

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Nest on Wonderland
447 Old Wonderland Road
Removal of Holding Provision

Meeting on: September 9, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Nest on Wonderland, relating to lands located at 447 Old Wonderland Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on September 17, 2019 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 R8 Special Provision/Restricted Office Special Provision (h-5•R8-4(45))/RO2(33) Zone **TO** a Residential R8 Special Provision /Restricted Office Special Provision (R8-4(45))/RO2(33) Zone to remove the h-5 holding provision for this site.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (h-5) provision from the zoning at 447 Old Wonderland Road to allow development of a proposed four (4) storey, 41 unit apartment building.

Rationale of Recommended Action

1. The conditions for removing the holding (h-5) provision have been met and the recommended amendment will allow development of a proposed residential apartment building in compliance with the Zoning By-law.
2. The holding (h-5) provision can be removed from the zoning as a public meeting has been held and the requirements for public site plan review have been met.
3. A Development Agreement has been entered into by the applicant and the City, and security has been posted in accordance with City policy.

Analysis

1.1 Location Map



Location Map

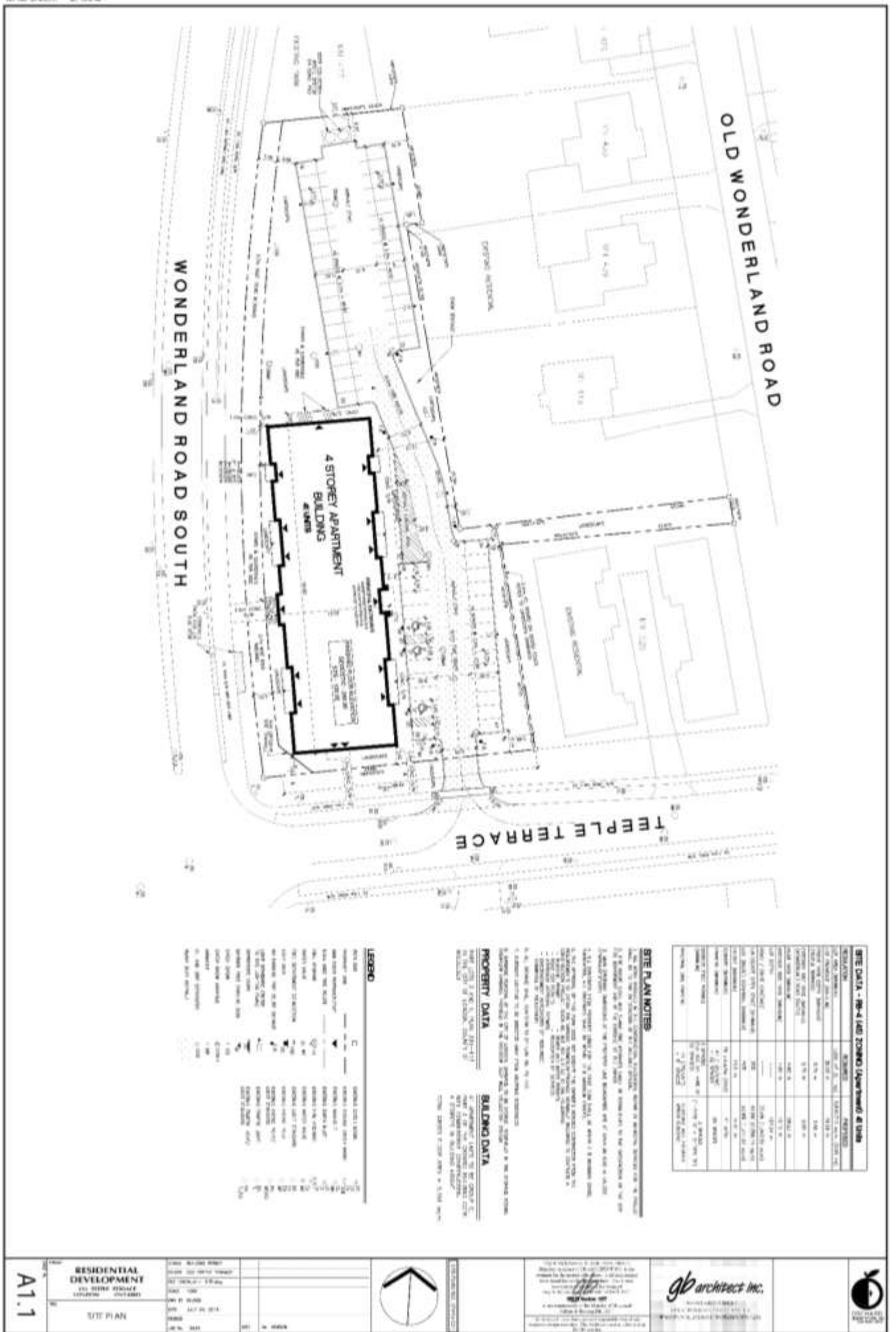
Subject Property: 447 Old Wonderland Road
 Applicant: Nest On Wonderland Inc
 File Number: H-9058
 Created By: Larry Mottram
 Date: 7/24/2019
 Scale: 1:2000

Legend

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



1.2 Proposed Site Plan



SITE DATA - (Per Land Control Department of Urban Services)

RESOLUTION	APPROVED
1. ZONING BY-LAW	2011-01-26 (L2011-001)
2. ZONING BY-LAW	2011-01-26 (L2011-001)
3. ZONING BY-LAW	2011-01-26 (L2011-001)
4. ZONING BY-LAW	2011-01-26 (L2011-001)
5. ZONING BY-LAW	2011-01-26 (L2011-001)
6. ZONING BY-LAW	2011-01-26 (L2011-001)
7. ZONING BY-LAW	2011-01-26 (L2011-001)
8. ZONING BY-LAW	2011-01-26 (L2011-001)
9. ZONING BY-LAW	2011-01-26 (L2011-001)
10. ZONING BY-LAW	2011-01-26 (L2011-001)

SITE PLAN NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF WINDSOR.
3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR WATER SERVICES BOARD.
4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR SEWERAGE AND WATER TREATMENT BOARD.
5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR POLICE SERVICES BOARD.
6. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR FIRE SERVICES BOARD.
7. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR PUBLIC WORKS BOARD.
8. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR TRANSPORTATION SERVICES BOARD.
9. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR COMMUNITY SERVICES BOARD.
10. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE WINDSOR CULTURAL SERVICES BOARD.

PROPERTY DATA

BUILDING DATA

4 STOREY APARTMENT BUILDING
4 UNITS

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	PROPOSED DEVELOPMENT
(Symbol)	EXISTING DEVELOPMENT
(Symbol)	EXISTING PAVEMENT
(Symbol)	EXISTING CURB
(Symbol)	EXISTING SIDEWALK
(Symbol)	EXISTING DRIVEWAY
(Symbol)	EXISTING UTILITY
(Symbol)	EXISTING TREE
(Symbol)	EXISTING FENCE
(Symbol)	EXISTING SIGN
(Symbol)	EXISTING LIGHT
(Symbol)	EXISTING BIKEWAY
(Symbol)	EXISTING PATHWAY
(Symbol)	EXISTING BIKEWAY
(Symbol)	EXISTING PATHWAY
(Symbol)	EXISTING BIKEWAY
(Symbol)	EXISTING PATHWAY

<p>RESIDENTIAL DEVELOPMENT SITING STUDY EXPOSURE STATEMENT</p>	<p>SITE PLAN</p>				<p>DATE: 2011-01-26</p>
					<p>SCALE: 1:100</p>

2.0 Description of Proposal

The purpose and effect is to remove the holding h-5 provision from the zoning at 447 Old Wonderland Road to allow development of a proposed residential apartment building.

3.0 Relevant Background

3.1 Planning History

On February 19, 2019, the Planning and Environment Committee received a staff report recommending approval of a Zoning By-law Amendment for the subject lands to change the zoning from an Open Space (OS1) Zone to a Holding Residential R8 Special Provision and Restricted Office Special Provision (h-5•R8-4(45)/RO2(33)) Zone. The zoning amendment was subsequently passed by Municipal Council on March 5, 2019.

That same month, an application for Site Plan Approval (File No. SPA19-021) for a proposed four (4) storey, 41 unit apartment building, was received by the City from Beco Developments. Conditional approval was issued on April 25, 2019. A resubmission to address comments made as part of the City response to the application was provided on June 17, 2019. The development proposal was subject to a public site plan meeting in accordance with the holding (h-5) zone regulations set out in the Zoning By-law. The public participation meeting to consider the site plan was held by the Planning and Environment Committee on July 22, 2019.

At its meeting held July 30, 2019, Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Beco Developments, relating to the property located at 447 Old Wonderland Road:

a) the Approval Authority BE ADVISED that the following issues were raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a 4 storey, 41 unit apartment building:

- i) garbage storage being maintained on site;*
- ii) lighting concerns;*
- iii) privacy concerns for the neighbouring condominium complex;*
- iv) noise, including air conditioning units;*
- v) designated smoking areas;*
- vi) snow storage; and,*
- vii) parking;*

b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application to permit the construction of a 4 storey, 41 unit apartment building at 447 Old Wonderland Road; it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2019D09)

4.0 Key Issues and Considerations

4.1 Has the condition for removal of the holding (h-5) provision been met?

The purpose of the holding ("h-5") provision in the zoning by-law is as follows:

"Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol."

Permitted Interim Uses: Existing uses.

Following the public participation meeting, the applicant prepared a revised site plan submission to address those issues raised at the public meeting, as summarized as follows:

i) garbage storage being maintained on site

As shown on the revised site plan, the deep collection waste storage system which was originally shown along the easterly side of the site, between the parking lot and the east property line with neighbouring rear yards, will be relocated to the far north end of the parking lot adjacent a parcel of open space land. A note has been added to the site plan that garbage is to be stored internally in storage rooms within the apartment building, and that overflow garbage is to be provided in the outdoor deep well collection system.

ii) lighting concerns

The applicant submitted a photometric (lighting) plan to demonstrate that exterior lighting will be contained within the site area and not overcast on abutting lands to the east. Five light pole standards were shown along the easterly edge of the parking area, adjacent the rear yards of abutting residential properties. The revised site plan submission indicates that two of those light standards located along the parking area immediately adjacent the condominiums will be replaced by one light standard in order to mitigate potential infiltration of light and overcast. As noted in previous staff report, the light fixtures proposed are downward facing and function in a manner which has limited light dispersion so as to reduce impact on abutting uses.

iii) privacy concerns for the neighbouring condominium complex

A 2.4 metre high board-on-board fence along the easterly property line with the adjacent condominium complex is identified on the revised site plan. A 2.6 to 5.7 metre wide landscape strip is also shown between the property line and the edge of the parking lot for the proposed apartment building adjacent the condominiums. The landscape plan indicates that the strip will be planted with four large deciduous shade trees (Bloodgood London Planetree) and one coniferous tree (Norway Spruce) providing additional screening and privacy.

iv) noise, including air conditioning units

With respect to potential noise impacts generated from air conditioning units and building mechanical equipment, roof-top mechanical equipment will be enclosed within a mechanical penthouse. Individual apartment units will be equipped with ultra-quiet condensing units on each balcony. The applicant advises that the same units were used in building they developed in Byron and there have been no issues with noise.

v) designated smoking areas

As noted in the previous staff report, the Site Plan Control By-law does not regulate smoking areas on development sites and defers to Provincial legislation and Municipal By-laws.

vi) snow storage

The snow storage is identified on the site plan in the area that was previously shown to be occupied by the outdoor waste collection system adjacent the east side of the parking lot. The engineering plan shows the area will be graded with a swale to direct snowmelt and stormwater runoff to a catch basin connected to the internal storm sewer system.

vii) parking

The minimum parking requirements of the zoning by-law are met. At the minimum parking rate of 1.25 spaces per unit, 52 parking spaces plus 3 barrier-free accessible spaces are required. The most recent site plan submission indicates 58 on-site parking spaces plus 3 barrier-free spaces will be provided which is considered sufficient.

A public meeting has been held to review the proposed site development plans and receive feedback from the neighbourhood. A revised site plan submission has been made to address the concerns raised at the public meeting and a Development Agreement has been entered into. Therefore, it is recommended that the h-5 holding provision can be removed from the zoning of the property.

5.0 Conclusion

In the opinion of Staff, the holding zone requirement has been satisfied and it is appropriate to proceed to lift the holding (“h-5”) symbol from the zoning applied to this site.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended 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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilii, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering

August 30, 2019
GK/PY/LM/lm

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Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove a holding provision from the zoning for lands located at 447 Old Wonderland Road.

WHEREAS Nest on Wonderland has applied to remove the holding provision from the zoning on the lands located at 447 Old Wonderland Road, 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:

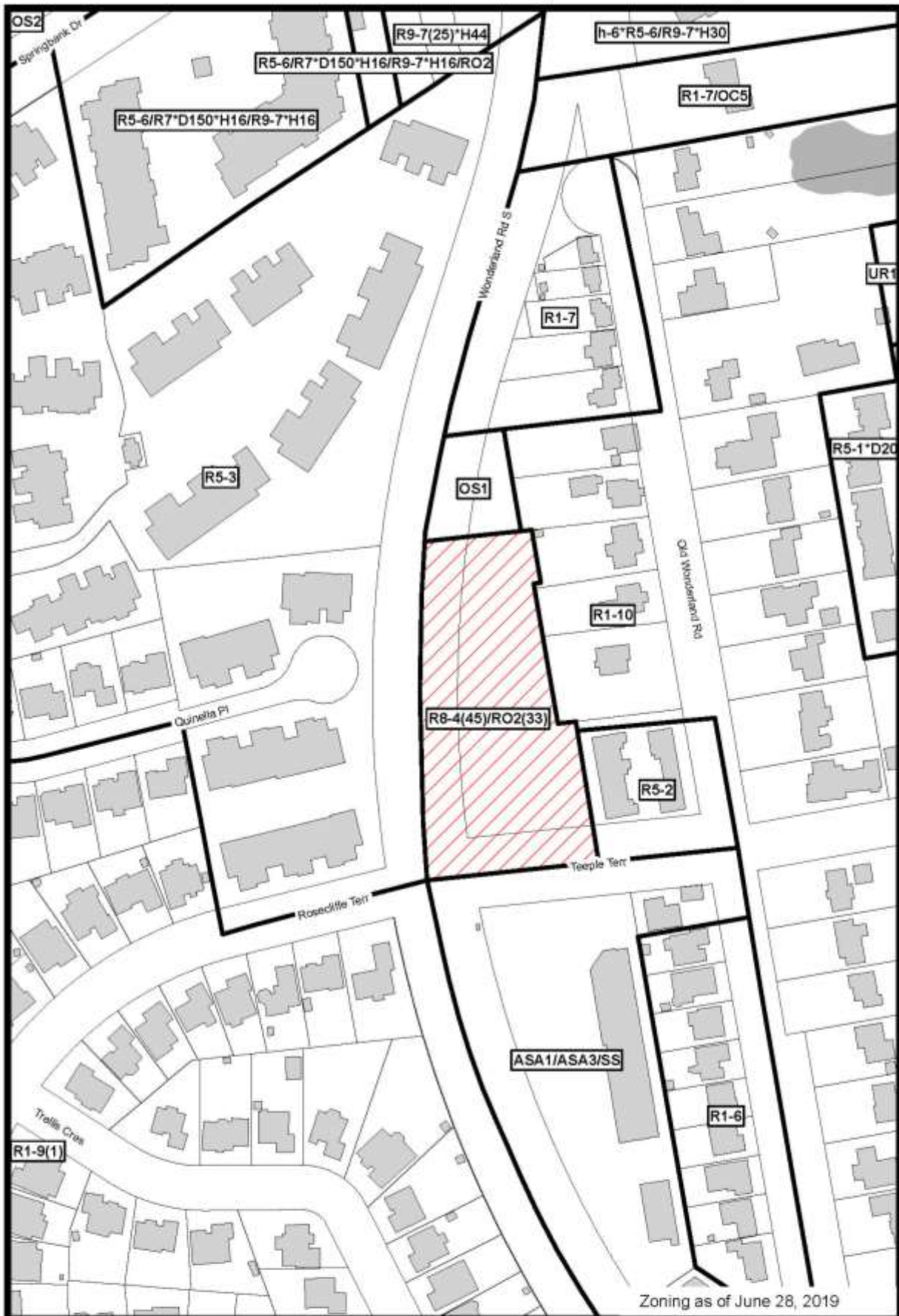
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 447 Old Wonderland Road, as shown on the attached map, to remove the h-5 holding provision so that the zoning of the lands as a Residential R8 Special Provision/Restricted Office Special Provision(R8-4(45))/RO2(33) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 17, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

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



File Number: H-9058
Planner: LM
Date Prepared: 2019/07/29
Technician: rc
By-Law No: Z.-1

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on August 1, 2019. On July 23, 2019, a Notice of Intent to Remove a Holding Provision was sent to 8 surrounding property owners.

0 replies were received

Nature of Liaison: 447 Old Wonderland Road; located on the northeast corner of Wonderland Road South and Teeple Terrace – City Council intends to consider removing the Holding (“h-5”) Provision from the zoning of the subject lands to allow a four storey, 41 unit apartment building permitted under the Residential R8/Restricted Office (R8-4(45))/RO2(33) Zone. The purpose of the “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Council will consider removing the holding provision as it applies to these lands no earlier than August 27, 2019.

Agency/Departmental Comments: None received.

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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
 "N" - 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:

H-9058

LM

MAP PREPARED:

2019/07/29

rc

1:2,000

0 10 20 40 60 80
 Meters