

## Report to Planning and Environment Committee

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

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

**Subject:** 2219008 Ontario Ltd. c/o MHBC Planning Ltd.  
3493 Colonel Talbot Road

**Public Participation Meeting on: September 10, 2018**

## Recommendation

That, on the recommendation of the Manager, Development Planning, with respect to the application of the 2219008 Ontario Ltd. c/o MHBC Planning Ltd., relating to the properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 10, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, **FROM** a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h\*h-100\*R1-8(5)) **TO** a Residential R1 Special Provision (R1-8(\_)) Zone and a Holding Residential R1 Special Provision (h\*h-100\*R1-8(\_)) Zone to permit a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector while maintaining the existing garage setback regulations, a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres, a minimum rear yard depth of 7.0 metres, 35% minimum landscaped open space, and 40% maximum lot coverage.

## Executive Summary

### Summary of Request

The requested zoning amendment provides current and future homebuilders / homeowners with greater flexibility regarding the design and lay-out of their single detached building lots through some minor revisions to the zoning regulations relating to the front, rear, exterior, and interior side yard setbacks; landscaped open space; and lot coverage. The requested amendment is for a portion of lands addressed as 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle.

### Purpose and the Effect of Recommended Action

The purpose and effect of this Zoning By-law Amendment is to permit:

- a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector;
- a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres
- a minimum rear yard depth of 7.0 metres;
- 35% minimum landscaped open space; and,
- 40% maximum lot coverage.

The existing regulation in the Special Provision Residential R1 (R1-8(5)) Zone which prohibits garages from projecting beyond the façade of the dwelling or façade (front face) of any porch, and occupying more than 50% of the lot coverage will remain in place. The proposal for reduced setbacks, reduced landscaped open space, and increased lot coverage is to allow for larger dwellings within the subdivision.

## Rationale of Recommended Action

- 1) The recommended amendment is consistent with the Provincial Policy Statement 2014;
- 2) The recommended amendment conforms to the 1989 Official Plan;
- 3) The recommended amendment conforms to the policies of The London Plan;

## 1.0 Site at a Glance

### 1.1 Property Description

The subject lands are located at the southwest corner of Colonel Talbot Road and Pack Road. There are existing agricultural uses to the north, low density residential uses to the south, Dingman Creek to the west, and agricultural uses to the east. The requested amendment is for a portion of the lands addressed as 3493 Colonel Talbot Road, as well as the following 108 individual properties within the approved phase of the subdivision:

- 3418 to 3538 Silverleaf Chase;
- 3428 to 3556 Grand Oak Cross;
- 7392 to 7578 Silver Creek Crescent; and,
- 7325 to 7375 Silver Creek Circle.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Special Provision Residential R1 (R1-8(5)) and a Holding Special Provision Residential R1 (h•h-100•R1-8(5)) Zone

### 1.3 Site Characteristics

- Current Land Use – Vacant Residential
- Frontage – Varied
- Depth – Varied
- Area – Approximately 1.8 ha
- Shape – Irregular

### 1.4 Surrounding Land Uses

- North – Agricultural
- East – Agricultural
- South – Single detached dwellings
- West – Dingman Creek

## 2.0 Description of Proposal

### 2.1 Development Proposal

The recommended Zoning By-law amendment will permit single detached dwellings with:

- A minimum front and exterior side yard setback of 4.5 metres whereas 5.0 metres is permitted;
- A minimum interior side yard setback of 1.2 metres, except that where no private garage is attached to the dwelling, one yard shall be 3 metres, whereas 1.2 metres plus 0.6 metres for each storey above the first is permitted;
- A minimum rear yard setback of 7.0 metres whereas 7.5 metres is permitted;
- A minimum of 35% landscaped open spaces whereas 40% is required; and,
- A maximum of 40% lot coverage whereas 35% is permitted.

The Special Provision Residential R1 (R1-8(5)) Zone contains an additional regulation which states: *“Garages shall not project beyond the façade of the dwelling or façade*

*(front face) of any porch, and shall not occupy more than 50% of lot frontage.*” This regulation is to remain as a special provision of the zoning of the subject lands, and is not part of this amendment.

The “h” and “h-100” holding provisions on a portion of the lands are also not being removed at this time.

### **3.0 Relevant Background**

#### **3.1 Planning History**

On September 15, 2014, an application was received for Draft Plan of Subdivision (39T-14504) for the entirety of the subject property. The proposal included 202 single detached dwellings, two (2) medium density residential blocks (Blocks 204 and 205), one (1) mixed use block (Block 203), an institutional block (Block 176), five (5) walkway blocks (Blocks 177, 178, 211, 212 and 213), one (1) future development block (Block 206), two (2) park blocks (Blocks 207 and 208), two (2) open space blocks (Blocks 209 and 210), a stormwater management block (214) serviced by Pack Road, and six (6) local public streets.

The lands were the subject of an Official Plan and Zoning By-law Amendment (OZ-8417) which resulted in the current designations and zones on the lands. The amendments were approved on January 26, 2016.

The subdivision was granted draft approval on March 24, 2016.

The “h” and “h-100” holding provisions were removed from a portion of the lands on March 27, 2018 (H-8756).

#### **3.2 Community Engagement (see more detail in Appendix B)**

On July 18, 2018, Notice of Application was sent to all property owners within 120 metres of the subject lands, as well as those who commented during the previous Zoning and Official Plan Amendment (39T-14504/OZ-8417), and wished to be kept informed of future planning applications on the lands. One response has been received at the time this report was prepared. Notice of Application was published in The Londoner on July 5, 2018, and a Revised Notice of Application was published on July 19, 2018. One inquiry was received with respect to the Notice.

### **4.0 Key Issues and Considerations**

The proposed Zoning By-law Amendment was evaluated to determine whether it was compatible with the surrounding neighbourhood.

#### **4.1 Provincial Policy Statement, 2014 (PPS)**

The Provincial Policy Statement (PPS) 2014 provides policy direction regarding land use and development. The proposed application is consistent with Section 1.0 Building Strong Communities and Section 3.0 Protecting Public Health and Safety, as it provides for a mix of residential development in combination with the mixed-use and medium density residential blocks within the subdivision, as well as intensification and an efficient use of land and resources within an existing settlement area. Walkways, park and open space blocks are also provided through the subdivision in order to facilitate natural settings for recreation and linkages throughout the surrounding area to the stream corridor which is located on the subject property.

#### **4.2 The London Plan**

The proposed amendment would permit reduced front and exterior yard setbacks to bring building facades closer to the street, which in conjunction with the existing regulation for garages to reduce their visual impact and projection toward the street complies with the vision and goals of The Plan and Southwest Area Plan (SWAP). The intensity of development is appropriate to the neighbourhood context, and design measures have been implemented through the subdivision approval process to mitigate potential conflicts between rural and urban uses given the subject site’s proximity to

agricultural lands. The neighbourhood, as designed is consistent with the intended character, goals, and functions of the Neighbourhood Place Type.

In this instance, given the incorporation of the natural heritage system in the subdivision design and the more intense forms of housing on the easterly portion of the property, the request for an increase of maximum lot coverage and reduction in minimum landscaped open space by 5% for the single detached lots does not infringe upon the goals and vision of The London Plan.

The proposed development conforms to the Key Directions and Place Type policies of The London Plan.

#### **4.3 1989 Official Plan**

The subject lands are designated Low Density Residential which permits low-rise, low density housing forms including single detached dwellings. The proposed amendment maintains the single detached dwelling form at a scale and density that is compatible with the built form of the surrounding area. The integration of the proposed single detached lots and the medium density residential and mixed use development blocks provide for a choice of dwelling types in a form which is integrated with established land use patterns. The proposed development conforms to the policies of the 1989 Official Plan.

#### **4.4 Southwest Area Secondary Plan (SWAP)**

The subject lands are located within the North Lambeth Neighbourhood in the SWAP, and are intended to develop as a neighbourhood with low to mid-rise housing forms located internal to subdivisions and throughout the neighbourhood. The proposed development provides for an appropriate mix of housing types and density within the subdivision. The proposed development conforms to the goals and policies of the SWAP.

#### **4.5 Zoning**

The lands are located within Special Provision Residential R1 (R1-8(5)) and Holding Special Provision Residential R1 (h\*h-100\*R1-8(5)) Zones. The lands were zoned during the subdivision process in January of 2016 to permit single detached dwellings with a minimum frontage of 15.0 metres and a minimum lot area of 600 square metres, and with a special provision that garages not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage. This special provision implements the specific policy directives included in SWAP and is being maintained with the subject amendment application. The holding provisions for a portion of the lands were removed in March of 2018.

#### Coverage

The existing Special Provision Residential R1 (R1-8(5)) Zone permits a maximum lot coverage of 35% and a minimum of 40% landscaped open space.

The requested increase of lot coverage from 35% to 40% is for all of the single detached lots within the subdivision, many of which are adjacent or in close proximity to lands within a Residential R6 (R6-5) Zone, which permits cluster dwellings - including single detached dwellings, with a lot coverage of 45% and landscaped open space minimum of 30%. The proposed amendment will allow for single detached dwellings which are in character with the adjacent lands, and the lot coverage and landscaped open space regulations will ensure an adequate amenity area is provided.

The proposed 40% maximum lot coverage is consistent with suburban forms of development and will not cause impacts on abutting uses.

#### Setbacks

The existing Special Provision Residential R1 (R1-8(5)) Zone permits a front and exterior side yard setback of 5.0 for main buildings to Local Streets and Secondary Collectors; a minimum interior side yard setback of 1.2 metres plus 0.6 metres for each

storey above the first, except that where no private garage is attached to the dwelling, one yard shall be 3 metres; and a minimum rear yard setback of 7.5 metres.

The reduced front and exterior yard setbacks of 4.5 metres would allow for dwellings to be located closer to the property line and would contribute to a human-scale, pedestrian-oriented development.

The proposed interior side yard setbacks of 1.2 metres, except that where no private garage is attached to the dwelling, one yard shall be 3 metres, is a reduction only in the requirement for an additional 0.6 metres for each additional storey in height above the first. The maximum building height permitted in the existing Special Provision Residential R1 (R1-8(5)) Zone is 10.5 metres. As the Zone permits only single detached dwellings, a side yard setback of 1.2 metres will not negatively impact the privacy and amenity of the dwellings, and provides adequate space for access and maintenance.

The proposed rear yard setback of 7.0 metres would allow for dwellings to be closer to the rear property line, which would result in a loss of private amenity space. In this instance, the reduction of 0.5 metres in setback will not substantially reduce the amenity and privacy of the rear yards. Where lots back onto the stream corridor on the lands, no stormwater management issues are expected and Storm Water Engineering staff have no objections to the proposal.

The proposed amendments will allow for single detached housing forms in the subdivision that are compatible with one another and the future medium-density blocks in the subdivision.

## **5.5 Planning Impact Analysis**

As per Section 3.7 in the Official Plan, where a zone change application is being considered, a variety of criteria may be considered when evaluating the proposal with respect to the appropriateness of a change in land use, and in minimizing potential adverse impacts on abutting uses. The proposed Zoning By-law Amendment is consistent with Section 3.7 as:

- the proposed use of the lands, being single detached dwellings, is not changing as part of this application, and is compatible with surrounding uses.
- the lots created through the Plan of Subdivision are of sufficient size and shape to accommodate the proposed use.
- the height and density of the lands are not being increased as part of this application. The reduced setbacks as proposed will not create impacts on surrounding land uses.
- the permission for increased coverage and reduced setbacks would result in dwellings which are not out of character for the neighbourhood and surrounding area.  
no potential impact is anticipated on surrounding natural features and heritage resources.

## 5.0 Conclusion

The proposed amendment is consistent with the Provincial Policy Statement and is in conformity with The London Plan and the 1989 Official Plan. The proposed amendment provides future homebuilders/homeowners with greater flexibility regarding the design and layout of their single detached building lots while maintain the vision and goals of Southwest Area Secondary Plan permitting development that is appropriate for the subject lands, and compatible with the surrounding land use pattern. These proposed amendments represent good land use planning and are recommended to Council for approval.

<b>Prepared by:</b>	<b>Meg Sundercock, BURPL Planner I, Development Services</b>
<b>Reviewed &amp; Recommended by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

August 31, 2018  
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**Previous Reports Pertinent to this Matter**

January 26, 2016: Official Plan and Zoning By-law Amendment (OZ-8417).

March 27, 2018: The “h” and “h-100” holding provisions were removed from a portion of the lands (H-8765).