-4(23)) and Residential Special Provision R6 (R6-5(51)) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

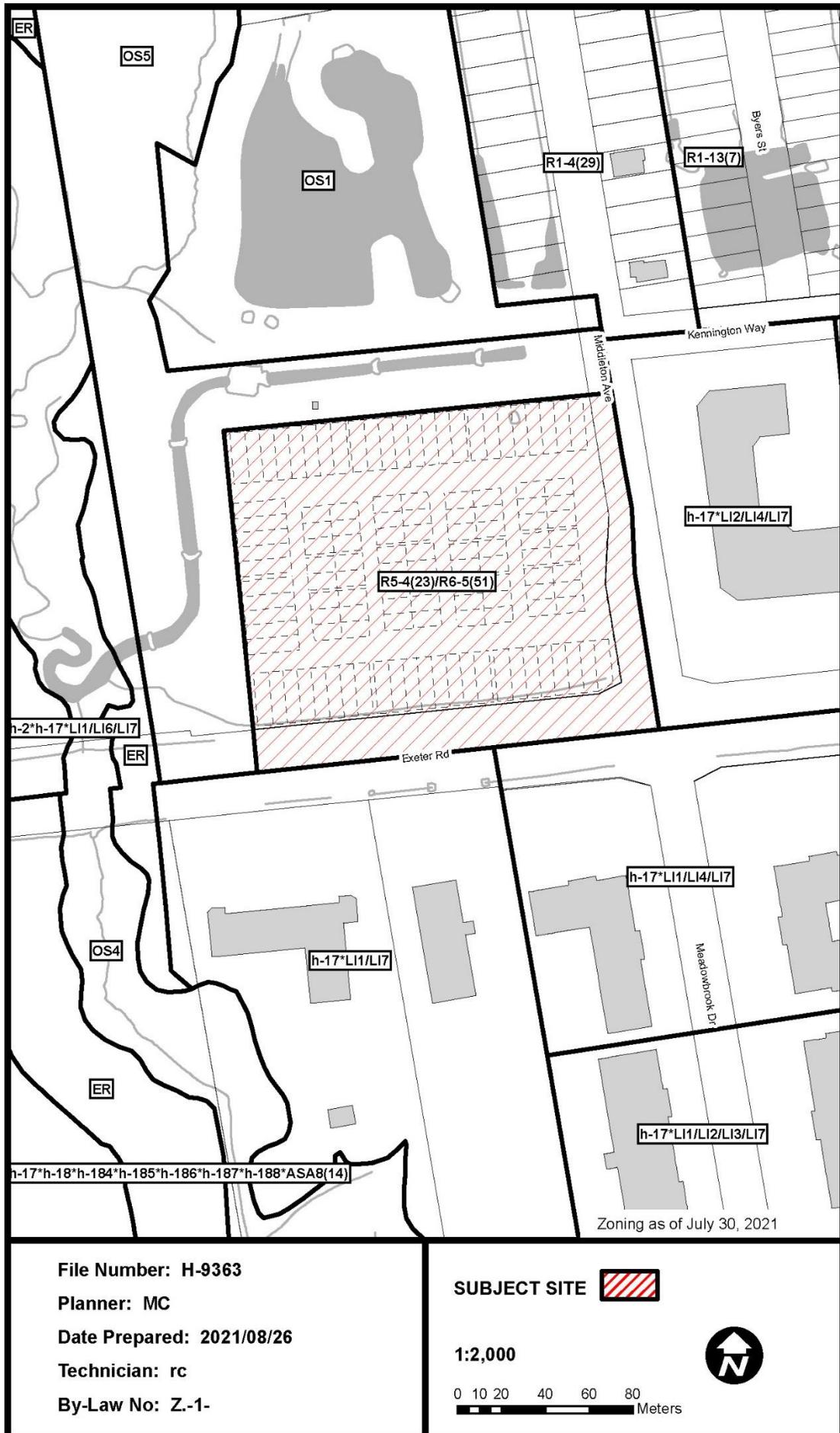
PASSED in Open Council on December 21, 2021

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)



Appendix B – Public Engagement

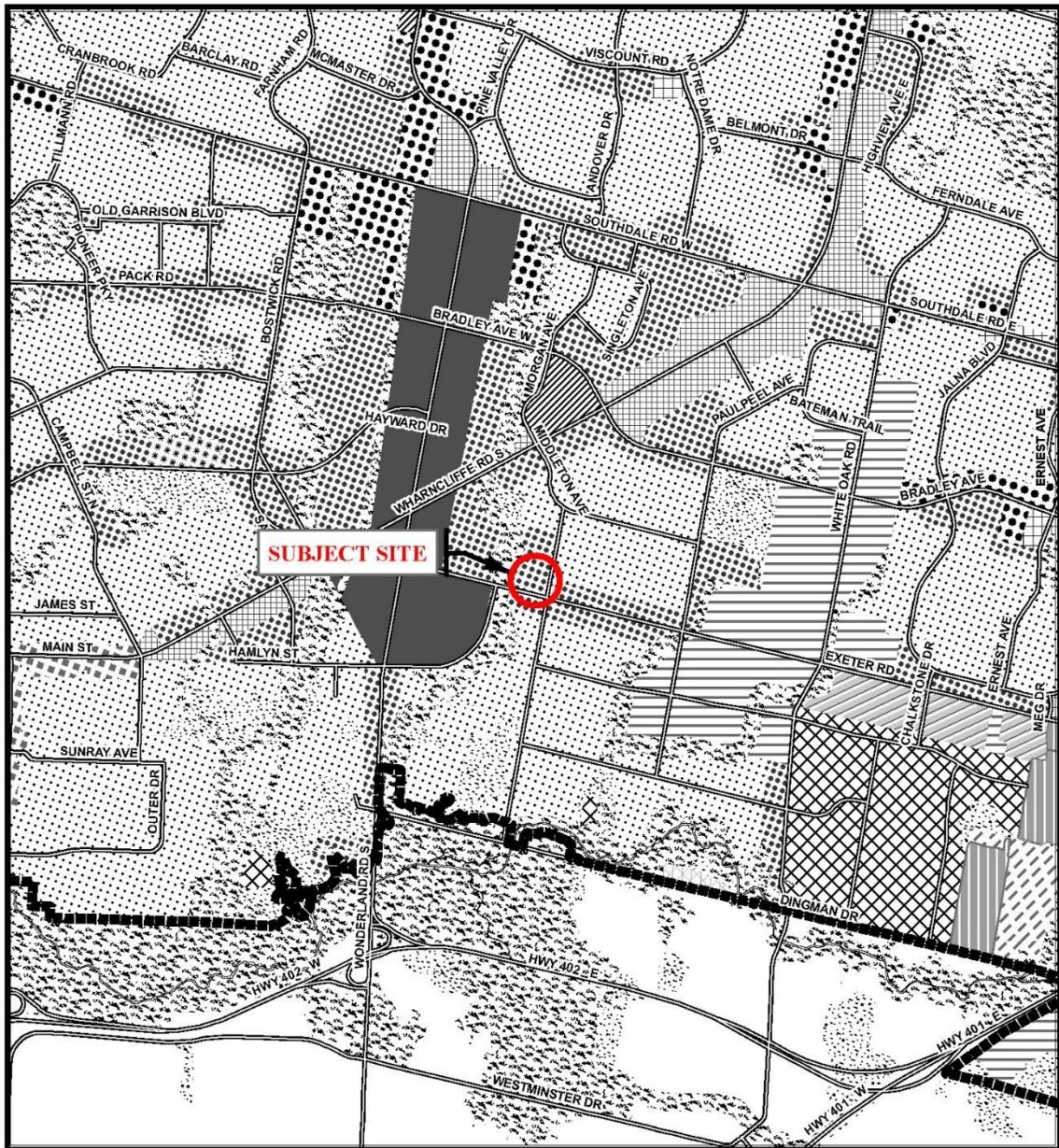
Community Engagement

Public liaison: Notice of the application was published in the Londoner on June 17, 2021

0 replies were received

Nature of Liaison: City Council intends to consider removing the h, h-100, and h-198 holding provisions from the lands which requires that the site is developed in an orderly manner, that there is an adequate provision of municipal services including a looped watermain system and a second public access, and that the design is consistent with the Southwest Area Secondary Plan. Council will consider removing the holding provisions as it applies to these lands no earlier than July 26, 2021. File: H-9363 Planner: M. Clark (City Hall).

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>0 100 200 300 400 500 600 700 800 900 1,000</p> <p>Meters</p>	FILE NUMBER: H-9363
		PLANNER: MC
		TECHNICIAN: RC
		DATE: 2021/08/26

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 | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | |
| R10 - HIGH DENSITY APARTMENTS | OB - OFFICE BUSINESS PARK |
| R11 - LODGING HOUSE | 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-9363

MC

MAP PREPARED:

2021/08/26

RC

1:2,500

0 12.525 50 75 100

Meters