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File No.: Z-8178
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: HIGHLAND COMMUNITIES LTD. 982 GAINSBOROUGH ROAD NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON NOVEMBER 26, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated September 25th, 2013 and submitted by Patton Cormier & Associates on behalf of Markey Holdings Inc. relating to Zoning By-law amendment Z-1-132225 concerning 982 Gainsborough Road, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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August 20, 2013 – Highland Communities Inc. This report recommended that the requested amendment to rezone the subject site **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 property **FROM** a Holding Business District Commercial (h-17*BDC1/BDC2) Zone which provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts in older parts of the City and an Urban Reserve (UR3) Zone which permits existing dwellings; agricultural uses (except for mushroom farms, commercial greenhouses livestock facilities and manure storage facilities); conservation lands; managed woodlot; wayside pit; passive recreation use; kennels; private outdoor recreation clubs; riding stables; and a Holding Urban Reserve (h-2*UR3) Zone which permits the same range of uses as the UR3 zone subject to a holding provision which requires the submission of an Environmental Impact Study or Subject Lands Status Report to determine the extent to which development may be permitted, **TO** a Holding Business District Commercial (h-11*h-17*BDC1/BDC2) Zone and a Holding Residential R9 Special Provision (h-5*h-11*h-17*R9-7(_)*H50) Zone to permit apartment buildings; lodging house class 2; senior citizens apartment buildings; handicapped persons apartment buildings and continuum-of-care facilities up to a maximum height of 50 metres (15 storeys) and a density of 150 units per hectare. A special provision is recommended to allow for the reduction of the easterly side yard to 12 metres and a maximum projection into the required yard for apartment balconies to a maximum of 3 metres. The use of three holding provisions is required in order to ensure that access and sanitary servicing concerns are addressed before the development of the site and that the site plan will be reviewed through a public process.

- (a) The Site Plan Approval Authority, **BE REQUESTED** to address the following items through the site plan approval process:
 - i) Ensure pedestrian paths are situated to maximize their direct and continuous connection with pedestrian paths in the commercially zoned portion of the site to the north;
 - ii) Detail the design of the 'hard landscape space' north of the podium component to

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create a 'forecourt' shared space linking the lobby entrance with the service road through the use of continuous paving treatments and landscaped features positioned to delineate vehicular and pedestrian pathways; .

- iii) Position the lobby entrance, a public art installation, or significant landscape element to create a view terminus, visible from Gainsborough Road, aligned with the internal road connecting the residential portion of the site with Gainsborough Road;
- iv) Minimize surface parking and ensure all parking visible from the 'service road' is screened to emphasize the pedestrian quality in the north part of the residentially zoned portion of the site; and
- v) Ensure siting and construction of the apartment buildings is consistent with the conceptual site plan and elevations/renderings included as Appendix "B"; and,
- vi) The Owner shall grant a municipal easement of an appropriate size and alignment, consistent with the rear lane concept identified in the Hyde Park Community Plan, for public access across this site, all to the satisfaction of the City.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to facilitate the development of two 15 storey apartment towers totaling 176 units (88 each), on the southerly portion of the subject site.

BACKGROUND

The subject site was included as part of the Hyde Park Community Plan process in 1999 and is considered to be located within the Hamlet of Hyde Park. Through the area plan process the north portion of the site along Gainsborough Road was designated as a Main Street Commercial Corridor and the rear portion was designated for Multi Family, High Density Residential uses. The northern portion of the site is currently zoned for commercial uses and can be developed as-of-right. Although the southern portion is designated for high density residential uses, it requires a Zoning By-law amendment to implement the designation and the land use adopted in the area plan.

On April 19, 2013 an application for a Zoning By-law amendment was submitted by IBI Group on behalf of Highland Communities Ltd. requesting that the subject site be rezoned to a Residential R9 Special Provision (R9-7(_)*50) Zone to permit two 15 storey apartment buildings totalling 176 units (88 each). The front portion of the site is currently zoned in conformity with the exiting designation applied to that portion of the subject site.

Planning Staff recommended that the requested Zoning By-law amendment be approved, as it is consistent with the polices of the Provincial Policy Statement (2005); and High Density Residential policies of the City of London Official Plan. The Zoning By-law amendment would also allow for high density residential development in the form of two, 15-storey apartment buildings in conformity with the Hyde Park Community Plan; and the use of holding provisions will ensure that concerns about access and sanitary servicing are addressed.

The proposed application is in keeping with the Provincial Policy Statement 2005, specifically sections 1.1.1 which promotes healthy, liveable and safe communities; Section 1.1.3.3 of the PPS which requires municipalities to identify and promote opportunities for intensification and redevelopment where this can be accommodated; and, Section 1.4.3. of the PPS which requires planning authorities to provide for an appropriate range of housing types and densities to meet

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projected requirements of current and future residents.

The requested amendments to intensify the subject site promote these goals of the PPS as it contributes to the range and mix of land uses in the area and increase the health of the community by increasing the residential density population to support the local business in the area. The proposed apartments will benefit from the existing infrastructure and public facilities as well as the planned infrastructure upgrades to the area. Gainsborough Road and Hyde Park Road are main arterial roads where higher density uses are encouraged to locate as they are able to accommodate an increase in traffic generated by the new use.

The Official Plan contains policies to ensure that applications for high density residential developments are appropriate in terms of their use, scale and form and promote compatibility with the surrounding established neighbourhood. The proposal conforms with the policies of the Official Plan, specifically to sections 3.1.1. General Objectives for all Residential Designations, 3.1.4 Multi-Family, High Density Residential Objectives, and Sections 3.4 Multi-Family, High Density Residential of the Official Plan, specifically section 3.4.1 (Permitted Uses) and 3.4.3 (Scale of Development). Section 3.4.1 clearly indicates that the Multi-Family, High Density Residential designation shall include high-rise apartment buildings as primary permitted use. The subject site is located outside the Central London area and is subject to a net residential density of 150 units per hectare (60 units per acre). The requested 176 units on the subject property within two, 15-storey apartment buildings result in a density of 149 units per hectare which is in keeping with the Official Plan policies. The requested Residential R9 (R9-7) Zone permits a maximum density of 150 units per hectare ensuring the proposal is in keeping with the Official Plan.

The subject property falls within the Hyde Park Community Plan. The proposed apartments are situated within the Hyde Park hamlet and conform to the goals and objectives of the community Plan. It is intended that this area be a high activity area which is pedestrian friendly, and a mixed-use area where people can live, work and shop. The proposed apartments will contribute to the mix of uses and will increase the residential density in the area to support and draw local business. The Hyde Park Community Plan identified that Multi-Family, High Density Residential designations be adjacent to Main Street Commercial Corridors to encourage higher densities within walking distance of the hamlet's commercial area. The subject lands are within this High Density Residential designation and will assist in facilitating these goals and objectives of the Community Plan.

Along with a recommendation for the requested Residential R9 Special Provision (R9-7()*50) Zone the use of holding provisions was recommended by Staff to ensure the orderly development of the site. A holding provision for access was used in order to address the concerns raised by the Transportation Department. The holding provision was recommended to be placed over the entire property to ensure that access issues are addressed in the event that development occurs in phases. A holding provision for Sanitary Servicing was also recommended as the subject site currently does not have access to the appropriate Sanitary Servicing outlets. During the public circulation process and the community meeting held by the applicant, several comments were received in relation to how the site functions. A holding provision for public site plan review was also recommended to ensure that the public has a chance to review and comment about the development proposal during the site plan approval process.

On September 25, 2013, an appeal was submitted by Patton Cormier & Associates on behalf of Markey Holdings Inc., owner of 994 Gainsborough Road, in opposition to Council's adoption of the requested Zoning By-law amendment. In the reason for the appeal of Council's decision, the appellant states:

In using the h-11 holding provision in By-law Z-1-132225 the City will seek to require the Applicant, the owner of 982 Gainsborough Road, to enter into what is known as a Joint Access Agreement with the Appellant, the owner of 994 Gainsborough Road. A Joint Access Agreement would be used in an attempt to require the Appellant to remove its

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recently installed vehicular access to Gainsborough Road and thereafter use a new vehicular access to Gainsborough Road in conjunction with the property municipally know as 994 Gainsborough Road (“Appellant’s Land”).

Such an access arrangement is not required pursuant to an Agreement signed between the Appellant and the City of London nor is it required for the safe and proper use of either Gainsborough Rod or the Use of the land subject to By-law Z-1-132225.

The new entrance way onto Gainsborough Road will be used by owners, customers, employees and visitors to the Applicant’s land. It is not needed for the Appellant’s use of the land and it will interfere with the access to the Appellant’s land causing an unnecessary adverse impact. Further, the ingress/egress will be used by vehicles entering and exiting the High Density Residential land uses to the southern part of the same property.

The new joint access onto Gainsborough Road will function as a local street and should serve only the Appellant’s land.

There is no need for the removal of or alteration of the Appellant’s vehicular access onto Gainsborough Road within the planned function of the Appellant’s Land or the planned function of Gainsborough Road.

Copies of the appeal from Markey Holdings Inc., and the reasons for the appeal, are attached as appendix “A” to this report. A date for the Ontario Municipal Board hearing has not yet been scheduled.

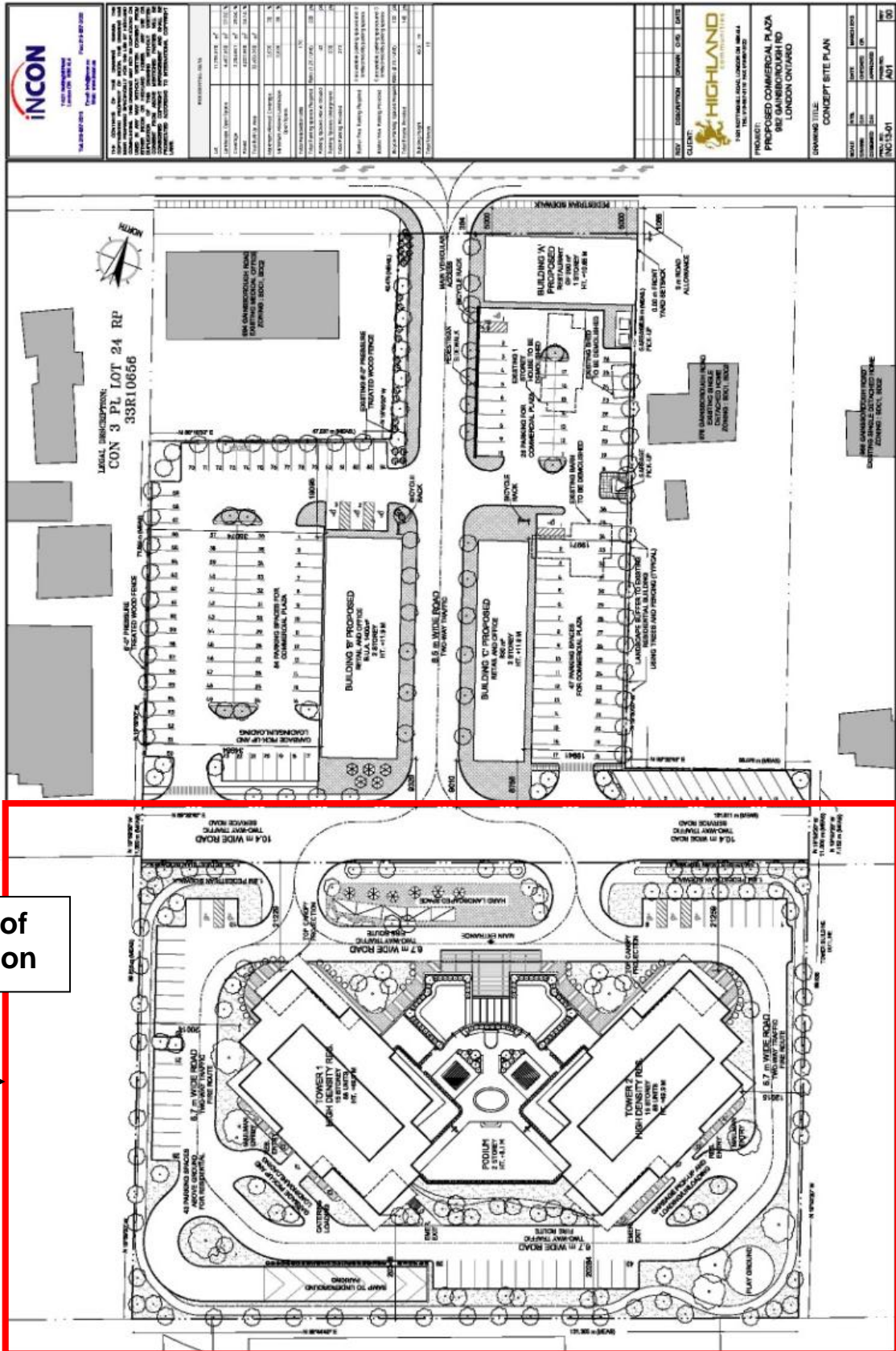
CONCLUSION

The appeal is based solely on the issue of vehicular access to the site. Transportation staff identified that they also have access concerns that have not been fully addressed. Planning Staff have placed a holding provision on the property to appropriately deal with access to the site before the site can be developed. Planning staff have reviewed the appeal letter and see no reason for Council to alter its decision relating to this matter.

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Proposed Site Plan



Subject of Application

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PREPARED BY:	REVIEWED BY:
MIKE CORBY, PLANNER II 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

October 21, 2013
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