

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: 3557 Colonel Talbot Road
File SPA20-063
2749282 Ontario Inc. (Royal Premier Homes)

Date: Public Participation Meeting on: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the application of 2749282 Ontario Inc. relating to the property located at 3557 Colonel Talbot Road:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration is a townhouse development on the west side of Colonel Talbot Road, south of Clayton Walk. The site is to be developed with vehicular access from Colonel Talbot Road. The proposed development is subject to a public site plan meeting in accordance with the h-5 holding zone regulations of the Z.-1 Zoning By-law.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommend action is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Site Plan Approval.

Rationale of Recommended Action

1. The Site Plan, as proposed, is consistent with the Provincial Policy Statement as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan conforms with the policies of the Multi-Family, Medium Density Residential of the 1989 Official Plan.
4. The proposed Site Plan is consistent with the Lambeth Residential Neighbourhood policies of the Southwest Area Secondary Plan.
5. The proposed Site Plan generally conforms to the regulations of the Z.-1 Zoning By-law. Additional confirmation is required to ensure zoning compliance with the proposed porches along Colonel Talbot Road.

6. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Linkage to the Corporate Strategic Plan

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

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Z-9003 - Zoning By-law Amendment Application at Planning and Environment Committee December 21, 2018

1.2 Property Description

The subject property is located north of Lambeth on the west side of Colonel Talbot Road between Pack Road and Kilbourne Road, directly south of Clayton Walk. The subject property is surrounded by low-density residential land uses, and a proposed plan of subdivision (39T-17503) on the east side of Colonel Talbot Road, opposite the subject property.

Colonel Talbot Road is classified as a Civic Boulevard in The London Plan and an Arterial Road in the (1989) Official Plan.

1.3 Current Planning Information (See Appendix D)

- Official Plan Designation – Multi-Family Medium Density Residential/Open Space
- The London Plan Place Type – Neighbourhoods Place Type/Green Space Place Type
- Existing Zoning – Holding Residential R5 Special Provision/Open Space Special Provision (h-5*R5-6(14)/OS4(13)) Zone

1.4 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 107 metres (351 feet)
- Depth – 76 metres, average (249 feet)
- Area – 0.808 hectares (2.0 acres)
- Shape – Irregular

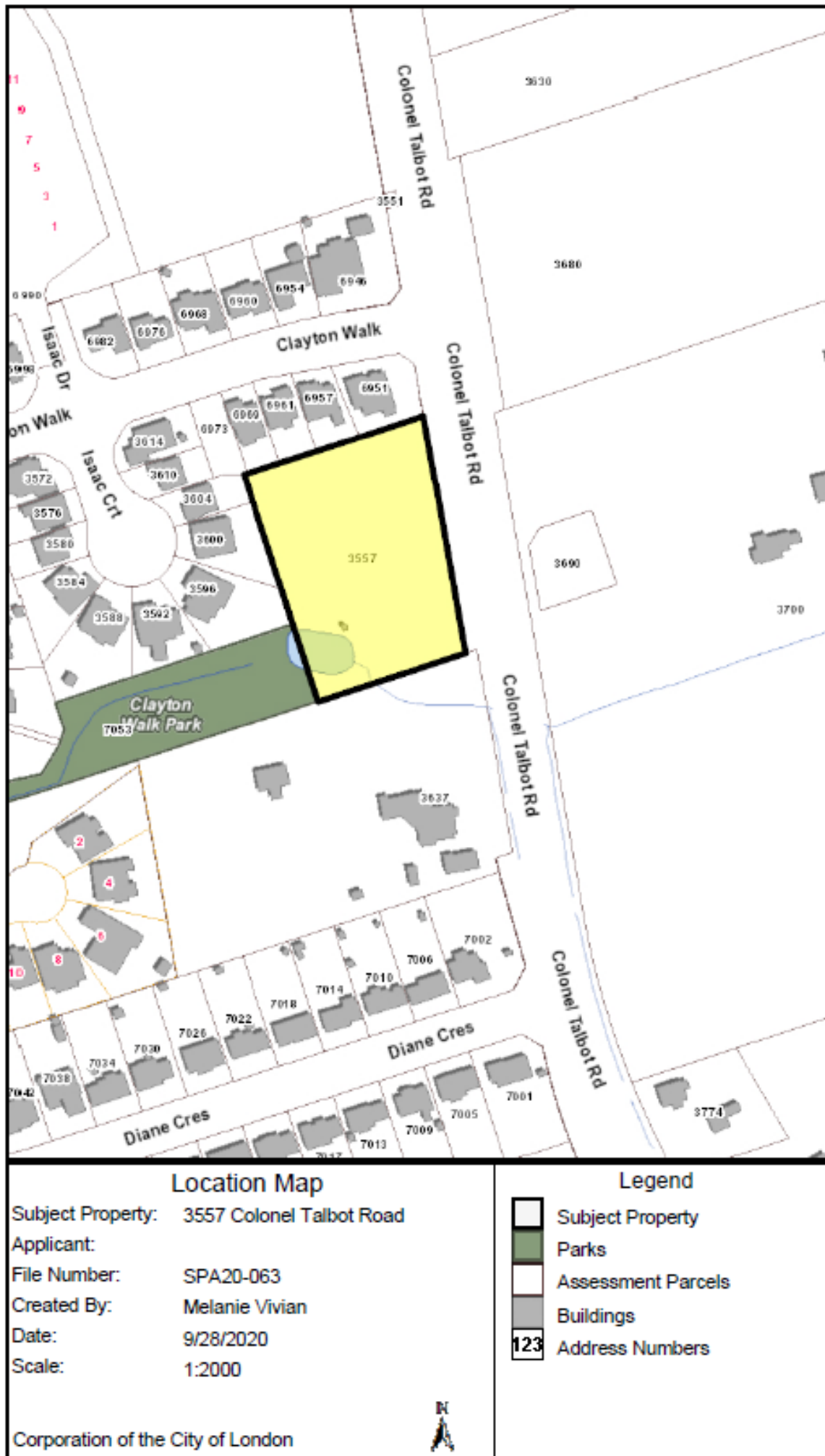
1.5 Surrounding Land Uses

- North – Low Density Residential
- East – Currently used for Agricultural purposes, identified within a proposed Plan of Subdivision application (39T-17503)
- South – Low Density Residential
- West – Low Density Residential

1.6 Intensification

The proposed development is not located within the Primary Transit Area and constitutes infill development.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of four (4) 2-storey townhouse blocks consisting of a total of 21-units (51 units per hectare). The proposed site plan includes two (2) parking spaces per unit for a total of 42 spaces plus two (2) visitor parking spaces. The site contains an Open Space OS4 Special Provision (OS4(13)) which provides for on-site amenity space. The southern portion of the subject lands zoned Open Space OS5 Special Provision (OS5(17)) is regulated by the Upper Thames River Conservation Authority (UTRCA) and comprises part of the Dingman Creek system and will be dedicated to the City as parkland dedication as part of the Site Plan Control Application.

Detailed plans of the development are contained in Appendix 'A' of this report.

2.2 Planning History

The subject lands were previously comprised of a single detached dwelling, until 2016, when the existing dwelling was structurally damaged due to a fire. As a result of the fire, the dwelling was demolished. In 2017, the subject lands were the subject of a Minor Variance Application (A.103/17) for the purpose of constructing a single detached dwelling with a reduced side yard setback. The proposed single detached dwelling was never constructed, and the parcel has been vacant since the fire and demolition of the former single detached dwelling.

On December 21, 2018, a Zoning By-law Amendment Application (Z-9003) was submitted for three (3), 2.5-storey townhouse dwellings for a total of 28 units (41 units per hectare). On May 13, 2019, an information report was brought forward to the Planning and Environment Committee. The intent of the report was to advise the Committee of the received comments and to obtain direction regarding a future public participation meeting.

As previously noted, the southern portion of the site is regulated by the UTRCA. Through the Zoning By-law Amendment, a development limit was agreed to upon reducing the number of units on site from the identified three (3) 2.5-storey townhouse dwellings down to two (2), 2.5-storey townhouse dwellings for a total of 21 units (51 units per hectare).

On September 8, 2020, a Public Participation Meeting was later held before the Planning and Environment Committee, which recommended approval of the proposed Zoning By-law Amendment. On September 15, 2020, Municipal Council passed the Zoning By-law Amendment to permit a Holding Residential R5 Special Provision (h-5*R5-6(14)), Open Space Special Provision (OS4(13)) Zone and an Open Space Special Provision (OS5(17)) Zone. The resolution of Council also noted that the provision of enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries, was raised during the application review process as a matter to be addressed at the Site Plan Approval stage. The Council resolution further noted that the h-5 holding provision would allow for a public participation meeting during the site plan stage.

On October 16, 2020, the Zoning By-law Amendment (Z-9003) was appealed to the Local Planning Appeal Tribunal (PL200494). On March 5, 2021 the appeal was withdrawn.

On August 12, 2020, a Site Plan Control Application (file SPA20-063), was received by the City of London. Further submissions are required to address comments provided with the previous review by staff, and further to address recommendations to Approval Authority as part of the public meeting on the Site Plan. The comments from the second submission are attached herein as Appendix "B". The identified site matters that were

included in the Council resolution are integral to the proposal being considered at the May 10, 2021 public site plan meeting.

2.3 Community Engagement (see more detail in Appendix B)

On October 7, 2021, Notice of Site Plan Control Application was sent to property owners within 120 metres of the subject lands and those who made comments throughout the Zoning By-law Amendment application. Notice of Application was published in The Londoner on October 8, 2021.

On April 21, 2021, Notice of Public Meeting was sent to all property owners within 120 metres of the subject lands and those who made comments throughout the Zoning By-law Amendment application. Notice of Public Meeting was published in The Londoner on April 22, 2021.

Three (3) responses were received at the time this report was prepared.

The comments received from the public thus far have raised concerns with respect to the following site matters listed below. A summary of the comments is found in Appendix "B". A discussion regarding the items below are found in Section 4.0 of this report.

- Privacy concerns
- Loss of boundary landscaping

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020 (PPS)

Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, encourages healthy, liveable, and safe communities which are sustained by accommodating an appropriate range and mix of residential types, employment, institutional and open space to meet long-term needs (1.1.1.b)). The PPS further directs settlement areas to be based on densities and a mix of lands uses, further identifying that the regeneration of settlement areas is critical to the long-term economic prosperity for communities while being the focus of growth and development (1.1.3). Furthermore, as directed by the PPS, settlement areas are the focus of growth and development as the intent is to use land and resources wisely, to promote efficient development patterns, promote green spaces and ensure effective use of infrastructure and public service facilities (1.1.3).

The proposed development would facilitate the construction of 21 new residential units within an existing settlement area. Additionally, existing parcel of land is significantly larger than the existing lot fabric of the area and presents the opportunity for redevelopment at a higher density than what previously existed. Accordingly, the proposed development is consistent with 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 under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report and include many of the Neighbourhoods Place Type policies pertinent to this planning application. 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 provides for Key Directions which encourages a mixed-use compact City through looking "inward and upward" as well as planning for infill and intensification of various types and forms to take advantage of existing services and facilities (59_2

and 59_4). Key Directions of the Plan also include ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place (59_5). The proposed development provides for appropriate intensification on an existing site within the City boundaries that will utilize the existing services and facilities of the area. Furthermore, the site provides for a mix of housing within the immediate area as the residential uses surrounding the subject lands are predominately single detached dwellings. The London Plan provides further directions for building quality public spaces and pedestrian environments that support walking (59_7), which is provided through the proposed development with the parkland dedication of the southern portion of the site.

The subject lands are located in the Neighbourhoods Place Type along a Civic Boulevard, as identified on *Map 1 – Place Types and *Map 3 – Street Classifications. In the Neighbourhoods Place Type, the following uses are contemplated which includes a range of residential uses such as single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, fourplexes and low-rise apartments, in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type (921_). Intensity within the Neighbourhoods Place Type is measured based on height. Along the Civic Boulevard, within the Neighbourhoods Place Type, a minimum height of 2-storeys is required and permits a maximum height of 4-storeys (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The Neighbourhoods Place Type encourages residential intensification within existing neighbourhoods to assist in achieving the overall vision for diversity of built form and the effective use of land in neighbourhoods (937_).

The proposed development is in conformity with The London Plan.

The 1989 Official Plan

The subject lands are designated as Multi-Family, Medium Density Residential, in accordance with Schedule 'A' of the 1989 Official Plan which permits 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.). The Multi-Family, Medium Density Residential designation serves as a suitable transition between Low Density Residential areas and more intense forms of land use (3.3.). Density within the Multi-Family, Medium Density Residential designation will not exceed an approximate net density of 75 units per hectare (3.3.3.ii)).

The proposed development represents residential intensification and infill development of a vacant lot within a developed area that does not exceed the maximum density of the designation and is suitable with the surrounding, existing, neighbourhoods; therefore, is in conformity with the (1989) Official Plan.

Southwest Area Secondary Plan

Located within the Lambeth Residential Neighbourhood of the Southwest Area Secondary Plan (20.5.7), the subject lands are designated as Medium Density Residential which is intended to provide for medium intensity and residential uses that are consistent with existing and planned development (20.5.7.2). The primary permitted uses in the Multi-Family, Medium Density Residential Designation of the 1989 Official Plan, as outlined above, shall apply. The Southwest Area Secondary Plan contemplates development at a minimum density of 30 units per hectare and a maximum density of 75 units per hectare with building heights deferring to the 1989 Official Plan (20.5.7.2.iii)). Further, development within residential areas of the Plan located along arterial road corridors will include street-oriented and higher-intensity forms of development such as stacked townhouses (20.5.4.1. iv) b)).

The proposed development provides for a density of 51 units per hectare with the higher-intensity form of development being located along the arterial road, being Colonel Talbot Road, which is in conformity with the Secondary Plan.

Zoning By-law Z.-1

The subject lands are located within a Residential R5 Special Provision (R5-6(14)) Zone which permits the use of the lands for cluster townhouse dwellings. Special provisions for the site regulate the front yard depth, rear yard depth, south interior side yard depth, density, and the deck encroachment for the decks along the south interior property line abutting the Open Space Special Provision (OS4(13)) Zone.

The subject lands are also located within an Open Space Special Provision (OS4(13)) Zone, as mentioned above, which permits the use of the lands for conservation lands; conservation works; golf courses without structures; private parks without structures; public parks without structures; recreational golf courses without structures; cultivation or use of land for agricultural/horticultural purposes; and sports fields without structures. The special provision regulates the additional permitted use for one accessory structure to provide a gathering area for on-site amenity space as well as establishing a minimum lot area and minimum lot frontage.

The identified OS5(17) Zoned lands comprise the portion of lands being dedicated to the City for parkland dedication recognizing the OS5 open space use permits conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways; and managed woodlots. The special provision is a regulation for a minimum lot area.

The holding provision applied to the subject lands is required to be removed through a separate application under the *Planning Act*, prior to the issuance of permits. The following holding provisions are applicable to the subject lands:

h-5 holding provision ensures that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol.

As proposed, the Site Plan Application generally conforms to the provisions of the Zoning By-law. Further clarification is required to ensure the revised porches and stair locations of the two end units meet the encroachment allowance provided under Section 4 (4.27) of the Zoning By-law.

3.0 Financial Impact/Considerations

There are no direct financial expenditures associated with this report.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Council Resolution

As part of the Zoning By-law Amendment to permit the proposed development, Council resolved the following:

IT BEING NOTED that the provision of enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries, was raised during the application review process as a matter to be addressed at the Site Plan Approval Stage; it being further noted that the H-5 holding provision allows for a public participation meeting during the site plan stage.

To provide for additional screening and privacy along the northern property line, the applicant is proposing a 2.1 metre high, board-on-board privacy fence. The proposed fence height is higher than what is considered within the Site Plan Control By-law,

however it would not exceed the maximum height of the Fencing By-law and thus is interpreted as permitted to address the resolution of Council. Proposed landscaping along the northern property boundary includes additional planting of 13 trees along with the retention of six (6) existing boundary trees.

Along the west property boundary, there is an existing cedar hedge that is being maintained. Due to this existing hedge, there is no proposed board-on-board fence in this location as the existing hedge would be greatly impacted if a privacy fence is installed.

The resolution by Council indicated enhanced landscaping along western property boundary. Through the site plan review process, engineering matters arose along the identified western property boundary requiring a retaining wall and swale which would not be conducive to planting. To provide for additional screening where possible along this property boundary, the proponent will be asked to provide for plantings where there are gaps in the existing hedge. Additionally, to the west of Building 'C', the proponent is proposing four (4) additional trees within the Open Space Special Provision (OS4(13)) Zone that will assist in providing screening from Building 'C'.

As the landscaping has yet to be finalized, staff is working closely with the applicants Landscape Architect to explore more opportunities for plantings along the western property boundary.

4.2 Issue and Consideration # 2: Use

The Residential R5 Special Provision (R5-6(14)) permits the development of cluster townhouse dwellings as per the Zoning By-law Amendment (Z-9003). During this process, concern was raised regarding the compatibility of the proposed townhouse dwellings given the context of the existing subdivision being comprised of single detached dwellings. The proposed height of the townhouse dwellings is 2.5-storeys (9.0 metres) which is permitted as of right within the Zoning By-law and is in keeping with the intent of both The London Plan and the 1989 Official Plan. It being noted that the maximum permitted height for the abutting single detached dwellings within the Residential R1 (R1-8) Zone is 10.5 metres. Through the Zoning By-law Amendment process, it was concluded that the proposed townhouse use is compatible with the surrounding residential neighbourhood and will not be out of character with the existing land uses.

4.3 Issue and Consideration # 3: Intensity

The Site Plan application proposes a total of 21 residential units with a density of 51 units per hectare, which is the maximum permitted density by the zoning for the lands. Parking on site includes 42 spaces, two for each townhouse unit (one in the garage, one in the driveway) and two (2) visitor parking stalls. The maximum permitted lot coverage under the Residential R5 (R5-6(14)) Zone is 45% and the applicant is proposing a lot coverage of 42%. It being noted that this lot coverage calculation is only for the R5-6(14) Zoned lands and does not include the OS4(13) Zoned lands. Under the R5-6(14) Zone, the minimum landscape open space requirement is 30%. For the proposed development, the applicant is proposing a landscape open space of 35%. While compliant with regulations, the development, as proposed, is designed nearly to the maximum of all zoning provisions, including the special provisions sought through the Zoning By-law Amendment process, which includes building setbacks and density.

4.4 Issue and Consideration # 4: Form

The subject lands are proposed to be developed in the form of cluster townhouses at a height of 2.5-storeys (9.0 metres) and 21-units within four (4) blocks. With frontage along Colonel Talbot Road, the proposed development has regard for the street frontage with wrap around porches and connections from the end units directly to Colonel Talbot Road.

4.5 Issue and Consideration # 5: Tree Preservation

To accommodate the proposed development, 54 of the 76 trees on site are being removed (including plantation, shrubs, and hedges), including the vegetation within the right-of-way along Colonel Talbot Road. Of these 54 trees, eight (8) of the trees being removed are considered hazard trees, 37 of these trees are within the development limit and nine (9) are located within the OS4(13) and OS5(17) Zone. Of the trees to be removed within the OS4(13) and OS5(17) Zone, one (1) is dead, six (6) are in fair condition with two (2) in good condition. The trees are required to be removed due to the proposed impacts from the construction. Of the trees proposed to be removed, there were concerns regarding the removal of Trees #60, 61 and 62 due to the loss of privacy along the western property boundary. Although the trees are in good health, the removal of the trees is required to accommodate the proposed drive aisle.

Despite the number of trees being removed, as noted above, the existing cedar hedge along the west property line is being retained, along with three (3) trees, and a part of the existing vegetation are remaining within the OS5(17) lands. Additionally, as part of the proposed development 36 trees are proposed to be planted. As staff are still working with the proponents Landscape Architect, additional tree plantings will be requested through subsequent submissions.

With respect to the Council Resolution, enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries. As per the Tree Preservation Plan, Trees #1, 2, 3, 4, 5, 7 and 67 along the northern property boundary are proposed to be retained and the Existing Cedar Hedge (#66) is proposed to be retained which will continue to provide for screening along the western property boundary, as per the Tree Preservation Plan attached in Appendix "A".

While several trees along the northern property line are being removed to accommodate the proposed development, 13 trees are proposed to be planted to provide for the enhanced screening and privacy. Along the western property line, with the retention of the existing hedge, in consultation with the City's Landscape Architect, the proponent is being requested to provide for vegetation to fill in any gaps along the cedar hedge.

While the proposed planting along the western property boundary does not fully meet the intent of Council's Resolution, due to the constraints of the swale and retaining wall, enhanced landscaping along Building 'A' cannot be accommodated. Staff, however, are satisfied that the cedar hedge and additional vegetation to fill in any gaps along with a maintenance clause within the Development Agreement will provide for adequate screening. Staff are also satisfied that the enhanced plantings along the northern property boundary meet the intent of Council's resolution.

4.6 Issue and Consideration # 6: Privacy

One of the main concerns raised by members of the public is the loss of privacy due to the proposed development. The loss of privacy was also a concern raised by members of the public through the Zoning By-law Amendment process that assisted in forming Council's Resolution. As previously mentioned in Section 4.5: Tree Preservation, the applicant has proposed to maintain the cedar hedge along the western property boundary as well as installing six (6) additional trees along the northern property boundary. To increase the privacy through the loss of vegetation, the applicant is proposing 13 trees to fill in the northern property boundary as well as installing a 2.1m high board-on-board privacy fence along the property boundary.

An additional concern raised with respect to privacy was the height of proposed decks at the rear of Building 'A' and Building 'B' along the northern property boundary. Due to the grading along this property boundary, the decks are above grade to accommodate for a partial lookout basement; however, the decks comply with the regulations of the Zoning By-law Z.-1.

4.7 Issue and Consideration # 7: Stormwater Management

Members of the public raised concerns regarding the runoff onto abutting properties due to the proposed snow storage location. A stormwater management plan for the site was submitted as part of a complete application. The stormwater management for this site is proposed to be contained through surface and underground storage and will be treated by an oil grit separator. At this time, the plan has yet to be approved and is still under review by Development Services – Engineering staff.

While the snow storage location is proposed at the end of the drive aisle, staff will continue to facilitate conversations with the applicant regarding the snow storage location and explore opportunities to remove the snow from site to avoid any runoff from the melting snow.

4.8 Issue and Consideration # 8: Environmental Concerns

The subject lands are regulated by the Upper Thames River Conservation Authority (UTRCA) and an Environmental Impact Study was completed as part of the Zoning By-law Amendment Application. Through the Zoning By-law Amendment Application process, a development limit was determined to ensure the existing environmental feature was not impacted by the proposed development. The established development limit was also established to ensure the development was not going to be impacted by flooding. The lands located within the flood plain at the southern portion of the site were rezoned to an Open Space Special Provision (OS5(17)) Zone and are being dedicated to the City as a condition of the Site Plan Control application.

4.9 Issue and Consideration # 9: Garbage and Lighting

Garbage and recycling will be stored internally for each unit and put out for pickup only on the day of garbage collection. Staff are satisfied with this approach.

As part of a complete application, a photometric plan was submitted (attached in Appendix "A") where the applicant is proposing three (3) light standards in front of the southern units (Building 'C' and Building 'D') with the value across the site of the intensity of light measured in foot-candles. The photometric plans are evaluated based on the intensity of light and the impact on surrounding properties. Based on the location of the light standards, at the western property boundary, the maximum of 0.1 foot-candles are shown. This equates to 1.1 lumens per square metre. The proposed light standards are a 49W light which equals 4571 lumens. Measurements shown on the plan do not appear to take into consideration the existing cedar hedge along the property line. As such, staff are satisfied that any light trespass will be extremely minimal to the properties along the western property line.

4.10 Issue and Consideration # 10: Outstanding Site Plan Comments

On March 16, 2021, the second submission comments were provided to the applicant and the Site Plan comments are as follows:

1. Add dimensions that are required based on proposed changes along the street frontage.
2. Show the proposed pathways/walkways to the front doors of each unit on the site plan.
3. Identify the location of fire route signs.
4. Update the site data table to reflect the in-force and effect zoning.

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

Conclusion

The Site Plan, as proposed, is consistent with the Provincial Policy Statement, has regard for The London Plan, is in conformity with the 1989 Official Plan and has regard for the Southwest Area Secondary Plan.

Additional confirmation is required to ensure zoning compliance with the proposed porches along Colonel Talbot Road. All other aspects of the proposed Site Plan conform to the regulations of the Zoning By-law Z.-1.

Prepared by: Melanie Vivian, Site Development Planner, Development Services
Recommended by: Paul Yeoman, RPP, PLE, Director, Development Services
Submitted by: George Kotsifas, P.ENG, Deputy City Manager, Planning and Economic Development

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: Michael Pease, Manager, Development Planning
Heather McNeely, Manager, Development Services (Site Plan)

May 3, 2021
MV/mv

Appendix B – Public Engagement

Community Engagement

Public liaison: On October 7, 2020, Notice of Application was sent to all property owners within 120 metre radius of the subject lands and those who made public comments during the Zoning By-law Amendment. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 8, 2020.

On April 21, 2021, Notice of Public Meeting was sent to all property owners within a 120m radius of the subject lands and those who made public comment during the Zoning By-law Amendment. Notice of Application was published in *The Londoner* on April 22, 2021.

3 replies were received

Nature of Liaison: Site Plan Approval to allow for the development of the subject lands on the attached plan. The Site Plan, as proposed, would result in 21 residential units.

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

Written	
Adrian & Barbara Formella 6957 Clayton Walk	Concern for loss of privacy, loss of boundary trees, and environmental concerns due to shadowing.
Heidi & Darin Smith	Concerns regarding impacts to the existing cedar hedge and loss of trees.
Wing Man Lau 6951 Clayton Walk	Concerns regarding loss of privacy, height of the proposed decks, loss of trees and decrease in property values

From: Adrian Formella

Sent: Thursday, October 15, 2020 5:41 PM

To: Vivian, Melanie <mvivian@london.ca>

Cc: Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] Re: Z-9003 Zoning By-Law Amendment

Hello Melanie Vivian and Councillor Anna Hopkin

I am writing to raise my concerns and to continue my participation in the planning process of File SPA20-063 that is requesting approval to change zoning to R5-6 to permit cluster townhouse dwellings and cluster stacked townhouse dwellings for a residential density of 51 units per hectare at a height of 12.0 metres. I wanted to thank Committee of City Council for acknowledging the public's concerns about privacy and density of the proposed plan and placing a holding provision to allow further public participation to ensure that the development takes a form compatible with adjacent land uses. I wanted to send a special thank-you to Mayor Ed Holder who publicly did not agree with the proposed plan and density of 51 units per hectare on September 8th, 2020.

First and foremost, I wanted to highlight concerns already addressed in my email sent on April 1st, 2020, concerns addressed by Ian Campbell on March 29th, 2020 and all concerns with the plan outlined addressed at the Public Hearing Meeting on September 8th, 2020.

After the public hearing meeting on September 8th, 2020, I took away that city council shared similar concerns about the proposed density of the project on 3557 Colonel Talbot Road and the privacy concerns raised by the public. However, in the most recent development update I received, the current proposed plan does not take into

consideration any of the acknowledged concerns. The residential density of 51 units per hectare is larger for any proposed plans in any adjacent land uses. The density proposed is often located near large amenities that simply do not exist and are not in the London Plan.

I recently received notice from the builder to discuss two northern spruce shared trees that border our properties. I understand we need to come to a mutual agreement on the two northern spruce trees. In addition to others, we have privacy concerns with the current proposed development. More specifically the distance of the homes and proposed second level decks proximity to our property. The Norway spruce trees are near our walk out porch and near our kitchen and dining area where we spend a lot of time as a family and value the privacy the trees provide. We reported that were not in agreement to having the trees removed with the current proposed development unless there were some major changes made to the plan to address our privacy concerns. To date, I have not received a response from the builder but do see the newly updated plan includes a 1.5 m (4.11 feet) fence to be built by the builder. The two northern spruce trees no longer appear in the drawings of our shared properties. I again wanted to formally note that we do not approval the removal of the two boundary spruce trees unless there are changes made to take into account privacy issues. If the northern spruce trees are protected, the plan needs to address this and outline a reasonable setback to account for the safety and health of the thriving trees.

The new townhomes are proposed to be only 6.4 meters from our property line and are proposed to have a raised main story deck causing significant privacy concerns to residents. I have attached a few pictures taken 10 feet from the property line (potential rear of the proposed decks) standing on a 4-foot ladder to help visual the view the new home owners and us will have to one another.

I also wanted to raise environmental concerns of shadowing that the 2 and half story townhomes will produce that would significantly impact any morning and afternoon sunlight.

We moved into the area when 3557 Colonel Talbot was a single dwelling home. To see the proposed plan move forward that is significantly different than any developed plans in Lambeth area is very disappointing.

I am hopeful the City of London and Ward Councillor, Anna Hopkins, sincerely consider the neighbourhood, privacy and home owners, and the zone density in the adjacent area in addition to everything else that has been objected about the proposed plan when reviewing the application.

Warmest Regards

Adrian and Barbara Formella
Residents of 6957 Clayton Walk London Ontario

From: Heidi Smith
Sent: Sunday, October 25, 2020 9:12 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] File # SPA 20-063 3557 Colonel Talbot Road

Hello Melanie,
We would like to request notification for the public meeting about the site plan for 3557 Colonel Talbot Road. We will be planning to attend.
The entire east side of our property borders on this development and our property line shares a large mature cedar hedge.

We have 2 concerns about the current proposed site plan:

- 1) The impact on the health of the cedar hedge. The site plan proposes the road for the condominiums come within 1.5 meters of our property line, essentially right up against the cedar hedge. This road, as proposed, has a traffic turnaround, extra parking and appears intended for snow storage
- 2) The loss of the mature evergreen trees that were indicated to be protected in the tree protection plan (trees # 60,61 and62). The Landscape Plan does not show these at all. Has there been a change requested or approved? I cannot find this anywhere on the city website.

We respectfully request a wider buffer between any roadways, parking and snow storage and the cedar hedge, as well as the preservation of trees #60, 61 and 62.

We had reviewed the tree protection plan for this development in detail prior to purchasing our home. Both the hedge and the trees indicated provide significant privacy to our property. They are also significant nesting and perching places for local birds and wildlife within the neighbouring ponds. We believe protecting these is mutually beneficial.

Thank-you,
Heidi and Darin Smith

From: Wing Man Lau
Sent: Monday, October 26, 2020 9:55 AM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Adrian Formella; Ibrahim Semhat
Subject: [EXTERNAL] File - PSA20-063

Hi Melanie,

Good morning.

Sorry this came to you after the 21st, but you mentioned that we could still submit our comments after the deadline.

Upon review of the "NOTICE OF PLANNING APPLICATION" sent to everyone, dated Oct 7th but I received mine by email on Oct 13th. I have a number of concerns to address:

1. The application does not address any privacy issues which were discussed in the zoning bylaw amendment hearing held on Sept 8th. This seems to be the same plan that was originally submitted. So if the passing of the by-law is tentatively approved on condition that the developer comes back with solutions to resolve privacy concerns for the residences whose backyards align with the north side of the proposed site, then shouldn't they have submitted a revision instead of having everyone address the same issue repeatedly?

1b) I want to clearly understand and get in writing that if a site plan is approved for the zoning bylaw to be changed, can they go back and change the site entirety. For example, if they were approved for the high density level with a proposed site plan using townhouses, and if the bylaw is amended, can the developer legally go and build a 5-6 storey highrise or do they have to proceed with the site plan that was approved for the bylaw change (which is still being appealed)

2. I understand if approved, the decks on the backside of the townhouses follow the zoning bylaw, because it's considered a 1st floor deck. However the bylaw doesn't take into consideration of elevation of the site or the elevation of the deck. As long as it's "1st floor". Seemingly the decks could be raised 4-5ft and still be considered a 1st floor. The fence is only 6 feet. with the ability for the decks to not exceed 1.2m from the back side of the property, a person of 4-5 feet would easily be looking into everyone's yards

behind them.

3. A number of us have already spent a financial investment to protect our privacy while also losing yard space by planting trees we hope would give a level of privacy. but even with these trees it will not be enough because of the height of these elevated decks and the setback of these townhouses.

If the developer is willing to make effort to alter his site plan which does not impact his goal of financial gain while keeping the existing mature trees to keep the privacy to the neighbors to the north side of the property then we would be happy to entertain a new site.

If a development of this nature is to proceed and approved by the city, I would like to know how I can ask the city to reevaluate my taxes along with my neighbors because the site proposed significant impacts on our property values which I don't believe the city has taken into consideration.

Thank-you
Wing Man Lau
6951 Clayton Walk

Appendix C – Agency/Departmental Comments



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

2749282 Ontario Inc.
425-509 Commissioners Rd W
London, ON N6J 1Y5

March 18, 2021

Re: Site Plan Control Approval for, 3557 Colonel Talbot Road, London ON – File Number SPA20-063

The City's appointed officers have the following comments regarding your above Application for Site Plan Control Approval. The Applicant is to provide a response to all City comments and submit it with their next Site Plan Control Approval submission:

General Comments:

1. The anticipated PEC date for the Public Site Plan Meeting is May 10, 2021.
2. Provide the draft transfer for the parkland dedication.
3. Provide the security estimate for on-site and works within the City ROW. Additionally, please ensure the security estimate is stamped by an engineer as well as a landscape architect.
4. Comments from the UTRCA are forthcoming. A Section 28 Permit is required prior to site plan approval.
5. Ensure all plans match. There are discrepancies between door locations on the site plan and elevations.

Response:

Site Plan Comments:

1. See attached red-line drawing. Additional dimensions are required based on proposed changes along the street frontage.
2. Show the proposed pathways/walkways to the front doors of each unit on the site plan.
3. Identify the location of fire route signs.
4. Update the site data table to reflect the in-force and effect zoning.

Response:

Landscape Comments:

1. Additional planting has been provided along the north property line as per Council Resolution. However, the originally proposed Red Maple species has been changed and augmented with *Populus tremuloides*. This species is susceptible to drought and heat and is prone to suckering. This suckering will cause landscaping issues in the small yards of the development and those of adjacent neighbours. The issue with the first submission was the conflict between tree planting and a drainage swale. If trees are being planted outside of swale there would be no issue with the maples planted in this location.
2. Hedging has been retained along the western property line; however, no boundary or screening plantings have been provided as per Council Resolution. Space is limited between the proposed housing and the retained hedge as this area must accommodate a swale, catchbasin and a surface runoff feature. Tree planting has been provided along the western end of the townhouse block and will provide some screening for the southern portion of this property line. It is unlikely that new hedging would survive in the northern portion of the west property line. New plantings will be outcompeted by the existing hedging and will be in a challenging landscape area. No planting would be required.

Response:

Engineering Comments:

Transportation

1. Please note that Colonel Talbot Rd is expected to be upgraded in 2023 and that sidewalk construction will be the responsibility of the City. It is now requested that the applicant remove the proposed sidewalk from the servicing drawings and ensure the Colonel Talbot property line is graded in accordance with the "Grading Along Major Roads" standard.

Servicing comments

2. The proposed stormwater servicing includes LID elements for stormwater infiltration. No updated information was provide in regards to Geotechnical and/or hydrogeological investigations which focus on the type of soil, its infiltration rate (to be measured within the LID footprint), hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations in support of the preferred/suitable LID solution. Please note, it is not appropriate to apply soil infiltration rates used for water balance calculation purposes, as a surrogate for field measured parameters in support of LID design. A site diagram should be included identifying borehole and test pits locations
3. Further to the above, the response letter and swm report present varied discussions and values regarding the anticipated groundwater table. Please review and confirm groundwater discussions as they relate to both basement protection and the proposed LID locations.
4. As part of the geotechnical investigation, please include a discussion regarding potential dewatering requirements, including estimates of dewatering rates (and necessary permits required), radius of influence, proposed discharge locations, potential impacts on nearby receivers, and sediment and erosion control measures. Please note, that if City of London infrastructure or a natural feature is proposed as a final dewatering discharge location, approval from City Staff will be required and sampling activities may be necessary to support final discharge.
5. It is unclear from the calculations in the report if a factor of safety is included in the 150mm/hr infiltration rate. Consultant is to review and make any necessary revisions which may impact the sizing of the proposed subsurface storage component.
6. Orifice calculations presented are based on the 250 year storm event ponding levels and the 2 year pre-development allowable release rate of 0.023 m³/s. However, the supporting storage modeling utilizes an 250-year predevelopment release rate of 0.073 m³/s to determine on-site storage requirements. Ensure adequate storage is provided to avoid any future on-site flooding concerns.
7. Drawings do not clearly convey the OLF anticipated in the post development scenario on and off the site. The grading plan should be updated to clearly indicate the direction of all flows. The outlet should be verified and extend all the way to the receiver. The report/drawings are to demonstrate appropriate velocity and erosion protection, anticipated ponding limits and erosion thresholds of the receiver, and ensure the safe conveyance of flows.
8. The report does not address anticipated drawdown times for the primary infiltration system, noting the City recommend a maximum 48-hour drawdown. The grading plan should include a table of anticipated drawdown times.
9. Note to the consultant; the Dingman EA specifies a requirement of 80% TSS removal to address water quality requirements.
10. [FYI]The gravity sewer on Colonel Talbot Rd is now in place, however, it has not been inspected, cleared, or accepted for use. As per last update, there is no outlet until Colonel Talbot Pumping Station is fully complete and operational. Sewer Engineering' expectation is that the holding provision is to remain in place and no building permits are issued till further notice. The new target for a fully operational and accepted sanitary sewer is the end of October.
11. Part 9 buildings do not require fire calculations but the DSRM requires buildings have a fire hydrant within 90m of them. Calculations are not required but it is required to confirm all units have a fire hydrant within 90 M of the building face. If this adds the requirement of a hydrant on site then as per part 9 OBC calculations would not be required.

Response:

Please include with the next submission:

- 1 x Site Plans
- 1 x Engineering Plans
- 1 x Landscape Plans
- 1 x Cost Estimates
- 1 x Update reports
- 1 x Digital copy of submission (pdf)
- 1 x Response to comments

Should you have any questions regarding your request for site plan approval please contact myself at 519-661-2489 x 7547 or mvivian@london.ca.

Yours truly,



Melanie Vivian
Site Development Planner

cc: P. Yeoman, Director, Development Services
H. McNeely, Manager, Development Services (Site Plan)
M. Pease, Manager, Development Planning

Appendix D – Zoning, The London Plan & 1989 Official Map Excerpts

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRG - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

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



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

FILE NO:

SPA20-063 MV

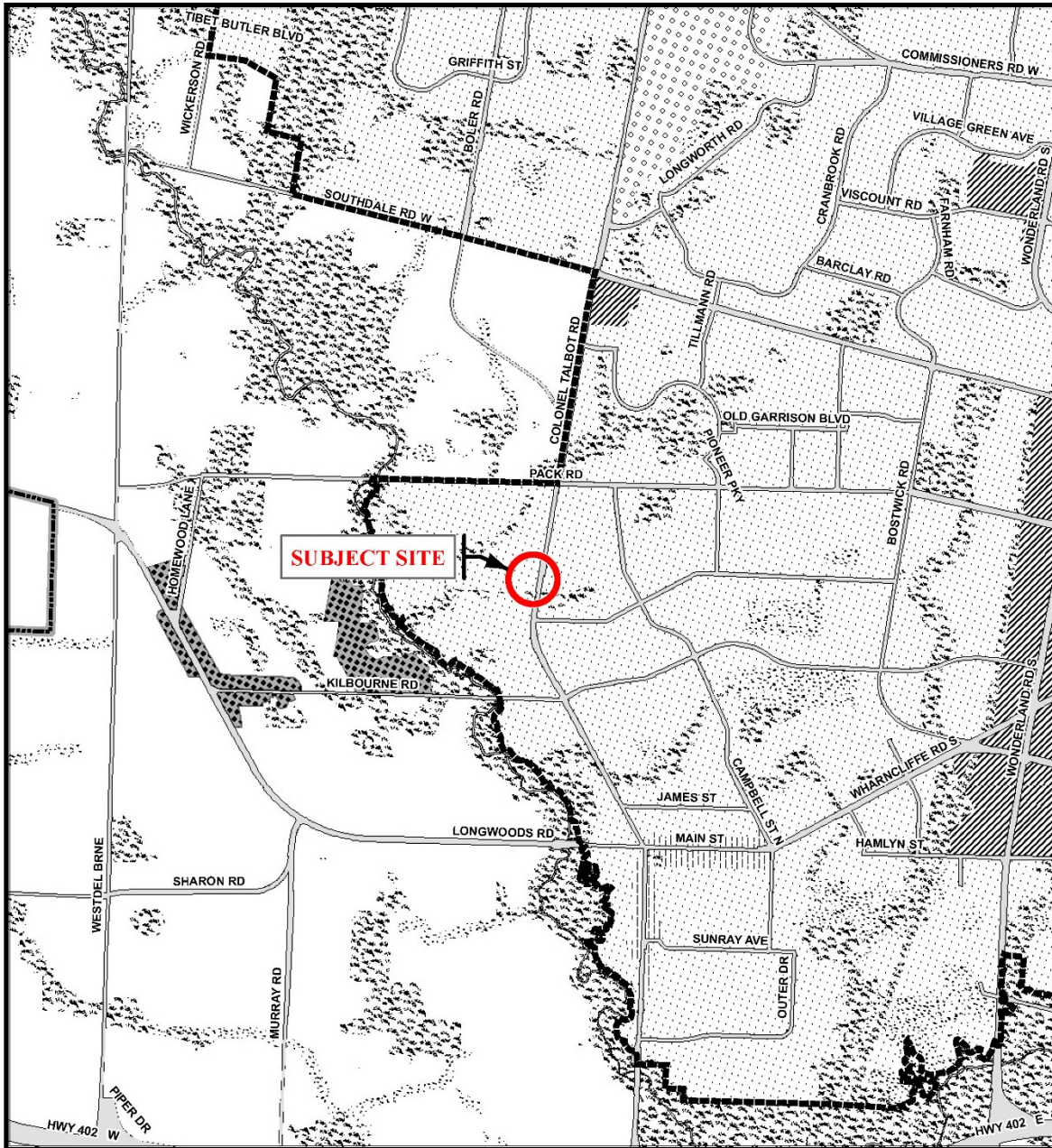
MAP PREPARED:

2021/04/29 DM

1:2,000

0 10 20 40 60 80 Meters

The London Plan Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

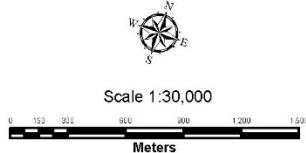
CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1

- PLACE TYPES -

PREPARED BY: Planning Services



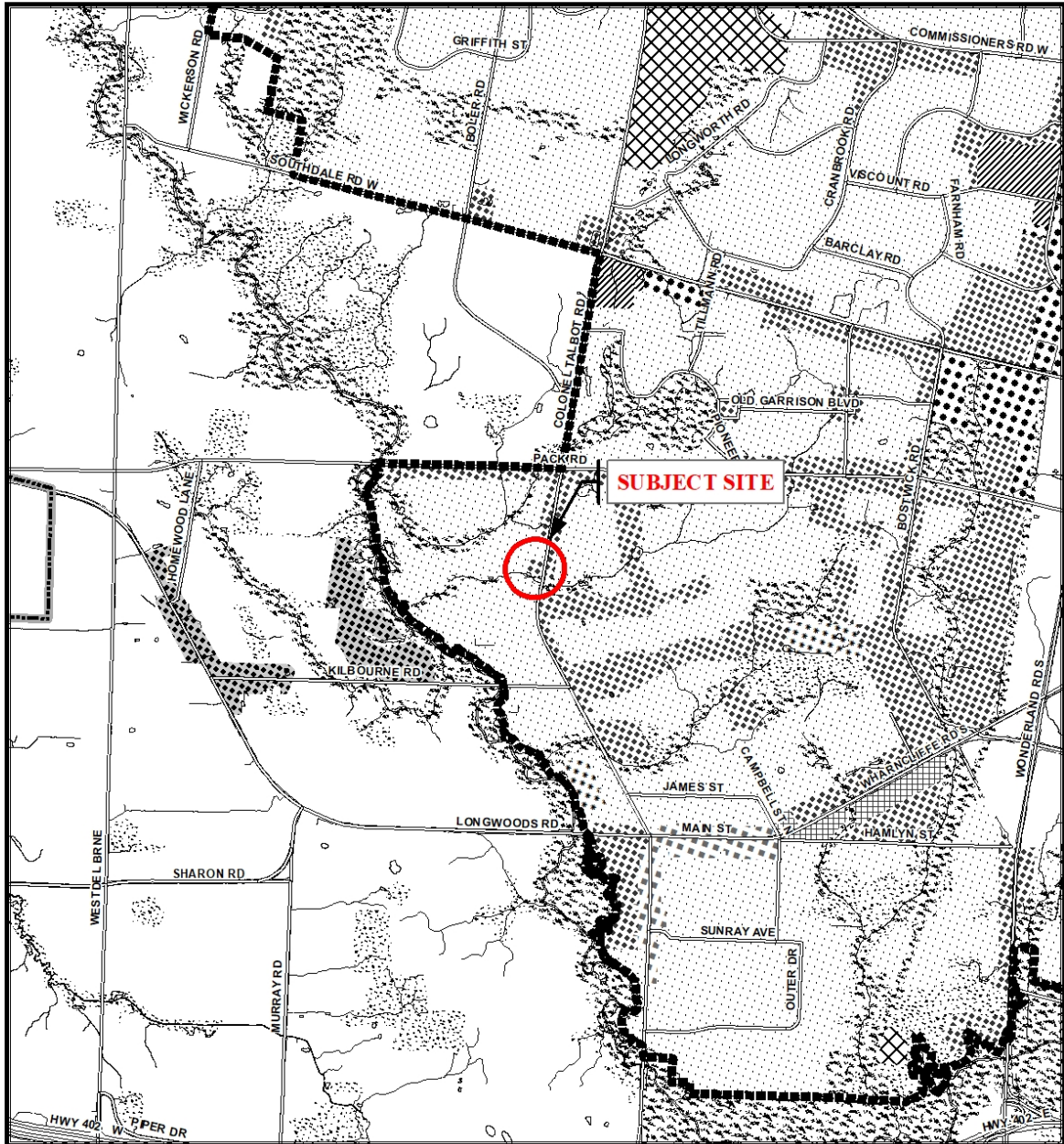
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Planner: MV

Technician: DM

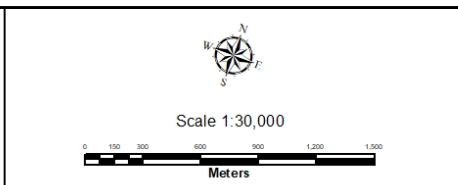
Date: August 8, 2020

1989 Official Plan Excerpt



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

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



FILE NUMBER: Z-9003
 PLANNER: MV
 TECHNICIAN: DM
 DATE: 2020/08/07