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File: Z-8182
Planner: Amanda-Brea Watson

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON 407 MCMAHEN STREET AND PORTIONS OF 652, 654 AND 656 ELIZABETH STREET PUBLIC PARTICIPATION MEETING ON AUGUST 20, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to the property located at 407 McMahan Street and portions of the properties located at 652, 654, and 656 Elizabeth Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 27, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject properties **FROM** a Residential R2 Special Provision (R2-1(10)) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings; a Holding Residential R5/Residential R9 Special Provision (h-5•R5-3/R9-7(6)•H20) Zone which permits townhouses, apartment buildings, lodging houses and continuum-of-care facilities up to a maximum height of 20 metres; a Residential R10 (R10-1•H36) Zone which permits townhouses, apartment buildings, lodging houses and continuum-of-care facilities up to a maximum height of 36 metres; and a Holding Residential R5 (h-5•R5-4) Zone which permits townhouse dwellings **TO** a Community Facility Special Provision (CF2(1)) Zone which permits public recreational buildings, public swimming pools, studios, community centres, day care centres, convenience stores and eat-in restaurants.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None

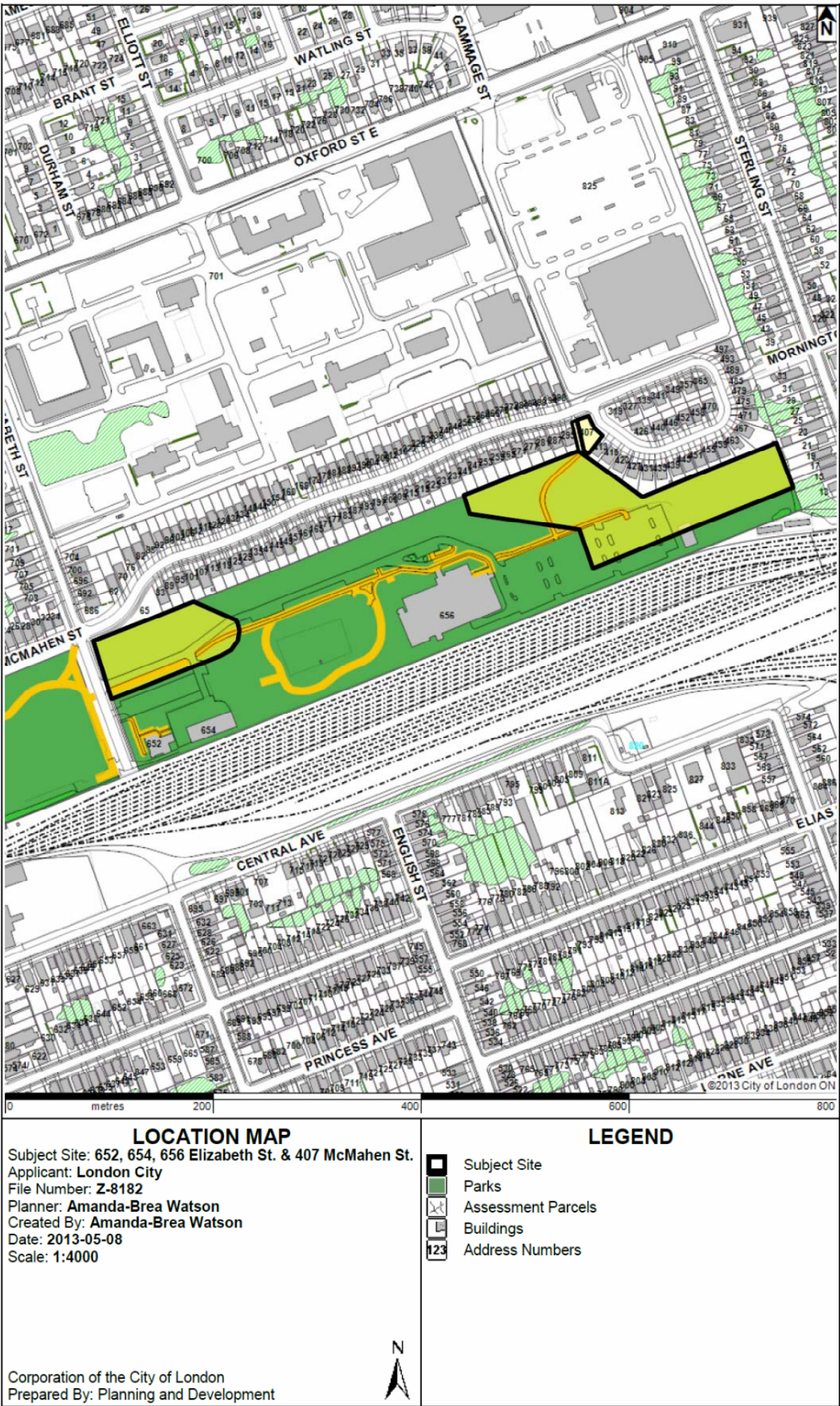
PURPOSE AND EFFECT OF RECOMMENDED ACTION
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The purpose and effect of the requested Zoning By-law amendment is to allow for ongoing use of the Community Facilities, including the Carling Heights Optimist Community Centre and associated uses while removing the potential for residential uses from these City owned lands.

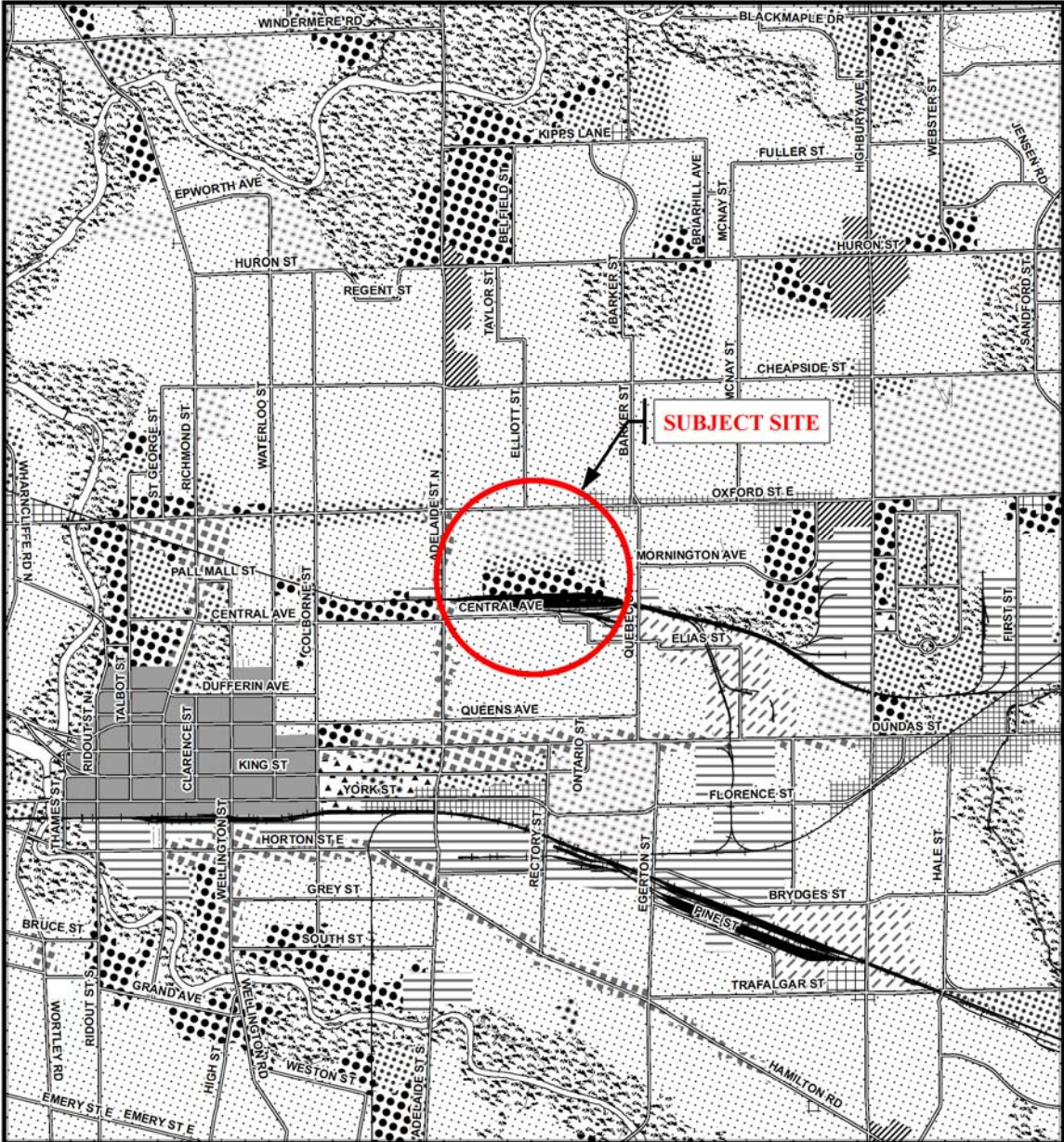
RATIONALE

The recommended Zoning By-law amendment to remove the potential for residential uses while allowing ongoing use of the Community Centre is appropriate and suitable for the following reasons:

- i) The proposal is consistent with the policies of the *Provincial Policy Statement*, 2005, which promotes healthy, liveable and safe communities by providing for a range of publicly-accessible built and natural settings for recreation.
- ii) The recommended zoning by-law amendment conforms with the policies of the Official Plan; and
- iii) The recommended zone provides for appropriate development that is complementary to and in keeping with the character of the neighbourhood.



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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

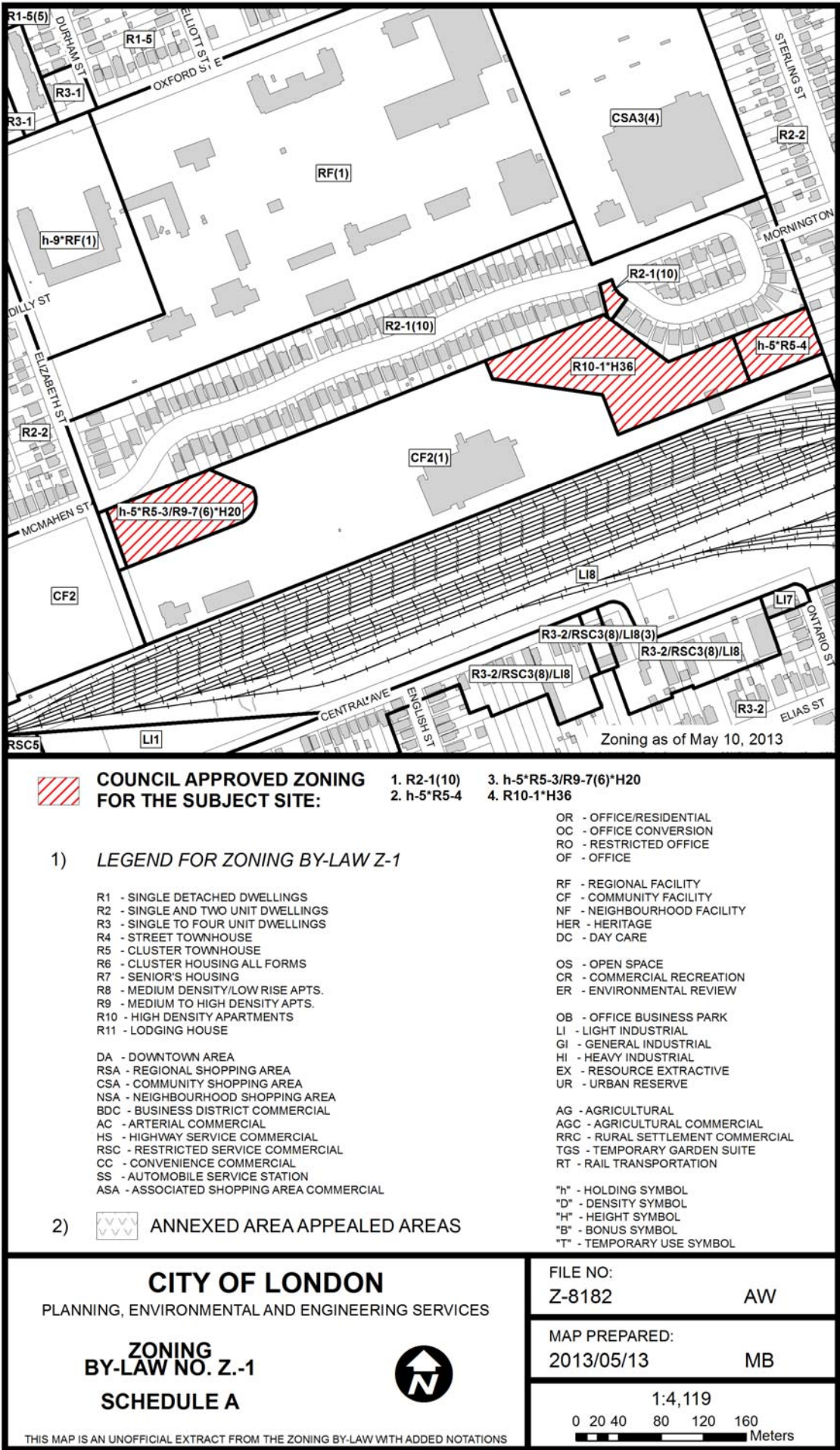
CITY OF LONDON
Department of
Planning and Development

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services

Scale 1:30,000
Meters

FILE NUMBER: Z-8182
PLANNER: AW
TECHNICIAN: MB
DATE: 2013/05/13



BACKGROUND

Date Application Accepted: May 3, 2013	Agent: City of London
REQUESTED ACTION: Change Zoning By-law Z.-1 from a Residential R2 Special Provision (R2-1(10)) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings; a Holding Residential R5/Residential R9 Special Provision (h-5•R5-3/R9-7(6)•H20) Zone which permits townhouses, apartment buildings, lodging houses and continuum-of-care facilities up to a maximum height of 20 metres; a Residential R10 (R10-1•H36) Zone which permits townhouses, apartment buildings, lodging houses and continuum-of-care facilities up to a maximum height of 36 metres; and a Holding Residential R5 (h-5•R5-4) Zone which permits townhouse dwellings, to Community Facility Special Provision (CF2(1)) Zone which permits public recreational buildings, public swimming pools, studios, community centres, day care centres, convenience stores and eat-in restaurants.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none">• Current Land Use – Community Facility• Frontage – 165 metres (Elizabeth Street 130 metres and McMahan Street 35 metres)• Depth - Varies• Area – (0.73 hectares, 1.68 hectares, & 407 McMahan 486 square metres) 2.46 hectares• Shape - Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none">• North - Residential, single detached dwellings• South - Light Industrial, Canadian Pacific Railway lines• East - Residential, single detached dwellings• West - Community Facility, playground, horseshoe pits, and baseball diamond

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none">• Multi-Family, High Density Residential, and• Multi-Family , Medium Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none">• 407 McMahan Street : R2-1(10)• 652,654 & 656 Elizabeth Street: h-5•R5-3/R9-7(6)•H20 R10-1•H36 h-5•R5-4

PLANNING HISTORY

The subject property was formerly included as part of the Wolseley Barracks site when it was established in the 1880s and also later incorporated as the Canadian Forces Base London (CFB London). The lands have been used for training by Canadian Military and have accommodated various buildings over the years.

In the 1990s the southern portion of the Wolseley Barracks’ properties were divested and many of the buildings demolished. The northern half of these lands have since been developed as low density residential lots forming the extension of McMahan Street. The southern half of these lands contains the former base gym which has been renovated and now is owned and operated by the City of London as the Carling Heights Optimist Community Centre.

Presently, the Carling Heights Optimist Community Centre provides a multipurpose facility and the Centre is often used for various Spectrum programs, public and private group gatherings as well as training purposes. The lands also provide numerous outdoor amenities including a community garden, skateboard park, playground, basketball court and a looped multi-use trail.

In 2011, the City constructed a storage building on the east side of the property which allows additional storage space for the City’s Parks & Recreation Department. During this Public Site Plan process (SP11-013675) an abutting landowner raised concerns that removing the (h-5) holding provision would lead to the development of housing on these City lands. With no intentions of developing residential units, and in order to address concerns, the City has initiated a proposed amendment to change the zoning of the subject lands Community Facility.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority

No objections.

*The subject property is **not affected by any regulations** (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.*

The subject property is located in an area with Highly Vulnerable Aquifers. At this time, certain activities on this property may be considered Moderate and Low Threats to drinking water.

London Hydro

*Reviewed the application and advised that there are **not objections** to the proposed Zoning Bylaw Amendment*

Middlesex London Health Unit

Called to discuss the application and advised that: the department is in support of the application which keeps recreational space available for physical activity.

City of London Urban Forestry Unit

Reviewed the application and offered no comments for the rezoning.

City of London Environmental & Engineering Services Department

Reviewed the application and advised that there are not objections to the proposed Zoning Bylaw Amendment.

PUBLIC LIAISON:	On May 16, 2013, Notice of Application was sent to 190 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 May 16, 2013. A “Possible Land Use Change” sign was also posted on the site.	9 replies were received
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Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to allow for ongoing use of the Carling Heights Community Centre and remove the potential for residential uses from these City owned lands.

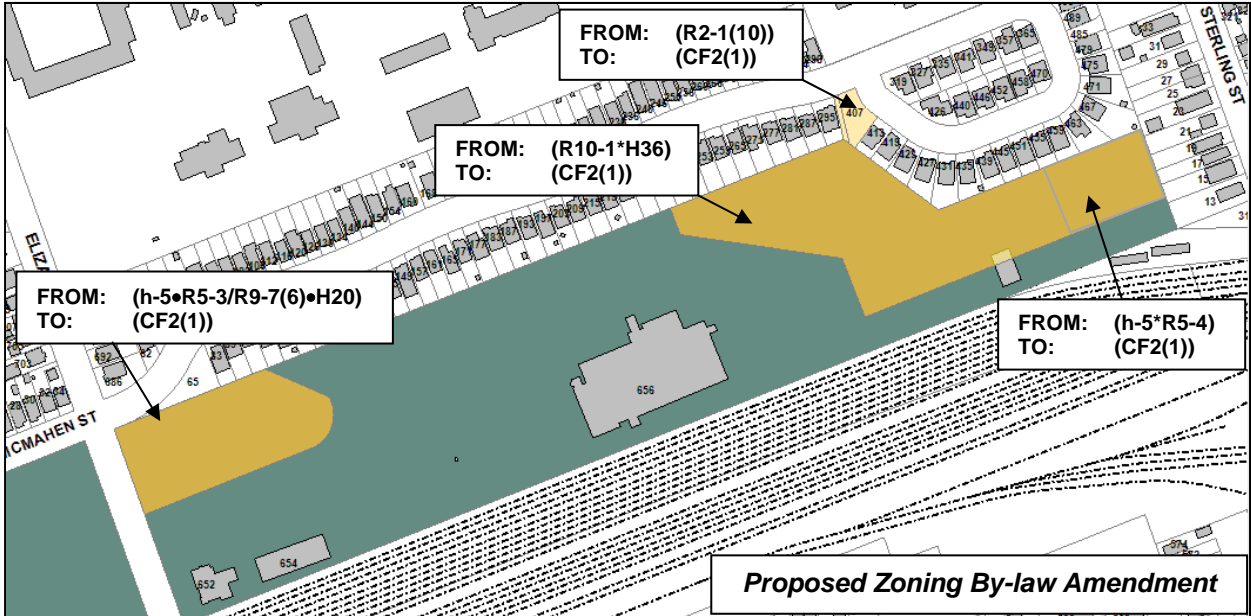
Change Zoning By-law Z.-1 from a Residential (R10-1•H36) Zone which permits apartment buildings, lodging houses and continuum-of-care facilities, a Holding Residential R5/Holding Residential R9 Special Provision (h-5•R5-4) Zone which permits townhouse dwellings, a Residential (h-5•R5-3/R9-7(6)•H20) Zone which all of the above described uses, and a Residential R2 (R2-1(10)) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings, to a Community Facility Special Provision (CF2(1)) Zone which permits public recreational buildings, public swimming pools, studios, community centres, day care centres, convenience stores and eat-in restaurants.

Responses: Generally responses were received via telephone in which neighbouring landowners were seeking clarification on what the City was proposing. After staff explained the zoning amendment sought to remove residential uses from the uses permitted on the City owned lands **all respondents were in support of the application**. Five (5) email responses were received. Two (2) sought additional information and two (2) were in support of the application.

ANALYSIS

Subject Site:

The subject properties, known as 652, 654, 656 Elizabeth Street and 407 McMahan Street, are located approximately 200 metres east of Adelaide Street North and immediately north of the Canadian Pacific Railway Lines. The lands are situated in both a Multi-Family, High Density Residential (652, 654, 656 Elizabeth Street) designation and Multi-Family, Medium Density Residential designation (407 McMahan Street) spanning Elizabeth Street to Sterling Street. The lands fronting McMahan Street are designated as Medium Density Residential and those associated with the Carling Heights Community Centre are designated as High Density Residential. The properties are irregularly shaped with a combined area of approximately 8.06 hectares and a frontage of 165 metres. The area proposed to be rezoned totals approximately 2.46 hectares. The existing buildings comprise of a City of London Parks and Recreation Operations Centre, the Community Centre, a Parks and Recreation storage building and the T-Block Building from which several community based nonprofit organizations, including the City Art Centre, are operated.





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File: Z-8182
Planner: Amanda-Brea Watson

Nature of Application:

The purpose of this application is to allow for ongoing use of the Carling Heights Community Centre and remove the potential for residential uses from these City owned lands. The City of London is applying to remove the various Residential zones, being a Residential R2 Special Provision (R2-1(10)) Zone, a Holding Residential R5/Residential R9 Special Provision (h-5•R5-3/R9-7(6)•H20) Zone, a Residential R10 (R10-1•H36) Zone and a Holding Residential R5 (h-5•R5-4) Zone and include a Community Facility (CF2(1)) Zone for the entire lands. The effect of this requested Zoning By-law amendment is to ensure that subject lands are used for Community Facilities and related accessory purposes.

Provincial Policy Statement (PPS)

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes healthy, liveable and safe communities by providing for a range of publicly-accessible built and natural settings for recreation. The proposed rezoning will allow for the ongoing use of an existing public neighbourhood facility that is complementary to the neighbourhood.

The proposal satisfies Section 1.1.1 of the PPS which promotes *efficient development and land use patterns as well as accommodating a mix of employment,...commercial, and recreational and open space uses to meet long-term needs.*

The proposal also satisfies Section 1.1.5 of the PPS which ensures that planning authorities promote Healthy and Active Communities by *providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas [and] trails.*

The proposed rezoning is consistent with the PPS in that it promotes a healthy community. The continuation of the existing Community Facility uses provides options for recreational activities and allows ample recreation options for future use of the site.

Official Plan

The 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 Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject property is partially designated Multi-Family, Medium Density Residential (407 McMahan Street) and partially Multi-Family, High Density Residential designation (652, 654, 656 Elizabeth Street) in the Official Plan. The planning objectives for both of these land use designations have similar criteria recognizing community facilities as secondary permitted uses:

3.3 Multi-Family, Medium Density Residential & 3.4 Multi-Family, High Density Residential
Secondary Permitted Uses

- iv) *Uses that are considered to be integral to, or compatible with, medium [and high] density residential development, including...community facilities...may be permitted according to the provisions of Section 3.6.*

The Official Plan provides further direction for determining the compatibility of Community Facilities associated with, and integral to, a residential environment.

3.6.4 Community Facilities

The residential land use designations shall permit a range of non-residential community facilities that are normally associated with, and integral to, a residential environment. Where they are determined to be appropriate the following community facilities permitted in all Residential land use designations include: day care centres, community centres, public parks and public recreation facilities.

Being that there are established community facilities on the subject lands the criteria under Section 3.6 for a zone change, including a Site Plan are not required. Staff have however given

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consideration to Section 3.6 and support the proposed Zoning By-law amendment as it is in keeping with these planning objectives for the following reasons:

- | | |
|----------------------|--|
| Residential Amenity: | The existing community facility does not detract from the neighbourhood's residential amenity and character. |
| Compatibility: | The existing community facility is compatible with and sensitive to the scale and appearance of surrounding residential uses. The existing uses have achieved a measure of compatibility with the surrounding community. |
| Function: | The existing community facility use is designed to have sufficient off-street parking, circulation, drop-off and pick-up facilities, and access points which minimize traffic on abutting area streets. |

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the 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 that all three criteria of use, intensity and form must be considered and deemed to be appropriate for the approval of any development proposal.

32.1 General Purpose of the Community Facility (CF) Zone

This Zone provides for and regulates institutional type uses which provide a city-wide or community service function. The Community Facility Zone includes uses which are more intense than those included in the Neighbourhood Facility (NF) Zone and which may impact adjacent land uses.

These City owned lands are currently zoned to permit various Residential uses including: a Residential R2 Special Provision (R2-1(10)) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings; a Holding Residential R5/Residential R9 Special Provision (h-5•R5-3/R9-7(6)•H20) Zone which permits townhouses, apartment buildings, lodging houses and continuum-of-care facilities up to a maximum height of 20 metres; a Residential R10 (R10-1•H36) Zone which permits townhouses, apartment buildings, lodging houses and continuum-of-care facilities up to a maximum height of 36 metres; and a Holding Residential R5 (h-5•R5-4) Zone which permits townhouse. The proposed amendment would remove the above described various Residential Zones and replace them with the Community Facility Special Provision (CF2(1)) Zone.

The Community Facility Special Provision (CF2(1)) Zone currently extends to the T-Block Building, Parks & Recreation Operations Centre, the Carling Heights Optimist Community Centre, most of the parking and the south half of the Parks & Recreation storage building located on the eastern portion of the subject lands (see Zone Map on page 4 of this report). Per Section 32.4 of the Zoning By-law Z.-1, the Community Facility Special Provision (CF2(1)) Zone allows for public recreation buildings, public swimming pools, studios as well as the following additional permitted uses: Community Centres, Day Care Centres, Convenience Stores (maximum gross floor area of 150m²) and Eat-in Restaurants (maximum gross floor area of 300m²).

The result of this recommended amendment is to express that the City of London has no intentions to develop residential uses on the subject lands and has initiated the proposed amendment to allow for the continuation of the Community Facilities and related accessory purposes. It should be noted that there are currently not any plans for expansions or additions to the existing facilities. Throughout the City of London there are lands which are zoned to permit both Multi-Family, Medium Density Residential Multi-Family, High Density Residential development. The subject lands are remnants of a previous development plan which had not been realized when this portion of the former CFB London was divested.

The proposed change to permitted uses is not anticipated to create any negative impacts on the neighbouring lands. The proposed zoning change will not affect the existing use of the subject lands, nor the existing facilities, site layout including parking and landscaping. Comments from neighbouring land owners were supportive of the removal of residential uses for those permitted these lands. The existing uses of subject lands have achieved a measure of compatibility and acceptability in the community.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement as it *promotes a healthy community by accommodating an appropriate range and mix of recreational and open space uses to meet long-term needs as well as providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, [and] trails.*

The amendment conforms to relevant polices of the Official Plan for additional uses on lands designated as both Medium and High Density Residential as it allows for uses *that are considered to be integral to, or compatible with, residential development, including... community facilities...*

The recommendation complies with the intent and direction of the Zoning By-law by allowing an existing use to continue through an amendment to the Zoning By-law which recognizes the existing use as a being legally permitted.

The amendment represents sound planning as it allows for an existing appropriate use of the Carling Heights Community Centre and surrounding lands while removing the potential for residential uses from these City owned lands. No changes are proposed to the Community Facilities or subject lands as part of the Zoning By-law amendment therefore are in keeping with the character of the neighbourhood.

PREPARED BY:	REVIEWED BY:
AMANDA-BREA WATSON, MCIP, RPP COMMUNITY PLANNING AND DESIGN	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN
SUBMITTED BY:	RECOMMENDED BY:
JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

Agenda Item #	Page #

File: Z-8182
Planner: Amanda-Brea Watson

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

<u>Written</u>	
Steve & Eliza Wasylyk, 19 Sterling Street	
Mark Gijzen, 253 McMahan Street	
Emily Craig & Maurice Williams, 215 McMahan Street	
<u>Telephone</u>	
Dennis Walden, 32 McMahan Street	
Teresa Cavalier, 426 McMahan Street	
Rick Upton, 237 McMahan Street	
Ian McQueen, 455 McMahan Street	

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File: Z-8182
Planner: Amanda-Brea Watson

Watson, Amanda-Brea

From: Steve Wasylyk [REDACTED]
Sent: Friday, May 17, 2013 6:41 PM
To: Watson, Amanda-Brea
Cc: S [REDACTED]
Subject: RE: Z-8182

Ms. Amanda Watson,

I am writing on behalf of the residents of 19 Sterling Street.

We are in full support of changing the zoning region of 652, 654, 656 Elizabeth Street, 407 McMahan Street (and area) and immediately West of 407 McMahan Street from the current residential designation (R10-17•H36) to a community facility designation (CF2(1)).

Primarily, we appreciate the concept of the community facility being available without obstructions or unnecessary traffic, as well as the grounds being available for sports and kids. I feel the further development of residential construction (ie. Condominiums) would be a blight on the current skyline we and our surrounding neighbors currently enjoy.

Both my wife and myself can be made available for further comment.

Cordially,
Steve & Eliza Wasylyk

Watson, Amanda-Brea

From: Gijzen, Mark [REDACTED]
Sent: Tuesday, May 21, 2013 9:34 AM
To: Watson, Amanda-Brea
Subject: Z-8182

Amanda-Brea Watson

City of London

RE: Z-8182 Notice of Application to Amend the Zoning By-Law

Dear Ms. Watson,

This message is to let you know that I am IN FAVOUR of the proposed amendment to the zoning by-law for the location 652, 654, 656 Elizabeth Street, 407 McMahan Street, and the sidewalk immediately west of 407 McMahan Street, as described in your letter of 16 May 2013.

The zoning designation Community Facility (CF2(1)) is desirable and appropriate for these city owned lands. I hope that this amendment is passed.

Furthermore, I would like to see a landscaping or naturalization plan implemented for these lands so that they become more of an asset for the surroundings, and for the City of London. This would help to offset the all the paved areas, parking lots, and skateboard park, which currently dominate the community centre lands and are certainly not attractive features.

Sincerely,

Mark Gijzen

253 McMahan Street

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File: Z-8182
Planner: Amanda-Brea Watson

Bibliography of Information and Materials
Z-8182

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by the City of London, May 3, 2013.

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.

Correspondence:

City of London -

Postma, R., City of London Urban Forestry. E-mail to A.-B. Watson. May 21, 2013

Clavet, Y., City of London Environmental & Engineering Services Department – Stormwater Management Unit. E-mail to A.-B. Watson. June 7, 2013

Masschelein, B., City of London Environmental & Engineering Services Department – Wastewater and Drainage Engineering Unit. E-mail to A.-B. Watson. June 4, 2013

Ismail A., P. Eng., City of London, Environmental and Engineering Services Department. Memo to A.-B. Watson. June 12, 2013

Departments and Agencies -

Creighton C., UTRCA. Letter to A.-B. Watson. June 6, 2013.

Dalrymple, D., London Hydro. Memo to A.-B. Watson. May 17, 2013.

Hill, E., Middlesex London Health Unit. Telephone Conversation with A.-B. Watson. May 22, 2013

Other:

Site visit June 14, 2013 and photographs of the same date.

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File: Z-8182
Planner: Amanda-Brea Watson

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 407 McMahan Street and a portion of lands located at 652, 654 & 656 Elizabeth Street.

WHEREAS the City of London has applied to rezone an area of land located at 407 McMahan Street and a portion of the properties located at 652, 654 and 656 Elizabeth Street and, 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 407 McMahan and a portion of lands located at 652, 654 and 656 Elizabeth Street, as shown on the attached map comprising part of Key Map No. A108, from a Residential R2 Special Provision (R2-1(10)) Zone, and a Holding Residential R5/Residential R9 Special Provision (h-5•R5-3/R9-7(6)•H20) Zone, and a Residential R10 (R10-1•H36) Zone and a Holding Residential R5 (h-5•R5-4) Zone to a Community Facility Special Provision (CF2(1)) Zone.

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 August 27, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - August 27, 2013
Second Reading - August 27, 2013
Third Reading - August 27, 2013

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

