

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: Four Fourteen Inc.
414 - 418 Old Wonderland Road
Removal of Holding Provision (h-5)
Meeting on: April 19, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by Four Fourteen Inc. relating to the property located at 414 - 418 Old Wonderland 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 No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R5 Special Provision (h-5*R5-7(20)) Zone **TO** a Residential R5 Special Provision (R5-7(20)) Zone to remove the "h-5" holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (h-5) provision from the zoning at 414 - 418 Old Wonderland Road to permit the development of three (3) townhouse blocks and two (2) stacked townhouse blocks for a total of 29-units.

Rationale of Recommended Action

1. The conditions for removing the holding (h-5) provision have been met and the recommended amendment will allow development of a proposed residential apartment building in compliance with the Zoning By-law.
2. The holding (h-5) provision can be removed from the zoning as a public meeting has been held and the requirements for public site plan review have been met.
3. A Development Agreement has been entered into by the applicant and the City, and security has been posted in accordance with City policy.

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

February 16, 2022 - Notice of Provisional Consent Decision was granted on August 3, 2017, for B.025/17. Final approval of consent regarding the properties located at 414 - 418 Old Wonderland Road was granted on November 17, 2017.

July 26, 2021 - Planning and Environment Committee – Four Fourteen Inc. regarding the property located at 414 - 418 Old Wonderland Road – Application for Zoning By-law Amendment (Z-9293).

December 13, 2021 - Planning and Environment Committee – Four Fourteen Inc. regarding the property located at 414 - 418 Old Wonderland Road public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development (SPA20-103).

1.2 Planning History

In 2017, an Application for Consent (B.025/17) was submitted for the severance and conveyance of surplus lands for the purpose of future infill development with access from the abutting lands along Berkshire Drive. As part of this application, a Minor Variance (A.093/17) was submitted and granted for reduced lot frontages and lot areas to facilitate the severance. In 2017, both applications were granted.

In 2020, the City received Zoning By-law Amendment Application (Z-9293) to facilitate the proposed development of cluster townhouses and cluster stacked townhouses with a total of 29 units and 49 parking stalls. Revisions were received throughout the process to address concerns relating to parking requirements and setback reductions. Additional revisions were received to clearly identify the woodland and compensation area that was zoned Open Space Special Provision (OS5(19)).

On July 26, 2020, a Public Participation Meeting was held before the Planning and Environment Committee, which recommended approval of the proposed Zoning By-law Amendment. The Zoning By-law Z.-1 was amended from a Residential R1 (R1-10) Zone and an Urban Reserve (UR1) Zone to a Holding Residential R5 Special Provision (h-5*R5-7(20)) Zone and an Open Space Special Provision (OS5(19)) Zone. The resolution of Council also noted the requirement for board-on-board fencing along the east, north and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities; ensuring naturalization with feature restoration and compensation to be completed by the landowner in accordance with the mitigation measures in the recommendations of the Environmental Impact Assessment and City Ecologist; ensuring the development agreement is clear that the restoration and compensation areas are to be protected in a natural state and not manicured; and the creation of a small berm along the edges of the storage area to direct flows back to the road surface and not towards the pond feature to the north.

On November 23, 2020, a Site Plan Control Application (SPA20-103) was received by the City of London. The Site Plan Control Application and Zoning By-law Amendment application were submitted and reviewed concurrently. Staff are close to Site Plan Approval on the subject lands pending an additional submission to ensure Council's resolution has been addressed. The public participation meeting to consider the site plan was held by the Planning and Environment Committee on December 13, 2021.

At its meeting held on December 21, 2021 resolved:

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Four Fourteen Inc., relating to the property located at 414-418 Old Wonderland Road:

- a) *the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and,*
- b) *the Approval Authority BE ADVISED that the Municipal Council has no issues with respect to the Site Plan Application, and that the Municipal Council supports the Site Plan Application;*

*it being pointed out that the Planning and Environment Committee reviewed and received the staff presentation with respect to this matter;
it being further pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;*

it being further noted that the Municipal Council approves this application for the following reasons:

- the Site Plan, as proposed, is consistent with the Provincial Policy Statement, 2020, as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood;*
- the proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan;*
- the proposed Site Plan conforms to the Multi-family, Medium Density Residential designation of the 1989 Official Plan;*
- the proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law; and,*
- the proposed Site Plan meets the requirements of the Site Plan Control By-law. (2021-D09) (3.7/1/PEC)*

1.3 Property Description

The subject property is located on the east side of Old Wonderland Road with Springbank Drive to the north and Teeple Terrace to the south. The site has frontage along Old Wonderland Road of approximately 42.7 metres and a total area of 0.65 hectares. The subject lands are presently vacant. The subject lands are surrounded by low-density residential development uses.

A woodland and pond feature is located directly to the north of the subject lands. An Environmental Impact Study was submitted and accepted by the City's Ecologist through the Zoning By-law Amendment Application to ensure the development will not impact these areas.

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

- Official Plan Designation – Multi-family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – a Holding Residential R5 Special Provision (h-5*R5-7(20))

1.5 Site Characteristics

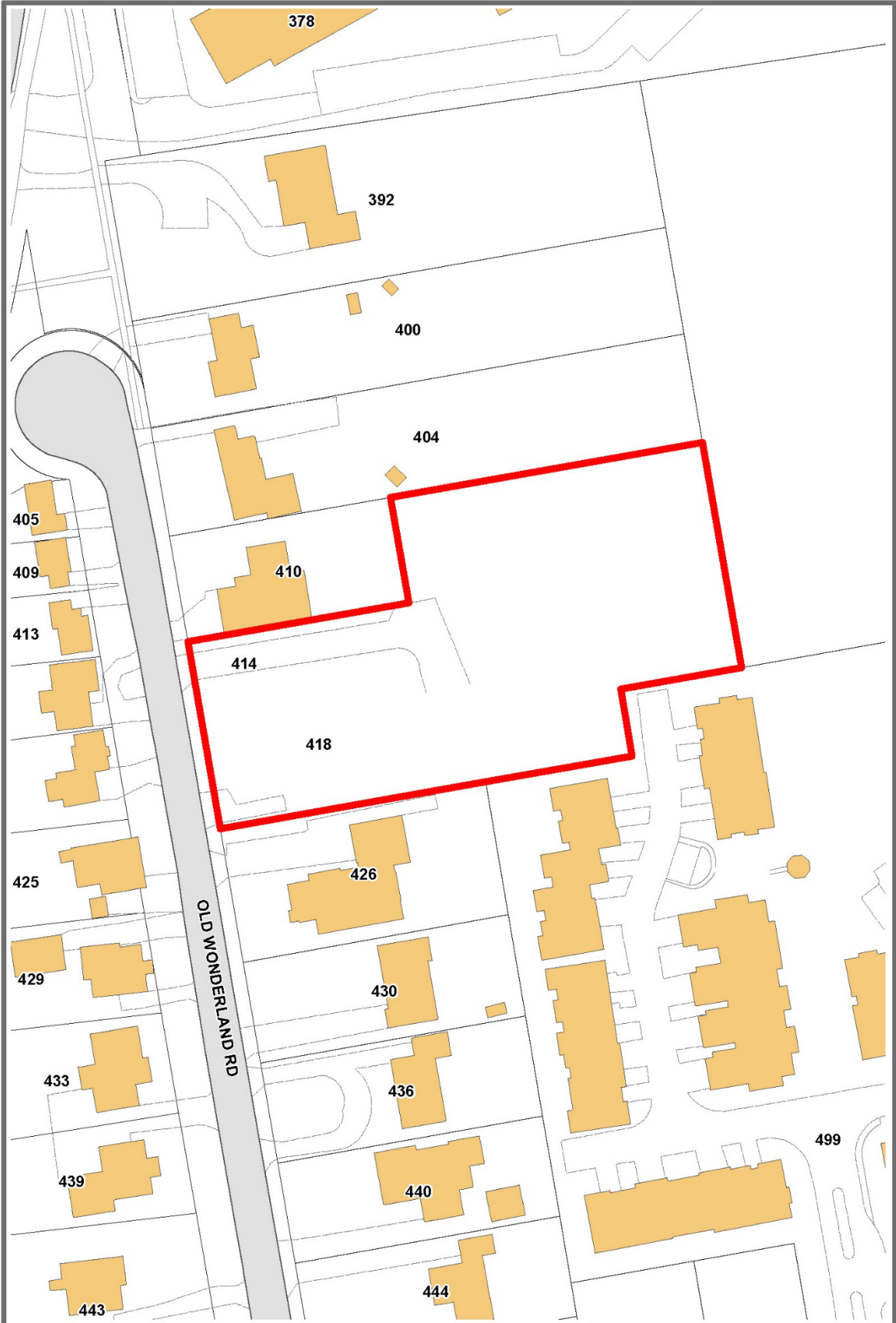
- Current Land Use – Vacant
- Frontage – 42.7 metres (140.0 feet)
- Depth – 121.8 metres (399.6 feet)
- Area – 5,763 square metres (62,032 square feet)
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Existing single detached dwellings, apartment buildings, woodland, wetland
- East – Vacant residential land, cluster townhouses
- South – Existing single detached dwellings and cluster townhouses
- West – Existing single detached dwellings, cluster residential

1.5 Intensification

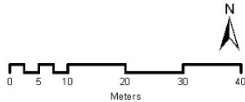
- The proposed development of 29-units is within the Primary Transit Area boundary and constitutes infill development.



LOCATION MAP

Address: 414 & 418 Old Wonderland Road
 File Number: H-9482
 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/ParkingLots
- Assessment Parcels

2.0 Discussion and Considerations

2.1 Description of Proposal

The proposed development consists of three (3) townhouse blocks and two (2) stacked townhouse blocks for a total of 29-units (50 units per hectare). The proposed site plan includes 53 parking stalls total. The three (3) townhouse blocks contain two parking stalls per unit – one in the garage and one in the driveway. Through the Zoning By-law Amendment application, a special provision for parking was approved to allow one parking space for the stacked townhouses. Parking for the stacked townhouses is proposed with one car in the driveway and/or garage and one within the common parking area. The total on-site parking is 53 spaces. One (1) barrier-free visitor parking stall is required along with two (2) standard visitor parking stalls. The visitor parking has been provided in accordance with the Site Plan Control By-law.

A landscaped common amenity space is proposed along the north of the property boundary within the Open Space Special Provision (OS5(19)) Zone. The Open Space Zone was applied to the property because of the accepted Environmental Impact Study completed through the Zoning By-law Amendment process.

The applicant is requesting the removal of the “h-5” holding provision from the Zone on the subject lands, which requires a public meeting be held and the requirements for public site plan review have been met. The requested amendment will permit the development of three (3) townhouse blocks and two (2) stacked townhouse blocks for a total of 29-units.

2.2 Community Engagement (see more detail in Appendix B)

On March 16, 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 What is the purpose of the “h-5” holding provision and is it appropriate to consider its removal?

The “h-5” holding provision states:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol.”

The required public participation meeting was held at the Planning and Environment Committee (PEC) on December 21, 2021.

There were no issues or concerns raised at this meeting. Issues of use, intensity, form, landscaping, tree preservation, natural heritage features, privacy, parking, lot lighting and garbage storage have all been addressed as part of the site plan process.

Site Plan staff have completed their review and ensured that these and other issues have been addressed in the approved plans. Engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. Noise studies have been accepted by the City and recommendations from the study have been incorporated into the approved design details. Access and parking layout has been accepted, including a new provision for drop-off area in proximity to the main entrance. Privacy fencing and enhanced landscaped buffering has been included in the accepted plan.

The above public issues that were raised at public meeting have been addressed by staff and are incorporated in the recommended site plan. This satisfies the requirement for the removal of the “h-5” holding provision.

Conclusion

The applicant has satisfied the requirements to remove the “h-5” holding provision. As noted above, the applicant has entered into a development agreement for this site, and a public meeting was held before Planning and Environment Committee. The removal of the holding provision will allow the applicant to submit and be issued building permits and is being recommended to Council for approval. The removal of this holding provision supports the re-building of our local economy.

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
SM/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 414 - 418 Old Wonderland Road.

WHEREAS Four Fourteen Inc. has applied to remove the holding provision from the zoning for the lands located at 414 - 418 Old Wonderland 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 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 414 - 418 Old Wonderland Road, as shown on the attached map, comprising part of Key Map No. 106 to remove the h-5 holding provision so that the zoning of the lands as a Residential R5 Special Provision (R5-7(20)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

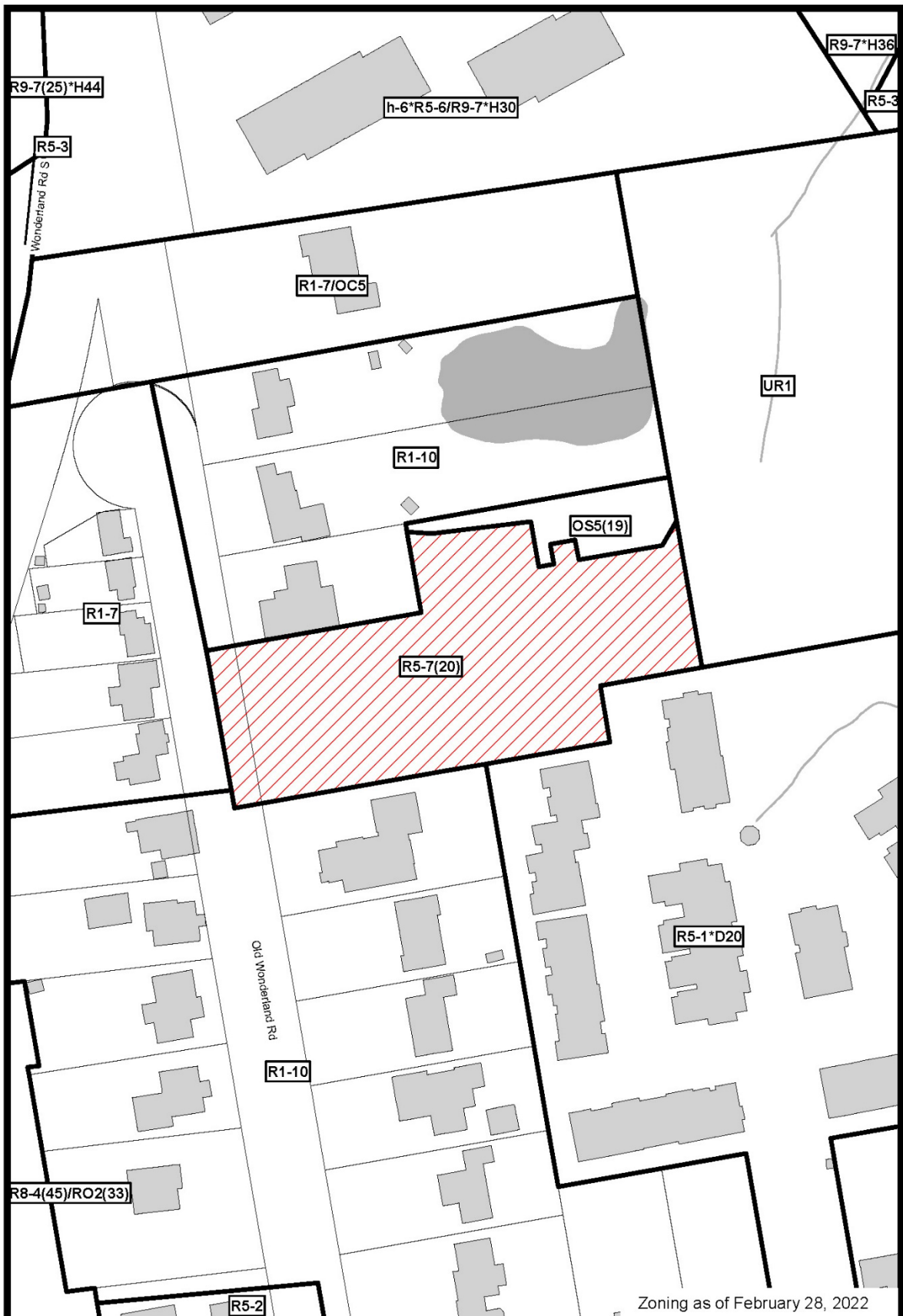
PASSED in Open Council on May 3, 2022.

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-9482

Planner: SM

Date Prepared: 2022/03/09

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

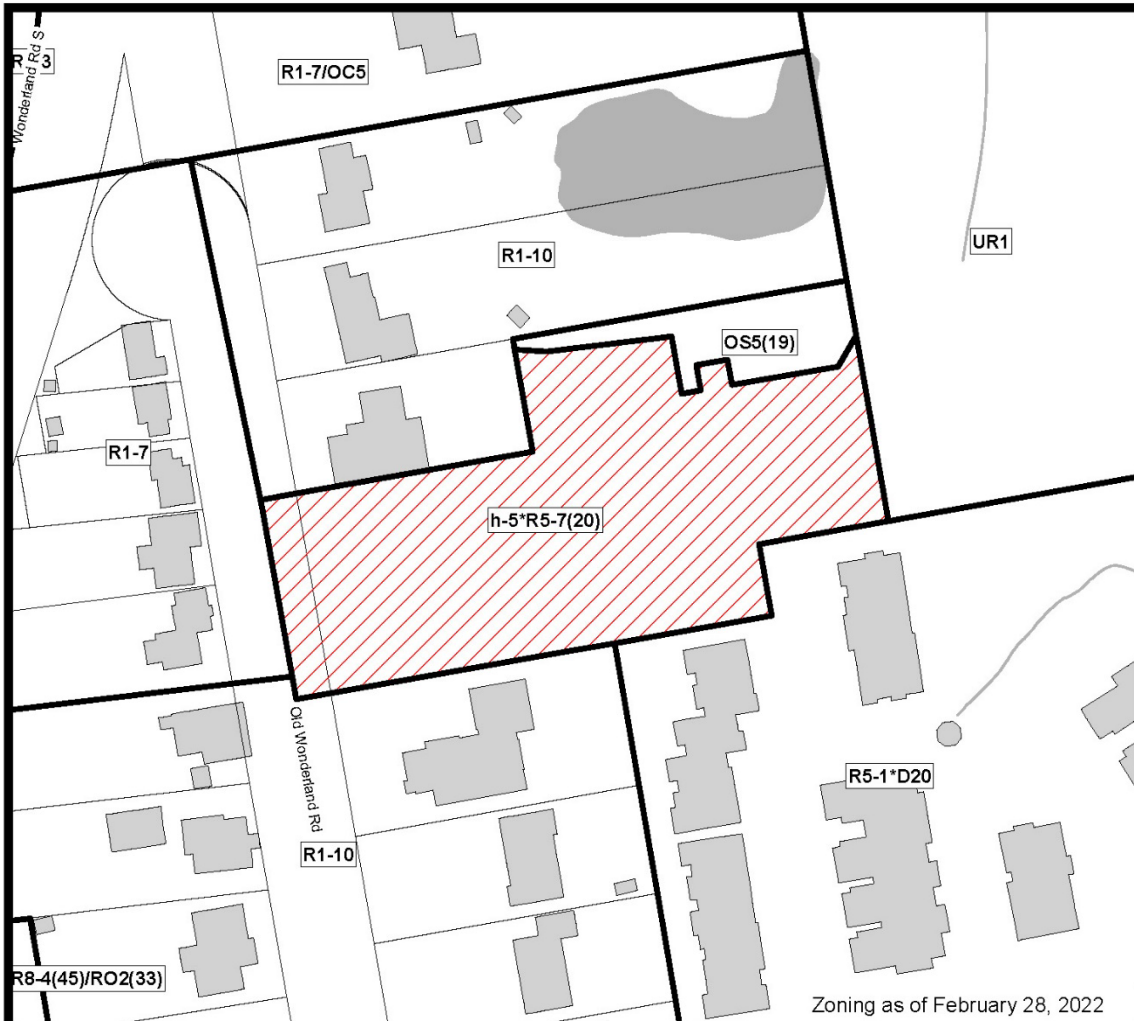
Public liaison: Notice of the application was published in the Londoner on March 17, 2022.

0 replies were received

Nature of Liaison: City Council intends to consider removing the Holding (“h-5”) Provision from the zoning of the subject lands to allow 29 cluster townhouse and cluster stacked townhouses permitted under the Residential R5 Special Provision (R5-7(20)) Zone. The purpose of the “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than April 25, 2022.

Appendix C – Relevant Background

Existing Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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**



FILE NO:

H-9482

SM

MAP PREPARED:

2022/03/08

rc

1:1,250

0 5 10 20 30 40

Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS