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H-8460/S. Meksula

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 2353034 ONTARIO LTD. C/O PAUL HINDE 510 CENTRAL AVENUE MEETING ON JANUARY 22, 2018</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Planner II, Development Services, based on the application of 2353034 Ontario Ltd. c/o Paul Hinde relating to the property located at 510 Central Avenue the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 30, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 510 Central Avenue **FROM** a Holding Residential R3 (h-5\*h-193\*R3-2(11)) Zone **TO** a Residential R3 (R3-2(11)) Zone to remove the h-5 and h-193 holding provisions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**November 18, 2014 Report to the Planning and Environment Committee (Z-8141)**

Report recommending approval of a Zoning By-law amendment for the future development of five (5) residential units within a multi-unit dwelling on this parcel.

**July 20, 2015 Report to the Planning and Environment Committee (SP15-005984)**

Report and Public Site Plan Meeting recommending that Planning and 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 the construction of a five (5) unit multiple residential dwelling; and, that 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.

**November 2, 2015 Report to the Planning and Environment Committee (SP15-005948)**

Report recommending that in response to letters of appeal by Donald de Jong to the Ontario Municipal Board dated August 4, 2015, Planning and Environment Committee direct the City Solicitor to provide legal representation to the Ontario Municipal Board in regards to the appeal.

**March 6, 2017 Application to the Committee of Adjustment (A.023/17)**

**Purpose of Application** - To construct a multiple dwelling with 5 units.

**Variances Requested:**

1. To permit a 2.4m (7.8') rear yard setback whereas 7.0m (22.9') is required.
2. To permit a 1.2m (3.9') west interior side yard setback whereas 2.4m (7.8') is required.
3. To permit zero parking spaces whereas 5 and 1 minimum onsite are required.
4. To permit 16.48% parking area coverage whereas 15% is the maximum.

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**June 6, 2017 - Report to the Planning and Environment Committee (SP17-021)**

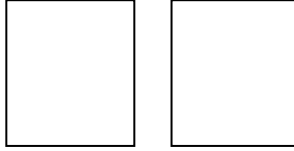
Report and Public Site Plan Meeting recommending that Planning and Environment Committee report to the Approval Authority the issues, if any, raised at the public meeting with respect to the application for a Revised Site Plan approval to permit the construction of a five (5) unit multiple residential dwelling; and, that 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.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of this zoning change is to remove the holding symbols to permit the development of a one (1) Multiple dwelling, three (3) stories in height with a total of 5 residential units.

**RATIONALE**

1. The conditions for removing the holding (h-5 & h-193) provisions have been met and the recommended amendment will allow development of five (5) residential units within a multi-unit dwelling on this parcel in compliance with the Zoning By-law.
2. As part of the site plan review, the plans, building elevations, landscaping and parking arrangements were reviewed for compliance with both the neighbourhood, City staff and Municipal Council's expectations identified at the Public Site Plan Meeting of June 6, 2017 and the Zoning By-law. The plans have now been accepted and are consistent with the plans presented at the June 6 PEC meeting. The Development Agreement has been executed and is currently registered.
3. Performance security has been posted with the City in accordance with City policy to ensure that as redevelopment proceeds, it is consistent with the approved plan.

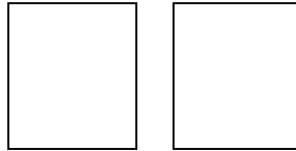


**LOCATION MAP**  
Subject Site: 510 Central Ave  
Applicant: 2353034 Ontario Ltd C/O Donald De Jong  
File Number: H-8460  
Planner: Sean Meksula  
Created By: Sean Meksula  
Date: 2015-03-03  
Scale: 1:1200

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

**LEGEND**

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



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Zoning as of May 1, 2017



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-199\*h-200\*L11/LI2/LI4/LI5**

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

- |  |   |
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| <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: H-8460	SM
MAP PREPARED: June 9, 2017	SM
1:1,500 0 5 10 20 30 40 Meters	

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<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> March 11, 2015	<b>Owner:</b> 2353034 Ontario Ltd. c/o Paul Hinde.
<p><b>REQUESTED ACTION:</b> City Council intends to consider removing the h-5 &amp; h-193 holding provisions from lands that ensures a public site plan meeting be held and that adequate parking is provide for 510 Central Avenue by providing an easement for parking and vehicular ingress/egress over 609 William Street to the satisfaction of the Managing Director, Planning and City Planner. Council will consider removing the holding provision as it applies to these lands no earlier than May 19, 2015.</p>	

<b>PUBLIC LIAISON:</b>	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on March 12, 2015
<p><b>Nature of Liaison:</b></p> <p>The purpose and effect of this zoning change is to remove the holding symbol to permit the development of a 5 unit multiple dwelling.</p>	
<p><b>Responses:</b> None</p>	

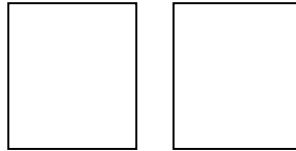
<b>ANALYSIS</b>
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**What is a Holding Provision?**

Section 36 of the Planning Act states: *The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.*

The intent of a holding provision is to ensure that the lands that the holding provisions are applied to are not developed prior to certain conditions or requirements being satisfied. The conditions or requirements of the holding provision are to ensure for the orderly development of the land. Typically, holding provisions have generalized conditions such as the provision of City services, completion of required studies and entering into development agreements. They are also applied to address site specific issues. The h-5 and h-193 Holding Provisions were applied to the subject lands at the time these lands were rezoned in 2014. The holding provisions were put in place to ensure that a public site plan meeting be held and that adequate parking is provided for 510 Central Avenue by providing an easement for parking and vehicular ingress/egress over 609 William Street.

**Appeal to the Ontario Municipal Board**



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On August 4, 2015, subsequent to the July 20, 2015 Planning & Environment Committee resolution, the proposal was appealed to the Ontario Municipal Board by the applicant.

On January 8, 2016 the Ontario Municipal Board provided the following disposition in regards to the Site Plan:

- The applicant was ordered to remove the proposed westerly driveway and to revise their Site Plan accordingly.
- The applicant was ordered to incorporate a pedestrian walkway along the eastern access driveway to allow tenants and visitors of the front units to access those units safely.

The Ontario Municipal Board withheld its order pending confirmation from the parties that the site plan has been finalized in accordance with the Board's direction above.

The items noted above provide further direction for Site Plan staff in the review of this application.

**Why is it Appropriate to remove this Holding Provision?**

On October 25, 2016, a revised proposal was brought forward by the applicant as part of a request for Site Plan Consultation.

A Community Meeting was held on Thursday, December 15, 2016 at City Hall hosted by the applicant to solicit community input in regards to the proposed revised Site Plan. Multiple residents and stakeholders attended the meeting as did staff from Development Services and Urban Design. The revised plans were well received by residents. Some minor adjustments were requested and most were reflected in the revised plans.

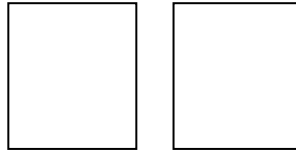
The revisions triggered a Minor Variance Application which was accepted, circulated with public input and approved by the Committee of Adjustment in March of 2017. Following the Notice of Final Decision by the Committee of Adjustment, on March 28, 2017 a revised application for Site Plan Approval (SP17-021) was brought forward by the applicant

A public Site Plan Meeting was held at the Planning and Environment Committee on June 6, 2017 and the following resolution of Council was adopted:

*I hereby certify that the Municipal Council, at its meeting held on June 13, 2017 resolved:*

*10. That, on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to the site plan approval application by 2353034 Ontario Ltd. (Don de Jong), relating to the property located at 510 Central Avenue:*

- a) *the Approval Authority BE ADVISED that, at the public participation meeting of the Planning and Environment Committee held with respect to the application for Site Plan approval to permit the construction of a three storey, multiple dwelling, with a total of five (5) residential units at 510 Central Avenue and the offsite provision of one accessible parking spot provided on the adjacent 609 William Street, issues were raised with respect to the continual amendments to the proposed building design; it being noted that the public expressed support for the drawings provided at the June 6, 2017 Planning and Environment Committee meeting; and,*
- b) *the Approval Authority BE ADVISED that the Municipal Council supports the Site*



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*Plan application to permit the construction of a three storey, multiple dwelling, with a total of five (5) residential units at 510 Central Avenue and the offsite provision of one accessible parking spot provided on the adjacent 609 William Street;*

Site Plan Approval (SPA17-021) is imminent for this development. The accepted Plans for approval are consistent with drawings and details provided at the June 6, 2017, Public Site Plan Meeting.

The purpose and effect of this proposal is to develop the subject lands, as approved by Council on June 13, 2017. The Site Plan, as approved, would result in the demolition of an existing structure and the construction of a five-unit, Multi-Unit dwelling. The proposed development is in accordance with the Site Plan Control By-law, Zoning By-law and the Council previous resolutions of Council and will be in conformity with the Official Plan, the London Plan and consistent with the Provincial Policy Statement.

**h-5 Holding Provision**

The purpose of the h-5 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 under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol”.*

A public participation meeting was held on June 6, 2017 at the City of London Planning and Environment Committee (PEC). All matters brought forward have been addressed and the accepted plans are consistent with the plans circulated and presented to members of the public and Council at the June 6, 2017, Public Meeting.

**h-193 Holding Provision**

The purpose of the h-193 holding provision is:

*To ensure that adequate parking is provided for 510 Central Avenue, the "h-193" symbol shall not be deleted until an easement for parking and vehicular ingress/egress is provided over 609 William Street to the satisfaction of the Managing Director, Planning and City Planner.*

*Permitted Interim Uses: Only within existing buildings*

In November 2014, at the time the h-193 holding provision was applied, it was intended to maintain the existing driveway from Central Avenue, which was located along the west property boundary of 510 Central Avenue. The intent of this driveway is to provide access to one parking space located in the interior side yard between the new building and west property line, and to accommodate the other four required parking spaces through a combination of rear and yard parking at 510 Central Avenue, and off-site parking at 609 William Street.

In February 2015, an application for consent was submitted for the subject lands to facilitate the development of a 5 unit multiple dwelling by establishing the required easement as per the h-193 holding provision. The easement for parking and vehicular ingress/egress over 609 William Street has been registered on title for this site as ER1142813 on November 24, 2017. As a result of the established easement with the subject site and the abutting residential lands, access from 609 William is now an appropriate alternative. The h-193 holding provision may be removed to facilitate the development of the 5 unit multiple dwelling use for which it is zoned.

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<b>CONCLUSION</b>
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Through the Site Plan Approval process, a public participation meeting was held on June 6, 2017 and the issue of site design has been addressed. Through the Consent process an easement for vehicular ingress/egress has been registered on title for this site. As a result it is appropriate at this time to remove the holding provisions “h-5” and “h-193” from these lands.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>SEAN MEKSULA, MCIP RPP PLANNER II, DEVELOPMENT PLANNING</b>	<b>LOU POMPILII, MPA, RPP MANAGER, DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>PAUL YEOMAN RPP, PLE DIRECTOR, DEVELOPMENT SERVICES</b>	<b>G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

SM/



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 holding provisions from the zoning for a portion of land located at 510 Central Avenue.

WHEREAS Vista Woods Estates Inc. have applied to remove the holding provisions from the zoning for a portion of the lands located at 510 Central Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions 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 510 Central Avenue, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R3 (R3-2(11)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 30, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - January 30, 2018  
Second Reading – January 30, 2018  
Third Reading - January 30, 2018

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H-8460/S. Meksula

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



File Number: H-8460

Planner: SM

Date Prepared: 2017/06/08

Technician: SM

By-Law No: Z.-1-

SUBJECT SITE

1:1,000

0 5 10 20 30 40 Meters



06/05/2017