



**2411061 Ontario Inc.**

# **Zoning By-law Amendment**

**Planning Justification Report**

**1210 – 1240 Wharncliffe Road South, London, Ontario**

**July 2024 - 22-3997**

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## Acronyms List

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OP	Official Plan
OS	Open Space
PPS	Provincial Policy Statement
RSC	Restricted Commercial Service Zone
R5	Residential Zone
SWAP	Southwest Area Secondary Plan
SWM	Stormwater Management
UR4	Urban Reserve Zone
ZBL	Zoning By-Law

## 1.0

# Introduction

## 1.1

## Purpose

Dillon Consulting Limited (Dillon) has been retained by the owners of 1210 & 1240 Wharncliffe Road South, hereinafter referred to as the “Applicant”, to assist in obtaining the necessary planning approvals associated with a proposed residential development on a portion of two parcels municipally known as 1210 & 1240 Wharncliffe Road South, herein referred to as the “Subject Site”, in the City of London.

The Subject Site is designated accordingly in the City of London – London Plan and Zoning By-law (ZBL) as follows:

### **City of London – London Plan – Place Types:**

- Commercial Industrial and Neighbourhoods

### **City of London – London Plan – Southwest Area Secondary Plan:**

- Commercial and Medium Density Residential

### **City of London Zoning By-law:**

- Restricted Service Commercial Zone (RSC1/RSC3/RSC4/RSC5), Urban Reserve Zone (UR4)

The Applicant is requesting that Council approve an amendment to the City of London Zoning By-law from the RSC1/RSC3/RSC4/RSC5 and UR4 zone to a site-specific R5-7 zone on a portion of the property to permit proposed development consisting of 108 unit stacked townhouse. The proposed development will require special provisions to the R5-7 zone to permit a reduced lot frontage as well on-site parking relief. The proposed development will conform to the remaining provisions of the R5-7 zoning category as outlined in the City of London Zoning By-law No. Z-1. The Applicant will be submitting a Site Plan Approval Application concurrently with the Zoning By-law Amendment Application. A future consent application will also be submitted to sever the lands not included in the development area.

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Formal Pre-application Consulting Meeting comments detailing requirements for a complete submission were received on July 14, 2022.

## 1.2 Description of Site

The Subject Site is located on the southeast side on Wharncliffe Road South between Bradley Avenue and Legendary Drive. The Subject Site consists of two properties municipally known as 1210 and 1240 Wharncliffe Road South, and legally described as Con 2 Part Lot 33 on 33R 13392 in City of London (refer to **Figure 1.0 - Location Map**).

The Subject Site is irregular in shape and measures approximately 5.12 hectares (ha) (12.65 acres [ac]) in size with a frontage of approximately 120.20 metres (m) on Wharncliffe Road South, which is considered a Civic Boulevard on Map 3 – Street Classification of the London Plan. The Subject Site is currently developed with two vacant commercial buildings and associated surface parking areas, which front on to Wharncliffe Road South. There is a substantial vacant portion at the rear of the site.

## 1.3 Surrounding Land Use

The Subject Site is situated in the Longwoods community in southwest London and is surrounded by a range of land uses including commercial, residential and open space. As shown in **Figure 2.0 - Surrounding Land Uses**, the site is surrounded by the following land uses:

### North

- Commercial Industrial Place Type
- Restricted Service Commercial (RSC1/RSC2/RSC3/RSC4/RSC5) Zone
  - Teppermans London Furniture Store
  - Lighting Shoppe Inc.
  - Auto Commercial uses

### East

- Neighbourhood Place Type
- Residential (R4-4/R5-7/R1-3)
  - Single detached dwellings

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**South**

- Commercial Industrial and Neighbourhoods Place Type
- Urban Reserve (UR6) Zone
- Existing Uses: Agricultural

**West**

- Commercial Industrial and Neighbourhoods Place Type
- Restricted Service Commercial (RSC1/RSC2/RSC3/RSC4/RSC5) Zone
  - Auto Commercial Uses
- Community Shopping (CSA5) Zone
  - Vacant
- Residential (R5-4/R6-5)
  - Street townhouses

Local bus transit stops for route 12 is located approximately 400 metres from the Subject Site on Wharncliffe Road South. The Subject Site is situated within close proximity to Ontario Highway 402, which is approximately 3.8 kilometre (km) south or a 4-minute drive.

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## 2.0 Proposed Development

### 2.1 Development Concept

The rear portion of the Subject Site (1.98 ha/4.90 ac) is proposed to be developed with a stacked townhouse development with direct accessed from Lismer Lane. The existing commercial structures and surface parking areas on the undeveloped portion of the Subject Site are proposed to remain and will ultimately be severed in a future planning application.

The proposed development will consist of 11 stacked townhouse blocks containing 108 residential units. A total of 76 parking spaces (0.7 spaces/unit), including 22 visitor spaces and 6 accessible spaces will be provided on site and located in a surface parking area. The proposed development will be accessed by an extension of cul-de-sac Lismer Lane, and a private right-of-way will connect to this cul-de-sac to provide vehicular access through the site. The proposed development further a storm water management (SWM) pond along the eastern property line. A future easement is proposed to provide a pedestrian pathway with linear access from Wharncliffe Road (west) to Lismer Lane (east). **Figure 3.0 – Conceptual Development Plan** illustrates the proposed development on the site.

### 2.2 Proposed Application

The Subject Site is currently zoned Restricted Service Commercial Zone (RSC1/RSC3/RSC4/RSC5) and Urban Reserve Zone (UR4) in the City of London Zoning By-law (ZBL). The Restricted Service Commercial zone permits a wide range of moderate intensity commercial uses and trade services. The Urban Reserve Zone (UR4) permits the following uses: existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, farm gate sales, kennels, riding stables, private outdoor recreation clubs. The UR4 zone is intended for areas which residential development is anticipated. The current zoning does not permit cluster stacked townhouse dwellings. The proposed development will require a Zoning By-Law Amendment to change the zone from RSC1/RSC3/RSC4/RSC5, and UR4 to a site-specific Residential (R5-7) Zone. (see **Figure 4.0 – Proposed Zoning By-law Amendment**).

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The site specific provisions that the proposal is seeking relief in the R5-7 (XX) zone including:

- Reduce the minimum lot frontage from 30.0 metres to 13.0 metres;
- Reduce the minimum off-street parking requirement for the stacked townhouse development from 1.0 per unit to 0.7 per unit.

These will be outlined more specifically in **Section 3.4** of this report.

## 3.0

## Planning Evaluation

To determine the feasibility and appropriateness of the proposed development, a comprehensive evaluation of the potential planning issues and impacts has been undertaken. The scope and level of detail of the planning evaluation has been based on:

- Provincial Policy Statement (2020);
- The London Plan (2022)
- Southwest Area Secondary Plan (2019)
- City of London Zoning By-law Z.1

Recognizing that overlaps exist between the various policies and criteria in the applicable planning framework, the approach used attempts to consolidate the relevant policies and criteria and identify and evaluate the potential planning and land use related issues associated with the proposed residential development.

## 3.1

### Provincial Policy Statement

The Provincial Policy Statement (PPS) promotes the development of ‘Strong, Healthy Communities’ through the redevelopment of lands for an appropriate mix of uses, which include residential uses. The proposed uses must be “consistent with” the PPS and as a broad and general document, the applicants must, through analysis of the policies, determine how the proposed use is appropriate and advances the Province’s interests. There are a number of sections of the PPS that apply to the proposed development.

Our analysis suggests that the proposed residential development is consistent with the applicable policies of the PPS including:

- Section 1.1.1, relating to sustaining healthy, liveable and safe communities;
- Section 1.1.2, relating to land availability;
- Section 1.1.3, relating to settlement areas;
- Section 1.2.6, relating to land use compatibility;
- Section 1.4; relating to housing;
- Section 1.5.1; relating to Public Spaces, Recreation, Parks, Trails and Open Space;
- Section 1.6, relating to infrastructure and public service facilities;
- Section 1.6.6, relating to sewage, water, and stormwater;

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- Section 1.6.7, relating to transportation systems;
- Section 1.7, relating to long-term economic prosperity; and
- Section 1.8, relating to energy conservation, air quality and climate change.

See the Provincial Policy Statement for further reference.

### 3.2 The London Plan (Official Plan [OP])

The London Plan has been established on a foundation of values, a clear vision and eight key directions that will guide City Council’s planning and City building activities. The vision for this plan aims to provide focus for all of the City’s planning decisions.

The Subject Site is located within the Commercial Industrial and Neighbourhood Place Type, as Illustrated on **Figure 5.0 – London Plan (OP)**. The Neighbourhood place type is intended to be vibrant, with exciting places to live, that help us connect with one another and give us a sense of community well-being and quality of life. Some key elements of the City’s vision for the Neighbourhood Place Type include: strong neighbourhood character, sense of place & identity, attractive streetscapes & buildings, a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods, and easy access to daily goods and services within walking distances.

The Subject Site fronts a Civic Boulevard (Wharncliffe Road South) according to Map 3 – Street Classifications in the London Plan. The permitted uses of a Neighbourhood Place fronting a Civic Boulevard are: stacked townhouses, fourplexes, low rise apartments, emergency care establishments, rooming houses, supervised correctional residences. In addition to permitted uses as per Neighbourhood Connector and Neighbourhood Street which permit a range of low-density residential uses.

Section 919 of the London Plan indicates that the approach for the Neighbourhood Place Type is as follow:

- The range of uses that may be permitted on a property, and the intensity of development that may be allowed, will be related to the classification of street onto which the property has frontage.

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- In conformity with Tables 10 to 12 properties fronting onto major streets may allow for a broader range of uses and more intense forms of development than those fronting onto minor streets.
- In conformity with Tables 10 to 12 if a property is located at the intersection of two streets, the range of permitted uses may broaden further and the intensity of development that is permitted may increase.
- In conformity with Tables 10 to 12 properties fronting onto parks may also be allowed a broader range of uses and greater intensity of development.
- In general terms, the intent of this approach is to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an appropriate mix of uses, affordability, aging in place, and vibrant, interesting communities.

Our analysis suggests that the proposed development is consistent with the following policies of the London Plan:

- Section 3, relating to Strategy
- Section 5, relating to City Building Policies
- Section 6, relating to Place Type Policies
- Section 9, relating to Our tools

These policies are found on the City of London will be referenced throughout the remainder of this report.

### 3.3 Southwest Area Secondary Plan (SWAP)

The Southwest Area Secondary Plan (SWAP) provides principles and policies to develop southwest London as a vibrant community with elements of mixed-use and an increased range and density of residential built form. The Subject Site is located in the North Longwoods Residential Neighbourhood within the greater plan of Secondary Plan which intends to provide opportunities to increase housing choices while maintaining the existing neighbourhood character.

The subject lands are located within the Commercial and Medium Density Residential land use designation in the North Longwoods Residential Neighbourhood, as illustrated on **Figure 6.0 – Southwest District Secondary Plan**. The Medium Density Residential designation is intended to provide a higher intensity of residential development. The

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proposed residential development will complement similar medium density housing existing in the community, which is found directly east of the subject site on Emily Carr Lane and Lismer Lane.

Our analysis suggests that the proposed development is consistent with the following policies of the SWAP:

- Section 20.5.14, relating Principles of the Secondary Plan
- Section 20.5.2, relating Community Structure Plan
- Section 20.5.3.8, relating Transportation
- Section 20.5.3.9, relating Urban Design

### 3.4 City of London Zoning By-law Z-1

The City of London Zoning By-law Z-1 (ZBL) implements the policies the London Plan by regulating built form and land uses throughout the City.

The Subject Site is currently zoned Restricted Service Commercial Zone (RSC1/RSC3/RSC4/RSC5) and Urban Reserve Zone (UR4) in the City of London Zoning By-law (ZBL). The Restricted Service Commercial zone permits a wide range of moderate intensity commercial uses and trade services. The Urban Reserve Zone (UR4) permits the following uses: existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, farm gate sales, kennels, riding stables, private outdoor recreation clubs. The UR4 zone is intended for areas which residential development is anticipated. The proposed residential development does not fall within any of these permitted uses and therefore a Zoning By-law Amendment is required to permit the proposed use. The applicant is requesting an amendment from RSC1/RSC3/RSC4/RSC5, and UR4 to a site specific R5-7 zone. The lands in the northwest portion of the site will remain RSC1/RSC3/RSC4/RSC5 as illustrated on **Figure 7.0 – Existing Zoning**.

The R5-7 zone permits use of a cluster townhouse dwelling. The lands proposed to be zoned R5-7 would have a total area of approximately 1.98 hectares (4.90 ac). The proposed developments meet the following provisions of the R5-7 zone:

**Table 1: Proposed R-5(7) Zoning Compliance**

<b>Zoning Provisions</b>	<b>Required in R5-7 Zone</b>	<b>Proposed Post Severance</b>
Use	a) Cluster townhouse dwellings; b) Cluster stacked townhouse dwellings c) dwellings	Cluster stacked townhouse dwellings
Lot Size - Area (minimum [min])	1,000 square metre (m <sup>2</sup> )	19,828 m <sup>2</sup>
Lot Frontage (min)	30.0 m	<b>13.0 m (Lismer Lane)<sup>1</sup></b>
Front Yard (min)	6.0 m	6.0 m
Interior Side Yard (min)	3.0 m	6.0 m
Exterior Side Yard (min)	3.0 m	Not Applicable
Rear Yard (min)	6.0 m	10.12 m
Landscaped Open Space (min)	30%	44%
Lot Coverage (maximum [max])	45%	18.5%
Building Height (max)	12.0 m	12.0 m
Density (units/ha) (max)	60 units/ha	35 units/ha

As indicated in the table above, special provisions to the R5-7 zone will be required to permit a reduced lot frontage on the subject site. Following a future severance of the property, the subject site will have a new street frontage on Lismer Lane. Due to the lot configuration and minimal access potential to Lismer Lane, the Applicant is requesting a reduced lot frontage from 30.0 metres to 13.0 metres.

The Zoning By-law (Section 3.19) requires off-street parking requirements of 1 parking space per unit for a cluster townhouse use. The proposed development containing 108 stacked townhouse unit would require 108 parking spaces. A total of 76 parking spaces are proposed to accommodate the proposed development representing a reduction of 32 parking spaces. The Applicant is requesting a special provision to reduce the parking space requirements from 1.0 per unit to 0.7 per unit. The proposed reduction recognizes

<sup>1</sup> **Bold** indicates special provision required.

the demand for parking generated by residential uses and would be mitigated by the close proximity to Wharncliffe Road South for access of public transit and bike lanes to the Subject Site. The reduced parking will encourage alternate forms of transportation.

### 3.5 Planning Analysis and Considerations

Municipalities in Ontario are required under Section 3 of the Planning Act to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The PPS includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns. According to the PPS, healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns, while accommodating a range and mix of housing, including affordable housing, which sustain the financial well-being over the long term, and promote cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(c)(e)).

The proposed development is consistent with these policies by encouraging the use of underutilized lands, by proposing an intensification of land uses with a cluster stacked townhouse development that can exist in harmony with the surrounding land uses (London Plan, Chapter 5 - 193 (2)).

The proposed development includes 108 cluster stacked townhouse units, together with amenity space, visitor parking, and a private roadway that will provide access for the units. The proposed development will provide an increase in density, which is compatible with the contextual surrounding land uses and neighbourhood (London Plan, Chapter 3 - 62 (9), Chapter 5 - 193 (2)).

#### 3.5.1 Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. According to the PPS, settlement areas should be the focus of growth and development and that their regeneration shall be promoted (PPS, 1.1.2, 1.1.3.1). The proposed development will support population growth and intensification on fully serviced lands within the City's Urban Growth Boundary by introducing 108 cluster stacked townhome units.

The proposed development promotes growth and vitality within the Urban Growth Boundary. It encourages a denser land use pattern which efficiently uses land and resources. The proposal provides for an opportunity for the intensification of lands on a designated Civic Boulevard, which is appropriately situated in access to existing infrastructure and public service facilities available to accommodate projected needs (PPS, 1.1.3.4; London Plan, Chapter 9, 1570). The Subject Site is adjacent to other residential buildings, office space, a commercial corridor, and is located within the City of London's Neighbourhood Place Type (London Plan) which permits residential uses that support intensification (London Plan, Chapter 6, 919, 937).

### 3.5.2 Land Use

The Subject Site is located on lands designated as Commercial Industrial and Neighbourhoods Place Type in the London Plan, as well designated Commercial and Medium Density Residential in the Southwest Area Secondary Plan (SWAP). The proposed development promotes the intensification of an underutilized, predominantly vacant site on an aerial road (SWAP 20.5.2). It is directly adjacent to single detached dwellings to the east, commercial uses to the north and west, and vacant land to the south. The surrounding uses do not present any potential adverse effects from odour, noise and other contaminants to the proposed amendment of this residential development (PPS, 1.2.6.1).

The PPS states that major facilities and sensitive land uses should be planned to ensure they are buffered and/or separated from each other (PPS, 1.2.6.1). This is to ensure that adverse effects from odour, noise and other contaminants are prevented or mitigated, and that the risk is minimized for public health and safety. The development as proposed will not have any impact on existing residents (PPS, 1.1.1).

This application proposes to establish a compatible land use on the subject land which is located on lands currently designated Neighbourhood Place Types (London Plan, Chapter 6, 921). The proposed development complies with the existing planning framework articulated in the Official Plan and an Official Plan Amendment is not required to implement the development proposal.



### 3.5.3 Housing

The PPS speaks to providing for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market (PPS, 1.4.1). The proposed residential development will help increase the amount of housing and diversify the existing housing stock in the surrounding area, which is predominantly, single detached dwellings (SWAP 20.5.1.4).

The proposed residential intensification will help the City to meet the social, health and wellbeing requirements of current and future residents and promote increased densities which efficiently use land, resources and infrastructure (PPS, 1.4.3.) (London Plan, Chapter 5, 505). Additionally, the proposed development supports the housing policies in the London Plan, particularly by helping provide an appropriate mix of housing options (London Plan, Chapter 6, 958 – 3).

### 3.5.4 Transportation

The PPS encourages developments that promote a dense land use pattern which minimizes the length and number of vehicle trips, and encourages the use of transit and active transportation methods (PPS, 1.6.7.4 & 1.8.1(b)). The proposed residential development will be serviced by an existing local road. The proposed private right-of-way width which will serve internal circulation will be 6.10 m and a pedestrian sidewalk running through the site will be provided (London Plan, Chapter 5, 698). The proposed development includes a multi-use trail connecting Wharncliffe Road South to Lismer Lane. The Subject Site is serviced by transit stops along Wharncliffe Road South which will provide convenient, public transportation access for residents of the proposed development. These pedestrian connections will promote active forms of mobility (London Plan, Chapter 5 727; SWAP 20.5.3.8).

### 3.5.5 Infrastructure

The proposed residential development promotes the efficient use and optimization of municipal sewage and water services that will ensure that sewage and water services provided comply with all regulatory requirements and protect human health and natural environment (PPS, 1.6.6 (a) (b), 1.7.1 (b)) (London Plan, Chapter 6, 918 (10)). The proposed development will require an extension of nearby municipally owned and operated infrastructure (PPS, 1.6.6.2).

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Sustainable site design and pedestrian network policies have also been considered in the proposal (PPS 1.5 (a)). The proposed development will have direct access, via individual driveways to the proposed rights-of-ways. The proposed sidewalk and multi-use trail network will provide connections to active transportation linkages (London Plan, Chapter 5, 727). These sidewalks will be barrier free and maintained to provide accessible travel for all residents and pedestrians and will promote the use of City buses, walking and cycling to school or work, for travel, exercise, recreation, and social interaction (London Plan, Chapter 3, 59 (6,7)).

### 3.5.6 Urban Design

The proposed development is compatible with the surrounding land uses in the neighbourhood and fits with the character of the area. The height, massing, and scale of the proposed residential dwellings will be compatible to the existing dwellings adjacent to the Subject Site and within the surrounding area (SWAP 20.5.3.9). Detailed design elements of the proposed development will be address thoroughly during the Site Plan Approval stage.

### 3.5.7 Economic Prosperity

The proposed residential development provides real estate investment in The City of London that promotes underutilized lands (PPS, 1.7.1). The proposed development is supported by the demand for residential development in The City of London. The proposed residential development in the form of 108 cluster townhome units will increase tax revenue for The City and will promote long-term economic prosperity (PPS, 1.7.1 (a), (b)).

### 3.5.8 Energy Conservation, Air Quality and Climate Change

The proposed development promotes compact form and enables the use of active transportation. The proposed sidewalks will promote the use of non-automotive forms of transportation (London Plan, Chapter 5, 727). These factors combined may contribute to positive climate change.

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## Conclusion

After reviewing relevant policies and guidelines, it is my professional opinion that the proposed Zoning By-law Amendment is consistent with the intent of the PPS, Southwest Area Secondary Plan and the London Plan. The proposed stacked townhouse development will efficiently utilize existing services, and will provide an alternative form of housing to the area.

The Subject Site's current Zoning By-law designation Restricted Service Commercial Zone (RSC1/RSC3/RSC4/RSC5) and Urban Reserve Zone (UR4) does not permit the proposed residential use, and as such a Zoning By-law Amendment is required. The requested amendment is to rezone a portion of the Subject Site from RSC1/RSC3/RSC4/RSC5, and UR4 zone to a site-specific R5-7 zone with special provisions. A future consent application will also be submitted to sever the lands not included in the development area.

Based on an extensive review of the existing planning framework and site context, the proposed development is appropriate for the site and consistent with good planning principles. We recommend that the Zoning By-law Amendment application, as submitted, be approved for the following reasons:

1. The proposed use is consistent with the Provincial Policy Statement, outlined in **Section 3.1**.
2. The proposed use conforms to the policies in the London Plan outlined in **Section 3.2** of this report.
3. The proposed residential development will co-exist in harmony with the adjacent land uses, as the surrounding area has low and medium density residential dwellings.
4. The proposed development can add to the vitality of the area while supporting the efficient use of land and existing infrastructure.
5. The proposed Zoning By-law Amendment will help provide for a diverse housing type and support the development of needed housing in The City of London as a whole.
6. The proposed infill development promotes compact form and intensification near a commercial corridor.
7. The proposed Zoning By-law Amendment will help support a more dense and compact residential development.

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8. The proposed Zoning By-law Amendment will introduce appropriate land use classifications to address the proposed development and site specific regulations to the R5-7 zone address the following:
- Reduce the minimum required lot frontage from 30.0 metres to 13.0 metres
  - Reduce the minimum off-street parking requirement for the stacked townhouse development from 1.0 per unit to 0.7 per unit

The site specific zoning regulation are appropriate and suitable to achieve the goals of compact urban form and the intensification of a vacant site.

Dillon Consulting Limited



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