

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Zoning By-law Amendment
Banman Developments Inc.
3427 Paulpeel Avenue

Public Participation Meeting on: November 4, 2019

Recommendation

That, on the recommendation of the Director, Development Services with respect to the application of Banman Developments Inc. relating to the property located at 3427 Paulpeel Avenue the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 12, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR4) Zone **TO** a Residential R1 Special Provision (R1-3(7)) Zone.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law No.Z.-1 to change the zoning from an Urban Reserve (UR4) Zone to a Residential R1 (R1-3(7)) Zone to allow single detached dwellings with reduced side yards and a reduced lot frontages. The rezoning will fulfil a condition of Consent (B.37/17) that consolidated the subject lands with adjacent lands and created the seven (7) single detached building lots with frontage on Paulpeel Avenue.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended zoning will ensure that the seven (7) single detached dwelling lots are all contained with a similar Zone permitting single detached dwellings with a reduced side yard setback of 1.2m(3.9ft.) and a reduced lot frontage of 11m (36 feet).

Rationale of Recommended Action

1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement, 2014.
2. The recommended amendment to Zoning By-law Z.-1 conforms to the 1989 Official Plan including but not limited to the policies of the Multi-Family, Medium Density Residential designation, and The London Plan including but not limited to the policies of the Neighbourhood Place Type, and provides for an appropriate development of the site.
3. The recommended amendment will ensure that the seven (7) single detached dwelling lots are all contained with a similar Zone permitting single detached dwellings.
4. The recommended amendment represents good land use planning.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located within a residential subdivision consisting primarily of single detached and street townhouse dwellings. The site measures approximately 0.18 hectares in size and is located on the west side of Paulpeel Avenue. The subject site is vacant and has been combined with lands to the east and north to create residential lots.

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

- The London Plan Place Type – Neighbourhood Place Type
- (1989) Official Plan Designation – Multi Family, Medium Density Residential
- Existing Zoning – Urban Reserve (UR4) Zone

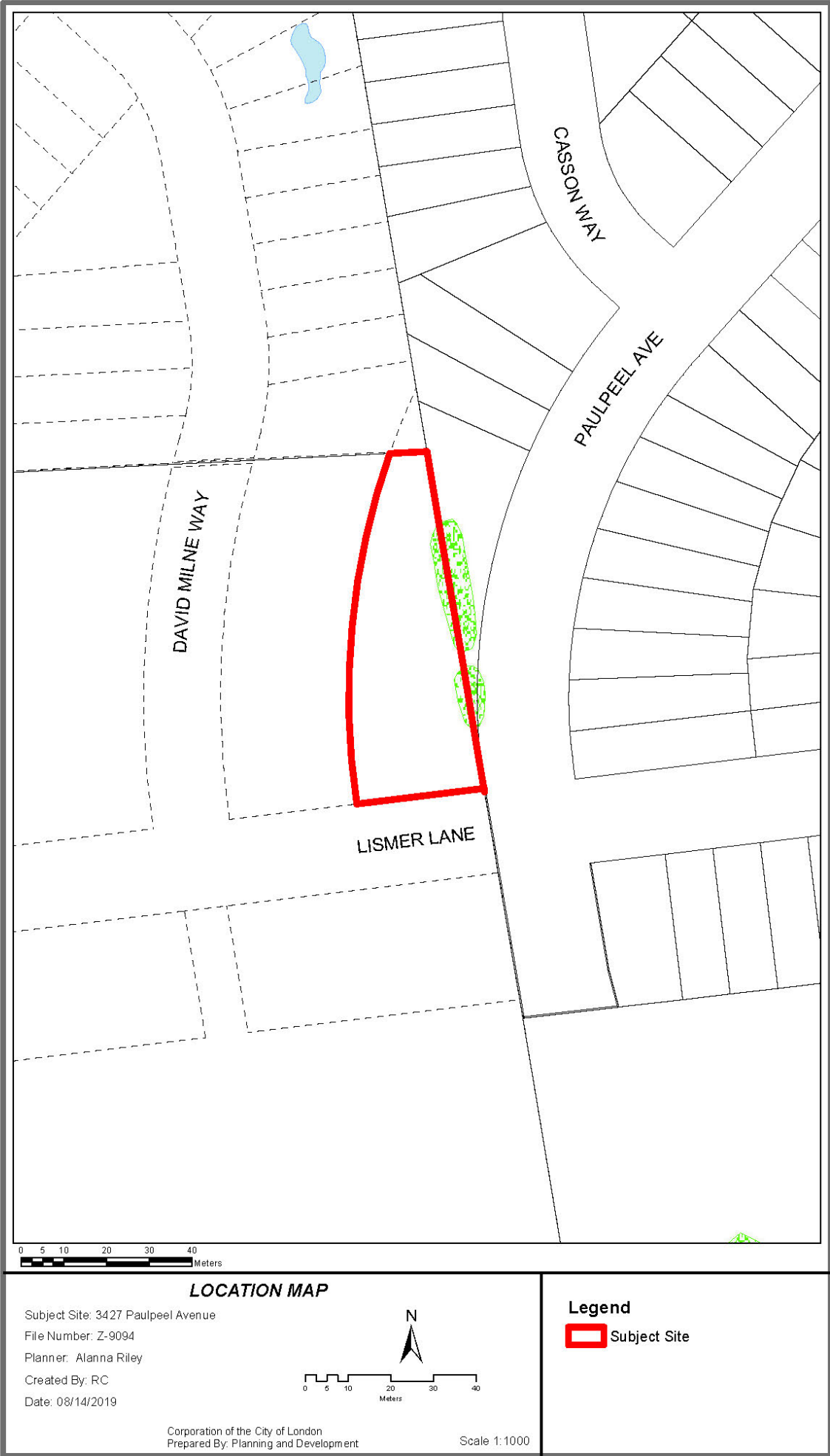
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – N/A
- Area – N/A
- Shape – irregular

1.4 Surrounding Land Uses

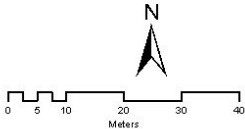
- North – vacant residential
- East – vacant residential, low density residential
- South – vacant residential
- West – vacant residential


1.6 Location Map



LOCATION MAP

Subject Site: 3427 Paulpeel Avenue
File Number: Z-9094
Planner: Alanna Riley
Created By: RC
Date: 08/14/2019



Legend
 Subject Site

2.0 Description of Proposal

2.1 Development Proposal

The subject lands were not included in the plan of subdivision to the west (39T-16508). The subject site was conveyed to the abutting lands (Block 86, Plan 33M-691) to the east, and a small portion of land to the north, and then subdivided by Consent (B.37/17) into seven (7) single detached dwellings lots.

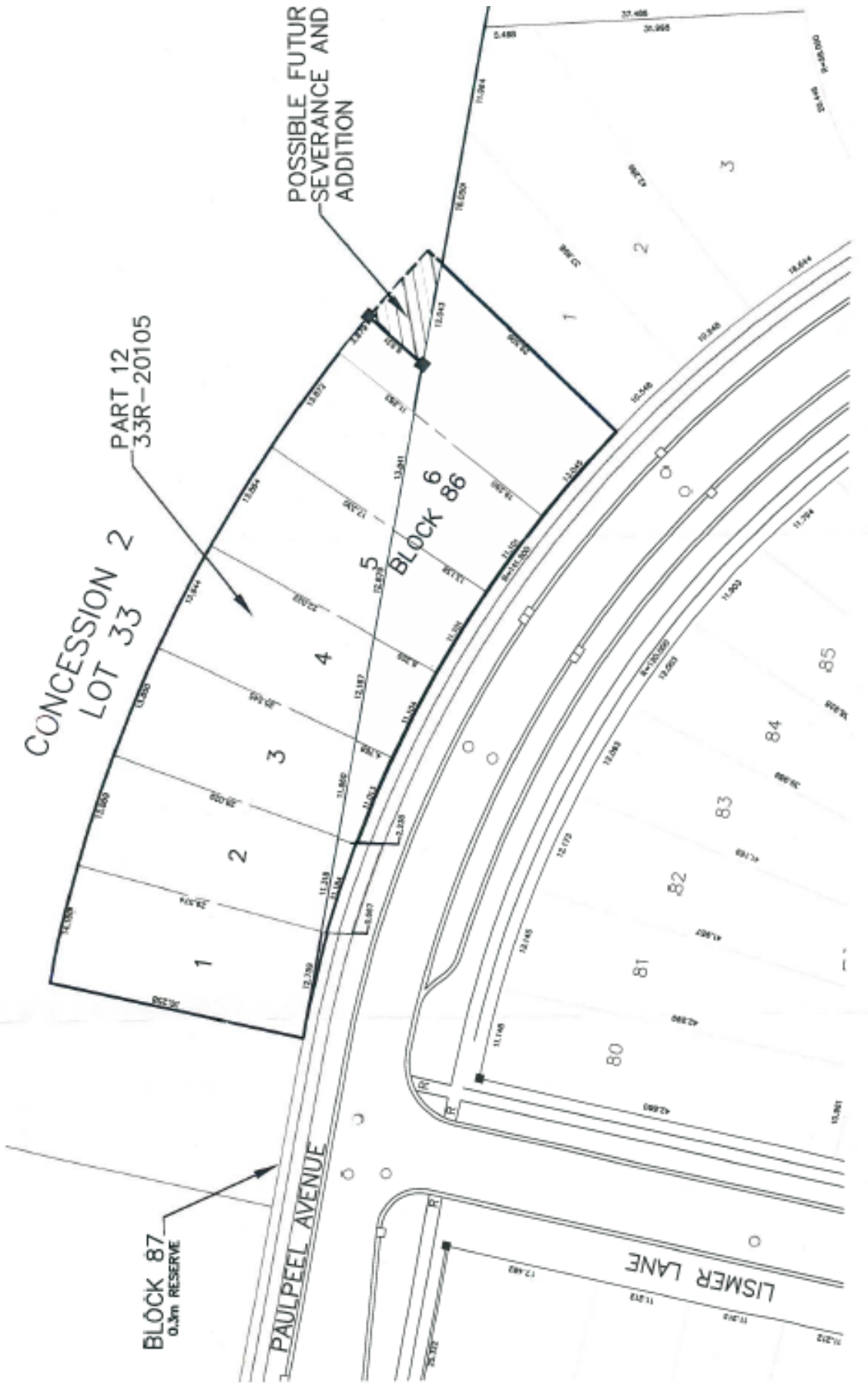


Figure 1 – Development Plan

3.0 Relevant Background

3.1 Planning History

On October 17, 2016 an application for draft subdivision approval (38T-16508) and zoning by-law amendment was accepted as complete for 3425 Emily Carr which includes the lands directly adjacent to the west of the subject site. This subject block was not included in this plan of subdivision in order to facilitate a future Consent to merge with the lands to the east and north to create single detached dwelling lots.

In September of 2017 Consent was granted to merge the subject lands with the lands to the east and sever the combined lands into seven (7) single detached building lots with frontage on Paulpeel Avenue.

3.2 Requested Amendment

Zoning By-law

The subject property is currently zoned Urban Reserve (UR4). This Zone provides for and regulates existing uses on lands which are primarily undeveloped for urban uses. Generally these uses have limited structures.

The requested amended fulfills a condition of Consent (B.37/17) that established the seven (7) residential lots. The proposed rezoning from an Urban Reserve (UR4) Zone to a Residential R1 Special Provision (R1-3(7)) Zone will ensure that the residential building lots are within the same Zone.

The Zoning By-law amendment application under consideration permits single detached dwellings with the following special provision:

- i) An interior side yard of 1.2m(3.9ft)
- ii) A lot Frontage of 11m (36 feet)

3.3 Community Engagement (see more detail in Appendix B)

There have been no public comments to date.

3.4 Policy Context (see more detail in Appendix C)

The London Plan and the (1989) Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in The London Plan and (1989) Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

4.0 Key Issues and Considerations

4.1 Provincial Policy Statement, (PPS), 2014

This application has been reviewed for consistency with the 2014 Provincial Policy Statement. The recommended amendment will provide for a healthy, livable and safe community. The proposed development plan provides for seven (7) single detached dwelling lots.

The proposed use achieve objectives for efficient development and land use patterns, represents a form of intensification of a vacant parcel of land which is located within the City's urban growth area, utilizes existing public services and infrastructure, supports the use of public transit, and maintains appropriate levels of public health and safety.

The recommended Zoning Amendment is consistent with the PPS 2014

4.2 The London Plan

The subject site is within the “Neighbourhood” Place Type of the London Plan. The vision for the Neighbourhoods place type includes a strong neighbourhood character, sense of place and identity, attractive streetscapes, buildings, and public spaces, a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so, well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown, lots of safe, comfortable, convenient, and attractive alternatives for mobility, easy access to daily goods and services within walking distance, employment opportunities close to where we live, and parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.

The proposed development conforms with the Our City, Our Strategy, City Building, and Place Type policies of the London Plan. The proposal for single detached dwellings at this location meets the policies for the Neighbourhood Place types and street classifications. Municipal services are available, in conformity with the Civic Infrastructure chapter of the Plan and the Growth Management/Growth Financing.

4.3 (1989) Official Plan

The subject lands are designated Multi-Family, Medium Density Residential” on Schedule “A” of the (1989) Official Plan.

The Multi-Family, Medium Density Residential designation supports single detached residential uses at locations which enhance the character and amenity of a residential area, and where there is safe and convenient access to public transit, shopping, public open space, recreation facilities and other urban amenities.

This proposal is compatible with surrounding residential development and building placement. The development of seven (7) single detached dwelling lots will utilize design techniques in order to mitigate impacts on the future and existing residential development in the area. The residential development is in a location that provides access to on-site amenities, public transit and nearby shopping, cultural and recreational facilities.

4.4 Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of both The London Plan and the (1989) Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

The subject lands are currently zoned Urban Reserve UR4.

The recommended amendment to Zoning By-law Z.-1 is for a Residential R1 Special Provision (R1-3(7)) Zone to permit single detached dwellings.

4.5 Planning Impact Analysis

Planning Impact Analysis under Section 1578 of The London Plan and Section 3.7 in the (1989) Official Plan is used to evaluate applications for an Official Plan and/or Zoning Amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses.

Compatibility

The requested zoning permits single detached dwellings. The requested zoning would permit seven (7) single detached dwelling lots fronting onto Paulpeel Avenue.

The surrounding land uses consist of single detached homes to the east, and future residential uses to the north, south and west. The Applicant has indicated that the proposed development is likely to be two storeys in height. The proposed development is of a height and form which is compatible with the area.

Ability of Site to Accommodate Development

The subject land is 0.18 hectares in size. The size and the shape of the parcel merged with Block 86 of the subdivision to the west, and a small portion of land to the north is sufficient to create suitable single detached dwelling lots.

Building Siting

The recommended rezoning will fulfil a condition of Consent (B.37/17) that consolidated the subject lands with adjacent lands to the east and created the seven (7) single detached building lots with frontage on Paulpeel Avenue.

The purpose and effect of the recommended zoning will ensure that the seven (7) single detached dwelling lots are all contained within a similar Zone permitting single detached dwellings with a reduced side yard setback of 1.2m (3.9ft.) and a reduced lot frontage of 11m (36 feet).

Vacant Land in the Area

The subject site is located within an area which is currently being built out. There are vacant parcels of land within the immediate vicinity of the subject lands which are designated or zoned for residential development.

Vegetation and Natural Features

The site does not contain any natural heritage features.

Site Access

The proposed single detached dwellings will front onto Paulpeel Avenue which is proposed to extend south to connect with Lismer Lane.

Surrounding Natural Features and Heritage Resources

The surrounding area is developed and there are no significant natural features.

Environmental Constraints

Based on a review of the site and its surroundings, there are no known environmental constraints, such as soil contamination or noise and vibration sources, which could adversely affect residents.

Compliance with London Plan, (1989) Official Plan, Zoning By-law, and Site Plan Control By-law

The application is being evaluated against the policies of The London Plan, (1989) Official Plan, and Zoning By-law to ensure compliance prior to approval by the City.

5.0 Conclusion

The proposed rezoning is consistent with the Provincial Policy Statement, 2014, and conforms to the relevant policies of The London Plan and the (1989) Official Plan. The recommended zoning fulfills a condition of consent and ensures that the existing seven (7) single detached building lots are all within the Zone, representing good land use planning.

Prepared by:	Alanna Riley, MCIP, RPP Senior Planner, Development Services
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.	

August 14, 2019
AR/ar

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Lou Pompili, MPA, RPP, Manager, Development Planning
cc: Ismail Abushehada, Manager Development Engineering

Appendix A

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

By-law No. Z.-1-19 _____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3427
Paulpeel Avenue.

WHEREAS Banman Developments Inc. has applied to rezone 3427 Paulpeel Avenue 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3427 Paulpeel Avenue, as shown on the attached map, from an Urban Reserve (UR4) Zone to a Residential R1 Special Provision (R1-3(7)) Zone.

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.

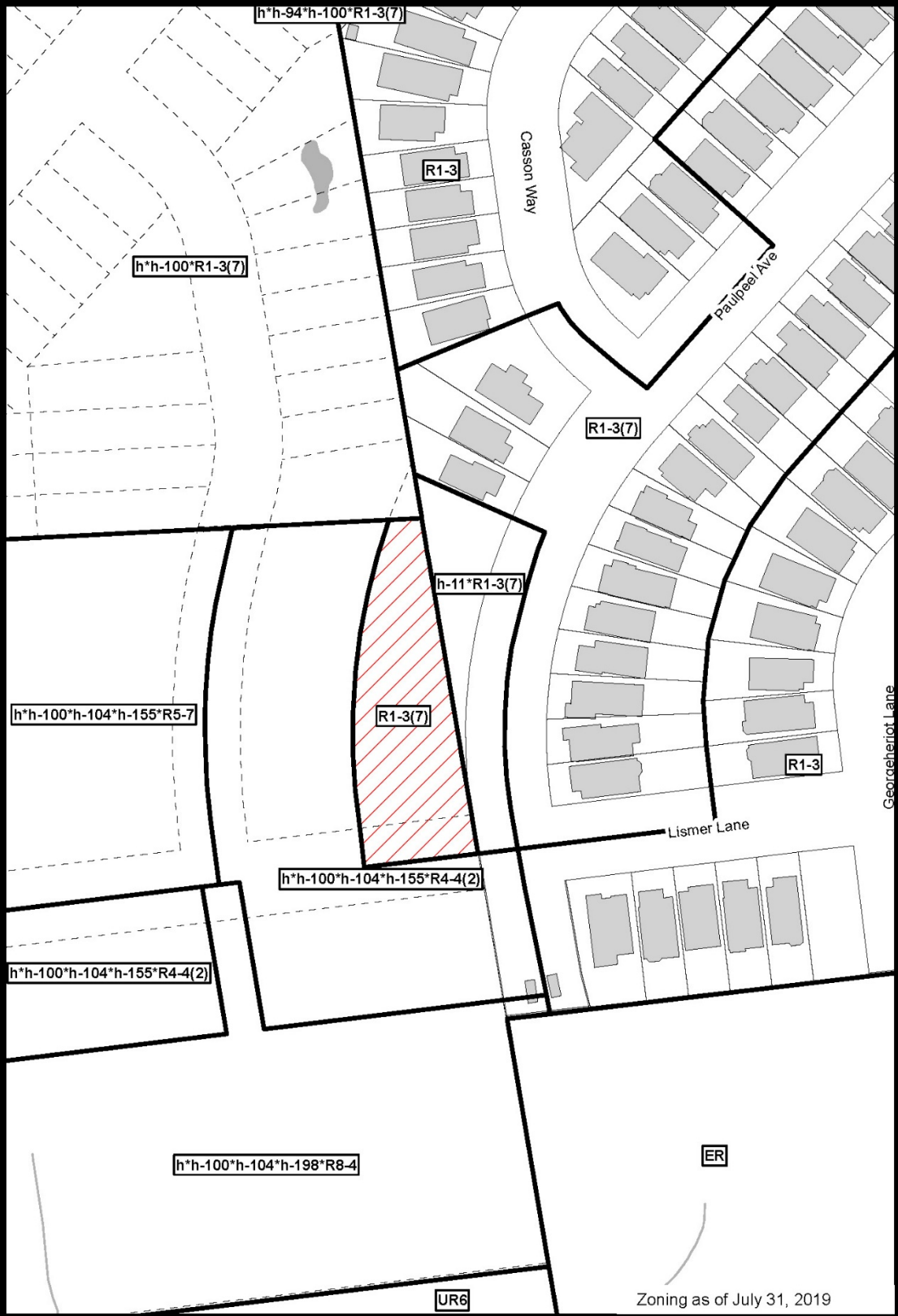
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.



PASSED in Open Council on November 12, 2019.

Ed Holder
Mayor
Catharine Saunders
City Clerk

First Reading – November 12, 2019
Second Reading – November 12, 2019
Third Reading – November 12, 2019

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



<p>File Number: Z-9094 Planner: AR Date Prepared: 2019/10/16 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,250</p> <p>0 5 10 20 30 40 Meters</p> 
--	--

Appendix B – Public Engagement

Community Engagement

Public liaison: On September 4, 2019, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 5, 2019. A “Planning Application” sign was also posted on the site.

No replies were received

Nature of Liaison:

Request to allow single detached dwellings with a minimum interior side yard setback of 1.2m(3.9 feet) and a minimum lot frontage of 11m (36 feet).

Agency/Departmental Comments

Parks Planning

Parks Planning and Design do not have concerns with the proposed application.

Heritage

There are currently no heritage planning or archaeological issues related to this property and associated file.

Development Services – Engineering

No comments for the re-zoning application.

London Hydro

This site is presently serviced by London Hydro. Contact the Engineering Dept. a service upgrade is required to facilitate the new building /addition Any new and/or relocation of existing infrastructure will be at the applicant’s expense. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014

1.1.1 c – avoid land use conflicts

1.1.3.1 – settlement areas

1.1.3.2 – efficient use of land

1989 Official Plan

Chapter 3: Multi-Family Medium Density Residential

The London Plan

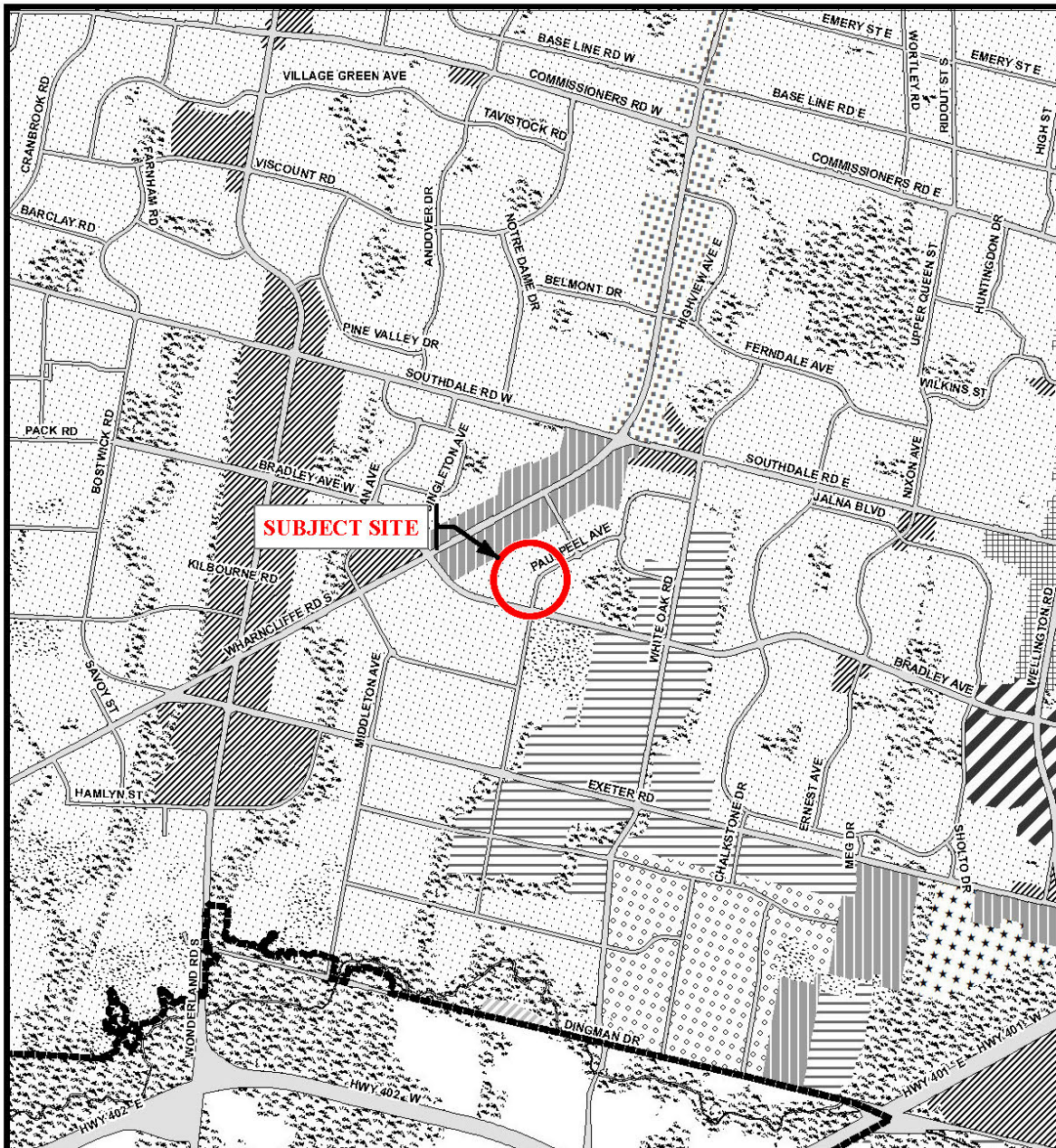
916 – Neighbourhood Place Type

921 – Permitted Uses

Appendix D – Relevant Background

Additional Maps

The London Plan Map 1 – Land Use



Legend

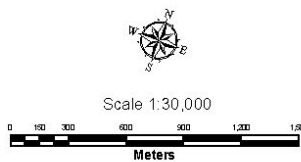
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management 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.

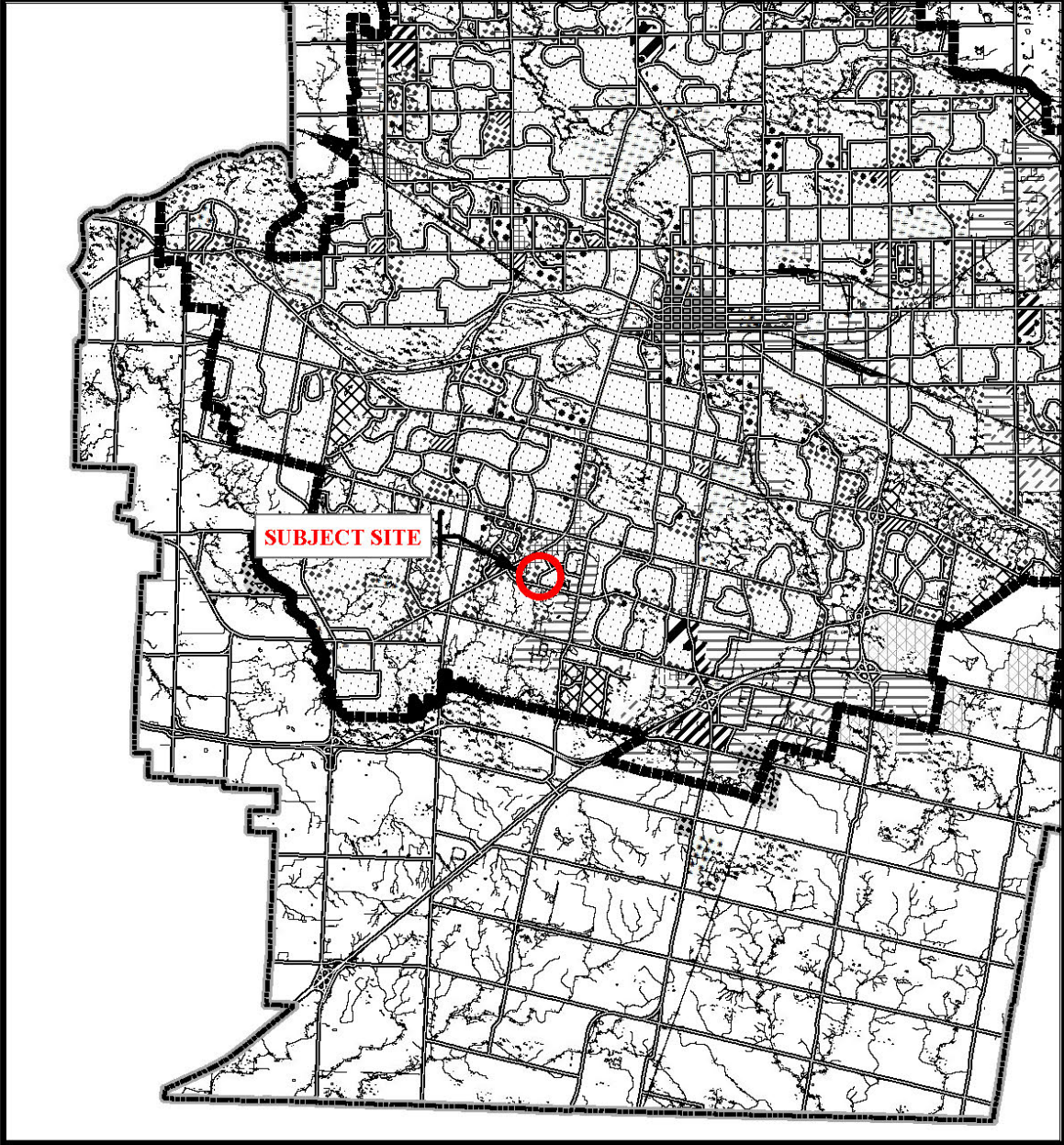
CITY OF LONDON
 Planning Services /
 Development Services

























LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



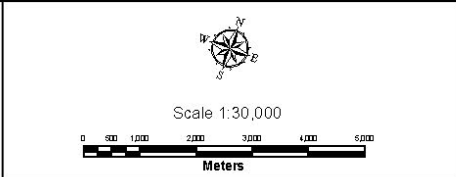
File Number: Z-9094
Planner: AR
Technician: RC
Date: August 14, 2019

1989 Official Plan Schedule A – Land Use



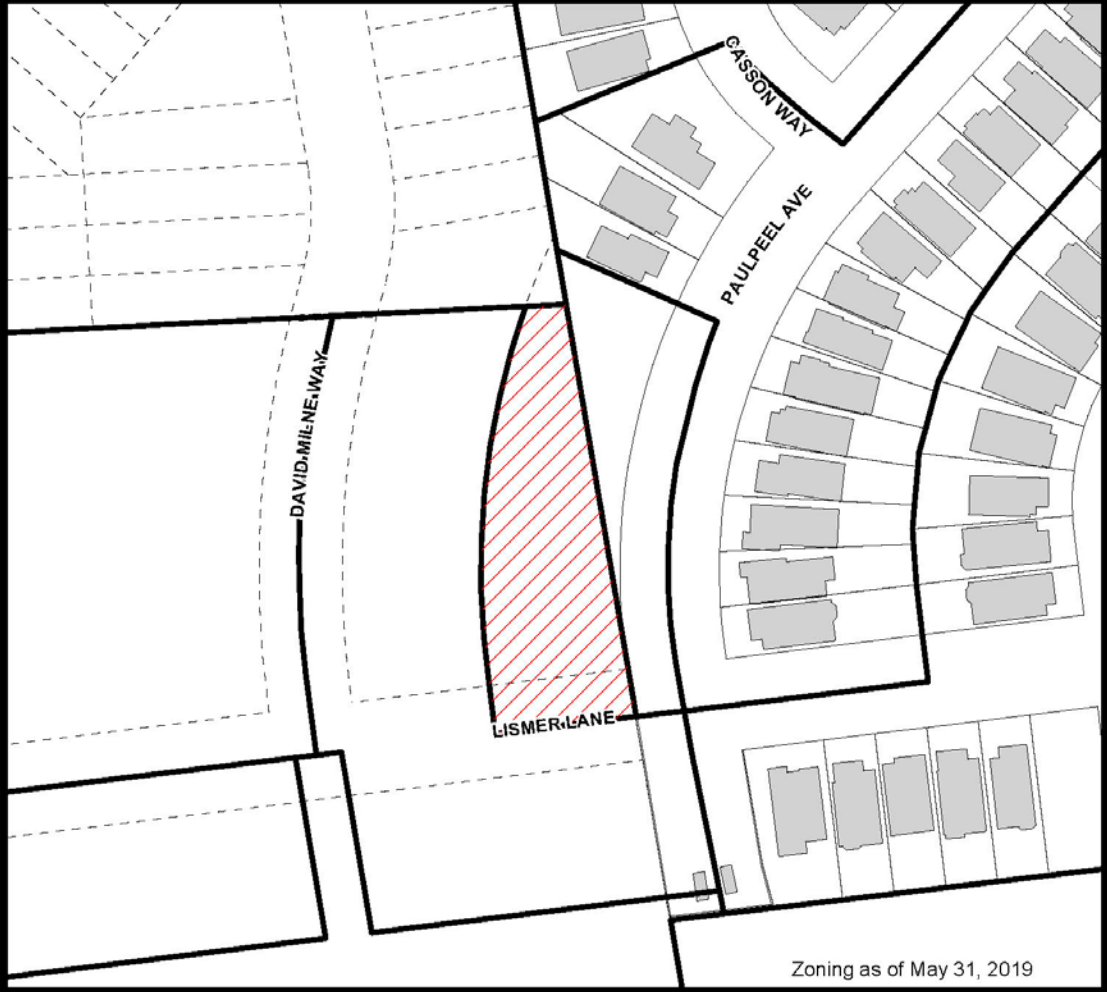
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low 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-9094
 PLANNER: AR
 TECHNICIAN: RC
 DATE: 2019/08/14

Zoning By-law Z.-1 Map



Zoning as of May 31, 2019

 **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
 "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**



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

FILE NO:
 Z-9094 AR

MAP PREPARED:
 2019/08/14 RC

1:1,250
 0 5 10 20 30 40 Meters