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**L. Claro**  
**File No: SP14-025702**

<b>TO:</b>	<b>CHAIR AND MEMBERS – PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 1865589 ONTARIO LTD. (SHAUN STEVENS)  1576 RICHMOND STREET PUBLIC SITE PLAN MEETING MARCH 23, 2015</b>

<b>RECOMMENDATION</b>
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That on the recommendation of the Manager, Development Services & Planning Liaison, the following actions be taken with respect to the site plan approval application for Townhouses and the conversion by 1865589 Ontario Ltd. relating to the property located at 1576 Richmond Street:

- a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan approval to permit two three storey townhouse blocks with a total of 10 units and the conversion of the existing building to have two dwelling units; and
- b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan application, and whether they support the Site Plan application.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose of this application is to obtain site plan approval for a townhouse development at 1576 Richmond Street. The application is to be heard at public meeting of the Planning and Environment Committee. This meeting is being held to fulfil one of the conditions of a minor variance decision (and was subsequently carried forward by decision of the Ontario Municipal Board).

The proposed site plan conforms to the regulations of the Residential R5 (R5-5) Zone, as varied, and will result in the construction of townhouses and the conversion of the existing building to two units. The development is compatible with existing development in the surrounding neighborhood.

<b>APPLICATION DETAILS</b>
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<b>Date Application Accepted:</b> July 31, 2014	<b>Agent:</b> Zelinka Priamo Ltd.
<b>REQUESTED ACTION:</b> An application for Site Plan Approval for two three storey townhouse blocks with a total of 10 units and the conversion of the existing building to have two dwelling units.	

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**Location Map**



**LOCATION MAP**

Subject Site: **1576 Richmond St**  
 Applicant: **1865589 Ontario Ltd.**  
 File Number: **SP14-025702**  
 Planner: **New**  
 Created By: **James Scott**  
 Date: **2015-02-24**  
 Scale: **1:2500**

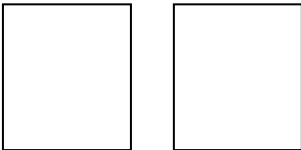
**LEGEND**

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

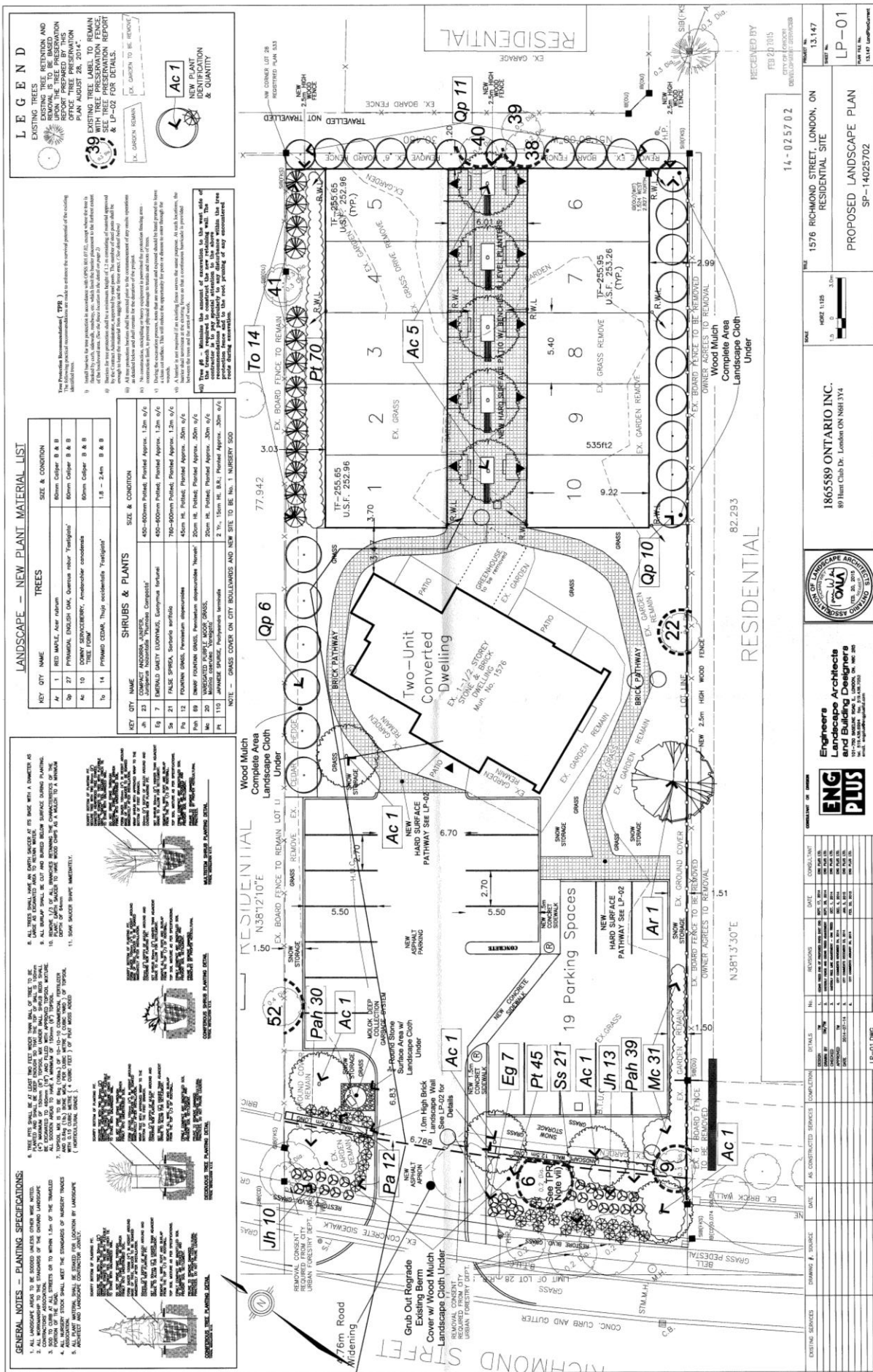








**Landscape Plan**



RECEIVED BY  
FEB 22 2015  
CITY OF RICHMOND  
DEVELOPMENT SERVICES

14 - 0257 02

1576 RICHMOND STREET, LONDON, ON  
RESIDENTIAL SITE

1865589 ONTARIO INC.  
89 Hunt Club Dr. London ON N6H 3Y4

Engineers  
Landscape Architects  
and Building Designers

101-109 WINDSOR ROAD, LONDON, ON N6C 2B9  
PHONE: 519-837-3333  
WWW.ENGLANDPLUS.COM

13.147  
LP-01  
PROPOSED LANDSCAPE PLAN  
SP-14025702

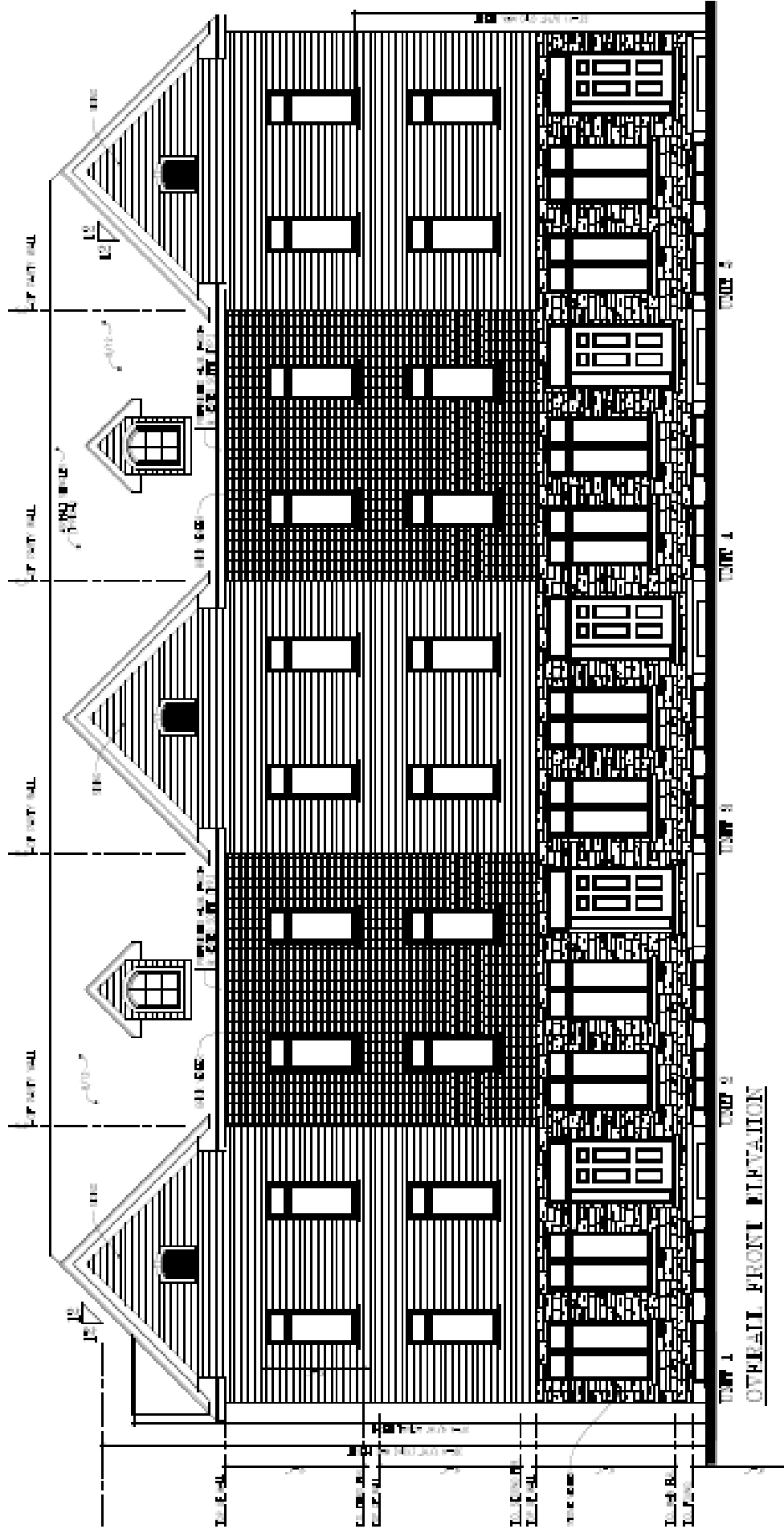
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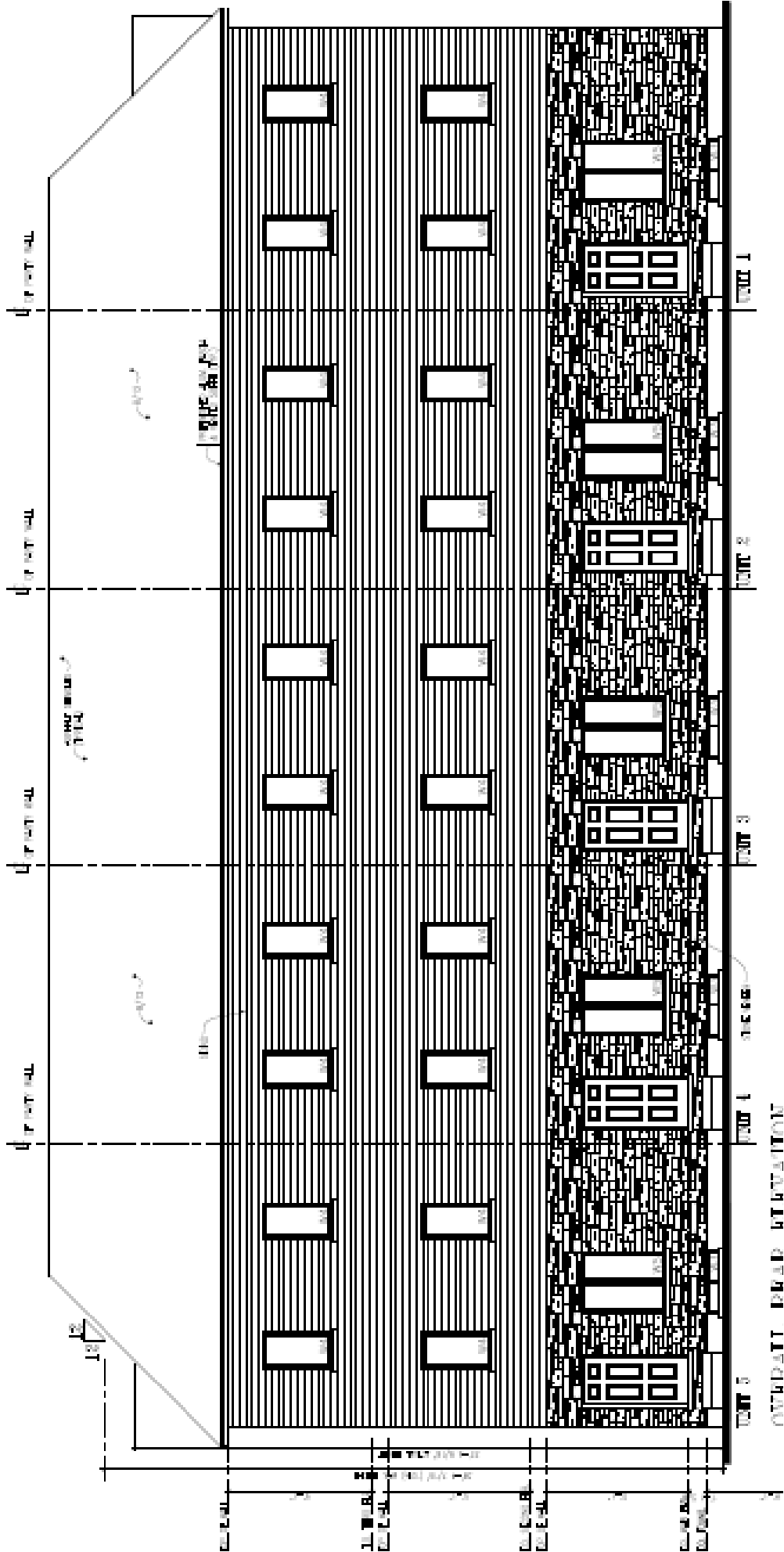
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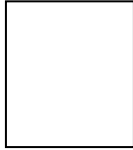
**Elevations – Front**



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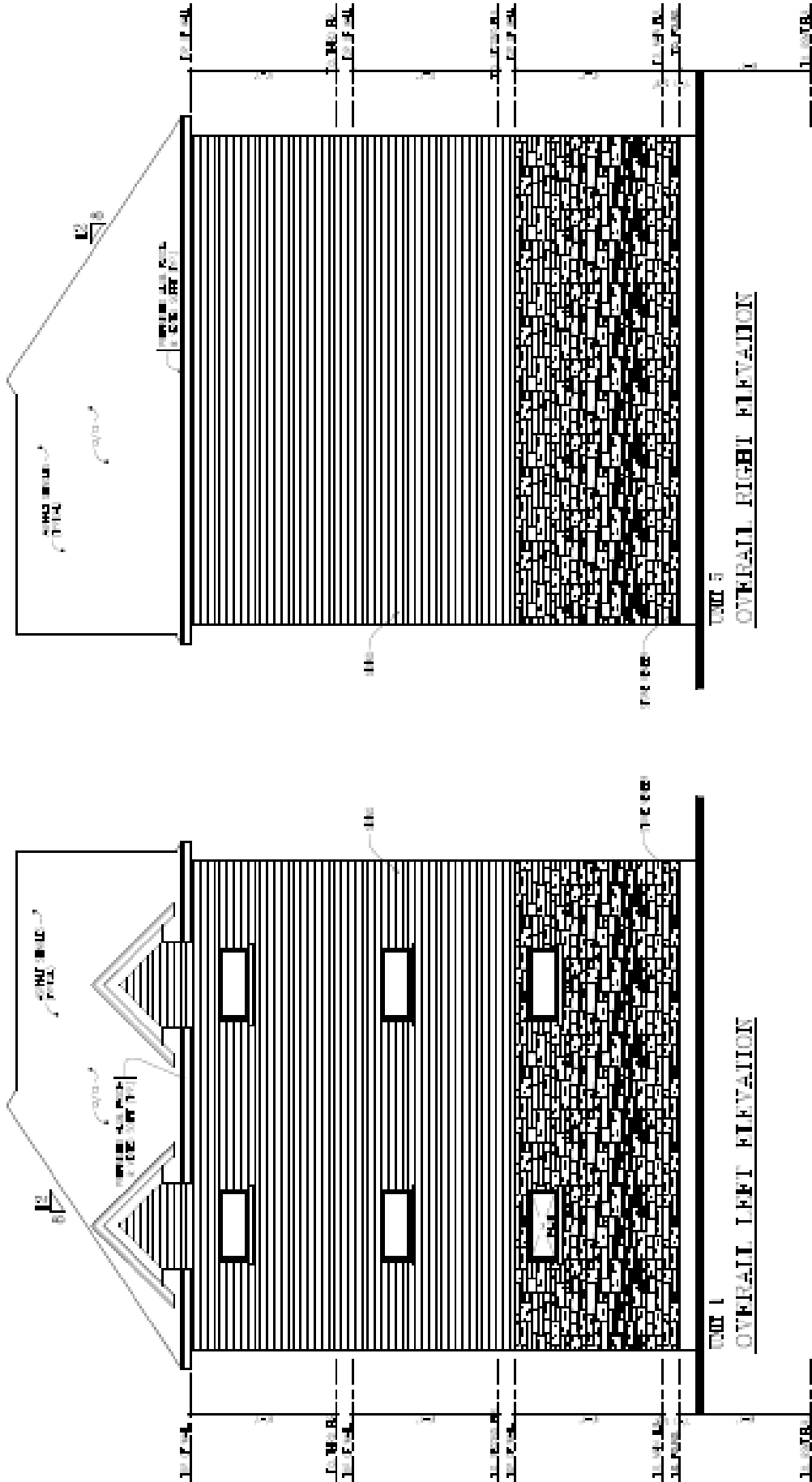
Elevations - Rear





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**Elevations – Left and Right**



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<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Vacant Single Detached Dwelling</li> <li>• <b>Frontage</b> – 31m</li> <li>• <b>Depth</b> – 75.5m</li> <li>• <b>Area</b> – 2450m<sup>2</sup></li> <li>• <b>Shape</b> – rectangular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – Apartments</li> <li>• <b>South</b> – Townhouses</li> <li>• <b>East</b> – Single Detached Homes</li> <li>• <b>West</b> – Richmond Street</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> Multi Family, Medium Density Residential
<b>EXISTING ZONING:</b> Residential R5-5/Residential R9-3 H14/ OC5 Office Conversion

<b>BACKGROUND</b>
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Through the Consultation process the applicant was advised that a minor variance would be required to address setback issues and to allow for a reduction in parking. On June 2<sup>nd</sup> the Committee of Adjustment (COA) refused the application(A.033/14) and it was subsequently appealed to the Ontario Municipal Board by the applicant. The applicant reapplied to the COA(A.096/04) with an amended proposal to allow for a converted dwelling; reduced setbacks and to allow for front yard parking. This application was approved by the COA and was subsequently appealed by Marlo Lacey, an area resident.

The applicant and appellant resolved the appeals and on November 4, 2014 the Ontario Municipal Board issued a decision based on the Minutes of Settlement. The variances in A.096/14 were approved subject to the following conditions (relevant to this development):

- The site shall maintain the “park-like vista as viewed from the street”;
- The heritage designated building shall be maintained in the existing form and location;
- A building permit is required for the conversion of the existing home; that a public site plan meeting will be required; that bicycle parking shall be provided at one(1) bicycle spot per unit; that the Owner shall erect a 2.5 m wooden fence at the eastern boundary of the subject lands, inset from the property by 1.2 m and abutting the wall of the proposed townhouse development;
- That the Owner shall plant a row of pyramid English oak trees on its property abutting the lane in accordance with the Board approved landscape plan; and,
- That the Owner shall contribute to landscaping on the Lacey property directly, including planting a tree on her lot to provide additional buffering and/or alternate landscape treatments to a total cost of \$1000.00.

**Site Plan Application**

The application for Site Plan approval was accepted on July 31, 2014. Given that the minor variance applications had been appealed, the lands were not (at the time of circulation) subject to a public meeting. The application was circulated to internal/external agencies and comments were provided to the agent on September 14, 2014.



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Based on the November 4<sup>th</sup> decision of the OMB, staff circulated the notice of application advising area residents that a future public meeting would be held to discuss this development proposal.

The owner subsequently submitted site servicing plans and based on their design, it was apparent that the greenhouse at the rear of this site would need to be demolished. This was contrary to the minutes of settlement issued with the OMB decision(see 2<sup>nd</sup> bullet point above). In late November 2014, the Owner made an application to Urban Regeneration for a Heritage Alteration Permit. The request was sent to the LACH for consideration at the December 10, 2014 meeting. LACH reported to PEC on January 5, 2015 and the matter was deferred to January 19, 2015.

On January 27, 2015, Council resulted that:

“That the Heritage Alteration Permit Application for the removal of greenhouse on the property located at 1576 Richmond Street **BE CONDITIONALLY APPROVED** subject to the amendment of the Ontario Municipal Board decision PL140510 to confirm exclusion of the conservatory/greenhouse from the building form and location of the heritage building;”

Based on Councils decision, the Owner contacted the Ontario Municipal Board to seek clarification on their original decision and to obtain the necessary revisions in order to progress their request to demolish the greenhouse. As of the date of this report, staff have not been advised of the Boards decision on this matter.

The applicant has requested that staff bring forward a report on the site plan in order to address the public meeting condition required by the Board. As noted in the recommendation clause, the purpose of this public meeting is to identify issues with respect to this development proposal and to report any issues to the Approval Authority for consideration prior to considering this site plan application. Staff can confirm that the Approval Authority is not in a position at this time to render a decision on this application as the application drawing review has not been completed(to date).

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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A Traffic Management Plan is required to be approved for the installation of all services in the road allowance and the construction of the raised median on Richmond Street.

<b>PUBLIC LIAISON:</b>	On November 4, 2014, letters were sent out to area property owners within 120 metre radius and Notice of the Public Site Plan Meeting was sent out to area residents on March 11, 2015. On March 12, 2015 Notice of the Public Meeting was published in the Londoner.	Two emails
<b>Nature of Liaison:</b> Same as Requested Action		
<b>Responses:</b> application could be precedent setting for lands to the north; concerned this will become student housing; wants low-rise forms of housing(no more than three stories); concerned this application is a foregone conclusion; concerned over application process.		

<b>ANALYSIS</b>
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**Is the Proposed Site Plan in conformity with the Official Plan and is it consistent with the Provincial Policy Statement?**

The subject lands are designated Multi Family Medium Density Residential in the Official Plan. Multi Family Medium Density Residential includes apartments and town houses. Full municipal

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services are available to this site including public transit. Richmond Street is classified as an arterial road in this location. The road widening is required to be dedicated to the City before site plan approval can be granted.

The Official Plan contains policies to evaluate residential development on arterial roads and the criteria of Section 19.9.6 is to be applied to all applications. A noise impact study and addendum report have been submitted which include a number of conclusions and recommendations to address MOE noise guideline limits. These recommendations, which include requirements for air conditioning units and warning clauses, will be implemented through provisions in the approved Development Agreement.

The Provincial Policy Statement encourages building strong communities, the wise use and management of resources and protecting public health and safety. Intensification on this site in accordance with the Official Plan and Zoning By-law is consistent with the Provincial Policy Statement.

The development of this is in accordance with the Zoning By-law (as varied) and with appropriate measures to address noise, would be in conformity to the Official Plan and consistent with the Provincial Policy Statement.

### **Proposed Site Plan**

The site plan complies with the regulations of the R5-5 zone (through the minor variances approved by the Ontario Municipal Board on November 4<sup>th</sup> 2014). The proposed development has a direct access on to Richmond Street. This access is intended to be rights in/rights out only. The Owner will be required to construct a raised median on Richmond Street before any of the units are occupied. The site plan has accommodated the required 4.76m road widening. A total of 19 on-site parking spaces has been provided. It is noted that the applicant received a variance to locate the parking in the front yard.

Immediately to the east of the proposed parking lot is the existing house which is being converted to two units along with the removal of the greenhouse, subject to an amending Decision by the OMB and amended minutes of settlement. The removal of the greenhouse is required to address the servicing scheme proposed by the applicant.

To the east of the existing house the applicant is proposing two townhouse blocks. Each building will have five(5) units – three(3) storeys in height. As per the Ontario Municipal Board decision, the applicant has received a variance for the north and south interior side yard, and the rear yard adjacent to the east property line. Between the two townhouse buildings is a landscaped common area. The buildings do not have patios adjacent to the north or south property line.

The placement of the fence in line with the east limit of the two buildings prevents occupants from gaining access to lands to the east. The lands immediately abutting this easterly fence will contain a row of Pyramid English Oak trees (as requested by the adjacent owners and as included in the OMB minutes of settlement). The applicant is proposing a 2.5m fence along the south property line replacing the existing 1.8m wood fence.

The applicant has incorporated within the site plan comments raised by the Urban Design Peer Review Panel (UDPRP) including the creation of an outdoor amenity space for residents, landscaping and a pedestrian link to Richmond Street. The plan also provides privacy fencing along the east, north and south sides of the site.

Although it is not possible to retain any trees on site, the applicant has provided a tree preservation plan for trees on properties abutting this development. This plan incorporates appropriate tree protection measures which must be carried out at the time of development. These measures must be in place prior to any issuance of building permits.

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**Ontario Municipal Board Conditions**

As per the Ontario Municipal Boards Decision the following items must be addressed prior as part of the Approval Authorities consideration off this site plan:

- The site shall maintain the “park-like vista as viewed from the street”;

*Development Services staff are awaiting confirmation from Community Planning and Urban Design on this issue.*

- The heritage designated building shall be maintained in the existing form and location;

*Staff are awaiting the Ontario Municipal Boards decision on this matter as it relates to the demolition of the greenhouse*

- A building permit is required for the conversion of the existing home; that a public site plan meeting will be required; that bicycle parking shall be provided at one(1) bicycle spot per unit; that the Owner shall erect a 2.5 m wooden fence at the eastern boundary of the subject lands, inset from the property by 1.2 m and abutting the wall of the proposed townhouse development;

*A building permit is a standard requirement for the conversion of any dwelling to two units; the public site plan meeting requirement is being addressed through this report; there is sufficient room on site to accommodate bicycle parking at a rate of one (1) spot per unit and this will be addressed as part of the site plan review and approval; the site plan is illustrating that a 2.5 m fence will be constructed at the eastern boundary of the property in accordance with the above noted requirements.*

- That the Owner shall plant a row of pyramid English oak trees on its property abutting the lane in accordance with the Board approved landscape plan; and,

*This is shown on the landscape plans which have been submitted;*

- That the Owner shall contribute to landscaping on the Lacey property directly, including planting a tree on her lot to provide additional buffering and/or alternate landscape treatments to a total cost of \$1000.00.

*Sign off from the land owner (Lacey) on the location of the tree will be required prior to final approval of the site plan. This will also be addressed through the development agreement.*

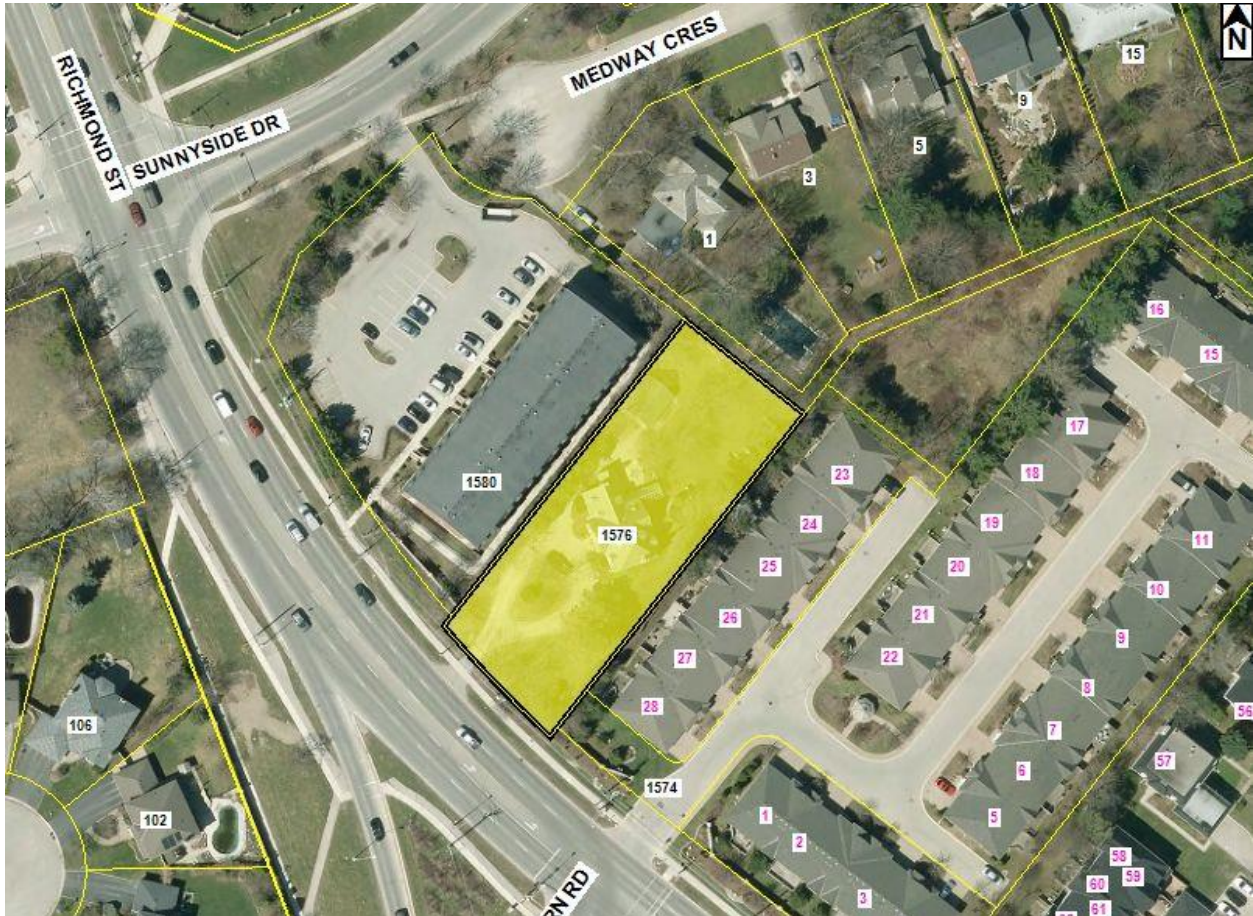
**Is this Proposed Development Compatible with the Existing Neighbourhood?**

The subject site is surrounded by various forms of multi-family development to the north and south as well as single detached dwellings to the east and west(across Richmond Street). The proposal to develop the site with two(2) – three(3) storey townhouse blocks and convert the existing dwelling to two units is appropriate and considered compatible with the form of development in the immediate area. This development is consistent with the Official Plan and the current zoning which applies to the site.

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**Aerial Photo**



**Site Plan Agreement**

A Development Agreement, incorporating the Site Plan, landscaping, site servicing and grading plans, and building elevation designs is required to implement the approved plans. Special Provisions within the agreement will address any other outstanding issues pertaining specifically to this site (ie conditions of the OMB decision, recommendations from the accepted noise study, tree preservation, etc.)

The Owner must provide the necessary security at the time of executing the agreement to ensure all surface works are completed in accordance with the approved plans (including any additional separate security for external works).

Site Plan approval will not be issued by the Approval Authority until items such as road dedication, security for on-site works, security for external works, finalization of the building elevations, approval of the site servicing and grading plans, and acceptance of landscape and tree preservation plans has occurred. It is also noted that the Approval Authority will not consider issuing Site Plan Approval until the issue of the Greenhouse demolition has been resolved by the Board.

**Public Concerns**

As previously noted there were two responses to the notice of application relating to this development. These concerns included:

- proposal is precedent setting for lands to the north;
- potential for student housing;
- form of housing (specifically height); and,
- concerned over application process.

Staff are unclear on how this development will set a precedent for lands to the north. The lands

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immediately north of the subject site developed with a low rise apartment building a number of years ago. There are some vacant and recently rezoned lands north of the subject lands on the west side of Richmond Street which have the potential for a more intense form of development (than currently exists). The intensity and form of development is reviewed at the rezoning stage and more closely during the site plan application process to ensure that development is compatible and appropriately integrated within existing neighbourhoods. Any future proposals to develop lands in this area for a use which is not contemplated under current zoning will require applications by land owners which will need to be vetted through a public process. Each property is reviewed on its own merits to determine if a specific development proposal is appropriate.

This building could contain a variety of tenants. There are no means of controlling who resides in a particular development. This is not a planning rationale when determining appropriate land use.

An area resident raised concerns that the development should be limited to no more than three (3) storeys. The applicants' proposal is for two townhouse blocks at a maximum height of three (3) storeys.

Finally, concerns were raised that this development proposal is a foregone conclusion. The applicant acquired a property which was zoned to allow for multi-family development. The applicant has made the necessary applications to the Committee of Adjustment to try and obtain relief from the zoning by-law regulations and has dealt with appeals relating the Committees decisions. The public approvals required by the applicant in order to obtain the right to develop their site are all part of the normal planning processes that developers are often required to carry out when their proposals do not meet zoning regulations.

<b>CONCLUSION</b>
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The proposed site plan has been reviewed against applicable Official Plan policies, the Provincial Policy Statement and the existing Zoning By-law (as varied) and is considered to be in conformity with the applicable policies and regulations. The proposed site plan and elevations will result in development that will maintain the character of the area and comply with the Site Plan Control By-law. The proposed plans represent good land use planning. Consideration of the site plan by the Approval Authority is contingent on the resolution of the greenhouse demolition issue and the City's acceptance of all servicing, grading, landscaping, etc. plans.

<b>PREPARED:</b>	<b>REVIEWED BY:</b>
<b>LUIS CLARO SITE PLAN APPROVAL OFFICER</b>	<b>ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING</b>
<b>RECOMMENDED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

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**Bibliography of Information and Materials**

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

City of London, Notice of Application, November 4, 2014.

City of London, Notice of Public Meeting, March 2, 2015

City of London, Living in the City – Saturday, March 7, 2015

City of London, Site Plan By-law C.P.-1455-451

Provincial Policy Statement, March 1, 2005

City of London, Site Plan Application, SP14-025702

Noise Report prepared by ENG Plus (October 2014)

Urban Design Brief, Zelinka Priamo Limited (October 31, 2014)

Committee of Adjustment applications and decisions (A.033/14 & A.096/14)

Ontario Municipal Board decisions and Minutes of Settlement relating to applications A-033/14 & A.096/14.



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

**Written**

Nancy Charron

-request to be added to mailing list

Malcolm Campbell

-concerned this application is a foregone conclusion; concerned over application process

Dennis Johns

-application could be precedent setting for lands to the north; concerned this will become student housing; wants low-rise forms of housing(no more than three stories);.