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File: Z-8688
Planner: M. Tomazincic

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CORPORTATION OF THE CITY OF LONDON 2156 HIGHBURY AVENUE NORTH PUBLIC PARTICIPATION MEETING ON NOVEMBER 28, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of The Corporation of the City of London relating to the property located at 2156 Highbury Avenue North, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 6, 2016 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 R1 Special Provision (R1-11(14)) Zone and an Open Space (OS4) Zone and an Environmental Review (ER) Zone **TO** a Residential R1 Special Provision (R1-11()) Zone and an Open Space (OS4) Zone and an Environmental Review (ER) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

OZ-6827 – 2156 Highbury Ave North – Report to Planning Committee (February 28, 2005) –
Report to Planning Committee in response to request to amend the Official Plan and Zoning By-law to to add a special policy and regulations to permit three single detached dwellings.

EXECUTIVE SUMMARY

Summary of Request

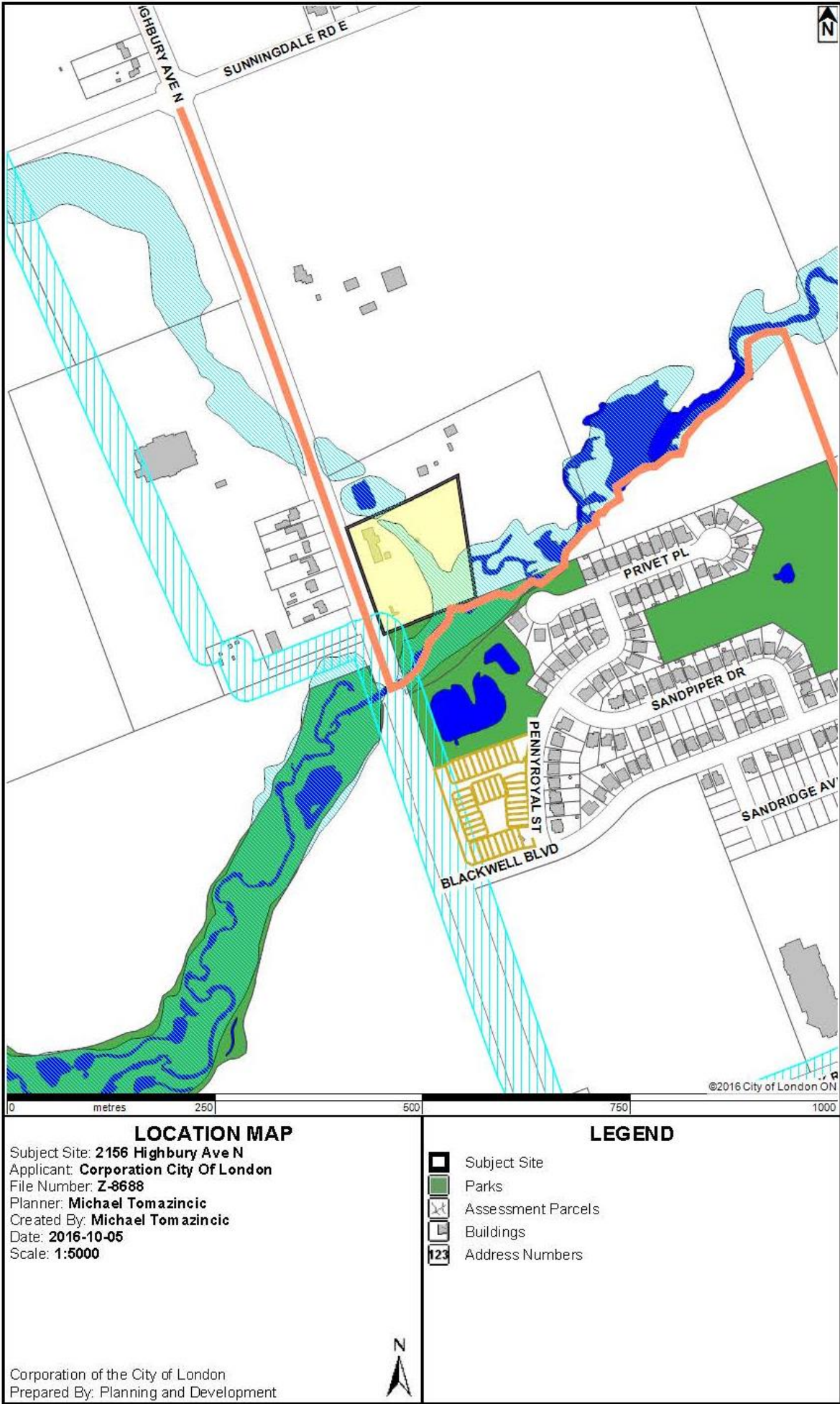
This Zoning By-law amendment has been initiated by the City of London as a technical amendment to reinstate land use permissions to facilitate the severance and development of three single detached dwellings. While an Official Plan Special Policy currently applies to the subject site which permits “...*a severance to create three residential lots for non-farm dwellings...*”, the R1-11(14) zone currently applied to the site has been inadvertently deleted from the Zoning By-law and therefore no permitted uses or regulations are specified for the subject site.

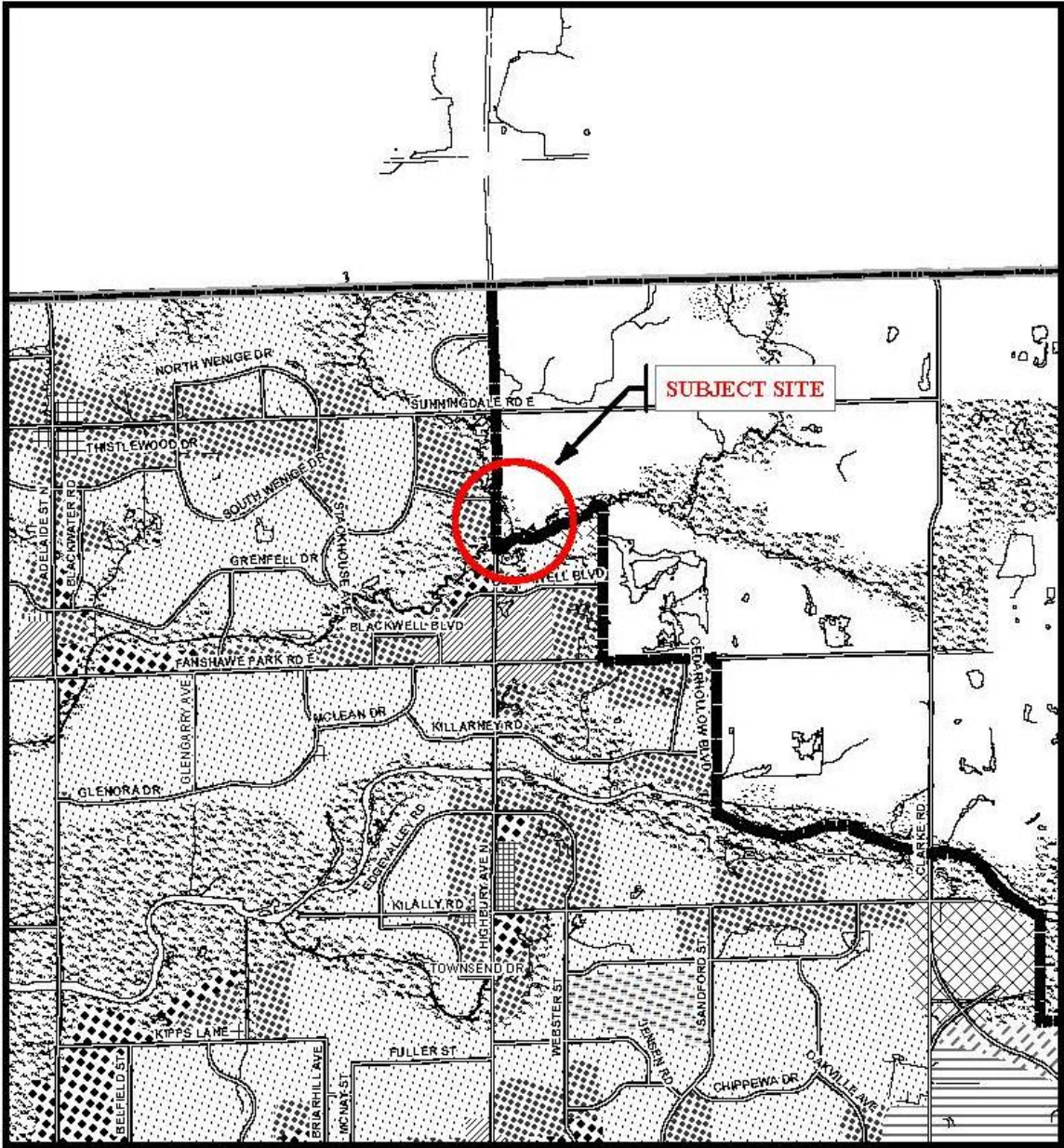
Summary of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to implement a technical amendment by re-applying zoning to permit 3 single detached dwellings which had been approved by Municipal Council in 2005 but has been subsequently deleted from the Zoning By-law. The recommended amendment is intended to apply only to the Residential R1 zoned portion of the subject site. The portion of the site that is currently zoned Open Space (OS4) and Environmental Review (ER) are recommended to remain unchanged.

Rationale of Recommended Action

The recommended amendment is consistent with, and will serve to implement, the site-specific Official Plan policy applied to the subject site which permits the severance and creation of three residential lots for non-farm dwellings.





Legend

Downtown

Wonderland Road Community Enterprise Corridor

Enclosed Regional Commercial Node

NewFormat 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

Regional Facility

Community Facility

Open Space

Urban Reserve - Community Growth

Urban Reserve - Industrial Growth

Office Business Park

General Industrial

Light Industrial

Commercial Industrial

Transitional Industrial

Rural Settlement

Environmental Review

Agriculture

Urban Growth Boundary

CITY OF LONDON

Department of Planning and Development

OFFICIAL PLAN SCHEDULE A - LANDUSE -

PREPARED BY: Graphics and Information Services

Scale 1:30,000

0 150 300 450 600 750 900 1050

Meters

FILE NUMBER: Z-8688

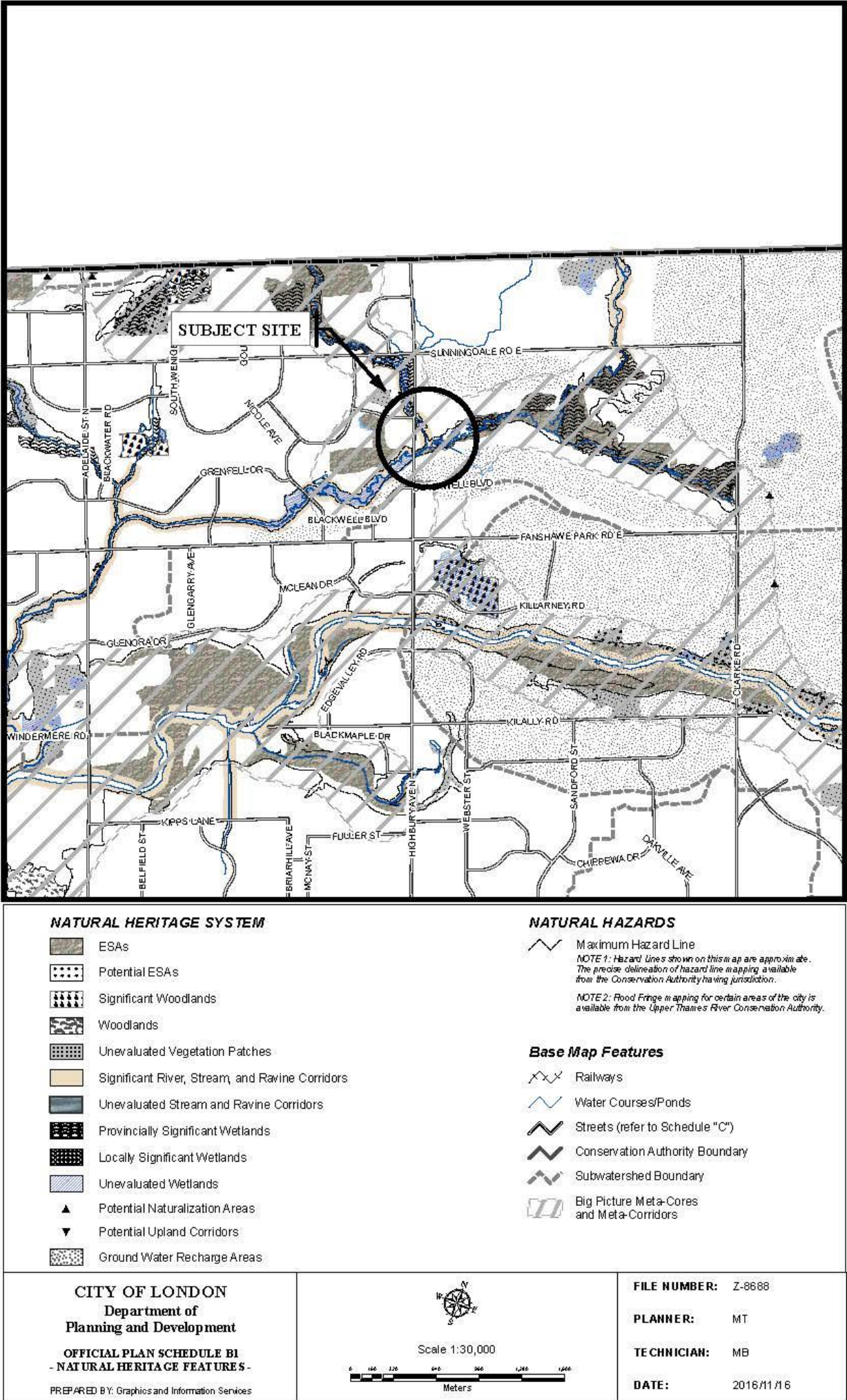
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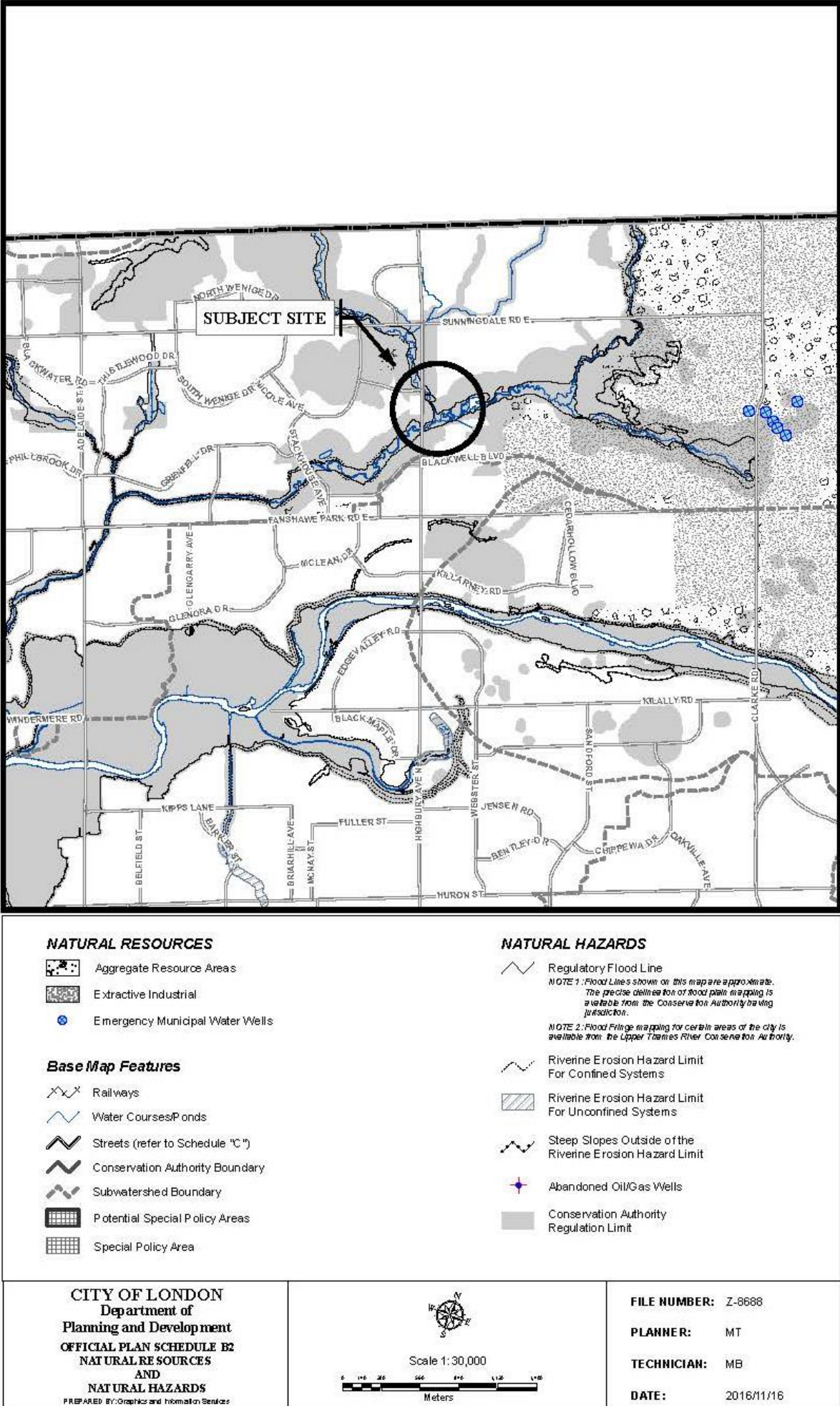
TECHNICIAN: MB

DATE: 2016/11/16

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PROPERTY AT A GLANCE

Current Planning Information

- Official Plan Designation – Schedule A (Land Use) – Agricultural Policy for Specific Area – 10.1.3.cxxv)
Schedule B1 (Natural Heritage Features) – Significant River, Stream and Ravine Corridors
Schedule B2 (Natural Resources and Natural Hazards) – Conservation Authority Regulation Limit
- London Plan Place Type – Farmland
- Existing Zoning – Residential R1 Special Provision (R1-11(14)) and Open Space (OS4) and Environment Review (ER)
(Note: There is no corresponding list of permitted uses or regulations in the Zoning By-law for the R1-11(14) zone)

Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 135.6m (445 feet)
- Depth – Irregular
- Area – 2.02 ha (5 acres).
- Shape – Irregular

Surrounding Land Uses

- North/East – Single detached dwelling situated on an estate lot
- South – Stoney Creek Valley, Stormwater management pond, residential subdivision
- West – Single Detached Dwellings

Property Description

The subject site is located on the east side of Highbury Avenue North, midway between Fanshawe Park Road East and Sunningdale Road East. The subject site is located outside of the Urban Growth Boundary with the Boundary abutting the site immediately to the west and south.

Highbury Avenue North is classified as an arterial road, which acts as a gateway into the City of London from the north carrying an average of 11,000 vehicles per day at this section.

The subject site and the abutting property to the north and east can be described as estate lots given that they accommodate single detached dwellings on large-sized lots that are not being utilized for significant agricultural uses. Immediately to the west of the subject site, on the west side of Highbury Avenue North, is a cluster of six single detached dwellings on a generally uniform lot fabric.

DESCRIPTION OF PROPOSAL

Application Details

The recommended Zoning By-law amendment will re-apply a Residential R1 Special Provision (R1-11()) Zone to the developable portion of the subject site to facilitate the severance and development of three single detached dwellings.

Development Proposal

There is no current development proposal for the subject site. However, in 2005 there was a severance application to create 3 residential lots (while keeping the open space lands intact), that had subsequently lapsed, which may provide some insight regarding the future lot pattern of the subject site (see Figure 1).

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PLANNING HISTORY

The subject site was annexed to the City of London in 1993 and were zoned to permit Agricultural uses under the former Township of London Zoning By-law. In November, 2004, an application for a site-specific amendment was received for the subject site to add a special policy/regulations to the Official Plan and Zoning By-law to permit a severance for the creation of three single detached dwellings. At its session held on March 7, 2005, Municipal Council introduced by-laws to amend the Official Plan and Zoning By-law to permit the requested amendments.

The Zoning applied to the site prior to the time of the site-specific amendment continued to reflect the former Township of London Zoning By-law. Therefore, as part of the amendment, Municipal Council deleted the former Township of London Agricultural (A1) Zone and approved the current Residential R1-11(14) and Open Space (OS4) and Environmental Review (ER) Zones.

While the aforementioned site-specific Zoning By-law amendment application was being processed for the subject site, Planning Staff were simultaneously finalizing the comprehensive Zoning By-law amendment to incorporate the Zoning of the five separate municipalities, applied to all the lands that had been annexed to the City, into the current City of London Z.-1 Zoning By-law. The comprehensive Annexed Area Zoning By-law was adopted by Municipal Council on June 27, 2005.

The comprehensive Annexed Area Zoning By-law amendment included 113 clauses and amendments to 197 zoning maps. Amongst all of these amendments was one clause which inadvertently deleted the special zoning provisions of the R1-11 zone (with the exception of three) including the R1-11(14) zone adopted by Council for the subject site. Therefore, while the zone map still shows the subject site as being zoned R1-11(14) there is no corresponding text within the Zoning By-law listing the permitted uses and regulations.

COMMENTS RECEIVED

Public Liaison

On October 6, 2016, Notice of Application was sent to twenty-five property owners in the surrounding area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of The Londoner on October 6, 2016.

Nature of Public Liaison

The purpose and effect of the requested Zoning By-law amendment is to correct a technical amendment by re-applying zoning to permit 3 single detached dwellings which had been approved in 2005 and has been subsequently deleted from the Zoning By-law.

Public Responses

No public responses were received.

Summary of Departmental/Agency Comments

This application was circulated to various agencies and City departments for comments. The comments expressed no concern with the proposed amendments but they did serve to highlight some of the servicing constraints with the subject site (i.e. no storm sewer availability, no municipal sanitary sewer availability) and identify some of the reports/studies and requirements (Environmental Impact Study, Hydrogeological Assessment, road-widening dedication) that the property owner can anticipate undertaking prior to any site alteration or development being undertaken.

The Agency/Departmental Comments are attached as Appendix “B” to this report.

ANALYSIS

Official Plan

Since there is currently no zoning applied to the subject site, and since the previous zoning was deleted in error as part of a City-wide amendment, the review of this Zoning By-law amendment was undertaken on the basis of a technical correction to reinstate the previous zoning.

Notwithstanding the technical nature of the requested amendment, an amendment to the Zoning By-law must still conform to the applicable Official Plan policies. As previously mentioned, Municipal Council approved an Official Plan and Zoning By-law amendment in 2005 to permit the future development of three single detached dwellings. And although the applicable Zoning was subsequently deleted, the Official Plan policy continues to apply.

A site-specific policy for special area applies to the subject site. Policy 10.1.3.cxxv) of the Official Plan states:

In the agricultural designation on the lands municipally known as 2156 Highbury Avenue North (Part Lot 8, concession 5), a severance to create three residential lots for non-farm dwellings will be permitted.

Therefore, the requested Zoning By-law amendment to permit “*Three single detached dwellings*” conforms to the policies of the Official Plan.

Zoning

Although a Residential R1-11(14) currently applies to the subject site, there is no corresponding zone in the Zoning By-law. Therefore, there are no permitted land uses or regulations detailing the land use permissions for the subject site.

The recommended Zoning By-law amendment will apply a new Residential R1 Special Provision (R1-11()) Zone to the subject site, while maintaining the existing Open Space OS4 Zone and Environmental Review (ER) Zone, to permit three single detached dwellings.

Given that this is a technical amendment to reinstate zoning that had inadvertently been deleted, there are no new regulations or holding provisions being recommended.

London Plan

The above site-specific special policy was carried over into the London Plan (para 1236), with applicable modifications to replace the phrase “agricultural designation” with “Farmland Place Type”. Therefore, the recommended Zoning By-law amendment is consistent with the London Plan.

CONCLUSION

This Zoning By-law amendment has been initiated by the City of London to reinstate land use permissions to facilitate the severance and development of three single detached dwellings which had been approved by Municipal Council in 2005 but has been subsequently deleted from the Zoning By-law. The recommended amendment is consistent with, and will serve to implement, the site-specific Official Plan policy applied to the subject site which permits the severance and creation of three residential lots for non-farm dwellings.

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

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File: Z-8688
Planner: M. Tomazincic

Bibliography of Information and Materials Z-8688

Request for Approval:

City of London Zoning By-law Amendment Application Form, September 26, 2016

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*, 2014.

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. *The London Plan*. June 23, 2016, council adopted.

Correspondence: (all located in City of London File No. Z-8688 unless otherwise stated)

City of London -

Fleming, John. City of London Planning Services. Email to M. Tomazincic. September 26, 2016

Moore, Robert. City of London Wastewater and Drainage Division. Email to M. Tomazincic. November 1, 2016

Lambert, Brent. City of London Development Services. Memo to M. Tomazincic. November 4, 2016.

Patton Cormier Ferreira

Ferreira, Analee. Patton Cormier Ferreira. Email to Gregg Barrett. September 14, 2016

Upper Thames River Conservation Authority (UTRCA)

Creighton, Christine. Upper Thames River Conservation Authority. Memo to M. Tomazincic. November 4, 2016

Conseil Scolaire Viamonde (French Public School Board)

Lacoursiere, Vincent. Conseil Scolaire Viamonde. Email to M. Tomazincic November 15, 2016

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 2156
Highbury Avenue North.

WHEREAS The Corporation of the City of London has applied to rezone an area
of land located at 2156 Highbury Avenue North, 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands
located at 2156 Highbury Avenue North, as shown on the attached map comprising part of
Key Map No. A103, from a Residential R1 Special Provision (R1-11(14)) Zone and an Open
Space (OS4) Zone and an Environmental Review (ER) Zone to a Residential R1 Special
Provision (R1-11()) Zone and an Open Space (OS4) Zone and an Environmental Review
(ER) Zone Zone.
- 2) Section Number 5.4 of the Residential R1 (R1-11) Zone is amended by adding the following
Special Provision:

) R1-11() 2156 Highbury Avenue North

a) Permitted Use

i)Three Single Detached Dwellings

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 December 6, 2016.

Matt Brown
Mayor

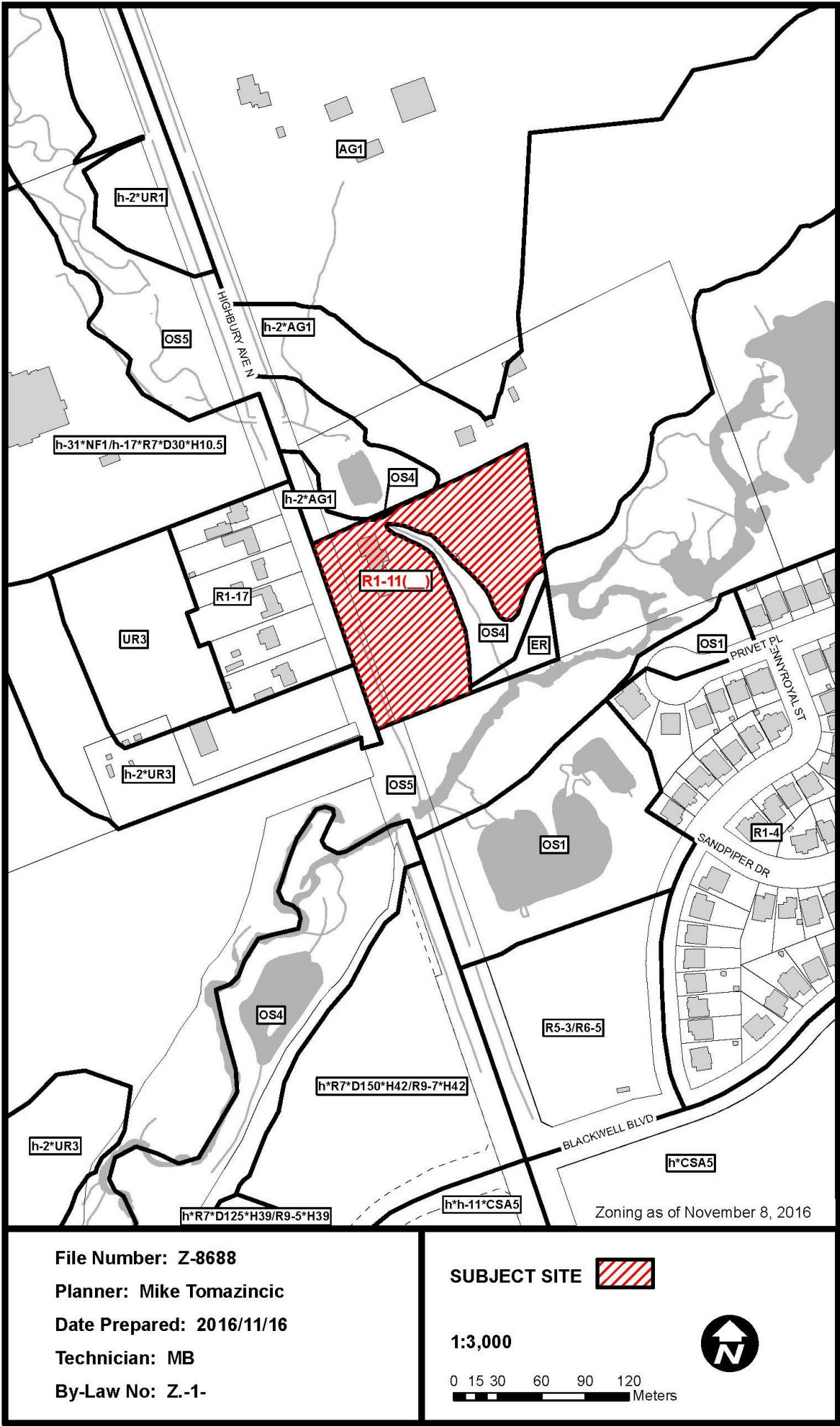
Catharine Saunders
City Clerk

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First Reading – December 6, 2016
Second Reading – December 6, 2016
Third Reading – December 6, 2016

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



Appendix "B"

AGENCY/DEPARTMENTAL COMMENTS

Wastewater and Drainage Engineering

*Currently there is no municipal sanitary sewer fronting the subject lands.
Also there is no sanitary sewer in proximity to these lands.
The subject lands are outside the Urban Growth Boundary.*

Development Services (Engineering)

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-Law amendments application:

Verbatim comments as per the SWED Division:

The Stormwater Engineering staff have no objection to the above-noted application to amend the zoning By-law. Please note the following:

- Any future development of this site shall be in accordance with the SWM criteria and targets for the Stoney Creek Subwatershed.*
- This site is located outside the Urban Growth Boundary.*
- There is no storm sewer available to service these lands.*
- This site is within the UTRCA regulated area and is cross by the Union Gas easement.*
- Additional SWM related comments may be required and provided upon future review of this site.*

Verbatim comments as per the WADE Division:

*Currently there is no municipal sanitary sewer fronting the subject lands.
Also there is no sanitary sewer in proximity to these lands.
The subject lands are outside the Urban Growth Boundary.*

Verbatim comments as per the Transportation Division:

Road widening dedication required on Highbury Ave measured 18.0m from centre line

We did not receive comment from the Water Division.

Upper Thames River Conservation Authority (Excerpts)

3.2.6 & 3.3.2 WETLAND POLICIES
New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature. While the UTRCA appreciates that this application is considered to be a technical amendment/correction, as part of our Section 28 permit approval process, the owner of the subject lands will be required to complete an Environmental Impact Study (EIS) as well as a Hydrogeological Assessment to the satisfaction of the Conservation Authority. These studies shall demonstrate that the permitted (as per the zoning)/proposed 3 single detached dwellings and the respective development envelopes (including servicing requirements i.e. septic systems) will not impact the hydrological function of the wetland and that there are no potential natural hazard impacts on the development.

RECOMMENDATION

The subject land are entirely regulated by the UTRCA and the necessary Section 28 approvals must be secured from the Authority prior to any site alteration or development being undertaken within the regulated area. As indicated, while we appreciate that this application is considered to

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be a technical amendment/correction, as part of the UTRCA’s Section 28 permit process, the owner of the subject lands will be required to complete an Environmental Impact Study as well as a Hydrogeological Assessment to the satisfaction of the Conservation Authority. These studies shall demonstrate that the permitted (as per the zoning)/proposed 3 single detached dwellings and the respective development envelopes (including servicing requirements i.e. septic systems) will not impact the hydrological function of the wetland and that there are no potential natural hazard impacts on the development. We strongly encourage the landowner to pre-consult with UTRCA staff regarding our submission requirements for the Section 28 permit including the EIS and the Hydrogeological Assessment.

Conseil Scolaire Viamonde (French Language Public School Board)

The Conseil Scolaire Viamond has no comments regarding file Z-8688