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SP14-038425/A. MacLean

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|  | <b>CHAIR AND MEMBERS<br/>PLANNING AND ENVIRONMENT COMMITTEE</b>  |
|  | <b>GEORGE KOTSIFAS, P. ENG.<br/>MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES<br/>&amp; CHIEF BUILDING OFFICIAL</b>                     |
|  | <b>APPLICATION BY:<br/>REMBRANDT DEVELOPMENTS (LONDON) INC.<br/>2081 WALLINGFORD AVENUE<br/>PUBLIC PARTICIPATION MEETING ON<br/>MARCH 23, 2015</b> |

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| <b>RECOMMENDATION</b> |
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That, on the recommendation of the Manager of Development Planning, The Approval Authority **BE ADVISED** that Council supports the Approval Authorities recommendation of refusal of the Site Plan application of Rembrandt Developments (London) Ltd. relating to the property located at 2081 Wallingford Avenue for an amendment to the site plan to allow for the installation of a 2.4 m (8 foot) high privacy fence along the west side of this development.

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| <b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b> |
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**39T-05508/Z-6907 – Draft Plan of Subdivision/Rezoning – June 2006**  
**Vacant Land Condo/Site Plan Applications – September 2010**  
**H-7841 – Removal of Holding Provision – December 2010**

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| <b>RATIONALE</b> |
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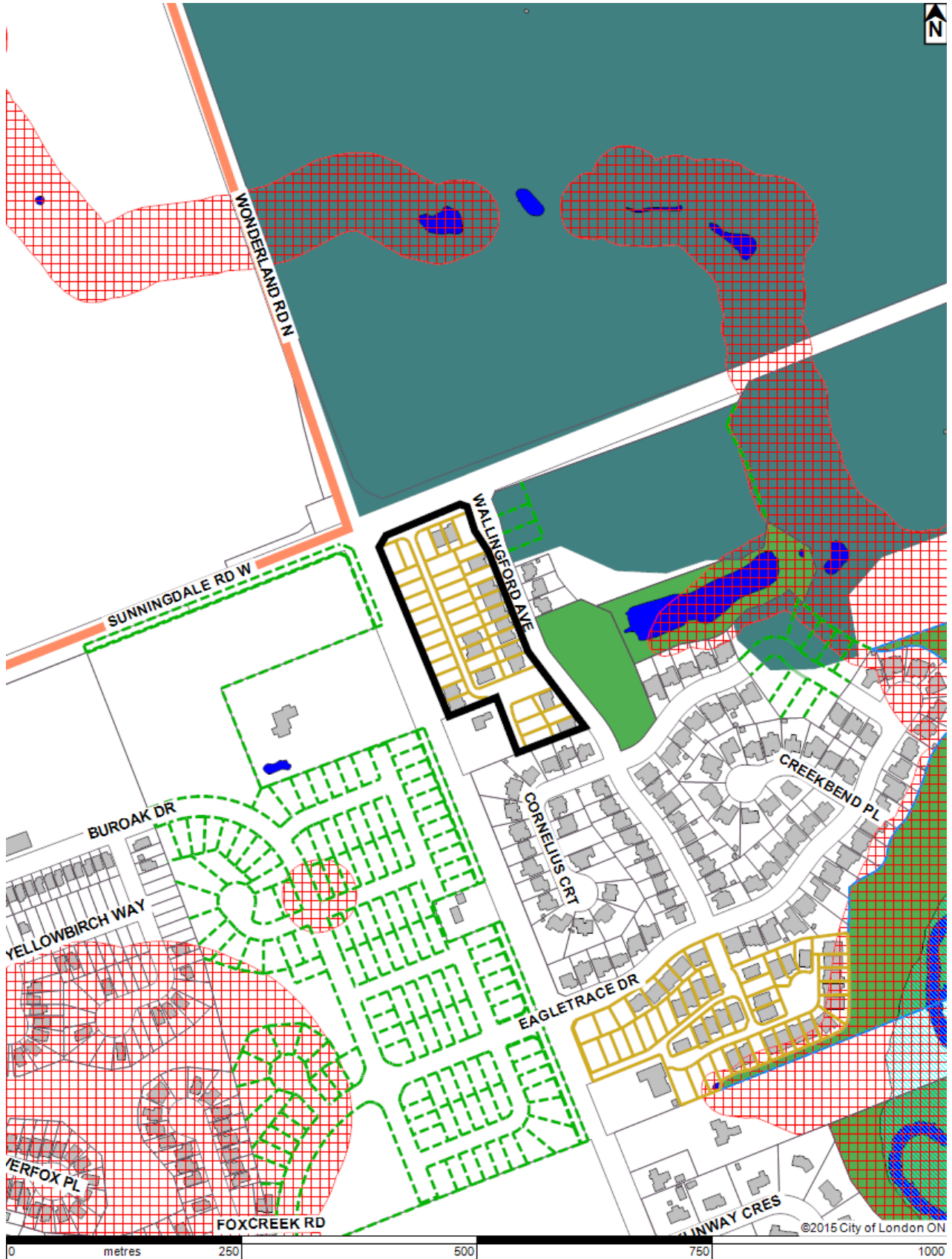
1. The applicants' request to amend the site plan to allow for a 2.4 metre high privacy screen is not in keeping with the City's Placemaking Guidelines;
2. The proposal does not follow the intent of the Holding Provision(h-54) which was applied to address street oriented development; and,
3. Installation of a 2.4 m high fence along this stretch of Wonderland Road could set a precedent for a similar type of streetscape on the west side of Wonderland Road.

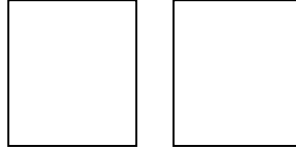
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| <b>BACKGROUND</b> |
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On November 25, 2014 Rembrandt Developments (London) Inc. submitted an application to amend their current site plan to allow for the installation of a 2.4 metre(8 foot) privacy fence along the western boundary of the subject property. In keeping with the City's Site Plan Control By-law, since the original site plan application was subject to a full public review and the developer is not intending to develop the lands as originally approved, then a further public meeting is required when a new site plan application is made for the same lands. It is staffs' position that the proposal to install the 2.4 metre (8 foot) high privacy fence is not minor and should not be considered without a further public site plan meeting.

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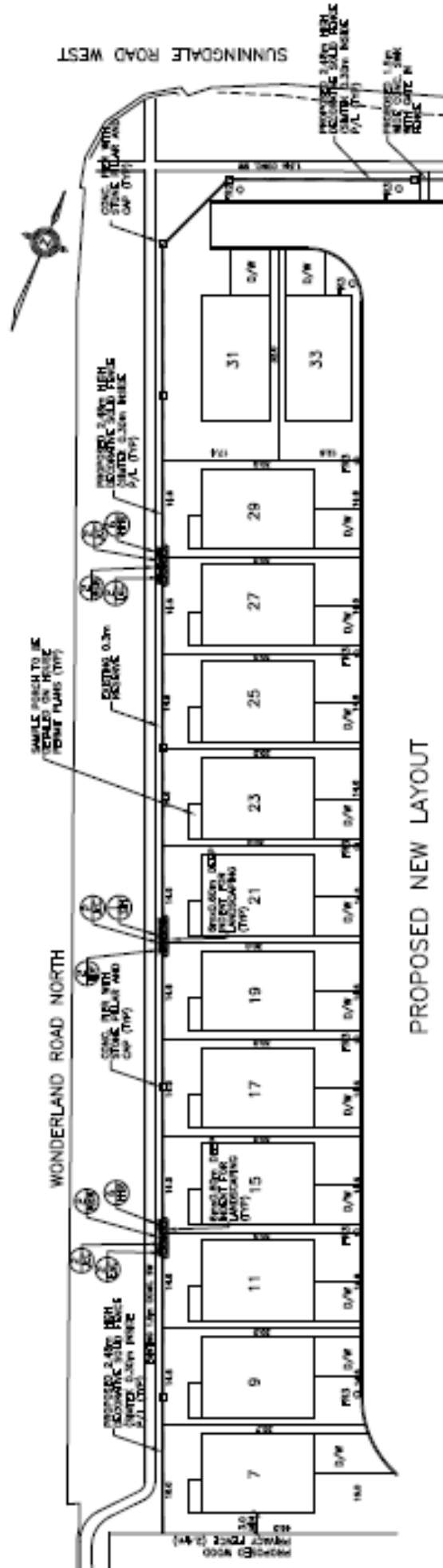
Location Map





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Proposed Amendment



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| <b>Date Application Accepted:</b> December 2, 2014   | <b>Agent:</b> Douglas Stanlake |
| <b>REQUESTED ACTION:</b> Amend the current site plan to replace a portion of the existing wrought iron boundary fence with a visual barrier privacy fence. |                                |

**PLANNING HISTORY**

These lands originally formed part of Corlon’s Sunningdale West Subdivision. This subdivision was draft approved on July 21, 2006 and the phase which included these lands was registered in June 27, 2008. At the time of draft approval the following three holding provisions were applied to the zones relating to this parcel. These holding provisions required:

- an agreement to be entered into following public site plan review(h-5);
- the Owner to implement all noise attenuation measures as recommended in accepted noise assessment reports(h-54).
- the Owner to prepare a building orientation plan acceptable to the General Manager of Planning and Development which encourages street oriented development(h-71).

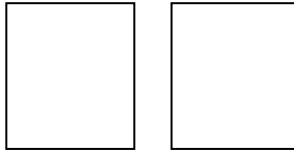
In addition to the approved holding provisions, specific clauses within the subdivision agreement provided direction to the Site Plan Approval Authority to ensure that the issue of noise and dwelling orientation were addressed prior to the approval of development of this multi-family block.

In 2010 Rembrandt Developments London (Ltd) applied for a draft plan of vacant land condominium and concurrent site plan approval to allow for the development of 43 cluster single detached dwellings at this location. The applicant designed the site consistent with the direction provided by the holding provisions and the subdivision clauses and as a result staff were satisfied that the intent of the zoning was addressed. Based on this a report(attached) to lift the holding provisions was presented to Committee and Council for consideration. On December 20, 2010 Council approved lifting of the holding provision which dealt with the orientation of the development and the elimination of the need for a continuous noise wall.

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| <b>PUBLIC LIAISON:</b>  | On March 11, 2015, a Notice of Public Meeting was sent to adjacent property owners in the surrounding area. Notice of Public Meeting was also published in The Londoner on March 12, 2015. |
| <b>Nature of Liaison:</b> The purpose and effect of this site plan application is for approval to construct a 2.4 m high privacy fence along the western boundary of 2081 Wallingford Avenue (adjacent to the existing and future cluster single detached dwelling units abutting Wonderland Road). The Site Plan Control Area by-law requires that properties which have been subject to a public site plan meeting are required to have future public meetings when amendments to the Site Plan are proposed. |  |
| <b>Responses:</b> None  |  |

**ANALYSIS**

On November 25, 2014, Rembrandt Developments (London) Inc. submitted an application to amend their current site plan to allow for the installation of a 2.4 metre (8 foot) privacy fence along the western boundary of the subject property. Their rationale for requesting the installation of this privacy fence is to assist in the sale of the homes that face Wonderland Road.



It is their position that homeowners do not wish to deal with the visual and noise issues from Wonderland Road and as such this is their only option to assist them in selling these units. In addition, they have indicated that the lack of a privacy fence has affected the sale of other units within the development which currently have exposure to Wonderland Road. They also note that a noise wall has been constructed south of this development as part of the 1<sup>st</sup> Phase of Corlons subdivision and that this would be a logical continuation of this wall. In addition, they have noted that the roundabout at the corner of Sunningdale Rd W. and Wonderland Rd N. will have a negative impact on future residents due to headlights which will be shining directly into the units. Sunningdale Golf & Country Club Ltd (the original subdivider) agree with Rembrandts' rational and have provided their written support (see Appendix 1).

### Issues Raised at the Subdivision Draft Plan Approval Stage

At the time these lands were draft approved and the zoning by-law was amended there were extensive discussions regarding the use of noise attenuation barriers adjacent to Wonderland Road. The following conditions of draft approval were specifically created for this subdivision:

69. *The single detached lots abutting and in proximity to Wonderland Road North and Sunningdale Road West (as redlined) are subject to the following requirements for the provision of appropriate noise attenuation measures:*
- i) A noise report and supporting documentation be submitted to the satisfaction of the City, prior to the first submission of engineering drawings, that meets MoE criteria, the Noise Attenuation policies of the City of London Official Plan, and City standards for the construction of a noise attenuation barrier;*
  - ii) the noise attenuation barrier and any other noise attenuation measures be designed and constructed in accordance with the recommendations of the accepted report.*
  - iii) The noise wall to be constructed, including masonry pillars, be located on private lands, on the lots identified in the noise report to be accepted, adjacent to the municipal road allowance and with returns as required.*
  - iv) The Owner shall register on title a blanket easement on the lots adjacent to Wonderland Road North on which the noise attenuation barrier is to be erected for the purpose of providing access by the City for the repair, maintenance and replacement of the noise attenuation barrier, at no cost to the City.*
  - v) The subdivision agreement to be registered on title contain a warning clause pertaining to the lots on which the noise attenuation barrier adjacent to Wonderland Road North is to be erected that describes the noise attenuation measures and the arrangements between the Owner and the City for the maintenance, repair and one-time replacement of the noise attenuation barrier for one life-cycle of the barrier, and indicates that after one life cycle, the landowner is responsible for the ongoing maintenance, repair and replacement of the noise attenuation barrier;*
  - vi) The subdivision agreement to be registered on title contain all warning clauses recommended in the noise report to be accepted.*

*All subject to the final terms of the agreement to satisfy Condition 44 being reached.*

70. *The City agrees to create, set aside moneys in, and manage a Barrier Replacement Fund for the one-time replacement by the City of the noise*

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*attenuation barrier for the single detached lots on Wonderland Road North, subject to the final terms of the agreement to satisfy Condition 44 being reached.*

71. *The Owner agrees that prior to an application for site plan approval and the execution of a development agreement for Block 154, the Owner shall have a qualified acoustical consultant prepare and submit a final noise report to the satisfaction of the City that meets MoE criteria, the Noise Attenuation policies of the City of London Official Plan, and City standards for the construction of a noise attenuation barrier adjacent to Wonderland Road North. The final accepted recommendations shall be incorporated into the development agreement with the City.*
72. *The Owner agrees that prior to an application for site plan approval and the execution of a development agreement for **Blocks 153** and 165, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise between Wonderland Road North and Sunningdale Road West, and Block 153, and between Sunningdale Road West and Block 165, and apply alternative site design, building orientations and noise abatement measures that do not require a continuous noise attenuation barrier. Such measures will be in accordance with the requirements of the M.O.E. to be reviewed and accepted by the General Manager of Planning and Development. The final accepted recommendations shall be incorporated into the development agreement with the City of London.*
73. *The Owner shall, prior to an application for site plan approval or an application for a plan of condominium for Blocks 153, 154 and 165, prepare a building orientation plan which demonstrates that the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement.*

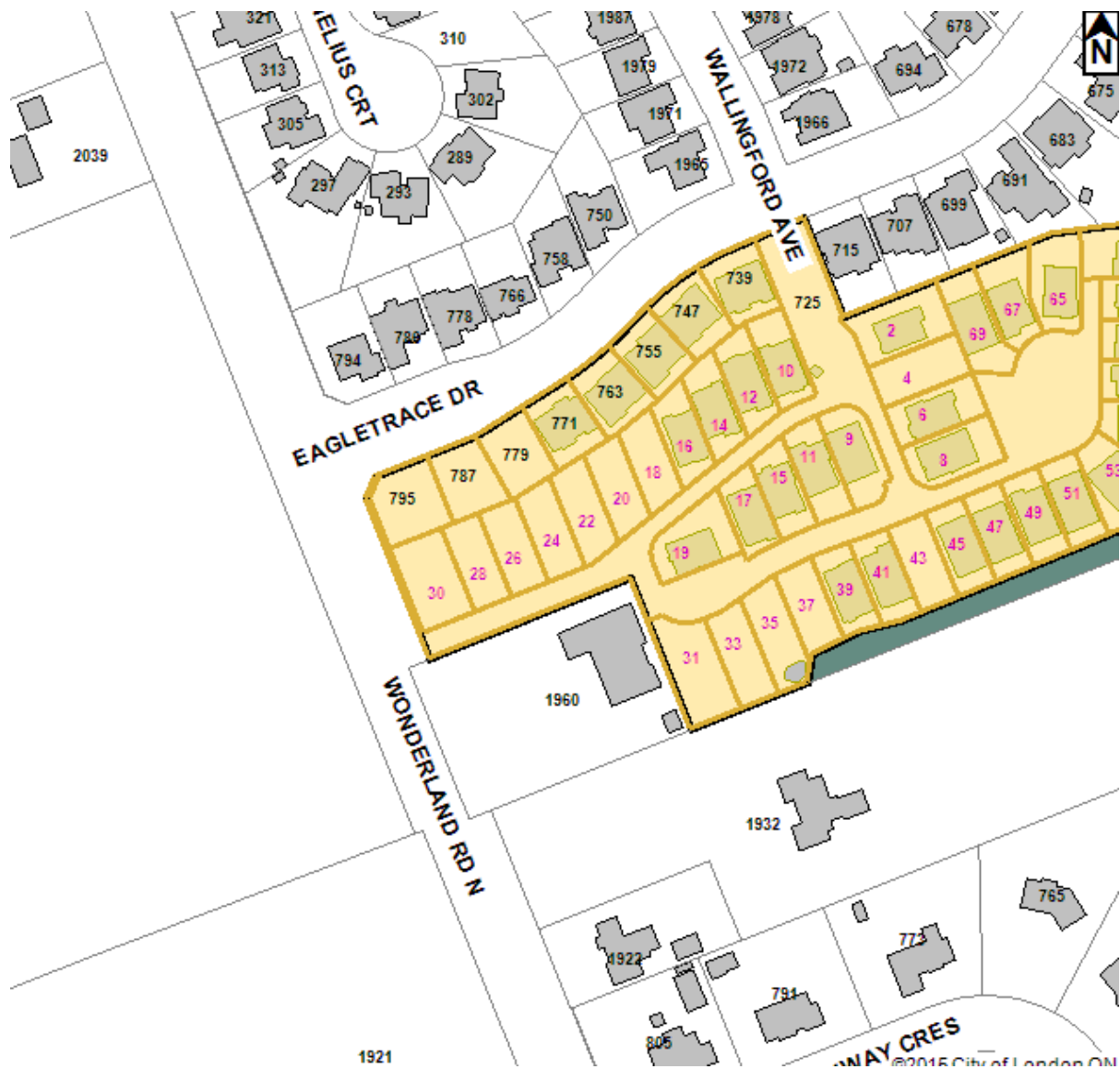
Conditions 69 and 70 (noted above) were directed to the single detached dwellings located north of Eagletrace Drive.

Conditions 71 and 73 relate to lands immediately south of Eagletrace Drive (Vacant Land Condominium MCC763). The size of this block and resulting design eliminated any potential for units to face Wonderland Road and as a result localized noise attenuation walls were utilized to protect the outdoor living area for these units.

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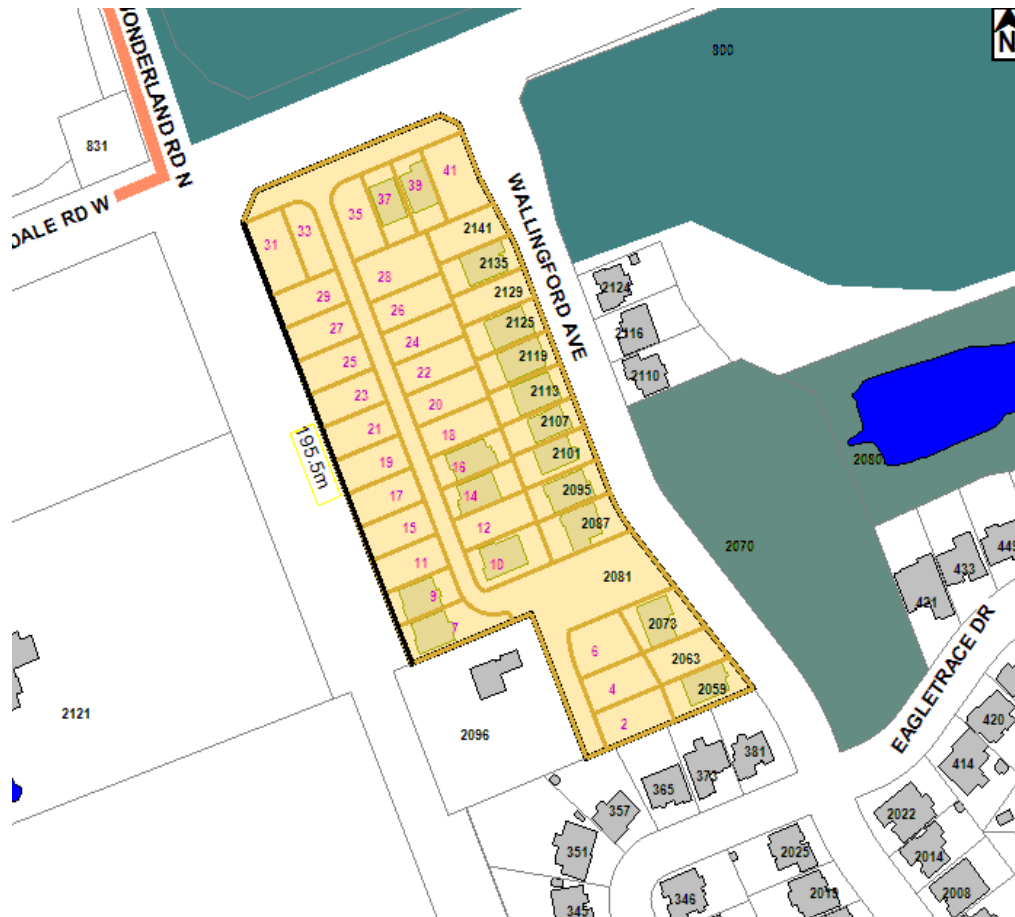
**Existing Vacant Land Condominium  
(MCC763)**



Condition 72 specifically references the subject lands (Block 153) and with the extensive exposure this block has to Wonderland Road there was ample opportunity for the developer to address the design of this block to ensure that the units could be oriented to the street in keeping with the h-54 holding provision which was applied to the property. In December 2010 staff reported to Council that an acceptable design to address this interface was proposed by the applicant and as a result the holding provision applying to these lands was satisfied and could be removed on that basis(see attached PEC report H-7841 dealing with this issue).

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**Subject Lands**



**Current City Policies Relating to this Issue**

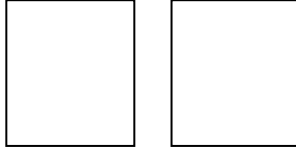
The City’s Placemaking Guidelines specifically note that buildings (their massing, architectural elements and habitable areas) should be oriented so that they promote an eyes-on-the-street approach to streetscapes and public spaces. Although the applicant has specifically indicated that the proposed fence is not designed to address noise, the visual presence of a 195 metre long 2.4 metre high privacy fence is not considered desirable along this heavily travelled arterial road; it does not meet the intent of the original holding provision which was applied to address the interface of this development with Wonderland Road; and it is contradictory to the City’s Placemaking Guidelines. It should also be noted that the City has recently constructed a round-about at the intersection of Wonderland Rd and Sunningdale Rd which makes this a major gateway in to the City.

The applicant has indicated that the fence is intended to be a privacy screen from the adjacent arterial road. However, based on the manufacturer’s product and its appearance, this could be considered a noise barrier. Section 19.9.6. of the Official Plan discourages the construction of noise barriers for residential development along arterial roads. Noise barriers are only considered as a last resort should the site not lend itself to other options(i.e. a window street or front oriented development).

**House Sales**

The applicant has indicated that the lack of a privacy fence along this section of Wonderland Road North is hindering house sales. It is unknown for certain that the installation of a privacy fence will resolve this issue. It should be noted that Rembrandt Developments have constructed a number of other developments in London with a similar design with all or the majority of units being sold. They also indicated that the market for those units differs from the market they have targeted at 2081 Wallingford and for that reason, the design is affecting their sales.





**Possible Fencing Alternatives**

The applicant's original proposal was to construct a 2.4 m high solid privacy fence (with no breaks) along this entire stretch of Wonderland Rd adjacent to this development. The applicant has worked with Development Planning and Planning Services staff to try and address staffs concerns with their original proposal. The applicant's most recent proposal was to construct a 2.4 metre high privacy fence with indents on both sides of a gate leading to the main entrance of these dwellings. These indents are to provide landscaping which would enhance the visual prominence of the main entry to the property. Although staff agrees in principle with this design, we still have concerns with the overall height of the proposed fence and the size of the landscape indents. In order to ensure that there is sufficient room for landscaping and to provide for a more attractive streetscape, staff have proposed that the depth of the indents be increased from 0.6 m(2ft) to 1.5 m (5 ft) and that the height of the privacy fence be reduced to 1.8 m (6 ft) along the Wonderland frontage and 1.2 (4 ft) metres within the indents. The following provides a comparison of the applicants proposal and staffs alternative option.

**Applicants Proposal  
(2.4 m high fence with indents)**



**Staffs Proposal  
(1.8 m high fence with 1.2 m high indents)**



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**Streetscape View  
(Staffs Proposal)**



While staff do not support a 2.4 metre high solid privacy fence, a proposal that reduces the fence height and maintains the individual walkway connections to Wonderland Road North with increased visual exposure of all west building entrances should be considered in order to meet the original intent of the interface of these dwellings with Wonderland Rd.(as espoused in the original holding provision which applied to this parcel). Adequate privacy, security and visual buffering from Wonderland & Sunningdale can be accomplished with a combination of low wall/fence and plant materials. A combination of the currently approved fencing(wrought iron) in front of the entry porch (with a gate) along with a landscape wall could be supported as well.

It should be noted that the condominium declaration may need to be revised to ensure that the condominium board is aware that they are responsible for the long term maintenance and repair/replacement of any new privacy fence approved for this development.

Should Council not agree with staff's recommendation on this site plan amendment application, they can, by by-law, revoke the "delegated authority" so that they can make an alternative decision on this matter.

**CONCLUSION**

In order to maintain the street-oriented design of this development, a plan should be developed which includes the individual unit walkways to Wonderland Road and visual exposure of the entrances facing Wonderland while limiting the height of any proposed privacy fencing.

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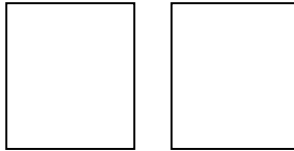
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| <b>PREPARED and RECOMMENDED BY:</b>                                     |  |
|   |  |
| <b>ALLISTER MACLEAN<br/>MANAGER – DEVELOPMENT PLANNING</b>              |  |
| <b>REVIEWED BY:</b>   | <b>SUBMITTED BY:</b>   |
|   |  |
| <b>TERRY GRAWAY , MCIP, RPP<br/>MANAGER OF DEVELOPMENT<br/>PLANNING</b> | <b>GEORGE KOTSIFAS, P. ENG.<br/>MANAGING DIRECTOR, DEVELOPMENT &amp;<br/>COMPLIANCE SERVICES &amp; CHIEF<br/>BUILDING OFFICIAL</b> |

March 13, 2015

AM/am

"Attach." or "encl." (where applicable)

Y:\Shared\DEVELOPMENT SERVICES\3 - Condominiums\2010\39CD-10508 - 2105 Wallingford Avenue (AMacL)\Report to PEC-  
Privacy Fence.dot



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**Appendix 1**



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CITY OF LONDON  
DEVELOPMENT SERVICES

July 31, 2014

*Via Email, Original to Follow Via Canada Post*

Rembrandt Developments (London) Inc.  
1560 North Routledge Park  
London, Ontario N6H 5L6

14 - 038425

**Attention: Mr. Mr. Tony Marsman  
President**

Dear John:

**Subject: Stonebridge on Sunningdale, Block 101 of 33M-593, corner of Wonderland Road North and Sunningdale Road West - site plan amendment to install "noise reduction measures"**

As you will likely re-call, the above referenced block was draft approved on July 21, 2006 as Block No. 153 of 39T-05508. As a condition of draft approval, the City of London required that prior to an application for site plan approval and the execution of a development agreement for Block 153, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise between Wonderland Road North and Sunningdale Road West and apply alternative site design, building orientations and noise abatement measures that do not require a continuous noise attenuation barrier.

As the original landowners and developers of this subdivision ("Neighbourhood of Sunningdale – Sunningdale West"), we sold this block of land to Z Group, shortly after the plan (33M-593) was registered to legally create this block on June 27<sup>th</sup>, 2008. In early 2011, efforts by Rembrandt to purchase this block from Z group were facilitated, following the corporate restructuring of Z Group and their withdrawal from the home building market place.

For over three (3) years now, Rembrandt has diligently proceeded with the development of this block based upon a site plan and development agreement that employed the City's desired conditions (mentioned above) for building orientation (units "fronting" to Wonderland Road) and site design that precluded the need for a continuous noise attenuation barrier. These efforts have included the design, construction and marketing of your "Palmer" unit which incorporated design elements into the rear elevation (facing Wonderland) to portray a front elevation and an extensively landscaping courtyard in the front of the unit to provide outdoor amenity space in compliance with the MOE's noise criteria, considering the City's desire for no noise attenuation barrier. It would appear that despite all of Rembrandts efforts over this time to meet the City's desired deign objectives, the marketplace has been unaccepting of these units and the site design (no noise attenuation barrier) due to the impacts of traffic noise from Wonderland and Sunningdale Road. This situation has now been aggravated further by the City's implementation of a roundabout at the intersection Wonderland / Sunningdale, which will require vehicles to continually decelerate and accelerate as they enter and exit the roundabout, not to mention the impact on the site and these units with increased nigh time vehicular light intrusion as vehicles navigate the roundabout.

Carlon Properties Inc.  
379 Sunningdale Road West, London, Ontario, Canada N6G 5B9 519-660-6200 Fax 519-660-6204  
info@sunningdalehome.com www.sunningdalehome.com

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Considering all of the above, it is our understanding that Rembrandt intends to approach the City to commence discussions about the potential to amend your site plan and development agreement to allow you to construct an eight (8') foot high decorative noise barrier (vinyl extruded Sim-Tex fencing) along your frontage with Wonderland Road and for some portion of your frontage along Sunningdale Road, in order to mitigate the traffic impacts on your site / units. Accordingly, please accept this letter as confirmation of our support, as the original developers of "Sunningdale West", of your efforts going forward with the City.

As I am sure you are aware, your request to the City to permit the installation of noise barrier is not without precedence. In south London, the home built on Devon Road (backing onto White Oak Road) were also design and sited in a similar manner (without a noise wall). After several years of failing to attract prospective buyers, a noise wall / fence was permitted to be constructed along White Oak Road. Also, a few years ago, when the City of London widened Oxford Street West, a noise wall was installed along Laurel Court, despite the fact that Laurel was a "window" street. While the City's design objects (to eliminate noise walls) was a laudable goal, "liveability" should be given equal consideration to "aesthetics". Your desired installation of a decorative noise barrier (vinyl extruded Sim-Tex fencing) should achieve both.

Yours truly,

**Corlon Properties Inc.**

A handwritten signature in black ink, appearing to read "D. Schmidt", written over a horizontal line.

David R. Schmidt, MCIP, RPP  
Development Manager

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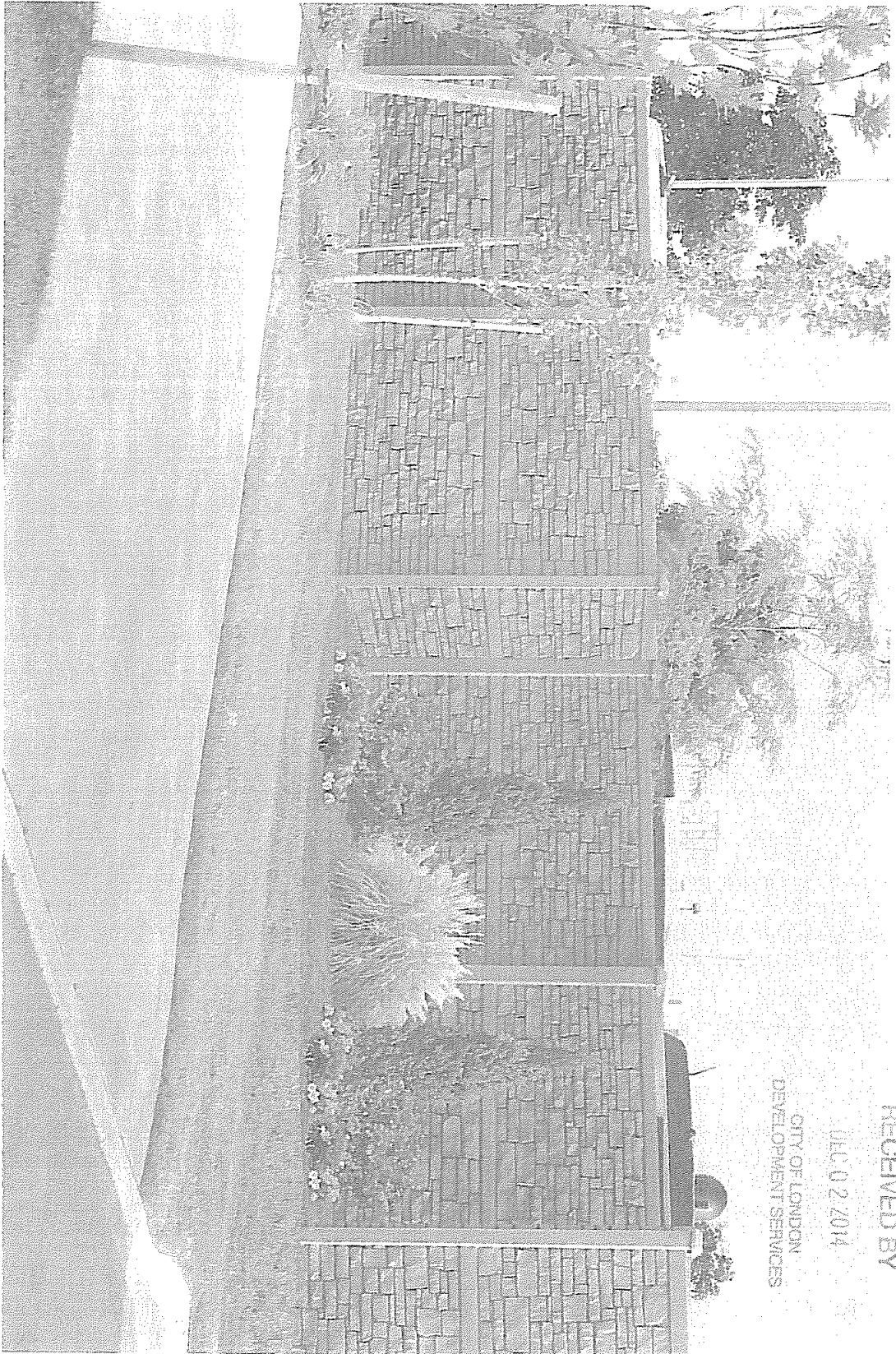
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