

--	--

OZ-7890  
C. Smith

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 1705820 ONTARIO LIMITED (YORK DEVELOPMENTS) 2118 RICHMOND STREET  PUBLIC PARTICIPATION MEETING ON FEBRUARY 27, 2012</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of 1705820 Ontario Limited (York Developments) relating to the property located at 2118 Richmond Street:

- (a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012, amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Urban Reserve (UR1) Zone which permits existing uses **TO** a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster development in the form of single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, townhouse dwellings, stacked townhouse dwellings, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities to a maximum height of 13m and a maximum density of 75 units per hectare. Holding provisions require that a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented, and a public site plan meeting be held to ensure the following design features be provided:
- integration with adjacent development to provide for compatibility of built form and site design and to minimize negative impacts on adjacent properties;
  - orderly and safe movement of traffic into and out of the property with minimum interference to vehicular and pedestrian traffic;
  - incorporation, where appropriate of shared access and parking for adjacent properties;
  - provide active frontage along Sunningdale Road East and Richmond Street by orienting building access and including private and public amenity space along the Public Right-of-Way; and
  - provide for opportunities to maintain existing trees of significance on the site.
- (b) the request to amend the Official Plan to change the designation of the subject property from Multi Family Medium Density Residential which allows multiple-attached dwellings with an approximate density of 75 units per hectare to Multi Family High Density Residential which allows for low-rise and high-rise apartment buildings with 150 units per hectare (60 units per acre) outside of Central London **BE REFUSED** for the following reasons;
- there is a significant amount of Multi Family High Density Residential designated land already planned for north of this site, at the future east/west collector road;
  - it does not integrate with the surrounding Multi Family High Density Residential lands to the north, and the Multi Family Medium Density Residential lands to the east;
  - it undermines future comprehensive development on the surrounding lands;
  - it is not in conformity with the Uplands North Area Plan;
  - the site is not of a suitable shape or size to accommodate high density housing and provide for adequate buffering measures to protect the adjacent low density

--	--

- residential uses;
- it does not provide transition in building height and bulk from the planned activity node (to the north); and
- it is premature pending completion of the ongoing public Environmental Assessment process for the Richmond Street/ Sunningdale Road corridor improvements;

(c) the request to amend Zoning By-law No. Z.-1 Change the Zoning By-law Z.-1 from a Urban Reserve (UR1) Zone which permits existing uses to a Residential R10 Special Provision (R10-3 ( )\*H40\*D193) Zone which permits an apartment building with 113 units (193units/ha) maximum, a height of 40m (12 storey) maximum, a minimum front yard setback of 8m, and a minimum south interior side yard setback of 2m and a Residential R5 Special Provision (R5-6 ( )) Zone which permits a townhouse building with 8 units (28units/ha) maximum, a height of 12.5m, and a 2m minimum rear yard setback **BE REFUSED** for the reasons as outlined in clause (b):

**IT BEING NOTED THAT** an Ontario Municipal Board (PL090268) decision of an appeal of the City of London Municipal Council regarding an Official Plan and Zoning By-law Amendment in 2009.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

**O-6284-** On June 16, 2003 Council amended the Official Plan designation on the property in accordance with the Uplands North Community Planning Area.

**OZ-7602-** On February 3, 2009 Council refused an application to amend the Official Plan and Zoning By-law Z.-1 to permit retail/pharmacy and office uses.

**PL090268-** On October 26, 2009 the Ontario Municipal Board dismissed the appeal of the applicant confirming Council's decision to refuse retail/pharmacy and office uses.

**OZ-7890-** On June 13, 2011 a public participation meeting was held before the City of London Built and Natural Environment Committee (now PEC). The applicant applied to amend the Official Plan and Zoning By-law to allow for a 260 unit, 15 storey tall (40 m) apartment building. At the public participation meeting the applicant presented an alternative proposal which would permit the construction of a 113 unit, 12 storey tall (40m) apartment building and an 8 unit 13m tall townhouse building.

On June 20, 2011 Council resolved:

- *a public participation meeting **BE HELD** at a future Built and Natural Environment Committee meeting, with the full planning process to be followed;* (in reference to the alternative proposal)
- *the application is not acceptable;*(in reference to the 260 unit 15 storey (40m) tall apartment building).

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose of the recommendation is to:

- Amend the zoning on the property to provide for a level of certainty and clarity of the final form of the future development on the site in conformity with the existing Multi Family Medium Density Residential designation. The proposed amendment will allow for cluster development in the form of single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, townhouse dwelling, stacked townhouse dwelling, mid-rise apartment buildings apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings,

--	--

OZ-7890  
C. Smith

emergency care establishments, continuum-of-care facilities to a maximum height of 13m and a maximum density of 75 units per hectare; and

- Refuse the application by 1705820 Ontario Limited (York Developments) requesting an apartment building with 113 units (193units/ha) with a height of 40m (12 storey) to be constructed on the northerly portion of the property and requesting an 8 unit (28units/ha) townhouse with height of 12.5m to be constructed on the southerly portion of the property for a combined total of 121 dwelling units (138 units/ha);

<b>RATIONALE</b>
------------------

The rationale for recommending the proposed amendment to allow for a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone is:

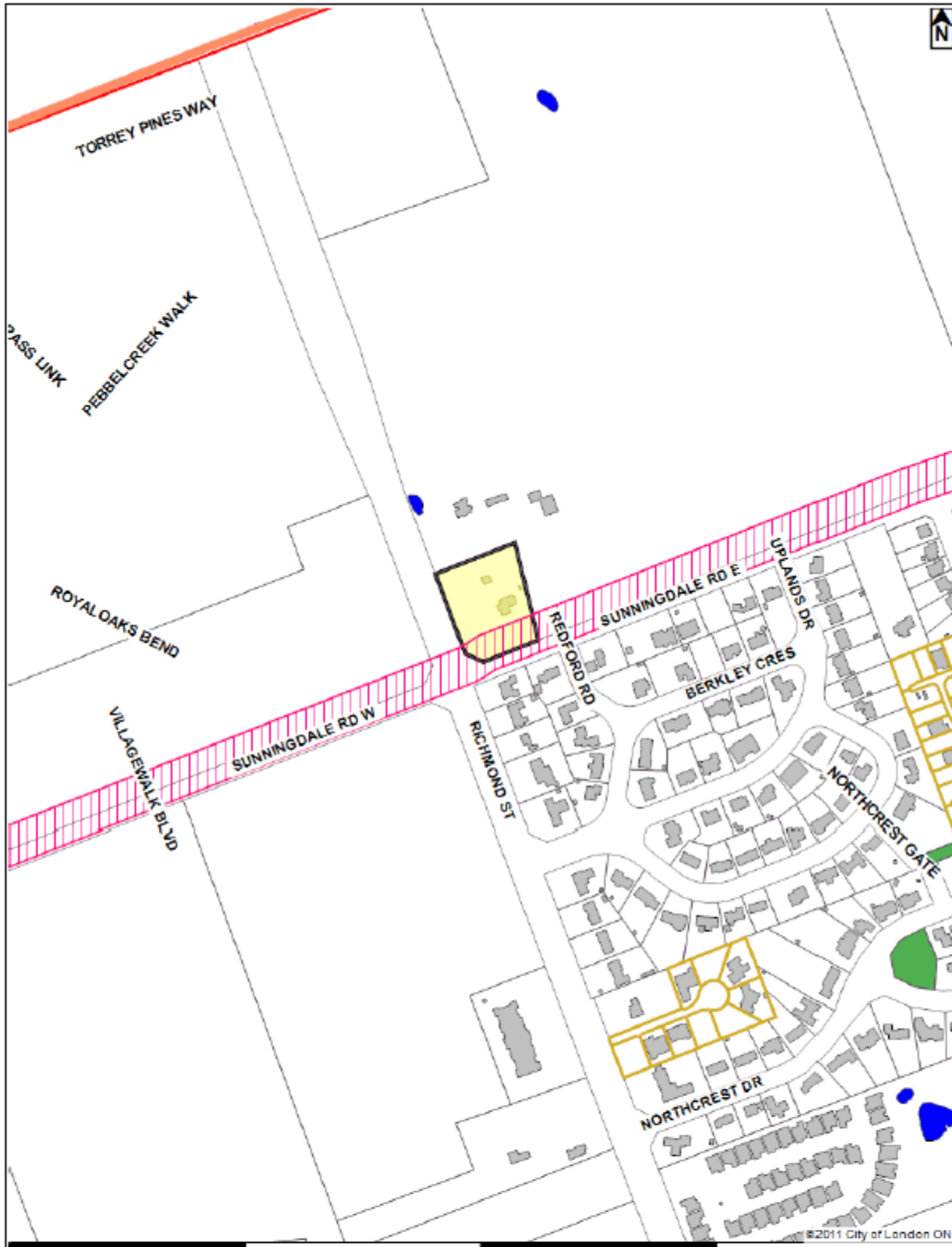
- consistent with the Provincial Policy Statement;
- consistent with the Uplands North Area Plan;
- consistent with the City of London Official Plan;
- to provide for future integration with adjacent development that will be compatible and will minimize impacts on adjacent properties; and
- to provide for a level of certainty and clarity of the final form of the future development on the site.

The rationale for the recommendation for refusal of the requested Official Plan and Zoning By-law amendments to allow an apartment building with 113 units (193units/ha) with a height of 40m (12 storey) to be constructed on the northerly portion of the property and to allow a 8 unit (28units/ha) townhouse with height of 12.5m to be constructed on the southerly portion of the property for a combined total of 121 dwelling units (138 units/ha) is that the requested Official Plan and Zoning By-law amendment is not consistent with the Provincial Policy Statement, the Uplands North Area Plan, and the City of London Official Plan as;

- there is a significant amount of Multi Family High Density Residential designated lands in the area;
- it does not integrate with the surrounding Multi Family High Density Residential and the Multi Family Medium Density Residential designated lands;
- it undermines future comprehensive development on the surrounding lands;
- it is not in conformity with the Uplands North Area Plan;
- the site is not of a suitable shape or size to;
  - accommodate high density housing;
  - provide for adequate buffering measures;
- it does not provide transition in building height and bulk;
- it is premature pending completion of the public Environmental Assessment for the Sunningdale Road East road improvement;

--	--

OZ-7890  
C. Smith



<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 2118 Richmond St          Applicant: 1705820 Ontario Limited C/O Medd Development Group          File Number: OZ-7890          Planner: Craig Smith          Created By: Craig Smith          Date: 2011-04-15          Scale: 1:5000</p> <p style="text-align: center;">Corporation of the City of London          Prepared By: Planning and Development</p>	<p style="text-align: center;"><b>LEGEND</b></p> <table border="0"> <tr> <td></td> <td>Subject Site</td> </tr> <tr> <td></td> <td>Parks</td> </tr> <tr> <td></td> <td>Assessment Parcels</td> </tr> <tr> <td></td> <td>Buildings</td> </tr> <tr> <td></td> <td>Address Numbers</td> </tr> </table>		Subject Site		Parks		Assessment Parcels		Buildings		Address Numbers
	Subject Site										
	Parks										
	Assessment Parcels										
	Buildings										
	Address Numbers										

--	--

<b>BACKGROUND</b>	
<b>Date Application Accepted:</b> November 12, 2011	<b>Agent:</b> Sean Eden
<b>REQUESTED ACTION:</b> to allow an apartment building with 113 units (193units/ha) with a height of 40m (12 storey) to be constructed on the northerly portion of the property and to allow a 8 unit (28units/ha) townhouse with height of 12.5m to be constructed on the southerly portion of the property for a combined total of 121 dwelling units (138 units/ha). To allow for the proposed density an amendment to the Official Plan from Multi Family Medium Density Residential to Multi Family High Density Residential is required.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – single family dwelling</li> <li>• <b>Frontage</b> – 73.2 metres</li> <li>• <b>Depth</b> – 96.0 metres</li> <li>• <b>Area</b> – 7,025.8 square metres</li> <li>• <b>Shape</b> – rectangular/irregular</li> </ul>
<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – single family detached, vacant</li> <li>• <b>South</b> – single family detached</li> <li>• <b>East</b> – vacant (future residential)</li> <li>• <b>West</b> – vacant (future commercial)</li> </ul>
<b>OFFICIAL PLAN DESIGNATION:</b> (refer to map on page 6)
<ul style="list-style-type: none"> <li>• Multi-Family, Medium Density Residential</li> </ul>
<b>EXISTING ZONING:</b> (refer to map on page 7)
<ul style="list-style-type: none"> <li>• Urban Reserve (UR1) Zone</li> </ul>

<b>PLANNING HISTORY</b>
-------------------------

The site has historically been used for residential purposes, with the current home and garage having been constructed circa 1900, and an accessory shed constructed in 1969.

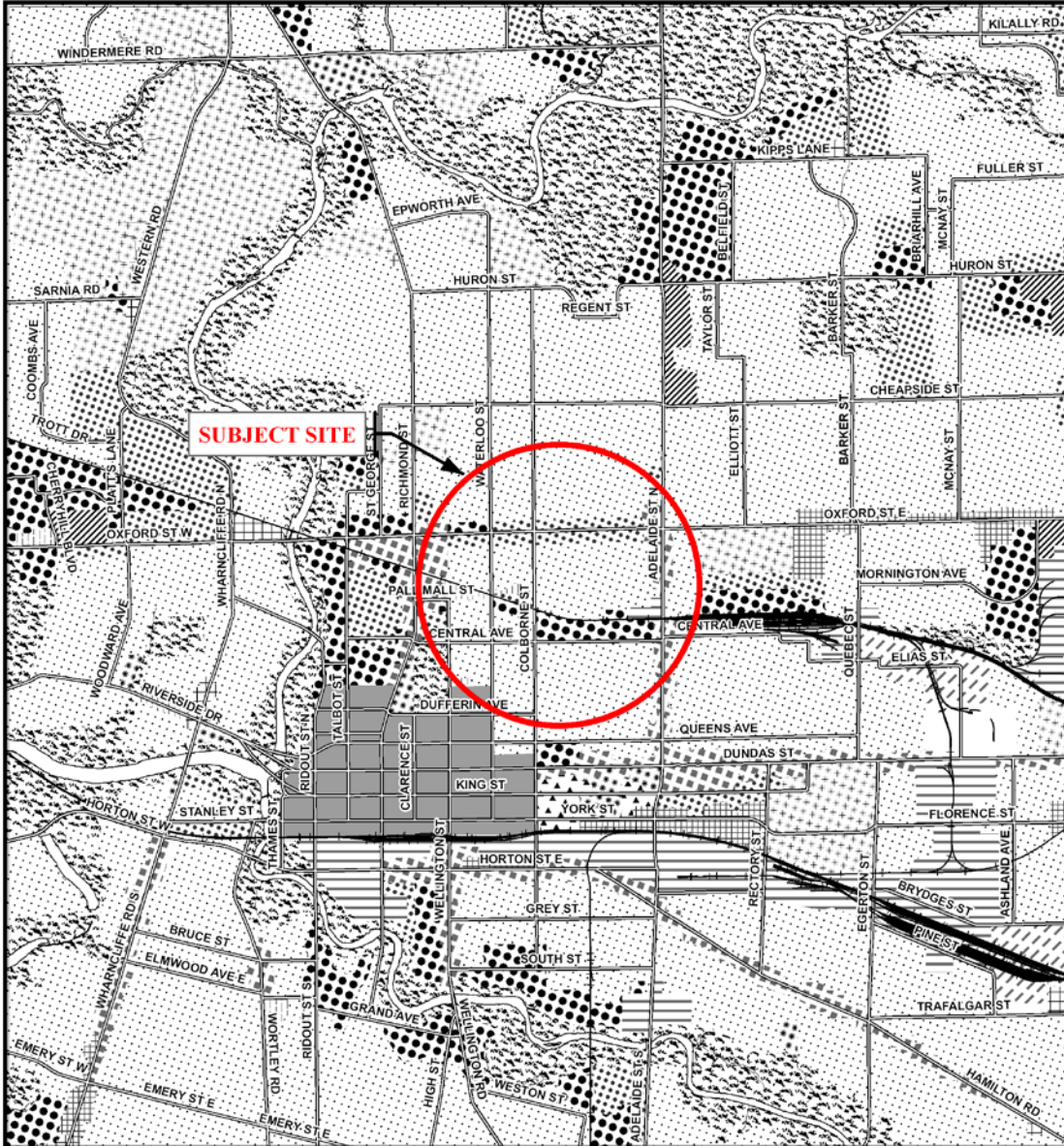
In February 2002 the Uplands North Area Plan was initiated by landowners in the area. The Uplands North Area Plan is bounded by Richmond Street to the west, Adelaide Street to the east, Sunningdale Road to the south and the municipal boundary to the north. The Uplands North Area Plan was adopted by Council in June, 2003. The intent of the plan was to serve as a guideline document for future development of the area and address such issues as mixing of dwelling types, road configurations, school locations, servicing, and location of parkland. The Area Plan and subsequent Official Plan amendments designated the subject site as Multi-Family, Medium Density Residential.

On February 2, 2009 Municipal Council refused an application by 1699257 Ontario Limited for the property located at 2118 Richmond Street. The application was for an Official Plan and zoning by-law amendment to permit a retail/pharmacy use and offices. Planning Staff recommended approval of the application.

Planning Committee and Municipal Council refused the application. Council's stated reason for refusing the application was the Official Plan amendment was inconsistent to the Area Plan passed by Municipal Council.

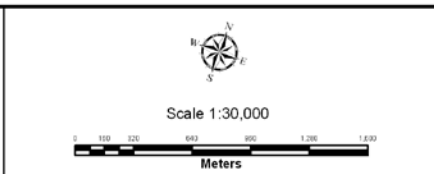
--	--

OZ-7890  
C. Smith



Legend	
Downtown Area	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary

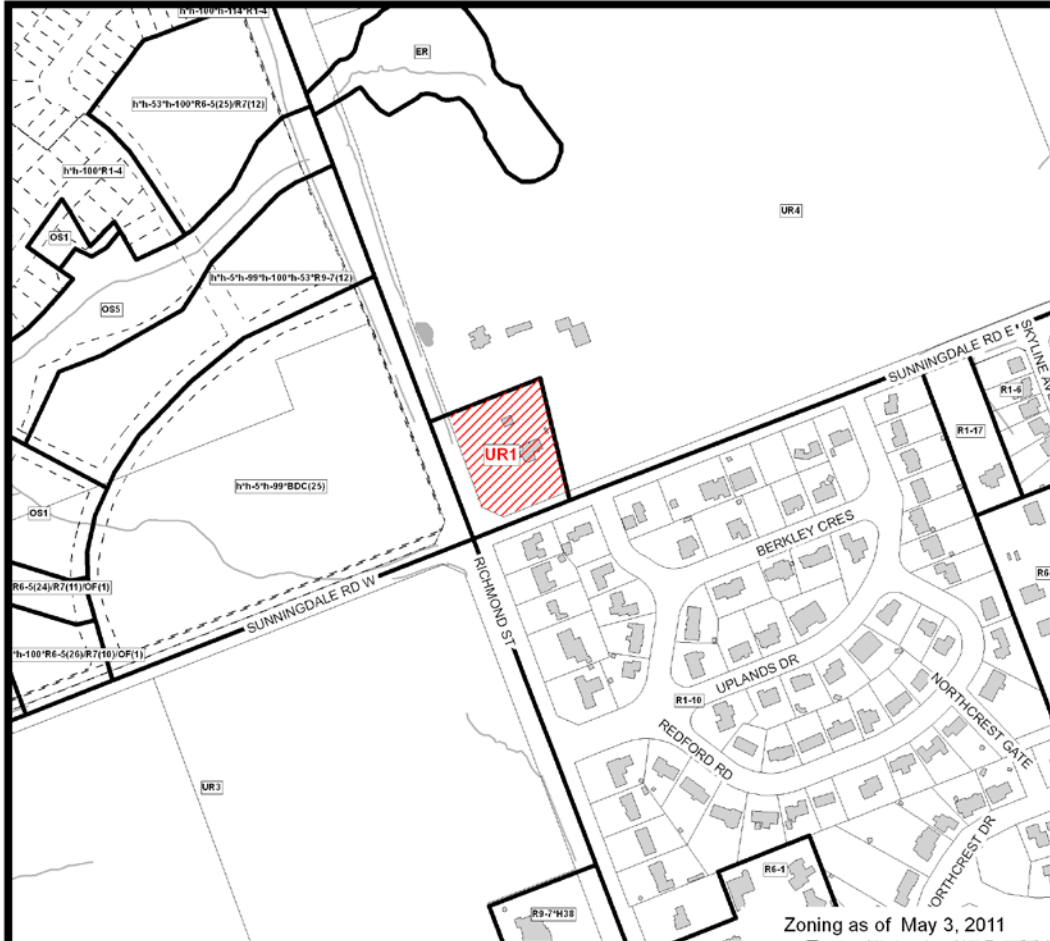
**CITY OF LONDON**  
Department of  
Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
- LAND USE -  
PREPARED BY: Graphics and Information Services



**FILE NUMBER: O-7980**  
**PLANNER:** BD  
**TECHNICIAN:** CK  
**DATE:** 2011/12/14

--	--

OZ-7890  
C. Smith



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: UR1**

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

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

2) ANNEXED AREA APPEALED AREAS

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

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



FILE NO:  
OZ-7890 JCS

MAP PREPARED:  
2011 May 24th CMH

1:5,000  
0 25 50 100 150 200 Meters

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

--	--

An Ontario Municipal Board hearing was held on September 28<sup>th</sup> – October 1<sup>st</sup>, 2009, The Board dismissed the appeal of the applicant and upheld the decision of Municipal Council.

On June 13, 2011 a public participation meeting was held before the City of London Built and Natural Environment Committee (now PEC). The applicant applied to amend the Official Plan and Zoning By-law to allow for a 260 unit, 12 storey tall (40 m) apartment building. At the public participation meeting the applicant presented an alternative proposal which would permit the construction a 113 unit, 12 storey tall (40m) apartment building and an 8 unit 13m tall townhouse building.

*Municipal Council, at its session held on June 20, 2011 resolved:*

33. *That, the following actions be taken with respect to the application of 1705820 Ontario Limited (York Developments) relating to the property located at 2118 Richmond Street:*

- (a) *the above-noted application **BE REFERRED** to the Civic Administration in order to review a revised application by 1705820 Ontario Limited (York Developments) and a public participation meeting **BE HELD** at a future Built and Natural Environment Committee meeting, with the full planning process to be followed; and,*
- (b) *the Municipal Council **BE ADVISED** of the following:*
  - (i) *the application is not acceptable; and,*
  - (ii) *the Ontario Municipal Board decision (PL090266);*

Planning Staff and the applicant met on June 30, 2011 and held a pre consultation meeting for the current proposed development as required by the *Planning Act*, the City of London Official Plan and the Pre Consultation By-law. The applicant submitted a “new” revised application on November 12, 2011. On November 26, 2011 notice of the amended application was advertised in the London Free Press and a notice of the amended application was circulated to all property owners within 120 metres of the property and to all other parties who had attended or provided written comments to the Built and Natural Environment Committee on June 23, 2011.

A full planning process has been completed as per Council’s June 30, 2011 resolution.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Environmental and Engineering Services Department (EESD)**

*The City of London’s Environmental and Engineering Services Department (EESD) offers the following comments with respect to this Official Plan and Zoning By-Law amendments application:*

**Sanitary Sewers:**

*Sanitary Sewers are currently not available to service a future proposed development. The outlet for this site is the 450mm sanitary sewer on Village Walk / Richmond Street, in the Richmond North Subdivision (39T-04513). This subdivision is currently at the drawing review stage, drawings have not been accepted by the City at this time. The applicant will have to provide sanitary servicing to connect to this outlet when available subject to City of London specifications. Design of the proposed sanitary connection crossing Richmond Street is to be provided at the Site Plan stage.*

*EESD recommends that appropriate holding provisions be applied to the subject lands to address the above concerns.*

**Water Servicing:**

*This site is to connect to the high level 400mm watermain on Sunningdale Road. A looped water supply is required for an apartment site with more than 300 units. If it is desirable for the*



--	--

applicant to have a looped water supply or shown to be necessary to meet fireflow requirements, a looped water supply could be provided by extending the high level watermain (400mm PVC) north on Richmond Street or by installing an isolating splitter valve between two services taken from Sunningdale Road.

**Transportation Issues:**

The subject lands are identified in the Official Plan for medium density residential development. Access is intended to be through interior local or collector streets with no direct access onto Richmond Street or Sunningdale Road. EESD is not in favor of any access to Sunningdale Road due to the close proximity of Richmond Street, the queue of traffic on Sunningdale Road blocking any potential access and safety concerns associated with the same.

Therefore any access approved for this site will be from Richmond Street and temporary until interior local or collector streets are constructed to provide a permanent access. EESD requests a holding provision for access be placed on this zoning and not be removed until the owner develops an access plan to the satisfaction of the City Engineer.

There is an Environmental Assessment (EA) currently underway for Sunningdale Road between Wonderland Road and Adelaide Street. The EA is reviewing a number of different horizontal alignments of Sunningdale Road through Richmond Street and whether a roundabout is feasible at the intersection of Sunningdale Road and Richmond Street. Until this EA is complete, the land requirements are not known which may in turn impact development of this site. EESD therefore requests a holding provision be applied to the subject lands until the Sunningdale Road EA is completed and approved.

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

**Additional comments regarding Sunningdale Road EA and Imperial Oil pipeline**

With our consultant AECOM, we have had some consultations with Imperial Oil and we have field confirmed the location of the oil pipeline. Based on this preliminary work we have found that the pipeline will need to be moved to accommodate the proposed road widening. With that said, we currently do not know the extent of this movement and the effects on the setback with certainty. These specifics will be the subject of more detailed design work and negotiations with Imperial Oil. The possibility may exist during the move to increase the wall thickness of the Imperial Oil pipe to limit the change in the setback but we have not yet been able to get details on this from Imperial Oil.

Overall we can say that it is possible that the setback will change, compromising the ability to build the townhouses. It is also possible that an arrangement could be worked out with Imperial Oil to maintain the current setback, allowing the townhouses to be built. Right now it is too early to say with certainty which of these will prevail.

It is expected that the EA will be before Council on or after April 10, 2012.

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

Thank you for taking the time to meet with the Urban Design Peer Review Panel to discuss your REVISED proposal for a new 12 storey condominium building development at 2118 Richmond Street. The Panel notes that this is an Official Plan Amendment and Zoning Bylaw Amendment submission and that there are no area plans or urban design guidelines specific to the area of this application.

The Panel has the following comments regarding the proposed development based on the Urban Design Brief dated 10 November 2011, circulated to the Panel:

1. Investigate a more contemporary aesthetic for the building design that incorporates a more sophisticated material palette. Consider deletion of the divisive fin wall which protrudes above the roof line in the South Elevation;
  
2. Resolve the rooftop design inconsistencies between the renderings and elevations;
  
3. Unify the architectural style between the multi-level tower and the townhouses and apply the same standard of design to both elements;

--	--

4. Encourage pedestrian movement from the Richmond Street / Sunningdale Road corner to the principal tower entrance on the east elevation by creating a quality pedestrian pathway experience through the undefined space between the tower and townhouses. Alternatively, connect the townhouses and tower together and detail the space as private outdoor space dedicated to the townhouses;

5. Enhance privacy and sound attenuation considerations of west facing tower ground floor condominiums facing Richmond Street through application of masonry/concrete garden walls to outdoor terraces; and

6. The applicant noted that the tower's West Elevation was set back from the 3 storey base and that the Site Plan would need to be revised to reflect this. Consider use of 'green roofs' to the townhouse roofs in consideration of the views from above.

**The City of Traffic Advisory Committee**

*The TAC indicated, that in its opinion, the anticipated increase in traffic should be duly noted in the design plans for this apartment building.*

<b>PUBLIC LIAISON:</b>	On November 24, 2011, Notice of the amended Application was sent to 57 property owners within 120 metres of the subject site and who had sent correspondence in regards to the first notice of application circulated on March 25, 2011. The Revised Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, November 26, 2011.	25 further written responses were received in continued opposition of the proposed amendment including letters from the Stoneybrook Heights/Uplands Residents Association (SHURA) and Drewlo Holdings Inc property owner to the north (attached).
<p><b>Nature of Liaison:</b> Amended application to allow an apartment building with 113 units (193units/ha) with a height of 40m (12 storey) to be constructed on the northerly portion of the property and to allow a 8 unit (28units/ha) townhouse with height of 12.5m to be constructed on the southerly portion of the property for a combined total of 121 dwelling units (138 units/ha). To allow for the proposed density an amendment to the Official Plan from Multi Family Medium Density Residential to Multi Family High Density Residential is required.</p> <p>Change the Zoning By-law Z.-1 from a Urban Reserve (UR1) Zone which permits existing uses to a Residential R10 Special Provision (R10-3 ( )*H40*D193) Zone which permits an apartment building with 113 units (193units/ha) maximum, a height of 40m (12 storey) maximum, a minimum front yard setback of 8m, and a minimum south interior side yard setback of 2m and a Residential R5 Special Provision (R5-6 ( )) Zone which permits an townhouse building with 8 units (28units/ha) maximum, a height of 12.5m, and a 2m minimum rear yard setback.</p> <p>Change the Official Plan land use designation from "Multi Family Medium Density Residential" which allows for residential development with a maximum density of 75 units per hectare to "Multi Family High Density Residential" to allow for the apartment and townhouse use with a combined density of 138 units per hectare.</p>		

--	--

**Responses:** Concerns raised:

- The community association participated extensively in the Uplands, Uplands North and Sunningdale Community Plans. The designations applied to the land were achieved through a planning process that included all stakeholders - the landowners, the city and the community. The plans were appealed to the OMB in 1999 - 2000 and the land use designations were determined through council resolution and a series of OMB decisions.
- It does not conform to the spirit or intent of the Community Plan as articulated in the OMB decision PL090268.
- The Community Plan thoughtfully designated this area medium density to allow for transition between the existing low density Uplands area and the area of high density located to the north of this property. At no time was there any objection/appeal by any landowner or city staff with this designation.
- The Community Plan identified high density adjacent to this property to the north.
- Changing the density from medium to high puts into place a potential domino of changes when a landowner "scoops" density from another landowner.
- Official Plan policies speak to the protection of long term residential housing and the need to ensure that new development being proposed is sensitive and compatible with existing residential in terms of size, scale and form.
- If the City is truly committed to citizen engagement, then stick to the plans created through this process. Otherwise, the past and current citizen engagement process is nothing more than a public relations exercise.
- Citizens having to continue to voice objection over issues that were previously adjudicated. The OMB decision made reference to these concerns and commented, "The Board is sensitive to the concern of the residents that changes to approved zoning may give rise to civic fatigue..."
- Sufficient amount of Multi Family High Density designated lands (7.0ha) located to the north of this site
- Current Multi Family Medium Density designation more compatible with existing low density development to the south
- It does not integrate well with the surrounding designated Multi Family High Density Residential lands to the north and the Multi Family Medium Density Residential lands to the east
- The small parcel of land should not dictate future development on adjacent 190 acres
- Impact on servicing capacities and availability of capacities in the future if lands to the north develop for permitted Multi Family High Density residential development.
- No storm water management facility shown on plans. Property owner to the north not prepared to accommodate storage or treatment of storm water on their lands at this time.

**ANALYSIS**

**Subject site**

The subject site is located on the east side of Richmond Street and the north side of Sunningdale Road East. The site currently contains a single detached residence. The site is approximately 0.7 hectares in size, with a frontage of 73 metres along Sunningdale and 96 metres along Richmond Street. The site is currently vegetated along the Richmond Street frontage. There are existing single detached dwellings to the south and vacant lands to the east and west.

An Imperial Oil gas line is located in the existing City of London right-of-way in the area along the south property line. A 20 metre setback easement is required from the Imperial Oil gas line. The City of London is currently undergoing an Environmental Assessment for road improvements to Sunningdale Road East between Adelaide Street and Richmond Street which includes the Richmond Street- Sunningdale Road East intersection. The City of London Traffic Engineering Department and the City's Consultant AECOM, have had consultations through the EA process with Imperial Oil. They have field confirmed the location of the oil pipeline and

--	--

OZ-7890  
C. Smith

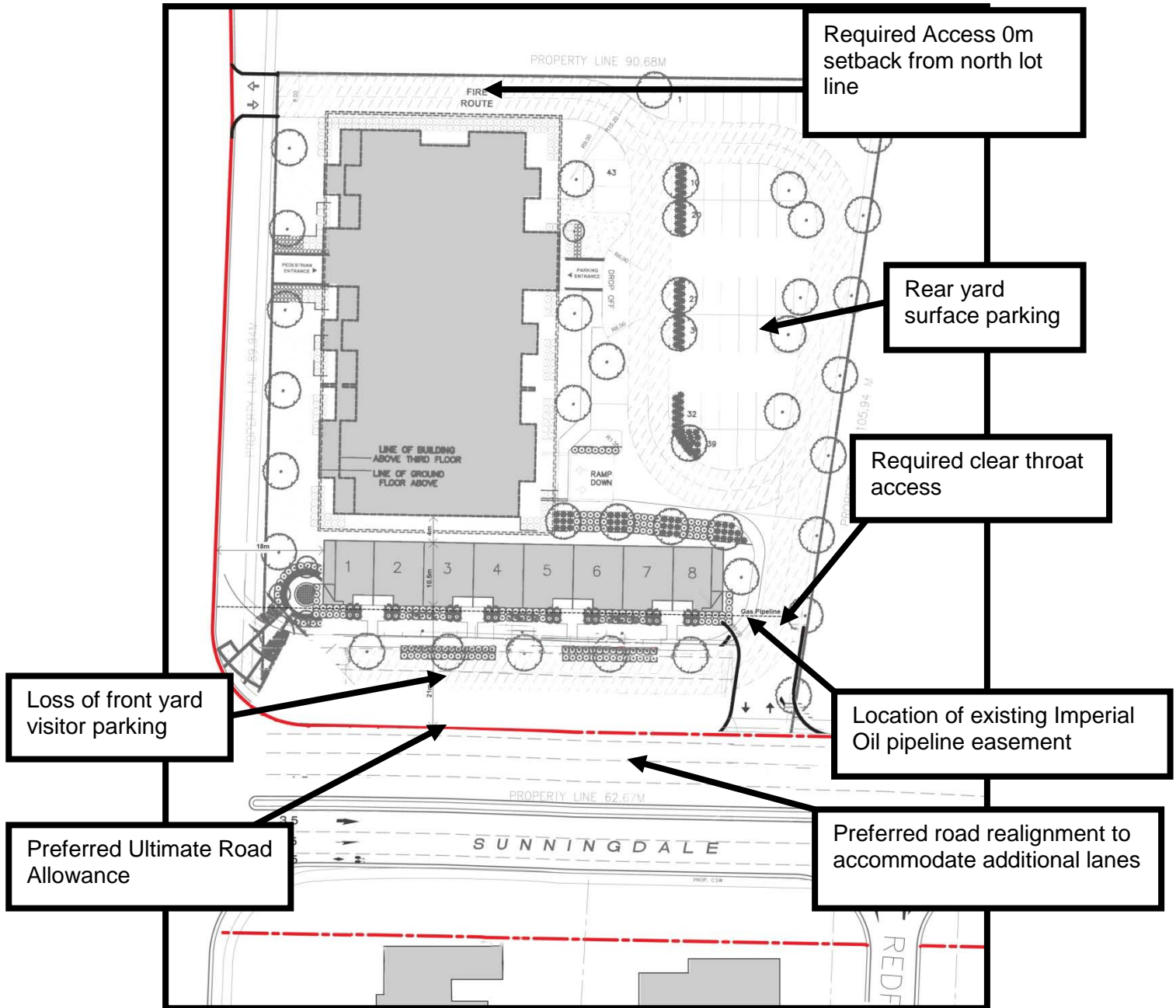
based on this preliminary work have found that the pipeline will need to be moved northerly to accommodate the proposed road widening.

Applicant's Proposed Site Plan



--	--

Proposed Site Plan Showing Preferred Road Widening as per the EA



**What is the nature of the application?**

The applicant has requested an Official Plan amendment from “Multi-Family, Medium Density Residential” to “Multi Family High Density Residential”. The applicant requests a Zoning By-law amendment to allow an apartment building with 113 units (193units/ha) with a height of 40m (12 storey) to be constructed on the northerly portion of the property and to allow an 8 unit (28units/ha) townhouse with height of 12.5m to be constructed on the southerly portion of the property for a combined total of 121 dwelling units (138 units/ha). Planning Staff recommends the applicant’s request for an Official Plan and Zoning By-law Amendment be refused.

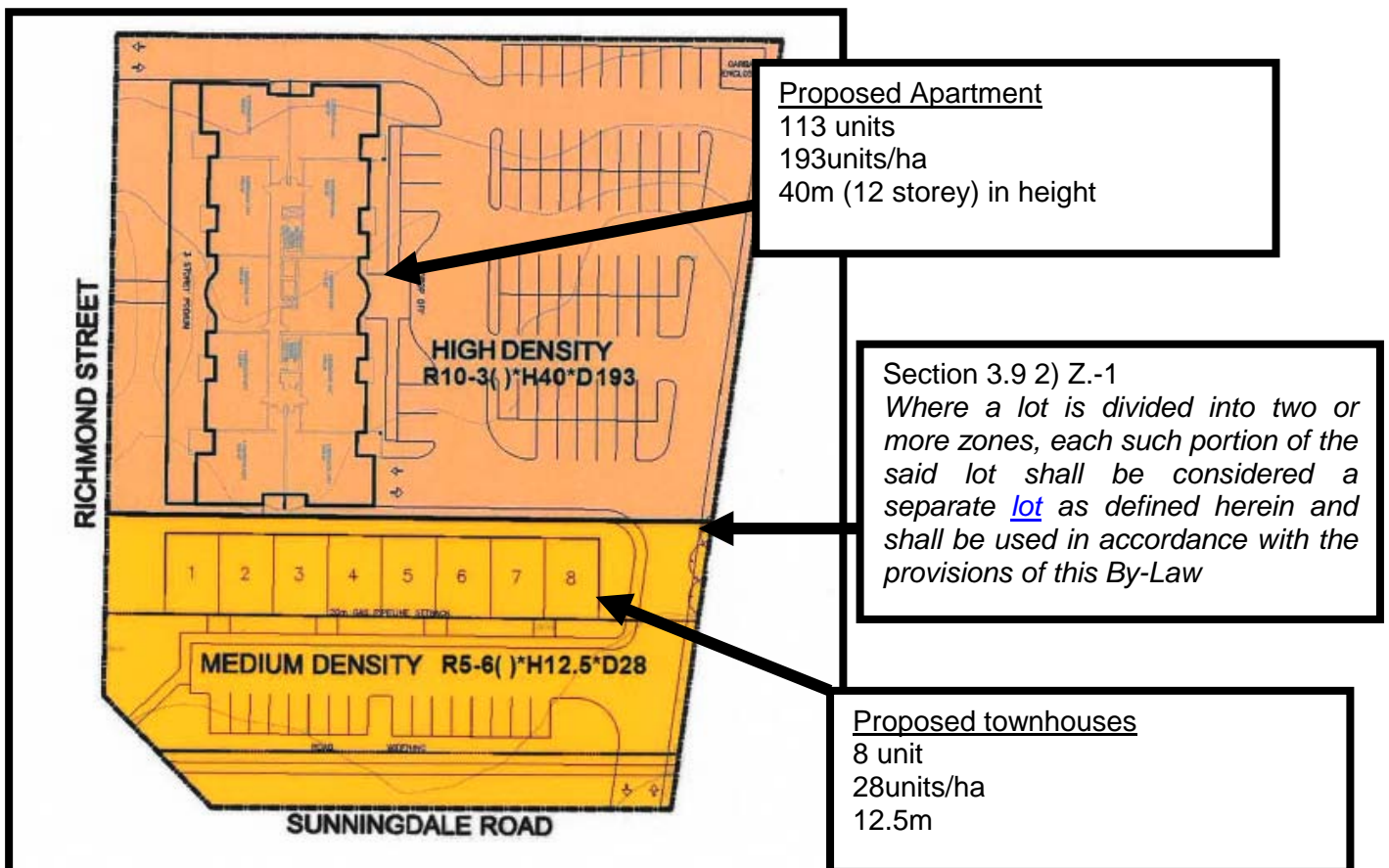
Due to the continued planning processes and applications, including Ontario Municipal Board hearings in this area and specifically on this site and the apparent need for some clarity of direction, Planning Staff is recommending an amendment to Zoning By-law Z.-1 in conformity with the existing Multi Family Medium Density Residential designation as determined through the Uplands North Area Plan. To provide for a level of certainty and clarity of the final form of the future development on this site the proposed amendment to Zoning By-law Z.-1 is to change

--	--

OZ-7890  
C. Smith

the existing Urban Reserve (UR1) Zone which permits existing uses to a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster development in the form of single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, townhouse dwellings, stacked townhouse dwellings, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities to a maximum height of 13m and a maximum density of 75 units per hectare. Holding provisions require that a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented and a public site plan meeting be held.

Applicants Proposed Split Zoning



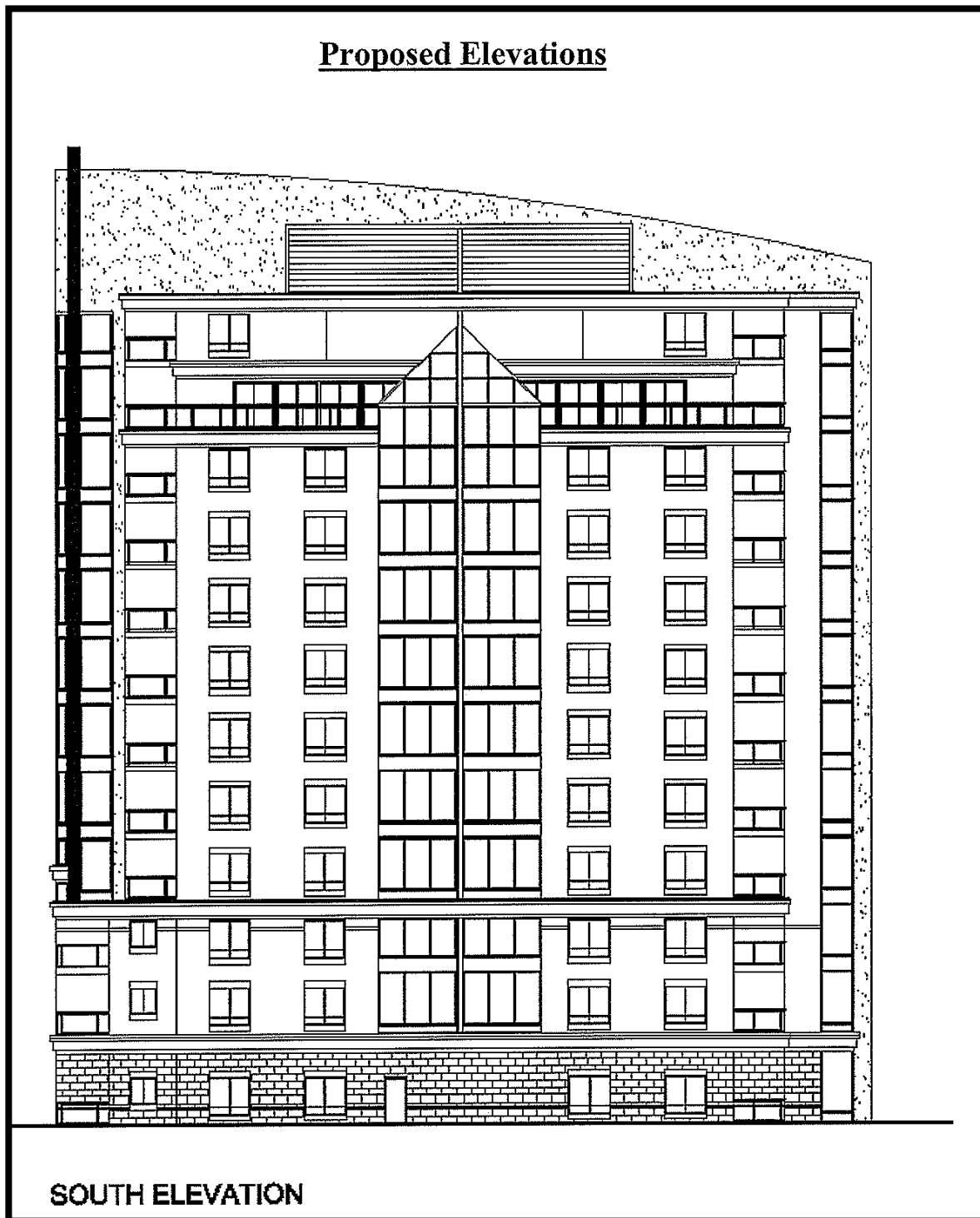
Agenda Item #

Page #

--	--

OZ-7890  
C. Smith

South Elevation (Sunningdale Road East)



Two empty rectangular boxes for agenda item and page numbers.

OZ-7890  
C. Smith

East Elevation (Richmond Street)



**Provincial Policy Statement**

Under Section 3(5) of the Planning Act, the decision of Council must “be consistent with” the policies of the Provincial Policy Statement (PPS).

Appropriate Mix of Land Uses

*The PPS promotes the accommodation of an appropriate range and mix of residential, employment (industrial, commercial and institutional uses), recreation and open space uses to meet long term needs. Planning authorities are to provide for an appropriate mix and range of employment and opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. They shall also maintain an adequate supply of lands available for residential intensification and redevelopment.*

Through the Uplands North Area Plan, Municipal Council had engaged in an Area Plan process to assess and evaluate an appropriate range and mix of future land needs. Similar studies were conducted and completed for the lands to the South (Uplands Area Plan) and to the east (Sunningdale Area Plan). Through the comprehensive study which included land need studies and public consultations, an appropriate mix of land uses have been identified and approved by Council consistent with the Provincial Policy Statement. The mix of land uses in the Uplands North Area Plan was adopted by Municipal Council through an Official Plan amendment in 2003.

The recommendation to refuse the applicant’s proposed application to the Official Plan and Zoning By-law amendment and to amend Zoning By-law Z.-1 to allow for a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster residential dwellings and apartment buildings with a maximum height of 13 metres and density of 75 unit/ hectare and holding provisions that require a development agreement be entered into, full municipal services



--	--

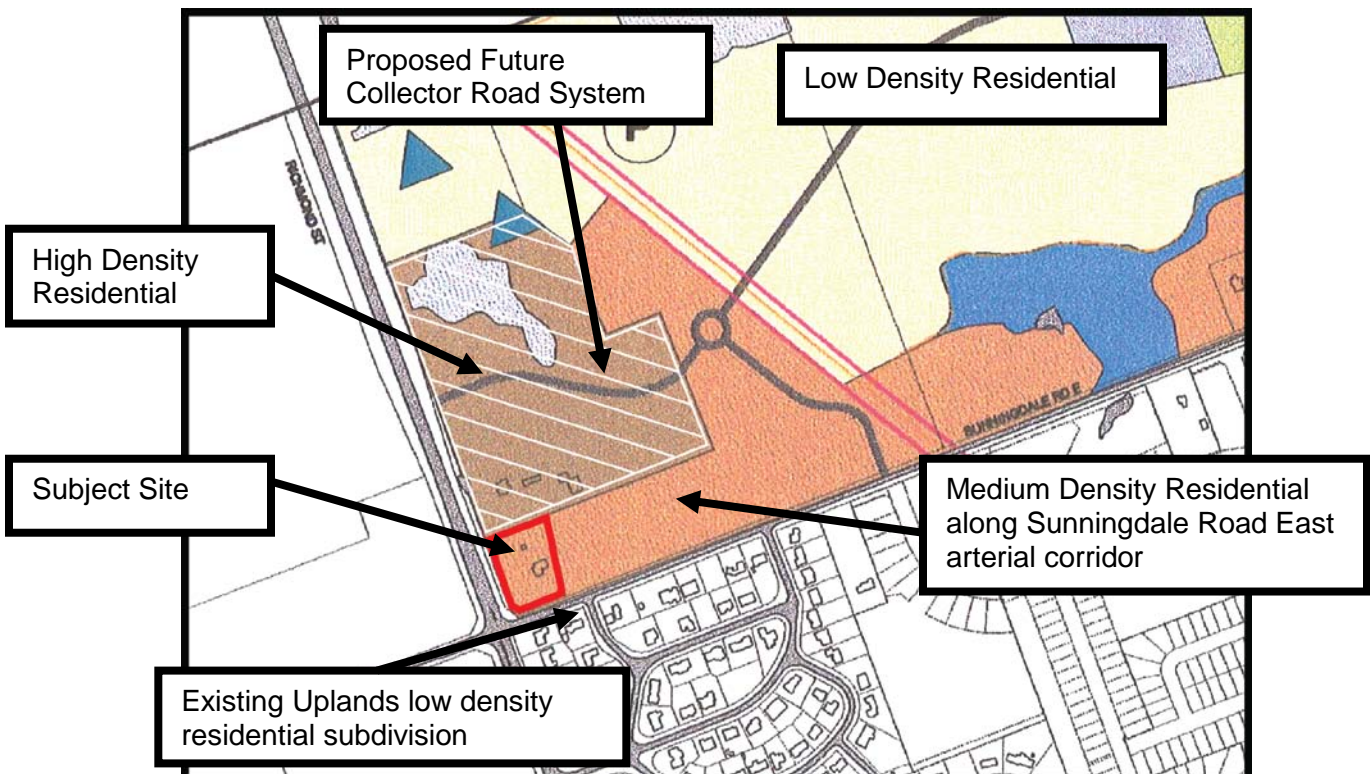
are available, completion of the Municipal Class EA and its accepted recommendations implemented and a public site plan meeting be held, is consistent with the Provincial Policy Statement.

***Uplands North Area Plan***

The subject lands are currently designated “Multi-Family, Medium Density Residential”. The subject lands were part of the Area Plan process, known as Uplands North, approved by Council in 2003. The Area Plan process was an extensive consultative process which determined the ultimate land uses, transportation network, potential school, park and recreational sites, and identified significant environmental features slated for protection in the area. This particular site was slated for Multi Family Medium Density residential uses. This designation permits a wide range of housing types including single and semi detached units to townhouses and low-rise apartment buildings with a maximum density of 75 units per hectare. The Uplands North Area Plan guideline document, adopted by Council and as per Section 19.2.1. of the City of London Official Plan, is to be used in the review of future applications in the Uplands North Area.

The lands to the north of this property (approximately 7ha) are designated Multi Family High Density Residential. The area plan identified these lands as the appropriate location for high density residential as they are at the northern entranceway into the City of London along the Richmond Street corridor. The 7ha of high density residential designation land represents approximately 5% of the developed land in the area plan. The plan projected that developed at a rate of 125units/ha (within the range contemplated in High Density Residential designations outside of Central London), 875 high density residential units could result. This would represent 25% of the total units projected for the Uplands North Area. The plan indicates that detailed site design and variation in scale should be sensitive to surrounding uses, primarily the Uplands subdivision at the southeast corner of Richmond/Sunningdale.

North Uplands Area Plan land use designation



The intent of the Uplands North Area Plan was to place high density residential uses along the Richmond Street corridor at the intersection of the proposed future collector road. Approximately 25% of the total residential units proposed in the Uplands North Area Plan are proposed to be located in the high density designated area. High density development as planned at this

--	--

OZ-7890  
C. Smith

location also serves to anchor the eastern most extent of Village Walk Boulevard the commercial main street that is planned in Richmond Village North. There is a more than adequate amount of high density designated lands in the area plan to accommodate the appropriate mix and range of residential land uses in the area. Further, the high density use at this location is to be sensitive in scale, specifically in regards to the existing Uplands subdivision on the southeast corner of Richmond Street and Sunningdale Road East. The proposed amendment to move the high density land use designation to the south will not be sensitive in scale to the existing Uplands subdivision.

The recommendation is to refuse the applicant's proposed application to the Official Plan and Zoning By-law amendment and to amend Zoning By-law Z.-1 to allow for a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster residential dwellings and apartment buildings with a maximum height of 13 metres and density of 75 unit/ hectare and holding provisions that require a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented and a public site plan meeting be held, is consistent with Upland North Area Plan.

**Official Plan**

**The City of London Official Plan section 2.2.1, Vision Statement**

The Vision Statement is an expression of City Council's intent for the long term planning and management of land use and growth in the City of London. The section states:

*The City of London Official Plan will provide guidance for the physical development of a healthy community that will contribute to the well-being of all Londoners and that is sustainable for the benefit of future generations. Through the implementation of the Plan, City Council will:*

- a) *manage growth and change so that efforts to foster economic development; protect and enhance nature within the City; provide for the efficient movement of people and goods; and promote attractive, cohesive neighbourhoods, are in balance and supportive of each other;*
- b) *fulfil growth-related requirements for housing, open space, places of employment and commerce, and other uses, through the efficient utilization of existing serviced land and infrastructure, supplemented by a carefully managed expansion of the urban area;*
- c) *promote an urban form that features a strengthened and revitalized Downtown serving as the commercial, cultural and administrative centre for the City and region. The more intensive forms of residential and commercial development outside of the Downtown will continue to be focused along sections of major transportation corridors and in designated nodes to facilitate public transit.*
- d) *apply urban design objectives and guidelines to assist in the protection and enhancement of neighbourhood and streetscape character, promote the retention and re-use of heritage buildings, encourage enhanced accessibility design standards, provide for the blending of infill and redevelopment projects with their surroundings and support the City's transportation planning objectives; and*
- e) *utilize planning processes that are responsive to neighbourhood and community needs, provide meaningful opportunities for public participation and recognize that neighbourhoods are the strength of the community and the foundation for achieving London's vision of the future.*

Municipal Council through the comprehensive Area Planning process has adopted Official Plan amendments implementing the above Vision Statement. The existing Multi Family Medium Density Residential designation and proposed Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone:

- promotes an attractive, cohesive neighbourhood and is in balance and supports the

--	--

- existing abutting land uses including the existing Uplands subdivision to the south;
- fulfills growth-related requirements for housing by providing a mix and range of housing units in the this area;
- promotes an urban form that is focused along a major transportation corridor and is sensitive in scale to the abutting neighbourhood;
- provides for opportunities to apply urban design objectives to protect and enhance the existing neighbourhood and streetscape; and
- was arrived at using planning processes responsive to neighbourhood and community needs, that provided meaningful opportunities for public participation and recognize that neighbourhoods are the strength of the community and the foundation for achieving London's vision of the future.

The recommendation to refuse the applicant's proposed application to amend the Official Plan and to amend Zoning By-law Z.-1 to allow for Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster residential dwellings and apartment buildings with a maximum height of 13 metres and density of 75 unit/ hectare and holding provisions that require a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented and a public site plan meeting be held, is consistent with the Vision Statement.

**General Objectives for all Residential Designations**

**3.1.1.**

- *Direct the expansion of residential development into appropriate areas according to availability of municipal services, soil conditions, topographic features, environmental constraints; and in a form which can be integrated with established land use patterns.*
- *Minimize the potential for land use compatibility problems which may result from an inappropriate mix of: low, medium and high density housing; higher intensity residential uses with other residential housing; or residential and non-residential uses.*

The recommendation to refuse the applicant's proposed application to the Official Plan to amend Zoning By-law Z.-1 to allow for a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster residential dwellings and apartment buildings with a maximum height of 13 metres and density of 75 unit/ hectare and holding provisions that require a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented, and a public site plan meeting be held, is consistent with the General Objectives for all Residential Designation as it:

- provides for an appropriate mix and range of housing units in the area
- provides for a land use that is compatible with the low density residential uses to the south;
- provides for opportunities for integration with future development on the lands to the north and east; and
- provides holding provisions to ensure that full municipal services are available to the site, completion of the Municipal Class EA for the corridor improvements and its accepted recommendations be implemented and for a public site plan meeting to be held.

**Multi-Family, Medium Density Residential Designation**

The property is currently designated Multi Family Medium Density Residential. *The primary permitted uses in the Multi-Family, Medium Density Residential designation include multiple attached dwellings, such as row houses or cluster houses; low rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small scale nursing homes, rest homes and homes for the aged. Single detached, semi-detached and duplex dwellings may also be permitted. The preferred locations for the Multi-Family, Medium Density Residential designation include lands in close proximity to Shopping Areas, Commercial Districts, designated Open Space areas or Regional Facilities, and lands abutting an arterial,*

--	--

OZ-7890  
C. Smith

*primary collector or secondary collector street. The form of development is to be low-rise in nature, with site coverage and density that serves as a transition between low density residential uses and more intensive forms of commercial, industrial or high density residential development. Normally height limitations will not exceed four storey's and shall be sensitive to the scale of development in the surrounding neighbourhood. With certain exceptions, densities are not to exceed 75 units per hectare (30 units per acre).*

The Planning Staff proposal is to change the existing Urban Reserve (UR1) Zone which permits existing uses to a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster development in the form of single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, townhouse dwellings, stacked townhouse dwellings, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities to a maximum height of 13m and a maximum density of 75 units per hectare. Holding provisions require that a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented, and a public site plan meeting be held, is consistent with the Multi Family Medium Density Designation as this:

- permits a large range of cluster residential uses including a low rise apartment building;
- allows for up to 75 units per hectare to be developed on this property;
- provides for an opportunity to transition from the high density designation to the north and the existing low density residential subdivision to the south;
- allows for integration and coordination with the lands designated multifamily medium density to the east; and
- through the holding provision a public site plan will held to ensure that the future development will:
  - be of a scale that is compatible with the low density residential uses to the south by providing a for a form of development that maintains and enhances the character of the existing built form;
  - provide for opportunities for integration with future development on the lands to the north and east by providing pedestrian and vehicular corridors which promoting accessibility and walkability;
  - provide for a mix and range of housing units in the area by providing medium density development on the property and providing for integration with the abutting lands to the north and east; and
  - provide for opportunities for enhanced urban design along Sunningdale Road East and Richmond Street through the orientation of building access and public and private amenity spaces along the Public Right-of-Ways.

The recommendation is to refuse the applicant's proposed application to the Official Plan and Zoning By-law amendment and to amend Zoning By-law Z.-1 to allow for a Holding Residential R6/ Residential R8 (h\*h-5\*h\*73\*R6-5/R8-4) Zone which permits cluster residential dwellings and apartment buildings with a maximum height of 13 metres and density of 75 unit/ hectare and holding provisions that require a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented and a public site plan meeting be held, is consistent with the Multi Family Medium Density Residential designation.

The Planning Department's proposed amendment is consistent with the City of London Official Plan.

**The City of London Multi Family High density Designation Section 3.4.2 Locations**

*In addition to areas predominantly composed of existing or planned high density residential development, the preferred locations for the Multi-Family, High Density Residential designation shall include areas near the periphery of the Downtown that are appropriate for redevelopment; lands in close proximity to Enclosed Regional Commercial Nodes or New Format Regional Commercial Nodes or Community Commercial Nodes, Regional Facilities or designated Open*

--	--

*Space areas; and, lands abutting or having easy access to an arterial or primary collector road. Other locations which have highly desirable site features and where surrounding land uses are not adversely affected may also be considered for high density residential development. Consideration will be given to the following criteria in designating lands for Multi-Family, High Density Residential use:*

*Development of the site or area 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.*

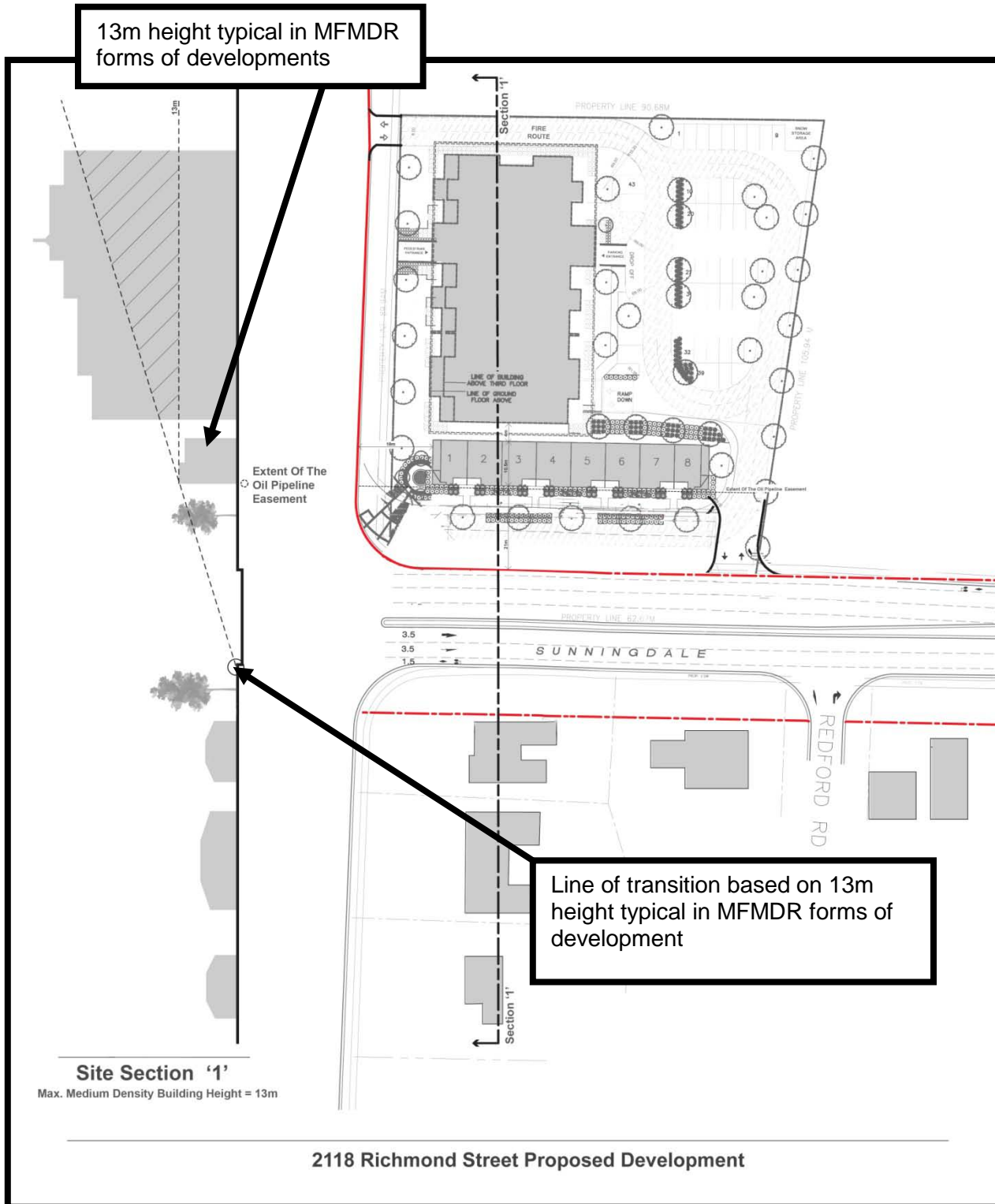
- i. Adequate municipal services can be provided to meet the needs of potential development.*
- ii. Traffic to and from the location should not have a significant impact on stable low density residential areas.*
- iii. The site or area is of suitable shape and size to accommodate high density housing and provide for adequate buffering measures to protect any adjacent low density residential uses.*
- iv. Public transit service, convenience shopping facilities and public open space should be available within a convenient walking distance.*

The recommendation to refuse the applicant's proposed Official Plan and Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding locational consideration for Multi Family High Density Designation:

- the surrounding land uses would be adversely impacted;
- sanitary servicing is not currently available to this site;
- An Environmental Assessment is currently being undertaken by the City of London Engineering Services Department. The EA is reviewing a number of horizontal alignments of Sunningdale Road East through Richmond Street. The proposed development is proposing access onto Sunningdale Road East and Richmond Street. EESD has recommended that the site be accessed through the future internal road system. Prior to the completion of the EA the proposed access locations may impact the stable low density residential area to the south;
- the existing Imperial Oil pipeline is required to be moved to the north, and the final location of the required setback easement is unknown and may severely impact the ability to provide for the proposed townhouse block on the property;
- the site is 0.7 ha in size. The Official Plan policy 3.4. states that for a site outside of the downtown area high density residential sites shall normally exceed 3ha in size to accommodate a range and mix of building forms to allow for appropriate buffering from existing residential uses. The 7ha high density designated lands to the north of the property are adequate in size to accommodate a large range and scale of high density housing. The existing Multi Family Medium Density Residential designation on this property provides for adequate buffering measures to protect the adjacent low density residential use; and
- London Transit Commission does not operate service to this area at this time. There are convenience shopping facilities planned in the area on abutting lands. These facilities do not exist at this time. The Masonville regional shopping node is approximately 1km to the south.

--	--

High Density Development Proposal Neighbourhood Context



The City of London Multi Family High Density designation Section 3.4.3 Scale of Development

--	--

*Net residential densities in the Multi-Family, High Density Residential designation will vary by location and will be directed by the policies in this Plan. Excluding provisions for bonusing, net residential densities will normally be less than 350 units per hectare (140 units per acre) in the Downtown Area, 250 units per hectare (100 units per acre) in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west and Adelaide Street on the east), and 150 units per hectare (60 units per acre) outside of Central London. Height and density limitations that are specified in the Zoning By-law will be guided by the following policies:*

*Outside of the Downtown and Central London areas it is Council's intention that a mixing of housing types, building heights and densities shall be required in large designated Multi-Family, High Density Residential areas. Such areas, which will normally exceed 3 hectares (7.4 acres) in size, will be guided by the following criteria:*

- a) a transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties;*
- b) all areas shall include a diversity of housing forms such as mid-rise and low-rise apartments and multiple attached dwellings, in order to minimize the overwhelming effect of large high-rise developments;*
- c) high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases;*
- d) massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation; and*
- e) conformity with this policy and the urban design principles in Section 11.1, shall be demonstrated through the preparation of an secondary plan or a concept plan of the site, and the final approval of zoning may be withheld pending a public participation meeting on the site plan, and the enactment of a satisfactory agreement with the City.*

The recommendation to refuse the applicant's proposed Official Plan and Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding scale of development consideration for Multi Family High Density Designation:

- The site is 0.7 ha in size. The 7ha high density designated lands to the north of the property are adequate in size to accommodate a large range and scale of high density housing. The existing Multi multifamily medium density designation on this property provides for adequate buffering measures to protect the adjacent low density residential use;
- The high density lands to the north are oriented around the proposed intersection of the new proposed collector street and Richmond Street. The proposed amendment does not provide for the decreasing of height and density from this node and does not provide a transition to the existing low density residential use to the south;
- the site is not of a suitable shape or size to accommodate high density housing and provide for adequate buffering measures to protect the adjacent low density residential use;
- The proposed 40 metre tall building does not provide for the transitioning of height and bulk from the high density residential to north and low density residential to the south;
- The proposed 12.5m tall townhouse unit is a superficial attempt to provide for transition of built form on the site;
- The location and actualization of the proposed 8 unit townhouse is premature pending completion of the ongoing public Environmental Assessment process for the Richmond Street/ Sunningdale Road corridor improvements;
- The proposed development does not integrate with the surrounding Multi Family High Density Residential lands to the north, and the Multi Family Medium Density

--	--

Residential lands to the east;

- The proposed development undermines future comprehensive development on the surrounding lands;
- There is a significant amount of at-grade parking, and no tree preservation plan is provided at this time: and
- The London Transit Commission does not provide service to this area at this time.

The recommendation to refuse the applicant's proposed application is consistent with the City of London Official Plan.

**Zoning**

The applicant's proposed zoning would not be consistent with the existing Official Plan designation. As indicated above, staff are not recommending an amendment to the existing medium density residential designation and therefore the applicant's proposed zoning is not appropriate.

The property currently has a single detached dwelling and garage constructed circa 1900, and an accessory shed constructed in 1969. The property was zoned Rural Residential in the former Township of London TWP-5000 Zoning By-law. During the Annex Area zoning amendment (Z.-1051390) zoning on the property was amended to Urban Reserve. The intent of the Urban Reserve Zone is to provide for and regulate existing uses on the land. The Urban Reserve Zone permits uses to continue as they existed prior to the passing of the Annex Area By-law (Z.-1051390) while protecting large tracts of lands from premature development prior to the approval of zoning which implements Official Plan designations. The Urban Reserve UR1 Zone applied to this property was intended to be applied to this undeveloped property within the former City boundaries which had been reviewed through the Community Plan Process. Through the Uplands North Area Plan the property was designated Multi Family Medium Density.

The Urban Reserve Zone 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 applicant's proposed Zoning By-law amendment to permit high density residential development is premature pending completion of the ongoing public Environmental Assessment does not provide for adequate buffering measures, transition in building height and bulk, and does not provide for the orderly development and integration of the property with the abutting lands.

Planning Staff's proposed amendment is to allow for a Holding Residential R6/ Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone which permits cluster development in the form of single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, townhouse dwellings, stacked townhouse dwellings, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities to a maximum height of 13m and a maximum density of 75 units per hectare. Holding provisions require that a development agreement be entered into, full municipal services are available, completion of the Municipal Class EA and its accepted recommendations implemented, and a public site plan meeting be held, provides for future integration with adjacent development that will be compatible and will minimize impacts on adjacent properties.

**OMB Decision PL090268**

On February 2, 2009 Municipal Council refused an application by 1699257 Ontario Limited for the property located at 2118 Richmond Street. The application was for an Official Plan and zoning by-law amendment to permit a retail/pharmacy use and offices. Planning Staff recommended approval of the application.



--	--

OZ-7890  
C. Smith

Planning Committee and Municipal Council refused the application. Council's stated reason for refusing the application was that the Official Plan amendment was inconsistent to the Area Plan passed by Municipal Council.

The Board member concluded: *The existing land use designations at the intersection of Richmond Street and Sunningdale Road are the result of years of involvement by many individuals. I am not prepared to undo that which has been achieved by extensive public involvement, thoughtful municipal planning and by prudent decision making on the part of municipally elected officials. To do otherwise would be to effectively subvert a planning process, which has transpired over a considerable period of time. In my view, Council's decision in this matter was correct. Based on all of the foregoing therefore, I am not satisfied that the Designated Amendments conform with the City's OP. Accordingly, the appeal is dismissed.*

<b>CONCLUSION</b>
-------------------

The applicants proposed amendment to the Official Plan and Zoning By-law Z.-1 does not meet the intent of the Provincial Policy Statement, the Uplands North Area Plan, the City of London Official Plan and Zoning By-law Z.-1. The Director, Land Use Planning and City Planner recommend the application be refused.

Planning Staff's recommendation to amend Zoning By-law Z.-1 is in conformity with the existing Multi Family Medium Density Residential designation as determined through the Uplands North Area Plan. It is Planning Staff's intent to provide for a level of certainty and clarity of the final form of the future development on this site.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>CRAIG SMITH – PLANNER COMMUNITY PLANNING AND URBAN DESIGN</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>	

February 17, 2012  
CS/  
Attached

Agenda Item #      Page #

--	--

OZ-7890  
C. Smith

<b>BIBLIOGRAPHY</b>
---------------------

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005
- City of London Official Plan
- Uplands North Area Plan
- Zoning By-law Z.-1
- Urban Design Review Panel – Memo – December 21, 2011
- Applicant's zoning by-law amendment application.
- Ontario Municipal Board decision (PL090268)
- All internal and external correspondence sent to C. Smith as contained in the City of London file OZ-7890

--	--

OZ-7890  
C. Smith

**Further Responses (\*) to Amended Public Liaison Letter and Publication in “Living in the City”**

**Written**

Stoneybrook Heights/Uplands Residents Association- Dan Brown President (*) (attached)*	Drewlo- George Bikas-Manager, Land Development(*) P.O. Box 6000, Komoka ON (attached)
Lucille Switzer (*) 5 Redford Road	Michael and Lorna Smith (*) 21 Berkley Crescent
Tracy Quinton (*) 29 Sunningdale Road East	M. Kathryn Munn and John D. Godbolt (*) 2090 Richmond Street
Tom and Inga Slade (*) 37 Uplands Drive	Carol and John McWilliam 115 Sunningdale Road East
Gerald Cook and Laura Reid 49 Sunningdale Road East	David Naish (*) 1970 Richmond Street
Philip and Kristina Wiebe (*) 73 Sunningdale Road East	Loretta and Franz Bronnenhuber 9 Redford Road
Stanley and Dora Jo Wilkins 2016 Richmond Street	Mr. and Mrs. Tim Beldon 25 Uplands Drive
Reg and Jennifer Chavis (*) 31 Uplands Drive	Manuel and Tanya Abeleira (*) 33 Uplands Drive
Gordon McLean 103 Sunningdale Road East	Jeff Newsome 11 Redford Road
Mr and Mrs Patrick Hogan (*) 27 Uplands Drive	Mr and Mrs. D. Hillis (*) 23 Uplands Drive
Victor Nemcek 33 Redford Road	Margaret and Leszek Biurkowski (*) 9 Uplands Drive
Paul and Jane Martin (*) 11 Uplands Drive	Mrs A Pellow 17 Uplands Drive
J.P. Lewicki 10 Uplands Drive	Sal Circelli 14 Uplands Drive
Bridget Von Schmeling 15 Redford Road	Mikio Ikeda 21 Redford Road
Mrs. A Nicolussi 23 Redford Road	Tracey and Cory Sargent 25 Redford Road
Webb Bonnie 45 Redford Road	Lydia Pacifico 35 Redford Road
Raheb Barghi 36 Redford Road	Patricia Jacklin 39 Redford Road
A.E. Green 34 Redford Road	Barb Gutowski 26 Redford Road

Agenda Item #

Page #

--	--

OZ-7890  
C. Smith

Walker and Nancy Schofield 16 Redford Road	Ruth Sells (*) 22 Uplands Drive
Vera Faltynek 17 Berkley Crescent	Renato and Stephanie Gasparotto (*) 41 Redford Road
John Green 16 Berkley Crescent	Andrew Parrent 27 Redford Road
Assunta Pepe 11 Berkley Crescent	Dorinda Greenway
Ezio and AnnaMaria Cucinelli 12 Berkley Crescent	Claudio De Vincenzo 10 Redford Road
Tom and Jo Ann Walsh 2070 Richmond Street	George and Helen Katchabaw (*) 7 Redford Road
Craig Gauld (*) 20 Berkley Crescent	Carol and John McWilliam 115 Sunningdale Road East
Tony Cottle (*) 2058 Richmond Street	Laura and Brent Peterson 261 Meadowsweet Trail
Gary Cook and Laura Reid 49 Sunningdale Road East	Tony Basacco, Fahima Akhi and Wahid Amiry (*) 81 Sunningdale Road East

Agenda Item #      Page #

--	--

OZ-7890  
C. Smith

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

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2118 Richmond Street.

WHEREAS 1705820 Ontario Limited has applied to rezone an area of land located at 2118 Richmond Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2118 Richmond Street, as shown on the attached map comprising part of Key Map No. 4, **FROM** an Urban Reserve (UR1) Zone **TO** a Holding Residential R6/Residential Residential R8 (h\*h-5\*h-73\*R6-5/R8-4) Zone.

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. P.13*, 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

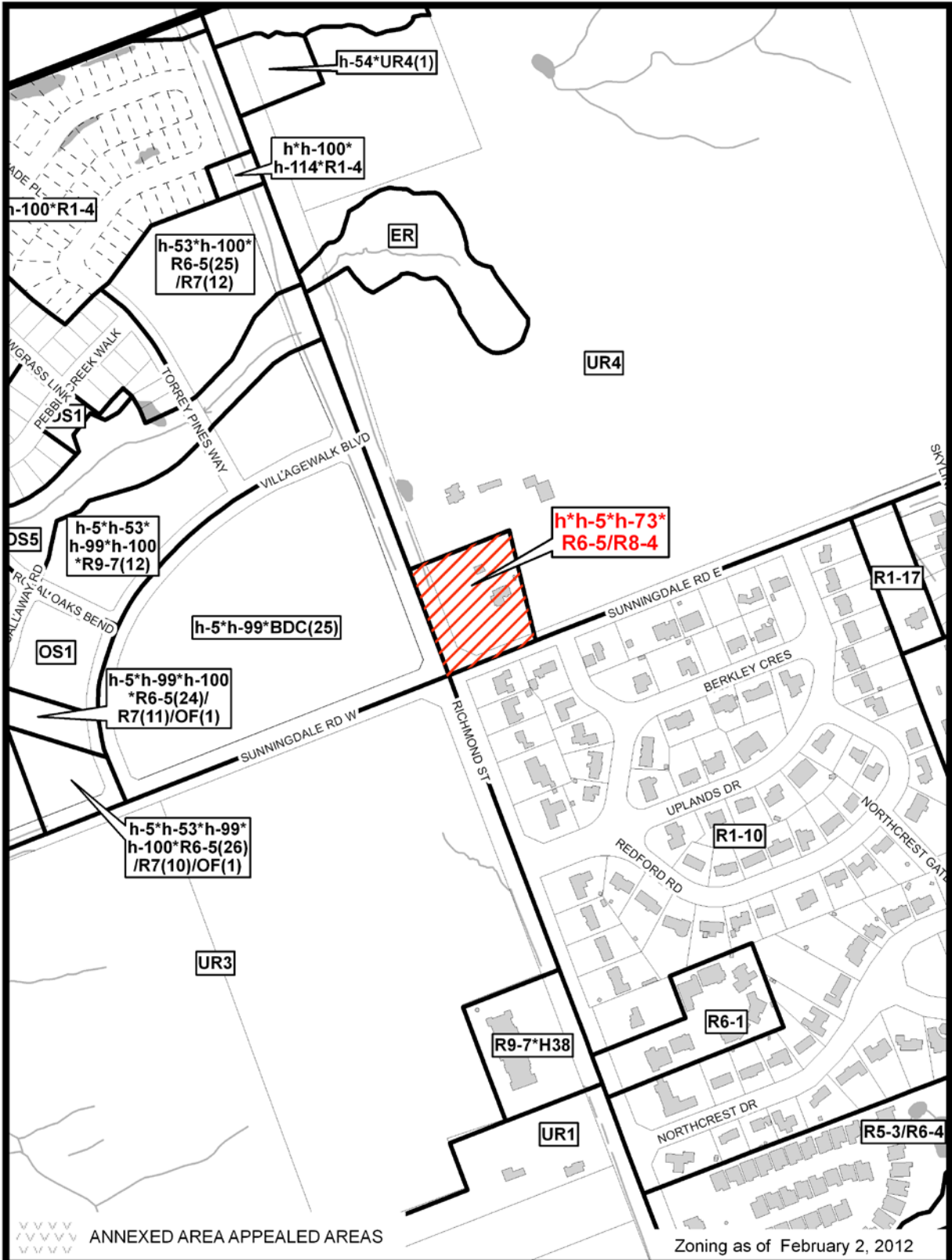
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

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



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



File Number: Z-7890

Planner: CS

Date Prepared: 2012/02/14

Technician: CK

By-Law No: Z-1-

SUBJECT SITE



1:5,000

0 25 50 100 150 200 Meters



--	--

Schedule 1



**Stoneybrook Heights/Uplands Residents Association (SHURA)**  
**75 Pine Ridge Grove**  
**London, Ontario, N5X 3H3**  
519 667-5179      E-mail: stabrown@rogers.com

---

Mr. Craig Smith  
2011  
Planner, City of London  
300 Dufferin Ave.  
London, Ontario  
N6B 1Z2

December 13,

Re: 2118 Richmond Street North  
File OZ-7890

Dear Mr. Smith,

I am writing to re-iterate the concerns from SHURA's regarding the proposed development at 2118 Richmond Street North. These concerns were sent to you and the Planning Committee previously when 1705820 Ontario Ltd applied to build a 40 metre high apartment building at 2118 Richmond Street North.

The Stoneybrook Heights/Uplands Residents Association comprises the area bounded by Fanshawe Park Road on the south, Richmond Street to the west, the City limits to the north and Adelaide St. to the east. Our association was formed in 1996. We have participated in numerous planning processes over the years, including the Uplands, Uplands North, Sunningdale and Stoneycreek Community Planning Processes.

The Stoneybrook Heights/Uplands Residents Association continues to be extremely concerned with this revised application by 1705820 Ontario Ltd. This is now the third application submitted by the landowner to change the Official Plan Designation and the Zoning for this property.

The first application for a medical dental and associated commercial was rejected by City Council. This refusal was appealed by the applicant to the Ontario Municipal Board. The OMB ruled in support of the council decision against the applicant - PL090268, October 2009. The OMB decision stated a key reason for refusal was that, "The existing land use designations at the intersection of Richmond Street and Sunningdale Road are the result of years of involvement by many individuals. I am not prepared to undo that which has been achieved by extensive public involvement, thoughtful municipal planning and by prudent decision making on the part of municipally elected officials."

The second application involved the previously mentioned 40 metre tall, high density development. The company made a last-minute change to the plans at the Built and Natural Resources Committee meeting and requested additional time to refine their proposal. We now have a third plan which, like the others, is for a high density development on land designated for medium density housing.

--	--

The Community Association is therefore facing yet another application to change the Official Plan and Zoning on the property. Our community association still does not support the applications for the following reasons:

1. The community association participated extensively in the Uplands, Uplands North and Sunningdale Community Plans. The designations applied to the land were achieved through a planning process that included all stakeholders – the landowners, the city and the community. The plans were appealed to the OMB in 1999 - 2000 and the land use designations were determined through council resolution and a series of OMB decisions.
2. Given the OMB decisions on the Uplands Community Plan land use designation and the OMB decision on the previous application file: PL090268 our association requests that the present application be rejected as it does not conform to the spirit or intent of the Community Plan as articulated in the OMB decision.
3. The Community Plan thoughtfully designated this area medium density to allow for transition between the existing low density Uplands area and the area of high density located to the north of this property. Property ownership, including the size of individual landholdings was well known throughout the process. At no time was there any objection/appeal by any landowner or city staff with this designation.
4. The Community Plan identified high density adjacent to this property to the north. Changing the density from medium to high puts into place a potential domino of changes when a landowner “scoops” density from another landowner.
5. Our Official Plan policies speak to the protection of long term residential housing and the need to ensure that new development being proposed is sensitive and compatible with existing residential in terms of size, scale and form.
6. The City of London embarked on a citizen engagement process this year. In the Stoneybrook Heights/Uplands area, citizens were engaged for 3 years developing the Uplands, Uplands North, Sunningdale and Stoneycreek Community Plans. If the City is truly committed to citizen engagement, then stick to the plans created through this process. Otherwise, the past and current citizen engagement process is nothing more than a public relations exercise.
7. Our association was involved in a hearing in 2005, file: PL050515, where we raised the problem of citizens having to continue to voice objection over issues that were previously adjudicated. The OMB decision made reference to these concerns and commented, “The Board is sensitive to the concern of the residents that changes to approved zoning may give rise to civic fatigue...”.

SHURA and the citizens of this area strongly recommend that this application be refused and the Community Plan be upheld. The OMB called the Community Plan “Thoughtful municipal planning and prudent decision-making by elected officials.” The previous proposal in 2005, by the same landowner, was rejected for sound planning reasons. We ask you to reject this proposal on the basis of these reasons and those listed above.

Respectfully submitted,

Dr. Stan Brown  
President,  
Stoneybrook Heights/Uplands Residents Association (SHURA)



--	--

OZ-7890  
C. Smith



P.O. BOX 6000, KOMOKA, ON. N0L 1R0  
Tel.: 519-472-8200  
Fax: 519-472-8860

**Sent: Via email only**

December 19, 2011

**Planning and Development  
City of London  
204/206 Dundas Street, 2<sup>nd</sup> Floor  
London, ON  
N6A 1G7**

**Attention: Mr. Craig Smith, Planner II – Planning and Development**

**Re: Revised Notice of Application to Amend the Official Plan & Zoning By-law  
for 2118 Richmond Street N. – 1705820 Ontario Limited (York  
Developments), London, ON**

---

Dear Mr. Smith:

Following our previous letter correspondence dated April 15, 2011, we have the following concerns associated with the "Revised Notice of Application to Amend the Official Plan and Zoning By-law" that we received dated November 24, 2011 for the lands located at 2118 Richmond Street North, the applicant being 1705820 Ontario Limited (York Developments). As previously mentioned, we are the land owners of municipal address 2154 Richmond Street North that surround these subject lands to the northern and eastern boundaries.

Once again, we have reviewed the information provided by the City regarding this Revised Notice of Application, and advise that we strongly object to the proposed changes to the Official Plan land use designation from "Multi-Family, Medium Density Residential" to "Multi-Family, High Density Residential". In addition, we object to a possible amendment to the Zoning By-law Z.-1 from an Urban Reserve (UR1) Zone to a Residential R10 Special Provision (R10-3( )\*H40\*D193) Zone which permits an apartment building with 113 units (193 units/ha) maximum, a height of 40m (15 storey)

--	--

maximum, a minimum front yard side yard setback of 8m, and a minimum south interior side yard setback of 2m.

The Uplands North Area Plan specifically establishes the development intentions for this area of the City and serves as a guideline document for anticipated land uses and corresponding densities. The City of London should use this information in formulating their review and approval of all new development and planning applications that are brought forward in this area of the City. This Area Plan study should be carefully consulted with to ensure that the intentions of the plan are maintained over time.

The request to amend the Official Plan to change the designation of the subject property from Multi Family Medium Density Residential to Multi Family High Density Residential be "refused" for the following reasons;

- The land use designation being proposed does not conform with the Uplands North Area Plan completed by the City of London in 2003.
- There already is a significant amount of Multi Family High Density Residential designated land north of this site (7.0 ha), at the future east/west collector road.
- The Multi Family Medium Density Residential designation currently in place will be more compatible with the adjacent low density residential uses on the south side of Sunningdale Road.
- The proposed change in designation from medium to high density would create major traffic concerns within the area. The proximity of the subject lands to the intersection of Richmond Street and Sunningdale Road will pose great concerns with respect to egress and ingress to and from the site. Drewlo Holdings does not wish to accommodate future access to this proposed high rise development from within its future development lands.
- The newly revised site plan shows two (2) points of vehicular access. One is from Sunningdale Road and the other is from Richmond Street. Both of these access points are currently shown as being restricted to right-in/right-out and the site has been configured to permit easy access to an internal road system to the east and/or north when those lands are planned. Drewlo Holdings is not willing to accommodate this development as it is premature pending on our future comprehensive development on the surrounding lands to the north and east. It does not integrate well with the surrounding designated Multi Family High Density Residential lands to the north, and the Multi Family Medium Density Residential lands to the east.
- Drewlo Holdings feels that this small parcel of land (0.86 ha / 2 acres) should not dictate future development plans on its adjacent 190 acres.

--	--

OZ-7890  
C. Smith

- The site is not of a suitable shape and size to accommodate this type of high density form of housing proposed.
- We have concerns regarding the impact on servicing capacity for our abutting lands ability to develop in the future. Should servicing capacity be limited, Drewlo Holdings is not willing to forfeit capacity from its already approved high density designation.
- Without the benefit of proposed grading plans, Drewlo Holdings has concerns about the storage and treatment of storm water runoff from this site. Site plans do not identify a SWM facility, and Drewlo Holdings is not willing to support storage or treatment from this property on its own lands.

We suggest that the application requested for an Official Plan and Zoning By-law Amendment be REFUSED. The proposed high rise development contradicts the current land use designation and does not respect the intentions of the City of London Official Plan, the Zoning By-law Z.-1, the Provincial Policy Statement and the Uplands North Area Plan.

We request to be notified of any further notices and of the decision of Council regarding this matter.

Sincerely,  
**DREWLO HOLDINGS INC.**



---

**George Bikas**  
**Manager, Land Development**