

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: Application by: Milan Starcevic
1339-1347 Commissioners Road West

Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Milan Starcevic relating to the property located at 1339-1347 Commissioners Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R8 Bonus (h-5*R8-4*B-63) Zone **TO** Residential R8 Bonus (R8-4*B-63) Zone to remove the holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5" holding provision from 1339-1347 Commissioners Road West, which are in place to ensure: a public site plan meeting is conducted.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the "h-5" holding symbol from the zone map to permit the future development of the subject site for residential uses.

Rationale of Recommended Action

The requirements for removing the holding provision have been met. The public site plan meeting was held on July 13, 2020, and staff have worked with applicant to ensure that matters raised throughout the public engagement process, including the Public Site Plan meeting have been considered. Further, a Development Agreement has been executed and surety posted for this development. It is appropriate to remove the holding provision as it is no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

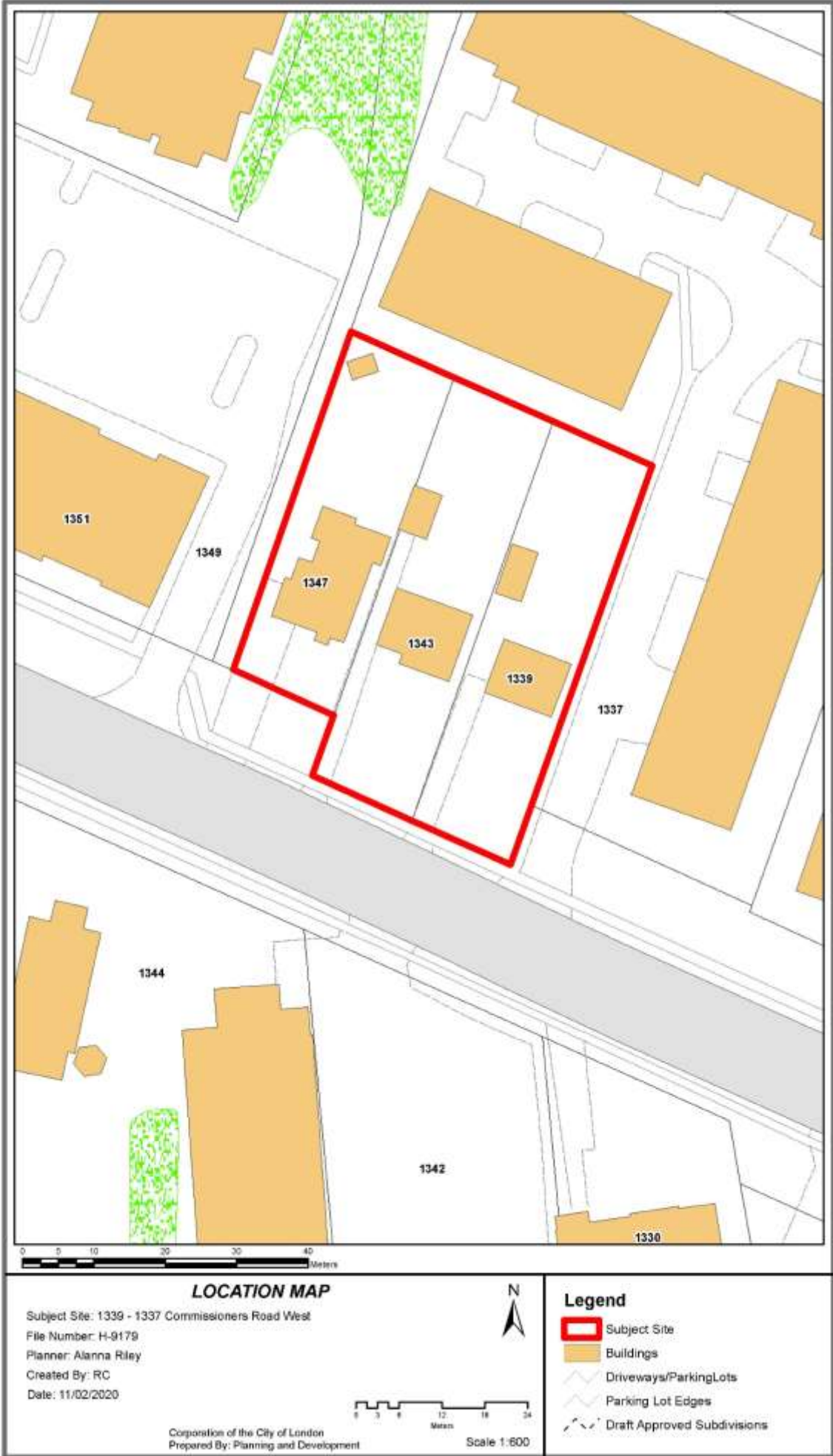
The site is addressed as 1339-1347 Commissioners Road West and is located on the north side of Commissioners Road West. The subject site is comprised of three lots, each occupied by a single detached dwelling. There are existing residential uses to the west, east and north, and a place of worship, public school and residential uses to the south. The development for consideration is a five (5) storey, 34 unit apartment building on the north side of Commissioners Road West, west of Halls Mill Road. The site is to be developed with municipal services and vehicular access from Commissioners Road West.

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

- The London Plan Place Type – Neighbourhoods

- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Existing Zoning – Holding Residential R8 Bonus (h*R8-4*B-63) Zone

1.3 Location Map



1.4 Site Characteristics

- Current Land Use – 3 single detached dwellings
- Frontage – 45.9 metres (150.6 feet)
- Depth – variable – approx. 50 metres (164 feet)
- Area – 0.26 ha (2580 square metres (0.64 acres)
- Shape – rectangular with irregular front lot line

1.5 Surrounding Land Uses

- North – Single-storey townhouse condominium (Byron Woods), Byron River Valley
- East – Single-storey townhouse condominiums (Byron Woods and River Ridge), Halls Mills Park South – Open Space (Village Commons)
- South - St. Anne’s Anglican Church, Byron Northview Public School, Single detached and townhouse dwellings
- West – 5-storey apartment building, townhouse and apartment non-profit housing (P.A.M. Gardens)

2.0 Description of Proposal

2.1 Development Proposal

The development for consideration is a five (5) storey, 34 unit apartment building on the north side of Commissioners Road West between Stephen Street and Halls Mills Road. Access to the proposed development is provided from Commissioners Road West on the east side of the property, adjacent to the driveway for the neighbouring townhouse condominium development located at 1337 Commissioners Road West.



Figure 1: Conceptual Site Plan

An application for Site Plan Approval (SP19-116) has been made. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are approaching acceptance by the City.

3.0 Relevant Background

3.1 Planning History

On June 17, 2019, staff received a Zoning By-law amendment application (Z-9087) for the subject lands. The requested amendment to the Zoning By-law was to change the zone from a Residential R1/Residential R5 (R1-9/R5-3) to a Residential R8 Special

Provision Bonus (R8-4()*B-) Zone. The requested change would permit the a range of apartment building types, stacked townhouses, lodging house class 2, emergency care establishments and continuum-of-care facilities. Additionally, relief from zoning requirements was requested, including an increase in density, increased building height and reduced front and interior side yard setbacks.

The Bonus Zone (B-63) facilitates the development of a high quality residential apartment building with a maximum height of 5 storeys, a total of 32 dwelling units and a maximum density of 132 units per hectare. The development will substantially implement the site plan, landscape plan and elevations within the by-law. The Bonus Zone is contingent on the development providing affordable housing units, enhanced landscaped open space and underground parking.

The City concurrently initiated an Official Plan amendment to add a Special Policy Area to permit an apartment building with a maximum permitted density of 148 units per hectare within the Multi-Family, Medium Density Residential designation. The intent of this amendment was to align the policies of the (1989) Official Plan with The London Plan. Zoning of the subject lands went before the Planning and Environment Committee on October 7, 2019 and later passed by Municipal Council on October 15, 2019.

In December of 2019, a Site Plan Control Application (file no. SPA19-116) for a 5 storey, 34 unit apartment building, was received by the City of London. Conditional approval was issued on January 22, 2020.

A public meeting was held at PEC on July 13, 2020 (file no. SPA19-116) for consideration of the submitted Site Plan described above. The following resolution was passed by Municipal Council on July 21, 2020:

I hereby certify that the Municipal Council, at its meeting held on July 21, 2020 resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Milan Starcevic, relating to the property located at 1339-1347 Commissioners Road West:

a) the Approval Authority BE ADVISED that no issues were raised at the public participation meeting with respect to the application for Site Plan Approval to permit the construction of a five storey, 34 unit apartment building for the properties located at 1339-1347 Commissioners Road West relating to the proposed property;

b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application SUBJECT TO the following:

i) review the lighting and the wattage of the lighting by the underground parking and any potential impacts on the neighbouring condominium development; and,

ii) temporary shielding of the light while the trees are growing in; it being pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a presentation from H. Froussios, Zelinka Priamo Ltd.; and,*
- a communication dated July 8, 2020 from E. Hopkins, B. Nuttall and S. Squires, on behalf of the Condominium Board 1337 Commissioners Road West;*

3.2 Requested Amendment

The applicant is requesting the removal of the “h-5” holding provision from the site to allow for the development of a five (5) storey, 34 unit apartment building.

3.3 Community Engagement

No comments were received in response to the Notice of Application.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the (1989) Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the holding provisions and is it appropriate to consider their removal?

The “h-5” holding provision states:

“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: Model homes are permitted in accordance with Section 4.5(2) of the By-law.”

A public participation meeting occurred on July 13, 2020 to satisfy the requirement for the public site plan meeting. The public participation meeting provided the public with an opportunity to provide input and comments into the site plan approval process. No members of the public attended the meeting. Site Plan staff have completed their review and engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. This is sufficient to satisfy the requirements for the removal of the “h-5” holding provision.

5.0 Conclusion

The resulting development has had the benefit of a public site plan meeting. Therefore, the required conditions have been met to remove the “h-5” holding provision. The removal of the holding provision is recommended to Council for approval to allow the zoning to come into force.

Prepared by:	Sean Meksula, 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	

July 30, 2020

- CC: Matt Feldberg, Manager, Development Services (Subdivisions)
- Lou Pompili, Manager, Development Planning
- Ted Koza, Manager, Development Engineering
- Michael Pease, Manager, Development Planning (Site Plan)

SM/sm

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
remove holding provision from the
zoning for lands located at 1339-1347
Commissioners Road West

WHEREAS Milan Starcevic has applied to remove the holding provision from the zoning for the lands located at 1339-1347 Commissioners Road West, 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 1339-1347 Commissioners Road West, as shown on the the attached map comprising part of Key Map No. 106, to remove the h holding provision so that the zoning of the lands as a Residential R8 Bonus (R8-4*B-63) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on August 25, 2020.




Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

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



<p>File Number: H-9179 Planner: AR Date Prepared: 2020/02/07 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:800</p> <p> Meters</p> <p></p>
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Appendix B – Public Engagement

Community Engagement

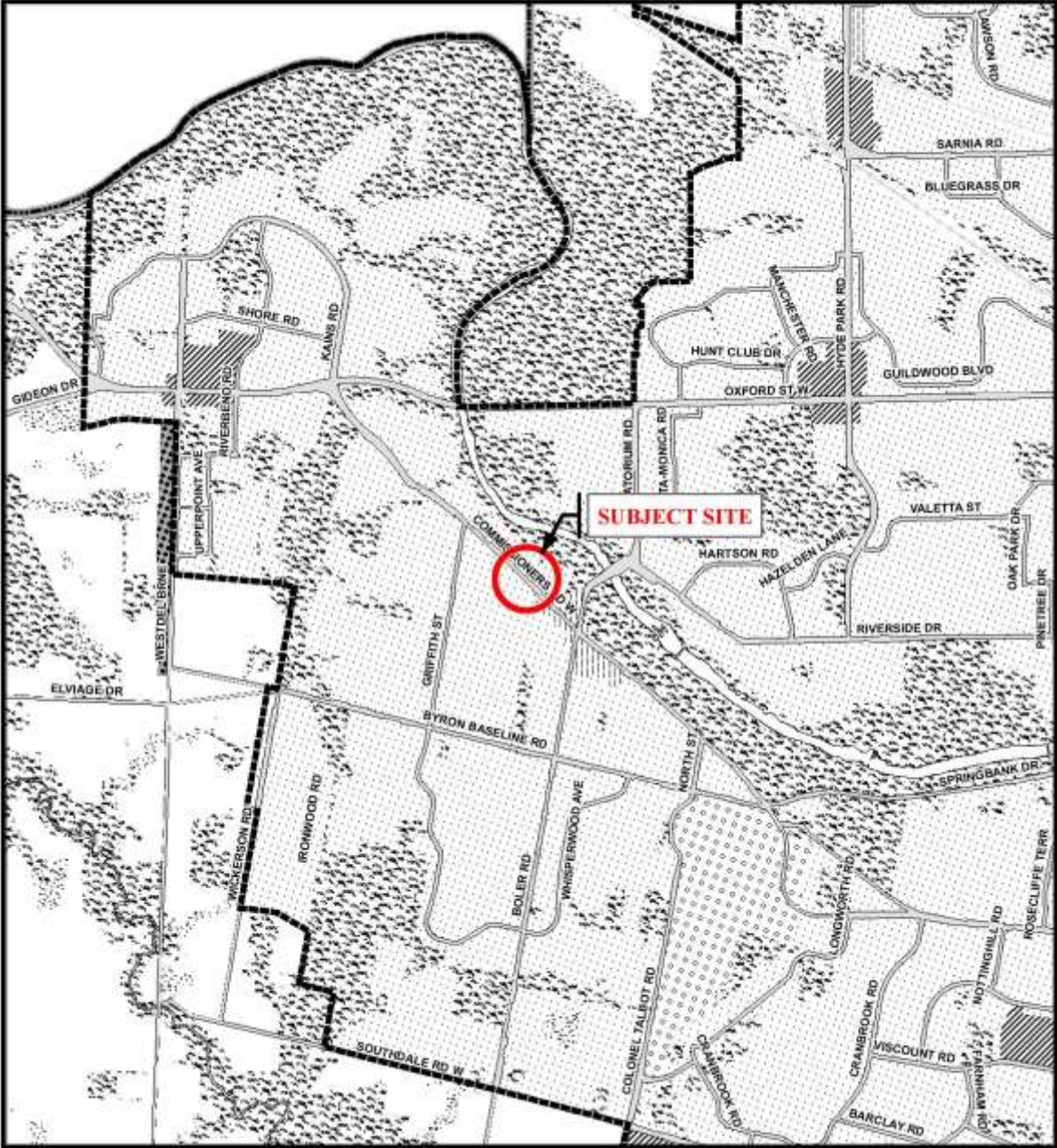
Public liaison: Notice of the application was published in the Londoner on February 20, 2020

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h” Holding Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit future residential development of the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than March 9, 2020. .

Appendix C– Relevant Background

London Plan Excerpt



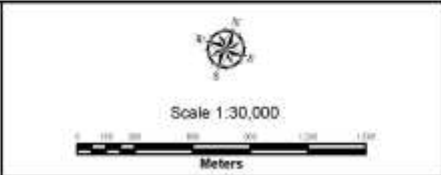
Legend

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.

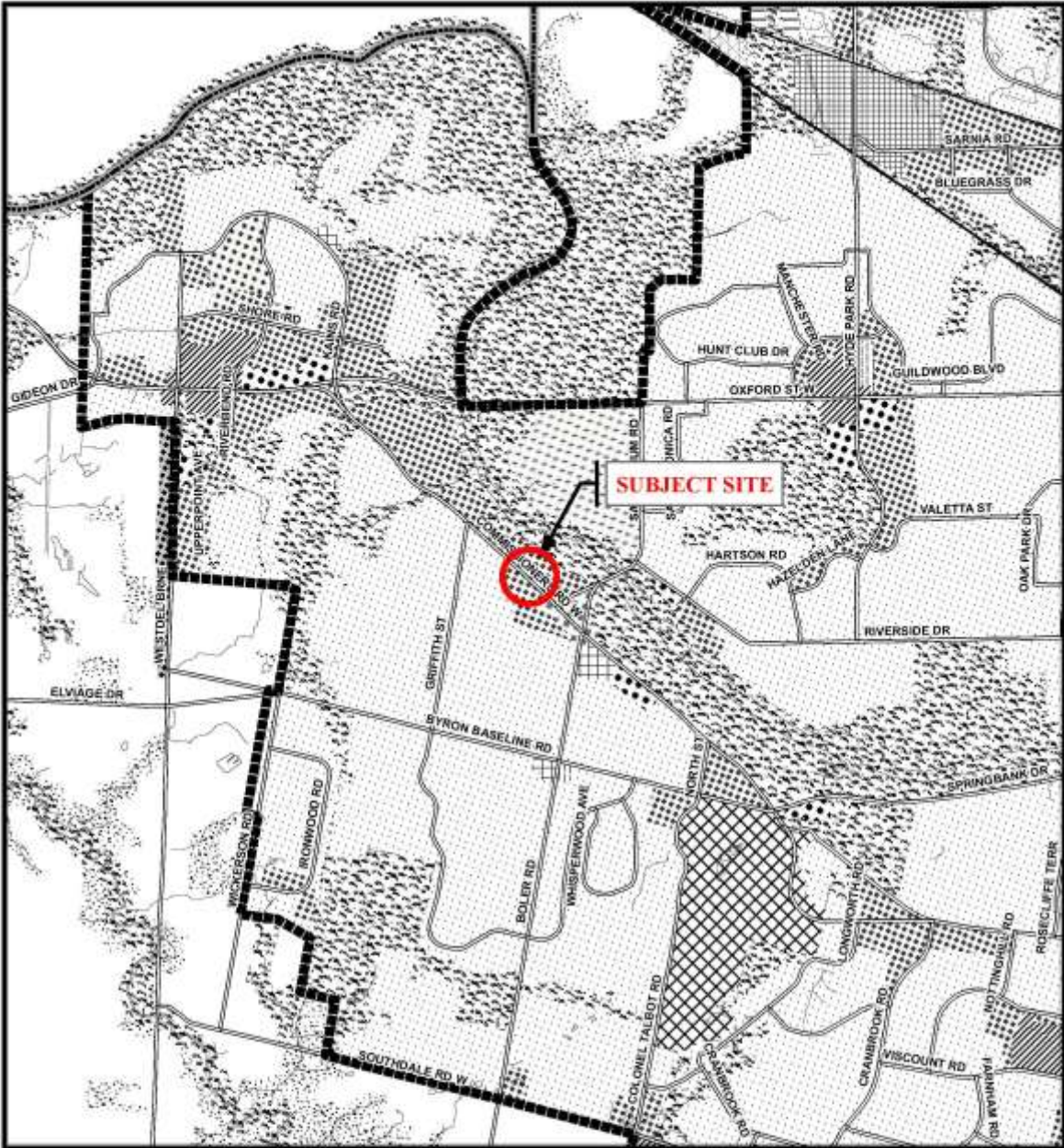
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



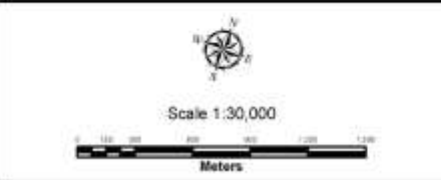
File Number: H-9179
Planner: SM
Technician: RC
Date: July 15, 2020

1989 Official Plan Excerpt



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
 - LANDUSE -
 PREPARED BY: Graphics and Information Services




FILE NUMBER: H-9179
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2020/07/15

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

Zoning Excerpt



 **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 |
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CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

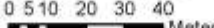
**ZONING
 BY-LAW NO. Z.-1
 SCHEDULE A**



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

FILE NO:
 H-9179 SM

MAP PREPARED:
 2020/07/15 RC

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 0 5 10 20 30 40
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