

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas, P.Eng
Managing Director, Development & Compliance Services
& Chief Building Official

Application By: Extra Realty Limited
660 Sunningdale Road East - Applewood Subdivision
Meeting on February 20, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the revised Draft Plan of Subdivision and Zoning By-law Amendment applications relating to the property located at 660 Sunningdale Road East, located on the northwest corner of Sunningdale Road East and Adelaide Street North (legally described as the South Half of Lot 13, Concession 6, (Geographic Township of London):

- (a) the proposed by-law attached hereto as Appendix "A" 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 the subject property FROM a Holding Residential R1 Special Provision (h•h-100•h-173•R1-5(11)) Zone, a Holding Residential R4 Special Provision (h•h-100•h-173•R4-2(1)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(15)/R6-4(16)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(16)/R6-4(17)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(17)/R6-5(34)/R8-4(26)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-6(9)/R6-5(38)/R8-4(27)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•D75•H18) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•D75•H18) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(9)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)) Zone, an Open Space (OS1) Zone, and an Open Space Special Provision (OS4(10)) Zone TO a Holding Residential R1 (h•h-100•h-173•R1-3) Zone, to permit single detached dwellings with a minimum lot area of 300 m² and minimum lot frontage of 10 m; a Holding Residential R1 Special Provision (h•h-100•h-173•R1-4(27)) Zone, to permit single detached dwellings with a minimum lot area of 360 m² and minimum lot frontage of 12 m, with a special provision for a reduced front yard setback of 3.0 metre to the house and 5.5 metre to the garage from a collector or local road, and a reduced interior side yard setback of 1.2 metres; a Holding Residential R1 Special Provision (h•h-100•h-173•R1-5(12)) Zone, to revise the required rear yard dwelling setback to 13.8 m; a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•D75•H18) Zone, to add a special provision to prohibit dwelling units on the first floor; a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•D75•H18) Zone, to add a special provision to prohibit dwelling units on the first floor, to add new regulations related to existing barns, and to add regulations related to height, orientation of entrance, front yard setback and gross floor area for any new buildings; a Holding Business District Commercial Special Provision/Temporary (h•h-100•h-173•BDC2(9)•H18/T-(___)) Zone, to add a special provision to prohibit

dwelling units on the first floor, to add a maximum height of 18m, and to permit BDC uses on a temporary basis within the existing dwelling as of the date of passing of the by-law; a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)*H18) Zone, to add a special provision to prohibit dwelling units on the first floor, and to add a maximum height of 18m; an Open Space (OS1) Zone to permit conservation lands and works, public and private parks, and public and private golf courses, and an Open Space Special Provision (OS4(10)) Zone to permit conservation lands and public parks, with a special provision to permit the lands/area within the OS4 Zone to be used in the adjacent Residential Blocks for the purposes of calculating lot area, density, lot coverage, and landscape open space; and

- (b) No further public notice required pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law noted in Part (a) above for the reasons that:
- i) the revisions to the proposed by-law are minor in nature; and,
 - ii) it continues to implement a subdivision design that is generally consistent with the proposed Draft Plan of Subdivision and Zoning By-law Amendment circulated with the Notices of Application and Public Meeting.

Executive Summary

Summary of Request

The requested zoning amendment was deferred by Planning and Environment Committee and Municipal Council. The requested change refers to one block (Block 46) whereby staff have included provisions in the Business District Commercial Zoning (BDC2(9)) to permit ground floor residential to the rear of commercial/office uses along Blackwater Road, within an apartment building as defined in the revised by-law. All other zoning is recommended as per the previous zoning by-law amendment.

Summary of Recommended Action

The recommended action is to amend the Zoning that applies to Block 46 by adding additional special provisions that permit apartment buildings within a mixed use building restricted to the rear portion of the ground floor or above with any or all of the permitted uses in the front portion of the ground floor. The restrictions on ground floor residential for all other BDC Blocks will remain.

Rationale of Recommended Action

The policies of the Main Street Commercial (Official Plan) and Main Street (London Plan) permit residential units on the ground floor to the rear of commercial/store fronts. The addition of residential to the rear meets the policies of the Official Plan and the new London Plan, and will help support the construction of the main street as envisioned by the plan. The zoning reflects the optimum building type that would be contemplated (apartment buildings) and defines the type of dwelling unit that can be located to the rear of commercial for Block 46. All other special provisions in the zone remain unchanged.

Analysis

1.0 Relevant Background

At the Planning and Environment Committee meeting on January 22, 2018, Staff proposed a prohibition on first floor residential within the Business District Commercial (BDC) zoning for four blocks within the draft plan of subdivision. The Applicant had previously indicated through discussions that they may wish to optimize the “residential” component of the BDC Zone and build minimal commercial/office uses.

The Council resolution from January 30, 2018 stated the following:

“That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the revised Draft Plan of Subdivision and Zoning By-law Amendment applications by Extra Realty Limited, relating to the property located at 660 Sunningdale Road East, located on the northwest corner of Sunningdale Road East and Adelaide Street North (legally described as the South Half of Lot 13, Concession 6, (Geographic Township of London):

- (a) the proposed zoning by-law amendment appended to the staff report dated January 22, 2018 BE REFERRED back to the Senior Planner, Development Services for further review and report back with respect to the request from the applicant to permit dwelling units to be located on the ground floor within the proposed Special Provision BDC2 zone;”*

After the PEC meeting, the Applicant provided revised concepts for Block 46, which demonstrated residential to the rear of commercial along Blackwater Road. Based on these further discussions and clarifications, Staff are supportive of permitting ground floor apartment units in the context of a mixed-use apartment building for one of the subdivision blocks (Block 46), while the other BDC blocks would continue to have the zoning as recommended (i.e. no ground floor dwelling units). Analysis is provided below.

2.0 Key Issue

Through the zoning by-law amendment request, the Applicant requested increases in height for both Blocks 46 and 47 to 18.0 m. These Blocks are zoned BDC2, which provides for a wide range of commercial and office type uses. Although a height of 18.0m is not encouraged through the London Plan policies, the current Official Plan has no such restriction on height related to the Main Street Commercial designation. Staff, however, were concerned with the Applicant’s inquiries on the type of ground floor residential that would be permitted on site. The Applicant had indicated through discussions that they may wish to optimize the “residential” component of the BDC Zone and build minimal commercial/office uses.

After the PEC meeting, Staff and the Applicant have had further dialogue to clarify the request for ground floor apartment units within a mixed use apartment building, while maintaining the intent of the main street for the subdivision. The Applicant provided the below concepts to demonstrate how residential uses to the rear of commercial for Block 46 could be feasible. Staff are not supportive of a similar amendment to the other BDC2 Zones within this redlined subdivision at this time. The larger depth of Block 46 and its interface with residential uses on the north side of Kleinberg Drive are the main reasons Staff have reconsidered this minor amendment. The same conditions/sizes are not present on the other BDC2 blocks. Similar ground floor prohibitions were present with the previous BDC2(7) and BDC2(8) Zones, and they continue to be carried forward with this amendment. The lotting of these blocks do not create viable opportunities for residential uses on the ground floor of a mixed-use building and are not consistent with

the intent and overall vision of this development. The size of the remaining blocks is more appropriate for mixed-use commercial development, rather than rear residential. The regulations in the BDC Zone will restrict residential units above the first floor for any mixed use building within this development. This ensures there are no “loopholes” in the zoning to permit forms of residential uses that are not compatible with development objectives for this subdivision. Encouraging mixed use buildings is a key tenant of the new Main Street policies of the London Plan.

The policies of the Main Street Commercial (Official Plan) and Main Street (London Plan) permit residential units on the ground floor to the rear of commercial/store fronts. The addition of residential to the rear meets the policies of the Official Plan and the new London Plan, and will help support the construction of the main street as envisioned by the plan. The zoning reflects the optimum building type that would be contemplated (apartment buildings) and defines the type of dwelling unit that can be located to the rear of commercial. All other special provisions in the zone remain unchanged.

This solution will avoid a scenario whereby a single floor plate commercial building is constructed with “attached” townhouses, defeating the intent of the main street/entrance to the subdivision.

Figure 1-2 – Concepts of commercial /residential apartment buildings for Block 46



3.0 Conclusion

The proposed changes meet the intent of the Official Plan and the new London Plan, and will help foster appropriate forms of development. The prohibition of ground floor residential will remain for the other three BDC blocks to ensure appropriate main street development forms.

Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

February 12, 2018
NP/np

CC:
\\FILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2009\39T-09501- 660 SUNNINGDALE RD E
(JL)\Revised Draft Approval\report revised by-law Applewood.docx

Appendix A

Appendix "A"

Bill No. (number to be inserted by
Clerk's Office)
2018

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 660
Sunningdale Road East.

WHEREAS Extra Realty Limited has applied to rezone an area of land located at 660 Sunningdale Road East, 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 660 Sunningdale Road East, as shown on the attached map comprising part of Key Map No. A102, from a Holding Residential R1 Special Provision (h•h-100•h-173•R1-5(11)) Zone, a Holding Residential R4 Special Provision (h•h-100•h-173•R4-2(1)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(15)/R6-4(16)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(16)/R6-4(17)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(17)/R6-5(34)/R8-4(26)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-6(9)/R6-5(38)/R8-4(27)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•H18•D75) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•H18•D75) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(9)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)) Zone, an Open Space (OS1) Zone, and an Open Space Special Provision (OS4(10)) Zone, to a Holding Residential R1 (h•h-100•h-173•R1-3) Zone, a Holding Residential R1 Special Provision (h•h-100•h-173)•R1-4(27) Zone, a Holding Residential R1 Special Provision (h•h-100•h-173)•R1-5(12) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•H18•D75) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•H18•D75) Zone, a Holding Business District Commercial Special Provision/Temporary (h•h-100•h-173•BDC2(9)•H18/T-(**)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)•H18) Zone, an Open Space (OS1) Zone, and an Open Space Special Provision (OS4(10)) Zone.

1) Section 5.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by deleting the current special provision R1-5(12) and replacing it with the following new special provision:

e) 12) R1-5(12)

(a) Regulations

- | | | |
|-----|---|------------------------|
| i) | Front Yard Setback,
Main Dwelling (Minimum): | 3 metres (9.8 feet) |
| ii) | Front Yard Depth
for Garages
(Minimum.): | 5.5 metres (18.0 feet) |

- iii) Interior Side Yard 1.2 metres (3.9 feet),
 except Depth (Minimum): where there is no attached garage, then 3.0 metres (9.8 feet) is required on one side.
 - iv) Rear Yard Setback From High Pressure Pipeline (Minimum): 13.8 metres (45.3 feet)

2) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(7) and replacing it with the following new special provision:

7) BDC2(7)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations

- i) Front & Exterior Side Yard Setback
 - (Minimum): 2 metres (6.6 feet)
 - (Maximum): 4 metres (13.1 feet)

ii) All commercial and office uses are required to be in conjunction with dwelling units on the second floor or above.

iii) All uses permitted in the BDC2 Zone, except for Dwelling Units, shall be restricted to the ground floor, at a maximum gross leasable floor area of 500 m² (5,382 ft²).

iv) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.

v) Notwithstanding the provisions of Section 2 “LOT LINE, FRONT”, the frontage for this lot will be deemed to be along the primary collector.

3) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(8) and replacing it with the following new special provision:

8) BDC2 (8)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations for the existing buildings/barns as of the date of the passing of the by-law

- i) Front Yard Setback (Minimum): 0 metres (0 feet)
- ii) Interior side yard (Minimum) (south): 0 metres (0 feet)

- iii) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.
- iv) The maximum gross floor area for specific individual uses in the BDC2(8) Zone variation shall be restricted to the floor area of the existing structures/barns (Block 48) as it exists at the date of the passing of this by-law.

(c) Regulations for new buildings

- i) Front Yard Setback
(Minimum): 2 metres (6.6 feet)
- ii) The maximum gross leasable floor area for specific individual uses within new structures in the BDC2(8) Zone variation shall be restricted to 250 m² (2,691 ft²).
- iii) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.

4) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(9) and replacing it with the following new special provision:

9) BDC2 (9)

(a) Permitted Uses:

- i) Any uses permitted in the BDC2 zone variations with the exception of Dwelling Units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor;
- ii) Apartment Buildings, within a mixed-use building restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor fronting on the primary collector;

(b) Regulations

- i) Front & Exterior Side Yard Setback
(Minimum) 2 metres (6.6 feet)
(Maximum) 4 metres (13.1 feet)
- ii) Gross Leasable Floor Area
(Maximum) 3000 m² (32,292 ft²)
- iii) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.
- iv) Notwithstanding the provisions of Section 2 “LOT LINE, FRONT”, the frontage for this lot will be deemed to be along the primary collector.

5) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(10) and replacing it with the following new special provision:

10) BDC2 (10)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations

- i) Front & Exterior Side Yard Setback
(Minimum) 2 metres (6.6 feet)
(Maximum) 4 metres (13.1 feet)
- ii) Gross Leasable Floor Area
(Maximum) 1000 m² (10,764 ft²)
- iii) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.
- iv) Notwithstanding the provisions of Section 2 “LOT LINE, FRONT”, the frontage for this lot will be deemed to be along the primary collector.

- 5) Section Number 50.2 (71) of the Temporary (T) zone is amended by adding the following:

) T-()

Lands located at 660 Sunningdale Road East, the existing single detached dwelling structure, as it exists at the date of the passing of this by-law, located on Block 46 in draft approved plan 39T-09501, as shown on Key Map No. A102, may be used for any of the uses permitted within the BDC2 Zone, for a temporary period not exceeding three (3) years from the date of the passing of this by-law beginning March 1, 2018.

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 subsection 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 6, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - March 6, 2018
Second Reading – March 6, 2018
Third Reading - March 6, 2018

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

