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File: OZ-7988  
Planner: M. Tomazincic

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| <b>TO:</b>      | <b>CHAIR AND MEMBERS<br/>PLANNING &amp; ENVIRONMENT COMMITTEE</b>  |
| <b>FROM:</b>    | <b>JOHN M. FLEMING<br/>DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>  |
| <b>SUBJECT:</b> | <b>APPLICATION BY: OLD OAK PROPERTIES<br/>909 SOUTHDALE ROAD WEST AND 3045 POMEROY LANE<br/>PUBLIC PARTICIPATION MEETING ON<br/>MONDAY FEBRUARY 27, 2012 NOT TO BE HEARD BEFORE 4:40P.M.</b> |

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| <b>RECOMMENDATION</b> |
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That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Old Oak Properties relating to the property located at 909 Southdale Road West and 3045 Pomeroy Lane:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012 to amend the Official Plan by adding a phrase to Special Policy 3.5.11 (North Talbot Community) to permit building heights to exceed a maximum of 40 metres through the use of Bonus zoning;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012 to amend Zoning By-law No. Z-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR) Zone which permits existing dwellings; limited agricultural uses; conservation land; managed woodlots; wayside pits; and passive recreation use **AND** a holding Residential R9 (h-5•h-53•h-55•h56•R9-7•H40) Zone which permits apartment buildings; lodging house class 2; senior citizens apartment buildings; handicapped persons apartment buildings; and, continuum-of-care facilities, with a maximum height of 40 metres and subject to holding provisions which require: a public site plan review; street-oriented development and consistency with the community plan; a traffic impact study; and, implementation of noise attenuation measures to mitigate noise emanating from Southdale Road West prior to the removal of the holding provisions **TO** a holding Residential R9 Bonus (h-5•h-53•h-55•h56•R9-7•H40•B(\_)) Zone to permit the same range of uses and subject to the same holding provisions in the Residential R9 Zone (listed above) as the base zoning and adding a bonusing provision to permit, subject to design approval: a maximum height of 50.5 metres; a maximum density of 207 units per hectare; a minimum south interior side yard depth of 35.0m from the main building; a minimum rear yard depth of 18.1 metres; and, a maximum lot coverage of 40.5%, in exchange for the construction of a specified building design which is in accordance with the illustration included as Appendix "C" of this report that provides for the following design features:
  - Constructing two apartment buildings that are "L" shaped in plan, with terraced profiles that will achieve a maximum height of 50.5m and contain a maximum of 434 dwelling units;
  - The two apartment buildings shall be constructed in a mirror image with one apartment building located at the northeast corner of the subject lands with the two building faces constructed parallel to Southdale Road West and Pomeroy Lane and the other building located at the northwest corner of the subject lands with the two building faces constructed parallel to Southdale Road West and the westerly rear lot line in order to frame public realm;
  - Defining the base, middle, and top of the apartment buildings:
    - with the base consisting of the portion of the façade between the ground floor and the third and fourth floors and using architectural stone and cornice lines to define the base;
    - with the middle consisting of the portion of the façade between the top of the

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- base to the fourteenth floor and using coloured concrete and cornice lines to define the middle; and,
- o with the top consisting of the portion of the façade above the fourteenth floor and using coloured concrete differentiated from the middle, floorplate setbacks and a roof form profile to define the top;
- Addressing the intersection of Southdale Road and Pomeroy Lane with the concentration of massing and architectural treatment of the eastern apartment building to naturally direct the user to the primary entrances;
- Introducing trees and vegetation along the street frontage to improve the pedestrian experience along this section of Southdale Road;
- Designing and constructing an attractive, curb free paved and landscaped forecourt using unit pavers between the north facade and the Southdale Road West and the east façade and Pomeroy Lane to create an appealing interface between the buildings and the abutting roads;
- Designing the parking structure elevations to complement the architectural details and materials used in the elevations of the base of the two residential apartment buildings to create visual consistency between the apartment buildings and parking structure;
- Constructing of a 1.8m high solid board privacy fence along the southern property line to provide a visual barrier between the parking structure and the rear yards of the abutting single detached residential lots to the south; and,
- Planting a dense row of coniferous trees between the privacy fence and the parking structure to augment the visual barrier between the parking structure and the rear yards of the abutting single detached residential lots to the south.

(c) the Site Plan Approval Authority **BE REQUESTED** to implement the design and landscape features proposed in part (b) above, through the Site Plan Approval process.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

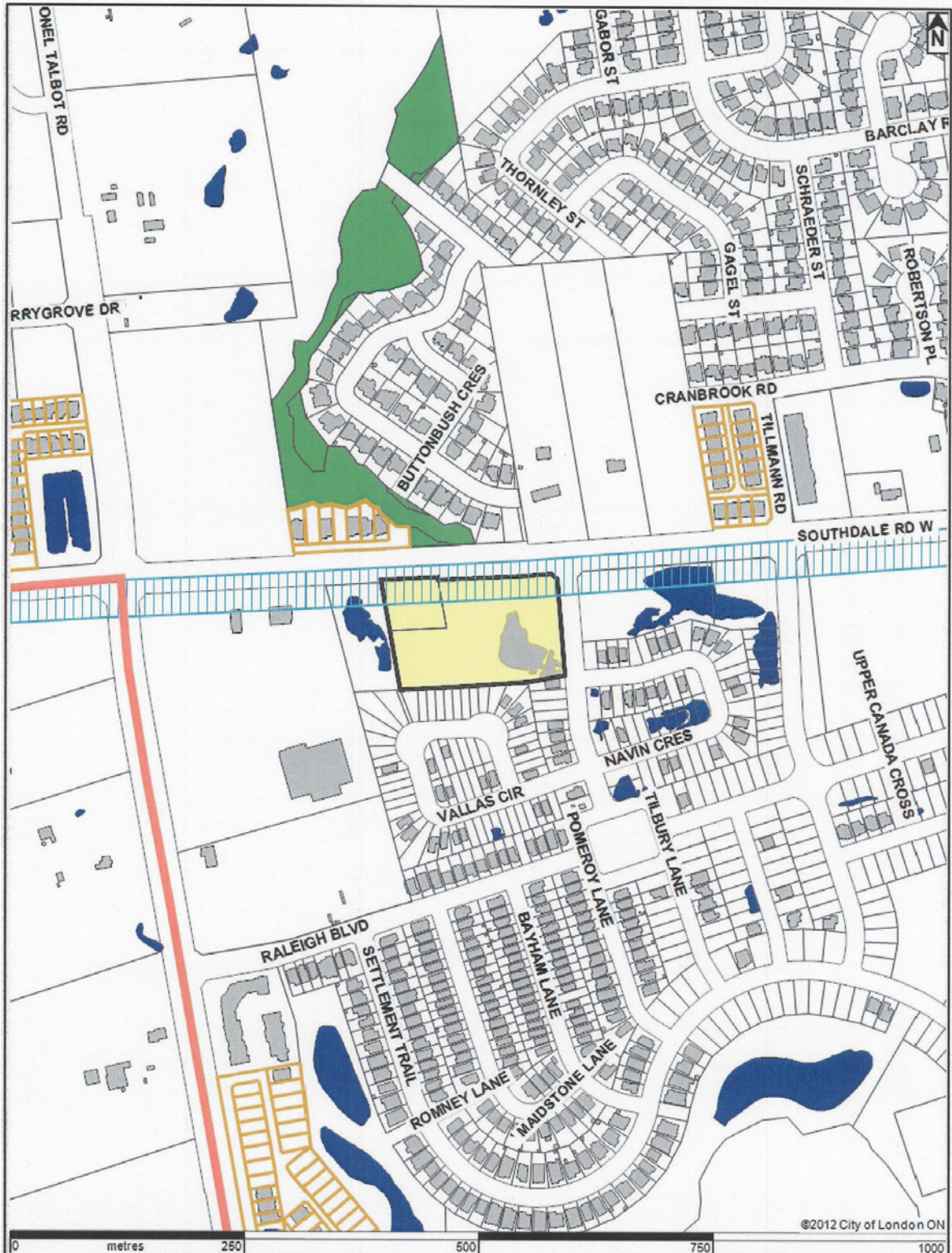
May 8, 2006 – Request to amend the Official Plan and Zoning By-law (OZ-6795) – This report recommended that the request to amend the Official Plan and Zoning By-law away from Low Density Residential Uses to accommodate Community Shopping Area uses on the subject lands be refused and a by-law be introduced that amended the Zoning By-law to apply a Residential R2/Residential R4 zone on the lands to permit permit a range of dwelling types including single detached, semi-detached, duplex, converted dwellings (2 units maximum), and street townhouses in conformity to the Official Plan. Council resolved that this recommendation be referred back to Staff.

August 21, 2006 – Request to amend the Official Plan and Zoning By-law (OZ-6795) – This report recommended that the request to amend the Official Plan and Zoning By-law away from Low Density Residential Uses to accommodate Community Shopping Area uses on the subject lands be deferred and the applicant be requested to submit a plan of subdivision application.

July 9, 2007 – Request to amend the Community Plan and Official Plan (39T—07501/OZ-6795/O-7380) – This report recommended that, among other matters, that the Official Plan be amended to change the designation of the subject lands from Low Density Residential to Multi-Family, High Density Residential and to amend the special policy for these lands to recognize lands designated Multi-Family, High Density Residential. This report also recommended a series of Zoning By-law amendments that implemented the existing zoning for the subject lands as well as all the lands on Vallas Circle, Navin Crescent, and the lands immediately to the east of the subject lands.

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|---|---|---|--------------|---|-------|---|--------------------|---|-----------|-----|-----------------|
| <p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 909 Southdale Rd W and 3045 Pomeroy Lane<br/>                 Applicant: Old Oak Properties Inc<br/>                 File Number: OZ-7988<br/>                 Planner: Michael Tomazincic<br/>                 Created By: Michael Tomazincic<br/>                 Date: 2012-02-07<br/>                 Scale: 1:5000</p> | <p style="text-align: center;"><b>LEGEND</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table> | ■ | Subject Site | ■ | Parks | □ | Assessment Parcels | ■ | Buildings | 123 | Address Numbers |
| ■   | Subject Site  |   |              |   |       |   |                    |   |           |     |                 |
| ■   | Parks   |   |              |   |       |   |                    |   |           |     |                 |
| □   | Assessment Parcels  |   |              |   |       |   |                    |   |           |     |                 |
| ■   | Buildings   |   |              |   |       |   |                    |   |           |     |                 |
| 123   | Address Numbers   |   |              |   |       |   |                    |   |           |     |                 |
| <p>Corporation of the City of London<br/>                 Prepared By: Planning, Environmental</p>  |   |   |              |   |       |   |                    |   |           |     |                 |



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| <b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b> |
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The purpose and intent of the recommended action is to facilitate the development of two, sixteen-storey apartment buildings on the subject lands with modifications to the Zoning regulations to permit a southern side yard setback of 35m (whereas a minimum of 51m is required); a westerly rear yard setback of 18.1m (whereas a minimum of 20.4m is required); and, a total lot coverage of 40.43% (whereas a maximum of 30% is permitted), in exchange for certain urban design considerations and building siting.

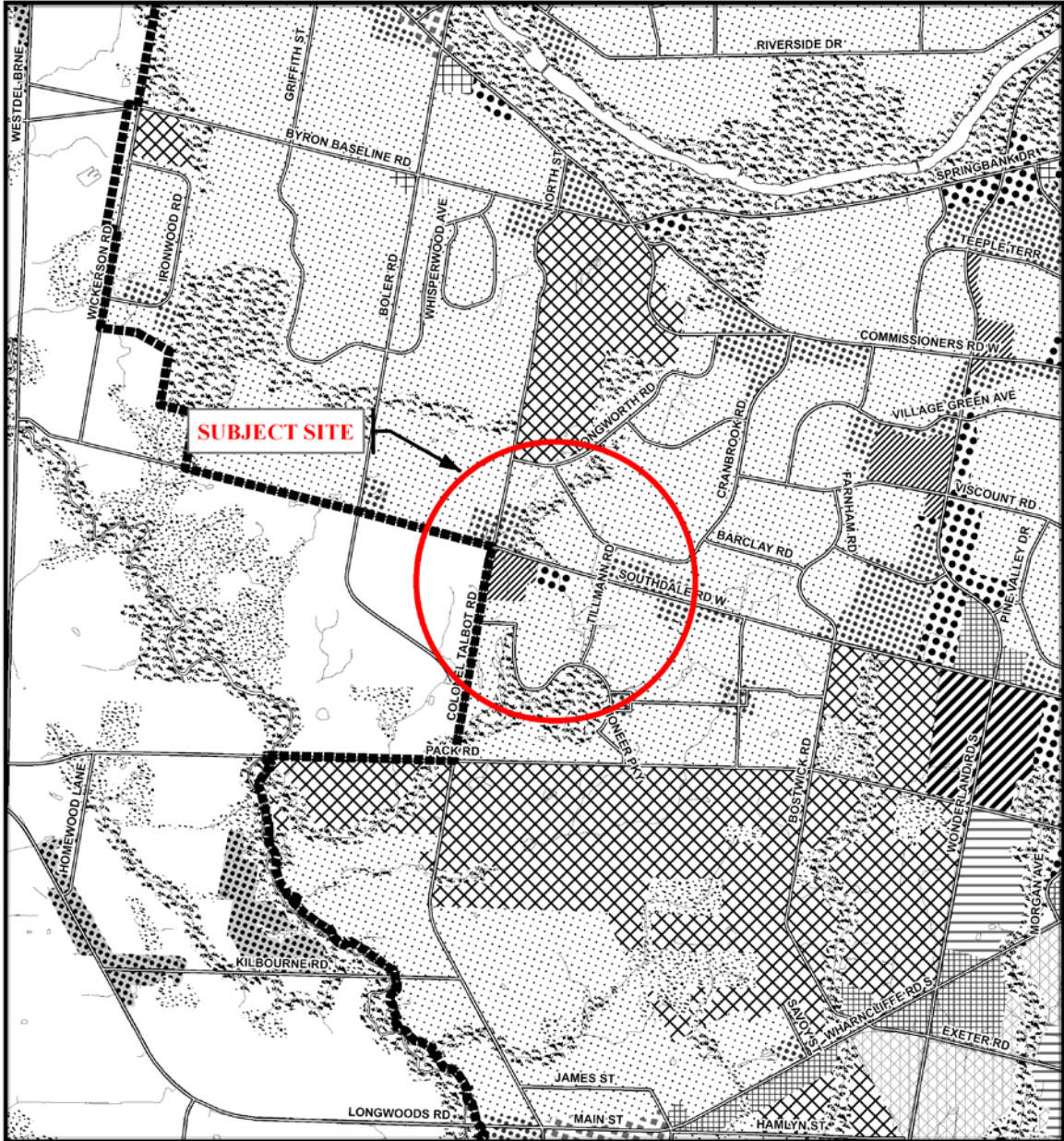
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| <b>RATIONALE</b> |
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1. The recommended amendments are consistent with the policies of the *Provincial Policy Statement, 2005*
2. The recommended amendments are consistent with the Multi-Family, High Density Residential policies of the Official Plan.
3. The recommended amendments are consistent with the North Talbot Community special Official Plan policies of the Official Plan
4. The recommended amendments are consistent with the policies of section 19.4.4 – Bonus Zoning – of the Official Plan

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| <b>BACKGROUND</b> |
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| <p><b>Date Application Accepted:</b> 18 November 2011</p>   | <p><b>Agent:</b> Michelle Doornbosch (Zelinka Priamo Limited)</p> |
| <p><b>REQUESTED ACTION:</b> Possible amendment to the Official Plan by amending policy 3.5.11 by adding the phrase "...excluding provisions for bonusing..." before the phrase "...a maximum building height of 40 metres (131 ft.) will be permitted..." such that the policy is proposed to read as follows, "<i>For the portion of lands located on the south side of Southdale Road W, and designated Multi-family High Density Residential, excluding provisions for bonusing, a maximum building height of 40 metres (131 ft.) will be permitted provided the development is consistent with the design objectives of Talbot Community Design Guidelines.</i>"</p> <p>Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> an Urban Reserve (UR1) Zone (909 Southdale Road West) which permits: Existing dwellings; limited Agricultural uses; Conservation lands; Managed woodlots; Wayside pits; and Passive recreation uses <b>AND</b> Holding Residential R9 (h-5•h-53•h-55•h-56•R9-7•H40) Zone (3045 Pomeroy Lane) which permits: Apartment buildings; Lodging house class 2; Senior citizens apartment buildings; Handicapped persons apartment buildings; and, Continuum-of-care facilities with a maximum height of 40 metres subject to holding provisions which require a public site plan review, street-oriented development to discourage noise walls, the completion of a traffic impact study, and the implementation of noise attenuation measures prior to the removal of the holding provisions <b>TO</b> a Holding Residential R9 Bonus (h-5•h-53•h-55•h-56•R9-7•H40•B( )) Zone to permit the same uses identified in the R9-7 zone listed above as the base zoning and adding a bonus zone to permit, subject to design approval: a maximum density of 207 units per hectare; a maximum building height of 50.5 metres (165.7 feet); a rear yard setback of 18.1 metres (59.4 feet); a (south) interior side yard setback of 35 metres (114.8 feet) from the main building; and a maximum lot coverage of 40.5% in exchange for the construction of a specified building design to be included in the bonus zone that provides for certain urban design features.</p> |   |

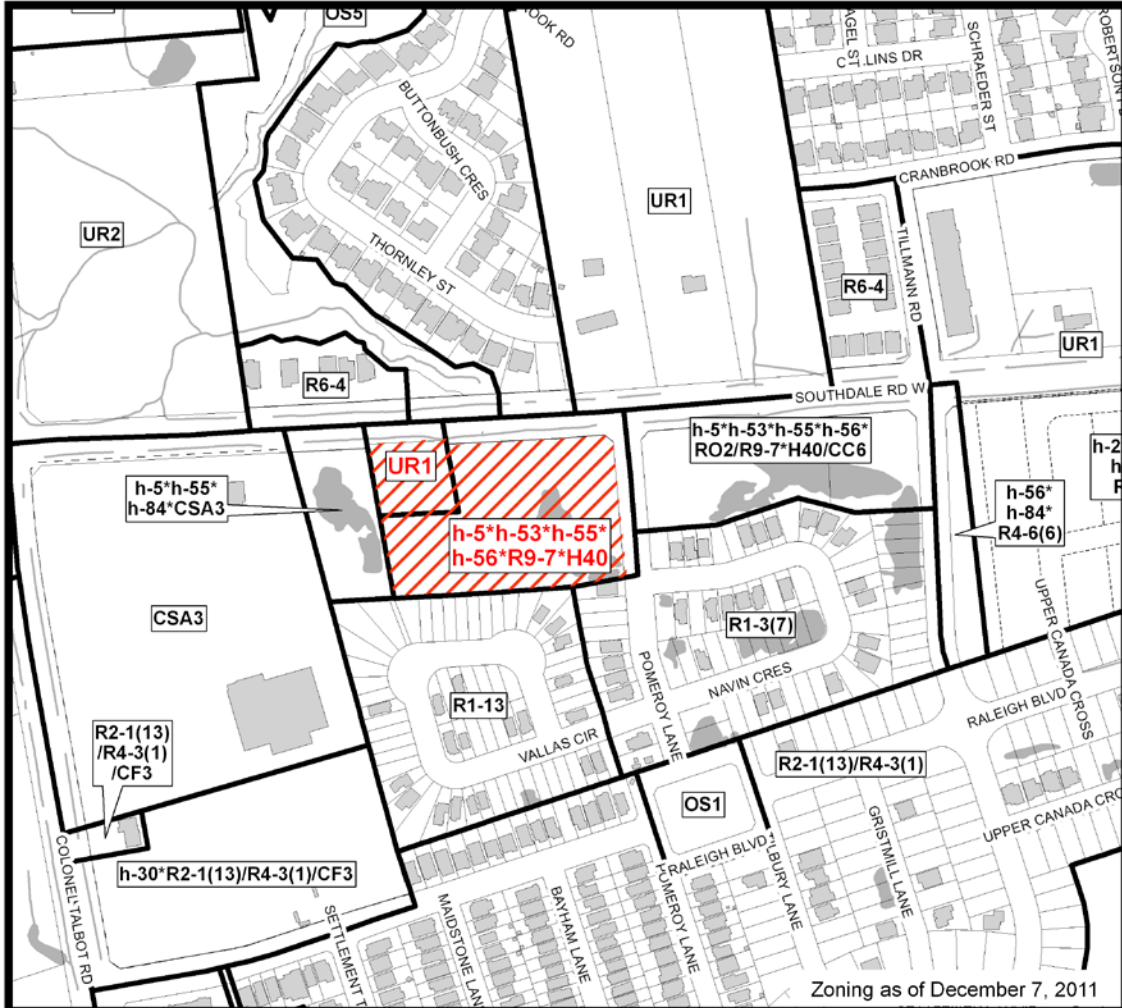
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| <b>Legend</b>   |  |   |
| <ul style="list-style-type: none"> <li> Downtown Area</li> <li> Enclosed Regional Commercial Node</li> <li> New Format Regional Commercial Node</li> <li> Community Commercial Node</li> <li> Neighbourhood Commercial Node</li> <li> Main Street Commercial Corridor</li> <li> Auto-Oriented Commercial Corridor</li> <li> Multi-Family, High Density Residential</li> <li> Multi-Family, Medium Density Residential</li> <li> Low Density Residential</li> <li> Office Area</li> <li> Office/Residential</li> </ul> | <ul style="list-style-type: none"> <li> Office Business Park</li> <li> General Industrial</li> <li> Light Industrial</li> <li> Regional Facility</li> <li> Community Facility</li> <li> Open Space</li> <li> Urban Reserve - Community Growth</li> <li> Urban Reserve - Industrial Growth</li> <li> Rural Settlement</li> <li> Environmental Review</li> <li> Agriculture</li> <li> Urban Growth Boundary</li> </ul> |   |
| <p><b>CITY OF LONDON</b><br/>Department of<br/><b>Planning and Development</b></p> <p>OFFICIAL PLAN SCHEDULE A<br/>- LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>   | <p>Scale 1:30,000</p> <p>0 100 200 400 600 800 1,000 1,200 1,400<br/>Meters</p>  | <p>FILE NUMBER: Z-7988</p> <p>PLANNER: MT</p> <p>TECHNICIAN: CK</p> <p>DATE: 2012/01/25</p> |

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Zoning as of December 7, 2011



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: UR1 & h-5\*h-53\*h-55\* h-56\*R9-7\*H40**

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

2) ANNEXED AREA APEALED AREAS

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING BY-LAW NO. Z-1**  
**SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:  
OZ-7988 MT

MAP PREPARED:  
2012/01/25 CK

1:4,500  
0 20 40 80 120 160  
Meters



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| <b>SITE CHARACTERISTICS:</b>  |
| <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Vacant lands designed Multi-Family, High Density Residential</li> <li>• <b>Frontage</b> – Approximately 104 metres (341.2 feet)</li> <li>• <b>Depth</b> – Approximately 183 metres (600.4 feet)</li> <li>• <b>Area</b> – Approximately 2.1 hectares (5.2 acres)</li> <li>• <b>Shape</b> - Rectangular</li> </ul> |

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| <b>SURROUNDING LAND USES:</b>  |
| <ul style="list-style-type: none"> <li>• <b>North</b> – Single Detached Dwellings and Button Bush Wetland</li> <li>• <b>South</b> – Single Detached Dwellings and Vacant Lots zoned for single detached dwellings</li> <li>• <b>East</b> – Vacant lands zoned to permit High Density Residential, Restricted Office and Convenience Commercial Uses</li> <li>• <b>West</b> – Vacant lands zoned to permit Community Shopping Area Commercial uses</li> </ul> |

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| <b>OFFICIAL PLAN DESIGNATION:</b> (refer to Map on page 5)   |
| <b>MULTI-FAMILY, HIGH DENSITY RESIDENTIAL – SCHEDULE A (LAND USE)</b> – The primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses.  |
| <b>EXISTING ZONING:</b> (refer to Zoning Map on page 6)  |
| <b>URBAN RESERVE (UR1) ZONE (909 SOUTHDALE ROAD WEST) AND HOLDING RESIDENTIAL R9 (h-5•h-53•h-55•h-56•R9-7•H40) ZONE (3045 Pomeroy Lane)</b> – The Urban Reserve Zone provides for and regulates existing uses on lands which are primarily undeveloped for urban uses and is intended to protect large tracts of land from premature subdivision and development in order to provide for future comprehensive development on those lands. The UR1, UR2 and UR3 Zone variations are intended to be applied to undeveloped areas within the former City boundaries and to areas which have been reviewed through the Community Plan Process.<br><br>The R9 Zone provides for and regulates a wide range of medium and higher density residential developments in the form of apartment buildings. The R9-7 zone variation is the most intense zone variation within the R9 zone permitting a maximum density of 150 units per hectare. |

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| <b>PLANNING HISTORY</b> |
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The subject lands are located within the North Talbot Community Planning Area. The North Talbot Community Plan was adopted by Council on December 20, 1999. This plan provides guidance for the development of lands in this area.

In May and August 2006, Municipal Council considered two Planning reports requesting Official Plan and Zoning By-law amendments for a land area that comprised the subject lands as well as the lands that comprise Vallas Circle and Navin Crescent. In May 2006, Council referred the

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matter back to Staff to review the proposed amended plan and report back to a future meeting of the Planning Committee. Subsequently, in August 2006, Council deferred the request to amend the Official Plan and Zoning By-law until such time as the applicant submitted an application for a draft plan of subdivision.

In July 2007, Planning Staff recommended that, among other matters, that the Official Plan be amended to change the designation of the subject lands from Low Density Residential to Multi-Family, High Density Residential and to amend the special policy for these lands to recognize lands designated Multi-Family, High Density Residential. This report also recommended a series of Zoning By-law amendments that implemented the existing zoning for the subject lands as well as all the lands on Vallas Circle, Navin Crescent, and the lands immediately to the east of the subject lands.

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| <b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b> |
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**Stormwater Management Unit (SWM)**

*SWM Unit has the following comments for the application at 915 Southdale Road West:*

- *The City Subwatershed Planning Studies were approved by City Council on September 18, 1995. The update to the Dingman Creek Subwatershed Study was approved by City Council in 2005. The Owner shall be required to be consistent with the SWM targets and criteria identified in the Updated Dingman Creek Subwatershed Planning Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.*
- *Within Westfield Village Estates Subdivision, Plan 33M-621, therefore drainage requirements/ controls, SWM, etc addressed under plan of subdivision.*
- *According to drawing T07501-02 the design C value for the subject lands is 0.70. If this value is exceeded, the owner shall provide alternative on-site SWM which is designed and certified by a Professional Engineer for review and approval by the Environmental Services Department.*
- *The municipal storm outlet for the subject lands is intended to drain to a 675mm stub located east of the subject site which outlets to a 1650 on Pomeroy Lane (Drawing T07501-02) which eventually outlets to the Talbot Village E1 SWMF.*
- *The owner is required to provide a lot grading plan for stormwater flows on site that is designed by a Professional Engineer for review.*
- *The owner must allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.*
- *The subject lands or adjacent lands are to ensure that stormwater run-off from these lands will not cause any adverse effects to these lands and/or adjacent lands.*
- *The owner is required to provide storm-drainage and stormwater management servicing for the subject lands in accordance with the Talbot Village Subdivision stormwater management functional design report (May 2008 – IBI Group).*
- *Joint use and maintenance agreement of the storm sewer registered on title of the subject lands and to allow the properties to the west to drain through this site.*
- *Due to the amount of paved surface area (parking spots) the owner is required to have a consulting Professional Engineer design and install an Oil/Grit Separator to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.*



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**London Hydro**

*No objection.*

**Transportation Advisory Committee (TAC)**

*The TAC indicated its support, in principle, for the increased residential density, as transit-supportive land use*

**London Transit Commission (LTC)**

*Transit service to the North Talbot community was assessed in 2010 but has not yet been introduced to the lack of buildout and a prevalence of large, single-family housing types. London Transit supports the application to amend the Official Plan and Zoning By-law as it would permit the development of a more transit-supportive housing type than what currently exists in the community.*

*If possible the bus stop infrastructure and passenger amenities should be included in the bonusing provision as there are no "possible future transit stop" identified on Southdale Rd in the subdivision plan.*

**Union Gas**

*Union Gas has acquired and purchased an easement within your subject area for our high pressure pipeline running on the south side of Southdale Rd. for the purpose of maintaining our pipeline integrity. Union Gas has very stringent policies on what can and cannot be built over top or crossing our easement so that we can have 24/7 access to our facilities for quick response. No trees, fences, parking lots, or other above ground structures are allowed to be built on our easement, as they would interfere with this quick access. In addition, tree roots can become intertwined and damage our pipeline. Being able to service our pipeline as required allows us to provide a safe and reliable service to the community. Not having additional costs for maintenance allows us to keep costs down, which are ultimately reflected in our rates. Allowing utilities to cross our pipeline is on a case by case basis. Usually, we require a utility to cross only under our existing facilities – again, so maintenance activities are not hindered. It is expected that alternate locations for utility crossings are considered first, as having utilities close to our facilities increases risk of third party damage both during construction and throughout the life of the utility.*

*Please keep Union Gas updated on matters involving:*

- *Utility crossings*
- *Overweight loads that will be crossing our pipeline*
- *Any changes to grade across our easement*
- *Any questions you may have when working in the vicinity of our pipeline*

**Bell Canada**

*A detailed review of the Official Plan Amendment and Zoning By-law Amendment application has been completed and an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.*

*Please be advised that Bell Canada requests to be circulated on any future draft plan of subdivision, draft plan of condominium, site plan, or any other development application, that is proposed to implement the subject Official Plan Amendment and Zoning By-law Amendment application. Through these processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.*

**Upper Thames River Conservation Authority (UTRCA)**

*As shown on the enclosed mapping, 3045 Pomeroy Lane is regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservations Authority Act. The Regulation Limit is comprised of a riverine flooding hazard associated with the watercourse which traverses the property. The UTRCA has jurisdiction over lands within the*

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*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.*

*The UTRCA issued Permit No 19/10 on June 16, 2010. The works that were the subject of this permit were not completed within the specified timeframe. As such, the applicant has been advised that a new permit must be submitted prior to any site alteration or development being undertaken within the regulated area.*

*The Thames-Sydenham Source Protection Region has prepared Assessment Reports which contain detailed scientific information that:*

- identifies vulnerable areas associated with drinking water systems;*
- assesses the level of vulnerability in these areas; and*
- identifies activities within those vulnerable areas which pose threats to the drinking water systems, and assess the risk due to those threats.*

*We wish to advise that there are **no vulnerable areas** associated with the subject property.*

*As indicated, UTRCA approvals are required for the proposed development. The Authority however, has no objections to this application. We recommend that the applicant submit the Section 28 permit and associated fee as soon as possible.*

**Urban Design Peer Review Panel (UDPRP)**

*The Panel notes that this is an Official Plan Amendment and Zoning By-law Amendment submission and that the subject property falls within the boundary of the Talbot Community Urban Design Guidelines and the North Talbot Community Plan.*

*The Panel has the following comments regarding the proposed development based on the Urban Design Brief dated October 2011 circulated to the Panel:*

- 1. Lower the parking garage into the ground a further one storey to reduce the impact of the garage's South Elevation on the neighbouring residential properties;*
- 2. Improve the design standard of the parking garage by redesigning the elevations to reflect the base the two residential towers;*
- 3. Improve the Southdale Elevation of the building complex further by eliminating the northerly ramp to the parking garage and redesign the courtyard/amenity area to suit;*
- 4. Eliminate the on-site parking area east of the proposed easterly tower adjacent to Pomeroy Lane;*
- 5. Increase pedestrian access to the entry of the east tower from Pomeroy Lane; and*
- 6. Coordinate access from the development to the existing/proposed bus stop.*

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**Planner: M. Tomazincic**

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| <b>PUBLIC LIAISON:</b>   | <p>On November 25, 2011, Notice of Application was sent to 85 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, November 26, 2011. On February 10, 2012, Notice of Public Meeting was sent to 85 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, February 11, 2012. Two "Possible Land Use Change" signs were also posted on the site.</p> | <p>19 property owners replied with concern to this application</p> <p>1 reply supported the proposed amendment</p> <p>2 request for general information</p> |
| <p><b>Nature of Liaison:</b> Possible amendment to the Official Plan by amending policy 3.5.11 by adding the phrase "excluding provisions for bonusing" before the phrase "...a maximum building height of 40 metres (131 ft.) will be permitted..." such that the policy is proposed to read as follows, <i>"For the portion of lands located on the south side of Southdale Road W, and designated Multi-family High Density Residential, excluding provisions for bonusing, a maximum building height of 40 metres (131 ft.) will be permitted provided the development is consistent with the design objectives of Talbot Community Design Guidelines."</i></p> <p>Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> an Urban Reserve (UR1) Zone (909 Southdale Road West) which permits: Existing dwellings; limited Agricultural uses; Conservation lands; Managed woodlots; Wayside pits; and Passive recreation uses <b>AND</b> Holding Residential R9 (h-5•h-53•h-55•h-56•R9-7•H40) Zone (3045 Pomeroy Lane) which permits: Apartment buildings; Lodging house class 2; Senior citizens apartment buildings; Handicapped persons apartment buildings; and, Continuum-of-care facilities with a maximum height of 40 metres subject to holding provisions which require a public site plan review, street-oriented development to discourage noise walls, the completion of a traffic impact study, and the implementation of noise attenuation measures prior to the removal of the holding provisions <b>TO</b> a Holding Residential R9 Bonus (h-5•h-53•h-55•h-56•R9-7•H40•B( )) Zone to permit the same uses identified in the R9-7 zone listed above as the base zoning and adding a bonus zone to permit, subject to design approval: a maximum density of 207 units per hectare; a maximum building height of 50.5 metres (165.7 feet); a rear yard setback of 18.1 metres (59.4 feet); a (south) interior side yard setback of 35 metres (114.8 feet) from the main building; and a maximum lot coverage of 40.5% in exchange for the construction of a specified building design to be included in the bonus zone that provides for certain urban design features.</p> |  |   |
| <p><b>Responses:</b> In general, the public concerns focused on 2 key issues: (1) the height of the proposed parking structure, which many residents believed was not compatible with the abutting low density residential dwellings to the south, and (2) the proposed traffic pattern for this development which is currently designed to prevent left-in access directly to the site or to Pomeroy Lane from Southdale Road West requiring future residents to travel through the interior of the neighbourhood from Tillman Road.</p>  |  |   |

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| <b>ANALYSIS</b> |
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**Subject Lands**

The subject lands are located on the south side of Southdale Road West, between Colonel Talbot Road and Pomeroy Lane, at the northern edge of the Talbot Village community. Southdale Road West is classified as an arterial road carrying an average of 13,000 vehicles per day.

The subject lands are comprised of two parcels. 909 Southdale Road West comprises the northwest portion of the subject lands and is approximately 3,370m<sup>2</sup> in area, or 16% of the



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subject lands. 3045 Pomeroy Lane comprises the remainder of the subject lands and is approximately 17,700m<sup>2</sup> in area, or 84% of the subject lands. The entirety of the subject lands are designated Multi-Family, High Density Residential. The parcel at 909 Southdale Road West is zoned Urban Reserve and the parcel at 3045 Pomeroy Lane is zoned to permit residential apartment buildings up to a maximum height of 40 metres and a maximum density of 150 units per hectare.

The land use to the north of the subject lands is Button Bush Wetland and single detached dwellings from the Button Bush community. To the east of the subject lands are vacant lands zoned to permit High Density Residential, Restricted Office and Convenience Commercial Uses. To the south are single detached dwellings and vacant residential lots zoned for single detached dwellings. To the west of the subject lands are vacant lands zoned to permit Community Shopping Area Commercial uses.

**Nature of the Application**

The applicants have requested a Zoning By-law amendment for the lands at 909 Southdale Road West to change the zoning from Urban Reserve, which effectively maintains the existing use of the land to protect from premature development in order to provide for a future comprehensive development, to the same Holding Residential R9-7 zone that is currently applied to 3045 Pomeroy Lane as the base zoning.

The applicants have also requested to add a Bonus Zone to both parcels to permit an increase to the height and density above what is currently permitted. The intent of the Bonus Zoning is to facilitate the construction of a specified building design which is in accordance with the illustration attached to this report.

Additionally, the applicants have applied for an amendment to the Official Plan North Talbot Community special policy to clarify that the 40 metre maximum building height specified in the special policy is eligible to be increased through bonus zoning, as per policies 3.4.3.iv) and 19.4.4 of the Official Plan.

Bonus zoning is a unique tool permitted under Section 37 of the *Planning Act* enabling Council to “authorize increases in the height and density of development...in return for the provision of such facilities, services or matters as are set out in the by-law.”

In order to enable the Bonus provisions, the *Planning Act* requires that the municipality have an official plan in effect that contains provisions relating to the authorization of increases in height and density of development. The City of London does have Official Plan policies relating to the use of Bonus provisions (see Official Plan section below) in conformity to the requirements of the *Planning Act*.

In addition, the *Planning Act* permits the municipality to enter into agreements with the property owner outlining the requirements and enumeration in exchange for the increase height and density and this agreement may be registered against the title of the land.

**Provincial Policy Statement**

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

One of the primary policies of the Province as expressed in the PPS is the efficient use of lands within urban areas. Policy 1.1.1 of the PPS includes policies that are intended to sustain healthy, liveable and safe communities by such means as:

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- accommodating an appropriate range and mix of residential uses to meet long-term needs;

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- promoting cost-effective development standards to minimize land consumption and servicing costs;

The development of high density residential apartment buildings on these lands represents an efficient development and land use pattern which sustains the financial well-being of the Province and municipality over the long term by facilitating development that maximizes the use of a site that is located within a developing area. The proposed apartment buildings introduce a mix of residential uses to this area which is largely comprised of low density forms of housing, thus providing a choice of housing opportunities. And, requested amendments promote cost-effective development standards by maximizing the existing infrastructure.

Further to these, policy 1.4.3 of the PPS promotes “...densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.” The proposed form of development is a transit supportive form of development that helps to facilitate future transit service to this area. In response to this application, the London Transit Commission has indicated that although the viability of transit to this area was assessed in 2010, it has not been introduced due, “...to the lack of buildout and a prevalence of large, single-family housing types.” London Transit has indicated their support for this application to given that it would permit the development of a more transit-supportive housing type than what currently exists in the community.

Similarly, policy 1.6.5 of the PPS promotes, “A land use pattern, density and mix of uses...that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.” To the west of the proposed high density residential apartment building is a developing commercial node which may benefit from the development of the proposed use. Not only is the proposed use a transit-supportive form of development, its proximity to the abutting commercial node provides amenities within walking distance from the subject site which helps to minimize the length and number of vehicle trips as per the policies of the PPS.

### **Official Plan Policies**

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.

### **High Density Residential Policies**

The subject lands are designated Multi-Family, High Density Residential on Schedule A to the City of London Official Plan – Land Use. The primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings, among other identified uses. The policies of the Official Plan state that the preferred locations for the Multi-Family, High Density Residential shall include lands in close proximity to Community Commercial Nodes and lands abutting an arterial road. The subject lands immediately abut a Community Commercial Node to the west and are located along an arterial road consistent with the preferred location of the Official Plan.

The Official Plan identifies the scale of development and states that net residential densities will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London (south of Oxford Street), and 150 units per hectare outside of Central London. However, these density limits are notwithstanding requests for density bonusing.

The policies of the Official Plan state that development of a site for high density residential uses shall take into account surrounding land uses in terms of height, scale and setback and shall not adversely impact the amenities and character of the surrounding area. The subject lands are designated for high density residential use and the portion of the lands at 3045 Pomeroy Lane is currently zoned to permit a maximum height of 40 metres and a density of 150 units per

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hectare. The requested amendment seeks to increase the maximum height of 50.5 metres and a density of 207 units per hectare. Therefore, the proposed amendment does not represent a request to introduce a high density residential designation where it is currently not permitted; it is a request to increase to the height and density to a use that is already anticipated in exchange for certainty in the proposed buildings' design and siting.

Density Bonusing Policies

The Official Plan outlines four policies intended to guide the height and density limitations of Multi-Family, High Density Residential development under four scenarios: Height and density within Multi-Family, High Density Residential areas greater than 3.0 hectares in area; Requests for increases in density within areas greater than 3.0 hectares in size; Site specific Multi-Family, High Density Residential designations; and, Requests for Density Bonusing. It is the latter policies that provide guidance for the requested amendment.

The Density Bonusing policies enable Council to allow an increase in the density above the limit otherwise permitted by the Zoning By-law in return for the provision of certain public facilities, amenities, or design features where Council approves site specific bonus regulations in the Zoning By-law. In these instances, the Official Plan requires the owner of the subject lands to enter into an agreement with the City, to be registered against the title to the land in conformity with the requirements of the *Planning Act*.

The requested amendment seeks to increase the height and density above the limit otherwise permitted by the Zoning By-law as is contemplated by the Official Plan.

Bonus Zoning – Implementation Policies

Section 19.4.4 of the Official Plan outlines the criteria for the provision of public facilities, amenities, or design provided in return for an increase in the height and density of a proposed development. The first criterion requires that the facilities, amenities, or design must result in an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted and that the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses. The requested amendment seeks to add an additional 3 storeys to a site which currently contemplates a height of 13 storeys. The proposed apartment buildings are located to the northern portion of the subject site to position them as far away from the abutting low density residential lands as possible and designed in an "L" shape to break up the "bulk" of the buildings' mass to achieve a measure of compatibility with the adjacent uses.

The density bonusing policies also articulate the objectives of increasing height and density and state that bonus zoning will be used to support the City's urban design principles and objectives, "to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space", and "to support innovative and environmentally sensitive development which incorporates notable design features and use of public transit". The proposed development proposes to incorporate a number of landscaped open space provisions that will be used to buffer and mitigate the proposed development from the abutting uses and, as previously mentioned, the proposed development is a transit supportive form of development and facilitates the future expansion of transit service to this part of London.

Policies for Specific Residential Areas

The subject lands are subject to the North Talbot Community special policies. These special policies largely related to the development of lower density forms of housing but include a paragraph relating to the subject lands stating, "For the portion of lands located on the south side of Southdale Road W, and designated Multi-family High Density Residential, a maximum building height of 40 metres (131 ft.) will be permitted provided the development is consistent with the design objectives of Talbot Community Design Guidelines." It should be noted that a maximum height limit is commonly implemented through the Zoning By-law and not typically applied through an Official Plan policy. As a result, the bonusing policies are somewhat unclear as to how the density bonusing policies are to be applied. As a result, the applicants have requested an amendment to the Official Plan to add the phrase, "...excluding provisions for



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*bonusing...*” in front of the sentence “...a maximum building height of 40 metres (131 ft.) will be permitted...” This language is consistent with other high density residential policies that permit the use of site specific density bonusing to exceed the maximum scale of development permitted for general high density residential development.

### **Talbot Community Design Guidelines**

The policies indicate that development be consistent with the design objectives of the *Talbot Community Design Guidelines* (Design Guidelines). Although there are no specific Design Guidelines for the subject lands, there are design principles throughout the guideline document relating to “multiple unit residential buildings”.

The Design Guidelines recommend the use of fenestration to create interest and character for large multiple unit residential buildings and break-up vast surfaces by providing depth and texture and changing the sense of scale. The proposed development uses colour and cornice lines to achieve this principle.

The Design guidelines also state that, “*Entrance locations should be enhanced architectural features...*” The proposed development has incorporated an “L” shaped building design creating a corner element in each of the two proposed buildings that provide an opportunity to enhance the entrance.

In terms of building material, the Design Guidelines state that:

- The selection of wall cladding materials and colours should be appropriate to the architectural style of the building and representative of a high-rise multiple family building.
- The use of materials should be consistent on all elevations
- Elevations should utilize colour or architectural variations to provide interest to both residents and passers-by (both vehicular and pedestrian).

As previously mentioned, the applicant has incorporated the use of colours and the selection of cladding materials is appropriate to the architectural style of the building. The Urban Design Peer Review Panel has indicated that the applicant, “*Improve the design standard of the parking garage by redesigning the elevations to reflect the base of the two residential towers*”. The applicant has indicated that they will implement this recommendation as part of the development. The parking structure elevation will be reviewed as part of the Site Plan Approval process.

In terms of building massing, the Design Guidelines recommend, among other things, that building massing and the spatial relationship between multiple buildings on a site should create focal points and be interesting to the passing motorist and/or pedestrian. The Design Guidelines further encourage built form with the following characteristics:

- Built form along the street edge, with active frontages at grade along the streets;
- Concentration of building height at corners of development block;
- Mid-rise and low-rise podiums to integrate the building with its surrounding context (stepping down of the building massing);
- Minimization of vehicular entrance impacts on the public realm through built form design
- Diversity of material type;
- The massing of buildings should naturally direct the user to the primary entrances;
- On multiple building sites, common elements should be carried through all structures creating continuity across the site;
- Roof lines should be architecturally significant by being unique while possibly incorporating some of the angular elements of the adjacent single-family residential. Parapets and other treatment techniques for roof lines should be considered.

The proposed development incorporates these elements in general conformity with Design Guidelines which would warrant a maximum height of 40 metres, as per the policies the North Talbot Community special policies.

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Given that the objective of bonus zoning is to encourage development features which result in a public benefit that cannot be obtained through the normal development process, the challenge is to identify why the proposed development warrants bonus zoning given that the normal development process already requires that the high standard of design articulated in the Design Guidelines be implemented.

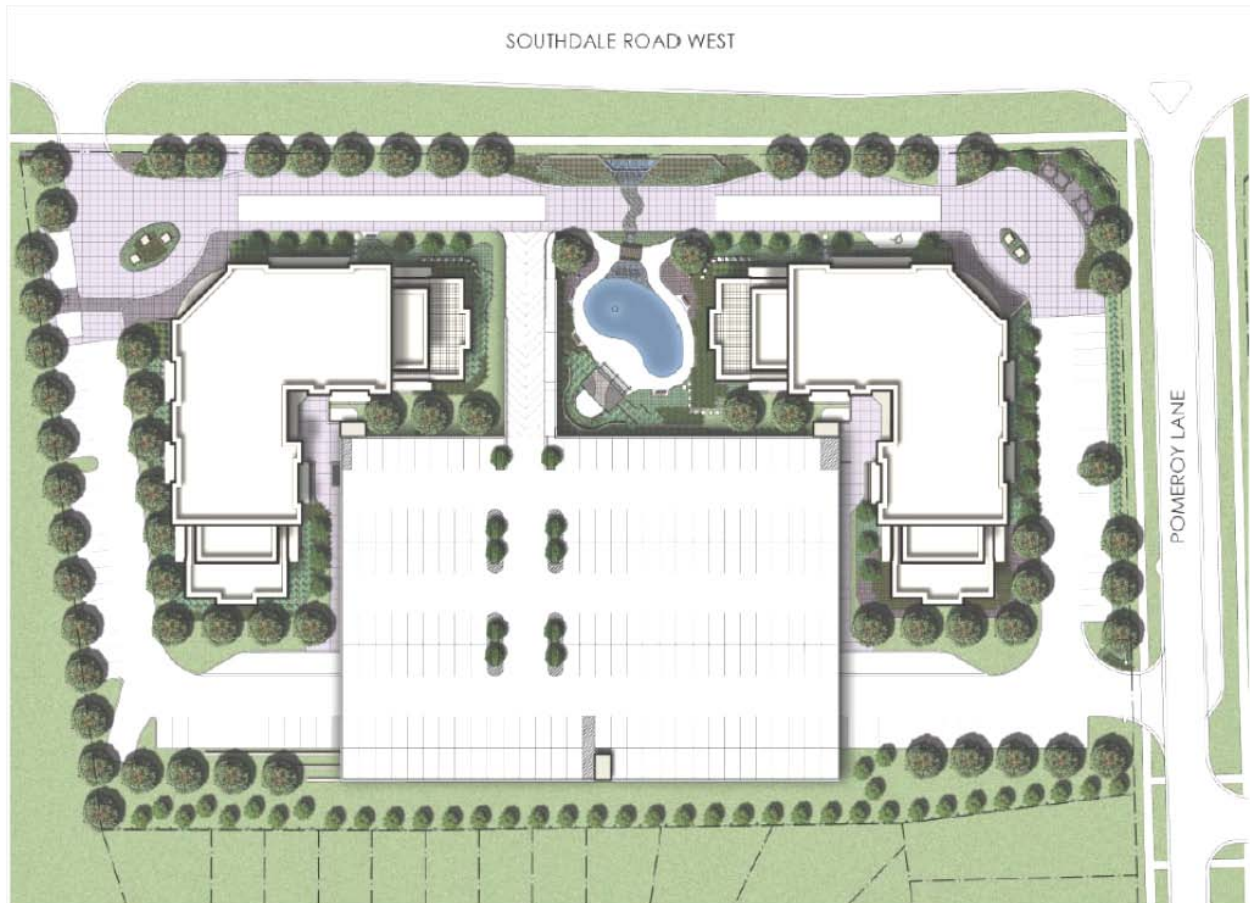


Figure 1 – Conceptual Site Plan for the proposed development depicting “L” shaped buildings and buildings sited toward the northwest and northeast corners of the subject lands

There are two key attributes in the proposed development that merit Bonus Zoning: 1) the proposed buildings’ shape and, 2) the proposed buildings’ siting. First, the “L” shaped design of the proposed buildings functionally breaks up the “bulk” of the proposed buildings by creating two compact sides that are perpendicular to each other rather than one long, straight building mass. Secondly, the siting of the proposed buildings toward northwest and northeast corners of the subject site along the Southdale Road West and Pomeroy Lane corridors facilitates street-oriented development and a functional face toward these corridors. The combination of the “L” shaped design and siting also frame the intersection of Southdale Road West and Pomeroy Lane to create an attractive gateway into the North Talbot community. A Union Gas pipeline running beneath the Southdale Road West corridor prevents the buildings from being sited further north.

In contrast to this development proposal, in August 2010 an application to amend the Zoning By-law was submitted for only the property at 909 Southdale Road West to an identical zone as that of the property at 3045 Pomeroy Lane. The intent of this application was to facilitate the form of development illustrated in Figure 2 (below).

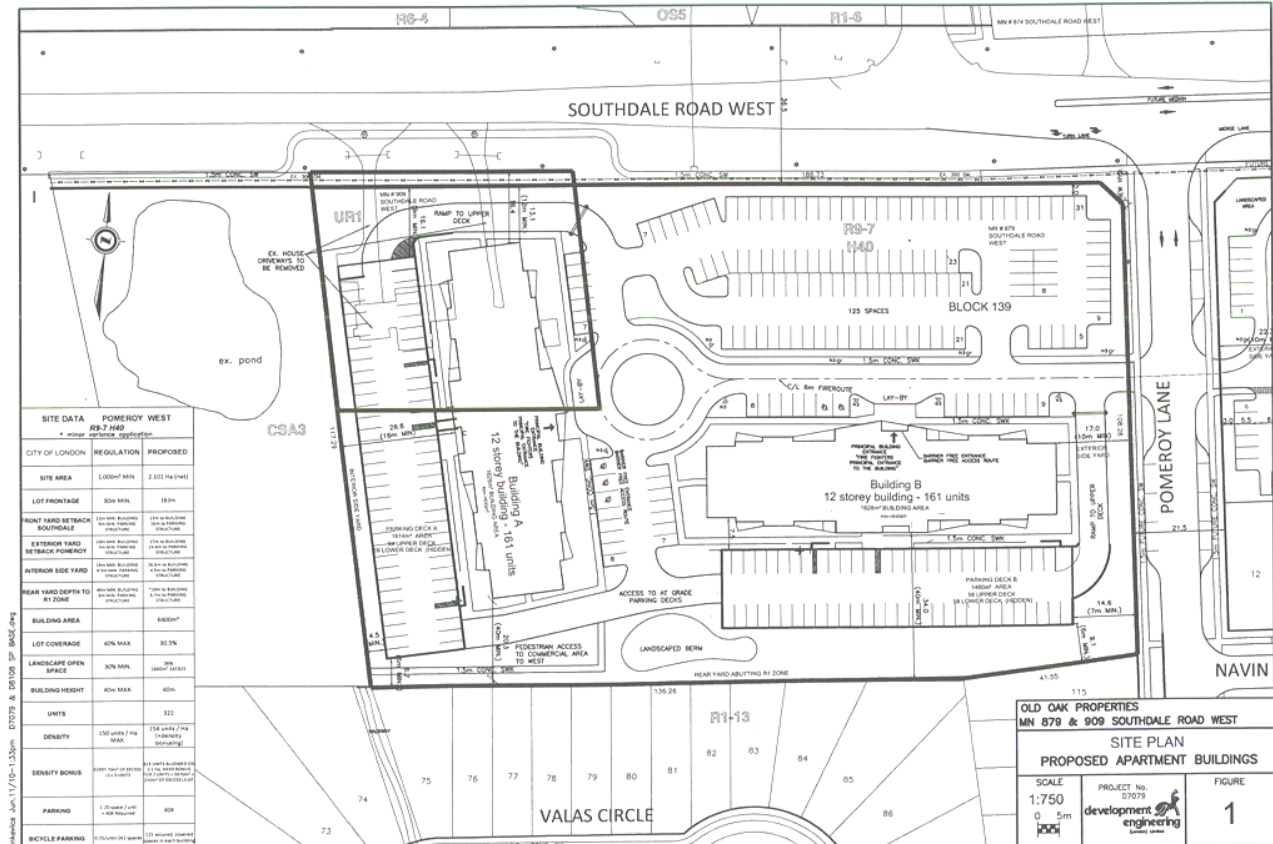
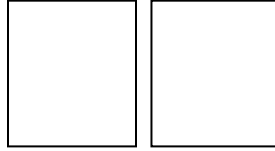


Figure 2 – Conceptual site plan for a previously proposed development at 909 Southdale Road West and 3045 Pomeroy Lane. The requested Zoning By-law amendment sought to change the zoning of 909 Southdale Road West (outlined in black) to the same zoning as 3045 Pomeroy Lane.

The August 2010 development proposal envisioned two rectangular shaped apartment buildings sited toward the southern portion of the subject lands, closer to the Vallas Circle properties, with a large surface parking area located near the intersection of Southdale Road West and Pomeroy Lane. It is worth repeating that the objective of bonus zoning is to encourage development features which result in a public benefit that cannot be obtained through the normal development process. The intention of the August 2010 application depicted in Figure 2 was to construct these two apartment buildings through the “normal development process” in conformity to the regulations of the Zoning By-law.

The August 2010 application did not proceed to a public meeting, was closed by the applicant, and the development proposal evolved into the current application. These two applications contrast the form of development that can be obtained “through the normal development process” and the form of development that can be obtained through the use of bonus zoning.

**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 to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

Section 13.1 – General Purpose of the R9 Zone – describes the rationale behind the Residential R3 zone variations. The R9 Zone provides for and regulates a wide range of medium and higher density residential developments in the form of apartment buildings.

Section 4.3.4) of the Zoning By-law states that, “Notwithstanding the height and density which



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*apply to subject lands, the maximum permitted density and/or height and/or parking may be altered in accordance with site specific provisions and having entered into a Development Agreement, with bonusing clauses, with the City of London.”* This provision of the Zoning By-law implements the policies of the Official Plan for Bonus Zoning as indicated in Chapters 3 and 19 (see Density Bonusing Policies and Bonus Zoning – Implementation Policies above).

The bonus zones are commonly applied with a “base zone” followed by the bonus zone. The applicant may avail of the increased regulations of the bonus zone in exchange for certain provisions that have been set out in the Zoning By-law and having entered into a Development Agreement. In the event that the applicants do not fulfill the provisions of the bonus zone, the base zone will apply.

As previously mentioned, the portion of the subject lands located at 909 Southdale Road West is zoned Urban Reserve. It is recommended that this portion of the subject lands be rezoned from Urban Reserve to a Residential R9-7 zone and include the same holding provisions, height and density regulations as those applied on the portion of the subject lands located at 3045 Pomeroy Lane, as the base zone, in conformity with the Official Plan designation. In the event that applicants do not fulfill the provisions of the bonus zone, this base zone will apply. This portion of the subject lands is substantially smaller than the portion comprised of 3045 Pomeroy Lane. Furthermore, the development envelope of this parcel is further reduced given the Union Gas pipeline setback requirements and, as a result, it is appropriate to rezone this parcel to a zone which will allow the subject lands to be merged on title and developed comprehensively rather than allow these two parcels to be developed in a piecemeal fashion.

The portion of subject lands located at 3045 Pomeroy Lane is currently zoned R9-7, the most intense R9 zone variation. The existing zoning on this parcel permits a density of 150 units per hectare and a maximum height of 40 metres. The current zoning also includes holding provisions which:

- Require a public site plan review specifying the issues allowed for under Section 41 to ensure that development takes a form compatible with adjacent land uses and agreements shall be entered into prior to the removal of the "h-5" symbol;
- Ensure that new development is designed and approved consistent with the Community Plan, by encouraging street-oriented development and discouraging noise attenuation walls along arterial roads
- Require the completion of a traffic impact study for the entire site to ensure the appropriate development of the site and limit the impact of the development on the existing roadways prior to site plan approval to determine the location and number of access points
- Require the implementation of all noise attenuation measures, recommended in noise assessment reports to ensure there are no land use conflicts between arterial roads and the proposed residential uses

It is recommended that these holding provisions be added to the portion of the subject site located at 909 Southdale Road West and remain on the portion of the subject lands at 3045 Pomeroy Lane until the applicant fulfills their requirements prior to the issuance of a building permit.

The applicants have also requested that a Bonus Zone be applied across the entire subject lands to permit an increase in the allowable height and density as well as some modifications to existing zoning regulations in exchange for a form of development as shown in Appendix “C” of this report. Specifically, the applicants have requested a density of 207 units per hectare, a maximum height of 50.5 metres, and some modifications to the Zoning regulations including: a southern side yard setback of 35m (whereas a minimum of 51m is required); a westerly rear yard setback of 18.1m (whereas a minimum of 20.4m is required); and, a total lot coverage of 40.43% (whereas a maximum of 30% is permitted), in exchange for certain urban design features. As previously mentioned the proposed development merits Bonus Zoning based on the proposed buildings’ design features which are consistent with the Talbot Community Urban Design Guidelines and implement an innovative form and favourable siting to merit the enhanced Zoning regulations.

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**Urban Design**

The proposed development was vetted at the Urban Design Peer Review Panel (see Significant Department/Agency Comments above). There were no identified concerns about the overall design of the proposed apartment buildings. The focus of discussions centred on the height of the proposed parking structure. In discussions with the applicant, they have indicated that they have examined alternative designs for the parking structure, including the lowering of the overall height, but were unable to comply given the sloping topography of the subject lands.

The subject lands slope downhill from Southdale Road West to the southern portion of the subject lands where the parking structure is proposed to be located. Given that runoff from the parking structure must be able to drain into the City’s sanitary sewer system located under Southdale Road West, any further lower of the parking structure will eliminate the downhill slope required for the runoff to drain naturally.

It is noteworthy that the proposed parking structure is in compliance with the requirements of the R9-7 zone and does not require modifications to the Zoning By-law regulations to permit its size and location. The challenge is balancing the demand for parking spaces with the ability to accommodate them on-site in the appropriate form and appropriate area. As shown in Figure 2, a less-intense form of residential development had proposed a combination of parking structures, located toward the southern and western portion of the subject lands, and surface parking lots located toward the northeast portion of the subject site, to accommodate this demand. In this previous proposal the areas of the site with the highest exposure beneficial to the public realm were identified for parking. There was little opportunity to screen these proposed parking areas from the public realm. Under the current application, the applicants have attempted to use the apartment buildings to screen the parking area from the Southdale Road West corridor and have proposed to incorporate landscaping to buffer and screen the proposed parking structure from the abutting properties to the south.

Given that the proposed parking structure is in full compliance with the regulations of the current zoning, it is only indirectly related to this requested amendment given that it may be constructed in its current form and location under a different development proposal without the need for an amendment to the Zoning By-law. Therefore, while Planning Staff encourage the applicant to explore alternative designs for the parking structure, Staff are not forwarding any recommendations pertaining directly to the height and location of the parking structure, but are recommending that significant landscaping measures be applied to buffer the parking structure from the abutting lands to the south.

**CONCLUSION**

The subject lands are currently designated to permit high density residential apartment buildings. The portion of the subject lands at 3045 Pomeroy Lane is also currently zoned to permit a residential apartment building with a maximum height ranging between 40 metres and a maximum density of 150 units per hectare. The requested amendment seeks rezone 909 Southdale Road West to a zone that implements the current Official Plan designation and apply a zone that is identical to 3045 Pomeroy Lane. The application also requests the addition of a bonus zone to increase the maximum height and density and reduce some of the Zoning regulations in return for certain urban design features by utilizing the Bonus Zoning provisions. The recommended amendment is consistent with the *Planning Act*, the policies of the PPS, the City’s Official Plan and Zoning By-law.

It is recommended that the portion of the subject lands located at 909 Southdale Road West be rezoned to a zone that is identical to 3045 Pomeroy Lane to allow these parcels to be developed comprehensively. The requested Residential R9-7 base zone is warranted given that the proposed form of development is consistent with the Talbot Community Urban Design Guidelines. It is also recommended that a bonus zone be applied to the subject lands given that the proposed form of development exceeds the requirements of the Design Guidelines by implementing an innovative shape and favourable siting which cannot be obtained through the normal development process.

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| <b>PREPARED BY:</b>  | <b>SUBMITTED BY:</b>  |
|  |   |
| <b>MICHAEL TOMAZINCIC, MCIP, RPP<br/>PLANNER II, COMMUNITY PLANNING<br/>AND URBAN DESIGN SECTION</b> | <b>JIM YANCHULA, MCIP, RPP<br/>MANAGER OF COMMUNITY PLANNING<br/>AND URBAN DESIGN SECTION</b> |
| <b>RECOMMENDED BY:</b>   |   |
|  |   |
| <b>JOHN M. FLEMING, MCIP, RPP<br/>DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>                   |   |

February 16, 2012

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(MT) \OZ-7988 – Final Report to PEC

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**Planner: M. Tomazincic**

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

| <u>Telephone</u>                           | <u>Written</u>  |
|--|---|
|  | Susan Hodgins<br>Southside Group<br>358 Horton Street |
| Pat Smith<br>920 Southdale Road W          |   |
| Kevin Fletcher<br>6945 Vallas Circle       | Kevin Fletcher<br>6945 Vallas Circle                  |
| Steve Gallant<br>6645 Navin Crescent       |   |
| Ben Wervers<br>6910 Vallas Circle          |   |
| Corddry Taylor<br>6832 Vallas Circle       | Corddry Taylor<br>6832 Vallas Circle                  |
| Scott Hazzard<br>[Rockmount Homes]         |   |
| Peter Hall<br>1166 Buttonbush Crescent     |   |
|  | Larry and Georgia Vilos<br>6685 Navin Crescent        |
|  | Patricia and Brendan McGill<br>6788 Raleigh Boulevard |
| Velarny Rajakariar<br>1448 Thornley Street |   |
|  | Darrin Calcutt<br>3192 Tilbury Lane                   |
|  | Larry and Cathy Cleaves<br>3198 Tilbury Lane          |
|  | Katheryne Van Niekerk<br>6914 Vallas Circle           |
|  | Mary McDonagh<br>1472 Thornley Street                 |
|  | Robert Thorogood<br>[Address Unknown]                 |
|  | Aziza Elazanki<br>1464 Thornley Street                |
|  | Chris Harvey<br>6802 Raleigh Boulevard                |
|  | Jon Theurer<br>3189 Pomeroy Lane                      |
|  | Aldo Pucci<br>2-920 Southdale Road West               |
|  | Nicole Kristoff<br>6900 Vallas Circle                 |
|  | Cathy Melo<br>1538 Thornley Street                    |

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**File: OZ-7988**  
**Planner: M. Tomazincic**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to the North Talbot Community special policies.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on March 20, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 20, 2012  
Second Reading – March 20, 2012  
Third Reading – March 20, 2012



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**File: OZ-7988**  
**Planner: M. Tomazincic**

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to amend a policy in Section 3.5.11 of the Official Plan for the City of London to permit an increase in the maximum building height permitted by the Official Plan policies through the use of Bonus Zoning.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands in the City of London located on the south side of Southdale Road West that are located within the North Talbot Community special policy area and are designated Multi-Family High Density Residential.

**C. BASIS OF THE AMENDMENT**

A maximum height limit is commonly implemented through the Zoning By-law and not typically applied through an Official Plan policy. As a result, the Official Plan policies are unclear as to how the density bonusing policies are to be applied when a maximum height limit is implemented by way of Official Plan policy. The proposed amendment seeks to clarify that the 40 metre maximum building height specified in the North Talbot Community special policy is eligible to be increased through bonus zoning.

**D. THE AMENDMENT**

The Official Plan for the City of London is hereby amended as follows:

Section 3.5.11 – North Talbot Community – of the Official Plan for the City of London is amended by adding the phrase, “excluding provisions for bonusing” to the 6<sup>th</sup> paragraph of policy 3.5.11 after the words “High Density Residential,”

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**File: OZ-7988**  
**Planner: M. Tomazincic**

**Appendix "B"**

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 909 Southdale Road West and 3045 Pomeroy Lane.

WHEREAS Old Oak Properties has applied to rezone an area of land located at 909 Southdale Road West and 3045 Pomeroy Lane, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform 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 909 Southdale Road West and 3045 Pomeroy Lane, as shown on the attached map comprising part of Key Map No. 141, from an Urban Reserve (UR) Zone and a holding Residential R9 (h-5•h-53•h-55•h56•R9-7•H40) Zone to a holding Residential R9 Bonus (h-5•h-53•h-55•h56•R9-7•H40•B(\_)) Zone.

1) Section Number 4.3 (Bonus Zones) of the General Provisions to By-law No. Z.-1 is amended by adding the following Site Specific Bonus Provision:

4.3(4) B-( ) 909 Southdale Road West and 3045 Pomeroy Lane

The subject lands are being bonused for enhanced urban design including elements and design features:

- Constructing two apartment buildings that are "L" shaped in plan, with terraced profiles that will achieve a maximum height of 50.5m and contain a maximum of 434 dwelling units;
- The two apartment buildings shall be constructed in a mirror image with one apartment building located at the northeast corner of the subject lands with the two building faces constructed parallel to Southdale Road West and Pomeroy Lane and the other building located at the northwest corner of the subject lands with the two building faces constructed parallel to Southdale Road West and the westerly rear lot line in order to frame public realm;
- Defining the base, middle, and top of the apartment buildings:
  - with the base consisting of the portion of the façade between the ground floor and the third and fourth floors and using architectural stone and cornice lines to define the base;
  - with the middle consisting of the portion of the façade between the top of the base to the fourteenth floor and using coloured concrete and cornice lines to define the middle; and,
  - with the top consisting of the portion of the façade above the fourteenth floor and using coloured concrete differentiated from the middle, floorplate setbacks and a roof form profile to define the top;
- Addressing the intersection of Southdale Road and Pomeroy Lane with the concentration of massing and architectural treatment of the eastern apartment building to naturally direct the user to the primary entrances;
- Introducing of trees and vegetation along the street frontage to improve the pedestrian experience along this section of Southdale Road;
- Designing and constructing an attractive, curb free paved and landscaped forecourt using unit pavers between the north facade and the Southdale Road West and the east façade and Pomeroy Lane to create an appealing interface between the buildings and the abutting roads;

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**File: OZ-7988**  
**Planner: M. Tomazincic**

- Designing the parking structure elevations to complement the architectural details and materials used in the elevations of the base of the two residential apartment buildings to create visual consistency between the apartment buildings and parking structure;
- Constructing of a 1.8m high solid board privacy fence along the southern property line to provide a visual barrier between the parking structure and the rear yards of the abutting single detached residential lots to the south; and,
- Planting a dense row of coniferous trees between the privacy fence and the parking structure to augment the visual barrier between the parking structure and the rear yards of the abutting single detached residential lots to the south.

The building design is identified through the elevations, site plan, and landscaping plan included in the development agreement.

The following regulations apply with the approved site plan:

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| i) Height<br>(Maximum)   | 50.5 metres<br>(165.7 feet)                  |
| ii) Density<br>(Maximum)   | 207 units per hectare<br>(83 units per acre) |
| iii) Interior side yard depth (south)<br>from main building<br>(Minimum) | 35.0 metres<br>(114.8 feet)                  |
| iv) Rear yard depth<br>(Minimum)   | 18.1 metres<br>(59.4 feet)                   |
| v) Lot coverage<br>(Maximum)   | 40.5%  |

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 March 20, 2012.

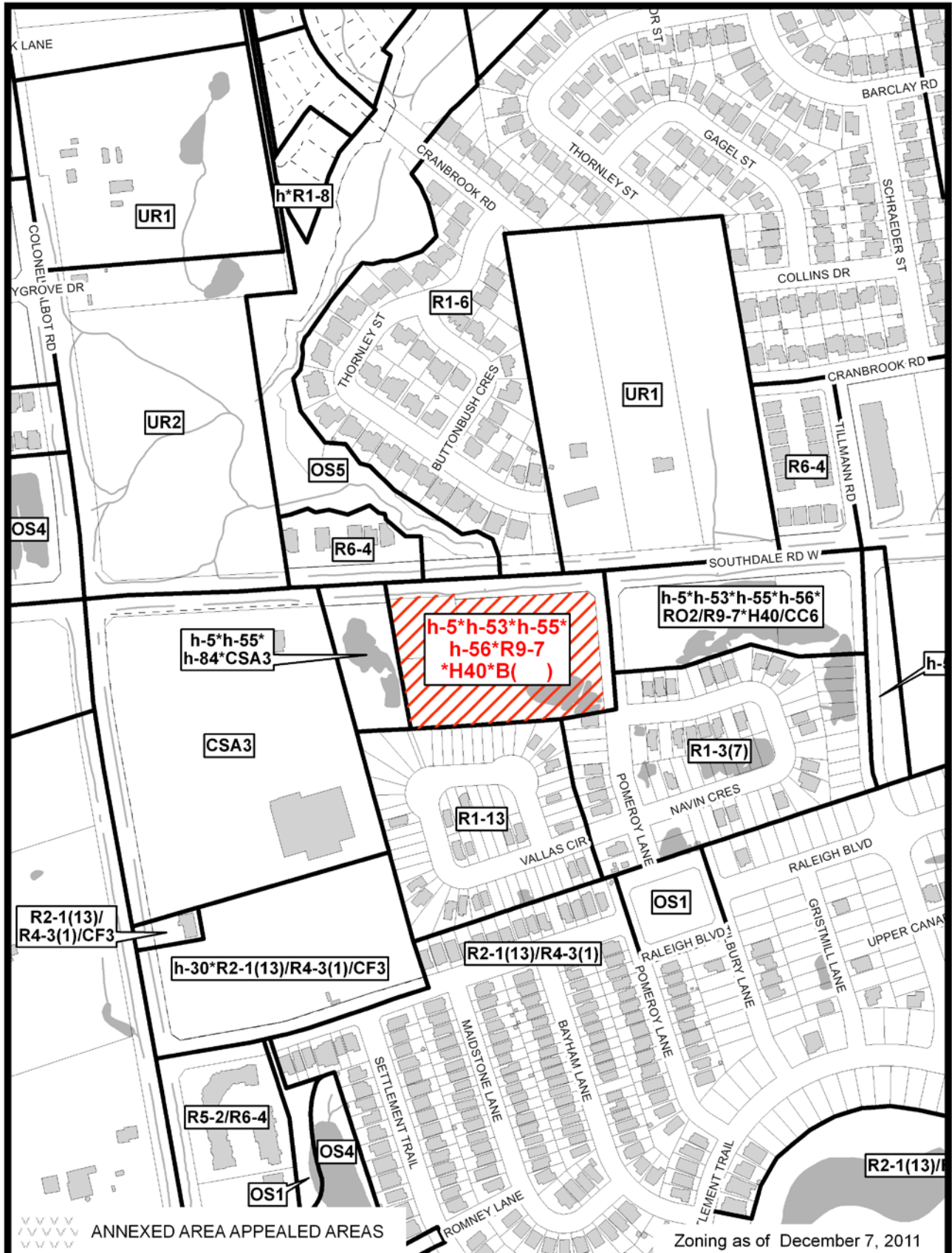
Joe Fontana  
 Mayor

Catharine Saunders  
 City Clerk

First Reading – March 20, 2012  
 Second Reading – March 20, 2012  
 Third Reading – March 20, 2012

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



File Number: OZ-7988

Planner: MT


Date Prepared: 2012/01/25

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

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Appendix "C"



North West View



North East View





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Appendix "C"



East View



South East View



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Appendix "C"



South View



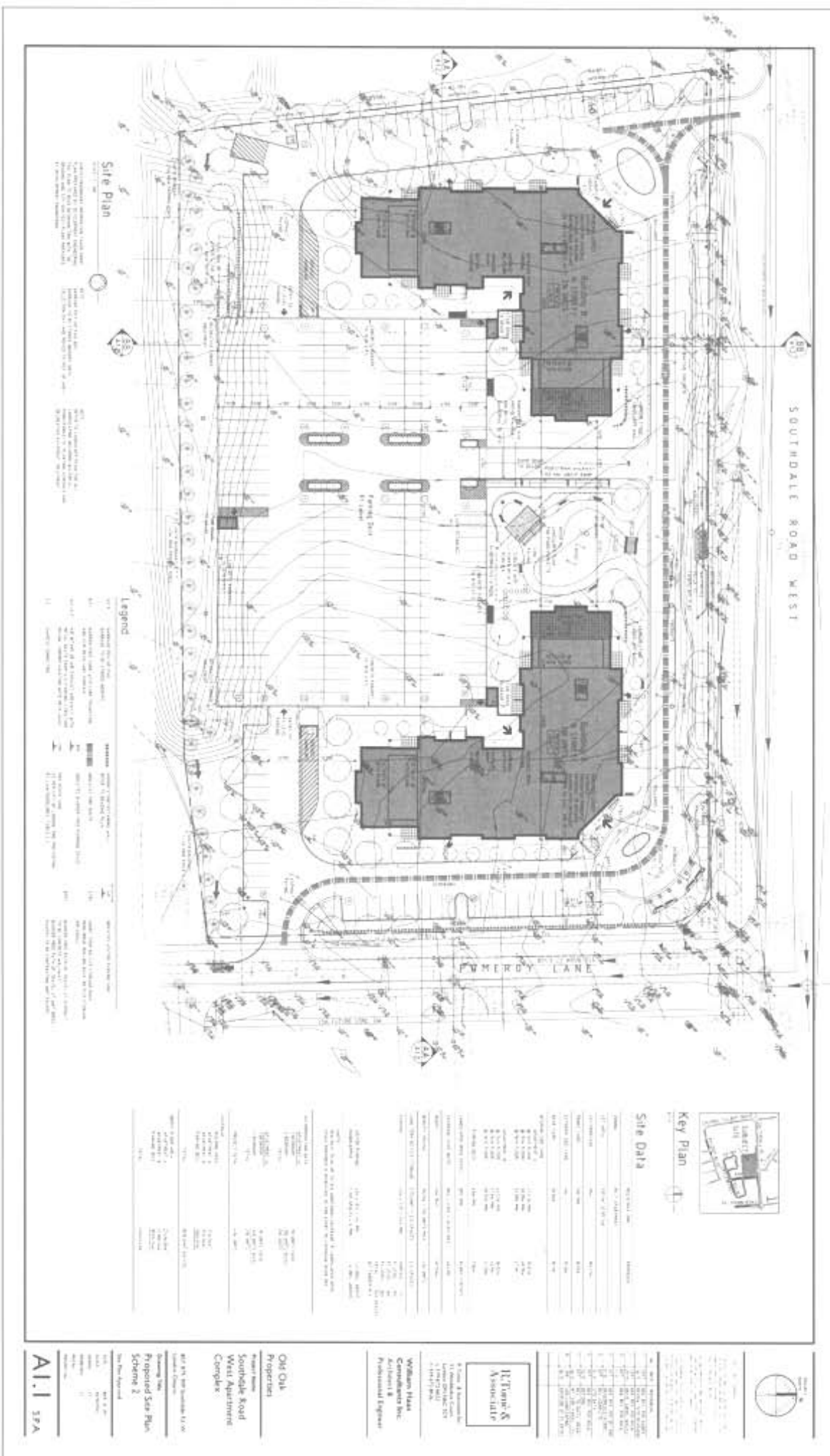
South West View





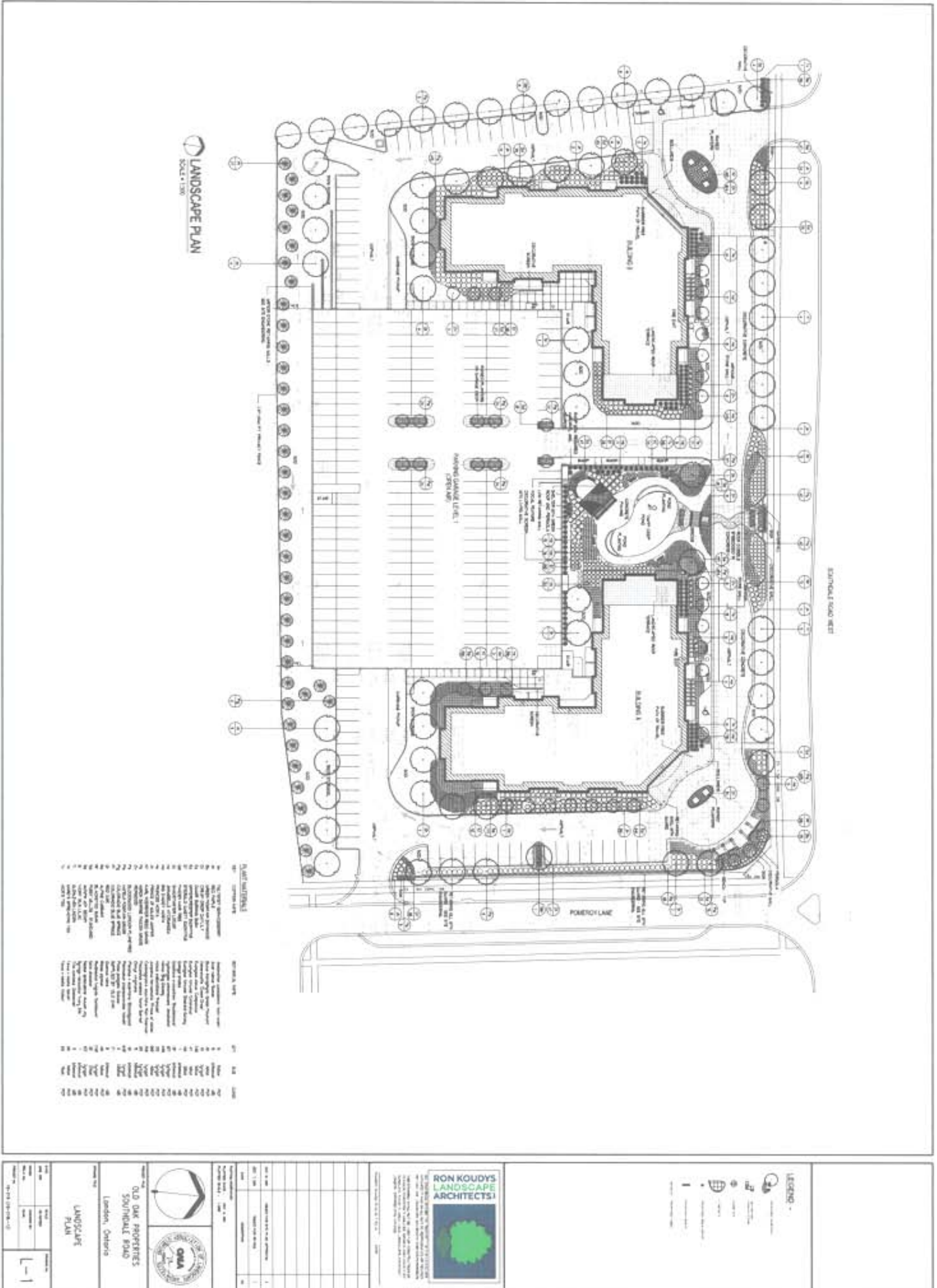
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Appendix "C"



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### Appendix "C"



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**Bibliography of Information and Materials  
OZ-7988**

**Request for Approval:**

City of London Zoning By-law Application Form, completed by Zelinka Priamo (Authorized Agents).

City of London Application for Official Plan Amendment, completed by Zelinka Priamo (Authorized Agents).

Zelinka Priamo. Planning Justification Study

Zelinka Priamo. Urban Design Brief

R. Tomè & Associates/William Haas Consultants Inc. Conceptual Site Plan and Elevations

F.R. Berry and Associates. Traffic Access Assessment

City of London. Zoning Referral Record

**Reference Documents:**

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

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

Talbot Community Urban Design Guidelines. September 2000 (As amended April 2010)

**Correspondence: (located in City of London File No. OZ-7988 unless otherwise stated)**

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Tomazincic, Michael. City of London Planning Division. E-mail to M. Doornbosch. 09 January 2012

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Tomazincic, Michael. City of London Planning Division. E-mail to M. Doornbosch. 11 January 2012

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Galloway A. Engineering Technologist. E-mail to M. Tomazincic. 30 November 2011

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**Upper Thames River Conservation Authority (UTRCA)**

Creighton C., Land Use Planner. Letter to M. Tomazincic. 09 January 2012

**Urban Design Peer Review Panel**

Reis s., Chair. Memo to Zelinka Priamo. 11 January 2012

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**Public Responses**

Written

Susan Hodgins, Southside Group, 358 Horton Street  
Kevin Fletcher, 6945 Vallas Circle  
Corddry Taylor, 6832 Vallas Circle  
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Patricia and Brendan McGill, 6788 Raleigh Boulevard  
Darrin Calcutt, 3192 Tilbury Lane  
Larry and Cathy Cleaves, 3198 Tilbury Lane  
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