

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: Auburn Developments Inc.
3924 Colonel Talbot Road
Removal of Holding Provision

Meeting on: January 10, 2022

Recommendation

That on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Ironstone relating to the property located at 3924 Colonel Talbot Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 25, 2022 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R1/Residential R1 Special Provision/ Residential R4 Special Provision/Residential R6 (h*R1-3(7)) and (h*R1-3/R4-6(16)/R6-5) Zone **TO** a Residential R1/Residential R1 Special Provision/ Residential R4 Special Provision/Residential R6 (R1-3(7)) and (R1-3/R4-6(16)/R6-5) Zone to remove the "h" holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the holding ("h") symbol from Block 132 of the draft approved subdivision (39T-12503) to permit the development of single-family homes and cluster townhouses under the Residential R1/Residential R1 Special Provision/ Residential R4 Special Provision/Residential R6 (R1-3(7)) and (R1-3/R4-6(16)/R6-5) Zones.

Rationale of Recommended Action

1. The conditions for removing the holding (h) provisions have been met and the recommended amendment will allow development of cluster townhouses in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.

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

1.1 Previous Reports Related to this Matter

May 7, 2013 – Report to Planning and Environment Committee to establish a Municipal Council position in response to appeals from Colonel Talbot Developments Inc. on the neglect by Council to make a decision on Official Plan and Zoning By-law amendment applications; and failure of the Approval Authority to make a decision on an application for subdivision approval(39T-12503).

November 26, 2013 – Report to Planning and Environment Committee to provide an update on the status of discussions that have taken place with the applicant since May. The report also addressed the need for an updated Municipal Council position on the appeals from Colonel Talbot Developments Inc. relating to applications for draft plan of subdivision, Official Plan amendment and Zoning By-law amendment (39T-12503).

May 13, 2014 – Report to Planning and Environment Committee to provide an update on the Ontario Municipal Board Decision relating to the appeal by Colonel Talbot Developments Inc. regarding a proposed residential plan of subdivision, Official Plan and Zoning By-law amendments on the properties located at 3924 and 4138 Colonel Talbot Road (39T-12503).

March 1, 2021 – Report to Planning and Environment Committee to request multiple Zoning By-law amendments and red-line revisions to portions of the draft-approved plan of subdivision 39T-12503. The zoning amendments provided additional residential uses on portions of the land in the form of single detached, street townhouse and cluster townhouse dwellings (39T-12503/Z-9240).

1.2 Planning History

The subject lands include several adjacent properties comprising a total area of 64.77 hectares located east of Colonel Talbot Road and north of Lambeth Walk. The topography is gently sloping (northeast to southwest), with two catchment areas. The majority of the land drains southwest, eventually outletting to the Anguish Drain and Dingman Creek. The application from Colonel Talbot Developments Inc. (39T-12503 & OZ-8052), was accepted on May 2, 2013, and proposed an Official Plan and Zoning By-law Amendments together with a Draft Plan of Subdivision.

The proposed Plan of Subdivision included forty-nine (49) blocks for single detached residential lots, seven (7) blocks for medium density residential development, one (1) block for stormwater management and three (3) park blocks, served by eighteen (18) new internal roads and an extension of South Routledge Road.

A revised Draft Plan of Subdivision application was received from Colonel Talbot Developments Inc. on December 13, 2012. The proposed Draft Residential Plan of Subdivision consisted of fifty-five (55) blocks for single detached lots, five (5) blocks for low density residential development, one (1) block for stormwater management and three (3) park blocks served by seventeen (17) new internal roads and an extension of South Routledge Road. The proposed concurrent Official Plan and Zoning By-law Amendments reflected the proposed subdivision.

This revised application included an updated Servicing Report, conceptual SWM Report and Transportation Impact Study, as well as an updated EIS. The revised application noted that some changes were made in response to the circulation of the Southwest Area Plan. Notice of the revised application was circulated to municipal review agencies and members of the public in January of 2013.

An appeal to the Ontario Municipal Board was submitted by the applicant's solicitor on January 28, 2013 noting the following reasons for the appeals:

1. the neglect of the Council of the Corporation of the City of London to make a decision with respect to a Zoning By-law Amendment application;
2. the neglect of the Council of the Corporation of the City of London to make a decision with respect to an Official Plan Amendment application; and
3. the failure of the Approval Authority to make a decision pursuant to Section 51(31) of the Planning Act within 180 days after submission of the application for subdivision approval.

A report was presented to a Public Participation meeting of Planning and Environment Committee on May 7, 2013, recommending a position to be taken by Municipal Council in response to the appeals. The resolution adopted by Municipal Council at its session held on May 14, 2013, included direction requesting Administration to continue discussions with the applicant on November 26, 2013, a report to Planning and Environment Committee was submitted, providing an update on the status of discussions that have taken place with the applicant since May of that year. The report also addressed the need for an updated Municipal Council position on the appeals from Colonel Talbot Developments Inc. relating to applications for draft plan of subdivision, Official Plan Amendment and Zoning By-law Amendment.

In January 2014 the Ontario Municipal Board heard the appeal by Colonel Talbot Developments Inc. After several days of hearings, and calling no fewer than eight expert witnesses, the Board agreed to a settlement reached between the parties based on testimony and submissions of Counsel. This included revised conditions of draft approval.

Phase 1 was registered on May 30, 2019 as 33M-762. It consisted of 132 single detached lots, 2 multi-family blocks, 3 park blocks and 1 reserve (0.3 m, 1 ft.) block, all served by the extension of Barkerville Street and Campbell Street North and 5 new local streets (namely Tripp Drive, Sugarmaple Crossing, Winterberry Drive, Winterberry Place and Ayrshire Avenue).

1.3 Property Description

The subject lands are located in the southwest quadrant of the City and are included in the Lambeth Area Plan. The proposed amendments apply to multiple portions of the draft approved subdivision 39T-12503, single family residential Blocks 3, 4, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 23, 28, 31 and 32, medium density residential Blocks 38-41 and Block 43, and 44, Park Blocks 46, 48 and 49. This is phase 2 in the Heathwoods Subdivision 39T-12503, the subject site is approximately 4.3 ha (10.6 acres) in size.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential
- Existing Zoning - a Holding Residential R1/Residential R1 Special Provision/ Residential R4 Special Provision/Residential R6 (h*R1-3(7)) and (h*R1-3/R4-6(16)/R6-5) Zone

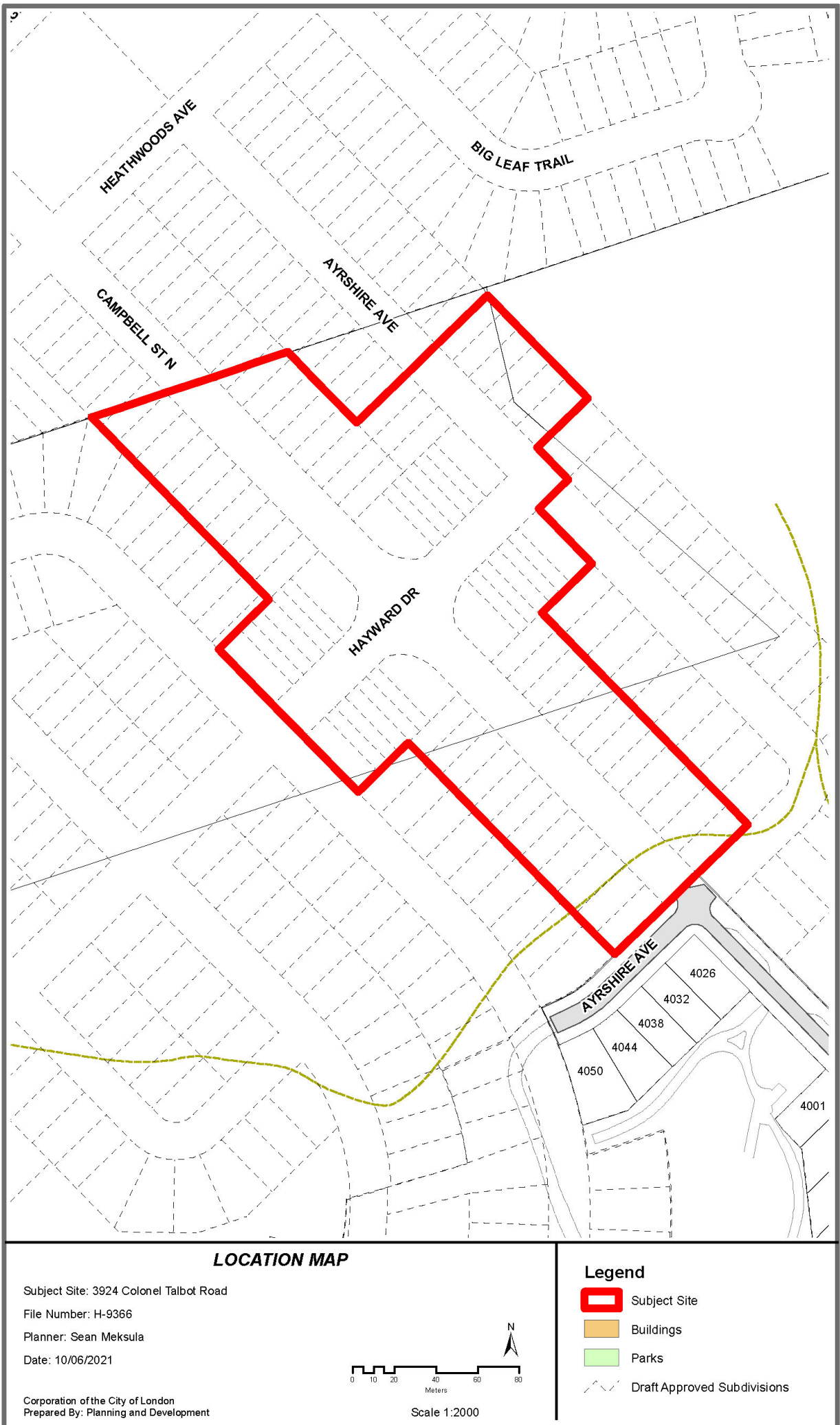
1.5 Site Characteristics

- Current Land Use – vacant
- Area – ~4.3 ha (10.6 acres)
- Shape – irregular

1.6 Surrounding Land Uses

- North – Vacant
- East – Vacant
- South – Existing residential
- West – Vacant

1.7 Location Map



2.0 Discussion and Considerations

The proposed application is to remove the “h” holding provision from the subject lands. The holding provision was included in the zone to ensure:

1. there is orderly development of land;
2. there are provisions for municipal services including water, sanitary and storm along with appropriate access; and
3. a development agreement is entered into to the satisfaction of the City.

The removal of the “h” holding provision will allow for the construction of the recently approved site plan for a cluster townhouse development comprised of 91 residential units.

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 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, and 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

4.0 Key Issues and Considerations

What is the purpose of the “h” holding provision and is it appropriate to consider its removal?

h Holding Provision

The “h” holding provision states:

“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 Owner has provided the necessary security and has entered into a development agreement with the City. This satisfies the requirement for removal of the “h” holding provision.

Conclusion

The Applicant has provided the necessary securities and has entered into a development agreement with the City. Therefore, the required conditions have been met to remove the “h” holding provision. The removal of the holding provision is recommended to Council for approval.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Subdivision Planning

Reviewed by: Bruce Page
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 Condominiums

cc: Bruce Page, Manager, Subdivision Planning

cc: Peter Kavcic, Manager, Subdivision Engineering

SM/sm

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Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3924
Colonel Talbot Road.

WHEREAS Ironstone has applied to remove the holding provision from the zoning for the lands located at 3924 Colonel Talbot 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 lands;

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 lands located at 3924 Colonel Talbot Road, as shown on the attached map, comprising part of Key Map No. 110 to remove the holding provisions so that the zoning of the lands as a Residential R1/Residential R1 Special Provision/ Residential R4 Special Provision/Residential R6 (R1-3(7)) and (R1-3/R4-6(16)/R6-5) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

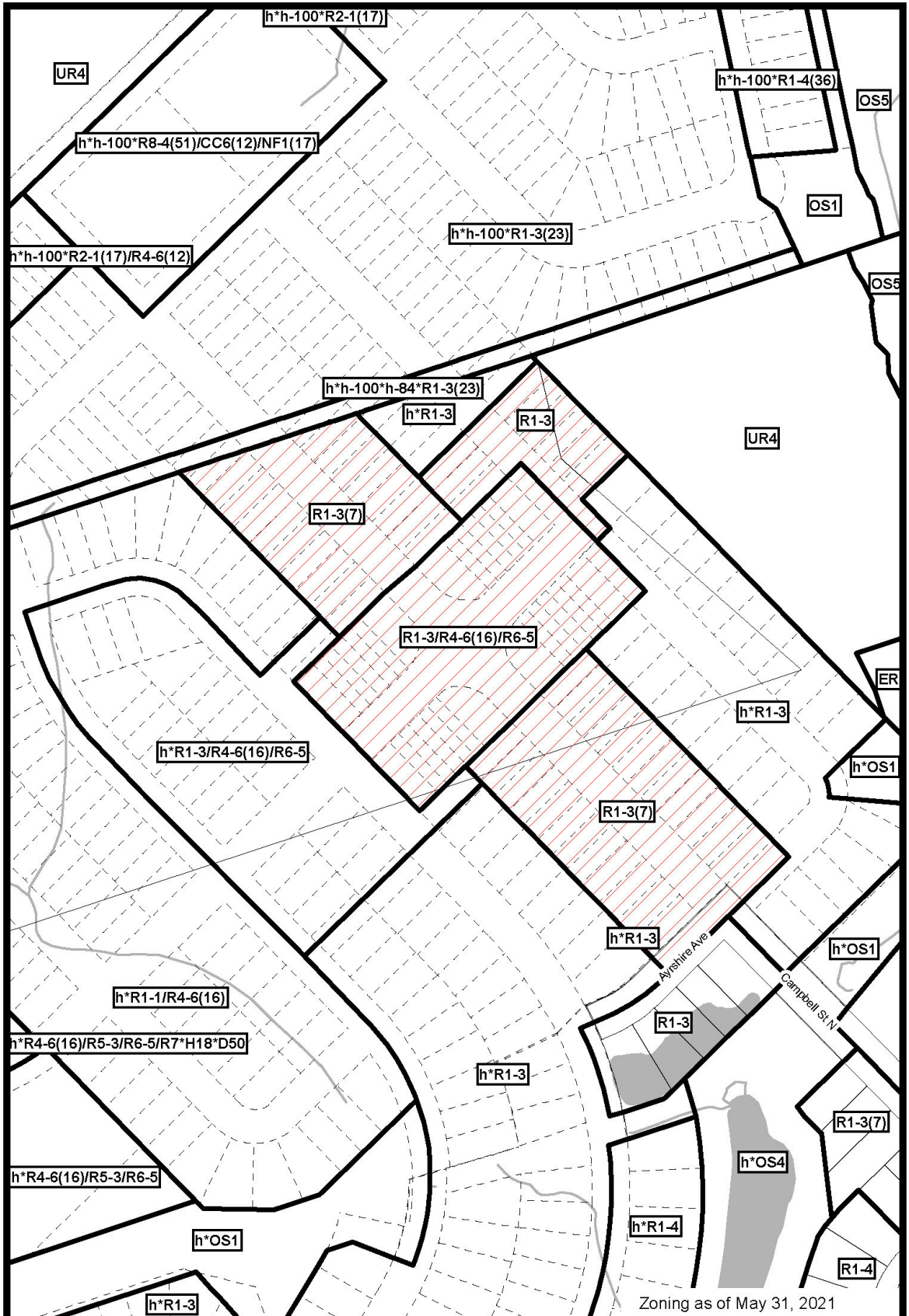
PASSED in Open Council on January 25, 2022.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 25, 2022
Second Reading – January 25, 2022
Third Reading – January 25, 2022

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

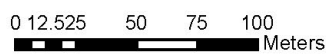


File Number: H-9366
 Planner: SM
 Date Prepared: 2021/06/10
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Appendix B – Public Engagement

Community Engagement

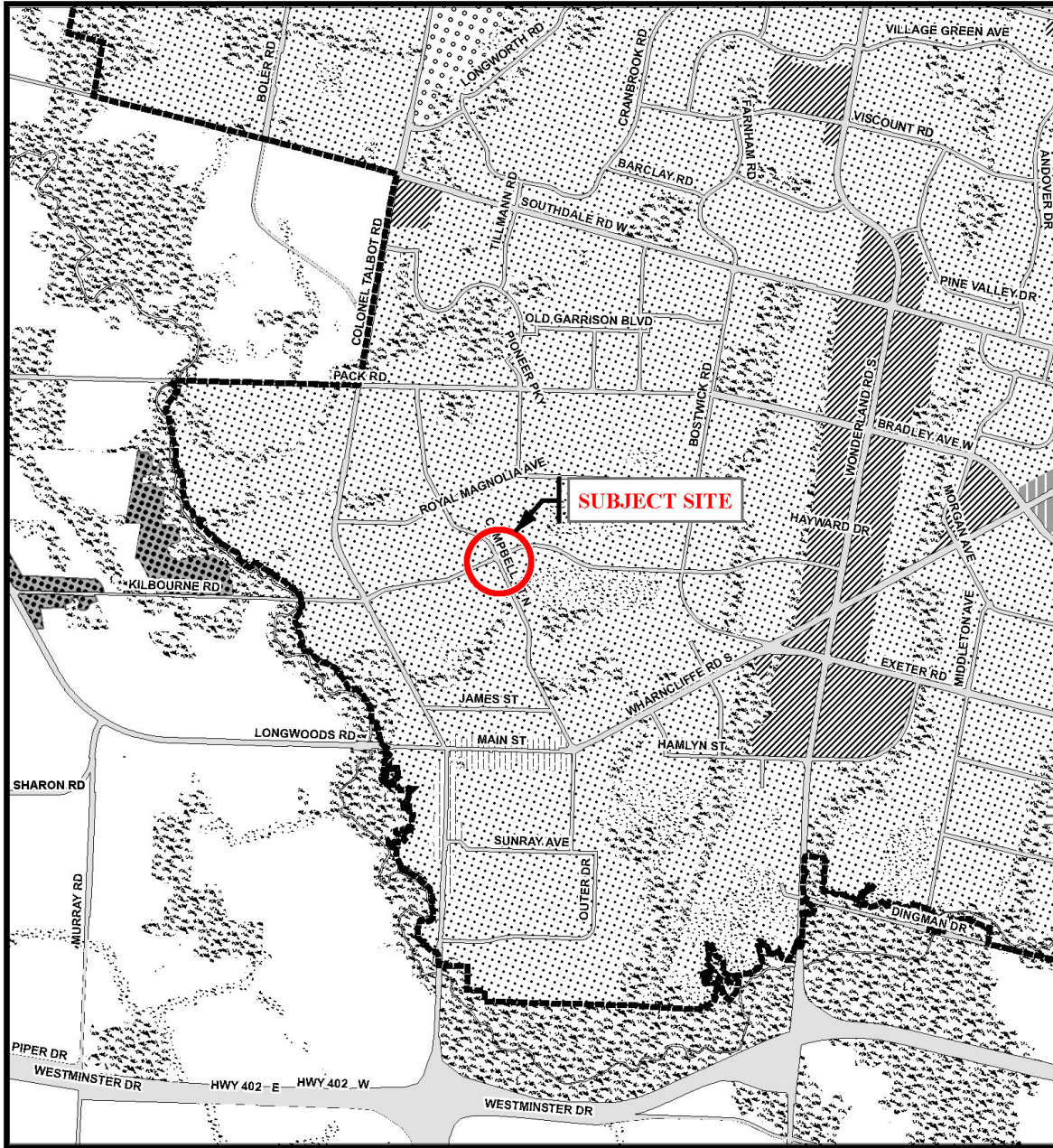
Public liaison: Notice of the application was published in the Londoner on June 17, 2021.

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h” Holding Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol permitting the development of Heathwoods Phase 2, Draft Plan of Subdivision which includes 48 single detached dwellings and 20 street townhouses. The purpose of the “h” provision is 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 and/or a development agreement has been entered into for the subject lands. Council will consider removing the holding provisions as it applies to these lands no earlier than July 26, 2021.

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.

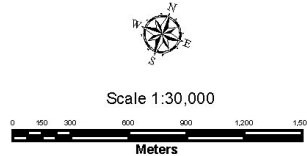
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

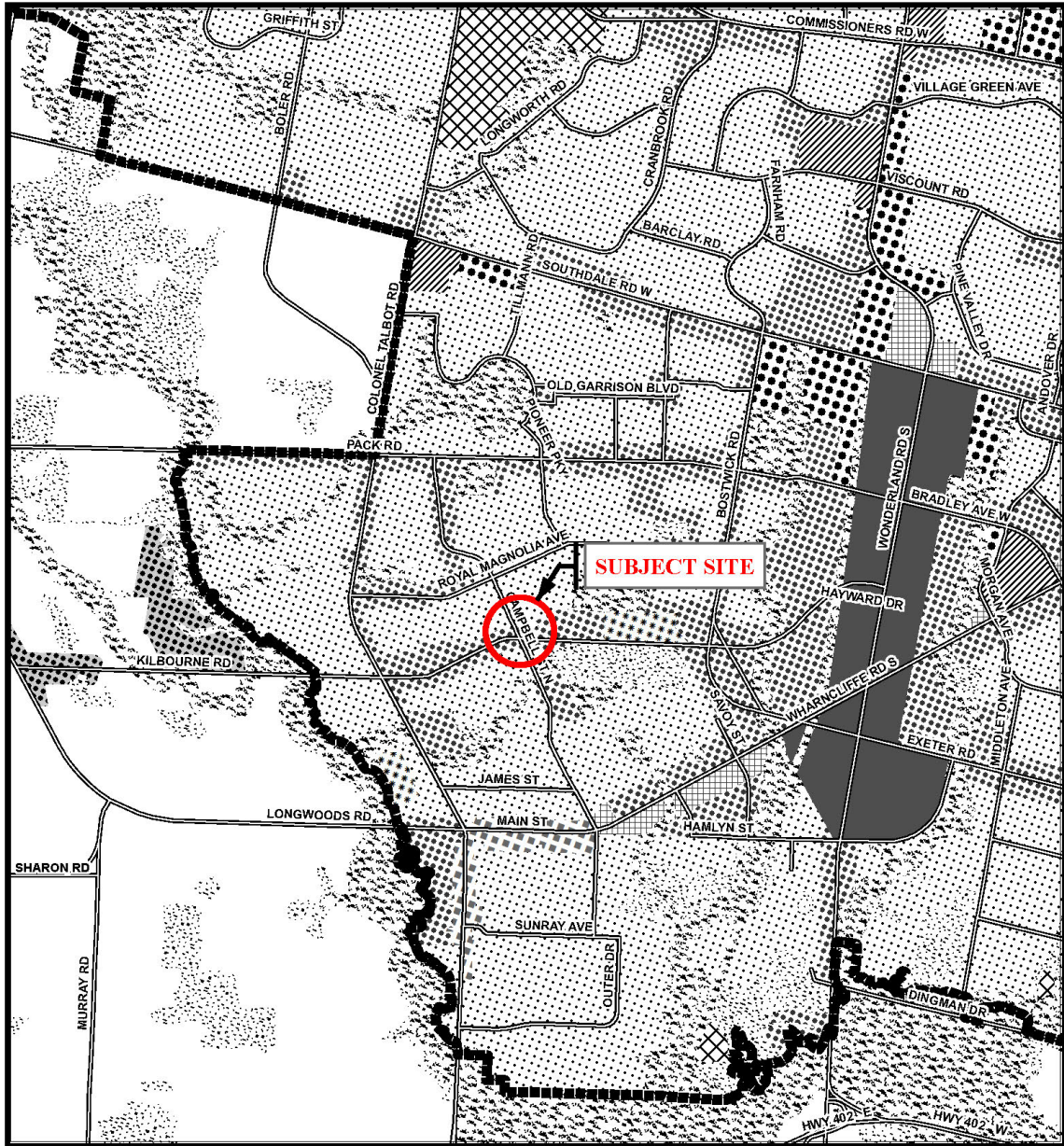
LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services





File Number: H-9366
Planner: SM
Technician: RC
Date: June 8, 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-9366</p> <p>PLANNER: SM</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/06/10</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\excerpts\lrxmd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Existing Zoning Map



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-9366

SM

MAP PREPARED:

2021/06/10

RC

1:2,500

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Meters