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H-8782
Alanna Riley

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: VILLAGE WEST DEVELOPMENTS 1355 COMMISSIONERS ROAD WEST (FORMERLY 1349-1361 COMMISSIONERS ROAD WEST) MEETING ON SEPTEMBER 11, 2017

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services based on the application of Village West Developments relating to the property located at 1355 Commissioners Road West the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 19, 2017 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the Zoning **FROM** a Holding Residential R8 Special Provision (h-5*R8-4(36)) Zone **TO** a Residential R8 Special Provision (R8-4(36)) Zone to remove the h-5 holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

July 17, 2017 – Public Site Plan meeting before the Planning and Environment Committee.

November 14, 2016 – Zoning By-law Amendment Report to the Planning and Environment Committee to permit a five storey apartment building with 51 residential units.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the h-5 holding provision from 1355 Commissioners Road West, to permit a five storey apartment building with 51 residential units.

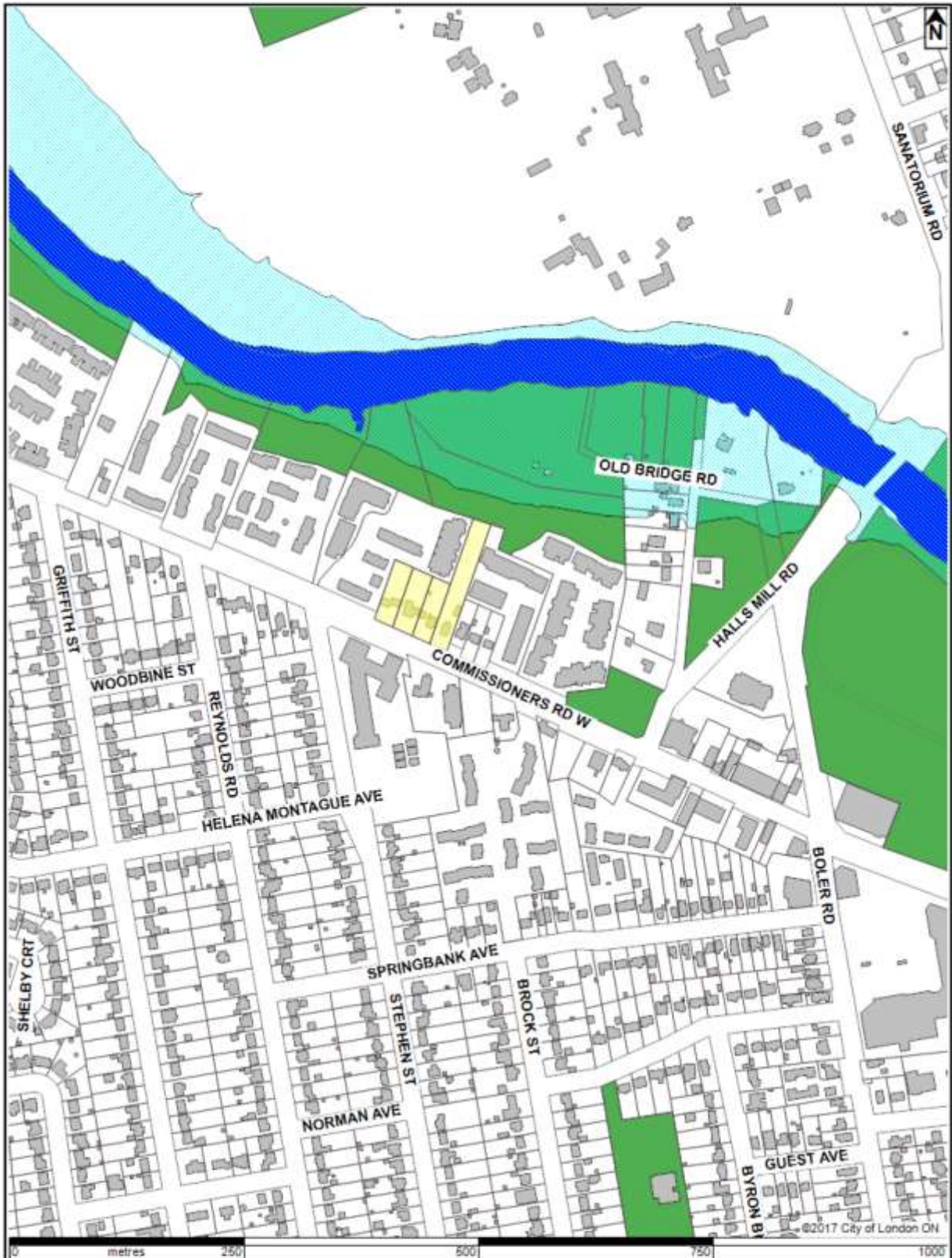
RATIONALE

1. The removal of the holding provision will allow for development in conformity with the Z-1 Zoning By-law.
2. Through the Site Plan Approval process, a public participation meeting was held and the issues regarding site design and construction have been addressed.

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Location Map



LOCATION MAP

Subject Site: 1349 Commissioners Road W
Applicant: VILLAGE WEST DEVELOPMENTS (LONDON) INC.
File Number: H-8782
Planner: Alanna Riley
Created By: Alanna Riley
Date: 2017-08-29
Scale: 1:5000

LEGEND

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



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BACKGROUND	
Date Application Accepted: May 23, 2017	Applicant: Village West Developments
REQUESTED ACTION: The purpose and effect of this zoning change is to remove the holding symbol to permit a five storey apartment building with 51 residential units.	
PUBLIC LIAISON:	Notice of the application was published in the Londoner on August 31, 2017
Nature of Liaison: City Council intends to consider removing the Holding (h-5) Provision from the subject land located at 1349-1361 Commissioners Road West. The purpose of this holding provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol.	
Responses: None	

ANALYSIS

The proposed development at 1355 Commissioners Road West is to permit a five storey apartment building with 51 residential units. The zoning was endorsed by Municipal Council on November 22, 2016.

A Public Site Plan meeting was held on July 17, 2017 to consider input from area residents on the proposed site plan. At that same Meeting a request from the applicant was considered to pass a resolution to allow the applicant to submit a Minor Variance Application to address height and setback relief from the Zoning By-law Amendment passed by Municipal Council in November of 2016. On July 25, 2017, Municipal Council passed the following resolution:

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by Village West Developments (London) Inc., relating to the property located at 1355 Commissioners Road West:

- a) *the Approval Authority BE ADVISED that no issues were raised at the public meeting held by the Planning and Environment Committee with respect to the application for Site Plan approval to permit the construction of a five (5) storey apartment building;*
- b) *the Approval Authority BE ADVISED that the Municipal Council has issues with respect to the construction staging, the sidewalk and accessibility, relating to the Site Plan Application (subject to any required revisions);*
- c) *in accordance with section 45 (1.4) of the Planning Act, R.S.O. 1990, c.p. 13, as amended, consent BE GIVEN to the Secretary-Treasurer of the Committee of Adjustment to accept an application for Minor Variance from Village West Developments (London) Inc. for the property located at 1355 Commissioners Road West to seek consideration of approval for the development of a proposed five (5) storey apartment*

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building at the subject property, at a maximum height of 17.5 metres to accommodate proposed parapets; and,

- d) *the Civic Administration BE REQUESTED to provide notification related to Committee of Adjustment application resulting from c) above, to anyone who made a submission regarding previous applications before the Planning and Environment Committee regarding the subject property, and to property owners within 120 metres of the subject property;*

it being pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2017-D11) (AS AMENDED) (16/14/PEC)

A Minor Variance Application (A.132/17) was submitted by the applicant and is scheduled to be heard before the Committee of Adjustment on September 11, 2017. As per the Council Resolution, the application was for the consideration of approval for relief to the height regulations of the Residential Special Provision R8 (R8-4(36) Zone to permit a maximum height of 17.5 metres to accommodate proposed parapets for the five (5) story apartment building. The Notice of Application for the Minor Variance Application was sent to property owners within 120 metres of the subject property and to anyone who made a submission regarding the previous applications before the Planning and Environment Committee regarding the subject property.

The Site Plan that was submitted for approval is substantially the same plan that was shown at the Pubic Site Plan Meeting on July 17, 2017. Municipal Council, as noted in the Resolution, had concerns relating to construction staging, the sidewalk and accessibility. Both the Development Agreement and Engineering Plans for this development include language and measures that ensure that the existing sidewalk will remain open to the public for use until the new sidewalk has been constructed and deemed operational. Furthermore, construction of the new sidewalk and services shall be completed in a manner that minimizes disturbances and closure of the existing sidewalk.

Why is it Appropriate to Remove the Holding Provision?

The (h-5) holding provision states that:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol.”

The Development Agreement has been signed by the owner and is expected to be registered shortly. This satisfies the requirement for removal of the “h-5” holding provision.

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CONCLUSION

A Public Participation Meeting was held to address site plan matters and a Development Agreement has been executed, confirming conformity to the approved Zoning and Site Plan Control By-law. This satisfies the condition for removal of the “h-5” holding provision and will allow development to proceed in accordance with the approved zoning. The Development Agreement and the Accepted Engineering Plans will contain measures that address construction staging and access to the sidewalks during construction.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	LOU POMPILII, MPA, RPP MANAGER, DEVELOPMENT PLANNING
CONCURRED IN BY:	SUBMITTED BY:
PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

September 1, 2017
AR/ar

Agenda Item # Page #

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for the lands located at 1355 Commissioners Road West.

WHEREAS Village West Developments has applied to remove the holding provision from the zoning for the lands located at 1355 Commissioners Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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 a portion of the lands located at 1355 Commissioners Road West, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R8 Special Provision (R8-4(36)) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 19, 2017.

Matt Brown
Mayor

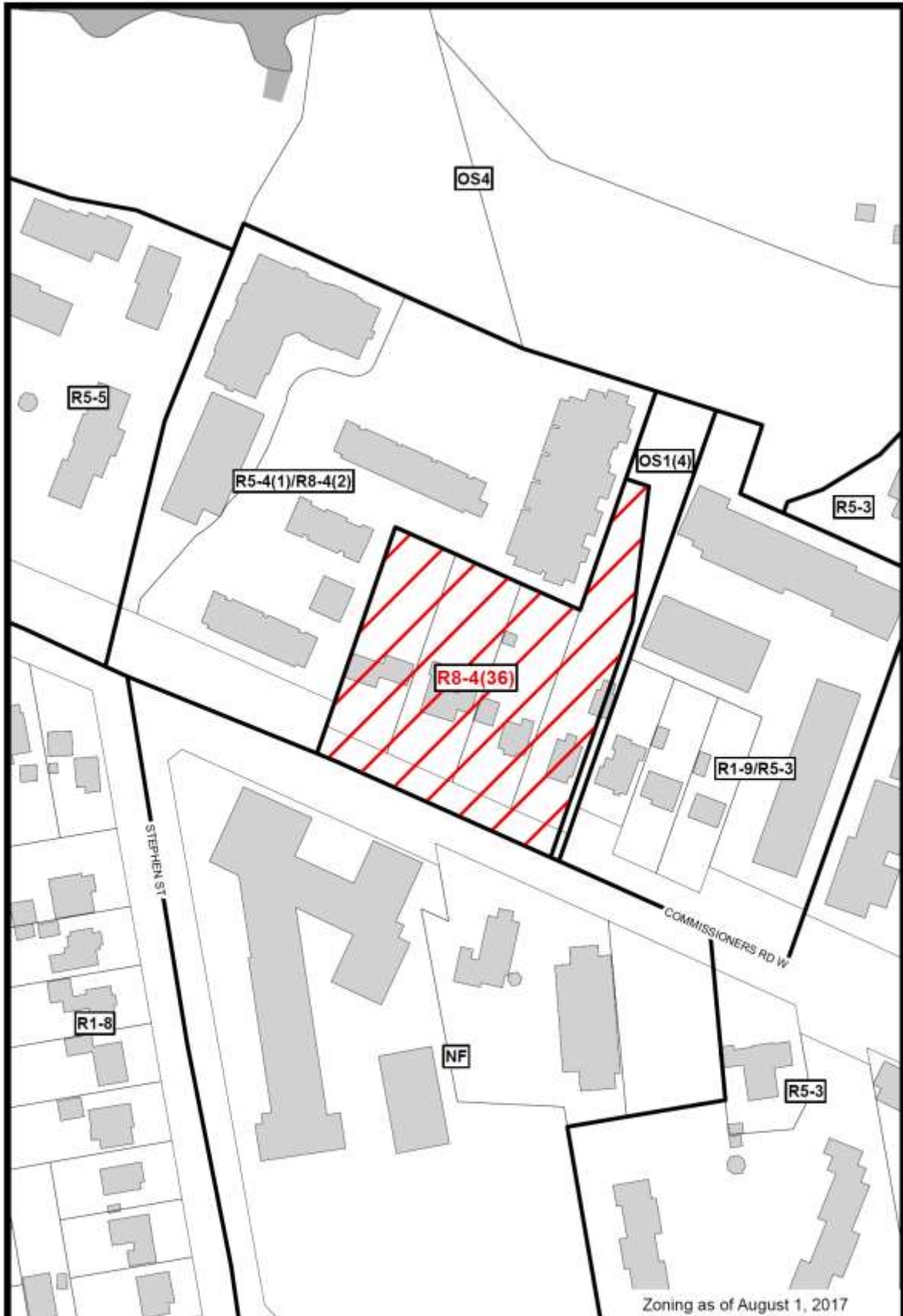
Catharine Saunders
City Clerk

First Reading - September 19, 2017.
Second Reading - September 19, 2017.
Third Reading - September 19, 2017.


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



File Number: H-8782
Planner: AL
Date Prepared: 2017/08/29
Technician: WR
By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
Meters

