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Our File: 10-1500

Planning and Environment Committee
City of London
206 Dundas Street.
London, Ontario
N6A 1G7

Attention: Chair and Members of the Planning and Environment Committee,

**Reference: Application for Zoning By-Law Amendment Z-8915
537 Crestwood Drive**

MBPC has been retained Star Homes to represent their application for Zoning By-Law Amendment (Z-8915) for the lands located at 537 Crestwood Drive. We have just had an opportunity to review planning staff's report released at the end of last week with our client and we **OBJECT** to the recommendation for refusal.

On behalf of our client we request that the property be zoned for residential development as requested and that **holding provisions** be applied to address the requirement for additional Slope Stability and Noise and Vibration Studies to enable our client the ability to work with LaFarge to finalize updated technical studies.

There is an extensive history on this property which dates back many years prior to our initial involvement in 2010. Several technical studies have been prepared for the subject lands which facilitated earlier development on the property, save and except for the last lot within this infill vacant land of condominium.

On March 13, 2018 we attended a pre-consultation meeting with the applicant and City Planning staff to review and discuss the requirements and studies to be submitted with the application for which are listed below.

At the time, our client had received information that indicated that extraction of the Byron pit, which lies adjacent to the subject lands had ceased or was ceasing, the Commissioner's Road EA had concluded and confirmed that no part of the subject lands would be required for that re-alignment and that a Secondary Plan for redevelopment in the pit, which the City was advertising as being predominantly open space, had begun.

As a result of that pre-consultation, our client was required to provide the following Studies, Reports, Background or Information to be completed and submitted with the application form:

1. Zoning By-Law Amendment Application and fee
2. Planning Justification Report
3. Map of active pit licences
4. Conceptual Site Plan
5. Zoning Data Sheet
6. Electronic copies of all supporting background information

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The application for Zoning By-Law Amendment was submitted on May 10, 2018 which contained all of the above reports listed. It wasn't until later that planning staff returned to identify the need for additional technical studies relating to pit activities.

Over the last 10 years, the application has been working with the City to develop this small land holding for cluster single detached dwellings. The current Urban Reserve UR1 zone along the westerly edge of the subject lands was planned for a third residential unit for the applicant to retire in. The technical studies prepared in 2012 supported the development of two existing units on the subject lands and the third unit is proposed roughly 3m west of the existing dwellings with services already in the ground anticipating a third unit.

RWDI has been monitoring and preparing Noise Studies for the adjacent developments since 2003 for Drewlo, Highland Ridge and the Hampton Group and again in 2011 for the subject lands and determined the noise levels to be acceptable in those areas. Noise clauses were recommended for extraordinary events. (Noise Impact Assessment, prepared by RWDI, July 2011) Additional review of noise was prepared in December 2012 once Lafarge removed its berm from within an easement on the subject lands and concluded that previous *studies in the Byron Pit area showed noise compliance at locations closer to aggregate operations than the 537 Crestwood property*.

Exp Services Inc. prepared a Slope Stability Assessment in June 2011 and established the Erosion Hazard Limit of the upper slope of the gravel pit is located roughly on the west property limits of the subject lands therefore the Stable Slope does not influence the subject lands.

The Byron gravel pit has reduced the amount of extraction in the pit and rehabilitation of the northeast corner has started in areas. The realignment of Commissioners Road West is planned between the subject lands and the Byron gravel pit and our correspondence with the City's transportation division indicated the planned preferred realignment of the future road will have no effect on the subject lands with respect to land encroachments or area needed for grading the slope to construct the future 36m wide Right of Way.

The Commissioners Road West Municipal Class Environmental Assessment was completed by CIMA+ in September 2018 and illustrates the preferred road alignment as a 3D representation below.



Source: Excerpt from Commissioners Road West EA, Page 16.

The study shows the realignment and grading of the slope along the west edge is well beyond the limits of the subject lands and that a large amount of fill is needed west of the lands subject to the application to provide the designed road grades. A lower elevation of the proposed road reduces potential traffic noise and provides a buffer between the proposed residential infill development and the extraction area to the west.

A Noise Impact Study was prepared for the EA and proposes acoustic barriers along the east limits of Commissioners Road adjacent to existing residential development. Acoustic Barriers are a minimum height of 2.44m and considered if the residential backyard is facing the new Commissioners Road West alignment.



Source: Excerpt from Commissioners Road West EA, Figure 3. Proposed and Potential Acoustic Barriers (Page 77)

Completion of the road is not expected for the next 5 to 10 years with the section of alignment adjacent to the subject lands included in the last phase (Stage 3) of construction in order to get the engineered fill to the areas needed and compact the soil in advance of construction.

LaFarge is the controller of the license for pit extraction ID 13115 immediately adjacent to the subject lands and has indicated through written correspondence that the applicant should revisit the noise, dust and slope stability analysis based on confirmed limit of extraction. Prior to the application submission, we struggled with LaFarge to provide any details to confirm the limits of extraction and to date no specifics have been provided. The only information that LaFarge will provide is that their licence allows extraction within 15m of the license boundary. However, during the public consultation process for the Commissioners Road West realignment EA Lafarge staff were present without mention of further extraction plans within the EA study area on their lands. Further extraction from this area would result in more engineered fill being needed for the preferred realignment of Commissioners Road West or else alternative options be sought.

Building setbacks from limits of extraction or licensed boundary have brought questions forward on how other existing dwellings on Crestwood Drive were established with the same policy. The figures on the next page illustrate the limits of licensed boundary in purple acquired from MNRF dates with yellow ovals identifying where dwellings are located within meters of the licensed boundary.



Source: Excerpt from Ontario.ca / Environment and Energy / find pits and quarries.

It is further noted that the entirety of the subject lands were re-designated from Urban Reserve to Low Density Residential in 2011 consistent with the land use designation established in the previous Area Plan affecting these lands. Through the 2011 planning approvals, the westerly edge of the subject lands were not yet placed into a holding provision, similar to that part of the subject lands where Unit #2 was constructed, as the results of the Commissioners Road realignment EA had not been started and it was unknown if any portion of the rear of the subject lands would be required for that alignment.

As identified above and in the staff report, the Commissioners Road EA is now complete, and it confirms that it does not require any of the subject lands for development. As such, it is now appropriate to re-zone the subject lands for residential development consistent with the zone of the adjacent lands with holding provisions to address refinements to the technical studies prior to development.

As such, on behalf of our client, we request that the holding provisions that formerly applied to the previously developed portion of the subject lands in 2011 be **reapplied in addition to rezoning from UR1 to R6-2(*)**. The westerly limit of the subject lands consistent with the low density residential designation in the Official Plan.

The requested Holding Provision are 'h-145' and 'h-146' and would allow the applicant to have the studies prepared and reviewed by the City before a decision is made on the application.

h-145 Purpose: To ensure there will be no conflicts between the existing aggregate resource extraction use and the proposed residential uses, the h-145 shall not be deleted until a geotechnical report is prepared which confirms the Erosion Hazard Limit and addresses potential erosion hazards based on the proposed development, layout and site grading, to the satisfaction of the City of London,

h-146 Purpose: To ensure there will be no conflicts between existing aggregate resource extraction use and the proposed residential uses, the h-146 shall not be deleted until a noise impact assessment is prepared which confirms that noise levels at 537 Crestwood Drive are within MOE guidelines, to the satisfaction of the City of London

No other zone would be appropriate for the westerly portion of this other than the R6-2(*) zone which recognizes the subject lands are designated low density residential and included in a vacant land condominium recognizing a reduced frontage.

We trust that the enclosed information is satisfactory to address our request for the rezoning of the lands with the addition of the above noted holding provisions in order to have technical studies prepared. I will be present at Committee to discuss these matters in greater detail.

Respectfully Submitted,

MONTEITH BROWN PLANNING CONSULTANTS



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