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TZ-8673  
B. Turcotte

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: ONTARIO 2049401 LTD. 555-557 RIDOUT STREET NORTH PUBLIC PARTICIPATION MEETING ON APRIL 24, 2017</b>

<b>RECOMMENDATION</b>
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- 1) That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Ontario 2049401 Ltd, relating to the property located at 555-557 Ridout Street North:
  - a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 2, 2017, to amend Zoning By-law Z.-1, in conformity with the Official Plan, by extending the Temporary Use "T-68" Zone for a period not exceeding eighteen (18) months.
  - b) The request to amend Zoning By-law Z.-1 to extend the Temporary Use "T-68" Zone to permit the existing Real Estate Agency for an additional three (3) year period **BE REFUSED** for the following reasons:
    - i. the applicant's timelines for the redevelopment of the site have been adjusted such that an extension of the Temporary Use "T68" Zone for an additional three years (3) is no longer considered necessary; and,
    - ii. The applicant has indicated that an extension of the temporary use zone for a period of eighteen (18) to twenty-four (24) months is sufficient time to undertake the necessary background studies for the redevelopment of the lands and secure the necessary planning approvals.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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Report of the Managing Director, Planning and City Planner, to the Planning and Environment Committee, April 9, 2013 recommending that lands located at 555-557 Ridout Street North be zoned a Temporary Use "(T-68)" Zone to permit a Real Estate Agency for a temporary period not exceeding three (3) years from the date of the passing of the by-law.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the recommended Zoning By-law amendment is to extend the existing Temporary Use (T-68) Zone to allow for the continuation of the existing Real Estate Agency use for a period not to exceed eighteen (18) months. The recommended Zoning By-law amendment will also serve to limit the number of vehicles that may park on the site as well as where these vehicles may park.

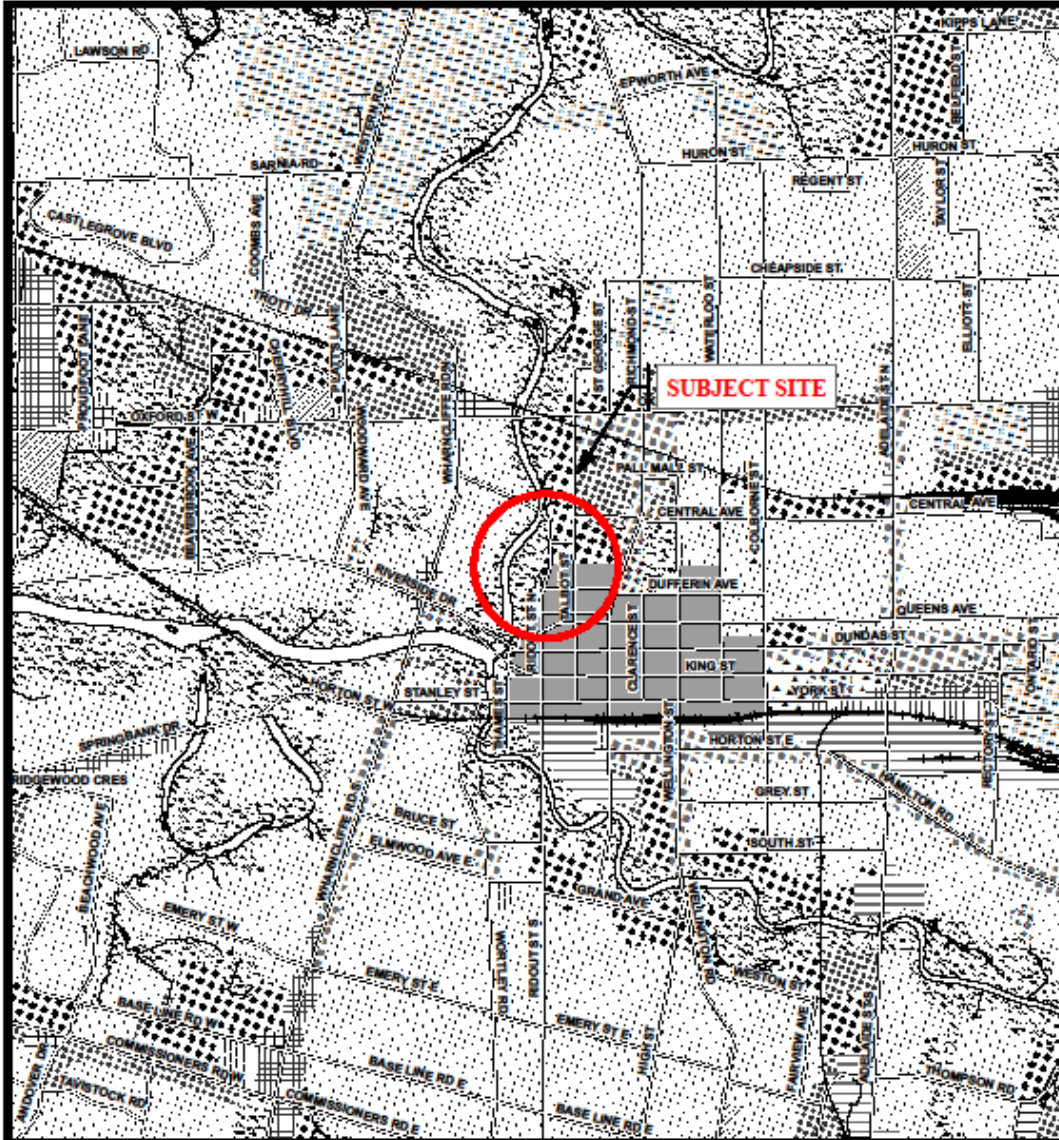
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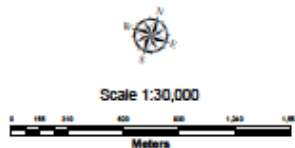


**Legend**

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

**CITY OF LONDON**  
Department of  
Planning and Development  
OFFICIAL PLAN SCHEDULE A  
- LANDUSE -

PREPARED BY: Graphics and Information Services

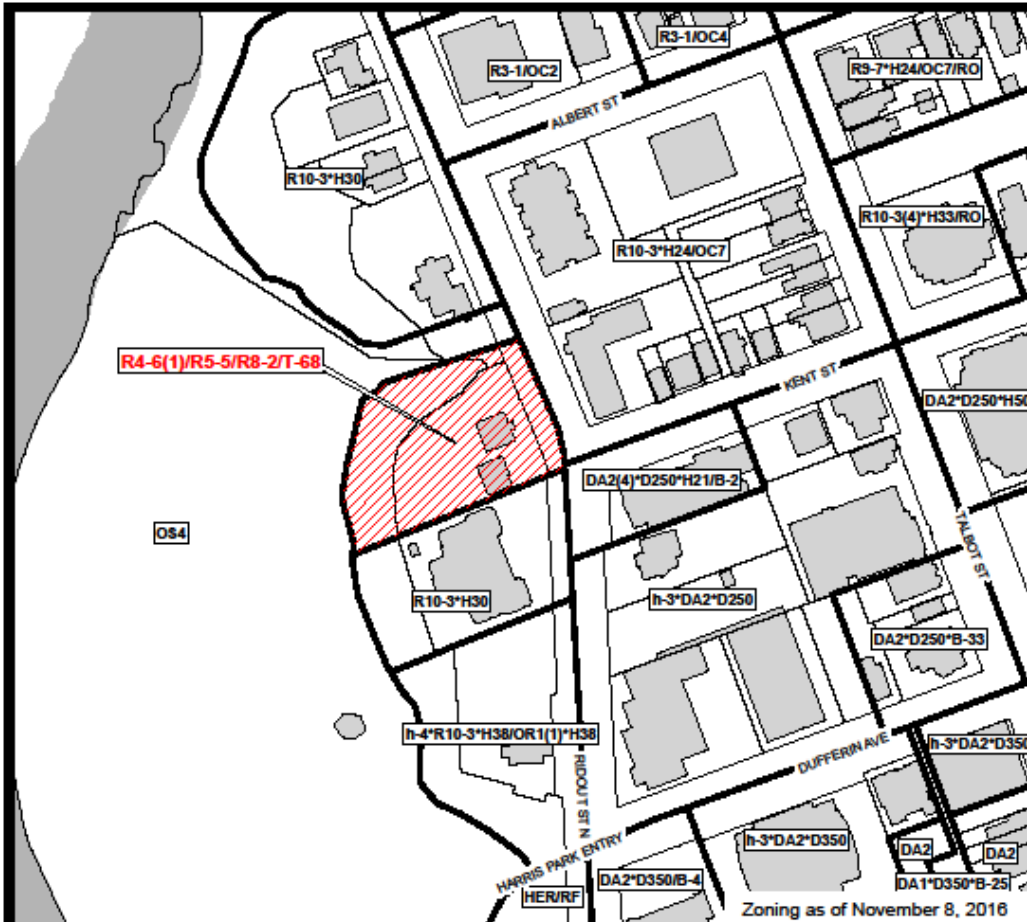


FILE NUMBER: TZ-8673  
PLANNER: BT  
TECHNICIAN: MB  
DATE: 2016/12/12

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid\excerpts\imad\_templates\schedule\_a\_b&w\_8x14\_with\_SWAP.mxd

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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R4-6(1)/R5-5/R8-2/T-68**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"H" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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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: TZ-8673		BT
MAP PREPARED: 2016/12/12		MB
1:2,000		
0 10 20 40 60 80 Meters		

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**RATIONALE**

1. The recommended Zoning By-law amendment is consistent with, and will serve to implement, the policies of the *Provincial Policy Statement, 2014* which promote infrastructure efficiencies and an appropriate range and mix of land uses;
2. The recommended Zoning By-law amendment is consistent with, and serves to implement the Temporary Use By-law policies of Section 19 of the City of London Official Plan;
3. The recommended Zoning By-law amendment will provide for the continuation of an existing real estate agency use for a temporary period of eighteen (18) months while background studies for the future redevelopment of the lands are undertaken and the necessary planning approvals are sought; and,
4. The recommended Zoning By-law amendment serves to restrict the number of vehicles that may park on the site. The recommended Zoning By-law amendment further serves to restrict front yard parking and permit parking in the interior side yard or rear yard of 557 Ridout Street North in response to local concerns.

**BACKGROUND**

<b>Date Application Accepted:</b> September 26, 2016	<b>Agent:</b> Zelinka Priamo (Casey Kulchycki)
<b>REQUESTED ACTION:</b> Possible change to Zoning By-law Z.-1 <b>FROM</b> a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone <b>TO</b> a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone to permit, in addition to the full range of uses in the Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone noted above, the continuation of the existing Real Estate Agency for an additional three (3) years.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Two (converted) single detached residential buildings on a common lot.</li> <li>• <b>Frontage:</b> 46 metres (151 feet);</li> <li>• <b>Depth:</b> Irregular;</li> <li>• <b>Area:</b> 0.22 hectares (0.54 acres);</li> <li>• <b>Shape:</b> Irregular.</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - Medium and high density residential;</li> <li>• <b>South</b> - High density residential;</li> <li>• <b>East</b> - Office and residential uses in the Downtown Area;</li> <li>• <b>West</b> - Open space and the Thames River.</li> </ul>

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**OFFICIAL PLAN DESIGNATION – See Official Plan Map** (Multi-Family High Density Residential)  
**EXISTING ZONING – See Zoning Map** (Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone)

**PLANNING HISTORY**

On December 14, 2012 Agent Realty (Ontario 2049401 Ltd.) submitted a Zoning By-law amendment application the purpose and effect of which was to permit service (real estate office) and professional office uses in an existing converted dwelling for a temporary period of three years. The proposal noted the property-owner’s long-term intent to redevelop the site for a new residential apartment building. In the short-term the property owner wished to use the site for their real estate business.

On April 9<sup>th</sup>, 2013 the Planning and Environment Committee received a report from the Managing Director, Planning and City Planner recommending that the property owner’s request to amend the Zoning By-law to permit “service and professional office” uses in an existing converted dwelling for a temporary period of up to three years be refused for the following reasons:

- *“...Temporary zones are intended to support a single new use and be implemented for a short period of time;*
- *The additional uses permitted by the service office and professional office definitions would promote additional tenants on the site that are not associated with the proposed high density residential land use; and,*
- *The request for service offices and professional offices could lead to potential long-term office uses on the site.”*

Notwithstanding the above, the Managing Director, Planning and City Planner’s report recommended that a new Temporary Use “(T-\_)” Zone permitting a “real estate office” use in an existing converted dwelling for a period not exceeding three (3) years be approved for the following reasons:

- *“The recommended temporary real estate agency use would conform to the policies for temporary uses in the City of London Official Plan;*
- *An appropriate long-term use has yet to be established for the subject lands however work is in progress for a high density residential apartment building. The proposed temporary real estate agency use would not hinder or prevent the site from future redevelopment and would assist with the sale of future units on the site;*
- *The temporary zoning is appropriate for the site based on its location and the limited impact the use would have on neighbouring properties; and,*
- *The subject site would be required to go through the site plan approval process to ensure that the site functions in an appropriate manner to accommodate the temporary use.*

At its session on April 16, 2013 Municipal Council resolved that the Z.-1 Zoning By-law be amended to permit a Real Estate Agency use for a temporary period not exceeding three (3) years.

On February 5, 2015 the property owner submitted a Change of Use Permit application to allow for the use of the main floor of 557 Ridout Street North for a real estate agency. Site Plan approval was not required through the Change of Use Permit application process.

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The Temporary Use “T-68” Zone, permitting a real estate agency use expired on April 16<sup>th</sup>, 2016.

On August 17<sup>th</sup>, 2016 the City of London accepted a Zoning By-law amendment application from the property owner - the purpose and effect of which was to extend the Temporary Use “T-68” Zone for an additional three (3) years.

On October 6, 2016, the City of London received an email from the property owner’s consultant providing additional information on the use of the subject lands:

*“The office use is at 557 Ridout Street [north] and uses approximately 1,200 square feet of floor area on the main floor. There is also a 3 bedroom residential unit in the lower level, and a 2-bedroom residential unit in the upper level.*

*555 Ridout Street [north] has 2 residential units, both 2 bedrooms (upper and lower levels).*

*I also spoke with Jason [Jason Sims – the property owner] about the parking situation and he confirmed that some personal from Lerner’s Lawyers do park on the site but he does not charge them for the use (personnel connection). The other vehicles on the site are residents and real estate office personal.”*

Staff would note that existing Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone of the Z.-1 Zoning By-law does not permit parking for (regardless of compensation) for off-site parking purposes.

On December 16, 2016 the City of London received an email from the property owner’s consultant in regards to the request for the extension of the Temporary Use (T-68) Zone. Without formally requesting an amendment to the requested three (3) year extension the email stated:

*“Zelinka Priamo has received direction to proceed with preparing a proposal summary for a zoning by-law amendment to permit high density residential development on the property (see Attachment 1). In addition to the proposal summary we will be meeting with the UTRCA early in the New Year to discuss the project and the development potential of the property and the UTRCA’s expectations for reports and studies. We are currently assembling a consulting team (surveyor, architect, engineer, etc.) to assist in preparing the submission materials for the proposal summary and the formal Zoning By-law Amendment. As this relates to the temporary zone extension, you are aware that Zoning By-law Amendments of this nature can be time consuming and we are seeking staff support for an 18 – 24 month extension of the current temporary zone to allow us time to work through the ZBA process and commence the Site Plan Approval while allowing the site to continue to operate as a real estate office use.”*

On January 3, 2017 the City of London received a further email from the property owner’s consultant requesting:

*“...that the Temporary Zone Extension application [be placed] on hold pending discussions with the UTRCA and the preparation of a proposal summary and preliminary submission materials regarding a Zoning By-law amendment for the subject lands to permit High Density Residential. We are currently working towards preparing the material but we feel additional time will assist in preparing a more complete package for review and consideration in conjunction with the Temporary Zone Extension...”*

At the request of the applicant’s consultant, the requested Zoning By-law amendment was placed on hold on January 3, 2017.

On March 3, 2017, the City of London received an update from for the property owner’s consultant in regards to a future Zoning By-law amendment application for the subject lands:

*“We are in the early stages of completing a Topographic Survey and Geotechnical/Slope*

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*Stability Report for the subject lands. Using the findings of these documents we will be able to determine the development limits of the subject lands and the type of development that is feasibly possible, whether high-rise or other form of housing. Once the type/form of development is determined we can finalize the Proposal Summary with conceptual drawings and a proper implementing zone request. We are expecting 8-10 weeks for completing the conceptual drawings. Once these drawings are prepared we can submit a Proposal Summary and meet with City Staff to determine next steps.*

*Given our experience with similar projects, I anticipate the following reports being required as part of a full Zoning By-law amendment application submission package:*

- *Planning Justification Report;*
- *Urban Design Brief (including conceptual plans and elevations);*
- *Traffic Impact Statement (assuming high-density development);*
- *Environmental Impact Statement;*
- *Functional Servicing Report;*
- *Hydrogeological Report.*

*Taking into consideration the time required to prepare the above list off reports, particularly the EIS, which would need to be scoped prior to undertaking, we are of the opinion that extending the Temporary Use Zone for an additional 18-24 months will allow for the preparation and submission of the formal Zoning By-law amendment with all supporting documents, and enough time to get through a majority, if not all of the ZBA approval process. Ideally, when the Temporary Zone expires we expect to be in the Site Plan Approval process and preparing to begin construction of the proposed development.”*

It is noted that a By-law Enforcement complaint regarding the expiration of the Temporary Use “T-68” Zone and the continued operation of the real estate office use was received by the City of London in 2016. This complaint is still active but is intended to be resolved by way of this application. An additional By-law Enforcement matter pertaining to the residential licensing for the two residential units located at 557 Ridout Street North remains unresolved. A Change of Use permit from Residential to Commercial is still under inspection.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**City of London Transportation Division comments:**

*A “Commercial boulevard parking [agreement] is required for any parking taking place in the City Right-Of-Way (ROW). If the applicant is not interested in utilizing the City ROW for parking then the boulevard is to be restored to City standards. The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.”*

**City of London Wastewater and Drainage comments:**

*“No comment.”*

**UTRCA comments:**

*“It is the UTRCA’s understanding that the existing temporary use - a real estate agency –is to be continued in an EXISTING STRUCTURE. The UTRCA has no objection to this application and*



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*we remind the applicant that any development or site alteration that is proposed on the site may require approvals from the Conservation Authority.”*

<b>PUBLIC LIAISON:</b>	On August 25, 2016, a Notice of Application was sent to 90 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on August 24, 2016. A “Possible Land Use Change” sign was also posted on the site.	One telephone inquiry.
<b>Nature of Liaison:</b> Possible change to Zoning By-law Z.-1 <b>FROM</b> a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone <b>TO</b> a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone to permit the continuation of the existing Real Estate Agency for an additional three (3) years.		
<b>Responses:</b> 3 emails were received in response to the Notice of Application (see Attachments 2, 3 and 4 to this report). The telephone inquiry sought clarification of the long-term use of the lands.		

**ANALYSIS**

**The Subject Site (existing uses, parking and the regulations of the Z.-1 Zoning By-law:**

The subject site is located on the west side of Ridout Street North at the “T” intersection of Ridout Street North (a Secondary Collector road) and Kent Street (a local street). The subject site is approximately 0.2 hectares (0.53 acres) in size and is occupied by two (converted) single detached converted dwellings (555 Ridout Street North and 557 Ridout Street North) and a graveled parking area. A portion of this parking area would appear to be within the City of London right-of-way (see Figure 1 below).

555 Ridout Street North contains two, two bedroom residential units. 557 Ridout Street North contains a: 111 square metre (1,200 square foot) real estate office on the main floor; two bedroom residential unit on the upper floor; and, a three bedroom residential unit in the basement.

The westerly half of the site has been identified as being within the Regulatory Limits of the Upper Thames River Conservation Authority. The westerly half of the site has also been identified as having archaeological potential in the City of London Archaeological Master Plan.

High Density and Medium Density Residential land uses abut the site to the south and to the east. Lands abutting the westerly property line are characterized by steep, heavily vegetated, slopes. Open Space as well as High and Medium Density Residential uses flank the subject site to the north.

The subject site is fully serviced with municipal works.

The subject site is zoned a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone. The Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone permits street townhouse, cluster townhouse, apartment buildings, handicapped persons apartment buildings, lodging class 2, stacked town housing, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities and a real estate agency for a temporary period not exceeding three (3) years.

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The Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone does not permit converted dwellings.

Through his consultant the applicant has confirmed that, in addition to the existing uses, the subject site is also used for off-site parking purposes.

The subject site is located in Parking Standard Area 1 of the Z.-1 Zoning By-law. The Building Division of Development and Compliance Services of the City of London has determined that a total of 4 parking spaces would be required for the existing on-site residential uses (555 Ridout Street North would require 2 parking spaces and 557 Ridout Street would require 2 parking spaces). Under Section 4.19(10)(a)(i) of the Z.-1 Zoning By-law, no additional parking spaces would be required for the temporary real estate office use.

Figures 1, 2, and 3 show the subject site. These photos show seventeen (17) vehicles parked on the site – a number of which would appear to be located in a graveled front yard area that extends across the entire frontage of the property immediately adjacent the City right-of-way.

**Figure 1 – 555-557 Ridout Street North**

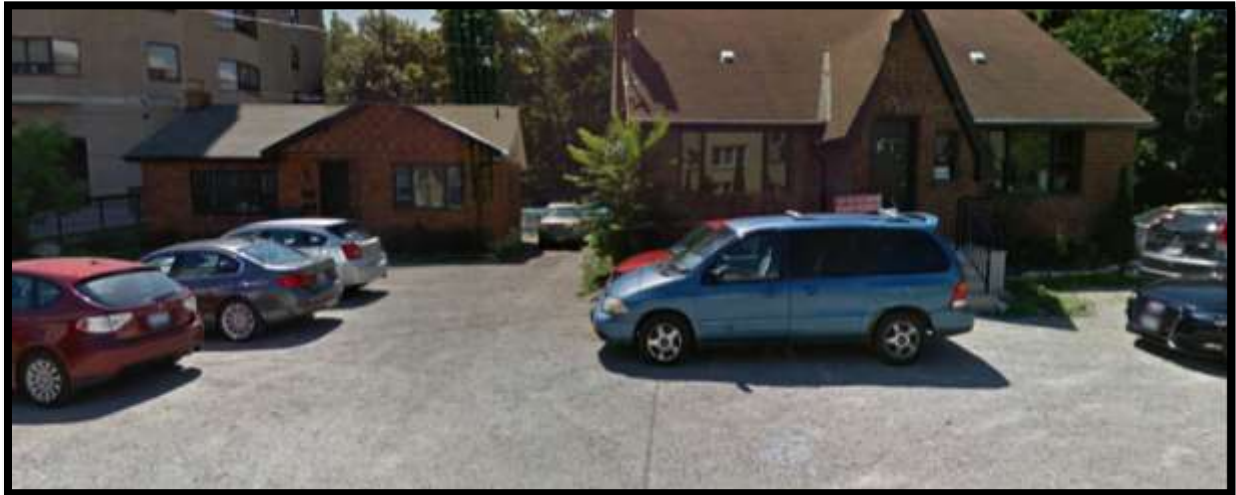


**Figure 2 – 555-557 Ridout Street North (parking in the interior and front yard)**



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**Figure 3 – 555-557 Ridout Street North (parking in the interior and front yard)**



Section 4.19.4)c) of the Z.-1 Zoning By-law states that within the Residential R1, R2, R3 and R4 Zones parking be permitted in the interior side yard and rear yard provided that no part of any parking area is located closer than 1 metre to any required road allowance. Section 4.19 4) is silent in respect to yards where parking areas are permitted in the Residential R5, R6, R7, R8, R9 and R10 Zones. The yards where parking areas would be permitted in these zones would be determined through a Site Plan Approval process.

The City's Transportation Department has commented that, if not used for commercial parking purposes (which is **not** permitted in the existing Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone) the City boulevard should be restored to City standards.

**The Scope and Nature of the Application:**

The applicant is seeking an extension of the Temporary Use "T-68" Zone to permit a Real Estate Agency for a temporary period not to exceed three (3) years. The proposed temporary office use would utilize the existing structure at 557 Ridout Street North until such time as the required planning approvals have been considered to permit the development of the site for a more appropriate use that is in keeping with the land use vision of the London Plan.

**Is the Requested Temporary Use "T-68" Zone Consistent with the *Provincial Policy Statement, 2014*?**

Part IV of the *Provincial Policy Statement, 2014* (PPS) provides policy direction that encourages appropriate and efficient development patterns to meet the full range of current and future needs of the planning authority.

The recommendation to permit the extension of the Temporary Use "T-68" Zone for a Real Estate Agency use in an existing structure will not prejudice, or cause to impede, the short or long-term comprehensive redevelopment of these lands for the higher density residential purposes for which they are designated and zoned. In the interim, the extension of the recommended Temporary Use "T-68" Zone is viewed as being consistent with, and serving to implement, Section 1.1.3. of the PPS which promote an appropriate range and mix land uses and the efficient use of land and infrastructure.

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**Is the Requested Temporary Use “T-68” Zone Consistent with the policies of the City of London Official Plan?**

The subject lands are designated Multi-Family, High Density Residential on Schedule A – “Land Use” to the City of London Official Plan. The Multi-Family, High Density Residential designation permits large-scale, multi-unit forms of residential development. Secondary uses that are considered compatible with high density residential development include group homes, community facilities, commercial recreation facilities, and small-scale office developments and are therefore contemplated in the Multi-Family, High Density Residential designation.

Section 3.6.9 (Office Conversions) of the Official Plan states that the conversion of dwellings within residential designations shall be allowed subject to additional policy.

The Official Plan also provides policy direction with regard to enabling provisions for temporary uses. Under Section 19.4.5 of the Official Plan, temporary use by-laws may be considered provided the general intent and purpose of the Official Plan is being maintained. In considering these temporary use by-laws (which may be passed for a period of no more than three years), the policies of the Official Plan state that Council shall have regard for the following matters:

*“(a) compatibility of the proposed use with surrounding land uses” and “(d) ‘the potential impact of the proposed use on transportation facilities and traffic in the immediate area;”*

The appropriateness of the request to add a real estate office use for a temporary period of up to three (3) was considered by Council in 2013 and found to be consistent with, and serving to implement, the policies for temporary uses in the City of London Plan.

Notwithstanding the above, the City of London has received emails (see Attachments 1 and 3) and telephone calls from the public expressing concern regarding existing site conditions and the requested action to extend the Temporary Use “T-68” Zone for an additional three years. These concerns may be summarized as follows:

- the size of the existing gravel parking area in the front yard;
- the location of the existing parking area;
- the number of vehicles that are typically parked on the site on a daily basis; and,
- safety concerns pertaining to line of sight and the location of the existing vehicular access points.

Momentarily putting aside those concerns noted above (which will be addressed in subsequent sections to this report) the recommended zoning by-law amendment will serve to provide for the extension of **a use** that has been previously determined to be consistent with, and serving to implement, the temporary use policies of the Official Plan.

The recommended Zoning By-law amendment will provide for the continuation of an existing real estate agency use for **a temporary period** of eighteen (18) months while background studies for the future redevelopment of the lands are undertaken and the necessary planning approvals are sought. In recommending the eighteen month extension, Planning Staff had consideration for: the applicant’s due diligence to provide for the redevelopment of the site since the Temporary Use “T-68” Zone was adopted by Council in May of 2013; the length of time since the lapsing of the Temporary Use “T-68” Zone in May of 2016; and, the stated opinion of the applicant’s consultant that “...an additional 18-24 months will allow for the preparation and submission of the formal Zoning By-law amendment with all supporting documents, and enough time to get through a majority, if not all of the ZBA approval process.

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*Ideally, when the Temporary Zone expires we expect to be in the Site Plan Approval process and preparing to begin construction of the proposed development”.*

Given the current land uses on the site, a total of 4 parking spaces would be required under the regulations of the Z.-1 Zoning By-law. No additional parking would be required for the requested Temporary real estate office use. Notwithstanding the Z.-1 Zoning regulations detailed above, staff are of the opinion, given the size of the site and its ability to accommodate additional parking for the temporary real estate office use, that additional parking spaces should be provided. Applying an existing Z.-1 regulation that would require one parking space for 45 square metres of non-residential development, the proposed 111 square metre temporary office use would require 3 parking spaces.

Noting the concerns that have been expressed by local residents pertaining to the number of vehicles that are typically parked on the site, the recommended Zoning By-law amendment will serve to limit the number of vehicles that may be parked on the site. Parking for commercial purposes is not permitted in the existing Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-68) Zone and has not been provided for in the recommended Zoning By-law amendment.

In support of the requested Zoning By-law Amendment the applicant submitted a site layout diagram delineating 10 parking stalls (see Figure 4). A local resident has written that cars “....parked up to the curb negatively affect the line of sight for residents of 549 Ridout Street North attempting to drive off our property..” (see Figure 5)

**Figure 4 – Site Layout Diagram**



- Site Layout extrapolated from applicant’s Planning Justification Report

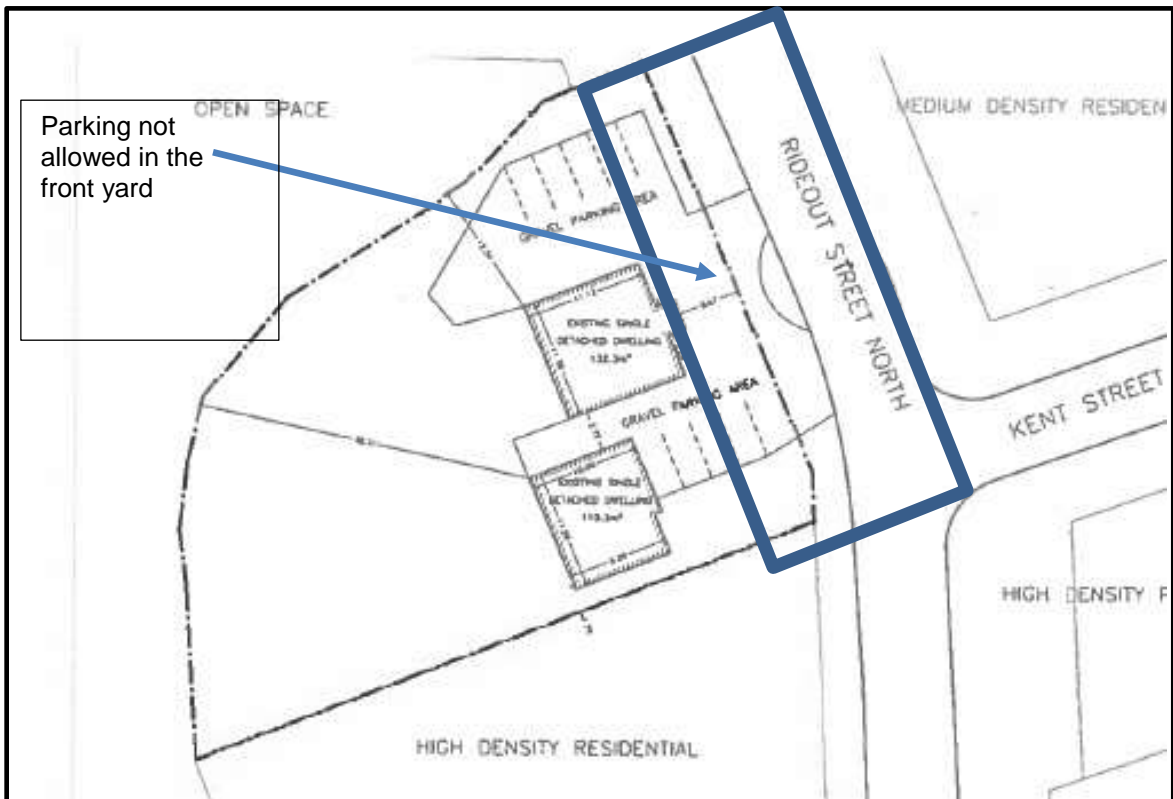
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Figure 5 – Parking in the City Right of Way



To remove parked vehicles from the City right-of-way, the recommended Zoning By-law amendment **will restrict parking to the interior side yard and rear yard of 557 Ridout Street North** (see Figure 6).



Site Layout extrapolated from applicant's Planning Justification Report

“(b) any requirement for temporary buildings or structures in association with the proposed use;”

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The applicant has indicated that no new buildings or structures are contemplated by way of the current application.

- (c) *“any requirement for a temporary connection to municipal services and utilities;”*

The subject lands are fully serviced with municipal sewer and water works.

- (e) *“access requirements for the proposed use;”*

The site is currently accessed via two curb cuts on Ridout Street North. No new accesses are contemplated by way of the requested Zoning By-law amendment.

- (f) *“Parking required for the proposed use, and the ability to provide adequate parking on-site;”*

There is a sufficient amount of land within the interior side yard and rear yard of 557 Ridout Street North to provide for the recommended seven (7) parking spaces.

- (g) *“the potential long-term use of the temporary use;”*

The applicant has indicated that an eighteen (18) to twenty-four (24) month extension would be sufficient time submit a Planning Application necessary to consider planning approvals for the redevelopment of the site. Planning Staff have been further advised that a Proposal Summary in support of a Zoning By-law amendment application can be expected in the next 8 to 10 weeks.

The recommended extension to the Temporary Use “T-68” Zone to provide for a real estate agency in an existing converted dwelling would serve to implement the Temporary Use policies of Section 19.4.5 of the Official Plan. The continuation of this Temporary Use “T-68” Zone would not hinder the future redevelopment of the site.

**The London Plan**

The ministry approved London Plan identifies the subject site as being within the Neighbourhood Place Type.

Policy 1025 identifies the specific policies for the Talbot Mixed Use Area Neighbourhood Place Type. These policies anticipate that there will be proposals for the conversion of existing dwellings to commercial and office use and for the redevelopment of these lands for multi-family residential uses.

Policy 1671 of the London Plan states that in enacting a temporary use by-law, Council will have regard for a number of considerations including, but not limited to, the compatibility of the use with surrounding land uses, parking for the proposed use, and the existing site layout.

The recommended Zoning By-law amendment would be consistent with, and would serve to implement, the policies of the London Plan.

**The Recommended Zoning By-law**

The recommended Zoning By-law amendment is consistent with, and will served to implement the temporary use policies of the City of London Official Plan.

The recommended Zoning By-law amendment to extend the duration of the temporary real estate agency use for a period of eighteen months (18) will allow sufficient time to allow for the preparation, submission and review of the necessary planning studies and applications that would be required for the redevelopment of the subject lands. The interim nature of the use will not place additional strains on municipal infrastructure nor will it hinder the short or long-term development

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of these lands.

<b>CONCLUSION</b>
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The recommended Zoning By-law amendment to is consistent with, and will serve to implement, the policies of the *Provincial Policy Statement, 2014*, and the policies of the City of London Official Plan.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BRIAN TURCOTTE SENIOR PLANNER, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

March 8, 2017

/BT

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

<b><u>Telephone</u></b>	<b><u>Written (e-mail)</u></b>
Steve Janes (resident of 549 Ridout Street North)	Barry Gryb 549 Ridout Street North, Unit 704 London ON N6A 5N5
	George Grant 203-420 Talbot Street London ON N6A 2S2
	AnnaMaria Valastro 133 John Street, Unit 1 London Ontario N6A 1N7

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**Bibliography of Information and Materials**  
**TZ-8673**

**Request for Approval:**

City of London Zoning Amendment Application Form, completed by Jason Sims (dated April 6, 2016) and Planning Justification Report completed by Zelinka Priamo (dated July 25, 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 File No. Z-8133

**Correspondence: (all located in City of London File No. TZ-8673 unless otherwise stated)**

**Departments and Agencies - (all located in City of London File No. TZ-8673 unless otherwise stated)**

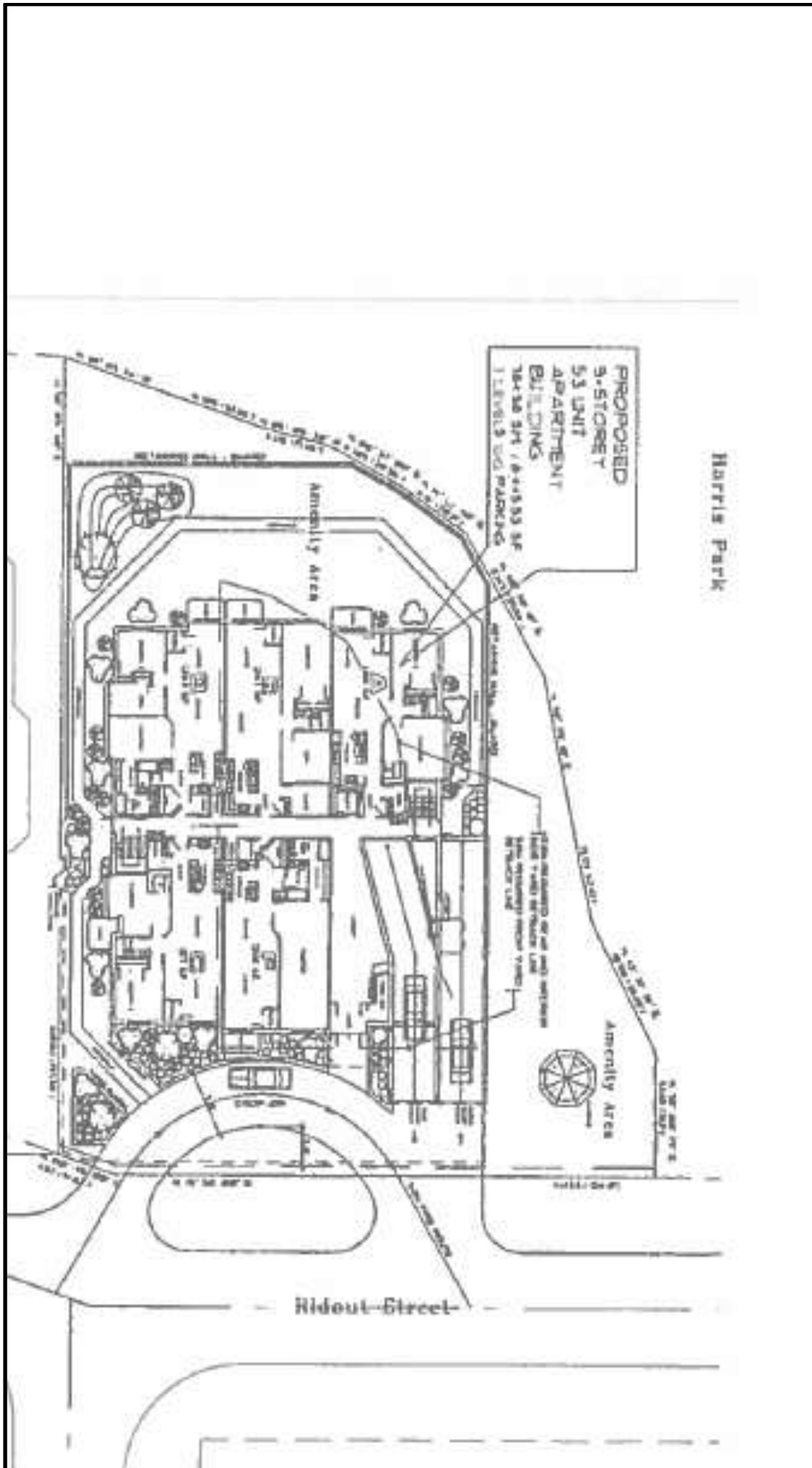
**Other:**

Site Visits

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Attachment 1 – Preliminary Design Concept



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**Attachment 2 – email from Barry Gryb**

To: Brian Turcotte

I am writing this email in response to the Notice Of Application To Amend The Zoning By-Law notice which I received in the mail this week. The file reference is TZ-8673.

I live at 549 Ridout St., North which is beside the 2 properties at issue here (555-557 Ridout St., N).

On April 16, 2013, Zoning By-Law Z.-1-132177 was passed. The purpose was to permit the use of a Real Estate Agency for a temporary period not to exceed 3 years. It was not intended that this temporary zoning be applied to the site over the long term. The intent of that amendment was for the ultimate redevelopment of the site to a high density residential use. Accordingly, as a condition of that redevelopment, the developer was to have been subject to the City's Site Plan Approval process. The Site Plan was to address on site standards and ensure appropriate parking was in place, vehicular and pedestrian accesses were addressed and garbage standards were met. This was all detailed in File Z-8133 (Planner: Mike Corby).

I have 2 main concerns:

1. The zoning was amended to give the Developer time to put a plan together to determine suitability of this site for a high rise building. He's had 3 years. He needs to show what has been accomplished to date. In 3 years, a significant amount of work should have been completed. If not, this application to extend the zoning by-law amendment should not be allowed. If it is allowed, in all likelihood we'll be looking at another extension in 3 years from now.

2. There has been nothing done regarding complying with the Site Plan process. The 2 properties have been basically turned into a parking lot, where vehicles from other residential buildings and businesses in the area are parking on these properties. Often, cars are parked right up to the curb on the east side of Ridout St. Isn't parking up to the curb a violation of parking by-laws? In addition, the 2 real estate signs that are mounted in front of the properties, along with cars parked up to the curb, negatively affect the line of sight for residents of 549 Ridout St. attempting to drive off our property. Vehicles driving up from Albert St. often are travelling at a high speed and there have been many close calls with vehicles trying to leave from our driveway. This situation will only get worse when Blackfriars Bridge eventually reopens to eastbound traffic and if this amendment gets extended. We do not want a serious accident occurring due to this situation. Also, unsightly garbage in front of 555 Ridout St. is a normal situation. This should not be allowed to continue and, for these reasons, the zoning by-law amendment should not be allowed.

Best Regards.

Barry Gryb

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B. Turcotte**

**Attachment 3 – email from George Grant**

I am sending this email to support this application to extend the temporary zoning on this property to allow the Real Estate office to operate for another 3 years.

I live on Ridout Street North and you will see I work in the area.

This Real Estate office is an asset to the area. It is quiet, well maintained, and causes no problems for the neighborhood. I was concerned, when they first set up business, that the motor vehicle traffic would be excessive but this is NOT the case.

My wife and I hope the City will allow this by-law amendment to pass.

Thank you.

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**GEORGE GRANT**

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B. Turcotte**

**Attachment 4 – email from AnnaMaria Valastro**

Dear Mr. Turcotte,

Can you please tell me if a public meeting has been held on this matter yet?

These two houses are a good example of mid-century homes and once very beautiful. The North Talbot Neighbourhood is trying to clean up properties that have been neglected by investment property owners and these properties stand out. We are especially concerned because of their proximity to Eldon House and Harris Park and ideally we would appreciate if these properties maintained a standard of care and integrity that reflects well on the historical nature of the area and its neighbors.

Therefore, I am asking that we find creative methods of restoring the integrity of these houses and the property and make it a condition of approval of the temporary holding.

May I suggest the following:

Limited the number of vehicles and the parking area.

Zone the area along the back slope as Open Space so to avoid any further erosion.

Review whether the 'mud' area is causing erosion and accelerating runoff.

Ensure that the properties are not used as one large property.

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B. Turcotte**

**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 555-557 Ridout Street North.

WHEREAS Ontario 2049401 Ltd. has applied to extend the Temporary Use (T-68) Zone as it applies to an area of land located at 555-557 Ridout Street North for a period not exceeding three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-132177 approved the Temporary Use for 555-557 Ridout Street North for a period not exceeding three (3) years beginning April 16, 2013;

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) Section Number 50.2 (68) of the Temporary (T) Zone is amended by adding the following subsection for the property known municipally as 555-557 Ridout Street North:

68) T-68

This Temporary Use is hereby extended for an additional eighteen (18) months beginning May 2, 2017.

a)Regulations

i) Yards where Parking is Permitted: interior side yards and rear yard of 557 Ridout Street North

ii) Parking Standard: a maximum of seven (7) vehicles may be parked on the site at one time.

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.

Agenda Item # Page #

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PASSED in Open Council on May 2, 2017.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - May 2, 2017  
Second Reading – May 2, 2017  
Third Reading – May 2, 2017