

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

Subject: Application By: Wastell Builders (London) Inc.
1245 Michael Street

Meeting on: Monday, March 19, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Wastell Builders (London) Inc. relating to the property located at 1245 Michael Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 27, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R4 Special Provision (h•h-147•R4-4(2)) Zone **TO** a Residential R4 Special Provision (R4-4(2)) Zone to remove the h and h-147 holding provisions.

Executive Summary

Summary of Request

To remove holding provisions from the zoning on 1245 Michael Street.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h", "h-147") symbols from the zoning to permit construction of 76 street townhouse dwellings within a plan of subdivision.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the applicant has entered into a subdivision agreement and provided the necessary securities ("h") and the Applicant has entered into a development agreement to ensure urban design considerations have been addressed ("h-147").

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on Michael Street, which is generally located south of Huron Street east of Highbury Avenue, and west of Sandford Street. The subject site is approximately 3.4 ha in size, and is an irregular shape. The site is directly adjacent to the Stronach Arena and Community Centre. The site was the former Huron Heights Public School, which was owned by the Thames Valley District School Board and was built in 1959. There are two existing public walkways which access the site in the northwest corner and the southwest corner of the site. The site is surrounded by single detached residential uses to the west and south, a community facility (Stronach Area and Park) to the east, and a cemetery and existing townhouse development to the north.

1.2 Current Planning Information

- Official Plan Designation – Schedule "A" - Low Density Residential, Multi Family, Medium Density Residential, Open Space
- The London Plan Place Type – Neighbourhood Place Type
- Existing Zoning – a Holding Residential R4 Special Provision (h•h-147•R4-4(2)) Zone

Location Map



LOCATION MAP

Subject Site: 1245 Michael Street
 Applicant: Wastell Builders (London) Inc.
 File Number: H-8857
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2017-11-27
 Scale: 1:5000

LEGEND

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

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



1.3 Site Characteristics

- Current Land Use – vacant/former school site
- Frontage – approx. 66.1 m (216.8 ft) along Michael Street
- Area - 3.4 ha (8.42 ac)
- Shape - irregular

1.4 Surrounding Land Uses

- North – cemetery, townhouses (cluster housing)
- East – recreational uses (Stronach Arena/baseball diamonds/playground)
- South – single detached dwellings, recreational uses (Stronach Arena/baseball diamonds/playground)
- West – single detached dwellings

2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Wastell Builders (London) Inc. is proposing a 76 unit townhouse development within a plan of subdivision. The proposed plan of subdivision consists of five (5) multi-family residential blocks, and one (1) open space block, all served by one (1) new local street (off of Michael Street). The dwellings will be freehold townhouse units, approximately two storeys in height, and accessed by a public street. The proposed development density is approximately 23 units per hectare. The design of the development includes a window street adjacent to Stronach Arena.

3.0 Relevant Background

3.1 Planning History

The subject site was the former Huron Heights Public School (French Immersion). It was constructed in 1959, with a major addition added to the school in 1962. The site consisted of a main school building, several outbuildings/storage sheds and eleven classroom portables on site. The school was closed in June 2014 and declared surplus by the Thames Valley District School Board. The subject site was offered to the City, however it was determined that this site was not required for municipal purposes. The subject lands were subsequently sold to a private developer in 2016.

3.2 Requested Amendment

A request to amend the zoning to delete the holding (“h” and “h-147”) symbols from the subject lands at 1245 Michael Street was received in late 2017. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The “h-147” symbol shall not be deleted until a site plan is approved and a development agreement is entered into which incorporates the design objectives as identified in the Council resolution (ensure building orientation to the street and adjacent open space block, in particular the end units located at street corners and the end units directly adjacent to Stronach Park).

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, one inquiry was received, but no concerns were raised. A response was provided to the inquirer clarifying the process and intent of the removal and the inquirer was satisfied.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing “h” are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions (“h” symbol), an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 120 days to remove the holding provision(s).

The City’s Official Plan and the new London Plan also contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1- “h” holding provision

The “h” holding provision states that:

“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”

The special provisions have been endorsed by Council. The Owner has provided the necessary security and the subdivision agreement is finalized for execution by the owner and the City. This satisfies the requirement for removal of the “h” holding provision.

4.2 Issue and Consideration # 2- “h-147” holding provision

The “h-147” holding provision states that:

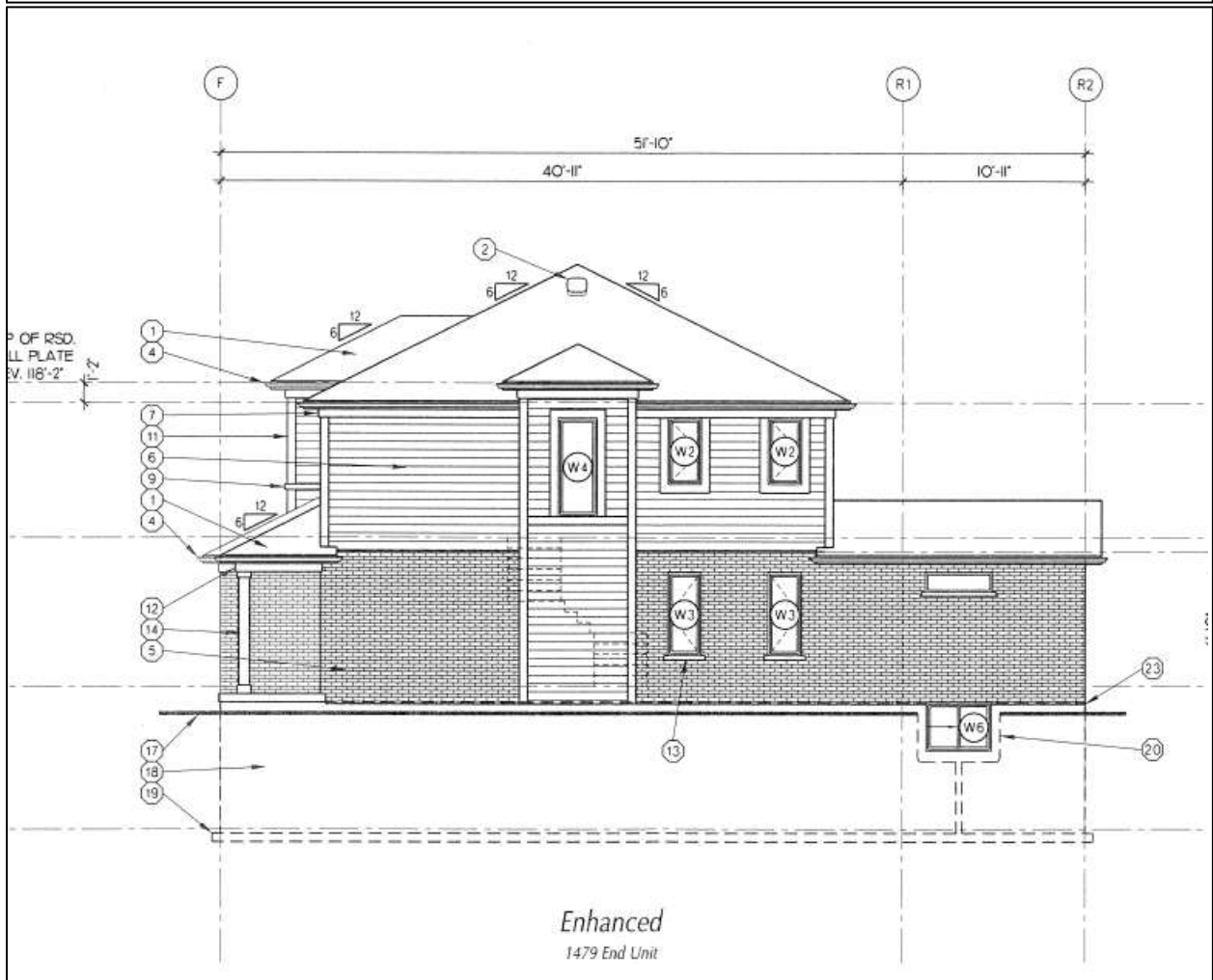
“To ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which incorporates the design objectives as identified in the Council resolution.”

Through the circulation of the draft plan of subdivision, Staff recommended the implementation of the h-147 holding provision to ensure the building orientation is directed to the street and the adjacent open space block, in particular the end units located at street corners and the end units directly adjacent to Stronach Park.

The Applicant has submitted a site plan which meets the objectives of the holding provision. The units have street and park orientation.

A development agreement has been entered into with the City and the Applicant which demonstrates the urban design objectives and all other site plan matters have been addressed. This satisfies the design objectives and overall approvals to meet the holding provision removal.

Figure 1 and 2 – Elevations for 1245 Michael Street



5.0 Conclusion

The Applicant has entered into a subdivision agreement and development agreement for this site. Therefore, they have met the conditions required to remove the “h” and “h-147” holding provision. The removal of the holding provisions are recommended to Council for approval.

Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, 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

March 9, 2018
NP/np

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Appendix A

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

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning of lands located at 1245 Michael Street.

WHEREAS Wastell Builders (London) Inc. has applied to remove the holding provision from the zoning for lands located at 1245 Michael Street, 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 lands;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1245 Michael Street, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R4 Special Provision (R4-4(2)) Zone comes into effect
- 2) The By-law shall come into force and effect on the date of passage.

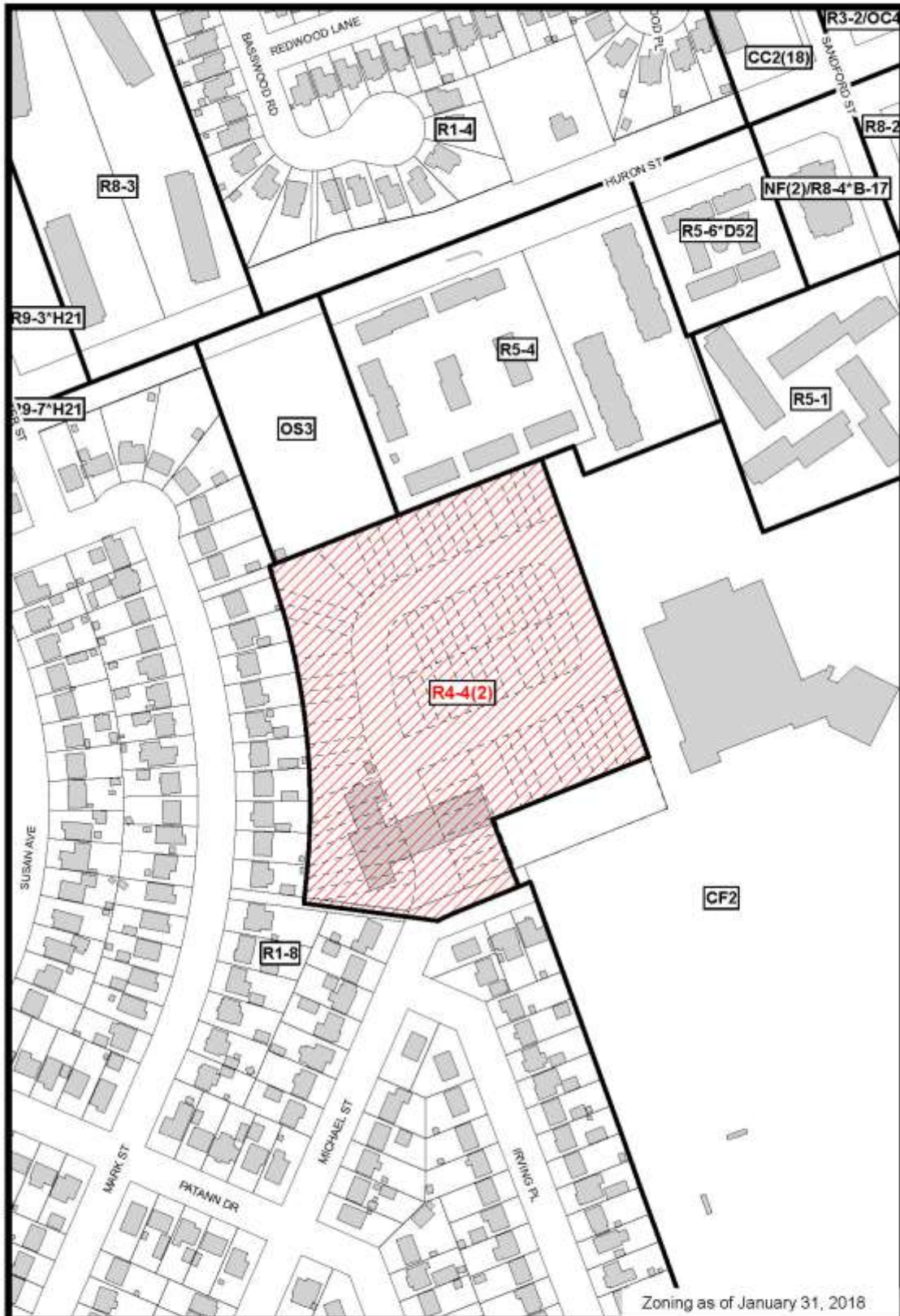
PASSED in Open Council on March 27, 2018.



Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – March 27, 2018
Second Reading – March 27, 2018
Third Reading – March 27, 2018

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



<p>File Number: H-8857 Planner: NP Date Prepared: 2018/02/01 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 15 30 60 90 120 Meters</p> 
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Appendix B – Public Engagement

Community Engagement

Public liaison: On November 28, 2017, Notice of Application was sent to 25 property owners in the surrounding area (those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 7, 2017.

One (1) reply was received.

Nature of Liaison: City Council intends to consider removing the “h” and the “h-147” holding provision from the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a subdivision agreement has been entered into for the subject lands. The “h-147” symbol shall not be deleted until a site plan is approved and a development agreement is entered into which incorporates the urban design objectives as identified in the Council resolution (ensure building orientation to the street and adjacent open space blocks). Council will consider removing the holding provision(s) as it applies to these lands no earlier than January 8, 2017.

Responses: Questions about the application.

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

Telephone	Written
	Myra Maclean No address given Via email

Myra Maclean email, received November 30, 2018

“In the past, residents in this area have been asked to submit their views about different parking issues in the neighbourhood, and it appears that if the vast majority of residents do not return the form and make their opinions known the existing ruling remains. A fair decision, in my opinion.....lack of interest, status quo seems the right way to go.

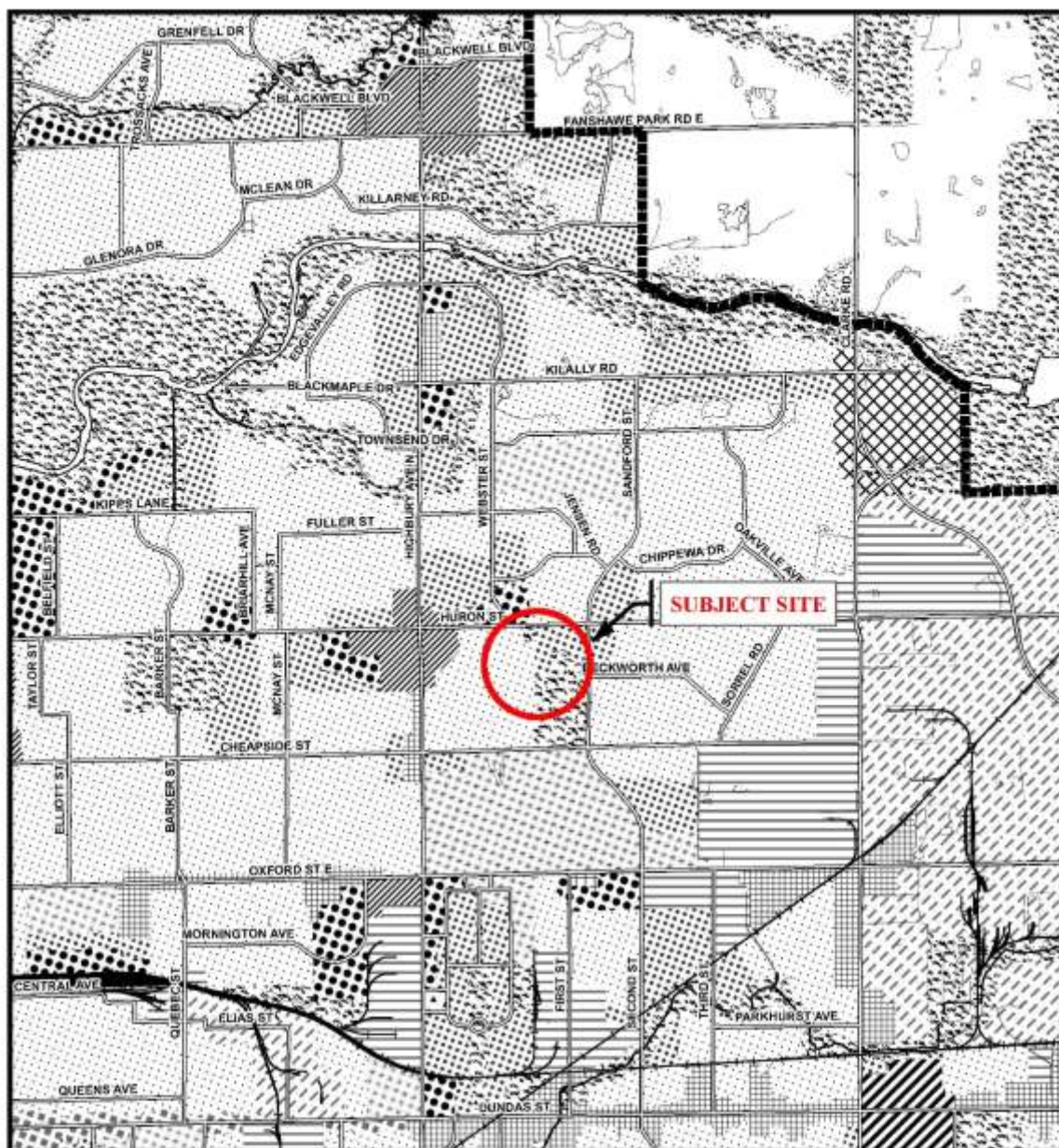
For the above reason I would like to make sure that I understand the specifics mentioned in the letter re possible zoning change so that I can make an informed decision. I have tried to wade through the zoning information on line, but as I am not the sharpest knife in the drawer, I am left clueless as to implications of removing Holding Symbol.

I would be very grateful if you could explain in layman terms the pros and cons of changes to existing zoning, and if in fact input from area residents would impact this proposed development at 1245 Michael Street. It would appear from signage at this site that all houses have been SOLD, causing some to wonder who in fact has purchased these homes. Could it be that these homes have already been designated as rental properties and purchased by would be non- resident owners? Seems strange to me that all homes would be purchased” sight unseen” but I am happy to stand corrected!

As I am writing to you might I ask one more question re zoning please? With the new bylaw in effect that in essence allows 2 dwellings on one lot in our neighbourhood i.e. Patann, are we saying that a landlord can legally have 5 rental bedrooms in the main house and an additional 5 bedrooms in the new dwelling. A total possible income of 10x \$500.00 per month and this is not classed as a business....doesn’t make a great deal of sense really does it?

Appendix C – Relevant Background

**Additional Maps
 Official Plan Schedule “A” Excerpt**

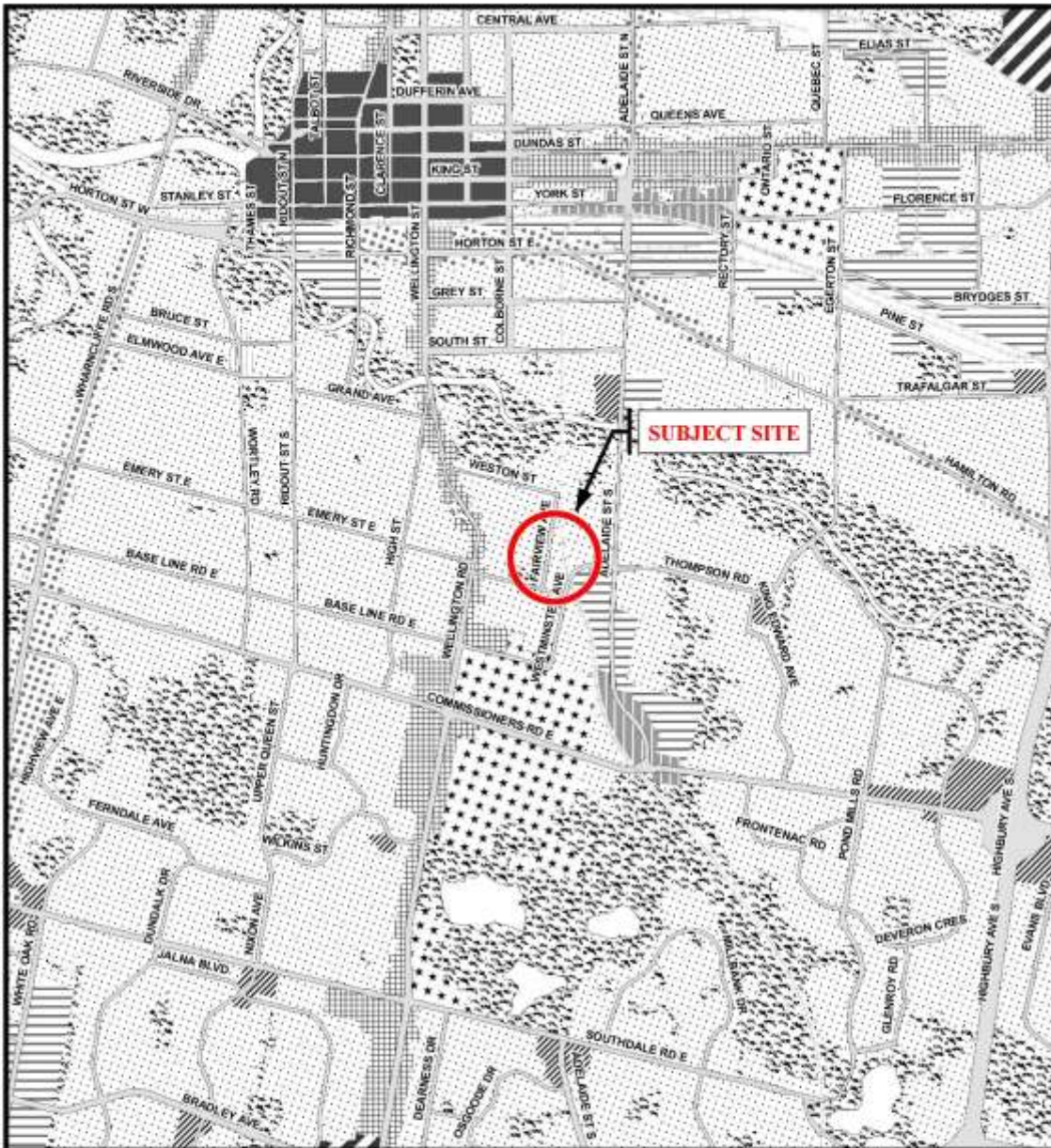


Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial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

<p>CITY OF LONDON Department of Planning and Development OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: H-8857 PLANNER: NP TECHNICIAN: RC DATE: 2018/01/02</p>
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London Plan Place Types Excerpt



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
 Development Services

**LONDON PLAN MAP 1
 - PLACE TYPES -**

PREPARED BY: Planning Services



Scale 1:30,000



File Number: H-8873

Planner: NP

Technician: RC

Date: February 14, 2018

Additional Reports

39T-16506/Z-8664, 1245 Michael Street, Planning and Environment Committee on January 23, 2017, Staff recommendation for a draft plan of subdivision and associated zoning by-law amendment to permit the development of a 76 unit townhouse residential plan of subdivision.