

Report to Planning and Environment Committee

To: Cair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development and Compliance
Services and Chief Building Official
Subject: 700531 Ontario Ltd. c/o Tony Marsman Construction
1175 Blackwell Boulevard
Public Participation Meeting on: November 12, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, with respect to the application of 700531 Ontario Ltd. c/o Tony Marsman Construction, relating to the property located at 1175 Blackwell Boulevard, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 20, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, **FROM** a Residential R4 (R4-5) Zone **TO** a Residential R5 (R5-5) Zone to permit townhouse and stacked townhouse dwellings.

Executive Summary

Summary of Request

The requested zoning amendment would allow for the construction of townhouse and stacked townhouse dwellings in a cluster form whereas the current zoning on the lands only permits street townhouse dwellings.

Purpose and the Effect of Recommended Action

The purpose and effect of this Zoning By-law Amendment is to permit the development of cluster townhouse dwellings in a form similar in nature to what is currently permitted, but would allow for the establishment of a condominium instead of developing street townhouse units as freehold lots.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement 2014;
2. The recommended amendment conforms to The London Plan;
3. The recommended amendment conforms to the policies of the 1989 Official Plan;
4. The proposed development will permits a form of development that is appropriate for the subject lands and is compatible with the existing and planned surrounding land uses.

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the south side of Blackwell Boulevard, west of Rob Panzer Road. There are vacant lands and Stoney Creek to the north, institutional and residential uses to the south, vacant lands and residential uses to the west, and commercial uses to the east.

1.2 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Residential R4 (R4-5)

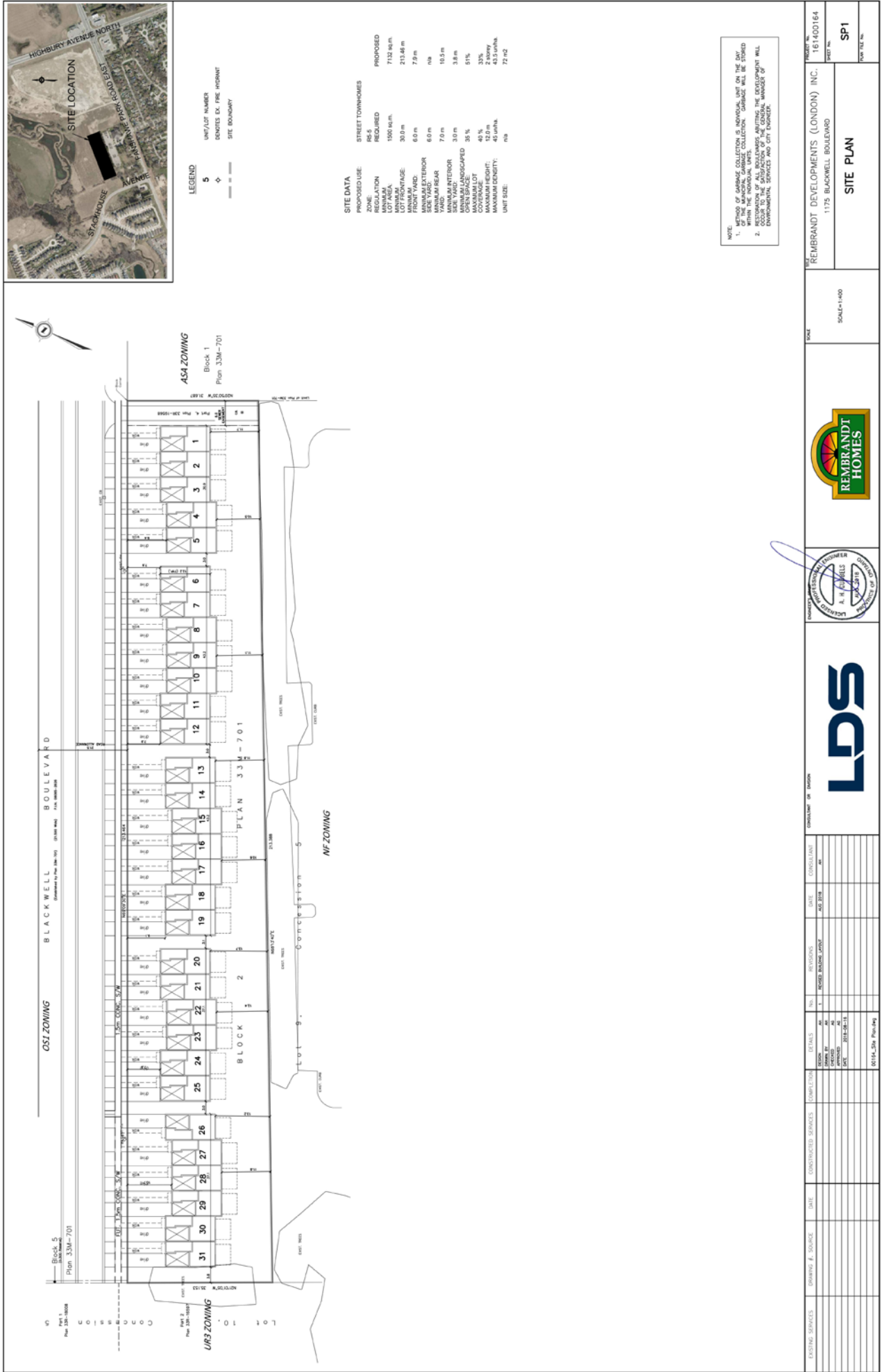
1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 109.5 m
- Depth – 32.7 m
- Area – Approximately 0.7 ha
- Shape – Rectangular

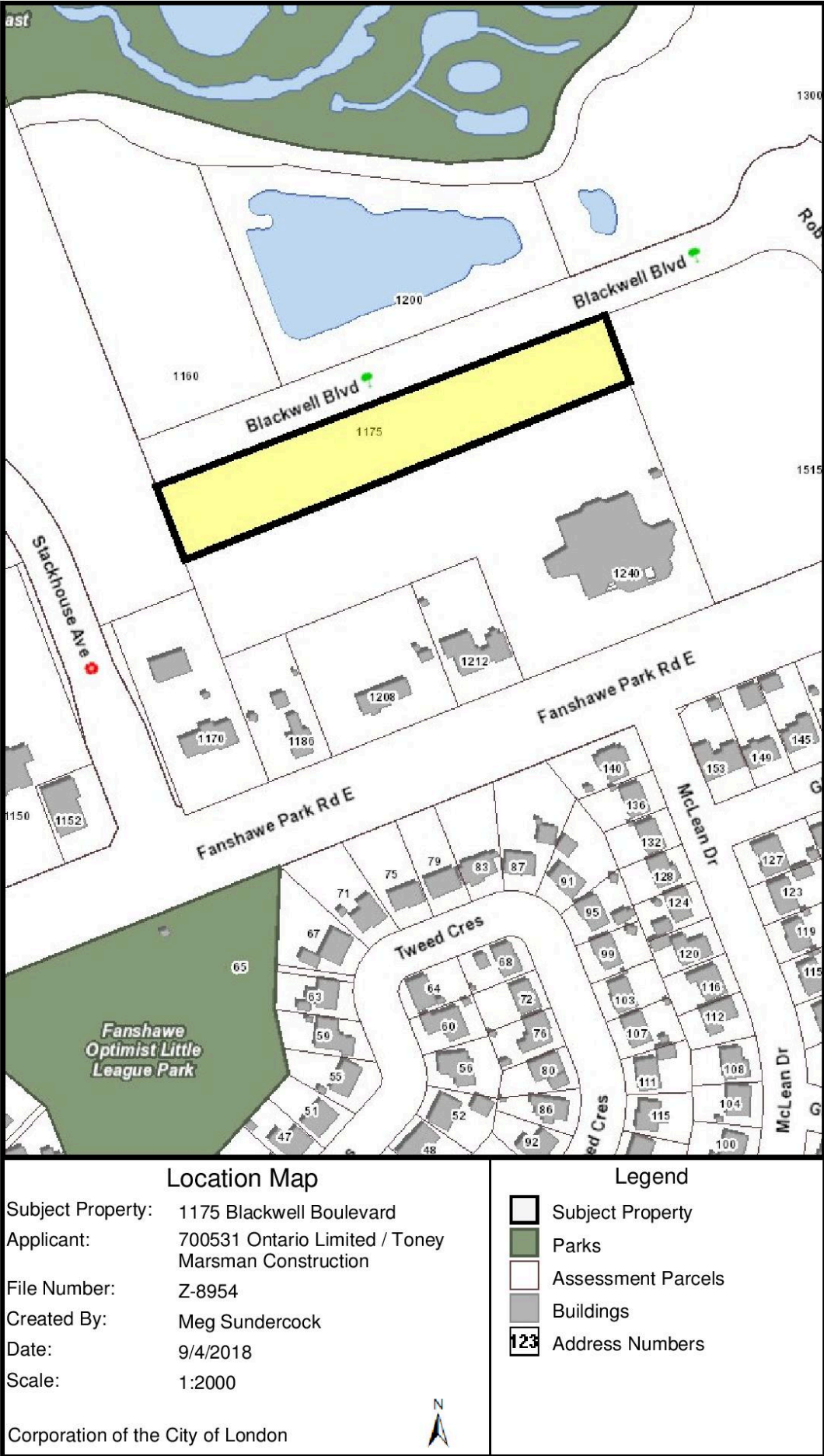
1.4 Surrounding Land Uses

- North – Vacant, Stoney Creek
- East – Vacant, Residential
- South – Residential, Institutional
- West – Commercial

Proposed Site Plan



1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The recommended Zoning By-law amendment will permit townhouse and stacked townhouse dwellings in a cluster form as the applicant intends to establish them as a condominium. The current Residential R4 (R4-5) Zone applied to the lands allows for street townhouse dwellings, with each unit occupying a separate lot and having legal frontage on a public street.

Due to the depth of the sewer on Blackwell Boulevard, a private sewer is required to be constructed within the front yard of the subject lands and will be subject to an easement across the frontage of the property. Rather than requiring a legal agreement with the owner of each freehold townhouse unit to maintain and service the sewer, the applicant intends to incorporate the development as a condominium to manage this matter in a more comprehensive manner across a single property.

3.0 Relevant Background

3.1 Planning History

On September 25, 2006, Municipal Council recommended the City of London Approval Authority grant draft approval to the plan of subdivision and granted a Zoning By-law amendment to permit residential and commercial uses with holding provisions (39T-14512/Z-6833) for the subject and adjacent lands.

The subdivision was also the subject of the Stoney Creek Sanitary Sewer Extension Municipal Class EA, the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA, and a Municipal Class EA for Fanshawe Park Road East, between Adelaide Street North and Highbury Avenue North.

Three year extensions of the draft plan of subdivision were granted in 2010 and 2013 respectively.

Holding provision originally applied to these lands were removed on July 18, 2016 (H-8600).

Phase 1 of the Stoney Creek Subdivision was granted final approval on September 8, 2016 for the portion of the draft plan consisting of one (1) multi-family block (street townhomes), one (1) commercial block, one (1) park block, one (1) stormwater management block, and five (5) reserve blocks, all served by two new secondary collector roads (Rob Panzer Road and Blackwell Boulevard).

3.2 Community Engagement (see more detail in Appendix B)

On September 5, 2018, Notice of Application was sent to all property owners within 120 metres of the subject lands. Notice of Application was published in The Londoner on September 6, 2018. No responses have been received at the time this report was prepared.

4.0 Key Issues and Considerations

The proposed Zoning By-law Amendment was evaluated to determine whether it was compatible with the surrounding neighbourhood.

4.1 Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) 2014 provides policy direction regarding land use and development. The proposed application is consistent with Section 1.0, Building Strong Communities and Section 3.0, Protecting Public Health and Safety, as it provides for a mix of uses in combination with the recently developed commercial block to the east and the institutional and low density residential uses to the south of the subject lands. The incorporation of the proposed high and medium density blocks in the subsequent phase of the Draft Approved subdivision represents an efficient use of land and resources within an existing settlement area. The stormwater management facility and Stoney Creek to the north recognize the long-term ecological function of natural heritage systems.

4.2 The London Plan

The proposed amendment would permit street-oriented townhouses in a form similar to what is presently permitted on the lands. The proposed buildings have principle entrances and windows facing the public right-of-way and are of an appropriate scale with respect to their relationship with pedestrians the public realm. The intensity of development is appropriate in the neighbourhood context, and contributes to the mix of housing types and uses in the area, as provided for in the City Building policies and Key Directions of The London Plan.

The southern property line of the subject lands is the northernmost boundary of the Primary Transit Area. The site is located within the Neighbourhoods Place Type and has frontage on Blackwell Boulevard, being a Neighbourhood Connector. The lands are also in close proximity to two additional Neighbourhood Connectors, being Stackhouse Avenue and Rob Panzer Road. As such, the range of permitted uses for the lands includes townhouses at a maximum of 2.5 stories in height, though it is recognized that these policies are still presently under appeal. Based on the foregoing, the proposed development and neighbourhood, as designed, is consistent with the intended character, goals, and functions of the Neighbourhood Place Type.

4.3 The 1989 Official Plan

The subject lands are designated Multi-Family, Medium Density Residential which permits multiple-unit housing forms with a low-rise form including cluster townhouse dwellings, that is intended to serve as a transition between low density residential areas and more intense land uses. The proposed amendment maintains the townhouse dwelling form at a scale and density that is compatible with the existing low-rise single detached dwellings and future high-density built form of the surrounding area. The proposed amendment would not result in additional intensity or land use conflicts between the subject lands and the surrounding area. The proposed development conforms to the policies of the 1989 Official Plan.

4.4 Zoning

The lands are located within a Residential R4 (R4-5) Zone. The lands were zoned during the subdivision process in 2006 to permit medium density residential uses in the form of street townhouses, and included an "h" holding provision for adequate municipal servicing and access. The holding provision was removed in 2016.

The Residential R4-5 Zone allows for Street Townhouse Dwellings which are defined as follows:

"STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms.

The special provision of the Subdivision Agreement (39T-04512) requires an easement for the purpose of servicing within the front yard of the subject lands, as well as a one (1) metre rear yard maintenance easement for street townhouse dwellings which do not provide direct access to the rear yard from the garage. Rather than establishing these easements over thirty one (31) individual freehold lots, the applicant is requesting a Residential R5 (R5-5) Zone on the lands to construct townhouses in the same physical form as would be permitted in the Residential R4 (R4-5) Zone but in a different form of tenure.

The requirements of the Residential R5 (R5-5) Zone differ in that greater interior side and front yard setbacks are required, as well as increased landscaped open space coverage and a maximum building height of 12.0 metres, where the Residential R4 (R4-5) Zone permits a maximum building height of 10.5 metres. The applicant is proposing a building height of 7.9 metres. The development, as proposed, complies with the regulations of the Zoning By-law, as amended.

5.5 Planning Impact Analysis

As per Section 3.7 in the Official Plan, where a zone change application is being considered, a variety of criteria may be considered when evaluating the proposal with respect to the appropriateness of a change in land use, and in minimizing potential adverse impacts on abutting uses. The proposed Zoning By-law Amendment is consistent with Section 3.7 as:

- the proposed use of the lands, being townhouse dwellings, was contemplated through the subdivision process, and is compatible with surrounding uses.
- the block created through the Plan of Subdivision is of sufficient size and shape to accommodate the proposed use.
- the intensity of the use is not being increased as part of this application. The form as proposed will not create impacts on surrounding land uses.
- the proposed medium density residential development is located in close proximity to a future park and public open space opportunities, as well as the Primary Transit Area, and two transit stops.
- no potential impact is anticipated on surrounding natural features and heritage resources

5.0 Conclusion

The proposed amendment is consistent with the Provincial Policy Statement and is in conformity with The London Plan and the 1989 Official Plan. The proposed amendment provides the applicant additional flexibility in dealing with the legal arrangements associated with the required easement on the lands, and permits development that is appropriate for the subject lands and is compatible with existing and planned surrounding land uses. These proposed amendments represent good land use planning and are recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Reviewed & Recommended by:	Lou Pompilii, MCIP RPP Manager, Development Planning (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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

November 6, 2018

MS

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\Z-8954 - 1175 Blackwell Boulevard (MS)\PEC\DRAFT - 1175 Blackwell Boulevard Z-8954 MS Report 1 of 8.DOCX

Previous Reports Pertinent to this Matter

September 25, 2006: Subdivision Draft Approval and Zoning By-law Amendment (39T-14512/Z-6833).

July 18, 2016: The “h” holding provision was removed from the lands (H-8600).

September 8, 2016: Final approval was granted for Phase 1 of the Stoney Creek Subdivision (including the subject lands).

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 rezone the property located at 1175 Blackwell Boulevard.

WHEREAS 700531 Ontario Limited has applied to rezone the property located at 1175 Blackwell Boulevard as shown on the map attached as Schedule "A" 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:

1. Schedule "A" to By-law No. Z.-1 as amended, is amended by changing the zoning applicable to lands located at 1175 Blackwell Boulevard as shown on the map attached as Schedule "A" to this by-law **FROM** a Residential R4 (R4-5) Zone **TO** a Residential R5 (R5-5) Zone.
2. 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.

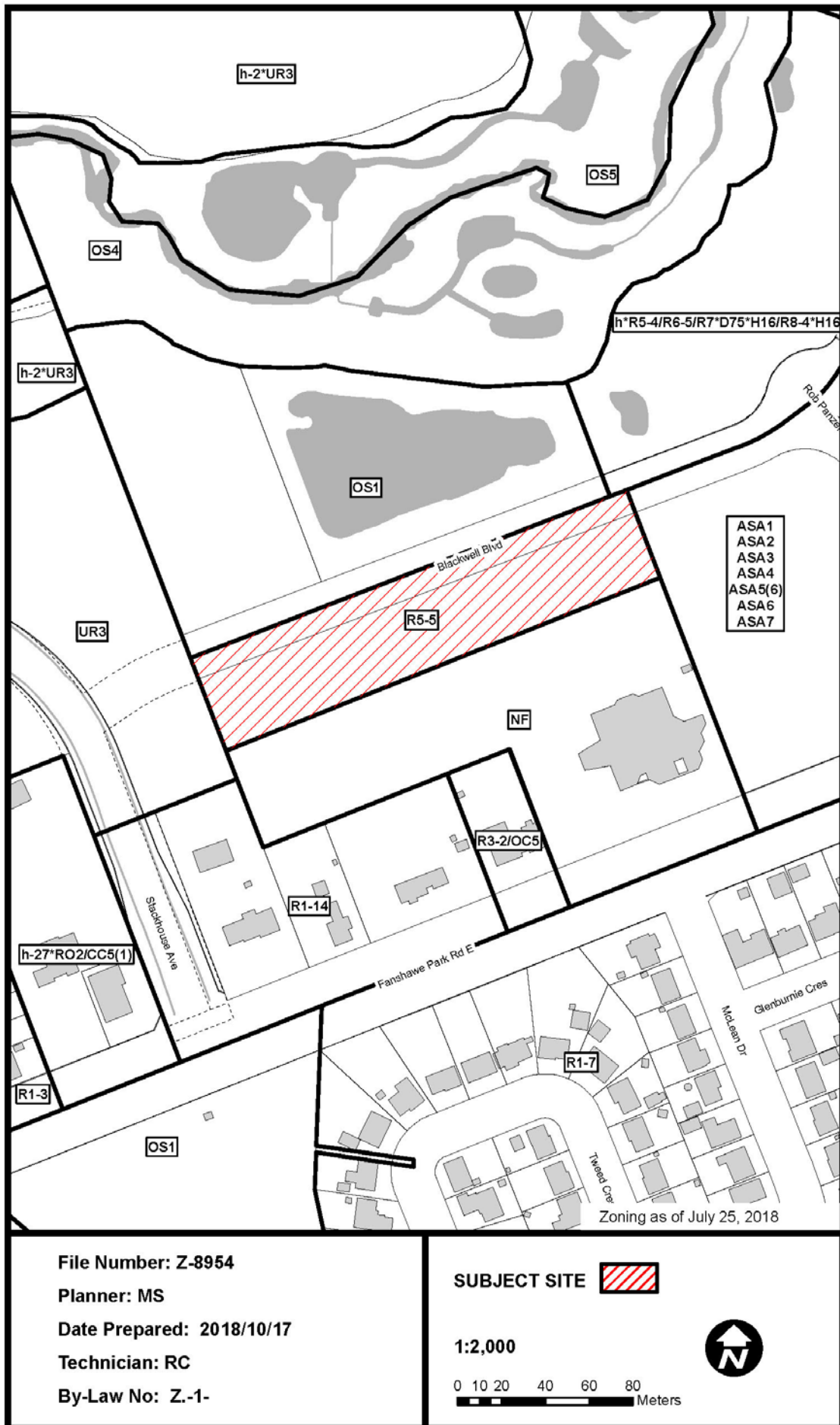
PASSED in Open Council on November 20, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – November 20, 2018
Second Reading – November 20, 2018
Third Reading – November 20, 2018

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On September 5, 2018, Notice of Application was sent to property owners within 120 metres of the subject lands. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 6, 2018.

On October 24, 2018, Notice of Public Meeting was sent to property owners within 120 metres of the subject lands. Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 25, 2018.

No replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit the development of 31 cluster townhouse dwellings. Possible change to Zoning By-law Z.-1 **FROM** a Residential R4 (R4-5) Zone which permits street townhouse dwellings with a maximum building height of 10.5 metres and a maximum lot coverage of 40% **TO** a Residential R5 (R5-5) Zone which permits townhouse dwellings and stacked townhouse dwellings with a maximum building height of 12.0 metres, a maximum lot coverage of 40% and a maximum density of 45 units per hectare.

Responses: No comments were received.

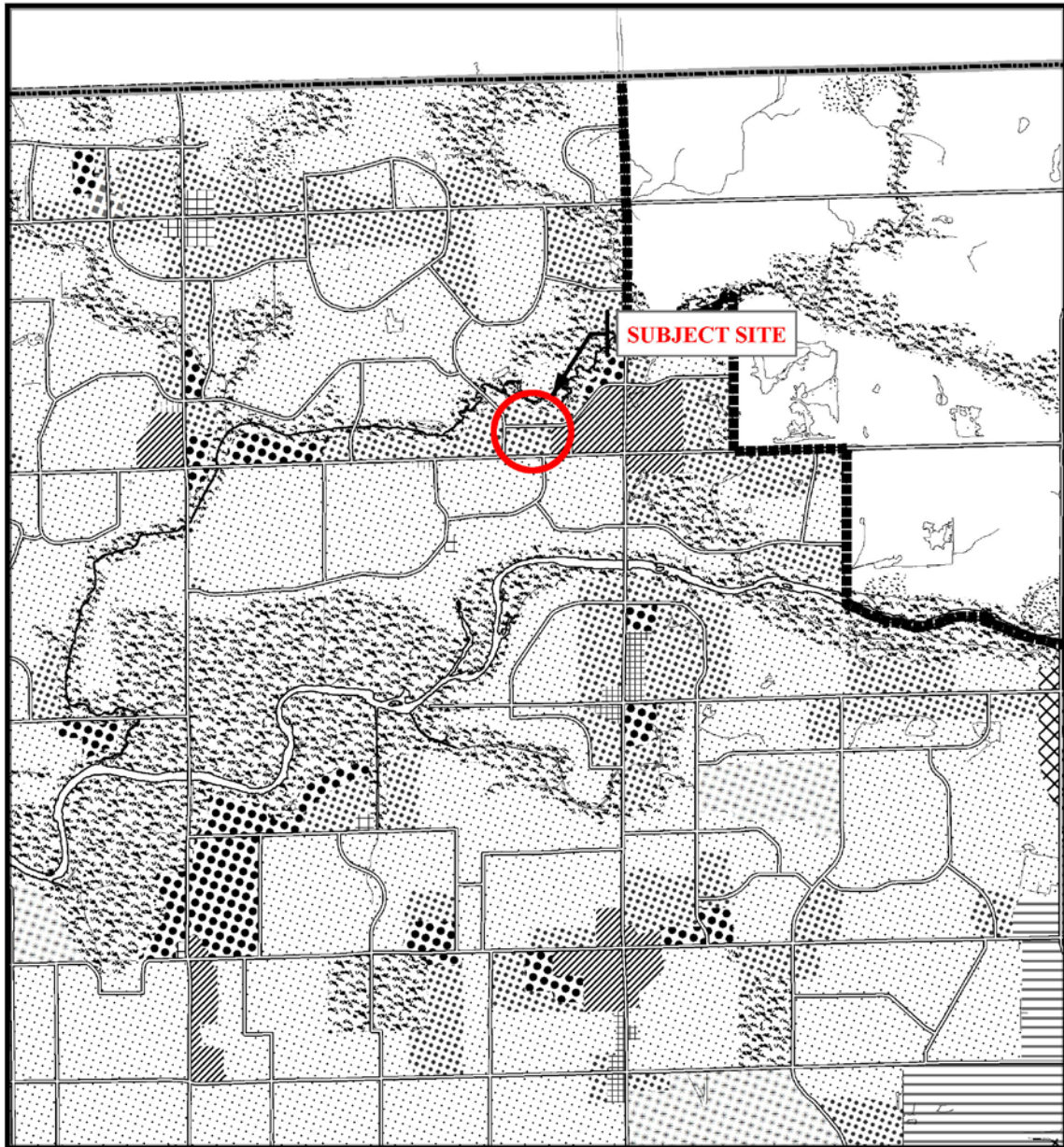
Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
None	None

Agency/Departmental Comments

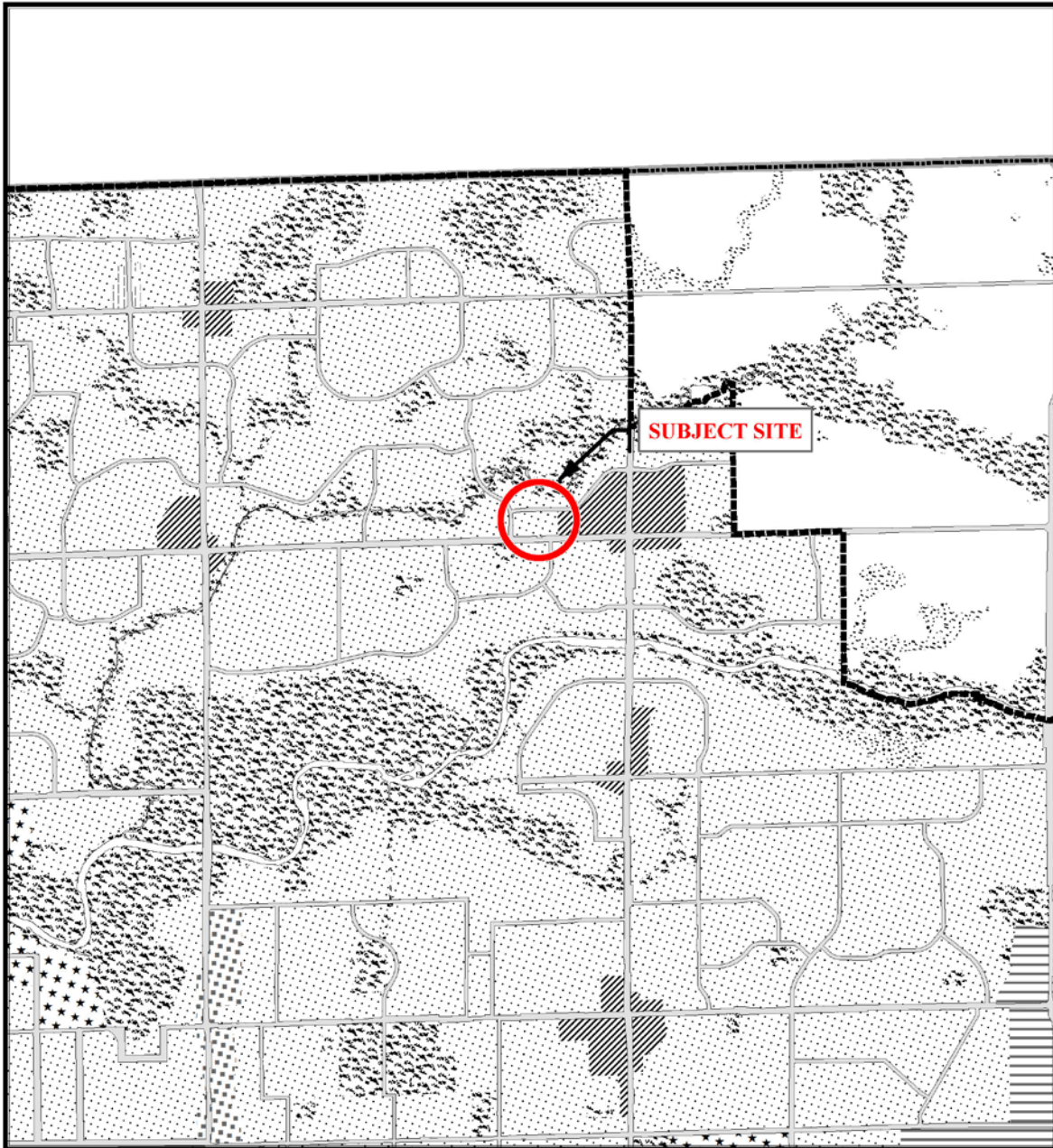
Development Services – Engineering: No Comments.

London Hydro: No objection.



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8954</p>
		<p>PLANNER: MS</p>
		<p>TECHNICIAN: RC</p>
		<p>DATE: 2018/10/17</p>



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.

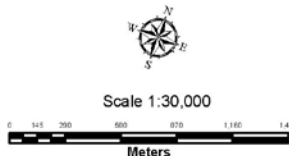
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

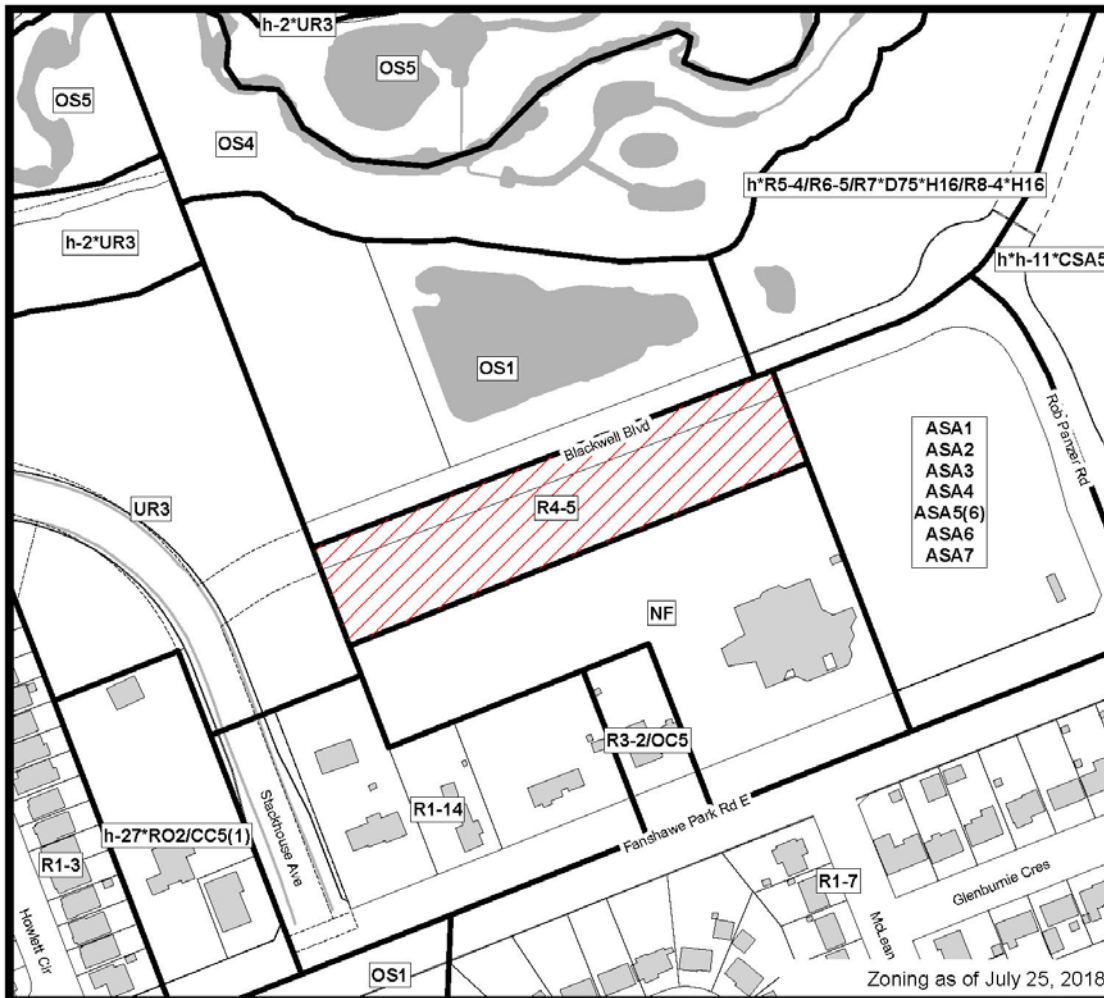
Planning Services /
 Development Services

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

PREPARED BY: Planning Services



File Number: Z-8954
Planner: MS
Technician: RC
Date: October 17, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z-1
 SCHEDULE A**



FILE NO:

Z-8954

MS

MAP PREPARED:

2018/10/17

RC

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THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS