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H-8863
Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: OLD OAK PROPERTIES INC. 3040 POMEROY LANE MEETING ON JANUARY 22, 2018

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application of Old Oak Properties Inc. relating to the property located at 3040 Pomeroy Lane, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 30, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Restricted Office/Residential R9/ Convenience Commercial (h-5.h-53.h-55.h-56.RO2/R9-7.H40/CC6) Zone **TO** a Restricted Office/Residential R9/ Convenience Commercial (RO2/R9-7.H40/CC6), to remove the "h-5", "h-53", "h-55", "h-56", holding provisions that were put in place for a public site plan review be held to ensure that development takes a form compatible with adjacent land uses; to encourage street oriented development and discourage noise attenuation walls along arterial roads; to ensure the appropriate development of the site and limit the impact of the development on the existing roadways; and to ensure there are no land use conflicts between arterial roads and the proposed residential uses

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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November 28, 2016 Report to PEC (O-8680) - Application by Old Oak Properties Inc. to amend the Official Plan by deleting Section 20.5.3.9(iii)(g) of the Southwest Area Secondary Plan. The request was refused by Council at its' session on December 6th, and an alternative staff recommendation to replace policy 20.5.3.9(iii)(g) with alternative wording was referred to Administration for a report back at a future PEC meeting.

April 10, 2017 Report to PEC (File: 0-8741), City Initiated Application to amend the Official Plan by replacing portions Section 20.5.3.9(iii)(g) of the Southwest Area Secondary Plan relating to the parking requirement for apartment, office and mixed-use development with a new policy consistent with the London Plan. This proposed change was supported by PEC and Official Plan Amendment No. 652 was adopted by Council on April 18th, 2017. The revised policy replaces the fourth bullet, which prohibits above-ground parking, with the following revised wording:

"Parking should be located underground for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings."

June 6, 2017 Report to PEC (SP16-004) – Staff Report to provide background and seek Municipal Council input on an appeal being considered by the Ontario Municipal Board for failure by the City Approval Authority to approve a Site Plan application at 3040 Pomeroy Lane, pursuant to Section 41(12) of the Planning Act and to direct the City Solicitor to provide legal representation to the Ontario Municipal Board in regards to the appeal

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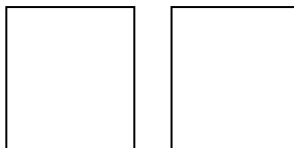
H-8863
Alanna Riley

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the “h-5”, “h-53”, “h-55”, and “h-56” holding provisions from 3040 Pomeroy Lane for the consideration of a building permit to construct a 11 storey, 147 unit apartment building.

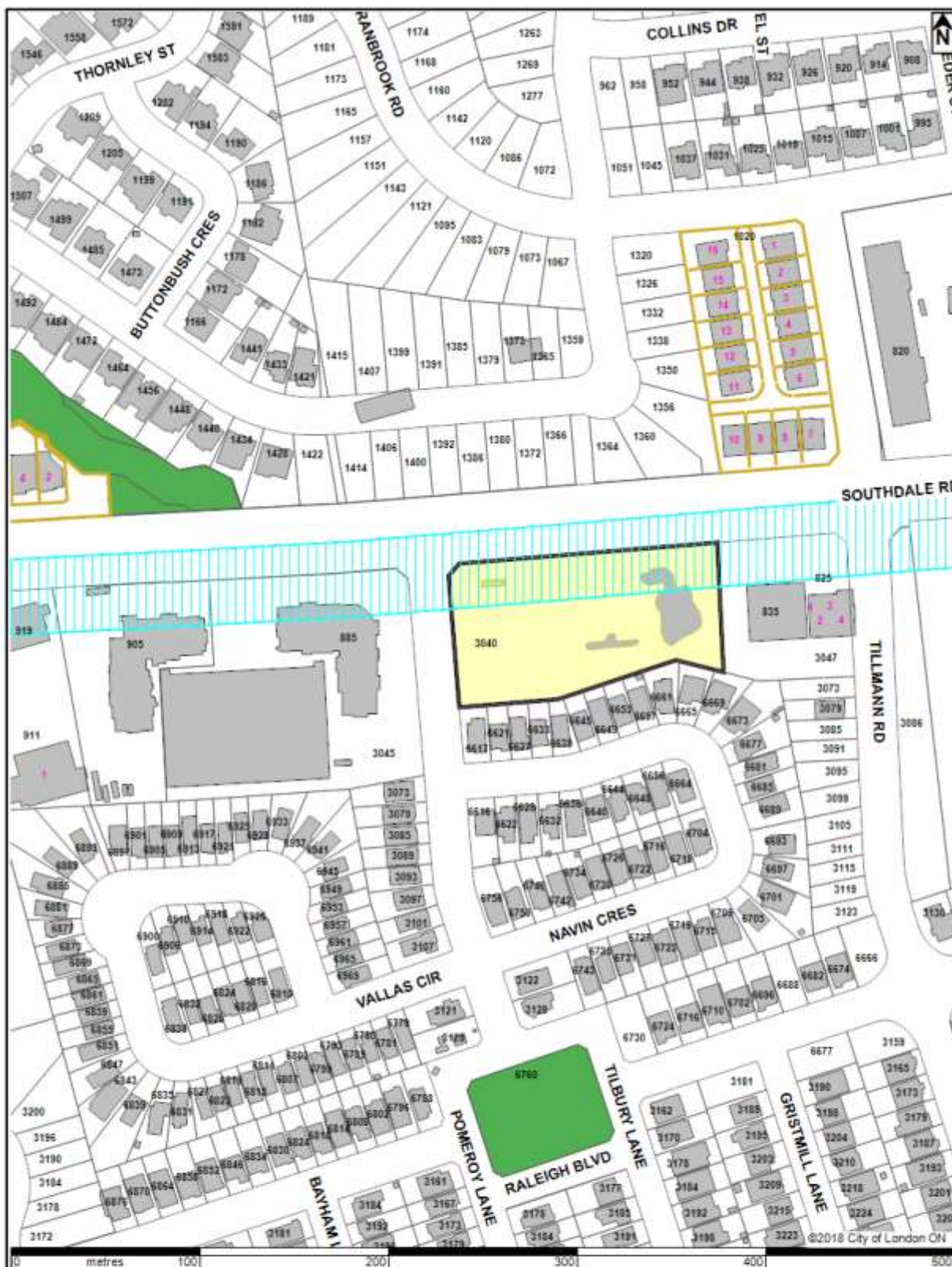
RATIONALE






1. The conditions for removing the holding (h-5, h-53, h-55 & h-56) provisions have been met and the recommended amendment will allow development of an 11 storey, 147 unit apartment building with 121 surface and 89 underground parking spaces in compliance with the Zoning By-law.
2. Performance security has been posted with the City in accordance with City policy, and the conditions of Site Plan Approval will ensure a Development Agreement is executed by the applicant and the City prior to development.
3. As part of the site plan review, the plans and building elevations were reviewed for compliance with the design principles and concepts identified in the Southwest Area Secondary Plan by the City’s Urban Design staff. The plans have now been accepted and a Development Agreement has been prepared.



H-8863
Alanna Riley

LOCATION MAP



<p>LOCATION MAP</p> <p>Subject Site: 3040 Pomeroy Lane Applicant: Old Oak Properties Inc. File Number: H-8863 Planner: Alanna Riley Created By: Alanna Riley Date: 2018-01-05 Scale: 1:2500</p> <p>Corporation of the City of London Prepared By: Planning and Development</p>	<p>LEGEND</p> <ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers
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H-8863
Alanna Riley

Date Application Accepted: December 12, 2017	Owner: Old Oak Properties Inc.
REQUESTED ACTION: The purpose and effect of this zoning change is to remove the holding symbols to permit the development of an 11 storey, 147 unit apartment building.	

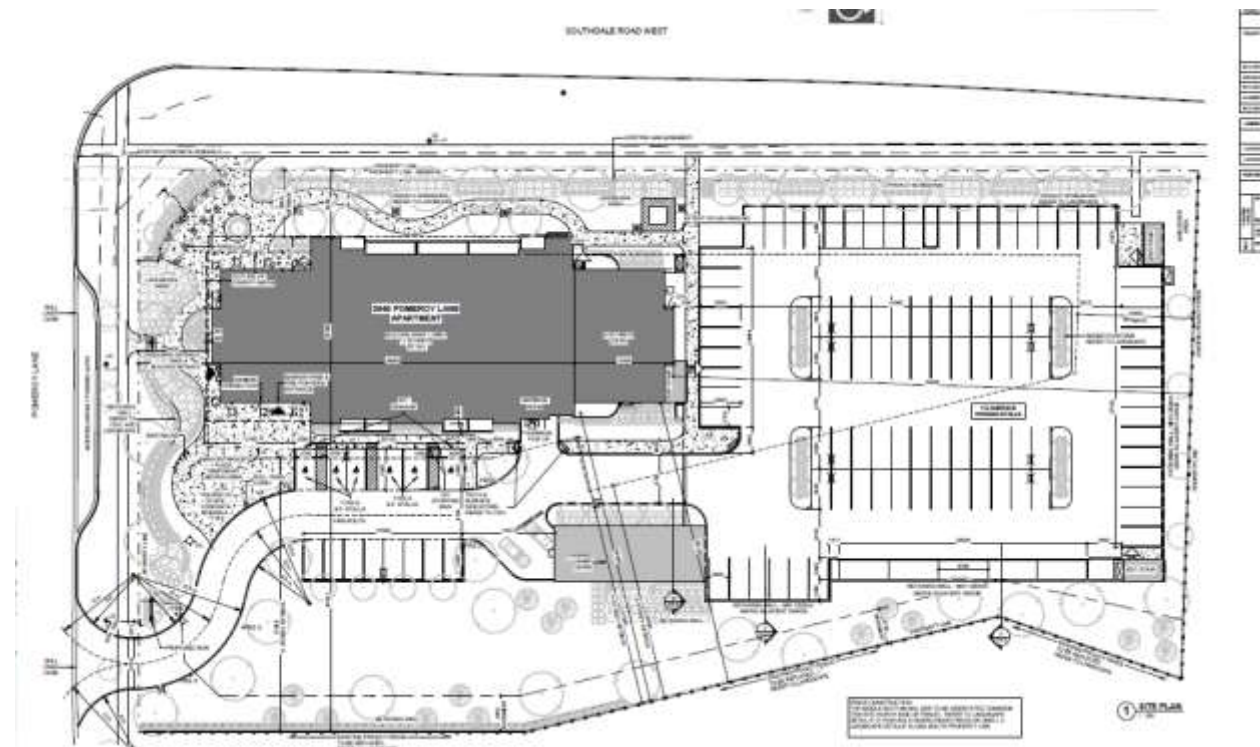
PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on December 28, 2016.
Nature of Liaison: City Council intends to consider removing the “h-5”, “h-53”, “h-55”, and “h-56” holding provisions that were put in place for a public site plan review be held to ensure that development takes a form compatible with adjacent land uses; to encourage street oriented development and discourage noise attenuation walls along arterial roads; to ensure the appropriate development of the site and limit the impact of the development on the existing roadways; and to ensure there are no land use conflicts between arterial roads and the proposed residential uses. Council will consider removing the holding provisions as the apply to the lands described above, no earlier than January 22, 2018.	
Responses: None	

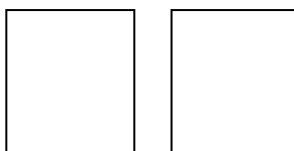
ANALYSIS

Development Proposal

The development proposal consists of an 11 storey, 147 unit apartment building with step-backs beginning at the ninth floor, along with accompanying green space, outdoor amenities and parking facilities. 210 parking spaces are proposed which includes underground spaces. The primary access to the development will be provided off of Pomeroy Lane, a local street.

Proposed Site Plan





H-8863
Alanna Riley

Appeal to the Ontario Municipal Board

This current development application has been the subject of several reports and meetings before the Planning and Environment Committee (PEC), Committee of Adjustment, Community meetings and an Ontario Municipal Board Hearing over the past two (2) years. The applicant, Old Oak Properties, applied for Site Plan Approval in January of 2016. With the exception of parking and other SWAP site matters, there were some minor zoning deficiencies that were brought before the Committee of Adjustment in 2017 and received approval, with no appeals during this period.

Amendments were approved in 2017 (OPA 652) to the Official Plan and Southwest Area Secondary Plan relating to the parking requirement for apartment, office and mixed-use development. Notwithstanding these amendments, Staff was not prepared to support the parking and other site arrangements proposed with this development. The impasse was primarily related to the extent to which parking should be provided underground versus on the surface of the site. As a result, the applicant appealed the Site Plan to the Ontario Municipal Board.

The matter was heard by the OMB on July 5 & 6 of 2017. The primary focus of the hearing was the extent to which parking should be provided underground. Of the 210 proposed parking spaces, 89 spaces were proposed below grade in an underground garage and the balance were proposed as surface level parking. Staff were of the opinion that the parking should be provided entirely underground, whereas the applicant did not agree.

On September 12, 2017, after hearing from the City and representatives for the applicant, the Board concurred with the arguments presented by the applicant, and stated that the appeal was allowed and thus approved the applicant's site plan.

The process does not require a public site plan meeting. This Board member, in paragraph 10 of the decision, stated that the "...development received public input on at least three occasions: a minor variance dealing with building location, a proposed but later withdrawn official plan amendment related to parking, and an open house hosted by the Applicant." This, in the opinion of the Board member, was the reason for not requiring a public site plan meeting at the Planning and Environment Committee. This was confirmed to staff by the City's Solicitor's department.

In response to both the Board Order and Staff, comments from the previous submission, an updated submission was received for review and acceptance. Site Plan Approval and the execution of a development agreement to construct the apartment building is imminent.

Why is it appropriate to remove the Holding Provisions

h-5 Holding Provision

Purpose: 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.

The application for the 11 storey apartment building was appealed to the Ontario Municipal Board (OMB) after an impasse was reached. The OMB decision indicated that no additional public consultation was required as previous public meetings have already been held. This along with the execution of the development agreement, adequately satisfies the requirements of this holding provision. It is appropriate to remove this holding provision at this time.

As noted above, City's Solicitor's department has also confirmed that pursuant to the Board's Order, the Board has approved the site plan, and no public site plan is required. In ordering approval of the site plan, the Board noted the significant public participation that had already occurred for this development.

h-53 Holding Provision

Purpose: 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.

The proposed plans and elevations are consistent with the design guidelines and have been

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H-8863
Alanna Riley

reviewed and accepted by Urban Design. The development agreement will be executed implementing the accepted plan. It is appropriate to remove this holding provision at this time.

h-55 and h-56 Holding Provisions

h-55 Purpose: 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 Purpose: 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.

A traffic study was provided and accepted by the City. Also, a noise study was submitted and accepted. The development has been designed as per the recommendations of this study. As a result it is appropriate to remove these holding provisions at this time.

CONCLUSION

It is appropriate to remove the holding provisions at this time. Removal of the holding provisions will allow for the consideration of a building permit to construct an 11 storey, 147 unit apartment building.

RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	LOU POMPILII MCIP RPP MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	CONCURRED BY:
MATT FELDBERG MANAGER, DEVELOPMENT SERVICES	PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES
SUBMITTED BY:	
GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	

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H-8863
Alanna Riley

No. (number to be inserted by
Clerk's Office)
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3040
Pomeroy Lane.

WHEREAS Old Oak Properties Inc. has applied to remove the holding provisions from the zoning for the land located at 3040 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 3040 Pomeroy Lane, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Restricted Office/Residential R9/Convenience Commercial (RO2/R9-7.H40/CC6) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 30, 2018

Matt Brown
Mayor

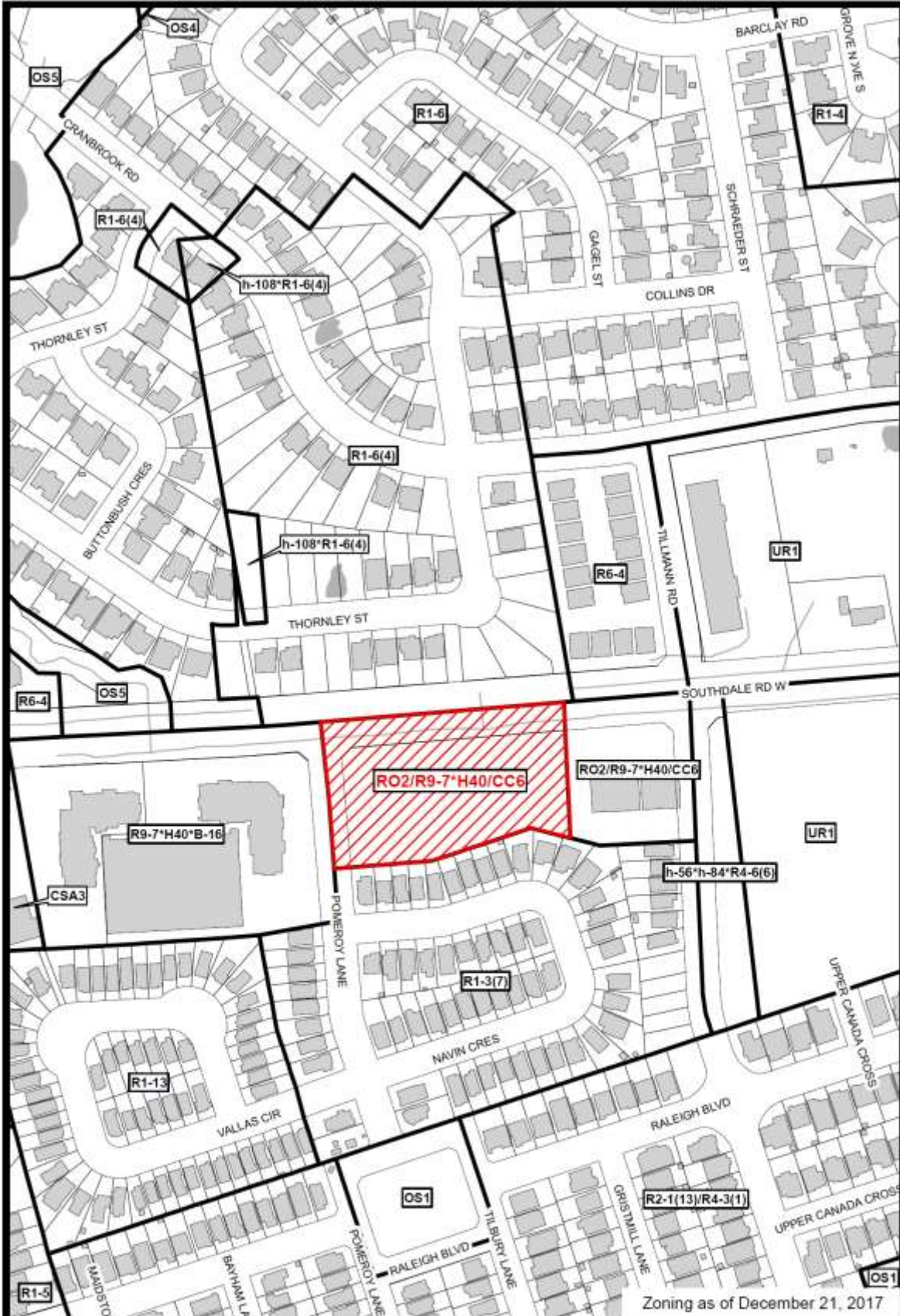
Catharine Saunders
City Clerk

First Reading – January 30, 2018
Second Reading – January 30, 2018
Third Reading – January 30, 2018

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H-8842/Alanna Riley

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



File Number: H-8863
 Planner: AR
 Date Prepared: 2017/01/11
 Technician: WR
 By-Law No: Z-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters

