

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services &
Chief Building Official
Subject: BlueStone Properties Inc.
232-240 Oakland Avenue
Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of BlueStone Properties Inc. relating to the property located at 240 Oakland Avenue the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on March 5, 2019 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R8 Special Provision (h-5•R8-4(31)) Zone **TO** a Residential R8 Special Provision (R8-4(31)) Zone to remove the h-5 holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the “h-5” holding provision from the zoning on 232-240 Oakland Avenue.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (h-5) symbol from the zoning applied to this site to permit the development of a 113-unit 6-storey apartment building.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as a public site plan meeting was held February 4, 2019.

Analysis

1.0 Site at a Glance

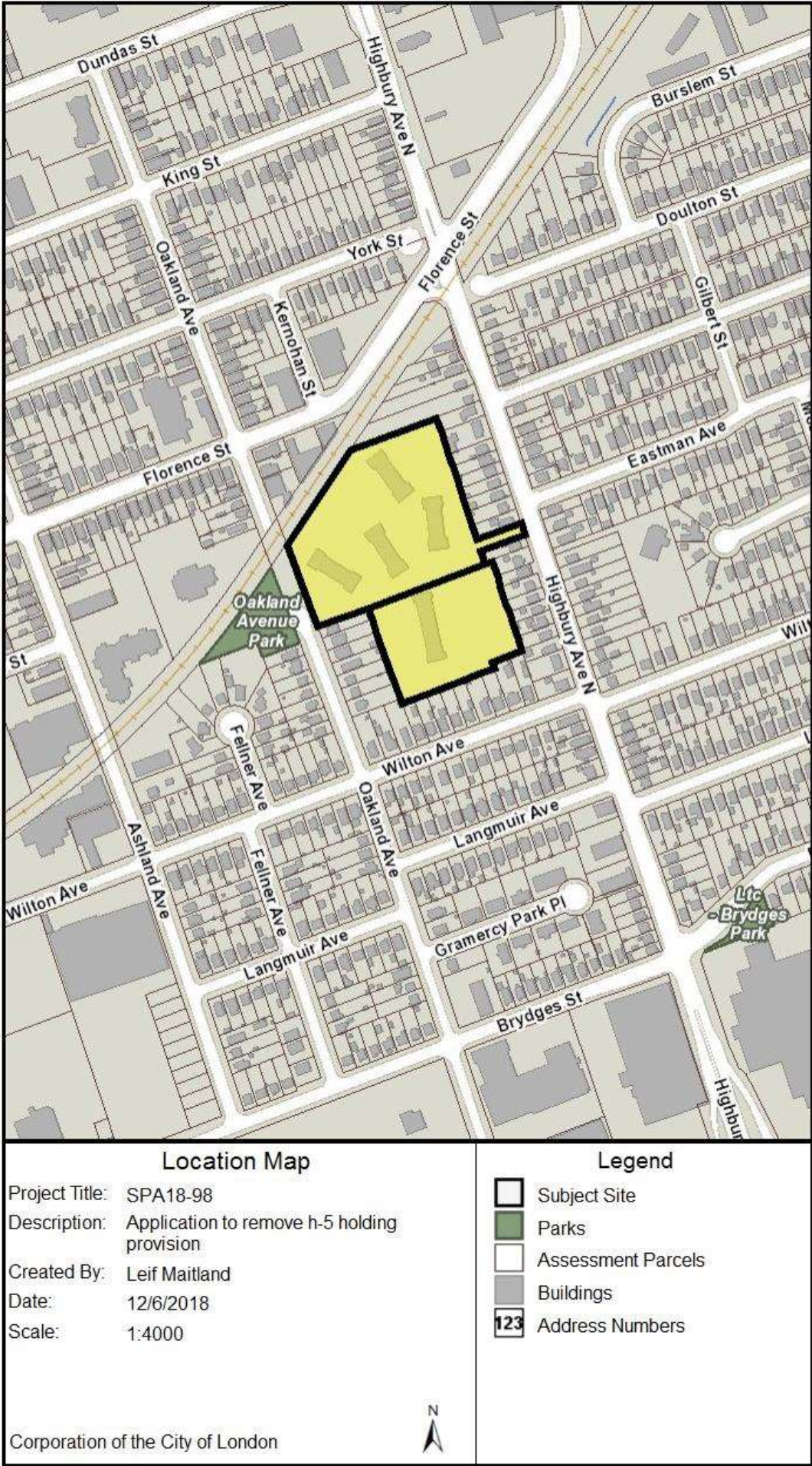
1.1 Property Description

The property at 240 Oakland Ave is located alongside 232-238 Oakland Ave and together the two properties function as one site. 240 Oakland Ave specifically is surrounded on the west and south by single-detached dwellings with one and two-unit dwellings to the east. The 240 Oakland Ave property faces the backyards of the dwellings it abuts. Notable to the east is a pedestrian access to Highbury Avenue, the only vehicular access to the site is to the west onto the cul-de-sac portion of Oakland Ave, this entrance is shared with 232-238 Oakland Ave. 232-238 Oakland Ave currently contains four existing apartment buildings of three storeys, and there is another additional three storey apartment building on 240 Oakland Ave itself. To the immediate west is the Oakland Avenue Park which features a play structure and swing-set. To the immediate north is a rail line with some auto-oriented and light industrial uses on the opposite side to the northwest of the site.

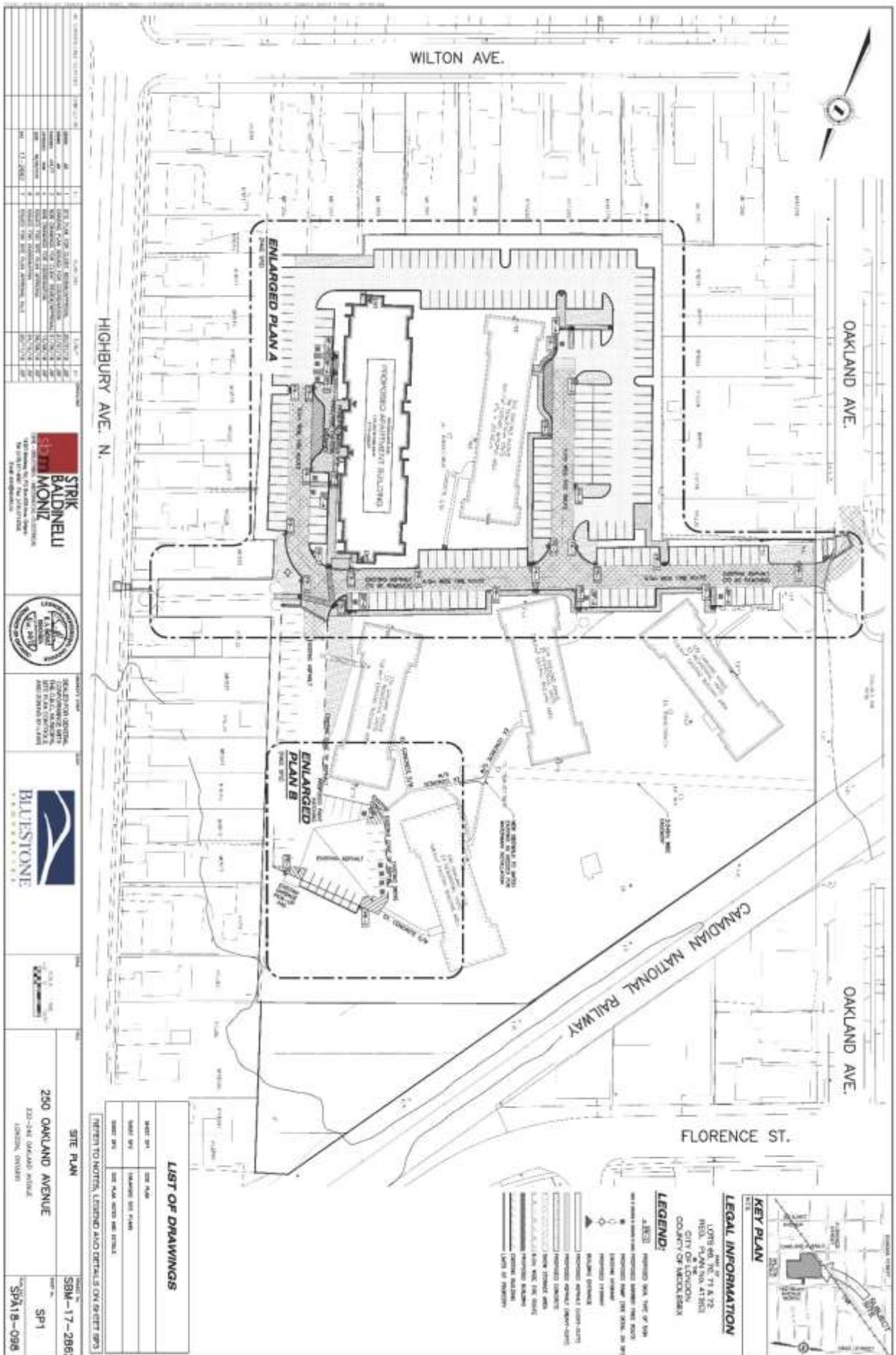
1.2 Current Planning Information

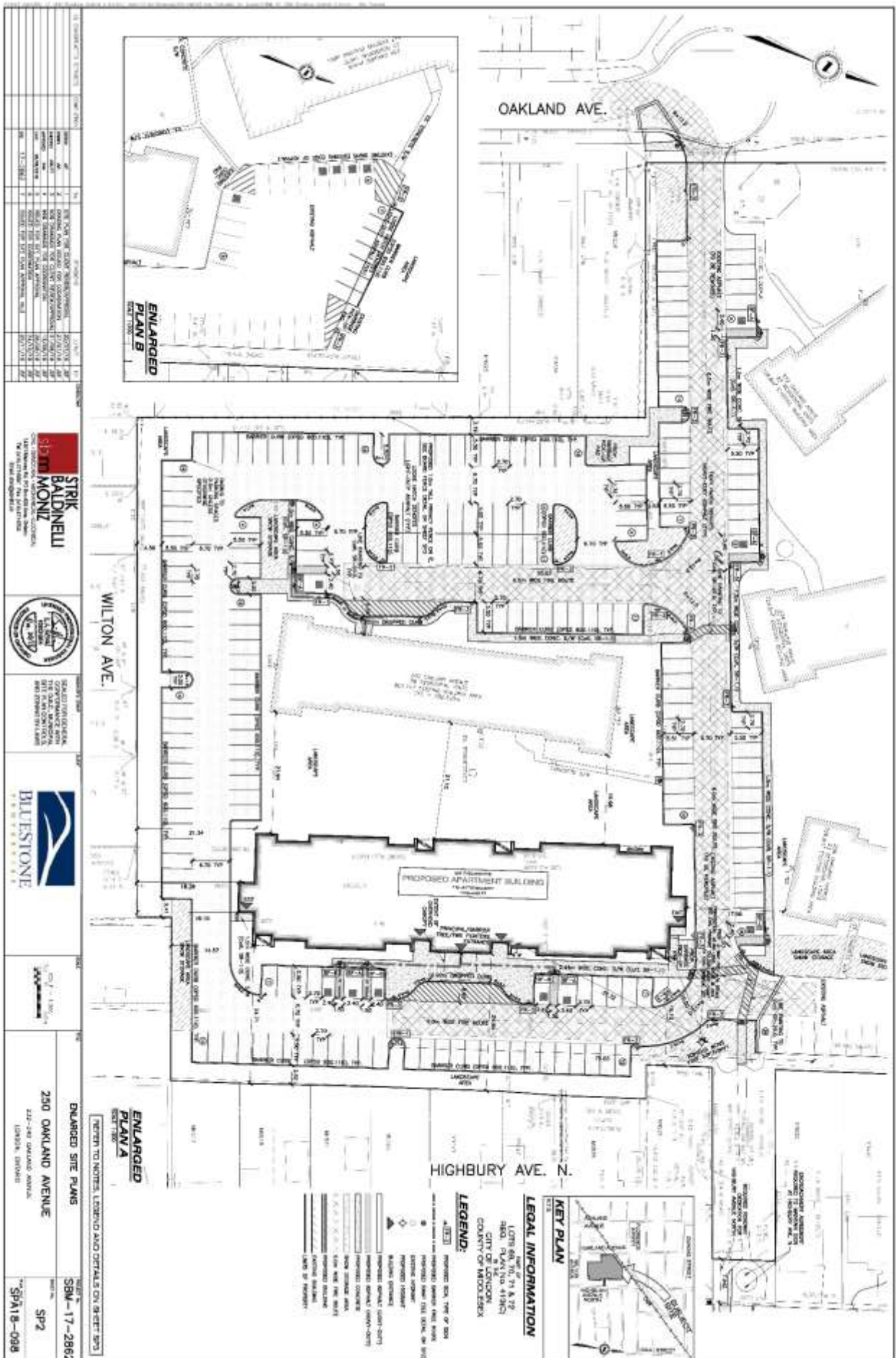
- The London Plan Place Type – Neighbourhoods
- Official Plan, 1989, Designation – Low Density Residential
- Existing Zoning – h-5•R8-4(31) Zone

Location Map



Site Plan





1.3 Site Characteristics

- Current Land Use – five 3-storey apartment buildings
- Frontage – 11.3m
- Depth – 205m
- Area – 3.158 ha
- Shape – Irregular polygon

1.4 Surrounding Land Uses

- North – Low density residential up to two-units per lot, a railway and auto-oriented commercial and industrial uses on the opposite side of the railway
- East – Low density residential up to two-units per lot.
- South – Single-detached dwellings
- West – Single-detached dwellings, a park and the railway

2.0 Description of Proposal

2.1 Development Proposal

On September 5, 2018, staff received a Site Plan Control (SPA18-098) application from BlueStone Properties Inc. for a 6 storey apartment building with 113 Units at 240 Oakland Avenue. The proposal adds a sixth apartment building to the existing site where five 3-storey buildings are already present. The proposal would result in the creation of additional parking spaces to reach the maximum 264 permitted by the zoning on the site. The proposed new building is located in the southwest corner of the site and relies on the existing accesses (vehicular access from Oakland and pedestrian access from Highbury Ave N). The removal the holding provision would permit the issuance of building permits for the proposed development.

3.0 Revelant Background

3.1 Planning History

The site plan application of June 7, 2018 is the third planning application for 240 Oakland Avenue.

A Zoning By-law amendment application was received December 15, 2015 for 232-240 Oakland Avenue. The Zoning By-law Amendment, file no: Z-8578 was passed by Municipal Council April 19, 2016. The amendment changed the applicable zoning to the lands located at 232-240 Oakland Avenue, from a Residential R1/Residential R8 (R1-4/R8-2) Zone to a Holding Residential R8 Special Provision (h-5*R8-4(31)) Zone. This had the effect of adding two additional permitted uses: townhouse and stacked townhouses. Regulations within the special provision included permission for 264 parking spaces and a lot frontage of 11 metres (minimum). At that time the Holding (h-5) provision was added to require a public site plan review process.

A minor variance application for 240 Oakland was received July 17, 2018 which resulted in a decision of the Committee of Adjustment, August 20, 2018 to grant the variance subject to conditions. The variance granted permits a height of 17.3m (56.8ft), whereas 13.0 m (42.7ft) is the maximum. Conditions for the variance included the completion of a Noise and Vibration Study, the addition of a warning clause to future sale and lease agreements and the granting of an environmental easement.

The applicant provided a third submission February 1, 2019.

3.2 Requested Amendment

The applicant is requesting the removal of the h-5 holding provision on the site.

3.3 Community Engagement

In response to the notice provide regarding the Intent to Remove a Holding Provision no comments were received.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the “h” are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions (“h” symbol), an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations
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4.1 What is the purpose of the “h-5” holding provision and is it appropriate to consider its removal?

The “h-5” holding provision states that:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying 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.

Permitted Interim Uses: Existing uses.”

A public site plan meeting was held at the Planning and Environment Committee (PEC) on February 4, 2019.

At the February 4, 2019 meeting one committee member questioned whether the site would permit additional density after the development proposed through the site plan application was completed: the site would not permit additional development without a further zoning by-law amendment. One committee member questioned the perimeter landscaping approach: the approach includes both shade trees and screening landscaping except where tree preservation is an identified priority, at those locations additional landscaping which would require work in the existing trees’ root zone has been avoided.

No members of the public spoke to the application.

The applicant has entered into a development agreement with the City the site plan and securities for the development were provided in accordance with the City of London Security Policy. Removal of the holding provision is appropriate.

5.0 Conclusion

A public site plan meeting has been held at PEC, and the committee has had the opportunity to provided direction to the Approval Authority. Therefore, the required conditions have been met to remove the “h-5” holding provision. The removal of the holding provisions are recommended to Council for approval.

Prepared by:	<div>Leif Maitland Site Development Planner, Development Services</div>
Recommended by:	<div>Michael Pease, MCIP RPP Manager, Development Planning</div>
Reviewed by:	<div>Heather McNeely, MCIP RPP Manager, Development Services (Site Plan)</div>
Concurred in by:	<div>Paul Yeoman, RPP, PLE Director, Development Services</div>
Submitted by:	<div>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</div>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

February 7, 2019
LM

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 232-
240 Oakland Avenue.

WHEREAS BlueStone Properties Inc. has applied to remove the holding provision from the zoning for lands located at 232-240 Oakland Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 lands located at 232-240 Oakland Avenue, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R8 Special Provision (R8-4(31)) Zone comes into effect.
- 2) The By-law shall come into force and effect on the date of passage.

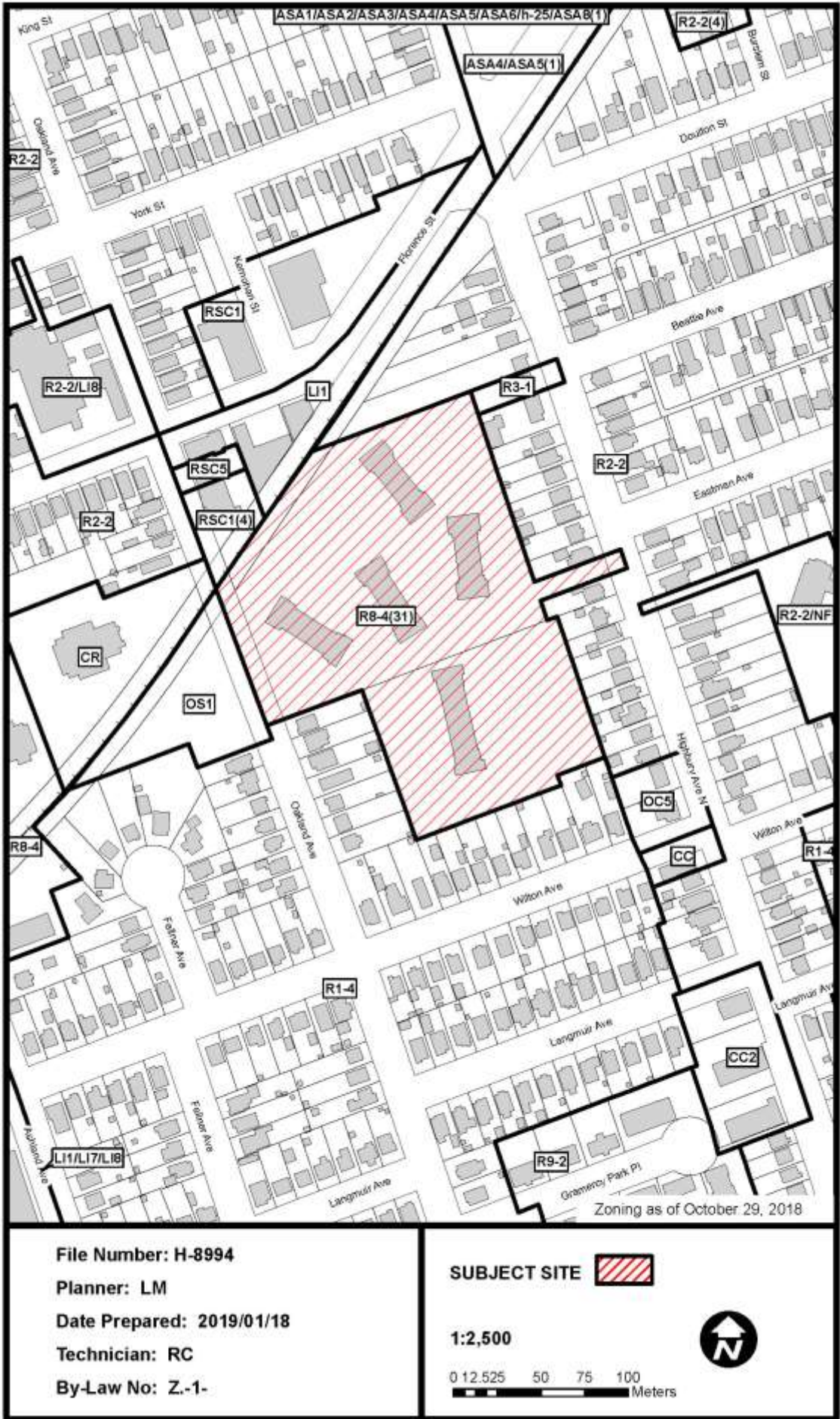
PASSED in Open Council on March 5, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 5, 2019
Second Reading – March 5, 2019
Third Reading – March 5, 2019

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



Appendix B – Public Engagement

Public liaison: On January 2, 2019, Notice of Application was sent to 98 property owners in the surrounding area (including those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 3, 2019.

On January 31, 2019, Notice of Notice of Intent to Remove a Holding Provision was sent to 98 property owners in the surrounding area (including those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019.

No replies were received.

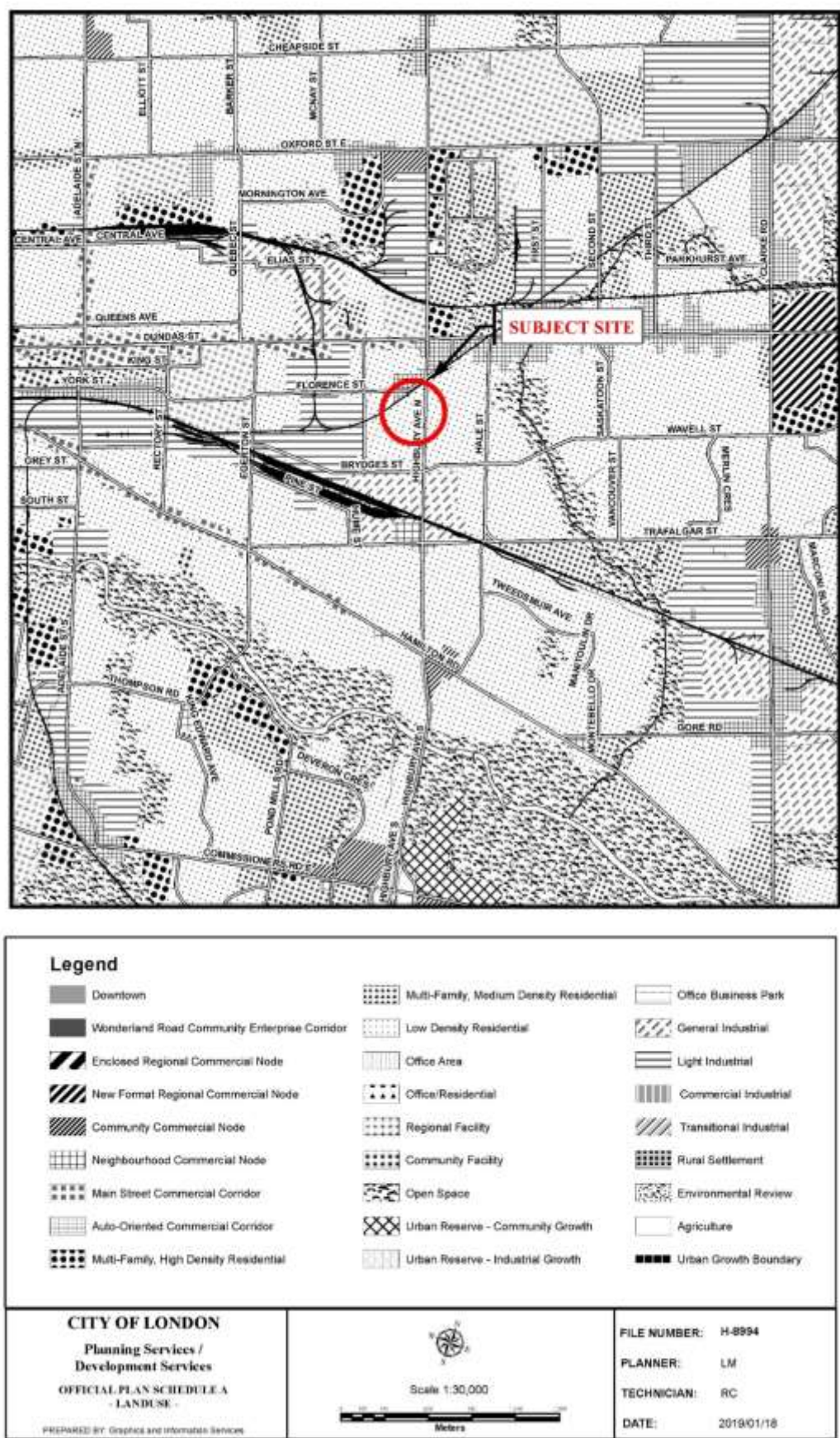
Nature of Liaison:

232-240 Oakland Ave - City Council intends to consider removing the holding (h-5) provision which was put in place to require public site plan review. A public site plan meeting is scheduled for the site February 4, 2019 as file SPA18-098. Council will consider removing the holding provision as it applies to these lands no earlier than February 19, 2019 File H-8994 Planner: L. Maitland (City Hall).

Appendix C – Relevant Background

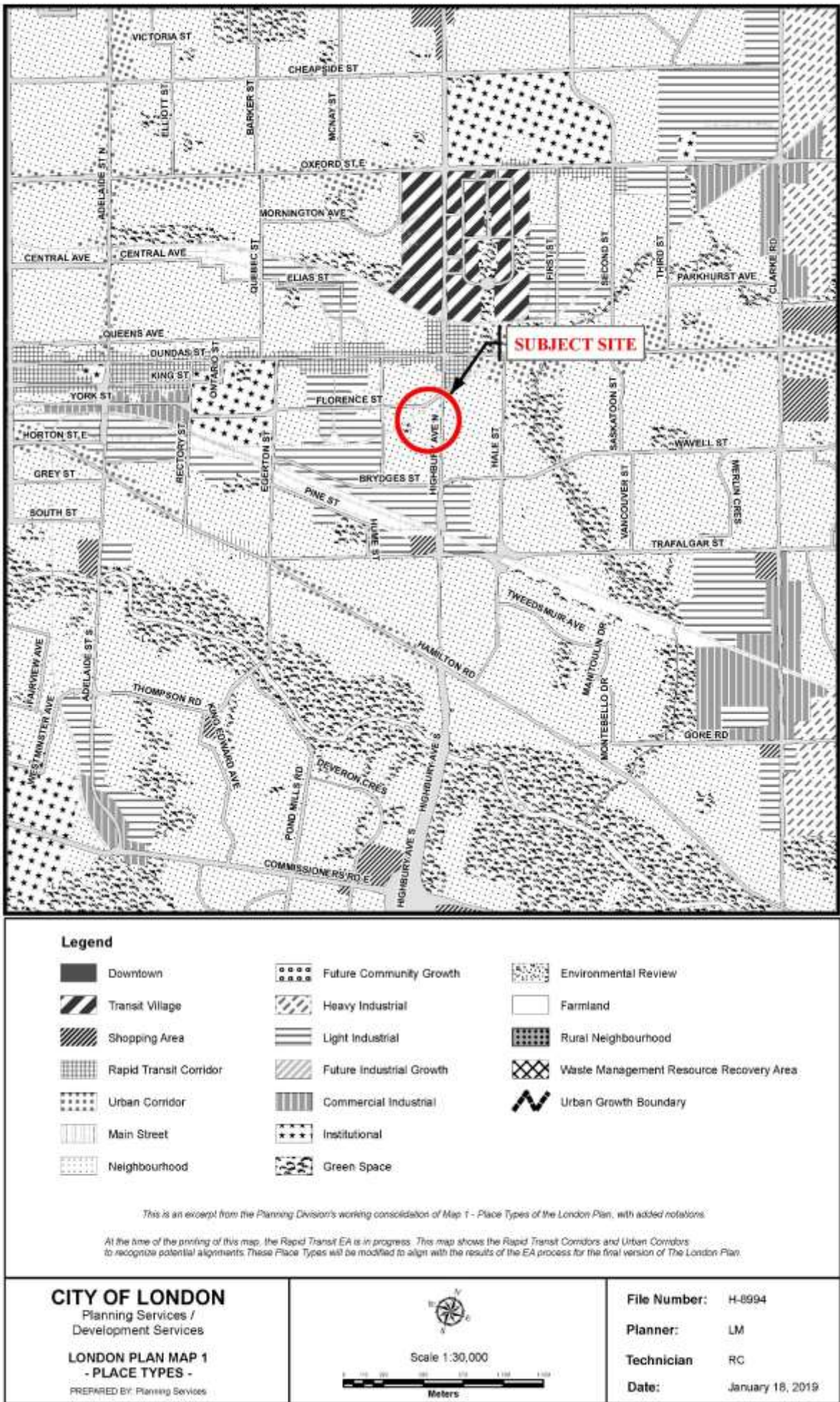
Additional Maps

Official Plan Schedule “A” Excerpt

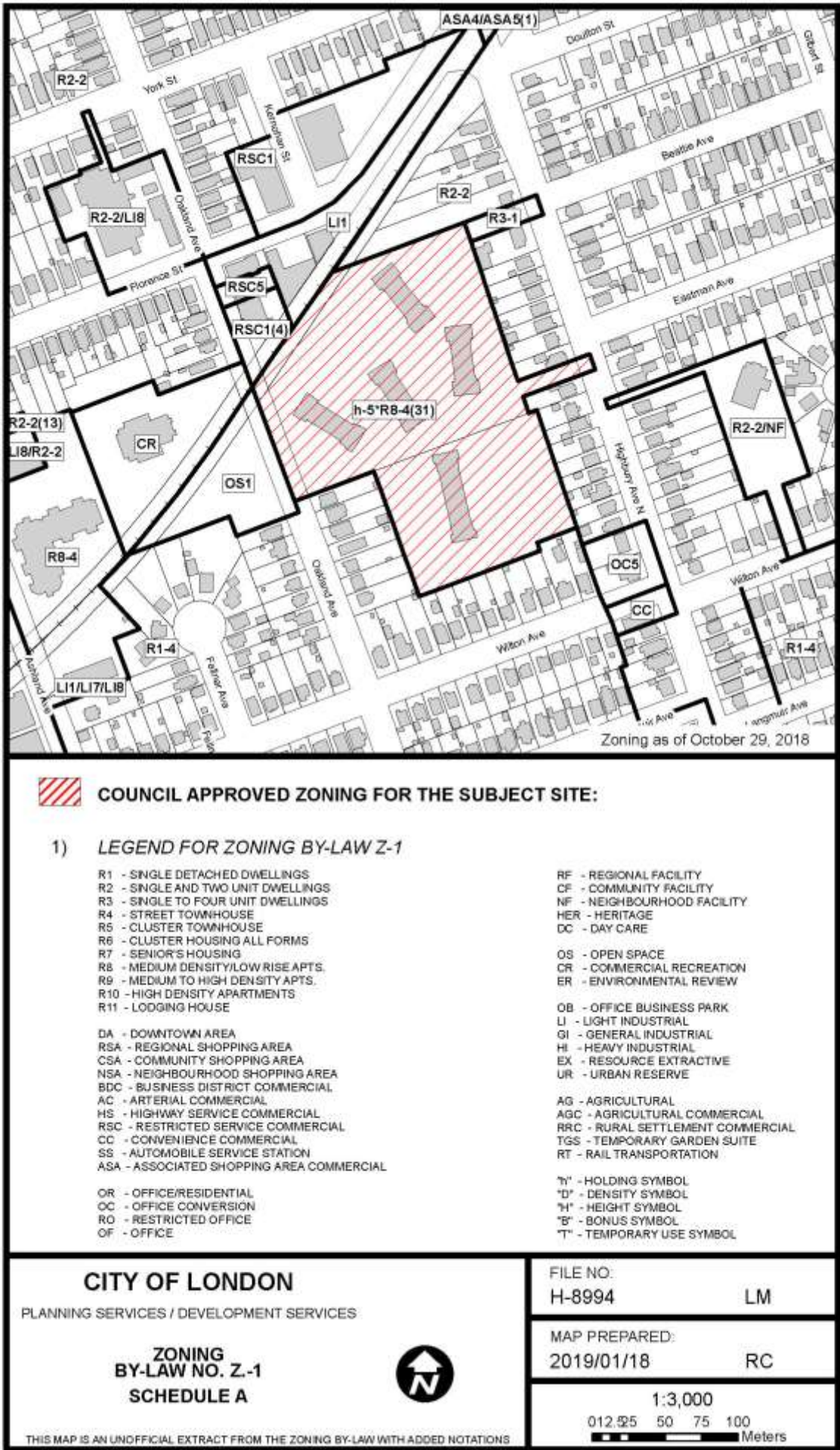


PROJECT LOCATION: e:\planning\projects\p_official\planwork\corridor\excerpt\template\scheduleA_mfw_8x14_with_SWAP.mxd

London Plan Place Types Excerpt



Zoning By-law Map Excerpt



Previous Reports Relevant to this Application

SPA18-098 – Report to the Planning and Environment Committee on for public site plan review February 4, 2019

A.105/18 - A minor variance granted by the Committee of Adjustment, August 20, 2018 subject to conditions.

File Z-8327 – Report to the Planning and Environment Committee to amend the Zoning By-law passed April 19, 2016.