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H-8057/T. Grawey

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: OLD OAK PROPERTIES LIMITED 909 SOUTHDALE ROAD WEST & 3045 POMEROY LANE UNTIMED ITEM MEETING ON JUNE 18, 2012

RECOMMENDATION

That, on the recommendation of the Senior Planner of Development Services, based on the application of Old Oak Properties Limited relating to the property located at 909 Southdale Road West & 3045 Pomeroy Lane, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 26, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject lands **FROM** a Holding Residential R9 Bonus (h-5-h-53-h-55-h-56-R9-7-H40-B-16) Zone, to a Residential R9 Bonus (R9-7-H40-B-16) Zone, to remove the holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the "h", "h-53", "h-55" and "h-56" holding provisions, to permit the development of two proposed apartment buildings on site.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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May 7, 2012 – Public site plan meeting at Planning & Environment Committee

February 27, 2012 – Report to Planning & Environment Committee to amend the Official Plan & Zoning By-Law to permit increased heights and bonusing provisions for increased density (OZ – 7988).

July 9, 2007 – Request to amend the Community Plan and Official Plan (29T-07501/Oz-6795/O-7380) from Low Density Residential to Multi-Family, High Density Residential and associated zoning by-law amendments consistent with the plan of subdivision.

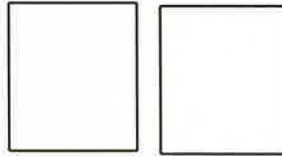
August 21, 2006 – Request to amend the Official Plan and Zoning By-law (OZ-6795) and was requested to submit a plan of subdivision.

May 8, 2006 – Request to amend the Official Plan and Zoning By-law (OZ-6795) from Low Density Residential Uses to accommodate commercial shopping areas on site and was referred back to staff

BACKGROUND

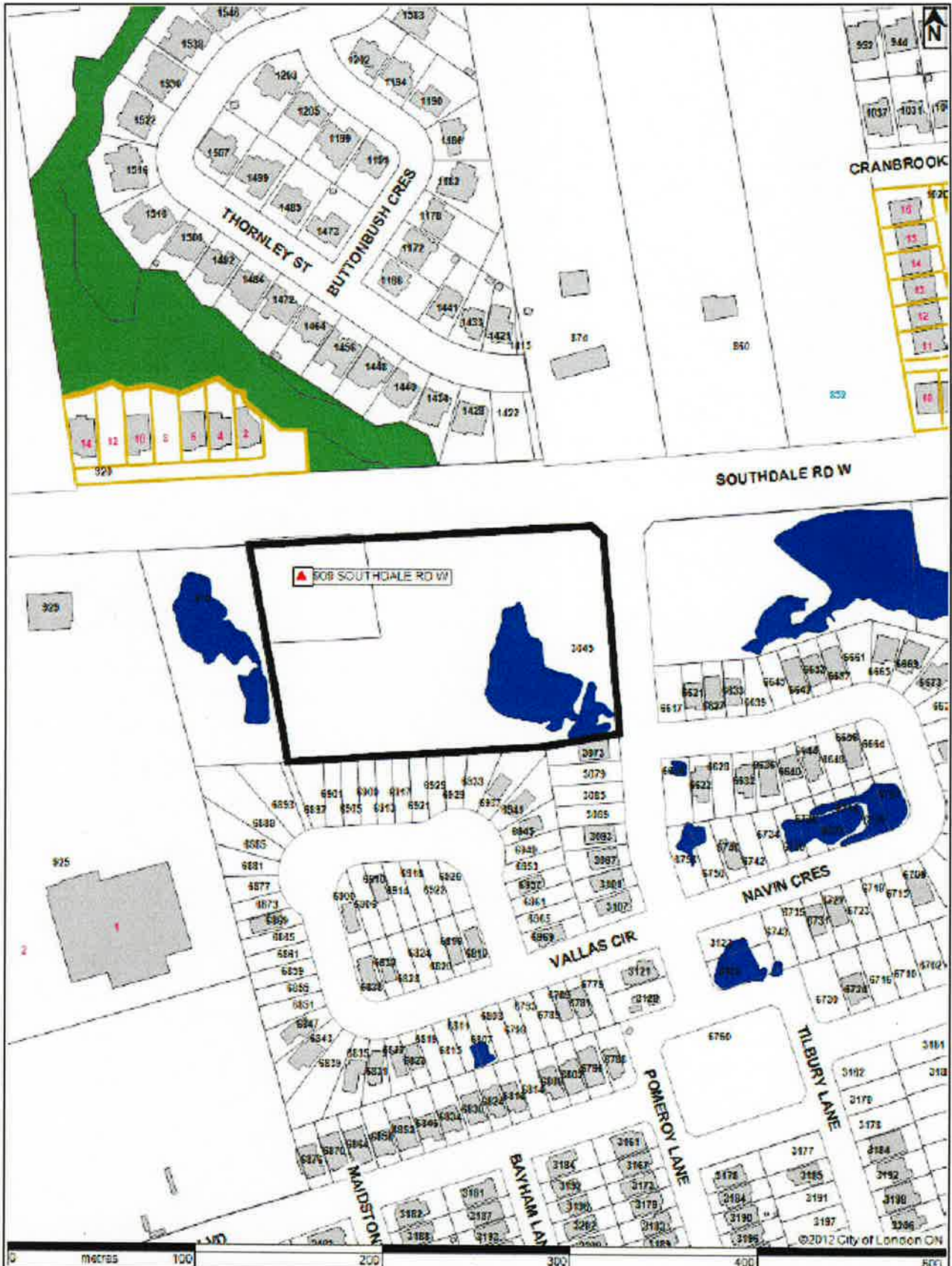
The subject lands are located within the North Talbot Community Planning Area which was adopted by Council on December 20, 1999. This plan provides guidance for the development of lands in this area.

In July 2007, through a plan of subdivision, Planning Staff recommended that, among other matters, the Official Plan be amended to change the designation of the subject lands from Low Density Residential to Multi-Family, High Density Residential. This report also recommended a series of Zoning By-Law amendments for the subject lands as well as the lands on Vallas Circle, Navin Crescent, and the lands immediately to the east of the subject lands.



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On May 7, 2012, a site plan public meeting was held for 909 Southdale Road West and 3405 Pomeroy Lane. Subsequent to this meeting, the development agreement has been entered into with the property Owner.



LOCATION MAP
 Subject Site: 909 Southdale Road West
 Applicant: Old Oak Properties Inc
 File Number: H-8057
 Planner: Terrance Grawey
 Created By: Sonia Wise
 Date: 2012-06-06
 Scale: 1:2500

Corporation of the City of London
 Prepared By: Planning and Development

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

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Date Application Accepted: May 11, 2012		Applicant: Old Oak Properties Limited	
REQUESTED ACTION: Removal of the "h-5", "h-53", "h-55" and "h-56" holding provision on the proposed residential lots at 909 Southdale Road West & 3045 Pomeroy Lane.			
PUBLIC LIAISON:	Notice was published in the "Living in the City" section of the London Free Press on May 19, 2012.	No replies.	

ANALYSIS

When were the holding provisions applied?

The "h-5", "h-53", "h-55", "h-56" holding provisions were applied at the time of draft plan approval to 3045 Pomeroy Lane in 2007 and through the Official Plan and Zoning Amendment OZ-7899 for 909 Southdale Road West and 3045 Pomeroy Lane in 2012.

What is the purpose of the holding provisions?

The purpose of applying holding provisions is to ensure that prior to development proceeding, certain requirements have been addressed to the satisfaction of Council.

h-5 – The h-5 holding provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, prior to the removal of the "h-5" symbol.

h-53 – The h-53 is to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London, prior to the removal of the "h-53" symbol.

h-55 – The h-55 is to ensure the appropriate development of the site and limit the impact of the development on the existing roadways, a traffic impact study for the entire site is to be completed prior to site plan approval to determine the location and number of access points, the traffic impact on surrounding roads and roadway improvements required to accommodate this development. The "h-55" symbol shall be deleted upon the acceptance of the traffic study by the City of London.

h-56 – The h-56 is to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the "h-56" shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.

Why is it appropriate to remove the Holding Provision?

The recommended amendment to remove the holding provisions applies to lands which have adequately addressed the requirements through the site plan approval process. The development agreement incorporates outcomes from the Noise Impact Study, with street oriented development and appropriate abatement measures for individual units; and outcomes from the Traffic Impact Study with an access at the west limit of the site on Southdale with a left turn lane.

The removal of the holding provisions will allow the lands to be developed in accordance with the Zoning By-law.

Will any holding provisions remain on the Property?


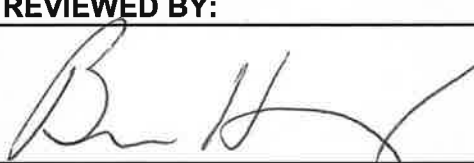

The recommended amendment will remove the "h-5", "h-53", "h-55", "h-56" holding provisions on 909 Southdale Road West & 3045 Pomeroy Lane, no other holding provisions will remain.

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CONCLUSION

The Owner has entered into a development agreement for 909 Southdale Road West & 3045 Pomeroy Lane and is now requesting removal of the "h-5", "h-53", "h-55", "h-56" holding provisions, which were applied at the time of the earlier rezoning. The development agreement has been entered into and it is recommended that the holding provisions be removed to enable development of two residential apartment buildings on site, in accordance with the zoning by-law.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
	
TERRY GRAWEY SENIOR PLANNER, DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
SUBMITTED BY:	
	
GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING CONTROLS	

June 8, 2012
TG/sw

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Cc: Old Oak Properties Limited
465 Richmond Street, Suite 600
London ON N6A 5P4
Fx: (519) 474-2284

Zelinka Priamo Limited
318 Wellington Road
London ON N6C 4P4

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Bill No.
2012

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning on the land located at 909 Southdale Road West & 3405 Pomeroy Lane.

WHEREAS Old Oak Properties Ltd. has applied to remove holding provisions from the zoning on the lands located at 909 Southdale Road West & 3405 Pomeroy Lane, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 909 Southdale Road West & 3405 Pomeroy Lane, as shown on the attached map, to remove the "h-5", "h-53", "h-55", "h-56" holding provisions so that the zoning of the land as a Residential R9 Bonus (R9-7-H40-B-16) Zone, comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 26, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2012
Second Reading – June 26, 2012
Third Reading – June 26, 2012

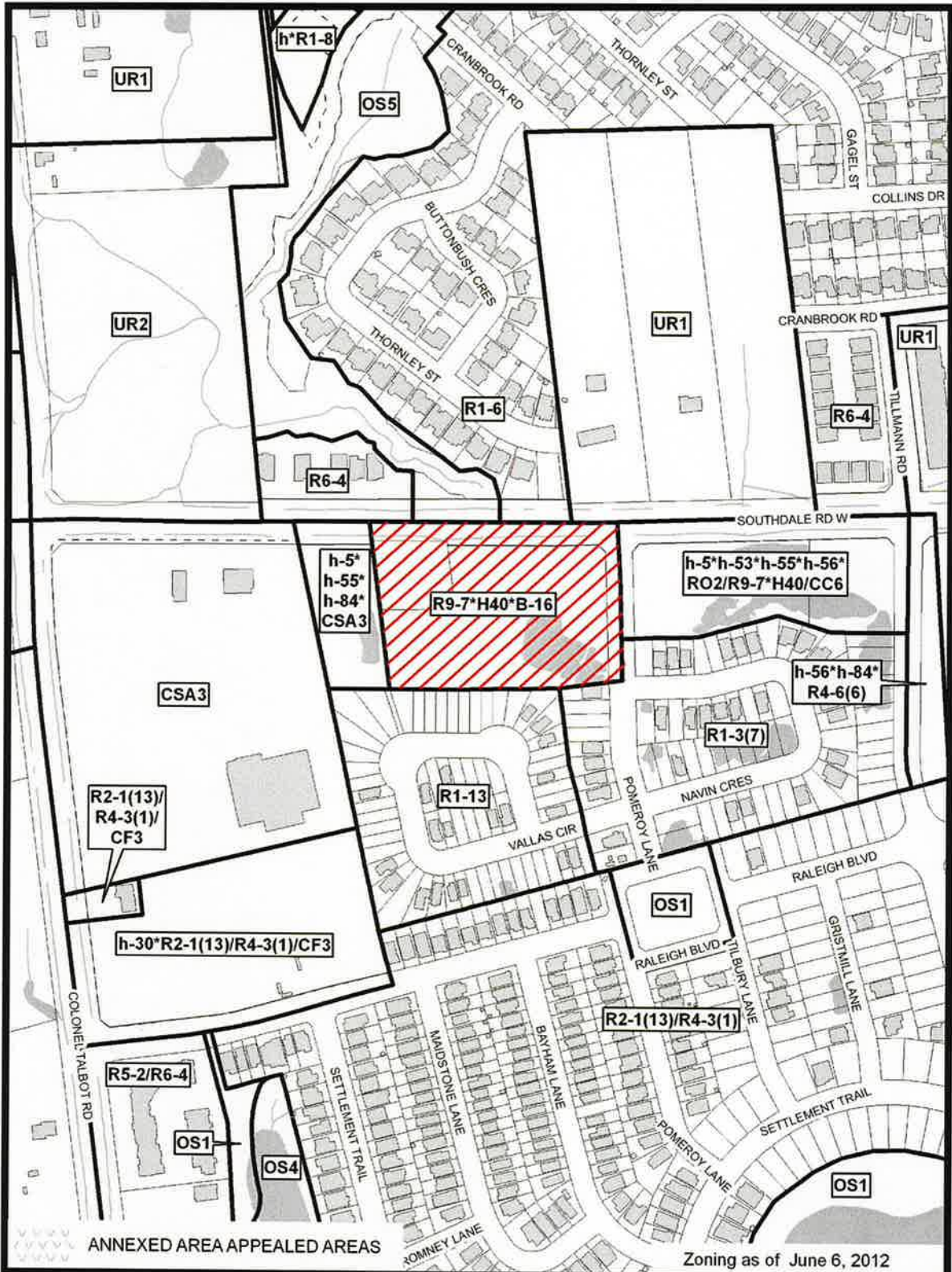
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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-8057
 Planner: SW
 Date Prepared: June 6, 2012
 Technician: DT
 By-Law No: Z.-1-

SUBJECT SITE 

1:4,000

