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File: Z-8038
Planner: Barb Debbert

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON 707 & 711 WATERLOO STREET PUBLIC PARTICIPATION MEETING ON SEPTEMBER 24, 2012

RECOMMENDATION

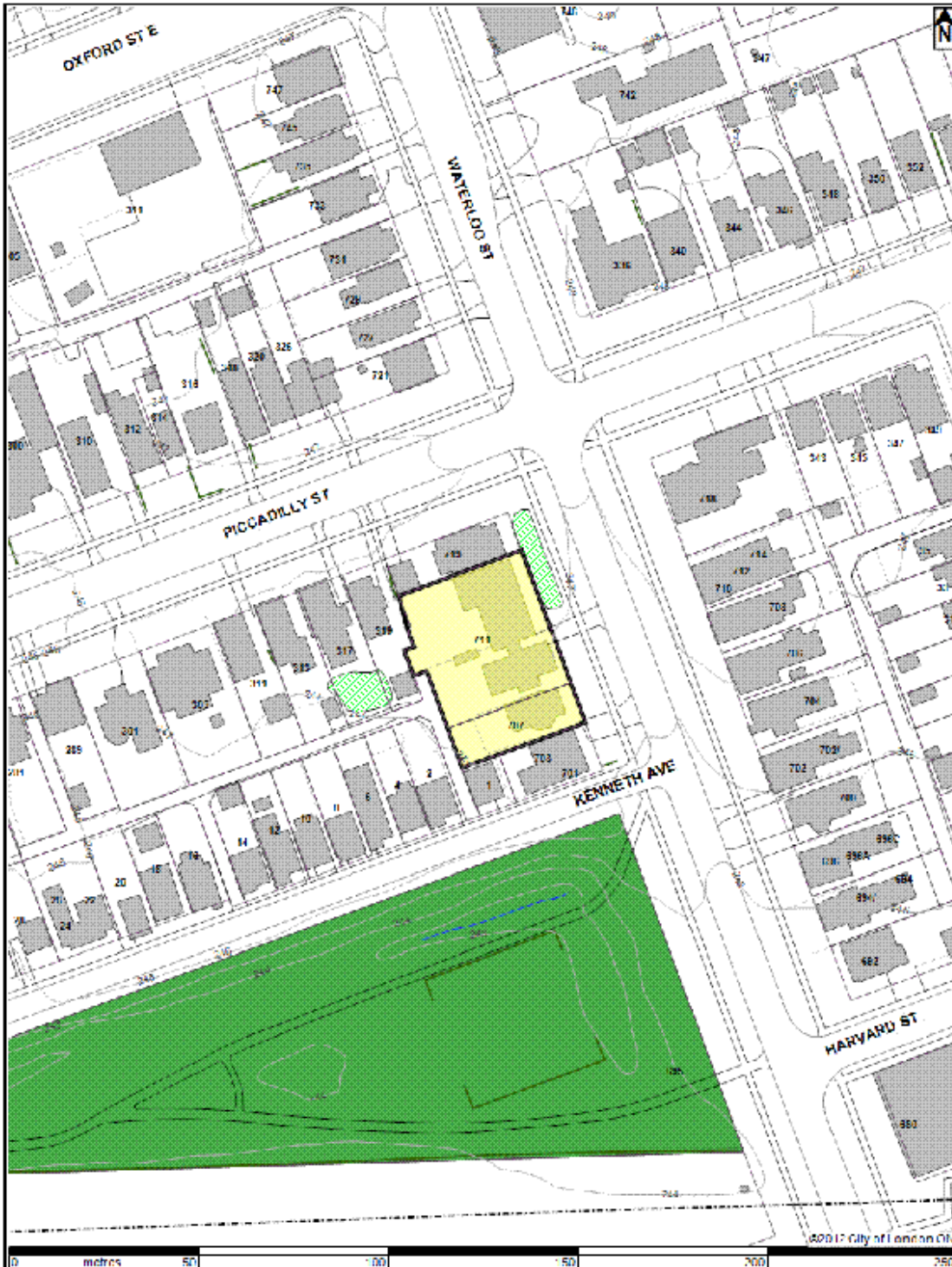
That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of the City of London relating to the property located at 707 & 711 Waterloo Street, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 9, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R2 Special Provision/Neighbourhood Facility (R2-2(2)/NF1) Zone which permits single detached dwellings (maximum two dwelling units), churches, elementary schools, community centres, day care centres, libraries, private schools, fire stations, private clubs and police stations, **TO** a Residential R2 Special Provision/Neighbourhood Facility Special Provision (R2-2(2)/NF1()) Zone to permit single detached, semi-detached, duplex and converted dwellings, elementary schools, churches, community centres, day care centres, libraries and private schools, eliminating the fires stations, private clubs, and police stations normally permitted in the NF1 Zone and to permit a north interior side yard of zero (0) metres.






PREVIOUS REPORTS PERTINENT TO THIS MATTER
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January 31, 2011 – Report to the Built and Natural Environment Committee – 719 Waterloo Street – This report recommended refusal of a Zoning amendment from a Residential R2 (R2-2) Zone to a Residential R2 Special Provision/Neighbourhood Facility Special Provision (R2-2(2)/NF1()) Zone to permit, in addition to the already permitted uses, elementary schools, churches, community centres, day care centres, libraries, private schools, fire stations, private clubs, police stations, and offices, limiting the aggregate number of student and day care places at 719 Waterloo Street combined with student and day care places at 711 Waterloo Street (the current Montessori site) to a maximum of 180, and permitting only existing buildings to be used but allowing an expansion of up to a maximum of 10% of their gross floor area. This recommendation was referred back to staff for “further review and consideration, with the applicant, whether the subject site could be potentially zoned as Office Conversion rather than Neighbourhood Facility, which may be more consistent with the Piccadilly Area, and which may serve to provide the applicant with additional office space, and to determine if the applicant will provide some assurance that there will be no further expansions of the school in the future..”

August 15, 2011 – Report to the Built and Natural Environment Committee – 719 Waterloo Street – This report recommended that staff be requested to initiate an application to amend the Official Plan to help establish the limits of private school uses within a defined area generally bounded by Oxford Street, Maitland Street, Kenneth Avenue and the railway tracks. The stated objectives were to formally define the geographical boundaries within which private school uses may be permitted to expand without an Official Plan Amendment, provide policy regarding the

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 707 and 711 Waterloo St Applicant: City Of London File Number: Z-8038 Planner: Barb Debbert Created By: Barb Debbert Date: 2012-04-03 Scale: 1:1200</p> <p style="text-align: right;">Corporation of the City of London Prepared By: Planning, Environmental</p>	<p style="text-align: center;">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
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intensity of private school uses within a defined geographical area, and provide criteria for the review of Site Plan Control applications for private school uses within a defined geographical area. Notwithstanding the staff recommendation, Council directed the Civic Administration to meet with the Montessori House of Children and the neighbourhood community association to discuss limiting the scope of the proposed Official Plan Amendment.

October 31, 2011 – Report to the Built and Natural Environment Committee – 719 Waterloo Street and Related Lands - This report recommended that staff be directed to organize and hold a neighbourhood based community meeting in coordination with the Montessori School and the Piccadilly Area Neighbourhood Association, to discuss a possible Official Plan amendment that will plan for and define the parameters for any future expansion of the Montessori School in the Piccadilly Neighbourhood, understanding that at that community meeting, planning staff would facilitate a review of neighbourhood issues related to the Montessori School and work toward a collaborative approach to resolving these issues; and that staff initiate an application to amend the Official Plan to establish the limits of future expansion of private school uses in the Piccadilly Neighbourhood. Council resolved that the above noted actions occur.

January 16, 2012 – Report to the Planning & Environment Committee – Piccadilly Area Neighbourhood and 719 Waterloo Street – This report recommended the adoption of an Official Plan regarding private schools within the Piccadilly Area Neighbourhood, a Zoning By-law amendment to permit a private school at 719 Waterloo Street, and a requirement for a public site plan meeting if site plan approval is required. Additional recommendations were made regarding follow-up on matters of concern to the Piccadilly Area Neighbourhood Association (PANA) and the area landowners, and the initiation of a Zoning By-law amendment to limit the list of permitted uses on the existing Montessori School site.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended Zoning By-law amendment is to remove fire stations, police stations and private clubs from the list of permitted uses, similar to the limitations placed on 719 Waterloo Street as a result of community consultation regarding the Montessori School and in accordance with Council direction of February 1, 2012, and to permit a “zero” metre building setback between 711 and 719 Waterloo Street to allow an addition to extend to the north property line to facilitate an indoor connection between the existing private school facility and 719 Waterloo Street.

RATIONALE

1. The recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement;
2. The recommended Zoning By-law Amendment is in keeping with the intent of the Official Plan;
3. The recommended Zoning By-law Amendment is consistent with Council’s intent stated in its February 1, 2012 resolution and the Zoning By-law amendment that is in force and effect for 719 Waterloo Street.

BACKGROUND

On February 1, 2012, Council resolved that:

“The Civic Administration **BE REQUESTED** to initiate a Zoning By-law Amendment to the Neighbourhood Facilities (NF1) Zone applicable to 711 Waterloo Street to limit the permitted uses to elementary schools, churches, community centres, day care centres,

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libraries, and private schools, eliminating fire stations, private clubs and police stations from the list of permitted uses;”

Date Application Accepted: March 7, 2012	Agent: City of London
<p>REQUESTED ACTION: Possible change to Zoning By-law Z.-1 from a Residential R2 Special Provision/Neighbourhood Facility (R2-2(2)/NF1) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings (maximum 2 dwelling units), churches, elementary schools, community centres, day care centres, libraries, private schools, fire stations, private clubs and police stations, to a Residential R2 Special Provision/Neighbourhood Facility Special Provision (R2-2(2)/NF1(12)) Zone to permit single detached, semi-detached, duplex and converted dwellings, elementary schools, churches, community centres, day care centres, libraries, and private schools, eliminating the fire stations, private clubs, and police stations normally permitted in the NF1 zone, and permitting a minimum north interior side yard of 0.0 metres.</p>	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – private school • Frontage – approx. 49 metres • Depth – approx. 35 metres • Area – approx. 1.7 ha • Shape – rectangular with irregular rear lot line

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - vacant dwelling (former fraternity, future extension to existing private school) • South - semi-detached dwelling, Piccadilly Park • East - low density dwellings, Montessori School (annex to the main school at 711 Waterloo Street) • West - Predominantly single and two-unit dwelling and multiple unit dwellings, day nursery and office conversion

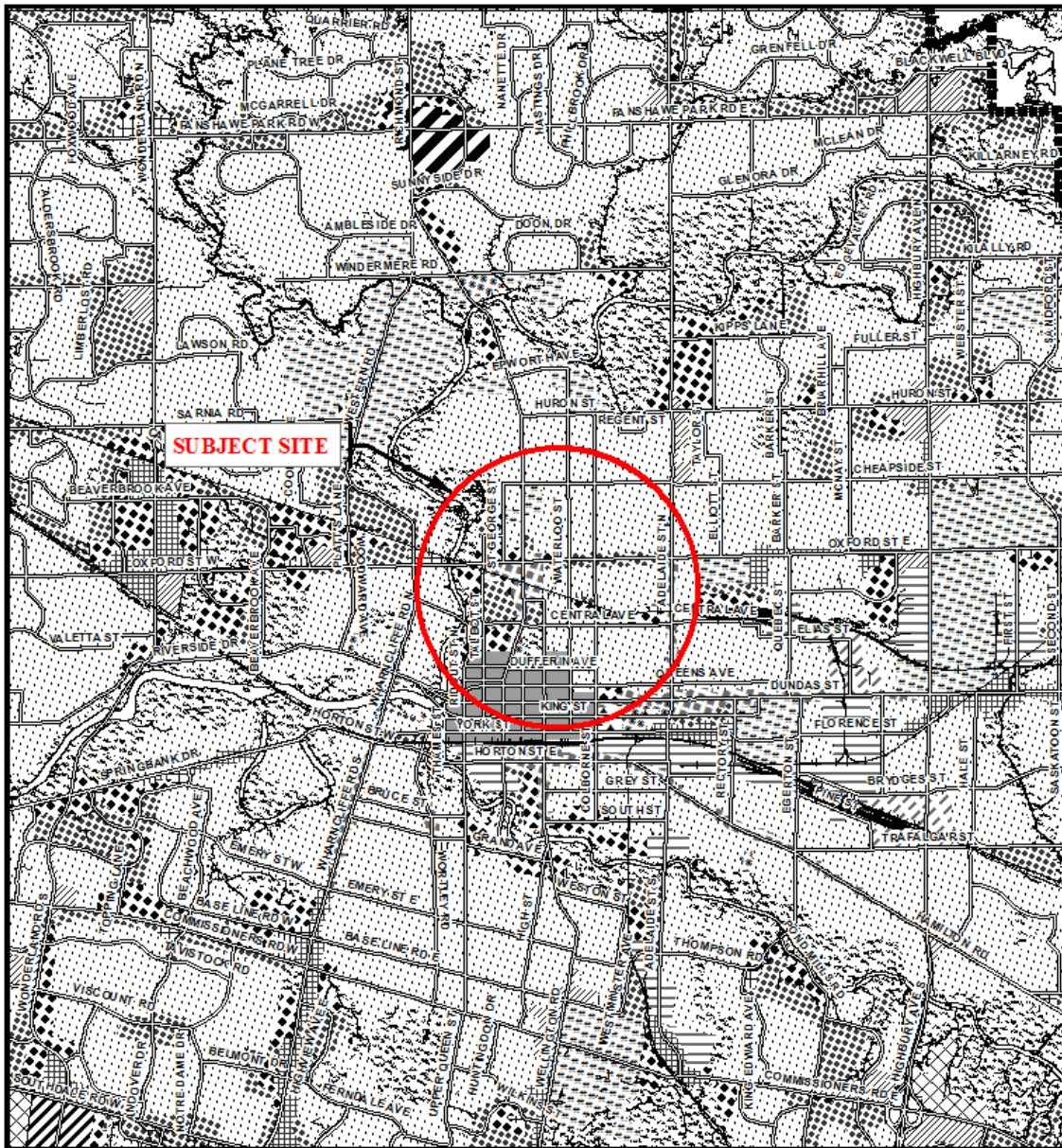
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Low Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • R2-2(2)/NF1

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Engineering
No comments

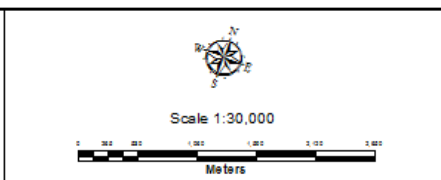
London Hydro
No objection

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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

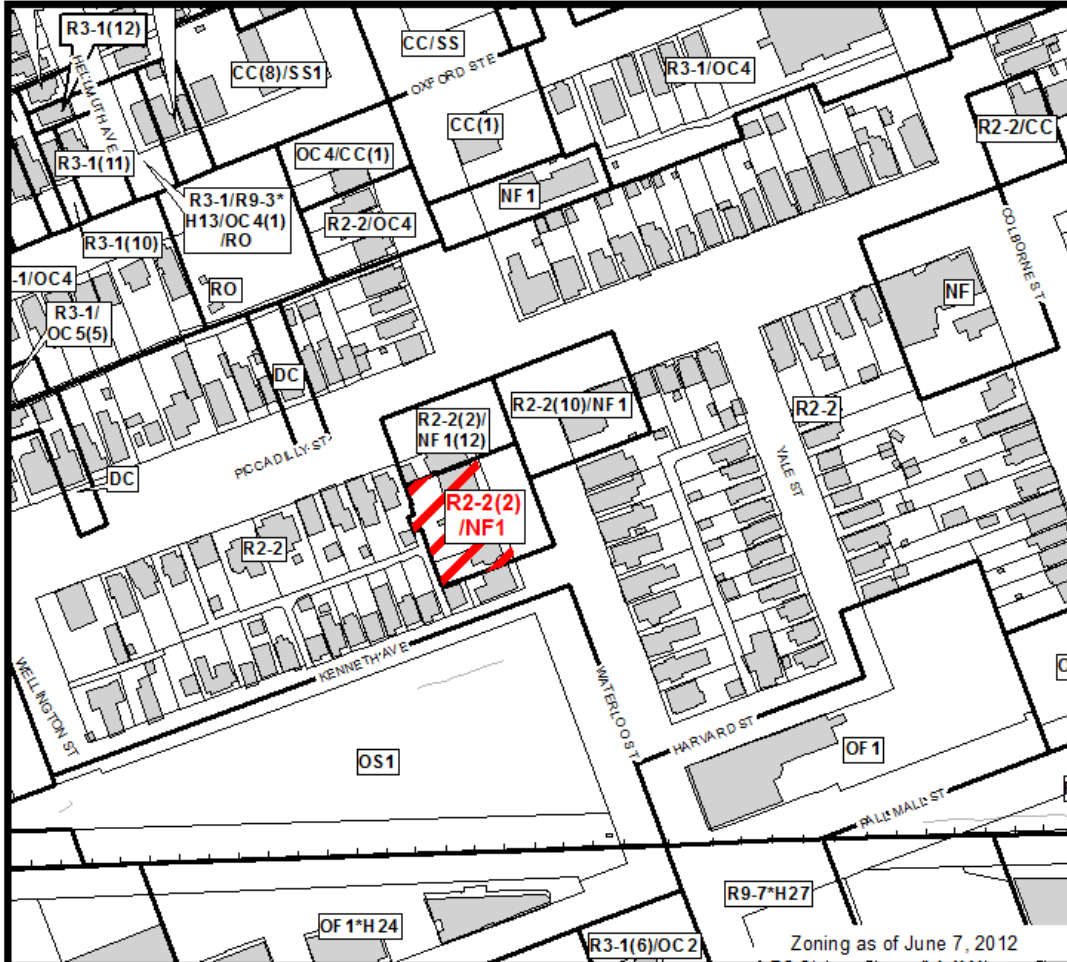
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LAND USE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8038
PLANNER: BD
TECHNICIAN: CK
DATE: 2012/08/29

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Zoning as of June 7, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2(2)/NF1

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z.-1 SCHEDULE A</p> <p><small>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</small></p>	<p>FILE NO: Z-8038 BD</p> <hr/> <p>MAP PREPARED: 2012/08/29 CK</p> <hr/> <p style="text-align: center;">1:2,500</p> <p style="text-align: center;">0 12.525 50 75 100 Meters</p>
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Upper Thames River Conservation Authority

The UTRCA pointed out that the Upper Thames River Source Protection Area Assessment Report, August 12, 2011, indicates that certain activities on this property may be considered Moderate or Low threats to drinking water. This information was provided for the purpose of assisting the City in moving forward on this application. The UTRCA provided no objection to the proposed Zoning By-law amendment.

PUBLIC LIAISON:	<p>On Thursday, April 5, 2012, Notice of Application was sent to 81 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, April 7, 2012. A "Possible Land Use Change" sign was also posted on the site.</p> <p>Based on the request of the agent acting for the Montessori School House of Childen, discussions held in previous public meetings, and related decisions made by Council regarding the Montessori School at this location, the Notice of Application was revised to reflect a possible special provision to reduce the north interior side yard to "zero" metres to facilitate an indoor connection between the existing private school facility and 719 Waterloo Street.</p>	1 reply was received.
<p>Nature of Liaison (as amended):</p> <p>Possible change to Zoning By-law Z.-1 from a Residential R2 Special Provision/Neighbourhood Facility (R2-2(2)/NF1) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings (maximum 2 dwelling units), churches, elementary schools, community centres, day care centres, libraries, private schools, fire stations, private clubs and police stations, to a Residential R2 Special Provision/Neighbourhood Facility Special Provision (R2-2(2)/NF1(12)) Zone to permit single detached, semi-detached, duplex and converted dwellings, elementary schools, churches, community centres, day care centres, libraries, and private schools, eliminating the fire stations, private clubs, and police stations normally permitted in the NF1 zone, and permitting a minimum north interior side yard of 0.0 metres.</p>		
<p>Responses:</p> <p>A response was received from Richard Zelinka of Zelinka Priamo, representing the Montessori House of Children, the owner of the properties in question. He requested that the proposed Zoning By-law amendment include provision for a 0 metre minimum northerly side yard for 711 Waterloo Street. His rationale for this consideration included:</p> <ul style="list-style-type: none"> - Expectations for the reduced side yard were raised through the ZBA process for 719 Waterloo and discussions with PANA and the Built and Natural Environment Committee. - The Zoning for 719 Waterloo Street adopted by Council includes the "zero" south interior side yard to facilitate this connection. - It will minimize planning processes and public meetings, as in the absence of the City initiated rezoning, an application for a minor variance would have been submitted by the landowner. 		

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ANALYSIS

Provincial Policy Statement:

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides direction in support of sustaining healthy, liveable and safe communities by ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The existing list of permitted uses in the NF1 Zone includes elementary schools, churches, community centres, day care centres, libraries, private schools, fire stations, private clubs, and police stations. The recommended special provisions to the NF1 Zone eliminate fire stations, private clubs and police stations. Fire stations and police stations are among the public service facilities that need to be provided for in appropriate locations to serve the City as a whole. This well established area is already adequately serviced by the City of London Police headquarters and existing fire protection service locations. It is expected that the removal of these uses from the zoning applicable to 707 and 711 Waterloo Street will not jeopardize the ability to ensure that public service facilities will be available to meet current or projected needs. The Zoning By-law will continue to provide for the possibility of other service uses which are typically associated with a residential neighbourhood, and have characteristics which are generally compatible with a residential living environment.

Official Plan:

The subject property is designated Low Density Residential, which permits single detached, semi-detached and converted dwellings as the main uses. Uses that are considered to be integral to, or compatible with, residential neighbourhoods, including group homes, home occupations, community facilities, funeral homes, and office conversions, provided certain criteria are met, are permitted in all of the Residential Land Use designations. All community facility uses will not necessarily be permitted in all locations.

Through discussions between staff, the Montessori House of Children PANA and area landowners, it has been determined that while some community facilities may be suitable within the context of this neighbourhood, it is appropriate to remove fire stations and police stations from the list of permitted uses. These are protective and emergency response uses that provide services to persons, businesses and property in all land use areas, and not just residential areas. They operate on a 24-hour basis, seven days a week. They are the base of operation for vehicles which serve the entire City or a wide area of the City.

It was also considered appropriate to remove private clubs from the list of permitted uses. As previously articulated by Zelinka Priamo, *“While the definition of private club covers a wide range of possible activities, many private clubs typically host evening social functions on a regular basis, often as rented facilities, often serving alcoholic beverages, and often unrelated to the primary purpose of the club. Such clubs can provide some community service, and established clubs may indeed help define a community, but they are typically unrelated to the surrounding neighbourhood, and have operational characteristics which often suit them to sites on the periphery of a neighbourhood, rather than within a residential area.”*

Special Provision for North Interior Side Yard:

The Zoning approved by Council for 719 Waterloo Street includes a special provision for a “zero” south interior side yard depth, to facilitate the construction of an interior connection between 719 Waterloo and the rest of the school facility. The recommended Zoning By-law amendment, at the request of the Montessori School, includes a similar special provision to allow a “zero” north interior side yard depth. This request was considered to be in keeping with Council’s intent.

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CONCLUSION

The recommended Zoning By-law amendment to remove fire stations, police stations and private clubs from the list of permitted uses, and to allow a “zero” north interior side yard, is consistent with the Provincial Policy Statement, in keeping with the intent of the Official Plan and Council’s direction and intent, and represents good planning.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND DESIGN SECTION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

September 6, 2012

BD/

Attach.

Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to\8038Z-707&711 Waterloo St (BD)\Z-8038 report to Planning and Environment Committee.docx

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File: Z-8038
Planner: Barb Debbert

Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
	Richard Zelinka Zelinka Priamo Ltd. 318 Wellington Road London, ON N6C 4P4

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File: Z-8038
Planner: Barb Debbert

Debbert, Barbara

From: Richard Zelinka [richard.z@zpplan.com]
Sent: Monday, May 14, 2012 12:51 PM
To: Debbert, Barbara
Cc: Yanchula, James; 'Margaret Whitley'
Subject: City of London Z-8034, 707-711 Waterloo Street

Barb

Montessori House of Children is the owner of the properties which are proposed for rezoning to remove certain permitted uses under this City proposal.

As previously discussed with you, Montessori is requesting that this proposed ZBA, in creating a special zone for the lands, include provision for a 0m minimum northerly interior side yard for 711 Waterloo Street.

The expectation of connecting 711 with 719 Waterloo was discussed during the ZBA process for 719 Waterloo, and was an explicit part of discussions with PANA and with the Planning Committee (BNEC). The ZBA recommended by Planning Staff and the Committee contained the specific interior side yard exemption to allow for the building connection. It was assumed that Montessori would apply for a variance to permit a 0m northerly side yard for 711 to match the 0m side yard for 719; however, that was based on an expectation that the authorized "downzoning ZBA" for 707-711 would not occur quickly, but rather would be on an "as time and workload permits" basis. Otherwise, the request for the side yard action would have been formally made to be part of the Council resolution.

It is quite normal for Planning Staff to respond to public or administrative liason comments, and to initiate changes which were not part of a formal ZBA application. In order to minimize the number of planning processes and public meetings, we are asking that the City initiated ZBA be modified prior to the public meeting to include the 0m side yard provision, so that the Notice of Public Meeting can include the additional provision.

Thank you for your consideration of this matter.

Richard
Zelinka Priamo Ltd.

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File: Z-8038
Planner: Barb Debbert

**Bibliography of Information and Materials
Z-8038**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Barb Debbert, March 7, 2012

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*, March 1, 2005.

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. *Council Resolution (21/3/PEC)(2012-D11-02)*, February 1, 2012

City of London. Report to Planning and Environment Committee File O-7980/Z-7686, January 16, 2012

Correspondence: (all located in City of London File No. Z-8038d)

Zelinka R., Zelinka Priamo Ltd. e-mail to Barb Debbert. May 14, 2012

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**File: Z-8038
Planner: Barb Debbert**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-12_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 707 & 711 Waterloo Street.

WHEREAS the City of London has applied to rezone an area of land located at 707 & 711 Waterloo Street, 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 707 & 711 Waterloo Street, as shown on the attached map comprising part of Key Map No.69, from a Residential R2 Special Provision/Neighbourhood Facility Special Provision (R2-2(2)/NF1) Zone to a Residential R2 Special Provision/Neighbourhood Facility Special Provision (R2-2(2)/NF1()) Zone.

1) Section Number 33.4 of the Neighbourhood Facility (NF1) Zone is amended by adding the following Special Provision:

) NF1()

a) Permitted Uses

- i) Churches;
- ii) Elementary schools;
- iii) Community centres;
- iv) Day care centres;
- v) Libraries;
- vi) Private schools.

b) Regulations

- i) North Interior Side Yard Depth 0.0m (0.0 ft.)
for 711 Waterloo Street (minimum)

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.

PASSED in Open Council on October 9, 2012.

Agenda Item # Page #

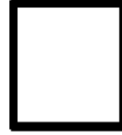
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File: Z-8038
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Mayor

Catharine Saunders
City Clerk

First Reading - October 9, 2012
Second Reading – October 9, 2012
Third Reading - October 9, 2012



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

