

# Agenda Including Addeds

## Planning and Environment Committee

2nd Meeting of the Planning and Environment Committee

January 9, 2024

1:00 PM

Council Chambers - Please check the City website for additional meeting detail information. Meetings can be viewed via live-streaming on YouTube and the City Website.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Métis and Inuit today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Members

Councillors S. Lehman (Chair), S. Lewis, C.Rahman, S. Franke, S. Hillier

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact [PEC@london.ca](mailto:PEC@london.ca) or 519-661-2489 ext. 2425.

	Pages
<b>1. Disclosures of Pecuniary Interest</b>	
<b>2. Consent</b>	
2.1 1st Report of the Ecological Community Advisory Committee	3
a. <i>(ADDED) 2:00 PM - S. Levin, Chair, Ecological Community Advisory Committee</i>	
<b>3. Scheduled Items</b>	
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<b>6.</b>	<b>Adjournment</b>	

# Ecological Community Advisory Committee

## Report

The 1st Meeting of the Ecological Community Advisory Committee  
December 14, 2023

Attendance                   PRESENT: S. Levin (Chair), S. Evans, T. Hain, S. Hall, B. Krichker, R. McGarry, K. Moser, S. Sivakumar and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: M. Lima and G. Sankar

ALSO PRESENT: S. Butnari, M. Clark, A. Curtis, P. Masse, B. Page, A. Patel, J. Raycroft, B. Samuels, A. Serano and M. Shepley

The meeting was called to order at 4:35 PM; it being noted that S. Evans, T. Hain, B. Krichker, K. Moser, S. Sivakumar and V. Tai were in remote attendance.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

#### 2.1 Byron Gravel Pit Secondary Plan

That the following actions be taken with respect to the Draft Byron Gravel Pits Secondary Plan:

a) the presentation, appended to the Ecological Community Advisory Committee Agenda, BE RECEIVED;

b) the communication from B. Samuels, appended to the Ecological Community Advisory Committee Agenda, BE RECEIVED; and,

it being noted that the Ecological Community Advisory Committee held a general discussion with respect to these matters.

### 3. Consent

#### 3.1 12th Report of the Ecological Community Advisory Committee

That it BE NOTED that the 12th Report of the Ecological Community Advisory Committee, from its meeting held on November 16, 2023, was received.

#### 3.2 Planning Application - 1982 Commissioners Road East

That it BE NOTED that the Revised Notice of Planning Application for Zoning By-law Amendments dated December 4, 2023, from M. Hynes, relating to the properties located at 1982 Commissioners Road East and part of 1964 Commissioners Road East, was received for information.

### 4. Sub-Committees and Working Groups

None.

**5. Items for Discussion**

5.1 Dingman Environmental Assessment

That the Civic Administration BE REQUESTED to provide the Ecological Community Advisory Committee (ECAC) with the Dingman Environmental Assessment and the Environmental Study Report for review when appropriate; it being noted that the ECAC received a communication from S. Levin with respect to this matter.

5.2 Environmental Impact Study One Page Review

That the Environmental Impact Study Review BE ADOPTED as an Advisory Committee document and BE PROVIDED to all members at the beginning of their term.

**6. Deferred Matters/Additional Business**

6.1 (ADDED) Resignation of E. Dusenge

That it BE NOTED that the resignation of E. Dusenge was received with regret.

6.2 (ADDED) Multi-Year Budget Discussion

That Municipal Council BE ADVISED that the Ecological Community Advisory Committee supports the approval of the following proposed business cases included in the 2024-2027 Multi-Year Budget:

- a) P-61 - Ecological Master Planning Funding;
- b) P-62 - Environmentally Significant Areas Management; and,
- c) P-63 - Silver Creek Ecological Enhancements.

**7. Adjournment**

The meeting adjourned at 5:57 PM.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** 15370070 Canada Inc. c/o Zelinka Priamo Ltd.  
1544 Dundas Street  
File Number: Z-9671, Ward 2  
Public Participation Meeting

**Date:** January 9, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 15370070 Canada Inc., c/o Zelinka Priamo Ltd. relating to the property located at 1544 Dundas Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 23, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial (ASA4) Zone, **TO** an Associated Shopping Area Commercial Special Provision (ASA1(\_)) Zone;

**IT BEING NOTED**, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment.
- ii) The recommended amendment conforms to *The London Plan*, including but not limited to the Key Directions, City Design and Building policies, and the Urban Corridor Place Type policies; and;
- iii) The recommended amendment would permit a new land use that is considered appropriate within the surrounding context and will facilitate the reuse of the existing commercial building.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial (ASA4) Zone, to an Associated Shopping Area Commercial Special Provision (ASA1(\_)) Zone.

### Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law amendment with additional special provisions that will permit a take-out pizza restaurant within the existing 1-storey commercial building. Special provisions requested by the applicant and recommended by staff include: an additional use for a take-out restaurant and regulations to recognize the existing lot frontage; rear yard depth; landscaped open space and; 9 off-street parking spaces for the take-out restaurant.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

# Analysis

## 1.0 Background Information

### 1.1 Previous Reports Related to this Matter

None.

### 1.2 Planning History

There have been no previous planning applications on the subject site.

### 1.3 Property Description and Location

The subject site is located on the north-east corner of the Dundas Street and First Street intersection, within the Argyle Planning District. The site has an area of 0.05 hectares with a frontage of 10.86 metres along Dundas Street. The subject site has vehicular access from First Street with parking provided through 9 surface parking spaces. Currently, the site contains a vacant 1-storey commercial building that was previously occupied by a Money-Mart.

The surrounding area consists of auto repair shops to the north, restaurants and retail stores to the east, multiple hotels and an entrance to Kiwanis Park to the south, and auto sales to the west. The surrounding buildings are mainly in the form of one storey commercial buildings. Dundas Street is a four-lane road with an estimated daily traffic count of 27,000 vehicles per day, and First Street is a two-lane road with an estimated daily traffic count of 5,500 vehicles per day. The nearest bike lanes are located along Second Street, and public sidewalks are provided on both sides along Dundas Street.

#### Site Statistics:

- Current Land Use: Vacant Commercial
- Frontage: 10.86 metres (35.62 feet)
- Depth: 35.7 metres (117.12 feet)
- Area: 0.05 hectares (0.12 acres)
- Shape: Regular (Rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

#### Surrounding Land Uses:

- North: Restricted Service Commercial
- East: Commercial
- South: Commercial
- West: Commercial

#### Existing Planning Information:

- Existing The London Plan Place Type: Urban Corridors Place Type
- Existing Special Policies: N/A
- Existing Zoning: Associated Shopping Area Commercial 4 (ASA4)

Additional site information and context is provided in Appendix B.

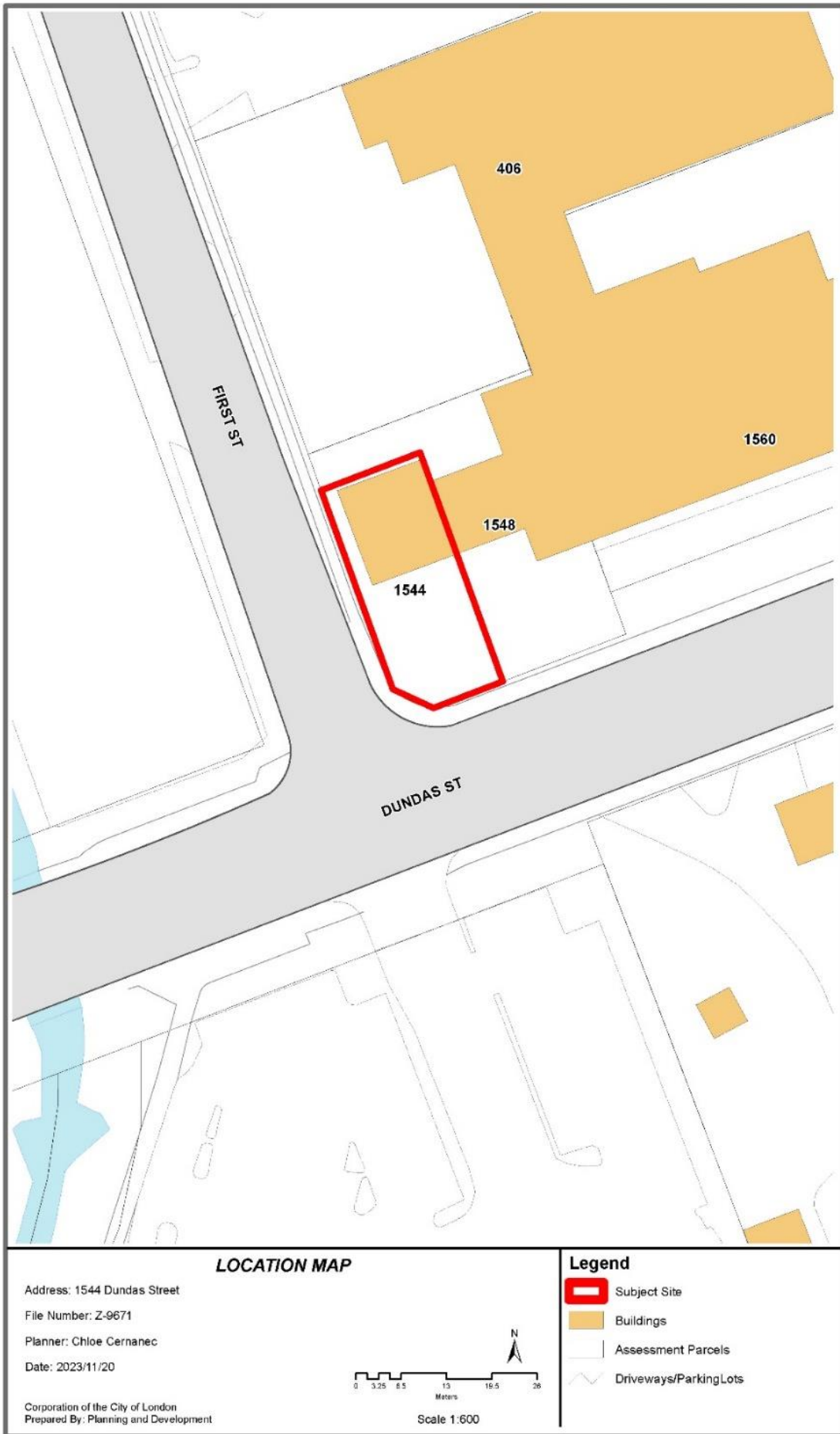


Figure 1- Aerial Photo of 1544 Dundas Street and surrounding lands



Figure 2 - Streetview of 1544 Dundas Street (view looking North)



Figure 3 - Streetview of 1544 Dundas Street (view looking West)

## 2.0 Discussion and Considerations

### 2.1 Proposal

The applicant is proposing to establish a take-out pizza restaurant wherein patrons would order and pick-up pizza on the premises, but consumption on the premises would not be permitted. As such, the applicant is proposing to add a “*Restaurant, Take-Out*” use as an additional permitted use to the existing one-storey commercial building. The proposed use would consist of internal changes to the site, with no changes to the exterior of the existing building. The site will continue to utilize the existing parking arrangement for a total of 9 surface-parking spaces for the new proposed use.

The proposed development includes the following features:

- Land use: Vacant Commercial
- Form: One-storey Commercial Building
- Height: 1 storey (< 3m)
- Residential units: 0
- Density: N/A
- Gross floor area: 203m<sup>2</sup>
- Building coverage: 37%
- Parking spaces: 9 off-street parking spaces
- Bicycle parking spaces: 3 spaces
- Landscape open space: 0%
- Functional amenity space: 0m<sup>2</sup>

Additional information on the development proposal is provided in Appendix B.



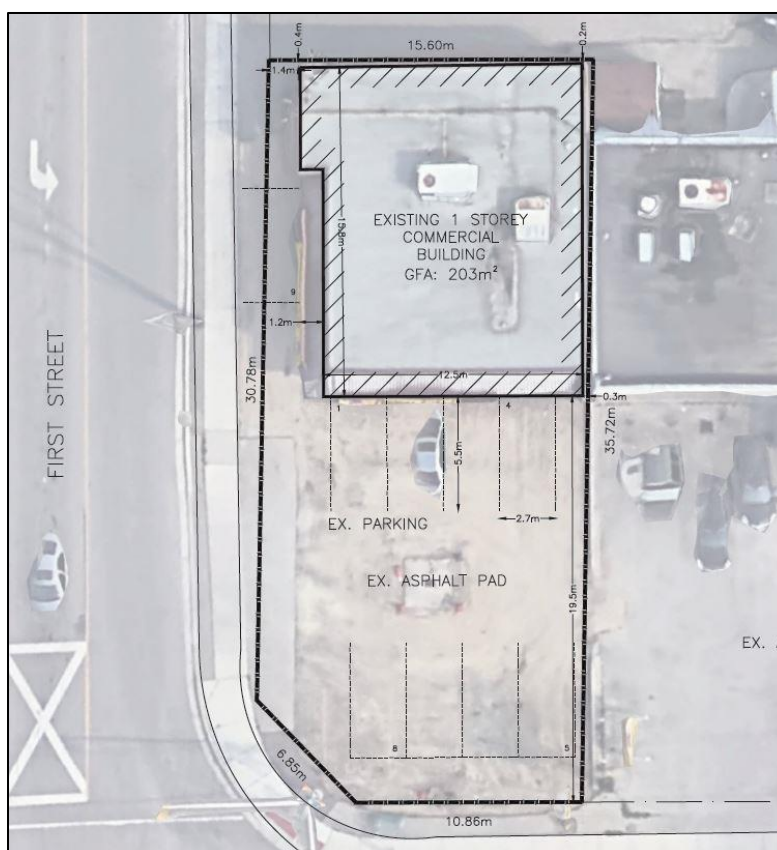


Figure 4 - Conceptual Site Plan (Received October 2023)

## 2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from an Associated Shopping Area Commercial (ASA4) Zone, to an Associated Shopping Area Commercial Special Provision (ASA1(\_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (ASA1)	Required	Proposed/Recommended
Additional Permitted Use		Restaurant; take-out services
Lot Frontage (m) Min	30 metres	As existing
Rear Yard Depth (m) Min	3.0 metres	As existing
Lot Coverage (%) Max	30%	As existing
Landscaped Open Space (%) Max	15%	As existing
Off Street Parking Min (rate/number)	10 spaces	9 spaces (for new use)

## 2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application; however, no major issues were identified by staff.

Detailed internal and agency comments are included in Appendix C of this report.

## 2.4 Public Engagement

On November 13, 2023, Notice of Application was sent to 28 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2023. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

## 2.5 Policy Context

### ***The Planning Act and the Provincial Policy Statement, 2020***

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### ***The London Plan, 2016***

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

## 3.0 Financial Impact/Considerations

### 3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

## 4.0 Key Issues and Considerations

### 4.1 Land Use

The proposed use is consistent with the policies of the PPS that promote healthy, liveable and safe communities (PPS 1.1.1) and encourage economic development (PPS 1.3.1).

The proposed use is contemplated in the Urban Corridors Place Type in The London Plan (The London Plan, 837). The proposed Zoning By-law Amendment requests an expanded range of uses, allowing for efficient and flexible use of the subject lands, and takes advantage of existing servicing for a small-scale commercial use (The London Plan, 826).

### 4.2 Intensity

The proposed intensity is consistent with the policies of the PPS that encourage an efficient use of land (PPS 1.1.3.2) and facilitate intensification and redevelopment (PPS 1.1.3.4).

The existing one-storey commercial building and associated surface parking are not within the intensity contemplated in The Urban Corridors Place Type, as the minimum permitted height is two (2) storeys (The London Plan, 839). However, given no new development, no exterior changes and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the existing and proposed new use. The take-out restaurant is not anticipated to have any negative impacts on the surrounding neighbourhood (The London Plan, 840\_1).

### 4.3 Form

Given no new development, no exterior changes, and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the proposed new use (The London Plan, 840\_4).

### 4.4 Zoning

The applicant has requested to rezone the subject site to an Associated Shopping Area Commercial Special Provision (ASA1(\_)) Zone to expand the range of permitted uses on the subject lands while establishing a restaurant use with take-out services in the current building. The following summarizes the special provisions that have been proposed by the applicant and recommended by staff in order to recognize the existing site layout.

1. *Recognize the existing lot frontage of 10.86 metres, whereas 30 metres is required.*
2. *Recognize the existing rear yard depth of 0.2 metres, whereas 3.0 metres is required.*
3. *Recognize the existing landscaped open space of 0%, whereas 15% is required.*

Given the site has existed with the existing built form and lot configuration for an extended period of time and has achieved a level of compatibility within the surrounding context it is appropriate to recognize these existing conditions through the proposed zoning by-law amendment allowing for the continued use of the site for a wider range of potential uses.

4. *Recognize the existing off-street parking situation of 9 spaces, whereas 10 spaces are required.*

The intent of minimum parking rates is to ensure that adequate parking can be accommodated on-site and that surrounding uses are not negatively affected by off-site impacts. The requested special provision is to recognize the existing parking area on the subject site that accommodates a total of 9 surface-parking spaces, whereas 10 spaces is the minimum required. The subject lands have successfully operated with 9 on-site parking spaces with no known parking concerns. Therefore, staff is satisfied that the existing parking spaces will continue to sufficiently accommodate the needs of the site and will not negatively impact surrounding properties.

## Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial (ASA4) Zone, to an Associated Shopping Area Commercial Special Provision (ASA1(\_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)* and conforms to The London Plan.

**Prepared by:** Chloe Cernanec  
Planner, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

Copy:  
Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1544 Dundas Street.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

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 1544 Dundas Street, as shown on the attached map comprising part of Key Map No. A108, **FROM** an Associated Shopping Area Commercial (ASA4) Zone **TO** an Associated Shopping Area Commercial Special Provision (ASA1(\_)) Zone.
2. Section Number 24.4 of the Associated Shopping Area Commercial ASA1 Zone is amended by adding the following Special Provisions:

ASA1( )                      1544 Dundas Street

a. Additional Permitted Use:

- i. Restaurant; take-out services

b. Regulations:

- |  |  |
|--|--|
| i. Lot Frontage<br>(Minimum)   | As existing on the date of passing<br>this by-law. |
| ii. Rear Yard Setback<br>(Minimum)                                       | As existing on the date of passing<br>this by-law. |
| iii. Landscaped Open Space<br>(Minimum)                                  | As existing on the date of passing<br>this by-law. |
| iv. Off-Street Parking for<br>Restaurant; take-out services<br>(Minimum) | 9 spaces   |

This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990*, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

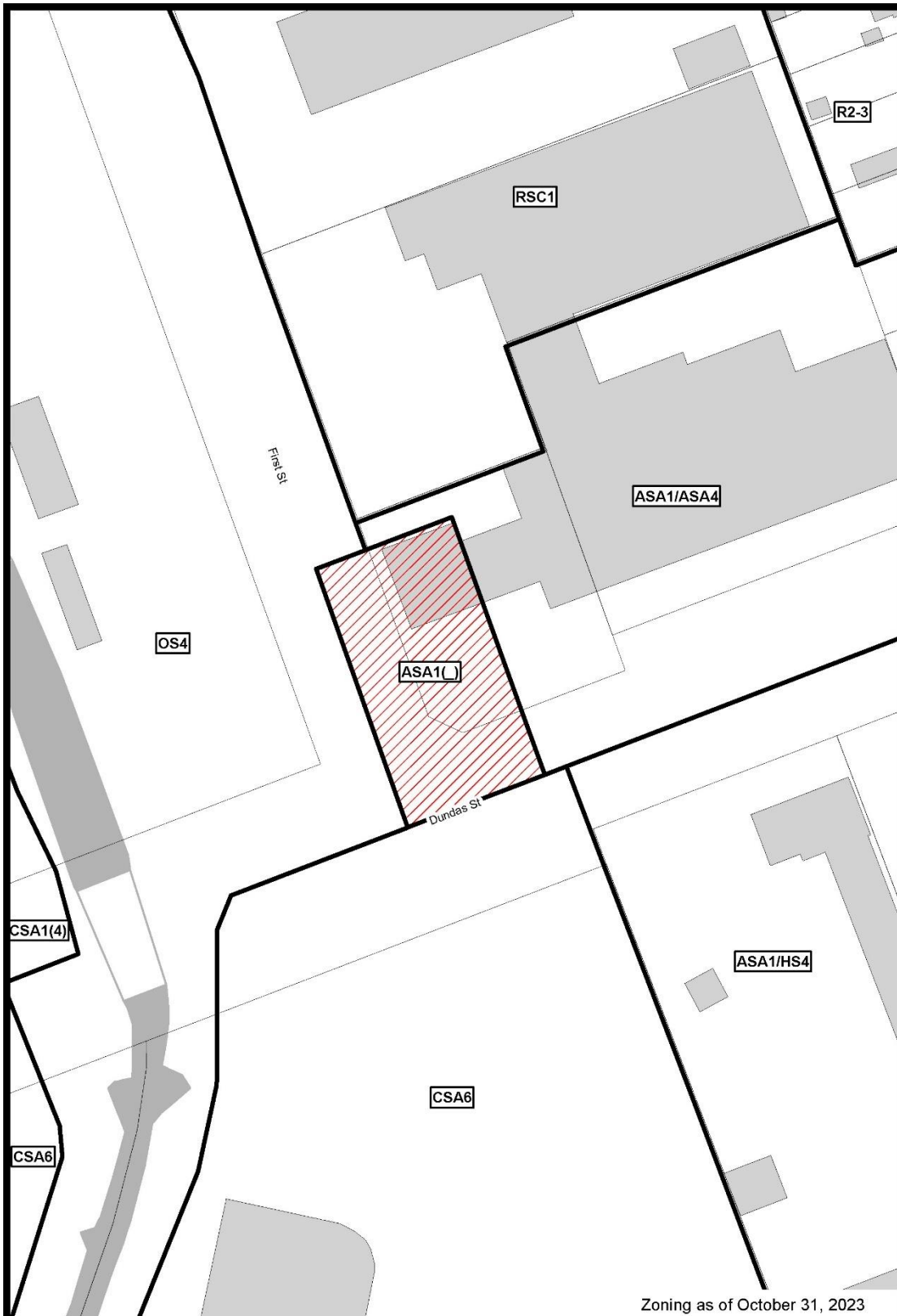
PASSED in Open Council on January 23, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.



Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024

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



<p>File Number: Z-9671 Planner: CC Date Prepared: 2023/11/20 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:800</p> <p>0 4 8 16 24 32 Meters</p> 
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Geodatabase

## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Vacant Commercial
Frontage	10.86 metres (35.62 feet)
Depth	35.7 metres (117.12 feet)
Area	0.05 hectares (0.12 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Restricted Service Commercial (Auto Repair Shops)
East	Commercial (Restaurants)
South	Commercial (Hotels)
West	Commercial (Auto Sales)

#### Proximity to Nearest Amenities

Major Intersection	Highbury Avenue North and Dundas Street, 834m
Dedicated cycling infrastructure	Second Street, 383m
London Transit stop	Dundas Street, 0m
Public open space	Kiwanis Park – North, 430m
Food store	Walmart Supercentre, 2,040m
Community/recreation amenity	East Lions Community Centre, 1,577m

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Urban Corridor, fronting a Civic Boulevard (Dundas Street)
Current Special Policies	N/A
Current Zoning	Associated Shopping Area Commercial 4 (ASA4)

#### Requested Designation and Zone

Requested Place Type	Urban Corridor, fronting a Civic Boulevard (Dundas Street)
Requested Special Policies	N/A
Requested Zoning	Associated Shopping Area Commercial Special Provision 1 (ASA1(_))

#### Requested Special Provisions

Regulation (ASA1)	Required	Proposed
Additional Permitted Use		Restaurant; take-out services
Lot Frontage (m) Min	30 metres	As existing
Rear Yard Depth (m) Min	3.0 metres	As existing
Lot Coverage (%) Max	30%	As existing
Landscaped Open Space (%) Max	15%	As existing
Off Street Parking Min (rate/number)	10 spaces	9 spaces (for new use)



## Appendix C – Internal and Agency Comments

### Parks – Received November 6, 2023

- This application is to permit additional uses in and existing building, Parks has no comments.

### Urban Design – Received November 6, 2023

- As there are no changes to the existing building's exterior and the proposed use is limited to the existing building, there are no Urban Design comments related to this application (Z-9671, 1544 Dundas Street).

### Site Plan – Received November 6, 2023

- No comments.

### London Hydro – Received November 6, 2023

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

### UTRCA – Received November 16, 2023

- The subject lands **are** regulated by the UTRCA due to the presence of a riverine flooding hazard associated with Pottersburg Creek. As the proposed use will be located within an existing building with adequate dry access, the UTRCA has **no objections** to the submitted application.

### Heritage – Received November 20, 2023

- Archaeological potential is identified on the property at 1544 Dundas Street based on the City's Archaeological Management Plan. Given that the proposal is to permit a new use with no new construction, no soil disturbance is anticipated. Therefore, an Archaeological Assessment is not required for this application. Archaeological potential still remains on the property.

### Ecology – Received November 20, 2023

- Currently no ecological planning issues related to this property and/or associated study requirements.
- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

### Engineering – Received November 22, 2023

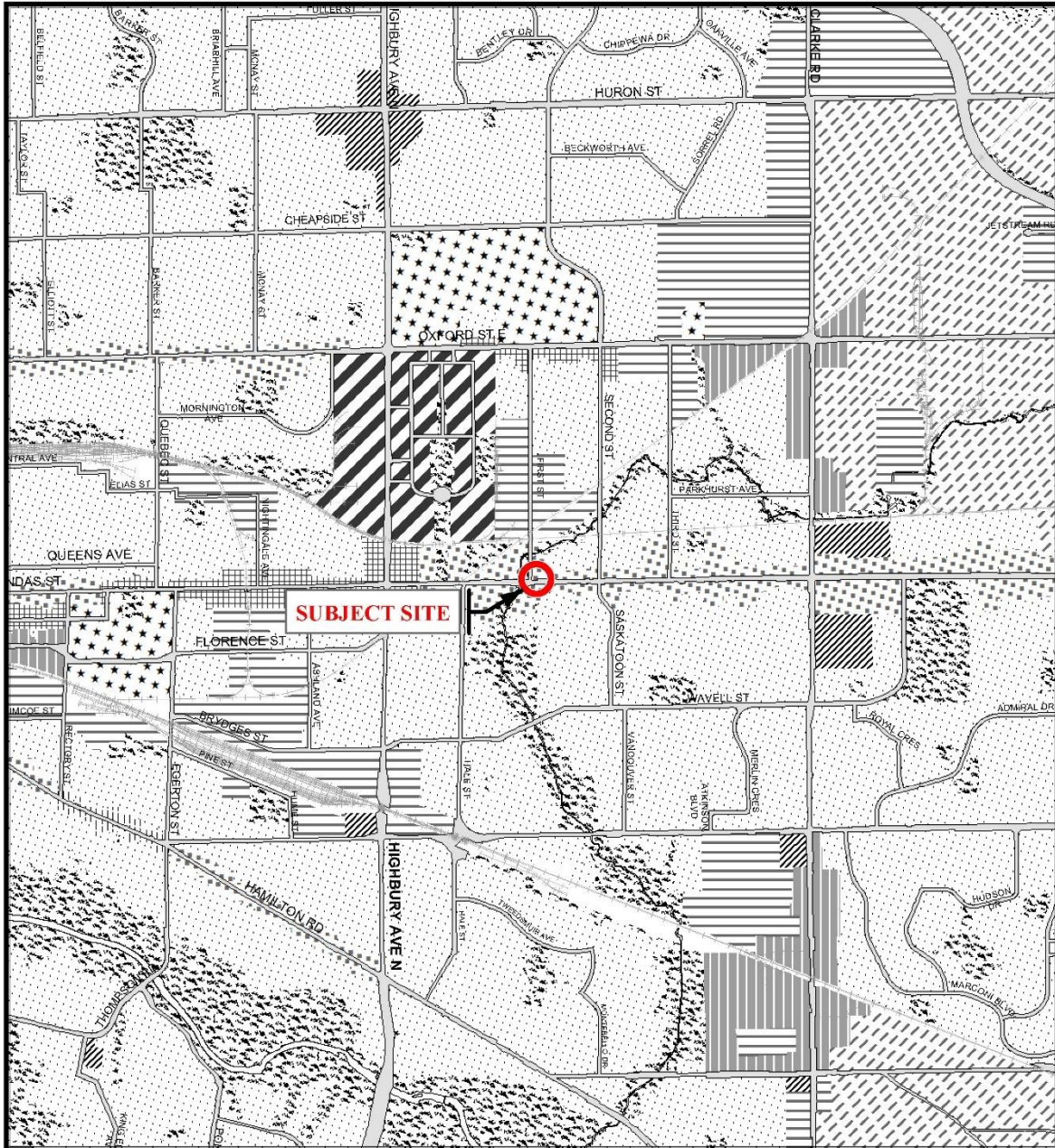
- Engineering has no concerns or comments for the PAC at 1544 Dundas Street. It is our understanding there are no exterior changes proposed to the site.

## **Appendix D – Public Engagement**

No public comments were received for this application.

# Appendix E – Relevant Background

## The London Plan – Map 1 – Place Types



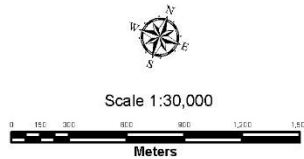
### Legend

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

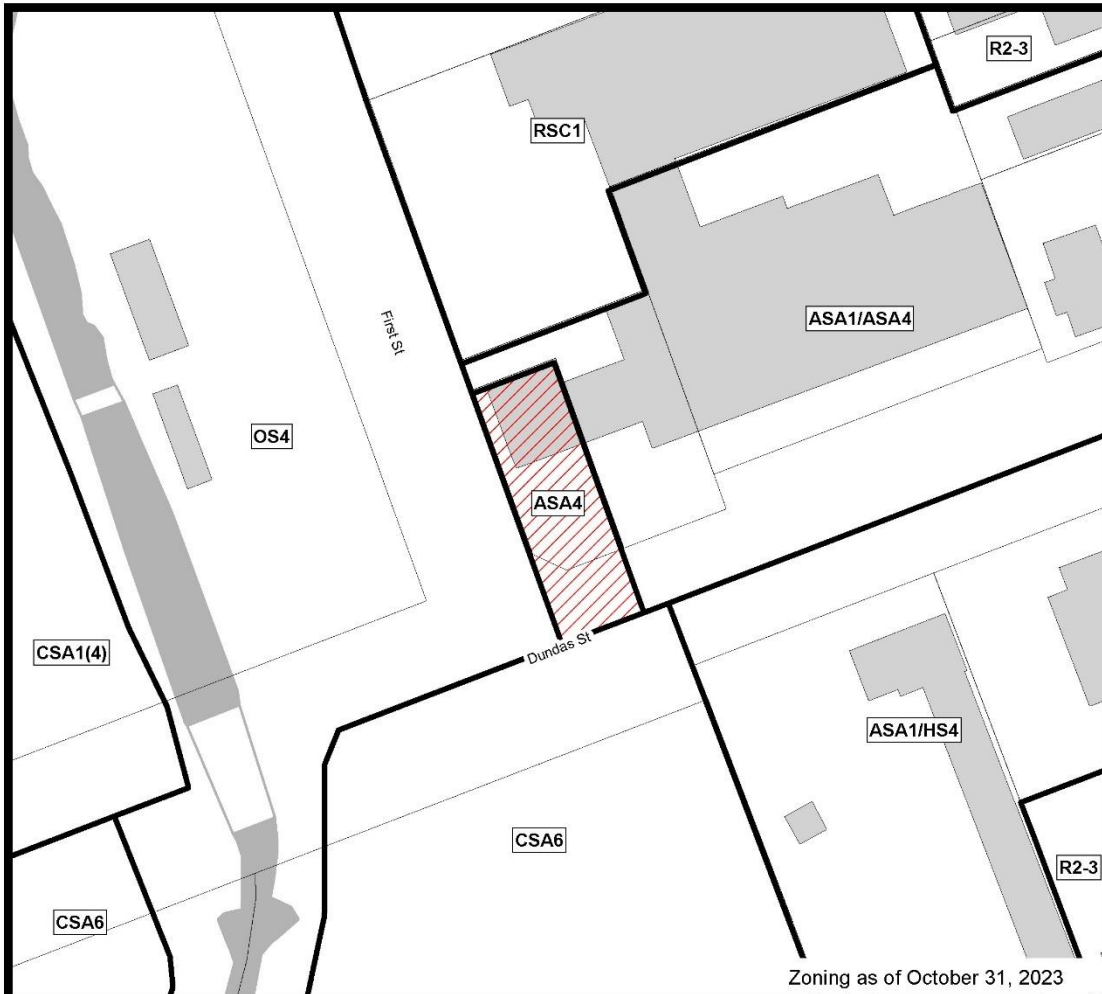
PREPARED BY: Planning & Development



**File Number:** Z-9671  
**Planner:** CC  
**Technician:** RC  
**Date:** 2023/11/20

Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\Z-9671-Map1-PlaceTypes.mxd

# Zoning By-law Z.-1 – Zoning Excerpt



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

1) *LEGEND FOR ZONING BY-LAW Z-1*

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9671

CC

MAP PREPARED:

2023/11/20

RC

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Meters

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** Scott Mathers MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Brock Development Group Inc. (c/o Michelle Doornbosch)  
2598 - 2624 Woodhull Road  
City File: Z-9673, Ward 9  
Public Participation Meeting

**Date:** January 9, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Brock Development Group Inc. (c/o Michelle Doornbosch) relating to the property located at 2598-2624 Woodhull Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 23, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Agricultural (AG2) Zone, holding Agricultural (h-4\*AG2) Zone and holding Open Space (h-2\*OS4) Zone **TO** an Agricultural Special Provision (AG2(\_)) Zone, holding Agricultural Special Provision (h-4\*AG2(\_)) Zone and holding Open Space (h-2\*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(\_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

**IT BEING NOTED** that the above noted amendment is being recommended for the following reasons:

- i. The recommended amendment is consistent with the Provincial Policy Statement, 2020.
- ii. The recommended amendment conforms to the policies of The London Plan, including, but not limited to, the Key Directions and Farmland and Green Space Place Type policies.
- iii. The recommended amendment is intended to support a conditionally approved consent to sever application given the identified lands are constrained for viable agricultural use.
- iv. The recommended amendment is not intended to impact the character of the agricultural area. The proposed use will co-exist in harmony with the adjacent land uses and considers the long-term protection of natural heritage resources, the long-term compatibility of uses and does not create a net increase in the number of buildable lots.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Agricultural (AG2) Zone, holding Agricultural (h-4\*AG2) Zone and holding Open Space (h-2\*OS4) Zone to an Agricultural Special Provision (AG2(\_)) Zone, holding Agricultural Special Provision (h-4\*AG2(\_)) Zone and holding Open Space (h-2\*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(\_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

## Purpose and the Effect of Recommended Action

The recommended action will permit a single detached dwelling as a permitted use where farm dwellings are currently the only permitted dwelling type. Special provisions are required to reflect the current site conditions and will allow for the development of the proposed single detached dwelling, which is proposed to be oriented towards and accessed from Woodhull Road. The existing dwelling at 2598 Woodhull Road and the rear portion of the subject lands currently zoned as Open Space (OS4) will remain unchanged.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

1. **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.
2. **Climate Action and Sustainable Growth** by ensuring London is more resilient and better prepared for the impacts of a changing climate.
3. **Housing and Homelessness** by protecting natural heritage areas and agricultural areas for the needs of Londoners now and into the future.

## Analysis

### 1.0 Background Information

#### 1.1 Planning History

B.008/21 – Consent application seeking a lot adjustment of approximately 1,887.7m<sup>2</sup> from 2598 Woodhull Road to consolidate with the abutting property to the south (2624 Woodhull Road) for the purpose of constructing a future single detached non-agricultural dwelling, and to retain approximately 9,319.1m<sup>2</sup> for the purpose of maintaining the existing single detached non-agricultural dwelling. The application was initially refused at the Committee of Adjustment but approved through an Ontario Lands Tribunal Appeal with the condition that a Zoning By-law Amendment be undertaken to allow for the comprehensive review of the subject lands.

#### 1.2 Property Description and Location

The subject lands, municipally known as 2598-2624 Woodhull Road, are located in the Woodhull Planning District on the east side of Woodhull Road. The lands have a total area of approximately 0.52 hectares with a combined lot frontage of approximately 119.6 metres along Woodhull Road. 2598 Woodhull Road currently contains a single detached dwelling and detached garage, while 2624 Woodhull Road is currently vacant. Both properties are also partially zoned Open Space (OS4) to recognize and protect the on-site natural heritage features on the east side of the lots. The subject lands are also within the UTRCA regulatory area. The surrounding neighbourhood consists of a mix of agricultural uses, low-density residential uses, and open spaces.

#### 1.3 Site Statistics

- Current Land Use – Single Detached Dwelling/ Vacant
- Frontage – 119.6 metres
- Area – 5,200 metres square (0.52 hectares)
- Shape – Rectangular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

#### 1.4 Surrounding Land Uses

- North – Agriculture; Open Space; Rural Residential
- East – Open Space
- South – Agriculture; Open Space
- West – Agriculture; Environmental Review

### 1.4.1 Existing Planning Information

- The London Plan – Farmland and Open Space Place Types fronting a Rural Connector
- Existing Zoning – Agricultural (AG2), holding Agricultural (h-4\*AG2) and holding Open Space (h-2\*OS4) Zone

Additional site information and context is provided in Appendix B.

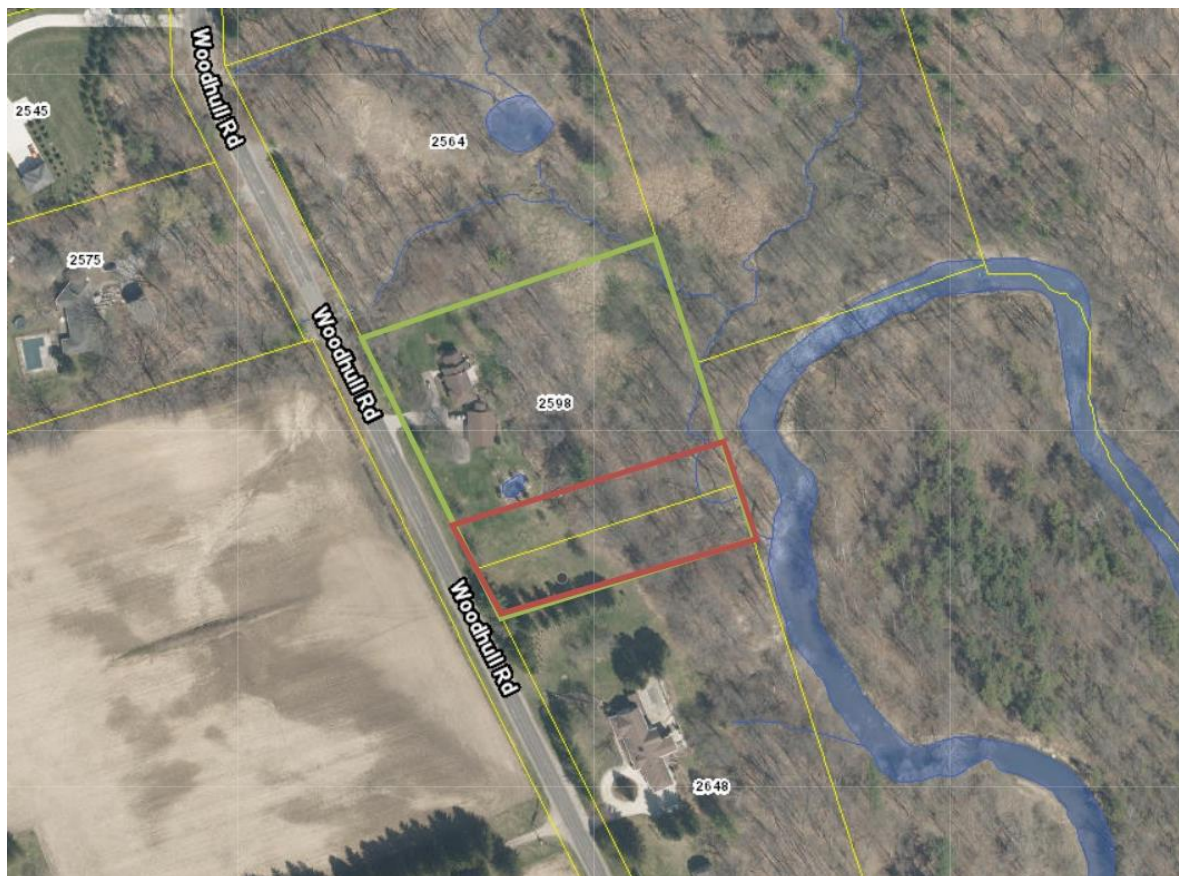


Figure 1. Aerial Photo of 2598-2624 Woodhull Road and surrounding lands.

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

In November 2023, the City accepted a complete zoning by-law amendment application to develop the subject lands for a low-density residential use. The development proposal is comprised of one single detached dwelling with a maximum height of 12.0 metres. The dwelling will be oriented towards and accessed from Woodhull Road. The rear portion of the subject lands currently zoned as Open Space (OS4) will remain unchanged.

The application included a conceptual site plan, showing the conditionally approved parcel and the proposed development, shown below as Figure 2.

The proposed development includes the following features:

- Land use: Residential
- Form: Single detached dwelling
- Height: 12.0 metres
- Residential units: 1 unit
- Building coverage: 24%

Additional proposal information and context is provided in Appendix B and C.

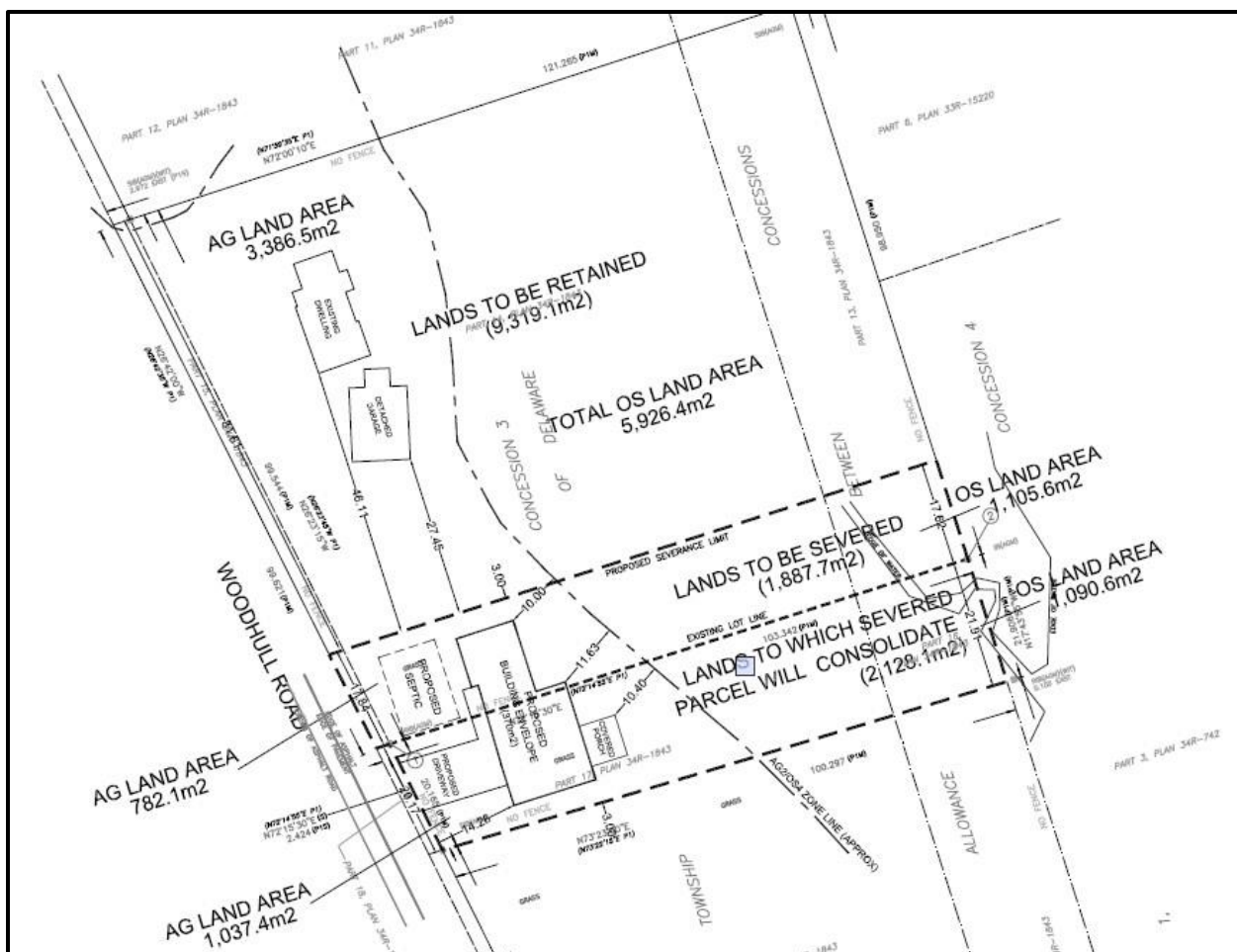


Figure 2. Concept Site Plan

## 2.2 Requested Amendment

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM an Agricultural (AG2) Zone, holding Agricultural (h-4\*AG2) Zone and holding Open Space (h-2\*OS4) Zone TO an Agricultural Special Provision (AG2(\_)) Zone, holding Agricultural Special Provision (h-4\*AG2(\_)) Zone and holding Open Space (h-2\*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(\_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (AG2) – 2624 Woodhull Road	Required	Proposed/Recommended
Lot Frontage (minimum)	300 metres	38.0 metres
Lot Area (minimum)	30 hectares	0.18 hectares
Front Yard Depth (minimum)	30.0 metres	14.0 metres
Interior Side Yard Depth (minimum)	30.0 metres	3.0 metres
Rear Yard Depth (minimum)	30.0 metres	1.0 metres
Lot Coverage (maximum)	10%	24%
Additional Permitted Uses		Single detached dwellings
Regulation (AG2) – 2598 Woodhull Road	Required	Proposed
Lot Frontage (minimum)	300 metres	81.6 metres
Lot Area (minimum)	30 hectares	0.34 hectares
South Interior Side Yard Depth (minimum)	30.0 metres	27.4 metres

## 2.3 Public Engagement

On November 6, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 11 property owners and residents in the surrounding area. Notice of Application



was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 9, 2022. A “Planning Application” sign was also placed on the site.

There were six responses received during the public consultation period.

Key issues identified by the public included expressed concerns related to:

- Consent approval generally
- Servicing the site
- Intensity of special provisions
- Neighbourhood character
- Access and vehicle safety
- Environmental and agricultural impacts

Detailed public comments are included in Appendix D of this report.

## **2.4 Internal and Agency Comments**

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies include:

- The site is located outside of the Urban Growth Boundary and there are no municipal services available to service this site. Staff determined that services can be addressed through the clearance of conditions for the related consent application.
- The EIS proposed a 0m buffer after the dripline was surveyed. City Ecology staff is not supportive of no ecological buffer to the proposed development and recommends revising the buffer to extend to the erosion hazard limit as indicated in the previous comments. Further analysis is provided under section 4.4 of this report.
- If boundary markers are to be implemented as recommended in the EIS, they should be located at the edge of the ecological buffer and not the edge of the significant woodland.

Detailed internal and agency comments are included in Appendix E of this report.

## **2.5 Policy Context**

### ***2.5.1 The Planning Act and the Provincial Policy Statement, 2020***

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020* (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption, and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below. As the application for a Zoning By-law amendment complies with The London Plan, it is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

Section 2.3 of the *PPS* identifies prime agricultural areas to be protected for long-term agricultural uses. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The consolidated lot is limited to the minimum size required to support the development of the single detached dwelling with private services, without impacting the retained parcel. Both the consolidated lot and retained lands are not used

for agricultural purposes due to their limited size and location between a natural heritage feature and the road. The proposed zoning by-law amendment will facilitate the lot adjustment resulting in the future development of a single detached dwelling.

Rural Areas are considered important to the economic success of the province and to our quality of life. Land use patterns within rural areas shall be carefully planned so as to encourage healthy, integrated and viable growth through; (1) building upon the existing rural character, (2) promoting regeneration, (3) accommodating a mix of housing, (4) encouraging the conservation and redevelopment of existing rural housing stock, and (5) utilizing rural infrastructure and public services efficiently (1.1.4.1) Permitted uses on rural lands located in municipalities also include residential development, including lot creation, that is locally appropriate for the context of the site (1.1.5.2).

Section 2.3 of the PPS also identifies natural features and areas to be protected for the long-term. Development and site alterations in significant natural areas shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5). Based on the scientific findings of the Environmental Impact Study an extension of the existing open space zone is recommended along the subject land's erosion hazard limit to buffer the development from the identified natural features. To ensure the continued protection of the natural heritage feature Staff is recommending that these lands be rezoned to a more restrictive Open Space (OS5) zone.

The recommended amendment is consistent with the vision and goals of the PPS 2020 for rural and natural areas and is not anticipated to have a negative impact on the healthy, integrated, or viable growth of the property.

### **2.5.2 The London Plan, 2016**

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the *Provincial Policy Statement* and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

## **3.0 Financial Impact/ Considerations**

### **3.1 Financial Impact**

There are no direct municipal financial expenditures with this application.

### **3.2 Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Details on the characteristics of the proposed application related to the City's climate action objectives are included in Appendix C of this report.

## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

The proposed residential use is supported by the policies of the *Provincial Policy*

*Statement, 2020 (PPS)* and contemplated in the Farmland Place Type. Residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment, provided it does not create conflicts with farming operations, and is subject to an environmental impact study if adjacent to any natural heritage feature (TLP 1190\_). 2624 Woodhull Road is an existing lot of record, consolidating with a portion of 2598 Woodhull Road to increase the lot to the minimum size required to support the development of the single detached dwelling with private services.

In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road, nor the abutting property to the south, are considered viable for agricultural purposes due to onsite natural heritage features and the size of the lots. Although the property across the road has a functioning agricultural use, no conflicts with farming operations are anticipated because of the additional separation, of roughly 20 metres, that Woodhull Road provides.

Furthermore, prior to the consent for lot adjustment (B.008/21) being finalized, it is a requirement that the Zoning By-law Amendment be approved to allow the proposed single detached dwelling to be considered a permitted use on the subject lands and ensure its compatibility with surrounding land uses (TLP 1704\_10).

The rear portion of the subject lands are located within the Greenspace Place Type in The London Plan. The Greenspace Place Type in conjunction with the Plan's Environmental Policies are intended to protect and conserve our natural areas and their delicate ecosystems, keep development an appropriate distance from our hazard lands, and offer a variety of parks that contribute significantly to the quality of life for Londoners (TLP 759\_). The existing open space (zoned) lands are proposed to expand and be rezoned to a more restrictive open space zone to provide an increased buffer on the site and better protect and conserve the natural features. This aligns with the environmental policies of The London Plan which states that where natural areas that are within the Green Space Place Type represent significant natural features and ecological functions, that in addition to the protection provided by their inclusion in the Green Space Place Type, additional measures to provide for their protection and rehabilitation are considered necessary (TLP 1315\_).

#### **4.2 Intensity**

The proposed residential intensity is consistent with the policies of the *PPS* and with the Farmlands Place Type in The London Plan which states that residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment provided it does not create conflicts with farming operations and subject to an environmental impact study if adjacent to any natural heritage feature (TLP 1190\_; 1193\_). Farm parcels must also be established at a minimum size of 40 hectares as per the intent of The London Plan for existing farmland lots (TLP 1215\_2). In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road are 40-hectares and are considered viable for agricultural purposes due to onsite natural heritage features. The consent for lot adjustment will effectively increase the size of 2624 Woodhull Road while minimally reducing the size of 2598 Woodhull Road to permit a single detached dwelling on both properties.

As a result of the lot adjustment special provisions to recognize the reduced lot sizes and frontages are required to permit the proposed development.

#### **4.3 Form**

The proposed built form is generally consistent with the Farmland Place Types which directs development to be located toward the street to minimize the impact on the amount of land that is agriculturally viable for production (TLP 1216\_). The proposed built form is also consistent with the City Design policies in The London Plan by facilitating a development that is designed to be a good fit and compatible within its context (TLP 193\_2). The proposed built form is comparable in size and location to abutting properties along Woodhull Road. The proposed location is also situated with sufficient buffers based on the scientific findings of the Environmental Impact Study to the identified natural heritage features mitigating for the adverse impacts of the development on the natural heritage features and vice versa.

#### 4.4 Natural Heritage Features

The Greenspace Place Type in conjunction with the Plan's Environmental Policies is intended to protect and conserve our natural areas and their delicate ecosystems, keep development an appropriate distance from our hazard lands, and offer a variety of parks that contribute significantly to the quality of life for Londoners (TLP 759\_). The Green Space Place Type will be implemented by such planning initiatives as providing for the protection of natural heritage features and areas which have been identified, studied, and recognized by City Council as being of city-wide or regional significance, and/or by the Ministry of Natural Resources and Forestry as provincially significant (TLP 761\_7). Based on the scientific findings of the Environmental Impact Study, it was determined that additional buffering and protection of the identified natural heritage feature was required. The existing open space (zoned) lands are proposed to be expanded upon by roughly 10.0 metres (which includes the entirety of the significant woodland and roughly a 5.0 metre buffer) to ensure appropriating buffering to the natural heritage features and to protect the proposed development from potential soil erosion. The expansion of the open space lands ensures the zoning line is located at the edge of the ecological buffer which includes the entirety of the significant woodland where the previous zone line did not.

In accordance with the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8). To restrict the potential for development and site alterations in the open space (zoned) lands, the natural heritage feature is being rezoned to a more restrictive open space zone, the OS5 zone. Minimal uses such as conservation lands, conservation works, managed woodlots and passive recreation uses, including hiking trails and multi-use pathways are permitted.

As the Environmental Impact Study was scoped to include the existing and future lands of 2624 Woodhull Road only, the existing Open Space (OS4) zone and environmental based holding provisions will remain in place on the retained lands at 2598 Woodhull Road until such time as the natural heritage features are evaluated.



Figure 3. Concept Site Plan identifying the natural heritage feature and required buffer.

#### 4.5 Zoning

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Agricultural (AG2) Zone, holding Agricultural (h-4\*AG2) Zone and holding Open Space (h-2\*OS4) Zone to an Agricultural Special Provision (AG2(\_)) Zone,

holding Agricultural Special Provision (h-4\*AG2(\_)) Zone and holding Open Space (h-2\*OS4 ) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(\_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

In accordance with The London Plan, as the use of lands, buildings, and structures at 2598 Woodhull Road did not comply with the Zoning By-law but were lawfully used for such purpose prior to the approval of the Zoning By-law, the existing use and site conditions can be recognized as legal non-conforming in accordance with the Planning Act (TLP, 1665\_). As a result of the consent to sever, special provisions are required to recognize the new lot area, lot frontage and south interior side yard. No additional special provisions are required.

***A minimum frontage of 38.0 metres (2624 Woodhull Road) and 81.6 metres (2598 Woodhull Road).***

The intent of regulating minimum lot frontages is to ensure lots are adequately sized and shaped to support the intended use of the lands. In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road had a required lot frontage of 300 metres prior to the conditionally approved consent for lot adjustment. The consent for lot adjustment will effectively increase the frontage of 2624 Woodhull Road, permitting a larger property width that can better accommodate the development of the proposed single detached dwelling. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large of a lot frontage as the uses permitted within the Agricultural zone on the site. For reference, the single detached dwellings zoned Residential R1 (R1-11) along Elviage drive, in close proximity to the subject lands, only require a lot frontage of 24.0 metres to support a single detached dwelling.

***A minimum lot area of 0.18 hectares (2624 Woodhull Road) and 0.34 hectares (2598 Woodhull Road).***

The intent of regulating minimum lot areas in agricultural zones is to ensure that there is an appropriate amount of land to facilitate the permitted uses. In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road were 40-hectares prior to the conditional approved consent for lot adjustment. The consent for lot adjustment will effectively increase the lot size of 2624 Woodhull Road, improving the quality and quantity of lands available on this site, while minimally reducing the size of 2598 Woodhull Road. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large of a lot area as the uses permitted within the Agricultural zone on the site. For reference, the single detached dwellings zoned Residential R1 (R1-11) along Elviage drive, in close proximity to the subject lands, only require a lot area of 1390 square metres (or 0.14 hectares) to support a single detached dwelling. Furthermore, the reduced minimum lot area refers specifically to the area zoned as Agriculture (AG2) whereas the total lot areas, including the Open Space zone, is much larger. Accounting for the Open Space zoned lands the total lot area of 2624 Woodhull Road is 0.4 hectares, and the total lot area of 2598 Woodhull Road is 0.93 hectares.

***A minimum front yard depth of 14.0 metres (2624 Woodhull Road).***

The intent of a front yard depth is to ensure sufficient space between the buildings and front lot line to accommodate all site functions while also taking into consideration Minimum Distance Separation (MDS I) requirements. In this case, the reduced front yard depth will help situate the proposed development an appropriate distance from the street to minimize the impact of the single detached dwelling on the natural features as well as to situate the dwelling outside of the erosion hazard lands. Note, it is the responsibility of the property owners to ensure compliance with the Minimum Distance Separation (MDS I) requirements and that private services can be effectively provided within the front yard depth during the building permit stage.

***A minimum interior side yard depth of 3.0 metres (2624 Woodhull Road) and minimum south interior side yard depth of 27.4 metres (2598 Woodhull Road).***

The intent of interior side yard setbacks is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. In the agricultural (AG2) zones in particular, side yard setbacks are larger to ensure sufficient setbacks are provided to facilitate the permitted uses, including livestock facilities that are subject to the Minimum Distance Separation (MDS I) requirements. In this case, neither the subject lands at 2598 nor 2624 Woodhull Road nor the abutting property at 2648 Woodhull Road have or are proposing uses other than single detached dwellings. The existence of natural heritage features also limits the sites capacity to accommodate agricultural type uses while meeting the Minimum Distance Separation (MDS I) requirements. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large interior side yard setbacks.

Furthermore, regarding the reduced south interior side yard setback of 27.4 metres for 2598 Woodhull Road this is recognizing the setback from the new property line. Prior to the consent for lot adjustment the property complied with the required south interior side yard depth. As a result of the consent application, the detached garage is situated slightly closer to the south property line than is permitted. No concerns with the reduced interior side yard setbacks from the adjacent properties was raised.

***A minimum rear yard depth of 1.0 metres (2624 Woodhull Road).***

The intent of a rear yard depth is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. In this case, the zoning line (the line that separates the Agriculture (AG2) zone and the Open Space (OS5) zone) acts as the line in which the rear yard depth is measured to rather than the typical rear property line. Initially a rear yard depth of 10.0 metres was proposed, however, as the existing open space (zoned) lands are being proposed to be expanded to ensure appropriating buffering to the natural heritage features and to protect the proposed development from potential soil erosion, the setback was effectively further reduced to 1.0 metres. It should also be noted that the setback is measured to the proposed covered porch whereas the main dwelling is situated at a larger setback to the zone line. Furthermore, as the open space lands have been expanded to provide for adequate buffering to the natural heritage features, Staff are satisfied that no adverse impacts to the natural heritage features are anticipated.

***To permit a maximum lot coverage of 24 percent (2624 Woodhull Road).***

The intent of regulating the maximum permitted lot coverage in the agricultural zone is to ensure structures remain subordinate to the main agricultural uses. In the agricultural (AG2) zone in particular, a maximum lot coverage of 10 percent is required (whereas other agricultural zones required a maximum lot coverage of 20 percent) to facilitate the permitted uses. In this case, the increased maximum lot coverage is a result of the reduced lot area based on the final zone line and is considered sufficient to accommodate the proposed single detached dwelling.

## **Conclusion**

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Agricultural (AG2) Zone, holding Agricultural (h-4\*AG2) Zone and holding Open Space (h-2\*OS4) Zone to an Agricultural Special Provision (AG2(\_)) Zone, holding Agricultural Special Provision (h-4\*AG2(\_)) Zone and holding Open Space (h-2\*OS4 ) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(\_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and will permit the development of a single detached dwelling. The development will facilitate the development of the subject site while ensuring the protection and enhancement of on-site and adjacent natural areas.

**Prepared by:** **Michaella Hynes**  
**Planner, Planning Implementation**

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P. Eng  
Deputy City Manager, Planning and Economic  
Development

Copy: Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2023

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2598-2624 Woodhull Road.

WHEREAS Brock Development Group Inc. has applied to rezone an area of land located at 2598-2624 Woodhull Road, 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2598-2624 Woodhull Road, as shown on the attached map comprising part of Key Map No. A105, from an Agricultural (AG2) Zone, holding Agricultural (h-4\*AG2) Zone and holding Open Space (h-2\*OS4) Zone TO an Agricultural Special Provision (AG2(\_)) Zone, holding Agricultural Special Provision (h-4\*AG2(\_)) Zone and holding Open Space (h-2\*OS4 ) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(\_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.
- 2) Section Number 9.4 of the Agriculture (AG2) Zone is amended by adding the following Special Provisions:

AG2 ( \_ )      2598 Woodhull Road

a) Regulations:

- |   |                         |
|---|-------------------------|
| i) Lot Frontage (Minimum)                     | 81.6 metres             |
| ii) Lot Area (Minimum)                        | 0.34 hectares           |
| iii) South Interior Side Yard Depth (Minimum) | 27.4 metres (89.9 feet) |

AG2 ( \_ )      2624 Woodhull Road

a) Additional Permitted Uses

- i) Single detached dwellings

b) Regulations:

- |  |                         |
|--|-------------------------|
| i) Lot Frontage (Minimum)              | 38.0 metres             |
| ii) Lot Area (Minimum)                 | 0.18 hectares           |
| iii) Front Yard Depth (Minimum)        | 14.0 metres (45.9 feet) |
| iv) Interior Side Yard Depth (Minimum) | 3.0 metres (9.8 feet)   |



v) Rear Yard Depth (Minimum)	1.0 metres (3.3 feet)
vi) Lot Coverage (Maximum Percent)	24%

- 3) This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

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.

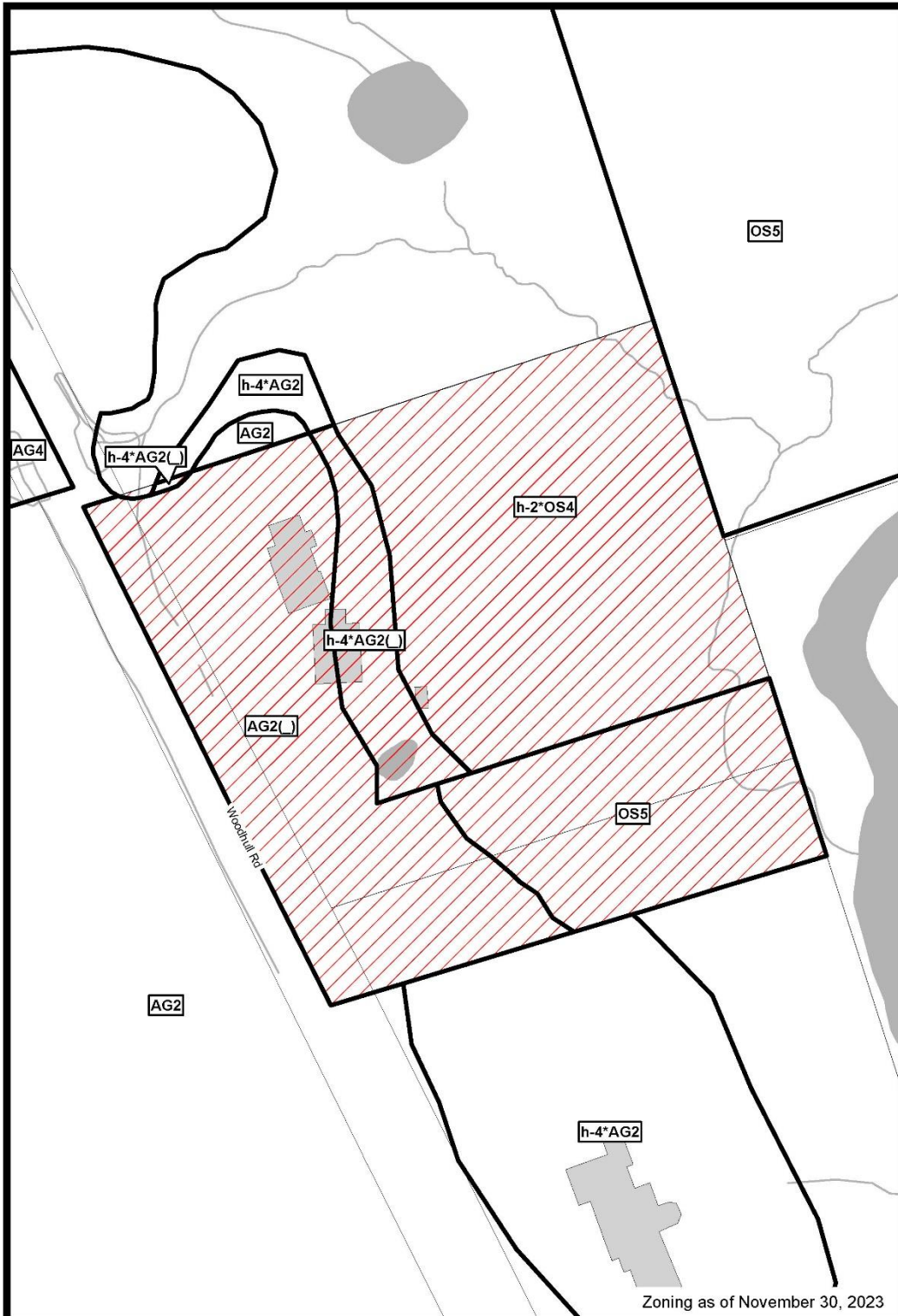
PASSED in Open Council on January 23, 2023, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2023  
Second Reading – January 23, 2023  
Third Reading – January 23, 2023

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



File Number: Z-9673  
Planner: MH  
Date Prepared: 2023/12/11  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,000

0 5 10 20 30 40  
Meters



Geodatabase

## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Single Detached Dwelling/ Vacant
Frontage	119.6 metres
Area	5,200 metres square (0.52 hectares)
Shape	Rectangular
Within Built Area Boundary	No
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Agriculture; Open Space; Rural Residential
East	Open Space
South	Agriculture; Open Space
West	Agriculture; Environmental Review

#### Proximity to Nearest Amenities

Major Intersection	Woodhull Road and Elviage Drive (300 metres)
Dedicated cycling infrastructure	N/A
London Transit stop	N/A
Public open space	N/A
Commercial area/use	N/A
Food store	N/A
Community/recreation amenity	N/A

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Farmland and Open Space Place Types fronting a Rural Connector
Current Special Policies	N/A
Current Zoning	Agricultural (AG2), holding Agricultural (h-4*AG2) and holding Open Space (h-2*OS4) Zone

#### Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	An Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4 ) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

#### Requested Special Provisions

Regulation (AG2) – 2624 Woodhull Road	Required	Proposed
Lot Frontage (minimum)	300 metres	38.0 metres
Lot Area (minimum)	30 hectares	0.18 hectares
Front Yard Depth (minimum)	30.0 metres	14.0 metres
Interior Side Yard Depth (minimum)	30.0 metres	3.0 metres
Rear Yard Depth (minimum)	30.0 metres	1.0 metres
Lot Coverage (maximum)	10%	24%
Additional Permitted Uses		Single detached dwellings

Regulation (AG2) – 2624 Woodhull Road	Required	Proposed
Regulation (AG2) – 2598 Woodhull Road	Required	Proposed
Lot Frontage (minimum)	300 metres	81.6 metres
Lot Area (minimum)	30 hectares	0.34 hectares
South Interior Side Yard Depth (minimum)	30.0 metres	27.4 metres

## C. Development Proposal Summary

### Development Overview

The recommended action will permit a single detached dwelling as a permitted use where farm dwellings are currently the only permitted dwelling type.

### Proposal Statistics

Land use	Residential
Form	Single detached dwelling
Height	12.0 metres
Residential units	1
Density	N/A
Gross floor area	N/A
Building coverage	24%
Landscape open space	N/A
Functional amenity space	Provided onsite
New use being added to the local community	No

### Mobility

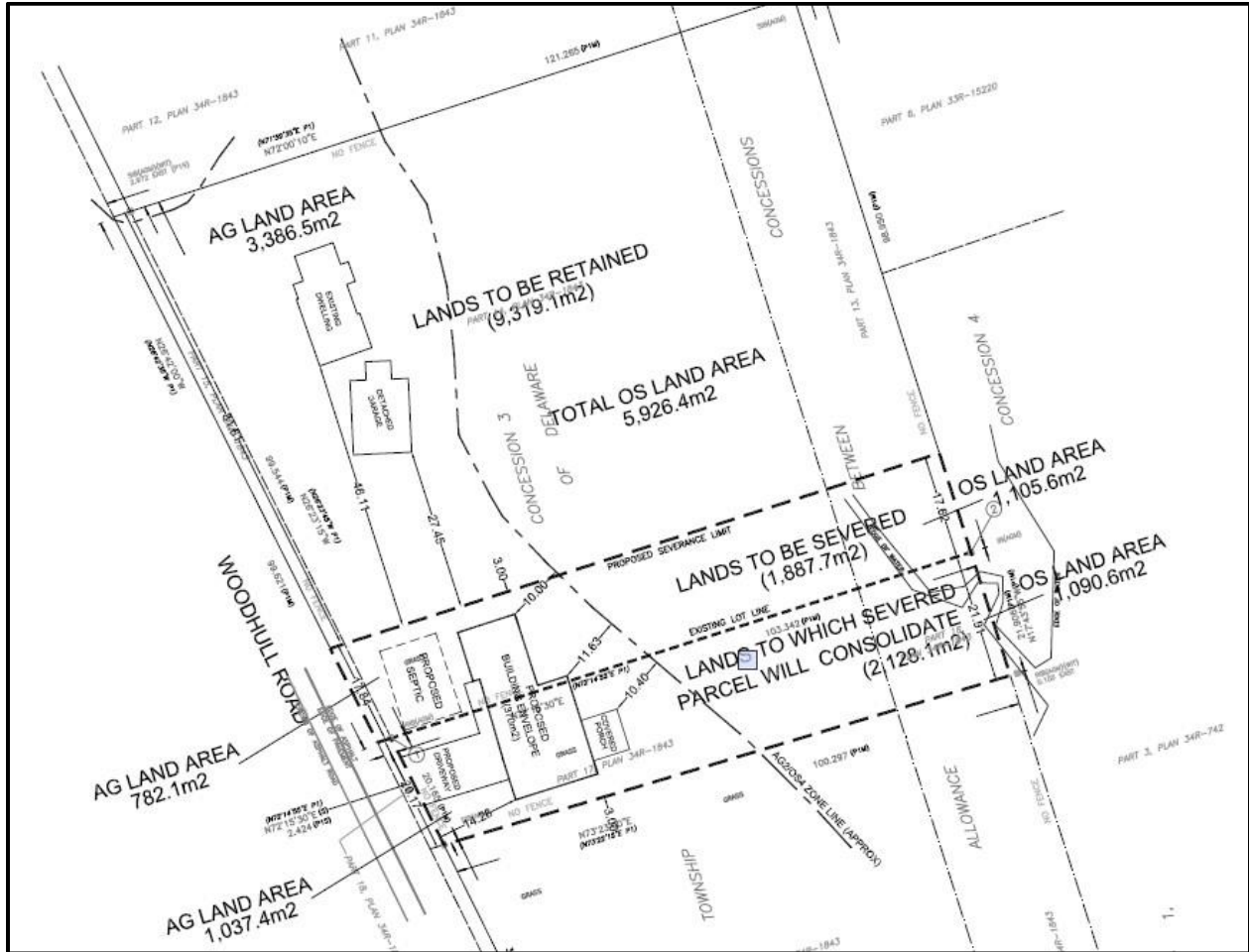
Parking spaces	4
Vehicle parking ratio	4 spaces/ unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	N/A
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	N/A
Connection from the site to a multi-use path	N/A

### Environmental Impact

Tree removals	Yes
Tree plantings	Yes
Tree Protection Area	Yes
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	No
Existing structures repurposed or reused	No
Green building features	Unknown

# Appendix C – Additional Plans and Drawings

## Concept Site Plan



## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On November 6, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 11 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 9, 2022. A “Planning Application” sign was also placed on the site.

**Nature of Liaison:** The purpose and effect of this zoning change is to facilitate the development of a single detached dwelling. Possible change to the Zoning By-law Z.-1 FROM a holding Agricultural and Open Space (h-4\*AG2/h-2\*OS4) Zone TO an Agricultural Special Provision and Open Space (AG2(\_)/OS4) Zone. Special Provisions for 2624 Woodhull Road include a reduced lot frontage of 38.0 metres whereas 300 metres is the minimum required; reduced lot area of 0.18 hectares whereas 30 hectares is the minimum required; reduced minimum front yard setback of 14.0 metres whereas 30.0 metres is required; reduced minimum interior side yard setbacks of 3.0 metres whereas 30.0 metres is required; reduced minimum rear yard setback of 10.0 metres whereas 30.0 metres is required; increased maximum lot coverage of 24% whereas 10% is the maximum permitted; and to permit single detached dwellings as an additional permitted use. Special Provisions for 2598 Woodhull Road include a reduced lot area of 0.34 hectares whereas 30 hectares is the minimum required. The City may also consider the use of holding provisions, and additional special provisions to facilitate the proposed development.

**Public Responses:** Six replies received.

#### Public Comment #1 – John Lean

Michaella

I am a resident and owner. I am in receipt of the notice of planning application regarding 2598-2624 Woodhull Rd.

The proposed application is an abuse of planning principles and would create a de facto subdivision of agricultural lands. This is contrary to provincial planning policy, especially in an area with no municipal water or sanitary services. The requested amendments to set-back provisions are extreme and out of character for the area.

#### Public Comment #2 – Mark and Ruth Rau

Hello Michaella,

We are emailing you with regard to proposed zoning bi-law amendment file number Z-9673 for 2598-2624 Woodhull Road, proposing a single detached dwelling with special provisions for lot frontage, lot area; minimum yard setbacks and maximum yard coverage.

Although we are not immediately impacted by the proposed amendment we are very much concerned that it could result in a “slippery-slope” for more zoning changes that would render this stretch of Woodhull Road as a residential area with the concomitant infrastructure, expansion and environmental effects that would accompany same. This is not what attracted us to this property in the first place and is not the way we wish to leave it when that time comes.

We therefore ask you to oppose this zoning bi-law amendment proposal at the next zone planning committee meeting scheduled for 9 January 2024.

#### Public Comment #3 – Ingrid, Monica, and Dr. Martin Betz

Attention Michaella Hynes:

Our family would like to submit a protest in regard to the proposed zoning by-law amendment at 2598-2624 Woodhull Road (File Z-9673). We live at one of the original farms on this stretch of the road, at that time known as Concession IV, Delaware Township.

When the area was designated a Green Zone, regulations were introduced to govern the severing of properties and the random building of houses. They recognized the unique natural features of the land (the hilly terrain, wooded areas, Dingman Creek and ravines) and were meant to preserve its rural and agricultural nature. They served also to protect - since we're all on wells out here - the capacity of the water table. The rules were strict but fair; no exceptions permitted.

Except perhaps for wildlife; for some years an endangered pair of bald eagles has been nesting in the ravine backing onto the properties in question. Not many cities the size of London have managed to preserve such a unique and flourishing green space within their boundaries. For that we can thank the zoning by-laws still currently in place.

Which makes what is now being proposed by the Brock Development Group all the more troubling. Everything about the requested amendments: lot size, frontage, distance of setback (note the placement of the septic tank, necessary because Woodhull does not have sewers) is at odds with the rural nature of neighbouring properties.

If London allows this ill-thought-out exception, how will it be able to turn down the next ones sure to follow? A copy of this protest is being sent to Ward 9 Councillor Anna Hopkins.

Thank you for giving this matter your attention.

#### **Public Comment #4 – Kevin Gowanlock**

November 20, 2023  
Planning and Environment  
Committee 6<sup>th</sup> Floor, City Hall,  
300 Dufferin Ave London,  
Ontario  
N6A 2L9

Re: File: Z-9673

Dear Planning and Environment Committee,  
I am writing to you with concerns regarding File: Z-9673

This application requests a zoning amendment to allow:

- A single detached dwelling
- Special provisions requested for lot frontage, lot area, minimum yard setbacks, maximum lot coverage, and to permit the proposed use.

#### Proposed Driveway Location

With regards to allowing a single detached dwelling on this property, should there not be concern for the safety of occupants exiting and entering the proposed driveway? I do not feel the City of London (City) has properly evaluated the planned location of the driveway for the proposed dwelling by Brock Development (Applicant).

Woodhull Road has seen a significant increase in traffic over the past few years as commuters find alternative routes from the busy Westdel Bourne Road to travel North and South. Even though the traffic speed is posted at 60 km/hr, this is far from the norm as cars drive much faster than the posted rate, closer to 80 km/hr.

In the area of this application, there is a significant and serious visibility issue concerning traffic line of sight due to the road grade elevation changes.

To the south of 2648 Woodhull, there is a gradual uphill grade, which peaks at approximately 200 feet to the North of the driveway at 2648. The road grade then rapidly descends as you proceed northward toward 2598. This road grade causes significant anxiety for the existing residences at 2648, 2649 and 2598 as they enter and exit their driveway. Traffic moving southbound cannot see the driveway or any vehicle exiting 2648 and 2649 until they move south of the peak, (approximately 200 feet north of the driveway at 2648) as the grade does not enable a line of sight for oncoming southbound vehicles. There was a car accident approximately 2 years ago involving a vehicle travelling southbound, colliding with another vehicle that was turning into the drive at 2648. The southbound vehicle could not stop in time. Fig. 3.1, Table 3.2, 3.3

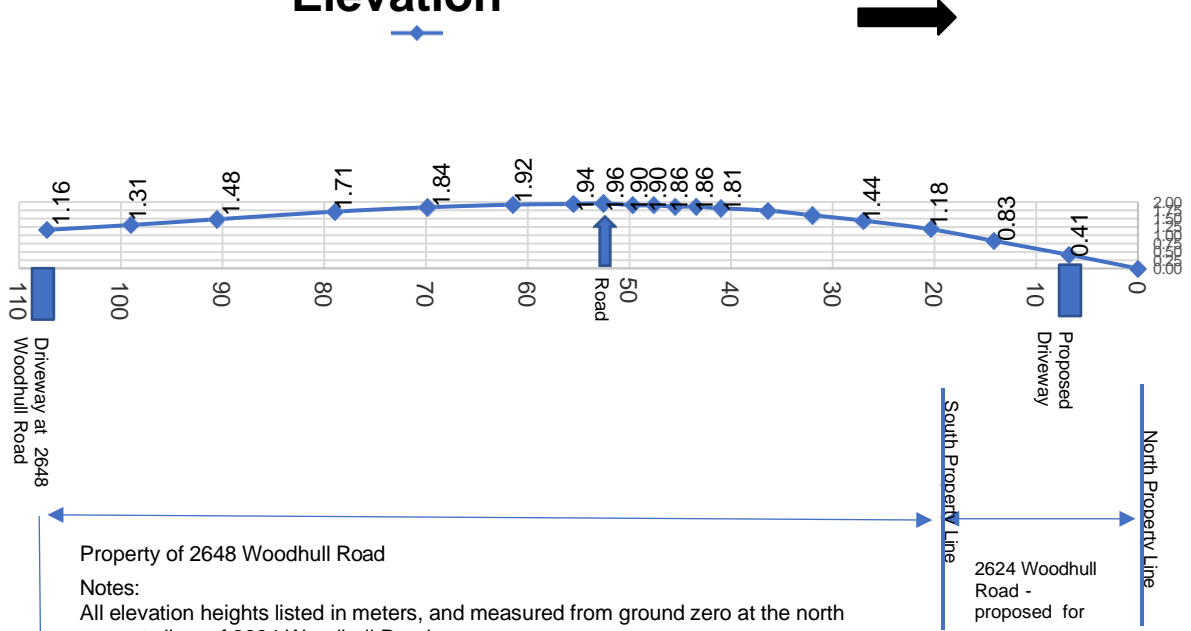
My family and I have had numerous incidences leaving our driveway travelling southbound, where we pull out into the west lane, and a vehicle also traveling southbound comes speeding up over the hill right up behind us, they need to urgently brake to avoid colliding with us. This southbound traffic has approximately 200 feet to react to and avoid a collision. We are fortunate that we have a circle driveway, so we are never required to back out onto the street and when we exit southbound we do so with urgency. There is a "Hidden Driveway" sign at the bottom of the hill to the North for vehicles travelling southbound, but this warning has little to no effect on speeding cars.

The line of sight concern is a much more significant issue for those vehicles travelling northbound with any vehicle entering or exiting the applicant's proposed driveway location. The road peaks to the north of 2648 Woodhull (as noted earlier), but there is only about 125 feet of roadway to the proposed applicant's driveway, with an approximate 5 to 6 feet grade drop in elevation from the road peak. The grade changes in the roadway causes a complete loss of the line of sight for northbound vehicles with any vehicle entering or exiting from the proposed driveway until after northbound vehicles travels over the road crest.



Fig. 1.74

# Woodhull Road Change in Elevation



Property of 2648 Woodhull Road

**Notes:**

All elevation heights listed in meters, and measured from ground zero at the north property line of 2624 Woodhull Road  
 Proposed driveway center at 2624 Woodhull Road is approx. 45.75 m north of the peak of the road crest, 1.55 m elevation below the peak of the road crest.  
 Center of driveway at 2648 Woodhull Road is approx. 54.72 m south of the peak of the road crest, .8 m elevation below the peak of the road crest.

**Elevation between Driveways and Hill Peak**

Table 3.2

Pt. 0 (m)	vs Pt. 0 (m)	Measurement Location
<b>0.00</b>	<b>0.00</b>	<b>2624 Woodhull Road, North property line</b>
<b>6.78</b>	<b>0.41</b>	<b>Estimated proposed driveway location</b>
14.15	0.83	
<b>20.36</b>	<b>1.18</b>	<b>Property line between 2648 and 2624 Woodhull Road</b>
27.00	1.44	
31.98	1.60	
36.32	1.74	
40.95	1.81	
43.49	1.86	
45.53	1.86	
47.60	1.90	
49.64	1.90	
<b>52.53</b>	<b>1.96</b>	<b>Road peak on crest of hill</b>
55.51	1.94	
61.43	1.92	
69.85	1.84	
78.93	1.71	
90.56	1.48	
98.97	1.31	
<b>107.25</b>	<b>1.16</b>	<b>Driveway at 2648 Woodhull Road</b>

Elevation difference between road peak and 2624 Woodhull Road driveway is 1.55 m (5') {1.96 m - .41 m} at a distance of 46 m (150 ft) {52.53 m - 6.78 m}

Elevation difference between road peak and 2648 Woodhull Road driveway is .8 m (2'7") {1.96 m - 1.16 m} at a distance of 55 m (180 ft) {107.25 m - 52.53 m}

**Line of Sight Stopping Distance**

Table 3.3

Pt. 0 (m)	vs Pt. 0 (m)	Measurement Location
<b>0.00</b>	<b>0.00</b>	<b>2624 Woodhull Road, North property line</b>
<b>6.78</b>	<b>0.41</b>	<b>Estimated proposed driveway location</b>
14.15	0.83	
<b>20.36</b>	<b>1.18</b>	<b>Property line between 2648 and 2624 Woodhull Road</b>
27.00	1.44	
31.98	1.60	
36.32	1.74	
40.95	1.81	
43.49	1.86	
45.53	1.86	
47.60	1.90	
49.64	1.90	
<b>52.53</b>	<b>1.96</b>	<b>Road peak on crest of hill</b>
55.51	1.94	
61.43	1.92	
69.85	1.84	
78.93	1.71	
90.56	1.48	
98.97	1.31	
<b>107.25</b>	<b>1.16</b>	<b>Driveway at 2648 Woodhull Road</b>

Approx. line of sight stopping distance for vehicles travelling southbound approaching the driveway at 2648 Woodhull Road. 86 m (282 ft)

Approx. line of sight stopping distance for vehicles travelling northbound approaching the proposed driveway at 2624 Woodhull Road. 68 m (224 ft)

Note: Line of sight stopping distance calculated using Transportation Association of Canada's Geometric Design Guide for Canadian Highways (TAC GDG) guidelines reference Section 3.3.3. using a driver's eye height of 1.08 meters and a tail light height of .6 m

To fully understand the seriousness of this hazard, I have included the stopping distance of a vehicle at different rate of speeds. There are numerous articles and studies with regards to stopping distances found through web searches, but for this calculation, I will refer to an article written by the Ottawa Safety Council. <https://www.ottawasafetycouncil.ca/stopping-distances-and-distracted-driving/>

Total Stopping Distance is a combination of Total Driver Reaction Time and Vehicle Braking Distance. Total Driver Reaction Time considers Perception Time (1.5 seconds) and Reaction Time (1.0 Seconds), for a total of 2.5 seconds for Total Reaction Time. At 60 km/hr, the reaction distance is approximately 43 meters (140 ft.). A driver distracted in any way will significantly increase this distance.

Vehicle Braking Distance is how much further a vehicle will travel once the driver has reacted, and the brakes have been applied. At 60 km/hr, the vehicle braking distance is approximately 45 meters. This may increase for many reasons, including the weight of the vehicle, conditions of the vehicle's tires, and as well road conditions, etc.

Applying this definition, the Total Stopping Distance of a car travelling 60 km/hour under ideal conditions is approximately 66 meters (216 feet). Total Stopping Distance would increase significantly at the more likely higher rate of speed of 80 km/hour on Woodhull Road.

#### Southbound Traffic

The road grade in the described area causes significant risks to the residence at 2648 and 2649 Woodhull Road from vehicles travelling southbound with 86 m (282 ft) line of sight.

Travel Speed (km/hr)	Line of Sight	Payment Conditions	Distance Required To Stop	Safely Stopped
60	86 m (282 ft)	Dry	66 m	Yes
60		Wet	84 m	Yes
80		Dry	99 m	No
80		Wet	134 m	No
Ref. Table C2-1 and Table C2-2				

With reference to the chart above, cars travelling southbound have the ability to stop safely at 60 km/hr on both dry and wet payment. At 80 km/hr, which is the normal speed on Woodhull Road, cars cannot stop safely under either condition.

#### Northbound Traffic

The road grade at the proposed driveway at 2624 Woodhull Road causes significant risks to the future residences from vehicles travelling Northbound with only 68 m (224 ft) line of sight.

Travel Speed (km/hr)	Line of Sight	Payment Conditions	Distance Required To Stop	Safely Stopped
60	68 m (224 ft)	Dry	66 m	Yes
60		Wet	84 m	No
80		Dry	99 m	No
80		Wet	134 m	No
Ref. Table C2-1 and Table C2-2				

With reference to the chart above, cars travelling Northbound have the ability to stop safely at 60 km/hr on dry payment. On wet payment, they cannot stop safely. At 80 km/hr, which is the normal speed on Woodhull Road, cars cannot stop safely under either condition. With reference to table C2-3, even a 3% grade change can add another 5 m to safely stop. Under these parameters, cars will not be able to stop safely at even 60 km/hr on dry payment.

Photo 1.0 refers to the view from a SUV travelling southbound, turning into the proposed driveway. In a lower vehicle, the line of sight would be decreased further.

Photo 2.0 refers to the view from the proposed driveway looking Southbound, exiting the driveway.

From my experience with entering and exiting our driveway at 2648 Woodhull, and the near misses with

approaching vehicles, it is my opinion that this is a very dangerous location for the proposed driveway.

Table C2-2  
STOPPING DISTANCE ON DRY PAVEMENTS

Speed v		Perception and Brlllce Reaction		Coefficient of friction dry pav't	Braking distance on level	Stopping distance (calculated)
Design	Assumed condition	Time	Distance			
km/h	km/h	s	m	f	m	m
40	40	2.5	28	0.625	10	38
50	50	2.5	35	0.618	16	51
(60)	60	2.5	42	0.603	24	(66)
70	70	2.5	49	0.590	33	82
(III)	III	2.5	56	0.580	43	(99)
90	90	2.5	63	0.570	56	119
100	100	2.5	71	0.562	70	139
110	110	2.5	76	0.553	86	162
120	120	2.5	83	0.545	104	187
130	130	2.5	90	0.540	123	213
140	140	2.5	97	0.535	144	241
150	150	2.5	104	0.530	167	271
160	160	2.5	111	0.528	191	302

Table C2-1  
MINIMUM STOPPING SIGHT DISTANCE a-4 WET PAVEMENTS

Speed v		Perception and Brake Reaction		Coefficient of friction wet pav't	Braking distance on level	S-Min. Stopping sight distance	
Design	Assumed condition	Time	Distance			calculated	rounded
km/h	km/h	s	m	f	m	m	
40	40	2.5	28	0.380	17	45	45
50	50	2.5	35	0.358	27	62	65
(60)	60	2.5	42	0.337	42	(84)	85
70	70	2.5	49	0.323	60	109	110
(80)	79	2.5	55	0.312	79	(134)	135
90	87	2.5	60	0.304	98	158	160
100	95	2.5	66	0.296	120	186	185
110	102	2.5	71	0.290	141	212	215
120	109	2.5	76	0.283	165	241	245
130	116	2.5	81	0.279	190	271	275
140	122	2.5	85	0.277	211	296	300
150	127	2.5	88	0.273	232	320	320
160	131	2.5	91	0.269	251	342	345

• Design Speeds above 120 km/h are beyond the normal range of application

**Table C2-3  
EFFECT OF GRADE ON STOPPING SIGHT DISTANCE  
IN WET CONDITIONS**

Design Speed km/h	Assumed speed for condition km/h	Correction in Stopping Distance - metres					
		Decrease for upgrades			Increase for downgrades		
		3%	6%	9%	3%	6%	9%
40	40	-	-	5	-	-	-
50	50	5	5	10	-	5	10
60	60	5	5	10	5	10	15
70	70	5	10	15	5	10	20
80	79	10	15	20	10	15	30
90	87	10	20	25	10	20	40
100	95	10	20	-	15	30	-
110	102	15	25	-	15	35	-
120	109	20	30	-	20	40	-
130	116	25	-	-	20	-	-
140	122	25	-	-	25	-	-
150	127	25	-	-	25	-	-
160	131	30	-	-	30	-	-



Photo 1.0



Photo 2.0

Without some type of intervention to slow traffic down and change the grade of the roadway on Woodhull Road, this is a deadly accident waiting to happen as vehicles leaving the driveway at the proposed 2624 Woodhull residence will risk a collision every time they enter or exit this residence. This is not a question of “if” an accident will occur, but “when”.

It is understood that it is the responsibility of the City to provide its residences with safe roadways that enable safe egress/entry to new development. Accessing new development should not cause a road safety hazard. It is requested that the City undertake an engineering review of the relevant road information to ensure appropriate safety measures (up to and including road grade changes) are enabled and/or appropriate traffic provisions are in place to allow a safe driveway placement prior to enabling this application. It is requested that the City review the engineering data that specifically identifies the road elevations, line of sight requirements and stopping distances needed to confirm sufficient line of sight/visibility requirements are in place for the proposed lot entry/exit. It is specifically requested that the City reviews, approves and makes public the “line of sight” currently available and Total Safety Distance or other provisions needed to enable a safe exit for the proposed driveway location.

The road grade elevations and vehicular line of sight needed in the vicinity of the proposed application do not appear to be safe and should be upgraded for both the residential and vehicular traffic need. Until this grade is altered, residents in this area are at a significant traffic safety risk, and it seems it would be irresponsible to risk additional concern by approving this application without appropriate road safety improvements.

Until the City provides evidence that there are no road safety risks to the addition of this driveway on Woodhull Road, I am opposed to the approval of this Zoning amendment.

#### Setbacks

I am concerned with the application to reduce the minimum interior side yard setback to 3.0 meters whereas 30.0 meters is required.

Below, Photo 3.0 shows an approximate south property line of 2624 Woodhull Road, the property in question. The applicant is requesting a reduction in setback to 3.0 meters.

Along this property line you will see a row of very tall Pine trees which have existed for many years. These trees are mature and fragile, and any damage to their root system could have detrimental effects on their future.

They have been planted around six feet from the property line. In some areas, the branches extend thirteen feet from the trunk, establishing its drip line.

These trees have branches that extend to 2.0 to 2.5 meters over the property line in question, that would practically touch any dwelling that was constructed at 3.0 meters.



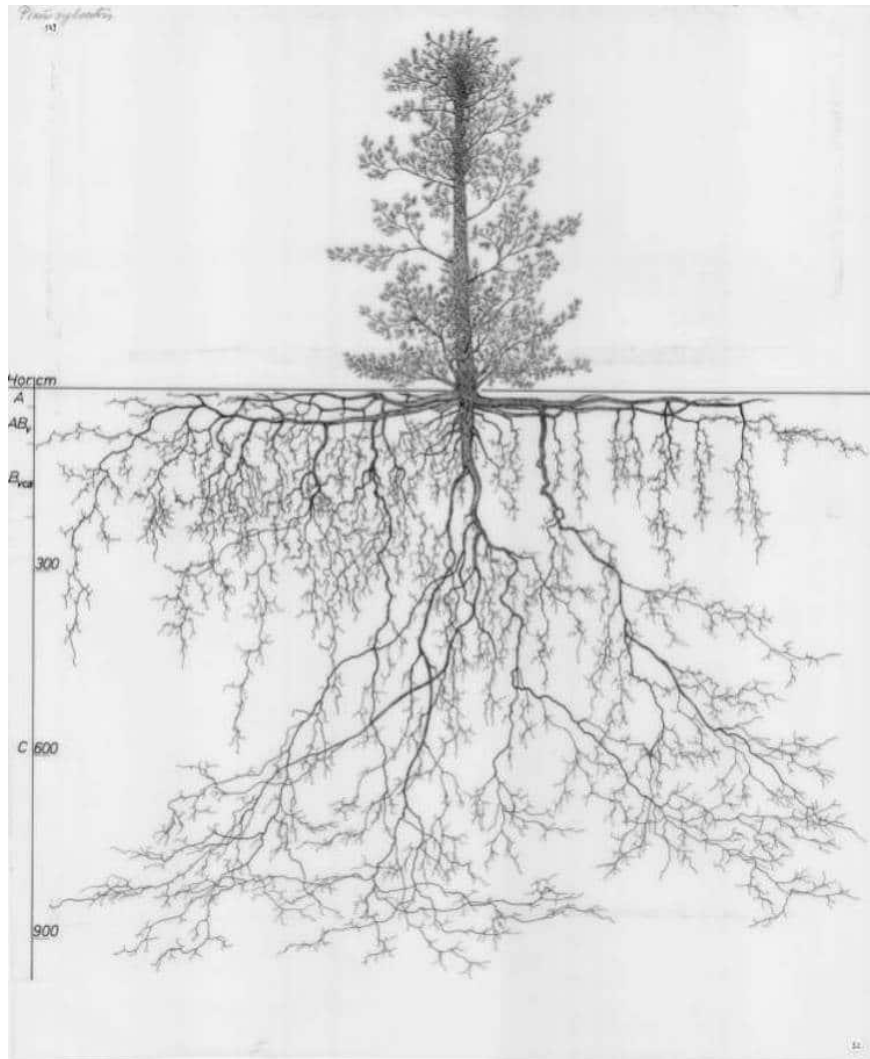
As per reference to Davey Tree’s website blog, it states”

***“How Far Do Pine Roots Spread?”***

*As you stare up at your tall, thick pine tree, you might be wondering how far its roots actually spread.*

*Your tree’s roots can extend as far as 2 to 3 times the width of its drip line. In other words, the dripline is the farthest point from the tree where foliage is growing.”*

The following pencil drawing depicts the root system of a tree in the Pine family.



Reference drawing of a Pinus Sylvestris tree

<https://mymodernmet.com/tree-root-drawings-archive-wageningen-university/>

Based on the reference from Davey tree, if the roots extend 2-3 times the width of the drip line, then there is potential for a root system to extend 7.9 – 11.9 m (26-39 ft) from the trunk, which is six feet from the lot line. This would result in a root system extending 6.1 – 10 m (20-33 ft) into the property in question.

If you allow for a minimum 2.0 m (6 ft) for excavating for construction of the dwellings foundation to ensure no damage to root system, then at a minimum, the side yard setback on the south side of the property in question should be 12 m (40 ft) at minimum.



These trees are not on the applicant's property, and no consideration has been made for the livelihood of these trees, even though they will enjoy their beauty from their property. They are irreplaceable and should not be threatened by development.

With reference to page 9 of the Planning Justification Report submitted by the applicant which states

*"The reduced 3.0 m side yard setbacks are appropriate given the context of the existing surrounding properties. The existing established tree line along the south property line also provides an added buffer from the existing dwelling to the south"*

You will be hard pressed in this area to find any existing surrounding property that has a dwelling 3.0 meters from any of their property lines. You will also be hard pressed to find a residential dwelling that takes up 84% of the width of their property.

The applicant will state that our residence at 2648 Woodhull Road is 105 ft in width, so they should be allowed to build a dwelling 105 ft wide. The difference is that our lot is 604 ft wide, with the house width taking up only 17% of the total width, not 84% as with the applicant.

What ever happened to building a nice 20 meter wide (66 ft) home with appropriate setbacks that covers over 50% of the total width. This makes sense for a country property. This would still provide a beautiful home in a country-like atmosphere and would fit in with the other properties in the area.

#### Excavating the Proposed Property

In the documents I have possession of, I have not observed details of any excavating of the property around the proposed dwelling. Presently, the runoff of rainwater from rainfall, travels from the roadway down towards the embankment, making the ground quite soggy (saturated) at the northeast lot line of our property. With the addition of a dwelling (and non-permeable surfaces), at 3 meters from our lot line, there is limited room for diverting any new/additional runoff away from our property. Does the proponent's submission to the City identify the methods of discharge, change in runoff direction, methods and volume due to the building of a dwelling or excavation or construction process? Will this run-off volume increase and change in direction impact the erosion and stability of the proponent's property and hence adjacent properties? Will the additional surcharge imposed by the building envelope loading and or construction techniques in addition to the increased run-off volumes increase the potential for slope failure?

In photo 4.0, the inside area of the blue line is consistently wet during spring and rainy periods. This is from the natural slope from the road descending to the east. It becomes very saturated with deer tracking through the grass leaving marks and killing the lawn.



Photo 4.0



Photo 5.0

Photo 5.0 shows the downward slope from the road where the water flows and accumulates at the bottom, saturating the ground.

Can I be assured that constructing a dwelling on the adjacent property will not add to this problem, and cause instability to the slope on my property? I appreciate that a Slope Stability and Geotechnical Study was performed at 2624 Woodhull Road, but is that sufficient enough to guarantee there will be no added slope instability to my property?

Our property is zone Agriculture. We own a barn to the south of our residence. It has running water piped in from an adjacent well. In the past, the barn has housed 2-3 horses, and had a fenced in area around the barn.

Even though we presently do not use the barn for livestock, this property would be perfect for hobby horse farmers, that could have pasture fenced in for grazing on both the North and South side of the residence.

The present setback of 30 m for agriculture zoned land exists to protect owners from unwanted smell from adjacent land's livestock. By reducing this side setback, will this create an issue for future owners who may wish to fence in the area North of my property, and graze livestock?

#### Drilled Well & Septic System

Contrary to the applicant's belief in their previous application, there is no city water available at this location. A drilled well will be required, but this is not shown in their consent sketch. To meet proper setbacks requirements for this well, the septic system will need to be located a certain distance from its location. I question the location of the planned septic system. Since this ground contains silty sand which is not conducive for proper absorption, a larger than average septic bed with imported quality sand will be required. To ensure proper distance of this bed from the well, the interior side setback of the north property line should only be reduced to a distance that will allow the septic system to be located north of the dwelling. This relocation of the septic system would also allow for the relocation of the driveway further north of the property which would increase its line of sight, significantly reducing the risk of a deadly car accident.

#### Summary

The applicant is attempting to build a home on agriculture land that covers 84% of its property width. This size of home does not resemble other properties in the neighbourhood which enjoy significant space from property lines, and maintain a country-like feeling. In order to build a massive home on this property, the applicant is requesting setbacks normally found in the city. Should all properties not rely on their own land to use as a buffer instead of taking advantage of the buffer provided by their neighbour? A 3 meter side setback is not a sufficient buffer to avoid nuisance complaints in AG-2 zoned lands.

The approval of this application will increase the risk of a vehicle collision causing injury and even death, as the driveway is planned to be located where there is a reduction of line of sight to oncoming traffic.

There is the risk of damaging a tree root system from excavating too close to the property line to the south.

There is concern for the location of the septic system to allow for proper distance from the drilled well.

There is also a concern for limiting the use of the agriculture property to the south due to the applied variance to yard setbacks.

Please consider these concerns with addressing this application. Thank you for allowing me the opportunity to address my concerns.

## Appendix E – Internal and Agency Comments

### Site Plan

- No comment.

### Landscape Architecture

- The Development and Planning Landscape Architect has no concerns with the re-zoning application Z-9673 for 2598 or 2624 Woodhull. They would like to inform the applicant of the following bylaw and policy that will be applicable to this development.
- The City of London Tree Protection Bylaw protects trees with a diameter of 50+ cm growing on private property. Permits would be required to remove on-site trees with diameters +50cm at breast height. <https://london.ca/by-laws/consolidated-tree-protection-law> contact Forestry Dispatcher at [trees@london.ca](mailto:trees@london.ca) with details of your request. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.
- London Plan Policy 399- b. Trees will generally be replaced at a ratio of one replacement tree for every ten centimeters of tree diameter that is removed.
- Portion of this site is located within a tree protection area as defined in the Tree Protection Bylaw. No Person shall Injure or Destroy a tree of any size or cause the Injury or Destruction of a Tree within the Tree Protection Area unless a Tree Protection Area Permit has been issued by the City Planner to permit the Injury or Destruction. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

### London Hydro

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

### Parks Planning

#### Matters for Consent

- Parkland dedication will be required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized through the consent process.

### Urban Design

- Urban Design staff have no comments regarding the above-noted ZBA application.

### Heritage

- I have reviewed the following Archaeological Assessment associated with Z-9673 for the properties at 2598-2624 Woodhull Road:
  - Lincoln Environmental Consulting Corp., Stage 1-2 Archaeological Assessment of 2598-2624 Woodhull Road in Part of Lot 1, Concession 3, Township of Delaware, Now City of London, Middlesex County, Ontario (PIF P1289-0408-2023) April 2023.
- Please be advised that heritage planning staff recognize the conclusions of the report that state: “No archaeological resources were identified during the Stage 2 Archaeological Assessment of the study area, and as such no further archaeological assessment of the property is recommended.”
- An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment acceptance letter has also been received, dated May 3, 2023 (MCM Project Information Form Number P1289-0408-2023, MCM File Number

0019032).

- Archaeological conditions can be considered satisfied for this application.

## Ecology

- The first EIS submission proposed a reduced buffer that ranged approximately from 0-5m that City Ecology staff indicated was not sufficient to protect the natural heritage feature and its functions. The revised EIS is now proposing a 0m buffer after the new dripline has been surveyed. City Ecology staff is not supportive of no ecological buffer to the proposed development and recommends revising the buffer to extend to the erosion hazard limit as indicated in the previous comments.
- In lieu of an ecological buffer, the EIS has proposed “naturalization areas” within the significant woodland. City Ecology staff is not supportive of additional plantings within the ESA and significant woodland feature because it is already a high quality, native species dominated woodland. Additional disturbance activities to “naturalize” this already naturalized area would potentially cause more harm than benefit by introducing non-local sources of vegetation and the disturbance required to plant the proposed areas. Naturalization of an actual ecological buffer would be supported.
- The EIS refers to the implementation of ecological buffers for the proposed development. However, there are currently no buffers proposed. See Comment #1 for buffer recommendations and revise text to more accurately describe the application of ecological buffers for the proposed development.
- If boundary markers are to be implemented as recommended in the EIS, they should be located at the edge of the ecological buffer and not the edge of the significant woodland.
- Provide a Landscape Plan for ecological buffer plantings.

## Engineering

### Major Issues:

- The site is located outside of the Urban Growth Boundary and there are no municipal services available to service this site.

### Matters for the OPA/ZBA:

- A holding provision is recommended until the applicant has demonstrated the requirements of D-5-4 and D-5-5 are met and that had proper separation requirements under OBC for wells, septic system and private watercourses have been provided.

The following items are to be considered during a future site plan application stage (building permit stage)

### Wastewater:

- There is no sanitary sewer available, and the lands are outside of the UGB.

### Water:

- There is no municipal water for the subject sites.

### Stormwater:

- Specific comment for this site:
  - The site is within the Area of UTRCA and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
  - There is no municipal storm sewer or outlet available for this site and therefore the consultant is required to provide a SWM functional report indicating how the site is proposed to be serviced as part of the re-zoning

- application (e.g., on-site controls, LID, etc.).
  - As per the Drainage By-Law, section 5.2, where no storm sewer is accessible the applicant shall provide a dry well or storm water retention system which is certified by a Professional Engineer to the satisfaction of the City Engineer.
  - The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely conveys up to the 250-year storm event, all to be designed by a Professional Engineer for review.
  - Additional SWM related comments will be provided upon future review of this site.
- General comments for sites within Dingman Creek Subwatershed:
  - The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed Study that may include but not be limited to, runoff volume control, quantity/quality control (80% TSS), erosion, stream morphology, etc.
  - The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
  - The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely conveys up to the 250-year storm event, all to be designed by a Professional Engineer for review.
  - The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
  - Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
  - An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

*Transportation:*

- Right-of-way dedication of 18.0 m from the centre line be required along Woodhull Rd.
- Detailed comments regarding access design and location will be made through the site plan process.

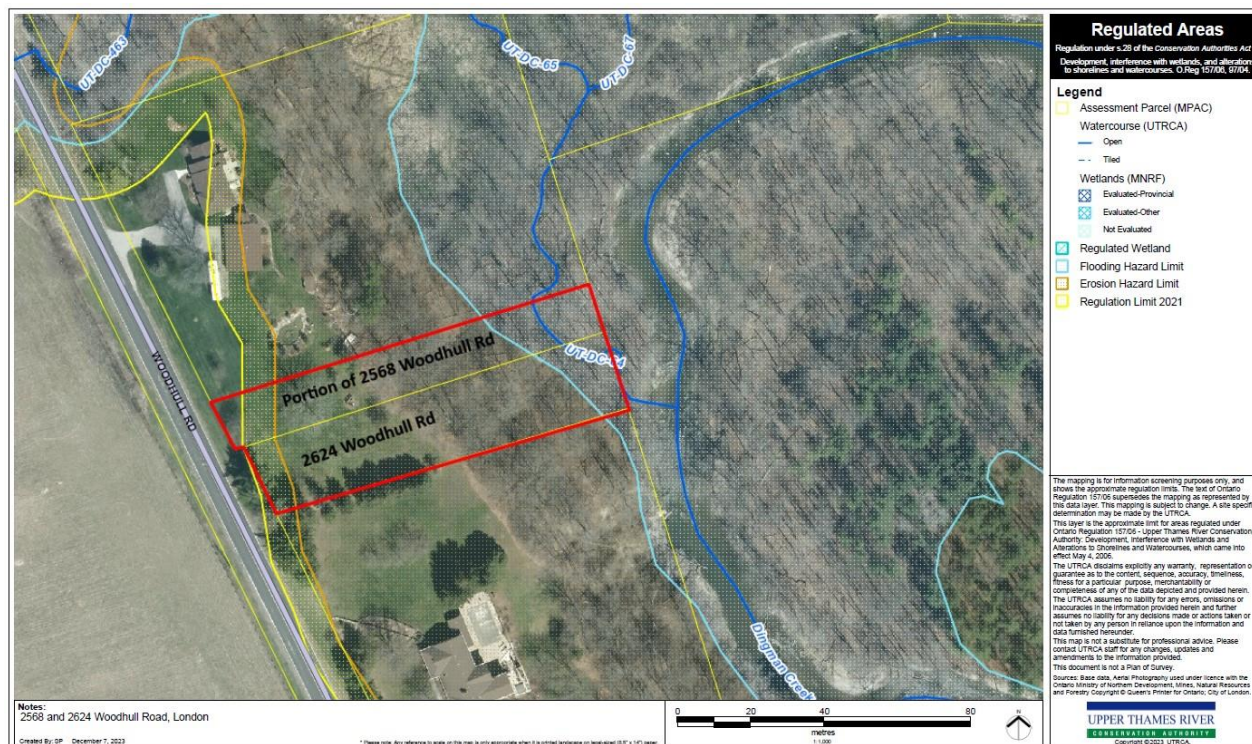
**UTRCA**

**CONSERVATION AUTHORITIES ACT**

- The subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of:
  - Riverine flooding and erosion hazards associated with Dingman Creek; and,
  - A wetland and the surrounding area of interference.
- Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be

regulated by the UTRCA. In addition to the features captured on the UTRCA's Regulation Limit mapping, Figure 6 of the Environmental Impact Study also identified a wetland, mineral meadow marsh (MAM2), within the valley associated with Dingman Creek. The wetland feature is largely located on the adjacent lands, however does extent on the subject lands along with the surrounding area of interference.

- The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.



## SUMMARY

- As indicated, the subject lands are regulated by the UTRCA due to the presence riverine flooding and erosion hazards, as well as a wetland and the surrounding area of interference. To address the natural hazard and heritage constraints on these lands that are currently captured through holding provisions, the applicant has submitted an Environmental Impact Study and Slope Stability Assessment. The details of the reports are as follows:
  - Environmental Impact Study prepared by MTE Consultants Inc., dated December 22, 2022; and,
  - Slope Stability Assessment prepared by EXP, dated April 2021.
- We offer the following comments on these reports:

## Environmental Impact Study

- 1. The UTRCA originally identified deficiencies with the report via email directly to the applicant prior to receiving the formal application circulation from the City of London. The report was missing appendices and figures, and other critical information that was required to gain an understanding of the existing conditions of the subject lands and the proposed development. The report circulated from the City of London through the formal application process has been revised to encompass these details and requests. The UTRCA is generally satisfied with the report, appendices, and figures.
- a. Within Table 6, the Net Effects Table, there are two references to stormwater management “serviced by storm sewers”. It is our understanding that municipal services are not available for this area and that all stormwater will be managed on-site. Prior to development proceeding, please confirm that the comment in the Net Effects table (Table 6), related to stormwater servicing will not negatively impact the regulated features.



## Slope Stability Assessment

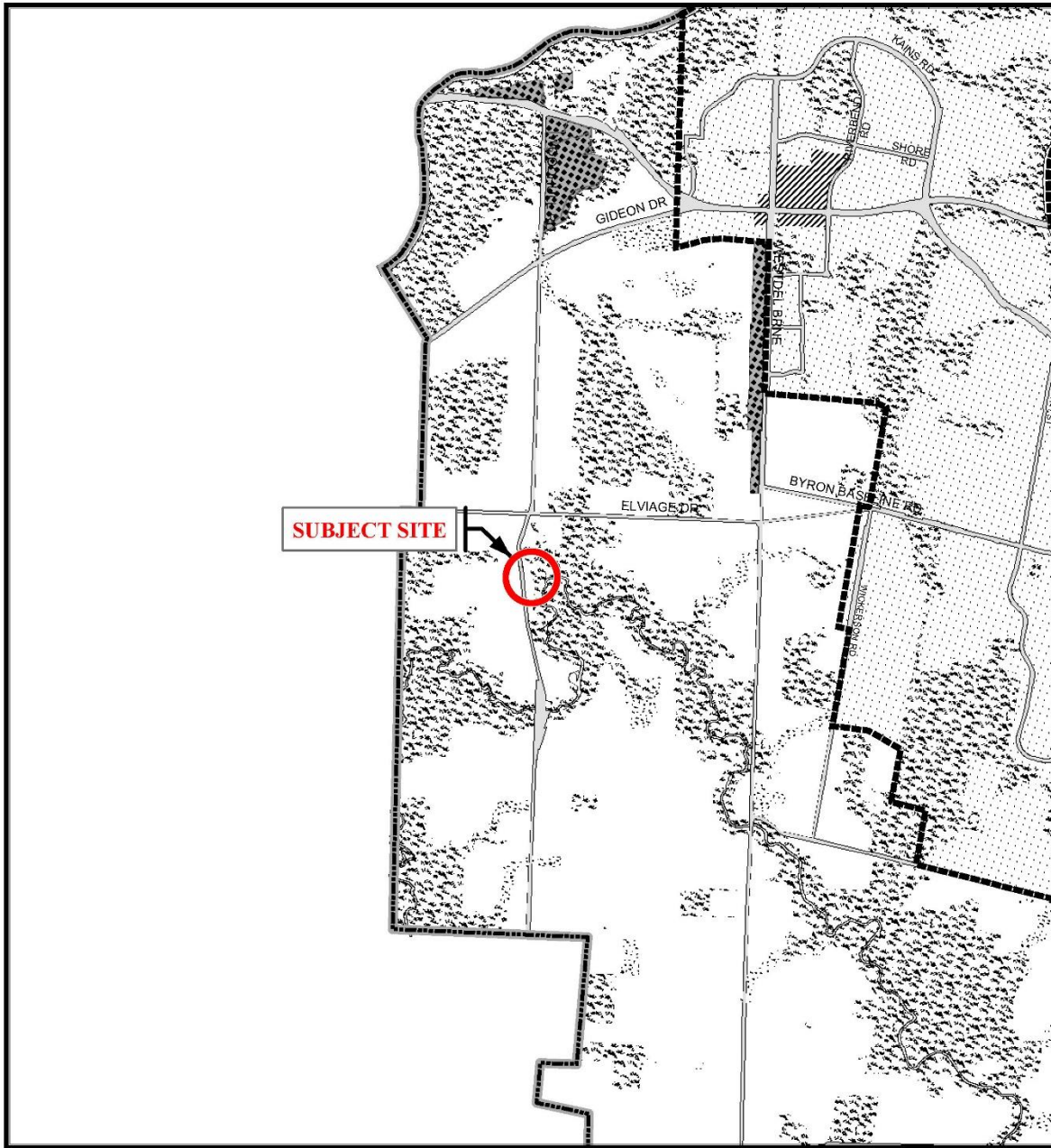
- 2. Please include a reference in the body of the report to the FOS computational results located in Appendix C.
- 3. Please include the computational results for a medium depth rotational failure, in addition to the shallow and deep failures provided.
- 4. Please confirm that the toe of slope and top of slope were identified through survey on the site.
- 5. Please confirm that the proposed development including grading activities (cutting, filling, excavation, etc.), loading of the soil, as well as operation of the construction equipment and machinery were considered in the Factor of Safety (FOS) analysis for the stable slope.
- 6. Please provide justification for the location of the toe of existing slope, in comparison to the location of the proposed 2.0 m toe erosion allowance.
- 7. Please provide justification for the stable slope allowance ending at approximately 245 m elevation, and not to the bottom of the slope at approximately 238 m.
- 8. Please revise and resubmit Drawings 1 and 2 (Estimated Slope Setbacks and Cross-Section A-A') signed, sealed, and dated by a P.Eng.
- 9. It appears from the site photographs that the reconnaissance survey was undertaken during conditions with snow on the ground. Please confirm that there is no visible erosion at the toe of the slope and no water seepage along the face of the slope.
- 10. Please submit a detailed Erosion and Sediment Control (ESC) plan supported by notes, standards, guidelines, monitoring, inspection, and reporting before the construction.

## RECOMMENDATION

- Generally, the UTRCA is satisfied that the aforementioned reports have adequately identified a development limit for the subject lands. As a result, the UTRCA has no objections to the proposed Zoning By-law Amendment application and is satisfied that the holding provisions (h-2 and h-4) can be cleared. The Conservation Authority recommends the extent of the hazard lands be zoned Open Space (OS4) to ensure long term protection of the features.
- We request that the applicants consulting team provide responses to the UTRCA's comments prior to development proceeding. We would like to remind the applicant that written approval from the UTRCA is required prior to undertaking any works within the regulated area, including but not limited to site alteration, grading, or development. Please contact our office to obtain the necessary approvals under Section 28 of the Conservation Authorities Act.

# Appendix F – Relevant Background

## The London Plan – Map 1 – Place Types



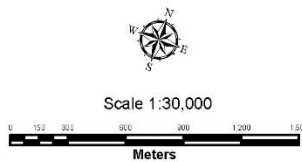
### Legend

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

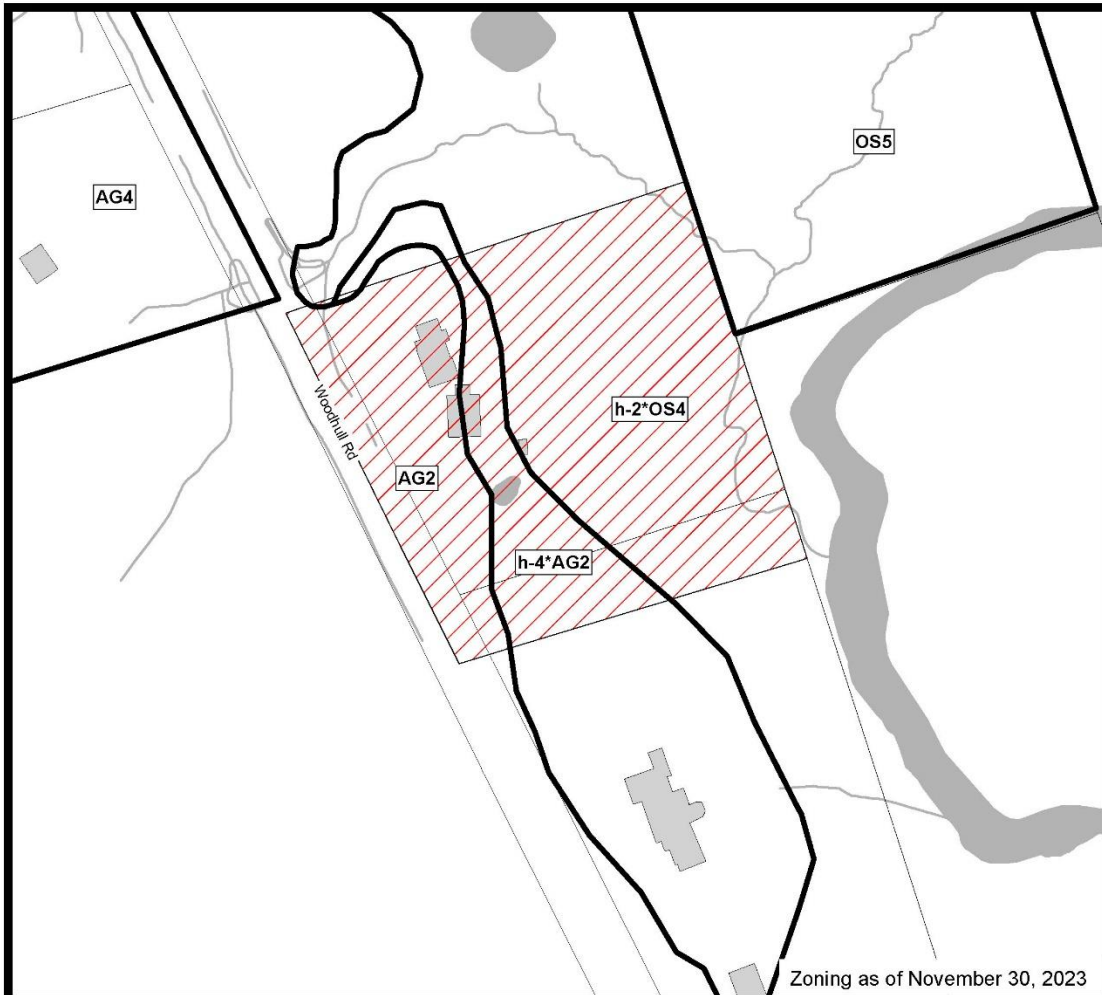
PREPARED BY: Planning & Development



**File Number:** Z-9673  
**Planner:** MH  
**Technician:** RC  
**Date:** 2023/12/12

Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\Z-9673-Map1-PlaceTypes.mxd

# Zoning By-law Z.-1 – Zoning Excerpt



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

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               | "h" - HOLDING SYMBOL              |
| SS - AUTOMOBILE SERVICE STATION           | "D" - DENSITY SYMBOL              |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL               |
| OR - OFFICE/RESIDENTIAL                   | "B" - BONUS SYMBOL                |
| OC - OFFICE CONVERSION                    | "T" - TEMPORARY USE SYMBOL        |
| RO - RESTRICTED OFFICE                    |                                   |
| OF - OFFICE                               |                                   |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9673

MH

MAP PREPARED:

2023/12/11

CK

1:1,750

0 510 20 30 40

Meters

January 2, 2024

Michaella Hynes  
Planner  
Planning & Development  
City of London  
300 Dufferin St.  
London ON N6A 4L9

RE: File: Z-9673, 2598-2624 Woodhull Road

Dear Ms Hynes,

Thank you for the opportunity to comment on the proposed Zoning by-law for 2598-2624 Woodhull Road. Thames Talbot Land Trust (TTLT) owns a 21-ha portion of the Dingman Creek Corridor, which is part of the Dingman Creek Environmentally Significant Area (ESA). The Auzins Nature Sanctuary lands are on Woodhull Road south and downstream of the proposed project. Our comments on the development proposal will focus on potential impacts to the Dingman Creek, a priority natural area for TTLT, and the downstream habitats at TTLT's Auzins Nature Sanctuary. TTLT has a strong obligation to ensure that the natural features that are part of this protected area remain in excellent condition. Any changes in surrounding land uses that might have negative environmental impacts on TTLT's nature reserve are of great concern to us. We are also interested in working with additional landowners to protect this special area. More information about TTLT is provided at the end of this letter.

Dingman Creek is one of the larger tributaries of the upper Thames River. The Dingman Creek corridor is ribbon on habitat from Dorchester Swamp to the Thames River at Delaware and is a wildlife corridor contributing to the connectivity across this landscape. The floodplain and upland forests play a vital role in protecting water quality, which is critical for the survival of aquatic species like mussels. Dingman Creek provides habitat for over 50 species of fish and mussels, including several species at risk. Additional species at risk include 16 bird species, 6 plants and 9 reptiles. We would like to emphasize that although this proposal focuses on the Subject Lands, they are part of a much larger habitat complex that supports a huge diversity of life.

Natural areas support wildlife habitat but also provide ecosystem services for the London community. These important places need to be protected and adequate buffers from environmentally significant areas are an important and vital piece of this protection. We support required setbacks and buffers from

any development to ensure the health and sustainability of our precious natural areas.

We have reviewed the materials posted on the City of London website, including the Slope Stability and Geotechnical Assessment, the Environmental Impact Study, the Planning Justification Report and the Staff Report to Planning and Environment Committee. Below we provide our comments related to these documents as they relate to the proposed project.

### [Slope Stability and Geotechnical Assessment, EXP Services Inc., April 2021](#)

On page 1 of the report the following purpose is listed:

“The purpose of the assessment was to examine the subsoil and groundwater conditions at the Site, assess the slope stability along the onsite slope and determine the recommended development setback limit, in accordance with the Ontario Ministry of Natural Resources (MNR) Technical Guide – River & Streams Systems: Erosion Hazard Limit and the Upper Thames River Conservation Authority guidelines.”  
Page 1

This report, however, does not address the impact of the proposed development on the slope stability and potential increase in erosion of the slope as a result of the development. Changes in overland flow of water (e.g., from gutters and paved areas) can significantly affect slope stability:

“Surficial erosion of the soil on the face of the slope could be caused by run-off water washing over the face of the slope, such as tile drains or redirected surface water which is directed onto existing slopes. Where possible, uncontrolled surface waterflows over the face of the slope should be minimized, to reduce the risk of surface erosion. Erosion control measures may be required during construction, to reduce the risk of surface waterflows from washing out non-vegetated surfaces.” Page 12

“Water from downspouts and perimeter weeping tile etc. must also be collected in a controlled manner and redirected away from the slope.” Page 12

The report recommends all water flow be directed away from the slope **BUT the site is so narrow there is nowhere else to send the water** except onto neighbouring properties. There is clearly risk associated with modifying the current natural state of the lands. Increased erosion could lead to slope instability, increased sedimentation in the Creek and destruction of habitat for Species at Risk mussels (see below).

The report is also not clear about whether the proposed development including grading activities (cutting, filling, excavation, etc.), loading of the soil, as well as operation of the construction equipment and machinery were considered in the Factor of Safety (FOS) analysis for the stable slope. Please confirm.

We also echo the concern raised by UTRCA that it appears from the site photographs that the reconnaissance survey was undertaken during conditions with snow on the ground. Please confirm that there is no visible erosion at the toe of the slope and no water seepage along the face of the slope.

Additional challenges include:

“Indiscriminate stockpiling of fill or construction materials should be avoided. In the event that

stockpiling of material is proposed in the vicinity of the slope crest, a review by the Geotechnical consultant is required.”

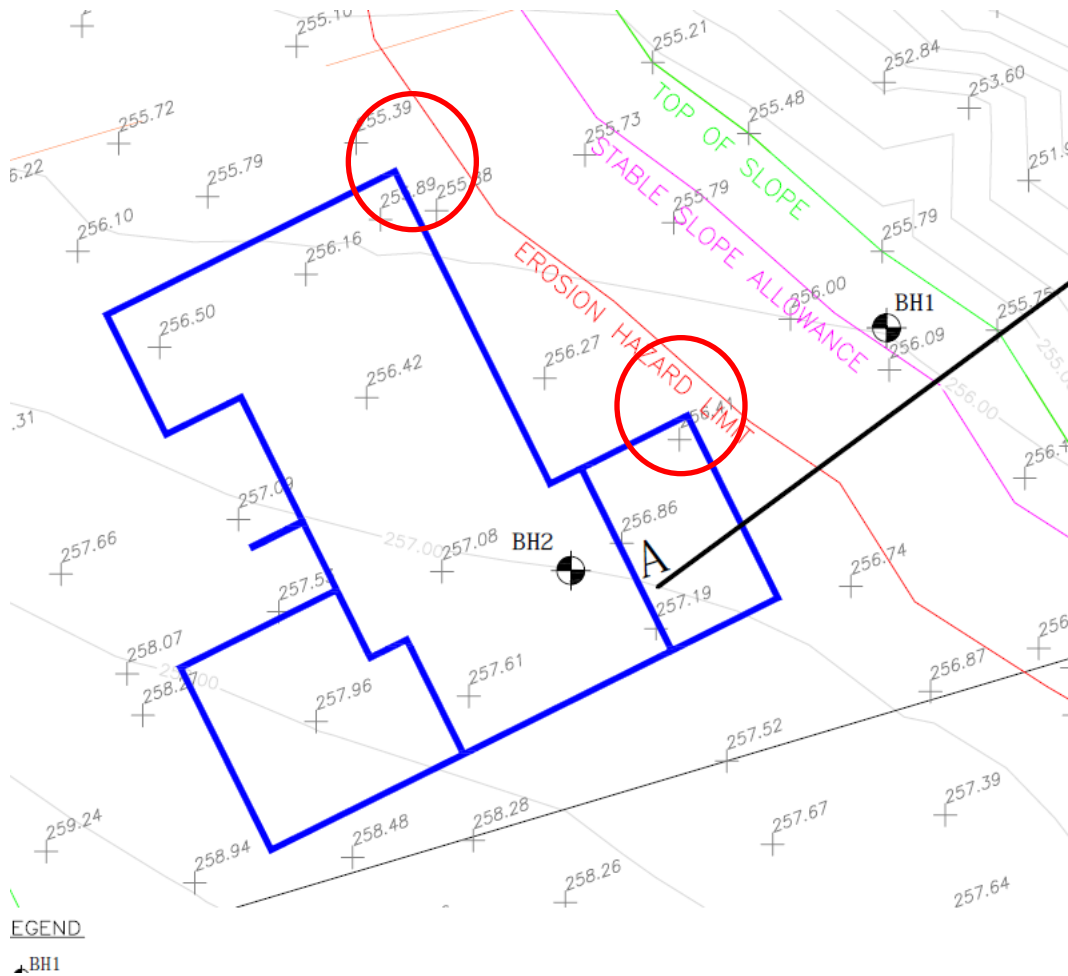
Given the very narrow size of the lot and that the proposed development is occupying nearly the entire area outside of the erosion hazard limit, where will materials be stockpiled? Is there enough room to actually contain the footprint of the build site on the lands?

Further recommendations include:

“Existing vegetation on the slope should be maintained.” Page 12

The current vegetation on the slope is contributing to the current stability of the slope. Any changes to vegetation could drastically alter stability of the slope and result in erosion. It is not uncommon for landowner to clear trails and paths, or to create views of water features such as creeks. If the vegetation is critical to maintaining the slope stability, who will ensure that the vegetation remains long term? What will happen if a new disease arrives that kill trees on the slope? We are seeing an increase in tree diseases moving northward with climate change. Emerald Ash Borer was one example of the devastating effects of emerging diseases. There are recently arrived diseases such as Beech Leaf disease and Oak Wilt, both fatal, already in the area.

In addition, the report only considers current slope stability and does not factor in any future changes due to climate change such as severe storms, increased flooding, or the channel meander of the creek. The slope in the cross-section examined had a rating indicating “that a moderate potential of slope instability exists” (Page 6). The proposed development is very close to the Erosion Hazard Limit. How much estimation error or changes in future conditions could result in the structure failing? Given the recognized Climate Emergency, are these calculations providing enough buffer for the future?



**Section of Drawing 1, EXP Services report, Page 23. No scale provided on drawing but distance from structure to Erosion Hazard Limit estimated at 3 metres (red circles added by TTLT).**

### Environmental Impact Study, MTE, December 2022

This report provides an overview of the environmental features of the property. We have several comments regarding the report.

On page 19, the report states that:

“Based on the development plan presented in Figure 9, the proposed development should not require the removal of any trees within the Subject Lands, aside from one dead Ash on the northwest portion of the Subject Lands, within the maintained lawn area. On the southwest, there is a confider hedgerow that is located along the proposed housing limits. Maintained grass and any other ground level vegetation within the development limits will also be removed.

Recommendation 1: The limits of clearing should be surveyed, staked, and fences in the field to allow for the protection of off-site natural areas and vegetation.

Recommendation 2: If these hedgerow trees are required to be removed or maintained at any point during the development process, any action should be completed by a certified arborist.”

Figure 9 below clearly shows that there is a proposed driveway where there are trees along Woodhull Road. In addition the site is incredibly narrow and the proposed building abuts the hedge on the south side – which is actually on the neighbours’ property. References to removing the hedge row are not appropriate since the trees do not “belong” to the proponent. Is there enough room to build the house without removing or damaging these trees? Tree Protection Zones should be established for the trees on the south border to protect their viability. No construction activities can take place within a Tree Protection Zone. Minimum Protection Distances required by the City of London are based on the tree trunk diameter. The three pine trees on the property line closest to the proposed development have diameters of 85, 90, and 97cm. For trees this size the minimum distance for a Tree Protection Zone is 5.4m to 6.0m. The proposed building is only 3m from the boundary line, with excavation likely being a bit closer. Excavation within 5.4 to 6m of these mature trees is almost surely going to damage the roots and possibly kill the trees.

In addition, Tree Protection Zone distances for trees in designated Open Space or Woodland are even greater than for single trees. The Subject Lands are also in a City of London Tree Protection Area as defined by the Tree Protection By-law (Key Map B-5) but we did not see any reference to appropriate distances from the trees in the Tree Protection Area. Excerpts from the Tree Protection By-Law are below (bold emphasis by TTLT).

“This By-law applies to private property in the City of London:

- (a) to Trees having a trunk diameter of 50cm or greater measured 1.4m above Natural Ground Level, within the Urban Growth Boundary; and
- (b) **to Trees of any size within a Tree Protection Area.”**

The By-law prohibits:

“Part 6 PROHIBITIONS

INJURE OR DESTROY TREE – TREE PROTECTION AREA

6.1 Subject to section 5.1 and Part 8, and except under authority of a Permit, **no person shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree in a Tree Protection Area.”**

This by-law defines the following:

“Injure” means to harm, damage or impair the natural function or form of a Tree, including **its roots within the Critical Root Zone**, by any means excepting injury by natural causes, and includes but is not limited to carving, drilling, injection, exploding, shattering, improper Pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate introduction of decay fungi , inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms “Injury”, “Injuring” and “Injured” shall have a corresponding



meaning;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or **disturbance of any part of its Critical Root Zone** is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning

"**Critical Root Zone**" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter;

Did the EIS look at the trees in the Significant Woodland to establish Tree Protection Zones where no construction activity can take place? **Any construction activity within the Critical Root Zone of the trees in the Tree Protection Area would violate the Tree Protection By-Law.** This gap should be addressed before any further project steps are taken.

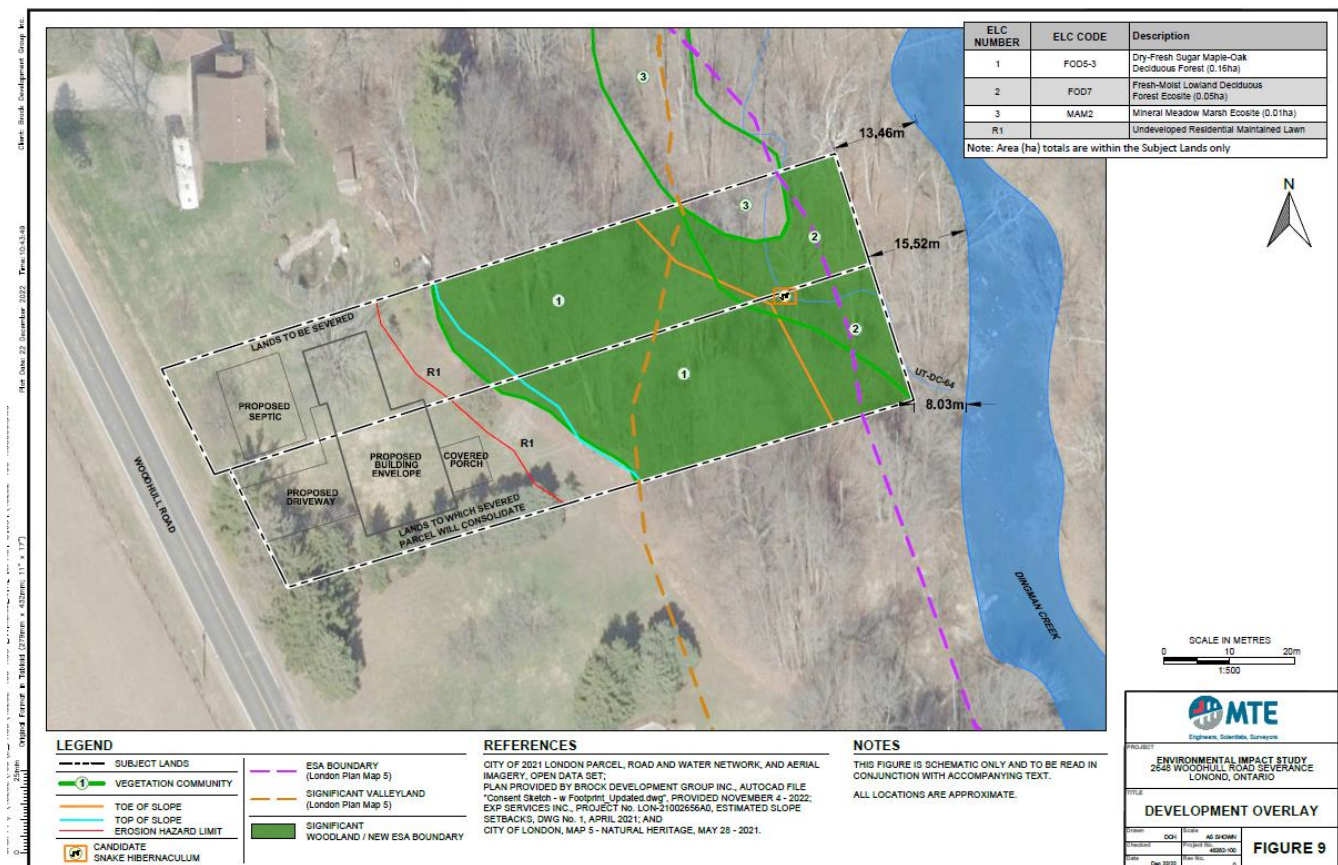
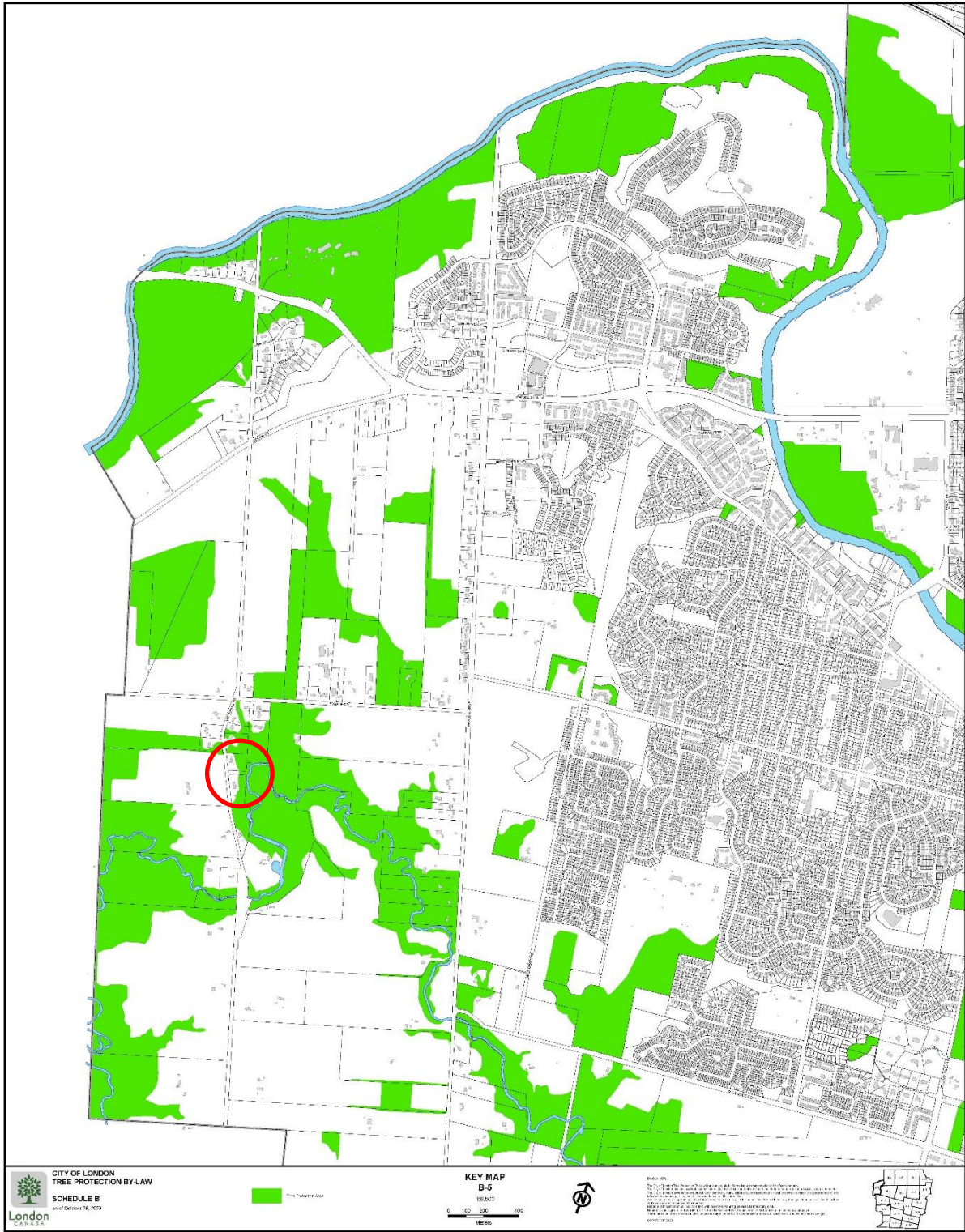


Figure 9 from MTE report.



**Key Map B-5 from City of London Tree Protection By-Law. Subject Lands indicated with circle.**

Further on page 19, the report states that:

“A minimum 30m buffer is recommended in the EMGs as a starting point for ESAs and Significant Woodlands. A reduced buffer is appropriate here as the ESA Woodland is currently co-existing with adjacent residential properties, that have smaller buffers and mowed lawn up to the base of the woodland trees. A buffer of 30m would not allow a single residential development within the legal parcel.”

We do not agree with the statement that a reduced buffer is appropriate. If neighbouring properties have a narrower buffer, it is because they were there before the ESA or Significant Woodland boundary was defined. For the protection of the ESA and Woodland (and all the wildlife that depend on the habitat), it is important to meet at least the **minimum** buffer specified. That means that the development needs to be adjusted to fit beside the ESA and Significant Woodland *with a buffer*, not the other way around. Healthy natural areas are important for wildlife to thrive and for local communities to receive ecological goods and services like carbon sequestration, pollination services, and recreation opportunities (and many more). We cannot sacrifice the community benefits nature provides for a development which will benefit one owner. **The ESA and Significant Woodland buffer of 30m must be maintained.**

On page 13, the report clearly states that the Significant Valleylands mapping should be adjusted to reflect the EXP study:

“A Significant Valleyland is mapped within the Subject Lands and Adjacent Lands, associated with Dingman Creek (London Plan Map 5, 2021). The slope boundary defined by EXP, 2022, differs from official mapped boundaries, and should be adjusted to the refined limits from the EXP study.”

If the new limits shown by EXP are used, then the 30m buffer for Significant Valleylands should be used for all calculations and decisions. But the rest of the report uses distances to the older estimates of the Significant Valleylands. The calculations on Figure 10 clearly indicate that the proposed development will be within 30m of the top of slope as shown by EXP, and therefore does not meet the 30m buffer for Significant Valleylands. As a reminder, City of London Environmental Management Guidelines (2021) suggest *a minimum* buffer of 30m.

The report also indicates that one edge of the proposed home is already less than 30m from the current Significant Valleylands boundary:

“The Significant Valleyland boundary bisects the Subject Lands on an angle, with an approximate setback of 23m at its closest to the development limits, and 50m at its furthest. The average setback is approximately 36.8m. The recommended buffer by The City of London EMGs is 30m.”

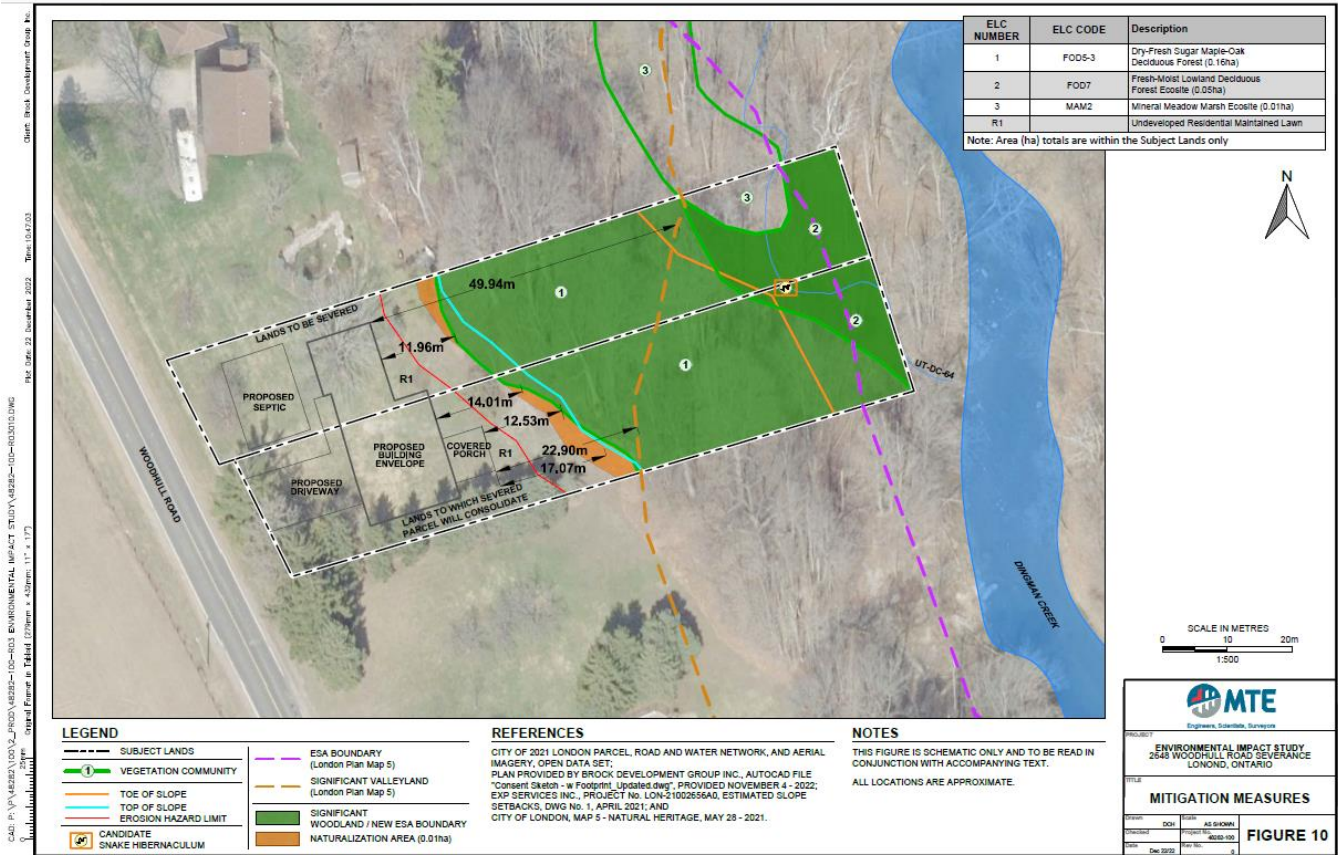


Figure 10 from MTE report.

We would like to see more details about the inventories done on the Subject Lands. The avifauna survey does not indicate where point counts were conducted (e.g., at the road or in the forest of the Dingman Creek?). The potential species at risk listed in Table 1 were screened for potential habitat on the Subject Lands (Appendix C) but several conclusions about possible habitat are based on the presence or absence of the species during field surveys. These conclusions require additional supporting documentation. In addition we found some possible errors in the habitat screening table (Appendix C). We also believe that additional species recorded in the Dingman Creek ESA are missing from the tables and should have been included. We provide the following comments:

**Barn Swallow (Threatened)** – Potential for SAR and SAR Habitat on Subject Lands = No  
 There are Barn Swallows nesting on the neighbours’ porches and at a neighbouring barn. Barn Swallows use open habitat so there is no reason they might not use the Subject Lands, particularly the area that is lawn and will be developed. We do not agree that there is no potential for the species on the Subject Lands.

**Eastern Hog-nosed Snake (Threatened)** – Potential for SAR and SAR Habitat on Subject Lands = Low  
 This species is protected and its locations cannot be disclosed publicly so we are required to maintain confidentiality in our comments. However, the species is known within at least a few hundred metres of

the Subject Lands. Due to the cryptic nature of the species and the fact that the area has not been properly studied, the precautionary principle should be enforced to ensure appropriate protection for the species and habitat. According to the Ontario Reptile and Amphibian Atlas “The Eastern Hog-nosed Snake is an active species, and individuals undertake large seasonal movements between habitat types and while foraging”. Given a nearby location and the habits of the species it is entirely possible that the species would use the Subject Lands as part of its habitat needs. “The Subject Lands include frequently mowed lawn that does not provide sandy soils or other suitable habitat” but the habitat it requires also includes woods, of which there are plenty on the Subject Lands, and woodland edges. In addition, the geotechnical study did soil samples and reported “Underlying the topsoil, in borehole BH1 was a stratum of **silty sand** extending to a depth of about 4.6m below ground surface (bgs).” (page 4) demonstrating that there is “sandy soil” on the site. We believe there is a **high** chance of the species using the Subject Lands as part of its habitat needs. Further evaluation should be done to ensure the proposed project does not impact this species.

**Wood Thrush (Special Concern\*) – Potential for SAR and SAR Habitat on Subject Lands = No**

This species occurs within the Dingman Creek corridor and there is more than enough mature forest in the Dingman ESA, part of which is on the Subject Lands. The table concludes “No mixed, mature forests within the Subject Lands. Not identified during breeding bird surveys.” The species can use mature forests that are **mixed or deciduous** as shown in the same table in another cell. Although there is no “mixed mature forest”, there is mature deciduous forest within the Subject Lands and therefore there is Habitat for the Wood Thrush. The species is recorded extensively throughout the Dingman Creek corridor, including at the Auzins Nature Sanctuary and we are very surprised that it was not detected during field studies. We would like MTE to confirm that surveyors did at least some point counts within the forested part of the property.

*\*Please note that although this species is listed as Special Concern in Ontario it is listed as Threatened in Canada.*

**Eastern Wood-Pewee (Special Concern)– Missing from table**

Like the Wood Thrush, this species is found within the Dingman Creek corridor and there is enough mature forest to support the species. We would like MTE to confirm that surveyors did at least some point counts within the forested part of the property.

**Bald Eagle (Special Concern) – Missing from table**

The species is documented nesting on a neighbour’s property. Likely uses the Subject Lands for feeding or perching.

**Green Dragon (Special Concern) – Missing from table**

This species is present throughout the Dingman Creek and is documented at the Auzins Nature Sanctuary. We are surprised the species was not included in the table. Were targeted searches conducted for this species?

**Blue Ash (Threatened) – Missing from table**

This species is present throughout the Dingman Creek and is documented at the Auzins Nature Sanctuary. We are surprised the species was not included in the table. Were targeted searches conducted for this species?

**Rainbow (Special Concern) – Missing from table**

Dingman Creek behind the Subject Lands is a documented location.

**Silver Shiner (THR) – Missing from table**

Dingman Creek behind Subject Lands is a documented location.

These records demonstrate how vital the Dingman Creek ESA is for the protection of multiple Species at Risk. Although the study focuses on only the Subject Lands, the lands are part of a much larger complex of habitat supporting numerous rare species and any changes to the Subject Lands may also affect the rest of the complex. **This is a Significant Woodland with many Species at Risk therefore a buffer of 30m should be required to ensure protection of these sensitive habitats.**

The following comments in response to issues identified in EIS Table 6 Impact Assessment and Net Effects.

**Introduced invasive plants** – the study assumes that invasive plants will be removed and a buffer naturalization project undertaken but not by whom or when. The study also does not consider the invasive plants that might be planted as part of new gardens at the proposed development. Will the new landowners be required to use native plants on the site? Inappropriate disposal of lawn/gardening waste is common in residential properties abutting natural areas. TTLT appreciates that monitoring has been recommended in the plan post construction, but *who* will monitor the site to ensure dumping is not occurring and that naturalization is going well? We do not agree with the conclusion that there is a “Possible positive net effect”.

**Increased access to sensitive area & Creation of new trails** – the study indicates that there is possible damage to vegetation from access to the sensitive area and creation of trails, in this case by the landowner on private land. Who would monitor this situation on private lands? Given how important the vegetation is to slope stability, there is considerable risk that landowners may reduce the slope vegetation and exacerbate the erosion hazard. We do not agree with the conclusion that there is a “No net effect”.

**Decreased infiltration and increased run-off** – the study indicates that impervious surfaces decrease infiltration but conclude that there are no net effects. How could this be if part of the lot is covered in a driveway and house? Clearly there will be less permeable land at this site, which will lead to more run-off than in the current natural state. The EXP study indicated that surface water management is very important to maintain slope stability and that run-off from gutters must be managed appropriately. Yet this EIS indicates that there is “no net effect”. We do not agree. There are several mentions in the EIS to storm sewer for water management but no such servicing exists on the site nor has been proposed for the site based on currently provided drawings. These analyses should be repeated.

**Increased erosion** – the table indicates that development is more than 30m from the stable slope but that is not correct based on the EXP study. As seen in Figure 10 the distance to the closest edges of the proposed development are all less than 20m. We do not agree that there is “no net effect”. Appropriate erosion and sediment control measures are very important. We would like to see the proponent **develop an Erosion and Sediment Control (ESC) plan** supported by notes, standards, guidelines, monitoring, inspection, and reporting to address this issue. Even more important than a good plan, is the diligent

monitoring of site conditions throughout the construction period. In many cases, erosion control measures are neglected, then fail, causing sedimentation. As the owner of a portion of the ESA located “downstream” of the proposed development, Thames Talbot Land Trust is very concerned about the potential impacts of sedimentation. Will a contingency plan be prepared to address unexpected failure of erosion and sediment control measures?

**Domestic animals** – The plan identifies off-leash dogs as a potential concern but no reference was made to cats allowed outdoors. Outdoor cats will have serious impacts on wildlife, particularly birds. The Subject Lands are part of an Environmentally Significant Area, a Significant Woodland and with several Species at Risk birds present. Given this is a private property and there is no way of knowing if the owner will have pets, it is impossible to conclude that there is “no net effect”.

**Use of heavy machinery** – While there may be less impact to trees in the mapped natural heritage features, there is high risk for any trees near the proposed development given the extremely small envelope for building. In particular the trees in the hedgerow on the south side of the lot are very likely to be damaged to accommodate development. Tree Protection Zones and tree protection fencing prior to any grading on site should be part of the development plan.

#### **Missing impacts not evaluated in the EIS:**

**Windows and birds** – collisions with windows can be fatal for birds and the proposed development is very close to the natural portions of the site. What is planned for this development to address this issue? Brochures about bird window strikes are helpful, but residents are unlikely to follow these suggestions, especially if they are bearing the costs of the necessary window treatments. Installing windows with built-in protection (at least for windows facing the natural area) would be more effective in reducing this impact, and likely more cost effective overall.

In addition, there are references within Table 6 to stormwater management “serviced by storm sewers” but there are no municipal services available for this area. All stormwater must be managed on-site. The City of London Pre-Application form clearly indicated that the proponent needed to provide a water management plan for the site. We have not seen this plan included as part of the EIS. Has this plan been prepared?

“There is no municipal storm sewer or outlet available for this site and therefore the consultant is required to provide a SWM functional report indicating how the site is proposed to be serviced as part of the re-zoning application (e.g. on-site controls, LID, etc.)” Appendix A, City of London Pre-Application Consultation record.

#### **Planning Justification Report Provincial Policy Statement (PPS)**

The Planning Justification Report indicates that the proposal satisfies requirements of the PPS pertaining to lot creation, residential intensification, protection of prime agricultural lands, public infrastructure and on-site servicing. With respect to the protection of Natural Heritage Features, it is noted in the Report that no development is proposed on the portion of lands designated Green Space and all natural features are being protected through appropriate setbacks. However, the required 30m buffer is being

reduced to 0m (i.e. no buffer). We have found several issues with the proposed setbacks and distances to natural heritage features as described above (e.g., ESA boundary, Significant Valleylands). We do not feel that this project meets the requirements of the PPS to protect natural heritage features since the appropriate buffers are not being provided.

The Planning Justification Report failed to mention that the PPS directs that prime agricultural areas be protected for long-term use for agriculture, and limits the use of these areas to agricultural uses, agricultural-related uses, and on-farm diversified uses. This proposal is to facilitate the construction of a residential dwelling, which is not a permitted use in prime agricultural areas. We do not agree with the conclusion that “The proposed Zoning By-law Amendment is consistent with the PPS.”

The site fronts onto a public road in an area that is not served by municipal water and sewer infrastructure. Services will be provided by an on-site septic system and on-site water well but the well location has not been provided. Is there enough room on the proposed plan to install a well and a septic without encroaching on Tree Protection Zones or the Significant Woodland buffers? The EIS did not explicitly identify any constraints or impacts associated with the provision of on-site water services and this should be further investigated. In addition, no stormwater management plan has been provided to indicate how water will be managed on site. Potential site servicing impacts on the Dingman Creek could be addressed by more specific and complete information on stormwater management, private water well and on-site septic system designs. To ensure this work is not overlooked, we would recommend a holding provision be added to the AG2( ) Zoning. This would require further review prior to development and after the potential issues relating to drainage, erosion & sedimentation have been resolved in a satisfactory manner.

An MDS I calculation was included in the Planning Justification Report, to determine whether the proposed development would be negatively impacted by existing livestock and manure storage facilities. No supporting documents were provided for this calculation. Why were those specific parameters chosen for the calculation? Why was Type A land use chosen for Factor E rather than Type B? Type B would result in a distance that is twice the reported 123 metres. No comments about the MDS I calculation were provided in the Staff Planning Report and we would like to see supporting documentation and justification for this calculation. If the number is not correct then the applicant should be required to apply for a setback reduction and an amendment for the MDS I distance.

### [Staff Report to Planning and Environment Committee](#)

The report provided by staff indicates approval of the requested Zoning amendment. This includes a reduction of the Significant Woodland buffer from 30m to 0m. This recommendation is listed even though the City of London Ecologist indicated in his response that he does not support this reduction. On page 2 the report indicates:

“This recommendation supports the following Strategic Areas of Focus:

1. **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.
2. **Climate Action and Sustainable Growth** by ensuring London is more resilient and better prepared for the impacts of a changing climate.



3. **Housing and Homelessness** by protecting natural heritage areas and agricultural areas for the needs of Londoners now and into the future.”

Protecting natural heritage would require that the minimum buffers are enforced, and the staff report is not requiring a buffer at all. We don't feel that this recommendation truly aligns with the stated City of London Strategic Plan goals.

On page 6 under section 3.2 the following statement is provided:

“On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Details on the characteristics of the proposed application related to the City's climate action objectives are included in Appendix C of this report.”

Appendix C only contains a Concept Site Plan and no information about the Climate Emergency. We would like to see this staff report and ensure that the Planning and Environment Committee also has a copy.

Some relevant sections of the Climate Emergency Action Plan for this proposal:

“Area of Focus 6 - Implementing Natural and Engineered Climate Solutions and Carbon Capture Workplan

3. Protect and Enhance Existing Natural Areas (Timeline: 2022 onward)

a. Ensure the protection of natural heritage features and areas in the zoning by-law, Tree Protection by-law and Site Alteration by-law.

b. Complete and enforce revised Environmental Management Guidelines for new development.”

The plan calls on the City to ensure natural heritage protections for new developments, including **enforcing Environmental Management Guidelines such as 30m buffers for Significant Woodlands**. As mentioned above, natural areas are part of the nature-based solutions for climate change and contribute to protecting Londoners from climate impacts.

On page 6 the report indicates:

“Section 2.3 of the PPS also identifies natural features and areas to be protected for the long-term. Development and site alterations in significant natural areas shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5). Based on the scientific findings of the Environmental Impact Study an extension of the existing open space zone is recommended along the subject land's erosion hazard limit to buffer the development from the identified natural features. To ensure the continued protection of the natural heritage feature Staff is recommending that these lands be rezoned to a more restrictive Open Space (OS5) zone.”

We believe that it is premature to conclude that “there will be no negative impacts on the natural features or their ecological functions” for this project given the gaps we identified above and especially

since an adequate buffer to the natural heritage lands is not being provided. The statement also suggests that a buffer is being created for the natural heritage features, but the erosion hazard limit is only approximately 10 metres from the woodland edge. A minimum buffer of 30m should be created to protect the woodland and wildlife.

## Summary

The proposed project is located on lands that are part of the Dingman Creek Environmentally Significant Area and include Significant Woodlands and Valleylands. In addition, many Species at Risk call the Dingman Creek corridor their home. Based on our review of the provided documents, we feel there is potential for negative effects on the Dingman Creek corridor and the species that live there. We encourage the committee to consider the environmental impacts, now and in a changing climate, of this proposed project. Our main concerns are:

- The ESA and Significant Woodland are very sensitive and a full 30m setback should be required;
- Significant Valleyland buffer of 30m should be required based on top of slope as identified by the geotechnical study;
- All trees (Significant Woodland and south hedgerow) should be protected with a Tree Protection Zone according to London's Tree Protection By-Law;
- Consideration of climate change impacts and the future of the site, especially slope stability, and the alignment of the proposal with the declared Climate Emergency;
- Many facts and impacts are still unknown so a decision should be deferred until further information is obtained:
  - Lack of Stormwater Management Plan for the site given there are no storm sewers
  - Lack of Erosion Control Plan
  - Lack of Tree Protection Plan
  - Review of EIS to include missing information
  - Review of MDS I calculation provided by applicant

As a potentially affected downstream landowner, TTLT is requesting follow-up reports and any monitoring reports that will be required in conjunction with this application.

We appreciate the City of London taking the time to consider the potential environmental impacts of the proposed development in this environmentally sensitive area. The City of London is very proud of its Environmentally Significant Areas and recognizes them as "an integral part of London's Natural Heritage System". We recognize the City of London's commitment and leadership in protecting its ESAs as we feel that protecting our shared natural heritage is truly in the public interest. We hope you will support the protection of the Dingman Creek when considering this application.

Sincerely,



Daria Koscinski  
Executive Director

## About Thames Talbot Land Trust

Working out of London, ON, Thames Talbot Land Trust (TTLT) is a registered charity with a mission to protect, conserve, and restore nature within Elgin, Middlesex, Oxford and Perth counties, contributing to a stable climate, human wellbeing, and healthy habitats for all species. We work respectfully on the territories of the Haudenosaunee, Anishinaabeg, Lenape, Attawandaron and Wendat peoples and in collaboration with local First Nations communities.

Our goals include:

- Permanent protection of natural habitats and agricultural lands
- Restoration and stewardship of wildlife habitat
- Delivery of engaging, meaningful and inclusive environmental education and outreach

TTLT is an established and highly capable organization. We currently protect over 890 hectares (2,200 acres) of land across 25 nature reserves. Our nature reserves include wetlands, forests, grasslands and working farms. Together these lands provide ecosystem services for local communities such as water filtration, flood reduction, carbon sequestration, improvements in air quality, pollination of food crops and recreational opportunities. The variety of habitats are home to a diverse group of plants and animals. TTLT's nature reserves are recognized as Protected Areas and counted towards Canada's goal of protecting 30% of terrestrial lands by 2030.

Our planet and local communities are facing great environmental challenges that will impact the resiliency of future generations. The combined crises of climate change and biodiversity loss are already impacting our community and threatening our food security. To date less than 1% of land in southwestern Ontario is protected for natural heritage conservation, despite this region having the highest biodiversity in Canada and the greatest number of species at risk. Farmland is a critical resource for the sustainability and resiliency of Ontario's communities. According to the 2021 Agricultural Census, Ontario is losing farmland at a rate of 319 acres per day and we have lost 21% of our farmland in the last 40 years. At the current rate of loss Ontario's farmland will be gone within 100 years.

Rural areas need to be prioritized for conserving ecosystem services, supporting nature and protecting food production systems. The housing crisis and the pressure from industry are leading to changes in provincial policy that is limiting community level land planning, pushing unsustainable growth at the cost of nature and food production. Land trusts are uniquely positioned to act quickly at a grassroots level for protection of natural heritage and agricultural lands. Thames Talbot Land Trust works with landowners interested in protecting their natural and agricultural lands using a number of tools such as purchase or donation of lands, and Conservation Easement Agreements.

A Conservation Easement Agreements (CEA) is an agreement that a landowner voluntarily enters into with a conservation organization. They are legally binding agreements placed on the title of the property, meaning the conservation efforts are maintained in perpetuity making CEAs the most effective tool for protecting Ontario's rich agricultural soils and natural habitats.

To ensure a livable planet for us and future generations we need to protect nature and farmland now.

[www.thamestalbotlandtrust.ca](http://www.thamestalbotlandtrust.ca)

## Our Mission

To protect, conserve, and restore nature within Elgin, Middlesex, Oxford and Perth counties, contributing to a stable climate, human wellbeing, and healthy habitats for all species.

## Our Vision

Network of permanently protected areas that are rich in biodiversity, sustain life and nourish a sense of wonder and inspiration for all people.

## Our Values

Integrity | Diversity, Equity & Inclusion | Passion & Commitment | Intention |  
Accountability & Transparency

*"A land trust is really a promise made to future generations."*

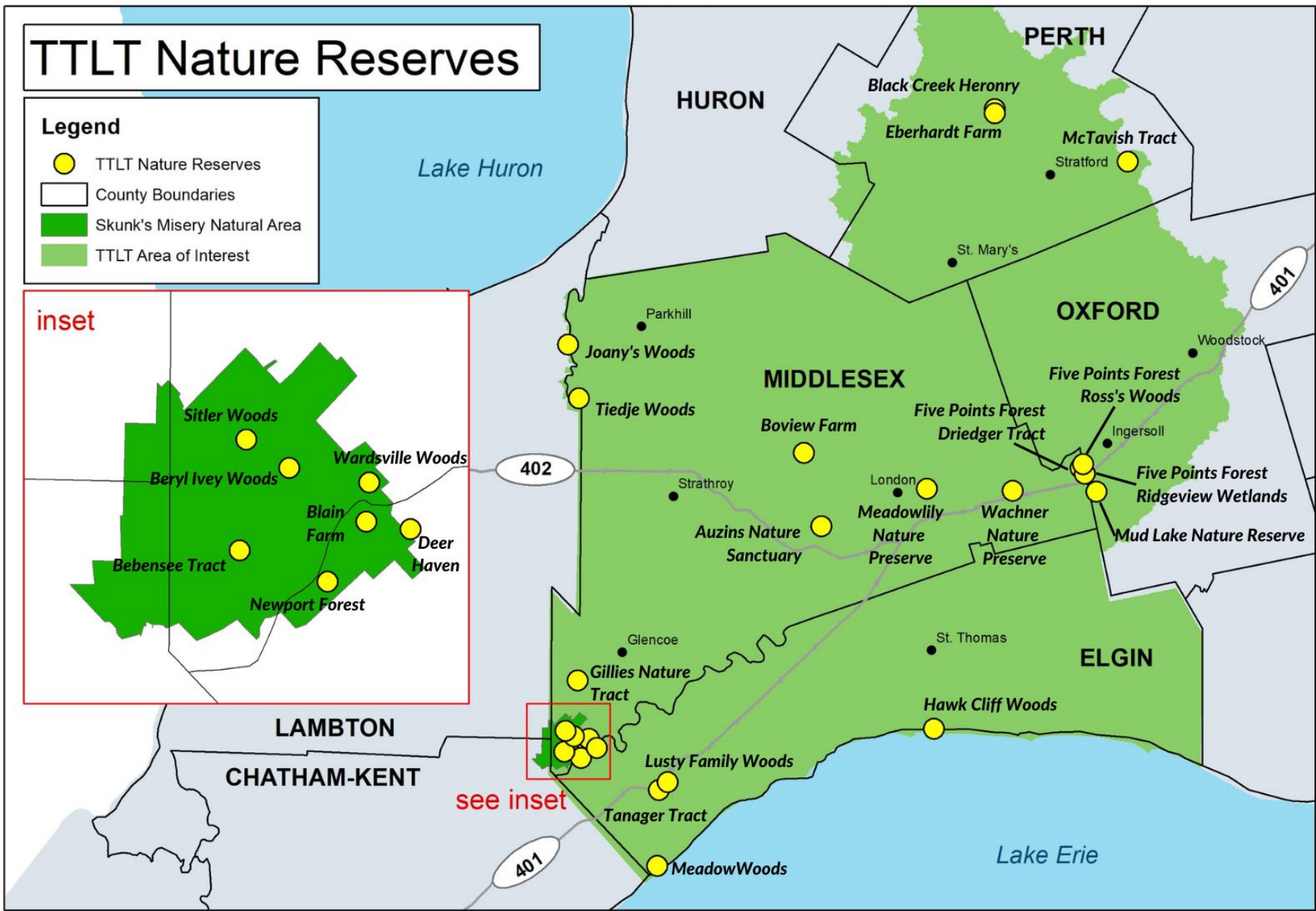
- Mary E. Kerr, A Founding Director of TTLT

# TTLT Nature Reserves

**Legend**

- TTLT Nature Reserves
- County Boundaries
- Skunk's Misery Natural Area
- TTLT Area of Interest

**inset**

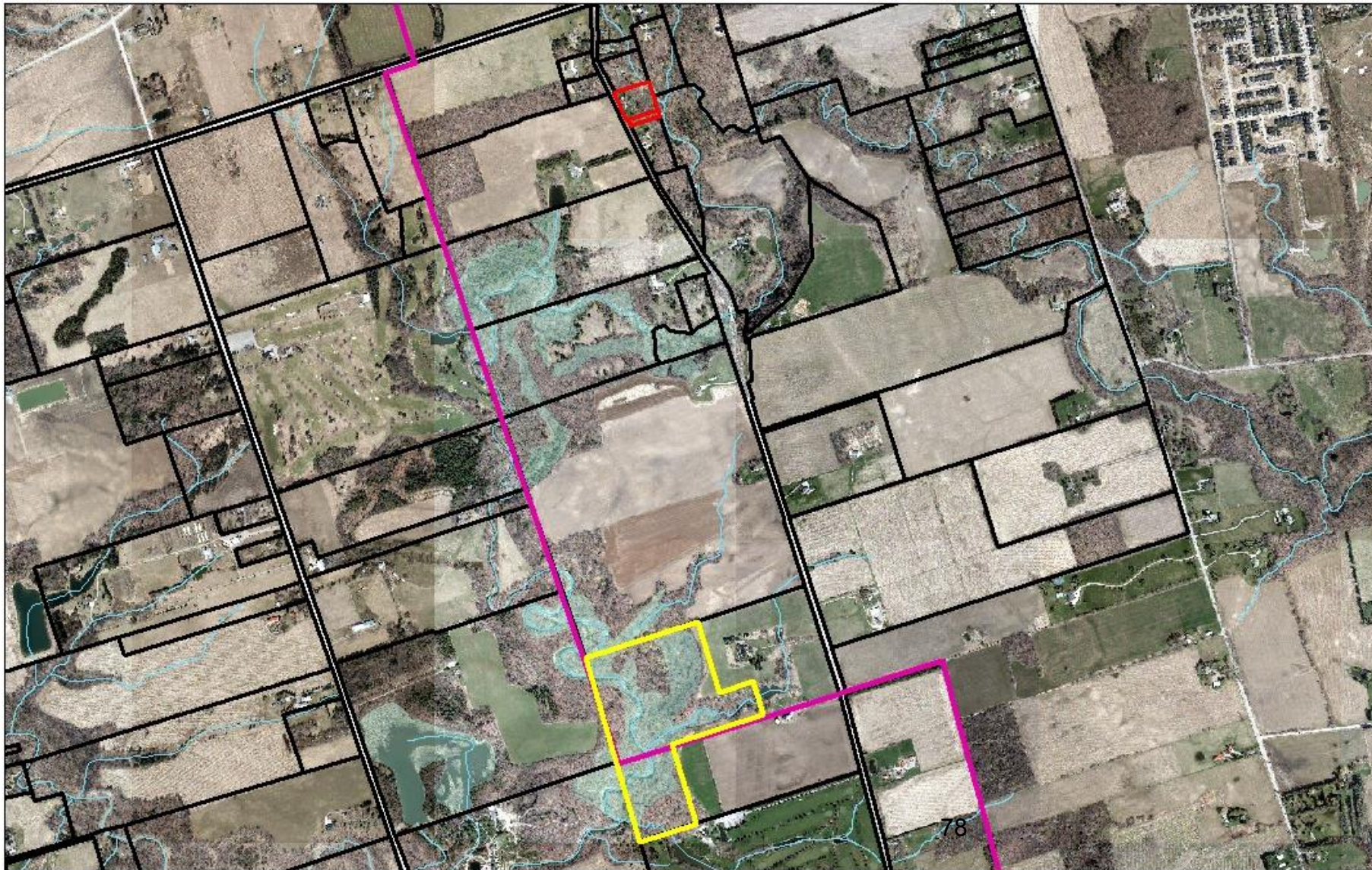


# Legend

- Woodhull Project
- Auzins Nature Sanctuary
- Watercourses
- City of London
- Provincially Significant Wetlands



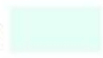


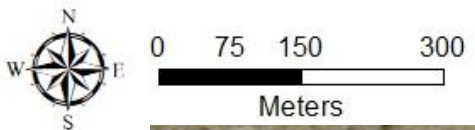
# Dingman Creek



- Significant Woodland, Wetland, Valleyland
- Habitat for Species at Risk:
  - 16 bird species
  - 6 plants
  - 9 reptiles
  - 2 fish
  - 2 mussels

# Legend

 Woodhull Project  Watercourses  Provincially Significant Wetlands



## Concerns with proposal

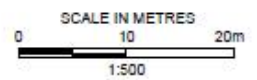
- Site contain environmentally sensitive habitats and species, a Tree Protection Area, a slope hazard that could become unstable
- Significant Woodland should have **30m buffer**
- Significant Valleyland should have **30m buffer** (from top of slope)
- Tree Protection Area should have buffer (10 cm for every 1 cm of tree trunk diameter)
- Trees along south border need Tree Protection Zone of at least **6 metres**
- **Climate emergency** requires following guidelines for natural heritage protection like buffers





ELC NUMBER	ELC CODE	Description
1	FOD5-3	Dry-Fresh Sugar Maple-Oak Deciduous Forest (0.16ha)
2	FOD7	Fresh-Moist Lowland Deciduous Forest Ecosite (0.05ha)
3	MAM2	Mineral Meadow Marsh Ecosite (0.01ha)
R1		Undeveloped Residential Maintained Lawn

Note: Area (ha) totals are within the Subject Lands only



**LEGEND**

	SUBJECT LANDS		ESA BOUNDARY (London Plan Map 5)
	VEGETATION COMMUNITY		SIGNIFICANT VALLEYLAND (London Plan Map 5)
	TOE OF SLOPE		SIGNIFICANT WOODLAND / NEW ESA BOUNDARY
	TOP OF SLOPE		NATURALIZATION AREA (0.01ha)
	EROSION HAZARD LIMIT		
	CANDIDATE SNAKE HIBERNACULUM		

**REFERENCES**

CITY OF 2021 LONDON PARCEL, ROAD AND WATER NETWORK, AND AERIAL IMAGERY, OPEN DATA SET;  
 PLAN PROVIDED BY BROCK DEVELOPMENT GROUP INC., AUTOCAD FILE "Consent Sketch - w Footprint\_Updated.dwg", PROVIDED NOVEMBER 4 - 2022;  
 EXP SERVICES INC., PROJECT No. LON-21002656A0, ESTIMATED SLOPE SETBACKS, DWG No. 1, APRIL 2021; AND  
 CITY OF LONDON, MAP 5 - NATURAL HERITAGE, MAY 28 - 2021.

**NOTES**

THIS FIGURE IS SCHEMATIC ONLY AND TO BE READ IN CONJUNCTION WITH ACCOMPANYING TEXT.  
 ALL LOCATIONS ARE APPROXIMATE.

PROJECT  
**ENVIRONMENTAL IMPACT STUDY**  
 2648 WOODHULL ROAD SEVERANCE  
 LONDON, ONTARIO

TITLE  
**MITIGATION MEASURES**

Drawn: DCH	Scale: AS SHOWN	<b>FIGURE 10</b>
Checked: Project Mgr.	40262-100	
Date: Dec 2022	Rev No.: 0	

## Unknowns of concern

- Lack of Stormwater Management Plan for the site given there are no storm sewers
- Lack of Erosion Control Plan
- Lack of Tree Protection Plan
- Review of Environmental Impact Study to include missing information and conclusions not supported by data
- Slope stability under climate emergency and lack of stormwater management plan
- Review of MDS I calculation provided by applicant

# Final Thoughts

- Climate Emergency
- Biodiversity Crisis
- Protecting natural areas is critical for climate resiliency, supporting habitat for wildlife, and providing ecosystem services for the whole community
- Nature protection is in the public interest

January 5, 2024

To: Chair and Members  
Planning & Environment Committee

From: Kevin Gowanlock  
[REDACTED] London, Ontario

Subject: City File Z-9673, Public Engagement Addition to Original Submission on Nov. 20, 2023

Thank you for the opportunity to add additional comments from my original submission in November. I have now had the opportunity to review the Staff Planning Report (SPP) and Brock Development's (Applicant) Planning Justification Report (PJR).

My name is Kevin Gowanlock, and my wife Diane and I own the adjacent property at [REDACTED], just south of the property in question.

I grew up on a 100 acre farm south of Lambeth, where I farmed my entire life. We grew corn, soybeans, and wheat, and raised livestock including beef and pigs. It was my dream to own my own hobby farm someday, and raise my own animals for profit and personal use. When our property on Woodhull was listed for sale 2 years ago, one of the features that made the listing so attractive was that it had a barn. We soon discovered that the barn was once home to horses and the land around the barn had been fenced in to allow the horses to graze. We believed our dream had come true.

Only 2 days later after moving in, we were informed there was an application for a farm dwelling to be built on a small property next door. We thought it was going to be a barn or shed, and maybe some animals as it was zoned agriculture. Not in our wildest dreams did we imagine there was going to be a 105 ft residence built taking up 85% of their frontage. How could this large home be considered a farm dwelling?

In the applicants PJR, they state that *"the proposed dwelling will not impact existing surrounding uses"*. In the SPP, it states *"neither of the existing lots of record at 2598 nor 2624 Woodhull Road, nor the abutting property to the south, are considered viable for agricultural purposes due to onsite natural heritage features and the size of the lots."*

Both statements are inaccurate. We have always considered this a hobby farm. There is no definition of what a hobby farm is, or the size of land it sits on. We have 3 apple trees to the North of our residence, just adjacent to the property in question, which supplies a large quantity of apples annually. We could be classified as an Orchard, which is an ongoing farm operation. I can easily add to the number of trees in the future to expand my orchard operations for profit. This is a farm.

I can also very easily fence in the area around the barn and house horses with ample room for them to graze like it had in the past. I could also have beef or pigs in the 800 sq ft barn that has running water, and a hay loft.

For some reason, no MDS-1 calculation was performed on our property. My barn is located 112 m from my northern lot line. When you perform the MDS-1 calculation with my barn size, and raising pigs, the MDS-1 minimum distance limit is 158 m. This is significantly farther than the actual distance of 112 m. The location of the proposed dwelling fails MDS-1 regulation at its proposed location, and would require to be located 46 m from my property line to adhere to MDS-1 guidelines. Please find attached the MDS-1 calculation.



No one from the city's Planning Department ever visited our residence to enquire about future uses of our property. If they had, they would have also done MDS-1 calculations. Our abutting property to the south is considered a viable agricultural lot.

This proposed residential site does impact the future use of our farm if allowed. Enabling this zoning amendment reduces or even eliminates my ability to use my AG zoned property as a farm, which it was originally developed for. MDS guidelines should not only govern present farming, but the potential for future farming. Because of this, this Zoning By-law Amendment should not be allowed. The proposed dwelling does impact existing surrounding uses.

MDS 1

General information

Application date Dec 30, 2023	Municipal file number	Proposed application Building permit for the construction of a dwelling (farm or non-farm)
Applicant contact information Kevin Gowanlock 	Location of subject lands County of Middlesex City of London LONDON Concession 3, Lot 1 Roll number 3936	

Calculations

2648 Woodhull MDS-1 Swine

Farm contact information Kevin Gowanlock 	Location of existing livestock facility or anaerobic digester County of Middlesex City of London LONDON Concession 3, Lot 1 Roll number 3936	Total lot size 3.76 ac
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Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Swine, Feeders (27 - 136 kg), Solid Scrape	59	11.2 NU	812 ft²

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM			
Design capacity	11.2 NU			
Potential design capacity	11.2 NU			
Factor A (odour potential)	1.2	Factor B (design capacity)	170.8	
Factor D (manure type)	0.7	Factor F (encroaching land use)	1.1	
Building base distance 'F' (A x B x D x E) [minimum distance from livestock barn]				158 m (518 ft)
Actual distance from livestock barn				112 m (367 ft) 
Storage base distance 'S' [minimum distance from manure storage]				158 m (518 ft)
Actual distance from manure storage				112 m (367 ft) 

Preparer signoff & disclaimer

Preparer contact information  
Kevin Gowanlock  


Signature of preparer

Kevin Gowanlock

Date (mm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information, mistakes in calculation, errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

With reference to the applicants PJR which states *“The reduced 3.0 m side yard setbacks are appropriate given the context of the existing surrounding properties. The existing established tree line along the south property line also provides an added buffer from the existing dwelling to the south.”*

These trees will not provide any buffer if they die due to the construction of this dwelling. These mature Pine trees not only have deep root systems, but have a mass root system that travels horizontally just below the surface. They cannot be driven on by large excavating equipment, nor damaged through digging.





The image to the left shows white pegs that represent three meters from the property line to the proposed dwelling location. The limbs from the trees would practically touch the side if the new dwelling if built in this location. Why would anyone want to build this close to these trees?

The largest tree along the buffer line is 104 cm diameter at breast level. As per the Chapter 12 of City of London's Tree Planting & Protection Guidelines, Tree Protection Zone (TPZ), page 12-10, table 12.2, the Minimum Protection Distance for Open Space or Woodland trees with a diameter of 104 cm, is the drip line, or 12 cm protection for every 1 cm diameter at breast level, whichever is greater. In this case, the TPZ is 12.5 meters. Since the tree line is approximately 1.5 meters from the lot line, the side yard setback should be at a minimum 11 meters. If you allow for a 3 meter excavation, the dwelling should be at a minimum 14 meter side setback to protect these trees .

If the committee decides to allow the proposed dwelling, I ask you to establish a side yard setback of 14 meters. Even though this property is on the edge of the city, it is still the Forest City, and it is imperative the Committee and the City of London protects these trees.

Thank you for these considerations.

Kevin Gowanlock

London, Ontario



**Response to the Brock Development Group (BDG) Planning  
Justification Report for Zoning By-Law Amendments to 2624  
Woodhull Road**

Description of 2624 Woodhull Road

- A small plot of land (approx. 2128 sq m, 20m wide x 100 m deep) originally governed by the Township of Delaware.
- The date of, and the reason for creation, of this tiny narrow lot is unknown. It does not exist on 19<sup>th</sup> century Delaware Township map.
- Annexed by the City of London in 1993.
- Zones include H4-AG2 and H2-OS4 as per the London Plan.
- Outside the London Urban Growth Boundary.
- Purchased by Owner of 2598 Woodhull Rd in 2000 for \$10K.
- Purchased by the Applicant/owner Aug 2023 for \$225,000.
- Mortgage charge on property Oct 2023 for \$350,000.
- A very confident purchase subsequent to the Application to PEC in April 2023.

**History of Applications for Consent, Minor Variance, and  
Amendments to Zoning By-Law  
(re 2598/ 2624 Woodhull Rd)**

Consent Application B.008/21

- 2021 -Application by **Brock Development Group (BDG)** to the London Consent Authority Committee of Adjustment to sever a portion of 2598 Woodhull Rd and amalgamate to 2624 Woodhull Rd.
- A minor variance application was also submitted to **justify the property be recognized as a Hobby Farm to allow building of a Farm dwelling**
- Farming practice would include a “Chicken Coop, tapping Maple trees, selling firewood, and fishing resources from Dingman Creek”
- Variances requested:
  - To permit a single detached dwelling not located in a farm cluster and not incidental or exclusively used in conjunction with a farm and situated on the same lot therewith.
  - To permit a front yard setback of 10m (building/garage), whereas 30m is the minimum required.

- To permit a north interior side yard of 3m, whereas 30m is the minimum required.
- To permit a south interior side yard of 3m, whereas 30m is the minimum setback

### **Outcome**

The City of London Committee of Adjustments heard Presentation from BDG, the Planning Department and the Public. **The Planning Department was not supportive of the Application.**

**On Dec 16, 2021 the Application for Consent and Minor Variances was refused!**

- BDG Appealed to OLT

### **BDG Submission to OLT – “Reasons for Appeal “**

The **BDG** appeal included the following statements:

- The proposal meets the purpose and intent of the City of London’s Official Plan. The subject lands are designated Agricultural and Open Space. The intent of the Open Space designation is to ensure that natural heritage features are protected over the long term.
- **The agricultural designation is intended to protect agricultural land and maintain the viability of farming within these areas.**

- **The property is intended to be used as a hobby farm.** A chicken house is proposed on the lands, the trees in the open space area are intended to be tapped for maple syrup, and dead trees will be removed and sold for firewood. The Dingman creek also offers fishing resources. **The proposed farm dwelling** will be fully located on the Agricultural lands. No development is proposed within the Open Space lands.
- The vacant parcel and severed lands are **too small to cultivate and are flanked by existing single detached dwellings, which limits large scale agricultural uses on the property.**
- The proposal meets the intent and purpose of the City of London Zoning By-law, as **the proposal offers the maximum agricultural potential than can be realized for this land and will increase the agricultural potential of the lands beyond its current condition as manicured lawn.**
- The proposed variances are minor in nature **given that agricultural uses are proposed in a manner that is compatible with the existing adjacent single detached dwellings.** The vacant parcel currently undersized and requires variances to accommodate any form of development due to the onerous agricultural setbacks that are not reflective of existing conditions.
- The proposal is appropriate for the development of the subject lands, as this parcel is an existing lot of record within the City. With over half of the property designated and zoned Open Space,

**there is limited potential for agricultural uses on the property. The proposed variances will facilitate a smaller scale agricultural use on these lands that will be compatible with the adjacent residences.**

*Comments on the above statements:*

- *It is very clear from the original application to the Committee of adjustments and the above subsequent appeal to the OLT, that BDG and the applicants fully recognize and support the fact, as quoted that “The agricultural designation is intended to protect agricultural land and maintain the viability of farming within these areas. “*
- *It is clear that BDG and the applicants also intended to capitalize on the AG designation by proposing a **Hobby farm dwelling** with a Chicken Coop, firewood and Fish from Dingman Creek as the only means to fulfill the Agricultural potential of portion of 2598 and 2624 Woodhull Rd.*
- 

**What is the definition of a Farm?**

**“I only have 1 acre. Can I still be a farmer?”**

*Alberta Guidelines for Obtaining Farm Status state the following: “it is impossible to categorize farming activity as hobby or not based solely on the number of acres used. Many fruit and vegetable producers can generate a good income from a small property - for greenhouse production, this could be less than 1 acre.”*

*For income tax purposes the Canada Revenue Agency (CRA) you are a farmer if you claim income from farming activity.*

*For the Farm Census completed by Statistics Canada, a census farm is defined as: an agricultural operation that produces at least one of the following products intended for sale: crops (hay, field crops, tree fruits or nuts, berries or grapes, vegetables, seed); livestock (cattle, pigs, sheep, horses, game animals, other livestock); poultry (hens, chickens, turkeys, chicks, game birds, other poultry); animal products (milk or cream, eggs, wool, furs, meat); or other agricultural products (Christmas trees, greenhouse or nursery products, mushrooms, sod, honey, maple syrup products).*

*\*\*The prior owner of 2624 Woodhull Rd personally chose to not farm the property.*

### **OLT Decision**

London City Council held a closed-door Vote and instructed the City Solicitors to enter into an agreement with BDG. The Minor Variance application was dropped at this time and only the Consent application was reviewed by the OLT.

- **BDG** proposed that conditions be met before the Consent is approved, to include an Ecologist assessment, a Geotechnical

assessment, an archeological assessment, and approval of Zoning -  
By Law amendments

- Sept 2022, The OLT gave provisional granting of the Consent Application pending conditions

**Residential Development on Prime Agricultural Land in the  
City of London: Policies per The London Plan and the  
Provincial Policy Statement.**

**PPS 1.1.3.8 c)** A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

**In prime agricultural areas:**

1.the lands do not comprise *specialty crop areas*.

2.alternative locations have been evaluated, and

- there are no reasonable alternatives which avoid *prime agricultural areas*; and
- ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*.

**London Plan Policy 1213.3 states**

To prevent estate lots, residential uses will be limited to existing lots of record and encouraged to locate in the urban portion of the city or within the Rural Neighbourhoods Place Type.

*Comments to above: The London Plan and the Provincial Policy Statement are very clear that prior to residential use of an existing lot of record that is on Prime agricultural land, there should be no alternatives available on low priority or urban areas of the City. East of Westdel Bourne , along Pack Rd , and on Colonel Talbot Rd north of Lambeth, there is open opportunity to build in approved high density residential developments within the Urban growth Boundary.*

**TLP Policies 1190-92: Residential Uses on Existing lots of Record:**

1190\_ Residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment, provided it does not create conflicts with farming operations, and subject to an environmental impact study if adjacent to any natural heritage feature.

1191\_ The Minimum Distance Separation (MDS I) setback will be applied at the time of a zoning by-law amendment and prior to the issuance of a building permit.

1192\_ New residential units may be permitted only where an adequate supply of potable water is available or can be made available, and where the lot size and soil types are suitable to support an individual on-site waste disposal system. *(Note: This condition of the Provisional Consent granting has **not been** fulfilled. The submitted application does not include an approved Septic design, potable water supply, and storm water drainage design.)*

Conclusion:

- 1. 2624 and portion of 2598 Woodhull Rd are merely a continuation of the Prime Agricultural lands of the farm across the road. They have been such since the 1800's.*



*Together they would readily be suitable for a productive Fruit Orchard, Apiary, Flower farm etc.*

- 2. Building a residence on this small sliver of untouched Ag/OS zoned land would eliminate forever the agricultural potential and prohibit it from fulfilling its destiny to be productive, and contribute to good ecological practice and mitigation of climate change.*
  
- 3. This sets a Precedent to build an unnecessary high-density residence on a small pre-existing lot, designated Prime Agricultural Land outside the Urban Growth Boundary, and falsely declare, without basis, unsuitability for Farm practice. This is a deviation from the strategic growth plan and is unneeded new intensification in annexed farmland. It is contrary to the housing needs of Ontario, and merely serves to destroy precious farmland and potential greenspace.*

## **Response to the Present BDG Planning Justification Report for Zoning By-Law Amendments**

*Multiple references to the PPS and London Plan were made in support of the proposed development. However, there is clearly selectivity in only referencing policies that are pro-development. Some examples are below.*

- “The proposed dwelling promotes residential intensification and makes use of an underutilized lot that has limited to no agricultural potential due to its size, slope constraints and proximity to existing residential dwellings (PPS Sections 1.4.1.a and 1.7.1.c) “

### Comment:

**1.4.1a** states: to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.

*This reference does not seem relevant or applicable to the present application.*

*The underutilization of agricultural potential of the lot was by choice.*

*The application does not support the need to solve the housing crisis by building multi-unit or high density homes on non AG land that has the infrastructure and services to support it*

**1.7.1c states: Long-Term Economic Prosperity-** c) optimizing the long-term availability and use of land, resources,

*The best means of Optimizing this AG land is not to cover it with a home but to either farm it or restore it to its natural state to be enjoyed.*

- “No municipal services are available in this area. The subject lands are large enough to accommodate on-site sewage and water services, consistent with existing dwellings in the area
- (PPS 1.6.6.4);”

Comment:

*The proposed building envelope is almost 4000 sq feet. A typical septic bed for this size of home assuming 4 bathrooms plus would be 2 separated septic beds 20x20ft, separated by 16 ft, not encroaching on the road allowance, a 2000-gallon tank separated from the dwelling and beds. A drilled well must then be appropriately distanced. That the lands are large enough to accommodate is yet to be determined. There is no documentation this has been approved.*

- “Given the existing residential dwellings in the surrounding area, the prime agricultural lands on the west side of Woodhull Road will not be hindered from future agricultural uses as a result of the proposed dwelling (PPS 2.3.1)”

Comment;

*PPS 2.3.1 states: Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by*

Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

*The lot is classified as a Prime Agricultural Area, so based on the above quoted reference. **It is be protected not developed.***

*\*\*Note: The surrounding homes are 50-70 yrs. plus old, built pre annexation in Delaware township under different zoning rules.*

### **Impact of Developing 2624 Woodhull Road on Adjacent Farm at 2649 Woodhull Road**

Woodhull Road is a farming community outside the urban Growth Boundary. Active farms exist north, west, east and south of the 2624 Woodhull.

- 2649 Woodhull Road has been an active farm for at least 140 years, having had livestock in the past. It is classified as Prime agricultural land Class 1-4. It is comprised of two separate productive fields. Farming is dynamic and recent trends in sustainable nutrient farming recommend a live-stock -crop mix.

PPS 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards

### **London Plan- ROLE WITHIN THE CITY STRUCTURE**

1179\_ The Farmland Place Type is the prime agricultural area of London and consists of prime agricultural land (*Canada Land Inventory Classes 1, 2, and 3 soils*) and associated Class 4 through 7 soils that will be protected and maintained for the long term as the base to support a healthy, productive, and innovative agricultural industry as a key component of the city's economic base and cultural heritage.

1180\_ The Farmland Place Type will promote sustainable farm practices which encourage the conservation of surface and groundwater resources, aquatic habitat, woodlands, wetlands, wildlife habitat and other natural features, where such practices do not impose undue limitations on the farming community. This Place Type will also discourage the creation of non-farm residential lots in the agricultural area. Impacts from any new non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

**LP 1181-10.** Minimize the potential for land use conflicts between residential uses and farm operations.

11. Mitigate impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands by directing any proposed non-agricultural uses in the Farmland Place Type to lands that are classified as having a lower soil capability in the *Canada Land Inventory* and to areas where the potential for conflict between agriculture and the proposed non-agricultural uses will be minimized.

*To categorically state that Agricultural lands on the west side of Woodhull Road will not be hindered from future agricultural uses as a result of the proposed dwelling is incorrect. Re-Zoning will only serve to hinder.*

- *New and larger farm equipment has required the need for a separate gated entrance into the North Field that is directly across from 2624 Woodhull. This will interfere intermittently with access to the proposed dwelling across the road.*
- *The Zoning By-Law AG2 lot frontage depth (setback) of a minimum of 30m is to minimize exposure to dust, fumes, noise, odors, sprays, for the safe protection of the occupants, and reduce nuisance complaints. Directly across from this lot is the Farm Machinery entrance to the farm's North field.*

- *Thirty metres is the minimum lot depth needed to provide a suitable barrier distance in the Rural setting to protect occupants from hazards associated with Farm machinery (Combines, tractors, Grain carts, Transport trucks). Reduction of the standard minimum frontage depth might **increase the Risk of Future Liability**.*
- **Minimal Separation Distance:** *BDG calculated the MDS-1 from our farm based on hypothetical data of 12-17 horses in our shed supposedly sized at 362 sq m, to come up with an MDS-1 minimum of 123m. From satellite imagery, it was determined an actual distance to 2624 Woodhull Road of 230 m justifying MDS-1 condition fulfilled.*
- *The assumptions made by the BDG planner are hypothetical, discretionary and subjective.  
Despite adjacent older homes that were built predating the Agricultural Code of Practice of 1976 and subsequent MDS guidelines, the placement of the proposed dwelling will add an additional MDS limitation along an East-West line.  
This will have the adverse effect of “imposing operating constraints on a future Livestock facility to incorporate sustainable farming. This is the future of farming to mitigate Climate change.*

**The Record of Pre-Application Consultation (May 31/2022)**  
comes with the following statement:

**“MDS Calculations: Any proposed planning and development application within a Rural Neighborhoods Place Type shall meet the required Minimum Distance Separation (MDS I) policies. **Applications that would result in a development that imposes operating constraints on a livestock facility will be refused.**”**

## Response to London Planning and Development Department Report to PEC

*Below are comments to statements in the Report*

**Report:** “In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road, nor the abutting property to the south, are considered viable for agricultural purposes due to onsite natural heritage features and the size of the lots.”

**Comment:** *The pervasive false justifying statement that the Lots are not viable for Agriculture seems to prevail throughout the entire Application. It is a complete reversal of the past Planning Department presentation to The Committee of Adjustments . The land is Prime Agricultural land and size does not dictate viability. If there is enough room to place a residence on the lot, there is enough room to be a farm.*

**Report:** “Although the property across the road has a functioning agricultural use, no conflicts with farming operations are anticipated because of the additional separation, of roughly 20 metres, that Woodhull Road provides.

**Comment:** *The City of London Zoning Bylaws presumably were developed by Planning experts who took multiple factors and evidence into their formulation. London AG2 Zoning Bylaws are very clearly defined and for good reasons. The minimum 30 metre front yard depth does not include the width of the road. The statement that a 14-metre setback is OK because the road width is approximately 20 metres, is entirely arbitrary and without documented proof of safety equivalency. The Zoning By-Law AG2 lot frontage depth (setback) of a minimum of 30m is to minimize exposure to*

*dust, fumes, noise, odors, sprays, for the safe protection of the occupants, and reduce nuisance complaints. Directly across from this lot is the Farm Machinery entrance to the farm's North field.*

*Thirty metres is the minimum lot depth needed to provide a suitable barrier distance in the Rural setting to protect occupants from hazards associated with Farm machinery (Combines, tractors, Grain carts, Transport trucks).*

***Reduction of the standard minimum frontage depth might increase the Risk of Future Liability.***

**Report:** “Farm parcels must also be established at a minimum size of 40 hectares as per the intent of The London Plan for existing farmland lots (TLP 1215\_2). In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road are 40-hectares and are considered viable for agricultural purposes due to onsite natural heritage features. The consent for lot adjustment will effectively increase the size of 2624 Woodhull Road while minimally reducing the size of 2598 Woodhull Road to permit a single detached dwelling on both properties.”

**Comment:** *The Report fails to include TLP 1215.3 which states that “It is the intent of this Plan, as set out in the Agricultural Land Consent policies of this chapter and the Minimum Distance Separation policies in the Our Tools part of this Plan, to Recognize that existing land holdings in the Farmland Place Type that do not meet the minimum 40 hectare farm parcel size and that are under separate ownership from abutting parcels of land at the date of adoption of this Plan, may be used for agricultural purposes, including one single detached dwelling, subject to Minimum Distance Separation (MDS I) setback(s). The on-site Heritage features will not interfere with agricultural purposes any more than it does with building a house.”*

**Report:** “The consent for lot adjustment will effectively increase the frontage of 2624 Woodhull Road, permitting a larger property width that can better



accommodate the development of the proposed single detached dwelling. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large of a lot frontage as the uses permitted within the Agricultural zone on the site. **For reference, the single detached dwellings zoned Residential R1 (R1-11) along Elviage drive, in close proximity to the subject lands, only require a lot frontage of 24.0 metres to support a single detached dwelling”**

“Single detached dwellings are being added as an additional use on the subject lands which do not require as large of a lot area as the uses permitted within the Agricultural zone on the site. **For reference, the single detached dwellings zoned Residential R1 (R1-11) along Elviage drive, in close proximity to the subject lands, only require a lot area of 1390 square metres (or 0.14 hectares) to support a single detached dwelling”**

**TLP 1215:** It is the intent of this Plan, as set out in the Agricultural Land Consent policies of this chapter and the Minimum Distance Separation policies in the Our Tools part of this Plan, to:

1. Encourage the retention or consolidation of farm parcels so that farms are of sufficient size to promote efficient operations and responsible environmental management, and to maintain long-term agricultural viability and flexibility.

*Comment: One could equally suggest that enlarging 2624 Woodhull Road would be supported by the London Plan 1215. The original owners chose not to consolidate the lot so as to be able to profit from its sale, rather than following the intent of the PPS and the TLP for the good of the community.*

### **Setting a Precedent**

*The OLT Decision document states the following:*

“The consent criteria for agricultural land also requires compliance with the general consent criteria under 19.7.1 of the OP. The following planning evidence was presented by Ms. Doornbosch regarding the consent application’s compliance with these criteria. Below, OLT 19.7.1.k clearly identifies that the proposed Lot

would not create a precedent for future applications on adjacent or nearby lots. The supplied answer was “the consent will not set a precedent as the lot is already existing.”. The choice was made to make it larger and not farm it.

It will however continue to set precedent to sever, consolidate, rezone and build on existing neighboring lots as they come up for sale. Area dwellings on Elviage are referenced above by the Planning Department as Precedent. The Applicant and Planner on a similar lot (#2835 Elviage) with a very small AG2 zone, after initial rejection in 2014, were granted a minor Variance to build a farm dwelling residence with Chicken Coop( still present?) in 2019 This has served as a template and precedent for the present application.

This will only continue to snowball through our community. **Therefore, it is highly unlikely that the Applicant will abide by this criteria in the future as opportunities for development of existing AG lots arise in the neighbourhood on this annexed farmland road.**

k)	<b>19.7.1 CONSENT CRITERIA</b>	<b>PLANNING EVIDENCE</b>
	Where individual on-site wastewater treatment systems proposed, the Consent Authority shall also consider the following criteria: (a) the proposed development is consistent with the surrounding area in terms of pattern and size. (b) the proposed development does not represent an extension to an area for existing development on individual services; and (c) <u>the proposed development would not create a precedent for future similar applications on adjacent or nearby lots.</u>	The consent brings the existing lot of record to a size that is more consistent with surrounding lot sizes b) The severance allows for the development of an existing lot of record c) <u>the consent will not set a precedent as the lot is already existing.</u>

## **Response to Required Studies**

## **Environmental Impact Study**

*This is a required study as a condition to approve the Consent to Sever and Amalgamate 2598 and 2624 Woodhull. Four site visits (Oct 2020-Aug 2022 within a 120 metre study circle*

- *The Study was not independent as it was paid for by the applicant*
- *It Failed to identify the nesting Bald Eagles ( Special Concern) within or immediately adjacent to the study area who frequently perch, on property trees, and feed on all the neighbouring properties.*
- *Failed to remark on the Spiny Soft shell Turtle ( Endangered ) in the Dingman Creek within the Study Area*
- *Recommended restoration and naturalization of the Buffer Zone using Native Plant species and installation of permanent boundary markers to prevent encroachment. Unfortunately, the City of London is unable to confirm and police the implementation of such measures.*

## **Geotechnical Study**

*This is a required study as a condition to approve the Consent to Sever and Amalgamate 2598 and 2624 Woodhull. It does not inspire confidence that it can be used to support the building of a residence.*

- *The Study was not an independent study as it was paid for by the applicant.*

*The following are the limitations of the Report*

- *Contractors contemplating work on the site are responsible for conducting an independent investigation and interpretation of the bore hole results contained in the Report. The number of boreholes necessary to determine the localized underground conditions as they impact construction costs, techniques, sequencing, equipment and scheduling maybe greater than those carried out for the purpose of the Report.*
- *The information presented in this report is based on a limited investigation designed to provide information to support an assessment of the current*

geotechnical conditions within the subject property. The conclusions and recommendations presented in this report reflect site conditions existing at the time of the investigation. Consequently, during the future development of the property, conditions not observed during this investigation may become apparent.

- The comments given in this report are intended only for the guidance of design engineers. The number of test holes required to determine the localized underground conditions between test holes affecting construction costs, techniques, sequencing, equipment, scheduling, etc. would be much greater than has been carried out for design purposes.
- This report (“Report”) is based on site conditions known or inferred by the geotechnical investigation undertaken as of the date of the Report. Should changes occur which potentially impact the geotechnical condition of the site, or if construction is implemented **more than one year following the date of the Report, the recommendations of EXP may require re-evaluation. It would appear that the report has expired and invalidates the Application.**

## *Conclusions*

*The Provincial Policy Statement and the London Plan are in place to serve as guides for management of land and development in the City of London. The interpretation and implementation of the guides must be done with the understanding they are for the overall greater good of the Citizens of London and the surrounding area, not only for the present but for future generations. They are not meant to be selectively cherry-picked to justify exceptions of which we may regret or not live long enough to lament the decision, but rather to step back and use them to guide us all to the long-term plan. Farmland and natural areas are disappearing. It is vital for our survival of our future generations. Once it is gone it is gone forever.*

*Brock Development Group and applicant close the present Justification Report with the following statements:*

“The proposed amendment supports Bill 23 and the Province’s mandate for “More Homes Built Faster”.

The proposed amendment represents good land use planning and is in the public interest.”

*It is beyond disbelief that the authors would have us believe that building an apparent 4000 sq ft home on a tiny lot purchased for over \$ 200,000 and likely to be flipped tax free for 1.5 to 2 million dollars, has anything to do with Bill 23, and contributing to the affordable housing required of the more than 400,000 low income immigrants arriving annually.*

*It is destructive land use planning and the only public whose interest is served, is the Brock Development Group and the Builder/Owner.*

*We ask the Committee, in their capacity as public representatives, to pause, reflect and listen to the majority Voice of the Woodhull Road Public Community, guided by the Farmland Vision of the London Plan, stop this precedent setting development, and do truly what is in the best interests of the Citizens of Rural London, and future Generations.*

*Sincerely*

*Richard Inculet MD FRCSC FACS*

## Correction Addendum

Page 1: Last sentence should be corrected to

- “A very confident purchase, prior to the Application to PEC in November 2023”

Page 18: Paragraph 2, line 4,

- (# 2345 Elviage) should be corrected to (# 9345 Elviage)

I respectfully submit, the following comments re: file Z-9673 to London's citizens, this standing committee, council members & Mayor Josh Morgan.

We are longstanding London Citizens of 1approx. 50 yrs.

We purchased Our farm in 1994, it is directly across from the proposed zoning change subject lands as per file Z-9673.

WHAT words could I write here, that would create PAUSE & REFLECTION ON THE UNNECESSARY AND UNNEEDED application for a zoning bylaw amendment?

Thoroughly researched submissions by the Stewards of these protected lands, opposed to this zoning change have given ample and exhaustive evidence as to WHY this zoning by-law amendment should NOT move forward.

**ASK WHO** is benefiting from this amendment?

***It is NOT us citizens.***

THE Citizen's CRITICAL CURRENT CRISES NEEDS, ARE SUFFERING.

Our community needs INTELLIGENT, COMMITTED, CONSISTENT LEADERSHIP TO HELP GUIDE US OUT FROM THE CURRENT CRISES OF:

- 1) THE LACK OF AFFORDABLE HOUSING AND HOMELESS SHELTERS,
- 2) THE DEBILITATING GROWING MENTAL HEALTH CHALLENGES AND ADDICTIONS,
- 3) THE DAMAGING CLIMATE CHANGE OFFENDERS, such as this application to further the IMPROPER land use of our PROTECTED AND REGULATED CO2 ABSORBING LANDS. CEMENT DOES NOT ABSORB CO2.
- 4) THE DESTRUCTION OF HABITATS FOR OUR ENDANGERED SPECIES AND OF POTENTIAL NATURE SANCTUARIES.

Science has shown that to hike or visit a woodlot, creek, river, nature sanctuary is medicinal and healing for mental health. Our societal well-being relies on having access to this type of infrastructure.

One might reference the thamestalbotlandtruct.ca website for further info.

The TTLT is a dedicated stewardship organization benefiting all.

**CREATING A VERY EXPENSIVE ESTATE LOT & DWELLING IS AN UNNEEDED PROFIT DRIVEN DEVELOPER WANT.**

**THESE REPEATED COSTLY APPLICATIONS ARE AT THE EXPENSE OF DIVERTING THE CITY'S RESOURCES AND FOCUS ON OUR CITIZEN'S CRITICAL NEEDS.**

**SO HERE WE ARE AGAIN**---HISTORY IS REPEATING ITSELF with the SAME DEVELOPER/BUILDER/OWNER (herein referred to as the DBO), WITH THE SAME ATTEMPT TO BUILD ON A POTENTIALLY MODIFIED, TINY LOT OF RECORD, A POSTAGE STAMP HIGH END DWELLING WHICH WAS PREVIOUSLY DENIED AT ALL MUNICIPAL LEVELS.

**THERE IS A HISTORICAL PATTERN** OF CHALLENGING THE INTEGRITY OF SINGLE PARCELS OF ANNEXED PRIME FARMLAND CONTAINING THE DIGMAN CREEK HAZARDOUS VALLEY ENVELOPE LOCATED IN THE ELVIAGE/WOODHULL CORRIDOR.

**CREATING unnecessary, unneeded, residential intensification** WITH estate lots with million-dollar dwellings along DIGMAN CREEK'S ANNEXED PROTECTED, REGULATED MULTI ZONED, OPEN SPACE, ENVIRONMENTALLY SENSITIVE, PRIME AGRICULTURAL FARMLAND, OUTSIDE the URBAN GROWTH BOUNDARY.

The public has access to the following London Free Press articles:

- 1) Published Feb. 17, 2014 by Chip Martin  
"Opponents argue the project would set a dangerous precedent"
- 2) Published Feb. 26, 2014 by Alex Weber  
"Kaizen Homes was looking to build single home on a 22-acre piece of property in west end."

*Excerpts from the above noted London Free Press articles have been redacted due to copyright infringement laws:*

[REDACTED]

**COMMENT: TO MITIGATE our ongoing climate crisis, leaving this land alone and undeveloped is PRECISELY what SHOULD have occurred,**

[REDACTED]

Planning committee voted 6-0 on Feb. 18 to halt the development.



ELVIAGE RD. was eventually affected and in 2019 a dangerous PRECEDENT set & the slippery slope began, a dwelling was to be built.

See application file H-9056

**London's citizens NEED AFFORDABLE HOUSING SUPPLIED WITH MUNICIPAL SERVICES & CLOSE TO INFRASTRUCTURE, NOT ESTATE LOTS with a MILLION DOLLAR DWELLINGS ON PRIME AGRICULTURAL, ENVIROMENTALLY PROTECTED LANDS, OUTSIDE THE URBAN GROWTH BOUNDARY.**

**THESE UNNECESSARY BUILDS *contribute to THE DAMAGING CLIMATE CHANGES.***

This city has budgeted to help mitigate the damaging climate change crisis.

**WHY would the planning & development dept., the PEC standing committee, or our council FACILITATE this DBO to DO THE OPPOSITE?**

**PLEASE PAUSE AND REFLECT**

ALLOWING this zoning by-law amendment & ENABLING the build of an UNNEEDED estate lot with a high net worth DWELLING on protected, regulated prime agricultural lands OUTSIDE OF THE LONDON GROWTH BOUNDARY IS **NOT WISE, INTELLIGENT LEADERSHIP.**

***LONDON CITIZENS AND OUR VALUABLE RESOURCES WOULD BE BETTER SERVED WITH ALLOWING OUR ELECTED OFFICIALS TO FOCUS AND LEAD US OUT OF THE CRISES AT HAND.***

This intensification trend is now creeping around the corner to 2698-2624 WOODHULL RD. ***with this application for a Zoning by-law amendment File: Z-9673.***

ELVIAGE AND WOODHULL roads contain lot parcels of **VERY VALUABLE** multi zoned prime agricultural farmland.

Including protected UTRCA regulated, zoned open space, environmental sensitive, hazard lands within the natural heritage valley of the Dingman Creek corridor envelope outside of London's urban growth boundary.

Four homes down from our Woodhull Rd. farm, **approx. 2 km. away,**  
**The THAMES TALBOT LAND TRUST (TTLT) owns a 55-acre nature reserve called "AUZINS NATURE SANCTUARY" It consists of both wetlands, woodlands, a floodplain swamp along the Dingman Creek which provides habitat for over 50 species of fish and 160 plants rarely found in Ontario. THIS SPEAKS TO HOW VALUABLE THE LAND IS, IN THIS AREA AND NEEDS TO REMAIN PROTECTED.**

Citizens (via a registration process) have access to ongoing TTLT educational programs, outdoor visits, hikes, volunteering, donations etc. Visit online at [thamestalbotlandtrust.ca](http://thamestalbotlandtrust.ca)

**AS LONDON'S POPULATION GROWS, SO WILL THE NEED TO FIND GREENSPACES & NATURE FOR OUR SOCIETIES ENJOYMENT AND WELL BEING.**

**Over the years of farming this land**, we have invested our resources of time and money to improve and ensure its viability. Our ongoing stewardship of this land has always sought advice and guidance, working with UTRCA for our woodlot mgmt., clean water project, tiling the farmland, creating directional farmland water drainage berms to buying and planting trees, native to this area from the UTRCA'S TREE POWER PROGRAM.

We have supplied the housing and location to create the largest migrating purple martin bird colony in this area.

**We are here for the long term.**

**We are EXTREMELY CONCERNED** that this unnecessary Zoning By-law amendment file Z-9673 Application would be allowed,

FACILITATING the REQUEST OF ONE DEVELOPER/BUILDER/OWNER TO MANIPULATE an annexed very VALUABLE, small LOT OF RECORD.

**CREATING THE SMALLEST (squeezed in) UNNEEDED POSTAGE STAMP LOT** allowing the build of an **unneded, ESTATE dwelling. DEFINITELY OUT OF CHARACTER FOR THIS RURAL SETTING ON LARGER LOTS.**

**WHY approve** an unnecessary zoning application for this DBO WHEN REPORTS BY THE TTLT & THE WOODHULL RD. RESIDENT'S SUBMISSIONS CLEARLY STATE THEIR STAND AGAINST THIS ZONING CHANGE & **DEMONSTRATE THE DEFICIENCIES** IN THE DBO'S SUBMITTED MATERIAL.

**The Geotechnical report expired April 2023 as per its pages of 'LIMITATIONS AND USE OF REPORT'.**

**ASK WHY** would this geotechnical, time sensitive limitation be put in their report?

This type of limitation acknowledges, the dynamic, ongoing fragile nature of this land, that was obviously **protected by the existing** appropriate zoning.

**AN EXPIRED geotechnical report as such does not satisfy a condition per the OLT'S PROVISIONAL CONSENT. The 'h2' designation should not be removed. Please reference the 'h2' criteria and definition.**

**THERE IS POTENTIAL RISK TO HEALTH & SAFETY.**

**DID** the planning dept. report **RELY ON THIS EXPIRED REPORT** that was only valid for 1 year due to the **fragility and dynamic changing conditions** of these known hazard lands?

**AS PER PP2020**

Multi Zoned protected annexed lands outside the urban growth boundary need extreme care with future new development redirection....

**THE SUBMITTED FOOTPRINT IS DEFICIENT.**

**DETAILS LACK A WELL LOCATION, (A PREVIOUS UTRCA CONCERN FOR THE EXISTING AQUIFER SYSTEM), QUESTIONABLE APPROPRIATE SEPTIC BED SIZE & LACK OF ACCOMODATIONS FOR THE STORM WATER RUN OFF**

The process of applying the good intentions of the PP2020 and the London Plan has been **flawed** with this DBO'S **repeated** applications, from its initial stages to the Land Tribunal and back here again.

These policies have been put in place with the intention to be read and applied in their entirety **IN ORDER** to understand and undertake its intended mission and mandates. The developer's justification report has taken the latitude to reference these policy points out of context all the while ignoring other more applicable points.

The planning and development dept.'s report suffers from the same process stating that this application's parcel at 2598-2624 Woodhull Rd. is too small to farm.

This is a biased, discretionary subjective opinion.

**NOT FACTUAL.**

**2598 & 2624 WOODHULL RD. COULD BE farmed.**

The previous owners **CHOSE NOT TO** productively farm on the prime agricultural zoned section of their two separate abutting lots **NOR**, as per London's plan farm place policy recommendations, **CONSOLIDATE THESE PARCELS** into one larger farmable parcel.

They chose to **sell to the DBO for unneeded, potential development.**

**WHY**, was this tiny lot of record created? From our research, it was most likely for the Farmer's use to cultivate it as a productive market in their retirement years.

**AGAIN**, this land is farmable regardless of its size.

***PERHAPS THE DBO WOULD CONSIDER THAT THE COSTS ASSOCIATED WITH TRYING TO PUSH A SQUARE PEG INTO A ROUND HOLE ARE TOO HIGH. PERHAPS THE DBO WOULD REASONABLY RESELL TO OR CONSIDER THE VALUE OF A CHARITABLE DONATION RECEIPT AND DONATE THIS VALUABLE PROTECTED TINY PARCEL OF LAND ON RECORD TO THE THAMESTALBOTLANDTRUST, FOR ALL TO BENEFIT.***

WE ASK THIS COMMITTEE, IN THEIR CAPACITY AS PUBLIC REPRESENTATIVES TO PAUSE AND REFLECT AND LISTEN, TO THE MAJORITY VOICE OF AFFECTED WOODHULL RESIDENTS/STEWARDS, PROTECTING THESE LANDS FOR ALL CITIZENS.  
TO STOP THIS UNNECESSARY, UNNEEDED PRECEDENT SETTING, SELF SERVING DEVELOPMENT.  
AND GUIDE BY THE TRUE INTENTS OF THE PP2020 AND LONDON PLAN FOR ALL CURRENT AND FUTURE CITIZENS.

WE ASK THIS COMMITTEE, IN THEIR CAPACITY AS PUBLIC REPRESENTATIVES OF OUR CURRENT AND FUTURE CITIZENS, TO LEAD US WITH WISDOM, CLARITY, AND HUMANITY.  
TO PRIORTIZE WHAT IS IN THE BEST INTERESTS OF ALL CITIZENS.  
TO PROMOTE A CARING & HEALING LIVING LEGACY.

SINCERELY,  
NANCY INCULET

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** Scott Mathers MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** 2804904 Ontario Inc. (c/o Siv-ik Planning & Design Inc.)  
1982 Commissioners Road East and part of 1964  
Commissioners Road East  
City File: Z-9668, Ward 14  
Public Participation Meeting

**Date:** January 9, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2804904 Ontario Inc. (c/o Siv-ik Planning & Design Inc.) relating to the property located at 1982 Commissioners Road East and part of 1964 Commissioners Road East:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 23, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR4) and Urban Reserve Special Provision (UR4(7)) Zone **TO** a holding Residential R5 Special Provision (h\*h-18\*R5-7(\_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - i. Design the side elevation of the corner units that are facing the driveway and the common amenity space with enhanced detail.
  - ii. Provide pedestrian connectivity through the proposed development to the public streets.
  - iii. Connect walkways directly from individual units of the 2 storey townhouses to Constance Avenue and Commissioners Road East, respectively.
  - iv. Provide enhanced tree planting.

**IT BEING NOTED** that the above noted amendment is being recommended for the following reasons:

- i. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The *PPS* directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- ii. The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Neighbourhoods Place Type policies;
- iii. The recommended amendment would permit an appropriate form of development at an intensity that is appropriate for the site and the surrounding neighbourhood; and
- iv. The recommended amendment facilitates an infill development on an underutilized site and contributes to the range and mix of housing options within the area.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Urban Reserve (UR4) and Urban Reserve Special Provision (UR4(7)) Zone to a Residential R5 Special Provision (R5-7(\_)) Zone.

### Purpose and the Effect of Recommended Action

The recommended action will permit a two-storey townhouse building, containing 7 units, and a three-storey back-to-back (stacked) townhouse building containing 14 units, with a maximum density of 60 units per hectare. Special provisions are required to consider Commissioners Road East as the front lot line; permit a minimum front yard depth of 3.0 metres whereas 8.0 metres is the minimum required; a minimum rear yard depth of 3.0 metres whereas 3.0 metres is the minimum required; and a north interior side yard depth of 1.8 metres.

The recommended action will permit a 2-to 3-storey, **21-unit**, townhouse development.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

1. **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
2. **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
3. **Housing and Homelessness**, by supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

## Analysis

### 1.0 Background Information

#### 1.1 Property Description and Location

The subject lands, municipally known as 1982 Commissioners Road East and part of 1964 Commissioners Road E. (39T-19501, Block 62), are located in the Jackson Planning District on the northside of Commissioners Road East. The site has an area of approximately 0.353 hectares with a frontage of approximately 57.8 metres along Commissioners Road East. The site is a future through lot with dual frontage along Commissioners Road East and the future Constance Avenue road extension. The site currently contains a one-storey single detached dwelling.

The surrounding neighbourhood consists of a mix of current and future residential uses north of Commissioners Road East and agricultural uses to the south with intermittent open spaces. The Thames River and tributary creeks are in close proximity to the site.

#### 1.2 Site Statistics

- Current Land Use – Single Detached Dwelling
- Frontage – 57.8 metres (Commissioners Road East)
- Area – 3,530 metres square (0.353 hectares)
- Shape – Irregular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

#### 1.3 Surrounding Land Uses

- North – Residential; Open Space
- East – Urban Reserve; Residential

- South – Agriculture
- West – Residential; Open Space

#### 1.4.1 Existing Planning Information

- The London Plan Place Type – Neighbourhoods fronting a Neighbourhood Street and Civic Boulevard.
- Specific Policy Area – Old Victoria Community
- Existing Zoning – Urban Reserve (UR4) Zone (1982 Commissioners Road East) and Urban Reserve Special Provision (UR4(7)) Zone (part of 1964 Commissioners Road East)

Additional site information and context is provided in Appendix B.



Figure 1. Aerial Photo of 1982 Commissioners Road East and part of 1964 Commissioners Road East and surrounding lands.



Figure 2. Streetview of 1982 Commissioners Road East (view from Commissioners Road East).

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

In November 2023, the City accepted a complete zoning by-law amendment application to redevelop the subject lands for medium density residential uses. The development proposal is comprised of a two-storey townhouse building, containing 7 units, and a three-storey back-to-back (stacked) townhouse building containing 14 units for a total of 21 residential units, with a maximum density of 60uph. The three-storey townhouse block would be oriented towards Commissioner Road East with the two-storey townhouse block oriented towards the future Constance Avenue extension.

The existing driveway access from Commissioners Road East would be removed and a new vehicle entrance from the future Constance Avenue extension would be created. The required vehicular parking for the new townhouse forms is provided through a combination of integrated/attached garages and driveways, targeting the anticipated market rate of approximately 2.1 spaces for each unit. Landscaping will enhance the development and pedestrian walkways, while creating screening from the abutting streets and adjacent residential uses.

The application included a conceptual site plan, shown below as Figure 3. Building rendering and elevations are shown in Figures 4-6 below.

The proposed development includes the following features:

- Land use: Residential
- Form: Cluster and Stacked Townhouses
- Height: two and three-storeys
- Residential units: 21 units
- Density: 60uph
- Building coverage: 43%
- Landscape open space: 30%
- Parking spaces: 42 residential stalls; 2 visitor stalls

Additional proposal information and context is provided in Appendix B and C.

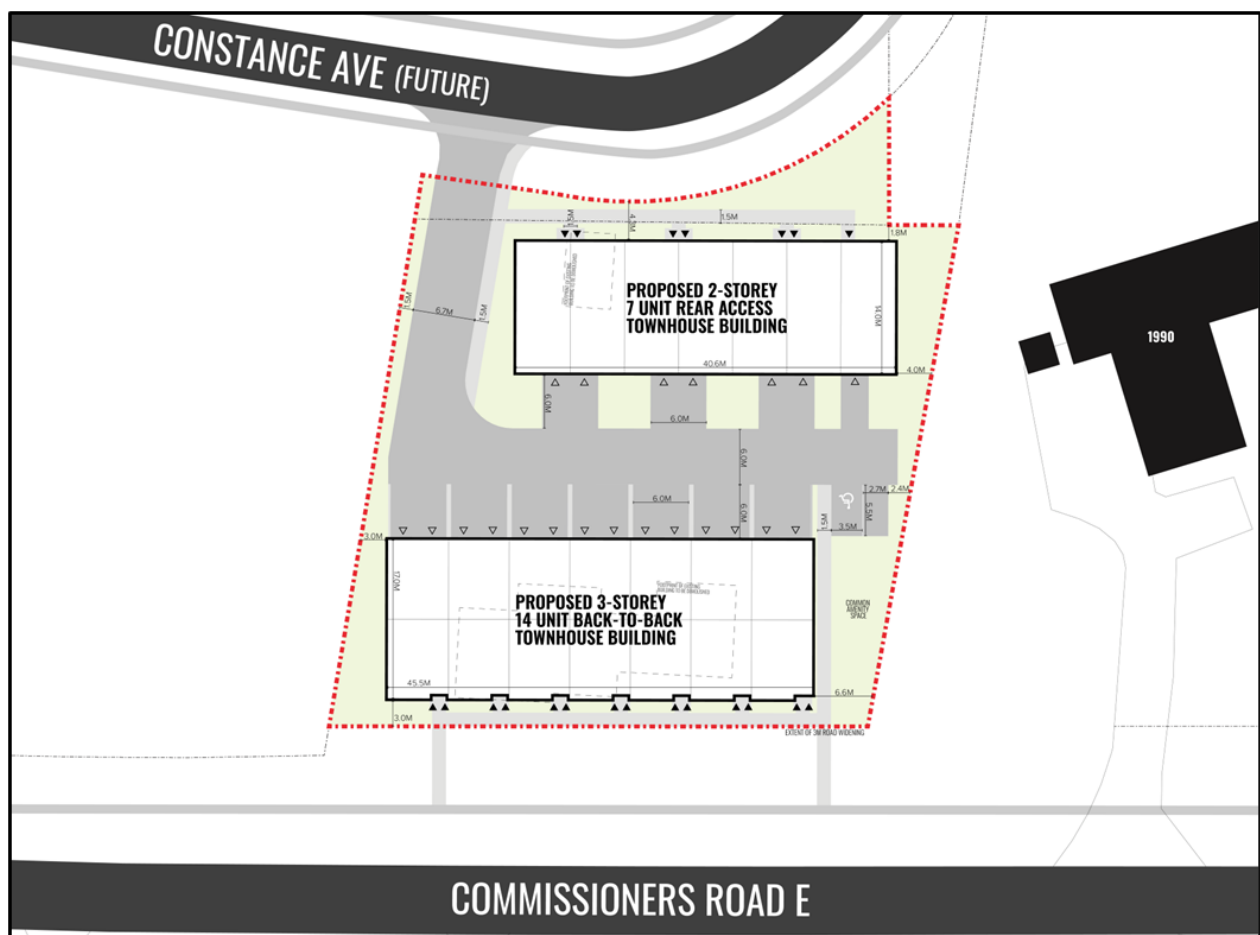


Figure 3. Concept Site Plan





Figure 4. ISO View of Proposed Development.



Figure 5. Building Renderings (view from future Constance Avenue).



Figure 6. Building Renderings (view from Commissioners Road East).

## 2.2 Requested Amendment

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Urban Reserve (UR4) and Urban Reserve Special Provision (UR4(7)) Zone to a Special Provision Residential R5 (R5-7(\_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R5-7)	Required	Proposed
Road Considered the Front Lot Line	Constance Avenue	Commissioners Road East
Front Yard Depth (minimum)	8.0 metres	3.0 metres
Rear Yard Depth (minimum)	8.0 metres	3.0 metres
North Interior Side Yard Depth (minimum)	0.5 metres per 1.0 metres of main building height, or fraction thereof, but in no case less than 3.0 metres when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms.	1.8 metres

## 2.3 Public Engagement

On November 6, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 32 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 9, 2022. A “Planning Application” sign was also placed on the site.

There were zero responses received during the public consultation period.

Detailed public comments are included in Appendix D of this report.

## 2.4 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies include:

- The side yards may need to accommodate fencing, retaining walls, drainage features [above and below ground] and tree planting. Reduced setbacks will cause conflicts between these features. Tree planting is essential to provide privacy to adjacent residential properties.
- A minimum setback from the ultimate right-of-way from Commissioners Road East to the south to encourage street-orientation while avoiding encroachment of footings and canopies.
- Ensure there are direct and safe walkways connecting both the townhouse blocks to the public streets.
- Archaeological matters for this property have not yet been addressed as the City has not yet received confirmation of acceptance of the Archaeological

Assessment report by the Ministry of Citizenship and Multiculturalism (MCM). The report also indicates that a Stage 3 Archaeological Assessment is required.

- Engineering would be requiring a holding provision on the property until the municipal servicing outlets and roads have been installed and commissioned as part of the Victoria on the River Phase 6 subdivision.

Detailed internal and agency comments are included in Appendix E of this report.

## **2.5 Policy Context**

### **2.5.1 The Planning Act and the Provincial Policy Statement, 2020**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020* (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption, and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### **2.5.2 The London Plan, 2016**

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the *Provincial Policy Statement* and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

## **3.0 Financial Impact/ Considerations**

### **3.1 Financial Impact**

There are no direct municipal financial expenditures with this application.

### **3.2 Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Details on the characteristics of the proposed application related to the City's climate action objectives are included in Appendix C of this report.

## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

The proposed residential use is supported by the policies of the *Provincial Policy*

*Statement, 2020 (PPS)* and contemplated in the Neighbourhoods Place Type where a property has frontage onto a neighbourhood street and civic boulevard in The London Plan (Table 10). The proposed residential use, cluster, and stacked townhouses, aligns with the goals of the Neighbourhoods Place Type by contributing to neighbourhoods that allow for a diversity and mix of housing types that are compatible with the existing and future neighbourhood character (TLP 918\_2 and 13). The residential uses also promote housing for all Londoners and attract a diverse population to the city (TLP 57\_11).

## **4.2 Intensity**

The proposed residential intensity is consistent with the policies of the *PPS* that encourage residential intensification, redevelopment, and compact form (1.1.3.4), an efficient use of land (1.1.1 a), and a diversified mix of housing types and densities (1.4.1). The proposed residential intensity conforms with the Neighbourhoods Place Type in The London Plan which contemplates a standard maximum height of four-storeys and an upper maximum height of six-storeys where a property has frontage onto a Civic Boulevard (Table 11). As the applicant has provided heights of two-to three-storeys, the proposed development is in keeping with The London Plan policies.

The proposed residential intensity will facilitate an appropriate scale of development that is considered compatible within the existing neighbourhood character, directing the height and intensity toward the higher order street (TLP 918\_13). The three-storey townhouse block would be oriented towards Commissioners Road East with the two-storey townhouse block oriented towards the future Constance Avenue extension, providing a transition in height towards the existing and future low-density residential uses to the north (TLP 953\_2). The residential use is accommodated on a parcel that is of sufficient size to support the proposed use and can provide sufficient setbacks to buffer to existing and future abutting residential developments. The redevelopment of the parcel will facilitate the efficient use of land and existing municipal services, as servicing is available for the proposed uses identified (TLP 953\_2 and 3).

The proposed building heights and maximum density comply with the regulations of the Residential R5 (R5-7) Zone.

## **4.3 Form**

The proposed built form is consistent with the Neighbourhoods Place Type and the City Design policies in The London Plan by facilitating an appropriate form and scale of residential intensification that is compatible with the existing and future neighbourhood character (TLP 953\_2). Specifically, the proposed built form supports a positive pedestrian environment, a mix of housing types to support ageing in place and affordability and is designed to be a good fit and compatible within its context/neighbourhood character (TLP 193\_).

The three-storey townhouse block is proposed to be situated with minimal setbacks and oriented towards Commissioners Road East, to define the street edge, and create an inviting, active, and comfortable pedestrian environment (TLP 259\_). The two-storey townhouse block is also proposed to be situated with reduced setbacks and oriented towards the future Constance Avenue extension, acknowledging the uniqueness of the through lot. The proposed built form and massing of the townhouse blocks has consideration for the surrounding land uses and is appropriate to the scale of the low-density residential uses to the north and future medium density uses along Commissioners Road East (TLP 953\_2).

Access to the subject lands will be provided from the future Constance Avenue extension, promoting connectivity and safe movement for pedestrians, cyclists, and motorists (TLP 255\_). The townhouses are also sited to minimize the visual exposure of the parking areas to the streets (TLP 269\_). Identifying Commissioners Road East as the lot frontage for the subject lands through the special provisions is appropriate in accordance with Policy 920\_4 which states, "Where development is being considered at the intersection of two streets of different classifications the higher-order street onto

which the property has frontage, will be used to establish the permitted uses and intensity of development on Tables 10 to 12.” As Commissioners Road East is the higher-order street and the proposed development is situated with the built edge along the Commissioners Road East frontage, staff are satisfied that utilizing the street frontage as the legal frontage is appropriate.

#### **4.4 Holding Provisions**

##### *Servicing and Road Access*

Until such time as the municipal servicing outlets and roads have been installed and commissioned as part of the Victoria on the River Phase 6 subdivision a standard h holding provision is recommended in order to ensure the orderly development of lands.

##### *Archaeological Assessment*

As part of the complete application a Stage 1-2 Archaeological Assessment was required and submitted. However, the City has not yet received confirmation of acceptance of this report by the Ministry of Citizenship and Multiculturalism (MCM). In addition, the report indicates that a Stage 3 Archaeological Assessment is required for this property, and that consultation with the MCM should occur regarding any potential Stage 4 mitigation required, based on the findings of the Stage 3 Archaeological Assessment. As such, the archaeological matters for this property have not yet been addressed. The h-18 holding provision is recommended in order to ensure that the outstanding archaeological matters are addressed prior to soil disturbance.

#### **4.5 Zoning**

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Urban Reserve (UR4) Zone to a Residential R5 Special Provision (R5-7(□)) Zone. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

##### *A minimum front yard depth (Commissioners Road South) of 3.0 metres.*

The intent of a front yard depth is to ensure sufficient space between the buildings and front lot line to accommodate all site functions while still facilitating a pedestrian oriented development. In this case, the reduced front yard depth will help facilitate a pedestrian oriented development by, establishing a strong street edge. Additionally, the proposed building orientation of the three-storey back-to-back (stacked) townhouse building fronting Commissioners Road East will help establish a positive interface with the public realm.

##### *A minimum rear yard depth (Constance Avenue) of 3.0 metres.*

The intent of a rear yard depth is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties, while also providing access and amenity space. As the property is a through lot with dual frontage along Commissioners Road East and the future Constance Avenue road extension, the rear yard depth functions the same as a front yard depth. In this case, the development is oriented to have the two-storey townhouse block oriented towards the future Constance Avenue extension. The proposed 3.0 metre setback will help establish a positive interface with the public realm, providing flexibility while the concept plan generally achieves a rear yard setback of 4.3 or more metres.

##### *A minimum north interior side yard depth of 1.8 metres.*

The intent of interior side yard depths is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties, while also providing access and amenity space. In this case, the reduced north interior side yard depth refers to a specific pinch-point between the proposed two-storey townhouse building and the lot line as a result of the irregular shape of the lot. The minimum interior

side yard depth of 1.8 metres is considered sufficient for the provisions of site maintenance and functionality between the building and lot line. The setback is also not anticipated to negatively impact abutting properties as the reduction is situated along the north interior side yard away from current and future residential developments.

## **Conclusion**

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Urban Reserve (UR4) and Urban Reserve Special Provision (UR4(7)) Zone to a holding Residential R5 Special Provision (h-\*h-18\*R5-7(\_)) Zone. Staff are recommending approval of the requested Zoning By-law Amendment with special provisions.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and will permit a two-storey townhouse building, containing 7 units, and a three-storey back-to-back (stacked) townhouse building containing 14 units for a total of 21 residential units at a density of 60 units per hectare. The amendment will facilitate the redevelopment of the subject site and will contribute to the range and mix of housing options within the area.

**Prepared by:**                      **Michaella Hynes**  
**Planner, Planning Implementation**

**Reviewed by:**                    **Mike Corby, MCIP, RPP**  
**Manager, Planning Implementation**

**Recommended by:**            **Heather McNeely, MCIP, RPP**  
**Director, Planning and Development**

**Submitted by:**                  **Scott Mathers, MPA, P. Eng**  
**Deputy City Manager, Planning and Economic**  
**Development**

Copy: Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2023

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1982 Commissioners Road East.

WHEREAS 2804904 Ontario Inc. has applied to rezone an area of land located at 1982 Commissioners Road East and part of 1964 Commissioners Road E. (39T-19501, Block 62), 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1982 Commissioners Road East and part of 1964 Commissioners Road East, as shown on the attached map comprising part of Key Map No. A113, from an Urban Reserve (UR4) and Urban Reserve Special Provision (UR4(7)) Zone to a holding Residential R5 Special Provision (h-\*h-18\*R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential (R5-7) Zone is amended by adding the following Special Provisions:  

R5-7 ( _ )	1982 Commissioners Road East and part of 1964 Commissioners Road East
------------	---

  - a) Regulations:
    - i) For the purposes of Zoning, Commissioners Road East is to be considered the front lot line.
    - ii) Front Yard Depth (Minimum) 3.0 metres (9.8 feet)
    - iii) Rear Yard Depth (Minimum) 1.5 metres (4.9 feet)
    - iv) North Interior Side Yard Depth (Minimum) 1.8 metres (5.9 feet)
- 3) This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

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.

PASSED in Open Council on January 23, 2023, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk


First Reading – January 23, 2023  
Second Reading – January 23, 2023  
Third Reading – January 23, 2023



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



File Number: Z-9668  
 Planner: MH  
 Date Prepared: 2023/11/27  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE   
 1:800  
 0 4 8 16 24 32 Meters



Geodatabase

## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Single Detached Dwelling
Frontage	57.8 metres (Commissioners Road East)
Depth	Irregular
Area	3,530 metres square (0.353 hectares)
Shape	Irregular
Within Built Area Boundary	No
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Residential/ Open Space
East	Urban Reserve/ Residential
South	Agriculture
West	Residential/ Open Space

#### Proximity to Nearest Amenities

Major Intersection	Commissioners Road East, Old Victoria Road and Hamilton Road (560 metres)
Dedicated cycling infrastructure	Sheffield Boulevard and Commissioners Road East (450 metres)
London Transit stop	Route 10 via Southdale Road East and Route 93 via Jalna Boulevard (onsite) Route 38 Hamilton at Oriole SB (400 metres)
Public open space	Sheffield Park (175m)
Commercial area/use	Food Basics (3600 metres)
Food store	Food Basics (3600 metres)
Community/recreation amenity	City Wide Sports Park (2,300 metres)

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Neighbourhoods fronting a Neighbourhood Street and Civic Boulevard
Current Special Policies	Old Victoria Community
Current Zoning	Urban Reserve (UR4) Zone (1982 Commissioners Road East) and Urban Reserve Special Provision (UR4(7)) and (part of 1964 Commissioners Road East)

#### Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Residential R5 Special Provision (R5-7(_)) Zone

#### Requested Special Provisions

Regulation (R5-7)	Required	Proposed
Road Considered the Front Lot Line	Constance Avenue	Commissioners Road East
Front Yard Depth (minimum)	8.0 metres	3.0 metres
Rear Yard Depth (minimum)	8.0 metres	3.0 metres
North Interior Side Yard Depth (minimum)	0.5 metres per 1.0 metres of main	1.8 metres

Regulation (R5-7)	Required	Proposed
	building height, or fraction thereof, but in no case less than 3.0 metres when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms.	

## C. Development Proposal Summary

### Development Overview

The development proposal comprises of a two-storey townhouse building, containing 7 units, and a three-storey back-to-back (stacked) townhouse building containing 14 units, with a maximum density of 60uph.
---

### Proposal Statistics

Land use	Residential
Form	Cluster and Stacked Townhouses
Height	two and three-storeys
Residential units	21
Density	60uph
Gross floor area	N/A
Building coverage	43%
Landscape open space	30%
Functional amenity space	Provided onsite
New use being added to the local community	No

### Mobility

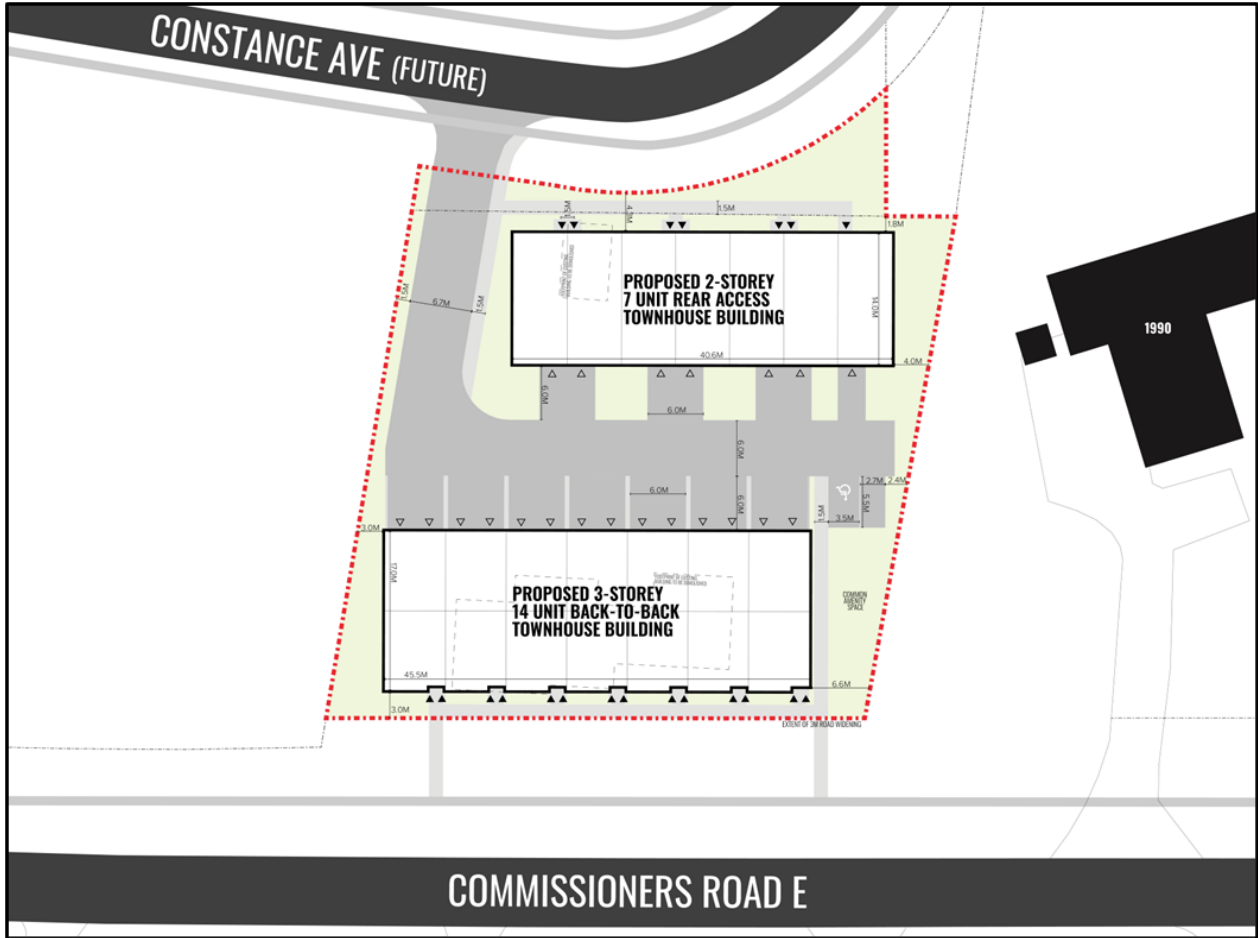
Parking spaces	42 residential stalls; 2 visitor stalls
Vehicle parking ratio	2.1 spaces/ unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	N/A
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	No

### Environmental Impact

Tree removals	Yes
Tree plantings	Yes
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	No
Green building features	Unknown

# Appendix C – Additional Plans and Drawings

## Concept Site Plan



## Building Renderings – ISO View of Proposed Development



**Building Renderings – View from future Constance Avenue**



**Building Renderings – View from Commissioners Road East**



## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On November 6, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 32 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 9, 2022. A “Planning Application” sign was also placed on the site.

**Nature of Liaison:** The purpose and effect of this zoning change is to facilitate the development of a two-storey townhouse building, containing 7 units, and a three-storey back-to-back (stacked) townhouse building containing 14 units for a total of 21 residential units at a density of 60 units per hectare. Possible change to the Zoning By-law Z.-1 FROM an Urban Reserve (UR4) Zone TO a Special Provision Residential R5 (R5-7(\_)) Zone. Special Provisions include a front yard depth of 3.0 metres whereas 8.0 metres is the minimum required; and rear yard depth of 1.5 metres whereas 3.0 metres is the minimum required; and an interior side yard depth of 1.8 metres when the wall of a unit contains no windows to habitable rooms or 6.0 metres when the wall of a unit contains windows to habitable rooms.

**Public Responses:** Zero replies received.

## Appendix E – Internal and Agency Comments

### UTRCA

- The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.
- The UTRCA has no objections to the application, and we have no Section 28 approval requirements.

### Urban Design

- **The following site and building design features are supported and should be carried forward:**
  - Locating the 3 storey townhouses facing Commissioners Road East and the 2 storey townhouses to the rear facing Constance Avenue
  - Providing a street-oriented built form with primary entrances and walkway connections to city sidewalks
  - Locating garages away from the streets and behind the blocks

### Mattered for Zoning

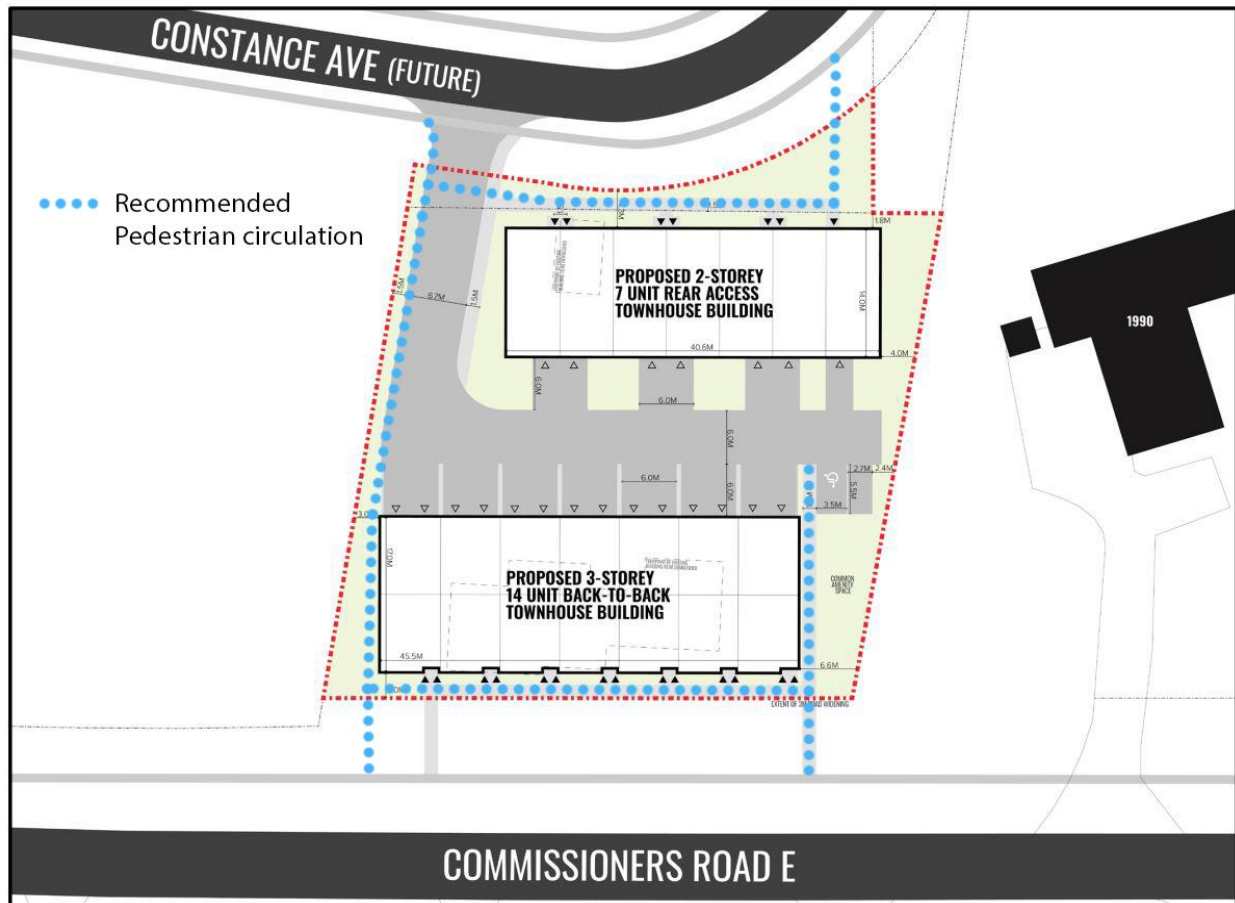
- Zoning should ensure the following setbacks along the property boundary:
  - **A minimum setback from the ultimate right-of-way from Commissioners Road East** to the south to encourage street-orientation while avoiding encroachment of footings and canopies, and considering the incorporation of patio or forecourt space that spills out into the setback to further activate the space and provide an amenity for the residents. [TLP 259, 286, 288]
  - **A maximum rear yard setback from Constance Avenue** (the future Neighbourhood Street to the north) to ensure a sense of enclosure to the street. [TLP, 269, 272, 288]
  - **A minimum rear yard and interior yard setbacks to the east and west with and without windows to habitable rooms** should ensure. [TLP, 253, 252]
    - Where unit windows face the rear yard/side yard, a minimum setback should allow for privacy and not hinder the redevelopment of adjacent properties.
    - Where no unit windows face the rear yard/side yard, a minimum setback should accommodate access and maintenance in the side yard.

### Matters for Site Plan

- Design the side elevation of the corner units that are facing the driveway and the common amenity space with enhanced detail, such as wrap-around porches and a similar number of windows as is found on the front elevation to offer reasonable level of passive surveillance throughout the site. [TLP 228, 290]
- The pedestrian connection through the amenity space to the proposed active mobility network on the Civic Boulevard is acknowledged.
  - Provide landscape elements along the interface of the amenity area with the parking (to the north) and the Civic Boulevard (to the south) to create a comfortable and safe environment.
  - Ensure there are direct and safe walkways connecting both the townhouse blocks to the public streets. [TLP 255, 268]
    - Consider providing a walkway along the west property line connecting the sidewalks along the public streets and the townhouse blocks for enhanced pedestrian circulation throughout the site. (Refer to the attached sketch)
- Direct walkways from individual units of the 2 storey townhouses connecting Constance Avenue were preferred.



- If individual connections are not feasible, consider providing an additional walkway connection from the public sidewalk to the east side of the property for providing a direct route for pedestrians leaving and arriving to the east. [TLP 268]
- Clarify if a retaining wall along Constance Avenue is required. Avoid retaining walls along the street frontages where possible. Consider incorporating terraced landscaping and tiered retaining wall that adds visual interest, creates a comfortable pedestrian environment, and offers passive surveillance. [TLP 230, 285, 228]
- Submit a full set of dimensioned elevations for all sides of the proposed buildings. Further urban design comments may follow upon receipt of the elevations.



## London Hydro

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. **Note:** Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

## Parks Planning

### Matters for Site Plan

- Parkland dedication will be required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized through the Site Plan Approval process.

## Heritage

- Please note that I have reviewed the following report as a part of the submission for Z-9668 for 1982 Commissioners Road East:
  - Lincoln Environmental Consulting Corp., Stage 1-2 Archaeological Assessment of 1982 Commissioners Road East, in Part of Lot 8, Concession 1, Former Township of Westminster, Now City of London,

Middlesex County, Ontario (PIF P1289-0432-2023) July 2023.

- The City has not yet received confirmation of acceptance of this report by the Ministry of Citizenship and Multiculturalism (MCM). In addition, the report indicates that a Stage 3 Archaeological Assessment is required for this property, and that consultation with the MCM should occur regarding any potential Stage 4 mitigation required, based on the findings of the Stage 3 Archaeological Assessment.
- Archaeological matters for this property have not yet been addressed. The h-18 holding provision should be applied in order to ensure that the outstanding archaeological matters are addressed prior to soil disturbance.

## Site Plan

### *Major Issues*

- Clarify the ownership of the portion of 1964 Commissioners Road East (parcel to the north), to provide frontage and access on Constance Avenue. Consider adding a holding provision to merge if a consent is not obtained ahead.

### *Matters for Zoning*

- Currently the front yard along Commissioners Road East is providing frontage for the subject site. Ensure all setbacks accurately reflect the eventual yards.
- Provide a floor plan of the *proposed 2-storey 7-unit rear access townhouse building* to clarify that no windows to habitable rooms are provided along the segment of the northern elevation that abuts the interior side yard.

### *Matters for Site Plan*

- Provide a full set of dimensioned elevations in metric. (Site Plan Control By-Law 1.8,f)
- Identify locations for snow storage on-site. (Site Plan Control By-Law 1.5.)
- Clarify the location and type(s) of fencing and/or screening that is proposed and demonstrate how planting in accordance with the SPC By-law can be accommodated.
- Clarify how waste collection and waste vehicle turnaround will function on the proposed development. Specify the proposed waste collection method, screening, storage location and collection point. (Site Plan Control By-Law 10.3.b))
- Outline the access routes for emergency vehicles including the location, width, turning radius, vertical alignment, and location of the fire route. Show the location of the fire route sign(s) on the site plan. Consider how your fire servicing route will function. (Site Plan Control By-Law 6.7. 7)
- Ensure that the proposed Type A accessible parking spot includes a curb ramp and a shared access aisle with white or yellow hatch markings. Show the location of the accessible parking sign(s) on the site plan. (Site Plan Control By-Law FIGURE 7.1: PARKING SPACE FOR PERSONS WITH DISABILITES TYPE A)

## Ecology

- This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

## Engineering

- No issues for the zoning. Please see the comments below for the future site plan.
- We would be requiring a holding provision on the property until the municipal servicing outlets and roads have been installed and commissioned as part of the Victoria on the River Phase 6 subdivision.

## Water

- Confirm the water service size required for the development. The body of the report references a 50mm water service connection, while the servicing drawings in the Appendix, and civil drawings for the subdivision by Development Engineering reference a 100mm water service connection to the site. Coordinate site requirements with Development Engineering and update accordingly.
- As referenced in the report, water is available via a future 250mm watermain on Constance Avenue. This watermain will be constructed under Phase 6 of 39T-19501 – Victoria on the River.
- A water servicing report will be required with hydraulic modelling results addressing domestic water demands, water quality, fire flows and resulting pressures.

#### SWED

- MN#1990 is proceeding with a concurrent application. The consultant is to ensure the most up to date grading information for the shared property line is updated to inform the design of MN#1982.
- As per the subdivision design, the consultant is to increase the proposed C value by 25% in the 100-yr storm event to account for impermeability.

#### Transportation

- Right-of-way dedication of 18.0 m from the centre line be required along Commissioners Rd E. Presently the width from centerline of Commissioners Rd E at this location is 15.24m as shown on Expropriation By-law 2884 (166862 Misc.). Therefore, an additional widening of 2.76m is required to attain 18.0m from centerline.
- Detailed comments regarding access design and location will be made through the site plan process.

#### Landscape Architecture

##### Major Issues

- The Development and Planning Landscape Architect does not support reduced rear and side yard setbacks. Sufficient volume of soil must be provided to support tree growth, as required in Site Plan Control Bylaw and to meet canopy goals of the London Plan and the Urban Forest Strategy. London Plan Key Direction #4 is for London to become one of Canada's greenest Cities. The side yards may need to accommodate fencing, retaining walls, drainage features [above and below ground] and tree planting. Reduced setbacks will cause conflicts between these features. Tree planting is essential to provide privacy to adjacent residential properties.

##### Matters for OPA/ZBA

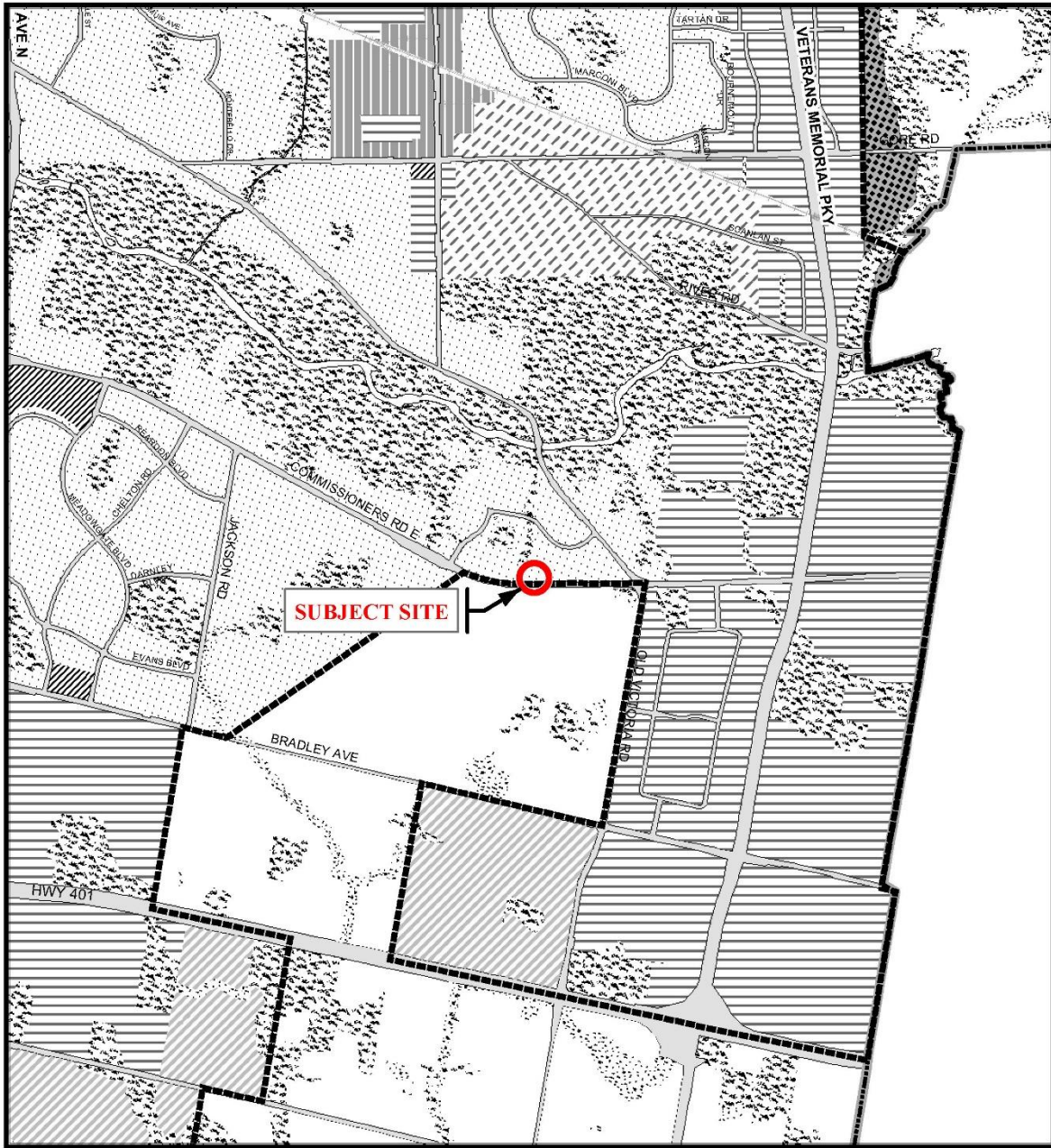
- If boundary trees are identified on a tree preservation plan, consent to injure or remove will be required. If consent cannot be obtained from co-owner, then a non-disturbance setback will need to be established at each tree's critical root zone limits as determined by dbh.

##### Matters for Site Plan

- The proposed development poses some risk of injury to CoL boulevard trees. The consent from Forestry Operations and proof of payment will need to be supplied to the City as part of the Site Plan Application process.
- If boundary trees are identified in the tree preservation plan, consent to injure or remove boundary trees is a requirement of Site Plan approval. A recommendation for approval will be forwarded for Site Plan Review.
- Replacement trees to be recommendation to Site Plan Review based on total dbh removed.

# Appendix F – Relevant Background

## The London Plan – Map 1 – Place Types



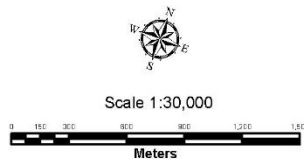
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

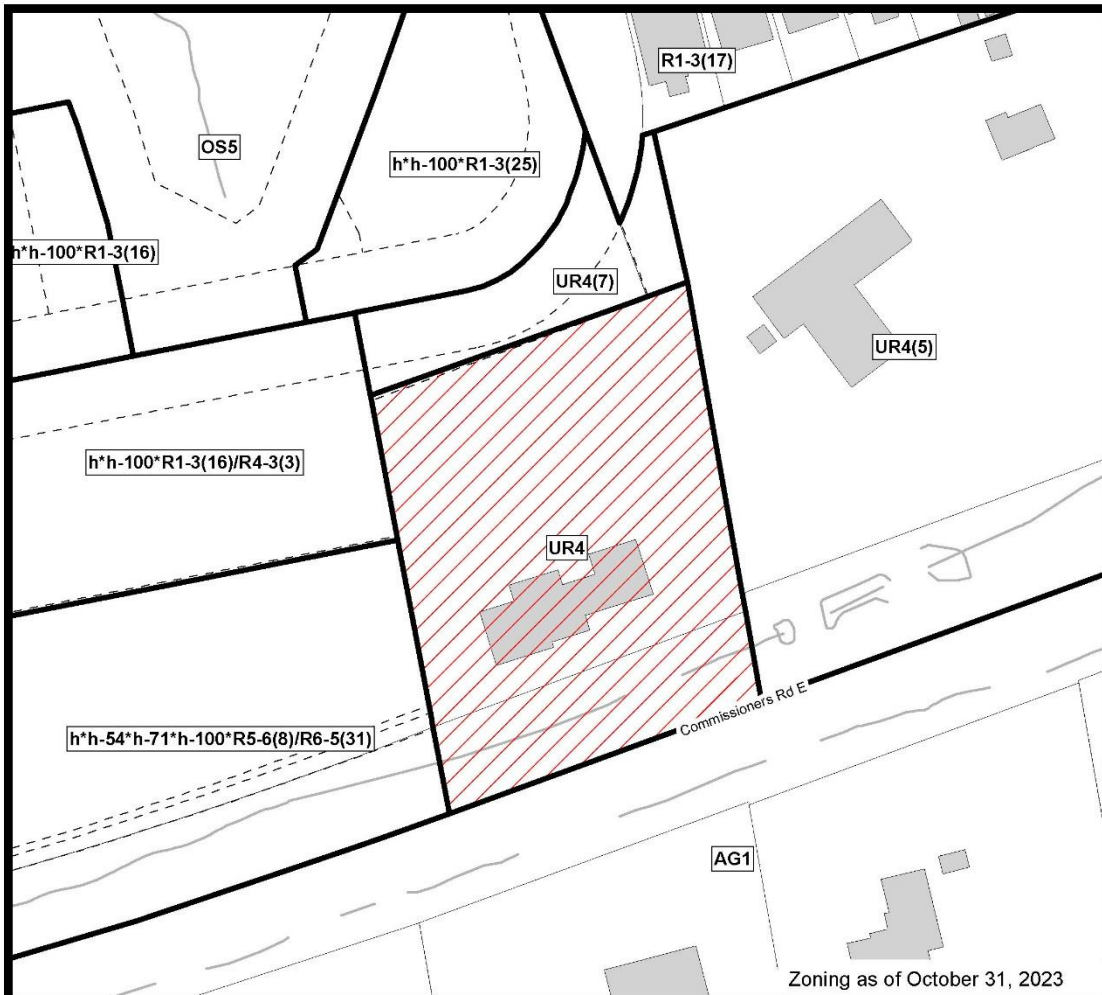
PREPARED BY: Planning & Development



**File Number:** Z-9668  
**Planner:** MH  
**Technician:** RC  
**Date:** 2023/11/27

Project Location: E:\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxds\Z-9668-Map1-PlaceTypes.mxd

# Zoning By-law Z.-1 – Zoning Excerpt



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

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9668

MH

MAP PREPARED:

2023/11/27

RC

1:1,000

0 5 10 20 30 40 Meters

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

# 1982 COMMISSIONERS ROAD E.

## PROJECT SUMMARY

siv-ik.ca/1982ce | **Developer:** Royal Premier Developments



## Concept At-A-Glance

### USE



**RESIDENTIAL UNITS**  
(14 BACK-TO-BACK TOWNS  
AND 7 REAR LANE TOWNS)

### PARKING



**VEHICLE SPACES**  
(42 RESIDENT STALLS AND  
2 VISITOR STALLS)

### HEIGHT



**STOREYS**  
(12.0m)

### DENSITY

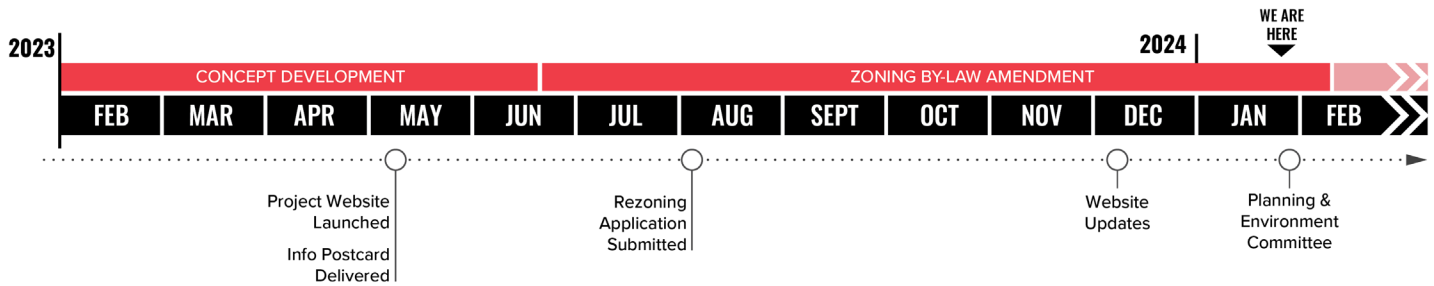


**59**  
**UNITS PER  
HECTARE**

## Key Features



# Timeline



## Community Engagement by the Numbers



\*Includes feedback received from the Siv-ik project website feedback form. The count does not include any feedback sent directly to the City.

## Key Themes Heard and Our Response

Traffic	Privacy
<ul style="list-style-type: none"> <li>The site access is off of the future Constance Avenue Extension.</li> <li>The proposal represents a form of “gentle density”. Given that Commissioners Road E. currently accommodates 14,000 vehicles per day, the proposal will not significantly alter existing vehicular traffic volumes.</li> </ul>	<ul style="list-style-type: none"> <li>The 2-storey townhouse buildings are comparable in height to other dwellings in the neighbourhood.</li> <li>The 3-storey back-to-back dwellings have been located towards Commissioners Road E. and will be in keeping with approved/ planned developments to the east and west of the site.</li> <li>With the wide Commissioners Road E. right-of-way, a 3-storey form along the street will also reduce any overlook for the properties on the south side of Commissioners Road E.</li> </ul>
Building Typology	
<ul style="list-style-type: none"> <li>The developer has chosen to proceed with a 3-storey development vs. the 6-storey height allowed by the London Plan.</li> <li>Townhouses and stacked townhouses are approved/ planned for on properties directly to the east and west of the project site. The proposed townhouses and back-to-back townhouses will be in keeping with the future adjacent developments.</li> </ul>	

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** Eparchy of Mississauga  
150 King Edward Avenue  
File Number: Z-9670, Ward 1  
Public Participation Meeting

**Date:** January 9, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of (Eparchy of Mississauga) relating to the property located at 150 King Edward Avenue:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 23, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Neighbourhood Shopping Area Special Provision (NAS3(3)) Zone and Residential R6 Special Provision (R6-5(80)) Zone, **TO** a Neighbourhood Shopping Area Special Provision (NAS3(\_)) Zone and Residential R6 Special Provision (R6-5(\_)) Zone;

**IT BEING NOTED**, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the PPS 2020;
- ii) The recommended amendment conforms to The London Plan, including, but not limited to the Shopping Area Place Type and Key Directions; and
- iii) The recommended amendment facilitates the adaptive reuse of an existing building within the Built Area Boundary.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Neighbourhood Shopping Area Special Provision (NAS3(3)) Zone and Residential R6 Special Provision (R6-5(80)) Zone to a Neighbourhood Shopping Area Special Provision (NAS3(\_)) Zone and Residential R6 Special Provision (R6-5(\_)) Zone.

### Purpose and the Effect of Recommended Action

The recommended action will permit a Place of Worship on the subject lands as an additional permitted use.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Wellbeing and Safety**, by ensuring Londoners have a strong sense of belonging and sense of place.



# Analysis

## 1.0 Background Information

### 1.1 Previous Reports Related to this Matter

Z-9398 – January 10, 2022

### 1.2 Planning History

A previous Zoning By-law Amendment for the subject lands was submitted in July 2021, seeking to develop the property as a mixed-use development. The proposed development would contain mainly fourplexes, with the northwest corner of the lot being proposed to be used for a mixed-use building containing offices and commercial uses at the ground floor and residential units in the two floors above. The Zoning By-law Amendment was approved by council in January 2022.

### 1.3 Property Description and Location

The subject site is located on King Edward Avenue, approximately 55 metres south of Thompson Road. The site currently contains a vacant commercial plaza (Glen Cairn Plaza) and large surface parking lot.

The site is located within an existing neighbourhood, consisting of a mix of single detached dwellings to the west, a townhouse development to the east, and low-rise apartments to the north and south. The area also contains other neighbourhood commercial uses (at the corner of Thompson Road and King Edward Avenue) and places of worship (Ukrainian Orthodox Church, Chelsea Heights Gospel Hall).

#### Site Statistics:

- Current Land Use: Vacant commercial plaza / parking lot
- Frontage: 119 metres
- Area: 1.29 hectares
- Shape: Irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

#### Surrounding Land Uses:

- North: Convenience store, laundromat, and vacant residential zoned land. Across Thompson Road, low-rise apartment buildings and a gas station
- East: Two-storey townhouses and green space
- South: Low-rise apartment buildings
- West: Single detached dwellings and a place of worship

#### Existing Planning Information:

- Existing The London Plan Place Type: Shopping Area
- Existing Special Policies: Primary Transit Area
- Existing Zoning: Neighbourhood Shopping Area Special Provision (NAS3(3)) and Residential R6 Special Provision (R6-5(80))

Additional site information and context is provided in Appendix B.



Figure 1- Aerial Photo of 150 King Edward Avenue and surrounding lands



Figure 2 - Streetview of 150 King Edward Avenue (view looking east from King Edward Avenue)

## 2.0 Discussion and Considerations

### 2.1 Proposal

The applicant is proposing to add the land use “Place of Worship” to the subject lands. The intent would be to repurpose a portion of the existing building to accommodate the new use. The applicant is proposing internal changes to the building, with no exterior changes other than the addition of a cross. The existing parking lot (approximately 260 parking spaces) would remain in place and accommodate future users of the site.

Additional information on the development proposal is provided in Appendix B.

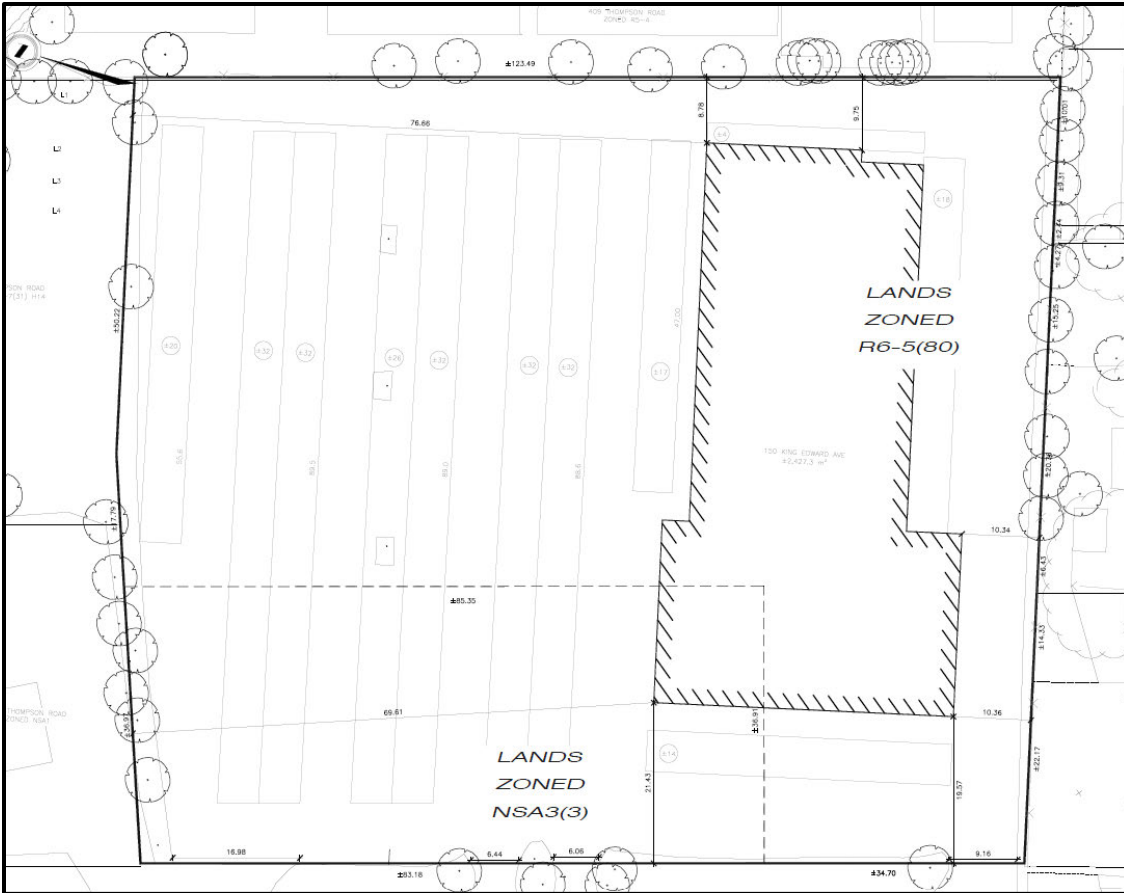


Figure 3 – Existing Conditions Plan (October 2023)

Additional plans and drawings of the development proposal are provided in Appendix C.

**2.2 Requested Amendment(s)**

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Neighbourhood Shopping Area Special Provision (NAS3(3)) Zone and Residential R6 Special Provision (R6-5(80)) Zone to a Neighbourhood Shopping Area Special Provision (NAS3(\_)) Zone and Residential R6 Special Provision (R6-5(\_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

<b>Regulation (NSA3(_)/R6-5(_))</b>	<b>Required</b>	<b>Proposed</b>
Permitted use	N/A (Standard)	Place of Worship

**2.3 Internal and Agency Comments**

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

No major issues were identified by staff.

Detailed internal and agency comments are included in Appendix D of this report.

**2.4 Public Engagement**

On October 31, 2023, Notice of Application was sent to 111 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 9, 2023. A “Planning Application” sign was also placed on the site.

There was 1 response received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Parking

Detailed public comments are included in Appendix E of this report.

## **2.5 Policy Context**

### ***The Planning Act and the Provincial Policy Statement, 2020***

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### ***The London Plan, 2016***

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

## **3.0 Financial Impact/Considerations**

None.

## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

The Shopping Area Place Type contemplates a broad range of uses including retail, service, office, entertainment, recreational, educational, institutional, and residential uses (TLP 877). The place of worship use is considered an institutional use which is permitted within the Place Type.

### **4.2 Intensity**

The proposal seeks to add the Place of Worship within the existing building. No external changes or additions to the building are proposed, only the internal conversion to accommodate the new use.

Parking was raised as a concern by the public as the parking lot occasionally

accommodates users of nearby properties, such as the Ukrainian Orthodox Church (directly across the street from 150 King Edward Avenue). Ultimately parking for the surrounding land uses cannot be dependant on the onsite parking at 150 King Edward Avenue and are required to find alternative parking arrangements for their users. That being said, given the size of the existing parking lot (approximately 260 spaces) it would still be able to accommodate overflow parking from surrounding uses if the property owner was willing to let them use their parking lot.

#### **4.3 Form**

No physical external changes are proposed for the existing commercial plaza building, other than the addition of a cross. Form is not considered to be an issue for the proposed Zoning By-law Amendment.

### **Conclusion**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Neighbourhood Shopping Area Special Provision (NAS3(3)) Zone and Residential R6 Special Provision (R6-5(80)) Zone to a Neighbourhood Shopping Area Special Provision (NAS3(\_)) Zone and Residential R6 Special Provision (R6-5(\_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment with special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit a Place of Worship.

**Prepared by:** Noe O'Brien  
Planner, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

Copy:  
Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lamber, Manager, Development Engineering

## Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 150 King Edward Avenue.

WHEREAS this rezoning conforms to the Official Plan;

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 150 King Edward Avenue, as shown on the attached map comprising part of Key Map No. A107, **FROM** a Neighbourhood Shopping Area Special Provision (NAS3(3)) Zone and Residential R6 Special Provision (R6-5(80)) Zone **TO** a Neighbourhood Shopping Area Special Provision (NAS3(\_)) Zone and Residential R6 Special Provision (R6-5(\_)) Zone;
2. Section Number 23.4 of the NSA Zone is amended by adding the following special provisions:  
  
NSA3(\_) 150 King Edward Avenue
  - a) Additional Permitted Uses
    - i) Place of Worship
3. Section Number 10.4 of the R6 Zone is amended by adding the following special provision  
  
R6-5(\_) 150 King Edward Avenue
  - a) Additional Permitted Uses
    - i) Place of Worship

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on January 23, 2024

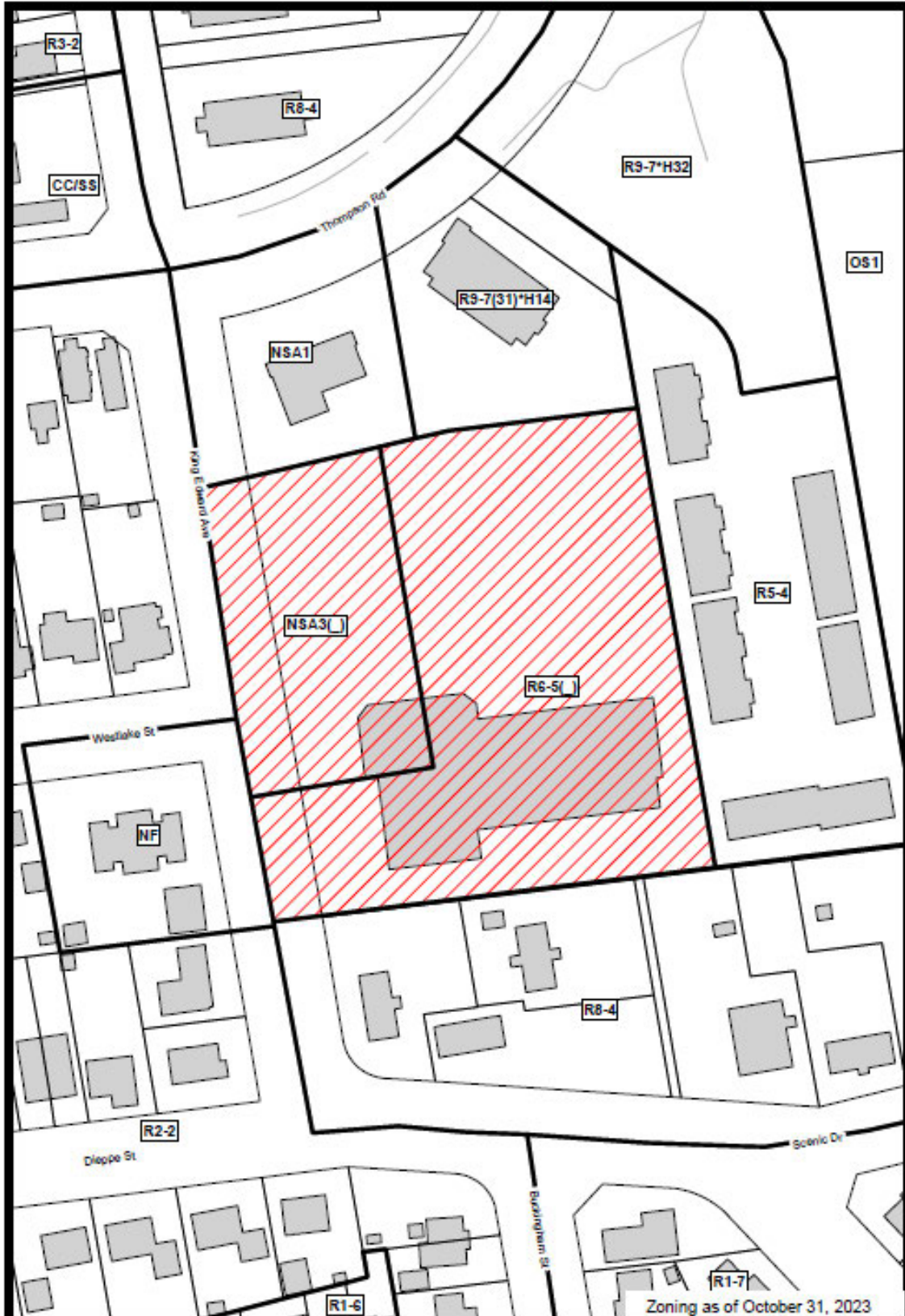
Josh Morgan

Mayor


Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024

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



File Number: Z-9670  
 Planner: NO  
 Date Prepared: 2023/11/23  
 Technician: RC  
 By-Law No: Z-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters



GeoDatabase



## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Vacant commercial plaza / parking lot
Frontage	119 metres
Area	1.29 hectares
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

#### Surrounding Land Uses

North	Convenience store, laundromat, and vacant residential zoned land. Across Thompson Road, low-rise apartment buildings and a gas station
East	Two-storey townhouses and green space
South	Low-rise apartment buildings
West	Single detached dwellings and a place of worship

#### Proximity to Nearest Amenities

Major Intersection	King Edward Avenue & Commissioners Road East, 1.1km
Dedicated cycling infrastructure	King Edward Avenue, adjacent
London Transit stop	Thompson Road and King Edward Avenue, adjacent
Public open space	Glen Cairn Park, 300m

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Shopping Area Place Type along a Neighbourhood Connector
Current Special Policies	Primary Transit Area
Current Zoning	NSA3(3)/R6-5(80)

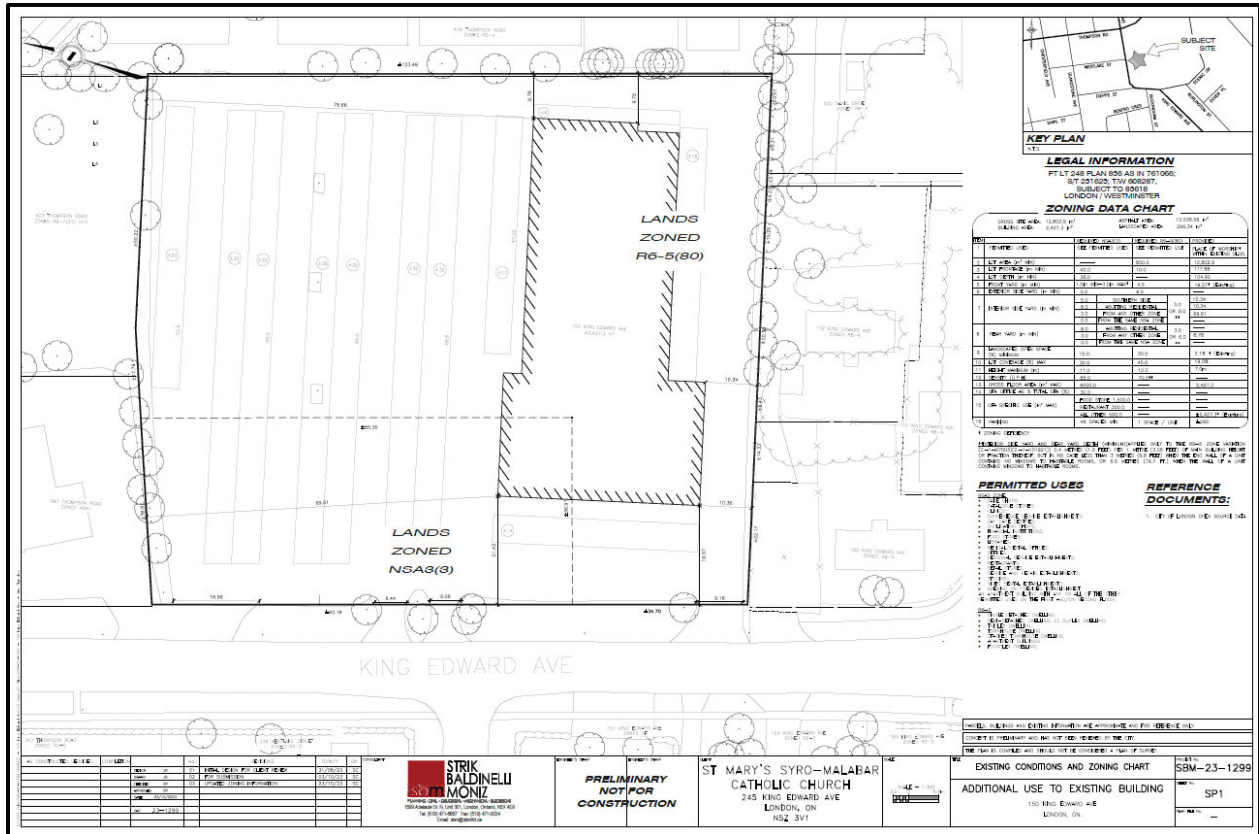
#### Requested Designation and Zone

Requested Place Type	No change requested
Requested Special Policies	No change requested
Requested Zoning	NSA3( )/R6-5( )

#### Requested Special Provisions

Regulation (NSA3( )/R6-5( ))	Required	Proposed
Permitted use	N/A (Standard)	Place of Worship

# Appendix C – Additional Plans and Drawings



## **Appendix D – Internal and Agency Comments**

### **Ecology – November 20**

- No ecological planning issues related to this property and/or associated study requirements.

### **Engineering – November 23**

- No comments.

### **UTRCA – October 13**

- The UTRCA has no objections to the application and has no Section 28 approval requirements.

### **Urban Design – October 31**

- No comments

### **Parks Planning – November 3**

- No comments.

### **Landscape Architecture – November 20**

- No comments.

### **Site Plan – October 31**

- Site Plan not required.

### **London Hydro – November 15**

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

## Appendix E – Public Engagement

Dear Mr. O'Brien,

We are the property owners at [REDACTED], London, ON, NSZ 4K8. We are submitting comments with respect to this application FILE#Z-9670. Our concern is with the impact of parking as we have people parking on our lot from the Ukrainian Orthodox Church of Holy Trinity at 151 King Edward Avenue, London, ON, NSZ 3T5.

Church goes park at 150 King Edward Avenue, London, ON, NSZ 3T4 because there is not enough parking to accommodate everyone at this Ukrainian church premises. The parking issue is more evident during the snowy winter season as the previous landlord only plowed a small section of 150 King Edward Avenue. Therefore, our small parking lot is being used during mass service/events. Our parking lot is very important to our highly valued customers and we lose that business every time our customers leave go somewhere else.

The planning application is for residential/commercial plus a place of worship for the Eparchy of Mississauga. We strongly feel that according to the existing planning justification report there will not be enough parking to accommodate this type of development. The commercial portion of the plan does not seem to be adequate to provide enough parking and navigation of the traffic flow in and out of this site location especially with the residential dwellings. Home owners will have parking for their own vehicles and their visitors vehicles. Furthermore, where will people from Ukrainian church and the new Catholic Eparchy of Mississauga park? Our property has our customers and our delivery trucks frequenting our premises. Parking will be a big problem!

Regards,

**From:** Vineetha Philip  
**Sent:** Sunday, January 7, 2024 10:36 PM  
**To:** PEC <pec@london.ca>  
**Subject:** [EXTERNAL] 150 King Edward Avenue

Dear Committee Members,

I am writing to express my wholehearted support for the proposed zoning bylaw amendment for 150 King Edward Avenue, which aims to include a place of worship within the existing zoning NSA3(3) & R6-5(80). As a member of the growing minority language community of immigrants from the South Indian state of Kerala, we have been actively contributing to society, particularly in the healthcare sector.

Our community is currently facing challenges with our current place of worship, where inadequate space and parking facilities hinder our ability to meet the needs of over 1500 families and international students in and around London. We believe that designating 150 King Edward Avenue for this purpose could provide a permanent solution to these challenges.

I firmly believe that this proposed change is in alignment with the council's strategic focus. The establishment of this place of worship would play a crucial role in uniting people from diverse backgrounds in and around London, fostering a sense of belonging, and contributing to the overall well-being of our community.

I urge you and the members of the Planning and Environment Committee to extend your support to this zoning bylaw amendment. Thank you for your time and consideration. Should you require any further information or have questions, I am more than willing to provide additional details.

Sincerely,

Vineetha Philip

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** Towns of Magnolia London Inc.  
3810-3814 Colonel Talbot Road  
File Numbers: O-9683/Z-9675, Ward 9  
Public Participation Meeting

**Date:** January 9, 2023

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Towns of Magnolia London Inc. relating to the property located at 3810-3814 Colonel Talbot Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at a future Council meeting, to amend the Southwest Area Plan (SWAP), for the City of London by **ADDING** a site-specific policy to the Lambeth Neighbourhood to allow a height of 6-storeys for one apartment building;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 23, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, as amended in part (a) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone **TO** a Holding Residential Special Provision R6 (h-17.h-67.h-89.R6-5( )) Zone;
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - i) Provide a minimum ground floor height of 4.5m to give prominence to the base of the building and provide additional opportunities for increased glazing to activate the street and provide passive surveillance;
  - ii) Provide street-orientation with the principal building entrance for the apartment building facing toward Colonel Talbot Road;
  - iii) Ensure the width of the garages for the townhouse units does not exceed 50% of the individual unit width, and does not project beyond the front façade of the unit;
  - iv) Reduce the amount of surface parking at-grade in favour of more underground parking to decrease the amount of impervious surfaces and provide opportunities for additional landscaping and amenity space;
  - v) Review short-term bicycle parking spaces allocated to the site for the townhouses;
  - vi) Locate the principal building entrance for the apartment building on the Colonel Talbot Road-facing façade and distinguish this entrance with a high degree of transparent glazing, signage, weather protection (canopies, awnings, etc.) and direct walkway access to the street;
  - vii) Incorporate a high degree of glazing and architectural detail in the north and south elevations (side elevations) for the apartment building as these facades will be highly visible from Colonel Talbot Road;

**IT BEING NOTED**, that the above noted amendment is being recommended for the following reasons:

- i. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range

- of uses and opportunities for intensification and redevelopment. The *PPS* directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- ii. The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Neighbourhoods Place Type policies;  
The recommended amendment is consistent with the Southwest Area Secondary Plan, including the Lambeth Neighbourhood policies with the exception of height in which the site-specific policy refers to;
  - iii. The recommended amendment would permit an appropriate form of development at an intensity that is appropriate for the site and the surrounding neighbourhood; and
  - iv. The recommended amendment facilitates an infill development on an underutilized site and contributes to the range and mix of housing options within the area.

## Executive Summary

### Summary of Request

The City of London has requested an amendment to the Southwest Area Plan to add a site-specific policy to the Lambeth Neighbourhood to allow a height of 6-storeys for an apartment building, whereas 4-storeys is permitted.

Towns of Magnolia London Inc. has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Urban Reserve (UR3) Zone to a Residential Special Provision R6 (R6-5(\_)) Zone, comprising a total of **160 residential units**

### Purpose and the Effect of Recommended Action

The recommended action will permit the development of 105 unit, 2-storey townhouses and a 6-storey apartment building with 55 apartment dwelling units at a density of 44 units per hectare.

Staff are recommending approval with special provisions that will facilitate a front yard depth and exterior side yard depth of 6.4 metres whereas 8.0 metres is the minimum required for townhouses; a height of 21m whereas a 12m maximum is permitted for the apartment building; and a density of 44 units per hectare whereas 35 units per hectare is permitted for the overall development.

Additionally, Staff are recommending holding provisions that will ensure the development will not occur until such time as adequate provision of full municipal sanitary sewer and water services are available to service the site (h-17), a Record of Site Condition is carried out by a qualified professional and submitted to the Ministry of the Environment to address concerns of site contamination (h-67), a stormwater servicing report has been prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City Engineer (h-89).

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Housing and Homelessness**, by supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

# Analysis

## 1.0 Background Information

### 1.1 Previous Reports Related to this Matter

None

### 1.2 Planning History

None

### 1.3 Property Description and Location

The subject site is located along the east side of Colonel Talbot Road, within the Lambeth Planning District and Dingman Creek sub watershed. The site has a frontage of approximately 82 metres along Colonel Talbot Road, a depth of approximately 294 metres and a total area of approximately 3.7 hectares. The site currently consists of a single detached dwelling located at the southwest corner, a farm dwelling centrally located and a storage building (barn) located at the rear of the property all proposed to be demolished and removed. The farm residence is the original farmhouse built circa 1880, with an Ontario Cottage style and is listed on the inventory of Cultural Heritage Resources. This is discussed later in this report.

Colonel Talbot Road is an arterial road/civic boulevard with an average annual daily traffic volume of 13,000 vehicles per day and has a direct connection to Highways 401 and 402 to the south. Sidewalk connections are currently not provided in this section of Colonel Talbot Road, however these are planned for in the future, as development and future road works continue in the area.

The abutting lands to the north, south and east of the subject lands primarily consist of agricultural uses while established residential communities are located to the west and southeast of the site, predominantly composed of single detached dwellings. The surrounding area has seen rapid growth and currently is under construction and/or planned for extensive residential growth with the abutting agricultural lands all included in draft plans of subdivision. Directly to the north of the site are offices, outdoor storage and the London TFC Academy (soccer field). To the south there is a contracting establishment and outdoor storage, and to the east the lands are currently being developed for low and medium density residential.

#### Site Statistics:

- Current Land Use: Residential and Storage
- Frontage: 82 metres
- Depth: 294 metres
- Area: 3.7 hectares
- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

#### Surrounding Land Uses:

- North: Office, Outdoor Storage and the London TFC Academy
- East: Future Residential
- South: Contracting Establishment and Outdoor Storage
- West: Colonel Talbot Road and Low Density Residential

#### Existing Planning Information:

- Existing The London Plan Place Type: Neighbourhoods Place Type fronting a Civic Boulevard
- Existing Special Policies: Southwest Area Secondary Plan - Low Density Residential (Lambeth Neighbourhood)
- Existing Zoning: Urban Reserve (UR3)

Additional site information and context is provided in Appendix C.





Figure 1. Aerial Photo of 3810-3814 Colonel Talbot Road and surrounding lands.

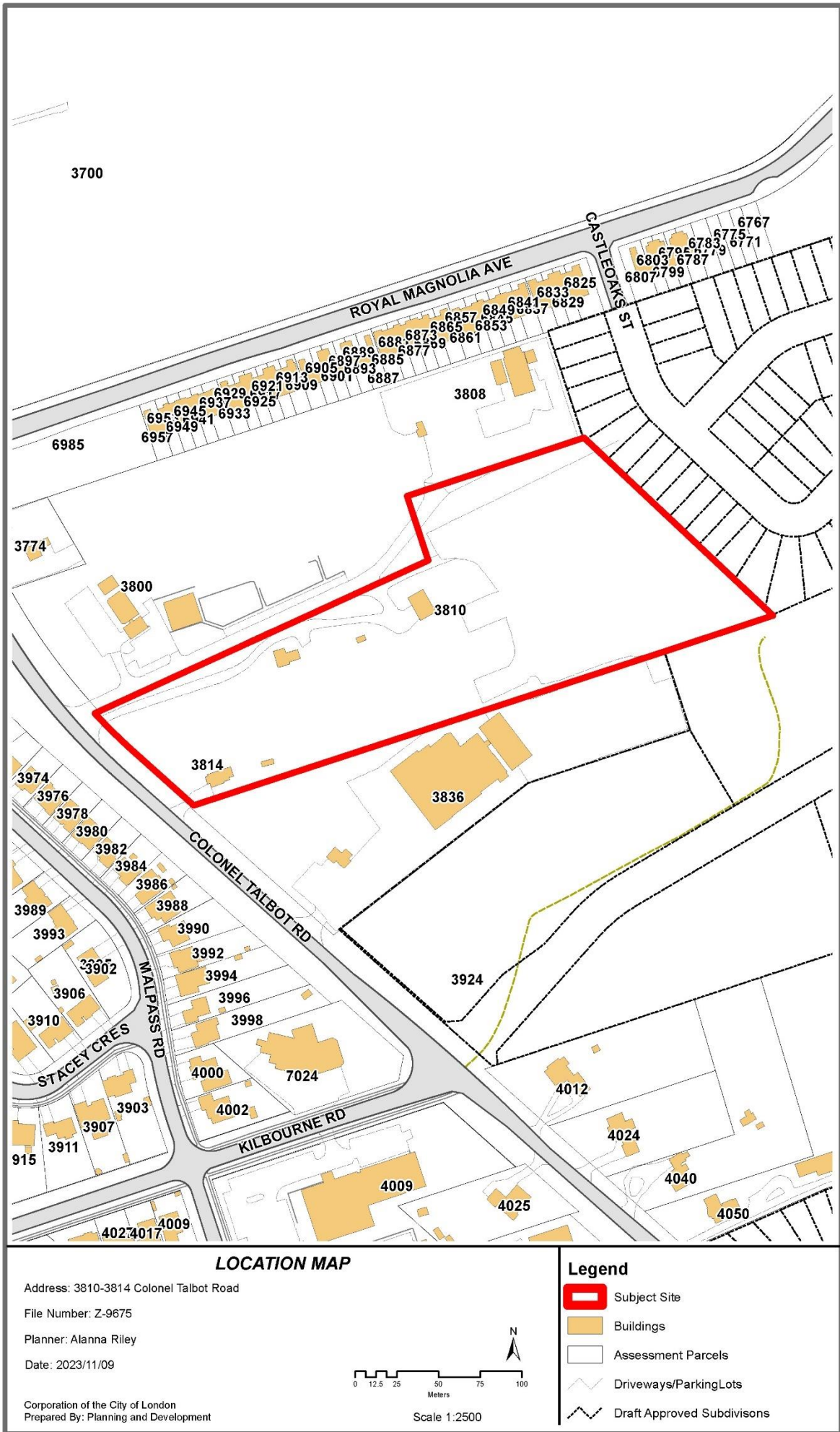


Figure 2- Topographical Map of 3810-3814 Colonel Talbot Road and surrounding lands

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The applicant has proposed to develop the subject site with a low to mid-rise residential development consisting of a 6-storey, 55 unit apartment building at the front interfacing with Colonel Talbot Road, and 105 2-storey townhouse units to the rear of the site totalling an overall unit density of 44 units per hectare (UPH) for the development. The apartment building is proposed to be oriented towards Colonel Talbot Road, with the townhouses configured to provide a convenient internal road and walkway network with a central common outdoor amenity area. Parking for the apartment building is proposed to be both internal on the first floor to the building and surface parking located to the rear of the building. The townhouses are proposed to have two parking spaces per unit, one in the garage and one in the driveway along with a designated visitor parking area distributed throughout. A walkway network is proposed on one side of the internal road network to connect the development to the future sidewalks on Colonel Talbot Road, the buildings, parking areas and amenity spaces.

Two driveway accesses would provide entrance from Colonel Talbot Road to the apartment building and townhouse units along with providing access for emergency vehicles. The proposed development would provide for on-site parking, with approximately 10 spaces per unit for the apartments and 2.1 spaces per unit for the townhouses. Private amenity space would be provided to the rear of each townhouse unit along the outdoor units and a common amenity area for the inner units.

The proposed development includes the following features:

- Land use: residential
- Form: apartment building and townhouse development
- Height: apartment building – 6 storeys, townhouses 2 storeys
- Residential units: 160 additional units
- Density: 44 units / hectare
- Building coverage: 37.8%
- Parking spaces: 336 spaces (apartment – 116 87 surface and 29 internal , townhouses - 221)
- Landscape open space: 39.6%
- Functional amenity space: 1,352.7 m<sup>2</sup>

Additional information on the development proposal is provided in Appendix C.

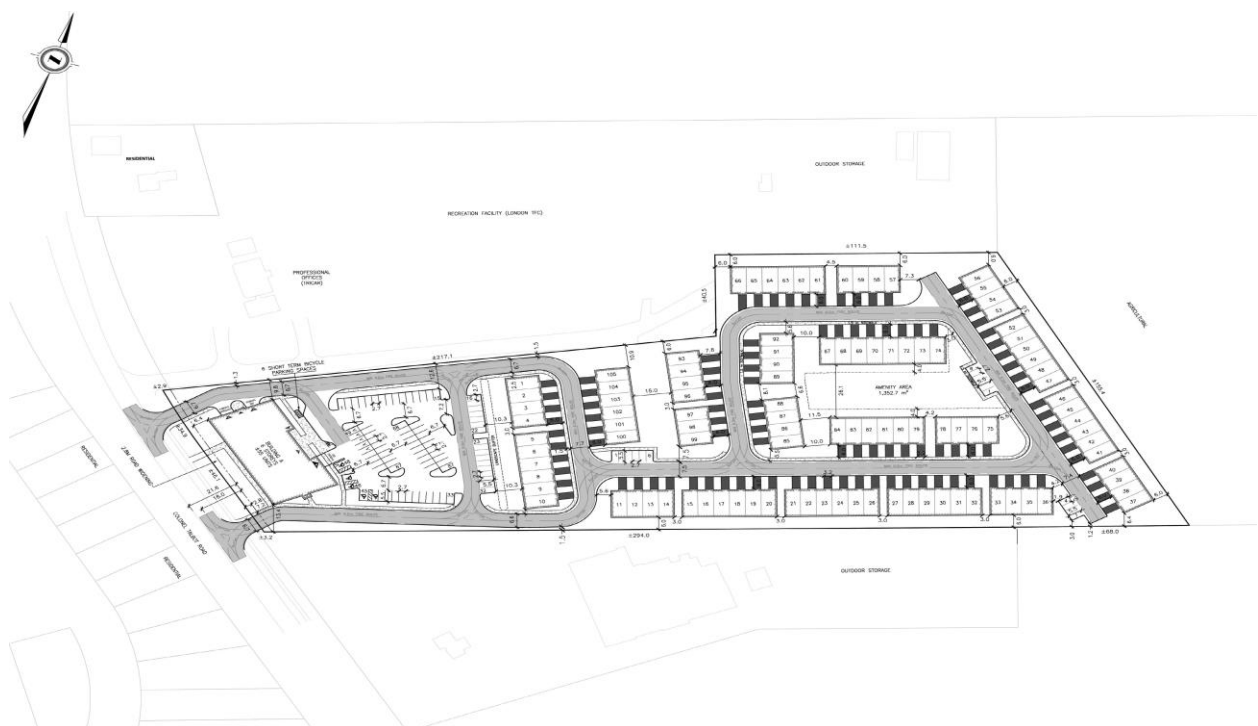


Figure 3 - Conceptual Site Plan



Figure 4 – Conceptual Rendering of Proposed Apartment Building



Figure 5 – Conceptual Elevation of Proposed Townhouses

## 2.2 Requested Amendment(s)

The City of London has requested an amendment to the Southwest Area Plan to add a site-specific policy to the Lambeth Neighbourhood to allow a height of 6-storeys, whereas 4-storeys is permitted to align with the London Plan.

Towns of Magnolia London Inc. has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Urban Reserve (UR3) Zone to a Residential Special Provision R6 (R6-5(\_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R6-5 Zone)	Required	Proposed
Front and Exterior Side Yard Depth for (minimum)	8.0 metres	6.4 metres
Height for Apartment Building (maximum)	12 metres	21.0 metres
Total Density for Development(maximum)	35 units per hectare	44 units per hectare
Apartment building oriented to Colonel Talbot Road		

## 2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Staff requires holding provision (h-17) that stipulates the “h-17” symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site. Permitted Interim Uses: dry uses on individual facilities permitted by the applied zone.
- Staff requires a holding provision (h-89) that stipulates that a stormwater servicing report must be prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City engineer.
- Staff requires a holding provision (h-67) that stipulates a Record of Site Condition shall be carried out by a qualified professional and submitted to the Ministry of the Environment to address concerns of site contamination. The City of London will remove the "h-67" holding provision once the Ministry is satisfied that the Record of Site Condition is satisfactory.
- Incorporate shared access with the adjacent property owner at 3800 Colonel Talbot Road.
- Provide vehicular and pedestrian connections between this site and adjacent sites to improve overall connectivity.
- Based on the information presented within the Heritage Impact Assessment, it is the opinion of staff that the property does not meet the minimum criteria to merit designation under the *Ontario Heritage Act*. Therefore, no mitigation measures are required.
- Consensual Agreement for boundary trees with the neighbouring property is required prior to submission of a Site Plan application. Increased setbacks would impact proposed townhouse blocks and driveway ingress.

Detailed internal and agency comments are included in Appendix D of this report.

## 2.4 Public Engagement

On November 24, 2023, a Revised Notice of Application including the requested Official Plan Amendment was sent to property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 2<sup>4th</sup>, 2023. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

## 2.5 Policy Context

### ***Provincial Policy Statement, 2020***

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The subject site is in the settlement area, and the requested amendment would help to facilitate the development of a 6-storey apartment building containing 55 units and 105 townhouses. There is a mix of residential adjacent to the property, and there are commercial uses and open space in relatively close proximity. The proposal provides new housing development to an area where there are, or will be, appropriate levels of infrastructure and public service facilities ensuring that land and infrastructure are used efficiently and can meet current and future needs. The development contributes to appropriate densities and mix of housing helping ensure current and future housing needs can efficiently be met. In staff's opinion the proposed development is in keeping with the PPS as it provides for an appropriate form and intensity of residential intensification helping meet the Province's goals for a range and mix of housing options, efficient use of land, and transit-supportive development.

### ***The London Plan***

The London Plan provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Planning for intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4, 5).

The London Plan provides direction to make wise planning decisions by:

- Ensuring that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
- Thinking “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
- Avoiding current and future land use conflicts – mitigate conflicts where they cannot be avoided.
- Ensuring new development is a good fit within the context of an existing

neighbourhood.

- Ensuring health and safety is achieved in all planning processes. (Key Direction #8, Directions 1, 3, 8, 9, and 10).

Staff are of the opinion that all the above criteria have been satisfied.

### **Southwest Area Secondary Plan**

The subject lands are designated Medium Density Residential along the front of Colonel Talbot Road and Low Density Residential in the rear pursuant to Schedule 6 (Lambeth Neighbourhood Land Use Designations) of the *Southwest Area Secondary Plan* (SWAP). Within the Lambeth Neighbourhood, new residential development north of Longwoods Road will be of an intensity that is generally higher than achieved in other areas of the city, but is less than the intensity of the Bostwick Neighbourhood. The focus for new development is to be a mix of low to mid-rise housing forms, ranging from single detached dwellings to low-rise apartment buildings within individual subdivisions and throughout the neighbourhood (20.5.7). The Low Density Residential designation sets out a minimum residential density of 15 units per hectare and a maximum density of 30 units per hectare, and a maximum height of 4-storeys. The Medium Density Residential designation sets out a minimum residential density of 30 units per hectare and a maximum density of 75 units per hectare, and a maximum height of 4-storeys.

The *Southwest Area Secondary Plan* (SWAP) has been reviewed in its entirety and it is staff's opinion that the proposed development is consistent with SWAP with the exception of the height of 6-storeys for the apartment building. Therefore, a Specific Area Policy to permit 6-storeys is required that will align with The London Plan.

## **3.0 Financial Impact/Considerations**

None

## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

The proposed residential uses are supported by the policies of the Provincial Policy Statement, 2020 (PPS) that speak to creating healthy, livable and safe communities (1.1.1). The uses are also contemplated in the Neighbourhoods Place Type where a property fronts a Civic Boulevard in The London Plan (Table 10). The proposed apartment building and townhouse uses align with the goals of the Neighbourhoods Place Type as the development contributes to the diversity and mix of housing types within the area and can be considered compatible with existing and planned surrounding area. The proposal provides a more compact form development than currently exists and is street oriented, which helps contribute and establish an active street front along Colonel Talbot Road, creating a safe pedestrian environment that promotes connectivity (TLP 918\_2 and \_13). The residential uses promote housing for all Londoners and to attract a diverse population to the City (TLP 57\_11).

The subject lands are located within the Lambeth Neighbourhood of the Southwest Area Secondary Plan, where uses are subject to the permitted uses of the Low Density Residential and Medium Density Residential designations. The recommended amendments seek to permit the use of an apartment building and townhouse dwellings, which are both in keeping with the intent of the Southwest Area Secondary Plan.

### **4.2 Intensity**

The proposed residential intensity is consistent with the policies of the PPS that encourage residential intensification, redevelopment, and compact form (1.1.3.4), an efficient use of land (1.1.1 a), and a diversified mix of housing types and densities (1.4.1). The proposed residential intensity conforms with the Neighbourhoods Place Type in The London Plan which contemplates a standard maximum height of four-storeys and an upper maximum height of six-storeys where a property has frontage

onto a Civic Boulevard (Table 11). As the applicant has provided heights of six storeys for the apartment building and two storeys for the townhouses, the proposed development is in keeping with The London Plan policies.

The proposed residential intensity will facilitate an appropriate scale of development that is considered compatible within the existing neighbourhood character, directing the height and intensity toward the higher order street (TLP 918\_13). The 6-storey apartment building is proposed to be oriented towards Colonel Talbot Road with the two-storey townhouse block at the rear of the site, providing a transition in height towards the existing and future surrounding residential uses (TLP 953\_2). The residential use is accommodated on a parcel that is of sufficient size to support the proposed use and can provide sufficient setbacks to buffer to existing and future abutting residential developments. The redevelopment of the parcel will facilitate the efficient use of land and is appropriate (TLP 953\_2 and 3).

The Southwest Area Secondary Plan contemplates a minimum density of 15 units per hectare and a maximum density of 30 units per hectare for the Low Density Residential area and a minimum of 30 units per hectare and a maximum density of 75 units per hectare, both with a maximum height of 4-storeys in height of the Lambeth Area (20.5.7.1).

Based on the designations which apply to these lands the development potential for low and medium density residential development the proposed development of 160 units at 44 units per hectare is in keeping with the SWAP policies. However, six storeys is not contemplated in medium density in the Lambeth neighbourhood and a specific area policy amendment is required to permit the 6-storey apartment building and align with The London Plan.

Through the amendment process the community, City Council and other stakeholders can be assured that measures will be implemented to mitigate any impacts of additional height or density. The proposed development has been reviewed from a form-based perspective to evaluate the appropriateness of the proposed intensity and to ensure the site is of a sufficient size to accommodate it. The amendment has also been reviewed in accordance with conditions for evaluating the appropriateness of Specific Area Policies where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (TLP 1729-1734) and the Evaluation Criteria for Planning and Development Applications contained in policies 1577\_ to 1579\_ of the Our Tools section of The London Plan. Specifically, the application has been reviewed on the degree to which the proposal fits within its context.

Staff are satisfied that appropriate mitigation and the position of the buildings with the access along Colonel Talbot Road are provided to justify the additional building height. Given the surrounding context and potential future development with its range of heights and intensity, the proposed 6-storey apartment building is considered appropriate and compatible within the neighbourhood context. As such, staff are satisfied the proposed intensity is in conformity with the criteria for the Evaluation Criteria for Planning and Development Applications.

The proposed residential intensity will facilitate an appropriate scale of development that makes efficient use of lands and services and is compatible and complementary to the existing and planned residential development in the area.

#### **4.3 Form**

The proposed built form is to be developed with two distinct forms, the first a mid-rise apartment building and the second, 2-storey townhouses, both consistent with the Neighbourhoods Place Type and the City Design policies in The London Plan by facilitating an appropriate form and scale of residential intensification that is compatible with the existing neighbourhood character (TLP 953\_2). Specifically, the proposed built form supports a positive pedestrian environment through internal sidewalks, a mix of housing types within the Lambeth community to support aging in place and affordability and is designed to be a good fit and compatible within its context and neighbourhood



character.

The proposed apartment building situated with minimal setbacks and oriented along Colonel Talbot Road, defines the street edge, and creates an inviting, active, and comfortable pedestrian environment (TLP 259\_). The two-storey townhouse block is situated to the rear of the site behind the apartment building, providing development to an underutilized lot within the urban growth boundary with reduced setbacks, acknowledging the uniqueness of the lot shape. The proposed built form and massing of the apartment building and townhouse block has consideration for the surrounding land uses and is appropriate within the existing and future planned context of the area (TLP 953\_2). Resident and visitor parking for the apartment building would be provided both internal to the apartment building and in a surface parking area located to the rear of the building. The apartment building is also sited to minimize the visual exposure of the parking area to the street (TLP 269). Additionally, the townhouses located to the rear of the site are configured to provide a convenient and logical internal road and walkway network with a central common outdoor amenity area.

Two access are proposed to the subject lands from Colonel Talbot Road to accommodate emergency vehicles, promoting connectivity and safe movement for pedestrians, cyclists, and motorists (TLP 255\_). However, staff have recommended the application pursue a shared access connection/agreement with 3800 Colonel Talbot Rd to the north and remove the proposed northern access to the site. Additional treatment may be required at southerly access and will reviewed at the site plan level.

Finally, the Southwest Area Secondary Plan promotes development that is compact, pedestrian-oriented and transit-friendly (20.5.3.9.1.a). The proposed development conforms to the policies and urban design objectives of SWAP.

#### **4.6 Natural Heritage**

No Natural Heritage Features on the site were identified on Map 5 of the London Plan or based on current aerial photo interpretation. However, it was indicated that potential for Significant Wildlife Habitat (Snake Hibernacula) or Species at Risk Bird Habitat (Barn Swallow) exists on the site. Therefore, a scoped Environmental Impact Study (EIS) to address concerns for significant wildlife habitat (Snake Hibernacula) and species at risk habitat (Barn Swallow) was requested as part of a complete application.

The EIS that was submitted, was reviewed by staff and was accepted as it was scoped down and sufficiently demonstrated that the proposed development will not have a negative impact on Species At Risk, Significant Wildlife Habitat or the Natural Heritage System.

#### **4.7 Heritage**

The property located at 3810-3814 Colonel Talbot Road is listed on the Register of Cultural Heritage Resources. The property includes four buildings; a one-and-a-half storey farmhouse, a one storey cottage, an outbuilding/shed, and a barn/accessory building. The original farmhouse, addressed at 3810 Colonel Talbot Road, comprises an Ontario Cottage/farmhouse that is listed under the City of London's Register of Cultural Heritage Resources. The farmhouse originally belonged to the Bogue family and is described as being representative of an early Ontario Gothic Revival cottage/farmhouse, built c.1860-1880. The overall form and massing of the house remain; however, much of the original materials and features have been removed or altered and the heritage value has been compromised.

A Heritage Impact Assessment was submitted as a part of the d Zoning By-Law Amendment application.

Based on the information presented within the Heritage Impact Assessment, it is the opinion of staff that the property does not meet the minimum criteria to merit designation under the *Ontario Heritage Act*. Therefore, no mitigation measures are required.

As per the Council Policy Manual, and Section 27(9) of the Ontario Heritage Act, Municipal Council has 60 days from receipt of a demolition request for a heritage listed property to make a decision on the demolition request. To date, a demolition request has not been received by City staff for the demolition of the buildings or structures on the property.

#### **4.8 Site Contamination**

It is City staff's understanding the subject site had an historical industrial use on it. The applicant did not provide background information that confirms the nature of the industrial use or the length of time the property functioned as an industrial use. Since the subject lands are being proposed to be used for a more sensitive land use a site assessment was required as part of this application. Based on site assessments several potential sources of contaminants and environmental concerns were identified, and an additional phase II site assessment was conducted to identify the impacts of potential sources of groundwater and/or soil contamination. Based on the findings of the limited sampling, further investigation is warranted prior to excavation. The applicant should be seeking The Ministry of Environment, Conservation and Parks approval by way of a Record of Site Condition, the requirements set-out under Parts XV.1 and XV.2 of the Environmental Protection Act and Ontario Regulation 153/04 for site remediation. This will be dealt with further through the site plan approval process and recommended holding provision as outlined below in Section 4.10 of this report.

#### **4.9 Servicing**

There are currently no storm or sanitary sewers to service this site. The applicant will be responsible for designing adequate storm water controls in the future as well as a developer led sanitary sewer extension. Additionally, the site sanitary flows are tributary to a future phase of the Heathwoods subdivision which has not progressed past the draft approval stage. Therefore, holding provisions are being recommended as outlined below in Section 4.10 of this report to ensure services are in place prior to any development occurring.

#### **4.10 Holding Provisions**

- Staff requires holding provision (h-17) that stipulates the "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site. Permitted Interim Uses: dry uses on individual facilities permitted by the applied zone.
- Staff requires a holding provision (h-89) that stipulates that a stormwater servicing report must be prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City engineer.
- Staff requires a holding provision (h-67) that stipulates a Record of Site Condition shall be carried out by a qualified professional and submitted to the Ministry of the Environment to address concerns of site contamination. The City of London will remove the "h-67" holding provision once the Ministry is satisfied that the Record of Site Condition is satisfactory.

#### **4.11 Zoning**

Staff are supportive of the proposed special provisions for front yard setbacks. The reduced yard depths reflect current city design policy framework in The London Plan, which encourage buildings to be positioned with minimal setbacks to public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (259\_) in addition to being a relatively minor increase. Staff have no concerns with the requested reductions, as they facilitate a development that is better oriented towards Colonel Talbot Road, consistent with the City Design policies in The London Plan.

Additionally, Staff are satisfied the requested 6-storey apartment building height and density of 44 units per hectare are appropriate for the site. The increase in height and density are appropriate for the site and have been mitigated to ensure there will be no adverse impacts on adjacent properties. As such, staff is satisfied the proposed

development is appropriate and provides for the development of an underutilized site within the Built-Area Boundary.

## **Conclusion**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Urban Reserve (UR3) Zone to a Holding Residential Special Provision R6 (h-17.h-67.h-89.R6-5(\_)) Zone. Staff are recommending approval of the requested Official Plan and Zoning Bylaw amendments with special provisions.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and will permit a 6-storey apartment building with 55 units and 105 two-storey townhouses, for a total of 160 residential units at a density of 44 units per hectare. The amendment will facilitate the redevelopment of the subject site and will contribute to the range and mix of housing options within the area.

**Prepared by:** Alanna Riley, MCIP, RPP  
Senior Planner, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

Copy:  
Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A – Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2023

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

A by-law to amend the Southwest Area  
Plan for the City of London, relating to  
3810-3814 Colonel Talbot Road

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

- 1) Amendment No. (to be inserted by Clerk's Office) to the Southwest Area Plan for the City of London Planning Area, as contained in the text attached hereto and forming part of this by-law, is adopted.
- 2) This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on January 23, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024

**AMENDMENT NO.  
to the  
SOUTHWEST AREA PLAN, FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to facilitate the development of an apartment building with a height of six storeys within the Lambeth Neighbourhood Medium Density Residential designation on the property at 3810-3814 Colonel Talbot Road.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to a portion of the land, located within the Lambeth Neighbourhood the Medium Density Residential Designation, at 3810-3814 Colonel Talbot Road in the City of London.

C. BASIS OF THE AMENDMENT

The site-specific amendment would allow for a 6-storey apartment building. The proposed amendment is considered appropriate as it is consistent with the Provincial Policy Statement, 2020, conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Specific Policy Area policies in Our Tools. The recommended amendment would permit development at a transitional scale and intensity that is appropriate for the site and the surrounding neighbourhood; and facilitates the development of an underutilized site within the Built-Area Boundary with an appropriate form of development.

D. THE AMENDMENT

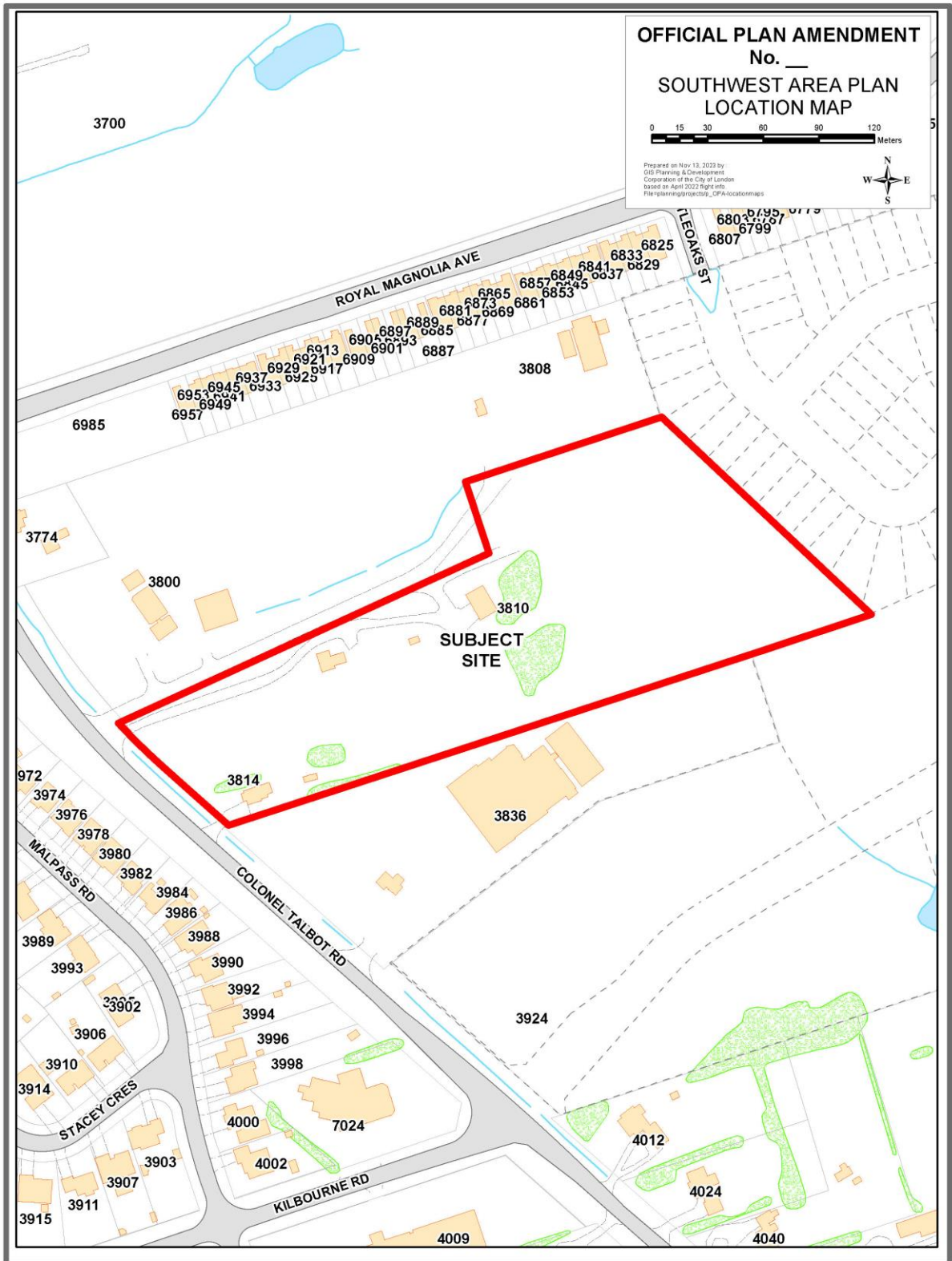
The Southwest Area Plan, Lambeth Neighbourhood within the Medium Density Residential designation for the City of London is hereby amended as follows:

1. iv) 3810-3814 Colonel Talbot Road

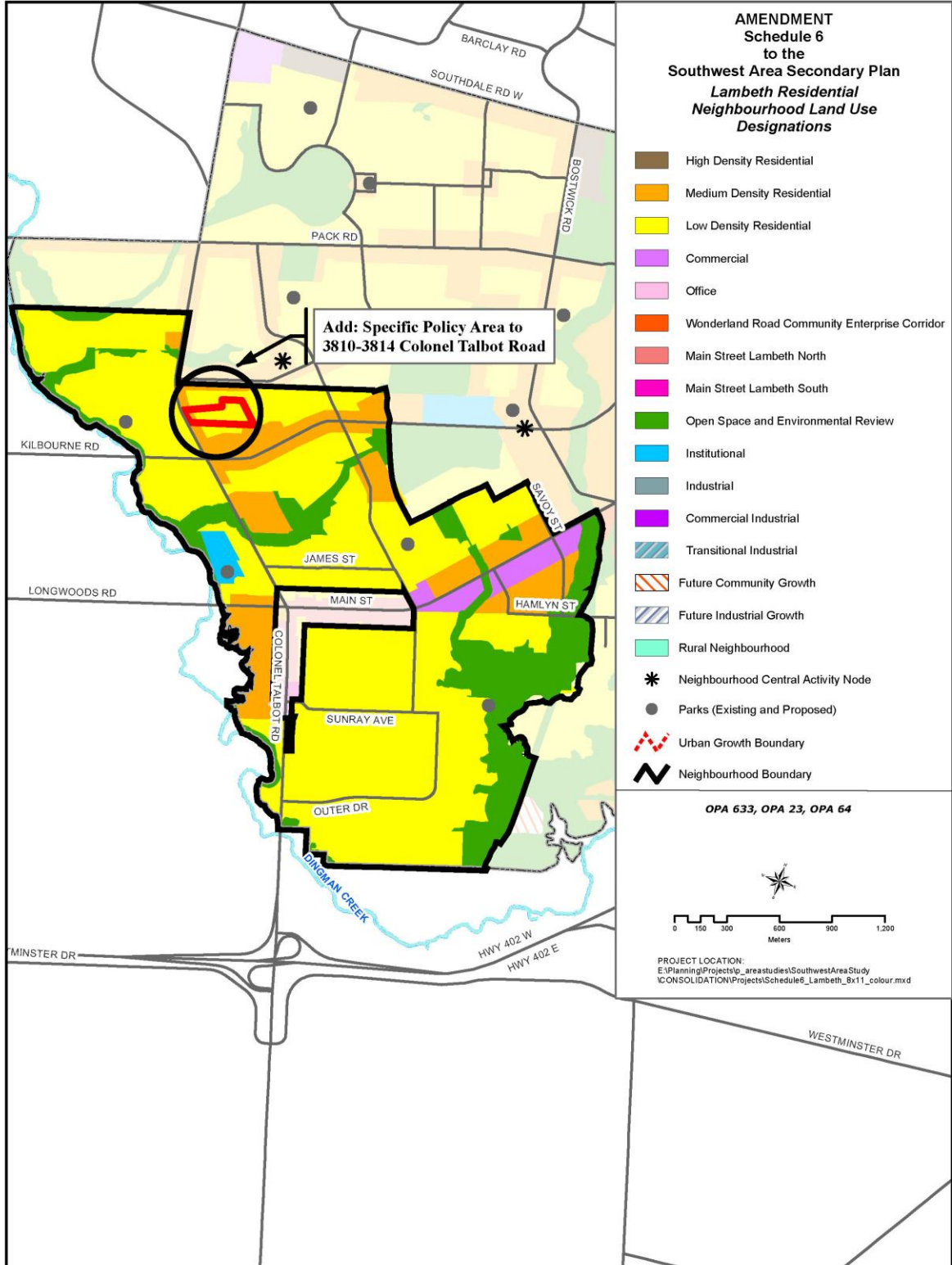
A maximum height of 6-storeys shall be permitted for one apartment building on site.

2. Schedule 6 - Specific Policy Areas, to the Southwest Area Plan, for the City of London Lambeth Area is amended by adding a Specific Policy Area for the lands located at 3810-3814 Colonel Talbot Road in the City of London, as indicated on "Schedule 2" attached hereto.

Schedule 1



## Schedule 2



## Appendix B

Bill No.(number to be inserted by Clerk's Office)  
2024

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3810-3814 Colonel Talbot Road.

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

WHEREAS Towns of Magnolia Inc. has applied to rezone an area of land located at 3810-3814 Colonel Talbot Road, 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:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3810-3814 Colonel Talbot, as shown on the attached map comprising part of Key Map No. A110, **FROM** an Urban Reserve (UR3) Zone **TO** a Holding Residential Special Provision R6 (h-17.h-67.h-89.R6-5( )) Zone.
2. Section Number 10.4 of the Residential R5 Zone is amended by adding the following Special Provisions:

R6-5( ) 3810-3814 Colonel Talbot Road

a. Regulations

- |   |                      |
|---|----------------------|
| i) Front Yard Depth<br>(Minimum)                                | 6.4 metres           |
| ii) Height for Apartment Building<br>(Maximum)                  | 21.0 metres          |
| iii) Density<br>(Maximum)                                       | 44 units per hectare |
| iv) Apartment building shall be oriented to Colonel Talbot Road |                      |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on January 23, 2024

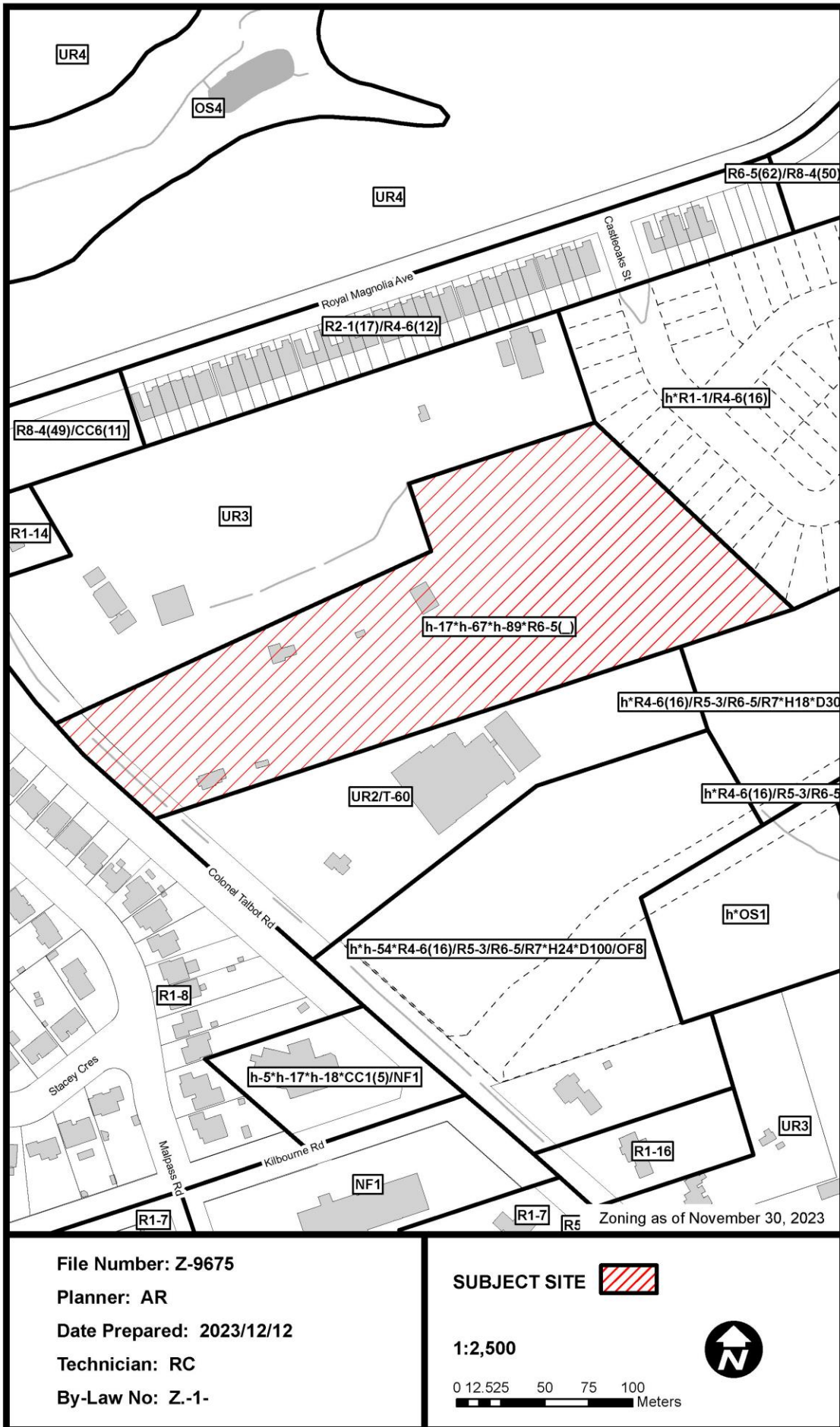


Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024

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



File Number: Z-9675  
 Planner: AR  
 Date Prepared: 2023/12/12  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Geodatabase

## Appendix C - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Residential
Frontage	82 metres
Depth	294 metres
Area	3.7 hectares
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Office, Outdoor Storage and the London TFC Academy
East	Future Residential
South	Low Contracting Establishment and Outdoor Storage density residential
West	Colonel Talbot Road and Low Density Residential

#### Proximity to Nearest Amenities

Major Intersection	Colonel Talbot Road & Pack Road, 950 metres
Dedicated cycling infrastructure	Southdale Road West, 2200 meters
London Transit stop	Raleigh Boulevard, 1800 metres
Public open space	Clayton Walk Park, 350 metres
Commercial area/use	Main Street (Lambeth), 1200 metres
Food store	No Frills, 1400 metres
Community/recreation amenity	Lambeth Community Centre, 1400 metres

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Neighbourhoods Place Type, Civic Boulevard
Current Special Policies	N/A
Current Zoning	Urban Reserve (UR3)

#### Requested Designation and Zone

Requested Place Type	N.A.
Requested Special Policies	Low Density and Medium Residential in Southwest Area Secondary Plan (SWAP)
Requested Zoning	Residential Special Provision (R6-5 Zone)

#### Requested Special Provisions

Regulation (R6-5 Zone)	Required	Proposed
Front and Exterior Side Yard Depth for Townhouses (minimum)	8.0 metres	6.4 metres
Height for Apartment Building (maximum)	12 metres	21.0 metres
Total Density for Development(maximum)	35 units per hectare	44 units per hectare

### C. Development Proposal Summary

This section is only required where new development or site alterations are proposed.

## Development Overview

The development proposal aims to create 55 additional apartment dwellings and 105 additional townhouse dwelling units. Proposed site layout proposes the apartment building at the front interfacing with Colonel Talbot Road and locate all townhouses to the rear.

## Proposal Statistics

Land use	Residential
Form	apartment building and townhouse development
Height	apartment building – 6 storeys, townhouses 2 storeys
Residential units	160 additional units
Density	44 units per hectare
Building coverage	37.8%
Landscape open space	39.6%
Functional amenity space	1,352.7 m <sup>2</sup>
New use being added to the local community	No

## Mobility

Parking spaces	336
Vehicle parking ratio	Apartment – 0.5 per unit/ Townhouses 1 per unit
New electric vehicles charging stations	0
Secured bike parking spaces	50
Secured bike parking ratio	Apartment – one per unit
Completes gaps in the public sidewalk	Future sidewalks planned on Col. Talbot
Connection from the site to a public sidewalk	N.A
Connection from the site to a multi-use path	Yes

## Environmental Impact

Tree removals	85 trees/4 vegetation units
Tree plantings	TBD
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	NA
Green building features	Unknown

## Appendix D – Internal and Agency Comments

### Engineering – August 28, 2023

- There are currently no storm or sanitary sewers to service this site. The applicant will be responsible for designing adequate storm water controls in the future as well as a developer led sanitary sewer extension along Colonel Talbot Rd.
- The site sanitary flows are tributary to a future phase of the Heathwoods subdivision which has not progressed past the draft approval stage. Servicing for the subdivision is expected to be beyond the 5 year time frame and therefore the project at 3810-3814 Colonel Talbot Road is considered premature – Refusal for this re-zoning application is recommended.
- Should the application proceed to re-zoning approval, the following holding provisions will need to be applied to this property:
  - h-17
  - h-89

### Sanitary – September 21, 2023

The block of 3800-3814 Colonel Talbot is tributary to a future developer driven extension of a local sanitary sewer on Colonel Talbot tributary to the future sewer on future Kilbourne as part of the Heathwood's subdivision.

SED recommends refusal or rejections of this application as there is no fronting sanitary sewer in place, and additionally the sewer and roads have not been constructed or inspected as part of the Heathwood's Subdivision. Holding Provisions will be recommended if this application is not rejected as there is no municipal outlet fronting or in close proximity at this time.

Royal Magnolia was never the intended outlet and there is downstream conveyance constrains to this alignment that can't take additional flows that were never contemplated under interim conditions.

### Transportation – September 18, 2023

TP&D has no comments to offer at this time. The TIA is accepted.

### Transportation – December 12, 2023

It is recommended to provide shared access connection/agreement with 3800 Colonel Talbot Rd and remove north access. Additional treatment may be required at southerly access and will reviewed both again at site plan level

### Landscaped Architect – November 24, 2023

The inventory captured 106 individual trees and 4 vegetation units (comprised of 183 individuals) all but 3 are proposed for removal. Trees were identified within the subject site, and within 3 meters of the legal property boundary. Two trees within the City ROW were observed. No species classified as endangered or threatened under the Ontario Endangered Species Act, 2007, S.O. 2007, c. 6 were observed during the tree inventory. The subject site is NOT within or immediately adjacent to a City of London Tree Protection Area. Any trees in the vegetative units over 10cm growing on a property line would be considered a boundary tree and must be identified on the TPP. Consents would be needed to injure or destroy. The report meets the City's standards.

#### 1. Major Issues

- 4 boundary trees (tree ID #'s 56, 73, 75, and 78)) were captured in inventory. Note that, according to provincial legislation, a tree is considered a boundary tree if any part of the trunk before the first/lowest branch crosses the property line. Boundary trees are shared property of the two adjacent land owners. If consent cannot be obtained from neighbour to remove the trees, 3836 Colonel Talbot, then a non-disturbance setback will need to be established from the south property line at each tree's critical root zone limits as determined by dbh, respectively, 4.1m, 4.4m, 2.3m, and 4.9m. TPP will not be accepted with Site Plan Application if consents are not provided by neighbour. Increased setbacks would impact proposed townhouse blocks and driveway ingress.

## 2. Matters for Site Plan

- As 4 boundary trees were identified in the tree preservation plan, consent to injure or remove boundary trees is a requirement of Site Plan approval. A recommendation for approval will be forwarded for Site Plan Review.
- Trees growing the Colonel Talbot Rd allowance are protected by the City's Boulevard Tree Protection Bylaw. As the TPP indicates that some damage will be inflicted on 2 City trees growing in the Colonel Talbot road allowance a recommendation for correspondence with Forestry Operations allowing the injury will be forwarded for Site Plan review.
- A total of 3540cm of tree dbh proposed for removal. In accordance with London Plan Policy 399 354 replacement trees are required to be replanted on site. Replacement trees to be recommendation to Site Plan Review above site plan standard planting requirements

## 3. Complete Application Requirements

- 4 vegetation units (comprised of 183 individuals) are identified on Tree inventory. If any of the individual tree\* units are growing on a property line, they must be inventoried separately on the TPP. \***"Tree"** means a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity

Urban Design – November 30, 2023

### Matters for ZBA/OPA:

- This application is located within the Lambeth Residential Neighbourhood of the Southwest Area Secondary Plan [SWASP] and within the Neighborhoods Place Type in The London Plan [TLP], which generally contemplate the proposed use and form. Urban Design is supportive of the proposed development and commends the applicant for providing built form along the Colonel Talbot Road street frontage, for providing the parking behind the building and for locating the higher-intensity use along the street with the lower-intensity uses to the rear.
- Urban Design recommends the following Special Provisions be incorporated into the proposed R6-5( ) Zone to foster a safe, comfortable and accessible public realm, and to reduce potential impacts on neighbouring properties:
  - Maximum front yard setback to ensure the proposed building is located close to the Colonel Talbot Road right-of-way [TLP 259, SWASP 20.5.3.9 iii];
  - Minimum rear and side yard setback to reduce impacts the proposed townhouse buildings may have on adjacent single-detached lots [TLP 253];
  - Minimum ground floor height of 4.5m to give prominence to the base of the building and provide additional opportunities for increased glazing to activate the street and provide passive surveillance [TLP 291, SWASP 20.5.3.9 iii];
  - Street-orientation with the principal building entrance for the apartment building facing toward Colonel Talbot Road [TLP 291, SWASP 20.5.3.9 iii].

- Ensure the width of the garages for the townhouse units does not exceed 50% of the individual unit width, and does not project beyond the front façade of the unit [SWASP 20.5.3.9, iii, e].
- Reduce the amount of surface parking at-grade in favour of more underground parking to decrease the amount of impervious surfaces and provide opportunities for additional landscaping and amenity space [TLP 270, SWASP 20.5.3.9 iii].
- Urban Design encourages the applicant to incorporate shared access with the adjacent property (3800 Colonel Talbot Road) to simplify the site design, assist with wayfinding, reduce the amount of impervious surfaces on site and to promote safe pedestrian movement along Colonel Talbot Road [TLP 255].
- Explore opportunities to provide vehicular and/or pedestrian connections between this site (particularly the rear) and adjacent sites to improve overall neighbourhood connectivity, walkability and wayfinding [TLP 255, SWASP 20.5.3.9 i].

### **Matters for Site Plan:**

- **Apartment Building Comments:**
  - Locate the principal building entrance on the Colonel Talbot Road-facing façade and distinguish this entrance with a high degree of transparent glazing, signage, weather protection (canopies, awnings, etc.) and direct walkway access to the street [TLP 268, 291];
  - Provide individual entrances to ground floor units on the street facing elevations and design amenity spaces as open courtyards or front porches extending into the front setback to create a pedestrian-oriented streetscape and to foster passive surveillance into the public realm [TLP 291]:
    - Design residential ground floor units to be raised slightly (a maximum of 3 to 5 steps) to avoid headlight glare and provide privacy for residents;
    - Provide direct walkway access from ground floor units to the public sidewalk.
  - Consider incorporating a high degree of glazing and architectural detail in the north and south elevations (side elevations) as these facades will be highly visible from Colonel Talbot Road.
  - Locate active building uses, such as amenity areas, laundry rooms, lobbies, etc. on the street-facing elevation of the building to promote an active streetscape. Utility rooms (electrical, garbage, storage, etc.) should be located away from public street frontages [TLP 285, 291];
  - Incorporate balconies for all units to provide private amenity space and break-up the massing of the building [TLP 295];
  - Ensure rooftop mechanical and utility equipment is screened and/or incorporated into the overall building design [TLP Policy 296].
- **Townhouse Comments:**
  - Consider incorporating a mix of complimentary architectural styles, materials and colours in the design of individual townhouse units to assist with wayfinding, break-up the massing and to add interest to the overall building design [TLP Policy 301];
  - Design the flanking elevation of Unit 11 with the same amount of architectural details as is found on the front elevation (size and number of windows, materials, other architectural details) as it is located at the terminus of the main drive aisle and will be highly visible from Colonel Talbot Road.
  - Consider designing the side elevation of the corner units that are facing drive aisles and amenity spaces with enhanced detail, such as wrap-around porches/features, entrances and a similar number of windows as is found on the front elevation to offer passive surveillance throughout the site [TLP 228].
- **Site Design Comments:**

- Ensure garbage pick-up areas, loading areas and associated facilities are located away from the public street frontage and do not detract from pedestrian connections [TLP Policy 266];
- Provide adequate setbacks from parking areas and associated drive aisles to the property line to allow space for landscaping;
- Design the pedestrian circulation on site to minimize interruptions and ensure the network of on-site walkways is as direct as possible. Provide connections between the apartment building, amenity spaces, parking areas, townhouse units and Colonel Talbot Road [TLP 255].
- Provide a full-set of dimensioned elevations for all sides of the proposed apartment and townhouse buildings, as well as a fully dimensioned and labelled site plan. Further comments may follow upon receipt of the drawings.

Parks Long Range Planning and Design – November 30, 2023

- 
- 4. **Major Issues**
  - None.
- 
- 5. **Matters for OPA/ZBA**
  - None.
- 6. **Matters for Site Plan**

- Parkland dedication will be required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized through the Site Plan Approval process.

Heritage

The property located at 3810-3814 Colonel Talbot Road is listed on the Register of Cultural Heritage Resources. The property includes four buildings; a one-and-a-half storey farmhouse, a one storey cottage, an outbuilding/shed, and a barn/accessory building.

A Notice of Application for an Official Plan Amendment (O-9683) and a Zoning By-Law Amendment (Z-9675) to allow the development of 105, 2-storey townhouses and a 6-storey apartment building was issued on November 24, 2023. Following the changes to the *Ontario Heritage Act* as a result of Bill 108, a Notice of Application for an Official Plan Amendment and Zoning By-Law Amendment on a heritage listed property is considered a “Prescribed Event”. A “Prescribed Event” triggers a 90-day timeline within which Council has 90 days to issue a Notice of Intention to Designate a property under the *Ontario Heritage Act* if it wishes to conserve the property. The 90 day timeline for this property expires on February 22, 2024.

A Heritage Impact Assessment and Stage 1-2 Archaeological Assessment was required as a part of the complete application requirements for the Official Plan Amendment and Zoning By-Law Amendment on the property.

**Heritage Impact Assessment**

A Heritage Impact Assessment was submitted as a part of the application for the Official Plan Amendment and Zoning By-Law Amendment. The following Heritage Impact Assessment was submitted and received by the City:

- *MHBC Planning Limited, Heritage Impact Assessment: 3810-3814 Colonel Talbot Road, London, Ontario, September 14, 2021, Revised September 21, 2023.*

All buildings and structures on the property were included within the Heritage Impact Assessment. The Heritage Impact Assessment was deemed complete, however, staff have concerns related to the evaluation of the property under Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) as well as the assessment



of impacts included within the report. The evaluation of the property included within the HIA determined that the property met 3 of the 9 criteria. Based on the evaluation within the HIA, the criteria it has met are:

- Criteria 1: The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method. o *The existing Dwelling 1 constructed c. 1861 is representative of an Ontario Gothic Revival cottage/farmhouse that was common in rural Ontario in the late 19th century. The high-pitched, centered gable on the front elevation, modest bargeboard, symmetrical, centre hall entry flanked by windows and overall one and a half storey massing are reflective of the Gothic Revival architectural style.* (MHBC, 2023) □ Staff do not agree that the property has design value or physical value as a representative example of the Gothic Revival cottage/farmhouse style. The dwelling on the property has been altered in manner that does not demonstrate a high degree of heritage integrity. Further, when comparing this property to other heritage listed and heritage designated properties within London, better representative of this architectural style are extant. In a recent evaluation, the property at 7056 Pack Road was determined to not meet this criteria, despite being a more representative example of the style.
- Criteria 4: The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community. o *The property was owned by the Bogue Family approximately for over a century between 1853 and the latter half of the 20th century. The property is directly associated with John Sr., original owner of the property, who had a biographical sketch published in the History of the County of Middlesex of 1889 describing his immigration to Middlesex County.* (MHBC, 2023) □ Staff agree that the property has historical value or associative value as it is directly associated with the Bogue family, a family that was historically important in the settlement of Westminster Township.
- Criteria 8: The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings. o *The property is historically linked to the surrounding farm properties as it is one of the earliest settler farms along the Colonel Talbot Road, one of original settlement roads in the former Westminster Township.* (MHBC, 2023)

Staff do not agree that this property is physically, functionally, visually, or historically linked to its surroundings in a manner that meets the criteria. In staff's opinion, as a result of the evolving land uses changes within the immediate surroundings, the contextual value of the property has been lost.

Staff agree that the property meets one of the criteria (Criteria 4), but are not convinced that the HIA has demonstrated enough evidence to confirm that the property meets Criteria 1 or Criteria 8.

### **Stage 1-2 Archaeological Assessment**

Staff have reviewed the following Archaeological Assessment for the property at 3810-3814 Colonel Talbot Road:

- *Stantec, Stage 1-2 Archaeological Assessment: Proposed Development at 3810-3814 Colonel Talbot Road, Part of Lot 73, East of Talbot Road, Geographic Township of Westminster, former Middlesex County, now City of London, Ontario PIF: P256-0698-2021, March 11, 2022.*

Please be advised that heritage planning staff recognize the conclusions of the report that state: "No archaeological resources were identified during the Stage 1-2 Archaeological Assessment of the Study Area. Thus, in accordance with Section 2.2 and Section 7.8.4 of the [MCM's] *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011) no further archaeological work is required for the study area."

An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment acceptance letter has also been received, dated March 14, 2022 (MCM Project Information Form P256-0698-2021, MCM File Number 0015168) confirming that the Stage 1-2 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.

Archaeological requirements associated with O-9683 and Z-9675 have been addressed.

### **Conclusion**

Based on the information presented within the Heritage Impact Assessment, it is the opinion of staff that the property does not meet the minimum criteria to merit designation under the *Ontario Heritage Act*. Therefore, no mitigation measures are required.

As per the Council Policy Manual, and Section 27(9) of the Ontario Heritage Act, Municipal Council has 60 days from receipt of a demolition request for a heritage listed property to make a decision on the demolition request. A demolition request has not been received by City staff for the demolition of the buildings or structures on the property.

### Upper Thames Conservation Authority – December 1, 2023

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

### **CONSERVATION AUTHORITIES ACT**

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

### **DRINKING WATER SOURCE PROTECTION: Clean Water Act**

For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

### **RECOMMENDATION**

The UTRCA has no objections to the application and we have no Section 28 approval requirements.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** Goal Ventures Inc. & Goal Ventures Southwest Inc. (c/o KWA Site Development Consulting Inc.)  
3055 Dingman Drive/Roxburgh Road & 4313 Wellington Road South  
File Number: OZ-9665, Ward 12  
Public Participation Meeting

**Date:** January 9, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Goal Ventures Inc. and Goal Ventures Southwest Inc., c/o KWA Site Development Consulting Inc. relating to the property located at 3055 Dingman Drive/Roxburgh Road & 4313 Wellington Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 9, 2024, to amend the Official Plan by **ADDING** a new policy to the Specific Policies for the Shopping Area Place Type **AND AMENDING** Map 7 – Special Policy Areas – of The London Plan by adding the subject site to the list of Specific Policy Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 9, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, as amended in part (a) above, to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone, **TO** an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)/h-55\*h-212\*LI1(\_)) Zone;
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issue(s) through the site plan process:
  - i) Offer safe pedestrian connections within the public realm, and
  - ii) Provide a high-quality gateway image along Highway 401 East and Wellington Road South and enhanced landscaping along the gateway corridor shall be required in conformity with the policy framework of The London Plan and Southwest Area Secondary Plan.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to The London Plan, the Official Plan for the City of London, to add a site-specific amendment to the Shopping Area Place Type to permit a range of light industrial uses while maintaining the Shopping Area Place Type on the subject site.

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone to an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision

(ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11))/(h-55\*h-212\*LI1(\_)) Zone.

An h-55 holding provision shall be applied to the Light Industrial zone to ensure that a traffic impact study is to be completed as requested by the Ministry of Transportation (MTO). Further, an h-212 holding provision shall be applied to the Light Industrial zone to ensure an analysis of compatibility between industrial facilities (D6 Guidelines) shall be carried out.

### **Purpose and the Effect of Recommended Action**

The purpose and effect of the requested amendments are to broaden the range of permitted uses on the subject site to include light industrial uses such as warehousing/distribution, self-storage and craft brewery along with other lower impact light industrial uses.

Staff are recommending approval of the Official Plan & Zoning By-law amendment, with special provisions to permit light industrial uses that are compatible with the Shopping Area Place Type.

### **Rationale of Recommended Action**

1. The recommended amendment is consistent with the *PPS 2020*;
2. The recommended amendment conforms to *The London Plan*, including, but not limited to the Shopping Area Place Type, Criteria for Special Area Policies, and Key Directions;
3. The recommended amendment facilitates the development of a site within the Wellington Road/ Highway 401 Neighbourhood of the *Southwest Area Secondary Plan*; and,
4. The recommended amendment facilitates a broader mix of uses on a serviced site within the urban growth boundary along the 401 Highway corridor.

## **Linkage to the Corporate Strategic Plan**

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting London to be a regional centre that proactively attracts and retains talent, business, and investment.

## **Analysis**

### **1.0 Background Information**

#### **1.1 Previous Reports Related to this Matter**

June 18, 2013 – Planning Environment Committee – OZ-8120, 3130 & 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South

October 9, 2018 – Planning Environment Committee – SPA17-109, SPA17-111, SPA17-117 – 3130, 3260 Dingman Drive & 4313 Wellington Road South

February 12, 2020 – Committee of Adjustment – B.051/19 & B.052/19 - 3130 & 3260 Dingman Drive

#### **1.2 Planning History**

On November 6, 2012, the City of London accepted an application for an Official Plan and Zoning By-law Amendment for the properties at 3130 & 3260 Dingman Drive from the PenEquity Realty Corporation. The requested amendment sought an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 (\_)/ASA7(\_)/ASA8) Zone and an Open Space (OS1) Zone to allow for 50,183m<sup>2</sup> of commercial retail use, 13,564m<sup>2</sup> of commercial recreational use, 3,921m<sup>2</sup> cinema use, a gas bar use and a passive recreational use. The subject lands were previously zoned Restricted Service

Commercial (RSC) as well as Light Industrial and Community Shopping Area but used as a woodlot and for agricultural purposes at the time. The application was addressed at the June 18, 2013, meeting of the Planning and Environment Committee. Council resolved on June 26, 2013, that the requested application be referred back to staff to modify the zoning by-law. The stated purpose of the referral was to examine the potential for a solution that would include holding provisions to the Zoning By-law which would ensure: *“the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch”*.

The decision of Council was subsequently appealed to the Ontario Municipal Board. On June 30, 2015, the Board issued its decision, following the withdrawal of the appeal by Greenhills SC Ltd.

Subsequently, a Site Plan Application (SPA17-111) was approved in 2018 to develop a development concept with a mix of commercial, retail and service uses. The new South London Costco development was approved through SPA17-117, and subsequently amended through SPA22-060. The initial phase of development on the subject lands implemented the east and west stormwater (SWM) ponds, as well as the private Roxburgh Road extension and Phase 1 Dingman Drive off-site road improvements.

In May 2023, Costco vacated the building at 4313 Wellington Road South, which is now vacant. Costco recently opened their new warehouse and gas bar on a 6.9 hectares parcel, municipally known as 3140 Dingman Drive, which is outside the subject lands. On-site civil works including a new municipal sewer, site servicing, SWM ponds, grading, the Roxburgh Road extension, and offsite road improvements in Dingman and Wellington Road South were completed on the subject lands in order to permit the opening of the new Costco and associated gas bar at 3140 Dingman Drive.

### **1.3 Property Description and Location**

The subject property is located on the north side of Dingman Drive, west of Wellington Road South and south of Highway 401. Several addresses are associated with the Roxburgh lands; however, 3055 Dingman Drive was the municipal address assigned to the overall parcel. As such, the subject property will be addressed as 3055 Dingman Drive/Roxburgh Road in this staff report.

The site, municipally known as 3055 Dingman Drive/Roxburgh Road has a frontage of 377 metres along Dingman Drive and a lot area of approximately 22.5 hectares. The subject site, municipally known as 4313 Wellington Road South, has a frontage of 153 metres along Wellington Road South and lot area of approximately 4.5 hectares. Both sites will be accessed by way of a private spine road which connects Dingman Drive and Roxburgh Road, with access points from both roads. The lands are generally graded to allow for future development phases. The subject site is serviced by public transit LTC route 30.

#### **Site Statistics:**

##### **3055 Dingman Drive/Roxburgh Road**

- Current Land Use: Vacant apart from Roxburgh Road extension and SWM ponds
- Frontage: 377 metres (1,237 feet)
- Depth: 583 metres (1,913 feet)
- Area: 22.4 hectares (55.35 acres)
- Shape: irregular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

##### **4313 Wellington Road South**

- Current Land Use: Vacant with former Costco building vacated in May 2023

- Frontage: 153 metres (502 feet)
- Depth: 259 metres (850 feet)
- Area: 4.5 hectares (11.12 acres)
- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

**Surrounding Land Uses:**

- North: Provincial Highway 401, open space, commercial uses
- East: Urban Thoroughfare and interchange to Highway 401, commercial uses and light industrial uses
- South: open space, agricultural and industrial uses
- West: Provincial Highway 401, open space, commercial, industrial and agricultural uses.

**Existing Planning Information:**

- Existing The London Plan Place Type: Shopping Area Place Type and Green Space Place Type
- Existing Special Policies: Southwest Area Secondary Plan (SWAP) – Commercial Land Use
- Existing Zoning:
  - 3055 Dingman Drive/Roxburgh Road: Associated Shopping Area Commercial (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone
  - 4313 Wellington Road South: Associated Shopping Area Commercial (ASA8) Zone

Additional site information and context is provided in Appendix “C and D”.

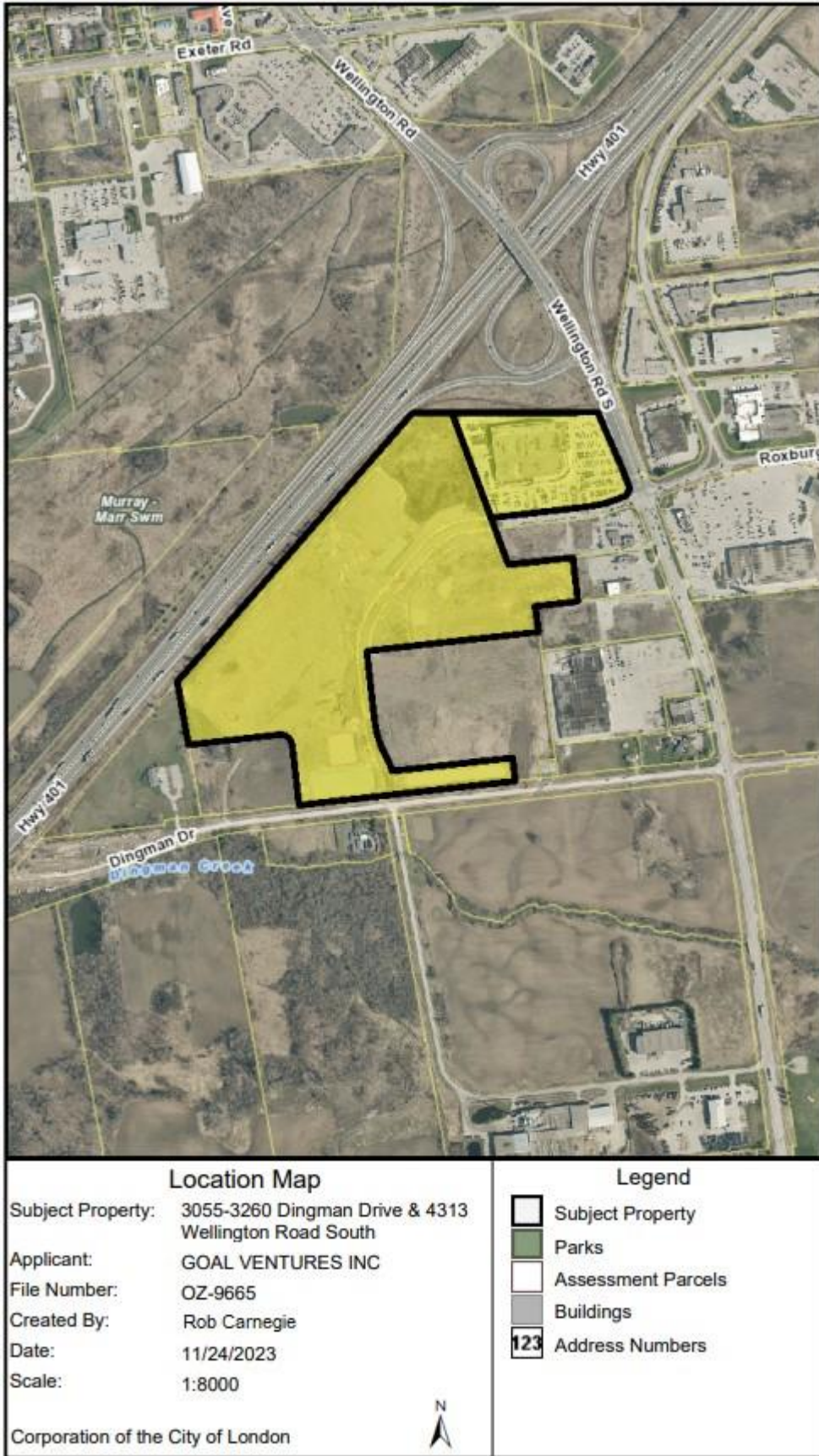


Figure 1- Aerial Location Map of 3055 Dingman Drive/Roxburg Road on the left & 4313 Wellington Road South on the right.



Figure 2: Streetview of the subject lands looking north from Roxburgh Road



Figure 3: Streetview of the subject lands looking north from Dingman Road



Figure 4: Streetview of the subject lands looking southeast from Highway 401

## 2.0 Discussion and Considerations

### 2.1 Proposal

The applicant is proposing a site-specific Official Plan amendment to the Shopping Area Place Type of The London Plan, and Zoning By-law amendment to broaden the permitted uses to include light industrial uses such as warehousing/distribution, self-storage and craft brewery. The proposal would permit a mix of warehouse/distribution uses along with commercial retail developments on the proposed subject lands. The proposed zoning would allow for the vacant building (former Costco building) at 4313 Wellington Road South to remain in the interim and be available for re-tenanting to either a commercial or light industrial use as the subject lands develop.

A concept plan for future development on the site is shown as Figure 5. This plan is conceptual and combines a 'Phase 1' component on lands G1-B (most westerly parcel



fronting Highway 401 East) for warehouse type uses with the former Costco Building in the interim. The remaining concept plan is as per the Master Site Plan approved in 2019 (SPA17-109, SPA17-111, SPA17-117).

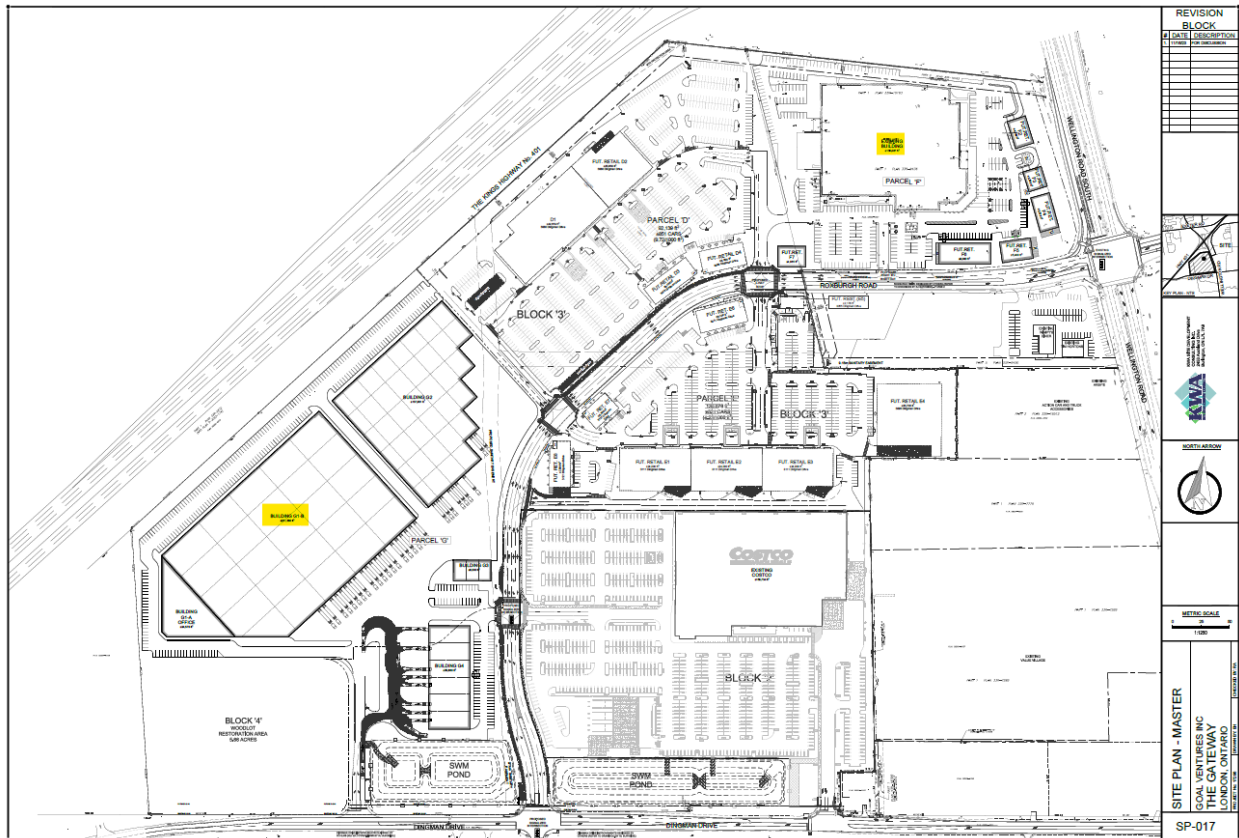


Figure 5: Conceptual Site Plan with Phase 1 component (G1-B) and former Costco lands highlighted (Received November 2023)

Additional information on the development proposal is provided in Appendix “C”.

## 2.2 Requested Amendment(s)

The applicant has requested to add a Site-Specific Policy to include a range of light industrial uses to the Shopping Area Place Type in The London Plan, and to Map 7: Specific Policy Areas to help facilitate the future development of the subject lands. The applicant has also requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone, to an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)/(h-55\*h-212\*LI1(\_)) Zone. The rezoning request is that all Zoning By-law Z.-1 use permissions under the Light Industrial (L16) and LI10) Zone variations be applied in addition to the existing uses:

- Light Industrial (LI6):
  - a) Any use permitted in the LI1 Zone variation;
  - b) Any use permitted in the LI2 Zone variation;
  - c) Building or contracting establishment
  - d) Storage depots;
  - e) Terminal centres;
  - f) Transport terminals.
- Light Industrial (LI10):
  - a) Self-storage establishments
- Light Industrial (LI1):
  - a) Bakeries;
  - b) Business service establishments;
  - c) *Laboratories*;
  - d) Manufacturing and assembly industries;

- e) Offices support;
  - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
  - g) Pharmaceutical and medical product industries;
  - h) Printing, reproduction and data processing industries;
  - i) Research and development establishments;
  - j) Warehouse establishments;
  - k) Wholesale establishments;
  - l) Custom workshop – Z-1-051390;
  - m) *Brewing on premises establishment* – Z-1-051390;
  - n) Service Trade – Z-1-071679;
  - o) Existing Self-Storage Establishments – Z-1-132230;
  - p) Artisan Workshop – Z-1-172561;
  - q) Craft Brewery – Z-1-172561;
  - r) Tow Truck Business – Z-1-223025.
- Light Industrial (LI2):
    - a) Any use permitted in the LI1 Zone variation;
    - b) *Dry cleaning and laundry plants*;
    - c) Food, tobacco and beverage processing industries excluding meat packaging;
    - d) Leather and fur processing excluding tanning;
    - e) *Repair and rental establishments*;
    - f) *Service and repair establishments*;
    - g) Service trades;
    - h) Textile processing industries

Uses identified in *italics* are currently permitted under the Associated Shopping Area (ASA) Zone variations on the subject lands.

### 2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- MTO requires submission of Traffic Impact Study. A holding provision is required.
- A remnant Green Space Place Type was identified on the subject lands. This has been updated as part of the Official Plan Amendment (Appendix A).
- An amending Development Agreement will be required for each phase. Site Plan Consultation will be required prior to the amending Development Agreement application for each phase.
- Provide a safe and comfortable public realm and support high-quality gateway image along Highway 401 East and Wellington Road South.

Detailed internal and agency comments are included in Appendix “D/E” of this report.

### 2.4 Public Engagement

On October 19, 2023, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 2<sup>nd</sup>, 2023. Two “Planning Application” signs were also placed on the site.

There were no responses received during the public consultation period.

### 2.5 Policy Context

***The Planning Act and the Provincial Policy Statement, 2020***

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### ***The London Plan, 2016***

*The London Plan* includes conditions for evaluating the appropriateness of Specific Area Policies where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (TLP 1729-1734).

The following conditions apply when considering a new Specific Area Policy:

1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.
2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.
3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.
4. The proposed use cannot be reasonably altered to conform to the policies of the place type.
5. The proposed policy is in the public interest and represents good planning.

Staff are of the opinion that all the above conditions have been met.

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

### ***Southwest Area Secondary Plan, 2014***

The subject site is within the boundary of the *Southwest Area Secondary Plan* (SWAP), which came into effect in 2014. The secondary plan provides vision, principles and policies to develop the Southwest Planning Area as a vibrant community and recognize it as a significant gateway into the City. The subject site is located within the Wellington Road/Highway 401 Neighbourhood. It is intended that the lands adjacent to Wellington Road South and the Highway 401 interchange will continue to provide a range and mix of commercial and office uses and continue to support and promote employment lands (20.5.15.i).

## **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration #1: Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing cost (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment.

Employment Areas are intended to be planned for, protected, and preserved for current and future uses. These areas shall ensure that the necessary infrastructure is provided to support current and projected needs. Specifically, planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (1.3.2.6).

Planning authorities shall also promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a))

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of new industrial uses that are suitable within the existing site context. The proposed amendment will facilitate development on a large vacant lot by making efficient use of the land while also contributing to the supply of employment lands within the city. The proposed use also intends to benefit and capitalize on the site's close proximity to the 401 Highway and is intended to support the movement of goods in a way that would minimize the length of vehicle trips.

### 4.2 Issue and Consideration #2: Amendment to The London Plan

At the core of The London Plan is the goal of planning for a prosperous London. Key Direction #1 sets out to plan for and promote strong and consistent growth and a vibrant business environment that offers a wide range of uses. It recognizes the strategic connection between building an exceptional city to live in, and our ability to compete with other cities for talent, business attraction and investment. Further, supports existing and emerging industrial sectors, ensures an adequate supply of employment lands, plan for cost-efficient growth patterns and plan to capitalize on London's position along the NAFTA superhighway (TLP 55\_1, 2, 9, 10, 11, 12).

The City Structure Plan gives a framework for London's growth and change over the next 20 years. As part of the Economic Framework, employment lands are identified in *Figure 17* of The London Plan. These lands are primarily clustered around the Veterans Memorial Parkway and Highway 401 corridors, which are important connections to the London International Airport and the North American free trade routes. These corridors support the majority of London's employment areas as defined by the *Provincial Policy Statement* (TLP\_136). The subject lands are not part of the employment lands, but are generally bounded by employment lands as identified in *Figure 17* of The London Plan.

The Shopping Area Place Type constitute an important part of London's complete communities, providing commercial centres with a wide range of retail, service, business, recreational, social, educational and government uses (TLP 871\_). The London Plan discourages the addition of new Shopping Area Place Types, recognizing the significant supply of sites that can accommodate commercial uses throughout the city (TLP 876\_2). Further, flexibility in the use and the intensification of existing centres

is allowed and repurposing, reformatting, infill and intensification of existing centres to take advantage of existing services and to use land more efficiently is encouraged (TLP 876\_1, 2).

The London Plan provides that a big part of London's prosperity in 2035 will rely on the growth of our industrial sector (TLP 1104\_). In 2035 our industrial sector will be burgeoning. Capitalizing on the quality of life in our city as one of our strongest marketing tools, we will be highly attractive to a youthful labour force and the best and the brightest that many companies are looking for. We will be strongly connected to the region and the world with our valuable Highway 401 and 402 corridors which we will use to brand and market to millions of potential investors that pass along our part of the NAFTA Superhighway each day. We will blend the industrial sectors that have been pillars of growth in London for decades with new sectors that will provide abundant opportunities for economic activities (TLP 1106\_). Industrial lands have been strategically located where there is a strong demand for them, and where they are well connected to the region and the world – locations that have easy access to rail, the airport, major highways, and the existing industrial sectors that have evolved over time (TLP 1107\_).

### *Southwest Area Secondary Plan*

The principles of the SWAP include providing for a range of land uses (SWAP 20.5.1.4 a)). A key goal of the SWAP is to provide for a competitive place to work and invest through encouraging the growth of employment land opportunities, while protecting ample, high accessible land that will provide a long-term supply of strategically positioned employment lands (SWAP 20.5.1.4 ii).

The subject site is located within the Commercial designation. The primary permitted uses revert to the underlying Shopping Area Place Type in The London Plan, which support a wide range of retail, commercial and office uses.

### Analysis

As discussed in Section 2.5 of this Report, The London sets out policies for Specific Areas that may be considered in limited circumstances where the following conditions apply (TLP 1729-1734):

- 1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.*

The recommended site-specific amendment is in keeping with The London Plan Shopping Area Place Type policies and Key Directions by promoting strong and consistent growth and a vibrant business environment that offers a wide range of uses. The recommended amendment provides for flexibility in the use and intensification of an existing shopping centre by allowing for repurposing, reformatting, infill or intensification of existing centres to take advantage of existing services and to use land more efficiently (TLP 876\_1).

- 2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.*

The site-specific amendment to the Shopping Area Place Type to permit a range of light industrial uses while maintaining the Shopping Area Place Type on the subject site does not have an adverse impact on the integrity of the Shopping Area Place Type or other relevant parts of this Plan. Commercial or light industrial uses at this location will avail of easy access to significant transportation corridors and will be located near similar uses. As detailed in Section 4.3 of this Staff Report, the recommended uses are not considered noxious or requiring significant mitigation or setbacks and will not impact adjacent lands and are compatible with the existing commercial uses in the area. Further, no Neighbourhoods Place Type is abutting the lands, and the recommended site-specific amendment would restrict residential uses on the subject lands.

- 3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.*

The site-specific amendment would permit a range of light industrial uses on a vacant lot in the proximity to Highway 401, allowing for easy access and safe and efficient movement of goods. The site is located near a broad range of retail, commercial and light industrial uses and is bounded by employment lands. The site is of a unique, large size of 26.9 ha that is mostly vacant, with the exception of the former Costco building. Further, the subject site is located within the urban growth boundary and would utilize existing services and infrastructure and contribute to the supply of commercial and light industrial lands near Highway 401.

- 4. The proposed use cannot be reasonably altered to conform to the policies of the place type.*

A site-specific amendment to the Shopping Area Place Type is required to permit a range of light industrial uses such as warehousing/distribution, self-storage and craft brewery. These requested light industrial uses are not listed under the permitted use policies of the Shopping Area Place Type, but are compatible with the existing commercial in the surrounding area and light industrial in the vicinity further to the east and south.

- 5. The proposed policy is in the public interest and represents good planning.*

The site-specific amendment is in the public interest and represents good planning as it facilitates the introduction of new industrial uses that are suitable within the existing site context near employment lands. The amendment supports long-term economic prosperity by promoting opportunities for economic development and community investment-readiness, and is located near Highway 401 to allow for easy access.

Staff are of the opinion that all the above conditions regarding the appropriateness of Specific Area Policies have been met.

### **4.3 Issue and Consideration #3: Use**

The London Plan provides that Shopping Areas in London will differ in size and function, ranging from neighbourhood-oriented centres of a small to medium scale, to very large centres that attract residents from several neighbourhoods or even the city as a whole (TLP 871\_). These centres will be designed and developed to create a sense of place and identify and to establish an identifiable hub for commerce and neighbourhood services (TLP 872\_). A broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted within the Shopping Area Place Type. The Shopping Area Place Type allows for flexibility in use and the intensification of existing centres, and encourages the repurposing, reformatting, infill and intensification of existing centres (TLP876\_4). Uses with large amounts of outdoor storage, large warehouse components, storage of heavy vehicles, and/or emitting noise, vibration, or dust will not be permitted within the Shopping Area Place Type as well as uses that are not compatible with residential and retail uses (TLP 877\_3). The applicant has requested that the Official Plan Amendment would restrict residential uses as they are not compatible with the proposed light industrial uses.

#### **Southwest Area Secondary Plan**

The primary permitted uses for the Commercial designation in the Wellington Road/Highway 401 Neighbourhood are uses permitted within the New Format Regional Commercial Node, Auto-oriented Commercial Corridor, Office Area, Regional Facility and Light Industrial designations of the previous Official Plan for the City of London; the *1989 Official Plan*. With the London Plan in full force and effect, the former light industrial use permissions under *SWAP* have been removed and reverts back to the underlying Place Type of The London Plan, which in this case is the Shopping Area Place Type.

## Analysis

As previously noted, the subject lands are at a unique location in the City, with close proximity to highway 401 and surrounded by several light industrial areas. As such, Staff are of the opinion that a wider range of uses which are light industrial in nature are considered appropriate. However, based on the application proposed, a number of the requested light industrial uses are anticipated to have an adverse effect on the surrounding commercial uses in terms of noise, smoke, odour or visual appearance and are not compatible with retail uses. Based on the above, requested light industrial uses with large outdoor or heavy vehicle storage components or uses that emit noise, vibration or dust are not being recommended by Staff as part of the proposed amendment. The following list summarizes requested light industrial uses that are not recommend to be included to the permitted uses as part of this Official Plan and Zoning By-law Amendment.

- Light Industrial (LI6):
  - g) Terminal centres;
  - h) Transport terminals.
  
- Light Industrial (LI1):
  - d) Manufacturing and assembly industries
  - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
  - g) Pharmaceutical and medical product industries;
  - h) Printing, reproduction and data processing industries;
  - i) Research and development establishments;
  - r) Tow truck Business
  
- Light Industrial (LI1):
  - e) Manufacturing and assembly industries
  - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
  - g) Pharmaceutical and medical product industries;
  - h) Printing, reproduction and data processing industries;
  - i) Research and development establishments;
  - r) Tow truck Business
  
- Light Industrial (LI2):
  - c) Food, tobacco and beverage processing industries excluding meat packaging;
  - d) Leather and fur processing excluding tanning;
  - h) Textile processing industries

These uses are not compatible with the broad range of retail, service, office, entertainment, recreational, educational, institutional and residential uses permitted in the Shopping Area Place Type and would undermine the long-term vision for the Shopping Area Place Type.

#### **4.4 Issue and Consideration #4: Intensity & Form**

The London Plan allows for more intense and efficient use of Shopping Area sites through redevelopment, expansion, and the introduction of residential development. Buildings within the Shopping Area Place Type will not exceed four storeys in height, buildings up to six storeys may be permitted in conformity with Our Tools policies of The London Plan (TLP 878\_2). Development within the Shopping Area Place Type will be sensitive to adjacent land uses and employ such methods as transitioning building heights and provide sufficient buffers to ensure compatibility (TLP 878\_4).

Policies for the Wellington Road/Highway 401 Neighbourhood in SWAP, speak to providing a range and mix of commercial and office uses, and continue to support and promote employment lands. The Wellington Road South and Highway 401 area will be

characterized by an integrated streetscape having quality and varied built forms. Parking facilities will be screened by small floorplate buildings adjacent to Wellington Road South and Highway 401. Other hard surface and loading areas along these road frontages are discouraged. The overall site design and built form of commercial and industrial buildings along the road edge of Wellington Road South and Highway 401 will support a high-quality gateway image (TLP 1125\_2 and 1125\_3), which is highlighted in the staff recommendation as a consideration for the Site Plan Approval Authority. Enhanced landscaping along the gateway corridors shall be required as new development or redevelopment occurs in this area (SWAP 20.5.15.ii).

No development is being proposed as part of this Official Plan & Zoning By-law Amendment, and Site Plan approval will be required for any buildings or structures that deviate from the existing Development Agreement (SPA17-111) registered on title. Issues such as access, vehicle turning movements, location of parking, building placement, landscaping, pedestrian connections and other compatibility matters will be addressed at Site Plan.

#### **4.5 Issue and Consideration #5: Green Space Place Type**

The subject site contains a remnant Green Space Place Type, based on Map 1 – Place Types of The London Plan. Based on the approved Site Plan Application (SPA17-109) from 2018, this remnant Green Space Place Type appears to be a mapping error, as the vegetation patches were previously removed in 2017 when the lands were rough graded to allow for future development. Ecology staff agrees that no natural heritage features remain on the subject lands. The remnant Green Space Place Type is proposed to be removed as part of a future City-initiated House-Keeping Amendment to The London Plan.

## **Conclusion**

The applicant has requested an amendment to the Official Plan by adding a new policy to the Specific Policies for the Shopping Area Place Type and amending Map 7 – Special Policy Areas – of The London Plan by adding the subject site to the list of Specific Policy Areas. This site-specific amendment to the Shopping Area Place Type would permit a range of light industrial uses on the subject lands. Further, the applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial Zone to an Associated Shopping Area Commercial Special Provision/holding Light Industrial Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with the holding provisions and special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan, including the Conditions for Special Area Policies, and will permit light industrial uses that are compatible with the Shopping Area Place Type, in addition to the existing commercial use permissions.

<b>Prepared by:</b>	<b>Isaac de Ceuster, Planner Planning Implementation</b>
<b>Reviewed by:</b>	<b>Mike Corby, MCIP, RPP Manager, Planning Implementation</b>
<b>Recommended by:</b>	<b>Heather McNeely, MCIP, RPP Director, Planning and Development</b>
<b>Submitted by:</b>	<b>Scott Mathers, MPA, P.Eng. Deputy City Manager, Planning and Economic Development</b>



Copy:  
Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. C.P.-XXXX-

A by-law to amend the Official Plan, The London Plan for the City of London, 2016 relating to 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on January 23, 2024.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024

**AMENDMENT NO.  
to the  
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to add a policy to the Specific Policies for the Shopping Area Place Type and add the subject lands to Map 7 – Specific Policy Areas - of the City of London to permit a limited range of light industrial uses and would restrict residential uses subject to the policies for the Shopping Area Place Type contained in the Urban Place Types part of this Plan.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South in the City of London.

**C. BASIS OF THE AMENDMENT**

The site-specific amendment is consistent with the PPS and policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment facilitates a broader range of uses of a site within the Wellington Road/Highway 401 Neighbourhood. The recommendation provides for a limited range of light industrial uses that are compatible with the Shopping Area Place Type and address the demand for serviced, light industrial lands along the Highway 401 corridor, allowing easy access for the proposed uses.

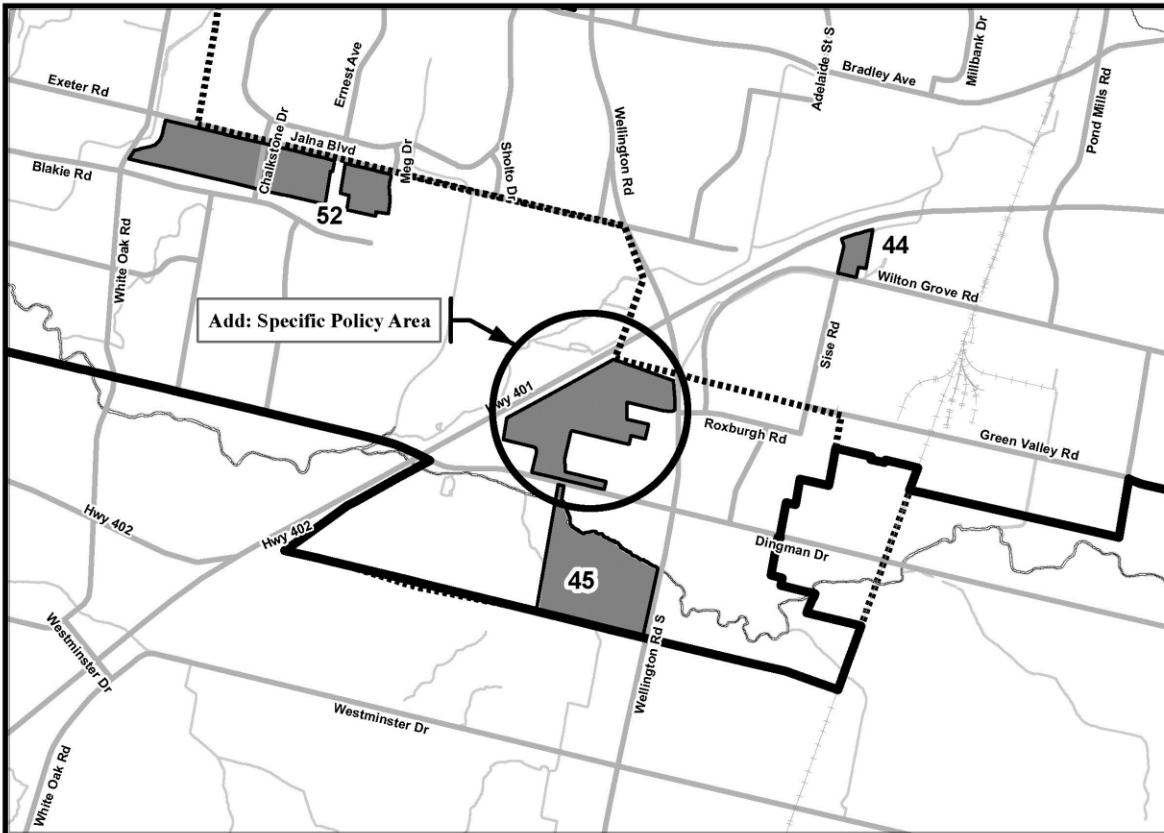
**D. THE AMENDMENT**

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

1. Specific Policies for the Shopping Area Place Type of Official Plan, The London Plan, for the City of London is amended by adding the following:  
  
(\_\_) In the Shopping Area Place Type at 3055 Dingman Drive/ Roxburgh Road & 4313 Wellington Road South, a limited range of light industrial uses including warehousing/distribution, self-storage and craft brewing may be permitted.
2. Map 7 - Specific Policy Areas, to the Official Plan, The London Plan, for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 3055 Dingman Drive/ Roxburgh Road & 4313 Wellington Road South in the City of London, as indicated on “Schedule 1” attached hereto.

“Schedule 1”

AMENDMENT NO:

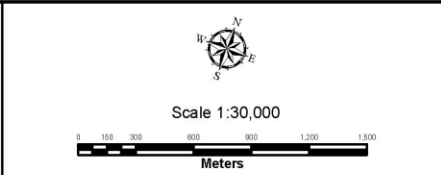


LEGEND	BASE MAP FEATURES
Specific Policies	Streets (See Map 3)
Rapid Transit and Urban Corridor Specific-Segment Policies	Railways
Near Campus Neighbourhood	Urban Growth Boundary
Secondary Plans	Water Courses/Ponds

*This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.*

**SCHEDULE 1  
TO**  
**OFFICIAL AMENDMENT NO. \_\_\_\_\_**

PREPARED BY: Planning & Development



**FILE NUMBER:** OZ-9665  
**PLANNER:** ID  
**TECHNICIAN:** RC  
**DATE:** 11/27/2023

Document Path: E:\Planning\Projects\p\_officialplan\workconsol\00\amendments\_LondonPlan\OZ-9665\Projects\AMENDMENT\_Map7\_SpecialPolicyAreas\_b&w\_8x11.mxd

## Appendix B – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3055 Dingman Drive/Roxburgh Road & 4313 Wellington Road South

WHEREAS KWA Site Development Consulting Inc. on behalf of PenEquity Realty Corporation applied to rezone an area of land located at 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to The London Plan;

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 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South, as shown on the attached map comprising part of Key Map No. A111, **FROM** an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone **TO** an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)/h-55\*h-212\*LI1(\_)) Zone.
2. Section Number 40.4 of the Light Industrial Zone is amended by adding the following Special Provisions:

LI1(\_) 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South

a. Additional Permitted Uses:

- i) Building or contracting establishment;
- ii) Storage depot;
- iii) Self-storage establishments;
- iv) Bakeries;
- v) Business service establishments;
- vi) Manufacturing and assembly industries (does not include household waste recycling depots);
- vii) Offices support;
- viii) Warehouse establishments;
- ix) Wholesale establishments;
- x) Custom workshop;
- xi) Service trade;
- xii) Existing Self-Storage Establishments;
- xiii) Artisan Workshop;
- xiv) Craft Brewery;

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

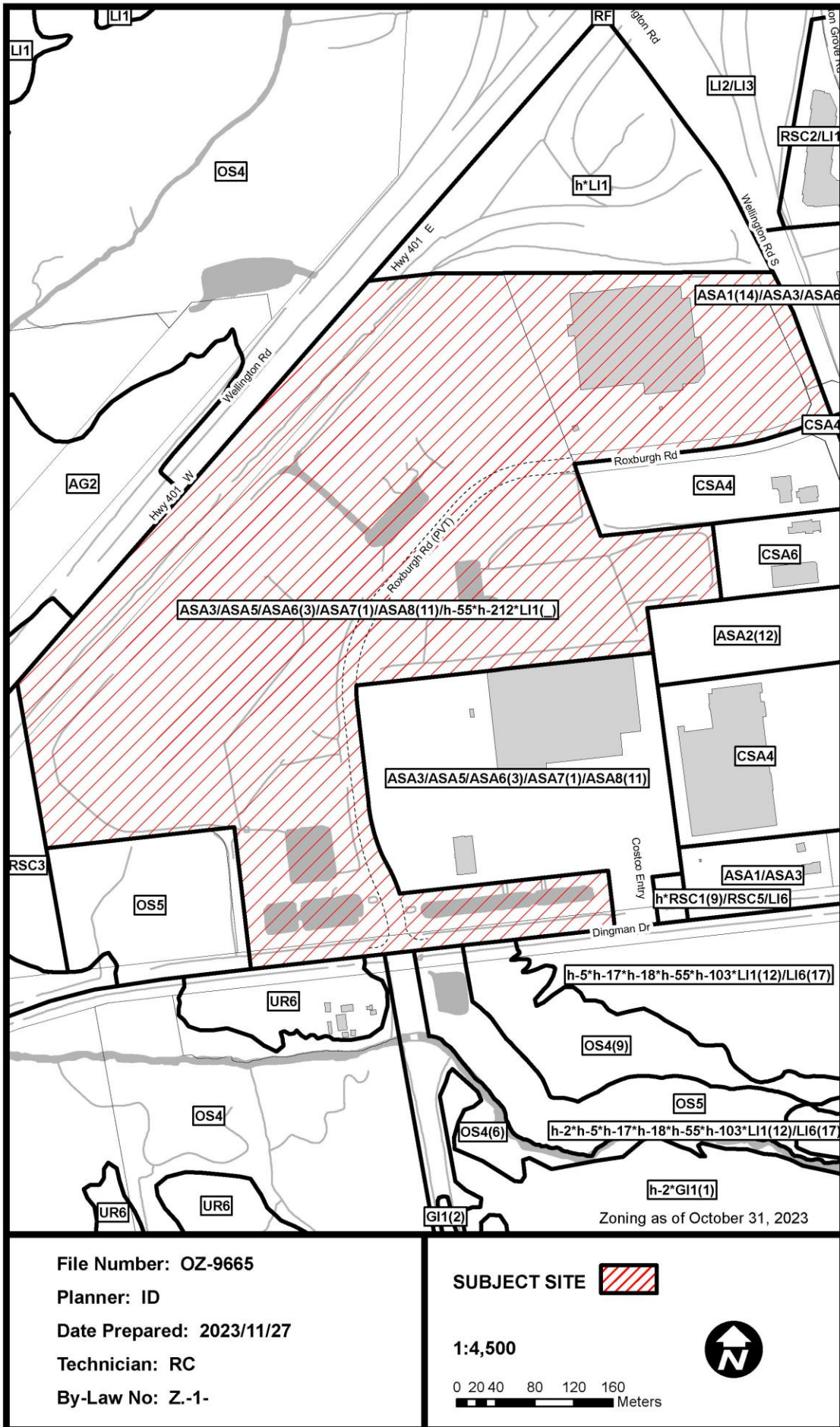
PASSED in Open Council on January 23, 2024

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024

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



File Number: OZ-9665  
 Planner: ID  
 Date Prepared: 2023/11/27  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:4,500

0 20 40 80 120 160 Meters



Geodatabase

## Appendix C - Site and Development Summary

### A. Site Information and Context

#### Site Statistics 3055 Dingman Drive/Roxburgh Road

Current Land Use	Vacant
Frontage	377 metres (1,237 feet)
Depth	583 metres (1,913 feet)
Area	22.4 hectares (55.35 acres)
Shape	irregular
Within Built Area Boundary	No
Within Primary Transit Area	No

#### Site Statistics 4313 Wellington Road South

Current Land Use	Vacant commercial building
Frontage	153 metres (502 feet)
Depth	259 metres (850 feet)
Area	4.5 hectares (11.12 acres)
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Highway 401, open space, commercial uses
East	Urban Thoroughfare and interchange to Highway 401, commercial and light industrial uses
South	Open space, agricultural and industrial uses
West	Highway 401, open space, agricultural, commercial, and industrial uses

#### Proximity to Nearest Amenities

Major Intersection	Wellington Road South & Dingman Drive, 500 metres
Dedicated cycling infrastructure	Wellington Road South, 1,040 metres
London Transit stop	Roxburgh Road, 220 metres
Public open space	White Oaks Park, 2,300 metres

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Shopping Area Place Type, Urban Thoroughfare (Wellington Road South) & Civic Boulevard (Dingman Drive)
Current Special Policies	Wellington Road/Highway 401 Neighbourhood of Southwest Area Secondary Plan
Current Zoning	Associated Shopping Area Commercial (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone

#### Requested Designation and Zone

Requested Place Type	Shopping Area Place Type with Special Policy
Requested Special Policies	To permit light industrial uses including warehousing/distribution, self-storage and craft brewing



Requested Zoning	Associated Shopping Area Commercial (h-55( )*ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone
------------------	--

# Appendix D – Additional Plans and Drawings

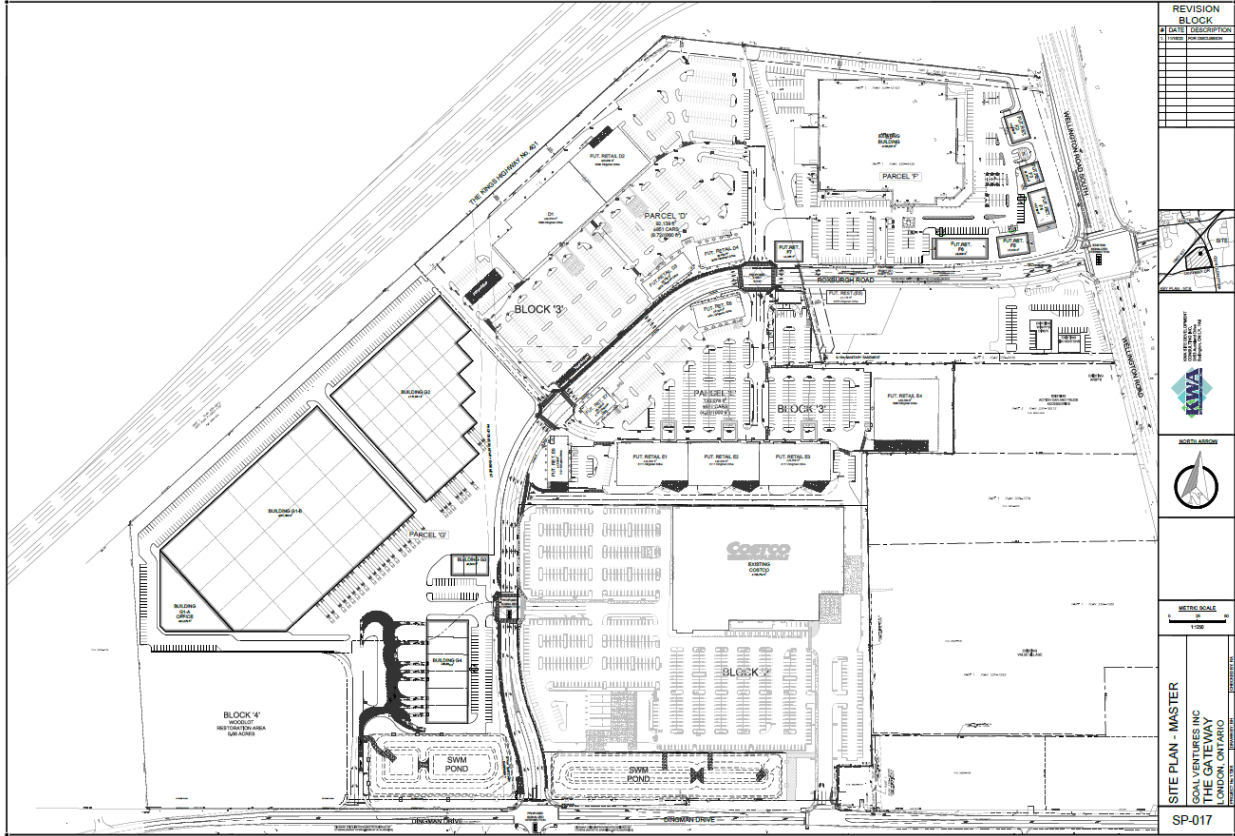
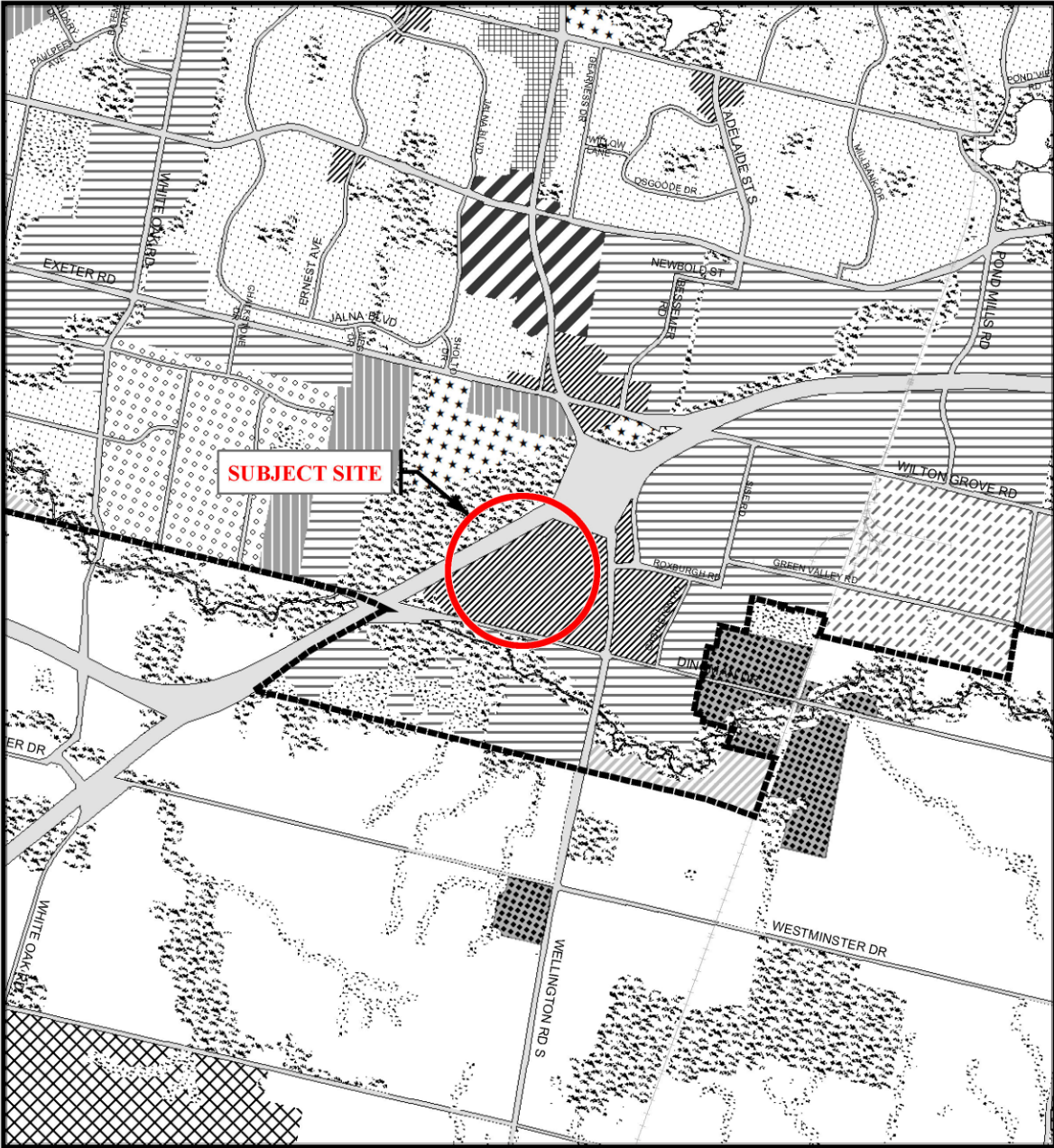


Figure 7: Conceptual Site Plan (Received November 2023)



**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

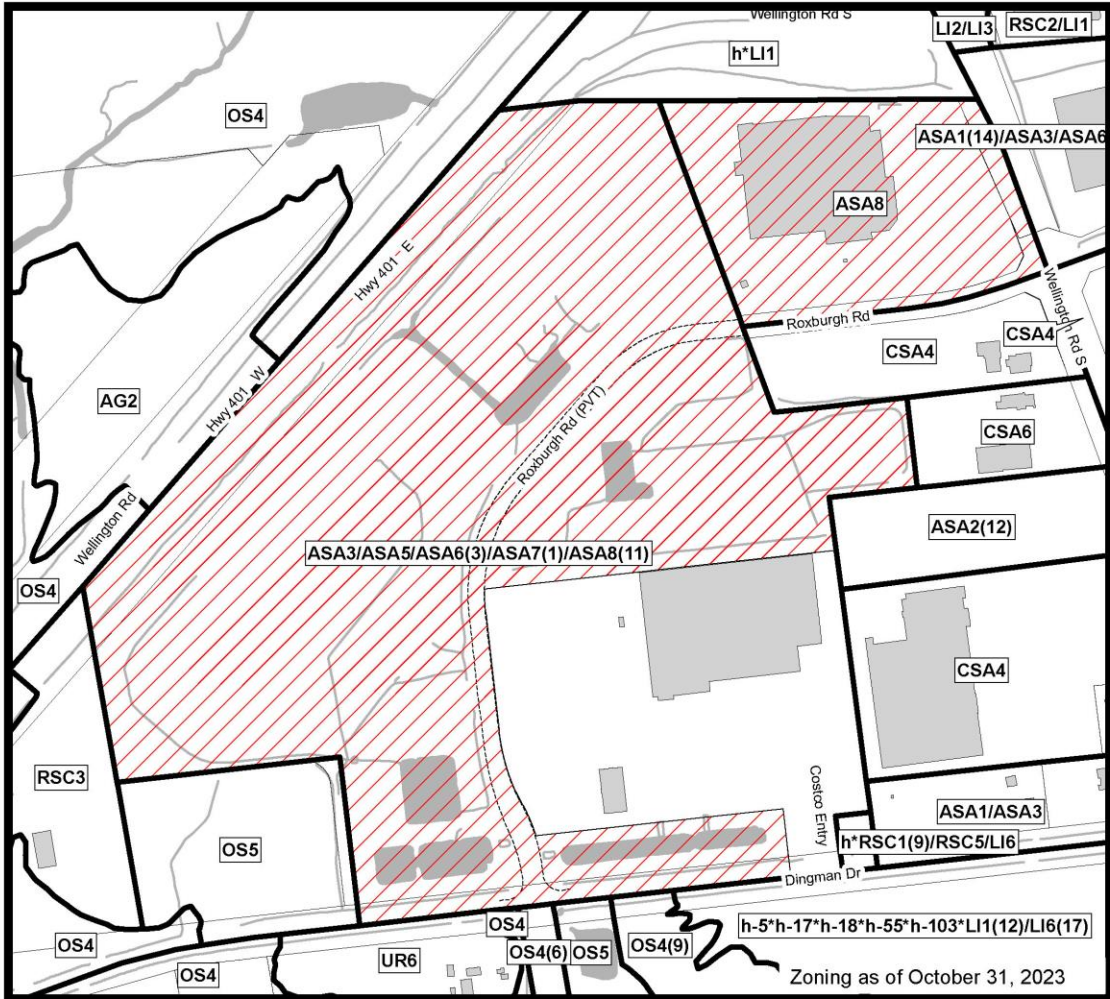
*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning & Development

Scale 1:30,000  
 0 150 300 600 900 1,200 1,500  
 Meters

**File Number:** OZ-9665  
**Planner:** ID  
**Technician:** RC  
**Date:** 2023/11/27

Project Location: E:\Planning\Projects\p\_officialplan\workconso\00\excerpts\_LondonPlan\mxds\OZ-9665-Map1-PlaceTypes.mxd



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

1) *LEGEND FOR ZONING BY-LAW Z-1*

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            |                                   |
| R7 - SENIOR'S HOUSING                     | OS - OPEN SPACE                   |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | CR - COMMERCIAL RECREATION        |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | ER - ENVIRONMENTAL REVIEW         |
| R10 - HIGH DENSITY APARTMENTS             |                                   |
| R11 - LODGING HOUSE                       | OB - OFFICE BUSINESS PARK         |
| DA - DOWNTOWN AREA                        | LI - LIGHT INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | GI - GENERAL INDUSTRIAL           |
| CSA - COMMUNITY SHOPPING AREA             | HI - HEAVY INDUSTRIAL             |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | EX - RESOURCE EXTRACTIVE          |
| BDC - BUSINESS DISTRICT COMMERCIAL        | UR - URBAN RESERVE                |
| AC - ARTERIAL COMMERCIAL                  |                                   |
| HS - HIGHWAY SERVICE COMMERCIAL           | AG - AGRICULTURAL                 |
| RSC - RESTRICTED SERVICE COMMERCIAL       | AGC - AGRICULTURAL COMMERCIAL     |
| CC - CONVENIENCE COMMERCIAL               | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION           | TGS - TEMPORARY GARDEN SUITE      |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION          |
| OR - OFFICE/RESIDENTIAL                   | "h" - HOLDING SYMBOL              |
| OC - OFFICE CONVERSION                    | "D" - DENSITY SYMBOL              |
| RO - RESTRICTED OFFICE                    | "H" - HEIGHT SYMBOL               |
| OF - OFFICE                               | "B" - BONUS SYMBOL                |
|   | "T" - TEMPORARY USE SYMBOL        |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

OZ-9665

ID

MAP PREPARED:

2023/11/27

RC

1:5,000

0 25 50 100 150 200

Meters

## Appendix E – Internal and Agency Comments

### Parks Planning – Received November 17, 2023

#### Major Issues

- None.
- 
- Matters for OPA/ZBA
  - None.
- Matters for Site Plan
  - Parkland dedication will be required in the form of cash in lieu, for all uses except industrial uses that are exempt pursuant to By-law CP-25 and will be finalized at the time of site plan approval.

### Urban Design – Received October 25, 2023

Please find below the Urban Design comments for the OZ at 3033 Dingman Drive & 4313 Wellington Road South (OZ-9665):

- As per The London Plan [TLP], the subject site has frontage to a Provincial Highway, an Urban Thoroughfare and a Civic Boulevard and is located within the Shopping Area Place Type, which does not contemplate the proposed use. [TLP 877\_3]. However, the site is designated as a “New Format Regional Commercial Node” as part of the Wellington Road/Highway 401 Neighbourhood in the Southwest Area Secondary Plan (SWASP), which contemplates Light Industrial uses (SWASP, 20.5.15.iii).
- **Urban Design is generally supportive of the proposal, provided the wide range of proposed uses (e.g., commercial, office and light industrial) offers a safe and comfortable public realm and supports a high-quality gateway image along Highway 401 East and Wellington Road South. [SWASP 20.5.15.ii]**

#### Matters for Site Plan

Provide a detailed site plan and a full set of dimensioned elevations for all sides of the proposed built forms. Further urban design comments may follow upon receipt of the drawings.

### London Hydro – Received November 15, 2023

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

### Landscape Architecture – Received October 20, 2023

- I do not have any comments to provide on the OPA OZ-9655.

### Heritage – Received November 21, 2023

Portions of the property are still identified as having archaeological potential, however, given that no development/soil disturbance is proposed at this time, an Archaeological Assessment is not required.

### Site Plan – Received November 20, 2023

An Amending Development Agreement will be required for each phase. A Site Plan Consultation will be required prior to the Amending Development Agreement application for each phase where detailed comments will be provided at that time.

### Ministry of Transportation (MTO) – Received November 21, 2023

The Ministry of Transportation (MTO) has completed a review of application OZ-9665. The application has been considered in accordance with the requirements of the *Public Transportation and Highway Improvement Act*, MTO's Highway Access Management Manual and all other related MTO policies. The following outlines MTO comments:

The subject properties are located adjacent to Highway 401, and fall within MTO's Permit Control Area (PCA). As such, MTO permits are required before any demolition, grading, construction or alteration to the site(s) commence.

Highway 401 at this location is classified as a **1A Freeway** in MTO's Access Management Classification System. All requirements, guidelines and best practices in accordance with this classification shall apply.

These comments are based on information received to date and are subject to change upon new or updated documents being provided.

### **Traffic Impact Study**

For MTO to consider support the proposed development / amendments, MTO will require the applicant to submit a Traffic Impact Study (TIS) to MTO for review and acceptance, indicating the anticipated volumes of traffic and its impact upon the provincial highway network.

- The TIS will be prepared by a Registry, Appraisal and Qualification System (RAQS) qualified transportation consultant in accordance with MTO TIS Guidelines attached.
- The MTO list of Prequalified Engineering Service Providers (ESPs), completing Traffic Impact Analysis is publicly available on [MTO Technical Documents website](#), under Qualifications.
- MTO requires the traffic consultant to submit a TIS scope of work for MTO to review, to ensure MTO concerns are addressed.
- Should improvements be identified as warranted and as a condition of MTO permits, the improvements will be designed and constructed to the standards and approval of MTO at the cost of the applicant.
- MTO suggests the owner engage in pre-consultation with MTO to discuss the existing and proposed trip distribution in tabular and a diagram with the volumes distributed in the network. MTO staff would be available to attend a pre-study meeting.

This TIS must be developed in conjunction with the ongoing Comprehensive TIS, which the City of London is currently undertaking.

### **Official Plan Amendment & Zoning Bylaw Amendment**

Within the Official Plan Amendment and Zoning By-Law Amendment, MTO recommends that a holding provision be placed on the subject lands;

*Provide a Traffic Impact Study, to the satisfaction of the Ministry of Transportation of Ontario.*

MTO will require that a draft of any proposed amendments to the Official Plan or Zoning be provided to MTO for review, prior to approval.

### **MTO Comments - Permits**

In addition to the above TIS comments, MTO provides the following comments which MTO will require to issue permits;

1. MTO Building and Land Use Permits are required prior to any modification of the site(s). As a condition of MTO permits, the following will be required:
  - The Proponent shall submit an acceptable Site Plan, Grading Plans, Drainage Plans, Erosion Control Plans and Site Servicing Plans for MTO review and approval. These plans shall clearly identify all structures/works and parking (existing and proposed).
  - MTO requires all buildings, structures and features integral to the site to be located a minimum of 14m, inclusive of landscaping features, fire-lanes, parking and storm water management facilities.
  - 
  - To ensure that stormwater runoff from this property does not adversely affect the Highway drainage system or the highway corridor, MTO will require the owner to submit a Storm Water Management Report along with the above-noted grading/drainage plans for the proposed development for our review and approval.
    - For a comprehensive set of MTO drainage related documentation requirements, please refer to the following link:  
<http://www.mto.gov.on.ca/english/publications/drainage-management.shtml>
2. Grading and earth works shall not extend onto MTO owned lands without the approval of MTO.
3. The property owners are required to erect a security fence along MTO's property limits, extending along the entire east and south boundaries of the subject lands. The security fence shall be a minimum of 1.8 metres in height, shall be offset a minimum 0.3 metres away from the existing designated highway property limit, and shall be clearly identified on all plans.
4. Any signage visible from Highway 401, including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit before installation.

**Upper Thames River Conservation Authority (UTRCA) – Received November 24, 2023**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

**BACKGROUND AND PROPOSAL**

The subject lands are located in south London and currently are mostly vacant (3055 Dingman Drive) with a portion containing the former Costco building (4313 Wellington Road South). The subject lands are located within the *Shopping Area Place Type* of the London Plan, and are zoned for an extensive range of uses within the *Associated Shopping Area ASA3, ASA5, ASA6(3), ASA7(1), and ASA8(11)*.

The application is seeking to broaden the existing permitted uses on the lands to include light industrial uses such as warehouse/distribution, self-storage and craft brewery. Specifically, the applicant seeks to amend the Official Plan to include *Light Industrial* uses to the current *Shopping Area* designation in addition to the current permissions. The applicant further seeks to modify the existing *Associated Shopping Area* zone on a site-specific basis to permit light industrial uses. In addition, the amendment would modify the existing zoning on the former Costco lands to have the same zoning, as amended, as the rest of the lands subject to this application. The UTRCA has been involved in numerous previous discussions with the applicant related

to development requirements on these lands through various *Planning Act* application processes. Comments have been provided to both the applicant and the municipality through these processes.

## **DELEGATED RESPONSIBILITY AND STATUTORY ROLE**

Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS. The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

### **CONSERVATION AUTHORITIES ACT - Section 28 Regulations, Ontario Regulation 157/06**

The subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of:

- A riverine flooding hazard associated with Dingman Creek and its tributaries.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA’s Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

## **NATURAL HAZARDS**

As indicated, the UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority’s regulations with respect to site alteration and development activities.

The UTRCA’s natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

### **3.2.2 General Natural Hazard Policies**

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

### **3.2.3 Riverine Flooding Hazard Policies**



These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements.

**DRINKING WATER SOURCE PROTECTION: Clean Water Act**

For policies, mapping and further information pertaining to drinking water source protection; please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

**MUNICIPAL PLAN REVIEW FEES**

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications and the peer review of technical studies. The applicant will be invoiced, under separate cover, as follows:

Official Plan Amendment (minor)	\$580
Zoning By-law Amendment (minor)	\$580
TOTAL:	\$1,160

The aforementioned fees are based on our 2023 fee schedule. Additional Planning Act application submissions will be subject to additional review fees.

We remind the applicant that an additional Section 28 permit application will be required for any development within the regulation limit. The fee associated with the required Section 28 Permit application will be determined upon review of the submissions.

**SUMMARY AND RECOMMENDATIONS**

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with Dingman Creek and its tributaries. UTRCA staff has had numerous previous discussions with the applicant to review the requirements for development on these lands.

As there is no development being proposed, the UTRCA has no objections to the applications. The UTRCA will continue working with the applicant through the Site Plan process to implement specific development requirements when a development concept comes forward for future uses of the lands.

We would like to remind the applicant that written approval from the UTRCA is required prior to undertaking any works within the regulated area, including but not limited to site alteration, grading or development.

Thank you for the opportunity to comment.

Yours truly,

**UPPER THAMES RIVER CONSERVATION AUTHORITY**

Aisling Lavery  
Land Use Planner I

Enclosure: UTRCA Regulation Limit mapping (please print on legal paper for accurate scales)

c.c.: Mike Corby, City of London

## Appendix F – Public Engagement

On October 19, 2023, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 2<sup>nd</sup>, 2023. Two “Planning Application” signs were also placed on the site.

There were no responses received during the public consultation period.

## REPLACEMENT PAGE (Page 139 of the PEC Agenda)

### Analysis

As previously noted, the subject lands are at a unique location in the City, with close proximity to highway 401 and surrounded by several light industrial areas. As such, Staff are of the opinion that a wider range of uses which are light industrial in nature are considered appropriate. However, based on the application proposed, a number of the requested light industrial uses are anticipated to have an adverse effect on the surrounding commercial uses in terms of noise, smoke, odour or visual appearance and are not compatible with retail uses. Based on the above, requested light industrial uses with large outdoor or heavy vehicle storage components or uses that emit noise, vibration or dust are not being recommended by Staff as part of the proposed amendment. The following list summarizes requested light industrial uses that are not recommend to be included to the permitted uses as part of this Official Plan and Zoning By-law Amendment.

- Light Industrial (LI6):
  - a) Terminal centres;
  - b) Transport terminals.
  
- Light Industrial (LI1):
  - ~~d) Manufacturing and assembly industries~~
  - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
  - g) Pharmaceutical and medical product industries;
  - h) Printing, reproduction and data processing industries;
  - i) Research and development establishments;
  - r) Tow truck Business
  
- Light Industrial (LI1):
  - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
  - g) Pharmaceutical and medical product industries;
  - h) Printing, reproduction and data processing industries;
  - i) Research and development establishments;
  - r) Tow truck Business
  
- Light Industrial (LI2):
  - c) Food, tobacco and beverage processing industries excluding meat packaging;
  - d) Leather and fur processing excluding tanning;
  - h) Textile processing industries

These uses are not compatible with the broad range of retail, service, office, entertainment, recreational, educational, institutional and residential uses permitted in the Shopping Area Place Type and would undermine the long-term vision for the Shopping Area Place Type.

#### **4.4 Issue and Consideration #4: Intensity & Form**

The London Plan allows for more intense and efficient use of Shopping Area sites through redevelopment, expansion, and the introduction of residential development. Buildings within the Shopping Area Place Type will not exceed four storeys in height, buildings up to six storeys may be permitted in conformity with Our Tools policies of The London Plan (TLP 878\_2). Development within the Shopping Area Place Type will be sensitive to adjacent land uses and employ such methods as transitioning building heights and provide sufficient buffers to ensure compatibility (TLP 878\_4).

Policies for the Wellington Road/Highway 401 Neighbourhood in SWAP, speak to providing a range and mix of commercial and office uses, and continue to support and promote employment lands. The Wellington Road South and Highway 401 area will be

**From:** Jug Manocha

**Sent:** Monday, January 8, 2024 5:56 AM

**To:** PEC <pec@london.ca>

**Cc:** De Ceuster, Isaac <ideceust@london.ca>; KEN PATPATIA

**Subject:** [EXTERNAL] OZ-9665 and address (3055 Dingman Drive & 4313 Wellington Rd S) of the application.

Dear Planning Committee Members

We became aware of this application by watching the TV news. We were mistakenly not notified of this application, but we own properties that are within the area where we should have been notified of this application. We were too late to provide our comments on this application but the planner advised us to contact the planning committee directly due to the oversight.

As per attached city map, we have completed a land assembly that consists of parcels 3405 (3405 Dingman Drive 3356 and 3226 Westminster Road). The property consists of Parcel A – 62 acres, Parcel B 85 acres and Parcel C 95 acres. Assembly consists of approximately 242 acres with approximately 150 acres inside the growth boundary. Our properties were similar to those subject of this application and both properties were part of the former M1 and M2 Westminster zoning.

These zoning allow for commercial and industrial development on lands close to the 401 and 402 corridor. Our property assembly abuts the Convertus (formerly Orgaworld) to the east that will be composting London organic waste in addition to Torontos. This shows that there are already many mixed uses in the area.

We are in the process of development as our lands have exposure on the 401/ 402 highways, and these are attractive for commercial and industrial purposes ( photo attached of Parcel A)

Unfortunately, sometimes as private developers, there is a perception that the city provides industrial lands at reduced rates and also controls where industrial developments may occur. In fairness, the attached map was provided by the city as an alternate site for industrial development lands.

We recognize that it is in the past, but our site was the one preferred by SYSCO who ended up locating in Woodstock because they wanted the highway exposure and the city would only provide lands on Airport Road that did not meet their highway criteria. We should not miss these types of opportunities for job creation and economic growth in the present and the near future. We think that the private industrial investments can supplement the limited industrial lands and collectively take advantage of the 401/402 traffic corridor.

Comments on the application:

1. We are in support of the application as there are already industrial lands adjacent to our properties off Dingman Drive and in the Roxburgh/ Wilton Grove Road areas.
2. Westminster Township had a long term vision to allow for this type of commercial and industrial zoning and developments as per attached map. The properties were not downzoned during the annexation process with the city of London (or a large amount of compensation would have had to be paid out). In this case, the proposed development falls into the zoning category envisioned by Township of Westminster zoning

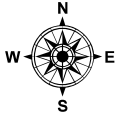
3. While we can appreciate that the city wants to see developments in the core area, Many of the commercial and entertainment facilities previously took advantage of the highway corridor under Westminster Township including the former home of the London Knights. We think that developments that create economic growth along the 401 corridor would pull business off the highway and create more job opportunities. Based on the attached picture, most businesses would like the highway sign exposure and appreciate that it is only a quick access from Wellington Road.
4. We appreciate that there have been changes in commercial and industrial demands. We support the changing uses with the changing market needs. We would like to see industrial lands and commercial lands development as envisioned by the former Westminster Township continue. We think this is in line with job creation and economic development for the city.

We appreciate the opportunity to comment.

Sincerely

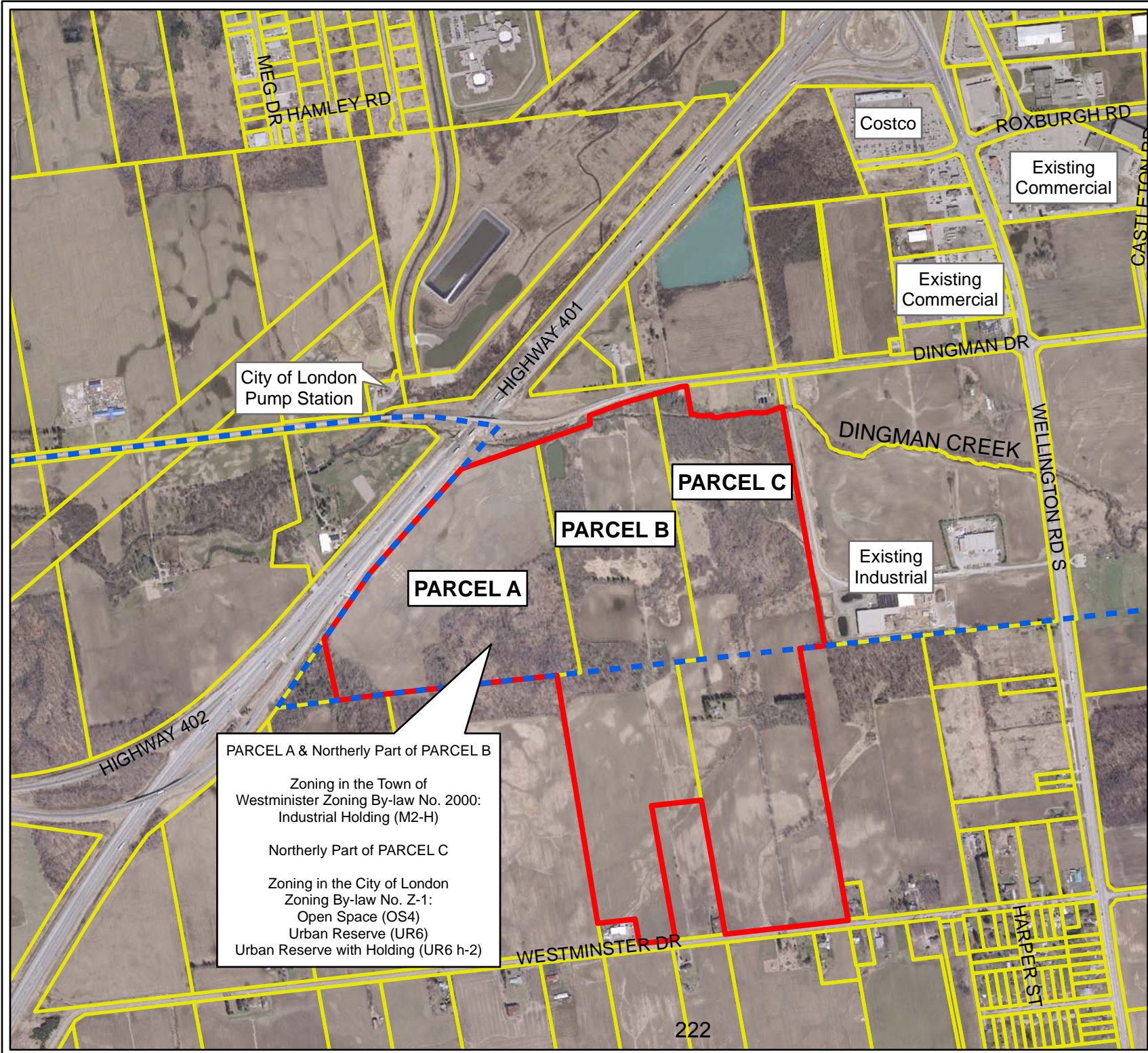
Jug Manocha  
401L Inc  
Ken Papatia  
1787996 Ontario Inc

# Appendix A: Context Map

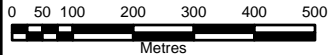


### Legend

- - - Urban Growth Boundary
- Subject Lands
- Parcels



**PARCEL A & Northerly Part of PARCEL B**  
 Zoning in the Town of Westminister Zoning By-law No. 2000: Industrial Holding (M2-H)  
 Northerly Part of PARCEL C  
 Zoning in the City of London Zoning By-law No. Z-1:  
 Open Space (OS4)  
 Urban Reserve (UR6)  
 Urban Reserve with Holding (UR6 h-2)



# *Potential Development Lands, London, ON*

## *401/402 Exposure inside Urban Growth Boundary*

*Parcel A 62 Acres*  
*Commercial Industrial Development*

402 E

402 W

401 E

401 W

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** SOFCO Properties  
3637 Colonel Talbot Road  
File Number: Z-9664, Ward 9  
Public Participation Meeting

**Date:** January 9, 2023

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of SOFCO Properties relating to the property located at 3637 Colonel Talbot Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 23, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a holding Residential R1 (h-17\*R1-16) Zone and an Open Space (OS4) Zone **TO** a Residential R1 Special Provision (R1-14(\_)) Zone, a Holding Residential R5 Special Provision (h-149\*h-121\*R5-2(\_)) Zone, and an Open Space (OS4) Zone;
- (b) The requested Special Provisions to facilitate the construction of a new detached garage in the front yard in the R1-14 zone, including i) permitting accessory buildings in the form of detached garages in the front yard, ii) permitting a front yard depth for garages of 4.5 metres whereas 8.0 metres is required, and iii) garage doors shall not face Colonel Talbot Road, **BE REFUSED** for the following reasons:
  - i) The requested Special Provisions do not conform to the policies of The London Plan, including City Design policies and Neighbourhood Place Type policies, nor the regulations of the Zoning By-law No. Z-1 with regards to location requirements for accessory buildings.
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - i) Planting as many replacement trees as possible on the subject lands.
  - ii) Implementing the recommendations of the Environmental Impact Study.

**IT BEING NOTED**, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *PPS 2020*;
- ii) The recommended amendment conforms to The London Plan, including but not limited to the Neighbourhoods Place Type, Open Space Place Type and Key Directions;
- iii) The recommended amendment conforms to the Southwest Area Secondary Plan, including the Lambeth Neighbourhood policies; and
- iv) The recommended amendment facilitates the development of an underutilized site within the Urban Growth boundary with an appropriate form of infill development at the rear of an existing detached dwelling lot.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Open Space (OS4) Zone and Holding Residential (h-17\*R1-16) Zone



to an Open Space (OS4) Zone, Residential R1 Special Provision (R1-14(\_)) Zone and Residential R5 Special Provision (R5-2(\_)) Zone, for a total of **30 residential units**.

The requested zoning special provisions would permit:

R5-2 Zone (townhouse block):

- A maximum lot coverage of 32%, whereas 30% is the maximum permitted.
- A minimum lot frontage of 10 metres, whereas 30 metres is the minimum required.

R1-14 Zone (retained single detached dwelling block):

- A maximum lot coverage of 28.5%, whereas 25% is the maximum permitted.
- A minimum rear yard setback of 2.45 metres, whereas 13.75 metres is the minimum required;
- A Front Yard Depth for Garages of 4.5 metres, whereas 8.0 metres is the minimum required.
- Notwithstanding Section 4.1.4.a), Accessory Buildings in the form of detached garages, shall be permitted within the Front Yard.
- Garage doors shall not face Colonel Talbot Road.

### **Purpose and the Effect of Recommended Action**

The recommended action will permit a townhouse development, consisting of 30 units at 2.5 storeys in height, with a total density of 27 units per hectare while retaining the existing single detached dwelling.

Staff are recommending approval of the R5-2(\_) zone and requested special provision related to lot coverage and reduced frontage for the townhouse block.

Staff are recommending approval of the R1-14(\_) zone and requested special provisions related to lot coverage and rear yard setback for the single detached dwelling block.

Staff are recommending refusal of the following special provisions related to a future proposed detached garage in the front yard of the existing single detached dwelling:

- Front Yard Garage Depth of 4.5 metres.
- Notwithstanding Section 4.1.4.a), Accessory Buildings in the form of detached garages, shall be permitted within the Front Yard.
- Garage doors shall not face Colonel Talbot Road.

The recommended action to refuse the above noted special provisions will thereby not allow the construction of a proposed garage in the front yard of the existing single detached dwelling.

Staff are recommending approval of the revision to the zone line for the Open Space (OS4) zone, consistent with the Environmental Assessment and channel reconstruction that has recently been completed reducing the encroachment of the floodplain on the subject site.

Holding provisions are also being recommended to ensure that development will not occur until sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer (h-149), and to ensure that flood proofing requirements are incorporated and/or dry, safe access to the Regulatory Flood Elevation is achieved to the satisfaction of the Upper Thames River Conservation Authority (h-121).

## **Linkage to the Corporate Strategic Plan**

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness** – London's growth and development is well planned and considers use, intensity and form.

- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter.

None

#### 1.2 Planning History

- OZ-6839 – Official Plan and Zoning By-law Amendment application to permit cluster housing.
- B.55/07 – Consent to sever off existing single detached dwelling lot.

#### 1.3 Property Description and Location

3637 Colonel Talbot Road is located along the west-side of Colonel Talbot Road, within the Talbot Planning District. The site has a frontage of 91 metres along Colonel Talbot Road, a depth of 158 metres and a total area of 15,342m<sup>2</sup>. The site currently consists of a single detached dwelling, a garage and a vacant barn that is proposed to be demolished and removed. The lands are generally flat, sloping toward the ravine to the north, and consists of manicured lawn.

Colonel Talbot Road is an arterial road/Civic Boulevard with an average annual daily traffic volume of 13,000 vehicles per day. Colonel Talbot Road is a Civic Boulevard with direct connection to Highways 401 and 402 to the south. Sidewalk connections are currently not provided in this section of Colonel Talbot Road: however, these are planned for future extension as development continues in the area.

The surrounding neighbourhood consist primarily of low density residential/single detached housing, open space, and future residential development. The subject site is also adjacent to a Plan of Condominium (39CD-20519) that is planned to create 24 townhouses to the north of Clayton Walk, and a Plan of Subdivision (39T-17503/OZ-8838) across Colonel Talbot Road to the east.

#### Site Statistics:

- Current Land Use: single detached dwelling
- Frontage: 91 metres (299 feet)
- Depth: 158 metres (518 feet)
- Area: 1.8 hectares (4.4 acres)
- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

#### Surrounding Land Uses:

- North: Clayton Walk Park, Dingman Creek and townhouses.
- East: agricultural lands planned for future development.
- South: single detached dwellings.
- West: single detached dwellings.

#### Existing Planning Information:

- Existing The London Plan Place Type: Neighbourhoods Place Type fronting a Civic Boulevard
- Existing Special Policies: Southwest Area Secondary Plan - Low Density Residential (Lambeth Neighbourhood)
- Existing Zoning: h-17\*R1-16, OS4

Additional site information and context is provided in Appendix “B and C”.

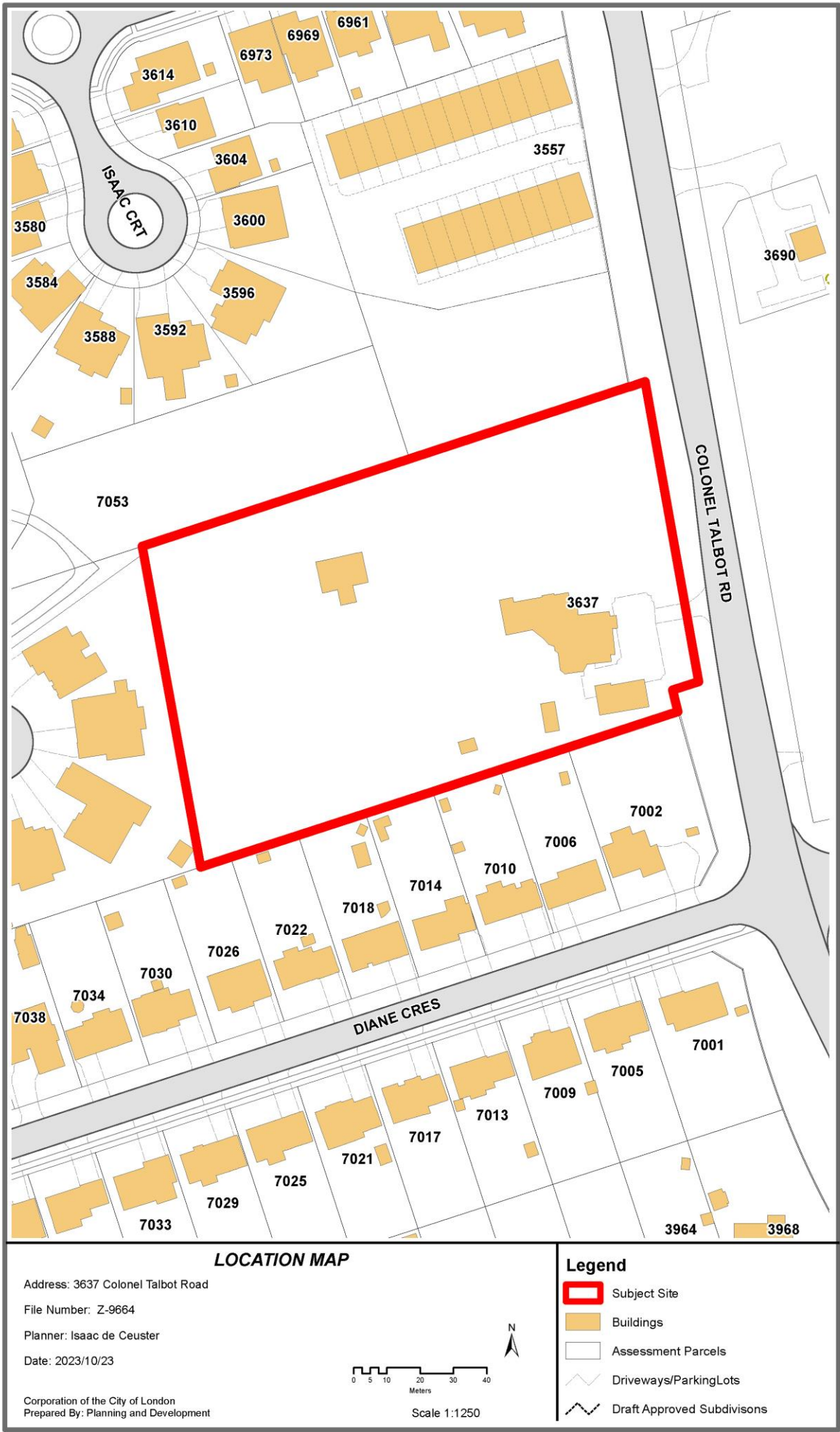


Figure 1- Location Map of 3637 Colonel Talbot Road and surrounding lands



Figure 2 - Streetview of 3637 Colonel Talbot Road (view looking west)

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

#### Original Conceptual Site Plan (October 2023)

The initial site concept plan submitted in support of the requested amendment showed a medium density infill development in the form of 5 townhouse buildings, each containing 5-8 residential dwelling units. A total of 30 units would be constructed on the 1.5ha site with an overall unit density of 27 units per hectare (UPH). The proposed site-layout would retain the existing single detached house at the front interfacing with Colonel Talbot Road and locating all townhouse units to the rear of the site. A pedestrian walkway network would connect the development to the future sidewalks on Colonel Talbot Road and the existing shared use path along the south boundary of Clayton Walk Park.

The existing driveway access would maintain private access to the existing single detached house, while the proposed driveway further north would provide entrance from Colonel Talbot Road to the townhouse units. The proposed development would provide for on-site parking, with approximately 2 spaces per unit. Private amenity space would be provided to the rear of each townhouse unit. The ravine to the north would add to the unique natural amenity space and would remain as natural open space.



Figure 3 - Conceptual Site Plan (Received October 2023)

**Revised Conceptual Site Plan (November 2023)**

In November 2023, the applicant submitted a revised conceptual site plan with the following changes:

- Two end units (unit #1 & unit #23) have been expanded to allow for larger ground floor area.
- Requested amendment to increase the R5-2 Special Provision for maximum lot coverage from 31% to 32%, whereas a maximum of 30% is permitted.

It is noted that through the revised conceptual site plan, the proposed building elevations remain unchanged.

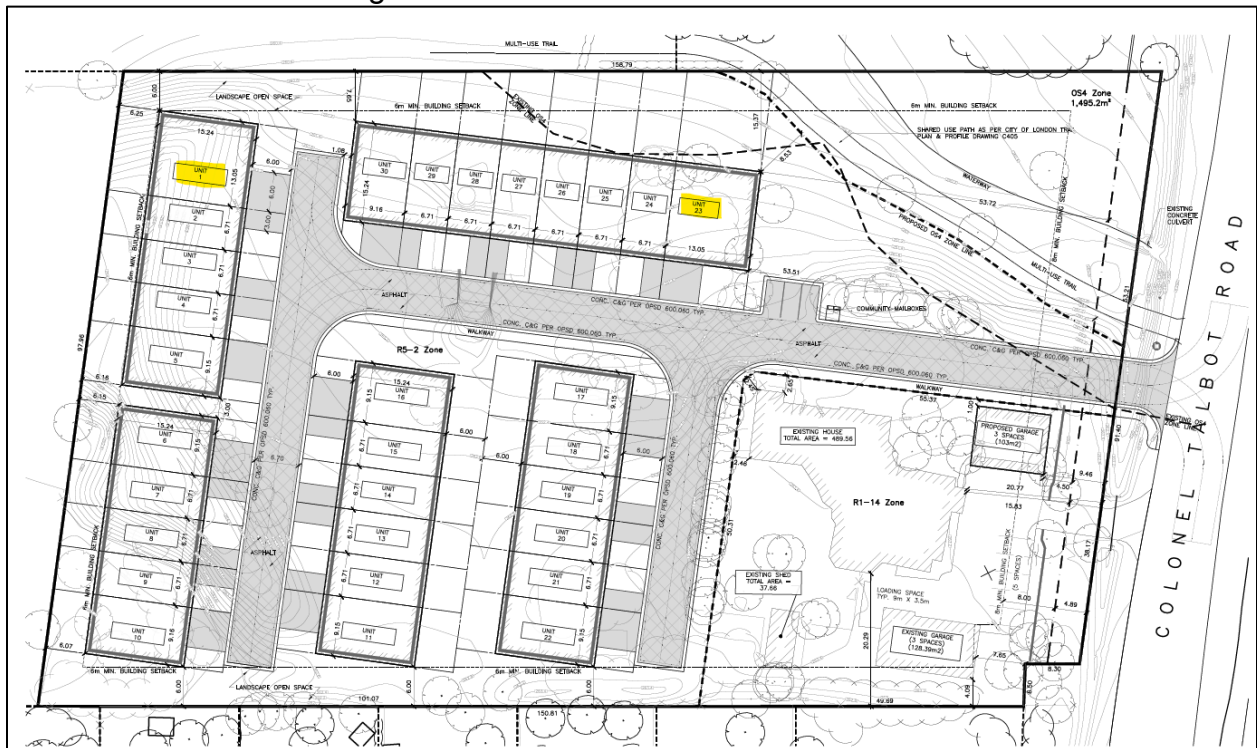


Figure 4: Revised Conceptual Site Plan (Received November 2023).

The proposed development includes the following features:

- Land use: residential
- Form: townhouse development
- Height: 2.5 storeys (less than 12 metres)
- Residential units: 30 additional units (existing single detached dwelling would be maintained)

- Density: 27 units / hectare
- Gross floor area: 4,317.4 m<sup>2</sup>
- Building coverage: 32%
- Parking spaces: 63 spaces (each unit has 1 space in driveway & 1 space in garage + 3 visitor spaces)
- Landscape open space: 45.7%
- Functional amenity space: 1,206 m<sup>2</sup>



Figure 5 – Conceptual Front Elevation Townhouse Development (Received October 2023)



Figure 6 – Conceptual Rear Elevation Townhouse Development (Received October 2023)

Additional plans and drawings of the development proposal are provided in Appendix “C and D”.

## 2.2 Requested Amendment(s)

The applicant has requested to amend the Zoning Bylaw Z.-1 to change the zoning of the subject lands from a holding Residential R1 (h-17\*R1-16) Zone and Open Space (OS4) Zone to a Residential R5 Special Provision (R5-2(\_)) Zone and Residential R1 Special Provision (R1-14(\_)) Zone and Open Space (OS4) Zone. The requested change would permit the use of the western portion of the subject lands for cluster townhouse dwellings, and permit the existing single detached dwelling on a reduced lot area on the eastern portion of the subject lands. The requested amendment also facilitates the rezoning of a portion of the Open Space (OS4) Zone at the northern portion of the subject lands to reflect the reduced encroachment of the Tributary 12 floodplain and associated Open Space zone into the subject lands. Additional information on the Tributary 12 reconstruction and floodplain reduction is provided in Section 4.4 of this Staff Report.

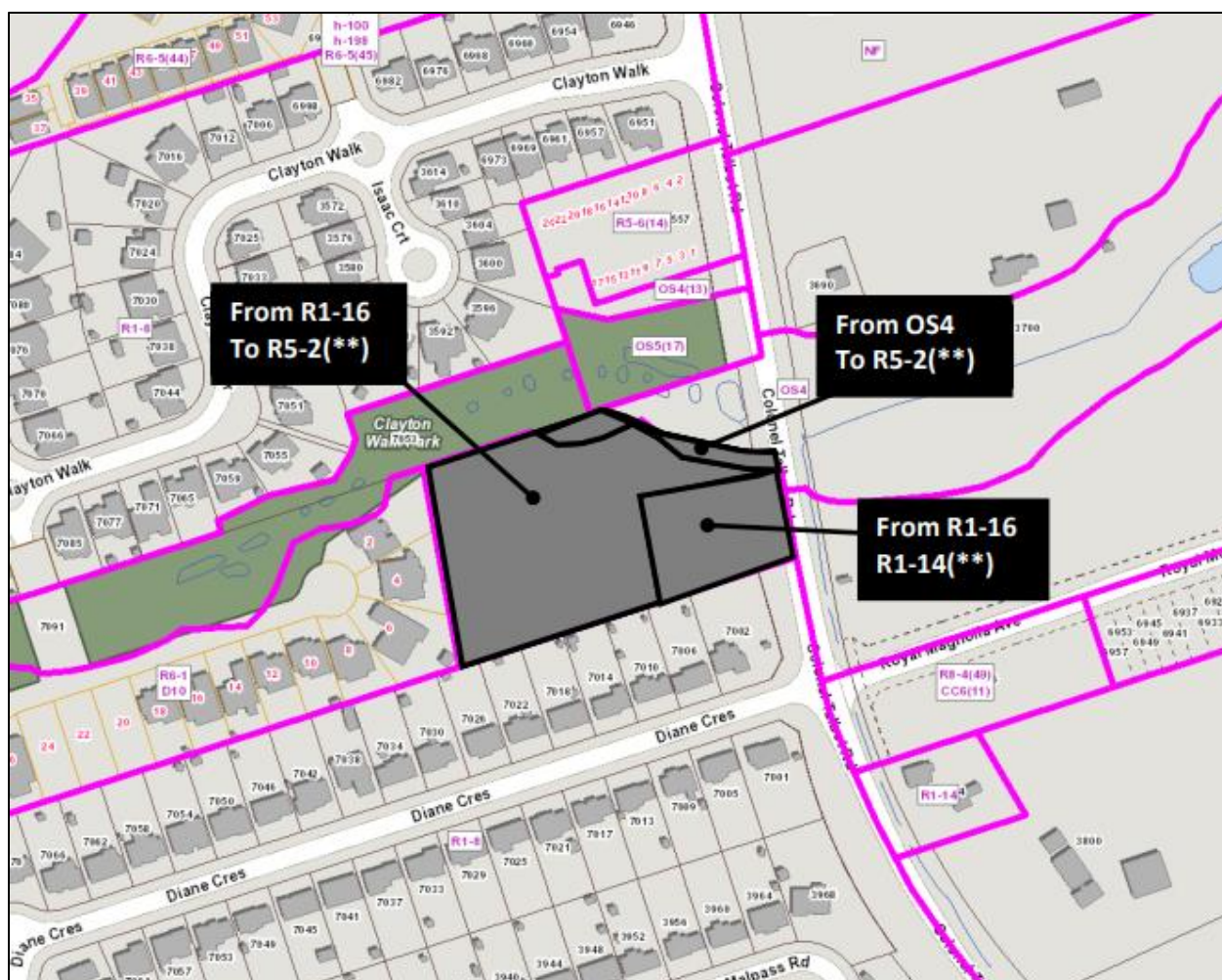


Figure 7: Proposed Zoning By-law Amendment 3637 Colonel Talbot Road.

The following table summarizes the special provisions that have been proposed by the applicant.

<b>Regulation (R1-14 Zone)</b>	<b>Required</b>	<b>Proposed</b>
Rear Yard Setback	13.75 metres	2.45 metres
Lot Coverage (%) Maximum	25%	28.5%
Front Yard Depth for Garages	8.0 metres	4.5 metres
Accessory Building Location	No Accessory Building shall be permitted within a required front yard or exterior side yard.	Notwithstanding Section 4.1.4.a), Accessory Buildings in the form of detached garages, shall be permitted within the front yard
Location Garage Doors	N/A	Garage doors shall not face Colonel Talbot Road
<b>Regulation (R5-2 Zone)</b>	<b>Required</b>	<b>Proposed</b>
Lot Coverage (%) Maximum	30%	32%
Lot Frontage (m) Minimum	30.0 metres	10.0 metres

Staff are recommending approval of the R5-2 zone including the special provision for coverage and frontage.

Staff are recommending approval of the R1-14 zone including the special provisions for coverage, and rear yard setbacks.

Staff are recommending refusal for three of the R1-14 requested special provisions related to the proposed new detached garage in the front yard of the existing single detached house:

- Front yard depth for garages of 4.5 metres.
- Notwithstanding Section 4.1.4.a), Accessory Buildings in the form of detached garages, shall be permitted within the Front Yard.
- Garage doors shall not face Colonel Talbot Road.

Staff are also recommending two holding provisions on the townhouse block to ensure the following:

- the development will not occur until such time as sanitary and stormwater servicing reports have been prepared and confirm that sanitary and stormwater management systems are implemented (h-149) and,
- flood proofing requirements are incorporated and/or dry, safe access to the Regulatory Flood Elevation is achieved to the satisfaction of the Upper Thames River Conservation Authority (h-121).

### **2.3 Internal and Agency Comments**

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Lack of full municipal sanitary sewer services available to service the site.
- Need for a stormwater servicing report and implementation of a stormwater management system/strategy.
- Requirement for dry access for the development given the proximity to the floodplain.
- Proposed garage and parking spaces in the front of the existing single detached dwelling are not supported.

The above noted concerns have been addressed through holding provisions and as well as the refusal of special provisions that facilitate the front yard garage for the existing dwelling.

Detailed internal and agency comments are included in Appendix “D” of this report.

### **2.4 Public Engagement**

On October 25, 2023, Notice of Application was sent to 79 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 2<sup>nd</sup>, 2023. A “Planning Application” sign was also placed on the site.

There were two responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Traffic, noise and amount of development in the area
- Impact of development on floodplain & trees
- Barn with colony of bats

Detailed public comments are included in Appendix “E” of this report.

### **2.5 Policy Context**

#### ***The Planning Act and the Provincial Policy Statement, 2020***

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires



that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with *The London Plan*, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### ***The London Plan, 2016***

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied or are being addressed through the recommended special provisions and holding provisions.

### ***Southwest Area Secondary Plan, 2023***

The subject lands are designated Low-Density Residential pursuant to Schedule 6 (Lambeth Neighbourhood Land Use Designations) of the *Southwest Area Secondary Plan* (SWAP). Within the Lambeth Neighbourhood, new residential development north of Longwoods Road will be of an intensity that is generally higher than achieved in other areas of the city, but is less than the intensity of the Bostwick Neighbourhood. The focus for new development is to be a mix of low to mid-rise housing forms, ranging from single detached dwellings to low-rise apartment buildings within individual subdivisions and throughout the neighbourhood (20.5.7). The subject site is within the Low-Density Residential Designation of the Lambeth Neighbourhood, where the primary permitted uses in the Low-Density Residential designation include single detached, semi-detached and duplex dwellings (7.1.ii). Multiple-attached dwellings, such as townhouses or cluster houses may be permitted provided that they do not exceed the maximum density of development permitted in policy 7.1.iii) a). Policy 7.1.iii) a) of SWAP provides that development shall occur at a minimum density of 15 units per hectare and a maximum density of 30 units per hectare.

The *Southwest Area Secondary Plan* (SWAP) has been reviewed in its entirety and it is staff's opinion that the proposed Zoning By-law Amendment is consistent with SWAP.

## **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

The proposed residential uses are supported by the policies of the Provincial Policy Statement, 2020 (PPS) that speak to creating healthy, livable and safe communities

(1.1.1). The uses are also contemplated in the Neighbourhoods Place Type where a property fronts a Civic Boulevard in The London Plan (Table 10). The proposed townhouse use aligns with the goals of the Neighbourhoods Place Type by contributing to neighbourhoods that allow for a diversity and mix of housing types that are compatible with the existing neighbourhood character (TLP 918\_2 and \_13). The residential use promotes housing for all Londoners and will help attract a diverse population to the City (TLP 57\_11).

The subject lands are located within the Lambeth Neighbourhood of the Southwest Area Secondary Plan, permitted uses include single-detached, semi-detached and duplex dwellings. Multiple-attached dwellings, such as townhouses or cluster houses may be permitted provided that they do not exceed the maximum density of development permitted in policy 7.1.iii) a), which is a maximum density of 30 units per hectare. The proposed townhouse development of 27 units per hectare is in keeping with the SWAP policies.

## **4.2 Intensity**

The proposed residential intensity is consistent with the policies of the PPS that encourage residential intensification, redevelopment and compact form (1.1.3.4), and a diversified mix of housing types and densities (1.4.1). The proposed residential intensity conforms with the Neighbourhoods Place Type in The London Plan which contemplates a maximum height of 4 storeys where a property has frontage on a Civic Boulevard (Table 11). As the applicant has provided heights of 2.5 storeys, the proposed development is in keeping with The London Plan policies.

Special provisions to permit a maximum lot coverage of 32% (R5-2 Zone), a maximum lot coverage of 28.5% (R1-14 Zone), and a reduced rear yard depth of 2.45 metres (R1-14) are considered minor and are being recommended.

The Southwest Area Secondary Plan contemplates a minimum density of 15 units per hectare and a maximum density of 30 units per hectare for the Low-Density Residential area of the Lambeth Area (7.1.iii) a)). Building heights shall not exceed four storeys and shall be sensitive to the scale of development in the surrounding area. The proposed development of 27 units per hectare and a maximum height of 2.5-storeys is in keeping with the SWAP policies.

The proposed residential intensity will facilitate an appropriate scale of development that makes efficient use of lands and services, and is compatible and complementary to the existing and planned residential development in the area and adjacent creek and ravine area.

## **4.3 Form**

With the exception of the proposed detached garage in the front yard of the existing house, which is addressed in section 4.4 below, the proposed built form is consistent with the Neighbourhoods Place Type and the City Design policies in The London Plan by facilitating an appropriate form and scale of residential intensification that is compatible with the existing neighbourhood character (TLP 953\_2). Specifically, the proposed built form supports a positive pedestrian environment through an internal sidewalk out to the multi-use trail and future sidewalk along Colonel Talbot Road. The development contributes to the mix of housing types within the Lambeth community helping support aging in place and affordability.

The townhouses proposed are to be situated behind the existing single detached dwelling, providing infill development to an underutilized lot within the urban growth boundary. Staff are supportive of the proposed special provisions for lot coverage and rear yard setback. Increasing the maximum lot coverage for the R5-2 Zone from 30% to 32% is a relatively minor increase, and the proposed site layout has identified that the property can accommodate the additional coverage appropriately. It should also be noted that the lot coverage does not include the lands zoned Open Space (OS4) on the subject site. Similarly, increasing the maximum lot coverage for the R1-14 Zone from

25% to 28.5% is a relatively minor increase, and is appropriate to reflect the reduced lot area of the single detached dwelling. Reducing the minimum rear yard setback for the R1-14 Zone from 13.75 metres to 2.45 metres is recommended to reflect the reduced lot depth and is considered appropriate as the functional portion of the rear yard is maintained for the single detached dwelling. In this case, the reduced rear yard setbacks refers to a specific pinch-point between the existing single detached dwelling and proposed zone line.

The proposed site design is appropriate given the size of the lot, even after taking into consideration the requested increases in lot coverage for the Residential R1 & Residential R5 Zones, and the reduced rear yard setbacks for the Residential R1 Zone. The site provides for private amenity space to the rear of each townhouse unit, with the ravine to the north remaining as natural open space. With the recommended amendment, no special provisions are required for height, landscaped open space, parking or density, indicating that the subject lands are of appropriate size to accommodate the proposed development.

Finally, the Southwest Area Secondary Plan promotes development that is compact, pedestrian-oriented and transit-friendly (3.9). The proposed development conforms to the policies and urban design objectives of SWAP.

#### **4.4 Proposed Detached Garage in Front Yard**

Staff are recommending refusal of the following three requested special provisions related to the existing single detached lot proposed to be rezoned R1-14(\_):

- Front Yard Garage Depth of 4.5 metres.
- Notwithstanding Section 4.1.4.a), Accessory Buildings in the form of detached garages, shall be permitted within the Front Yard.
- Garage doors shall not face Colonel Talbot Road.

The applicant is seeking to construct a new detached garage on the property to be retained for the existing single detached dwelling, and as a result is requesting these variances from the standard zoning regulations to plan for the future garage construction. The intent of prohibiting accessory buildings in the front yard and providing for garage setbacks is to provide for safe ingress and egress from parking spaces and to ensure accessory buildings and garages do not dominate the streetscape or cause sightline, vehicle or pedestrian conflicts.

It is the opinion of staff that there are alternative configurations of the properties that could accommodate a new detached garage elsewhere on the property, and in a manner that does not cause adverse impacts on the public street or to the safety of site users. Staff are encouraging the applicant to continue to investigate site design options that will locate any required parking facilities in appropriate locations, which may include providing shared access through the townhouse block to access parking on the single detached lot.

The special provision for garage doors not facing Colonel Talbot Street was provided by the applicant to try to mitigate concerns with the proposed garage location and setback. Since Staff are recommending refusal of the garage location and setback, the variance for garage door orientation is no longer applicable. Should Council decide to approve the location of the future detached garage, the special provision for garage door orientation is also recommended.

#### **4.5 Tributary 12 Reconstruction and reduced flood line**

Directly to the north of the subject site is the Southwinds Channel, also known as Tributary 12. The 250-year flood line of Tributary 12 encroaches into the northeast corner of the subject site, and is designated as an OS4 Zone. Under Section 36 of Zoning By-law Z.-1, the OS4 zone variation is intended for lands that are environmentally constrained as natural hazards lands.

The Dingman Creek Subwatershed Study identified that Tributary 12 represented an opportunity to incorporate stormwater controls with restoration of the stream corridor. The City of London conducted an Environmental Assessment to determine stormwater management solutions to facilitate development in south London for lands within the Urban Growth Boundary for the next 20 years. A design for reconstruction of Tributary 12 was completed in 2021, with construction completed in 2022.

One of the benefits of the tributary reconstruction is that it addressed existing and future flooding concerns along the Tributary 12 corridor. The original floodplain, demarcated as an Open Space Zone (OS4), has reduced in size and resulted in less encroachment into the subject site. As a result of the reduced flood line, the applicant is proposing to rezone a portion of the OS4 zone no longer within the flood plain to a R5-2 zone to facilitate the townhouse development. The requested amendment to shift the OS4 zone line is consistent with the findings of the Environmental Assessment and revised floodplain mapping. Staff are supportive of the revised zone line and associated zoning change from OS4 to Residential R5-2 for the portion that is no longer within the flood plain.

Figure 6 underneath compares the previous OS4 limits with the revised flood line in the context of the conceptual site plan. The green hatched area indicated the OS4 zone limit based on the 250-year flood line prior to Tributary 12 reconstruction. The purple hatched area shows the proposed 250-year flood line after reconstruction, based on the updated floodplain mapping for Tributary 12.

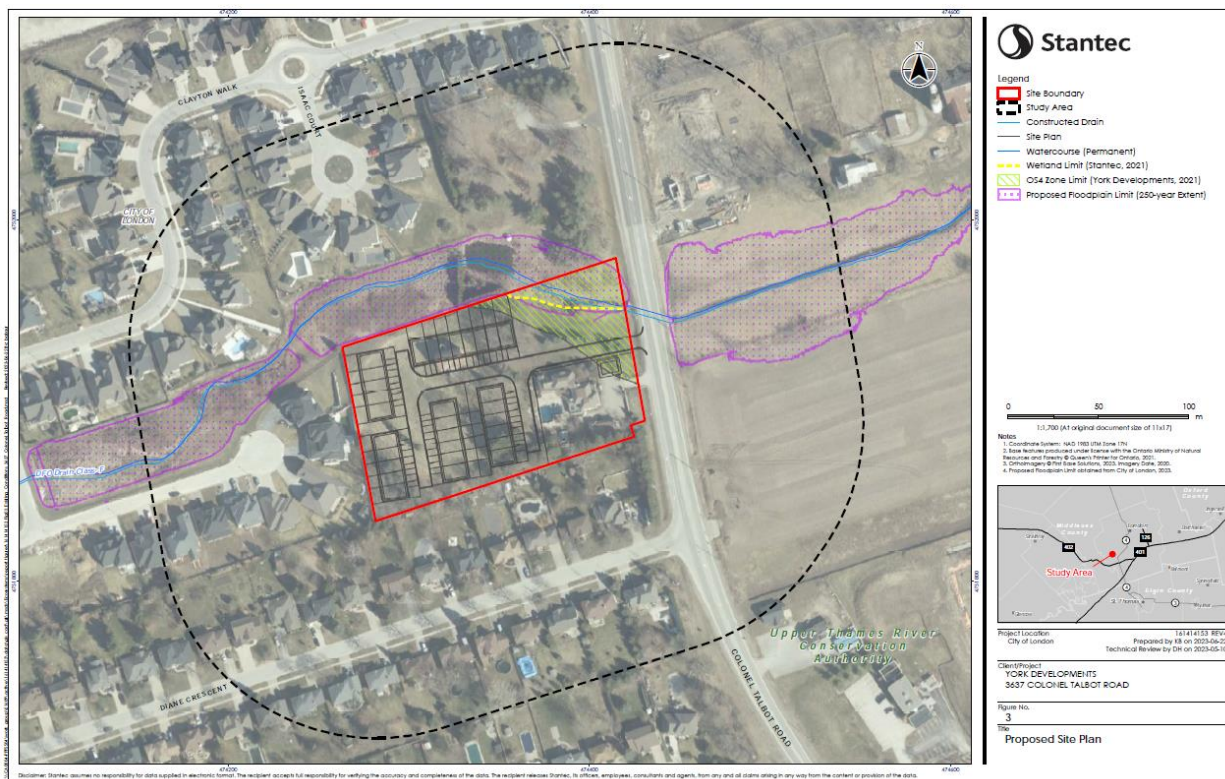


Figure 7: Natural Heritage Conditions with proposed Site Plan, Subject Land Status Report & Environmental Impact Study (2023).

The subject lands are regulated by the Upper Thames River Conservation Authority (UTRCA) in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authority Act*. The regulation limit is comprised of riverine flooding and erosion hazards. The UTRCA has jurisdiction over lands within the regulated area and requires written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Based on UTRCA's involvement with the Dingman Creek Tributary 12 Channel Works and upcoming improvements planned for Colonel Talbot Road including the associated culvert works, the UTRCA is of the opinion that the flooding hazard which currently impacts Colonel Talbot Road and the access required for new development proposed at 3637 Colonel Talbot Road can be addressed in the near future. Accordingly, while

UTRCA has no objections, they have requested a holding provision in the zoning that stipulates that dry access must be achieved prior to development occurring. City Staff are recommending the h-121 holding provision to address the UTRCA matter regarding dry access.

#### **4.6 Natural Heritage**

Based on Map 5 Natural Heritage & Map 6 Hazards and Natural Resources (The London Plan), the north portion of the subject lands are delineated as a Valleyland. As set out in Section 2.1.5 of the PPS, development and site alteration shall not be permitted, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Tributary 12 is designated Valleyland in *The London Plan*, which requires an evaluation of significance (TLP 1346\_). Significant valleylands and valleylands provide opportunities for the logical extension of the City's trail and pathway systems, as is the case with the Southwinds Channel (Clayton Walk Park) reconstruction that includes a new multi-use trail along the creek (TLP 1344A\_).

A Subject Lands Status Report and Environmental Impact Study (SLSR/EIS) were conducted for the subject lands at 3637 Colonel Talbot Road in support of the Zoning By-law Amendment to construct the proposed townhouse units. Based on the application of the London Plan assessment criteria for River, Stream and Ravine Corridors, the Tributary 12 corridor (Valleyland) would be considered a Significant Valleyland, in particular for its importance in providing surface drainage within the Dingman Creek subwatershed and its role in providing an opportunity to rehabilitate a natural community, as well as provide a visual and recreational amenity (SLSR/EIS, 2023).

It should be noted that an amendment to The London Plan as part of this application is not required as the exact location of Place Type designations are flexible and up to interpretation based on the other policies of the plan. The identification of natural features and areas on Map 5 of The London Plan and natural hazard lands on Map 6 of The London Plan is not intended to be a precise delineation. The interpretation of the regulated natural hazard lands and the mapping of these features is the responsibility of the conservation authority having jurisdiction, based on their regulation and mapping which shall prevail (TLP 43.2\_). As such, as part of a future housekeeping update to The London Plan, Map 1, 5 and 6 can be updated to reflect changes made through the Environmental Assessment studies, the SLSR/EIS and the reconstruction of Tributary 12, however the amendments are not required at this time to facilitate the rezoning.

Further, the SLRS/EIS found that impacts of the proposed development are confined to the subject property, and will include the removal of largely anthropogenic (planted) vegetation and the demolition of an existing barn. Mitigation measures to protect off-site features, such as fencing for sediment control and work site demarcation will be employed. Stormwater management will be achieved by on-site underground storage for quantity control to match post-development flows to pre-development flows, and will be determined at the Site Plan stage. Through the EIS, suitable habitat for species at risk was identified for four bat species (Little Brown Myotis, Northern Myotis, Tri-coloured Myotis and Eastern Small-footed Myotis) in the trees and barn structure that is proposed to be removed. Given the adjacent Tributary 12 corridor and the nearby woodland associated with Dingman Creek, negligible long-term implications to habitat availability are anticipated as a result of the proposed removals. The EIS recommends that, prior to tree removal or barn demolition Acoustic Recording Unit (ARU) and exit surveys be completed. Site-specific mitigation measures are recommended to address habitat removal and the risk of harm to roosting bats. Consideration to implement the site-specific recommendations and mitigation measures identified in the EIS is provided in the recommendation to the site plan approval authority.

A Tree Assessment Report was prepared in conjunction with the proposed development. The inventory captured 45 individual trees and 3 vegetation units. One boundary tree was inventoried, and is identified for preservation. The current site plan does not necessitate the removal or injury of this boundary tree, and the critical root

zone can be protected with a tree preservation barrier. One City tree was inventoried in the Colonel Talbot Road boulevard and identified for preservation, with no impacts to the tree are anticipated. 43 trees are recommended for removal due to direct conflict with the proposed development. Consideration to plant as many replacement trees on the subject site is provided in the recommendation to the site plan approval authority.

## **Conclusion**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a holding Residential R1 (h-17\*R1-16) and Open Space (OS4) Zone to an Open Space (OS4) Zone, Residential R1 Special Provision (R1-14(\_)) Zone and Residential R5 Special Provision (R5-2(\_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions related to lot coverage and rear yard setback. Staff are recommended refusal of three requested special provisions to facilitate a detached garage in the front yard of the R1-14 Zone.

The recommended action is consistent with the *Provincial Policy Statement, 2020*, (PPS), conforms to The London Plan, including but not limited to the Neighbourhoods Place Type and Key Directions. The recommended amendment facilitates the development of an underutilized parcel with an appropriate land use, intensity and form appropriate for the subject lands.

**Prepared by:** Isaac de Ceuster, Planner  
Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

Copy:  
Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3637 Colonel Talbot Road.

WHEREAS SOFCO Properties has applied to rezone an area of land located at 3637 Colonel Talbot Road, 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:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3637 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. A110, **FROM** a holding Residential R1 (h-17\*R1-16) Zone and Open Space (OS4) Zone **TO** a Residential R1 Special Provision (R1-14( )) Zone, a Holding Residential R5 Special Provision (h-149\*h-121\*R5-2( )) and Open Space (OS4) Zone.
2. Section Number 5.4 of the Residential R1 Zone is amended by adding the following Special Provisions:  
  
R1-14( ) 3637 Colonel Talbot Road
  - a. Regulations
    - i) Rear yard setback (Minimum): 2.4 metres (7.9 feet)
    - ii) Lot Coverage (Maximum): 28.5%
3. Section Number 9.4 of the Residential R5 Zone is amended by adding the following Special Provisions:  
  
R5-2( ) 3637 Colonel Talbot Road
  - a. Regulations
    - i) Lot Coverage (Maximum): 32%
    - ii) Lot Frontage (Minimum): 10.0 metres
4. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

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.

PASSED in Open Council on January 23, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

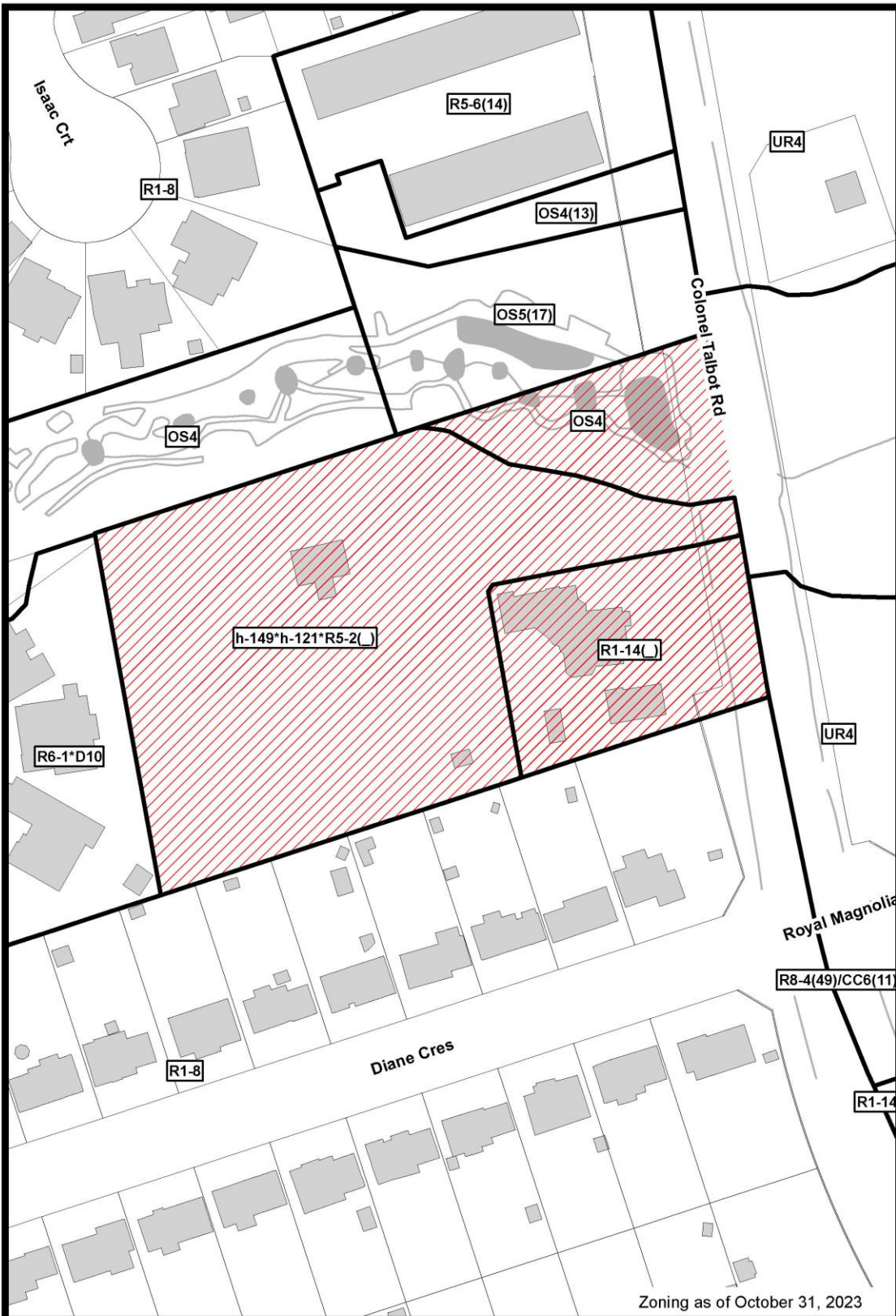
Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – January 23, 2024  
Second Reading – January 23, 2024  
Third Reading – January 23, 2024



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



File Number: Z-9664  
 Planner: ID  
 Date Prepared: 2023/11/28  
 Technician: rc  
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters



Geodatabase

## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Residential
Frontage	91.4 metres (299 feet)
Depth	158 metres (518 feet)
Area	1.8 hectares (4.44 acres)
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Clayton Walk Park & medium density residential
East	Agricultural Lands planned for future residential development & Open Space
South	Low density residential
West	Low density residential

#### Proximity to Nearest Amenities

Major Intersection	Colonel Talbot Road & Pack Road, 650 metres
Dedicated cycling infrastructure	Southdale Road West, 1900 meters
London Transit stop	Raleigh Boulevard, 1500 metres
Public open space	Clayton Walk Park, 50 metres
Commercial area/use	Main Street (Lambeth), 1500 metres
Food store	No Frills, 1700 metres
Community/recreation amenity	Lambeth Community Centre, 1700 metres

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Neighbourhoods Place Type, Civic Boulevard
Current Special Policies	Southwest Area Secondary Plan, Holding h-17
Current Zoning	Open Space OS4 & Residential R1 (R1-16) zone

#### Requested Designation and Zone

Requested Place Type	N.A.
Requested Special Policies	Low Density Residential in Southwest Area Secondary Plan (SWAP)
Requested Zoning	Special Provision Residential R1 (R1-14(_)) Zone, a Special Provision Residential R5 (R5-2(_)) Zone and Open Space (OS4) Zone

#### Requested Special Provisions

Regulation (R1-14 Zone)	Required	Proposed
Rear Yard Setback (minimum)	13.75 metres	2.45 metres
Lot Coverage (%) maximum	25%	28.5%
Front Yard Depth for Garages	8.0 metres	4.5 metres
Accessory Building Location	No Accessory Building shall be permitted within a required front yard or exterior side yard.	Notwithstanding Section 4.1.4.a), Accessory Buildings in the form of detached garages, shall

Regulation (R1-14 Zone)	Required	Proposed
		be permitted within the front yard
Location Garage Doors	N/A	Garage doors shall not face Colonel Talbot Road

Regulation (R5-2 Zone)	Required	Proposed
Lot Coverage (%) maximum	30%	32%
Lot Frontage (m) minimum	30 metres (see Section 9.3(1))	10 metres

## C. Development Proposal Summary

### Development Overview

The development proposal aims to create 30 additional townhouse dwelling units, contained in 5 buildings with 5-8 units in each building. The proposed site layout would retain the existing single detached house at the front interfacing with Colonel Talbot Road and locate all townhouses to the rear. The existing south access would maintain private access to the existing single detached house, while the proposed access further north would provide access to the townhouse units.

### Proposal Statistics

Land use	Residential
Form	Cluster townhouses
Height	2.5 Storeys (metres)
Residential units	30 additional units
Density	27 units per hectare
Gross floor area	3439.9 m <sup>2</sup>
Building coverage	32%
Landscape open space	45.7%
Functional amenity space	40 m <sup>2</sup> per unit
New use being added to the local community	No

### Mobility

Parking spaces	30 garages, 30 surface
Vehicle parking ratio	2 Spaces per unit (1 in driveway & 1 in garage)
New electric vehicles charging stations	0
Secured bike parking spaces	0
Secured bike parking ratio	0 spaces per unit
Completes gaps in the public sidewalk	Future sidewalks planned on Col. Talbot
Connection from the site to a public sidewalk	N.A
Connection from the site to a multi-use path	Yes

### Environmental Impact

Tree removals	43 trees
Tree plantings	TBD
Tree Protection Area	No
Loss of natural heritage features	No

Species at Risk Habitat loss	Yes, four bat species (Little Brown Myotis, Northern Myotis, Tri-coloured Myotis and Eastern Small-footed Myotis). Recommended mitigative measures.
Minimum Environmental Management Guideline buffer met	NA
Existing structures repurposed or reused	NA
Green building features	No

# Appendix C – Additional Plans and Drawings

## Conceptual Site Plan 3637 Colonel Talbot Road



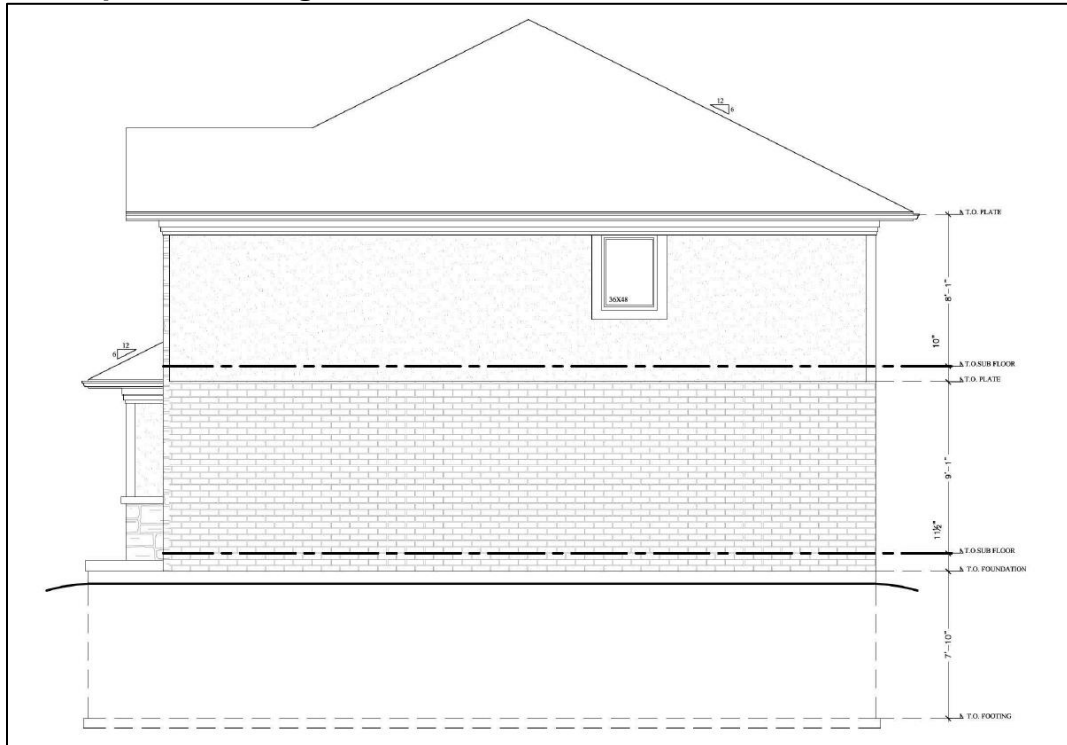
## Conceptual Building Elevations – front façade



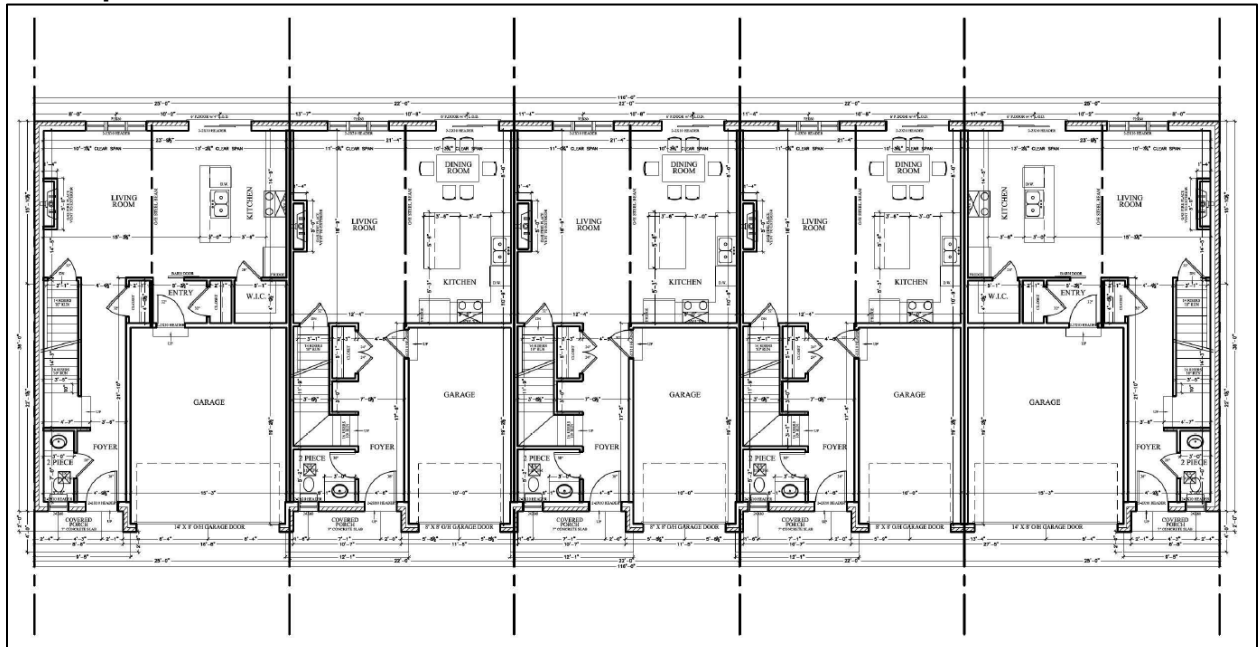
## Conceptual Building Elevations – rear façade



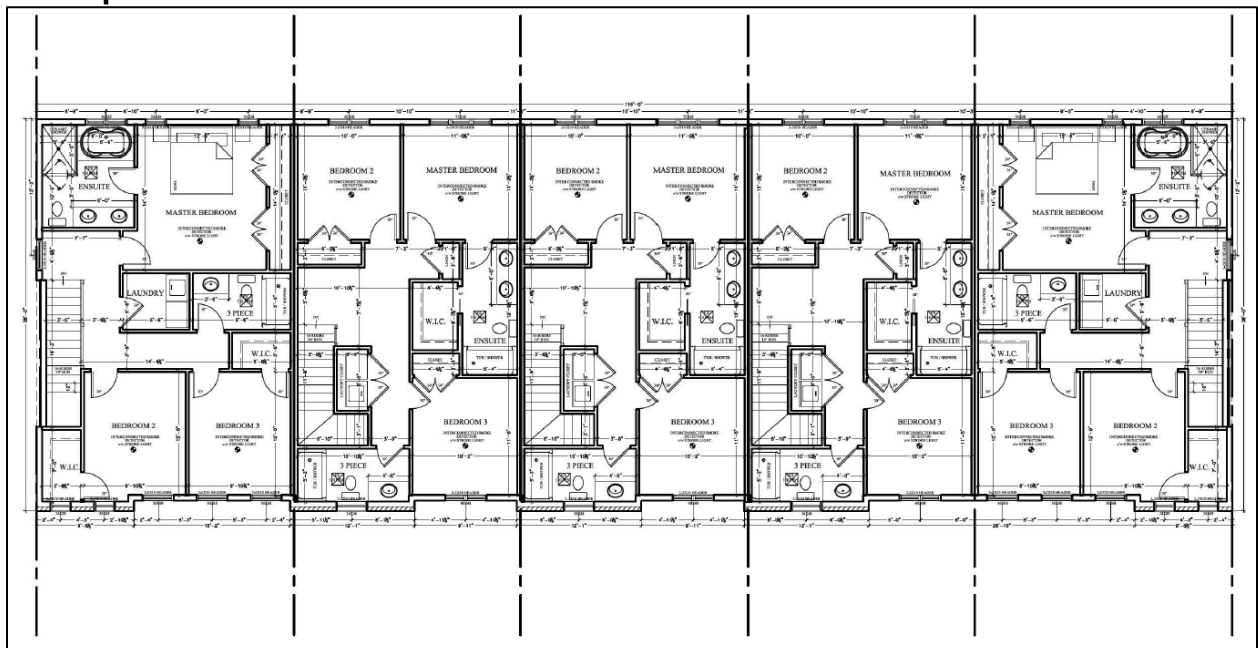
### Conceptual Building Elevations – side façade



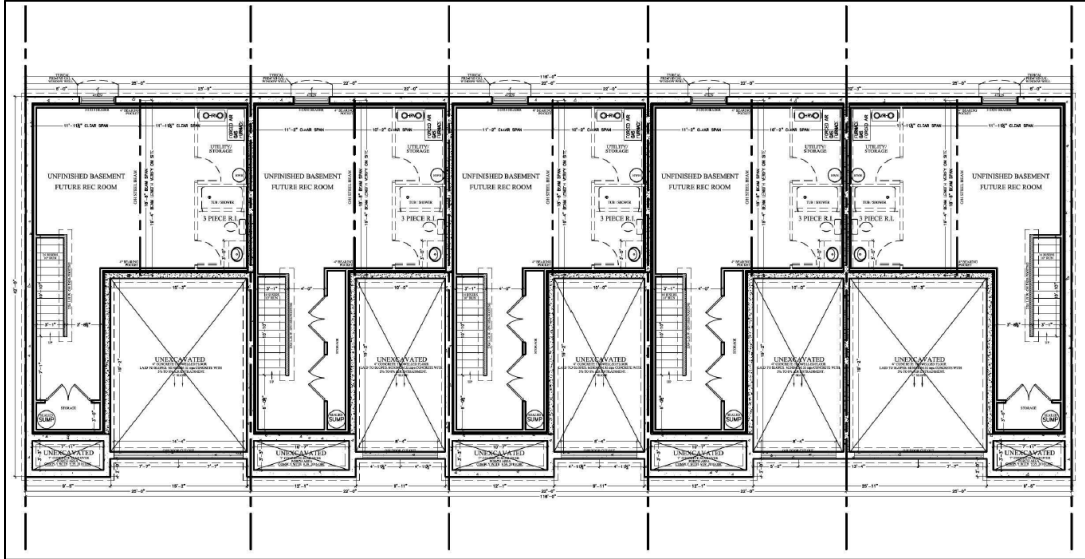
### Conceptual Floor Plan – Ground Floor



### Conceptual Floor Plan – Second Floor



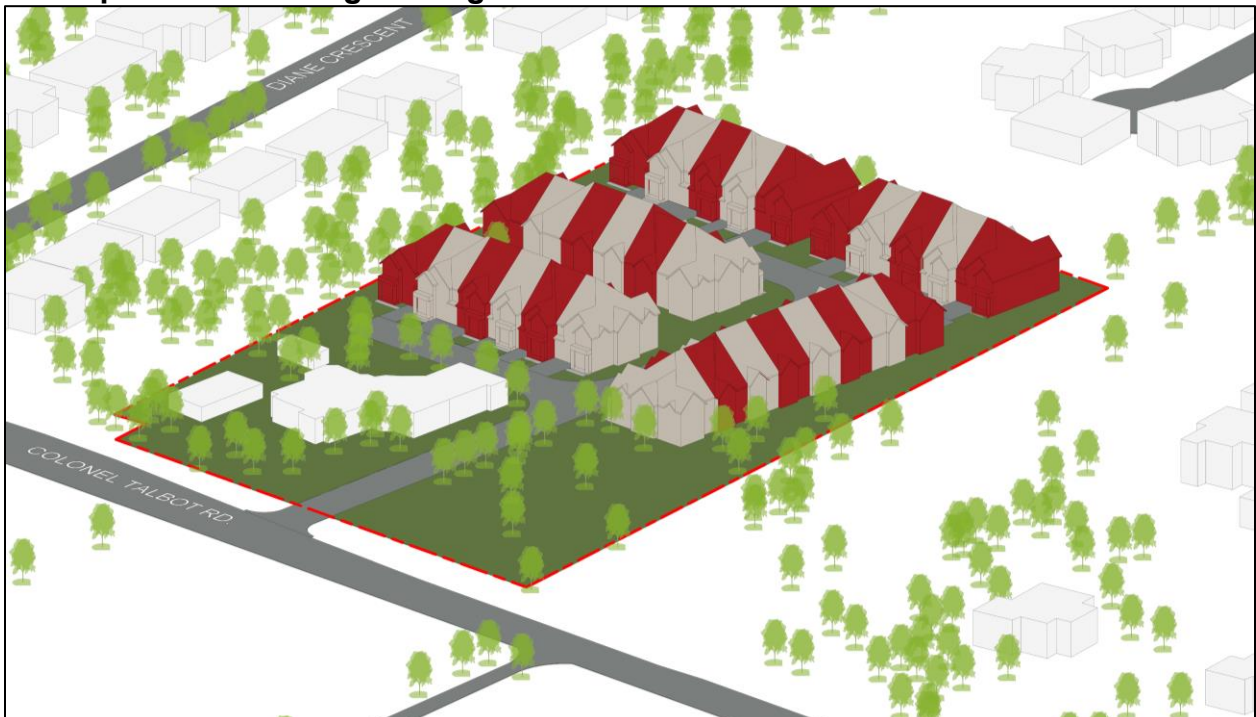
### Conceptual Floor Plan – Basement



### Conceptual 3D Massing looking northwest.



### Conceptual 3D Massing looking southwest.



## Appendix D – Internal and Agency Comments

### UTRCA – Received November 9, 2023

- As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA. The regulation limit is comprised of: Riverine Flooding and Erosion Hazards.
- The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.
- Recommendation: Based on our involvement with the Dingman Creek Tributary 12 Channel Works and the upcoming improvements planned for Colonel Talbot Road including the associated culvert works, the UTRCA is of the opinion that the flooding hazard which currently impacts Colonel Talbot Road and the access required for the new development proposed at 3637 Colonel Talbot Road can be addressed in the near future.

Accordingly, while the UTRCA has no objections to this application, we will require a holding provision in the zoning that stipulates that dry access must be achieved prior to development occurring, similar to holding provision h-121 within the City's Zoning By-law, Z-1. As indicated, neither the floodline nor the Open Space zone line can be amended until such time as the required technical information including as-built drawings have been prepared and accepted by the UTRCA.

Note: the UTRCA review of the technical studies associated with the Environmental Assessment, floodplain mapping revisions and as-built drawings is forthcoming.

### Ecology – Received September 8, 2023

#### *Matters for ZBA*

- Show delineation of Significant Valleyland on a figure and provide recommendation to update Map 5 based on the evaluation provided from "Valleyland" to "Significant Valleyland".
- Show current and proposed zoning lines on a figure.
- Confirm access road does not encroach into the Significant Valleyland and/or OS4 zone as shown on Figure 3.

#### *Matters for Site Plan*

- Items to be addressed at site plan include confirmatory bat surveys, confirmatory Barn Swallow nest surveys and confirmatory reptile hibernacula surveys as recommended in the EIS.

### Parks Planning – Received November 3, 2023

#### *Matters for Site Plan*

- Parkland dedication has not been collected for the subject lands. Consistent with the regulations of the Ontario Planning Act, the applicant shall provide parkland dedication equal to 5% of the property. Dedication of the natural hazard/heritage lands, consistent with the rates in By-law CP-25, is required for the fulfillment of this requirement any remaining required dedication to be fulfilled as cash in lieu.
- The City will require fencing as per SPO 4.8 on all residential lots abutting the Open Space.



## Urban Design – Received November 3, 2023

### Matters for ZBA:

- This proposal is located within the Neighbourhoods Place Type in The London Plan [TLP] and within the Lambeth Residential Neighbourhood in the Southwest Area Secondary Plan [SWASP], which permits the proposed use and height. Urban Design staff are generally supportive of the proposed townhouse development, and recommend the following comments be addressed:
  - Ensure the rear and interior side yard setbacks provide adequate buffering between this development and the adjacent lower intensity developments to the south and west [TLP Policy 253].
  - Provide a network of pedestrian walkways through the site that connects between the townhouse unit entrances and future sidewalk on Colonel Talbot Road to ensure pedestrians can safely traverse the site and to promote active transportation [TLP Policy 255].
  - Remove the proposed garage and parking spaces located in the front yard. Surface parking should be located behind the building, in the rear or interior side yard only [TLP Policy 272].

### Matters for Site Plan:

- Provide a walkway along the north-south drive aisle (in front of Units 1-10) [TLP Policy 255];
- Ensure the garages of the proposed townhouse units do not protrude beyond the front façade of the building and ensure they are less than 50% of the overall individual lot width [SWASP 20.5.3.9, iii, e];
- Orient and design Unit 1 and Unit 23 to include a similar level of architectural detail on the street and park-facing facades as is provided on the front elevation, including wrap around porches, front entrances, size and number of windows, materials, massing and any other relevant architectural detailing. [TLP Policy 291];
- Consider incorporating a mix of complimentary architectural styles, materials and colours in the design of individual townhouse units to assist with wayfinding, break-up the massing and to add interest to the overall building design [TLP Policy 301].
- Provide a full-set of dimensioned elevations for all sides of the proposed building(s) as well as a fully dimensioned and labelled site plan. Further comments may follow upon receipt of the drawings.

## London Hydro – Received November 15, 2023

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. **Note:** Transportation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

## Landscape Architecture – Received November 21, 2023

### 1. Major Issues

- The Development and Planning Landscape Architect has concerns about the reduced side yard setbacks. Sufficient volume of soil must be provided to support tree growth, as required in Site Plan Control Bylaw and to meet canopy goals of the London Plan and the Urban Forest Strategy. London Plan Key Direction #4, is for London to become one of Canada's greenest Cities. The side yards may need to accommodate fencing, retaining walls, drainage features [above and below ground] and tree planting. Reduced setbacks have the potential to cause conflicts between these features.

### 2. Matters for Site Plan

- One boundary tree (tree #31) was inventoried, co-owned with 7018 Diane Crescent., and identified for preservation. Tree protection fencing is acceptable

as it is proposed 1 metre outside of the tree's critical root zone [CRZ]. Grade changes within the CRZ would require consent from the owner of 7018 Diane Crescent.

- One City tree was inventoried in the Colonel Talbot boulevard and identified for preservation. No impacts to tree are anticipated. If the tree requires removal, the coordination with Forestry Operations can be initiated with the Site Plan Application.
- A tree preservation plan was provided and identified 1505cm dbh proposed for removal. A recommendation will be made to Site Plan for 150 replacement trees within site.

#### **Heritage – Received November 8, 2023**

- This is to confirm that I have reviewed the following and find the report's analysis, conclusions and recommendations to be sufficient to fulfill the archaeological assessment requirements for Z-9664: o Stantec, *Stage 1-2 Archaeological Assessment: Proposed Residential Development at 3637 Colonel Talbot Road, Part of Lot 74, West of Talbot Road, Geographic Township of Westminster, former Middlesex County, now City of London, Ontario* (PIF P256-0699-2021), March 3, 2022.
- Please be advised that heritage planning staff recognize the conclusion of the report that state: "No archaeological resources were identified during the Stage 1-2 archaeological assessment of the study area. This, in accordance with Section 2.2 and Section 7.8.4 of the MHSTCI's 2011 *Standards and Guidelines for Consultant Archaeologists*, no further archaeological assessment of the study area is recommended."
- An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment acceptance letter has also been received, dated March 7, 2022 (MCM Project Information Form Number P256-0699-2021, MCM File Number 0015169).
- Archaeological conditions can be considered satisfied for this application.

#### **Site Plan – Received November 20, 2023**

##### *Major Issues*

- Clarify how waste collection will function on the proposed development, a turnaround is required for solid waste. Specify the proposed waste collection method, screening, storage location and collection point. (Site Plan Control By-Law 10.3.b))
- Increase the buffer between Unit 30 and the proposed fire route or reconfigure the proposed subject site layout. Unit 30 is located less than 3 meters from the fire route (Site Plan Control By-Law, Figure 6.3: Private Property Fire Routes).
- Clarify the location of the required visitor parking and accessible parking spaces.
  - Clarify pedestrian circulation through the subject site and ensure that accessible parking spaces are connected to the proposed pedestrian walkways.

##### *Matters for ZBA*

###### **R1-14**

- As an R1 zone remove or relocate the proposed parking space along the front yard, Colonel Talbot Road (Zoning By-Law Z.1.-1 Section 4.19, 4), a).
- Remove or relocate the *proposed garage* to the interior side yard or rear yard. (Zoning By-Law Z.-1-Section 4, 4.1, 4).

###### **R5-2**

- A special provision will be required for the frontage along Colonel Talbot Road

##### *Matters for Site Plan*

- Provide a full set of dimensioned elevations in metric. (Site Plan Control By-Law 1.8,f).

- Clarify the location and type(s) of fencing and/or screening that is proposed and demonstrate how planting in accordance with the SPC By-law can be accommodated.
- Clarify the location and height of all external lighting fixtures. (Site Plan Control By-Law 1.5.(o)).
- Identify locations for snow storage on-site. (Site Plan Control By-Law 1.5.)

### **Engineering – Received November 20, 2023**

#### *Matters for ZBA*

1. Engineering has no further comments on this application. The site currently does not have access to storm and sanitary services – Re-zoning application is recommended with the following Holding provisions: h-17 and h-89.

*Note: An alternate holding provision h-149 is being recommended as it addresses both the sanitary and stormwater servicing issues.*

*h-149 Purpose: To ensure the orderly development of the lands the symbol shall not be deleted until sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer.*

2. For the applicant's benefit, the following new comments were received during the re-zoning application stage:

#### *Wastewater:*

- The 450mm diameter sewer primarily benefits solely this development, and any construction/extension of the sanitary sewer is to be at no cost to the City, and additionally the 450mm diameter sewer is oversized for the tributary areas and populations and there should be no oversizing subsidy costs eligible for this developer driven extension. It is noted that there is a Two-Lane Arterial Road upgrade tentatively scheduled for 2024, and any works between the developer and the CoL project should be coordinated as needed.
- The suggested sewer with a diameter of 450mm is excessively large for the tributary area and populations. Albeit, if the developer intends to develop the site at 3637 Colonel Talbot Road, servicing will be required by way of extending a local 250mm diameter sewer main leading up to the CT pump station. Please note that the city has no available source of funding, and all costs associated with construction will be entirely the developer's responsibility, at no cost to the city.
- Before proceeding with the sewer design submission that benefit the site address 3637 Colonel Talbot Road, it is important to reach an agreement on the source of funding with the developer. It is necessary to ensure that the full cost estimate is paid in its entirety before moving forward with tendering this project. However, we will determine the exact cost of the sewer component once we have awarded the project.
- The external area 4-2 has no impact on this extension as it has frontage to the existing sanitary sewer.

#### *Stormwater:*

- As per the Drainage By-law, the consultant would be required to provide a stormwater to Colonel Talbot Road via a storm PDC. It is anticipated that the property will be stubbed out with a PDC as part of the Colonel Talbot 2 Lane Upgrade Project. The flow from the site to the PDC must be discharged at a rate equal to or less than the design storm sewer flow allocated as part of the Colonel Talbot 2 Lane Upgrade Project. A fronting connection is required so that the majority of rain events' flow from the site will be discharged into the Trib 12 drain at the protected culvert outlet.
- Major flows should be directed to the fronting right of way via the site access to the greatest extent practical.

- Best efforts should be undertaken to ensure the proposed periphery grading (rear yards) minimizes uncontrolled flows and contains surface runoff to the site, to the maximum extent practical, due to the following concerns:
  - North newly constructed channel and future pathway; erosion and icing risks
  - West existing residential and retaining wall considerations
  - South existing subdivision did not account for receipt of flows from this property into rear yard catchbasins
- If grading constraints preclude achievement of the above design criteria, and a portion of the site's OLF is justified to be routed to the channel, the consultant is to ensure the post development peak rates of OLF are equal to or less than the predevelopment flow rates. Additionally, the consultant would be required to provide distributive erosion control measures at the spillpoint(s) (ie. spreader/sheet flow, as opposed to sewer outfall).

#### *Transportation*

- A portion of the subject property (at the southerly limit) has been widened to more than 18.0m from c/l by Block 117 on 33M-172 (see 33R-17387);
- For the remainder property, presently the width from centerline for Colonel Talbot Road adjacent to this property is 13.106m as shown on Exploration By-Law 2585. Therefore a widening of 4.894m is required to attain 18.0m from C/L
- Detailed comments regarding access design and location will be made through the site plan process. Note that the existing house driveway should be relocated internal to the site. Additionally a growth project proposed in 2023 along Colonel Talbot Rd and it is expected to build sidewalks & curbs front of the development. Part of growth project access management review will be completed and the proposed access may be restricted to RIRO.
- Proposed access' comments are to be addressed by UTRC- Upper Thames River Conservation Authority.

#### **The following items are to be considered during a future site plan application stage:**

##### *Water:*

- Water is available for the subject site via the municipal 600mm watermain on Colonel Talbot Road.

##### *Stormwater:*

- The site is within the Dingman Creek Screening Area of UTRCA and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
- The site falls within the Dingman Subwatershed. The Dingman EA requires design for the stormwater control hierarchy for the 25 mm event in new development design. This approach and LID design is included in the Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- SWED is in the process of reviewing a detailed design and construction channel remediation project to address existing and future flooding concerns along Tributary 12, the channel within the development property limits. The assessment will include from just upstream of Colonel Talbot Road to the confluence with Dingman Creek. Construction works are anticipated for 2021. Details of the ecological assessment (currently underway) to support this work can be shared with the developer upon request. The City led ecological work is not anticipated to address the presence of any existing features within the property that may need to be maintained through the development process and what water balance approach that may be required to support those. This will be required to be addressed in future submissions.
- Currently there is no municipal storm sewer or storm outlet available to service the site. As per the Drainage By-Law, section 5.2, where no storm sewer is accessible the applicant shall provide a dry well or storm water retention system

which is certified by a Professional Engineer to the satisfaction of the City Engineer.

- The Developer shall be required to provide a Storm/Drainage Servicing Report demonstrating that the proposed stormwater management strategy will ensure on-site controls are designed to reduce/match existing peak flows from the 2 through 100 year return period storms.
- To manage stormwater runoff quantity and quality, the applicant's consulting engineer may consider implementing infiltration devices in the parking area in the form of "Green Parking" zones as part of the landscaping design.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- The applicants consulting engineer is to confirm and delineate the existing septic systems and revise the future retained parcels property limits to ensure any such septic system is fully contained within the retained parcel and provide setbacks from the future severed property limits; as necessary.
- The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed.
- Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The Owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

#### *Transportation*

- Right of way dedication of 18.0m from centre line required along Colonel Talbot;
- Detailed comments regarding access design and location will be made through the site plan process;
- A Traffic Management Plan will be required for work in the City ROW to be reviewed with Site Plan submission;
- Related to the proposed access the comments are to be addressed by UTRC- Upper Thames River Conservation Authority

## Appendix E – Public Engagement

### Public Comments #1: Received November 17, 2023 Contact Method – Email

Dear Isaac & Anna,

I am contacting you regarding File: Z-9664 - Rezoning & Development at 3637 Colonel Talbot Road by York Developments.

Our home backs onto the Dingman Creek Clayton Park Tributary which was recently reconstructed under the Dingman Creek Southwinds Channel (Tributary 12) natural channel reconstruction and flood mitigation rehabilitation project, disrupting our backyard activities for the whole summer/fall of 2022.

<https://getinvolved.london.ca/southwinds-channel>  
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=83380>

The project, which disrupted our backyard and community activities by causing a considerable amount of noise, at all hours of the day and night, caused a significant amount of dirt and dust and disrupted traffic on both Clayton Walk & Colonel Talbot Road, cost London tax-payers \$4,069,026.25.

Firstly, it would appear as though the rezoning & development of 3637 Colonel Talbot Road will conflict with the Tributary that was recently completed. See the attached extract **Dingman Creek Clayton Walk Tributary Interference**, which is **Figure 1.0 Subject Lands Aerial View** taken directly from **09 PJR - York Developments - 3637 Colonel Talbot Rd - 20230225**. Please also see Google Maps extract (**Dingman Creek Environmentally significant area**).

London City tax-payer money was spent on this rehabilitation and it caused a lot of disruption during construction and now this rezoning and development will interfere and disrupt this project. This Tributary is a protected area that is integral for drainage. The development of this area should not be allowed from an environmental point of view.

Originally when this plan was put in place there was a single dwelling at 3557 Colonel Talbot Road, but now that has been changed and the Talbot 21s has recently been completed at that location, which has caused some disruption to the area and based on this we do not see how the Tributary can be kept protected. If you see the attached photos (**Dingman Creek Tributary looking East & Dingman Creek Tributary looking West**), the area that is shown in Figure 1.0 is currently encroached upon by the Talbot 21s and a retaining wall on the North, and the property at 3637 Colonel Talbot on the South.

The building of the Talbot 21s has already caused significant disruption to the Tributary and File Z-9664 will cause even more disruption could be disastrous to the ecosystem.

Secondly, the traffic is already a challenge for those living in the Clayton Walk Park area. As you can see in the photos provided (**Dingman Creek Tributary looking East**) with all the new houses being built in Magnolia Fields, the Talbot 21s as seen in the attached photo (**Talbot 21s being built**), combined with the traffic from the construction of homes in Silverleaf. We can be waiting at the intersection of Clayton Walk and Colonel Talbot for ages, only then to get onto Colonel Talbot road and be delayed due to all the construction vehicles and additional traffic due to the homes being built. I understand that there is a plan to widen and improve traffic on Colonel Talbot but the construction at 3637 cannot happen before the road rehabilitation and improvement.

Thirdly, we understand the need for affordable homes in London Ontario and support those projects but with the amount of construction that has and is happening in this area

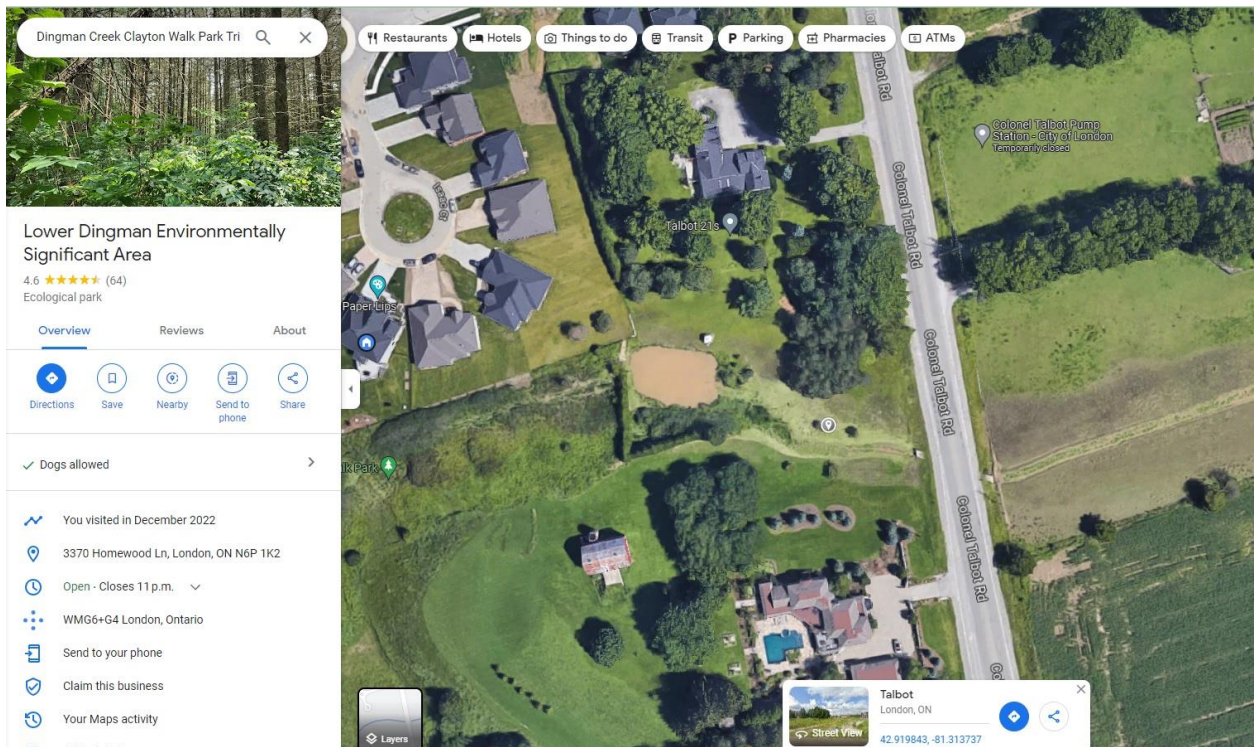
we do not believe that the ecosystem and road infrastructure and building these premium condos, which are not selling right now, see the following article (<https://www.cbc.ca/news/canada/toronto/new-condo-sales-drop-47-year-to-date-as-would-be-buyers-priced-out-of-gta-1.7016356#:~:text=Toronto,New%20condo%20sales%20drop%2047%25%20year%2Dto%2Ddate%20as,to%20a%20report%20from%20Urbanation>).

Lastly, we leave you with a few photos of the barn and area that will be rezoned and developed.

We would like to be notified of any decisions and changes to this file, via email to this address.



Picture 1: Dingman Creek Clayton Walk Tributary Interference



Picture 2: Dingman Creek Environmentally significant area



*Picture 3: Dingman Creek Tributary looking East*



*Picture 4: Dingman Creek Tributary looking West*





Picture 5: Talbot 21s being built.



Picture 6: Photo of Barn 3



Picture 7: Photo of Barn



Picture 8: Photo of Barn 2



*Picture 9: Photo of Dingman Creek & Barn*



*Picture 10: Photo of Dingman Creek & Barn 2*

**Public Comments #2: Received November 20, 2023**  
**Contact Method – Email**

My husband and I are writing to register our concerns and resistance regarding the above-mentioned Zoning By-law Amendment for 3637 Colonel Talbot Road, London, Ontario by SOFCO Properties.

We have lived in this neighbourhood for nearly twenty years, having moved from the UK to Canada to pursue a peaceful life. We bought \_\_\_\_\_ once we did a complete reconnaissance of the London area, and decided that Lambeth would be our forever home, mainly because it was a beautiful part of London, largely unspoilt, with orchards and farmlands, and separate to the rest of London; a little village within the city boundaries, if you will.

Fast forward to today and this new application. We have already gone through this process once before when the hobby farm came up for sale (around 2005/6) and the proposal was for condos to be built right at the back of us. As it was, we were lucky last time and was able to voice our concerns and the planning application did not go through, as planned. However, the amount of development that has gone on around here since then is ridiculous. The infrastructure just does not support the number of houses that have been built already, never mind this new proposal.

An important point that also needs to be considered/highlighted is that the heritage barn at the back of the property at 3637 Colonel Talbot Road, has been home to a colony of bats since we moved here nineteen years ago. We have enjoyed many seasons watching the bats fly in and out of the barn and around the neighbourhood. It is our understanding that these bats are a protected species, so think that this needs to be explored further in order to ensure the protection of these bats, who are important in our natural world for many reasons. They're vital pollinators, pest controllers and seed distributors – benefitting all of us.

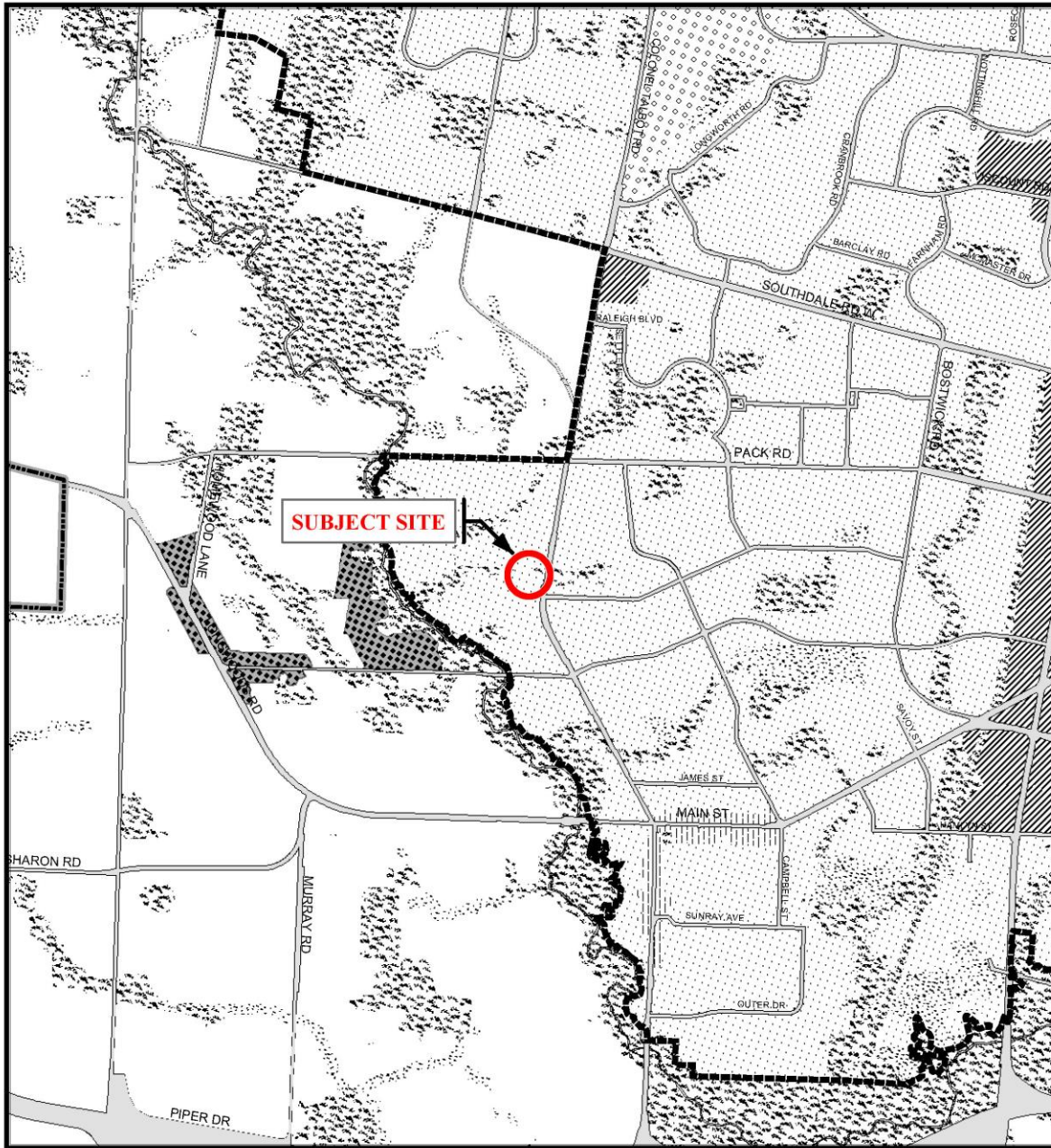
Not only are we concerned for the bats, but we are concerned for the trees, noise pollution, as well as how the new development will affect the environmental floodplain. If we understand the plans correctly, it looks like the huge amount of work that the city has just undertaken to redevelop the storm drain system will need to be redesigned and reconfigured as the flood and erosion balance will be out of sync, especially as the plans indicate that a road is proposed to be built right in this area.

Thank you for taking your time to consider our opposition to this application and look forward to seeing you at the meeting on Tuesday 9<sup>th</sup> January, time to be determined.

Kind regards.

# Appendix F – Relevant Background

## The London Plan – Map 1 – Place Types



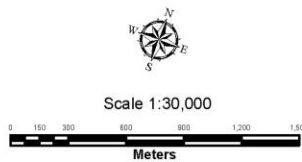
### Legend

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

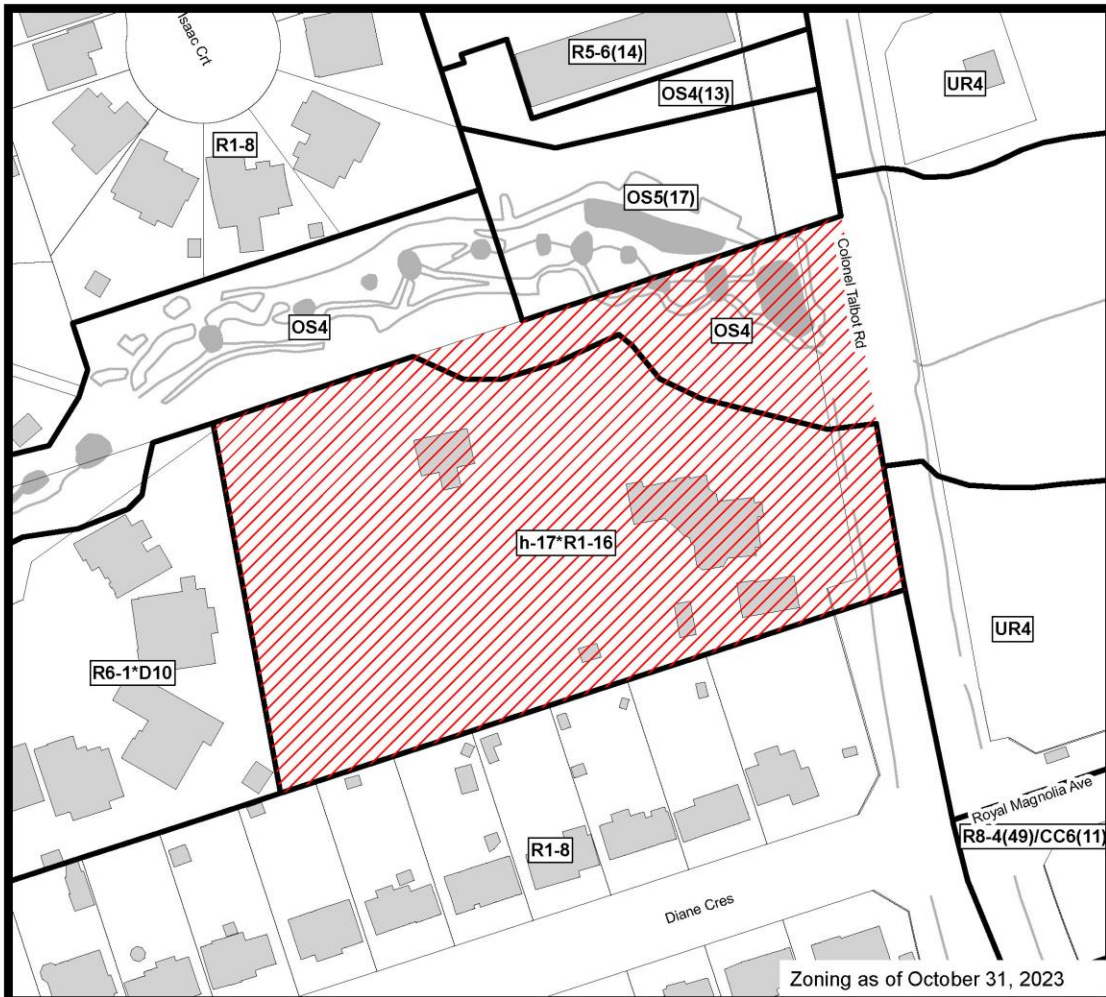
PREPARED BY: Planning & Development



**File Number:** Z-9664  
**Planner:** ID  
**Technician:** RC  
**Date:** 2023/11/28

Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\Z-9664-Map1-PlaceTypes.mxd

# Zoning By-law Z.-1 – Zoning Excerpt



## COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

### 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

## CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9664

ID

MAP PREPARED:

2023/11/28

RC

1:1,500

0 5 10 20 30 40

Meters

**Q3 DEFERRED MATTERS  
PLANNING AND ENVIRONMENT COMMITTEE  
(AS OF NOVEMBER 27, 2023 – updated December 18, 2023)**

<b>File No.</b>	<b>Subject</b>	<b>Request Date</b>	<b>Requested/ Expected Reply Date</b>	<b>Person Responsible</b>	<b>Status</b>
1	Inclusionary Zoning for the delivery of affordable housing - the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders Association and the London Development Institute.	August 28/18 (2.1/13/PEC)	Q4 2023	McNeely/Adema	Council approved Terms of Reference in January, 2021 for the Inclusionary Zoning review. In February, 2022 Council submitted a request to the Province to allow for the consideration of Inclusionary Zoning polices that apply City-wide. Report to PEC on December 4, 2023, recommends that no further action be taken regarding inclusionary zoning review at this time.  <i>(NOTE: possible new direction after Council on Dec 19, 2023)</i>
2	Draft City-Wide Urban Design Guidelines – Civic Admin to report back at a future PPM of the PEC	Oct 29/19 (2.1/18/PEC)	Q4 2024	McNeely/Edwards	Staff are working to incorporate the contents of the draft Urban Design Guidelines into the Site Plan Control By-law update (expected Q2 2024) as well as the new Zoning By-law (expected Q4 2024). The need for additional independent UDG will be assessed after those projects are complete.
3	Homeowner Education Package – 3 <sup>rd</sup> Report of EEPAC - part c) the Civic Administration BE REQUESTED to report back at a future Planning and Environment Committee meeting with respect to the feasibility of continuing with the homeowner education	May 4/21 (3.1/7/PEC)	Q4 2023	McNeely/Davenport/ Edwards	Through the EIS Monitoring Project, staff are assessing the efficacy and implementation of EIS recommendations across a number of now assumed developments. Following the completion of this project, a more detailed review of the

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	package as part of Special Provisions or to replace it with a requirement to post descriptive signage describing the adjacent natural feature; it being noted that the Environmental and Ecological Planning Advisory Committee (EEPAC) was asked to undertake research on best practices of other municipalities to assist in determining the best method(s) of advising new residents as to the importance of and the need to protect, the adjacent feature; and,				recommendations made in the EIS and overall best practices will be reviewed.
4	Medway Valley Heritage Forest ESA – c) the portion of the pathway and trail system from Gloucester Road (Access A11) to its connection with the pathway in the Valley shown on “Appendix B” of the Medway Valley Heritage Environmentally Significant Area (South) Conservation Master Plan BE DEFERRED to be considered at a future meeting of the Planning and Environment Committee following further consultation and review with the adjacent neighbours, the Upper Thames River Conservation Authority, the Environmental and Ecological Planning Advisory Committee and the Accessibility Advisory Committee	August 10/21 (3.9/11/PEC)	Q4 2023	McNeely/Edwards	Staff are resolving the detailed design aspects of the project in advance of initiating consultation with the adjacent neighbours, UTRCA, ECAC and ACAAC. Following the detailed design recommendations of the retained consultants and community consultation, staff will recommend a preferred alternative.



<b>File No.</b>	<b>Subject</b>	<b>Request Date</b>	<b>Requested/ Expected Reply Date</b>	<b>Person Responsible</b>	<b>Status</b>
5	Food Based Businesses – Regulations in Zoning By-law Z-1 for home occupations as it relates to food based businesses	Nov 16/21 (4.2/16/PEC)	Q2 2024	McNeely/Adema	A planning review has been initiated with a report that includes any recommended amendments targeted for Q2 2024.
6	Global Bird Rescue – update Site Plan Control By-law and Guidelines for Bird Friendly Buildings; CA to contact London Bird Team to finalize bird-friendly pamphlet; pamphlet to be circulated to EEPAC and AWAC when completed	Nov 16/21 (4.3/16/PEC)	Q2 2024 Q3 2023	McNeely/O'Hagan Bennett/Tucker	Staff are working to update the Site Plan Control by-law (expected Q2 2024), which will include Bird Friendly standards and guidelines.  Staff have prepared a printable Bird-Friendly pamphlet that can be distributed to homeowners. The pamphlet was circulated to the Advisory Committee in Q3 2023.
7	COMPLETE: Community Improvement Plan (CIP) Financial Incentive Programs 5-Year Review - the Civic Administration BE DIRECTED to report back with a comprehensive review, including a sensitivity analysis, of the City's existing Community Improvement Plans and associated financial incentives; and, the Civic Administration BE DIRECTED to report back at a future meeting with preliminary information for the 2024-2027 multi-year Budget.	May 24/22 (2.2/10/PEC)	Q2 2023	S. Thompson/ Yanchula	COMPLETE  Staff at the May 23, 2023 PEC meeting submitted its comprehensive review of the existing Community Improvement Plans and Financial Incentive programs, including recommendations for changes to Community Improvement Plans and preliminary impacts of recommended changes to Financial Incentives ahead of the upcoming 2024-2027 budget.
	Civic Administration to review existing and consider in future housing-related CIPs opportunities to include and incentivize the creation of affordable housing units and	June 27, 2023 (3.2/10/PEC)	Q2 2024	S. Thompson/J. Yanchula	This work is underway.

<b>File No.</b>	<b>Subject</b>	<b>Request Date</b>	<b>Requested/ Expected Reply Date</b>	<b>Person Responsible</b>	<b>Status</b>
	report back no later than Q2 of 2024, including but not limited to the introduction of mandatory minimums to access CIP funds; and options to include affordable housing units in existing buildings				
8	Additional Residential Units – Civic Administration to review current five-bedroom limit and report back; Review of the current parking and driveway widths policies in additional residential units and report back;	June 6, 2023 (3.4/9/PEC)	Q1 2024	H. McNeely/J. Adema	Under review.
9	Byron Gravel Pits Secondary Plan – Civic Administration to report back on consultation process, and the outcome of supporting studies that will inform the Final Byron Gravel Pits Secondary Plan and implementing an OPA	July 25, 2023 (2.2/12/PEC)	Q1 2024	H. McNeely/P. Kavcic	Two public consultation events were held, and staff are targeting consultation with advisory committees during Q1 2024. Following the consultation, staff are planning to bring forward the secondary plan for approval in Q2 2024.



London  
CANADA

300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

Jan 9, 2024

Dear Colleagues,

Staff have had Green Development Standards on their work plan for many years, but given the various changes such as re-org's, COVID, Bill 23 etc. this item has been severely delayed. Ensuring staff have capacity to achieve the existing time sensitive items (ReThink Zoning, provincial legislative changes, Roadmap to 3,000, AWS etc.) remains top of mind for Council. In recognition of the overwhelming list of work that Planning staff have, we wanted to try to capture some of the items that a Green Development Standard would include until a final framework is approved.

Therefore, we would like to direct staff to include the following items at site plan, wherever possible and compatible. That way new developments moving forward will include at least some green items, while we wait for a fulsome Green Development Standard to be developed. We hope you can support the following;

- i) Staff be DIRECTED to update by Q3 2024 the Site Plan Control Bylaw and/or Zoning Bylaw to include the following requirements;
  1. 5% electric vehicle charging ports for builds over 40 units (Level 1 or 2)
  2. Minimum 50% native species for landscaping, with no invasive species planted
  3. Short-term bicycle parking at a rate of 0.1 space / unit for townhouse developments
- ii) Staff be DIRECTED to include CSA A460 (bird friendly) standard in all city facilities building design standards
- iii) The CSA A460 standard to be used as a reference by staff in building design and construction
- iv) Staff be DIRECTED to review the legislative framework and municipal best practices to adopt a bylaw through section 97.1 of the Municipal Act to implement sustainable building construction features, including but not limited to, energy efficiency, water conservation and green roofs, and report back to Council with options and recommendations, including identifying any required Official Plan, Zoning Bylaw and Site Plan Control Bylaw amendments.
- v) Staff be DIRECTED to report back to Council within Q2 2024 with a short update regarding the scope and timeline of the Green Development Standards and Green Parking Lot Standards, and the above items.

The Corporation of the City of London  
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 London, ON  
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**London**  
 CANADA

Thank you for your consideration for this important item,

Skylar Franke  
 Ward 11 City Councillor

Shawn Lewis  
 Deputy Mayor & Ward 2 City Councillor

Linkages to our existing strategies:

**[City Strategic Plan 2023-2027](#)**

**Priority: Housing and Homelessness**

**Outcome 3: A well planned and growing community.**

3.1 London’s growth and development is well-planned and considers use, intensity, and form.

- a) Develop and enhance planning implementation tools that advance the policies of The London Plan.
- b) Increase the efficiency and consistency of planning and development processes.

**Priority: Climate Action and Sustainable Growth**

**Outcome 1: London has a strong and healthy environment.**

1.2 Waterways, wetlands, watersheds, and natural areas are protected and enhanced.

- a) Protect the natural environment and avoid natural hazards when building new infrastructure or development.
- b) Improve the natural environment and build resiliency when replacing aging infrastructure.

**Outcome 2: London is one of the greenest and most resilient cities in Canada in alignment with the Council-declared climate emergency and the Climate Emergency Action Plan**

2.1 London is on track to achieve emission reduction progress by 2027; on the path to community milestone target 2030 and to be a net zero community by 2050.

- a) Implement the Climate Emergency Action Plan with a focus on actions up to 2027 that will contribute towards community milestone emission reduction 2030 target

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**London**  
CANADA

b) Plan for and adopt the use of zero-emissions, clean energy, and green infrastructure technologies.

**Outcome 3: London's infrastructure and systems are built, maintained, and operated to meet the long-term needs of our community.**

3.2 Infrastructure is built, maintained, and secured to support future growth and protect the environment.

b) Build, maintain and operate assets with consideration for accessibility, energy efficiency, environmental sustainability and climate resilience

**Climate Emergency Action Plan**

**Area of Focus 3 - Transforming Buildings and Development**

**2. Addressing New Developments**

b. Review and provide options to reduce, restrict, or phase out fossil fuel as the primary source of heat in all new buildings in London as of 2030 including a review of other municipalities, applicable legislation and jurisdiction, implementation benefit, and other factors

d. Review and incorporate climate change considerations into development reviews, such as development-specific transportation demand management and energy management, including presentation of proposed development alignment with London's climate action goals and outcomes in staff reports

e. Revise the Design Specifications and Requirements Manual to ensure climate change considerations are included

g. Review options to encourage or mandate EV charging in new development



Climate Action London  
350 Queens Ave  
London, ON  
[climateactionlondon@gmail.com](mailto:climateactionlondon@gmail.com)

January 4, 2024

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London, Ontario  
[pec@london.ca](mailto:pec@london.ca)

RE: Green Development Standards

Dear Councilors,

We strongly support the call for prioritized development of green development standards as proposed by Councillor Franke and Deputy Mayor Lewis and the immediate adoption of several green development standards. We additionally urge that a more **comprehensive set of standards be developed and quickly implemented.**

Every new development or building constructed below green standards will result in higher GHG emissions and add to the municipal infrastructure renewal burden. Ultimately, new buildings prior to the adaptation of green development standards will need to be retrofitted at a higher overall cost in a relatively short period of time in order for London to meet its net zero emissions targets.

While no one policy area will ensure we reach our goals and create a sustainable equitable community, it is critical that all the tools in the toolbox are used and consistently move us in the same direction. A robust comprehensive set of standards can guide London's development that focuses on the community as a whole by:

- **reducing the burden on municipal infrastructure** by requiring developments that conserve energy and water, manage stormwater runoff, and maintain green spaces
- **expanding the local green economy** and keeping London competitive through the innovative skills and products required by green developments
- **reducing Greenhouse Gas (GHG) emissions** from new buildings and transportation by implementing standards for energy efficiency and prioritizing low-carbon transportation

- improving comfort and resilience to **extreme weather events** through buildings that include resilience measures
- **lowering operating costs** in green buildings compared to traditional buildings, which can help to address **energy poverty**.

Many developers already operate in nearby cities that have green development standards. Prioritizing Green Development Standards and harmonizing London's standards to be consistent with other Ontario cities will give the London development industry a clear and consistent roadmap and ensure we do not fall behind. *London is rapidly growing and we need to prioritize these standards now.*

On Behalf of Climate Action London

Bob Morrison  
Mary Ann Hodge

**From:** MaryAnn Hodge

**Sent:** Sunday, January 7, 2024 7:58 PM

**To:** PEC <[pec@london.ca](mailto:pec@london.ca)>

**Subject:** [EXTERNAL] Delegation status for Meeting on Tuesday Jan 9th - Delegation?

Could you please add my name for “delegation status” to talk on Green Development Standards at the PEC meeting on Tues Jan 9th. I plan to be there in person.

Thanks,

Mary Ann Hodge

Climate Action London



**From:** Brendon Samuels  
**Sent:** Friday, January 5, 2024 2:42 PM  
**To:** PEC <pec@london.ca>  
**Subject:** [EXTERNAL] Submission for PEC January 9 public agenda

January 8, 2024

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London, Ontario  
[pec@london.ca](mailto:pec@london.ca)

RE: Green Development Standards

Dear Councillors,

I am writing to express strong support for the creation of green development standards for the City of London and the immediate adoption of priority green development criteria that are ready to be implemented now, such as bird safe building design standard compliance for municipal facilities, electric vehicle infrastructure in buildings with more than 40 units, encouraging native species in landscaping, and short-term bicycle parking for townhouse developments.

London is lagging behind other comparably-sized municipalities in Ontario that have already been enforcing green development standards for years. As the City grows and behaviours change, many of the new developments being approved are not incorporating practices consistent with Climate Emergency Action Plan targets for reducing greenhouse gas emissions. Extreme weather is becoming more frequent and the cost of operating buildings is increasing, which means what is being constructed today using outdated materials is likely to require retrofitting in the future. This will ultimately pose additional financial strain on building owners and taxpayers. It is much more economical for the City to factor sustainability into the initial designs.

In some ways, this reminds me of the combined sewer system that the City is incurring great expense to replace: decisions were made in the past that did not adequately consider externalized costs (e.g., pollution of the river) and long-term infrastructure needs. Now and into the future, the City has a responsibility to plan differently. We have solutions for most of the challenges that growth poses to meeting emission reduction targets. The City can build better and smarter, anticipating the needs of Londoners in the future. Small, inexpensive changes to how buildings and landscaping are designed can make an enormous cumulative difference for the biodiversity services (e.g., pest control, seed dispersal, pollination) we need to adapt to combat climate change and make our City liveable for all. However, these solutions will only be implemented correctly and consistently if they are enforced through standards.

**Please prioritize bird safe design**

I am a researcher who studies the problem of birds crashing into windows on buildings in London. I also coordinate London's participation in the Bird Friendly City program, which Council proclaimed support

for last August, recognizing that a core requirement of the program is that leading threats to birds are addressed in policy. Bird safe building design is a major gap.

I have been advocating for the City to adopt a bird safe building design standard for 6 years, through multiple terms of advisory committees, participation in a technical working group hosted by Development Services, and three annual reports received by the Planning and Environment Committee. During this period, I have watched as more and more building construction has neglected to include bird safety measures. I am regularly contacted by Londoners who are concerned about finding birds being killed by collisions with windows on such buildings. I would very much like to tell residents this is something their municipal government is working on improving.

Bird safe design is increasingly requested in public consultations about planning applications at the Planning and Environment Committee. Although the City has recommended such measures in approving certain developments, it does not presently have a ratified definition of what is considered safe for birds. Therefore, developers do not have necessary clarity to understand what exactly is required to achieve compliance with an approved site plan. In practice, this may introduce risk of buildings adopting false solutions to prevent bird collisions that are ultimately not effective, such as applying a handful of stickers or treating just a couple of windows on a large structure. By adopting the CSA A460 Bird Friendly Building Design standard, the City would be aligning future references to bird friendly design with current best practices used in other jurisdictions. CSA A460 provides detailed specifications that are straightforward for architects to understand and implement.

I want to also clarify that in fact, the actual cost of designing buildings to be safe for birds is nominal, typically representing a tiny fraction of 1 percent of the cost of a building's construction. I have shared detailed cost specifications and information provided by architects with City staff. From successful implementation of bird safe design requirements through site plan control in other municipalities, we know that this does not pose any risk of delaying development approvals, and it does not increase the cost of housing units or create a burden for taxpayers. In general, bird safe design involves making minor changes to the types of glazing used for windows up to the fourth storey of a building. According to authorities ([source](#)) this is important for *all* buildings subject to site plan control, not just tall buildings. Notably, the London Plan City Building Policies section 304 includes misinformation about this important point.

At minimum, the City should be incorporating bird safe design into its own facilities. I have personally recovered many birds injured and killed by collisions with windows on municipal buildings. These ongoing environmental impacts can be mitigated by adopting the CSA A460 standard for public building construction, and incorporating bird safety into building retrofits wherever possible.

Brendon Samuels

PhD Candidate, Western University  
Chair, City of London ESACAC  
Coordinator, Bird Friendly London

**From:** Theresa Nielsen  
**Sent:** Saturday, January 6, 2024 9:21 AM  
**To:** PEC <pec@london.ca>  
**Subject:** [EXTERNAL] Green Development Standards

January 6, 2024

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London, Ontario  
[pec@london.ca](mailto:pec@london.ca)

RE: Green Development Standards

Dear Councilors,

We strongly support the call for prioritized development of green development standards and the immediate adoption of several green development standards such as EV Charging on buildings with more than 40 units, 50% native species for landscaping with no invasion species, short-term bicycle parking for townhouse developments and bird friendly designs. We additionally urge that a more **comprehensive set of standards be developed and quickly implemented.**

Every new development or building constructed below green standards will result in higher GHG emissions and add to the municipal infrastructure renewal burden. Ultimately, new buildings prior to the adaptation of green development standards will need to be retrofitted at a higher overall cost in a relatively short period of time in order for London to meet its net zero emissions targets.

While no one policy area will ensure we reach our goals and create a sustainable equitable community, it is critical that all the tools in the toolbox are used and consistently move us in the same direction. A robust comprehensive set of standards can guide London's development that focuses on the community as a whole by:

- **reducing the burden on municipal infrastructure** by requiring developments that conserve energy and water, manage stormwater runoff, and maintain green spaces
- **expanding the local green economy** and keeping London competitive through the innovative skills and products required by green developments
- **reducing Greenhouse Gas (GHG) emissions** from new buildings and transportation by implementing standards for energy efficiency and prioritizing low-carbon transportation
- improving comfort and resilience to **extreme weather events** through buildings that include resilience measures
- **lowering operating costs** in green buildings compared to traditional buildings, which can help to address **energy poverty.**

Many developers already operate in nearby cities that have green development standards. Prioritizing Green Development Standards and harmonizing London's standards to be consistent with other Ontario cities will give the London development industry a clear and consistent roadmap and ensure we do not fall behind. *London is rapidly growing and we need to prioritize these standards now.*

We agree that our letter can be part of the public record.

Theresa and Larry Nielsen  
Sent from my iPad



Mr Chair and Committee Members,

On behalf of the members of the London Home Builders' Association I wanted to share our feedback on the letter before you from Councillors Franke and Lewis in relation to proposed green development standards.

In relation to item i), for projects not already considering these items, being added "wherever possible and compatible" at site plan will likely add additional time and cost to the overall building and development process. This would require going back and forth between the City and the applicant to determine if these items are possible and compatible for every project that comes to site plan for review.

In relation to iv) "Staff be DIRECTED to review the legislative framework and municipal best practices to adopt a bylaw through section 97.1 of the Municipal Act..." we would strongly discourage this direction to staff as *Municipal Act* Section 97.1 is quite clear that requirements cannot exceed the requirements of the Ontario Building code.

Additionally, the Ontario Building Code will already over this year be coming in line with the current Energy Star, energy efficiency certification. Harmonization with the national building code will follow shortly after in 2025 which will have an even greater focus on homes achieving net zero.

This year alone we are already expecting 7,000 code provisions and over 2,000 anticipated changes in the next round of amendments, with another equal number of harmonization changes following the release of the next National Building Code in 2025.

With that in mind we would ask that the update from Staff be pushed to Q3 2024. Delaying to Q3 would give industry and staff the opportunity to consider elements of the 2024 code that cover sustainable design/construction as per the request.

Thank you for the opportunity to share our feedback on these important matters,

*Jared Zaifman*

Jared Zaifman  
CEO - London Home Builders' Association

**From:**

**Sent:** Sunday, January 7, 2024 10:00 PM

**To:** PEC <pec@london.ca>

**Cc:** Rahman, Corrine <crahman@london.ca>

**Subject:** [EXTERNAL] Adopting Green Development Standards for London

Greetings,

Reaching out to you today to voice support for adopting “green development standards” for the city of London.

Making this a priority is crucial now, as London is growing at a steady pace and communities, developers, and administration would all benefit from having development standards that clearly reflect the city’s commitment to addressing the climate emergency. A few examples:

- new homes and buildings constructed under green standards will lower the city’s GHG emissions and avoid costs to retrofit in the near future in order to meet emission reduction targets,
- new developments that conserve energy and water and manage stormwater runoff will be easier on municipal infrastructure,
- recognizing the need to define green spaces beyond the general description of “parks” - to encompass naturalized areas, tree canopy, and food production – will conserve crucial biodiversity, cool increasingly hot urban communities, preserve pollinator species, and provide beneficial connection between people and the environment that sustains us, as well as lowering maintenance costs and GHG emissions from grass maintenance equipment,
- supporting the viability of low-carbon transportation options like biking and walking will reduce GHG emissions and improve health and well-being for residents,
- standards that mandate buildings resilient to extreme weather events will not only improve resident confidence and well-being – they will reduce recovery and rebuilding costs, and
- the innovation and skill development needed to drive the implementation of green development standards will keep London competitive in a growing green economy.

While working toward a comprehensive green development standard framework, there are individual standards that can be adopted quickly and have significant impact:

- providing EV charging on buildings with more than 40 units
- mandating landscaping of 50% native species (no invasive species)
- short-term bicycle parking for townhouse developments
- bird friendly designs for buildings

I urge you to take this opportunity to prioritize green development standards, at a time when London’s rapid development is significantly impacting the resilience and well-being of our communities.

**I would also like to request delegation status, if possible, to be able to speak on this issue (virtually) at the PEC meeting on Tues Jan 9th.**

Many thanks for all you are doing for the residents of this city.

Lella Blumer

Ward 7

**From:** Leah Derikx <leah@londonenvironment.net>

**Sent:** Monday, January 8, 2024 8:00 AM

**To:** PEC <pec@london.ca>

**Cc:** McAlister, Hadleigh <hmcaster@london.ca>; Lewis, Shawn <slewis@london.ca>; Cuddy, Peter <pcuddy@london.ca>; Stevenson, Susan <sstevenson@london.ca>; Pribil, Jerry <jpribil@london.ca>; Trosow, Sam <strosow@london.ca>; Rahman, Corrine <crahman@london.ca>; Lehman, Steve <slehman@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Van Meerbergen, Paul <pvanmeerbergen@london.ca>; Franke, Skylar <sfranke@london.ca>; Pelosa, Elizabeth <epelosa@london.ca>; Ferreira, David <dferreira@london.ca>; Hillier, Steve <shillier@london.ca>

**Subject:** [EXTERNAL] Support of Green Development Standards at PEC

Dear Planning & Environment Committee and Councillors,

I am glad to see the letter prepared by Councillor Franke and Councillor Lewis recommending the prioritization of Green Development Standards in London. On behalf of the London Environmental Network (LEN), I am fully supportive of this recommendation.

The LEN is an environmental charity that works to make London one of the greenest, most resilient cities in Canada through educational programs and community engagement. The immediate adoption of green development standards is a key step in achieving a green and resilient city.

I hope to see all recommended items from the letter be implemented, especially developing a green development standards bylaw and immediate items like EV Charging on buildings with more than 40 units, 50% native species for landscaping with no invasion species, short-term bicycle parking for townhouse developments, and bird-friendly building designs. I'm excited to see Green Development Standards move forward for a more sustainable city, and I look forward to working on this strategic priority together.

With thanks,

**Leah Derikx** (she/her)

Interim Executive Director, London Environmental Network

226-977-1731 | [leah@londonenvironment.net](mailto:leah@londonenvironment.net)

*[Sign up for our e-newsletter](#) to receive upcoming environmental events and volunteer opportunities!*



January 8, 2024

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London, Ontario  
[pec@london.ca](mailto:pec@london.ca)

RE: Green Development Standards

Dear Councillors:

I am a London resident and taxpayer who strongly supports the City of London adopting the Canadian Standards Association Bird-Friendly Building Design Standard (CSA A460:19). Please include CSA A460 in the Green Development Standards.

Every year, about 1 billion birds die from window collisions in North America. The Bird-Friendly Building Design Standard would help reduce bird mortality, demonstrating not only London's leadership in environmentally sustainable design, but also its dedication to our feathered friends as a Bird-Friendly City with the highest score in the certification program.

I heard the sickening "thud" of a bird hitting our bedroom window in the summer of 2021. On the ground, I found a motionless, black, yellow and white bird: an American Goldfinch. I felt horrible knowing I could have prevented this senseless death by simply installing inexpensive decals on the window. We applied Feather Friendly® markers and have not heard another dreaded "thud".

Thousands and thousands of birds still continue to die each day from window collisions even though it is illegal for building windows to kill birds under Federal Migratory Bird Regulations and the provincial Environmental Protection Act. Their deaths negatively affect both our physical and mental health. Birds control insect populations, pollinate plants, disperse seeds and bring joy. They are vital to our lives, our future.

I ask that the City of London adopt and implement the Canadian Standards Association Bird-Friendly Building Design Standard (CSA A460:19). Please, do not delay.

Thank you for taking the time to read my letter.

Sincerely,  
Rebecca St. Pierre