

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Sifton Properties Limited
3975 Stewart Avenue
File Number: Z-9754, Ward 12
Public Participation Meeting

Date: September 10, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 3975 Stewart Avenue:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 24, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone, **TO** a Residential R5 and R6 Special Provision (R5-4(_)/R6-5(_)) Zone.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *PPS 2020*;
 - ii) The recommended amendment conforms to *The London Plan*;
 - iii) The recommended amendment conforms to the *Southwest Area Secondary Plan*; and,
 - iv) The recommended amendment will permit development that is considered appropriate and compatible with the existing and future land uses surrounding the subject lands.
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
- i) provision of short-term public bicycle parking in the development of each block through the site plan process;
 - ii) street oriented design and safe and accessible pedestrian connections;
 - iii) Landscaping to include a minimum 50% native species, with no invasive species planted;
 - iv) Investigate renewal sources of energy such as solar for the roof and sides of the building, and geothermal for interior heating and cooling;
 - v) Investigate air source heat pump options;
 - vi) Apply bird friendly policies using the CSA standard.

Executive Summary

Summary of Request

The Applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone to a Residential R5 and R6 Special Provision (R5-4(_)/R6-5(_)) Zone.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is for Municipal Council to approve the recommended Zoning By-law Amendments to permit the development of a residential apartment building that allows seniors apartment buildings and retirement lodges as additional permitted uses. The Zoning By-law Amendment could contribute **approximately 121 new residential dwelling units** in the City of London.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form; and,
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

May 12, 2003 – Report and Public Participation Meeting to Planning Committee recommending adoption of North Longwoods Area Plan (O-6424).

November 29, 2004 – Report and Public Participation Meeting to Planning Committee recommending refusal of Official Plan and Zoning By-law Amendments (OZ-6638).

February 19, 2012 – Report to Planning and Environment Committee on Stormwater Management (SWM) Facility Land Acquisition Agreement (39T-15501).

December 12, 2016 – Report and Public Participation Meeting to Planning and Environment Committee regarding Draft Plan of Subdivision and associated Zoning By-law Amendments (39T-15501/Z-8470).

May 31, 2018 – Report to Approval Authority recommending approval of Consent Application (B.009/18).

April 15, 2019 – Report to Planning and Environment Committee on Richardson (Middleton) Subdivision, Phase 1A Special Provisions for Subdivision Agreement (39T-15501).

December 13, 2019 – Report to Approval Authority recommending approval of Consent Application (B.045/19).

October 14, 2021 – Report to Committee of Adjustment regarding minor variance requests for a condominium development and apartment development (A.136/21).

1.2 Planning History

This application is for Block 46 of Phase 1A of the Richardson (Middleton) Subdivision. On January 27th, 2017, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-769 on October 9th, 2019. The final plan consisted of 42 single detached residential lots, two (2) medium density residential blocks, two (2) open space blocks, and two (2) neighbourhood streets.

On December 19th, 2016, Municipal Council passed a Zoning By-law amendment to change the zoning from Urban Reserve (UR6) Zone, a Holding Light Industrial (h-17*LI3) Zone, and an Environmental Review (ER) Zone to a Holding Residential R5 Special Provision (h*h-100*h-198*R5-4(23)) Zone and a Holding Residential R6 Special Provision (h*h-100*h-198*R6-5(51)) Zone for Block 46 of Registered Plan of Subdivision 33M-769. This amendment was brought forward to facilitate the development of a residential subdivision consisting of low and medium density forms of housing.

Applications for Site Plan Approval, Removal of Holding Provisions and Minor Variances were received and accepted (SPA21-047, H-9375, A.136-21). The Minor Variance Application was heard by the Committee of Adjustment on October 14, 2021.

1.3 Property Description and Location

The subject property is located west of Stewart Avenue, south of Kennington Way, north of Exeter Road and east of Middleton Avenue. The proposal consists of the southern portion of one medium density residential block within a Registered Plan of Subdivision (Block 46 of Plan 33M-769). The site has full access to municipal services and is in an area which is planned for future growth.

Site Statistics:

- Current Land Use: vacant
- Frontage: 76.4 Metres (250 ft)
- Depth: Varies
- Area: 0.74 hectares (1.8 Acres)
- Shape: Regular (rectangle)
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North – Light Industrial and Low-Density Residential
- East – Medium-Density Residential
- South – Light Industrial
- West – Light Industrial

Existing Planning Information:

- The London Plan Place Type: Neighbourhoods on a Civic Boulevard
- Existing Zoning: Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone

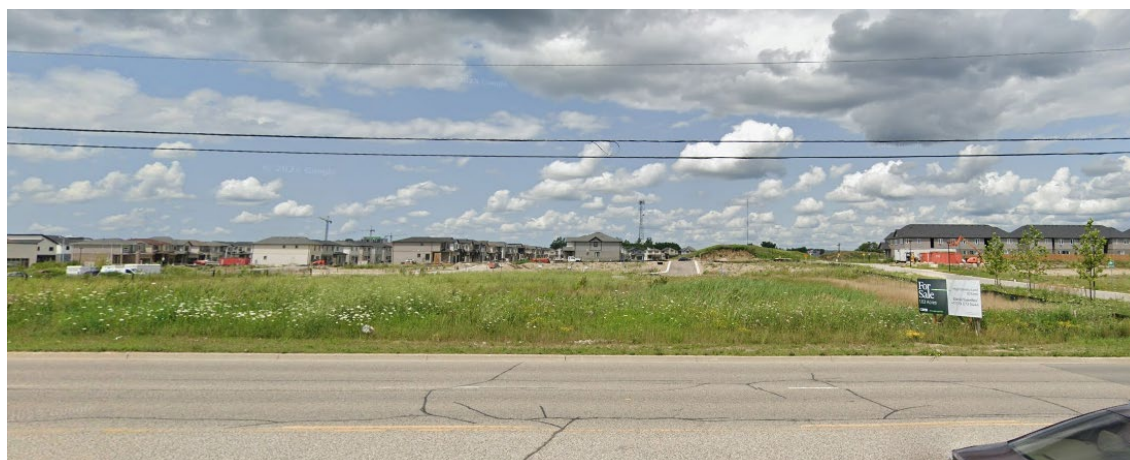
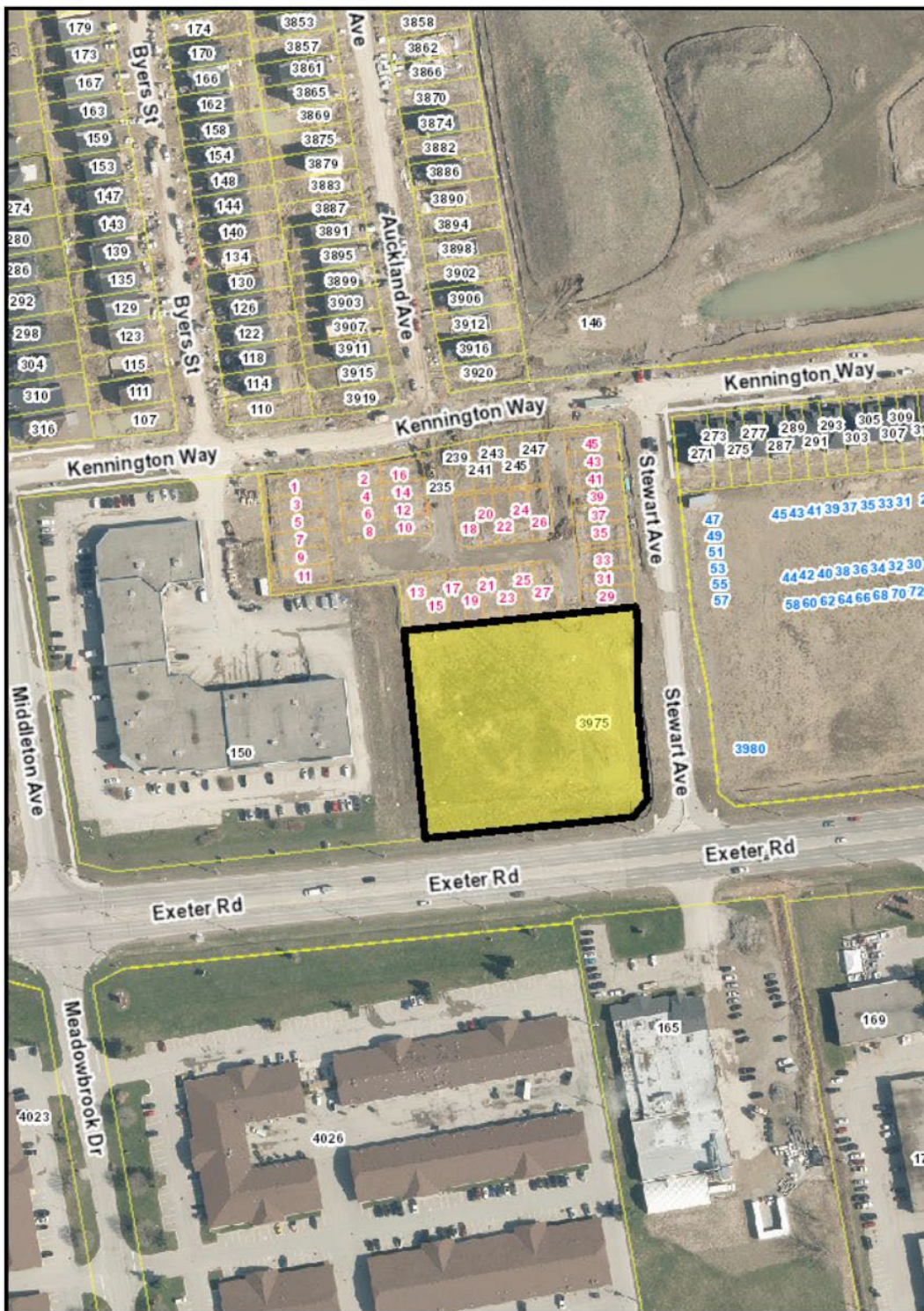








Figure 1 - Streetview of 3975 Stewart Avenue (view looking north from Exeter Road)

1.4 Location Map



| Location Map | | Legend | |
|-----------------------------------|---------------------------|---|--------------------|
| Project Title: | 3975 Stewart Ave |  | Subject Site |
| Applicant: | SIFTON PROPERTIES LIMITED |  | Parks |
| File Number: | Z-9754 |  | Assessment Parcels |
| Created By: | Juliana Irving |  | Buildings |
| Date: | 8/8/2024 |  | Address Numbers |
| Scale: | 1:2000 | | |
| Corporation of the City of London | |  | |

2.0 Discussion and Considerations

2.1 Development Proposal

The requested Zoning By-law Amendment would facilitate the development of a nine (9) storey apartment building, comprised of a four (4) storey podium and an addition five (5) storey tower above. Above and below ground vehicle and bicycle parking are proposed to be included within the development, as well as 32 per cent landscaped open space.

The proposed development includes the following features:

- Land use: Residential
- Form: Apartment Building
- Height: 9 storeys (30.7 m)
- Residential dwelling units: 121
- Density: 165 units per hectare
- Gross floor area: 2148 m²
- Building coverage: 29 per cent
- Parking spaces: 40 underground / 89 surface
- Bicycle parking spaces: 61 inside / 30 outside
- Landscape open space: 32 per cent

Additional information on the development proposal is provided in Appendix “B”

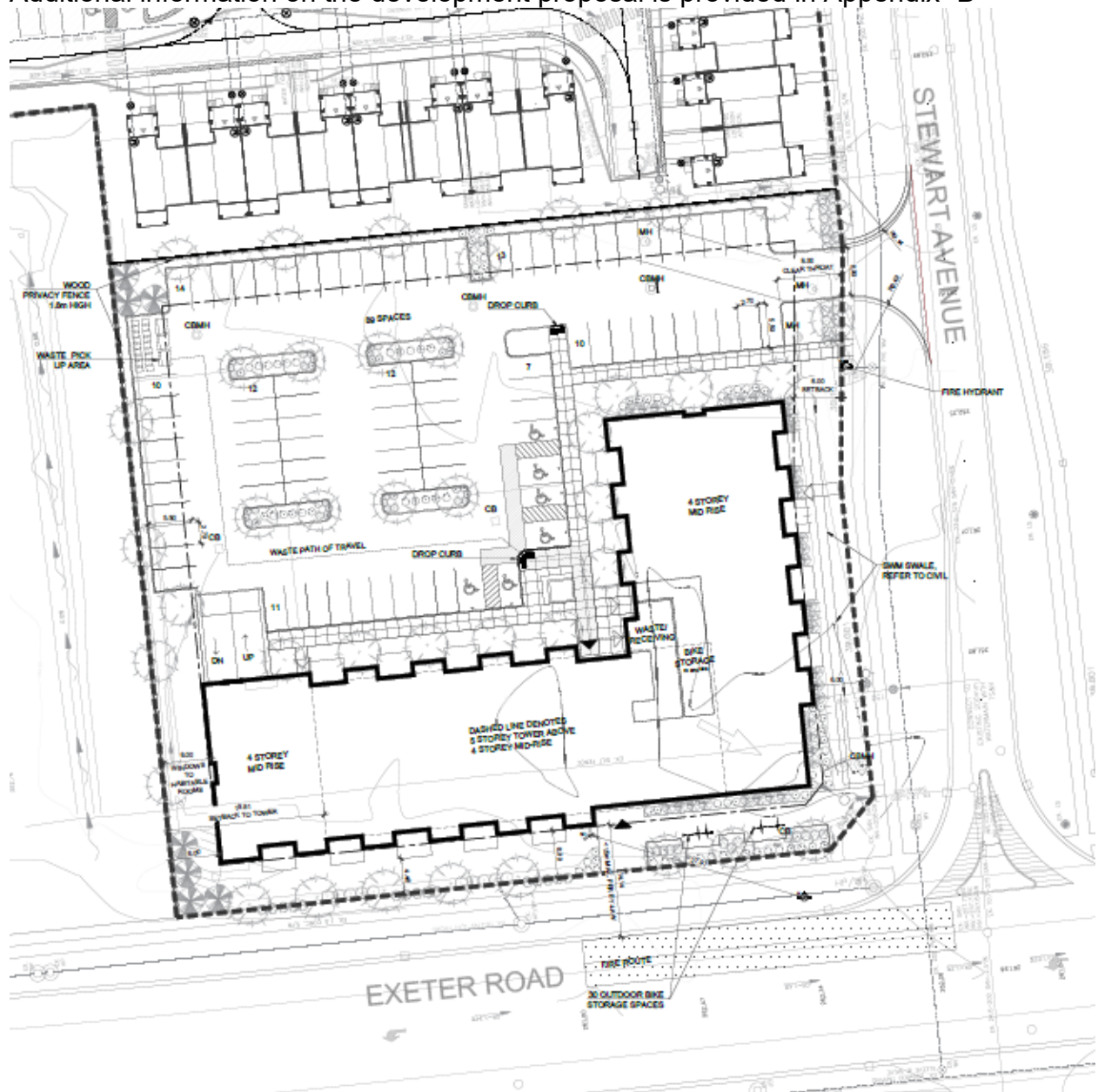


Figure 2 - Conceptual Site Plan (March 2022)



Figure 3 – Elevations / Renderings (March 2022)

Additional plans and drawings of the development proposal are provided in Appendix “C”.

Applications for Site Plan Approval (SPA22-028) and Minor Variances (A.136-21) have been submitted in 2022 and 2021, respectively. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are currently under review. The Minor Variance application requested relief for reduced exterior side yard, front yard, rear yard and interior side yards setbacks, and was heard by the Committee of Adjustment on October 14, 2021. The following Minor Variances were granted approval by the committee:

1. To permit a front yard setback 6.0m (19.7ft), whereas a minimum of 8.0m (26.3ft) is permitted.
2. To permit an interior side yard setback of 6.0m (19.7ft), whereas a minimum of 12.4m (40.7ft) is permitted.
3. To permit a lot coverage of 54%, whereas a maximum of 45% is permitted.
4. To permit a density of 165 units per hectare, whereas a maximum of 100 units per hectare is permitted.
5. To permit 127 off-street parking spaces, whereas a minimum of 152 spaces is permitted.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone, to a Residential R5 and R6 Special Provision (R5-4(_)/R6-5(_)) Zone.

The following table summarizes the special provisions that have been proposed by the Applicant, approved by Minor Variance, and those that are being recommended by Staff. This zoning by-law amendment is contemplating the addition of permitted uses, which wasn't contemplated through the Minor Variance approval. Staff have included the removal of the holding provisions.

| Regulation R5-4(_) | Required | Proposed |
|--|-----------------|-----------------|
| Front and Exterior Side Yard Depth to Main Building (Minimum) | 8.0 Metres | 3.0 Metres |
| Front and Exterior Site Yard Depth to Sight Triangle (Minimum) | 8.0 Metres | 0.8 Metres |

| Regulation R5-4() | Required | Proposed |
|---|---|---|
| Interior Side and Rear Yard Setback (Minimum) | 6.0 metres | 3.0 Metres |
| Lot Coverage (Maximum) | 45 per cent | 55 per cent |
| Density (Maximum) | 100 units per hectare | 165 units per hectare |
| Height (Maximum) | 12 Metres (4 storeys) | Nine (9) Storeys |
| Off-Street Parking (Minimum) | 1 space per unit | 121 space (1 space per unit) |
| Regulation R6-5() | Required | Proposed |
| Permitted Uses | Single detached dwelling; Semi-detached dwelling; Duplex dwelling; Triplex dwelling; Townhouse dwelling; Stacked Townhouse dwelling; Apartment buildings; and, Fourplex dwelling; | Seniors Apartment Buildings and Retirement Lodges |

2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

No issues identified by staff and agencies.

Detailed internal and agency comments are included in Appendix “D” of this report.

2.4 Public Engagement

On July 5, 2024, Notice of Application was sent to 39 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 25, 2024. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is Staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

Policy Sections 1.1.1, 1.1.3 and 1.6 requires land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. This contributes to resilient development and the creation of healthy, livable, and safe communities. This proposal will develop a vacant site within the settlement area that has full access to municipal services, as well as provide a range of housing in compact form for current and future residents (Section 1.4). The subject lands are designated and intended, over the long term, to be used for multiple-dwelling, low to medium density residential uses.

The compact form, mix of uses, and density of the proposal will result in efficient and resilient development, and this will encourage the use of public and active transportation options. This will help to support energy conservation and help to improve air quality, which is consistent with Section 1.8 of the *PPS*. An archaeological study was completed for the subject site and determined there would no impacts to archaeological or cultural resources, which is consistent with Section 2.6 of the *PPS*. The site is also located outside of any natural or man-made hazards, which helps to protecting public health and safety as prioritized in Section 3.0 of the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

The subject lands are located with the Neighbourhoods Place Type at an intersection of a Civic Boulevard, Exeter Road, and a Neighbourhood Street, Stewart Avenue. This Place Type and location based on street classifications permit a range of lower-density residential uses (i.e., single-detached dwellings, semi-detached and townhouses) at a maximum height of 6 storeys. The proposed height of nine (9) storeys is permitted through the Secondary Plan policies outlined in the Southwest Area Secondary Plan.

The vision for the Neighbourhoods Place Type is to ensure that neighbourhoods are vibrant and exciting places that contribute to community well-being and quality of life. This vision is supported by key elements, some of which include: strong neighbourhood character; diverse housing choices; well-connected neighbourhoods; alternatives for mobility; and, parks and recreational opportunities. The proposal is generally in keeping with the vision for the Neighbourhoods Place Type and its key elements. It contributes to a neighbourhood character and provides diversity of housing choice. The site is located close to City owned open space lands and public transportation options on Exeter Road and Wharncliffe Road, which would contribute to a connected and strengthened community that offers convenient alternatives for mobility and accessing services.

Southwest Area Secondary Plan

This site forms part of the Southwest Area Secondary Plan and is subject to the development vision and detailed policies of the Secondary Plan. Additionally, the site forms part of the 'Central Longwoods Neighbourhood' within the greater plan. This secondary plan sets out policy and guidance to create neighbourhoods that have the

following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood.

The lands are designated Medium Density Residential and the policies specific to Medium Density Lands adjacent to Civic Boulevards apply. Development shall occur at a minimum of 30 units per hectare and a maximum of 100 units per hectare. Building heights shall be a minimum of two (2) storeys and a maximum of nine (9) storeys. A residential density exceeding 100 units per hectare (up to 120 units per hectare) may be permitted through a site-specific zoning by-law amendment, site plan application, and associated urban design review. The proposal will contribute to a range of dwelling types in the area as required in section 50.5.3.1 Housing, in a compact form of development, which could contribute to a reduction of land and energy, as set out in section 20.5.3.2 Sustainable/Green Development.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application, fees, development charges and taxes will be collected. There will be increased operating and maintenance costs for works being assumed by the City.

4.0 Key Issues and Considerations

4.1 Land Use

The requested Residential R5 and R6 Zones, with the additional permitted uses of Senior Apartments and Retirement Lodges, would provide a mix of housing choices in compact form that are street oriented, which contributes to a safe pedestrian environment that promotes connectivity to adjacent lands within the Commercial Industrial and Shopping Area Place Types (TLP 285, 286, 916 and 1578).

There are lands located west and northwest of the subject lands, from the intersection of Wharncliffe Road South and Bradley Avenue, designated within the Shopping Area Place Type that provide for amenities and employment opportunities within a distance appropriate for active transportation (TLP 285, 286, 916 and 1578). The proximity of parks and other open space lands to the southeast provides for recreational opportunities and attractive alternatives for mobility (TLP 916). There are school sites located north of Southdale Road East and West, and east of White Oaks Road. Lands within the Neighbourhoods Place Type are located directly to the north, south, east, and west, and there are additional lands further east within the Neighbourhoods Place Type (TLP 916).

The London Plan provides direction for growth and development that is compact in form and directed to strategic locations, taking into consideration the required infrastructures and services required to support growth. “Inward and upward” growth is emphasized in The London Plan to achieve a compact urban form, and residential intensification is identified as playing a large role in achieving this goal (TLP 79 and 80). The proposed development is located close to the border of the Built Area Boundary, but represents infill development of a vacant and underutilized lot within the Urban Growth Boundary in a use that is in keeping with the surrounding existing and proposed land use.

The proposed development is generally consistent with Zoning By-law Z.-1 and The London Plan and surrounding residential and commercial developments.

4.2 Intensity

Approximately 121 new residential dwelling units are proposed within the Draft Plan of Subdivision, which is approximately 165 units per hectare for the entire subject lands. This exceeds the density permissions of the Low and Medium Density Residential

designations in *SWAP*, but the subject lands are sufficient in size and configuration to accommodate the development. Through the previous minor variance application, both the townhouse block and apartment block, subject lands, were designed and analysed as one development proposal on a single lot. However, through the subsequent site plan applications two separate concept plans were required resulting in two separate density calculations. Therefore, while the proposed density of 165 units per hectare is greater than what is contemplated through *SWAP* and the Zoning By-law, when calculated for the entirety of the townhouse block and apartment block the combined density is approximately 99 units per hectare, which is below the maximum permitted density of 100 units per hectare.

The Residential R5-4 Zone Variation permits a maximum density of 40 units per hectare on a minimum lot area of 1500 square metres, and the Residential R6-5 Zone Variation permits a maximum density of 35 units per hectare on a minimum lot area of 850 square metres. As mentioned above, the approved Minor Variance permits a total density of 165 units per hectare for these lands, similar densities have been considered and permitted in the R6-5 Zone Variation, and similar densities are permitted on lands directly to the north and west. The proposed size the Blocks meet the minimum lot size and are sufficient to accommodate the increased density requested.

Building heights within the Neighbourhoods Place Type, at this location, shall not exceed four (4) storeys. Heights above this, to a maximum of six (6) storeys, may be permitted in conformity with the Our Tools policies of this Plan relating to Zoning to the Upper Maximum Height (Policies 1638 to 1641). A review of, and recommendation for, the permitted heights in The London Plan is to be considered at the September 10, 2024, PEC meeting, the same as this report. The review would permit a maximum height of six (6) storeys at this location. Where the policies of an official plan and a secondary plan conflict, the policies of the secondary plan prevail. *SWAP* permits a maximum height of nine (9) storeys for lands within the Medium Density Residential Designation. The proposed apartment form is in keeping with this permitted maximum height and density.

4.3 Form

As previously noted, the recommended zoning would permit medium density residential development, which can be accommodated on the lands. The recommended zoning would facilitate the development of mid-rise development, which aligns with the form identified as appropriate in The London Plan and is designed with street and pedestrian orientation in mind to promote connectivity. This connectivity could contribute to walkability to support lands to the northwest and northeast in the Shopping Area and Commercial Industrial Place Types.

The policies relating to buildings promote an active street front at a human scale to support pedestrian activity and safety (285 and 286). The built form, site layout, key entrances and streetscape should be designed to establish a sense of place and character consistent with the planning vision of the place type and the surrounding area (197, 202, 221 and 252). The stormwater management complete corridor will help to create a sense of place and community character as an architectural vista, and the urban design brief notes that the street pattern is design such that they terminate around the Corridor. Enhanced landscaping will be considered during the Site Plan stage at the main entrances and gateways will be incorporated to create a sense of place and character, as well as a variety will be included in the building heights, materials and colours.

4.4 Zoning

The existing zoning on the subject site is a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone. The Residential R5-4(23) Special Provision Zone permits cluster townhouse and cluster staked townhouses with a minimum density of 70 units per hectare, a maximum density of 100 units per hectare, and minimum height of two (2) storeys and a maximum height of nine (9) storeys. The Residential R6-5(51) Special Provision Zone permits various forms of cluster housing

from single-detached dwellings to townhouses and apartments, with a minimum density of 70 units per hectare, a maximum density of 100 units per hectare, and minimum height of two (2) storeys and a maximum height of nine (9) storeys.

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone, to a Residential R5 and R6 Special Provision (R5-4(_)/R6-5(_)) Zone.

The Applicant has requested that the items approved under the Minor Variance be included as Special Provisions in the R5-4 Zone, with the additional permitted uses of Seniors Apartments and Retirement Lodges be included in the R6-5 Special Provision Zone. Staff support this request, it is keeping with the intent of the Official Plan, The London Plan and the Zoning By-law, and similar special provisions have been approved previously. Staff have also recommended the removal of the holding provisions, as the requirements for an executed development agreement, servicing, access and street-oriented design can be addressed through the active Site Plan Application.

Conclusion

The proposed amendments are consistent with the Provincial Policy Statement, 2020 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs. The proposed Zoning By-Law Amendment is consistent with the general intent and purpose of The London Plan and the Southwest Area Secondary Plan. No outstanding significant concerns have been identified with the proposed amendments.

The recommended zoning and special provisions of the zoning amendment will permit development considered appropriate and compatible with existing and future land uses in the surrounding area. Therefore, Staff are satisfied that the proposal represents good planning in the broad public interest and recommend approval of this development application.

Prepared by: Alison Curtis, MCIP, RPP
Planner, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

CC: Peter Kavcic, Manager, Subdivisions and Development Inspections
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Michael Harrison, Manager, Subdivision Engineering

HM//BP/AC/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2024\Z-9754 - 3975 Stewart Ave (AC)

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3975
Stewart Avenue

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

NOW 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 3975 Stewart Avenue as shown on the attached map **FROM** a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone, Zone **TO** a to a Residential R5 and R6 Special Provision (R5-4()/R6-5() Zone.
2. Section Number 9.4 of the R5 Zone is amended by adding the following Special Provisions:

R5-4() 3975 Stewart Avenue
 - a. Regulations
 1. Front and Exterior Side Yard Depth to Main Building – 3.0 Metres (Minimum)
 2. Front and Exterior Side Yard Depth to Sight Triangle – 0.8 Metres (Minimum)
 3. Interior and Rear Yard Depth – 3.0 Metres (Minimum)
 4. Lot Coverage – 55% (Maximum)
 5. Density – 165 Units Per Hectare (Maximum)
 6. Height – 9 Storeys (Maximum)
 7. Off-Street Parking – 121 Spaces (1 Parking Space per Unit – Minimum)
3. Section Number 10.4 of the R6 Zone is amended by adding the following Special Provisions:

R6-5() 3975 Stewart Avenue
 - a. Additional Permitted Uses
 1. Seniors Apartment Buildings – Maximum 121 Units
 2. Retirement Lodges – Maximum 150 Beds
3. This Amendment shall come into effect 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.

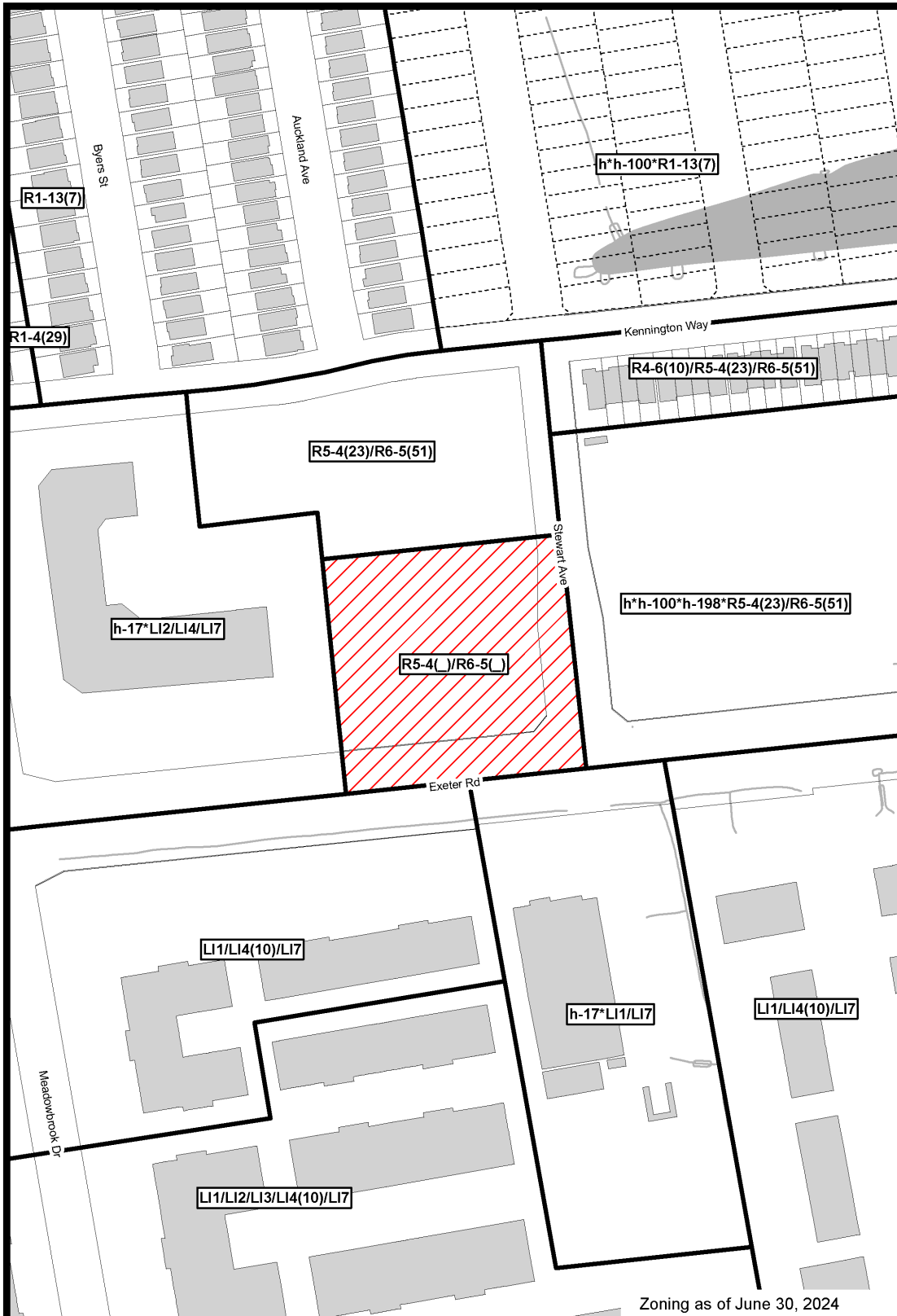
PASSED in Open Council on September 24, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – September 24, 2024
Second Reading – September 24, 2024
Third Reading – September 24, 2024

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



Zoning as of June 30, 2024

File Number: Z-9754
 Planner: AC
 Date Prepared: 2024/08/12
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

| | |
|-----------------------------|---------------------------|
| Current Land Use | Vacant |
| Frontage | 76.4 Metres (250 feet) |
| Depth | Varies |
| Area | 0.74 Hectares (1.8 acres) |
| Shape | Regular (rectangle) |
| Within Built Area Boundary | No |
| Within Primary Transit Area | No |

Surrounding Land Uses

| | |
|-------|--|
| North | Light Industrial and Low-Density Residential |
| East | Medium-Density Residential |
| South | Light Industrial |
| West | Light Industrial |

Proximity to Nearest Amenities

| | |
|----------------------------------|---|
| Major Intersection | Stewart Avenue and Exeter Road, 18.3 Metres |
| Dedicated cycling infrastructure | Wharncliffe Road South, 1139 Metres |
| London Transit stop | Exeter Road, 240 Metres |
| Public open space | Middleton Park, 282 Metres |
| Commercial area/use | Westwood Center, 1500 Metres (residential only) |
| Food store | Loblaws, 1853 Metres (residential only) |
| Community/recreation amenity | Middleton Park, 282 Metres(residential only) |

B. Planning Information and Request

Current Planning Information

| | |
|--------------------------|--|
| Current Place Type | Neighbourhoods |
| Current Special Policies | Minimum density 30 units per hectare, Maximum density 100 units per hectare, minimum height two (2) storeys and maximum height nine (9) storeys. |
| Current Zoning | Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone |

Requested Designation and Zone

| | |
|----------------------------|---|
| Requested Place Type | N/A |
| Requested Special Policies | Reduced setbacks, increased lot coverage, increased height, increased density and additional permitted uses |
| Requested Zoning | Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(_)/R6-5(_)) Zone |

Requested Special Provisions

| Regulation (R5-4)* | Required | Proposed |
|--|------------|------------|
| Front and Exterior Side Yard Depth to Main Building (Minimum) | 8.0 Metres | 3.0 Metres |
| Front and Exterior Site Yard Depth to Sight Triangle (Minimum) | 8.0 Metres | 0.8 Metres |
| Interior Side and Rear Yard Setback (Minimum) | 6.0 metres | 3.0 Metres |

| Regulation (R5-4)* | Required | Proposed |
|------------------------------|---|---|
| Lot Coverage (Maximum) | 45 per cent | 55 per cent |
| Density (Maximum) | 100 units per hectare | 165 units per hectare |
| Height (Maximum) | 12 Metres (4 storeys) | Nine (9) Storeys |
| Off-Street Parking (Minimum) | 1 space per unit | 121 space (1 space per unit) |
| Regulation (R6-5) | Required | Proposed |
| Permitted Uses | Single detached dwelling; Semi-detached dwelling; Duplex dwelling; Triplex dwelling; Townhouse dwelling; Stacked Townhouse dwelling; Apartment buildings; and, Fourplex dwelling; | Seniors Apartment Buildings and Retirement Lodges |

C. Development Proposal Summary

Development Overview

The requested Zoning By-law Amendment would facility the development of a nine (9) storey apartment building, comprised of a four (4) storey base and an addition five (5) storey tower above. Above and below ground vehicle and bicycle parking proposed to be included within the development, as well as 32 per cent landscaped open space.

Proposal Statistics

| | |
|--|--------------------------|
| Land use | Residential |
| Form | Apartment Building |
| Height | 9 Storeys (30.7 metres) |
| Residential units | 121 |
| Density | 165 Units per hectare |
| Gross floor area | 2148 Metres ² |
| Building coverage | 29 % |
| Landscape open space | 32 % |
| New use being added to the local community | No |

Mobility

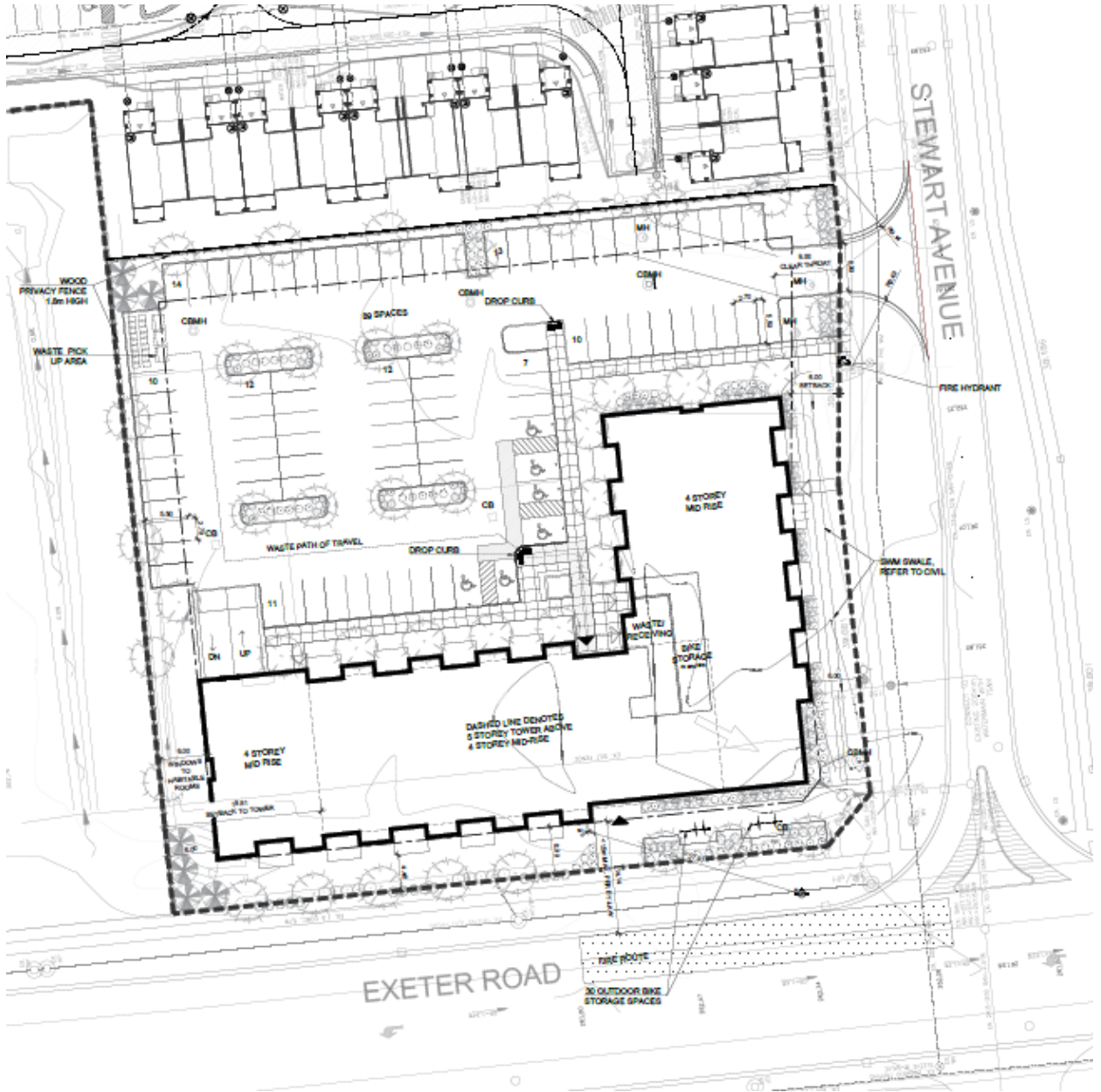
| | |
|---|----------------------------|
| Parking spaces | 40 underground, 89 surface |
| Vehicle parking ratio | 1 Space per unit |
| New electric vehicles charging stations | Unknown |
| Secured bike parking spaces | 91 |
| Secured bike parking ratio | 0.75 Spaces per unit |
| Completes gaps in the public sidewalk | N/A |
| Connection from the site to a public sidewalk | Yes |
| Connection from the site to a multi-use path | N/A |

Environment

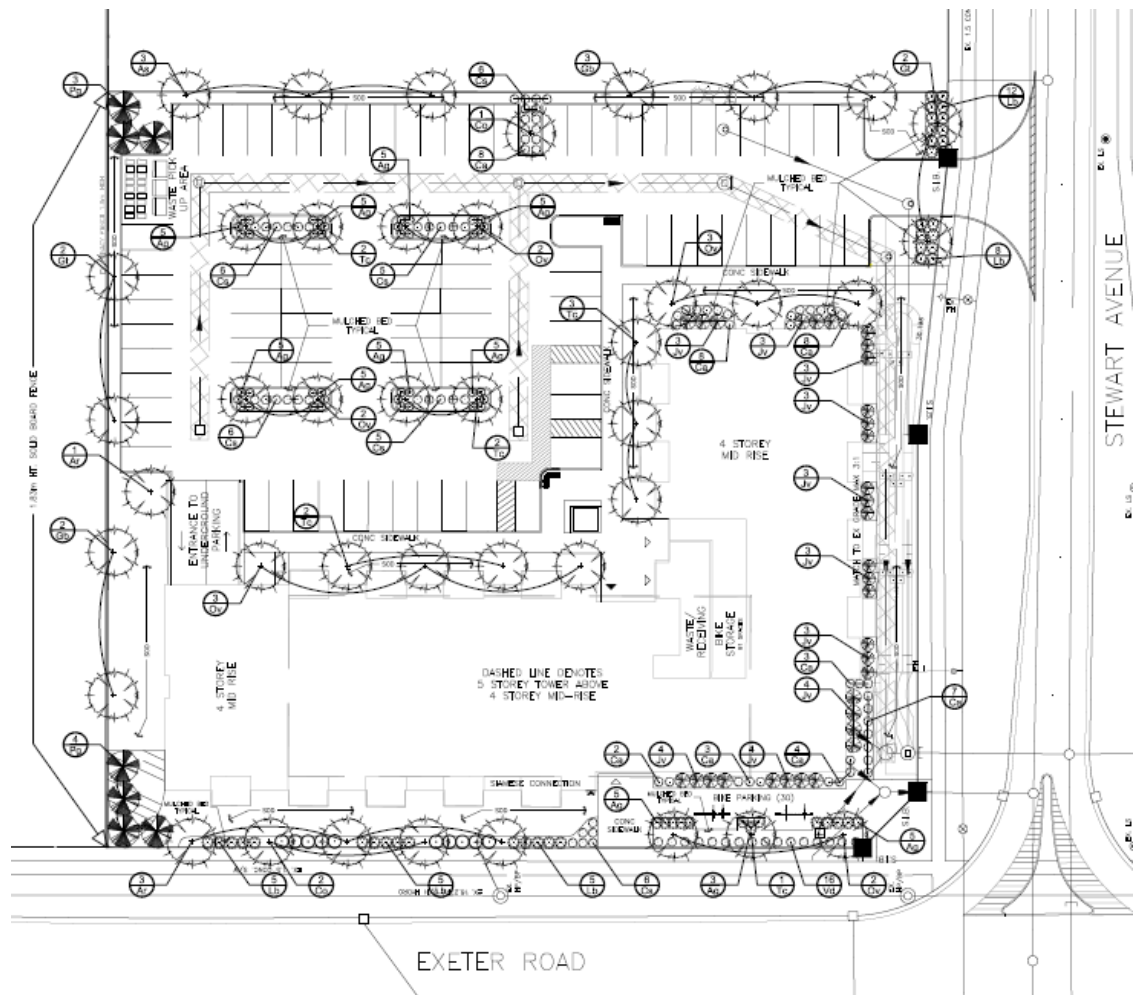
| | |
|---------------|---------|
| Tree removals | Unknown |
|---------------|---------|

| | |
|---|---------|
| Tree plantings | Number |
| Tree Protection Area | No |
| Loss of natural heritage features | No |
| Species at Risk Habitat loss | No |
| Minimum Environmental Management Guideline buffer met | NA |
| Existing structures repurposed or reused | No |
| Green building features | Unknown |

Appendix C – Additional Plans and Drawings



Proposed Site Plan



Proposed Landscape Plan

Appendix D – Internal and Agency Comments

Z-9754 3975 Stewart Avenue - Responses to Application Circulation

Internal Department Comments

Parks Planning and Design

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

1. Major Issues

- None.

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2. Matters for OPA/ZBA

- None.

3. Matters for Site Plan

- Parkland dedication has been satisfied through plan of subdivision 33M-769.

Urban Design

As there are minimal changes to the site and building design from the previously approved application on this site, Urban Design has no comments for the above-noted Zoning By-law Amendment.

Heritage and Archaeology

ZBA to allow one apartment building and senior apartment building

This is to confirm that there are no cultural heritage or archaeological concerns associated with this application.

Ecology

Development of Apartment Building Complex.

This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major Issues Identified

- None

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Ecology – Complete Application Requirements

- None

Notes

- Avoid tree removal within the active bat roosting period (April 30 – September 1) to reduce potential interactions with Endangered bat species, to avoid contravention of the Endangered Species Act.
- Avoid vegetation removal within the active breeding bird period (April 1 – August 30) to avoid disturbing nesting birds and contravening the Migratory Bird Convention Act.

Engineering Comments

Water Engineering

- Water is available via the 200mm PVC watermain located on Stewart Avenue which is part of the city's low level system with a hydraulic grade line of 301.8m
- Connection to the existing 600mm PVC watermain on Exeter Road will not be permitted.
- A water servicing report and associated modeling will be required with the site plan application, addressing all domestic demands, fire flows, water quality and the various pressure scenarios as outlined in section 7.3.1 of the city's Design Specifications and Requirements Manual.
- Water servicing shall be configured in such a way as to avoid the creation of a regulated drinking water system.
- Further comments will be provided during the site plan application.

Sanitary Engineering and Design

No further comments.

External Agency Comments

UTRCA

July 17, 2024

City of London – Development Services
P.O. Box 5035
London, ON, N6A 4L9

Attention: Alison Curtis (via email)

Re: UTRCA Comments

Application to Amend the Zoning By-law - File No. Z-9754

**Applicant: Sifton Properties Limited c/o Devon Posthumus
3975 Stewart Avenue, London**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

BACKGROUND AND PROPOSAL

The subject lands are approximately 0.73 ha (1.81 ac) in size, are located in southwest London and are currently vacant. The lands are within the *Neighbourhoods Place Type* and are zoned *Residential R5-4(23)* and *R6-5(51)*. This block was established through a previous draft plan of subdivision and designated/zoned to accommodate the form of residential development proposed at the time.

The proposed amendment to the Zoning By-Law is seeking to permit one (1) apartment building, as well as the addition of a special provision which would allow seniors apartment buildings and retirement lodges as permitted uses on the lands.

The UTRCA has been involved in previous discussions with the applicant regarding the development of these lands through the pre-consultation process (PAC23-127).

DELEGATED RESPONSIBILITY AND STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process

and that a permit application can issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

CONSERVATION AUTHORITIES ACT - *Section 28 Regulations*

The subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 41/24, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of:

- A riverine flooding hazard associated with the Dingman Creek and its' tributaries.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements.

DRINKING WATER SOURCE PROTECTION: *Clean Water Act*

For policies, mapping and further information pertaining to drinking water source protection; please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

MUNICIPAL PLAN REVIEW FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of *Planning Act* applications and the peer review of technical studies. The fee for the review of this Zoning By-law Amendment application is **\$580** and will be invoiced to the applicant under separate cover.

The aforementioned fees are based on our 2024 fee schedule. Additional *Planning Act* application submissions may be subject to additional review fees.

SUMMARY AND RECOMMENDATION

As indicated, the subject lands **are** regulated by the UTRCA due to the presence of a riverine flooding hazard. Generally, the UTRCA does not support new development within the floodplain. However, as this block was recently approved through the draft plan of subdivision process, UTRCA staff will work with the applicant to ensure development proceeds in a safe manner. The UTRCA will provide additional information in this regard through the Site Plan process, which may include, but not limited to, floodproofing and grading.

The UTRCA has **no objections** to this proposed Zoning By-law Amendment application.

We remind the applicant that written approval from the Conservation Authority must be obtained prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, or site alteration.

Thank you for the opportunity to comment.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Aisling Lavery
Land Use Planner I

Enclosure: UTRCA Regulation Limit mapping (please print on legal paper for accurate scales)

c.c.: Catherine Maton, City of London

London Hydro

London Hydro has no objection to this proposal or possible plan and/or zoning amendments. Any new or relocation of the existing service will be at the expense of the Owner.

Exxon Mobile/Imperial Gas

Hello Farzaana,

Top of the morning to you.

Please be informed, there is no Imperial infrastructure in the vicinity of this location, and there is no need for further engagement.

Many thanks and wishing you a blissful day!

Best regards,

Michael Fatogun

Analyst - Land Operations

Global Business Solutions, Financial Services

ExxonMobil Hungary Kft.

Dózsa György út 61-63, 1134 Budapest, Hungary.

Pillar Office – Norway

Company Registration No.: 01-09-721052

Registered by the Court of Registry of the Metropolitan Tribunal

Appendix E – Public Engagement

Notice of Application – For Londoner on July 25th, 2024

3975 Stewart Avenue; located on the north side of Exeter Road, west of Stewart Avenue; approximately 0.73 hectares - The purpose and effect of this application is to facilitate construction of one (1) apartment building with access from Stewart Avenue. Consideration of an amendment to the zoning by-law to change the zoning from a Holding Residential R5 and R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51)) Zone to a new Holding Residential R5 and R6 Special (h*h-100*h-198*R5-4(_)/R6-5(_)) Zone, which permits medium density residential development in the form of single-detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, apartment and fourplex dwellings, as well as cluster townhouses and cluster stacked townhouses. Special provisions have been requested to address reduced setbacks, increased lot coverage, increased height, increased density, and seniors' apartments and retirement lodges as additional uses.

File: Z-9754 Planner: A. Curtis x4497