

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: Application by Rembrandt Developments (Fanshawe) Inc.
2261 Linkway Boulevard
Removal of Holding Provision

Date: January 18, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Rembrandt Developments (Fanshawe) Inc., relating to lands located at 2261 Linkway Boulevard, legally described as Block 90 Plan 33M-768, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on February 2, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R6 (h-54•h-71•R6-5) Zone **TO** a Residential R6 (R6-5) Zone to remove the h-54 and h-71 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the holding (h-54 and h-71) symbols to allow development of 78 townhouse dwelling units permitted under the Residential R6 (R6-5) Zone.

Rationale of Recommended Action

1. The conditions for removing the holding (h-54 & h-71) provisions have been met and the recommended amendment will allow development of a proposed 78 unit townhouse development in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.
4. As part of the Site Plan and Development Agreement, appropriate noise attenuation measures will be implemented based on the accepted noise assessment report; and a building orientation plan has been reviewed and accepted which demonstrates building orientation to Oxford Street West and Kains Road.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

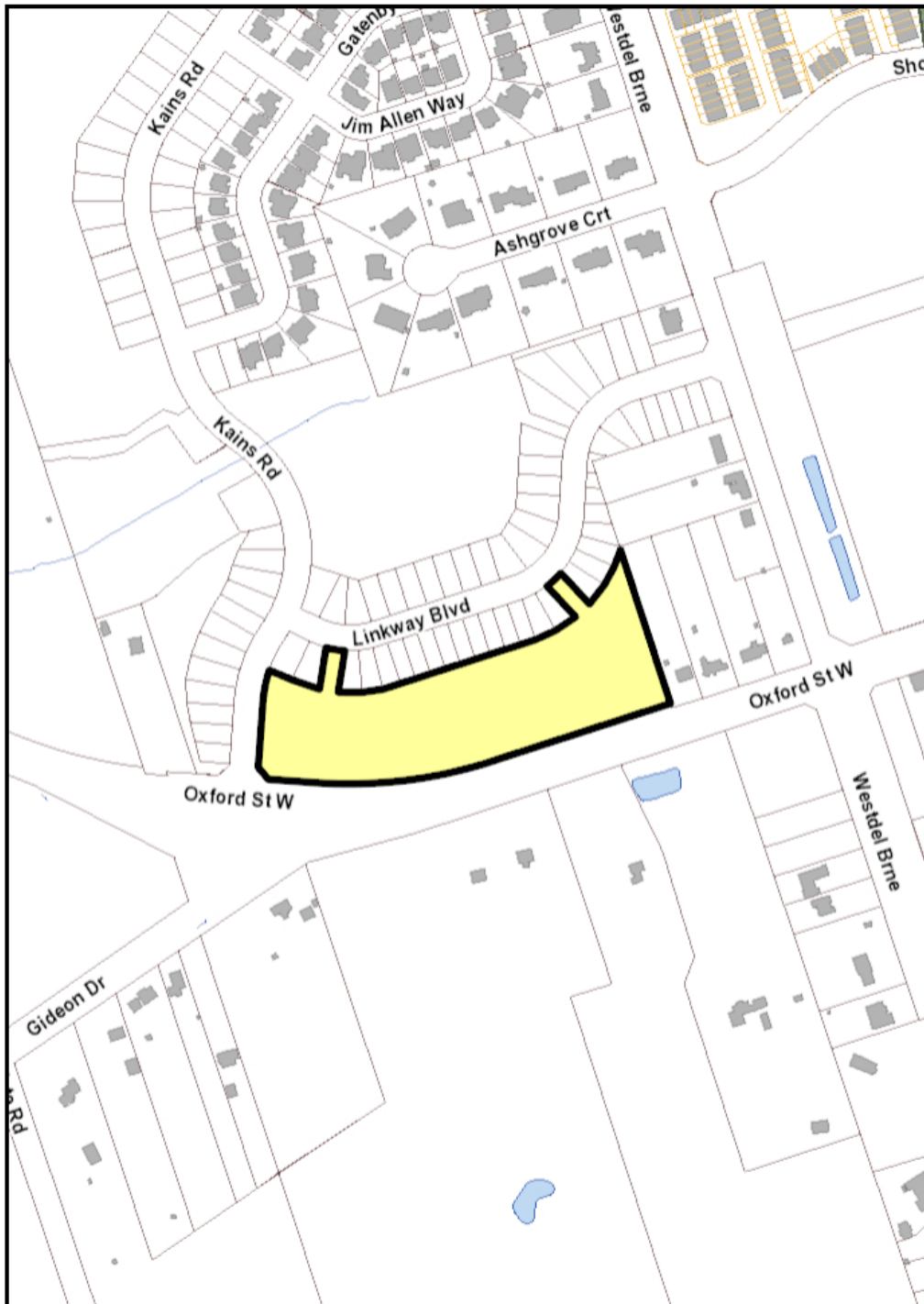
1.0 Background Information







1.1 Previous Reports Related to this Matter

July 17, 2017 – Report to Planning and Environment Committee on an application for approval of Draft Plan of Subdivision and Zoning By-law Amendments re: Eagle Ridge Subdivision – Phase 2 (File No. 39T-17501/Z-8725).

2.0 Discussion and Considerations

2.1 Location Map

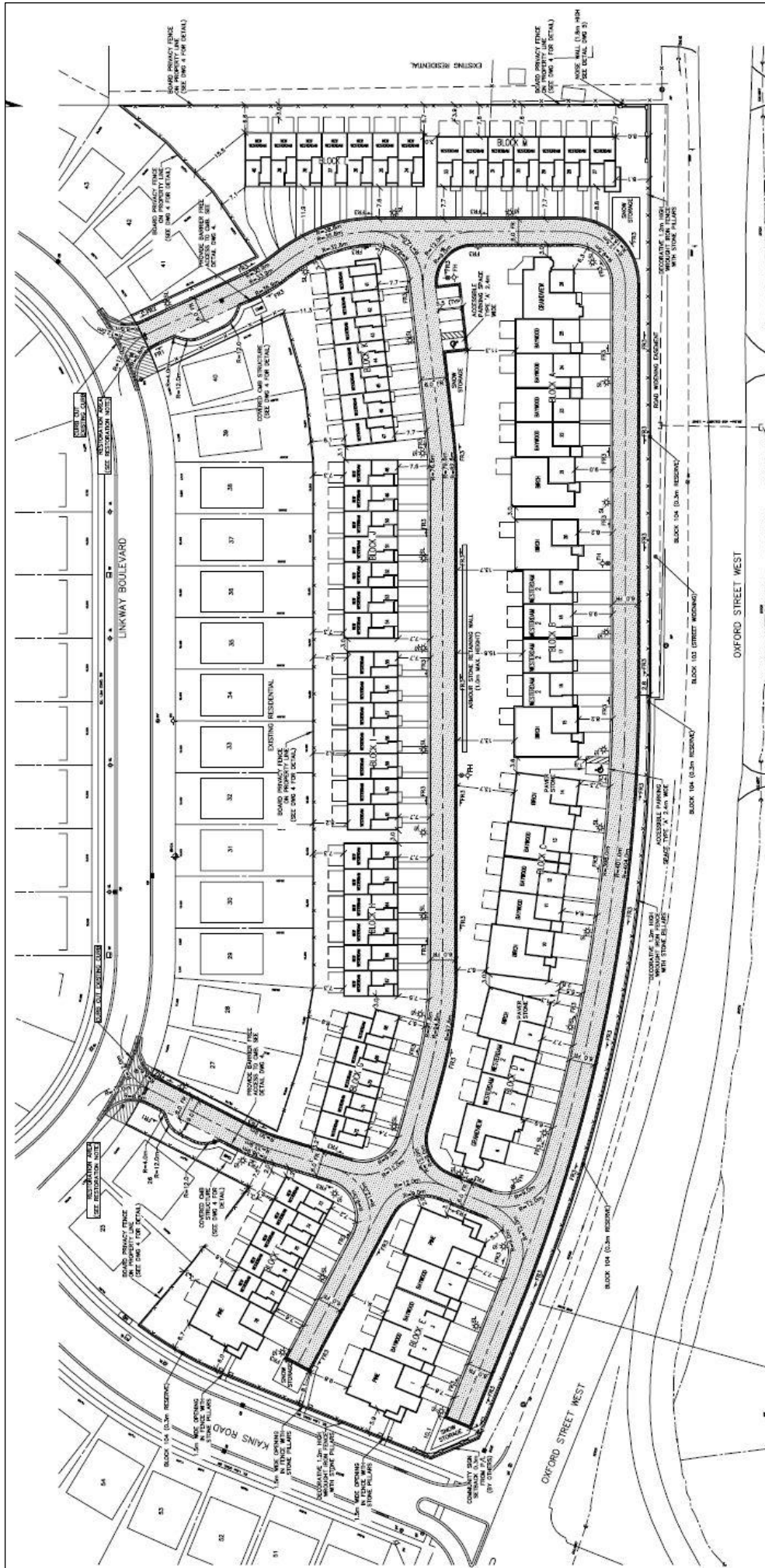


Location Map		Legend	
Subject Property:	2261 Linkway Boulevard		Subject Property
Applicant:	REMBRANDT DEVELOPMENTS (FANSHAWE) INC.		Parks
File Number:	H-9242		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	7/16/2020		Address Numbers
Scale:	1:4000		
Corporation of the City of London			

2.2 Description of Proposal

This proposal is to remove the holding provisions to allow a residential development of cluster townhouses on a vacant block within a registered plan of subdivision.

2.2.1 Site Plan



2.2.2 Building Elevations (Units 1 - 5)



2.3 Planning History

On October 1, 2019 the Approval Authority for the City of London granted Final Approval for Phase 2 of the Eagle Ridge Subdivision located north of Oxford Street West and west of Westdel Bourne. Phase 2 consists of 89 single detached lots, one (1) medium density block, two (2) open space blocks, three (3) park blocks, seven (7) part blocks for future development, and several road widening and 0.3 metre reserves, all served by the extension of Kains Road, Linkway Boulevard and Gatenby Street. The subdivision plan was subsequently registered on October 9, 2019 as Plan 33M-768. The medium density block (Block 90) is the subject of this application for Removal of Holding Provisions, as well as an application for Site Plan Approval by Rembrandt Developments (Fanshawe) Inc. for a 78 unit townhouse development (File No. SPA20-020).

2.4 Community Engagement (see more detail in Appendix B)

One written response was received to the Notice of Application. Comments received are summarized as follows:

- There are concerns for increased traffic volumes and access on Oxford Street West. Adding these townhouses will only make a difficult traffic issue worse.
- Residents of these homes will have no access to public transit necessitating the use of personal vehicles and increasing ambient air pollution.
- Such dense housing will increase noise levels, increase stress, and result in loss of privacy for existing residents.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Conclusions

4.1 Have the conditions for removal of the holding (h) provision been met?

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, two holding provisions were added to the subject site to address potential noise impacts from traffic on Oxford Street West, and to ensure street-oriented development to adjacent public streets. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

The purpose of the holding (“h-54”) provision in the Zoning By-law is as follows:

Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.

The accepted site plan drawings incorporate recommendations from the accepted Noise Assessment Report (West Kains Condominium Development - Environmental Noise Assessment Report prepared by MTE Consultants dated December 18, 2019, and revised June 22, 2020). The report recommends a 1.8 metre high localized noise barrier for Units 27 and 28 to protect the private outdoor amenity areas from excessive daytime noise levels that exceed Ministry of Environment, Conservation and Parks (M.O.E.C.P.) noise criteria. The site plan shows a decorative stone and brick masonry noise wall will be constructed in the southeast corner of the site for the units which have rear-yard exposure to traffic on Oxford Street West. The Development Agreement will also include provisions for forced air heating and central air conditioning for certain units, and noise warning clauses to be registered on title. These requirements will form part of the approved Site Plan and Development Agreement.

The purpose of the holding (“h-71”) provision in the Zoning By-law is as follows:

Purpose: To encourage street orientation development, the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the h-71 symbol.

An application for Site Plan Approval has been submitted by Rembrandt Developments (Fanshawe) Inc. (SPA20-020). The proposed development consists of 78 attached townhouse dwellings arranged in rows of units attached side-by-side. The site plan demonstrates strong building orientation with the front facades of dwelling units (Units 1 to 26) oriented towards Oxford Street West.

The two end units flanking Kains Road (Units 1 and 78) will have their front door entrances oriented towards Kains Road, and will also include walkways from the entrances to the City sidewalk. These units will not have individual driveway access to Kains Road as vehicular access will be provided by an internal common driveway. The garages are accessed internally and will be located against the inside common wall of the units. Building elevations show a similar level of architectural detail along the side and front elevations.

The interface with Oxford Street West features a 1.2-metre-high wrought iron fence with decorative stone pillars and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only a localized sound reduction barrier required to protect the private outdoor amenity area of the end units adjacent Oxford Street West, as was noted above.

As part of the site plan review process, the plans and building elevations were reviewed by Site Planning and Urban Design staff and have now been accepted. A Development Agreement was recently executed between Rembrandt Developments (Fanshawe) Inc. and the City of London. Rembrandt has also posted security as required by City policy and the Development Agreement. Therefore, the condition has been met for removal of the “h-71” provision.

4.2 Public Comments

- There are concerns for increased traffic volumes and access on Oxford Street West. Adding these townhouses will only make a difficult traffic issue worse.

Road improvements at the intersection of Oxford Street West, Kains Road and Gideon Drive have recently been completed, including construction of left and right turn lanes on Oxford Street West, installation of a raised concrete median and island channelization to restrict turning movement to rights-out only from Kains Road to Oxford Street West, and added street lighting. This intersection is also planned for a future roundabout and was identified as a major road works in the 2019 Transportation Development Charges Background Study.

The proposed development is not expected to contribute significantly to traffic volumes as there will be no direct points of access to Oxford Street West or Kains Road. The site development plan provides two access driveway connections to Linkway Boulevard. Most of the ingress and egress vehicular traffic generated by this development is expected to be diverted to the east along Linkway Boulevard to Westdel Bourne. The City's Transportation Planning and Design Division were circulated on the application and did not indicate concerns related to the proposed development and increased traffic volumes.

- Residents of these homes will have no access to public transit necessitating the use of personal vehicles and increasing ambient air pollution.

This area is currently serviced by London Transit Route 17B Riverbend via Byron and Oxford Street West and the subject site is approximately 840 metres (9–10 minutes walking distance) to the closest bus stop at Riverbend Road and Shore Road. This area is presently growing and transit service is expected to expand in the future as the West Five and Riverbend area builds out. It should also be noted that there will be convenient access to the Thames Valley Parkway multi-use trail system located near the intersection of Kains Road and Oxford Street West.

- Such dense housing will increase noise levels, increase stress, and result in loss of privacy for existing residents.

With a site area of 2.79 hectares the residential unit density is approximately 28 units per hectare and within the maximum 35 units per hectare permitted by the R6-5 zone. The applicant indicated they are proposing to create a condominium townhouse development and as such based on the site plan concepts is considered compatible with surrounding existing and future uses in terms of its form and intensity. Privacy fencing is a standard site planning requirement and decorative wood board fencing in conjunction with substantial landscaping and tree planting is proposed along the property line with the rear yards of the homes currently under construction on Linkway Boulevard and with the abutting residential property to the east.

Conclusion

The requirements for two holding provisions on the subject lands have been addressed through the site plan approval process. Removal of these holding provisions will allow the issuance of building permits for the proposed 78 unit townhouse development. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

Prepared by: **Larry Mottram, MCIP, RPP**
Senior Planner, Development Services

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.

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Bruce Page, Manager, Development Planning
Mike Pease, Manager, Development Planning

January 8, 2021
GK/PY/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2021 PEC Reports\1 - Jan 18\2261 Linkway Boulevard - H-9242 LM.docx

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2021

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from the
zoning for lands located at 2261
Linkway Boulevard; legally described as
Block 90 Plan 33M-768.

WHEREAS Rembrandt Developments (Fanshawe) Inc. has applied to
remove the holding provisions from the zoning on lands located at 2261 Linkway
Boulevard, legally described as Block 90 Plan 33M-768, as shown on the map attached
to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning
applicable to lands located at 2261 Linkway Boulevard, legally described as Block 90
Plan 33M-768, as shown on the attached map, to remove the h-54 and h-71 holding
provisions so that the zoning of the lands as a Residential R6 (R6-5) Zone comes into
effect.
2. This By-law shall come into force and effect on the date of passage.

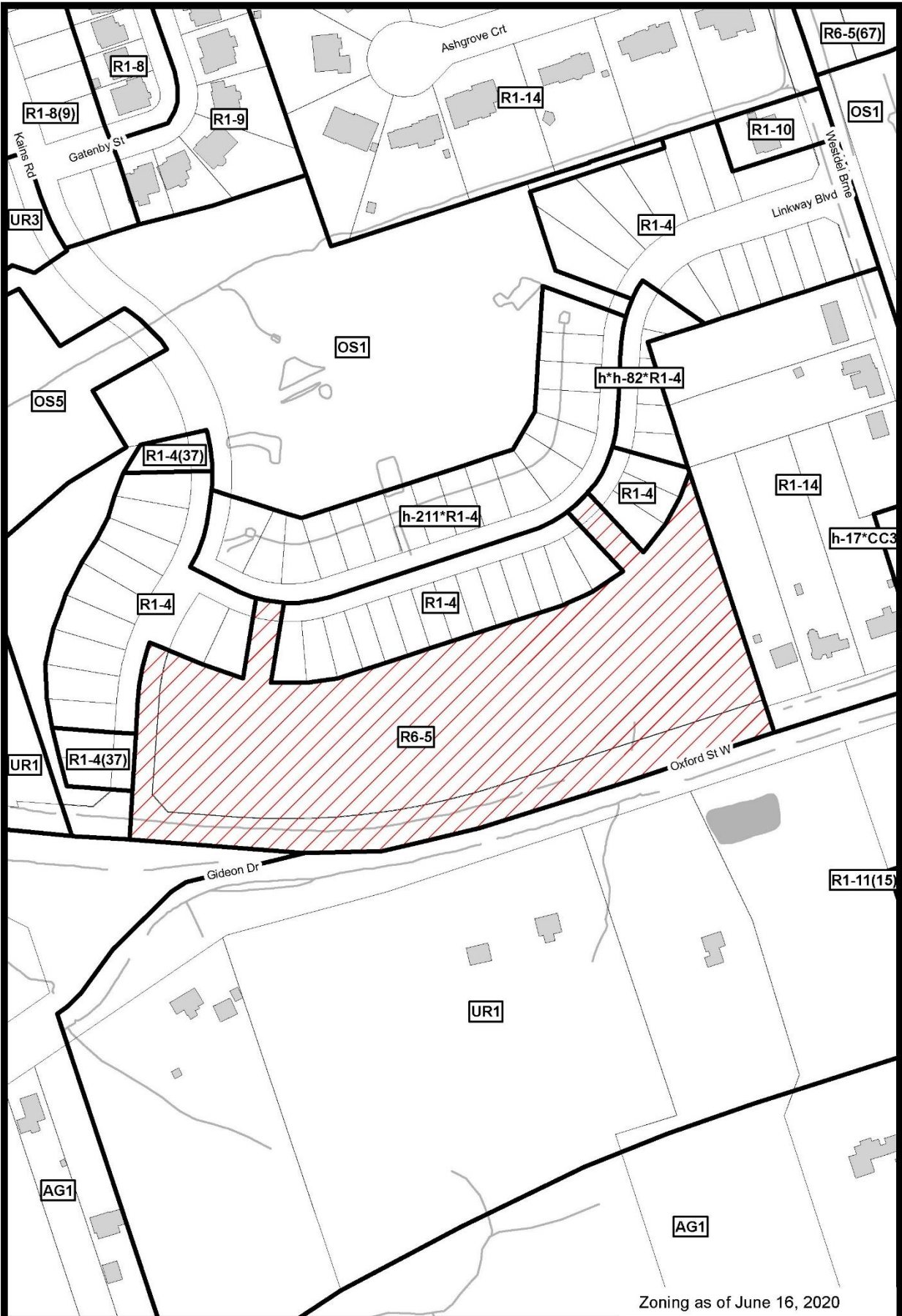
PASSED in Open Council on February 2, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – February 2, 2021
Second Reading – February 2, 2021
Third Reading – February 2, 2021

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



File Number: H-9242

Planner: LM


Date Prepared: 2020/08/25

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.5 25 50 75 100 Meters 



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 13, 2020.

Responses: 1 reply received

Nature of Liaison: 2261 Linkway Boulevard, located north side of Commissioners Road West, between Westdel Bourne and Kains Road; identified as Block 90 Plan 33M-768 – City Council intends to consider removing the Holding (h-54 and h-71) Provisions from the zoning of the subject lands to allow development of 78 townhouse dwelling units permitted under the Residential R6 (R6-5) Zone. The purpose of the h-54 provision is to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. The purpose of the h-71 provision is to encourage street orientation development. The Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the h-71 symbol. Council will consider removing the holding provision as it applies to these lands no earlier than September 15, 2020.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

Written:
Iris Gutmanis –
2085 Oxford Street West

Larry Mottram
Development Services, City of London
300 Dufferin Avenue, 6th Floor
London ON PO BOX 5035
N6A 4L9

RE: File H-9242: Request to remove holding provision(s) to allow development of 78 cluster townhouse dwelling units

Mr. Mottram,

On August 13, I received notification of the intent to remove the holding provision on 2261 Linkway Boulevard Block 90 Plan 33M-768. This property is very close to my private home of 38 years and I am quite concerned about the proposed development of 78 cluster townhouse dwelling units. First, the addition of these townhouses will only make a difficult traffic issue worse. The volume of traffic on Oxford Street West has steadily increased over the years and most mornings and evenings there is a long line up of cars at all nearby intersections. I don't see how this many more people will be able to readily access Oxford Street. As well, people living in these homes will not have ready access to public transit necessitating the use of personal vehicles thereby adding to ambient air pollution. In addition, such dense housing will only increase noise levels increasing personal stress levels and making it more difficult for me to get a good night's sleep. Finally, such dense housing further decreases my privacy as well as that of other single-family homeowners in Eagle Ridge and will likely lower property values. I urge you to reconsider this development. Please send me information on any developments regarding this application.

Sincerely,

Iris Gutmanis

2085 Oxford Street West
London, ON, N6K 4P1



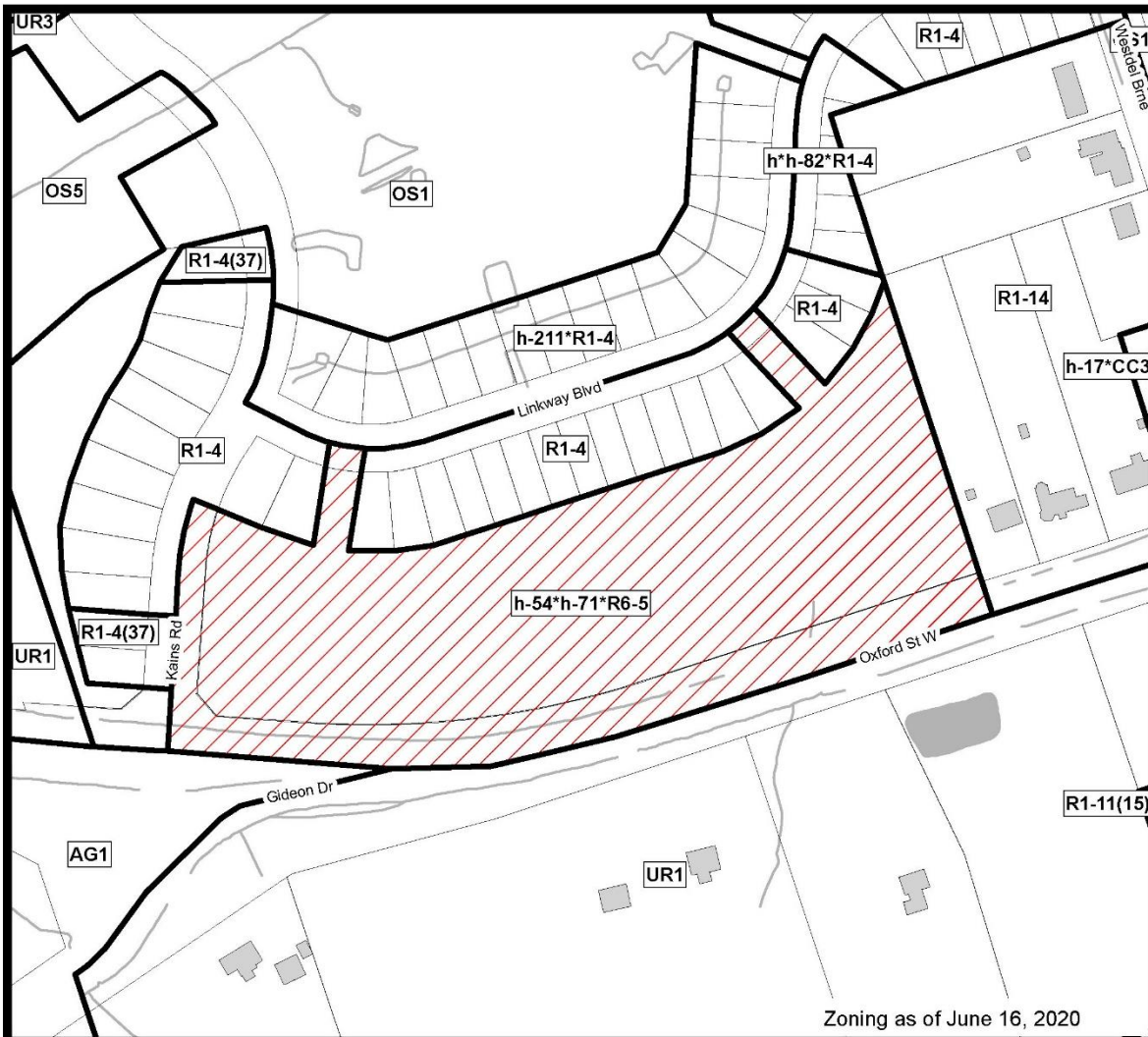
Cc Anna Hopkins, Lila Huron-Albinger

Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

H-9242

LM

MAP PREPARED:

2020/08/25

rc

1:2,500

0 12.525 50 75 100
Meters