

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** George Kotsifas, P. Eng.  
Managing Director, Development & Compliance Services and  
Chief Building Official  
**Subject:** Nest on Wonderland  
447 Old Wonderland Road  
**Public Participation Meeting on: February 19, 2019**

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Nest on Wonderland relating to the property located at 447 Old Wonderland Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 5, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone and Residential R1 (R1-10) Zone **TO** a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(\_\_\_\_)/RO2(\_\_\_\_)) Zone and a Residential R1 (R1-10) Zone;
- (b) subject to policy 19.1.1 ii) of the 1989 Official Plan where '*Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained*', the requested density of 78 units per hectare **BE INTERPRETED** to conform to the policies of the 1989 Official Plan.

## Executive Summary

### Summary of Request

The requested action is to permit the development of a 4-storey, 41-unit apartment building and to add the Restricted Office Special Provision (RO2(30)) Zone, which was approved by the Ontario Municipal Board subject to final site plan approval prior to issuance of the order.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action will be to facilitate the development of a 4-storey, 41-unit apartment building and re-apply the office permissions previously approved by the Ontario Municipal Board in 2015. Further, the recommended action will maintain the existing Residential R1 (R1-10) Zone which currently applies to the narrow portion of the site extending to Old Wonderland Road causing a slight increase in the density calculation for which an interpretation for conformity with the 1989 Official Plan is being recommended.

### Rationale of Recommended Action

- 1) The recommended amendment is consistent with the policies of the Provincial Policy Statement, 2014;
- 2) The recommended amendment is in conformity with the policies of The London Plan; and,
- 3) The recommended amendment is in conformity with the policies of the 1989 Official Plan.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located at the northeast corner of Wonderland Road South and Teeple Terrace. The lands are currently vacant and surrounding land uses are: City-owned parkland to the north, low rise residential to the east, a commercial plaza to the south across Teeple Terrace, and low rise residential to the west across Wonderland Road South. A narrow, linear portion of the site extends to the east giving frontage on Old Wonderland Road.

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

- 1989 Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Open Space (OS1) Zone and Residential R1 (R1-10) Zone

#### 1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 5 metres (16.4 feet) along Old Wonderland Road and 49.97 metres (163.94 feet) along Teeple Terrace
- Depth – 128 metres (420 feet)
- Area – 0.55 hectares (1.35 acres)
- Shape – Irregular

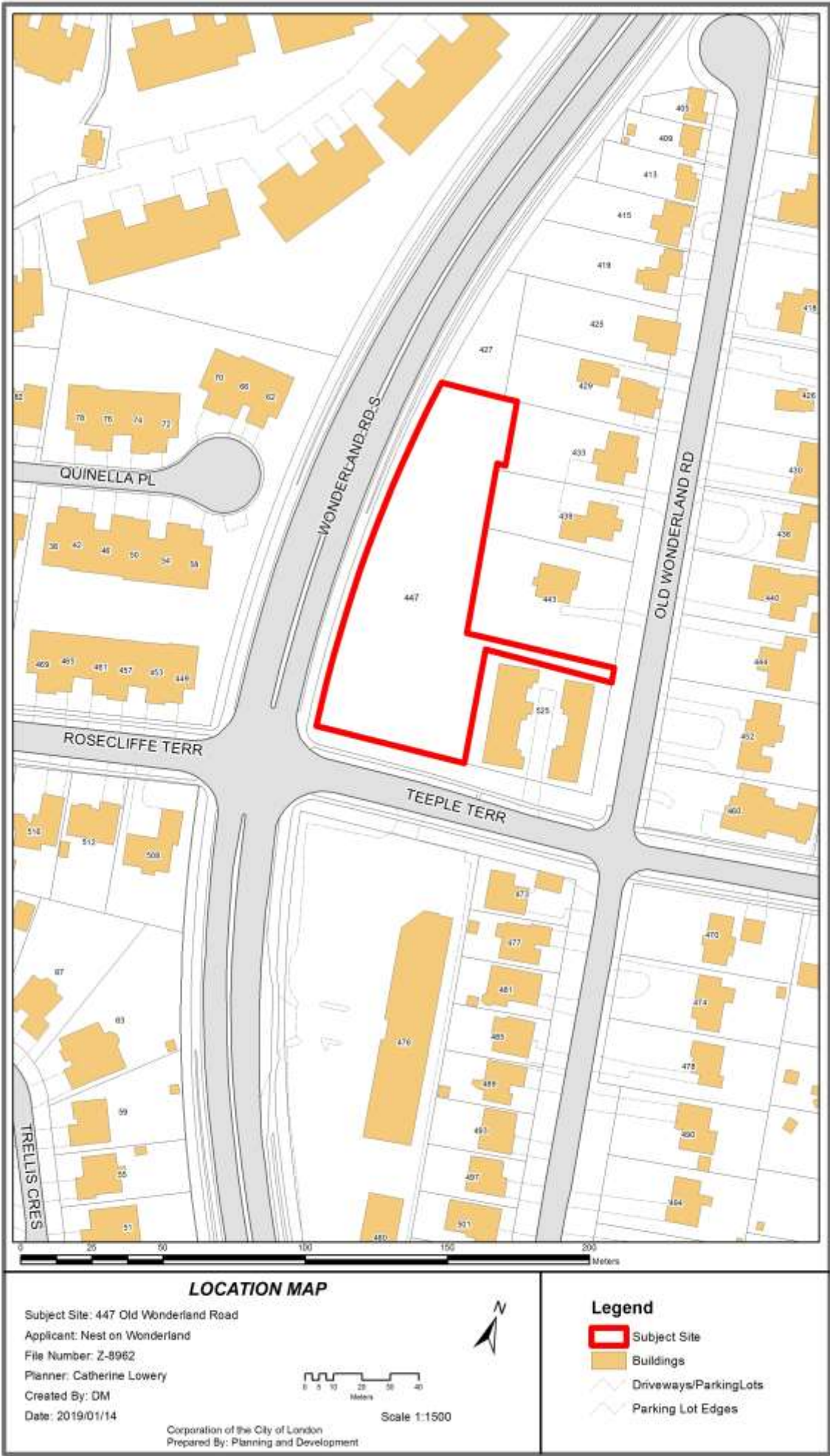
#### 1.4 Surrounding Land Uses

- North – Parkland
- East – Low Rise Residential
- South – Commercial Plaza
- West – Low Rise Residential

#### 1.5 Intensification (41 Units)

- The proposed residential units represents intensification within the Built-Area Boundary
- The proposed residential units are outside of the Primary Transit Area

1.6 LOCATION MAP



## 2.0 Description of Proposal

### 2.1 Development Proposal

The applicant is proposing to develop the site with a 4-storey, 41-unit apartment building oriented towards Wonderland Road South and Teeple Terrace. A parking lot containing 60 parking spaces to service the apartment building is also proposed.



Figure 1: 447 Old Wonderland Road (view from Teeple Terrace)



Figure 2: 447 Old Wonderland Road (view from Wonderland Road South)

## 3.0 Relevant Background

### 3.1 Planning History

The subject site is currently zoned Open Space (OS1) for the majority of the site and Residential R1 (R1-10) for the narrow portion of the site with frontage on Old Wonderland Road. The site was previously subject to Zoning By-law Amendment application Z-8228, submitted by the former owner, which sought to rezone the subject site from an Open Space (OS1) Zone to a Restricted Office Special Provision (RO2(\_\_\_)) Zone in order to permit a medical/dental office. The application was appealed due to

indecision and ultimately approved by the Ontario Municipal Board (OMB) in March of 2015, however the order was withheld until completion of the site plan approval process. The site plan application was submitted but to date has not received approval, therefore the final order was never issued by the Board. As such, the zoning requested at that time has not yet come into full force and effect and the Open Space (OS1) Zone still applies. The property ownership has since changed and the new owner is now proposing a 4-storey, 41-unit apartment building on the subject lands.

### **3.2 Requested Amendment**

The owner is requesting to rezone the site to a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(\_\_)/RO2(30)) Zone. The requested R8-4 Zone would permit the proposed apartment building use. Special provisions would recognize the existing lot frontage on Old Wonderland Road of 5 metres; reduced minimum yard setbacks of 0 metres from Wonderland Road South and Teeple Terrace; balconies on an apartment building to project 0 metres from the lot line; and an increased maximum height of 15.5 metres. The requested RO2 Zone would add the previous OMB-approved (but never in force) zoning, permitting clinics, medical/dental offices, medical/dental laboratories, and offices. Special provisions would permit reduced yard setbacks of 0 metres from Wonderland Road South and Teeple Terrace; recognize Teeple Terrace as the front lot line; a reduced minimum parking requirement; and a maximum height of 9 metres.

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

Nine (9) written responses and six (6) telephone calls were received from neighbouring property owners, which will be addressed later in this report. Primary concerns were related to: 1) the proposed Restricted Office Special Provision (RO2(30)) Zone and the potential for both residential and medical/dental office uses; 2) the possible inability to widen Wonderland Road South in the future due to the proposed 0 metre setback; 3) traffic and queuing issues on Teeple Terrace as a result of the proposed site access, as well as increased congestion on Wonderland Road South; and, 4) overlook and loss of privacy.

### **3.4 Policy Context (see more detail in Appendix C)**

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

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

#### **The London Plan**

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is located within the Neighbourhoods Place Type on an Urban Thoroughfare intersecting a Neighbourhood Connector, as identified on \*Map 1 – Place Types and \*Map 3 – Street Classifications. Permitted uses within this Place Type include a range of low rise residential uses, including low rise apartments (\*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The maximum permitted height is 4-storeys (\*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

#### **1989 Official Plan**

The subject site is designated Multi-Family, Medium Density Residential in the 1989 Official Plan. The primary permitted uses in this designation include multiple-attached



dwelling, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1). Height and density limitations in the Multi-Family, Medium Density Residential designation is normally 4-storeys and 75 units per hectare (3.3.3.i) and 3.3.3.ii)). Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained (19.1.1.iii)).

**4.0 Key Issues and Considerations**

**4.1 Issue and Consideration # 1: Use, Intensity, and Form**

**4.1.1 Use and Intensity**

As the proposed development would result in intensification of an underutilized infill lot, the proposed use and intensity has been considered.

*Provincial Policy Statement, 2014 (PPS)*

Section 1.1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas to be the main focus of growth and development (1.1.3.1) and directs municipalities to establish land use patterns within settlement areas based on efficient use of land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2a)).

The recommended amendment is consistent with the policies of the PPS as it will facilitate the development of an underutilized site within an established settlement area. The proposed 4-storey, 41-unit apartment building contributes to a mix of housing types and provides choice and diversity in housing options. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

*The London Plan*

The subject site is located within the Neighbourhoods Place Type of The London Plan at the intersection of an Urban Thoroughfare (Wonderland Road South) and a Neighbourhood Connector (Teeple Terrace). Where development is being considered at the intersection of two streets of different classifications, the higher-order street onto which the property has frontage, is used to establish the permitted uses and intensity of development in \*Tables 10 to 12 (\*920\_4a).

\*Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (\*921\_). \*Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type, provides the range of permitted heights based on street classification (\*935\_1). Accordingly, \*Table 10 permits a range of low rise residential uses, including low-rise apartments, and \*Table 11 permits a maximum height of 4-storeys. As such, the recommended amendment to rezone a portion of the site to a Residential R8 Special Provision (R8-4(\_\_)) Zone is in conformity with The London Plan.

*1989 Official Plan*

The subject site is designated Multi-Family, Medium Density Residential in the 1989 Official Plan, which permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential

designation (3.3). Permitted uses include a range of medium density residential uses, including low-rise apartment buildings (3.3.1). Lands abutting an arterial, primary collector or secondary collector street are preferred locations for the Multi-Family, Medium Density designation (3.3.2). The subject site, located at the intersection of Wonderland Road South (an arterial road) and Teeple Terrace (a secondary collector), fits this locational criteria.

Development in the Multi-Family, Medium Density Residential designation is intended to have a maximum height of 4-storeys and a density of 75 units per hectare (3.3.3 i) and ii)). Through the review of this application, it was deemed appropriate to retain the existing Residential R1 (R1-10) Zone, which currently applies to a small portion of the site extending towards Old Wonderland Road. Because zone boundaries are treated as lot lines, this portion of the site does not contribute to the site area for the purpose of calculating density. As such, the density of the site is approximately 77.3 units per hectare, exceeding the maximum permitted in the Multi-Family, Medium Density Residential designation. However, policies in the 1989 Official Plan give Council the ability to approve minor variations from numerical requirements in the Plan without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained (19.1.1iii)).

The increase in density is a technical adjustment resulting from the zone boundary. Had this portion of the site been included in the recommended amendment, the density of the site would be 74.5 units per hectare, slightly under the maximum permitted 75 units per hectare. However, it has been determined that it is most appropriate to retain the existing zoning on this portion of the site. The minor increase in density maintains the general intent and objectives of the Plan and given the foregoing, staff is satisfied the recommended amendment is in conformity with the 1989 Official Plan.

#### **4.1.2 Form**

Through the circulation of this application, several concerns were raised by the public with respect to the proposed building form. In particular, concerns were raised regarding the proposed building height and 0 metre front and exterior yard setbacks along Wonderland Road South and Teeple Terrace. As such, consideration has been given to the building form and requested setbacks.

The owner has requested an increased building height of 15.5 metres, whereas 13 metres is permitted in the proposed R8-4 Zone. Notwithstanding the increase in height, the proposed building is 4-storeys which is in conformity with \*Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type of The London Plan and Section 3.3.3 i) of the 1989 Official Plan. The purpose of the increased height is to accommodate greater ceiling heights consistent with market demand, as well as enhanced architectural features such as a parapet.

Several neighbouring property owners expressed concerns that the requested 0 metre setbacks along Wonderland Road South and Teeple Terrace would limit the City's ability to widen and make improvements to Wonderland Road South. A road widening dedication would be required through a future site plan application and regard must be given at the rezoning stage to ensure the proposed development can be supported post-widening. Accordingly, the requested 0 metre setback was measured from the new lot line post-dedication of any future widenings to the City.

By positioning the building closer to the street, a larger buffer is created between the proposed apartment building and low-rise residential dwellings fronting on Old Wonderland Road. This, in combination with a grade change lowering the subject site from neighbouring dwellings, assists in alleviating concerns related to separation, privacy, and the requested increased height. Issues with respect to overlook and privacy will be further addressed through the site plan approval process, through consideration of landscaping and fencing. It should also be noted that the owner has confirmed that no retaining walls are required on site, particularly between the site and neighbouring residential properties, as a result of the grade change.

The proposed development was presented to the City's Urban Design Peer Review Panel (the Panel) on November 21, 2018. The Panel was generally supportive of the rezoning, but noted that additional design resolution would be required at the site plan stage. It was requested the proposal be brought back to the Panel at that time for further discussion. Full comments from the Panel, as well as the owner's response to these comments, are available in Appendix B of this report.

Transportation staff have reviewed the requested amendment and do not support the proposed 0 metre setback. However, a 0.75 metre setback is supported which would accommodate door swings and avoid any encroachments into the public right-of-way.

#### **4.2 Issue and Consideration # 2: Proposed Restricted Office (RO2) Zone**

Through the review of the original request, it was discovered that the OMB-approved Restricted Office Special Provision (RO2(30)) Zone was not in full force and effect, as the OMB had withheld its final order until such time as the site plan received final approval. The site plan has not yet been approved, therefore the order has not been issued and the Restricted Office zoning has not come into full force and effect. As such, the owner amended their application to request to rezone the subject lands from the in force and effect Open Space (OS1) Zone to a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(\_\_)/RO2(30)) Zone.

Though the development proposal submitted with the application contemplates a 4-storey, 41-unit residential development, the requested Restricted Office Special Provision (RO2(30)) Zone has been previously evaluated by planning staff and the OMB and deemed appropriate for this site. It should be noted that should the applicant choose to finish the site plan approval process, an order could be issued by the OMB approving the RO2(30) Zone on site. The OMB decision is available in Appendix D of this report.

##### *The London Plan*

In accordance with \*Table 10 of The London Plan, stand-alone office buildings are permitted where an Urban Thoroughfare intersects a higher order street, such as a Civic Boulevard or Urban Thoroughfare. As this site is located on an Urban Thoroughfare intersecting a Neighbourhood Connector, a lower-order street, the requested amendment to rezone the site to a Restricted Office Special Provision (RO2(30)) Zone is not in conformity with The London Plan. However, these policies are currently under appeal and not in force and effect.

##### *1989 Official Plan*

The Multi-Family, Medium Density Residential designation establishes a range of secondary permitted uses which are considered to be integral to, or compatible with, medium density residential development (3.3.1iv)). These uses include small-scale offices subject to the provisions of Section 3.6.

The request for a medical/dental office is contemplated by the policies of the 1989 Official Plan. The Restricted Office Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings primarily in areas designated Multi-Family Medium Density or High Density Residential. A small scale office is considered to be 2,000 square metres or less and is capped at that gross floor area in the Restricted Office (RO2) Zone.

Section 3.6.8 permits small-scale, free-standing office buildings as secondary uses in the Multi-Family, Medium Density Residential designation, subject to the following specific provisions:

- i) *Office developments shall be located on an arterial or primary collector road. In established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced.*



- ii) *Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.*
- iii) *The proposed building shall be sensitive to the scale and appearance of adjacent residential uses.*
- iv) *Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7 will be required to determine if the proposed development is appropriate.*

The proposal is located at the intersection of an arterial road (Wonderland Road South) and a secondary collector (Teeple Terrace), and office development would be appropriate in this location. On the west side of the street, all residential development backs onto Wonderland Road South and have some form of fencing protecting the rear yards. To the south of the subject site is mainly commercial uses with no residential components present. To the north is City-owned parkland. Site plan approval would be required for any office development and would establish appropriate buffers with landscaping and privacy screening.

In accordance with Section 3.7, where an Official Plan amendment and/or zone change application is being considered the following applicable criteria for a Planning Impact Analysis may be considered:

*(a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;*

Office uses and other permitted uses under the recommended Restricted Office (RO2) Zone are compatible with the surrounding low density and medium density residential uses as they generally operate during the day with limited night time traffic, noise, and lighting concerns. Office uses can also be accommodated in a form that is compatible with the surrounding land uses.

*(b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;*

The parcel is of adequate size to support the office use. The reduction in parking is minimal and is appropriate along a transit corridor where the building is sited to accommodate pedestrian traffic. Other special provisions are being recommended to implement good urban design and mitigate impacts but are not necessarily required to meet the zone regulations. As such, the site can accommodate this intensity.

*(c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;*

There is limited opportunity in the area where vacant lands are designated and zoned to accommodate the proposed uses.

*(f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;*

The proposed special provision caps the maximum height for any office building on site at 9 metres. This height is in keeping with permitted heights on the abutting residential lands.

*(g) the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;*

The site no longer contains any vegetation to be retained.

*(h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated*

*by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;*

Vehicular access location will be refined during the site plan review process. A Transportation Impact Study was submitted with the previous Zoning By-law Amendment application and reviewed by City Transportation staff. No traffic concerns were raised, however at that time it was determined that a left turning lane on Teeple Terrace would be required through the site plan process.

*(i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;*

Although preliminary building designs were discussed and reviewed through the consideration of the zoning amendment, final building design will be addressed through the site plan process. Reduced setbacks will site the building closer to the street and farther from the existing residential development on Old Wonderland Road. A maximum height of 9 metres will ensure office development occurs at an appropriate scale and is integrated with present and future land uses.

*(j) the potential impact of the development on surrounding natural features and heritage resources;*

The site does not contain any natural features or heritage resources.

*(l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;*

The requested Restricted Office Zone includes special provisions to permit reduced front and exterior side yards, as well as a reduction in parking. The implementation of these provisions will ensure the proposed site plan conforms to the Zoning By-law. The proposal will be required to go through the site plan process which will ensure that is conforms to the Site Plan Control By-law.

*(m) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;*

Given that the proposed siting of the building towards the Wonderland Road South corridor (and away from the abutting residential properties) as well as the topography of the site which slopes downhill towards the proposed building location, significant impacts are not anticipated on surrounding land uses. To mitigate any minor impacts, standard fencing and landscaping will be applied during the site plan approval process.

*(n) impacts of the proposed change on the transportation system, including transit.*

No impacts on the transportation system are anticipated.

Given the foregoing, staff is satisfied the requested Restricted Office Special Provision (RO2(30)) Zone is in conformity with the 1989 Official Plan.

#### **4.3 Issue and Consideration # 3: Traffic**

Through the circulation of the application, concerns were raised regarding increased traffic on Wonderland Road South and queuing along Teeple Terrace. Transportation staff have reviewed the requested amendment and cited no concerns with respect to traffic. The number of units proposed did not warrant submission of a Traffic Impact Study as part of the complete application. Site-level details, such as access location and design, will be reviewed and addressed through a future site plan approval application.

4.4 Issue and Consideration # 4: Archaeology

The site has been identified as having archaeological potential. As part of a complete application, the owner submitted a Stage 1 Archaeological Assessment, in which the consultant archaeologist recommended that no further archaeological work be required for the property.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement and conforms to the policies of The London Plan and the 1989 Official Plan. The recommended amendment will enable the development of a vacant, underutilized parcel of land with a use and density that is appropriate for the site.

Prepared by:	Catherine Lowery, MCIP, RPP Planner II, Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official
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	

February 8, 2019  
MT/mt

Appendix A

Appendix “A”

Bill No.(number to be inserted by Clerk’s Office)  
(2019)

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 447  
Old Wonderland Road.

WHEREAS Nest on Wonderland has applied to rezone an area of land  
located at 447 Old Wonderland 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 447 Old Wonderland Road, as shown on the attached map  
comprising part of Key Map No. A106, from an Open Space (OS1) Zone and a  
Residential R1 (R1-10) Zone to a Residential R8 Special Provision/Restricted Office  
Special Provision (R8-4( )/RO2( )) Zone and a Residential R1 (R1-10) Zone.
- 2) Section Number 12.4(d) of the Residential R8 (R8-4) Zone is amended by adding  
the following Special Provision:

) R8-4( ) 447 Old Wonderland Road

a) Regulations

i) Front Yard Depth (Minimum) 0.75 metres (2.46 feet)

ii) Exterior Side Yard Depth (Minimum) 0.75 metres (2.46 feet)

iii) Setback of Balcony Projection to Lot Line (Minimum) 0.75 metres (2.46 feet)

iv) Building Height (Maximum) 15.5 metres (50.85 feet)

v) Density (Maximum) 78 units per hectare

3) Section Number 18.4(c) of the Restricted Office (RO2) Zone is amended by adding  
the following Special Provision:

) RO2( ) 447 Old Wonderland Road

b) Regulations

i) Front Yard Depth (Minimum) 0.75 metres (2.46 feet)

- |      |  |  |
|------|--|--|
| ii)  | Exterior Side<br>Yard Depth<br>(Minimum) | 0.75 metres (2.46 feet)  |
| iii) | Parking (minimum)                        | In accordance with Section<br>4.9(10) or 85 spaces, whichever<br>is lesser |
| iv)  | Height<br>(maximum)                      | 9 metres (29.53 feet)  |

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 March 5, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 5, 2019  
Second Reading – March 5, 2019  
Third Reading – March 5, 2019

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





## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On October 10, 2018, Notice of Application was sent to 156 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 11, 2018. A “Planning Application” sign was also posted on the site.

On October 24, 2018, Notice of Revised Application was sent to 156 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 25, 2018.

On November 14, 2018, a second Notice of Revised Application was sent to 156 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 15, 2018.

15 replies were received.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a 4-storey, 41 unit apartment building. Possible change to Zoning By-law Z.-1 **FROM** an Open Space (OS1) Zone and a Residential R1 (R1-10) Zone **TO** a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(\_\_)/RO2(30)) Zone. The requested R8-4 Zone would permit the proposed apartment building use. Special provisions would permit a reduced minimum lot frontage from Old Wonderland Road of 5 metres; reduced minimum front and exterior side yard setbacks of 0 metres; balconies on an apartment building to project 0 metres from the lot line; and an increased maximum height of 15.5 metres. The requested RO2 Zone would permit clinics, medical/dental offices, medical/dental laboratories, and offices. Special provisions would permit reduced minimum front and exterior side yard setbacks of 0 metres; recognize Teeple Terrace as the front lot line; a reduced minimum parking requirement; and a maximum height of 9 metres.

**Responses:** A summary of the various comments received include the following:

**Concern for:**

*The proposed Restricted Office Special Provision (RO2(30)) Zone and the potential for both residential and medical/dental office uses on site.*

*The possible inability to widen Wonderland Road South in the future due to the proposed 0 metre setback.*

*Traffic and queuing issues on Teeple Terrace as a result of the proposed site access, as well as increased congestion on Wonderland Road South.*

*Overlook and loss of privacy.*

**Neighbourhood Open House**

On November 28, 2018, the applicant hosted a neighbourhood open house to discuss the proposed development, answer questions, and respond to concerns. 24 members of the public were in attendance.

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

Telephone	Written
Dave Rutherford 525 Teeple Terrace, Unit 1	Mary Read 440 Old Wonderland Road
Bernadette Wainwright 457 Rosecliffe Terrace	Bernadette Wainwright 457 Rosecliffe Terrace
Barbara White 35-499 Teeple Terrace	Lynn Webb 70 Quinella Place
Mary Read 440 Old Wonderland Road	Demra Walker
Liz Lorusso 477 Old Wonderland Road	Donna Brush 453 Teeple Terrace
	Barbara White 35-499 Teeple Terrace
	Dave Rutherford 525 Teeple Terrace, Unit 1
	Grant Hall 36-499 Teeple Terrace
	David and Sara Hall 439 Old Wonderland Road

From: Mary Read  
Sent: Thursday, October 11, 2018 9:35 AM  
To: Lowery, Catherine <clowery@london.ca>  
Cc: Turner, Stephen <sturner@london.ca>; Tomazincic, Michael <mtomazin@London.ca>  
Subject: Notification: Z-8962 - 447 Old Wonderland Road

Hello Catherine,

Stephen Turner was kind enough to forward a copy of the Zoning By-law Amendment application for Z-8962 to me last night. I’ve had a chance to speak to neighbours immediately adjacent to the property and none of them have received hard copy as of today’s date. I followed up with someone in your office who said she personally mailed them out just yesterday, which means we will not be in receipt of official notice until early next week, depending on Canada Post. Your letter asks that we submit comments by October 30, 2018.

Our association and its members will be grateful if you could extend the deadline to a more reasonable date to accommodate the busy working lives we all lead. I hope that the planning department will be willing to shift the date to November 12th, which will give us approximately 30 days to gather and submit our comments.

Thank you very much,  
Mary

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From: Bernadette Wainwright  
Sent: Friday, October 19, 2018 2:05 PM  
To: Lowery, Catherine <clowery@london.ca>  
Subject: Your File:Z-8962

This is further to our conversation on Thursday, October 18, 2018. As we discussed, I have concerns about the proposed Zoning By-law Amendment that would allow for the building of a 41 unit apartment building on the north-east corner of Wonderland Rd. and Teeple Terrace.

One of my concerns was that comments were to be provided by October 30, which was very little time, given the Municipal Election on October 22. I was pleased to learn that a revised map is being sent out, which would have the added benefit of extending the time frame for comments.

I was also concerned that the proposed description and map suggested that it would be difficult to widen Wonderland Rd. to 3 lanes in each direction along that stretch, given the topography of the road on the west side, essentially a gully. You indicated that the official city plan takes this into consideration when approving proposed Zoning By-law amendments.

My biggest concern with the possibility of an apartment building at this intersection is the added congestion of traffic on Wonderland Rd. especially between Springbank and Teeple Terrace/Rosecliffe Terrace. My understanding is that an 11-storey apartment building is being planned for the south west corner of Springbank and Wonderland. There are already 3-storey walk-ups at that intersection, and a high-rise just north of it, and (at least) 3 more just west of it. Springbank Drive narrows to one lane in each direction just west of it. The volume of traffic on Wonderland is already a nightmare; at times the road is a virtual parking lot. This is only going to increase with the new 11-storey building, and would be magnified even further with the addition of a 41 unit building.

For these reasons, I would be opposed to the amendment allowing for said apartment building.

Thank you in anticipation of your attention to my input.

Yours sincerely,

Bernadette Wainwright  
457 Rosecliffe Terrace

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From: Lynne Webb  
Sent: Tuesday, October 30, 2018 1:45 PM  
To: Lowery, Catherine <clowery@london.ca>; Turner, Stephen <sturner@london.ca>  
Subject: 447 Old Wonderland Rd File: Z-8962

Hello Catherine and Stephen. I don't understand how the city can allow a 0 meter setback from Teeple Terrace and from Wonderland Rd. No room for grass or trees. What happens when Wonderland is widened? Does that mean all the widening will be on the west side which backs onto lovely residential homes? I am not so much against the complex as it's footprint. Thankyou, Lynne Webb, 70 Quinella Pl.

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From: Demra Walker  
Sent: Saturday, November 3, 2018 12:58 PM  
To: Lowery, Catherine <clowery@london.ca>  
Subject: File: Z - 8962

Hello.

I am writing to express my concern re this development.

The plan without the requested reduction in frontage, front yard setback and side yard setback is bad enough but with the requested adjustments is simply abhorrent.

The visual effect alone should be reason enough to not grant any request for change. It will be like a tunnel without the roof. What an eyesore! Why would anyone want to rent on a property that basically sits on Wonderland Road?

The developers knew what they had to work with when they bought the property, and should be made to build within the property's restrictions. However, they also knew that, in this city, whatever a developer wants a developer gets.

Also, what about the proposed widening of Wonderland? Will the sidewalk be removed completely from the area in front of this building?

Please think carefully about this request. Make the builder work with the original boundaries of a building on that property.

Demra Walker

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From: Donna Brush  
Sent: Monday, November 5, 2018 12:43 PM  
To: Lowery, Catherine <clowery@london.ca>  
Subject: Zoning Bylaw File Z-8962

I wish to oppose the rezoning of 447 Old Wonderland Rd "Nest on Wonderland". The corner of Teeple/Rosecliffe Terr & Wonderland Rd is spot of many accidents. This building would add 40-60 more cars turning there. There is no advance green traffic light. Wonderland Rd is very backed up not just rush hrs but most of the time. Thinking ahead when the high rise apartment building is completed at Wonderland/Springbank Rd. there will be much added traffic.

The sketch of this apartment building is showing no landscape at all & is just jammed into the corner looking like it's hanging over Wonderland Rd. with no respect for the neighborhood families that have lived close by for many years.  
Please reconsider this rezoning from Open Space.

Donna Brush  
453 Rosecliffe Terr

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From: Barbara White  
Sent: Friday, November 9, 2018 1:29 PM  
To: Lowery, Catherine <clowery@london.ca>  
Subject: 447 Old Wonderland Rd

Hi Catherine,

Sorry to bother you again but I have a few more questions re Special Provisions on the application:

- 1) What are the standard and requested reduced parking numbers for a building this size?
- 2) What is the standard maximum height?
- 3) What is the standard balcony projection from a lot line?

Thanks!  
Barbara.

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447 Wonderland Road  
File: Z-8962  
Applicant: Nest on Wonderland

November 11, 2018

Planning Services,  
City of London,  
206 Dundas St.  
London ON.  
N6A 1G7

Dear Catherine Lowery

Please be advised that I am the President Of Middlesex Standard Condominium Corporation #502 and as such, I will be representing all five owners that reside at this complex at 525 Teeple Terrace.

I am writing with regards to the (revised, November 13, 2018) application for an amendment to the Zoning By-law on the property at 447 Old Wonderland Road. The applicant is requesting a change from Open Space (OS1) and Residential R1 (R1-10) to Residential R8 Special Provision/Restricted Office Special Provision (R8-4(\_)/R02(30)).

We believe the building is just too large for the lot size. Specifically, the applicant is requesting setbacks of zero metres from both Teeple Terrace and Wonderland Road South; this seems extraordinary given that the standard required setbacks are **7 metres** in both cases. When Wonderland Road is widened this building will be **touching** the street! Such a bloated size is aesthetically unattractive, and completely out of character with the setbacks and yards of the surrounding single family homes.

We understand (conversation with Catherine Lowery, November 9, 2018) the applicant is also requesting a maximum building height of 15.5 metres, whereas the standard maximum is 13 metres. As above, this would create an over-sized building, unlike the neighbouring 1 or 2 storey homes. It would block the sun for our condo, and destroy the privacy of the units on our west side. We are also concerned that although a landscape buffer is shown between our west boundary and the proposed parking spaces, we do not believe this will be sufficient to protect us from traffic noise, nor our loss of privacy. We believe a fence needs to be provided along the eastern boundary of the proposed development.

In addition, we understand that the apartment units on the east side of the building will be using individual external air-conditioning units. The noise and heat generated by 20 (or more?) different air conditioners, rather than a single central air system, will be extremely unpleasant for adjacent property owners.

Both the Official Plan and *The London Plan* clearly designate this property for (medium-density) residential uses. However, if this re-zoning is approved, we are concerned that it would open the door to a future re-application under the secondary Restricted Office Special Provision Zone, such as for medical/dental offices or clinics. These would not be consistent with the residential character of our neighbourhood.

We trust that you will submit these comments for consideration.  
Thank you,

Dave Rutherford  
President  
Middlesex Standard Condominium Corporation No. 502  
1-525 Teeple Terrace

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From: Grant Hall and Paulette Renaud  
Sent: Tuesday, November 13, 2018 10:28 PM  
To: Lowery, Catherine <clowery@london.ca>; Turner, Stephen <sturner@london.ca>  
Subject: comments about File Z-8962 (447 Old Wonderland Road)

Dear Ms. Lowery and Mr. Turner:

I have some concerns about the proposed development, mostly with regard to traffic flow and setbacks.

Quite often, the left turn lane on Teeple Terrace (for vehicles turning southbound onto Wonderland Road) is occupied to capacity. Without an additional eastbound lane for through traffic on Teeple Terrace, eastbound traffic which is attempting to turn left into the driveway to the proposed apartment could obstruct eastbound through traffic.

Secondly, it seems that two of the four required setbacks require variances, as does the lot frontage (all by very large amounts). What is the point of having setback and frontage requirements if they can be ignored to that degree? It seems to me that the proposed development is being somewhat "shoehorned" in.

I would also say that the proposal for four storeys will mean that some residents in the condominium at #525 Teeple Terrace will suffer a great loss of privacy. Three storeys would better suit the conditions.

I can't see this apartment building as being a desirable place to live, due to the constant noise of traffic on Wonderland Road. Although many on Old Wonderland Road may disagree with me, it seems to me that if the site must be developed, then a small commercial development would be more appropriate for the site. I realize that the official plan calls for the parcel to be residential, and that there was opposition to the previous proposal for commercial development.

Regards,

Grant Hall  
36-499 Teeple Terrace

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447 Old Wonderland Rd  
File Z-8962  
Applicant: Nest on Wonderland

December 11, 2018

Planning Department  
City of London  
206 Dundas St.  
London, ON  
N6A 1G7

Dear Catherine Lowery

We wish to respond to this application for zone changing. We live at 439 Old Wonderland Rd. Our property backs on to the property concerned. Up until Christmas 2013 we enjoyed the woods provided by the OS1 zoning. Since the callous destruction of the woods by the previous owner five years ago we have had to endure the muddy and then weed-infested wasteland behind us. It was altered a few years ago by the creation of a small mountain higher than my 2 storey house. While this has returned some privacy to our back yard it has also provided a launch pad for the seeds of weeds and thistles that blow across our property. Needless to say, the condition of the property has been a sore point in the neighbourhood. We know the woods are not coming back. It is time for some sort of development to commence. We are not opposed to rezoning the property to a residential area, in keeping with the Official Plan.



We do however have concerns regarding variances requested by the developer. A reduced setback of 0 metres from both Teeple Terrace and Wonderland Rd S, whereas 8 metres is required, is a drastic request and places the building far too close to the intersection, particularly once the widening of Wonderland Rd occurs. The only reason I can see for this request is so that the developers can build something bigger than the property can accommodate and thus maximize their profits. The required setbacks at 8 metres I am sure have been established for a very good reason. We suggest that if the developers cannot do business within the policy of the city they should not have purchased the property in the first place.

The developers are also requesting an increase of 1.5 metres to the height from the maximum of 13 metres. This is like adding almost another storey. There is nothing as high as this in our neighbourhood and will create a longer afternoon/evening shadow onto the condominiums to the east.

In short, the building proposed is too large for the property. If they keep the same size footprint but move it back from the property line it will place the building closer to the condominiums. But the proposal places the building too close to the condos as it is. This is not acceptable.

The parking lot is an acceptable size but the proposal places a large buffer between Wonderland Rd and the parking area, and a small buffer between my property and the parking area. Could this not be made more even so that the buffer behind me would be larger and thus place the cars further from my property? The proposal makes no mention of a fence. Surely this is an absolute necessity.

In addition, we are concerned about the aesthetic look of the proposed building. All buildings in the neighbourhood are 1 or 2 stories, mostly built of brick, including the plaza to the south and the wall fence on the west side of Wonderland Rd. The huge dimensions, boxy shape and non-brick materials do not fit in with the neighbourhood and would detract from the pleasure we residents derive from living here.

Finally, we have concerns about the viability of this proposed development. The developers tell us that these will be high-end rentals, at \$1800 per month. While there is a need for more rental units in the city, if someone is going to pay that much for an apartment, we have to wonder why they would choose this proposed building. Anyone living on the ground floor will be right at the sidewalk and possibly the final stop of an out-of control car coming through the intersection. Anyone living on one of the higher floors gets a close-up view from their balcony of either the condominium backyards or one of the busiest roads in the city complete with traffic noise, trucks changing gears as they ascend the hill, sirens, fumes, etc. Really, why would anyone want to pay that much to live here? Once it is determined that this is not financially viable, what happens to the property? Does it then become low-income housing? Commercial? A boarded up eye-sore?

While we are in favour of finally getting some development accomplished, it must be done with careful thought. Let's do this right.

We trust you will submit our concerns for consideration.

Sincerely,

David & Sara Hall  
439 Old Wonderland Rd.

## Agency/Departmental Comments

October 25, 2018: UTRCA

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### 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

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at: [http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

Upon review of the current assessment report mapping, we wish to advise that the subject lands **are** identified as being within a vulnerable area.

### Provincial Policy Statement (PPS, 2014)

**Section 2.2.1** requires that "*Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- e) implementing necessary restrictions on development and site alteration to:*
- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
  - 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions."*

**Section 2.2.2** requires that "*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored."*

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at: <http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

### RECOMMENDATION

The UTRCA has no objections to this application.

November 21, 2018: Urban Design Peer Review Panel

The Panel provides the following feedback on the submission to be addressed through zoning bylaw amendment application:

- The Panel is generally supportive of the height of the building and relationship to the street corner, while maximizing the separation to adjacent low rise residential buildings.
- The Panel is supportive of the reduced setbacks to the street with landscape encroachments in the right of way.
- The Panel has comments regarding the building design to be resolved through the site plan stage of the project.
- Building Design:
  - The building as it sits appears “pre-designed” for another site. The Panel strongly suggests reviewing the relationship of the build form and site factors to find a more cohesive resolution as detailed in the following comments.
  - The building design should be further resolved to effectively address the corner. The end of building and corner are important in design expression and should have more emphasis.
  - The building footprint should respond to the street curvature to create a design that is better suited to its site. Consideration should be given to the building's shape, orientation and relationship to the parking behind, as it gets adjusted to suit the curving property line along Wonderland Road.
  - The underdevelopment of the entrances, and their specific locations, is problematic. The proponent should reconsider their placement relative to the site and floor plan.
  - An increased setback between ground floor units and parking is recommended.
  - North end of the building will also be highly visible along Wonderland Road and will require additional design detail.
- Outdoor Amenity Area:
  - The design of the amenity area should be appropriately buffered from Wonderland Road and have a good relationship to the function of the building (e.g. exit design should incorporate glazing to open onto the space and units should provide views to the space).
  - The programming and function of this space as an amenity for building residents needs further consideration, in addition to its function as a visual screen of the surface parking area.
  - Consider microclimate in the design of the amenity area, particularly given its location to the north of the proposed building.
  - The indoor and outdoor amenity areas should be located close to each other to provide a stronger adjacency.
- Landscape design to consider grading to ensure there is the ability to plant trees along the property line adjacent to residential buildings.
- The driveway connection between two parking lots seems at odds with the geometry and design of the site, and consideration should be given to straighten it to add a greater landscape buffer between the building and the driveway.
- Please note that a development of this type requires that an architect be involved from the onset of the site plan development, as required by the Ontario Association of Architects. The Panel understands the City's minimum requirement of an architect to be involved in the building permit submission, but based on the OAA requirements recommends one be engaged earlier in the process to better address the comments made by this Panel as the project moves into the SPA stage.

**Concluding comments:**

The Panel is supportive of the zoning bylaw amendment but notes that addition design resolution is needed through the site plan stage. The Panel has provided some detailed

design comments for consideration in working through the site design and requests that the project returns for additional comment at the site plan consultation stage.

Sincerely on behalf of the UDPRP,

Janine Oosterveld, MCIP RPP (UDPRP Chair)

November 29, 2018: 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.

December 10, 2018: Urban Design

Urban Design staff commend the applicant for incorporating the following into the design; locating the proposed building close to the Wonderland Road and Teeple Terrace property lines; Providing appropriate scale of the building along the Wonderland Road and Teeple Terrace frontages in keeping with the vision for the Neighbourhoods Place Type; Orienting the proposed building to Wonderland Road with a primary entrance facing Wonderland Road; and locating all parking in the rear and interior side yard of the site.

Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the Urban Design Peer Review Panel, and City staff. Some of the design concerns that remain outstanding, and can be addressed through the site plan process include;

- Treatment of the building at the intersection of Wonderland Road and Teeple Terrace; Highlight the corner of the building through an increase in massing, articulation and change in materials and/or increased glazing.
- Treatment of the building on the south elevation; ensure this street facing façade includes a similar level of architectural detail as is included on the west elevation, include an emphasis on the design of the entrance/exit door on this elevation.
- Amenity area; ensure the amenity space has a good relationship to the function of the building (e.g. exit design should incorporate glazing to open onto the space and units should provide views to the space).
- Parking area; ensure all exposed parking is screened using a combination of low landscape walls and landscaping.

The applicant should provide a response to the UDPRP Memo issued following the November 2018 meeting detailing how they have considered all of the Panels comments.

December 11, 2018: Applicant's Response to UDPRP Memo

Dear Ms. Lowery,

RE: Zoning By-Law Amendment Application  
447 Old Wonderland Road/555 Teeple Terrace

Further to our meeting of December 7, 2018, we offer the following comments in response to the Urban Design Peer Review Panel memo of November 21, 2018.

**Building Design**

- The building was designed for this site and is reflective as such through the inclusion of clear glazing along the west elevation and the configuration of interior common spaces towards the intersection;
- The building elevations will be revised to more effectively address the intersection through a change in materials to accentuate the southwest corner of the building;
- Design elements (ie. canopy) are being considered on the west elevation to provide a design response to the curvature of Wonderland Road;

- The south entrance will be enhanced to provide a stronger prominence along Teeple Terrace;
- The setback between the ground floor units and the parking spaces is sufficient and has not been problematic on our other apartment building in Byron;
- A glass door will be provided from the north entrance to the outdoor amenity space;

#### **Outdoor Amenity Area**

- Appropriate landscape buffering will be provided for the amenity space along Wonderland Road;
  - A functional amenity space will be designed for the outdoor area through the site plan approval process;
  - Shadowing impacts will be addressed when designing the outdoor amenity space on the north side of the building;
  - Due to the proximity of the indoor amenity space close to the intersection to activate the streetscape, it cannot be located at the north end of the building;
- 
- The landscape plan will be prepared to account for the final grading on the site;
  - The driveway connection between the two parking areas cannot be adjusted due to the irregular shape of the property; and
  - An architect has been retained since the commencement of this project. We are working closely to finalize the design of the building to ensure it meets all Building Code and OAA requirements.

We trust the above is sufficient for your review. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

#### **BECO Developments**

January 7, 2019: Engineering

##### *General*

Transportation division is not in support of a zero meters set back to Wonderland Road South, a minimum set back of 1.0m is required.

##### *Wastewater*

No comments for the re-zoning application. The following items are to be considered during the development application approval stage;

- The sanitary sewer available for the subject lands is the 250mm sanitary sewer on Wonderland Road.
- There is a 200mm sanitary PDC from the subject lands to the first sanitary maintenance hole north of the intersection of Wonderland Road and Teeple Terrace.
- This development is tributary to the Berkshire Pumping Station.

##### *Transportation*

The following items are to be considered during the development application approval stage:

- Road widening dedication of 22.0m from centre line required on Wonderland Road South (3.70m)
- 6.0m x 6.0m daylight triangle is required
- Eastbound left turn lane on Teeple Terrace required which would be side-by-side with the existing westbound left turn lane.
- Environmental Assessment (EA) for the widening of Wonderland Road between Southdale Road and Sarnia Road is underway for details and information regarding the EA please use the following web link:  
<https://getinvolved.london.ca/WonderlandRoadEA>
- External works drawing including pavement marking drawings are required due to required side-by-side left turn lane.

### *Stormwater*

No comments for the re-zoning application. The following items are to be considered during the site plan approval stage:

- The site at C=0.70 is tributary to the 1500mm storm sewer on Wonderland Road South fronting the site. Changes in the "C" value or size of the catchment area required to accommodate any proposed redevelopment will trigger the need for hydraulic calculations (storm sewer capacity analysis) to demonstrate the capacity of the existing storm sewer system is not exceeded and that on-site SWM controls will be design to the satisfaction of the City Engineer.
- For the proposed parking area the applicant shall be required to address the water quality to the standards of the Ministry of the Environment and Climate Change and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

### *Water*

The report provided as part of the zoning application was deemed acceptable; however, If the fire flow calculations\demands for the ultimate form of development on the subject lands change from the report submitted, revised fire flow calculations would be required to be submitted with any required external works or watermain upsizing wholly at the applicants expense. No additional comments for the re-zoning application.

Additional comments may be provided upon future review of the site.

### January 11, 2019: Engineering (Supplementary Comments)

Transportation staff would support a minimum 0.75 metre setback.

## **Appendix C – Policy Context**

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### Provincial Policy Statement (PPS), 2014

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

- 1. efficiently use land and resources;



2. 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

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

### The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

\*259\_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

\*918\_ We will realize our vision for the Neighbourhoods Place Type by implementing the following in all the planning we do and the public works we undertake:

2. Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms.

\*920\_ Tables 10 to 12 give important guidance to the permitted uses, intensity, and form of development that may be permitted on lands within the Neighbourhoods Place Type. The following policies provide direction for the interpretation of these tables:

4. Where development is being considered at the intersection of two streets of different classifications

a. 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.

b. The development will be oriented toward the higher-order street.

c. The development will be permitted only if it can be demonstrated, in conformity with the policies of this Plan, that it will be a good fit and will not undermine the character of the lower-order street.

\*921\_ Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification.

\*Table 10: Range of Permitted Uses in Neighbourhood Place Type

\*935\_ The following intensity policies will apply within the Neighbourhoods Place Type:

1. Table 11 - Range of Permitted Heights in Neighbourhoods Place Type, provides the range of permitted heights in the Neighbourhoods Place Type, based on street classification.

\*Table 11: Range of Permitted Heights in Neighbourhoods Place Type

1989 Official Plan

3.1.3. MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL OBJECTIVES

i) Support the development of multi-family, medium density residential uses at locations which enhance the character and amenity of a residential area, and where there is safe and convenient access to public transit, shopping, public open space, recreation facilities and other urban amenities.

3.3. MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL

The Multi-Family, Medium Density Residential designation permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential designation.

3.3.1. Permitted Uses

The primary permitted uses in the Multi-Family, Medium Density Residential designation shall include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged.

3.3.1 iv) Secondary Permitted Uses

Uses that are considered to be integral to, or compatible with, medium density residential development, including group homes, home occupations, community facilities, funeral homes, commercial recreation facilities, small-scale office developments, and office conversions, may be permitted according to the provisions of Section 3.6.

3.3.2. Location

In addition to areas predominantly composed of existing or planned medium density residential development, the preferred locations for the Multi-Family, Medium Density Residential designation include lands in close proximity to Shopping Areas, Commercial Districts, designated Open Space areas or Regional Facilities; lands adjacent to a Multi-Family, High Density Residential designation; and, lands abutting an arterial, primary collector or secondary collector street.

3.3.3. Scale of Development

Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development.

Height

i) Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit

Density

ii) Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre).

3.6 GENERAL REGULATIONS FOR ALL RESIDENTIAL LAND USE DESIGNATIONS

3.6.8 New Office Development

Small-scale, free-standing office buildings may be permitted as secondary uses in the Multi-Family, Medium and Multi-Family, High Density Residential designations, subject to the following provisions:

#### Location

i) Office developments shall be located on an arterial or primary collector road. In established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced.

#### Buffering

ii) Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.

#### Scale, Appearance

iii) The proposed building shall be sensitive to the scale and appearance of adjacent residential uses.

#### Zoning, Planning Impact Analysis

iv) Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7. will be required to determine if the proposed development is appropriate.

### 3.7. PLANNING IMPACT ANALYSIS

3.7.1. Purpose Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. Planning Impact Analysis is intended to document the criteria reviewed by municipal staff through the application review process to assess an application for change. Depending upon the situation, other criteria may also be considered. (Amended by OPA 438 Dec. 17/09)

#### 3.7.2. Scope of Planning Impact Analysis

Planning Impact Analysis will be undertaken by municipal staff and will provide for participation by the public in accordance with the provisions for Official Plan amendment and/or zone change applications as specified in Section 19.12.

#### General Proposals

Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change.

Where an Official Plan amendment and/or zone change application is being considered the following criteria may be considered:

(a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.

(b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;

(c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use; and

(d) the proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.

(e) the need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.

(f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

(g) the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

(h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

(i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;

(j) the potential impact of the development on surrounding natural features and heritage resources;

(k) constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;

(l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and

(m) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;

(n) impacts of the proposed change on the transportation system, including transit. (Section 3.7.2. amended by OPA 438 Dec. 17/09)

An applicant for a proposed change in land use may be required to provide information and details on the development and its likely impacts, for the purpose of assisting the City in undertaking Planning Impact Analysis.

## **19.1. INTERPRETATION**

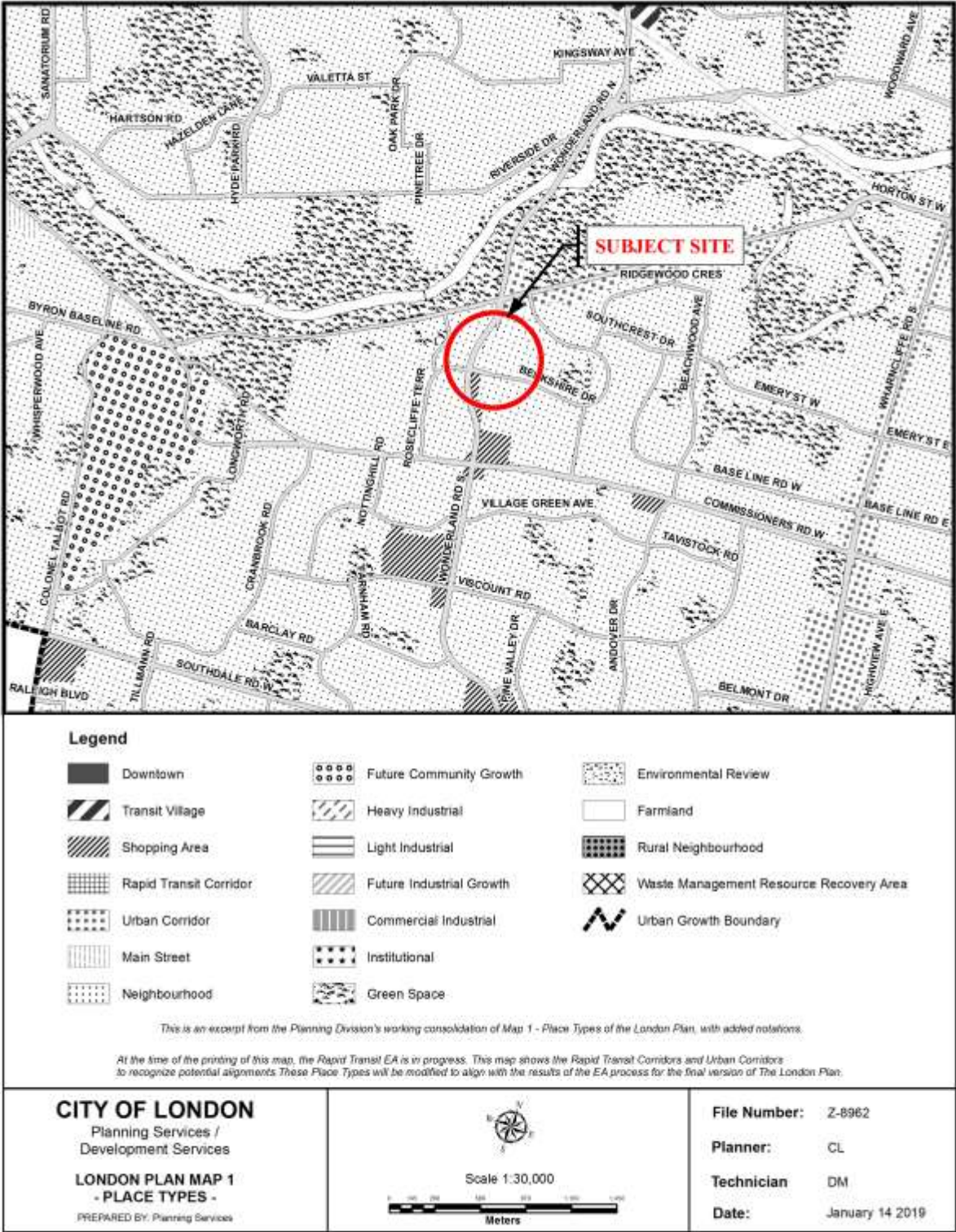
The following policies are intended to provide guidance in the interpretation and understanding of the policies, objectives, and Schedules of the Plan.

19.1.1. The objectives and policies contained in the Plan are intended to assist in the achievement of the purposes of the Official Plan, as described in Chapter 1. It is intended that the interpretation of these policies should allow for a limited degree of flexibility according to the following provisions:

Numbers	iii) Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained.
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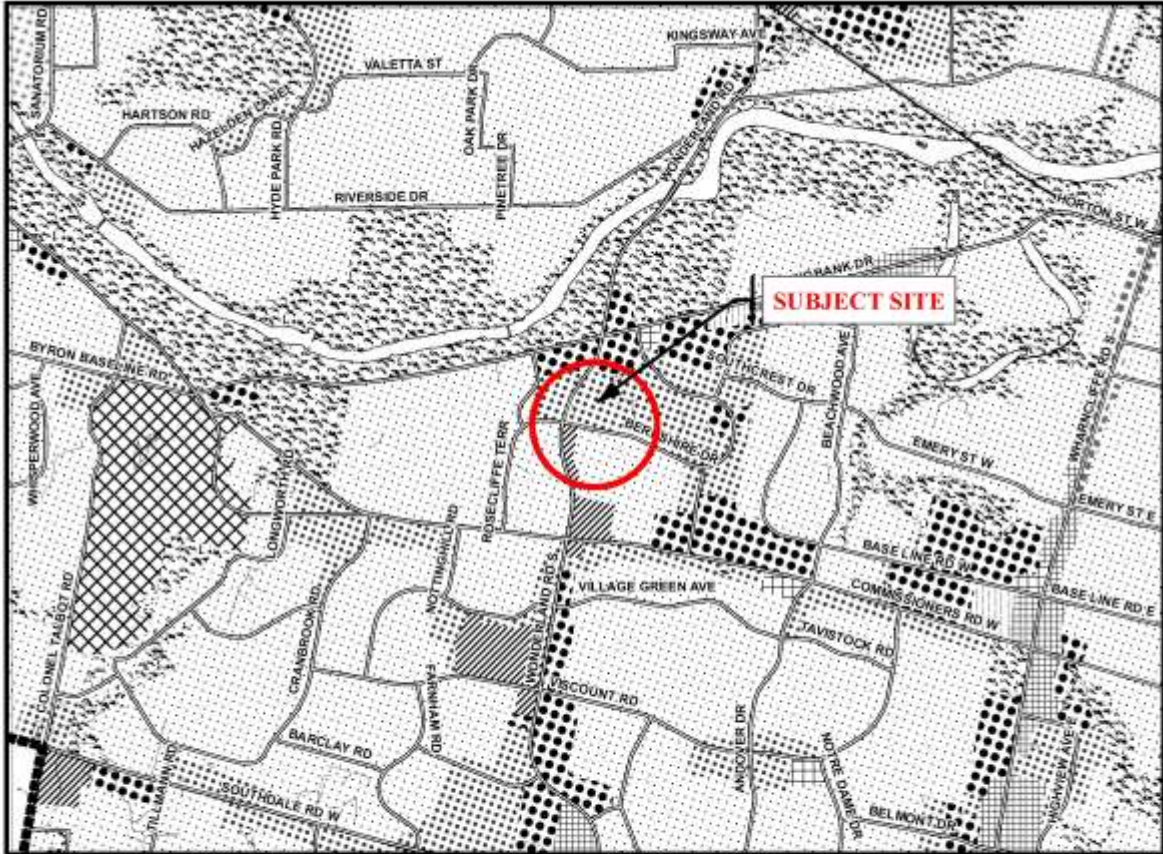
Appendix D – Relevant Background

Additional Maps



Project Location: E:\Planning\Projects\p\_zoning\z-1zones\amendments\Z-8962\projects\Z-8962 London P\Plan Excerpt.mxd





**Legend**

Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

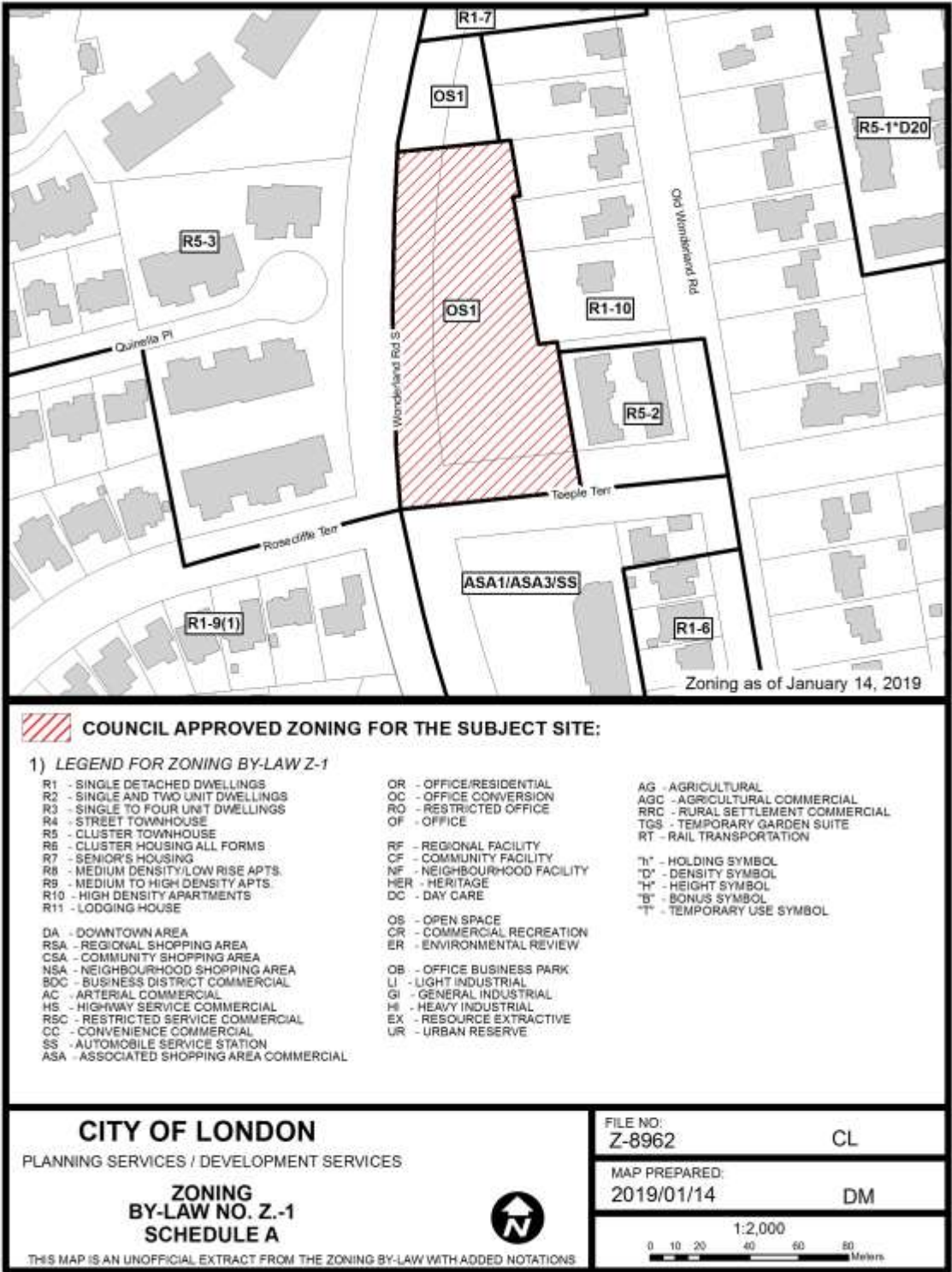
This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**CITY OF LONDON**  
Planning Services /  
Development Services  
  
OFFICIAL PLAN SCHEDULE A  
- LANDUSE -  
  
PREPARED BY: Graphics and Information Services

Scale 1:30,000  
0 100 200 300 400 500 600  
Meters

FILE NUMBER: Z-8962  
PLANNER: CL  
TECHNICIAN: DM  
DATE: 2019/01/14





**Additional Reports**

Z-8228: March 25, 2014 – Report to Planning and Environment Committee: request to rezone the subject lands from an Open Space (OS1) Zone to a Holding Restricted Office Special Provision (h-5\*h-64\*RO2(\_\_\_)) Zone

Z-8228: August 26, 2014 – Report to Planning and Environment Committee regarding the appeal to the Ontario Municipal Board

**Ontario Municipal Board  
Commission des affaires municipales  
de l'Ontario**



**ISSUE DATE:** March 05, 2015

**CASE NO(S):** PL140366

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	2376563 Ontario Inc.
Subject:	Application to amend Zoning By-law Z.-1 – Refusal or neglect of the City of London to make a decision.
Existing Zoning:	Open Space (OS1) Zone, which permits conservation lands, conservation works, and cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campgrounds and managed forests.
Proposed Zoning:	Restricted Office Special Provision (R02(_)) Zone which permits clinics, medical/dental offices, medical/dental laboratories, offices.
Purpose:	To permit the development of a small scale medical/dental office
Property Address/Description:	447 Old Wonderland Road
Municipality:	City of London
Municipal File No.:	No.Z-8828
OMB Case No.:	PL140366
OMB File No.:	PL140366

Heard: February 3, 2015 in London, Ontario

**APPEARANCES:**

**Parties**

2376563 Ontario Inc.

City of London

**Counsel**

A. Patton

N. Hall

**Participants**

William Bauer

David Hall

Vivien Scott

**DECISION OF THE BOARD DELIVERED BY S. JACOBS**

## BACKGROUND

[1] The applicant, 2376563 Ontario Inc., wishes to construct a medical / dental office building at the north east corner of Wonderland Road and Teeple Terrace in the City of London ("City"). The applicant requested from the City a zoning by-law amendment to permit this use and appealed to the Board pursuant to s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("Act") for council's failure to make a decision on the application. Since the time of the appeal, the applicant and the City have worked to narrow the issues for the hearing

[2] The Board qualified and heard opinion evidence from two land use planners. Richard Zelinka, retained by the applicant, testified in support of the application. Mike Corby, a planner with the City, testified in support of the application, but also in support of the City's requested revisions to the applicant's proposed zoning by-law amendment.

[3] Frank R. Berry was qualified to provide opinion evidence in the area of transportation engineering and testified in support of the application. Ron Koudys was qualified as a landscape architect and tree expert and also testified in support of the application.

[4] Three area residents were identified as participants in the proceedings. The Board heard detailed evidence from two of these residents, David Hall and William Bauer. The third resident, Vivien Scott, did not provide evidence to the Board, as it was determined that her interest in the development focussed solely on a strip of property adjacent to her own property that she wishes to purchase from the developer. This piece of property is not part of the application before the Board.

### The Subject Property

[5] The subject site is a vacant 0.55 hectare ("ha") parcel located at the northeast corner of Wonderland Road, a four-lane arterial road, and Teeple Terrace, a secondary-collector road. It is irregularly shaped: it has approximately 129 metres ("m") of frontage along Wonderland Road, 53.7 m of frontage along Teeple Terrace, as well as 5.2 m of frontage along Old Wonderland Road, a residential cul-de-sac behind the property. The site is known municipally as 447 Old Wonderland Road due to this narrow frontage; however, as described above, the narrow strip of land fronting Old Wonderland Road is not part of the zoning amendment application before the Board.

[6] The site is located within a built-up area of the City, with primarily single detached residential development to the east, as well as a townhouse condominium development. There is a commercial plaza located directly to the south of the subject site, which forms the northerly limit of a community commercial node containing a range

of goods and services. Directly to the north of the site is a small vacant parcel owned by the City, and there are several apartment buildings further to the north.

## **The Proposal**

[7] The applicant wishes to construct a two-storey, 1452 square metre (“sq. m.”) office building, likely to contain medical and dental offices. The concept plan presented to the Board shows the proposed building located at the street on the southwest corner of the property, right at the street. It would have vehicular access from Teeple Terrace, directly across from the existing access to the commercial plaza to the south.

[8] The site is currently zoned Open Space (OS1) in the City Zoning By-law No. Z.-1, which Mr. Zelinka described as a “status” zone, which had been used in the By-law to describe a zone awaiting development. The lands are designated Multi-Family, Medium Density Residential in the City Official Plan (“OP”), which permits a range of multi-family residential uses as well as small-scale office uses. Mr. Zelinka explained that this site, along with the City-owned site adjacent to the north that shares the Open Space (OS1) zoning, has never functioned as a park.

[9] The applicant therefore requires a zoning amendment to change the zoning to a Restricted Office Special Provision (RO2(\*)) Zone. The applicant is also requesting revisions to certain regulations of the RO2 zone, which would result in a minimum front yard depth of 0.0 m, a minimum exterior side yard setback of 0.0 m, designating the frontage along Teeple Terrace as the front lot line, a minimum parking requirement in accordance with s. 4.19(10) or 85 spaces, whichever is the lesser, and a maximum height of 9 m. The applicant’s proposed by-law is found in Exhibit 8.

[10] The City requested two revisions to the applicant’s proposed by-law, which form the basis for the issues at the hearing. First, the City requested a holding provision that would require a public site plan review process. Second, the City requested that the by-law include an east side yard setback from the parking area adjacent to the residential area, and that this setback should ideally be 6.0 m in width, or at least 3.0 m in width.

## **ISSUES AND ANALYSIS**

[11] The Board must consider the proposal in light of provincial policy, as well as the local planning context, including conformity with the OP, potential for adverse impact on neighbouring properties, and generally whether the proposal represents good planning.

[12] In addition, the parties focussed on two sub-issues relating to the City’s requested revisions to the applicant’s proposed zoning by-law amendment:

1. Should the rezoning be subject to a holding provision requiring a public site plan review process?
2. Should the easterly side yard setback from the parking area be included in the zoning by-law amendment?

### **Provincial Policy Statement**

[13] Mr. Zelinka provided evidence that, in his opinion, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement, 2014 ("PPS"). In Mr. Zelinka's opinion, the proposed development would make efficient use of an underused parcel of land in an existing built up area with access to full services, consistent with s. 1.1.1, 1.1.3.6, 1.6.6.2, and 1.6.7.2 of the PPS. He also noted that the zoning by-law amendment would permit a compact commercial development on an appropriately sized parcel of land, at a scale consistent with surrounding existing development, and is transit supportive, consistent with s. 1.1.3.2, 1.1.3.4, and 1.3.1. Mr. Corby agreed that the proposed zoning by-law amendment is consistent with the PPS, and the Board concurs with these two planners.

### **Official Plan Conformity**

[14] The subject site is designated Multi-Family, Medium Density Residential in s. 3.3. of the City's OP, which permits a range of housing forms, including townhouses, cluster houses and apartment buildings up to four (4) storeys in height, as well as secondary uses, including small scale office developments. Small scale office developments are permitted subject to location and compatibility criteria found in s. 3.6.

[15] The location criteria requires office developments to be located on an arterial or primary collector road, and permits this type of development in established neighbourhoods only where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced (s. 3.6.8(i)). Mr. Zelinka provided evidence that the proposed development's location on Wonderland Road meets the criteria, as Wonderland Road experiences high traffic volumes and related traffic noise with few residential properties fronting directly onto the roadway.

[16] The compatibility criteria found in s. 3.6.8(ii) and (iii) concern buffering, scale, and appearance of the proposed development. Mr. Zelinka indicated that the proposed office building would be positioned at the south west corner of the site, thereby maximizing the setback from the adjacent residential properties on Old Wonderland Road, and also acting a partial visual and noise screen from traffic along Wonderland Road. He also noted that the proposed site plan contemplates landscape areas, privacy fencing, and appropriate buildings setbacks to protect the amenity of the adjacent

residential properties. In particular, he described as proposed along the east property line a landscape strip, ranging in width from 3.0 m to 5.0 m, a 1.8 m privacy fence, and large deciduous trees.

[17] Mr. Zelinka and Mr. Corby agreed that the proposed zoning by-law amendment conforms with the OP. The Board concurs.

### **Compatibility and Adverse Impact**

[18] Both Mr. Zelinka and Mr. Corby were of the opinion that the proposed development is compatible with the surrounding area, and would not result in an adverse impact on adjacent properties. The evidence given by Mr. Hall and Mr. Bauer, both residents of Old Wonderland Road, raised more specific concerns relating to traffic and vegetation that will be addressed here.

#### *(i) Traffic*

[19] Mr. Bauer expressed concerns about traffic on Teeple Terrace, in particular the current flow of traffic turning from Wonderland Road and traffic entering and exiting the commercial plaza to the south of the subject site. In his opinion, Teeple Terrace would need to be widened to accommodate the additional traffic created by the proposed development.

[20] Mr. Berry's firm completed a Transportation Impact Assessment in August, 2013 (Exhibit 3), with an addendum in September 2013 (Exhibit 4). His study concluded that the proposed development would generate about 36 vehicle trips in the morning peak hour and about 54 vehicle trips in the afternoon peak hour. Based on the study, it was Mr. Berry's opinion that the intersection currently operates at a good level of service, and will continue to do so with the proposed development. The study also projects the queue length of traffic traveling westbound on Teeple Terrace during the afternoon peak hour at 42.5 m, which Mr. Berry indicated would not interfere with the operation of the driveway of the proposed development, as it is located at a corner clearance distance of 68 m from Wonderland Road.

[21] It was also Mr. Berry's opinion that the proposed development would not create a negative traffic impact to the residents on Old Wonderland Road, as the only traffic generated there from the proposed development would be from residents travelling to or from the proposed development. Based on Mr. Berry's detailed evidence and projections, the Board finds that there would be no unacceptable adverse traffic impact caused by the proposed development.

#### *(ii) Vegetation*

[22] Mr. Hill provided evidence of vegetation that previously existed on the subject site, which had the effect of screening the rear of his property, and other properties, from Wonderland Road. Mr. Hill and Mr. Bauer indicated that they were concerned when this vegetation was cleared from the site in December, 2013. The Board appreciates that the residents of Old Wonderland Road may have enjoyed the privacy and screening created by the vegetation on the subject site and were surprised by its removal, however the Board heard evidence from all witnesses that this was done in accordance with the applicable City by-law.

[23] The Board heard extensive evidence from Mr. Koudys, who prepared a Vegetative Assessment for the site (Exhibit 6). Mr. Koudys studied the site itself as well as adjacent vegetation to determine whether construction of the proposed development would impact vegetation on neighbouring properties. He found no rare species on the site itself. In his opinion, the proposed development would not have a negative impact on adjacent vegetation, and the proposed landscape buffer strip would be more than adequate to foster the proposed vegetation as well as the existing vegetation at the property line. Based on this evidence, the Board concurs with Mr. Koudys' opinion that the proposed development will allow for adequate landscaping on site and will not interfere with adjacent vegetation.

### **Setback from Parking Area**

[24] The Board heard evidence from both parties regarding the inclusion of a minimum easterly side yard setback from the proposed parking area. The Board understands that the applicant, in its concept plan, is proposing a setback that is 3 m in width, with one narrower area that is approximately 2.4 m in width. Mr. Corby explained that the City would prefer a 6 m setback, while Mr. Zelinka explained that the City's site plan approval control by-law would only require a 1.5 m setback for such a development. It appears, from Mr. Corby's evidence, that the City is requesting a wider setback as a buffer for the adjacent residents, as well as to address the possible need for a retaining wall. The Board notes that it heard no expert evidence regarding site grading or the need for a retaining wall.

[25] While both planners expressed the opinion that their preferred setback represents good planning, the Board finds that it is premature to make this determination at this early stage. With only a concept plan before it, there is not sufficient evidence for the Board to determine the appropriate setback width and include it in the zoning by-law amendment. This is a matter that the City, with the benefit of detailed site plan drawings, has the ability to determine through its site plan approval process.



## **Public Site Plan Process**

[26] The City requested that the zoning by-law amendment include a holding provision that would require a public site plan process once the applicant proceeds with a site plan. The City's rationale for this request is that this is a matter of significant public interest, and that such a provision will ensure that the residents are able to participate in the site plan approval process. The applicant, in response, argued that there is no planning rationale for such a provision and that it will cause unnecessary delay.

[27] The Board heard no land use planning evidence that would justify including this holding provision in the zoning by-law amendment. The Board understands that the City typically includes such a provision where it has determined that a matter is of significant public interest; however, the Board is not in a position, based on the evidence presented at the hearing, to make this determination. The Board also understands that the City, in its Site Plan Control By-law, has delegated its site plan approval power to a site plan authority, which may preclude a public site Plan Process. However, the Board notes, based on the submissions of the parties, that council may choose to revoke that authority for a specific application, which would then result in a public site plan meeting. This again is a determination more appropriately made based on a detailed site plan, and not by the Board in this instance.

## **CONCLUSION**

[28] The Board finds that the proposal conforms to relevant official plan and provincial policies, and represents good planning. The Board also finds, given that there was not a site plan before it, that the parking setback issue is one more appropriately dealt with through the City's site plan approval process. The Board also finds that City will be in a better position than the Board to make a determination regarding the need for a public site plan meeting as the site plan process for this development unfolds.

## **DISPOSITION**

[29] The Board will allow the appeal and the City's Comprehensive Zoning By-law is amended in accordance with the zoning-by-law amendment contained in Exhibit 8. The Board will withhold its order pending the parties advising the Board that the site plan approval process has been completed. In the event of a dispute regarding site plan approval, the Board may be spoken to and I will remain seized.

*"S. Jacobs"*

S. JACOBS  
MEMBER