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File: 39CD-14512
Planner: Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: MILLSTONE HOMES LTD. 1452 BYRON BASELINE ROAD PUBLIC PARTICIPATION MEETING ON NOVEMBER 4, 2014 @ 5:00 PM

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Vacant Land Plan of Condominium application of Kirkness Consulting Inc. on behalf of Millstone Homes Ltd. relating to a property located at 1452 Byron Baseline:

- a) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application of draft plan of vacant land condominium; and,
- b) the Approval Authority **BE REQUESTED** to utilize (if possible) one agreement (in place of a separate development agreement and condominium agreement) to address the development of this site.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

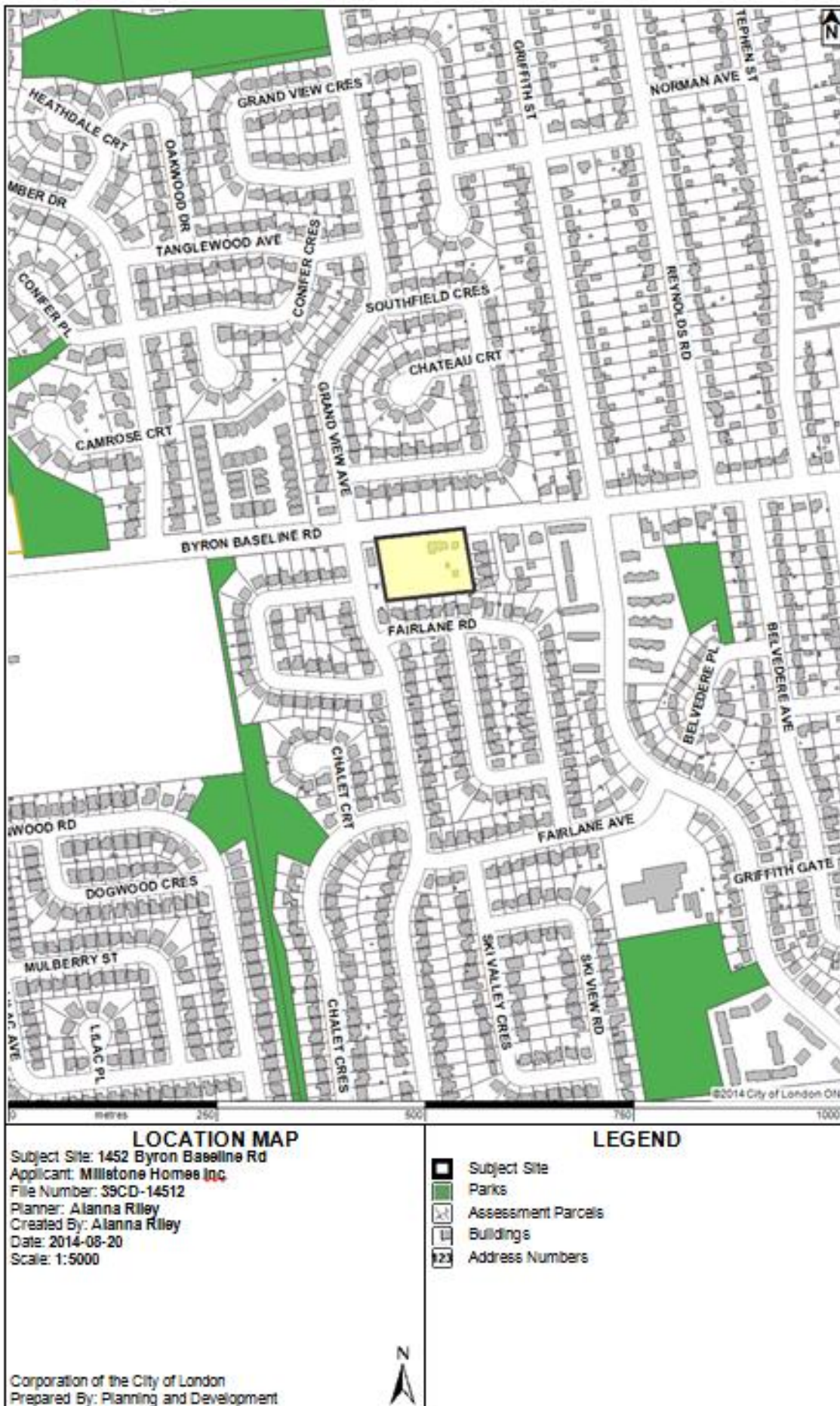
Z-7028

- Report to PEC on application to amend zoning to h.h-54.R6-2(7)) – February 27, 2006

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this application is to approve a vacant land plan of condominium on 1452 Byron Baseline Road, consisting of 11 single detached cluster housing units, with the common element area to include a private roadway. A public meeting is required for Vacant Land Plan of Condominiums as per the Planning Act.

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RATIONALE

1. The submitted draft plan of vacant land condominium is in conformity with Official Plan Policies and the City's Condominium Submission Review and Approval Guidelines.
2. The draft plan of vacant land condominium can be accommodated on the subject lands and is compatible with adjacent surrounding land uses.
3. The draft plan of vacant land condominium is in conformity to the City of London Z.-1 Zoning By-law and consistent with the Provincial Policy Statement.

BACKGROUND

Date Application Accepted: August 11, 2014	Agent: Kirkness Consulting Inc.
REQUESTED ACTION: application for Vacant Land Condominium containing 11 detached dwelling units, it being noted the applicant has submitted a concurrent site plan application.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – single detached dwelling • Frontage – +/- 106.6 m • Depth – +/- 75.8 m • Area – 0. +/- 72 ha • Shape - rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – single detached residential • South – single detached residential, • East – single detached residential • West – single detached residential

OFFICIAL PLAN DESIGNATION: (refer to map on page 4)
<ul style="list-style-type: none"> • Low Density Residential
EXISTING ZONING: (refer to map on page 5)
<ul style="list-style-type: none"> • Holding Residential R6 Special Provision (h.h-54.R6-2(7), which permits various forms of cluster housing to a maximum of eleven units.

PLANNING HISTORY

In 2006, a Zoning By-law amendment application was submitted and approved to permit 11 cluster housing units. Council adopted the Zoning By-law amendment on March 6, 2006. There were no appeals to this decision and the approved zoning (h.h-54.R6-2(7) remains in effect.

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SIGNIFICANT INTERNAL/AGENCY COMMENTS

PLEASE NOTE: the comments received and summarized below pertain primarily to the application of site plan.

Servicing-Related Comments

- Site servicing and grading plans are required
- The municipal sanitary sewer outlet available on Byron Baseline Road is east of this site and will have to be extended westerly
- The subject lands are located in the Downstream Thames Subwatershed.
- A servicing report to address minor, major flows, SWM measures (quantity, quality and erosion control), and identify outlet systems (major and minor) is required.
- A lot grading and drainage plan are required.
- Storm/drainage conveyance from the existing external drainage through the subject lands are to be preserved.
- Any post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands.
- The implementation of SWM Best Management Practices (BMP's) within this development application are required.
- Road widening across the, measured 18 m from the centre line of Byron Baseline Rd is required.
- Access dimensions to Byron Baseline Rd are required.
- Relevant permits and approvals such as Permit of Approved Work (PAWS), Traffic Management Plans (TMP), etc. are required.

Upper Thames River Conservation Authority (UTRCA)

- No objection

Union Gas

- Request to add a condition that the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.

Canada Post

- This subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox program.

Bell

- A detailed review of the Draft Plan of Condominium has been completed. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

The following paragraph(s) are to be included as Conditions of Draft Plan of Condominium Approval:

1. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any

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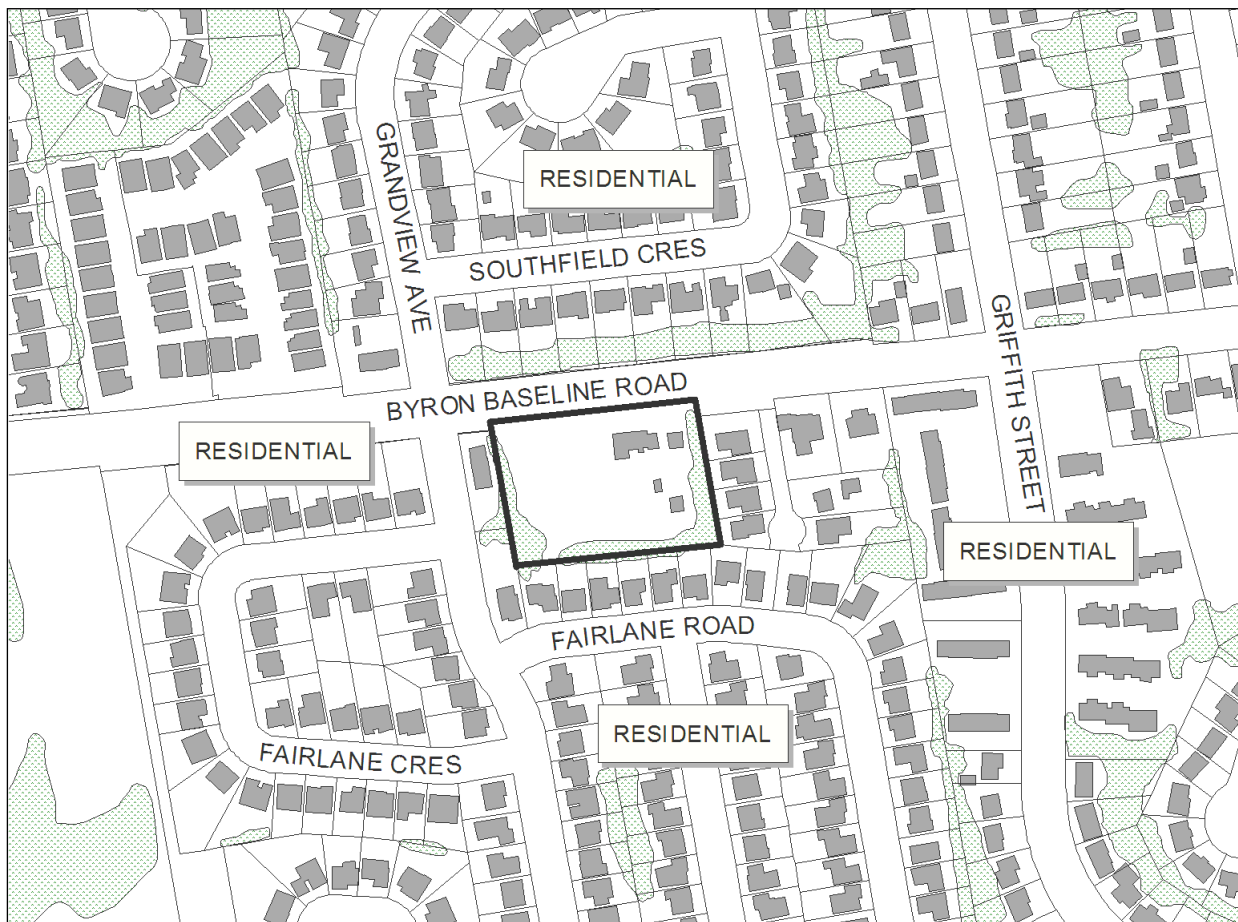
conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

PUBLIC LIAISON:	On August 21, 2014 notices were sent to residents within 120 metres of the subject site. Notice was published in the Londoner	5 Replies
<p>Nature of Liaison: The purpose and effect of this application is to permit the development of 11 single detached cluster housing units within a plan of condominium. Consideration of a Vacant Land Plan of Condominium with 11 units, all served by one (1) common element road. <i>*For the lands under consideration, an application for Site Plan (SP14- 026298) has also been received for this site.</i></p>		
<p>Responses: All of the telephone and written responses were from surrounding neighbours who raised the following concerns:</p> <ol style="list-style-type: none"> 1. Density, Compatibility 2. Height 3. Trees 4. Existing House 5. Privacy/Fencing 6. Property Values 7. Housing Type 8. Setbacks 9. Noise <p>These are addressed further in this report.</p>		

ANALYSIS

Subject site

The subject site is located on the south side of Byron Baseline Road, east of Grand View Ave. The 0.72 hectare site is rectangular in shape with a 106.7 metre frontage along Byron Baseline Road which is classified as an arterial road. The site is a large lot that contains a single detached dwelling. Surrounding uses consist of single detached dwellings to the north, south and west, and single detached dwelling and townhouse dwellings to the east. There is a cluster development located to the north west of the subject site, and a parcel immediately to the east that developed as single detached dwellings in cluster form.



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Is the proposed application appropriate?

a) Provincial Policy Statement (PPS)

This application has been reviewed for consistency with the 2014 Provincial Policy Statement. It is staff's position that the plan of condominium will provide for a healthy, livable and safe community. The proposed residential development will provide housing on full municipal services. Development of the lands by way of a vacant land plan of condominium minimizes the amount of land needed for road purposes and promotes a compact form of development. Through the site plan review process noise mitigation measures will be identified and the Site Plan/Development Agreement will ensure their installation and long-term maintenance. Measures are being taken through the site plan servicing drawings and the conditions of draft plan approval to ensure the proposal will not negatively impact surrounding properties. Based on staff review the proposed plan with appropriate conditions would be consistent with the 2014 Provincial Policy Statement.

b) Official Plan Policies

The subject lands are designated Low Density Residential which permits single detached dwellings and semi-detached dwellings, with a maximum density of 30 units per hectare (uph). Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses.

The subject site is located along a major arterial road that carries approximately 5,000 cars a day between Wickerson Road and Griffith Street. There is capacity to accommodate the traffic generated by the development of 11 single detached dwellings. The subject site will be serviced by the creation of a local driveway off Byron Baseline Road. The recommended single detached dwellings in a cluster form, are similar to the land uses to the east and consistent with the single detached dwellings to the north, west and south. This type of development will fit in with the character of the area.

c) Zoning By-law

The existing zoning allows for a maximum density of 11 units on the site. The current proposal of 11 units meets this provision under the zoning by-law. The proposed units(lots) are of sufficient size to accommodate dwellings of similar size to those found in the area.

d) Evaluation of the Vacant Land Condominium Application

The same considerations and requirements for the evaluation of draft plans of subdivision also apply to draft plans of vacant land condominiums.

- This proposal is consistent with the objectives and policies of the Official Plan, Low Density Residential Designation.
- The site can be readily serviced by sewer and water.
- The proposed development is in close proximity to community parks, open space and trails.
- There is a holding provision in place to address noise impacts..
- There are no storm sewers fronting this site. According to a report submitted by Development Engineering, best management practices will be implemented. Stormwater will be addressed through the site plan/development agreement.
- From a Placemaking perspective, the small size of the condominium allows for easy access for the homeowners of the development to Scenic View Park, the Warbler Wood ESA, and direct access to future transit on the arterials, and the surrounding neighbourhoods and community uses. Overall, this development meets the intent of the Placemaking principles.

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- A tree preservation report was submitted to preserve existing viable trees. The City can require tree retention outside of the building envelope and areas required for parking and driveways through site plan approval as part of the landscaping plan. Such retention is usually limited to the perimeter yard areas. The tree preservation report delineated where additional trees can be accommodated on the individual lots. The landscape plan will be reviewed along with the recommendations of the tree retention report, as part of the site plan process, and will form part of the development agreement.
- The applicant is proposing to construct 11 new cluster single detached dwellings on vacant land condominium units (lots) which range in size from 1800 to 2000 square feet. This development is proposed in a predominantly single detached residential neighbourhood. The existing homes in the area and immediately surrounding this development are of a comparable size to the proposed units. Based on the size of the proposed lots and building footprints, it is anticipated that the design of these homes will not have a negative impact on the character of this neighbourhood.
- The subject land is 0.72 hectares in size. The draft plan of Vacant Land Condominium illustrates how these lands are to develop for cluster single detached dwellings. As mentioned previously, the size of units and proposed buildings is comparable with existing development in the area.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicants consulting engineer to the satisfaction of the City through the Site Plan Approval process.

The City may require applicants to satisfy reasonable conditions prior to final approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. The applicant will be required to meet conditions of draft plan approval within a specified time period, failing which, draft plan approval will lapse.

In order to ensure that this vacant land condominium development functions properly, the following issues will be addressed through conditions of draft approval:

- completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- installation of fire route signs prior to registration;
- confirmation of addressing information;
- payment of outstanding taxes or local improvement charges, if any;
- provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, fencing, and any other structures in the common elements;
- appropriate fencing to mitigate any privacy issues; and
- drainage and stormwater management.

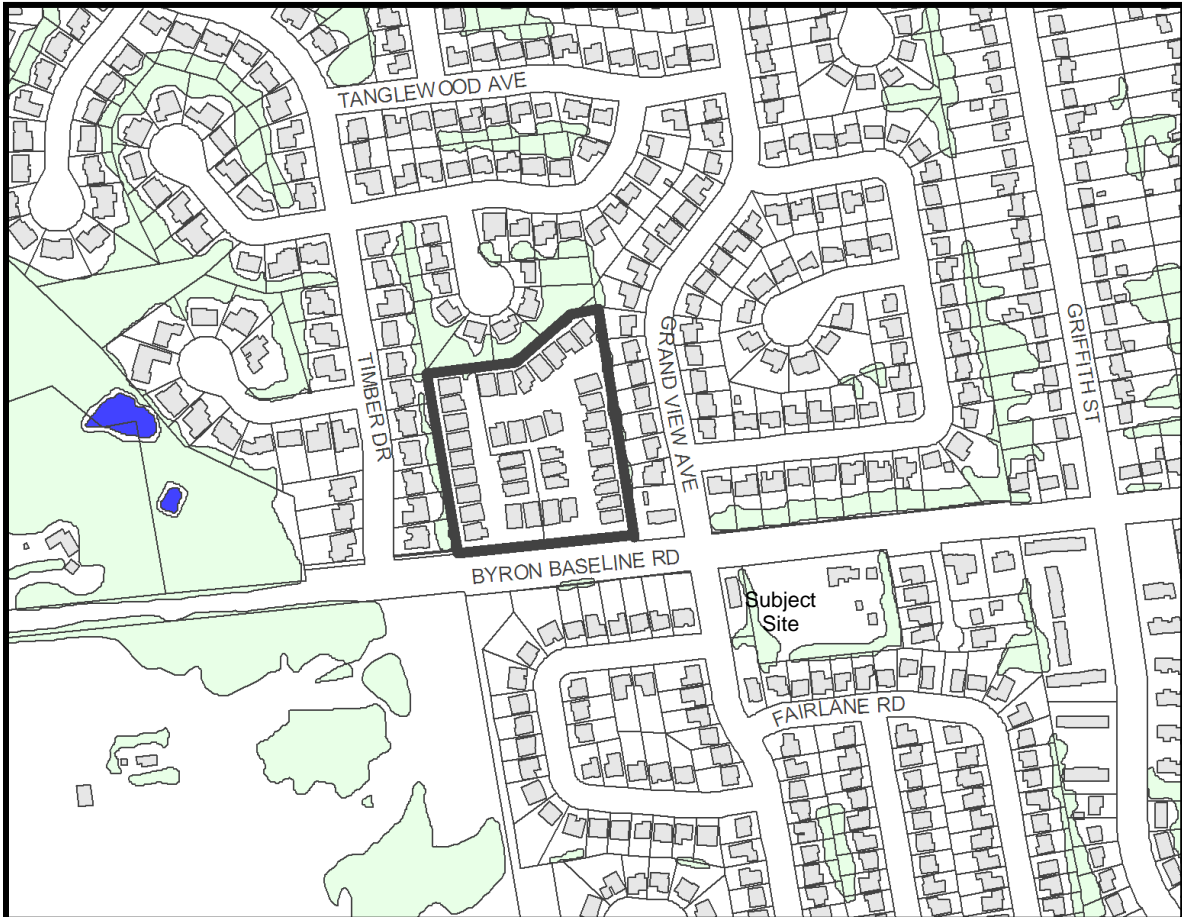
The site plan and final development agreement will ensure landscaping, servicing and stormwater management issues are appropriately addressed.

NEIGHBOURHOOD CONCERNS

1. Density, Compatibility

There was concern with the density and compatibility of the proposed development. The zoning allows single detached dwellings in a condominium format to a maximum of 11 units which provides for a scale of housing similar to what exists and is planned for the area. (See map and photograph below).

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The applicant has proposed 11 condominium single detached dwellings resulting in a density of 15 units per hectare. At the time of the Zoning By-law amendment application in 2006, the issue of density was addressed which resulted in the approval of the Residential R6 Special Provision Zone. The proposed form of low density residential development that is compatible with the scale of development in the surrounding neighbourhood.

2. Vegetation

The neighbours are concerned that the existing trees on the subject site will be removed. The trees have not been recognized as a significant vegetative patch in the Official Plan. Through the site plan approval process, a tree retention report has been submitted to preserve where trees that will not be impacted by the development. Four trees have been identified in the tree preservation report that require tree protection barriers.

3. Privacy/Fencing/Noise

The neighbours feel that this development will cause loss of privacy and create noise. Appropriate fencing will be provided along the lot lines to provide privacy and reduce noise. This issue will be dealt with through the Site Plan Approval process.

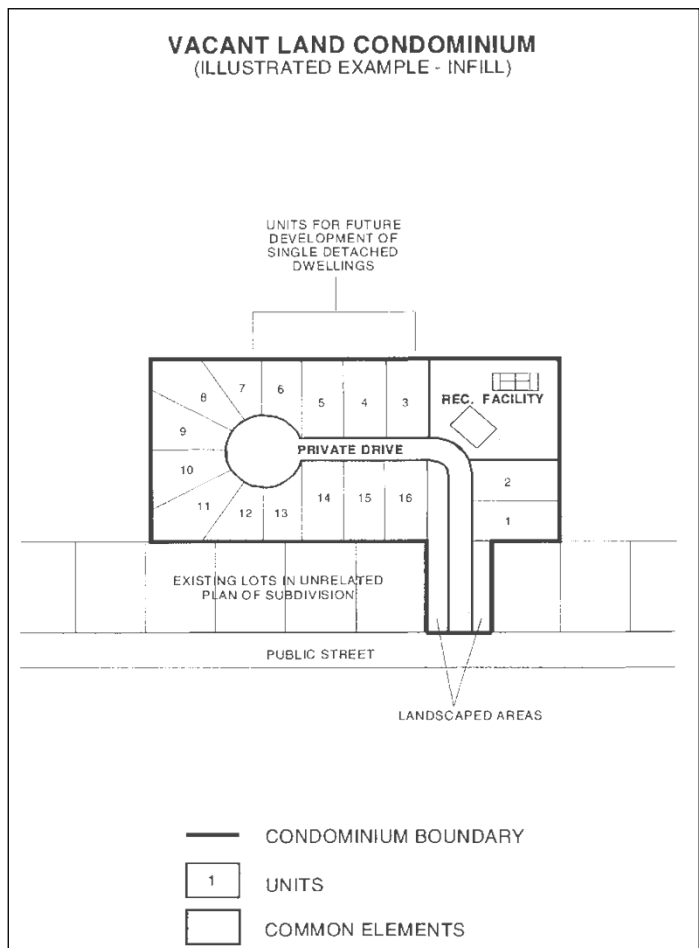
4. Property Values

There is no evidence that supports that cluster housing decreases surrounding property value. Similar housing forms currently exist in the neighbourhood, both adjacent to the site, and across the street to the north west.

5. Housing Type

The neighbours are concerned about the type of housing that a condominium development would permit. The proposed development for this land would constitute a small single detached dwelling cluster development. This type of development fits the classification for vacant land condominiums; small, infill properties inside the urbanized area or on a block in approved plans of subdivision.

Vacant land condominium corporations include units and common elements. The unit is a parcel of land on which a building or structure will be constructed as long they are wholly contained within the unit and do not form any part of the unit boundaries. Under this type of condominium corporation, the units can consist of vacant land, upon which, following registration, owners can decide what to build. The units may be vacant lots similar to lots on a plan of subdivision. Private services and amenities are constructed to private development standards, included as common elements and subject to common expenses.



6. Loss of Open Area

The neighbours are concerned they are losing open space amenity area. This property is designated and zoned for residential. There are two parks within 1 kilometre to the subject site and a large ESA area.

7. Parking

A concern was raised that there is no visitor parking. The zoning by-law requires 2 spaces per single detached unit. The sizes of vacant land parcels (units) within this plan are comparable in size to single detached lots in the area and able to accommodate required on-site parking. Driveway locations and parking requirements will be confirmed on the approved site plan drawings.

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CONCLUSION

Based on the above analysis, the proposed Vacant Land Condominium represents an efficient use of land and encourages compact urban form. The Provincial Policy Statement and the City's Official Plan encourage this form of redevelopment. The applicant's proposal to allow for cluster single detached dwellings in this area is appropriate and allows for a development which is of comparable scale and intensity as existing dwellings in this area. Overall, this application represents good planning.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER OF DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT PLANNING & PLANNING LIAISON	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

October 24, 2014
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 Rd (AR)\report.docx
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Responses to Public Liaison Letter and Publication in “Living in the City”

Telephone

Written

Ed and Judy vanLeeuwen
Cathy Pearce
Antonio and Cathy Basile
John Corke

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Bibliography of Information and Materials

Request for Approval:

City of London Condominium Application Form, completed by Lavern Kirkness., August 7, 2014.
 Draft Plan of Vacant Land Condominium, August 7, 2014.
 Site Plan Approval Application, completed by Lavern Kirkness., November, 2012. (SP14-026298)

Reference Documents:

City of London. Official Plan, June 19, 1989, as amended.
 City of London. Zoning By-law No. Z.-1, May 21, 1991, as amended.
 Ontario. Ministry of Municipal Affairs and Housing. Provincial Policy Statement, March 1, 2005.
 City of London, Site Plan Control Area By-Law, September 19, 23011, as amended.
 City of London, Condominium Submission, Review and Approval Guidelines, March 2003.

Correspondence:

*all located in City of London File No. 39CD-14512 or SP14-026298 unless otherwise stated

Reports submitted with Application:

Storm Water Brief, Development Engineering Ltd., July 30, 2014.
 Geotechnical Study, EXP. August 8, 2014
 Tree Assessment Report, Ron Koudys Landscape Architects, August 2014