

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: FOREST PARK (FANSHAWE RIDGE) LTD 2040 SHORE ROAD PUBLIC PARTICIPATION MEETING ON MARCH 2, 2015 @ 4:00 P.M.

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, the following actions be taken with respect to the Vacant Land Plan of Condominium application of Forest Park (Fanshawe Ridge) Ltd. relating to the property located at 2040 Shore Road:

- a) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of vacant land condominium relating to the property located at 2040 Shore Road; 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
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39T-03510/OZ-6536 – Official Plan Amendment and Zoning By-law Amendment – Council Resolution on April 19, 2004 - draft approval on August 9, 2004.
H-6822 – removal of a holding provision - Council Resolution on February 7, 2005.
39T-04511 / OZ-6830 – Official Plan Amendment and Zoning By-law Amendment – Council Resolution on June 27, 2005 - draft approval on November 9, 2005.
H-8406 – removal of holding provision to portion of 2070 Shore Road - Council Resolution on November 25, 2014.

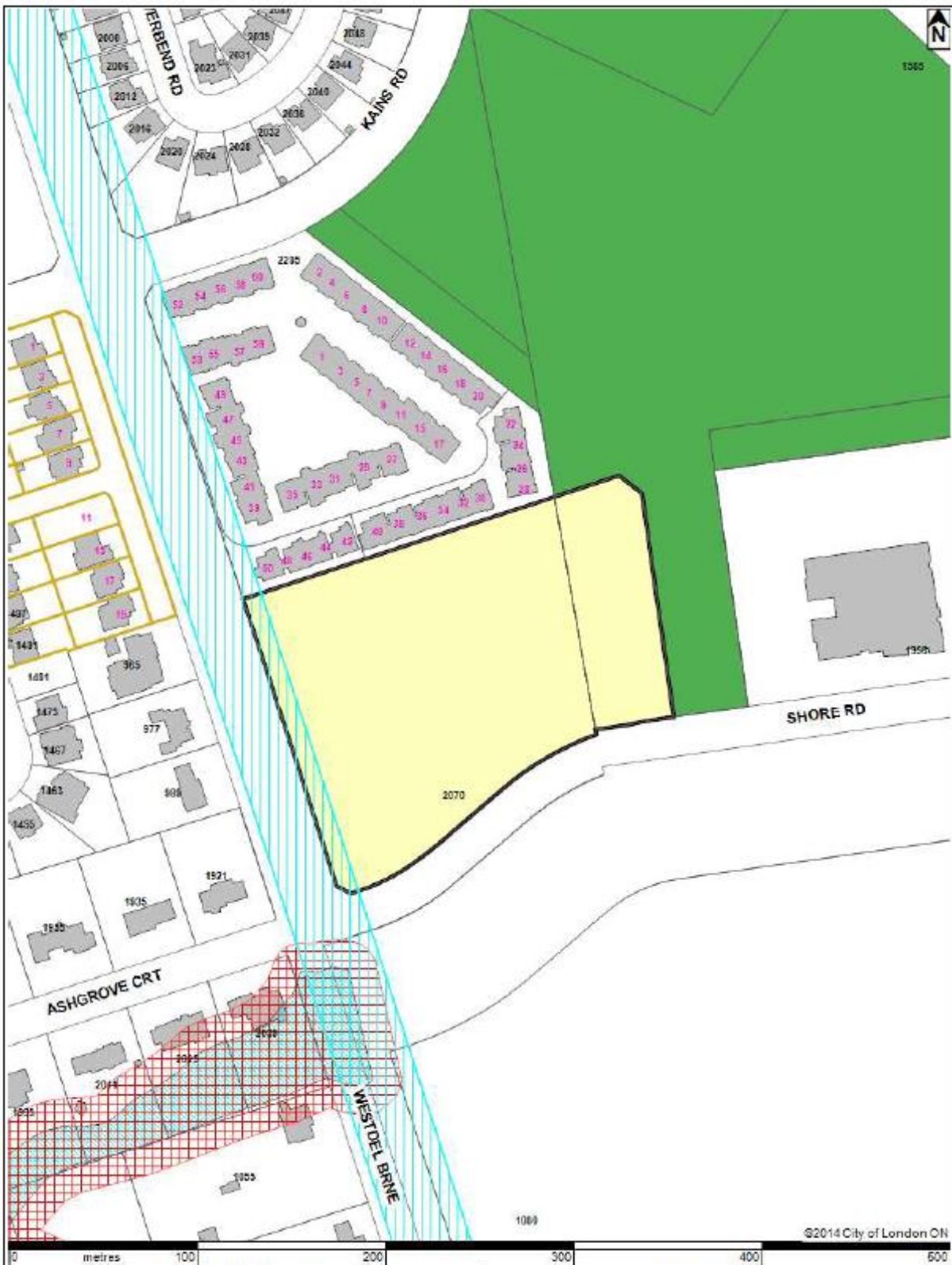
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this application is to consider a proposed draft plan of vacant land condominium on 2040 Shore Road. The plan consists of an 89 unit townhouse development, with the common element area for the internal driveway and services. A public meeting is required for Vacant Land Plan of Condominiums as per the Planning Act.

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 can be integrated with adjacent surrounding lands.
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.
4. The proposed plan is consistent with the site plan for the development.

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LOCATION MAP

Subject Site: 2040 Shore Road
 Applicant: Forest Park (Fanshawe Ridge) Ltd.
 File Number: 39CD-14522
 Planner: Sean Meksula
 Created By: Sean Meksula
 Date: 2014-12-10
 Scale: 1:2500

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers



BACKGROUND

Date Application Accepted: December 9, 2014	Agent: Laverne Kirkness
REQUESTED ACTION: application for Vacant Land Condominium and concurrent site plan (SP- 14-014841) to permit the development of an 89 unit townhouse development.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - vacant • Frontage – 193 m (Shore Road) • Depth – irregular • Area – 2.98 ha • Shape – irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Existing residential and Open Space • South – Future residential • East – Open Space • West – Existing 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"> • Residential R5/R6 Special Provision (R5-2(11)/R6-4(13), which permits various forms of cluster housing.

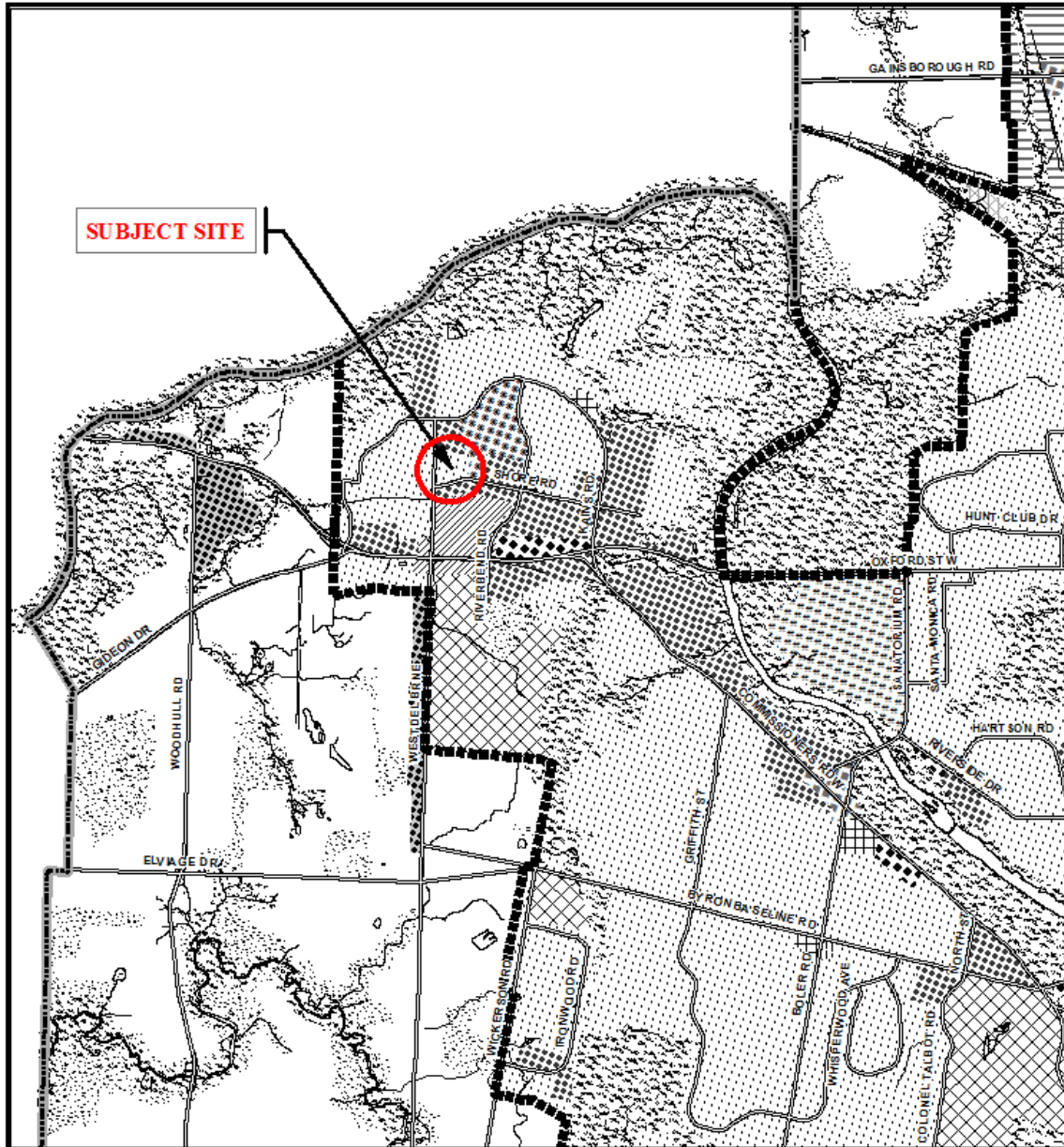
PLANNING HISTORY

The subject site is located on the east side of Westdel Bourne, north of Shore Road. The plan of subdivision and associated Official Plan and zoning by-law amendments (39T-03510/OZ-6536) received draft approval on August 9, 2004. The R5/R6 (R5-2(11)/R6-4(13)) Zone, which permits cluster dwellings including townhouses, was adopted by Council on April 19, 2004. This zone will permit the proposed 89 unit townhouse development. A holding provision requiring a subdivision agreement was removed in February 2005; the plan was subsequently registered on April 29, 2005. Block 70 of registered plan of subdivision 33M-517 is known municipally as 2040 Shore Road.

The east portion of the subject lands were draft approved for a residential plan of subdivision (39T-04511/OZ-6830) on November 9, 2005. The lands were rezoned to apply the Residential Special Provision R5/R6 (R5-2(11)/R6-4(13)) Zone to permit cluster townhouse dwellings, was approved by Council on June, 27 2005, this zone will permit the proposed 89 unit townhouse development. In July, 2006 Subdivision Plan 33M-549 was registered.

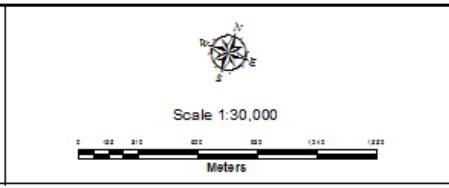
On May 15, 2014 an application for Site Plan Approval was submitted. The Approval Authority for site plans is prepared to grant Site Plan Approval for this application.

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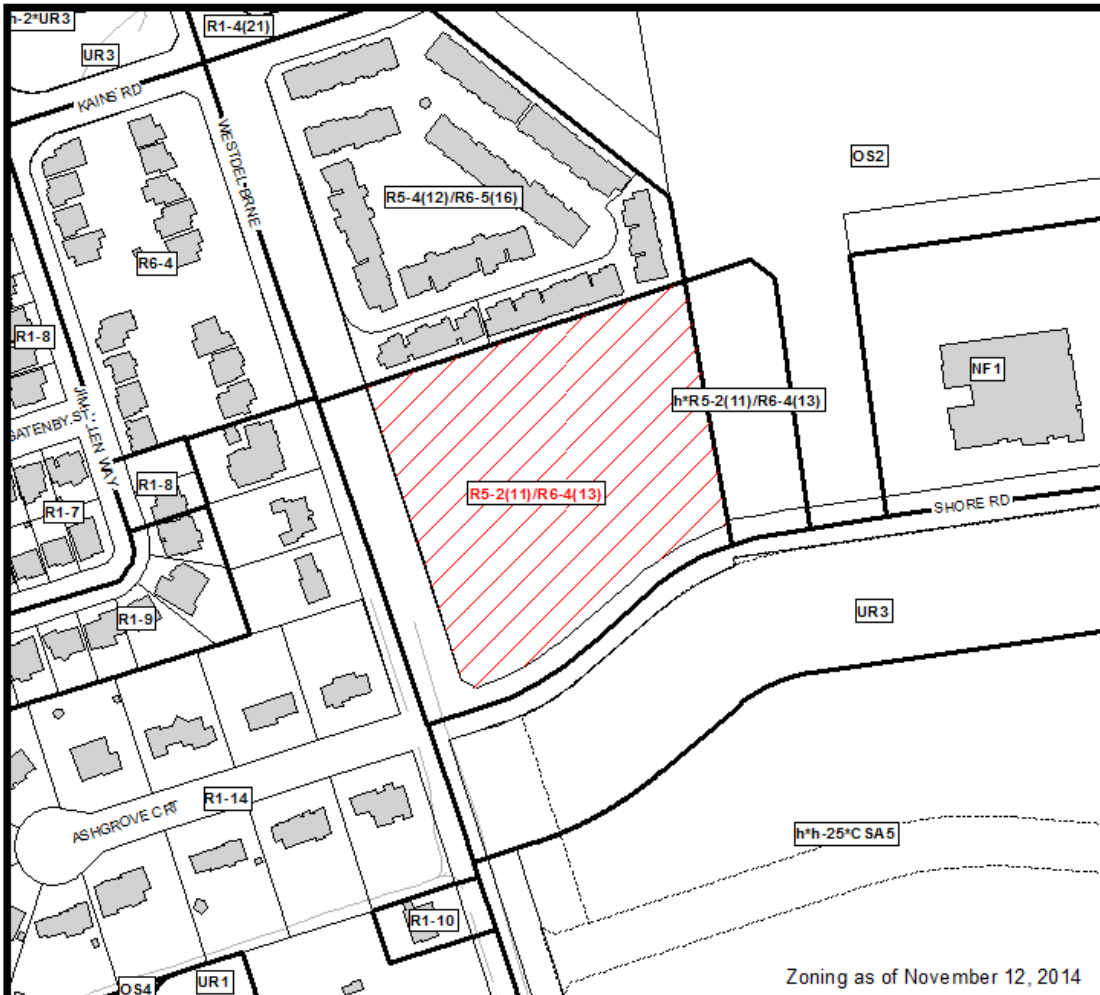


Legend	
Downtown	Office/Residential
Wonderland Road Community Enterprise Corridor	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community C Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility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

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



FILE NUMBER: 39CD-14522
PLANNER: SM
TECHNICIAN: JTS
DATE: February 12, 2015



Zoning as of November 12, 2014

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
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| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



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

FILE NO:
39CD-14522 SM

MAP PREPARED:
February 12, 2015 JTS

1:3,000
0 15 30 60 90 120 Meters

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority (UTRCA)

- The UTRCA has no objections.

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 conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
2. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.
3. Blanket easement is required for the townhouses.

Union Gas Limited

- It is Union Gas Limited's ("Union") request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Urban Design

- No fencing for individual units is shown on the approved Site Plan.
- Fencing around individual unit lots is strongly discouraged. If fencing is to be provided in the future, it should be coordinated among all units and use durable and attractive materials with a maximum height of 1.2m (4ft), to allow for passive surveillance and visual connection between various amenity spaces and the internal pedestrian circulation network. The preference is for decorative, black rod fencing.

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Planner: S. Meksula

- Fencing should not be located directly adjacent to the 1.5m wide internal pathways between condo lots, and should instead provide for a buffer to ensure pedestrians feel comfortable and safe walking along these internal pathways.

Water Engineering Division

- As this is a proposed vacant land condominium serviced by private watermains, there is a possibility this development would be considered a non-municipal regulated drinking water system under O. Reg 170/03. The Ministry of the Environment (MOE) makes the final determination whether a system is a regulated drinking water system so consultation with the MOE is advised. In this case we require the applicant to submit MOE confirmation in this regard. The creation of a regulated water system has a number of requirements laid out in the legislation, including entering into an agreement with the municipality. These requirements cause significant costs both initially and in the long term and the creation of these systems should be avoided where possible.

PUBLIC LIAISON:	On December 23, 2014, 81 notices were sent to residents within 120 metres of the subject site. Notice of the application was also published in the Public Notices and Bidding Opportunities section of The Londoner on October on December 24, 2014. Notice of Public Meeting was published in The Londoner on February 12, 2015.	1 Written reply and 2 phone calls.
Nature of Liaison: The purpose and effect of this application is to permit the development of a 89 unit townhouse development within a plan of condominium. Consideration of a Vacant Land Plan of Condominium with 89 units served by one (1) common element road. <i>*For the lands under consideration, an application for Site Plan (SP-14-014841) has also been received for this site.</i>		
Responses: All of the telephone and written responses were from surrounding neighbours who raised the following concerns: Compatibility, Height, Trees, Privacy/Fencing, Property Values, Housing Type and Setbacks. These concerns are addressed further in this report.		

ANALYSIS

Subject site

The subject site is located on the north side of Shore Road, east of Westdel Bourne. The 2.98 hectare site is irregular in shape with a 193 metre frontage along Shore Road which is classified as a secondary collector road. The site is a large block that is currently vacant.

Surrounding uses consist of single detached dwellings to the west, townhouse dwellings to the north, open space and a school to the east. There is vacant land to the south which will be development in the future as residential. The property at 2040 Shore Road is a block in a plan of subdivision 33M-517 and 33M-549 and has been rezoned for townhouses since April 2004. The proposed site plan meets all aspects of the Residential Special Provision R5 (R5-2(11)) Zone variations for height, density, lot coverage, lot frontage, lot area and rear and interior side yard setbacks.

What is the nature of the application?

The applicant, Forest Park (Fanshawe Ridge) Limited, has applied for a vacant land condominium, and has also submitted a site plan application to permit a 89 unit townhouse development at this location. Common element components of the vacant land condominium includes private roadway including services and open space areas. The proposed site plan SP-14-014841, landscape plan and proposed elevations are shown below.

Front and Rear Elevation (typical)

MATERIAL LEGEND

- ① ASPHALT SHINGLES
- ② HORIZONTAL SLATE SHINGLES
- ③ HORIZONTAL SHINGLES
- ④ HORIZONTAL SHINGLES
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CYRILIC SCHEDULE

NO.	DESCRIPTION	UNIT	QTY.
1	ASPHALT SHINGLES	SQ. FT.	1000
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50	HORIZONTAL SHINGLES	SQ. FT.	1000

FRONT ELEVATION BLOCK 1

REAR ELEVATION BLOCK 1

LEFT SIDE ELEVATION BLOCK 1

RIGHT SIDE ELEVATION BLOCK 1

RECEIVED BY
S. J. S. J. S. J.

ACCEPTED FOR
URBAN DESIGN
DEPARTMENT SERVICES

ELEVATIONS

Townhomes

A2.9

SP-14014841

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File: 39CD-14522
Planner: S. Meksula

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 be on full municipal services. The site plan, development agreement and conditions will identify noise mitigation. The site will not negatively impact any natural heritage or man-made hazards, and is located close to amenities and public open space. Based on the review of the Provincial Policy Statement, approval of the proposed plan with appropriate conditions is 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. Multiple-attached dwellings, such as row houses or cluster houses are also permitted subject to the policies of this Plan up to a maximum density of 30 units per hectare. The proposed development will be built to a density of just under 30 units per hectare.

The subject site will have a driveway off of Shore Road, and will not have direct vehicular access from Westdel Bourne. There are provisions for a pedestrian linkage to the park pathway on the east side of this development. This connection on the east side of the lands will meet the Official Plan objective of strong pedestrian connectivity and will provide easy access to the road system and transit connections. The application is consistent with the Official Plan.

c) Zoning By-law

The property was zoned Residential Special Provision R5/R6 (R5-2(11)/R6-4(13)), when the plan of subdivision was approved in 2005. The applicant is proposing to develop townhouses based on the existing Residential Special Provision R5 (R5-2(11)) zoning; the site plan conforms to the zoning by-law.

The proposed site plan and proposed draft plan of condominium are in general conformity with the above policies, and are in conformity with the Official Plan.

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, such as:

- This proposal is consistent with the objectives and policies of the Official Plan, the 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 walking trails.
- Waste collection will occur on site
- The proposed plan is designed to be integrated with adjacent lands.
- From a Placemaking perspective, the proposed development is on a small parcel of land within a much larger area that includes excellent visibility to the Riverbend Community. The proposal is oriented to Westdel Bourne which creates a sense of place by providing a visual focal point into the neighbourhood along the window street frontage and avoids the need for noise berms and extensive noise walls. It allows for multiple views into the neighbourhood. The internal road pattern allows for residents of the development to easily access the Neighbourhood Park on Kains Road as well as the walking paths in the Riverbend Community. Overall, this development meets the intent of the Placemaking principles.

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- The applicant is proposing to construct 89 new townhouse dwellings as a vacant land condominium. The proposed townhouses satisfy the locational and compatibility criteria of the Official Plan as they abut primary and secondary collector roads which serves as a transition into the existing low density residential neighbourhood. Based on the size of the proposed lots and building footprints it is anticipated that the design of these townhomes will not have a negative impact on the character of this neighbourhood.
- The subject land is 2.98 hectares in size. The draft plan of Vacant Land Condominium illustrates how these lands are to develop for townhouse dwellings. The size of units and proposed buildings meet the community demand for housing type, tenure and affordability with the 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 have been 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 among others will be addressed through conditions of draft approval:

- posting of security under the Development Agreement for the completion of site servicing and surface works;
- 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;
- drainage and stormwater management.

Neighbourhood Concerns

1. Vegetation

The neighbours are concerned that the existing trees on the subject site have been removed. The trees have not been recognized as significant and are not required to be preserved. A landscape plan has been approved to compliment the proposed townhouse complex. It is very difficult to preserve trees in the middle of a site in order to do earth works, grade changes, servicing, etc.

2. Privacy/Fencing/Noise

The neighbours in the townhouses to the north feel that this development will cause loss of privacy and create noise. There is an existing privacy fence 1.8m (6') in height along the north lot line. This type of fence is a typical separation for residential projects.

3. 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 to the east.

4. Housing Type

The neighbours are concerned about the two storey townhouses being proposed .The property is zoned Residential Special Provision R5 (R5-2(11)) and has been zoned for townhouses and other forms of cluster housing since April 2004. This zone provides for buildings up to a 12m (39') height, consequently a two storey unit is permitted.

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CONCLUSION

Based on all of 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 development. The proposal implements the existing zoning and is in conformity with the Residential Special Provision R5 (R5-2(11) zoning. The applicant's proposal for a townhouse development in this area is appropriate. Overall, this application represents good planning and is appropriate.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
SEAN MEKSULA PLANNER II, DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\3 - Condominiums\2014\39CD-14522 - 2040 Shore Road (SM)\PECreport_2040 Shore Road.docx

CC. Kirkness Consulting Inc. (1647 Cedar Creek Crescent, London ON N5X 1C8)
Forest Park (Riverbend) Limited (1255 Commissioners Road West, Unit 225,
LONDON ON N6K 3N5)

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File: 39CD-14522
Planner: S. Meksula

Responses to Public Liaison Letter and Publication in “Living in the City”

Telephone

Albert Selby

Written

Robert Hurley

Bibliography of Information and Materials

Request for Approval:

City of London Condominium Application Form, completed by Laverne Kirkness, December 5, 2014.

Draft Plan of Vacant Land Condominium, December 5, 2014.

Site Plan Approval Application, completed by Laverne Kirkness, May, 2014.

Elevations, Shore Road Townhomes

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, April 30, 2014.

City of London, Site Plan Control Area By-Law, September 19, 2011, as amended.

City of London, Condominium Submission, Review and Approval Guidelines, March 2003.

Correspondence:

*all located in City of London File No. 39CD-14522 or SP14-005320 unless otherwise stated