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File: SP13-007455
T. Karidas

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MAY 7, 2013
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	REVOCAION OF DELEGATED AUTHORITY 108 WILSON AVENUE

RECOMMENDATION

That, on the recommendation of the Manager of Development Services and Planning Liaison, the proposed attached By-law (Schedule 'A') **BE INTRODUCED** at the Municipal Council meeting on May 14, 2013 for the purpose of revoking the delegated authority for site plan approval for the property located at 108 Wilson Avenue.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this recommended action is to revoke the delegated authority for site plan approval at 108 Wilson Avenue, in accordance with the direction approved by Municipal Council at it's meeting on April 30th, 2013.

BACKGROUND

The property that is the subject of this recommended action is located at 108 Wilson Avenue, on the west side of Wilson Avenue near Leslie Street in the Blackfriars neighbourhood. The property is zoned Residential R2 (R2-2), which permits single detached, semi-detached, duplex and converted dwellings to a maximum of two (2) units.

In January of this year, the property owner initiated a pre-consultation request for site plan approval to replace the existing single detached residence with the construction of a two-storey duplex dwelling containing five bedrooms in each unit. An application for Site Plan Approval was received by the City on March 15, 2013 and opened as file SP13-007455. The application submission included a site plan, site servicing and grading plan, elevation plans and a neighbourhood character statement.

Under the residential infill policies contained in Section 3.2.3 of the Official Plan, where a residential intensification project complies with current zoning, public site plan review will not be required; however, administrative site plan review will be required to address the matters identified in Section 3.2.3.5.(ii) of the Official Plan.

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The proposed plans show a two-storey duplex dwelling (upper & lower units) with 5 bedrooms in each unit and a gross floor area of 299 m² (3,218 sq. ft.) and four parking spaces at the rear of the dwelling.

The proposed plan meets the current R2-2 Zone Regulations with respect to lot area, lot coverage, building height, parking requirements, side yard setbacks and rear yard setback. The proposed front yard setback of 4.5 metres is based on the standard requirement for the R2-2 Zone; however, this requirement is supplemented by Section 4.23 of the By-law, which requires a setback based on the average established building lines on the adjacent lots. This provision would require an increase in the front yard setback from 4.5 metres to approximately 8 metres, based on the location of the adjacent dwellings.

In response to a request from the Blackfriars Community Association, at the Planning and Environment Committee meeting on April 23, 2013 the Managing Director, Planning and City Planner and the Manager, Development Services & Planning Liaison presented information on residential infill projects in the Blackfriars neighbourhood and specifically, on an application for site plan approval at 108 Wilson Avenue.

Section 19.9.2.v) of the Official Plan provides that to assist in encouraging the integration of new development with adjacent land uses, Council may require public notification and a public meeting at the site plan approval stage in connection with: *(h) ..other situations where the location, massing and conceptual design of new development may significantly affect the character of the surrounding area.*

At it's meeting on April 30, 2013, the Municipal Council adopted the following resolution:

15. That, the following actions be taken with respect to the verbal presentation from the Managing Director, Planning and City Planner and the Manager, Development Services & Planning Liaison and the communication, from K. and D. Bice, 2 Leslie Street, relating to Blackfriars community infill projects:
 - a) the Civic Administration **BE DIRECTED** to report back at the May 7, 2013 meeting of the Planning and Environment Committee with respect to the implementation of an Interim Control By-law for the area;
 - b) the Civic Administration **BE DIRECTED** to report back at a future meeting of the Planning and Environment Committee with respect to the initiation of a City lead rezoning of the subject area from an R2 Zone to an R1 Zone;
 - c) the request for a Heritage Conservation District **BE PRIORITIZED** on the list of Heritage Conservation Districts that will incorporate heritage character design guidelines;
 - d) a public site plan meeting regarding the site plan application for 108 Wilson Avenue **BE HELD**;
 - e) a by-law **BE INTRODUCED** at the May 14, 2013 Municipal Council meeting, to amend By-law No. C.P.-1455-541, a by-law to designate a site plan control area and to delegate Council's power under section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 with respect to an application for site plan approval submitted by Andrew Hines for the property located at 108 Wilson Avenue;
 - f) the Civic Administration **BE DIRECTED** to consult with representatives from the Upper Thames River Conservation Authority and the Ministry of Natural Resources;
 - g) K. Bice, on behalf of area residents, **BE GRANTED** delegation status when the Civic Administration reports back to the Planning and Environment Committee on this matter;

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- h) the Civic Administration **BE DIRECTED** to report back to the Planning and Environment Committee with respect to establishing a requirement for a public site plan process for any application where the proposed infill development proposes a change in use and/or structure that is different from what currently exists on the site, regardless of whether or not the use is permitted under the current zoning; and

This report and recommended by-law addresses clause e) of the Municipal Council resolution, by amending Site Plan Control Area By-law No. C.P.-1455-541, to revoke the delegated authority for site plan approval for 108 Wilson Avenue. This action will provide Council with the authority to review the proposed plans, apply conditions as required, hold a public meeting and issue a decision on this application.

CONCLUSION

The proposed by-law, to revoke the delegated authority under Site Plan Control Area By-law No. C.P.-1455-541 for an application for 108 Wilson Avenue, has been prepared in response to a resolution adopted by the Municipal Council on April 30th, 2013. This action will provide Council with the opportunity to consider public input with the proposed site plan, and to exercise direct control over the review and approval of this application.

PREPARED AND RECOMMENDED BY:	REVIEWED and CONCURRED BY:
TERRY GRAWAY MANAGER-DEVELOPMENT SERVICES & PLANNING LIAISON	ALLISTER MACLEAN MANAGER – DEVELOPMENT PLANNING
SUBMITTED BY:	
GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	

May 6, 2013
TG/tg
"Attach."

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Schedule 'A'

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

A by-law to amend By-law No. C.P.-1455-541, a by-law to designate a site plan control area and to delegate Council's power under Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13 with respect to an application for site plan approval submitted by Andrew Hines for the construction of a duplex at 108 Wilson Avenue.

WHEREAS Section 8 of the Site Plan Control Area By-law, being By-law No. C.P.-1455-541, as amended, provides that Council's powers and authority under Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, are assigned to delegated officials under the By-law.

AND WHEREAS Andrew Hines has applied to the Approval Authority on March 15, 2013 for approval of a site plan approval for the construction of a duplex at 108 Wilson Avenue.

AND WHEREAS Council has considered it to be in the public interest to revoke this delegated authority to Municipal Council with respect to the application by Andrew Hines to construct a duplex at 108 Wilson Avenue.

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

1. The delegation pursuant to section 8 of By-law No. C.P.-1455-541, as amended, with respect to the delegation of Council's powers and authority under Section 41 of the *Planning Act* R.S.O. 1990, cP.13 to a delegated official under By-law C.P.-1455-541, as amended, with respect to an application submitted by Andrew Hines for site plan approval to construct a duplex dwelling at 108 Wilson Avenue in the City of London (the "Development") is hereby revoked and this application shall be considered in accordance with this By-law as follows:
 - (a) Council shall take over the powers and authority to approve the plans and drawings and impose requirements pertaining to the Development, and thereafter no delegated official shall approve such plans and drawings or impose requirements pertaining to the Development;
 - (b) Despite any provision of By-law No. C.P.-1455-541, as amended, to the contrary, Council following the receipt of a report and recommendation from the Planning and Environment Committee under this By-law, may exercise the powers and authority that would otherwise be exercised by a delegated official under By-law C.P.-1455-541, as amended, were it not for section 1 of this By-law; and
 - (c) Council shall consider the report and recommendations of the Planning and Environment Committee and make a decision on the approval of the plans and drawings, and any requirements, including the provisions of any Development Agreement required pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13.
2. The Mayor and City Clerk shall formally approve the plans and drawings and impose the requirements in accordance with Council's approval under section 1(a) of this By-law and further the Mayor and City Clerk are hereby authorized to execute the Development Agreement contemplated in paragraph 1(c) above.

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3. This by-law comes into force and effect on the day it is passes.

PASSED in Open Council on May 14, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - May 14, 2013
Second Reading – May 14, 2013
Third Reading - May 14, 2013