

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** Scott Mathers, MPA, P.Eng.,  
Deputy City Manager, Planning and Economic Development  
**Subject:** Application By: Applewood Market Place Inc.  
870 Kleinburg Road  
**Meeting on:** April 19, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Applewood Market Place Inc. relating to the property located at 870 Kleinburg Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 3, 2022 to amend Zoning By-law Z.-1 in conformity with the Official Plan to change the zoning of the lands **FROM** a Holding Special Provision Business District Commercial (h\*h-100\*h-173\*BDC2(7))\*H18\*D75 Zone **TO** a Special Provision Business District Commercial (BDC2(7))\*H18\*D75 Zone to remove the "h", "h-100" and "h-173" holding provisions.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding "h", "h-100" and "h-173" symbols from the zoning applied to this site to permit the development of a 31-unit 4 storey apartment building and future commercial uses.

### Rationale of Recommended Action

1. The conditions for removing the holding (h, 100 & h-173) provisions have been met and the recommended amendment will allow development of a residential plan of subdivision to proceed in compliance with the Zoning By-law.
2. Subdivision security has been posted with the City in accordance with City policy, and the Subdivision Agreement has been executed by the subdivider and the City.
3. Provision has been made for a looped watermain system to ensure adequate water service, as well as provision for a second public road access to the satisfaction of the City.
4. The development as approved is consistent with the City of London Urban Design Principles and Placemaking Guidelines. All issues have been resolved and the holding provisions are no longer required.

## 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

**June 9, 2003** - Report to Planning Committee recommending adoption of the Uplands North Area Plan.

**July 28, 2014** - Report to Planning and Environment Committee for Draft Plan Approval of Subdivision, Official Plan Amendment and Zoning By-law Amendment (39T-09501/OZ-7638)

**January 22, 2018** - Report to Planning and Environment Committee for Revised Draft Plan of Subdivision and Zoning By-law Amendment (39T-09501/Z-8818)

**February 20, 2018** - Report to Planning and Environment Committee for Revised Draft Plan of Subdivision and Zoning By-law Amendment (39T-09501/Z-8818)

**April 30, 2018** - Report to Planning and Environment Committee for Special Provisions for Phase 1 of the subdivision. (39T-09501)

**November 18, 2019** - Report to Planning and Environment Committee for Special Provisions for Phase 2 of the subdivision. (39T-09501)

## **1.2 Planning History**

On September 9, 2014, the City of London Approval Authority approved a Draft Plan of Subdivision for lands located at 660 Sunningdale Road East submitted by Extra Realty Limited. Municipal Council previously advised the Approval Authority of its support for the draft plan and related zoning by-law amendments at their meeting held July 29, 2014. On February 21, 2018, a revised draft plan of subdivision was granted. The Approval Authority issued final approval of the phase 2A of this subdivision plan on August 28, 2021 (?), registered as Plan No. 33M-787.

## **1.3 Property Description**

The site is addressed as 870 Kleinburg Drive. These lands are within Registered Plan of Subdivision 33M-787. The lands are currently vacant.

## **1.4 Current Planning Information (see more detail in Appendix D)**

- The London Plan Place Type – Main Street
- 1989 Official Plan Designation – Main Street Convince Commercial
- Existing Zoning – (h\*h-100\*h-173\*BDC2(7))\*H18\*D75

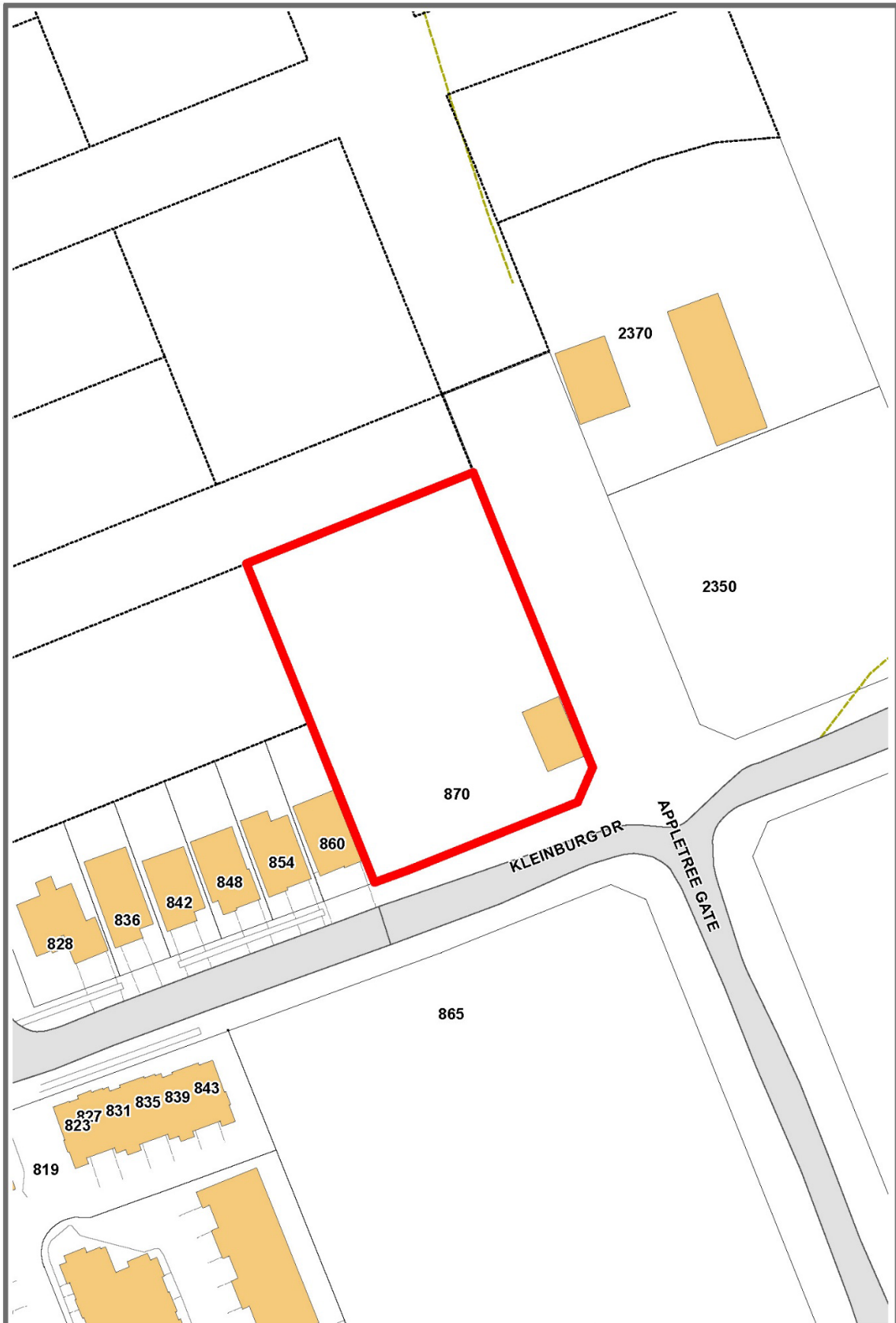
## **1.5 Site Characteristics**

- Current Land Use – Vacant
- Frontage – 101.05 m
- Depth – 42.0 m
- Area – 4240.0m<sup>2</sup>
- Shape – Rectangular

## **1.6 Surrounding Land Uses**

- North – Vacant – future residential
- East – Existing dwelling – future commercial
- South – Medium density residential
- West – Existing dwellings – future residential

## 1.7 Location Map



### LOCATION MAP

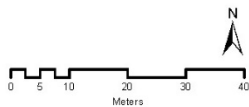
Address: 870 Kleinburg Drive

File Number: H-9477

Planner: Sean Meksula




Date: 2022/03/01

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



Scale 1:1000

### Legend

-  Subject Site
-  Buildings
-  Driveways/Parking Lots
-  Assessment Parcels



## **2.0 Discussion and Considerations**

### **2.1 Description of Proposal**

The site is addressed as 870 Kleinburg Drive, on the north side of Kleinburg Drive, north of Sunningdale Road East. The subject lands have a total frontage of 101.05 metres on Kleinburg Drive, with a site area of approximately 4240.0m<sup>2</sup>. The subject lands are presently vacant. There are existing residential uses to the south, west, and vacant lands to the north and east.

The applicant is requesting the removal of the “h”, “h-100” and “h-173” holding provisions from the Zone on the subject lands, which requires the necessary securities be provided and a development agreement is executed prior to development which ensures the new development is consistent with the City of London Urban Design Principles and Placemaking Guidelines.

### **2.2 Community Engagement (see more detail in Appendix B)**

On March 17, 2022, 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.

### **2.3 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 this application.

## **4.0 Key Issues and Considerations**

### **4.1 Have the conditions for removal of the holding (h, h-100 & h-173) provisions been met?**

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, three (3) holding provisions were added to the subject site to ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development, to ensure that there is adequate water service with appropriate access and to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

#### **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.”*

A Subdivision Agreement has been executed between Applewood Market Place Inc. and the City of London. Applewood Market Place Inc. has also posted security as required by city policy and the Subdivision Agreement. Therefore, the condition has been met for removal of the h provision.

**The purpose of the holding (“h-100”) provision in the Zoning By-law is as follows:**

*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.*

The subdivision servicing drawings have been reviewed and accepted by City staff. Applewood Market Place Inc. has commenced with the installation of services, including the watermains and water looping of the subdivision with connections to the existing 250 mm diameter PVC watermain on Kleinburg Drive and Appletree Gate. A second public road access is also provided to the subdivision street network with separate road connections to Sunningdale Road East via Appletree Gate and Canvas Way. Therefore, the condition has been satisfied for removal of the h-100 provision.

**The “h-173” holding provision states that:**

*“Purpose: To ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through the subdivision agreement, to the satisfaction of the City of London.*

*Permitted Interim Uses: Existing Uses.”*

The Owner has entered into a development agreement, and the development as designed and approved is consistent with the Uplands North Community Plan and the City of London Urban Design Principles and Placemaking Guidelines. This satisfies the requirement for the removal of the “h-173” holding provision.

## Conclusion

The applicant has entered into a development agreement for this site, provided the necessary security, provided water looping, and the development as approved is consistent with the City of London Urban Design Principles and Placemaking Guidelines. Therefore, the holding zone requirements have been satisfied to remove the “h”, “h-100” and “h-173” holding provisions. The removal of the holding provisions is recommended to Council for approval.

**Prepared by:** Sean Meksula, MCIP, RPP  
Senior Planner, Subdivisions and Condominiums

**Reviewed by:** Bruce Page  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P. Eng.  
Deputy City Manager,  
Planning and Economic Development

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Bruce Page, Manager, Subdivisions  
cc: Michael Pease, Manager, Site Plan  
cc: Matt Davenport, Manager, Subdivisions

April 11, 2022  
GK/GB/BP/Sm/sm

## 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 provisions from the zoning for lands located at 870 Kleinburg Drive.

WHEREAS Econ Consultant Ltd. has applied to remove the holding provision from the zoning for the lands located at 870 Kleinburg Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions 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 the lands located at 870 Kleinburg Drive, as shown on the attached map, comprising part of Key Map No. 102 to remove the h, h-100 and h-173 holding provisions so that the zoning of the lands as a Special Provision Business District Commercial (BDC2(7))\*H18\*D75 Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 3, 2022.

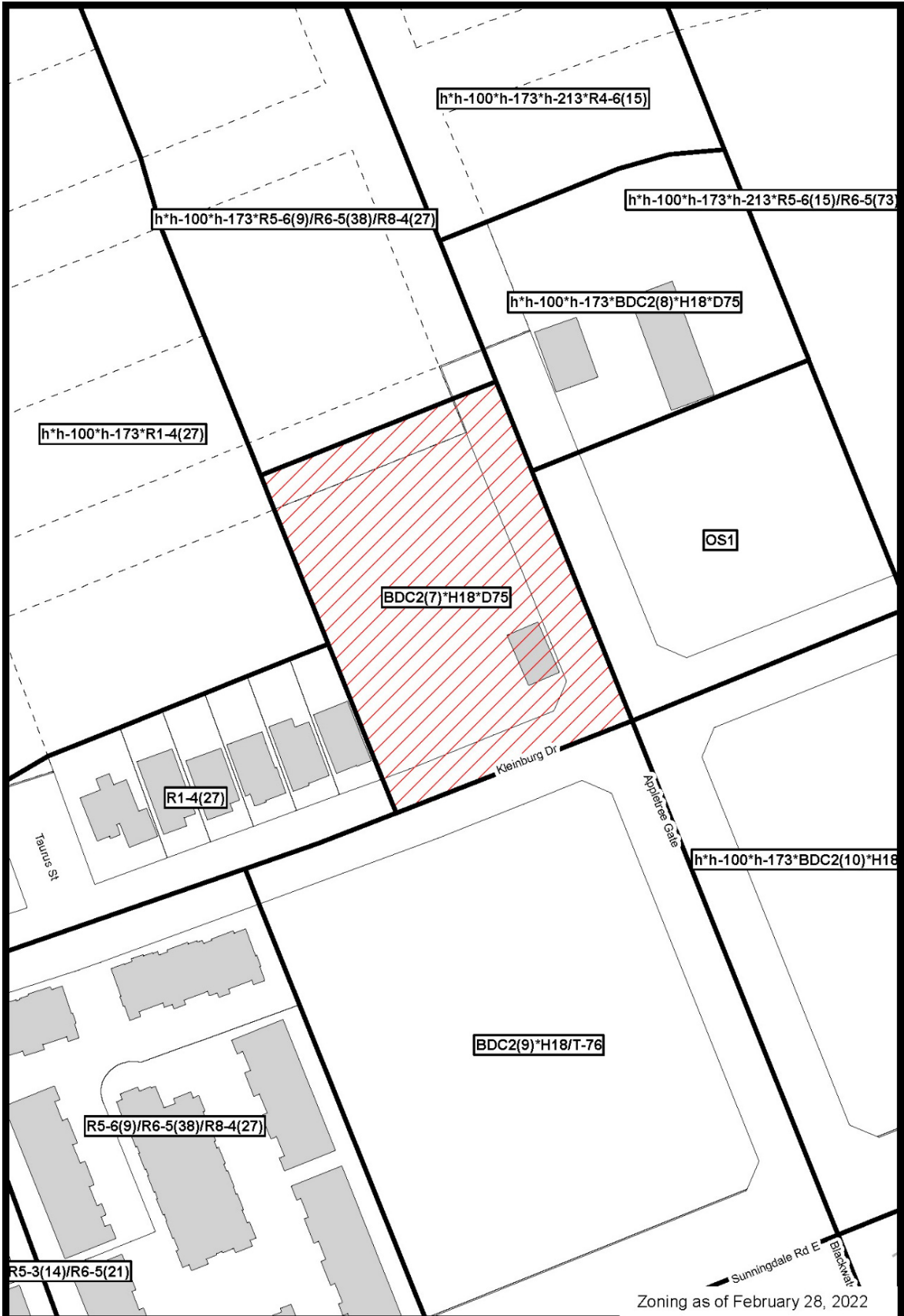
Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – May 3, 2022  
Second Reading – May 3, 2022  
Third Reading – May 3, 2022



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



File Number: H-9477  
 Planner: SM  
 Date Prepared: 2022/03/08  
 Technician: rc  
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40  
 Meters



## Appendix B – Public Engagement

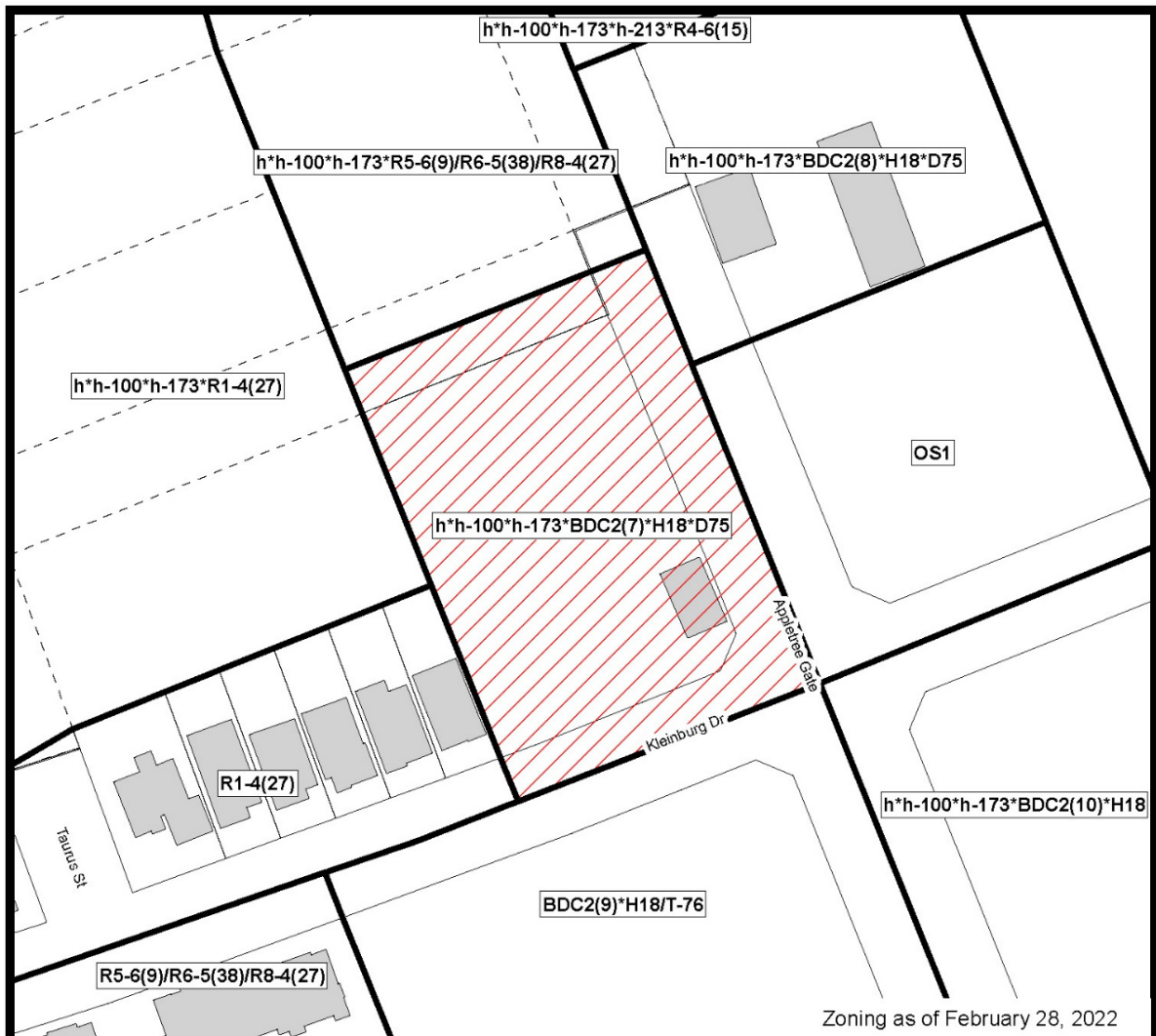
### Community Engagement

**Public liaison:** Notice of the application was published in the Londoner on March 17, 2022.

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the “h”, h-100 and “h-173” Holding Provisions from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbols to allow development of the lands for residential purposes permitted under the Holding Special Provision Compound Business District Commercial (h\*h-100\*h-173\*BDC2(7))\*H18\*D75 Zone. The purpose of the “h” provision is to ensure the orderly development of the 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 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 purpose of the “h-100” symbol is 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. The purpose of the “h-173” symbol is to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines. The “h-173” shall not be deleted until urban design guidelines have been prepared and implemented through the subdivision agreement, to the satisfaction of the City of London. Council will consider removing the holding provisions as it applies to these lands no earlier than April 25, 2022.

# Zoning Excerpt



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**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-9477 SM

MAP PREPARED:  
2022/03/08 rc

1:1,250  
0 5 10 20 30 40 Meters