

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: Removal of Holding Provisions on the Submission of Sifton
Properties Limited for 1395 Riverbend Road
Date: 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 Sifton Properties Limited relating to the property located at 1395 Riverbend Road

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 3, 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 Business District Commercial BDC (h*h-206*BDC(31)) Zone, **TO** a Business District Commercial BDC (BDC(31)) Zone to remove the "h" and "h-206" 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-206" holding provision so that the development of two mixed-use apartment buildings can proceed in compliance with the Zoning By-law.

Rationale of the Recommended Action

1. The conditions for removing the "h" have been met and the recommended amendment will allow two apartment buildings to be developed in compliance with the Zoning By-law.
2. A Site Plan has been approved and a Development Agreement has been entered into to ensure that the West Five Urban Design Guidelines have been met, satisfying the conditions for the "h-206" holding provision.

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 21, 2001 – Approval of the Riverbend Community Plan

April 25, 2005 – Report to Planning Committee regarding Zoning By-law Amendments (Z-6790).

December 3, 2012 – Report to Civic Works Committee on Tributary 'C' Storm/Drainage

& Stormwater Management Transportation and Sanitary Trunk Servicing Environmental Study Report modifications.

July 17, 2012 – Report to Civic Works Committee with respect to the Municipal Class Environmental Assessment (EA) Study Schedule “C” for Tributary ‘C’ Storm/Drainage and Stormwater Management (SWM), Transportation and Sanitary Trunk Servicing Works located within the Downstream Thames River Subwatershed Area.

November 30, 2015 – Planning and Environment Committee – Application by Sifton Properties Limited for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments for lands bounded by Oxford Street West, Westdel Bourne, Shore Road and Kains Road (39T14503/OZ-8410).

June 1, 2015 - Planning and Environment Committee – Application by Sifton Properties Limited for removal of holding (“h” & “h-25”) provisions for lands located at 1080 Westdel Bourne, east of Westdel Bourne and west of the future extension of Riverbend Road.

December 14, 2018 – Report to London Consent Authority regarding consent application at 1835 Shore Road (B.031/18).

February 3, 2022 – Report to Committee of Adjustment on external and front yard setbacks for 1395 Riverbend Road (A.168/21).

1.2 Planning History

The subject lands are within the Riverbend Community Planning Area, which identified the lands as Community Shopping Area (CSA). Sifton Properties Limited submitted a Zoning By-law Amendment Application for the lands bounded by Lumen Drive, Riverbend Road, Oxford Street West and Westdel Bourne in 2005 to delete the Rural Holding (A2) Zone from a portion of the subject lands and apply the Holding Community Shopping Area (h*h-25*CSA5) Zone and Open Space OS(3) Zones. This request was passed by Council on May 2, 2005.

In 2014, Sifton Properties Limited submitted a Draft Plan of Subdivision and a combined Official Plan and Zoning By-law Amendment that would permit the development of a mixed-use community consisting of commercial, office, and medium and high-density residential uses. The lands included in this application are approximately 30 hectares and were bounded by Oxford Street West, Westdel Bourne, Shore Road and Kains Road. The long-term development plans for these lands are known as “West Five”, which are planned as a sustainable, mixed-use community providing a range of office, retail, residential and public uses and is promoted as a model of “smart” community design through the incorporation of renewable energy technologies and initiatives. Draft Approval was granted on January 8th, 2016, subject to conditions, and Subdivision Agreements have been registered for all three (3) phases.

While the review process for the subdivision application was under way, Municipal Council adopted an amendment to the Zoning By-law on June 10, 2015, to remove the holding provisions to allow for the development of three (3) storey mixed-use buildings for the new head offices for Sifton Properties Limited and two additional building floor plates for development that would be compliant with the CSA(5) Zone.

The Official Plan and Zoning By-law Amendments submitted with the Draft Plan of Subdivision were adopted by Council and included specific-area policies to guide the development of the “West Five” Community. During this process, the CSA5 zone was amended to the Business District Commercial Special Provision BDC(31) Zone to reflect the specific area-policies and community visions. The adoption of the “h” and “h-206” in the zoning implement urban design guidelines prepared and approved by Council.

A consent application presented to the London Consent authority on December 14, 2018, severed the lot at 1395 Riverbend Road from the larger parcel at 1835 Shore

Road. Three (3) additional parcels were severed from the retained lands through this application. A minor variance application requesting an exterior side yard setback of 12 meters, whereas a maximum of eight (8) meters is required, and a front yard setback of 13.5 meters, whereas a maximum of eight (8) meters is required, was presented to the Committee of Adjustment on February 3, 2022, and granted on February 23, 2022. This application for Removal of the “h” and “h-206” was received on February 9, 2022, and was accepted as complete on March 8, 2022.

1.3 Property Description

The subject lands are located in the northeast quadrant of the City in the West Five Community, and are generally located north of Oxford Street West and east of Westdel Bourne. The Plan of Subdivision was registered on April 19th, 2018, and the lands are part of Block 1 on registered plan 33M-743. The subject lands are approximately 1.87 hectares in size and are currently vacant. Removal of the holding provisions would permit the development of two (2) mixed-use apartment buildings, which have received Site Plan Approval (SPA21-095) and a Development Agreement has been registered. A third apartment building is proposed on the southeast segment of the subject lands, at the intersection of Linkway Boulevard and Riverbend Road, but was not subject to the Site Plan Approval application and the holding provisions cannot be removed.

1.4 Current Planning Information

- The *London Plan* Place Type – Shopping Area
- (1989) *Official Plan* Designation – Community Commercial Node
- Existing Zoning – h*h-206*BDC(31)

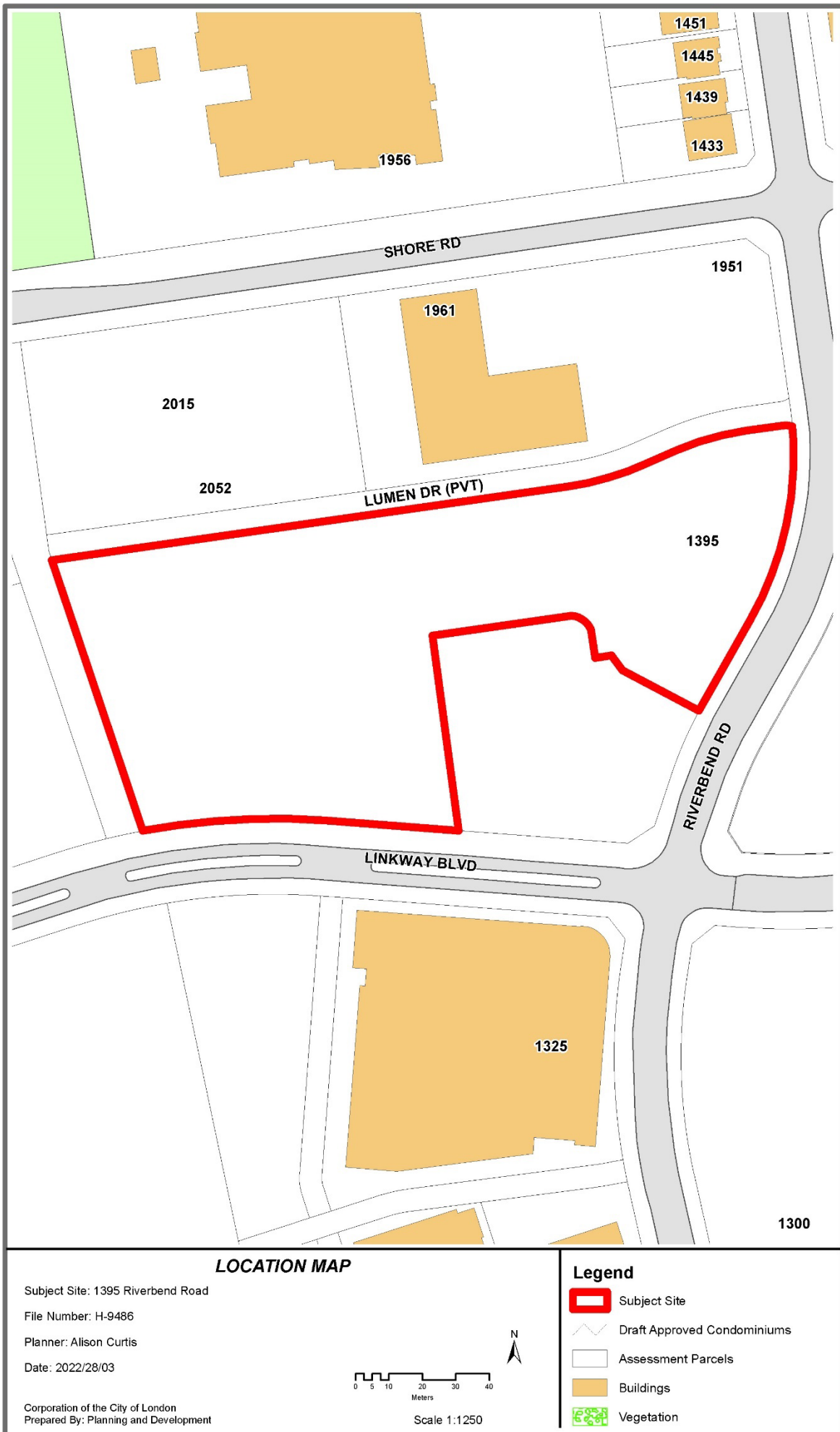
1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 138.3 meters
- Depth – 145.8 meters
- Area – 1.87 hectares
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Medium density residential, and St Nicholas Catholic Elementary School
- East – Medium density residential
- South – Community commercial node, mixed-use apartment buildings
- West – Medium and low density residential

1.7 Location Map



2.0 Discussion and Considerations

The purpose of this amendment application is to remove the “h” and “h-206” holding provisions from the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. This 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-206” shall not be removed until there is an approved site plan, and a development agreement has been entered into to ensure the development is in keeping with the design principles identified in the West Five Urban Design Guidelines.

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 March 31, 2022.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on March 30, 2022.

There was no response from the public.

2.2 Policy Context

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

h-206 Holding Provision

The h-206 Holding Provision states that:

“h-206 Purpose: To ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of the City of London prior to the removal of the h-206 symbol. Permitted Interim Uses: Existing Uses (Z.-1-162444)”

The Site Plan Approval application has been approved and a Development Agreement has been entered into which will ensure that the design objectives established through the subdivision review process have been met. The Applicant has noted the following:

- Pedestrian connectivity is provided throughout the site through the provision of sidewalks and connections to Riverbend Road and Linkway Boulevard;
- The apartment buildings have been designed such that there is architectural interest through the materials used and fenestration patterns; and,
- Landscaping has been designed to enhance the streetscape and coordinate with the surrounding context.

This satisfies the requirements for the removal of the “h-206” holding provision.

Conclusion

It is appropriate to remove the “h” and “h-206” holding provisions from the subject lands at this time as a development agreement has been executed, the required securities have been received, and the urban design concepts identified in the West Five Urban Design Guidelines have been met.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page
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)

GB/BP/AC/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2022\H-9486 - 1395 Riverbend 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 1395 Riverbend Road

WHEREAS Sifton Properties Limited have applied to remove the holding provision from the zoning for the lands located at 1395 Riverbend 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 1395 Riverbend Road, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Business District BDC (BDC(31)) 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


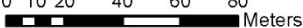

Ed Holder
Mayor

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)



<p>File Number: H-9486 Planner: AC Date Prepared: 2022/03/23 Technician: AC 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 March 31, 2022, and notice of the application were circulated to the relevant internal and external agencies.

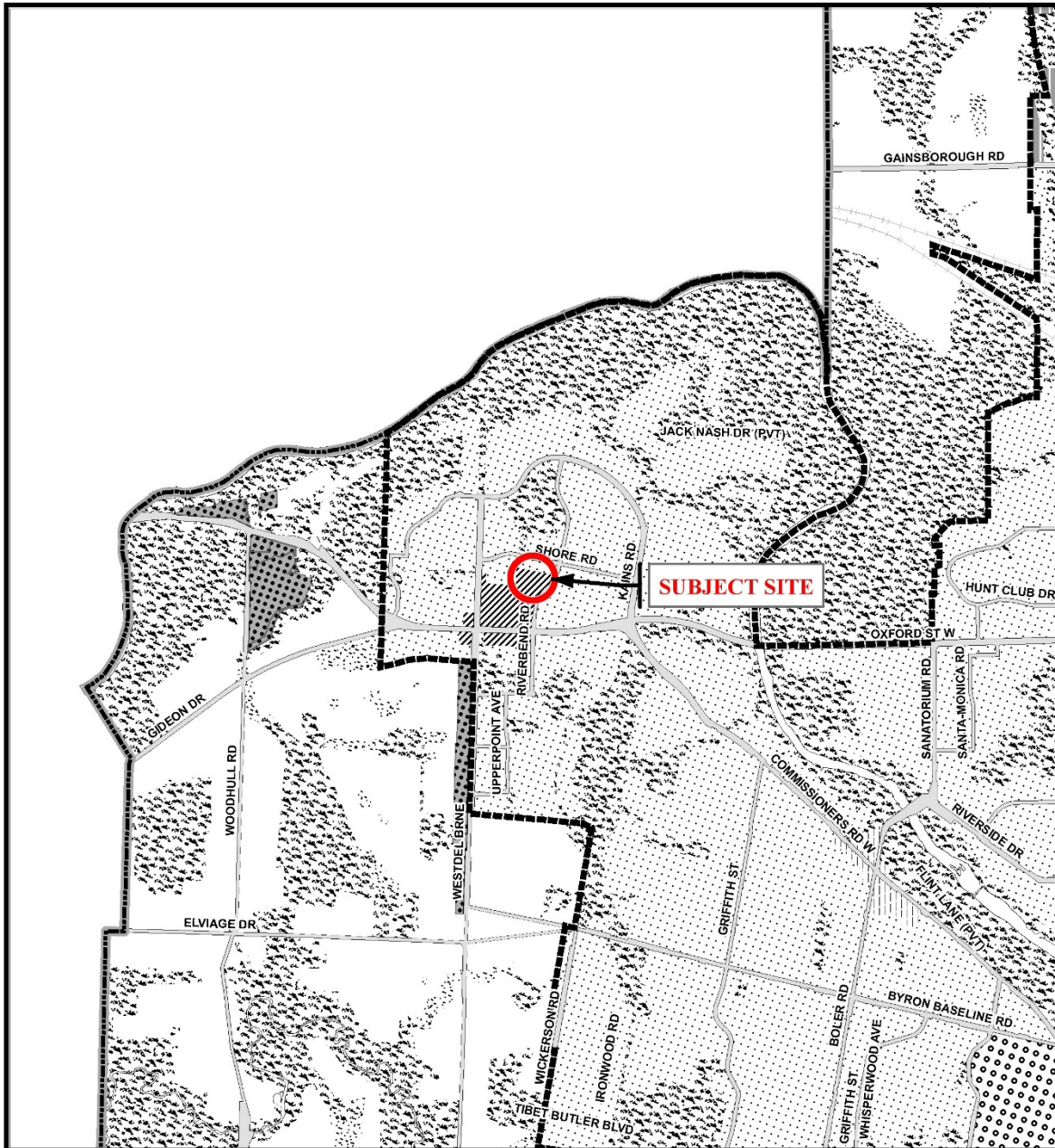
No replies were received.

Londoner Notice: City Council intends to consider removing the h and h-206 holding provisions from the subject lands to allow for the development of three (3) mixed-use apartment buildings. 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-206” shall not be removed until there is an approved site plan and a development agreement has been entered into to ensure the development is in keeping with the design principles identified in the West Five Urban Design Guidelines. Council will consider removing the holding provisions as they apply to these lands no earlier than April 19, 2022. **For the lands under consideration, a separate application for Site Plan Approval – Application File No. SPA21-095 – has been submitted by Sifton Properties Limited.*

File: H-9486 Planner: A. Curtis x.4497

Appendix C: 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.

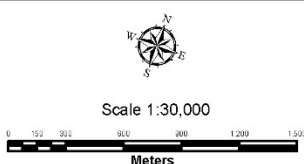
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

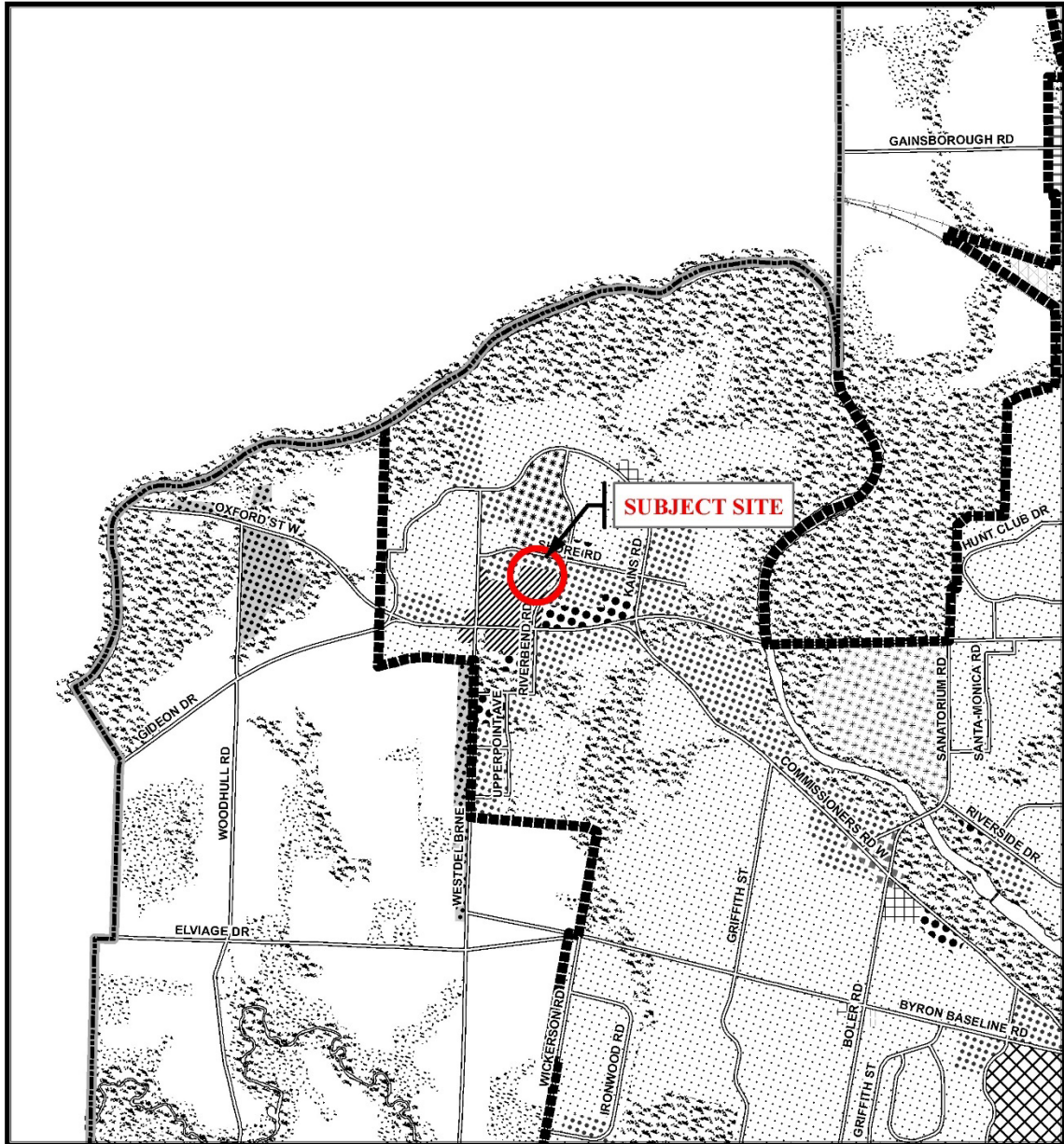
LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



File Number: H-9486
Planner: AC
Technician: RC
Date: March 28, 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

<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>Meters</p>	<p>FILE NUMBER: H-9486</p>
		<p>PLANNER: AC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/03/28</p>

Zoning By-law Excerpt



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-9486

AC

MAP PREPARED:

2022/03/28

rc

1:2,000

0 10 20 40 60 80

Meters