

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 Foxhollow North Kent Developments Inc.
1284 and 1388 Sunningdale Road West
Foxhollow North Kent Subdivision - Phase 4
Removal of Holding Provisions

Date: June 20, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by Foxhollow North Kent Developments Inc., relating to portion of lands located at 1284 and 1388 Sunningdale Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on July 5, 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 R1 (h•h-100•R1-3) Zone, a Holding Residential R1 (h•h-100•R1-5) and an Open Space (OS1) Zone **TO** a Residential R1 (R1-3) Zone, Residential R1 (R1-5) and an Open Space (OS1) Zone to remove the h and h-100 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h and h-100 holding symbols to permit the development of 93 single detached lots within a residential plan of subdivision (Foxhollow North Kent – Phase 4).

Rationale of Recommended Action

1. The conditions for removing the holding (h & h-100) provisions have been met and the recommended amendment will allow development of single detached dwellings 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 for Phase 4 has been executed by the applicant 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.

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 1999 - Report to Planning Committee to recommend approval of Foxhollow Community Plan (O-5604)

December 2008 - Report to Planning Committee to recommend approval of the draft plan

of subdivision and associated zoning by-law amendments (39T-04510 / Z-6824)

July 20, 2009 - Report to Planning Committee to recommend a revised draft plan of subdivision and associated zoning by-law amendments (39T-04510 / Z-6824)

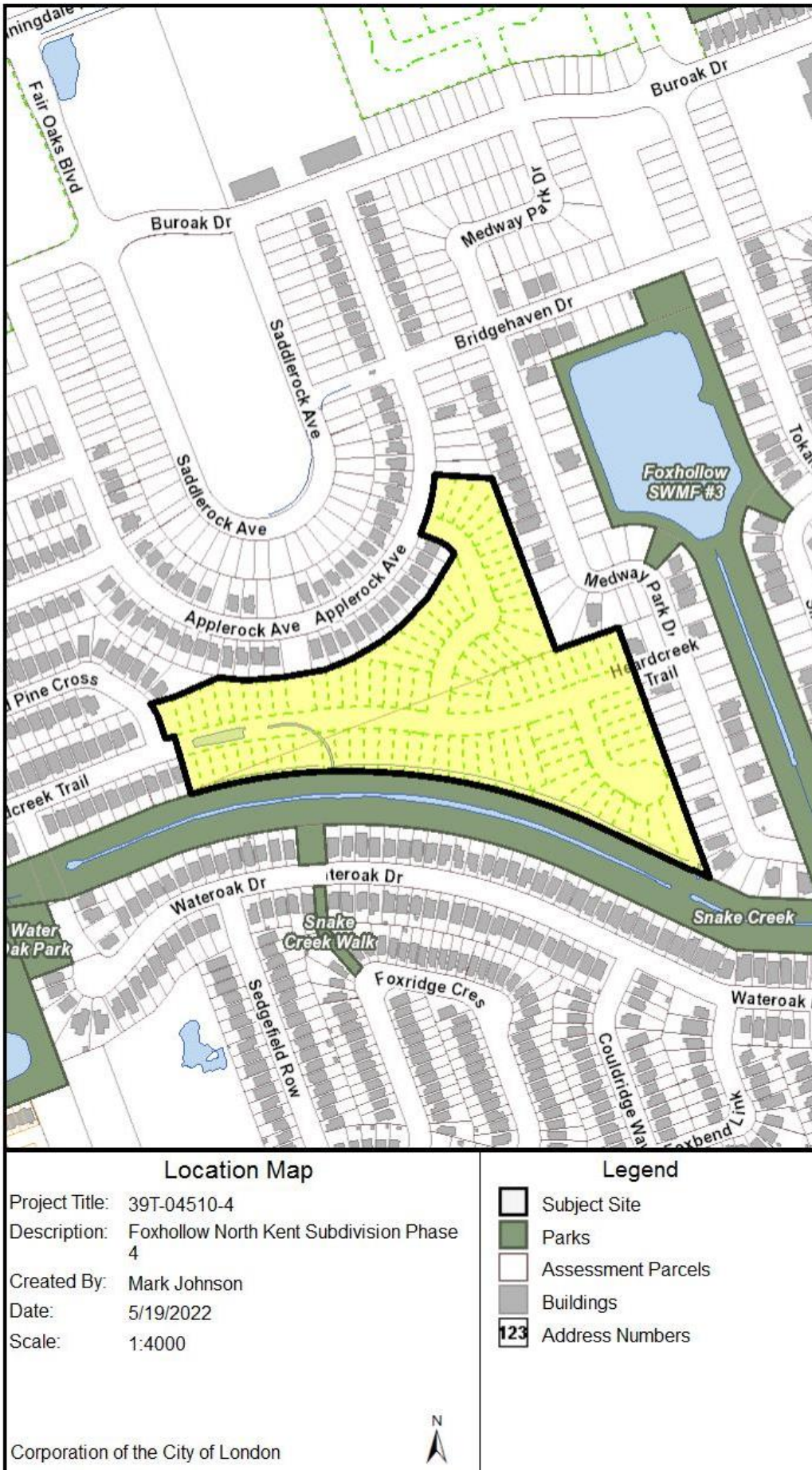
February 19, 2019 - Report to Planning and Environment Committee to recommend a 3 year extension of draft plan approval until April 21, 2022 (39T-04510)

November 30, 2020 - Report to Planning and Environment Committee to revise Draft Plan of Subdivision and zoning by-law amendments to permit additional uses, including street townhouse dwellings on the lands fronting the south side of Buroak Drive (39T-04510 / Z-9216)

August 30, 2021 – Report to Planning and Environment Committee to request for extension of draft plan approval (39T-04510)

2.0 Discussion and Considerations

2.1 Location Map



2.2 Description of Proposal

This proposal is for consideration of a request to remove the holding provision from lots 1 to 93 within the Foxhollow North Kent Subdivision (Phase 4) to permit development of single detached dwellings.

2.3 Planning History

The plan of subdivision was draft approved in 2009 and since that time the applicant has requested several draft approval extensions. The Phases 1 & 2 of this subdivision have been registered (33M-703). The third phase was broken into three subphases and Phase 3A was registered on June 2, 2020 as 33M-784 and Phase 3B was registered on December 17, 2020 as 33M-793 and Phase 3C was registered on August 18, 2021 as 33M-804. The owner requested a 3 year extension of draft approval in 2021. At its' meeting on September 14, 2021, City Council requested that the Approval Authority approve the three year extension. The new draft approval expiry date is September 14, 2024.

The holding (h & h-100) provisions were applied in 2009 at the time the Draft Plan of Subdivision was approved.

2.4 Community Engagement (see more detail in Appendix B)

There were no responses received to the Notice of Application.

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) provision 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, two 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, and to ensure that there is adequate water service and appropriate access. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

The purpose of the holding ("h") provision in the zoning by-law is as follows:

"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."

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 Foxhollow North Kent Developments Inc. and the City of London. Foxhollow North Kent Developments 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 accepted by the City, and Foxhollow North Kent Developments Inc. has commenced with the installation of services, including the watermains and water looping of the subdivision with connections to the existing 200 mm diameter watermain on Heardcreek Trail to the east and west, and existing 200 mm diameter watermain on Applerock Avenue. Public road accesses are also provided to the subdivision street network with connections to Heardcreek Trail and Applerock Avenue. Therefore, the condition has been satisfied for removal of the h-100 provision.

Conclusion

The requirements for holding provision on the subject lands have been addressed which will allow the issuance of residential building permits for 93 single detached lots in Phase 4. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbol from the zoning map.

Prepared by: Mark Johnson, MCIP, RPP
Senior Planner, 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

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

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 a portion of the lands located
at 1284 and 1388 Sunningdale Road
West.

WHEREAS Foxhollow North Kent Developments Inc. has applied to
remove the holding provisions from the zoning for a portion of the lands located at 1284
and 1388 Sunningdale Road West, 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 a portion of the lands located at 1284 and 1388 Sunningdale Road West,
as shown on the attached map, to remove the h and h-100 holding provision so that the
zoning of the lands as a Residential R1 (R1-3) Zone, Residential R1 (R1-5) and an
Open Space (OS1) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

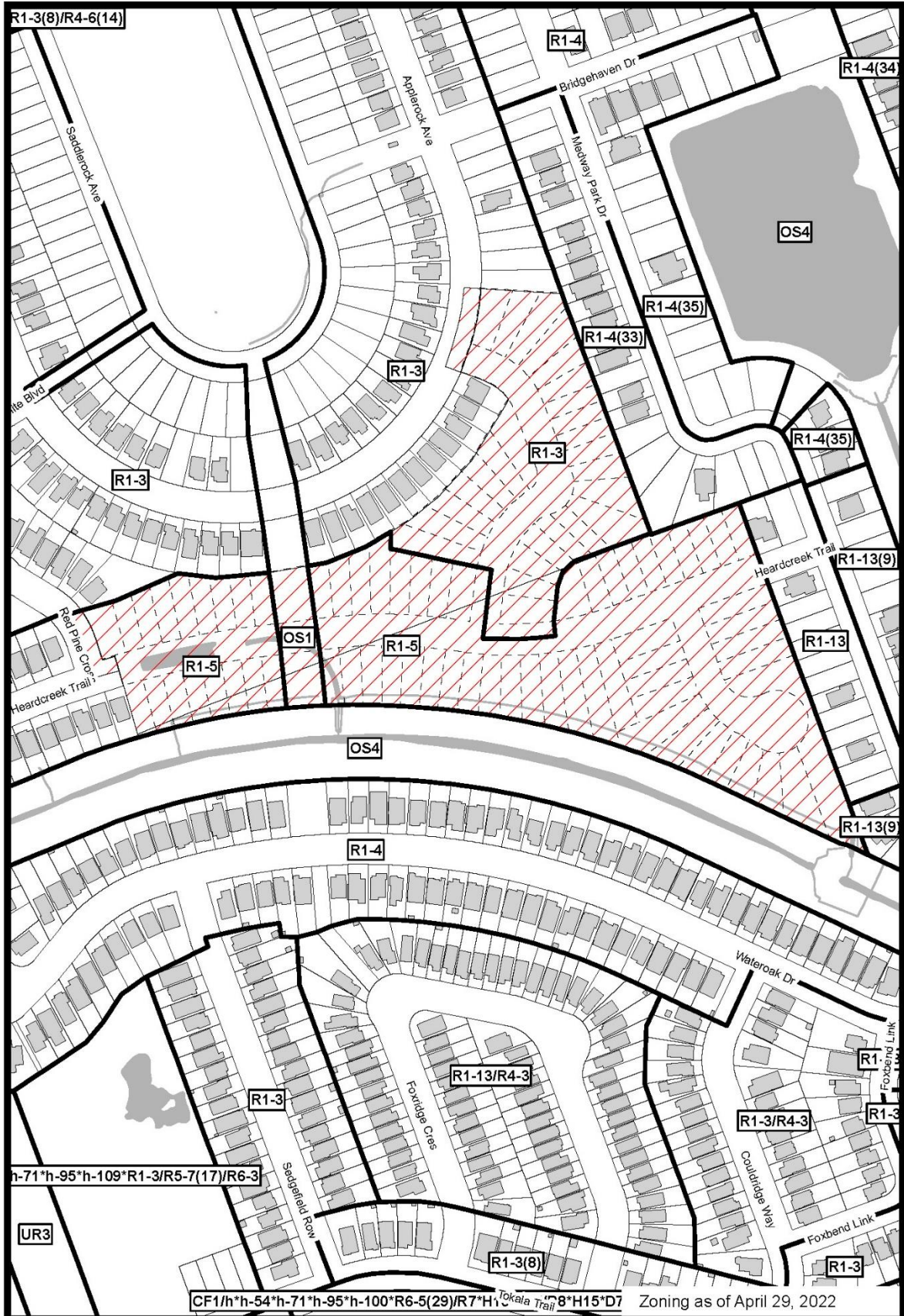
PASSED in Open Council on July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

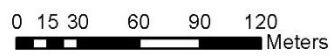
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9506
 Planner: MJ
 Date Prepared: 2022/05/26
 Technician: rc
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on May 19, 2021.

Responses: No replies

Nature of Liaison: 1284 and 1388 Sunningdale Road West; located on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain – City Council intends to consider removing the Holding (“h” and “h-100”) Provisions from the zoning of the subject lands to allow development of a residential plan of subdivision. The purpose of the “h” provision is 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 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. Interim uses may be permitted up to 80 units maximum. Council will consider removing the holding provision as it applies to these lands no earlier than **June 20, 2022**.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

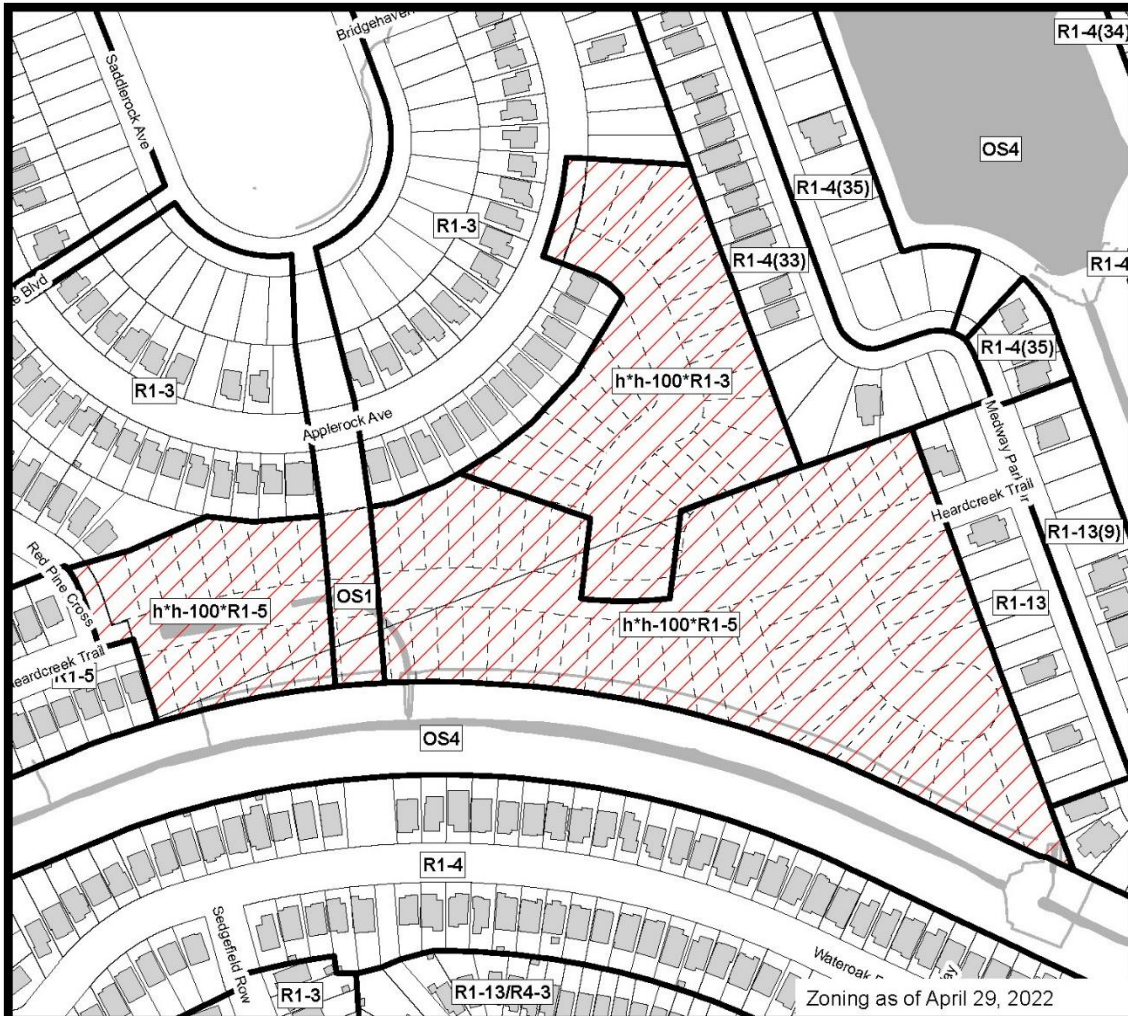
Written:
None

Significant Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map 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:

Z-9506

MJ

MAP PREPARED:

2022/05/26

RC

1:3,000

0 15 30 60 90 120

Meters

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