## **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: 2748714 Ontario Inc.

3195 White Oak Road

Meeting on: February 8, 2021

## Recommendation

That, on the recommendation of the Director, Development Services with respect to the application of 2748714 Ontario Inc. relating to the property located at 3195 White Oak Road, the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 23, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Urban Reserve Special Provision (h-94\*UR4(11)) and an Urban Reserve (UR4) Zone, **TO** a Residential R1 Special Provision (R1-3(21)) Zone.

## **Executive Summary**

#### **Summary of Request**

The requested amendment will permit four (4) single detached residential lots, to be serviced from the extension of Petty Road.

#### **Purpose and Effect of Recommended Action**

The purpose and effect of the recommended action is to re-zone a portion of the lands at 3195 White Oak Road to permit four additional single detached residential lots, to be added to the Draft Plan of Subdivision 39T-18505 (White Rock Village). Additionally, these lots would be consolidated with a narrow portion of land (approximately 100.3 m²) that forms part of Block 103 of the Draft Plan. With inclusion of these adjacent lands, each of the proposed lots would have frontage on Petty Road, which is to be extended in conjunction with the development of Whiterock Village. Special provisions to ensure garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage, will also be added to the zone.

#### **Rationale of Recommended Action**

- The recommended amendment is consistent with, and will serve to implement the
  policies of the Provincial Policy Statement, 2020 which encourage infill and
  intensification and the provision of a range of housing types, and efficient use of
  existing infrastructure;
- 2. The proposed residential uses and scale of development are consistent with the policies of the London Plan, the 1989 Official Plan, the Southwest Area Secondary Plan and the North Longwoods Area Plan policies;
- 3. The subject lands are of a suitable size and shape to accommodate the development proposed.

## 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

**May 12, 2003** – Planning Committee – Application by City of London – North Longwoods Area Plan – relating to lands bounded by Southdale Road E, Wharncliffe Road S, White Oak Road and Bradley Avenue extension (O-6424).

**April 26, 2010** - Planning and Environment Committee –The Southwest London Area Plan (SWAP) - to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road (O-7609).

**June 4, 2019** - Planning and Environment Committee – Whiterock Village Inc. regarding the property located at 3087 White Oak Road – Application for Approval of Draft Plan of Subdivision, Zoning By-law Amendments (39T-18505/Z-8980)).

**July 22, 2020** - London Consent Authority - 2748714 Ontario Inc. (c/o Mohamed Abuhajar) Application for consent regarding the property located at 3195 White Oak Road. Notice of Provisional Consent Decision was granted on November 30, 2020 (B.021/20)

#### 1.2 Planning History

In June of 2003, the North Longwoods Area Plan (NLAP) was prepared for 106 hectares (262 acres) of land bounded by Wharncliffe Road South, Southdale Road East, White Oaks Road and the future Bradley Avenue extension. The NLAP was created to respond to development demands in the area, and re-designated the lands from "Urban Reserve – Community Growth". At the time, the subject site was designated as "Restricted Service Commercial".

The Southwest London Area Plan (SWAP) was initiated in 2009 and presented to Planning Committee on April 26, 2010. The Area Plan was intended to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road, east of Dingman Creek and north of the Highway 401/402 corridor. On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (relating to the Secondary Plan). The plan (with amendments) was approved by the Ontario Municipal Board on April 29, 2014. The subject site appears to have been redesignated through the SWAP. The lands are currently designated Low Density Residential.

A draft plan of subdivision (file 39T-18505/1/Z-8980) was submitted for the lands located at 3087 White Oak Road (to the north of the subject site) on December 10, 2018. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on July 22, 2019. The approved draft plan consists of 72 single detached lots, 2 medium density blocks, 2 future development blocks, 3 road widening blocks, and 2 x 0.3m reserves, all serviced by the extension of four existing public streets (Petty Road, Bateman Trail, Lemieux Walk, and Biddulph Street).

The subject site encompasses a portion of Block 103 in the adjacent draft approved plan.

#### 1.3 Property Description

The property at 3195 White Oak Road is situated on the west side of White Oak Road on lands generally described as Part of Lot 31, Concession 2, Geographic Township of Westminster. This property measures approximately 1.07 ha in area, and has approximately 54.9 m of street frontage and a maximum depth of approximately 195.9 m.

There is currently an outbuilding located on the eastern portion of these lands. The subject property is rectangular in shape. A 9.0 m wide storm sewer easement bisects the property in a diagonal orientation, and acts as the subject site limit. No buildings or structures will be permitted within this servicing corridor.

The subject site also includes a portion of the draft approved plan 39T-18505 (Block 103), which is currently vacant. In total, the consolidated site would measure approximately 2,243 m<sup>2</sup> in area and would have approximately 50.0 m of frontage on Petty Road.

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

- Official Plan Designation Low Density Residential
- The London Plan Place Type Neighbourhoods Place Type
- Existing Zoning a Holding Urban Reserve Special Provision (h-94\*UR4(11)) and an Urban Reserve (UR4) Zone

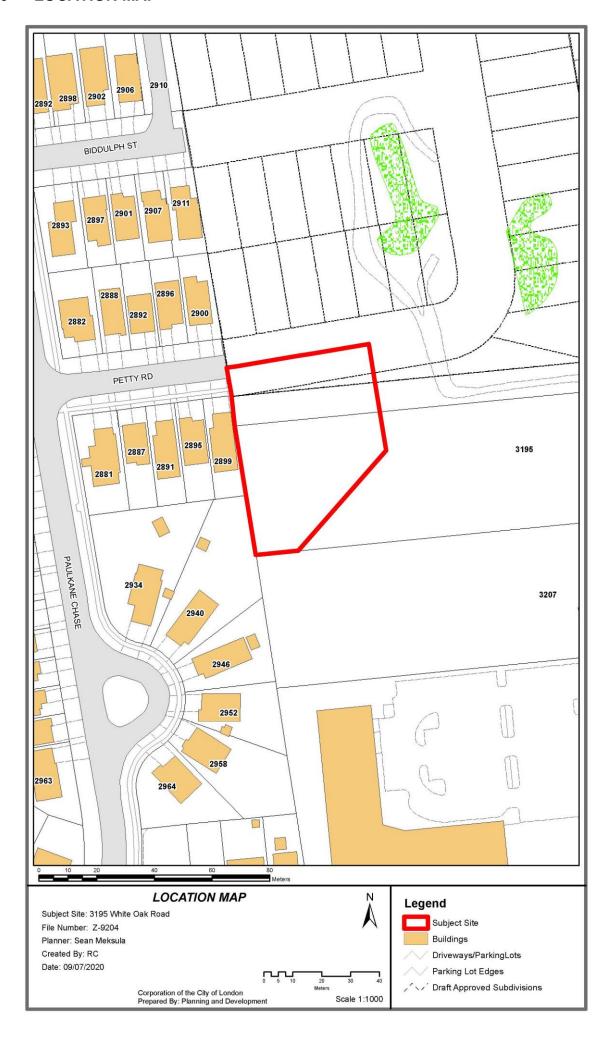
#### 1.4 Site Characteristics

- Current Land Use single detached dwelling/vacant
- Frontage approx. 50 m (164 feet) along future Petty Road
- Depth varies
- Area 1.97 ha (4.86 ac)
- Shape irregular

#### 1.5 Surrounding Land Uses

- North future residential/vacant
- East commercial/warehousing
- South residential
- West residential

#### 1.6 LOCATION MAP



#### 2.0 Discussion and Considerations

## 2.1 Development Proposal

The subject site includes a portion of Block 103 from draft plan 39T-18505 (see subject site below). In total, the consolidated site would measure approximately 2,243 m2 in area and would have approximately 50.0 m of frontage on Petty Road. The four proposed lots would have lot areas ranging from approximately 420 m2 to 733 m2 and lot frontages ranging from approximately 12.3 m to 13.0 m. No development is proposed for the remnant portions of 3195 White Oak Road or Block 103.

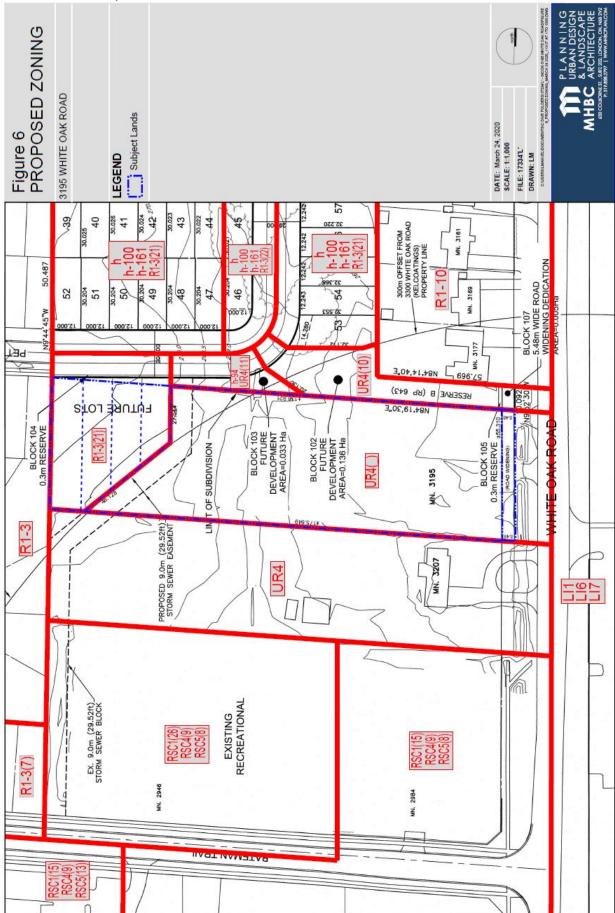


Figure 1 – Development Plan and Proposed Zoning

The Applicant has requested a zoning amendment for the consolidated subject site to permit single detached dwellings. The requested zone is the same zone that has been used within the Whiterock Village draft plan of subdivision (39T-18505). This zone includes a special provision to ensure garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

The Applicant has also submitted an application for consent, to sever the portion of lands from 3195 White Oak Road, which will then be added to the draft plan on subdivision. A redline to the subdivision and revised draft approval will be required.

## 3.0 Financial Impact/Consideration

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 Considerations

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

#### 4.1 Requested Amendment

The Applicant has requested a zoning by-law amendment to rezone the lands to a Residential R1 Special Provision (R1-3(21)) Zone to the subject site. The Zone is the same zone that has been used for the single detached dwellings within the Whiterock Village subdivision (39T-18505). It will permit single detached dwellings with a minimum lot frontage 10m and a lot area of 300 m2, with a special provision to ensure garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

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

No public responses were received on this zoning application.

Parks Planning has indicated that 5% cash in lieu of parkland is required for the subject site. This will be addressed through the revised conditions of draft approval.

#### 4.3 Policy Context (see more detail in Appendix C)

#### Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. The proposed development meets objectives of creating healthy, liveable, safe, and sustainable communities by promoting efficient and resilient development patterns, and accommodating an appropriate range and mix of low and medium density residential uses to meet long-term needs. These lands are adjacent to existing built-up areas to the north and west, and located within the City's Urban Growth Boundary. Development will efficiently utilize full municipal services which are currently available, under construction, or will be available through future extension.

#### 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 under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect 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 London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services. (61\_2)

The subject lands are located within the \*'Neighbourhoods' Place Type in the London Plan, and are located on a future Neighbourhood Street. The subject site's location on a \*Neighbourhood Street permits a range of housing types, in a form that can include single detached dwellings up to \*2.5 storeys.

#### \*Use

The recommended amendment to permit the development of single detached dwellings is consistent with the vision of the Neighbourhoods Place Type (\*Table 10). Single detached dwellings are a permitted use along neighbourhood streets.

#### \*Intensity

\*Policy 935\_ 1. and \*Table 11 provides the range of permitted heights in the Neighbourhoods Place Type based on street classification. A maximum height of 2.5 storeys is supported. The Applicant has indicated these homes will generally be two storeys in height. Overall, the proposed two storey height of this development meets the intensity requirements for the subject site.

#### \*Form

\*Policy 936\_ discourages rear lotting and noise walls to protect amenity areas. The proposed uses will not rear lot or side lot onto White Oak Road. The design of the lots will be in keeping with similar proposed single detached dwellings. A special provision to discourage garage dominated streetscapes will be implemented.

The London Plan policies are in addition to the Southwest Area Secondary Plan ("SWAP") policies that also provide guidance on form issues, such as building form, parking locations, landscaping, etc. When considering the two policy documents, the more detailed or alternative policy direction in SWAP would supersede the policies in the London Plan.

#### 1989 Official Plan

The subject site is located within the Low Density Residential (LDR) designation in the 1989 Official Plan. The LDR permits a range of low to mid-rise residential uses. The site is also within the North Longwoods Community Specific Policy Area which addresses compatibility between sensitive and industrial uses. The subject site is outside of the 300m range affected by existing industrial uses.

The requested Zoning By-law Amendment is subject to the requirements of a Planning Impact Analysis ("PIA"). The proposed single detached dwellings provides a housing form that is compatible with the planned surrounding residential land uses. The subject site is of a sufficient size and configuration to accommodate the proposed development. The development meets or exceeds the minimums required in the R1-3 Zone. The proposed low-rise form is consistent with the height requirements of the Official Plan. The subject site is removed from any natural heritage features. The development proposal will serve to strengthen the future transit and transportation system.

## Southwest Area Secondary Plan

Both The London Plan and the 1989 Official Plan recognize the need and role of a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558\*). The subject site is within the North Longwoods Residential Neighbourhood, and within the Low Density Residential (LDR) designation. The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan.

From an urban design perspective, Policy 20.5.3.9. iii) d) requires special consideration for design of corner lots to take advantage of their visibility. This will be incorporated at site plan. Policy 20.5.3.9. iii) e) seeks to limit garages so that they are not the dominant feature in the streetscape. As part of the special provisions in the zoning, attached garages shall not project beyond the façade of the dwelling or the façade (front face) of any porch, or contain garage doors that occupy more than 50% of the frontage of a lot.

#### Zoning By-law No.Z.-1

The UR4 Zone is a holding type zone that permits existing dwellings, agricultural uses except for mushroom farms, commercial greenhouses, livestock facilities and manure storage facilities, conservation lands, managed woodlot, wayside pit, passive recreation use, kennels, private outdoor recreation clubs, and riding stables.

The proposed R1-3(21) Zone was applied to the new single detached dwellings to be located in the Whiterock subdivision, and to the north of the subject site. The Residential R1 (R1-3) Zone provides for and regulates low density residential development that requires a minimum lot frontage of 10m and a minimum lot area of 300m2. A special provision is recommended that implements direction provided in SWAP to ensure that garages shall not project beyond the front façade or porch of the dwelling and not occupy more than 50% of the lot frontage. This would be consistent with the abutting lands within the Whiterock Subdivision.

The Applicant requested an Urban Reserve Special Provision (UR4 (11)) Zone to recognize the reduction in lot area for the balance of the site. Staff feel a zone change for the balance of the lands is unnecessary as any development on the site would require a zoning by-law amendment. The existing parcel as is prior to the consent does not meet the minimum lot areas and frontage as required through a UR4 Zone, so therefore any change to the site in terms of lot area and frontage will continue to be legal non-conforming. The existing holding provisions that were added to the Zone through the subdivision application will be retained for the subject site.

## 4.4 Planning Impact Analysis

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

- the proposed use of the lands, being single detached dwellings was contemplated through the subdivision process, and is compatible with surrounding uses.
- the lots created through the Plan of Subdivision are of sufficient size and shape to accommodate the proposed use.
- the intensity of the use is not being increased as part of this application. The form as proposed will not create impacts on surrounding land uses.
- the proposed low density residential development is located in close proximity to a future park and public open space opportunities, as well as the Primary Transit Area, and two transit stops.
- no potential impact is anticipated on surrounding natural features and heritage resources.

## **Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2020, the Official Plan, and is in keeping with the London Plan. The proposed addition of the Residential R1 Special Provision (R1-3(21)) Zone will implement an appropriate housing form in consistent with 1989 Official Plan, The London Plan and SWAP policies. The subject lands are of a suitable size and shape to accommodate the development proposed through a future consent application and redline revisions to the subdivision plan.

	e consent application and redline revisions to the subdivi
Prepared by:	
	Sean Meksula, 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

#### SM\sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\Z-9204 - 3195 White Oak Road (SM)\PEC\Draft report Z-9204\_3195 White Oak Road (SM).docx

cc: Matt Feldberg, Manager, Development Services (Subdivisions)cc: Bruce Page, Manager, Development Services (Subdivisions)cc: Peter Kavcic, Manager, Development Services (Subdivisions)

Δ	0	n	Δ	n	Ч	В	7	Λ	١
	12	-	U		J	Ľ	•		ď

Appendix A					
	Bill No.(number to be inserted by Clerk's Office) 2021				
	By-law No. Z1-21				
	A by-law to amend By-law No. Z1 to rezone an area of land located at 3195 White Oak Road.				
	rio Inc. has applied to rezone an area of land own on the map <u>attached</u> to this by-law, as set				
AND WHEREAS this rezor	ning conforms to the Official Plan;				
THEREFORE the Municipal London enacts as follows:	al Council of The Corporation of the City of				
applicable to lands located at 3195 Whit comprising part of Key Map No. A-111, 1	b. Z1 is amended by changing the zoning the Oak Road, as shown on the <u>attached</u> map from a Holding Urban Reserve Special Provision (UR4) Zone, to a Holding Residential R1 In Urban Reserve (UR4) Zone.				
,	w of imperial measure along with metric nce only and the metric measure governs in no measures.				
4) This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the <i>Planning Act</i> , <i>R.S.O. 1990, c. P.13,</i> either upon the date of the passage of this by-law or as otherwise provided by the said section.					
PASSED in Open Council	on February 23, 2021.				
	Ed Holder Mayor				

Catharine Saunders

City Clerk

First Reading – February 23, 2021 Second Reading – February 23, 2021 Third Reading – February 23, 2021

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



## Appendix B - Public Engagement

#### **Community Engagement**

**Public liaison:** On April 29, 2020, Notice of Application was sent to (80) property owners in the surrounding area. On May 13, 2020, A Revised Notice of Application was sent to (80) property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 30, 2020. Revised Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 14, 2020 A "Planning Application" sign was also posted on the site.

No replies were received

#### **Nature of Liaison:**

The purpose and effect of this zoning change is to permit single detached dwellings and to match the surrounding zoning in the area.

#### **Agency/Departmental Comments**

#### Parks Planning

Parkland dedication will be calculated at 5% of the total site area and will be taken at the time of building permit in the form of a cash-in-lieu payment pursuant to the values in By-law CP-9.

#### **Development Services – Engineering**

No comments for the re-zoning application.

## **London Hydro**

Servicing the above proposal should present no foreseeable problems. Any new and/ or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

# 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, bylaws, and legislation are identified as follows:

## Provincial Policy Statement, 2020

1.1.1 c – avoid land use conflicts

1.1.3.1 – settlement areas

1.1.3.2 – efficient use of land

## 1989 Official Plan

Chapter 3: Low Density Residential

#### The London Plan

916 - Neighbourhood Place Type

921 – Permitted Uses

FILE NUMBER: Z-9204

RC

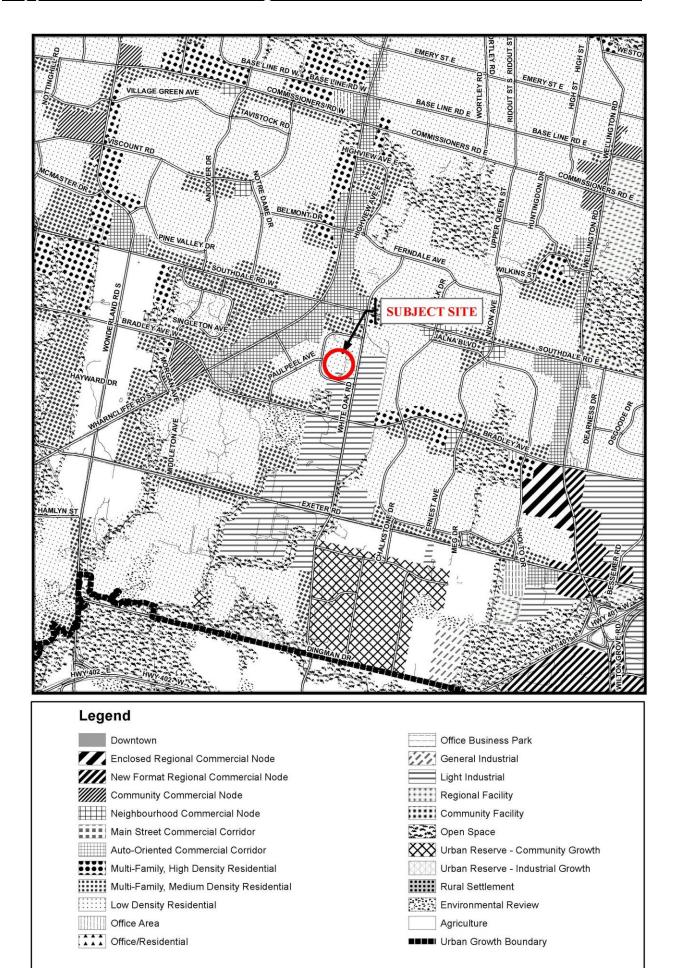
2020/07/09

PLANNER:

DATE:

TECHNICIAN:

## Appendix D - Relevant Background



Scale 1:30,000

CITY OF LONDON

Department of Planning and Development

OFFICIAL PLAN SCHEDULE A - LANDUSE -

