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File: Z-8141
Planner: Barb Debbert

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 2353034 ONTARIO LIMITED (FORMERLY TREADSTONE GROUP) 510 CENTRAL AVENUE AND 609 WILLIAM STREET PUBLIC PARTICIPATION MEETING ON NOVEMBER 18, 2014
RECOMMENDATION	

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2353034 Ontario Limited relating to the property located at 510 Central Avenue and 609 William Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 25, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R3 (R3-2) Zone and a Residential R9 (R9-3•H15) Zone **TO** a Holding Residential R3 Special Provision (h-5•h-__•R3-2(__)) Zone and a Holding Residential R9 Special Provision/Restricted Office Special Provision (h-__•R9-3(__)•H15/RO1(__)) Zone.
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider, through the site plan approval process, a building design that is generally consistent with the conceptual front elevation attached hereto as Appendix "B" and subject to possible design modifications consistent with the design principles in i) below, and a site design that addresses the site matters in ii) below:
 - i) To ensure the building is compatible and in keeping with the character of the existing buildings in the neighbourhood:
 - a) design the proposed building's Central Avenue façade with an appropriate width for the building to be in keeping with existing massing rhythm found along the street. A step-back may be implemented into the building façade to address a wider building form;
 - b) incorporate articulation in the proposed roof (such as but not limited to: gables, step backs, varied heights, etc.) in order break up the massing of the roof;
 - c) incorporate a porch which is in harmony with the scale, massing and design considerations of the building;
 - d) provide window style(s) and sizes that are in keeping with the architectural style proposed for the building as well as being consistent with the existing buildings in the neighbourhood in order to ensure architectural continuity;
 - e) ensure the building massing respects the one storey cottage to the east, including the possible further reduction in height of the east roof line;
 - f) include a high level of architectural detail in the Central Avenue façade (such as gables, wood trim detailing, triangular knee brackets, barge boards, window sills, keystones, stone and brick detailing, etc...) in order to be in keeping with the majority of the existing buildings in the neighbourhood; and,
 - g) incorporate brick cladding on the majority of the proposed building in order to ensure a high quality finish in keeping with the existing buildings in the neighbourhood.

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- ii) Ensure appropriate consideration is given to detailed site design issues identified by the surrounding property owners by:
 - a) providing for one-way on-site traffic circulation with the entrance on Central Avenue and the exit on William Street;
 - b) maximizing safety where possible, to mitigate potential for conflict between the abutting driveways at 609 William Street and 518 Central Avenue;
 - c) locating any outdoor garbage storage facilities away from existing dwellings and outdoor amenity areas on adjacent properties;
 - d) maintaining the tree on the Central Avenue boulevard;
 - e) maintaining the maple tree to the rear of 518 Central Avenue;
 - f) accurately locating new privacy fencing on the property line behind existing dwellings on Central Avenue, if site plan approval in accordance with Section 41 of the Planning Act is required for 609 William Street;
 - g) providing safe lighting of the parking area while respecting possible lighting impacts on neighbouring properties;
 - h) reserving off-site parking at 609 William Street for residential use by the occupants of 510 Central Avenue; and,
 - i) providing for appropriate on-site parking arrangements.
 - iii) Ensure Canadian Pacific Railway requirements are met, it being noted that Canadian Pacific Railway has indicated it will not require a noise study but requested that its standard warning clause for development within 300 metres of the railway be included in the development agreement.
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R3 (R3-2) Zone and a Residential R9 (R9-3•H15) Zone **TO** a Residential R8 Special Provision (R8-1(_)) Zone and Residential R9 Special Provision/Restricted Office Special Provision (R9-3()•H15/RO1()) Zone, **BE REFUSED** for the following reasons:
- i) a Residential R3 Special Provision (R3-2()) Zone is recommended instead of the Residential R8 Special Provision (R8-1()) Zone, to achieve the same development proposal;
 - ii) holding provisions are recommended in addition to the requested zoning to ensure that the public site plan approval process is followed and to ensure that appropriate arrangements are made for off-site parking for the residential uses at 510 Central Avenue, on the adjacent property at 609 William Street;
 - iii) the full range of office uses requested by way of special provisions are being recommended within the standard Restricted Office (RO1) Zone and a special provision to permit these uses is not required;
 - iv) the requested retail store use has been refined by providing for specific inclusions and exclusions from the standard definition; and,
 - v) special provisions other than lot frontage and north interior side yard at 609 William Street should be considered when a new development proposal is available for review.

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metres 50 100 150 200 ©2014 City of London ON

LOCATION MAP
 Subject Site: 609 William St/510 Central Ave
 Applicant: 2353034 Ontario Limited
 File Number: Z-8141
 Planner: Barb Debbert
 Created By: Barb Debbert
 Date: 2014-06-24
 Scale: 1:1000

Corporation of the City of London
 Prepared By: Planning and Development

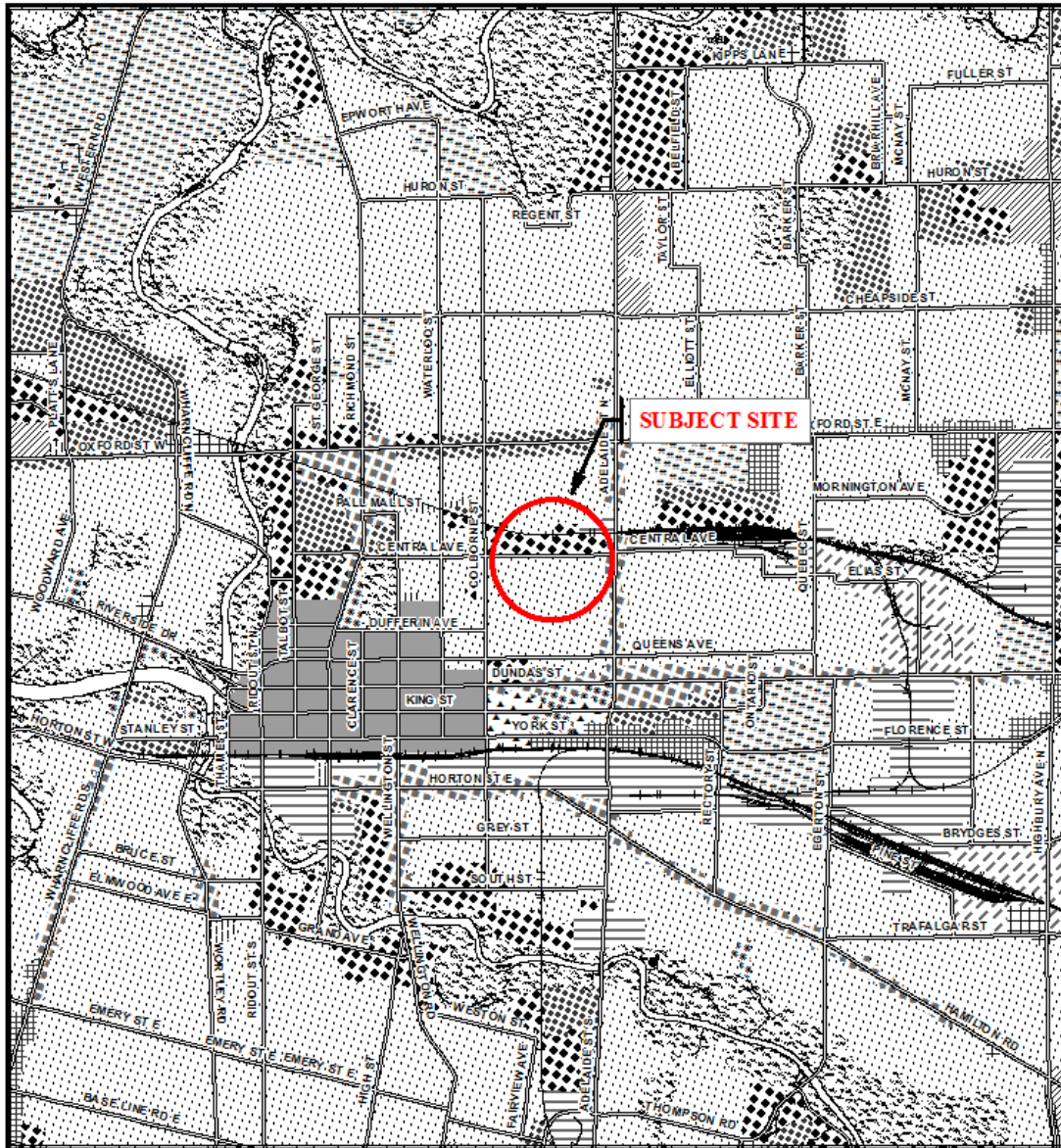
LEGEND

	Subject Site
	Parks
	Assessment Parcels
	Buildings
	Address Numbers



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Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	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>	 Scale 1:30,000 0 100 200 300 400 Meters	<p>FILE NUMBER: Z-8141</p> <p>PLANNER: BD</p> <p>TECHNICIAN: MB</p> <p>DATE: 2014/08/20</p>
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PROJECT LOCATION: e:\planning\proj\proj\p_officialplan\work\coo\so100\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R9-3*H15 and R3-2

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 |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING 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:
Z-8141 BD

MAP PREPARED:
2014/08/20 MB

1:3,000
0 15 30 60 90 120 Meters

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PREVIOUS REPORTS PERTINENT TO THIS MATTER

October 7, 2014 – Report to Planning & Environment Committee

October 14, 2014 – Report to special meeting of Planning & Environment Committee

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended Zoning By-law amendment will allow for the following at:

510 Central Avenue:

The construction of a new, 5 unit multiple dwelling in place of the single detached dwelling currently located on the site. The anticipated height of the building is expected to be 1.5 to 2 storeys plus the roof. Prior to the issuance of a building permit, the applicant will be required to complete a site plan which will be approved by the City and enter into a development agreement which will be registered on the title to the property. The site plan approval process will include public notice and a public site plan meeting to be held at the Planning and Environment Committee. The recommendations made to Council include a number of design matters raised by members of the public during the review of this application, which are to be considered at the site plan approval stage. Among other matters, these include the design and massing of the proposed building, and the location of on-site parking. The Zoning By-law requires a minimum of 5 parking spaces to be provided to service the site. Some of these spaces may be provided at 609 William Street and are to be dedicated for the use of the occupants of 510 Central Avenue. Legal mechanisms are required to be used to ensure that these spaces will remain available regardless of the future ownership of the two properties.

609 William Street:

The continued ability to use the existing building or construct a new building for a residential apartment building provided all zoning regulations are met and the required City approvals are obtained. The recommended by-law also adds offices (which includes professional or service offices and all other forms of offices), and medical/dental offices as permitted uses, which could also be located within the existing office building or in a new building provided all zoning regulations are met and the required City approvals are obtained. The recommended by-law also permits retail stores within the existing building only, including the sale of building and home related merchandise, and specifically excluding the sale of recreational drug paraphernalia and adult stores.

The By-law recognizes the existing lot frontage on William Street and recognizes the siting of the existing building on the northern property line and would allow for this condition to continue if a new building is constructed. The By-law also recognizes the existing deficiency in the landscaped open space requirement for the existing building but would require the standard minimum landscaped open space requirements to be met for any new development. The By-law also recognizes that the site as currently designed can accommodate 22 parking spaces, but if the site is redeveloped, would be expected to meet standard parking requirements.

RATIONALE

1. The recommended amendment is consistent with the policies of the Provincial Policy Statement, 2014;
2. The recommended amendment is in keeping with the intent of the Multi-family, High Density Residential, Great Near-Campus Neighbourhood, Urban Design and Heritage Resources policies of the Official Plan;

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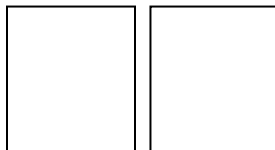
3. The recommended amendment to permit retail stores within the existing building at 609 William Street is also in keeping with the intent of the policies for the recognition of legally established uses in the Zoning By-law.
4. The recommended holding provisions will ensure that members of the community will be involved at the site plan approval stage, and that off-site parking for 510 Central Avenue will be legally established at 609 William Street; and,
5. Site Plan criteria to be considered at the site plan approval stage will ensure that the final design is in keeping with the unique architectural attributes of the surrounding neighbourhood.

PLANNING HISTORY

The current version of the Zoning By-law amendment application was accepted by City staff for processing on June 24, 2014.

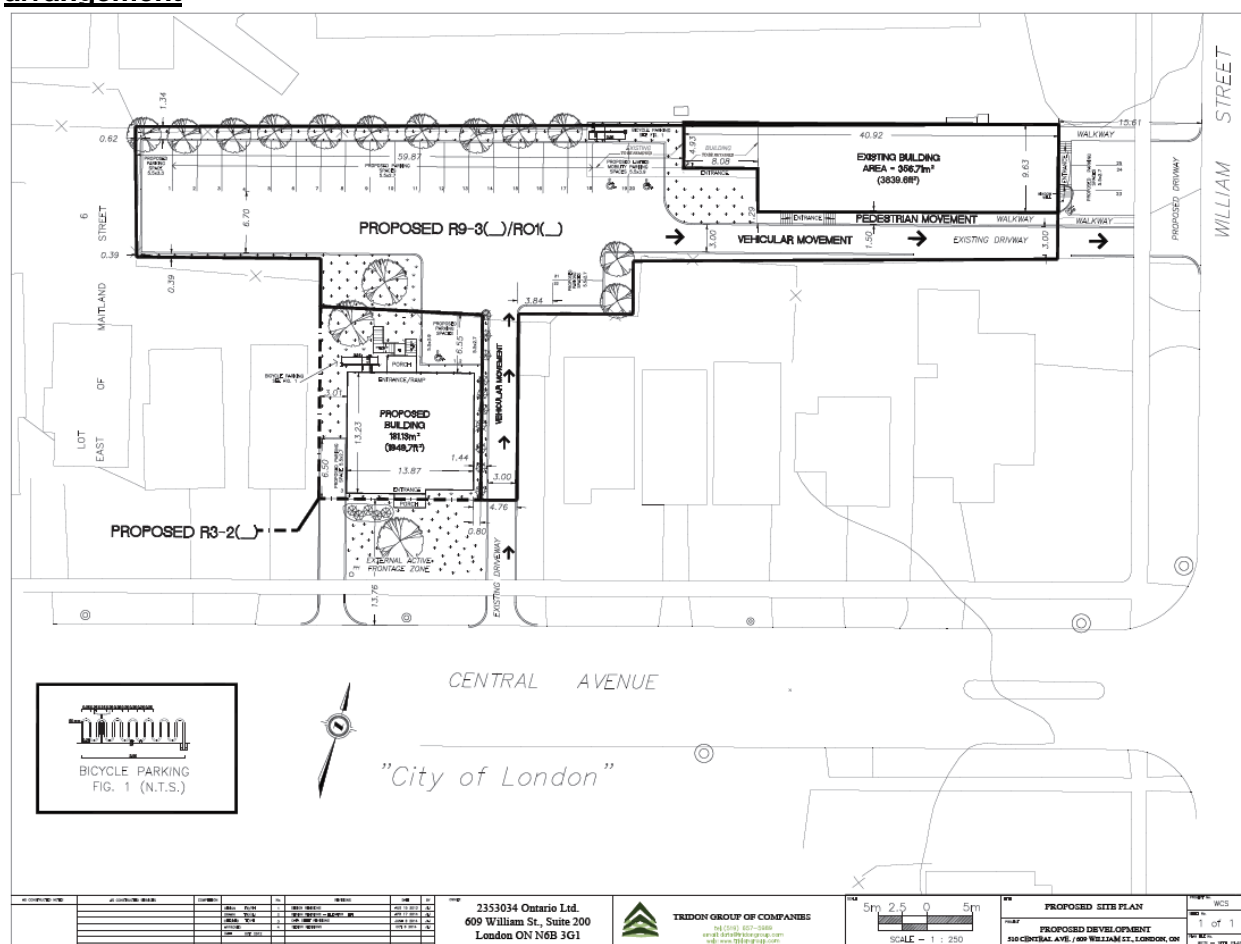
This application is subject to the infill policies of the Official Plan which direct public consultation and staff review of site plan matters in conjunction with the review of the requested Zoning By-law amendment. The applicant submitted a site concept for the entire site, and a front building elevation for 510 Central Avenue. The site concept was attached to the Notice of Revised Application mailed to the public on July 2, 2014, and staff provided the elevation to the public on request. The site concept and elevation were also made available for review by the applicant at the community meeting held on September 4, 2014.

As a result of discussions between the applicant, City staff and neighbourhood representatives following the community meeting and leading up to the days immediately preceding the October 7, 2014 public meeting, the applicant submitted a revised building elevation which provided for building massing and rhythm that was more in keeping with other buildings on the street. They also stated their intent not to pursue a future application for boulevard parking, proposing instead to maintain the existing driveway from Central Avenue, which is located along the west property boundary of 510 Central Avenue. The applicant has stated that the intent of this driveway is to provide access to one parking space to be located in the interior side yard between the new building and west property line, intended to meet the one-space parking requirement for one of the two units with a door facing Central Avenue. The applicant proposes to accommodate the other four required parking spaces through a combination of rear yard parking at 510 Central Avenue, and off-site parking at 609 William Street.



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Site Concept – June 2014, revised October 6, 2014 to reflect west driveway parking arrangement



The Notice of Revised Application mailed to area landowners on July 2, 2014 also included the request for a special provision to the Restricted Office (RO1) Zone to permit a specific range of office uses, along with retail uses, at 609 William Street.

On October 7, 2014, Staff's original report, and an addendum that included changes resulting from questions raised by the applicant, further input from the community (largely focused on the parking issue), and consultation with site plan staff, was available for the Committee's consideration. City staff recommended approval of a Zoning By-law amendment that would generally allow for the proposed development, with the following key exceptions which were the subject of debate at the Planning and Environment Committee and have been the subject of ongoing discussions:

1. Staff did not support the recently proposed site detail allowing for a driveway leading to one parking space along the west property line. The related staff recommendations were:
 - a. The Site Plan Approval Authority be requested to ensure appropriate consideration is given to detailed site design issues identified by the surrounding property owners by directing all vehicular access to the site via the existing driveway access from Central Avenue to 609 William Street.
 - b. The Zoning By-law include a special provision requiring that all parking areas at 510 Central Avenue be located in the rear yard.
2. Staff were of the opinion that the building elevation required some refinements and recommended that the Site Plan Approval Authority be requested to consider a series of design principles so that the building is configured in a manner that is in keeping with the existing buildings in the neighbourhood.

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- Staff did not support the proposed retail use and recommended refusal of that component of the requested uses for 609 William Street.

On October 7, 2014, Planning and Environment Committee recommended to Council that the application be referred back to staff, to be brought back to a special meeting of the Planning and Environment Committee meeting on October 14. This Special Planning and Environment Committee meeting was held immediately prior to the Council meeting of the same date, so a formal Council resolution providing direction to staff was not available.

Based on what City staff believed to be Council's direction, staff prepared a revised recommendation for the October 14, 2014 Planning and Environment Committee meeting that:

- Removed the restrictions related to the proposed driveway and parking space along the west property boundary from the recommendations to the Site Plan Approval Authority and from the Zoning By-law amendment;
- Amended the matters to be considered by the Site Plan Approval Authority to provide flexibility for an appropriate building design at the site plan stage; and,
- Permitted the requested retail store use.

Following the October 7, 2014 Planning and Environment Committee meeting, the applicant further refined the building elevation concept as depicted below.

Proposed Elevation – October 9, 2014



At the October 14, 2014 Special Meeting of the Planning and Environment Committee, no decision was made and the matter went forward to Council without a recommendation from the Committee.

At the October 14, 2014 Council meeting, Council resolved as follows:

"I hereby certify that the Municipal Council, at its session held on October 14, 2014 referred clause 2 of the 19th Report of the Planning and Environment Committee back to the Civic Administration for further public consultation related to the proposed changes.

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Clause 2 read as follows:

2. *That it BE NOTED that the Planning and Environment Committee was unable to reach a majority decision with respect to the application of 2353034 Ontario Limited (formerly Treadstone Group) relating to the properties located at 510 Central Avenue and 609 William Street 9Z-7141), and pursuant to Section 18.6 of the Council Procedure By-law, the matter is hereby submitted to the Municipal Council for its disposition;...*

Planning staff believes the “proposed changes” referred to in the Council resolution to be the modifications presented in the revised set of recommendations that were before the Planning and Environment Committee on October 14, 2014. The Council resolution requires further consultation with the community and the applicant, providing an opportunity for staff to modify the relevant recommended by-law and/or matters to be considered at the site plan approval stage based on those discussions.

COMMUNITY CONSULTATION

Planning staff initially met separately with the applicant on October 17, 2014 and with the neighbourhood representatives on October 20, 2014 in order to identify potential areas of compromise so that an amicable solution to the outstanding issues could be reached. Since those meetings occurred, staff have further corresponded with both parties, and the neighbourhood representatives have sought input from those who signed the earlier petition (“the community”). A final meeting of all parties occurred on November 4, 2014 to refine the details of areas of agreement. The results are summarized below.

Parking

- The applicant remains steadfast in his desire to maintain the existing driveway and one parking space along the west property line.
- The neighbourhood representatives and the community continue to oppose the driveway and parking space as proposed by the applicant. Their key concerns are the loss of landscaped open space, parking congestion, the appearance of overparking in the area, and traffic safety and sight line concerns due to people parking additional cars in the driveway leading up to the parking space.
- The neighbourhood representatives requested clarification as to whether the four units in the basement and on the main floor were all accessed from the front of the building, as they felt this would result in additional pressure by future tenants to park in the front of the building beside the proposed driveway.
- The applicant confirmed only two units are accessed from the front of the building, noting they believe that the west parking space is preferable to the alternative, which is a space located somewhere along the north property boundary of 609 William Street. They are not as concerned about the safety of the parking location for the other front unit, as that parking will be provided either immediately behind the building at 510 Central Avenue, or immediately behind 518 Central Avenue.
- The neighbourhood association preferred that parking for 510 Central Avenue be located in the rear yard. Rear yard parking and the use of rear lanes is common in the Woodfield Community.
- Various parking alternatives were explored with the following results:
 - The applicant investigated the possibility of locating the accessible parking space west of the proposed building, but following discussions with City site plan staff, concluded there was not enough space for the additional parking space width and the required access aisle. Regardless, the neighbourhood representatives did not support the accessible parking as a solution.
 - The neighbourhood representatives proposed that the applicant eliminate the existing driveway and provide access to the west side yard parking space from the rear of the property with a barrier at the front property line to prevent a drive-through situation. The applicant rejected the neighbourhood’s proposed solution,

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indicating that it would have a negative impact on snow storage and landscaped open space amenity area in the rear yard.

- The neighbourhood representatives indicated they were willing to support one boulevard parking space located adjacent to the west side of the property (ie. A shortening of the existing driveway), eliminating the possibility of tandem parking in the driveway while still allowing for parking to be located close to the entrance of one of the front dwelling units. The applicant did not support this proposal, as it may wish to benefit from the tandem parking arrangement allowing the parking of two cars for one of the units, would be subject to boulevard parking fees, and physical barriers to prevent on-site parking could inhibit snow storage.
- The possible re-organization of the rear yard and off-site parking to accommodate all of the spaces in one general area was discussed. The applicant cited snow storage and site organization issues and did not support this proposal.

Design

- At Planning staff's request, the applicant investigated the possibility of altering the interior layout of the proposed building in order to allow for the front doors and windows to be aligned on the same plane. This would provide more flexibility for the design of the front porch and provide a more cohesive building façade. This would have entailed making the doors at the front of the building as access to the main floor units, which would have been facilitated by the relocation of the accessible parking space as noted above. Given the internal layout required for the location of stairways and utility rooms, the applicant was unable to have the basement units access through the rear doors. They concluded lowering the main floor will result in loss of windows for emergency access for the basement units, and raising the main floor will result in a longer staircase to the basement units which can not be accommodated by the internal floor plan.
- The neighbourhood representatives indicated the most recently proposed building elevation could use some refinement as it does not entirely reflect concerns they raised with the applicant at a meeting between the two parties on September 30, 2014.
- The community generally agrees with the neighbourhood representatives that the height and design of the building must be compatible with the neighbourhood and the height must respect the cottage next door at 518 Central Avenue. Based on the current design concept depicted in this report, they would like to see the east roofline further reduced in height.
- The applicant indicated there is room to work with the architectural design and roof lines, but the proposed elevation is required as the basis for any future design discussion and that those design details should be deferred to the site plan stage and not addressed at this time.

Retail at 609 William Street

- The neighbourhood representatives are concerned that the legal non-conforming status for retail use has expired and therefore the policies allowing Council to recognize existing uses should not apply.
- If retail is to be permitted, the neighbourhood representatives would like to see a limitation on the range of retail uses permitted.
- The applicant believes that the requested Retail Store use will prohibit undesirable activities because many retail uses are separately defined in the Zoning By-law and therefore would not be permitted under the Retail Store definition.
- City staff discussed with the applicant a specific list of retail and commercial uses intended to scope the range of retail activity and provide certainty around the uses that could be permitted on the site. The applicant does not wish to substantially refine the "retail store" definition in order to preserve some flexibility in attracting retail businesses to the site. The applicant ultimately requested specific recognition of sporting goods, medical related supplies and home and building supplies.
- The response from individuals in the community to the expanded list of commercial and retail uses varied widely, ranging from full support to a total lack of support. There

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seemed to be a general recognition that the building will be occupied by some use and will generate traffic but also positive activity in the community. On the other hand, a limited range of uses that are less likely to operate in the evening hours, on weekends, and generate a lower level of traffic seemed to be preferred. A drug store as a specific use was not supported. The neighbourhood representatives also requested that stores dealing in recreational drug paraphernalia and adult merchandise be excluded.

RATIONALE AND RECOMMENDATIONS

Parking

The parties have been unable to come to an amicable resolution regarding the west interior side yard driveway and parking issue.

Staff have completed a detailed policy review with respect to control of the parking arrangements for this site and concluded in this instance that aside from requiring a minimum number of parking spaces and allowing the flexibility to provide off-site parking at 609 William Street as needed, parking details should be addressed at the site plan approval stage.

The intensification policies of Section 3.2.3.5 of the Official Plan list a number of matters that shall be addressed for Residential Intensification site plan proposals. These matters include, as an Urban Design principle, that *“Parking and driveways should be located and designed to facilitate manoeuvrability on site and between adjacent sites, and to reduce traffic flow disruption to and from the property”*. A similar clause is contained in the general Urban Design policies in Chapter 11. The more specific Site Plan Control policies in Section 19.9.2 state, among other considerations:

19.9.2 – Site Plan Control - Objectives

- iii) The intent of site plan control is to improve the efficiency of land use and servicing and to encourage more attractive and compatible forms of development by providing for development which:*
 - d) provides for the orderly and safe movement of traffic into and out of private properties with minimum interference to vehicular and pedestrian traffic;*
 - e) provides for adequate and accessible parking and loading facilities, and orderly circulation within parking areas;*
 - i) contributes to the function of the site by incorporating, where appropriate, shared access and parking for adjacent properties;*

To achieve these objectives, matters including the location and design of vehicular and pedestrian access points and the location and design of off-street parking and loading facilities, may be addressed through site plan control.

While Site Plan staff will consider these, among other policies and criteria in the review of the site plan application, Planning staff recommend that this outstanding issue be highlighted for consideration of the site design details. Staff also continue to recommend that the future development of this site be subject to the public site plan control process through the application of a holding provision. This will allow for continued input from the community.

Planning staff would note that the location of parking spaces in the rear yards or in rear lanes of residential uses in older parts of the City is not uncommon and is not considered to be an unsafe condition that would dictate locating some of the required parking spaces nearer the front of the property.

Building Design

This report includes a front elevation drawing that reflects the design modifications prepared by the applicant between the October 7 and October 14 Planning and Environment Committee meetings. No further modifications were made to the design since that time. Based on further

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input from the applicant, staff have accepted that due to the internal layout of the building, a major reconfiguration to align the doors with the windows to provide more flexibility for the design of the front porch and provide a more cohesive building façade can not be accommodated. The design attached as Appendix B to this report will form the basis of further design discussions as part of the public site plan approval process. Staff expect that the applicant will continue to work with the neighbourhood and with City design staff as the design is further refined, side and rear elevations are developed, and an application for site plan approval is prepared. The reduction of the height of the east roofline remains a possibility which can be further explored at that time and is reflected in the recommended design elements to be considered by the Site Plan Approval Authority.

Given the level of involvement by the community, and the key importance of the final design to the success of the project, public site plan approval is recommended. This will entail a further public meeting before the Planning and Environment Committee prior to approval of the site plan. To achieve a positive outcome from this process, the applicant is encouraged to continue to work with City staff, the neighbours and the community association leading up to and during the site plan approval process.

Retail Use

City staff have completed additional review regarding the applicability of Section 19.5.1 of the Official Plan to consideration of permitting retail uses, and are recommending that a Retail Store be included as a permitted use at 609 William Street, limited to within the existing building and with some modifications to the meaning of Retail Store for this property.

Section 19.5.1 – Recognition in the Zoning By-law, states:

A legally established land use which does not conform to the Plan may be recognized as a permitted use in the Zoning By-law where Council is of the opinion that:

- i) The use does not involve hazardous activities or substances that threaten the safety of the surrounding area.*
- ii) The use does not contribute to air or water pollution problems.*
- iii) The use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, and does not interfere with the development of conforming uses in the surrounding area.*
- iv) The long-term continuation and any potential expansion of the use will not detract from the general intent of the Official Plan.*
- v) Recognition of the use in the Zoning By-law is not likely to result in proposals to amend the Plan to allow similar types of uses.*

This policy may only be applied where the land use being considered is confirmed to have been legally established. In establishing legal non-conforming status, the onus is on the property owner and/or tenant to demonstrate that such a use had previously been established and that it was the owner’s intent to continue using the property in such a manner. Documents which were previously on file in Building Services regarding the legal non-conforming status of the property and further documentation very recently supplied by the applicant appear to indicate that the required criteria have been met.

The retail use of the site does not raise issues regarding hazardous activities or substances or air or water pollution. The broad range of previous retail uses which have historically existed on the site have been contained within the building and appear to have comfortably co-existed with the surrounding residential land uses. Anecdotally, the most significant area of conflict was occasional traffic disruptions when Bob Martin’s Golf had major sale events. The proposed recognition of retail uses at this site is limited to within the existing building. The building does not lend itself to uses which require a significant public presence in order to draw in customers and is not anticipated to have any further impact on the neighbourhood. The applicant is in the process of upgrading the building’s exterior.

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Planner: Barb Debbert**

A retail store is defined as “a building or structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, but does not include supermarkets, or automobile or vehicle sales.”

The range of uses permitted under the recommended Retail Store will be limited pursuant to Section 3.12, which excludes any retail uses that are otherwise specifically defined in the Zoning By-law. The applicant specifically requested the inclusion of the sale of sporting goods, medical related supplies and building and home related supplies. The proposed sale of building and home related supplies is otherwise defined, and also merits specific recognition as a legal non-conforming land use and as an appropriate use provided there is no outdoor storage or display. The sale of sporting goods and medical related supplies are not otherwise defined and would therefore fall under the Retail Store definition, requiring no specific recognition. The sale of medical related supplies is differentiated from the sale of recreational drug paraphernalia which, along with an adult store, is considered inappropriate for the site by both the applicant and the neighbourhood representatives. By general agreement between the applicant and the neighbourhood representatives, these uses have been specifically excluded from the Retail Store definition.

CONCLUSION

The recommended amendment is intended to facilitate the demolition of the existing single detached dwelling at 510 Central Avenue, which is currently in poor repair, and the construction of a new, five-unit multiple dwelling with a total of nine bedrooms. The recommended amendment is also intended to recognize the suitability of the 609 William Street site for office uses as a secondary use, and retail uses in recognition of the historic use of the building within the Multi-family, High Density Residential designation of the Official Plan.

The current version of the application has evolved from a much more intense housing proposal involving 23 residential units and no commercial or office component, through continued and consistent efforts on the part of the Woodfield Community Association and surrounding neighbourhood and the participation of the applicant in meaningful dialogue with the community to achieve a product that is appropriate within this unique neighbourhood. The main concerns expressed by the City staff and by the community with regard to the current proposal for five residential units and office uses, relate to the expectations around building design and parking arrangements. The conceptual design shown in this report will be finalized through the required public site plan review process. Outstanding parking issues are also most appropriately dealt with at the site plan approval stage.

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File: Z-8141
Planner: Barb Debbert

The recommended Zoning By-law amendment and the matters to be considered at the site plan approval stage, are consistent with the *Provincial Policy Statement*, are in keeping with the intent of the Official Plan, and represent good planning.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT, SENIOR PLANNER CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

November 6, 2014
 BD/
 Attach.

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8141Z - 609 William St and 510 Central Ave (BD)\Z-8141-609 William Street report to PEC November 18.docx

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File: Z-8141
Planner: Barb Debbert

Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
Brian Byrne 499 Dufferin Avenue London ON N6B 2A1	Jane Graydon 518 Central Avenue London ON N6B 2G1
Marguerite Elliott 485 Central Avenue London ON N6B 2G2	Gord Hale 66 Palace Street London ON N6B 3A7
	Barry and Audrey Francis 503 Central Avenue London ON N6B 2G3
<u>Signed March 2013 petition (listed only if the household did not otherwise participate in the process)</u>	Judith Elliott 46 Palace Street London ON N6B 3A7
Ken, Benita and Jessica VanDyk 508 Central London ON N6B 2G1	Marcus Coles 38 Palace Street London ON N6B 3A7
Alexander Koch 508 Central London ON N6B 2G1	Woodfield Community Association Attention: Kate Rapson
Linda Bussiere 505 Central London ON N6B 2G3	Hazel Elmslie 42 Palace Street London ON N6B 3A7
	Lynne Zaratany 41 Palace Street London ON N6B 3A6
	Kirk Elliott 488 Central Avenue London ON N6G 0E2
	Ben Lansink 505 Colborne St London ON N6B 2T6
<u>Signed June 22, 2014 petition (listed only if the household did not otherwise participate in the process)</u>	
Tatum Owen-Ollson 49 Palace Street London ON N6B 3A6	Tara Miners 562 Central Avenue London ON N6B 2G4
Bob Trainor 51 Palace Street London ON N6B 3A6	Cara Bennett 12 – 563 Central Avenue London ON N6B 2G5
Michelle Navackas 493 Central Avenue London ON N6B 2G2	Andrew Kong 5 – 1247 Huron Street London ON N5Y 4X7
Rossalyn Robinson 584 Central Avenue – Upper London ON N6B 2G4	Angela Erb 501 Central Avenue London ON N6B 2G3

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File: Z-8141
Planner: Barb Debbert

**Bibliography of Information and Materials
Z-8141**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Paul Hinde, December 10, 2012.

Reference Documents:

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. *Official Plan*, June 19, 1989, as amended.

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

City of London. *East Woodfield Heritage Conservation District Study*, July 1992.

2353034 Ontario Ltd. *Planning Justification Report*. June 9, 2014.

2353034 Ontario Ltd. *Urban Design Brief*. June, 2014.

All correspondence in City File Z-8141

Other:

Site visit July 22, 2014 and photographs of the same date.

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File: Z-8141
Planner: Barb Debbert

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
 2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 510 Central Avenue and 609 William Street.

WHEREAS 2353034 Ontario Ltd. has applied to rezone an area of land located at 510 Central Avenue and 609 William Street, 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 510 Central Avenue and 609 William Street, as shown on the attached map comprising part of Key Map No. A107, from a Residential R3 (R3-2) Zone and a Residential R9 (R9-3•H15) Zone to a Holding Residential R3 Special Provision (h-5•h-__•R3-2(_)) Zone and a Holding Residential R9 Special Provision/Restricted Office Special Provision (h-__•R9-3(_))•H15/RO1(_)) Zone.

- 1) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

h-__ Purpose: To ensure that adequate parking is provided for 510 Central Avenue, the "h-" symbol shall not be deleted until an easement for parking and vehicular ingress/egress is provided over 609 William Street to the satisfaction of the Managing Director, Planning and City Planner.

Permitted Interim Uses: Only within existing buildings

- 2) Section Number 7.4 of the Residential R3 (R3-2) Zone is amended by adding the following Special Provision:

)	R3-2(_)	510 Central Avenue	
	a)	Additional Permitted Use	
		i) Multiple dwelling	
	b)	Regulations	
		i) Number of Dwelling Units (Maximum)	5
		ii) Number of bedrooms per Dwelling Unit (Maximum)	2
		iii) Number of 2-bedroom Dwelling Units (Maximum)	4
		iv) Lot Area (m ²) Minimum	364.5m ² (3,923.57 sq.ft.)
		v) Lot Frontage (m) Minimum	17.6m (57.74 feet)

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- vi) Interior Side Yard Depth West (m) Minimum 2.4 m (7.87 feet)
- vii) Interior Side Yard Depth East (m) Minimum 0.8 m (2.62 feet)
- viii) Landscaped Open Space (%) Minimum 33 percent
- ix) Lot Coverage (%) Maximum 52 percent
- x) Height (m) Maximum 10.0 metres (32.8 feet)
- xi) Parking Area Coverage (%) Maximum 15 percent
- xii) Off-Street Parking (Minimum) 1 space per dwelling unit
- xiii) Further to Section 4.19 3), up to a maximum of four of the required parking spaces may be supplied on 609 William Street, provided a Development Agreement is registered on title of the lands at 609 William Street committing said parking spaces to the residential units at 510 Central Avenue.
- xiv) Notwithstanding Section 4.19.4 c) a), rear yard parking may be located 0.0 metres from the rear lot line.

Section Number 13.4 of the Residential R9 (R9-3) Zone is amended by adding the following Special Provision:

-) R9-3() 609 William Street
 - a) Regulations
 - i) Lot Frontage (William Street) (m) Minimum 14.7 metres (48.23 feet)
 - ii) Interior Side Yard Depth North (m) Minimum 0.0 metres (0.0 feet)
 - iii) Landscaped Open Space Associated with Existing Building (%) Minimum 17.5 percent
 - iv) Off-street Parking Associated with Existing Building (Minimum) 22 spaces which may be reduced by up to four parking spaces if they are legally dedicated for use by 510 Central Avenue for residential purposes.

3) Section Number 18.4 of the Restricted Office (RO1) Zone is amended by adding the following Special Provision:

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**File: Z-8141
Planner: Barb Debbert**

-) RO1() 609 William Street
 - a) Additional Permitted Uses
 - i) Retail Stores as defined, limited to within the existing building, and which may include a retail store devoted to the sale of building and home related supplies, goods, wares, merchandise and substances without outdoor storage or display, and which shall not include the sale of recreational drug paraphernalia, an adult store, or similar uses.
 - b) Regulations
 - i) Lot Frontage (William Street) 14.7 metres (48.23 feet)
(m) Minimum
 - ii) Interior Side Yard Depth 0.0 metres (0.0.feet)
North (m) Minimum
 - ii) Landscaped Open Space 17.5 percent
Associated with Existing
Building (%) Minimum
 - iii) Off-street Parking 22 spaces which may be
Associated with reduced by up to four parking
Existing Building spaces if they are legally
(Minimum) dedicated to use by 510
Central Avenue for
residential purposes.

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.

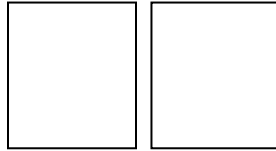
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on November 25, 2014.

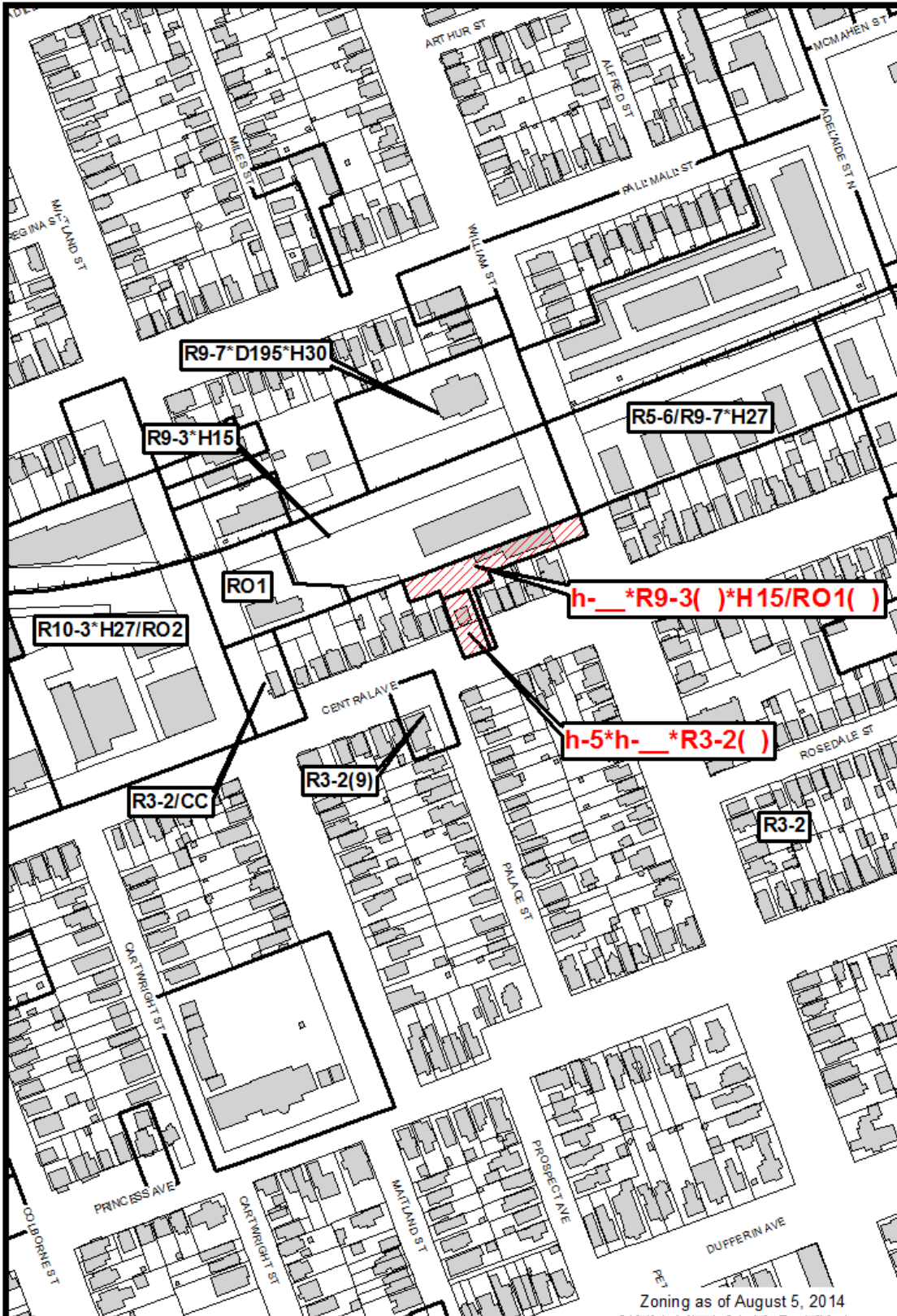
J. Baechler
Mayor

Catharine Saunders
City Clerk


First Reading - November 25, 2014
Second Reading – November 25, 2014
Third Reading - November 25, 2014



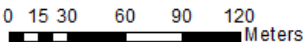
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: Z-8141
 Planner: BD
 Date Prepared: 2014/08/20
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

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File: Z-8141
Planner: Barb Debbert

Appendix "B"
510 Central Avenue

