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File No: Z-8239
Planner: L. Mottram

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: THAMES VILLAGE JOINT VENTURE 1990 COMMISSIONERS ROAD EAST AND 1697 HAMILTON ROAD PUBLIC PARTICIPATION MEETING ON NOVEMBER 12, 2013 @ 4:00 P.M.

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Thames Village Joint Venture relating to the lands located at 1990 Commissioners Road East and 1697 Hamilton Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 19, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** an Urban Reserve UR4 Zone which permits such uses as existing dwellings, agricultural, conservation, and passive recreation uses **TO** an Urban Reserve Special Provision UR4() Zone to permit the same range of uses together with special provisions for minimum lot area of 1 hectare, minimum interior side yard of 10 metres, and minimum rear yard depth of 20 metres; **FROM** a Residential R1 (R1-16) Zone and an Urban Reserve UR4 Zone **TO** an Urban Reserve Special Provision UR4() Zone with special provisions for minimum lot area of 2 hectares and minimum lot frontage of 12 metres; and **FROM** a Residential R1 (R1-16) Zone **TO** a Residential R1 Special Provision (R1-16()) Zone with a special provision for minimum rear yard depth of 12 metres.
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** a holding Open Space (h-2•OS4) Zone which permits such uses as conservation lands, conservation works, golf courses and public parks without structures, and cultivation or use of land for agricultural/horticultural purposes, subject to a holding (h-2) provision requiring an Environmental Impact Study be prepared prior to removal of the "h-2" symbol, **TO** an Urban Reserve Special Provision UR4() Zone **BE REFUSED**.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to amend the zoning in order facilitate an application for severance and conveyance of the existing dwellings located at 1990 Commissioners Road East and 1697 Hamilton Road.

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RATIONALE

1. The recommended zoning amendments are appropriate. No development is being proposed at this time and there are no concerns associated the zoning amendments required for the proposed lot severances.
2. The recommended special provision zones are required in order to facilitate the severance applications. The retained vacant land holdings are part of a separate application for draft plan of subdivision, Official Plan and zoning by-law amendments which has been submitted and is currently in process.
3. A small area of the subject land is zoned holding Open Space (h-2•OS4). This zoning should be maintained until the condition of the holding provision requiring completion of an Environmental Impact Study has been satisfied. It is recommended the requested zoning amendment as it applies to the h-2•OS4 portion of the subject property be refused.

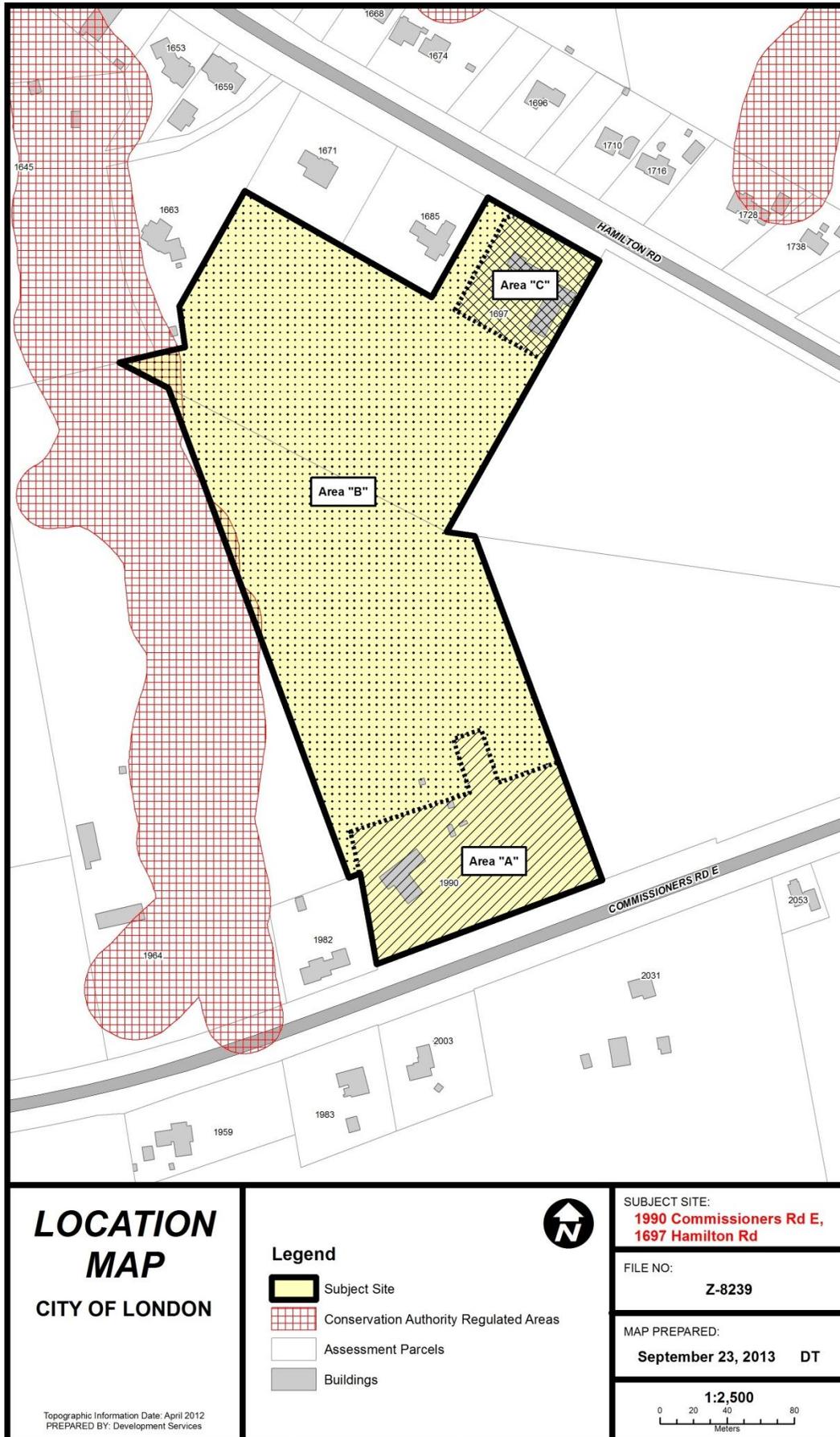
BACKGROUND

Date Application Accepted: Sept. 16, 2013	Agent: n/a
<p>REQUESTED ACTION: Amendment to Zoning By-law Z.-1 to facilitate the severance of two existing residential dwellings from the properties located at 1990 Commissioners Road East and 1697 Hamilton Road. These lands are the subject of an application by Thames Village Joint Venture for a proposed residential plan of subdivision. The possible changes to the zoning are described as follows (please refer to location map):</p> <p>Area "A"</p> <p>An amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve UR4 Zone which permits such uses as existing dwellings, agricultural, conservation, and passive recreation uses to an Urban Reserve Special Provision UR4() Zone to permit the same range of uses together with special provisions for minimum lot area of 1 hectare, minimum interior side yard of 10 metres, and minimum rear yard depth of 20 metres.</p> <p>Area "B"</p> <p>An amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-16) Zone, a holding Open Space (h-2•OS4) Zone, and an Urban Reserve UR4 Zone to an Urban Reserve Special Provision UR4() Zone with special provisions for minimum lot area of 2 hectares and minimum lot frontage of 12 metres.</p> <p>Area "C"</p> <p>An amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-16) Zone to a Residential R1 Special Provision (R1-16()) Zone with a special provision for minimum rear yard depth of 12 metres.</p> <p><i>[These lands are the subject of an application for Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments – Application File Number 39T-13502 / OZ-8147; and applications for Consent for Severance – Application File Numbers B.040/13 and B.041/13]</i></p>	

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Location Map



LOCATION: \\cfile1\giswork\Planning\Projects_DABU\custom_projects\Larry\Z-8239_Custom_Location_Map\Z-8239_location_map_8x14_portrait.mxd

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SITE CHARACTERISTICS:
1990 Commissioners Road East Current Land Use – residential dwelling, riding stable, and open field
<ul style="list-style-type: none">• Frontage – 143 m (470 ft.)• Depth – approx. 190 m (623 ft.)• Area – 4 ha (10 ac.)• Shape – irregular
1697 Hamilton Road Current Land Use – residential dwelling, open field, and hydro corridor
<ul style="list-style-type: none">• Frontage – 78 m (257 ft.)• Depth – 186 m (611 ft.)• Area – 2.98 ha (7.38 ac.)• Shape – irregular

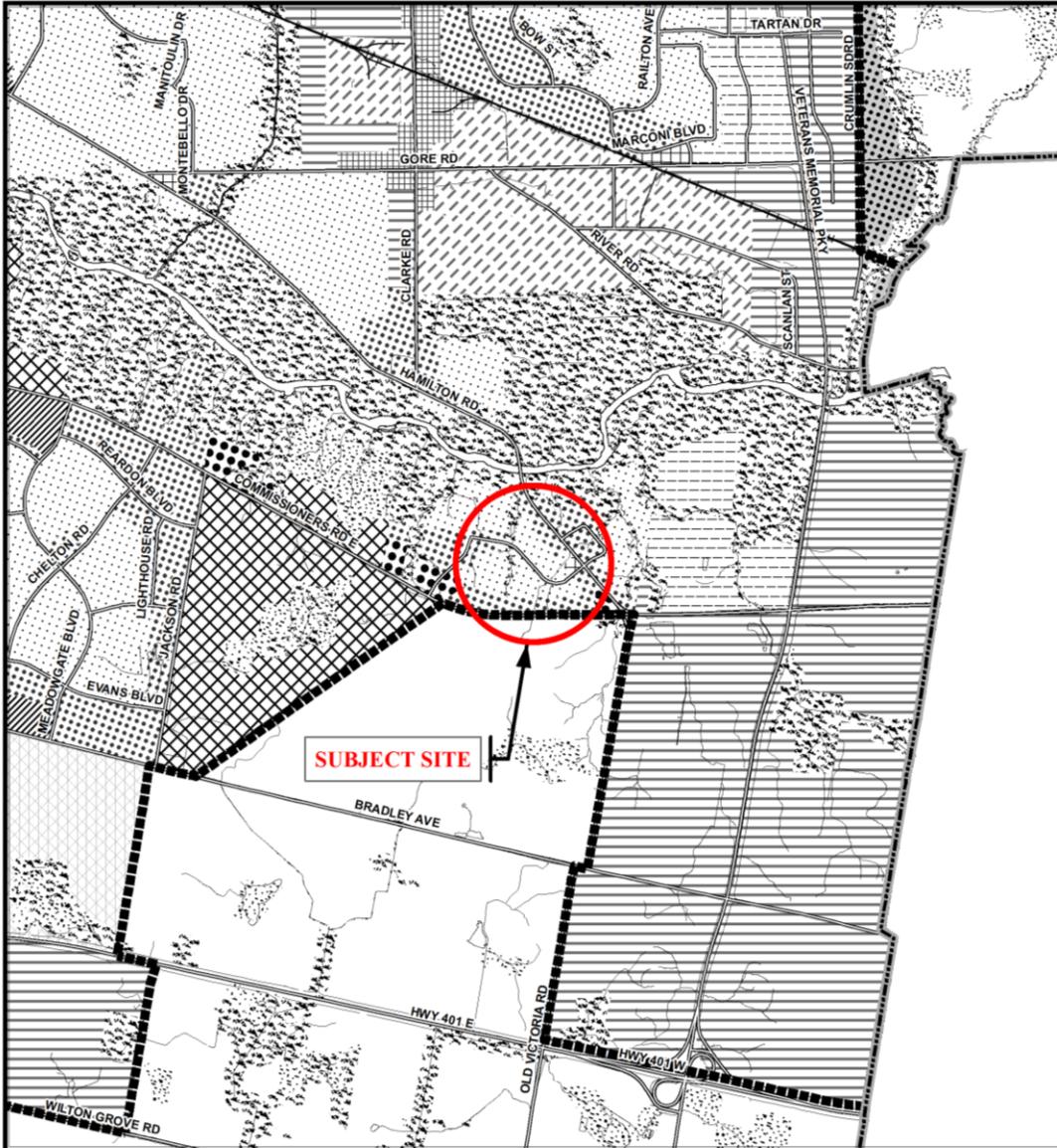
SURROUNDING LAND USES:
<ul style="list-style-type: none">• North – residential• South – agricultural and residential• East – agricultural and residential• West – agricultural, residential, and open space

OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
<ul style="list-style-type: none">• Low Density Residential• Multi-family, Medium Density Residential
EXISTING ZONING: (refer to map on page 6)
<ul style="list-style-type: none">• Residential R1 (R1-16)• Urban Reserve UR4• Holding Open Space (h-2•OS4)

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Official Plan Map



Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

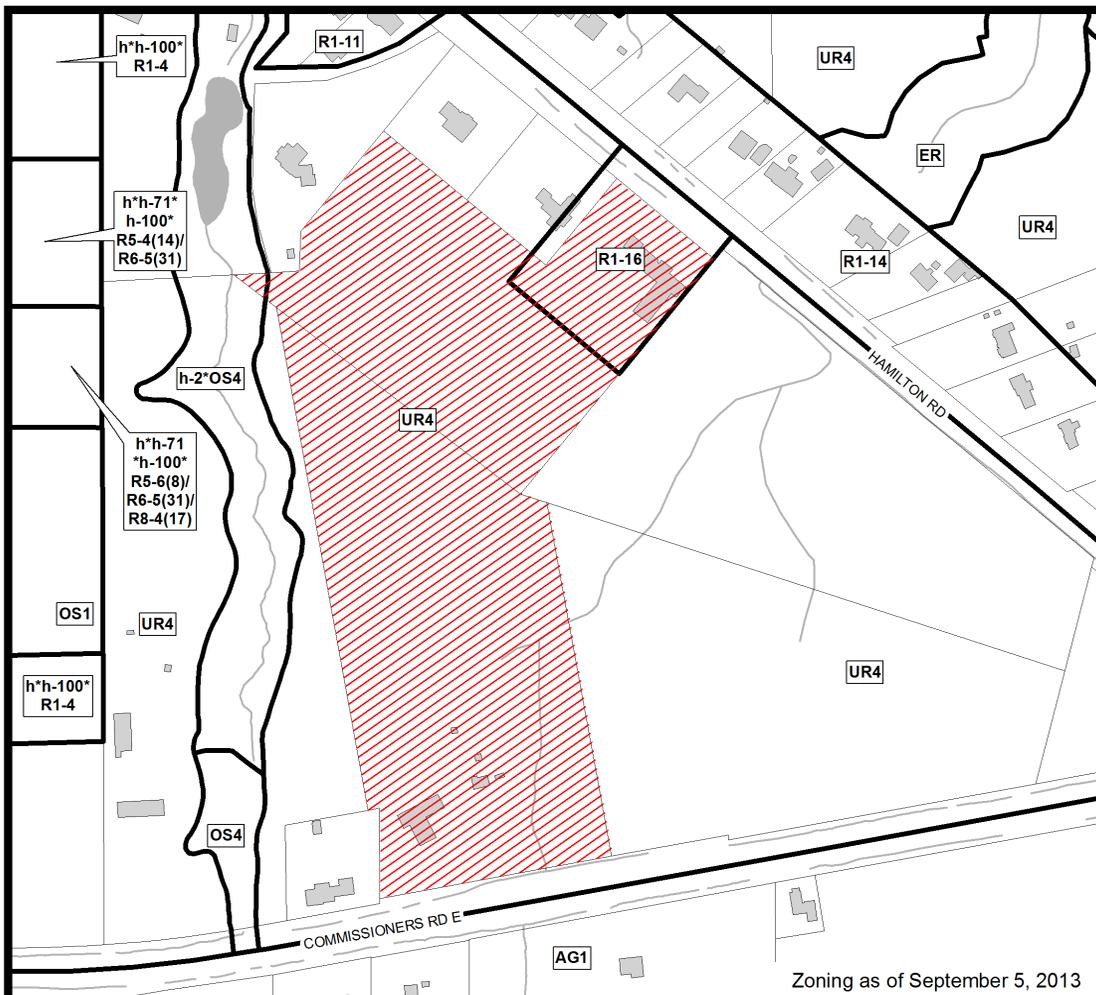
<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>0 100 200 300 400 500 600 700 800 900 1,000 1,100 1,200</p> <p>Meters</p>	<p>FILE NUMBER: Z-8239</p> <p>PLANNER: LM</p> <p>TECHNICIAN: DT</p> <p>DATE: October 24, 2013</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

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Zoning Map



Zoning as of September 5, 2013



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

2) ANNEXED AREA APEALED AREAS

CITY OF LONDON
 PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
 BY-LAW NO. Z.-1
 SCHEDULE A**



FILE NO:
 Z-8239 LM

MAP PREPARED:
 October 1, 2013 DT

1:3,500
 0 15 30 60 90 120
 Meters

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

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PLANNING HISTORY

On June 3, 2002, the City of London Consent Authority granted consent with conditions to an application by John and Dorothy Slegers for a severance and conveyance of the property at 1697 Hamilton Road, on the south side of Hamilton Road, between the South Branch of the Thames River and Commissioners Road East, in order to divide their holdings to create two (2) new single family dwelling building lots and retain that portion containing their existing dwelling at 1697 Hamilton Road (File No. B.40/02).

On October 1, 2007, City Council adopted the *Old Victoria Area Plan*, pursuant to Section 19.2.1. of the Official Plan, as a guideline document for the review of planning applications, and the development of public facilities and services within the Old Victoria Community Planning area comprising lands located east and west of Hamilton Road, north of Commissioners Road East, and south of the Thames River. City Council also adopted Official Plan Amendment No. 427, which confirmed land use designations, road alignments and environmental features on Map Schedules "A", "B" and "C" of the Official Plan.

An application by Thames Village Joint Venture for draft plan of subdivision is currently under review. The draft plan consists of 144 single detached lots, 2 low density residential cluster housing blocks, 1 medium density residential street townhouse block, 1 medium density residential/office block, 1 stormwater management facility, 5 open space blocks, 4 park blocks, served by 1 collector road and 8 local streets, is currently under review (File No. 39T-13502/OZ-8147). Revisions to the draft plan are being made and a revised plan is expected to be submitted for recirculation shortly.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority (UTRCA)

As indicated, given that there are hazard lands located in Area B, the h-2 OS4 Zone is appropriate and should remain on the property. There is also an unevaluated vegetation patch (as per Schedule B-1 of the Official Plan) located on the subject lands and the lands to the west. An appropriate setback/buffer will need to be established to protect this feature from the potential impacts of the subdivision (File 39T-13502) that is being proposed for these lands. The completion of an EIS and also the required geotechnical study may impact the extent of the Open Space zoning on Area B. Therefore we recommend that these studies be completed prior to rezoning Area B to ensure that the limits of the Open Space Zone (OS4 or OS5) capture the features and buffers/ setbacks.

PUBLIC LIAISON:	On September 23, 2013, a Notice of Application to Amend the Zoning By-law was sent to 33 surrounding property owners. Notice was published in the "Londoner" on October 3, 2013.	1 reply received
Nature of Liaison: see "Requested Action" section.		
Responses: One telephone call was received with the caller requesting further information and clarification regarding the application.		

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ANALYSIS

Existing Conditions

The purpose of this request is to amend the zoning regulations in order to facilitate a severance and conveyance of the existing dwellings located at 1990 Commissioners Road East and 1697 Hamilton Road. This will allow the applicant, Thames Village Joint Venture Corporation, to complete agreements of purchase and sale with the current property owners for the remnant vacant lands to be incorporated within a proposed plan of subdivision. Thames Village Joint Venture has previously applied for approval of draft plan of subdivision, Official Plan and zoning by-law amendments for these lands, as well as lands on the east side of Hamilton Road. The draft plan of subdivision and associated Official Plan and zoning by-law amendment applications are currently under review.

The property at 1990 Commissioners Road East has a total area of just over 4 hectares. The existing residential dwelling, a small horse barn and shed occupy the front portion of the property which is proposed to be retained on a 1.13 hectare parcel. The severed rear portion is comprised of 2.9 hectares of open field.

The property at 1697 Hamilton Road has a total area of just under 3 hectares. The existing residential dwelling occupies the front portion of the property proposed to be retained on a 0.43 hectare parcel. The proposed severed parcel comprises 2.55 hectares of vacant remnant lands, including a hydro corridor easement and a narrow strip on the north side of the existing dwelling intended to provide frontage and access to Hamilton Road.

Both properties at 1990 Commissioners Road East and 1697 Hamilton Road are shown on the attached location map. The requested zoning amendments required to facilitate the creation of the proposed severed and retained parcels have been divided into three areas described as follows (please refer to location map on Page 3):

Area "A"

An amendment to Zoning By-law Z.-1 to change the zoning **from** an Urban Reserve UR4 Zone which permits such uses as existing dwellings, agricultural, conservation, and passive recreation uses **to** an Urban Reserve Special Provision UR4() Zone to permit the same range of uses together with special provisions for minimum lot area of 1 hectare, minimum interior side yard of 10 metres, and minimum rear yard depth of 20 metres.

Area "B"

An amendment to Zoning By-law Z.-1 to change the zoning **from** a Residential R1 (R1-16) Zone, a holding Open Space (h-2•OS4) Zone, and an Urban Reserve UR4 Zone **to** an Urban Reserve Special Provision UR4() Zone with special provisions for minimum lot area of 2 hectares and minimum lot frontage of 12 metres.

Area "C"

An amendment to Zoning By-law Z.-1 to change the zoning **from** a Residential R1 (R1-16) Zone **to** a Residential R1 Special Provision (R1-16()) Zone with a special provision for minimum rear yard depth of 12 metres.

Is the recommended zoning appropriate?

Area "A"

Under the UR4 Zone, the standard regulation for minimum lot area is 40 hectares or as existing on the date of passage of the by-law, whichever is lesser. The standard minimum interior side yard depth and minimum rear yard depth is 25 metres. The recommended zoning amendment is considered appropriate and simply maintains the UR4 zoning with special provisions for a

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reduction in the standards for minimum lot area of 1 hectare, minimum interior side yard of 10 metres (on the west side of the existing dwelling), and minimum rear yard depth of 20 metres.

Area “B”

The conditions of the Consent to sever require that the remnant parcels at 1990 Commissioners Road West and 1697 Hamilton Road be joined to and be placed in the same title. The recommended zoning amendment is considered appropriate and establishes special zone provisions for minimum lot frontage and lot area to facilitate creation of the parcel with legal frontage on a public road. A small, triangular portion of the property juts out into an existing ravine corridor and wetland feature on adjacent lands to the west. The zoning map (see page 6) indicates this small area is part of the holding Open Space (h-2•OS4) Zone. It is not recommended that the zoning be changed here as the holding provision requirement for an Environmental Impact Study to be completed is still under review. Therefore, it is recommended the requested zoning amendment as it applies to the h-2•OS4 portion of the subject property be refused.

Area “C”

The Residential R1 (R1-16) Zone will continue to be maintained on the retained parcel occupied by the existing dwelling at 1697 Hamilton Road, however a special provision is required as a result of the proposed lot adjustment and reduced rear yard depth. The special provision includes a minimum rear yard depth of 12 metres whereas the R1-16 regulation requires 17 metres based on the minimum standard of 25% of the lot depth. The proposed lot depth is consistent with existing lots along Hamilton Road immediately to the north.

Based on our review, staff are satisfied the recommended zoning is appropriate and in conformity with the Official Plan.

Is the recommended amendment consistent with the Provincial Policy Statement?

The recommended zoning is consistent with the PPS, as summarized as follows:

1. Building Strong Communities

The subject lands are within the Urban Growth Boundary and have been planned for future urban uses. The purpose of the current application is to allow for the severance and conveyance of the existing dwellings located at 1990 Commissioners Road East and 1697 Hamilton Road. The remaining vacant lands are part of an application for draft plan of subdivision which is currently under review. As part of that planning review process, the Provincial policy objectives with regard to building strong communities and promoting efficient development patterns and the appropriateness of the proposed development will be considered for consistency with the PPS.

2. Wise Use and Management of Resources

An EIS was submitted and is being reviewed as part of the application for draft plan of subdivision to address potential impacts of development and protection of Natural Heritage features and functions in the area. There are no Agriculture, Minerals and Petroleum, or Mineral Aggregate Resource issues.

3. Protecting Public Health and Safety

No development is proposed at this time and there are no concerns associated with Natural Hazards or Human-Made Hazards as a result of the zoning amendments required for the proposed lot severances.

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Planner: L. Mottram**

CONCLUSION

Based on our review, the recommended zoning and special provisions are appropriate and compatible with existing and planned uses within the surrounding area. The recommended zoning is also consistent with the PPS and conforms with the Official Plan.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING SERVICES
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

November 4, 2013
GK/TG/BH/LM/lm
"Attach."

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2013\Z-8239 - 1697 Hamilton Road & 1990 Commissioners Rd E
(LM)\PEC report.docx

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**File No: Z-8239
Planner: L. Mottram**

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone

Written

Maureen Zunti
Sifton Properties Limited

None

- Inquiry for further information

Bibliography

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Don De Jong, dated September 3, 2013

Reference Documents:

City of London Official Plan, June 19, 1989, as amended

City of London, Zoning By-law No. Z.-1, May 21, 1991, as amended

Ontario Ministry of Municipal Affairs and Housing, *Planning Act, R.S.O. 1990, CHAPTER P. 13*, as amended

Ontario Ministry of Municipal Affairs and Housing, *Provincial Policy Statement*, March 1, 2005

City of London Development Services – Application for Approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments – File No. 39T-13502 / OZ-8147- Thames Village Joint Venture - 1697, 1738 & 1742 Hamilton Road, and 1990 Commissioners Road East

City of London Development Services - Consent Applications File No. B.040/13 and B.041/13 – Thames Village Joint Venture - Applications for Consent to sever lands located at 1990 Commissioners Road East and 1697 Hamilton Road

City of London Department of Planning and Development – Planning Division - Old Victoria Area Plan, September 2007

Correspondence: (located in City of London File No. Z-8239 unless otherwise stated)

Various hard copy and e-mail correspondences

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File No: Z-8239
Planner: L. Mottram

Bill No. (number to be inserted by Clerk's Office)
2013

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone lands located at 1990 Commissioners Road East and 1697 Hamilton Road.

WHEREAS Thames Village Joint Venture has applied to rezone lands located at 1990 Commissioners Road East and 1697 Hamilton Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1990 Commissioners Road East and 1697 Hamilton Road, as shown on the attached map, from an Urban Reserve UR4 Zone to an Urban Reserve Special Provision UR4() Zone; from a Residential R1 (R1-16) Zone and an Urban Reserve UR4 Zone to an Urban Reserve Special Provision UR4() Zone; and from a Residential R1 (R1-16) Zone to a Residential R1 Special Provision (R1-16()) Zone.

1) Section Number 49.3 of the Urban Reserve Zone to By-law No. Z.-1 is amended by adding the following Special Provisions:

) UR4 ()

a) Regulations:

- i) Lot Area (minimum) 1 hectare (2.47 ac.)
- ii) Interior Side Yard Depth (minimum) 10 m (32.8 ft.)
- iii) Rear Yard Depth (minimum) 20 m (65.6 ft.)

) UR4 ()

a) Regulations:

- i) Lot Area (minimum) 2 hectares (4.94 ac.)
- ii) Lot Frontage (minimum) 12 m (39.4 ft.)

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2) Section Number 5.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by adding the following Special Provisions:

) R1-16 ()

a) Regulations:

i) Rear Yard Depth 12 m (39.4 ft.)
(minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on November 19, 2013.

Joe Fontana
Mayor

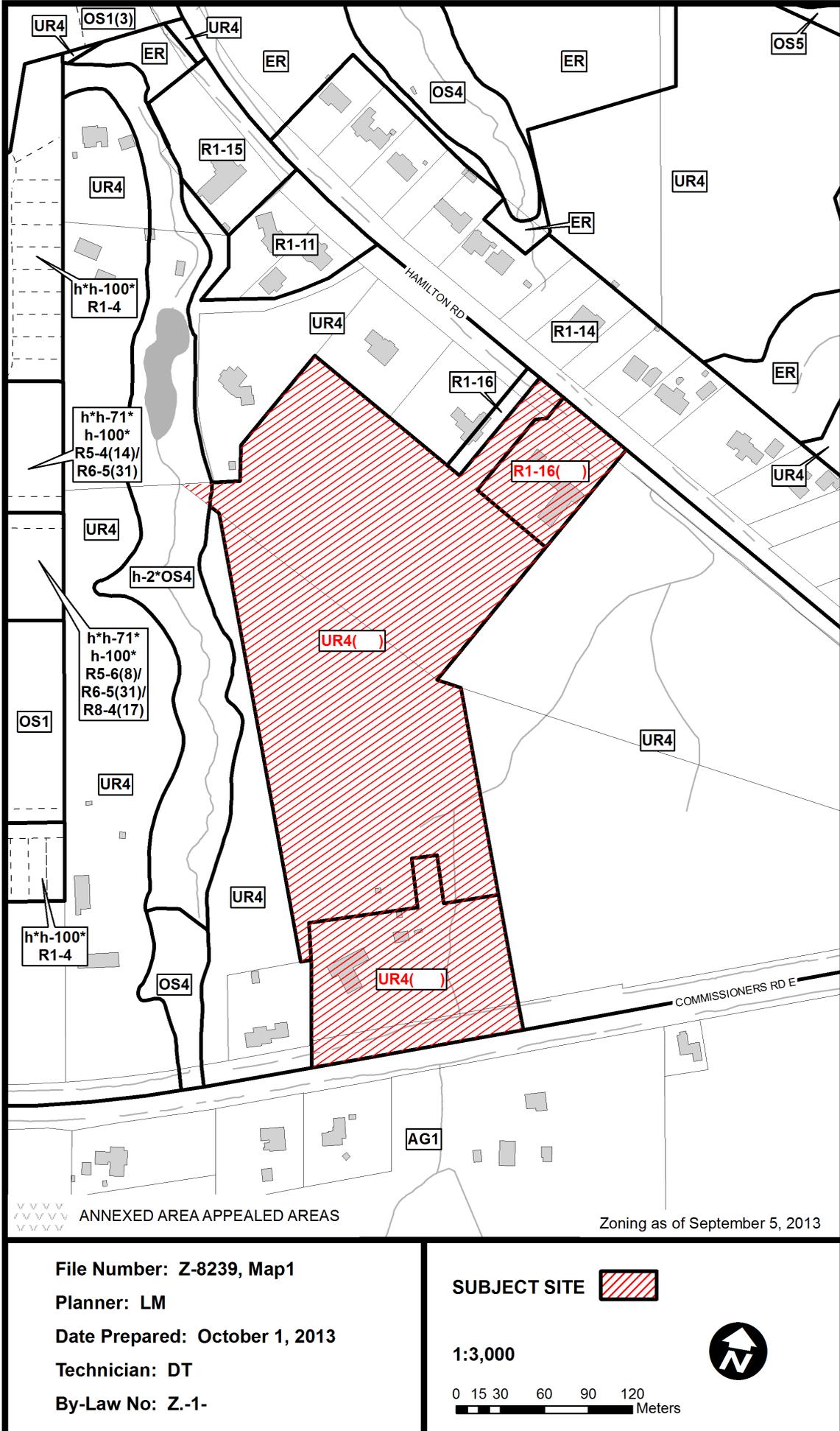
Catharine Saunders
City Clerk

First Reading - November 19, 2013
Second Reading – November 19, 2013
Third Reading - November 19, 2013

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File No: Z-8239
Planner: L. Mottram

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



File Number: Z-8239, Map1
 Planner: LM
 Date Prepared: October 1, 2013
 Technician: DT
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters

