

## Report to Planning and Environment Committee

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

**From:** G. Kotsifas, P. Eng  
Managing Director, Development & Compliance Services &  
Chief Building Official

**Subject:** Application By: Homes Unlimited (London) Inc.  
770 Whetter Avenue

**Meeting on:** Monday, March 19, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Homes Unlimited (London) Inc. relating to the property located at 770 Whetter Avenue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 27, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R9 Special Provision (h•h-5•h-18•h-65•R9-1(2)•H15) Zone **TO** a Residential R9 Special Provision (R9-1(2)•H15) Zone to remove the h, h-5, h-18 and h-65 holding provisions.

## Executive Summary

### Summary of Request

To remove holding provisions from the zoning on 770 Whetter Avenue.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h", "h-5", "h-18", and "h-65") symbols from the zoning to permit construction of a four (4) storey, 54 unit residential apartment building.

### Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the applicant has entered into a development agreement and provided the necessary securities ("h"), a public site plan meeting before Planning and Environment Committee has occurred ("h-5"), an archaeological assessment and the necessary sign off has been provided ("h-18"), and the development agreement and site plan have incorporated the necessary noise and vibration attenuation measures, recommended in the noise and vibration assessments provided to the City ("h-65").

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the southwest corner of Whetter Avenue and Westminster Avenue. Westminster Avenue is a primary collector road. The lands to the north and east of the site consist primarily of one to two (1-2) storey single family dwellings. The lands to the south comprise multiple three (3) storey apartments, and lands to the east are bounded by Thompson Road and the CN Railway.

#### 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Holding Residential R9 Special Provision (h•h-5•h-18•h-65•R9-1(2)•H15) Zone

#### 1.3 Site Characteristics

- Current Land Use –vacant
- Frontage –66.9m
- Depth – 102m
- Area – 0.73 ha
- Shape – rectangular

#### 1.4 Surrounding Land Uses

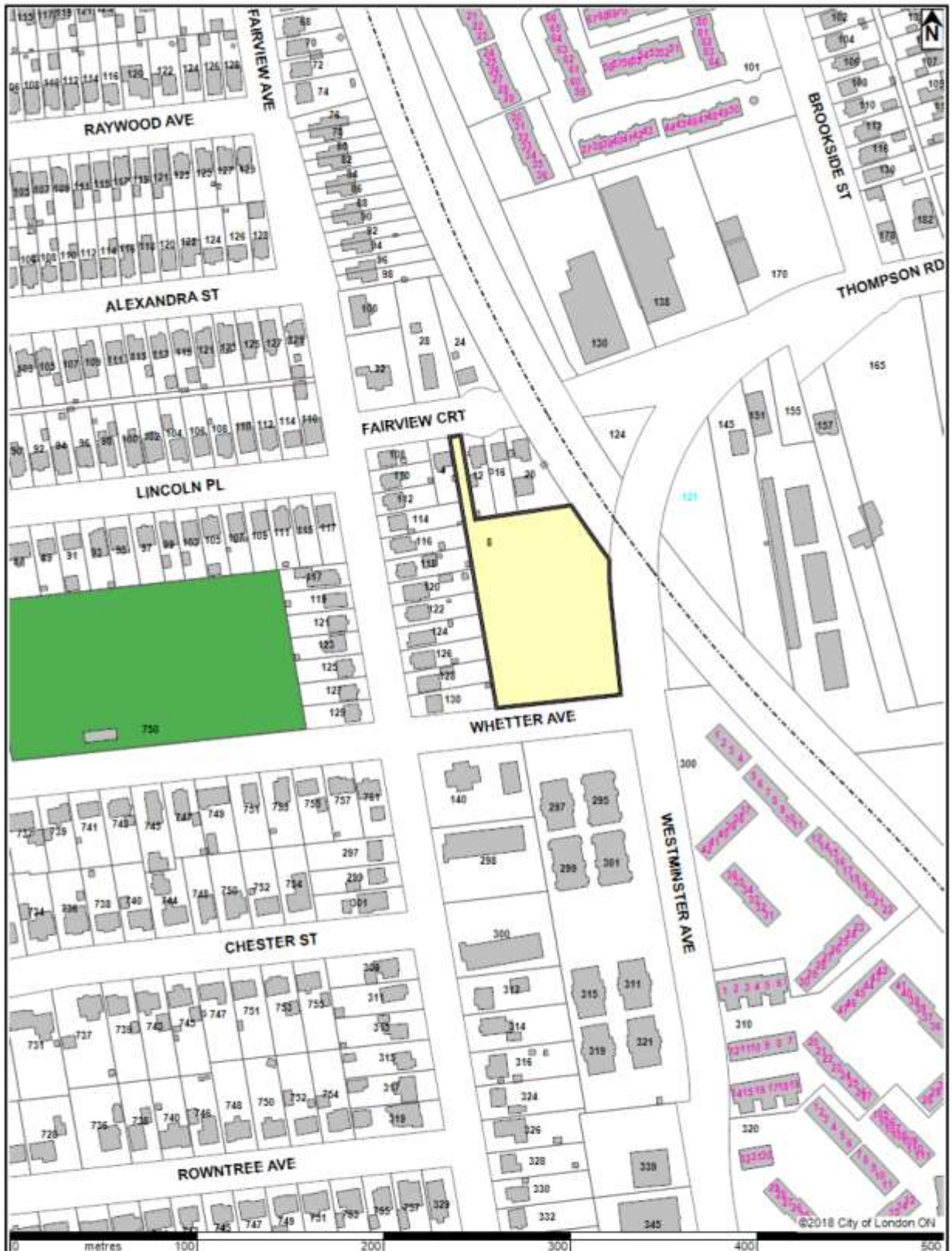
- North – Residential- single detached dwellings
- East – Residential- townhouses
- South – Residential- low rise apartment
- West – Residential- single detached dwellings

### 2.0 Description of Proposal

#### 2.1 Development Proposal

The Site Plan shows a four (4) storey, 54 unit apartment building located along Whetter Avenue. The parking area is located to the west and north of the building containing a total of sixty-eight (68) vehicular spaces. One vehicular access is located from Whetter Avenue with pedestrian access to the building provided from Westminster Avenue and internal to the site from the west side. The pedestrian entrance along Westminster Avenue is defined by a walkway and landscaping. Long term bicycle parking and garbage storage are located internal to the building. Privacy fencing (1.8 metre board on board) is proposed along the north and west property lines. Existing mature trees along the north and west property lines are to be preserved and additional tree and plant material are proposed. The proposed development is located within close proximity to the Westminster Hospital South Campus lands and public transit.

Location Map



<p><b>LOCATION MAP</b></p> <p>Subject Site: 770 Whetter Avenue                  Applicant: Homes Unlimited                  File Number: H-8873                  Planner: Nancy Pasato                  Created By: Nancy Pasato                  Date: 2018-02-06                  Scale: 1:2500</p> <p>Corporation of the City of London                  Prepared By: Planning and Development</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Address Numbers</li> </ul>
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## 3.0 Revelant Background

### 3.1 Planning History

The application for Site Plan Approval was accepted on June 14, 2017 for the construction of an apartment building four (4) storeys in height with a total of fifty-four (54) units. A public meeting was held at PEC on December 4, 2017. PEC and Municipal Council supported the site plan application.

A consent application (B.44/17) was approved on February 13, 2018. The approved consent will sever and convey approximately 139.5m<sup>2</sup> to 4 Fairview Court and sever and convey approximately 139.5m<sup>2</sup> to 12 Fairview Court for the purpose of existing residential uses, and to retain 7,222m<sup>2</sup> for the apartment building. The severance would provide frontage on Whetter Avenue in conformity to the Zoning By-law

### 3.2 Requested Amendment

The Applicant is requesting the removal of the h, h-5, h-18, and h-65 holding provisions on the site.

### 3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, one comment was received. Concerns raised include: reconsider the apartment building use; traffic is an issue in the area; two schools in area/traffic dangerous for children; train nearby; Fairview Court was closed to prevent cut through traffic years ago, now it will be used for this development; a traffic study should be undertaken. As part of the public site plan process, similar concerns were raised and addressed through the site plan approval process.

### 3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing "h" are met. To use this tool, a municipality must have approved official plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions ("h" symbol), an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 120 days to remove the holding provision(s).

The City's Official Plan and the new London Plan also contain policies with respect to holding provisions, the process, and notification and removal procedures.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1- "h" holding provision

The "h" holding provision states that:

*"To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development."*

The Owner has provided the necessary security and has entered into a development agreement with the City. This satisfies the requirement for removal of the "h" holding provision.

### 4.2 Issue and Consideration # 2- "h-5" holding provision

The "h-5" holding provision states that:

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

A public site plan meeting was held at the Planning and Environment Committee (PEC) on December 4, 2017.

Several issues were raised at this meeting, including concerns around drainage, grading, noise and traffic (rail and vehicles), no provision for drop-off area for visitors/residents, and privacy.

Site Plan staff have completed their review and ensured that these and other issues have been addressed in the approved plans. Engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. Noise and vibration studies have been accepted by the City and CP Rail and recommendations from the study have been incorporated into the approved design details. Access and parking layout has been accepted, including a new provision for drop-off area in proximity to the main entrance. Privacy fencing and enhanced landscaped buffering has been included in the accepted plan.

The issues raised at PEC have been addressed and Municipal Council has advised the Approval Authority of their support of this site plan. This is sufficient to satisfy the requirements for the removal of the “h-5” holding provision.

#### **4.3 Issue and Consideration # 3- “h-18” holding provision**

The “h-18” holding provision states that:

*“To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division. The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out.”*

A Stage 1 and 2 Archaeological Assessment was submitted as part of the site plan application. The assessment found no archaeological resources and recommended no further study on the subject site. A letter from the Ministry of Tourism, Culture and Sport was provided. This satisfies the removal of the “h-18” holding provision.

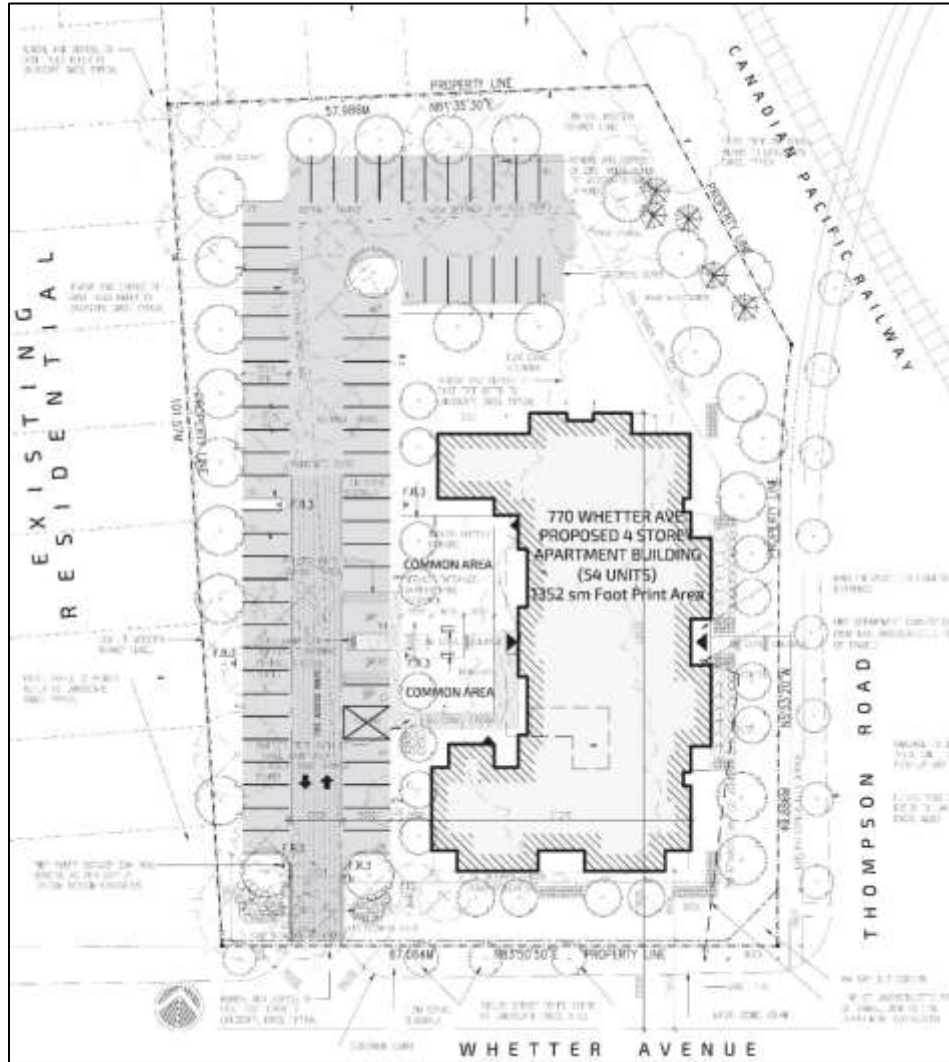
#### **4.4 Issue and Consideration # 4- “h-65” holding provision**

The “h-65” holding provision states that:

*“To ensure there are no land use conflicts between the adjacent arterial roads and/or rail line and the proposed residential uses, the “h-65” shall not be deleted until the owner agrees to implement all noise and vibration attenuation measures, recommended in noise and vibration assessment reports acceptable to the City of London.”*

A noise and vibration study was submitted through the site plan application. Recommendations from the report include installation of central air conditioning to permit windows to remain closed for noise control purposes, dwelling units on the north and east facades must have brick veneer or acoustically equivalent masonry exterior wall construction, appropriate warning clauses are to be registered on title and included in all Offers of Purchase and Sale to notify future occupants of the potential noise situation. The report was reviewed by staff and CN Rail and the recommendations have been incorporated into the site design and the development agreement. This satisfies the requirement for the removal of the “h-65” holding provision.

Site Plan 770 Whetter Avenue



<b>5.0 Conclusion</b>
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The Applicant has entered into a development agreement for this site, a public meeting has occurred for the site plan at PEC, has provided an archaeological assessment and Ministry sign-off, and has provided a noise and vibration study and incorporated mitigation measures and warning clauses in the site plan and development agreement. . Therefore, they have met the conditions required to remove the “h”, “h-5”, “h-18” and “h-65” holding provision. The removal of the holding provisions are recommended to Council for approval.

<b>Recommended by:</b>	<b>Nancy Pasato, MCIP, RPP</b> <b>Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompilii, MCIP RPP</b> <b>Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg</b> <b>Manager, Development Services (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>Managing Director, Development and Compliance Services and Chief Building Official</b>

March 9, 2018  
MT/mt

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**Appendix A**

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

By-law No. Z.-1-18 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning of lands located at 770 Whetter Avenue.

WHEREAS Homes Unlimited (London) Inc. has applied to remove the holding provision from the zoning for lands located at 770 Whetter Avenue, as shown on the map attached to this by-law, as set out below;

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

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 770 Whetter Avenue, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R9 Special Provision (R9-1(2)•H15) Zone comes into effect
- 2) The By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 27, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 27, 2018  
Second Reading – March 27, 2018  
Third Reading – March 27, 2018



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



**Appendix B – Public Engagement**

**Community Engagement**

**Public liaison:** On February 7, 2018, Notice of Application was sent to 18 property owners in the surrounding area (those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 15, 2018.

One (1) reply was received.

**Nature of Liaison:** City Council intends to consider removing the Holding (“h”, “H-5”, “h-18”, and “h-65”) Provisions from the Holding Residential R9 Special Provision (h•h-5•h-18•h-65•R9-1(2)•H15) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or development agreement has been entered into for the subject lands. The “h-5” provision is applied to ensure that that development takes a form compatible with adjacent land uses and requires a public site plan review. The “h-18” is to ensure that the lands are assessed for the presence of archaeological resources prior to development. The “h-65” was put in place to ensure there are no land use conflicts between the adjacent arterial roads and/or rail line and the proposed residential uses, and shall not be deleted until the owner agrees to implement all noise and vibration attenuation measures, recommended in noise and vibration assessment reports acceptable to the City of London. Council will consider removing the holding provisions as it applies to these lands no earlier than February 20, 2018.

**Responses:** A summary of the comments received include the following:  
 Reconsider the apartment building use; traffic is an issue in the area; two schools in area/traffic dangerous for children; train nearby; Fairview Court was closed to prevent cut through traffic years ago, now it will be used for this development; a traffic study should be undertaken.

**Concern for:**

*Traffic and safety – traffic has greatly increased in this area due to the hospital and the addition of housing on Brookside Avenue. At peak times it is impossible to turn left from Whetter to Thompson Rd. This is also when two busy schools in the area are entering and exiting and could cause dangerous problems for the children and crossing guards. Often the traffic is backed up along Westminster Avenue to Baseline Rd. Fairview Court was closed years ago to prevent cu through traffic, now it will be opened A traffic study should be undertaken.*

*Rail noise – proximity to rail noise/impeded traffic.*

**Responses to Public Liaison Letter and Publication in “The Londoner”**

Telephone	Written
	No address given/letter not signed

Planner- N. Pasato

File H-8873

RE: 770 Whetter Avenue

Dear Mr. Pasato-

RECEIVED BY  
FEB 20 2018  
CITY OF LONDON  
DEVELOPMENT SERVICES

In regards to the above lands – I would urge you to reconsider the addition of an apartment building on this site.

Traffic has greatly increased in this area due to the hospital-LHSC-and the addition of a housing complex off of Brookside Avenue.

At peak times- 8:00 a.m. to 9:30 a.m. and 3:30 to 5:00 p.m. it is almost impossible to turn left from Whetter Avenue on to Thompson Road.

This is also when two busy schools in the area are entering and exiting and would cause dangerous problems for the children and the crossing guards.

Often the traffic is backed up all along Westminster Avenue to the busy Baseline Road entrance of the hospital and continues up to Wellington Road.

There are also the train tracks to consider.

Years ago Fairview Court was closed to prevent traffic cutting through our quaint subdivision and this plan to build another apartment building would negate this effort.

If a traffic study was done –I am sure City Hall would realize this is not a good fit for this area.

Thank you for “listening” to my concerns.

Yours truly,

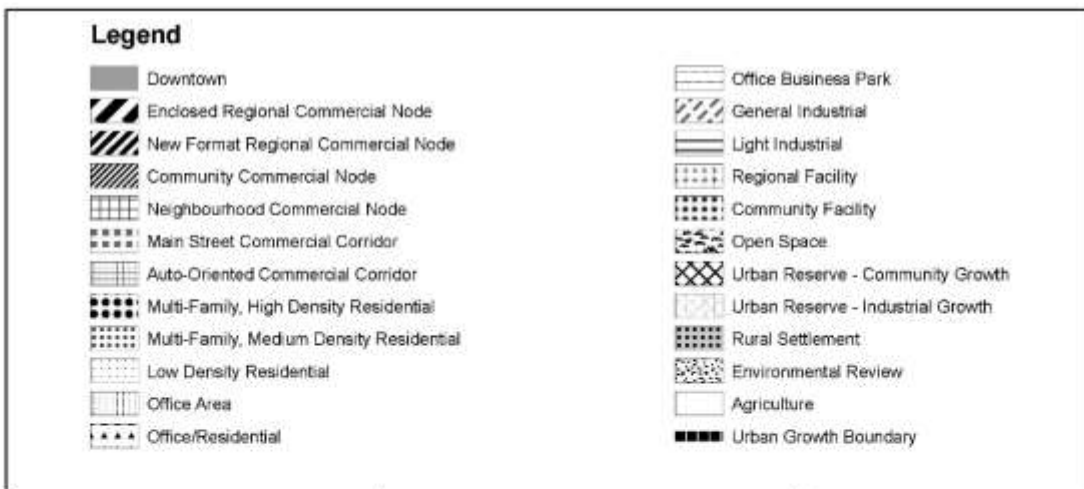
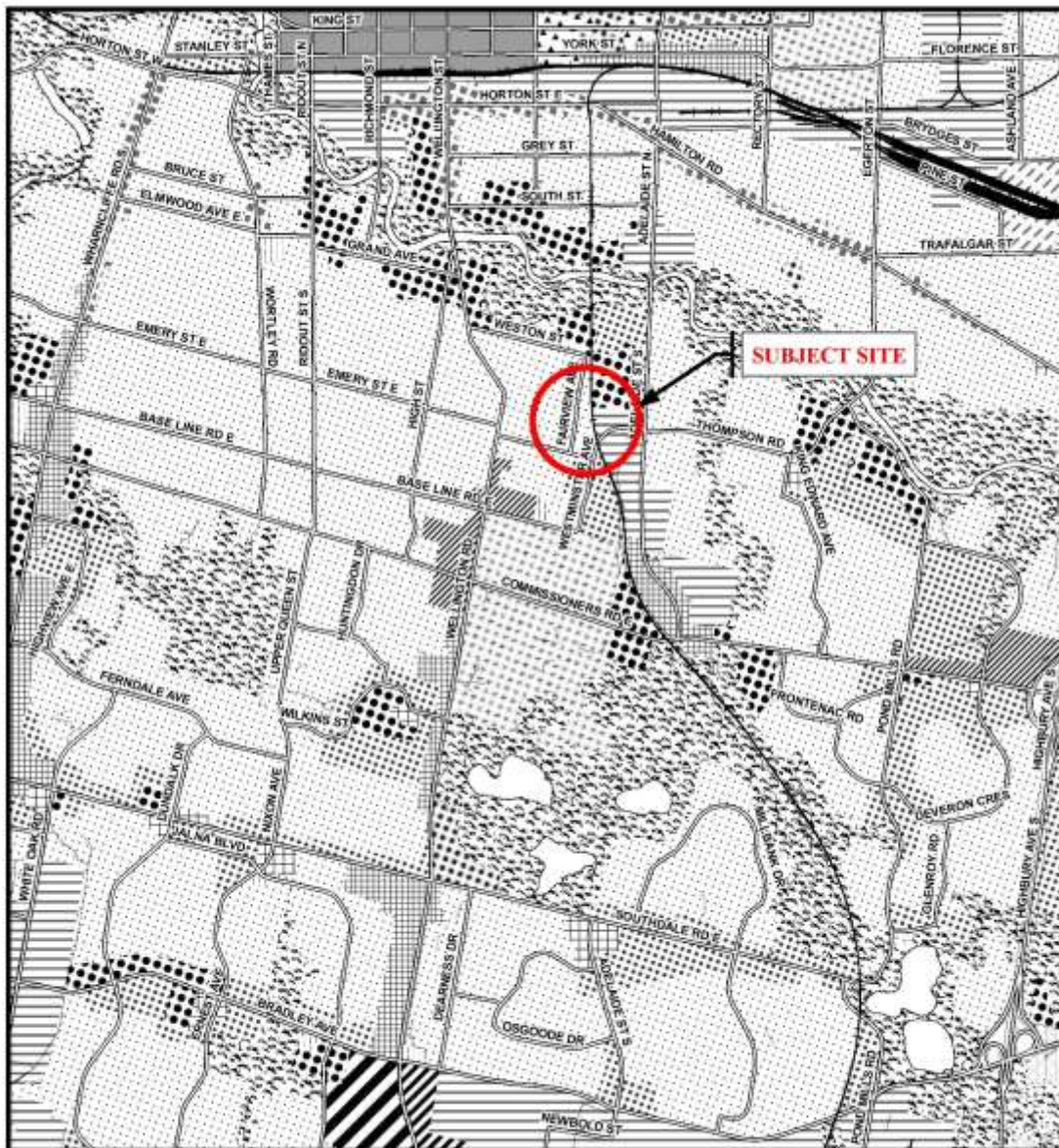
### Agency/Departmental Comments

None.

**Appendix C– Relevant Background**

**Additional Maps**

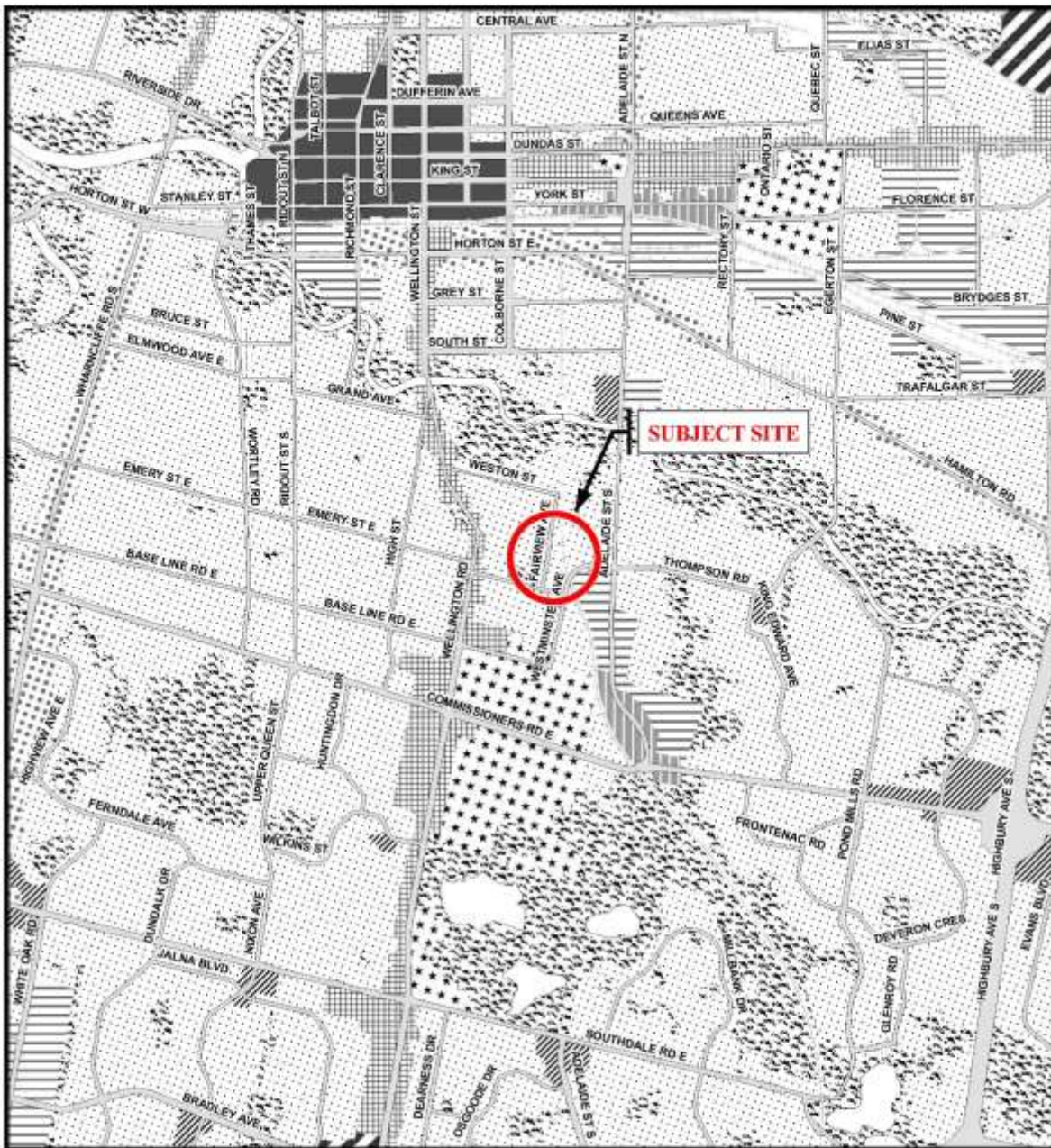
**Official Plan Schedule “A” Excerpt**



<p><b>CITY OF LONDON</b>                  Department of                  Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-8873                  PLANNER: NP                  TECHNICIAN: RC                  DATE: 2018/02/14</p>
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PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\concord\lax\cpr\mxd\_templates\scheduleA\_NEW\_b&w\_3x14.mxd

London Plan Place Types Excerpt



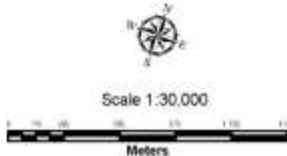
Legend

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 the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with edited notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

**CITY OF LONDON**  
Planning Services /  
Development Services  
  
**LONDON PLAN MAP 1**  
- PLACE TYPES -  
  
PREPARED BY: Planning Services



**File Number:** H-8873  
**Planner:** NP  
**Technician:** RC  
**Date:** February 14, 2018

Zoning by-law Map 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:

H-8873

NP

MAP PREPARED:

2018/02/14

RC

1:2,000

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Meters

**Additional Reports**

**File OZ-8055** - Report to the Planning and Environment Committee to amend the Official Plan and the Zoning By-Law on September 4, 2012. On October 31, 2012, a Council Resolution was passed.

**SP17-046** - Report to the Planning and Environment Committee on site plan and issues on December 4, 2017.