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H-8168/A. MacLean

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 1873739 ONTARIO LIMITED 433 HYDE PARK ROAD

RECOMMENDATION

That, on the recommendation of the Manager - Development Planning, based on the application of 1873739 Ontario Limited relating to the property located at 433 Hyde Park Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of 433 Hyde Park Road **FROM** a Holding Residential R5 Special Provision (h-5 · R5-1(4)) Zone **TO** a Residential R5 Special Provision (R5-1(4)) Zone to remove the “h-5” holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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May 7, 2013 – Public Participation Meeting for Site Plan Application SP13-006840

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the “h-5” provision to allow for the consideration of building permits for a 9 unit townhouse complex.

BACKGROUND

Date Application Accepted: April 9, 2013	Agent: Michelle Doornbosch, Zelinka Priamo Ltd
REQUESTED ACTION: Removal of the “h-5” holding provision from the multi-family residential zone.	

PUBLIC LIAISON:	Notice of the application was published in “The Londoner” on Thursday, April 25 th , 2013.
Nature of Liaison: City Council intends to consider removing the “h-5” holding provision from the Residential R5 Special Provision (R5-1(4)) Zone. This holding provision was put in place to ensure that a development agreement be entered into following public site plan review. Council will consider removing the holding provision as it applies to the lands described above, no earlier than May 14, 2013.	

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Responses: None

ANALYSIS

h-5 Holding Provision

The purpose of the h-5 holding 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”.

A public meeting was heard before the Planning and Environment Committee on May 7th, 2013. Issues raised at that meeting included; landscaping, traffic and pedestrian safety, loss of privacy, loss of wildlife habitat, insufficient parking and the height of the proposed buildings.

The proposed landscape plan provides ornamental shrubs and perennials along the street edge and in front of each unit in addition to large canopy deciduous shade trees along the perimeter of the property. Conifers are proposed at the end of the common driveway to help alleviate any light pollution from vehicle headlights on properties to the east.

The anticipated additional traffic movements between all properties in this area will not exceed the maximum number of vehicles per day expected along Hyde Park Road. The proposal requires only one vehicular access to Hyde Park Rd for all nine townhouses. A controlled pedestrian crossing to Hazeldon Park is available at Riverside Dr & Hyde Park Rd.

An existing 1.8 m tall wood fence & grade differences between the properties will help maintain an acceptable level of privacy between outdoor neighbours. The applicant is providing large canopy shade trees along the north property line to one day provide a vertical plan screen between properties. A proposed 1.8 m wood fence is to be constructed along the south property line prior to any occupancy permits being issued to maintain the privacy for residents at 426 Hyde Park Rd.

There are limited opportunities for tree preservation within this site based on the applicant's proposal. The applicant is retaining all trees on adjacent properties and replanting trees internally where possible. The property does not contain any significant natural heritage features (as outlined in the Official Plan).

The Z-1 Zoning By-law regulations requires 1.5 spaces per unit and the Site Plan Control Area By-law recommends one visitor parking space per every ten units. The applicant is exceeding the required parking by providing three vehicular parking spaces per unit.

The building height is controlled through the City of London's Z-1 Zoning By-law regulations. The maximum height allowed in this zone is 7.0 m. Height of the buildings will be confirmed at the permit application to ensure compliance with Z.1. There was no direction provided at the Planning and Environment Committee to deviate from the Z-1 Zoning by-law regulations as it pertains to building height.

Based on the above, the issues raised at the public meeting have been addressed through the review of the Site Plan in conjunction with the Site Plan Control By-law and the City's Z-1 Zoning

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By-law. The applicant has entered into a development agreement with the City which will ensure that the project develops in an orderly fashion. As a result it is appropriate to consider removal of the "h-5" holding provision to facilitate the development of multi-family residential complex.

CONCLUSION

The approved site plan and development agreement will ensure that this development will proceed in an appropriate fashion. Removal of the "h-5" holding provision at this time represents sound land use planning.

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

June 7, 2013
AM/sw

"Attach."

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Agenda Item # Page #

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for the land located at 433 Hyde Park Road.

WHEREAS 1873739 Ontario Limited has applied to remove the holding provision from the zoning for the land located at 433 Hyde Park 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 land;

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 the land located at 433 Hyde Park Road, as shown on the attached map to remove the holding provision so that the zoning of the land as a Residential R5 Special Provision (R5-1(4)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 25, 2013

Joseph Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - June 25, 2013
Second Reading - June 25, 2013
Third Reading - June 25, 2013