

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** Scott Mathers MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Middlesex Vacant Land Condominium 816  
537 Crestwood Drive  
Public Participation Meeting

**Date:** May 30, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Middlesex Vacant Land Condominium 816 relating to the property located at 537 Crestwood Drive:

- (a) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 14, 2022 to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Urban Reserve (UR1) Zone **TO** a Holding Residential R6 Special Provision h-( )\*R6-2(\*) Zone.
- (b) **IT BEING NOTED** that the following site plan matters were raised during the public participation process:
- i) An amendment to the registered Plan of Condominium 816 is required;
  - ii) Warning clauses to be registered on title regarding noise and dust related to gravel pit and rehabilitation activities.
  - iii) Warning clauses to be registered on title regarding possible noise impacts from the future realigned Commissioners Road East.

## Executive Summary

### Summary of Request

The requested amendment is to permit one additional single detached dwelling within Condo Corporation No. 816, specifically the addition of a third unit on the westerly portion of the subject lands. The applicant requested a change in the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a Residential R6 Special Provision (R6-2(\*) Zone. The proposed zone would include the existing special provisions plus new special provisions to accommodate the new dwelling, reflect previously granted minor variances, and to recognize the existing rear yard depth for the existing accessory structure. New special provisions requested include: a reduced rear yard depth for the new dwelling of 3.73m in place of 4.0m; and a minimum rear yard depth for the existing accessory structure of 1.2m in place of 3.6m. Existing permissions proposed to be carried forward to the new zone include: a minimum lot frontage on Crestwood Drive of 10.0m; a reduced minimum east interior side yard depth of 1.2m; a maximum accessory building height of 7.0m; and a minimum south interior side yard depth of 1.2m for an accessory building.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit an additional cluster single detached dwelling on the subject lands once the aggregate pit licences have been closed.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the *2020 Provincial Policy Statement* which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment and requires resource

extraction activities to be protected for long-term use and not hindered by incompatible development; and that resource extraction activities and sensitive residential development be appropriately separated from each other. A holding provision is recommended to ensure a new geotechnical study is required to establish the limit of development related to the slope hazard and evaluate the potential impacts of the future construction of the Commissioners Road West realignment; and to ensure a rehabilitation plan and site restoration plan have been completed for the adjacent aggregate resource extraction area;

2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, the Neighbourhoods Place Type, and Natural Resources; and
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation and the Specific Area policies for Lands in the Vicinity of Byron Gravel Pits.

## **Linkage to the Corporate Strategic Plan**

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

## **Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure.

## **Analysis**

### **1.0 Background Information**

#### **1.1 Property Description**

Crestwood Drive extends south from Commissioners Road West to Longwoods Road in the vicinity of the Byron Gravel Pits. The subject lands are municipally known as 537 Crestwood Drive and are located on the west side of Crestwood Drive adjacent to aggregate resources extraction areas located to the west. The subject lands consist of a flag-shaped lot. The narrow frontage along Crestwood Drive provides access to two (2) existing single detached dwellings and an accessory building that have developed on the subject lands through previous planning and development approvals. The surrounding land uses include aggregate resource extraction areas and operations, the City’s water reservoir, parklands/garden plots and low density, low-rise, residential land uses. A realignment of Commissioners Road West corridor is planned in the area surrounding the subject lands.

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

- 1989 Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Urban Reserve (UR1) Zone and Residential R6 Special Provision (R6-2(13)) Zone

#### **1.3 Site Characteristics**

- Current Land Use – Residential (Two (2) Cluster Single Detached Dwellings)
- Frontage – 10 metres (33 feet)
- Depth – 122 metres (400 feet))
- Area – 4,188 square metres (1.03 acres) (entire subject lands)
- Shape – Irregular (Flag-shaped)

#### **1.4 Surrounding Land Uses**

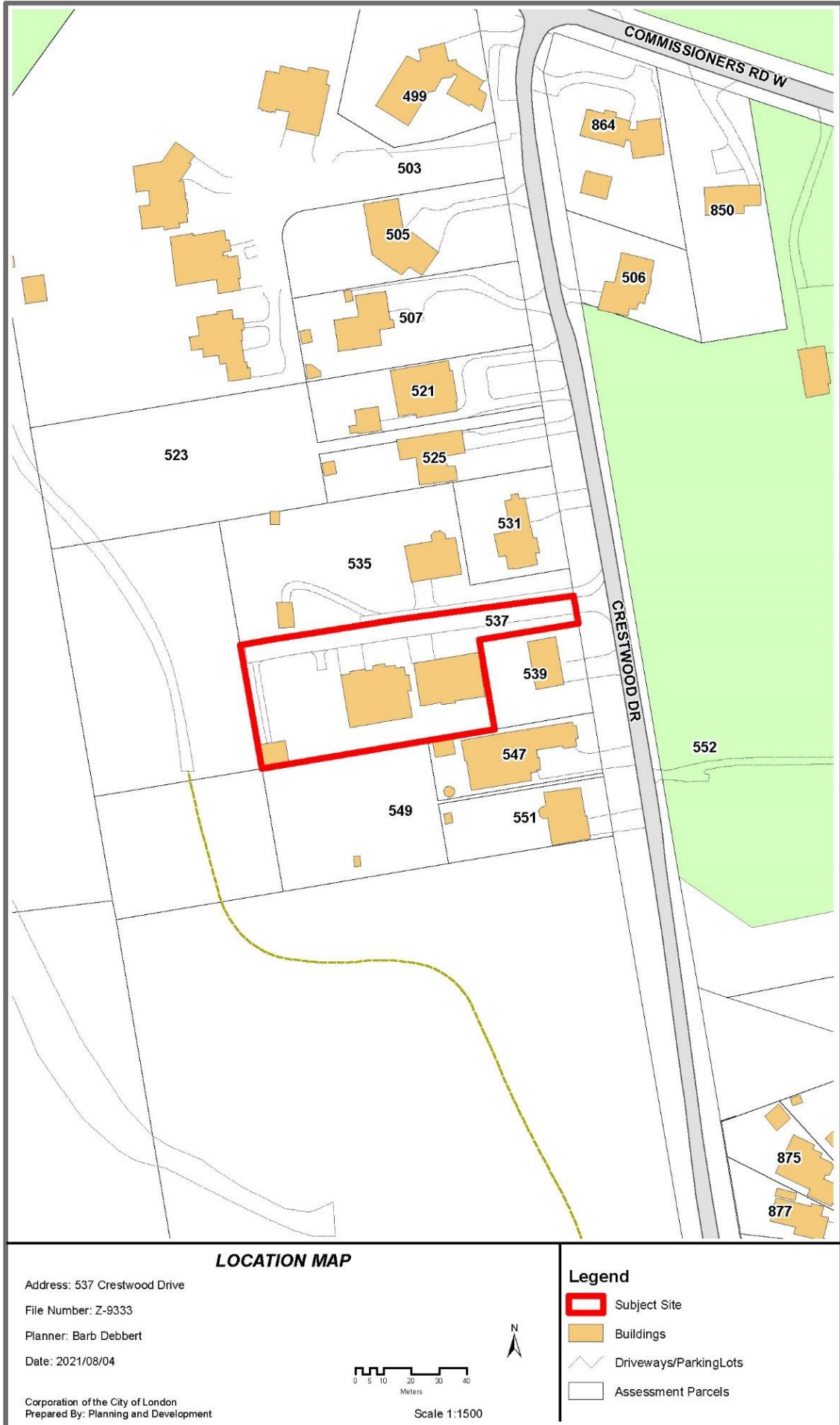
- North – Residential (Single Detached Dwellings)
- East – City of London Water Reservoir

- South – Residential (Single Detached Dwellings)
- West – Aggregate Resource Extraction (Byron Gravel Pits)

### 1.5 Intensification

- One (1) unit within the Built-area Boundary

### 1.6 Location Map



## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The development proposal for the subject lands would add a third single detached dwelling approximately 482 sq. m (5,188 sq. ft.) in size and one-storey in height on the westerly portion of the subject lands. The westerly portion of the subject lands is currently vacant except for an existing accessory building that would be maintained. Vehicular access to all three (3) dwelling units (existing and proposed) would be provided by the existing 6.0 metre wide asphalt driveway that extends westerly from Crestwood Drive parallel to the northerly property line. The proposed third single detached dwelling would be oriented on the subject lands towards the driveway, the same as the existing single-detached dwellings, with the front elevation facing north. Subsequent applications for Site Plan Approval and a Plan of Vacant Land Condominium would be required to facilitate the proposed development.

Figure 1: Site Concept Plan

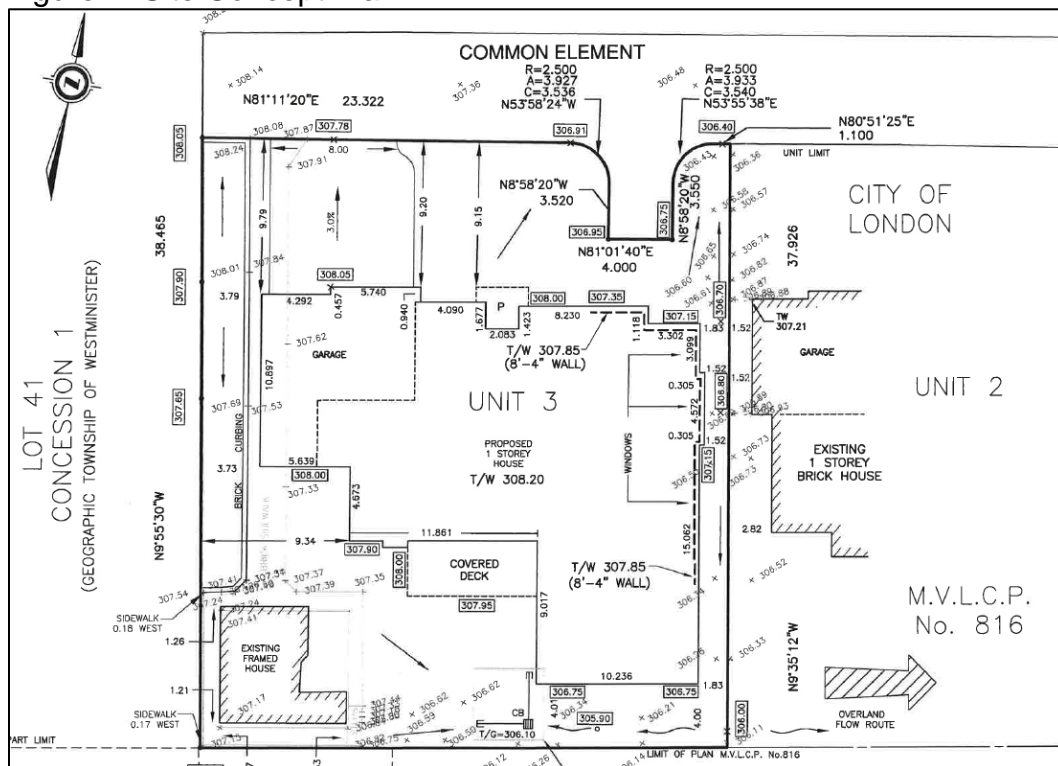
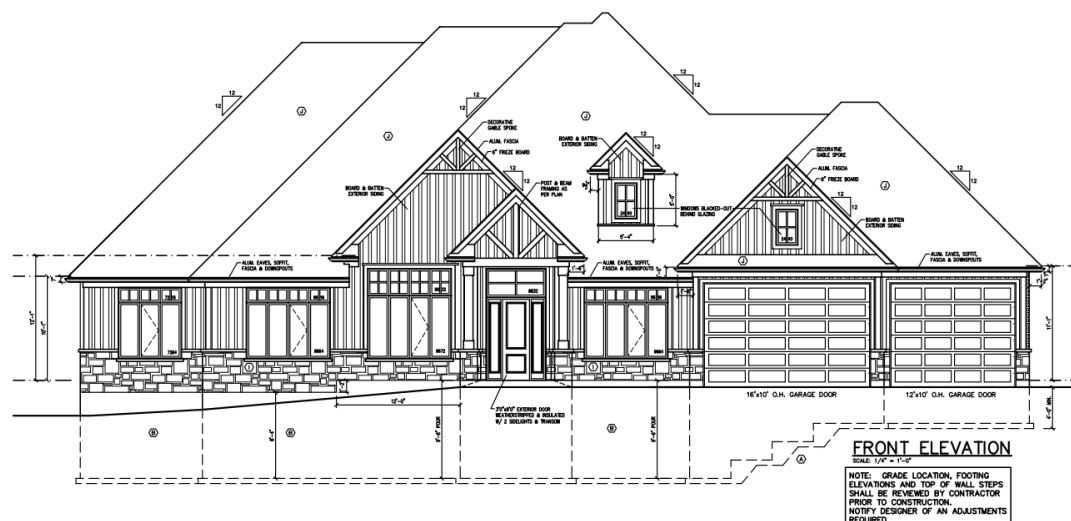


Figure 2: Elevation of proposed house



## 2.3 Planning History

In 1988, the “*South-East Byron Area Study*” was initiated by Council to provide a comprehensive review of land use issues related to the Byron Gravel Pits and surrounding undeveloped properties. The study provided the land use basis for continuation of aggregate resource extraction, residential development and the future rehabilitation of the licenced pit area. The study and subsequent amendments to the Official Plan and Zoning By-law, were adopted by Council, but appealed to the Ontario Municipal Board (“OMB”). A subsequent 1992 OMB decision confirmed the land use designations, special policies and zoning that would apply in the vicinity of the Byron Gravel Pits. Since then, modifications have been made to the land use designations and zoning in the vicinity of the Byron Gravel Pits through individual, site-specific applications.

In 1990 and 1991, a series of consent applications resulted in the severance of the subject lands from lands located immediately to the north, lands located immediately to the west (currently owned by Lafarge Canada Inc. (“Lafarge”)), and the existing single detached dwelling fronting on Crestwood Drive known municipally as 539 Crestwood Drive.

In 2012, Star Homes Ltd. submitted an application for a concurrent Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) as well as an application for a Plan of Vacant Land Condominium for the subject lands to permit and facilitate the development of cluster housing in the form of three (3) single detached dwellings.

Consistent with the staff recommendation in 2012, Council approved the requested change in the designation of the whole of the subject lands from Urban Reserve Community Growth to Low Density Residential in the *1989 Official Plan*; and approved the requested change in the zoning for only the easterly portion of the subject lands from a Residential R1 (R1-9) Zone and an Urban Reserve (UR1) Zone to a Residential R6 Special Provision (R6-2(13)) Zone and a Holding Residential R6 Special Provision (h-145•h-146•R6-2(13)) Zone. The holding provisions required that final design drawings be reviewed by a qualified geotechnical consultant to ensure the Erosion Hazard Limit is properly interpreted prior to any development occurring; and that a noise impact assessment be completed which would confirm noise levels specific to the subject lands to ensure no conflict between the nearby aggregate resource extraction activities and the proposed residential development.

Consistent with the staff recommendation in 2012, Council refused the requested change to the zoning of the westerly portion of the subject lands. The reason staff gave for refusal was that the applicant had not demonstrated that the separation distance on the westerly portion of the subject lands was satisfactory to protect sensitive residential development from the adverse impact of the existing aggregate resource extraction operations. Staff recommended the westerly portion of the subject lands be precluded from development to provide a buffer between adjacent lands licensed for aggregate resource extraction activities and the proposed residential development of the easterly portion of the subject lands to ensure land use compatibility. The requested change in zoning for the westerly portion of the subject lands was considered to be premature by staff; and staff advised that development should not occur until a rehabilitation plan was completed for adjacent aggregate resource extraction areas and site restoration completed in accordance with that plan.

In 2013, an application for the removal of the holding provisions for the easterly portion of the subject lands was approved by Council and resulted in the construction of the two (2) existing single detached dwellings on the subject lands.

In 2018, Council refused another request to rezone the westerly portion of the lands to permit a single detached dwelling. Concerns still existed regarding the erosion limit, noise and a proper setback from the licensed area.

It is recognized that aggregate resource extraction is an interim use, and that aggregate resource extraction activities are likely to conclude in the Bryon Gravel Pits in the near-

future, as indicated by the surrender of active pit licences and site rehabilitation primarily in the northwesterly portion of the pits, the City initiated the *South-East Byron Secondary Plan* to provide a comprehensive assessment of the opportunities and constraints for the planning and development of the Byron Gravel Pits in the future. However, in the interim there are still active pit licences held by landowners proximate to the subject lands and ongoing aggregate resource extraction activities within the Byron Gravel Pits that must be considered by the current planning application. Lafarge continues to hold an active pit licence for the lands located immediately west of the subject lands and has not provided a timeline for the surrender of that licence.

## **2.4 Requested Amendment**

The applicant has requested a Zoning By-law amendment to change the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a Residential R6 Special Provision (R6-2(\_)) Zone to permit cluster housing and the proposed development of a third dwelling unit on the westerly portion of the subject lands.

The requested special provisions would recognize existing site conditions such as a reduced minimum lot frontage of 10 metres, a reduced (easterly) minimum side yard depth of 1.5 metres; a reduced (southerly) minimum rear yard depth for an accessory building of 1.2 metres, and an increase maximum height for an accessory building of 7.0 metres. The requested special provisions would also recognize new site conditions to facilitate the development of the proposed third unit, including a reduced minimum rear yard depth of 4.0 metres; an increased minimum landscaped open space of 42 percent; and reduced (southerly) minimum side yard depth for an accessory building of 1.5 metres that had not been previously recognized.

## **2.5 Community Engagement (see more detail in Appendix C)**

Notice of Application was sent to property owners in the surrounding area on April 1, 2021 and published in the Public Notices and Bidding Opportunities section of *The Londoner* on April 1, 2021. The notice advised of a possible amendment to the Zoning By-law to change the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a revised Residential R6 Special Provision (R6-2(\*)) Zone to allow for cluster housing and the development of a third single detached dwelling on the subject lands. The notice advised of the requested special provisions to recognize existing site conditions and new site conditions because of the addition of the third dwelling unit.

Two (2) replies were received from the public as part of the community engagement process. The first reply was in support of the requested amendment and was received from the owner of one of the existing dwelling units located on the subject lands. The second reply was received from Lafarge, the owner of the adjacent lands located to the west of the subject lands. Lafarge in a letter September 29, 2021, reminded the City that they still have the right to extract reserves within the licensed boundary and are approved to extract up to 15 metres from the shared property boundary with the subject lands and they are protected under the Provincial Policy Statement.

## **2.6 Policy Context (see more detail in Appendix D)**

### *Provincial Policy Statement, 2020*

The Provincial Policy Statement 2020 provides broad policy direction on matters of Provincial interest related to land use planning and development. The *PPS* provides policies on key issues such as intensification and redevelopment and efficient use of land and infrastructure, including support for a range and mix of housing types and densities; land use compatibility; and the protection of mineral aggregate resources.

## *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). Staff are interpreting the subject lands to be located within the “Neighbourhoods” Place Type on Map 1 – Place Types in The London Plan, with frontage on a “Neighbourhood Street” (Crestwood Drive), consistent with the 1989 Official Plan designation of Low Density Residential. The broadest range of use and intensity contemplated for the subject lands in *The London Plan* are single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, home occupations and group homes; a minimum height of 1-storey and a maximum height of 2.5-storeys. *The London Plan* provides for a variety of opportunities for Residential Intensification within the Neighbourhoods Place Type. *The London Plan* contains *Specific Policies for Aggregate Resources*, and specific to the Byron Gravel Pits and adjacent lands, the intent of those policies is to minimize the impact of extraction activities upon surrounding land uses.

## *1989 Official Plan*

The *1989 Official Plan* contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the *PPS*. The *1989 Official Plan* assigns land use designations to properties, and the policies associated with those land use designations provide for a general range of land uses, form and intensity of development that may be permitted.

The subject lands are designated Low Density Residential (“LDR”) on Schedule “A” – Land Use to the *1989 Official Plan*. The LDR designation is intended for low-rise, low-density housing forms including single-detached, semi-detached, and duplex dwellings. Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law. The residential intensification policies for the LDR designation contemplate infill housing in the form of single-detached dwellings and cluster housing. *Policies for Specific Residential Areas* in the *1989 Official Plan* direct that residential development in the vicinity of the Byron Gravel Pits have regard for noise and dust impacts from aggregate resource extraction activities.

### **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

### **4.0 Key Issues and Considerations**

#### **4.1 Provincial Policy Statement**

The *PPS* directs growth to settlement areas, and states that land use patterns within settlement areas should be based on a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.1 & Policy 1.1.3.2). The *PPS* is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The *PPS* directs planning authorities to provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents. The *PPS* directs new housing to locations where appropriate levels of infrastructure and public service facilities are, or will be available; and at densities which would efficiently use land, resources, infrastructure and public service facilities as well as support active transportation and transit (Policy 1.4.3).

The *PPS* directs major facilities, such as resource extraction activities, and sensitive land uses should be appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse impacts and ensure the long-term viability of major facilities (Policy 1.2.6.1).

The *PPS* directs mineral aggregate resources shall be protected for long-term use from development and activities that would preclude or hinder their expansion, continued



use, or would be incompatible for reasons of public health and safety or environmental impacts (Policy 2.5.1 and Policy 2.5.2.4). Adjacent to, or in known deposits of mineral aggregate resources, development or activities unrelated to mineral aggregate resources would only be permitted if the resource use would not be feasible, or the proposed development and activity would serve a greater long-term public interest and issues of public health and safety and environmental impacts are addressed (Policy 2.5.2.5). The *PPS* requires the rehabilitation of mineral aggregate resource areas. Final rehabilitation shall take surrounding land uses and approved land use designations into consideration (Policy 2.5.3.1)

The westerly portion of the subject lands is currently underutilized, predominately vacant, and has the potential to accommodate additional development. The requested ZBA to facilitate the development of the westerly portion of the subject lands for a third single-detached dwelling would provide for residential intensification and a compact form of development that would efficiently use land.

The *PPS* directs that resource extraction activities and sensitive development be appropriately separated from each other and that mineral aggregate resources be protected for long-term use and not be hindered by incompatible development. A buffer is required between adjacent lands licensed for aggregate resource extraction activities and the proposed residential development of the easterly portion of the subject lands to ensure land use compatibility. With on-going aggregate resource extraction activities within the Bryon Gravel Pits and the potential for future aggregate resource extraction activities to occur adjacent to the subject lands as confirmed by Lafarge, staff have included a holding provision to protect the future residential use from any adverse impacts.

## **4.2 Residential Intensification & Infill**

As mentioned, the requested ZBA is intended to facilitate the development of a third dwelling unit on the westerly portion of the subject lands. Staff considered whether the requested ZBA and proposed form of development is appropriate within the context of residential intensification policies governing the use and development of the subject lands.

### **1989 Official Plan**

A general objective for residential designations in the *1989 Official Plan* is to encourage infill development in appropriate locations where existing land uses are not adversely affected and where development can efficiently use municipal services and facilities (Section 3.1.1 vi)).

The LDR designation is applied to lands that are primarily developed or planned for low-rise, low-density housing forms (Preamble Section 3.2 – Low Density Residential). The primary permitted uses in the LDR shall include single detached; semi-detached; and duplex dwellings (Section 3.2.1). The scale of development in the LDR designation shall have a low-rise, low-coverage form, and shall typically be considered in a range up to 30 uph. (Section 3.2.2).

Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law and subject to a Planning Impact Analysis (PIA) (Section 3.2.3). Residential intensification in the LDR designation may be permitted up to a maximum density of 75 uph and infill housing is contemplated in the form of single-detached dwellings and cluster housing (Section 3.2.3.2).

The requested ZBA to permit cluster housing and the proposed development of a third single-detached dwelling on the westerly portion of the subject lands conforms to the form of infill housing and the range of primary permitted uses contemplated in the LDR designation. The resulting residential density is well within the 20 uph permitted by the requested zoning and the scale of development typically considered in the LDR designation.



## The London Plan

The range of primary permitted uses contemplated within the Neighbourhoods Place Type on a Neighbourhood Street include single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, group homes and home occupations, triplexes, and small-scale community facilities (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The range of permitted heights contemplated within the Neighbourhoods Place Type on a Neighbourhood Street include a minimum height of 1-storey and a maximum height of 2.5-storeys (Table 11 – Range of Permitted Heights in Neighbourhood Place Type).

*The London Plan* provides for a variety of opportunities for residential intensification within the Neighbourhoods Place Type, and infill development as a form of intensification is contemplated (Policy 939\_5.). *The London Plan* supports residential intensification within the Neighbourhoods Place Type where the proposed intensification is appropriately located and is a good fit within the receiving neighbourhood (Policy 937\_and Policy 940\_). Residential intensification projects within the Neighbourhoods Place Type will be evaluated from an urban design perspective, including but not limited to, site layout within the context of the surrounding neighbourhood, building and main entrance orientation, building line and setback from the street, height transitions and massing within the context of the surrounding neighbourhood (Policy 953\_2.); and whether the intensity of the proposed development is appropriate for the size of the lot (Policy 953\_3.).

The subject lands with a narrow lot frontage along Crestwood Drive and flag-shaped configuration were established through a series of consent approvals in the 1990's. The subject lands, as well as lands located at 503 Crestwood Drive, are existing examples of cluster housing developments along Crestwood Drive that have developed in the form of single detached dwellings. The requested ZBA to permit cluster housing and the proposed development of a third the single-detached dwelling, one (1)-storey height, on the subject lands, conforms to the range of primary permitted uses, and building heights contemplated within the Neighbourhoods Place Type. The proposed orientation of the third dwelling unit with the front elevation facing north and a proposed low-rise, 1-storey, massing is consistent with existing dwelling units located on the subject lands.

### 4.3 Land Use Compatibility

The development of a third dwelling unit on the westerly portion of the subject lands would introduce a new sensitive land use in the proximity of existing aggregate resource extraction areas. The potential to cause land use compatibility issues has been considered by staff.

## 1989 Official Plan

*Policies for Specific Residential Areas* in *1989 Official Plan* direct that residential development within the vicinity of the Byron Gravel Pits shall have regard for noise and dust impacts from aggregate resource extraction activities (Section 3.5.6). In particular, a noise and dust impact study shall be completed prior to rezoning within 300 metres of aggregate resource extraction areas (Section 3.5.6 i)); and residential subdivisions are to be phased to maintain a maximum separation distance between residential development and extraction activities. A minimum separation distance of 150 metres between residential development and the limit of extraction shall normally be required. A noise study and dust study were completed and mitigation measures were recommended. This is discussed further below in this report. Also, as mentioned, staff have included holding provisions to protect the residential from any adverse impacts.

## The London Plan

*The London Plan* recognizes that lands within the City contain natural resources and those resources are to be protected from development until such time as the resource is exhausted and rehabilitation of the resource area is complete (Policy 1511\_). Consistent with the *PPS*, *The London Plan* provides for the continuation of existing

extractive operations; directs that aggregate resources will be protected for long-term use from development that would preclude or hinder the expansion or continued use of the operations, or would be incompatible for reasons of public health and safety or environmental impacts. *The London Plan* aims to minimize potential land use compatibility issues between pits and quarries and surrounding land uses (Policy 1514\_2., 4., and 5.).

Policies in the *1989 Official Plan* specific to lands in the vicinity of the Byron Gravel Pits have been carried over into *The London Plan*, and residential development within the vicinity of the Byron Gravel Pits shall have regard for noise and dust impacts. Noise and dust impact studies shall be completed prior to rezoning within 300 metres of aggregate resource extraction areas; and a minimum separation distance of 150 metres shall normally be required between residential development and the limit of extraction. (Policy 1542\_ 1.-3.) *The London Plan* directs that where new sensitive land uses may be exposed to noise and or vibration and negatively impacted and/or where there are safety concerns, attenuation measures will be incorporated into the development (Policies 1770\_, 1771\_ and 1772\_).

Correspondence from Lafarge confirm that aggregate resource extraction could occur up to 15 metres from the shared property boundary with the subject lands. Holding provisions have been recommended to ensure that residential development will not occur until aggregate resource extraction activities have been surrendered and a rehabilitation plan and site restoration plan have been completed.

#### Noise and Vibration Impact Assessment

RWDI Air Inc. (RWDI) prepared a *Noise and Vibration Impact Assessment* for the subject lands in 2011. This study predicted no adverse noise impact for the subject lands based on a review of previous studies in the Bryon Gravel Pits area which demonstrated noise compliance at locations closer to the aggregate resource extraction activities than the subject lands. Since properties closer to the aggregate resource extraction activities were in compliance with noise guidelines, RWDI concluded that the subject lands would also be in compliance.

A subsequent study was submitted in 2020. Staff reviewed this study and had no concerns with the results and recommendations as the results meet the sound level limits for stationary sources as outlined in the NPC-300 Guidelines. However, this is contingent on development of a residential dwelling limited to one-storey in height. As such a special provision has been recommended to only permit one-storey.

#### Dust Impact Assessment

RWDI prepared a *Dust Impact Assessment* dated July 2011 in support of the 2012 planning and development applications for the subject lands. The 2011 RWDI study reviewed the potential for dust impacts based on a number of factors including the existing and future potential for aggregate resource extraction activities, the separation distance between residential development and the limit of extraction, predominate wind direction, and the complaint history from residents surrounding the Byron Gravel Pits area.

RWDI concluded that the probability of periodic occurrence of dust impacts would be moderate to high for the subject lands similar to the experience of nearby existing residential properties. RWDI recommended that the potential for dust impacts on the subject lands be addressed through the use of warning clauses registered on title. The 2012 staff report agreed with the recommended approach to use warning clauses and incorporated them into the Condominium agreement which includes these lands.

#### Slope Stability Assessment

In addition to the above-noted noise and dust impact assessments, a *Slope Stability Assessment* was prepared by EXP Services Inc. ("EXP") dated June 2011 in support of the 2012 planning and development applications for the subject lands. The stable slope analysis resulted in the delineation of an "Erosion Hazard Limit" comprised of an erosion allowance, a stable slope setback and a 6.0 metre wide access allowance, slightly inside the westerly (rear) property limit of the subject lands. EXP recommended any

buildings and permanent structures associated with the proposed residential development of the subject lands be outside the Erosion Hazard Limit and that prior to any construction on the subject lands final design drawings be reviewed by a qualified geotechnical consultant to ensure the Erosion Hazard Limit is properly interpreted.

At the time of the rezoning on the other portion of the site, the 2012 staff report recommended a holding provision for the geotechnical review of design drawings, which was approved by Council for the easterly portion of the subject lands. The 2012 staff report recommended that the westerly portion of the subject lands be precluded from development to ensure that there is sufficient land adjacent to the steep slope associated with aggregate resource extraction areas to accommodate final site restoration.

While the City plans for the future of the Byron Gravel Pits through the upcoming *South-East Byron Secondary Plan*, to be consistent with the *PPS* in the interim, the City should ensure that there is a buffer between on-going aggregate resource extraction activities from sensitive land uses and protect mineral aggregate resources from incompatible development that could hinder the continued use of the resource or expansion of extraction activities. At present there are on-going aggregate resource extraction activities within the Byron Gravel Pits and the potential for future aggregate resource extraction activities to occur adjacent to the subject lands has been confirmed by Lafarge.

Through the review of this application Staff are recommending a new holding provision requiring a geotechnical/slope stability study prior to site plan approval and issuance of a building permit, and that the study not be undertaken until after resource extraction activities have ceased. The previous h-145 holding provisions applied in 2012 was insufficient to ensure the pit licenses had been discontinued before a Geotech/slope stability was done – until the pit licenses are surrendered, there is theoretically the possibility further extraction could take place undermining the existing slope and rendering any current slope stability study irrelevant. The slope stability study will only be acceptable once it is confirmed that all activities have ceased to exist in the abutting aggregate pit.

#### **4.4 Holding Provision**

Through the development review process, Staff have determined that the proposed residential development would be an appropriate land use on the subject site, and have identified the holding provisions to ensure that site specific erosion impacts and compatibility are addressed prior to development occurring.

The *1989 Official Plan* (Section 19.4.3) and *The London Plan* (Policy 1656\_ to Policy 1661\_) contemplate the use of holding provisions to address requirements relating to matters such as civic infrastructure; environmental, erosion or flood protection measures; noise, vibration, dust or odor mitigation; built form requirements; public site plan processes and other such matters relating to the goals, objectives, and policies of the Official Plan. The Zoning By-law may contain holding provisions that would allow for the use of land, buildings or structures to be permitted when the holding symbol is removed.

As the aggregate pit is nearing completion, and the *South-East Byron Secondary Plan* is also nearing completion, staff feel that the requested ZBA can proceed with the use of holding provisions addressing slope stability, limits to development and land use compatibility. Furthermore, these holding provisions will ensure that there is no deviation from the standard minimum separation distance between residential development and the limit of extraction satisfactory to protect residential development from adverse impacts.

The proposed holding provision is as follows:

h-\_\_\_ 537 Crestwood Ave

To ensure there will be no conflicts between the existing aggregate resource extraction use and the proposed residential uses, the h-( ) shall not be deleted until a geotechnical/slope stability study is prepared which confirms the Erosion Hazard Limit and addresses potential erosion hazards based on the proposed development, layout and site grading, to the satisfaction of the City of London, The report shall be submitted only at such time as all active pit licenses have been surrendered and a rehabilitation plan and site restoration plan have been completed for the adjacent aggregate resource extraction area.

#### **4.5 Realignment of Commissioners Road West**

The subject lands are located proximate to the planned Commissioners Road West realignment. The future corridor is protected through relevant policies in the *1989 Official Plan* and *The London Plan*; and whether the proposed residential development of the subject lands would interfere with the future corridor was considered by staff.

The City's Transportation Planning and Design Division did not indicate any concern with the requested ZBA, or the proposed residential development of the subject lands. It is not expected that the proposed residential development of the subject lands would interfere with the future corridor. The timing for the future corridor is dependent on the completion of aggregate resource extraction activities in the Byron Gravel Pits area.

### **Conclusion**

Given that the subject lands are located within the vicinity of the Byron Gravel Pits proposed residential development must be considered within the context of relevant policies in the *PPS*, the *1989 Official Plan* and *The London Plan* to ensure that mineral aggregate resources will be protected for long-term use and will not be hindered by incompatible development; and that residential development will be appropriately protected from potential impacts and hazards associated with aggregate resource extraction activities including noise, vibration, dust and erosion.

Staff are satisfied that residential development on the westerly portion of the subject land would be an appropriate land use in the future as identified in the *1989 Official Plan* and *The London Plan*. Through the use of a holding provision, the abutting aggregate pit and active licences will be protected from residential development occurring prior to the surrender of aggregate licence. The holding provision will also ensure that a geotechnical/slope stability study is undertaken to establish appropriate development limits on the subject site at the time a rehabilitation plan and site restoration plan have been completed.

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**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** Scott Mathers MPA, P. Eng.  
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Ismail Abushehada, Manager, Development Engineering

## Appendix A

Bill No.(number to be inserted by Clerk's Office)  
2022

By-law No. Z.-1-22\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 537 Crestwood Ave.

WHEREAS Middlesex Vacant Land Condominium 816 has applied to rezone an area of land located at 537 Crestwood Ave, as shown on the map attached to this by-law, as set out below;

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 520 Sarnia Road, as shown on the attached map comprising part of Key Map No. A106, from an Urban Reserve (UR1) Zone to a Holding Residential R6 Special Provision h-( ).R6-2(\*) Zone;.
- 2) Section Number 10.4 of the Residential R6 (R6.2) Zone is amended by adding the following Special Provisions:

) R6-2( ) 537 Crestwood Ave

a) Regulations

Single Detached Dwelling

- |      |                                      |             |
|------|--------------------------------------|-------------|
| i)   | Lot Frontage<br>(Minimum)            | 10.0 metres |
| ii)  | Rear Yard<br>(Minimum)               | 3.73 metres |
| iii) | East Interior Side Yard<br>(Minimum) | 1.2 metres  |
| iv)  | Height<br>(Maximum)                  | 1-storey    |
| v)   | Landscape Open Space<br>(Minimum)    | 42%         |

Accessory Building

- |       |                                       |             |
|-------|---------------------------------------|-------------|
| vi)   | Height<br>(Maximum)                   | 7.0 metres, |
| vii)  | Rear Yard<br>(Minimum)                | 1.2 metres  |
| viii) | South Interior Side Yard<br>(Minimum) | 1.20 metres |

- 3) Section Number 3.8 2) of the Holding "h" Zones section is amended by adding the following Holding Zone:

h-\_\_ 537 Crestwood Ave

Purpose:

To ensure there will be no conflicts between the existing aggregate resource extraction use and the proposed residential uses, the h- shall not be deleted until a geotechnical/slope stability study is prepared which confirms the Erosion Hazard Limit and addresses potential erosion hazards based on the proposed development, layout and site grading, to the satisfaction of the City of London, The report shall be submitted only at such time as all active pit licenses have been surrendered and a rehabilitation plan and site restoration plan have been completed for the adjacent aggregate resource extraction area.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on June 14, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – June 14, 2022  
Second Reading – June 14, 2022  
Third Reading – June 14, 2022

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



File Number: Z-9333  
Planner: AR  
Date Prepared: 2022/05/17  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40  
Meters





## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On April 1, 2021, Notice of Application was sent to 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 1, 2021. A “Planning Application” sign was also posted on the site.

Three (3) replies were received

**Nature of Liaison:** The Notice of Application advised of a possible amendment to the Zoning By-law to change the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a revised Residential R6 Special Provision (R6-2(13)) Zone to allow for cluster housing and the development of a third single detached dwelling on the subject lands. The notice advised of the requested special provision to recognize a reduced lot frontage minimum; reduced (easterly) interior side yard depth minimum; reduced rear yard depth minimum; reduced (southerly) side yard depth minimum and reduced rear yard depth minimum for an accessory building; an increased height maximum for an accessory building; and an increased landscaped open space minimum.

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

**Support for:** the proposed residential development by the owners of an adjacent dwelling unit located on the subject lands.

**Concern for:** conformity with the specific policies in *The London Plan* regarding the development of lands within the vicinity of extractive industrial areas or aggregate resource areas.

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

Telephone	Written
	Larry Connell & Nancy Ensley 537-1 Crestwood Drive, London, ON N6K 1Y1
Dr. Nancy Moser 555 Commissioners Road West	
	Lafarge Canada Inc. Attention Luke McLeod 6509 Airport Rd Mississauga, ON L4V 1S7

### Agency/Departmental Comments

#### *Development Services (Engineering)*

##### *Transportation*

- For information regarding the ongoing Commissioners Road West re-alignment EA please use the following web link:  
<https://www.london.ca/residents/Environment/EAs/Pages/Commissioners-Road-West-Realignment.aspx>

#### *Wastewater*

- The sanitary sewer available for the subject lands is the 200mm sanitary sewer on Crestwood Drive.

#### *Water*

- Confirmation from the applicant that the 3rd unit will be amalgamated into the same condominium corporation as the two existing units, such that a regulated drinking water system is not being created.

Please note that Engineering comments were provided without input from Stormwater.

#### ***London Hydro***

- No objection to the official plan and/or re-zoning application.

#### ***Upper Thames River Conservation Authority (“UTRCA”)***

- The UTRCA has not objections to this application.

## **Appendix C – Policy Context**

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

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

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.2.6.1 Building Strong Health Communities, Coordination, Land Use Compatibility

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 2.5.1 Wise Use and Management of Resources, Protecting Aggregate Resources

Policy 2.5.2.4 Wise Use and Management of Resources, Protecting Aggregate Resources, Protection of Long-Term Resource Supply

Policy 2.5.2.5 Wise Use and Management of Resources, Protecting Aggregate Resources, Protection of Long-Term Resource Supply

Policy 2.5.3.1 Wise Use and Management of Resources, Protecting Aggregate Resources, Rehabilitation

#### ***1989 Official Plan***

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.5.6 i) and ii) Residential Land Use Designations, Policies for Specific Residential Areas, Lands in Vicinity of Byron Pits

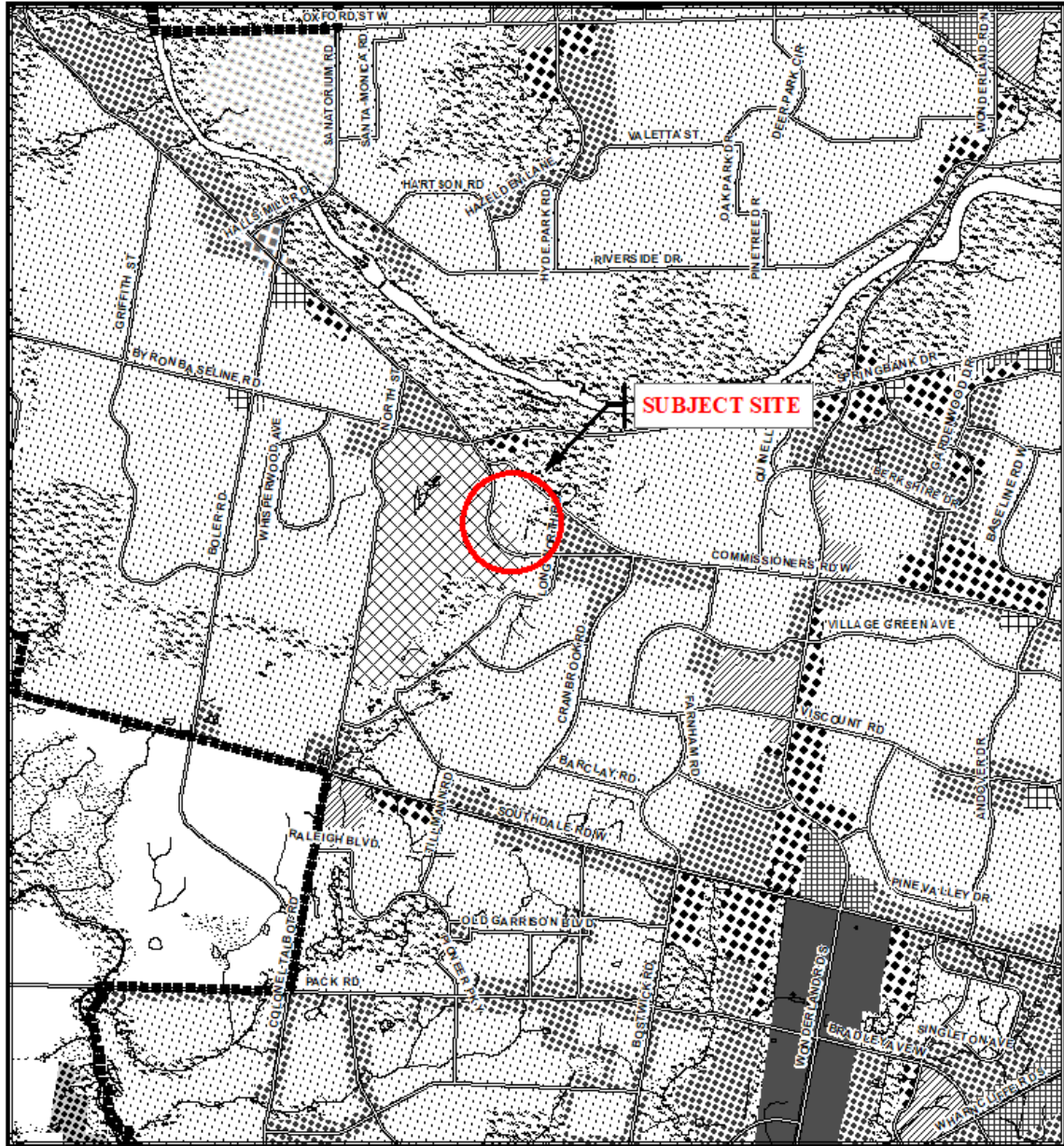
Section 19.4.3 Implementation, Zoning, Holding Zones

#### ***The London Plan***

Table 10 Range of Permitted Uses in Neighbourhoods Place Type  
Table 11 Range of Permitted Heights in Neighbourhood Place Type  
Policy 937\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification In Neighbourhoods  
Policy 939\_5. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification  
Policy 940\_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification  
Policy 953\_2. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Additional Urban Design Considerations for Residential Intensification  
Policy 1511\_ Environmental Policies, Natural Resources, What Are Natural Resources  
Policy 1514\_ 2., 4., and 5. Environmental Policies, Natural Resources, What Are We Trying to Achieve  
Policy 1542\_ 1.-3. Environmental Policies, Natural Resources, Specific Policies for Aggregate Resources, Byron Gravel Pits and Adjacent Lands  
Policy 1656\_ Our Tools, Holding Provision By-law  
Policy 1657\_ Our Tools, Holding Provision By-law  
Policy 1658\_ Our Tools, Holding Provision By-law  
Policy 1659\_ Our Tools, Holding Provision By-law  
Policy 1660\_ Our Tools, Holding Provision By-law  
Policy 1661\_ Our Tools, Holding Provision By-law  
Policy 1770\_ Our Tools, Neighbourhood Design and Noise  
Policy 1771\_ Our Tools, Neighbourhood Design and Noise

# Appendix D – Relevant Background

## Additional Maps

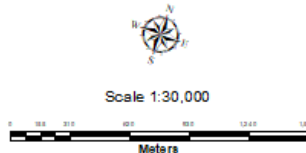


### Legend

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

**CITY OF LONDON**  
 Planning Services /  
 Development Services  
 OFFICIAL PLAN SCHEDULE A  
 - LAND USE -

PREPARED BY: Graphics and Information Services

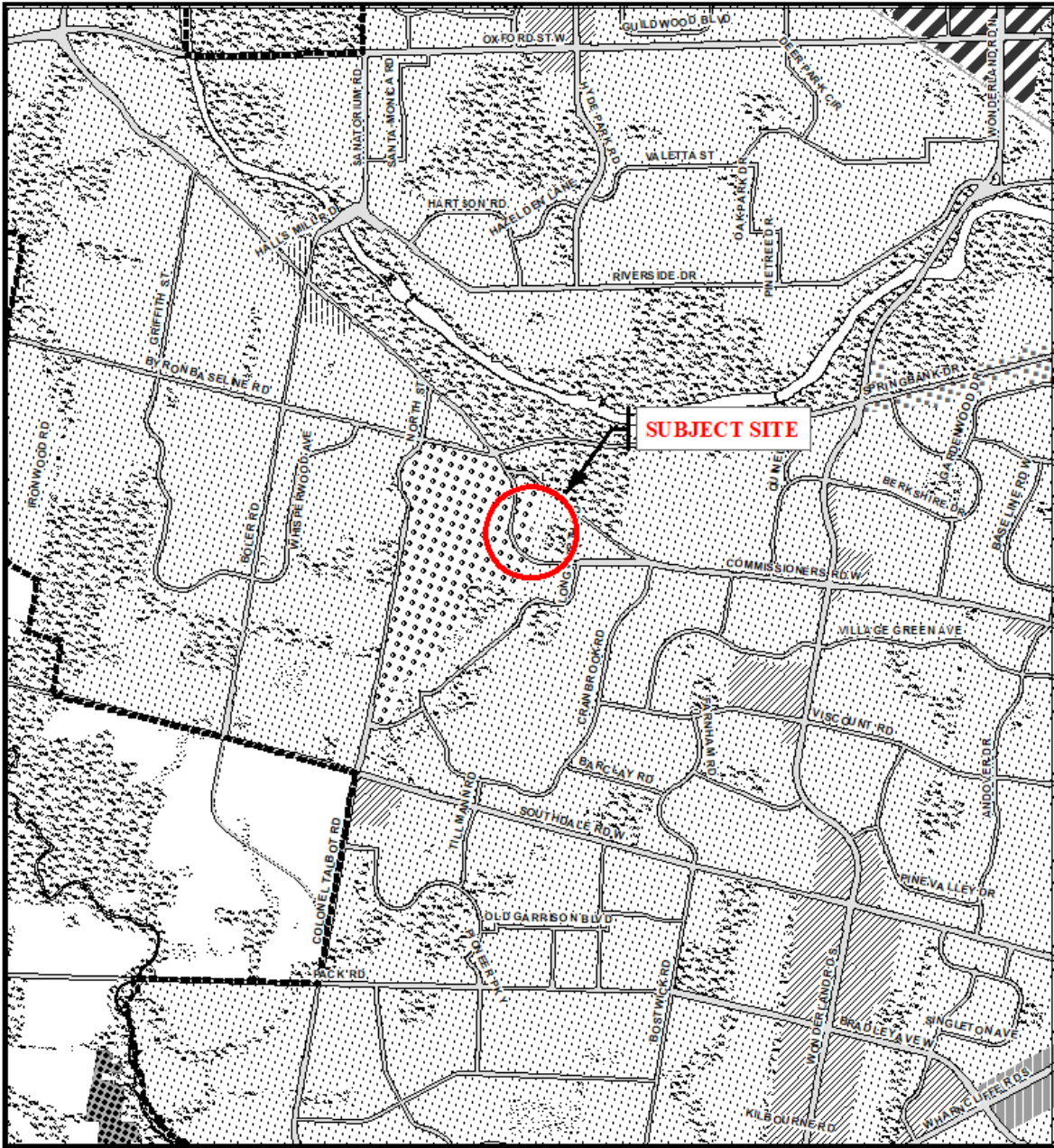


FILE NUMBER: Z-8915

PLANNER: MC

TECHNICIAN: MB

DATE: 2018/09/25



**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.*

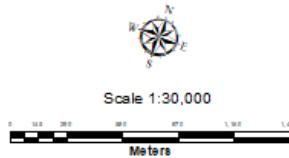
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
Development Services

**LONDON PLAN MAP 1  
- PLACE TYPES -**

PREPARED BY: Planning Services



**File Number:** Z-8915

**Planner:** MC

**Technician:** MB

**Date:** September 25, 2018