

## 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 1300 Riverbend Road  
**Date:** April 25, 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 1300 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 an entertainment pavilion and associated open space 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 an entertainment pavilion and associated open space 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.

**March 31, 2022** – Report to Committee of Adjustment regarding requests for front yard, exterior side yard and building height variances (A.030/22).

## **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 8<sup>th</sup>, 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 minor variance application was brought forward to the Committee of Adjustment on March 31, 2022, requesting the following variances:

- To permit a front yard setback of 73.9m whereas 8.0m is the maximum permitted;
- To permit a north exterior side yard setback of 75.9m whereas 8.0m is the maximum permitted;
- To permit a west exterior side yard setback of 19.2m whereas 8.0m is the maximum permitted; and,
- To permit a building height of 4.2m whereas 8.0m is the minimum required.

Site Plan Consultation took place on August 24, 2021, and an application for Site Plan Approval was submitted on December 14, 2021. This application for Removal of the “h” and “h-206” was received on December 1, 2021, accepted as complete on December 7, 2021, and processed concurrently with the application for Site Plan Approval.

### **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 19<sup>th</sup>, 2018, and the lands are part of Block 3 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 an entertainment pavilion and associated open space.

### **1.4 Current Planning Information**

- The *London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Community Commercial Node and Multi-Family, High Density Residential
- Existing Zoning – h\*h-206\*BDC(31)

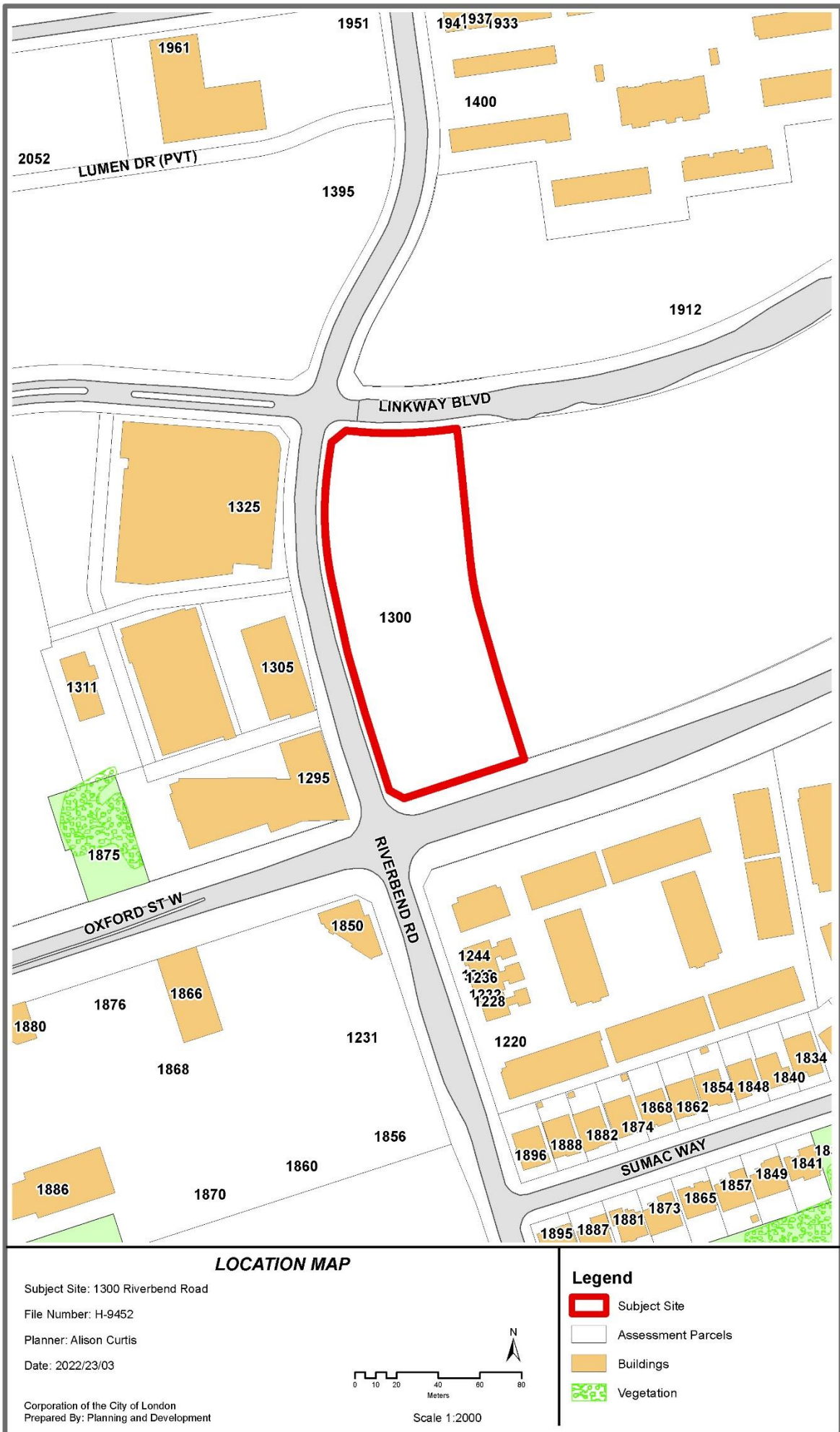
### **1.5 Site Characteristics**

- Current Land Use – vacant
- Frontage – 45.27 meters
- Depth – varies
- Area – 0.89 hectares
- Shape – Rectangular

### **1.6 Surrounding Land Uses**

- North – Medium and high density residential
- East – Medium and high density residential
- South – Low and high density residential
- West – Community commercial node, mixed-use apartment buildings

# 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 April 7, 2022.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on April 7, 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. 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\2021\H-9452 - 1300 Riverbend Road (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 1300 Riverbend road

WHEREAS Sifton Properties Limited have applied to remove the holding provision from the zoning for the lands located at 1300 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 1300 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.

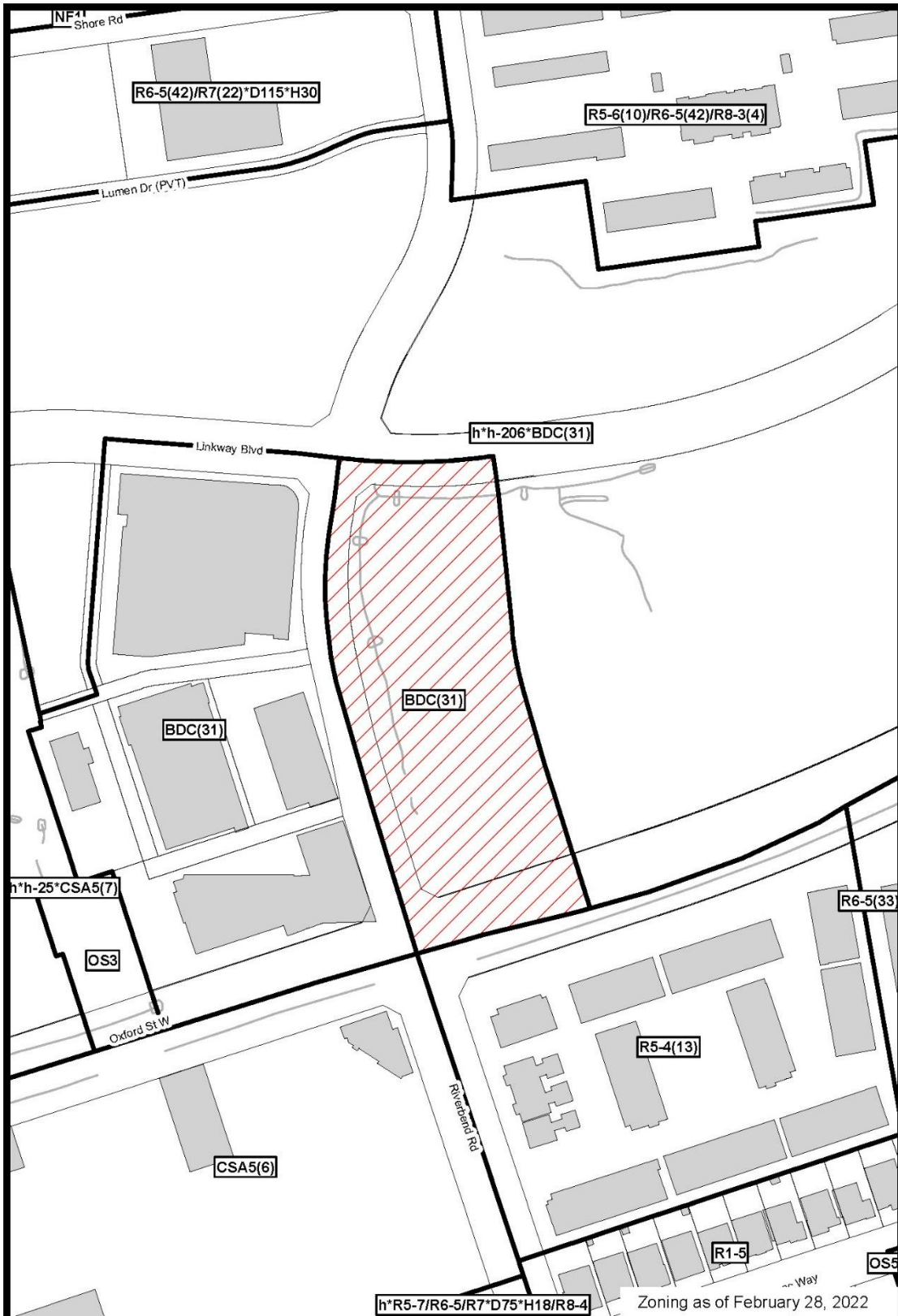
PASSED in Open Council on May 3, 2022

Ed Holder  
Mayor


Michael Schulthess  
City Clerk

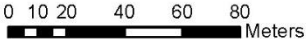
First Reading - May 3, 2022  
Second Reading – May 3, 2022  
Third Reading - May 3, 2022


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



**File Number:** H-9452  
**Planner:** AC  
**Date Prepared:** 2022/03/22  
**Technician:** rc  
**By-Law No:** Z.-1-

**SUBJECT SITE** 

**1:2,000**  






## Appendix B – Consultation

### Community Engagement

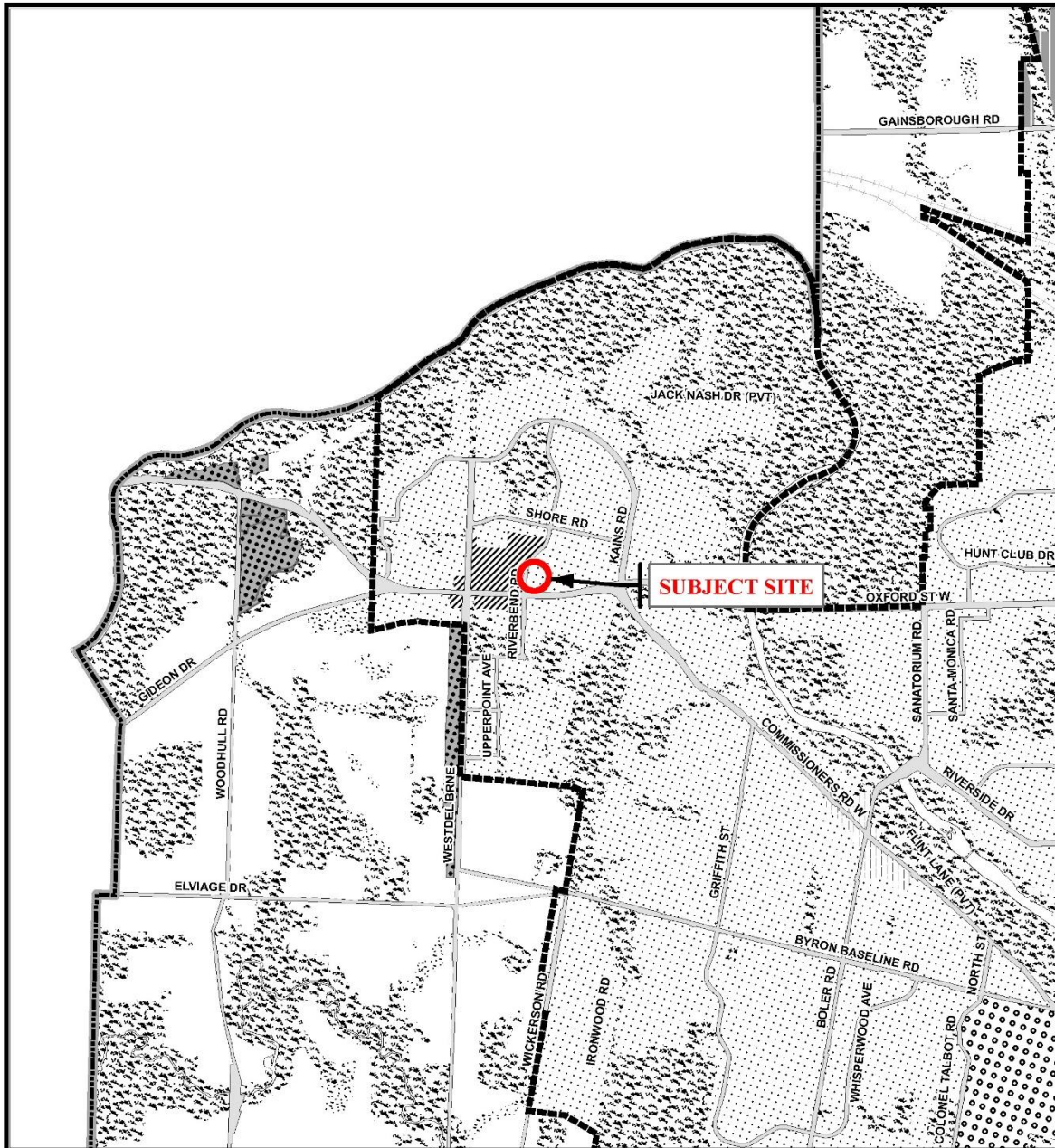
**Public Liaison:** Notice of the Intent to Remove Holding Provisions was published in the Londoner on April 7, 2022, and notice of the application were circulated to the relevant internal and external agencies.

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 an entertainment pavilion and associated open space. 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 25, 2022. *\*For the lands under consideration, a separate application for Site Plan Approval – Application File No. SPA21-114 – has been submitted by Sifton Properties Limited.*  
File: H-9452 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

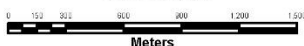
Planning Services /  
Development Services

### LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



File Number: H-9452

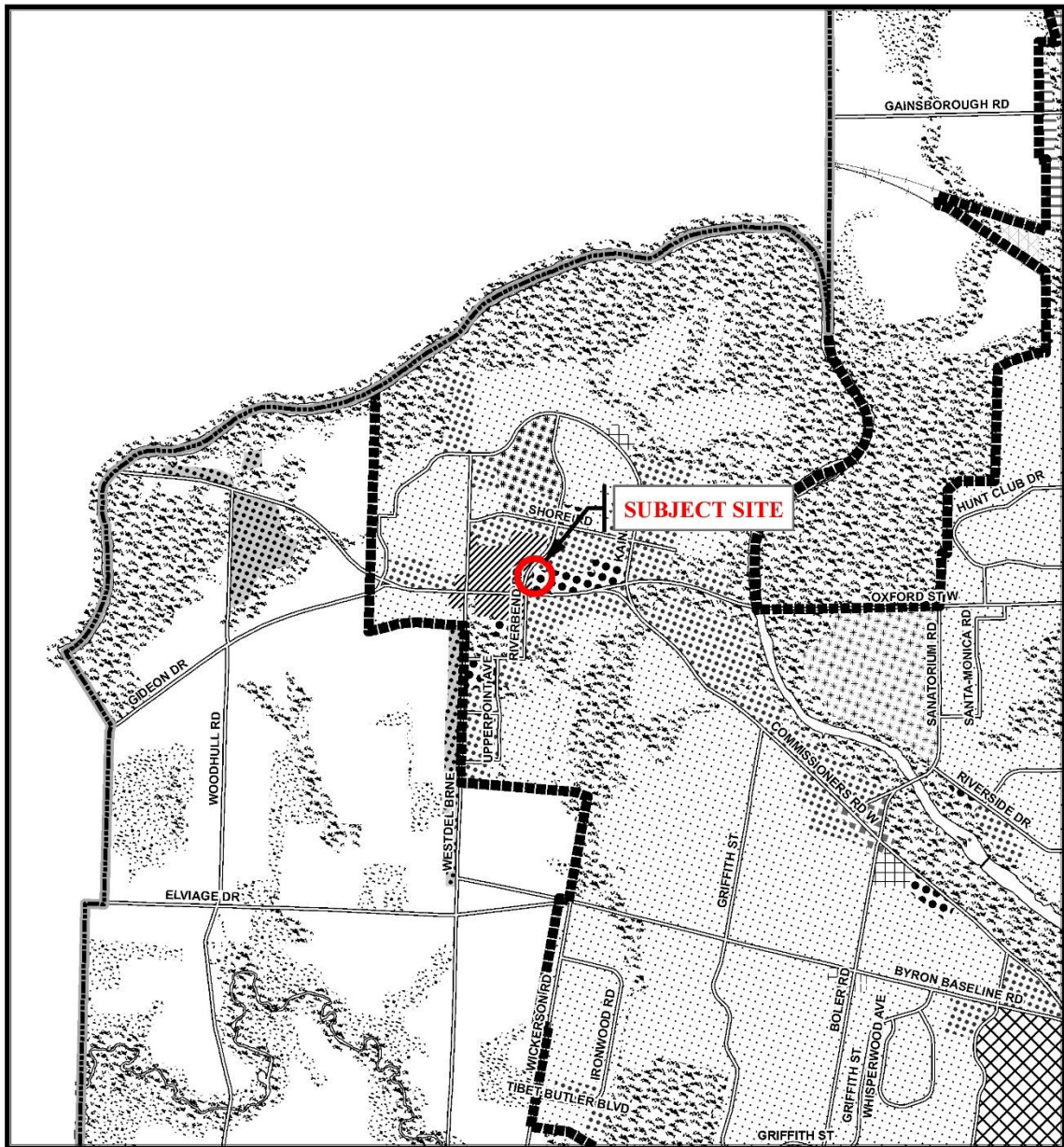
Planner: AC

Technician: RC

Date: March 23, 2022



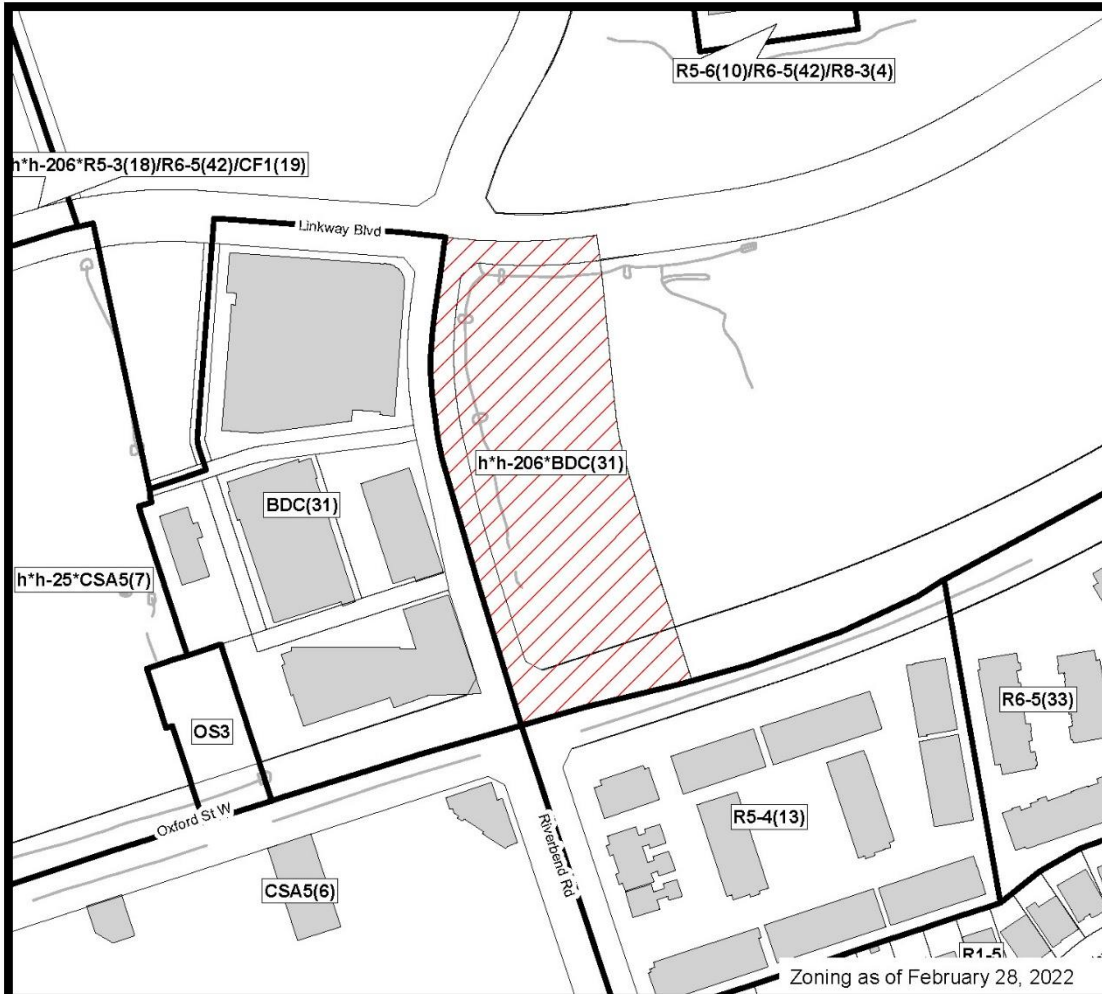
# 1989 Official Plan Excerpt



| 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><b>CITY OF LONDON</b></p> <p>Planning Services /<br/>Development Services</p> <p>OFFICIAL PLAN SCHEDULE A<br/>- LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p> | <p>Scale 1:30,000</p> <p>Meters</p> | <p>FILE NUMBER: H-9452</p>                                       |
|  |                                     | <p>PLANNER: AC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/03/23</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-9452

AC

MAP PREPARED:

2022/03/23

rc

1:2,500

0 12.525 50 75 100 Meters