

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 1830145 Ontario Ltd. c/o MHBC
1761 Wonderland Road North – Removal of Holding Provisions

Date: January 10, 2022

Recommendation

That, on the recommendation of the Director, Planning and Economic Development, the following actions be taken with respect to the application of 1830145 Ontario Limited (York Developments), relating to the property located at 1761 Wonderland Road North:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 25, 2022, 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 Neighbourhood Shopping Area NSA3 and NSA5 Special Provisions Bonus (h-17*h-103*NSA5(3)/NSA3*B-71) Zone, **TO** a Neighbourhood Shopping Area NSA3 and NSA5 Special Provisions Bonus (NSA5(3)/NSA3*B-71) Zone.

Executive Summary

Purpose and the Effect of the Recommended Action

The purpose and affect of this zoning change is to remove the “h-17” and “h-103” holding provisions to permit residential and service commercial uses in the form of a 17-storey, mixed-use tower.

Rationale and Recommended Action

1. The conditions for removing the “h-17” and “h-103” have been met and the recommended amendment will allow for the development of a 17-storey tower containing residential and commercial uses.
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 planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

1999 – Foxhollow Community Plan

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

December 13, 2010 – Report to Planning and Environment Committee regarding Official Plan and Zoning By-law Amendments (OZ-7825).

April 11, 2011 – Report to Built and Natural Environment Committee regarding an appeal to the Ontario Municipal Board (OMB).

July 16, 2012 – Report to Built and Natural Environment Committee regarding an appeal to the OMB.

January 22, 2013 – Report to Planning and Environment Committee regarding Official Plan Amendments (O-8131)

July 23, 2013 – Report to Planning and Environment Committee recommending OMB decision be received for information (OZ-7823).

October 19, 2020 – Report to Planning and Environment Committee recommending refusal of Official Plan and Zoning By-law Amendments (OZ-9178)

1.2 Planning History

The lands at the northwest corner of Fanshawe Park Road and Wonderland Road North are located within the Foxhollow Community Planning Area (1999) and were designated as Restricted/Highway Service Commercial. The Restricted/Highway Service Commercial lands were redesignated to Neighbourhood Commercial Node in 2009.

The subject lands were designated Office Area under the Foxhollow Community Plan (1999). An Official Plan Amendment was proposed in December 2012 to redesignate the lands to Neighbourhood Commercial Node and the proposed zoning was Holding Neighbourhood Shopping Area Special Provisions. This Official Plan Amendment also included an amendment to permit a maximum gross floor area of 23,000 meters squared in this Neighbourhood Commercial Node. The Official Plan and Zoning By-law Amendments were appealed in February of 2011. In December of 2012, the appellants withdrew their appeal relating to the Official Plan Amendment, which was then adopted by Council in January of 2013. This adoption was also appealed and consolidated with the previous appeal to the Zoning By-law Amendment. The OMB dismissed the appeals on May 15, 2013, and Municipal Council's decisions to amend the Official Plan and Zoning By-laws came into full force and effect.

This application to remove holding provisions from the subject lands was accepted as complete on September 10, 2021, and there is also an application for Site Plan Approval (SPA21-040).

1.3 Property Description

The subject lands are located in the northwest quadrant of the City and situated north of Fanshawe Park Road West and west of Wonderland Road North. The site is currently vacant, and a mixed-use 17-storey tower with residential and commercial uses is proposed.

1.4 Current Planning Information

- The *London Plan* Place Type – Shopping Area
- Official Plan Designation – Neighbourhood Commercial Node
- Existing Zoning – Holding Neighbourhood Shopping Area NSA3 and NSA5 Special Provisions Bonus (h-17*h-103*NSA5(3)/NSA3*B-71) Zone

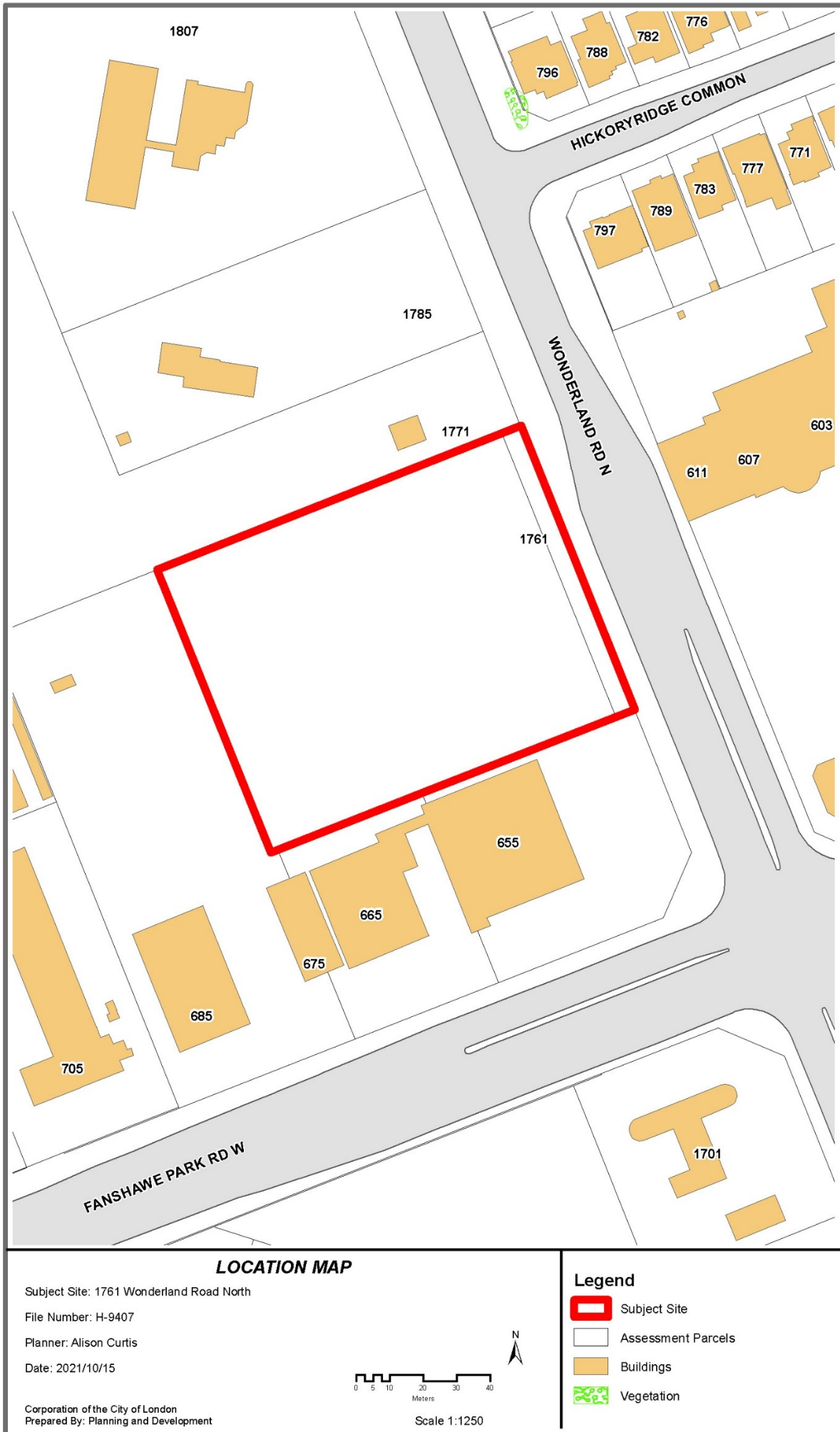
1.5 Site Characteristics

- Current Land Use – Vacant
- Area – 1.07 hectares (2.64 acres)
- Frontage – 91.3 meters
- Shape – Square

1.6 Surrounding Land Uses

- North – Office and High Density Residential
- East – Low and Medium Density Residential, Commercial
- South – Commercial
- West – Commercial and Medium Density Residential

1.7 Location Map



1.8 Proposed Site Plan


WASTE REMOVAL SNOW REMOVAL

CONTRACT TO BE SIGNED AND APPROVED BY THE CLIENT AND THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL WASTE AND SNOW FROM THE SITE IN ACCORDANCE WITH THE CITY OF MIDDLEBUX BY-LAW 121 AND THE CITY OF MIDDLEBUX BY-LAW 122.

BUILDING CLASS CANADA POST

CONTRACT TO BE SIGNED AND APPROVED BY THE CLIENT AND THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL WASTE AND SNOW FROM THE SITE IN ACCORDANCE WITH THE CITY OF MIDDLEBUX BY-LAW 121 AND THE CITY OF MIDDLEBUX BY-LAW 122.

KEY PLAN



LEGAL INFORMATION

OUT OF SOUTH HALF OF LOT 21 CONDEMNATION 5 CITY OF LONDON COUNTY OF MIDDLEBUX

SITE BENCHMARK:

UNITARY FIRE DEPT. 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000

PARKING REQUIREMENTS

MINIMUM PARKING SHALL BE PROVIDED AT THE FOLLOWING RATES:

USE	PARKING RATES
OFFICE BUILDING	1 SPACE PER 100 SQ FT OF FLOOR AREA
RETAIL BUILDING	1 SPACE PER 100 SQ FT OF FLOOR AREA
RESTAURANT	1 SPACE PER 100 SQ FT OF FLOOR AREA
HOTEL	1 SPACE PER 100 SQ FT OF FLOOR AREA

LOADING ZONE REQUIREMENTS

LOADING ZONES SHALL BE PROVIDED AT THE FOLLOWING RATES:

USE	LOADING ZONE REQUIREMENTS
OFFICE BUILDING	1 SPACE PER 100 SQ FT OF FLOOR AREA
RETAIL BUILDING	1 SPACE PER 100 SQ FT OF FLOOR AREA
RESTAURANT	1 SPACE PER 100 SQ FT OF FLOOR AREA
HOTEL	1 SPACE PER 100 SQ FT OF FLOOR AREA

REFERENCE DOCUMENTS:

1. CITY OF LONDON ZONING BY-LAW 473
2. CITY OF LONDON BUILDING BY-LAW 370
3. CITY OF LONDON PLANNING AND DEVELOPMENT ACT
4. CITY OF LONDON BUILDING DEPARTMENT REGULATIONS
5. CITY OF LONDON PLANNING DEPARTMENT REGULATIONS
6. CITY OF LONDON HEALTH DEPARTMENT REGULATIONS
7. CITY OF LONDON FIRE DEPARTMENT REGULATIONS

LEGEND:

1. PROPOSED SIDE YARD
2. PROPOSED SIDE WALK
3. PROPOSED SIDE DRIVE
4. PROPOSED SIDE ALLEY
5. PROPOSED SIDE ROW
6. PROPOSED SIDE FENCE
7. PROPOSED SIDE CURB
8. PROPOSED SIDE PAVEMENT
9. PROPOSED SIDE GRADE
10. PROPOSED SIDE UTILITIES

ZONING DATA CHART

BY-LAW	SECTION	USE	PERMITTED	RESTRICTIONS
473	3.1.1	OFFICE BUILDING	PERMITTED	MAXIMUM FLOOR AREA 100,000 SQ FT
370	3.1.1	RETAIL BUILDING	PERMITTED	MAXIMUM FLOOR AREA 100,000 SQ FT
370	3.1.1	RESTAURANT	PERMITTED	MAXIMUM FLOOR AREA 100,000 SQ FT
370	3.1.1	HOTEL	PERMITTED	MAXIMUM FLOOR AREA 100,000 SQ FT
370	3.1.1	OTHER USES	PERMITTED	MAXIMUM FLOOR AREA 100,000 SQ FT

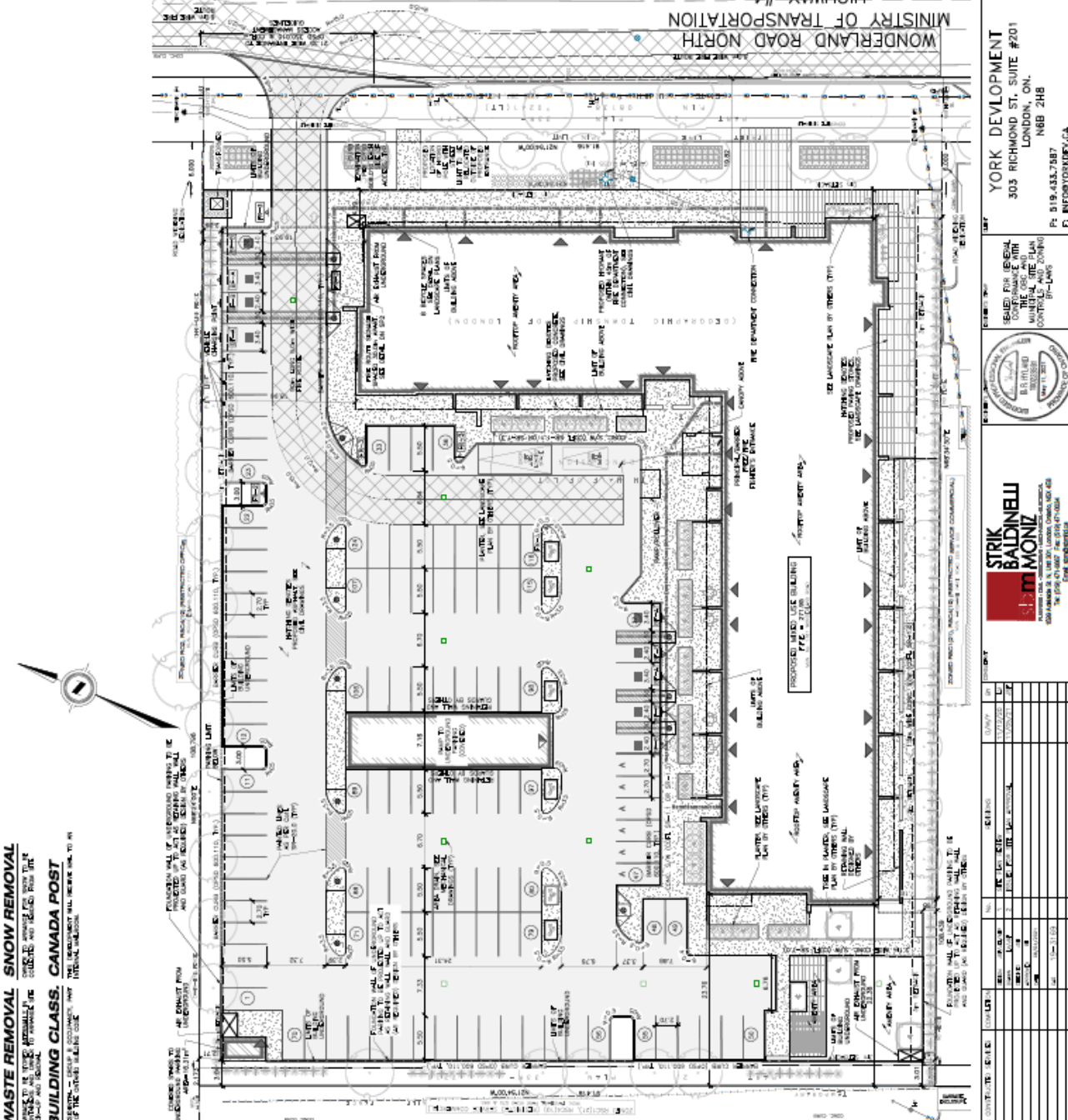
LIST OF DRAWINGS

DRAWING NO.	DESCRIPTION
SBM-19-3169	SITE PLAN, LEGEND & ZONING CHART
SP1	PROPOSED MIXED USE BUILDING

WONDERLAND ROAD NORTH

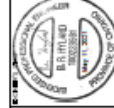
MINISTRY OF TRANSPORTATION

HIGHWAY #4



YORK DEVELOPMENT

303 RICHMOND ST. SUITE #201
LONDON, ON. N6B 2H8
P: 519-433-7887
F: INFO@YORKDEV.CA



STRIK BALDINELLI

REGISTERED PROFESSIONAL ENGINEER
NO. 40578
DATE OF EXPIRATION: 2024-06-30

2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h-17 and h-103 holding provisions from the subject lands.

- The h-17 holding provisions seeks to ensure the orderly development of lands and the adequate provision of municipal services. The symbol shall not be removed until full municipal sanitary sewer and water services are available to service the site.
- Holding provision h-103 ensures that urban design is addressed and incorporated in the site plan.

The removal of these provisions will allow for the future development of a 17-storey mixed use tower.

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

Fee, 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-17 Holding Provision

The h-17 Holding Provision states that:

Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.

Permitted Interim Uses: Dry uses on individual sanitary facilities permitted by the applied Zone. (Z.-1-97484)

Water servicing is available to the site through the existing 450 mm PVC watermain in the Wonderland Road North Right-of-Way, and a new 150 mm PVC DR18 connection

with a full-length tracer wire to the existing watermain is proposed. The existing 200 mm diameter sanitary stub, located at the northeast corner of the site, is proposed to service the development and there is downstream capacity. This satisfies the requirements for removal of the “h-17” holding provision.

h-103 Holding Provisions

The h-103 Holding Provision states that:

Purpose: To ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manger of Planning and Development, incorporates the design objectives as identified in the Council resolution. A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved. (Z.-1-091840)

An application for Site Plan Approval (SPA21-040) was submitted and has been processed concurrently with the application for the Removal of Holding Provisions. Urban design briefs and building elevations were submitted as part of the Site Plan review process. The development agreement has been signed and securities provided by the applicant. This satisfies the requirements for the removal of the “h-103” holding provision.

Conclusion

It is appropriate to remove the “h-17” and “h-103” holding provisions from the subject lands at this time as full municipal services are available and a Development Agreement has been entered into, which incorporates the design objectives identified by the Council Resolution.

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)

BP/ac

Appendix A

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

2022

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 1761 Wonderland Road North.

WHEREAS Landea Developments Inc. have applied to remove the holding provision from the zoning for the lands located at 1761 Wonderland Road North, 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 1761 Wonderland Road North, as shown on the attached map, to remove the h-17 and h-103 holding provision so that the zoning of the lands as a Neighbourhood Shopping Area Special Provision NSA5(5) and NSA3 Bonus Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

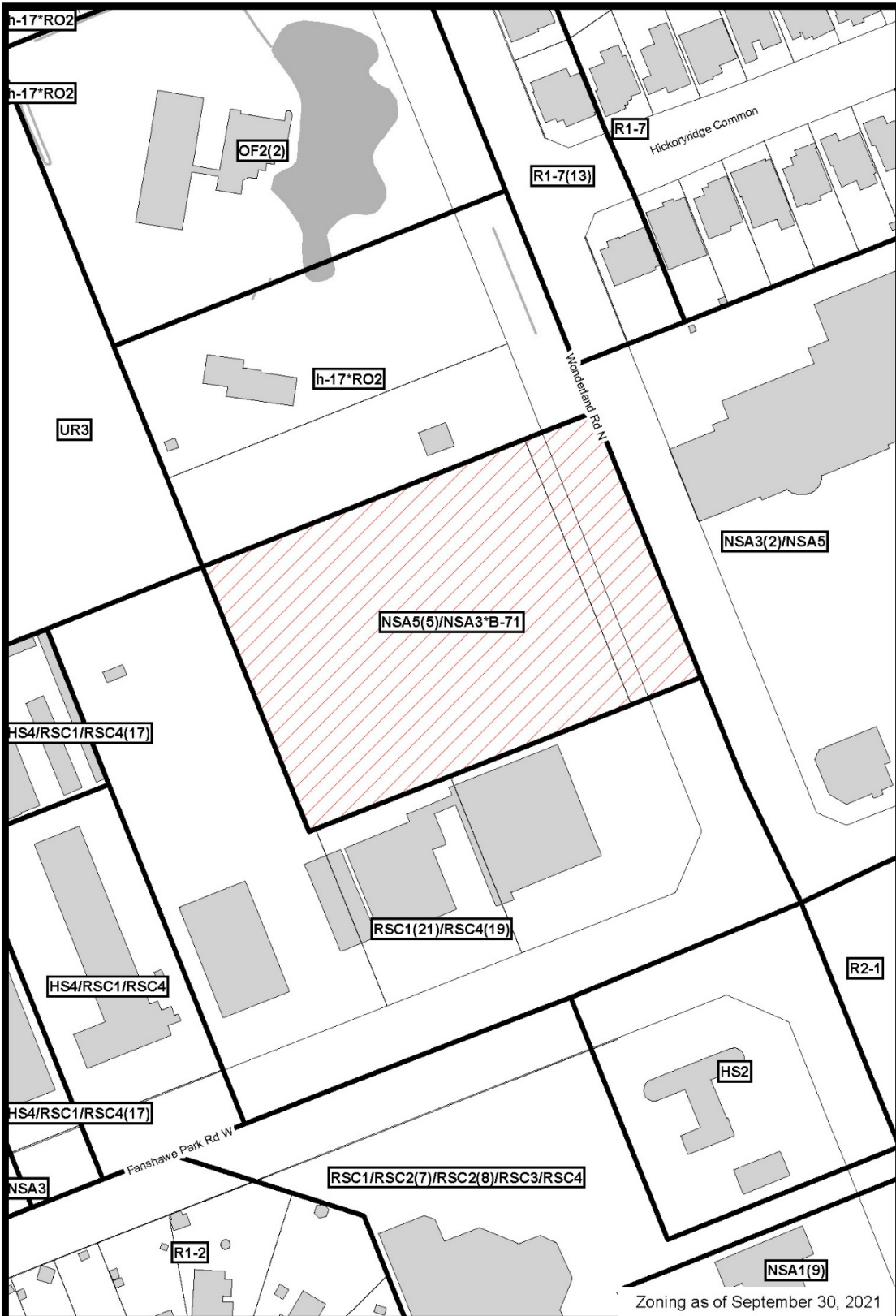
PASSED in Open Council on January 25, 2022


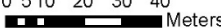

Ed Holder
Mayor

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)



<p>File Number: H-9407 Planner: AC Date Prepared: 2021/10/15 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Appendix B – Consultation

Community Engagement

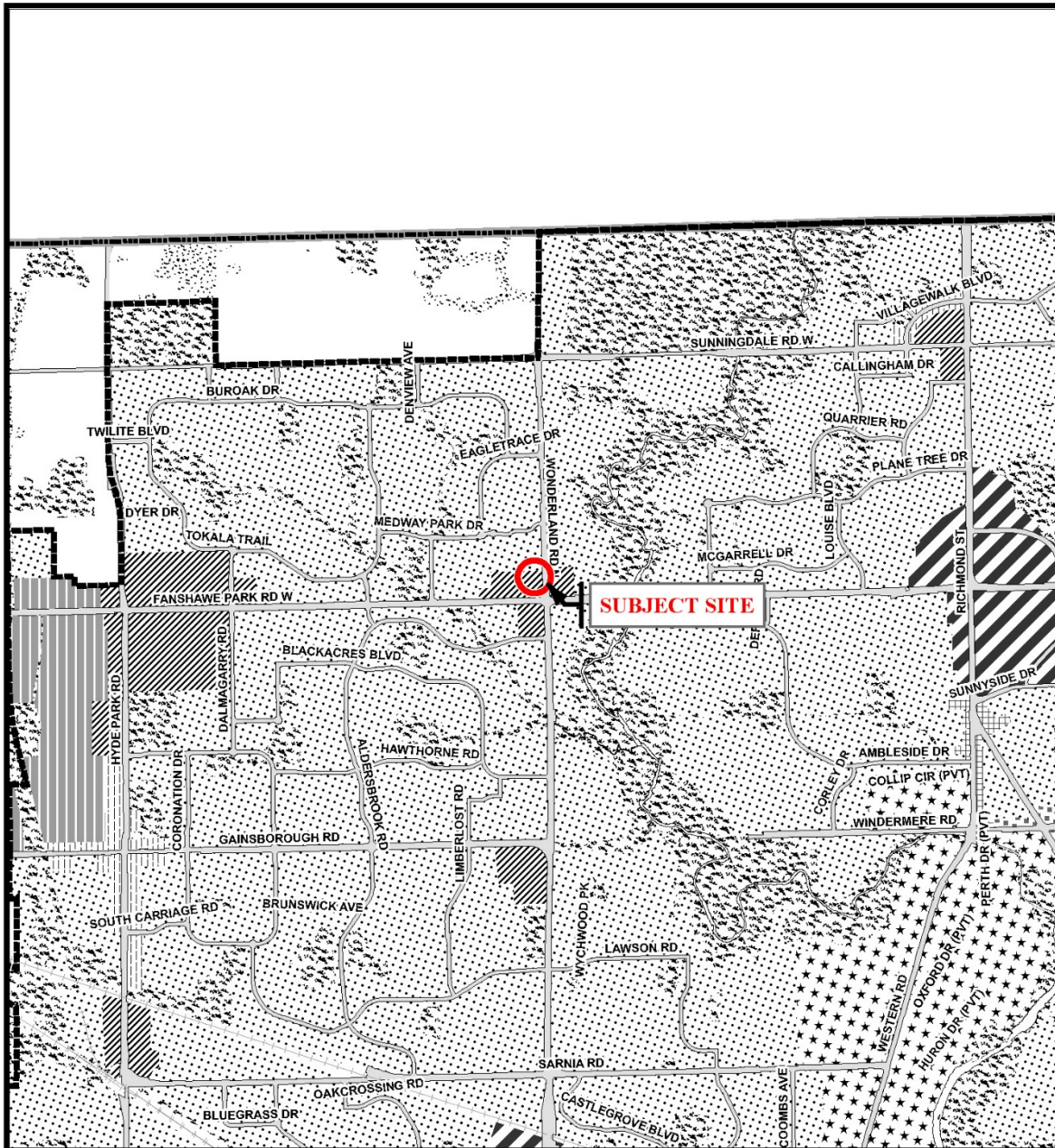
Public Liaison: Notice of the application was published in the Londoner on November 4, 2021 and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

Londoner Notice: City Council intends to consider removing the h-17 and h-103 holding provisions from the subject lands to allow for the development of a 17 story, mixed-use (residential and commercial use) tower. The purpose of the “h-17” provisions is to ensure the orderly development of lands and the adequate provision of municipal services. The symbol shall not be removed until full municipal sanitary sewer and water services are available to service the site. Holding Provision “h-103” ensures that urban design is addressed and incorporated in the site plan. A site plan will be approved, and a development agreement will be entered into which, to the Satisfaction of the General Manager of Planning and Development, incorporates design objectives. Council will consider removing the holding provisions as they apply to these lands no earlier than November 22, 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.

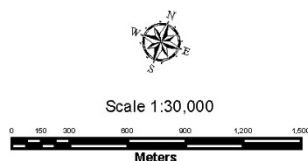
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



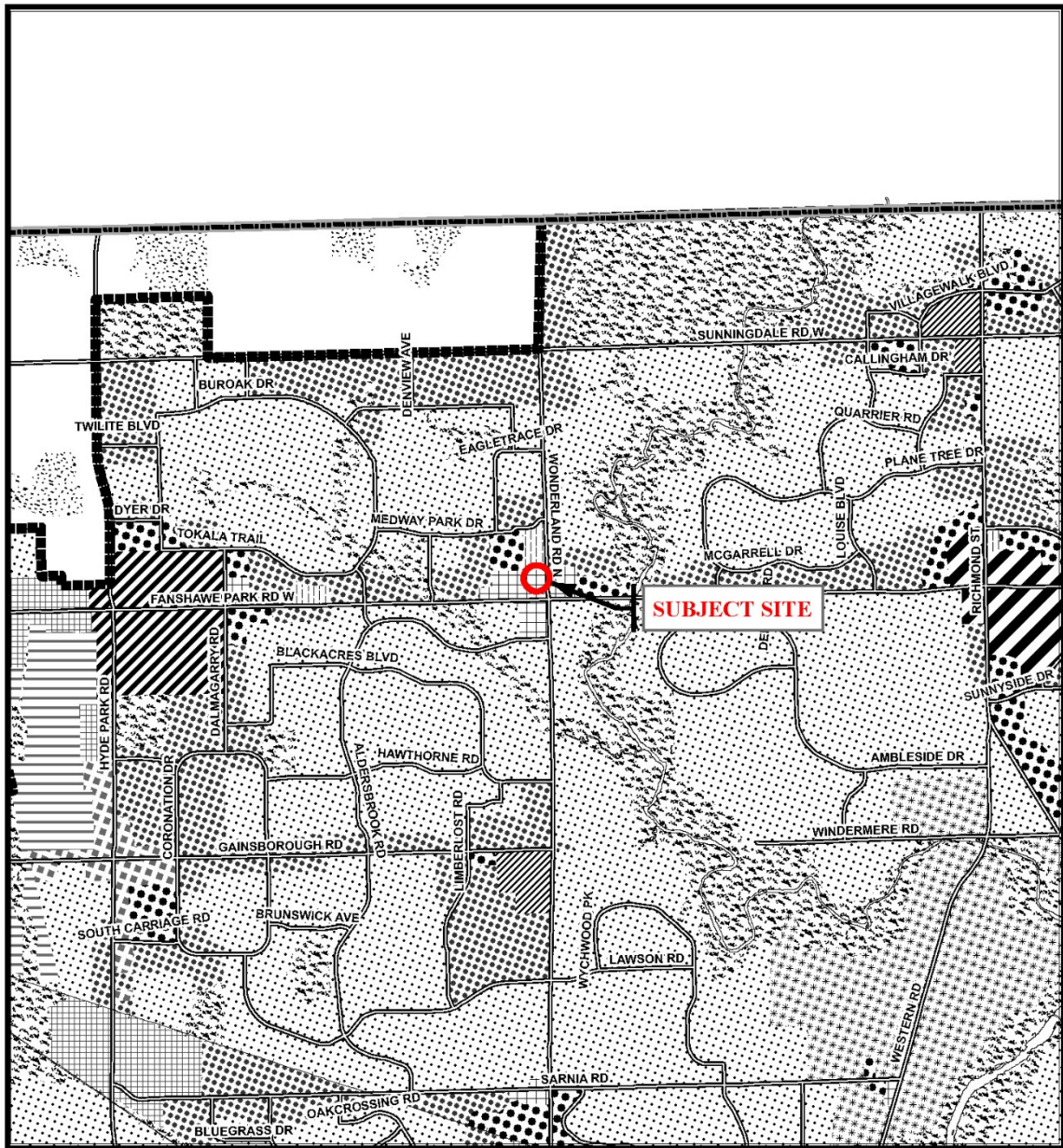
File Number: H-9407

Planner: AC

Technician: RC

Date: October 15, 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</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 1,100 1,200 1,300 1,400</p> <p>Meters</p>	<p>FILE NUMBER: H-9407</p> <p>PLANNER: AC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/10/15</p>
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Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17*h-103*NSA5(5)/NSA3*B-71

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. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | |
| SS - AUTOMOBILE SERVICE STATION | "h" - HOLDING SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "D" - DENSITY SYMBOL |
| OR - OFFICE/RESIDENTIAL | "H" - HEIGHT SYMBOL |
| OC - OFFICE CONVERSION | "B" - BONUS SYMBOL |
| RO - RESTRICTED OFFICE | "T" - TEMPORARY USE SYMBOL |
| OF - OFFICE | |

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-9407

AC

MAP PREPARED:

2021/10/15

RC

1:1,500

0 5 10 20 30 40 Meters