

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Application by Southwest Sun Property Corporation
585 Sovereign Road
Removal of Holding Provisions

Date: March 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Southwest Sun Property Corporation relating to the property located at 585 Sovereign Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 22, 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 Light Industrial LI2 and LI7 (h*h-148*LI2/LI7) Zone, **TO** a Light Industrial LI2 and LI7 (LI2/LI7) Zone to remove the "h" and "h-148" holding provisions.

Executive Summary

Purpose and Effect of the Recommended Action

The purpose and effect of this zoning change is to remove the "h" and "h-148" holding provisions so that the expansion of the Equals Brewing Company eastward onto 585 Sovereign Road can proceed in accordance with the approved zoning.

Rationale of Recommended Action

1. The conditions for removing the "h" and "h-148" have been met and the recommended amendment will allow development in compliance with the Zoning By-law.
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

June 18, 2012 – Report to Planning and Environment Committee – 585, 613, 687 & 604-650 Sovereign Road - Application for Approval of Official Plan and Zoning By-law Amendments – City of London (File No. OZ-8034).

1.2 Planning History

An application for combined Official Plan and Zoning By-law Amendments for 585, 613, 687, and 604 to 650 Sovereign Road was accepted on March 27, 2012. The intent of the proposed amendments was to allow for the expansion of the existing industrial uses on the west side of Sovereign Road, which were designated as woodlands and zoned Light Industrial. These amendments were recommended for approval, and were passed in Open Council on June 26, 2012.

This application for Removal of Holding Provisions was accepted as complete on January 10, 2022, and is being processed concurrently with applications for Site Plan Approval (SPA21-094) and a Deeming By-law (P-9460).

1.3 Property Description

The subject lands are within the Trafalgar Industrial Park Subdivision, which is located in the northeast quadrant of the City, and situated on Sovereign Road, north of Admiral Drive and east of Veterans Memorial Parkway. The Plan of Subdivision was registered on March 5, 1990, as Registered Plan No. 33M-251. 585 Sovereign Road is approximately 1.37 hectares in area and is currently vacant. The neighbouring property, 695 Sovereign Road (described as Part 19 on Registered Plan 33M-251), is approximately 1.52 hectares in area and is occupied by a building approximately 3290 square meters, which houses the Equals Brewing Company.

1.4 Current Planning Information

- The *London Plan* Place Type – Light Industrial
- (1989) *Official Plan* Designation – Light Industrial
- Existing Zoning – Holding Light Industrial (h*h-148*LI2/LI7)

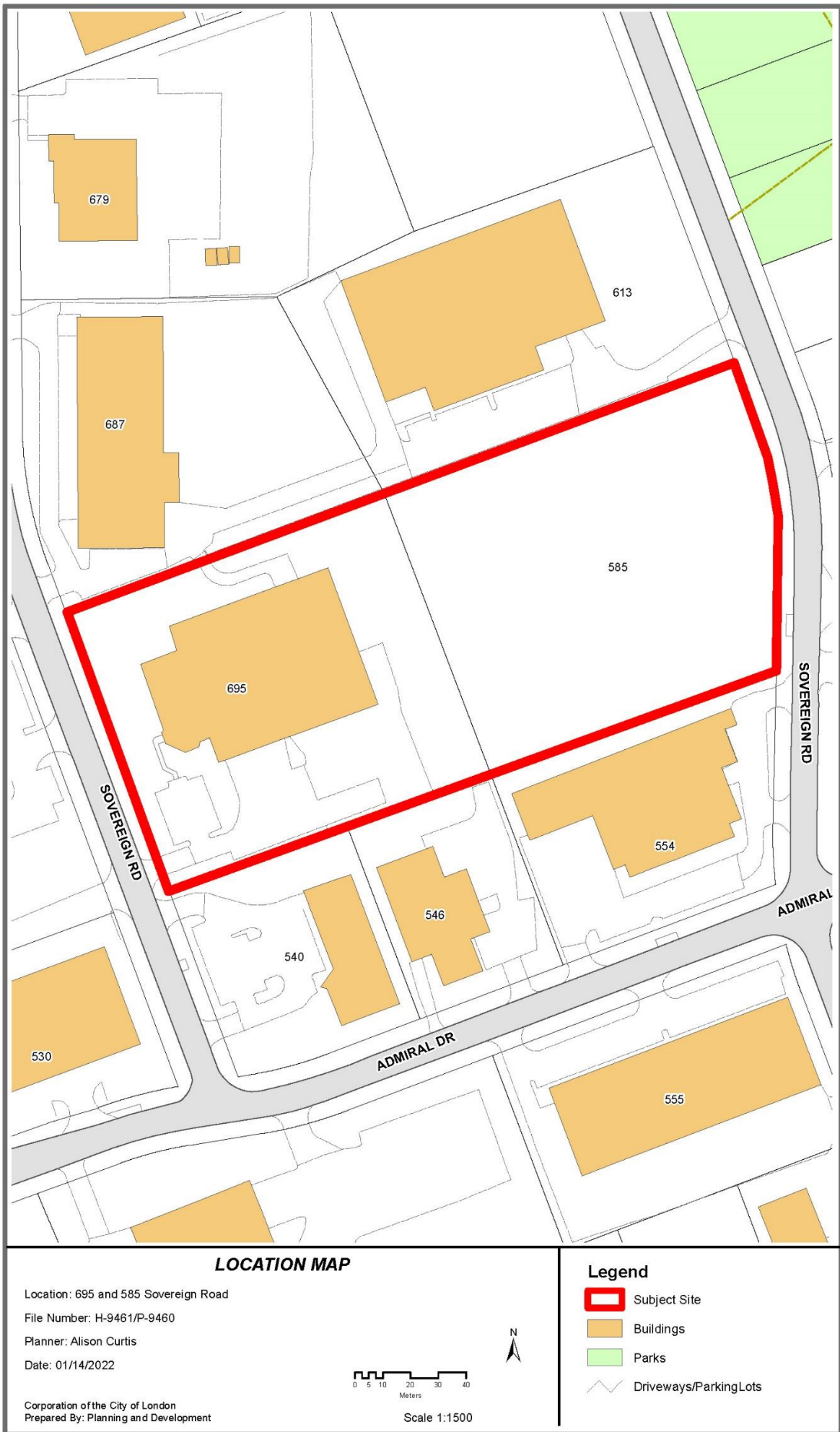
1.5 Site Characteristics

- Current Land Use – Industrial office, warehouse and brewery
- Frontage – 132 meters
- Depth – Various
- Area – 2.7 hectares
- Shape – Square

1.6 Surrounding Land Uses

- North – Light Industrial
- East – Vacant/Light Industrial
- South – Light Industrial
- West – Light Industrial

1.7 Location Map



2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h and h-148 holding provisions from the subject lands. The h holding provision requires the orderly development of the lands and the adequate provision of municipal services through the execution of a subdivision or development agreement. Holding provision “h-148” requires that a tree management plan prepared by a Registered Professional Forester (R.P.F.) that includes the supervision of the removal of trees on the subject lands and that the removal and movement of topsoil and other materials are in accordance with the City-led Forest Management plan, which includes revegetation for the area on the east side of Sovereign Road.

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 February 20, 2022
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on January 31, 2022.

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

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 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.

The Applicant has provided the necessary securities to the City of London and the development agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

The h-148 Holding Provision states that:

h-148 Purpose: to ensure that the future property owners of 585 and 613 Sovereign Road undertake tree management plans as part of any future site plan approvals, the holding provision will not be deleted until a tree management plan has been prepared by a Registered Professional Forester (R.P.F.), the management plan includes supervision of the removal of the trees on 585 and 613 Sovereign Road by a R.P.F., and that the removal and movement of topsoil and other materials are in accordance with the City-led Forest Management plan which includes revegetation of the area on the east side of Sovereign Road (604-650 Sovereign Road). (Z.-1-122123)

A tree preservation plan was submitted as part of the Site Plan Approval process and was accepted by the City of London. Parks Planning and Operations have confirmed that the requirements of the holding provision have been met. This satisfies the requirements for the removal of the “h-148” holding provision.

Conclusion

It is appropriate to remove the “h” and “h-148” holding provisions from the subject lands at this time as a development agreement has been executed, the required securities have been received, and the tree preservation plan has been accepted and its recommendations incorporated in the development agreement.

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: Scott Mathers, MPA, 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)

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2022\H-9461 - 695 and 585 Sovereign Road (A. Curtis)

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 588 Sovereign Road.

WHEREAS Southwest Sun Property corporation have applied to remove the holding provision from the zoning for the lands located at 585 Sovereign 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 585 Sovereign Road, as shown on the attached map, to remove the h and h-148 holding provision so that the zoning of the lands as a Light Industrial LI2 and LI7 (LI2/LI7) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on April 12, 2022


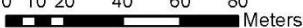

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading - April 12, 2022
Second Reading – April 12, 2022
Third Reading - April 12, 2022

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



<p>File Number: H-9461 Planner: AC Date Prepared: 2022/01/21 Technician: RC By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 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 February 10, 2022, and notice of the application were circulated to the relevant internal and external agencies.

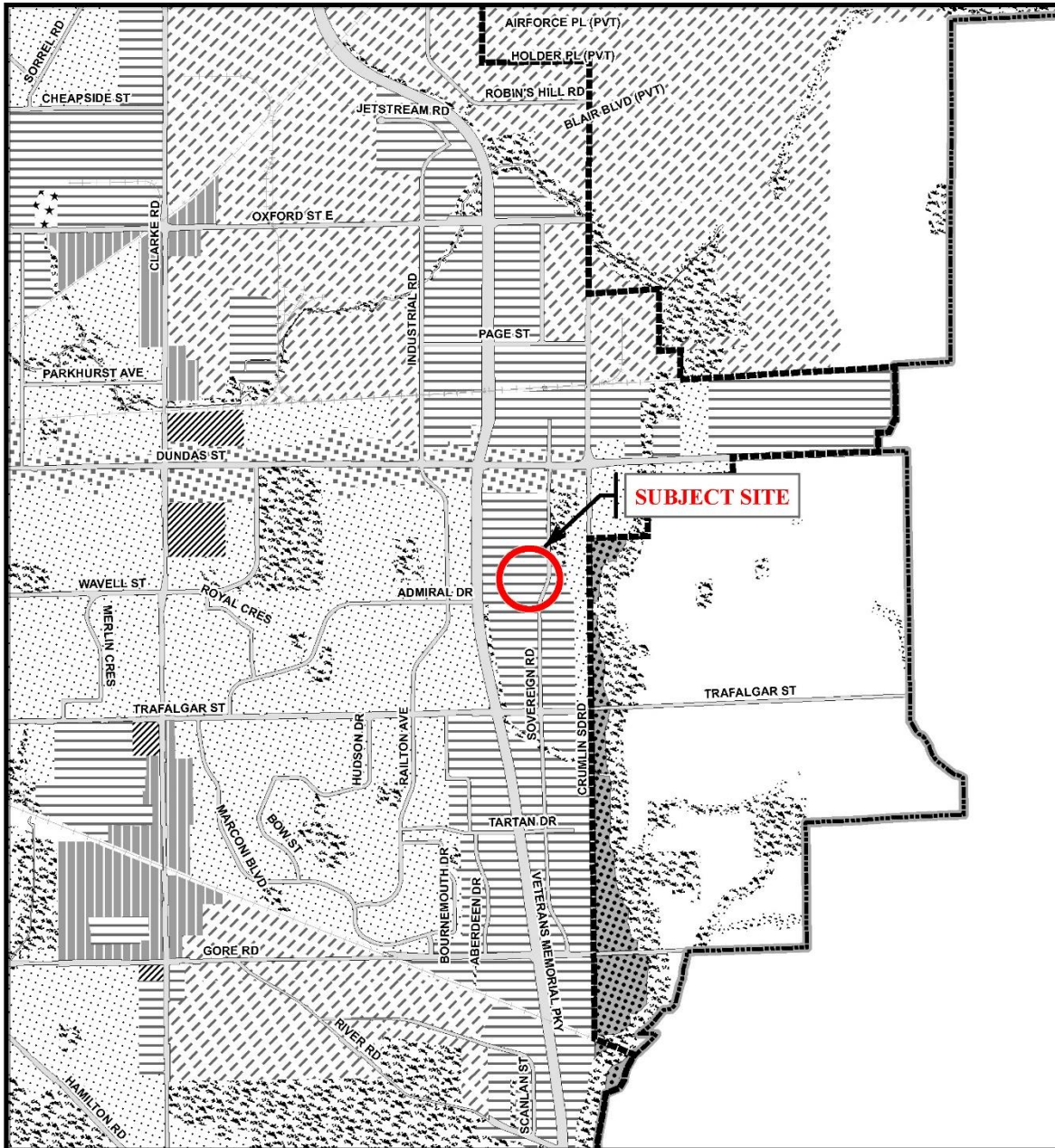
No replies were received.

Londoner Notice: 695 and 585 Sovereign Road – City Council intends to consider removing the h and h-148 holding provisions from the subject lands to allow for an additional to the existing building that would accommodate office space, a craft brewery and warehouse. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a subdivision agreement has been entered into for the subject lands. Holding provision “h-148” requires that a tree management plan prepared by a Registered Professional Forester (R.P.F.) that includes the supervision of the removal of trees on the subject lands and that the removal and movement of topsoil and other materials are in accordance with the City-led Forest Management plan, which includes revegetation for the area on the east side of Sovereign Road. Council will consider removing the holding provisions as they apply to these lands no earlier than February 28, 2022.

File: H-9461 Planner: A. Curtis x.4497

Appendix B: 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.

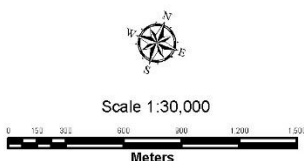
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

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Development Services

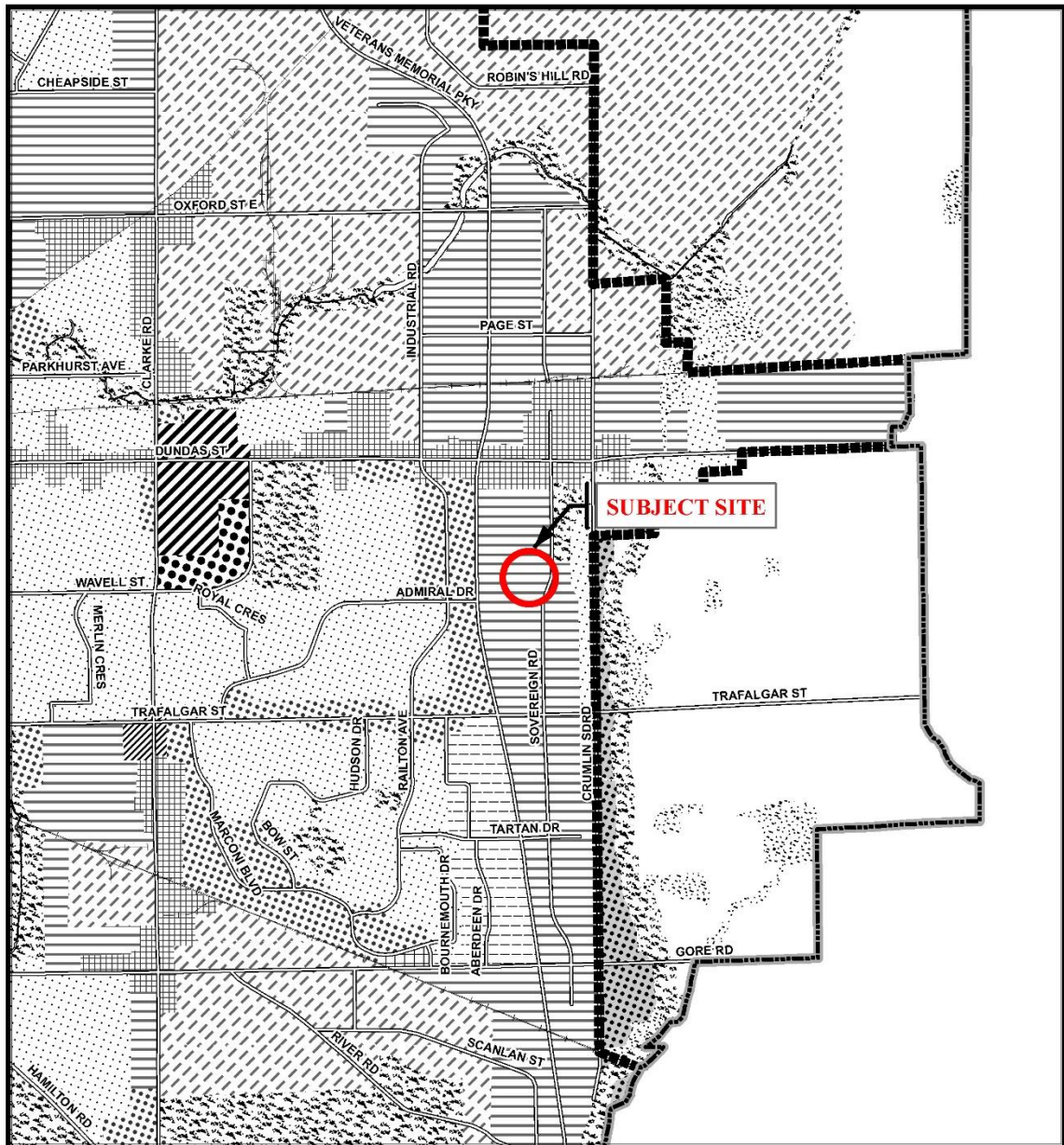
LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



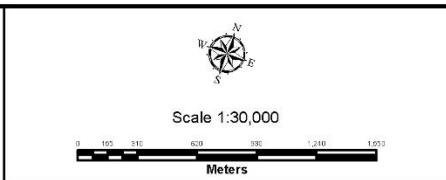
File Number: H-9461
Planner: AC
Technician: RC
Date: January 21, 2022

1989 Official Plan Excerpt



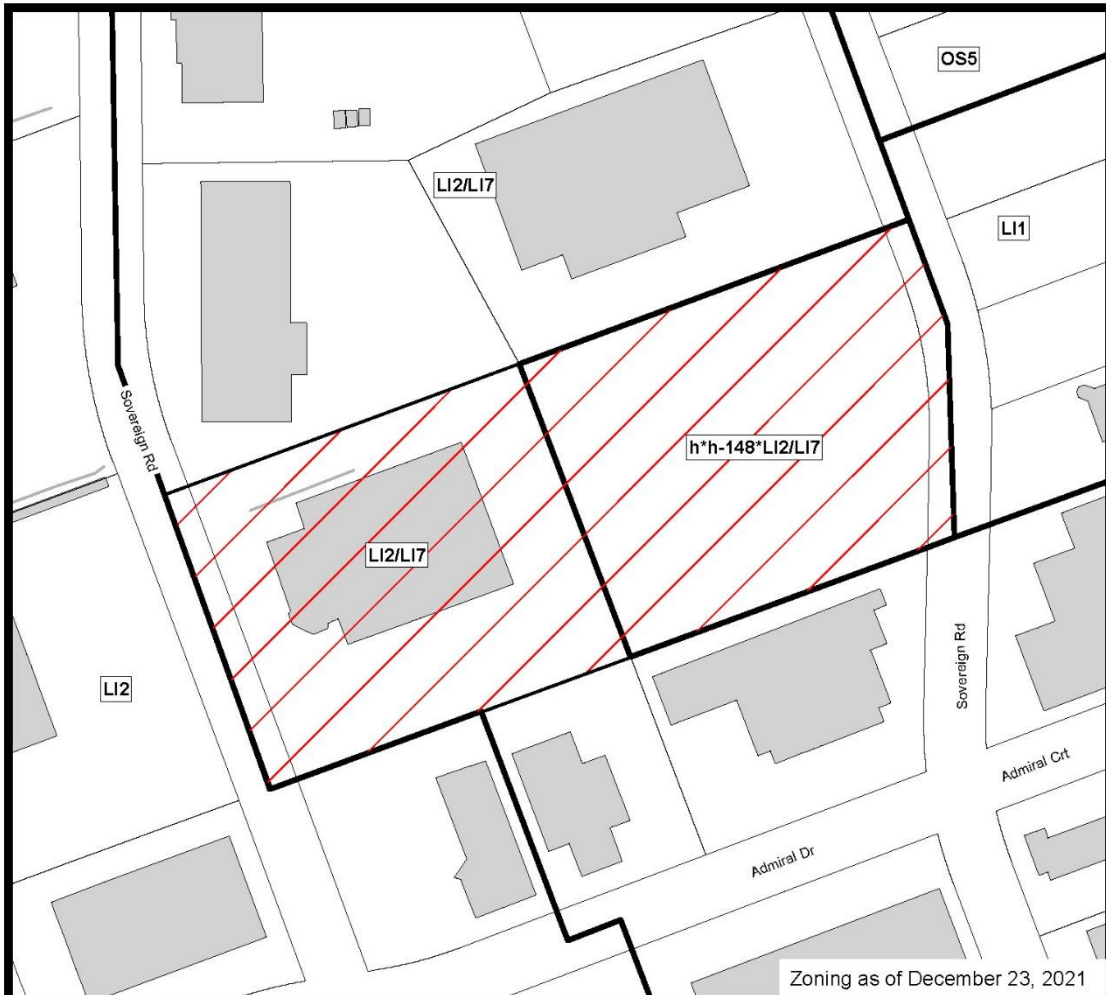
Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential		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

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Development Services
OFFICIAL PLAN SCHEDULE A
- LAND USE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9461
PLANNER: AC
TECHNICIAN: RC
DATE: 2022/01/21

Zoning 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 | 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 | "h" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

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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-9461 AC

MAP PREPARED:

2022/1/21 RC

1:2,000

