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File: Z-8133
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: AGENT REALTY LTD. (2049401 ONTARIO LTD.) 555-557 RIDOUT STREET NORTH PUBLIC PARTICIPATION MEETING ON APRIL 9, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Agent Realty Ltd. (2049401 Ontario Ltd.) relating to the property located at 555-557 Ridout Street North:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 16, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R4 Special Provision/Residential R5/Residential R8 (R4-6(1)/R5-5/R8-2) Zone which permits street townhouse, cluster townhouse, Apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, continuum-of-care facilities, **TO** a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-__) Zone to permit a Real Estate Agency use for a temporary period not exceeding three (3) years;

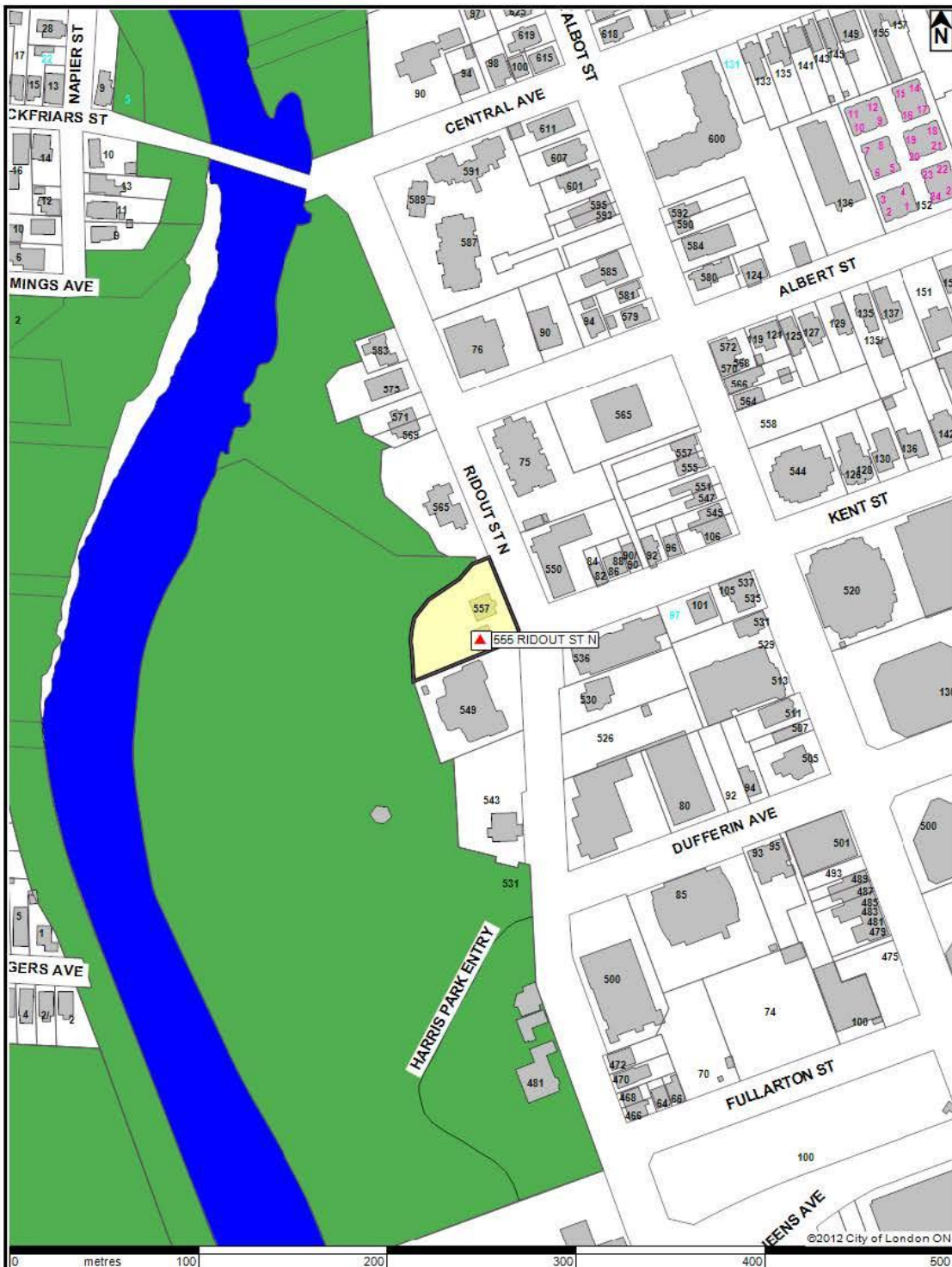
- (b) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R4 Special Provision/Residential R5/ Residential R8 (R4-6(1)/R5-5/R8-2) Zone which permits street townhouse, cluster townhouse, Apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, continuum-of-care facilities, **TO** a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-__) Zone to permit Service Offices and Professional Offices **BE REFUSED** for the following reasons:
 - i) Temporary zones are intended to support a single new use and to be implemented for a short period of time;
 - ii) The additional uses permitted by the Service Office and Professional Office definitions would promote additional tenants on site that are not associated with the proposed future high density residential use intended to be developed on the site;
 - iii) The request for Service Offices and Professional Offices could lead to potential long term office uses on the site.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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"None"

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LOCATION MAP	LEGEND
<p>Subject Site: 555-557 Ridout St N Applicant: 2019401 Ontario Ltd File Number: Z-8133 Planner: Mike Corby Created By: Mike Corby Date: 2012-12-21 Scale: 1:2500</p>	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings 123 Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended Zoning By-law amendment is to allow for a Temporary Zone (T-__) to permit the use of real estate offices for a period not exceeding three (3) years.

RATIONALE

- i) The recommended temporary Real Estate Agency use conforms with the criteria for temporary uses in the Official Plan (Section 19.4.5).
- ii) An appropriate long term use has yet to be established for the subject lands however work is in progress for a high density residential apartment as indicated by the applicant. The proposed temporary Real Estate Agency use does not hinder or prevent the site from developing in the future and is intended to help with the sales of future units on the site.
- iii) The temporary zoning is appropriate for this site based on its location and the limited impact the use could have on the neighbouring properties.
- iv) The subject site is required to go through the site plan approval process and will ensure the site functions in an appropriate manner to accommodate the temporary use.

BACKGROUND

Date Application Accepted: December 20, 2012	Agent: Zelinka Priamo Ltd. (Stephen Cornwell)
REQUESTED ACTION: Change Zoning By-law Z.-1 from a FROM a Residential R4 Special Provision/Residential R5/ Residential R8 (R4-6(1)/R5-5/R8-2) Zone TO Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-__) Zone to permit service and professional offices for a period not exceeding three (3) years.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Two Residential Dwellings • Frontage – 46m • Depth - Irregular • Area – 0.22ha (0.53ac) • Shape – Irregular

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SURROUNDING LAND USES:
<ul style="list-style-type: none">• North - Medium and High Density Residential• South - High Density Residential• East - Thames River• West - Downtown Area (Office and Residential Uses)

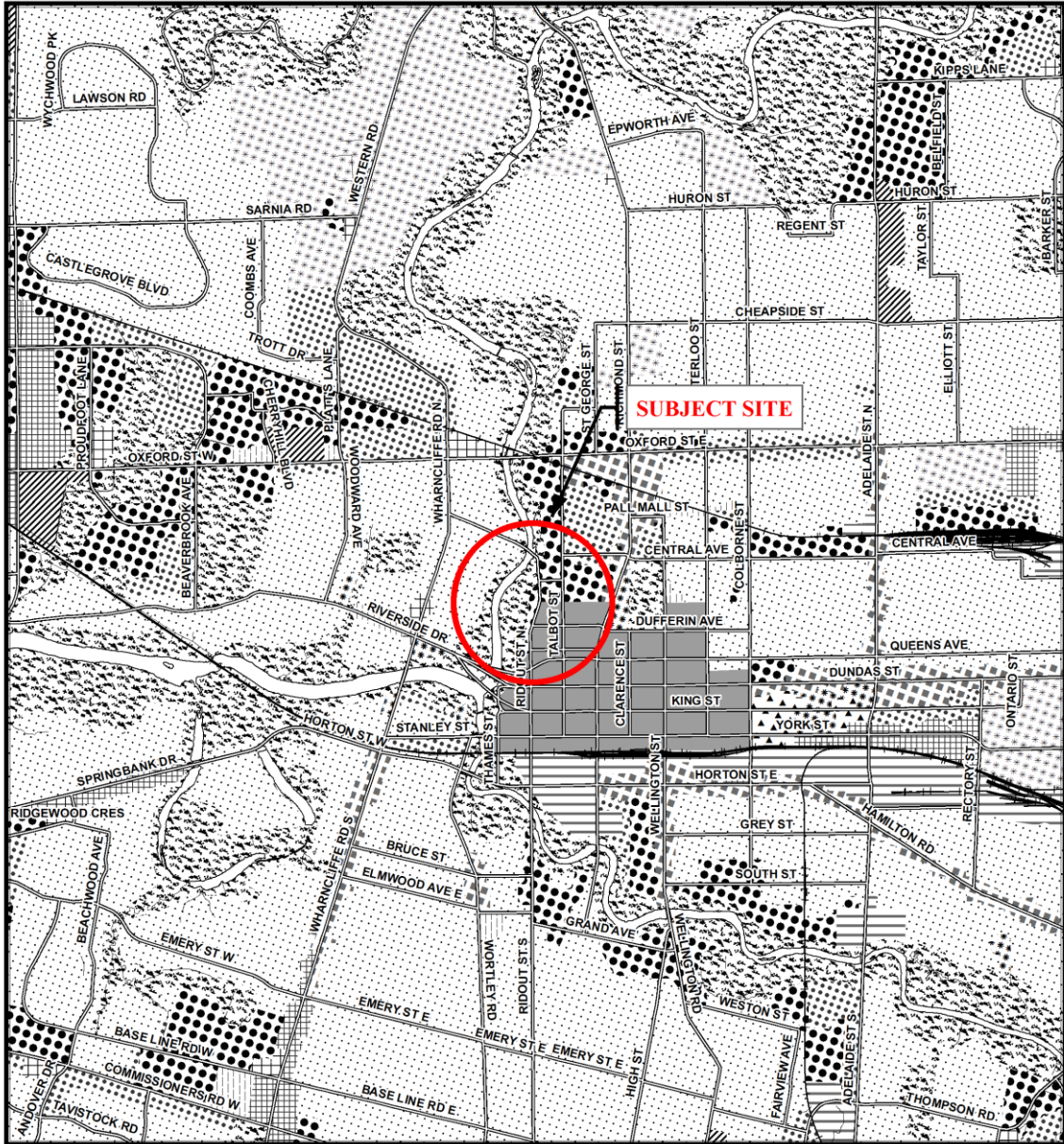
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none">• Multi-Family High Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none">• R4-6(1)/R5-5/R8-2

PLANNING HISTORY

Since 1990 there have been several by-law issues on the subject site including 12 garbage and 8 untidy by-law complaints and three illegal use complaints. On October 19, 2012 a proposal summary was submitted to the planning department for review as part of the pre-application consultation process. The proposal summary was requesting a Temporary Use to permit service office uses (a real estate agency) for a maximum of three years. The proposal identified that the property owner intends to redevelop the subject property for a new residential apartment building and would like to make productive use of the site in the interim for their business. On December 14, 2012 an application was received by the planning department to re-zone the lands to a temporary zone that would permit the service office use along with an additional professional office uses. On December 21, 2012 a by-law complaint was received that the subject site was converted to a real estate office which is not a permitted use on the subject site as the submitted zoning by-law application has yet to be approved by Council.

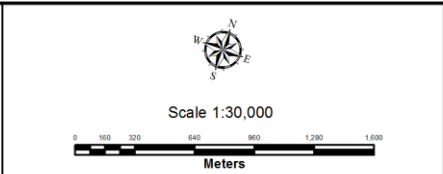
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Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	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

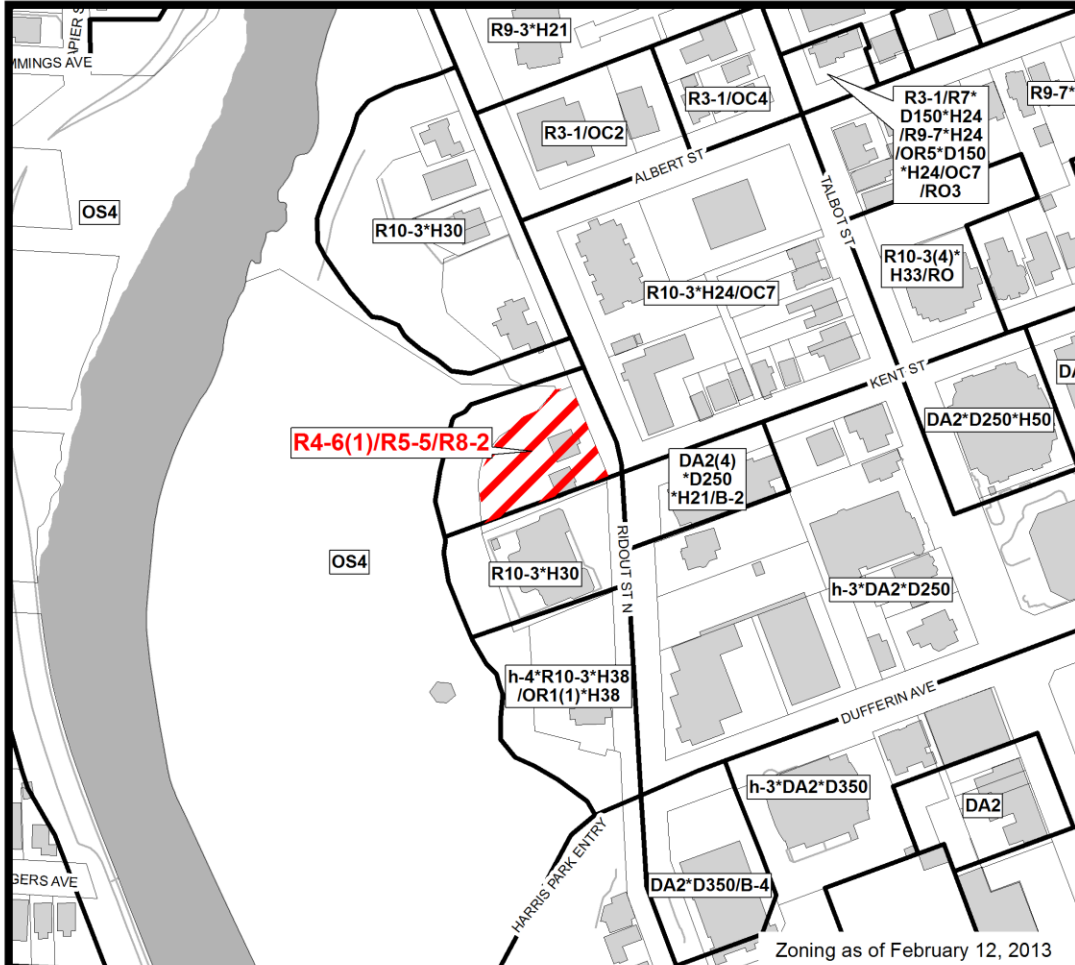
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: TZ-8133
 PLANNER: MC
 TECHNICIAN: CK
 DATE: 2013/02/22

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R4-6(1)/R5-5/R8-2

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>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: TZ-8133 MC</p> <hr/> <p>MAP PREPARED: 2013/02/22 CK</p> <hr/> <p style="text-align: center;">1:2,500</p> <p style="text-align: center;">0 12.525 50 75 100 Meters</p>
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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Parks Planning

Environmental and Parks Planning has reviewed the above application and does not have a concern with the temporary use, however, it should be of note that parkland dedication has not been collected for this site. If the owner of the property undertakes a significant redevelopment of the site, parkland dedication, in the form of cash-in-lieu consistent with the requirements of the Planning Act and By-law CP-9, will be required at the time of site plan.

Upper Thames River Conservation Authority

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

PUBLIC LIAISON:	On January 4, 2013, Notice of Application was sent to 40 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on January 10, 2013. A "Possible Land Use Change" sign was also posted on the site.	2 replies were received
<p>Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to allow for a Temporary Zone (T-__) to permit the use of real estate offices and other service and professional offices for a period not exceeding three (3) years.</p> <p>Change Zoning By-law Z.-1 from a FROM a Residential (R4-6(1)/R5-5/R8-2) Zone TO a Residential (R4-6(1)/R5-5/R8-2/T-__) Zone to permit service and professional offices for a period not exceeding three (3) years.</p>		
<p>Responses: The main concerns from the replies received related to the potential increase in traffic that could be created and the sight line issues that were created when the owner placed signs on the properties obstructing their view when looking north.</p> <p>There were also concerns about the previous tree removal that took place on the site and the increase in visibility of the property's parking areas.</p>		

ANALYSIS

Subject Site

The subject site is located at the intersection of Ridout Street North and Kent Street, specifically at municipal addresses 555-557 Ridout Street North. The property is on the west side of the street. Two single detached dwellings are located on the property. Its total lot area is 2174 square metres. The rear of the property backs onto Harris Park where a steep slope exists from the property down into the park.

Nature of the Application

The applicant is seeking a Temporary Use Zone to permit the use of real estate offices and other service and professional offices for a period not exceeding three (3) years on the subject site. The proposed office use would take advantage of the existing structures on the site until

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appropriate plans have been finalized to develop the site for a more appropriate use in keeping with the high density residential designation.

The intent of the requested amendment is to permit a real estate office that is in association with the ultimate redevelopment of the site to a high density residential use. It should be noted that it is not intended that this Temporary (T-_) Zone be applied to the site over the long-term. Council will review requests for future Temporary (T-_) Zone extensions based on the efforts that have been made by the applicant to advance the ultimate development proposed.

Official Plan

The subject property is designated "Multi-Family, High Density Residential" in the Official Plan, which permits large-scale, multi-unit forms of residential development. Secondary uses that are considered compatible with high density residential development include group homes, home occupations, community facilities, funeral homes, commercial recreation facilities, small-scale office developments, and office conversions, may also be permitted uses.

Section 19.4.5 of the Official Plan provides Municipal Council with the opportunity to pass by-laws to authorize the temporary use of land, building or structure for **a** purpose that is not otherwise permitted by the Plan. In reviewing these requests, Council shall have regard for land use compatibility, municipal services, transportation, parking, access, and temporary buildings and structures.

The proposed temporary "Real Estate Agency" use is in conformity with the Official Plan as:

- It is compatible with the character of the area as the temporary use does not require any additional external construction and will be located within the existing structures on the subject site.
- Municipal water, storm and sanitary sewers are available and connections were installed when the dwellings were developed.
- The proposed use should not have any impacts on transportation facilities or traffic flow in the immediate area.
- Any issues with access on the site will be dealt with during the site plan process.
- The parking requirements can be accommodated appropriately on the site and its location will be appropriately dealt with through the site plan approval process.
- The Real Estate Agency use will not create any new adverse impacts on the abutting land uses.
- The Official Plan policy also states that council has the ability to pass by-laws to authorize the temporary use of land, building or structure for **a** purpose that is not otherwise permitted by the Plan. The request for multiple uses (i.e. Service Office and Professional Office) in a temporary zone is not appropriate and could lead to additional tenants on site and the potential for a long-term use of a temporary zone.
- The recommendation for service office uses only, ensures that the potential for the long-term use of a temporary use is limited compared to a professional office use.
- The Real Estate Agency use is in association with the ultimate redevelopment of the site whereas the professional office use is not.

Zoning By-Law

Currently, the subject site is zoned Residential R4 Special Provision/Residential R5/Residential R8 (R4-6(1)/R5-5/R8-2) which permits street townhouse, cluster townhouse, Apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, continuum-of-care facilities.

The addition of the temporary zone will permit the use of the requested real estate agency office. Although the application requested the Service Office use, there are additional uses inherent with the "Service Office" definition below, which are not appropriate:

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"OFFICE, SERVICE" means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, **or a real estate agency.**

Given that the subject site is comprised of 2 buildings, it is recommended that only the "Real Estate Agency" use be permitted on the subject site to prevent the other dwelling from being used for other purposes such as travel agency or insurance agency which are not in association with the ultimate redevelopment of this site and could compromise the long-term use of this site for High Density residential proposes. The request to permit professional office uses as part of the temporary zone is not appropriate as temporary zones are meant to provide a single additional use to a site on a temporary basis. The uses permitted under the professional office designation do not support or promote the future development of this site and could lead to additional tenants who want to remain on the site for a period of time greater then 3 years which is not the intention of the temporary zone.

"OFFICE, PROFESSIONAL" means a building or part thereof in which a legal or other personal professional service is performed or consultation given, includes the offices of a lawyer, a planner, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service establishment, a medical/dental office, a clinic, an animal hospital, a body-rub parlour or any adult entertainment parlour as defined in the *Municipal Act*, as amended.(Z.-1-93173 and Z.-1-94236)

Use/Intensity/Form

The subject property has been mainly used for residential purposes in the past and is located within an area that is generally transitioning to higher density residential uses. The applicant has identified that they are seeking a temporary zone for service offices to allow them to operate a real estate office on the site while providing an appropriate amount time (up to 3 years) to complete the required studies and reports in order to develop the site into a high density residential development.

The proposed real estate office would allow the owner the ability to use the subject site on an interim basis and promote the sale of residential units for the future high density residential development. The recommended Real Estate Agency use does not typically generate noise or other nuisances which may have a negative impact on surrounding lands. The existing residential dwellings can be utilized to house these uses on a temporary basis without the need for the site to be fully re-developed.

The conversion of the existing buildings to allow for the Real Estate Agency use is considered "development" as defined in section 41.1 of the Planning Act as it substantially increases the usability of the site and structures on it. Therefore is required to go through a site plan process. The site plan will address on site standards and ensure that appropriate parking is in place, vehicular and pedestrian accesses are addressed and garbage standards are met.

CONCLUSION

The recommended temporary zone for a Real Estate Agency use is appropriate as it conforms to the criteria for temporary uses in the Official Plan (Section 19.4.5) and provides an opportunity for a long term use to be established for the subject lands in the future. An appropriate long term use has yet to be established for the subject lands. However, work is in progress for a high density residential apartment as indicated by the applicant in conformity to the Official Plan. The proposed Real Estate Agency temporary use does not hinder or prevent the site from developing in the future and is intended to help with the sales of future units on the site. Based on its location and limited impact of the uses on the surrounding properties and the requirement for a site plan approval process, the proposed temporary zone to permit a Real Estate Agency use is appropriate.

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PREPARED BY:	SUBMITTED BY:
MIKE CORBY, PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

February 13, 2013

MC/mc

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Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Written</u>
Stephen Janes
Terry McDonald

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File: Z-8133
Planner: Mike Corby

Bibliography of Information and Materials
Z-8133.

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Agent Realty Ltd. (2049401 Ontario Ltd.), December 14, 2012

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

Zelinka Priamo Ltd. *Planning Justification Report*, December 17, 2012.

Correspondence: (all located in City of London File No. Z-8133. unless otherwise stated)

City of London -

Postma R., City of London Environmental & Parks Planning. E-mails to M. Corby. January 16, 2013.

Galloway A., City of London Stormwater Management Unit. E-mails to M. Corby. December 19, 2012 and January 10, 2013.

Page B., City of London Environmental & Parks Planning. Memo to January 22, 2013.

Masschelein B., City of London Wastewater and Drainage Engineering Division. E-mail to M. Corby. December 19, 2012 and January 22, 2013.

Couvillon A., City of London Transportation Planning & Design Division. Various e-mails to M. Corby. December 19, 2012 and January 23, 2013

Leunissen J., City of London Planning Division. Memo to H. McNeely. July 25, 2007.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. January 23, 2013

Dalrymple D., London Hydro. Memo to M. Corby. January 8, 2013.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2013

By-law No. Z.-1-13_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 555-557 Ridout Street North.

WHEREAS Agent Realty Ltd. (2049401 Ontario Ltd.) has applied to rezone an area of land located at 555-557 Ridout Street North, 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 555-557 Ridout Street North, as shown on the attached map comprising part of Key Map No. 68, from a Residential R4 Special Provision/Residential R5/ Residential R8 (R4-6(1)/R5-5/R8-2) Zone to a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-___) Zone to permit a Real Estate Agency for a temporary period not exceeding three (3) years.

- 1) Section Number 50.2 of the Temporary (T-) Zone is amended by adding the following new Temporary Zone:

50.2) T- ()

Lands located at 555-557 Ridout Street North may be used for a Real Estate Agency for a temporary period not exceeding three (3) years from the date of passing of this by-law beginning April 16, 2013

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 April 16, 2013

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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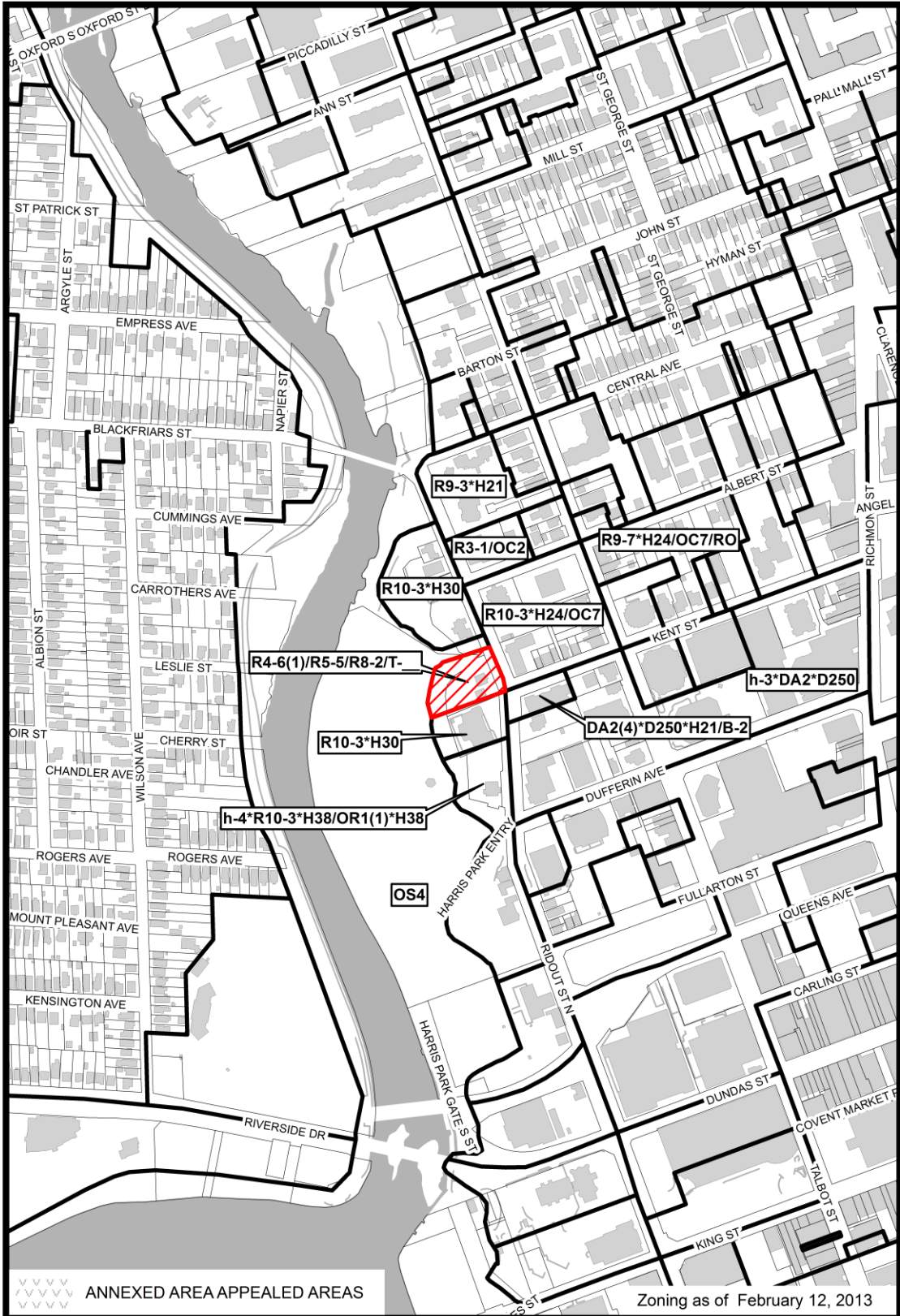
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First Reading - April 16, 2013
Second Reading - April 16, 2013
Third Reading - April 16, 2013

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



<p>File Number: TZ-8133 Planner: MC Date Prepared: 2013/02/22 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,000</p> <p>0 25 50 100 150 200 Meters</p>
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Geodatabase