

--	--

**File No. H-7964
C Smith**

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: BARRY MOLLOY 7 HOLIDAY AVENUE NOVEMBER 5, 2012

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner based on the application of Barry Molloy relating to the property located at 7 Holiday Avenue the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 20, 2012 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** a Holding Residential R2/Office Conversion (h-5*h-130*R2-4/OC4) Zone **TO** a Residential R2/Office Conversion (R2-4/OC4) Zone to remove the holding provision requiring that agreements shall be entered into following public site plan review and that adequate storm water management and infrastructure addressing overland water flows are in place and a development agreement in association with a site plan is entered into to the satisfaction of Municipal Council .

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Z-7676- application of Barry Malloy to amend Zoning By-law Z.-1 from a Residential R2 (R2-4) to a Residential R2/Office Conversion (R2-4/OC4) Zone to allow for the conversion of the existing single detached dwelling to an office use.

O-7722-City of London initiated Official Plan amendments for the lands at 3-53 Holiday Avenue, 19-23 Greenfield Drive and 728-738 Exeter Road to add a Chapter 10 Specific Area Policy to the Official Plan

PL 100465- OMB Hearing on November 16, 2010.

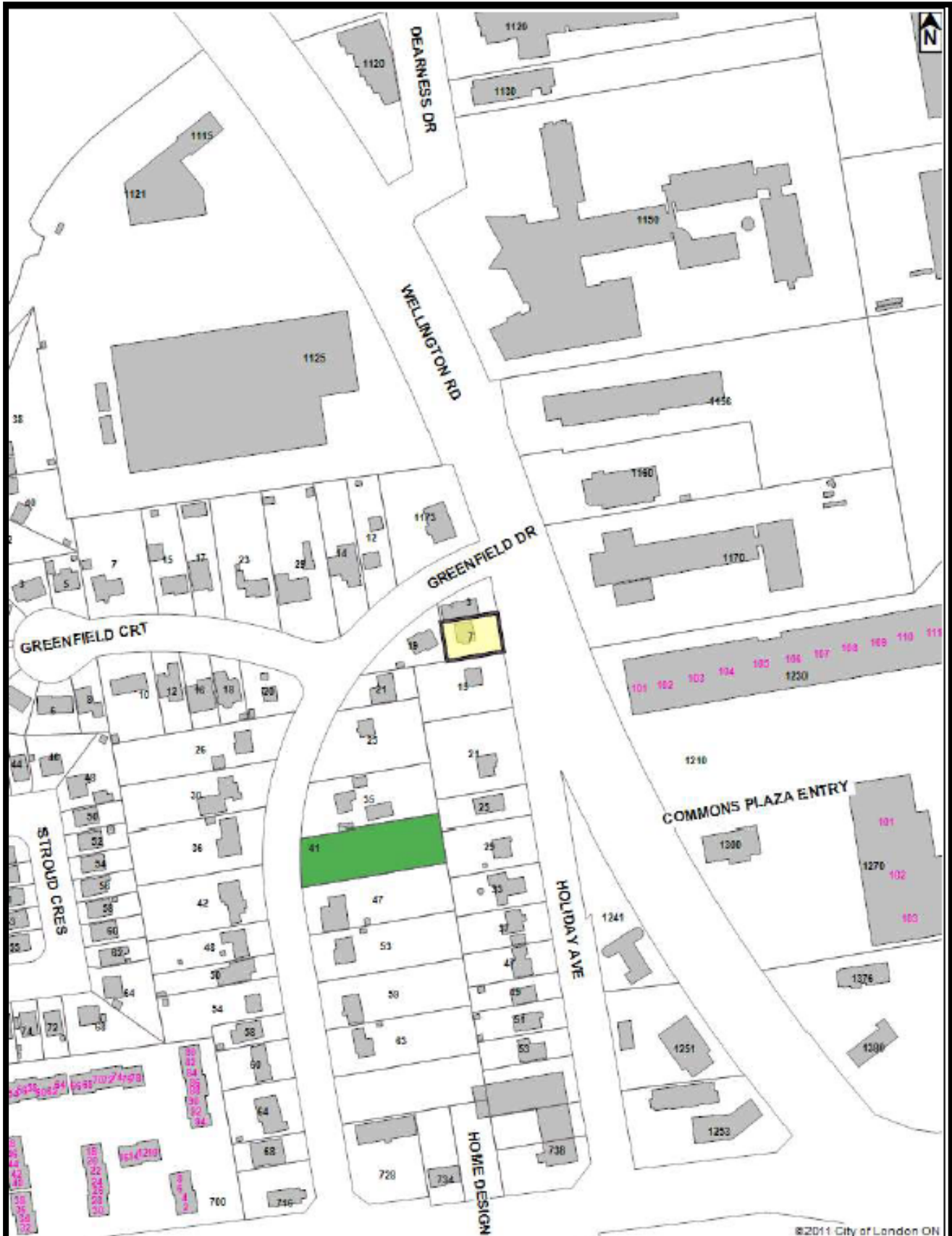
February 6, 2012- (SP11-020158) Public Site Plan meeting held before Planning and Environment Committee.

July 23, 2012- Recommendation of Acting Executive Director, Planning Environmental and Engineering Services Department and City Engineer to the Planning and Environment Committee recommending that staff be directed to remove the h-103 holding provision from the property.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

Removal of the holding provision will allow the issuance of building permits to convert the existing single detached dwelling into an office use.

--	--



©2011 City of London ON

LOCATION MAP

Subject Site: 7 Holiday Avenue (at Wellington)
 Applicant: Barry Molloy
 File Number: H-7964
 Planner: Craig Smith
 Created By: Craig Smith
 Date: 2011-10-04
 Scale: 1:2500

LEGEND

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



--	--

RATIONALE

On February 6, 2012 a public participation meeting was held before the Planning Environment Committee and on July 23, 2012 a report was presented before the Planning and Environment Committee regarding the mitigation of storm water in this area.

A development agreement implementing the recommendation of Council was entered into on October 19, 2012

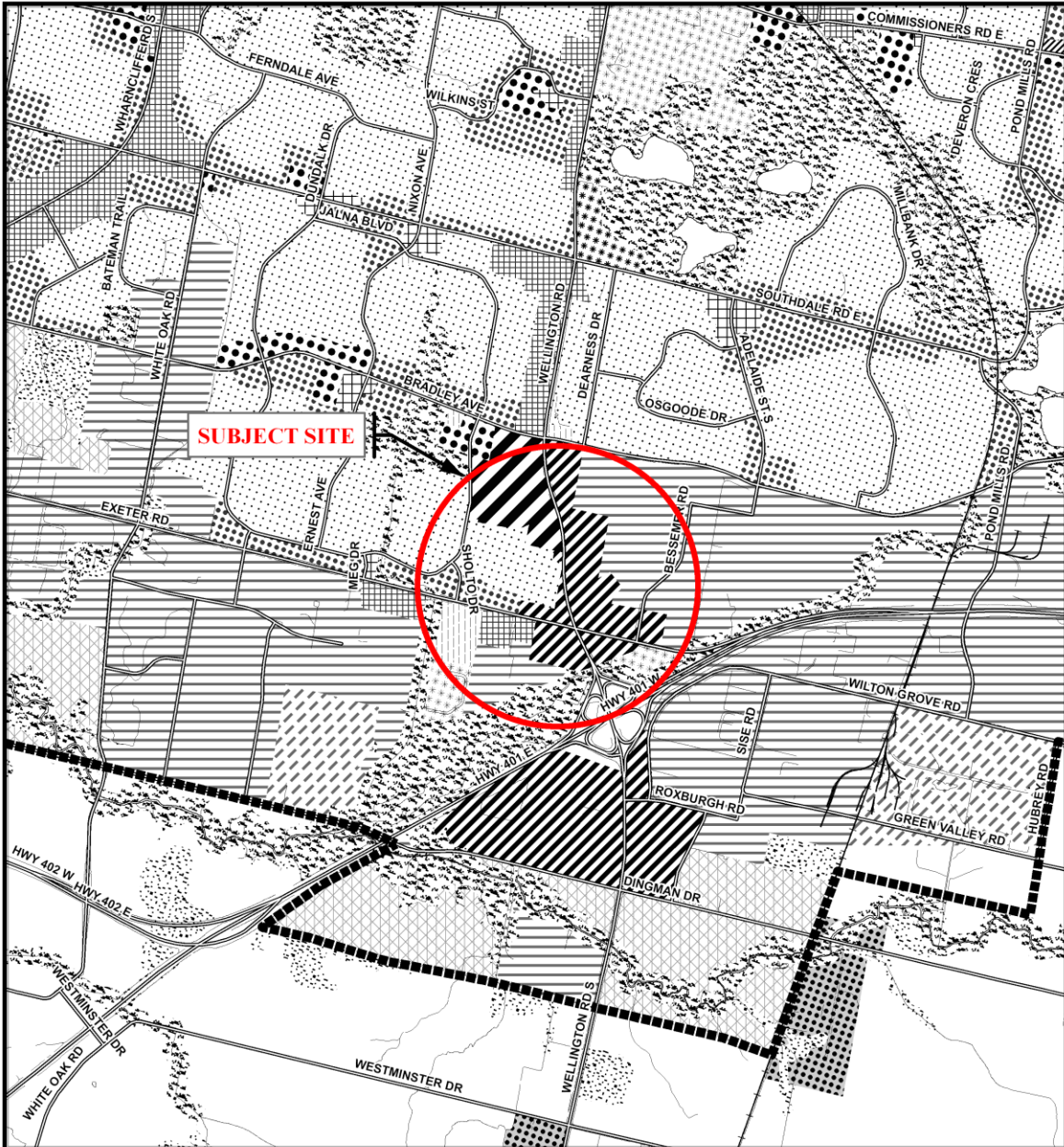
BACKGROUND

Date Application Accepted: September 25, 2012	Agent: Kirkness Consulting Inc. Urban and Rural Planning
REQUESTED ACTION: An amendment to the zoning by-law to remove the holding "h-5" and "h- 103" symbols which require adequate storm water management and infrastructure addressing overland water flows are in place and a development agreement in association with a site plan is entered into which addresses drainage and storm water management issues and joint access with #15 Holiday Avenue and prohibitions of vehicular left turns into and out of the lands known as #7 Holiday Avenue, as to the satisfaction of Municipal Council	

OFFICIAL PLAN DESIGNATION: (refer to map on page 4)
<ul style="list-style-type: none"> • Low Density Residential
EXISTING ZONING: (refer to map on page 5)
<ul style="list-style-type: none"> • Holding Residential R2/Office Conversion (h-5*h-130*R2-4/OC4)

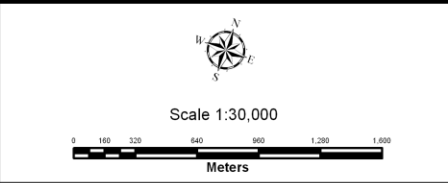
PUBLIC LIAISON:	Notice of intent to remove the holding provision was published in the Living in the City section of the London Free Press on October 8, 2011. The notice of the removal of holding provision was circulated again in the Londoner on October 25, 2012	No replies received
Nature of Liaison; To amend the zoning by-law to remove the holding "h-5" and "h- 103" symbols which require adequate storm water management and infrastructure addressing overland water flows are in place and a development agreement in association with a site plan is entered into which addresses drainage and storm water management issues and joint access with #15 Holiday Avenue and prohibitions of vehicular left turns into and out of the lands known as #7 Holiday Avenue, as to the satisfaction of Municipal Council		
Responses: None		

--	--



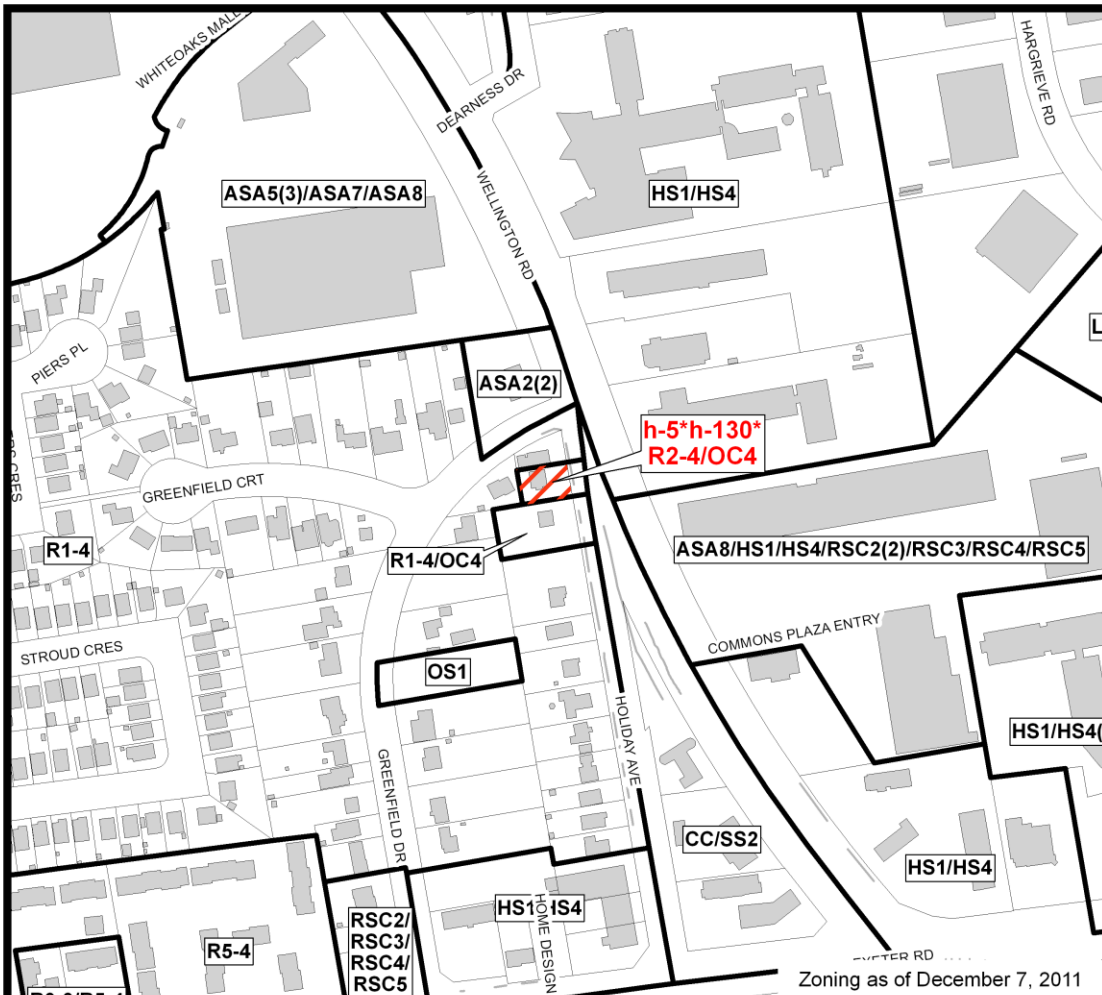
Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential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

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



FILE NUMBER: Z-7964
 PLANNER: CS
 TECHNICIAN: CK
 DATE: 2012/01/20

--	--



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*h-130*R2-4/OC4

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</p> <p>SCHEDULE A</p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: Z-7964 CS</p> <hr/> <p>MAP PREPARED: 2012/01/20 CK</p> <hr/> <p style="text-align: center;">1:3,500</p> <p style="text-align: center;">0 15 30 60 90 120 Meters</p>
---	--	--

--	--

Z-7676- On September 28, 2009 a public meeting was held before the Built and Natural Environment to hear the application of Barry Malloy to amend Zoning By-law Z.-1 from a Residential R2 (R2-4) to a Residential R2/Office Conversion (R2-4/OC4) Zone to allow for the conversion of the existing single detached dwelling to an office use. The applicant was referred back to staff to consider an Official Plan amendment for the abutting lands.

On February 24, 2010 a public meeting was held before the Built and Natural Environment Committee.

Municipal Council at its session held on March, 2010 resolved:

*That, notwithstanding the recommendation General Manager of Planning and Development, the application of The Corporation of the City of London relating to the properties located at 3-53 Holiday Avenue, 19-23 Greenfield Drive and 728-738 Exeter Road, and the application of Barry Molloy relating to the property located at 7 Holiday Avenue **BE REFUSED** for the following reasons:*

- *drainage issues impacting neighbouring properties have not been adequately addressed;*
- *traffic flow and safety issues have not been addressed;*
- *adequate stormwater management and infrastructure to address overland water flow issues are not in place;*
- *given the above-noted points, the application is premature; and*
- *the proposal does not represent good planning;*

PL 100465- The property owner appealed Council's decision to amend Zoning By-law Z.-1 to the Ontario Municipal Board (OMB). The OMB Hearing was heard on November 16, 2010.

The Board Member permitted the amendment to Zoning By-law Z.-1 and ordered that a Holding Residential R2/Office Conversion (h-5*h-130*R2-4/OC4) Zone be applied to the lands at 7 Holiday Avenue.

The Board ordered holding provisions h-5 and h-130 which require that prior to the removal of the holding provision that agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act* and that adequate storm water management and infrastructure addressing overland water flows are in place and a development agreement in association with a site plan is entered into which addresses drainage and storm water management issues and joint access with #15 Holiday Avenue and prohibitions of vehicular left turns into and out of the lands known as #7 Holiday Avenue, as to the satisfaction of Municipal Council.

A public site plan meeting was held at the Planning and Environment Committee on February 6, 2012. Municipal Council on February 21, 2012 resolved:

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director, Development Planning, the following actions be taken with respect to the site plan approval application of B. Malloy, c/o Kirkness Consulting, relating to the property located at 7 Holiday Avenue:

- a) *the Approval Authority **BE ADVISED** that, at the public participation meeting of the Planning and Environment Committee, held with respect to this matter, issues were raised by the public with respect to the rear property elevation and drainage concerns;*
- b) *the Approval Authority **BE ADVISED** that the Municipal Council supports the granting of approval of the attached Site Plan for the conversion of the house to an office;*
- c) *the financing for the project **BE APPROVED** in accordance with the "Claims and Revenues Report" provided as Schedule "A" to the associated staff report, dated February 6, 2012; and,*
- d) *the Civic Administration **BE DIRECTED** to report to the February 13, 2012 Civic Works Committee meeting with respect to the completion of a subwatershed study for the remediation of the drainage concerns and how the City can alleviate the drainage concerns expressed by the residents.*

--	--

The Acting Executive Director, Planning Environmental and Engineering Services Department and City Engineer submitted a report that was heard before the Planning and Environment Committee on July 23, 2012. In the report it states:

Opportunities for regional upgrades to the receiving storm/drainage system for the subject lands are restricted due to the reduced grade of the system in relation to the outfall. While extensive upgrades to the size of the receiving system are possible, at significant cost, it would result in backflow from the Dingman Creek outlet and result in shallow ponding areas that may provide the ecological conditions suitable for mosquito breeding areas that are associated with the West Nile Virus.

As the City of London does not have consent from the private property owners to conduct the remediation works proposed by Spriet Associates to alleviate the storm/drainage overland flow deficiencies in the Holiday Avenue/Greenfield Drive area; the Stormwater Management (SWM) Unit proposes that the holding provision be removed it being noted that the owner of 7 Holiday Avenue is required to contain and manage the stormwater on site in accordance with City requirements.

Municipal Council on July 24, 2012 resolved:

*That, on the recommendation of the Acting Executive Director, Planning Environmental and Engineering Services & City Engineer, the Civic Administration **BE AUTHORIZED** to remove the holding provision on the property located at 7 Holiday Avenue; it being noted that the owner is required to contain and manage the stormwater on site, in accordance with City requirements. (2012-W10-02)*

CONCLUSION

On February 21, 2012 Municipal Council resolved that it supports the granting of approval of the Site Plan for the conversion of the house to an office and on July 23, 2012 further resolved that the holding provision on the property be removed. The development agreement has been entered into with the City of London on October 19, 2012. The Managing Director, Planning and City Planner recommends that at this time the holding (h-5*h-130) provisions can be removed from the zoning for the subject lands.

PREPARED BY:	SUBMITTED BY:
C. SMITH – PLANNER COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

October 24, 2012
CS/

--	--

**File No. H-7964
C Smith**

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located at 7 Holiday Avenue.

WHEREAS have applied to remove the holding provisions from the zoning for an area of land located at 7 Holiday 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 provision from the zoning of the said land;

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

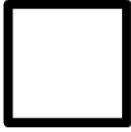
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 7 Holiday Avenue as shown on the attached map comprising part of Key Map No. 148 to remove the holding provisions so that the zoning of the lands as a Residential R2/Office Conversion (R2-4/OC4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on November 20, 2012

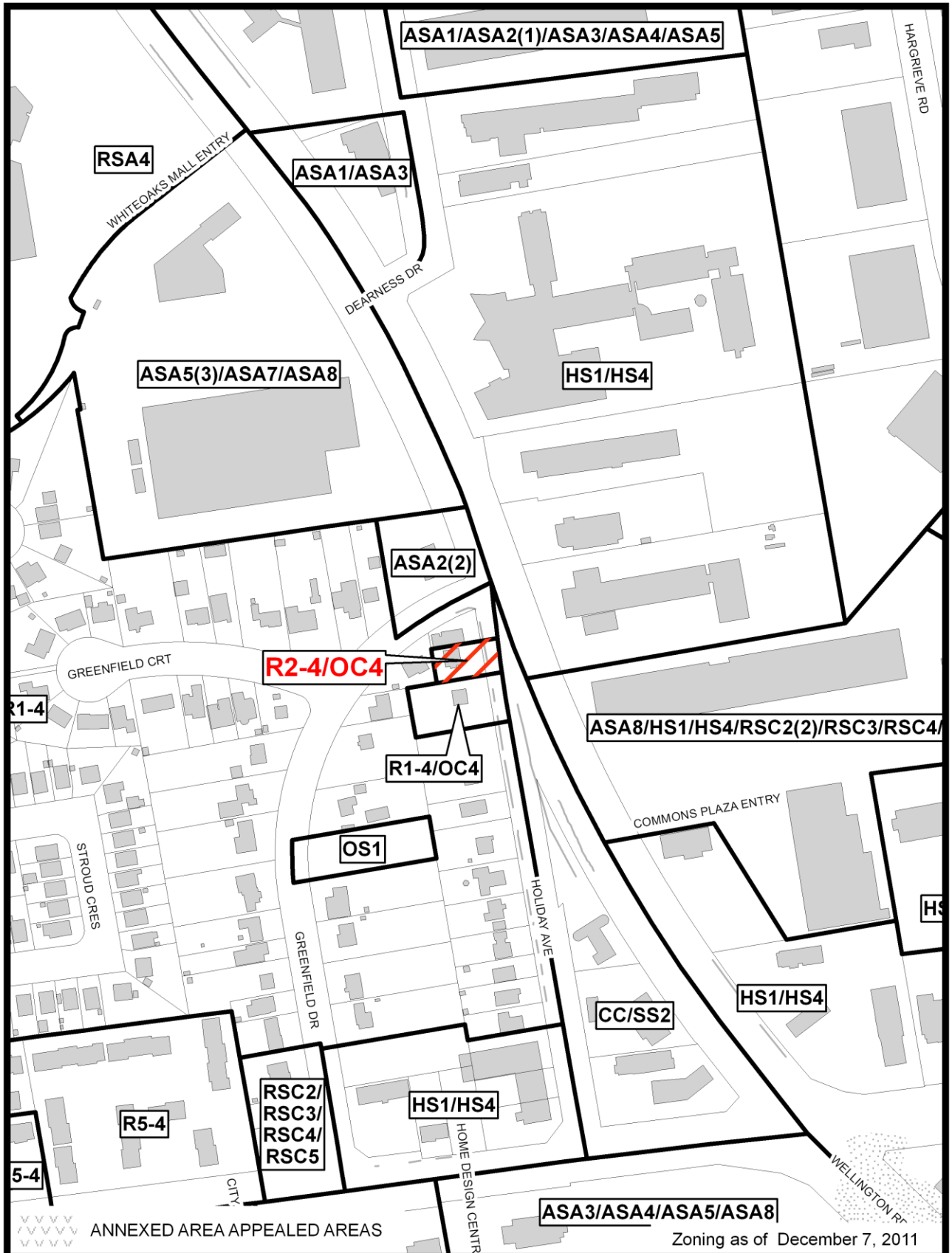
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - November 20, 2012
Second Reading - November 20, 2012
Third Reading - November 20, 2012.




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



Zoning as of December 7, 2011

File Number: Z-7964
 Planner: CS
 Date Prepared: 2012/01/20
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters 